

Tab 1 CS/CS/SB 182 by IT, HP, Brandes (CO-INTRODUCERS) Stewart; (Compare to H 07015) Safe Medical Use of Marijuana

168684	D	S	RCS	RC, Brandes	Delete everything after	02/20 05:28 PM
529226	—AA	S	WD	RC, Farmer	Before L.5:	02/20 05:28 PM
447930	—AA	S	WD	RC, Farmer	btw L.232 - 233:	02/20 05:28 PM
138388	—AA	S	WD	RC, Farmer	btw L.612 - 613:	02/20 05:28 PM

Tab 2 SB 114 by Hutson (CO-INTRODUCERS) Simpson, Benacquisto; (Identical to H 00073) High School Graduation Requirements/Dorothy L. Hukill Financial Literacy Act

Tab 3 SB 7006 by JU; (Similar to H 00783) Uniform Interstate Depositions and Discovery Act

487464	A	S	L RCS	RC, Rodriguez	Delete L.92 - 96:	02/20 05:46 PM
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Tab 4 SB 2 by Benacquisto; (Identical to H 07039) Florida Statutes

Tab 5 SB 4 by Benacquisto; (Identical to H 07041) Florida Statutes

Tab 6 SB 6 by Benacquisto; (Identical to H 07043) Florida Statutes

Tab 7 SB 8 by Benacquisto; (Identical to H 07045) Florida Statutes

Tab 8 SB 180 by Stargel (CO-INTRODUCERS) Hutson; (Similar to H 00423) Lost or Abandoned Personal Property

The Florida Senate
COMMITTEE MEETING EXPANDED AGENDA

RULES

Senator Benacquisto, Chair
Senator Gibson, Vice Chair

MEETING DATE: Wednesday, February 20, 2019
TIME: 4:00—5:30 p.m.
PLACE: *Toni Jennings Committee Room*, 110 Senate Building

MEMBERS: Senator Benacquisto, Chair; Senator Gibson, Vice Chair; Senators Book, Bradley, Brandes, Braynon, Farmer, Flores, Hutson, Lee, Montford, Passidomo, Rodriguez, Simmons, Simpson, Stargel, and Thurston

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	CS/CS/SB 182 Innovation, Industry, and Technology / Health Policy / Brandes (Compare H 7015, S 372)	Safe Medical Use of Marijuana; Redefining the term "marijuana delivery device" to eliminate the requirement that such devices must be purchased from a medical marijuana treatment center; redefining the term "medical use" to include the possession, use, or administration of marijuana in a form for smoking; restricting smoking of marijuana in enclosed indoor workplaces; requiring a certifying physician to make a determination in concurrence with a second physician who meets specified requirements before certifying a patient under 18 years of age who is not diagnosed with a terminal condition to smoke marijuana for medical use, etc. HP 02/04/2019 Fav/CS IT 02/12/2019 Fav/CS RC 02/20/2019 Fav/CS	Fav/CS Yeas 16 Nays 0
2	SB 114 Hutson (Identical H 73, Compare S 416)	High School Graduation Requirements/Dorothy L. Hukill Financial Literacy Act; Designating the act as the "Dorothy L. Hukill Financial Literacy Act"; revising the requirements for the Next Generation Sunshine State Standards to include financial literacy; revising the required credits for a standard high school diploma to include one-half credit of instruction in personal financial literacy and money management and seven and one-half, rather than eight, credits in electives, etc. ED 02/05/2019 Favorable RC 02/20/2019 Temporarily Postponed	Temporarily Postponed
3	SB 7006 Judiciary (Similar H 783)	Uniform Interstate Depositions and Discovery Act; Designating the "Uniform Interstate Depositions and Discovery Act"; requiring a party to submit a foreign subpoena to a clerk of court in this state for the issuance of a subpoena in this state; requiring the clerk of court to promptly issue a subpoena for service upon the person to whom the foreign subpoena is directed; requiring that the service of the subpoena be served in compliance with the laws of this state and the Florida Rules of Civil Procedure, etc. RC 02/20/2019 Fav/CS	Fav/CS Yeas 15 Nays 0

COMMITTEE MEETING EXPANDED AGENDA

Rules

Wednesday, February 20, 2019, 4:00—5:30 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
4	SB 2 Benacquisto (Identical H 7039)	Florida Statutes; Adopting the Florida Statutes 2019 and designating the portions thereof that are to constitute the official law of the state, etc. RC 02/20/2019 Favorable	Favorable Yeas 15 Nays 0
5	SB 4 Benacquisto	Florida Statutes; Deleting provisions that have expired, have become obsolete, have had their effect, have served their purpose, or have been impliedly repealed or superseded, etc. RC 02/20/2019 Favorable	Favorable Yeas 16 Nays 0
6	SB 6 Benacquisto (Identical H 7043)	Florida Statutes; Deleting provisions which have become inoperative by noncurrent repeal or expiration and, pursuant to s. 11.242(5)(b) and (i), F.S., may be omitted from the 2019 Florida Statutes only through a reviser's bill duly enacted by the Legislature, etc. RC 02/20/2019 Favorable	Favorable Yeas 16 Nays 0
7	SB 8 Benacquisto (Identical H 7045)	Florida Statutes; Amending provisions to conform to the directive of the Legislature in section 9 of chapter 2012-116, Laws of Florida, codified as section 11.242(5)(j), Florida Statutes, to prepare a reviser's bill to omit all statutes and laws, or parts thereof, which grant duplicative, redundant, or unused rulemaking authority, etc. RC 02/20/2019 Favorable	Favorable Yeas 16 Nays 0
8	SB 180 Stargel (Similar H 423)	Lost or Abandoned Personal Property; Providing that certain provisions relating to lost or abandoned property do not apply to personal property lost or abandoned on the premises of certain complexes or facilities if certain conditions are met; providing for the disposal or donation of personal property lost or abandoned on the premises of certain complexes or facilities, in certain circumstances, etc. CM 02/11/2019 Favorable RC 02/20/2019 Favorable	Favorable Yeas 16 Nays 0

Other Related Meeting Documents

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Rules

BILL: CS/CS/CS/SB 182

INTRODUCER: Rules Committee; Innovation, Industry, and Technology Committee; Health Policy Committee and Senator Brandes

SUBJECT: Medical Use of Marijuana

DATE: February 22, 2019

REVISED: 2-22-19

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Looke</u>	<u>Brown</u>	<u>HP</u>	<u>Fav/CS</u>
2.	<u>Oxamendi</u>	<u>Imhof</u>	<u>IT</u>	<u>Fav/CS</u>
3.	<u>Looke</u>	<u>Phelps</u>	<u>RC</u>	<u>Fav/CS</u>

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/CS/CS/SB 182 amends various sections of the Florida Statutes related to the medical use of marijuana.

The bill:

- Eliminates the prohibition against the smoking of marijuana (cannabis) from the definition of the “medical use” of marijuana
- Specifies that low-THC cannabis may not be smoked in public and prohibits the medical use of marijuana by smoking in an “enclosed indoor workplace,” as defined in the Florida Clean Indoor Air Act.¹
- Permits a qualified patient and his or her caregiver to purchase and possess delivery devices for the medical use of marijuana by smoking from a vendor that is not a Medical Marijuana Treatment Center (MMTC).
- Prohibits the certification of marijuana for medical use by smoking to patients under the age of 18 unless such patient is diagnosed with a terminal condition.²

¹ Part II of ch. 386, F.S.; see s. 386.203(5)(5), F.S., for definition of “enclosed indoor workplace.”

² Section 381.986(1)(o), F.S., defines “terminal condition” as a progressive disease or medical or surgical condition that causes significant functional impairment, is not considered by a treating physician to be reversible without the administration of life-sustaining procedures, and will result in death within 1 year after diagnosis if the condition runs its normal course.

- For terminal patients under the age of 18 the bill requires a qualified physician to certify that smoking is the most effective means of administering medical marijuana to the patient; and
- A second physician, who is a pediatrician, must concur with this determination.
- Requires that the risks specifically associated with smoking marijuana must be included in the informed consent each patient must sign prior to being certified to receive medical marijuana.
- Requires the Board of Medicine (BOM) and the Board of Osteopathic Medicine (BOOM) to adopt practice standards in rule for the certification of the medical use of marijuana by smoking.
- Specifies that a physician may not certify more than six 35-day supplies of marijuana in a form for smoking and that a 35-day supply may not exceed four ounces.
- Requires each MMTC to produce and sell at least one type of pre-rolled marijuana cigarette.
- Specifies packaging and warning label requirements for medical marijuana intended for smoking and also specifies labeling and production requirements for marijuana delivery devices sold from an MMTC.
- Provides that s. 381.986, F.S., does not impair the ability of a private party to restrict or limit smoking on his or her private property, and does not prohibit the medical use of marijuana in a nursing home, hospice, or assisted living facility if the facility's policies do not prohibit the medical use of marijuana.
- Rename the "Coalition for Medical Marijuana Research and Education" as the "Consortium for Medical Marijuana Clinical Outcomes Research" The Consortium is housed under the bill in the H. Lee Moffitt Cancer Center and Research Institute, Inc. (Moffitt) and must organize a program of research that contributes to the body of scientific knowledge on the effects of the medical use of marijuana and informs both policy and medical practice related to the treatment of debilitating medical conditions with marijuana.
- Repeals proviso language in the 2018 General Appropriations Act requiring that the DOH adopt all rules required as a condition for the release of specified reserved funds to the DOH.

The bill's provisions take effect upon becoming law.

II. Present Situation:

Smoking Ban: Timeline of Events

Amendment 2

On November 4, 2016, Amendment 2 was voted into law and established Article X, section 29 of the Florida Constitution. This section of the constitution became effective on January 3, 2017, and created several exemptions from criminal and civil liability for:

- Qualifying patients medically using marijuana in compliance with the amendment;
- Physicians, solely for issuing physician certifications with reasonable care and in compliance with the amendment; and
- Medical marijuana treatment centers (MMTCs) and their agents and employees for actions or conduct under the amendment and in compliance with rules promulgated by the DOH.

Implementation

Subsequently, the Legislature passed SB 8-A in Special Session A of 2017.³ The bill revised the Compassionate Medical Cannabis Act of 2014⁴ in s. 381.986, F.S., to implement Article X, section 29 of the Florida Constitution.

Constitutional Challenge of Smoking Ban

SB 8-A defined the term “medical use” to exclude the “possession, use, or administration of marijuana in a form for smoking⁵...or of marijuana seeds or flower,⁶ except for flower in a sealed, tamper-proof receptacle for vaping.” This provision, which became colloquially known as the smoking ban, was challenged in the Circuit Court for the Second Judicial Circuit on July 6, 2017.

In its complaint, People United for Medical Marijuana, Inc., challenged the smoking ban on two counts:⁷

- That the smoking ban impermissibly altered the definition of “marijuana” established in Article X, section 29(b)(4), of the Florida Constitution, by excluding the right to possess forms of marijuana for smoking; and
- That Article X, section 29, of the Florida Constitution, implicitly authorized smoking marijuana in a private place by allowing the prohibition of smoking in public.

On May 25, 2018, Judge Karen Gievers issued an order agreeing with the plaintiffs on both counts and ruling the smoking ban unconstitutional. In her order, Judge Gievers held that “qualifying patients have the right to use the form of medical marijuana for treatment of their debilitating medical conditions as recommended by their certified physicians, including the use of smokable marijuana in private places.”⁸

The DOH appealed the ruling to the First District Court of Appeal on May 29, 2018. The appeal is ongoing. However, on January 17, 2019, newly-elected Governor Ron DeSantis held a press conference in which he announced his intention to withdraw the appeal should the Legislature not act to remove the smoking ban from Florida Statutes by mid-March 2019.⁹ Additionally, both parties filed a motion to stay the appeal until March 15, 2019. The motion was granted on January 24, 2019.¹⁰

³ Chapter 2017-232, Laws of Fla.

⁴ Chapter 2014-157, Laws of Fla.

⁵ Smoking is defined in s. 381.986(1)(n), F.S., to mean “burning or igniting a substance and inhaling the smoke.”

⁶ Marijuana is a mixture of dried, shredded flowers of the cannabis plant, *Cannabis sativa*. See National Institute on Drug Abuse, *Want to Know More? Some FAQs about Marijuana*, available at: <https://www.drugabuse.gov/publications/marijuana-facts-teens/want-to-know-more-some-faqs-about-marijuana> (last visited on Feb. 6, 2019).

⁷ *People United for Medical Marijuana, et al. v. Florida Dept. of Health, et al.*, Complaint, No. 2017-CA-1394, (Fl. 2nd Cir. Ct., July 7, 2017).

⁸ Order and Final Judgement, *People United for Medical Marijuana, et al. v. Florida Dept. of Health, et al.*, No. 2017-CA-1394, (Fla 2nd Cir. Ct., May 5, 2018) p. 21.

⁹ Governor’s Announcement on Medical Marijuana (Jan. 17, 2019), available at: <https://thefloridachannel.org/videos/1-17-19-governors-announcement-on-medical-marijuana/> (last visited on Feb. 6, 2019).

¹⁰ Motion to Stay, *People United for Medical Marijuana, et al. v. Florida Dept. of Health, et al.*, No. ID18-2206 (Fla. 1st DCA Jan, 2019).

Prohibited Locations for the Use of Medical Marijuana

The term medical marijuana includes two distinct forms of the plant genus *Cannabis*:

1. Marijuana without any limitation or restriction on the percentage of THC,¹¹ and
2. “Low-THC cannabis” in which the percentage of THC is limited to 0.8 percent or less and has more than 10 percent of cannabidiol¹² weight for weight.¹³

The medical use or administration of marijuana is prohibited in or on any of the following locations (with specific exceptions for low-THC cannabis as noted):¹⁴

- On any form of public transportation (low-THC cannabis is permitted in such a place).
- In any public place (low-THC cannabis is permitted in such a place).
- In a qualified patient’s place of employment.
- In a state correctional institution, including facilities managed by the Department of Corrections or the Department of Juvenile Justice, a county or municipal detention facility, or a detention facility operated by a private entity.
- On the grounds of a preschool, primary school, or secondary school.
- In a school bus, a vehicle, an aircraft, or a motorboat (low-THC cannabis is permitted in such a place).

Effectiveness and Risks of Smoking Medical Marijuana

Although much of the scientific research is inconclusive, studies have shown that there are both benefits and risks associated with smoking as a delivery method for marijuana.

Some studies have shown that the administration of marijuana by inhalation, either by smoking or by vaping, increases the rate and consistency of the uptake of the active ingredients in marijuana, specifically THC. In one randomized controlled trial, THC was detected in plasma immediately after the first inhalation of marijuana smoke, attesting to the efficient absorption of THC by the lungs.¹⁵ This is likely because “THC is highly lipophilic, distributing rapidly to highly perfused tissues and later to fat.”¹⁶ The study also found that “a trial of 11 healthy subjects administered Δ^9 -THC (Delta-9-THC) intravenously, by smoking, and by mouth demonstrated that plasma profiles of THC after smoking and intravenous injection were similar, whereas plasma levels after oral doses were low and irregular, indicating slow and erratic absorption.”¹⁷ Additionally, there is evidence that the use of a cannabis preparation, such as would be delivered

¹¹ THC, or tetrahydrocannabinol, is the main active ingredient in cannabis and is responsible for most of the psychological effects of cannabis.

¹² Cannabidiol (CBD) is a chemical compound, known as a cannabinoid, found in cannabis. CBD does not have the same psychoactivity as THC. See Michael J Breus, *Despite What You May Think... CBD Is Not Weed* (Sept. 20, 2018), Psychology Today, available at: <https://www.psychologytoday.com/us/blog/sleep-newzzz/201809/despise-what-you-may-think-cbd-is-not-weed> (last visited Feb. 6, 2019).

¹³ See ss. 381.986(1)(e) and (f), F.S.

¹⁴ Section 381.986(1)(j)5., F.S.

¹⁵ Mary B. Bridgeman and Daniel T. Abazia, *Medicinal Cannabis: History, Pharmacology, and Implications for the Acute Care Setting*, Pharmacy and Therapeutics (March 2017), available at: <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5312634/> (last visited Feb. 11, 2019).

¹⁶ *Id.*

¹⁷ *Id.*

to the body by smoking cannabis, with multiple cannabinoids and terpenes,¹⁸ versus a single molecule preparation (with pure THC or CBD) may be more effective in treating seizure disorders¹⁹ and potentially breast cancer.²⁰

Although potentially more efficacious than other methods of delivery, smoking as a method of delivery for marijuana does not allow for accurate or consistent dosing measures.²¹ Also, as with any smoked substance, smoking marijuana has inherent risks that have been identified. The National Institutes of Health (NIH) states that:

Marijuana smoking is associated with large airway inflammation, increased airway resistance, and lung hyperinflation, and those who smoke marijuana regularly report more symptoms of chronic bronchitis than those who do not smoke. One study found that people who frequently smoke marijuana had more outpatient medical visits for respiratory problems than those who do not smoke. Some case studies have suggested that, because of THC's immune-suppressing effects, smoking marijuana might increase susceptibility to lung infections, such as pneumonia, in people with immune deficiencies; however, a large AIDS cohort study did not confirm such an association. Smoking marijuana may also reduce the respiratory system's immune response, increasing the likelihood of the person acquiring respiratory infections, including pneumonia. Animal and human studies have not found that marijuana increases risk for emphysema.²²

Additionally, the NIH indicates that smoking cannabis, much like smoking tobacco, can introduce levels of volatile chemicals and tar into the lungs that may raise concerns about the risk for cancer and lung disease. However, the association between smoking cannabis and the development of lung cancer is not decisive.²³

One other risk that may be associated with smoking cannabis is the unintentional introduction of cannabis and other harmful chemicals to other people present by second-hand smoke. The NIH states that:

The known health risks of secondhand exposure to cigarette smoke—to the heart or lungs, for instance—raise questions about whether secondhand exposure to

¹⁸ Terpenes are hydro-carbons largely found as constituents of essential oils. See Science Direct, *Terpene*, available at <https://www.sciencedirect.com/topics/medicine-and-dentistry/terpene> (last visited on Feb. 6, 2019).

¹⁹ Ethan B. Russo, *The Case for the Entourage Effect and Conventional Breeding of Clinical Cannabis: No "Strain," No Gain* (January 9, 2019), *Frontiers in Plant Science*, available at: <https://doi.org/10.3389/fpls.2018.01969> (last visited on Feb. 6, 2019).

²⁰ Blasco-Benito, et al., *Appraising the "entourage effect": Antitumor action of a pure cannabinoid versus a botanical drug preparation in preclinical models of breast cancer*, *Biochemical Pharmacology*, Volume 157, November 2018, Pages 285-293.

²¹ See Appellant's Initial Brief, case no. 2017-CA-1394, Florida Circuit Court for the Second Judicial Circuit, Aug. 3, 2017, p. 5.

²² See National Institutes on Drug Abuse, *Marijuana, What are Marijuana's Effects on Lung Health?* (June 2018), available at: <https://www.drugabuse.gov/publications/research-reports/marijuana/what-are-marijuanas-effects-lung-health>, (last visited on Jan. 29, 2019).

²³ Josef Yayan and Kurt Rasche, *Damaging Effects of Cannabis Use on the Lungs*, *Advancements in Clinical Research. Advances in Experimental Medicine and Biology* (2016), vol. 952, Abstract. Available at https://link.springer.com/chapter/10.1007/5584_2016_71 (last visited Feb. 6, 2019).

marijuana smoke poses similar health risks. At this point, very little research on this question has been conducted. A 2016 study in rats found that secondhand exposure to marijuana smoke affected a measure of blood vessel function as much as secondhand tobacco smoke, and the effects lasted longer. One minute of exposure to secondhand marijuana smoke impaired flow-mediated dilation (the extent to which arteries enlarge in response to increased blood flow) of the femoral artery that lasted for at least 90 minutes; impairment from 1 minute of secondhand tobacco exposure was recovered within 30 minutes. The effects of marijuana smoke were independent of THC concentration; i.e., when THC was removed, the impairment was still present. This research has not yet been conducted with human subjects, but the toxins and tar levels known to be present in marijuana smoke raise concerns about exposure among vulnerable populations, such as children and people with asthma.²⁴

Smoking Medical Marijuana in Other States

As with most aspects of the implementation of medical marijuana laws, the treatment of smoking medical marijuana varies from state to state. Several states, including New York, Ohio, Minnesota, and Pennsylvania, prohibit patients from smoking marijuana but allow vaporization. Other states allow smoking but include time, place, and manner prohibitions. For example:

- Connecticut prohibits minor patients from smoking, inhaling, or vaporizing medical marijuana;
- Arkansas, New Hampshire, Maryland, and Illinois specifically allow landlords to prohibit the smoking of medical marijuana on their premises;
- New Hampshire also prohibits the smoking and vaporizing of medical marijuana in a public place;
- Massachusetts and Washington specify that nothing requires the accommodation of smoking marijuana in any public place; and
- Hawaii allows condominiums to prohibit smoking medical marijuana if they also prohibit smoking tobacco.²⁵

Florida Clean Indoor Air Act

The Florida Clean Indoor Air Act (act) in part II of ch. 386, F.S., implements the constitutional prohibition in Section 20, Art. X, Florida Constitution, to prohibit tobacco smoking in an enclosed indoor workplace. Specifically, s. 386.204, F.S., prohibits smoking in an enclosed indoor workplace, unless the act provides an exception. An “enclosed indoor workplace” is:

any place where one or more persons engages in work, and which place is predominantly or totally bounded on all sides and above by physical barriers, regardless of whether such barriers consist of or include, without

²⁴ National Institutes on Drug Abuse, *Marijuana, What are Marijuana’s Effects of Secondhand Exposure to Marijuana Smoke?*, (June 2018), available at <https://www.drugabuse.gov/publications/research-reports/marijuana/what-are-effects-secondhand-exposure-to-marijuana-smoke>, (last visited on Feb 6, 2019).

²⁵ Marijuana Policy Project, *State-by-State Medical Marijuana Laws Report*, available at: <https://www.mpp.org/issues/medical-marijuana/state-by-state-medical-marijuana-laws/state-by-state-medical-marijuana-laws-report/> (last visited on Feb. 6, 2019).

limitation, uncovered openings; screened or otherwise partially covered openings; or open or closed windows, жалousies, doors, or the like. A place is “predominantly” bounded by physical barriers during any time when both of the following conditions exist:

- (a) It is more than 50 percent covered from above by a physical barrier that excludes rain, and
- (b) More than 50 percent of the combined surface area of its sides is covered by closed physical barriers. In calculating the percentage of side surface area covered by closed physical barriers, all solid surfaces that block air flow, except railings, must be considered as closed physical barriers. This section applies to all such enclosed indoor workplaces and enclosed parts thereof without regard to whether work is occurring at any given time.
- (c) The term does not include any facility owned or leased by and used exclusively for noncommercial activities performed by the members and guests of a membership association, including social gatherings, meetings, dining, and dances, if no person or persons are engaged in work as defined in [s. 386.203(12), F.S.]²⁶

The act also provides exceptions for private residences whenever not being used for certain commercial purposes;²⁷ stand-alone bars;²⁸ designated smoking rooms in hotels and other public lodging establishments;²⁹ and retail tobacco shops, including businesses that manufacture, import, or distribute tobacco products and tobacco loose leaf dealers,³⁰ a smoking cessation program approved by the DOH, medical or scientific research conducted in such smoking cessation program,³¹ and a customs smoking room in airport in-transit lounge.³² On November 6, 2018, the voters of Florida approved Amendment 9 to the Florida Constitution, to ban the use of vapor-generating electronic devices, such as electronic cigarettes (e-cigarettes), in enclosed indoor workplaces.³³

Coalition for Medical Marijuana Research and Education

The Coalition for Medical Marijuana Research and Education (Coalition) at the H. Lee Moffitt Cancer Center and Research Institute, Inc. (Moffitt) was created for the purpose of conducting research and providing education regarding the medical use of marijuana. The Coalition must annually adopt a plan for medical marijuana research and must issue a report by February 15th of each year to the Governor, President of the Senate, and Speaker of the House on research projects, community outreach initiatives, and future plans for the coalition. DOH must submit to the Coalition a data set that includes, for each patient in the registry, the patient’s qualifying medical condition, the daily dose amount and forms of marijuana certified for the patient.

²⁶ Section 386.203(5), F.S.

²⁷ Section 386.2045(1), F.S. *See also* definition of the term “private residence” in s. 386.203(1), F.S.

²⁸ Section 386.2045(4), F.S. *See also* definition of the term “stand-alone bar” in s. 386.203(11), F.S.

²⁹ Section 386.2045(3), F.S. *See also* definition of the term “designated guest smoking room” in s. 386.203(4), F.S.

³⁰ Section 386.2045(2), F.S. *See also* definition of the term “retail tobacco shop” in s. 386.203(8), F.S.

³¹ Section 386.2045(5), F.S.

³² Section 386.2045(6), F.S.

³³ Amendment 9 also bans offshore oil and natural gas drilling on lands beneath state waters. *See* FLA. CONST. art II, s. 7.

The legislature appropriated \$750,000 in nonrecurring funds from the General Revenue Fund to Moffitt to cover costs associated with administering the Coalition for FY 2017-2018. For FY 2018-2019, the legislature appropriated \$150,000 in nonrecurring funds from the General Revenue Fund to the Coalition; however, Governor Scott vetoed the appropriation. Additionally, s. 381.986(8)(b), F.S., requires that the DOH to establish a supplemental licensing fee for MMTCs that is sufficient to cover the costs associated with the Coalition. However, the DOH proposed rule establishing the supplemental fee was challenged and subsequently withdrawn. Currently no supplemental licensing fees have been collected by the DOH.

III. Effect of Proposed Changes:

CS/CS/CS/SB 182 amends s. 381.986, F.S., to:

- Provide that a delivery device intended for the medical use of marijuana by smoking need not to be dispensed from an MMTC in order to qualify as medical marijuana delivery device.
- Exempt a qualified patient and a qualified patient's caregiver from the criminal prohibitions against the purchase and possession of a marijuana delivery by smoking device from a vendor other than MMTC.
- Permit the smoking of medical marijuana by amending the definition of the term "medical use" in s. 381.986(1)(j), F.S., to delete the prohibition against the possession, use, or administration of marijuana in a form for smoking and of marijuana flower.
- Prohibit the medical use of marijuana by smoking in an "enclosed indoor workplace," as defined in the Florida Clean Indoor Air Act.
- Specify that the smoking of low-THC cannabis is not permitted in or on the locations listed in s. s. 381.986(1)(j)5., F.S., which permit the use or administration of low-THC cannabis.
- Require the risks specifically associated with smoking marijuana be included in the informed consent each patient must sign prior to being certified to receive medical marijuana.
- Prohibit a physician from certifying the medical use of marijuana by smoking to a patient under the age of 18 unless:
 - The patient has a terminal condition;
 - The physician determines that smoking is the most effective means of medical use for the patient;
 - A second physician, who is a pediatrician, concurs with that determination; and
 - Such determination and concurrence is recorded in the patient's medical record.
- Limit physicians to certifying six 35-day supplies of marijuana in a form for smoking and specify that a 35-day supply may not exceed 4 ounces.
- Require the Board of Medicine and the Board of Osteopathic Medicine to each adopt in rule practice standards for the certification of smoking. Rules must be adopted by July 1, 2021.
- Require the DOH to provide the boards with de-identified information from the medical marijuana use registry as necessary for the adoption of the practice standards.
- Require each MMTC to produce and sell at least one type of pre-rolled marijuana cigarette.
- Require that marijuana in a form for smoking to be packaged in a sealed receptacle with a legible and prominent warning to keep away from children and that marijuana smoke contains carcinogens and may negatively affect health. Such receptacle must be plain, opaque, and white without depictions of the product or images other than the medical marijuana treatment center's DOH-approved logo and the marijuana universal symbol.

- Require that marijuana delivery devices sold from an MMTC be labeled with the MMTC’s department-approved logo and not incorporate colors, shapes, forms, or designs that are likely to be attractive to children. The DOH must adopt rules specifying allowed colors, shapes, forms, and designs for marijuana delivery devices.
- Allow a medical marijuana treatment center to dispense the following smoking-related items: pipes, bongs, and wrapping papers.
- Provides that s. 381.986, F.S., does not impair the ability of a private party to restrict or limit smoking on his or her private property.
- Provides that s. 381.986, F.S., does not prohibit the medical use of marijuana in a nursing home, hospice, or assisted living facility if the facility’s policies do not prohibit the medical use of marijuana. However, smoking of medical marijuana in such facilities would be subject to the prohibition in the bill against smoking in an enclosed indoor workplace, as defined in s. 386.203(5), F.S.

The bill repeals proviso language enacted in the 2018 General Appropriations Act requiring the DOH to adopt all rules required under ss. 381.986, 381.987, and 381.988, F.S., solely and exclusively pursuant to the Administrative Procedure Act in ch. 120, F.S., as a condition for the release of specified reserved funds to the DOH.³⁴

The bill also amends s. 1004.4351, F.S., to rename the “Coalition for Medical Marijuana Research and Education” as the “Consortium for Medical Marijuana Clinical Outcomes Research” (Consortium). The bill eliminates the requirement for the Consortium related to providing education. Additionally, the bill specifies that Consortium:

- Is housed in the Moffitt Cancer Center (Moffitt) and consists of public and private universities that choose to participate.
- Is governed by a board that consists of a chairperson appointed by Moffitt, one member representing the University of Florida, and additional members representing other participating universities.
- Is administered by a director who is appointed by Moffitt and who oversees the activities of the Consortium and prepares the Consortium’s plan for Medical Marijuana research. The research plan must organize a program of research that contributes to the body of scientific knowledge on the effects of the medical use of marijuana and informs both policy and medical practice related to the treatment of debilitating medical conditions with marijuana. The plan must be approved by the board and the board must award funds to members of the consortium to perform research consistent with the plan.

The bill’s provisions take effect upon becoming law.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

³⁴ See Chapter 2018-9, Laws of Florida, at 94, section 3, the provisos following Specific Appropriation 422 reserving \$126,424 from the General Revenue Fund and \$1,817,426 from the Administrative Trust Fund and following Specific Appropriation 424 reserving \$108,172 from the General Revenue Fund and \$281,961 from the Administrative Trust Fund, contingent on the DOH’s adoption of the rules required under ss. 381.986, 381.987, and 381.988, F.S.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

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

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The Department of Health (DOH) indicates that provisions of the bill related to smoking medical marijuana require certain changes in the Medical Marijuana Use Registry that would cost between \$90,000 and \$170,000.³⁵ Funding necessary for such costs could be authorized from fees collected by the DOH under section 381.986, Florida Statutes, and addressed in the Fiscal Year 2019-2020 General Appropriations Act.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 381.986 of the Florida Statutes.

³⁵ Email correspondence from Ty Gentle, Department of Health (Feb. 15, 2019) (on file with the Senate Committee on Rules).

IX. Additional Information:**A. Committee Substitute – Statement of Substantial Changes:**
(Summarizing differences between the Committee Substitute and the prior version of the bill.)**CS/CS/CS by Rules on February 20, 2019:****The CS/CS/CS:**

- Prohibits a physician from certifying the medical use of marijuana by smoking to a patient under the age of 18 unless the patient has a terminal condition; the physician determines that smoking is the most effective means of medical use for the patient; and a second physician, who is a pediatrician, concurs with that determination.
- Requires the Board of Medicine and the Board of Osteopathic Medicine to each adopt in rule practice standards for the certification of smoking. Rules must be adopted by July 1, 2021 and the Department of Health must provide the boards with de-identified information from the medical marijuana use registry as necessary for the adoption of the practice standards.
- Limits physicians to certifying six 35-day supplies of marijuana in a form for smoking and specifies that a 35-day supply may not exceed 4 ounces.
- Requires each MMTC to produce and sell at least one type of pre-rolled marijuana cigarette.
- Requires that marijuana delivery devices sold from an MMTC be labeled with the MMTC's department-approved logo and not be attractive to children.
- Eliminates the requirement in the underlying bill that a marijuana delivery device purchased from a vendor other than a MMTC and intended for the medical use of marijuana by smoking be the same or similar to a the marijuana delivery device specified in the patient's physician certification.
- Renames the "Coalition for Medical Marijuana Research and Education" as the "Consortium for Medical Marijuana Clinical Outcomes Research."
 - The Consortium is housed in the Moffitt Cancer Center and consists of public and private universities that choose to participate.
 - The Consortium's board consists of a chairperson appointed by Moffitt, one member representing the University of Florida, and additional members representing other participating universities.
 - Moffitt also appoints a director who oversees the activities of the Consortium and prepares the Consortium's plan for Medical Marijuana research.
 - The research plan must organize a program of research that contributes to the body of scientific knowledge on the effects of the medical use of marijuana and informs both policy and medical practice related to the treatment of debilitating medical conditions with marijuana. The plan must be approved by the board and the board must award funds to members of the consortium to perform research consistent with the plan.

CS/CS by Innovation, Industry, and Technology on February 12, 2019:**The committee substitute for committee substitute (CS/CS):**

- Revises the definition of "marijuana delivery device" in s. 381.986(1)(g), F.S., to provide that delivery devices intended for the medical use of marijuana by smoking need not to be purchased from an MMTC.

- Prohibits the medical use of marijuana by smoking in an “enclosed indoor workplace” as defined in s. 386.203(5), F.S., of the Florida Clean Indoor Air Act.
- Amends the certification requirements in s. 381.986(4)(a)8.i., F.S., to narrow the two-physician requirement for certifying the use of marijuana by smoking to limit the requirement to patients under the age of 18 and who are not terminally ill. The CS/CS allows the certification of smoking for patients under the age of 18 if two physicians concur that smoking is the method of medical use that will be the most effective (rather than the only beneficial method) for the patient. The CS/CS requires the second physician be a pediatrician and deletes the requirement that the second physician be registered with the medical marijuana program.
- Amends s. 381.986(8)(e)12., F.S., to provides packaging and warning label requirements for medical marijuana intended for smoking.
- Amends s. 381.986(14)(b), F.S., to exempt a qualified patient and a qualified patient’s caregiver from the criminal prohibitions against the purchase and possession of a marijuana delivery by smoking device from a vendor other than an MMTC, if such device is specified in the patient’s certification issued by a qualified physician.
- Provides that s. 381.986, F.S., does not impair the ability of a private party to restrict or limit smoking on his or her private property.
- Provides that s. 381.986, F.S., does not prohibit the medical use of marijuana in a nursing home, hospice, or assisted living facility if the facility’s policies do not prohibit the medical use of marijuana.
- Repeals proviso language in the 2018 General Appropriations Act requiring that the DOH adopt all rules required under ss. 381.986, 381.987, and 381.988, F.S., solely and exclusively pursuant to ch. 120, F.S., as a condition for the release of specified reserved funds to the DOH.

CS by Health Policy on February 4, 2019:

The CS requires that, for a patient not diagnosed with a terminal condition, prior to issuing a certification in which the qualified physician intends to certify smoking, the certifying physician must determine that smoking is the only means of administering medical marijuana that is likely to benefit the qualified patient, and a second physician must concur with this determination. The second physician may not be registered with the DOH as a certifying physician for any qualified patients. Additionally, the bill adds that the risks specifically associated with smoking marijuana be included in the required informed consent that each patient must sign prior to being certified to receive medical marijuana.

B. Amendments:

None.



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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/20/2019	.	
	.	
	.	
	.	

The Committee on Rules (Brandes) recommended the following:

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11

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Paragraphs (g) and (j) of subsection (1),
subsection (4), paragraph (e) of subsection (8), and subsections
(14) and (15) of section 381.986, Florida Statutes, are amended
to read:

381.986 Medical use of marijuana.—

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

(g) "Marijuana delivery device" means an object used,



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12 intended for use, or designed for use in preparing, storing,
13 ingesting, inhaling, or otherwise introducing marijuana into the
14 human body, and which is dispensed from a medical marijuana
15 treatment center for medical use by a qualified patient, except
16 that delivery devices intended for the medical use of marijuana
17 by smoking need not be dispensed from a medical marijuana
18 treatment center in order to qualify as marijuana delivery
19 devices.

20 (j) "Medical use" means the acquisition, possession, use,
21 delivery, transfer, or administration of marijuana authorized by
22 a physician certification. The term does not include:

23 1. Possession, use, or administration of marijuana that was
24 not purchased or acquired from a medical marijuana treatment
25 center.

26 2. Possession, use, or administration of marijuana in a
27 ~~form for smoking, in~~ the form of commercially produced food
28 items other than edibles, ~~or of marijuana seeds or flower,~~
29 ~~except for flower in a sealed, tamper-proof receptacle for~~
30 ~~vaping.~~

31 3. Use or administration of any form or amount of marijuana
32 in a manner that is inconsistent with the qualified physician's
33 directions or physician certification.

34 4. Transfer of marijuana to a person other than the
35 qualified patient for whom it was authorized or the qualified
36 patient's caregiver on behalf of the qualified patient.

37 5. The smoking of marijuana in an enclosed indoor workplace
38 as defined in s. 386.203(5).

39 ~~6.5.~~ Use or administration of marijuana in the following
40 locations:



41 a. On any form of public transportation, except for low-THC
42 cannabis.

43 b. In any public place, except for low-THC cannabis.

44 c. In a qualified patient's place of employment, except
45 when permitted by his or her employer.

46 d. In a state correctional institution, as defined in s.
47 944.02, or a correctional institution, as defined in s. 944.241.

48 e. On the grounds of a preschool, primary school, or
49 secondary school, except as provided in s. 1006.062.

50 f. In a school bus, a vehicle, an aircraft, or a motorboat,
51 except for low-THC cannabis.

52

53 For the purposes of this subparagraph, the exceptions for low-
54 THC cannabis do not include the smoking of low-THC cannabis.

55 (4) PHYSICIAN CERTIFICATION.—

56 (a) A qualified physician may issue a physician
57 certification only if the qualified physician:

58 1. Conducted a physical examination while physically
59 present in the same room as the patient and a full assessment of
60 the medical history of the patient.

61 2. Diagnosed the patient with at least one qualifying
62 medical condition.

63 3. Determined that the medical use of marijuana would
64 likely outweigh the potential health risks for the patient, and
65 such determination must be documented in the patient's medical
66 record. If a patient is younger than 18 years of age, a second
67 physician must concur with this determination, and such
68 concurrence must be documented in the patient's medical record.

69 4. Determined whether the patient is pregnant and



70 documented such determination in the patient's medical record. A
71 physician may not issue a physician certification, except for
72 low-THC cannabis, to a patient who is pregnant.

73 5. Reviewed the patient's controlled drug prescription
74 history in the prescription drug monitoring program database
75 established pursuant to s. 893.055.

76 6. Reviews the medical marijuana use registry and confirmed
77 that the patient does not have an active physician certification
78 from another qualified physician.

79 7. Registers as the issuer of the physician certification
80 for the named qualified patient on the medical marijuana use
81 registry in an electronic manner determined by the department,
82 and:

83 a. Enters into the registry the contents of the physician
84 certification, including the patient's qualifying condition and
85 the dosage not to exceed the daily dose amount determined by the
86 department, the amount and forms of marijuana authorized for the
87 patient, and any types of marijuana delivery devices needed by
88 the patient for the medical use of marijuana.

89 b. Updates the registry within 7 days after any change is
90 made to the original physician certification to reflect such
91 change.

92 c. Deactivates the registration of the qualified patient
93 and the patient's caregiver when the physician no longer
94 recommends the medical use of marijuana for the patient.

95 8. Obtains the voluntary and informed written consent of
96 the patient for medical use of marijuana each time the qualified
97 physician issues a physician certification for the patient,
98 which shall be maintained in the patient's medical record. The



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99 patient, or the patient's parent or legal guardian if the
100 patient is a minor, must sign the informed consent acknowledging
101 that the qualified physician has sufficiently explained its
102 content. The qualified physician must use a standardized
103 informed consent form adopted in rule by the Board of Medicine
104 and the Board of Osteopathic Medicine, which must include, at a
105 minimum, information related to:

106 a. The Federal Government's classification of marijuana as
107 a Schedule I controlled substance.

108 b. The approval and oversight status of marijuana by the
109 Food and Drug Administration.

110 c. The current state of research on the efficacy of
111 marijuana to treat the qualifying conditions set forth in this
112 section.

113 d. The potential for addiction.

114 e. The potential effect that marijuana may have on a
115 patient's coordination, motor skills, and cognition, including a
116 warning against operating heavy machinery, operating a motor
117 vehicle, or engaging in activities that require a person to be
118 alert or respond quickly.

119 f. The potential side effects of marijuana use.

120 g. The risks, benefits, and drug interactions of marijuana.

121 h. The risks specifically associated with smoking
122 marijuana.

123 ~~i.h.~~ That the patient's de-identified health information
124 contained in the physician certification and medical marijuana
125 use registry may be used for research purposes.

126
127 A physician may not certify the medical use of marijuana by



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128 smoking for a patient under 18 years of age unless the patient
129 is diagnosed with a terminal condition, the certifying physician
130 determines that smoking is the most effective means of
131 administering medical marijuana for the patient, and a second
132 physician who is a pediatrician concurs with that determination.
133 Such determination and concurrence must be documented in the
134 patient's medical record.

135 (b) If a qualified physician issues a physician
136 certification for a qualified patient diagnosed with a
137 qualifying medical condition pursuant to paragraph (2)(k), the
138 physician must submit the following to the applicable board
139 within 14 days after issuing the physician certification:

140 1. Documentation supporting the qualified physician's
141 opinion that the medical condition is of the same kind or class
142 as the conditions in paragraphs (2)(a)-(j).

143 2. Documentation that establishes the efficacy of marijuana
144 as treatment for the condition.

145 3. Documentation supporting the qualified physician's
146 opinion that the benefits of medical use of marijuana would
147 likely outweigh the potential health risks for the patient.

148 4. Any other documentation as required by board rule.
149

150 The department must submit such documentation to the Consortium
151 ~~Coalition~~ for Medical Marijuana Clinical Outcomes Research and
152 ~~Education~~ established pursuant to s. 1004.4351.

153 (c) The Board of Medicine and the Board of Osteopathic
154 Medicine shall each, by July 1, 2021, adopt by rule practice
155 standards for the certification of smoking as a route of
156 administration. The department shall provide the Board of



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157 Medicine and the Board of Osteopathic Medicine information from
158 the medical marijuana use registry as necessary for the adoption
159 of practice standards under this paragraph. Such information may
160 not include a qualified physician's, a qualified patient's, or a
161 caregiver's personal identifying information.

162 (d)~~(e)~~ A qualified physician may not issue a physician
163 certification for more than three 70-day supply limits of
164 marijuana or six 35-day supply limits of marijuana in a form for
165 smoking. The department shall quantify by rule a daily dose
166 amount with equivalent dose amounts for each allowable form of
167 marijuana dispensed by a medical marijuana treatment center. The
168 department shall use the daily dose amount to calculate a 70-day
169 supply or a 35-day supply, as appropriate.

170 1. A qualified physician may request an exception to the
171 daily dose amount limit. The request shall be made
172 electronically on a form adopted by the department in rule and
173 must include, at a minimum:

174 a. The qualified patient's qualifying medical condition.

175 b. The dosage and route of administration that was
176 insufficient to provide relief to the qualified patient.

177 c. A description of how the patient will benefit from an
178 increased amount.

179 d. The minimum daily dose amount of marijuana that would be
180 sufficient for the treatment of the qualified patient's
181 qualifying medical condition.

182 2. A qualified physician must provide the qualified
183 patient's records upon the request of the department.

184 3. The department shall approve or disapprove the request
185 within 14 days after receipt of the complete documentation



186 required by this paragraph. The request shall be deemed approved
187 if the department fails to act within this time period.

188 (e)~~(d)~~ A qualified physician must evaluate an existing
189 qualified patient at least once every 30 weeks before issuing a
190 new physician certification. A physician must:

191 1. Determine if the patient still meets the requirements to
192 be issued a physician certification under paragraph (a).

193 2. Identify and document in the qualified patient's medical
194 records whether the qualified patient experienced either of the
195 following related to the medical use of marijuana:

196 a. An adverse drug interaction with any prescription or
197 nonprescription medication; or

198 b. A reduction in the use of, or dependence on, other types
199 of controlled substances as defined in s. 893.02.

200 3. Submit a report with the findings required pursuant to
201 subparagraph 2. to the department. The department shall submit
202 such reports to the Consortium ~~Coalition~~ for Medical Marijuana
203 Clinical Outcomes Research and Education established pursuant to
204 s. 1004.4351.

205 (f)~~(e)~~ An active order for low-THC cannabis or medical
206 cannabis issued pursuant to former s. 381.986, Florida Statutes
207 2016, and registered with the compassionate use registry before
208 June 23, 2017, is deemed a physician certification, and all
209 patients possessing such orders are deemed qualified patients
210 until the department begins issuing medical marijuana use
211 registry identification cards.

212 (g)~~(f)~~ The department shall monitor physician registration
213 in the medical marijuana use registry and the issuance of
214 physician certifications for practices that could facilitate



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215 unlawful diversion or misuse of marijuana or a marijuana
216 delivery device and shall take disciplinary action as
217 appropriate.

218 (h)~~(g)~~ The Board of Medicine and the Board of Osteopathic
219 Medicine shall jointly create a physician certification pattern
220 review panel that shall review all physician certifications
221 submitted to the medical marijuana use registry. The panel shall
222 track and report the number of physician certifications and the
223 qualifying medical conditions, dosage, supply amount, and form
224 of marijuana certified. The panel shall report the data both by
225 individual qualified physician and in the aggregate, by county,
226 and statewide. The physician certification pattern review panel
227 shall, beginning January 1, 2018, submit an annual report of its
228 findings and recommendations to the Governor, the President of
229 the Senate, and the Speaker of the House of Representatives.

230 (i)~~(h)~~ The department, the Board of Medicine, and the Board
231 of Osteopathic Medicine may adopt rules pursuant to ss.
232 120.536(1) and 120.54 to implement this subsection.

233 (8) MEDICAL MARIJUANA TREATMENT CENTERS.—

234 (e) A licensed medical marijuana treatment center shall
235 cultivate, process, transport, and dispense marijuana for
236 medical use. A licensed medical marijuana treatment center may
237 not contract for services directly related to the cultivation,
238 processing, and dispensing of marijuana or marijuana delivery
239 devices, except that a medical marijuana treatment center
240 licensed pursuant to subparagraph (a)1. may contract with a
241 single entity for the cultivation, processing, transporting, and
242 dispensing of marijuana and marijuana delivery devices. A
243 licensed medical marijuana treatment center must, at all times,



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244 maintain compliance with the criteria demonstrated and
245 representations made in the initial application and the criteria
246 established in this subsection. Upon request, the department may
247 grant a medical marijuana treatment center a variance from the
248 representations made in the initial application. Consideration
249 of such a request shall be based upon the individual facts and
250 circumstances surrounding the request. A variance may not be
251 granted unless the requesting medical marijuana treatment center
252 can demonstrate to the department that it has a proposed
253 alternative to the specific representation made in its
254 application which fulfills the same or a similar purpose as the
255 specific representation in a way that the department can
256 reasonably determine will not be a lower standard than the
257 specific representation in the application. A variance may not
258 be granted from the requirements in subparagraph 2. and
259 subparagraphs (b)1. and 2.

260 1. A licensed medical marijuana treatment center may
261 transfer ownership to an individual or entity who meets the
262 requirements of this section. A publicly traded corporation or
263 publicly traded company that meets the requirements of this
264 section is not precluded from ownership of a medical marijuana
265 treatment center. To accommodate a change in ownership:

266 a. The licensed medical marijuana treatment center shall
267 notify the department in writing at least 60 days before the
268 anticipated date of the change of ownership.

269 b. The individual or entity applying for initial licensure
270 due to a change of ownership must submit an application that
271 must be received by the department at least 60 days before the
272 date of change of ownership.



273 c. Upon receipt of an application for a license, the
274 department shall examine the application and, within 30 days
275 after receipt, notify the applicant in writing of any apparent
276 errors or omissions and request any additional information
277 required.

278 d. Requested information omitted from an application for
279 licensure must be filed with the department within 21 days after
280 the department's request for omitted information or the
281 application shall be deemed incomplete and shall be withdrawn
282 from further consideration and the fees shall be forfeited.

283
284 Within 30 days after the receipt of a complete application, the
285 department shall approve or deny the application.

286 2. A medical marijuana treatment center, and any individual
287 or entity who directly or indirectly owns, controls, or holds
288 with power to vote 5 percent or more of the voting shares of a
289 medical marijuana treatment center, may not acquire direct or
290 indirect ownership or control of any voting shares or other form
291 of ownership of any other medical marijuana treatment center.

292 3. A medical marijuana treatment center may not enter into
293 any form of profit-sharing arrangement with the property owner
294 or lessor of any of its facilities where cultivation,
295 processing, storing, or dispensing of marijuana and marijuana
296 delivery devices occurs.

297 4. All employees of a medical marijuana treatment center
298 must be 21 years of age or older and have passed a background
299 screening pursuant to subsection (9).

300 5. Each medical marijuana treatment center must adopt and
301 enforce policies and procedures to ensure employees and



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302 volunteers receive training on the legal requirements to
303 dispense marijuana to qualified patients.

304 6. When growing marijuana, a medical marijuana treatment
305 center:

306 a. May use pesticides determined by the department, after
307 consultation with the Department of Agriculture and Consumer
308 Services, to be safely applied to plants intended for human
309 consumption, but may not use pesticides designated as
310 restricted-use pesticides pursuant to s. 487.042.

311 b. Must grow marijuana within an enclosed structure and in
312 a room separate from any other plant.

313 c. Must inspect seeds and growing plants for plant pests
314 that endanger or threaten the horticultural and agricultural
315 interests of the state in accordance with chapter 581 and any
316 rules adopted thereunder.

317 d. Must perform fumigation or treatment of plants, or
318 remove and destroy infested or infected plants, in accordance
319 with chapter 581 and any rules adopted thereunder.

320 7. Each medical marijuana treatment center must produce and
321 make available for purchase at least one low-THC cannabis
322 product.

323 8. Each medical marijuana treatment center must produce and
324 make available for purchase at least one type of pre-rolled
325 marijuana cigarette.

326 9.8. A medical marijuana treatment center that produces
327 edibles must hold a permit to operate as a food establishment
328 pursuant to chapter 500, the Florida Food Safety Act, and must
329 comply with all the requirements for food establishments
330 pursuant to chapter 500 and any rules adopted thereunder.



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331 Edibles may not contain more than 200 milligrams of
332 tetrahydrocannabinol, and a single serving portion of an edible
333 may not exceed 10 milligrams of tetrahydrocannabinol. Edibles
334 may have a potency variance of no greater than 15 percent.
335 Edibles may not be attractive to children; be manufactured in
336 the shape of humans, cartoons, or animals; be manufactured in a
337 form that bears any reasonable resemblance to products available
338 for consumption as commercially available candy; or contain any
339 color additives. To discourage consumption of edibles by
340 children, the department shall determine by rule any shapes,
341 forms, and ingredients allowed and prohibited for edibles.

342 Medical marijuana treatment centers may not begin processing or
343 dispensing edibles until after the effective date of the rule.
344 The department shall also adopt sanitation rules providing the
345 standards and requirements for the storage, display, or
346 dispensing of edibles.

347 ~~10.9.~~ Within 12 months after licensure, a medical marijuana
348 treatment center must demonstrate to the department that all of
349 its processing facilities have passed a Food Safety Good
350 Manufacturing Practices, such as Global Food Safety Initiative
351 or equivalent, inspection by a nationally accredited certifying
352 body. A medical marijuana treatment center must immediately stop
353 processing at any facility which fails to pass this inspection
354 until it demonstrates to the department that such facility has
355 met this requirement.

356 ~~11.10.~~ When processing marijuana, a medical marijuana
357 treatment center must:

358 a. Process the marijuana within an enclosed structure and
359 in a room separate from other plants or products.



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360 b. Comply with department rules when processing marijuana
361 with hydrocarbon solvents or other solvents or gases exhibiting
362 potential toxicity to humans. The department shall determine by
363 rule the requirements for medical marijuana treatment centers to
364 use such solvents or gases exhibiting potential toxicity to
365 humans.

366 c. Comply with federal and state laws and regulations and
367 department rules for solid and liquid wastes. The department
368 shall determine by rule procedures for the storage, handling,
369 transportation, management, and disposal of solid and liquid
370 waste generated during marijuana production and processing. The
371 Department of Environmental Protection shall assist the
372 department in developing such rules.

373 d. Test the processed marijuana using a medical marijuana
374 testing laboratory before it is dispensed. Results must be
375 verified and signed by two medical marijuana treatment center
376 employees. Before dispensing, the medical marijuana treatment
377 center must determine that the test results indicate that low-
378 THC cannabis meets the definition of low-THC cannabis, the
379 concentration of tetrahydrocannabinol meets the potency
380 requirements of this section, the labeling of the concentration
381 of tetrahydrocannabinol and cannabidiol is accurate, and all
382 marijuana is safe for human consumption and free from
383 contaminants that are unsafe for human consumption. The
384 department shall determine by rule which contaminants must be
385 tested for and the maximum levels of each contaminant which are
386 safe for human consumption. The Department of Agriculture and
387 Consumer Services shall assist the department in developing the
388 testing requirements for contaminants that are unsafe for human



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389 consumption in edibles. The department shall also determine by
390 rule the procedures for the treatment of marijuana that fails to
391 meet the testing requirements of this section, s. 381.988, or
392 department rule. The department may select a random sample from
393 edibles available for purchase in a dispensing facility which
394 shall be tested by the department to determine that the edible
395 meets the potency requirements of this section, is safe for
396 human consumption, and the labeling of the tetrahydrocannabinol
397 and cannabidiol concentration is accurate. A medical marijuana
398 treatment center may not require payment from the department for
399 the sample. A medical marijuana treatment center must recall
400 edibles, including all edibles made from the same batch of
401 marijuana, which fail to meet the potency requirements of this
402 section, which are unsafe for human consumption, or for which
403 the labeling of the tetrahydrocannabinol and cannabidiol
404 concentration is inaccurate. The medical marijuana treatment
405 center must retain records of all testing and samples of each
406 homogenous batch of marijuana for at least 9 months. The medical
407 marijuana treatment center must contract with a marijuana
408 testing laboratory to perform audits on the medical marijuana
409 treatment center's standard operating procedures, testing
410 records, and samples and provide the results to the department
411 to confirm that the marijuana or low-THC cannabis meets the
412 requirements of this section and that the marijuana or low-THC
413 cannabis is safe for human consumption. A medical marijuana
414 treatment center shall reserve two processed samples from each
415 batch and retain such samples for at least 9 months for the
416 purpose of such audits. A medical marijuana treatment center may
417 use a laboratory that has not been certified by the department



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418 under s. 381.988 until such time as at least one laboratory
419 holds the required certification, but in no event later than
420 July 1, 2018.

421 e. Package the marijuana in compliance with the United
422 States Poison Prevention Packaging Act of 1970, 15 U.S.C. ss.
423 1471 et seq.

424 f. Package the marijuana in a receptacle that has a firmly
425 affixed and legible label stating the following information:

426 (I) The marijuana or low-THC cannabis meets the
427 requirements of sub-subparagraph d.

428 (II) The name of the medical marijuana treatment center
429 from which the marijuana originates.

430 (III) The batch number and harvest number from which the
431 marijuana originates and the date dispensed.

432 (IV) The name of the physician who issued the physician
433 certification.

434 (V) The name of the patient.

435 (VI) The product name, if applicable, and dosage form,
436 including concentration of tetrahydrocannabinol and cannabidiol.
437 The product name may not contain wording commonly associated
438 with products marketed by or to children.

439 (VII) The recommended dose.

440 (VIII) A warning that it is illegal to transfer medical
441 marijuana to another person.

442 (IX) A marijuana universal symbol developed by the
443 department.

444 ~~12.11~~ The medical marijuana treatment center shall include
445 in each package a patient package insert with information on the
446 specific product dispensed related to:



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- 447 a. Clinical pharmacology.
448 b. Indications and use.
449 c. Dosage and administration.
450 d. Dosage forms and strengths.
451 e. Contraindications.
452 f. Warnings and precautions.
453 g. Adverse reactions.
- 454 13. In addition to the packaging and labeling requirements
455 in subparagraphs 11. and 12., marijuana in a form for smoking
456 must be packaged in a sealed receptacle with a legible and
457 prominent warning to keep away from children and a warning that
458 states marijuana smoke contains carcinogens and may negatively
459 affect health. Such receptacles for marijuana in a form for
460 smoking must be plain, opaque, and white without depictions of
461 the product or images other than the medical marijuana treatment
462 center's department-approved logo and the marijuana universal
463 symbol.
- 464 14. Before dispensing a marijuana delivery device, a
465 medical marijuana treatment center must ensure that the
466 marijuana delivery device:
- 467 a. Has a firmly affixed, legible, and permanent label
468 showing the medical marijuana treatment center's department-
469 approved logo, including each individual marijuana cigarette or
470 wrapping paper.
- 471 b. Does not incorporate colors, shapes, forms, or designs
472 that are intended to make the marijuana delivery device
473 attractive to children or are likely, by their nature, to be
474 attractive to children. The department shall adopt rules
475 specifying allowable colors, shapes, forms, and designs for



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476 marijuana delivery devices.

477 ~~15.12.~~ Each edible shall be individually sealed in plain,
478 opaque wrapping marked only with the marijuana universal symbol.
479 Where practical, each edible shall be marked with the marijuana
480 universal symbol. In addition to the packaging and labeling
481 requirements in subparagraphs 11. and 12. ~~subparagraphs 10. and~~
482 ~~11.~~, edible receptacles must be plain, opaque, and white without
483 depictions of the product or images other than the medical
484 marijuana treatment center's department-approved logo and the
485 marijuana universal symbol. The receptacle must also include a
486 list all of the edible's ingredients, storage instructions, an
487 expiration date, a legible and prominent warning to keep away
488 from children and pets, and a warning that the edible has not
489 been produced or inspected pursuant to federal food safety laws.

490 ~~16.13.~~ When dispensing marijuana or a marijuana delivery
491 device, a medical marijuana treatment center:

492 a. May dispense any active, valid order for low-THC
493 cannabis, medical cannabis and cannabis delivery devices issued
494 pursuant to former s. 381.986, Florida Statutes 2016, which was
495 entered into the medical marijuana use registry before July 1,
496 2017.

497 b. May not dispense more than a 70-day supply of marijuana
498 or more than a 35-day supply of marijuana in a form for smoking
499 to a qualified patient or caregiver. A 35-day supply of
500 marijuana in a form for smoking may not exceed four ounces.

501 c. Must have the medical marijuana treatment center's
502 employee who dispenses the marijuana or a marijuana delivery
503 device enter into the medical marijuana use registry his or her
504 name or unique employee identifier.



505 d. Must verify that the qualified patient and the
506 caregiver, if applicable, each have an active registration in
507 the medical marijuana use registry and an active and valid
508 medical marijuana use registry identification card, the amount
509 and type of marijuana dispensed matches the physician
510 certification in the medical marijuana use registry for that
511 qualified patient, and the physician certification has not
512 already been filled.

513 e. May not dispense marijuana to a qualified patient who is
514 younger than 18 years of age. If the qualified patient is
515 younger than 18 years of age, marijuana may ~~only~~ be dispensed
516 only to the qualified patient's caregiver.

517 f. May not dispense or sell any other type of cannabis,
518 alcohol, or illicit drug-related product, ~~including pipes,~~
519 ~~bongs, or wrapping papers,~~ other than a marijuana delivery
520 device required for the medical use of marijuana and which is
521 specified in a physician certification.

522 g. Must, upon dispensing the marijuana or marijuana
523 delivery device, record in the registry the date, time,
524 quantity, and form of marijuana dispensed; the type of marijuana
525 delivery device dispensed; and the name and medical marijuana
526 use registry identification number of the qualified patient or
527 caregiver to whom the marijuana delivery device was dispensed.

528 h. Must ensure that patient records are not visible to
529 anyone other than the qualified patient, his or her caregiver,
530 and authorized medical marijuana treatment center employees.

531 (14) EXCEPTIONS TO OTHER LAWS.—

532 (a) Notwithstanding s. 893.13, s. 893.135, s. 893.147, or
533 any other provision of law, but subject to the requirements of



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534 this section, a qualified patient and the qualified patient's
535 caregiver may purchase from a medical marijuana treatment center
536 for the patient's medical use a marijuana delivery device and up
537 to the amount of marijuana authorized in the physician
538 certification, but may not possess more than a 70-day supply of
539 marijuana at any given time and all marijuana purchased must
540 remain in its original packaging.

541 (b) Notwithstanding paragraph (a), s. 893.13, s. 893.135,
542 s. 893.147, or any other provision of law, a qualified patient
543 and the qualified patient's caregiver may purchase and possess a
544 marijuana delivery device intended for the medical use of
545 marijuana by smoking from a vendor other than a medical
546 marijuana treatment center.

547 (c) ~~(b)~~ Notwithstanding s. 893.13, s. 893.135, s. 893.147,
548 or any other provision of law, but subject to the requirements
549 of this section, an approved medical marijuana treatment center
550 and its owners, managers, and employees may manufacture,
551 possess, sell, deliver, distribute, dispense, and lawfully
552 dispose of marijuana or a marijuana delivery device as provided
553 in this section, s. 381.988, and by department rule. For the
554 purposes of this subsection, the terms "manufacture,"
555 "possession," "deliver," "distribute," and "dispense" have the
556 same meanings as provided in s. 893.02.

557 (d) ~~(e)~~ Notwithstanding s. 893.13, s. 893.135, s. 893.147,
558 or any other provision of law, but subject to the requirements
559 of this section, a certified marijuana testing laboratory,
560 including an employee of a certified marijuana testing
561 laboratory acting within the scope of his or her employment, may
562 acquire, possess, test, transport, and lawfully dispose of



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563 marijuana as provided in this section, in s. 381.988, and by
564 department rule.

565 (e)~~(d)~~ A licensed medical marijuana treatment center and
566 its owners, managers, and employees are not subject to licensure
567 or regulation under chapter 465 or chapter 499 for
568 manufacturing, possessing, selling, delivering, distributing,
569 dispensing, or lawfully disposing of marijuana or a marijuana
570 delivery device, as provided in this section, in s. 381.988, and
571 by department rule.

572 (f)~~(e)~~ This subsection does not exempt a person from
573 prosecution for a criminal offense related to impairment or
574 intoxication resulting from the medical use of marijuana or
575 relieve a person from any requirement under law to submit to a
576 breath, blood, urine, or other test to detect the presence of a
577 controlled substance.

578 (g)~~(f)~~ Notwithstanding s. 893.13, s. 893.135, s. 893.147,
579 or any other provision of law, but subject to the requirements
580 of this section and pursuant to policies and procedures
581 established pursuant to s. 1006.62(8), school personnel may
582 possess marijuana that is obtained for medical use pursuant to
583 this section by a student who is a qualified patient.

584 (h)~~(g)~~ Notwithstanding s. 893.13, s. 893.135, s. 893.147,
585 or any other provision of law, but subject to the requirements
586 of this section, a research institute established by a public
587 postsecondary educational institution, such as the H. Lee
588 Moffitt Cancer Center and Research Institute, Inc., established
589 under s. 1004.43, or a state university that has achieved the
590 preeminent state research university designation under s.
591 1001.7065 may possess, test, transport, and lawfully dispose of



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592 marijuana for research purposes as provided by this section.

593 (15) APPLICABILITY.—

594 (a) This section does not limit the ability of an employer
595 to establish, continue, or enforce a drug-free workplace program
596 or policy.

597 (b) This section does not require an employer to
598 accommodate the medical use of marijuana in any workplace or any
599 employee working while under the influence of marijuana.

600 (c) This section does not create a cause of action against
601 an employer for wrongful discharge or discrimination.

602 (d) This section does not impair the ability of any party
603 to restrict or limit smoking on his or her private property.

604 (e) This section does not prohibit the medical use of
605 marijuana, or a caregiver assisting with the medical use of
606 marijuana, in a nursing home licensed under part II of chapter
607 400; in a hospice facility licensed under part IV of chapter
608 400; or in an assisted living facility licensed under part I of
609 chapter 429, if the medical use of marijuana is not prohibited
610 in the facility's policies.

611 (f) Marijuana, as defined in this section, is not
612 reimbursable under chapter 440.

613 Section 2. Section 1004.4351, Florida Statutes, is amended
614 to read:

615 1004.4351 Medical marijuana research ~~and education~~.—

616 (1) SHORT TITLE.—This section shall be known and may be
617 cited as the "Medical Marijuana Research ~~and Education~~ Act."

618 (2) LEGISLATIVE FINDINGS.—The Legislature finds that:

619 (a) The present state of knowledge concerning the use of
620 marijuana to alleviate pain and treat illnesses is limited



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621 because permission to perform clinical studies on marijuana is
622 difficult to obtain, with access to research-grade marijuana so
623 restricted that little or no unbiased studies have been
624 performed.

625 (b) Under the State Constitution, marijuana is available
626 for the treatment of certain debilitating medical conditions.

627 (c) Additional clinical studies are needed to ensure that
628 the residents of this state obtain the correct dosing,
629 formulation, route, modality, frequency, quantity, and quality
630 of marijuana for specific illnesses.

631 (d) An effective medical marijuana research ~~and education~~
632 program would mobilize the scientific, ~~educational,~~ and medical
633 resources that presently exist in this state to determine the
634 appropriate and best use of marijuana to treat illness.

635 (3) DEFINITIONS.—As used in this section, the term:

636 (a) "Board" means the Medical Marijuana Research ~~and~~
637 ~~Education~~ Board.

638 (b) "Consortium" ~~"Coalition"~~ means the Consortium Coalition
639 for Medical Marijuana Clinical Outcomes Research ~~and Education~~.

640 (c) "Marijuana" has the same meaning as provided in s. 29,
641 Art. X of the State Constitution.

642 (4) CONSORTIUM ~~COALITION~~ FOR MEDICAL MARIJUANA CLINICAL
643 OUTCOMES RESEARCH ~~AND EDUCATION~~.—

644 (a) There is established within the H. Lee Moffitt Cancer
645 Center and Research Institute, Inc., the Consortium Coalition
646 for Medical Marijuana Clinical Outcomes Research consisting of
647 public and private universities ~~and Education~~. The purpose of
648 the consortium coalition is to conduct rigorous scientific
649 research ~~and, provide education,~~ disseminate such research, ~~and~~



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650 ~~guide policy for the adoption of a statewide policy on ordering~~
651 ~~and dosing practices for the medical use of marijuana.~~ The
652 consortium ~~coalition~~ shall be physically located at the H. Lee
653 Moffitt Cancer Center and Research Institute, Inc.

654 (b) The Medical Marijuana Research ~~and Education~~ Board is
655 established to direct the operations of the consortium
656 ~~coalition~~. The board shall be composed of a chairperson
657 appointed by the H. Lee Moffitt Cancer Center and Research
658 Institute, Inc., a member appointed by the University of
659 Florida, and a member representing each other participating
660 university ~~seven members~~ appointed by the president of the
661 university ~~the chief executive officer of the H. Lee Moffitt~~
662 ~~Cancer Center and Research Institute, Inc.~~ Board members must
663 have experience in a variety of scientific and medical fields,
664 including, but not limited to, oncology, neurology, psychology,
665 pediatrics, nutrition, and addiction. Members shall be appointed
666 to 4-year terms and may be reappointed to serve additional
667 terms. ~~The chair shall be elected by the board from among its~~
668 ~~members to serve a 2-year term.~~ The board shall meet at least
669 semiannually at the call of the chair or, in his or her absence
670 or incapacity, the vice chair. Four members constitute a quorum.
671 A majority vote of the members present is required for all
672 actions of the board. The board may prescribe, amend, and repeal
673 a charter governing the manner in which it conducts its
674 business. A board member shall serve without compensation but is
675 entitled to be reimbursed for travel expenses by the consortium
676 ~~coalition~~ or the organization he or she represents in accordance
677 with s. 112.061.

678 (c) The consortium ~~coalition~~ shall be administered by a



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679 ~~coalition~~ director, who shall be appointed by the H. Lee Moffitt
680 Cancer Center and Research Institute, Inc ~~and serve at the~~
681 ~~pleasure of the board.~~ The ~~coalition~~ director shall, subject to
682 the approval of the board:

683 1. Propose a budget for the consortium ~~coalition~~.

684 2. Foster the collaboration of scientists, researchers, and
685 other appropriate personnel in accordance with the consortium's
686 ~~coalition's~~ charter.

687 3. Engage individuals in public and private university
688 programs relevant to the consortium's work to participate in the
689 consortium.

690 ~~4.3.~~ Identify and prioritize the research to be conducted
691 by the consortium ~~coalition~~.

692 ~~5.4.~~ Prepare a plan for medical marijuana research ~~the~~
693 ~~Medical Marijuana Research and Education Plan~~ for submission to
694 the board.

695 ~~6.5.~~ Apply for grants to obtain funding for research
696 conducted by the consortium ~~coalition~~.

697 ~~7.6.~~ Perform other duties as determined by the board.

698 ~~(d) The board shall advise the Board of Governors, the~~
699 ~~State Surgeon General, the Governor, and the Legislature with~~
700 ~~respect to medical marijuana research and education in this~~
701 ~~state. The board shall explore methods of implementing and~~
702 ~~enforcing medical marijuana laws in relation to cancer control,~~
703 ~~research, treatment, and education.~~

704 ~~(d)(e)~~ The board shall annually adopt a plan for medical
705 marijuana research. The plan shall organize a program of
706 research that contributes to the body of scientific knowledge on
707 the effects of the medical use of marijuana and informs both



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708 policy and medical practice related to the treatment of
709 debilitating medical conditions with marijuana. Research shall
710 include tracking clinical outcomes, certification standards,
711 dosing standards, routes of administration, efficacy, and side
712 effects. Research must also include the study of the effects of
713 smoking marijuana to treat debilitating medical conditions. The
714 board must award funds to members of the consortium to perform
715 research consistent with the plan, ~~known as the "Medical~~
716 ~~Marijuana Research and Education Plan," which must be in~~
717 ~~accordance with state law and coordinate with existing programs~~
718 ~~in this state. The plan must include recommendations for the~~
719 ~~coordination and integration of medical, pharmacological,~~
720 ~~nursing, paramedical, community, and other resources connected~~
721 ~~with the treatment of debilitating medical conditions; research~~
722 ~~related to the treatment of such medical conditions; and~~
723 ~~education.~~

724 (e) ~~(f)~~ By February 15 of each year, the board shall issue a
725 report to the Governor, the President of the Senate, and the
726 Speaker of the House of Representatives on research projects,
727 research findings, community outreach initiatives, and future
728 plans for the consortium ~~coalition~~.

729 (f) ~~(g)~~ Beginning August 1, 2019 ~~January 15, 2018,~~ and
730 quarterly thereafter, the Department of Health shall submit to
731 the board a data set that includes, for each patient registered
732 in the medical marijuana use registry, the patient's qualifying
733 medical condition and the daily dose amount, routes of
734 administration, and forms of marijuana certified for the
735 patient. The department shall also submit to the board a data
736 set for all patients registered in the medical marijuana use



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737 registry before August 1, 2019.

738 (5) RESPONSIBILITIES OF THE H. LEE MOFFITT CANCER CENTER
739 AND RESEARCH INSTITUTE, INC.—The H. Lee Moffitt Cancer Center
740 and Research Institute, Inc., shall allocate staff and provide
741 information and assistance, as the consortium's ~~coalition's~~
742 budget permits, to assist the board in fulfilling its
743 responsibilities.

744 Section 3. Paragraph (h) of subsection (2) and paragraph
745 (b) of subsection (3) of section 381.987, Florida Statutes, are
746 amended to read:

747 381.987 Public records exemption for personal identifying
748 information relating to medical marijuana held by the
749 department.—

750 (2) The department shall allow access to the confidential
751 and exempt information in the medical marijuana use registry to:

752 (h) The Consortium ~~Coalition~~ for Medical Marijuana Clinical
753 Outcomes Research ~~and Education~~ established in s. 1004.4351(4).

754 (3) The department shall allow access to the confidential
755 and exempt information pertaining to the physician certification
756 for marijuana and the dispensing thereof, whether in the
757 registry or otherwise held by the department, to:

758 (b) The Consortium ~~Coalition~~ for Medical Marijuana Clinical
759 Outcomes Research ~~and Education~~ pursuant to s. 381.986 for the
760 purpose of conducting research regarding the medical use of
761 marijuana.

762 Section 4. The proviso following Specific Appropriation 422
763 in section 3 of chapter 2018-9, Laws of Florida, and the proviso
764 following Specific Appropriation 424 in section 3 of chapter
765 2018-9, Laws of Florida, are repealed and the funds appropriated



766 by those specific appropriations which were affected by those
767 provisos are released from reserve.

768 Section 5. This act shall take effect upon becoming a law.

769

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

771 And the title is amended as follows:

772 Delete everything before the enacting clause
773 and insert:

774 A bill to be entitled

775 An act relating to the medical use of marijuana;
776 amending s. 381.986, F.S.; redefining the term
777 "marijuana delivery device" to eliminate the
778 requirement that such devices must be purchased from a
779 medical marijuana treatment center; redefining the
780 term "medical use" to include the possession, use, or
781 administration of marijuana in a form for smoking;
782 restricting the smoking of marijuana in enclosed
783 indoor workplaces; conforming a provision to changes
784 made by the act; requiring a patient's informed
785 consent form to include the risks specifically
786 associated with smoking marijuana; prohibiting a
787 physician from certifying a patient under 18 years of
788 age to smoke marijuana for medical use unless the
789 patient is diagnosed with a terminal condition and the
790 physician makes a certain determination in concurrence
791 with a second physician who is a pediatrician;
792 conforming a provision to changes made by the act;
793 requiring the Board of Medicine and the Board of
794 Osteopathic Medicine to adopt certain practice



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795 standards by rule; requiring the Department of Health
796 to provide the boards with certain information from
797 the medical marijuana use registry, as necessary;
798 establishing supply limits for physician
799 certifications for marijuana in a form for smoking;
800 requiring each medical marijuana treatment center to
801 produce and make available for purchase at least one
802 type of pre-rolled marijuana cigarette; requiring that
803 marijuana in a form for smoking meet certain packaging
804 and labeling requirements; requiring a medical
805 marijuana treatment center to ensure that a marijuana
806 delivery device meets certain packaging and labeling
807 requirements; requiring the department to adopt rules
808 specifying certain packaging and labeling requirements
809 for marijuana delivery devices; prohibiting a medical
810 marijuana treatment center from dispensing more than a
811 specified supply limit of marijuana in a form for
812 smoking; deleting a provision prohibiting a medical
813 marijuana treatment center from dispensing or selling
814 specified products; allowing marijuana delivery
815 devices to be purchased from a vendor other than a
816 medical marijuana treatment center; providing
817 applicability; amending s. 1004.4351, F.S.; renaming
818 the Coalition for Medical Marijuana Research and
819 Education as the Consortium for Medical Marijuana
820 Clinical Outcomes Research; establishing the
821 consortium for a specified purpose; renaming the
822 Medical Marijuana Research and Education Board as the
823 Medical Marijuana Research Board; requiring the board



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824 to direct the operations of the consortium; providing
825 membership of the board; providing for the appointment
826 of a consortium director; providing duties of the
827 consortium director; requiring the board to annually
828 adopt a plan for medical marijuana research; requiring
829 the plan to include specified information; providing
830 research requirements for the plan; requiring the
831 board to issue an annual report to the Governor and
832 Legislature by a specified date; requiring the
833 department to submit certain data sets to the board;
834 amending s. 381.987, F.S.; conforming provisions to
835 changes made by the act; repealing proviso language in
836 s. 3, ch. 2018-9, Laws of Florida, relating to
837 salaries and benefits positions and other personnel
838 services of the department; providing an effective
839 date.



529226

LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
02/20/2019	.	
	.	
	.	
	.	

The Committee on Rules (Farmer) recommended the following:

1 **Senate Amendment to Amendment (168684) (with title**
2 **amendment)**

3
4 Before line 5
5 insert:

6 Section 1. Paragraph (i) of subsection (5) of section
7 112.0455, Florida Statutes, is amended to read:

8 112.0455 Drug-Free Workplace Act.—

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

11 (i) "Prescription or nonprescription medication" means a



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12 drug or medication obtained pursuant to a prescription as
13 defined by s. 893.02, marijuana obtained by a qualified patient
14 for medical use in accordance with s. 381.986 or s. 29, Art. X
15 of the State Constitution, or a medication that is authorized
16 pursuant to federal or state law for general distribution and
17 use without a prescription in the treatment of human diseases,
18 ailments, or injuries.

19

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

21 And the title is amended as follows:

22 Between lines 775 and 776

23 insert:

24 amending s. 112.0455, F.S.; redefining the term
25 "prescription or nonprescription medication" to
26 include marijuana obtained by a qualified patient for
27 medical use in accordance with state law;



447930

LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
02/20/2019	.	
	.	
	.	
	.	

The Committee on Rules (Farmer) recommended the following:

1 **Senate Amendment to Amendment (168684) (with directory and**
2 **title amendments)**

3
4 Between lines 232 and 233

5 insert:

6 (7) IDENTIFICATION CARDS.—

7 (d) Applications for identification cards must be submitted
8 on a form prescribed by the department. The department may
9 charge a reasonable fee associated with the issuance,
10 replacement, and renewal of identification cards. The department
11 shall allocate \$10 of the identification card fee to the



12 Division of Research at Florida Agricultural and Mechanical
13 University for the purpose of educating minorities about
14 marijuana for medical use and the impact of the unlawful use of
15 marijuana on minority communities. The department may not charge
16 a fee for the issuance, replacement, or renewal of an
17 identification card for a former or active servicemember or his
18 or her caregiver. The department shall contract with a third-
19 party vendor to issue identification cards. The vendor selected
20 by the department must have experience performing similar
21 functions for other state agencies.

22
23 ===== D I R E C T O R Y C L A U S E A M E N D M E N T =====

24 And the directory clause is amended as follows:

25 Delete line 6

26 and insert:

27 subsection (4), paragraph (d) of subsection (7), paragraph (e)
28 of subsection (8), and subsections

29
30 ===== T I T L E A M E N D M E N T =====

31 And the title is amended as follows:

32 Between lines 799 and 800

33 insert:

34 prohibiting the department from charging a fee for the
35 issuance, replacement, or renewal of an identification
36 card for the medical use of marijuana for
37 servicemembers or their caregivers;



138388

LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
02/20/2019	.	
	.	
	.	
	.	

The Committee on Rules (Farmer) recommended the following:

1 **Senate Amendment to Amendment (168684) (with directory and**
2 **title amendments)**

3
4 Between lines 612 and 613
5 insert:

6 (18) DISCRIMINATION AGAINST QUALIFIED PATIENTS.-A qualified
7 patient's medical use of marijuana in accordance with this
8 section does not constitute the use of an illicit substance, and
9 the medical use of marijuana may not disqualify that patient
10 from obtaining medical treatment or receiving therapies,
11 including organ transplantation and pain management.



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12 (19) DISCRIMINATION AGAINST PARENTS.-The parents or
13 caregiver of a qualified patient shall be immune from any civil
14 or criminal liability for choosing to receive marijuana for
15 medical use instead of prescribed medications. Pursuant to s.
16 29, Article X of the State Constitution, patients and caregivers
17 have the right to choose to receive marijuana instead of other
18 medications in the course of medical treatment.

19
20 ===== D I R E C T O R Y C L A U S E A M E N D M E N T =====

21 And the directory clause is amended as follows:

22 Between lines 7 and 8

23 insert:

24 , and subsections (18) and (19) are added to that section,

25
26 ===== T I T L E A M E N D M E N T =====

27 And the title is amended as follows:

28 Delete line 817

29 and insert:

30 applicability; providing that a qualified patient may
31 not be disqualified from obtaining certain treatments
32 or therapies because of his or her medical use of
33 marijuana; providing immunity from civil or criminal
34 liabilities for certain parents and caregivers;
35 amending s. 1004.4351, F.S.; renaming

By the Committees on Innovation, Industry, and Technology; and
Health Policy; and Senator Brandes

580-02350-19

2019182c2

1 A bill to be entitled
2 An act relating to the safe medical use of marijuana;
3 amending s. 381.986, F.S.; redefining the term
4 "marijuana delivery device" to eliminate the
5 requirement that such devices must be purchased from a
6 medical marijuana treatment center; redefining the
7 term "medical use" to include the possession, use, or
8 administration of marijuana in a form for smoking;
9 restricting smoking of marijuana in enclosed indoor
10 workplaces; conforming a provision to changes made by
11 the act; requiring a patient's informed consent form
12 to include the risks specifically associated with
13 smoking marijuana; requiring a certifying physician to
14 make a determination in concurrence with a second
15 physician who meets specified requirements before
16 certifying a patient under 18 years of age who is not
17 diagnosed with a terminal condition to smoke marijuana
18 for medical use; requiring that marijuana in a form
19 for smoking meet certain packaging and labeling
20 requirements; deleting a provision prohibiting a
21 medical marijuana treatment center from dispensing or
22 selling specified products; allowing marijuana
23 delivery devices to be purchased from a vendor other
24 than a medical marijuana treatment center; providing
25 applicability; repealing proviso language in s. 3, ch.
26 2018-9, Laws of Florida, relating to salaries and
27 benefits positions and other personnel services of the
28 Department of Health; providing an effective date.
29

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

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2019182c2

30
31 Be It Enacted by the Legislature of the State of Florida:
32
33 Section 1. Paragraphs (g) and (j) of subsection (1),
34 paragraph (a) of subsection (4), paragraph (e) of subsection
35 (8), subsection (14), and subsection (15) of section 381.986,
36 Florida Statutes, are amended to read:
37 381.986 Medical use of marijuana.—
38 (1) DEFINITIONS.—As used in this section, the term:
39 (g) "Marijuana delivery device" means an object used,
40 intended for use, or designed for use in preparing, storing,
41 ingesting, inhaling, or otherwise introducing marijuana into the
42 human body, and which is dispensed from a medical marijuana
43 treatment center for medical use by a qualified patient, except
44 that delivery devices intended for the medical use of marijuana
45 by smoking need not be dispensed from a medical marijuana
46 treatment center in order to qualify as marijuana delivery
47 devices.
48 (j) "Medical use" means the acquisition, possession, use,
49 delivery, transfer, or administration of marijuana authorized by
50 a physician certification. The term does not include:
51 1. Possession, use, or administration of marijuana that was
52 not purchased or acquired from a medical marijuana treatment
53 center.
54 2. Possession, use, or administration of marijuana in a
55 ~~form for smoking, in~~ the form of commercially produced food
56 items other than edibles, ~~or of marijuana seeds or flower,~~
57 ~~except for flower in a sealed, tamper proof receptacle for~~
58 ~~vaping.~~

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

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2019182c2

59 3. Use or administration of any form or amount of marijuana
60 in a manner that is inconsistent with the qualified physician's
61 directions or physician certification.

62 4. Transfer of marijuana to a person other than the
63 qualified patient for whom it was authorized or the qualified
64 patient's caregiver on behalf of the qualified patient.

65 5. The smoking of marijuana in an enclosed indoor workplace
66 as defined in s. 386.203(5).

67 ~~6.5-~~ Use or administration of marijuana in the following
68 locations:

69 a. On any form of public transportation, except for low-THC
70 cannabis.

71 b. In any public place, except for low-THC cannabis.

72 c. In a qualified patient's place of employment, except
73 when permitted by his or her employer.

74 d. In a state correctional institution, as defined in s.
75 944.02, or a correctional institution, as defined in s. 944.241.

76 e. On the grounds of a preschool, primary school, or
77 secondary school, except as provided in s. 1006.062.

78 f. In a school bus, a vehicle, an aircraft, or a motorboat,
79 except for low-THC cannabis.

80
81 For the purposes of this subparagraph, the exceptions for low-
82 THC cannabis do not include the smoking of low-THC cannabis.

83 (4) PHYSICIAN CERTIFICATION.—

84 (a) A qualified physician may issue a physician
85 certification only if the qualified physician:

86 1. Conducted a physical examination while physically
87 present in the same room as the patient and a full assessment of

580-02350-19

2019182c2

88 the medical history of the patient.

89 2. Diagnosed the patient with at least one qualifying
90 medical condition.

91 3. Determined that the medical use of marijuana would
92 likely outweigh the potential health risks for the patient, and
93 such determination must be documented in the patient's medical
94 record. If a patient is younger than 18 years of age, a second
95 physician must concur with this determination, and such
96 concurrence must be documented in the patient's medical record.

97 4. Determined whether the patient is pregnant and
98 documented such determination in the patient's medical record. A
99 physician may not issue a physician certification, except for
100 low-THC cannabis, to a patient who is pregnant.

101 5. Reviewed the patient's controlled drug prescription
102 history in the prescription drug monitoring program database
103 established pursuant to s. 893.055.

104 6. Reviews the medical marijuana use registry and confirmed
105 that the patient does not have an active physician certification
106 from another qualified physician.

107 7. Registers as the issuer of the physician certification
108 for the named qualified patient on the medical marijuana use
109 registry in an electronic manner determined by the department,
110 and:

111 a. Enters into the registry the contents of the physician
112 certification, including the patient's qualifying condition and
113 the dosage not to exceed the daily dose amount determined by the
114 department, the amount and forms of marijuana authorized for the
115 patient, and any types of marijuana delivery devices needed by
116 the patient for the medical use of marijuana.

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- 117 b. Updates the registry within 7 days after any change is
118 made to the original physician certification to reflect such
119 change.
- 120 c. Deactivates the registration of the qualified patient
121 and the patient's caregiver when the physician no longer
122 recommends the medical use of marijuana for the patient.
- 123 8. Obtains the voluntary and informed written consent of
124 the patient for medical use of marijuana each time the qualified
125 physician issues a physician certification for the patient,
126 which shall be maintained in the patient's medical record. The
127 patient, or the patient's parent or legal guardian if the
128 patient is a minor, must sign the informed consent acknowledging
129 that the qualified physician has sufficiently explained its
130 content. The qualified physician must use a standardized
131 informed consent form adopted in rule by the Board of Medicine
132 and the Board of Osteopathic Medicine, which must include, at a
133 minimum, information related to:
- 134 a. The Federal Government's classification of marijuana as
135 a Schedule I controlled substance.
- 136 b. The approval and oversight status of marijuana by the
137 Food and Drug Administration.
- 138 c. The current state of research on the efficacy of
139 marijuana to treat the qualifying conditions set forth in this
140 section.
- 141 d. The potential for addiction.
- 142 e. The potential effect that marijuana may have on a
143 patient's coordination, motor skills, and cognition, including a
144 warning against operating heavy machinery, operating a motor
145 vehicle, or engaging in activities that require a person to be

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- 146 alert or respond quickly.
- 147 f. The potential side effects of marijuana use.
- 148 g. The risks, benefits, and drug interactions of marijuana.
- 149 h. The risks specifically associated with smoking
150 marijuana.
- 151 ~~i.h.~~ That the patient's de-identified health information
152 contained in the physician certification and medical marijuana
153 use registry may be used for research purposes.
- 154
- 155 For a patient not diagnosed with a terminal condition, if the
156 patient is younger than 18 years of age and the certifying
157 physician intends to certify the patient's medical use of
158 marijuana by way of smoking, the certifying physician must
159 determine that smoking is the most effective means of
160 administering medical marijuana for the patient and a second
161 physician must concur with that determination. The second
162 physician must be a pediatrician. Such determination and
163 concurrence must be documented in the patient's medical record.
- 164 (8) MEDICAL MARIJUANA TREATMENT CENTERS.—
- 165 (e) A licensed medical marijuana treatment center shall
166 cultivate, process, transport, and dispense marijuana for
167 medical use. A licensed medical marijuana treatment center may
168 not contract for services directly related to the cultivation,
169 processing, and dispensing of marijuana or marijuana delivery
170 devices, except that a medical marijuana treatment center
171 licensed pursuant to subparagraph (a)1. may contract with a
172 single entity for the cultivation, processing, transporting, and
173 dispensing of marijuana and marijuana delivery devices. A
174 licensed medical marijuana treatment center must, at all times,

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175 maintain compliance with the criteria demonstrated and
 176 representations made in the initial application and the criteria
 177 established in this subsection. Upon request, the department may
 178 grant a medical marijuana treatment center a variance from the
 179 representations made in the initial application. Consideration
 180 of such a request shall be based upon the individual facts and
 181 circumstances surrounding the request. A variance may not be
 182 granted unless the requesting medical marijuana treatment center
 183 can demonstrate to the department that it has a proposed
 184 alternative to the specific representation made in its
 185 application which fulfills the same or a similar purpose as the
 186 specific representation in a way that the department can
 187 reasonably determine will not be a lower standard than the
 188 specific representation in the application. A variance may not
 189 be granted from the requirements in subparagraph 2. and
 190 subparagraphs (b)1. and 2.

191 1. A licensed medical marijuana treatment center may
 192 transfer ownership to an individual or entity who meets the
 193 requirements of this section. A publicly traded corporation or
 194 publicly traded company that meets the requirements of this
 195 section is not precluded from ownership of a medical marijuana
 196 treatment center. To accommodate a change in ownership:

197 a. The licensed medical marijuana treatment center shall
 198 notify the department in writing at least 60 days before the
 199 anticipated date of the change of ownership.

200 b. The individual or entity applying for initial licensure
 201 due to a change of ownership must submit an application that
 202 must be received by the department at least 60 days before the
 203 date of change of ownership.

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204 c. Upon receipt of an application for a license, the
 205 department shall examine the application and, within 30 days
 206 after receipt, notify the applicant in writing of any apparent
 207 errors or omissions and request any additional information
 208 required.

209 d. Requested information omitted from an application for
 210 licensure must be filed with the department within 21 days after
 211 the department's request for omitted information or the
 212 application shall be deemed incomplete and shall be withdrawn
 213 from further consideration and the fees shall be forfeited.

214

215 Within 30 days after the receipt of a complete application, the
 216 department shall approve or deny the application.

217 2. A medical marijuana treatment center, and any individual
 218 or entity who directly or indirectly owns, controls, or holds
 219 with power to vote 5 percent or more of the voting shares of a
 220 medical marijuana treatment center, may not acquire direct or
 221 indirect ownership or control of any voting shares or other form
 222 of ownership of any other medical marijuana treatment center.

223 3. A medical marijuana treatment center may not enter into
 224 any form of profit-sharing arrangement with the property owner
 225 or lessor of any of its facilities where cultivation,
 226 processing, storing, or dispensing of marijuana and marijuana
 227 delivery devices occurs.

228 4. All employees of a medical marijuana treatment center
 229 must be 21 years of age or older and have passed a background
 230 screening pursuant to subsection (9).

231 5. Each medical marijuana treatment center must adopt and
 232 enforce policies and procedures to ensure employees and

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233 volunteers receive training on the legal requirements to
 234 dispense marijuana to qualified patients.

235 6. When growing marijuana, a medical marijuana treatment
 236 center:

237 a. May use pesticides determined by the department, after
 238 consultation with the Department of Agriculture and Consumer
 239 Services, to be safely applied to plants intended for human
 240 consumption, but may not use pesticides designated as
 241 restricted-use pesticides pursuant to s. 487.042.

242 b. Must grow marijuana within an enclosed structure and in
 243 a room separate from any other plant.

244 c. Must inspect seeds and growing plants for plant pests
 245 that endanger or threaten the horticultural and agricultural
 246 interests of the state in accordance with chapter 581 and any
 247 rules adopted thereunder.

248 d. Must perform fumigation or treatment of plants, or
 249 remove and destroy infested or infected plants, in accordance
 250 with chapter 581 and any rules adopted thereunder.

251 7. Each medical marijuana treatment center must produce and
 252 make available for purchase at least one low-THC cannabis
 253 product.

254 8. A medical marijuana treatment center that produces
 255 edibles must hold a permit to operate as a food establishment
 256 pursuant to chapter 500, the Florida Food Safety Act, and must
 257 comply with all the requirements for food establishments
 258 pursuant to chapter 500 and any rules adopted thereunder.
 259 Edibles may not contain more than 200 milligrams of
 260 tetrahydrocannabinol, and a single serving portion of an edible
 261 may not exceed 10 milligrams of tetrahydrocannabinol. Edibles

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262 may have a potency variance of no greater than 15 percent.

263 Edibles may not be attractive to children; be manufactured in
 264 the shape of humans, cartoons, or animals; be manufactured in a
 265 form that bears any reasonable resemblance to products available
 266 for consumption as commercially available candy; or contain any
 267 color additives. To discourage consumption of edibles by
 268 children, the department shall determine by rule any shapes,
 269 forms, and ingredients allowed and prohibited for edibles.
 270 Medical marijuana treatment centers may not begin processing or
 271 dispensing edibles until after the effective date of the rule.
 272 The department shall also adopt sanitation rules providing the
 273 standards and requirements for the storage, display, or
 274 dispensing of edibles.

275 9. Within 12 months after licensure, a medical marijuana
 276 treatment center must demonstrate to the department that all of
 277 its processing facilities have passed a Food Safety Good
 278 Manufacturing Practices, such as Global Food Safety Initiative
 279 or equivalent, inspection by a nationally accredited certifying
 280 body. A medical marijuana treatment center must immediately stop
 281 processing at any facility which fails to pass this inspection
 282 until it demonstrates to the department that such facility has
 283 met this requirement.

284 10. When processing marijuana, a medical marijuana
 285 treatment center must:

286 a. Process the marijuana within an enclosed structure and
 287 in a room separate from other plants or products.

288 b. Comply with department rules when processing marijuana
 289 with hydrocarbon solvents or other solvents or gases exhibiting
 290 potential toxicity to humans. The department shall determine by

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291 rule the requirements for medical marijuana treatment centers to
 292 use such solvents or gases exhibiting potential toxicity to
 293 humans.

294 c. Comply with federal and state laws and regulations and
 295 department rules for solid and liquid wastes. The department
 296 shall determine by rule procedures for the storage, handling,
 297 transportation, management, and disposal of solid and liquid
 298 waste generated during marijuana production and processing. The
 299 Department of Environmental Protection shall assist the
 300 department in developing such rules.

301 d. Test the processed marijuana using a medical marijuana
 302 testing laboratory before it is dispensed. Results must be
 303 verified and signed by two medical marijuana treatment center
 304 employees. Before dispensing, the medical marijuana treatment
 305 center must determine that the test results indicate that low-
 306 THC cannabis meets the definition of low-THC cannabis, the
 307 concentration of tetrahydrocannabinol meets the potency
 308 requirements of this section, the labeling of the concentration
 309 of tetrahydrocannabinol and cannabidiol is accurate, and all
 310 marijuana is safe for human consumption and free from
 311 contaminants that are unsafe for human consumption. The
 312 department shall determine by rule which contaminants must be
 313 tested for and the maximum levels of each contaminant which are
 314 safe for human consumption. The Department of Agriculture and
 315 Consumer Services shall assist the department in developing the
 316 testing requirements for contaminants that are unsafe for human
 317 consumption in edibles. The department shall also determine by
 318 rule the procedures for the treatment of marijuana that fails to
 319 meet the testing requirements of this section, s. 381.988, or

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320 department rule. The department may select a random sample from
 321 edibles available for purchase in a dispensing facility which
 322 shall be tested by the department to determine that the edible
 323 meets the potency requirements of this section, is safe for
 324 human consumption, and the labeling of the tetrahydrocannabinol
 325 and cannabidiol concentration is accurate. A medical marijuana
 326 treatment center may not require payment from the department for
 327 the sample. A medical marijuana treatment center must recall
 328 edibles, including all edibles made from the same batch of
 329 marijuana, which fail to meet the potency requirements of this
 330 section, which are unsafe for human consumption, or for which
 331 the labeling of the tetrahydrocannabinol and cannabidiol
 332 concentration is inaccurate. The medical marijuana treatment
 333 center must retain records of all testing and samples of each
 334 homogenous batch of marijuana for at least 9 months. The medical
 335 marijuana treatment center must contract with a marijuana
 336 testing laboratory to perform audits on the medical marijuana
 337 treatment center's standard operating procedures, testing
 338 records, and samples and provide the results to the department
 339 to confirm that the marijuana or low-THC cannabis meets the
 340 requirements of this section and that the marijuana or low-THC
 341 cannabis is safe for human consumption. A medical marijuana
 342 treatment center shall reserve two processed samples from each
 343 batch and retain such samples for at least 9 months for the
 344 purpose of such audits. A medical marijuana treatment center may
 345 use a laboratory that has not been certified by the department
 346 under s. 381.988 until such time as at least one laboratory
 347 holds the required certification, but in no event later than
 348 July 1, 2018.

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349 e. Package the marijuana in compliance with the United
 350 States Poison Prevention Packaging Act of 1970, 15 U.S.C. ss.
 351 1471 et seq.

352 f. Package the marijuana in a receptacle that has a firmly
 353 affixed and legible label stating the following information:

354 (I) The marijuana or low-THC cannabis meets the
 355 requirements of sub-subparagraph d.

356 (II) The name of the medical marijuana treatment center
 357 from which the marijuana originates.

358 (III) The batch number and harvest number from which the
 359 marijuana originates and the date dispensed.

360 (IV) The name of the physician who issued the physician
 361 certification.

362 (V) The name of the patient.

363 (VI) The product name, if applicable, and dosage form,
 364 including concentration of tetrahydrocannabinol and cannabidiol.
 365 The product name may not contain wording commonly associated
 366 with products marketed by or to children.

367 (VII) The recommended dose.

368 (VIII) A warning that it is illegal to transfer medical
 369 marijuana to another person.

370 (IX) A marijuana universal symbol developed by the
 371 department.

372 11. The medical marijuana treatment center shall include in
 373 each package a patient package insert with information on the
 374 specific product dispensed related to:

375 a. Clinical pharmacology.

376 b. Indications and use.

377 c. Dosage and administration.

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378 d. Dosage forms and strengths.

379 e. Contraindications.

380 f. Warnings and precautions.

381 g. Adverse reactions.

382 12. In addition to the packaging and labeling requirements
 383 in subparagraphs 10. and 11., marijuana in a form for smoking
 384 must be packaged in a sealed receptacle with a legible and
 385 prominent warning to keep away from children and a warning that
 386 states marijuana smoke contains carcinogens and may negatively
 387 affect health. Such receptacles for marijuana in a form for
 388 smoking must be plain, opaque, and white without depictions of
 389 the product or images other than the medical marijuana treatment
 390 center's department-approved logo and the marijuana universal
 391 symbol.

392 ~~13.12.~~ Each edible shall be individually sealed in plain,
 393 opaque wrapping marked only with the marijuana universal symbol.
 394 Where practical, each edible shall be marked with the marijuana
 395 universal symbol. In addition to the packaging and labeling
 396 requirements in subparagraphs 10., ~~and~~ 11., and 12., edible
 397 receptacles must be plain, opaque, and white without depictions
 398 of the product or images other than the medical marijuana
 399 treatment center's department-approved logo and the marijuana
 400 universal symbol. The receptacle must also include a list all of
 401 the edible's ingredients, storage instructions, an expiration
 402 date, a legible and prominent warning to keep away from children
 403 and pets, and a warning that the edible has not been produced or
 404 inspected pursuant to federal food safety laws.

405 ~~14.13.~~ When dispensing marijuana or a marijuana delivery
 406 device, a medical marijuana treatment center:

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- 407 a. May dispense any active, valid order for low-THC
 408 cannabis, medical cannabis and cannabis delivery devices issued
 409 pursuant to former s. 381.986, Florida Statutes 2016, which was
 410 entered into the medical marijuana use registry before July 1,
 411 2017.
- 412 b. May not dispense more than a 70-day supply of marijuana
 413 to a qualified patient or caregiver.
- 414 c. Must have the medical marijuana treatment center's
 415 employee who dispenses the marijuana or a marijuana delivery
 416 device enter into the medical marijuana use registry his or her
 417 name or unique employee identifier.
- 418 d. Must verify that the qualified patient and the
 419 caregiver, if applicable, each have an active registration in
 420 the medical marijuana use registry and an active and valid
 421 medical marijuana use registry identification card, the amount
 422 and type of marijuana dispensed matches the physician
 423 certification in the medical marijuana use registry for that
 424 qualified patient, and the physician certification has not
 425 already been filled.
- 426 e. May not dispense marijuana to a qualified patient who is
 427 younger than 18 years of age. If the qualified patient is
 428 younger than 18 years of age, marijuana may only be dispensed to
 429 the qualified patient's caregiver.
- 430 f. May not dispense or sell any other type of cannabis,
 431 alcohol, or illicit drug-related product, ~~including pipes,~~
 432 ~~bongs, or wrapping papers,~~ other than a marijuana delivery
 433 device required for the medical use of marijuana and which is
 434 specified in a physician certification.
- 435 g. Must, upon dispensing the marijuana or marijuana

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- 436 delivery device, record in the registry the date, time,
 437 quantity, and form of marijuana dispensed; the type of marijuana
 438 delivery device dispensed; and the name and medical marijuana
 439 use registry identification number of the qualified patient or
 440 caregiver to whom the marijuana delivery device was dispensed.
- 441 h. Must ensure that patient records are not visible to
 442 anyone other than the qualified patient, his or her caregiver,
 443 and authorized medical marijuana treatment center employees.
- 444 (14) EXCEPTIONS TO OTHER LAWS.—
- 445 (a) Notwithstanding s. 893.13, s. 893.135, s. 893.147, or
 446 any other provision of law, but subject to the requirements of
 447 this section, a qualified patient and the qualified patient's
 448 caregiver may purchase from a medical marijuana treatment center
 449 for the patient's medical use a marijuana delivery device and up
 450 to the amount of marijuana authorized in the physician
 451 certification, but may not possess more than a 70-day supply of
 452 marijuana at any given time and all marijuana purchased must
 453 remain in its original packaging.
- 454 (b) Notwithstanding paragraph (a), s. 893.13, s. 893.135,
 455 s. 893.147, or any other provision of law, a qualified patient
 456 and the qualified patient's caregiver may purchase and possess a
 457 marijuana delivery device intended for the medical use of
 458 marijuana by smoking from a vendor other than a medical
 459 marijuana treatment center if such delivery device, or a similar
 460 delivery device, is specified in that patient's certification
 461 issued by a qualified physician.
- 462 ~~(c) (b)~~ Notwithstanding s. 893.13, s. 893.135, s. 893.147,
 463 or any other provision of law, but subject to the requirements
 464 of this section, an approved medical marijuana treatment center

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465 and its owners, managers, and employees may manufacture,
 466 possess, sell, deliver, distribute, dispense, and lawfully
 467 dispose of marijuana or a marijuana delivery device as provided
 468 in this section, s. 381.988, and by department rule. For the
 469 purposes of this subsection, the terms "manufacture,"
 470 "possession," "deliver," "distribute," and "dispense" have the
 471 same meanings as provided in s. 893.02.

472 (d)~~(e)~~ Notwithstanding s. 893.13, s. 893.135, s. 893.147,
 473 or any other provision of law, but subject to the requirements
 474 of this section, a certified marijuana testing laboratory,
 475 including an employee of a certified marijuana testing
 476 laboratory acting within the scope of his or her employment, may
 477 acquire, possess, test, transport, and lawfully dispose of
 478 marijuana as provided in this section, in s. 381.988, and by
 479 department rule.

480 (e)~~(d)~~ A licensed medical marijuana treatment center and
 481 its owners, managers, and employees are not subject to licensure
 482 or regulation under chapter 465 or chapter 499 for
 483 manufacturing, possessing, selling, delivering, distributing,
 484 dispensing, or lawfully disposing of marijuana or a marijuana
 485 delivery device, as provided in this section, in s. 381.988, and
 486 by department rule.

487 (f)~~(e)~~ This subsection does not exempt a person from
 488 prosecution for a criminal offense related to impairment or
 489 intoxication resulting from the medical use of marijuana or
 490 relieve a person from any requirement under law to submit to a
 491 breath, blood, urine, or other test to detect the presence of a
 492 controlled substance.

493 (g)~~(f)~~ Notwithstanding s. 893.13, s. 893.135, s. 893.147,

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494 or any other provision of law, but subject to the requirements
 495 of this section and pursuant to policies and procedures
 496 established pursuant to s. 1006.62(8), school personnel may
 497 possess marijuana that is obtained for medical use pursuant to
 498 this section by a student who is a qualified patient.

499 (h)~~(g)~~ Notwithstanding s. 893.13, s. 893.135, s. 893.147,
 500 or any other provision of law, but subject to the requirements
 501 of this section, a research institute established by a public
 502 postsecondary educational institution, such as the H. Lee
 503 Moffitt Cancer Center and Research Institute, Inc., established
 504 under s. 1004.43, or a state university that has achieved the
 505 preeminent state research university designation under s.
 506 1001.7065 may possess, test, transport, and lawfully dispose of
 507 marijuana for research purposes as provided by this section.

508 (15) APPLICABILITY.—

509 (a) This section does not limit the ability of an employer
 510 to establish, continue, or enforce a drug-free workplace program
 511 or policy.

512 (b) This section does not require an employer to
 513 accommodate the medical use of marijuana in any workplace or any
 514 employee working while under the influence of marijuana.

515 (c) This section does not create a cause of action against
 516 an employer for wrongful discharge or discrimination.

517 (d) This section does not impair the ability of any party
 518 to restrict or limit smoking on his or her private property.

519 (e) This section does not prohibit the medical use of
 520 marijuana, or a caregiver assisting with the medical use of
 521 marijuana, in a nursing home, licensed under part II of chapter
 522 400; in a hospice facility, licensed under part IV of chapter

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523 400; or in an assisted living facility, licensed under part I of
524 chapter 429, if the medical use of marijuana is not prohibited
525 in the facility's policies.

526 (f) Marijuana, as defined in this section, is not
527 reimbursable under chapter 440.

528 Section 2. The proviso following Specific Appropriation 422
529 in section 3 of chapter 2018-9, Laws of Florida, and the proviso
530 following Specific Appropriation 424 in section 3 of chapter
531 2018-9, Laws of Florida, are repealed and the funds appropriated
532 by those specific appropriations which were affected by those
533 provisos are released from reserve.

534 Section 3. This act shall take effect upon becoming a law.



The Florida Senate

Committee Agenda Request

To: Senator Lizbeth Benacquisto
Committee on Rules

Subject: Committee Agenda Request

Date: February 12, 2019

I respectfully request that **Senate Bill #182**, relating to **Smoking Marijuana for Medical Use**, be placed on the:

- committee agenda at your earliest possible convenience.
- next committee agenda.

A handwritten signature in black ink, appearing to read "Jeff Brandes", written over a horizontal line.

Senator Jeff Brandes
Florida Senate, District 24

THE FLORIDA SENATE
APPEARANCE RECORD

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

2/20/2019
Meeting Date

SB 182
Bill Number (if applicable)
168684
Amendment Barcode (if applicable)

Topic MEDICAL CANNABIS

Name GARY STEIN

Job Title EXEC. DIRECTOR

Address 2035 BELT LINK LOOP

Phone (513) 305 8280

Wesley Chapel, FL 33575
City State Zip

Email GSTEIN@CLARITYPAC.ORG

Speaking: For Against Information

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

Representing CLARITY PAC

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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

THE FLORIDA SENATE

APPEARANCE RECORD

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

2/20/2019
Meeting Date

SB 182
Bill Number (if applicable)

529226

Amendment Barcode (if applicable)

Topic MEDICINE CANNABIS

Name GARY STEIN

Job Title EXEC. DIRECTOR

Address 7035 BELT LINA LANE

Phone (513) 305-8280

Street
City Wesley Chapel, FL 33545

Email GSTEIN@CLARITYPAC.ORG

Speaking: For Against Information

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

Representing CLARITYPAC

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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THE FLORIDA SENATE

APPEARANCE RECORD

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

2/20/2014

Meeting Date

SB 182

Bill Number (if applicable)

Topic MEDICAL CANNABIS

Amendment Barcode (if applicable)

Name GARY STEIN

Job Title EXEC. DIRECTOR

Address 7035 BELT LINK LOOP

Phone (513) 305-8280

Street

Wesley Chapel FL 33545

Email GSTEIN@CLARITYPAC.ORG

City

State

Zip

Speaking: [] For [] Against [X] Information

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

Representing CLARITY PAC

Appearing at request of Chair: [] Yes [X] No

Lobbyist registered with Legislature: [] Yes [X] No

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

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APPEARANCE RECORD

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

2/20/19

Meeting Date

182

Bill Number (if applicable)

Topic Medical Cannabis smoking

Amendment Barcode (if applicable)

Name Ron Watson

Job Title Lobbyist

Address 3738 Murden Way

Phone 850 567-1202

Street

Tallahassee

FL

32309

City

State

Zip

Email Watson.Strategies@comcast.net

Speaking: For Against Information

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

Representing AltMed Florida

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

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

2/20/19
Meeting Date

182
Bill Number (if applicable)
AS AMENDED
Amendment Barcode (if applicable)

Topic MEDICAL MARIJUANA

Name JEREMY STRICK

Job Title President CAO

Address 106 E. COLTZOE BL
Street

Phone 850 224 1610

TH E 32301
City State Zip

Email jeremy.strick@cao.com

Speaking: For Against Information

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

Representing Medical Marijuana Business Association of Florida

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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

S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

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

2/20/2019
Meeting Date

182
Bill Number (if applicable)

Topic _____

Amendment Barcode (if applicable)

Name BRIAN PITTS

Job Title Trustee

Address 1119 Newton Ave S
Street

Phone 727/897-7291

St Petersburg FL 33705
City State Zip

Email justice2jesus@yahoo.com

Speaking: For Against Information

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

Representing Justice-2-Jesus

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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

THE FLORIDA SENATE
APPEARANCE RECORD

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

2/20/19

Meeting Date

182

Bill Number (if applicable)

Topic MMJ - Smoking

Amendment Barcode (if applicable)

Name Jodi James

Job Title Executive Director

Address 1375 Cypress Ave

Phone 321 890 7302

Street

Melbourne FL 32935

City

State

Zip

Email jodi@FLCAN.org

Speaking: For Against Information

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

Representing Florida Cannabis Action Network

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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

S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

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

2/22/19
Meeting Date

182
Bill Number (if applicable)

Topic Marijuana

Amendment Barcode (if applicable)

Name Greg Pound

Job Title

Address 9166 Sunrise Dr

Phone

Street

Largo
City

Fla
State

33773
Zip

Email

Speaking: For Against Information

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

Representing

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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

Futch, Cynthia

From: Brown, Allen
Sent: Friday, February 22, 2019 3:31 PM
To: Futch, Cynthia
Cc: Looke, Daniel
Subject: SB 182

Cyndi, see below.

From: Loe, David <David.Loe@LASPBS.STATE.FL.US>
Sent: Friday, February 22, 2019 3:29 PM
To: Looke, Daniel <Looke.Daniel@flsenate.gov>
Cc: Kidd, Tonya <Tonya.Kidd@LASPBS.STATE.FL.US>; Brown, Allen <Brown.Allen@flsenate.gov>
Subject: FW: Pending Assignments

Here is the email from the footnote.

From: Gentle, Ty <Ty.Gentle@flhealth.gov>
Sent: Friday, February 15, 2019 12:18 PM
To: Loe, David <David.Loe@LASPBS.STATE.FL.US>
Subject: FW: Pending Assignments

Please see response below

From: Loe, David [<mailto:David.Loe@LASPBS.STATE.FL.US>]
Sent: Friday, February 15, 2019 10:56 AM
To: Gentle, Ty <Ty.Gentle@flhealth.gov>
Subject: RE: Pending Assignments

Thanks! Also, (I knew I forgot something) what about these pending assignments for OMMU:

- The fiscal for SB 182 (cost of upgrades to MMUR); and
 - The fiscal will depend on the final requirements of the bill, for example: updating the physician certification requirements to specify smoking within inhalation, potential changes of dispensations by flower weight in addition to and in combination with dispensations by mg for derivative product. This change would likely impact, physician, patient, MMTC, and law enforcement user roles. Also, MMUR report requirements, variables, and outputs for marijuana research pursuant to 1004.4351, F.S. would need to be updated to reflect any change to certification and dispensation records. I do not have an exact number of hours, but my initial estimate would be between \$90,000 and \$170,000.
- Status of supplemental fee rule promulgation?
 - In 2017, the Legislature appropriated \$500,000 in non-recurring General Revenue Funds for DOH to implement the education campaign
 - DOH was statutorily required to establish MMTC supplemental licensure fees by May 1, 2018, to fund the campaign
 - In May, 2018, DOH published its proposed supplemental licensure rule (fee per MMTC: \$174,844.08)
 - In June 2018, DOH received a rule challenge from existing MMTCs

- In July 2018, DOH withdrew the rule following the challenge
- In Aug 2018, DOH published a notice of rule development , and the rule is still in progress. Next is a notice of proposed rule, however there are current proposed statutory changes to the entities to be funded by this section (HB 7015).

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Rules

BILL: SB 114

INTRODUCER: Senator Hutson and others

SUBJECT: High School Graduation Requirements/Dorothy L. Hukill Financial Literacy Act

DATE: February 18, 2019

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Graf</u>	<u>Sikes</u>	<u>ED</u>	Favorable
2.	<u>Graf</u>	<u>Phelps</u>	<u>RC</u>	Pre-meeting

I. Summary:

SB 114 specifies financial literacy standards and instruction for students entering grade 9 in the 2019-2020 school year and thereafter. Specifically, the bill revises:

- The Next Generation Sunshine State Standards to establish requirements for financial literacy distinct from the existing financial literacy requirements specified under the economics curricular content within the standards for social studies; and
- The requirements for a student to earn a standard high school diploma to:
 - Establish a separate one-half credit requirement in personal financial literacy and specify related instruction.
 - Reduce the number of required elective credits from eight to seven and one-half.

The bill designates the act as the “Dorothy L. Hukill Financial Literacy Act.”

The bill has no additional impact on state funds. School districts are provided funding for instructional materials through the instructional materials allocation within the Florida Education Finance Program.

The bill takes effect July 1, 2019.

II. Present Situation:

Florida law requires the adoption of standards for core curricula content taught in public schools and specifies the requirements that students must meet to earn a standard high school diploma.¹

Next Generation Sunshine State Standards

The Next Generation Sunshine State Standards (NGSSS) establish the core curricula content to

¹ Sections 1003.41 and 1003.4282(3), F.S.

be taught in Florida and specify the core content knowledge and skills that K-12 public school students are expected to acquire.² The standards must be rigorous and relevant to incrementally increase a student's core content knowledge and skills over time.³ The curricular content for all subjects must integrate critical-thinking, problem-solving, and workforce-literacy skills; communication, reading, and writing skills; mathematics skills; collaboration skills; contextual and applied-learning skills; technology-literacy skills; information and media-literacy skills; and civic-engagement skills.⁴ The standards applicable to students in grades 9 through 12 may be organized by grade clusters that include more than one grade level, except as otherwise provided for visual performing arts, physical education, health, and foreign language standards.⁵

The State Board of Education (SBE) is responsible for adopting the NGSSS and subsequent revisions to such standards in rule.⁶ Currently, the NGSSS must meet the following requirements:⁷

- English Language Arts must establish specific curricular content for, at a minimum, reading, writing, speaking and listening, and language.
- Science standards must establish specific curricular content for, at a minimum, the nature of science, earth and space science, physical science, and life science.
- Mathematics standards must establish curricular content for, at a minimum, algebra, geometry, statistics and probability, number and quantity, functions, and modeling.
- Social Studies standards must establish curricula content for, at a minimum, geography, U.S. and world history, government, civics, humanities, and economics, including financial literacy.
- Visual and performance arts, physical education, health, and foreign language standards must establish specific curricular content and include distinct grade level expectations for the core content knowledge and skills that a student is expected to have acquired by each individual grade level from kindergarten through grade 5. The standards for grades 6 through 12 may be organized by grade clusters of more than one grade level.

Financial Literacy

Curricular content for financial literacy includes the knowledge, understanding, skills, behaviors, attitudes, and values to enable a student to make responsible and effective financial decisions on a daily basis.⁸ Financial literacy instruction must be an integral part of instruction throughout the entire economics course and include information regarding:⁹

- Earning income;
- Buying goods and services;
- Saving and financial investing;
- Taxes;
- The use of credit and credit cards;

² Section 1003.41(1), F.S.

³ *Id.*

⁴ *Id.*

⁵ *Id.*

⁶ Section 1003.41(3)-(4), F.S.

⁷ Section 1003.41(2), F.S.

⁸ Section 1003.41(2)(d), F.S.

⁹ *Id.*

- Budgeting and debt management, including student loans and secured loans;
- Banking and financial services;
- Planning for one's financial future, including higher education and career planning;
- Credit reports and scores; and
- Fraud and identity theft prevention.

The Course Code Directory (CCD)¹⁰ lists at least 4 one-half credit economics courses with personal financial literacy¹¹ and 2 separate one-half credit courses in personal financial literacy.¹²

Credits Required to Earn a Standard High School Diploma

To graduate from high school with a standard high school diploma, a student must successfully complete 24 credits, an International Baccalaureate curriculum, or an Advanced International Certificate of Education curriculum.¹³

A student must successfully complete 24 credits in the following subject areas:¹⁴

- Four credits in English Language Arts (ELA) I, II, III, and IV.
- Four credits in mathematics, including one each in Algebra I and Geometry. Industry certifications earned by students may substitute for up to two mathematics credits, except for Algebra I and Geometry.
- Three credits in science, including one credit in Biology I and two credits in equally rigorous courses.¹⁵ Industry certifications earned by students may substitute for one science credit, except for Biology I.
- Three credits in social studies, including one credit each in U.S. history and World History; one-half credit in economics, which must include financial literacy; and one-half credit in U.S. Government.
- One credit in fine or performing arts, speech and debate, or practical arts that incorporates artistic content and techniques of creativity, interpretation, and imagination.
- One credit in physical education that must include the integration of health.
- Eight credits in electives. School districts are required to develop and offer coordinated electives to enable a student to develop knowledge and skills in his or her area of interest and such electives must include opportunities for students to earn college credit.

¹⁰ The Course Code Directory (CCD) lists all public preK-12 and postsecondary career and technical education courses that are available for use by school districts. Programs and courses that are funded through the Florida Education Finance Program and courses or programs for which students may earn credit toward high school graduation must be listed in the CCD. The CCD maintains course listings for administration and service assignments, K-12 education, exceptional student education, career and technical education, and adult education, with details regarding appropriate teacher certification levels. The CCD provides course information to schools, districts, and the state. Rule 6A-1.09441, F.A.C.

¹¹ Courses 2102335, 2102340, 2102345, and 2102800. Florida Department of Education, *2018-2019 Course Directory Section 3 – Grades 9 to 12 and Adult Education Courses* (Nov. 27, 2018), available at <http://www.fldoe.org/core/fileparse.php/7746/urlt/1819CCD-Basic9-12.pdf>, at 44.

¹² Courses 2102372 and 2102374. Florida Department of Education, *2018-2019 Course Directory Section 3 – Grades 9 to 12 and Adult Education Courses* (Nov. 27, 2018), available at <http://www.fldoe.org/core/fileparse.php/7746/urlt/1819CCD-Basic9-12.pdf>, at 44.

¹³ Section 1003.4282(1)(a), F.S.

¹⁴ Section 1003.4282(3), F.S.

¹⁵ Two of the three science credits must have a laboratory component. Section 1003.4282(3)(c), F.S.

III. Effect of Proposed Changes:

SB 114 specifies financial literacy standards and instruction for students entering grade 9 in the 2019-2020 school year and thereafter. Specifically, the bill revises:

- The Next Generation Sunshine State Standards to establish requirements for financial literacy distinct from the existing financial literacy requirements specified under the economics curricular content within the standards for social studies; and
- The requirements for a student to earn a standard high school diploma to:
 - Establish a separate one-half credit requirement in personal financial literacy and specify related instruction.
 - Reduce the number of required elective credits from eight to seven and one-half.

The bill designates the act as the “Dorothy L. Hukill Financial Literacy Act.”

Next Generation Sunshine State Standards

The bill revises the Next Generation Sunshine State Standards (NGSSS) to establish requirements for financial literacy distinct from the existing financial literacy requirements specified under the economics curricular content within the standards for social studies, beginning with students entering grade 9 in the 2019-2020 school year. Additionally, the bill clarifies that the current requirements for financial literacy, embedded within the social studies standards, do not apply to students entering grade 9 in the 2019-2020 school year and thereafter.

The new financial literacy standards must establish specific curricular content that must include, but is not limited to, personal financial literacy and money management. Accordingly, the NGSSS for Social Studies may need to be revised.¹⁶ In addition, CPALMS, the State of Florida’s official source for standards information and course descriptions, may need to be updated to reflect the financial literacy standards that apply to students entering grade 9 in the 2019-2020 school year.¹⁷ The implementation of a new course in financial literacy may require the adoption of instructional materials that are aligned to the new financial literacy standards and instructional requirements. Additionally, the bill may require updates to existing databases,¹⁸ such as the Course Code Directory (CCD).

Credits Required to Earn a Standard High School Diploma

The bill requires that, beginning with students entering grade 9 in the 2019-2020 school year, students must earn one-half credit in personal financial literacy, in addition to the required three social studies credits, in order to receive a standard high school diploma.

The bill requires that personal financial literacy instruction include:

- Types of bank accounts offered, opening and managing a bank account, and assessing the quality of a depository institution’s services.
- Balancing a checkbook.

¹⁶ Florida Department of Education, *SB 114 Analysis* (Feb. 5, 2019), at 3.

¹⁷ CPALMS is the State of Florida’s official source for information on standards and course descriptions. CPALMS, *Homepage*, <http://www.cpalms.org/Public/> (last visited Jan. 28, 2019).

¹⁸ Florida Department of Education, *SB 114 Analysis* (Feb. 5, 2019), at 7.

- Basic principles of money management, such as spending, credit, credit scores, and managing debt, including retail and credit card debt.
- Completing a loan application.
- Receiving an inheritance and related implications.
- Basic principles of personal insurance policies.
- Computing federal income taxes.
- Local tax assessments.
- Computing interest rates by various mechanisms.
- Simple contracts.
- Contesting an incorrect billing statement.
- Types of savings and investment.
- State and federal laws concerning finance.

The required personal financial literacy instruction is similar to the financial literacy instruction currently specified in Florida law for the economics course (e.g., banking and financial services; the use of credit and credit cards; budgeting and debt management; including student loans and secured loans; and taxes) with some additions (i.e., balancing a checkbook, receiving an inheritance and related implications, basic principles of personal insurance policies, simple contracts, and state and federal laws concerning finance).

The bill also reduces the current number of elective credits required to earn a standard high school diploma from eight to seven and one-half.¹⁹ As such, the bill maintains the total number of credits at 24, which students must successfully complete to earn a standard high school diploma.

This bill takes effect July 1, 2019.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

¹⁹ The 2018-2019 Course Code Directory (CCD) lists 70 one-half credit elective courses that students may take to meet the elective credit requirements for earning a standard high school diploma. Students may also choose to take other courses in the CCD to meet the elective credit requirements, which also meet specified high school graduation requirements. Florida Department of Education, *2018-2019 Course Directory*, <http://www.fldoe.org/policy/articulation/ccd/2018-2019-course-directory.shtml> (last visited Feb. 15, 2019).

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

As noted below, under SB 114, school districts may incur aggregate costs ranging from \$139,776 to \$10,226,610 in the first year of implementation of the requirements set forth in this act, depending upon the manner of implementation.²⁰ However, no new state funds are specifically appropriated for the implementation of these requirements.

According to the DOE, the implementation of a new course in financial literacy may result in expenses associated with instructional materials and the provision, documentation, and monitoring of professional development for teachers.²¹ The DOE projected four cost scenarios that school districts may likely use to implement a one-half credit financial literacy course.²²

- Scenarios 1 and 2 assume that teachers who are currently employed by the district would be trained to teach the financial literacy course.²³
 - Scenario 1 assumes that only a classroom set of hardback books would be purchased for the first year for each course session. The estimated cost of implementation is \$984,336 for the first year, with a total cost of \$1,491,072 for the first five years.²⁴
 - Scenario 2 assumes that a hardback book would be provided to every student who is enrolled in the course, instead of providing a set of books for each classroom. However, students who take the course in the second semester could reuse the books from the first semester course. The estimated cost of implementation is \$10,226,610 for the first year, with a total cost of \$16,278,710 for the first five years.²⁵

²⁰ Florida Department of Education, *SB 114 Analysis* (Feb. 5, 2019), at 4-5.

²¹ *Id.*, at 4.

²² *Id.*

²³ *Id.*, at 5.

²⁴ *Id.*

²⁵ *Id.*

- Scenario 3 assumes that financial literacy instruction would be taken electronically through a free online course, such as MoneySkill. The estimated cost of implementation is \$160,069 for the first year, with no additional costs after the first year for teacher training and travel.²⁶
- Scenario 4 assumes that the financial literacy curriculum would be obtained through a provider such as Alison, a free certified online learning website. The estimated cost of implementation is \$139,776, with no additional costs after the first year.²⁷

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 1003.41 and 1003.4282.

IX. Additional Information:**A. Committee Substitute – Statement of Changes:**

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

None.

B. Amendments:

None.

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

²⁶ Florida Department of Education, *SB 114 Analysis* (Feb. 5, 2019), at 5.

²⁷ *Id.*

By Senator Hutson

7-00265B-19

2019114__

1 A bill to be entitled
 2 An act relating to high school graduation
 3 requirements; designating the act as the "Dorothy L.
 4 Hukill Financial Literacy Act"; amending s. 1003.41,
 5 F.S.; revising the requirements for the Next
 6 Generation Sunshine State Standards to include
 7 financial literacy; amending s. 1003.4282, F.S.;
 8 revising the required credits for a standard high
 9 school diploma to include one-half credit of
 10 instruction in personal financial literacy and money
 11 management and seven and one-half, rather than eight,
 12 credits in electives; providing an effective date.

13
 14 WHEREAS, many young people in this state graduate from high
 15 school without having basic financial literacy or money
 16 management skills, and

17 WHEREAS, the Legislature finds that, in light of economic
 18 challenges nationwide, sound financial management skills are
 19 vitally important to all Floridians, particularly high school
 20 students, and

21 WHEREAS, the Legislature also finds that requiring
 22 educational instruction in financial literacy and money
 23 management as a prerequisite to high school graduation will
 24 better prepare young people in this state for adulthood by
 25 providing them with the requisite knowledge to achieve financial
 26 stability and independence, and

27 WHEREAS, Florida is one of 17 states in the nation to
 28 require financial literacy instruction as a prerequisite for
 29 high school graduation and a standard high school diploma, and

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

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30 the adoption of this act will make it the sixth state in the
 31 nation to require a stand-alone course in personal financial
 32 literacy as a prerequisite for high school graduation and a
 33 standard high school diploma, NOW, THEREFORE,
 34

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

36
 37 Section 1. This act may be cited as the "Dorothy L. Hukill
 38 Financial Literacy Act."

39 Section 2. Paragraph (d) of subsection (2) of section
 40 1003.41, Florida Statutes, is amended, and paragraph (f) is
 41 added to that subsection, to read:

42 1003.41 Next Generation Sunshine State Standards.—

43 (2) Next Generation Sunshine State Standards must meet the
 44 following requirements:

45 (d) Social Studies standards must establish specific
 46 curricular content for, at a minimum, geography, United States
 47 and world history, government, civics, humanities, and
 48 economics, including financial literacy. Financial literacy
 49 includes the knowledge, understanding, skills, behaviors,
 50 attitudes, and values that will enable a student to make
 51 responsible and effective financial decisions on a daily basis.
 52 Financial literacy instruction shall be an integral part of
 53 instruction throughout the entire economics course and include
 54 information regarding earning income; buying goods and services;
 55 saving and financial investing; taxes; the use of credit and
 56 credit cards; budgeting and debt management, including student
 57 loans and secured loans; banking and financial services;
 58 planning for one's financial future, including higher education

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

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59 and career planning; credit reports and scores; and fraud and
60 identity theft prevention. The requirements for financial
61 literacy specified under this paragraph do not apply to students
62 entering grade 9 in the 2019-2020 school year and thereafter.

63 (f) Effective for students entering grade 9 in the 2019-
64 2020 school year and thereafter, financial literacy standards
65 must establish specific curricular content for, at a minimum,
66 personal financial literacy and money management. Financial
67 literacy includes instruction in the areas specified in s.
68 1003.4282(3)(h).

69 Section 3. Paragraphs (d) and (g) of subsection (3) of
70 section 1003.4282, Florida Statutes, are amended, and paragraph
71 (h) is added to that subsection, to read:

72 1003.4282 Requirements for a standard high school diploma.-

73 (3) STANDARD HIGH SCHOOL DIPLOMA; COURSE AND ASSESSMENT
74 REQUIREMENTS.-

75 (d) *Three credits in social studies.*-A student must earn
76 one credit in United States History; one credit in World
77 History; one-half credit in economics, which must include
78 financial literacy; and one-half credit in United States
79 Government. The United States History EOC assessment constitutes
80 30 percent of the student's final course grade. However, for a
81 student entering grade 9 in the 2019-2020 school year or
82 thereafter, financial literacy is not a required component of
83 the one-half credit in economics.

84 (g) ~~Eight~~ *Credits in Electives.*-School districts must
85 develop and offer coordinated electives so that a student may
86 develop knowledge and skills in his or her area of interest,
87 such as electives with a STEM or liberal arts focus. Such

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88 electives must include opportunities for students to earn
89 college credit, including industry-certified career education
90 programs or series of career-themed courses that result in
91 industry certification or articulate into the award of college
92 credit, or career education courses for which there is a
93 statewide or local articulation agreement and which lead to
94 college credit. A student entering grade 9 before the 2019-2020
95 school year must earn eight credits in electives. A student
96 entering grade 9 in the 2019-2020 school year or thereafter must
97 earn seven and one-half credits in electives.

98 (h) One-half credit in personal financial literacy.-
99 Beginning with students entering grade 9 in the 2019-2020 school
100 year, each student must earn one-half credit in personal
101 financial literacy and money management. This instruction must
102 include discussion of or instruction in the following:

103 1. Types of bank accounts offered, opening and managing a
104 bank account, and assessing the quality of a depository
105 institution's services.

106 2. Balancing a checkbook.

107 3. Basic principles of money management, such as spending,
108 credit, credit scores, and managing debt, including retail and
109 credit card debt.

110 4. Completing a loan application.

111 5. Receiving an inheritance and related implications.

112 6. Basic principles of personal insurance policies.

113 7. Computing federal income taxes.

114 8. Local tax assessments.

115 9. Computing interest rates by various mechanisms.

116 10. Simple contracts.

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- 117 11. Contesting an incorrect billing statement.
- 118 12. Types of savings and investments.
- 119 13. State and federal laws concerning finance.
- 120 Section 4. This act shall take effect July 1, 2019.

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Rules

BILL: CS/SB 7006

INTRODUCER: Rules Committee and Judiciary Committee

SUBJECT: Uniform Interstate Depositions and Discovery Act

DATE: February 20, 2019

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
	<u>Tulloch</u>	<u>Cibula</u>	<u> </u>	JU Submitted as Comm. Bill/Fav
1.	<u>Tulloch</u>	<u>Phelps</u>	<u>RC</u>	Fav/CS

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 7006 amends the Uniform Foreign Depositions Law and enacts the Uniform Interstate Depositions and Discovery Act (UIDDA). The UIDDA will replace and supersede the Uniform Foreign Depositions Law in Florida.

Essentially, the UIDDA provides a streamlined, administrative process among the United States and U.S. territories by which a clerk of court can “domesticate” a “foreign subpoena” issued by another state court. Rather than requiring the appointment of a commissioner in Florida or obtaining Florida counsel to issue a subpoena, the UIDDA permits an out-of-state attorney or party to file a foreign subpoena with the clerk of court in the county where discovery is sought. Upon filing the foreign subpoena, the clerk of court must promptly issue a Florida subpoena as a ministerial act. The out-of-state attorney or party is not subject to the jurisdiction of the Florida courts based on the issuance of the domesticated subpoena. However, if the subpoena is challenged or is in need of either modification or enforcement, a Florida court proceeding must be opened and Florida law will apply.

II. Present Situation:

Discovery Generally

Generally, discovery is a toolbox used by the parties in a lawsuit to “discover” the other side’s evidence, whether the evidence is a witness’s testimony or a physical object, like documents or

photos.¹ For example, in a case involving an auto collision, a party will likely want to “discover” the testimony of the drivers, the testimony of any by-standers, copies of insurance policies, photos of damages to the vehicles or the ability to inspect the damaged vehicles, copies of quotes or receipts for repairs, and so forth.

In a civil lawsuit, discovering the evidence of the other party is useful in determining the scope of a trial or whether a trial is even necessary. If one or both of the parties determine through discovery that there are no material facts in dispute, one or both of the parties may move for summary judgment, negating the need for an expensive trial. Additionally, the discovery process often aids the parties in reaching a settlement, thereby alleviating the need for a costly trial.²

One tool in the discovery toolbox, and perhaps the most widely used discovery tool in the United States, is the deposition.³ Depositions are used to “discover” what a witness knows by taking the testimony of that witness (also known as “deposing” a witness).⁴

A subpoena is a method for carrying out discovery. It is essentially a summons to a party or other witnesses requiring that certain evidence (documents, things, testimony, places to be inspected) be made available to the party conducting discovery.⁵ Generally, there are two types of subpoenas: (1) *subpoena ad testificandum* which directs a witness to appear and give testimony; and (2) *subpoena duces tecum* which directs a witness to appear and bring or produce “specified documents, records, or things.”⁶

¹ Henry P. Trawick, Jr., Trawick’s Fla. Prac. & Proc. § 16:2 (2018-2019 ed.) (“Discovery may be obtained by depositions on oral examination or by written questions, interrogatories to a party, production and inspection of documents, tangible things and entry on land, and mental and physical examination of persons. This is a comprehensive set of tools with which to discover matters needed in litigation.”); BLACK’S LAW DICTIONARY (10th ed. 2014) (defining discovery, “2. Compulsory disclosure, at a party’s request, of information that relates to the litigation <the plaintiff filed a motion to compel discovery>. See Fed. R. Civ. P. 26–37; Fed. R. Crim. P. 16. • The primary discovery devices are interrogatories, depositions, requests for admissions, and requests for production. Although discovery typically comes from parties, courts also allow limited discovery from nonparties. . . . 4. The pretrial phase of a lawsuit during which depositions, interrogatories, and other forms of discovery are conducted.”).

² *Grinnell Corp. v. Palms 2100 Ocean Blvd., Ltd.*, 924 So. 2d 887, 893 (Fla. 4th DCA 2006) (“Revelation through discovery procedures of the strength and weakness of each side before trial encourages settlement of cases and avoids costly litigation. Each side can make an intelligent evaluation of the entire case and may better anticipate the ultimate results.”) (quoting *Surf Drugs, Inc. v. Vermette*, 236 So. 2d 108, 111 (Fla. 1970)).

³ Mullin, Timothy L. Jr. (1981) "Interstate Deposition Statutes: Survey and Analysis," University of Baltimore Law Review: Vol. 11: Iss. 1, Article 2, p. 3. Available at: <http://scholarworks.law.ubalt.edu/ubl/vol11/iss1/2> (“The most widely employed discovery method is the deposition.”).

⁴ See n. 1, *supra*.

⁵ BLACK’S LAW DICTIONARY (10th ed. 2014) (defining subpoena).

⁶ *Id.*

Florida Law on Depositions and Discovery

In Florida, discovery in civil cases is primarily governed by the Florida Rules of Civil Procedure,⁷ which are largely patterned after the Federal Rules of Civil Procedure.⁸ In particular, Florida Rule of Civil Procedure 1.280 provides for the methods (or tools) and scope of conducting discovery. In pertinent part, the methods⁹ include depositions¹⁰ and the production of documents or things or permission to enter land or property for inspection.¹¹ As to scope, Rule 1.280 “broadly allow[s] parties to obtain discovery of ‘any matter, not privileged, that is relevant to the subject matter of the pending action,’ whether the discovery would be admissible at trial, or is merely ‘reasonably calculated to lead to the discovery of admissible evidence.’”¹²

Florida Rule of Civil Procedure 1.410 also governs the use of subpoenas in conducting discovery. In pertinent part, Rule 1.410 provides as follows:

⁷ See Fla. R. Civ. P. 1.280. Initially, however, in 1947, “the Legislature adopted the discovery rules used by federal district courts” and codified those rules under Chapter 91, entitled “Depositions.” Henry P. Trawick, *Trawick’s Fla. Prac. & Proc.* § 16:1 (2018-2019 ed.) (citing “former s. 91.30, F.S., repealed 1955”). In 1955, however, the Legislature repealed Chapter 91, deeming it to have been superseded by the Florida Rules of Civil Procedure promulgated by the Florida Supreme Court. See Laws 1955, c. 29737, s. 1, (“AN ACT relating to the revision of the Florida Statutes to conform with the Florida rules of civil procedure by repealing . . . Chapter 91 . . . WHEREAS, the Supreme Court of Florida adopted on March 1, 1954, and promulgated the Florida Rules of Civil Procedure to govern litigants in suites of a civil nature and all special statutory proceedings in the courts therein named, to supercede [sic.] existing statutes in conflict therewith, and WHEREAS, the adoption of the Florida Rules of Civil Procedure necessitates the integration of many existing Florida Statutes with these rules, and WHEREAS, the Committee of Civil Procedure for the Florida Bar and the Statutory Revision Department of the Attorney General’s office have diligently and constructively utilized all efforts to accomplish such integration to aid dispatch in litigation, simplify procedure and aid in the dispensation of justice, and WHEREAS, a comprehensive report for such integration has been prepared to accomplish these ends, and is recommended by the Board of Governors of the Florida Bar, to repeal sections completely superseded or obsolete, to amend sections requiring change in language or content, which report has been widely published in the Florida Bar Journal, and circulated to the practicing attorneys, the members of the courts, and to the public at large, without a single objection or voice of dissent, NOW THEREFORE, Be It Enacted by the Legislature of the State of Florida: Section 1. The following sections of the Florida Statutes, relating to civil procedure, as superseded by the Florida rules of civil procedure; are repealed: . . . chapter 91. . .”), available at <http://edocs.dlis.state.fl.us/fldocs/leg/actsflorida/1955/LOF1955V1Pt1Ch29615-29833.pdf>, p. 262.

⁸ See *Miami Transit Co. v. Ford*, 155 So. 2d 360, 362 (Fla. 1963) (“In substantial measure the Florida Rules of Civil Procedure are modeled after the Federal Rules of Civil Procedure. Admittedly, there are some differences occasioned primarily by our continued recognition of certain procedural distinctions between law and equity. However, the objective in promulgating the Florida rules has been to harmonize our rules with the federal rules to the extent possible.”). See, e.g., *Savage v. Rowell Distrib. Corp.*, 95 So. 2d 415, 417 (Fla. 1957) (“Our Rule 1.17(b) is almost identical with Rule 17(c) of the Federal Rules of Civil Procedure, 28 U.S.C.A. and was patterned thereafter, so the decisions of the federal courts construing their rule are pertinent here.”); *Delta Rent-A-Car, Inc. v. Rihl*, 218 So. 2d 467, 468 (Fla. 4th DCA 1969) (“However, federal rule 30(g)(1) is identical [to Florida Rule 1.310(g)(1)] and any federal cases under such rule would be pertinent and highly persuasive.”) In 1973, the Florida Rules of Civil Procedure were renumbered to the rule numbers currently used, and amended to substantially follow “the 1970 changes in the equivalent federal rules.” See n. 6, *supra*. See also Fla. R. Civ. P. 1.280, COMMITTEE NOTES (“1972 Amendment. The rule is derived from Federal Rule of Civil Procedure 26 as amended in 1970. Subdivisions (a), (b)(2), and (b)(3) are new. Subdivision (c) contains material from former rule 1.310(b). Subdivisions (d) and (e) are new, but the latter is similar to former rule 1.340(d). Significant changes are made in discovery from experts. The general rearrangement of the discovery rule is more logical and is the result of 35 years of experience under the federal rules.”).

⁹ Fla. R. Civ. P. 1.280(a).

¹⁰ Fla. R. Civ. P. 1.310.

¹¹ Fla. R. Civ. P. 1.350 (“Production of Documents and Things and Entry Upon Land for Inspection and Other Purposes”). *But see* Fla. R. Civ. P. 1.351 (“Production of Documents and Things Without Deposition,” providing that procedure set out is the exclusive procedure for obtaining documents or things by subpoena from non-parties).

¹² *Allstate Ins. Co. v. Boecher*, 733 So. 2d 993, 995 (Fla. 1999) (quoting Fla. R. Civ. P. 1.280(b)(1)).

(a) Subpoena Generally. Subpoenas for testimony before the court, subpoenas for production of tangible evidence, and subpoenas for taking depositions may be issued by the clerk of court or by any attorney of record in an action.

....

(d) Service. A subpoena may be served by any person authorized by law to serve process or by any other person who is not a party and who is not less than 18 years of age. Service of a subpoena on a person named within must be made as provided by law. Proof of such service must be made by affidavit of the person making service except as applicable under rule 1.351(c) for the production of documents and things by a nonparty without deposition, if not served by an officer authorized by law to do so.

(e) Subpoena for Taking Depositions.

(1) Filing a notice to take a deposition as provided in rule 1.310(b) or 1.320(a) with a certificate of service on it showing service on all parties to the action constitutes an authorization for the issuance of subpoenas for the persons named or described in the notice by the clerk of the court in which the action is pending or by an attorney of record in the action. The subpoena must state the method for recording the testimony. The subpoena may command the person to whom it is directed to produce designated books, documents, or tangible things that constitute or contain evidence relating to any of the matters within the scope of the examination permitted by rule 1.280(b), but in that event the subpoena will be subject to the provisions of rule 1.280(c) and subdivision (c) of this rule. Within 10 days after its service, or on or before the time specified in the subpoena for compliance if the time is less than 10 days after service, the person to whom the subpoena is directed may serve written objection to inspection or copying of any of the designated materials. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy the materials except pursuant to an order of the court from which the subpoena was issued. If objection has been made, the party serving the subpoena may move for an order at any time before or during the taking of the deposition on notice to the deponent.

(2) A person may be required to attend an examination only in the county wherein the person resides or is employed or transacts business in person or at such other convenient place as may be fixed by an order of court.

(f) Contempt. Failure by any person without adequate excuse to obey a subpoena served on that person may be deemed a contempt of the court from which the subpoena issued.

(g) Depositions before Commissioners Appointed in this State by Courts of Other States; Subpoena Powers; etc. When any person authorized by the laws of Florida to administer oaths is appointed by a court of record of any other state, jurisdiction, or government as commissioner to take the testimony of any named witness within this state, that witness may be compelled to attend and testify before that commissioner by witness subpoena issued by the clerk of any

circuit court at the instance of that commissioner or by other process or proceedings in the same manner as if that commissioner had been appointed by a court of this state; provided that no document shall be compulsorily annexed as an exhibit to such deposition or otherwise permanently removed from the possession of the witness producing it, but in lieu thereof a photostatic copy may be annexed to and transmitted with such executed commission to the court of issuance.

Additionally, there are costs associated with the discovery process which are authorized by statute. Section 92.142, F.S. provides that witnesses who are summoned to give testimony must be paid for their time. Section 28.24 sets out the service charges a clerk of court is permitted to charge for writing, preparing, signing, and sealing a subpoena (\$7) or signing and sealing a subpoena only (\$2).¹³

Out-of-State Discovery

Each state in the United States has its own laws and rules governing discovery. When out-of-state discovery becomes necessary to a lawsuit, navigating the various state laws can be tricky. As one Louisiana Bar Article explained,¹⁴

Litigants often seek discovery across state lines. In federal court, Federal Rule of Civil Procedure 45 authorizes an attorney to simply sign a subpoena to be served in the district where the witness or evidence is located. In state court, however, each state has a particular procedure for issuing and enforcing subpoenas directed to a nonparty, out-of-state witness. The trial and error associated with navigating these state court procedures are often vexing and, in some cases, prohibitively expensive.¹⁵

A Massachusetts Bar Article similarly praised the federal discovery rule while lamenting the lack of uniformity among states:

In federal court, attorneys have essentially nationwide subpoena power pursuant to Federal Rule of Civil Procedure 45, under which a subpoena may be issued from U.S. District Court in the foreign jurisdiction where discovery is sought.

Conversely, in state court, attorneys needing to obtain discovery in a foreign state must navigate the specific procedures and requirements for issuing and enforcing a subpoena in the foreign state. This cumbersome process, which

¹³ Section 28.24(18), F.S.

¹⁴Christopher D. Cazenave and Graham H. Ryan, *Interstate Discovery Simplified: Louisiana Passes the Uniform Interstate Depositions and Discovery Act*, Louisiana Bar Journal Vol. 62, No. 6, pp. 427, <http://files.lsba.org/documents/publications/BarJournal/Journal-Feature1-Cazenave-AprilMay-2015.pdf>.

¹⁵ *Id.* at 427.

often requires obtaining two court orders and hiring local counsel, is inefficient, costly and wasteful of judicial resources (sometimes in multiple jurisdictions).¹⁶

Uniform Foreign Depositions Act

In an attempt to implement a uniform rule across state jurisdictions that provides a streamlined discovery process similar to the federal rules, the National Conference of Commissioners on Uniform State Laws (Uniform Law Commission)¹⁷ drafted the Uniform Foreign Depositions Act (UFDA) in 1920. UFDA was enacted in Florida in 1959 as the Uniform Foreign Depositions Law, and Florida became one of only 14 states to enact the law.¹⁸ The Uniform Foreign Depositions Law provides, in pertinent part, as follows:

Whenever any mandate, writ or commission is issued out of any court of record in any other state, territory, district, or foreign jurisdiction, or whenever upon notice or agreement it is required to take the testimony of a witness or witnesses in this state, witnesses may be compelled to appear and testify in the same manner and by the same process and proceeding as may be employed for the purpose of taking testimony in proceedings pending in this state.¹⁹

Florida's Uniform Foreign Depositions Law is limited to the taking of depositions and testimony of persons residing in Florida. It does not include the production of documents or things. If "the deposition is arranged between the parties and the witness" and testimony is taken voluntarily, then Florida court proceedings are not necessary.²⁰ However, when a "witness is reluctant or the party taking the deposition needs subpoenas for any other reason, the clerk can issue subpoenas for the deposition in the same manner as though the deposition were being taken in a Florida action" under the Uniform Foreign Depositions Law.²¹ And the "process and proceeding" for taking testimony will be governed by the Florida Rules of Civil Procedure discussed above. However, the clerk can only issue a subpoena "when an authenticated copy of the order appointing a commissioner or of the notice of taking the deposition or of other authority to take the deposition is exhibited to the clerk."²²

¹⁶ Nathaniel W. Rice, *The UIDDA streamlines the process of obtaining out-of-state discovery*, Massachusetts Academy of Trial Attorneys Journal, Vol. 6, No. 3, Feb. 2016, pp. 1, 10, https://masslawyersweekly.com/files/2013/11/MATA_020816.pdf.

¹⁷ The Uniform Law Commission is a non-profit organization comprised of state commissions on uniform laws from each state and certain U.S. territories. The purpose of the Uniform Law Commission is to "study and review the law of the states to determine which areas of law should be uniform. The commissioners promote the principle of uniformity by drafting and proposing specific statutes in areas of the law where uniformity between the states is desirable." Uniform Law Comm'n, Nat'l Conference of Comm'rs on Uniform State Laws, *Organization*, <https://www.uniformlaws.org/aboutulc/overview> (last visited Jan. 15, 2019).

¹⁸ Section 90.25, F.S. (1959); renumbered as s. 92.251, F.S. by Ch. 76-237, s. 3, Laws of Fla. (1976). *See also* Mullin, Timothy L. Jr. (1981) "Interstate Deposition Statutes: Survey and Analysis," University of Baltimore Law Review: Vol. 11: Iss. 1, Article 2, p. 4, n. 15 (available at: <http://scholarworks.law.ubalt.edu/ublrvol11/iss1/2>).

¹⁹ Section 92.251(2), F.S.

²⁰ Henry P. Trawick, Trawick's Fla. Prac. & Proc. § 16:16 (2018-2019 ed.).

²¹ *Id.*

²² *Id.* *See also* Fla. R. Civ. P. 1.140(g) ("Depositions before Commissioners Appointed in this State by Courts of Other States; Subpoena Powers; etc."), *supra*. *See also* Extraterritorial Depositions: Foreign States—By Formal Process, 4 Fla. Prac., Civil Procedure § 1.300:10 ("The formal process for securing out-of-state depositions requires two steps: first, the issuance of a commission in the Florida court, authorizing an officer in the jurisdiction where the deposition is to be taken; and second, the

Unless enforcement of the subpoena becomes necessary, a Florida court proceeding does not need to be opened. However, “[i]f enforcement becomes necessary, “an action to enforce the subpoena must be filed. It is begun by a complaint and proceeds in the same manner as other civil actions.”²³ It should also be noted that when “a Florida attorney is taking the deposition in Florida for a foreign proceeding, he [or she] can issue the subpoena.”²⁴

Uniform Interstate Depositions and Discovery Act

Given some of the limits of UFDA and its lackluster reception by the states, the Uniform Law Commissioners made two more attempts to promulgate a uniform discovery law, the most recent of which is the Uniform Interstate Depositions and Discovery Act (UIDDA). The UIDDA is modeled after the simpler, streamlined procedure set forth in Federal Rule of Civil Procedure 45 and has been described as follows:

The UIDDA allows a party seeking discovery to present the clerk of court in the jurisdiction where the discovery is sought with a subpoena issued under the authority of the trial court, and then the clerk is to issue a subpoena under the authority of the discovery court for service on the witness. There is no need to file a motion with the court or to open a miscellaneous proceeding, and requesting a subpoena in this manner is not considered an entrance of appearance in the courts of the discovery state, which eliminates the need to obtain local counsel simply in order to obtain a subpoena. The only local judicial involvement contemplated by the UIDDA occurs if there is a dispute over enforcement, in which case any application for a protective order or to enforce the subpoena must be made to the local court.²⁵

The prefatory comments to the UIDDA describe the clerk of court’s role as ministerial and the process as administrative.²⁶ To date, 41 states and U.S. territories have adopted the UIDDA as either a statute or court rule.²⁷ Some states, may have a reciprocity requirement, meaning the UIDDA procedure is only available to states that have also enacted the UIDDA.²⁸

III. Effect of Proposed Changes:

CS/SB 7006 replaces the 1920 Uniform Foreign Depositions Law in s. 92.251, F.S., with the 2007 Uniform Interstate Depositions and Discovery Act (UIDDA), recommended by the

issuance of a subpoena (or subpoena duces tecum) by the appropriate court in the other state to require that the deponent appear and testify.”).

²³ Henry P. Trawick, *Trawick’s Fla. Prac. & Proc.* § 16:16 (2018-2019 ed.).

²⁴ *Id.*

²⁵ Brenda M. Johnson, *An Introduction to Obtaining Out-of-State Discovery in State and Federal Court Litigation*, CATA News, Spring 2014, p. 27, <https://www.nphm.com/wp-content/uploads/2014/10/Out-of-state-depo-article.pdf>.

²⁶ See Nat’l Conference of Comm’rs on Uniform State Laws, *Uniform Interstate Deposition and Discovery Act*, 4 (2007) available at <https://www.uniformlaws.org/HigherLogic/System/DownloadDocumentFile.ashx?DocumentFileKey=f67a712b-0585-c0be-3e71-0523c8de4089&forceDialog=0>.

²⁷ See Uniform Law Commission, *Uniform Interstate Deposition and Discover Act, Enactment Map*, <https://www.uniformlaws.org/committees/community-home?communitykey=181202a2-172d-46a1-8dcc-cdb495621d35&tab=groupdetails> (last visited Jan. 17, 2019).

²⁸ See n. 25, *supra* (cautioning that, as of 2014, Georgia, Alabama, and Utah had reciprocity requirements).

Uniform Law Commission. If adopted, Florida will join the other 41 states or U.S. territories that have enacted the UIDDA.

The UIDDA is “patterned” after (but not identical to) Federal Rule of Civil Procedure 45, a rule which, according to the prefatory note, “appears to be universally admired by civil litigators for its simplicity and efficiency.”²⁹ Essentially, the UIDDA provides a streamlined, administrative process among the United States and U.S. territories by which a clerk of court can “domesticate” a “subpoena” issued by a “foreign jurisdiction.”

Definitions: The UIDDA does not use the term “domesticate,” which is often used to describe how a subpoena from one state becomes enforceable in another. However, the UIDDA addresses the concept of domestication by defining and using the terms “foreign jurisdiction” and “state.” (s. 92.251(2), F.S.). A foreign jurisdiction is a “state” outside this state, and a “state” is any state of the United States and certain other U.S. territories. As a result, the UIDDA does not apply to subpoenas from other countries.

Additionally, the term “subpoena” is defined broadly in the UIDDA as a document issued under the authority of a court to require that a “person,” which is also defined as including legal entities, give deposition testimony, produce documents or other items for inspection, or permit inspection of a place. A “foreign subpoena” is defined as one issued by a court in another state or territory of the United States.

Issuance of Subpoenas: The streamlined administrative procedures of the UIDDA require that a clerk of court in this state “promptly issue” a subpoena when an out-of-state party files a “foreign subpoena” issued by the court of another state. The UIDDA specifically provides that, by filing a foreign subpoena with the clerk of court, the out-of-state party is *not* submitting to the jurisdiction of the Florida courts. Rather, the clerk of court is performing a ministerial, administrative function, meaning the out-of-state party does not have to hire Florida counsel or make a motion to appear in Florida. Likewise, a judge will not have to be involved in the issuance of the subpoena.

The UIDDA requires that the out-of-state party file the foreign subpoena with the clerk of court in the *county* where discovery is sought. This means the foreign subpoena must be filed where the person to be deposed is living, where the records sought are kept, or where the place to be inspected is located.

If the foreign subpoena is valid (issued by a foreign court) and properly filed (in the correct county), the clerk of court is required to issue a Florida subpoena. The Florida subpoena must, however, incorporate the terms of the foreign subpoena and contain the contact information for the counsel of record or for non-represented parties.

Service of Subpoena: Once the Florida subpoena is issued, it will be served on the party from whom discovery is sought in the same manner as any other Florida subpoena, in accordance with the Florida law and Florida Rules of Civil Procedure.

²⁹ See note 26, *supra*.

Deposition, Production, and Inspection: Once the Florida subpoena is issued, Florida law applies to all parties, including the out-of-state party, in conducting discovery (deposing a witness, producing documents or things, inspecting property).

Application to Court: Similarly, the subpoena recipient who wishes to challenge the subpoena or the out-of-state party who wishes to modify or enforce the subpoena must submit an application to the court in the county where discovery is sought. The application must comply with Florida rules and statutes. This means that the out-of-state party must then submit to the jurisdiction of Florida courts. Thus, at this point, an out-of-state party may have to retain Florida counsel, or an out-of-state attorney may associate with Florida counsel and file a “Verified Motion for Admission to Appear Pro Hac Vice Pursuant to Florida Rule of Judicial Administration 2.510.”³⁰

Uniformity of Application and Construction: The primary goal of the UIDDA is to promote uniform procedures among the states in essentially domesticating foreign subpoenas, and the courts are encouraged to consider this aim when applying or construing the UIDDA.

Inapplicability to Criminal Proceedings: Although the model UIDDA does not exclude criminal proceedings, the proposed bill contains this exclusion. In criminal proceedings in Florida, limited discovery is permitted by the Florida Rules of Criminal Procedure, but only *if* the defendant elects to participate. There is no reciprocal right to discovery because of the presumption of innocence and the constitutional right against self-incrimination; that is, a criminal defendant cannot be compelled by the state to participate in discovery. Because of these constitutional concerns and need for additional safeguards, the Florida statutes and Florida Rules of Criminal Procedure set forth a distinct process for discovery in criminal cases, including extradition of necessary witnesses from other states.³¹

Effective Date and Application: The bill takes effect on July 1, 2019, and specifically applies to cases pending on that date.³²

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

³⁰ FL ST J ADMIN Rule 2.510(a) (“Upon filing a verified motion with the court, an attorney who is an active member in good standing of the bar of another state and currently eligible to practice law in a state other than Florida may be permitted to appear in particular cases in a Florida court upon such conditions as the court may deem appropriate, provided that a member of The Florida Bar in good standing is associated as an attorney of record.”).

³¹ See Fla. R. Crim. P. 3.220; Ch. 942, F.S.

³² In Florida, newly enacted statutes that impose a new obligation or duty that interferes with vested rights will not be applied retroactively to pending cases. On the other hand, statutes that relate to procedure only or are remedial in nature are generally applied retroactively to pending cases. *Young v. Altenhaus*, 472 So. 2d 1152, 1154 (Fla. 1985). See also *City of Orlando v. Desjardins*, 493 So. 2d 1027, 1028 (Fla. 1986)); *Palm Beach County Sheriff's Office v. Sun-Sentinel Co., LLC*, 226 So. 3d 969, 975–76 (Fla. 4th DCA 2017) (following *City of Orlando v. Desjardins* in holding that newly enacted public records exemption was remedial and applied retroactively). While the UIDDA imposes new duties and obligations upon the clerks of court to domesticate and issue subpoenas for production or inspection, the UIDDA is largely procedural and does not appear to interfere with any vested rights.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

Court rule-making: Article V, section 2(a), of the Florida Constitution provides, in relevant part:

The supreme court shall adopt rules for the practice and procedure in all courts including the time for seeking appellate review, the administrative supervision of all courts, the transfer to the court having jurisdiction of any proceeding when the jurisdiction of another court has been improvidently invoked, and a requirement that no cause shall be dismissed because an improper remedy has been sought.

Article II, section 3 of the Florida Constitution, reads:

The powers of the state government shall be divided into legislative, executive and judicial branches. No person belonging to one branch shall exercise any powers appertaining to either of the other branches unless expressly provided herein.

These provisions have been interpreted to give the Florida Supreme Court exclusive jurisdiction over procedural matters while the Legislature has exclusive jurisdiction over substantive law.

One concern raised by the bill is whether the Legislature has the constitutional power to adopt a procedural act concerning discovery when discovery procedures fall within the purview of the Florida Rules of Civil Procedure. On the other hand, the bill at issue is amending the current Uniform Foreign Depositions Act, which has been in place since 1955. If the UIDDA is deemed more substantive and viewed as a policy choice determining how Florida treats foreign subpoenas, then the Legislature may pass the UIDDA as a general law. However, if the UIDDA is deemed purely procedural, then the Florida Supreme Court has exclusive jurisdiction to determine how the clerks of court will domesticate and issue foreign subpoenas. Notably, some of the jurisdictions that have passed the UIDDA have done so through court rule.

If the bill is passed and the resulting statute were to be challenged, the court would have a number of options. The court could recognize that the “legislative action” here is “a

statement of the public desire.”³³ For instance, in *Timmons v. Coombs*,³⁴ the court found that s. 768.79, F.S., contained procedural portions and adopted those as rules of court without explaining which portions of the law were procedural and which portions were substantive. On the other hand, if the court were to find the UIDDA is procedural, it could strike down the statute and either adopt the UIDDA as a court rule or require the parties to follow the Florida Rules of Civil Procedure.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

For private legal practitioners, the more streamlined process may translate into saving time and money for their clients. On the other hand, more Florida residents may be subject to domesticated foreign subpoenas given the simplified procedures.

The simplicity of the UIDDA procedures also gives rise to the potential for abuse of Florida residents by out-of-state parties. However, given that subpoenas issued under the UIDDA are challengeable in Florida and the out-of-state party will be required then to obtain and pay Florida counsel to address any such challenge, abusive discovery practices may be cost prohibitive.

C. Government Sector Impact:

The Florida Association of Court Clerks and Comptrollers (FACC) have commented that the primary distinction between the current Uniform Foreign Depositions Act and the UIDDA is the UIDDA expands discovery beyond depositions to production of documents and things and to inspection of places. The FACC believes the procedures currently used and filing fees charged by the clerks of court under the Uniform Foreign Depositions Act will remain the same but predict that the clerks of court will receive more filings given the expansion to subpoenas for production and inspection. While this will result in additional workload to the clerks’ offices, it should also result in additional revenue. Whether these revenues sufficiently reflect the potential increased workload is not known at this time.

³³ *Leapai v. Milton*, 595 So. 2d 12, 15 (Fla. 1992) (rejecting district court’s conclusion that s. 45.061, F.S., is unconstitutional merely because it contains procedural aspects).

³⁴ 608 So. 2d 1 (1992). *See* n. 56, *supra* (“We have consistently held that statutes should be construed to effectuate the express legislative intent and all doubt as to the validity of any statute should be resolved in favor of its constitutionality. . . . This is particularly so in areas of the judicial process that necessarily involve both procedural and substantive provisions to accomplish a proposal’s objective. To strictly apply the nonseverance principle . . . would make it increasingly difficult to adopt new judicial process proposals that have both substantive and procedural aspects. The judiciary and the legislature must work to solve these types of separation-of-powers problems without encroaching upon each other’s functions and recognizing each other’s constitutional functions and duties. One example is The Florida Evidence Code[.]”).

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 92.251, Florida Statutes.

IX. Additional Information:**A. Committee Substitute – Statement of Substantial Changes:**

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

CS by Rules on February 20, 2019:

- Removes the reciprocity requirement added via amendment by the Judiciary Committee to SPB 7006, before the bill was filed.

B. Amendments:

None.



487464

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/20/2019	.	
	.	
	.	
	.	

The Committee on Rules (Rodriguez) recommended the following:

Senate Amendment (with title amendment)

Delete lines 92 - 96
and insert:
subject matter among states that enact it.

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

And the title is amended as follows:

Delete lines 19 - 24
and insert:
construction and application of the act; specifying



487464

12

that the act does not

By the Committee on Judiciary

590-01171A-19

20197006__

A bill to be entitled

An act relating to the Uniform Interstate Depositions and Discovery Act; amending s. 92.251, F.S.; revising a short title; defining terms; requiring a party to submit a foreign subpoena to a clerk of court in this state for the issuance of a subpoena in this state; requiring the clerk of court to promptly issue a subpoena for service upon the person to whom the foreign subpoena is directed; providing requirements for the subpoena; requiring that the service of the subpoena be served in compliance with the laws of this state and the Florida Rules of Civil Procedure; specifying that laws and rules governing compliance with subpoenas apply to subpoenas issued pursuant to the act; requiring that applications challenging a subpoena issued pursuant to the act comply with the statutes and rules of this state and be submitted to a specified court; providing for the uniform construction and application of the act; specifying that a subpoena may only be issued pursuant to this act if the foreign jurisdiction that issued the foreign subpoena has adopted the Uniform Interstate Depositions and Discovery Act or a substantially similar measure; specifying that the act does not apply to criminal proceedings; providing applicability; providing an effective date.

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

Page 1 of 4

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

590-01171A-19

20197006__

Section 1. Section 92.251, Florida Statutes, is amended to read:

92.251 Uniform Interstate Foreign Depositions and Discovery Act Law.—

(1) SHORT TITLE.—This section may be cited as the “Uniform Interstate Foreign Depositions and Discovery Act Law.”

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

(a) “Foreign jurisdiction” means a state other than this state.

(b) “Foreign subpoena” means a subpoena issued under authority of a court of record of a foreign jurisdiction.

(c) “Person” means an individual, corporation, business trust, estate, trust, partnership, limited liability company, association, joint venture, public corporation, government, or governmental subdivision, agency or instrumentality, or any other legal or commercial entity.

(d) “State” means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, a federally recognized Indian tribe, or any territory or insular possession subject to the jurisdiction of the United States.

(e) “Subpoena” means a document, however denominated, issued under authority of a court of record requiring a person to:

1. Attend and give testimony at a deposition;

2. Produce and permit inspection and copying of designated books, documents, records, electronically stored information, or tangible things in the possession, custody, or control of the person; or

Page 2 of 4

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

590-01171A-19

20197006__

59 3. Permit inspection of premises under the control of the
60 person.

61 (3) ISSUANCE OF SUBPOENA.—

62 (a) To request issuance of a subpoena under this section, a
63 party from a foreign jurisdiction must submit a foreign subpoena
64 to a clerk of court in the county in this state in which
65 discovery is sought. A request for the issuance of a subpoena
66 under this act does not constitute an appearance in the courts
67 of this state.

68 (b) When a party submits a foreign subpoena to a clerk of
69 court in this state, the clerk, in accordance with that court's
70 procedure, shall promptly issue a subpoena for service upon the
71 person to which the foreign subpoena is directed.

72 (c) A subpoena pursuant to paragraph (b) shall:

73 1. Incorporate the terms used in the foreign subpoena; and

74 2. Contain or be accompanied by the names, addresses, and
75 telephone numbers of all counsel of record in the proceeding to
76 which the subpoena relates and of any party not represented by
77 counsel.

78 (4) SERVICE OF SUBPOENA.—A subpoena issued by a clerk of
79 court under subsection (3) must be served in compliance with the
80 laws of this state and the Florida Rules of Civil Procedure.

81 (5) DEPOSITION, PRODUCTION, AND INSPECTION.—The laws and
82 rules of this state govern and apply to all subpoenas issued
83 under subsection (3).

84 (6) APPLICATION TO COURT.—An application to the court for a
85 protective order or to enforce, quash, or modify a subpoena
86 issued by a clerk of court under subsection (3) must comply with
87 the statutes and rules of this state and be submitted to the

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88 court in the county in which discovery is to be conducted.

89 (7) UNIFORMITY OF APPLICATION AND CONSTRUCTION.—In applying
90 and construing this uniform act, consideration must be given to
91 the need to promote uniformity of the law with respect to its
92 subject matter among states that enact it. Subpoenas may only be
93 issued pursuant to this section if the foreign jurisdiction that
94 issued the foreign subpoena has adopted the Uniform Interstate
95 Depositions and Discovery Act or a substantially similar measure
96 that applies to civil proceedings.

97 (8) INAPPLICABILITY TO CRIMINAL PROCEEDINGS.—This act does
98 not apply to criminal proceedings.

99 ~~(2) Whenever any mandate, writ or commission is issued out~~
100 ~~of any court of record in any other state, territory, district,~~
101 ~~or foreign jurisdiction, or whenever upon notice or agreement it~~
102 ~~is required to take the testimony of a witness or witnesses in~~
103 ~~this state, witnesses may be compelled to appear and testify in~~
104 ~~the same manner and by the same process and proceeding as may be~~
105 ~~employed for the purpose of taking testimony in proceedings~~
106 ~~pending in this state.~~

107 ~~(3) This section shall be so interpreted and construed as~~
108 ~~to effectuate its general purposes to make uniform the law of~~
109 ~~those states which enact it.~~

110 Section 2. This act applies to requests for discovery in
111 all proceedings pending or commenced on or after July 1, 2019.

112 Section 3. This act shall take effect July 1, 2019.

THE FLORIDA SENATE
APPEARANCE RECORD

2-20-19
Meeting Date

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

7006
Bill Number (if applicable)

Topic UIPDA

Amendment Barcode (if applicable)

Name Bob Harris

Job Title _____

Address 2618 Centennial Place

Phone 222-0720

Street

Tallahassee FL 32308

Email bharris@lawfla.com

City

State

Zip

Speaking: For Against Information

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

Representing Trial Lawyers Section - The Florida Bar

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Rules

BILL: SB 2

INTRODUCER: Senator Benacquisto

SUBJECT: Florida Statutes

DATE: February 18, 2019

REVISED: _____

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. <u>Pollitz (DLRI)</u>	<u>Phelps</u>	<u>RC</u>	<u>Favorable</u>

I. Summary:

This bill is drafted by the Division of Law Revision of the Office of Legislative Services to adopt the Florida Statutes 2019 and designate the portions thereof that are to constitute the official statutory law of the state. This adoption act amends ss. 11.2421, 11.2422, 11.2424, and 11.2425, Florida Statutes, and provides a 1-year window for finding errors and making changes before statutory material becomes the best evidence of the law.

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

II. Present Situation:

The 2019 adoption act will adopt all statutes material passed through the 2018 Regular Session and printed in the 2018 edition. Material passed in a session occurring since publication of the 2018 edition must wait 1 more year before being adopted, and the session law form of that material will remain the best evidence of the law for that material.

III. Effect of Proposed Changes:

The adoption act amends ss. 11.2421, 11.2422, 11.2424, and 11.2425, Florida Statutes, and provides a 1-year window for finding errors and making changes before statutory material becomes the best evidence of the law. The 2019 adoption act adopts as the official statute law of the state those portions of the 2019 Florida Statutes edition that are carried forward unchanged from the edition published 1 year previously (2018). Portions carried forward from the 2018 edition are the official law of the state and, therefore, constitute the best evidence of the law. The portions resulting from sessions occurring subsequent to the publication of the 2018 edition are prima facie evidence of the law in all courts of the state; for this material, the enrolled acts stand as the best evidence of the law. Any “statute of a general and permanent nature” enacted before publication of the 2018 Florida Statutes that does not appear in the 2018 edition, or is not recognized and continued in force by reference therein or in s. 11.2423 or s. 11.2424, Florida

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

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

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

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

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

IX. Additional Information:**A. Committee Substitute – Statement of Changes:**

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

None.

B. Amendments:

None.

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

By Senator Benacquisto

27-00626-19

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A bill to be entitled

An act relating to the Florida Statutes; amending ss. 11.2421, 11.2422, 11.2424, and 11.2425, F.S.; adopting the Florida Statutes 2019 and designating the portions thereof that are to constitute the official law of the state; providing that the Florida Statutes 2019 shall be effective immediately upon publication; providing that general laws enacted during the 2018 regular session and prior thereto and not included in the Florida Statutes 2019 are repealed; providing that general laws enacted after the 2018 regular session are not repealed by this adoption act; providing an effective date.

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

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

11.2421 Florida Statutes 2019 2018 adopted.—The accompanying revision, consolidation, and compilation of the public statutes of 2018 2017 of a general and permanent nature, excepting tables, rules, indexes, and other related matter contained therein, prepared by the Office of Legislative Services under the provisions of s. 11.242, together with corrections, changes, and amendments to and repeals of provisions of Florida Statutes 2018 2017 enacted in additional reviser's bill or bills by the 2019 2018 Legislature, is adopted and enacted as the official statute law of the state under the title of "Florida Statutes 2019 2018" and shall take effect

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immediately upon publication. Said statutes may be cited as "Florida Statutes 2019 2018," "Florida Statutes," or "F.S. 2019 2018."

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

11.2422 Statutes repealed.—Every statute of a general and permanent nature enacted by the State or by the Territory of Florida at or prior to the 2018 regular June 7-9, 2017, special legislative session, and every part of such statute, not included in Florida Statutes 2019 2018, as adopted by s. 11.2421, as amended, or recognized and continued in force by reference therein or in ss. 11.2423 and 11.2424, as amended, is repealed.

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

11.2424 Laws not repealed.—Laws enacted after the 2018 regular June 7-9, 2017, special session are not repealed by the adoption and enactment of the Florida Statutes 2019 2018 by s. 11.2421, as amended, but shall have full effect as if enacted after its said adoption and enactment.

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

11.2425 Rights reserved under repealed statutes.—The repeal of any statute by the adoption and enactment of Florida Statutes 2019 2018, by s. 11.2421, as amended, shall not affect any right accrued before such repeal or any civil remedy where a suit is pending.

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

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59

enacted.

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Rules

BILL: SB 4

INTRODUCER: Senator Benacquisto

SUBJECT: Florida Statutes

DATE: February 18, 2019

REVISED: _____

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. <u>Pollitz (DLRI)</u>	<u>Phelps</u>	<u>RC</u>	<u>Favorable</u>

I. Summary:

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

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

This bill substantially amends, creates, or repeals the following sections of the Florida Statutes: amends ss. 16.615, 17.076, 20.43, 25.077, 27.34, 27.54, 29.005, 29.006, 30.15, 39.001, 39.01, 39.0121, 39.0139, 39.2015, 39.202, 39.301, 39.303, 39.3031, 39.3035, 39.304, 39.3068, 39.307, 39.5086, 39.521, 105.036, 119.071, 121.71, 154.067, 159.834, 163.3177, 193.4615, 196.075, 196.1975, 210.03, 216.136, 218.135, 218.401, 220.11, 243.20, 259.105, 282.705, 288.9623, 316.614, 322.09, 328.76, 348.0012, 364.163, 373.206, 373.5905, 380.0651, 381.0072, 381.984, 383.3362, 383.402, 388.021, 391.026, 393.063, 395.1023, 395.1055, 395.4025, 397.6760, 400.235, 400.471, 400.4785, 400.991, 401.024, 402.305, 402.310, 402.56, 403.861, 408.036, 408.802, 408.820, 409.017, 409.145, 409.815, 409.9083, 440.45, 455.2286, 458.348, 459.025, 459.026, 468.432, 480.033, 483.285, 491.012, 501.011, 527.0201, 560.109, 578.08, 578.11, 578.13, 590.02, 624.509, 627.40951, 627.746, 634.436, 641.3107, 641.511, 655.825, 718.121, 736.0403, 825.101, 893.055, 893.0551, 900.05, 934.255, 943.0585, 943.1758, 944.115, 985.48, 1002.33, 1002.36, 1002.385, 1002.395, 1002.82, 1004.085, 1004.097, 1004.6495, 1005.03,

1005.06, 1006.061, 1007.24, 1007.273, 1008.31, 1009.89, 1011.69, 1011.71, 1012.2315, 1012.584, and 1013.62, F.S.; reenacts and amends s. 1006.12, F.S.

II. Present Situation:

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

III. Effect of Proposed Changes:

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

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: ss. 16.615, 17.076, 20.43, 25.077, 27.34, 27.54, 29.005, 29.006, 30.15, 39.001, 39.01, 39.0121, 39.0139, 39.2015, 39.202, 39.301, 39.303, 39.3031, 39.3035, 39.304, 39.3068, 39.307, 39.5086, 39.521, 105.036, 119.071, 121.71, 154.067, 159.834, 163.3177, 193.4615, 196.075, 196.1975, 210.03, 216.136, 218.135, 218.401, 220.11, 243.20, 259.105, 282.705, 288.9623, 316.614, 322.09, 328.76, 348.0012, 364.163, 373.206, 373.5905, 380.0651, 381.0072, 381.984, 383.3362, 383.402, 388.021, 391.026, 393.063, 395.1023, 395.1055, 395.4025, 397.6760, 400.235, 400.471, 400.4785, 400.991, 401.024, 402.305, 402.310, 402.56, 403.861, 408.036, 408.802, 408.820, 409.017, 409.145, 409.815, 409.9083, 440.45, 455.2286, 458.348, 459.025, 459.026, 468.432, 480.033, 483.285, 491.012, 501.011, 527.0201, 560.109, 578.08, 578.11, 578.13, 590.02, 624.509, 627.40951, 627.746, 634.436, 641.3107, 641.511, 655.825, 718.121, 736.0403, 825.101, 893.055, 893.0551, 900.05, 934.255, 943.0585, 943.1758, 944.115, 985.48, 1002.33, 1002.36, 1002.385, 1002.395, 1002.82, 1004.085, 1004.097, 1004.6495, 1005.03, 1005.06, 1006.061, 1007.24, 1007.273, 1008.31, 1009.89, 1011.69, 1011.71, 1012.2315, 1012.584, and 1013.62, F.S.

This bill reenacts and amends the following sections of the Florida Statutes: s. 1006.12, F.S.

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

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

IX. Additional Information:**A. Committee Substitute – Statement of Changes:**

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

None.

B. Amendments:

None.

By Senator Benacquisto

27-00627-19

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1 A reviser's bill to be entitled
 2 An act relating to the Florida Statutes; amending ss.
 3 16.615, 17.076, 20.43, 25.077, 27.34, 27.54, 29.005,
 4 29.006, 30.15, 39.001, 39.01, 39.0121, 39.0139,
 5 39.2015, 39.202, 39.301, 39.303, 39.3031, 39.3035,
 6 39.304, 39.3068, 39.307, 39.5086, 39.521, 105.036,
 7 119.071, 121.71, 154.067, 159.834, 163.3177, 193.4615,
 8 196.075, 196.1975, 210.03, 216.136, 218.135, 218.401,
 9 220.11, 243.20, 259.105, 282.705, 288.9623, 316.614,
 10 322.09, 328.76, 348.0012, 364.163, 373.206, 373.5905,
 11 380.0651, 381.0072, 381.984, 383.3362, 383.402,
 12 388.021, 391.026, 393.063, 395.1023, 395.1055,
 13 395.4025, 397.6760, 400.235, 400.471, 400.4785,
 14 400.991, 401.024, 402.305, 402.310, 402.56, 403.861,
 15 408.036, 408.802, 408.820, 409.017, 409.145, 409.815,
 16 409.9083, 440.45, 455.2286, 458.348, 459.025, 459.026,
 17 468.432, 480.033, 483.285, 491.012, 501.011, 527.0201,
 18 560.109, 578.08, 578.11, 578.13, 590.02, 624.509,
 19 627.40951, 627.746, 634.436, 641.3107, 641.511,
 20 655.825, 718.121, 736.0403, 825.101, 893.055,
 21 893.0551, 900.05, 934.255, 943.0585, 943.1758,
 22 944.115, 985.48, 1002.33, 1002.36, 1002.385, 1002.395,
 23 1002.82, 1004.085, 1004.097, 1004.6495, 1005.03,
 24 1005.06, 1006.061, 1007.24, 1007.273, 1008.31,
 25 1009.89, 1011.69, 1011.71, 1012.2315, 1012.584, and
 26 1013.62, F.S.; reenacting and amending s. 1006.12,
 27 F.S.; and reenacting ss. 163.3164 and 893.13, F.S.;
 28 deleting provisions that have expired, have become
 29 obsolete, have had their effect, have served their

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30 purpose, or have been impliedly repealed or
 31 superseded; replacing incorrect cross-references and
 32 citations; correcting grammatical, typographical, and
 33 like errors; removing inconsistencies, redundancies,
 34 and unnecessary repetition in the statutes; improving
 35 the clarity of the statutes and facilitating their
 36 correct interpretation; and revising statutory
 37 provisions to conform to directives of the
 38 Legislature; providing an effective date.
 39
 40 Be It Enacted by the Legislature of the State of Florida:
 41
 42 Section 1. Subsection (9) of section 16.615, Florida
 43 Statutes, is amended to read:
 44 16.615 Council on the Social Status of Black Men and Boys.—
 45 (9) ~~(a)~~ The council shall issue its first annual report by
 46 ~~December 15, 2007, and by~~ December 15 each ~~following~~ year,
 47 stating the findings, conclusions, and recommendations of the
 48 council. The council shall submit the report to the Governor,
 49 the President of the Senate, the Speaker of the House of
 50 Representatives, and the chairpersons of the standing committees
 51 of jurisdiction in each chamber.
 52 ~~(b) The initial report must include the findings of an~~
 53 ~~investigation into factors causing black-on-black crime from the~~
 54 ~~perspective of public health related to mental health, other~~
 55 ~~health issues, cultural disconnection, and cultural identity~~
 56 ~~trauma.~~
 57 Reviser's note.—Amended to delete obsolete language.
 58 Section 2. Subsection (7) of section 17.076, Florida

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59 Statutes, is amended to read:

60 17.076 Direct deposit of funds.—

61 (7) ~~Effective July 1, 2000,~~ All new recipients of
62 retirement benefits from this state shall be paid by direct
63 deposit of funds. A retiree may request from the department an
64 exemption from the provisions of this subsection when such
65 retiree can demonstrate a hardship. The department may pay
66 retirement benefits by state warrant when deemed
67 administratively necessary.

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

69 Section 3. Paragraph (g) of subsection (3) and subsection
70 (10) of section 20.43, Florida Statutes, are amended to read:

71 20.43 Department of Health.—There is created a Department
72 of Health.

73 (3) The following divisions of the Department of Health are
74 established:

75 (g) Division of Medical Quality Assurance, which is
76 responsible for the following boards and professions established
77 within the division:

78 1. The Board of Acupuncture, created under chapter 457.

79 2. The Board of Medicine, created under chapter 458.

80 3. The Board of Osteopathic Medicine, created under chapter
81 459.

82 4. The Board of Chiropractic Medicine, created under
83 chapter 460.

84 5. The Board of Podiatric Medicine, created under chapter
85 461.

86 6. Naturopathy, as provided under chapter 462.

87 7. The Board of Optometry, created under chapter 463.

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88 8. The Board of Nursing, created under part I of chapter

89 464.

90 9. Nursing assistants, as provided under part II of chapter

91 464.

92 10. The Board of Pharmacy, created under chapter 465.

93 11. The Board of Dentistry, created under chapter 466.

94 12. Midwifery, as provided under chapter 467.

95 13. The Board of Speech-Language Pathology and Audiology,
96 created under part I of chapter 468.

97 14. The Board of Nursing Home Administrators, created under
98 part II of chapter 468.

99 15. The Board of Occupational Therapy, created under part
100 III of chapter 468.

101 16. Respiratory therapy, as provided under part V of
102 chapter 468.

103 17. Dietetics and nutrition practice, as provided under
104 part X of chapter 468.

105 18. The Board of Athletic Training, created under part XIII
106 of chapter 468.

107 19. The Board of Orthotists and Prosthetists, created under
108 part XIV of chapter 468.

109 20. Electrolysis, as provided under chapter 478.

110 21. The Board of Massage Therapy, created under chapter
111 480.

112 22. The Board of Clinical Laboratory Personnel, created
113 under part II of chapter 483.

114 23. Medical physicists, as provided under part ~~III~~ IV of
115 chapter 483.

116 24. The Board of Opticianry, created under part I of

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117 chapter 484.

118 25. The Board of Hearing Aid Specialists, created under

119 part II of chapter 484.

120 26. The Board of Physical Therapy Practice, created under

121 chapter 486.

122 27. The Board of Psychology, created under chapter 490.

123 28. School psychologists, as provided under chapter 490.

124 29. The Board of Clinical Social Work, Marriage and Family

125 Therapy, and Mental Health Counseling, created under chapter

126 491.

127 30. Emergency medical technicians and paramedics, as

128 provided under part III of chapter 401.

129 (10) (a) ~~Beginning in fiscal year 2010-2011,~~ The department

130 shall initiate or commence new programs only when the

131 Legislative Budget Commission or the Legislature expressly

132 authorizes the department to do so.

133 (b) ~~Beginning in fiscal year 2010-2011,~~ Before applying for

134 any continuation of or new federal or private grants that are

135 for an amount of \$50,000 or greater, the department shall

136 provide written notification to the Governor, the President of

137 the Senate, and the Speaker of the House of Representatives. The

138 notification must include detailed information about the purpose

139 of the grant, the intended use of the funds, and the number of

140 full-time permanent or temporary employees needed to administer

141 the program funded by the grant.

142 Reviser's note.—Paragraph (3) (g) is amended to conform to the

143 redesignation of part IV of chapter 483 as part III

144 pursuant to the repeal of former part I of that chapter by

145 s. 97, ch. 2018-24, Laws of Florida. Subsection (10) is

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146 amended to delete obsolete language.

147 Section 4. Section 25.077, Florida Statutes, is amended to

148 read:

149 25.077 Negligence case settlements and jury verdicts; case

150 reporting.—Through the state's uniform case reporting system,

151 the clerk of court shall report to the Office of the State

152 Courts Administrator, ~~beginning in 2003,~~ information from each

153 settlement or jury verdict and final judgment in negligence

154 cases as defined in s. 768.81(1) (c), as the President of the

155 Senate and the Speaker of the House of Representatives deem

156 necessary from time to time. The information shall include, but

157 need not be limited to: the name of each plaintiff and

158 defendant; the verdict; the percentage of fault of each; the

159 amount of economic damages and noneconomic damages awarded to

160 each plaintiff, identifying those damages that are to be paid

161 jointly and severally and by which defendants; and the amount of

162 any punitive damages to be paid by each defendant.

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

164 Section 5. Subsection (4) of section 27.34, Florida

165 Statutes, is amended to read:

166 27.34 Limitations on payment of salaries and other related

167 costs of state attorneys' offices other than by the state.—

168 (4) Unless expressly authorized by law or in the General

169 Appropriations Act, state attorneys are prohibited from spending

170 state-appropriated funds on county funding obligations under s.

171 14, Art. V of the State Constitution ~~beginning January 1, 2005.~~

172 This includes expenditures on communications services and

173 facilities as defined in s. 29.008. This does not prohibit a

174 state attorney from spending funds for these purposes in

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175 exceptional circumstances when necessary to maintain operational
 176 continuity in the form of a short-term advance pending
 177 reimbursement by the county. If a state attorney provides short-
 178 term advance funding for a county responsibility as authorized
 179 by this subsection, the state attorney shall request full
 180 reimbursement from the board of county commissioners prior to
 181 making the expenditure or at the next meeting of the board of
 182 county commissioners after the expenditure is made. The total of
 183 all short-term advances authorized by this subsection shall not
 184 exceed 2 percent of the state attorney's approved operating
 185 budget in any given year. No short-term advances authorized by
 186 this subsection shall be permitted until all reimbursements
 187 arising from advance funding in the prior state fiscal year have
 188 been received by the state attorney. All reimbursement payments
 189 received by the state attorney pursuant to this subsection shall
 190 be deposited into the General Revenue Fund. Notwithstanding the
 191 provisions of this subsection, the state attorney may expend
 192 funds for the purchase of computer systems, including associated
 193 hardware and software, and for personnel related to this
 194 function.

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

196 Section 6. Subsection (4) of section 27.54, Florida
 197 Statutes, is amended to read:

198 27.54 Limitation on payment of expenditures other than by
 199 the state.—

200 (4) Unless expressly authorized by law or in the General
 201 Appropriations Act, public defenders and regional counsel are
 202 prohibited from spending state-appropriated funds on county
 203 funding obligations under s. 14, Art. V of the State

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204 Constitution ~~beginning January 1, 2005~~. This includes
 205 expenditures on communications services and facilities as
 206 defined in s. 29.008. This does not prohibit a public defender
 207 from spending funds for these purposes in exceptional
 208 circumstances when necessary to maintain operational continuity
 209 in the form of a short-term advance pending reimbursement from
 210 the county. If a public defender or regional counsel provides
 211 short-term advance funding for a county responsibility as
 212 authorized by this subsection, the public defender or regional
 213 counsel shall request full reimbursement from the board of
 214 county commissioners prior to making the expenditure or at the
 215 next meeting of the board of county commissioners after the
 216 expenditure is made. The total of all short-term advances
 217 authorized by this subsection shall not exceed 2 percent of the
 218 public defender's or regional counsel's approved operating
 219 budget in any given year. No short-term advances authorized by
 220 this subsection shall be permitted until all reimbursements
 221 arising from advance funding in the prior state fiscal year have
 222 been received by the public defender or regional counsel. All
 223 reimbursement payments received by the public defender or
 224 regional counsel shall be deposited into the General Revenue
 225 Fund. Notwithstanding the provisions of this subsection, the
 226 public defender or regional counsel may expend funds for the
 227 purchase of computer systems, including associated hardware and
 228 software, and for personnel related to this function.

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

230 Section 7. Subsection (4) of section 29.005, Florida
 231 Statutes, is amended to read:

232 29.005 State attorneys' offices and prosecution expenses.—

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233 For purposes of implementing s. 14, Art. V of the State
 234 Constitution, the elements of the state attorneys' offices to be
 235 provided from state revenues appropriated by general law are as
 236 follows:

237 (4) Reasonable transportation services in the performance
 238 of constitutional and statutory responsibilities. ~~Motor vehicles~~
 239 ~~owned by the counties and provided exclusively to state~~
 240 ~~attorneys as of July 1, 2003, and any additional vehicles owned~~
 241 ~~by the counties and provided exclusively to state attorneys~~
 242 ~~during fiscal year 2003-2004 shall be transferred by title to~~
 243 ~~the state effective July 1, 2004.~~

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

245 Section 8. Subsection (5) of section 29.006, Florida
 246 Statutes, is amended to read:

247 29.006 Indigent defense costs.—For purposes of implementing
 248 s. 14, Art. V of the State Constitution, the elements of the
 249 public defenders' offices and criminal conflict and civil
 250 regional counsel offices to be provided from state revenues
 251 appropriated by general law are as follows:

252 (5) Reasonable transportation services in the performance
 253 of constitutional and statutory responsibilities. ~~Motor vehicles~~
 254 ~~owned by counties and provided exclusively to public defenders~~
 255 ~~as of July 1, 2003, and any additional vehicles owned by the~~
 256 ~~counties and provided exclusively to public defenders during~~
 257 ~~fiscal year 2003-2004 shall be transferred by title to the state~~
 258 ~~effective July 1, 2004.~~

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

260 Section 9. Subsection (3) of section 30.15, Florida
 261 Statutes, is amended to read:

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262 30.15 Powers, duties, and obligations.—

263 (3) ~~On or before January 1, 2002,~~ Every sheriff shall
 264 incorporate an antiracial or other antidiscriminatory profiling
 265 policy into the sheriff's policies and practices, utilizing the
 266 Florida Police Chiefs Association Model Policy as a guide.
 267 Antiprofiling policies shall include the elements of
 268 definitions, traffic stop procedures, community education and
 269 awareness efforts, and policies for the handling of complaints
 270 from the public.

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

272 Section 10. Paragraph (a) of subsection (10) of section
 273 39.001, Florida Statutes, is amended to read:

274 39.001 Purposes and intent; personnel standards and
 275 screening.—

276 (10) PLAN FOR COMPREHENSIVE APPROACH.—

277 (a) The office shall develop a state plan for the promotion
 278 of adoption, support of adoptive families, and prevention of
 279 abuse, abandonment, and neglect of children ~~and shall submit the~~
 280 ~~state plan to the Speaker of the House of Representatives, the~~
 281 ~~President of the Senate, and the Governor no later than December~~
 282 ~~31, 2008.~~ The Department of Children and Families, the
 283 Department of Corrections, the Department of Education, the
 284 Department of Health, the Department of Juvenile Justice, the
 285 Department of Law Enforcement, and the Agency for Persons with
 286 Disabilities shall participate and fully cooperate in the
 287 development of the state plan at both the state and local
 288 levels. Furthermore, appropriate local agencies and
 289 organizations shall be provided an opportunity to participate in
 290 the development of the state plan at the local level.

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291 Appropriate local groups and organizations shall include, but
 292 not be limited to, community mental health centers; guardian ad
 293 litem programs for children under the circuit court; the school
 294 boards of the local school districts; the Florida local advocacy
 295 councils; community-based care lead agencies; private or public
 296 organizations or programs with recognized expertise in working
 297 with child abuse prevention programs for children and families;
 298 private or public organizations or programs with recognized
 299 expertise in working with children who are sexually abused,
 300 physically abused, emotionally abused, abandoned, or neglected
 301 and with expertise in working with the families of such
 302 children; private or public programs or organizations with
 303 expertise in maternal and infant health care; multidisciplinary
 304 Child Protection Teams ~~child protection teams~~; child day care
 305 centers; law enforcement agencies; and the circuit courts, when
 306 guardian ad litem programs are not available in the local area.
 307 The state plan to be provided to the Legislature and the
 308 Governor shall include, as a minimum, the information required
 309 of the various groups in paragraph (b).

310 Reviser's note.—Amended to delete obsolete language and to
 311 conform to s. 32, ch. 2018-103, Laws of Florida, which
 312 directed the Division of Law Revision and Information to
 313 prepare a reviser's bill "to capitalize each word of the
 314 term 'child protection team' wherever it occurs in the
 315 Florida Statutes."

316 Section 11. Subsection (13) of section 39.01, Florida
 317 Statutes, is amended to read:

318 39.01 Definitions.—When used in this chapter, unless the
 319 context otherwise requires:

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320 (13) "Child Protection Team" ~~"Child protection team"~~ means
 321 a team of professionals established by the Department of Health
 322 to receive referrals from the protective investigators and
 323 protective supervision staff of the department and to provide
 324 specialized and supportive services to the program in processing
 325 child abuse, abandonment, or neglect cases. A Child Protection
 326 Team ~~child protection team~~ shall provide consultation to other
 327 programs of the department and other persons regarding child
 328 abuse, abandonment, or neglect cases.

329 Reviser's note.—Amended to conform to s. 32, ch. 2018-103, Laws
 330 of Florida, which directed the Division of Law Revision and
 331 Information to prepare a reviser's bill "to capitalize each
 332 word of the term 'child protection team' wherever it occurs
 333 in the Florida Statutes."

334 Section 12. Subsection (5) of section 39.0121, Florida
 335 Statutes, is amended to read:

336 39.0121 Specific rulemaking authority.—Pursuant to the
 337 requirements of s. 120.536, the department is specifically
 338 authorized to adopt, amend, and repeal administrative rules
 339 which implement or interpret law or policy, or describe the
 340 procedure and practice requirements necessary to implement this
 341 chapter, including, but not limited to, the following:

342 (5) Requesting of services from Child Protection Teams
 343 ~~child protection teams~~.

344 Reviser's note.—Amended to conform to s. 32, ch. 2018-103, Laws
 345 of Florida, which directed the Division of Law Revision and
 346 Information to prepare a reviser's bill "to capitalize each
 347 word of the term 'child protection team' wherever it occurs
 348 in the Florida Statutes."

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349 Section 13. Paragraph (b) of subsection (4) of section
350 39.0139, Florida Statutes, is amended to read:

351 39.0139 Visitation or other contact; restrictions.—

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

356 (b) At the hearing, the court may receive and rely upon any
357 relevant and material evidence submitted to the extent of its
358 probative value, including written and oral reports or
359 recommendations from the Child Protection Team ~~child protection~~
360 ~~team~~, the child's therapist, the child's guardian ad litem, or
361 the child's attorney ad litem, even if these reports,
362 recommendations, and evidence may not be admissible under the
363 rules of evidence.

364 Reviser's note.—Amended to conform to s. 32, ch. 2018-103, Laws
365 of Florida, which directed the Division of Law Revision and
366 Information to prepare a reviser's bill "to capitalize each
367 word of the term 'child protection team' wherever it occurs
368 in the Florida Statutes."

369 Section 14. Subsection (3) of section 39.2015, Florida
370 Statutes, is amended to read:

371 39.2015 Critical incident rapid response team.—

372 (3) Each investigation shall be conducted by a multiagency
373 team of at least five professionals with expertise in child
374 protection, child welfare, and organizational management. The
375 team may consist of employees of the department, community-based
376 care lead agencies, Children's Medical Services, and community-
377 based care provider organizations; faculty from the institute

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378 consisting of public and private universities offering degrees
379 in social work established pursuant to s. 1004.615; or any other
380 person with the required expertise. The team shall include, at a
381 minimum, a Child Protection Team ~~child protection team~~ medical
382 director. The majority of the team must reside in judicial
383 circuits outside the location of the incident. The secretary
384 shall appoint a team leader for each group assigned to an
385 investigation.

386 Reviser's note.—Amended to conform to s. 32, ch. 2018-103, Laws
387 of Florida, which directed the Division of Law Revision and
388 Information to prepare a reviser's bill "to capitalize each
389 word of the term 'child protection team' wherever it occurs
390 in the Florida Statutes."

391 Section 15. Paragraph (t) of subsection (2) and subsections
392 (5) and (6) of section 39.202, Florida Statutes, are amended to
393 read:

394 39.202 Confidentiality of reports and records in cases of
395 child abuse or neglect.—

396 (2) Except as provided in subsection (4), access to such
397 records, excluding the name of the reporter which shall be
398 released only as provided in subsection (5), shall be granted
399 only to the following persons, officials, and agencies:

400 (t) Persons with whom the department is seeking to place
401 the child or to whom placement has been granted, including
402 foster parents for whom an approved home study has been
403 conducted, the designee of a licensed residential group home
404 ~~described in s. 39.523~~, an approved relative or nonrelative with
405 whom a child is placed pursuant to s. 39.402, preadoptive
406 parents for whom a favorable preliminary adoptive home study has

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407 been conducted, adoptive parents, or an adoption entity acting
408 on behalf of preadoptive or adoptive parents.

409 (5) The name of any person reporting child abuse,
410 abandonment, or neglect may not be released to any person other
411 than employees of the department responsible for child
412 protective services, the central abuse hotline, law enforcement,
413 the Child Protection Team ~~child protection team~~, or the
414 appropriate state attorney, without the written consent of the
415 person reporting. This does not prohibit the subpoenaing of a
416 person reporting child abuse, abandonment, or neglect when
417 deemed necessary by the court, the state attorney, or the
418 department, provided the fact that such person made the report
419 is not disclosed. Any person who reports a case of child abuse
420 or neglect may, at the time he or she makes the report, request
421 that the department notify him or her that a child protective
422 investigation occurred as a result of the report. Any person
423 specifically listed in s. 39.201(1) who makes a report in his or
424 her official capacity may also request a written summary of the
425 outcome of the investigation. The department shall mail such a
426 notice to the reporter within 10 days after completing the child
427 protective investigation.

428 (6) All records and reports of the Child Protection Team
429 ~~child protection team~~ of the Department of Health are
430 confidential and exempt from the provisions of ss. 119.07(1) and
431 456.057, and shall not be disclosed, except, upon request, to
432 the state attorney, law enforcement, the department, and
433 necessary professionals, in furtherance of the treatment or
434 additional evaluative needs of the child, by order of the court,
435 or to health plan payors, limited to that information used for

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436 insurance reimbursement purposes.

437 Reviser's note.—Paragraph (2)(t) is amended to delete a
438 reference to s. 39.523 to conform to the fact that that
439 section now focuses on placement in out-of-home care; prior
440 to substantial rewording of s. 39.523 by s. 14, ch. 2017-
441 151, Laws of Florida, the text related to placement in
442 residential group care. Subsections (5) and (6) are amended
443 to conform to s. 32, ch. 2018-103, Laws of Florida, which
444 directed the Division of Law Revision and Information to
445 prepare a reviser's bill "to capitalize each word of the
446 term 'child protection team' wherever it occurs in the
447 Florida Statutes."

448 Section 16. Paragraph (a) of subsection (9) and paragraph
449 (c) of subsection (14) of section 39.301, Florida Statutes, are
450 amended to read:

451 39.301 Initiation of protective investigations.—

452 (9) (a) For each report received from the central abuse
453 hotline and accepted for investigation, the department or the
454 sheriff providing child protective investigative services under
455 s. 39.3065, shall perform the following child protective
456 investigation activities to determine child safety:

457 1. Conduct a review of all relevant, available information
458 specific to the child and family and alleged maltreatment;
459 family child welfare history; local, state, and federal criminal
460 records checks; and requests for law enforcement assistance
461 provided by the abuse hotline. Based on a review of available
462 information, including the allegations in the current report, a
463 determination shall be made as to whether immediate consultation
464 should occur with law enforcement, the Child Protection Team

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465 ~~child protection team~~, a domestic violence shelter or advocate,
 466 or a substance abuse or mental health professional. Such
 467 consultations should include discussion as to whether a joint
 468 response is necessary and feasible. A determination shall be
 469 made as to whether the person making the report should be
 470 contacted before the face-to-face interviews with the child and
 471 family members.

472 2. Conduct face-to-face interviews with the child; other
 473 siblings, if any; and the parents, legal custodians, or
 474 caregivers.

475 3. Assess the child's residence, including a determination
 476 of the composition of the family and household, including the
 477 name, address, date of birth, social security number, sex, and
 478 race of each child named in the report; any siblings or other
 479 children in the same household or in the care of the same
 480 adults; the parents, legal custodians, or caregivers; and any
 481 other adults in the same household.

482 4. Determine whether there is any indication that any child
 483 in the family or household has been abused, abandoned, or
 484 neglected; the nature and extent of present or prior injuries,
 485 abuse, or neglect, and any evidence thereof; and a determination
 486 as to the person or persons apparently responsible for the
 487 abuse, abandonment, or neglect, including the name, address,
 488 date of birth, social security number, sex, and race of each
 489 such person.

490 5. Complete assessment of immediate child safety for each
 491 child based on available records, interviews, and observations
 492 with all persons named in subparagraph 2. and appropriate
 493 collateral contacts, which may include other professionals. The

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494 department's child protection investigators are hereby
 495 designated a criminal justice agency for the purpose of
 496 accessing criminal justice information to be used for enforcing
 497 this state's laws concerning the crimes of child abuse,
 498 abandonment, and neglect. This information shall be used solely
 499 for purposes supporting the detection, apprehension,
 500 prosecution, pretrial release, posttrial release, or
 501 rehabilitation of criminal offenders or persons accused of the
 502 crimes of child abuse, abandonment, or neglect and may not be
 503 further disseminated or used for any other purpose.

504 6. Document the present and impending dangers to each child
 505 based on the identification of inadequate protective capacity
 506 through utilization of a standardized safety assessment
 507 instrument. If present or impending danger is identified, the
 508 child protective investigator must implement a safety plan or
 509 take the child into custody. If present danger is identified and
 510 the child is not removed, the child protective investigator
 511 shall create and implement a safety plan before leaving the home
 512 or the location where there is present danger. If impending
 513 danger is identified, the child protective investigator shall
 514 create and implement a safety plan as soon as necessary to
 515 protect the safety of the child. The child protective
 516 investigator may modify the safety plan if he or she identifies
 517 additional impending danger.

518 a. If the child protective investigator implements a safety
 519 plan, the plan must be specific, sufficient, feasible, and
 520 sustainable in response to the realities of the present or
 521 impending danger. A safety plan may be an in-home plan or an
 522 out-of-home plan, or a combination of both. A safety plan may

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523 include tasks or responsibilities for a parent, caregiver, or
 524 legal custodian. However, a safety plan may not rely on
 525 promissory commitments by the parent, caregiver, or legal
 526 custodian who is currently not able to protect the child or on
 527 services that are not available or will not result in the safety
 528 of the child. A safety plan may not be implemented if for any
 529 reason the parents, guardian, or legal custodian lacks the
 530 capacity or ability to comply with the plan. If the department
 531 is not able to develop a plan that is specific, sufficient,
 532 feasible, and sustainable, the department shall file a shelter
 533 petition. A child protective investigator shall implement
 534 separate safety plans for the perpetrator of domestic violence,
 535 if the investigator, using reasonable efforts, can locate the
 536 perpetrator to implement a safety plan, and for the parent who
 537 is a victim of domestic violence as defined in s. 741.28.
 538 Reasonable efforts to locate a perpetrator include, but are not
 539 limited to, a diligent search pursuant to the same requirements
 540 as in s. 39.503. If the perpetrator of domestic violence is not
 541 the parent, guardian, or legal custodian of any child in the
 542 home and if the department does not intend to file a shelter
 543 petition or dependency petition that will assert allegations
 544 against the perpetrator as a parent of a child in the home, the
 545 child protective investigator shall seek issuance of an
 546 injunction authorized by s. 39.504 to implement a safety plan
 547 for the perpetrator and impose any other conditions to protect
 548 the child. The safety plan for the parent who is a victim of
 549 domestic violence may not be shared with the perpetrator. If any
 550 party to a safety plan fails to comply with the safety plan
 551 resulting in the child being unsafe, the department shall file a

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552 shelter petition.
 553 b. The child protective investigator shall collaborate with
 554 the community-based care lead agency in the development of the
 555 safety plan as necessary to ensure that the safety plan is
 556 specific, sufficient, feasible, and sustainable. The child
 557 protective investigator shall identify services necessary for
 558 the successful implementation of the safety plan. The child
 559 protective investigator and the community-based care lead agency
 560 shall mobilize service resources to assist all parties in
 561 complying with the safety plan. The community-based care lead
 562 agency shall prioritize safety plan services to families who
 563 have multiple risk factors, including, but not limited to, two
 564 or more of the following:
 565 (I) The parent or legal custodian is of young age;
 566 (II) The parent or legal custodian, or an adult currently
 567 living in or frequently visiting the home, has a history of
 568 substance abuse, mental illness, or domestic violence;
 569 (III) The parent or legal custodian, or an adult currently
 570 living in or frequently visiting the home, has been previously
 571 found to have physically or sexually abused a child;
 572 (IV) The parent or legal custodian or an adult currently
 573 living in or frequently visiting the home has been the subject
 574 of multiple allegations by reputable reports of abuse or
 575 neglect;
 576 (V) The child is physically or developmentally disabled; or
 577 (VI) The child is 3 years of age or younger.
 578 c. The child protective investigator shall monitor the
 579 implementation of the plan to ensure the child's safety until
 580 the case is transferred to the lead agency at which time the

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581 lead agency shall monitor the implementation.

582 (14)

583 (c) The department, in consultation with the judiciary,
584 shall adopt by rule:

585 1. Criteria that are factors requiring that the department
586 take the child into custody, petition the court as provided in
587 this chapter, or, if the child is not taken into custody or a
588 petition is not filed with the court, conduct an administrative
589 review. Such factors must include, but are not limited to,
590 noncompliance with a safety plan or the case plan developed by
591 the department, and the family under this chapter, and prior
592 abuse reports with findings that involve the child, the child's
593 sibling, or the child's caregiver.

594 2. Requirements that if after an administrative review the
595 department determines not to take the child into custody or
596 petition the court, the department shall document the reason for
597 its decision in writing and include it in the investigative
598 file. For all cases that were accepted by the local law
599 enforcement agency for criminal investigation pursuant to
600 subsection (2), the department must include in the file written
601 documentation that the administrative review included input from
602 law enforcement. In addition, for all cases that must be
603 referred to Child Protection Teams ~~child protection teams~~
604 pursuant to s. 39.303(4) and (5), the file must include written
605 documentation that the administrative review included the
606 results of the team's evaluation.

607 Reviser's note.—Amended to conform to s. 32, ch. 2018-103, Laws
608 of Florida, which directed the Division of Law Revision and
609 Information to prepare a reviser's bill "to capitalize each

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610 word of the term 'child protection team' wherever it occurs
611 in the Florida Statutes."

612 Section 17. Subsection (1), paragraphs (b), (c), and (d) of
613 subsection (2), subsections (3), (4), (5), (6), (7), and (8),
614 and paragraph (c) of subsection (10) of section 39.303, Florida
615 Statutes, are amended to read:

616 39.303 Child Protection Teams ~~protection teams~~ and sexual
617 abuse treatment programs; services; eligible cases.—

618 (1) The Children's Medical Services Program in the
619 Department of Health shall develop, maintain, and coordinate the
620 services of one or more multidisciplinary Child Protection Teams
621 ~~child protection teams~~ in each of the service circuits of the
622 Department of Children and Families. Such teams may be composed
623 of appropriate representatives of school districts and
624 appropriate health, mental health, social service, legal
625 service, and law enforcement agencies. The Department of Health
626 and the Department of Children and Families shall maintain an
627 interagency agreement that establishes protocols for oversight
628 and operations of Child Protection Teams ~~child protection teams~~
629 and sexual abuse treatment programs. The State Surgeon General
630 and the Deputy Secretary for Children's Medical Services, in
631 consultation with the Secretary of Children and Families and the
632 Statewide Medical Director for Child Protection, shall maintain
633 the responsibility for the screening, employment, and, if
634 necessary, the termination of Child Protection Team ~~child~~
635 ~~protection team~~ medical directors in the 15 circuits.

636 (2)

637 (b) Each Child Protection Team ~~child protection team~~
638 medical director must be a physician licensed under chapter 458

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639 or chapter 459 who is a board-certified physician in pediatrics
 640 or family medicine and, within 2 years after the date of
 641 employment as a Child Protection Team ~~child protection team~~
 642 medical director, obtains a subspecialty certification in child
 643 abuse from the American Board of Pediatrics or within 2 years
 644 meet the minimum requirements established by a third-party
 645 credentialing entity recognizing a demonstrated specialized
 646 competence in child abuse pediatrics pursuant to paragraph (d).
 647 Each Child Protection Team ~~child protection team~~ medical
 648 director employed on July 1, 2015, must, by July 1, 2019, either
 649 obtain a subspecialty certification in child abuse from the
 650 American Board of Pediatrics or meet the minimum requirements
 651 established by a third-party credentialing entity recognizing a
 652 demonstrated specialized competence in child abuse pediatrics
 653 pursuant to paragraph (d). Child Protection Team ~~protection team~~
 654 medical directors shall be responsible for oversight of the
 655 teams in the circuits.

656 (c) All medical personnel participating on a Child
 657 Protection Team ~~child protection team~~ must successfully complete
 658 the required Child Protection Team ~~child protection team~~
 659 training curriculum as set forth in protocols determined by the
 660 Deputy Secretary for Children's Medical Services and the
 661 Statewide Medical Director for Child Protection.

662 (d) Contingent on appropriations, the Department of Health
 663 shall approve one or more third-party credentialing entities for
 664 the purpose of developing and administering a professional
 665 credentialing program for Child Protection Team ~~child protection~~
 666 ~~team~~ medical directors. Within 90 days after receiving
 667 documentation from a third-party credentialing entity, the

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668 department shall approve a third-party credentialing entity that
 669 demonstrates compliance with the following minimum standards:

670 1. Establishment of child abuse pediatrics core
 671 competencies, certification standards, testing instruments, and
 672 recertification standards according to national psychometric
 673 standards.

674 2. Establishment of a process to administer the
 675 certification application, award, and maintenance processes
 676 according to national psychometric standards.

677 3. Demonstrated ability to administer a professional code
 678 of ethics and disciplinary process that applies to all certified
 679 persons.

680 4. Establishment of, and ability to maintain, a publicly
 681 accessible Internet-based database that contains information on
 682 each person who applies for and is awarded certification, such
 683 as the person's first and last name, certification status, and
 684 ethical or disciplinary history.

685 5. Demonstrated ability to administer biennial continuing
 686 education and certification renewal requirements.

687 6. Demonstrated ability to administer an education provider
 688 program to approve qualified training entities and to provide
 689 precertification training to applicants and continuing education
 690 opportunities to certified professionals.

691 (3) The Department of Health shall use and convene the
 692 Child Protection Teams ~~child protection teams~~ to supplement the
 693 assessment and protective supervision activities of the family
 694 safety and preservation program of the Department of Children
 695 and Families. This section does not remove or reduce the duty
 696 and responsibility of any person to report pursuant to this

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697 chapter all suspected or actual cases of child abuse,
 698 abandonment, or neglect or sexual abuse of a child. The role of
 699 the Child Protection Teams ~~child protection teams~~ is to support
 700 activities of the program and to provide services deemed by the
 701 Child Protection Teams ~~child protection teams~~ to be necessary
 702 and appropriate to abused, abandoned, and neglected children
 703 upon referral. The specialized diagnostic assessment,
 704 evaluation, coordination, consultation, and other supportive
 705 services that a Child Protection Team ~~child protection team~~ must
 706 be capable of providing include, but are not limited to, the
 707 following:

708 (a) Medical diagnosis and evaluation services, including
 709 provision or interpretation of X rays and laboratory tests, and
 710 related services, as needed, and documentation of related
 711 findings.

712 (b) Telephone consultation services in emergencies and in
 713 other situations.

714 (c) Medical evaluation related to abuse, abandonment, or
 715 neglect, as defined by policy or rule of the Department of
 716 Health.

717 (d) Such psychological and psychiatric diagnosis and
 718 evaluation services for the child or the child's parent or
 719 parents, legal custodian or custodians, or other caregivers, or
 720 any other individual involved in a child abuse, abandonment, or
 721 neglect case, as the team may determine to be needed.

722 (e) Expert medical, psychological, and related professional
 723 testimony in court cases.

724 (f) Case staffings to develop treatment plans for children
 725 whose cases have been referred to the team. A Child Protection

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726 Team ~~child protection team~~ may provide consultation with respect
 727 to a child who is alleged or is shown to be abused, abandoned,
 728 or neglected, which consultation shall be provided at the
 729 request of a representative of the family safety and
 730 preservation program or at the request of any other professional
 731 involved with a child or the child's parent or parents, legal
 732 custodian or custodians, or other caregivers. In every such
 733 Child Protection Team ~~child protection team~~ case staffing,
 734 consultation, or staff activity involving a child, a family
 735 safety and preservation program representative shall attend and
 736 participate.

737 (g) Case service coordination and assistance, including the
 738 location of services available from other public and private
 739 agencies in the community.

740 (h) Such training services for program and other employees
 741 of the Department of Children and Families, employees of the
 742 Department of Health, and other medical professionals as is
 743 deemed appropriate to enable them to develop and maintain their
 744 professional skills and abilities in handling child abuse,
 745 abandonment, and neglect cases.

746 (i) Educational and community awareness campaigns on child
 747 abuse, abandonment, and neglect in an effort to enable citizens
 748 more successfully to prevent, identify, and treat child abuse,
 749 abandonment, and neglect in the community.

750 (j) Child Protection Team ~~protection team~~ assessments that
 751 include, as appropriate, medical evaluations, medical
 752 consultations, family psychosocial interviews, specialized
 753 clinical interviews, or forensic interviews.

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755 A Child Protection Team ~~child protection team~~ that is evaluating
756 a report of medical neglect and assessing the health care needs
757 of a medically complex child shall consult with a physician who
758 has experience in treating children with the same condition.

759 (4) The child abuse, abandonment, and neglect reports that
760 must be referred by the department to Child Protection Teams
761 ~~child protection teams~~ of the Department of Health for an
762 assessment and other appropriate available support services as
763 set forth in subsection (3) must include cases involving:

764 (a) Injuries to the head, bruises to the neck or head,
765 burns, or fractures in a child of any age.

766 (b) Bruises anywhere on a child 5 years of age or under.

767 (c) Any report alleging sexual abuse of a child.

768 (d) Any sexually transmitted disease in a prepubescent
769 child.

770 (e) Reported malnutrition of a child and failure of a child
771 to thrive.

772 (f) Reported medical neglect of a child.

773 (g) Any family in which one or more children have been
774 pronounced dead on arrival at a hospital or other health care
775 facility, or have been injured and later died, as a result of
776 suspected abuse, abandonment, or neglect, when any sibling or
777 other child remains in the home.

778 (h) Symptoms of serious emotional problems in a child when
779 emotional or other abuse, abandonment, or neglect is suspected.

780 (5) All abuse and neglect cases transmitted for
781 investigation to a circuit by the hotline must be simultaneously
782 transmitted to the Child Protection Team ~~child protection team~~
783 for review. For the purpose of determining whether a face-to-

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784 face medical evaluation by a Child Protection Team ~~child~~
785 ~~protection team~~ is necessary, all cases transmitted to the Child
786 Protection Team ~~child protection team~~ which meet the criteria in
787 subsection (4) must be timely reviewed by:

788 (a) A physician licensed under chapter 458 or chapter 459
789 who holds board certification in pediatrics and is a member of a
790 Child Protection Team ~~child protection team~~;

791 (b) A physician licensed under chapter 458 or chapter 459
792 who holds board certification in a specialty other than
793 pediatrics, who may complete the review only when working under
794 the direction of the Child Protection Team ~~child protection team~~
795 medical director or a physician licensed under chapter 458 or
796 chapter 459 who holds board certification in pediatrics and is a
797 member of a Child Protection Team ~~child protection team~~;

798 (c) An advanced practice registered nurse licensed under
799 chapter 464 who has a specialty in pediatrics or family medicine
800 and is a member of a Child Protection Team ~~child protection~~
801 ~~team~~;

802 (d) A physician assistant licensed under chapter 458 or
803 chapter 459, who may complete the review only when working under
804 the supervision of the Child Protection Team ~~child protection~~
805 ~~team~~ medical director or a physician licensed under chapter 458
806 or chapter 459 who holds board certification in pediatrics and
807 is a member of a Child Protection Team ~~child protection team~~; or

808 (e) A registered nurse licensed under chapter 464, who may
809 complete the review only when working under the direct
810 supervision of the Child Protection Team ~~child protection team~~
811 medical director or a physician licensed under chapter 458 or
812 chapter 459 who holds board certification in pediatrics and is a

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813 member of a Child Protection Team ~~child protection team~~.

814 (6) A face-to-face medical evaluation by a Child Protection
815 Team ~~child protection team~~ is not necessary when:

816 (a) The child was examined for the alleged abuse or neglect
817 by a physician who is not a member of the Child Protection Team
818 ~~child protection team~~, and a consultation between the Child
819 Protection Team ~~child protection team~~ medical director or a
820 Child Protection Team ~~child protection team~~ board-certified
821 pediatrician, advanced practice registered nurse, physician
822 assistant working under the supervision of a Child Protection
823 Team ~~child protection team~~ medical director or a Child
824 Protection Team ~~child protection team~~ board-certified
825 pediatrician, or registered nurse working under the direct
826 supervision of a Child Protection Team ~~child protection team~~
827 medical director or a Child Protection Team ~~child protection~~
828 ~~team~~ board-certified pediatrician, and the examining physician
829 concludes that a further medical evaluation is unnecessary;

830 (b) The child protective investigator, with supervisory
831 approval, has determined, after conducting a child safety
832 assessment, that there are no indications of injuries as
833 described in paragraphs (4) (a)-(h) as reported; or

834 (c) The Child Protection Team ~~child protection team~~ medical
835 director or a Child Protection Team ~~child protection team~~ board-
836 certified pediatrician, as authorized in subsection (5),
837 determines that a medical evaluation is not required.

838
839 Notwithstanding paragraphs (a), (b), and (c), a Child Protection
840 Team ~~child protection team~~ medical director or a Child
841 Protection Team ~~child protection team~~ pediatrician, as

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842 authorized in subsection (5), may determine that a face-to-face
843 medical evaluation is necessary.

844 (7) In all instances in which a Child Protection Team ~~child~~
845 ~~protection team~~ is providing certain services to abused,
846 abandoned, or neglected children, other offices and units of the
847 Department of Health, and offices and units of the Department of
848 Children and Families, shall avoid duplicating the provision of
849 those services.

850 (8) The Department of Health Child Protection Team ~~child~~
851 ~~protection team~~ quality assurance program and the Family Safety
852 Program Office of the Department of Children and Families shall
853 collaborate to ensure referrals and responses to child abuse,
854 abandonment, and neglect reports are appropriate. Each quality
855 assurance program shall include a review of records in which
856 there are no findings of abuse, abandonment, or neglect, and the
857 findings of these reviews shall be included in each department's
858 quality assurance reports.

859 (10) The Children's Medical Services program in the
860 Department of Health shall develop, maintain, and coordinate the
861 services of one or more sexual abuse treatment programs.

862 (c) The sexual abuse treatment programs and Child
863 Protection Teams ~~child protection teams~~ must provide referrals
864 for victims of child sexual abuse and their families, as
865 appropriate.

866 Reviser's note.—Amended to conform to s. 32, ch. 2018-103, Laws
867 of Florida, which directed the Division of Law Revision and
868 Information to prepare a reviser's bill "to capitalize each
869 word of the term 'child protection team' wherever it occurs
870 in the Florida Statutes."

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871 Section 18. Section 39.3031, Florida Statutes, is amended
872 to read:

873 39.3031 Rules for implementation of s. 39.303.—The
874 Department of Health, in consultation with the Department of
875 Children and Families, shall adopt rules governing the Child
876 Protection Teams ~~child protection teams~~ and sexual abuse
877 treatment programs pursuant to s. 39.303, including definitions,
878 organization, roles and responsibilities, eligibility, services
879 and their availability, qualifications of staff, and a waiver-
880 request process.

881 Reviser's note.—Amended to conform to s. 32, ch. 2018-103, Laws
882 of Florida, which directed the Division of Law Revision and
883 Information to prepare a reviser's bill "to capitalize each
884 word of the term 'child protection team' wherever it occurs
885 in the Florida Statutes."

886 Section 19. Paragraphs (b) and (e) of subsection (1) of
887 section 39.3035, Florida Statutes, are amended to read:

888 39.3035 Child advocacy centers; standards; state funding.—

889 (1) In order to become eligible for a full membership in
890 the Florida Network of Children's Advocacy Centers, Inc., a
891 child advocacy center in this state shall:

892 (b) Be a Child Protection Team ~~child protection team~~, or by
893 written agreement incorporate the participation and services of
894 a Child Protection Team ~~child protection team~~, with established
895 community protocols which meet all of the requirements of the
896 National Network of Children's Advocacy Centers, Inc.

897 (e) Have a multidisciplinary case review team that meets on
898 a regularly scheduled basis or as the caseload of the community
899 requires. The team shall consist of representatives from the

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900 Office of the State Attorney, the department, the Child
901 Protection Team ~~child protection team~~, mental health services,
902 law enforcement, and the child advocacy center staff. Medical
903 personnel and a victim's advocate may be part of the team.

904 Reviser's note.—Amended to conform to s. 32, ch. 2018-103, Laws
905 of Florida, which directed the Division of Law Revision and
906 Information to prepare a reviser's bill "to capitalize each
907 word of the term 'child protection team' wherever it occurs
908 in the Florida Statutes."

909 Section 20. Paragraph (a) of subsection (1) and subsection
910 (3) of section 39.304, Florida Statutes, are amended to read:

911 39.304 Photographs, medical examinations, X rays, and
912 medical treatment of abused, abandoned, or neglected child.—

913 (1) (a) Any person required to investigate cases of
914 suspected child abuse, abandonment, or neglect may take or cause
915 to be taken photographs of the areas of trauma visible on a
916 child who is the subject of a report. Any Child Protection Team
917 ~~child protection team~~ that examines a child who is the subject
918 of a report must take, or cause to be taken, photographs of any
919 areas of trauma visible on the child. Photographs of physical
920 abuse injuries, or duplicates thereof, shall be provided to the
921 department for inclusion in the investigative file and shall
922 become part of that file. Photographs of sexual abuse trauma
923 shall be made part of the Child Protection Team ~~child protection~~
924 ~~team~~ medical record.

925 (3) Any facility licensed under chapter 395 shall provide
926 to the department, its agent, or a Child Protection Team ~~child~~
927 ~~protection team~~ that contracts with the department any
928 photograph or report on examinations made or X rays taken

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929 pursuant to this section, or copies thereof, for the purpose of
 930 investigation or assessment of cases of abuse, abandonment,
 931 neglect, or exploitation of children.

932 Reviser's note.—Amended to conform to s. 32, ch. 2018-103, Laws
 933 of Florida, which directed the Division of Law Revision and
 934 Information to prepare a reviser's bill "to capitalize each
 935 word of the term 'child protection team' wherever it occurs
 936 in the Florida Statutes."

937 Section 21. Subsections (2) and (3) of section 39.3068,
 938 Florida Statutes, are amended to read:
 939 39.3068 Reports of medical neglect.—
 940 (2) The child protective investigator who has interacted
 941 with the child and the child's family shall promptly contact and
 942 provide information to the Child Protection Team ~~child~~
 943 ~~protection team~~. The Child Protection Team ~~child protection team~~
 944 shall assist the child protective investigator in identifying
 945 immediate responses to address the medical needs of the child
 946 with the priority of maintaining the child in the home if the
 947 parents will be able to meet the needs of the child with
 948 additional services. The child protective investigator and the
 949 Child Protection Team ~~child protection team~~ must use a family-
 950 centered approach to assess the capacity of the family to meet
 951 those needs. A family-centered approach is intended to increase
 952 independence on the part of the family, accessibility to
 953 programs and services within the community, and collaboration
 954 between families and their service providers. The ethnic,
 955 cultural, economic, racial, social, and religious diversity of
 956 families must be respected and considered in the development and
 957 provision of services.

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958 (3) The child shall be evaluated by the Child Protection
 959 Team ~~child protection team~~ as soon as practicable. If the Child
 960 Protection Team ~~child protection team~~ reports that medical
 961 neglect is substantiated, the department shall convene a case
 962 staffing which shall be attended, at a minimum, by the child
 963 protective investigator; department legal staff; and
 964 representatives from the Child Protection Team ~~child protection~~
 965 ~~team~~ that evaluated the child, Children's Medical Services, the
 966 Agency for Health Care Administration, the community-based care
 967 lead agency, and any providers of services to the child.
 968 However, the Agency for Health Care Administration is not
 969 required to attend the staffing if the child is not Medicaid
 970 eligible. The staffing shall consider, at a minimum, available
 971 services, given the family's eligibility for services; services
 972 that are effective in addressing conditions leading to medical
 973 neglect allegations; and services that would enable the child to
 974 safely remain at home. Any services that are available and
 975 effective shall be provided.

976 Reviser's note.—Amended to conform to s. 32, ch. 2018-103, Laws
 977 of Florida, which directed the Division of Law Revision and
 978 Information to prepare a reviser's bill "to capitalize each
 979 word of the term 'child protection team' wherever it occurs
 980 in the Florida Statutes."
 981 Section 22. Paragraphs (c) and (e) of subsection (2) of
 982 section 39.307, Florida Statutes, are amended to read:
 983 39.307 Reports of child-on-child sexual abuse.—
 984 (2) The department, contracted sheriff's office providing
 985 protective investigation services, or contracted case management
 986 personnel responsible for providing services, at a minimum,

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987 shall adhere to the following procedures:

988 (c) The assessment of risk and the perceived treatment
989 needs of the alleged abuser or child who has exhibited
990 inappropriate sexual behavior, the victim, and respective
991 caregivers shall be conducted by the district staff, the Child
992 Protection Team ~~child protection team~~ of the Department of
993 Health, and other providers under contract with the department
994 to provide services to the caregiver of the alleged offender,
995 the victim, and the victim's caregiver.

996 (e) If necessary, the Child Protection Team ~~child~~
997 ~~protection team~~ of the Department of Health shall conduct a
998 physical examination of the victim, which is sufficient to meet
999 forensic requirements.

1000 Reviser's note.—Amended to conform to s. 32, ch. 2018-103, Laws
1001 of Florida, which directed the Division of Law Revision and
1002 Information to prepare a reviser's bill "to capitalize each
1003 word of the term 'child protection team' wherever it occurs
1004 in the Florida Statutes."

1005 Section 23. Subsection (1) of section 39.5086, Florida
1006 Statutes, is amended to read:

1007 39.5086 Kinship navigator programs.—

1008 (1) DEFINITIONS.—As used in this section, the term:

1009 (a) "Fictive kin" has the same meaning as provided in s.
1010 39.4015(2) (d) .

1011 (b) "Kinship care" means the full-time care of a child
1012 placed in out-of-home care by the court in the home of a
1013 relative or fictive kin.

1014 (c) "Kinship navigator program" means a program designed to
1015 ensure that kinship caregivers are provided with necessary

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1016 resources for the preservation of the family.

1017 (d) "Relative" means an individual who is caring full time
1018 for a child placed in out-of-home care by the court and who:

1019 1. Is related to the child within the fifth degree by blood
1020 or marriage to the parent or stepparent of the child; or

1021 2. Is related to a half-sibling of that child within the
1022 fifth degree by blood or marriage to the parent or stepparent.

1023 Reviser's note.—Amended to confirm the editorial insertion of
1024 the word "in" to improve clarity.

1025 Section 24. Paragraph (k) of subsection (2) of section
1026 39.521, Florida Statutes, is amended to read:

1027 39.521 Disposition hearings; powers of disposition.—

1028 (2) The family functioning assessment must provide the
1029 court with the following documented information:

1030 (k) The complete report and recommendation of the Child
1031 Protection Team ~~child protection team~~ of the Department of
1032 Health or, if no report exists, a statement reflecting that no
1033 report has been made.

1034
1035 Any other relevant and material evidence, including other
1036 written or oral reports, may be received by the court in its
1037 effort to determine the action to be taken with regard to the
1038 child and may be relied upon to the extent of its probative
1039 value, even though not competent in an adjudicatory hearing.
1040 Except as otherwise specifically provided, nothing in this
1041 section prohibits the publication of proceedings in a hearing.

1042 Reviser's note.—Amended to conform to s. 32, ch. 2018-103, Laws
1043 of Florida, which directed the Division of Law Revision and
1044 Information to prepare a reviser's bill "to capitalize each

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1045 word of the term 'child protection team' wherever it occurs
1046 in the Florida Statutes."

1047 Section 25. Subsection (1) of section 105.036, Florida
1048 Statutes, is amended to read:

1049 105.036 Initiative for method of selection for circuit or
1050 county court judges; procedures for placement on ballot.—

1051 (1) ~~Subsequent to the general election in the year 2000, A~~
1052 local option for merit selection and retention or the election
1053 of circuit or county court judges may be placed on the ballot
1054 for the general election occurring in excess of 90 days from the
1055 certification of ballot position by the Secretary of State for
1056 circuit court judges or the county supervisor of elections for
1057 county court judges. The ballot shall provide for a vote on the
1058 method for selection of judges not currently used for filling
1059 judicial offices in the county or circuit.

1060 Reviser's note.—Amended to delete obsolete language.

1061 Section 26. Paragraph (d) of subsection (4) of section
1062 119.071, Florida Statutes, is amended to read:

1063 119.071 General exemptions from inspection or copying of
1064 public records.—

1065 (4) AGENCY PERSONNEL INFORMATION.—

1066 (d)1. For purposes of this paragraph, the term "telephone
1067 numbers" includes home telephone numbers, personal cellular
1068 telephone numbers, personal pager telephone numbers, and
1069 telephone numbers associated with personal communications
1070 devices.

1071 2.a. The home addresses, telephone numbers, dates of birth,
1072 and photographs of active or former sworn or civilian law
1073 enforcement personnel, including correctional and correctional

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1074 probation officers, personnel of the Department of Children and
1075 Families whose duties include the investigation of abuse,
1076 neglect, exploitation, fraud, theft, or other criminal
1077 activities, personnel of the Department of Health whose duties
1078 are to support the investigation of child abuse or neglect, and
1079 personnel of the Department of Revenue or local governments
1080 whose responsibilities include revenue collection and
1081 enforcement or child support enforcement; the names, home
1082 addresses, telephone numbers, photographs, dates of birth, and
1083 places of employment of the spouses and children of such
1084 personnel; and the names and locations of schools and day care
1085 facilities attended by the children of such personnel are exempt
1086 from s. 119.07(1) and s. 24(a), Art. I of the State
1087 Constitution. This sub-subparagraph is subject to the Open
1088 Government Sunset Review Act in accordance with s. 119.15 and
1089 shall stand repealed on October 2, 2022, unless reviewed and
1090 saved from repeal through reenactment by the Legislature.

1091 b. The home addresses, telephone numbers, dates of birth,
1092 and photographs of current or former nonsworn investigative
1093 personnel of the Department of Financial Services whose duties
1094 include the investigation of fraud, theft, workers' compensation
1095 coverage requirements and compliance, other related criminal
1096 activities, or state regulatory requirement violations; the
1097 names, home addresses, telephone numbers, dates of birth, and
1098 places of employment of the spouses and children of such
1099 personnel; and the names and locations of schools and day care
1100 facilities attended by the children of such personnel are exempt
1101 from s. 119.07(1) and s. 24(a), Art. I of the State
1102 Constitution. This sub-subparagraph is subject to the Open

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1103 Government Sunset Review Act in accordance with s. 119.15 and
 1104 shall stand repealed on October 2, 2021, unless reviewed and
 1105 saved from repeal through reenactment by the Legislature.

1106 c. The home addresses, telephone numbers, dates of birth,
 1107 and photographs of current or former nonsworn investigative
 1108 personnel of the Office of Financial Regulation's Bureau of
 1109 Financial Investigations whose duties include the investigation
 1110 of fraud, theft, other related criminal activities, or state
 1111 regulatory requirement violations; the names, home addresses,
 1112 telephone numbers, dates of birth, and places of employment of
 1113 the spouses and children of such personnel; and the names and
 1114 locations of schools and day care facilities attended by the
 1115 children of such personnel are exempt from s. 119.07(1) and s.
 1116 24(a), Art. I of the State Constitution. This sub-subparagraph
 1117 is subject to the Open Government Sunset Review Act in
 1118 accordance with s. 119.15 and shall stand repealed on October 2,
 1119 2022, unless reviewed and saved from repeal through reenactment
 1120 by the Legislature.

1121 d. The home addresses, telephone numbers, dates of birth,
 1122 and photographs of current or former firefighters certified in
 1123 compliance with s. 633.408; the names, home addresses, telephone
 1124 numbers, photographs, dates of birth, and places of employment
 1125 of the spouses and children of such firefighters; and the names
 1126 and locations of schools and day care facilities attended by the
 1127 children of such firefighters are exempt from s. 119.07(1) and
 1128 s. 24(a), Art. I of the State Constitution. This sub-
 1129 subparagraph is subject to the Open Government Sunset Review Act
 1130 in accordance with s. 119.15, and shall stand repealed on
 1131 October 2, 2022, unless reviewed and saved from repeal through

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1132 reenactment by the Legislature.

1133 e. The home addresses, dates of birth, and telephone
 1134 numbers of current or former justices of the Supreme Court,
 1135 district court of appeal judges, circuit court judges, and
 1136 county court judges; the names, home addresses, telephone
 1137 numbers, dates of birth, and places of employment of the spouses
 1138 and children of current or former justices and judges; and the
 1139 names and locations of schools and day care facilities attended
 1140 by the children of current or former justices and judges are
 1141 exempt from s. 119.07(1) and s. 24(a), Art. I of the State
 1142 Constitution. This sub-subparagraph is subject to the Open
 1143 Government Sunset Review Act in accordance with s. 119.15 and
 1144 shall stand repealed on October 2, 2022, unless reviewed and
 1145 saved from repeal through reenactment by the Legislature.

1146 f. The home addresses, telephone numbers, dates of birth,
 1147 and photographs of current or former state attorneys, assistant
 1148 state attorneys, statewide prosecutors, or assistant statewide
 1149 prosecutors; the names, home addresses, telephone numbers,
 1150 photographs, dates of birth, and places of employment of the
 1151 spouses and children of current or former state attorneys,
 1152 assistant state attorneys, statewide prosecutors, or assistant
 1153 statewide prosecutors; and the names and locations of schools
 1154 and day care facilities attended by the children of current or
 1155 former state attorneys, assistant state attorneys, statewide
 1156 prosecutors, or assistant statewide prosecutors are exempt from
 1157 s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

1158 g. The home addresses, dates of birth, and telephone
 1159 numbers of general magistrates, special magistrates, judges of
 1160 compensation claims, administrative law judges of the Division

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1161 of Administrative Hearings, and child support enforcement
 1162 hearing officers; the names, home addresses, telephone numbers,
 1163 dates of birth, and places of employment of the spouses and
 1164 children of general magistrates, special magistrates, judges of
 1165 compensation claims, administrative law judges of the Division
 1166 of Administrative Hearings, and child support enforcement
 1167 hearing officers; and the names and locations of schools and day
 1168 care facilities attended by the children of general magistrates,
 1169 special magistrates, judges of compensation claims,
 1170 administrative law judges of the Division of Administrative
 1171 Hearings, and child support enforcement hearing officers are
 1172 exempt from s. 119.07(1) and s. 24(a), Art. I of the State
 1173 Constitution. This sub-subparagraph is subject to the Open
 1174 Government Sunset Review Act in accordance with s. 119.15 and
 1175 shall stand repealed on October 2, 2022, unless reviewed and
 1176 saved from repeal through reenactment by the Legislature.

1177 h. The home addresses, telephone numbers, dates of birth,
 1178 and photographs of current or former human resource, labor
 1179 relations, or employee relations directors, assistant directors,
 1180 managers, or assistant managers of any local government agency
 1181 or water management district whose duties include hiring and
 1182 firing employees, labor contract negotiation, administration, or
 1183 other personnel-related duties; the names, home addresses,
 1184 telephone numbers, dates of birth, and places of employment of
 1185 the spouses and children of such personnel; and the names and
 1186 locations of schools and day care facilities attended by the
 1187 children of such personnel are exempt from s. 119.07(1) and s.
 1188 24(a), Art. I of the State Constitution.

1189 i. The home addresses, telephone numbers, dates of birth,

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1190 and photographs of current or former code enforcement officers;
 1191 the names, home addresses, telephone numbers, dates of birth,
 1192 and places of employment of the spouses and children of such
 1193 personnel; and the names and locations of schools and day care
 1194 facilities attended by the children of such personnel are exempt
 1195 from s. 119.07(1) and s. 24(a), Art. I of the State
 1196 Constitution.

1197 j. The home addresses, telephone numbers, places of
 1198 employment, dates of birth, and photographs of current or former
 1199 guardians ad litem, as defined in s. 39.820; the names, home
 1200 addresses, telephone numbers, dates of birth, and places of
 1201 employment of the spouses and children of such persons; and the
 1202 names and locations of schools and day care facilities attended
 1203 by the children of such persons are exempt from s. 119.07(1) and
 1204 s. 24(a), Art. I of the State Constitution. This sub-
 1205 subparagraph is subject to the Open Government Sunset Review Act
 1206 in accordance with s. 119.15 and shall stand repealed on October
 1207 2, 2022, unless reviewed and saved from repeal through
 1208 reenactment by the Legislature.

1209 k. The home addresses, telephone numbers, dates of birth,
 1210 and photographs of current or former juvenile probation
 1211 officers, juvenile probation supervisors, detention
 1212 superintendents, assistant detention superintendents, juvenile
 1213 justice detention officers I and II, juvenile justice detention
 1214 officer supervisors, juvenile justice residential officers,
 1215 juvenile justice residential officer supervisors I and II,
 1216 juvenile justice counselors, juvenile justice counselor
 1217 supervisors, human services counselor administrators, senior
 1218 human services counselor administrators, rehabilitation

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1219 therapists, and social services counselors of the Department of
 1220 Juvenile Justice; the names, home addresses, telephone numbers,
 1221 dates of birth, and places of employment of spouses and children
 1222 of such personnel; and the names and locations of schools and
 1223 day care facilities attended by the children of such personnel
 1224 are exempt from s. 119.07(1) and s. 24(a), Art. I of the State
 1225 Constitution.

1226 1. The home addresses, telephone numbers, dates of birth,
 1227 and photographs of current or former public defenders, assistant
 1228 public defenders, criminal conflict and civil regional counsel,
 1229 and assistant criminal conflict and civil regional counsel; the
 1230 names, home addresses, telephone numbers, dates of birth, and
 1231 places of employment of the spouses and children of current or
 1232 former public defenders, assistant public defenders, criminal
 1233 conflict and civil regional counsel, and assistant criminal
 1234 conflict and civil regional counsel; and the names and locations
 1235 of schools and day care facilities attended by the children of
 1236 current or former public defenders, assistant public defenders,
 1237 criminal conflict and civil regional counsel, and assistant
 1238 criminal conflict and civil regional counsel are exempt from s.
 1239 119.07(1) and s. 24(a), Art. I of the State Constitution.

1240 m. The home addresses, telephone numbers, dates of birth,
 1241 and photographs of current or former investigators or inspectors
 1242 of the Department of Business and Professional Regulation; the
 1243 names, home addresses, telephone numbers, dates of birth, and
 1244 places of employment of the spouses and children of such current
 1245 or former investigators and inspectors; and the names and
 1246 locations of schools and day care facilities attended by the
 1247 children of such current or former investigators and inspectors

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1248 are exempt from s. 119.07(1) and s. 24(a), Art. I of the State
 1249 Constitution. This sub-subparagraph is subject to the Open
 1250 Government Sunset Review Act in accordance with s. 119.15 and
 1251 shall stand repealed on October 2, 2022, unless reviewed and
 1252 saved from repeal through reenactment by the Legislature.

1253 n. The home addresses, telephone numbers, and dates of
 1254 birth of county tax collectors; the names, home addresses,
 1255 telephone numbers, dates of birth, and places of employment of
 1256 the spouses and children of such tax collectors; and the names
 1257 and locations of schools and day care facilities attended by the
 1258 children of such tax collectors are exempt from s. 119.07(1) and
 1259 s. 24(a), Art. I of the State Constitution. This sub-
 1260 subparagraph is subject to the Open Government Sunset Review Act
 1261 in accordance with s. 119.15 and shall stand repealed on October
 1262 2, 2022, unless reviewed and saved from repeal through
 1263 reenactment by the Legislature.

1264 o. The home addresses, telephone numbers, dates of birth,
 1265 and photographs of current or former personnel of the Department
 1266 of Health whose duties include, or result in, the determination
 1267 or adjudication of eligibility for social security disability
 1268 benefits, the investigation or prosecution of complaints filed
 1269 against health care practitioners, or the inspection of health
 1270 care practitioners or health care facilities licensed by the
 1271 Department of Health; the names, home addresses, telephone
 1272 numbers, dates of birth, and places of employment of the spouses
 1273 and children of such personnel; and the names and locations of
 1274 schools and day care facilities attended by the children of such
 1275 personnel are exempt from s. 119.07(1) and s. 24(a), Art. I of
 1276 the State Constitution. This sub-subparagraph is subject to the

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1277 Open Government Sunset Review Act in accordance with s. 119.15
 1278 and shall stand repealed on October 2, 2019, unless reviewed and
 1279 saved from repeal through reenactment by the Legislature.

1280 p. The home addresses, telephone numbers, dates of birth,
 1281 and photographs of current or former impaired practitioner
 1282 consultants who are retained by an agency or current or former
 1283 employees of an impaired practitioner consultant whose duties
 1284 result in a determination of a person's skill and safety to
 1285 practice a licensed profession; the names, home addresses,
 1286 telephone numbers, dates of birth, and places of employment of
 1287 the spouses and children of such consultants or their employees;
 1288 and the names and locations of schools and day care facilities
 1289 attended by the children of such consultants or employees are
 1290 exempt from s. 119.07(1) and s. 24(a), Art. I of the State
 1291 Constitution. This sub-subparagraph is subject to the Open
 1292 Government Sunset Review Act in accordance with s. 119.15 and
 1293 shall stand repealed on October 2, 2020, unless reviewed and
 1294 saved from repeal through reenactment by the Legislature.

1295 q. The home addresses, telephone numbers, dates of birth,
 1296 and photographs of current or former emergency medical
 1297 technicians or paramedics certified under chapter 401; the
 1298 names, home addresses, telephone numbers, dates of birth, and
 1299 places of employment of the spouses and children of such
 1300 emergency medical technicians or paramedics; and the names and
 1301 locations of schools and day care facilities attended by the
 1302 children of such emergency medical technicians or paramedics are
 1303 exempt from s. 119.07(1) and s. 24(a), Art. I of the State
 1304 Constitution. This sub-subparagraph is subject to the Open
 1305 Government Sunset Review Act in accordance with s. 119.15 and

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1306 shall stand repealed on October 2, 2021, unless reviewed and
 1307 saved from repeal through reenactment by the Legislature.

1308 r. The home addresses, telephone numbers, dates of birth,
 1309 and photographs of current or former personnel employed in an
 1310 agency's office of inspector general or internal audit
 1311 department whose duties include auditing or investigating waste,
 1312 fraud, abuse, theft, exploitation, or other activities that
 1313 could lead to criminal prosecution or administrative discipline;
 1314 the names, home addresses, telephone numbers, dates of birth,
 1315 and places of employment of spouses and children of such
 1316 personnel; and the names and locations of schools and day care
 1317 facilities attended by the children of such personnel are exempt
 1318 from s. 119.07(1) and s. 24(a), Art. I of the State
 1319 Constitution. This sub-subparagraph is subject to the Open
 1320 Government Sunset Review Act in accordance with s. 119.15 and
 1321 shall stand repealed on October 2, 2021, unless reviewed and
 1322 saved from repeal through reenactment by the Legislature.

1323 s. The home addresses, telephone numbers, dates of birth,
 1324 and photographs of current or former directors, managers,
 1325 supervisors, nurses, and clinical employees of an addiction
 1326 treatment facility; the home addresses, telephone numbers,
 1327 photographs, dates of birth, and places of employment of the
 1328 spouses and children of such personnel; and the names and
 1329 locations of schools and day care facilities attended by the
 1330 children of such personnel are exempt from s. 119.07(1) and s.
 1331 24(a), Art. I of the State Constitution. For purposes of this
 1332 sub-subparagraph, the term "addiction treatment facility" means
 1333 a county government, or agency thereof, that is licensed
 1334 pursuant to s. 397.401 and provides substance abuse prevention,

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1335 intervention, or clinical treatment, including any licensed
 1336 service component described in s. 397.311(26). This sub-
 1337 subparagraph is subject to the Open Government Sunset Review Act
 1338 in accordance with s. 119.15 and shall stand repealed on October
 1339 2, 2023, unless reviewed and saved from repeal through
 1340 reenactment by the Legislature.

1341 t. The home addresses, telephone numbers, dates of birth,
 1342 and photographs of current or former directors, managers,
 1343 supervisors, and clinical employees of a child advocacy center
 1344 that meets the standards of s. 39.3035(1) and fulfills the
 1345 screening requirement of s. 39.3035(2), and the members of a
 1346 Child Protection Team ~~child protection team~~ as described in s.
 1347 39.303 whose duties include supporting the investigation of
 1348 child abuse or sexual abuse, child abandonment, child neglect,
 1349 and child exploitation or to provide services as part of a
 1350 multidisciplinary case review team; the names, home addresses,
 1351 telephone numbers, photographs, dates of birth, and places of
 1352 employment of the spouses and children of such personnel and
 1353 members; and the names and locations of schools and day care
 1354 facilities attended by the children of such personnel and
 1355 members are exempt from s. 119.07(1) and s. 24(a), Art. I of the
 1356 State Constitution. This sub-subparagraph is subject to the Open
 1357 Government Sunset Review Act in accordance with s. 119.15 and
 1358 shall stand repealed on October 2, 2023, unless reviewed and
 1359 saved from repeal through reenactment by the Legislature.

1360 3. An agency that is the custodian of the information
 1361 specified in subparagraph 2. and that is not the employer of the
 1362 officer, employee, justice, judge, or other person specified in
 1363 subparagraph 2. shall maintain the exempt status of that

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1364 information only if the officer, employee, justice, judge, other
 1365 person, or employing agency of the designated employee submits a
 1366 written request for maintenance of the exemption to the
 1367 custodial agency.

1368 4. The exemptions in this paragraph apply to information
 1369 held by an agency before, on, or after the effective date of the
 1370 exemption.

1371 Reviser's note.—Amended to conform to s. 32, ch. 2018-103, Laws
 1372 of Florida, which directed the Division of Law Revision and
 1373 Information to prepare a reviser's bill "to capitalize each
 1374 word of the term 'child protection team' wherever it occurs
 1375 in the Florida Statutes."

1376 Section 27. Subsection (5) of section 121.71, Florida
 1377 Statutes, is amended to read:

1378 121.71 Uniform rates; process; calculations; levy.—
 1379 (5) In order to address unfunded actuarial liabilities of
 1380 the system, the required employer retirement contribution rates
 1381 for each membership class and subclass of the Florida Retirement
 1382 System for both retirement plans are as follows:

	Percentage of
	Gross
	Compensation,
	Effective
	July 1, 2018
1384	Membership Class
1385	Regular Class
	3.50%

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1386	Special Risk Class	10.60%
1387	Special Risk Administrative Support Class	29.62%
1388	Elected Officers' Class-- Legislators, Governor, Lt. Governor, Cabinet Officers, State Attorneys, Public Defenders	<u>48.38%</u> 43.38%
1389	Elected Officers' Class-- Justices, Judges	27.05%
1390	Elected Officers' Class-- County Elected Officers	38.48%
1391	Senior Management Service Class	17.89%
1392	DROP	7.96%
1393	Reviser's note.--Amended to correct an editorial error to s. 1,	
1394	ch. 2018-12, Laws of Florida, which amended s. 121.71. The	
1395	enrolled act which became ch. 2018-12 provided a rate of	
1396	48.38%, not 43.38%.	
1397		

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1398 Section 28. Subsection (2) of section 154.067, Florida
 1399 Statutes, is amended to read:
 1400 154.067 Child abuse and neglect cases; duties.--The
 1401 Department of Health shall adopt a rule requiring every county
 1402 health department, as described in s. 154.01, to adopt a
 1403 protocol that, at a minimum, requires the county health
 1404 department to:
 1405 (2) In any case involving suspected child abuse,
 1406 abandonment, or neglect, designate, at the request of the
 1407 department, a staff physician to act as a liaison between the
 1408 county health department and the Department of Children and
 1409 Families office that is investigating the suspected abuse,
 1410 abandonment, or neglect, and the Child Protection Team ~~child~~
 1411 ~~protection team~~, as defined in s. 39.01, when the case is
 1412 referred to such a team.
 1413 Reviser's note.--Amended to conform to s. 32, ch. 2018-103, Laws
 1414 of Florida, which directed the Division of Law Revision and
 1415 Information to prepare a reviser's bill "to capitalize each
 1416 word of the term 'child protection team' wherever it occurs
 1417 in the Florida Statutes."
 1418 Section 29. Subsection (1) of section 159.834, Florida
 1419 Statutes, is amended to read:
 1420 159.834 Allocation of state volume limitation.--
 1421 (1) ~~By February 1, 2004,~~ The board shall establish a
 1422 program for allocating the state volume limitation imposed by s.
 1423 142(k)(5)(A) of the code on private activity bonds to finance
 1424 qualified public educational facilities. Such program shall
 1425 include objective criteria to be considered in determining
 1426 whether to grant a request for such volume limitation,

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1427 including, but not limited to, the need for a qualified public
 1428 educational facility in the area proposed in the application,
 1429 the number of students to be served by such facility, and the
 1430 cost-effectiveness of the proposed facility. The program shall
 1431 be administered by the department.

1432 Reviser's note.—Amended to delete obsolete language.

1433 Section 30. Section 163.3164, Florida Statutes, is
 1434 reenacted to read:

1435 163.3164 Community Planning Act; definitions.—As used in
 1436 this act:

1437 (1) "Adaptation action area" or "adaptation area" means a
 1438 designation in the coastal management element of a local
 1439 government's comprehensive plan which identifies one or more
 1440 areas that experience coastal flooding due to extreme high tides
 1441 and storm surge, and that are vulnerable to the related impacts
 1442 of rising sea levels for the purpose of prioritizing funding for
 1443 infrastructure needs and adaptation planning.

1444 (2) "Administration Commission" means the Governor and the
 1445 Cabinet, and for purposes of this chapter the commission shall
 1446 act on a simple majority vote, except that for purposes of
 1447 imposing the sanctions provided in s. 163.3184(8), affirmative
 1448 action shall require the approval of the Governor and at least
 1449 three other members of the commission.

1450 (3) "Affordable housing" has the same meaning as in s.
 1451 420.0004(3).

1452 (4) "Agricultural enclave" means an unincorporated,
 1453 undeveloped parcel that:

1454 (a) Is owned by a single person or entity;

1455 (b) Has been in continuous use for bona fide agricultural

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1456 purposes, as defined by s. 193.461, for a period of 5 years
 1457 prior to the date of any comprehensive plan amendment
 1458 application;

1459 (c) Is surrounded on at least 75 percent of its perimeter
 1460 by:

1461 1. Property that has existing industrial, commercial, or
 1462 residential development; or

1463 2. Property that the local government has designated, in
 1464 the local government's comprehensive plan, zoning map, and
 1465 future land use map, as land that is to be developed for
 1466 industrial, commercial, or residential purposes, and at least 75
 1467 percent of such property is existing industrial, commercial, or
 1468 residential development;

1469 (d) Has public services, including water, wastewater,
 1470 transportation, schools, and recreation facilities, available or
 1471 such public services are scheduled in the capital improvement
 1472 element to be provided by the local government or can be
 1473 provided by an alternative provider of local government
 1474 infrastructure in order to ensure consistency with applicable
 1475 concurrency provisions of s. 163.3180; and

1476 (e) Does not exceed 1,280 acres; however, if the property
 1477 is surrounded by existing or authorized residential development
 1478 that will result in a density at buildout of at least 1,000
 1479 residents per square mile, then the area shall be determined to
 1480 be urban and the parcel may not exceed 4,480 acres.

1481 (5) "Antiquated subdivision" means a subdivision that was
 1482 recorded or approved more than 20 years ago and that has
 1483 substantially failed to be built and the continued buildout of
 1484 the subdivision in accordance with the subdivision's zoning and

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1485 land use purposes would cause an imbalance of land uses and
 1486 would be detrimental to the local and regional economies and
 1487 environment, hinder current planning practices, and lead to
 1488 inefficient and fiscally irresponsible development patterns as
 1489 determined by the respective jurisdiction in which the
 1490 subdivision is located.

1491 (6) "Area" or "area of jurisdiction" means the total area
 1492 qualifying under this act, whether this be all of the lands
 1493 lying within the limits of an incorporated municipality, lands
 1494 in and adjacent to incorporated municipalities, all
 1495 unincorporated lands within a county, or areas comprising
 1496 combinations of the lands in incorporated municipalities and
 1497 unincorporated areas of counties.

1498 (7) "Capital improvement" means physical assets constructed
 1499 or purchased to provide, improve, or replace a public facility
 1500 and which are typically large scale and high in cost. The cost
 1501 of a capital improvement is generally nonrecurring and may
 1502 require multiyear financing. For the purposes of this part,
 1503 physical assets that have been identified as existing or
 1504 projected needs in the individual comprehensive plan elements
 1505 shall be considered capital improvements.

1506 (8) "Coastal area" means the 35 coastal counties and all
 1507 coastal municipalities within their boundaries.

1508 (9) "Compatibility" means a condition in which land uses or
 1509 conditions can coexist in relative proximity to each other in a
 1510 stable fashion over time such that no use or condition is unduly
 1511 negatively impacted directly or indirectly by another use or
 1512 condition.

1513 (10) "Comprehensive plan" means a plan that meets the

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1514 requirements of ss. 163.3177 and 163.3178.

1515 (11) "Deepwater ports" means the ports identified in s.
 1516 403.021(9).

1517 (12) "Density" means an objective measurement of the number
 1518 of people or residential units allowed per unit of land, such as
 1519 residents or employees per acre.

1520 (13) "Developer" means any person, including a governmental
 1521 agency, undertaking any development as defined in this act.

1522 (14) "Development" has the same meaning as in s. 380.04.

1523 (15) "Development order" means any order granting, denying,
 1524 or granting with conditions an application for a development
 1525 permit.

1526 (16) "Development permit" includes any building permit,
 1527 zoning permit, subdivision approval, rezoning, certification,
 1528 special exception, variance, or any other official action of
 1529 local government having the effect of permitting the development
 1530 of land.

1531 (17) "Downtown revitalization" means the physical and
 1532 economic renewal of a central business district of a community
 1533 as designated by local government, and includes both downtown
 1534 development and redevelopment.

1535 (18) "Floodprone areas" means areas inundated during a 100-
 1536 year flood event or areas identified by the National Flood
 1537 Insurance Program as an A Zone on flood insurance rate maps or
 1538 flood hazard boundary maps.

1539 (19) "Goal" means the long-term end toward which programs
 1540 or activities are ultimately directed.

1541 (20) "Governing body" means the board of county
 1542 commissioners of a county, the commission or council of an

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1543 incorporated municipality, or any other chief governing body of
 1544 a unit of local government, however designated, or the
 1545 combination of such bodies where joint utilization of this act
 1546 is accomplished as provided herein.

1547 (21) "Governmental agency" means:

1548 (a) The United States or any department, commission,
 1549 agency, or other instrumentality thereof.

1550 (b) This state or any department, commission, agency, or
 1551 other instrumentality thereof.

1552 (c) Any local government, as defined in this section, or
 1553 any department, commission, agency, or other instrumentality
 1554 thereof.

1555 (d) Any school board or other special district, authority,
 1556 or governmental entity.

1557 (22) "Intensity" means an objective measurement of the
 1558 extent to which land may be developed or used, including the
 1559 consumption or use of the space above, on, or below ground; the
 1560 measurement of the use of or demand on natural resources; and
 1561 the measurement of the use of or demand on facilities and
 1562 services.

1563 (23) "Internal trip capture" means trips generated by a
 1564 mixed-use project that travel from one onsite land use to
 1565 another onsite land use without using the external road network.

1566 (24) "Land" means the earth, water, and air, above, below,
 1567 or on the surface, and includes any improvements or structures
 1568 customarily regarded as land.

1569 (25) "Land development regulation commission" means a
 1570 commission designated by a local government to develop and
 1571 recommend, to the local governing body, land development

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1572 regulations which implement the adopted comprehensive plan and
 1573 to review land development regulations, or amendments thereto,
 1574 for consistency with the adopted plan and report to the
 1575 governing body regarding its findings. The responsibilities of
 1576 the land development regulation commission may be performed by
 1577 the local planning agency.

1578 (26) "Land development regulations" means ordinances
 1579 enacted by governing bodies for the regulation of any aspect of
 1580 development and includes any local government zoning, rezoning,
 1581 subdivision, building construction, or sign regulations or any
 1582 other regulations controlling the development of land, except
 1583 that this definition does not apply in s. 163.3213.

1584 (27) "Land use" means the development that has occurred on
 1585 the land, the development that is proposed by a developer on the
 1586 land, or the use that is permitted or permissible on the land
 1587 under an adopted comprehensive plan or element or portion
 1588 thereof, land development regulations, or a land development
 1589 code, as the context may indicate.

1590 (28) "Level of service" means an indicator of the extent or
 1591 degree of service provided by, or proposed to be provided by, a
 1592 facility based on and related to the operational characteristics
 1593 of the facility. Level of service shall indicate the capacity
 1594 per unit of demand for each public facility.

1595 (29) "Local government" means any county or municipality.

1596 (30) "Local planning agency" means the agency designated to
 1597 prepare the comprehensive plan or plan amendments required by
 1598 this act.

1599 (31) "Master development plan" or "master plan," for the
 1600 purposes of this act and 26 U.S.C. s. 118, means a planning

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1601 document that integrates plans, orders, agreements, designs, and
 1602 studies to guide development as defined in this section and may
 1603 include, as appropriate, authorized land uses, authorized
 1604 amounts of horizontal and vertical development, and public
 1605 facilities, including local and regional water storage for water
 1606 quality and water supply. The term includes, but is not limited
 1607 to, a plan for a development under this chapter or chapter 380,
 1608 a basin management action plan pursuant to s. 403.067(7), a
 1609 regional water supply plan pursuant to s. 373.709, a watershed
 1610 protection plan pursuant to s. 373.4595, and a spring protection
 1611 plan developed pursuant to s. 373.807.

1612 (32) "Newspaper of general circulation" means a newspaper
 1613 published at least on a weekly basis and printed in the language
 1614 most commonly spoken in the area within which it circulates, but
 1615 does not include a newspaper intended primarily for members of a
 1616 particular professional or occupational group, a newspaper whose
 1617 primary function is to carry legal notices, or a newspaper that
 1618 is given away primarily to distribute advertising.

1619 (33) "New town" means an urban activity center and
 1620 community designated on the future land use map of sufficient
 1621 size, population, and land use composition to support a variety
 1622 of economic and social activities consistent with an urban area
 1623 designation. New towns shall include basic economic activities;
 1624 all major land use categories, with the possible exception of
 1625 agricultural and industrial; and a centrally provided full range
 1626 of public facilities and services that demonstrate internal trip
 1627 capture. A new town shall be based on a master development plan.

1628 (34) "Objective" means a specific, measurable, intermediate
 1629 end that is achievable and marks progress toward a goal.

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1630 (35) "Parcel of land" means any quantity of land capable of
 1631 being described with such definiteness that its locations and
 1632 boundaries may be established, which is designated by its owner
 1633 or developer as land to be used, or developed as, a unit or
 1634 which has been used or developed as a unit.

1635 (36) "Person" means an individual, corporation,
 1636 governmental agency, business trust, estate, trust, partnership,
 1637 association, two or more persons having a joint or common
 1638 interest, or any other legal entity.

1639 (37) "Policy" means the way in which programs and
 1640 activities are conducted to achieve an identified goal.

1641 (38) "Projects that promote public transportation" means
 1642 projects that directly affect the provisions of public transit,
 1643 including transit terminals, transit lines and routes, separate
 1644 lanes for the exclusive use of public transit services, transit
 1645 stops (shelters and stations), office buildings or projects that
 1646 include fixed-rail or transit terminals as part of the building,
 1647 and projects which are transit oriented and designed to
 1648 complement reasonably proximate planned or existing public
 1649 facilities.

1650 (39) "Public facilities" means major capital improvements,
 1651 including transportation, sanitary sewer, solid waste, drainage,
 1652 potable water, educational, parks and recreational facilities.

1653 (40) "Public notice" means notice as required by s.
 1654 125.66(2) for a county or by s. 166.041(3) (a) for a
 1655 municipality. The public notice procedures required in this part
 1656 are established as minimum public notice procedures.

1657 (41) "Regional planning agency" means the council created
 1658 pursuant to chapter 186.

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1659 (42) "Seasonal population" means part-time inhabitants who
 1660 use, or may be expected to use, public facilities or services,
 1661 but are not residents and includes tourists, migrant
 1662 farmworkers, and other short-term and long-term visitors.
 1663 (43) "Sector plan" means the process authorized by s.
 1664 163.3245 in which one or more local governments engage in long-
 1665 term planning for a large area and address regional issues
 1666 through adoption of detailed specific area plans within the
 1667 planning area as a means of fostering innovative planning and
 1668 development strategies, furthering the purposes of this part and
 1669 part I of chapter 380, reducing overlapping data and analysis
 1670 requirements, protecting regionally significant resources and
 1671 facilities, and addressing extrajurisdictional impacts. The term
 1672 includes an optional sector plan that was adopted before June 2,
 1673 2011.
 1674 (44) "State land planning agency" means the Department of
 1675 Economic Opportunity.
 1676 (45) "Structure" has the same meaning as in s. 380.031(19).
 1677 (46) "Suitability" means the degree to which the existing
 1678 characteristics and limitations of land and water are compatible
 1679 with a proposed use or development.
 1680 (47) "Transit-oriented development" means a project or
 1681 projects, in areas identified in a local government
 1682 comprehensive plan, that is or will be served by existing or
 1683 planned transit service. These designated areas shall be
 1684 compact, moderate to high density developments, of mixed-use
 1685 character, interconnected with other land uses, bicycle and
 1686 pedestrian friendly, and designed to support frequent transit
 1687 service operating through, collectively or separately, rail,

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1688 fixed guideway, streetcar, or bus systems on dedicated
 1689 facilities or available roadway connections.
 1690 (48) "Transportation corridor management" means the
 1691 coordination of the planning of designated future transportation
 1692 corridors with land use planning within and adjacent to the
 1693 corridor to promote orderly growth, to meet the concurrency
 1694 requirements of this chapter, and to maintain the integrity of
 1695 the corridor for transportation purposes.
 1696 (49) "Urban infill" means the development of vacant parcels
 1697 in otherwise built-up areas where public facilities such as
 1698 sewer systems, roads, schools, and recreation areas are already
 1699 in place and the average residential density is at least five
 1700 dwelling units per acre, the average nonresidential intensity is
 1701 at least a floor area ratio of 1.0 and vacant, developable land
 1702 does not constitute more than 10 percent of the area.
 1703 (50) "Urban redevelopment" means demolition and
 1704 reconstruction or substantial renovation of existing buildings
 1705 or infrastructure within urban infill areas, existing urban
 1706 service areas, or community redevelopment areas created pursuant
 1707 to part III.
 1708 (51) "Urban service area" means areas identified in the
 1709 comprehensive plan where public facilities and services,
 1710 including, but not limited to, central water and sewer capacity
 1711 and roads, are already in place or are identified in the capital
 1712 improvements element. The term includes any areas identified in
 1713 the comprehensive plan as urban service areas, regardless of
 1714 local government limitation.
 1715 (52) "Urban sprawl" means a development pattern
 1716 characterized by low density, automobile-dependent development

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1717 with either a single use or multiple uses that are not
 1718 functionally related, requiring the extension of public
 1719 facilities and services in an inefficient manner, and failing to
 1720 provide a clear separation between urban and rural uses.

1721 Reviser's note.—Section 21, ch. 2018-158, Laws of Florida, added
 1722 a new subsection (31) to s. 163.3164 and redesignated
 1723 existing subsections (31)-(51) as subsections (32)-(52) to
 1724 conform to the addition of the new subsection, but did not
 1725 publish the section number, catchline, and introductory
 1726 paragraph of s. 163.3164. Absent affirmative evidence of
 1727 legislative intent to repeal the section number, catchline,
 1728 and introductory paragraph of the section, the section is
 1729 reenacted to confirm the omission was not intended.

1730 Section 31. Paragraph (f) of subsection (6) of section
 1731 163.3177, Florida Statutes, is amended to read:

1732 163.3177 Required and optional elements of comprehensive
 1733 plan; studies and surveys.—

1734 (6) In addition to the requirements of subsections (1)-(5),
 1735 the comprehensive plan shall include the following elements:

1736 (f)1. A housing element consisting of principles,
 1737 guidelines, standards, and strategies to be followed in:

1738 a. The provision of housing for all current and anticipated
 1739 future residents of the jurisdiction.

1740 b. The elimination of substandard dwelling conditions.

1741 c. The structural and aesthetic improvement of existing
 1742 housing.

1743 d. The provision of adequate sites for future housing,
 1744 including affordable workforce housing as defined in s.

1745 380.0651(1)(h) ~~380.0651(3)(h)~~, housing for low-income, very low-

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1746 income, and moderate-income families, mobile homes, and group
 1747 home facilities and foster care facilities, with supporting
 1748 infrastructure and public facilities. The element may include
 1749 provisions that specifically address affordable housing for
 1750 persons 60 years of age or older. Real property that is conveyed
 1751 to a local government for affordable housing under this sub-
 1752 subparagraph shall be disposed of by the local government
 1753 pursuant to s. 125.379 or s. 166.0451.

1754 e. Provision for relocation housing and identification of
 1755 historically significant and other housing for purposes of
 1756 conservation, rehabilitation, or replacement.

1757 f. The formulation of housing implementation programs.

1758 g. The creation or preservation of affordable housing to
 1759 minimize the need for additional local services and avoid the
 1760 concentration of affordable housing units only in specific areas
 1761 of the jurisdiction.

1762 2. The principles, guidelines, standards, and strategies of
 1763 the housing element must be based on data and analysis prepared
 1764 on housing needs, which shall include the number and
 1765 distribution of dwelling units by type, tenure, age, rent,
 1766 value, monthly cost of owner-occupied units, and rent or cost to
 1767 income ratio, and shall show the number of dwelling units that
 1768 are substandard. The data and analysis shall also include the
 1769 methodology used to estimate the condition of housing, a
 1770 projection of the anticipated number of households by size,
 1771 income range, and age of residents derived from the population
 1772 projections, and the minimum housing need of the current and
 1773 anticipated future residents of the jurisdiction.

1774 3. The housing element must express principles, guidelines,

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1775 standards, and strategies that reflect, as needed, the creation
 1776 and preservation of affordable housing for all current and
 1777 anticipated future residents of the jurisdiction, elimination of
 1778 substandard housing conditions, adequate sites, and distribution
 1779 of housing for a range of incomes and types, including mobile
 1780 and manufactured homes. The element must provide for specific
 1781 programs and actions to partner with private and nonprofit
 1782 sectors to address housing needs in the jurisdiction, streamline
 1783 the permitting process, and minimize costs and delays for
 1784 affordable housing, establish standards to address the quality
 1785 of housing, stabilization of neighborhoods, and identification
 1786 and improvement of historically significant housing.

1787 4. State and federal housing plans prepared on behalf of
 1788 the local government must be consistent with the goals,
 1789 objectives, and policies of the housing element. Local
 1790 governments are encouraged to use job training, job creation,
 1791 and economic solutions to address a portion of their affordable
 1792 housing concerns.

1793 Reviser's note.—Amended to conform to the redesignation of s.
 1794 380.0651(3)(h) as s. 380.0651(1)(h) by s. 3, ch. 2018-158,
 1795 Laws of Florida.

1796 Section 32. Subsection (2) of section 193.4615, Florida
 1797 Statutes, is amended to read:

1798 193.4615 Assessment of obsolete agricultural equipment.—

1799 ~~(2) This section shall take effect January 1, 2007.~~

1800 Reviser's note.—Amended to delete obsolete language.

1801 Section 33. Subsection (3) of section 196.075, Florida
 1802 Statutes, is amended to read:

1803 196.075 Additional homestead exemption for persons 65 and

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1804 older.—

1805 (3) ~~Beginning January 1, 2001,~~ The \$20,000 income
 1806 limitation shall be adjusted annually, on January 1, by the
 1807 percentage change in the average cost-of-living index in the
 1808 period January 1 through December 31 of the immediate prior year
 1809 compared with the same period for the year prior to that. The
 1810 index is the average of the monthly consumer-price-index figures
 1811 for the stated 12-month period, relative to the United States as
 1812 a whole, issued by the United States Department of Labor.
 1813 Reviser's note.—Amended to delete obsolete language.

1814 Section 34. Paragraph (b) of subsection (4) of section
 1815 196.1975, Florida Statutes, is amended to read:

1816 196.1975 Exemption for property used by nonprofit homes for
 1817 the aged.—Nonprofit homes for the aged are exempt to the extent
 1818 that they meet the following criteria:

1819 (4)

1820 (b) The maximum income limitations permitted in this
 1821 subsection shall be adjusted, effective January 1, ~~1977, and on~~
 1822 ~~each succeeding~~ year, by the percentage change in the average
 1823 cost-of-living index in the period January 1 through December 31
 1824 of the immediate prior year compared with the same period for
 1825 the year prior to that. The index is the average of the monthly
 1826 consumer price index figures for the stated 12-month period,
 1827 relative to the United States as a whole, issued by the United
 1828 States Department of Labor.

1829 Reviser's note.—Amended to delete obsolete language.

1830 Section 35. Section 210.03, Florida Statutes, is amended to
 1831 read:

1832 210.03 Prohibition against levying of cigarette taxes by

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1833 municipalities.—No municipality shall, ~~after July 1, 1972,~~ levy
1834 or collect any excise tax on cigarettes.

1835 Reviser's note.—Amended to delete obsolete language.

1836 Section 36. Paragraph (a) of subsection (4) of section
1837 216.136, Florida Statutes, is amended to read:

1838 216.136 Consensus estimating conferences; duties and
1839 principals.—

1840 (4) EDUCATION ESTIMATING CONFERENCE.—

1841 (a) The Education Estimating Conference shall develop such
1842 official information relating to the state public and private
1843 educational system, including forecasts of student enrollments,
1844 the national average of tuition and fees at public postsecondary
1845 educational institutions, the number of students qualified for
1846 state financial aid programs and for the William L. Boyd, IV,
1847 Effective Access to Student Education ~~Florida Resident Access~~
1848 Grant Program and the appropriation required to fund the full
1849 award amounts for each program, fixed capital outlay needs, and
1850 Florida Education Finance Program formula needs, as the
1851 conference determines is needed for the state planning and
1852 budgeting system. The conference's initial projections of
1853 enrollments in public schools shall be forwarded by the
1854 conference to each school district no later than 2 months prior
1855 to the start of the regular session of the Legislature. Each
1856 school district may, in writing, request adjustments to the
1857 initial projections. Any adjustment request shall be submitted
1858 to the conference no later than 1 month prior to the start of
1859 the regular session of the Legislature and shall be considered
1860 by the principals of the conference. A school district may amend
1861 its adjustment request, in writing, during the first 3 weeks of

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1862 the legislative session, and such amended adjustment request
1863 shall be considered by the principals of the conference. For any
1864 adjustment so requested, the district shall indicate and
1865 explain, using definitions adopted by the conference, the
1866 components of anticipated enrollment changes that correspond to
1867 continuation of current programs with workload changes; program
1868 improvement; program reduction or elimination; initiation of new
1869 programs; and any other information that may be needed by the
1870 Legislature. For public schools, the conference shall submit its
1871 full-time equivalent student consensus estimate to the
1872 Legislature no later than 1 month after the start of the regular
1873 session of the Legislature. No conference estimate may be
1874 changed without the agreement of the full conference.

1875 Reviser's note.—Amended to conform to s. 25, ch. 2018-4, Laws of
1876 Florida, which directed the Division of Law Revision and
1877 Information "to substitute the term 'Effective Access to
1878 Student Education Grant Program' for 'Florida Resident
1879 Access Grant Program' and the term 'Effective Access to
1880 Student Education grant' for 'Florida resident access
1881 grant' wherever those terms appear in the Florida
1882 Statutes."

1883 Section 37. Subsection (1) of section 218.135, Florida
1884 Statutes, is amended to read:

1885 218.135 Offset for tax loss associated with reductions in
1886 value of certain citrus fruit packing and processing equipment.—

1887 (1) For the 2018-2019 fiscal year, the Legislature shall
1888 appropriate moneys to offset the reductions in ad valorem tax
1889 revenue experienced by fiscally constrained counties, as defined
1890 in s. 218.67(1), which occur as a direct result of the

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1891 implementation of s. 193.4516. The moneys appropriated for this
 1892 purpose shall be distributed in January 2019 among the fiscally
 1893 constrained counties based on each county's proportion of the
 1894 total reduction in ad valorem tax revenue resulting from the
 1895 implementation of s. 193.4516.

1896 Reviser's note.—Amended to confirm the editorial insertion of
 1897 the word "of" to improve clarity.

1898 Section 38. Section 218.401, Florida Statutes, is amended
 1899 to read:

1900 218.401 Purpose.—It is the intent of this part to promote,
 1901 through state assistance, the maximization of net interest
 1902 earnings on invested surplus funds of local units of government,
 1903 based on the principles ~~principals~~ of investor protection,
 1904 mandated transparency, and proper governance, with the goal of
 1905 reducing the need for imposing additional taxes.

1906 Reviser's note.—Amended to confirm the editorial substitution of
 1907 the word "principles" for the word "principals" to conform
 1908 to context.

1909 Section 39. Subsection (1) of section 220.11, Florida
 1910 Statutes, is amended to read:

1911 220.11 Tax imposed.—

1912 (1) A tax measured by net income is hereby imposed on every
 1913 taxpayer for each taxable year ~~commencing on or after January 1,~~
 1914 ~~1972, and for each taxable year which begins before and ends~~
 1915 ~~after January 1, 1972,~~ for the privilege of conducting business,
 1916 earning or receiving income in this state, or being a resident
 1917 or citizen of this state. Such tax shall be in addition to all
 1918 other occupation, excise, privilege, and property taxes imposed
 1919 by this state or by any political subdivision thereof, including

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1920 any municipality or other district, jurisdiction, or authority
 1921 of this state.

1922 Reviser's note.—Amended to delete obsolete language.

1923 Section 40. Subsection (10) of section 243.20, Florida
 1924 Statutes, is amended to read:

1925 243.20 Definitions.—The following terms, wherever used or
 1926 referred to in this part shall have the following respective
 1927 meanings, unless a different meaning clearly appears from the
 1928 context:

1929 (10) "Loan in anticipation of tuition revenues" means a
 1930 loan to a private institution for higher education under
 1931 circumstances in which tuition revenues anticipated to be
 1932 received by the institution in any budget year are estimated to
 1933 be insufficient at any time during the budget year to pay the
 1934 operating expenses or other obligations of the institution in
 1935 accordance with the budget of the institution. The loans are
 1936 permitted within guidelines adopted by the authority consistent
 1937 with the provisions for similar loans undertaken by school
 1938 districts under s. 1011.13, excluding provisions applicable to
 1939 the limitations on borrowings relating to the levy of taxes and
 1940 the adoption of budgets in accordance with law applicable solely
 1941 to school districts. The Effective Access to Student Education
 1942 ~~Florida resident access~~ grant shall not be considered tuition
 1943 revenues for the purpose of calculating a loan to a private
 1944 institution pursuant to the provision of this chapter.

1945 Reviser's note.—Amended to conform to s. 25, ch. 2018-4, Laws of
 1946 Florida, which directed the Division of Law Revision and
 1947 Information "to substitute the term 'Effective Access to
 1948 Student Education Grant Program' for 'Florida Resident

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1949 Access Grant Program' and the term 'Effective Access to
 1950 Student Education grant' for 'Florida resident access
 1951 grant' wherever those terms appear in the Florida
 1952 Statutes."
 1953 Section 41. Paragraph (a) of subsection (7) of section
 1954 259.105, Florida Statutes, is amended to read:
 1955 259.105 The Florida Forever Act.—
 1956 (7) (a) ~~Beginning~~ No later than July 1 annually, ~~2001, and~~
 1957 ~~every year thereafter~~, the Acquisition and Restoration Council
 1958 shall accept applications from state agencies, local
 1959 governments, nonprofit and for-profit organizations, private
 1960 land trusts, and individuals for project proposals eligible for
 1961 funding pursuant to paragraph (3) (b). The council shall evaluate
 1962 the proposals received pursuant to this subsection to ensure
 1963 that they meet at least one of the criteria under subsection
 1964 (9).
 1965 Reviser's note.—Amended to delete obsolete language.
 1966 Section 42. Subsection (4) of section 282.705, Florida
 1967 Statutes, is amended to read:
 1968 282.705 Use of state SUNCOM Network by nonprofit
 1969 corporations.—
 1970 (4) Institutions qualified to participate in the William L.
 1971 Boyd, IV, Effective Access to Student Education Florida Resident
 1972 ~~Access~~ Grant Program pursuant to s. 1009.89 are eligible to use
 1973 the state SUNCOM Network, subject to the terms and conditions of
 1974 the department. Such entities are not required to satisfy the
 1975 other criteria of this section.
 1976 Reviser's note.—Amended to conform to s. 25, ch. 2018-4, Laws of
 1977 Florida, which directed the Division of Law Revision and

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1978 Information "to substitute the term 'Effective Access to
 1979 Student Education Grant Program' for 'Florida Resident
 1980 Access Grant Program' and the term 'Effective Access to
 1981 Student Education grant' for 'Florida resident access
 1982 grant' wherever those terms appear in the Florida
 1983 Statutes."
 1984 Section 43. Subsection (7) of section 288.9623, Florida
 1985 Statutes, is amended to read:
 1986 288.9623 Definitions.—As used in ss. 288.9621-288.9625,
 1987 the term:
 1988 (7) "Portfolio companies" means the companies that ~~who~~ are
 1989 part of the Florida Technology Seed Capital Fund investment
 1990 portfolio.
 1991 Reviser's note.—Amended to confirm the editorial substitution of
 1992 the word "that" for the word "who" to conform to context.
 1993 Section 44. Subsection (9) of section 316.614, Florida
 1994 Statutes, is amended to read:
 1995 316.614 Safety belt usage.—
 1996 (9) ~~By January 1, 2006~~, Each law enforcement agency in this
 1997 state shall adopt departmental policies to prohibit the practice
 1998 of racial profiling. When a law enforcement officer issues a
 1999 citation for a violation of this section, the law enforcement
 2000 officer must record the race and ethnicity of the violator. All
 2001 law enforcement agencies must maintain such information and
 2002 forward the information to the department in a form and manner
 2003 determined by the department. The department shall collect this
 2004 information by jurisdiction and annually report the data to the
 2005 Governor, the President of the Senate, and the Speaker of the
 2006 House of Representatives. The report must show separate

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2007 statewide totals for the state's county sheriffs and municipal
 2008 law enforcement agencies, state law enforcement agencies, and
 2009 state university law enforcement agencies.
 2010 Reviser's note.—Amended to delete obsolete language.
 2011 Section 45. Subsection (4) of section 322.09, Florida
 2012 Statutes, is amended to read:
 2013 322.09 Application of minors; responsibility for negligence
 2014 or misconduct of minor.—
 2015 (4) Notwithstanding subsections (1) and (2), if a caregiver
 2016 of a minor who is under the age of 18 years and is in out-of-
 2017 home care as defined in s. 39.01(55) ~~39.01(49)~~, an authorized
 2018 representative of a residential group home at which such a minor
 2019 resides, the caseworker at the agency at which the state has
 2020 placed the minor, or a guardian ad litem specifically authorized
 2021 by the minor's caregiver to sign for a learner's driver license
 2022 signs the minor's application for a learner's driver license,
 2023 that caregiver, group home representative, caseworker, or
 2024 guardian ad litem does not assume any obligation or become
 2025 liable for any damages caused by the negligence or willful
 2026 misconduct of the minor by reason of having signed the
 2027 application. Before signing the application, the caseworker,
 2028 authorized group home representative, or guardian ad litem shall
 2029 notify the caregiver or other responsible party of his or her
 2030 intent to sign and verify the application.
 2031 Reviser's note.—Amended to conform to the redesignation of s.
 2032 39.01(49) as s. 39.01(55) by s. 1, ch. 2018-103, Laws of
 2033 Florida.
 2034 Section 46. Subsection (1) of section 328.76, Florida
 2035 Statutes, is amended to read:

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2036 328.76 Marine Resources Conservation Trust Fund; vessel
 2037 registration funds; appropriation and distribution.—
 2038 (1) Except as otherwise specified in this subsection and
 2039 less the amount equal to any administrative costs which shall be
 2040 deposited in the Highway Safety Operating Trust Fund, in each
 2041 fiscal year ~~beginning on or after July 1, 2001~~, all funds
 2042 collected from the registration of vessels through the
 2043 Department of Highway Safety and Motor Vehicles and the tax
 2044 collectors of the state and funds transferred from the General
 2045 Revenue Fund pursuant to s. 328.72(18), except for those funds
 2046 designated as the county portion pursuant to s. 328.72(1), shall
 2047 be deposited in the Marine Resources Conservation Trust Fund for
 2048 recreational channel marking; public launching facilities; law
 2049 enforcement and quality control programs; aquatic weed control;
 2050 manatee protection, recovery, rescue, rehabilitation, and
 2051 release; and marine mammal protection and recovery. The funds
 2052 collected pursuant to s. 328.72(1) shall be transferred as
 2053 follows:
 2054 (a) In each fiscal year, an amount equal to \$1.50 for each
 2055 commercial and recreational vessel registered in this state
 2056 shall be transferred by the Department of Highway Safety and
 2057 Motor Vehicles to the Save the Manatee Trust Fund and shall be
 2058 used only for the purposes specified in s. 379.2431(4).
 2059 (b) An amount equal to \$2 from each recreational vessel
 2060 registration fee, except that for class A-1 vessels, shall be
 2061 transferred by the Department of Highway Safety and Motor
 2062 Vehicles to the Invasive Plant Control Trust Fund in the Fish
 2063 and Wildlife Conservation Commission for aquatic weed research
 2064 and control.

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2065 (c) An amount equal to 40 percent of the registration fees
 2066 from commercial vessels shall be transferred by the Department
 2067 of Highway Safety and Motor Vehicles to the Invasive Plant
 2068 Control Trust Fund in the Fish and Wildlife Conservation
 2069 Commission for aquatic plant research and control.

2070 (d) An amount equal to 40 percent of the registration fees
 2071 from commercial vessels shall be transferred by the Department
 2072 of Highway Safety and Motor Vehicles, on a monthly basis, to the
 2073 General Inspection Trust Fund of the Department of Agriculture
 2074 and Consumer Services. These funds shall be used for shellfish
 2075 and aquaculture development and quality control programs.
 2076 Reviser's note.—Amended to delete obsolete language.

2077 Section 47. Subsection (1) of section 348.0012, Florida
 2078 Statutes, is amended to read:

2079 348.0012 Exemptions from applicability.—The Florida
 2080 Expressway Authority Act does not apply:

2081 (1) In a county in which an expressway authority has been
 2082 created pursuant to parts II-V ~~II-IX~~ of this chapter, except as
 2083 expressly provided in this part; or

2084 Reviser's note.—Amended to conform to the consolidation or
 2085 repeal of some of the parts comprising chapter 348.

2086 Section 48. Section 364.163, Florida Statutes, is amended
 2087 to read:

2088 364.163 Network access services.—For purposes of this
 2089 section, the term "network access service" is defined as any
 2090 service provided by a local exchange telecommunications company
 2091 to a telecommunications company certificated under this chapter
 2092 or licensed by the Federal Communications Commission to access
 2093 the local exchange telecommunications network, excluding local

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2094 interconnection, resale, or unbundling pursuant to s. 364.16.
 2095 Each local exchange telecommunications company shall maintain
 2096 tariffs with the commission containing the terms, conditions,
 2097 and rates for each of its network access services. ~~The switched~~
 2098 ~~network access service rates in effect immediately prior to July~~
 2099 ~~1, 2007, shall be, and shall remain, capped at that level until~~
 2100 ~~July 1, 2010.~~ An interexchange telecommunications company may
 2101 not institute any intrastate connection fee or any similarly
 2102 named fee.

2103 Reviser's note.—Amended to delete obsolete language.

2104 Section 49. Section 373.206, Florida Statutes, is amended
 2105 to read:

2106 373.206 Artesian wells; flow regulated.—Every person, stock
 2107 company, association, corporation, county, or municipality
 2108 owning or controlling the real estate upon which is located a
 2109 flowing artesian well in this state shall, ~~within 90 days after~~
 2110 ~~June 15, 1953,~~ provide each such well with a valve capable of
 2111 controlling the discharge from the well and shall keep the valve
 2112 so adjusted that only a supply of water is available which is
 2113 necessary for ordinary use by the owner, tenant, occupant, or
 2114 person in control of the land for personal use and for
 2115 conducting his or her business. Upon the determination by the
 2116 Department of Environmental Protection or the appropriate water
 2117 management district that the water in an artesian well is of
 2118 such poor quality as to have an adverse impact upon an aquifer
 2119 or other water body which serves as a source of public drinking
 2120 water or which is likely to be such a source in the future, such
 2121 well shall be plugged in accordance with department or
 2122 appropriate water management district specifications for well

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2123 plugging.

2124 Reviser's note.—Amended to delete obsolete language.

2125 Section 50. Section 373.5905, Florida Statutes, is amended
2126 to read:

2127 373.5905 Reinstatement of payments in lieu of taxes;
2128 duration.—If a water management district has made a payment in
2129 lieu of taxes to a governmental entity and subsequently
2130 suspended such payment, ~~beginning July 1, 2009,~~ the water
2131 management district shall reinstate appropriate payments and
2132 continue the payments for as long as the county population
2133 remains below the population threshold pursuant to s.
2134 373.59(2)(a). This section does not authorize or provide for
2135 payments in arrears.

2136 Reviser's note.—Amended to delete obsolete language.

2137 Section 51. Paragraph (t) of subsection (2) of section
2138 380.0651, Florida Statutes, is amended to read:

2139 380.0651 Statewide guidelines, standards, and exemptions.—

2140 (2) STATUTORY EXEMPTIONS.—The following developments are
2141 exempt from s. 380.06:

2142 (t) Any proposed solid mineral mine and any proposed
2143 addition to, expansion of, or change to an existing solid
2144 mineral mine. A mine owner must, however, enter into a binding
2145 agreement with the Department of Transportation to mitigate
2146 impacts to strategic intermodal system facilities. Proposed
2147 changes to any previously approved solid mineral mine
2148 development-of-regional-impact development orders having vested
2149 rights are not subject to further review or approval as a
2150 development-of-regional-impact or notice-of-proposed-change
2151 review or approval pursuant to s. 380.06(7) ~~subsection (19)~~,

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2152 except for those applications pending as of July 1, 2011, which
2153 are governed by s. 380.115(2). Notwithstanding this requirement,
2154 pursuant to s. 380.115(1), a previously approved solid mineral
2155 mine development-of-regional-impact development order continues
2156 to have vested rights and continues to be effective unless
2157 rescinded by the developer. All local government regulations of
2158 proposed solid mineral mines are applicable to any new solid
2159 mineral mine or to any proposed addition to, expansion of, or
2160 change to an existing solid mineral mine.

2161
2162 If a use is exempt from review pursuant to paragraphs (a)-(u),
2163 but will be part of a larger project that is subject to review
2164 pursuant to s. 380.06(12), the impact of the exempt use must be
2165 included in the review of the larger project, unless such exempt
2166 use involves a development that includes a landowner, tenant, or
2167 user that has entered into a funding agreement with the state
2168 land planning agency under the Innovation Incentive Program and
2169 the agreement contemplates a state award of at least \$50
2170 million.

2171 Reviser's note.—Amended to correct an erroneous reference.

2172 Section 380.0651 does not contain a subsection (19).
2173 Chapter 2018-158, Laws of Florida, extensively amended s.
2174 380.0651, as well as s. 380.06; portions of s. 380.06 were
2175 excised from that section and included in the amendment to
2176 s. 380.0651. Former s. 380.06(19), which related to
2177 substantial deviations of previous approved developments,
2178 became s. 380.06(7), relating to changes to proposed
2179 changes to a previously approved development.
2180 Section 52. Paragraph (a) of subsection (2) of section

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2181 381.0072, Florida Statutes, is amended to read:
 2182 381.0072 Food service protection.—
 2183 (2) DEFINITIONS.—As used in this section, the term:
 2184 (a) "Culinary education program" means a program that:
 2185 1. Educates enrolled students in the culinary arts,
 2186 including the preparation, cooking, and presentation of food, or
 2187 provides education and experience in culinary arts-related
 2188 businesses;
 2189 2. Is provided by:
 2190 a. A state university as defined in s. 1000.21;
 2191 b. A Florida College System institution as defined in s.
 2192 1000.21;
 2193 c. A career center as defined in s. 1001.44;
 2194 d. A charter technical career center as defined in s.
 2195 1002.34;
 2196 e. A nonprofit independent college or university that is
 2197 located and chartered in this state and accredited by the
 2198 Commission on Colleges of the Southern Association of Colleges
 2199 and Schools to grant baccalaureate degrees, that is under the
 2200 jurisdiction of the Department of Education, and that is
 2201 eligible to participate in the William L. Boyd, IV, Effective
 2202 Access to Student Education Florida Resident Access Grant
 2203 Program; or
 2204 f. A nonpublic postsecondary educational institution
 2205 licensed pursuant to part III of chapter 1005; and
 2206 3. Is inspected by any state agency or agencies for
 2207 compliance with sanitation standards.
 2208 Reviser's note.—Amended to conform to s. 25, ch. 2018-4, Laws of
 2209 Florida, which directed the Division of Law Revision and

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2210 Information "to substitute the term 'Effective Access to
 2211 Student Education Grant Program' for 'Florida Resident
 2212 Access Grant Program' and the term 'Effective Access to
 2213 Student Education grant' for 'Florida resident access
 2214 grant' wherever those terms appear in the Florida
 2215 Statutes."
 2216 Section 53. Subsection (2) of section 381.984, Florida
 2217 Statutes, is amended to read:
 2218 381.984 Educational programs.—
 2219 (2) PUBLIC INFORMATION INITIATIVE.—The Governor, in
 2220 conjunction with the State Surgeon General ~~or and~~ his or her
 2221 designee, shall sponsor a series of public service announcements
 2222 on radio, on television, on the Internet, or in print media
 2223 about the nature of lead-based-paint hazards, the importance of
 2224 standards for lead poisoning prevention in properties, and the
 2225 purposes and responsibilities set forth in this act. In
 2226 developing and coordinating this public information initiative,
 2227 the sponsors shall seek the participation and involvement of
 2228 private industry organizations, including those involved in real
 2229 estate, insurance, mortgage banking, or pediatrics.
 2230 Reviser's note.—Amended to conform to context.
 2231 Section 54. Paragraph (c) of subsection (3) and subsection
 2232 (5) of section 383.3362, Florida Statutes, are amended to read:
 2233 383.3362 Sudden Unexpected Infant Death.—
 2234 (3) TRAINING.—
 2235 (c) The Department of Health, in consultation with the
 2236 Emergency Medical Services Advisory Council, the Firefighters
 2237 Employment, Standards, and Training Council, the Child
 2238 Protection Teams ~~child protection teams~~ established in the

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2239 Division of Children's Medical Services, and the Criminal
 2240 Justice Standards and Training Commission, shall adopt and
 2241 modify when necessary, by rule, curriculum that is ~~as~~ part of
 2242 the Centers for Disease Control SUID Initiative which must be
 2243 followed by law enforcement agencies in investigating cases
 2244 involving sudden deaths of infants, and training in responding
 2245 appropriately to the parents or caretakers who have requested
 2246 assistance.

2247 (5) DEPARTMENT DUTIES RELATING TO SUDDEN UNEXPECTED INFANT
 2248 DEATH (SUID).—The Department of Health, in consultation with the
 2249 Child Protection Teams ~~child protection teams~~ established in the
 2250 Division of Children's Medical Services, shall:

2251 (a) Collaborate with other agencies in the development and
 2252 presentation of the SUID training programs for first responders,
 2253 including those for emergency medical technicians and
 2254 paramedics, firefighters, and law enforcement officers.

2255 (b) Maintain a database of statistics on reported SUID
 2256 deaths and analyze the data as funds allow.

2257 (c) Serve as liaison and closely coordinate activities with
 2258 the Florida SIDS Alliance.

2259 (d) Maintain a library reference list and materials about
 2260 SUID for public dissemination.

2261 (e) Provide professional support to field staff.

2262 (f) Coordinate the activities of and promote a link between
 2263 the fetal and infant mortality review committees of the local
 2264 healthy start coalitions, the Florida SIDS Alliance, and other
 2265 related support groups.

2266 Reviser's note.—Paragraph (3) (c) is amended to improve clarity.

2267 Paragraph (3) (c) and subsection (5) are amended to conform

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2268 to s. 32, ch. 2018-103, Laws of Florida, which directed the
 2269 Division of Law Revision and Information to prepare a
 2270 reviser's bill "to capitalize each word of the term 'child
 2271 protection team' wherever it occurs in the Florida
 2272 Statutes."

2273 Section 55. Paragraph (a) of subsection (2) and paragraph
 2274 (a) of subsection (3) of section 383.402, Florida Statutes, are
 2275 amended to read:

2276 383.402 Child abuse death review; State Child Abuse Death
 2277 Review Committee; local child abuse death review committees.—

2278 (2) STATE CHILD ABUSE DEATH REVIEW COMMITTEE.—

2279 (a) Membership.—

2280 1. The State Child Abuse Death Review Committee is
 2281 established within the Department of Health and shall consist of
 2282 a representative of the Department of Health, appointed by the
 2283 State Surgeon General, who shall serve as the state committee
 2284 coordinator. The head of each of the following agencies or
 2285 organizations shall also appoint a representative to the state
 2286 committee:

2287 a. The Department of Legal Affairs.

2288 b. The Department of Children and Families.

2289 c. The Department of Law Enforcement.

2290 d. The Department of Education.

2291 e. The Florida Prosecuting Attorneys Association, Inc.

2292 f. The Florida Medical Examiners Commission, whose
 2293 representative must be a forensic pathologist.

2294 2. In addition, the State Surgeon General shall appoint the
 2295 following members to the state committee, based on
 2296 recommendations from the Department of Health and the agencies

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2297 listed in subparagraph 1., and ensuring that the committee
 2298 represents the regional, gender, and ethnic diversity of the
 2299 state to the greatest extent possible:

2300 a. The Department of Health Statewide Child Protection Team
 2301 Medical Director.

2302 b. A public health nurse.

2303 c. A mental health professional who treats children or
 2304 adolescents.

2305 d. An employee of the Department of Children and Families
 2306 who supervises family services counselors and who has at least 5
 2307 years of experience in child protective investigations.

2308 e. The medical director of a Child Protection Team ~~child~~
 2309 ~~protection team~~.

2310 f. A member of a child advocacy organization.

2311 g. A social worker who has experience in working with
 2312 victims and perpetrators of child abuse.

2313 h. A person trained as a paraprofessional in patient
 2314 resources who is employed in a child abuse prevention program.

2315 i. A law enforcement officer who has at least 5 years of
 2316 experience in children's issues.

2317 j. A representative of the Florida Coalition Against
 2318 Domestic Violence.

2319 k. A representative from a private provider of programs on
 2320 preventing child abuse and neglect.

2321 1. A substance abuse treatment professional.

2322 3. The members of the state committee shall be appointed to
 2323 staggered terms not to exceed 2 years each, as determined by the
 2324 State Surgeon General. Members may be appointed to no more than
 2325 three consecutive terms. The state committee shall elect a

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2326 chairperson from among its members to serve for a 2-year term,
 2327 and the chairperson may appoint ad hoc committees as necessary
 2328 to carry out the duties of the committee.

2329 4. Members of the state committee shall serve without
 2330 compensation but may receive reimbursement for per diem and
 2331 travel expenses incurred in the performance of their duties as
 2332 provided in s. 112.061 and to the extent that funds are
 2333 available.

2334 (3) LOCAL CHILD ABUSE DEATH REVIEW COMMITTEES.—At the
 2335 direction of the State Surgeon General, a county or multicounty
 2336 child abuse death review committee shall be convened and
 2337 supported by the county health department directors in
 2338 accordance with the protocols established by the State Child
 2339 Abuse Death Review Committee.

2340 (a) *Membership*.—The local death review committees shall
 2341 include, at a minimum, the following organizations'
 2342 representatives, appointed by the county health department
 2343 directors in consultation with those organizations:

2344 1. The state attorney's office.

2345 2. The medical examiner's office.

2346 3. The local Department of Children and Families child
 2347 protective investigations unit.

2348 4. The Department of Health Child Protection Team ~~child~~
 2349 ~~protection team~~.

2350 5. The community-based care lead agency.

2351 6. State, county, or local law enforcement agencies.

2352 7. The school district.

2353 8. A mental health treatment provider.

2354 9. A certified domestic violence center.

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2355 10. A substance abuse treatment provider.

2356 11. Any other members that are determined by guidelines

2357 developed by the State Child Abuse Death Review Committee.

2358

2359 To the extent possible, individuals from these organizations or

2360 entities who, in a professional capacity, dealt with a child

2361 whose death is verified as caused by abuse or neglect, or with

2362 the family of the child, shall attend any meetings where the

2363 child's case is reviewed. The members of a local committee shall

2364 be appointed to 2-year terms and may be reappointed. Members

2365 shall serve without compensation but may receive reimbursement

2366 for per diem and travel expenses incurred in the performance of

2367 their duties as provided in s. 112.061 and to the extent that

2368 funds are available.

2369 Reviser's note.—Amended to conform to s. 32, ch. 2018-103, Laws

2370 of Florida, which directed the Division of Law Revision and

2371 Information to prepare a reviser's bill "to capitalize each

2372 word of the term 'child protection team' wherever it occurs

2373 in the Florida Statutes."

2374 Section 56. Subsection (2) of section 388.021, Florida

2375 Statutes, is amended to read:

2376 388.021 Creation of mosquito control districts.—

2377 (2) It is the legislative intent that those mosquito

2378 control districts established prior to July 1, 1980, pursuant to

2379 the petition process ~~formerly~~ contained in former s. 388.031,

2380 may continue to operate as outlined in this chapter. However, on

2381 and after that date, no mosquito control districts may be

2382 created except pursuant to s. 125.01.

2383 Reviser's note.—Amended to conform to the fact that s. 388.031

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2384 was repealed by s. 12, ch. 80-281, Laws of Florida.

2385 Section 57. Subsection (2) of section 391.026, Florida

2386 Statutes, is amended to read:

2387 391.026 Powers and duties of the department.—The department

2388 shall have the following powers, duties, and responsibilities:

2389 (2) To provide services to abused and neglected children

2390 through Child Protection Teams ~~child protection teams~~ pursuant

2391 to s. 39.303.

2392 Reviser's note.—Amended to conform to s. 32, ch. 2018-103, Laws

2393 of Florida, which directed the Division of Law Revision and

2394 Information to prepare a reviser's bill "to capitalize each

2395 word of the term 'child protection team' wherever it occurs

2396 in the Florida Statutes."

2397 Section 58. Subsection (40) of section 393.063, Florida

2398 Statutes, is amended to read:

2399 393.063 Definitions.—For the purposes of this chapter, the

2400 term:

2401 (40) "Spina bifida" means ~~a person with~~ a medical diagnosis

2402 of spina bifida cystica or myelomeningocele.

2403 Reviser's note.—Amended to improve clarity.

2404 Section 59. Subsection (2) of section 395.1023, Florida

2405 Statutes, is amended to read:

2406 395.1023 Child abuse and neglect cases; duties.—Each

2407 licensed facility shall adopt a protocol that, at a minimum,

2408 requires the facility to:

2409 (2) In any case involving suspected child abuse,

2410 abandonment, or neglect, designate, at the request of the

2411 department, a staff physician to act as a liaison between the

2412 hospital and the Department of Children and Families office

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2413 which is investigating the suspected abuse, abandonment, or
 2414 neglect, and the Child Protection Team ~~child protection team~~, as
 2415 defined in s. 39.01, when the case is referred to such a team.

2416
 2417 Each general hospital and appropriate specialty hospital shall
 2418 comply with the provisions of this section and shall notify the
 2419 agency and the department of its compliance by sending a copy of
 2420 its policy to the agency and the department as required by rule.
 2421 The failure by a general hospital or appropriate specialty
 2422 hospital to comply shall be punished by a fine not exceeding
 2423 \$1,000, to be fixed, imposed, and collected by the agency. Each
 2424 day in violation is considered a separate offense.

2425 Reviser's note.—Amended to conform to s. 32, ch. 2018-103, Laws
 2426 of Florida, which directed the Division of Law Revision and
 2427 Information to prepare a reviser's bill "to capitalize each
 2428 word of the term 'child protection team' wherever it occurs
 2429 in the Florida Statutes."

2430 Section 60. Paragraph (h) of subsection (1) of section
 2431 395.1055, Florida Statutes, is amended to read:

2432 395.1055 Rules and enforcement.—

2433 (1) The agency shall adopt rules pursuant to ss. 120.536(1)
 2434 and 120.54 to implement the provisions of this part, which shall
 2435 include reasonable and fair minimum standards for ensuring that:

2436 (h) Licensed facilities make available on their Internet
 2437 websites, ~~no later than October 1, 2004~~, and in a hard copy
 2438 format upon request, a description of and a link to the patient
 2439 charge and performance outcome data collected from licensed
 2440 facilities pursuant to s. 408.061.

2441 Reviser's note.—Amended to delete obsolete language.

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2442 Section 61. Paragraph (c) of subsection (3) of section
 2443 395.4025, Florida Statutes, is amended to read:

2444 395.4025 Trauma centers; selection; quality assurance;
 2445 records.—

2446 (3)

2447 (c) In order to be considered by the department,
 2448 applications from those hospitals seeking selection as trauma
 2449 centers, including those current verified trauma centers that
 2450 seek a change or redesignation in approval status as a trauma
 2451 center, must be received by the department no later than the
 2452 close of business on April 1 of the year following submission of
 2453 the letter of intent. The department shall conduct an initial
 2454 review of each application for the purpose of determining
 2455 whether the hospital's application is complete and ~~that~~ the
 2456 hospital is capable of constructing and operating a trauma
 2457 center that includes the critical elements required for a trauma
 2458 center. This critical review must be based on trauma center
 2459 standards and must include, but need not be limited to, a review
 2460 as to whether the hospital is prepared to attain and operate
 2461 with all of the following components before April 30 of the
 2462 following year:

2463 1. Equipment and physical facilities necessary to provide
 2464 trauma services.

2465 2. Personnel in sufficient numbers and with proper
 2466 qualifications to provide trauma services.

2467 3. An effective quality assurance process.

2468 Reviser's note.—Amended to confirm the editorial deletion of the
 2469 word "that" to improve clarity.

2470 Section 62. Subsection (1) of section 397.6760, Florida

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2471 Statutes, is amended to read:

2472 397.6760 Court records; confidentiality.—

2473 (1) All petitions for involuntary assessment and
2474 stabilization, court orders, and related records that are filed
2475 with or by a court under this part are confidential and exempt
2476 from s. 119.07(1) ~~119.071(1)~~ and s. 24(a), Art. I of the State
2477 Constitution. Pleadings and other documents made confidential
2478 and exempt by this section may be disclosed by the clerk of the
2479 court, upon request, to any of the following:

2480 (a) The petitioner.

2481 (b) The petitioner's attorney.

2482 (c) The respondent.

2483 (d) The respondent's attorney.

2484 (e) The respondent's guardian or guardian advocate, if
2485 applicable.

2486 (f) In the case of a minor respondent, the respondent's
2487 parent, guardian, legal custodian, or guardian advocate.

2488 (g) The respondent's treating health care practitioner.

2489 (h) The respondent's health care surrogate or proxy.

2490 (i) The Department of Children and Families, without
2491 charge.

2492 (j) The Department of Corrections, without charge, if the
2493 respondent is committed or is to be returned to the custody of
2494 the Department of Corrections from the Department of Children
2495 and Families.

2496 (k) A person or entity authorized to view records upon a
2497 court order for good cause. In determining if there is good
2498 cause for the disclosure of records, the court must weigh the
2499 person or entity's need for the information against potential

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2500 harm to the respondent from the disclosure.

2501 Reviser's note.—Amended to correct an apparent error. Section

2502 119.07(1) requires that persons in custody of public

2503 records shall permit inspection and copying of such

2504 records. Section 119.071(1) relates to exemptions from

2505 inspection or copying of public records relating to agency
2506 administration.

2507 Section 63. Paragraph (c) of subsection (3) of section

2508 400.235, Florida Statutes, is amended to read:

2509 400.235 Nursing home quality and licensure status; Gold

2510 Seal Program.—

2511 (3)

2512 (c) Recommendations to the panel for designation of a
2513 nursing facility as a Gold Seal facility may be received by the
2514 panel ~~after January 1, 2000~~. The activities of the panel shall
2515 be supported by staff of the Department of Elderly Affairs and
2516 the Agency for Health Care Administration.

2517 Reviser's note.—Amended to delete obsolete language.

2518 Section 64. Paragraph (g) of subsection (2) of section

2519 400.471, Florida Statutes, is amended to read:

2520 400.471 Application for license; fee.—

2521 (2) In addition to the requirements of part II of chapter
2522 408, the initial applicant, the applicant for a change of
2523 ownership, and the applicant for the addition of skilled care
2524 services must file with the application satisfactory proof that
2525 the home health agency is in compliance with this part and
2526 applicable rules, including:

2527 (g) In the case of an application for initial licensure, an
2528 application for a change of ownership, or an application for the

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2529 addition of skilled care services, documentation of
 2530 accreditation, or an application for accreditation, from an
 2531 accrediting organization that is recognized by the agency as
 2532 having standards comparable to those required by this part and
 2533 part II of chapter 408. A home health agency that does not
 2534 provide skilled care is exempt from this paragraph.
 2535 Notwithstanding s. 408.806, an initial applicant must provide
 2536 proof of accreditation that is not conditional or provisional
 2537 and a survey demonstrating compliance with the requirements of
 2538 this part, part II of chapter 408, and applicable rules from an
 2539 accrediting organization that is recognized by the agency as
 2540 having standards comparable to those required by this part and
 2541 part II of chapter 408 within 120 days after the date of the
 2542 agency's receipt of the application for licensure. Such
 2543 accreditation must be continuously maintained by the home health
 2544 agency to maintain licensure. The agency shall accept, in lieu
 2545 of its own periodic licensure survey, the submission of the
 2546 survey of an accrediting organization that is recognized by the
 2547 agency if the accreditation of the licensed home health agency
 2548 is not provisional and if the licensed home health agency
 2549 authorizes release ~~releases~~ of, and the agency receives the
 2550 report of, the accrediting organization.

2551 Reviser's note.—Amended to improve clarity.

2552 Section 65. Paragraph (h) of subsection (1) of section
 2553 400.4785, Florida Statutes, is amended to read:

2554 400.4785 Patients with Alzheimer's disease or other related
 2555 disorders; staff training requirements; certain disclosures.—

2556 (1) A home health agency must provide the following staff
 2557 training:

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2558 ~~(h) An employee who is hired on or after July 1, 2005, must~~
 2559 ~~complete the training required by this section.~~

2560 Reviser's note.—Amended to delete obsolete language. The

2561 remaining portion of subsection (1) specifies training
 2562 completion requirements for home health agency staff.

2563 Section 66. Subsection (2) of section 400.991, Florida
 2564 Statutes, is amended to read:

2565 400.991 License requirements; background screenings;
 2566 prohibitions.—

2567 ~~(2) The initial clinic license application shall be filed~~
 2568 ~~with the agency by all clinics, as defined in s. 400.9905, on or~~
 2569 ~~before July 1, 2004.~~

2570 Reviser's note.—Amended to delete obsolete language.

2571 Section 67. Section 401.024, Florida Statutes, is amended
 2572 to read:

2573 401.024 System approval. ~~From July 1, 1973,~~ No emergency
 2574 medical telecommunications system shall be established or
 2575 present systems expanded without prior approval of the
 2576 Department of Management Services.

2577 Reviser's note.—Amended to delete obsolete language.

2578 Section 68. Paragraph (g) of subsection (2) and subsection
 2579 (3) of section 402.305, Florida Statutes, are amended to read:

2580 402.305 Licensing standards; child care facilities.—

2581 (2) PERSONNEL.—Minimum standards for child care personnel
 2582 shall include minimum requirements as to:

2583 (g) ~~By January 1, 2000,~~ A credential for child care
 2584 facility directors. ~~By January 1, 2004,~~ The credential shall be
 2585 a required minimum standard for licensing.

2586 (3) MINIMUM STAFF CREDENTIALS. ~~By July 1, 1996,~~ For every

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2587 20 children in a licensed child care facility, if the facility
 2588 operates 8 hours or more per week, one of the child care
 2589 personnel in the facility must have:

2590 (a) A child development associate credential;
 2591 (b) A child care professional credential, unless the
 2592 department determines that such child care professional
 2593 credential is not equivalent to or greater than a child
 2594 development associate credential; or
 2595 (c) A credential that is equivalent to or greater than the
 2596 credential required in paragraph (a) or paragraph (b).
 2597

2598 The department shall establish by rule those hours of operation,
 2599 such as during rest periods and transitional periods, when this
 2600 subsection does not apply.

2601 Reviser's note.—Amended to delete obsolete language.

2602 Section 69. Paragraph (c) of subsection (1) of section
 2603 402.310, Florida Statutes, is amended to read:

2604 402.310 Disciplinary actions; hearings upon denial,
 2605 suspension, or revocation of license or registration;
 2606 administrative fines.—

2607 (1)
 2608 (c) The department shall adopt rules to:

2609 1. Establish the grounds under which the department may
 2610 deny, suspend, or revoke a license or registration or place a
 2611 licensee or registrant on probation status for violations of ss.
 2612 402.301-402.319.

2613 2. Establish a uniform system of procedures to impose
 2614 disciplinary sanctions for violations of ss. 402.301-402.319.
 2615 The uniform system of procedures must provide for the consistent

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2616 application of disciplinary actions across districts and a
 2617 progressively increasing level of penalties from predisciplinary
 2618 actions, such as efforts to assist licensees or registrants to
 2619 correct the statutory or regulatory violations, and to severe
 2620 disciplinary sanctions for actions that jeopardize the health
 2621 and safety of children, such as for the deliberate misuse of
 2622 medications. ~~The department shall implement this subparagraph on~~
 2623 ~~January 1, 2007, and the implementation is not contingent upon a~~
 2624 ~~specific appropriation.~~

2625 Reviser's note.—Amended to delete obsolete language.

2626 Section 70. Paragraph (b) of subsection (5) of section
 2627 402.56, Florida Statutes, is amended to read:

2628 402.56 Children's cabinet; organization; responsibilities;
 2629 annual report.—

2630 (5) DUTIES AND RESPONSIBILITIES.—The Children and Youth
 2631 Cabinet shall:

2632 (b) ~~Develop, no later than December 31, 2007,~~ a strategic
 2633 plan to achieve the goals of the shared and cohesive vision. The
 2634 plan shall be centered upon a long-term commitment to children
 2635 and youth issues and align all public resources to serve
 2636 children and youth and their families in a manner that supports
 2637 the healthy growth and development of children. The plan shall
 2638 prepare the children and youth to be responsible citizens and
 2639 productive members of the workforce. The plan shall include a
 2640 continuum of services that will benefit children from prenatal
 2641 care through services for youth in transition to adulthood.

2642 Reviser's note.—Amended to delete obsolete language.

2643 Section 71. Subsection (8) of section 403.861, Florida
 2644 Statutes, is amended to read:

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2645 403.861 Department; powers and duties.—The department shall
 2646 have the power and the duty to carry out the provisions and
 2647 purposes of this act and, for this purpose, to:

2648 (8) Initiate rulemaking ~~no later than July 1, 2008,~~ to
 2649 increase each drinking water permit application fee authorized
 2650 under s. 403.087(6) and this part and adopted by rule to ensure
 2651 that such fees are increased to reflect, at a minimum, any
 2652 upward adjustment in the Consumer Price Index compiled by the
 2653 United States Department of Labor, or similar inflation
 2654 indicator, since the original fee was established or most
 2655 recently revised.

2656 (a) The department shall establish by rule the inflation
 2657 index to be used for this purpose. The department shall review
 2658 the drinking water permit application fees authorized under s.
 2659 403.087(6) and this part at least once every 5 years and shall
 2660 adjust the fees upward, as necessary, within the established fee
 2661 caps to reflect changes in the Consumer Price Index or similar
 2662 inflation indicator. In the event of deflation, the department
 2663 shall consult with the Executive Office of the Governor and the
 2664 Legislature to determine whether downward fee adjustments are
 2665 appropriate based on the current budget and appropriation
 2666 considerations. The department shall also review the drinking
 2667 water operation license fees established pursuant to paragraph
 2668 (7) (b) at least once every 5 years to adopt, as necessary, the
 2669 same inflationary adjustments provided for in this subsection.

2670 (b) ~~Effective July 1, 2008,~~ The minimum fee amount shall be
 2671 the minimum fee prescribed in this section, and such fee amount
 2672 shall remain in effect until the effective date of fees adopted
 2673 by rule by the department.

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2674 Reviser's note.—Amended to delete obsolete language.

2675 Section 72. Paragraph (e) of subsection (3) of section
 2676 408.036, Florida Statutes, is amended to read:

2677 408.036 Projects subject to review; exemptions.—

2678 (3) EXEMPTIONS.—Upon request, the following projects are
 2679 subject to exemption from the provisions of subsection (1):

2680 (e) For the addition of nursing home beds licensed under
 2681 chapter 400 in a number not exceeding 30 total beds or 25
 2682 percent of the number of beds licensed in the facility being
 2683 replaced under paragraph (2) (b), paragraph (2) (c), or paragraph
 2684 (m) ~~(p)~~, whichever is less.

2685 Reviser's note.—Amended to confirm the editorial substitution of
 2686 a reference to paragraph (m) for a reference to paragraph
 2687 (p) to conform to the redesignation of paragraphs by s. 61,
 2688 ch. 2018-24, Laws of Florida. Paragraph (m) relates to
 2689 replacement nursing home beds; paragraph (p) relates to
 2690 beds in state developmental disabilities centers.

2691 Section 73. Subsection (25) of section 408.802, Florida
 2692 Statutes, is amended to read:

2693 408.802 Applicability.—The provisions of this part apply to
 2694 the provision of services that require licensure as defined in
 2695 this part and to the following entities licensed, registered, or
 2696 certified by the agency, as described in chapters 112, 383, 390,
 2697 394, 395, 400, 429, 440, 483, and 765:

2698 (25) Multiphasic health testing centers, as provided under
 2699 part I ~~II~~ of chapter 483.

2700 Reviser's note.—Amended to conform to the redesignation of part
 2701 II of chapter 483 as part I pursuant to the repeal of
 2702 former part I of that chapter by s. 97, ch. 2018-24, Laws

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2703 of Florida.

2704 Section 74. Subsection (24) of section 408.820, Florida
2705 Statutes, is amended to read:

2706 408.820 Exemptions.—Except as prescribed in authorizing
2707 statutes, the following exemptions shall apply to specified
2708 requirements of this part:

2709 (24) Multiphasic health testing centers, as provided under
2710 part I ~~II~~ of chapter 483, are exempt from s. 408.810(5)-(10).
2711 Reviser's note.—Amended to conform to the redesignation of part
2712 II of chapter 483 as part I pursuant to the repeal of
2713 former part I of that chapter by s. 97, ch. 2018-24, Laws
2714 of Florida.

2715 Section 75. Paragraph (d) of subsection (2) and paragraph
2716 (f) of subsection (3) of section 409.017, Florida Statutes, are
2717 amended to read:

2718 409.017 Revenue Maximization Act; legislative intent;
2719 revenue maximization program.—

2720 (2) LEGISLATIVE INTENT.—

2721 (d) Except for funds expended pursuant to Title XIX of the
2722 Social Security Act, it is the intent of the Legislature that
2723 certified local funding for federal matching programs not
2724 supplant or replace state funds. ~~Beginning July 1, 2004,~~ Any
2725 state funds supplanted or replaced with local tax revenues for
2726 Title XIX funds shall be expressly approved in the General
2727 Appropriations Act or by the Legislative Budget Commission
2728 pursuant to chapter 216.

2729 (3) REVENUE MAXIMIZATION PROGRAM.—

2730 (f) Each agency, as applicable, shall work with local
2731 political subdivisions to modify any state plans and to seek and

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2732 implement any federal waivers necessary to implement this
2733 section. If such modifications or waivers require the approval
2734 of the Legislature, the agency, as applicable, shall draft such
2735 legislation and present it to the President of the Senate and
2736 the Speaker of the House of Representatives and to the
2737 respective committee chairs of the Senate and the House of
2738 Representatives by January 1, ~~2004,~~ and, as applicable, annually
2739 ~~thereafter~~.

2740 Reviser's note.—Amended to delete obsolete language.

2741 Section 76. Paragraph (c) of subsection (4) of section
2742 409.145, Florida Statutes, is amended to read:

2743 409.145 Care of children; quality parenting; "reasonable
2744 and prudent parent" standard.—The child welfare system of the
2745 department shall operate as a coordinated community-based system
2746 of care which empowers all caregivers for children in foster
2747 care to provide quality parenting, including approving or
2748 disapproving a child's participation in activities based on the
2749 caregiver's assessment using the "reasonable and prudent parent"
2750 standard.

2751 (4) FOSTER CARE ROOM AND BOARD RATES.—

2752 (c) Effective July 1, 2019, foster parents of level I
2753 family foster homes, as defined in ~~under~~ s. 409.175(5)(a) shall
2754 receive a room and board rate of \$333.

2755 Reviser's note.—Amended to confirm the editorial deletion of the
2756 word "under" to improve clarity.

2757 Section 77. Paragraphs (g), (q), and (w) of subsection (2)
2758 of section 409.815, Florida Statutes, are amended to read:

2759 409.815 Health benefits coverage; limitations.—

2760 (2) BENCHMARK BENEFITS.—In order for health benefits

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2761 coverage to qualify for premium assistance payments for an
 2762 eligible child under ss. 409.810-409.821, the health benefits
 2763 coverage, except for coverage under Medicaid and Medikids, must
 2764 include the following minimum benefits, as medically necessary.

2765 (g) *Behavioral health services.*—

2766 1. Mental health benefits include:

2767 a. Inpatient services, limited to 30 inpatient days per
 2768 contract year for psychiatric admissions, or residential
 2769 services in facilities licensed under s. 394.875(6) or s.
 2770 395.003 in lieu of inpatient psychiatric admissions; however, a
 2771 minimum of 10 of the 30 days shall be available only for
 2772 inpatient psychiatric services if authorized by a physician; and

2773 b. Outpatient services, including outpatient visits for
 2774 psychological or psychiatric evaluation, diagnosis, and
 2775 treatment by a licensed mental health professional, limited to
 2776 40 outpatient visits each contract year.

2777 2. Substance abuse services include:

2778 a. Inpatient services, limited to 7 inpatient days per
 2779 contract year for medical detoxification only and 30 days of
 2780 residential services; and

2781 b. Outpatient services, including evaluation, diagnosis,
 2782 and treatment by a licensed practitioner, limited to 40
 2783 outpatient visits per contract year.

2784 ~~Effective October 1, 2009,~~ Covered services include inpatient
 2785 and outpatient services for mental and nervous disorders as
 2786 defined in the most recent edition of the Diagnostic and
 2787 Statistical Manual of Mental Disorders published by the American
 2788 Psychiatric Association. Such benefits include psychological or
 2789

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2790 psychiatric evaluation, diagnosis, and treatment by a licensed
 2791 mental health professional and inpatient, outpatient, and
 2792 residential treatment of substance abuse disorders. Any benefit
 2793 limitations, including duration of services, number of visits,
 2794 or number of days for hospitalization or residential services,
 2795 shall not be any less favorable than those for physical
 2796 illnesses generally. The program may also implement appropriate
 2797 financial incentives, peer review, utilization requirements, and
 2798 other methods used for the management of benefits provided for
 2799 other medical conditions in order to reduce service costs and
 2800 utilization without compromising quality of care.

2801 (q) *Dental services.*—~~Effective October 1, 2009,~~ Dental
 2802 services shall be covered as required under federal law and may
 2803 also include those dental benefits provided to children by the
 2804 Florida Medicaid program under s. 409.906(6).

2805 (w) *Reimbursement of federally qualified health centers and*
 2806 *rural health clinics.*—~~Effective October 1, 2009,~~ Payments for
 2807 services provided to enrollees by federally qualified health
 2808 centers and rural health clinics under this section shall be
 2809 reimbursed using the Medicaid Prospective Payment System as
 2810 provided for under s. 2107(e)(1)(D) of the Social Security Act.
 2811 If such services are paid for by health insurers or health care
 2812 providers under contract with the Florida Healthy Kids
 2813 Corporation, such entities are responsible for this payment. The
 2814 agency may seek any available federal grants to assist with this
 2815 transition.

2816 Reviser's note.—Amended to delete obsolete language.

2817 Section 78. Subsection (2) of section 409.9083, Florida
 2818 Statutes, is amended to read:

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2819 409.9083 Quality assessment on privately operated
 2820 intermediate care facilities for the developmentally disabled;
 2821 exemptions; purpose; federal approval required; remedies.—

2822 (2) ~~Effective October 1, 2009,~~ There is imposed upon each
 2823 intermediate care facility for the developmentally disabled a
 2824 quality assessment. The aggregated amount of assessments for all
 2825 ICF/DDs in a given year shall be an amount not exceeding the
 2826 maximum percentage allowed under federal law of the total
 2827 aggregate net patient service revenue of assessed facilities.
 2828 The agency shall calculate the quality assessment rate annually
 2829 on a per-resident-day basis as reported by the facilities. The
 2830 per-resident-day assessment rate shall be uniform. Each facility
 2831 shall report monthly to the agency its total number of resident
 2832 days and shall remit an amount equal to the assessment rate
 2833 times the reported number of days. The agency shall collect, and
 2834 each facility shall pay, the quality assessment each month. The
 2835 agency shall collect the assessment from facility providers no
 2836 later than the 15th of the next succeeding calendar month. The
 2837 agency shall notify providers of the quality assessment rate and
 2838 provide a standardized form to complete and submit with
 2839 payments. The collection of the quality assessment shall
 2840 commence no sooner than 15 days after the agency's initial
 2841 payment to the facilities that implement the increased Medicaid
 2842 rates containing the elements prescribed in subsection (3) and
 2843 monthly thereafter. Intermediate care facilities for the
 2844 developmentally disabled may increase their rates to incorporate
 2845 the assessment but may not create a separate line-item charge
 2846 for the purpose of passing through the assessment to residents.
 2847 Reviser's note.—Amended to delete obsolete language.

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2848 Section 79. Paragraph (b) of subsection (1) and paragraph
 2849 (c) of subsection (2) of section 440.45, Florida Statutes, are
 2850 amended to read:

2851 440.45 Office of the Judges of Compensation Claims.—

2852 (1)

2853 (b) ~~Effective October 1, 2001,~~ The position of Deputy Chief
 2854 Judge of Compensation Claims is created.

2855 (2)

2856 (c) Each judge of compensation claims shall be appointed
 2857 for a term of 4 years, but during the term of office may be
 2858 removed by the Governor for cause. Prior to the expiration of a
 2859 judge's term of office, the statewide nominating commission
 2860 shall review the judge's conduct and determine whether the
 2861 judge's performance is satisfactory. ~~Effective July 1, 2002,~~ In
 2862 determining whether a judge's performance is satisfactory, the
 2863 commission shall consider the extent to which the judge has met
 2864 the requirements of this chapter, including, but not limited to,
 2865 the requirements of ss. 440.25(1) and (4)(a)-(e), 440.34(2), and
 2866 440.442. If the judge's performance is deemed satisfactory, the
 2867 commission shall report its finding to the Governor no later
 2868 than 6 months prior to the expiration of the judge's term of
 2869 office. The Governor shall review the commission's report and
 2870 may reappoint the judge for an additional 4-year term. If the
 2871 Governor does not reappoint the judge, the Governor shall inform
 2872 the commission. The judge shall remain in office until the
 2873 Governor has appointed a successor judge in accordance with
 2874 paragraphs (a) and (b). If a vacancy occurs during a judge's
 2875 unexpired term, the statewide nominating commission does not
 2876 find the judge's performance is satisfactory, or the Governor

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2877 does not reappoint the judge, the Governor shall appoint a
2878 successor judge for a term of 4 years in accordance with
2879 paragraph (b).

2880 Reviser's note.—Amended to delete obsolete language.

2881 Section 80. Section 455.2286, Florida Statutes, is amended
2882 to read:

2883 455.2286 Automated information system.—~~By November 1, 2001,~~
2884 The department shall implement an automated information system
2885 for all certificateholders and registrants under part XII of
2886 chapter 468, chapter 471, chapter 481, or chapter 489. The
2887 system shall provide instant notification to local building
2888 departments and other interested parties regarding the status of
2889 the certification or registration. The provision of such
2890 information shall consist, at a minimum, of an indication of
2891 whether the certification or registration is active, of any
2892 current failure to meet the terms of any final action by a
2893 licensing authority, of any ongoing disciplinary cases that are
2894 subject to public disclosure, whether there are any outstanding
2895 fines, and of the reporting of any material violations pursuant
2896 to s. 553.781. The system shall also retain information
2897 developed by the department and local governments on individuals
2898 found to be practicing or contracting without holding the
2899 applicable license, certification, or registration required by
2900 law. The system may be Internet-based.

2901 Reviser's note.—Amended to delete obsolete language.

2902 Section 81. Paragraph (c) of subsection (3) of section
2903 458.348, Florida Statutes, is amended to read:

2904 458.348 Formal supervisory relationships, standing orders,
2905 and established protocols; notice; standards.—

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2906 (3) SUPERVISORY RELATIONSHIPS IN MEDICAL OFFICE SETTINGS.—A
2907 physician who supervises an advanced practice registered nurse
2908 or physician assistant at a medical office other than the
2909 physician's primary practice location, where the advanced
2910 practice registered nurse or physician assistant is not under
2911 the onsite supervision of a supervising physician, must comply
2912 with the standards set forth in this subsection. For the purpose
2913 of this subsection, a physician's "primary practice location"
2914 means the address reflected on the physician's profile published
2915 pursuant to s. 456.041.

2916 (c) A physician who supervises an advanced practice
2917 registered nurse or physician assistant at a medical office
2918 other than the physician's primary practice location, where the
2919 advanced practice registered nurse or physician assistant is not
2920 under the onsite supervision of a supervising physician and the
2921 services offered at the office are primarily dermatologic or
2922 skin care services, which include aesthetic skin care services
2923 other than plastic surgery, must comply with the standards
2924 listed in subparagraphs 1.-4. Notwithstanding s.
2925 458.347(4)(e)6., a physician supervising a physician assistant
2926 pursuant to this paragraph may not be required to review and
2927 cosign charts or medical records prepared by such physician
2928 assistant.

2929 1. The physician shall submit to the board the addresses of
2930 all offices where he or she is supervising an advanced practice
2931 registered nurse or a physician's assistant which are not the
2932 physician's primary practice location.

2933 2. The physician must be board certified or board eligible
2934 in dermatology or plastic surgery as recognized by the board

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2935 pursuant to s. 458.3312.

2936 3. All such offices that are not the physician's primary
2937 place of practice must be within 25 miles of the physician's
2938 primary place of practice or in a county that is contiguous to
2939 the county of the physician's primary place of practice.
2940 However, the distance between any of the offices may not exceed
2941 75 miles.

2942 4. The physician may supervise only one office other than
2943 the physician's primary place of practice ~~except that until July~~
2944 ~~1, 2011, the physician may supervise up to two medical offices~~
2945 ~~other than the physician's primary place of practice if the~~
2946 ~~addresses of the offices are submitted to the board before July~~
2947 ~~1, 2006. Effective July 1, 2011, the physician may supervise~~
2948 ~~only one office other than the physician's primary place of~~
2949 ~~practice, regardless of when the addresses of the offices were~~
2950 ~~submitted to the board.~~

2951 Reviser's note.—Amended to delete obsolete language.

2952 Section 82. Paragraph (c) of subsection (3) of section
2953 459.025, Florida Statutes, is amended to read:

2954 459.025 Formal supervisory relationships, standing orders,
2955 and established protocols; notice; standards.—

2956 (3) SUPERVISORY RELATIONSHIPS IN MEDICAL OFFICE SETTINGS.—

2957 An osteopathic physician who supervises an advanced practice
2958 registered nurse or physician assistant at a medical office
2959 other than the osteopathic physician's primary practice
2960 location, where the advanced practice registered nurse or
2961 physician assistant is not under the onsite supervision of a
2962 supervising osteopathic physician, must comply with the
2963 standards set forth in this subsection. For the purpose of this

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2964 subsection, an osteopathic physician's "primary practice
2965 location" means the address reflected on the physician's profile
2966 published pursuant to s. 456.041.

2967 (c) An osteopathic physician who supervises an advanced
2968 practice registered nurse or physician assistant at a medical
2969 office other than the osteopathic physician's primary practice
2970 location, where the advanced practice registered nurse or
2971 physician assistant is not under the onsite supervision of a
2972 supervising osteopathic physician and the services offered at
2973 the office are primarily dermatologic or skin care services,
2974 which include aesthetic skin care services other than plastic
2975 surgery, must comply with the standards listed in subparagraphs
2976 1.-4. Notwithstanding s. 459.022(4)(e)6., an osteopathic
2977 physician supervising a physician assistant pursuant to this
2978 paragraph may not be required to review and cosign charts or
2979 medical records prepared by such physician assistant.

2980 1. The osteopathic physician shall submit to the Board of
2981 Osteopathic Medicine the addresses of all offices where he or
2982 she is supervising or has a protocol with an advanced practice
2983 registered nurse or a physician assistant which are not the
2984 osteopathic physician's primary practice location.

2985 2. The osteopathic physician must be board certified or
2986 board eligible in dermatology or plastic surgery as recognized
2987 by the Board of Osteopathic Medicine pursuant to s. 459.0152.

2988 3. All such offices that are not the osteopathic
2989 physician's primary place of practice must be within 25 miles of
2990 the osteopathic physician's primary place of practice or in a
2991 county that is contiguous to the county of the osteopathic
2992 physician's primary place of practice. However, the distance

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2993 between any of the offices may not exceed 75 miles.

2994 4. The osteopathic physician may supervise only one office
 2995 other than the osteopathic physician's primary place of practice
 2996 ~~except that until July 1, 2011, the osteopathic physician may~~
 2997 ~~supervise up to two medical offices other than the osteopathic~~
 2998 ~~physician's primary place of practice if the addresses of the~~
 2999 ~~offices are submitted to the Board of Osteopathic Medicine~~
 3000 ~~before July 1, 2006. Effective July 1, 2011, the osteopathic~~
 3001 ~~physician may supervise only one office other than the~~
 3002 ~~osteopathic physician's primary place of practice, regardless of~~
 3003 ~~when the addresses of the offices were submitted to the Board of~~
 3004 ~~Osteopathic Medicine.~~

3005 Reviser's note.—Amended to delete obsolete language.

3006 Section 83. Subsections (1) and (2) of section 459.026,
 3007 Florida Statutes, are amended to read:

3008 459.026 Reports of adverse incidents in office practice
 3009 settings.—

3010 (1) Any adverse incident that occurs ~~on or after January 1,~~
 3011 ~~2000,~~ in any office maintained by an osteopathic physician for
 3012 the practice of osteopathic medicine which is not licensed under
 3013 chapter 395 must be reported to the department in accordance
 3014 with the provisions of this section.

3015 (2) Any osteopathic physician or other licensee under this
 3016 chapter practicing in this state must notify the department if
 3017 the osteopathic physician or licensee was involved in an adverse
 3018 incident that occurred ~~on or after January 1, 2000,~~ in any
 3019 office maintained by an osteopathic physician for the practice
 3020 of osteopathic medicine which is not licensed under chapter 395.

3021 Reviser's note.—Amended to delete obsolete language.

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3022 Section 84. Subsection (2) of section 468.432, Florida
 3023 Statutes, is amended to read:

3024 468.432 Licensure of community association managers and
 3025 community association management firms; exceptions.—

3026 (2) ~~As of January 1, 2009,~~ A community association
 3027 management firm or other similar organization responsible for
 3028 the management of more than 10 units or a budget of \$100,000 or
 3029 greater shall not engage or hold itself out to the public as
 3030 being able to engage in the business of community association
 3031 management in this state unless it is licensed by the department
 3032 as a community association management firm in accordance with
 3033 the provisions of this part.

3034 (a) A community association management firm or other
 3035 similar organization desiring to be licensed as a community
 3036 association management firm shall apply to the department on a
 3037 form approved by the department, together with the application
 3038 and licensure fees required by s. 468.435(1)(a) and (c). Each
 3039 community association management firm applying for licensure
 3040 under this subsection must be actively registered and authorized
 3041 to do business in this state.

3042 (b) Each applicant shall designate on its application a
 3043 licensed community association manager who shall be required to
 3044 respond to all inquiries from and investigations by the
 3045 department or division.

3046 (c) Each licensed community association management firm
 3047 shall notify the department within 30 days after any change of
 3048 information contained in the application upon which licensure is
 3049 based.

3050 (d) Community association management firm licenses shall

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3051 expire on September 30 of odd-numbered years and shall be
 3052 renewed every 2 years. An application for renewal shall be
 3053 accompanied by the renewal fee as required by s. 468.435(1)(d).

3054 (e) The department shall license each applicant whom the
 3055 department certifies as meeting the requirements of this
 3056 subsection.

3057 (f) If the license of at least one individual active
 3058 community association manager member is not in force, the
 3059 license of the community association management firm or other
 3060 similar organization is canceled automatically during that time.

3061 (g) Any community association management firm or other
 3062 similar organization agrees by being licensed that it will
 3063 employ only licensed persons in the direct provision of
 3064 community association management services as described in s.
 3065 468.431(3).

3066 Reviser's note.—Amended to delete obsolete language.

3067 Section 85. Subsection (9) of section 480.033, Florida
 3068 Statutes, is amended to read:

3069 480.033 Definitions.—As used in this act:

3070 (9) "Board-approved massage school" means a facility that
 3071 meets minimum standards for training and curriculum as
 3072 determined by rule of the board and that is licensed by the
 3073 Department of Education pursuant to chapter 1005 or the
 3074 equivalent licensing authority of another state or is within the
 3075 public school system of this state or a college or university
 3076 that is eligible to participate in the William L. Boyd, IV,
 3077 Effective Access to Student Education Florida Resident Access
 3078 Grant Program.

3079 Reviser's note.—Amended to conform to s. 25, ch. 2018-4, Laws of

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3080 Florida, which directed the Division of Law Revision and
 3081 Information "to substitute the term 'Effective Access to
 3082 Student Education Grant Program' for 'Florida Resident
 3083 Access Grant Program' and the term 'Effective Access to
 3084 Student Education grant' for 'Florida resident access
 3085 grant' wherever those terms appear in the Florida
 3086 Statutes."

3087 Section 86. Subsection (7) of section 483.285, Florida
 3088 Statutes, is amended to read:

3089 483.285 Application of part; exemptions.—This part applies
 3090 to all multiphasic health testing centers within the state, but
 3091 does not apply to:

3092 ~~(7) A clinical laboratory registered under part I.~~

3093 Reviser's note.—Amended to delete language relating to former
 3094 part I of chapter 483, which was repealed by s. 97, ch.
 3095 2018-24, Laws of Florida.

3096 Section 87. Paragraph (n) of subsection (1) of section
 3097 491.012, Florida Statutes, is amended to read:

3098 491.012 Violations; penalty; injunction.—

3099 (1) It is unlawful and a violation of this chapter for any
 3100 person to:

3101 (n) ~~Effective October 1, 2000,~~ Practice juvenile sexual
 3102 offender therapy in this state, as the practice is defined in s.
 3103 491.0144, for compensation, unless the person holds an active
 3104 license issued under this chapter and meets the requirements to
 3105 practice juvenile sexual offender therapy. An unlicensed person
 3106 may be employed by a program operated by or under contract with
 3107 the Department of Juvenile Justice or the Department of Children
 3108 and Families if the program employs a professional who is

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3109 licensed under chapter 458, chapter 459, s. 490.0145, or s.
 3110 491.0144 who manages or supervises the treatment services.
 3111 Reviser's note.—Amended to delete obsolete language.
 3112 Section 88. Subsection (4) of section 501.011, Florida
 3113 Statutes, is amended to read:
 3114 501.011 Credit cards; unsolicited delivery or mailing
 3115 prohibited.—
 3116 (4) No credit card bearer shall be liable for the
 3117 unauthorized use of any credit card issued on an unsolicited
 3118 basis, ~~after July 5, 1970.~~
 3119 Reviser's note.—Amended to delete obsolete language.
 3120 Section 89. Subsection (9) of section 527.0201, Florida
 3121 Statutes, is amended to read:
 3122 527.0201 Qualifiers; master qualifiers; examinations.—
 3123 (9) If a duplicate license or duplicate qualifier or master
 3124 qualifier registration certificate is requested by the licensee,
 3125 a fee of \$10 must be received before issuance of the duplicate
 3126 license or certificate.
 3127 Reviser's note.—Amended to confirm the editorial insertion of
 3128 the word "or" to improve clarity.
 3129 Section 90. Subsection (9) of section 560.109, Florida
 3130 Statutes, is amended to read:
 3131 560.109 Examinations and investigations.—The office may
 3132 conduct examinations and investigations, within or outside this
 3133 state to determine whether a person has violated any provision
 3134 of this chapter and related rules, or of any practice or conduct
 3135 that creates the likelihood of material loss, insolvency, or
 3136 dissipation of the assets of a money services business or
 3137 otherwise materially prejudices the interests of their

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3138 customers.
 3139 ~~(9) The office shall prepare and submit an annual report to~~
 3140 ~~the President of the Senate and the Speaker of the House of~~
 3141 ~~Representatives beginning January 1, 2009, through January 1,~~
 3142 ~~2014, which includes:~~
 3143 ~~(a) The total number of examinations and investigations~~
 3144 ~~that resulted in a referral to a state or federal agency and the~~
 3145 ~~disposition of each of those referrals by agency.~~
 3146 ~~(b) The total number of initial referrals received from~~
 3147 ~~another state or federal agency, the total number of~~
 3148 ~~examinations and investigations opened as a result of referrals,~~
 3149 ~~and the disposition of each of those cases.~~
 3150 ~~(c) The number of examinations or investigations undertaken~~
 3151 ~~by the office which were not the result of a referral from~~
 3152 ~~another state agency or a federal agency.~~
 3153 ~~(d) The total amount of fines assessed and collected by the~~
 3154 ~~office as a result of an examination or investigation of~~
 3155 ~~activities regulated under parts II and III of this chapter.~~
 3156 Reviser's note.—Amended to delete obsolete language.
 3157 Section 91. Subsection (5) of section 578.08, Florida
 3158 Statutes, is amended to read:
 3159 578.08 Registrations.—
 3160 (5) When packet seed is sold, offered for sale, or exposed
 3161 for sale, the company that ~~who~~ packs seed for retail sale must
 3162 register and pay fees as provided under subsection (1).
 3163 Reviser's note.—Amended to confirm the editorial substitution of
 3164 the word "that" for the word "who" to conform to context.
 3165 Section 92. Paragraph (f) of subsection (2) of section
 3166 578.11, Florida Statutes, is amended to read:

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3167 578.11 Duties, authority, and rules of the department.-
 3168 (2) The department is authorized to:
 3169 (f) Make commercial tests of seed and ~~to~~ fix and collect
 3170 charges for such tests.
 3171 Reviser's note.—Amended to confirm the editorial deletion of the
 3172 word "to" to improve clarity.
 3173 Section 93. Paragraphs (d) and (e) of subsection (2) of
 3174 section 578.13, Florida Statutes, are amended to read:
 3175 578.13 Prohibitions.—
 3176 (2) It shall be unlawful for a person within this state to:
 3177 (d) Fail to comply with a stop-sale order or ~~to~~ move,
 3178 handle, or dispose of any lot of seed, or tags attached to such
 3179 seed, held under a "stop-sale" order, except with express
 3180 permission of the department and for the purpose specified by
 3181 the department.
 3182 (e) Label, advertise, or otherwise represent seed subject
 3183 to this chapter to be certified seed or any class thereof,
 3184 including classes such as "registered seed," "foundation seed,"
 3185 "breeder seed" or similar representations, unless:
 3186 1. A seed certifying agency determines that such seed
 3187 conformed to standards of purity and identity ~~identify~~ as to the
 3188 kind, variety, or species and, if appropriate, subspecies and
 3189 the seed certifying agency also determines that tree or shrub
 3190 seed was found to be of the origin and elevation claimed, in
 3191 compliance with the rules and regulations of such agency
 3192 pertaining to such seed; and
 3193 2. The seed bears an official label issued for such seed by
 3194 a seed certifying agency certifying that the seed is of a
 3195 specified class and specified to the kind, variety, or species

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3196 and, if appropriate, subspecies.
 3197 Reviser's note.—Paragraph (2) (d) is amended to confirm the
 3198 editorial deletion of the word "to" to improve clarity.
 3199 Paragraph (2) (e) is amended to confirm the editorial
 3200 substitution of the word "identity" for the word "identify"
 3201 to conform to context.
 3202 Section 94. Paragraphs (b) and (g) of subsection (1) of
 3203 section 590.02, Florida Statutes, are amended to read:
 3204 590.02 Florida Forest Service; powers, authority, and
 3205 duties; liability; building structures; Withlacoochee Training
 3206 Center.—
 3207 (1) The Florida Forest Service has the following powers,
 3208 authority, and duties to:
 3209 (b) Prevent, detect, and suppress wildfires wherever they
 3210 may occur on public or private land in this state and ~~to~~ do all
 3211 things necessary in the exercise of such powers, authority, and
 3212 duties;
 3213 (g) Provide fire management services and emergency response
 3214 assistance and ~~to~~ set and charge reasonable fees for performance
 3215 of those services. Moneys collected from such fees shall be
 3216 deposited into the Incidental Trust Fund of the Florida Forest
 3217 Service;
 3218 Reviser's note.—Amended to confirm the editorial deletions of
 3219 the word "to" to improve clarity.
 3220 Section 95. Paragraph (a) of subsection (8) of section
 3221 624.509, Florida Statutes, is amended to read:
 3222 624.509 Premium tax; rate and computation.—
 3223 (8) The premium tax authorized by this section may not be
 3224 imposed on:

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3225 (a) Any portion of the title insurance premium, as defined
 3226 in s. 627.7711, retained by a title insurance agent or agency.
 3227 ~~It is the intent of the Legislature that this exemption be~~
 3228 ~~contingent on title insurers adding employees to their payroll.~~
 3229 ~~This paragraph expires December 31, 2017, unless the Department~~
 3230 ~~of Economic Opportunity determines that title insurers holding a~~
 3231 ~~valid certificate of authority as of July 1, 2014, have added,~~
 3232 ~~in aggregate, at least 600 Florida based full time equivalent~~
 3233 ~~positions above those existing on July 1, 2014, including~~
 3234 ~~positions obtained from a temporary employment agency or~~
 3235 ~~employee leasing company or through a union agreement or~~
 3236 ~~coemployment under a professional employer organization~~
 3237 ~~agreement by July 1, 2017. For purposes of this paragraph, the~~
 3238 ~~term "full-time equivalent position" means a position in which~~
 3239 ~~the employee works an average of at least 36 hours per week each~~
 3240 ~~month.~~

3241 ~~1. The Department of Economic Opportunity may verify~~
 3242 ~~information provided by title insurers concerning additional~~
 3243 ~~positions created with any appropriate agency or authority,~~
 3244 ~~including the Department of Revenue.~~

3245 ~~2. To facilitate verification of additional positions~~
 3246 ~~created by title insurers, the Department of Economic~~
 3247 ~~Opportunity may provide a list of employees holding additional~~
 3248 ~~positions created by title insurers to any appropriate agency or~~
 3249 ~~authority, including the Department of Revenue.~~

3250 ~~3. The Department of Economic Opportunity shall submit such~~
 3251 ~~determination to the President of the Senate, the Speaker of the~~
 3252 ~~House of Representatives, and the Department of Revenue by~~
 3253 ~~October 1, 2017.~~

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3254 Reviser's note.—Amended to conform to the fact that the
 3255 Department of Economic Opportunity certified by letter to
 3256 the President of the Senate and the Speaker of the House of
 3257 Representatives that the title insurance taxable premium
 3258 reduction will not expire on December 31, 2017, per the
 3259 Department of Revenue's Tax Information Publication No.
 3260 17B8-02, issued October 20, 2017.

3261 Section 96. Subsection (2) of section 627.40951, Florida
 3262 Statutes, is amended to read:

3263 627.40951 Standard personal lines residential insurance
 3264 policy.—

3265 ~~(2) The Chief Financial Officer shall appoint an advisory~~
 3266 ~~committee composed of two representatives of insurers currently~~
 3267 ~~selling personal lines residential property insurance coverage,~~
 3268 ~~two representatives of property and casualty agents, two~~
 3269 ~~representatives of consumers, two representatives of the~~
 3270 ~~Commissioner of Insurance Regulation, and the Insurance Consumer~~
 3271 ~~Advocate or her or his designee. The Chief Financial Officer or~~
 3272 ~~her or his designee shall serve as chair of the committee. The~~
 3273 ~~committee shall develop policy language for coverage that~~
 3274 ~~represents general industry standards in the market for~~
 3275 ~~comprehensive coverage under personal lines residential~~
 3276 ~~insurance policies and shall develop a checklist to be used with~~
 3277 ~~each type of personal lines residential property insurance~~
 3278 ~~policy. The committee shall review policies and related forms~~
 3279 ~~written by Insurance Services Office, Inc. The committee shall~~
 3280 ~~file a report containing its recommendations to the President of~~
 3281 ~~the Senate and the Speaker of the House of Representatives by~~
 3282 ~~January 15, 2006. No insurer shall be required to offer the~~

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3283 ~~standard policy unless required by further act of the~~
 3284 ~~Legislature.~~
 3285 Reviser's note.—Amended to conform to the fact that the advisory
 3286 committee no longer exists.
 3287 Section 97. Section 627.746, Florida Statutes, is amended
 3288 to read:
 3289 627.746 Coverage for minors who have a learner's driver
 3290 license; additional premium prohibited.—An insurer that issues
 3291 an insurance policy on a private passenger motor vehicle to a
 3292 named insured who is a caregiver of a minor who is under the age
 3293 of 18 years and is in out-of-home care as defined in s.
 3294 39.01(55) ~~39.01(49)~~ may not charge an additional premium for
 3295 coverage of the minor while the minor is operating the insured
 3296 vehicle, for the period of time that the minor has a learner's
 3297 driver license, until such time as the minor obtains a driver
 3298 license.
 3299 Reviser's note.—Amended to conform to the redesignation of
 3300 subsections in s. 39.01 by s. 1, ch. 2018-103, Laws of
 3301 Florida. Section 39.01(55) defines the term "out-of-home"
 3302 for placement purposes; subsection (49) defines the term
 3303 "necessary medical treatment."
 3304 Section 98. Subsection (9) of section 634.436, Florida
 3305 Statutes, is amended to read:
 3306 634.436 Unfair methods of competition and unfair or
 3307 deceptive acts or practices defined.—The following methods,
 3308 acts, or practices are defined as unfair methods of competition
 3309 and unfair or deceptive acts or practices:
 3310 (9) FAILURE TO PROVIDE TERMS AND CONDITIONS PRIOR TO SALE.—
 3311 Failing to provide a consumer with a complete sample copy of the

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3312 terms and conditions of the service warranty ~~prior to~~ before the
 3313 time of sale upon a request for the same by the consumer. A
 3314 service warranty association may comply with this subsection by
 3315 providing the consumer with a sample copy of the terms and
 3316 conditions of the warranty contract or by directing the consumer
 3317 to a website that displays a complete sample of the terms and
 3318 conditions of the contract.
 3319 Reviser's note.—Amended to improve clarity.
 3320 Section 99. Paragraph (b) of subsection (2) of section
 3321 641.3107, Florida Statutes, is amended to read:
 3322 641.3107 Delivery of contract; definitions.—
 3323 (2) As used in s. 627.421, the term:
 3324 (b) "Insured" includes a subscriber or, in the case of a
 3325 group health maintenance contract, ~~to~~ the employer or other
 3326 person who will hold the contract on behalf of the subscriber
 3327 group.
 3328 Reviser's note.—Amended to confirm the editorial deletion of the
 3329 word "to" to improve clarity.
 3330 Section 100. Paragraph (b) of subsection (3) of section
 3331 641.511, Florida Statutes, is amended to read:
 3332 641.511 Subscriber grievance reporting and resolution
 3333 requirements.—
 3334 (3) Each organization's grievance procedure, as required
 3335 under subsection (1), must include, at a minimum:
 3336 (b) The names of the appropriate employees or a list of
 3337 grievance departments that are responsible for implementing the
 3338 organization's grievance procedure. The list must include the
 3339 address and the toll-free telephone number of each grievance
 3340 department, and the address of the agency and its toll-free

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3341 telephone hotline number, ~~and the address of the Subscriber~~
 3342 ~~Assistance Program and its toll-free telephone number.~~
 3343 Reviser's note.—Amended to conform to the repeal of s. 408.7056,
 3344 which established the Subscriber Assistance Program, by s.
 3345 67, ch. 2018-24, Laws of Florida.
 3346 Section 101. Subsection (1) of section 655.825, Florida
 3347 Statutes, is amended to read:
 3348 655.825 Deposits in trust; applicability of s. 655.82 in
 3349 place of former s. 655.81.—
 3350 (1) Because deposits in trust are also accounts with a pay-
 3351 on-death designation as described in s. 655.82, it is the intent
 3352 of the Legislature that the provisions of s. 655.82 shall apply
 3353 to and govern deposits in trust. References to former s. 655.81
 3354 in any depository agreement shall be interpreted after the
 3355 effective date of this act as references to s. 655.82.
 3356 Reviser's note.—Amended to confirm the editorial insertion of
 3357 the word "former" to conform to the repeal of s. 655.81 by
 3358 s. 20, ch. 2001-243, Laws of Florida.
 3359 Section 102. Subsection (2) of section 718.121, Florida
 3360 Statutes, is amended to read:
 3361 718.121 Liens.—
 3362 (2) Labor performed on or materials furnished to a unit
 3363 shall not be the basis for the filing of a lien pursuant to part
 3364 I of chapter 713, the Construction Lien Law, against the unit or
 3365 condominium parcel of any unit owner not expressly consenting to
 3366 or requesting the labor or materials. Labor performed on or
 3367 materials furnished for the installation of an electronic
 3368 vehicle charging station pursuant to s. 718.113(8) may not be
 3369 the basis for filing a lien under part I of chapter 713 against

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3370 the association, but such a lien may be filed against the unit
 3371 owner. Labor performed on or materials furnished to the common
 3372 elements are not the basis for a lien on the common elements,
 3373 but if authorized by the association, the labor or materials are
 3374 deemed to be performed or furnished with the express consent of
 3375 each unit owner and may be the basis for the filing of a lien
 3376 against all condominium parcels in the proportions for which the
 3377 owners are liable for common expenses.
 3378 Reviser's note.—Amended to confirm the editorial insertion of
 3379 the word "be" to improve clarity.
 3380 Section 103. Subsection (4) of section 736.0403, Florida
 3381 Statutes, is amended to read:
 3382 736.0403 Trusts created in other jurisdictions; formalities
 3383 required for revocable trusts.—
 3384 (4) Paragraph (2)(b) applies to trusts created on or after
 3385 the effective date of this code. Former s. 737.111, as in effect
 3386 prior to the effective date of this code, continues to apply to
 3387 trusts created before the effective date of this code.
 3388 Reviser's note.—Amended to confirm the editorial insertion of
 3389 the word "Former" to conform to the repeal of s. 737.111 by
 3390 s. 48, ch. 2006-217, Laws of Florida.
 3391 Section 104. Subsection (2) of section 825.101, Florida
 3392 Statutes, is amended to read:
 3393 825.101 Definitions.—As used in this chapter:
 3394 (2) "Caregiver" means a person who has been entrusted with
 3395 or has assumed responsibility for the care or the property of an
 3396 elderly person or disabled adult. "Caregiver" includes, but is
 3397 not limited to, relatives, court-appointed or voluntary
 3398 guardians, adult household members, neighbors, health care

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3399 providers, and employees and volunteers of facilities as defined
 3400 in subsection (7) ~~(6)~~.

3401 Reviser's note.—Amended to conform to the redesignation of
 3402 subsections in s. 825.101 by s. 1, ch. 2018-100, Laws of
 3403 Florida. Subsection (7) defines the word "facility";
 3404 subsection (6) defines the word "exploitation."
 3405 Section 105. Paragraph (a) of subsection (6) of section
 3406 893.055, Florida Statutes, is amended to read:
 3407 893.055 Prescription drug monitoring program.—
 3408 (6) The department may enter into one or more reciprocal
 3409 agreements or contracts to share prescription drug monitoring
 3410 information with other states, districts, or territories if the
 3411 prescription drug monitoring programs of such other states,
 3412 districts, or territories are compatible with the Florida
 3413 program.

3414 (a) In determining compatibility, the department shall
 3415 consider:

3416 1. The safeguards for privacy of patient records and the
 3417 success of the program in protecting patient privacy.

3418 2. The persons authorized to view the data collected by the
 3419 program. Comparable entities and licensed health care
 3420 practitioners in other states, districts, or territories of the
 3421 United States; law enforcement agencies; the Attorney General's
 3422 Medicaid Fraud Control Unit; medical regulatory boards; and, as
 3423 needed, management staff who ~~that~~ have similar duties as
 3424 management staff who work with the prescription drug monitoring
 3425 program as authorized in s. 893.0551 are authorized access upon
 3426 approval by the department.

3427 3. The schedules of the controlled substances that are

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3428 monitored by the program.

3429 4. The data reported to or included in the program's
 3430 system.

3431 5. Any implementing criteria deemed essential for a
 3432 thorough comparison.

3433 6. The costs and benefits to the state of sharing
 3434 prescription information.

3435 Reviser's note.—Amended to confirm the editorial substitution of
 3436 the word "who" for the word "that" to conform to context.
 3437 Section 106. Subsection (6) of section 893.0551, Florida
 3438 Statutes, is amended to read:
 3439 893.0551 Public records exemption for the prescription drug
 3440 monitoring program.—
 3441 (6) An agency or person who obtains any information
 3442 pursuant to this section must maintain the confidential and
 3443 exempt status of that information and may not disclose such
 3444 information unless authorized by law. Information shared with a
 3445 state attorney pursuant to paragraph (3) (e) or paragraph (3) (f)
 3446 ~~or paragraph (3) (h)~~ may be released only in response to a
 3447 discovery demand if such information is directly related to the
 3448 criminal case for which the information was requested. Unrelated
 3449 information may be released only upon an order of a court of
 3450 competent jurisdiction.

3451 Reviser's note.—Amended to correct an apparent error and conform
 3452 to context. Prior to the amendment of s. 893.0551 by s. 11,
 3453 ch. 2018-13, Laws of Florida, the reference was to
 3454 "paragraph (3) (a) or paragraph (3) (c)." Pursuant to the
 3455 amendment, former paragraph (3) (a) is now paragraph (3) (e),
 3456 and former paragraph (3) (c) is now paragraph (3) (f).

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3457 Section 107. Subsection (7) of section 893.13, Florida
 3458 Statutes, is reenacted to read:
 3459 893.13 Prohibited acts; penalties.—
 3460 (7) (a) A person may not:
 3461 1. Distribute or dispense a controlled substance in
 3462 violation of this chapter.
 3463 2. Refuse or fail to make, keep, or furnish any record,
 3464 notification, order form, statement, invoice, or information
 3465 required under this chapter.
 3466 3. Refuse entry into any premises for any inspection or
 3467 refuse to allow any inspection authorized by this chapter.
 3468 4. Distribute a controlled substance named or described in
 3469 s. 893.03(1) or (2) except pursuant to an order form as required
 3470 by s. 893.06.
 3471 5. Keep or maintain any store, shop, warehouse, dwelling,
 3472 building, vehicle, boat, aircraft, or other structure or place
 3473 which is resorted to by persons using controlled substances in
 3474 violation of this chapter for the purpose of using these
 3475 substances, or which is used for keeping or selling them in
 3476 violation of this chapter.
 3477 6. Use to his or her own personal advantage, or reveal, any
 3478 information obtained in enforcement of this chapter except in a
 3479 prosecution or administrative hearing for a violation of this
 3480 chapter.
 3481 7. Possess a prescription form unless it has been signed by
 3482 the practitioner whose name appears printed thereon and
 3483 completed. This subparagraph does not apply if the person in
 3484 possession of the form is the practitioner whose name appears
 3485 printed thereon, an agent or employee of that practitioner, a

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3486 pharmacist, or a supplier of prescription forms who is
 3487 authorized by that practitioner to possess those forms.
 3488 8. Withhold information from a practitioner from whom the
 3489 person seeks to obtain a controlled substance or a prescription
 3490 for a controlled substance that the person making the request
 3491 has received a controlled substance or a prescription for a
 3492 controlled substance of like therapeutic use from another
 3493 practitioner within the previous 30 days.
 3494 9. Acquire or obtain, or attempt to acquire or obtain,
 3495 possession of a controlled substance by misrepresentation,
 3496 fraud, forgery, deception, or subterfuge.
 3497 10. Affix any false or forged label to a package or
 3498 receptacle containing a controlled substance.
 3499 11. Furnish false or fraudulent material information in, or
 3500 omit any material information from, any report or other document
 3501 required to be kept or filed under this chapter or any record
 3502 required to be kept by this chapter.
 3503 12. Store anhydrous ammonia in a container that is not
 3504 approved by the United States Department of Transportation to
 3505 hold anhydrous ammonia or is not constructed in accordance with
 3506 sound engineering, agricultural, or commercial practices.
 3507 13. With the intent to obtain a controlled substance or
 3508 combination of controlled substances that are not medically
 3509 necessary for the person or an amount of a controlled substance
 3510 or substances that is not medically necessary for the person,
 3511 obtain or attempt to obtain from a practitioner a controlled
 3512 substance or a prescription for a controlled substance by
 3513 misrepresentation, fraud, forgery, deception, subterfuge, or
 3514 concealment of a material fact. For purposes of this

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3515 subparagraph, a material fact includes whether the person has an
 3516 existing prescription for a controlled substance issued for the
 3517 same period of time by another practitioner or as described in
 3518 subparagraph 8.

3519 (b) A health care practitioner, with the intent to provide
 3520 a controlled substance or combination of controlled substances
 3521 that are not medically necessary to his or her patient or an
 3522 amount of controlled substances that is not medically necessary
 3523 for his or her patient, may not provide a controlled substance
 3524 or a prescription for a controlled substance by
 3525 misrepresentation, fraud, forgery, deception, subterfuge, or
 3526 concealment of a material fact. For purposes of this paragraph,
 3527 a material fact includes whether the patient has an existing
 3528 prescription for a controlled substance issued for the same
 3529 period of time by another practitioner or as described in
 3530 subparagraph (a)8.

3531 (c) A person who violates subparagraphs (a)1.-6. commits a
 3532 misdemeanor of the first degree, punishable as provided in s.
 3533 775.082 or s. 775.083, except that, upon a second or subsequent
 3534 violation, the person commits a felony of the third degree,
 3535 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

3536 (d) A person who violates subparagraphs (a)7.-12. commits a
 3537 felony of the third degree, punishable as provided in s.
 3538 775.082, s. 775.083, or s. 775.084.

3539 (e) A person or health care practitioner who violates the
 3540 provisions of subparagraph (a)13. or paragraph (b) commits a
 3541 felony of the second degree, punishable as provided in s.
 3542 775.082, s. 775.083, or s. 775.084, if any controlled substance
 3543 that is the subject of the offense is listed in Schedule II,

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3544 Schedule III, or Schedule IV.

3545 Reviser's note.—Section 12, ch. 2018-13, Laws of Florida,
 3546 purported to amend subsection (7), but did not publish
 3547 paragraphs (a)-(d). Absent affirmative evidence of
 3548 legislative intent to repeal the omitted paragraphs,
 3549 subsection (7) is reenacted to confirm the omission was not
 3550 intended.

3551 Section 108. Paragraphs (r) and (y) of subsection (2) and
 3552 paragraph (a) of subsection (3) of section 900.05, Florida
 3553 Statutes, are amended to read:

3554 900.05 Criminal justice data collection.—

3555 (2) DEFINITIONS.—As used in this section, the term:

3556 (r) "Gain-time credit earned" means a credit of time
 3557 awarded to an inmate in a county detention facility in
 3558 accordance with s. 951.21 ~~951.22~~ or a state correctional
 3559 institution or facility in accordance with s. 944.275.

3560 (y) "Sexual offender flag" means an indication that a
 3561 defendant is required to register as a sexual predator as
 3562 defined in s. 775.21 or as a sexual offender as defined in s.
 3563 943.0435.

3564 (3) DATA COLLECTION AND REPORTING.—Beginning January 1,
 3565 2019, an entity required to collect data in accordance with this
 3566 subsection shall collect the specified data required of the
 3567 entity on a biweekly basis. Each entity shall report the data
 3568 collected in accordance with this subsection to the Department
 3569 of Law Enforcement on a monthly basis.

3570 (a) *Clerk of the court*.—Each clerk of court shall collect
 3571 the following data for each criminal case:

3572 1. Case number.

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- 3573 2. Date that the alleged offense occurred.
- 3574 3. County in which the offense is alleged to have occurred.
- 3575 4. Date the defendant is taken into physical custody by a
- 3576 law enforcement agency or is issued a notice to appear on a
- 3577 criminal charge, if such date is different from the date the
- 3578 offense is alleged to have occurred.
- 3579 5. Date that the criminal prosecution of a defendant is
- 3580 formally initiated through the filing, with the clerk of the
- 3581 court, of an information by the state attorney or an indictment
- 3582 issued by a grand jury.
- 3583 6. Arraignment date.
- 3584 7. Attorney assignment date.
- 3585 8. Attorney withdrawal date.
- 3586 9. Case status.
- 3587 10. Disposition date.
- 3588 11. Information related to each defendant, including:
- 3589 a. Identifying information, including name, date of birth,
- 3590 age, race or ethnicity, and gender.
- 3591 b. Zip code of primary residence.
- 3592 c. Primary language.
- 3593 d. Citizenship.
- 3594 e. Immigration status, if applicable.
- 3595 f. Whether the defendant has been found by a court to be
- 3596 indigent pursuant to s. 27.52.
- 3597 12. Information related to the formal charges filed against
- 3598 the defendant, including:
- 3599 a. Charge description.
- 3600 b. Charge modifier, if applicable.
- 3601 c. Drug type for each drug charge, if known.

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- 3602 d. Qualification for a flag designation as defined in this
- 3603 section, including a domestic violence flag, gang affiliation
- 3604 flag, sexual offender flag, habitual offender flag, or pretrial
- 3605 release violation flag.
- 3606 13. Information related to bail or bond and pretrial
- 3607 release determinations, including the dates of any such
- 3608 determinations:
- 3609 a. Pretrial release determination made at a first
- 3610 appearance hearing that occurs within 24 hours of arrest,
- 3611 including all monetary and nonmonetary conditions of release.
- 3612 b. Modification of bail or bond conditions made by a court
- 3613 having jurisdiction to try the defendant or, in the absence of
- 3614 the judge of the trial court, by the circuit court, including
- 3615 modifications to any monetary and nonmonetary conditions of
- 3616 release.
- 3617 c. Cash bail or bond payment, including whether the
- 3618 defendant utilized a bond agent to post a surety bond.
- 3619 d. Date defendant is released on bail, bond, or pretrial
- 3620 release.
- 3621 e. Bail or bond revocation due to a new offense, a failure
- 3622 to appear, or a violation of the terms of bail or bond, if
- 3623 applicable.
- 3624 14. Information related to court dates and dates of motions
- 3625 and appearances, including:
- 3626 a. Date of any court appearance and the type of proceeding
- 3627 scheduled for each date reported.
- 3628 b. Date of any failure to appear in court, if applicable.
- 3629 c. Judicial transfer date, if applicable.
- 3630 d. Trial date.

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3631 e. Date that a defendant files a notice to participate in
 3632 discovery.

3633 f. Speedy trial motion and hearing dates, if applicable.

3634 g. Dismissal motion and hearing dates, if applicable.

3635 15. Defense attorney type.

3636 16. Information related to sentencing, including:

3637 a. Date that a court enters a sentence against a defendant.

3638 b. Charge sentenced to, including charge sequence number,
 3639 charge description, statute, type, and charge class severity.

3640 c. Sentence type and length imposed by the court,
 3641 including, but not limited to, the total duration of
 3642 imprisonment in a county detention facility or state
 3643 correctional institution or facility, and conditions of
 3644 probation or community control supervision.

3645 d. Amount of time served in custody by the defendant
 3646 related to the reported criminal case that is credited at the
 3647 time of disposition of the case to reduce the actual length of
 3648 time the defendant will serve on the term of imprisonment that
 3649 is ordered by the court at disposition.

3650 e. Total amount of court fees imposed by the court at the
 3651 disposition of the case.

3652 f. Outstanding balance of the defendant's court fees
 3653 imposed by the court at disposition of the case.

3654 g. Total amount of fines imposed by the court at the
 3655 disposition of the case.

3656 h. Outstanding balance of the defendant's fines imposed by
 3657 the court at disposition of the case.

3658 i. Restitution amount ordered, including the amount
 3659 collected by the court and the amount paid to the victim, if

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3660 applicable.

3661 j. Digitized sentencing scoresheet prepared in accordance
 3662 with s. 921.0024.

3663 17. The number of judges or magistrates, or their
 3664 equivalents, hearing cases in circuit or county criminal
 3665 divisions of the circuit court. Judges or magistrates, or their
 3666 equivalents, who solely hear appellate cases from the county
 3667 criminal division are not to be reported under this
 3668 subparagraph.

3669 Reviser's note.—Paragraph (2) (r) is amended to correct an
 3670 erroneous cross-reference. Section 951.21 relates to gain-
 3671 time for good conduct for county prisoners; s. 951.22
 3672 relates to articles of contraband in county detention
 3673 facilities. Paragraph (2) (y) is amended to confirm the
 3674 editorial insertion of the word "is" to improve clarity.
 3675 Paragraph (3) (a) is amended to confirm the editorial
 3676 insertion of the word "of" to improve clarity.

3677 Section 109. Paragraph (c) of subsection (1) of section
 3678 934.255, Florida Statutes, is amended to read:

3679 934.255 Subpoenas in investigations of sexual offenses.—
 3680 (1) As used in this section, the term:

3681 (c) "Sexual abuse of a child" means a criminal offense
 3682 based on any conduct described in s. 39.01(77) ~~39.01(71)~~.

3683 Reviser's note.—Amended to conform to the redesignation of
 3684 subsections within s. 39.01 by s. 1, ch. 2018-103, Laws of
 3685 Florida. Section 39.01(77) defines the term "sexual abuse
 3686 of a child"; s. 39.01(71) defines the term "protective
 3687 supervision."

3688 Section 110. Paragraph (a) of subsection (2) of section

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3689 943.0585, Florida Statutes, is amended to read:
 3690 943.0585 Court-ordered expunction of criminal history
 3691 records.—The courts of this state have jurisdiction over their
 3692 own procedures, including the maintenance, expunction, and
 3693 correction of judicial records containing criminal history
 3694 information to the extent such procedures are not inconsistent
 3695 with the conditions, responsibilities, and duties established by
 3696 this section. Any court of competent jurisdiction may order a
 3697 criminal justice agency to expunge the criminal history record
 3698 of a minor or an adult who complies with the requirements of
 3699 this section. The court shall not order a criminal justice
 3700 agency to expunge a criminal history record until the person
 3701 seeking to expunge a criminal history record has applied for and
 3702 received a certificate of eligibility for expunction pursuant to
 3703 subsection (2) or subsection (5). A criminal history record that
 3704 relates to a violation of s. 393.135, s. 394.4593, s. 787.025,
 3705 chapter 794, former s. 796.03, s. 800.04, s. 810.14, s. 817.034,
 3706 s. 825.1025, s. 827.071, chapter 839, s. 847.0133, s. 847.0135,
 3707 s. 847.0145, s. 893.135, s. 916.1075, a violation enumerated in
 3708 s. 907.041, or any violation specified as a predicate offense
 3709 for registration as a sexual predator pursuant to s. 775.21,
 3710 without regard to whether that offense alone is sufficient to
 3711 require such registration, or for registration as a sexual
 3712 offender pursuant to s. 943.0435, may not be expunged, without
 3713 regard to whether adjudication was withheld, if the defendant
 3714 was found guilty of or pled guilty or nolo contendere to the
 3715 offense, or if the defendant, as a minor, was found to have
 3716 committed, or pled guilty or nolo contendere to committing, the
 3717 offense as a delinquent act. The court may only order expunction

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3718 of a criminal history record pertaining to one arrest or one
 3719 incident of alleged criminal activity, except as provided in
 3720 this section. The court may, at its sole discretion, order the
 3721 expunction of a criminal history record pertaining to more than
 3722 one arrest if the additional arrests directly relate to the
 3723 original arrest. If the court intends to order the expunction of
 3724 records pertaining to such additional arrests, such intent must
 3725 be specified in the order. A criminal justice agency may not
 3726 expunge any record pertaining to such additional arrests if the
 3727 order to expunge does not articulate the intention of the court
 3728 to expunge a record pertaining to more than one arrest. This
 3729 section does not prevent the court from ordering the expunction
 3730 of only a portion of a criminal history record pertaining to one
 3731 arrest or one incident of alleged criminal activity.
 3732 Notwithstanding any law to the contrary, a criminal justice
 3733 agency may comply with laws, court orders, and official requests
 3734 of other jurisdictions relating to expunction, correction, or
 3735 confidential handling of criminal history records or information
 3736 derived therefrom. This section does not confer any right to the
 3737 expunction of any criminal history record, and any request for
 3738 expunction of a criminal history record may be denied at the
 3739 sole discretion of the court.
 3740 (2) CERTIFICATE OF ELIGIBILITY FOR EXPUNCTION.—Prior to
 3741 petitioning the court to expunge a criminal history record, a
 3742 person seeking to expunge a criminal history record shall apply
 3743 to the department for a certificate of eligibility for
 3744 expunction. The department shall, by rule adopted pursuant to
 3745 chapter 120, establish procedures pertaining to the application
 3746 for and issuance of certificates of eligibility for expunction.

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3747 A certificate of eligibility for expunction is valid for 12
 3748 months after the date stamped on the certificate when issued by
 3749 the department. After that time, the petitioner must reapply to
 3750 the department for a new certificate of eligibility. Eligibility
 3751 for a renewed certification of eligibility must be based on the
 3752 status of the applicant and the law in effect at the time of the
 3753 renewal application. The department shall issue a certificate of
 3754 eligibility for expunction to a person who is the subject of a
 3755 criminal history record if that person:

3756 (a) Has obtained, and submitted to the department, a
 3757 written, certified statement from the appropriate state attorney
 3758 or statewide prosecutor which indicates:

3759 1. That an indictment, information, or other charging
 3760 document was not filed or issued in the case.
 3761 2. That an indictment, information, or other charging
 3762 document, if filed or issued in the case, was dismissed or nolle
 3763 prosequi by the state attorney or statewide prosecutor, or was
 3764 dismissed by a court of competent jurisdiction, ~~or~~ that a
 3765 judgment of acquittal was rendered by a judge, or that a verdict
 3766 of not guilty was rendered by a judge or jury.

3767 3. That the criminal history record does not relate to a
 3768 violation of s. 393.135, s. 394.4593, s. 787.025, chapter 794,
 3769 former s. 796.03, s. 800.04, s. 810.14, s. 817.034, s. 825.1025,
 3770 s. 827.071, chapter 839, s. 847.0133, s. 847.0135, s. 847.0145,
 3771 s. 893.135, s. 916.1075, a violation enumerated in s. 907.041,
 3772 or any violation specified as a predicate offense for
 3773 registration as a sexual predator pursuant to s. 775.21, without
 3774 regard to whether that offense alone is sufficient to require
 3775 such registration, or for registration as a sexual offender

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3776 pursuant to s. 943.0435, where the defendant was found guilty
 3777 of, or pled guilty or nolo contendere to any such offense, or
 3778 that the defendant, as a minor, was found to have committed, or
 3779 pled guilty or nolo contendere to committing, such an offense as
 3780 a delinquent act, without regard to whether adjudication was
 3781 withheld.

3782 Reviser's note.—Amended to confirm the editorial deletion of the
 3783 comma and restoration of the word "or" after the words
 3784 "state attorney or statewide prosecutor" and the editorial
 3785 deletion of the word "or" after the words "court of
 3786 competent jurisdiction" to improve clarity.

3787 Section 111. Subsection (4) of section 943.1758, Florida
 3788 Statutes, is amended to read:

3789 943.1758 Curriculum revision for diverse populations;
 3790 skills training.—

3791 (4) ~~By October 1, 2001,~~ The instruction in the subject of
 3792 interpersonal skills relating to diverse populations shall
 3793 consist of a module developed by the commission on the topic of
 3794 discriminatory profiling.

3795 Reviser's note.—Amended to delete obsolete language.

3796 Section 112. Subsection (1) of section 944.115, Florida
 3797 Statutes, is amended to read:

3798 944.115 Smoking prohibited inside state correctional
 3799 facilities.—

3800 (1) The purpose of this section is to protect the health,
 3801 comfort, and environment of employees of the Department of
 3802 Corrections, employees of privately operated correctional
 3803 facilities, and inmates by prohibiting inmates from using
 3804 tobacco products inside any office or building within state

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3805 correctional facilities, and by ensuring that employees and
 3806 visitors do not use tobacco products inside any office or
 3807 building within state correctional facilities. Scientific
 3808 evidence links the use of tobacco products with numerous
 3809 significant health risks. The use of tobacco products by
 3810 inmates, employees, or visitors is contrary to efforts by the
 3811 Department of Corrections to reduce the cost of inmate health
 3812 care and to limit unnecessary litigation. The Department of
 3813 Corrections and the private vendors operating correctional
 3814 facilities shall make smoking-cessation assistance available to
 3815 inmates in order to implement this section. ~~The Department of~~
 3816 ~~Corrections and the private vendors operating correctional~~
 3817 ~~facilities shall implement this section as soon as possible, and~~
 3818 ~~all provisions of this section must be fully implemented by~~
 3819 ~~January 1, 2000.~~

3820 Reviser's note.—Amended to delete obsolete language.

3821 Section 113. Subsection (10) of section 985.48, Florida
 3822 Statutes, is amended to read:

3823 985.48 Juvenile sexual offender commitment programs; sexual
 3824 abuse intervention networks.—

3825 (10) A Child Protection Team ~~child protection team~~ or the
 3826 state attorney in any judicial circuit may establish a sexual
 3827 abuse intervention network to assist in identifying,
 3828 investigating, prosecuting, treating, and preventing sexual
 3829 abuse with special emphasis on juvenile sexual offenders and
 3830 victims of sexual abuse.

3831 Reviser's note.—Amended to conform to s. 32, ch. 2018-103, Laws
 3832 of Florida, which directed the Division of Law Revision and
 3833 Information to prepare a reviser's bill "to capitalize each

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3834 word of the term 'child protection team' wherever it occurs
 3835 in the Florida Statutes."
 3836 Section 114. Paragraph (c) of subsection (8) of section
 3837 1002.33, Florida Statutes, is amended to read:
 3838 1002.33 Charter schools.—
 3839 (8) CAUSES FOR NONRENEWAL OR TERMINATION OF CHARTER.—
 3840 (c) A charter may be terminated immediately if the sponsor
 3841 sets forth in writing the particular facts and circumstances
 3842 indicating that an immediate and serious danger to the health,
 3843 safety, or welfare of the charter school's students exists. The
 3844 sponsor's determination is subject to the procedures set forth
 3845 in paragraph ~~paragraphs~~ (b) ~~and (e)~~, except that the hearing may
 3846 take place after the charter has been terminated. The sponsor
 3847 shall notify in writing the charter school's governing board,
 3848 the charter school principal, and the department if a charter is
 3849 terminated immediately. The sponsor shall clearly identify the
 3850 specific issues that resulted in the immediate termination and
 3851 provide evidence of prior notification of issues resulting in
 3852 the immediate termination when appropriate. Upon receiving
 3853 written notice from the sponsor, the charter school's governing
 3854 board has 10 calendar days to request a hearing. A requested
 3855 hearing must be expedited and the final order must be issued
 3856 within 60 days after the date of request. The sponsor shall
 3857 assume operation of the charter school throughout the pendency
 3858 of the hearing under paragraph ~~paragraphs~~ (b) ~~and (e)~~ unless the
 3859 continued operation of the charter school would materially
 3860 threaten the health, safety, or welfare of the students. Failure
 3861 by the sponsor to assume and continue operation of the charter
 3862 school shall result in the awarding of reasonable costs and

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3863 attorney's fees to the charter school if the charter school
 3864 prevails on appeal.
 3865 Reviser's note.—Amended to delete references to former paragraph
 3866 (c), which was amended and merged into paragraph (b) by s.
 3867 9, ch. 2018-6, Laws of Florida.
 3868 Section 115. Subsection (1) of section 1002.36, Florida
 3869 Statutes, is amended to read:
 3870 1002.36 Florida School for the Deaf and the Blind.—
 3871 (1) RESPONSIBILITIES.—The Florida School for the Deaf and
 3872 the Blind, located in St. Johns County, is a state-supported
 3873 residential public school for hearing-impaired and visually
 3874 impaired students in preschool through 12th grade. The school is
 3875 a component of the delivery of public education within Florida's
 3876 K-20 education system and shall be funded through the Department
 3877 of Education. The school shall provide educational programs and
 3878 support services appropriate to meet the education and related
 3879 evaluation and counseling needs of hearing-impaired and visually
 3880 impaired students in the state who meet enrollment criteria.
 3881 Unless otherwise provided by law, the school shall comply with
 3882 all laws and rules applicable to state agencies. Education
 3883 services may be provided on an outreach basis for sensory-
 3884 impaired children ages 0 through 5 years and to district school
 3885 boards upon request. Graduates of the Florida School for the
 3886 Deaf and the Blind shall be eligible for the William L. Boyd,
 3887 IV, Effective Access to Student Education ~~Florida Resident~~
 3888 ~~Access~~ Grant Program as provided in s. 1009.89.
 3889 Reviser's note.—Amended to conform to s. 25, ch. 2018-4, Laws of
 3890 Florida, which directed the Division of Law Revision and
 3891 Information "to substitute the term 'Effective Access to

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3892 Student Education Grant Program' for 'Florida Resident
 3893 Access Grant Program' and the term 'Effective Access to
 3894 Student Education grant' for 'Florida resident access
 3895 grant' wherever those terms appear in the Florida
 3896 Statutes."
 3897 Section 116. Paragraph (f) of subsection (2) of section
 3898 1002.385, Florida Statutes, is amended to read:
 3899 1002.385 The Gardiner Scholarship.—
 3900 (2) DEFINITIONS.—As used in this section, the term:
 3901 (f) "Eligible postsecondary educational institution" means
 3902 a Florida College System institution; a state university; a
 3903 school district technical center; a school district adult
 3904 general education center; an independent college or university
 3905 that is eligible to participate in the William L. Boyd, IV,
 3906 Effective Access to Student Education ~~Florida Resident Access~~
 3907 Grant Program under s. 1009.89; or an accredited independent
 3908 postsecondary educational institution, as defined in s. 1005.02,
 3909 which is licensed to operate in the state pursuant to
 3910 requirements specified in part III of chapter 1005.
 3911 Reviser's note.—Amended to conform to s. 25, ch. 2018-4, Laws of
 3912 Florida, which directed the Division of Law Revision and
 3913 Information "to substitute the term 'Effective Access to
 3914 Student Education Grant Program' for 'Florida Resident
 3915 Access Grant Program' and the term 'Effective Access to
 3916 Student Education grant' for 'Florida resident access
 3917 grant' wherever those terms appear in the Florida
 3918 Statutes."
 3919 Section 117. Paragraph (f) of subsection (2), paragraph (p)
 3920 of subsection (6), and paragraph (i) of subsection (15) of

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3921 section 1002.395, Florida Statutes, are amended to read:
 3922 1002.395 Florida Tax Credit Scholarship Program.—
 3923 (2) DEFINITIONS.—As used in this section, the term:
 3924 (f) “Eligible nonprofit scholarship-funding organization”
 3925 means a state university; or an independent college or
 3926 university that is eligible to participate in the William L.
 3927 Boyd, IV, Effective Access to Student Education Florida Resident
 3928 ~~Access~~ Grant Program, located and chartered in this state, is
 3929 not for profit, and is accredited by the Commission on Colleges
 3930 of the Southern Association of Colleges and Schools; or is a
 3931 charitable organization that:
 3932 1. Is exempt from federal income tax pursuant to s.
 3933 501(c)(3) of the Internal Revenue Code;
 3934 2. Is a Florida entity formed under chapter 605, chapter
 3935 607, or chapter 617 and whose principal office is located in the
 3936 state; and
 3937 3. Complies with subsections (6) and (15).
 3938 (6) OBLIGATIONS OF ELIGIBLE NONPROFIT SCHOLARSHIP-FUNDING
 3939 ORGANIZATIONS.—An eligible nonprofit scholarship-funding
 3940 organization:
 3941 (p) Must maintain the surety bond or letter of credit
 3942 required by subsection (15). The amount of the surety bond or
 3943 letter of credit may be adjusted quarterly to equal the actual
 3944 amount of undisbursed funds based upon submission by the
 3945 organization of a statement from a certified public accountant
 3946 verifying the amount of undisbursed funds. The requirements of
 3947 this paragraph are waived if the cost of acquiring a surety bond
 3948 or letter of credit exceeds the average 10-year cost of
 3949 acquiring a surety bond or letter of credit by 200 percent. The

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3950 requirements of this paragraph are waived for a state
 3951 university; or an independent college or university which is
 3952 eligible to participate in the William L. Boyd, IV, Effective
 3953 Access to Student Education Florida Resident Access Grant
 3954 Program, located and chartered in this state, is not for profit,
 3955 and is accredited by the Commission on Colleges of the Southern
 3956 Association of Colleges and Schools.
 3957
 3958 Information and documentation provided to the Department of
 3959 Education and the Auditor General relating to the identity of a
 3960 taxpayer that provides an eligible contribution under this
 3961 section shall remain confidential at all times in accordance
 3962 with s. 213.053.
 3963 (15) NONPROFIT SCHOLARSHIP-FUNDING ORGANIZATIONS;
 3964 APPLICATION.—In order to participate in the scholarship program
 3965 created under this section, a charitable organization that seeks
 3966 to be a nonprofit scholarship-funding organization must submit
 3967 an application for initial approval or renewal to the Office of
 3968 Independent Education and Parental Choice no later than
 3969 September 1 of each year before the school year for which the
 3970 organization intends to offer scholarships.
 3971 (i) A state university; or an independent college or
 3972 university which is eligible to participate in the William L.
 3973 Boyd, IV, Effective Access to Student Education Florida Resident
 3974 ~~Access~~ Grant Program, located and chartered in this state, is
 3975 not for profit, and is accredited by the Commission on Colleges
 3976 of the Southern Association of Colleges and Schools, is exempt
 3977 from the initial or renewal application process, but must file a
 3978 registration notice with the Department of Education to be an

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3979 eligible nonprofit scholarship-funding organization. The State
 3980 Board of Education shall adopt rules that identify the procedure
 3981 for filing the registration notice with the department. The
 3982 rules must identify appropriate reporting requirements for
 3983 fiscal, programmatic, and performance accountability purposes
 3984 consistent with this section, but shall not exceed the
 3985 requirements for eligible nonprofit scholarship-funding
 3986 organizations for charitable organizations. ~~A nonprofit~~
 3987 ~~scholarship-funding organization that becomes eligible pursuant~~
 3988 ~~to this paragraph may begin providing scholarships to~~
 3989 ~~participating students in the 2015-2016 school year.~~

3990 Reviser's note.—Amended to conform to s. 25, ch. 2018-4, Laws of
 3991 Florida, which directed the Division of Law Revision and
 3992 Information "to substitute the term 'Effective Access to
 3993 Student Education Grant Program' for 'Florida Resident
 3994 Access Grant Program' and the term 'Effective Access to
 3995 Student Education grant' for 'Florida resident access
 3996 grant' wherever those terms appear in the Florida
 3997 Statutes." Paragraph (15)(i) is also amended to delete
 3998 obsolete language.

3999 Section 118. Paragraph (k) of subsection (2) and paragraph
 4000 (a) of subsection (5) of section 1002.82, Florida Statutes, are
 4001 amended to read:

4002 1002.82 Office of Early Learning; powers and duties.—

4003 (2) The office shall:

4004 (k) Identify observation-based child assessments that are
 4005 valid, reliable, and developmentally appropriate for use at
 4006 least three times a year. The assessments must:

4007 1. Provide interval level and criterion-referenced data

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4008 that measures equivalent levels of growth across the core
 4009 domains of early childhood development and that can be used for
 4010 determining developmentally appropriate learning gains.

4011 2. Measure progress in the performance standards adopted
 4012 pursuant to paragraph (j).

4013 3. Provide for appropriate accommodations for children with
 4014 disabilities and English language learners and be administered
 4015 by qualified individuals, consistent with the developer's
 4016 instructions.

4017 4. Coordinate with the performance standards adopted by the
 4018 department under s. 1002.67(1) for the Voluntary Prekindergarten
 4019 Education Program.

4020 5. Provide data in a format for use in the single statewide
 4021 information system to meet the requirements of paragraph (p)
 4022 ~~(q)~~.

4023 (5) By January 1 of each year, the office shall annually
 4024 publish on its website a report of its activities conducted
 4025 under this section. The report must include a summary of the
 4026 coalitions' annual reports, a statewide summary, and the
 4027 following:

4028 (a) An analysis of early learning activities throughout the
 4029 state, including the school readiness program and the Voluntary
 4030 Prekindergarten Education Program.

4031 1. The total and average number of children served in the
 4032 school readiness program, enumerated by age, eligibility
 4033 priority category, and coalition, and the total number of
 4034 children served in the Voluntary Prekindergarten Education
 4035 Program.

4036 2. A summary of expenditures by coalition, by fund source,

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4037 including a breakdown by coalition of the percentage of
4038 expenditures for administrative activities, quality activities,
4039 nondirect services, and direct services for children.

4040 3. A description of the office's and each coalition's
4041 expenditures by fund source for the quality and enhancement
4042 activities described in s. 1002.89(6)(b).

4043 4. A summary of annual findings and collections related to
4044 provider fraud and parent fraud.

4045 5. Data regarding the coalitions' delivery of early
4046 learning programs.

4047 6. The total number of children disenrolled statewide and
4048 the reason for disenrollment.

4049 7. The total number of providers by provider type.

4050 8. The number of school readiness program providers who
4051 have completed the program assessment required under paragraph
4052 (2)(n); the number of providers who have not met the minimum
4053 threshold for contracting established under ~~the~~ paragraph (2)(n);
4054 and the number of providers that have an active improvement plan
4055 based on the results of the program assessment under paragraph
4056 (2)(n).

4057 9. The total number of provider contracts revoked and the
4058 reasons for revocation.

4059 Reviser's note.—Paragraph (2)(k) is amended to confirm the
4060 editorial substitution of a reference to paragraph (p) for
4061 a reference to paragraph (q) to correct an erroneous cross-
4062 reference to paragraph (q) added by s. 2, ch. 2018-136,
4063 Laws of Florida. Paragraph (p) relates to establishment of
4064 a single statewide information system for coalitions;
4065 paragraph (q) relates to adoption of standardized

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4066 monitoring procedures for coalition use. Paragraph (5)(a)
4067 is amended to confirm the editorial deletion of the word
4068 "to" to improve clarity.

4069 Section 119. Subsection (8) of section 1004.085, Florida
4070 Statutes, is amended to read:

4071 1004.085 Textbook and instructional materials
4072 affordability.—

4073 (8) The board of trustees of each Florida College System
4074 institution and state university shall report, by September 30
4075 of each year, ~~beginning in 2016~~, to the Chancellor of the
4076 Florida College System or the Chancellor of the State University
4077 System, as applicable, the textbook and instructional materials
4078 selection process for general education courses with a wide cost
4079 variance identified pursuant to subsection (4) and high-
4080 enrollment courses; specific initiatives of the institution
4081 designed to reduce the costs of textbooks and instructional
4082 materials; policies implemented in accordance with subsection
4083 (6); the number of courses and course sections that were not
4084 able to meet the textbook and instructional materials posting
4085 deadline for the previous academic year; and any additional
4086 information determined by the chancellors. By November 1 of each
4087 year, ~~beginning in 2016~~, each chancellor shall provide a summary
4088 of the information provided by institutions to the State Board
4089 of Education and the Board of Governors, as applicable.

4090 Reviser's note.—Amended to delete obsolete language.

4091 Section 120. Paragraph (c) of subsection (3) of section
4092 1004.097, Florida Statutes, is amended to read:

4093 1004.097 Free expression on campus.—

4094 (3) RIGHT TO FREE-SPEECH ACTIVITIES.—

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4095 (c) Outdoor areas of campus are considered traditional
 4096 public forums for individuals, organizations, and guest
 4097 speakers. A public institution of higher education may create
 4098 and enforce restrictions that are reasonable and content-neutral
 4099 on time, place, and manner of expression and that are narrowly
 4100 tailored to a significant institutional interest. Restrictions
 4101 must be clear and published and must ~~and~~ provide for ample
 4102 alternative means of expression.

4103 Reviser's note.—Amended to confirm the editorial deletion of the
 4104 word "and" to improve clarity.

4105 Section 121. Paragraph (c) of subsection (3) of section
 4106 1004.6495, Florida Statutes, is amended to read:

4107 1004.6495 Florida Postsecondary Comprehensive Transition
 4108 Program and Florida Center for Students with Unique Abilities.—

4109 (3) DEFINITIONS.—As used in this section, the term:

4110 (c) "Eligible institution" means a state university; a
 4111 Florida College System institution; a career center; a charter
 4112 technical career center; or an independent college or university
 4113 that is located and chartered in this state, is not for profit,
 4114 is accredited by the Commission on Colleges of the Southern
 4115 Association of Colleges and Schools, and is eligible to
 4116 participate in the William L. Boyd, IV, Effective Access to
 4117 Student Education Florida Resident Access Grant Program.

4118 Reviser's note.—Amended to conform to s. 25, ch. 2018-4, Laws of
 4119 Florida, which directed the Division of Law Revision and
 4120 Information "to substitute the term 'Effective Access to
 4121 Student Education Grant Program' for 'Florida Resident
 4122 Access Grant Program' and the term 'Effective Access to
 4123 Student Education grant' for 'Florida resident access

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4124 grant' wherever those terms appear in the Florida
 4125 Statutes."

4126 Section 122. Paragraph (d) of subsection (1) of section
 4127 1005.03, Florida Statutes, is amended to read:

4128 1005.03 Designation "college" or "university."—

4129 (1) The use of the designation "college" or "university" in
 4130 combination with any series of letters, numbers, or words is
 4131 restricted in this state to colleges or universities as defined
 4132 in s. 1005.02 that offer degrees as defined in s. 1005.02 and
 4133 fall into at least one of the following categories:

4134 (d) A college that is under the jurisdiction of the
 4135 Department of Education, eligible to participate in the William
 4136 L. Boyd, IV, Effective Access to Student Education Florida
 4137 Resident Access Grant Program and that is a nonprofit
 4138 independent college or university located and chartered in this
 4139 state and accredited by the Commission on Colleges of the
 4140 Southern Association of Colleges and Schools to grant
 4141 baccalaureate degrees.

4142 Reviser's note.—Amended to conform to s. 25, ch. 2018-4, Laws of
 4143 Florida, which directed the Division of Law Revision and
 4144 Information "to substitute the term 'Effective Access to
 4145 Student Education Grant Program' for 'Florida Resident
 4146 Access Grant Program' and the term 'Effective Access to
 4147 Student Education grant' for 'Florida resident access
 4148 grant' wherever those terms appear in the Florida
 4149 Statutes."

4150 Section 123. Paragraph (c) of subsection (1) of section
 4151 1005.06, Florida Statutes, is amended to read:

4152 1005.06 Institutions not under the jurisdiction or purview

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4153 of the commission.-

4154 (1) Except as otherwise provided in law, the following
4155 institutions are not under the jurisdiction or purview of the
4156 commission and are not required to obtain licensure:

4157 (c) Any institution that is under the jurisdiction of the
4158 Department of Education, eligible to participate in the William
4159 L. Boyd, IV, Effective Access to Student Education Florida
4160 ~~Resident Access~~ Grant Program and that is a nonprofit
4161 independent college or university located and chartered in this
4162 state and accredited by the Commission on Colleges of the
4163 Southern Association of Colleges and Schools to grant
4164 baccalaureate degrees.

4165 Reviser's note.—Amended to conform to s. 25, ch. 2018-4, Laws of
4166 Florida, which directed the Division of Law Revision and
4167 Information "to substitute the term 'Effective Access to
4168 Student Education Grant Program' for 'Florida Resident
4169 Access Grant Program' and the term 'Effective Access to
4170 Student Education grant' for 'Florida resident access
4171 grant' wherever those terms appear in the Florida
4172 Statutes."

4173 Section 124. Subsection (3) of section 1006.061, Florida
4174 Statutes, is amended to read:

4175 1006.061 Child abuse, abandonment, and neglect policy.—Each
4176 district school board, charter school, and private school that
4177 accepts scholarship students who participate in a state
4178 scholarship program under chapter 1002 shall:

4179 (3) Require the principal of the charter school or private
4180 school, or the district school superintendent, or the
4181 superintendent's designee, at the request of the Department of

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4182 Children and Families, to act as a liaison to the Department of
4183 Children and Families and the Child Protection Team ~~child~~
4184 ~~protection team~~, as defined in s. 39.01, when in a case of
4185 suspected child abuse, abandonment, or neglect or an unlawful
4186 sexual offense involving a child the case is referred to such a
4187 team; except that this does not relieve or restrict the
4188 Department of Children and Families from discharging its duty
4189 and responsibility under the law to investigate and report every
4190 suspected or actual case of child abuse, abandonment, or neglect
4191 or unlawful sexual offense involving a child.

4192
4193 The Department of Education shall develop, and publish on the
4194 department's Internet website, sample notices suitable for
4195 posting in accordance with subsections (1), (2), and (4).

4196 Reviser's note.—Amended to conform to s. 32, ch. 2018-103, Laws
4197 of Florida, which directed the Division of Law Revision and
4198 Information to prepare a reviser's bill "to capitalize each
4199 word of the term 'child protection team' wherever it occurs
4200 in the Florida Statutes."

4201 Section 125. Section 1006.12, Florida Statutes, is
4202 reenacted and amended to read:

4203 1006.12 Safe-school officers at each public school.—For the
4204 protection and safety of school personnel, property, students,
4205 and visitors, each district school board and school district
4206 superintendent shall partner with law enforcement agencies to
4207 establish or assign one or more safe-school officers at each
4208 school facility within the district by implementing any
4209 combination of the following options which best meets the needs
4210 of the school district:

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4211 (1) Establish school resource officer programs, through a
4212 cooperative agreement with law enforcement agencies.

4213 (a) School resource officers shall undergo criminal
4214 background checks, drug testing, and a psychological evaluation
4215 and be certified law enforcement officers, as defined in s.
4216 943.10(1), who are employed by a law enforcement agency as
4217 defined in s. 943.10(4). The powers and duties of a law
4218 enforcement officer shall continue throughout the employee's
4219 tenure as a school resource officer.

4220 (b) School resource officers shall abide by district school
4221 board policies and shall consult with and coordinate activities
4222 through the school principal, but shall be responsible to the
4223 law enforcement agency in all matters relating to employment,
4224 subject to agreements between a district school board and a law
4225 enforcement agency. Activities conducted by the school resource
4226 officer which are part of the regular instructional program of
4227 the school shall be under the direction of the school principal.

4228 (c) Complete mental health crisis intervention training
4229 using a curriculum developed by a national organization with
4230 expertise in mental health crisis intervention. The training
4231 shall improve officers' knowledge and skills as first responders
4232 to incidents involving students with emotional disturbance or
4233 mental illness, including de-escalation skills to ensure student
4234 and officer safety.

4235 (2) Commission one or more school safety officers for the
4236 protection and safety of school personnel, property, and
4237 students within the school district. The district school
4238 superintendent may recommend, and the district school board may
4239 appoint, one or more school safety officers.

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4240 (a) School safety officers shall undergo criminal
4241 background checks, drug testing, and a psychological evaluation
4242 and be law enforcement officers, as defined in s. 943.10(1),
4243 certified under the provisions of chapter 943 and employed by
4244 either a law enforcement agency or by the district school board.
4245 If the officer is employed by the district school board, the
4246 district school board is the employing agency for purposes of
4247 chapter 943, and must comply with the provisions of that
4248 chapter.

4249 (b) A school safety officer has and shall exercise the
4250 power to make arrests for violations of law on district school
4251 board property and to arrest persons, whether on or off such
4252 property, who violate any law on such property under the same
4253 conditions that deputy sheriffs are authorized to make arrests.
4254 A school safety officer has the authority to carry weapons when
4255 performing his or her official duties.

4256 (c) A district school board may enter into mutual aid
4257 agreements with one or more law enforcement agencies as provided
4258 in chapter 23. A school safety officer's salary may be paid
4259 jointly by the district school board and the law enforcement
4260 agency, as mutually agreed to.

4261 (3) At the school district's discretion, participate in the
4262 Coach Aaron Feis Guardian Program ~~school marshal program~~ if such
4263 program is established pursuant to s. 30.15, to meet the
4264 requirement of establishing a safe-school officer.

4265 (4) Any information that would identify whether a
4266 particular individual has been appointed as a safe-school
4267 officer pursuant to this section held by a law enforcement
4268 agency, school district, or charter school is exempt from s.

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4269 119.07(1) and s. 24(a), Art. I of the State Constitution. This
 4270 subsection is subject to the Open Government Sunset Review Act
 4271 in accordance with s. 119.15 and shall stand repealed on October
 4272 2, 2023, unless reviewed and saved from repeal through
 4273 reenactment by the Legislature.

4274 Reviser's note.—Section 3, ch. 2018-1, Laws of Florida, added
 4275 subsection (4) to s. 1006.12 as it was amended by s. 26,
 4276 ch. 2018-3, Laws of Florida, but did not publish the
 4277 introductory paragraph to the section added by s. 26, ch.
 4278 2018-3. Absent affirmative legislative intent to repeal the
 4279 introductory paragraph of s. 1006.12, the section is
 4280 reenacted to confirm the omission was not intended.

4281 Subsection (3) is amended to conform to s. 6, ch. 2018-3,
 4282 which directed the Division of Law Revision and Information
 4283 "to change references from 'school marshal program' to
 4284 'Coach Aaron Feis Guardian Program' and references from
 4285 'school marshal' to 'school guardian' wherever those terms
 4286 appear in this act."

4287 Section 126. Subsection (6) of section 1007.24, Florida
 4288 Statutes, is amended to read:

4289 1007.24 Statewide course numbering system.—

4290 (6) Nonpublic colleges and schools that are fully
 4291 accredited by a regional or national accrediting agency
 4292 recognized by the United States Department of Education and are
 4293 either eligible to participate in the William L. Boyd, IV,
 4294 Effective Access to Student Education ~~Florida resident access~~
 4295 grant or have been issued a regular license pursuant to s.
 4296 1005.31, may participate in the statewide course numbering
 4297 system pursuant to this section. Participating colleges and

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4298 schools shall bear the costs associated with inclusion in the
 4299 system and shall meet the terms and conditions for institutional
 4300 participation in the system. The department shall adopt a fee
 4301 schedule that includes the expenses incurred through data
 4302 processing, faculty task force travel and per diem, and staff
 4303 and clerical support time. Such fee schedule may differentiate
 4304 between the costs associated with initial course inclusion in
 4305 the system and costs associated with subsequent course
 4306 maintenance in the system. Decisions regarding initial course
 4307 inclusion and subsequent course maintenance must be made within
 4308 360 days after submission of the required materials and fees by
 4309 the institution. The Department of Education may select a date
 4310 by which colleges must submit requests for new courses to be
 4311 included, and may delay review of courses submitted after that
 4312 date until the next year's cycle. Any college that currently
 4313 participates in the system, and that participated in the system
 4314 prior to July 1, 1986, shall not be required to pay the costs
 4315 associated with initial course inclusion in the system. Fees
 4316 collected for participation in the statewide course numbering
 4317 system pursuant to the provisions of this section shall be
 4318 deposited in the Institutional Assessment Trust Fund. Any
 4319 nonpublic, nonprofit college or university that is eligible to
 4320 participate in the statewide course numbering system shall not
 4321 be required to pay the costs associated with participation in
 4322 the system. No college or school shall record student
 4323 transcripts or document courses offered by the college or school
 4324 in accordance with this subsection unless the college or school
 4325 is actually participating in the system pursuant to rules of the
 4326 State Board of Education. Any college or school deemed to be in

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4327 violation of this section shall be subject to the provisions of
 4328 s. 1005.38.

4329 Reviser's note.—Amended to conform to s. 25, ch. 2018-4, Laws of
 4330 Florida, which directed the Division of Law Revision and
 4331 Information "to substitute the term 'Effective Access to
 4332 Student Education Grant Program' for 'Florida Resident
 4333 Access Grant Program' and the term 'Effective Access to
 4334 Student Education grant' for 'Florida resident access
 4335 grant' wherever those terms appear in the Florida
 4336 Statutes."

4337 Section 127. Subsection (5) of section 1007.273, Florida
 4338 Statutes, is amended to read:

4339 1007.273 Collegiate high school program.—

4340 (5) In addition to executing a contract with the local
 4341 Florida College System institution under this section, a
 4342 district school board may execute a contract to establish a
 4343 collegiate high school program with a state university or an
 4344 institution that is eligible to participate in the William L.
 4345 Boyd, IV, Effective Access to Student Education Florida Resident
 4346 ~~Access~~ Grant Program, that is a nonprofit independent college or
 4347 university located and chartered in this state, and that is
 4348 accredited by the Commission on Colleges of the Southern
 4349 Association of Colleges and Schools to grant baccalaureate
 4350 degrees. Such university or institution must meet the
 4351 requirements specified under subsections (3) and (4).

4352 Reviser's note.—Amended to conform to s. 25, ch. 2018-4, Laws of
 4353 Florida, which directed the Division of Law Revision and
 4354 Information "to substitute the term 'Effective Access to
 4355 Student Education Grant Program' for 'Florida Resident

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4356 Access Grant Program' and the term 'Effective Access to
 4357 Student Education grant' for 'Florida resident access
 4358 grant' wherever those terms appear in the Florida
 4359 Statutes."

4360 Section 128. Paragraph (b) of subsection (3) of section
 4361 1008.31, Florida Statutes, is amended to read:

4362 1008.31 Florida's K-20 education performance accountability
 4363 system; legislative intent; mission, goals, and systemwide
 4364 measures; data quality improvements.—

4365 (3) K-20 EDUCATION DATA QUALITY IMPROVEMENTS.—To provide
 4366 data required to implement education performance accountability
 4367 measures in state and federal law, the Commissioner of Education
 4368 shall initiate and maintain strategies to improve data quality
 4369 and timeliness. The Board of Governors shall make available to
 4370 the department all data within the State University Database
 4371 System to be integrated into the K-20 data warehouse. The
 4372 commissioner shall have unlimited access to such data for the
 4373 purposes of conducting studies, reporting annual and
 4374 longitudinal student outcomes, and improving college readiness
 4375 and articulation. All public educational institutions shall
 4376 annually provide data from the prior year to the K-20 data
 4377 warehouse in a format based on data elements identified by the
 4378 commissioner.

4379 (b) Colleges and universities eligible to participate in
 4380 the William L. Boyd, IV, Effective Access to Student Education
 4381 ~~Florida Resident Access~~ Grant Program shall annually report
 4382 student-level data from the prior year for each student who
 4383 receives state funds in a format prescribed by the Department of
 4384 Education. At a minimum, data from the prior year must include

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4385 retention rates, transfer rates, completion rates, graduation
 4386 rates, employment and placement rates, and earnings of
 4387 graduates. ~~By December 31, 2013, the colleges and universities~~
 4388 ~~described in this paragraph shall report the data for the 2012-~~
 4389 ~~2013 academic year to the department.~~ By October 1 of each year
 4390 ~~thereafter~~, the colleges and universities described in this
 4391 paragraph shall report the data to the department.

4392 Reviser's note.—Amended to delete obsolete language and to
 4393 conform to s. 25, ch. 2018-4, Laws of Florida, which
 4394 directed the Division of Law Revision and Information "to
 4395 substitute the term 'Effective Access to Student Education
 4396 Grant Program' for 'Florida Resident Access Grant Program'
 4397 and the term 'Effective Access to Student Education grant'
 4398 for 'Florida resident access grant' wherever those terms
 4399 appear in the Florida Statutes."

4400 Section 129. Subsections (1), (2), (3), (4), and (5) of
 4401 section 1009.89, Florida Statutes, are amended to read:

4402 1009.89 The William L. Boyd, IV, Effective Access to
 4403 Student Education Florida resident access grants.—

4404 (1) The Legislature finds and declares that independent
 4405 nonprofit colleges and universities eligible to participate in
 4406 the William L. Boyd, IV, Effective Access to Student Education
 4407 ~~Florida Resident Access~~ Grant Program are an integral part of
 4408 the higher education system in this state and that a significant
 4409 number of state residents choose this form of higher education.
 4410 The Legislature further finds that a strong and viable system of
 4411 independent nonprofit colleges and universities reduces the tax
 4412 burden on the citizens of the state. Because the William L.
 4413 Boyd, IV, Effective Access to Student Education Florida Resident

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4414 ~~Access~~ Grant Program is not related to a student's financial
 4415 need or other criteria upon which financial aid programs are
 4416 based, it is the intent of the Legislature that the William L.
 4417 Boyd, IV, Effective Access to Student Education Florida Resident
 4418 ~~Access~~ Grant Program not be considered a financial aid program
 4419 but rather a tuition assistance program for its citizens.

4420 (2) The William L. Boyd, IV, Effective Access to Student
 4421 Education Florida Resident Access Grant Program shall be
 4422 administered by the Department of Education. The State Board of
 4423 Education shall adopt rules for the administration of the
 4424 program.

4425 (3) The department shall issue through the program a
 4426 William L. Boyd, IV, Effective Access to Student Education
 4427 ~~Florida resident access~~ grant to any full-time degree-seeking
 4428 undergraduate student registered at an independent nonprofit
 4429 college or university which is located in and chartered by the
 4430 state; which is accredited by the Commission on Colleges of the
 4431 Southern Association of Colleges and Schools; which grants
 4432 baccalaureate degrees; which is not a state university or
 4433 Florida College System institution; and which has a secular
 4434 purpose, so long as the receipt of state aid by students at the
 4435 institution would not have the primary effect of advancing or
 4436 impeding religion or result in an excessive entanglement between
 4437 the state and any religious sect. Any independent college or
 4438 university that was eligible to receive tuition vouchers on
 4439 January 1, 1989, and which continues to meet the criteria under
 4440 which its eligibility was established, shall remain eligible to
 4441 receive William L. Boyd, IV, Effective Access to Student
 4442 Education Florida resident access grant payments.

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4443 (4) A person is eligible to receive such William L. Boyd,
 4444 IV, Effective Access to Student Education Florida resident
 4445 ~~access~~ grant if:

4446 (a) He or she meets the general requirements, including
 4447 residency, for student eligibility as provided in s. 1009.40,
 4448 except as otherwise provided in this section; and

4449 (b)1. He or she is enrolled as a full-time undergraduate
 4450 student at an eligible college or university;

4451 2. He or she is not enrolled in a program of study leading
 4452 to a degree in theology or divinity; and

4453 3. He or she is making satisfactory academic progress as
 4454 defined by the college or university in which he or she is
 4455 enrolled.

4456 (5) (a) Funding for the William L. Boyd, IV, Effective
 4457 Access to Student Education Florida Resident Access Grant
 4458 Program for eligible institutions shall be as provided in the
 4459 General Appropriations Act. The William L. Boyd, IV, Effective
 4460 Access to Student Education Florida resident access grant may be
 4461 paid on a prorated basis in advance of the registration period.
 4462 The department shall make such payments to the college or
 4463 university in which the student is enrolled for credit to the
 4464 student's account for payment of tuition and fees. Institutions
 4465 shall certify to the department the amount of funds disbursed to
 4466 each student and shall remit to the department any undisbursed
 4467 advances or refunds within 60 days of the end of regular
 4468 registration. A student is not eligible to receive the award for
 4469 more than 9 semesters or 14 quarters, except as otherwise
 4470 provided in s. 1009.40(3).

4471 (b) If the combined amount of the William L. Boyd, IV,

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4472 Effective Access to Student Education Florida resident access
 4473 grant issued pursuant to this act and all other scholarships and
 4474 grants for tuition or fees exceeds the amount charged to the
 4475 student for tuition and fees, the department shall reduce the
 4476 William L. Boyd, IV, Effective Access to Student Education
 4477 Florida resident access grant issued pursuant to this act by an
 4478 amount equal to such excess.

4479 Reviser's note.—Amended to conform to s. 25, ch. 2018-4, Laws of
 4480 Florida, which directed the Division of Law Revision and
 4481 Information "to substitute the term 'Effective Access to
 4482 Student Education Grant Program' for 'Florida Resident
 4483 Access Grant Program' and the term 'Effective Access to
 4484 Student Education grant' for 'Florida resident access
 4485 grant' wherever those terms appear in the Florida
 4486 Statutes."

4487 Section 130. Subsections (2) and (5) of section 1011.69,
 4488 Florida Statutes, are amended to read:

4489 1011.69 Equity in School-Level Funding Act.—

4490 (2) ~~Beginning in the 2003-2004 fiscal year,~~ District school
 4491 boards shall allocate to schools within the district an average
 4492 of 90 percent of the funds generated by all schools and
 4493 guarantee that each school receives at least 80 percent, except
 4494 schools participating in the Principal Autonomy ~~Pilot~~ Program
 4495 Initiative under s. 1011.6202 are guaranteed to receive at least
 4496 90 percent, of the funds generated by that school based upon the
 4497 Florida Education Finance Program as provided in s. 1011.62 and
 4498 the General Appropriations Act, including gross state and local
 4499 funds, discretionary lottery funds, and funds from the school
 4500 district's current operating discretionary millage levy. Total

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4501 funding for each school shall be recalculated during the year to
 4502 reflect the revised calculations under the Florida Education
 4503 Finance Program by the state and the actual weighted full-time
 4504 equivalent students reported by the school during the full-time
 4505 equivalent student survey periods designated by the Commissioner
 4506 of Education. If the district school board is providing programs
 4507 or services to students funded by federal funds, any eligible
 4508 students enrolled in the schools in the district shall be
 4509 provided federal funds.

4510 (5) After providing Title I, Part A, Basic funds to schools
 4511 above the 75 percent poverty threshold, which may include high
 4512 schools above the 50 percent threshold as permitted by federal
 4513 law, school districts shall provide any remaining Title I, Part
 4514 A, Basic funds directly to all eligible schools as provided in
 4515 this subsection. For purposes of this subsection, an eligible
 4516 school is a school that is eligible to receive Title I funds,
 4517 including a charter school. The threshold for identifying
 4518 eligible schools may not exceed the threshold established by a
 4519 school district for the 2016-2017 school year or the statewide
 4520 percentage of economically disadvantaged students, as determined
 4521 annually.

4522 (a) Prior to the allocation of Title I funds to eligible
 4523 schools, a school district may withhold funds only as follows:

4524 1. One percent for parent involvement, in addition to the
 4525 one percent the district must reserve under federal law for
 4526 allocations to eligible schools for parent involvement;

4527 2. A necessary and reasonable amount for administration
 4528 which includes the district's indirect cost rate, not to exceed
 4529 a total of 10 percent;

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4530 3. A reasonable and necessary amount to provide:
 4531 a. Homeless programs;
 4532 b. Delinquent and neglected programs;
 4533 c. Prekindergarten programs and activities;
 4534 d. Private school equitable services; and
 4535 e. Transportation for foster care children to their school
 4536 of origin or choice programs; and

4537 4. A necessary and reasonable amount, not to exceed 1
 4538 percent, for eligible schools to provide educational services in
 4539 accordance with the approved Title I plan.

4540 Reviser's note.—Subsection (2) is amended to delete obsolete
 4541 language and to conform to the renaming of the Principal
 4542 Autonomy Pilot Program Initiative created in s. 1011.6202
 4543 as the Principal Autonomy Program Initiative by s. 30, ch.
 4544 2018-6, Laws of Florida. Paragraph (5)(a) is amended to
 4545 confirm the editorial restoration of the word "and" to
 4546 improve clarity.

4547 Section 131. Subsection (1) of section 1011.71, Florida
 4548 Statutes, is amended to read:

4549 1011.71 District school tax.—

4550 (1) If the district school tax is not provided in the
 4551 General Appropriations Act or the substantive bill implementing
 4552 the General Appropriations Act, each district school board
 4553 desiring to participate in the state allocation of funds for
 4554 current operation as prescribed by s. 1011.62(18) ~~1011.62(16)~~
 4555 shall levy on the taxable value for school purposes of the
 4556 district, exclusive of millage voted under s. 9(b) or s. 12,
 4557 Art. VII of the State Constitution, a millage rate not to exceed
 4558 the amount certified by the commissioner as the minimum millage

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4559 rate necessary to provide the district required local effort for
 4560 the current year, pursuant to s. 1011.62(4)(a)1. In addition to
 4561 the required local effort millage levy, each district school
 4562 board may levy a nonvoted current operating discretionary
 4563 millage. The Legislature shall prescribe annually in the
 4564 appropriations act the maximum amount of millage a district may
 4565 levy.

4566 Reviser's note.—Amended to confirm the editorial substitution of
 4567 a reference to s. 1011.62(18) for a reference to s.
 4568 1011.62(16) in s. 1011.71(1), as amended by s. 110, ch.
 4569 2018-110, Laws of Florida, to conform to the addition of a
 4570 new subsection (16) to s. 1011.62 by s. 29, ch. 2018-3,
 4571 Laws of Florida, and a new subsection (16), editorially
 4572 redesignated as subsection (17), by s. 4, ch. 2018-10, Laws
 4573 of Florida.

4574 Section 132. Paragraph (b) of subsection (2) and paragraph
 4575 (a) of subsection (5) of section 1012.2315, Florida Statutes,
 4576 are amended to read:

4577 1012.2315 Assignment of teachers.—

4578 (2) ASSIGNMENT TO SCHOOLS GRADED "D" or "F".—

4579 (b)1. ~~Beginning July 1, 2014,~~ A school district may assign
 4580 an individual newly hired as instructional personnel to a school
 4581 that has earned a grade of "F" in the previous year or any
 4582 combination of three consecutive grades of "D" or "F" in the
 4583 previous 3 years pursuant to s. 1008.34 if the individual:

4584 a. Has received an effective rating or highly effective
 4585 rating in the immediate prior year's performance evaluation
 4586 pursuant s. 1012.34;

4587 b. Has successfully completed or is enrolled in a teacher

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4588 preparation program pursuant to s. 1004.04, s. 1004.85, or s.
 4589 1012.56, or a teacher preparation program specified in State
 4590 Board of Education rule, is provided with high quality mentoring
 4591 during the first 2 years of employment, holds a certificate
 4592 issued pursuant to s. 1012.56, and holds a probationary contract
 4593 pursuant to s. 1012.335(2)(a); or

4594 c. Holds a probationary contract pursuant to s.
 4595 1012.335(2)(a), holds a certificate issued pursuant to s.
 4596 1012.56, and has successful teaching experience, and if, in the
 4597 judgment of the school principal, students would benefit from
 4598 the placement of that individual.

4599 2. As used in this paragraph, the term "mentoring" includes
 4600 the use of student achievement data combined with at least
 4601 monthly observations to improve the educator's effectiveness in
 4602 improving student outcomes. Mentoring may be provided by a
 4603 school district, a teacher preparation program approved pursuant
 4604 to s. 1004.04, s. 1004.85, or s. 1012.56, or a teacher
 4605 preparation program specified in State Board of Education rule.

4606 Each school district shall annually certify to the Commissioner
 4607 of Education that the requirements in this subsection have been
 4608 met. If the commissioner determines that a school district is
 4609 not in compliance with this subsection, the State Board of
 4610 Education shall be notified and shall take action pursuant to s.
 4611 1008.32 in the next regularly scheduled meeting to require
 4612 compliance.

4613 (5) REPORT.—

4614 (a) By July 1, ~~2012,~~ the Department of Education shall
 4615 annually report on its website, in a manner that is accessible
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4617 to the public, the performance rating data reported by district
4618 school boards under s. 1012.34. The report must include the
4619 percentage of classroom teachers, instructional personnel, and
4620 school administrators receiving each performance rating
4621 aggregated by school district and by school.

4622 Reviser's note.—Amended to delete obsolete language.

4623 Section 133. Subsection (4) of section 1012.584, Florida
4624 Statutes, is amended to read:

4625 1012.584 Continuing education and inservice training for
4626 youth mental health awareness and assistance.—

4627 (4) Each school district shall notify all school personnel
4628 who have received training pursuant to this section of mental
4629 health services that are available in the school district, and
4630 the individual to contact if a student needs services. The term
4631 "mental health services" includes, but is not limited to,
4632 community mental health services, health care providers, and
4633 services provided under ss. 1006.04 and 1011.62(16) ~~1011.62(17)~~.
4634 Reviser's note.—Amended to correct an erroneous reference.

4635 Section 1011.62(16) relates to the mental health assistance
4636 allocation; subsection (17) relates to the funding
4637 compression allocation.

4638 Section 134. Subsection (1) of section 1013.62, Florida
4639 Statutes, is amended to read:

4640 1013.62 Charter schools capital outlay funding.—

4641 (1) For the 2018-2019 fiscal year, charter school capital
4642 outlay funding shall consist of state funds appropriated in the
4643 2018-2019 General Appropriations Act. Beginning in fiscal year
4644 2019-2020, charter school capital outlay funding shall consist
4645 of state funds when such funds are appropriated in the General

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4646 Appropriations Act and revenue resulting from the discretionary
4647 millage authorized in s. 1011.71(2) if the amount of state funds
4648 appropriated for charter school capital outlay in any fiscal
4649 year is less than the average charter school capital outlay
4650 funds per unweighted full-time equivalent student for the 2018-
4651 2019 fiscal year, multiplied by the estimated number of charter
4652 school students for the applicable fiscal year, and adjusted by
4653 changes in the Consumer Price Index issued by the United States
4654 Department of Labor from the previous fiscal year. Nothing in ~~is~~
4655 this subsection prohibits a school district from distributing to
4656 charter schools funds resulting from the discretionary millage
4657 authorized in s. 1011.71(2).

4658 (a) To be eligible to receive capital outlay funds, a
4659 charter school must:

4660 1.a. Have been in operation for 2 or more years;

4661 b. Be governed by a governing board established in the
4662 state for 2 or more years which operates both charter schools
4663 and conversion charter schools within the state;

4664 c. Be an expanded feeder chain of a charter school within
4665 the same school district that is currently receiving charter
4666 school capital outlay funds;

4667 d. Have been accredited by a regional accrediting
4668 association as defined by State Board of Education rule; or

4669 e. Serve students in facilities that are provided by a
4670 business partner for a charter school-in-the-workplace pursuant
4671 to s. 1002.33(15) (b).

4672 2. Have an annual audit that does not reveal any of the
4673 financial emergency conditions provided in s. 218.503(1) for the
4674 most recent fiscal year for which such audit results are

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4675 available.

4676 3. Have satisfactory student achievement based on state
4677 accountability standards applicable to the charter school.

4678 4. Have received final approval from its sponsor pursuant
4679 to s. 1002.33 for operation during that fiscal year.

4680 5. Serve students in facilities that are not provided by
4681 the charter school's sponsor.

4682 (b) A charter school is not eligible to receive capital
4683 outlay funds if it was created by the conversion of a public
4684 school and operates in facilities provided by the charter
4685 school's sponsor for a nominal fee, or at no charge, or if it is
4686 directly or indirectly operated by the school district.

4687 Reviser's note.—Amended to confirm the editorial substitution of
4688 the word "in" for the word "is" to improve clarity.

4689 Section 135. This act shall take effect on the 60th day
4690 after adjournment sine die of the session of the Legislature in
4691 which enacted.

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Rules

BILL: SB 6

INTRODUCER: Senator Benacquisto

SUBJECT: Florida Statutes

DATE: February 18, 2019

REVISED: _____

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. <u>Pollitz (DLRI)</u>	<u>Phelps</u>	<u>RC</u>	<u>Favorable</u>

I. Summary:

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

This bill deletes statutes provisions that have been repealed by a noncurrent (past-year) session of the Legislature where that repeal or expiration date has now occurred, rendering the provision of no effect (an example would be a repeal set for October 1, 2018, by the 2017 Regular Session of the Legislature).

This bill substantially amends, creates, or repeals the following sections of the Florida Statutes: amends ss. 16.615, 196.102, 311.07, 741.30, 784.046, 932.7055, 985.6865, 1004.085, 1008.46, and 1011.71, F.S.; repeals ss. 16.616, 220.192, 316.0898, 319.141, 377.24075, 960.002, 961.055, and 961.056, F.S.

II. Present Situation:

The Division of Law Revision, under the authority and requirements of s. 11.242(5)(b) and (i), Florida Statutes, must remove repealed statutory provisions from the statutes text where the repeal was voted by the Legislature sitting in the current year; sections effectively repealed but where that repeal was passed by a past-year session of the Legislature can only be omitted from the statutes text through a reviser's bill pursuant to s. 11.242(5)(i).

III. Effect of Proposed Changes:

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

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

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

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

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: ss. 16.615, 196.102, 311.07, 741.30, 784.046, 932.7055, 985.6865, 1004.085, 1008.46, and 1011.71, F.S.

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

This bill repeals the following sections of the Florida Statutes: ss. 16.616, 220.192, 316.0898, 319.141, 377.24075, 960.002, 961.055, and 961.056, F.S.

IX. Additional Information:**A. Committee Substitute – Statement of Changes:**

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

None.

B. Amendments:

None.

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

By Senator Benacquisto

27-00628-19

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1 A reviser's bill to be entitled
 2 An act relating to the Florida Statutes; repealing ss.
 3 16.616, 196.102(14), 220.192, 311.07(3)(d), 316.0898,
 4 319.141, 377.24075, 932.7055(4)(d), 960.002, 961.055,
 5 961.056, 985.6865(4)(a), 1008.46(1)(b), and
 6 1011.71(2)(k), F.S., and amending ss. 741.30, 784.046,
 7 and 1004.085 F.S., to delete provisions which have
 8 become inoperative by noncurrent repeal or expiration
 9 and, pursuant to s. 11.242(5)(b) and (i), F.S., may be
 10 omitted from the 2019 Florida Statutes only through a
 11 reviser's bill duly enacted by the Legislature;
 12 amending s. 16.615, F.S., to conform a cross-
 13 reference; providing an effective date.

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

15

16 Section 1. Section 16.616, Florida Statutes, is repealed.
 17 Reviser's note.—The cited section, which relates to a direct-
 18 support organization, was repealed pursuant to its own
 19 terms, effective October 1, 2018.

20 Section 2. Subsection (14) of section 196.102, Florida
 21 Statutes, is repealed.
 22 Reviser's note.—The cited subsection, which relates to emergency
 23 rule adoption, expired pursuant to its own terms, effective
 24 August 30, 2018.

25 Section 3. Section 220.192, Florida Statutes, is repealed.
 26 Reviser's note.—The cited section, which relates to a renewable
 27 energy technologies investment tax credit; authorized use
 28 of the credit in tax years beginning January 1, 2013, and
 29

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30 ending December 31, 2016, after which the credit expired;
 31 and an authorized carry-forward of unused credit, expired
 32 December 31, 2018, pursuant to subsection (2) of the
 33 section.

34 Section 4. Paragraph (d) of subsection (3) of section
 35 311.07, Florida Statutes, is repealed.
 36 Reviser's note.—The cited paragraph, which creates an exemption
 37 from specified matching funds and eligibility requirements
 38 for projects funded through a specific appropriation of the
 39 2017-2018 General Appropriations Act, expired pursuant to
 40 its own terms, effective July 1, 2018.

41 Section 5. Section 316.0898, Florida Statutes, is repealed.
 42 Reviser's note.—The cited section, which relates to the Florida
 43 Smart City Challenge Grant Program, expired pursuant to its
 44 own terms, effective July 1, 2018.

45 Section 6. Section 319.141, Florida Statutes, is repealed.
 46 Reviser's note.—The cited section, which relates to a pilot
 47 rebuilt motor vehicle inspection program, was repealed
 48 pursuant to its own terms, effective July 1, 2018.

49 Section 7. Section 377.24075, Florida Statutes, is
 50 repealed.
 51 Reviser's bill.—The cited section, which provides for an
 52 exemption from open government requirements for certain
 53 proprietary business information held by the Department of
 54 Environmental Protection concerning applications for
 55 natural gas storage facility permits, was repealed pursuant
 56 to its own terms, effective October 2, 2018.

57 Section 8. Paragraph (c) of subsection (8) of section
 58 741.30, Florida Statutes, is amended to read:

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59 741.30 Domestic violence; injunction; powers and duties of
60 court and clerk; petition; notice and hearing; temporary
61 injunction; issuance of injunction; statewide verification
62 system; enforcement; public records exemption.—

63 (8)

64 (c)1. Within 24 hours after the court issues an injunction
65 for protection against domestic violence or changes, continues,
66 extends, or vacates an injunction for protection against
67 domestic violence, the clerk of the court must forward a
68 certified copy of the injunction for service to the sheriff with
69 jurisdiction over the residence of the petitioner. The
70 injunction must be served in accordance with this subsection.

71 2. Within 24 hours after service of process of an
72 injunction for protection against domestic violence upon a
73 respondent, the law enforcement officer must forward the written
74 proof of service of process to the sheriff with jurisdiction
75 over the residence of the petitioner.

76 3. Within 24 hours after the sheriff receives a certified
77 copy of the injunction for protection against domestic violence,
78 the sheriff must make information relating to the injunction
79 available to other law enforcement agencies by electronically
80 transmitting such information to the department.

81 4. Within 24 hours after the sheriff or other law
82 enforcement officer has made service upon the respondent and the
83 sheriff has been so notified, the sheriff must make information
84 relating to the service available to other law enforcement
85 agencies by electronically transmitting such information to the
86 department.

87 5. ~~a.~~ Subject to available funding, the Florida Association

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88 of Court Clerks and Comptrollers shall develop an automated
89 process by which a petitioner may request notification of
90 service of the injunction for protection against domestic
91 violence and other court actions related to the injunction for
92 protection. The automated notice shall be made within 12 hours
93 after the sheriff or other law enforcement officer serves the
94 injunction upon the respondent. The notification must include,
95 at a minimum, the date, time, and location where the injunction
96 for protection against domestic violence was served. ~~When a~~
97 ~~petitioner makes a request for notification, the clerk must~~
98 ~~apprise the petitioner of her or his right to request in writing~~
99 ~~that the information specified in sub-subparagraph b. be held~~
100 ~~exempt from public records requirements for 5 years.~~ The Florida
101 Association of Court Clerks and Comptrollers may apply for any
102 available grants to fund the development of the automated
103 process.

104 ~~b. Upon implementation of the automated process,~~
105 ~~information held by clerks and law enforcement agencies in~~
106 ~~conjunction with the automated process developed under sub-~~
107 ~~subparagraph a. which reveals the home or employment telephone~~
108 ~~number, cellular telephone number, home or employment address,~~
109 ~~electronic mail address, or other electronic means of~~
110 ~~identification of a petitioner requesting notification of~~
111 ~~service of an injunction for protection against domestic~~
112 ~~violence and other court actions related to the injunction for~~
113 ~~protection is exempt from s. 119.07(1) and s. 24(a), Art. I of~~
114 ~~the State Constitution, upon written request by the petitioner.~~
115 ~~Such information shall cease to be exempt 5 years after the~~
116 ~~receipt of the written request. Any state or federal agency that~~

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117 ~~is authorized to have access to such documents by any provision~~
 118 ~~of law shall be granted such access in the furtherance of such~~
 119 ~~agency's statutory duties, notwithstanding this sub-~~
 120 ~~subparagraph. This sub-subparagraph is subject to the Open~~
 121 ~~Government Sunset Review Act in accordance with s. 119.15 and~~
 122 ~~shall stand repealed on October 2, 2018, unless reviewed and~~
 123 ~~saved from repeal through reenactment by the Legislature.~~

124 6. Within 24 hours after an injunction for protection
 125 against domestic violence is vacated, terminated, or otherwise
 126 rendered no longer effective by ruling of the court, the clerk
 127 of the court must notify the sheriff receiving original
 128 notification of the injunction as provided in subparagraph 2.
 129 That agency shall, within 24 hours after receiving such
 130 notification from the clerk of the court, notify the department
 131 of such action of the court.

132 Reviser's note.—Amended to conform to the repeal of sub-
 133 subparagraph 5.b. by its own terms, effective October 2,
 134 2018, and to redesignate sub-subparagraph 5.a. as
 135 subparagraph 5. and amend it to conform.

136 Section 9. Paragraph (c) of subsection (8) of section
 137 784.046, Florida Statutes, is amended to read:

138 784.046 Action by victim of repeat violence, sexual
 139 violence, or dating violence for protective injunction; dating
 140 violence investigations, notice to victims, and reporting;
 141 pretrial release violations; public records exemption.—

142 (8)

143 (c)1. Within 24 hours after the court issues an injunction
 144 for protection against repeat violence, sexual violence, or
 145 dating violence or changes or vacates an injunction for

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146 protection against repeat violence, sexual violence, or dating
 147 violence, the clerk of the court must forward a copy of the
 148 injunction to the sheriff with jurisdiction over the residence
 149 of the petitioner.

150 2. Within 24 hours after service of process of an
 151 injunction for protection against repeat violence, sexual
 152 violence, or dating violence upon a respondent, the law
 153 enforcement officer must forward the written proof of service of
 154 process to the sheriff with jurisdiction over the residence of
 155 the petitioner.

156 3. Within 24 hours after the sheriff receives a certified
 157 copy of the injunction for protection against repeat violence,
 158 sexual violence, or dating violence, the sheriff must make
 159 information relating to the injunction available to other law
 160 enforcement agencies by electronically transmitting such
 161 information to the department.

162 4. Within 24 hours after the sheriff or other law
 163 enforcement officer has made service upon the respondent and the
 164 sheriff has been so notified, the sheriff must make information
 165 relating to the service available to other law enforcement
 166 agencies by electronically transmitting such information to the
 167 department.

168 5.~~a.~~ Subject to available funding, the Florida Association
 169 of Court Clerks and Comptrollers shall develop an automated
 170 process by which a petitioner may request notification of
 171 service of the injunction for protection against repeat
 172 violence, sexual violence, or dating violence and other court
 173 actions related to the injunction for protection. The automated
 174 notice shall be made within 12 hours after the sheriff or other

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175 law enforcement officer serves the injunction upon the
 176 respondent. The notification must include, at a minimum, the
 177 date, time, and location where the injunction for protection
 178 against repeat violence, sexual violence, or dating violence was
 179 served. ~~When a petitioner makes a request for notification, the~~
 180 ~~clerk must apprise the petitioner of her or his right to request~~
 181 ~~in writing that the information specified in sub-subparagraph b.~~
 182 ~~be held exempt from public records requirements for 5 years.~~ The
 183 Florida Association of Court Clerks and Comptrollers may apply
 184 for any available grants to fund the development of the
 185 automated process.

186 ~~b. Upon implementation of the automated process,~~
 187 ~~information held by clerks and law enforcement agencies in~~
 188 ~~conjunction with the automated process developed under sub-~~
 189 ~~paragraph a. which reveals the home or employment telephone~~
 190 ~~number, cellular telephone number, home or employment address,~~
 191 ~~electronic mail address, or other electronic means of~~
 192 ~~identification of a petitioner requesting notification of~~
 193 ~~service of an injunction for protection against repeat violence,~~
 194 ~~sexual violence, or dating violence and other court actions~~
 195 ~~related to the injunction for protection is exempt from s.~~
 196 ~~119.07(1) and s. 24(a), Art. I of the State Constitution, upon~~
 197 ~~written request by the petitioner. Such information shall cease~~
 198 ~~to be exempt 5 years after the receipt of the written request.~~
 199 ~~Any state or federal agency that is authorized to have access to~~
 200 ~~such documents by any provision of law shall be granted such~~
 201 ~~access in the furtherance of such agency's statutory duties,~~
 202 ~~notwithstanding this sub-subparagraph. This sub-subparagraph is~~
 203 ~~subject to the Open Government Sunset Review Act in accordance~~

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204 ~~with s. 119.15 and shall stand repealed on October 2, 2018,~~
 205 ~~unless reviewed and saved from repeal through reenactment by the~~
 206 ~~Legislature.~~

207 6. Within 24 hours after an injunction for protection
 208 against repeat violence, sexual violence, or dating violence is
 209 lifted, terminated, or otherwise rendered no longer effective by
 210 ruling of the court, the clerk of the court must notify the
 211 sheriff or local law enforcement agency receiving original
 212 notification of the injunction as provided in subparagraph 2.
 213 That agency shall, within 24 hours after receiving such
 214 notification from the clerk of the court, notify the department
 215 of such action of the court.

216 Reviser's note.— Amended to conform to the repeal of sub-
 217 subparagraph 5.b. by its own terms, effective October 2,
 218 2018, and to redesignate sub-subparagraph 5.a. as
 219 subparagraph 5. and amend it to conform.

220 Section 10. Paragraph (d) of subsection (4) of section
 221 932.7055, Florida Statutes, is repealed.

222 Reviser's note.—The cited paragraph, which relates to
 223 expenditure of funds in a special law enforcement trust
 224 fund established by the governing body of a municipality to
 225 reimburse the general fund for certain advances, for the
 226 2017-2018 fiscal year only, expired pursuant to its own
 227 terms, effective July 1, 2018.

228 Section 11. Section 960.002, Florida Statutes, is repealed.

229 Reviser's note.—The cited section, which relates to a direct-
 230 support organization to assist victims of adult and
 231 juvenile crime, was repealed pursuant to its own terms,
 232 effective October 1, 2018.

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233 Section 12. Section 961.055, Florida Statutes, is repealed.
 234 Reviser's note.—The cited section, which relates to an exemption
 235 from application by nolle prosequi for compensation for a
 236 wrongfully incarcerated person, was repealed pursuant to
 237 its own terms, effective July 1, 2018.

238 Section 13. Section 961.056, Florida Statutes, is repealed.
 239 Reviser's note.—The cited section, which relates to alternative
 240 application for compensation for a wrongfully incarcerated
 241 person, was repealed pursuant to its own terms, effective
 242 July 1, 2018.

243 Section 14. Paragraph (a) of subsection (4) of section
 244 985.6865, Florida Statutes, is repealed.
 245 Reviser's note.—The cited paragraph, which relates to payment of
 246 the percentage share of costs for juvenile detention by
 247 non-fiscally constrained counties for the 2016-2017 fiscal
 248 year, expired pursuant to its own terms, effective June 30,
 249 2017.

250 Section 15. Subsections (4), (6), and (8) of section
 251 1004.085, Florida Statutes, are amended to read:

252 1004.085 Textbook and instructional materials
 253 affordability.—

254 ~~(4) Each Florida College System institution and state~~
 255 ~~university board of trustees shall, each semester, examine the~~
 256 ~~cost of textbooks and instructional materials by course and~~
 257 ~~course section for all general education courses offered at the~~
 258 ~~institution to identify any variance in the cost of textbooks~~
 259 ~~and instructional materials among different sections of the same~~
 260 ~~course and the percentage of textbooks and instructional~~
 261 ~~materials that remain in use for more than one term. Courses~~

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262 ~~that have a wide variance in costs among sections or that have~~
 263 ~~frequent changes in textbook and instructional materials~~
 264 ~~selections shall be identified and a list of such courses sent~~
 265 ~~to the appropriate academic department chair for review. This~~
 266 ~~subsection is repealed July 1, 2018, unless reviewed and saved~~
 267 ~~from repeal through reenactment by the Legislature.~~

268 (5)(6) Each Florida College System institution and state
 269 university shall post prominently in the course registration
 270 system and on its website, as early as is feasible, but at least
 271 45 days before the first day of class for each term, a hyperlink
 272 to lists of required and recommended textbooks and instructional
 273 materials for at least 95 percent of all courses and course
 274 sections offered at the institution during the upcoming term.
 275 The lists must include the International Standard Book Number
 276 (ISBN) for each required and recommended textbook and
 277 instructional material or other identifying information, which
 278 must include, at a minimum, all of the following: the title, all
 279 authors listed, publishers, edition number, copyright date,
 280 published date, and other relevant information necessary to
 281 identify the specific textbooks or instructional materials
 282 required and recommended for each course. The State Board of
 283 Education and the Board of Governors shall include in the
 284 policies, procedures, and guidelines adopted under subsection
 285 (6) (7) certain limited exceptions to this notification
 286 requirement for classes added after the notification deadline.

287 (7)(8) The board of trustees of each Florida College System
 288 institution and state university shall report, by September 30
 289 of each year, beginning in 2016, to the Chancellor of the
 290 Florida College System or the Chancellor of the State University

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291 System, as applicable, the textbook and instructional materials
 292 selection process for ~~general education courses with a wide cost~~
 293 ~~variance identified pursuant to subsection (4)~~ and high-
 294 enrollment courses; specific initiatives of the institution
 295 designed to reduce the costs of textbooks and instructional
 296 materials; policies implemented in accordance with subsection
 297 (5) ~~(6)~~; the number of courses and course sections that were not
 298 able to meet the textbook and instructional materials posting
 299 deadline for the previous academic year; and any additional
 300 information determined by the chancellors. By November 1 of each
 301 year, beginning in 2016, each chancellor shall provide a summary
 302 of the information provided by institutions to the State Board
 303 of Education and the Board of Governors, as applicable.

304 Reviser's note.—Subsection (4), which relates to examination of
 305 cost of textbooks and instructional materials for general
 306 education courses by Florida College System institution and
 307 state university boards of trustees, was repealed pursuant
 308 to its own terms, effective July 1, 2018. Subsections (6)
 309 and (8) are amended to conform to the repeal of subsection
 310 (4) by this act.

311 Section 16. Paragraph (b) of subsection (1) of section
 312 1008.46, Florida Statutes, is repealed.

313 Reviser's note.—The cited paragraph, which relates to submittal
 314 of an annual accountability report by March 15, 2018, for
 315 the 2017-2018 fiscal year only, expired pursuant to its own
 316 terms, effective July 1, 2018.

317 Section 17. Paragraph (k) of subsection (2) of section
 318 1011.71, Florida Statutes, is repealed.

319 Reviser's note.—The cited paragraph, which relates to payout of

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320 specified sick leave and annual leave accrued as a purpose
 321 for tax levy, expired pursuant to its own terms, effective
 322 July 1, 2018.

323 Section 18. Paragraph (e) of subsection (4) of section
 324 16.615, Florida Statutes, is amended to read:
 325 16.615 Council on the Social Status of Black Men and Boys.—
 326 (4)
 327 ~~(e) The council shall monitor outcomes of the direct-~~
 328 ~~support organization created pursuant to s. 16.616.~~

329 Reviser's note.—Amended to conform to the repeal of s. 16.616 by
 330 this act to ratify the repeal of that section by its own
 331 terms.

332 Section 19. This act shall take effect on the 60th day
 333 after adjournment sine die of the session of the Legislature in
 334 which enacted.

THE FLORIDA SENATE
APPEARANCE RECORD

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

2/20/2019
Meeting Date

6
Bill Number (if applicable)

Topic _____

Amendment Barcode (if applicable)

Name Brian Pitts

Job Title Trustee

Address 1119 Newton Ave S
Street

Phone 727/897-9291

St Petersburg FL 33705
City State Zip

Email justice2jesus@yahoo.com

Speaking: For Against Information

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

Representing Justice-2-Jesus

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Rules

BILL: SB 8

INTRODUCER: Senator Benacquisto

SUBJECT: Florida Statutes

DATE: February 18, 2019

REVISED: _____

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. <u>Pollitz (DLRI)</u>	<u>Phelps</u>	<u>RC</u>	<u>Favorable</u>

I. Summary:

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

Section 9, ch. 2012-116, Laws of Florida, created s. 11.242(5)(j), Florida Statutes, requiring the Division of Law Revision to omit statutory provisions granting duplicative, redundant, or unused rulemaking authority from the Florida Statutes as part of the reviser's bill process for each regular session.

This bill substantially amends, creates, or repeals the following sections of the Florida Statutes: amends ss. 252.90, 252.939, 253.126, 260.0144, 287.0572, 295.187, 310.102, 310.142, 310.183, 316.29545, and 316.304, F.S.; repeals s. 316.611, F.S.

II. Present Situation:

Section 9, ch. 2012-116, Laws of Florida, created s. 11.242(5)(j), Florida Statutes, requiring the Division of Law Revision to prepare reviser's bills each regular session to omit all statutory provisions granting duplicative, redundant, or unused rulemaking authority from the Florida Statutes. Rulemaking authority is deemed unused if the statutory provision "has been in effect for more than 5 years and no rule has been promulgated in reliance thereon."

III. Effect of Proposed Changes:

The bill revises Florida Statutes text to conform to the directive in s. 9, ch. 2012-116, Laws of Florida, codified as s. 11.242(5)(j), Florida Statutes, to omit statutory provisions granting duplicative, redundant, or unused rulemaking authority from the Florida Statutes.

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

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

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

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: ss. 252.90, 252.939, 253.126, 260.0144, 287.0572, 295.187, 310.102, 310.142, 310.183, 316.29545, and 316.304, F.S.

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

This bill repeals the following sections of the Florida Statutes: s. 316.611, F.S.

IX. Additional Information:**A. Committee Substitute – Statement of Changes:**

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

None.

B. Amendments:

None.

By Senator Benacquisto

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20198__

1 A reviser's bill to be entitled
 2 An act relating to the Florida Statutes; amending ss.
 3 252.90, 252.939, 253.126, 260.0144, 287.0572, 295.187,
 4 310.102, 310.142, 310.183, 316.29545, and 316.304,
 5 F.S.; and repealing s. 316.611, F.S.; to conform to
 6 the directive of the Legislature in section 9 of
 7 chapter 2012-116, Laws of Florida, codified as section
 8 11.242(5)(j), Florida Statutes, to prepare a reviser's
 9 bill to omit all statutes and laws, or parts thereof,
 10 which grant duplicative, redundant, or unused
 11 rulemaking authority; providing an effective date.

12
 13 Be It Enacted by the Legislature of the State of Florida:

14
 15 Section 1. Subsection (1) of section 252.90, Florida
 16 Statutes, is amended to read:

17 252.90 Commission and committee duties.—

18 ~~(1) The commission shall establish by December 31, 1989,~~
 19 ~~uniform reporting forms for all reporting requirements under~~
 20 ~~this part for use by all committees.~~

21 Section 2. Paragraph (c) of subsection (1) and subsection
 22 (2) of section 252.939, Florida Statutes, are amended to read:

23 252.939 Fees.—

24 (1)

25 (c) The division shall establish a fee schedule ~~by rule~~ for
 26 the specified stationary sources, upon the advice and consent of
 27 the commission. The annual registration fee must be based on a
 28 stationary source's highest program level, as determined under
 29 the federal implementing regulations for s. 112(r)(7) and may

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30 not exceed the following:

31 1. Program 1 Stationary Sources \$100. Multiple Program 1
 32 stationary sources which are under common ownership and which
 33 have the same single chemical process, shall pay a full fee for
 34 the first stationary source location and a 50 percent fee for
 35 subsequent locations with no owner of such multiple stationary
 36 sources paying more than \$1,000. To be eligible for this
 37 multiple stationary source fee provision, one single fee payment
 38 must be submitted by the owner of the eligible multiple
 39 stationary source locations with a listing of the multiple
 40 stationary source locations and the single chemical process.

41 2. Program 2 Stationary Sources \$200. Multiple Program 2
 42 stationary sources which are under common ownership and which
 43 have the same single chemical process, shall pay a full fee for
 44 the first three stationary source locations and a 50 percent fee
 45 for subsequent locations with no owner of such multiple
 46 stationary sources paying more than \$2,000. Multiple Program 2
 47 stationary sources which are under common ownership and which
 48 are classified under one of the following Standard Industrial
 49 Classification group numbers 01, 02, or 07 shall pay a full fee,
 50 not to exceed \$100 for the first stationary source location and
 51 a 50 percent fee for subsequent locations with no owner of such
 52 multiple stationary sources paying more than \$800. To be
 53 eligible for these multiple stationary source fee provisions,
 54 one single fee payment must be submitted by the owner of the
 55 eligible multiple stationary source locations with a listing of
 56 the multiple stationary source locations and the chemical
 57 process.

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

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

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59 (2) The division shall establish ~~by rule~~ late fees, not to
60 exceed 10 percent per month of the annual registration fee owed,
61 and not to exceed a total of 50 percent, for failure to timely
62 submit an annual registration fee. A late fee may not be
63 assessed against a stationary source during the initial
64 registration and submission year if 90 days' prior written
65 notice was not provided to that stationary source.

66 Section 3. Subsection (1) of section 253.126, Florida
67 Statutes, is amended to read:

68 253.126 Legislative intent.—The limitations and
69 restrictions imposed by this chapter as amended by chapter 67-
70 393, Laws of Florida, upon the construction of islands or the
71 extension or addition to existing lands or islands bordering on
72 or being in the navigable waters, as defined in s. 253.12, shall
73 apply to the state, its agencies and all political subdivisions
74 and governmental units. No other general or special act shall
75 operate to grant exceptions to this section unless this section
76 is specifically repealed thereby.

77 ~~(1) Notwithstanding any other provision of this chapter,
78 the Department of Environmental Protection may authorize, by
79 rule, the Department of Transportation to perform any activity
80 covered by this chapter, upon certification by the agency that
81 it will meet all requirements imposed by statute, rule, or
82 standard for environmental control and protection as such
83 statute, rule, or standard applies to a governmental program. To
84 this end, the department may accept such certification of
85 compliance for programs of the agency, conduct investigations
86 for compliance, and, if a violation is found to exist, take all
87 necessary enforcement action pertaining thereto, including, but~~

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88 ~~not limited to, the revocation of certification. The
89 authorization shall be by rule of the department, shall be
90 limited to the maintenance, repair, or replacement of existing
91 structures, and shall be conditioned upon compliance by the
92 agency with specific guidelines or requirements which are set
93 forth in the formal acceptance and deemed necessary by the
94 department to assure future compliance with this chapter and
95 applicable department rules. Failure of the agency to comply
96 with any provision of the written acceptance shall constitute
97 grounds for its revocation by the department.~~

98 Section 4. Subsection (7) of section 260.0144, Florida
99 Statutes, is amended to read:

100 260.0144 Sponsorship of state greenways and trails.—The
101 department may enter into a concession agreement with a not-for-
102 profit entity or private sector business or entity for
103 commercial sponsorship to be displayed on state greenway and
104 trail facilities or property specified in this section. The
105 department may establish the cost for entering into a concession
106 agreement.

107 ~~(7) The department may adopt rules to administer this
108 section.~~

109 Section 5. Subsection (2) of section 287.0572, Florida
110 Statutes, is amended to read:

111 287.0572 Present-value methodology.—

112 ~~(2) The department may adopt rules to administer subsection
113 (1).~~

114 Section 6. Subsection (9) of section 295.187, Florida
115 Statutes, is amended to read:

116 295.187 Florida Veteran Business Enterprise Opportunity

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117 Act.-

118 ~~(9) RULES. The Department of Veterans' Affairs and the~~
 119 ~~Department of Management Services, as appropriate, may adopt~~
 120 ~~rules as necessary to administer this section.~~

121 Section 7. Subsection (1) of section 310.102, Florida
 122 Statutes, is amended to read:

123 310.102 Treatment programs for impaired pilots and deputy
 124 pilots.-

125 (1) The department shall, ~~by rule,~~ designate approved
 126 treatment programs for impaired pilots and deputy pilots under
 127 this section. The department may set ~~adopt rules setting~~ forth
 128 appropriate criteria for approval of treatment providers.

129 Section 8. Section 310.142, Florida Statutes, is amended to
 130 read:

131 310.142 Pilotage at St. Marys Entrance.-The board is
 132 authorized to enter into an agreement with the Board of Pilotage
 133 Commissioners for the corporate authority of St. Marys, Georgia,
 134 for reciprocal pilotage of vessels in the boundary waters and
 135 tributaries of St. Marys Entrance. ~~The board shall have the~~
 136 ~~authority to promulgate rules to implement the provisions of~~
 137 ~~this section.~~

138 Section 9. Subsection (2) of section 310.183, Florida
 139 Statutes, is amended to read:

140 310.183 Immediate inactivation of license or certificate
 141 for certain violations; rules.-

142 ~~(2) No later than January 1, 1995, the board shall adopt~~
 143 ~~rules to administer the provisions of this section and shall~~
 144 ~~have continuing authority to amend any such rules it has adopted~~
 145 ~~by that deadline. However, if the board fails to adopt such~~

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146 ~~rules by that deadline, the department shall have exclusive~~
 147 ~~authority to adopt such rules.~~

148 Section 10. Subsection (5) of section 316.29545, Florida
 149 Statutes, is amended to read:

150 316.29545 Window suncreening exclusions; medical
 151 exemption; certain law enforcement vehicles and private
 152 investigative service vehicles exempt.-

153 ~~(5) The department is authorized to promulgate rules for~~
 154 ~~the implementation of this section.~~

155 Section 11. Subsection (3) of section 316.304, Florida
 156 Statutes, is amended to read:

157 316.304 Wearing of headsets.-

158 (3) ~~The Department of Highway Safety and Motor Vehicles~~
 159 ~~shall promulgate, by administrative rule, standards and~~
 160 ~~specifications for headset equipment the use of which is~~
 161 ~~permitted under this section.~~ The department shall inspect and
 162 review all headset equipment ~~such devices~~ submitted to it and
 163 shall publish a list by name and type of approved equipment.

164 Section 12. Section 316.611, Florida Statutes, is repealed:

165 316.611 Tandem trailer equipment and use. ~~The Department of~~
 166 ~~Transportation shall adopt rules to regulate tandem trailer~~
 167 ~~truck equipment and use in the interest of safety, public~~
 168 ~~convenience, and preservation of public road facilities. The~~
 169 ~~rules shall apply according to their terms to all jurisdictions~~
 170 ~~of the state except the Florida Turnpike. Such rules shall be~~
 171 ~~enforced by the Department of Transportation, the Department of~~
 172 ~~Highway Safety and Motor Vehicles, and local authorities.~~

173 Reviser's note.-This act amends or repeals provisions of the

174 Florida Statutes pursuant to the directive of the

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175 Legislature in s. 9, ch. 2012-116, Laws of Florida,
176 codified as s. 11.242(5)(j), Florida Statutes, to prepare a
177 reviser's bill to omit all statutes and laws, or parts
178 thereof, which grant duplicative, redundant, or unused
179 rulemaking authority.

180 Section 13. This act shall take effect on the 60th day
181 after adjournment sine die of the session of the Legislature in
182 which enacted.

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Rules

BILL: SB 180

INTRODUCER: Senator Stargel

SUBJECT: Lost or Abandoned Personal Property

DATE: February 18, 2019

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Little</u>	<u>McKay</u>	<u>CM</u>	Favorable
2.	<u>Little</u>	<u>Phelps</u>	<u>RC</u>	Favorable

I. Summary:

SB 180 allows an owner or operator of a theme park, entertainment complex, zoo, museum, aquarium, public food service establishment, or public lodging establishment to elect to dispose of or donate lost or abandoned property found on its premises.

Under the bill, an owner or operator who elects to dispose of or donate lost or abandoned property must first take charge of the property, maintain a record of the property, and hold the property for at least 30 days. The bill prohibits the owner or operator from selling the property. If the property remains unclaimed after 30 days, the owner or operator must dispose of or donate the property to a charitable institution. If a charitable institution accepts certain electronic devices, the bill requires the charitable institution to make a reasonable effort to delete all personal data from the device before its sale or disposal.

The bill also provides that the rightful owner of the property may reclaim the property at any time before its disposal or donation.

The bill takes effect on July 1, 2019.

II. Present Situation:

Procedures for Handling Lost or Abandoned Property

Chapter 705, F.S., requires individuals who find lost¹ or abandoned² personal property to report the description and location of the property to a law enforcement officer.³ The law enforcement officer must allow the finder of the property an opportunity to make a claim to recover the property if the rightful owner is not identified or located.⁴ If a claim is made, the title of the unclaimed property vests in the finder of the property after a 90-day custodial time period.⁵ If a claim is not made, the title of the unclaimed property may vest in the law enforcement officer or agency, so long as specified notice requirements are met.⁶

Exceptions

Current law exempts institutions of higher learning and public airports from having to report lost or abandoned property to a law enforcement officer.⁷ Instead, the handling of the property occurs internally, with a designated individual taking charge of lost or abandoned property and making a record of the date the property is found. The designated individual must wait 30 days before retaining, trading, donating, selling, or disposing of the property.⁸

III. Effect of Proposed Changes:

The bill allows certain facilities to opt out of the provisions under ss. 705.1015-106, F.S., requiring lost or abandoned property to be reported to a law enforcement officer.

Under the bill, the owner or operator of a theme park or entertainment complex,⁹ a zoo, a museum, an aquarium, a public food service establishment,¹⁰ or a public lodging establishment¹¹ licensed under part I of ch. 509, F.S., may opt out of reporting lost or abandoned property to a

¹ Section 705.101(2), F.S., defines “lost property” as “all tangible personal property without an identifiable owner which has been mislaid on public property, upon a public conveyance, on premises used at the time for a business purpose, or in parks, places of amusement, public recreation areas, or other places open to the public. The property must be in a substantially operable, functioning condition or have an apparent intrinsic value to the rightful owner.”

² Section 705.101(3), F.S., defines “abandoned property” as “all tangible personal property that does not have an identifiable owner and that has been disposed on public property in a wrecked, inoperative, or partially dismantled condition. Alternatively, it is property without apparent, intrinsic value to the rightful owner.”

³ Section 705.102, F.S.

⁴ *Id.*

⁵ To make a claim, the finder of the property must deposit with the law enforcement agency a reasonable sum sufficient to cover the agency’s cost for transportation, storage, and publication of notice. If the rightful owner reclaims the property, he or she must refund the deposit to the person who found the property. Section 705.102(2), F.S.

⁶ See s. 705.103, F.S., providing specific procedural requirements for abandoned property and lost property before its disposition, donation, or sale.

⁷ See ss. 705.17-705.184, F.S.

⁸ Sections 705.18 and 705.182, F.S.

⁹ Section 509.013(9), F.S., defines a “theme park or entertainment complex” as “a complex comprised of at least 25 contiguous acres owned and controlled by the same business entity and which contains permanent exhibitions and a variety of recreational activities and has a minimum of 1 million visitors annually.”

¹⁰ See s. 509.013(5), F.S.

¹¹ See ss. 509.013(4) and 509.242, F.S.

law enforcement officer. Instead, lost or abandoned property must be delivered to the owner or operator of the facility.

The owner or operator must take charge of the lost or abandoned property and maintain a record of the date the property was found. If the property is not claimed within 30 days, the owner or operator must dispose of or donate the property to a charitable institution that is exempt from federal income tax under s. 501(c)(3) of the Internal Revenue Code.

The bill allows the charitable institution to sell or dispose of donated property. However, if a charitable institution accepts an electronic device¹² that is unsecured by a password or other personal identification technology, the charitable institution is required to make a reasonable effort to delete all personal data from the device before the charitable institution sells or disposes of the device.

The bill prohibits the owner or operator from selling the property and also provides that the rightful owner of the property is entitled to reclaim the property from the owner or operator at any time before the property is disposed of or donated.

The bill takes effect on July 1, 2019.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

¹² Section 815.03(9), F.S., defines “electronic device” as “a device or a portion of a device that is designed for and capable of communicating across a computer network with other computers or devices for the purpose of transmitting, receiving, or storing data, including, but not limited to, a cellular telephone, tablet, or other portable device designed for and capable of communicating with or across a computer network and that is actually used for such purpose.”

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

The bill substantially amends section 705.17 of the Florida Statutes.

The bill creates section 705.185 of the Florida Statutes.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

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

None.

B. Amendments:

None.

By Senator Stargel

22-00791A-19

2019180__

1 A bill to be entitled
 2 An act relating to lost or abandoned personal
 3 property; amending s. 705.17, F.S.; providing that
 4 certain provisions relating to lost or abandoned
 5 property do not apply to personal property lost or
 6 abandoned on the premises of certain complexes or
 7 facilities if certain conditions are met; creating s.
 8 705.185, F.S.; providing for the disposal or donation
 9 of personal property lost or abandoned on the premises
 10 of certain complexes or facilities, in certain
 11 circumstances; authorizing the rightful owner of such
 12 lost or abandoned personal property to reclaim such
 13 property before its disposal or donation; requiring a
 14 charitable institution to make a reasonable effort to
 15 delete certain information from an electronic device
 16 in certain circumstances; providing an effective date.
 17
 18 Be It Enacted by the Legislature of the State of Florida:
 19
 20 Section 1. Section 705.17, Florida Statutes, is amended to
 21 read:
 22 705.17 Exceptions.—
 23 (1) Sections ~~The provisions of ss.~~ 705.101-705.106 do not
 24 apply of this chapter shall not be applied to any personal
 25 property lost or abandoned on the campus of any institution in
 26 the State University System or on premises owned or controlled
 27 by the operator of a public-use airport having regularly
 28 scheduled international passenger service.
 29 (2) Sections 705.1015-705.106 do not apply to any personal

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30 property lost or abandoned on premises located within a theme
 31 park or entertainment complex, as defined in s. 509.013(9), or
 32 operated as a zoo, a museum, or an aquarium, or on the premises
 33 of a public food service establishment or a public lodging
 34 establishment licensed under part I of chapter 509, if the owner
 35 or operator of such premises elects to comply with s. 705.185.
 36 Section 2. Section 705.185, Florida Statutes, is created to
 37 read:
 38 705.185 Disposal of personal property lost or abandoned on
 39 the premises of certain facilities.—When any lost or abandoned
 40 personal property is found on premises located within a theme
 41 park or entertainment complex, as defined in s. 509.013(9), or
 42 operated as a zoo, a museum, or an aquarium, or on the premises
 43 of a public food service establishment or a public lodging
 44 establishment licensed under part I of chapter 509, if the owner
 45 or operator of such premises elects to comply with this section,
 46 any lost or abandoned property must be delivered to such owner
 47 or operator, who must take charge of the property and make a
 48 record of the date such property was found. If the property is
 49 not claimed by its owner within 30 days after it is found, or a
 50 longer period of time as may be deemed appropriate by the owner
 51 or operator of the premises, the owner or operator of the
 52 premises may not sell and must dispose of the property or donate
 53 it to a charitable institution that is exempt from federal
 54 income tax under s. 501(c)(3) of the Internal Revenue Code for
 55 sale or other disposal as the charitable institution deems
 56 appropriate. The rightful owner of the property may reclaim the
 57 property from the owner or operator of the premises at any time
 58 before the disposal or donation of the property in accordance

Page 2 of 3

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59 with this section and the established policies and procedures of
60 the owner or operator of the premises. A charitable institution
61 that accepts an electronic device, as defined in s. 815.03(9),
62 access to which is not secured by a password or other personal
63 identification technology, shall make a reasonable effort to
64 delete all personal data from the electronic device before its
65 sale or disposal.

66 Section 3. This act shall take effect July 1, 2019.



THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:
Appropriations Subcommittee on
Education, *Chair*
Appropriations
Education
Ethics and Elections
Finance and Tax
Judiciary
Rules

JOINT COMMITTEE:
Joint Select Committee on Collective Bargaining

SENATOR KELLI STARGEL
22nd District

February 12, 2019

The Honorable Lizbeth Benacquisto
Senate Committee on Rules, Chair
400 Senate Office Building
404 S. Monroe Street
Tallahassee, FL 32399

Dear Chair Benacquisto:

I respectfully request that SB 180, related to *Lost or Abandoned Personal Property*, be placed on the Rules meeting agenda at your earliest convenience.

Thank you for your consideration, and please do not hesitate to contact me should you have any questions.

Sincerely,

A handwritten signature in black ink that reads "Kelli Stargel". The signature is fluid and cursive, with a long horizontal stroke extending from the end of the name.

Kelli Stargel
State Senator, District 22

Cc: John Phelps/Staff Director
Cynthia Futch/ AA

REPLY TO:

- 2033 East Edgewood Drive, Suite 1, Lakeland, Florida 33803 (863) 668-3028
- 408 Senate Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5022

Senate's Website: www.flsenate.gov

BILL GALVANO
President of the Senate

DAVID SIMMONS
President Pro Tempore

THE FLORIDA SENATE
APPEARANCE RECORD

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

2/20/19

Meeting Date

180

Bill Number (if applicable)

Topic Lost and Abandoned Property

Amendment Barcode (if applicable)

Name Brewster Bevis

Job Title Senior Vice President

Address 516 N. Adams St

Phone 224-7173

Street

Tallahassee

FL

32312

Email bbevis@aif.com

City

State

Zip

Speaking: For Against Information

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

Representing Associated Industries of Florida

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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

THE FLORIDA SENATE

APPEARANCE RECORD

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

20 Feb '19

Meeting Date

SB 180

Bill Number (if applicable)

Topic SB 180

Amendment Barcode (if applicable)

Name Alli Liby-Schoonover

Job Title Metz, Husband & Daughton

Address Street

Phone

City

State

Zip

Email

Speaking: For Against Information

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

Representing Asian American Hotel Owners' Association.

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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THE FLORIDA SENATE

APPEARANCE RECORD

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

Feb. 20, 2019

SB180

Meeting Date

Bill Number (if applicable)

Topic Lost or Abandoned Property

Amendment Barcode (if applicable)

Name Richard Turner

Job Title Senior V.P. Florida Restaurant & Lodging Assn.

Address 230 S. Adams

Phone 850.224.2250

Street

Tallahassee

FL

32301

Email Rturner@frla.org

City

State

Zip

Speaking: For Against Information

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

Representing Florida Restaurant & Lodging Association

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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

THE FLORIDA SENATE

APPEARANCE RECORD

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2/20/19

Meeting Date

180

Bill Number (if applicable)

Topic LOST or Abandoned Property

Amendment Barcode (if applicable)

Name Candyn Johnson

Job Title Policy Director

Address 136 S Bronough St
Street

Phone 521-1200

Tallahassee FL 32309
City State Zip

Email cjohnson@fldchamber.com

Speaking: For Against Information

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

Representing FL Chamber of Commerce

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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THE FLORIDA SENATE

APPEARANCE RECORD

2-20-2019

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

180

Meeting Date

Bill Number (if applicable)

Topic Lost or Abandoned Personal Property

Amendment Barcode (if applicable)

Name JAKE FARMER

Job Title Director of Government Affairs

Address 227 S Adams St.

Phone 352-359-6835

Tallahassee FL 32301

Email Jake@AFF.org

Speaking: [X] For [] Against [] Information

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

Representing Florida Retail Federation

Appearing at request of Chair: [] Yes [X] No

Lobbyist registered with Legislature: [X] Yes [] No

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

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THE FLORIDA SENATE
APPEARANCE RECORD

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

2/20/2019

Meeting Date

180

Bill Number (if applicable)

Topic Lost or Abandoned Property

Amendment Barcode (if applicable)

Name Melanie Bostick

Job Title President

Address 113 East College Ave

Phone (850)841-1726

Street

Tallahassee

FL

32301

City

State

Zip

Email _____

Speaking: For Against Information

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

Representing Florida Attractions Association

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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

THE FLORIDA SENATE
APPEARANCE RECORD

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

2/20/2019
Meeting Date

180
Bill Number (if applicable)

Topic _____

Amendment Barcode (if applicable)

Name BRIAN PITTS

Job Title Trustee

Address 1119 Newton Ave S

Phone 727/897-9291

Street

St Petersburg

City

FL
State

33705
Zip

Email _____

Speaking: For Against Information

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

Representing Justice-2-Jesus

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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



THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:
Innovation, Industry, and Technology, *Chair*
Appropriations, *Vice Chair*
Appropriations Subcommittee on Transportation,
Tourism, and Economic Development
Rules

JOINT COMMITTEE:
Joint Legislative Budget Commission

SENATOR WILTON SIMPSON

10th District

February 19, 2019

Chair Benacquisto,

Please excuse me from the Rules Committee meeting due to a prior engagement on Wednesday February 20th at 4:00 p.m. Thank you for your consideration and understanding.

Respectfully,

A handwritten signature in black ink, appearing to read "Wilton Simpson".

Handwritten initials "LUB" in black ink.

Wilton Simpson, 10th District

REPLY TO:

- 4076 Commercial Way, Spring Hill, Florida 34606 (352) 688-5077
- 420 Senate Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5010

Senate's Website: www.flsenate.gov

BILL GALVANO
President of the Senate

DAVID SIMMONS
President Pro Tempore

CourtSmart Tag Report

Room: EL 110
Caption: Senate Rules Committee

Case No.:
Judge:

Type:

Started: 2/20/2019 4:01:42 PM

Ends: 2/20/2019 4:46:14 PM

Length: 00:44:33

4:01:41 PM Meeting Called to Order
4:01:51 PM Call roll
4:01:54 PM Quorum present
4:02:24 PM Senator Simpson is excused
4:02:39 PM SB 114
4:03:01 PM Senator Hutson makes a motion to TP SB 114, bill is TP'd
4:03:10 PM SB 7006
4:03:22 PM Senator Simmons recognized and explains the bill
4:04:08 PM Amendment 487464 by Senator Rodriguez
4:04:35 PM No questions on the amendment
4:04:46 PM Senator Rodriguez waives his close
4:05:12 PM Amendment passes
4:05:13 PM Back on the bill
4:05:18 PM Senator Simmons waives close
4:05:21 PM Call the roll
4:05:27 PM SB 7006 is reported favorably
4:06:05 PM SB 182
4:06:11 PM Senator Bradley recognized and explains the bill
4:07:52 PM Personal privilege- Chair Benacquisto recognizes President Gardiner
4:08:54 PM D 168684 - delete all by Senator Brandes
4:10:38 PM AA 592226 by Senator Farmer
4:13:14 PM Testimony by Gary Stein Clarity PAC waives in support
4:13:50 PM Senator Passidomo in debate
4:14:14 PM Senator Bradley in debate
4:17:31 PM Senator Brandes in debate
4:17:38 PM Senator Farmer close on amendment to amendment
4:19:13 PM Senator Farmer withdraws the amendment 529226
4:19:39 PM AA 447930 by Senator Farmer
4:19:55 PM Senator Farmer explains the AA
4:20:42 PM Senator Farmer withdraws AA
4:20:50 PM AA 138388 by Senator Farmer
4:21:00 PM Senator Farmer explains the amendment 138388
4:22:07 PM Senator Farmer withdraws the amendment
4:22:12 PM Back on Delete all amendment 168684
4:22:16 PM Gary Stein Clarity PAC speaks on amendment
4:23:10 PM Additional debate
4:23:18 PM Senator Braynon in debate
4:24:30 PM Senator Braynon supports the amendment
4:24:40 PM Senator Rodriguez in debate
4:25:13 PM Senator Brandes recognized to close on the amendment
4:25:45 PM Vote called on amendment
4:25:53 PM Amendment is adopted
4:26:03 PM Gary Stein Clarity PAC waives in support
4:26:12 PM Ron Watson Alt Med Florida waives in support
4:26:18 PM Jeffrey Sharkey Medical Marijuana Business Association of Florida waives in support
4:26:53 PM Brian Pitts Justice-2-Jesus speaks on bill
4:29:28 PM Greg Pound speaks on bill
4:30:47 PM In debate
4:31:01 PM Jodi James of Florida Cannabis Action Network waives in support of bill
4:31:34 PM Call roll on SB 182
4:31:40 PM SB 182 reported favorably
4:32:15 PM Tab 8

4:32:38 PM SB 180
4:32:42 PM Senator Stargel explains
4:32:47 PM Questions?
4:32:49 PM No questions
4:32:53 PM Public testimony
4:32:58 PM Brewster Bevis Associated Industries of Florida waives in support
4:33:04 PM Alli Liby-Schooner Asian American Hotel Owner's Association waives in support
4:33:06 PM Richard Turner Florida Restaurant & Lodging Association waives in support
4:33:08 PM Carolyn Johnson FL chamber of Commerce waives in support
4:33:12 PM Jake Farmer Florida Retail Federation does not speak
4:33:13 PM Jake Farmer Florida Retail Federation waives in support
4:33:24 PM Melanie Bostick Florida Attractions Association waives in support
4:33:33 PM Brian Pitts Justice-2-Jesus speaks on bill
4:33:35 PM Brian Pitts speaks against bill
4:34:48 PM Back on the bill
4:34:57 PM Senator Stargel waives close
4:35:03 PM Call roll
4:35:06 PM SB 180 is reported favorably
4:35:36 PM Chair is turned over to
4:35:42 PM Senator Gibson
4:35:48 PM SB 2
4:35:58 PM Senator Benacquisto recognized and explains the bill
4:36:16 PM No questions, no appearance forms
4:36:40 PM No debate
4:36:45 PM Senator Benacquisto waives close
4:36:49 PM Call roll on SB 2
4:36:55 PM SB 2 is reported favorably
4:37:32 PM SB 4
4:37:43 PM Senator Benacquisto explains the bill
4:37:54 PM No questions
4:37:59 PM No debate
4:38:08 PM Senator Benacquisto waives close on SB 4
4:38:16 PM Call roll
4:38:19 PM SB 4 is recorded favorably
4:38:52 PM SB 6
4:39:05 PM Senator Benacquisto explains bill
4:39:10 PM No questions
4:39:13 PM Appearance form from Brian Pitts Justice-2-Jesus
4:41:01 PM No debate
4:42:00 PM Senator Benacquisto was recognized to close
4:42:06 PM Senator Benacquisto waives close
4:42:10 PM Call Roll on SB 6
4:42:15 PM SB 6 is reported favorably
4:42:42 PM SB 8
4:42:51 PM Senator Benacquisto explains bill
4:43:01 PM No questions
4:43:04 PM No appearance cards
4:43:08 PM No debate
4:43:14 PM Senator Benacquisto closes on the bill
4:43:20 PM Call roll
4:43:22 PM SB 8 is reported favorably
4:44:01 PM End of agenda
4:44:06 PM Any Senator recorded on any bill for vote
4:44:15 PM Senator Simmons - SB 180 favorable motion to vote after adopted
4:44:40 PM Senator Benacquisto - express gratitude to staff
4:45:07 PM Senator Farmer - with comment
4:45:34 PM Senator Gibson - any other business
4:45:43 PM Senator Montford moves we adjourn
4:45:52 PM No objection motion adopted