

By Senator Benacquisto

27-00781-18

20181342__

1 A reviser's bill to be entitled
 2 An act relating to the Florida Statutes; amending ss.
 3 14.20195, 14.31, 27.341, 27.405, 27.511, 39.3035,
 4 106.34, 119.071, 119.092, 121.091, 197.3632, 197.502,
 5 199.303, 206.8745, 213.755, 215.442, 215.444,
 6 215.4725, 252.357, 252.358, 258.501, 261.04, 261.20,
 7 284.02, 286.29, 288.0001, 288.101, 288.1258, 315.03,
 8 320.833, 320.865, 331.3051, 332.007, 344.26, 364.386,
 9 366.92, 373.036, 373.042, 373.470, 373.709, 376.303,
 10 379.2495, 381.986, 381.987, 394.75, 400.6045, 403.061,
 11 403.064, 408.0611, 408.062, 408.811, 408.9091,
 12 409.1754, 409.906, 409.913, 420.609, 429.52, 429.75,
 13 455.219, 456.013, 456.017, 456.041, 462.18, 471.003,
 14 475.451, 475.611, 477.014, 487.2071, 489.529, 490.012,
 15 497.140, 497.282, 497.468, 497.552, 497.553, 497.608,
 16 499.012, 499.01211, 509.049, 520.68, 554.115, 559.11,
 17 626.9541, 627.066, 627.285, 627.748, 663.532,
 18 741.0306, 744.331, 796.04, 817.311, 817.625, 876.24,
 19 905.37, 943.0311, 944.48, 948.03, 1000.06, 1001.215,
 20 1002.61, 1003.4282, 1003.491, 1003.621, 1004.34,
 21 1004.4473, 1006.735, 1007.01, 1011.67, 1011.71, and
 22 1013.64, F.S.; and reenacting ss. 1001.42 and 1008.34,
 23 F.S.; deleting provisions that have expired, have
 24 become obsolete, have had their effect, have served
 25 their purpose, or have been impliedly repealed or
 26 superseded; replacing incorrect cross-references and
 27 citations; correcting grammatical, typographical, and
 28 like errors; removing inconsistencies, redundancies,
 29 and unnecessary repetition in the statutes; and

27-00781-18

20181342

30 improving the clarity of the statutes and facilitating
31 their correct interpretation; providing an effective
32 date.

33
34 Be It Enacted by the Legislature of the State of Florida:

35
36 Section 1. Paragraph (c) of subsection (1) of section
37 14.20195, Florida Statutes, is amended to read:

38 14.20195 Suicide Prevention Coordinating Council; creation;
39 membership; duties.—There is created within the Statewide Office
40 for Suicide Prevention a Suicide Prevention Coordinating
41 Council. The council shall develop strategies for preventing
42 suicide.

43 (1) SCOPE OF ACTIVITY.—The Suicide Prevention Coordinating
44 Council is a coordinating council as defined in s. 20.03 and
45 shall:

46 (c) Make findings and recommendations regarding suicide
47 prevention programs and activities. The council shall prepare an
48 annual report and present it to the Governor, the President of
49 the Senate, and the Speaker of the House of Representatives by
50 January 1, ~~2008~~, and each year thereafter. The annual report
51 must describe the status of existing and planned initiatives
52 identified in the statewide plan for suicide prevention and any
53 recommendations arising therefrom.

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

55 Section 2. Paragraph (a) of subsection (4) of section
56 14.31, Florida Statutes, is amended to read:

57 14.31 Florida Faith-based and Community-based Advisory
58 Council.—

27-00781-18

20181342

(4) MEETINGS; ORGANIZATION.—

(a) ~~The first meeting of the council shall be held no later than August 1, 2006. Thereafter, the council shall meet at least once per quarter per calendar year. Meetings may be held via teleconference or other electronic means.~~

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

Section 3. Subsection (3) of section 27.341, Florida Statutes, is amended to read:

27.341 Electronic filing and receipt of court documents.—

~~(3) The Florida Prosecuting Attorneys Association shall file a report with the President of the Senate and the Speaker of the House of Representatives by March 1, 2012, describing the progress that each office of the state attorney has made to use the Florida Courts E-Portal or, if the case type is not approved for the Florida Courts E-Portal, separate clerks' offices portals for purposes of electronic filing and documenting receipt of court documents. For any office of the state attorney that has not fully implemented an electronic filing and receipt system by March 1, 2012, the report must also include a description of the additional activities that are needed to complete the system for that office and the projected time necessary to complete the additional activities.~~

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

Section 4. Subsection (3) of section 27.405, Florida Statutes, is amended to read:

27.405 Court-appointed counsel; Justice Administrative Commission tracking and reporting.—

~~(3) From October 1, 2005, through September 30, 2007, the commission shall also track and issue a report on the race,~~

27-00781-18

20181342

88 ~~gender, and national origin of private court-appointed counsel~~
89 ~~for the Eleventh Judicial Circuit.~~

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

91 Section 5. Subsection (1) of section 27.511, Florida
92 Statutes, is amended to read:

93 27.511 Offices of criminal conflict and civil regional
94 counsel; legislative intent; qualifications; appointment;
95 duties.—

96 (1) It is the intent of the Legislature to provide adequate
97 representation to persons entitled to court-appointed counsel
98 under the Federal or State Constitution or as authorized by
99 general law. It is the further intent of the Legislature to
100 provide adequate representation in a fiscally sound manner,
101 while safeguarding constitutional principles. Therefore, an
102 office of criminal conflict and civil regional counsel is
103 created within the geographic boundaries of each of the five
104 district courts of appeal. The regional counsel shall be
105 appointed as set forth in subsection (3) for each of the five
106 regional offices. ~~The offices shall commence fulfilling their~~
107 ~~constitutional and statutory purpose and duties on October 1,~~
108 ~~2007.~~

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

110 Section 6. Paragraph (c) of subsection (3) of section
111 39.3035, Florida Statutes, is amended to read:

112 39.3035 Child advocacy centers; standards; state funding.—

113 (3) A child advocacy center within this state may not
114 receive the funds generated pursuant to s. 938.10, state or
115 federal funds administered by a state agency, or any other funds
116 appropriated by the Legislature unless all of the standards of

27-00781-18

20181342

117 subsection (1) are met and the screening requirement of
118 subsection (2) is met. The Florida Network of Children's
119 Advocacy Centers, Inc., shall be responsible for tracking and
120 documenting compliance with subsections (1) and (2) for any of
121 the funds it administers to member child advocacy centers.

122 (c) At the end of each fiscal year, each children's
123 advocacy center receiving revenue as provided in this section
124 must provide a report to the board of directors of the Florida
125 Network of Children's Advocacy Centers, Inc., which reflects
126 center expenditures, all sources of revenue received, and
127 outputs that have been standardized and agreed upon by network
128 members and the board of directors, such as the number of
129 clients served, client demographic information, and number and
130 types of services provided. The Florida Network of Children's
131 Advocacy Centers, Inc., must compile reports from the centers
132 and provide a report to the President of the Senate and the
133 Speaker of the House of Representatives in August of each year
134 ~~beginning in 2005.~~

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

136 Section 7. Subsection (3) of section 106.34, Florida
137 Statutes, is amended to read:

138 106.34 Expenditure limits.—

139 (3) For purposes of this section, "Florida-registered
140 voter" means a voter who is registered to vote in Florida as of
141 June 30 of each odd-numbered year. The Division of Elections
142 shall certify the total number of Florida-registered voters no
143 later than July 31 of each odd-numbered year. Such total number
144 shall be calculated by adding the number of registered voters in
145 each county as of June 30 in the year of the certification date.

27-00781-18

20181342

146 ~~For the 2006 general election, the Division of Elections shall~~
147 ~~certify the total number of Florida registered voters by July~~
148 ~~31, 2005.~~

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

150 Section 8. Paragraph (d) of subsection (4) of section
151 119.071, Florida Statutes, is amended to read:

152 119.071 General exemptions from inspection or copying of
153 public records.—

154 (4) AGENCY PERSONNEL INFORMATION.—

155 (d)1. For purposes of this paragraph, the term "telephone
156 numbers" includes home telephone numbers, personal cellular
157 telephone numbers, personal pager telephone numbers, and
158 telephone numbers associated with personal communications
159 devices.

160 2.a. The home addresses, telephone numbers, dates of birth,
161 and photographs of active or former sworn or civilian law
162 enforcement personnel, including correctional and correctional
163 probation officers, personnel of the Department of Children and
164 Families whose duties include the investigation of abuse,
165 neglect, exploitation, fraud, theft, or other criminal
166 activities, personnel of the Department of Health whose duties
167 are to support the investigation of child abuse or neglect, and
168 personnel of the Department of Revenue or local governments
169 whose responsibilities include revenue collection and
170 enforcement or child support enforcement; the names, home
171 addresses, telephone numbers, photographs, dates of birth, and
172 places of employment of the spouses and children of such
173 personnel; and the names and locations of schools and day care
174 facilities attended by the children of such personnel are exempt

27-00781-18

20181342

175 from s. 119.07(1) and s. 24(a), Art. I of the State
176 Constitution. This sub-subparagraph is subject to the Open
177 Government Sunset Review Act in accordance with s. 119.15 and
178 shall stand repealed on October 2, 2022, unless reviewed and
179 saved from repeal through reenactment by the Legislature.

180 b. The home addresses, telephone numbers, dates of birth,
181 and photographs of current or former nonsworn investigative
182 personnel of the Department of Financial Services whose duties
183 include the investigation of fraud, theft, workers' compensation
184 coverage requirements and compliance, other related criminal
185 activities, or state regulatory requirement violations; the
186 names, home addresses, telephone numbers, dates of birth, and
187 places of employment of the spouses and children of such
188 personnel; and the names and locations of schools and day care
189 facilities attended by the children of such personnel are exempt
190 from s. 119.07(1) and s. 24(a), Art. I of the State
191 Constitution. This sub-subparagraph is subject to the Open
192 Government Sunset Review Act in accordance with s. 119.15 and
193 shall stand repealed on October 2, 2021, unless reviewed and
194 saved from repeal through reenactment by the Legislature.

195 c. The home addresses, telephone numbers, dates of birth,
196 and photographs of current or former nonsworn investigative
197 personnel of the Office of Financial Regulation's Bureau of
198 Financial Investigations whose duties include the investigation
199 of fraud, theft, other related criminal activities, or state
200 regulatory requirement violations; the names, home addresses,
201 telephone numbers, dates of birth, and places of employment of
202 the spouses and children of such personnel; and the names and
203 locations of schools and day care facilities attended by the

27-00781-18

20181342

204 children of such personnel are exempt from s. 119.07(1) and s.
205 24(a), Art. I of the State Constitution. This sub-subparagraph
206 is subject to the Open Government Sunset Review Act in
207 accordance with s. 119.15 and shall stand repealed on October 2,
208 2022, unless reviewed and saved from repeal through reenactment
209 by the Legislature.

210 d. The home addresses, telephone numbers, dates of birth,
211 and photographs of current or former firefighters certified in
212 compliance with s. 633.408; the names, home addresses, telephone
213 numbers, photographs, dates of birth, and places of employment
214 of the spouses and children of such firefighters; and the names
215 and locations of schools and day care facilities attended by the
216 children of such firefighters are exempt from s. 119.07(1) and
217 s. 24(a), Art. I of the State Constitution. This sub-
218 subparagraph is subject to the Open Government Sunset Review Act
219 in accordance with s. 119.15, and shall stand repealed on
220 October 2, 2022, unless reviewed and saved from repeal through
221 reenactment by the Legislature.

222 e. The home addresses, dates of birth, and telephone
223 numbers of current or former justices of the Supreme Court,
224 district court of appeal judges, circuit court judges, and
225 county court judges; the names, home addresses, telephone
226 numbers, dates of birth, and places of employment of the spouses
227 and children of current or former justices and judges; and the
228 names and locations of schools and day care facilities attended
229 by the children of current or former justices and judges are
230 exempt from s. 119.07(1) and s. 24(a), Art. I of the State
231 Constitution. This sub-subparagraph is subject to the Open
232 Government Sunset Review Act in accordance with s. 119.15 and

27-00781-18

20181342

233 shall stand repealed on October 2, 2022, unless reviewed and
234 saved from repeal through reenactment by the Legislature.

235 f. The home addresses, telephone numbers, dates of birth,
236 and photographs of current or former state attorneys, assistant
237 state attorneys, statewide prosecutors, or assistant statewide
238 prosecutors; the names, home addresses, telephone numbers,
239 photographs, dates of birth, and places of employment of the
240 spouses and children of current or former state attorneys,
241 assistant state attorneys, statewide prosecutors, or assistant
242 statewide prosecutors; and the names and locations of schools
243 and day care facilities attended by the children of current or
244 former state attorneys, assistant state attorneys, statewide
245 prosecutors, or assistant statewide prosecutors are exempt from
246 s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

247 g. The home addresses, dates of birth, and telephone
248 numbers of general magistrates, special magistrates, judges of
249 compensation claims, administrative law judges of the Division
250 of Administrative Hearings, and child support enforcement
251 hearing officers; the names, home addresses, telephone numbers,
252 dates of birth, and places of employment of the spouses and
253 children of general magistrates, special magistrates, judges of
254 compensation claims, administrative law judges of the Division
255 of Administrative Hearings, and child support enforcement
256 hearing officers; and the names and locations of schools and day
257 care facilities attended by the children of general magistrates,
258 special magistrates, judges of compensation claims,
259 administrative law judges of the Division of Administrative
260 Hearings, and child support enforcement hearing officers are
261 exempt from s. 119.07(1) and s. 24(a), Art. I of the State

27-00781-18

20181342

262 Constitution. This sub-subparagraph is subject to the Open
263 Government Sunset Review Act in accordance with s. 119.15 and
264 shall stand repealed on October 2, 2022, unless reviewed and
265 saved from repeal through reenactment by the Legislature.

266 h. The home addresses, telephone numbers, dates of birth,
267 and photographs of current or former human resource, labor
268 relations, or employee relations directors, assistant directors,
269 managers, or assistant managers of any local government agency
270 or water management district whose duties include hiring and
271 firing employees, labor contract negotiation, administration, or
272 other personnel-related duties; the names, home addresses,
273 telephone numbers, dates of birth, and places of employment of
274 the spouses and children of such personnel; and the names and
275 locations of schools and day care facilities attended by the
276 children of such personnel are exempt from s. 119.07(1) and s.
277 24(a), Art. I of the State Constitution.

278 i. The home addresses, telephone numbers, dates of birth,
279 and photographs of current or former code enforcement officers;
280 the names, home addresses, telephone numbers, dates of birth,
281 and places of employment of the spouses and children of such
282 personnel; and the names and locations of schools and day care
283 facilities attended by the children of such personnel are exempt
284 from s. 119.07(1) and s. 24(a), Art. I of the State
285 Constitution.

286 j. The home addresses, telephone numbers, places of
287 employment, dates of birth, and photographs of current or former
288 guardians ad litem, as defined in s. 39.820; the names, home
289 addresses, telephone numbers, dates of birth, and places of
290 employment of the spouses and children of such persons; and the

27-00781-18

20181342__

291 names and locations of schools and day care facilities attended
292 by the children of such persons are exempt from s. 119.07(1) and
293 s. 24(a), Art. I of the State Constitution. This sub-
294 subparagraph is subject to the Open Government Sunset Review Act
295 in accordance with s. 119.15 and shall stand repealed on October
296 2, 2022, unless reviewed and saved from repeal through
297 reenactment by the Legislature.

298 k. The home addresses, telephone numbers, dates of birth,
299 and photographs of current or former juvenile probation
300 officers, juvenile probation supervisors, detention
301 superintendents, assistant detention superintendents, juvenile
302 justice detention officers I and II, juvenile justice detention
303 officer supervisors, juvenile justice residential officers,
304 juvenile justice residential officer supervisors I and II,
305 juvenile justice counselors, juvenile justice counselor
306 supervisors, human services counselor administrators, senior
307 human services counselor administrators, rehabilitation
308 therapists, and social services counselors of the Department of
309 Juvenile Justice; the names, home addresses, telephone numbers,
310 dates of birth, and places of employment of spouses and children
311 of such personnel; and the names and locations of schools and
312 day care facilities attended by the children of such personnel
313 are exempt from s. 119.07(1) and s. 24(a), Art. I of the State
314 Constitution.

315 l. The home addresses, telephone numbers, dates of birth,
316 and photographs of current or former public defenders, assistant
317 public defenders, criminal conflict and civil regional counsel,
318 and assistant criminal conflict and civil regional counsel; the
319 names, home addresses, telephone numbers, dates of birth, and

27-00781-18

20181342

320 places of employment of the spouses and children of ~~such~~ current
321 or former public defenders, assistant public defenders, criminal
322 conflict and civil regional counsel, and assistant criminal
323 conflict and civil regional ~~or~~ counsel; and the names and
324 locations of schools and day care facilities attended by the
325 children of ~~such~~ current or former public defenders, assistant
326 public defenders, criminal conflict and civil regional counsel,
327 and assistant criminal conflict and civil regional ~~or~~ counsel
328 are exempt from s. 119.07(1) and s. 24(a), Art. I of the State
329 Constitution.

330 m. The home addresses, telephone numbers, dates of birth,
331 and photographs of current or former investigators or inspectors
332 of the Department of Business and Professional Regulation; the
333 names, home addresses, telephone numbers, dates of birth, and
334 places of employment of the spouses and children of such current
335 or former investigators and inspectors; and the names and
336 locations of schools and day care facilities attended by the
337 children of such current or former investigators and inspectors
338 are exempt from s. 119.07(1) and s. 24(a), Art. I of the State
339 Constitution. This sub-subparagraph is subject to the Open
340 Government Sunset Review Act in accordance with s. 119.15 and
341 shall stand repealed on October 2, 2022, unless reviewed and
342 saved from repeal through reenactment by the Legislature.

343 n. The home addresses, telephone numbers, and dates of
344 birth of county tax collectors; the names, home addresses,
345 telephone numbers, dates of birth, and places of employment of
346 the spouses and children of such tax collectors; and the names
347 and locations of schools and day care facilities attended by the
348 children of such tax collectors are exempt from s. 119.07(1) and

27-00781-18

20181342__

349 s. 24(a), Art. I of the State Constitution. This sub-
350 subparagraph is subject to the Open Government Sunset Review Act
351 in accordance with s. 119.15 and shall stand repealed on October
352 2, 2022, unless reviewed and saved from repeal through
353 reenactment by the Legislature.

354 o. The home addresses, telephone numbers, dates of birth,
355 and photographs of current or former personnel of the Department
356 of Health whose duties include, or result in, the determination
357 or adjudication of eligibility for social security disability
358 benefits, the investigation or prosecution of complaints filed
359 against health care practitioners, or the inspection of health
360 care practitioners or health care facilities licensed by the
361 Department of Health; the names, home addresses, telephone
362 numbers, dates of birth, and places of employment of the spouses
363 and children of such personnel; and the names and locations of
364 schools and day care facilities attended by the children of such
365 personnel are exempt from s. 119.07(1) and s. 24(a), Art. I of
366 the State Constitution. This sub-subparagraph is subject to the
367 Open Government Sunset Review Act in accordance with s. 119.15
368 and shall stand repealed on October 2, 2019, unless reviewed and
369 saved from repeal through reenactment by the Legislature.

370 p. The home addresses, telephone numbers, dates of birth,
371 and photographs of current or former impaired practitioner
372 consultants who are retained by an agency or current or former
373 employees of an impaired practitioner consultant whose duties
374 result in a determination of a person's skill and safety to
375 practice a licensed profession; the names, home addresses,
376 telephone numbers, dates of birth, and places of employment of
377 the spouses and children of such consultants or their employees;

27-00781-18

20181342

378 and the names and locations of schools and day care facilities
379 attended by the children of such consultants or employees are
380 exempt from s. 119.07(1) and s. 24(a), Art. I of the State
381 Constitution. This sub-subparagraph is subject to the Open
382 Government Sunset Review Act in accordance with s. 119.15 and
383 shall stand repealed on October 2, 2020, unless reviewed and
384 saved from repeal through reenactment by the Legislature.

385 q. The home addresses, telephone numbers, dates of birth,
386 and photographs of current or former emergency medical
387 technicians or paramedics certified under chapter 401; the
388 names, home addresses, telephone numbers, dates of birth, and
389 places of employment of the spouses and children of such
390 emergency medical technicians or paramedics; and the names and
391 locations of schools and day care facilities attended by the
392 children of such emergency medical technicians or paramedics are
393 exempt from s. 119.07(1) and s. 24(a), Art. I of the State
394 Constitution. This sub-subparagraph is subject to the Open
395 Government Sunset Review Act in accordance with s. 119.15 and
396 shall stand repealed on October 2, 2021, unless reviewed and
397 saved from repeal through reenactment by the Legislature.

398 r. The home addresses, telephone numbers, dates of birth,
399 and photographs of current or former personnel employed in an
400 agency's office of inspector general or internal audit
401 department whose duties include auditing or investigating waste,
402 fraud, abuse, theft, exploitation, or other activities that
403 could lead to criminal prosecution or administrative discipline;
404 the names, home addresses, telephone numbers, dates of birth,
405 and places of employment of spouses and children of such
406 personnel; and the names and locations of schools and day care

27-00781-18

20181342

407 facilities attended by the children of such personnel are exempt
408 from s. 119.07(1) and s. 24(a), Art. I of the State
409 Constitution. This sub-subparagraph is subject to the Open
410 Government Sunset Review Act in accordance with s. 119.15 and
411 shall stand repealed on October 2, 2021, unless reviewed and
412 saved from repeal through reenactment by the Legislature.

413 3. An agency that is the custodian of the information
414 specified in subparagraph 2. and that is not the employer of the
415 officer, employee, justice, judge, or other person specified in
416 subparagraph 2. shall maintain the exempt status of that
417 information only if the officer, employee, justice, judge, other
418 person, or employing agency of the designated employee submits a
419 written request for maintenance of the exemption to the
420 custodial agency.

421 4. The exemptions in this paragraph apply to information
422 held by an agency before, on, or after the effective date of the
423 exemption.

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

425 Section 9. Section 119.092, Florida Statutes, is amended to
426 read:

427 119.092 Registration by federal employer's registration
428 number.—Each state agency which registers or licenses
429 corporations, partnerships, or other business entities shall
430 include, ~~by July 1, 1978,~~ within its numbering system, the
431 federal employer's identification number of each corporation,
432 partnership, or other business entity registered or licensed by
433 it. Any state agency may maintain a dual numbering system in
434 which the federal employer's identification number or the state
435 agency's own number is the primary identification number;

27-00781-18

20181342

436 however, the records of such state agency shall be designed in
437 such a way that the record of any business entity is subject to
438 direct location by the federal employer's identification number.
439 The Department of State shall keep a registry of federal
440 employer's identification numbers of all business entities,
441 registered with the Division of Corporations, which registry of
442 numbers may be used by all state agencies.

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

444 Section 10. Paragraphs (b) and (c) of subsection (9) of
445 section 121.091, Florida Statutes, are amended to read:

446 121.091 Benefits payable under the system.—Benefits may not
447 be paid under this section unless the member has terminated
448 employment as provided in s. 121.021(39) (a) or begun
449 participation in the Deferred Retirement Option Program as
450 provided in subsection (13), and a proper application has been
451 filed in the manner prescribed by the department. The department
452 may cancel an application for retirement benefits when the
453 member or beneficiary fails to timely provide the information
454 and documents required by this chapter and the department's
455 rules. The department shall adopt rules establishing procedures
456 for application for retirement benefits and for the cancellation
457 of such application when the required information or documents
458 are not received.

459 (9) EMPLOYMENT AFTER RETIREMENT; LIMITATION.—

460 (b) Any person whose retirement is effective before July 1,
461 2010, or whose participation in the Deferred Retirement Option
462 Program terminates before July 1, 2010, except under the
463 disability retirement provisions of subsection (4) or as
464 provided in s. 121.053, may be reemployed by an employer that

27-00781-18

20181342

465 participates in a state-administered retirement system and
466 receive retirement benefits and compensation from that employer,
467 except that the person may not be reemployed by an employer
468 participating in the Florida Retirement System before meeting
469 the definition of termination in s. 121.021 and may not receive
470 both a salary from the employer and retirement benefits for 12
471 calendar months immediately subsequent to the date of
472 retirement. However, a DROP participant shall continue
473 employment and receive a salary during the period of
474 participation in the Deferred Retirement Option Program, as
475 provided in subsection (13).

476 1. A retiree who violates such reemployment limitation
477 before completion of the 12-month limitation period must give
478 timely notice of this fact in writing to the employer and to the
479 Division of Retirement or the state board and shall have his or
480 her retirement benefits suspended for the months employed or the
481 balance of the 12-month limitation period as required in sub-
482 subparagraphs b. and c. A retiree employed in violation of this
483 paragraph and an employer who employs or appoints such person
484 are jointly and severally liable for reimbursement to the
485 retirement trust fund, including the Florida Retirement System
486 Trust Fund and the Florida Retirement System Investment Plan
487 Trust Fund ~~Public Employee Optional Retirement Program Trust~~
488 ~~Fund~~, from which the benefits were paid. The employer must have
489 a written statement from the retiree that he or she is not
490 retired from a state-administered retirement system. Retirement
491 benefits shall remain suspended until repayment has been made.
492 Benefits suspended beyond the reemployment limitation shall
493 apply toward repayment of benefits received in violation of the

27-00781-18

20181342

494 reemployment limitation.

495 a. A district school board may reemploy a retiree as a
496 substitute or hourly teacher, education paraprofessional,
497 transportation assistant, bus driver, or food service worker on
498 a noncontractual basis after he or she has been retired for 1
499 calendar month. A district school board may reemploy a retiree
500 as instructional personnel, as defined in s. 1012.01(2)(a), on
501 an annual contractual basis after he or she has been retired for
502 1 calendar month. Any member who is reemployed within 1 calendar
503 month after retirement shall void his or her application for
504 retirement benefits. District school boards reemploying such
505 teachers, education paraprofessionals, transportation
506 assistants, bus drivers, or food service workers are subject to
507 the retirement contribution required by subparagraph 2.

508 b. A Florida College System institution board of trustees
509 may reemploy a retiree as an adjunct instructor or as a
510 participant in a phased retirement program within the Florida
511 College System, after he or she has been retired for 1 calendar
512 month. A member who is reemployed within 1 calendar month after
513 retirement shall void his or her application for retirement
514 benefits. Boards of trustees reemploying such instructors are
515 subject to the retirement contribution required in subparagraph
516 2. A retiree may be reemployed as an adjunct instructor for no
517 more than 780 hours during the first 12 months of retirement. A
518 retiree reemployed for more than 780 hours during the first 12
519 months of retirement must give timely notice in writing to the
520 employer and to the Division of Retirement or the state board of
521 the date he or she will exceed the limitation. The division
522 shall suspend his or her retirement benefits for the remainder

27-00781-18

20181342__

523 of the 12 months of retirement. Any retiree employed in
524 violation of this sub-subparagraph and any employer who employs
525 or appoints such person without notifying the division to
526 suspend retirement benefits are jointly and severally liable for
527 any benefits paid during the reemployment limitation period. The
528 employer must have a written statement from the retiree that he
529 or she is not retired from a state-administered retirement
530 system. Any retirement benefits received by the retiree while
531 reemployed in excess of 780 hours during the first 12 months of
532 retirement must be repaid to the Florida Retirement System Trust
533 Fund, and retirement benefits shall remain suspended until
534 repayment is made. Benefits suspended beyond the end of the
535 retiree's first 12 months of retirement shall apply toward
536 repayment of benefits received in violation of the 780-hour
537 reemployment limitation.

538 c. The State University System may reemploy a retiree as an
539 adjunct faculty member or as a participant in a phased
540 retirement program within the State University System after the
541 retiree has been retired for 1 calendar month. A member who is
542 reemployed within 1 calendar month after retirement shall void
543 his or her application for retirement benefits. The State
544 University System is subject to the retired contribution
545 required in subparagraph 2., as appropriate. A retiree may be
546 reemployed as an adjunct faculty member or a participant in a
547 phased retirement program for no more than 780 hours during the
548 first 12 months of his or her retirement. A retiree reemployed
549 for more than 780 hours during the first 12 months of retirement
550 must give timely notice in writing to the employer and to the
551 Division of Retirement or the state board of the date he or she

27-00781-18

20181342

552 will exceed the limitation. The division shall suspend his or
553 her retirement benefits for the remainder of the 12 months. Any
554 retiree employed in violation of this sub-subparagraph and any
555 employer who employs or appoints such person without notifying
556 the division to suspend retirement benefits are jointly and
557 severally liable for any benefits paid during the reemployment
558 limitation period. The employer must have a written statement
559 from the retiree that he or she is not retired from a state-
560 administered retirement system. Any retirement benefits received
561 by the retiree while reemployed in excess of 780 hours during
562 the first 12 months of retirement must be repaid to the Florida
563 Retirement System Trust Fund, and retirement benefits shall
564 remain suspended until repayment is made. Benefits suspended
565 beyond the end of the retiree's first 12 months of retirement
566 shall apply toward repayment of benefits received in violation
567 of the 780-hour reemployment limitation.

568 d. The Board of Trustees of the Florida School for the Deaf
569 and the Blind may reemploy a retiree as a substitute teacher,
570 substitute residential instructor, or substitute nurse on a
571 noncontractual basis after he or she has been retired for 1
572 calendar month. Any member who is reemployed within 1 calendar
573 month after retirement shall void his or her application for
574 retirement benefits. The Board of Trustees of the Florida School
575 for the Deaf and the Blind reemploying such teachers,
576 residential instructors, or nurses is subject to the retirement
577 contribution required by subparagraph 2.

578 e. A developmental research school may reemploy a retiree
579 as a substitute or hourly teacher or an education
580 paraprofessional as defined in s. 1012.01(2) on a noncontractual

27-00781-18

20181342

581 basis after he or she has been retired for 1 calendar month. A
582 developmental research school may reemploy a retiree as
583 instructional personnel, as defined in s. 1012.01(2)(a), on an
584 annual contractual basis after he or she has been retired for 1
585 calendar month after retirement. Any member who is reemployed
586 within 1 calendar month voids his or her application for
587 retirement benefits. A developmental research school that
588 reemploys retired teachers and education paraprofessionals is
589 subject to the retirement contribution required by subparagraph
590 2.

591 f. A charter school may reemploy a retiree as a substitute
592 or hourly teacher on a noncontractual basis after he or she has
593 been retired for 1 calendar month. A charter school may reemploy
594 a retired member as instructional personnel, as defined in s.
595 1012.01(2)(a), on an annual contractual basis after he or she
596 has been retired for 1 calendar month after retirement. Any
597 member who is reemployed within 1 calendar month voids his or
598 her application for retirement benefits. A charter school that
599 reemploys such teachers is subject to the retirement
600 contribution required by subparagraph 2.

601 2. The employment of a retiree or DROP participant of a
602 state-administered retirement system does not affect the average
603 final compensation or years of creditable service of the retiree
604 or DROP participant. Before July 1, 1991, upon employment of any
605 person, other than an elected officer as provided in s. 121.053,
606 who is retired under a state-administered retirement program,
607 the employer shall pay retirement contributions in an amount
608 equal to the unfunded actuarial liability portion of the
609 employer contribution which would be required for regular

27-00781-18

20181342

610 members of the Florida Retirement System. Effective July 1,
611 1991, contributions shall be made as provided in s. 121.122 for
612 retirees who have renewed membership or, as provided in
613 subsection (13), for DROP participants.

614 3. Any person who is holding an elective public office
615 which is covered by the Florida Retirement System and who is
616 concurrently employed in nonelected covered employment may elect
617 to retire while continuing employment in the elective public
618 office if he or she terminates his or her nonelected covered
619 employment. Such person shall receive his or her retirement
620 benefits in addition to the compensation of the elective office
621 without regard to the time limitations otherwise provided in
622 this subsection. A person who seeks to exercise the provisions
623 of this subparagraph as they existed before May 3, 1984, may not
624 be deemed to be retired under those provisions, unless such
625 person is eligible to retire under this subparagraph, as amended
626 by chapter 84-11, Laws of Florida.

627 (c) Any person whose retirement is effective on or after
628 July 1, 2010, or whose participation in the Deferred Retirement
629 Option Program terminates on or after July 1, 2010, who is
630 retired under this chapter, except under the disability
631 retirement provisions of subsection (4) or as provided in s.
632 121.053, may be reemployed by an employer that participates in a
633 state-administered retirement system and receive retirement
634 benefits and compensation from that employer. However, a person
635 may not be reemployed by an employer participating in the
636 Florida Retirement System before meeting the definition of
637 termination in s. 121.021 and may not receive both a salary from
638 the employer and retirement benefits for 6 calendar months after

27-00781-18

20181342

639 meeting the definition of termination. However, a DROP
640 participant shall continue employment and receive a salary
641 during the period of participation in the Deferred Retirement
642 Option Program, as provided in subsection (13).

643 1. The reemployed retiree may not renew membership in the
644 Florida Retirement System, except as provided in s. 121.122.

645 2. The employer shall pay retirement contributions in an
646 amount equal to the unfunded actuarial liability portion of the
647 employer contribution that would be required for active members
648 of the Florida Retirement System in addition to the
649 contributions required by s. 121.76.

650 3. A retiree initially reemployed in violation of this
651 paragraph and an employer that employs or appoints such person
652 are jointly and severally liable for reimbursement of any
653 retirement benefits paid to the retirement trust fund from which
654 the benefits were paid, including the Florida Retirement System
655 Trust Fund and the Florida Retirement System Investment Plan
656 Trust Fund ~~Public Employee Optional Retirement Program Trust~~
657 ~~Fund~~, as appropriate. The employer must have a written statement
658 from the employee that he or she is not retired from a state-
659 administered retirement system. Retirement benefits shall remain
660 suspended until repayment is made. Benefits suspended beyond the
661 end of the retiree's 6-month reemployment limitation period
662 shall apply toward the repayment of benefits received in
663 violation of this paragraph.

664 Reviser's note.—Amended to conform to the renaming of the trust
665 fund by s. 27, ch. 2011-68, Laws of Florida.

666 Section 11. Paragraph (b) of subsection (5) of section
667 197.3632, Florida Statutes, is amended to read:

27-00781-18

20181342

668 197.3632 Uniform method for the levy, collection, and
669 enforcement of non-ad valorem assessments.-

670 (5)

671 (b) ~~Beginning in 2009,~~ By December 15 of each year, the tax
672 collector shall provide to the department a copy of each local
673 governing board's non-ad valorem assessment roll containing the
674 data elements and in the format prescribed by the executive
675 director. In addition, ~~beginning in 2008,~~ a report shall be
676 provided to the department by December 15 of each year for each
677 non-ad valorem assessment roll, including, but not limited to,
678 the following information:

679 1. The name and type of local governing board levying the
680 non-ad valorem assessment;

681 2. Whether or not the local government levies a property
682 tax;

683 3. The basis for the levy;

684 4. The rate of assessment;

685 5. The total amount of non-ad valorem assessment levied;

686 and

687 6. The number of parcels affected.

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

689 Section 12. Paragraph (a) of subsection (5) of section
690 197.502, Florida Statutes, is amended to read:

691 197.502 Application for obtaining tax deed by holder of tax
692 sale certificate; fees.—

693 (5) (a) The tax collector may contract with a title company
694 or an abstract company to provide the minimum information
695 required in subsection (4), consistent with rules adopted by the
696 department. If additional information is required, the tax

27-00781-18

20181342

697 collector must make a written request to the title or abstract
698 company stating the additional requirements. The tax collector
699 may select any title or abstract company, regardless of its
700 location, as long as the fee is reasonable, the minimum
701 information is submitted, and the title or abstract company is
702 authorized to do business in this state. The tax collector may
703 advertise and accept bids for the title or abstract company if
704 he or she considers it appropriate to do so.

705 1. The property information report must include the
706 letterhead of the person, firm, or company that makes the
707 search, and the signature of the individual who makes the search
708 or of an officer of the firm. The tax collector is not liable
709 for payment to the firm unless these requirements are met. The
710 report may be submitted to the tax collector in an electronic
711 format.

712 2. The tax collector may not accept or pay for any title
713 search or abstract if financial responsibility is not assumed
714 for the search. However, reasonable restrictions as to the
715 liability or responsibility of the title or abstract company are
716 acceptable. Notwithstanding s. 627.7843(3), the tax collector
717 may contract for higher maximum liability limits.

718 3. In order to establish uniform prices for property
719 information reports within the county, the tax collector must
720 ensure that the contract for property information reports
721 include all requests for title searches or abstracts for a given
722 period of time.

723 Reviser's note.—Amended to correct an apparent error. The word
724 "reports" was stricken in error by s. 3, ch. 2017-132, Laws
725 of Florida; the intent is for the word to remain.

27-00781-18

20181342

726 Section 13. Subsection (3) of section 199.303, Florida
727 Statutes, is amended to read:

728 199.303 Declaration of legislative intent.—

729 ~~(3) It is hereby declared to be the specific intent of the~~
730 ~~Legislature that all annual intangible personal property taxes~~
731 ~~imposed as provided by law for calendar years 2006 and prior~~
732 ~~shall remain in full force and effect during the period~~
733 ~~specified by s. 95.091 for the year in which the tax was due. It~~
734 ~~is further the intent of the Legislature that the department~~
735 ~~continue to assess and collect all taxes due to the state under~~
736 ~~such provisions for all periods available for assessment, as~~
737 ~~provided for the year in which tax was due by s. 95.091.~~
738 Reviser's note.—Amended to improve clarity.

739 Section 14. Paragraph (b) of subsection (8) of section
740 206.8745, Florida Statutes, is amended to read:

741 206.8745 Credits and refund claims.—

742 (8) Undyed, tax-paid diesel fuel purchased in this state
743 and consumed by the engine of a qualified motor coach during
744 idle time for the purpose of running climate control systems and
745 maintaining electrical systems for the motor coach is subject to
746 a refund. As used in this subsection, the term "qualified motor
747 coach" means a privately owned vehicle that is designed to carry
748 nine or more passengers, that has a gross vehicle weight of at
749 least 33,000 pounds, that is used exclusively in the commercial
750 application of transporting passengers for compensation, and
751 that has the capacity to measure diesel fuel consumed in Florida
752 during idling, separate from diesel fuel consumed to propel the
753 vehicle in this state, by way of an on-board computer.

754 (b) The annual refund claim must be submitted before April

27-00781-18

20181342

755 1 of the year following the year in which the tax was paid ~~and~~
756 ~~after December 31, 2000.~~

757
758 The Department of Revenue may adopt rules to administer this
759 subsection.

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

761 Section 15. Subsection (5) of section 213.755, Florida
762 Statutes, is amended to read:

763 213.755 Filing of returns and payment of taxes by
764 electronic means.—

765 (5) ~~Beginning January 1, 2003,~~ Consolidated filers shall
766 file returns and remit taxes by electronic means.

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

768 Section 16. Subsection (1) of section 215.442, Florida
769 Statutes, is amended to read:

770 215.442 Executive director; reporting requirements; public
771 meeting.—

772 (1) ~~Beginning October 2007 and quarterly thereafter,~~ The
773 executive director shall present to the Board of Trustees of the
774 State Board of Administration a quarterly report to include the
775 following:

776 (a) The name of each equity in which the State Board of
777 Administration has invested for the quarter.

778 (b) The industry category of each equity.

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

780 Section 17. Subsection (1) of section 215.444, Florida
781 Statutes, is amended to read:

782 215.444 Investment Advisory Council.—

783 (1) There is created a nine-member ~~six-member~~ Investment

27-00781-18

20181342

784 Advisory Council to review the investments made by the staff of
785 the Board of Administration and to make recommendations to the
786 board regarding investment policy, strategy, and procedures.
787 ~~Beginning February 1, 2011, the membership of the council shall~~
788 ~~be expanded to nine members.~~ The council shall meet with staff
789 of the board at least once each quarter and shall provide a
790 quarterly report directly to the Board of Trustees of the State
791 Board of Administration at a meeting of the board.
792 Reviser's note.—Amended to delete obsolete language.

793 Section 18. Paragraph (a) of subsection (2) and paragraph
794 (a) of subsection (3) of section 215.4725, Florida Statutes, are
795 amended to read:

796 215.4725 Prohibited investments by the State Board of
797 Administration; companies that boycott Israel.—

798 (2) IDENTIFICATION OF COMPANIES.—

799 (a) ~~By August 1, 2016,~~ The public fund shall make its best
800 efforts to identify all scrutinized companies in which the
801 public fund has direct or indirect holdings or could possibly
802 have such holdings in the future. Such efforts include:

803 1. To the extent that the public fund finds it appropriate,
804 reviewing and relying on publicly available information
805 regarding companies that boycott Israel, including information
806 provided by nonprofit organizations, research firms,
807 international organizations, and government entities;

808 2. Contacting asset managers contracted by the public fund
809 for information regarding companies that boycott Israel; or

810 3. Contacting other institutional investors that prohibit
811 such investments or that have engaged with companies that
812 boycott Israel.

27-00781-18

20181342

813 (3) REQUIRED ACTIONS.—The public fund shall adhere to the
814 following procedures for assembling companies on the Scrutinized
815 Companies that Boycott Israel List.

816 (a) *Engagement*.—

817 1. The public fund shall immediately determine the
818 companies on the Scrutinized Companies that Boycott Israel List
819 in which the public fund owns direct or indirect holdings.

820 2. For each company newly identified under this paragraph
821 ~~after August 1, 2016~~, the public fund shall send a written
822 notice informing the company of its scrutinized company status
823 and that it may become subject to investment prohibition by the
824 public fund. The notice must inform the company of the
825 opportunity to clarify its activities regarding the boycott of
826 Israel and encourage the company to cease the boycott of Israel
827 within 90 days in order to avoid qualifying for investment
828 prohibition.

829 3. If, within 90 days after the public fund's first
830 engagement with a company pursuant to this paragraph, the
831 company ceases a boycott of Israel, the company shall be removed
832 from the Scrutinized Companies that Boycott Israel List, and the
833 provisions of this section shall cease to apply to that company
834 unless that company resumes a boycott of Israel.

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

836 Section 19. Section 252.357, Florida Statutes, is amended
837 to read:

838 252.357 Monitoring of nursing homes and assisted living
839 facilities during disaster.—The Florida Comprehensive Emergency
840 Management Plan shall permit the Agency for Health Care
841 Administration, working from the agency's offices or in the

27-00781-18

20181342__

842 Emergency Operations Center, ESF-8, to make initial contact with
843 each nursing home and assisted living facility in the disaster
844 area. The agency, by July 15, 2006, ~~and~~ annually thereafter,
845 shall publish on the Internet an emergency telephone number that
846 may be used by nursing homes and assisted living facilities to
847 contact the agency on a schedule established by the agency to
848 report requests for assistance. The agency may also provide the
849 telephone number to each facility when it makes the initial
850 facility call.

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

852 Section 20. Section 252.358, Florida Statutes, is amended
853 to read:

854 252.358 Emergency-preparedness prescription medication
855 refills.—All health insurers, managed care organizations, and
856 other entities that are licensed by the Office of Insurance
857 Regulation and provide prescription medication coverage as part
858 of a policy or contract shall waive time restrictions on
859 prescription medication refills, which include suspension of
860 electronic "refill too soon" edits to pharmacies, to enable
861 insureds or subscribers to refill prescriptions in advance, if
862 there are authorized refills remaining, and shall authorize
863 payment to pharmacies for at least a 30-day supply of any
864 prescription medication, regardless of the date upon which the
865 prescription had most recently been filled by a pharmacist, when
866 the following conditions occur:

867 (1) The person seeking the prescription medication refill
868 resides in a county that:

869 (a) Is under a hurricane warning issued by the National
870 Weather Service;

27-00781-18

20181342

871 (b) Is declared to be under a state of emergency in an
872 executive order issued by the Governor; or

873 (c) Has activated its emergency operations center and its
874 emergency management plan.

875 (2) The prescription medication refill is requested within
876 30 days after the origination date of the conditions stated in
877 this section or until such conditions are terminated by the
878 issuing authority or no longer exist. The time period for the
879 waiver of prescription medication refills may be extended in 15-
880 or 30-day increments by emergency orders issued by the Office of
881 Insurance Regulation.

882
883 This section does not excuse or exempt an insured or subscriber
884 from compliance with all other terms of the policy or contract
885 providing prescription medication coverage. ~~This section takes
886 effect July 1, 2006.~~

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

888 Section 21. Paragraph (c) of subsection (7) of section
889 258.501, Florida Statutes, is amended to read:

890 258.501 Myakka River; wild and scenic segment.—

891 (7) MANAGEMENT COORDINATING COUNCIL.—

892 ~~(c) The Myakka River Management Coordinating Council shall
893 prepare a report concerning the potential expansion of the
894 Florida Wild and Scenic River designation to include the entire
895 Myakka River. At a minimum, the report shall include a
896 description of the extent of the Myakka River area that may be
897 covered under the expanded designation and any recommendations
898 or concerns of affected parties or other interests. During the
899 development of the report, at least one public hearing shall be~~

27-00781-18

20181342

900 ~~held in each of the affected areas of Manatee, Sarasota, and~~
901 ~~Charlotte Counties. The report shall be submitted to the~~
902 ~~Governor, the President of the Senate, and the Speaker of the~~
903 ~~House of Representatives no later than January 1, 2008.~~

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

905 Section 22. Subsection (1) of section 261.04, Florida
906 Statutes, is amended to read:

907 261.04 Off-Highway Vehicle Recreation Advisory Committee;
908 members; appointment.—

909 (1) ~~Effective July 1, 2003,~~ The Off-Highway Vehicle
910 Recreation Advisory Committee is created within the Florida
911 Forest Service and consists of nine members, all of whom are
912 appointed by the Commissioner of Agriculture. The appointees
913 shall include one representative of the Department of
914 Agriculture and Consumer Services, one representative of the
915 Department of Highway Safety and Motor Vehicles, one
916 representative of the Department of Environmental Protection's
917 Office of Greenways and Trails, one representative of the Fish
918 and Wildlife Conservation Commission, one citizen with
919 scientific expertise in disciplines relating to ecology,
920 wildlife biology, or other environmental sciences, one
921 representative of a licensed off-highway vehicle dealer, and
922 three representatives of off-highway vehicle recreation groups.
923 In making these appointments, the commissioner shall consider
924 the places of residence of the members to ensure statewide
925 representation.

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

927 Section 23. Subsection (3) and paragraph (c) of subsection
928 (4) of section 261.20, Florida Statutes, are amended to read:

27-00781-18

20181342

929 261.20 Operations of off-highway vehicles on public lands;
930 restrictions; safety courses; required equipment; prohibited
931 acts; penalties.—

932 (3) ~~Effective July 1, 2008,~~ While operating an off-highway
933 vehicle, a person who has not attained 16 years of age must have
934 in his or her possession a certificate evidencing the
935 satisfactory completion of an approved off-highway vehicle
936 safety course in this state or another jurisdiction. A
937 nonresident who has not attained 16 years of age and who is in
938 this state temporarily for a period not to exceed 30 days is
939 exempt from this subsection. Nothing contained in this chapter
940 shall prohibit an agency from requiring additional safety-
941 education courses for all operators.

942 (4)

943 (c) ~~On and after July 1, 2008,~~ Off-highway vehicles, when
944 operating pursuant to this chapter, shall be equipped with a
945 silencer or other device which limits sound emissions. Exhaust
946 noise must not exceed 96 decibels in the A-weighting scale for
947 vehicles manufactured after January 1, 1986, or 99 decibels in
948 the A-weighting scale for vehicles manufactured before January
949 1, 1986, when measured from a distance of 20 inches using test
950 procedures established by the Society of Automotive Engineers
951 under Standard J-1287. Off-highway vehicle manufacturers or
952 their agents prior to the sale to the general public in this
953 state of any new off-highway vehicle model manufactured after
954 January 1, 2008, shall provide to the department revolutions-
955 per-minute data needed to conduct the J-1287 test, where
956 applicable.

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

27-00781-18

20181342

958 Section 24. Subsection (1) of section 284.02, Florida
959 Statutes, is amended to read:

960 284.02 Payment of premiums by each agency; handling of
961 funds; payment of losses and expenses.—

962 (1) Premiums as calculated on all coverages shall be billed
963 and charged to each state agency according to coverages obtained
964 from the fund for their benefit, and such obligation shall be
965 paid promptly by each agency from its operating budget upon
966 presentation of a bill therefor. ~~However, no state agency shall~~
967 ~~be liable for the cost of insurance protection under this~~
968 ~~section prior to July 1, 1971, if any obligation therefor would~~
969 ~~be incurred against unappropriated funds. After July 1, 1971,~~
970 Billings and the obligation to pay shall be based on coverage
971 provided during each fiscal year and annually thereafter.
972 Reviser's note.—Amended to delete an obsolete provision.

973 Section 25. Subsection (2) of section 286.29, Florida
974 Statutes, is amended to read:

975 286.29 Climate-friendly public business.—The Legislature
976 recognizes the importance of leadership by state government in
977 the area of energy efficiency and in reducing the greenhouse gas
978 emissions of state government operations. The following shall
979 pertain to all state agencies when conducting public business:

980 (2) ~~Effective July 1, 2008,~~ State agencies shall contract
981 for meeting and conference space only with hotels or conference
982 facilities that have received the "Green Lodging" designation
983 from the Department of Environmental Protection for best
984 practices in water, energy, and waste efficiency standards,
985 unless the responsible state agency head makes a determination
986 that no other viable alternative exists. The Department of

27-00781-18

20181342

987 Environmental Protection is authorized to adopt rules to
988 implement the "Green Lodging" program.

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

990 Section 26. Paragraph (c) of subsection (2) of section
991 288.0001, Florida Statutes, is amended to read:

992 288.0001 Economic Development Programs Evaluation.—The
993 Office of Economic and Demographic Research and the Office of
994 Program Policy Analysis and Government Accountability (OPPAGA)
995 shall develop and present to the Governor, the President of the
996 Senate, the Speaker of the House of Representatives, and the
997 chairs of the legislative appropriations committees the Economic
998 Development Programs Evaluation.

999 (2) The Office of Economic and Demographic Research and
1000 OPPAGA shall provide a detailed analysis of economic development
1001 programs as provided in the following schedule:

1002 (c) By January 1, 2016, and every 3 years thereafter, an
1003 analysis of the following:

1004 1. The qualified defense contractor and space flight
1005 business tax refund program established under s. 288.1045.

1006 2. The tax exemption for semiconductor, defense, or space
1007 technology sales established under s. 212.08(5)(j).

1008 3. The Military Base Protection Program established under
1009 s. 288.980.

1010 ~~4. The Manufacturing and Spaceport Investment Incentive
1011 Program formerly established under s. 288.1083.~~

1012 ~~4.5.~~ The Quick Response Training Program established under
1013 s. 288.047.

1014 ~~5.6.~~ The Incumbent Worker Training Program established
1015 under s. 445.003.

27-00781-18

20181342

1016 ~~6.7.~~ International trade and business development programs
1017 established or funded under s. 288.826.

1018 Reviser's note.—Amended to conform to the repeal of referenced
1019 s. 288.1083 by s. 6, ch. 2014-18, Laws of Florida, to
1020 confirm repeal of s. 288.1083 pursuant to its own terms
1021 effective July 1, 2013.

1022 Section 27. Paragraph (c) of subsection (3) of section
1023 288.101, Florida Statutes, is amended to read:

1024 288.101 Florida Job Growth Grant Fund.—

1025 (3) For purposes of this section:

1026 (c) "Targeted industry" means any industry identified in
1027 the most recent list provided to the Governor, the President of
1028 the Senate, and the Speaker of the House of Representatives in
1029 accordance with s. 288.106(2)(q) ~~288.106(q)~~.

1030 Reviser's note.—Amended to confirm the editorial substitution of
1031 a reference to s. 288.106(2)(q) for a reference to s.
1032 288.106(q) to provide the complete citation.

1033 Section 28. Subsection (5) of section 288.1258, Florida
1034 Statutes, is amended to read:

1035 288.1258 Entertainment industry qualified production
1036 companies; application procedure; categories; duties of the
1037 Department of Revenue; records and reports.—

1038 (5) RELATIONSHIP OF TAX EXEMPTIONS AND INCENTIVES TO
1039 INDUSTRY GROWTH; REPORT TO THE LEGISLATURE.—The Office of Film
1040 and Entertainment shall keep annual records from the information
1041 provided on taxpayer applications for tax exemption certificates
1042 ~~beginning January 1, 2001~~. These records also must reflect a
1043 ratio of the annual amount of sales and use tax exemptions under
1044 this section, plus the incentives awarded pursuant to s.

27-00781-18

20181342

1045 288.1254 to the estimated amount of funds expended by certified
1046 productions. In addition, the office shall maintain data showing
1047 annual growth in Florida-based entertainment industry companies
1048 and entertainment industry employment and wages. The employment
1049 information must include an estimate of the full-time equivalent
1050 positions created by each production that received tax credits
1051 pursuant to s. 288.1254. The Office of Film and Entertainment
1052 shall include this information in the annual report for the
1053 entertainment industry financial incentive program required
1054 under s. 288.1254(10).

1055 Reviser's note.—Amended to delete obsolete language.

1056 Section 29. Paragraph (b) of subsection (12) of section
1057 315.03, Florida Statutes, is amended to read:

1058 315.03 Grant of powers.—Each unit is hereby authorized and
1059 empowered:

1060 (12)

1061 (b) The Florida Seaport Transportation and Economic
1062 Development Council shall prepare an annual report detailing the
1063 amounts loaned, the projects financed by the loans, any interest
1064 earned, and loans outstanding. The report shall be submitted to
1065 the Governor, the President of the Senate, and the Speaker of
1066 the House of Representatives by January 1 of each year,
1067 ~~beginning in 2004.~~

1068 Reviser's note.—Amended to delete obsolete language.

1069 Section 30. Subsection (3) of section 320.833, Florida
1070 Statutes, is amended to read:

1071 320.833 Retention, destruction, and reproduction of
1072 records; electronic retention.—Records and documents of the
1073 Department of Highway Safety and Motor Vehicles, created in

27-00781-18

20181342

1074 compliance with, and in the implementation of, chapter 319 and
1075 this chapter, shall be retained by the department as specified
1076 in record retention schedules established under the general
1077 provisions of chapter 119. Further, the department is hereby
1078 authorized:

1079 (3) ~~Beginning December 1, 2001, the department may~~ To
1080 maintain all records required or obtained in compliance with,
1081 and in the implementation of, chapter 319 and this chapter
1082 exclusively by electronic means.

1083 Reviser's note.—Amended to delete obsolete language.

1084 Section 31. Section 320.865, Florida Statutes, is amended
1085 to read:

1086 320.865 Maintenance of records by the department.—~~Beginning~~
1087 ~~December 1, 2001,~~ The department shall maintain electronic
1088 records of all complaints filed against licensees licensed under
1089 the provisions of ss. 320.27, 320.61, 320.77, 320.771, and
1090 320.8225, any other provision of this chapter to the contrary
1091 notwithstanding. The records shall contain all enforcement
1092 actions taken against licensees and against unlicensed persons
1093 acting in a capacity which would require them to be licensed
1094 under those sections. The electronic file of each licensee and
1095 unlicensed person shall contain a record of any complaints filed
1096 against him or her and a record of any enforcement actions taken
1097 against him or her. The complainant and the referring agency, if
1098 there is one, shall be advised of the disposition by the
1099 department of the complaint within 10 days of such action.

1100 Reviser's note.—Amended to delete obsolete language.

1101 Section 32. Subsection (1) of section 331.3051, Florida
1102 Statutes, is amended to read:

27-00781-18

20181342

1103 331.3051 Duties of Space Florida.—Space Florida shall:

1104 (1) Create a business plan to foster the growth and
 1105 development of the aerospace industry. The business plan must
 1106 address business development, finance, spaceport operations,
 1107 research and development, workforce development, and education.
 1108 The business plan must be ~~completed by March 1, 2007, and be~~
 1109 revised when determined as necessary by the board.

1110 Reviser's note.—Amended to delete obsolete language.

1111 Section 33. Subsection (8) of section 332.007, Florida
 1112 Statutes, is amended to read:

1113 332.007 Administration and financing of aviation and
 1114 airport programs and projects; state plan.—

1115 ~~(8) Notwithstanding any other law to the contrary, any~~
 1116 ~~airport with direct intercontinental passenger service that is~~
 1117 ~~located in a county with a population under 400,000 as of July~~
 1118 ~~1, 2002, and that has a loan from the Department of~~
 1119 ~~Transportation due in August of 2002 shall have such loan~~
 1120 ~~extended until September 18, 2008.~~

1121 Reviser's note.—Amended to delete an obsolete provision.

1122 Section 34. Paragraph (d) of subsection (1) of section
 1123 344.26, Florida Statutes, is amended to read:

1124 344.26 State Board of Administration; duties concerning
 1125 debt service.—

1126 (1)

1127 (d) It shall be the duty of all officials of any such
 1128 public body, county, district, municipality or other public
 1129 authority to turn over to said State Board of Administration
 1130 ~~within 30 days after May 27, 1943, or within 30 days after the~~
 1131 ~~execution hereafter~~ of any such lease or purchase agreement by

27-00781-18

20181342

1132 Department of Transportation all moneys or other assets
1133 applicable to, or available for, the payment of said bonds or
1134 debentures, together with all records, books, documents or other
1135 papers pertaining to said bonds or debentures.

1136 Reviser's note.—Amended to delete obsolete language.

1137 Section 35. Subsection (1) of section 364.386, Florida
1138 Statutes, is amended to read:

1139 364.386 Reports to the Legislature.—

1140 (1) (a) The commission shall submit to the President of the
1141 Senate, the Speaker of the House of Representatives, and the
1142 majority and minority leaders of the Senate and the House of
1143 Representatives, on August 1, ~~2008~~, and on an annual basis
1144 ~~thereafter~~, a report on the status of competition in the
1145 telecommunications industry and a detailed exposition of the
1146 following:

1147 1. The ability of competitive providers to make
1148 functionally equivalent local exchange services available to
1149 both residential and business customers at competitive rates,
1150 terms, and conditions.

1151 2. The ability of consumers to obtain functionally
1152 equivalent services at comparable rates, terms, and conditions.

1153 3. The overall impact of competition on the maintenance of
1154 reasonably affordable and reliable high-quality
1155 telecommunications services.

1156 4. A listing and short description of any carrier disputes
1157 filed under s. 364.16.

1158 (b) The commission shall make an annual request to
1159 providers of local exchange telecommunications services on or
1160 before March 1, ~~2008~~, and on or before ~~March 1~~ of each year

27-00781-18

20181342

1161 ~~thereafter~~, for the data it requires to complete the report. A
1162 provider of local exchange telecommunications services shall
1163 file its response with the commission on or before April 15,
1164 ~~2008, and on or before April 15~~ of each year thereafter.

1165 Reviser's note.—Amended to delete obsolete language.

1166 Section 36. Subsection (3) of section 366.92, Florida
1167 Statutes, is amended to read:

1168 366.92 Florida renewable energy policy.—

1169 (3) Each municipal electric utility and rural electric
1170 cooperative shall develop standards for the promotion,
1171 encouragement, and expansion of the use of renewable energy
1172 resources and energy conservation and efficiency measures. On or
1173 before April 1, ~~2009, and annually thereafter~~, each municipal
1174 electric utility and electric cooperative shall submit to the
1175 commission a report that identifies such standards.

1176 Reviser's note.—Amended to delete obsolete language.

1177 Section 37. Paragraph (a) of subsection (7) of section
1178 373.036, Florida Statutes, is amended to read:

1179 373.036 Florida water plan; district water management
1180 plans.—

1181 (7) CONSOLIDATED WATER MANAGEMENT DISTRICT ANNUAL REPORT.—

1182 (a) By March 1, ~~2006, and annually thereafter~~, each water
1183 management district shall prepare and submit to the department,
1184 the Governor, the President of the Senate, and the Speaker of
1185 the House of Representatives a consolidated water management
1186 district annual report on the management of water resources. In
1187 addition, copies must be provided by the water management
1188 districts to the chairs of all legislative committees having
1189 substantive or fiscal jurisdiction over the districts and the

27-00781-18

20181342

1190 governing board of each county in the district having
1191 jurisdiction or deriving any funds for operations of the
1192 district. Copies of the consolidated annual report must be made
1193 available to the public, either in printed or electronic format.
1194 Reviser's note.—Amended to delete obsolete language.

1195 Section 38. Subsection (3) of section 373.042, Florida
1196 Statutes, is amended to read:

1197 373.042 Minimum flows and minimum water levels.—

1198 (3) By November 15, ~~1997, and~~ annually thereafter, each
1199 water management district shall submit to the department for
1200 review and approval a priority list and schedule for the
1201 establishment of minimum flows and minimum water levels for
1202 surface watercourses, aquifers, and surface waters within the
1203 district. The priority list and schedule shall identify those
1204 listed water bodies for which the district will voluntarily
1205 undertake independent scientific peer review; any reservations
1206 proposed by the district to be established pursuant to s.
1207 373.223(4); and those listed water bodies that have the
1208 potential to be affected by withdrawals in an adjacent district
1209 for which the department's adoption of a reservation pursuant to
1210 s. 373.223(4) or a minimum flow or minimum water level pursuant
1211 to subsection (1) may be appropriate. By March 1, ~~2006, and~~
1212 annually thereafter, each water management district shall
1213 include its approved priority list and schedule in the
1214 consolidated annual report required by s. 373.036(7). The
1215 priority list shall be based upon the importance of the waters
1216 to the state or region and the existence of or potential for
1217 significant harm to the water resources or ecology of the state
1218 or region, and shall include those waters which are experiencing

27-00781-18

20181342

1219 or may reasonably be expected to experience adverse impacts.
1220 Each water management district's priority list and schedule
1221 shall include all first magnitude springs, and all second
1222 magnitude springs within state or federally owned lands
1223 purchased for conservation purposes. The specific schedule for
1224 establishment of spring minimum flows and minimum water levels
1225 shall be commensurate with the existing or potential threat to
1226 spring flow from consumptive uses. Springs within the Suwannee
1227 River Water Management District, or second magnitude springs in
1228 other areas of the state, need not be included on the priority
1229 list if the water management district submits a report to the
1230 Department of Environmental Protection demonstrating that
1231 adverse impacts are not now occurring nor are reasonably
1232 expected to occur from consumptive uses during the next 20
1233 years. The priority list and schedule is not subject to any
1234 proceeding pursuant to chapter 120. Except as provided in
1235 subsection (4), the development of a priority list and
1236 compliance with the schedule for the establishment of minimum
1237 flows and minimum water levels pursuant to this subsection
1238 satisfies the requirements of subsection (1).
1239 Reviser's note.—Amended to delete obsolete language.

1240 Section 39. Subsection (7) of section 373.470, Florida
1241 Statutes, is amended to read:

1242 373.470 Everglades restoration.—

1243 (7) ANNUAL REPORT.—To provide enhanced oversight of and
1244 accountability for the financial commitments established under
1245 this section and the progress made in the implementation of the
1246 comprehensive plan, the following information must be prepared
1247 annually as part of the consolidated annual report required by

27-00781-18

20181342__

1248 s. 373.036(7):

1249 (a) The district, in cooperation with the department, shall
 1250 provide the following information as it relates to
 1251 implementation of the comprehensive plan:

1252 1. An identification of funds, by source and amount,
 1253 received by the state and by each local sponsor during the
 1254 fiscal year.

1255 2. An itemization of expenditures, by source and amount,
 1256 made by the state and by each local sponsor during the fiscal
 1257 year.

1258 3. A description of the purpose for which the funds were
 1259 expended.

1260 4. The unencumbered balance of funds remaining in trust
 1261 funds or other accounts designated for implementation of the
 1262 comprehensive plan.

1263 5. A schedule of anticipated expenditures for the next
 1264 fiscal year.

1265 (b) The department shall prepare a detailed report on all
 1266 funds expended by the state and credited toward the state's
 1267 share of funding for implementation of the comprehensive plan.
 1268 The report shall include:

1269 1. A description of all expenditures, by source and amount,
 1270 from the former Conservation and Recreation Lands Trust Fund,
 1271 the Land Acquisition Trust Fund, the former Preservation 2000
 1272 Trust Fund, the Florida Forever Trust Fund, the Save Our
 1273 Everglades Trust Fund, and other named funds or accounts for the
 1274 acquisition or construction of project components or other
 1275 features or facilities that benefit the comprehensive plan.

1276 2. A description of the purposes for which the funds were

27-00781-18

20181342__

1277 expended.

1278 3. The unencumbered fiscal-year-end balance that remains in
1279 each trust fund or account identified in subparagraph 1.

1280 (c) The district, in cooperation with the department, shall
1281 provide a detailed report on progress made in the implementation
1282 of the comprehensive plan, including the status of all project
1283 components initiated after the effective date of this act or the
1284 date of the last report prepared under this subsection,
1285 whichever is later.

1286
1287 The information required in paragraphs (a), (b), and (c) shall
1288 be provided as part of the consolidated annual report required
1289 by s. 373.036(7). ~~The initial report is due by November 30,~~
1290 ~~2000, and Each annual report thereafter is due by March 1.~~
1291 Reviser's note.—Amended to delete obsolete language.

1292 Section 40. Subsection (9) of section 373.709, Florida
1293 Statutes, is amended to read:

1294 373.709 Regional water supply planning.—

1295 ~~(9) For any regional water supply plan that is scheduled to~~
1296 ~~be updated before December 31, 2005, the deadline for such~~
1297 ~~update shall be extended by 1 year.~~

1298 Reviser's note.—Amended to delete obsolete language.

1299 Section 41. Paragraph (d) of subsection (1) of section
1300 376.303, Florida Statutes, is amended to read:

1301 376.303 Powers and duties of the Department of
1302 Environmental Protection.—

1303 (1) The department has the power and the duty to:

1304 (d) Establish a registration program for drycleaning
1305 facilities and wholesale supply facilities.

27-00781-18

20181342

1306 1. Owners or operators of drycleaning facilities and
1307 wholesale supply facilities and real property owners shall
1308 jointly register each facility owned and in operation with the
1309 department by June 30, 1995, pay initial registration fees by
1310 December 31, 1995, and pay annual renewal registration fees by
1311 December 31, 1996, and each year thereafter, in accordance with
1312 this subsection. If the registration form cannot be jointly
1313 submitted, then the applicant shall provide notice of the
1314 registration to other interested parties. The department shall
1315 establish reasonable requirements for the registration of such
1316 facilities. The department shall use reasonable efforts to
1317 identify and notify drycleaning facilities and wholesale supply
1318 facilities of the registration requirements by certified mail,
1319 return receipt requested. The department shall provide to the
1320 Department of Revenue a copy of each applicant's registration
1321 materials, within 30 working days of the receipt of the
1322 materials. This copy may be in such electronic format as the two
1323 agencies mutually designate.

1324 2.a. The department shall issue an invoice for annual
1325 registration fees to each registered drycleaning facility or
1326 wholesale supply facility by December 31 of each year. Owners of
1327 drycleaning facilities and wholesale supply facilities shall
1328 submit to the department an initial fee of \$100 and an annual
1329 renewal registration fee of \$100 for each drycleaning facility
1330 or wholesale supply facility owned and in operation. The fee
1331 shall be paid within 30 days after receipt of billing by the
1332 department. Facilities that fail to pay their renewal fee within
1333 30 days after receipt of billing are subject to a late fee of
1334 \$75.

27-00781-18

20181342

1335 b. Revenues derived from registration, renewal, and late
1336 fees shall be deposited into the Water Quality Assurance Trust
1337 Fund to be used as provided in s. 376.3078.

1338 3. ~~Effective March 1, 2009,~~ A registered drycleaning
1339 facility shall display in the vicinity of its drycleaning
1340 machines the original or a copy of a valid and current
1341 certificate evidencing registration with the department pursuant
1342 to this paragraph. ~~After that date,~~ A person may not sell or
1343 transfer any drycleaning solvents to an owner or operator of a
1344 drycleaning facility unless the owner or operator of the
1345 drycleaning facility displays the certificate issued by the
1346 department. Violators of this subparagraph are subject to the
1347 remedies available to the department pursuant to s. 376.302.
1348 Reviser's note.—Amended to delete obsolete language.

1349 Section 42. Subsection (5) of section 379.2495, Florida
1350 Statutes, is amended to read:

1351 379.2495 Florida Ships-2-Reefs Program; matching grant
1352 requirements.—

1353 (5) No later than January 1 of each year, ~~2009, and each~~
1354 ~~January 1 thereafter,~~ the commission shall submit a report to
1355 the Governor, the President of the Senate, and the Speaker of
1356 the House of Representatives detailing the expenditure of the
1357 funds appropriated to it for the purposes of carrying out the
1358 provisions of this section.

1359 Reviser's note.—Amended to delete obsolete language.

1360 Section 43. Paragraph (d) of subsection (14) of section
1361 381.986, Florida Statutes, is amended to read:

1362 381.986 Medical use of marijuana.—

1363 (14) EXCEPTIONS TO OTHER LAWS.—

27-00781-18

20181342

1364 (d) A licensed medical marijuana treatment center and its
1365 owners, managers, and employees are not subject to licensure or
1366 regulation under chapter 465 or chapter 499 for manufacturing,
1367 possessing, selling, delivering, distributing, dispensing, or
1368 lawfully disposing of marijuana or a marijuana delivery device,
1369 as provided in this section, in s. 381.988, and by department
1370 rule.

1371 Reviser's note.—Amended to confirm the editorial insertion of
1372 the word "in."

1373 Section 44. Paragraph (b) of subsection (1) of section
1374 381.987, Florida Statutes, is amended to read:

1375 381.987 Public records exemption for personal identifying
1376 information relating to medical marijuana held by the
1377 department.—

1378 (1) The following information is confidential and exempt
1379 from s. 119.07(1) and s. 24(a), Art. I of the State
1380 Constitution:

1381 (b) All personal identifying information collected for the
1382 purpose of issuing a patient's or caregiver's medical marijuana
1383 use registry identification card described in s. 381.986
1384 ~~381.896~~.

1385 Reviser's note.—Amended to correct an erroneous cross-reference.

1386 Section 381.986(7), as amended by s. 3, ch. 2017-232, Laws
1387 of Florida, authorizes and describes medical marijuana use
1388 registry identification cards.

1389 Section 45. Subsection (2) of section 394.75, Florida
1390 Statutes, is amended to read:

1391 394.75 State and district substance abuse and mental health
1392 plans.—

27-00781-18

20181342__

- 1393 (2) The state master plan shall also include:
- 1394 (a) A proposal for the development of a data system that
- 1395 will evaluate the effectiveness of programs and services
- 1396 provided to clients of the substance abuse and mental health
- 1397 service system.
- 1398 (b) A proposal to resolve the funding discrepancies between
- 1399 districts.
- 1400 (c) A methodology for the allocation of resources available
- 1401 from federal, state, and local sources and a description of the
- 1402 current level of funding available from each source.
- 1403 (d) A description of the statewide priorities for clients
- 1404 and services, and each district's priorities for clients and
- 1405 services.
- 1406 (e) Recommendations for methods of enhancing local
- 1407 participation in the planning, organization, and financing of
- 1408 substance abuse and mental health services.
- 1409 (f) A description of the current methods of contracting for
- 1410 services, an assessment of the efficiency of these methods in
- 1411 providing accountability for contracted funds, and
- 1412 recommendations for improvements to the system of contracting.
- 1413 (g) Recommendations for improving access to services by
- 1414 clients and their families.
- 1415 (h) Guidelines and formats for the development of district
- 1416 plans.
- 1417 (i) Recommendations for future directions for the substance
- 1418 abuse and mental health service delivery system.
- 1419
- 1420 A schedule, format, and procedure for development and review of
- 1421 the state master plan shall be adopted by the department by June

27-00781-18

20181342

1422 of each year. The plan and annual updates must be submitted to
 1423 the President of the Senate and the Speaker of the House of
 1424 Representatives by January 1 of each year, ~~beginning January 1,~~
 1425 ~~2001.~~

1426 Reviser's note.—Amended to delete obsolete language.

1427 Section 46. Paragraph (i) of subsection (1) of section
 1428 400.6045, Florida Statutes, is amended to read:

1429 400.6045 Patients with Alzheimer's disease or other related
 1430 disorders; staff training requirements; certain disclosures.—

1431 (1) A hospice licensed under this part must provide the
 1432 following staff training:

1433 ~~(i) An employee who is hired on or after July 1, 2003, must~~
 1434 ~~complete the required training by July 1, 2004, or by the~~
 1435 ~~deadline specified in this section, whichever is later.~~

1436 Reviser's note.—Amended to delete obsolete language.

1437 Section 47. Subsection (23) of section 403.061, Florida
 1438 Statutes, is amended to read:

1439 403.061 Department; powers and duties.—The department shall
 1440 have the power and the duty to control and prohibit pollution of
 1441 air and water in accordance with the law and rules adopted and
 1442 promulgated by it and, for this purpose, to:

1443 (23) Adopt rules and regulations to ensure that no
 1444 detergents are sold in Florida ~~after December 31, 1972,~~ which
 1445 are reasonably found to have a harmful or deleterious effect on
 1446 human health or on the environment. Any regulations adopted
 1447 pursuant to this subsection shall apply statewide. Subsequent to
 1448 the promulgation of such rules and regulations, no county,
 1449 municipality, or other local political subdivision shall adopt
 1450 or enforce any local ordinance, special law, or local regulation

27-00781-18

20181342

1451 governing detergents which is less stringent than state law or
1452 regulation. Regulations, ordinances, or special acts adopted by
1453 a county or municipality governing detergents shall be subject
1454 to approval by the department, except that regulations,
1455 ordinances, or special acts adopted by any county or
1456 municipality with a local pollution control program approved
1457 pursuant to s. 403.182 shall be approved as an element of the
1458 local pollution control program.

1459
1460 The department shall implement such programs in conjunction with
1461 its other powers and duties and shall place special emphasis on
1462 reducing and eliminating contamination that presents a threat to
1463 humans, animals or plants, or to the environment.

1464 Reviser's note.—Amended to delete obsolete language.

1465 Section 48. Subsection (16) of section 403.064, Florida
1466 Statutes, is amended to read:

1467 403.064 Reuse of reclaimed water.—

1468 (16) Utilities implementing reuse projects are encouraged,
1469 except in the case of use by electric utilities as defined in s.
1470 366.02(2), to meter use of reclaimed water by all end users and
1471 to charge for the use of reclaimed water based on the actual
1472 volume used when such metering and charges can be shown to
1473 encourage water conservation. Metering and the use of volume-
1474 based rates are effective water management tools for the
1475 following reuse activities: residential irrigation, agricultural
1476 irrigation, industrial uses, landscape irrigation, irrigation of
1477 other public access areas, commercial and institutional uses
1478 such as toilet flushing, and transfers to other reclaimed water
1479 utilities. ~~Beginning with the submittal due on January 1, 2005,~~

27-00781-18

20181342

1480 Each domestic wastewater utility that provides reclaimed water
1481 for the reuse activities listed in this section shall include a
1482 summary of its metering and rate structure as part of its annual
1483 reuse report to the department.

1484 Reviser's note.—Amended to delete obsolete language.

1485 Section 49. Subsection (3) of section 408.0611, Florida
1486 Statutes, is amended to read:

1487 408.0611 Electronic prescribing clearinghouse.—

1488 (3) The agency shall work in collaboration with private
1489 sector electronic prescribing initiatives and relevant
1490 stakeholders to create a clearinghouse of information on
1491 electronic prescribing for health care practitioners, health
1492 care facilities, and pharmacies. These stakeholders shall
1493 include organizations that represent health care practitioners,
1494 organizations that represent health care facilities,
1495 organizations that represent pharmacies, organizations that
1496 operate electronic prescribing networks, organizations that
1497 create electronic prescribing products, and regional health
1498 information organizations. Specifically, the agency shall, ~~by~~
1499 ~~October 1, 2007:~~

1500 (a) Provide on its website:

1501 1. Information regarding the process of electronic
1502 prescribing and the availability of electronic prescribing
1503 products, including no-cost or low-cost products;

1504 2. Information regarding the advantages of electronic
1505 prescribing, including using medication history data to prevent
1506 drug interactions, prevent allergic reactions, and deter doctor
1507 and pharmacy shopping for controlled substances;

1508 3. Links to federal and private sector websites that

27-00781-18

20181342

1509 provide guidance on selecting an appropriate electronic
1510 prescribing product; and

1511 4. Links to state, federal, and private sector incentive
1512 programs for the implementation of electronic prescribing.

1513 (b) Convene quarterly meetings of the stakeholders to
1514 assess and accelerate the implementation of electronic
1515 prescribing.

1516 Reviser's note.—Amended to delete obsolete language.

1517 Section 50. Paragraphs (i) and (j) of subsection (1) of
1518 section 408.062, Florida Statutes, are amended to read:

1519 408.062 Research, analyses, studies, and reports.—

1520 (1) The agency shall conduct research, analyses, and
1521 studies relating to health care costs and access to and quality
1522 of health care services as access and quality are affected by
1523 changes in health care costs. Such research, analyses, and
1524 studies shall include, but not be limited to:

1525 (i) The use of emergency department services by patient
1526 acuity level and the implication of increasing hospital cost by
1527 providing nonurgent care in emergency departments. The agency
1528 shall submit an annual report based on this monitoring and
1529 assessment to the Governor, the Speaker of the House of
1530 Representatives, the President of the Senate, and the
1531 substantive legislative committees, due ~~with the first report~~
1532 ~~due~~ January 1, ~~2006~~.

1533 (j) The making available on its Internet website ~~beginning~~
1534 ~~no later than October 1, 2004~~, and in a hard-copy format upon
1535 request, of patient charge, volumes, length of stay, and
1536 performance indicators collected from health care facilities
1537 pursuant to s. 408.061(1)(a) for specific medical conditions,

27-00781-18

20181342

1538 surgeries, and procedures provided in inpatient and outpatient
1539 facilities as determined by the agency. In making the
1540 determination of specific medical conditions, surgeries, and
1541 procedures to include, the agency shall consider such factors as
1542 volume, severity of the illness, urgency of admission,
1543 individual and societal costs, and whether the condition is
1544 acute or chronic. Performance outcome indicators shall be risk
1545 adjusted or severity adjusted, as applicable, using nationally
1546 recognized risk adjustment methodologies or software consistent
1547 with the standards of the Agency for Healthcare Research and
1548 Quality and as selected by the agency. The website shall also
1549 provide an interactive search that allows consumers to view and
1550 compare the information for specific facilities, a map that
1551 allows consumers to select a county or region, definitions of
1552 all of the data, descriptions of each procedure, and an
1553 explanation about why the data may differ from facility to
1554 facility. Such public data shall be updated quarterly. The
1555 agency shall submit an annual status report on the collection of
1556 data and publication of health care quality measures to the
1557 Governor, the Speaker of the House of Representatives, the
1558 President of the Senate, and the substantive legislative
1559 committees, ~~with the first status report due January 1, 2005.~~
1560 Reviser's note.—Amended to delete obsolete language.

1561 Section 51. Paragraph (a) of subsection (6) of section
1562 408.811, Florida Statutes, is amended to read:

1563 408.811 Right of inspection; copies; inspection reports;
1564 plan for correction of deficiencies.—

1565 (6) (a) Each licensee shall maintain as public information,
1566 available upon request, records of all inspection reports

27-00781-18

20181342

1567 pertaining to that provider that have been filed by the agency
 1568 unless those reports are exempt from or contain information that
 1569 is exempt from s. 119.07(1) and s. 24(a), Art. I of the State
 1570 Constitution or is otherwise made confidential by law. ~~Effective~~
 1571 ~~October 1, 2006,~~ Copies of such reports shall be retained in the
 1572 records of the provider for at least 3 years following the date
 1573 the reports are filed and issued, regardless of a change of
 1574 ownership.

1575 Reviser's note.—Amended to delete obsolete language.

1576 Section 52. Paragraph (d) of subsection (10) of section
 1577 408.9091, Florida Statutes, is amended to read:

1578 408.9091 Cover Florida Health Care Access Program.—

1579 (10) PROGRAM EVALUATION.—The agency and the office shall:

1580 (d) Jointly submit by March 1, ~~2009,~~ and annually
 1581 ~~thereafter,~~ a report to the Governor, the President of the
 1582 Senate, and the Speaker of the House of Representatives which
 1583 provides the information specified in paragraphs (a)-(c) and
 1584 recommendations relating to the successful implementation and
 1585 administration of the program.

1586 Reviser's note.—Amended to delete obsolete language.

1587 Section 53. Paragraph (a) of subsection (2) of section
 1588 409.1754, Florida Statutes, is amended to read:

1589 409.1754 Commercial sexual exploitation of children;
 1590 screening and assessment; training; multidisciplinary staffings;
 1591 service plans.—

1592 (2) MULTIDISCIPLINARY STAFFINGS AND SERVICE PLANS.—

1593 (a) The department, or a sheriff's office acting under s.
 1594 39.3065, shall conduct a multidisciplinary staffing for each
 1595 child who ~~that~~ is a suspected or verified victim of commercial

27-00781-18

20181342

1596 sexual exploitation. The department or sheriff's office shall
1597 coordinate the staffing and invite individuals involved in the
1598 child's care, including, but not limited to, the child, if
1599 appropriate; the child's family or legal guardian; the child's
1600 guardian ad litem; Department of Juvenile Justice staff; school
1601 district staff; local health and human services providers;
1602 victim advocates; and any other persons who may be able to
1603 assist the child.

1604 Reviser's note.—Amended to confirm the editorial substitution of
1605 the word "who" for the word "that."

1606 Section 54. Paragraph (b) of subsection (1) and subsection
1607 (26) of section 409.906, Florida Statutes, are amended to read:

1608 409.906 Optional Medicaid services.—Subject to specific
1609 appropriations, the agency may make payments for services which
1610 are optional to the state under Title XIX of the Social Security
1611 Act and are furnished by Medicaid providers to recipients who
1612 are determined to be eligible on the dates on which the services
1613 were provided. Any optional service that is provided shall be
1614 provided only when medically necessary and in accordance with
1615 state and federal law. Optional services rendered by providers
1616 in mobile units to Medicaid recipients may be restricted or
1617 prohibited by the agency. Nothing in this section shall be
1618 construed to prevent or limit the agency from adjusting fees,
1619 reimbursement rates, lengths of stay, number of visits, or
1620 number of services, or making any other adjustments necessary to
1621 comply with the availability of moneys and any limitations or
1622 directions provided for in the General Appropriations Act or
1623 chapter 216. If necessary to safeguard the state's systems of
1624 providing services to elderly and disabled persons and subject

27-00781-18

20181342

1625 to the notice and review provisions of s. 216.177, the Governor
1626 may direct the Agency for Health Care Administration to amend
1627 the Medicaid state plan to delete the optional Medicaid service
1628 known as "Intermediate Care Facilities for the Developmentally
1629 Disabled." Optional services may include:

1630 (1) ADULT DENTAL SERVICES.—

1631 (b) ~~Beginning July 1, 2006,~~ The agency may pay for full or
1632 partial dentures, the procedures required to seat full or
1633 partial dentures, and the repair and reline of full or partial
1634 dentures, provided by or under the direction of a licensed
1635 dentist, for a recipient who is 21 years of age or older.

1636 (26) HOME AND COMMUNITY-BASED SERVICES FOR AUTISM SPECTRUM
1637 DISORDER AND OTHER DEVELOPMENTAL DISABILITIES.—The agency is
1638 authorized to seek federal approval through a Medicaid waiver or
1639 a state plan amendment for the provision of occupational
1640 therapy, speech therapy, physical therapy, behavior analysis,
1641 and behavior assistant services to individuals who are 5 years
1642 of age and under and have a diagnosed developmental disability
1643 as defined in s. 393.063, autism spectrum disorder as defined in
1644 s. 627.6686, or Down syndrome, a genetic disorder caused by the
1645 presence of extra chromosomal material on chromosome 21. Causes
1646 of the syndrome may include Trisomy 21, Mosaicism, Robertsonian
1647 Translocation, and other duplications of a portion of chromosome
1648 21. Coverage for such services shall be limited to \$36,000
1649 annually and may not exceed \$108,000 in total lifetime benefits.
1650 The agency shall submit an annual report ~~beginning~~ on January 1,
1651 ~~2009,~~ to the President of the Senate, the Speaker of the House
1652 of Representatives, and the relevant committees of the Senate
1653 and the House of Representatives regarding progress on obtaining

27-00781-18

20181342

1654 federal approval and recommendations for the implementation of
1655 these home and community-based services. The agency may not
1656 implement this subsection without prior legislative approval.
1657 Reviser's note.—Amended to delete obsolete language.

1658 Section 55. Section 409.913, Florida Statutes, is amended
1659 to read:

1660 409.913 Oversight of the integrity of the Medicaid
1661 program.—The agency shall operate a program to oversee the
1662 activities of Florida Medicaid recipients, and providers and
1663 their representatives, to ensure that fraudulent and abusive
1664 behavior and neglect of recipients occur to the minimum extent
1665 possible, and to recover overpayments and impose sanctions as
1666 appropriate. ~~Beginning January 1, 2003, and~~ Each January 1 year
1667 ~~thereafter~~, the agency and the Medicaid Fraud Control Unit of
1668 the Department of Legal Affairs shall submit a joint report to
1669 the Legislature documenting the effectiveness of the state's
1670 efforts to control Medicaid fraud and abuse and to recover
1671 Medicaid overpayments during the previous fiscal year. The
1672 report must describe the number of cases opened and investigated
1673 each year; the sources of the cases opened; the disposition of
1674 the cases closed each year; the amount of overpayments alleged
1675 in preliminary and final audit letters; the number and amount of
1676 fines or penalties imposed; any reductions in overpayment
1677 amounts negotiated in settlement agreements or by other means;
1678 the amount of final agency determinations of overpayments; the
1679 amount deducted from federal claiming as a result of
1680 overpayments; the amount of overpayments recovered each year;
1681 the amount of cost of investigation recovered each year; the
1682 average length of time to collect from the time the case was

27-00781-18

20181342__

1683 opened until the overpayment is paid in full; the amount
1684 determined as uncollectible and the portion of the uncollectible
1685 amount subsequently reclaimed from the Federal Government; the
1686 number of providers, by type, that are terminated from
1687 participation in the Medicaid program as a result of fraud and
1688 abuse; and all costs associated with discovering and prosecuting
1689 cases of Medicaid overpayments and making recoveries in such
1690 cases. The report must also document actions taken to prevent
1691 overpayments and the number of providers prevented from
1692 enrolling in or reenrolling in the Medicaid program as a result
1693 of documented Medicaid fraud and abuse and must include policy
1694 recommendations necessary to prevent or recover overpayments and
1695 changes necessary to prevent and detect Medicaid fraud. All
1696 policy recommendations in the report must include a detailed
1697 fiscal analysis, including, but not limited to, implementation
1698 costs, estimated savings to the Medicaid program, and the return
1699 on investment. The agency must submit the policy recommendations
1700 and fiscal analyses in the report to the appropriate estimating
1701 conference, pursuant to s. 216.137, by February 15 of each year.
1702 The agency and the Medicaid Fraud Control Unit of the Department
1703 of Legal Affairs each must include detailed unit-specific
1704 performance standards, benchmarks, and metrics in the report,
1705 including projected cost savings to the state Medicaid program
1706 during the following fiscal year.

1707 (1) For the purposes of this section, the term:

1708 (a) "Abuse" means:

1709 1. Provider practices that are inconsistent with generally
1710 accepted business or medical practices and that result in an
1711 unnecessary cost to the Medicaid program or in reimbursement for

27-00781-18

20181342

1712 goods or services that are not medically necessary or that fail
1713 to meet professionally recognized standards for health care.

1714 2. Recipient practices that result in unnecessary cost to
1715 the Medicaid program.

1716 (b) "Complaint" means an allegation that fraud, abuse, or
1717 an overpayment has occurred.

1718 (c) "Fraud" means an intentional deception or
1719 misrepresentation made by a person with the knowledge that the
1720 deception results in unauthorized benefit to herself or himself
1721 or another person. The term includes any act that constitutes
1722 fraud under applicable federal or state law.

1723 (d) "Medical necessity" or "medically necessary" means any
1724 goods or services necessary to palliate the effects of a
1725 terminal condition, or to prevent, diagnose, correct, cure,
1726 alleviate, or preclude deterioration of a condition that
1727 threatens life, causes pain or suffering, or results in illness
1728 or infirmity, which goods or services are provided in accordance
1729 with generally accepted standards of medical practice. For
1730 purposes of determining Medicaid reimbursement, the agency is
1731 the final arbiter of medical necessity. Determinations of
1732 medical necessity must be made by a licensed physician employed
1733 by or under contract with the agency and must be based upon
1734 information available at the time the goods or services are
1735 provided.

1736 (e) "Overpayment" includes any amount that is not
1737 authorized to be paid by the Medicaid program whether paid as a
1738 result of inaccurate or improper cost reporting, improper
1739 claiming, unacceptable practices, fraud, abuse, or mistake.

1740 (f) "Person" means any natural person, corporation,

27-00781-18

20181342

1741 partnership, association, clinic, group, or other entity,
1742 whether or not such person is enrolled in the Medicaid program
1743 or is a provider of health care.

1744 (2) The agency shall conduct, or cause to be conducted by
1745 contract or otherwise, reviews, investigations, analyses,
1746 audits, or any combination thereof, to determine possible fraud,
1747 abuse, overpayment, or recipient neglect in the Medicaid program
1748 and shall report the findings of any overpayments in audit
1749 reports as appropriate. At least 5 percent of all audits shall
1750 be conducted on a random basis. As part of its ongoing fraud
1751 detection activities, the agency shall identify and monitor, by
1752 contract or otherwise, patterns of overutilization of Medicaid
1753 services based on state averages. The agency shall track
1754 Medicaid provider prescription and billing patterns and evaluate
1755 them against Medicaid medical necessity criteria and coverage
1756 and limitation guidelines adopted by rule. Medical necessity
1757 determination requires that service be consistent with symptoms
1758 or confirmed diagnosis of illness or injury under treatment and
1759 not in excess of the patient's needs. The agency shall conduct
1760 reviews of provider exceptions to peer group norms and shall,
1761 using statistical methodologies, provider profiling, and
1762 analysis of billing patterns, detect and investigate abnormal or
1763 unusual increases in billing or payment of claims for Medicaid
1764 services and medically unnecessary provision of services.

1765 (3) The agency may conduct, or may contract for, prepayment
1766 review of provider claims to ensure cost-effective purchasing;
1767 to ensure that billing by a provider to the agency is in
1768 accordance with applicable provisions of all Medicaid rules,
1769 regulations, handbooks, and policies and in accordance with

27-00781-18

20181342__

1770 federal, state, and local law; and to ensure that appropriate
1771 care is rendered to Medicaid recipients. Such prepayment reviews
1772 may be conducted as determined appropriate by the agency,
1773 without any suspicion or allegation of fraud, abuse, or neglect,
1774 and may last for up to 1 year. Unless the agency has reliable
1775 evidence of fraud, misrepresentation, abuse, or neglect, claims
1776 shall be adjudicated for denial or payment within 90 days after
1777 receipt of complete documentation by the agency for review. If
1778 there is reliable evidence of fraud, misrepresentation, abuse,
1779 or neglect, claims shall be adjudicated for denial of payment
1780 within 180 days after receipt of complete documentation by the
1781 agency for review.

1782 (4) Any suspected criminal violation identified by the
1783 agency must be referred to the Medicaid Fraud Control Unit of
1784 the Office of the Attorney General for investigation. The agency
1785 and the Attorney General shall enter into a memorandum of
1786 understanding, which must include, but need not be limited to, a
1787 protocol for regularly sharing information and coordinating
1788 casework. The protocol must establish a procedure for the
1789 referral by the agency of cases involving suspected Medicaid
1790 fraud to the Medicaid Fraud Control Unit for investigation, and
1791 the return to the agency of those cases where investigation
1792 determines that administrative action by the agency is
1793 appropriate. Offices of the Medicaid program integrity program
1794 and the Medicaid Fraud Control Unit of the Department of Legal
1795 Affairs, shall, to the extent possible, be collocated. The
1796 agency and the Department of Legal Affairs shall periodically
1797 conduct joint training and other joint activities designed to
1798 increase communication and coordination in recovering

27-00781-18

20181342

1799 overpayments.

1800 (5) A Medicaid provider is subject to having goods and
1801 services that are paid for by the Medicaid program reviewed by
1802 an appropriate peer-review organization designated by the
1803 agency. The written findings of the applicable peer-review
1804 organization are admissible in any court or administrative
1805 proceeding as evidence of medical necessity or the lack thereof.

1806 (6) Any notice required to be given to a provider under
1807 this section is presumed to be sufficient notice if sent to the
1808 address last shown on the provider enrollment file. It is the
1809 responsibility of the provider to furnish and keep the agency
1810 informed of the provider's current address. United States Postal
1811 Service proof of mailing or certified or registered mailing of
1812 such notice to the provider at the address shown on the provider
1813 enrollment file constitutes sufficient proof of notice. Any
1814 notice required to be given to the agency by this section must
1815 be sent to the agency at an address designated by rule.

1816 (7) When presenting a claim for payment under the Medicaid
1817 program, a provider has an affirmative duty to supervise the
1818 provision of, and be responsible for, goods and services claimed
1819 to have been provided, to supervise and be responsible for
1820 preparation and submission of the claim, and to present a claim
1821 that is true and accurate and that is for goods and services
1822 that:

1823 (a) Have actually been furnished to the recipient by the
1824 provider prior to submitting the claim.

1825 (b) Are Medicaid-covered goods or services that are
1826 medically necessary.

1827 (c) Are of a quality comparable to those furnished to the

27-00781-18

20181342__

1828 general public by the provider's peers.

1829 (d) Have not been billed in whole or in part to a recipient
1830 or a recipient's responsible party, except for such copayments,
1831 coinsurance, or deductibles as are authorized by the agency.

1832 (e) Are provided in accord with applicable provisions of
1833 all Medicaid rules, regulations, handbooks, and policies and in
1834 accordance with federal, state, and local law.

1835 (f) Are documented by records made at the time the goods or
1836 services were provided, demonstrating the medical necessity for
1837 the goods or services rendered. Medicaid goods or services are
1838 excessive or not medically necessary unless both the medical
1839 basis and the specific need for them are fully and properly
1840 documented in the recipient's medical record.

1841
1842 The agency shall deny payment or require repayment for goods or
1843 services that are not presented as required in this subsection.

1844 (8) The agency shall not reimburse any person or entity for
1845 any prescription for medications, medical supplies, or medical
1846 services if the prescription was written by a physician or other
1847 prescribing practitioner who is not enrolled in the Medicaid
1848 program. This section does not apply:

1849 (a) In instances involving bona fide emergency medical
1850 conditions as determined by the agency;

1851 (b) To a provider of medical services to a patient in a
1852 hospital emergency department, hospital inpatient or outpatient
1853 setting, or nursing home;

1854 (c) To bona fide pro bono services by preapproved non-
1855 Medicaid providers as determined by the agency;

1856 (d) To prescribing physicians who are board-certified

27-00781-18

20181342

1857 specialists treating Medicaid recipients referred for treatment
1858 by a treating physician who is enrolled in the Medicaid program;

1859 (e) To prescriptions written for dually eligible Medicare
1860 beneficiaries by an authorized Medicare provider who is not
1861 enrolled in the Medicaid program;

1862 (f) To other physicians who are not enrolled in the
1863 Medicaid program but who provide a medically necessary service
1864 or prescription not otherwise reasonably available from a
1865 Medicaid-enrolled physician; or

1866 (9) A Medicaid provider shall retain medical, professional,
1867 financial, and business records pertaining to services and goods
1868 furnished to a Medicaid recipient and billed to Medicaid for a
1869 period of 5 years after the date of furnishing such services or
1870 goods. The agency may investigate, review, or analyze such
1871 records, which must be made available during normal business
1872 hours. However, 24-hour notice must be provided if patient
1873 treatment would be disrupted. The provider must keep the agency
1874 informed of the location of the provider's Medicaid-related
1875 records. The authority of the agency to obtain Medicaid-related
1876 records from a provider is neither curtailed nor limited during
1877 a period of litigation between the agency and the provider.

1878 (10) Payments for the services of billing agents or persons
1879 participating in the preparation of a Medicaid claim shall not
1880 be based on amounts for which they bill nor based on the amount
1881 a provider receives from the Medicaid program.

1882 (11) The agency shall deny payment or require repayment for
1883 inappropriate, medically unnecessary, or excessive goods or
1884 services from the person furnishing them, the person under whose
1885 supervision they were furnished, or the person causing them to

27-00781-18

20181342__

1886 be furnished.

1887 (12) The complaint and all information obtained pursuant to
1888 an investigation of a Medicaid provider, or the authorized
1889 representative or agent of a provider, relating to an allegation
1890 of fraud, abuse, or neglect are confidential and exempt from the
1891 provisions of s. 119.07(1):

1892 (a) Until the agency takes final agency action with respect
1893 to the provider and requires repayment of any overpayment, or
1894 imposes an administrative sanction;

1895 (b) Until the Attorney General refers the case for criminal
1896 prosecution;

1897 (c) Until 10 days after the complaint is determined without
1898 merit; or

1899 (d) At all times if the complaint or information is
1900 otherwise protected by law.

1901 (13) The agency shall terminate participation of a Medicaid
1902 provider in the Medicaid program and may seek civil remedies or
1903 impose other administrative sanctions against a Medicaid
1904 provider, if the provider or any principal, officer, director,
1905 agent, managing employee, or affiliated person of the provider,
1906 or any partner or shareholder having an ownership interest in
1907 the provider equal to 5 percent or greater, has been convicted
1908 of a criminal offense under federal law or the law of any state
1909 relating to the practice of the provider's profession, or a
1910 criminal offense listed under s. 408.809(4), s. 409.907(10), or
1911 s. 435.04(2). If the agency determines that the provider did not
1912 participate or acquiesce in the offense, termination will not be
1913 imposed. If the agency effects a termination under this
1914 subsection, the agency shall take final agency action.

27-00781-18

20181342__

1915 (14) If the provider has been suspended or terminated from
1916 participation in the Medicaid program or the Medicare program by
1917 the Federal Government or any state, the agency must immediately
1918 suspend or terminate, as appropriate, the provider's
1919 participation in this state's Medicaid program for a period no
1920 less than that imposed by the Federal Government or any other
1921 state, and may not enroll such provider in this state's Medicaid
1922 program while such foreign suspension or termination remains in
1923 effect. The agency shall also immediately suspend or terminate,
1924 as appropriate, a provider's participation in this state's
1925 Medicaid program if the provider participated or acquiesced in
1926 any action for which any principal, officer, director, agent,
1927 managing employee, or affiliated person of the provider, or any
1928 partner or shareholder having an ownership interest in the
1929 provider equal to 5 percent or greater, was suspended or
1930 terminated from participating in the Medicaid program or the
1931 Medicare program by the Federal Government or any state. This
1932 sanction is in addition to all other remedies provided by law.

1933 (15) The agency shall seek a remedy provided by law,
1934 including, but not limited to, any remedy provided in
1935 subsections (13) and (16) and s. 812.035, if:

1936 (a) The provider's license has not been renewed, or has
1937 been revoked, suspended, or terminated, for cause, by the
1938 licensing agency of any state;

1939 (b) The provider has failed to make available or has
1940 refused access to Medicaid-related records to an auditor,
1941 investigator, or other authorized employee or agent of the
1942 agency, the Attorney General, a state attorney, or the Federal
1943 Government;

27-00781-18

20181342

1944 (c) The provider has not furnished or has failed to make
1945 available such Medicaid-related records as the agency has found
1946 necessary to determine whether Medicaid payments are or were due
1947 and the amounts thereof;

1948 (d) The provider has failed to maintain medical records
1949 made at the time of service, or prior to service if prior
1950 authorization is required, demonstrating the necessity and
1951 appropriateness of the goods or services rendered;

1952 (e) The provider is not in compliance with provisions of
1953 Medicaid provider publications that have been adopted by
1954 reference as rules in the Florida Administrative Code; with
1955 provisions of state or federal laws, rules, or regulations; with
1956 provisions of the provider agreement between the agency and the
1957 provider; or with certifications found on claim forms or on
1958 transmittal forms for electronically submitted claims that are
1959 submitted by the provider or authorized representative, as such
1960 provisions apply to the Medicaid program;

1961 (f) The provider or person who ordered, authorized, or
1962 prescribed the care, services, or supplies has furnished, or
1963 ordered or authorized the furnishing of, goods or services to a
1964 recipient which are inappropriate, unnecessary, excessive, or
1965 harmful to the recipient or are of inferior quality;

1966 (g) The provider has demonstrated a pattern of failure to
1967 provide goods or services that are medically necessary;

1968 (h) The provider or an authorized representative of the
1969 provider, or a person who ordered, authorized, or prescribed the
1970 goods or services, has submitted or caused to be submitted false
1971 or a pattern of erroneous Medicaid claims;

1972 (i) The provider or an authorized representative of the

27-00781-18

20181342__

1973 provider, or a person who has ordered, authorized, or prescribed
1974 the goods or services, has submitted or caused to be submitted a
1975 Medicaid provider enrollment application, a request for prior
1976 authorization for Medicaid services, a drug exception request,
1977 or a Medicaid cost report that contains materially false or
1978 incorrect information;

1979 (j) The provider or an authorized representative of the
1980 provider has collected from or billed a recipient or a
1981 recipient's responsible party improperly for amounts that should
1982 not have been so collected or billed by reason of the provider's
1983 billing the Medicaid program for the same service;

1984 (k) The provider or an authorized representative of the
1985 provider has included in a cost report costs that are not
1986 allowable under a Florida Title XIX reimbursement plan after the
1987 provider or authorized representative had been advised in an
1988 audit exit conference or audit report that the costs were not
1989 allowable;

1990 (l) The provider is charged by information or indictment
1991 with fraudulent billing practices or an offense referenced in
1992 subsection (13). The sanction applied for this reason is limited
1993 to suspension of the provider's participation in the Medicaid
1994 program for the duration of the indictment unless the provider
1995 is found guilty pursuant to the information or indictment;

1996 (m) The provider or a person who ordered, authorized, or
1997 prescribed the goods or services is found liable for negligent
1998 practice resulting in death or injury to the provider's patient;

1999 (n) The provider fails to demonstrate that it had available
2000 during a specific audit or review period sufficient quantities
2001 of goods, or sufficient time in the case of services, to support

27-00781-18

20181342__

2002 the provider's billings to the Medicaid program;

2003 (o) The provider has failed to comply with the notice and
 2004 reporting requirements of s. 409.907;

2005 (p) The agency has received reliable information of patient
 2006 abuse or neglect or of any act prohibited by s. 409.920; or

2007 (q) The provider has failed to comply with an agreed-upon
 2008 repayment schedule.

2009

2010 A provider is subject to sanctions for violations of this
 2011 subsection as the result of actions or inactions of the
 2012 provider, or actions or inactions of any principal, officer,
 2013 director, agent, managing employee, or affiliated person of the
 2014 provider, or any partner or shareholder having an ownership
 2015 interest in the provider equal to 5 percent or greater, in which
 2016 the provider participated or acquiesced.

2017 (16) The agency shall impose any of the following sanctions
 2018 or disincentives on a provider or a person for any of the acts
 2019 described in subsection (15):

2020 (a) Suspension for a specific period of time of not more
 2021 than 1 year. Suspension precludes participation in the Medicaid
 2022 program, which includes any action that results in a claim for
 2023 payment to the Medicaid program for furnishing, supervising a
 2024 person who is furnishing, or causing a person to furnish goods
 2025 or services.

2026 (b) Termination for a specific period of time ranging from
 2027 more than 1 year to 20 years. Termination precludes
 2028 participation in the Medicaid program, which includes any action
 2029 that results in a claim for payment to the Medicaid program for
 2030 furnishing, supervising a person who is furnishing, or causing a

27-00781-18

20181342__

2031 person to furnish goods or services.

2032 (c) Imposition of a fine of up to \$5,000 for each
2033 violation. Each day that an ongoing violation continues, such as
2034 refusing to furnish Medicaid-related records or refusing access
2035 to records, is considered a separate violation. Each instance of
2036 improper billing of a Medicaid recipient; each instance of
2037 including an unallowable cost on a hospital or nursing home
2038 Medicaid cost report after the provider or authorized
2039 representative has been advised in an audit exit conference or
2040 previous audit report of the cost unallowability; each instance
2041 of furnishing a Medicaid recipient goods or professional
2042 services that are inappropriate or of inferior quality as
2043 determined by competent peer judgment; each instance of
2044 knowingly submitting a materially false or erroneous Medicaid
2045 provider enrollment application, request for prior authorization
2046 for Medicaid services, drug exception request, or cost report;
2047 each instance of inappropriate prescribing of drugs for a
2048 Medicaid recipient as determined by competent peer judgment; and
2049 each false or erroneous Medicaid claim leading to an overpayment
2050 to a provider is considered a separate violation.

2051 (d) Immediate suspension, if the agency has received
2052 information of patient abuse or neglect or of any act prohibited
2053 by s. 409.920. Upon suspension, the agency must issue an
2054 immediate final order under s. 120.569(2)(n).

2055 (e) A fine, not to exceed \$10,000, for a violation of
2056 paragraph (15)(i).

2057 (f) Imposition of liens against provider assets, including,
2058 but not limited to, financial assets and real property, not to
2059 exceed the amount of fines or recoveries sought, upon entry of

27-00781-18

20181342

2060 an order determining that such moneys are due or recoverable.

2061 (g) Prepayment reviews of claims for a specified period of
2062 time.

2063 (h) Comprehensive followup reviews of providers every 6
2064 months to ensure that they are billing Medicaid correctly.

2065 (i) Corrective-action plans that remain in effect for up to
2066 3 years and that are monitored by the agency every 6 months
2067 while in effect.

2068 (j) Other remedies as permitted by law to effect the
2069 recovery of a fine or overpayment.

2070
2071 If a provider voluntarily relinquishes its Medicaid provider
2072 number or an associated license, or allows the associated
2073 licensure to expire after receiving written notice that the
2074 agency is conducting, or has conducted, an audit, survey,
2075 inspection, or investigation and that a sanction of suspension
2076 or termination will or would be imposed for noncompliance
2077 discovered as a result of the audit, survey, inspection, or
2078 investigation, the agency shall impose the sanction of
2079 termination for cause against the provider. The agency's
2080 termination with cause is subject to hearing rights as may be
2081 provided under chapter 120. The Secretary of Health Care
2082 Administration may make a determination that imposition of a
2083 sanction or disincentive is not in the best interest of the
2084 Medicaid program, in which case a sanction or disincentive may
2085 not be imposed.

2086 (17) In determining the appropriate administrative sanction
2087 to be applied, or the duration of any suspension or termination,
2088 the agency shall consider:

27-00781-18

20181342

2089 (a) The seriousness and extent of the violation or
2090 violations.

2091 (b) Any prior history of violations by the provider
2092 relating to the delivery of health care programs which resulted
2093 in either a criminal conviction or in administrative sanction or
2094 penalty.

2095 (c) Evidence of continued violation within the provider's
2096 management control of Medicaid statutes, rules, regulations, or
2097 policies after written notification to the provider of improper
2098 practice or instance of violation.

2099 (d) The effect, if any, on the quality of medical care
2100 provided to Medicaid recipients as a result of the acts of the
2101 provider.

2102 (e) Any action by a licensing agency respecting the
2103 provider in any state in which the provider operates or has
2104 operated.

2105 (f) The apparent impact on access by recipients to Medicaid
2106 services if the provider is suspended or terminated, in the best
2107 judgment of the agency.

2108
2109 The agency shall document the basis for all sanctioning actions
2110 and recommendations.

2111 (18) The agency may take action to sanction, suspend, or
2112 terminate a particular provider working for a group provider,
2113 and may suspend or terminate Medicaid participation at a
2114 specific location, rather than or in addition to taking action
2115 against an entire group.

2116 (19) The agency shall establish a process for conducting
2117 followup reviews of a sampling of providers who have a history

27-00781-18

20181342

2118 of overpayment under the Medicaid program. This process must
2119 consider the magnitude of previous fraud or abuse and the
2120 potential effect of continued fraud or abuse on Medicaid costs.

2121 (20) In making a determination of overpayment to a
2122 provider, the agency must use accepted and valid auditing,
2123 accounting, analytical, statistical, or peer-review methods, or
2124 combinations thereof. Appropriate statistical methods may
2125 include, but are not limited to, sampling and extension to the
2126 population, parametric and nonparametric statistics, tests of
2127 hypotheses, and other generally accepted statistical methods.
2128 Appropriate analytical methods may include, but are not limited
2129 to, reviews to determine variances between the quantities of
2130 products that a provider had on hand and available to be
2131 purveyed to Medicaid recipients during the review period and the
2132 quantities of the same products paid for by the Medicaid program
2133 for the same period, taking into appropriate consideration sales
2134 of the same products to non-Medicaid customers during the same
2135 period. In meeting its burden of proof in any administrative or
2136 court proceeding, the agency may introduce the results of such
2137 statistical methods as evidence of overpayment.

2138 (21) When making a determination that an overpayment has
2139 occurred, the agency shall prepare and issue an audit report to
2140 the provider showing the calculation of overpayments. The
2141 agency's determination must be based solely upon information
2142 available to it before issuance of the audit report and, in the
2143 case of documentation obtained to substantiate claims for
2144 Medicaid reimbursement, based solely upon contemporaneous
2145 records. The agency may consider addenda or modifications to a
2146 note that was made contemporaneously with the patient care

27-00781-18

20181342__

2147 episode if the addenda or modifications are germane to the note.

2148 (22) The audit report, supported by agency work papers,
2149 showing an overpayment to a provider constitutes evidence of the
2150 overpayment. A provider may not present or elicit testimony on
2151 direct examination or cross-examination in any court or
2152 administrative proceeding, regarding the purchase or acquisition
2153 by any means of drugs, goods, or supplies; sales or divestment
2154 by any means of drugs, goods, or supplies; or inventory of
2155 drugs, goods, or supplies, unless such acquisition, sales,
2156 divestment, or inventory is documented by written invoices,
2157 written inventory records, or other competent written
2158 documentary evidence maintained in the normal course of the
2159 provider's business. A provider may not present records to
2160 contest an overpayment or sanction unless such records are
2161 contemporaneous and, if requested during the audit process, were
2162 furnished to the agency or its agent upon request. This
2163 limitation does not apply to Medicaid cost report audits. This
2164 limitation does not preclude consideration by the agency of
2165 addenda or modifications to a note if the addenda or
2166 modifications are made before notification of the audit, the
2167 addenda or modifications are germane to the note, and the note
2168 was made contemporaneously with a patient care episode.

2169 Notwithstanding the applicable rules of discovery, all
2170 documentation to be offered as evidence at an administrative
2171 hearing on a Medicaid overpayment or an administrative sanction
2172 must be exchanged by all parties at least 14 days before the
2173 administrative hearing or be excluded from consideration.

2174 (23) (a) In an audit or investigation of a violation
2175 committed by a provider which is conducted pursuant to this

27-00781-18

20181342

2176 section, the agency is entitled to recover all investigative,
2177 legal, and expert witness costs if the agency's findings were
2178 not contested by the provider or, if contested, the agency
2179 ultimately prevailed.

2180 (b) The agency has the burden of documenting the costs,
2181 which include salaries and employee benefits and out-of-pocket
2182 expenses. The amount of costs that may be recovered must be
2183 reasonable in relation to the seriousness of the violation and
2184 must be set taking into consideration the financial resources,
2185 earning ability, and needs of the provider, who has the burden
2186 of demonstrating such factors.

2187 (c) The provider may pay the costs over a period to be
2188 determined by the agency if the agency determines that an
2189 extreme hardship would result to the provider from immediate
2190 full payment. Any default in payment of costs may be collected
2191 by any means authorized by law.

2192 (24) If the agency imposes an administrative sanction
2193 pursuant to subsection (13), subsection (14), or subsection
2194 (15), except paragraphs (15)(e) and (o), upon any provider or
2195 any principal, officer, director, agent, managing employee, or
2196 affiliated person of the provider who is regulated by another
2197 state entity, the agency shall notify that other entity of the
2198 imposition of the sanction within 5 business days. Such
2199 notification must include the provider's or person's name and
2200 license number and the specific reasons for sanction.

2201 (25) (a) The agency shall withhold Medicaid payments, in
2202 whole or in part, to a provider upon receipt of reliable
2203 evidence that the circumstances giving rise to the need for a
2204 withholding of payments involve fraud, willful

27-00781-18

20181342

2205 misrepresentation, or abuse under the Medicaid program, or a
2206 crime committed while rendering goods or services to Medicaid
2207 recipients. If it is determined that fraud, willful
2208 misrepresentation, abuse, or a crime did not occur, the payments
2209 withheld must be paid to the provider within 14 days after such
2210 determination. Amounts not paid within 14 days accrue interest
2211 at the rate of 10 percent per year, beginning after the 14th
2212 day.

2213 (b) The agency shall deny payment, or require repayment, if
2214 the goods or services were furnished, supervised, or caused to
2215 be furnished by a person who has been suspended or terminated
2216 from the Medicaid program or Medicare program by the Federal
2217 Government or any state.

2218 (c) Overpayments owed to the agency bear interest at the
2219 rate of 10 percent per year from the date of final determination
2220 of the overpayment by the agency, and payment arrangements must
2221 be made within 30 days after the date of the final order, which
2222 is not subject to further appeal.

2223 (d) The agency, upon entry of a final agency order, a
2224 judgment or order of a court of competent jurisdiction, or a
2225 stipulation or settlement, may collect the moneys owed by all
2226 means allowable by law, including, but not limited to, notifying
2227 any fiscal intermediary of Medicare benefits that the state has
2228 a superior right of payment. Upon receipt of such written
2229 notification, the Medicare fiscal intermediary shall remit to
2230 the state the sum claimed.

2231 (e) The agency may institute amnesty programs to allow
2232 Medicaid providers the opportunity to voluntarily repay
2233 overpayments. The agency may adopt rules to administer such

27-00781-18

20181342__

2234 programs.

2235 (26) The agency may impose administrative sanctions against
2236 a Medicaid recipient, or the agency may seek any other remedy
2237 provided by law, including, but not limited to, the remedies
2238 provided in s. 812.035, if the agency finds that a recipient has
2239 engaged in solicitation in violation of s. 409.920 or that the
2240 recipient has otherwise abused the Medicaid program.

2241 (27) When the Agency for Health Care Administration has
2242 made a probable cause determination and alleged that an
2243 overpayment to a Medicaid provider has occurred, the agency,
2244 after notice to the provider, shall:

2245 (a) Withhold, and continue to withhold during the pendency
2246 of an administrative hearing pursuant to chapter 120, any
2247 medical assistance reimbursement payments until such time as the
2248 overpayment is recovered, unless within 30 days after receiving
2249 notice thereof the provider:

2250 1. Makes repayment in full; or

2251 2. Establishes a repayment plan that is satisfactory to the
2252 Agency for Health Care Administration.

2253 (b) Withhold, and continue to withhold during the pendency
2254 of an administrative hearing pursuant to chapter 120, medical
2255 assistance reimbursement payments if the terms of a repayment
2256 plan are not adhered to by the provider.

2257 (28) Venue for all Medicaid program integrity cases lies in
2258 Leon County, at the discretion of the agency.

2259 (29) Notwithstanding other provisions of law, the agency
2260 and the Medicaid Fraud Control Unit of the Department of Legal
2261 Affairs may review a provider's Medicaid-related and non-
2262 Medicaid-related records in order to determine the total output

27-00781-18

20181342

2263 of a provider's practice to reconcile quantities of goods or
2264 services billed to Medicaid with quantities of goods or services
2265 used in the provider's total practice.

2266 (30) The agency shall terminate a provider's participation
2267 in the Medicaid program if the provider fails to reimburse an
2268 overpayment or pay an agency-imposed fine that has been
2269 determined by final order, not subject to further appeal, within
2270 30 days after the date of the final order, unless the provider
2271 and the agency have entered into a repayment agreement.

2272 (31) If a provider requests an administrative hearing
2273 pursuant to chapter 120, such hearing must be conducted within
2274 90 days following assignment of an administrative law judge,
2275 absent exceptionally good cause shown as determined by the
2276 administrative law judge or hearing officer. Upon issuance of a
2277 final order, the outstanding balance of the amount determined to
2278 constitute the overpayment and fines is due. If a provider fails
2279 to make payments in full, fails to enter into a satisfactory
2280 repayment plan, or fails to comply with the terms of a repayment
2281 plan or settlement agreement, the agency shall withhold
2282 reimbursement payments for Medicaid services until the amount
2283 due is paid in full.

2284 (32) Duly authorized agents and employees of the agency
2285 shall have the power to inspect, during normal business hours,
2286 the records of any pharmacy, wholesale establishment, or
2287 manufacturer, or any other place in which drugs and medical
2288 supplies are manufactured, packed, packaged, made, stored, sold,
2289 or kept for sale, for the purpose of verifying the amount of
2290 drugs and medical supplies ordered, delivered, or purchased by a
2291 provider. The agency shall provide at least 2 business days'

27-00781-18

20181342

2292 prior notice of any such inspection. The notice must identify
2293 the provider whose records will be inspected, and the inspection
2294 shall include only records specifically related to that
2295 provider.

2296 (33) In accordance with federal law, Medicaid recipients
2297 convicted of a crime pursuant to 42 U.S.C. s. 1320a-7b may be
2298 limited, restricted, or suspended from Medicaid eligibility for
2299 a period not to exceed 1 year, as determined by the agency head
2300 or designee.

2301 (34) To deter fraud and abuse in the Medicaid program, the
2302 agency may limit the number of Schedule II and Schedule III
2303 refill prescription claims submitted from a pharmacy provider.
2304 The agency shall limit the allowable amount of reimbursement of
2305 prescription refill claims for Schedule II and Schedule III
2306 pharmaceuticals if the agency or the Medicaid Fraud Control Unit
2307 determines that the specific prescription refill was not
2308 requested by the Medicaid recipient or authorized representative
2309 for whom the refill claim is submitted or was not prescribed by
2310 the recipient's medical provider or physician. Any such refill
2311 request must be consistent with the original prescription.

2312 (35) The Office of Program Policy Analysis and Government
2313 Accountability shall provide a report to the President of the
2314 Senate and the Speaker of the House of Representatives on a
2315 biennial basis, beginning January 31, 2006, on the agency's
2316 efforts to prevent, detect, and deter, as well as recover funds
2317 lost to, fraud and abuse in the Medicaid program.

2318 (36) The agency may provide to a sample of Medicaid
2319 recipients or their representatives through the distribution of
2320 explanations of benefits information about services reimbursed

27-00781-18

20181342__

2321 by the Medicaid program for goods and services to such
2322 recipients, including information on how to report inappropriate
2323 or incorrect billing to the agency or other law enforcement
2324 entities for review or investigation, information on how to
2325 report criminal Medicaid fraud to the Medicaid Fraud Control
2326 Unit's toll-free hotline number, and information about the
2327 rewards available under s. 409.9203. The explanation of benefits
2328 may not be mailed for Medicaid independent laboratory services
2329 as described in s. 409.905(7) or for Medicaid certified match
2330 services as described in ss. 409.9071 and 1011.70.

2331 (37) The agency shall post on its website a current list of
2332 each Medicaid provider, including any principal, officer,
2333 director, agent, managing employee, or affiliated person of the
2334 provider, or any partner or shareholder having an ownership
2335 interest in the provider equal to 5 percent or greater, who has
2336 been terminated for cause from the Medicaid program or
2337 sanctioned under this section. The list must be searchable by a
2338 variety of search parameters and provide for the creation of
2339 formatted lists that may be printed or imported into other
2340 applications, including spreadsheets. The agency shall update
2341 the list at least monthly.

2342 (38) In order to improve the detection of health care
2343 fraud, use technology to prevent and detect fraud, and maximize
2344 the electronic exchange of health care fraud information, the
2345 agency shall:

2346 (a) Compile, maintain, and publish on its website a
2347 detailed list of all state and federal databases that contain
2348 health care fraud information and update the list at least
2349 biannually;

27-00781-18

20181342

2350 (b) Develop a strategic plan to connect all databases that
2351 contain health care fraud information to facilitate the
2352 electronic exchange of health information between the agency,
2353 the Department of Health, the Department of Law Enforcement, and
2354 the Attorney General's Office. The plan must include recommended
2355 standard data formats, fraud identification strategies, and
2356 specifications for the technical interface between state and
2357 federal health care fraud databases;

2358 (c) Monitor innovations in health information technology,
2359 specifically as it pertains to Medicaid fraud prevention and
2360 detection; and

2361 (d) Periodically publish policy briefs that highlight
2362 available new technology to prevent or detect health care fraud
2363 and projects implemented by other states, the private sector, or
2364 the Federal Government which use technology to prevent or detect
2365 health care fraud.

2366 Reviser's note.—Amended to delete obsolete language.

2367 Section 56. Subsection (7) of section 420.609, Florida
2368 Statutes, is amended to read:

2369 420.609 Affordable Housing Study Commission.—Because the
2370 Legislature firmly supports affordable housing in Florida for
2371 all economic classes:

2372 (7) By July 15 of each year ~~beginning in 2001~~, the
2373 commission shall prepare and submit to the Governor, the
2374 President of the Senate, and the Speaker of the House of
2375 Representatives a report detailing its findings and making
2376 specific program, legislative, and funding recommendations and
2377 any other recommendations it deems appropriate.

2378 Reviser's note.—Amended to delete obsolete language.

27-00781-18

20181342

2379 Section 57. Subsection (4) of section 429.52, Florida
2380 Statutes, is amended to read:

2381 429.52 Staff training and educational programs; core
2382 educational requirement.—

2383 (4) ~~Effective January 1, 2004,~~ A new facility administrator
2384 must complete the required training and education, including the
2385 competency test, within a reasonable time after being employed
2386 as an administrator, as determined by the department. Failure to
2387 do so is a violation of this part and subjects the violator to
2388 an administrative fine as prescribed in s. 429.19.

2389 Administrators licensed in accordance with part II of chapter
2390 468 are exempt from this requirement. Other licensed
2391 professionals may be exempted, as determined by the department
2392 by rule.

2393 Reviser's note.—Amended to delete obsolete language.

2394 Section 58. Subsection (3) of section 429.75, Florida
2395 Statutes, is amended to read:

2396 429.75 Training and education programs.—

2397 (3) ~~Effective January 1, 2004,~~ Providers must complete the
2398 training and education program within a reasonable time
2399 determined by the department. Failure to complete the training
2400 and education program within the time set by the department is a
2401 violation of this part and subjects the provider to revocation
2402 of the license.

2403 Reviser's note.—Amended to delete obsolete language.

2404 Section 59. Paragraph (a) of subsection (7) of section
2405 455.219, Florida Statutes, is amended to read:

2406 455.219 Fees; receipts; disposition; periodic management
2407 reports.—

27-00781-18

20181342

2408 (7) (a) The department, or a board thereunder, shall waive
2409 the initial licensing fee for a member of the Armed Services of
2410 the United States who ~~that~~ has served on active duty, the spouse
2411 of a member of the Armed Services of the United States who was
2412 married to the member during a period of active duty, the
2413 surviving spouse of a member of the Armed Services of the United
2414 States who at the time of death was serving on active duty, or a
2415 low-income individual upon application by the individual in a
2416 format prescribed by the department. The application format must
2417 include the applicant's signature, under penalty of perjury, and
2418 supporting documentation as required by the department. For
2419 purposes of this subsection, the term "low-income individual"
2420 means a person whose household income, before taxes, is at or
2421 below 130 percent of the federal poverty guidelines prescribed
2422 for the family's household size by the United States Department
2423 of Health and Human Services, proof of which may be shown
2424 through enrollment in a state or federal public assistance
2425 program that requires participants to be at or below 130 percent
2426 of the federal poverty guidelines to qualify.

2427 Reviser's note.—Amended to confirm the editorial substitution of
2428 the word "who" for the word "that."

2429 Section 60. Paragraph (a) of subsection (1) of section
2430 456.013, Florida Statutes, is amended to read:

2431 456.013 Department; general licensing provisions.—

2432 (1) (a) Any person desiring to be licensed in a profession
2433 within the jurisdiction of the department shall apply to the
2434 department in writing to take the licensure examination. The
2435 application shall be made on a form prepared and furnished by
2436 the department. The application form must be available on the

27-00781-18

20181342

2437 World Wide Web and the department may accept electronically
2438 submitted applications ~~beginning July 1, 2001~~. The application
2439 shall require the social security number of the applicant,
2440 except as provided in paragraphs (b) and (c). The form shall be
2441 supplemented as needed to reflect any material change in any
2442 circumstance or condition stated in the application which takes
2443 place between the initial filing of the application and the
2444 final grant or denial of the license and which might affect the
2445 decision of the department. If an application is submitted
2446 electronically, the department may require supplemental
2447 materials, including an original signature of the applicant and
2448 verification of credentials, to be submitted in a nonelectronic
2449 format. An incomplete application shall expire 1 year after
2450 initial filing. In order to further the economic development
2451 goals of the state, and notwithstanding any law to the contrary,
2452 the department may enter into an agreement with the county tax
2453 collector for the purpose of appointing the county tax collector
2454 as the department's agent to accept applications for licenses
2455 and applications for renewals of licenses. The agreement must
2456 specify the time within which the tax collector must forward any
2457 applications and accompanying application fees to the
2458 department.

2459 Reviser's note.—Amended to delete obsolete language.

2460 Section 61. Subsection (6) of section 456.017, Florida
2461 Statutes, is amended to read:

2462 456.017 Examinations.—

2463 (6) In addition to meeting any other requirements for
2464 licensure by examination or by endorsement, and notwithstanding
2465 the provisions in paragraph (1)(c), an applicant may be required

27-00781-18

20181342__

2466 by a board, or the department when there is no board, to certify
2467 competency in state laws and rules relating to the applicable
2468 practice act. ~~Beginning October 1, 2001,~~ All laws and rules
2469 examinations shall be administered electronically unless the
2470 laws and rules examination is administered concurrently with
2471 another written examination for that profession or unless the
2472 electronic administration would be substantially more expensive.
2473 Reviser's note.—Amended to delete obsolete language.

2474 Section 62. Paragraphs (a) and (b) of subsection (1) of
2475 section 456.041, Florida Statutes, are amended to read:

2476 456.041 Practitioner profile; creation.—

2477 (1) (a) The Department of Health shall compile the
2478 information submitted pursuant to s. 456.039 into a practitioner
2479 profile of the applicant submitting the information, except that
2480 the Department of Health shall develop a format to compile
2481 uniformly any information submitted under s. 456.039(4)(b).
2482 ~~Beginning July 1, 2001,~~ The Department of Health may compile the
2483 information submitted pursuant to s. 456.0391 into a
2484 practitioner profile of the applicant submitting the
2485 information. The protocol submitted pursuant to s. 464.012(3)
2486 must be included in the practitioner profile of the advanced
2487 registered nurse practitioner.

2488 (b) ~~Beginning July 1, 2005,~~ The department shall verify the
2489 information submitted by the applicant under s. 456.039
2490 concerning disciplinary history and medical malpractice claims
2491 at the time of initial licensure and license renewal using the
2492 National Practitioner Data Bank. The physician profiles shall
2493 reflect the disciplinary action and medical malpractice claims
2494 as reported by the National Practitioner Data Bank, and shall

27-00781-18

20181342

2495 include information relating to liability and disciplinary
2496 actions obtained as a result of a search of the National
2497 Practitioner Data Bank.

2498 Reviser's note.—Amended to delete obsolete language.

2499 Section 63. Subsection (1) of section 462.18, Florida
2500 Statutes, is amended to read:

2501 462.18 Educational requirements.—

2502 (1) At the time each licensee shall renew her or his
2503 license as otherwise provided in this chapter, each licensee,
2504 ~~beginning with the license renewal due May 1, 1944,~~ in addition
2505 to the payment of the regular renewal fee, shall furnish to the
2506 department satisfactory evidence that, in the year preceding
2507 each such application for renewal, the licensee has attended the
2508 2-day educational program as promulgated and conducted by the
2509 Florida Naturopathic Physicians Association, Inc., or, as a
2510 substitute therefor, the equivalent of that program as approved
2511 by the department. The department shall send a written notice to
2512 this effect to every person holding a valid license to practice
2513 naturopathy within this state at least 30 days prior to May 1 in
2514 each even-numbered ~~biennial~~ year, directed to the last known
2515 address of such licensee, and shall enclose with the notice
2516 proper blank forms for application for annual license renewal.
2517 All of the details and requirements of the aforesaid educational
2518 program shall be adopted and prescribed by the department. In
2519 the event of national emergencies, or for sufficient reason, the
2520 department shall have the power to excuse the naturopathic
2521 physicians as a group or as individuals from taking this
2522 postgraduate course.

2523 Reviser's note.—Amended to delete obsolete language.

27-00781-18

20181342

2524 Section 64. Paragraph (h) of subsection (2) of section
2525 471.003, Florida Statutes, is amended to read:
2526 471.003 Qualifications for practice; exemptions.—
2527 (2) The following persons are not required to be licensed
2528 under the provisions of this chapter as a licensed engineer:
2529 (h) Any electrical, plumbing, air-conditioning, or
2530 mechanical contractor whose practice includes the design and
2531 fabrication of electrical, plumbing, air-conditioning, or
2532 mechanical systems, respectively, which she or he installs by
2533 virtue of a license issued under chapter 489, under former part
2534 I of chapter 553, Florida Statutes 2001, or under any special
2535 act or ordinance when working on any construction project which:
2536 1. Requires an electrical or plumbing or air-conditioning
2537 and refrigeration system with a value of \$125,000 or less; and
2538 2.a. Requires an aggregate service capacity of 600 amperes
2539 (240 volts) or less on a residential electrical system or 800
2540 amperes (240 volts) or less on a commercial or industrial
2541 electrical system;
2542 b. Requires a plumbing system with fewer than 250 fixture
2543 units; or
2544 c. Requires a heating, ventilation, and air-conditioning
2545 system not to exceed a 15-ton-per-system capacity, or if the
2546 project is designed to accommodate 100 or fewer persons.
2547 Reviser's note.—Amended to reflect the repeal of former part I
2548 of chapter 553, Florida Statutes 2001, relating to
2549 plumbing, by s. 68, ch. 98-287, Laws of Florida, as amended
2550 by s. 108, ch. 2000-141, s. 39, ch. 2001-186, and s. 8, ch.
2551 2001-372, Laws of Florida.
2552 Section 65. Subsection (8) of section 475.451, Florida

27-00781-18

20181342

2553 Statutes, is amended to read:

2554 475.451 Schools teaching real estate practice.—

2555 (8) ~~Beginning October 1, 2006,~~ Each person, school, or
 2556 institution permitted under this section is required to keep
 2557 registration records, course rosters, attendance records, a file
 2558 copy of each examination and progress test, and all student
 2559 answer sheets for a period of at least 3 years subsequent to the
 2560 beginning of each course and make them available to the
 2561 department for inspection and copying upon request.

2562 Reviser's note.—Amended to delete obsolete language.

2563 Section 66. Paragraph (j) of subsection (1) of section
 2564 475.611, Florida Statutes, is amended to read:

2565 475.611 Definitions.—

2566 (1) As used in this part, the term:

2567 (j) "Board" means the Florida Real Estate Appraisal Board
 2568 established under s. 475.613 ~~this section~~.

2569 Reviser's note.—Amended to facilitate correct interpretation.

2570 The Florida Real Estate Appraisal Board is established
 2571 under s. 475.613.

2572 Section 67. Section 477.014, Florida Statutes, is amended
 2573 to read:

2574 477.014 Qualifications for practice. ~~On and after January~~
 2575 ~~1, 1979,~~ No person other than a duly licensed cosmetologist
 2576 shall practice cosmetology or use the name or title of
 2577 cosmetologist.

2578 Reviser's note.—Amended to delete obsolete language.

2579 Section 68. Subsection (4) of section 487.2071, Florida
 2580 Statutes, is amended to read:

2581 487.2071 Penalties against violators; worker relief;

27-00781-18

20181342

2582 monitoring complaints of retaliation.-

2583 ~~(4) The department shall monitor all complaints of~~
2584 ~~retaliation that it receives and report its findings to the~~
2585 ~~President of the Senate and the Speaker of the House of~~
2586 ~~Representatives on or before October 1, 2008. The report shall~~
2587 ~~include the number of such complaints received, the~~
2588 ~~circumstances surrounding the complaints, and the actions taken~~
2589 ~~concerning the complaints.~~

2590 Reviser's note.—Amended to delete obsolete language.

2591 Section 69. Section 489.529, Florida Statutes, is amended
2592 to read:

2593 489.529 Alarm verification calls required.—All residential
2594 or commercial intrusion/burglary alarms that have central
2595 monitoring must have a central monitoring verification call made
2596 to a telephone number associated with the premises generating
2597 the alarm signal, before alarm monitor personnel contact
2598 ~~contacting~~ a law enforcement agency for alarm dispatch. The
2599 central monitoring station must employ call-verification methods
2600 for the premises generating the alarm signal if the first call
2601 is not answered. However, verification calling is not required
2602 if:

2603 (1) The intrusion/burglary alarm has a properly operating
2604 visual or auditory sensor that enables the monitoring personnel
2605 to verify the alarm signal; or

2606 (2) The intrusion/burglary alarm is installed on a premises
2607 that is used for the storage of firearms or ammunition by a
2608 person who holds a valid federal firearms license as a
2609 manufacturer, importer, or dealer of firearms or ammunition,
2610 provided the customer notifies the alarm monitoring company that

27-00781-18

20181342

2611 he or she holds such license and would like to bypass the two-
2612 call verification protocol. Upon initiation of a new alarm
2613 monitoring service contract, the alarm monitoring company shall
2614 make reasonable efforts to inform a customer who holds a valid
2615 federal firearms license as a manufacturer, importer, or dealer
2616 of firearms or ammunition of his or her right to opt out of the
2617 two-call verification protocol.

2618 Reviser's note.—Amended to confirm the editorial substitution of
2619 the word "contact" for the word "contacting."

2620 Section 70. Subsection (8) of section 490.012, Florida
2621 Statutes, is amended to read:

2622 490.012 Violations; penalties; injunction.—

2623 (8) ~~Effective October 1, 2000,~~ A person may not practice
2624 juvenile sexual offender therapy in this state, as the practice
2625 is defined in s. 490.0145, for compensation, unless the person
2626 holds an active license issued under this chapter and meets the
2627 requirements to practice juvenile sexual offender therapy. An
2628 unlicensed person may be employed by a program operated by or
2629 under contract with the Department of Juvenile Justice or the
2630 Department of Children and Families if the program employs a
2631 professional who is licensed under chapter 458, chapter 459, s.
2632 490.0145, or s. 491.0144 who manages or supervises the treatment
2633 services.

2634 Reviser's note.—Amended to delete obsolete language.

2635 Section 71. Subsection (5) of section 497.140, Florida
2636 Statutes, is amended to read:

2637 497.140 Fees.—

2638 (5) The department shall charge a fee not to exceed \$25 for
2639 the certification of a public record. The fee shall be

27-00781-18

20181342

2640 determined by rule of the department. The department shall
2641 assess a fee for duplication of a public record as provided in
2642 s. 119.07(4) ~~119.07(1)(a) and (c)~~.

2643 Reviser's note.—Amended to correct a cross-reference. Provisions
2644 relating to fees were moved from s. 119.07(1) to s.
2645 119.07(4) by s. 7, ch. 2004-335, Laws of Florida.

2646 Section 72. Subsection (9) of section 497.282, Florida
2647 Statutes, is amended to read:

2648 497.282 Disclosure of information to public.—A licensee
2649 offering to provide burial rights, merchandise, or services to
2650 the public shall:

2651 (9) ~~Effective October 1, 2006,~~ Display in its offices for
2652 free distribution to all potential customers, and provide to all
2653 customers at the time of sale, a brochure explaining how and by
2654 whom cemeteries and preneed sales are regulated; summarizing
2655 consumer rights under the law; and providing the name, address,
2656 and phone number of the department's consumer affairs division.
2657 The format and content of the brochure shall be as prescribed by
2658 rule. The licensing authority may cause the publication of such
2659 brochures and by rule establish requirements that cemetery and
2660 preneed licensees purchase and make available such brochures as
2661 so published, in the licensee's offices, to all potential
2662 customers.

2663 Reviser's note.—Amended to delete obsolete language.

2664 Section 73. Subsection (8) of section 497.468, Florida
2665 Statutes, is amended to read:

2666 497.468 Disclosure of information to the public.—A preneed
2667 licensee offering to provide burial rights, merchandise, or
2668 services to the public shall:

27-00781-18

20181342

2669 (8) ~~Effective October 1, 2006,~~ Display in its offices for
2670 free distribution to all potential customers, and provide to all
2671 customers at the time of sale, a brochure explaining how and by
2672 whom preneed sales are regulated, summarizing consumer rights
2673 under the law, and providing the name, address, and phone number
2674 of the department's consumer affairs division. The format and
2675 content of the brochure shall be as prescribed by rule. The
2676 licensing authority may cause the publication of such brochures
2677 and by rule require that preneed licensees purchase and make
2678 available such brochures as so published, in the licensee's
2679 offices, to all potential customers.

2680 Reviser's note.—Amended to delete obsolete language.

2681 Section 74. Section 497.552, Florida Statutes, is amended
2682 to read:

2683 497.552 Required facilities. ~~Effective January 1, 2006,~~ A
2684 monument establishment shall at all times have and maintain a
2685 full-service place of business at a specific street address or
2686 location in Florida complying with the following requirements:

2687 (1) It shall include an office for the conduct of its
2688 business including the reception of customers.

2689 (2) It shall include a display area in which is displayed a
2690 selection of monuments, markers, and related products for
2691 inspection by customers prior to sale.

2692 (3) Its office and display area shall normally be open to
2693 the public weekdays during normal business hours.

2694 (4) It shall have facilities on site for inscribing
2695 monuments and equipment to deliver and install markers and
2696 monuments.

2697 (5) It shall comply with any local government zoning

27-00781-18

20181342

2698 regulations and may not be located on tax-exempt property.

2699 Reviser's note.—Amended to delete obsolete language.

2700 Section 75. Subsections (2), (3), (4), and (5) of section
2701 497.553, Florida Statutes, are amended to read:

2702 497.553 Regulation of monument establishments.—

2703 (2) ~~Commencing January 1, 2006,~~ All retail sales by
2704 monument establishments shall be on a sales agreement form filed
2705 by the monument establishment with and approved by the licensing
2706 authority. Sales agreement forms must provide a complete
2707 description of any monument, marker, or related product to be
2708 delivered, and shall prominently and clearly specify the agreed
2709 date for delivery and installation. Procedures for submission
2710 and approval of such forms shall be established by rule.

2711 (3) ~~Commencing January 1, 2006,~~ All monument establishments
2712 shall have written procedures for the receipt, investigation,
2713 and disposition of customer complaints, and shall ensure that
2714 their staff who receive or process such complaints are familiar
2715 with and follow such procedures.

2716 (4) ~~Commencing January 1, 2006,~~ All monument establishments
2717 shall maintain for inspection by the department records of
2718 written complaints received by the monument establishment. Such
2719 complaint records shall include a chronological log of written
2720 complaints received, in which the name and address of each
2721 complainant and date of complaint is entered consecutively
2722 within 10 business days of receipt of each complaint. The
2723 licensing authority may by rule establish requirements regarding
2724 the format of complaint logs, including whether they may be
2725 maintained electronically or shall be maintained by pen and ink
2726 on paper; the licensing authority may by order direct a licensee

27-00781-18

20181342

2727 to maintain complaint logs by pen and ink in writing. The
2728 original or complete copy of each written complaint received by
2729 a monument establishment, and all subsequent correspondence
2730 related to such complaint, shall be maintained by the monument
2731 establishment, for inspection by the department, for the longer
2732 of 24 months or 12 months after the most recent department
2733 inspection during which the complaint was in the monument
2734 establishment's complaint records and available for the
2735 department's review.

2736 (5) ~~Commencing January 1, 2006,~~ The failure of a monument
2737 establishment to deliver and install a purchased monument or
2738 marker by the date agreed in the sales agreement shall entitle
2739 the customer to a full refund of all amounts paid by the
2740 customer for the monument and its delivery and installation,
2741 unless the monument establishment has obtained a written
2742 agreement from the customer extending the delivery date. Such
2743 refund shall be made within 30 days after receipt by the
2744 monument establishment of the customer's written request for a
2745 refund. This subsection does not preclude the purchase and
2746 installation of a new monument from any other registered
2747 monument establishment or licensee.

2748 Reviser's note.—Amended to delete obsolete language.

2749 Section 76. Subsection (2) of section 497.608, Florida
2750 Statutes, is amended to read:

2751 497.608 Liability for unintentional commingling of the
2752 residue of the cremation process.—

2753 (2) The operator of a cinerator facility shall establish
2754 written procedures for the removal of cremated remains, to the
2755 extent possible, resulting from the cremation of a human body

27-00781-18

20181342__

2756 and the postcremation processing, shipping, packing, or
2757 identifying of those remains. The operator of a cinerator
2758 facility shall file its written procedures, and any revisions to
2759 those written procedures, with the licensing authority for its
2760 approval, and ~~effective January 1, 2006,~~ the cremation facility
2761 shall not be operated unless it has and follows such written
2762 procedures approved by the licensing authority; provided, the
2763 licensing authority may adopt by rule standard uniform
2764 procedures for the removal of such cremated remains, which may
2765 be adopted by any cinerator facility in lieu of promulgating,
2766 filing, and obtaining approval of procedures. A cinerator
2767 facility choosing to utilize standard uniform procedures
2768 specified by rule shall file notice of its choice with the
2769 licensing authority pursuant to procedures and forms specified
2770 by rule.

2771 Reviser's note.—Amended to delete obsolete language.

2772 Section 77. Paragraph (d) of subsection (9) of section
2773 499.012, Florida Statutes, is amended to read:

2774 499.012 Permit application requirements.—

2775 (9)

2776 (d) For purposes of applying for renewal of a permit under
2777 subsection (8) or certification under subsection (15) ~~(16)~~, a
2778 person may submit the following in lieu of satisfying the
2779 requirements of paragraphs (a), (b), and (c):

2780 1. A photograph of the individual taken within 180 days;
2781 and

2782 2. A copy of the personal information statement form most
2783 recently submitted to the department and a certification under
2784 oath, on a form specified by the department, that the individual

27-00781-18

20181342

2785 has reviewed the previously submitted personal information
2786 statement form and that the information contained therein
2787 remains unchanged.

2788 Reviser's note.—Amended to reflect the renumbering of former
2789 subsection (16) as subsection (15) by s. 7, ch. 2016-212,
2790 Laws of Florida.

2791 Section 78. Paragraphs (a) and (b) of subsection (2) of
2792 section 499.01211, Florida Statutes, are amended to read:

2793 499.01211 Drug Wholesale Distributor Advisory Council.—

2794 (2) The Secretary of Business and Professional Regulation
2795 or his or her designee and the Secretary of Health Care
2796 Administration or her or his designee shall be members of the
2797 council. The Secretary of Business and Professional Regulation
2798 shall appoint 10 additional members to the council who shall be
2799 appointed to a term of 4 years each, as follows:

2800 (a) Three persons, each of whom is employed by a different
2801 prescription drug wholesale distributor permitted under this
2802 part which operates nationally ~~and is a primary wholesale~~
2803 ~~distributor~~ as defined in s. 499.003.

2804 (b) One person employed by a prescription drug wholesale
2805 distributor permitted under this part ~~which is a secondary~~
2806 ~~wholesale distributor~~, as defined in s. 499.003.

2807 Reviser's note.—Amended to conform to the fact that s. 2, ch.
2808 2016-212, Laws of Florida, deleted the definitions for
2809 "primary wholesale distributor" and "secondary wholesale
2810 distributor" in s. 499.003, but retained the definition for
2811 "wholesale distributor."

2812 Section 79. Paragraph (b) of subsection (6) of section
2813 509.049, Florida Statutes, is amended to read:

27-00781-18

20181342

2814 509.049 Food service employee training.—

2815 (6)

2816 (b) ~~Effective January 1, 2005,~~ Each third-party provider
2817 shall provide the following information on each employee upon
2818 certification and recertification: the name of the certified
2819 food service employee, the employee's date of birth, the
2820 employing food service establishment, the name of the certified
2821 food manager who conducted the training, the training date, and
2822 the certification expiration date. This information shall be
2823 reported electronically to the division, in a format prescribed
2824 by the division, within 30 days of certification or
2825 recertification. The division shall compile the information into
2826 an electronic database that is not directly or indirectly owned,
2827 maintained, or installed by any nongovernmental provider of food
2828 service training. A public food service establishment that
2829 trains its employees using its own in-house, proprietary food
2830 safety training program approved by the division, and which uses
2831 its own employees to provide this training, shall be exempt from
2832 the electronic reporting requirements of this paragraph, and
2833 from the card or certificate requirement of paragraph (a).
2834 Reviser's note.—Amended to delete obsolete language.

2835 Section 80. Subsection (6) of section 520.68, Florida
2836 Statutes, is amended to read:

2837 520.68 Persons not required to be licensed.—No home
2838 improvement finance seller's or seller's license shall be
2839 required under this act of any person when acting in any
2840 capacity or type of transaction set forth in this section:

2841 (6) Retail establishments, including employees thereof,
2842 which are licensed under part III ~~II~~ of this chapter and which

27-00781-18

20181342

2843 engage in home improvements as an incidental part of their
2844 business. However, such retail establishments and their
2845 employees shall be governed by all other provisions contained in
2846 this act.

2847 Reviser's note.—Amended to conform to the redesignation of part
2848 II of chapter 520 as part III by s. 5, ch. 2017-118, Laws
2849 of Florida.

2850 Section 81. Paragraph (c) of subsection (2) of section
2851 554.115, Florida Statutes, is amended to read:

2852 554.115 Disciplinary proceedings.—

2853 (2) The department may deny, refuse to renew, suspend, or
2854 revoke a certificate of competency upon proof that:

2855 (c) The boiler inspector:

2856 1. Gave false or forged information to the department, to
2857 an authorized inspection agency, or to another boiler inspector
2858 for the purpose of obtaining a certificate of operation; or

2859 2. Inspected any boiler regulated under this chapter
2860 without having obtained a valid certificate of competency.

2861 Reviser's note.—Amended to confirm the editorial insertion of
2862 the word "to" to provide clarity.

2863 Section 82. Section 559.11, Florida Statutes, is amended to
2864 read:

2865 559.11 Budget planning prohibited.—No person, firm,
2866 corporation, or association, shall ~~after June 17, 1959,~~ engage
2867 in the business of budget planning as defined in s. 559.10;
2868 provided, the provisions of this part shall not be construed to
2869 affect any contract for services to facilitate accelerated
2870 payment of a mortgage loan.

2871 Reviser's note.—Amended to delete obsolete language and improve

27-00781-18

20181342

2872 clarity.

2873 Section 83. Paragraph (dd) of subsection (1) of section
2874 626.9541, Florida Statutes, is amended to read:

2875 626.9541 Unfair methods of competition and unfair or
2876 deceptive acts or practices defined.—

2877 (1) UNFAIR METHODS OF COMPETITION AND UNFAIR OR DECEPTIVE
2878 ACTS.—The following are defined as unfair methods of competition
2879 and unfair or deceptive acts or practices:

2880 (dd) *Life insurance limitations based on past foreign*
2881 *travel experiences or future foreign travel plans.—*

2882 1. An insurer may not refuse life insurance to; refuse to
2883 continue the life insurance of; or limit the amount, extent, or
2884 kind of life insurance coverage available to an individual based
2885 solely on the individual's past lawful foreign travel
2886 experiences.

2887 2. An insurer may not refuse life insurance to; refuse to
2888 continue the life insurance of; or limit the amount, extent, or
2889 kind of life insurance coverage available to an individual based
2890 solely on the individual's future lawful travel plans unless the
2891 insurer can demonstrate and the Office of Insurance Regulation
2892 determines that:

2893 a. Individuals who travel are a separate actuarially
2894 supportable class whose risk of loss is different from those
2895 individuals who do not travel; and

2896 b. Such risk classification is based upon sound actuarial
2897 principles and actual or reasonably anticipated experience that
2898 correlates to the risk of travel to a specific destination.

2899 3. The commission may adopt rules pursuant to ss.

2900 120.536(1) and 120.54 necessary to implement this paragraph and

27-00781-18

20181342

2901 may provide for limited exceptions that are based upon national
2902 or international emergency conditions that affect the public
2903 health, safety, and welfare and that are consistent with public
2904 policy.

2905 4. Each market conduct examination of a life insurer
2906 conducted pursuant to s. 624.3161 shall include a review of
2907 every application under which such insurer refused to issue life
2908 insurance; refused to continue life insurance; or limited the
2909 amount, extent, or kind of life insurance issued, based upon
2910 future lawful travel plans.

2911 5. The administrative fines provided in s. 624.4211(2) and
2912 (3) shall be trebled for violations of this paragraph.

2913 6. The Office of Insurance Regulation shall report to the
2914 President of the Senate and the Speaker of the House of
2915 Representatives by March 1, 2007, ~~and on the same date~~ annually
2916 ~~thereafter~~, on the implementation of this paragraph. The report
2917 shall include, but not be limited to, the number of applications
2918 under which life insurance was denied, continuance was refused,
2919 or coverage was limited based on future travel plans; the number
2920 of insurers taking such action; and the reason for taking each
2921 such action.

2922 Reviser's note.—Amended to delete obsolete language.

2923 Section 84. Subsection (4) of section 627.066, Florida
2924 Statutes, is amended to read:

2925 627.066 Excessive profits for motor vehicle insurance
2926 prohibited.—

2927 (4) Each insurer group shall also file a schedule of
2928 Florida private passenger automobile loss and loss adjustment
2929 experience for each of the 3 most recent accident years. The

27-00781-18

20181342

2930 incurred losses and loss adjustment expenses shall be valued as
2931 of March 31 of the year following the close of the accident
2932 year, developed to an ultimate basis, and at two 12-month
2933 intervals thereafter, each developed to an ultimate basis, so
2934 that a total of three evaluations will be provided for each
2935 accident year. ~~The first year to be so reported shall be~~
2936 ~~accident year 1976, so that the reporting of 3 accident years~~
2937 ~~will not take place until accident years 1977 and 1978 have~~
2938 ~~become available.~~

2939 Reviser's note.—Amended to delete an obsolete provision.

2940 Section 85. Section 627.285, Florida Statutes, is amended
2941 to read:

2942 627.285 Independent actuarial peer review of workers'
2943 compensation rating organization.—The Financial Services
2944 Commission shall at least once every other year contract for an
2945 independent actuarial peer review and analysis of the ratemaking
2946 processes of any licensed rating organization that makes rate
2947 filings for workers' compensation insurance, and the rating
2948 organization shall fully cooperate in the peer review. The
2949 contract shall require submission of a final report to the
2950 commission, the President of the Senate, and the Speaker of the
2951 House of Representatives by February 1. ~~The first report shall~~
2952 ~~be submitted by February 1, 2004.~~ The costs of the independent
2953 actuarial peer review shall be paid from the Workers'
2954 Compensation Administration Trust Fund.

2955 Reviser's note.—Amended to delete obsolete language.

2956 Section 86. Paragraph (b) of subsection (1) of section
2957 627.748, Florida Statutes, is amended to read:

2958 627.748 Transportation network companies.—

27-00781-18

20181342

2959 (1) DEFINITIONS.—As used in this section, the term:

2960 (b) "Prearranged ride" means the provision of

2961 transportation by a TNC driver to a rider, beginning when a TNC

2962 driver accepts a ride requested by a rider through a digital

2963 network controlled by a transportation network company,

2964 continuing while the TNC driver transports the rider, and ending

2965 when the last rider exits from and is no longer occupying the

2966 TNC vehicle. The term does not include a taxicab, for-hire

2967 vehicle, or street hail service and does not include ridesharing

2968 as defined in s. 341.031, carpool as defined in s. 450.28, or

2969 any other type of service in which the driver receives a fee

2970 that does not exceed the driver's cost to provide the ride.

2971 Reviser's note.—Amended to confirm the editorial insertion of

2972 the word "in."

2973 Section 87. Paragraph (h) of subsection (1) of section

2974 663.532, Florida Statutes, is amended to read:

2975 663.532 Qualification.—

2976 (1) To qualify as a qualified limited service affiliate

2977 under this part, a proposed qualified limited service affiliate

2978 must file a written notice with the office, in the manner and on

2979 a form prescribed by the commission. Such written notice must

2980 include:

2981 (h) Disclosure of any instance occurring within the prior

2982 10 years when the proposed qualified limited service affiliate's

2983 director, executive officer, principal shareholder, manager,

2984 managing member, or equivalent position was:

2985 1. Arrested for, charged with, or convicted of, or ~~who~~ pled

2986 guilty or nolo contendere to, regardless of adjudication, any

2987 offense that is punishable by imprisonment for a term exceeding

27-00781-18

20181342__

2988 1 year, or to any offense that involves money laundering,
 2989 currency transaction reporting, tax evasion, facilitating or
 2990 furthering terrorism, fraud, theft, larceny, embezzlement,
 2991 fraudulent conversion, misappropriation of property, dishonesty,
 2992 breach of trust, breach of fiduciary duty, or moral turpitude,
 2993 or that is otherwise related to the operation of a financial
 2994 institution;

2995 2. Fined or sanctioned as a result of a complaint to the
 2996 office or any other state or federal regulatory agency; or

2997 3. Ordered to pay a fine or penalty in a proceeding
 2998 initiated by a federal, state, foreign, or local law enforcement
 2999 agency or an international agency related to money laundering,
 3000 currency transaction reporting, tax evasion, facilitating or
 3001 furthering terrorism, fraud, theft, larceny, embezzlement,
 3002 fraudulent conversion, misappropriation of property, dishonesty,
 3003 breach of trust, breach of fiduciary duty, or moral turpitude,
 3004 or that is otherwise related to the operation of a financial
 3005 institution.

3006
 3007 The proposed qualified limited service affiliate may provide
 3008 additional information in the form of exhibits when attempting
 3009 to satisfy any of the qualification requirements. All
 3010 information that the proposed qualified limited service
 3011 affiliate desires to present to support the written notice must
 3012 be submitted with the notice.

3013 Reviser's note.—Amended to confirm the editorial deletion of the
 3014 word "who."

3015 Section 88. Subsection (5) of section 741.0306, Florida
 3016 Statutes, is amended to read:

27-00781-18

20181342

3017 741.0306 Creation of a family law handbook.—

3018 ~~(5) The existing family law handbook shall be reviewed and~~
3019 ~~a report provided to the Legislature by October 1, 2008, or as~~
3020 ~~soon thereafter as practicable, with recommendations for~~
3021 ~~updating the handbook.~~

3022 Reviser's note.—Amended to delete an obsolete provision.

3023 Section 89. Paragraph (d) of subsection (2) of section
3024 744.331, Florida Statutes, is amended to read:

3025 744.331 Procedures to determine incapacity.—

3026 (2) ATTORNEY FOR THE ALLEGED INCAPACITATED PERSON.—

3027 (d) ~~Effective January 1, 2007,~~ An attorney seeking to be
3028 appointed by a court for incapacity and guardianship proceedings
3029 must have completed a minimum of 8 hours of education in
3030 guardianship. A court may waive the initial training requirement
3031 for an attorney who has served as a court-appointed attorney in
3032 incapacity proceedings or as an attorney of record for guardians
3033 for not less than 3 years. ~~The education requirement of this~~
3034 ~~paragraph does not apply to the office of criminal conflict and~~
3035 ~~civil regional counsel until July 1, 2008.~~

3036 Reviser's note.—Amended to delete obsolete language.

3037 Section 90. Subsection (1) of section 796.04, Florida
3038 Statutes, is amended to read:

3039 796.04 Forcing, compelling, or coercing another to become a
3040 prostitute.—

3041 (1) ~~After May 1, 1943,~~ It shall be unlawful for anyone to
3042 force, compel, or coerce another to become a prostitute.

3043 Reviser's note.—Amended to delete obsolete language.

3044 Section 91. Subsection (1) of section 817.311, Florida
3045 Statutes, is amended to read:

27-00781-18

20181342

3046 817.311 Unlawful use of badges, etc.—

3047 (1) ~~From and after May 9, 1949,~~ Any person who shall wear
 3048 or display a badge, button, insignia or other emblem, or shall
 3049 use the name of or claim to be a member of any benevolent,
 3050 fraternal, social, humane, or charitable organization, which
 3051 organization is entitled to the exclusive use of such name and
 3052 such badge, button, insignia or emblem either in the identical
 3053 form or in such near resemblance thereto as to be a colorable
 3054 imitation thereof, unless such person is entitled so to do under
 3055 the laws, rules and regulations of such organization, shall be
 3056 guilty of a misdemeanor of the first degree, punishable as
 3057 provided in s. 775.082 or s. 775.083.

3058 Reviser's note.—Amended to delete obsolete language.

3059 Section 92. Paragraph (c) of subsection (2) of section
 3060 817.625, Florida Statutes, is amended to read:

3061 817.625 Use of scanning device, skimming device, or
 3062 reencoder to defraud; possession of skimming device; penalties.—

3063 (2)

3064 (c) It is a felony of the third degree, punishable as
 3065 provided in s. 775.082, s. 775.083, or s. 775.084, for a person
 3066 to knowingly possess, sell, or deliver a skimming device. This
 3067 paragraph does not apply to the following individuals while
 3068 acting within the scope of their ~~his or her~~ official duties:

3069 1. An employee, officer, or agent of:

3070 a. A law enforcement agency or criminal prosecuting
 3071 authority for the state or the Federal Government;

3072 b. The state courts system as defined in s. 25.382 or the
 3073 federal court system; or

3074 c. An executive branch agency in this state.

27-00781-18

20181342

3075 2. A financial or retail security investigator employed by
3076 a merchant.

3077 Reviser's note.—Amended to confirm the editorial substitution of
3078 the word "their" for the words "his or her."

3079 Section 93. Section 876.24, Florida Statutes, is amended to
3080 read:

3081 876.24 Membership in subversive organization; penalty.—It
3082 shall be unlawful for any person ~~after the effective date of~~
3083 ~~this law~~ to become or ~~after July 1, 1953,~~ to remain a member of
3084 a subversive organization or a foreign subversive organization
3085 knowing said organization to be a subversive organization or
3086 foreign subversive organization. Any person convicted of
3087 violating this section shall be guilty of a felony of the third
3088 degree, punishable as provided in s. 775.082, s. 775.083, or s.
3089 775.084.

3090 Reviser's note.—Amended to delete obsolete language.

3091 Section 94. Subsection (1) of section 905.37, Florida
3092 Statutes, is amended to read:

3093 905.37 List of prospective jurors; impanelment; composition
3094 of jury; compensation.—

3095 (1) ~~On or before July 15, 1973,~~ and Not later than the
3096 first week in December of each year ~~thereafter,~~ the chief judge
3097 of each judicial circuit shall cause to be compiled a list of
3098 persons called and certified for jury duty in each of the
3099 several counties in the circuit. From the lists of persons
3100 certified for jury duty in each of the several counties in his
3101 or her judicial circuit, the chief judge shall select by lot and
3102 at random a list of eligible prospective grand jurors from each
3103 county. The number of prospective statewide grand jurors to be

27-00781-18

20181342

3104 selected from each county shall be determined on the basis of 3
3105 such jurors for each 3,000 residents, or fraction thereof, in
3106 each county. When such lists are compiled, the chief judge of
3107 each judicial circuit shall cause the lists to be submitted to
3108 the state courts administrator ~~on or before August 15, 1973, and~~
3109 not later than February 15 of each year ~~thereafter~~.

3110 Reviser's note.—Amended to delete obsolete language.

3111 Section 95. Subsection (2) of section 943.0311, Florida
3112 Statutes, is amended to read:

3113 943.0311 Chief of Domestic Security; duties of the
3114 department with respect to domestic security.—

3115 (2) The chief shall conduct or cause to be conducted by the
3116 personnel and with the resources of the state agency, state
3117 university, or community college that owns or leases a building,
3118 facility, or structure, security assessments of buildings,
3119 facilities, and structures owned or leased by state agencies,
3120 state universities, and community colleges using methods and
3121 instruments made available by the department. Each entity making
3122 such an assessment shall prioritize its security needs based on
3123 the findings of its assessment. Each state agency, state
3124 university, and community college shall cooperate with the
3125 department and provide the assistance of employees within
3126 existing resources to provide to the chief information in the
3127 format requested by the chief. The chief must report to the
3128 Governor, the President of the Senate, and the Speaker of the
3129 House of Representatives if any state agency, state university,
3130 or community college substantially fails to cooperate with the
3131 chief in making a security assessment of the buildings,
3132 facilities, and structures of the state agency, state

27-00781-18

20181342

3133 university, or community college.

3134 ~~(a) The initial assessment of each building, facility, or~~
 3135 ~~structure owned or leased by a state agency, state university,~~
 3136 ~~or community college shall be completed by the state agency,~~
 3137 ~~state university, or community college and shall be provided to~~
 3138 ~~the chief no later than November 1, 2004.~~

3139 ~~(b)~~ Assessments of any building, facility, or structure
 3140 owned or leased by a state agency, state university, or
 3141 community college not previously provided to the chief ~~under~~
 3142 ~~paragraph (a)~~ must be completed by the state agency, state
 3143 university, or community college and provided to the chief
 3144 before occupying or substantially modifying such building,
 3145 facility, or structure. The chief may request additional
 3146 assessments to ensure that the security assessments of
 3147 buildings, facilities, and structures, owned or leased by state
 3148 agencies, state universities, and community colleges, remain
 3149 reasonably current and valid.

3150 Reviser's note.—Paragraph (a) is amended to delete an obsolete
 3151 provision. Paragraph (b) is amended to conform to the
 3152 deletion of paragraph (a).

3153 Section 96. Section 944.48, Florida Statutes, is amended to
 3154 read:

3155 944.48 Service of sentence.—Whenever any prisoner is
 3156 convicted under the provisions of ss. 944.44-944.47, ~~944.41-~~
 3157 ~~944.47~~ the punishment of imprisonment imposed shall be served
 3158 consecutively to any former sentence imposed upon any prisoner
 3159 convicted hereunder.

3160 Reviser's note.—Amended to correct a cross-reference and to
 3161 improve clarity. Section 944.41 was repealed by s. 177, ch.

27-00781-18

20181342

3162 71-355, Laws of Florida; s. 944.42 was repealed by s. 7,
3163 ch. 96-293, Laws of Florida; and s. 944.43 was repealed by
3164 s. 1, ch. 81-88, Laws of Florida. The first section in the
3165 range is now s. 944.44.

3166 Section 97. Paragraph (1) of subsection (1) of section
3167 948.03, Florida Statutes, is amended to read:

3168 948.03 Terms and conditions of probation.—

3169 (1) The court shall determine the terms and conditions of
3170 probation. Conditions specified in this section do not require
3171 oral pronouncement at the time of sentencing and may be
3172 considered standard conditions of probation. These conditions
3173 may include among them the following, that the probationer or
3174 offender in community control shall:

3175 (1)1. Submit to random testing as directed by the probation
3176 officer or the professional staff of the treatment center where
3177 he or she is receiving treatment to determine the presence or
3178 use of alcohol or controlled substances.

3179 2. If the offense was a controlled substance violation and
3180 the period of probation immediately follows a period of
3181 incarceration in the state correctional ~~correction~~ system, the
3182 conditions must include a requirement that the offender submit
3183 to random substance abuse testing intermittently throughout the
3184 term of supervision, upon the direction of the probation
3185 officer.

3186 Reviser's note.—Amended to confirm the editorial substitution of
3187 the word "correctional" for the word "correction" to
3188 conform to context.

3189 Section 98. Subsection (2) of section 1000.06, Florida
3190 Statutes, is amended to read:

27-00781-18

20181342

3191 1000.06 Display of flags.—

3192 (2) Each public K-20 educational institution that is
3193 provided or authorized by the Constitution and laws of Florida
3194 shall display daily in each classroom the flag of the United
3195 States. The flag must be made in the United States, must be at
3196 least 2 feet by 3 feet, and must be properly displayed in
3197 accordance with Title 4 U.S.C. Each educational institution
3198 shall acquire the necessary number of flags to implement the
3199 provisions of this subsection. The principal, director, or
3200 president of each educational institution shall attempt to
3201 acquire the flags through donations or fundraising for 1 year
3202 prior to securing other funding sources or allocating funds for
3203 the purchase of flags. The president of each state university or
3204 Florida College System institution must present to the governing
3205 board of the institution the results of donations and
3206 fundraising activities relating to the acquisition of flags
3207 prior to requesting the governing board to approve a funding
3208 source for the purchase of flags. ~~A flag must be displayed in~~
3209 ~~each classroom pursuant to this subsection no later than August~~
3210 ~~1, 2005.~~

3211 Reviser's note.—Amended to delete obsolete language.

3212 Section 99. Subsection (3) of section 1001.215, Florida
3213 Statutes, is amended to read:

3214 1001.215 Just Read, Florida! Office.—There is created in
3215 the Department of Education the Just Read, Florida! Office. The
3216 office is fully accountable to the Commissioner of Education and
3217 shall:

3218 (3) Work with the Lastinger Center for Learning at the
3219 University of Florida to develop training for K-12 teachers,

27-00781-18

20181342__

3220 reading coaches, and school principals on effective content-
 3221 area-specific reading strategies; the integration of content-
 3222 rich curriculum from other core subject areas into reading
 3223 instruction; and evidence-based reading strategies identified in
 3224 subsection (8) ~~(7)~~ to improve student reading performance. For
 3225 secondary teachers, emphasis shall be on technical text. These
 3226 strategies must be developed for all content areas in the K-12
 3227 curriculum.

3228 Reviser's note.—Amended to confirm the editorial substitution of
 3229 a reference to subsection (8) for a reference to subsection
 3230 (7) to conform to context. Subsection (7) relates to
 3231 implementation of a comprehensive reading plan; subsection
 3232 (8) relates to identification of evidence-based reading
 3233 instructional and intervention programs.

3234 Section 100. Subsection (18) of section 1001.42, Florida
 3235 Statutes, is reenacted to read:

3236 1001.42 Powers and duties of district school board.—The
 3237 district school board, acting as a board, shall exercise all
 3238 powers and perform all duties listed below:

3239 (18) IMPLEMENT SCHOOL IMPROVEMENT AND ACCOUNTABILITY.—
 3240 Maintain a system of school improvement and education
 3241 accountability as provided by statute and State Board of
 3242 Education rule. This system of school improvement and education
 3243 accountability shall be consistent with, and implemented
 3244 through, the district's continuing system of planning and
 3245 budgeting required by this section and ss. 1008.385, 1010.01,
 3246 and 1011.01. This system of school improvement and education
 3247 accountability shall comply with the provisions of ss. 1008.33,
 3248 1008.34, 1008.345, and 1008.385 and include the following:

27-00781-18

20181342

3249 (a) *School improvement plans.*—The district school board
3250 shall annually approve and require implementation of a new,
3251 amended, or continuation school improvement plan for each school
3252 in the district which has a school grade of "D" or "F"; has a
3253 significant gap in achievement on statewide, standardized
3254 assessments administered pursuant to s. 1008.22 by one or more
3255 student subgroups, as defined in the federal Elementary and
3256 Secondary Education Act (ESEA), 20 U.S.C. s.
3257 6311(b)(2)(C)(v)(II); has not significantly increased the
3258 percentage of students passing statewide, standardized
3259 assessments; has not significantly increased the percentage of
3260 students demonstrating Learning Gains, as defined in s. 1008.34
3261 and as calculated under s. 1008.34(3)(b), who passed statewide,
3262 standardized assessments; or has significantly lower graduation
3263 rates for a subgroup when compared to the state's graduation
3264 rate. The improvement plan of a school that meets the
3265 requirements of this paragraph shall include strategies for
3266 improving these results. The state board shall adopt rules
3267 establishing thresholds and for determining compliance with this
3268 paragraph.

3269 (b) *Early warning system.*—

3270 1. A school that serves any students in kindergarten
3271 through grade 8 shall implement an early warning system to
3272 identify students in such grades who need additional support to
3273 improve academic performance and stay engaged in school. The
3274 early warning system must include the following early warning
3275 indicators:

3276 a. Attendance below 90 percent, regardless of whether
3277 absence is excused or a result of out-of-school suspension.

27-00781-18

20181342

3278 b. One or more suspensions, whether in school or out of
3279 school.

3280 c. Course failure in English Language Arts or mathematics
3281 during any grading period.

3282 d. A Level 1 score on the statewide, standardized
3283 assessments in English Language Arts or mathematics or, for
3284 students in kindergarten through grade 3, a substantial reading
3285 deficiency under s. 1008.25(5)(a).

3286

3287 A school district may identify additional early warning
3288 indicators for use in a school's early warning system. The
3289 system must include data on the number of students identified by
3290 the system as exhibiting two or more early warning indicators,
3291 the number of students by grade level who exhibit each early
3292 warning indicator, and a description of all intervention
3293 strategies employed by the school to improve the academic
3294 performance of students identified by the early warning system.

3295 2. A school-based team responsible for implementing the
3296 requirements of this paragraph shall monitor the data from the
3297 early warning system. The team may include a school
3298 psychologist. When a student exhibits two or more early warning
3299 indicators, the team, in consultation with the student's parent,
3300 shall determine appropriate intervention strategies for the
3301 student unless the student is already being served by an
3302 intervention program at the direction of a school-based,
3303 multidisciplinary team. Data and information relating to a
3304 student's early warning indicators must be used to inform any
3305 intervention strategies provided to the student.

3306 (c) *Public disclosure.*—The district school board shall

27-00781-18

20181342

3307 provide information regarding the performance of students and
3308 educational programs as required pursuant to ss. 1008.22 and
3309 1008.385 and implement a system of school reports as required by
3310 statute and State Board of Education rule which shall include
3311 schools operating for the purpose of providing educational
3312 services to students in Department of Juvenile Justice programs,
3313 and for those schools, report on the elements specified in s.
3314 1003.52(17). Annual public disclosure reports shall be in an
3315 easy-to-read report card format and shall include the school's
3316 grade, high school graduation rate calculated without high
3317 school equivalency examinations, disaggregated by student
3318 ethnicity, and performance data as specified in state board
3319 rule.

3320 (d) *School improvement funds.*—The district school board
3321 shall provide funds to schools for developing and implementing
3322 school improvement plans. Such funds shall include those funds
3323 appropriated for the purpose of school improvement pursuant to
3324 s. 24.121(5)(c).

3325 Reviser's note.—Section 38, ch. 2017-116, Laws of Florida,
3326 purported to amend subsection (18), but did not publish
3327 paragraphs (c) and (d). Absent affirmative evidence of
3328 legislative intent to repeal them, paragraphs (c) and (d)
3329 are reenacted to confirm the omission was not intended.

3330 Section 101. Subsection (7) of section 1002.61, Florida
3331 Statutes, is amended to read:

3332 1002.61 Summer prekindergarten program delivered by public
3333 schools and private prekindergarten providers.—

3334 (7) Notwithstanding ss. 1002.55(3)(f) and 1002.63(7), each
3335 prekindergarten class in the summer prekindergarten program,

27-00781-18

20181342

3336 regardless of whether the class is a public school's or private
3337 prekindergarten provider's class, must be composed of at least 4
3338 students but may not exceed 12 students ~~beginning with the 2009~~
3339 ~~summer session~~. In order to protect the health and safety of
3340 students, each public school or private prekindergarten provider
3341 must also provide appropriate adult supervision for students at
3342 all times. This subsection does not supersede any requirement
3343 imposed on a provider under ss. 402.301-402.319.

3344 Reviser's note.—Amended to delete obsolete language.

3345 Section 102. Subsection (10) of section 1003.4282, Florida
3346 Statutes, is amended to read:

3347 1003.4282 Requirements for a standard high school diploma.—

3348 (10) STUDENTS WITH DISABILITIES.—Beginning with students
3349 entering grade 9 in the 2014-2015 school year, this subsection
3350 applies to a student with a disability.

3351 (a) A parent of the student with a disability shall, in
3352 collaboration with the individual education plan (IEP) team
3353 during the transition planning process pursuant to s. 1003.5716,
3354 declare an intent for the student to graduate from high school
3355 with either a standard high school diploma or a certificate of
3356 completion. A student with a disability who does not satisfy the
3357 standard high school diploma requirements pursuant to this
3358 section shall be awarded a certificate of completion.

3359 (b) The following options, in addition to the other options
3360 specified in this section, may be used to satisfy the standard
3361 high school diploma requirements, as specified in the student's
3362 individual education plan:

3363 1. For a student with a disability for whom the IEP team
3364 has determined that the Florida Alternate Assessment is the most

27-00781-18

20181342

3365 appropriate measure of the student's skills:

3366 a. A combination of course substitutions, assessments,
3367 industry certifications, other acceleration options, or
3368 occupational completion points appropriate to the student's
3369 unique skills and abilities that meet the criteria established
3370 by State Board of Education rule.

3371 b. A portfolio of quantifiable evidence that documents a
3372 student's mastery of academic standards through rigorous metrics
3373 established by State Board of Education rule. A portfolio may
3374 include, but is not limited to, documentation of work
3375 experience, internships, community service, and postsecondary
3376 credit.

3377 2. For a student with a disability for whom the IEP team
3378 has determined that mastery of academic and employment
3379 competencies is the most appropriate way for a student to
3380 demonstrate his or her skills:

3381 a. Documented completion of the minimum high school
3382 graduation requirements, including the number of course credits
3383 prescribed by rules of the State Board of Education.

3384 b. Documented achievement of all annual goals and short-
3385 term objectives for academic and employment competencies,
3386 industry certifications, and occupational completion points
3387 specified in the student's transition plan. The documentation
3388 must be verified by the IEP team.

3389 c. Documented successful employment for the number of hours
3390 per week specified in the student's transition plan, for the
3391 equivalent of 1 semester, and payment of a minimum wage in
3392 compliance with the requirements of the federal Fair Labor
3393 Standards Act.

27-00781-18

20181342

3394 d. Documented mastery of the academic and employment
3395 competencies, industry certifications, and occupational
3396 completion points specified in the student's transition plan.
3397 The documentation must be verified by the IEP team, the
3398 employer, and the teacher. The transition plan must be developed
3399 and signed by the student, parent, teacher, and employer before
3400 placement in employment and must identify the following:

3401 (I) The expected academic and employment competencies,
3402 industry certifications, and occupational completion points;

3403 (II) The criteria for determining and certifying mastery of
3404 the competencies;

3405 (III) The work schedule and the minimum number of hours to
3406 be worked per week; and

3407 (IV) A description of the supervision to be provided by the
3408 school district.

3409 3. Any change to the high school graduation option
3410 specified in the student's IEP must be approved by the parent
3411 and is subject to verification for appropriateness by an
3412 independent reviewer selected by the parent as provided in s.
3413 1003.572.

3414 (c) A student with a disability who meets the standard high
3415 school diploma requirements in this section may defer the
3416 receipt of a standard high school diploma if the student:

3417 1. Has an individual education plan that prescribes special
3418 education, transition planning, transition services, or related
3419 services through age 21; and

3420 2. Is enrolled in accelerated college credit instruction
3421 pursuant to s. 1007.27, industry certification courses that lead
3422 to college credit, a collegiate high school program, courses

27-00781-18

20181342

3423 necessary to satisfy the Scholar designation requirements, or a
3424 structured work-study, internship, or preapprenticeship program.

3425 (d) A student with a disability who receives a certificate
3426 of completion and has an individual education plan that
3427 prescribes special education, transition planning, transition
3428 services, or related services through 21 years of age may
3429 continue to receive the specified instruction and services.

3430 (e) Any waiver of the statewide, standardized assessment
3431 requirements by the individual education plan team, pursuant to
3432 s. 1008.22(3)(c), must be approved by the parent and is subject
3433 to verification for appropriateness by an independent reviewer
3434 selected by the parent as provided for in s. 1003.572.

3435
3436 The State Board of Education shall adopt rules under ss.
3437 120.536(1) and 120.54 to implement this subsection ~~paragraph~~,
3438 including rules that establish the minimum requirements for
3439 students described in this subsection ~~paragraph~~ to earn a
3440 standard high school diploma. The State Board of Education shall
3441 adopt emergency rules pursuant to ss. 120.536(1) and 120.54.

3442 Reviser's note.—Amended to confirm the editorial substitution of
3443 a reference to "subsection" for a reference to "paragraph"
3444 to conform to context. The flush left language following
3445 paragraph (e) is a part of subsection (10) and not any
3446 single paragraph.

3447 Section 103. Paragraphs (e) and (f) of subsection (3) of
3448 section 1003.491, Florida Statutes, are amended to read:

3449 1003.491 Florida Career and Professional Education Act.—The
3450 Florida Career and Professional Education Act is created to
3451 provide a statewide planning partnership between the business

27-00781-18

20181342

3452 and education communities in order to attract, expand, and
3453 retain targeted, high-value industry and to sustain a strong,
3454 knowledge-based economy.

3455 (3) The strategic 3-year plan developed jointly by the
3456 local school district, local workforce development boards,
3457 economic development agencies, and state-approved postsecondary
3458 institutions shall be constructed and based on:

3459 (e) Strategies to provide personalized student advisement,
3460 including a parent-participation component, and coordination
3461 with middle grades to promote and support career-themed courses
3462 and education planning ~~as required under s. 1003.4156;~~

3463 (f) Alignment of requirements for middle school career
3464 planning ~~under s. 1003.4156(1)(e)~~, middle and high school career
3465 and professional academies or career-themed courses leading to
3466 industry certification or postsecondary credit, and high school
3467 graduation requirements;

3468 Reviser's note.—Amended to conform to the deletion of s.

3469 1003.4156(1)(e) by s. 2, ch. 2017-55, Laws of Florida, and
3470 s. 60, ch. 2017-116, Laws of Florida. Section

3471 1003.4156(1)(e) related to career and education planning to
3472 be completed in 6th, 7th, or 8th grade.

3473 Section 104. Paragraph (j) of subsection (2) of section
3474 1003.621, Florida Statutes, is amended to read:

3475 1003.621 Academically high-performing school districts.—It
3476 is the intent of the Legislature to recognize and reward school
3477 districts that demonstrate the ability to consistently maintain
3478 or improve their high-performing status. The purpose of this
3479 section is to provide high-performing school districts with
3480 flexibility in meeting the specific requirements in statute and

27-00781-18

20181342

3481 rules of the State Board of Education.

3482 (2) COMPLIANCE WITH STATUTES AND RULES.—Each academically
3483 high-performing school district shall comply with all of the
3484 provisions in chapters 1000-1013, and rules of the State Board
3485 of Education which implement these provisions, pertaining to the
3486 following:

3487 (j) Those statutes relating to instructional materials,
3488 except that s. 1006.37, relating to the requisition of state-
3489 adopted materials from the depository under contract with the
3490 publisher, and s. 1006.40(3)(b) ~~1006.40(3)(a)~~, relating to the
3491 use of 50 percent of the instructional materials allocation,
3492 shall be eligible for exemption.

3493 Reviser's note.—Amended to correct a cross-reference. Section
3494 1006.40(3)(b) relates to the use of 50 percent of the
3495 annual allocation; s. 1006.40(3)(a) provides that the
3496 annual allocation may be used only for the purchase of
3497 instructional materials that align with state standards and
3498 are included on the state-adopted list, except as expressly
3499 provided.

3500 Section 105. Paragraph (c) of subsection (1) of section
3501 1004.34, Florida Statutes, is amended to read:

3502 1004.34 The University of South Florida Sarasota/Manatee.—

3503 (1) The Sarasota/Manatee campus of the University of South
3504 Florida is established and shall be known as the "University of
3505 South Florida Sarasota/Manatee."

3506 ~~(c) As soon as possible, but no later than July 1, 2002,~~
3507 ~~the President of the University of South Florida shall begin the~~
3508 ~~process of application to the Commission on Colleges of the~~
3509 ~~Southern Association of Colleges and Schools for separate~~

27-00781-18

20181342

3510 ~~accreditation of the University of South Florida~~
 3511 ~~Sarasota/Manatee. If the application is not approved or is~~
 3512 ~~provisionally approved, the University of South Florida shall~~
 3513 ~~correct any identified deficiencies and shall continue to work~~
 3514 ~~for accreditation.~~

3515 Reviser's note.—Amended to delete an obsolete provision and
 3516 conform to the fact that the accreditation has taken place.
 3517 The Southern Association of Colleges and Schools Commission
 3518 on Colleges website identifies the University of South
 3519 Florida Sarasota-Manatee as being initially accredited on
 3520 January 1, 2011, and reaffirmed in 2016.

3521 Section 106. Paragraph (f) of subsection (1) of section
 3522 1004.4473, Florida Statutes, is amended to read:

3523 1004.4473 Industrial hemp pilot projects.—

3524 (1) As used in this section, the term:

3525 (f) "Qualified project partner" means a public, nonprofit,
 3526 or private entity that:

3527 1. Has a principal place of business ~~is~~ in this state.

3528 2. Has access to a grow site and research facility located
 3529 in this state which is acceptable for the cultivation,
 3530 processing, and manufacturing of industrial hemp and hemp
 3531 products, as determined by the department.

3532 3. Submits a comprehensive business or research plan
 3533 acceptable to the partnering university.

3534 4. Provides proof of prior experience in or knowledge of,
 3535 or demonstrates an interest in and commitment to, the
 3536 cultivation, processing, manufacturing, or research of
 3537 industrial hemp, as determined by the department.

3538 Reviser's note.—Amended to confirm the editorial deletion of the

27-00781-18

20181342

3539 word "is" to improve clarity.

3540 Section 107. Paragraph (b) of subsection (4) of section
3541 1006.735, Florida Statutes, is amended to read:

3542 1006.735 Complete Florida Plus Program.—The Complete
3543 Florida Plus Program is created at the University of West
3544 Florida.

3545 (4) STATEWIDE ONLINE STUDENT ADVISING SERVICES AND
3546 SUPPORT.—The Complete Florida Plus Program shall make available
3547 on a statewide basis online services and support, including:

3548 (b) A K-20 statewide computer-assisted student advising
3549 system which shall support career and education planning for the
3550 K-12 system and the process of advising, registering, and
3551 certifying postsecondary students for graduation and which shall
3552 include a degree audit and an articulation component. Florida
3553 College System institutions and state universities shall
3554 interface institutional advising systems with the statewide
3555 computer-assisted student advising system. At a minimum, the
3556 statewide computer-assisted student advising system shall:

3557 1. Allow a student to access the system at any time.
3558 2. Support K-12 career and education planning ~~required by~~
3559 ~~s. 1003.4156(1)(c).~~

3560 3. Allow a student to search public postsecondary education
3561 institutions and identify course options that will meet the
3562 requirements of a selected path toward a degree.

3563 4. Audit transcripts of students enrolled in a public
3564 postsecondary education institution to assess current academic
3565 standing, the requirements for a student to transfer to another
3566 institution, and all requirements necessary for graduation.

3567 5. Serve as the official statewide repository for the

27-00781-18

20181342

3568 common prerequisite manual, admissions information for
 3569 transferring programs, foreign language requirements, residency
 3570 requirements, and statewide articulation agreements.

3571 6. Provide information relating to career descriptions and
 3572 corresponding educational requirements, admissions requirements,
 3573 and available sources of student financial assistance.

3574 7. Provide the admissions application for transient
 3575 students pursuant to paragraph (a) which must include the
 3576 electronic transfer and receipt of information and records for:

3577 a. Admissions and readmissions.

3578 b. Financial aid.

3579 c. Transfer of credit awarded by the institution offering
 3580 the course to the transient student's degree-granting
 3581 institution.

3582 Reviser's note.—Amended to conform to the deletion of s.

3583 1003.4156(1)(e) by s. 2, ch. 2017-55, Laws of Florida, and
 3584 s. 60, ch. 2017-116, Laws of Florida. Section

3585 1003.4156(1)(e) related to career and education planning to
 3586 be completed in 6th, 7th, or 8th grade.

3587 Section 108. Paragraph (i) of subsection (3) of section
 3588 1007.01, Florida Statutes, is amended to read:

3589 1007.01 Articulation; legislative intent; purpose; role of
 3590 the State Board of Education and the Board of Governors;
 3591 Articulation Coordinating Committee.—

3592 (3) The Commissioner of Education, in consultation with the
 3593 Chancellor of the State University System, shall establish the
 3594 Articulation Coordinating Committee, which shall make
 3595 recommendations related to statewide articulation policies and
 3596 issues regarding access, quality, and reporting of data

27-00781-18

20181342

3597 maintained by the K-20 data warehouse, established pursuant to
 3598 ss. 1001.10 and 1008.31, to the Higher Education Coordination
 3599 Council, the State Board of Education, and the Board of
 3600 Governors. The committee shall consist of two members each
 3601 representing the State University System, the Florida College
 3602 System, public career and technical education, K-12 education,
 3603 and nonpublic postsecondary education and one member
 3604 representing students. The chair shall be elected from the
 3605 membership. The Office of K-20 Articulation shall provide
 3606 administrative support for the committee. The committee shall:

3607 ~~(i) Make recommendations regarding the cost and~~
 3608 ~~requirements to develop and implement an online system for~~
 3609 ~~collecting and analyzing data regarding requests for transfer of~~
 3610 ~~credit by postsecondary education students. The online system,~~
 3611 ~~at a minimum, must collect information regarding the total~~
 3612 ~~number of credit transfer requests denied and the reason for~~
 3613 ~~each denial. Recommendations shall be reported to the President~~
 3614 ~~of the Senate and the Speaker of the House of Representatives on~~
 3615 ~~or before January 31, 2015.~~

3616 Reviser's note.—Amended to delete an obsolete provision.

3617 Section 109. Paragraph (a) of subsection (1) of section
 3618 1008.34, Florida Statutes, is reenacted to read:

3619 1008.34 School grading system; school report cards;
 3620 district grade.—

3621 (1) DEFINITIONS.—For purposes of the statewide,
 3622 standardized assessment program and school grading system, the
 3623 following terms are defined:

3624 (a) "Achievement level," "student achievement," or
 3625 "achievement" describes the level of content mastery a student

27-00781-18

20181342__

3626 has acquired in a particular subject as measured by a statewide,
3627 standardized assessment administered pursuant to s.
3628 1008.22(3)(a) and (b). There are five achievement levels. Level
3629 1 is the lowest achievement level, level 5 is the highest
3630 achievement level, and level 3 indicates satisfactory
3631 performance. A student passes an assessment if the student
3632 achieves a level 3, level 4, or level 5. For purposes of the
3633 Florida Alternate Assessment administered pursuant to s.
3634 1008.22(3)(c), the state board shall provide, in rule, the
3635 number of achievement levels and identify the achievement levels
3636 that are considered passing.

3637 Reviser's note.—Reenacted to publish the correct text of
3638 paragraph (1)(a) and to correct an input error made in the
3639 compilation of the statutes.

3640 Section 110. Subsection (2) of section 1011.67, Florida
3641 Statutes, is amended to read:

3642 1011.67 Funds for instructional materials.—

3643 (2) Annually by July 1 and before the release of
3644 instructional materials funds, each district school
3645 superintendent shall certify to the Commissioner of Education
3646 that the district school board has approved a comprehensive
3647 staff development plan that supports fidelity of implementation
3648 of instructional materials programs, including verification that
3649 training was provided; that the materials are being implemented
3650 as designed; and, beginning July 1, 2021, for core reading
3651 materials and reading intervention materials used in
3652 kindergarten through grade 5, that the materials meet the
3653 requirements of s. 1001.215(8) ~~1001.215(7)~~. This subsection does
3654 not preclude school districts from purchasing or using other

27-00781-18

20181342

3655 materials to supplement reading instruction and provide
3656 additional skills practice.

3657 Reviser's note.—Amended to conform to the redesignation of s.
3658 1001.215(7) as s. 1001.215(8) by s. 16, ch. 2017-116, Laws
3659 of Florida.

3660 Section 111. Subsection (1) of section 1011.71, Florida
3661 Statutes, is amended to read:

3662 1011.71 District school tax.—

3663 (1) If the district school tax is not provided in the
3664 General Appropriations Act or the substantive bill implementing
3665 the General Appropriations Act, each district school board
3666 desiring to participate in the state allocation of funds for
3667 current operation as prescribed by s. 1011.62(16) ~~1011.62(15)~~
3668 shall levy on the taxable value for school purposes of the
3669 district, exclusive of millage voted under s. 9(b) or s. 12,
3670 Art. VII of the State Constitution, a millage rate not to exceed
3671 the amount certified by the commissioner as the minimum millage
3672 rate necessary to provide the district required local effort for
3673 the current year, pursuant to s. 1011.62(4)(a)1. In addition to
3674 the required local effort millage levy, each district school
3675 board may levy a nonvoted current operating discretionary
3676 millage. The Legislature shall prescribe annually in the
3677 appropriations act the maximum amount of millage a district may
3678 levy.

3679 Reviser's note.—Amended to conform to the redesignation of s.
3680 1011.62(15) as s. 1011.62(16) by s. 4, ch. 2017-116, Laws
3681 of Florida.

3682 Section 112. Paragraph (b) of subsection (6) of section
3683 1013.64, Florida Statutes, is amended to read:

27-00781-18

20181342

3684 1013.64 Funds for comprehensive educational plant needs;
3685 construction cost maximums for school district capital
3686 projects.—Allocations from the Public Education Capital Outlay
3687 and Debt Service Trust Fund to the various boards for capital
3688 outlay projects shall be determined as follows:

3689 (6)

3690 (b)1. A district school board may not use funds from the
3691 following sources: Public Education Capital Outlay and Debt
3692 Service Trust Fund; School District and Community College
3693 District Capital Outlay and Debt Service Trust Fund; Classrooms
3694 First Program funds provided in s. 1013.68; nonvoted 1.5-mill
3695 levy of ad valorem property taxes provided in s. 1011.71(2);
3696 Classrooms for Kids Program funds provided in s. 1013.735;
3697 District Effort Recognition Program funds provided in s.
3698 1013.736; or High Growth District Capital Outlay Assistance
3699 Grant Program funds provided in s. 1013.738 for any new
3700 construction of educational plant space with a total cost per
3701 student station, including change orders, that equals more than:

3702 a. \$17,952 for an elementary school,

3703 b. \$19,386 for a middle school, or

3704 c. \$25,181 for a high school,

3705

3706 (January 2006) as adjusted annually to reflect increases or
3707 decreases in the Consumer Price Index.

3708 2. School districts shall maintain accurate documentation
3709 related to the costs of all new construction of educational
3710 plant space reported to the Department of Education pursuant to
3711 paragraph (d). The Auditor General shall review the
3712 documentation maintained by the school districts and verify

27-00781-18

20181342

3713 compliance with the limits under this paragraph during its
3714 scheduled operational audits of the school district. The
3715 department shall make the final determination on district
3716 compliance based on the recommendation of the Auditor General.

3717 ~~3. The Office of Economic and Demographic Research, in~~
3718 ~~consultation with the department, shall conduct a study of the~~
3719 ~~cost per student station amounts using the most recent available~~
3720 ~~information on construction costs. In this study, the costs per~~
3721 ~~student station should represent the costs of classroom~~
3722 ~~construction and administrative offices as well as the~~
3723 ~~supplemental costs of core facilities, including required media~~
3724 ~~centers, gymnasiums, music rooms, cafeterias and their~~
3725 ~~associated kitchens and food service areas, vocational areas,~~
3726 ~~and other defined specialty areas, including exceptional student~~
3727 ~~education areas. The study must take into account appropriate~~
3728 ~~cost-effectiveness factors in school construction and should~~
3729 ~~include input from industry experts. The Office of Economic and~~
3730 ~~Demographic Research must provide the results of the study and~~
3731 ~~recommendations on the cost per student station to the Governor,~~
3732 ~~the President of the Senate, and the Speaker of the House of~~
3733 ~~Representatives no later than January 31, 2017.~~

3734 ~~4. The Office of Program Policy Analysis and Government~~
3735 ~~Accountability (OPPAGA) shall conduct a study of the State~~
3736 ~~Requirements for Education Facilities (SREF) to identify current~~
3737 ~~requirements that can be eliminated or modified in order to~~
3738 ~~decrease the cost of construction of educational facilities~~
3739 ~~while ensuring student safety. OPPAGA must provide the results~~
3740 ~~of the study, and an overall recommendation as to whether SREF~~
3741 ~~should be retained, to the Governor, the President of the~~

27-00781-18

20181342__

3742 ~~Senate, and the Speaker of the House of Representatives no later~~
3743 ~~than January 31, 2017.~~

3744 3.5. Effective July 1, 2017, in addition to the funding
3745 sources listed in subparagraph 1., a district school board may
3746 not use funds from any sources for new construction of
3747 educational plant space with a total cost per student station,
3748 including change orders, which equals more than the current
3749 adjusted amounts provided in sub-subparagraphs 1.a.-c. which
3750 shall subsequently be adjusted annually to reflect increases or
3751 decreases in the Consumer Price Index. However, if a contract
3752 has been executed for architectural and design services or for
3753 construction management services before July 1, 2017, a district
3754 school board may use funds from any source for the new
3755 construction of educational plant space and such funds are
3756 exempt from the total cost per student station requirements.

3757 4.6. A district school board must not use funds from the
3758 Public Education Capital Outlay and Debt Service Trust Fund or
3759 the School District and Community College District Capital
3760 Outlay and Debt Service Trust Fund for any new construction of
3761 an ancillary plant that exceeds 70 percent of the average cost
3762 per square foot of new construction for all schools.

3763 Reviser's note.—Amended to delete provisions that have served
3764 their purposes.

3765 Section 113. This act shall take effect on the 60th day
3766 after adjournment sine die of the session of the Legislature in
3767 which enacted.