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1
2 An act relating to the Florida Statutes; amending ss.
3 20.058, 20.2551, 39.01, 39.302, 39.3065, 39.521,
4 39.6012, 45.035, 70.001, 215.555, 215.985, 220.03,
5 220.183, 252.355, 253.0341, 258.3991, 288.9619,
6 324.021, 364.336, 365.179, 373.41492, 379.2426,
7 381.925, 393.066, 400.462, 400.962, 401.45, 402.402,
8 403.726, 409.165, 409.973, 420.628, 420.9071,
9 420.9072, 420.9075, 420.9076, 429.02, 456.053,
10 481.203, 552.30, 556.102, 624.307, 624.5105, 625.091,
11 627.6387, 627.6648, 631.54, 641.31076, 647.02, 647.05,
12 723.079, 784.046, 943.059, 960.28, 1004.6499, 1007.33,
13 1009.24, 1009.50, 1009.51, 1009.52, 1009.65, 1009.986,
14 and 1011.62, F.S.; reenacting s. 408.036, F.S.;
15 deleting provisions that have expired, have become
16 obsolete, have had their effect, have served their
17 purpose, or have been impliedly repealed or
18 superseded; replacing incorrect cross-references and
19 citations; correcting grammatical, typographical, and
20 like errors; removing inconsistencies, redundancies,
21 and unnecessary repetition in the statutes; improving
22 the clarity of the statutes and facilitating their
23 correct interpretation; and revising a statutory
24 provision to conform to a directive of the
25 Legislature; providing an effective date.

26
27 Be It Enacted by the Legislature of the State of Florida:
28

29 Section 1. Subsection (5) of section 20.058, Florida

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30 Statutes, is amended to read:

31 20.058 Citizen support and direct-support organizations.—

32 (5) A law creating, or authorizing the creation of, a
33 citizen support organization or a direct-support organization
34 must state that the creation of or authorization for the
35 organization is repealed on October 1 of the 5th year after
36 enactment, unless reviewed and saved from repeal through
37 reenactment by the Legislature. ~~Citizen support organizations
38 and direct-support organizations in existence on July 1, 2014,
39 must be reviewed by the Legislature by July 1, 2019.~~

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

41 Section 2. Subsection (6) of section 20.2551, Florida
42 Statutes, is amended to read:

43 20.2551 Citizen support organizations; use of property;
44 audit; public records; partnerships.—

45 ~~(6) REPORT. By December 1, 2019, the department shall
46 submit a report to the President of the Senate and the Speaker
47 of the House of Representatives which examines the financial
48 transparency, accountability, and ethics of its citizen support
49 organizations. The report must:~~

50 ~~(a) Include audits for the most recent 3 fiscal years for
51 its citizen support organizations that are subject to audit
52 requirements under s. 215.981. An audit conducted after March 1,
53 2019, must be conducted in accordance with government auditing
54 standards.~~

55 ~~(b) Demonstrate that its citizen support organizations
56 within the Office of Resilience and Coastal Protection, as of
57 November 1, 2018, are in compliance with s. 20.058 and this
58 section.~~

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59 ~~(c) Identify any citizen support organization under~~
60 ~~paragraph (a) or paragraph (b) that is not in compliance with s.~~
61 ~~20.058 and this section and describe whether the department has~~
62 ~~terminated a contract with such organization.~~

63 ~~(d) Demonstrate how the contracts between the department~~
64 ~~and its citizen support organizations have been revised to~~
65 ~~comply with all relevant provisions of law.~~

66 Reviser's note.—Amended to delete an obsolete provision. The
67 Citizen Support Organizations Direct-Service Organizations
68 2019 Audit Report was submitted by the Division of
69 Recreation and Parks, Office of Resilience and Coastal
70 Protection, Florida Department of Environmental Regulation
71 on December 1, 2019.

72 Section 3. Subsections (8) through (38) of section 39.01,
73 Florida Statutes, are redesignated as subsections (7) through
74 (37), respectively, and present subsections (5), (6), and (7) of
75 that section are reordered and amended, to read:

76 39.01 Definitions.—When used in this chapter, unless the
77 context otherwise requires:

78 ~~(6)~~(5) "Adult" means any natural person other than a child.

79 ~~(5)~~(6) "Adoption" means the act of creating the legal
80 relationship between parent and child where it did not exist,
81 thereby declaring the child to be legally the child of the
82 adoptive parents and their heir at law, and entitled to all the
83 rights and privileges and subject to all the obligations of a
84 child born to the adoptive parents in lawful wedlock.

85 ~~(38)~~(7) "Juvenile sexual abuse" means any sexual behavior
86 by a child which occurs without consent, without equality, or as
87 a result of coercion. For purposes of this subsection, the

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88 following definitions apply:

89 (a) "Coercion" means the exploitation of authority or the
90 use of bribes, threats of force, or intimidation to gain
91 cooperation or compliance.

92 (b)~~(e)~~ "Consent" means an agreement, including all of the
93 following:

94 1. Understanding what is proposed based on age, maturity,
95 developmental level, functioning, and experience.

96 2. Knowledge of societal standards for what is being
97 proposed.

98 3. Awareness of potential consequences and alternatives.

99 4. Assumption that agreement or disagreement will be
100 accepted equally.

101 5. Voluntary decision.

102 6. Mental competence.

103 (c)~~(b)~~ "Equality" means two participants operating with the
104 same level of power in a relationship, neither being controlled
105 nor coerced by the other.

106
107 Juvenile sexual behavior ranges from noncontact sexual behavior
108 such as making obscene phone calls, exhibitionism, voyeurism,
109 and the showing or taking of lewd photographs to varying degrees
110 of direct sexual contact, such as frottage, fondling, digital
111 penetration, rape, fellatio, sodomy, and various other sexually
112 aggressive acts.

113 Reviser's note.—Amended to conform with the alphabetical
114 ordering of the defined terms elsewhere in the section.

115 Section 4. Subsection (1) of section 39.302, Florida
116 Statutes, is amended to read:

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117 39.302 Protective investigations of institutional child
118 abuse, abandonment, or neglect.—

119 (1) The department shall conduct a child protective
120 investigation of each report of institutional child abuse,
121 abandonment, or neglect. Upon receipt of a report that alleges
122 that an employee or agent of the department, or any other entity
123 or person covered by s. 39.01(36) or (54) ~~39.01(37) or (54)~~,
124 acting in an official capacity, has committed an act of child
125 abuse, abandonment, or neglect, the department shall initiate a
126 child protective investigation within the timeframe established
127 under s. 39.201(5) and notify the appropriate state attorney,
128 law enforcement agency, and licensing agency, which shall
129 immediately conduct a joint investigation, unless independent
130 investigations are more feasible. When conducting investigations
131 or having face-to-face interviews with the child, investigation
132 visits shall be unannounced unless it is determined by the
133 department or its agent that unannounced visits threaten the
134 safety of the child. If a facility is exempt from licensing, the
135 department shall inform the owner or operator of the facility of
136 the report. Each agency conducting a joint investigation is
137 entitled to full access to the information gathered by the
138 department in the course of the investigation. A protective
139 investigation must include an interview with the child's parent
140 or legal guardian. The department shall make a full written
141 report to the state attorney within 3 working days after making
142 the oral report. A criminal investigation shall be coordinated,
143 whenever possible, with the child protective investigation of
144 the department. Any interested person who has information
145 regarding the offenses described in this subsection may forward

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146 a statement to the state attorney as to whether prosecution is
147 warranted and appropriate. Within 15 days after the completion
148 of the investigation, the state attorney shall report the
149 findings to the department and shall include in the report a
150 determination of whether or not prosecution is justified and
151 appropriate in view of the circumstances of the specific case.

152 Reviser's note.—Amended to conform to the reordering of
153 subsections in s. 39.01 by this act.

154 Section 5. Paragraph (f) of subsection (3) of section
155 39.3065, Florida Statutes, is amended to read:

156 39.3065 Sheriffs of certain counties to provide child
157 protective investigative services; procedures; funding.—

158 (3)

159 (f) The department shall produce an annual report
160 regarding, at a minimum, performance quality, outcome-measure
161 attainment, and cost efficiency of the services provided by all
162 sheriffs providing child protective investigative services. The
163 annual report shall include data and information on both the
164 sheriffs' and the department's performance of protective
165 investigations. The department shall submit the annual report to
166 the President of the Senate, the Speaker of the House of
167 Representatives, and ~~to~~ the Governor no later than November 1 of
168 each year the sheriffs are receiving general appropriations to
169 provide child protective investigations.

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

172 Section 6. Paragraph (c) of subsection (1) of section
173 39.521, Florida Statutes, is amended to read:

174 39.521 Disposition hearings; powers of disposition.—

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175 (1) A disposition hearing shall be conducted by the court,
176 if the court finds that the facts alleged in the petition for
177 dependency were proven in the adjudicatory hearing, or if the
178 parents or legal custodians have consented to the finding of
179 dependency or admitted the allegations in the petition, have
180 failed to appear for the arraignment hearing after proper
181 notice, or have not been located despite a diligent search
182 having been conducted.

183 (c) When any child is adjudicated by a court to be
184 dependent, the court having jurisdiction of the child has the
185 power by order to:

186 1. Require the parent and, when appropriate, the legal
187 guardian or the child to participate in treatment and services
188 identified as necessary. The court may require the person who
189 has custody or who is requesting custody of the child to submit
190 to a mental health or substance abuse disorder assessment or
191 evaluation. The order may be made only upon good cause shown and
192 pursuant to notice and procedural requirements provided under
193 the Florida Rules of Juvenile Procedure. The mental health
194 assessment or evaluation must be administered by a qualified
195 professional as defined in s. 39.01, and the substance abuse
196 assessment or evaluation must be administered by a qualified
197 professional as defined in s. 397.311. The court may also
198 require such person to participate in and comply with treatment
199 and services identified as necessary, including, when
200 appropriate and available, participation in and compliance with
201 a mental health court program established under chapter 394 or a
202 treatment-based drug court program established under s. 397.334.
203 Adjudication of a child as dependent based upon evidence of harm

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204 as defined in s. 39.01(34)(g) ~~39.01(35)(g)~~ demonstrates good
205 cause, and the court shall require the parent whose actions
206 caused the harm to submit to a substance abuse disorder
207 assessment or evaluation and to participate and comply with
208 treatment and services identified in the assessment or
209 evaluation as being necessary. In addition to supervision by the
210 department, the court, including the mental health court program
211 or the treatment-based drug court program, may oversee the
212 progress and compliance with treatment by a person who has
213 custody or is requesting custody of the child. The court may
214 impose appropriate available sanctions for noncompliance upon a
215 person who has custody or is requesting custody of the child or
216 make a finding of noncompliance for consideration in determining
217 whether an alternative placement of the child is in the child's
218 best interests. Any order entered under this subparagraph may be
219 made only upon good cause shown. This subparagraph does not
220 authorize placement of a child with a person seeking custody of
221 the child, other than the child's parent or legal custodian, who
222 requires mental health or substance abuse disorder treatment.

223 2. Require, if the court deems necessary, the parties to
224 participate in dependency mediation.

225 3. Require placement of the child either under the
226 protective supervision of an authorized agent of the department
227 in the home of one or both of the child's parents or in the home
228 of a relative of the child or another adult approved by the
229 court, or in the custody of the department. Protective
230 supervision continues until the court terminates it or until the
231 child reaches the age of 18, whichever date is first. Protective
232 supervision shall be terminated by the court whenever the court

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233 determines that permanency has been achieved for the child,
234 whether with a parent, another relative, or a legal custodian,
235 and that protective supervision is no longer needed. The
236 termination of supervision may be with or without retaining
237 jurisdiction, at the court's discretion, and shall in either
238 case be considered a permanency option for the child. The order
239 terminating supervision by the department must set forth the
240 powers of the custodian of the child and include the powers
241 ordinarily granted to a guardian of the person of a minor unless
242 otherwise specified. Upon the court's termination of supervision
243 by the department, further judicial reviews are not required if
244 permanency has been established for the child.

245 4. Determine whether the child has a strong attachment to
246 the prospective permanent guardian and whether such guardian has
247 a strong commitment to permanently caring for the child.

248 Reviser's note.—Amended to conform to the reordering of
249 subsections in s. 39.01 by this act.

250 Section 7. Paragraph (c) of subsection (1) of section
251 39.6012, Florida Statutes, is amended to read:

252 39.6012 Case plan tasks; services.—

253 (1) The services to be provided to the parent and the tasks
254 that must be completed are subject to the following:

255 (c) If there is evidence of harm as defined in s.
256 39.01(34)(g) ~~39.01(35)(g)~~, the case plan must include as a
257 required task for the parent whose actions caused the harm that
258 the parent submit to a substance abuse disorder assessment or
259 evaluation and participate and comply with treatment and
260 services identified in the assessment or evaluation as being
261 necessary.

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262 Reviser's note.—Amended to conform to the reordering of
263 subsections in s. 39.01 by this act.

264 Section 8. Section 45.035, Florida Statutes, is amended to
265 read:

266 45.035 Clerk's fees.—In addition to other fees or service
267 charges authorized by law, the clerk shall receive service
268 charges related to the judicial sales procedure set forth in ss.
269 45.031-45.033 ~~45.031-45.034~~ and this section:

270 (1) The clerk shall receive a service charge of \$70, from
271 which the clerk shall remit \$10 to the Department of Revenue for
272 deposit into the General Revenue Fund, for services in making,
273 recording, and certifying the sale and title, which service
274 charge shall be assessed as costs and shall be advanced by the
275 plaintiff before the sale.

276 (2) If there is a surplus resulting from the sale, the
277 clerk may receive the following service charges, which shall be
278 deducted from the surplus:

279 (a) The clerk may withhold the sum of \$28 from the surplus
280 which may only be used for purposes of educating the public as
281 to the rights of homeowners regarding foreclosure proceedings.

282 (b) The clerk is entitled to a service charge of \$15 for
283 each disbursement of surplus proceeds, from which the clerk
284 shall remit \$5 to the Department of Revenue for deposit into the
285 General Revenue Fund.

286 (3) If the sale is conducted by electronic means, as
287 provided in s. 45.031(10), the clerk shall receive an additional
288 service charge not to exceed \$70 for services in conducting or
289 contracting for the electronic sale, which service charge shall
290 be assessed as costs and paid when filing for an electronic sale

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291 date. If the clerk requires advance electronic deposits to
292 secure the right to bid, such deposits shall not be subject to
293 the fee under s. 28.24(10). The portion of an advance deposit
294 from a winning bidder required by s. 45.031(3) shall, upon
295 acceptance of the winning bid, be subject to the fee under s.
296 28.24(10).

297 Reviser's note.—Amended to conform to the repeal of s. 45.034 by
298 s. 3, ch. 2020-3, Laws of Florida.

299 Section 9. Paragraph (c) of subsection (4) of section
300 70.001, Florida Statutes, is amended to read:

301 70.001 Private property rights protection.—

302 (4)

303 (c) During the 90-day-notice period or the 150-day-notice
304 period, unless extended by agreement of the parties, the
305 governmental entity shall make a written settlement offer to
306 effectuate:

307 1. An adjustment of land development or permit standards or
308 other provisions controlling the development or use of land.

309 2. Increases or modifications in the density, intensity, or
310 use of areas of development.

311 3. The transfer of development ~~developmental~~ rights.

312 4. Land swaps or exchanges.

313 5. Mitigation, including payments in lieu of onsite
314 mitigation.

315 6. Location on the least sensitive portion of the property.

316 7. Conditioning the amount of development or use permitted.

317 8. A requirement that issues be addressed on a more
318 comprehensive basis than a single proposed use or development.

319 9. Issuance of the development order, a variance, special

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320 exception, or other extraordinary relief.

321 10. Purchase of the real property, or an interest therein,
322 by an appropriate governmental entity or payment of
323 compensation.

324 11. No changes to the action of the governmental entity.

325
326 If the property owner accepts a settlement offer, either before
327 or after filing an action, the governmental entity may implement
328 the settlement offer by appropriate development agreement; by
329 issuing a variance, special exception, or other extraordinary
330 relief; or by other appropriate method, subject to paragraph
331 (d).

332 Reviser's note.—Amended to conform to general usage in statutory
333 provisions referencing development rights.

334 Section 10. Paragraph (b) of subsection (16) of section
335 215.555, Florida Statutes, is amended to read:

336 215.555 Florida Hurricane Catastrophe Fund.—

337 (16) FACILITATION OF INSURERS' PRIVATE CONTRACT
338 NEGOTIATIONS BEFORE THE START OF THE HURRICANE SEASON.—

339 (b) The board shall adopt the reimbursement contract for a
340 particular contract year by February 1 of the immediately
341 preceding contract year. ~~However, the reimbursement contract~~
342 ~~shall be adopted as soon as possible in advance of the 2010-2011~~
343 ~~contract year.~~

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

345 Section 11. Subsection (7) of section 215.985, Florida
346 Statutes, is amended to read:

347 215.985 Transparency in government spending.—

348 (7) By November 1 of each year, ~~2013, and annually~~

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349 ~~thereafter~~, the committee shall recommend to the President of
350 the Senate and the Speaker of the House of Representatives:

351 (a) Additional information to be added to a website, such
352 as whether to expand the scope of the information provided to
353 include state universities, Florida College System institutions,
354 school districts, charter schools, charter technical career
355 centers, local government units, and other governmental
356 entities.

357 (b) A schedule for adding information to the website by
358 type of information and governmental entity, including
359 timeframes and development entity.

360 (c) A format for collecting and displaying the additional
361 information.

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

363 Section 12. Paragraph (t) of subsection (1) of section
364 220.03, Florida Statutes, is amended to read:

365 220.03 Definitions.—

366 (1) SPECIFIC TERMS.—When used in this code, and when not
367 otherwise distinctly expressed or manifestly incompatible with
368 the intent thereof, the following terms shall have the following
369 meanings:

370 (t) "Project" means any activity undertaken by an eligible
371 sponsor, as defined in s. 220.183(2)(c), which is designed to
372 construct, improve, or substantially rehabilitate housing that
373 is affordable to low-income or very-low-income households as
374 defined in s. 420.9071(20) and (30) ~~420.9071(19) and (28)~~;
375 designed to provide housing opportunities for persons with
376 special needs as defined in s. 420.0004; designed to provide
377 commercial, industrial, or public resources and facilities; or

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378 designed to improve entrepreneurial and job-development
379 opportunities for low-income persons. A project may be the
380 investment necessary to increase access to high-speed broadband
381 capability in a rural community that had an enterprise zone
382 designated pursuant to chapter 290 as of May 1, 2015, including
383 projects that result in improvements to communications assets
384 that are owned by a business. A project may include the
385 provision of museum educational programs and materials that are
386 directly related to any project approved between January 1,
387 1996, and December 31, 1999, and located in an area that was in
388 an enterprise zone designated pursuant to s. 290.0065 as of May
389 1, 2015. This paragraph does not preclude projects that propose
390 to construct or rehabilitate low-income or very-low-income
391 housing on scattered sites or housing opportunities for persons
392 with special needs as defined in s. 420.0004. With respect to
393 housing, contributions may be used to pay the following eligible
394 project-related activities:

- 395 1. Project development, impact, and management fees for
396 special needs, low-income, or very-low-income housing projects;
- 397 2. Down payment and closing costs for eligible persons, as
398 defined in s. 420.9071(20) and (30) ~~420.9071(19)~~ and ~~(28)~~;
- 399 3. Administrative costs, including housing counseling and
400 marketing fees, not to exceed 10 percent of the community
401 contribution, directly related to special needs, low-income, or
402 very-low-income projects; and
- 403 4. Removal of liens recorded against residential property
404 by municipal, county, or special-district local governments when
405 satisfaction of the lien is a necessary precedent to the
406 transfer of the property to an eligible person, as defined in s.

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407 420.9071(20) and (30) ~~420.9071(19) and (28)~~, for the purpose of
408 promoting home ownership. Contributions for lien removal must be
409 received from a nonrelated third party.

410 Reviser's note.—Amended to conform to the reordering of
411 definitions in s. 420.9071 by this act.

412 Section 13. Paragraphs (b) and (d) of subsection (2) of
413 section 220.183, Florida Statutes, are amended to read:

414 220.183 Community contribution tax credit.—

415 (2) ELIGIBILITY REQUIREMENTS.—

416 (b)1. All community contributions must be reserved
417 exclusively for use in projects as defined in s. 220.03(1)(t).

418 2. If, during the first 10 business days of the state
419 fiscal year, eligible tax credit applications for projects that
420 provide housing opportunities for persons with special needs as
421 defined in s. 420.0004 or homeownership opportunities for low-
422 income or very-low-income households as defined in s.

423 420.9071(20) and (30) ~~420.9071(19) and (28)~~ are received for
424 less than the annual tax credits available for those projects,
425 the Department of Economic Opportunity shall grant tax credits
426 for those applications and shall grant remaining tax credits on
427 a first-come, first-served basis for any subsequent eligible
428 applications received before the end of the state fiscal year.
429 If, during the first 10 business days of the state fiscal year,
430 eligible tax credit applications for projects that provide
431 housing opportunities for persons with special needs as defined
432 in s. 420.0004 or homeownership opportunities for low-income or
433 very-low-income households as defined in s. 420.9071(20) and
434 (30) ~~420.9071(19) and (28)~~ are received for more than the annual
435 tax credits available for those projects, the Department of

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436 Economic Opportunity shall grant the tax credits for those
437 applications as follows:

438 a. If tax credit applications submitted for approved
439 projects of an eligible sponsor do not exceed \$200,000 in total,
440 the credit shall be granted in full if the tax credit
441 applications are approved.

442 b. If tax credit applications submitted for approved
443 projects of an eligible sponsor exceed \$200,000 in total, the
444 amount of tax credits granted under sub-subparagraph a. shall be
445 subtracted from the amount of available tax credits, and the
446 remaining credits shall be granted to each approved tax credit
447 application on a pro rata basis.

448 3. If, during the first 10 business days of the state
449 fiscal year, eligible tax credit applications for projects other
450 than those that provide housing opportunities for persons with
451 special needs as defined in s. 420.0004 or homeownership
452 opportunities for low-income or very-low-income households as
453 defined in s. 420.9071(20) and (30) ~~420.9071(19) and (28)~~ are
454 received for less than the annual tax credits available for
455 those projects, the Department of Economic Opportunity shall
456 grant tax credits for those applications and shall grant
457 remaining tax credits on a first-come, first-served basis for
458 any subsequent eligible applications received before the end of
459 the state fiscal year. If, during the first 10 business days of
460 the state fiscal year, eligible tax credit applications for
461 projects other than those that provide housing opportunities for
462 persons with special needs as defined in s. 420.0004 or
463 homeownership opportunities for low-income or very-low-income
464 households as defined in s. 420.9071(20) and (30) ~~420.9071(19)~~

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465 ~~and (28)~~ are received for more than the annual tax credits
466 available for those projects, the Department of Economic
467 Opportunity shall grant the tax credits for those applications
468 on a pro rata basis.

469 (d) The project shall be located in an area that was
470 designated as an enterprise zone pursuant to chapter 290 as of
471 May 1, 2015, or a Front Porch Florida Community. Any project
472 designed to construct or rehabilitate housing for low-income or
473 very-low-income households as defined in s. 420.9071(20) and
474 (30) ~~420.9071(19)~~ and ~~(28)~~ or provide housing opportunities for
475 persons with special needs as defined in s. 420.0004 is exempt
476 from the area requirement of this paragraph. This section does
477 not preclude projects that propose to construct or rehabilitate
478 housing for low-income or very-low-income households on
479 scattered sites or provide housing opportunities for persons
480 with special needs. Any project designed to provide increased
481 access to high-speed broadband capabilities which includes
482 coverage of a rural enterprise zone may locate the project's
483 infrastructure in any area of a rural county.

484 Reviser's note.—Amended to conform to the reordering of
485 definitions in s. 420.9071 by this act.

486 Section 14. Subsection (2) of section 252.355, Florida
487 Statutes, is amended to read:

488 252.355 Registry of persons with special needs; notice;
489 registration program.—

490 (2) In order to ensure that all persons with special needs
491 may register, the division shall develop and maintain a special
492 needs shelter registration program. ~~The registration program~~
493 ~~must be developed by January 1, 2015, and fully implemented by~~

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494 ~~March 1, 2015.~~

495 (a) The registration program shall include, at a minimum, a
496 uniform electronic registration form and a database for
497 uploading and storing submitted registration forms that may be
498 accessed by the appropriate local emergency management agency.
499 The link to the registration form shall be easily accessible on
500 each local emergency management agency's website. Upon receipt
501 of a paper registration form, the local emergency management
502 agency shall enter the person's registration information into
503 the database.

504 (b) To assist in identifying persons with special needs,
505 home health agencies, hospices, nurse registries, home medical
506 equipment providers, the Department of Children and Families,
507 the Department of Health, the Agency for Health Care
508 Administration, the Department of Education, the Agency for
509 Persons with Disabilities, the Department of Elderly Affairs,
510 and memory disorder clinics shall, and any physician licensed
511 under chapter 458 or chapter 459 and any pharmacy licensed under
512 chapter 465 may, annually provide registration information to
513 all of their special needs clients or their caregivers. The
514 division shall develop a brochure that provides information
515 regarding special needs shelter registration procedures. The
516 brochure must be easily accessible on the division's website.
517 All appropriate agencies and community-based service providers,
518 including aging and disability resource centers, memory disorder
519 clinics, home health care providers, hospices, nurse registries,
520 and home medical equipment providers, shall, and any physician
521 licensed under chapter 458 or chapter 459 may, assist emergency
522 management agencies by annually registering persons with special

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523 needs for special needs shelters, collecting registration
524 information for persons with special needs as part of the
525 program intake process, and establishing programs to educate
526 clients about the registration process and disaster preparedness
527 safety procedures. A client of a state-funded or federally
528 funded service program who has a physical, mental, or cognitive
529 impairment or sensory disability and who needs assistance in
530 evacuating, or when in a shelter, must register as a person with
531 special needs. The registration program shall give persons with
532 special needs the option of preauthorizing emergency response
533 personnel to enter their homes during search and rescue
534 operations if necessary to ensure their safety and welfare
535 following disasters.

536 (c) The division shall be the designated lead agency
537 responsible for community education and outreach to the public,
538 including special needs clients, regarding registration and
539 special needs shelters and general information regarding shelter
540 stays.

541 (d) On or before May 31 of each year, each electric utility
542 in the state shall annually notify residential customers in its
543 service area of the availability of the registration program
544 available through their local emergency management agency by:

545 1. An initial notification upon the activation of new
546 residential service with the electric utility, followed by one
547 annual notification between January 1 and May 31; or

548 2. Two separate annual notifications between January 1 and
549 May 31.

550

551 The notification may be made by any available means, including,

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552 but not limited to, written, electronic, or verbal notification,
553 and may be made concurrently with any other notification to
554 residential customers required by law or rule.

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

556 Section 15. Subsection (8) of section 253.0341, Florida
557 Statutes, is amended to read:

558 253.0341 Surplus of state-owned lands.—

559 (8) The sale price of lands determined to be surplus
560 pursuant to this section and s. 253.82 shall be determined by
561 the Division of State Lands, which shall consider an appraisal
562 of the property or, if the estimated value of the land is
563 \$500,000 or less, a comparable sales analysis or a broker's
564 opinion of value. The value must be based on the highest and
565 best use of the property, considering all applicable development
566 ~~developmental~~ rights, to ensure the maximum benefit and use to
567 the state as provided in s. 253.03(7)(a). The division may
568 require a second appraisal. The individual or entity that
569 requests to purchase the surplus parcel shall pay all costs
570 associated with determining the property's value, if any. As
571 used in this subsection, the term "highest and best use" means
572 the reasonable, probable, and legal use of vacant land or an
573 improved property which is physically possible, appropriately
574 supported, financially feasible, and results in the highest
575 value.

576 (a) A written valuation of land determined to be surplus
577 pursuant to this section and s. 253.82, and related documents
578 used to form the valuation or which pertain to the valuation,
579 are confidential and exempt from s. 119.07(1) and s. 24(a), Art.
580 I of the State Constitution.

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581 1. The exemption expires 2 weeks before the contract or
582 agreement regarding the purchase, exchange, or disposal of the
583 surplus land is first considered for approval by the board of
584 trustees.

585 2. Before expiration of the exemption, the Division of
586 State Lands may disclose confidential and exempt appraisals,
587 valuations, or valuation information regarding surplus land:

588 a. During negotiations for the sale or exchange of the
589 land;

590 b. During the marketing effort or bidding process
591 associated with the sale, disposal, or exchange of the land to
592 facilitate closure of such effort or process;

593 c. When the passage of time has made the conclusions of
594 value invalid; or

595 d. When negotiations or marketing efforts concerning the
596 land are concluded.

597 (b) A unit of government that acquires title to lands
598 pursuant to this section for less than appraised value may not
599 sell or transfer title to all or any portion of the lands to any
600 private owner for 10 years. A unit of government seeking to
601 transfer or sell lands pursuant to this paragraph must first
602 allow the board of trustees to reacquire such lands for the
603 price at which the board of trustees sold such lands.

604 Reviser's note.—Amended to conform to general usage in statutory
605 provisions referencing development rights.

606 Section 16. Subsection (1) of section 258.3991, Florida
607 Statutes, is amended to read:

608 258.3991 Nature Coast Aquatic Preserve.—

609 (1) DESIGNATION.—The area described in subsection (2) which

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610 lies within Citrus, Hernando, and Pasco Counties is designated
611 by the Legislature for inclusion in the aquatic preserve system
612 under the Florida Aquatic Preserve Act of 1975 and as an
613 Outstanding Florida Water pursuant to s. 403.061(28) ~~403.061(27)~~
614 and shall be known as the "Nature Coast Aquatic Preserve." It is
615 the intent of the Legislature that the Nature Coast Aquatic
616 Preserve be preserved in an essentially natural condition so
617 that its biological and aesthetic values may endure for the
618 enjoyment of future generations. This section may not be
619 construed to impose additional permitting requirements for
620 county or state projects under the Resources and Ecosystems
621 Sustainability, Tourist Opportunities, and Revived Economies of
622 the Gulf Coast Act of 2012 (RESTORE Act) that are funded
623 pursuant to 33 U.S.C. s. 1321(t)(3).

624 Reviser's note.—Amended to conform to the redesignation of
625 subsections in s. 403.061 by s. 10, ch. 2020-150, Laws of
626 Florida; s. 403.061(28) relates to Outstanding Florida
627 Waters.

628 Section 17. Section 288.9619, Florida Statutes, is amended
629 to read:

630 288.9619 Conflicts of interest.—If any director has a
631 direct or indirect interest associated with any party to an
632 application on which the corporation has taken or will take
633 action in exercising its power for the issuance of revenue bonds
634 or other evidences of indebtedness, such interest must be
635 publicly disclosed to the corporation and set forth in the
636 minutes of the corporation. The director who ~~that~~ has such
637 interest may not participate in any action by the corporation
638 with respect to such party and application.

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639 Reviser's note.—Amended to confirm the editorial substitution of
640 the word "who" for the word "that" to conform to context.

641 Section 18. Paragraph (c) of subsection (9) of section
642 324.021, Florida Statutes, is amended to read:

643 324.021 Definitions; minimum insurance required.—The
644 following words and phrases when used in this chapter shall, for
645 the purpose of this chapter, have the meanings respectively
646 ascribed to them in this section, except in those instances
647 where the context clearly indicates a different meaning:

648 (9) OWNER; OWNER/LESSOR.—

649 (c) *Application*.—

650 1. The limits on liability in subparagraphs (b)2. and 3. do
651 not apply to an owner of motor vehicles that are used for
652 commercial activity in the owner's ordinary course of business,
653 other than a rental company that rents or leases motor vehicles.
654 For purposes of this paragraph, the term "rental company"
655 includes only an entity that is engaged in the business of
656 renting or leasing motor vehicles to the general public and that
657 rents or leases a majority of its motor vehicles to persons with
658 no direct or indirect affiliation with the rental company. The
659 term "rental company" also includes:

660 a. A related rental or leasing company that is a subsidiary
661 of the same parent company as that of the renting or leasing
662 company that rented or leased the vehicle.

663 b. The holder of a motor vehicle title or an equity
664 interest in a motor vehicle title if the title or equity
665 interest is held pursuant to or to facilitate an asset-backed
666 securitization of a fleet of motor vehicles used solely in the
667 business of renting or leasing motor vehicles to the general

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668 public and under the dominion and control of a rental company,
669 as described in this subparagraph, in the operation of such
670 rental company's business.

671 2. Furthermore, with respect to commercial motor vehicles
672 as defined in s. 627.732, the limits on liability in
673 subparagraphs (b)2. and 3. do not apply if, at the time of the
674 incident, the commercial motor vehicle is being used in the
675 transportation of materials found to be hazardous for the
676 purposes of the Hazardous Materials Transportation Authorization
677 Act of 1994, as amended, 49 U.S.C. ss. 5101 et seq., and that is
678 required pursuant to such act to carry placards warning others
679 of the hazardous cargo, unless at the time of lease or rental
680 either:

681 a. The lessee indicates in writing that the vehicle will
682 not be used to transport materials found to be hazardous for the
683 purposes of the Hazardous Materials Transportation Authorization
684 Act of 1994, as amended, 49 U.S.C. ss. 5101 et seq.; or

685 b. The lessee or other operator of the commercial motor
686 vehicle has in effect insurance with limits of at least
687 \$5,000,000 combined property damage and bodily injury liability.

688 3.a. A motor vehicle dealer, or a motor vehicle dealer's
689 leasing or rental affiliate, that provides a temporary
690 replacement vehicle at no charge or at a reasonable daily charge
691 to a service customer whose vehicle is being held for repair,
692 service, or adjustment by the motor vehicle dealer is immune
693 from any cause of action and is not liable, vicariously or
694 directly, under general law solely by reason of being the owner
695 of the temporary replacement vehicle for harm to persons or
696 property that arises out of the use, or operation, of the

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697 temporary replacement vehicle by any person during the period
698 the temporary replacement vehicle has been entrusted to the
699 motor vehicle dealer's service customer if there is no
700 negligence or criminal wrongdoing on the part of the motor
701 vehicle owner, or its leasing or rental affiliate.

702 b. For purposes of this section, and notwithstanding any
703 other provision of general law, a motor vehicle dealer, or a
704 motor vehicle dealer's leasing or rental affiliate, that gives
705 possession, control, or use of a temporary replacement vehicle
706 to a motor vehicle dealer's service customer may not be adjudged
707 liable in a civil proceeding absent negligence or criminal
708 wrongdoing on the part of the motor vehicle dealer, or the motor
709 vehicle dealer's leasing or rental affiliate, if the motor
710 vehicle dealer or the motor vehicle dealer's leasing or rental
711 affiliate executes a written rental or use agreement and obtains
712 from the person receiving the temporary replacement vehicle a
713 copy of the person's driver license and insurance information
714 reflecting at least the minimum motor vehicle insurance coverage
715 required in the state. Any subsequent determination that the
716 driver license or insurance information provided to the motor
717 vehicle dealer, or the motor vehicle dealer's leasing or rental
718 affiliate, was in any way false, fraudulent, misleading,
719 nonexistent, canceled, not in effect, or invalid does not alter
720 or diminish the protections provided by this section, unless the
721 motor vehicle dealer, or the motor vehicle dealer's leasing or
722 rental affiliate, had actual knowledge thereof at the time
723 possession of the temporary replacement vehicle was provided.

724 c. For purposes of this subparagraph, the term "service
725 customer" does not include an agent or a principal of a motor

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726 vehicle dealer or a motor vehicle dealer's leasing or rental
727 affiliate, and does not include an employee of a motor vehicle
728 dealer or a motor vehicle dealer's leasing or rental affiliate
729 unless the employee was provided a temporary replacement
730 vehicle:

731 (I) While the employee's personal vehicle was being held
732 for repair, service, or adjustment by the motor vehicle dealer;

733 (II) In the same manner as other customers who are provided
734 a temporary replacement vehicle while the customer's vehicle is
735 being held for repair, service, or adjustment; and

736 (III) The employee was not acting within the course and
737 scope of his or her ~~their~~ employment.

738 Reviser's note.—Amended to conform to the immediately preceding
739 context.

740 Section 19. Subsection (3) of section 364.336, Florida
741 Statutes, is amended to read:

742 364.336 Regulatory assessment fees.—

743 (3) By January 15 of each year, ~~2012, and annually~~
744 ~~thereafter~~, the commission must report to the Governor, the
745 President of the Senate, and the Speaker of the House of
746 Representatives, providing a detailed description of its efforts
747 to reduce the regulatory assessment fee for telecommunications
748 companies, including a detailed description of the regulatory
749 activities that are no longer required; the commensurate
750 reduction in costs associated with this reduction in regulation;
751 the regulatory activities that continue to be required under
752 this chapter; and the costs associated with those regulatory
753 activities.

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

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755 Section 20. Subsection (6) of section 365.179, Florida
756 Statutes, is amended to read:

757 365.179 Direct radio communication between 911 public
758 safety answering points and first responders.—

759 ~~(6) By January 1, 2020, each sheriff shall provide to the~~
760 ~~Department of Law Enforcement:~~

761 ~~(a) A copy of each interlocal agreement made between the~~
762 ~~primary first responder agencies within his or her county~~
763 ~~pursuant to this section; and~~

764 ~~(b) Written certification that all PSAPs in his or her~~
765 ~~county are in compliance with this section.~~

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

767 Section 21. Paragraphs (b) and (c) of subsection (3) of
768 section 373.41492, Florida Statutes, are amended to read:

769 373.41492 Miami-Dade County Lake Belt Mitigation Plan;
770 mitigation for mining activities within the Miami-Dade County
771 Lake Belt.—

772 (3) The mitigation fee and the water treatment plant
773 upgrade fee imposed by this section must be reported to the
774 Department of Revenue. Payment of the mitigation and the water
775 treatment plant upgrade fees must be accompanied by a form
776 prescribed by the Department of Revenue.

777 (b) The proceeds of the water treatment plant upgrade fee,
778 less administrative costs ~~and less 2 cents per ton transferred~~
779 ~~pursuant to paragraph (c),~~ must be transferred by the Department
780 of Revenue to a trust fund established by Miami-Dade County, for
781 the sole purpose authorized by paragraph (6) (a).

782 ~~(c) Until December 1, 2016, or until funding for the study~~
783 ~~is complete, whichever comes earlier, 2 cents per ton, not to~~

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784 ~~exceed \$300,000, shall be transferred by the Department of~~
785 ~~Revenue to the State Fire Marshal to be used to fund the study~~
786 ~~required under s. 552.30 to review the established statewide~~
787 ~~ground vibration limits for construction materials mining~~
788 ~~activities and to review any legitimate claims paid for damages~~
789 ~~caused by such mining activities. Any amount not used to fund~~
790 ~~the study shall be transferred to the trust fund established by~~
791 ~~Miami Dade County, for the sole purpose authorized by paragraph~~
792 ~~(6)(a).~~

793 Reviser's note.—Amended to conform to the repeal of s. 552.30(3)
794 relating to the referenced study by this act; the final
795 study was submitted to the Division of State Fire Marshal
796 in July 2018.

797 Section 22. Paragraph (a) of subsection (4) of section
798 379.2426, Florida Statutes, is amended to read:

799 379.2426 Regulation of shark fins; penalties.—

800 (4) The prohibitions under subsection (3) do not apply to
801 any of the following:

802 (a) The sale of shark fins by any commercial fisher
803 ~~fisherman~~ who harvested sharks from a vessel holding a valid
804 federal shark fishing permit on January 1, 2020.

805 Reviser's note.—Amended to conform to usage in the Florida
806 Statutes and to the directive of the Legislature to remove
807 gender-specific references from the Florida Statutes by s.
808 1, ch. 93-199, Laws of Florida.

809 Section 23. Subsection (9) of section 381.925, Florida
810 Statutes, is amended to read:

811 381.925 Cancer Center of Excellence Award.—

812 (9) The State Surgeon General shall report to the President

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813 of the Senate and the Speaker of the House of Representatives ~~by~~
814 ~~January 31, 2014, the status of implementing the Cancer Center~~
815 ~~of Excellence Award program, and by December 15~~ of each year
816 ~~annually thereafter,~~ the number of applications received, the
817 number of award recipients by application cycle, a list of award
818 recipients, and recommendations to strengthen the Cancer Center
819 of Excellence Award program.

820 Reviser's note.—Amended to delete obsolete language. The Cancer
821 Center of Excellence Award Implementation Report was
822 submitted by the State Surgeon General on January 31, 2014.

823 Section 24. Effective July 1, 2021, subsection (2) of
824 section 393.066, Florida Statutes, as amended by section 2 of
825 chapter 2020-71, Laws of Florida, effective July 1, 2021, is
826 amended to read:

827 393.066 Community services and treatment.—

828 (2) Necessary services shall be purchased, rather than
829 provided directly by the agency, when the purchase of services
830 is more cost-efficient than providing them directly. All
831 purchased services must be approved by the agency. As a
832 condition of payment and before billing, persons or entities
833 under contract with the agency to provide services shall use
834 agency data management systems to document service provision to
835 clients and shall use such systems to bill for services.

836 Contracted persons and entities shall meet the minimum hardware
837 and software technical requirements established by the agency
838 for the use of such systems. Such persons or entities shall also
839 meet any requirements established by the agency for training and
840 professional development of staff providing direct services to
841 clients.

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842 Reviser's note.—Amended, effective July 1, 2021, as amended by
843 s. 2, ch. 2020-71, Laws of Florida, effective July 1, 2021,
844 to confirm the editorial insertion of the word "and" to
845 improve clarity.

846 Section 25. Subsections (14), (15), (16), and (18) of
847 section 400.462, Florida Statutes, are reordered and amended to
848 read:

849 400.462 Definitions.—As used in this part, the term:

850 (14)~~(15)~~ "Home health aide" means a person who is trained
851 or qualified, as provided by rule, and who provides hands-on
852 personal care, performs simple procedures as an extension of
853 therapy or nursing services, assists in ambulation or exercises,
854 assists in administering medications as permitted in rule and
855 for which the person has received training established by the
856 agency under this part, or performs tasks delegated to him or
857 her under chapter 464.

858 (15)~~(14)~~ "Home health services" means health and medical
859 services and medical supplies furnished to an individual in the
860 individual's home or place of residence. The term includes the
861 following:

862 (a) Nursing care.

863 (b) Physical, occupational, respiratory, or speech therapy.

864 (c) Home health aide services.

865 (d) Dietetics and nutrition practice and nutrition
866 counseling.

867 (e) Medical supplies, restricted to drugs and biologicals
868 prescribed by a physician.

869 (16)~~(18)~~ "Home infusion therapy" means the administration
870 of intravenous pharmacological or nutritional products to a

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871 patient in his or her home.

872 (18)~~(16)~~ "Homemaker" means a person who performs household
873 chores that include housekeeping, meal planning and preparation,
874 shopping assistance, and routine household activities for an
875 elderly, handicapped, or convalescent individual. A homemaker
876 may not provide hands-on personal care to a client.

877 Reviser's note.—Amended to conform with the alphabetical
878 ordering of the defined terms elsewhere in the section.

879 Section 26. Effective July 1, 2021, subsection (6) of
880 section 400.962, Florida Statutes, is amended to read:

881 400.962 License required; license application.—

882 (6) An applicant that has been granted a certificate-of-
883 need exemption under s. 408.036(3)(n) ~~408.036(3)(e)~~ must also
884 demonstrate and maintain compliance with the following criteria:

885 (a) The total number of beds per home within the facility
886 may not exceed eight, with each resident having his or her own
887 bedroom and bathroom. Each eight-bed home must be colocated on
888 the same property with two other eight-bed homes and must serve
889 individuals with severe maladaptive behaviors and co-occurring
890 psychiatric diagnoses.

891 (b) A minimum of 16 beds within the facility must be
892 designated for individuals with severe maladaptive behaviors who
893 have been assessed using the Agency for Persons with
894 Disabilities' Global Behavioral Service Need Matrix with a score
895 of at least Level 4 and up to Level 6, or assessed using the
896 criteria deemed appropriate by the Agency for Health Care
897 Administration regarding the need for a specialized placement in
898 an intermediate care facility for the developmentally disabled.
899 For home and community-based Medicaid waiver clients under

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900 chapter 393, the Agency for Persons with Disabilities shall
901 offer choice counseling to clients regarding appropriate
902 residential placement based on the needs of the individual.

903 (c) The applicant has not had a facility license denied,
904 revoked, or suspended within the 36 months preceding the request
905 for exemption.

906 (d) The applicant must have at least 10 years of experience
907 serving individuals with severe maladaptive behaviors in the
908 state.

909 (e) The applicant must implement a state-approved staff
910 training curriculum and monitoring requirements specific to the
911 individuals whose behaviors require higher intensity, frequency,
912 and duration of services.

913 (f) The applicant must make available medical and nursing
914 services 24 hours per day, 7 days per week.

915 (g) The applicant must demonstrate a history of using
916 interventions that are least restrictive and that follow a
917 behavioral hierarchy.

918 (h) The applicant must maintain a policy prohibiting the
919 use of mechanical restraints.

920 Reviser's note.—Amended effective July 1, 2021, to conform to
921 the repeal of current paragraph (3)(1) by s. 14, ch. 2019-
922 136, Laws of Florida, effective July 1, 2021.

923 Section 27. Subsection (4) of section 401.45, Florida
924 Statutes, is amended to read:

925 401.45 Denial of emergency treatment; civil liability.—

926 (4) Any licensee or emergency medical technician or
927 paramedic who in good faith provides emergency medical care or
928 treatment within the scope of ~~their~~ employment and pursuant to

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929 oral or written instructions of a medical director shall be
930 deemed to be providing emergency medical care or treatment for
931 the purposes of s. 768.13(2)(b).

932 Reviser's note.—Amended to conform to the immediately preceding
933 context.

934 Section 28. Subsection (1) of section 402.402, Florida
935 Statutes, is amended to read:

936 402.402 Child protection and child welfare personnel;
937 attorneys employed by the department.—

938 (1) CHILD PROTECTIVE INVESTIGATION PROFESSIONAL STAFF
939 REQUIREMENTS.—The department is responsible for recruitment of
940 qualified professional staff to serve as child protective
941 investigators and child protective investigation supervisors.
942 The department shall make every effort to recruit and hire
943 persons qualified by their education and experience to perform
944 social work functions. The department's efforts shall be guided
945 by the goal that at least half of all child protective
946 investigators and supervisors will have a bachelor's degree or a
947 master's degree in social work from a college or university
948 social work program accredited by the Council on Social Work
949 Education. The department, in collaboration with the lead
950 agencies, subcontracted provider organizations, the Florida
951 Institute for Child Welfare created pursuant to s. 1004.615, and
952 other partners in the child welfare system, shall develop a
953 protocol for screening candidates for child protective positions
954 which reflects the preferences specified in paragraphs (a)-(c)
955 ~~paragraphs (a)-(f)~~. The following persons shall be given
956 preference in the recruitment of qualified professional staff,
957 but the preferences serve only as guidance and do not limit the

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958 department's discretion to select the best available candidates:

959 (a) Individuals with baccalaureate degrees in social work
960 and child protective investigation supervisors with master's
961 degrees in social work from a college or university social work
962 program accredited by the Council on Social Work Education.

963 (b) Individuals with baccalaureate or master's degrees in
964 psychology, sociology, counseling, special education, education,
965 human development, child development, family development,
966 marriage and family therapy, and nursing.

967 (c) Individuals with baccalaureate degrees who have a
968 combination of directly relevant work and volunteer experience,
969 preferably in a public service field related to children's
970 services, demonstrating critical thinking skills, formal
971 assessment processes, communication skills, problem solving, and
972 empathy; a commitment to helping children and families; a
973 capacity to work as part of a team; an interest in continuous
974 development of skills and knowledge; and personal strength and
975 resilience to manage competing demands and handle workplace
976 stresses.

977 Reviser's note.—Amended to confirm the editorial substitution of
978 a reference to paragraphs (a)-(c) for a reference to
979 paragraphs (a)-(f). Amendment 292200 to C.S. for S.B. 1666,
980 2014 Regular Session, combined the subjects of paragraphs
981 (d)-(f) relating to preference in recruitment of child
982 protective investigation professional staff in paragraph
983 (c) but failed to update the cross-reference in the
984 introductory paragraph of subsection (1). Committee
985 Substitute for S.B. 1666 became ch. 2014-224, Laws of
986 Florida.

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987 Section 29. Subsection (3) of section 403.726, Florida
988 Statutes, is amended to read:

989 403.726 Abatement of imminent hazard caused by hazardous
990 substance.—

991 (3) An imminent hazard exists if any hazardous substance
992 creates an immediate and substantial danger to human health,
993 safety, or welfare or to the environment. The department may
994 institute action in its own name, using the procedures and
995 remedies of s. 403.121 or s. 403.131, to abate an imminent
996 hazard. However, the department is authorized to recover a civil
997 penalty of not more than \$37,500 for each day of continued
998 violation. Whenever serious harm to human health, safety, and
999 welfare; the environment; or private or public property may
1000 occur before completion of an administrative hearing or other
1001 formal proceeding that ~~which~~ might be initiated to abate the
1002 risk of serious harm, the department may obtain, ex parte, an
1003 injunction without paying filing and service fees before the
1004 filing and service of process.

1005 Reviser's note.—Amended to confirm the editorial deletion of the
1006 word "which" to correct an apparent error.

1007 Section 30. Effective July 1, 2021, subsection (2) and
1008 paragraphs (l) and (m) of subsection (3) of section 408.036,
1009 Florida Statutes, as amended by s. 14, ch. 2019-136, Laws of
1010 Florida, effective July 1, 2021, are reenacted to read:

1011 408.036 Projects subject to review; exemptions.—

1012 (2) PROJECTS SUBJECT TO EXPEDITED REVIEW.—Unless exempt
1013 pursuant to subsection (3), the following projects are subject
1014 to expedited review:

1015 (a) Transfer of a certificate of need.

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1016 (b) Replacement of a nursing home, if the proposed project
1017 site is within a 30-mile radius of the replaced nursing home. If
1018 the proposed project site is outside the subdistrict where the
1019 replaced nursing home is located, the prior 6-month occupancy
1020 rate for licensed community nursing homes in the proposed
1021 subdistrict must be at least 85 percent in accordance with the
1022 agency's most recently published inventory.

1023 (c) Replacement of a nursing home within the same district,
1024 if the proposed project site is outside a 30-mile radius of the
1025 replaced nursing home but within the same subdistrict or a
1026 geographically contiguous subdistrict. If the proposed project
1027 site is in the geographically contiguous subdistrict, the prior
1028 6-month occupancy rate for licensed community nursing homes for
1029 that subdistrict must be at least 85 percent in accordance with
1030 the agency's most recently published inventory.

1031 (d) Relocation of a portion of a nursing home's licensed
1032 beds to another facility or to establish a new facility within
1033 the same district or within a geographically contiguous
1034 district, if the relocation is within a 30-mile radius of the
1035 existing facility and the total number of nursing home beds in
1036 the state does not increase.

1037 (e) New construction of a community nursing home in a
1038 retirement community as further provided in this paragraph.

1039 1. Expedited review under this paragraph is available if
1040 all of the following criteria are met:

1041 a. The residential use area of the retirement community is
1042 deed-restricted as housing for older persons as defined in s.
1043 760.29(4) (b) .

1044 b. The retirement community is located in a county in which

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1045 25 percent or more of its population is age 65 and older.

1046 c. The retirement community is located in a county that has
1047 a rate of no more than 16.1 beds per 1,000 persons age 65 years
1048 or older. The rate shall be determined by using the current
1049 number of licensed and approved community nursing home beds in
1050 the county per the agency's most recent published inventory.

1051 d. The retirement community has a population of at least
1052 8,000 residents within the county, based on a population data
1053 source accepted by the agency.

1054 e. The number of proposed community nursing home beds in an
1055 application does not exceed the projected bed need after
1056 applying the rate of 16.1 beds per 1,000 persons aged 65 years
1057 and older projected for the county 3 years into the future using
1058 the estimates adopted by the agency reduced by the agency's most
1059 recently published inventory of licensed and approved community
1060 nursing home beds in the county.

1061 2. No more than 120 community nursing home beds shall be
1062 approved for a qualified retirement community under each request
1063 for expedited review. Subsequent requests for expedited review
1064 under this process may not be made until 2 years after
1065 construction of the facility has commenced or 1 year after the
1066 beds approved through the initial request are licensed,
1067 whichever occurs first.

1068 3. The total number of community nursing home beds which
1069 may be approved for any single deed-restricted community
1070 pursuant to this paragraph may not exceed 240, regardless of
1071 whether the retirement community is located in more than one
1072 qualifying county.

1073 4. Each nursing home facility approved under this paragraph

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1074 must be dually certified for participation in the Medicare and
1075 Medicaid programs.

1076 5. Each nursing home facility approved under this paragraph
1077 must be at least 1 mile, as measured over publicly owned
1078 roadways, from an existing approved and licensed community
1079 nursing home.

1080 6. A retirement community requesting expedited review under
1081 this paragraph shall submit a written request to the agency for
1082 expedited review. The request must include the number of beds to
1083 be added and provide evidence of compliance with the criteria
1084 specified in subparagraph 1.

1085 7. After verifying that the retirement community meets the
1086 criteria for expedited review specified in subparagraph 1., the
1087 agency shall publicly notice in the Florida Administrative
1088 Register that a request for an expedited review has been
1089 submitted by a qualifying retirement community and that the
1090 qualifying retirement community intends to make land available
1091 for the construction and operation of a community nursing home.
1092 The agency's notice must identify where potential applicants can
1093 obtain information describing the sales price of, or terms of
1094 the land lease for, the property on which the project will be
1095 located and the requirements established by the retirement
1096 community. The agency notice must also specify the deadline for
1097 submission of the certificate-of-need application, which may not
1098 be earlier than the 91st day or later than the 125th day after
1099 the date the notice appears in the Florida Administrative
1100 Register.

1101 8. The qualified retirement community shall make land
1102 available to applicants it deems to have met its requirements

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1103 for the construction and operation of a community nursing home
1104 but may sell or lease the land only to the applicant that is
1105 issued a certificate of need by the agency under this paragraph.

1106 a. A certificate-of-need application submitted under this
1107 paragraph must identify the intended site for the project within
1108 the retirement community and the anticipated costs for the
1109 project based on that site. The application must also include
1110 written evidence that the retirement community has determined
1111 that both the provider submitting the application and the
1112 project satisfy its requirements for the project.

1113 b. If the retirement community determines that more than
1114 one provider satisfies its requirements for the project, it may
1115 notify the agency of the provider it prefers.

1116 9. The agency shall review each submitted application. If
1117 multiple applications are submitted for a project published
1118 pursuant to subparagraph 7., the agency shall review the
1119 competing applications.

1120
1121 The agency shall develop rules to implement the expedited review
1122 process, including time schedule, application content that may
1123 be reduced from the full requirements of s. 408.037(1), and
1124 application processing.

1125 (3) EXEMPTIONS.—Upon request, the following projects are
1126 subject to exemption from subsection (1):

1127 (l) For beds in state developmental disabilities centers as
1128 defined in s. 393.063.

1129 (m) For the establishment of a health care facility or
1130 project that meets all of the following criteria:

1131 1. The applicant was previously licensed within the past 21

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1132 days as a health care facility or provider that is subject to
1133 subsection (1).

1134 2. The applicant failed to submit a renewal application and
1135 the license expired on or after January 1, 2015.

1136 3. The applicant does not have a license denial or
1137 revocation action pending with the agency at the time of the
1138 request.

1139 4. The applicant's request is for the same service type,
1140 district, service area, and site for which the applicant was
1141 previously licensed.

1142 5. The applicant's request, if applicable, includes the
1143 same number and type of beds as were previously licensed.

1144 6. The applicant agrees to the same conditions that were
1145 previously imposed on the certificate of need or on an exemption
1146 related to the applicant's previously licensed health care
1147 facility or project.

1148 7. The applicant applies for initial licensure as required
1149 under s. 408.806 within 21 days after the agency approves the
1150 exemption request. If the applicant fails to apply in a timely
1151 manner, the exemption expires on the 22nd day following the
1152 agency's approval of the exemption.

1153 Reviser's note.—Section 14, ch. 2019-136, Laws of Florida,
1154 purported to amend subsection (2), effective July 1, 2021,
1155 but did not publish paragraphs (b)-(e). Absent affirmative
1156 evidence of legislative intent to repeal paragraphs (b)-
1157 (e), subsection (2) is reenacted to confirm the omission
1158 was not intended. Paragraphs (3)(l) and (m) are
1159 redesignated from paragraphs (3)(m) and (n) to conform to
1160 the repeal of paragraph (3)(l), as amended by s. 14, ch.

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1161 2019-136, effective July 1, 2021; the paragraphs were
1162 erroneously referenced as if they were in subsection (1) by
1163 Amendment 485034 to C.S. for H.B. 21, 2019 Regular Session,
1164 which became ch. 2019-136.

1165 Section 31. Paragraph (g) of subsection (4) of section
1166 409.165, Florida Statutes, is amended to read:

1167 409.165 Alternate care for children.—

1168 (4) With the written consent of parents, custodians, or
1169 guardians, or in accordance with those provisions in chapter 39
1170 that relate to dependent children, the department, under rules
1171 properly adopted, may place a child:

1172 (g) In a subsidized independent living situation, ~~subject~~
1173 ~~to the provisions of s. 409.1451(4)(c),~~

1174
1175 under such conditions as are determined to be for the best
1176 interests or the welfare of the child. Any child placed in an
1177 institution or in a family home by the department or its agency
1178 may be removed by the department or its agency, and such other
1179 disposition may be made as is for the best interest of the
1180 child, including transfer of the child to another institution,
1181 another home, or the home of the child. Expenditure of funds
1182 appropriated for out-of-home care can be used to meet the needs
1183 of a child in the child's own home or the home of a relative if
1184 the child can be safely served in the child's own home or that
1185 of a relative if placement can be avoided by the expenditure of
1186 such funds, and if the expenditure of such funds in this manner
1187 is equal to or less than the cost of out-of-home placement.

1188 Reviser's note.—Amended to conform to the substantial rewording
1189 of s. 409.1451 by s. 8, ch. 2013-178, Laws of Florida; the

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1190 section no longer contains text that equates to material
1191 formerly in s. 409.1451(4)(c).

1192 Section 32. Subsection (5) of section 409.973, Florida
1193 Statutes, is amended to read:

1194 409.973 Benefits.—

1195 (5) PROVISION OF DENTAL SERVICES.—

1196 (a) ~~The Office of Program Policy Analysis and Government~~
1197 ~~Accountability shall provide a comprehensive report on the~~
1198 ~~provision of dental services under this part to the Governor,~~
1199 ~~the President of the Senate, and the Speaker of the House of~~
1200 ~~Representatives by December 1, 2016. The Office of Program~~
1201 ~~Policy Analysis and Government Accountability is authorized to~~
1202 ~~contract with an independent third party to assist in the~~
1203 ~~preparation of the report required by this paragraph.~~

1204 ~~1. The report must examine the effectiveness of medical~~
1205 ~~managed care plans in increasing patient access to dental care,~~
1206 ~~improving dental health, achieving satisfactory outcomes for~~
1207 ~~Medicaid recipients and the dental provider community, providing~~
1208 ~~outreach to Medicaid recipients, and delivering value and~~
1209 ~~transparency to the state's taxpayers regarding the dollars~~
1210 ~~intended for, and spent on, actual dental services.~~

1211 ~~Additionally, the report must examine, by plan and in the~~
1212 ~~aggregate, the historical trends of rates paid to dental~~
1213 ~~providers and to dental plan subcontractors, dental provider~~
1214 ~~participation in plan networks, and provider willingness to~~
1215 ~~treat Medicaid recipients. The report must also compare current~~
1216 ~~and historical efforts and trends and the experiences of other~~
1217 ~~states in delivering dental services, increasing patient access~~
1218 ~~to dental care, and improving dental health.~~

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1219 2. The Legislature may use the findings of the Office of
1220 Program Policy Analysis and Government Accountability's report
1221 no. 16-07, December 2016, ~~this report~~ in setting the scope of
1222 minimum benefits set forth in this section for future
1223 procurements of eligible plans as described in s. 409.966.
1224 Specifically, the decision to include dental services as a
1225 minimum benefit under this section, or to provide Medicaid
1226 recipients with dental benefits separate from the Medicaid
1227 managed medical assistance program described in this part, may
1228 take into consideration the data and findings of the report.

1229 (b) In the event the Legislature takes no action before
1230 July 1, 2017, with respect to the report findings required under
1231 paragraph (a) subparagraph (a)2., the agency shall implement a
1232 statewide Medicaid prepaid dental health program for children
1233 and adults with a choice of at least two licensed dental managed
1234 care providers who must have substantial experience in providing
1235 dental care to Medicaid enrollees and children eligible for
1236 medical assistance under Title XXI of the Social Security Act
1237 and who meet all agency standards and requirements. To qualify
1238 as a provider under the prepaid dental health program, the
1239 entity must be licensed as a prepaid limited health service
1240 organization under part I of chapter 636 or as a health
1241 maintenance organization under part I of chapter 641. The
1242 contracts for program providers shall be awarded through a
1243 competitive procurement process. Beginning with the contract
1244 procurement process initiated during the 2023 calendar year, the
1245 contracts must be for 6 years and may not be renewed; however,
1246 the agency may extend the term of a plan contract to cover
1247 delays during a transition to a new plan provider. The agency

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1248 shall include in the contracts a medical loss ratio provision
1249 consistent with s. 409.967(4). The agency is authorized to seek
1250 any necessary state plan amendment or federal waiver to commence
1251 enrollment in the Medicaid prepaid dental health program no
1252 later than March 1, 2019. The agency shall extend until December
1253 31, 2024, the term of existing plan contracts awarded pursuant
1254 to the invitation to negotiate published in October 2017.

1255 Reviser's note.—Amended to conform the fact that the referenced
1256 report was completed and submitted.

1257 Section 33. Subsection (2) of section 420.628, Florida
1258 Statutes, is amended to read:

1259 420.628 Affordable housing for children and young adults
1260 leaving foster care; legislative findings and intent.—

1261 (2) Young adults who leave the child welfare system meet
1262 the definition of eligible persons under ss. 420.503(17) and
1263 420.9071(11) ~~420.9071(10)~~ for affordable housing, and are
1264 encouraged to participate in federal, state, and local
1265 affordable housing programs. Students deemed to be eligible
1266 occupants under 26 U.S.C. s. 42(i)(3)(D) shall be considered
1267 eligible persons for purposes of all projects funded under this
1268 chapter.

1269 Reviser's note.—Amended to conform to the reordering of
1270 definitions in s. 420.9071 by this act.

1271 Section 34. Section 420.9071, Florida Statutes, is
1272 reordered and amended to read:

1273 420.9071 Definitions.—As used in ss. 420.907-420.9079, the
1274 term:

1275 (1) "Adjusted for family size" means adjusted in a manner
1276 that results in an income eligibility level that is lower for

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1277 households having fewer than four people, or higher for
1278 households having more than four people, than the base income
1279 eligibility determined as provided in subsection (20) ~~(19)~~,
1280 subsection (21) ~~(20)~~, or subsection (30) ~~(28)~~, based upon a
1281 formula established by the United States Department of Housing
1282 and Urban Development.

1283 (2) "Affordable" means that monthly rents or monthly
1284 mortgage payments including taxes and insurance do not exceed 30
1285 percent of that amount which represents the percentage of the
1286 median annual gross income for the households as indicated in
1287 subsection (20) ~~(19)~~, subsection (21) ~~(20)~~, or subsection (30)
1288 ~~(28)~~. However, it is not the intent to limit an individual
1289 household's ability to devote more than 30 percent of its income
1290 for housing, and housing for which a household devotes more than
1291 30 percent of its income shall be deemed affordable if the first
1292 institutional mortgage lender is satisfied that the household
1293 can afford mortgage payments in excess of the 30 percent
1294 benchmark. The term also includes housing provided by a not-for-
1295 profit corporation that derives at least 75 percent of its
1296 annual revenues from contracts or services provided to a state
1297 or federal agency for low-income persons and low-income
1298 households; that provides supportive housing for persons who
1299 suffer from mental health issues, substance abuse, or domestic
1300 violence; and that provides on-premises social and community
1301 support services relating to job training, life skills training,
1302 alcohol and substance abuse disorders, child care, and client
1303 case management.

1304 (3) "Affordable housing advisory committee" means the
1305 committee appointed by the governing body of a county or

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1306 eligible municipality for the purpose of recommending specific
1307 initiatives and incentives to encourage or facilitate affordable
1308 housing as provided in s. 420.9076.

1309 (4) "Annual gross income" means annual income as defined
1310 under the Section 8 housing assistance payments programs in 24
1311 C.F.R. part 5; annual income as reported under the census long
1312 form for the recent available decennial census; or adjusted
1313 gross income as defined for purposes of reporting under Internal
1314 Revenue Service Form 1040 for individual federal annual income
1315 tax purposes or as defined by standard practices used in the
1316 lending industry as detailed in the local housing assistance
1317 plan and approved by the corporation. Counties and eligible
1318 municipalities shall calculate income by annualizing verified
1319 sources of income for the household as the amount of income to
1320 be received in a household during the 12 months following the
1321 effective date of the determination.

1322 (5)~~(29)~~ "Assisted housing" or "assisted housing
1323 development" means a rental housing development, including
1324 rental housing in a mixed-use development, that received or
1325 currently receives funding from any federal or state housing
1326 program.

1327 (6)~~(5)~~ "Award" means a loan, grant, or subsidy funded
1328 wholly or partially by the local housing assistance trust fund.

1329 (7)~~(6)~~ "Community-based organization" means a nonprofit
1330 organization that has among its purposes the provision of
1331 affordable housing to persons who have special needs or have
1332 very low income, low income, or moderate income within a
1333 designated area, which may include a municipality, a county, or
1334 more than one municipality or county, and maintains, through a

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1335 minimum of one-third representation on the organization's
1336 governing board, accountability to housing program beneficiaries
1337 and residents of the designated area.

1338 (8)~~(7)~~ "Corporation" means the Florida Housing Finance
1339 Corporation.

1340 (9)~~(8)~~ "Eligible housing" means any real and personal
1341 property located within the county or the eligible municipality
1342 which is designed and intended for the primary purpose of
1343 providing decent, safe, and sanitary residential units that are
1344 designed to meet the standards of the Florida Building Code or
1345 previous building codes adopted under chapter 553, or
1346 manufactured housing constructed after June 1994 and installed
1347 in accordance with the installation standards for mobile or
1348 manufactured homes contained in rules of the Department of
1349 Highway Safety and Motor Vehicles, for home ownership or rental
1350 for eligible persons as designated by each county or eligible
1351 municipality participating in the State Housing Initiatives
1352 Partnership Program.

1353 (10)~~(9)~~ "Eligible municipality" means a municipality that
1354 is eligible for federal community development block grant
1355 entitlement moneys as an entitlement community identified in 24
1356 C.F.R. s. 570, subpart D, Entitlement Grants, or a
1357 nonentitlement municipality that is receiving local housing
1358 distribution funds under an interlocal agreement that provides
1359 for possession and administrative control of funds to be
1360 transferred to the nonentitlement municipality. An eligible
1361 municipality that defers its participation in community
1362 development block grants does not affect its eligibility for
1363 participation in the State Housing Initiatives Partnership

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1364 Program.

1365 (11)~~(10)~~ "Eligible person" or "eligible household" means
1366 one or more natural persons or a family determined by the county
1367 or eligible municipality to be of very low income, low income,
1368 or moderate income according to the income limits adjusted to
1369 family size published annually by the United States Department
1370 of Housing and Urban Development based upon the annual gross
1371 income of the household.

1372 (12)~~(11)~~ "Eligible sponsor" means a person or a private or
1373 public for-profit or not-for-profit entity that applies for an
1374 award under the local housing assistance plan for the purpose of
1375 providing eligible housing for eligible persons.

1376 (13)~~(12)~~ "Grant" means an award from the local housing
1377 assistance trust fund to an eligible sponsor or eligible person
1378 to partially assist in the construction, rehabilitation, or
1379 financing of eligible housing or to provide the cost of tenant
1380 or ownership qualifications without requirement for repayment as
1381 long as the condition of award is maintained.

1382 (14)~~(13)~~ "Loan" means an award from the local housing
1383 assistance trust fund to an eligible sponsor or eligible person
1384 to partially finance the acquisition, construction, or
1385 rehabilitation of eligible housing with requirement for
1386 repayment or provision for forgiveness of repayment if the
1387 condition of the award is maintained.

1388 (15)~~(14)~~ "Local housing assistance plan" means a concise
1389 description of the local housing assistance strategies and local
1390 housing incentive strategies adopted by local government
1391 resolution with an explanation of the way in which the program
1392 meets the requirements of ss. 420.907-420.9079 and corporation

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1393 rule.

1394 (16)~~(15)~~ "Local housing assistance strategies" means the
1395 housing construction, rehabilitation, repair, or finance program
1396 implemented by a participating county or eligible municipality
1397 with the local housing distribution or other funds deposited
1398 into the local housing assistance trust fund.

1399 (17) "Local housing distributions" means the proceeds of
1400 the taxes collected under chapter 201 deposited into the Local
1401 Government Housing Trust Fund and distributed to counties and
1402 eligible municipalities participating in the State Housing
1403 Initiatives Partnership Program pursuant to s. 420.9073.

1404 (18)~~(16)~~ "Local housing incentive strategies" means local
1405 regulatory reform or incentive programs to encourage or
1406 facilitate affordable housing production, which include at a
1407 minimum, assurance that permits for affordable housing projects
1408 are expedited to a greater degree than other projects, as
1409 provided in s. 163.3177(6)(f)3.; an ongoing process for review
1410 of local policies, ordinances, regulations, and plan provisions
1411 that increase the cost of housing prior to their adoption; and a
1412 schedule for implementing the incentive strategies. Local
1413 housing incentive strategies may also include other regulatory
1414 reforms, such as those enumerated in s. 420.9076 or those
1415 recommended by the affordable housing advisory committee in its
1416 triennial evaluation of the implementation of affordable housing
1417 incentives, and adopted by the local governing body.

1418 (19)~~(18)~~ "Local housing partnership" means the
1419 implementation of the local housing assistance plan in a manner
1420 that involves the applicable county or eligible municipality,
1421 lending institutions, housing builders and developers, real

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1422 estate professionals, advocates for low-income persons,
1423 community-based housing and service organizations, and providers
1424 of professional services relating to affordable housing. The
1425 term includes initiatives to provide support services for
1426 housing program beneficiaries such as training to prepare
1427 persons for the responsibility of homeownership, counseling of
1428 tenants, and the establishing of support services such as day
1429 care, health care, and transportation.

1430 (20)~~(19)~~ "Low-income person" or "low-income household"
1431 means one or more natural persons or a family that has a total
1432 annual gross household income that does not exceed 80 percent of
1433 the median annual income adjusted for family size for households
1434 within the metropolitan statistical area, the county, or the
1435 nonmetropolitan median for the state, whichever amount is
1436 greatest. With respect to rental units, the low-income
1437 household's annual income at the time of initial occupancy may
1438 not exceed 80 percent of the area's median income adjusted for
1439 family size. While occupying the rental unit, a low-income
1440 household's annual income may increase to an amount not to
1441 exceed 140 percent of 80 percent of the area's median income
1442 adjusted for family size.

1443 (21)~~(20)~~ "Moderate-income person" or "moderate-income
1444 household" means one or more natural persons or a family that
1445 has a total annual gross household income that does not exceed
1446 120 percent of the median annual income adjusted for family size
1447 for households within the metropolitan statistical area, the
1448 county, or the nonmetropolitan median for the state, whichever
1449 is greatest. With respect to rental units, the moderate-income
1450 household's annual income at the time of initial occupancy may

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1451 not exceed 120 percent of the area's median income adjusted for
1452 family size. While occupying the rental unit, a moderate-income
1453 household's annual income may increase to an amount not to
1454 exceed 140 percent of 120 percent of the area's median income
1455 adjusted for family size.

1456 (22)~~(21)~~ "Personal property" means major appliances,
1457 including a freestanding refrigerator or stove, to be identified
1458 on the encumbering documents.

1459 (23)~~(22)~~ "Plan amendment" means the addition or deletion of
1460 a local housing assistance strategy or local housing incentive
1461 strategy. Plan amendments must at all times maintain consistency
1462 with program requirements and must be submitted to the
1463 corporation for review pursuant to s. 420.9072(3). Technical or
1464 clarifying revisions may not be considered plan amendments but
1465 must be transmitted to the corporation for purposes of
1466 notification.

1467 (24)~~(23)~~ "Population" means the latest official state
1468 estimate of population certified pursuant to s. 186.901 prior to
1469 the beginning of the state fiscal year.

1470 (25)~~(30)~~ "Preservation" means actions taken to keep rents
1471 in existing assisted housing affordable for extremely-low-
1472 income, very-low-income, low-income, and moderate-income
1473 households while ensuring that the property stays in good
1474 physical and financial condition for an extended period.

1475 (26)~~(24)~~ "Program income" means the proceeds derived from
1476 interest earned on or investment of the local housing
1477 distribution and other funds deposited into the local housing
1478 assistance trust fund, proceeds from loan repayments, recycled
1479 funds, and all other income derived from use of funds deposited

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1480 in the local housing assistance trust fund. It does not include
1481 recaptured funds as defined in subsection (27) ~~(25)~~.

1482 (27)~~(25)~~ "Recaptured funds" means funds that are recouped
1483 by a county or eligible municipality in accordance with the
1484 recapture provisions of its local housing assistance plan
1485 pursuant to s. 420.9075(5)(j) from eligible persons or eligible
1486 sponsors, which funds were not used for assistance to an
1487 eligible household for an eligible activity, when there is a
1488 default on the terms of a grant award or loan award.

1489 (28)~~(26)~~ "Rent subsidies" means ongoing monthly rental
1490 assistance.

1491 (29)~~(27)~~ "Sales price" or "value" means, in the case of
1492 acquisition of an existing or newly constructed unit, the amount
1493 on the executed sales contract. For eligible persons who are
1494 building a unit on land that they own, the sales price is
1495 determined by an appraisal performed by a state-certified
1496 appraiser. The appraisal must include the value of the land and
1497 the improvements using the after-construction value of the
1498 property and must be dated within 12 months of the date
1499 construction is to commence. The sales price of any unit must
1500 include the value of the land in order to qualify as eligible
1501 housing as defined in subsection (9) ~~(8)~~. In the case of
1502 rehabilitation or emergency repair of an existing unit that does
1503 not create additional living space, sales price or value means
1504 the value of the real property, as determined by an appraisal
1505 performed by a state-certified appraiser and dated within 12
1506 months of the date construction is to commence or the assessed
1507 value of the real property as determined by the county property
1508 appraiser. In the case of rehabilitation of an existing unit

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1509 that includes the addition of new living space, sales price or
1510 value means the value of the real property, as determined by an
1511 appraisal performed by a state-certified appraiser and dated
1512 within 12 months of the date construction is to commence or the
1513 assessed value of the real property as determined by the county
1514 property appraiser, plus the cost of the improvements in either
1515 case.

1516 (30)~~(28)~~ "Very-low-income person" or "very-low-income
1517 household" means one or more natural persons or a family that
1518 has a total annual gross household income that does not exceed
1519 50 percent of the median annual income adjusted for family size
1520 for households within the metropolitan statistical area, the
1521 county, or the nonmetropolitan median for the state, whichever
1522 is greatest. With respect to rental units, the very-low-income
1523 household's annual income at the time of initial occupancy may
1524 not exceed 50 percent of the area's median income adjusted for
1525 family size. While occupying the rental unit, a very-low-income
1526 household's annual income may increase to an amount not to
1527 exceed 140 percent of 50 percent of the area's median income
1528 adjusted for family size.

1529 Reviser's note.—Amended to conform with the alphabetic ordering
1530 of the defined terms elsewhere in the section, and to
1531 conform internal cross-references to the reordering.

1532 Section 35. Subsection (2) of section 420.9072, Florida
1533 Statutes, is amended to read:

1534 420.9072 State Housing Initiatives Partnership Program.—The
1535 State Housing Initiatives Partnership Program is created for the
1536 purpose of providing funds to counties and eligible
1537 municipalities as an incentive for the creation of local housing

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1538 partnerships, to expand production of and preserve affordable
1539 housing, to further the housing element of the local government
1540 comprehensive plan specific to affordable housing, and to
1541 increase housing-related employment.

1542 (2) (a) To be eligible to receive funds under the program, a
1543 county or eligible municipality must:

1544 1. Submit to the corporation its local housing assistance
1545 plan describing the local housing assistance strategies
1546 established pursuant to s. 420.9075;

1547 2. Within 12 months after adopting the local housing
1548 assistance plan, amend the plan to incorporate the local housing
1549 incentive strategies defined in s. 420.9071(18) ~~420.9071(16)~~ and
1550 described in s. 420.9076; and

1551 3. Within 24 months after adopting the amended local
1552 housing assistance plan to incorporate the local housing
1553 incentive strategies, amend its land development regulations or
1554 establish local policies and procedures, as necessary, to
1555 implement the local housing incentive strategies adopted by the
1556 local governing body. A county or an eligible municipality that
1557 has adopted a housing incentive strategy pursuant to s. 420.9076
1558 before the effective date of this act shall review the status of
1559 implementation of the plan according to its adopted schedule for
1560 implementation and report its findings in the annual report
1561 required by s. 420.9075(10). If, as a result of the review, a
1562 county or an eligible municipality determines that the
1563 implementation is complete and in accordance with its schedule,
1564 no further action is necessary. If a county or an eligible
1565 municipality determines that implementation according to its
1566 schedule is not complete, it must amend its land development

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1567 regulations or establish local policies and procedures, as
1568 necessary, to implement the housing incentive plan within 12
1569 months after the effective date of this act, or if extenuating
1570 circumstances prevent implementation within 12 months, pursuant
1571 to s. 420.9075(13), enter into an extension agreement with the
1572 corporation.

1573 (b) A county or an eligible municipality seeking approval
1574 to receive its share of the local housing distribution must
1575 adopt an ordinance containing the following provisions:

1576 1. Creation of a local housing assistance trust fund as
1577 described in s. 420.9075(6).

1578 2. Adoption by resolution of a local housing assistance
1579 plan as defined in s. 420.9071(15) ~~420.9071(14)~~ to be
1580 implemented through a local housing partnership as defined in s.
1581 420.9071(19) ~~420.9071(18)~~.

1582 3. Designation of the responsibility for the administration
1583 of the local housing assistance plan. Such ordinance may also
1584 provide for the contracting of all or part of the administrative
1585 or other functions of the program to a third person or entity.

1586 4. Creation of the affordable housing advisory committee as
1587 provided in s. 420.9076.

1588
1589 The ordinance must not take effect until at least 30 days after
1590 the date of formal adoption. Ordinances in effect prior to the
1591 effective date of amendments to this section shall be amended as
1592 needed to conform to new provisions.

1593 Reviser's note.—Amended to conform to the reordering of
1594 definitions in s. 420.9071 by this act.

1595 Section 36. Paragraph (n) of subsection (5) of section

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1596 420.9075, Florida Statutes, is amended to read:

1597 420.9075 Local housing assistance plans; partnerships.—

1598 (5) The following criteria apply to awards made to eligible
1599 sponsors or eligible persons for the purpose of providing
1600 eligible housing:

1601 (n) Funds from the local housing distribution not used to
1602 meet the criteria established in paragraph (a) or paragraph (c)
1603 or not used for the administration of a local housing assistance
1604 plan must be used for housing production and finance activities,
1605 including, but not limited to, financing preconstruction
1606 activities or the purchase of existing units, providing rental
1607 housing, and providing home ownership training to prospective
1608 home buyers and owners of homes assisted through the local
1609 housing assistance plan.

1610 1. Notwithstanding the provisions of paragraphs (a) and
1611 (c), program income as defined in s. 420.9071(26) ~~420.9071(24)~~
1612 may also be used to fund activities described in this paragraph.

1613 2. When preconstruction due-diligence activities conducted
1614 as part of a preservation strategy show that preservation of the
1615 units is not feasible and will not result in the production of
1616 an eligible unit, such costs shall be deemed a program expense
1617 rather than an administrative expense if such program expenses
1618 do not exceed 3 percent of the annual local housing
1619 distribution.

1620 3. If both an award under the local housing assistance plan
1621 and federal low-income housing tax credits are used to assist a
1622 project and there is a conflict between the criteria prescribed
1623 in this subsection and the requirements of s. 42 of the Internal
1624 Revenue Code of 1986, as amended, the county or eligible

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1625 municipality may resolve the conflict by giving precedence to
1626 the requirements of s. 42 of the Internal Revenue Code of 1986,
1627 as amended, in lieu of following the criteria prescribed in this
1628 subsection with the exception of paragraphs (a) and (g) of this
1629 subsection.

1630 4. Each county and each eligible municipality may award
1631 funds as a grant for construction, rehabilitation, or repair as
1632 part of disaster recovery or emergency repairs or to remedy
1633 accessibility or health and safety deficiencies. Any other
1634 grants must be approved as part of the local housing assistance
1635 plan.

1636 Reviser's note.—Amended to conform to the reordering of
1637 definitions in s. 420.9071 by this act.

1638 Section 37. Subsections (1) and (6) of section 420.9076,
1639 Florida Statutes, are amended to read:

1640 420.9076 Adoption of affordable housing incentive
1641 strategies; committees.—

1642 (1) Each county or eligible municipality participating in
1643 the State Housing Initiatives Partnership Program, including a
1644 municipality receiving program funds through the county, or an
1645 eligible municipality must, within 12 months after the original
1646 adoption of the local housing assistance plan, amend the plan to
1647 include local housing incentive strategies as defined in s.
1648 420.9071(18) ~~420.9071(16)~~.

1649 (6) Within 90 days after the date of receipt of the
1650 evaluation and local housing incentive strategies
1651 recommendations from the advisory committee, the governing body
1652 of the appointing local government shall adopt an amendment to
1653 its local housing assistance plan to incorporate the local

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1654 housing incentive strategies it will implement within its
1655 jurisdiction. The amendment must include, at a minimum, the
1656 local housing incentive strategies required under s.
1657 420.9071(18) ~~420.9071(16)~~. The local government must consider
1658 the strategies specified in paragraphs (4) (a)-(k) as recommended
1659 by the advisory committee.

1660 Reviser's note.—Amended to conform to the reordering of
1661 definitions in s. 420.9071 by this act.

1662 Section 38. Subsections (6) and (7) of section 429.02,
1663 Florida Statutes, are reordered and amended to read:

1664 429.02 Definitions.—When used in this part, the term:
1665 (7) ~~(6)~~ "Chemical restraint" means a pharmacologic drug that
1666 physically limits, restricts, or deprives an individual of
1667 movement or mobility, and is used for discipline or convenience
1668 and not required for the treatment of medical symptoms.

1669 (6) ~~(7)~~ "Assistive device" means any device designed or
1670 adapted to help a resident perform an action, a task, an
1671 activity of daily living, or a transfer; prevent a fall; or
1672 recover from a fall. The term does not include a total body lift
1673 or a motorized sit-to-stand lift, with the exception of a chair
1674 lift or recliner lift that a resident is able to operate
1675 independently.

1676 Reviser's note.—Amended to conform with the alphabetic ordering
1677 of the defined terms elsewhere in the section.

1678 Section 39. Paragraphs (o) and (p) of subsection (3) of
1679 section 456.053, Florida Statutes, are reordered and amended, to
1680 read:

1681 456.053 Financial arrangements between referring health
1682 care providers and providers of health care services.—

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1683 (3) DEFINITIONS.—For the purpose of this section, the word,
1684 phrase, or term:

1685 (p)~~(e)~~ "Referral" means any referral of a patient by a
1686 health care provider for health care services, including,
1687 without limitation:

1688 1. The forwarding of a patient by a health care provider to
1689 another health care provider or to an entity which provides or
1690 supplies designated health services or any other health care
1691 item or service; or

1692 2. The request or establishment of a plan of care by a
1693 health care provider, which includes the provision of designated
1694 health services or other health care item or service.

1695 3. The following orders, recommendations, or plans of care
1696 shall not constitute a referral by a health care provider:

1697 a. By a radiologist for diagnostic-imaging services.

1698 b. By a physician specializing in the provision of
1699 radiation therapy services for such services.

1700 c. By a medical oncologist for drugs and solutions to be
1701 prepared and administered intravenously to such oncologist's
1702 patient, as well as for the supplies and equipment used in
1703 connection therewith to treat such patient for cancer and the
1704 complications thereof.

1705 d. By a cardiologist for cardiac catheterization services.

1706 e. By a pathologist for diagnostic clinical laboratory
1707 tests and pathological examination services, if furnished by or
1708 under the supervision of such pathologist pursuant to a
1709 consultation requested by another physician.

1710 f. By a health care provider who is the sole provider or
1711 member of a group practice for designated health services or

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1712 other health care items or services that are prescribed or
1713 provided solely for such referring health care provider's or
1714 group practice's own patients, and that are provided or
1715 performed by or under the direct supervision of such referring
1716 health care provider or group practice; provided, however, a
1717 physician licensed pursuant to chapter 458, chapter 459, chapter
1718 460, or chapter 461 or an advanced practice registered nurse
1719 registered under s. 464.0123 may refer a patient to a sole
1720 provider or group practice for diagnostic imaging services,
1721 excluding radiation therapy services, for which the sole
1722 provider or group practice billed both the technical and the
1723 professional fee for or on behalf of the patient, if the
1724 referring physician or advanced practice registered nurse
1725 registered under s. 464.0123 has no investment interest in the
1726 practice. The diagnostic imaging service referred to a group
1727 practice or sole provider must be a diagnostic imaging service
1728 normally provided within the scope of practice to the patients
1729 of the group practice or sole provider. The group practice or
1730 sole provider may accept no more than 15 percent of their
1731 patients receiving diagnostic imaging services from outside
1732 referrals, excluding radiation therapy services. However, the 15
1733 percent limitation of this sub-subparagraph and the requirements
1734 of subparagraph (4) (a)2. do not apply to a group practice entity
1735 that owns an accountable care organization or an entity
1736 operating under an advanced alternative payment model according
1737 to federal regulations if such entity provides diagnostic
1738 imaging services and has more than 30,000 patients enrolled per
1739 year.

1740 g. By a health care provider for services provided by an

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1741 ambulatory surgical center licensed under chapter 395.

1742 h. By a urologist for lithotripsy services.

1743 i. By a dentist for dental services performed by an
1744 employee of or health care provider who is an independent
1745 contractor with the dentist or group practice of which the
1746 dentist is a member.

1747 j. By a physician for infusion therapy services to a
1748 patient of that physician or a member of that physician's group
1749 practice.

1750 k. By a nephrologist for renal dialysis services and
1751 supplies, except laboratory services.

1752 l. By a health care provider whose principal professional
1753 practice consists of treating patients in their private
1754 residences for services to be rendered in such private
1755 residences, except for services rendered by a home health agency
1756 licensed under chapter 400. For purposes of this sub-
1757 subparagraph, the term "private residences" includes patients'
1758 private homes, independent living centers, and assisted living
1759 facilities, but does not include skilled nursing facilities.

1760 m. By a health care provider for sleep-related testing.

1761 (o) ~~(p)~~ "Present in the office suite" means that the
1762 physician is actually physically present; provided, however,
1763 that the health care provider is considered physically present
1764 during brief unexpected absences as well as during routine
1765 absences of a short duration if the absences occur during time
1766 periods in which the health care provider is otherwise scheduled
1767 and ordinarily expected to be present and the absences do not
1768 conflict with any other requirement in the Medicare program for
1769 a particular level of health care provider supervision.

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1770 Reviser's note.—Amended to conform with the alphabetic ordering
1771 of the defined terms elsewhere in the section.

1772 Section 40. Subsection (16) of section 481.203, Florida
1773 Statutes, is amended to read:

1774 481.203 Definitions.—As used in this part, the term:

1775 (16) "Townhouse" means ~~is~~ a single-family dwelling unit not
1776 exceeding three stories in height which is constructed in a
1777 series or group of attached units with property lines separating
1778 such units. Each townhouse shall be considered a separate
1779 building and shall be separated from adjoining townhouses by the
1780 use of separate exterior walls meeting the requirements for zero
1781 clearance from property lines as required by the type of
1782 construction and fire protection requirements; or shall be
1783 separated by a party wall; or may be separated by a single wall
1784 meeting the following requirements:

1785 (a) Such wall shall provide not less than 2 hours of fire
1786 resistance. Plumbing, piping, ducts, or electrical or other
1787 building services shall not be installed within or through the
1788 2-hour wall unless such materials and methods of penetration
1789 have been tested in accordance with the Standard Building Code.

1790 (b) Such wall shall extend from the foundation to the
1791 underside of the roof sheathing, and the underside of the roof
1792 shall have at least 1 hour of fire resistance for a width not
1793 less than 4 feet on each side of the wall.

1794 (c) Each dwelling unit sharing such wall shall be designed
1795 and constructed to maintain its structural integrity independent
1796 of the unit on the opposite side of the wall.

1797 Reviser's note.—Amended to conform to context.

1798 Section 41. Subsection (3) of section 552.30, Florida

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1799 Statutes, is amended to read:

1800 552.30 Construction materials mining activities.—

1801 ~~(3) The State Fire Marshal is directed to conduct or~~
1802 ~~contract for a study to review whether the established statewide~~
1803 ~~ground vibration limits for construction materials mining~~
1804 ~~activities are still appropriate and to review any legitimate~~
1805 ~~claims paid for damages caused by such mining activities. The~~
1806 ~~study must include a review of measured vibration amplitudes and~~
1807 ~~frequencies, structure responses, theoretical analyses of~~
1808 ~~material strength and strains, and assessments of home damages.~~

1809 ~~(a) The study shall be funded using the specified portion~~
1810 ~~of revenues received from the water treatment plant upgrade fee~~
1811 ~~pursuant to s. 373.41492.~~

1812 ~~(b) The State Fire Marshal shall submit a report to the~~
1813 ~~Governor, the President of the Senate, and the Speaker of the~~
1814 ~~House of Representatives by December 1, 2016, which contains the~~
1815 ~~findings of the study and any recommendations.~~

1816 Reviser's note.—Amended to delete an obsolete provision. The
1817 final study was submitted to the Division of State Fire
1818 Marshal in July 2018.

1819 Section 42. Subsection (8) of section 556.102, Florida
1820 Statutes, is amended to read:

1821 556.102 Definitions.—As used in this act:

1822 (8) "High-priority subsurface installation" means an
1823 underground gas transmission or gas distribution pipeline, or an
1824 underground pipeline used to transport gasoline, jet fuel, or
1825 any other refined petroleum product or hazardous or highly
1826 volatile liquid, such as anhydrous ammonia or carbon dioxide, if
1827 the pipeline is deemed to be critical by the operator of the

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1828 pipeline and is identified as a high-priority subsurface
1829 installation to an excavator who has provided a notice of intent
1830 to excavate under ~~the~~ s. 556.105(1), or would have been
1831 identified as a high-priority subsurface installation except for
1832 the excavator's failure to give proper notice of intent to
1833 excavate.

1834 Reviser's note.—Amended to confirm the editorial deletion of the
1835 word "to" to improve clarity.

1836 Section 43. Subsection (6) of section 624.307, Florida
1837 Statutes, is amended to read:

1838 624.307 General powers; duties.—

1839 (6) The department and office may each employ actuaries who
1840 shall be at-will employees and who shall serve at the pleasure
1841 of the Chief Financial Officer, in the case of department
1842 employees, or at the pleasure of the director of the office, in
1843 the case of office employees. Actuaries employed pursuant to
1844 this paragraph shall be members of the Society of Actuaries or
1845 the Casualty Actuarial Society and shall be exempt from the
1846 Career Service System established under chapter 110. The
1847 salaries of the actuaries employed pursuant to this paragraph
1848 ~~shall be set in accordance with s. 216.251(2)(a)5. and shall be~~
1849 set at levels which are commensurate with salary levels paid to
1850 actuaries by the insurance industry.

1851 Reviser's note.—Amended to conform to the fact that s.

1852 216.251(2)(a)5. was redesignated as s. 216.251(2)(a)6. by
1853 s. 67, ch. 92-142, Laws of Florida, and subsequently
1854 repealed by s. 36, ch. 2005-152, Laws of Florida.

1855 Section 44. Paragraphs (d) and (e) of subsection (2) of
1856 section 624.5105, Florida Statutes, are amended to read:

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1857 624.5105 Community contribution tax credit; authorization;
1858 limitations; eligibility and application requirements;
1859 administration; definitions; expiration.—

1860 (2) ELIGIBILITY REQUIREMENTS.—

1861 (d) The project shall be located in an area that was
1862 designated as an enterprise zone pursuant to chapter 290 as of
1863 May 1, 2015, or a Front Porch Florida Community. Any project
1864 designed to provide housing opportunities for persons with
1865 special needs as defined in s. 420.0004 or to construct or
1866 rehabilitate housing for low-income or very-low-income
1867 households as defined in s. 420.9071(20) and (30) ~~420.9071(19)~~
1868 ~~and (28)~~ is exempt from the area requirement of this paragraph.

1869 (e)1. If, during the first 10 business days of the state
1870 fiscal year, eligible tax credit applications for projects that
1871 provide housing opportunities for persons with special needs as
1872 defined in s. 420.0004 or homeownership opportunities for low-
1873 income or very-low-income households as defined in s.
1874 420.9071(20) and (30) ~~420.9071(19) and (28)~~ are received for
1875 less than the annual tax credits available for those projects,
1876 the Department of Economic Opportunity shall grant tax credits
1877 for those applications and shall grant remaining tax credits on
1878 a first-come, first-served basis for any subsequent eligible
1879 applications received before the end of the state fiscal year.
1880 If, during the first 10 business days of the state fiscal year,
1881 eligible tax credit applications for projects that provide
1882 housing opportunities for persons with special needs as defined
1883 in s. 420.0004 or homeownership opportunities for low-income or
1884 very-low-income households as defined in s. 420.9071(20) and
1885 (30) ~~420.9071(19) and (28)~~ are received for more than the annual

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1886 tax credits available for those projects, the Department of
1887 Economic Opportunity shall grant the tax credits for those
1888 applications as follows:

1889 a. If tax credit applications submitted for approved
1890 projects of an eligible sponsor do not exceed \$200,000 in total,
1891 the credits shall be granted in full if the tax credit
1892 applications are approved.

1893 b. If tax credit applications submitted for approved
1894 projects of an eligible sponsor exceed \$200,000 in total, the
1895 amount of tax credits granted under sub-subparagraph a. shall be
1896 subtracted from the amount of available tax credits, and the
1897 remaining credits shall be granted to each approved tax credit
1898 application on a pro rata basis.

1899 2. If, during the first 10 business days of the state
1900 fiscal year, eligible tax credit applications for projects other
1901 than those that provide housing opportunities for persons with
1902 special needs as defined in s. 420.0004 or homeownership
1903 opportunities for low-income or very-low-income households as
1904 defined in s. 420.9071(20) and (30) ~~420.9071(19)~~ and ~~(28)~~ are
1905 received for less than the annual tax credits available for
1906 those projects, the Department of Economic Opportunity shall
1907 grant tax credits for those applications and shall grant
1908 remaining tax credits on a first-come, first-served basis for
1909 any subsequent eligible applications received before the end of
1910 the state fiscal year. If, during the first 10 business days of
1911 the state fiscal year, eligible tax credit applications for
1912 projects other than those that provide housing opportunities for
1913 persons with special needs as defined in s. 420.0004 or
1914 homeownership opportunities for low-income or very-low-income

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1915 households as defined in s. 420.9071(20) and (30) ~~420.9071(19)~~
1916 ~~and (28)~~ are received for more than the annual tax credits
1917 available for those projects, the Department of Economic
1918 Opportunity shall grant the tax credits for those applications
1919 on a pro rata basis.

1920 Reviser's note.—Amended to conform to the reordering of
1921 definitions in s. 420.9071 by this act.

1922 Section 45. Section 625.091, Florida Statutes, is amended
1923 to read:

1924 625.091 Losses and loss adjustment expense reserves;
1925 liability insurance and workers' compensation insurance.—The
1926 reserve liabilities recorded in the insurer's annual statement
1927 and financial statements for unpaid ~~+~~ losses and loss adjustment
1928 expenses shall be the estimated value of its claims when
1929 ultimately settled and shall be computed as follows:

1930 (1) For all liability and workers' compensation claims, the
1931 statement and statutory reserves and loss adjustment expenses
1932 shall be in accordance with the form of the annual statement as
1933 required in s. 624.424, and shall include the computed,
1934 determined, or estimated value of the unpaid reported claims and
1935 loss adjustment expenses, allocated and unallocated, and a
1936 provision for loss and loss adjustment expenses, allocated and
1937 unallocated, that are incurred but not reported. For claims
1938 under liability policies, the reserve for reported claims shall
1939 not be less than \$1,000 for each outstanding liability suit.

1940 (2) (a) Workers' compensation tabular reserves and long-term
1941 disability claims including death claims may be reserved at the
1942 present value at 4 percent interest of the determined and the
1943 estimated future payments.

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1944 (b) If workers' compensation reserves are discounted in
1945 accordance with paragraph (a), discounted loss and loss expense
1946 reserves shall be used in the computation of excess statutory
1947 reserves over statement reserves.

1948 (3) Structured settlements may be used to reduce reserves
1949 if:

1950 (a) There is the purchase of an annuity by the insurer to
1951 fund future payments that are fixed or determined by settlement
1952 provisions or statutes wherein the claimant is the payee, the
1953 transaction may be treated as a paid claim and the reserve taken
1954 down accordingly. The appropriate disclosure of the contingent
1955 liability for such amount must be disclosed in notes to the
1956 financial statements of the annual statement; or

1957 (b) The insurer assigns the obligation to make periodic
1958 payments to a third party and obtains a full and complete
1959 release from the claimant, the claim may be treated as a paid
1960 claim without additional disclosure.

1961 (4) (a) Accounting credit for anticipated recoveries from
1962 the Special Disability Trust Fund may only be taken in the
1963 determination of loss reserves and may not be reflected on the
1964 financial statements in any manner other than that allowed
1965 pursuant to this subsection.

1966 (b) An insurer may only take accounting credit for
1967 anticipated recoveries from the Special Disability Trust Fund
1968 for each proof of claim which the fund has reviewed, determined
1969 to be a valid claim and so notified the carrier, and extended a
1970 payment offer; or a reimbursement request audited and approved
1971 for payment or paid by the fund.

1972 (c)1. Each insurer shall separately identify anticipated

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1973 recoveries from the Special Disability Trust Fund on the annual
1974 statement required to be filed pursuant to s. 624.424.

1975 2. For all financial statements filed with the office, each
1976 insurer shall disclose in the notes to the financial statements
1977 of any financial statement required to be filed pursuant to s.
1978 624.424 any credit in loss reserves taken for anticipated
1979 recoveries from the Special Disability Trust Fund. That
1980 disclosure shall include:

1981 a. The amount of credit taken by the insurer in the
1982 determination of its loss reserves for the prior calendar year
1983 and the current reporting period on a year-to-date basis.

1984 b. The amount of payments received by the insurer from the
1985 Special Disability Trust Fund during the prior calendar year and
1986 the year-to-date recoveries for the current year.

1987 c. The amount the insurer was assessed by the Special
1988 Disability Trust Fund during the prior calendar year and during
1989 the current calendar year.

1990 Reviser's note.—Amended to confirm the editorial substitution of
1991 the word "unpaid" for the letter "u" to correct a drafting
1992 error.

1993 Section 46. Paragraph (e) of subsection (2) of section
1994 627.6387, Florida Statutes, is amended to read:

1995 627.6387 Shared savings incentive program.—

1996 (2) As used in this section, the term:

1997 (e) "Shoppable health care service" means a lower-cost,
1998 high-quality nonemergency health care service for which a shared
1999 savings incentive is available for insureds under a health
2000 insurer's shared savings incentive program. Shoppable health
2001 care services may be provided within or outside this state and

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2002 include, but are not limited to:

2003 1. Clinical laboratory services.

2004 2. Infusion therapy.

2005 3. Inpatient and outpatient surgical procedures.

2006 4. Obstetrical and gynecological services.

2007 5. Inpatient and outpatient nonsurgical diagnostic tests

2008 and procedures.

2009 6. Physical and occupational therapy services.

2010 7. Radiology and imaging services.

2011 8. Prescription drugs.

2012 9. Services provided through telehealth.

2013 10. Any additional services published by the Agency for

2014 Health Care Administration that have the most significant price

2015 variation pursuant to s. 408.05(3)(m) ~~408.05(3)(1)~~.

2016 Reviser's note.—Amended to confirm the editorial substitution of

2017 the reference to s. 408.05(3)(m) for a reference to s.

2018 408.05(3)(1) as added by s. 52, ch. 2020-156, Laws of

2019 Florida, to conform to the redesignation of paragraphs

2020 within subsection (3) by s. 3, ch. 2020-134, Laws of

2021 Florida.

2022 Section 47. Paragraph (e) of subsection (2) of section

2023 627.6648, Florida Statutes, is amended to read:

2024 627.6648 Shared savings incentive program.—

2025 (2) As used in this section, the term:

2026 (e) "Shoppable health care service" means a lower-cost,

2027 high-quality nonemergency health care service for which a shared

2028 savings incentive is available for insureds under a health

2029 insurer's shared savings incentive program. Shoppable health

2030 care services may be provided within or outside this state and

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2031 include, but are not limited to:

2032 1. Clinical laboratory services.

2033 2. Infusion therapy.

2034 3. Inpatient and outpatient surgical procedures.

2035 4. Obstetrical and gynecological services.

2036 5. Inpatient and outpatient nonsurgical diagnostic tests

2037 and procedures.

2038 6. Physical and occupational therapy services.

2039 7. Radiology and imaging services.

2040 8. Prescription drugs.

2041 9. Services provided through telehealth.

2042 10. Any additional services published by the Agency for

2043 Health Care Administration that have the most significant price

2044 variation pursuant to s. 408.05(3)(m) ~~408.05(3)(1)~~.

2045 Reviser's note.—Amended to confirm the editorial substitution of

2046 the reference to s. 408.05(3)(m) for a reference to s.

2047 408.05(3)(1) as added by s. 52, ch. 2020-156, Laws of

2048 Florida, to conform to the redesignation of paragraphs

2049 within subsection (3) by s. 3, ch. 2020-134, Laws of

2050 Florida.

2051 Section 48. Subsections (5) through (8) of section 631.54,

2052 Florida Statutes, are renumbered as subsections (6) through (9),

2053 respectively, and present subsection (9) is amended to read:

2054 631.54 Definitions.—As used in this part:

2055 (5) ~~(9)~~ "Direct written premiums" means direct gross

2056 premiums written in this state on insurance policies to which

2057 this part applies, less return premiums thereon on such direct

2058 business. The term does not include premiums on contracts

2059 between insurers or reinsurers.

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2060 Reviser's note.—Amended to conform with the alphabetic ordering
2061 of the defined terms elsewhere in the section.

2062 Section 49. Paragraph (e) of subsection (2) of section
2063 641.31076, Florida Statutes, is amended to read:

2064 641.31076 Shared savings incentive program.—

2065 (2) As used in this section, the term:

2066 (e) "Shoppable health care service" means a lower-cost,
2067 high-quality nonemergency health care service for which a shared
2068 savings incentive is available for subscribers under a health
2069 maintenance organization's shared savings incentive program.

2070 Shoppable health care services may be provided within or outside
2071 this state and include, but are not limited to:

- 2072 1. Clinical laboratory services.
- 2073 2. Infusion therapy.
- 2074 3. Inpatient and outpatient surgical procedures.
- 2075 4. Obstetrical and gynecological services.
- 2076 5. Inpatient and outpatient nonsurgical diagnostic tests
2077 and procedures.

2078 6. Physical and occupational therapy services.

2079 7. Radiology and imaging services.

2080 8. Prescription drugs.

2081 9. Services provided through telehealth.

2082 10. Any additional services published by the Agency for
2083 Health Care Administration that have the most significant price
2084 variation pursuant to s. 408.05(3)(m) ~~408.05(3)(1)~~.

2085 Reviser's note.—Amended to confirm the editorial substitution of
2086 a reference to s. 408.05(3)(m) for a reference to s.

2087 408.05(3)(1) to conform to the redesignation of s.

2088 408.05(3)(1) as added by s. 52, ch. 2020-156, Laws of

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2089 Florida, to conform to the redesignation of paragraphs
2090 within subsection (3) by s. 3, ch. 2020-134, Laws of
2091 Florida.

2092 Section 50. Paragraph (c) of subsection (9) of section
2093 647.02, Florida Statutes, is amended to read:

2094 647.02 Definitions.—As used in this chapter, the term:

2095 (9) "Travel administrator" means a person who directly or
2096 indirectly underwrites policies for; collects charges,
2097 collateral, or premiums from; or adjusts or settles claims made
2098 by residents of this state in connection with travel insurance,
2099 except that a person is not considered a travel administrator if
2100 the person is:

2101 (c) A travel retailer, as defined in s. 626.321(1)(c)2.,
2102 offering and disseminating travel insurance and registered under
2103 the license of a limited lines travel insurance producer in
2104 accordance with s. 626.321(1)(c);

2105 Reviser's note.—Amended to confirm the editorial insertion of
2106 the word "in" to improve clarity.

2107 Section 51. Paragraph (a) of subsection (3) of section
2108 647.05, Florida Statutes, is amended to read:

2109 647.05 Sales practices.—

2110 (3) If a consumer's destination jurisdiction requires
2111 insurance coverage, it is not an unfair trade practice to
2112 require that the consumer choose between the following options
2113 as a condition of purchasing a trip or travel package:

2114 (a) Purchasing the coverage required by the destination
2115 jurisdiction through the travel retailer, as defined in s.
2116 626.321(1)(c)2., or limited lines travel insurance producer
2117 supplying the trip or travel package; or

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2118 Reviser's note.—Amended to confirm the editorial insertion of
2119 the word "in" to improve clarity.

2120 Section 52. Paragraph (h) of subsection (4) of section
2121 723.079, Florida Statutes, is amended to read:

2122 723.079 Powers and duties of homeowners' association.—

2123 (4) The association shall maintain the following items,
2124 when applicable, which constitute the official records of the
2125 association:

2126 (h) The financial and accounting records of the
2127 association, kept according to good accounting practices. All
2128 financial and accounting records must be maintained within this
2129 state for ~~a~~ at least 5 years. The financial and accounting
2130 records must include:

2131 1. Accurate, itemized, and detailed records of all receipts
2132 and expenditures.

2133 2. A current account and a periodic statement of the
2134 account for each member, designating the name and current
2135 address of each member who is obligated to pay dues or
2136 assessments, the due date and amount of each assessment or other
2137 charge against the member, the date and amount of each payment
2138 on the account, and the balance due.

2139 3. All tax returns, financial statements, and financial
2140 reports of the association.

2141 4. Any other records that identify, measure, record, or
2142 communicate financial information.

2143 Reviser's note.—Amended to confirm the editorial deletion of the
2144 word "a" to improve clarity.

2145 Section 53. Paragraph (a) of subsection (4) of section
2146 784.046, Florida Statutes, is amended to read:

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2147 784.046 Action by victim of repeat violence, sexual
2148 violence, or dating violence for protective injunction; dating
2149 violence investigations, notice to victims, and reporting;
2150 pretrial release violations; public records exemption.—

2151 (4) (a) The sworn petition shall allege the incidents of
2152 repeat violence, sexual violence, or dating violence and shall
2153 include the specific facts and circumstances that form the basis
2154 upon which relief is sought. With respect to a minor child who
2155 is living at home, the parent or legal guardian seeking the
2156 protective injunction on behalf of the minor child must:

2157 1. Have been an eyewitness to, or have direct physical
2158 evidence or affidavits from eyewitnesses of, the specific facts
2159 and circumstances that form the basis upon which relief is
2160 sought, if the party against whom the protective injunction is
2161 sought is also a parent, stepparent, or legal guardian of the
2162 minor child; or

2163 2. Have reasonable cause to believe that the minor child is
2164 a victim of repeat violence, sexual violence, or dating violence
2165 to form the basis upon which relief is sought, if the party
2166 against whom the protective injunction is sought is a person
2167 other than a parent, stepparent, or legal guardian of the minor
2168 child.

2169 Reviser's note.—Amended to correct an editorial error made
2170 during the compilation of the 2005 Florida Statutes.

2171 Section 54. Paragraph (b) of subsection (1) of section
2172 943.059, Florida Statutes, is amended to read:

2173 943.059 Court-ordered sealing of criminal history records.—

2174 (1) ELIGIBILITY.—A person is eligible to petition a court
2175 to seal a criminal history record when:

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2176 (b) The person has never, before the date the application
2177 for a certificate of eligibility is filed, been adjudicated
2178 guilty in this state of a criminal offense, or been adjudicated
2179 delinquent in this state for committing any felony or any of the
2180 following misdemeanor offenses, unless the record of such
2181 adjudication of delinquency has been expunged pursuant to s.
2182 943.0515:

- 2183 1. Assault, as defined in s. 784.011;
- 2184 2. Battery, as defined in s. 784.03;
- 2185 3. Assault on a law enforcement officer, a firefighter, or
2186 other specified officers, as defined in s. 784.07(2)(a);
- 2187 4. Carrying a concealed weapon, as defined in s. 790.01(1);
- 2188 5. Open carrying of a weapon, as defined in s. 790.053;
- 2189 6. Unlawful possession or discharge of a weapon or firearm
2190 at a school-sponsored event or on school property, as defined in
2191 s. 790.115;
- 2192 7. Unlawful use of destructive devices or bombs, as defined
2193 in s. 790.1615(1);
- 2194 8. Unlawful possession of a firearm by a minor, as defined
2195 in s. 790.22(5);
- 2196 9. Exposure of sexual organs, as defined in s. 800.03;
- 2197 10. Arson, as defined in s. 806.031(1);
- 2198 11. Petit theft, as defined in s. 812.014(3);
- 2199 12. Neglect of a child, as defined in s. 827.03(1)(e); or
- 2200 13. Cruelty to animals, as defined in s. 828.12(1)
- 2201 ~~828.12(10)~~.

2202 Reviser's note.—Amended to correct an erroneous cross-reference.

2203 Section 828.12 does not contain a subsection (10);

2204 subsection (1) describes cruelty to animals.

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2205 Section 55. Subsection (2) of section 960.28, Florida
2206 Statutes, is amended to read:

2207 960.28 Payment for victims' initial forensic physical
2208 examinations.—

2209 (2) The Crime Victims' Services Office of the department
2210 shall pay for medical expenses connected with an initial
2211 forensic physical examination of a victim of sexual battery as
2212 defined in chapter 794 or a lewd or lascivious offense as
2213 defined in chapter 800. Such payment shall be made regardless of
2214 whether the victim is covered by health or disability insurance
2215 and whether the victim participates in the criminal justice
2216 system or cooperates with law enforcement. The payment shall be
2217 made only out of moneys allocated to the Crime Victims' Services
2218 Office for the purposes of this section, and the payment may not
2219 exceed \$1,000 with respect to any violation. The department
2220 shall develop and maintain separate protocols for the initial
2221 forensic physical examination of adults and children. Payment
2222 under this section is limited to medical expenses connected with
2223 the initial forensic physical examination, and payment may be
2224 made to a medical provider using an examiner qualified under
2225 part I of chapter 464, excluding s. 464.003(15) ~~464.003(14)~~;
2226 chapter 458; or chapter 459. Payment made to the medical
2227 provider by the department shall be considered by the provider
2228 as payment in full for the initial forensic physical examination
2229 associated with the collection of evidence. The victim may not
2230 be required to pay, directly or indirectly, the cost of an
2231 initial forensic physical examination performed in accordance
2232 with this section.

2233 Reviser's note.—Amended to conform to the redesignation of s.

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2234 464.003(14) as s. 464.003(15) by s. 22, ch. 2020-9, Laws of
2235 Florida.

2236 Section 56. Paragraph (c) of subsection (2) of section
2237 1004.6499, Florida Statutes, is amended to read:

2238 1004.6499 Florida Institute of Politics.—

2239 (2) The goals of the institute are to:

2240 (c) Nurture a greater awareness of and passion for public
2241 service and politics.

2242 Reviser's note.—Amended to confirm the editorial insertion of
2243 the word "of" to improve clarity.

2244 Section 57. Subsection (4) of section 1007.33, Florida
2245 Statutes, is amended to read:

2246 1007.33 Site-determined baccalaureate degree access.—

2247 (4) A Florida College System institution may:

2248 (a) Offer specified baccalaureate degree programs through
2249 formal agreements between the Florida College System institution
2250 and other regionally accredited postsecondary educational
2251 institutions pursuant to s. 1007.22.

2252 (b) Offer baccalaureate degree programs that were
2253 authorized by law prior to July 1, 2009.

2254 (c) ~~Beginning July 1, 2009,~~ Establish a first or subsequent
2255 baccalaureate degree program for purposes of meeting district,
2256 regional, or statewide workforce needs if approved by the State
2257 Board of Education under this section.

2258
2259 ~~Beginning July 1, 2009,~~ The Board of Trustees of St. Petersburg
2260 College is authorized to establish one or more bachelor of
2261 applied science degree programs based on an analysis of
2262 workforce needs in Pinellas, Pasco, and Hernando Counties and

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2263 other counties approved by the Department of Education. For each
2264 program selected, St. Petersburg College must offer a related
2265 associate in science or associate in applied science degree
2266 program, and the baccalaureate degree level program must be
2267 designed to articulate fully with at least one associate in
2268 science degree program. The college is encouraged to develop
2269 articulation agreements for enrollment of graduates of related
2270 associate in applied science degree programs. The Board of
2271 Trustees of St. Petersburg College is authorized to establish
2272 additional baccalaureate degree programs if it determines a
2273 program is warranted and feasible based on each of the factors
2274 in paragraph (5) (d). ~~However, the Board of Trustees of St.~~
2275 ~~Petersburg College may not establish any new baccalaureate~~
2276 ~~degree programs from March 31, 2014, through May 31, 2015.~~ Prior
2277 to developing or proposing a new baccalaureate degree program,
2278 St. Petersburg College shall engage in need, demand, and impact
2279 discussions with the state university in its service district
2280 and other local and regional, accredited postsecondary providers
2281 in its region. Documentation, data, and other information from
2282 inter-institutional discussions regarding program need, demand,
2283 and impact shall be provided to the college's board of trustees
2284 to inform the program approval process. Employment at St.
2285 Petersburg College is governed by the same laws that govern
2286 Florida College System institutions, except that upper-division
2287 faculty are eligible for continuing contracts upon the
2288 completion of the fifth year of teaching. Employee records for
2289 all personnel shall be maintained as required by s. 1012.81.
2290 Reviser's note.—Amended to delete obsolete language.

2291 Section 58. Paragraph (b) of subsection (16) of section

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2292 1009.24, Florida Statutes, is amended to read:

2293 1009.24 State university student fees.—

2294 (16) Each university board of trustees may establish a
2295 tuition differential for undergraduate courses upon receipt of
2296 approval from the Board of Governors. However, beginning July 1,
2297 2014, the Board of Governors may only approve the establishment
2298 of or an increase in tuition differential for a state research
2299 university designated as a preeminent state research university
2300 pursuant to s. 1001.7065(3). The tuition differential shall
2301 promote improvements in the quality of undergraduate education
2302 and shall provide financial aid to undergraduate students who
2303 exhibit financial need.

2304 (b) Each tuition differential is subject to the following
2305 conditions:

2306 1. The tuition differential may be assessed on one or more
2307 undergraduate courses or on all undergraduate courses at a state
2308 university.

2309 2. The tuition differential may vary by course or courses,
2310 by campus or center location, and by institution. Each
2311 university board of trustees shall strive to maintain and
2312 increase enrollment in degree programs related to math, science,
2313 high technology, and other state or regional high-need fields
2314 when establishing tuition differentials by course.

2315 3. For each state university that is designated as a
2316 preeminent state research university by the Board of Governors,
2317 pursuant to s. 1001.7065, the aggregate sum of tuition and the
2318 tuition differential may be increased by no more than 6 percent
2319 of the total charged for the aggregate sum of these fees in the
2320 preceding fiscal year. The tuition differential may be increased

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2321 if the university meets or exceeds performance standard targets
2322 for that university established annually by the Board of
2323 Governors for the following performance standards, amounting to
2324 no more than a 2-percent increase in the tuition differential
2325 for each performance standard:

2326 a. An increase in the 4-year graduation rate for full-time,
2327 first-time-in-college students, as reported annually to the
2328 Integrated Postsecondary Education Data System.

2329 b. An increase in the total annual research expenditures.

2330 c. An increase in the total patents awarded by the United
2331 States Patent and Trademark Office for the most recent years.

2332 4. The aggregate sum of undergraduate tuition and fees per
2333 credit hour, including the tuition differential, may not exceed
2334 the national average of undergraduate tuition and fees at 4-year
2335 degree-granting public postsecondary educational institutions.

2336 5. Beneficiaries having prepaid tuition contracts pursuant
2337 to s. 1009.98(2)(b) which were in effect on July 1, 2007, and
2338 which remain in effect, are exempt from the payment of the
2339 tuition differential.

2340 6. The tuition differential may not be charged to any
2341 student who was in attendance at the university before July 1,
2342 2007, and who maintains continuous enrollment.

2343 7. The tuition differential may be waived by the university
2344 for students who meet the eligibility requirements for the
2345 Florida Public Student Assistance Grant Program established in
2346 s. 1009.50.

2347 8. Subject to approval by the Board of Governors, the
2348 tuition differential authorized pursuant to this subsection may
2349 take effect with the 2009 fall term.

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2350 Reviser's note.—Amended to confirm the editorial insertion of
2351 the word "Program" to conform to the full name of the
2352 program.

2353 Section 59. Paragraph (a) of subsection (4) of section
2354 1009.50, Florida Statutes, is amended to read:

2355 1009.50 Florida Public Student Assistance Grant Program;
2356 eligibility for grants.—

2357 (4) (a) The funds appropriated for the Florida Public
2358 Student Assistance Grant Program shall be distributed to
2359 eligible institutions in accordance with a formula approved by
2360 the State Board of Education. The formula must consider at least
2361 the prior year's distribution of funds, the number of eligible
2362 applicants who did not receive awards, the standardization of
2363 the expected family contribution, and provisions for unused
2364 funds. The formula must account for changes in the number of
2365 eligible students across all student assistance grant programs
2366 established pursuant to this section and ss. 1009.505, 1009.51,
2367 and 1009.52.

2368 Reviser's note.—Amended to confirm the editorial insertion of
2369 the word "Program" to conform to the full name of the
2370 program.

2371 Section 60. Paragraph (a) of subsection (4) of section
2372 1009.51, Florida Statutes, is amended to read:

2373 1009.51 Florida Private Student Assistance Grant Program;
2374 eligibility for grants.—

2375 (4) (a) The funds appropriated for the Florida Private
2376 Student Assistance Grant Program shall be distributed to
2377 eligible institutions in accordance with a formula approved by
2378 the State Board of Education. The formula must consider at least

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2379 the prior year's distribution of funds, the number of eligible
2380 applicants who did not receive awards, the standardization of
2381 the expected family contribution, and provisions for unused
2382 funds. The formula must account for changes in the number of
2383 eligible students across all student assistance grant programs
2384 established pursuant to this section and ss. 1009.50, 1009.505,
2385 and 1009.52.

2386 Reviser's note.—Amended to confirm the editorial insertion of
2387 the word "Program" to conform to the full name of the
2388 program.

2389 Section 61. Paragraph (a) of subsection (4) of section
2390 1009.52, Florida Statutes, is amended to read:

2391 1009.52 Florida Postsecondary Student Assistance Grant
2392 Program; eligibility for grants.—

2393 (4) (a) The funds appropriated for the Florida Postsecondary
2394 Student Assistance Grant Program shall be distributed to
2395 eligible institutions in accordance with a formula approved by
2396 the State Board of Education. The formula must consider at least
2397 the prior year's distribution of funds, the number of eligible
2398 applicants who did not receive awards, the standardization of
2399 the expected family contribution, and provisions for unused
2400 funds. The formula must account for changes in the number of
2401 eligible students across all student assistance grant programs
2402 established pursuant to this section and ss. 1009.50, 1009.505,
2403 and 1009.51.

2404 Reviser's note.—Amended to confirm the editorial insertion of
2405 the word "Program" to conform to the full name of the
2406 program.

2407 Section 62. Paragraph (a) of subsection (1) of section

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2408 1009.65, Florida Statutes, is amended to read:

2409 1009.65 Medical Education Reimbursement and Loan Repayment
2410 Program.—

2411 (1) To encourage qualified medical professionals to
2412 practice in underserved locations where there are shortages of
2413 such personnel, there is established the Medical Education
2414 Reimbursement and Loan Repayment Program. The function of the
2415 program is to make payments that offset loans and educational
2416 expenses incurred by students for studies leading to a medical
2417 or nursing degree, medical or nursing licensure, or advanced
2418 practice registered nurse licensure or physician assistant
2419 licensure. The following licensed or certified health care
2420 professionals are eligible to participate in this program:

2421 (a) Medical doctors with primary care specialties, doctors
2422 of osteopathic medicine with primary care specialties, physician
2423 assistants, licensed practical nurses and registered nurses, and
2424 advanced practice registered nurses with primary care
2425 specialties such as certified nurse midwives. Primary care
2426 medical specialties for physicians include obstetrics,
2427 gynecology, general and family practice, internal medicine,
2428 pediatrics, and other specialties which may be identified by the
2429 Department of Health. From the funds available, the Department
2430 of Health shall make payments as follows:

2431 1. Up to \$4,000 per year for licensed practical nurses and
2432 registered nurses, up to \$10,000 per year for advanced practice
2433 registered nurses and physician assistants, and up to \$20,000
2434 per year for physicians. Penalties for noncompliance shall be
2435 the same as those in the National Health Services Corps Loan
2436 Repayment Program. Educational expenses include costs for

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2437 tuition, matriculation, registration, books, laboratory and
2438 other fees, other educational costs, and reasonable living
2439 expenses as determined by the Department of Health.

2440 2. All payments are contingent on continued proof of
2441 primary care practice in an area defined in s. 395.602(2)(b), or
2442 an underserved area designated by the Department of Health,
2443 provided the practitioner accepts Medicaid reimbursement if
2444 eligible for such reimbursement. Correctional facilities, state
2445 hospitals, and other state institutions that employ medical
2446 personnel shall be designated by the Department of Health as
2447 underserved locations. Locations with high incidences of infant
2448 mortality, high morbidity, or low Medicaid participation by
2449 health care professionals may be designated as underserved.

2450 Reviser's note.—Amended to confirm the editorial reinsertion of
2451 the word "and" to correct a scrivener's error in Committee
2452 Substitute for Committee Substitute for H.B. 607, as second
2453 engrossed; Committee Substitute for Committee Substitute
2454 for H.B. 607 became ch. 2020-9, Laws of Florida.

2455 Section 63. Paragraph (a) of subsection (9) of section
2456 1009.986, Florida Statutes, is amended to read:

2457 1009.986 Florida ABLE program.—

2458 (9) REPORTS.—

2459 ~~(a) On or before November 1, 2015, Florida ABLE, Inc.,~~
2460 ~~shall prepare a report on the status of the establishment of the~~
2461 ~~Florida ABLE program by Florida ABLE, Inc. The report must also~~
2462 ~~include, if warranted, recommendations for statutory changes to~~
2463 ~~enhance the effectiveness and efficiency of the program. Florida~~
2464 ~~ABLE, Inc., shall submit copies of the report to the Governor,~~
2465 ~~the President of the Senate, and the Speaker of the House of~~

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2466 ~~Representatives.~~

2467 Reviser's note.—Amended to delete an obsolete provision.

2468 Section 64. Paragraph (b) of subsection (8) and paragraphs
2469 (a) and (c) of subsection (17) of section 1011.62, Florida
2470 Statutes, are amended to read:

2471 1011.62 Funds for operation of schools.—If the annual
2472 allocation from the Florida Education Finance Program to each
2473 district for operation of schools is not determined in the
2474 annual appropriations act or the substantive bill implementing
2475 the annual appropriations act, it shall be determined as
2476 follows:

2477 (8) DECLINE IN FULL-TIME EQUIVALENT STUDENTS.—

2478 (b) The allocation authorized in ~~this~~ paragraph (a) is
2479 suspended for the 2020-2021 fiscal year and does not apply
2480 during such fiscal year. This paragraph expires July 1, 2021.

2481 (17) FUNDING COMPRESSION AND HOLD HARMLESS ALLOCATION.—The
2482 Legislature may provide an annual funding compression and hold
2483 harmless allocation in the General Appropriations Act. The
2484 allocation is created to provide additional funding to school
2485 districts if the school district's total funds per FTE in the
2486 prior year were less than the statewide average or if the school
2487 district's district cost differential in the current year is
2488 less than the prior year. The total allocation shall be
2489 distributed to eligible school districts as follows:

2490 (a) Using the most recent prior year FEFP calculation for
2491 each eligible school district, subtract the total school
2492 district funds per FTE from the state average funds per FTE, not
2493 including any adjustments made pursuant to paragraph (19) (b)
2494 ~~(18) (b)~~. The resulting funds per FTE difference, or a portion

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2495 thereof, as designated in the General Appropriations Act, shall
2496 then be multiplied by the school district's total unweighted
2497 FTE.

2498 (c) Add the amounts calculated in paragraphs (a) ~~(b)~~ and
2499 (b) ~~(e)~~ and if the amount is greater than the amount included in
2500 the General Appropriations Act, the allocation shall be prorated
2501 to the appropriation amount based on each participating school
2502 district's share. This subsection expires July 1, 2021.

2503 Reviser's note.—Paragraph (8) (b) is amended to confirm the
2504 editorial deletion of the word "this" to provide clarity.
2505 Paragraph (17) (a) is amended to confirm the editorial
2506 substitution of a reference to paragraph (19) (b) for a
2507 reference to paragraph (18) (b) to conform to the
2508 redesignation of subsections by s. 15, ch. 2019-23, Laws of
2509 Florida. Paragraph (17) (c) is amended to confirm the
2510 editorial substitution of a reference to paragraphs (a) and
2511 (b) for a reference to paragraphs (b) and (c) to conform to
2512 the redesignation of paragraphs by the editors.

2513 Section 65. Except as otherwise expressly provided in this
2514 act, this act shall take effect on the 60th day after
2515 adjournment sine die of the session of the Legislature in which
2516 enacted.