

By Senator Benacquisto

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1 A reviser's bill to be entitled
 2 An act relating to the Florida Statutes; amending ss.
 3 102.031, 106.24, 120.595, 190.046, 212.08, 215.555,
 4 215.619, 215.985, 253.034, 288.9936, 316.003, 316.545,
 5 316.613, 320.08, 322.121, 373.042, 373.414, 373.4592,
 6 373.707, 376.3071, 393.18, 393.501, 394.461, 400.925,
 7 402.3025, 409.9201, 413.207, 413.402, 440.185,
 8 459.022, 491.0046, 497.458, 499.015, 499.036, 499.83,
 9 553.79, 571.24, 625.111, 627.0629, 627.42392,
 10 627.6562, 627.7074, 633.216, 655.960, 744.20041,
 11 790.065, 832.07, 893.0356, 893.13, 921.0022, 932.7055,
 12 1002.385, 1003.42, 1006.195, 1012.796, and 1013.40,
 13 F.S.; deleting provisions that have expired, have
 14 become obsolete, have had their effect, have served
 15 their purpose, or have been impliedly repealed or
 16 superseded; replacing incorrect cross-references and
 17 citations; correcting grammatical, typographical, and
 18 like errors; removing inconsistencies, redundancies,
 19 and unnecessary repetition in the statutes; and
 20 improving the clarity of the statutes and facilitating
 21 their correct interpretation; providing an effective
 22 date.

23
 24 Be It Enacted by the Legislature of the State of Florida:

25
 26 Section 1. Paragraph (d) of subsection (4) of section
 27 102.031, Florida Statutes, is amended to read:

28 102.031 Maintenance of good order at polls; authorities;
 29 persons allowed in polling rooms and early voting areas;
 30 unlawful solicitation of voters.-

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

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

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

43 106.24 Florida Elections Commission; membership; powers;
44 duties.—

45 (6) There is established in the State Treasury an Elections
46 Commission Trust Fund to be used by the Florida Elections
47 Commission in order to carry out its duties pursuant to ss.
48 106.24-106.28. The trust fund may also be used by the Secretary
49 of State, pursuant to his or her authority under s. 97.012(15)
50 ~~97.012(14)~~, to provide rewards for information leading to
51 criminal convictions related to voter registration fraud, voter
52 fraud, and vote scams.

53 Reviser's note.—Amended to correct a cross-reference. Section 1,
54 ch. 2005-277, Laws of Florida, created a new s. 97.012(14)
55 relating to fraud; s. 69 of that same law amended s.
56 106.24(6) to conform a cross-reference to the addition of
57 the new s. 97.012(14). Section 1, ch. 2005-278, Laws of
58 Florida, also created a new s. 97.012(14) relating to
59 enforcement of the performance of duties or compliance of
60 rules with respect to chapters 97 through 102 and 105, and

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61 that law did not amend s. 106.24. The new s. 97.012(14)
62 added by s. 1, ch. 2005-277, was redesignated as s.
63 97.012(15), and the cross-reference added by that law in s.
64 106.24 was never updated to reflect the redesignation.
65 Section 3. Paragraph (a) of subsection (4) of section
66 120.595, Florida Statutes, is amended to read:

67 120.595 Attorney's fees.—

68 (4) CHALLENGES TO AGENCY ACTION PURSUANT TO SECTION
69 120.56(4).—

70 (a) If the appellate court or administrative law judge
71 determines that all or part of an agency statement violates s.
72 120.54(1)(a), or that the agency must immediately discontinue
73 reliance on the statement and any substantially similar
74 statement pursuant to s. 120.56(4)(f) ~~120.56(4)(e)~~, a judgment
75 or order shall be entered against the agency for reasonable
76 costs and reasonable attorney's fees, unless the agency
77 demonstrates that the statement is required by the Federal
78 Government to implement or retain a delegated or approved
79 program or to meet a condition to receipt of federal funds.

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

81 120.56(4)(e) as s. 120.56(4)(f) by s. 3, ch. 2016-116, Laws
82 of Florida.

83 Section 4. Paragraph (a) of subsection (4) of section
84 190.046, Florida Statutes, is amended to read:

85 190.046 Termination, contraction, or expansion of
86 district.—

87 (4)(a) To achieve economies of scale, reduce costs to
88 affected district residents and businesses in areas with
89 multiple existing districts, and encourage the merger of

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90 multiple districts, up to five districts that were established
91 by the same local general-purpose government and whose board
92 memberships are composed entirely of qualified electors may
93 merge into one surviving district through adoption of an
94 ordinance by the local general-purpose government,
95 notwithstanding the acreage limitations otherwise set forth for
96 the establishment of a district in this chapter. The filing of a
97 petition by the majority of the members of each ~~of the~~ district
98 board of supervisors seeking to merge constitutes consent of the
99 landowners within each applicable district.

100 Reviser's note.—Amended to confirm the editorial deletion of the
101 words "of the."

102 Section 5. Paragraph (p) of subsection (5) of section
103 212.08, Florida Statutes, is amended to read:

104 212.08 Sales, rental, use, consumption, distribution, and
105 storage tax; specified exemptions.—The sale at retail, the
106 rental, the use, the consumption, the distribution, and the
107 storage to be used or consumed in this state of the following
108 are hereby specifically exempt from the tax imposed by this
109 chapter.

110 (5) EXEMPTIONS; ACCOUNT OF USE.—

111 (p) *Community contribution tax credit for donations.*—

112 1. Authorization.—Persons who are registered with the
113 department under s. 212.18 to collect or remit sales or use tax
114 and who make donations to eligible sponsors are eligible for tax
115 credits against their state sales and use tax liabilities as
116 provided in this paragraph:

117 a. The credit shall be computed as 50 percent of the
118 person's approved annual community contribution.

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

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

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

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

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

151 2. Eligibility requirements.—

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

154 (I) Cash or other liquid assets;

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

157 (III) Goods or inventory; or

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

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

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

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

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

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

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

214 (I) A community action program;

215 (II) A nonprofit community-based development organization
216 whose mission is the provision of housing for persons with
217 special needs, low-income households, or very-low-income
218 households or increasing entrepreneurial and job-development
219 opportunities for low-income persons;

220 (III) A neighborhood housing services corporation;

221 (IV) A local housing authority created under chapter 421;

222 (V) A community redevelopment agency created under s.
223 163.356;

224 (VI) A historic preservation district agency or
225 organization;

226 (VII) A local workforce development board;

227 (VIII) A direct-support organization as provided in s.
228 1009.983;

229 (IX) An enterprise zone development agency created under s.
230 290.0056;

231 (X) A community-based organization incorporated under
232 chapter 617 which is recognized as educational, charitable, or
233 scientific pursuant to s. 501(c)(3) of the Internal Revenue Code
234 and whose bylaws and articles of incorporation include

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

237 (XI) Units of local government;

238 (XII) Units of state government; or

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

241
242 A contributing person may not have a financial interest in the
243 eligible sponsor.

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

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

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

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

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

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

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

301 3. Application requirements.—

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

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

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

329 4. Administration.—

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

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

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

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

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

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351 period for such credit.

352 Reviser's note.—Amended to conform to context. Section
353 212.08(5)(p)2.a., specifically, uses the term “real
354 property holding company.” The term does not appear
355 elsewhere in s. 212.08(5)(p)2.

356 Section 6. Subsection (16) of section 215.555, Florida
357 Statutes, is repealed.

358 Reviser's note.—Amended to repeal an obsolete provision. The
359 cited subsection relates to a temporary increase in
360 coverage limit options from the Florida Hurricane
361 Catastrophe Fund applicable only to the 2007, 2008, 2009,
362 2010, 2011, 2012, and 2013 hurricane seasons.

363 Section 7. Subsection (2) of section 215.619, Florida
364 Statutes, is amended to read:

365 215.619 Bonds for Everglades restoration.—

366 (2) The state covenants with the holders of Everglades
367 restoration bonds that it will not take any action that will
368 materially and adversely affect the rights of the holders so
369 long as the bonds are outstanding, including, but not limited
370 to, a reduction in the portion of documentary stamp taxes
371 distributable under s. 201.15 ~~205.15~~ for payment of debt service
372 on Florida Forever bonds or Everglades restoration bonds.

373 Reviser's note.—Amended to correct a cross-reference. Section
374 205.15 was repealed by s. 2, ch. 67-433, Laws of Florida;
375 s. 201.15 deals with distribution of taxes collected,
376 including documentary stamp taxes.

377 Section 8. Paragraph (a) of subsection (2) of section
378 215.985, Florida Statutes, is amended to read:

379 215.985 Transparency in government spending.—

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

381 (a) "Committee" means the Legislative Auditing Committee
382 ~~created in s. 11.40.~~

383 Reviser's note.—Amended to conform to the fact that s. 11.40 was
384 amended by s. 12, ch. 2011-34, Laws of Florida, to remove
385 the language that provided for the creation of the
386 Legislative Auditing Committee.

387 Section 9. Paragraph (c) of subsection (9) of section
388 253.034, Florida Statutes, is amended to read:

389 253.034 State-owned lands; uses.—

390 (9) The following additional uses of conservation lands
391 acquired pursuant to the Florida Forever program and other
392 state-funded conservation land purchase programs shall be
393 authorized, upon a finding by the board of trustees, if they
394 meet the criteria specified in paragraphs (a)-(e): water
395 resource development projects, water supply development
396 projects, stormwater management projects, linear facilities, and
397 sustainable agriculture and forestry. Such additional uses are
398 authorized if:

399 (c) The use is appropriately located on such lands and ~~if~~
400 due consideration is given to the use of other available lands;

401
402 A decision by the board of trustees pursuant to this section
403 shall be given a presumption of correctness. Moneys received
404 from the use of state lands pursuant to this section shall be
405 returned to the lead managing entity in accordance with s.
406 259.032(9)(c).

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

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

411 288.9936 Annual report of the Microfinance Loan Program.—

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

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

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

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

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

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

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

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

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

447 (2)

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

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467 shall be assessed a penalty limited to the difference between
468 its gross weight and the declared gross vehicle weight at 5
469 cents per pound. If the license plate or registration has not
470 been expired for more than 90 days, the penalty imposed under
471 this paragraph may not exceed \$1,000. In the case of special
472 mobile equipment, which qualifies for the license tax provided
473 for in s. 320.08(5)(b), being operated on the highways of the
474 state with an expired registration or otherwise not properly
475 registered under the applicable provisions of chapter 320, a
476 penalty of \$75 shall apply in addition to any other penalty
477 which may apply in accordance with this chapter. A vehicle found
478 in violation of this section may be detained until the owner or
479 operator produces evidence that the vehicle has been properly
480 registered. Any costs incurred by the retention of the vehicle
481 shall be the sole responsibility of the owner. A person who has
482 been assessed a penalty pursuant to this paragraph for failure
483 to have a valid vehicle registration certificate pursuant to the
484 provisions of chapter 320 is not subject to the delinquent fee
485 authorized in s. 320.07 if such person obtains a valid
486 registration certificate within 10 working days after such
487 penalty was assessed.

488 Reviser's note.—Amended to confirm the editorial substitution of
489 a reference to s. 316.003(54) for a reference to s.
490 316.003(94) to conform to the renumbering of subunits
491 within s. 316.003 by s. 5, ch. 2016-239, Laws of Florida,
492 and the addition of subunits by s. 1, ch. 2016-115, Laws of
493 Florida, and s. 3, ch. 2016-181, Laws of Florida.
494 Section 13. Paragraph (a) of subsection (2) of section
495 316.613, Florida Statutes, is amended to read:

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496 316.613 Child restraint requirements.—

497 (2) As used in this section, the term "motor vehicle" means
498 a motor vehicle as defined in s. 316.003 that is operated on the
499 roadways, streets, and highways of the state. The term does not
500 include:

501 (a) A school bus as defined in s. 316.003(68) ~~316.003(66)~~.
502 Reviser's note.—Amended to confirm the editorial substitution of
503 a reference to s. 316.003(68) for a reference to s.
504 316.003(66) to conform to the renumbering of subunits
505 within s. 316.003 by s. 5, ch. 2016-239, Laws of Florida,
506 and the addition of subunits by s. 1, ch. 2016-115, Laws of
507 Florida, and s. 3, ch. 2016-181, Laws of Florida.

508 Section 14. Section 320.08, Florida Statutes, is amended to
509 read:

510 320.08 License taxes.—Except as otherwise provided herein,
511 there are hereby levied and imposed annual license taxes for the
512 operation of motor vehicles, mopeds, motorized bicycles as
513 defined in s. 316.003(3) ~~316.003(2)~~, tri-vehicles as defined in
514 s. 316.003, and mobile homes as defined in s. 320.01, which
515 shall be paid to and collected by the department or its agent
516 upon the registration or renewal of registration of the
517 following:

518 (1) MOTORCYCLES AND MOPEDS.—

519 (a) Any motorcycle: \$10 flat.

520 (b) Any moped: \$5 flat.

521 (c) Upon registration of a motorcycle, motor-driven cycle,
522 or moped, in addition to the license taxes specified in this
523 subsection, a nonrefundable motorcycle safety education fee in
524 the amount of \$2.50 shall be paid. The proceeds of such

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

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

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

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

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

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

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

539 (3) TRUCKS.—

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

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

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

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

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554 sanitary equipment, and the towing of farm trailers.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

652 (d) A wrecker, as defined in s. 320.01, which is used to
653 tow a vessel as defined in s. 327.02, a disabled, abandoned,
654 stolen-recovered, or impounded motor vehicle as defined in s.
655 320.01, or a replacement motor vehicle as defined in s. 320.01:
656 \$41 flat, of which \$11 shall be deposited into the General
657 Revenue Fund.

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

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

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

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

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

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

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

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

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

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

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

690 (6) MOTOR VEHICLES FOR HIRE.—

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

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

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699 (7) TRAILERS FOR PRIVATE USE.—

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

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

707 (8) TRAILERS FOR HIRE.—

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

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

716 (9) RECREATIONAL VEHICLE-TYPE UNITS.—

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

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

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

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

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

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728 which \$12.25 shall be deposited into the General Revenue Fund.
 729 (d) A truck camper as defined by s. 320.01(1)(b)3.:

- 730 1. Net weight of less than 4,500 pounds: \$27 flat, of which
- 731 \$7 shall be deposited into the General Revenue Fund.
- 732 2. Net weight of 4,500 pounds or more: \$47.25 flat, of
- 733 which \$12.25 shall be deposited into the General Revenue Fund.

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

- 735 1. Net weight of less than 4,500 pounds: \$27 flat, of which
- 736 \$7 shall be deposited into the General Revenue Fund.
- 737 2. Net weight of 4,500 pounds or more: \$47.25 flat, of
- 738 which \$12.25 shall be deposited into the General Revenue Fund.

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

- 741 (a) Park trailers.—Any park trailer, as defined in s.
- 742 320.01(1)(b)7.: \$25 flat.
- 743 (b) A travel trailer or fifth-wheel trailer, as defined in
- 744 s. 320.01(1)(b), that exceeds 35 feet: \$25 flat.

745 (11) MOBILE HOMES.—

- 746 (a) A mobile home not exceeding 35 feet in length: \$20
- 747 flat.
- 748 (b) A mobile home over 35 feet in length, but not exceeding
- 749 40 feet: \$25 flat.
- 750 (c) A mobile home over 40 feet in length, but not exceeding
- 751 45 feet: \$30 flat.
- 752 (d) A mobile home over 45 feet in length, but not exceeding
- 753 50 feet: \$35 flat.
- 754 (e) A mobile home over 50 feet in length, but not exceeding
- 755 55 feet: \$40 flat.
- 756 (f) A mobile home over 55 feet in length, but not exceeding

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757 60 feet: \$45 flat.

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

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

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

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

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

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

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

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

782 322.121 Periodic reexamination of all drivers.—

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

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786 except for convictions of the following nonmoving violations:

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

790

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

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

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

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

799 373.042 Minimum flows and minimum water levels.—

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

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

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

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815 Section 17. Paragraph (d) of subsection (19) of section
816 373.414, Florida Statutes, is amended to read:

817 373.414 Additional criteria for activities in surface
818 waters and wetlands.—

819 (19)

820 (d) Nothing provided in this subsection supersedes or
821 modifies the financial responsibility requirements of s. 378.208
822 ~~378.209~~.

823 Reviser's note.—Amended to correct a cross-reference. Section
824 378.209 relates to timing of reclamation; s. 378.208
825 relates to financial responsibility.

826 Section 18. Paragraph (d) of subsection (3) and paragraph
827 (e) of subsection (4) of section 373.4592, Florida Statutes, are
828 amended to read:

829 373.4592 Everglades improvement and management.—

830 (3) EVERGLADES LONG-TERM PLAN.—

831 ~~(d) The Legislature intends that a review of this act at~~
832 ~~least 10 years after implementation of the Long-Term Plan is~~
833 ~~appropriate and necessary to the public interest. The review is~~
834 ~~the best way to ensure that the Everglades Protection Area is~~
835 ~~achieving state water quality standards, including phosphorus~~
836 ~~reduction, and the Long-Term Plan is using the best technology~~
837 ~~available.~~

838 (4) EVERGLADES PROGRAM.—

839 (e) *Evaluation of water quality standards.*—

840 1. The department and the district shall employ all means
841 practicable to complete by December 31, 1998, any additional
842 research necessary to:

843 a. Numerically interpret for phosphorus the Class III

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844 narrative nutrient criterion necessary to meet water quality
845 standards in the Everglades Protection Area; and

846 b. Evaluate existing water quality standards applicable to
847 the Everglades Protection Area and EAA canals.

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

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

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

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

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

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

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

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960 requirement to the greatest extent practicable.

961 Reviser's note.—Amended to facilitate correct interpretation.

962 Section 20. Paragraph (b) of subsection (12) of section
963 376.3071, Florida Statutes, is amended to read:

964 376.3071 Inland Protection Trust Fund; creation; purposes;
965 funding.—

966 (12) SITE CLEANUP.—

967 (b) *Low-scored site initiative*.—Notwithstanding subsections
968 (5) and (6), a site with a priority ranking score of 29 points
969 or less may voluntarily participate in the low-scored site
970 initiative regardless of whether the site is eligible for state
971 restoration funding.

972 1. To participate in the low-scored site initiative, the
973 property owner, or a responsible party who provides evidence of
974 authorization from the property owner, must submit a "No Further
975 Action" proposal and affirmatively demonstrate that the
976 conditions imposed under subparagraph 4. are met.

977 2. Upon affirmative demonstration that the conditions
978 imposed under subparagraph 4. are met, the department shall
979 issue a site rehabilitation completion order incorporating the
980 "No Further Action" proposal submitted by the property owner or
981 the responsible party, who must provide evidence of
982 authorization from the property owner. If no contamination is
983 detected, the department may issue a site rehabilitation
984 completion order.

985 3. Sites that are eligible for state restoration funding
986 may receive payment of costs for the low-scored site initiative
987 as follows:

988 a. A property owner, or a responsible party who provides

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989 evidence of authorization from the property owner, may submit an
990 assessment and limited remediation plan designed to
991 affirmatively demonstrate that the site meets the conditions
992 imposed under subparagraph 4. Notwithstanding the priority
993 ranking score of the site, the department may approve the cost
994 of the assessment and limited remediation, including up to 12
995 months of groundwater monitoring and 12 months of limited
996 remediation activities in one or more task assignments or
997 modifications thereof, not to exceed the threshold amount
998 provided in s. 287.017 for CATEGORY TWO, for each site where the
999 department has determined that the assessment and limited
1000 remediation, if applicable, will likely result in a
1001 determination of "No Further Action." The department may not pay
1002 the costs associated with the establishment of institutional or
1003 engineering controls other than the costs associated with a
1004 professional land survey or a specific purpose survey, if such
1005 is needed, and the costs associated with obtaining a title
1006 report and paying recording fees.

1007 b. After the approval of initial site assessment results
1008 provided pursuant to state funding under sub-subparagraph a.,
1009 the department may approve an additional amount not to exceed
1010 the threshold amount provided in s. 287.017 for CATEGORY TWO for
1011 limited remediation needed to achieve a determination of "No
1012 Further Action."

1013 c. The assessment and limited remediation work shall be
1014 completed no later than 15 months after the department
1015 authorizes the start of a state-funded, low-score site
1016 initiative task. If groundwater monitoring is required after the
1017 assessment and limited remediation in order to satisfy the

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1018 conditions under subparagraph 4., the department may authorize
1019 an additional 12 months to complete the monitoring.

1020 d. No more than \$15 million for the low-scored site
1021 initiative may be encumbered from the fund in any fiscal year.
1022 Funds shall be made available on a first-come, first-served
1023 basis and shall be limited to 10 sites in each fiscal year for
1024 each property owner or each responsible party who provides
1025 evidence of authorization from the property owner.

1026 e. Program deductibles, copayments, and the limited
1027 contamination assessment report requirements under paragraph
1028 (13) (d) do not apply to expenditures under this paragraph.

1029 4. The department shall issue an order incorporating the
1030 "No Further Action" proposal submitted by a property owner or a
1031 responsible party who provides evidence of authorization from
1032 the property owner upon affirmative demonstration that all of
1033 the following conditions are met:

1034 a. Soil saturated with petroleum or petroleum products, or
1035 soil that causes a total corrected hydrocarbon measurement of
1036 500 parts per million or higher for the Gasoline Analytical
1037 Group or 50 parts per million or higher for the Kerosene
1038 Analytical Group, as defined by department rule, does not exist
1039 onsite as a result of a release of petroleum products.

1040 b. A minimum of 12 months of groundwater monitoring
1041 indicates that the plume is shrinking or stable.

1042 c. The release of petroleum products at the site does not
1043 adversely affect adjacent surface waters, including their
1044 effects on human health and the environment.

1045 d. The area containing the petroleum products' chemicals of
1046 concern:

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

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

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

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

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

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1076 does not alter eligibility for state-funded rehabilitation that
1077 would otherwise be applicable under this section.
1078 Reviser's note.—Amended to confirm the editorial insertion of
1079 the word "in" and the editorial substitution of a reference
1080 to s. 376.301(22) for a reference to s. 376.301(21) to
1081 conform to the redesignation of subunits by s. 1, ch. 2016-
1082 184, Laws of Florida.
1083 Section 21. Paragraph (c) of subsection (1) of section
1084 393.18, Florida Statutes, is amended to read:
1085 393.18 Comprehensive transitional education program.—A
1086 comprehensive transitional education program serves individuals
1087 who have developmental disabilities, severe maladaptive
1088 behaviors, severe maladaptive behaviors and co-occurring complex
1089 medical conditions, or a dual diagnosis of developmental
1090 disability and mental illness. Services provided by the program
1091 must be temporary in nature and delivered in a manner designed
1092 to achieve the primary goal of incorporating the principles of
1093 self-determination and person-centered planning to transition
1094 individuals to the most appropriate, least restrictive community
1095 living option of their choice which is not operated as a
1096 comprehensive transitional education program. The supervisor of
1097 the clinical director of the program licensee must hold a
1098 doctorate degree with a primary focus in behavior analysis from
1099 an accredited university, be a certified behavior analyst
1100 pursuant to s. 393.17, and have at least 1 year of experience in
1101 providing behavior analysis services for individuals in
1102 developmental disabilities. The staff must include behavior
1103 analysts and teachers, as appropriate, who must be available to
1104 provide services in each component center or unit of the

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

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

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

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

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

1118 393.501 Rulemaking.—

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

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

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

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

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

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

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

1148 (4) REPORTING REQUIREMENTS.—

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

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

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

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

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

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

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

1176 Section 25. Paragraph (d) of subsection (2) of section
1177 402.3025, Florida Statutes, is amended to read:

1178 402.3025 Public and nonpublic schools.—For the purposes of
1179 ss. 402.301-402.319, the following shall apply:

1180 (2) NONPUBLIC SCHOOLS.—

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

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

1191 3. The department or local licensing agency may commence

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

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

1196 b. To enforce its rules and regulations.

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

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

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

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

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

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1221 pursuant to this section a material fact used in making a
1222 determination as to such exclusion; or

1223 b. Use information from the criminal records obtained under
1224 s. 402.305 or s. 402.3055 for any purpose other than screening
1225 that person for employment as specified in those sections or
1226 release such information to any other person for any purpose
1227 other than screening for employment as specified in those
1228 sections.

1229 5. It is a felony of the third degree, punishable as
1230 provided in s. 775.082, s. 775.083, or s. 775.084, for any
1231 person willfully, knowingly, or intentionally to use information
1232 from the juvenile records of any person obtained under s.
1233 402.305 or s. 402.3055 for any purpose other than screening for
1234 employment as specified in those sections or to release
1235 information from such records to any other person for any
1236 purpose other than screening for employment as specified in
1237 those sections.

1238 Reviser's note.—Amended to correct a cross-reference. Section

1239 402.3057 was repealed by s. 11, ch. 2016-238, Laws of
1240 Florida; s. 402.3055 is now the last section in the range.

1241 Section 26. Paragraph (a) of subsection (1) of section
1242 409.9201, Florida Statutes, is amended to read:

1243 409.9201 Medicaid fraud.—

1244 (1) As used in this section, the term:

1245 (a) "Prescription drug" means any drug, including, but not
1246 limited to, finished dosage forms or active ingredients that are
1247 subject to, defined in, or described in s. 503(b) of the Federal
1248 Food, Drug, and Cosmetic Act or in s. 465.003(8), s. 499.003(17)
1249 ~~499.003(47)~~, s. 499.007(13), or s. 499.82(10).

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1250
1251 The value of individual items of the legend drugs or goods or
1252 services involved in distinct transactions committed during a
1253 single scheme or course of conduct, whether involving a single
1254 person or several persons, may be aggregated when determining
1255 the punishment for the offense.

1256 Reviser's note.—Amended to correct an apparent error. Section
1257 499.003(47) defines "veterinary prescription drug"; s.
1258 499.003(17) defines "drug."

1259 Section 27. Paragraph (h) of subsection (2) of section
1260 413.207, Florida Statutes, is amended to read:

1261 413.207 Division of Vocational Rehabilitation; quality
1262 assurance; performance improvement plan.—

1263 (2) No later than October 1, 2016, the division shall
1264 develop and implement a performance improvement plan designed to
1265 achieve the following goals:

1266 (h) Increase the percentage of participants who, during a
1267 program year, are in an education or training program that leads
1268 to a recognized postsecondary credential or to employment and
1269 who are achieving a measurable gain of skill, including
1270 documented academic, technical, or occupational gains or other
1271 forms of progress toward a postsecondary credential or
1272 employment.

1273 Reviser's note.—Amended to confirm the editorial insertion of
1274 the word "or" to improve clarity.

1275 Section 28. Subsection (6) of section 413.402, Florida
1276 Statutes, is amended to read:

1277 413.402 James Patrick Memorial Work Incentive Personal
1278 Attendant Services and Employment Assistance Program.—The

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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1337 at the discretion of the judge of compensation claims.

1338 (7) When a claimant, employer, or carrier has the right, or
1339 is required, to mail a report or notice with required copies
1340 within the times prescribed in subsection (2), subsection (3)
1341 ~~(4)~~, or subsection (4) ~~(5)~~, such mailing will be completed and
1342 in compliance with this section if it is postmarked and mailed
1343 prepaid to the appropriate recipient prior to the expiration of
1344 the time periods prescribed in this section.

1345 (8) Any employer or carrier who fails or refuses to timely
1346 send any form, report, or notice required by this section shall
1347 be subject to an administrative fine by the department not to
1348 exceed \$500 for each such failure or refusal. However, any
1349 employer who fails to notify the carrier of an injury on the
1350 prescribed form or by letter within the 7 days required in
1351 subsection (2) shall be liable for the administrative fine,
1352 which shall be paid by the employer and not the carrier. Failure
1353 by the employer to meet its obligations under subsection (2)
1354 shall not relieve the carrier from liability for the
1355 administrative fine if it fails to comply with subsections (3)
1356 ~~(4)~~ and (4) ~~(5)~~.

1357 (10) Upon receiving notice of an injury from an employee
1358 under subsection (1), the employer or carrier shall provide the
1359 employee with a written notice, in the form and manner
1360 determined by the department by rule, of the availability of
1361 services from the Employee Assistance and Ombudsman Office. The
1362 substance of the notice to the employee shall include:

1363 (c) A statement that the informational brochure referred to
1364 in subsection (3) ~~(4)~~ will be mailed to the employee within 3
1365 days after the carrier receives notice of the injury.

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1366 Reviser's note.—Amended to conform to the redesignation of
1367 subsections as a result of the repeal of former subsection
1368 (3) by s. 5, ch. 2016-56, Laws of Florida.

1369 Section 30. Paragraph (e) of subsection (4) of section
1370 459.022, Florida Statutes, is amended to read:

1371 459.022 Physician assistants.—

1372 (4) PERFORMANCE OF PHYSICIAN ASSISTANTS.—

1373 (e) A supervising physician may delegate to a fully
1374 licensed physician assistant the authority to prescribe or
1375 dispense any medication used in the supervising physician's
1376 practice unless such medication is listed on the formulary
1377 created pursuant to s. 458.347. A fully licensed physician
1378 assistant may only prescribe or dispense such medication under
1379 the following circumstances:

1380 1. A physician assistant must clearly identify to the
1381 patient that she or he is a physician assistant and must inform
1382 the patient that the patient has the right to see the physician
1383 before a prescription is prescribed or dispensed by the
1384 physician assistant.

1385 2. The supervising physician must notify the department of
1386 her or his intent to delegate, on a department-approved form,
1387 before delegating such authority and of any change in
1388 prescriptive privileges of the physician assistant. Authority to
1389 dispense may be delegated only by a supervising physician who is
1390 registered as a dispensing practitioner in compliance with s.
1391 465.0276.

1392 3. The physician assistant must complete a minimum of 10
1393 continuing medical education hours in the specialty practice in
1394 which the physician assistant has prescriptive privileges with

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1395 each licensure renewal.

1396 4. The department may issue a prescriber number to the
1397 physician assistant granting authority for the prescribing of
1398 medicinal drugs authorized within this paragraph upon completion
1399 of the requirements of this paragraph. The physician assistant
1400 is not ~~be~~ required to independently register pursuant to s.
1401 465.0276.

1402 5. The prescription may be in paper or electronic form but
1403 must comply with ss. 456.0392(1) and 456.42(1) and chapter 499
1404 and must contain, in addition to the supervising physician's
1405 name, address, and telephone number, the physician assistant's
1406 prescriber number. Unless it is a drug or drug sample dispensed
1407 by the physician assistant, the prescription must be filled in a
1408 pharmacy permitted under chapter 465, and must be dispensed in
1409 that pharmacy by a pharmacist licensed under chapter 465. The
1410 inclusion of the prescriber number creates a presumption that
1411 the physician assistant is authorized to prescribe the medicinal
1412 drug and the prescription is valid.

1413 6. The physician assistant must note the prescription or
1414 dispensing of medication in the appropriate medical record.
1415 Reviser's note.—Amended to confirm the editorial deletion of the
1416 word "be."

1417 Section 31. Paragraph (c) of subsection (2) of section
1418 491.0046, Florida Statutes, is amended to read:

1419 491.0046 Provisional license; requirements.—

1420 (2) The department shall issue a provisional clinical
1421 social worker license, provisional marriage and family therapist
1422 license, or provisional mental health counselor license to each
1423 applicant who the board certifies has:

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1424 (c) Has met the following minimum coursework requirements:

1425 1. For clinical social work, a minimum of 15 semester hours

1426 or 22 quarter hours of the coursework required by s.

1427 491.005(1)(b)2.b.

1428 2. For marriage and family therapy, 10 of the courses

1429 required by s. 491.005(3)(b)1.a.-c., as determined by the board,

1430 and at least 6 semester hours or 9 quarter hours of the course

1431 credits must have been completed in the area of marriage and

1432 family systems, theories, or techniques.

1433 3. For mental health counseling, a minimum of seven of the

1434 courses required under s. 491.005(4)(b)1.a.-c. ~~491.005(b)1.a.-c.~~

1435 Reviser's note.—Amended to confirm the editorial substitution of

1436 a reference to s. 491.005(4)(b)1.a.-c. for a reference to

1437 s. 491.005(b)1.a.-c. to provide the complete cite to

1438 material relating to mental health counseling courses.

1439 Section 32. Subsection (4) of section 497.458, Florida

1440 Statutes, is amended to read:

1441 497.458 Disposition of proceeds received on contracts.—

1442 (4) The licensing authority may adopt rules exempting from

1443 the prohibition of paragraph (1)(h) ~~(1)(g)~~, pursuant to criteria

1444 established in such rule, the investment of trust funds in

1445 investments, such as widely and publicly traded stocks and

1446 bonds, notwithstanding that the licensee, its principals, or

1447 persons related by blood or marriage to the licensee or its

1448 principals have an interest by investment in the same entity,

1449 where neither the licensee, its principals, or persons related

1450 by blood or marriage to the licensee or its principals have the

1451 ability to control the entity invested in, and it would be in

1452 the interest of the preneed contract holders whose contracts are

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

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1482 no Federal Drug Administration; the Food and Drug
1483 Administration enforces the Federal Food, Drug, and
1484 Cosmetic Act.

1485 Section 34. Paragraph (a) of subsection (1) and paragraph
1486 (c) of subsection (5) of section 499.036, Florida Statutes, are
1487 amended to read:

1488 499.036 Restrictions on sale of dextromethorphan.—

1489 (1) As used in this section, the term:

1490 (a) "Finished drug product" means a drug legally marketed
1491 under the Federal Food, Drug, and Cosmetic Act that is in
1492 finished dosage form. For purposes of this paragraph, the term
1493 "drug" has the same meaning as provided in s. 499.003(17)
1494 ~~499.003(18)~~.

1495 (5) A civil citation issued to a manufacturer, distributor,
1496 or retailer pursuant to this section shall be provided to the
1497 manager on duty at the time the citation is issued. If a manager
1498 is not available, a local law enforcement officer shall attempt
1499 to contact the manager to issue the citation. If the local law
1500 enforcement officer is unsuccessful in contacting the manager,
1501 he or she may leave a copy of the citation with an employee 18
1502 years of age or older and mail a copy of the citation by
1503 certified mail to the owner's business address, as filed with
1504 the Department of State, or he or she may return to issue the
1505 citation at a later time. The civil citation shall provide:

1506 (c) The name of the employee or representative who ~~that~~
1507 completed the sale.

1508 Reviser's note.—Paragraph (1) (a) is amended to confirm the
1509 editorial substitution of a reference to s. 499.003(17) for
1510 a reference to s. 499.003(18) to conform to the

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

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

1516 499.83 Permits.—

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

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

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

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1540 Laws of Florida, effective October 1, 2017, is amended to read:
1541 553.79 Permits; applications; issuance; inspections.—
1542 (1) (a) After the effective date of the Florida Building
1543 Code adopted as herein provided, it shall be unlawful for any
1544 person, firm, corporation, or governmental entity to construct,
1545 erect, alter, modify, repair, or demolish any building within
1546 this state without first obtaining a permit therefor from the
1547 appropriate enforcing agency or from such persons as may, by
1548 appropriate resolution or regulation of the authorized state or
1549 local enforcing agency, be delegated authority to issue such
1550 permits, upon the payment of such reasonable fees adopted by the
1551 enforcing agency. The enforcing agency is empowered to revoke
1552 any such permit upon a determination by the agency that the
1553 construction, erection, alteration, modification, repair, or
1554 demolition of the building for which the permit was issued is in
1555 violation of, or not in conformity with, the provisions of the
1556 Florida Building Code. Whenever a permit required under this
1557 section is denied or revoked because the plan, or the
1558 construction, erection, alteration, modification, repair, or
1559 demolition of a building, is found by the local enforcing agency
1560 to be not in compliance with the Florida Building Code, the
1561 local enforcing agency shall identify the specific plan or
1562 project features that do not comply with the applicable codes,
1563 identify the specific code chapters and sections upon which the
1564 finding is based, and provide this information to the permit
1565 applicant. A plans reviewer or building code administrator who
1566 is responsible for issuing a denial, revocation, or modification
1567 request but fails to provide to the permit applicant a reason
1568 for denying, revoking, or requesting a modification, based on

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

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

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

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

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

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

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

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

1604 (2) Registering participants.

1605 (3) Assessing and collecting fees.

1606 (4) Collecting rental receipts for industry promotions.

1607 (5) Developing in-kind advertising programs.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1677 627.0629 Residential property insurance; rate filings.—

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

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1685 ~~Temporary Increase in Coverage Limits, TICL, from the Florida~~
 1686 ~~Hurricane Catastrophe Fund. The insurer may also include the~~
 1687 ~~cost of reinsurance to replace the TICL reduction implemented~~
 1688 ~~pursuant to s. 215.555(16) (d) 9. However, this cost for~~
 1689 ~~reinsurance may not include any expense or profit load or result~~
 1690 ~~in a total annual base rate increase in excess of 10 percent.~~

1691 Reviser's note.—Amended to delete obsolete provisions relating
 1692 to temporary increase in coverage limits options from the
 1693 Florida Hurricane Catastrophe Fund provided in s.

1694 215.555(16), which is repealed by this act.

1695 Section 40. Subsection (1) of section 627.42392, Florida
 1696 Statutes, is amended to read:

1697 627.42392 Prior authorization.—

1698 (1) As used in this section, the term "health insurer"
 1699 means an authorized insurer offering health insurance as defined
 1700 in s. 624.603, a managed care plan as defined in s. 409.962(10)
 1701 ~~409.962(9)~~, or a health maintenance organization as defined in
 1702 s. 641.19(12).

1703 Reviser's note.—Amended to conform to the redesignation of s.

1704 409.962(9) as s. 409.962(10) by s. 1, ch. 2016-147, Laws of
 1705 Florida.

1706 Section 41. Paragraph (a) of subsection (3) of section
 1707 627.6562, Florida Statutes, is amended to read:

1708 627.6562 Dependent coverage.—

1709 (3) If, pursuant to subsection (2), a child is provided
 1710 coverage under the parent's policy after the end of the calendar
 1711 year in which the child reaches age 25 and coverage for the
 1712 child is subsequently terminated, the child is not eligible to
 1713 be covered under the parent's policy unless the child was

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1714 continuously covered by other creditable coverage without a gap
1715 in coverage of more than 63 days.

1716 (a) For the purposes of this subsection, the term
1717 "creditable coverage" means, with respect to an individual,
1718 coverage of the individual under any of the following:

1719 1. A group health plan, as defined in s. 2791 of the Public
1720 Health Service Act.

1721 2. Health insurance coverage consisting of medical care
1722 provided directly through insurance or reimbursement or
1723 otherwise, and including terms and services paid for as medical
1724 care, under any hospital or medical service policy or
1725 certificate, hospital or medical service plan contract, or
1726 health maintenance contract offered by a health insurance
1727 issuer.

1728 3. Part A or Part B of Title XVIII of the Social Security
1729 Act.

1730 4. Title XIX of the Social Security Act, other than
1731 coverage consisting solely of benefits under s. 1928.

1732 5. Title 10 U.S.C. chapter 55.

1733 6. A medical care program of the Indian Health Service or
1734 of a tribal organization.

1735 7. A ~~The Florida Comprehensive Health Association or~~
1736 ~~another~~ state health benefit risk pool.

1737 8. A health plan offered under 5 U.S.C. chapter 89.

1738 9. A public health plan as defined by rules adopted by the
1739 commission. To the greatest extent possible, such rules must be
1740 consistent with regulations adopted by the United States
1741 Department of Health and Human Services.

1742 10. A health benefit plan under s. 5(e) of the Peace Corps

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1743 Act, 22 U.S.C. s. 2504(e).
1744 Reviser's note.—Amended to conform to the repeal of s. 627.6488,
1745 which created the Florida Comprehensive Health Association,
1746 by s. 20, ch. 2013-101, Laws of Florida, effective October
1747 1, 2015; confirmed by s. 13, ch. 2016-11, Laws of Florida,
1748 a reviser's bill.

1749 Section 42. Subsection (8) of section 627.7074, Florida
1750 Statutes, is amended to read:

1751 627.7074 Alternative procedure for resolution of disputed
1752 sinkhole insurance claims.—

1753 (8) For policyholders not represented by an attorney, a
1754 consumer affairs specialist of the department or an employee
1755 designated as the primary contact for consumers on issues
1756 relating to sinkholes under s. 624.307(10)(a)5. ~~20.121~~ shall be
1757 available for consultation to the extent that he or she may
1758 lawfully do so.

1759 Reviser's note.—Amended to conform to the repeal of s.

1760 20.121(2)(h) by s. 3, ch. 2016-165, Laws of Florida; s.
1761 20.121(2)(h)1.e. authorized the Division of Consumer
1762 Services to designate an employee of the division as
1763 primary contact for consumers on issues relating to
1764 sinkholes. Section 5, ch. 2016-165, added s. 624.307(10),
1765 including substantially similar language relating to
1766 division designation of an employee as primary contact
1767 relating to sinkhole issues, at s. 624.307(10)(a)5.

1768 Section 43. Subsection (2) of section 633.216, Florida
1769 Statutes, is amended to read:

1770 633.216 Inspection of buildings and equipment; orders;
1771 firesafety inspection training requirements; certification;

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1772 disciplinary action.—The State Fire Marshal and her or his
1773 agents or persons authorized to enforce laws and rules of the
1774 State Fire Marshal shall, at any reasonable hour, when the State
1775 Fire Marshal has reasonable cause to believe that a violation of
1776 this chapter or s. 509.215, or a rule adopted thereunder, or a
1777 minimum firesafety code adopted by the State Fire Marshal or a
1778 local authority, may exist, inspect any and all buildings and
1779 structures which are subject to the requirements of this chapter
1780 or s. 509.215 and rules adopted thereunder. The authority to
1781 inspect shall extend to all equipment, vehicles, and chemicals
1782 which are located on or within the premises of any such building
1783 or structure.

1784 (2) Except as provided in s. 633.312(2), every firesafety
1785 inspection conducted pursuant to state or local firesafety
1786 requirements shall be by a person certified as having met the
1787 inspection training requirements set by the State Fire Marshal.
1788 Such person shall meet the requirements of s. 633.412(1)-(4)
1789 ~~633.412(1)(a)-(d)~~, and:

1790 (a) Have satisfactorily completed the firesafety inspector
1791 certification examination as prescribed by division rule; and

1792 (b)1. Have satisfactorily completed, as determined by
1793 division rule, a firesafety inspector training program of at
1794 least 200 hours established by the department and administered
1795 by education or training providers approved by the department
1796 for the purpose of providing basic certification training for
1797 firesafety inspectors; or

1798 2. Have received training in another state which is
1799 determined by the division to be at least equivalent to that
1800 required by the department for approved firesafety inspector

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1801 education and training programs in this state.

1802 Reviser's note.—Amended to conform to the redesignation of s.
1803 633.412(1)(a)-(d) as s. 633.412(1)-(4) to conform to the
1804 repeal of subsection (2) of s. 633.412 by s. 24, ch. 2016-
1805 132, Laws of Florida.

1806 Section 44. Subsection (1) of section 655.960, Florida
1807 Statutes, is amended to read:

1808 655.960 Definitions; ss. 655.960-655.965.—As used in this
1809 section and ss. 655.961-655.965, unless the context otherwise
1810 requires:

1811 (1) "Access area" means any paved walkway or sidewalk which
1812 is within 50 feet of any automated teller machine. The term does
1813 not include any street or highway open to the use of the public,
1814 as defined in s. 316.003(77)(a) or (b) ~~316.003(76)(a) or (b)~~,
1815 including any adjacent sidewalk, as defined in s. 316.003.

1816 Reviser's note.—Amended to confirm the editorial substitution of
1817 a reference to s. 316.003(77)(a) or (b) for a reference to
1818 s. 316.003(76)(a) or (b) to conform to the renumbering of
1819 subunits by s. 5, ch. 2016-239, Laws of Florida, and the
1820 addition of subunits by s. 1, ch. 2016-115, Laws of
1821 Florida, and s. 3, ch. 2016-181, Laws of Florida.

1822 Section 45. Paragraph (q) of subsection (1) of section
1823 744.20041, Florida Statutes, is amended to read:

1824 744.20041 Grounds for discipline; penalties; enforcement.—

1825 (1) The following acts by a professional guardian shall
1826 constitute grounds for which the disciplinary actions specified
1827 in subsection (2) may be taken:

1828 (q) Failing to post and maintain a blanket fiduciary bond
1829 pursuant to s. 744.2003 ~~744.1085~~.

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1830 Reviser's note.—Amended to conform to the transfer of s.
 1831 744.1085 to s. 744.2003 by s. 10, ch. 2016-40, Laws of
 1832 Florida.
 1833 Section 46. Paragraph (a) of subsection (2) of section
 1834 790.065, Florida Statutes, is amended to read:
 1835 790.065 Sale and delivery of firearms.—
 1836 (2) Upon receipt of a request for a criminal history record
 1837 check, the Department of Law Enforcement shall, during the
 1838 licensee's call or by return call, forthwith:
 1839 (a) Review any records available to determine if the
 1840 potential buyer or transferee:
 1841 1. Has been convicted of a felony and is prohibited from
 1842 receipt or possession of a firearm pursuant to s. 790.23;
 1843 2. Has been convicted of a misdemeanor crime of domestic
 1844 violence, and therefore is prohibited from purchasing a firearm;
 1845 3. Has had adjudication of guilt withheld or imposition of
 1846 sentence suspended on any felony or misdemeanor crime of
 1847 domestic violence unless 3 years have elapsed since probation or
 1848 any other conditions set by the court have been fulfilled or
 1849 expunction has occurred; or
 1850 4. Has been adjudicated mentally defective or has been
 1851 committed to a mental institution by a court or as provided in
 1852 sub-sub-subparagraph b.(II), and as a result is prohibited by
 1853 state or federal law from purchasing a firearm.
 1854 a. As used in this subparagraph, "adjudicated mentally
 1855 defective" means a determination by a court that a person, as a
 1856 result of marked subnormal intelligence, or mental illness,
 1857 incompetency, condition, or disease, is a danger to himself or
 1858 herself or to others or lacks the mental capacity to contract or

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

2016 832.07 Prima facie evidence of intent; identity.—

2017 (1) INTENT.—

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

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2033 for recovery, the maker or drawer may be additionally liable for
2034 court costs and reasonable attorney's fees. Notice mailed by
2035 certified or registered mail, evidenced by return receipt, or by
2036 first-class mail, evidenced by an affidavit of service of mail,
2037 to the address printed on the check or given at the time of
2038 issuance shall be deemed sufficient and equivalent to notice
2039 having been received by the maker or drawer, whether such notice
2040 shall be returned undelivered or not. The form of such notice
2041 shall be substantially as follows:

2042

2043 "You are hereby notified that a check, numbered, in
2044 the face amount of \$, issued by you on . . . (date) . . ., drawn
2045 upon . . . (name of bank) . . ., and payable to, has been
2046 dishonored. Pursuant to Florida law, you have 15 days from the
2047 date of this notice to tender payment of the full amount of such
2048 check plus a service charge of \$25, if the face value does not
2049 exceed \$50, \$30, if the face value exceeds \$50 but does not
2050 exceed \$300, \$40, if the face value exceeds \$300, or an amount
2051 of up to 5 percent of the face amount of the check, whichever is
2052 greater, the total amount due being \$ and cents. Unless
2053 this amount is paid in full within the time specified above, the
2054 holder of such check may turn over the dishonored check and all
2055 other available information relating to this incident to the
2056 state attorney for criminal prosecution. You may be additionally
2057 liable in a civil action for triple the amount of the check, but
2058 in no case less than \$50, together with the amount of the check,
2059 a service charge, court costs, reasonable attorney fees, and
2060 incurred bank fees, as provided in s. 68.065, Florida Statutes."

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2062 Subsequent persons receiving a check, draft, or order from the
2063 original payee or a successor endorsee have the same rights that
2064 the original payee has against the maker of the instrument,
2065 provided such subsequent persons give notice in a substantially
2066 similar form to that provided above. Subsequent persons
2067 providing such notice shall be immune from civil liability for
2068 the giving of such notice and for proceeding under the forms of
2069 such notice, so long as the maker of the instrument has the same
2070 defenses against these subsequent persons as against the
2071 original payee. However, the remedies available under this
2072 section may be exercised only by one party in interest.

2073 Reviser's note.—Amended to conform to the Florida Statutes
2074 citation style for forms.

2075 Section 48. Subsection (5) of section 893.0356, Florida
2076 Statutes, is amended to read:

2077 893.0356 Control of new substances; findings of fact;
2078 "controlled substance analog" defined.—

2079 (5) A controlled substance analog shall, for purposes of
2080 drug abuse prevention and control, be treated as the highest
2081 scheduled controlled substance of which it is a controlled
2082 substance analog ~~to~~ in s. 893.03.

2083 Reviser's note.—Amended to confirm the editorial deletion of the
2084 word "to."

2085 Section 49. Subsections (3) and (4) of section 893.13,
2086 Florida Statutes, are amended to read:

2087 893.13 Prohibited acts; penalties.—

2088 (3) A person who delivers, without consideration, 20 grams
2089 or less of cannabis, as defined in this chapter, commits a
2090 misdemeanor of the first degree, punishable as provided in s.

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2091 775.082 or s. 775.083. As used in this subsection ~~paragraph~~, the
2092 term "cannabis" does not include the resin extracted from the
2093 plants of the genus *Cannabis* or any compound manufacture, salt,
2094 derivative, mixture, or preparation of such resin.

2095 (4) Except as authorized by this chapter, a person 18 years
2096 of age or older may not deliver any controlled substance to a
2097 person younger than 18 years of age, use or hire a person
2098 younger than 18 years of age as an agent or employee in the sale
2099 or delivery of such a substance, or use such person to assist in
2100 avoiding detection or apprehension for a violation of this
2101 chapter. A person who violates this subsection ~~paragraph~~ with
2102 respect to:

2103 (a) A controlled substance named or described in s.
2104 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4.
2105 commits a felony of the first degree, punishable as provided in
2106 s. 775.082, s. 775.083, or s. 775.084.

2107 (b) A controlled substance named or described in s.
2108 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6.,
2109 (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) commits a felony of
2110 the second degree, punishable as provided in s. 775.082, s.
2111 775.083, or s. 775.084.

2112 (c) Any other controlled substance, except as lawfully
2113 sold, manufactured, or delivered, commits a felony of the third
2114 degree, punishable as provided in s. 775.082, s. 775.083, or s.
2115 775.084.

2116
2117 Imposition of sentence may not be suspended or deferred, and the
2118 person so convicted may not be placed on probation.

2119 Reviser's note.—Subsection (3) is amended to conform to context

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2120 and to the fact that subsection (3) does not contain
 2121 paragraphs. Subsection (4) is amended to conform to
 2122 context; the amendment to subsection (4) by s. 5, ch. 2016-
 2123 105, Laws of Florida, substituted the word "paragraph" for
 2124 the word "provision," but the introductory material is
 2125 applicable to the entire subsection.

2126 Section 50. Paragraphs (c) and (h) of subsection (3) of
 2127 section 921.0022, Florida Statutes, are amended to read:

2128 921.0022 Criminal Punishment Code; offense severity ranking
 2129 chart.—

2130 (3) OFFENSE SEVERITY RANKING CHART

2131 (c) LEVEL 3

2132

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

2133

2134

2135

2136

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

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2143

328.07 (4) 3rd Manufacture, exchange, or possess vessel with counterfeit or wrong ID number.

2144

376.302 (5) 3rd Fraud related to reimbursement for cleanup expenses under the Inland Protection Trust Fund.

2145

379.2431 (1) (e) 5. 3rd Taking, disturbing, mutilating, destroying, causing to be destroyed, transferring, selling, offering to sell, molesting, or harassing marine turtles, marine turtle eggs, or marine turtle nests in violation of the Marine Turtle Protection Act.

2146

379.2431 3rd Soliciting to commit or conspiring to commit a violation of the Marine Turtle Protection Act.
(1) (e) 7
~~379.2431~~
~~(1) (e) 6.~~

2147

400.9935 (4) (a) 3rd Operating a clinic, or

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or (b)

offering services requiring licensure, without a license.

2148

400.9935 (4) (e)

3rd

Filing a false license application or other required information or failing to report information.

2149

440.1051 (3)

3rd

False report of workers' compensation fraud or retaliation for making such a report.

2150

501.001 (2) (b)

2nd

Tampers with a consumer product or the container using materially false/misleading information.

2151

624.401 (4) (a)

3rd

Transacting insurance without a certificate of authority.

2152

624.401 (4) (b) 1.

3rd

Transacting insurance without a certificate of authority; premium collected less than

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

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

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

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2176	870.01(2)	3rd	and parts.
2177	893.13(1)(a)2.	3rd	Riot; inciting or encouraging.
2178	893.13(1)(d)2.	2nd	Sell, manufacture, or deliver cannabis (or other s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) drugs).
2179	893.13(1)(f)2.	2nd	Sell, manufacture, or deliver s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) drugs within 1,000 feet of university.
			Sell, manufacture, or deliver s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (3), or

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2180

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

893.13(4)(c)

3rd

Use or hire of minor;
deliver to minor other
controlled substances.

2181

893.13(6)(a)

3rd

Possession of any
controlled substance other
than felony possession of
cannabis.

2182

893.13(7)(a)8.

3rd

Withhold information from
practitioner regarding
previous receipt of or
prescription for a
controlled substance.

2183

893.13(7)(a)9.

3rd

Obtain or attempt to obtain
controlled substance by
fraud, forgery,
misrepresentation, etc.

2184

893.13(7)(a)10.

3rd

Affix false or forged label
to package of controlled
substance.

2185

893.13(7)(a)11.

3rd

Furnish false or fraudulent
material information on any

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2186

document or record required
by chapter 893.

893.13(8)(a)1.

3rd

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

2187

893.13(8)(a)2.

3rd

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

2188

893.13(8)(a)3.

3rd

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

2189

893.13(8)(a)4.

3rd

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

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2190				purpose of writing the prescription is a monetary benefit for the practitioner.
2191	918.13 (1) (a)	3rd		Alter, destroy, or conceal investigation evidence.
2192	944.47 (1) (a) 1. & 2.	3rd		Introduce contraband to correctional facility.
2193	944.47 (1) (c)	2nd		Possess contraband while upon the grounds of a correctional institution.
2194	985.721	3rd		Escapes from a juvenile facility (secure detention or residential commitment facility).
2195	(h) LEVEL 8			
2196	Florida Statute	Felony Degree		Description
2197	316.193 (3) (c) 3.a.	2nd		DUI manslaughter.
2198	316.1935 (4) (b)	1st		Aggravated fleeing or attempted

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

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2206

felony.

782.04(4)

2nd

Killing of human without design when engaged in act or attempt of any felony other than arson, sexual battery, robbery, burglary, kidnapping, aggravated fleeing or eluding with serious bodily injury or death, aircraft piracy, or unlawfully discharging bomb.

2207

782.051(2)

1st

Attempted felony murder while perpetrating or attempting to perpetrate a felony not enumerated in s. 782.04(3).

2208

782.071(1)(b)

1st

Committing vehicular homicide and failing to render aid or give information.

2209

782.072(2)

1st

Committing vessel homicide and failing to render aid or give information.

2210

787.06(3)(a)1.

1st

Human trafficking for labor and services of a child.

2211

787.06(3)(b)

1st

Human trafficking using coercion for commercial sexual activity of

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

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

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			structure by fire or explosive, believing person in structure.
2224	810.02 (2) (a)	1st,PBL	Burglary with assault or battery.
2225	810.02 (2) (b)	1st,PBL	Burglary; armed with explosives or dangerous weapon.
2226	810.02 (2) (c)	1st	Burglary of a dwelling or structure causing structural damage or \$1,000 or more property damage.
2227	812.014 (2) (a) 2.	1st	Property stolen; cargo valued at \$50,000 or more, grand theft in 1st degree.
2228	812.13 (2) (b)	1st	Robbery with a weapon.
2229	812.135 (2) (c)	1st	Home-invasion robbery, no firearm, deadly weapon, or other weapon.
2230	817.535 (2) (b)	2nd	Filing false lien or other unauthorized document; second or subsequent offense.
2231	817.535 (3) (a)	2nd	Filing false lien or other unauthorized document; property owner is a public officer or

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2232			employee.
	817.535 (4) (a) 1.	2nd	Filing false lien or other unauthorized document; defendant is incarcerated or under supervision.
2233			
	817.535 (5) (a)	2nd	Filing false lien or other unauthorized document; owner of the property incurs financial loss as a result of the false instrument.
2234			
	817.568 (6)	2nd	Fraudulent use of personal identification information of an individual under the age of 18.
2235			
	817.611 (2) (c)	1st	Traffic in or possess 50 or more counterfeit credit cards or related documents.
2236			
	825.102 (2)	1st	Aggravated abuse of an elderly person or disabled adult.
2237			
	825.1025 (2)	2nd	Lewd or lascivious battery upon an elderly person or disabled adult.
2238			
	825.103 (3) (a)	1st	Exploiting an elderly person or disabled adult and property is

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			valued at \$50,000 or more.
2239	837.02 (2)	2nd	Perjury in official proceedings relating to prosecution of a capital felony.
2240	837.021 (2)	2nd	Making contradictory statements in official proceedings relating to prosecution of a capital felony.
2241	860.121 (2) (c)	1st	Shooting at or throwing any object in path of railroad vehicle resulting in great bodily harm.
2242	860.16	1st	Aircraft piracy.
2243	893.13 (1) (b)	1st	Sell or deliver in excess of 10 grams of any substance specified in s. 893.03 (1) (a) or (b).
2244	893.13 (2) (b)	1st	Purchase in excess of 10 grams of any substance specified in s. 893.03 (1) (a) or (b).
2245	893.13 (6) (c)	1st	Possess in excess of 10 grams of any substance specified in s. 893.03 (1) (a) or (b).
2246	893.135 (1) (a) 2.	1st	Trafficking in cannabis, more than

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

2247

893.135
(1) (b) 1.b.

1st

Trafficking in cocaine, more than 200 grams, less than 400 grams.

2248

893.135
(1) (c) 1.b.

1st

Trafficking in illegal drugs, more than 14 grams, less than 28 grams.

2249

893.135
(1) (c) 2.c.

1st

Trafficking in hydrocodone, 50 grams or more, less than 200 grams.

2250

893.135
(1) (c) 3.c.

1st

Trafficking in oxycodone, 25 grams or more, less than 100 grams.

2251

893.135
(1) (d) 1.b.

1st

Trafficking in phencyclidine, more than 200 grams, less than 400 grams.

2252

893.135
(1) (e) 1.b.

1st

Trafficking in methaqualone, more than 5 kilograms, less than 25 kilograms.

2253

893.135
(1) (f) 1.b.

1st

Trafficking in amphetamine, more than 28 grams, less than 200 grams.

2254

893.135
(1) (g) 1.b.

1st

Trafficking in flunitrazepam, 14 grams or more, less than 28 grams.

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2255

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

2256

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

2257

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

2258

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

2259

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

2260

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

2261

895.03 (3) 1st Conduct or participate in any

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enterprise through pattern of racketeering activity.

2262

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

2263

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

2264

2265 Reviser's note.—Paragraph (3)(c) is amended to conform to the
 2266 redesignation of s. 379.2431(1)(e)6. as s. 379.2431(1)(e)7.
 2267 by s. 4, ch. 2016-107, Laws of Florida. Paragraph (3)(h) is
 2268 amended to conform to the redesignation of subunits in s.
 2269 499.0051 by s. 4, ch. 2016-212, Laws of Florida.

2270 Section 51. Paragraph (c) of subsection (5) of section
 2271 932.7055, Florida Statutes, is amended to read:

2272 932.7055 Disposition of liens and forfeited property.—
 2273 (5)

2274 (c) An agency or organization, other than the seizing
 2275 agency, that wishes to receive such funds shall apply to the
 2276 sheriff or chief of police for an appropriation and its
 2277 application shall be accompanied by a written certification that
 2278 the moneys will be used for an authorized purpose. Such requests
 2279 for expenditures shall include a statement describing
 2280 anticipated recurring costs for the agency for subsequent fiscal

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

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

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

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

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

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

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

2322 1002.385 The Gardiner Scholarship.—

2323 (14) OBLIGATIONS OF THE AUDITOR GENERAL.—

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

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

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

2336 1003.42 Required instruction.—

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

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

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

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

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

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

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

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

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

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

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

2390 (i) The elementary principles of agriculture.

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

2394 (k) Kindness to animals.

2395 (l) The history of the state.

2396 (m) The conservation of natural resources.

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

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

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

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

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

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

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

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

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

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

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

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

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

2469 Reviser's note.—Amended to improve clarity.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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