

1 A reviser's bill to be entitled
2 An act relating to the Florida Statutes; amending ss.
3 8.0001, 10.201, 11.45, 14.2019, 16.71, 16.713, 16.715,
4 20.03, 22.03, 23.21, 24.103, 28.2457, 39.0016, 39.101,
5 44.1011, 45.011, 61.046, 83.43, 83.803, 90.5015,
6 90.801, 97.021, 98.065, 101.019, 101.292, 101.69,
7 106.08, 110.123, 110.501, 112.044, 112.0455, 112.061,
8 112.19, 112.26, 112.3144, 112.3187, 112.352, 112.353,
9 112.361, 112.625, 116.34, 121.021, 121.051, 125.0104,
10 125.488, 159.47, 163.32051, 166.0484, 175.261,
11 185.221, 205.022, 215.5551, 216.011, 251.001, 252.35,
12 282.319, 287.012, 287.057, 288.101, 288.9625, 290.007,
13 295.0185, 295.061, 322.051, 322.21, 327.371, 327.4108,
14 331.303, 331.3101, 332.0075, 337.023, 348.0305,
15 373.0363, 377.814, 379.2273, 381.00319, 381.0065,
16 383.145, 394.4573, 394.459, 394.9086, 395.1041,
17 395.1065, 400.141, 401.23, 409.1465, 409.147,
18 409.1664, 409.2557, 409.2564, 409.912, 414.1251,
19 415.102, 440.02, 440.14, 440.151, 440.385, 440.525,
20 455.32, 456.048, 456.076, 468.603, 471.038, 491.003,
21 491.0045, 491.009, 497.260, 550.002, 550.01215,
22 550.2625, 553.895, 560.141, 624.36, 626.321, 626.9891,
23 695.031, 705.101, 718.501, 719.501, 720.304, 741.313,
24 744.2111, 766.105, 768.28, 796.07, 815.062, 907.044,
25 943.10, 943.13, 946.502, 951.23, 960.0021, 961.06,

26 985.26, 1000.21, 1001.11, 1001.60, 1002.01, 1002.20,
 27 1002.3105, 1002.33, 1002.37, 1002.394, 1002.42,
 28 1002.43, 1002.455, 1003.01, 1003.03, 1003.21, 1003.26,
 29 1003.4282, 1003.485, 1003.52, 1003.573, 1003.575,
 30 1004.22, 1004.43, 1004.447, 1004.648, 1004.6496,
 31 1004.65, 1004.79, 1006.0626, 1006.07, 1006.1493,
 32 1006.28, 1006.73, 1007.33, 1008.24, 1008.47, 1009.21,
 33 1009.286, 1009.89, 1009.895, and 1012.2315, F.S.;

34 deleting provisions that have expired, have become
 35 obsolete, have had their effect, have served their
 36 purpose, or have been impliedly repealed or
 37 superseded; replacing incorrect cross-references and
 38 citations; correcting grammatical, typographical, and
 39 like errors; removing inconsistencies, redundancies,
 40 and unnecessary repetition in the statutes; and
 41 improving the clarity of the statutes and facilitating
 42 their correct interpretation; providing effective
 43 dates.

44
 45 Be It Enacted by the Legislature of the State of Florida:

46
 47 Section 1. Paragraph (b) of subsection (2) of section
 48 8.0001, Florida Statutes, is amended to read:

49 8.0001 Definitions.—In accordance with s. 8(a), Art. X of
 50 the State Constitution, the United States Decennial Census of

HB 7011

2023

51 2020 is the official census of the state for the purposes of
52 congressional redistricting.

53 (2) As used in this chapter, the term:

54 (b) "Block equivalency file" describes a list of all
55 blocks within the state and the congressional district number
56 designated for each block. Blocks are listed by a 15-character
57 number that combines the five-character county-level Federal
58 Information Processing Standards (FIPS) code, the six-character
59 tract number with leading zeros and an implied decimal, the
60 single-character block group number, and the three-character
61 block number.

62 Reviser's note.—Amended to confirm an editorial insertion to
63 conform to the complete name of the standards and
64 guidelines for federal computer systems that are developed
65 by the National Institute of Standards and Technology.

66 Section 2. Paragraph (b) of subsection (3) of section
67 10.201, Florida Statutes, is amended to read:

68 10.201 Official census for apportionment; definitions.—

69 (3) As used in this joint resolution, the term:

70 (b) "Block equivalency file" describes a list of all
71 blocks within the state and the representative or senatorial
72 district number designated for each block. Blocks are listed by
73 a 15-character number that combines the five-character county-
74 level Federal Information Processing Standards ~~System~~ (FIPS)
75 code, the six-character tract number with leading zeros and an

76 implied decimal, the single-character block group number, and
 77 the three-character block number.

78 Reviser's note.—Amended to confirm an editorial substitution to
 79 conform to the correct name of the standards and guidelines
 80 for federal computer systems that are developed by the
 81 National Institute of Standards and Technology.

82 Section 3. Paragraph (k) of subsection (2) of section
 83 11.45, Florida Statutes, is amended to read:

84 11.45 Definitions; duties; authorities; reports; rules.—

85 (2) DUTIES.—The Auditor General shall:

86 (k) Contact each district school board, as defined in s.
 87 1003.01(7) ~~1003.01(1)~~, with the findings and recommendations
 88 contained within the Auditor General's previous operational
 89 audit report. The district school board shall provide the
 90 Auditor General with evidence of the initiation of corrective
 91 action within 45 days after the date it is requested by the
 92 Auditor General and evidence of completion of corrective action
 93 within 180 days after the date it is requested by the Auditor
 94 General. If the district school board fails to comply with the
 95 Auditor General's request or is unable to take corrective action
 96 within the required timeframe, the Auditor General shall notify
 97 the Legislative Auditing Committee.

98
 99 The Auditor General shall perform his or her duties
 100 independently but under the general policies established by the

101 Legislative Auditing Committee. This subsection does not limit
 102 the Auditor General's discretionary authority to conduct other
 103 audits or engagements of governmental entities as authorized in
 104 subsection (3).

105 Reviser's note.—Amended to conform to the reordering of
 106 definitions in s. 1003.01 by this act.

107 Section 4. Subsection (5) of section 14.2019, Florida
 108 Statutes, is amended to read:

109 14.2019 Statewide Office for Suicide Prevention.—

110 (5) The First Responders Suicide Deterrence Task Force, a
 111 task force as defined in s. 20.03(5) ~~20.03(8)~~, is created
 112 adjunct to the Statewide Office for Suicide Prevention.

113 (a) The purpose of the task force is to make
 114 recommendations on how to reduce the incidence of suicide and
 115 attempted suicide among employed or retired first responders in
 116 the state.

117 (b) The task force is composed of a representative of the
 118 statewide office and a representative of each of the following
 119 first responder organizations, nominated by the organization and
 120 appointed by the Secretary of Children and Families:

- 121 1. The Florida Professional Firefighters Association.
- 122 2. The Florida Police Benevolent Association.
- 123 3. The Florida State Lodge of the Fraternal Order of
 124 Police.
- 125 4. The Florida Sheriffs Association.

126 5. The Florida Police Chiefs Association.

127 6. The Florida Fire Chiefs' Association.

128 (c) The task force shall elect a chair from among its
 129 membership. Except as otherwise provided, the task force shall
 130 operate in a manner consistent with s. 20.052.

131 (d) The task force shall identify or make recommendations
 132 on developing training programs and materials that would better
 133 enable first responders to cope with personal life stressors and
 134 stress related to their profession and foster an organizational
 135 culture that:

136 1. Promotes mutual support and solidarity among active and
 137 retired first responders.

138 2. Trains agency supervisors and managers to identify
 139 suicidal risk among active and retired first responders.

140 3. Improves the use and awareness of existing resources
 141 among active and retired first responders.

142 4. Educates active and retired first responders on suicide
 143 awareness and help-seeking.

144 (e) The task force shall identify state and federal public
 145 resources, funding and grants, first responder association
 146 resources, and private resources to implement identified
 147 training programs and materials.

148 (f) The task force shall report on its findings and
 149 recommendations for training programs and materials to deter
 150 suicide among active and retired first responders to the

151 Governor, the President of the Senate, and the Speaker of the
 152 House of Representatives by each July 1, ~~beginning in 2021, and~~
 153 through 2023.

154 (g) This subsection is repealed July 1, 2023.

155 Reviser's note.—The introductory paragraph to subsection (5) is
 156 amended to conform to the reordering of definitions in s.
 157 20.03 by this act. Paragraph (f) is amended to delete
 158 obsolete language.

159 Section 5. Paragraph (b) of subsection (3) of section
 160 16.71, Florida Statutes, is amended to read:

161 16.71 Florida Gaming Control Commission; creation;
 162 meetings; membership.—

163 (3) REQUIREMENTS FOR APPOINTMENT; PROHIBITIONS.—

164 (b) The Governor may not solicit or request any
 165 nominations, recommendations, or communications about potential
 166 candidates for appointment to the commission from:

167 1. Any person that holds a permit or license issued under
 168 chapter 550, or a license issued under chapter 551 or chapter
 169 849; an officer, official, or employee of such permitholder or
 170 licensee; or an ultimate equitable owner, as defined in s.
 171 550.002(37) ~~550.002(36)~~, of such permitholder or licensee;

172 2. Any officer, official, employee, or other person with
 173 duties or responsibilities relating to a gaming operation owned
 174 by an Indian tribe that has a valid and active compact with the
 175 state; a contractor or subcontractor of such tribe or an entity

176 employed, licensed, or contracted by such tribe; or an ultimate
 177 equitable owner, as defined in s. 550.002(37) ~~550.002(36)~~, of
 178 such entity; or

179 3. Any registered lobbyist for the executive or
 180 legislative branch who represents any person or entity
 181 identified in subparagraph 1. or subparagraph 2.

182 Reviser's note.—Amended to conform to the reordering of
 183 definitions in s. 550.002 by this act.

184 Section 6. Paragraphs (a) and (b) of subsection (2) of
 185 section 16.713, Florida Statutes, are amended to read:

186 16.713 Florida Gaming Control Commission; appointment and
 187 employment restrictions.—

188 (2) PROHIBITIONS FOR EMPLOYEES AND COMMISSIONERS; PERSONS
 189 INELIGIBLE FOR APPOINTMENT TO AND EMPLOYMENT WITH THE
 190 COMMISSION.—

191 (a) A person may not, for the 2 years immediately
 192 preceding the date of appointment to or employment with the
 193 commission and while appointed to or employed with the
 194 commission:

195 1. Hold a permit or license issued under chapter 550 or a
 196 license issued under chapter 551 or chapter 849; be an officer,
 197 official, or employee of such permitholder or licensee; or be an
 198 ultimate equitable owner, as defined in s. 550.002(37)
 199 ~~550.002(36)~~, of such permitholder or licensee;

200 2. Be an officer, official, employee, or other person with

201 duties or responsibilities relating to a gaming operation owned
 202 by an Indian tribe that has a valid and active compact with the
 203 state; be a contractor or subcontractor of such tribe or an
 204 entity employed, licensed, or contracted by such tribe; or be an
 205 ultimate equitable owner, as defined in s. 550.002(37)
 206 ~~550.002(36)~~, of such entity;

207 3. Be a registered lobbyist for the executive or
 208 legislative branch, except while a commissioner or employee of
 209 the commission when officially representing the commission or
 210 unless the person registered as a lobbyist for the executive or
 211 legislative branch while employed by a state agency as defined
 212 in s. 110.107 during the normal course of his or her employment
 213 with such agency and he or she has not lobbied on behalf of any
 214 entity other than a state agency during the 2 years immediately
 215 preceding the date of his or her appointment to or employment
 216 with the commission; or

217 4. Be a bingo game operator or an employee of a bingo game
 218 operator.

219 (b) A person is ineligible for appointment to or
 220 employment with the commission if, within the 2 years
 221 immediately preceding such appointment or employment, he or she
 222 violated paragraph (a) or solicited or accepted employment with,
 223 acquired any direct or indirect interest in, or had any direct
 224 or indirect business association, partnership, or financial
 225 relationship with, or is a relative of:

226 1. Any person or entity who is an applicant, licensee, or
 227 registrant with the commission; or

228 2. Any officer, official, employee, or other person with
 229 duties or responsibilities relating to a gaming operation owned
 230 by an Indian tribe that has a valid and active compact with the
 231 state; any contractor or subcontractor of such tribe or an
 232 entity employed, licensed, or contracted by such tribe; or any
 233 ultimate equitable owner, as defined in s. 550.002(37)
 234 ~~550.002(36)~~, of such entity.

235
 236 For the purposes of this subsection, the term "relative" means a
 237 spouse, father, mother, son, daughter, grandfather, grandmother,
 238 brother, sister, uncle, aunt, cousin, nephew, niece, father-in-
 239 law, mother-in-law, son-in-law, daughter-in-law, brother-in-law,
 240 sister-in-law, stepfather, stepmother, stepson, stepdaughter,
 241 stepbrother, stepsister, half-brother, or half-sister.

242 Reviser's note.—Amended to conform to the reordering of
 243 definitions in s. 550.002 by this act.

244 Section 7. Paragraphs (b) and (c) of subsection (2) of
 245 section 16.715, Florida Statutes, are amended to read:

246 16.715 Florida Gaming Control Commission standards of
 247 conduct; ex parte communications.—

248 (2) FORMER COMMISSIONERS AND EMPLOYEES.—

249 (b) A commissioner may not, for the 2 years immediately
 250 following the date of resignation or termination from the

251 | commission:

252 | 1. Hold a permit or license issued under chapter 550, or a
 253 | license issued under chapter 551 or chapter 849; be an officer,
 254 | official, or employee of such permitholder or licensee; or be an
 255 | ultimate equitable owner, as defined in s. 550.002(37)
 256 | ~~550.002(36)~~, of such permitholder or licensee;

257 | 2. Accept employment by or compensation from a business
 258 | entity that, directly or indirectly, owns or controls a person
 259 | regulated by the commission; from a person regulated by the
 260 | commission; from a business entity which, directly or
 261 | indirectly, is an affiliate or subsidiary of a person regulated
 262 | by the commission; or from a business entity or trade
 263 | association that has been a party to a commission proceeding
 264 | within the 2 years preceding the member's resignation or
 265 | termination of service on the commission; or

266 | 3. Be a bingo game operator or an employee of a bingo game
 267 | operator.

268 | (c) A person employed by the commission may not, for the 2
 269 | years immediately following the date of termination or
 270 | resignation from employment with the commission:

271 | 1. Hold a permit or license issued under chapter 550, or a
 272 | license issued under chapter 551 or chapter 849; be an officer,
 273 | official, or employee of such permitholder or licensee; or be an
 274 | ultimate equitable owner, as defined in s. 550.002(37)
 275 | ~~550.002(36)~~, of such permitholder or licensee; or

276 2. Be a bingo game operator or an employee of a bingo game
277 operator.

278 Reviser's note.—Amended to conform to the reordering of
279 definitions in s. 550.002 by this act.

280 Section 8. Subsections (1) through (6) and (8) through
281 (12) of section 20.03, Florida Statutes, are reordered and
282 amended to read:

283 20.03 Definitions.—To provide uniform nomenclature
284 throughout the structure of the executive branch, the following
285 definitions apply:

286 (3)~~(1)~~ "Cabinet" means collectively the Attorney General,
287 the Chief Financial Officer, and the Commissioner of
288 Agriculture, as specified in s. 4, Art. IV of the State
289 Constitution.

290 (8)~~(2)~~ "Department" means the principal administrative
291 unit within the executive branch of state government.

292 (9)~~(3)~~ "Examining and licensing board" means a board
293 authorized to grant and revoke licenses to engage in regulated
294 occupations.

295 (11)~~(4)~~ "Head of the department" means the individual
296 under whom or the board under which direct administration of the
297 department is placed by statute. Where direct administration of
298 a department is placed under an officer or board appointed by
299 and serving at the pleasure of the Governor, that officer or
300 board remains subject to the Governor's supervision and

301 direction.

302 (12)~~(5)~~ "Secretary" means an individual who is appointed
 303 by the Governor to head a department and who is not otherwise
 304 named in the State Constitution.

305 (10)~~(6)~~ "Executive director" means the chief
 306 administrative employee or officer of a department headed by a
 307 board or by the Governor and the Cabinet.

308 (5)~~(8)~~ "Committee" or "task force" means an advisory body
 309 created without specific statutory enactment for a time not to
 310 exceed 1 year or created by specific statutory enactment for a
 311 time not to exceed 3 years and appointed to study a specific
 312 problem and recommend a solution or policy alternative with
 313 respect to that problem. Its existence terminates upon the
 314 completion of its assignment.

315 (6)~~(9)~~ "Coordinating council" means an interdepartmental
 316 advisory body created by law to coordinate programs and
 317 activities for which one department has primary responsibility
 318 but in which one or more other departments have an interest.

319 (4)~~(10)~~ "Commission," unless otherwise required by the
 320 State Constitution, means a body created by specific statutory
 321 enactment within a department, the office of the Governor, or
 322 the Executive Office of the Governor and exercising limited
 323 quasi-legislative or quasi-judicial powers, or both,
 324 independently of the head of the department or the Governor.

325 (1)~~(11)~~ "Agency," as the context requires, means an

HB 7011

2023

326 official, officer, commission, authority, council, committee,
327 department, division, bureau, board, section, or another unit or
328 entity of government.

329 (2)~~(12)~~ "Board of trustees," except with reference to the
330 board created in chapter 253, means a board created by specific
331 statutory enactment and appointed to function adjunctively to a
332 department, the Governor, or the Executive Office of the
333 Governor to administer public property or a public program.

334 Reviser's note.—Amended to place the definitions of the section
335 in alphabetical order.

336 Section 9. Subsections (1), (4), and (5) of section 22.03,
337 Florida Statutes, are reordered and amended to read:

338 22.03 Definitions.—Unless otherwise clearly required by
339 the context, as used in ss. 22.01-22.10:

340 (5)~~(1)~~ "Unavailable" means either that a vacancy in office
341 exists or that the lawful incumbent of the office is absent or
342 unable to exercise the powers and discharge the duties of the
343 office.

344 (1)~~(4)~~ "Attack" means any attack or series of attacks by
345 an enemy of the United States causing, or which may cause,
346 substantial damage or injury to civilian property or persons in
347 the United States in any manner by sabotage or by the use of
348 bombs, missiles, shellfire, or atomic, radiological, chemical,
349 bacteriological, or biological means or other weapons or
350 processes.

351 (4)~~(5)~~ "Political subdivision" includes counties, cities,
 352 towns, villages, townships, districts, authorities, and other
 353 public corporations and entities whether organized and existing
 354 under charter or general law.

355 Reviser's note.—Amended to place the definitions of the section
 356 in alphabetical order.

357 Section 10. Section 23.21, Florida Statutes, is reordered
 358 and amended to read:

359 23.21 Definitions.—For purposes of this part:

360 (2)~~(1)~~ "Department" means a principal administrative unit
 361 within the executive branch of state government as defined in
 362 chapter 20 and includes the State Board of Administration, the
 363 Executive Office of the Governor, the Fish and Wildlife
 364 Conservation Commission, the Florida Commission on Offender
 365 Review, the Agency for Health Care Administration, the State
 366 Board of Education, the Board of Governors of the State
 367 University System, the Justice Administrative Commission, the
 368 capital collateral regional counsel, and separate budget
 369 entities placed for administrative purposes within a department.

370 (3)~~(2)~~ "Paperwork burden" means the resources expended by
 371 the entity providing information. Resources may include the
 372 time, effort, or financial expenditure associated with reviewing
 373 the instructions; acquiring, installing, and using technology to
 374 obtain, compile, or report the information; searching data
 375 sources; completing and reviewing the collected information; or

376 transmitting the required information to the requesting
 377 department.

378 (1)~~(3)~~ "Collect information" means the obtaining, causing
 379 to be obtained, soliciting, or requiring the disclosure to third
 380 parties of facts or opinions by or for a department, regardless
 381 of form or format, calling for answers to identical questions
 382 posed to, or identical reporting or recordkeeping requirements
 383 imposed on, 10 or more persons, other than departments or
 384 employees of this state.

385 Reviser's note.—Amended to place the definitions of the section
 386 in alphabetical order.

387 Section 11. Subsections (2), (4), and (5) of section
 388 24.103, Florida Statutes, are reordered and amended to read:

389 24.103 Definitions.—As used in this act:

390 (5)~~(2)~~ "Secretary" means the secretary of the department.

391 (2)~~(4)~~ "Major procurement" means a procurement for a
 392 contract for the printing of tickets for use in any lottery
 393 game, consultation services for the startup of the lottery, any
 394 goods or services involving the official recording for lottery
 395 game play purposes of a player's selections in any lottery game
 396 involving player selections, any goods or services involving the
 397 receiving of a player's selection directly from a player in any
 398 lottery game involving player selections, any goods or services
 399 involving the drawing, determination, or generation of winners
 400 in any lottery game, the security report services provided for

HB 7011

2023

401 in this act, or any goods and services relating to marketing and
402 promotion which exceed a value of \$25,000.

403 (4)~~(5)~~ "Retailer" means a person who sells lottery tickets
404 on behalf of the department pursuant to a contract.

405 Reviser's note.—Amended to place the definitions of the section
406 in alphabetical order.

407 Section 12. Subsection (2) of section 28.2457, Florida
408 Statutes, is amended to read:

409 28.2457 Mandatory monetary assessments.—

410 ~~(2) The clerks of the circuit court must collaborate with
411 the state courts through the Florida Courts Technology
412 Commission to prepare a plan to procure or develop a statewide
413 electronic solution that will accurately identify all
414 assessments mandated by statute. The plan must, at a minimum,
415 address operational, technological, and fiscal considerations
416 related to implementation of the electronic solution. The clerks
417 must submit the plan to the President of the Senate and the
418 Speaker of the House of Representatives by January 1, 2022.~~

419 Reviser's note.—Amended to delete an obsolete provision; the
420 referenced plan was submitted on January 1, 2022.

421 Section 13. Paragraph (b) of subsection (3) of section
422 39.0016, Florida Statutes, is amended to read:

423 39.0016 Education of abused, neglected, and abandoned
424 children; agency agreements; children having or suspected of
425 having a disability.—

HB 7011

2023

426 (3) CHILDREN HAVING OR SUSPECTED OF HAVING A DISABILITY.—

427 (b)1. Each district school superintendent or dependency
428 court must appoint a surrogate parent for a child known to the
429 department who has or is suspected of having a disability, as
430 defined in s. 1003.01(9) ~~1003.01(3)~~, when:

431 a. After reasonable efforts, no parent can be located; or

432 b. A court of competent jurisdiction over a child under
433 this chapter has determined that no person has the authority
434 under the Individuals with Disabilities Education Act, including
435 the parent or parents subject to the dependency action, or that
436 no person has the authority, willingness, or ability to serve as
437 the educational decisionmaker for the child without judicial
438 action.

439 2. A surrogate parent appointed by the district school
440 superintendent or the court must be at least 18 years old and
441 have no personal or professional interest that conflicts with
442 the interests of the student to be represented. Neither the
443 district school superintendent nor the court may appoint an
444 employee of the Department of Education, the local school
445 district, a community-based care provider, the Department of
446 Children and Families, or any other public or private agency
447 involved in the education or care of the child as appointment of
448 those persons is prohibited by federal law. This prohibition
449 includes group home staff and therapeutic foster parents.
450 However, a person who acts in a parental role to a child, such

451 as a foster parent or relative caregiver, is not prohibited from
452 serving as a surrogate parent if he or she is employed by such
453 agency, willing to serve, and knowledgeable about the child and
454 the exceptional student education process. The surrogate parent
455 may be a court-appointed guardian ad litem or a relative or
456 nonrelative adult who is involved in the child's life regardless
457 of whether that person has physical custody of the child. Each
458 person appointed as a surrogate parent must have the knowledge
459 and skills acquired by successfully completing training using
460 materials developed and approved by the Department of Education
461 to ensure adequate representation of the child.

462 3. If a guardian ad litem has been appointed for a child,
463 the district school superintendent must first consider the
464 child's guardian ad litem when appointing a surrogate parent.
465 The district school superintendent must accept the appointment
466 of the court if he or she has not previously appointed a
467 surrogate parent. Similarly, the court must accept a surrogate
468 parent duly appointed by a district school superintendent.

469 4. A surrogate parent appointed by the district school
470 superintendent or the court must be accepted by any subsequent
471 school or school district without regard to where the child is
472 receiving residential care so that a single surrogate parent can
473 follow the education of the child during his or her entire time
474 in state custody. Nothing in this paragraph or in rule shall
475 limit or prohibit the continuance of a surrogate parent

HB7011

2023

476 appointment when the responsibility for the student's
477 educational placement moves among and between public and private
478 agencies.

479 5. For a child known to the department, the responsibility
480 to appoint a surrogate parent resides with both the district
481 school superintendent and the court with jurisdiction over the
482 child. If the court elects to appoint a surrogate parent, notice
483 shall be provided as soon as practicable to the child's school.
484 At any time the court determines that it is in the best
485 interests of a child to remove a surrogate parent, the court may
486 appoint a new surrogate parent for educational decisionmaking
487 purposes for that child.

488 6. The surrogate parent shall continue in the appointed
489 role until one of the following occurs:

490 a. The child is determined to no longer be eligible or in
491 need of special programs, except when termination of special
492 programs is being contested.

493 b. The child achieves permanency through adoption or legal
494 guardianship and is no longer in the custody of the department.

495 c. The parent who was previously unknown becomes known,
496 whose whereabouts were unknown is located, or who was
497 unavailable is determined by the court to be available.

498 d. The appointed surrogate no longer wishes to represent
499 the child or is unable to represent the child.

500 e. The superintendent of the school district in which the

HB 7011

2023

501 child is attending school, the Department of Education contract
502 designee, or the court that appointed the surrogate determines
503 that the appointed surrogate parent no longer adequately
504 represents the child.

505 f. The child moves to a geographic location that is not
506 reasonably accessible to the appointed surrogate.

507 7. The appointment and termination of appointment of a
508 surrogate under this paragraph shall be entered as an order of
509 the court with a copy of the order provided to the child's
510 school as soon as practicable.

511 8. The person appointed as a surrogate parent under this
512 paragraph must:

513 a. Be acquainted with the child and become knowledgeable
514 about his or her disability and educational needs.

515 b. Represent the child in all matters relating to
516 identification, evaluation, and educational placement and the
517 provision of a free and appropriate education to the child.

518 c. Represent the interests and safeguard the rights of the
519 child in educational decisions that affect the child.

520 9. The responsibilities of the person appointed as a
521 surrogate parent shall not extend to the care, maintenance,
522 custody, residential placement, or any other area not
523 specifically related to the education of the child, unless the
524 same person is appointed by the court for such other purposes.

525 10. A person appointed as a surrogate parent shall enjoy

HB 7011

2023

526 all of the procedural safeguards afforded a parent with respect
527 to the identification, evaluation, and educational placement of
528 a student with a disability or a student who is suspected of
529 having a disability.

530 11. A person appointed as a surrogate parent shall not be
531 held liable for actions taken in good faith on behalf of the
532 student in protecting the special education rights of the child.
533 Reviser's note.—Amended to conform to the reordering of
534 definitions in s. 1003.01 by this act.

535 Section 14. Paragraph (f) of subsection (3) of section
536 39.101, Florida Statutes, is amended to read:

537 39.101 Central abuse hotline.—The central abuse hotline is
538 the first step in the safety assessment and investigation
539 process.

540 (3) COLLECTION OF INFORMATION AND DATA.—The department
541 shall:

542 (f)1. Collect and analyze child-on-child sexual abuse
543 reports and include such information in the aggregate
544 statistical reports.

545 2. Collect and analyze, in separate statistical reports,
546 those reports of child abuse, sexual abuse, and juvenile sexual
547 abuse which are reported from or which occurred on or at:

- 548 a. School premises;
549 b. School transportation;
550 c. School-sponsored off-campus events;

- 551 d. A school readiness program provider determined to be
- 552 eligible under s. 1002.88;
- 553 e. A private prekindergarten provider or a public school
- 554 prekindergarten provider, as those terms are defined in s.
- 555 1002.51(7) and (8), respectively;
- 556 f. A public K-12 school as described in s. 1000.04;
- 557 g. A private school as defined in s. 1002.01;
- 558 h. A Florida College System institution or a state
- 559 university, as those terms are defined in s. 1000.21(5) and (8)
- 560 ~~1000.21(3) and (6)~~, respectively; or
- 561 i. A school, as defined in s. 1005.02.

562 Reviser's note.—Amended to conform to the reordering of
 563 definitions in s. 1000.21 by this act.

564 Section 15. Paragraphs (d) and (e) of subsection (2) of
 565 section 44.1011, Florida Statutes, are reordered and amended to
 566 read:

567 44.1011 Definitions.—As used in this chapter:

568 (2) "Mediation" means a process whereby a neutral third
 569 person called a mediator acts to encourage and facilitate the
 570 resolution of a dispute between two or more parties. It is an
 571 informal and nonadversarial process with the objective of
 572 helping the disputing parties reach a mutually acceptable and
 573 voluntary agreement. In mediation, decisionmaking authority
 574 rests with the parties. The role of the mediator includes, but
 575 is not limited to, assisting the parties in identifying issues,

HB 7011

2023

576 fostering joint problem solving, and exploring settlement
577 alternatives. "Mediation" includes:

578 (e)~~(d)~~ "Family mediation" which means mediation of family
579 matters, including married and unmarried persons, before and
580 after judgments involving dissolution of marriage; property
581 division; shared or sole parental responsibility; or child
582 support, custody, and visitation involving emotional or
583 financial considerations not usually present in other circuit
584 civil cases. Negotiations in family mediation are primarily
585 conducted by the parties. Counsel for each party may attend the
586 mediation conference and privately communicate with their
587 clients. However, presence of counsel is not required, and, in
588 the discretion of the mediator, and with the agreement of the
589 parties, mediation may proceed in the absence of counsel unless
590 otherwise ordered by the court.

591 (d)~~(e)~~ "Dependency or in need of services mediation,"
592 which means mediation of dependency, child in need of services,
593 or family in need of services matters. Negotiations in
594 dependency or in need of services mediation are primarily
595 conducted by the parties. Counsel for each party may attend the
596 mediation conference and privately communicate with their
597 clients. However, presence of counsel is not required and, in
598 the discretion of the mediator and with the agreement of the
599 parties, mediation may proceed in the absence of counsel unless
600 otherwise ordered by the court.

HB 7011

2023

601 Reviser's note.—Amended to place the definitions in paragraphs
 602 (d) and (e) in alphabetical order.

603 Section 16. Section 45.011, Florida Statutes, is amended
 604 to read:

605 45.011 Definitions.—In all statutes about practice and
 606 procedure:

607 (1) "Bond with surety" means a bond with two good and
 608 sufficient sureties, each with unencumbered property not subject
 609 to any exemption afforded by law equal in value to the penal sum
 610 of the bond or a bond with a licensed surety company as surety
 611 or a cash deposit conditioned as for a bond.

612 (2) "Defendant" means any party against whom relief as
 613 referenced in subsection (3) is sought.

614 (3) "Plaintiff" means any party seeking affirmative relief
 615 whether plaintiff, counterclaimant, cross-claimant; or third-
 616 party plaintiff, counterclaimant or cross-claimant.; ~~"defendant"~~
 617 ~~means any party against whom such relief is sought; "bond with~~
 618 ~~surety" means a bond with two good and sufficient sureties, each~~
 619 ~~with unencumbered property not subject to any exemption afforded~~
 620 ~~by law equal in value to the penal sum of the bond or a bond~~
 621 ~~with a licensed surety company as surety or a cash deposit~~
 622 ~~conditioned as for a bond.~~

623 Reviser's note.—Amended to place the definitions of the section
 624 in alphabetical order, to conform language in subsection

625 (2) to the reordering of the definitions, and to improve

626 the structure of the section.

627 Section 17. Subsections (21) and (22) of section 61.046,

628 Florida Statutes, are reordered and amended to read:

629 61.046 Definitions.—As used in this chapter, the term:

630 (22)~~(21)~~ "Support order" means a judgment, decree, or

631 order, whether temporary or final, issued by a court of

632 competent jurisdiction or administrative agency for the support

633 and maintenance of a child which provides for monetary support,

634 health care, arrearages, or past support. When the child support

635 obligation is being enforced by the Department of Revenue, the

636 term "support order" also means a judgment, decree, or order,

637 whether temporary or final, issued by a court of competent

638 jurisdiction for the support and maintenance of a child and the

639 spouse or former spouse of the obligor with whom the child is

640 living which provides for monetary support, health care,

641 arrearages, or past support.

642 (21)~~(22)~~ "Support," unless otherwise specified, means:

643 (a) Child support and, when the child support obligation

644 is being enforced by the Department of Revenue, spousal support

645 or alimony for the spouse or former spouse of the obligor with

646 whom the child is living.

647 (b) Child support only in cases not being enforced by the

648 Department of Revenue.

649 Reviser's note.—Amended to place the definitions in subsections

650 (21) and (22) in alphabetical order.

651 Section 18. Subsections (1) through (13) and (15) through
 652 (17) of section 83.43, Florida Statutes, are reordered and
 653 amended to read:

654 83.43 Definitions.—As used in this part, the following
 655 words and terms shall have the following meanings unless some
 656 other meaning is plainly indicated:

657 (3)~~(1)~~ "Building, housing, and health codes" means any
 658 law, ordinance, or governmental regulation concerning health,
 659 safety, sanitation or fitness for habitation, or the
 660 construction, maintenance, operation, occupancy, use, or
 661 appearance, of any dwelling unit.

662 (5)~~(2)~~ "Dwelling unit" means:

663 (a) A structure or part of a structure that is rented for
 664 use as a home, residence, or sleeping place by one person or by
 665 two or more persons who maintain a common household.

666 (b) A mobile home rented by a tenant.

667 (c) A structure or part of a structure that is furnished,
 668 with or without rent, as an incident of employment for use as a
 669 home, residence, or sleeping place by one or more persons.

670 (8)~~(3)~~ "Landlord" means the owner or lessor of a dwelling
 671 unit.

672 (16)~~(4)~~ "Tenant" means any person entitled to occupy a
 673 dwelling unit under a rental agreement.

674 (10)~~(5)~~ "Premises" means a dwelling unit and the structure
 675 of which it is a part and a mobile home lot and the appurtenant

HB7011

2023

676 facilities and grounds, areas, facilities, and property held out
677 for the use of tenants generally.

678 (11)~~(6)~~ "Rent" means the periodic payments due the
679 landlord from the tenant for occupancy under a rental agreement
680 and any other payments due the landlord from the tenant as may
681 be designated as rent in a written rental agreement.

682 (12)~~(7)~~ "Rental agreement" means any written agreement,
683 including amendments or addenda, or oral agreement for a
684 duration of less than 1 year, providing for use and occupancy of
685 premises.

686 (7)~~(8)~~ "Good faith" means honesty in fact in the conduct
687 or transaction concerned.

688 (2)~~(9)~~ "Advance rent" means moneys paid to the landlord to
689 be applied to future rent payment periods, but does not include
690 rent paid in advance for a current rent payment period.

691 (17)~~(10)~~ "Transient occupancy" means occupancy when it is
692 the intention of the parties that the occupancy will be
693 temporary.

694 (4)~~(11)~~ "Deposit money" means any money held by the
695 landlord on behalf of the tenant, including, but not limited to,
696 damage deposits, security deposits, advance rent deposit, pet
697 deposit, or any contractual deposit agreed to between landlord
698 and tenant either in writing or orally.

699 (13)~~(12)~~ "Security deposits" means any moneys held by the
700 landlord as security for the performance of the rental

HB 7011

2023

701 agreement, including, but not limited to, monetary damage to the
 702 landlord caused by the tenant's breach of lease prior to the
 703 expiration thereof.

704 (9)~~(13)~~ "Legal holiday" means holidays observed by the
 705 clerk of the court.

706 (1)~~(15)~~ "Active duty" shall have the same meaning as
 707 provided in s. 250.01.

708 (15)~~(16)~~ "State active duty" shall have the same meaning
 709 as provided in s. 250.01.

710 (6)~~(17)~~ "Early termination fee" means any charge, fee, or
 711 forfeiture that is provided for in a written rental agreement
 712 and is assessed to a tenant when a tenant elects to terminate
 713 the rental agreement, as provided in the agreement, and vacates
 714 a dwelling unit before the end of the rental agreement. An early
 715 termination fee does not include:

716 (a) Unpaid rent and other accrued charges through the end
 717 of the month in which the landlord retakes possession of the
 718 dwelling unit.

719 (b) Charges for damages to the dwelling unit.

720 (c) Charges associated with a rental agreement settlement,
 721 release, buyout, or accord and satisfaction agreement.

722 Reviser's note.—Amended to place the definitions of the section
 723 in alphabetical order.

724 Section 19. Section 83.803, Florida Statutes, is reordered
 725 and amended to read:

HB 7011

2023

726 83.803 Definitions.—As used in ss. 83.801-83.809:

727 (5)~~(1)~~ "Self-service storage facility" means any real
728 property designed and used for the purpose of renting or leasing
729 individual storage space to tenants who are to have access to
730 such space for the purpose of storing and removing personal
731 property. No individual storage space may be used for
732 residential purposes. A self-service storage facility is not a
733 "warehouse" as that term is used in chapter 677. If an owner
734 issues any warehouse receipt, bill of lading, or other document
735 of title for the personal property stored, the owner and the
736 tenant shall be subject to the provisions of chapter 677, and
737 the provisions of this act shall not apply.

738 (4)~~(2)~~ "Self-contained storage unit" means any unit not
739 less than 200 cubic feet in size, including, but not limited to,
740 a trailer, box, or other shipping container, which is leased by
741 a tenant primarily for use as storage space whether the unit is
742 located at a facility owned or operated by the owner or at
743 another location designated by the tenant.

744 (2)~~(3)~~ "Owner" means the owner, operator, lessor, or
745 sublessor of a self-service storage facility or self-contained
746 storage unit or his or her agent or any other person authorized
747 by him or her to manage the facility or to receive rent from a
748 tenant under a rental agreement.

749 (6)~~(4)~~ "Tenant" means a person or the person's sublessee,
750 successor, or assign entitled to the use of storage space at a

751 self-service storage facility or in a self-contained unit, under
 752 a rental agreement, to the exclusion of others.

753 ~~(3)-(5)~~ "Rental agreement" means any agreement or lease
 754 which establishes or modifies terms, conditions, rules, or any
 755 other provisions concerning the use and occupancy of a self-
 756 service storage facility or use of a self-contained storage
 757 unit.

758 ~~(1)-(6)~~ "Last known address" means the street address or
 759 post office box address provided by the tenant in the latest
 760 rental agreement or in a subsequent written change-of-address
 761 notice provided by hand delivery, first-class mail, or e-mail.
 762 Reviser's note.—Amended to place the definitions of the section
 763 in alphabetical order.

764 Section 20. Subsection (1) of section 90.5015, Florida
 765 Statutes, is reordered and amended to read:

766 90.5015 Journalist's privilege.—

767 (1) DEFINITIONS.—For purposes of this section, the term:

768 ~~(b)-(a)~~ "Professional journalist" means a person regularly
 769 engaged in collecting, photographing, recording, writing,
 770 editing, reporting, or publishing news, for gain or livelihood,
 771 who obtained the information sought while working as a salaried
 772 employee of, or independent contractor for, a newspaper, news
 773 journal, news agency, press association, wire service, radio or
 774 television station, network, or news magazine. Book authors and
 775 others who are not professional journalists, as defined in this

776 paragraph, are not included in the provisions of this section.

777 (a)~~(b)~~ "News" means information of public concern relating
778 to local, statewide, national, or worldwide issues or events.

779 Reviser's note.—Amended to place the definitions in subsection

780 (1) in alphabetical order.

781 Section 21. Subsection (1) of section 90.801, Florida
782 Statutes, is reordered and amended to read:

783 90.801 Hearsay; definitions; exceptions.—

784 (1) The following definitions apply under this chapter:

785 (c)~~(a)~~ A "statement" is:

786 1. An oral or written assertion; or

787 2. Nonverbal conduct of a person if it is intended by the
788 person as an assertion.

789 (a)~~(b)~~ A "declarant" is a person who makes a statement.

790 (b)~~(e)~~ "Hearsay" is a statement, other than one made by
791 the declarant while testifying at the trial or hearing, offered
792 in evidence to prove the truth of the matter asserted.

793 Reviser's note.—Amended to place the definitions in subsection

794 (1) in alphabetical order.

795 Section 22. Subsection (6) of section 97.021, Florida
796 Statutes, is reordered and amended to read:

797 97.021 Definitions.—For the purposes of this code, except
798 where the context clearly indicates otherwise, the term:

799 (6) "Ballot" or "official ballot" when used in reference
800 to:

HB 7011

2023

801 (b)~~(a)~~ "Marksense ballots" means that printed sheet of
802 paper, used in conjunction with an electronic or
803 electromechanical vote tabulation voting system, containing the
804 names of candidates, or a statement of proposed constitutional
805 amendments or other questions or propositions submitted to the
806 electorate at any election, on which sheet of paper an elector
807 casts his or her vote.

808 (a)~~(b)~~ "Electronic or electromechanical devices" means a
809 ballot that is voted by the process of electronically
810 designating, including by touchscreen, or marking with a marking
811 device for tabulation by automatic tabulating equipment or data
812 processing equipment.

813 Reviser's note.—Amended to place the definitions in subsection
814 (6) in alphabetical order.

815 Section 23. Subsection (3) of section 98.065, Florida
816 Statutes, is amended to read:

817 98.065 Registration list maintenance programs.—

818 (3) Address confirmation requests sent pursuant to
819 paragraph (2) (a) and mail sent pursuant to paragraph (2) (b) ~~(b)~~
820 must be addressed to the voter's address of legal residence, not
821 including voters temporarily residing outside the county and
822 registered in the precinct designated by the supervisor pursuant
823 to s. 101.045(1). If a request is returned as undeliverable, any
824 other notification sent to the voter pursuant to subsection (5)
825 or s. 98.0655 must be addressed to the voter's mailing address

HB 7011

2023

826 on file, if any.

827 Reviser's note.—Amended to correct a cross-reference. The
828 reference to paragraph (b) was added by s. 8, ch. 2022-73,
829 Laws of Florida; subsection (3) does not contain
830 paragraphs. Paragraph (2)(b), which relates to identifying
831 change-of-address information from returned nonforwardable
832 return-if-undeliverable mail sent to registered voters in a
833 county, appears to be relevant.

834 Section 24. Subsection (1) of section 101.019, Florida
835 Statutes, is amended to read:

836 101.019 Ranked-choice voting prohibited.—

837 (1) A ranked-choice voting method that allows voters to
838 rank candidates for an office in order of preference and has
839 ballots cast to be tabulated in multiple rounds following the
840 elimination of a candidate until a single candidate attains a
841 majority may not be used in determining the election or
842 nomination of any candidate to any local, state, or federal
843 elective office in this state.

844 Reviser's note.—Amended to confirm an editorial insertion to
845 improve clarity.

846 Section 25. Subsections (2) and (3) of section 101.292,
847 Florida Statutes, are reordered and amended to read:

848 101.292 Definitions; ss. 101.292-101.295.—As used in ss.
849 101.292-101.295, the following terms shall have the following
850 meanings:

851 (3)~~(2)~~ "Voting equipment" means electronic or
 852 electromechanical voting systems, voting devices, and automatic
 853 tabulating equipment as defined in s. 101.5603, as well as
 854 materials, parts, or other equipment necessary for the operation
 855 and maintenance of such systems and devices, the individual or
 856 combined retail value of which is in excess of the threshold
 857 amount for CATEGORY TWO purchases provided in s. 287.017.

858 (2)~~(3)~~ "Purchase" means a contract for the purchase,
 859 lease, rental, or other acquisition of voting equipment.
 860 Reviser's note.—Amended to place the definitions in subsections
 861 (2) and (3) in alphabetical order.

862 Section 26. Paragraph (a) of subsection (2) of section
 863 101.69, Florida Statutes, is amended to read:

864 101.69 Voting in person; return of vote-by-mail ballot.—

865 (2) (a) The supervisor shall allow an elector who has
 866 received a vote-by-mail ballot to physically return a voted
 867 vote-by-mail ballot to the supervisor by placing the return mail
 868 envelope containing his or her marked ballot in a secure ballot
 869 intake station. Secure ballot intake stations shall be placed at
 870 the main office of the supervisor, at each permanent branch
 871 office of the supervisor which meets the criteria set forth in
 872 s. 101.657(1)(a) for branch offices used for early voting and
 873 which is open for at least the minimum number ~~amount~~ of hours
 874 prescribed by s. 98.015(4), and at each early voting site.
 875 Secure ballot intake stations may also be placed at any other

876 | site that would otherwise qualify as an early voting site under
 877 | s. 101.657(1). Secure ballot intake stations must be
 878 | geographically located so as to provide all voters in the county
 879 | with an equal opportunity to cast a ballot, insofar as is
 880 | practicable. Except for secure ballot intake stations at an
 881 | office of the supervisor, a secure ballot intake station may
 882 | only be used during the county's early voting hours of operation
 883 | and must be monitored in person by an employee of the
 884 | supervisor's office. A secure ballot intake station at an office
 885 | of the supervisor must be continuously monitored in person by an
 886 | employee of the supervisor's office when the secure ballot
 887 | intake station is accessible for deposit of ballots.

888 | Reviser's note.—Amended to confirm an editorial insertion to
 889 | improve clarity and an editorial substitution to conform to
 890 | context.

891 | Section 27. Paragraph (a) of subsection (12) of section
 892 | 106.08, Florida Statutes, is amended to read:

893 | 106.08 Contributions; limitations on.—

894 | (12)(a)1. For purposes of this subsection, the term

895 | "foreign national" means:

896 | a. A foreign government;

897 | b. A foreign political party;

898 | c. A foreign corporation, partnership, association,
 899 | organization, or other combination of persons organized under
 900 | the laws of or having its principal place of business in a

HB 7011

2023

901 foreign country;

902 d. A person with foreign citizenship; or

903 e. A person who is not a citizen or national of the United
904 States and is not lawfully admitted to the United States for
905 permanent residence.

906 2. The term does not include:

907 a. A person who is a dual citizen or dual national of the
908 United States and a foreign country.

909 b. A domestic subsidiary of a foreign corporation,
910 partnership, association, organization, or other combination of
911 persons organized under the laws of or having its principal
912 place of business in a foreign country if:

913 (I) The donations and disbursements used toward a
914 contribution or an expenditure are derived entirely from funds
915 generated by the subsidiary's operations in the United States;
916 and

917 (II) All decisions concerning donations and disbursements
918 used toward a contribution or an expenditure are made by
919 individuals who either hold United States citizenship or are
920 permanent residents of the United States. For purposes of this
921 sub-sub-subparagraph, decisions concerning donations and
922 disbursements do not include decisions regarding the
923 subsidiary's overall budget for contributions or expenditures in
924 connection with an election.

925 Reviser's note.—Amended to confirm an editorial insertion to

926 improve clarity.

927 Section 28. Paragraphs (k), (l), and (n) through (p) of
 928 subsection (2) of section 110.123, Florida Statutes, are
 929 reordered and amended to read:

930 110.123 State group insurance program.—

931 (2) DEFINITIONS.—As used in ss. 110.123-110.1239, the
 932 term:

933 (l)~~(k)~~ "State agency" or "agency" means any branch,
 934 department, or agency of state government. "State agency" or
 935 "agency" includes any state university and the Division of
 936 Rehabilitation and Liquidation for purposes of this section
 937 only.

938 (k)~~(l)~~ "Seasonal workers" has the same meaning as provided
 939 under 29 C.F.R. s. 500.20(s)(1).

940 (p)~~(n)~~ "State-contracted HMO" means any health maintenance
 941 organization under contract with the department to participate
 942 in the state group insurance program.

943 (n)~~(o)~~ "State group insurance program" or "programs" means
 944 the package of insurance plans offered to state officers and
 945 employees, retired state officers and employees, eligible former
 946 employees, and surviving spouses of deceased state officers,
 947 employees, and eligible former employees under this section,
 948 including the state group health insurance plan or plans, health
 949 maintenance organization plans, TRICARE supplemental insurance
 950 plans, and other plans required or authorized by law.

951 (o)~~(p)~~ "State officer" means any constitutional state
 952 officer, any elected state officer paid by state warrant, or any
 953 appointed state officer who is commissioned by the Governor and
 954 who is paid by state warrant.

955 Reviser's note.—Amended to place the definitions in subsection
 956 (2) in alphabetical order.

957 Section 29. Section 110.501, Florida Statutes, is
 958 reordered and amended to read:

959 110.501 Definitions.—As used in this act:

960 (4)~~(1)~~ "Volunteer" means any person who, of his or her own
 961 free will, provides goods or services, or conveys an interest in
 962 or otherwise consents to the use of real property pursuant to
 963 chapter 260, to any state department or agency, or nonprofit
 964 organization, with no monetary or material compensation. A
 965 person registered and serving in Older American Volunteer
 966 Programs authorized by the Domestic Volunteer Service Act of
 967 1973, as amended (Pub. L. No. 93-113), shall also be defined as
 968 a volunteer and shall incur no civil liability as provided by s.
 969 768.1355. A volunteer shall be eligible for payment of volunteer
 970 benefits as specified in Pub. L. No. 93-113, this section, and
 971 s. 430.204.

972 (3)~~(2)~~ "Regular-service volunteer" means any person
 973 engaged in specific voluntary service activities on an ongoing
 974 or continuous basis.

975 (2)~~(3)~~ "Occasional-service volunteer" means any person who

976 offers to provide a one-time or occasional voluntary service.

977 (1)~~(4)~~ "Material donor" means any person who provides
 978 funds, materials, employment, or opportunities for clients of
 979 state departments or agencies, without monetary or material
 980 compensation.

981 Reviser's note.—Amended to place the definitions of the section
 982 in alphabetical order.

983 Section 30. Subsection (2) of section 112.044, Florida
 984 Statutes, is reordered and amended to read:

985 112.044 Public employers, employment agencies, labor
 986 organizations; discrimination based on age prohibited;
 987 exceptions; remedy.—

988 (2) DEFINITIONS.—For the purpose of this act:

989 (b)~~(a)~~ "Employer" means the state or any county,
 990 municipality, or special district or any subdivision or agency
 991 thereof. This definition shall not apply to any law enforcement
 992 agency or firefighting agency in this state.

993 (c)~~(b)~~ "Employment agency" means any person, including any
 994 agent thereof, regularly undertaking, with or without
 995 compensation, to procure employees for an employer, including
 996 state and local employment services receiving federal
 997 assistance.

998 (a)~~(e)~~ "Employee" means an individual employed by any
 999 employer.

1000 Reviser's note.—Amended to place the definitions in subsection

HB 7011

2023

1001 (2) in alphabetical order.

1002 Section 31. Subsection (5) of section 112.0455, Florida
1003 Statutes, is reordered and amended to read:

1004 112.0455 Drug-Free Workplace Act.—

1005 (5) DEFINITIONS.—Except where the context otherwise
1006 requires, as used in this act:

1007 (c)~~(a)~~ "Drug" means alcohol, including distilled spirits,
1008 wine, malt beverages, and intoxicating liquors; amphetamines;
1009 cannabinoids; cocaine; phencyclidine (PCP); hallucinogens;
1010 methaqualone; opiates; barbiturates; benzodiazepines; synthetic
1011 narcotics; designer drugs; or a metabolite of any of the
1012 substances listed herein.

1013 (d)~~(b)~~ "Drug test" or "test" means any chemical,
1014 biological, or physical instrumental analysis administered for
1015 the purpose of determining the presence or absence of a drug or
1016 its metabolites.

1017 (h)~~(e)~~ "Initial drug test" means a sensitive, rapid, and
1018 reliable procedure to identify negative and presumptive positive
1019 specimens. All initial tests must use an immunoassay procedure
1020 or an equivalent, or must use a more accurate scientifically
1021 accepted method approved by the Agency for Health Care
1022 Administration as more accurate technology becomes available in
1023 a cost-effective form.

1024 (b)~~(d)~~ "Confirmation test," "confirmed test," or
1025 "confirmed drug test" means a second analytical procedure used

HB 7011

2023

1026 to identify the presence of a specific drug or metabolite in a
1027 specimen. The confirmation test must be different in scientific
1028 principle from that of the initial test procedure. This
1029 confirmation method must be capable of providing requisite
1030 specificity, sensitivity, and quantitative accuracy.

1031 (a)~~(f)~~ "Chain of custody" refers to the methodology of
1032 tracking specified materials or substances for the purpose of
1033 maintaining control and accountability from initial collection
1034 to final disposition for all such materials or substances and
1035 providing for accountability at each stage in handling, testing,
1036 storing specimens, and reporting of test results.

1037 (i)~~(f)~~ "Job applicant" means a person who has applied for
1038 a position with an employer and has been offered employment
1039 conditioned upon successfully passing a drug test.

1040 (e)~~(g)~~ "Employee" means a person who works for salary,
1041 wages, or other remuneration for an employer.

1042 (g)~~(h)~~ "Employer" means an agency within state government
1043 that employs individuals for salary, wages, or other
1044 remuneration.

1045 (j)~~(i)~~ "Prescription or nonprescription medication" means
1046 a drug or medication obtained pursuant to a prescription as
1047 defined by s. 893.02 or a medication that is authorized pursuant
1048 to federal or state law for general distribution and use without
1049 a prescription in the treatment of human diseases, ailments, or
1050 injuries.

HB 7011

2023

1051 (k)~~(j)~~ "Random testing" means a drug test conducted on
1052 employees who are selected through the use of a computer-
1053 generated random sample of an employer's employees.

1054 (l)~~(k)~~ "Reasonable suspicion drug testing" means drug
1055 testing based on a belief that an employee is using or has used
1056 drugs in violation of the employer's policy drawn from specific
1057 objective and articulable facts and reasonable inferences drawn
1058 from those facts in light of experience. Reasonable suspicion
1059 drug testing may not be required except upon the recommendation
1060 of a supervisor who is at least one level of supervision higher
1061 than the immediate supervisor of the employee in question. Among
1062 other things, such facts and inferences may be based upon:

1063 1. Observable phenomena while at work, such as direct
1064 observation of drug use or of the physical symptoms or
1065 manifestations of being under the influence of a drug.

1066 2. Abnormal conduct or erratic behavior while at work or a
1067 significant deterioration in work performance.

1068 3. A report of drug use, provided by a reliable and
1069 credible source, which has been independently corroborated.

1070 4. Evidence that an individual has tampered with a drug
1071 test during employment with the current employer.

1072 5. Information that an employee has caused, or contributed
1073 to, an accident while at work.

1074 6. Evidence that an employee has used, possessed, sold,
1075 solicited, or transferred drugs while working or while on the

1076 employer's premises or while operating the employer's vehicle,
 1077 machinery, or equipment.

1078 (n)~~(l)~~ "Specimen" means a tissue, hair, or product of the
 1079 human body capable of revealing the presence of drugs or their
 1080 metabolites.

1081 (f)~~(m)~~ "Employee assistance program" means an established
 1082 program for employee assessment, counseling, and possible
 1083 referral to an alcohol and drug rehabilitation program.

1084 (m)~~(n)~~ "Special risk" means employees who are required as
 1085 a condition of employment to be certified under chapter 633 or
 1086 chapter 943.

1087 Reviser's note.—Amended to place the definitions in subsection
 1088 (5) in alphabetical order.

1089 Section 32. Subsection (2) of section 112.061, Florida
 1090 Statutes, is reordered and amended to read:

1091 112.061 Per diem and travel expenses of public officers,
 1092 employees, and authorized persons; statewide travel management
 1093 system.—

1094 (2) DEFINITIONS.—For the purposes of this section, the
 1095 ~~term, the following words shall have the meanings indicated:~~

1096 (a) "Agency" or "public agency" means ~~any~~ office,
 1097 department, agency, division, subdivision, political
 1098 subdivision, board, bureau, commission, authority, district,
 1099 public body, body politic, county, city, town, village,
 1100 municipality, or any other separate unit of government created

1101 | pursuant to law.

1102 | (b) "Agency head" or "head of the agency" means ~~the~~
 1103 | highest policymaking authority of a public agency, as herein
 1104 | defined.

1105 | ~~(j)(e)~~ "Officer" or "public officer" means ~~an~~ individual
 1106 | who in the performance of his or her official duties is vested
 1107 | by law with sovereign powers of government and who is either
 1108 | elected by the people, or commissioned by the Governor and has
 1109 | jurisdiction extending throughout the state, or any person
 1110 | lawfully serving instead of either of the foregoing two classes
 1111 | of individuals as initial designee or successor.

1112 | ~~(h)(d)~~ "Employee" or "public employee" means ~~an~~
 1113 | individual, whether commissioned or not, other than an officer
 1114 | or authorized person as defined herein, who is filling a regular
 1115 | or full-time authorized position and is responsible to an agency
 1116 | head.

1117 | ~~(c)(e)~~ "Authorized person" means: -

1118 | 1. A person other than a public officer or employee as
 1119 | defined herein, whether elected or commissioned or not, who is
 1120 | authorized by an agency head to incur travel expenses in the
 1121 | performance of official duties.

1122 | 2. A person who is called upon by an agency to contribute
 1123 | time and services as consultant or adviser.

1124 | 3. A person who is a candidate for an executive or
 1125 | professional position.

1126 (n)~~(f)~~ "Traveler" means ~~a~~ public officer, public
 1127 employee, or authorized person, when performing authorized
 1128 travel.

1129 (l)~~(g)~~ "Travel expense," "traveling expenses," "necessary
 1130 expenses while traveling," "actual expenses while traveling," or
 1131 words of similar nature mean ~~the~~ usual ordinary and incidental
 1132 expenditures necessarily incurred by a traveler.

1133 (g)~~(h)~~ "Common carrier" means ~~train,~~ bus, commercial
 1134 airline operating scheduled flights, or rental cars of an
 1135 established rental car firm.

1136 (k)~~(i)~~ "Travel day" means ~~a~~ period of 24 hours consisting
 1137 of four quarters of 6 hours each.

1138 (m)~~(j)~~ "Travel period" means ~~a~~ period of time between the
 1139 time of departure and time of return.

1140 (d)~~(k)~~ "Class A travel" means ~~continuous~~ travel of 24
 1141 hours or more away from official headquarters.

1142 (e)~~(l)~~ "Class B travel" means ~~continuous~~ travel of less
 1143 than 24 hours which involves overnight absence from official
 1144 headquarters.

1145 (f)~~(m)~~ "Class C travel" means ~~travel~~ for short or day
 1146 trips where the traveler is not away from his or her official
 1147 headquarters overnight.

1148 (i)~~(n)~~ "Foreign travel" means ~~travel~~ outside the United
 1149 States.

1150 Reviser's note.—Amended to place the definitions in subsection

1151 (2) in alphabetical order and to conform to Florida
 1152 Statutes style for defining terms.
 1153 Section 33. Paragraphs (b) and (d) of subsection (1) of
 1154 section 112.19, Florida Statutes, are reordered and amended to
 1155 read:
 1156 112.19 Law enforcement, correctional, and correctional
 1157 probation officers; death benefits.—
 1158 (1) As used in this section, the term:
 1159 (d)~~(b)~~ "Law enforcement, correctional, or correctional
 1160 probation officer" means any officer as defined in s. 943.10(14)
 1161 or employee of the state or any political subdivision of the
 1162 state, including any law enforcement officer, correctional
 1163 officer, correctional probation officer, state attorney
 1164 investigator, public defender investigator, or criminal conflict
 1165 and civil regional counsel investigator, whose duties require
 1166 such officer or employee to investigate, pursue, apprehend,
 1167 arrest, transport, or maintain custody of persons who are
 1168 charged with, suspected of committing, or convicted of a crime;
 1169 and the term includes any member of a bomb disposal unit whose
 1170 primary responsibility is the location, handling, and disposal
 1171 of explosive devices. The term also includes any full-time
 1172 officer or employee of the state or any political subdivision of
 1173 the state, certified pursuant to chapter 943, whose duties
 1174 require such officer to serve process or to attend a session of
 1175 a circuit or county court as bailiff.

1176 (b)~~(d)~~ "Fresh pursuit" means the pursuit of a person who
 1177 has committed or is reasonably suspected of having committed a
 1178 felony, misdemeanor, traffic infraction, or violation of a
 1179 county or municipal ordinance. The term does not imply instant
 1180 pursuit, but pursuit without unreasonable delay.

1181 Reviser's note.—Amended to place the definitions in subsection
 1182 (1) in alphabetical order.

1183 Section 34. Section 112.26, Florida Statutes, is reordered
 1184 and amended to read:

1185 112.26 Definitions.—For the purposes of this part, ~~of~~
 1186 ~~chapter 112~~ the following words and phrases have the meanings
 1187 ascribed to them in this section:—

1188 (2)~~(1)~~ "Sending agency" means any department or agency of
 1189 the federal government or a state government which sends any
 1190 employee thereof to another government agency under this part.

1191 (1)~~(2)~~ "Receiving agency" means any department or agency
 1192 of the federal government or a state government which receives
 1193 an employee of another government under this part.

1194 Reviser's note.—Amended to improve sentence structure, conform
 1195 to Florida Statutes citation form, and place the
 1196 definitions of the section in alphabetical order.

1197 Section 35. Paragraph (a) of subsection (7) of section
 1198 112.3144, Florida Statutes, as amended by section 91 of chapter
 1199 2022-157, Laws of Florida, is amended to read:

1200 112.3144 Full and public disclosure of financial

1201 interests.—

1202 (7)(a) Beginning January 1, 2023, a filer may not include
 1203 in a filing to the commission a federal income tax return or a
 1204 copy thereof; a social security number; a bank, mortgage, or
 1205 brokerage account number; a debit, charge, or credit card
 1206 number; a personal identification number; or a taxpayer
 1207 identification number. If a filer includes such information in
 1208 his or her filing, the information may be made available as part
 1209 of the official records of the commission available for public
 1210 inspection and copying unless redaction is requested by the
 1211 filer. The commission is not liable for the release of social
 1212 security numbers or bank account, debit, charge, or credit card
 1213 numbers included in a filing to the commission if the filer has
 1214 not requested redaction of such information.

1215 Reviser's note.—Amended to confirm an editorial insertion to
 1216 improve clarity.

1217 Section 36. Effective July 1, 2023, paragraph (a) of
 1218 subsection (7) of section 112.3144, Florida Statutes, as amended
 1219 by section 92 of chapter 2022-157, Laws of Florida, effective
 1220 July 1, 2023, is amended to read:

1221 112.3144 Full and public disclosure of financial
 1222 interests.—

1223 (7)(a) Beginning January 1, 2022, a filer may not include
 1224 in a filing to the commission a federal income tax return or a
 1225 copy thereof; a social security number; a bank, mortgage, or

HB 7011

2023

1226 | brokerage account number; a debit, charge, or credit card
1227 | number; a personal identification number; or a taxpayer
1228 | identification number. If a filer includes such information in
1229 | his or her filing, the information may be made available as part
1230 | of the official records of the commission available for public
1231 | inspection and copying unless redaction is requested by the
1232 | filer. The commission is not liable for the release of social
1233 | security numbers or bank account, debit, charge, or credit card
1234 | numbers included in a filing to the commission if the filer has
1235 | not requested redaction of such information.

1236 | Reviser's note.—Amended, effective July 1, 2023, to confirm an
1237 | editorial insertion in paragraph (7)(a), as amended by s.
1238 | 92, ch. 2022-157, Laws of Florida, effective July 1, 2023,
1239 | to improve clarity.

1240 | Section 37. Subsection (3) of section 112.3187, Florida
1241 | Statutes, is reordered and amended to read:

1242 | 112.3187 Adverse action against employee for disclosing
1243 | information of specified nature prohibited; employee remedy and
1244 | relief.—

1245 | (3) DEFINITIONS.—As used in this act, unless otherwise
1246 | specified, the following words or terms shall have the meanings
1247 | indicated:

1248 | (b)~~(a)~~ "Agency" means any state, regional, county, local,
1249 | or municipal government entity, whether executive, judicial, or
1250 | legislative; any official, officer, department, division,

1251 bureau, commission, authority, or political subdivision therein;
 1252 or any public school, community college, or state university.

1253 (c)~~(b)~~ "Employee" means a person who performs services
 1254 for, and under the control and direction of, or contracts with,
 1255 an agency or independent contractor for wages or other
 1256 remuneration.

1257 (a)~~(e)~~ "Adverse personnel action" means the discharge,
 1258 suspension, transfer, or demotion of any employee or the
 1259 withholding of bonuses, the reduction in salary or benefits, or
 1260 any other adverse action taken against an employee within the
 1261 terms and conditions of employment by an agency or independent
 1262 contractor.

1263 (e)~~(d)~~ "Independent contractor" means a person, other than
 1264 an agency, engaged in any business and who enters into a
 1265 contract, including a provider agreement, with an agency.

1266 (d)~~(e)~~ "Gross mismanagement" means a continuous pattern of
 1267 managerial abuses, wrongful or arbitrary and capricious actions,
 1268 or fraudulent or criminal conduct which may have a substantial
 1269 adverse economic impact.

1270 Reviser's note.—Amended to place the definitions in subsection
 1271 (3) in alphabetical order.

1272 Section 38. Subsections (1) through (5), (7), and (8) of
 1273 section 112.352, Florida Statutes, are reordered and amended to
 1274 read:

1275 112.352 Definitions.—The following words and phrases as

HB7011

2023

1276 used in this act shall have the following meaning unless a
1277 different meaning is required by the context:

1278 (3)~~(1)~~ "Funds" shall mean the special trust funds in the
1279 State Treasury created under each of the retirement laws covered
1280 by this act.

1281 (5)~~(2)~~ "Retired member" shall mean any person who had both
1282 attained age 65 and retired prior to January 1, 1966, and is
1283 receiving benefits under any of the following systems:

1284 (a) State and County Officers and Employees Retirement
1285 System, created by authority of chapter 122.

1286 (b) Supreme Court Justices, District Courts of Appeal
1287 Judges and Circuit Judges Retirement System, created by
1288 authority of former chapter 123.

1289 (c) Teachers' Retirement System of the state, created by
1290 authority of chapter 238; or

1291 (d) Highway Patrol Pension Trust Fund, created by
1292 authority of chapter 321.

1293 (4)~~(3)~~ "Joint annuitant" means any person named by a
1294 retired member under the applicable system to receive any
1295 retirement benefits due and payable from the system after the
1296 member's death.

1297 (8)~~(4)~~ "System" shall mean any of the retirement systems
1298 specified in subsection (5) ~~(2)~~.

1299 (7)~~(5)~~ "Social security benefit" shall mean the monthly
1300 primary insurance amount, computed in accordance with the Social

HB 7011

2023

1301 Security Act from which is derived the monthly benefit amount,
1302 which the retired member is receiving, entitled to receive, or
1303 would be entitled to receive upon application to the Social
1304 Security Administration, without taking into account any earned
1305 income which would cause a reduction in such amount. For
1306 purposes of this act, the social security benefit of:

1307 (a) A retired member who is not insured under the Social
1308 Security Act shall be zero, and

1309 (b) A deceased retired member who was insured under the
1310 Social Security Act shall be the primary insurance amount from
1311 which is derived the monthly benefit amount which the member was
1312 receiving or entitled to receive in the month immediately
1313 preceding his or her date of death.

1314 (2)~~(7)~~ "Department" means the Department of Management
1315 Services.

1316 (1)~~(8)~~ "Base year" means the year in which a retired
1317 member actually retired from a system or the year in which the
1318 member attained age 65, if later.

1319 Reviser's note.—Amended to place the definitions of the section
1320 in alphabetical order and to conform a cross-reference.

1321 Section 39. Section 112.353, Florida Statutes, is amended
1322 to read:

1323 112.353 Purpose of act.—The purpose of this act is to
1324 provide a supplement to the monthly retirement benefits being
1325 paid to, or with respect to, retired members under the

HB 7011

2023

1326 retirement systems specified in s. 112.352(5) ~~112.352(2)~~ and any
 1327 permanently and totally disabled retired member who became thus
 1328 disabled in the line of duty and while performing the duties
 1329 incident to his or her employment, such supplement to be
 1330 approximately equal to the excess of the increase in social
 1331 security benefits that the retired member would have received
 1332 had he or she been covered for maximum benefits under the Social
 1333 Security Act at age 65 or at date of retirement, whichever is
 1334 later, over the amount of increase he or she has previously
 1335 received or is entitled to receive by virtue of coverage under
 1336 the Social Security Act.

1337 Reviser's note.—Amended to conform to the reordering of
 1338 definitions in s. 112.352 by this act.

1339 Section 40. Paragraphs (a), (b), and (d) through (g) of
 1340 subsection (2) of section 112.361, Florida Statutes, are
 1341 reordered and amended, and subsection (3) of that section is
 1342 amended to read:

1343 112.361 Additional and updated supplemental retirement
 1344 benefits.—

1345 (2) DEFINITIONS.—As used in this section, unless a
 1346 different meaning is required by the context:

1347 (b) ~~(a)~~ "Funds" means the special trust funds in the State
 1348 Treasury created under each of the retirement laws covered by
 1349 this section.

1350 (d) ~~(b)~~ "Retired member" means any person:

HB 7011

2023

1351 1. Who either:
 1352 a. Had both attained age 65 and retired for reasons other
 1353 than disability prior to January 1, 1968; or

1354 b. Had retired because of disability prior to January 1,
 1355 1968, and who, if he or she had been covered under the Social
 1356 Security Act, would have been eligible for disability benefits
 1357 under Title II of the Social Security Act; and

1358 2. Who is receiving benefits under any of the following
 1359 systems:

1360 a. State and County Officers and Employees Retirement
 1361 System created by authority of chapter 122;

1362 b. Supreme Court Justices, District Courts of Appeal
 1363 Judges and Circuit Judges Retirement System created by authority
 1364 of former chapter 123;

1365 c. Teachers' Retirement System of the state created by
 1366 authority of chapter 238; or

1367 d. Highway Patrol Pension Trust Fund created by authority
 1368 of chapter 321.

1369
 1370 In addition, "retired member" includes any state official or
 1371 state employee who retired prior to January 1, 1958, and is
 1372 receiving benefits by authority of s. 112.05.

1373 (g)~~(d)~~ "System" means any of the retirement systems
 1374 specified in paragraph (d) ~~(b)~~, including that pursuant to s.
 1375 112.05.

1376 (f)~~(e)~~ "Social security benefit" means the monthly primary
 1377 insurance amount, computed in accordance with the Social
 1378 Security Act, from which is derived the monthly benefit amount
 1379 which the retired member is receiving, entitled to receive, or
 1380 would be entitled to receive upon application to the Social
 1381 Security Administration, without taking into account any earned
 1382 income which would cause a reduction in such amount. For
 1383 purposes of this section:

1384 1. The social security benefit of a retired member who is
 1385 not insured under the Social Security Act shall be zero, and

1386 2. The social security benefit of a deceased retired
 1387 member who was insured under the Social Security Act shall be
 1388 the primary insurance amount from which is derived the monthly
 1389 benefit amount which the member was receiving or entitled to
 1390 receive in the month immediately preceding his or her date of
 1391 death.

1392 (e)~~(f)~~ "Retirement benefit" means the monthly benefit
 1393 which a retired member or joint annuitant is receiving from a
 1394 system.

1395 (a)~~(g)~~ "Department" means the Department of Management
 1396 Services.

1397 (3) PURPOSE OF SECTION.—The purpose of this section is to
 1398 provide a supplement to the monthly retirement benefits being
 1399 paid to, or with respect to, retired members under the
 1400 retirement systems specified in paragraph (2) (d) ~~(2) (b)~~, such

HB 7011

2023

1401 supplement to be approximately equal to the excess of the
1402 increase in social security benefits that the retired member
1403 would have received as a result of the 1967 amendments to the
1404 Social Security Act had he or she been covered for maximum
1405 benefits under the Social Security Act at age 65 or at date of
1406 retirement, whichever is later, over the amount of increase he
1407 or she has previously received or is entitled to receive as a
1408 result of the 1967 amendments to the Social Security Act by
1409 virtue of coverage under the Social Security Act.

1410 Reviser's note.—Amended to place the definitions in subsection
1411 (2) in alphabetical order and to conform cross-references.
1412 Section 41. Section 112.625, Florida Statutes, is
1413 reordered and amended to read:

1414 112.625 Definitions.—As used in this act:

1415 (8)~~(1)~~ "Retirement system or plan" means any employee
1416 pension benefit plan supported in whole or in part by public
1417 funds, provided such plan is not:

1418 (a) An employee benefit plan described in s. 4(a) of the
1419 Employee Retirement Income Security Act of 1974, which is not
1420 exempt under s. 4(b)(1) of such act;

1421 (b) A plan which is unfunded and is maintained by an
1422 employer primarily for the purpose of providing deferred
1423 compensation for a select group of management or highly
1424 compensated employees;

1425 (c) A coverage agreement entered into pursuant to s. 218

HB 7011

2023

1426 of the Social Security Act;

1427 (d) An individual retirement account or an individual
1428 retirement annuity within the meaning of s. 408, or a retirement
1429 bond within the meaning of s. 409, of the Internal Revenue Code
1430 of 1954;

1431 (e) A plan described in s. 401(d) of the Internal Revenue
1432 Code of 1954; or

1433 (f) An individual account consisting of an annuity
1434 contract described in s. 403(b) of the Internal Revenue Code of
1435 1954.

1436 (6)~~(2)~~ "Plan administrator" means the person so designated
1437 by the terms of the instrument or instruments, ordinance, or
1438 statute under which the plan is operated. If no plan
1439 administrator has been designated, the plan sponsor shall be
1440 considered the plan administrator.

1441 (2)~~(3)~~ "Enrolled actuary" means an actuary who is enrolled
1442 under Subtitle C of Title III of the Employee Retirement Income
1443 Security Act of 1974 and who is a member of the Society of
1444 Actuaries or the American Academy of Actuaries.

1445 (1)~~(4)~~ "Benefit increase" means a change or amendment in
1446 the plan design or benefit structure which results in increased
1447 benefits for plan members or beneficiaries.

1448 (3)~~(5)~~ "Governmental entity" means the state, for the
1449 Florida Retirement System, and the county, municipality, special
1450 district, or district school board which is the employer of the

HB 7011

2023

1451 member of a local retirement system or plan.

1452 (5)~~(6)~~ "Pension or retirement benefit" means any benefit,
1453 including a disability benefit, paid to a member or beneficiary
1454 of a retirement system or plan as defined in subsection (8) ~~(1)~~.

1455 (9)~~(7)~~ "Statement value" means the value of assets in
1456 accordance with s. 302(c)(2) of the Employee Retirement Income
1457 Security Act of 1974 and as permitted under regulations
1458 prescribed by the Secretary of the Treasury as amended by Pub.
1459 L. No. 100-203, as such sections are in effect on August 16,
1460 2006. Assets for which a fair market value is not provided shall
1461 be excluded from the assets used in the determination of annual
1462 funding cost.

1463 (4)~~(8)~~ "Named fiduciary," "board," or "board of trustees"
1464 means the person or persons so designated by the terms of the
1465 instrument or instruments, ordinance, or statute under which the
1466 plan is operated.

1467 (7)~~(9)~~ "Plan sponsor" means the local governmental entity
1468 that has established or that may establish a local retirement
1469 system or plan.

1470 Reviser's note.—Amended to place the definitions of the section
1471 in alphabetical order and to conform a cross-reference.

1472 Section 42. Paragraphs (a), (b), (d), and (e) of
1473 subsection (2) of section 116.34, Florida Statutes, are
1474 reordered and amended to read:

1475 116.34 Facsimile signatures.—

HB 7011

2023

1476 (2) DEFINITIONS.—As used in this section:

1477 (e)~~(a)~~ "Public security" means a bond, note, certificate
1478 of indebtedness, or other obligation for the payment of money,
1479 issued by this state or by any of its departments, agencies,
1480 public bodies, or other instrumentalities or by any of its
1481 political subdivisions.

1482 (d)~~(b)~~ "Instrument of payment" means a check, draft,
1483 warrant, or order for the payment, delivery, or transfer of
1484 funds.

1485 (a)~~(d)~~ "Authorized officer" means any official of this
1486 state or any of its departments, agencies, public bodies, or
1487 other instrumentalities or any of its political subdivisions
1488 whose signature to a public security, instrument of conveyance
1489 or instrument of payment is required or permitted.

1490 (b)~~(e)~~ "Facsimile signature" means a reproduction by
1491 engraving, imprinting, stamping, or other means of the manual
1492 signature of an authorized officer.

1493 Reviser's note.—Amended to place the definitions in subsection
1494 (2) in alphabetical order.

1495 Section 43. Paragraph (a) of subsection (52) and paragraph
1496 (a) of subsection (53) of section 121.021, Florida Statutes, are
1497 amended to read:

1498 121.021 Definitions.—The following words and phrases as
1499 used in this chapter have the respective meanings set forth
1500 unless a different meaning is plainly required by the context:

1501 (52) "Regularly established position" means:
 1502 (a) With respect to a state employer, a position that is
 1503 authorized and established pursuant to law and is compensated
 1504 from a salaries and benefits appropriation pursuant to s.
 1505 216.011(1)(rr) ~~216.011(1)(mm)~~, or an established position that
 1506 is authorized pursuant to s. 216.262(1)(a) and (b) and is
 1507 compensated from a salaries account as provided in s.
 1508 216.011(1)(ss) ~~216.011(1)(nn)~~.

1509 (53) "Temporary position" means:
 1510 (a) With respect to a state employer, a position that is
 1511 compensated from an other personal services (OPS) account as
 1512 provided in s. 216.011(1)(jj) ~~216.011(1)(dd)~~.

1513 Reviser's note.—Amended to conform cross-references to the
 1514 reordering of definitions in s. 216.011(1) by this act.

1515 Section 44. Paragraph (c) of subsection (2) and subsection
 1516 (8) of section 121.051, Florida Statutes, are amended to read:

1517 121.051 Participation in the system.—

1518 (2) OPTIONAL PARTICIPATION.—

1519 (c) Employees of public community colleges or charter
 1520 technical career centers sponsored by public community colleges,
 1521 designated in s. 1000.21(5) ~~1000.21(3)~~, who are members of the
 1522 Regular Class of the Florida Retirement System and who comply
 1523 with the criteria set forth in this paragraph and s. 1012.875
 1524 may, in lieu of participating in the Florida Retirement System,
 1525 elect to withdraw from the system altogether and participate in

HB 7011

2023

1526 the State Community College System Optional Retirement Program
1527 provided by the employing agency under s. 1012.875.

1528 1.a. Through June 30, 2001, the cost to the employer for
1529 benefits under the optional retirement program equals the normal
1530 cost portion of the employer retirement contribution which would
1531 be required if the employee were a member of the pension plan's
1532 Regular Class, plus the portion of the contribution rate
1533 required by s. 112.363(8) which would otherwise be assigned to
1534 the Retiree Health Insurance Subsidy Trust Fund.

1535 b. Effective July 1, 2001, through June 30, 2011, each
1536 employer shall contribute on behalf of each member of the
1537 optional program an amount equal to 10.43 percent of the
1538 employee's gross monthly compensation. The employer shall deduct
1539 an amount for the administration of the program.

1540 c. Effective July 1, 2011, through June 30, 2012, each
1541 member shall contribute an amount equal to the employee
1542 contribution required under s. 121.71(3). The employer shall
1543 contribute on behalf of each program member an amount equal to
1544 the difference between 10.43 percent of the employee's gross
1545 monthly compensation and the employee's required contribution
1546 based on the employee's gross monthly compensation.

1547 d. Effective July 1, 2012, each member shall contribute an
1548 amount equal to the employee contribution required under s.
1549 121.71(3). The employer shall contribute on behalf of each
1550 program member an amount equal to the difference between 8.15

1551 percent of the employee's gross monthly compensation and the
1552 employee's required contribution based on the employee's gross
1553 monthly compensation.

1554 e. The employer shall contribute an additional amount to
1555 the Florida Retirement System Trust Fund equal to the unfunded
1556 actuarial accrued liability portion of the Regular Class
1557 contribution rate.

1558 2. The decision to participate in the optional retirement
1559 program is irrevocable as long as the employee holds a position
1560 eligible for participation, except as provided in subparagraph

1561 3. Any service creditable under the Florida Retirement System is
1562 retained after the member withdraws from the system; however,
1563 additional service credit in the system may not be earned while
1564 a member of the optional retirement program.

1565 3. An employee who has elected to participate in the
1566 optional retirement program shall have one opportunity, at the
1567 employee's discretion, to transfer from the optional retirement
1568 program to the pension plan of the Florida Retirement System or
1569 to the investment plan established under part II of this
1570 chapter, subject to the terms of the applicable optional
1571 retirement program contracts.

1572 a. If the employee chooses to move to the investment plan,
1573 any contributions, interest, and earnings creditable to the
1574 employee under the optional retirement program are retained by
1575 the employee in the optional retirement program, and the

HB 7011

2023

1576 applicable provisions of s. 121.4501(4) govern the election.

1577 b. If the employee chooses to move to the pension plan of
1578 the Florida Retirement System, the employee shall receive
1579 service credit equal to his or her years of service under the
1580 optional retirement program.

1581 (I) The cost for such credit is the amount representing
1582 the present value of the employee's accumulated benefit
1583 obligation for the affected period of service. The cost shall be
1584 calculated as if the benefit commencement occurs on the first
1585 date the employee becomes eligible for unreduced benefits, using
1586 the discount rate and other relevant actuarial assumptions that
1587 were used to value the Florida Retirement System Pension Plan
1588 liabilities in the most recent actuarial valuation. The
1589 calculation must include any service already maintained under
1590 the pension plan in addition to the years under the optional
1591 retirement program. The present value of any service already
1592 maintained must be applied as a credit to total cost resulting
1593 from the calculation. The division must ensure that the transfer
1594 sum is prepared using a formula and methodology certified by an
1595 enrolled actuary.

1596 (II) The employee must transfer from his or her optional
1597 retirement program account and from other employee moneys as
1598 necessary, a sum representing the present value of the
1599 employee's accumulated benefit obligation immediately following
1600 the time of such movement, determined assuming that attained

HB 7011

2023

1601 service equals the sum of service in the pension plan and
1602 service in the optional retirement program.

1603 4. Participation in the optional retirement program is
1604 limited to employees who satisfy the following eligibility
1605 criteria:

1606 a. The employee is otherwise eligible for membership or
1607 renewed membership in the Regular Class of the Florida
1608 Retirement System, as provided in s. 121.021(11) and (12) or s.
1609 121.122.

1610 b. The employee is employed in a full-time position
1611 classified in the Accounting Manual for Florida's College System
1612 as:

1613 (I) Instructional; or

1614 (II) Executive Management, Instructional Management, or
1615 Institutional Management and the community college determines
1616 that recruiting to fill a vacancy in the position is to be
1617 conducted in the national or regional market, and the duties and
1618 responsibilities of the position include the formulation,
1619 interpretation, or implementation of policies, or the
1620 performance of functions that are unique or specialized within
1621 higher education and that frequently support the mission of the
1622 community college.

1623 c. The employee is employed in a position not included in
1624 the Senior Management Service Class of the Florida Retirement
1625 System as described in s. 121.055.

HB 7011

2023

1626 5. Members of the program are subject to the same
1627 reemployment limitations, renewed membership provisions, and
1628 forfeiture provisions applicable to regular members of the
1629 Florida Retirement System under ss. 121.091(9), 121.122, and
1630 121.091(5), respectively. A member who receives a program
1631 distribution funded by employer and required employee
1632 contributions is deemed to be retired from a state-administered
1633 retirement system if the member is subsequently employed with an
1634 employer that participates in the Florida Retirement System.

1635 6. Eligible community college employees are compulsory
1636 members of the Florida Retirement System until, pursuant to s.
1637 1012.875, a written election to withdraw from the system and
1638 participate in the optional retirement program is filed with the
1639 program administrator and received by the division.

1640 a. A community college employee whose program eligibility
1641 results from initial employment shall be enrolled in the
1642 optional retirement program retroactive to the first day of
1643 eligible employment. The employer and employee retirement
1644 contributions paid through the month of the employee plan change
1645 shall be transferred to the community college to the employee's
1646 optional program account, and, effective the first day of the
1647 next month, the employer shall pay the applicable contributions
1648 based upon subparagraph 1.

1649 b. A community college employee whose program eligibility
1650 is due to the subsequent designation of the employee's position

HB 7011

2023

1651 as one of those specified in subparagraph 4., or due to the
1652 employee's appointment, promotion, transfer, or reclassification
1653 to a position specified in subparagraph 4., must be enrolled in
1654 the program on the first day of the first full calendar month
1655 that such change in status becomes effective. The employer and
1656 employee retirement contributions paid from the effective date
1657 through the month of the employee plan change must be
1658 transferred to the community college to the employee's optional
1659 program account, and, effective the first day of the next month,
1660 the employer shall pay the applicable contributions based upon
1661 subparagraph 1.

1662 7. Effective July 1, 2003, through December 31, 2008, any
1663 member of the optional retirement program who has service credit
1664 in the pension plan of the Florida Retirement System for the
1665 period between his or her first eligibility to transfer from the
1666 pension plan to the optional retirement program and the actual
1667 date of transfer may, during employment, transfer to the
1668 optional retirement program a sum representing the present value
1669 of the accumulated benefit obligation under the defined benefit
1670 retirement program for the period of service credit. Upon
1671 transfer, all service credit previously earned under the pension
1672 plan during this period is nullified for purposes of entitlement
1673 to a future benefit under the pension plan.

1674 (8) DIVISION OF REHABILITATION AND LIQUIDATION EMPLOYEES
1675 MEMBERSHIP.—Effective July 1, 1994, the regular receivership

1676 employees of the Division of Rehabilitation and Liquidation of
 1677 the Department of Financial Services who are assigned to
 1678 established positions and are subject to established rules and
 1679 regulations regarding discipline, pay, classification, and time
 1680 and attendance are hereby declared to be state employees within
 1681 the meaning of this chapter and shall be compulsory members in
 1682 compliance with this chapter, the provisions of s.
 1683 216.011(1)(jj)2. ~~216.011(1)(dd)2.~~, notwithstanding. Employment
 1684 performed before July 1, 1994, as such a receivership employee
 1685 may be claimed as creditable retirement service upon payment by
 1686 the employee or employer of contributions required in s.
 1687 121.081(1), as applicable for the period claimed.
 1688 Reviser's note.—Paragraph (2)(c) is amended to conform to the
 1689 reordering of definitions in s. 1000.21 by this act.
 1690 Subsection (8) is amended to conform to the reordering of
 1691 definitions in s. 216.011(1) by this act.
 1692 Section 45. Paragraph (b) of subsection (9) of section
 1693 125.0104, Florida Statutes, is amended to read:
 1694 125.0104 Tourist development tax; procedure for levying;
 1695 authorized uses; referendum; enforcement.—
 1696 (9) COUNTY TOURISM PROMOTION AGENCIES.—In addition to any
 1697 other powers and duties provided for agencies created for the
 1698 purpose of tourism promotion by a county levying the tourist
 1699 development tax, such agencies are authorized and empowered to:
 1700 (b) Pay by advancement or reimbursement, or a combination

HB 7011

2023

1701 | thereof, the costs of per diem and incidental expenses of
 1702 | officers and employees of the agency and other authorized
 1703 | persons, for foreign travel at the current rates as specified in
 1704 | the federal publication "Standardized Regulations (Government
 1705 | Civilians, Foreign Areas)." The provisions of this paragraph
 1706 | shall apply for any officer or employee of the agency traveling
 1707 | in foreign countries for the purposes of promoting tourism and
 1708 | travel to the county, if such travel expenses are approved and
 1709 | certified by the agency head from whose funds the traveler is
 1710 | paid. As used in this paragraph, the term "authorized person"
 1711 | shall have the same meaning as provided in s. 112.061(2)(c)
 1712 | ~~112.061(2)(e)~~. With the exception of provisions concerning rates
 1713 | of payment for per diem, the provisions of s. 112.061 are
 1714 | applicable to the travel described in this paragraph. As used in
 1715 | this paragraph, "foreign travel" means all travel outside the
 1716 | United States. Persons traveling in foreign countries pursuant
 1717 | to this subsection shall not be entitled to reimbursements or
 1718 | advancements pursuant to s. 112.061(6)(a)2.

1719 | Reviser's note.—Amended to conform to the reordering of
 1720 | definitions in s. 112.061(2) by this act.

1721 | Section 46. Subsection (1) of section 125.488, Florida
 1722 | Statutes, is amended to read:

1723 | 125.488 Ordinances, regulations, and policies concerning
 1724 | temporary underground power panels.—

1725 | (1) A county may not enact any ordinance, regulation, or

HB 7011

2023

1726 policy that prevents or has the effect of preventing an electric
1727 utility, as defined in s. 366.02(4) ~~366.02(2)~~, from installing a
1728 temporary underground power panel if the temporary underground
1729 power panel meets the requirements of Article 590 of the
1730 National Electrical Code, 2020 edition, during the construction
1731 and installation of the temporary underground power panel. After
1732 the county has conducted an inspection of the temporary
1733 underground power panel, the county may not require a subsequent
1734 inspection of the temporary underground power panel as a
1735 condition of issuance of the certificate of occupancy.
1736 Reviser's note.—Amended to conform to the renumbering of s.
1737 366.04(2) as s. 366.04(4) by s. 27, ch. 2022-4, Laws of
1738 Florida.
1739 Section 47. Paragraph (k) of subsection (1) of section
1740 159.47, Florida Statutes, is amended to read:
1741 159.47 Powers of the authority.—
1742 (1) The authority is authorized and empowered:
1743 (k) To pay by advancement or reimbursement, or a
1744 combination thereof, the costs of per diem of members or
1745 employees of the authority and other authorized persons, for
1746 foreign travel at the current rates as specified in the federal
1747 publication "Standardized Regulations (Government Civilians,
1748 Foreign Areas)," and incidental expenses as provided in s.
1749 112.061. The provisions of this paragraph shall apply for any
1750 member or employee of the authority traveling in foreign

HB 7011

2023

1751 countries for the purpose of promoting economic or industrial
 1752 development of the county, if such travel expenses are approved
 1753 and certified by the agency head from whose funds the traveler
 1754 is paid. As used in this paragraph, the term "authorized person"
 1755 has the same meaning as provided in s. 112.061(2)(c)
 1756 ~~112.061(2)(e)~~. With the exception of provisions concerning rates
 1757 of payment for per diem, the provisions of s. 112.061 are
 1758 applicable to the travel described in this subsection. As used
 1759 in this paragraph, "foreign travel" means all travel outside the
 1760 United States. Persons traveling in foreign countries pursuant
 1761 to this section shall not be entitled to reimbursements or
 1762 advancements pursuant to s. 112.061(6)(a)2.

1763 Reviser's note.—Amended to conform to the reordering of
 1764 definitions in s. 112.061(2) by this act.

1765 Section 48. Paragraph (b) of subsection (1) of section
 1766 163.32051, Florida Statutes, is amended to read:

1767 163.32051 Floating solar facilities.—

1768 (1)

1769 (b) The Legislature finds that siting floating solar
 1770 facilities on wastewater treatment ponds, abandoned limerock
 1771 mine areas, stormwater treatment ponds, reclaimed water ponds,
 1772 and other water storage reservoirs are beneficial uses of those
 1773 areas for many reasons, including the fact that the water has a
 1774 cooling effect on the solar panels, which can boost power
 1775 production, and the fact that the panels help decrease the

1776 amount of water lost to evaporation and the formation of harmful
 1777 algal blooms.

1778 Reviser's note.—Amended to confirm an editorial insertion to
 1779 improve clarity.

1780 Section 49. Subsection (1) of section 166.0484, Florida
 1781 Statutes, is amended to read:

1782 166.0484 Ordinances, regulations, and policies concerning
 1783 temporary underground power panels.—

1784 (1) A municipality may not enact any ordinance,
 1785 regulation, or policy that prevents or has the effect of
 1786 preventing an electric utility, as defined in s. 366.02(4)
 1787 ~~366.02(2)~~, from installing a temporary underground power panel
 1788 if the temporary underground power panel meets the requirements
 1789 of Article 590 of the National Electrical Code, 2020 edition,
 1790 during the construction and installation of the temporary
 1791 underground power panel. After the municipality has conducted an
 1792 inspection of the temporary underground power panel, the
 1793 municipality may not require a subsequent inspection of the
 1794 temporary underground power panel as a condition of issuance of
 1795 the certificate of occupancy.

1796 Reviser's note.—Amended to conform to the renumbering of s.

1797 366.04(2) as s. 366.04(4) by s. 27, ch. 2022-4, Laws of
 1798 Florida.

1799 Section 50. Paragraph (b) of subsection (2) of section
 1800 175.261, Florida Statutes, is amended to read:

HB 7011

2023

1801 175.261 Annual report to Division of Retirement; actuarial
 1802 valuations.—For any municipality, special fire control district,
 1803 chapter plan, local law municipality, local law special fire
 1804 control district, or local law plan under this chapter, the
 1805 board of trustees for every chapter plan and local law plan
 1806 shall submit the following reports to the division:

1807 (2) With respect to local law plans:

1808 (b) In addition to annual reports provided under paragraph
 1809 (a), an actuarial valuation of the retirement plan must be made
 1810 at least once every 3 years, as provided in s. 112.63,
 1811 commencing 3 years from the last actuarial valuation of the plan
 1812 or system for existing plans, or commencing 3 years from
 1813 issuance of the initial actuarial impact statement submitted
 1814 under s. 112.63 for newly created plans. Such valuation shall be
 1815 prepared by an enrolled actuary, subject to the following
 1816 conditions:

1817 1. The assets shall be valued as provided in s. 112.625(9)
 1818 ~~112.625(7)~~.

1819 2. The cost of the actuarial valuation must be paid by the
 1820 individual firefighters' retirement fund or by the sponsoring
 1821 municipality or special fire control district.

1822 3. A report of the valuation, including actuarial
 1823 assumptions and type and basis of funding, shall be made to the
 1824 division within 3 months after the date of valuation. If any
 1825 benefits are insured with a commercial insurance company, the

1826 | report must include a statement of the relationship of the
 1827 | retirement plan benefits to the insured benefits, the name of
 1828 | the insurer, the basis of premium rates, and the mortality
 1829 | table, interest rate, and method used in valuing the retirement
 1830 | benefits.

1831 | Reviser's note.—Amended to conform to the reordering of
 1832 | definitions in s. 112.625 by this act.

1833 | Section 51. Paragraph (b) of subsection (2) of section
 1834 | 185.221, Florida Statutes, is amended to read:

1835 | 185.221 Annual report to Division of Retirement; actuarial
 1836 | valuations.—For any municipality, chapter plan, local law
 1837 | municipality, or local law plan under this chapter, the board of
 1838 | trustees for every chapter plan and local law plan shall submit
 1839 | the following reports to the division:

1840 | (2) With respect to local law plans:

1841 | (b) In addition to annual reports provided under paragraph
 1842 | (a), an actuarial valuation of the retirement plan must be made
 1843 | at least once every 3 years, as provided in s. 112.63,
 1844 | commencing 3 years from the last actuarial valuation of the plan
 1845 | or system for existing plans, or commencing 3 years from
 1846 | issuance of the initial actuarial impact statement submitted
 1847 | under s. 112.63 for newly created plans. Such valuation shall be
 1848 | prepared by an enrolled actuary, subject to the following
 1849 | conditions:

1850 | 1. The assets shall be valued as provided in s. 112.625(9)

HB 7011

2023

1851 | ~~112.625(7).~~

1852 | 2. The cost of the actuarial valuation must be paid by the
1853 | individual police officer's retirement trust fund or by the
1854 | sponsoring municipality.

1855 | 3. A report of the valuation, including actuarial
1856 | assumptions and type and basis of funding, shall be made to the
1857 | division within 3 months after the date of the valuation. If any
1858 | benefits are insured with a commercial insurance company, the
1859 | report must include a statement of the relationship of the
1860 | retirement plan benefits to the insured benefits, the name of
1861 | the insurer, the basis of premium rates, and the mortality
1862 | table, interest rate, and method used in valuing the retirement
1863 | benefits.

1864 | Reviser's note.—Amended to conform to the reordering of
1865 | definitions in s. 112.625 by this act.

1866 | Section 52. Paragraphs (a) and (c) of subsection (1) and
1867 | subsections (2) through (4), (8), and (9) of section 205.022,
1868 | Florida Statutes, are reordered and amended to read:

1869 | 205.022 Definitions.—When used in this chapter, the
1870 | following terms and phrases shall have the meanings ascribed to
1871 | them in this section, except when the context clearly indicates
1872 | a different meaning:

1873 | (1) "Business," "profession," and "occupation" do not
1874 | include the customary religious, charitable, or educational
1875 | activities of nonprofit religious, nonprofit charitable, and

1876 nonprofit educational institutions in this state, which
 1877 institutions are more particularly defined and limited as
 1878 follows:

1879 (c)~~(a)~~ "Religious institutions" means churches and
 1880 ecclesiastical or denominational organizations or established
 1881 physical places for worship in this state at which nonprofit
 1882 religious services and activities are regularly conducted and
 1883 carried on, and also means church cemeteries.

1884 (a)~~(e)~~ "Charitable institutions" means only nonprofit
 1885 corporations operating physical facilities in this state at
 1886 which are provided charitable services, a reasonable percentage
 1887 of which are without cost to those unable to pay.

1888 (8)~~(2)~~ "Receipt" means the document that is issued by the
 1889 local governing authority which bears the words "Local Business
 1890 Tax Receipt" and evidences that the person in whose name the
 1891 document is issued has complied with the provisions of this
 1892 chapter relating to the business tax.

1893 (2)~~(3)~~ "Classification" means the method by which a
 1894 business or group of businesses is identified by size or type,
 1895 or both.

1896 (3)~~(4)~~ "Enterprise zone" means an area designated as an
 1897 enterprise zone pursuant to s. 290.0065. This subsection expires
 1898 on the date specified in s. 290.016 for the expiration of the
 1899 Florida Enterprise Zone Act.

1900 (9)~~(8)~~ "Taxpayer" means any person liable for taxes

1901 imposed under the provisions of this chapter; any agent required
 1902 to file and pay any taxes imposed hereunder; and the heirs,
 1903 successors, assignees, and transferees of any such person or
 1904 agent.

1905 (4)-(9) "Independent contractor" has the same meaning as
 1906 provided in s. 440.02(18)(d)1.a. and b ~~440.02(15)(d)1.a. and b.~~

1907 Reviser's note.—Paragraphs (1)(a) and (c) and subsections (2)
 1908 through (4), (8), and (9) are amended to place the
 1909 definitions of the section in alphabetical order.

1910 Subsection (9) is further amended to conform to the
 1911 reordering of definitions in s. 440.02 by this act.

1912 Section 53. Paragraph (a) of subsection (5) of section
 1913 215.5551, Florida Statutes, is amended to read:

1914 215.5551 Reinsurance to Assist Policyholders program.—

1915 (5) INSURER QUALIFICATION.—

1916 (a) An insurer is not eligible to participate in the RAP
 1917 program if the board receives a notice from the Commissioner of
 1918 Insurance Regulation which certifies that the insurer is in an
 1919 unsound financial condition no later than:

1920 1. June 15, 2022, for RAP insurers that participate during
 1921 the 2022-2023 contract year; or

1922 2. February 1, 2023, for RAP insurers subject to
 1923 participation deferral under subsection (6) that ~~and~~ participate
 1924 during the 2023-2024 contract year.

1925 Reviser's note.—Amended to confirm an editorial substitution to

HB 7011

2023

1926 improve clarity and facilitate correct interpretation.

1927 Section 54. Subsection (1) of section 216.011, Florida
1928 Statutes, is reordered and amended, and paragraph (c) of
1929 subsection (3) of that section is amended to read:

1930 216.011 Definitions.—

1931 (1) For the purpose of fiscal affairs of the state,
1932 appropriations acts, legislative budgets, and approved budgets,
1933 each of the following terms has the meaning indicated:

1934 (b)~~(a)~~ "Annual salary rate" means the monetary
1935 compensation authorized to be paid a position on an annualized
1936 basis. The term does not include moneys authorized for benefits
1937 associated with the position.

1938 (c)~~(b)~~ "Appropriation" means a legal authorization to make
1939 expenditures for specific purposes within the amounts authorized
1940 by law.

1941 (d)~~(e)~~ "Appropriations act" means the authorization of the
1942 Legislature, based upon legislative budgets or based upon
1943 legislative findings of the necessity for an authorization when
1944 no legislative budget is filed, for the expenditure of amounts
1945 of money by an agency, the judicial branch, or the legislative
1946 branch for stated purposes in the performance of the functions
1947 it is authorized by law to perform. The categories contained in
1948 the appropriations act include, but are not limited to:

- 1949 1. Data processing services.
1950 2. Expenses.

- 1951 3. Fixed capital outlay.
- 1952 4. Food products.
- 1953 5. Grants and aids.
- 1954 6. Grants and aids to local governments and nonstate
- 1955 entities-fixed capital outlay.
- 1956 7. Lump-sum appropriations.
- 1957 8. Operating capital outlay.
- 1958 9. Other personal services.
- 1959 10. Salaries and benefits.
- 1960 11. Special categories.
- 1961 (e)~~(d)~~ "Authorized position" means a position included in
- 1962 an approved budget. In counting the number of authorized
- 1963 positions, part-time positions shall be converted to full-time
- 1964 equivalentents.
- 1965 (f)~~(e)~~ "Baseline data" means indicators of a state
- 1966 agency's current performance level, pursuant to guidelines
- 1967 established by the Executive Office of the Governor, in
- 1968 consultation with legislative appropriations and appropriate
- 1969 substantive committees.
- 1970 (g)~~(f)~~ "Budget entity" means a unit or function at the
- 1971 lowest level to which funds are specifically appropriated in the
- 1972 appropriations act. "Budget entity" and "service" have the same
- 1973 meaning.
- 1974 (i)~~(g)~~ "Chairs of the legislative appropriations
- 1975 committees" means the chairs of the committees of the Senate and

1976 | the House of Representatives responsible for producing the
 1977 | General Appropriations Act.

1978 | (j)~~(h)~~ "Consultation" means communication to allow
 1979 | government officials and agencies to deliberate and to seek and
 1980 | provide advice in an open and forthright manner.

1981 | (k)~~(i)~~ "Continuing appropriation" means an appropriation
 1982 | automatically renewed without further legislative action, period
 1983 | after period, until altered or revoked by the Legislature.

1984 | (l)~~(j)~~ "Data processing services" means the appropriation
 1985 | category used to fund electronic data processing services
 1986 | provided by state agencies or the judicial branch, which
 1987 | services include, but are not limited to, systems design,
 1988 | software development, or time-sharing by other governmental
 1989 | units or budget entities.

1990 | (m)~~(k)~~ "Disbursement" means the payment of an expenditure.

1991 | (n)~~(l)~~ "Disincentive" means a sanction as described in s.
 1992 | 216.163.

1993 | (o)~~(m)~~ "Expenditure" means the creation or incurring of a
 1994 | legal obligation to disburse money.

1995 | (p)~~(n)~~ "Expense" means the appropriation category used to
 1996 | fund the usual, ordinary, and incidental expenditures by an
 1997 | agency or the judicial branch, including such items as
 1998 | commodities, supplies of a consumable nature, current
 1999 | obligations, and fixed charges, and excluding expenditures
 2000 | classified as operating capital outlay. Payments to other funds

2001 or local, state, or federal agencies may be included in this
 2002 category.

2003 (q)~~(e)~~ "Fiscal year of the state" means a period of time
 2004 beginning July 1 and ending on the following June 30, both dates
 2005 inclusive.

2006 (r)~~(p)~~ "Fixed capital outlay" means the appropriation
 2007 category used to fund real property (land, buildings, including
 2008 appurtenances, fixtures and fixed equipment, structures, etc.),
 2009 including additions, replacements, major repairs, and
 2010 renovations to real property which materially extend its useful
 2011 life or materially improve or change its functional use and
 2012 including furniture and equipment necessary to furnish and
 2013 operate a new or improved facility, when appropriated by the
 2014 Legislature in the fixed capital outlay appropriation category.

2015 (s)~~(q)~~ "Food products" means the appropriation category
 2016 used to fund food consumed and purchased in state-run facilities
 2017 that provide housing to individuals.

2018 (t)~~(r)~~ "Grants and aids" means the appropriation category
 2019 used to fund contributions to units of government or nonstate
 2020 entities to be used for one or more specified purposes or
 2021 activities. Funds appropriated to units of government and
 2022 nonprofit entities under this category may be advanced.

2023 (u)~~(s)~~ "Grants and aids to local governments and nonstate
 2024 entities-fixed capital outlay" means the appropriation category
 2025 used to fund:

HB 7011

2023

2026 1. Grants to local units of governments or nonstate
 2027 entities for the acquisition of real property (land, buildings,
 2028 including appurtenances, fixtures and fixed equipment,
 2029 structures, etc.); additions, replacements, major repairs, and
 2030 renovations to real property which materially extend its useful
 2031 life or materially improve or change its functional use; and
 2032 operating capital outlay necessary to furnish and operate a new
 2033 or improved facility; and

2034 2. Grants to local units of government for their
 2035 respective infrastructure and growth management needs related to
 2036 local government comprehensive plans.

2037
 2038 Funds appropriated to local units of government and nonprofit
 2039 organizations under this category may be advanced in part or in
 2040 whole.

2041 (v)~~(t)~~ "Incentive" means a mechanism, as described in s.
 2042 216.163, for recognizing the achievement of performance
 2043 standards or for motivating performance that exceeds performance
 2044 standards.

2045 (x)~~(u)~~ "Independent judgment" means an evaluation of
 2046 actual needs made separately and apart from the legislative
 2047 budget request of any other agency or of the judicial branch, or
 2048 any assessments by the Governor. Such evaluation shall not be
 2049 limited by revenue estimates of the Revenue Estimating
 2050 Conference.

HB 7011

2023

2051 (y)~~(v)~~ "Judicial branch" means all officers, employees,
 2052 and offices of the Supreme Court, district courts of appeal,
 2053 circuit courts, county courts, and the Judicial Qualifications
 2054 Commission.

2055 (aa)~~(w)~~ "Legislative branch" means the various officers,
 2056 committees, and other units of the legislative branch of state
 2057 government.

2058 (bb)~~(x)~~ "Legislative budget instructions" means the annual
 2059 set of instructions developed to assist agencies in submitting
 2060 budget requests to the Legislature and to generate information
 2061 necessary for budgetary decisionmaking. Such instructions may
 2062 include program-based performance budget instructions.

2063 (cc)~~(y)~~ "Legislative budget request" means a request to
 2064 the Legislature, filed pursuant to s. 216.023, or supplemental
 2065 detailed requests filed with the Legislature, for the amounts of
 2066 money such agency or branch believes will be needed in the
 2067 performance of the functions that it is authorized, or which it
 2068 is requesting authorization by law, to perform.

2069 (ee)~~(z)~~ "Long-range program plan" means a plan developed
 2070 pursuant to s. 216.013.

2071 (ff)~~(aa)~~ "Lump-sum appropriation" means the appropriation
 2072 category used to fund a specific activity or project which must
 2073 be transferred to one or more appropriation categories for
 2074 expenditure.

2075 (hh)~~(bb)~~ "Operating capital outlay" means the

HB 7011

2023

2076 appropriation category used to fund equipment, fixtures, and
 2077 other tangible personal property of a nonconsumable and
 2078 nonexpendable nature under s. 273.025.

2079 (ii)~~(ee)~~ "Original approved budget" means the approved
 2080 plan of operation of an agency or of the judicial branch
 2081 consistent with the General Appropriations Act or special
 2082 appropriations acts.

2083 (jj)~~(dd)~~ "Other personal services" means the appropriation
 2084 category used to fund the compensation for services rendered by
 2085 a person who is not filling an established position. This
 2086 definition includes, but is not limited to, services of
 2087 temporary employees, student or graduate assistants, persons on
 2088 fellowships, part-time academic employees, board members, and
 2089 consultants and other services specifically budgeted by each
 2090 agency, or by the judicial branch, in this category. In
 2091 distinguishing between payments to be made from salaries and
 2092 benefits appropriations and other-personal-services
 2093 appropriations:

2094 1. Those persons filling established positions shall be
 2095 paid from salaries and benefits appropriations and those persons
 2096 performing services for a state agency or for the judicial
 2097 branch, but who are not filling established positions, shall be
 2098 paid from other-personal-services appropriations.

2099 2. Those persons paid from salaries and benefits
 2100 appropriations shall be state officers or employees and shall be

HB 7011

2023

2101 eligible for membership in a state retirement system and those
2102 paid from other-personal-services appropriations shall not be
2103 eligible for such membership.

2104 (kk)~~(ee)~~ "Outcome" means an indicator of the actual impact
2105 or public benefit of a program.

2106 (ll)~~(ff)~~ "Output" means the actual service or product
2107 delivered by a state agency.

2108 (gg) "Mandatory reserve" means the reduction of an
2109 appropriation by the Governor or the Legislative Budget
2110 Commission due to an anticipated deficit in a fund, pursuant to
2111 s. 216.221. Action may not be taken to restore a mandatory
2112 reserve either directly or indirectly.

2113 (h)~~(hh)~~ "Budget reserve" means the withholding, as
2114 authorized by the Legislature, of an appropriation, or portion
2115 thereof. The need for a budget reserve may exist until certain
2116 conditions set by the Legislature are met by the affected
2117 agency, or such need may exist due to financial or program
2118 changes that have occurred since, and were unforeseen at the
2119 time of, passage of the General Appropriations Act.

2120 (mm)~~(ii)~~ "Performance measure" means a quantitative or
2121 qualitative indicator used to assess state agency performance.

2122 (nn)~~(jj)~~ "Program" means a set of services and activities
2123 undertaken in accordance with a plan of action organized to
2124 realize identifiable goals and objectives based on legislative
2125 authorization.

2126 (oo)~~(kk)~~ "Program component" means an aggregation of
 2127 generally related objectives which, because of their special
 2128 character, related workload, and interrelated output, can
 2129 logically be considered an entity for purposes of organization,
 2130 management, accounting, reporting, and budgeting.

2131 (pp)~~(ll)~~ "Proviso" means language that qualifies or
 2132 restricts a specific appropriation and which can be logically
 2133 and directly related to the specific appropriation.

2134 (rr)~~(mm)~~ "Salaries and benefits" means the appropriation
 2135 category used to fund the monetary or cash-equivalent
 2136 compensation for work performed by state employees for a
 2137 specific period of time. Benefits shall be as provided by law.

2138 (ss)~~(nn)~~ "Salary" means the cash compensation for services
 2139 rendered for a specific period of time.

2140 (uu)~~(oo)~~ "Special category" means the appropriation
 2141 category used to fund amounts appropriated for a specific need
 2142 or classification of expenditures.

2143 (vv)~~(pp)~~ "Standard" means the level of performance of an
 2144 outcome or output.

2145 (ww)~~(qq)~~ "State agency" or "agency" means any official,
 2146 officer, commission, board, authority, council, committee, or
 2147 department of the executive branch of state government. For
 2148 purposes of this chapter and chapter 215, "state agency" or
 2149 "agency" includes, but is not limited to, state attorneys,
 2150 public defenders, criminal conflict and civil regional counsel,

HB 7011

2023

2151 capital collateral regional counsel, the Justice Administrative
 2152 Commission, the Florida Housing Finance Corporation, and the
 2153 Florida Public Service Commission. Solely for the purposes of
 2154 implementing s. 19(h), Art. III of the State Constitution, the
 2155 terms "state agency" or "agency" include the judicial branch.

2156 (a)~~(rr)~~ "Activity" means a unit of work that has
 2157 identifiable starting and ending points, consumes resources, and
 2158 produces outputs.

2159 (qq)~~(ss)~~ "Qualified expenditure category" means the
 2160 appropriations category used to fund specific activities and
 2161 projects which must be transferred to one or more appropriation
 2162 categories for expenditure upon recommendation by the Governor
 2163 or Chief Justice, as appropriate, and subject to approval by the
 2164 Legislative Budget Commission. The Legislature by law may
 2165 provide that a specific portion of the funds appropriated in
 2166 this category be transferred to one or more appropriation
 2167 categories without approval by the commission and may provide
 2168 that requirements or contingencies be satisfied prior to the
 2169 transfer.

2170 (w)~~(tt)~~ "Incurred obligation" means a legal obligation for
 2171 goods or services that have been contracted for, referred to as
 2172 an encumbrance in the state's financial system, or received or
 2173 incurred by the state and referred to as a payable in the
 2174 state's financial system.

2175 (tt)~~(uu)~~ "Salary rate reserve" means the withholding of a

2176 | portion of the annual salary rate for a specific purpose.

2177 | ~~(z)-(vv)~~ "Lease or lease-purchase of equipment" means the
 2178 | appropriations category used to fund the lease or lease-purchase
 2179 | of equipment, fixtures, and other tangible personal property.

2180 | ~~(dd)-(ww)~~ "Long-range financial outlook" means a document
 2181 | issued by the Legislative Budget Commission based on a 3-year
 2182 | forecast of revenues and expenditures.

2183 | (3) For purposes of this chapter, the term:

2184 | (c) "Statutorily authorized entity" means any entity
 2185 | primarily acting as an instrumentality of the state, any
 2186 | regulatory or governing body, or any other governmental or
 2187 | quasi-governmental organization that receives, disburses,
 2188 | expends, administers, awards, recommends expenditure of,
 2189 | handles, manages, or has custody or control of funds
 2190 | appropriated by the Legislature and:

2191 | 1. Is created, organized, or specifically authorized to be
 2192 | created or established by general law; or

2193 | 2. Assists a department, as defined in s. 20.03(8)
 2194 | ~~20.03(2)~~, or other unit of state government in providing
 2195 | programs or services on a statewide basis with a statewide
 2196 | service area or population.

2197 | Reviser's note.—Subsection (1) is amended to place the
 2198 | definitions in alphabetical order. Paragraph (3) (c) is
 2199 | amended to conform to the reordering of definitions in s.
 2200 | 20.03 by this act.

2201 Section 55. Paragraphs (b) through (e) of subsection (2),
 2202 paragraph (c) of subsection (6), and paragraph (c) of subsection
 2203 (8) of section 251.001, Florida Statutes, are amended to read:

2204 251.001 Florida State Guard Act.—

2205 (2) DEFINITIONS.—As used in this section:

2206 (b) The term "department" means the Department of Military
 2207 Affairs.

2208 (c) The term "officer" means an officer commissioned by
 2209 the Governor.

2210 (d) The term "organized guard" means an organized military
 2211 force that is authorized by law.

2212 (e) The term "warrant officer" means a technical
 2213 specialist commissioned as a warrant officer by the Governor.

2214 (6) ACTIVATION OF THE FLORIDA STATE GUARD.—

2215 (c) The Florida State Guard shall be deactivated by the
 2216 expiration of the order of activation or by a separate order by
 2217 the Governor deactivating the Florida State Guard.

2218 (8) EMPLOYMENT PROTECTION, SUSPENSION OF PROCEEDINGS,
 2219 LIABILITY, AND WORKERS' COMPENSATION.—

2220 (c) While activated or in training, members of the Florida
 2221 State Guard are considered volunteers for the state, as defined
 2222 in s. 440.02(18)(d)6. ~~440.02(15)(d)6.~~, and are entitled to
 2223 workers' compensation protections pursuant to chapter 440.

2224 Reviser's note.—Paragraphs (2) (b) through (e) are amended to
 2225 confirm editorial insertions to conform to paragraph

2226 (2) (a), which begins with the words "The terms." Paragraph
 2227 (6) (c) is amended to confirm an editorial insertion to
 2228 improve clarity. Paragraph (8) (c) is amended to conform to
 2229 the reordering of definitions in s. 440.02 by this act.
 2230 Section 56. Paragraph (u) of subsection (2) of section
 2231 252.35, Florida Statutes, is amended to read:

2232 252.35 Emergency management powers; Division of Emergency
 2233 Management.—

2234 (2) The division is responsible for carrying out the
 2235 provisions of ss. 252.31-252.90. In performing its duties, the
 2236 division shall:

2237 (u) Acquire and maintain a supply of personal protective
 2238 equipment owned by the state for use by state agencies and to
 2239 assist local governments and the private sector, when determined
 2240 to be necessary by the State Coordinating Officer, in meeting
 2241 safety needs during a declared emergency. The division shall
 2242 conduct regular inventories of the supply, which must include
 2243 projections of the need for additional personal protective
 2244 equipment, as assessed by each governmental agency, to maintain
 2245 the supply and replace expired items. The division shall
 2246 maintain and replace the equipment on a standardized schedule
 2247 that recognizes equipment expiration and obsolescence. This
 2248 paragraph is subject to appropriation. The ~~initial~~ inventory
 2249 must be reported annually by December 31, ~~2021~~, to the Governor,
 2250 the President of the Senate, the Speaker of the House of

HB 7011

2023

2251 Representatives, and the Chief Justice of the Supreme Court ~~and,~~
 2252 ~~thereafter, the inventory must be reported by each December 31~~
 2253 ~~to those officers.~~

2254 Reviser's note.—Amended to delete obsolete language.

2255 Section 57. Subsections (11) and (12) of section 282.319,
 2256 Florida Statutes, are amended to read:

2257 282.319 Florida Cybersecurity Advisory Council.—

2258 (11) ~~Beginning June 30, 2022, and~~ Each June 30 ~~thereafter,~~
 2259 the council shall submit to the President of the Senate and the
 2260 Speaker of the House of Representatives any legislative
 2261 recommendations considered necessary by the council to address
 2262 cybersecurity.

2263 (12) ~~Beginning December 1, 2022, and~~ Each December 1
 2264 ~~thereafter,~~ the council shall submit to the Governor, the
 2265 President of the Senate, and the Speaker of the House of
 2266 Representatives a comprehensive report that includes data,
 2267 trends, analysis, findings, and recommendations for state and
 2268 local action regarding ransomware incidents. At a minimum, the
 2269 report must include:

2270 (a) Descriptive statistics including the amount of ransom
 2271 requested, the duration of the ransomware incident, and the
 2272 overall monetary cost to taxpayers of the ransomware incident.

2273 (b) A detailed statistical analysis of the circumstances
 2274 that led to the ransomware incident which does not include the
 2275 name of the state agency, county, or municipality; network

HB 7011

2023

2276 information; or system identifying information.

2277 (c) A detailed statistical analysis of the level of
2278 cybersecurity employee training and frequency of data backup for
2279 the state agency, county, or municipality that reported the
2280 ransomware incident.

2281 (d) Specific issues identified with current policies,
2282 procedures, rules, or statutes and recommendations to address
2283 such issues.

2284 (e) Any other recommendations to prevent ransomware
2285 incidents.

2286 Reviser's note.—Amended to delete obsolete language.

2287 Section 58. Subsection (20) of section 287.012, Florida
2288 Statutes, is amended to read:

2289 287.012 Definitions.—As used in this part, the term:

2290 (20) "Outsource" means the process of contracting with a
2291 vendor to provide a service as defined in s. 216.011(1)(g)
2292 ~~216.011(1)(f)~~, in whole or in part, or an activity as defined in
2293 s. 216.011(1)(a) ~~216.011(1)(rr)~~, while a state agency retains
2294 the responsibility and accountability for the service or
2295 activity and there is a transfer of management responsibility
2296 for the delivery of resources and the performance of those
2297 resources.

2298 Reviser's note.—Amended to conform to the reordering of
2299 definitions in s. 216.011(1) by this act.

2300 Section 59. Paragraph (c) of subsection (3) and subsection

2301 (18) of section 287.057, Florida Statutes, are amended to read:
 2302 287.057 Procurement of commodities or contractual
 2303 services.—

2304 (3) If the purchase price of commodities or contractual
 2305 services exceeds the threshold amount provided in s. 287.017 for
 2306 CATEGORY TWO, purchase of commodities or contractual services
 2307 may not be made without receiving competitive sealed bids,
 2308 competitive sealed proposals, or competitive sealed replies
 2309 unless:

2310 (c) Commodities or contractual services available only
 2311 from a single source may be excepted from the competitive-
 2312 solicitation requirements. If an agency believes that
 2313 commodities or contractual services are available only from a
 2314 single source, the agency shall electronically post a
 2315 description of the commodities or contractual services sought
 2316 for at least 15 business days. The description must include a
 2317 request that prospective vendors provide information regarding
 2318 their ability to supply the commodities or contractual services
 2319 described. If it is determined in writing by the agency, after
 2320 reviewing any information received from prospective vendors that
 2321 the commodities or contractual services are available only from
 2322 a single source, the agency shall provide notice of its intended
 2323 decision to enter a single-source purchase contract in the
 2324 manner specified in s. 120.57(3). Each agency shall report all
 2325 such actions to the department on a quarterly basis in a manner

HB 7011

2023

2326 and form prescribed by the department, and the department shall
 2327 report such information to the Governor, the President of the
 2328 Senate, and the Speaker of the House of Representatives no later
 2329 than ~~January 1, 2022, and~~ each January 1 thereafter.

2330 (18) Any person who supervises contract administrators or
 2331 contract or grant managers that meet criteria for certification
 2332 in subsection (15) shall annually complete public procurement
 2333 training for supervisors within 12 months after appointment to
 2334 the supervisory position. The department is responsible for
 2335 establishing and disseminating the training course content
 2336 required for supervisors ~~and training shall commence no later~~
 2337 ~~than July 1, 2022.~~

2338 Reviser's note.—Amended to delete obsolete language.

2339 Section 60. Paragraph (c) of subsection (2) of section
 2340 288.101, Florida Statutes, is amended to read:

2341 288.101 Florida Job Growth Grant Fund.—

2342 (2) The department and Enterprise Florida, Inc., may
 2343 identify projects, solicit proposals, and make funding
 2344 recommendations to the Governor, who is authorized to approve:

2345 (c) Workforce training grants to support programs at state
 2346 colleges and state technical centers that provide participants
 2347 with transferable, sustainable workforce skills applicable to
 2348 more than a single employer, and for equipment associated with
 2349 these programs. The department shall work with CareerSource
 2350 Florida, Inc., to ensure programs are offered to the public

HB 7011

2023

2351 based on criteria established by the state college or state
2352 technical center and do not exclude applicants who are
2353 unemployed or underemployed.

2354 Reviser's note.—Amended to confirm an editorial insertion to
2355 conform to the full name of CareerSource Florida, Inc.

2356 Section 61. Paragraph (b) of subsection (2) and paragraph
2357 (h) of subsection (10) of section 288.9625, Florida Statutes,
2358 are amended to read:

2359 288.9625 Institute for Commercialization of Florida
2360 Technology.—

2361 (2) The purpose of the institute is to assist, without any
2362 financial support or specific appropriations from the state, in
2363 the commercialization of products developed by the research and
2364 development activities of an innovation business, including, but
2365 not limited to, those defined in s. 288.1089. The institute
2366 shall fulfill its purpose in the best interests of the state.

2367 The institute:

2368 (b) Is not an agency within the meaning of s. 20.03(1)
2369 ~~20.03(11)~~;

2370 (10) The private fund manager:

2371 (h) Is not an agency within the meaning of s. 20.03(1)
2372 ~~20.03(11)~~.

2373 Reviser's note.—Amended to conform to the reordering of
2374 definitions in s. 20.03 by this act.

2375 Section 62. Subsection (8) of section 290.007, Florida

HB 7011

2023

2376 Statutes, is amended to read:
 2377 290.007 State incentives available in enterprise zones.—
 2378 The following incentives are provided by the state to encourage
 2379 the revitalization of enterprise zones:

2380 (8) Notwithstanding any law to the contrary, the Public
 2381 Service Commission may allow public utilities and
 2382 telecommunications companies to grant discounts of up to 50
 2383 percent on tariffed rates for services to small businesses
 2384 located in an enterprise zone designated pursuant to s.
 2385 290.0065. Such discounts may be granted for a period not to
 2386 exceed 5 years. For purposes of this subsection, the term
 2387 "public utility" has the same meaning as in s. 366.02(8)
 2388 ~~366.02(1)~~ and the term "telecommunications company" has the same
 2389 meaning as in s. 364.02(13).

2390 Reviser's note.—Amended to conform to the reordering of
 2391 definitions in s. 366.02 by s. 27, ch. 2022-4, Laws of
 2392 Florida.

2393 Section 63. Subsection (2) of section 295.0185, Florida
 2394 Statutes, is amended to read:

2395 295.0185 Children of deceased or disabled military
 2396 personnel who die or become disabled in Operation Enduring
 2397 Freedom or Operation Iraqi Freedom; educational opportunity.—

2398 (2) Sections 295.03-295.05 and 1009.40 shall apply.
 2399 Reviser's note.—Amended to confirm an editorial insertion to
 2400 conform to usage in this chapter.

HB 7011

2023

2401 Section 64. Subsection (7) of section 295.061, Florida
 2402 Statutes, is amended to read:
 2403 295.061 Active duty servicemembers; death benefits.—
 2404 (7) Benefits provided under subsection (2) or subsection
 2405 (3) shall be paid from the General Revenue Fund. ~~Beginning in~~
 2406 ~~the 2019-2020 fiscal year and continuing~~ Each fiscal year
 2407 ~~thereafter~~, a sum sufficient to pay such benefits is
 2408 appropriated from the General Revenue Fund to the Department of
 2409 Financial Services for the purposes of paying such benefits.
 2410 Reviser's note.—Amended to delete obsolete language.

2411 Section 65. Subsection (10) of section 322.051, Florida
 2412 Statutes, is amended to read:
 2413 322.051 Identification cards.—
 2414 (10) Notwithstanding any other provision of this section
 2415 or s. 322.21 to the contrary, the department shall issue an
 2416 identification card at no charge to a person who is 80 years of
 2417 age or ~~of~~ older and whose driving privilege is denied due to
 2418 failure to pass a vision test administered pursuant to s.
 2419 322.18(5).

2420 Reviser's note.—Amended to confirm an editorial substitution to
 2421 conform to context.

2422 Section 66. Paragraph (f) of subsection (1) of section
 2423 322.21, Florida Statutes, is amended to read:
 2424 322.21 License fees; procedure for handling and collecting
 2425 fees.—

HB 7011

2023

2426 (1) Except as otherwise provided herein, the fee for:
2427 (f) An original, renewal, or replacement identification
2428 card issued pursuant to s. 322.051 is \$25.

2429 1. An applicant who meets any of the following criteria is
2430 exempt from the fee under this paragraph for an original,
2431 renewal, or replacement identification card:

2432 a. The applicant presents a valid Florida voter's
2433 registration card to the department and attests that he or she
2434 is experiencing a financial hardship.

2435 b. The applicant presents evidence satisfactory to the
2436 department that he or she is homeless as defined in s.
2437 414.0252(7).

2438 c. The applicant presents evidence satisfactory to the
2439 department that his or her annual income is at or below 100
2440 percent of the federal poverty level.

2441 d. The applicant is a juvenile offender who is in the
2442 custody or under the supervision of the Department of Juvenile
2443 Justice, who is receiving services pursuant to s. 985.461, and
2444 whose identification card is issued by the department's mobile
2445 issuing units.

2446 2. Pursuant to s. 322.051(10), an applicant who is 80
2447 years of age or ~~or~~ older and whose driving privilege is denied
2448 due to failure to pass a vision test administered pursuant to s.
2449 322.18(5) is exempt from the fee under this paragraph for an
2450 original identification card.

2451 3. Funds collected from fees for original, renewal, or
 2452 replacement identification cards shall be distributed as
 2453 follows:

2454 a. For an original identification card issued pursuant to
 2455 s. 322.051, the fee shall be deposited into the General Revenue
 2456 Fund.

2457 b. For a renewal identification card issued pursuant to s.
 2458 322.051, \$6 shall be deposited into the Highway Safety Operating
 2459 Trust Fund, and \$19 shall be deposited into the General Revenue
 2460 Fund.

2461 c. For a replacement identification card issued pursuant
 2462 to s. 322.051, \$9 shall be deposited into the Highway Safety
 2463 Operating Trust Fund, and \$16 shall be deposited into the
 2464 General Revenue Fund. Beginning July 1, 2015, or upon completion
 2465 of the transition of the driver license issuance services, if
 2466 the replacement identification card is issued by the tax
 2467 collector, the tax collector shall retain the \$9 that would
 2468 otherwise be deposited into the Highway Safety Operating Trust
 2469 Fund and the remaining revenues shall be deposited into the
 2470 General Revenue Fund.

2471 Reviser's note.—Amended to confirm an editorial substitution to
 2472 conform to context.

2473 Section 67. Paragraph (c) of subsection (1) of section
 2474 327.371, Florida Statutes, is amended to read:

2475 327.371 Human-powered vessels regulated.—

HB 7011

2023

2476 (1) A person may operate a human-powered vessel within the
 2477 boundaries of the marked channel of the Florida Intracoastal
 2478 Waterway as defined in s. 327.02:

2479 (c) When participating in practices or competitions for
 2480 interscholastic, intercollegiate, intramural, or club rowing
 2481 teams affiliated with an educational institution identified in
 2482 s. 1000.21, s. 1002.01(2), s. 1003.01(17) ~~1003.01(2)~~, s.
 2483 1005.02(4), or s. 1005.03(1)(d), if the adjacent area outside of
 2484 the marked channel is not suitable for such practice or
 2485 competition. The teams must use their best efforts to make use
 2486 of the adjacent area outside of the marked channel. The
 2487 commission must be notified in writing of the details of any
 2488 such competition, and the notification must include, but need
 2489 not be limited to, the date, time, and location of the
 2490 competition.

2491 Reviser's note.—Amended to conform to the reordering of
 2492 definitions in s. 1003.01 by this act.

2493 Section 68. Subsection (1) of section 327.4108, Florida
 2494 Statutes, is amended to read:

2495 327.4108 Anchoring of vessels in anchoring limitation
 2496 areas.—

2497 (1) The following densely populated urban areas, which
 2498 have narrow state waterways, residential docking facilities, and
 2499 significant recreational boating traffic, are designated as and
 2500 shall be considered to be grandfathered-in anchoring limitation

HB7011

2023

2501 areas, within which a person may not anchor a vessel at any time
 2502 during the period between one-half hour after sunset and one-
 2503 half hour before sunrise, except as provided in subsections (4)
 2504 and (5) ~~(3)~~ and ~~(4)~~:

2505 (a) The section of Middle River lying between Northeast
 2506 21st Court and the Intracoastal Waterway in Broward County.

2507 (b) Sunset Lake in Miami-Dade County.

2508 (c) The sections of Biscayne Bay in Miami-Dade County
 2509 lying between:

2510 1. Rivo Alto Island and Di Lido Island.

2511 2. San Marino Island and San Marco Island.

2512 3. San Marco Island and Biscayne Island.

2513 Reviser's note.—Amended to confirm an editorial substitution to
 2514 conform to the redesignation of subsections by s. 1, ch.
 2515 2021-192, Laws of Florida.

2516 Section 69. Subsections (18) through (21) of section
 2517 331.303, Florida Statutes, are reordered and amended to read:

2518 331.303 Definitions.—

2519 (19) ~~(18)~~ "Spaceport territory" means the geographical area
 2520 designated in s. 331.304 and as amended or changed in accordance
 2521 with s. 331.329.

2522 (20) ~~(19)~~ "Spaceport user" means any person who uses the
 2523 facilities or services of any spaceport; and, for the purposes
 2524 of any exemptions or rights granted under this act, the
 2525 spaceport user shall be deemed a spaceport user only during the

HB 7011

2023

2526 | time period in which the person has in effect a contract,
 2527 | memorandum of understanding, or agreement with the spaceport,
 2528 | and such rights and exemptions shall be granted with respect to
 2529 | transactions relating only to spaceport projects.

2530 | (21)~~(20)~~ "Travel expenses" means the actual, necessary,
 2531 | and reasonable costs of transportation, meals, lodging, and
 2532 | incidental expenses normally incurred by a traveler, which costs
 2533 | are defined and prescribed by rules adopted by Space Florida,
 2534 | subject to approval by the Chief Financial Officer.

2535 | (18)~~(21)~~ "Spaceport discretionary capacity improvement
 2536 | projects" means capacity improvements that enhance space
 2537 | transportation capacity at spaceports that have had one or more
 2538 | orbital or suborbital flights during the previous calendar year
 2539 | or have an agreement in writing for installation of one or more
 2540 | regularly scheduled orbital or suborbital flights upon the
 2541 | commitment of funds for stipulated spaceport capital
 2542 | improvements.

2543 | Reviser's note.—Amended to place the definitions in subsections
 2544 | (18) through (21) in alphabetical order.

2545 | Section 70. Subsection (1) of section 331.3101, Florida
 2546 | Statutes, is amended to read:

2547 | 331.3101 Space Florida; travel and entertainment
 2548 | expenses.—

2549 | (1) Notwithstanding the provisions of s. 112.061, Space
 2550 | Florida shall adopt rules by which it may make expenditures by

2551 advancement or reimbursement, or a combination thereof, to Space
 2552 Florida officers and employees; reimburse business clients,
 2553 guests, and authorized persons as defined in s. 112.061(2)(c)

2554 ~~112.061(2)(e)~~; and make direct payments to third-party vendors:

2555 (a) For travel expenses of such business clients, guests,
 2556 and authorized persons incurred by Space Florida in connection
 2557 with the performance of its statutory duties, and for travel
 2558 expenses incurred by state officials and state employees while
 2559 accompanying such business clients, guests, or authorized
 2560 persons or when authorized by the board or its designee.

2561 (b) For entertainment expenses of such guests, business
 2562 clients, and authorized persons incurred by Space Florida in
 2563 connection with the performance of its statutory duties, and for
 2564 entertainment expenses incurred for Space Florida officials and
 2565 employees when such expenses are incurred while in the physical
 2566 presence of such business clients, guests, or authorized
 2567 persons.

2568 Reviser's note.—Amended to conform to the reordering of
 2569 definitions in s. 112.061(2) by this act.

2570 Section 71. Subsection (5) of section 332.0075, Florida
 2571 Statutes, is amended to read:

2572 332.0075 Commercial service airports; transparency and
 2573 accountability; penalty.—

2574 (5) (a) ~~Beginning November 1, 2021, and~~ Each November 1
 2575 ~~thereafter~~, the governing body of each commercial service

2576 | airport shall submit the following information to the
 2577 | department:

- 2578 | 1. Its approved budget for the current fiscal year.
- 2579 | 2. Any financial reports submitted to the Federal Aviation
 2580 | Administration during the previous calendar year.
- 2581 | 3. A link to its website.
- 2582 | 4. A statement, verified as provided in s. 92.525, that it
 2583 | has complied with part III of chapter 112, chapter 287, and this
 2584 | section.

2585 | (b) The department shall review the information submitted
 2586 | by the governing body of the commercial service airport and
 2587 | posted on the airport's website to determine the accuracy of
 2588 | such information. ~~Beginning January 15, 2022, and~~ Each January
 2589 | 15 ~~thereafter~~, the department shall submit to the Governor, the
 2590 | President of the Senate, and the Speaker of the House of
 2591 | Representatives a report summarizing commercial service airport
 2592 | compliance with this section.

2593 | Reviser's note.—Amended to delete obsolete language.

2594 | Section 72. Section 337.023, Florida Statutes, is amended
 2595 | to read:

2596 | 337.023 Sale of building; acceptance of replacement
 2597 | building.—Notwithstanding the provisions of s. 216.292(4)(c)
 2598 | ~~216.292(2)(b)2.~~, if the department sells a building, the
 2599 | department may accept the construction of a replacement
 2600 | building, in response to a request for proposals, totally or

HB 7011

2023

2601 partially in lieu of cash, and may do so without a specific
 2602 legislative appropriation. Such action is subject to the
 2603 approval of the Executive Office of the Governor, and is subject
 2604 to the notice, review, and objection procedures under s.
 2605 216.177. The replacement building shall be consistent with the
 2606 current and projected needs of the department as agreed upon by
 2607 the department and the Department of Management Services.
 2608 Reviser's note.—Amended to correct a cross-reference to conform
 2609 to the location of the referenced subject matter at the
 2610 time s. 337.023 was created by s. 51, ch. 97-278, Laws of
 2611 Florida. Section 216.292(4) (b), Florida Statutes 1997,
 2612 related to a request for transfer of excess funds when the
 2613 appropriated money for the named fixed capital outlay
 2614 project was found to be more than needed to complete the
 2615 project. That language is currently found at s.
 2616 216.292(4) (c).
 2617 Section 73. Paragraph (c) of subsection (1) of section
 2618 348.0305, Florida Statutes, is amended to read:
 2619 348.0305 Ethics requirements.—
 2620 (1) Notwithstanding any other provision of law to the
 2621 contrary, members and employees of the agency are subject to
 2622 part III of chapter 112. As used in this section, the term:
 2623 (c) "Lobbyist" means a person who is employed and receives
 2624 payment, or who contracts for economic consideration, to lobby
 2625 or a person who is principally employed for governmental affairs

2626 | by another person or entity to lobby on behalf of such person or
 2627 | entity. The term does not include a person who:

2628 | 1. Represents a client in a judicial proceeding or in a
 2629 | formal administrative proceeding before the agency.

2630 | 2. Is an officer or employee of any governmental entity
 2631 | acting in the normal course of his or her duties.

2632 | 3. Consults under contract with the agency and
 2633 | communicates with the agency regarding issues related to the
 2634 | scope of services in his or her contract.

2635 | 4. Is an expert witness who is retained or employed by an
 2636 | employer, principal, or client to provide only scientific,
 2637 | technical, or other specialized information provided in agenda
 2638 | materials or testimony only in public hearings, provided the
 2639 | expert identifies such employer, principal, or client at such
 2640 | hearing.

2641 | 5. Seeks to procure a contract that is less than \$20,000
 2642 | or a contract pursuant to s. 287.056.

2643 | Reviser's note.—Amended to improve clarity.

2644 | Section 74. Subsection (5) of section 373.0363, Florida
 2645 | Statutes, is amended to read:

2646 | 373.0363 Southern Water Use Caution Area Recovery
 2647 | Strategy.—

2648 | (5) As part of the consolidated annual report required
 2649 | pursuant to s. 373.036(7), the district may include:

2650 | (a) A summary of the conditions of the Southern Water Use

2651 Caution Area, including the status of the components of the
 2652 West-Central Florida Water Restoration Action Plan.

2653 (b) An annual accounting of the expenditure of funds. The
 2654 accounting must, at a minimum, provide details of expenditures
 2655 separately by plan component and any subparts of a plan
 2656 component, and include specific information about amount and use
 2657 of funds from federal, state, and local government sources. In
 2658 detailing the use of these funds, the district shall indicate
 2659 those funds that are designated to meet requirements for
 2660 matching funds.

2661 Reviser's note.—Amended to improve clarity.

2662 Section 75. Paragraph (b) of subsection (2) of section
 2663 377.814, Florida Statutes, is amended to read:

2664 377.814 Municipal Solid Waste-to-Energy Program.—

2665 (2) DEFINITIONS.—For purposes of this section, the term:

2666 (b) "Municipal solid waste-to-energy facility" means a
 2667 publicly owned facility that uses an enclosed device using
 2668 controlled combustion to thermally break down solid waste to an
 2669 ash residue that contains little or no combustible material and
 2670 that produces electricity, steam, or other energy as a result.
 2671 The term does not include facilities that primarily burn fuels
 2672 other than solid waste even if such facilities also burn some
 2673 solid waste as a fuel supplement. The term also does not include
 2674 facilities that primarily burn vegetative, agricultural, or
 2675 silvicultural wastes, bagasse, clean dry wood, methane or other

HB 7011

2023

2676 landfill gas, wood fuel derived from construction or demolition
 2677 debris, or waste tires, alone or in combination with fossil
 2678 fuels.

2679 Reviser's note.—Amended to confirm an editorial insertion to
 2680 improve clarity.

2681 Section 76. Paragraph (d) of subsection (2) of section
 2682 379.2273, Florida Statutes, is amended to read:

2683 379.2273 Florida Red Tide Mitigation and Technology
 2684 Development Initiative; Initiative Technology Advisory Council.—

2685 (2) The Florida Red Tide Mitigation and Technology
 2686 Development Initiative is established as a partnership between
 2687 the Fish and Wildlife Research Institute within the commission
 2688 and Mote Marine Laboratory.

2689 (d) ~~Beginning January 15, 2021, and~~ Each January 15
 2690 ~~thereafter~~ until its expiration, the initiative shall submit a
 2691 report that contains an overview of its accomplishments to date
 2692 and priorities for subsequent years to the Governor, the
 2693 President of the Senate, the Speaker of the House of
 2694 Representatives, the Secretary of Environmental Protection, and
 2695 the executive director of the Fish and Wildlife Conservation
 2696 Commission.

2697 Reviser's note.—Amended to delete obsolete language.

2698 Section 77. Paragraph (c) of subsection (1) of section
 2699 381.00319, Florida Statutes, is amended to read:

2700 381.00319 Prohibition on COVID-19 vaccination mandates for

2701 students.—

2702 (1) For purposes of this section, the term:

2703 (c) "Parent" has the same meaning as in s. 1000.21(6)
 2704 ~~1000.21(5)~~.

2705 Reviser's note.—Amended to conform to the reordering of
 2706 definitions in s. 1000.21 by this act.

2707 Section 78. Paragraph (e) of subsection (4) of section
 2708 381.0065, Florida Statutes, is amended to read:

2709 381.0065 Onsite sewage treatment and disposal systems;
 2710 regulation.—

2711 (4) PERMITS; INSTALLATION; CONDITIONS.—A person may not
 2712 construct, repair, modify, abandon, or operate an onsite sewage
 2713 treatment and disposal system without first obtaining a permit
 2714 approved by the department. The department may issue permits to
 2715 carry out this section, except that the issuance of a permit for
 2716 work seaward of the coastal construction control line
 2717 established under s. 161.053 shall be contingent upon receipt of
 2718 any required coastal construction control line permit from the
 2719 department. A construction permit is valid for 18 months after
 2720 the date of issuance and may be extended by the department for
 2721 one 90-day period under rules adopted by the department. A
 2722 repair permit is valid for 90 days after the date of issuance.
 2723 An operating permit must be obtained before the use of any
 2724 aerobic treatment unit or if the establishment generates
 2725 commercial waste. Buildings or establishments that use an

HB7011

2023

2726 aerobic treatment unit or generate commercial waste shall be
2727 inspected by the department at least annually to assure
2728 compliance with the terms of the operating permit. The operating
2729 permit for a commercial wastewater system is valid for 1 year
2730 after the date of issuance and must be renewed annually. The
2731 operating permit for an aerobic treatment unit is valid for 2
2732 years after the date of issuance and must be renewed every 2
2733 years. If all information pertaining to the siting, location,
2734 and installation conditions or repair of an onsite sewage
2735 treatment and disposal system remains the same, a construction
2736 or repair permit for the onsite sewage treatment and disposal
2737 system may be transferred to another person, if the transferee
2738 files, within 60 days after the transfer of ownership, an
2739 amended application providing all corrected information and
2740 proof of ownership of the property. A fee is not associated with
2741 the processing of this supplemental information. A person may
2742 not contract to construct, modify, alter, repair, service,
2743 abandon, or maintain any portion of an onsite sewage treatment
2744 and disposal system without being registered under part III of
2745 chapter 489. A property owner who personally performs
2746 construction, maintenance, or repairs to a system serving his or
2747 her own owner-occupied single-family residence is exempt from
2748 registration requirements for performing such construction,
2749 maintenance, or repairs on that residence, but is subject to all
2750 permitting requirements. A municipality or political subdivision

HB 7011

2023

2751 of the state may not issue a building or plumbing permit for any
2752 building that requires the use of an onsite sewage treatment and
2753 disposal system unless the owner or builder has received a
2754 construction permit for such system from the department. A
2755 building or structure may not be occupied and a municipality,
2756 political subdivision, or any state or federal agency may not
2757 authorize occupancy until the department approves the final
2758 installation of the onsite sewage treatment and disposal system.
2759 A municipality or political subdivision of the state may not
2760 approve any change in occupancy or tenancy of a building that
2761 uses an onsite sewage treatment and disposal system until the
2762 department has reviewed the use of the system with the proposed
2763 change, approved the change, and amended the operating permit.

2764 (e) The department shall adopt rules relating to the
2765 location of onsite sewage treatment and disposal systems,
2766 including establishing setback distances, to prevent groundwater
2767 contamination and surface water contamination and to preserve
2768 the public health. ~~The rulemaking process for such rules must be~~
2769 ~~completed by July 1, 2022, and the department shall notify the~~
2770 ~~Division of Law Revision of the date such rules take effect.~~ The
2771 rules must consider conventional and enhanced nutrient-reducing
2772 onsite sewage treatment and disposal system designs, impaired or
2773 degraded water bodies, domestic wastewater and drinking water
2774 infrastructure, potable water sources, nonpotable wells,
2775 stormwater infrastructure, the onsite sewage treatment and

HB 7011

2023

2776 disposal system remediation plans developed pursuant to s.
 2777 403.067(7)(a)9.b., nutrient pollution, and the recommendations
 2778 of the onsite sewage treatment and disposal systems technical
 2779 advisory committee established pursuant to s. 381.00652. The
 2780 rules must also allow a person to apply for and receive a
 2781 variance from a rule requirement upon demonstration that the
 2782 requirement would cause an undue hardship and granting the
 2783 variance would not cause or contribute to the exceedance of a
 2784 total maximum daily load.

2785 Reviser's note.—Amended to confirm the deletion of obsolete
 2786 language to conform to the Department of Environmental
 2787 Protection's notification to the Division of Law Revision
 2788 that the rules became effective June 21, 2022.

2789 Section 79. Paragraph (k) of subsection (3) of section
 2790 383.145, Florida Statutes, is amended to read:

2791 383.145 Newborn and infant hearing screening.—

2792 (3) REQUIREMENTS FOR SCREENING OF NEWBORNS; INSURANCE
 2793 COVERAGE; REFERRAL FOR ONGOING SERVICES.—

2794 (k) The initial procedure for screening the hearing of the
 2795 newborn or infant and any medically necessary follow-up
 2796 reevaluations leading to diagnosis shall be a covered benefit
 2797 for Medicaid patients covered by a fee-for-service program. For
 2798 Medicaid patients enrolled in HMOs, providers shall be
 2799 reimbursed directly by the Medicaid Program Office at the
 2800 Medicaid rate. This service may not be considered a covered

HB 7011

2023

2801 service for the purposes of establishing the payment rate for
 2802 Medicaid HMOs. All health insurance policies and health
 2803 maintenance organizations as provided under ss. 627.6416,
 2804 627.6579, and 641.31(30), except for supplemental policies that
 2805 only provide coverage for specific diseases, hospital indemnity,
 2806 or Medicare supplement, or to the supplemental policies ~~polices~~,
 2807 shall compensate providers for the covered benefit at the
 2808 contracted rate. Nonhospital-based providers are eligible to
 2809 bill Medicaid for the professional and technical component of
 2810 each procedure code.

2811 Reviser's note.—Amended to confirm an editorial substitution to
 2812 conform to context.

2813 Section 80. Section 394.4573, Florida Statutes, is amended
 2814 to read:

2815 394.4573 Coordinated system of care; annual assessment;
 2816 essential elements; measures of performance; system improvement
 2817 grants; reports.—On or before December 1 of each year, the
 2818 department shall submit to the Governor, the President of the
 2819 Senate, and the Speaker of the House of Representatives an
 2820 assessment of the behavioral health services in this state. The
 2821 assessment shall consider, at a minimum, the extent to which
 2822 designated receiving systems function as no-wrong-door models,
 2823 the availability of treatment and recovery services that use
 2824 recovery-oriented and peer-involved approaches, the availability
 2825 of less-restrictive services, and the use of evidence-informed

HB 7011

2023

2826 | practices. The assessment shall also consider the availability
2827 | of and access to coordinated specialty care programs and
2828 | identify any gaps in the availability of and access to such
2829 | programs in the state. The department's assessment shall
2830 | consider, at a minimum, the needs assessments conducted by the
2831 | managing entities pursuant to s. 394.9082(5). ~~Beginning in 2017,~~
2832 | The department shall compile and include in the report all plans
2833 | submitted by managing entities pursuant to s. 394.9082(8) and
2834 | the department's evaluation of each plan.

2835 | (1) As used in this section:

2836 | (a) "Care coordination" means the implementation of
2837 | deliberate and planned organizational relationships and service
2838 | procedures that improve the effectiveness and efficiency of the
2839 | behavioral health system by engaging in purposeful interactions
2840 | with individuals who are not yet effectively connected with
2841 | services to ensure service linkage. Examples of care
2842 | coordination activities include development of referral
2843 | agreements, shared protocols, and information exchange
2844 | procedures. The purpose of care coordination is to enhance the
2845 | delivery of treatment services and recovery supports and to
2846 | improve outcomes among priority populations.

2847 | (b) "Case management" means those direct services provided
2848 | to a client in order to assess his or her needs, plan or arrange
2849 | services, coordinate service providers, link the service system
2850 | to a client, monitor service delivery, and evaluate patient

HB 7011

2023

2851 outcomes to ensure the client is receiving the appropriate
2852 services.

2853 (c) "Coordinated system of care" means the full array of
2854 behavioral and related services in a region or community offered
2855 by all service providers, whether participating under contract
2856 with the managing entity or by another method of community
2857 partnership or mutual agreement.

2858 (d) "No-wrong-door model" means a model for the delivery
2859 of acute care services to persons who have mental health or
2860 substance use disorders, or both, which optimizes access to
2861 care, regardless of the entry point to the behavioral health
2862 care system.

2863 (2) The essential elements of a coordinated system of care
2864 include:

2865 (a) Community interventions, such as prevention, primary
2866 care for behavioral health needs, therapeutic and supportive
2867 services, crisis response services, and diversion programs.

2868 (b) A designated receiving system that consists of one or
2869 more facilities serving a defined geographic area and
2870 responsible for assessment and evaluation, both voluntary and
2871 involuntary, and treatment or triage of patients who have a
2872 mental health or substance use disorder, or co-occurring
2873 disorders.

2874 1. A county or several counties shall plan the designated
2875 receiving system using a process that includes the managing

HB 7011

2023

2876 entity and is open to participation by individuals with
2877 behavioral health needs and their families, service providers,
2878 law enforcement agencies, and other parties. The county or
2879 counties, in collaboration with the managing entity, shall
2880 document the designated receiving system through written
2881 memoranda of agreement or other binding arrangements. The county
2882 or counties and the managing entity shall complete the plan and
2883 implement the designated receiving system by July 1, 2017, and
2884 the county or counties and the managing entity shall review and
2885 update, as necessary, the designated receiving system at least
2886 once every 3 years.

2887 2. To the extent permitted by available resources, the
2888 designated receiving system shall function as a no-wrong-door
2889 model. The designated receiving system may be organized in any
2890 manner which functions as a no-wrong-door model that responds to
2891 individual needs and integrates services among various
2892 providers. Such models include, but are not limited to:

2893 a. A central receiving system that consists of a
2894 designated central receiving facility that serves as a single
2895 entry point for persons with mental health or substance use
2896 disorders, or co-occurring disorders. The central receiving
2897 facility shall be capable of assessment, evaluation, and triage
2898 or treatment or stabilization of persons with mental health or
2899 substance use disorders, or co-occurring disorders.

2900 b. A coordinated receiving system that consists of

2901 multiple entry points that are linked by shared data systems,
 2902 formal referral agreements, and cooperative arrangements for
 2903 care coordination and case management. Each entry point shall be
 2904 a designated receiving facility and shall, within existing
 2905 resources, provide or arrange for necessary services following
 2906 an initial assessment and evaluation.

2907 c. A tiered receiving system that consists of multiple
 2908 entry points, some of which offer only specialized or limited
 2909 services. Each service provider shall be classified according to
 2910 its capabilities as either a designated receiving facility or
 2911 another type of service provider, such as a triage center, a
 2912 licensed detoxification facility, or an access center. All
 2913 participating service providers shall, within existing
 2914 resources, be linked by methods to share data, formal referral
 2915 agreements, and cooperative arrangements for care coordination
 2916 and case management.

2917
 2918 An accurate inventory of the participating service providers
 2919 which specifies the capabilities and limitations of each
 2920 provider and its ability to accept patients under the designated
 2921 receiving system agreements and the transportation plan
 2922 developed pursuant to this section shall be maintained and made
 2923 available at all times to all first responders in the service
 2924 area.

2925 (c) Transportation in accordance with a plan developed

HB 7011

2023

2926 | under s. 394.462.

2927 | (d) Crisis services, including mobile response teams,
2928 | crisis stabilization units, addiction receiving facilities, and
2929 | detoxification facilities.

2930 | (e) Case management. Each case manager or person directly
2931 | supervising a case manager who provides Medicaid-funded targeted
2932 | case management services shall hold a valid certification from a
2933 | department-approved credentialing entity as defined in s.
2934 | 397.311(10) by July 1, 2017, and, thereafter, within 6 months
2935 | after hire.

2936 | (f) Care coordination that involves coordination with
2937 | other local systems and entities, public and private, which are
2938 | involved with the individual, such as primary care, child
2939 | welfare, behavioral health care, and criminal and juvenile
2940 | justice organizations.

2941 | (g) Outpatient services.

2942 | (h) Residential services.

2943 | (i) Hospital inpatient care.

2944 | (j) Aftercare and other postdischarge services.

2945 | (k) Medication-assisted treatment and medication
2946 | management.

2947 | (l) Recovery support, including, but not limited to, the
2948 | use of peer specialists to assist in the individual's recovery
2949 | from a substance use disorder or mental illness; support for
2950 | competitive employment, educational attainment, independent

2951 living skills development, family support and education,
 2952 wellness management, and self-care; and assistance in obtaining
 2953 housing that meets the individual's needs. Such housing may
 2954 include mental health residential treatment facilities, limited
 2955 mental health assisted living facilities, adult family care
 2956 homes, and supportive housing. Housing provided using state
 2957 funds must provide a safe and decent environment free from abuse
 2958 and neglect.

2959 (m) Care plans shall assign specific responsibility for
 2960 initial and ongoing evaluation of the supervision and support
 2961 needs of the individual and the identification of housing that
 2962 meets such needs. For purposes of this paragraph, the term
 2963 "supervision" means oversight of and assistance with compliance
 2964 with the clinical aspects of an individual's care plan.

2965 (n) Coordinated specialty care programs.

2966 (3) Subject to a specific appropriation by the
 2967 Legislature, the department may award system improvement grants
 2968 to managing entities based on a detailed plan to enhance
 2969 services in accordance with the no-wrong-door model as defined
 2970 in subsection (1) and to address specific needs identified in
 2971 the assessment prepared by the department pursuant to this
 2972 section. Such a grant must be awarded through a performance-
 2973 based contract that links payments to the documented and
 2974 measurable achievement of system improvements.

2975 Reviser's note.—Amended to delete obsolete language.

HB 7011

2023

2976 Section 81. Paragraph (d) of subsection (5) of section
 2977 394.459, Florida Statutes, is amended to read:
 2978 394.459 Rights of patients.—
 2979 (5) COMMUNICATION, ABUSE REPORTING, AND VISITS.—
 2980 (d) If a patient's right to communicate with outside
 2981 persons; receive, send, or mail sealed, unopened correspondence;
 2982 or receive visitors is restricted by the facility, written
 2983 notice of such restriction and the reasons for the restriction
 2984 shall be served on the patient, the patient's attorney, and the
 2985 patient's guardian, guardian advocate, or representative. + A
 2986 qualified professional must document any restriction within 24
 2987 hours, and such restriction shall be recorded on the patient's
 2988 clinical record with the reasons therefor. The restriction of a
 2989 patient's right to communicate or to receive visitors shall be
 2990 reviewed at least every 3 days. The right to communicate or
 2991 receive visitors shall not be restricted as a means of
 2992 punishment. Nothing in this paragraph shall be construed to
 2993 limit the provisions of paragraph (e).
 2994 Reviser's note.—Amended to improve sentence structure.
 2995 Section 82. Subsection (1) of section 394.9086, Florida
 2996 Statutes, is amended to read:
 2997 394.9086 Commission on Mental Health and Substance Abuse.—
 2998 (1) CREATION.—The Commission on Mental Health and
 2999 Substance Abuse, a commission as defined in s. 20.03(4)
 3000 ~~20.03(10)~~, is created adjunct to the department. The department

HB 7011

2023

3001 shall provide administrative and staff support services relating
 3002 to the functions of the commission.

3003 Reviser's note.—Amended to conform to the reordering of
 3004 definitions in s. 20.03 by this act.

3005 Section 83. Subsection (2) and paragraph (d) of subsection
 3006 (3) of section 395.1041, Florida Statutes, are amended to read:

3007 395.1041 Access to and ensurance of emergency services;
 3008 transfers; patient rights; diversion programs; reports of
 3009 controlled substance overdoses.—

3010 (2) INVENTORY OF HOSPITAL EMERGENCY SERVICES.—The agency
 3011 shall establish and maintain an inventory of hospitals with
 3012 emergency services. The inventory shall list all services within
 3013 the service capability of the hospital, and such services shall
 3014 appear on the face of the hospital license. Each hospital having
 3015 emergency services shall notify the agency of its service
 3016 capability in the manner and form prescribed by the agency. The
 3017 agency shall use the inventory to assist emergency medical
 3018 services providers and others in locating appropriate emergency
 3019 medical care. The inventory shall also be made available to the
 3020 general public. ~~On or before August 1, 1992, the agency shall~~
 3021 ~~request that each hospital identify the services which are~~
 3022 ~~within its service capability. On or before November 1, 1992,~~
 3023 ~~the agency shall notify each hospital of the service capability~~
 3024 ~~to be included in the inventory. The hospital has 15 days from~~
 3025 ~~the date of receipt to respond to the notice. By December 1,~~

HB 7011

2023

3026 ~~1992, the agency shall publish a final inventory.~~ Each hospital
3027 shall reaffirm its service capability when its license is
3028 renewed and shall notify the agency of the addition of a new
3029 service or the termination of a service prior to a change in its
3030 service capability.

3031 (3) EMERGENCY SERVICES; DISCRIMINATION; LIABILITY OF
3032 FACILITY OR HEALTH CARE PERSONNEL.—

3033 (d)1. Every hospital shall ensure the provision of
3034 services within the service capability of the hospital, at all
3035 times, either directly or indirectly through an arrangement with
3036 another hospital, through an arrangement with one or more
3037 physicians, or as otherwise made through prior arrangements. A
3038 hospital may enter into an agreement with another hospital for
3039 purposes of meeting its service capability requirement, and
3040 appropriate compensation or other reasonable conditions may be
3041 negotiated for these backup services.

3042 2. If any arrangement requires the provision of emergency
3043 medical transportation, such arrangement must be made in
3044 consultation with the applicable provider and may not require
3045 the emergency medical service provider to provide transportation
3046 that is outside the routine service area of that provider or in
3047 a manner that impairs the ability of the emergency medical
3048 service provider to timely respond to prehospital emergency
3049 calls.

3050 3. A hospital shall not be required to ensure service

HB 7011

2023

3051 capability at all times as required in subparagraph 1. if, prior
3052 to the receiving of any patient needing such service capability,
3053 such hospital has demonstrated to the agency that it lacks the
3054 ability to ensure such capability and it has exhausted all
3055 reasonable efforts to ensure such capability through backup
3056 arrangements. In reviewing a hospital's demonstration of lack of
3057 ability to ensure service capability, the agency shall consider
3058 factors relevant to the particular case, including the
3059 following:

3060 a. Number and proximity of hospitals with the same service
3061 capability.

3062 b. Number, type, credentials, and privileges of
3063 specialists.

3064 c. Frequency of procedures.

3065 d. Size of hospital.

3066 4. The agency shall publish proposed rules implementing a
3067 reasonable exemption procedure ~~by November 1, 1992. Subparagraph~~
3068 ~~1. shall become effective upon the effective date of said rules~~
3069 ~~or January 31, 1993, whichever is earlier. For a period not to~~
3070 ~~exceed 1 year from the effective date of subparagraph 1., a~~
3071 ~~hospital requesting an exemption shall be deemed to be exempt~~
3072 ~~from offering the service until the agency initially acts to~~
3073 ~~deny or grant the original request. The agency has 45 days from~~
3074 ~~the date of receipt of the request to approve or deny the~~
3075 ~~request. After the first year from the effective date of~~

HB 7011

2023

3076 ~~subparagraph 1., if the agency fails to initially act within the~~
 3077 ~~time period, the hospital is deemed to be exempt from offering~~
 3078 ~~the service until the agency initially acts to deny the request.~~

3079 Reviser's note.—Amended to delete obsolete language.

3080 Section 84. Subsection (5) of section 395.1065, Florida
 3081 Statutes, is amended to read:

3082 395.1065 Criminal and administrative penalties;
 3083 moratorium.—

3084 (5) The agency shall impose a fine of \$500 for each
 3085 instance of the facility's failure to provide the information
 3086 required by rules adopted pursuant to s. 395.1055(1)(g)
 3087 ~~395.1055(1)(f)~~.

3088 Reviser's note.—Amended to correct an erroneous cross-reference
 3089 in the amendment by s. 15, ch. 2022-5, Laws of Florida.

3090 Section 85. Paragraph (r) of subsection (1) of section
 3091 400.141, Florida Statutes, is amended to read:

3092 400.141 Administration and management of nursing home
 3093 facilities.—

3094 (1) Every licensed facility shall comply with all
 3095 applicable standards and rules of the agency and shall:

3096 (r) Maintain in the medical record for each resident a
 3097 daily chart of direct care services provided to the resident.
 3098 The direct care staff caring for the resident must complete this
 3099 record by the end of his or her shift. This record must indicate
 3100 assistance with activities of daily living, assistance with

HB 7011

2023

3101 eating, and assistance with drinking, and must record each
3102 offering of nutrition and hydration for those residents whose
3103 plan of care or assessment indicates a risk for malnutrition or
3104 dehydration.

3105 Reviser's note.—Amended to confirm the editorial reinsertion of
3106 the word "and," which was deleted as part of the amendment
3107 by s. 5, ch. 2022-61, Laws of Florida, for clarity.

3108 Section 86. Subsection (20) of section 401.23, Florida
3109 Statutes, is amended to read:

3110 401.23 Definitions.—As used in this part, the term:

3111 (20) "Physician" means a practitioner who is licensed
3112 under the provisions of chapter 458 or chapter 459. For the
3113 purpose of providing medical direction ~~subsection (14)~~ for the
3114 treatment of patients immediately before or during
3115 transportation to a United States Department of Veterans Affairs
3116 medical facility, "physician" also means a practitioner employed
3117 by the United States Department of Veterans Affairs.

3118 Reviser's note.—Amended to confirm an editorial deletion to
3119 correct an apparent coding error in s. 1, ch. 2022-35, Laws
3120 of Florida.

3121 Section 87. Paragraph (c) of subsection (3) of section
3122 409.1465, Florida Statutes, is amended to read:

3123 409.1465 Grants to address the needs of fathers.—

3124 (3) The department shall prioritize applicants for a grant
3125 specified under subsection (2) based on:

3126 (c) Applicant involvement, current and historical,
 3127 ~~involvement~~ in the community being served.
 3128 Reviser's note.—Amended to improve clarity.

3129 Section 88. Paragraph (b) of subsection (7) of section
 3130 409.147, Florida Statutes, is amended to read:
 3131 409.147 Children's initiatives.—
 3132 (7) CHILDREN'S INITIATIVE CORPORATION.—
 3133 (b) The Ounce ~~of Prevention~~ must provide technical
 3134 assistance to the corporation to facilitate achievement of the
 3135 plans created under subsection (6).
 3136 Reviser's note.—Amended to confirm an editorial deletion to
 3137 conform to paragraph (3)(b) of this section, which defines
 3138 the term "Ounce" as meaning the Ounce of Prevention Fund of
 3139 Florida, Inc.

3140 Section 89. Subsection (2) of section 409.1664, Florida
 3141 Statutes, is amended to read:
 3142 409.1664 Adoption benefits for qualifying adoptive
 3143 employees of state agencies, veterans, servicemembers, and law
 3144 enforcement officers.—
 3145 (2) A qualifying adoptive employee, veteran, or
 3146 servicemember who adopts a child within the child welfare system
 3147 who is difficult to place as described in s. 409.166(2)(d)2. is
 3148 eligible to receive a lump-sum monetary benefit in the amount of
 3149 \$10,000 per such child, subject to applicable taxes. A law
 3150 enforcement officer who adopts a child within the child welfare

HB 7011

2023

3151 system who is difficult to place as ~~has special needs~~ described
3152 in s. 409.166(2)(d)2. ~~409.166(2)(a)2.~~ is eligible to receive a
3153 lump-sum monetary benefit in the amount of \$25,000 per such
3154 child, subject to applicable taxes. A qualifying adoptive
3155 employee, veteran, or servicemember who adopts a child within
3156 the child welfare system who is not difficult to place as
3157 described in s. 409.166(2)(d)2. is eligible to receive a lump-
3158 sum monetary benefit in the amount of \$5,000 per such child,
3159 subject to applicable taxes. A law enforcement officer who
3160 adopts a child within the child welfare system who is not
3161 difficult to place as ~~does not have special needs~~ described in
3162 s. 409.166(2)(d)2. ~~409.166(2)(a)2.~~ is eligible to receive a
3163 lump-sum monetary benefit in the amount of \$10,000 per each such
3164 child, subject to applicable taxes. A qualifying adoptive
3165 employee of a charter school or the Florida Virtual School may
3166 retroactively apply for the monetary benefit provided in this
3167 subsection if such employee was employed by a charter school or
3168 the Florida Virtual School when he or she adopted a child within
3169 the child welfare system pursuant to chapter 63 on or after July
3170 1, 2015. A veteran or servicemember may apply for the monetary
3171 benefit provided in this subsection if he or she is domiciled in
3172 this state and adopts a child within the child welfare system
3173 pursuant to chapter 63 on or after July 1, 2020. A law
3174 enforcement officer may apply for the monetary benefit provided
3175 in this subsection if he or she is domiciled in this state and

HB 7011

2023

3176 | adopts a child within the child welfare system pursuant to
 3177 | chapter 63 on or after July 1, 2022.

3178 | (a) Benefits paid to a qualifying adoptive employee who is
 3179 | a part-time employee must be prorated based on the qualifying
 3180 | adoptive employee's full-time equivalency at the time of
 3181 | applying for the benefits.

3182 | (b) Monetary benefits awarded under this subsection are
 3183 | limited to one award per adopted child within the child welfare
 3184 | system.

3185 | (c) The payment of a lump-sum monetary benefit for
 3186 | adopting a child within the child welfare system under this
 3187 | section is subject to a specific appropriation to the department
 3188 | for such purpose.

3189 | Reviser's note.—Amended to confirm editorial substitutions
 3190 | required to compile amendments by s. 3, ch. 2022-23, Laws
 3191 | of Florida, and s. 5, ch. 2022-55, Laws of Florida.

3192 | Section 90. Subsections (3) and (4) of section 409.2557,
 3193 | Florida Statutes, are amended to read:

3194 | 409.2557 State agency for administering child support
 3195 | enforcement program.—

3196 | (3) ~~SPECIFIC RULEMAKING AUTHORITY.~~—The department has the
 3197 | authority to adopt rules pursuant to ss. 120.536(1) and 120.54
 3198 | to implement all laws administered by the department in its
 3199 | capacity as the Title IV-D agency for this state including, but
 3200 | not limited to, the following:

HB 7011

2023

3201 (a) Background screening of department employees and
 3202 applicants, including criminal records checks;
 3203 (b) Confidentiality and retention of department records;
 3204 access to records; record requests;
 3205 (c) Department trust funds;
 3206 (d) Federal funding procedures;
 3207 (e) Agreements with law enforcement and other state
 3208 agencies; National Crime Information Center (NCIC) access;
 3209 Parent Locator Service access;
 3210 (f) Written agreements entered into between the department
 3211 and support obligors in establishment, enforcement, and
 3212 modification proceedings;
 3213 (g) Procurement of services by the department, pilot
 3214 programs, and demonstration projects;
 3215 (h) Management of cases by the department involving any
 3216 documentation or procedures required by federal or state law,
 3217 including, but not limited to, cooperation; review and
 3218 adjustment; audits; interstate actions; diligent efforts for
 3219 service of process;
 3220 (i) Department procedures for orders for genetic testing;
 3221 subpoenas to establish, enforce, or modify orders; increasing
 3222 the amount of monthly obligations to secure delinquent support;
 3223 suspending or denying driver and professional licenses and
 3224 certificates; fishing and hunting license suspensions;
 3225 suspending vehicle and vessel registrations; screening

HB7011

2023

3226 applicants for new or renewal licenses, registrations, or
3227 certificates; income deduction; credit reporting and accessing;
3228 tax refund intercepts; passport denials; liens; financial
3229 institution data matches; expedited procedures; medical support;
3230 and all other responsibilities of the department as required by
3231 state or federal law;

3232 (j) Collection and disbursement of support and alimony
3233 payments by the department as required by federal law;
3234 collection of genetic testing costs and other costs awarded by
3235 the court;

3236 (k) Report information to and receive information from
3237 other agencies and entities;

3238 (l) Provide location services, including accessing from
3239 and reporting to federal and state agencies;

3240 (m) Privatizing location, establishment, enforcement,
3241 modification, and other functions;

3242 (n) State case registry;

3243 (o) State disbursement unit;

3244 (p) Administrative proceedings to establish paternity or
3245 establish paternity and child support, orders to appear for
3246 genetic testing, and administrative proceedings to establish
3247 child support obligations; and

3248 (q) All other responsibilities of the department as
3249 required by state or federal law.

3250 (4) The department shall establish on its website a

HB 7011

2023

3251 dedicated web page that provides information to obligors who
3252 have difficulty paying child support due to economic hardship.
3253 There must be a link to such web page on the main child support
3254 web page. The web page must be in plain language and include, at
3255 a minimum, information on how an obligor can modify a child
3256 support order, information on how to access services from
3257 CareerSource Florida, Inc., and the organizations awarded grants
3258 under s. 409.25996, and a link to the website for CareerSource
3259 Florida, Inc.

3260 Reviser's note.—Subsection (3) is amended to conform to the fact
3261 that all other subsections in s. 409.2557 do not have
3262 subsection catchlines. Subsection (4) is amended to confirm
3263 the editorial insertion of the word "Inc." to conform to
3264 the full name of the corporation.

3265 Section 91. Paragraph (c) of subsection (9) of section
3266 409.2564, Florida Statutes, is amended to read:

3267 409.2564 Actions for support.—
3268 (9)

3269 (c) All written notices provided to an obligor regarding
3270 delinquent support must include information on how the obligor
3271 can access the web page required under s. 409.2557(4) and how to
3272 access services through CareerSource Florida, Inc., and the
3273 organizations that are awarded grants under s. 409.25996.

3274 Reviser's note.—Amended to confirm the editorial insertion of
3275 the word "Inc." to conform to the full name of the

3276 corporation.

3277 Section 92. Paragraph (a) of subsection (5) of section

3278 409.912, Florida Statutes, is amended to read:

3279 409.912 Cost-effective purchasing of health care.—The

3280 agency shall purchase goods and services for Medicaid recipients

3281 in the most cost-effective manner consistent with the delivery

3282 of quality medical care. To ensure that medical services are

3283 effectively utilized, the agency may, in any case, require a

3284 confirmation or second physician's opinion of the correct

3285 diagnosis for purposes of authorizing future services under the

3286 Medicaid program. This section does not restrict access to

3287 emergency services or poststabilization care services as defined

3288 in 42 C.F.R. s. 438.114. Such confirmation or second opinion

3289 shall be rendered in a manner approved by the agency. The agency

3290 shall maximize the use of prepaid per capita and prepaid

3291 aggregate fixed-sum basis services when appropriate and other

3292 alternative service delivery and reimbursement methodologies,

3293 including competitive bidding pursuant to s. 287.057, designed

3294 to facilitate the cost-effective purchase of a case-managed

3295 continuum of care. The agency shall also require providers to

3296 minimize the exposure of recipients to the need for acute

3297 inpatient, custodial, and other institutional care and the

3298 inappropriate or unnecessary use of high-cost services. The

3299 agency shall contract with a vendor to monitor and evaluate the

3300 clinical practice patterns of providers in order to identify

HB 7011

2023

3301 trends that are outside the normal practice patterns of a
3302 provider's professional peers or the national guidelines of a
3303 provider's professional association. The vendor must be able to
3304 provide information and counseling to a provider whose practice
3305 patterns are outside the norms, in consultation with the agency,
3306 to improve patient care and reduce inappropriate utilization.
3307 The agency may mandate prior authorization, drug therapy
3308 management, or disease management participation for certain
3309 populations of Medicaid beneficiaries, certain drug classes, or
3310 particular drugs to prevent fraud, abuse, overuse, and possible
3311 dangerous drug interactions. The Pharmaceutical and Therapeutics
3312 Committee shall make recommendations to the agency on drugs for
3313 which prior authorization is required. The agency shall inform
3314 the Pharmaceutical and Therapeutics Committee of its decisions
3315 regarding drugs subject to prior authorization. The agency is
3316 authorized to limit the entities it contracts with or enrolls as
3317 Medicaid providers by developing a provider network through
3318 provider credentialing. The agency may competitively bid single-
3319 source-provider contracts if procurement of goods or services
3320 results in demonstrated cost savings to the state without
3321 limiting access to care. The agency may limit its network based
3322 on the assessment of beneficiary access to care, provider
3323 availability, provider quality standards, time and distance
3324 standards for access to care, the cultural competence of the
3325 provider network, demographic characteristics of Medicaid

HB 7011

2023

3326 beneficiaries, practice and provider-to-beneficiary standards,
3327 appointment wait times, beneficiary use of services, provider
3328 turnover, provider profiling, provider licensure history,
3329 previous program integrity investigations and findings, peer
3330 review, provider Medicaid policy and billing compliance records,
3331 clinical and medical record audits, and other factors. Providers
3332 are not entitled to enrollment in the Medicaid provider network.
3333 The agency shall determine instances in which allowing Medicaid
3334 beneficiaries to purchase durable medical equipment and other
3335 goods is less expensive to the Medicaid program than long-term
3336 rental of the equipment or goods. The agency may establish rules
3337 to facilitate purchases in lieu of long-term rentals in order to
3338 protect against fraud and abuse in the Medicaid program as
3339 defined in s. 409.913. The agency may seek federal waivers
3340 necessary to administer these policies.

3341 (5) (a) The agency shall implement a Medicaid prescribed-
3342 drug spending-control program that includes the following
3343 components:

3344 1. A Medicaid preferred drug list, which shall be a
3345 listing of cost-effective therapeutic options recommended by the
3346 Medicaid Pharmacy and Therapeutics Committee established
3347 pursuant to s. 409.91195 and adopted by the agency for each
3348 therapeutic class on the preferred drug list. At the discretion
3349 of the committee, and when feasible, the preferred drug list
3350 should include at least two products in a therapeutic class. The

HB 7011

2023

3351 agency may post the preferred drug list and updates to the list
3352 on an Internet website without following the rulemaking
3353 procedures of chapter 120. Antiretroviral agents are excluded
3354 from the preferred drug list. The agency shall also limit the
3355 amount of a prescribed drug dispensed to no more than a 34-day
3356 supply unless the drug products' smallest marketed package is
3357 greater than a 34-day supply, or the drug is determined by the
3358 agency to be a maintenance drug in which case a 100-day maximum
3359 supply may be authorized. The agency may seek any federal
3360 waivers necessary to implement these cost-control programs and
3361 to continue participation in the federal Medicaid rebate
3362 program, or alternatively to negotiate state-only manufacturer
3363 rebates. The agency may adopt rules to administer this
3364 subparagraph. The agency shall continue to provide unlimited
3365 contraceptive drugs and items. The agency must establish
3366 procedures to ensure that:

3367 a. There is a response to a request for prior
3368 authorization by telephone or other telecommunication device
3369 within 24 hours after receipt of a request for prior
3370 authorization; and

3371 b. A 72-hour supply of the drug prescribed is provided in
3372 an emergency or when the agency does not provide a response
3373 within 24 hours as required by sub-subparagraph a.

3374 2. A provider of prescribed drugs is reimbursed in an
3375 amount not to exceed the lesser of the actual acquisition cost

HB7011

2023

3376 based on the Centers for Medicare and Medicaid Services National
3377 Average Drug Acquisition Cost pricing files plus a professional
3378 dispensing fee, the wholesale acquisition cost plus a
3379 professional dispensing fee, the state maximum allowable cost
3380 plus a professional dispensing fee, or the usual and customary
3381 charge billed by the provider.

3382 3. The agency shall develop and implement a process for
3383 managing the drug therapies of Medicaid recipients who are using
3384 significant numbers of prescribed drugs each month. The
3385 management process may include, but is not limited to,
3386 comprehensive, physician-directed medical-record reviews, claims
3387 analyses, and case evaluations to determine the medical
3388 necessity and appropriateness of a patient's treatment plan and
3389 drug therapies. The agency may contract with a private
3390 organization to provide drug-program-management services. The
3391 Medicaid drug benefit management program shall include
3392 initiatives to manage drug therapies for HIV/AIDS patients,
3393 patients using 20 or more unique prescriptions in a 180-day
3394 period, and the top 1,000 patients in annual spending. The
3395 agency shall enroll any Medicaid recipient in the drug benefit
3396 management program if he or she meets the specifications of this
3397 provision and is not enrolled in a Medicaid health maintenance
3398 organization.

3399 4. The agency may limit the size of its pharmacy network
3400 based on need, competitive bidding, price negotiations,

HB 7011

2023

3401 credentialing, or similar criteria. The agency shall give
3402 special consideration to rural areas in determining the size and
3403 location of pharmacies included in the Medicaid pharmacy
3404 network. A pharmacy credentialing process may include criteria
3405 such as a pharmacy's full-service status, location, size,
3406 patient educational programs, patient consultation, disease
3407 management services, and other characteristics. The agency may
3408 impose a moratorium on Medicaid pharmacy enrollment if it is
3409 determined that it has a sufficient number of Medicaid-
3410 participating providers. The agency must allow dispensing
3411 practitioners to participate as a part of the Medicaid pharmacy
3412 network regardless of the practitioner's proximity to any other
3413 entity that is dispensing prescription drugs under the Medicaid
3414 program. A dispensing practitioner must meet all credentialing
3415 requirements applicable to his or her practice, as determined by
3416 the agency.

3417 5. The agency shall develop and implement a program that
3418 requires Medicaid practitioners who issue written prescriptions
3419 for medicinal drugs to use a counterfeit-proof prescription pad
3420 for Medicaid prescriptions. The agency shall require the use of
3421 standardized counterfeit-proof prescription pads by prescribers
3422 who issue written prescriptions for Medicaid recipients. The
3423 agency may implement the program in targeted geographic areas or
3424 statewide.

3425 6. The agency may enter into arrangements that require

HB 7011

2023

3426 manufacturers of generic drugs prescribed to Medicaid recipients
3427 to provide rebates of at least 15.1 percent of the average
3428 manufacturer price for the manufacturer's generic products.
3429 These arrangements shall require that if a generic-drug
3430 manufacturer pays federal rebates for Medicaid-reimbursed drugs
3431 at a level below 15.1 percent, the manufacturer must provide a
3432 supplemental rebate to the state in an amount necessary to
3433 achieve a 15.1-percent rebate level.

3434 7. The agency may establish a preferred drug list as
3435 described in this subsection, and, pursuant to the establishment
3436 of such preferred drug list, negotiate supplemental rebates from
3437 manufacturers that are in addition to those required by Title
3438 XIX of the Social Security Act and at no less than 14 percent of
3439 the average manufacturer price as defined in 42 U.S.C. s. 1936
3440 on the last day of a quarter unless the federal or supplemental
3441 rebate, or both, equals or exceeds 29 percent. There is no upper
3442 limit on the supplemental rebates the agency may negotiate. The
3443 agency may determine that specific products, brand-name or
3444 generic, are competitive at lower rebate percentages. Agreement
3445 to pay the minimum supplemental rebate percentage guarantees a
3446 manufacturer that the Medicaid Pharmaceutical and Therapeutics
3447 Committee will consider a product for inclusion on the preferred
3448 drug list. However, a pharmaceutical manufacturer is not
3449 guaranteed placement on the preferred drug list by simply paying
3450 the minimum supplemental rebate. Agency decisions will be made

HB 7011

2023

3451 on the clinical efficacy of a drug and recommendations of the
3452 Medicaid Pharmaceutical and Therapeutics Committee, as well as
3453 the price of competing products minus federal and state rebates.
3454 The agency may contract with an outside agency or contractor to
3455 conduct negotiations for supplemental rebates. For the purposes
3456 of this section, the term "supplemental rebates" means cash
3457 rebates. Value-added programs as a substitution for supplemental
3458 rebates are prohibited. The agency may seek any federal waivers
3459 to implement this initiative.

3460 8.a. The agency may implement a Medicaid behavioral drug
3461 management system. The agency may contract with a vendor that
3462 has experience in operating behavioral drug management systems
3463 to implement this program. The agency may seek federal waivers
3464 to implement this program.

3465 b. The agency, in conjunction with the Department of
3466 Children and Families, may implement the Medicaid behavioral
3467 drug management system that is designed to improve the quality
3468 of care and behavioral health prescribing practices based on
3469 best practice guidelines, improve patient adherence to
3470 medication plans, reduce clinical risk, and lower prescribed
3471 drug costs and the rate of inappropriate spending on Medicaid
3472 behavioral drugs. The program may include the following
3473 elements:

3474 (I) Provide for the development and adoption of best
3475 practice guidelines for behavioral health-related drugs such as

HB7011

2023

3476 antipsychotics, antidepressants, and medications for treating
3477 bipolar disorders and other behavioral conditions; translate
3478 them into practice; review behavioral health prescribers and
3479 compare their prescribing patterns to a number of indicators
3480 that are based on national standards; and determine deviations
3481 from best practice guidelines.

3482 (II) Implement processes for providing feedback to and
3483 educating prescribers using best practice educational materials
3484 and peer-to-peer consultation.

3485 (III) Assess Medicaid beneficiaries who are outliers in
3486 their use of behavioral health drugs with regard to the numbers
3487 and types of drugs taken, drug dosages, combination drug
3488 therapies, and other indicators of improper use of behavioral
3489 health drugs.

3490 (IV) Alert prescribers to patients who fail to refill
3491 prescriptions in a timely fashion, are prescribed multiple same-
3492 class behavioral health drugs, and may have other potential
3493 medication problems.

3494 (V) Track spending trends for behavioral health drugs and
3495 deviation from best practice guidelines.

3496 (VI) Use educational and technological approaches to
3497 promote best practices, educate consumers, and train prescribers
3498 in the use of practice guidelines.

3499 (VII) Disseminate electronic and published materials.

3500 (VIII) Hold statewide and regional conferences.

3501 (IX) Implement a disease management program with a model
 3502 quality-based medication component for severely mentally ill
 3503 individuals and emotionally disturbed children who are high
 3504 users of care.

3505 9. The agency shall implement a Medicaid prescription drug
 3506 management system.

3507 a. The agency may contract with a vendor that has
 3508 experience in operating prescription drug management systems in
 3509 order to implement this system. Any management system that is
 3510 implemented in accordance with this subparagraph must rely on
 3511 cooperation between physicians and pharmacists to determine
 3512 appropriate practice patterns and clinical guidelines to improve
 3513 the prescribing, dispensing, and use of drugs in the Medicaid
 3514 program. The agency may seek federal waivers to implement this
 3515 program.

3516 b. The drug management system must be designed to improve
 3517 the quality of care and prescribing practices based on best
 3518 practice guidelines, improve patient adherence to medication
 3519 plans, reduce clinical risk, and lower prescribed drug costs and
 3520 the rate of inappropriate spending on Medicaid prescription
 3521 drugs. The program must:

3522 (I) Provide for the adoption of best practice guidelines
 3523 for the prescribing and use of drugs in the Medicaid program,
 3524 including translating best practice guidelines into practice;
 3525 reviewing prescriber patterns and comparing them to indicators

HB 7011

2023

3526 that are based on national standards and practice patterns of
3527 clinical peers in their community, statewide, and nationally;
3528 and determine deviations from best practice guidelines.

3529 (II) Implement processes for providing feedback to and
3530 educating prescribers using best practice educational materials
3531 and peer-to-peer consultation.

3532 (III) Assess Medicaid recipients who are outliers in their
3533 use of a single or multiple prescription drugs with regard to
3534 the numbers and types of drugs taken, drug dosages, combination
3535 drug therapies, and other indicators of improper use of
3536 prescription drugs.

3537 (IV) Alert prescribers to recipients who fail to refill
3538 prescriptions in a timely fashion, are prescribed multiple drugs
3539 that may be redundant or contraindicated, or may have other
3540 potential medication problems.

3541 10. The agency may contract for drug rebate
3542 administration, including, but not limited to, calculating
3543 rebate amounts, invoicing manufacturers, negotiating disputes
3544 with manufacturers, and maintaining a database of rebate
3545 collections.

3546 11. The agency may specify the preferred daily dosing form
3547 or strength for the purpose of promoting best practices with
3548 regard to the prescribing of certain drugs as specified in the
3549 General Appropriations Act and ensuring cost-effective
3550 prescribing practices.

HB 7011

2023

3551 12. The agency may require prior authorization for
3552 Medicaid-covered prescribed drugs. The agency may prior-
3553 authorize the use of a product:

- 3554 a. For an indication not approved in labeling;
3555 b. To comply with certain clinical guidelines; or
3556 c. If the product has the potential for overuse, misuse,
3557 or abuse.

3558
3559 The agency may require the prescribing professional to provide
3560 information about the rationale and supporting medical evidence
3561 for the use of a drug. The agency shall post prior
3562 authorization, step-edit criteria and protocol, and updates to
3563 the list of drugs that are subject to prior authorization on the
3564 agency's Internet website within 21 days after the prior
3565 authorization and step-edit criteria and protocol and updates
3566 are approved by the agency. For purposes of this subparagraph,
3567 the term "step-edit" means an automatic electronic review of
3568 certain medications subject to prior authorization.

3569 13. The agency, in conjunction with the Pharmaceutical and
3570 Therapeutics Committee, may require age-related prior
3571 authorizations for certain prescribed drugs. The agency may
3572 preauthorize the use of a drug for a recipient who may not meet
3573 the age requirement or may exceed the length of therapy for use
3574 of this product as recommended by the manufacturer and approved
3575 by the Food and Drug Administration. Prior authorization may

HB7011

2023

3576 require the prescribing professional to provide information
3577 about the rationale and supporting medical evidence for the use
3578 of a drug.

3579 14. The agency shall implement a step-therapy prior
3580 authorization approval process for medications excluded from the
3581 preferred drug list. Medications listed on the preferred drug
3582 list must be used within the previous 12 months before the
3583 alternative medications that are not listed. The step-therapy
3584 prior authorization may require the prescriber to use the
3585 medications of a similar drug class or for a similar medical
3586 indication unless contraindicated in the Food and Drug
3587 Administration labeling. The trial period between the specified
3588 steps may vary according to the medical indication. The step-
3589 therapy approval process shall be developed in accordance with
3590 the committee as stated in s. 409.91195(7) and (8). A drug
3591 product may be approved without meeting the step-therapy prior
3592 authorization criteria if the prescribing physician provides the
3593 agency with additional written medical or clinical documentation
3594 that the product is medically necessary because:

3595 a. There is not a drug on the preferred drug list to treat
3596 the disease or medical condition which is an acceptable clinical
3597 alternative;

3598 b. The alternatives have been ineffective in the treatment
3599 of the beneficiary's disease;

3600 c. The drug product or medication of a similar drug class

HB 7011

2023

3601 is prescribed for the treatment of schizophrenia or schizotypal
3602 or delusional disorders; prior authorization has been granted
3603 previously for the prescribed drug; and the medication was
3604 dispensed to the patient during the previous 12 months; or
3605 d. Based on historical ~~historie~~ evidence and known
3606 characteristics of the patient and the drug, the drug is likely
3607 to be ineffective, or the number of doses have been ineffective.
3608

3609 The agency shall work with the physician to determine the best
3610 alternative for the patient. The agency may adopt rules waiving
3611 the requirements for written clinical documentation for specific
3612 drugs in limited clinical situations.

3613 15. The agency shall implement a return and reuse program
3614 for drugs dispensed by pharmacies to institutional recipients,
3615 which includes payment of a \$5 restocking fee for the
3616 implementation and operation of the program. The return and
3617 reuse program shall be implemented electronically and in a
3618 manner that promotes efficiency. The program must permit a
3619 pharmacy to exclude drugs from the program if it is not
3620 practical or cost-effective for the drug to be included and must
3621 provide for the return to inventory of drugs that cannot be
3622 credited or returned in a cost-effective manner. The agency
3623 shall determine if the program has reduced the amount of
3624 Medicaid prescription drugs which are destroyed on an annual
3625 basis and if there are additional ways to ensure more

HB 7011

2023

3626 prescription drugs are not destroyed which could safely be
3627 reused.

3628 Reviser's note.—Amended to confirm an editorial substitution to
3629 conform to context.

3630 Section 93. Subsection (1) of section 414.1251, Florida
3631 Statutes, is amended to read:

3632 414.1251 Learnfare program.—

3633 (1) The department shall reduce the temporary cash
3634 assistance for a participant's eligible dependent child or for
3635 an eligible teenage participant who has not been exempted from
3636 education participation requirements, if the eligible dependent
3637 child or eligible teenage participant has been identified either
3638 as a habitual truant, pursuant to s. 1003.01(12) ~~1003.01(8)~~, or
3639 as a dropout, pursuant to s. 1003.01(8) ~~1003.01(9)~~. For a
3640 student who has been identified as a habitual truant, the
3641 temporary cash assistance must be reinstated after a subsequent
3642 grading period in which the child's attendance has substantially
3643 improved. For a student who has been identified as a dropout,
3644 the temporary cash assistance must be reinstated after the
3645 student enrolls in a public school, receives a high school
3646 diploma or its equivalency, enrolls in preparation for the high
3647 school equivalency examination, or enrolls in other educational
3648 activities approved by the district school board. Good cause
3649 exemptions from the rule of unexcused absences include the
3650 following:

HB 7011

2023

3651 (a) The student is expelled from school and alternative
 3652 schooling is not available.

3653 (b) No licensed day care is available for a child of teen
 3654 parents subject to Learnfare.

3655 (c) Prohibitive transportation problems exist (e.g., to
 3656 and from day care).

3657
 3658 Within 10 days after sanction notification, the participant
 3659 parent of a dependent child or the teenage participant may file
 3660 an internal fair hearings process review procedure appeal, and
 3661 no sanction shall be imposed until the appeal is resolved.

3662 Reviser's note.—Amended to conform to the reordering of
 3663 definitions in s. 1003.01 by this act.

3664 Section 94. Subsection (14) of section 415.102, Florida
 3665 Statutes, is amended to read:

3666 415.102 Definitions of terms used in ss. 415.101-415.113.—
 3667 As used in ss. 415.101-415.113, the term:

3668 (14) "Intimidation" means the communication by word or act
 3669 to a vulnerable adult that such ~~that~~ person will be deprived of
 3670 food, nutrition, clothing, shelter, supervision, medicine,
 3671 medical services, money, or financial support or will suffer
 3672 physical violence.

3673 Reviser's note.—Amended to improve clarity.

3674 Section 95. Subsections (4) through (41) of section
 3675 440.02, Florida Statutes, are reordered and amended to read:

HB 7011

2023

3676 440.02 Definitions.—When used in this chapter, unless the
3677 context clearly requires otherwise, the following terms shall
3678 have the following meanings:

3679 (5)~~(4)~~ "Carrier" means any person or fund authorized under
3680 s. 440.38 to insure under this chapter and includes a self-
3681 insurer, and a commercial self-insurance fund authorized under
3682 s. 624.462.

3683 (6)~~(5)~~ "Casual" as used in this section refers only to
3684 employments for work that is anticipated to be completed in 10
3685 working days or less, without regard to the number of persons
3686 employed, and at a total labor cost of less than \$500.

3687 (7)~~(6)~~ "Child" includes a posthumous child, a child
3688 legally adopted prior to the injury of the employee, and a
3689 stepchild or acknowledged child born out of wedlock dependent
3690 upon the deceased, but does not include married children unless
3691 wholly dependent on the employee. "Grandchild" means a child as
3692 above defined of a child as above defined. "Brother" and
3693 "sister" include stepbrothers and stepsisters, half brothers and
3694 half sisters, and brothers and sisters by adoption, but does not
3695 include married brothers or married sisters unless wholly
3696 dependent on the employee. "Child," "grandchild," "brother," and
3697 "sister" include only persons who at the time of the death of
3698 the deceased employees are under 18 years of age, or under 22
3699 years of age if a full-time student in an accredited educational
3700 institution.

HB 7011

2023

3701 (8)~~(7)~~ "Compensation" means the money allowance payable to
3702 an employee or to his or her dependents as provided for in this
3703 chapter.

3704 (10)~~(8)~~ "Construction industry" means for-profit
3705 activities involving any building, clearing, filling,
3706 excavation, or substantial improvement in the size or use of any
3707 structure or the appearance of any land. However, "construction"
3708 does not mean a homeowner's act of construction or the result of
3709 a construction upon his or her own premises, provided such
3710 premises are not intended to be sold, resold, or leased by the
3711 owner within 1 year after the commencement of construction. The
3712 division may, by rule, establish codes and definitions thereof
3713 that meet the criteria of the term "construction industry" as
3714 set forth in this section.

3715 (11)~~(9)~~ "Corporate officer" or "officer of a corporation"
3716 means any person who fills an office provided for in the
3717 corporate charter or articles of incorporation filed with the
3718 Division of Corporations of the Department of State or as
3719 authorized or required under part I of chapter 607. The term
3720 "officer of a corporation" includes a member owning at least 10
3721 percent of a limited liability company as defined in and
3722 organized pursuant to chapter 605.

3723 (12)~~(10)~~ "Date of maximum medical improvement" means the
3724 date after which further recovery from, or lasting improvement
3725 to, an injury or disease can no longer reasonably be

HB 7011

2023

3726 | anticipated, based upon reasonable medical probability.
 3727 | ~~(13)-(11)~~ "Death" as a basis for a right to compensation
 3728 | means only death resulting from an injury.
 3729 | ~~(14)-(12)~~ "Department" means the Department of Financial
 3730 | Services; the term does not include the Financial Services
 3731 | Commission or any office of the commission.
 3732 | ~~(15)-(13)~~ "Disability" means incapacity because of the
 3733 | injury to earn in the same or any other employment the wages
 3734 | which the employee was receiving at the time of the injury.
 3735 | ~~(16)-(14)~~ "Division" means the Division of Workers'
 3736 | Compensation of the Department of Financial Services.
 3737 | ~~(18)-(15)~~(a) "Employee" means any person who receives
 3738 | remuneration from an employer for the performance of any work or
 3739 | service while engaged in any employment under any appointment or
 3740 | contract for hire or apprenticeship, express or implied, oral or
 3741 | written, whether lawfully or unlawfully employed, and includes,
 3742 | but is not limited to, aliens and minors.
 3743 | (b) "Employee" includes any person who is an officer of a
 3744 | corporation and who performs services for remuneration for such
 3745 | corporation within this state, whether or not such services are
 3746 | continuous.
 3747 | 1. Any officer of a corporation may elect to be exempt
 3748 | from this chapter by filing notice of the election with the
 3749 | department as provided in s. 440.05.
 3750 | 2. As to officers of a corporation who are engaged in the

HB 7011

2023

3751 construction industry, no more than three officers of a
3752 corporation or of any group of affiliated corporations may elect
3753 to be exempt from this chapter by filing a notice of the
3754 election with the department as provided in s. 440.05. Officers
3755 must be shareholders, each owning at least 10 percent of the
3756 stock of such corporation and listed as an officer of such
3757 corporation with the Division of Corporations of the Department
3758 of State, in order to elect exemptions under this chapter. For
3759 purposes of this subparagraph, the term "affiliated" means and
3760 includes one or more corporations or entities, any one of which
3761 is a corporation engaged in the construction industry, under the
3762 same or substantially the same control of a group of business
3763 entities which are connected or associated so that one entity
3764 controls or has the power to control each of the other business
3765 entities. The term "affiliated" includes, but is not limited to,
3766 the officers, directors, executives, shareholders active in
3767 management, employees, and agents of the affiliated corporation.
3768 The ownership by one business entity of a controlling interest
3769 in another business entity or a pooling of equipment or income
3770 among business entities shall be prima facie evidence that one
3771 business is affiliated with the other.

3772 3. An officer of a corporation who elects to be exempt
3773 from this chapter by filing a notice of the election with the
3774 department as provided in s. 440.05 is not an employee.
3775

HB 7011

2023

3776 Services are presumed to have been rendered to the corporation
3777 if the officer is compensated by other than dividends upon
3778 shares of stock of the corporation which the officer owns.

3779 (c) "Employee" includes:

3780 1. A sole proprietor or a partner who is not engaged in
3781 the construction industry, devotes full time to the
3782 proprietorship or partnership, and elects to be included in the
3783 definition of employee by filing notice thereof as provided in
3784 s. 440.05.

3785 2. All persons who are being paid by a construction
3786 contractor as a subcontractor, unless the subcontractor has
3787 validly elected an exemption as permitted by this chapter, or
3788 has otherwise secured the payment of compensation coverage as a
3789 subcontractor, consistent with s. 440.10, for work performed by
3790 or as a subcontractor.

3791 3. An independent contractor working or performing
3792 services in the construction industry.

3793 4. A sole proprietor who engages in the construction
3794 industry and a partner or partnership that is engaged in the
3795 construction industry.

3796 (d) "Employee" does not include:

3797 1. An independent contractor who is not engaged in the
3798 construction industry.

3799 a. In order to meet the definition of independent
3800 contractor, at least four of the following criteria must be met:

HB 7011

2023

3801 (I) The independent contractor maintains a separate
3802 business with his or her own work facility, truck, equipment,
3803 materials, or similar accommodations;

3804 (II) The independent contractor holds or has applied for a
3805 federal employer identification number, unless the independent
3806 contractor is a sole proprietor who is not required to obtain a
3807 federal employer identification number under state or federal
3808 regulations;

3809 (III) The independent contractor receives compensation for
3810 services rendered or work performed and such compensation is
3811 paid to a business rather than to an individual;

3812 (IV) The independent contractor holds one or more bank
3813 accounts in the name of the business entity for purposes of
3814 paying business expenses or other expenses related to services
3815 rendered or work performed for compensation;

3816 (V) The independent contractor performs work or is able to
3817 perform work for any entity in addition to or besides the
3818 employer at his or her own election without the necessity of
3819 completing an employment application or process; or

3820 (VI) The independent contractor receives compensation for
3821 work or services rendered on a competitive-bid basis or
3822 completion of a task or a set of tasks as defined by a
3823 contractual agreement, unless such contractual agreement
3824 expressly states that an employment relationship exists.

3825 b. If four of the criteria listed in sub-subparagraph a.

HB 7011

2023

3826 do not exist, an individual may still be presumed to be an
3827 independent contractor and not an employee based on full
3828 consideration of the nature of the individual situation with
3829 regard to satisfying any of the following conditions:

3830 (I) The independent contractor performs or agrees to
3831 perform specific services or work for a specific amount of money
3832 and controls the means of performing the services or work.

3833 (II) The independent contractor incurs the principal
3834 expenses related to the service or work that he or she performs
3835 or agrees to perform.

3836 (III) The independent contractor is responsible for the
3837 satisfactory completion of the work or services that he or she
3838 performs or agrees to perform.

3839 (IV) The independent contractor receives compensation for
3840 work or services performed for a commission or on a per-job
3841 basis and not on any other basis.

3842 (V) The independent contractor may realize a profit or
3843 suffer a loss in connection with performing work or services.

3844 (VI) The independent contractor has continuing or
3845 recurring business liabilities or obligations.

3846 (VII) The success or failure of the independent
3847 contractor's business depends on the relationship of business
3848 receipts to expenditures.

3849 c. Notwithstanding anything to the contrary in this
3850 subparagraph, an individual claiming to be an independent

3851 contractor has the burden of proving that he or she is an
 3852 independent contractor for purposes of this chapter.

3853 2. A real estate licensee, if that person agrees, in
 3854 writing, to perform for remuneration solely by way of
 3855 commission.

3856 3. Bands, orchestras, and musical and theatrical
 3857 performers, including disk jockeys, performing in licensed
 3858 premises as defined in chapter 562, if a written contract
 3859 evidencing an independent contractor relationship is entered
 3860 into before the commencement of such entertainment.

3861 4. An owner-operator of a motor vehicle who transports
 3862 property under a written contract with a motor carrier which
 3863 evidences a relationship by which the owner-operator assumes the
 3864 responsibility of an employer for the performance of the
 3865 contract, if the owner-operator is required to furnish motor
 3866 vehicle equipment as identified in the written contract and the
 3867 principal costs incidental to the performance of the contract,
 3868 including, but not limited to, fuel and repairs, provided a
 3869 motor carrier's advance of costs to the owner-operator when a
 3870 written contract evidences the owner-operator's obligation to
 3871 reimburse such advance shall be treated as the owner-operator
 3872 furnishing such cost and the owner-operator is not paid by the
 3873 hour or on some other time-measured basis.

3874 5. A person whose employment is both casual and not in the
 3875 course of the trade, business, profession, or occupation of the

HB 7011

2023

3876 employer.

3877 6. A volunteer, except a volunteer worker for the state or
3878 a county, municipality, or other governmental entity. A person
3879 who does not receive monetary remuneration for services is
3880 presumed to be a volunteer unless there is substantial evidence
3881 that a valuable consideration was intended by both employer and
3882 employee. For purposes of this chapter, the term "volunteer"
3883 includes, but is not limited to:

3884 a. Persons who serve in private nonprofit agencies and who
3885 receive no compensation other than expenses in an amount less
3886 than or equivalent to the standard mileage and per diem expenses
3887 provided to salaried employees in the same agency or, if such
3888 agency does not have salaried employees who receive mileage and
3889 per diem, then such volunteers who receive no compensation other
3890 than expenses in an amount less than or equivalent to the
3891 customary mileage and per diem paid to salaried workers in the
3892 community as determined by the department; and

3893 b. Volunteers participating in federal programs
3894 established under Pub. L. No. 93-113.

3895 7. Unless otherwise prohibited by this chapter, any
3896 officer of a corporation who elects to be exempt from this
3897 chapter. Such officer is not an employee for any reason under
3898 this chapter until the notice of revocation of election filed
3899 pursuant to s. 440.05 is effective.

3900 8. An officer of a corporation that is engaged in the

3901 construction industry who elects to be exempt from the
 3902 provisions of this chapter, as otherwise permitted by this
 3903 chapter. Such officer is not an employee for any reason until
 3904 the notice of revocation of election filed pursuant to s. 440.05
 3905 is effective.

3906 9. An exercise rider who does not work for a single horse
 3907 farm or breeder, and who is compensated for riding on a case-by-
 3908 case basis, provided a written contract is entered into prior to
 3909 the commencement of such activity which evidences that an
 3910 employee/employer relationship does not exist.

3911 10. A taxicab, limousine, or other passenger vehicle-for-
 3912 hire driver who operates said vehicles pursuant to a written
 3913 agreement with a company which provides any dispatch, marketing,
 3914 insurance, communications, or other services under which the
 3915 driver and any fees or charges paid by the driver to the company
 3916 for such services are not conditioned upon, or expressed as a
 3917 proportion of, fare revenues.

3918 11. A person who performs services as a sports official
 3919 for an entity sponsoring an interscholastic sports event or for
 3920 a public entity or private, nonprofit organization that sponsors
 3921 an amateur sports event. For purposes of this subparagraph, such
 3922 a person is an independent contractor. For purposes of this
 3923 subparagraph, the term "sports official" means any person who is
 3924 a neutral participant in a sports event, including, but not
 3925 limited to, umpires, referees, judges, linespersons,

3926 scorekeepers, or timekeepers. This subparagraph does not apply
 3927 to any person employed by a district school board who serves as
 3928 a sports official as required by the employing school board or
 3929 who serves as a sports official as part of his or her
 3930 responsibilities during normal school hours.

3931 12. Medicaid-enrolled clients under chapter 393 who are
 3932 excluded from the definition of employment under s.
 3933 443.1216(4)(d) and served by Adult Day Training Services under
 3934 the Home and Community-Based or the Family and Supported Living
 3935 Medicaid Waiver program in a sheltered workshop setting licensed
 3936 by the United States Department of Labor for the purpose of
 3937 training and earning less than the federal hourly minimum wage.

3938 13. Medicaid-enrolled clients under chapter 393 who are
 3939 excluded from the definition of employment under s.
 3940 443.1216(4)(d) and served by Adult Day Training Services under
 3941 the Family and Supported Living Medicaid Waiver program in a
 3942 sheltered workshop setting licensed by the United States
 3943 Department of Labor for the purpose of training and earning less
 3944 than the federal hourly minimum wage.

3945 (19)~~(16)~~(a) "Employer" means the state and all political
 3946 subdivisions thereof, all public and quasi-public corporations
 3947 therein, every person carrying on any employment, and the legal
 3948 representative of a deceased person or the receiver or trustees
 3949 of any person. The term also includes employee leasing
 3950 companies, as defined in s. 468.520(5), and employment agencies

HB 7011

2023

3951 that provide their own employees to other persons. If the
3952 employer is a corporation, parties in actual control of the
3953 corporation, including, but not limited to, the president,
3954 officers who exercise broad corporate powers, directors, and all
3955 shareholders who directly or indirectly own a controlling
3956 interest in the corporation, are considered the employer for the
3957 purposes of ss. 440.105, 440.106, and 440.107.

3958 (b) A homeowner shall not be considered the employer of
3959 persons hired by the homeowner to carry out construction on the
3960 homeowner's own premises if those premises are not intended for
3961 immediate lease, sale, or resale.

3962 (c) Facilities serving individuals under subparagraph
3963 (18) (d) 12. ~~(15) (d) 12.~~ shall be considered agents of the Agency
3964 for Health Care Administration as it relates to providing Adult
3965 Day Training Services under the Home and Community-Based
3966 Medicaid Waiver program and not employers or third parties for
3967 the purpose of limiting or denying Medicaid benefits.

3968 (20) ~~(17)~~ (a) "Employment," subject to the other provisions
3969 of this chapter, means any service performed by an employee for
3970 the person employing him or her.

3971 (b) "Employment" includes:

3972 1. Employment by the state and all political subdivisions
3973 thereof and all public and quasi-public corporations therein,
3974 including officers elected at the polls.

3975 2. All private employments in which four or more employees

3976 are employed by the same employer or, with respect to the
 3977 construction industry, all private employment in which one or
 3978 more employees are employed by the same employer.

3979 3. Volunteer firefighters responding to or assisting with
 3980 fire or medical emergencies whether or not the firefighters are
 3981 on duty.

3982 (c) "Employment" does not include service performed by or
 3983 as:

3984 1. Domestic servants in private homes.

3985 2. Agricultural labor performed on a farm in the employ of
 3986 a bona fide farmer, or association of farmers, that employs 5 or
 3987 fewer regular employees and that employs fewer than 12 other
 3988 employees at one time for seasonal agricultural labor that is
 3989 completed in less than 30 days, provided such seasonal
 3990 employment does not exceed 45 days in the same calendar year.
 3991 The term "farm" includes stock, dairy, poultry, fruit, fur-
 3992 bearing animals, fish, and truck farms, ranches, nurseries, and
 3993 orchards. The term "agricultural labor" includes field foremen,
 3994 timekeepers, checkers, and other farm labor supervisory
 3995 personnel.

3996 3. Professional athletes, such as professional boxers,
 3997 wrestlers, baseball, football, basketball, hockey, polo, tennis,
 3998 jai alai, and similar players, and motorsports teams competing
 3999 in a motor racing event as defined in s. 549.08.

4000 4. Labor under a sentence of a court to perform community

HB 7011

2023

4001 services as provided in s. 316.193.

4002 5. State prisoners or county inmates, except those
4003 performing services for private employers or those enumerated in
4004 s. 948.036(1).

4005 ~~(27)-(18)~~ "Misconduct" includes, but is not limited to, the
4006 following, which shall not be construed in pari materia with
4007 each other:

4008 (a) Conduct evincing such willful or wanton disregard of
4009 an employer's interests as is found in deliberate violation or
4010 disregard of standards of behavior which the employer has the
4011 right to expect of the employee; or

4012 (b) Carelessness or negligence of such a degree or
4013 recurrence as to manifest culpability, wrongful intent, or evil
4014 design, or to show an intentional and substantial disregard of
4015 an employer's interests or of the employee's duties and
4016 obligations to the employer.

4017 ~~(23)-(19)~~ "Injury" means personal injury or death by
4018 accident arising out of and in the course of employment, and
4019 such diseases or infection as naturally or unavoidably result
4020 from such injury. Damage to dentures, eyeglasses, prosthetic
4021 devices, and artificial limbs may be included in this definition
4022 only when the damage is shown to be part of, or in conjunction
4023 with, an accident. This damage must specifically occur as the
4024 result of an accident in the normal course of employment.

4025 ~~(29)-(20)~~ "Parent" includes stepparents and parents by

HB 7011

2023

4026 adoption, parents-in-law, and any persons who for more than 3
4027 years prior to the death of the deceased employee stood in the
4028 place of a parent to him or her and were dependent on the
4029 injured employee.

4030 (30)~~(21)~~ "Partner" means any person who is a member of a
4031 partnership that is formed by two or more persons to carry on as
4032 co-owners of a business with the understanding that there will
4033 be a proportional sharing of the profits and losses between
4034 them. For the purposes of this chapter, a partner is a person
4035 who participates fully in the management of the partnership and
4036 who is personally liable for its debts.

4037 (31)~~(22)~~ "Permanent impairment" means any anatomic or
4038 functional abnormality or loss determined as a percentage of the
4039 body as a whole, existing after the date of maximum medical
4040 improvement, which results from the injury.

4041 (32)~~(23)~~ "Person" means individual, partnership,
4042 association, or corporation, including any public service
4043 corporation.

4044 (33)~~(24)~~ "Self-insurer" means:

4045 (a) Any employer who has secured payment of compensation
4046 pursuant to s. 440.38(1)(b) or (6) as an individual self-
4047 insurer;

4048 (b) Any employer who has secured payment of compensation
4049 through a group self-insurance fund under s. 624.4621;

4050 (c) Any group self-insurance fund established under s.

4051 624.4621;

4052 (d) A public utility as defined in s. 364.02 or s. 366.02
 4053 that has assumed by contract the liabilities of contractors or
 4054 subcontractors pursuant to s. 624.46225; or

4055 (e) Any local government self-insurance fund established
 4056 under s. 624.4622.

4057 (35)~~(25)~~ "Sole proprietor" means a natural person who owns
 4058 a form of business in which that person owns all the assets of
 4059 the business and is solely liable for all the debts of the
 4060 business.

4061 (37)~~(26)~~ "Spouse" includes only a spouse substantially
 4062 dependent for financial support upon the decedent and living
 4063 with the decedent at the time of the decedent's injury and
 4064 death, or substantially dependent upon the decedent for
 4065 financial support and living apart at that time for justifiable
 4066 cause.

4067 (39)~~(27)~~ "Time of injury" means the time of the occurrence
 4068 of the accident resulting in the injury.

4069 (40)~~(28)~~ "Wages" means the money rate at which the service
 4070 rendered is recompensed under the contract of hiring in force at
 4071 the time of the injury and includes only the wages earned and
 4072 reported for federal income tax purposes on the job where the
 4073 employee is injured and any other concurrent employment where he
 4074 or she is also subject to workers' compensation coverage and
 4075 benefits, together with the reasonable value of housing

4076 furnished to the employee by the employer which is the permanent
 4077 year-round residence of the employee, and gratuities to the
 4078 extent reported to the employer in writing as taxable income
 4079 received in the course of employment from others than the
 4080 employer and employer contributions for health insurance for the
 4081 employee or the employee's dependents. However, housing
 4082 furnished to migrant workers shall be included in wages unless
 4083 provided after the time of injury. In employment in which an
 4084 employee receives consideration for housing, the reasonable
 4085 value of such housing compensation shall be the actual cost to
 4086 the employer or based upon the Fair Market Rent Survey
 4087 promulgated pursuant to s. 8 of the Housing and Urban
 4088 Development Act of 1974, whichever is less. However, if employer
 4089 contributions for housing or health insurance are continued
 4090 after the time of the injury, the contributions are not "wages"
 4091 for the purpose of calculating an employee's average weekly
 4092 wage.

4093 (41)~~(29)~~ "Weekly compensation rate" means and refers to
 4094 the amount of compensation payable for a period of 7 consecutive
 4095 calendar days, including any Saturdays, Sundays, holidays, and
 4096 other nonworking days which fall within such period of 7
 4097 consecutive calendar days. When Saturdays, Sundays, holidays, or
 4098 other nonworking days immediately follow the first 7 calendar
 4099 days of disability or occur at the end of a period of disability
 4100 as the last day or days of such period, such nonworking days

HB 7011

2023

4101 constitute a part of the period of disability with respect to
4102 which compensation is payable.

4103 (9)~~(30)~~ "Construction design professional" means an
4104 architect, professional engineer, landscape architect, or
4105 surveyor and mapper, or any corporation, professional or
4106 general, that has a certificate to practice in the construction
4107 design field from the Department of Business and Professional
4108 Regulation.

4109 (22)~~(31)~~ "Individual self-insurer" means any employer who
4110 has secured payment of compensation pursuant to s. 440.38(1)(b)
4111 as an individual self-insurer.

4112 (17)~~(32)~~ "Domestic individual self-insurer" means an
4113 individual self-insurer:

4114 (a) Which is a corporation formed under the laws of this
4115 state;

4116 (b) Who is an individual who is a resident of this state
4117 or whose primary place of business is located in this state; or

4118 (c) Which is a partnership whose principals are residents
4119 of this state or whose primary place of business is located in
4120 this state.

4121 (21)~~(33)~~ "Foreign individual self-insurer" means an
4122 individual self-insurer:

4123 (a) Which is a corporation formed under the laws of any
4124 state, district, territory, or commonwealth of the United States
4125 other than this state;

4126 (b) Who is an individual who is not a resident of this
 4127 state and whose primary place of business is not located in this
 4128 state; or

4129 (c) Which is a partnership whose principals are not
 4130 residents of this state and whose primary place of business is
 4131 not located in this state.

4132 (25)~~(34)~~ "Insolvent member" means an individual self-
 4133 insurer which is a member of the Florida Self-Insurers Guaranty
 4134 Association, Incorporated, or which was a member and has
 4135 withdrawn pursuant to s. 440.385(1)(b), and which has been found
 4136 insolvent, as defined in subparagraph (24)(a)1. ~~(35)(a)1.~~,
 4137 subparagraph (24)(a)2. ~~(35)(a)2.~~, or subparagraph (24)(a)3.
 4138 ~~(35)(a)3.~~, by a court of competent jurisdiction in this or any
 4139 other state, or meets the definition of subparagraph (24)(a)4.
 4140 ~~(35)(a)4.~~

4141 (24)~~(35)~~ "Insolvency" or "insolvent" means:

4142 (a) With respect to an individual self-insurer:

4143 1. That all assets of the individual self-insurer, if made
 4144 immediately available, would not be sufficient to meet all the
 4145 individual self-insurer's liabilities;

4146 2. That the individual self-insurer is unable to pay its
 4147 debts as they become due in the usual course of business;

4148 3. That the individual self-insurer has substantially
 4149 ceased or suspended the payment of compensation to its employees
 4150 as required in this chapter; or

HB 7011

2023

4151 4. That the individual self-insurer has sought protection
4152 under the United States Bankruptcy Code or has been brought
4153 under the jurisdiction of a court of bankruptcy as a debtor
4154 pursuant to the United States Bankruptcy Code.

4155 (b) With respect to an employee claiming insolvency
4156 pursuant to s. 440.25(5), a person is insolvent who:

4157 1. Has ceased to pay his or her debts in the ordinary
4158 course of business and cannot pay his or her debts as they
4159 become due; or

4160 2. Has been adjudicated insolvent pursuant to the federal
4161 bankruptcy law.

4162 (4)~~(36)~~ "Arising out of" pertains to occupational
4163 causation. An accidental injury or death arises out of
4164 employment if work performed in the course and scope of
4165 employment is the major contributing cause of the injury or
4166 death.

4167 (34)~~(37)~~ "Soft-tissue injury" means an injury that
4168 produces damage to the soft tissues, rather than to the skeletal
4169 tissues or soft organs.

4170 (26)~~(38)~~ "Insurer" means a group self-insurers' fund
4171 authorized by s. 624.4621, an individual self-insurer authorized
4172 by s. 440.38, a commercial self-insurance fund authorized by s.
4173 624.462, an assessable mutual insurer authorized by s. 628.6011,
4174 and an insurer licensed to write workers' compensation and
4175 employer's liability insurance in this state. The term

4176 "carrier," as used in this chapter, means an insurer as defined
 4177 in this subsection.

4178 (38)~~(39)~~ "Statement," for the purposes of ss. 440.105 and
 4179 440.106, shall include the exact fraud statement language in s.
 4180 440.105(7). This requirement includes, but is not limited to,
 4181 any notice, representation, statement, proof of injury, bill for
 4182 services, diagnosis, prescription, hospital or doctor record, X
 4183 ray, test result, or other evidence of loss, injury, or expense.

4184 (36)~~(40)~~ "Specificity" means information on the petition
 4185 for benefits sufficient to put the employer or carrier on notice
 4186 of the exact statutory classification and outstanding time
 4187 period of benefits being requested and includes a detailed
 4188 explanation of any benefits received that should be increased,
 4189 decreased, changed, or otherwise modified. If the petition is
 4190 for medical benefits, the information shall include specific
 4191 details as to why such benefits are being requested, why such
 4192 benefits are medically necessary, and why current treatment, if
 4193 any, is not sufficient. Any petition requesting alternate or
 4194 other medical care, including, but not limited to, petitions
 4195 requesting psychiatric or psychological treatment, must
 4196 specifically identify the physician, as defined in s. 440.13(1),
 4197 who is recommending such treatment. A copy of a report from such
 4198 physician making the recommendation for alternate or other
 4199 medical care shall also be attached to the petition. A judge of
 4200 compensation claims shall not order such treatment if a

HB 7011

2023

4201 physician is not recommending such treatment.

4202 (28)~~(41)~~ "Office of Insurance Regulation" means the Office

4203 of Insurance Regulation of the Financial Services Commission.

4204 Reviser's note.—Amended to place the definitions of the section

4205 in alphabetical order and to conform cross-references.

4206 Section 96. Subsection (4) of section 440.14, Florida

4207 Statutes, is amended to read:

4208 440.14 Determination of pay.—

4209 (4) Upon termination of the employee or upon termination

4210 of the payment of fringe benefits of any employee who is

4211 collecting indemnity benefits pursuant to s. 440.15(2) or (3),

4212 the employer shall within 7 days of such termination file a

4213 corrected 13-week wage statement reflecting the wages paid and

4214 the fringe benefits that had been paid to the injured employee,

4215 as provided in s. 440.02(40) ~~440.02(28)~~.

4216 Reviser's note.—Amended to conform to the reordering of

4217 definitions in s. 440.02 by this act.

4218 Section 97. Subsection (3) of section 440.151, Florida

4219 Statutes, is amended to read:

4220 440.151 Occupational diseases.—

4221 (3) Except as otherwise provided in this section,

4222 "disablement" means disability as described in s. 440.02(15)

4223 ~~440.02(13)~~.

4224 Reviser's note.—Amended to conform to the reordering of

4225 definitions in s. 440.02 by this act.

4226 Section 98. Paragraph (a) of subsection (1) of section
 4227 440.385, Florida Statutes, is amended to read:

4228 440.385 Florida Self-Insurers Guaranty Association,
 4229 Incorporated.—

4230 (1) CREATION OF ASSOCIATION.—

4231 (a) There is created a nonprofit corporation to be known
 4232 as the "Florida Self-Insurers Guaranty Association,
 4233 Incorporated," hereinafter referred to as "the association."

4234 Upon incorporation of the association, all individual self-
 4235 insurers as defined in ss. 440.02(33)(a) ~~440.02(24)(a)~~ and
 4236 440.38(1)(b), other than individual self-insurers which are
 4237 public utilities or governmental entities, shall be members of
 4238 the association as a condition of their authority to
 4239 individually self-insure in this state. The association shall
 4240 perform its functions under a plan of operation as established
 4241 and approved under subsection (5) and shall exercise its powers
 4242 and duties through a board of directors as established under
 4243 subsection (2). The association shall have those powers granted
 4244 or permitted corporations not for profit, as provided in chapter
 4245 617. The activities of the association shall be subject to
 4246 review by the department. The department shall have oversight
 4247 responsibility as set forth in this section. The association is
 4248 specifically authorized to enter into agreements with this state
 4249 to perform specified services.

4250 Reviser's note.—Amended to conform to the reordering of

4251 definitions in s. 440.02 by this act.

4252 Section 99. Subsection (2) of section 440.525, Florida
 4253 Statutes, is amended to read:

4254 440.525 Examination and investigation of carriers and
 4255 claims-handling entities.—

4256 (2) An examination may cover any period of the carrier's,
 4257 third-party administrator's, servicing agent's, or other claims-
 4258 handling entity's operations since the last previous
 4259 examination. An investigation based upon a reasonable belief by
 4260 the department that a material violation of this chapter has
 4261 occurred may cover any time period, but may not predate the last
 4262 examination by more than 5 years. The department may by rule
 4263 establish procedures, standards, and protocols for examinations
 4264 and investigations. If the department finds any violation of
 4265 this chapter, it may impose administrative penalties pursuant to
 4266 this chapter. If the department finds any self-insurer in
 4267 violation of this chapter, it may take action pursuant to s.
 4268 440.38(3). Examinations or investigations by the department may
 4269 address, but are not limited to addressing, patterns or
 4270 practices of unreasonable delay in claims handling; timeliness
 4271 and accuracy of payments and reports under ss. 440.13, 440.16,
 4272 and 440.185; or patterns or practices of harassment, coercion,
 4273 or intimidation of claimants. The department may also specify by
 4274 rule the documentation to be maintained for each claim file.
 4275 Reviser's note.—Amended to improve clarity.

4276 Section 100. Subsection (5) of section 455.32, Florida
 4277 Statutes, is amended to read:

4278 455.32 Management Privatization Act.—

4279 (5) Any such corporation may hire staff as necessary to
 4280 carry out its functions. Such staff are not public employees for
 4281 the purposes of chapter 110 or chapter 112, except that the
 4282 board of directors and the employees of the corporation are
 4283 subject to the provisions of s. 112.061 and part III of chapter
 4284 112. The provisions of s. 768.28 apply to each such corporation,
 4285 which is deemed to be a corporation primarily acting as an
 4286 instrumentality of the state but which is not an agency within
 4287 the meaning of s. 20.03(1) ~~20.03(11)~~.

4288 Reviser's note.—Amended to conform to the reordering of
 4289 definitions in s. 20.03 by this act.

4290 Section 101. Paragraph (a) of subsection (2) of section
 4291 456.048, Florida Statutes, is amended to read:

4292 456.048 Financial responsibility requirements for certain
 4293 health care practitioners.—

4294 (2) The board or department may grant exemptions upon
 4295 application by practitioners meeting any of the following
 4296 criteria:

4297 (a) Any person licensed under chapter 457, s. 458.3475, s.
 4298 459.023, chapter 460, chapter 461, s. 464.012, chapter 466, or
 4299 chapter 467 who practices exclusively as an officer, employee,
 4300 or agent of the Federal Government or of the state or its

HB 7011

2023

4301 agencies or its subdivisions. For the purposes of this
4302 subsection, an agent of the state, its agencies, or its
4303 subdivisions is a person who is eligible for coverage under any
4304 self-insurance or insurance program authorized by the provisions
4305 of s. 768.28(16) or who is a volunteer under s. 110.501(4)
4306 ~~110.501(1)~~.

4307 Reviser's note.—Amended to conform to the reordering of
4308 definitions in s. 110.501 by this act.

4309 Section 102. Subsection (17) of section 456.076, Florida
4310 Statutes, is amended to read:

4311 456.076 Impaired practitioner programs.—

4312 (17) A consultant may disclose to a referral or
4313 participant, or to the legal representative of the referral or
4314 participant, the documents, records, or other information from
4315 the consultant's file, including information received by the
4316 consultant from other sources; information on the terms required
4317 for the referral's or participant's monitoring contract, the
4318 referral's or participant's progress or inability to progress,
4319 or the referral's or participant's discharge or termination;
4320 information supporting the conclusion of material noncompliance;
4321 or any other information required by law. The consultant must
4322 disclose to the department, upon the department's request,
4323 whether an applicant for a multistate license under s. 464.0095
4324 is participating in a treatment program and must report to the
4325 department when a nurse holding a multistate license under s.

4326 464.0095 enters a treatment program. A nurse holding a
 4327 multistate license pursuant to s. 464.0095 must report to the
 4328 department within 2 business days after entering a treatment
 4329 program pursuant to this section. If a consultant discloses
 4330 information to the department in accordance with this chapter
 4331 ~~part~~, a referral or participant, or his or her legal
 4332 representative, may obtain a complete copy of the consultant's
 4333 file from the consultant or the department under s. 456.073.
 4334 Reviser's note.—Amended to conform to the arrangement of chapter
 4335 456, which is not divided into parts.

4336 Section 103. Paragraphs (f) through (h) of subsection (5)
 4337 of section 468.603, Florida Statutes, are reordered and amended
 4338 to read:

4339 468.603 Definitions.—As used in this part:

4340 (5) "Categories of building code inspectors" include the
 4341 following:

4342 (h)~~(f)~~ "Residential inspector" means a person who is
 4343 qualified to inspect and determine that one-family, two-family,
 4344 or three-family residences not exceeding two habitable stories
 4345 above no more than one uninhabitable story and accessory use
 4346 structures in connection therewith are constructed in accordance
 4347 with the provisions of the governing building, plumbing,
 4348 mechanical, accessibility, and electrical codes.

4349 (f)~~(g)~~ "Plumbing inspector" means a person who is
 4350 qualified to inspect and determine that the plumbing

HB 7011

2023

4351 installations and systems for buildings and structures are in
4352 compliance with the provisions of the governing plumbing code.
4353 ~~(g)-(h)~~ "Residential electrical inspector" means a person
4354 who is qualified to inspect and determine the electrical safety
4355 of one and two family dwellings and accessory structures by
4356 inspecting for compliance with the applicable provisions of the
4357 governing electrical code.
4358 Reviser's note.—Amended to place the definitions of subsection
4359 (5) in alphabetical order.
4360 Section 104. Subsection (3) of section 471.038, Florida
4361 Statutes, is amended to read:
4362 471.038 Florida Engineers Management Corporation.—
4363 (3) The Florida Engineers Management Corporation is
4364 created to provide administrative, investigative, and
4365 prosecutorial services to the board in accordance with the
4366 provisions of chapter 455 and this chapter. The management
4367 corporation may hire staff as necessary to carry out its
4368 functions. Such staff are not public employees for the purposes
4369 of chapter 110 or chapter 112, except that the board of
4370 directors and the staff are subject to the provisions of s.
4371 112.061. The provisions of s. 768.28 apply to the management
4372 corporation, which is deemed to be a corporation primarily
4373 acting as an instrumentality of the state, but which is not an
4374 agency within the meaning of s. 20.03(1) ~~20.03(11)~~. The
4375 management corporation shall:

HB 7011

2023

4376 (a) Be a Florida corporation not for profit, incorporated
4377 under the provisions of chapter 617.

4378 (b) Provide administrative, investigative, and
4379 prosecutorial services to the board in accordance with the
4380 provisions of chapter 455, this chapter, and the contract
4381 required by this section.

4382 (c) Receive, hold, and administer property and make only
4383 prudent expenditures directly related to the responsibilities of
4384 the board, and in accordance with the contract required by this
4385 section.

4386 (d) Be approved by the board, and the department, to
4387 operate for the benefit of the board and in the best interest of
4388 the state.

4389 (e) Operate under a fiscal year that begins on July 1 of
4390 each year and ends on June 30 of the following year.

4391 (f) Have a seven-member board of directors, five of whom
4392 are to be appointed by the board and must be registrants
4393 regulated by the board and two of whom are to be appointed by
4394 the secretary and must be laypersons not regulated by the board.
4395 All appointments shall be for 4-year terms. No member shall
4396 serve more than two consecutive terms. Failure to attend three
4397 consecutive meetings shall be deemed a resignation from the
4398 board, and the vacancy shall be filled by a new appointment.

4399 (g) Select its officers in accordance with its bylaws. The
4400 members of the board of directors who were appointed by the

HB 7011

2023

4401 board may be removed by the board.

4402 (h) Select the president of the management corporation,
4403 who shall also serve as executive director to the board, subject
4404 to approval of the board.

4405 (i) Use a portion of the interest derived from the
4406 management corporation account to offset the costs associated
4407 with the use of credit cards for payment of fees by applicants
4408 or licensees.

4409 (j) Operate under a written contract with the department
4410 which is approved by the board. The contract must provide for,
4411 but is not limited to:

4412 1. Submission by the management corporation of an annual
4413 budget that complies with board rules for approval by the board
4414 and the department.

4415 2. Annual certification by the board and the department
4416 that the management corporation is complying with the terms of
4417 the contract in a manner consistent with the goals and purposes
4418 of the board and in the best interest of the state. This
4419 certification must be reported in the board's minutes. The
4420 contract must also provide for methods and mechanisms to resolve
4421 any situation in which the certification process determines
4422 noncompliance.

4423 3. Funding of the management corporation through
4424 appropriations allocated to the regulation of professional
4425 engineers from the Professional Regulation Trust Fund.

4426 4. The reversion to the board, or the state if the board
4427 ceases to exist, of moneys, records, data, and property held in
4428 trust by the management corporation for the benefit of the
4429 board, if the management corporation is no longer approved to
4430 operate for the board or the board ceases to exist. All records
4431 and data in a computerized database shall be returned to the
4432 department in a form that is compatible with the computerized
4433 database of the department.

4434 5. The securing and maintaining by the management
4435 corporation, during the term of the contract and for all acts
4436 performed during the term of the contract, of all liability
4437 insurance coverages in an amount to be approved by the board to
4438 defend, indemnify, and hold harmless the management corporation
4439 and its officers and employees, the department and its
4440 employees, and the state against all claims arising from state
4441 and federal laws. Such insurance coverage must be with insurers
4442 qualified and doing business in the state. The management
4443 corporation must provide proof of insurance to the department.
4444 The department and its employees and the state are exempt from
4445 and are not liable for any sum of money which represents a
4446 deductible, which sums shall be the sole responsibility of the
4447 management corporation. Violation of this subparagraph shall be
4448 grounds for terminating the contract.

4449 6. Payment by the management corporation, out of its
4450 allocated budget, to the department of all costs of

HB 7011

2023

4451 representation by the board counsel, including salary and
4452 benefits, travel, and any other compensation traditionally paid
4453 by the department to other board counsel.

4454 7. Payment by the management corporation, out of its
4455 allocated budget, to the department of all costs incurred by the
4456 management corporation or the board for the Division of
4457 Administrative Hearings of the Department of Management Services
4458 and any other cost for utilization of these state services.

4459 8. Payment by the management corporation, out of its
4460 allocated budget, to the department of reasonable costs
4461 associated with the contract monitor.

4462 (k) Provide for an annual financial audit of its financial
4463 accounts and records by an independent certified public
4464 accountant. The annual audit report shall include a management
4465 letter in accordance with s. 11.45 and a detailed supplemental
4466 schedule of expenditures for each expenditure category. The
4467 annual audit report must be submitted to the board, the
4468 department, and the Auditor General for review.

4469 (l) Provide for persons not employed by the corporation
4470 who are charged with the responsibility of receiving and
4471 depositing fee and fine revenues to have a faithful performance
4472 bond in such an amount and according to such terms as shall be
4473 determined in the contract.

4474 (m) Submit to the secretary, the board, and the
4475 Legislature, on or before October 1 of each year, a report on

HB 7011

2023

4476 | the status of the corporation which includes, but is not limited
 4477 | to, information concerning the programs and funds that have been
 4478 | transferred to the corporation. The report must include: the
 4479 | number of license applications received; the number approved and
 4480 | denied and the number of licenses issued; the number of
 4481 | examinations administered and the number of applicants who
 4482 | passed or failed the examination; the number of complaints
 4483 | received; the number determined to be legally sufficient; the
 4484 | number dismissed; the number determined to have probable cause;
 4485 | the number of administrative complaints issued and the status of
 4486 | the complaints; and the number and nature of disciplinary
 4487 | actions taken by the board.

4488 | (n) Develop and submit to the department, performance
 4489 | standards and measurable outcomes for the board to adopt by rule
 4490 | in order to facilitate efficient and cost-effective regulation.

4491 | Reviser's note.—Amended to conform to the reordering of
 4492 | definitions in s. 20.03 by this act.

4493 | Section 105. Subsection (9) of section 491.003, Florida
 4494 | Statutes, is amended to read:

4495 | 491.003 Definitions.—As used in this chapter:

4496 | (9) The term "practice of marriage and family therapy"
 4497 | means the use of scientific and applied marriage and family
 4498 | theories, methods, and procedures for the purpose of describing,
 4499 | evaluating, and modifying marital, family, and individual
 4500 | behavior, within the context of marital and family systems,

HB 7011

2023

4501 including the context of marital formation and dissolution, and
4502 is based on marriage and family systems theory, marriage and
4503 family development, human development, normal and abnormal
4504 behavior, psychopathology, human sexuality, and
4505 psychotherapeutic and marriage and family therapy theories and
4506 techniques. The practice of marriage and family therapy includes
4507 methods of a psychological nature used to evaluate, assess,
4508 diagnose, treat, and prevent emotional and mental disorders or
4509 dysfunctions (whether cognitive, affective, or behavioral),
4510 sexual dysfunction, behavioral disorders, alcoholism, and
4511 substance abuse. The practice of marriage and family therapy
4512 includes, but is not limited to, marriage and family therapy,
4513 psychotherapy, including behavioral family therapy,
4514 hypnotherapy, and sex therapy. The practice of marriage and
4515 family therapy also includes counseling, behavior modification,
4516 consultation, client-centered advocacy, crisis intervention, and
4517 the provision of needed information and education to clients,
4518 when using methods of a psychological nature to evaluate,
4519 assess, diagnose, treat, and prevent emotional and mental
4520 disorders and dysfunctions (whether cognitive, affective, or
4521 behavioral), sexual dysfunction, behavioral disorders,
4522 alcoholism, or substance abuse. The practice of marriage and
4523 family therapy may also include clinical research into more
4524 effective psychotherapeutic modalities for the treatment and
4525 prevention of such conditions.

HB 7011

2023

4526 (a) Marriage and family therapy may be rendered to
4527 individuals, including individuals affected by termination of
4528 marriage, to couples, whether married or unmarried, to families,
4529 or to groups.

4530 (b) The use of specific methods, techniques, or modalities
4531 within the practice of marriage and family therapy is restricted
4532 to marriage and family therapists appropriately trained in the
4533 use of such methods, techniques, or modalities.

4534 (c) The terms "diagnose" and "treat," as used in this
4535 chapter, when considered in isolation or in conjunction with the
4536 rules of the board, may not be construed to permit the
4537 performance of any act that marriage and family therapists are
4538 not educated and trained to perform, including, but not limited
4539 to, admitting persons to hospitals for treatment of the
4540 foregoing conditions, treating persons in hospitals without
4541 medical supervision, prescribing medicinal drugs as defined in
4542 chapter 465, authorizing clinical laboratory procedures or
4543 radiological procedures or the use of electroconvulsive therapy.
4544 In addition, this definition may not be construed to permit any
4545 person licensed, provisionally licensed, registered, or
4546 certified pursuant to this chapter to describe or label any
4547 test, report, or procedure as "psychological," except to relate
4548 specifically to the definition of practice authorized in this
4549 subsection.

4550 (d) The definition of "marriage and family therapy"

HB 7011

2023

4551 contained in this subsection includes all services offered
4552 directly to the general public or through organizations, whether
4553 public or private, and applies whether payment is requested or
4554 received for services rendered.

4555 Reviser's note.—Amended to confirm an editorial insertion to
4556 improve clarity.

4557 Section 106. Subsection (6) of section 491.0045, Florida
4558 Statutes, is amended to read:

4559 491.0045 Intern registration; requirements.—

4560 (6) ~~A registration issued on or before March 31, 2017,~~
4561 ~~expires March 31, 2022, and may not be renewed or reissued.~~ Any
4562 registration issued after March 31, 2017, expires 60 months
4563 after the date it is issued. The board may make a one-time
4564 exception to the requirements of this subsection in emergency or
4565 hardship cases, as defined by board rule, if the candidate has
4566 passed the theory and practice examination described in s.
4567 491.005(1)(d), (3)(d), and (4)(d).

4568 Reviser's note.—Amended to delete obsolete language.

4569 Section 107. Paragraph (s) of subsection (1) of section
4570 491.009, Florida Statutes, is amended to read:

4571 491.009 Discipline.—

4572 (1) The following acts constitute grounds for denial of a
4573 license or disciplinary action, as specified in s. 456.072(2) or
4574 s. 491.017:

4575 (s) Delegating professional responsibilities to a person

HB 7011

2023

4576 who ~~whom~~ the licensee, registered intern, or certificateholder
 4577 knows or has reason to know is not qualified by training or
 4578 experience to perform such responsibilities.

4579 Reviser's note.—Amended to confirm an editorial substitution to
 4580 conform to context.

4581 Section 108. Paragraph (i) of subsection (1) of section
 4582 497.260, Florida Statutes, is amended to read:

4583 497.260 Cemeteries; exemption; investigation and
 4584 mediation.—

4585 (1) The provisions of this chapter relating to cemeteries
 4586 and all rules adopted pursuant thereto shall apply to all
 4587 cemeteries except for:

4588 (i) A columbarium consisting of 5 acres or less which is
 4589 located on the main campus of a state university as defined in
 4590 s. 1000.21(8) ~~1000.21(6)~~. The university or university direct-
 4591 support organization, as defined in s. 1004.28(1), which
 4592 establishes the columbarium shall ensure that the columbarium is
 4593 constructed and perpetually kept and maintained in a manner
 4594 consistent with subsection (2) and the intent of this chapter.

4595 Reviser's note.—Amended to conform to the reordering of
 4596 definitions in s. 1000.21 by this act.

4597 Section 109. Subsections (20) through (23) and (26)
 4598 through (38) of section 550.002, Florida Statutes, are reordered
 4599 and amended to read:

4600 550.002 Definitions.—As used in this chapter, the term:

4601 (21)~~(20)~~ "Operating day" means a continuous period of 24
 4602 hours starting with the beginning of the first performance of a
 4603 race or game, even though the operating day may start during one
 4604 calendar day and extend past midnight except that no jai alai
 4605 game may commence after 1:30 a.m.

4606 (22)~~(21)~~ "Pari-mutuel" or "pari-mutuel wagering" means a
 4607 system of betting on races or games in which the winners divide
 4608 the total amount bet, after deducting management expenses and
 4609 taxes, in proportion to the sums they have wagered individually
 4610 and with regard to the odds assigned to particular outcomes.

4611 (23)~~(22)~~ "Pari-mutuel facility" means the grounds or
 4612 property of a cardroom, racetrack, fronton, or other facility
 4613 used by a licensed permitholder.

4614 (26)~~(23)~~ "Permitholder" or "permittee" means a holder of a
 4615 permit to conduct pari-mutuel wagering in this state as
 4616 authorized in this chapter.

4617 (27)~~(26)~~ "Post time" means the time set for the arrival at
 4618 the starting point of the horses in a race or the beginning of a
 4619 game in jai alai.

4620 (28)~~(27)~~ "Purse" means the cash portion of the prize for
 4621 which a race or game is contested.

4622 (29)~~(28)~~ "Quarter horse" means a breed of horse developed
 4623 in the western United States which is capable of high speed for
 4624 a short distance and used in quarter horse racing registered
 4625 with the American Quarter Horse Association.

HB 7011

2023

4626 (30)~~(29)~~ "Regular wagering" means contributions to pari-
4627 mutuel pools involving wagering on a single entry in a single
4628 race, or a single jai alai player or team in a single game, such
4629 as the win pool, the place pool, or the show pool.

4630 (31)~~(30)~~ "Same class of races, games, or permit" means,
4631 with respect to a jai alai permitholder, jai alai games or other
4632 jai alai permitholders; with respect to a greyhound
4633 permitholder, other greyhound permitholders conducting pari-
4634 mutuel wagering; with respect to a thoroughbred permitholder,
4635 thoroughbred races or other thoroughbred permitholders; with
4636 respect to a harness permitholder, harness races or other
4637 harness permitholders; with respect to a quarter horse
4638 permitholder, quarter horse races or other quarter horse
4639 permitholders.

4640 (32)~~(31)~~ "Simulcasting" means broadcasting events
4641 occurring live at an in-state location to an out-of-state
4642 location, or receiving at an in-state location events occurring
4643 live at an out-of-state location, by the transmittal,
4644 retransmittal, reception, and rebroadcast of television or radio
4645 signals by wire, cable, satellite, microwave, or other
4646 electrical or electronic means for receiving or rebroadcasting
4647 the events.

4648 (33)~~(32)~~ "Standardbred horse" means a pacing or trotting
4649 horse that is used in harness racing and that has been
4650 registered as a standardbred by the United States Trotting

HB 7011

2023

4651 Association or by a foreign registry whose stud book is
4652 recognized by the United States Trotting Association.

4653 ~~(34)~~(33) "Takeout" means the percentage of the pari-mutuel
4654 pools deducted by the permitholder prior to the distribution of
4655 the pool.

4656 ~~(35)~~(34) "Thoroughbred" means a purebred horse whose
4657 ancestry can be traced back to one of three foundation sires and
4658 whose pedigree is registered in the American Stud Book or in a
4659 foreign stud book that is recognized by the Jockey Club and the
4660 International Stud Book Committee.

4661 ~~(36)~~(35) "Totalisator" means the computer system used to
4662 accumulate wagers, record sales, calculate payoffs, and display
4663 wagering data on a display device that is located at a pari-
4664 mutuel facility.

4665 ~~(37)~~(36) "Ultimate equitable owner" means a natural person
4666 who, directly or indirectly, owns or controls 5 percent or more
4667 of an ownership interest in a corporation, foreign corporation,
4668 or alien business organization, regardless of whether such
4669 person owns or controls such ownership through one or more
4670 natural persons or one or more proxies, powers of attorney,
4671 nominees, corporations, associations, partnerships, trusts,
4672 joint stock companies, or other entities or devices, or any
4673 combination thereof.

4674 ~~(38)~~(37) "Year," for purposes of determining a full
4675 schedule of live racing, means the state fiscal year.

HB 7011

2023

4676 (20)~~(38)~~ "Net pool pricing" means a method of calculating
4677 prices awarded to winning wagers relative to the contribution,
4678 net of takeouts, to a pool by each participating jurisdiction
4679 or, as applicable, site.

4680 Reviser's note.—Amended to place the definitions of subsections
4681 (20) through (23) and (26) through (38) in alphabetical
4682 order.

4683 Section 110. Paragraph (b) of subsection (1) of section
4684 550.01215, Florida Statutes, is amended to read:

4685 550.01215 License application; periods of operation;
4686 license fees; bond.—

4687 (1) Each permitholder shall annually, during the period
4688 between December 15 and January 4, file in writing with the
4689 commission its application for an operating license for a pari-
4690 mutuel facility for the conduct of pari-mutuel wagering during
4691 the next state fiscal year, including intertrack and simulcast
4692 race wagering. Each application for live performances must
4693 specify the number, dates, and starting times of all live
4694 performances that the permitholder intends to conduct. It must
4695 also specify which performances will be conducted as charity or
4696 scholarship performances.

4697 (b)1. A greyhound permitholder may not conduct live
4698 racing. A jai alai permitholder, harness horse racing
4699 permitholder, or quarter horse racing permitholder may elect not
4700 to conduct live racing or games. A thoroughbred permitholder

HB 7011

2023

4701 must conduct live racing. A greyhound permitholder, jai alai
4702 permitholder, harness horse racing permitholder, or quarter
4703 horse racing permitholder that does not conduct live racing or
4704 games retains its permit; is a pari-mutuel facility as defined
4705 in s. 550.002(23) ~~550.002(22)~~; if such permitholder has been
4706 issued a slot machine license, the facility where such permit is
4707 located remains an eligible facility as defined in s.
4708 551.102(4), continues to be eligible for a slot machine license
4709 pursuant to s. 551.104(3), and is exempt from ss. 551.104(4)(c)
4710 and (10) and 551.114(2); is eligible, but not required, to be a
4711 guest track and, if the permitholder is a harness horse racing
4712 permitholder, to be a host track for purposes of intertrack
4713 wagering and simulcasting pursuant to ss. 550.3551, 550.615,
4714 550.625, and 550.6305; and remains eligible for a cardroom
4715 license.

4716 2. A permitholder or licensee may not conduct live
4717 greyhound racing or dogracing in connection with any wager for
4718 money or any other thing of value in the state. The commission
4719 may deny, suspend, or revoke any permit or license under this
4720 chapter if a permitholder or licensee conducts live greyhound
4721 racing or dogracing in violation of this subparagraph. In
4722 addition to, or in lieu of, denial, suspension, or revocation of
4723 such permit or license, the commission may impose a civil
4724 penalty of up to \$5,000 against the permitholder or licensee for
4725 a violation of this subparagraph. All penalties imposed and

HB 7011

2023

4726 collected must be deposited with the Chief Financial Officer to
4727 the credit of the General Revenue Fund.

4728 Reviser's note.—Amended to conform to the reordering of
4729 definitions in s. 550.002 by this act.

4730 Section 111. Paragraph (b) of subsection (7) of section
4731 550.2625, Florida Statutes, is amended to read:

4732 550.2625 Horseracing; minimum purse requirement, Florida
4733 breeders' and owners' awards.—

4734 (7)

4735 (b) The commission shall deposit these collections to the
4736 credit of the General Inspection Trust Fund in a special account
4737 to be known as the "Florida Appaloosa Racing Promotion Account."
4738 The Department of Agriculture and Consumer Services shall
4739 administer the funds and adopt suitable and reasonable rules for
4740 the administration thereof. The moneys in the Florida Appaloosa
4741 Racing Promotion Account shall be allocated solely for
4742 supplementing and augmenting purses and prizes and for the
4743 general promotion of owning and breeding of racing Appaloosas in
4744 this state. ~~and~~ The moneys may not be used to defray any
4745 expense of the Department of Agriculture and Consumer Services
4746 in the administration of this chapter.

4747 Reviser's note.—Amended to improve sentence structure.

4748 Section 112. Subsection (1) of section 553.895, Florida
4749 Statutes, is amended to read:

4750 553.895 Firesafety.—

HB 7011

2023

4751 (1) Any transient public lodging establishment, as defined
4752 in chapter 509 and used primarily for transient occupancy as
4753 defined in s. 83.43(17) ~~83.43(10)~~, or any timeshare unit of a
4754 timeshare plan as defined in chapters 718 and 721, which is of
4755 three stories or more and for which the construction contract
4756 has been let after September 30, 1983, with interior corridors
4757 which do not have direct access from the guest area to exterior
4758 means of egress and on buildings over 75 feet in height that
4759 have direct access from the guest area to exterior means of
4760 egress and for which the construction contract has been let
4761 after September 30, 1983, shall be equipped with an automatic
4762 sprinkler system installed in compliance with the provisions
4763 prescribed in the National Fire Protection Association
4764 publication NFPA No. 13 (1985), "Standards for the Installation
4765 of Sprinkler Systems." Each guest room and each timeshare unit
4766 shall be equipped with an approved listed single-station smoke
4767 detector meeting the minimum requirements of NFPA 74 (1984)
4768 "Standards for the Installation, Maintenance and Use of
4769 Household Fire Warning Equipment," powered from the building
4770 electrical service, notwithstanding the number of stories in the
4771 structure, if the contract for construction is let after
4772 September 30, 1983. Single-station smoke detectors shall not be
4773 required when guest rooms or timeshare units contain smoke
4774 detectors connected to a central alarm system which also alarms
4775 locally.

HB 7011

2023

4776 Reviser's note.—Amended to conform to the reordering of
4777 definitions in s. 83.43 by this act.
4778 Section 113. Paragraph (c) of subsection (1) of section
4779 560.141, Florida Statutes, is amended to read:
4780 560.141 License application.—
4781 (1) To apply for a license as a money services business
4782 under this chapter, the applicant must submit:
4783 (c) Fingerprints for each person listed in subparagraph
4784 (a)3. for live-scan processing in accordance with rules adopted
4785 by the commission.
4786 1. The fingerprints may be submitted through a third-party
4787 vendor authorized by the Department of Law Enforcement to
4788 provide live-scan fingerprinting.
4789 2. The Department of Law Enforcement must conduct the
4790 state criminal history background check, and a federal criminal
4791 history background check must be conducted through the Federal
4792 Bureau of Investigation.
4793 3. All fingerprints submitted to the Department of Law
4794 Enforcement must be submitted electronically and entered into
4795 the statewide automated fingerprint identification system
4796 established in s. 943.05(2) (b) and available for use in
4797 accordance with s. 943.05(2) (g) and (h). The office shall pay an
4798 annual fee to the Department of Law Enforcement to participate
4799 in the system and shall inform the Department of Law Enforcement
4800 of any person whose fingerprints no longer must be retained.

HB 7011

2023

4801 4. The costs of fingerprint processing, including the cost
 4802 of retaining the fingerprints, shall be borne by the person
 4803 subject to the background check.

4804 5. The office shall review the results of the state and
 4805 federal criminal history background checks and determine whether
 4806 the applicant meets licensure requirements.

4807 6. For purposes of this paragraph, fingerprints are not
 4808 required to be submitted if the applicant is a publicly traded
 4809 corporation or is exempted from this chapter under s.
 4810 560.104(1).

4811 ~~7. Licensees initially approved before October 1, 2013,~~
 4812 ~~who are seeking renewal must submit fingerprints for each person~~
 4813 ~~listed in subparagraph (a)3. for live-scan processing pursuant~~
 4814 ~~to this paragraph. Such fingerprints must be submitted before~~
 4815 ~~renewing a license that is scheduled to expire between April 30,~~
 4816 ~~2014, and December 31, 2015.~~

4817 Reviser's note.—Amended to delete an obsolete provision.

4818 Section 114. Section 624.36, Florida Statutes, is amended
 4819 to read:

4820 624.36 Availability of description of specified behavioral
 4821 health care benefits on department website ~~Coverage of and~~
 4822 ~~access to behavioral health care services; complaints;~~
 4823 ~~reporting.—~~

4824 ~~(1) By January 31, 2022, the department shall submit a~~
 4825 ~~report to the Governor, the President of the Senate, and the~~

HB 7011

2023

4826 ~~Speaker of the House of Representatives relating to the~~
4827 ~~disposition of complaints received from insureds and subscribers~~
4828 ~~of insurers or health maintenance organizations regulated by the~~
4829 ~~office relating to the access to and affordability of behavioral~~
4830 ~~health care services and benefits during the prior calendar~~
4831 ~~year. At a minimum, the report must include all of the following~~
4832 ~~information:~~

4833 ~~(a) The total number of complaints received.~~

4834 ~~(b) The nature of the complaints, including, but not~~
4835 ~~limited to, concerns related to access to in-network providers~~
4836 ~~or facilities; access to inpatient or outpatient services;~~
4837 ~~availability of specialists; affordability of services;~~
4838 ~~equivalency of behavioral health care benefits with respect to~~
4839 ~~medical and surgical benefits; quality of care; and denial of~~
4840 ~~services, including the types of services denied and the stated~~
4841 ~~reason for the denials.~~

4842 ~~(c) The disposition of the complaints.~~

4843 ~~(d) Any recommendations made by the department to the~~
4844 ~~Legislature for ensuring the access to and affordability of~~
4845 ~~behavioral health care services to insureds and subscribers.~~

4846 ~~(2)~~ The department shall make available on its website a
4847 description of behavioral health care benefits required to be
4848 made available pursuant to s. 627.668 and federal law for
4849 individual and group policies and contracts.

4850 Reviser's note.—Amended to delete an obsolete provision; the

HB7011

2023

4851 referenced plan was submitted to the recipients on January
4852 21, 2022.

4853 Section 115. Paragraph (h) of subsection (1) of section
4854 626.321, Florida Statutes, is amended to read:

4855 626.321 Limited licenses and registration.—

4856 (1) The department shall issue to a qualified applicant a
4857 license as agent authorized to transact a limited class of
4858 business in any of the following categories of limited lines
4859 insurance:

4860 (h) *Portable electronics insurance.*—License for property
4861 insurance or inland marine insurance that covers only loss,
4862 theft, mechanical failure, malfunction, or damage for portable
4863 electronics.

4864 1. The license may be issued only to:

4865 a. Employees or authorized representatives of a licensed
4866 general lines agent; or

4867 b. The lead business location of a retail vendor that
4868 sells portable electronics insurance. The lead business location
4869 must have a contractual relationship with a general lines agent.

4870 2. Employees or authorized representatives of a licensee
4871 under subparagraph 1. may sell or offer for sale portable
4872 electronics coverage without being subject to licensure as an
4873 insurance agent if:

4874 a. Such insurance is sold or offered for sale at a
4875 licensed location or at one of the licensee's branch locations

HB 7011

2023

4876 | if the branch location is appointed by the licensed lead
4877 | business location or its appointing insurers;

4878 | b. The insurer issuing the insurance directly supervises
4879 | or appoints a general lines agent to supervise the sale of such
4880 | insurance, including the development of a training program for
4881 | the employees and authorized representatives of vendors that are
4882 | directly engaged in the activity of selling or offering the
4883 | insurance; and

4884 | c. At each location where the insurance is offered,
4885 | brochures or other written materials that provide the
4886 | information required by this subparagraph are made available to
4887 | all prospective customers. The brochures or written materials
4888 | may include information regarding portable electronics
4889 | insurance, service warranty agreements, or other incidental
4890 | services or benefits offered by a licensee.

4891 | 3. Individuals not licensed to sell portable electronics
4892 | insurance may not be paid commissions based on the sale of such
4893 | coverage. However, a licensee who uses a compensation plan for
4894 | employees and authorized representatives which includes
4895 | supplemental compensation for the sale of noninsurance products,
4896 | in addition to a regular salary or hourly wages, may include
4897 | incidental compensation for the sale of portable electronics
4898 | insurance as a component of the overall compensation plan.

4899 | 4. Brochures or other written materials related to
4900 | portable electronics insurance must:

HB 7011

2023

- 4901 a. Disclose that such insurance may duplicate coverage
4902 already provided by a customer's homeowners insurance policy,
4903 renters insurance policy, or other source of coverage;
- 4904 b. State that enrollment in insurance coverage is not
4905 required in order to purchase or lease portable electronics or
4906 services;
- 4907 c. Summarize the material terms of the insurance coverage,
4908 including the identity of the insurer, the identity of the
4909 supervising entity, the amount of any applicable deductible and
4910 how it is to be paid, the benefits of coverage, and key terms
4911 and conditions of coverage, such as whether portable electronics
4912 may be repaired or replaced with similar make and model
4913 reconditioned or nonoriginal manufacturer parts or equipment;
- 4914 d. Summarize the process for filing a claim, including a
4915 description of how to return portable electronics and the
4916 maximum fee applicable if the customer fails to comply with
4917 equipment return requirements; and
- 4918 e. State that an enrolled customer may cancel coverage at
4919 any time and that the person paying the premium will receive a
4920 refund of any unearned premium.
- 4921 5. A licensed and appointed general lines agent is not
4922 required to obtain a portable electronics insurance license to
4923 offer or sell portable electronics insurance at locations
4924 already licensed as an insurance agency, but may apply for a
4925 portable electronics insurance license for branch locations not

HB 7011

2023

4926 otherwise licensed to sell insurance.

4927 6. A portable electronics license authorizes the sale of
4928 individual policies or certificates under a group or master
4929 insurance policy. The license also authorizes the sale of
4930 service warranty agreements covering only portable electronics
4931 to the same extent as if licensed under s. 634.419 or s.
4932 634.420.

4933 7. A licensee may bill and collect the premium for the
4934 purchase of portable electronics insurance provided that:

4935 a. If the insurance is included with the purchase or lease
4936 of portable electronics or related services, the licensee
4937 clearly and conspicuously discloses that insurance coverage is
4938 included with the purchase. Disclosure of the stand-alone cost
4939 of the premium for same or similar insurance must be made on the
4940 customer's bill and in any marketing materials made available at
4941 the point of sale. If the insurance is not included, the charge
4942 to the customer for the insurance must be separately itemized on
4943 the customer's bill.

4944 b. Premiums are incidental to other fees collected, are
4945 maintained in a manner that is readily identifiable, and are
4946 accounted for and remitted to the insurer or supervising entity
4947 within 60 days of receipt. Licensees are not required to
4948 maintain such funds in a segregated account.

4949 c. All funds received by a licensee from an enrolled
4950 customer for the sale of the insurance are considered funds held

HB7011

2023

4951 in trust by the licensee in a fiduciary capacity for the benefit
4952 of the insurer. Licensees may receive compensation for billing
4953 and collection services.

4954 8. Notwithstanding any other provision of law, the terms
4955 for the termination or modification of coverage under a policy
4956 of portable electronics insurance are those set forth in the
4957 policy.

4958 9. Notice or correspondence required by the policy, or
4959 otherwise required by law, may be provided by electronic means
4960 if the insurer or licensee maintains proof that the notice or
4961 correspondence was sent. Such notice or correspondence may be
4962 sent on behalf of the insurer or licensee by the general lines
4963 agent appointed by the insurer to supervise the administration
4964 of the program. For purposes of this subparagraph, an enrolled
4965 customer's provision of an electronic mail address to the
4966 insurer or licensee is deemed to be consent to receive notices
4967 and correspondence by electronic means if a conspicuously
4968 located disclosure is provided to the customer indicating the
4969 same.

4970 10. The fingerprinting ~~fingerprints~~ requirements in s.
4971 626.171(4) do not apply to licenses issued to qualified entities
4972 under this paragraph.

4973 11. A branch location that sells portable electronics
4974 insurance may, in lieu of obtaining an appointment from an
4975 insurer or warranty association, obtain a single appointment

HB 7011

2023

4976 from the associated lead business location licensee and pay the
4977 prescribed appointment fee under s. 624.501 if the lead business
4978 location has a single appointment from each insurer or warranty
4979 association represented and such appointment applies to the lead
4980 business location and all of its branch locations. Branch
4981 location appointments shall be renewed 24 months after the
4982 initial appointment date of the lead business location and every
4983 24 months thereafter. Notwithstanding s. 624.501, the renewal
4984 fee applicable to such branch location appointments is \$30 per
4985 appointment.

4986 12. For purposes of this paragraph:

4987 a. "Branch location" means any physical location in this
4988 state at which a licensee offers its products or services for
4989 sale.

4990 b. "Portable electronics" means personal, self-contained,
4991 easily carried by an individual, battery-operated electronic
4992 communication, viewing, listening, recording, gaming, computing
4993 or global positioning devices, including cell or satellite
4994 phones, pagers, personal global positioning satellite units,
4995 portable computers, portable audio listening, video viewing or
4996 recording devices, digital cameras, video camcorders, portable
4997 gaming systems, docking stations, automatic answering devices,
4998 and other similar devices and their accessories, and service
4999 related to the use of such devices.

5000 c. "Portable electronics transaction" means the sale or

HB 7011

2023

5001 | lease of portable electronics or a related service, including
5002 | portable electronics insurance.
5003 | Reviser's note.—Amended to confirm an editorial substitution to
5004 | conform to context.
5005 | Section 116. Subsections (2), (5), and (6) of section
5006 | 626.9891, Florida Statutes, are amended to read:
5007 | 626.9891 Insurer anti-fraud investigative units; reporting
5008 | requirements; penalties for noncompliance.—
5009 | (2) ~~By December 31, 2017,~~ Every insurer admitted to do
5010 | business in this state shall:
5011 | (a)1. Establish and maintain a designated anti-fraud unit
5012 | or division within the company to investigate and report
5013 | possible fraudulent insurance acts by insureds or by persons
5014 | making claims for services or repairs against policies held by
5015 | insureds; or
5016 | 2. Contract with others to investigate and report possible
5017 | fraudulent insurance acts by insureds or by persons making
5018 | claims for services or repairs against policies held by
5019 | insureds.
5020 | (b) Adopt an anti-fraud plan.
5021 | (c) Designate at least one employee with primary
5022 | responsibility for implementing the requirements of this
5023 | section.
5024 | (d) Electronically file with the Division of Investigative
5025 | and Forensic Services of the department, and annually

HB 7011

2023

5026 thereafter, a detailed description of the designated anti-fraud
5027 unit or division or a copy of the contract executed under
5028 subparagraph (a)2., as applicable, a copy of the anti-fraud
5029 plan, and the name of the employee designated under paragraph
5030 (c).

5031
5032 An insurer must include the additional cost incurred in creating
5033 a distinct unit or division, hiring additional employees, or
5034 contracting with another entity to fulfill the requirements of
5035 this section, as an administrative expense for ratemaking
5036 purposes.

5037 (5) Each insurer is required to report data related to
5038 fraud for each identified line of business written by the
5039 insurer during the prior calendar year. The data shall be
5040 reported to the department annually by March 1, ~~2019,~~ and
5041 ~~annually thereafter,~~ and must include, at a minimum:

5042 (a) The number of policies in effect;

5043 (b) The amount of premiums written for policies;

5044 (c) The number of claims received;

5045 (d) The number of claims referred to the anti-fraud
5046 investigative unit;

5047 (e) The number of other insurance fraud matters referred
5048 to the anti-fraud investigative unit that were not claim
5049 related;

5050 (f) The number of claims investigated or accepted by the

5051 anti-fraud investigative unit;

5052 (g) The number of other insurance fraud matters

5053 investigated or accepted by the anti-fraud investigative unit

5054 that were not claim related;

5055 (h) The number of cases referred to the Division of

5056 Investigative and Forensic Services;

5057 (i) The number of cases referred to other law enforcement

5058 agencies;

5059 (j) The number of cases referred to other entities; and

5060 (k) The estimated dollar amount or range of damages on

5061 cases referred to the Division of Investigative and Forensic

5062 Services or other agencies.

5063 (6) In addition to providing information required under

5064 subsections (2), (4), and (5), each insurer writing workers'

5065 compensation insurance shall also report the following

5066 information to the department, annually, on or before March 1~~7~~

5067 ~~2019, and annually thereafter:~~

5068 (a) The estimated dollar amount of losses attributable to

5069 workers' compensation fraud delineated by the type of fraud,

5070 including claimant, employer, provider, agent, or other type.

5071 (b) The estimated dollar amount of recoveries attributable

5072 to workers' compensation fraud delineated by the type of fraud,

5073 including claimant, employer, provider, agent, or other type.

5074 (c) The number of cases referred to the Division of

5075 Investigative and Forensic Services, delineated by the type of

5076 fraud, including claimant, employer, provider, agent, or other
 5077 type.

5078 Reviser's note.—Amended to delete obsolete language.

5079 Section 117. Subsection (1) of section 695.031, Florida
 5080 Statutes, is amended to read:

5081 695.031 Affidavits and acknowledgments by members of armed
 5082 forces and their spouses.—

5083 (1) In addition to the manner, form and proof of
 5084 acknowledgment of instruments as now provided by law, any person
 5085 serving in or with the Armed Forces of the United States,
 5086 including the Army, Navy, Air Force, Marine Corps, Space Force,
 5087 Coast Guard, or any component or any arm or service of any
 5088 thereof, ~~including any female auxiliary of any thereof,~~ and any
 5089 person whose duties require his or her presence with the Armed
 5090 Forces of the United States, as herein designated, or otherwise
 5091 designated by law or military or naval command, may acknowledge
 5092 any instrument, wherever located, either within or without the
 5093 state, or without the United States, before any commissioned
 5094 officer in active service of the Armed Forces of the United
 5095 States, as herein designated, or otherwise designated by law, or
 5096 military or naval command, or order, with the rank of second
 5097 lieutenant or higher in the Army, Air Force, Space Force, or
 5098 Marine Corps, or of any component or any arm or service of any
 5099 thereof, ~~including any female auxiliary of any thereof,~~ or
 5100 ensign or higher in the Navy or United States Coast Guard, or of

5101 any component or any arm or service of either thereof, ~~including~~
 5102 ~~any female auxiliary of any thereof.~~

5103 Reviser's note.—Amended to delete obsolete language to conform
 5104 to the fact that female auxiliary forces no longer exist.

5105 Section 118. Subsections (1) through (4) of section
 5106 705.101, Florida Statutes, are reordered and amended to read:

5107 705.101 Definitions.—As used in this chapter:

5108 (3)~~(1)~~ "Local government" means the board of county
 5109 commissioners of a county or the commission or council of any
 5110 municipality in the county.

5111 (4)~~(2)~~ "Lost property" means all tangible personal
 5112 property which does not have an identifiable owner and which has
 5113 been mislaid on public property, upon a public conveyance, on
 5114 premises used at the time for business purposes, or in parks,
 5115 places of amusement, public recreation areas, or other places
 5116 open to the public in a substantially operable, functioning
 5117 condition or which has an apparent intrinsic value to the
 5118 rightful owner.

5119 (1)~~(3)~~ "Abandoned property" means all tangible personal
 5120 property that does not have an identifiable owner and that has
 5121 been disposed on public property in a wrecked, inoperative, or
 5122 partially dismantled condition or has no apparent intrinsic
 5123 value to the rightful owner. The term includes derelict vessels
 5124 as defined in s. 823.11 and vessels declared a public nuisance
 5125 pursuant to s. 327.73(1)(aa).

HB 7011

2023

5126 (2)~~(4)~~ "Law enforcement officer" means any person who is
5127 elected, appointed, or employed full time by any sheriff, any
5128 municipality, or the state or any political subdivision thereof;
5129 who is vested with authority to bear arms and make arrests; and
5130 whose primary responsibility is the prevention and detection of
5131 crime or the enforcement of the penal, criminal, traffic, or
5132 highway laws of the state. This definition includes all
5133 certified supervisory and command personnel whose duties
5134 include, in whole or in part, the supervision, training,
5135 guidance, and management responsibilities of full-time law
5136 enforcement officers or auxiliary law enforcement officers but
5137 does not include support personnel employed by the employing
5138 agency.

5139 Reviser's note.—Amended to place the definitions of the section
5140 in alphabetical order.

5141 Section 119. Paragraph (d) of subsection (1) of section
5142 718.501, Florida Statutes, is amended to read:

5143 718.501 Authority, responsibility, and duties of Division
5144 of Florida Condominiums, Timeshares, and Mobile Homes.—

5145 (1) The division may enforce and ensure compliance with
5146 this chapter and rules relating to the development,
5147 construction, sale, lease, ownership, operation, and management
5148 of residential condominium units and complaints related to the
5149 procedural completion of milestone inspections under s. 553.899.
5150 In performing its duties, the division has complete jurisdiction

HB 7011

2023

5151 to investigate complaints and enforce compliance with respect to
5152 associations that are still under developer control or the
5153 control of a bulk assignee or bulk buyer pursuant to part VII of
5154 this chapter and complaints against developers, bulk assignees,
5155 or bulk buyers involving improper turnover or failure to
5156 turnover, pursuant to s. 718.301. However, after turnover has
5157 occurred, the division has jurisdiction to investigate
5158 complaints related only to financial issues, elections, and the
5159 maintenance of and unit owner access to association records
5160 under s. 718.111(12), and the procedural completion of
5161 structural integrity reserve studies under s. 718.112(2)(g).

5162 (d) Notwithstanding any remedies available to unit owners
5163 and associations, if the division has reasonable cause to
5164 believe that a violation of any provision of this chapter or
5165 related rule has occurred, the division may institute
5166 enforcement proceedings in its own name against any developer,
5167 bulk assignee, bulk buyer, association, officer, or member of
5168 the board of administration, or its assignees or agents, as
5169 follows:

5170 1. The division may permit a person whose conduct or
5171 actions may be under investigation to waive formal proceedings
5172 and enter into a consent proceeding whereby orders, rules, or
5173 letters of censure or warning, whether formal or informal, may
5174 be entered against the person.

5175 2. The division may issue an order requiring the

HB 7011

2023

5176 developer, bulk assignee, bulk buyer, association, developer-
5177 designated officer, or developer-designated member of the board
5178 of administration, developer-designated assignees or agents,
5179 bulk assignee-designated assignees or agents, bulk buyer-
5180 designated assignees or agents, community association manager,
5181 or community association management firm to cease and desist
5182 from the unlawful practice and take such affirmative action as
5183 in the judgment of the division carry out the purposes of this
5184 chapter. If the division finds that a developer, bulk assignee,
5185 bulk buyer, association, officer, or member of the board of
5186 administration, or its assignees or agents, is violating or is
5187 about to violate any provision of this chapter, any rule adopted
5188 or order issued by the division, or any written agreement
5189 entered into with the division, and presents an immediate danger
5190 to the public requiring an immediate final order, it may issue
5191 an emergency cease and desist order reciting with particularity
5192 the facts underlying such findings. The emergency cease and
5193 desist order is effective for 90 days. If the division begins
5194 nonemergency cease and desist proceedings, the emergency cease
5195 and desist order remains effective until the conclusion of the
5196 proceedings under ss. 120.569 and 120.57.

5197 3. If a developer, bulk assignee, or bulk buyer fails to
5198 pay any restitution determined by the division to be owed, plus
5199 any accrued interest at the highest rate permitted by law,
5200 within 30 days after expiration of any appellate time period of

5201 a final order requiring payment of restitution or the conclusion
 5202 of any appeal thereof, whichever is later, the division must
 5203 bring an action in circuit or county court on behalf of any
 5204 association, class of unit owners, lessees, or purchasers for
 5205 restitution, declaratory relief, injunctive relief, or any other
 5206 available remedy. The division may also temporarily revoke its
 5207 acceptance of the filing for the developer to which the
 5208 restitution relates until payment of restitution is made.

5209 4. The division may petition the court for appointment of
 5210 a receiver or conservator. If appointed, the receiver or
 5211 conservator may take action to implement the court order to
 5212 ensure the performance of the order and to remedy any breach
 5213 thereof. In addition to all other means provided by law for the
 5214 enforcement of an injunction or temporary restraining order, the
 5215 circuit court may impound or sequester the property of a party
 5216 defendant, including books, papers, documents, and related
 5217 records, and allow the examination and use of the property by
 5218 the division and a court-appointed receiver or conservator.

5219 5. The division may apply to the circuit court for an
 5220 order of restitution whereby the defendant in an action brought
 5221 under subparagraph 4. is ordered to make restitution of those
 5222 sums shown by the division to have been obtained by the
 5223 defendant in violation of this chapter. At the option of the
 5224 court, such restitution is payable to the conservator or
 5225 receiver appointed under subparagraph 4. or directly to the

5226 persons whose funds or assets were obtained in violation of this
5227 chapter.

5228 6. The division may impose a civil penalty against a
5229 developer, bulk assignee, or bulk buyer, or association, or its
5230 assignee or agent, for any violation of this chapter or related
5231 rule. The division may impose a civil penalty individually
5232 against an officer or board member who willfully and knowingly
5233 violates this chapter, an adopted rule, or a final order of the
5234 division; may order the removal of such individual as an officer
5235 or from the board of administration or as an officer of the
5236 association; and may prohibit such individual from serving as an
5237 officer or on the board of a community association for a period
5238 of time. The term "willfully and knowingly" means that the
5239 division informed the officer or board member that his or her
5240 action or intended action violates this chapter, a rule adopted
5241 under this chapter, or a final order of the division and that
5242 the officer or board member refused to comply with the
5243 requirements of this chapter, a rule adopted under this chapter,
5244 or a final order of the division. The division, before
5245 initiating formal agency action under chapter 120, must afford
5246 the officer or board member an opportunity to voluntarily
5247 comply, and an officer or board member who complies within 10
5248 days is not subject to a civil penalty. A penalty may be imposed
5249 on the basis of each day of continuing violation, but the
5250 penalty for any offense may not exceed \$5,000. The division

5251 shall adopt, by rule, penalty guidelines applicable to possible
5252 violations or to categories of violations of this chapter or
5253 rules adopted by the division. The guidelines must specify a
5254 meaningful range of civil penalties for each such violation of
5255 the statute and rules and must be based upon the harm caused by
5256 the violation, upon the repetition of the violation, and upon
5257 such other factors deemed relevant by the division. For example,
5258 the division may consider whether the violations were committed
5259 by a developer, bulk assignee, or bulk buyer, or owner-
5260 controlled association, the size of the association, and other
5261 factors. The guidelines must designate the possible mitigating
5262 or aggravating circumstances that justify a departure from the
5263 range of penalties provided by the rules. It is the legislative
5264 intent that minor violations be distinguished from those which
5265 endanger the health, safety, or welfare of the condominium
5266 residents or other persons and that such guidelines provide
5267 reasonable and meaningful notice to the public of likely
5268 penalties that may be imposed for proscribed conduct. This
5269 subsection does not limit the ability of the division to
5270 informally dispose of administrative actions or complaints by
5271 stipulation, agreed settlement, or consent order. All amounts
5272 collected shall be deposited with the Chief Financial Officer to
5273 the credit of the Division of Florida Condominiums, Timeshares,
5274 and Mobile Homes Trust Fund. If a developer, bulk assignee, or
5275 bulk buyer fails to pay the civil penalty and the amount deemed

5276 | to be owed to the association, the division shall issue an order
 5277 | directing that such developer, bulk assignee, or bulk buyer
 5278 | cease and desist from further operation until such time as the
 5279 | civil penalty is paid or may pursue enforcement of the penalty
 5280 | in a court of competent jurisdiction. If an association fails to
 5281 | pay the civil penalty, the division shall pursue enforcement in
 5282 | a court of competent jurisdiction, and the order imposing the
 5283 | civil penalty or the cease and desist order is not effective
 5284 | until 20 days after the date of such order. Any action commenced
 5285 | by the division shall be brought in the county in which the
 5286 | division has its executive offices or in the county where the
 5287 | violation occurred.

5288 | 7. If a unit owner presents the division with proof that
 5289 | the unit owner has requested access to official records in
 5290 | writing by certified mail, and that after 10 days the unit owner
 5291 | again made the same request for access to official records in
 5292 | writing by certified mail, and that more than 10 days has
 5293 | elapsed since the second request and the association has still
 5294 | failed or refused to provide access to official records as
 5295 | required by this chapter, the division shall issue a subpoena
 5296 | requiring production of the requested records where the records
 5297 | are kept pursuant to s. 718.112.

5298 | 8. In addition to subparagraph 6., the division may seek
 5299 | the imposition of a civil penalty through the circuit court for
 5300 | any violation for which the division may issue a notice to show

HB 7011

2023

5301 cause under paragraph (r). The civil penalty shall be at least
5302 \$500 but no more than \$5,000 for each violation. The court may
5303 also award to the prevailing party court costs and reasonable
5304 attorney fees and, if the division prevails, may also award
5305 reasonable costs of investigation.

5306 Reviser's note.—Amended to confirm an editorial insertion to
5307 improve clarity and for consistency with the rest of the
5308 sentence.

5309 Section 120. Paragraph (d) of subsection (1) of section
5310 719.501, Florida Statutes, is amended to read:

5311 719.501 Powers and duties of Division of Florida
5312 Condominiums, Timeshares, and Mobile Homes.—

5313 (1) The Division of Florida Condominiums, Timeshares, and
5314 Mobile Homes of the Department of Business and Professional
5315 Regulation, referred to as the "division" in this part, in
5316 addition to other powers and duties prescribed by chapter 718,
5317 has the power to enforce and ensure compliance with this chapter
5318 and adopted rules relating to the development, construction,
5319 sale, lease, ownership, operation, and management of residential
5320 cooperative units; complaints related to the procedural
5321 completion of the structural integrity reserve studies under s.
5322 719.106(1)(k); and complaints related to the procedural
5323 completion of milestone inspections under s. 553.899. In
5324 performing its duties, the division shall have the following
5325 powers and duties:

5326 (d) Notwithstanding any remedies available to unit owners
5327 and associations, if the division has reasonable cause to
5328 believe that a violation of any provision of this chapter or
5329 related rule has occurred, the division may institute
5330 enforcement proceedings in its own name against a developer,
5331 association, officer, or member of the board, or its assignees
5332 or agents, as follows:

5333 1. The division may permit a person whose conduct or
5334 actions may be under investigation to waive formal proceedings
5335 and enter into a consent proceeding whereby orders, rules, or
5336 letters of censure or warning, whether formal or informal, may
5337 be entered against the person.

5338 2. The division may issue an order requiring the
5339 developer, association, officer, or member of the board, or its
5340 assignees or agents, to cease and desist from the unlawful
5341 practice and take such affirmative action as in the judgment of
5342 the division will carry out the purposes of this chapter. Such
5343 affirmative action may include, but is not limited to, an order
5344 requiring a developer to pay moneys determined to be owed to a
5345 condominium association.

5346 3. The division may bring an action in circuit court on
5347 behalf of a class of unit owners, lessees, or purchasers for
5348 declaratory relief, injunctive relief, or restitution.

5349 4. The division may impose a civil penalty against a
5350 developer or association, or its assignees or agents, for any

5351 violation of this chapter or related rule. The division may
 5352 impose a civil penalty individually against any officer or board
 5353 member who willfully and knowingly violates a provision of this
 5354 chapter, a rule adopted pursuant to this chapter, or a final
 5355 order of the division. The term "willfully and knowingly" means
 5356 that the division informed the officer or board member that his
 5357 or her action or intended action violates this chapter, a rule
 5358 adopted under this chapter, or a final order of the division,
 5359 and that the officer or board member refused to comply with the
 5360 requirements of this chapter, a rule adopted under this chapter,
 5361 or a final order of the division. The division, prior to
 5362 initiating formal agency action under chapter 120, shall afford
 5363 the officer or board member an opportunity to voluntarily comply
 5364 with this chapter, a rule adopted under this chapter, or a final
 5365 order of the division. An officer or board member who complies
 5366 within 10 days is not subject to a civil penalty. A penalty may
 5367 be imposed on the basis of each day of continuing violation, but
 5368 in no event shall the penalty for any offense exceed \$5,000. ~~By~~
 5369 ~~January 1, 1998,~~ The division shall adopt, by rule, penalty
 5370 guidelines applicable to possible violations or to categories of
 5371 violations of this chapter or rules adopted by the division. The
 5372 guidelines must specify a meaningful range of civil penalties
 5373 for each such violation of the statute and rules and must be
 5374 based upon the harm caused by the violation, upon the repetition
 5375 of the violation, and upon such other factors deemed relevant by

HB7011

2023

5376 | the division. For example, the division may consider whether the
5377 | violations were committed by a developer or owner-controlled
5378 | association, the size of the association, and other factors. The
5379 | guidelines must designate the possible mitigating or aggravating
5380 | circumstances that justify a departure from the range of
5381 | penalties provided by the rules. It is the legislative intent
5382 | that minor violations be distinguished from those which endanger
5383 | the health, safety, or welfare of the cooperative residents or
5384 | other persons and that such guidelines provide reasonable and
5385 | meaningful notice to the public of likely penalties that may be
5386 | imposed for proscribed conduct. This subsection does not limit
5387 | the ability of the division to informally dispose of
5388 | administrative actions or complaints by stipulation, agreed
5389 | settlement, or consent order. All amounts collected shall be
5390 | deposited with the Chief Financial Officer to the credit of the
5391 | Division of Florida Condominiums, Timeshares, and Mobile Homes
5392 | Trust Fund. If a developer fails to pay the civil penalty, the
5393 | division shall thereupon issue an order directing that such
5394 | developer cease and desist from further operation until such
5395 | time as the civil penalty is paid or may pursue enforcement of
5396 | the penalty in a court of competent jurisdiction. If an
5397 | association fails to pay the civil penalty, the division shall
5398 | thereupon pursue enforcement in a court of competent
5399 | jurisdiction, and the order imposing the civil penalty or the
5400 | cease and desist order shall not become effective until 20 days

HB 7011

2023

5401 after the date of such order. Any action commenced by the
5402 division shall be brought in the county in which the division
5403 has its executive offices or in the county where the violation
5404 occurred.

5405 Reviser's note.—Amended to delete obsolete language and to
5406 confirm an editorial insertion to improve clarity and for
5407 consistency with the rest of the sentence.

5408 Section 121. Paragraph (b) of subsection (2) of section
5409 720.304, Florida Statutes, is amended to read:

5410 720.304 Right of owners to peaceably assemble; display of
5411 flag; SLAPP suits prohibited.—

5412 (2)

5413 (b) Any homeowner may erect a freestanding flagpole no
5414 more than 20 feet high on any portion of the homeowner's real
5415 property, regardless of any covenants, restrictions, bylaws,
5416 rules, or requirements of the association, if the flagpole does
5417 not obstruct sightlines at intersections and is not erected
5418 within or upon an easement. The homeowner may further display in
5419 a respectful manner from that flagpole, regardless of any
5420 covenants, restrictions, bylaws, rules, or requirements of the
5421 association, one official United States flag, not larger than 4
5422 1/2 feet by 6 feet, and may additionally display one official
5423 flag of the State of Florida or the United States Army, Navy,
5424 Air Force, Marines, Space Force, or Coast Guard, or a POW-MIA
5425 flag. Such additional flag must be equal in size to or smaller

5426 | than the United States flag. The flagpole and display are
 5427 | subject to all building codes, zoning setbacks, and other
 5428 | applicable governmental regulations, including, but not limited
 5429 | to, noise and lighting ordinances in the county or municipality
 5430 | in which the flagpole is erected and all setback and locational
 5431 | criteria contained in the governing documents.

5432 | Reviser's note.—Amended to confirm an editorial insertion to
 5433 | conform to the amendment by s. 19, ch. 2022-183, Laws of
 5434 | Florida, which added Space Force to the list of United
 5435 | States entities for which homeowners may display an
 5436 | official flag in paragraph (2) (a).

5437 | Section 122. Paragraphs (b) and (c) of subsection (1) of
 5438 | section 741.313, Florida Statutes, are amended to read:

5439 | 741.313 Unlawful action against employees seeking
 5440 | protection.—

5441 | (1) As used in this section, the term:

5442 | (b) "Employee" has the same meaning as in s. 440.02(18)
 5443 | ~~440.02(15)~~.

5444 | (c) "Employer" has the same meaning as in s. 440.02(19)
 5445 | ~~440.02(16)~~.

5446 | Reviser's note.—Amended to conform to the reordering of
 5447 | definitions in s. 440.02 by this act.

5448 | Section 123. Paragraphs (b) and (c) of subsection (3) of
 5449 | section 744.2111, Florida Statutes, are amended to read:

5450 | 744.2111 Confidentiality.—

5451 (3) This section does not prohibit the department from
 5452 providing such information:

5453 (b) To any other regulatory agency in the performance of
 5454 its official duties and responsibilities;

5455 (c) To the clerk of the circuit court under s. 744.368; or
 5456 Reviser's note.—Amended to confirm an editorial insertion to
 5457 improve clarity.

5458 Section 124. Paragraph (e) of subsection (3) of section
 5459 766.105, Florida Statutes, is amended to read:

5460 766.105 Florida Patient's Compensation Fund.—

5461 (3) THE FUND.—

5462 (e) *Fund accounting and audit.*—

5463 1. Money shall be withdrawn from the fund only upon a
 5464 voucher as authorized by the Chief Financial Officer or his or
 5465 her designee.

5466 2. All books, records, and audits of the fund shall be
 5467 open for reasonable inspection to the general public, except
 5468 that a claim file in possession of the fund, fund members, and
 5469 their insurers is confidential and exempt from the provisions of
 5470 s. 119.07(1) and s. 24(a), Art. I of the State Constitution
 5471 until termination of litigation or settlement of the claim,
 5472 although medical records and other portions of the claim file
 5473 may remain confidential and exempt as otherwise provided by law.
 5474 Any book, record, document, audit, or asset acquired by,
 5475 prepared for, or paid for by the fund is subject to the

HB 7011

2023

5476 authority of the Chief Financial Officer or his or her designee,
5477 who ~~which~~ shall be responsible therefor.

5478 3. Persons authorized to receive deposits, issue vouchers,
5479 or withdraw or otherwise disburse any fund moneys shall post a
5480 blanket fidelity bond in an amount reasonably sufficient to
5481 protect fund assets. The cost of such bond shall be paid from
5482 the fund.

5483 4. Annually, the fund shall furnish, upon request, audited
5484 financial reports to any fund participant and to the Office of
5485 Insurance Regulation and the Joint Legislative Auditing
5486 Committee. The reports shall be prepared in accordance with
5487 accepted accounting procedures and shall include income and such
5488 other information as may be required by the Office of Insurance
5489 Regulation or the Joint Legislative Auditing Committee.

5490 5. Any money held in the fund shall be invested in
5491 interest-bearing investments. However, in no case may any such
5492 money be invested in the stock of any insurer participating in
5493 the Joint Underwriting Association authorized by s. 627.351(4)
5494 or in the parent company of, or company owning a controlling
5495 interest in, such insurer. All income derived from such
5496 investments shall be credited to the fund.

5497 6. Any health care provider participating in the fund may
5498 withdraw from such participation only at the end of a fiscal
5499 year; however, such health care provider shall remain subject to
5500 any assessment or any refund pertaining to any year in which

HB 7011

2023

5501 such member participated in the fund.
5502 Reviser's note.—Amended to confirm an editorial substitution to
5503 conform to context.

5504 Section 125. Paragraph (f) of subsection (10) of section
5505 768.28, Florida Statutes, is amended to read:

5506 768.28 Waiver of sovereign immunity in tort actions;
5507 recovery limits; civil liability for damages caused during a
5508 riot; limitation on attorney fees; statute of limitations;
5509 exclusions; indemnification; risk management programs.—

5510 (10)

5511 (f) For purposes of this section, any nonprofit
5512 independent college or university located and chartered in this
5513 state which owns or operates an accredited medical school, or
5514 any of its employees or agents, and which has agreed in an
5515 affiliation agreement or other contract to provide, or permit
5516 its employees or agents to provide, patient services as agents
5517 of a teaching hospital, is considered an agent of the teaching
5518 hospital while acting within the scope of and pursuant to
5519 guidelines established in the affiliation agreement or other
5520 contract. To the extent allowed by law, the contract must
5521 provide for the indemnification of the teaching hospital, up to
5522 the limits set out in this chapter, by the agent for any
5523 liability incurred which was caused by the negligence of the
5524 college or university or its employees or agents. The contract
5525 must also provide that those limited portions of the college,

5526 university, or medical school which are directly providing
 5527 services pursuant to the contract and which are considered an
 5528 agent of the teaching hospital for purposes of this section are
 5529 deemed to be acting on behalf of a public agency as defined in
 5530 s. 119.011(2).

5531 1. For purposes of this paragraph, the term:

5532 a. "Employee or agent" means an officer, employee, agent,
 5533 or servant of a nonprofit independent college or university
 5534 located and chartered in this state which owns or operates an
 5535 accredited medical school, including, but not limited to, the
 5536 faculty of the medical school, any health care practitioner or
 5537 licensee as defined in s. 456.001 for which the college or
 5538 university is vicariously liable, and the staff or
 5539 administrators of the medical school.

5540 b. "Patient services" means ~~mean~~:

5541 (I) Comprehensive health care services as defined in s.
 5542 641.19, including any related administrative service, provided
 5543 to patients in a teaching hospital;

5544 (II) Training and supervision of interns, residents, and
 5545 fellows providing patient services in a teaching hospital; or

5546 (III) Training and supervision of medical students in a
 5547 teaching hospital.

5548 c. "Teaching hospital" means a teaching hospital as
 5549 defined in s. 408.07 which is owned or operated by the state, a
 5550 county or municipality, a public health trust, a special taxing

5551 district, a governmental entity having health care
 5552 responsibilities, or a not-for-profit entity that operates such
 5553 facility as an agent of the state, or a political subdivision of
 5554 the state, under a lease or other contract.

5555 2. The teaching hospital or the medical school, or its
 5556 employees or agents, must provide notice to each patient, or the
 5557 patient's legal representative, that the college or university
 5558 that owns or operates the medical school and the employees or
 5559 agents of that college or university are acting as agents of the
 5560 teaching hospital and that the exclusive remedy for injury or
 5561 damage suffered as the result of any act or omission of the
 5562 teaching hospital, the college or university that owns or
 5563 operates the medical school, or the employees or agents of the
 5564 college or university, while acting within the scope of duties
 5565 pursuant to the affiliation agreement or other contract with a
 5566 teaching hospital, is by commencement of an action pursuant to
 5567 the provisions of this section. This notice requirement may be
 5568 met by posting the notice in a place conspicuous to all persons.

5569 3. This paragraph does not designate any employee
 5570 providing contracted patient services in a teaching hospital as
 5571 an employee or agent of the state for purposes of chapter 440.
 5572 Reviser's note.—Amended to conform to context.

5573 Section 126. Paragraphs (a), (b), and (d) of subsection
 5574 (1) of section 796.07, Florida Statutes, are reordered and
 5575 amended to read:

5576 | 796.07 Prohibiting prostitution and related acts.—
 5577 | (1) As used in this section:
 5578 | (b)~~(a)~~ "Female genitals" includes the labia minora, labia
 5579 | majora, clitoris, vulva, hymen, and vagina.
 5580 | (d)~~(b)~~ "Prostitution" means the giving or receiving of the
 5581 | body for sexual activity for hire but excludes sexual activity
 5582 | between spouses.
 5583 | (a)~~(d)~~ "Assignment" means the making of any appointment
 5584 | or engagement for prostitution or lewdness, or any act in
 5585 | furtherance of such appointment or engagement.
 5586 | Reviser's note.—Amended to place the definitions in subsection
 5587 | (1) in alphabetical order.
 5588 | Section 127. Subsection (2) of section 815.062, Florida
 5589 | Statutes, is amended to read:
 5590 | 815.062 Offenses against governmental entities.—
 5591 | (2) A person who willfully, knowingly, and without
 5592 | authorization introduces a computer contaminant that gains
 5593 | unauthorized access to, encrypts, modifies, or otherwise renders
 5594 | unavailable data, programs, or supporting documentation residing
 5595 | or existing within a computer, computer system, computer
 5596 | network, or electronic device owned or operated by a
 5597 | governmental entity and demands a ransom to prevent the
 5598 | publication of or to restore access to the data, programs, or
 5599 | supporting documentation or to otherwise remediate the impact of
 5600 | the computer contaminant commits a felony of the first degree,

HB 7011

2023

5601 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.
5602 Reviser's note.—Amended to confirm an editorial insertion to
5603 improve clarity.

5604 Section 128. Section 907.044, Florida Statutes, is amended
5605 to read:

5606 907.044 Annual study of pretrial release program
5607 effectiveness and cost efficiency.—The Office of Program Policy
5608 Analysis and Government Accountability shall conduct an annual
5609 study to evaluate the effectiveness and cost efficiency of
5610 pretrial release programs in this state. The study's scope shall
5611 include, but need not be limited to, gathering information
5612 pertaining to the funding sources of each pretrial release
5613 program, the nature of criminal convictions of defendants
5614 accepted into the programs, the number of failed court
5615 appearances by defendants accepted into each program, and the
5616 number of warrants issued subsequently for ~~by~~ defendants in each
5617 program, as well as the program's compliance with the provisions
5618 of this section. OPPAGA shall submit a report to the President
5619 of the Senate and the Speaker of the House of Representatives by
5620 January 1 of each year.

5621 Reviser's note.—Amended to conform to context.

5622 Section 129. Subsection (13) of section 943.10, Florida
5623 Statutes, is amended to read:

5624 943.10 Definitions; ss. 943.085–943.255.—The following
5625 words and phrases as used in ss. 943.085–943.255 are defined as

5626 follows:

5627 (13) "Head of the department" means the Governor and
 5628 Cabinet, as provided for in ss. 20.201 and 20.03(11) ~~20.03(4)~~.

5629 Reviser's note.—Amended to conform to the reordering of
 5630 definitions in s. 20.03 by this act.

5631 Section 130. Subsection (6) of section 943.13, Florida
 5632 Statutes, is amended to read:

5633 943.13 Officers' minimum qualifications for employment or
 5634 appointment.—On or after October 1, 1984, any person employed or
 5635 appointed as a full-time, part-time, or auxiliary law
 5636 enforcement officer or correctional officer; on or after October
 5637 1, 1986, any person employed as a full-time, part-time, or
 5638 auxiliary correctional probation officer; and on or after
 5639 October 1, 1986, any person employed as a full-time, part-time,
 5640 or auxiliary correctional officer by a private entity under
 5641 contract to the Department of Corrections, to a county
 5642 commission, or to the Department of Management Services shall:

5643 (6) ~~(a)~~ Have passed a physical examination by a licensed
 5644 physician, physician assistant, or licensed advanced practice
 5645 registered nurse, based on specifications established by the
 5646 commission. In order to be eligible for the presumption set
 5647 forth in s. 112.18 while employed with an employing agency, a
 5648 law enforcement officer, correctional officer, or correctional
 5649 probation officer must have successfully passed the physical
 5650 examination required by this subsection upon entering into

HB 7011

2023

5651 service as a law enforcement officer, correctional officer, or
5652 correctional probation officer with the employing agency, which
5653 examination must have failed to reveal any evidence of
5654 tuberculosis, heart disease, or hypertension. A law enforcement
5655 officer, correctional officer, or correctional probation officer
5656 may not use a physical examination from a former employing
5657 agency for purposes of claiming the presumption set forth in s.
5658 112.18 against the current employing agency.

5659 ~~(b)~~ The employing agency must maintain records of the
5660 physical examination for at least 5 years after the employee's
5661 separation from the employing agency. If the employing agency
5662 fails to maintain the records of the physical examination for
5663 the 5-year period after the employee's separation, it is
5664 presumed that the employee has met the requirements of this
5665 subsection ~~paragraph (a)~~.

5666 Reviser's note.—Amended to confirm the editorial deletion of
5667 paragraph designators incident to compiling the 2022
5668 Florida Statutes; the language in paragraph (b) is a
5669 continuation of that in paragraph (a) and does not connect
5670 directly to the section's introductory paragraph. An
5671 editorial substitution is confirmed to conform to the
5672 deletion of paragraph subunits.

5673 Section 131. Subsection (2) of section 946.502, Florida
5674 Statutes, is amended to read:

5675 946.502 Legislative intent with respect to operation of

5676 | correctional work programs.—

5677 | (2) It is further the intent of the Legislature that, once
 5678 | one such nonprofit corporation is organized, no other nonprofit
 5679 | corporation be organized for the purpose of carrying out this
 5680 | part. In carrying out this part, the corporation is not an
 5681 | "agency" within the meaning of s. 20.03(1) ~~20.03(11)~~.

5682 | Reviser's note.—Amended to conform to the reordering of
 5683 | definitions in s. 20.03 by this act.

5684 | Section 132. Paragraphs (b) and (c) of subsection (1) of
 5685 | section 951.23, Florida Statutes, are reordered and amended to
 5686 | read:

5687 | 951.23 County and municipal detention facilities;
 5688 | definitions; administration; standards and requirements.—

5689 | (1) DEFINITIONS.—As used in this section, the term:

5690 | ~~(c)-(b)~~ "County residential probation center" means a
 5691 | county-operated facility housing offenders serving misdemeanor
 5692 | sentences or first-time felony sentences. Such facilities shall
 5693 | provide or contract for the provision of the programs
 5694 | established under s. 951.231.

5695 | (b)-(e) "County prisoner" means a person who is detained in
 5696 | a county detention facility by reason of being charged with or
 5697 | convicted of either felony or misdemeanor.

5698 | Reviser's note.—Amended to place the definitions in subsection
 5699 | (1) in alphabetical order.

5700 | Section 133. Subsection (2) of section 960.0021, Florida

5701 Statutes, is amended to read:

5702 960.0021 Legislative intent; advisement to victims.—

5703 (2) The courts may fulfill their obligation to advise
5704 crime victims by doing one of the following:

5705 (a) Making the following announcement at any arraignment,
5706 sentencing, or case-management proceeding:

5707
5708 "If you are the victim of a crime with a case pending
5709 before this court, you are advised that you have the
5710 right, upon request:

- 5711 1. To be informed.
- 5712 2. To be present.
- 5713 3. To be heard at all stages of criminal proceedings.
- 5714 4. To receive advance notification, when possible, of
5715 judicial proceedings and notification of scheduling
5716 changes, pursuant to section 960.001, Florida
5717 Statutes.
- 5718 5. To seek crimes compensation and restitution.
- 5719 6. To consult with the state attorney's office in
5720 certain felony cases regarding the disposition of the
5721 case.
- 5722 7. To make an oral or written victim impact statement
5723 at the time of sentencing of a defendant.

5724
5725 For further information regarding additional rights

5726 | afforded to victims of crime, you may contact the
 5727 | state attorney's office or obtain a listing of your
 5728 | rights from the Clerk of Court."

5729 | ~~;~~ ~~or~~

5730 | (b) Displaying prominently on the courtroom doors posters
 5731 | giving notification of the existence and general provisions of
 5732 | this chapter. The Department of Legal Affairs shall provide the
 5733 | courts with the posters specified by this paragraph.

5734 | Reviser's note.—Amended to improve subsection structure.

5735 | Section 134. Paragraph (b) of subsection (1) of section
 5736 | 961.06, Florida Statutes, is amended to read:

5737 | 961.06 Compensation for wrongful incarceration.—

5738 | (1) Except as otherwise provided in this act and subject
 5739 | to the limitations and procedures prescribed in this section, a
 5740 | person who is found to be entitled to compensation under the
 5741 | provisions of this act is entitled to:

5742 | (b) A waiver of tuition and fees for up to 120 hours of
 5743 | instruction at any career center established under s. 1001.44,
 5744 | any Florida College System institution as defined in s.
 5745 | 1000.21 (5) ~~1000.21 (3)~~, or any state university as defined in s.
 5746 | 1000.21 (8) ~~1000.21 (6)~~, if the wrongfully incarcerated person
 5747 | meets and maintains the regular admission requirements of such
 5748 | career center, Florida College System institution, or state
 5749 | university; remains registered at such educational institution;
 5750 | and makes satisfactory academic progress as defined by the

5751 | educational institution in which the claimant is enrolled;
 5752 |
 5753 | The total compensation awarded under paragraphs (a), (c), and
 5754 | (d) may not exceed \$2 million. No further award for attorney's
 5755 | fees, lobbying fees, costs, or other similar expenses shall be
 5756 | made by the state.

5757 | Reviser's note.—Amended to conform to the reordering of
 5758 | definitions in s. 1000.21 by this act.

5759 | Section 135. Paragraphs (a) and (b) of subsection (2) of
 5760 | section 985.26, Florida Statutes, are amended to read:

5761 | 985.26 Length of detention.—

5762 | (2)(a)1. A court may order a child to be placed on
 5763 | supervised release detention care for any time period until an
 5764 | adjudicatory hearing is completed. However, if a child has
 5765 | served 60 days on supervised release detention care, the court
 5766 | must conduct a hearing within 15 days after the 60th day, to
 5767 | determine the need for continued supervised release detention
 5768 | care. At the hearing, and upon good cause being shown that the
 5769 | nature of the charge requires additional time for the
 5770 | prosecution or defense of the case or that the totality of the
 5771 | circumstances, including the preservation of public safety,
 5772 | warrants an extension, the court may order the child to remain
 5773 | on supervised release detention care until the adjudicatory
 5774 | hearing is completed.

5775 | 2. Except as provided in paragraph (b) or paragraph (c), a

HB 7011

2023

5776 child may not be held in secure detention care under a special
5777 detention order for more than 21 days unless an adjudicatory
5778 hearing for the case has been commenced in good faith by the
5779 court.

5780 3. This section does not prohibit a court from
5781 transitioning a child to and from secure detention care and
5782 supervised release detention care, including electronic
5783 monitoring, when the court finds such a placement necessary, or
5784 no longer necessary, to preserve public safety or to ensure the
5785 child's safety, appearance in court, or compliance with a court
5786 order. Each period of secure detention care or supervised
5787 release detention care counts toward the time limitations in
5788 this subsection whether served consecutively or
5789 nonconsecutively.

5790 (b) Upon good cause being shown that the nature of the
5791 charge requires additional time for the prosecution or defense
5792 of the case or that the totality of the circumstances, including
5793 the preservation of public safety, warrants an extension, the
5794 court may extend the length of secure detention care for up to
5795 an additional 21 days if the child is charged with an offense
5796 which, if committed by an adult, would be a capital felony, a
5797 life felony, a felony of the first degree or the second degree,
5798 or a felony of the third degree involving violence against any
5799 individual. The court may continue to extend the period of
5800 secure detention care in increments of up to 21 days each by

HB 7011

2023

5801 | conducting a hearing before the expiration of the current period
 5802 | to determine the need for continued secure detention of the
 5803 | child. At the hearing, the court must make the required findings
 5804 | in writing to extend the period of secure detention. If the
 5805 | court extends the time period for secure detention care, it
 5806 | shall ensure an adjudicatory hearing for the case commences as
 5807 | soon as is reasonably possible considering the totality of the
 5808 | circumstances. The court shall prioritize the efficient
 5809 | disposition of cases in which the child has served 60 or more
 5810 | days in secure detention care.

5811 | Reviser's note.—Amended to confirm editorial insertions to
 5812 | improve clarity.

5813 | Section 136. Subsections (2), (3), (5), (6), and (8) of
 5814 | section 1000.21, Florida Statutes, are reordered and amended to
 5815 | read:

5816 | 1000.21 Systemwide definitions.—As used in the Florida
 5817 | Early Learning-20 Education Code:

5818 | (3)~~(2)~~ "Commissioner" is the Commissioner of Education.

5819 | (5)~~(3)~~ "Florida College System institution" except as
 5820 | otherwise specifically provided, includes all of the following
 5821 | public postsecondary educational institutions in the Florida
 5822 | College System and any branch campuses, centers, or other
 5823 | affiliates of the institution:

5824 | (a) Eastern Florida State College, which serves Brevard
 5825 | County.

HB 7011

2023

- 5826 (b) Broward College, which serves Broward County.
- 5827 (c) College of Central Florida, which serves Citrus, Levy,
- 5828 and Marion Counties.
- 5829 (d) Chipola College, which serves Calhoun, Holmes,
- 5830 Jackson, Liberty, and Washington Counties.
- 5831 (e) Daytona State College, which serves Flagler and
- 5832 Volusia Counties.
- 5833 (f) Florida SouthWestern State College, which serves
- 5834 Charlotte, Collier, Glades, Hendry, and Lee Counties.
- 5835 (g) Florida State College at Jacksonville, which serves
- 5836 Duval and Nassau Counties.
- 5837 (h) The College of the Florida Keys, which serves Monroe
- 5838 County.
- 5839 (i) Gulf Coast State College, which serves Bay, Franklin,
- 5840 and Gulf Counties.
- 5841 (j) Hillsborough Community College, which serves
- 5842 Hillsborough County.
- 5843 (k) Indian River State College, which serves Indian River,
- 5844 Martin, Okeechobee, and St. Lucie Counties.
- 5845 (l) Florida Gateway College, which serves Baker, Columbia,
- 5846 Dixie, Gilchrist, and Union Counties.
- 5847 (m) Lake-Sumter State College, which serves Lake and
- 5848 Sumter Counties.
- 5849 (n) State College of Florida, Manatee-Sarasota, which
- 5850 serves Manatee and Sarasota Counties.

HB 7011

2023

- 5851 (o) Miami Dade College, which serves Miami-Dade County.
- 5852 (p) North Florida College, which serves Hamilton,
- 5853 Jefferson, Lafayette, Madison, Suwannee, and Taylor Counties.
- 5854 (q) Northwest Florida State College, which serves Okaloosa
- 5855 and Walton Counties.
- 5856 (r) Palm Beach State College, which serves Palm Beach
- 5857 County.
- 5858 (s) Pasco-Hernando State College, which serves Hernando
- 5859 and Pasco Counties.
- 5860 (t) Pensacola State College, which serves Escambia and
- 5861 Santa Rosa Counties.
- 5862 (u) Polk State College, which serves Polk County.
- 5863 (v) St. Johns River State College, which serves Clay,
- 5864 Putnam, and St. Johns Counties.
- 5865 (w) St. Petersburg College, which serves Pinellas County.
- 5866 (x) Santa Fe College, which serves Alachua and Bradford
- 5867 Counties.
- 5868 (y) Seminole State College of Florida, which serves
- 5869 Seminole County.
- 5870 (z) South Florida State College, which serves DeSoto,
- 5871 Hardee, and Highlands Counties.
- 5872 (aa) Tallahassee Community College, which serves Gadsden,
- 5873 Leon, and Wakulla Counties.
- 5874 (bb) Valencia College, which serves Orange and Osceola
- 5875 Counties.

5876 (6)~~(5)~~ "Parent" is either or both parents of a student,
 5877 any guardian of a student, any person in a parental relationship
 5878 to a student, or any person exercising supervisory authority
 5879 over a student in place of the parent.

5880 (8)~~(6)~~ "State university," except as otherwise
 5881 specifically provided, includes the following institutions and
 5882 any branch campuses, centers, or other affiliates of the
 5883 institution:

- 5884 (a) The University of Florida.
- 5885 (b) The Florida State University.
- 5886 (c) The Florida Agricultural and Mechanical University.
- 5887 (d) The University of South Florida.
- 5888 (e) The Florida Atlantic University.
- 5889 (f) The University of West Florida.
- 5890 (g) The University of Central Florida.
- 5891 (h) The University of North Florida.
- 5892 (i) The Florida International University.
- 5893 (j) The Florida Gulf Coast University.
- 5894 (k) New College of Florida.
- 5895 (l) The Florida Polytechnic University.

5896 (2)~~(8)~~ "Board of Governors" is the Board of Governors of
 5897 the State University System.

5898 Reviser's note.—Amended to place the definitions of the section
 5899 in alphabetical order.

5900 Section 137. Subsection (7) of section 1001.11, Florida

HB 7011

2023

5901 Statutes, is amended to read:
 5902 1001.11 Commissioner of Education; other duties.—
 5903 (7) The commissioner shall make prominently available on
 5904 the department's website the following: links to the Internet-
 5905 based clearinghouse for professional development regarding
 5906 physical education; the school wellness and physical education
 5907 policies and other resources required under s. 1003.453; and
 5908 other Internet sites that provide professional development for
 5909 elementary teachers of physical education as defined in s.
 5910 1003.01(15) ~~1003.01(16)~~. These links must provide elementary
 5911 teachers with information concerning current physical education
 5912 and nutrition philosophy and best practices that result in
 5913 student participation in physical activities that promote
 5914 lifelong physical and mental well-being.
 5915 Reviser's note.—Amended to conform to the reordering of
 5916 definitions in s. 1003.01 by this act.
 5917 Section 138. Subsection (2) of section 1001.60, Florida
 5918 Statutes, is amended to read:
 5919 1001.60 Florida College System.—
 5920 (2) FLORIDA COLLEGE SYSTEM.—There shall be a single
 5921 Florida College System comprised of the Florida College System
 5922 institutions identified in s. 1000.21(5) ~~1000.21(3)~~. A Florida
 5923 College System institution may not offer graduate degree
 5924 programs.
 5925 (a) The programs and services offered by Florida College

HB 7011

2023

5926 System institutions in providing associate and baccalaureate
5927 degrees shall be delivered in a cost-effective manner that
5928 demonstrates substantial savings to the student and to the state
5929 over the cost of providing the degree at a state university.

5930 (b)1. With the approval of its district board of trustees,
5931 a Florida College System institution may change the
5932 institution's name set forth in s. 1000.21(5) ~~1000.21(3)~~ and use
5933 the designation "college" or "state college" if it has been
5934 authorized to grant baccalaureate degrees pursuant to s. 1007.33
5935 and has been accredited as a baccalaureate-degree-granting
5936 institution by the Commission on Colleges of the Southern
5937 Association of Colleges and Schools.

5938 2. With the approval of its district board of trustees, a
5939 Florida College System institution that does not meet the
5940 criteria in subparagraph 1. may request approval from the State
5941 Board of Education to change the institution's name set forth in
5942 s. 1000.21(5) ~~1000.21(3)~~ and use the designation "college." The
5943 State Board of Education may approve the request if the Florida
5944 College System institution enters into an agreement with the
5945 State Board of Education to do the following:

5946 a. Maintain as its primary mission responsibility for
5947 responding to community needs for postsecondary academic
5948 education and career degree education as prescribed in s.
5949 1004.65(5).

5950 b. Maintain an open-door admissions policy for associate-

HB 7011

2023

5951 level degree programs and workforce education programs.

5952 c. Continue to provide outreach to underserved
5953 populations.

5954 d. Continue to provide remedial education.

5955 e. Comply with all provisions of the statewide
5956 articulation agreement that relate to 2-year and 4-year public
5957 degree-granting institutions as adopted by the State Board of
5958 Education pursuant to s. 1007.23.

5959 (c) A district board of trustees that approves a change to
5960 the name of an institution under paragraph (b) must seek
5961 statutory codification of such name change in s. 1000.21(5)
5962 ~~1000.21(3)~~ during the next regular legislative session.

5963 (d) A Florida College System institution may not use the
5964 designation "university."

5965 Reviser's note.—Amended to conform to the reordering of
5966 definitions in s. 1000.21 by this act.

5967 Section 139. Section 1002.01, Florida Statutes, is amended
5968 to read:

5969 1002.01 Definitions.—

5970 (1) A "home education program" means the sequentially
5971 progressive instruction of a student directed by his or her
5972 parent in order to satisfy the attendance requirements of ss.
5973 1002.41, 1003.01(16) ~~1003.01(13)~~, and 1003.21(1).

5974 (2) A "private school" is a nonpublic school defined as an
5975 individual, association, copartnership, or corporation, or

HB 7011

2023

5976 department, division, or section of such organizations, that
5977 designates itself as an educational center that includes
5978 kindergarten or a higher grade or as an elementary, secondary,
5979 business, technical, or trade school below college level or any
5980 organization that provides instructional services that meet the
5981 intent of s. 1003.01(16) ~~1003.01(13)~~ or that gives preemployment
5982 or supplementary training in technology or in fields of trade or
5983 industry or that offers academic, literary, or career training
5984 below college level, or any combination of the above, including
5985 an institution that performs the functions of the above schools
5986 through correspondence or extension, except those licensed under
5987 the provisions of chapter 1005. A private school may be a
5988 parochial, religious, denominational, for-profit, or nonprofit
5989 school. This definition does not include home education programs
5990 conducted in accordance with s. 1002.41.

5991 Reviser's note.—Amended to conform to the reordering of
5992 definitions in s. 1003.01 by this act.

5993 Section 140. Paragraph (b) of subsection (2) of section
5994 1002.20, Florida Statutes, is amended to read:

5995 1002.20 K-12 student and parent rights.—Parents of public
5996 school students must receive accurate and timely information
5997 regarding their child's academic progress and must be informed
5998 of ways they can help their child to succeed in school. K-12
5999 students and their parents are afforded numerous statutory
6000 rights including, but not limited to, the following:

6001 (2) ATTENDANCE.—
 6002 (b) *Regular school attendance.*—Parents of students who
 6003 have attained the age of 6 years by February 1 of any school
 6004 year but who have not attained the age of 16 years must comply
 6005 with the compulsory school attendance laws. Parents have the
 6006 option to comply with the school attendance laws by attendance
 6007 of the student in a public school; a parochial, religious, or
 6008 denominational school; a private school; a home education
 6009 program; or a private tutoring program, in accordance with the
 6010 provisions of s. 1003.01(16) ~~1003.01(13)~~.

6011 Reviser's note.—Amended to conform to the reordering of
 6012 definitions in s. 1003.01 by this act.

6013 Section 141. Paragraph (d) of subsection (3) of section
 6014 1002.3105, Florida Statutes, is amended to read:

6015 1002.3105 Academically Challenging Curriculum to Enhance
 6016 Learning (ACCEL) options.—

6017 (3) STUDENT ELIGIBILITY CONSIDERATIONS.—When establishing
 6018 student eligibility requirements, principals and school
 6019 districts must consider, at a minimum:

6020 (d) Recommendations from one or more of the student's
 6021 teachers in core-curricula courses as defined in s.

6022 1003.01(5)(a)-(e) ~~1003.01(14)(a)-(e)~~.

6023 Reviser's note.—Amended to conform to the reordering of
 6024 definitions in s. 1003.01 by this act.

6025 Section 142. Paragraph (a) of subsection (20) and

HB 7011

2023

6026 paragraph (a) of subsection (21) of section 1002.33, Florida
6027 Statutes, are amended to read:
6028 1002.33 Charter schools.—
6029 (20) SERVICES.—
6030 (a)1. A sponsor shall provide certain administrative and
6031 educational services to charter schools. These services shall
6032 include contract management services; full-time equivalent and
6033 data reporting services; exceptional student education
6034 administration services; services related to eligibility and
6035 reporting duties required to ensure that school lunch services
6036 under the National School Lunch Program, consistent with the
6037 needs of the charter school, are provided by the sponsor at the
6038 request of the charter school, that any funds due to the charter
6039 school under the National School Lunch Program be paid to the
6040 charter school as soon as the charter school begins serving food
6041 under the National School Lunch Program, and that the charter
6042 school is paid at the same time and in the same manner under the
6043 National School Lunch Program as other public schools serviced
6044 by the sponsor or the school district; test administration
6045 services, including payment of the costs of state-required or
6046 district-required student assessments; processing of teacher
6047 certificate data services; and information services, including
6048 equal access to the sponsor's student information systems that
6049 are used by public schools in the district in which the charter
6050 school is located or by schools in the sponsor's portfolio of

HB 7011

2023

6051 charter schools if the sponsor is not a school district. Student
6052 performance data for each student in a charter school,
6053 including, but not limited to, FCAT scores, standardized test
6054 scores, previous public school student report cards, and student
6055 performance measures, shall be provided by the sponsor to a
6056 charter school in the same manner provided to other public
6057 schools in the district or by schools in the sponsor's portfolio
6058 of charter schools if the sponsor is not a school district.

6059 2. A sponsor may withhold an administrative fee for the
6060 provision of such services which shall be a percentage of the
6061 available funds defined in paragraph (17)(b) calculated based on
6062 weighted full-time equivalent students. If the charter school
6063 serves 75 percent or more exceptional education students as
6064 defined in s. 1003.01(9) ~~1003.01(3)~~, the percentage shall be
6065 calculated based on unweighted full-time equivalent students.
6066 The administrative fee shall be calculated as follows:

6067 a. Up to 5 percent for:

6068 (I) Enrollment of up to and including 250 students in a
6069 charter school as defined in this section.

6070 (II) Enrollment of up to and including 500 students within
6071 a charter school system which meets all of the following:

6072 (A) Includes conversion charter schools and nonconversion
6073 charter schools.

6074 (B) Has all of its schools located in the same county.

6075 (C) Has a total enrollment exceeding the total enrollment

6076 | of at least one school district in this state.
 6077 | (D) Has the same governing board for all of its schools.
 6078 | (E) Does not contract with a for-profit service provider
 6079 | for management of school operations.
 6080 | (III) Enrollment of up to and including 250 students in a
 6081 | virtual charter school.
 6082 | b. Up to 2 percent for enrollment of up to and including
 6083 | 250 students in a high-performing charter school as defined in
 6084 | s. 1002.331.
 6085 | c. Up to 2 percent for enrollment of up to and including
 6086 | 250 students in an exceptional student education center that
 6087 | meets the requirements of the rules adopted by the State Board
 6088 | of Education pursuant to s. 1008.3415(3).
 6089 | 3. A sponsor may not charge charter schools any additional
 6090 | fees or surcharges for administrative and educational services
 6091 | in addition to the maximum percentage of administrative fees
 6092 | withheld pursuant to this paragraph. A sponsor may not charge or
 6093 | withhold any administrative fee against a charter school for any
 6094 | funds specifically allocated by the Legislature for teacher
 6095 | compensation.
 6096 | 4. A sponsor shall provide to the department by September
 6097 | 15 of each year the total amount of funding withheld from
 6098 | charter schools pursuant to this subsection for the prior fiscal
 6099 | year. The department must include the information in the report
 6100 | required under sub-sub-subparagraph (5)(b)1.k.(III).

6101 (21) PUBLIC INFORMATION ON CHARTER SCHOOLS.—
 6102 (a) The Department of Education shall provide information
 6103 to the public, directly and through sponsors, on how to form and
 6104 operate a charter school and how to enroll in a charter school
 6105 once it is created. This information shall include the standard
 6106 application form, standard charter and virtual charter
 6107 contracts, standard evaluation instrument, and standard charter
 6108 and virtual charter renewal contracts, which shall include the
 6109 information specified in subsection (7) and shall be developed
 6110 by consulting and negotiating with both sponsors and charter
 6111 schools before implementation. The charter and virtual charter
 6112 contracts and charter renewal and virtual charter renewal
 6113 contracts shall be used by charter school sponsors.
 6114 Reviser's note.—Paragraph (20) (a) is amended to conform to the
 6115 reordering of definitions in s. 1003.01 by this act.
 6116 Paragraph (21) (a) is amended to confirm an editorial
 6117 insertion to improve clarity and to conform to context.
 6118 Section 143. Paragraph (a) of subsection (2) of section
 6119 1002.37, Florida Statutes, is amended to read:
 6120 1002.37 The Florida Virtual School.—
 6121 (2) The Florida Virtual School shall be governed by a
 6122 board of trustees comprised of seven members appointed by the
 6123 Governor to 4-year staggered terms. The board of trustees shall
 6124 be a public agency entitled to sovereign immunity pursuant to s.
 6125 768.28, and board members shall be public officers who shall

HB 7011

2023

6126 bear fiduciary responsibility for the Florida Virtual School.
6127 The board of trustees shall have the following powers and
6128 duties:

6129 (a)1. The board of trustees shall meet at least 4 times
6130 each year, upon the call of the chair, or at the request of a
6131 majority of the membership.

6132 2. The fiscal year for the Florida Virtual School shall be
6133 the state fiscal year as provided in s. 216.011(1)(g)
6134 ~~216.011(1)(e)~~.

6135
6136 The Governor shall designate the initial chair of the board of
6137 trustees to serve a term of 4 years. Members of the board of
6138 trustees shall serve without compensation, but may be reimbursed
6139 for per diem and travel expenses pursuant to s. 112.061. The
6140 board of trustees shall be a body corporate with all the powers
6141 of a body corporate and such authority as is needed for the
6142 proper operation and improvement of the Florida Virtual School.
6143 The board of trustees is specifically authorized to adopt rules,
6144 policies, and procedures, consistent with law and rules of the
6145 State Board of Education related to governance, personnel,
6146 budget and finance, administration, programs, curriculum and
6147 instruction, travel and purchasing, technology, students,
6148 contracts and grants, and property as necessary for optimal,
6149 efficient operation of the Florida Virtual School. Tangible
6150 personal property owned by the board of trustees shall be

6151 subject to the provisions of chapter 273.
 6152 Reviser's note.—Amended to conform to the reordering of
 6153 definitions in s. 216.011(1).
 6154 Section 144. Paragraph (b) of subsection (4) and paragraph
 6155 (b) of subsection (10) of section 1002.394, Florida Statutes,
 6156 are amended to read:
 6157 1002.394 The Family Empowerment Scholarship Program.—
 6158 (4) AUTHORIZED USES OF PROGRAM FUNDS.—
 6159 (b) Program funds awarded to a student with a disability
 6160 determined eligible pursuant to paragraph (3) (b) may be used for
 6161 the following purposes:
 6162 1. Instructional materials, including digital devices,
 6163 digital periphery devices, and assistive technology devices that
 6164 allow a student to access instruction or instructional content
 6165 and training on the use of and maintenance agreements for these
 6166 devices.
 6167 2. Curriculum as defined in subsection (2).
 6168 3. Specialized services by approved providers or by a
 6169 hospital in this state which are selected by the parent. These
 6170 specialized services may include, but are not limited to:
 6171 a. Applied behavior analysis services as provided in ss.
 6172 627.6686 and 641.31098.
 6173 b. Services provided by speech-language pathologists as
 6174 defined in s. 468.1125(8).
 6175 c. Occupational therapy as defined in s. 468.203.

6176 d. Services provided by physical therapists as defined in
 6177 s. 486.021(8).

6178 e. Services provided by listening and spoken language
 6179 specialists and an appropriate acoustical environment for a
 6180 child who has a hearing impairment, including deafness, and who
 6181 has received an implant or assistive hearing device.

6182 4. Tuition or fees associated with full-time or part-time
 6183 enrollment in a home education program, an eligible private
 6184 school, an eligible postsecondary educational institution or a
 6185 program offered by the postsecondary educational institution, a
 6186 private tutoring program authorized under s. 1002.43, a virtual
 6187 program offered by a department-approved private online provider
 6188 that meets the provider qualifications specified in s.
 6189 1002.45(2)(a), the Florida Virtual School as a private paying
 6190 student, or an approved online course offered pursuant to s.
 6191 1003.499 or s. 1004.0961.

6192 5. Fees for nationally standardized, norm-referenced
 6193 achievement tests, Advanced Placement Examinations, industry
 6194 certification examinations, assessments related to postsecondary
 6195 education, or other assessments.

6196 6. Contributions to the Stanley G. Tate Florida Prepaid
 6197 College Program pursuant to s. 1009.98 or the Florida College
 6198 Savings Program pursuant to s. 1009.981 for the benefit of the
 6199 eligible student.

6200 7. Contracted services provided by a public school or

6201 school district, including classes. A student who receives
 6202 services under a contract under this paragraph is not considered
 6203 enrolled in a public school for eligibility purposes as
 6204 specified in subsection (6).

6205 8. Tuition and fees for part-time tutoring services
 6206 provided by a person who holds a valid Florida educator's
 6207 certificate pursuant to s. 1012.56, a person who holds an
 6208 adjunct teaching certificate pursuant to s. 1012.57, a person
 6209 who has a bachelor's degree or a graduate degree in the subject
 6210 area in which instruction is given, a person who has
 6211 demonstrated a mastery of subject area knowledge pursuant to s.
 6212 1012.56(5), or a person certified by a nationally or
 6213 internationally recognized research-based training program as
 6214 approved by the department. As used in this paragraph, the term
 6215 "part-time tutoring services" does not qualify as regular school
 6216 attendance as defined in s. 1003.01(16)(e) ~~1003.01(13)(e)~~.

6217 9. Fees for specialized summer education programs.

6218 10. Fees for specialized after-school education programs.

6219 11. Transition services provided by job coaches.

6220 12. Fees for an annual evaluation of educational progress
 6221 by a state-certified teacher under s. 1002.41(1)(f), if this
 6222 option is chosen for a home education student.

6223 13. Tuition and fees associated with programs offered by
 6224 Voluntary Prekindergarten Education Program providers approved
 6225 pursuant to s. 1002.55 and school readiness providers approved

6226 | pursuant to s. 1002.88.

6227 | 14. Fees for services provided at a center that is a
6228 | member of the Professional Association of Therapeutic
6229 | Horsemanship International.

6230 | 15. Fees for services provided by a therapist who is
6231 | certified by the Certification Board for Music Therapists or
6232 | credentialed by the Art Therapy Credentials Board, Inc.

6233 | (10) PARENT AND STUDENT RESPONSIBILITIES FOR PROGRAM
6234 | PARTICIPATION.—

6235 | (b) A parent who applies for program participation under
6236 | paragraph (3)(b) is exercising his or her parental option to
6237 | determine the appropriate placement or the services that best
6238 | meet the needs of his or her child and must:

6239 | 1. Apply to an eligible nonprofit scholarship-funding
6240 | organization to participate in the program by a date set by the
6241 | organization. The request must be communicated directly to the
6242 | organization in a manner that creates a written or electronic
6243 | record of the request and the date of receipt of the request.

6244 | 2. Sign an agreement with the organization and annually
6245 | submit a sworn compliance statement to the organization to
6246 | satisfy or maintain program eligibility, including eligibility
6247 | to receive and spend program payments by:

6248 | a. Affirming that the student is enrolled in a program
6249 | that meets regular school attendance requirements as provided in
6250 | s. 1003.01(16)(b), (c), or (d) ~~1003.01(13)(b), (c), or (d)~~.

HB 7011

2023

6251 b. Affirming that the program funds are used only for
6252 authorized purposes serving the student's educational needs, as
6253 described in paragraph (4)(b); that any prepaid college plan or
6254 college savings plan funds contributed pursuant to subparagraph
6255 (4)(b)6. will not be transferred to another beneficiary while
6256 the plan contains funds contributed pursuant to this section;
6257 and that they will not receive a payment, refund, or rebate of
6258 any funds provided under this section.

6259 c. Affirming that the parent is responsible for all
6260 eligible expenses in excess of the amount of the scholarship and
6261 for the education of his or her student by, as applicable:

6262 (I) Requiring the student to take an assessment in
6263 accordance with paragraph (9)(c);

6264 (II) Providing an annual evaluation in accordance with s.
6265 1002.41(1)(f); or

6266 (III) Requiring the child to take any preassessments and
6267 postassessments selected by the provider if the child is 4 years
6268 of age and is enrolled in a program provided by an eligible
6269 Voluntary Prekindergarten Education Program provider. A student
6270 with disabilities for whom the physician or psychologist who
6271 issued the diagnosis or the IEP team determines that a
6272 preassessment and postassessment is not appropriate is exempt
6273 from this requirement. A participating provider shall report a
6274 student's scores to the parent.

6275 d. Affirming that the student remains in good standing

6276 | with the provider or school if those options are selected by the
 6277 | parent.

6278 | e. Enrolling his or her child in a program from a
 6279 | Voluntary Prekindergarten Education Program provider authorized
 6280 | under s. 1002.55, a school readiness provider authorized under
 6281 | s. 1002.88, or an eligible private school if either option is
 6282 | selected by the parent.

6283 | f. Renewing participation in the program each year. A
 6284 | student whose participation in the program is not renewed may
 6285 | continue to spend scholarship funds that are in his or her
 6286 | account from prior years unless the account must be closed
 6287 | pursuant to subparagraph (5)(b)3. Notwithstanding any changes to
 6288 | the student's IEP, a student who was previously eligible for
 6289 | participation in the program shall remain eligible to apply for
 6290 | renewal. However, for a high-risk child to continue to
 6291 | participate in the program in the school year after he or she
 6292 | reaches 6 years of age, the child's application for renewal of
 6293 | program participation must contain documentation that the child
 6294 | has a disability defined in paragraph (2)(d) other than high-
 6295 | risk status.

6296 | g. Procuring the services necessary to educate the
 6297 | student. If a parent does not procure the necessary educational
 6298 | services for the student and the student's account has been
 6299 | inactive for 2 consecutive fiscal years, the student is
 6300 | ineligible for additional scholarship payments until the

HB 7011

2023

6301 scholarship-funding organization verifies that expenditures from
 6302 the account have occurred. When the student receives a
 6303 scholarship, the district school board is not obligated to
 6304 provide the student with a free appropriate public education.
 6305 For purposes of s. 1003.57 and the Individuals with Disabilities
 6306 in Education Act, a participating student has only those rights
 6307 that apply to all other unilaterally parentally placed students,
 6308 except that, when requested by the parent, school district
 6309 personnel must develop an IEP or matrix level of services.

6310 Reviser's note.—Amended to conform to the reordering of
 6311 definitions in s. 1003.01 by this act.

6312 Section 145. Subsection (7) of section 1002.42, Florida
 6313 Statutes, is amended to read:

6314 1002.42 Private schools.—

6315 (7) ATTENDANCE REQUIREMENTS.—Attendance of a student at a
 6316 private, parochial, religious, or denominational school
 6317 satisfies the attendance requirements of ss. 1003.01(16)
 6318 ~~1003.01(13)~~ and 1003.21(1).

6319 Reviser's note.—Amended to conform to the reordering of
 6320 definitions in s. 1003.01 by this act.

6321 Section 146. Subsection (1) of section 1002.43, Florida
 6322 Statutes, is amended to read:

6323 1002.43 Private tutoring programs.—

6324 (1) Regular school attendance as defined in s. 1003.01(16)
 6325 ~~1003.01(13)~~ may be achieved by attendance in a private tutoring

HB 7011

2023

6326 program if the person tutoring the student meets the following
6327 requirements:

6328 (a) Holds a valid Florida certificate to teach the
6329 subjects or grades in which instruction is given.

6330 (b) Keeps all records and makes all reports required by
6331 the state and district school board and makes regular reports on
6332 the attendance of students in accordance with the provisions of
6333 s. 1003.23(2).

6334 (c) Requires students to be in actual attendance for the
6335 minimum length of time prescribed by s. 1011.60(2).

6336 Reviser's note.—Amended to conform to the reordering of
6337 definitions in s. 1003.01 by this act.

6338 Section 147. Subsection (2) of section 1002.455, Florida
6339 Statutes, is amended to read:

6340 1002.455 Student eligibility for K-12 virtual
6341 instruction.—All students, including home education and private
6342 school students, are eligible to participate in any of the
6343 following virtual instruction options:

6344 (2) Part-time or full-time virtual charter school
6345 instruction authorized pursuant to s. 1002.45(1)(c)5. to
6346 students within the school district or to students in other
6347 school districts throughout the state pursuant to s. 1002.31;
6348 however, the school district enrolling the full-time equivalent
6349 virtual student shall comply with the enrollment requirements
6350 established under ~~to~~ s. 1002.45(1)(e)4.

HB 7011

2023

6351 Reviser's note.—Amended to confirm an editorial deletion to
6352 conform to the immediately preceding context.
6353 Section 148. Section 1003.01, Florida Statutes, is
6354 reordered and amended to read:
6355 1003.01 Definitions.—As used in this chapter, the term:
6356 (7)~~(1)~~ "District school board" means the members who are
6357 elected by the voters of a school district created and existing
6358 pursuant to s. 4, Art. IX of the State Constitution to operate
6359 and control public K-12 education within the school district.
6360 (17)~~(2)~~ "School" means an organization of students for
6361 instructional purposes on an elementary, middle or junior high
6362 school, secondary or high school, or other public school level
6363 authorized under rules of the State Board of Education.
6364 (9)~~(3)~~(a) "Exceptional student" means any student who has
6365 been determined eligible for a special program in accordance
6366 with rules of the State Board of Education. The term includes
6367 students who are gifted and students with disabilities who have
6368 an intellectual disability; autism spectrum disorder; a speech
6369 impairment; a language impairment; an orthopedic impairment; an
6370 other health impairment; traumatic brain injury; a visual
6371 impairment; an emotional or behavioral disability; or a specific
6372 learning disability, including, but not limited to, dyslexia,
6373 dyscalculia, or developmental aphasia; students who are deaf or
6374 hard of hearing or dual sensory impaired; students who are
6375 hospitalized or homebound; children with developmental delays

6376 | ages birth through 9 years or through the student's completion
 6377 | of grade 2, whichever occurs first, or children, ages birth
 6378 | through 2 years, with established conditions that are identified
 6379 | in State Board of Education rules pursuant to s. 1003.21(1)(e).

6380 | (b) "Special education services" means specially designed
 6381 | instruction and such related services as are necessary for an
 6382 | exceptional student to benefit from education. Such services may
 6383 | include: transportation; diagnostic and evaluation services;
 6384 | social services; physical and occupational therapy; speech and
 6385 | language pathology services; job placement; orientation and
 6386 | mobility training; braillists, typists, and readers for the
 6387 | blind; interpreters and auditory amplification; services
 6388 | provided by a certified listening and spoken language
 6389 | specialist; rehabilitation counseling; transition services;
 6390 | mental health services; guidance and career counseling;
 6391 | specified materials, assistive technology devices, and other
 6392 | specialized equipment; and other such services as approved by
 6393 | rules of the state board.

6394 | (2)~~(4)~~ "Career education" means education that provides
 6395 | instruction for the following purposes:

6396 | (a) At the elementary, middle, and high school levels,
 6397 | exploratory courses designed to give students initial exposure
 6398 | to a broad range of occupations to assist them in preparing
 6399 | their academic and occupational plans, and practical arts
 6400 | courses that provide generic skills that may apply to many

HB 7011

2023

6401 occupations but are not designed to prepare students for entry
6402 into a specific occupation. Career education provided before
6403 high school completion must be designed to strengthen both
6404 occupational awareness and academic skills integrated throughout
6405 all academic instruction.

6406 (b) At the secondary school level, job-preparatory
6407 instruction in the competencies that prepare students for
6408 effective entry into an occupation, including diversified
6409 cooperative education, work experience, and job-entry programs
6410 that coordinate directed study and on-the-job training.

6411 (c) At the postsecondary education level, courses of study
6412 that provide competencies needed for entry into specific
6413 occupations or for advancement within an occupation.

6414 (13) ~~(5)~~

6415 (b) ~~(a)~~ "Suspension," also referred to as out-of-school
6416 suspension, means the temporary removal of a student from all
6417 classes of instruction on public school grounds and all other
6418 school-sponsored activities, except as authorized by the
6419 principal or the principal's designee, for a period not to
6420 exceed 10 school days and remanding of the student to the
6421 custody of the student's parent with specific homework
6422 assignments for the student to complete.

6423 (a) ~~(b)~~ "In-school suspension" means the temporary removal
6424 of a student from the student's regular school program and
6425 placement in an alternative program, such as that provided in s.

HB 7011

2023

6426 | 1003.53, under the supervision of district school board
6427 | personnel, for a period not to exceed 10 school days.

6428 | (10)~~(6)~~ "Expulsion" means the removal of the right and
6429 | obligation of a student to attend a public school under
6430 | conditions set by the district school board, and for a period of
6431 | time not to exceed the remainder of the term or school year and
6432 | 1 additional year of attendance. Expulsions may be imposed with
6433 | or without continuing educational services and shall be reported
6434 | accordingly.

6435 | (6)~~(7)~~ "Corporal punishment" means the moderate use of
6436 | physical force or physical contact by a teacher or principal as
6437 | may be necessary to maintain discipline or to enforce school
6438 | rule. However, the term "corporal punishment" does not include
6439 | the use of such reasonable force by a teacher or principal as
6440 | may be necessary for self-protection or to protect other
6441 | students from disruptive students.

6442 | (12)~~(8)~~ "Habitual truant" means a student who has 15
6443 | unexcused absences within 90 calendar days with or without the
6444 | knowledge or consent of the student's parent, is subject to
6445 | compulsory school attendance under s. 1003.21(1) and (2)(a), and
6446 | is not exempt under s. 1003.21(3) or s. 1003.24, or by meeting
6447 | the criteria for any other exemption specified by law or rules
6448 | of the State Board of Education. Such a student must have been
6449 | the subject of the activities specified in ss. 1003.26 and
6450 | 1003.27(3), without resultant successful remediation of the

6451 truancy problem before being dealt with as a child in need of
6452 services according to the provisions of chapter 984.

6453 ~~(8)-(9)~~ "Dropout" means a student who meets any one or more
6454 of the following criteria:

6455 (a) The student has voluntarily removed himself or herself
6456 from the school system before graduation for reasons that
6457 include, but are not limited to, marriage, or the student has
6458 withdrawn from school because he or she has failed the statewide
6459 student assessment test and thereby does not receive any of the
6460 certificates of completion;

6461 (b) The student has not met the relevant attendance
6462 requirements of the school district pursuant to State Board of
6463 Education rules, or the student was expected to attend a school
6464 but did not enter as expected for unknown reasons, or the
6465 student's whereabouts are unknown;

6466 (c) The student has withdrawn from school, but has not
6467 transferred to another public or private school or enrolled in
6468 any career, adult, home education, or alternative educational
6469 program;

6470 (d) The student has withdrawn from school due to hardship,
6471 unless such withdrawal has been granted under the provisions of
6472 s. 322.091, court action, expulsion, medical reasons, or
6473 pregnancy; or

6474 (e) The student is not eligible to attend school because
6475 of reaching the maximum age for an exceptional student program

HB 7011

2023

6476 | in accordance with the district's policy.

6477 |

6478 | The State Board of Education may adopt rules to implement the
6479 | provisions of this subsection.

6480 | (1)~~(10)~~ "Alternative measures for students with special
6481 | needs" or "special programs" means measures designed to meet the
6482 | special needs of a student that cannot be met by regular school
6483 | curricula.

6484 | (14)~~(11)~~(a) "Juvenile justice education programs or
6485 | schools" means programs or schools operating for the purpose of
6486 | providing educational services to youth in Department of
6487 | Juvenile Justice programs, for a school year composed of 250
6488 | days of instruction, or the equivalent expressed in hours as
6489 | specified in State Board of Education rule, distributed over 12
6490 | months. If the period of operation is expressed in hours, the
6491 | State Board of Education must review the calculation annually.
6492 | The use of the equivalent expressed in hours is only applicable
6493 | to nonresidential programs. At the request of the provider, a
6494 | district school board may decrease the minimum number of days of
6495 | instruction by up to 10 days for teacher planning for
6496 | residential programs and up to 20 days or equivalent hours as
6497 | specified in the State Board of Education rule for teacher
6498 | planning for nonresidential programs, subject to the approval of
6499 | the Department of Juvenile Justice and the Department of
6500 | Education.

HB 7011

2023

6501 (b) "Juvenile justice provider" means the Department of
6502 Juvenile Justice, the sheriff, or a private, public, or other
6503 governmental organization under contract with the Department of
6504 Juvenile Justice or the sheriff that provides treatment, care
6505 and custody, or educational programs for youth in juvenile
6506 justice intervention, detention, or commitment programs.

6507 (4)~~(12)~~ "Children and youths who are experiencing
6508 homelessness," for programs authorized under subtitle B,
6509 Education for Homeless Children and Youths, of Title VII of the
6510 McKinney-Vento Homeless Assistance Act, 42 U.S.C. ss. 11431 et
6511 seq., means children and youths who lack a fixed, regular, and
6512 adequate nighttime residence, and includes:

6513 (a) Children and youths sharing the housing of other
6514 persons due to loss of housing, economic hardship, or a similar
6515 reason; ~~are~~ living in motels, hotels, travel trailer parks, or
6516 camping grounds due to the lack of alternative adequate
6517 accommodations; ~~are~~ living in emergency or transitional
6518 shelters; or ~~are~~ abandoned in hospitals.

6519 (b) Children and youths having ~~who have~~ a primary
6520 nighttime residence that is a public or private place not
6521 designed for or ordinarily used as a regular sleeping
6522 accommodation for human beings.

6523 (c) Children and youths living in cars, parks, public
6524 spaces, abandoned buildings, bus or train stations, or similar
6525 settings.

6526 (d) Migratory children living in circumstances described
 6527 in paragraphs (a) - (c).

6528 (16)~~(13)~~ "Regular school attendance" means the actual
 6529 attendance of a student during the school day as defined by law
 6530 and rules of the State Board of Education. Regular attendance
 6531 within the intent of s. 1003.21 may be achieved by attendance
 6532 in:

6533 (a) A public school supported by public funds;

6534 (b) A parochial, religious, or denominational school;

6535 (c) A private school supported in whole or in part by
 6536 tuition charges or by endowments or gifts;

6537 (d) A home education program that meets the requirements
 6538 of chapter 1002; or

6539 (e) A private tutoring program that meets the requirements
 6540 of chapter 1002.

6541 (5)~~(14)~~ "Core-curricula courses" means:

6542 (a) Courses in language arts/reading, mathematics, social
 6543 studies, and science in prekindergarten through grade 3,
 6544 excluding extracurricular courses pursuant to subsection (11)
 6545 ~~(15)~~;

6546 (b) Courses in grades 4 through 8 in subjects that are
 6547 measured by state assessment at any grade level and courses
 6548 required for middle school promotion, excluding extracurricular
 6549 courses pursuant to subsection (11) ~~(15)~~;

6550 (c) Courses in grades 9 through 12 in subjects that are

HB 7011

2023

6551 measured by state assessment at any grade level and courses that
6552 are specifically identified by name in statute as required for
6553 high school graduation and that are not measured by state
6554 assessment, excluding extracurricular courses pursuant to
6555 subsection (11) ~~(15)~~;

6556 (d) Exceptional student education courses; and

6557 (e) English for Speakers of Other Languages courses.

6558

6559 The term is limited in meaning and used for the sole purpose of
6560 designating classes that are subject to the maximum class size
6561 requirements established in s. 1, Art. IX of the State
6562 Constitution. This term does not include courses offered under
6563 ss. 1002.321(4)(e), 1002.33(7)(a)2.b., 1002.37, 1002.45, and
6564 1003.499.

6565 (11) ~~(15)~~ "Extracurricular courses" means all courses that
6566 are not defined as "core-curricula courses," which may include,
6567 but are not limited to, physical education, fine arts,
6568 performing fine arts, career education, and courses that may
6569 result in college credit. The term is limited in meaning and
6570 used for the sole purpose of designating classes that are not
6571 subject to the maximum class size requirements established in s.
6572 1, Art. IX of the State Constitution.

6573 (15) ~~(16)~~ "Physical education" means the development or
6574 maintenance of skills related to strength, agility, flexibility,
6575 movement, and stamina, including dance; the development of

HB 7011

2023

6576 knowledge and skills regarding teamwork and fair play; the
6577 development of knowledge and skills regarding nutrition and
6578 physical fitness as part of a healthy lifestyle; and the
6579 development of positive attitudes regarding sound nutrition and
6580 physical activity as a component of personal well-being.

6581 (3)~~(17)~~ "Certified unaccompanied homeless youth" means a
6582 youth certified as an unaccompanied homeless youth pursuant to
6583 s. 743.067.

6584 Reviser's note.—This section is amended to place the definitions
6585 of the section in alphabetical order and to conform cross-
6586 references. Current paragraph (3) (b) is amended to delete
6587 an unnecessary punctuation mark. Current paragraph (12) (a)
6588 is amended to confirm editorial deletions, and current
6589 paragraph (12) (b) is amended to confirm an editorial
6590 substitution, to conform to context.

6591 Section 149. Subsection (6) of section 1003.03, Florida
6592 Statutes, is amended to read:

6593 1003.03 Maximum class size.—

6594 (6) COURSES FOR COMPLIANCE.—Consistent with s. 1003.01(5)
6595 ~~1003.01(14)~~, the Department of Education shall identify from the
6596 Course Code Directory the core-curricula courses for the purpose
6597 of satisfying the maximum class size requirement in this
6598 section. The department may adopt rules to implement this
6599 subsection, if necessary.

6600 Reviser's note.—Amended to conform to the reordering of

6601 definitions in s. 1003.01 by this act.
 6602 Section 150. Subsection (4) of section 1003.21, Florida
 6603 Statutes, is amended to read:
 6604 1003.21 School attendance.—
 6605 (4) Before admitting a child to kindergarten, the
 6606 principal shall require evidence that the child has attained the
 6607 age at which he or she should be admitted in accordance with the
 6608 provisions of subparagraph (1) (a) 2. The district school
 6609 superintendent may require evidence of the age of any child who
 6610 is being enrolled in public school and who the district school
 6611 superintendent believes to be within the limits of compulsory
 6612 attendance as provided for by law; however, the district school
 6613 superintendent may not require evidence from any child who meets
 6614 regular attendance requirements by attending a school or program
 6615 listed in s. 1003.01(16)(b)-(e) ~~1003.01(13)(b)-(e)~~. If the first
 6616 prescribed evidence is not available, the next evidence
 6617 obtainable in the order set forth below shall be accepted:
 6618 (a) A duly attested transcript of the child's birth record
 6619 filed according to law with a public officer charged with the
 6620 duty of recording births;
 6621 (b) A duly attested transcript of a certificate of baptism
 6622 showing the date of birth and place of baptism of the child,
 6623 accompanied by an affidavit sworn to by the parent;
 6624 (c) An insurance policy on the child's life that has been
 6625 in force for at least 2 years;

6626 (d) A bona fide contemporary religious record of the
 6627 child's birth accompanied by an affidavit sworn to by the
 6628 parent;

6629 (e) A passport or certificate of arrival in the United
 6630 States showing the age of the child;

6631 (f) A transcript of record of age shown in the child's
 6632 school record of at least 4 years prior to application, stating
 6633 date of birth; or

6634 (g) If none of these evidences can be produced, an
 6635 affidavit of age sworn to by the parent, accompanied by a
 6636 certificate of age signed by a public health officer or by a
 6637 public school physician, or, if these are not available in the
 6638 county, by a licensed practicing physician designated by the
 6639 district school board, which states that the health officer or
 6640 physician has examined the child and believes that the age as
 6641 stated in the affidavit is substantially correct. Children and
 6642 youths who are experiencing homelessness and children who are
 6643 known to the department, as defined in s. 39.0016, shall be
 6644 given temporary exemption from this section for 30 school days.

6645 Reviser's note.—Amended to conform to the reordering of
 6646 definitions in s. 1003.01 by this act.

6647 Section 151. Paragraph (f) of subsection (1) of section
 6648 1003.26, Florida Statutes, is amended to read:

6649 1003.26 Enforcement of school attendance.—The Legislature
 6650 finds that poor academic performance is associated with

6651 nonattendance and that school districts must take an active role
6652 in promoting and enforcing attendance as a means of improving
6653 student performance. It is the policy of the state that each
6654 district school superintendent be responsible for enforcing
6655 school attendance of all students subject to the compulsory
6656 school age in the school district and supporting enforcement of
6657 school attendance by local law enforcement agencies. The
6658 responsibility includes recommending policies and procedures to
6659 the district school board that require public schools to respond
6660 in a timely manner to every unexcused absence, and every absence
6661 for which the reason is unknown, of students enrolled in the
6662 schools. District school board policies shall require the parent
6663 of a student to justify each absence of the student, and that
6664 justification will be evaluated based on adopted district school
6665 board policies that define excused and unexcused absences. The
6666 policies must provide that public schools track excused and
6667 unexcused absences and contact the home in the case of an
6668 unexcused absence from school, or an absence from school for
6669 which the reason is unknown, to prevent the development of
6670 patterns of nonattendance. The Legislature finds that early
6671 intervention in school attendance is the most effective way of
6672 producing good attendance habits that will lead to improved
6673 student learning and achievement. Each public school shall
6674 implement the following steps to promote and enforce regular
6675 school attendance:

HB 7011

2023

6676 (1) CONTACT, REFER, AND ENFORCE.—

6677 (f)1. If the parent of a child who has been identified as
6678 exhibiting a pattern of nonattendance enrolls the child in a
6679 home education program pursuant to chapter 1002, the district
6680 school superintendent shall provide the parent a copy of s.
6681 1002.41 and the accountability requirements of this paragraph.
6682 The district school superintendent shall also refer the parent
6683 to a home education review committee composed of the district
6684 contact for home education programs and at least two home
6685 educators selected by the parent from a district list of all
6686 home educators who have conducted a home education program for
6687 at least 3 years and who have indicated a willingness to serve
6688 on the committee. The home education review committee shall
6689 review the portfolio of the student, as defined by s. 1002.41,
6690 every 30 days during the district's regular school terms until
6691 the committee is satisfied that the home education program is in
6692 compliance with s. 1002.41(1)(d). The first portfolio review
6693 must occur within the first 30 calendar days of the
6694 establishment of the program. The provisions of subparagraph 2.
6695 do not apply once the committee determines the home education
6696 program is in compliance with s. 1002.41(1)(d).

6697 2. If the parent fails to provide a portfolio to the
6698 committee, the committee shall notify the district school
6699 superintendent. The district school superintendent shall then
6700 terminate the home education program and require the parent to

HB 7011

2023

6701 enroll the child in an attendance option that meets the
 6702 definition of "regular school attendance" under s.
 6703 1003.01(16)(a), (b), (c), or (e) ~~1003.01(13)(a), (b), (c), or~~
 6704 ~~(e)~~, within 3 days. Upon termination of a home education program
 6705 pursuant to this subparagraph, the parent shall not be eligible
 6706 to reenroll the child in a home education program for 180
 6707 calendar days. Failure of a parent to enroll the child in an
 6708 attendance option as required by this subparagraph after
 6709 termination of the home education program pursuant to this
 6710 subparagraph shall constitute noncompliance with the compulsory
 6711 attendance requirements of s. 1003.21 and may result in criminal
 6712 prosecution under s. 1003.27(2). Nothing contained herein shall
 6713 restrict the ability of the district school superintendent, or
 6714 the ability of his or her designee, to review the portfolio
 6715 pursuant to s. 1002.41(1)(e).

6716 Reviser's note.—Amended to conform to the reordering of
 6717 definitions in s. 1003.01 by this act.

6718 Section 152. Paragraph (b) of subsection (1) of section
 6719 1003.4282, Florida Statutes, is amended to read:

6720 1003.4282 Requirements for a standard high school
 6721 diploma.—

6722 (1) TWENTY-FOUR CREDITS REQUIRED.—

6723 (b) The required credits may be earned through equivalent,
 6724 applied, or integrated courses or career education courses as
 6725 defined in s. 1003.01(2) ~~1003.01(4)~~, including work-related

HB 7011

2023

6726 | internships approved by the State Board of Education and
6727 | identified in the course code directory. However, any must-pass
6728 | assessment requirements must be met. An equivalent course is one
6729 | or more courses identified by content-area experts as being a
6730 | match to the core curricular content of another course, based
6731 | upon review of the Next Generation Sunshine State Standards for
6732 | that subject. An applied course aligns with Next Generation
6733 | Sunshine State Standards and includes real-world applications of
6734 | a career and technical education standard used in business or
6735 | industry. An integrated course includes content from several
6736 | courses within a content area or across content areas.

6737 | Reviser's note.—Amended to conform to the reordering of
6738 | definitions in s. 1003.01 by this act.

6739 | Section 153. Paragraph (h) of subsection (6) of section
6740 | 1003.485, Florida Statutes, is amended to read:

6741 | 1003.485 The New Worlds Reading Initiative.—

6742 | (6) ELIGIBILITY; NOTIFICATION; SCHOOL DISTRICT
6743 | OBLIGATIONS.—

6744 | (h) School districts and partnering nonprofit
6745 | organizations shall raise awareness of the initiative, including
6746 | information on eligibility and video training modules under
6747 | paragraph (4)(e), through, at least, the following:

6748 | 1. The student handbook and the read-at-home plan under s.
6749 | 1008.25(5)(d) ~~1008.25(5)(e)~~.

6750 | 2. A parent or curriculum night or separate initiative

6751 awareness event at each elementary school.

6752 3. Partnering with the county library to host awareness
 6753 events, which should coincide with other initiatives such as
 6754 library card drives, family library nights, summer access
 6755 events, and other family engagement programming.

6756 Reviser's note.—Amended to correct a cross-reference to conform
 6757 to the redesignation of s. 1008.25(5)(c) as s.

6758 1008.25(5)(d) by s. 66, ch. 2021-10, Laws of Florida.

6759 Section 154. Subsection (4) of section 1003.52, Florida
 6760 Statutes, is amended to read:

6761 1003.52 Educational services in Department of Juvenile
 6762 Justice programs.—

6763 (4) Educational services shall be provided at times of the
 6764 day most appropriate for the juvenile justice program. School
 6765 programming in juvenile justice detention, prevention, day
 6766 treatment, and residential programs shall be made available by
 6767 the local school district during the juvenile justice school
 6768 year, as provided in s. 1003.01(14) ~~1003.01(11)~~. In addition,
 6769 students in juvenile justice education programs shall have
 6770 access to courses offered pursuant to ss. 1002.37, 1002.45, and
 6771 1003.498. The Department of Education and the school districts
 6772 shall adopt policies necessary to provide such access.

6773 Reviser's note.—Amended to conform to the reordering of
 6774 definitions in s. 1003.01 by this act.

6775 Section 155. Paragraphs (c), (d), and (f) of subsection

6776 (1) of section 1003.573, Florida Statutes, are amended to read:
 6777 1003.573 Seclusion and restraint of students with
 6778 disabilities in public schools.—

6779 (1) DEFINITIONS.—As used in this section, the term:
 6780 (d)~~(e)~~ "Restraint" means the use of a mechanical or
 6781 physical restraint.

6782 1. "Mechanical restraint" means the use of a device that
 6783 restricts a student's freedom of movement. The term does not
 6784 include the use of devices prescribed or recommended by physical
 6785 or behavioral health professionals when used for indicated
 6786 purposes.

6787 2. "Physical restraint" means the use of manual restraint
 6788 techniques that involve significant physical force applied by a
 6789 teacher or other staff member to restrict the movement of all or
 6790 part of a student's body. The term does not include briefly
 6791 holding a student in order to calm or comfort the student or
 6792 physically escorting a student to a safe location.

6793 (c)~~(d)~~ "Positive behavior interventions and supports"
 6794 means the use of behavioral interventions to prevent dangerous
 6795 behaviors that may cause serious physical harm to the student or
 6796 others.

6797 (f) "Student" means a child with an individual education
 6798 plan enrolled in grades kindergarten through 12 in a school, as
 6799 defined in s. 1003.01(17) ~~1003.01(2)~~, or the Florida School for
 6800 the Deaf and Blind. The term does not include students in

HB 7011

2023

6801 prekindergarten, students who reside in residential care
6802 facilities under s. 1003.58, or students participating in a
6803 Department of Juvenile Justice education program under s.
6804 1003.52.

6805 Reviser's note.—Paragraphs (c) and (d) are amended to place the
6806 definitions in those paragraphs in alphabetical order.
6807 Paragraph (f) is amended to conform to the reordering of
6808 definitions in s. 1003.01 by this act.

6809 Section 156. Section 1003.575, Florida Statutes, is
6810 amended to read:

6811 1003.575 Assistive technology devices; findings;
6812 interagency agreements.—Accessibility, utilization, and
6813 coordination of appropriate assistive technology devices and
6814 services are essential as a young person with disabilities moves
6815 from early intervention to preschool, from preschool to school,
6816 from one school to another, from school to employment or
6817 independent living, and from school to home and community. If an
6818 individual education plan team makes a recommendation in
6819 accordance with State Board of Education rule for a student with
6820 a disability, as defined in s. 1003.01(9) ~~1003.01(3)~~, to receive
6821 an assistive technology assessment, that assessment must be
6822 completed within 60 school days after the team's recommendation.
6823 To ensure that an assistive technology device issued to a young
6824 person as part of his or her individualized family support plan,
6825 individual support plan, individualized plan for employment, or

6826 individual education plan remains with the individual through
 6827 such transitions, the following agencies shall enter into
 6828 interagency agreements, as appropriate, to ensure the
 6829 transaction of assistive technology devices:

6830 (1) The Early Steps Program in the Division of Children's
 6831 Medical Services of the Department of Health.

6832 (2) The Division of Blind Services, the Bureau of
 6833 Exceptional Education and Student Services, the Office of
 6834 Independent Education and Parental Choice, and the Division of
 6835 Vocational Rehabilitation of the Department of Education.

6836 (3) The Voluntary Prekindergarten Education Program
 6837 administered by the Department of Education and the Office of
 6838 Early Learning.

6839
 6840 Interagency agreements entered into pursuant to this section
 6841 shall provide a framework for ensuring that young persons with
 6842 disabilities and their families, educators, and employers are
 6843 informed about the utilization and coordination of assistive
 6844 technology devices and services that may assist in meeting
 6845 transition needs, and shall establish a mechanism by which a
 6846 young person or his or her parent may request that an assistive
 6847 technology device remain with the young person as he or she
 6848 moves through the continuum from home to school to postschool.

6849 Reviser's note.—Amended to conform to the reordering of
 6850 definitions in s. 1003.01 by this act.

HB 7011

2023

6851 Section 157. Subsection (11) of section 1004.22, Florida
 6852 Statutes, is amended to read:

6853 1004.22 Divisions of sponsored research at state
 6854 universities.—

6855 (11) The divisions of sponsored research may pay, by
 6856 advancement or reimbursement, or a combination thereof, the
 6857 costs of per diem of university employees and of other
 6858 authorized persons, as defined in s. 112.061(2)(c)
 6859 ~~112.061(2)(e)~~, for foreign travel up to the current rates as
 6860 stated in the grant and contract terms and may also pay
 6861 incidental expenses as authorized by s. 112.061(8). This
 6862 subsection applies to any university employee traveling in
 6863 foreign countries for sponsored programs of the university, if
 6864 such travel expenses are approved in the terms of the contract
 6865 or grant. The provisions of s. 112.061, other than those
 6866 relating to per diem, apply to the travel described in this
 6867 subsection. As used in this subsection, "foreign travel" means
 6868 any travel outside the United States and its territories and
 6869 possessions and Canada. Persons traveling in foreign countries
 6870 pursuant to this section shall not be entitled to reimbursements
 6871 or advancements pursuant to s. 112.061(6)(a)2. for such travel.
 6872 Reviser's note.—Amended to conform to the reordering of
 6873 definitions in s. 112.061(2) by this act.

6874 Section 158. Subsection (7) of section 1004.43, Florida
 6875 Statutes, is amended to read:

HB 7011

2023

6876 | 1004.43 H. Lee Moffitt Cancer Center and Research
6877 | Institute.—There is established the H. Lee Moffitt Cancer Center
6878 | and Research Institute, a statewide resource for basic and
6879 | clinical research and multidisciplinary approaches to patient
6880 | care.

6881 | (7) In carrying out the provisions of this section, the
6882 | not-for-profit corporation and its subsidiaries are not
6883 | "agencies" within the meaning of s. 20.03(1) ~~20.03(11)~~.
6884 | Reviser's note.—Amended to conform to the reordering of
6885 | definitions in s. 20.03 by this act.

6886 | Section 159. Paragraph (b) of subsection (2) of section
6887 | 1004.447, Florida Statutes, is amended to read:

6888 | 1004.447 Florida Institute for Human and Machine
6889 | Cognition, Inc.—

6890 | (2) The corporation and any authorized and approved
6891 | subsidiary:

6892 | (b) Is not an agency within the meaning of s. 20.03(1)
6893 | ~~20.03(11)~~.

6894 | Reviser's note.—Amended to conform to the reordering of
6895 | definitions in s. 20.03 by this act.

6896 | Section 160. Subsection (3) of section 1004.648, Florida
6897 | Statutes, is amended to read:

6898 | 1004.648 Florida Energy Systems Consortium.—

6899 | (3) The consortium shall consist of the state universities
6900 | as identified under s. 1000.21(8) ~~1000.21(6)~~.

HB 7011

2023

6901 Reviser's note.—Amended to conform to the reordering of
 6902 definitions in s. 1000.21 by this act.
 6903 Section 161. Paragraph (d) of subsection (2) of section
 6904 1004.6496, Florida Statutes, is amended to read:
 6905 1004.6496 Hamilton Center for Classical and Civic
 6906 Education.—
 6907 (2) The goals of the center are to:
 6908 (d) Provide programming and training related to civic
 6909 education and the values of open inquiry and civil discourse to
 6910 support the Early Learning-20 education ~~K-20~~ system.
 6911 Reviser's note.—Amended to conform to ch. 2021-10, Laws of
 6912 Florida, which changed references to the K-20 education
 6913 system to the Early Learning-20 education system.
 6914 Section 162. Paragraph (a) of subsection (2) of section
 6915 1004.65, Florida Statutes, is amended to read:
 6916 1004.65 Florida College System institutions; governance,
 6917 mission, and responsibilities.—
 6918 (2) Each Florida College System institution district
 6919 shall:
 6920 (a) Consist of the county or counties served by the
 6921 Florida College System institution pursuant to s. 1000.21(5)
 6922 ~~1000.21(3)~~.
 6923 Reviser's note.—Amended to conform to the reordering of
 6924 definitions in s. 1000.21 by this act.
 6925 Section 163. Subsection (1) of section 1004.79, Florida

HB 7011

2023

6926 Statutes, is amended to read:
 6927 1004.79 Incubator facilities for small business concerns.—
 6928 (1) Each Florida College System institution established
 6929 pursuant to s. 1000.21(5) ~~1000.21(3)~~ may provide incubator
 6930 facilities to eligible small business concerns. As used in this
 6931 section, "small business concern" shall be defined as an
 6932 independently owned and operated business concern incorporated
 6933 in Florida which is not an affiliate or a subsidiary of a
 6934 business dominant in its field of operation, and which employs
 6935 25 or fewer full-time employees. "Incubator facility" shall be
 6936 defined as a facility in which small business concerns share
 6937 common space, equipment, and support personnel and through which
 6938 such concerns have access to professional consultants for advice
 6939 related to the technical and business aspects of conducting a
 6940 commercial enterprise. The Florida College System institution
 6941 board of trustees shall authorize concerns for inclusion in the
 6942 incubator facility.
 6943 Reviser's note.—Amended to conform to the reordering of
 6944 definitions in s. 1000.21 by this act.
 6945 Section 164. Paragraphs (b) and (c) of subsection (1) of
 6946 section 1006.0626, Florida Statutes, are amended to read:
 6947 1006.0626 Care of students with epilepsy or seizure
 6948 disorders.—
 6949 (1) As used in this section, the term:
 6950 (b) "Medical professional" means a physician licensed

HB 7011

2023

6951 under chapter 458 or chapter 459, a physician assistant licensed
6952 under chapter 458 or chapter 459, or an advanced practice
6953 ~~practiced~~ registered nurse licensed under s. 464.012 who
6954 provides epilepsy or seizure disorder care to the student.

6955 (c) "School" has the same meaning as in s. 1003.01(17)
6956 ~~1003.01(2)~~.

6957 Reviser's note.—Paragraph (1)(b) is amended to confirm an
6958 editorial substitution to conform to context. Paragraph
6959 (1)(c) is amended to conform to the reordering of
6960 definitions in s. 1003.01 by this act.

6961 Section 165. Paragraph (d) of subsection (2) and paragraph
6962 (b) of subsection (6) of section 1006.07, Florida Statutes, are
6963 amended to read:

6964 1006.07 District school board duties relating to student
6965 discipline and school safety.—The district school board shall
6966 provide for the proper accounting for all students, for the
6967 attendance and control of students at school, and for proper
6968 attention to health, safety, and other matters relating to the
6969 welfare of students, including:

6970 (2) CODE OF STUDENT CONDUCT.—Adopt a code of student
6971 conduct for elementary schools and a code of student conduct for
6972 middle and high schools and distribute the appropriate code to
6973 all teachers, school personnel, students, and parents, at the
6974 beginning of every school year. Each code shall be organized and
6975 written in language that is understandable to students and

HB7011

2023

6976 | parents and shall be discussed at the beginning of every school
6977 | year in student classes, school advisory council meetings, and
6978 | parent and teacher association or organization meetings. Each
6979 | code shall be based on the rules governing student conduct and
6980 | discipline adopted by the district school board and shall be
6981 | made available in the student handbook or similar publication.
6982 | Each code shall include, but is not limited to:

6983 | (d)1. An explanation of the responsibilities of each
6984 | student with regard to appropriate dress, respect for self and
6985 | others, and the role that appropriate dress and respect for self
6986 | and others has on an orderly learning environment. Each district
6987 | school board shall adopt a dress code policy that prohibits a
6988 | student, while on the grounds of a public school during the
6989 | regular school day, from wearing clothing that exposes underwear
6990 | or body parts in an indecent or vulgar manner or that disrupts
6991 | the orderly learning environment.

6992 | 2. Any student who violates the dress policy described in
6993 | subparagraph 1. is subject to the following disciplinary
6994 | actions:

6995 | a. For a first offense, a student shall be given a verbal
6996 | warning and the school principal shall call the student's parent
6997 | or guardian.

6998 | b. For a second offense, the student is ineligible to
6999 | participate in any extracurricular activity for a period of time
7000 | not to exceed 5 days and the school principal shall meet with

HB 7011

2023

7001 the student's parent or guardian.

7002 c. For a third or subsequent offense, a student shall
7003 receive an in-school suspension pursuant to s. 1003.01(13)
7004 ~~1003.01(5)~~ for a period not to exceed 3 days, the student is
7005 ineligible to participate in any extracurricular activity for a
7006 period not to exceed 30 days, and the school principal shall
7007 call the student's parent or guardian and send the parent or
7008 guardian a written letter regarding the student's in-school
7009 suspension and ineligibility to participate in extracurricular
7010 activities.

7011 (6) SAFETY AND SECURITY BEST PRACTICES.—Each district
7012 school superintendent shall establish policies and procedures
7013 for the prevention of violence on school grounds, including the
7014 assessment of and intervention with individuals whose behavior
7015 poses a threat to the safety of the school community.

7016 (b) *Mental health coordinator*.—Each district school board
7017 shall identify a mental health coordinator for the district. The
7018 mental health coordinator shall serve as the district's primary
7019 point of contact regarding the district's coordination,
7020 communication, and implementation of student mental health
7021 policies, procedures, responsibilities, and reporting,
7022 including:

7023 1. Coordinating with the Office of Safe Schools,
7024 established pursuant to s. 1001.212.

7025 2. Maintaining records and reports regarding student

HB 7011

2023

7026 mental health as it relates to school safety and the mental
7027 health assistance allocation under s. 1011.62(13) ~~1011.62(14)~~.

7028 3. Facilitating the implementation of school district
7029 policies relating to the respective duties and responsibilities
7030 of the school district, the superintendent, and district school
7031 principals.

7032 4. Coordinating with the school safety specialist on the
7033 staffing and training of threat assessment teams and
7034 facilitating referrals to mental health services, as
7035 appropriate, for students and their families.

7036 5. Coordinating with the school safety specialist on the
7037 training and resources for students and school district staff
7038 relating to youth mental health awareness and assistance.

7039 6. Reviewing annually the school district's policies and
7040 procedures related to student mental health for compliance with
7041 state law and alignment with current best practices and making
7042 ~~make~~ recommendations, as needed, for amending such policies and
7043 procedures to the superintendent and the district school board.

7044 Reviser's note.—Paragraph (2)(d) is amended to conform to the
7045 reordering of definitions in s. 1003.01 by this act.
7046 Subparagraph (6)(b)2. is amended to conform to the
7047 redesignation of s. 1011.62(14) as s. 1011.62(13) by s. 54,
7048 ch. 2022-154, Laws of Florida. Subparagraph (6)(b)6. is
7049 amended to confirm an editorial substitution to conform to
7050 context.

7051 Section 166. Subsection (1) of section 1006.1493, Florida
 7052 Statutes, is amended to read:

7053 1006.1493 Florida Safe Schools Assessment Tool.—

7054 (1) The department, through the Office of Safe Schools
 7055 pursuant to s. 1001.212, shall contract with a security
 7056 consulting firm that specializes in the development of risk
 7057 assessment software solutions and has experience in conducting
 7058 security assessments of public facilities to develop, update,
 7059 and implement a risk assessment tool, which shall be known as
 7060 the Florida Safe Schools Assessment Tool (FSSAT). The FSSAT must
 7061 be the primary physical site security assessment tool as revised
 7062 and required by the Office of Safe Schools which is used by
 7063 school officials at each school district and public school site
 7064 in the state in conducting security assessments.

7065 Reviser's note.—Amended to improve clarity.

7066 Section 167. Paragraph (e) of subsection (2) of section
 7067 1006.28, Florida Statutes, is amended to read:

7068 1006.28 Duties of district school board, district school
 7069 superintendent; and school principal regarding K-12
 7070 instructional materials.—

7071 (2) DISTRICT SCHOOL BOARD.—The district school board has
 7072 the constitutional duty and responsibility to select and provide
 7073 adequate instructional materials for all students in accordance
 7074 with the requirements of this part. The district school board
 7075 also has the following specific duties and responsibilities:

7076 (e) *Public participation.*—Publish on its website, in a
 7077 searchable format prescribed by the department, a list of all
 7078 instructional materials, including those used to provide
 7079 instruction required by s. 1003.42. Each district school board
 7080 must:

7081 1. Provide access to all materials, excluding teacher
 7082 editions, in accordance with s. 1006.283(2)(b)8.a. before the
 7083 district school board takes any official action on such
 7084 materials. This process must include reasonable safeguards
 7085 against the unauthorized use, reproduction, and distribution of
 7086 instructional materials considered for adoption.

7087 2. Select, approve, adopt, or purchase all materials as a
 7088 separate line item on the agenda and ~~must~~ provide a reasonable
 7089 opportunity for public comment. The use of materials described
 7090 in this paragraph may not be selected, approved, or adopted as
 7091 part of a consent agenda.

7092 3. Annually, beginning June 30, 2023, submit to the
 7093 Commissioner of Education a report that identifies:

7094 a. Each material for which the school district received an
 7095 objection pursuant to subparagraph (a)2. for the school year and
 7096 the specific objections thereto.

7097 b. Each material that was removed or discontinued as a
 7098 result of an objection.

7099 c. The grade level and course for which a removed or
 7100 discontinued material was used, as applicable.

HB 7011

2023

7101
 7102 The department shall publish and regularly update a list of
 7103 materials that were removed or discontinued as a result of an
 7104 objection and disseminate the list to school districts for
 7105 consideration in their selection procedures.
 7106 Reviser's note.—Amended to confirm an editorial deletion to
 7107 conform to context.
 7108 Section 168. Paragraph (a) of subsection (5) of section
 7109 1006.73, Florida Statutes, is amended to read:
 7110 1006.73 Florida Postsecondary Academic Library Network.—
 7111 (5) REPORTING.—
 7112 (a) By ~~Beginning~~ December 31, ~~2021,~~ and each year
 7113 ~~thereafter,~~ the host entity shall submit a report to the
 7114 Chancellors of the State University System and the Florida
 7115 College System regarding the implementation and operation of all
 7116 components described in this section, including, but not limited
 7117 to, all of the following:
 7118 1. Usage information collected under paragraph (2)(c).
 7119 2. Information and associated costs relating to the
 7120 services and functions of the program.
 7121 3. The implementation and operation of the automated
 7122 library services.
 7123 4. The number and value of grants awarded under paragraph
 7124 (4)(d) and the distribution of those funds.
 7125 5. The number and types of courses placed in the Student

HB 7011

2023

7126 | Open Access Resources Repository.

7127 | 6. Information on the utilization of the Student Open
7128 | Access Resources Repository and utilization of open educational
7129 | resources in course sections, by Florida College System
7130 | institution and state university.

7131 | Reviser's note.—Amended to delete obsolete language.

7132 | Section 169. Paragraph (b) of subsection (1) of section
7133 | 1007.33, Florida Statutes, is amended to read:

7134 | 1007.33 Site-determined baccalaureate degree access.—

7135 | (1)

7136 | (b) For purposes of this section, the term "district"
7137 | refers to the county or counties served by a Florida College
7138 | System institution pursuant to s. 1000.21(5) ~~1000.21(3)~~.

7139 | Reviser's note.—Amended to conform to the reordering of
7140 | definitions in s. 1000.21 by this act.

7141 | Section 170. Subsection (5) of section 1008.24, Florida
7142 | Statutes, is amended to read:

7143 | 1008.24 Test administration and security; public records
7144 | exemption.—

7145 | (5) Exceptional students with disabilities, as defined in
7146 | s. 1003.01(9) ~~1003.01(3)~~, shall have access to testing sites.

7147 | The Department of Education and each school district shall adopt
7148 | policies that are necessary to ensure such access.

7149 | Reviser's note.—Amended to conform to the reordering of
7150 | definitions in s. 1003.01 by this act.

HB 7011

2023

7151 Section 171. Paragraph (b) of subsection (2) of section
 7152 1008.47, Florida Statutes, is amended to read:

7153 1008.47 Postsecondary education institution
 7154 accreditation.—

7155 (2) ACCREDITATION.—

7156 (b) Once a public postsecondary institution is required to
 7157 seek and obtain accreditation from an agency or association
 7158 identified pursuant to paragraph (a), the institution shall seek
 7159 accreditation from a regional accrediting agency or association
 7160 and provide quarterly reports of its progress to the Board of
 7161 Governors or State Board of Education, as applicable. If each
 7162 regional accreditation agency or association identified pursuant
 7163 to paragraph (a) has refused to grant candidacy status to an
 7164 institution, the institution shall seek and obtain accreditation
 7165 from any accrediting agency or association that is different
 7166 from ~~than~~ its current accrediting agency or association and is
 7167 recognized by the database created and maintained by the United
 7168 States Department of Education. If a public postsecondary
 7169 institution is not granted candidacy status before its next
 7170 reaffirmation or fifth-year review date, the institution may
 7171 remain with its current accrediting agency or association.

7172 Reviser's note.—Amended to confirm an editorial substitution to
 7173 improve clarity.

7174 Section 172. Paragraph (c) of subsection (1) of section
 7175 1009.21, Florida Statutes, is amended to read:

7176 1009.21 Determination of resident status for tuition
 7177 purposes.—Students shall be classified as residents or
 7178 nonresidents for the purpose of assessing tuition in
 7179 postsecondary educational programs offered by charter technical
 7180 career centers or career centers operated by school districts,
 7181 in Florida College System institutions, and in state
 7182 universities.

7183 (1) As used in this section, the term:

7184 (c) "Institution of higher education" means any charter
 7185 technical career center as defined in s. 1002.34, career center
 7186 operated by a school district as defined in s. 1001.44, Florida
 7187 College System institution as defined in s. 1000.21(5)
 7188 ~~1000.21(3)~~, or state university as defined in s. 1000.21(8)
 7189 ~~1000.21(6)~~.

7190 Reviser's note.—Amended to conform to the reordering of
 7191 definitions in s. 1000.21 by this act.

7192 Section 173. Subsection (6) of section 1009.286, Florida
 7193 Statutes, is amended to read:

7194 1009.286 Additional student payment for hours exceeding
 7195 baccalaureate degree program completion requirements at state
 7196 universities.—

7197 (6) For purposes of this section, the term "state
 7198 university" includes the institutions identified in s.
 7199 1000.21(8) ~~1000.21(6)~~ and the term "Florida College System
 7200 institution" includes the institutions identified in s.

HB 7011

2023

7201 1000.21(5) ~~1000.21(3)~~.

7202 Reviser's note.—Amended to conform to the reordering of

7203 definitions in s. 1000.21 by this act.

7204 Section 174. Paragraph (c) of subsection (5) of section

7205 1009.89, Florida Statutes, is amended to read:

7206 1009.89 The William L. Boyd, IV, Effective Access to

7207 Student Education grants.—

7208 (5)

7209 (c) By September 1 of each year, institutions receiving

7210 funding as provided in the General Appropriations Act must

7211 submit an Effective Access to Student Education Grant Program

7212 Accountability Report to the Department of Education, in a

7213 format prescribed by the department. The report must use the

7214 most recently available information on Florida resident students

7215 and include, at a minimum, the following performance metrics, by

7216 institution:

7217 1. Access rate based upon percentage of Pell Grant-

7218 eligible ~~Pell-eligible~~ students.

7219 2. Affordability rate based upon average student loan

7220 debt; federal, state, and institutional financial assistance;

7221 and average tuition and fees.

7222 3. Graduation rate.

7223 4. Retention rate.

7224 5. Postgraduate employment or continuing education rate.

7225

HB 7011

2023

7226 The department shall recommend minimum performance standards
 7227 that institutions must meet to remain eligible to receive grants
 7228 pursuant to this section. Each eligible institution shall post
 7229 prominently on its website, by October 1 of each year, its
 7230 performance on these metrics, as reported to the department.

7231 Reviser's note.—Amended to confirm an editorial insertion to
 7232 conform to the complete name of the federal grant offered
 7233 to undergraduate students from low-income households.

7234 Section 175. Paragraph (c) of subsection (1) of section
 7235 1009.895, Florida Statutes, is amended to read:

7236 1009.895 Open Door Grant Program.—

7237 (1) As used in this section, the term:

7238 (c) "Institution" means school district postsecondary
 7239 technical career centers under s. 1001.44, Florida College
 7240 System institutions under s. 1000.21(5) ~~1000.21(3)~~, charter
 7241 technical career centers under s. 1002.34, and school districts
 7242 with eligible integrated education and training programs.

7243 Reviser's note.—Amended to conform to the reordering of
 7244 definitions in s. 1000.21 by this act.

7245 Section 176. Paragraph (b) of subsection (2) and paragraph
 7246 (c) of subsection (6) of section 1012.2315, Florida Statutes,
 7247 are amended to read:

7248 1012.2315 Assignment of teachers.—

7249 (2) ASSIGNMENT TO SCHOOLS GRADED "D" or "F".—

7250 (b)1. A school district may assign an individual newly

7251 | hired as instructional personnel to a school that has earned a
 7252 | grade of "F" in the previous year or any combination of three
 7253 | consecutive grades of "D" or "F" in the previous 3 years
 7254 | pursuant to s. 1008.34 if the individual:

7255 | a. Has received an effective rating or highly effective
 7256 | rating in the immediate prior year's performance evaluation
 7257 | pursuant to s. 1012.34;

7258 | b. Has successfully completed or is enrolled in a teacher
 7259 | preparation program pursuant to s. 1004.04, s. 1004.85, or s.
 7260 | 1012.56, or a teacher preparation program specified in State
 7261 | Board of Education rule, is provided with high quality mentoring
 7262 | during the first 2 years of employment, holds a certificate
 7263 | issued pursuant to s. 1012.56, and holds a probationary contract
 7264 | pursuant to s. 1012.335(2)(a); or

7265 | c. Holds a probationary contract pursuant to s.
 7266 | 1012.335(2)(a), holds a certificate issued pursuant to s.
 7267 | 1012.56, and has successful teaching experience, and if, in the
 7268 | judgment of the school principal, students would benefit from
 7269 | the placement of that individual.

7270 | 2. As used in this paragraph, the term "mentoring"
 7271 | includes the use of student achievement data combined with at
 7272 | least monthly observations to improve the educator's
 7273 | effectiveness in improving student outcomes. Mentoring may be
 7274 | provided by a school district, a teacher preparation program
 7275 | approved pursuant to s. 1004.04, s. 1004.85, or s. 1012.56, or a

7276 teacher preparation program specified in State Board of
7277 Education rule.

7278
7279 Each school district shall annually certify to the Commissioner
7280 of Education that the requirements in this subsection have been
7281 met. If the commissioner determines that a school district is
7282 not in compliance with this subsection, the State Board of
7283 Education shall be notified and shall take action pursuant to s.
7284 1008.32 in the next regularly scheduled meeting to require
7285 compliance.

7286 (6) ASSIGNMENT OF TEACHERS BASED UPON PERFORMANCE
7287 EVALUATIONS.—

7288 (c) For a student enrolling in an extracurricular course
7289 as defined in s. 1003.01(11) ~~1003.01(15)~~, a parent may choose to
7290 have the student taught by a teacher who received a performance
7291 evaluation of "needs improvement" or "unsatisfactory" in the
7292 preceding school year if the student and the student's parent
7293 receive an explanation of the impact of teacher effectiveness on
7294 student learning and the principal receives written consent from
7295 the parent.

7296 Reviser's note.—Paragraph (2)(b) is amended to improve clarity.

7297 Paragraph (6)(c) is amended to conform to the reordering of
7298 definitions in s. 1003.01 by this act.

7299 Section 177. Except as otherwise expressly provided in
7300 this act and except for this section, which shall take effect

HB 7011

2023

7301 | July 1, 2023, this act shall take effect on the 60th day after
7302 | adjournment sine die of the session of the Legislature in which
7303 | enacted.