

1 A reviser's bill to be entitled
2 An act relating to the Florida Statutes; amending ss.
3 11.45, 11.9336, 20.255, 27.366, 28.22205, 39.307,
4 39.524, 40.32, 61.13016, 112.31455, 163.32466,
5 189.074, 200.065, 212.0606, 285.18, 287.0595,
6 288.9934, 288.9936, 298.01, 316.545, 322.058, 327.391,
7 337.403, 339.041, 339.135, 339.2818, 348.753,
8 348.7546, 365.172, 373.223, 376.3072, 377.6015,
9 379.2495, 380.06, 381.78, 394.494, 394.495, 394.913,
10 397.333, 397.754, 397.92, 400.022, 403.067, 408.036,
11 408.061, 409.1678, 409.906, 409.966, 409.986, 409.987,
12 456.039, 456.074, 479.03, 479.16, 480.041, 480.043,
13 482.161, 487.2031, 499.84, 499.91, 499.92, 514.0115,
14 538.03, 570.07, 570.482, 597.020, 605.0712, 605.0805,
15 624.523, 625.1212, 626.0428, 627.062, 627.745,
16 627.797, 662.121, 662.122, 662.1225, 662.130, 662.141,
17 662.146, 662.147, 680.528, 721.13, 775.0862, 775.21,
18 775.25, 784.078, 787.02, 787.06, 921.1402, 940.031,
19 943.0435, 944.275, 960.03, 960.065, 961.06, 985.0301,
20 985.265, 1002.395, 1003.4203, 1003.4282, 1003.493,
21 1003.4935, 1003.51, 1003.5716, 1005.33, 1007.271,
22 1008.22, 1008.25, 1008.34, 1008.44, 1011.80, 1011.81,
23 1011.905, 1013.738, F.S.; reenacting and amending s.
24 409.1451, F.S.; reenacting ss. 288.001, 430.502,
25 509.032, 539.001, and 718.116, F.S.; deleting
26 provisions that have expired, have become obsolete,

27 | have had their effect, have served their purpose, or
 28 | have been impliedly repealed or superseded; replacing
 29 | incorrect cross-references and citations; correcting
 30 | grammatical, typographical, and like errors; removing
 31 | inconsistencies, redundancies, and unnecessary
 32 | repetition in the statutes; improving the clarity of
 33 | the statutes and facilitating their correct
 34 | interpretation; and confirming the restoration of
 35 | provisions unintentionally omitted from republication
 36 | in the acts of the Legislature during the amendatory
 37 | process; providing effective dates.

38 |
 39 | Be It Enacted by the Legislature of the State of Florida:
 40 |

41 | Section 1. Paragraph (p) of subsection (3) of section
 42 | 11.45, Florida Statutes, is amended to read:

43 | 11.45 Definitions; duties; authorities; reports; rules.—

44 | (3) AUTHORITY FOR AUDITS AND OTHER ENGAGEMENTS.—The
 45 | Auditor General may, pursuant to his or her own authority, or at
 46 | the direction of the Legislative Auditing Committee, conduct
 47 | audits or other engagements as determined appropriate by the
 48 | Auditor General of:

49 | ~~(p) The Florida Special Disability Trust Fund Financing~~
 50 | ~~Corporation created pursuant to s. 440.49.~~

51 | Reviser's note.—Amended to conform to the repeal of s.
 52 | 440.49(14), which created the Florida Special Disability

53 Trust Fund Financing Corporation, by s. 30, ch. 2001-89,
 54 Laws of Florida.

55 Section 2. Section 11.9336, Florida Statutes, is amended
 56 to read:

57 11.9336 Oath.—Each delegate and alternate delegate shall,
 58 before exercising any function of the position, execute an oath
 59 in the state and in writing that the delegate or alternate
 60 ~~alternative~~ delegate will:

61 (1) Support the Constitution of the United States and the
 62 State Constitution.

63 (2) Faithfully abide by and execute any instructions to
 64 delegates and alternate delegates adopted by the Legislature.

65 (3) Otherwise faithfully discharge the duties of a
 66 delegate or alternate delegate.

67 Reviser's note.—Amended to confirm the editorial substitution of
 68 the word "alternate" for the word "alternative" to conform
 69 to context.

70 Section 3. Subsection (1) of section 20.255, Florida
 71 Statutes, is amended to read:

72 20.255 Department of Environmental Protection.—There is
 73 created a Department of Environmental Protection.

74 (1) The head of the Department of Environmental Protection
 75 shall be a secretary, who shall be appointed by the Governor,
 76 with the concurrence of three ~~or more~~ members of the Cabinet.
 77 The secretary shall be confirmed by the Florida Senate. The
 78 secretary shall serve at the pleasure of the Governor.

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79 Reviser's note.—Amended to conform to the current text of s. 4,
80 Art. IV of the Florida Constitution, which provides that
81 the cabinet is composed of an attorney general, a chief
82 financial officer, and a commissioner of agriculture.
83 Section 4. Section 27.366, Florida Statutes, is amended to
84 read:
85 27.366 Legislative intent and policy in cases meeting
86 criteria of s. 775.087(2) and (3).—It is the intent of the
87 Legislature that convicted criminal offenders who meet the
88 criteria in s. 775.087(2) and (3) be sentenced to the minimum
89 mandatory prison terms provided therein ~~herein~~. It is the intent
90 of the Legislature to establish zero tolerance of criminals who
91 use, threaten to use, or avail themselves of firearms in order
92 to commit crimes and thereby demonstrate their lack of value for
93 human life. It is also the intent of the Legislature that
94 prosecutors should appropriately exercise their discretion in
95 those cases in which the offenders' possession of the firearm is
96 incidental to the commission of a crime and not used in
97 furtherance of the crime, used in order to commit the crime, or
98 used in preparation to commit the crime. For every case in which
99 the offender meets the criteria in this act and does not receive
100 the mandatory minimum prison sentence, the state attorney must
101 explain the sentencing deviation in writing and place such
102 explanation in the case file maintained by the state attorney.
103 Reviser's note.—Amended to conform to context and improve
104 clarity.

105 Section 5. Section 28.22205, Florida Statutes, is amended
 106 to read:

107 28.22205 Electronic filing process.—Each clerk of court
 108 shall implement an electronic filing process. The purpose of the
 109 electronic filing process is to reduce judicial costs in the
 110 office of the clerk and the judiciary, increase timeliness in
 111 the processing of cases, and provide the judiciary with case-
 112 related information to allow for improved judicial case
 113 management. The Legislature requests that, no later than July 1,
 114 2009, the Supreme Court set statewide standards for electronic
 115 filing to be used by the clerks of court to implement electronic
 116 filing. The standards should specify the required information
 117 for the duties of the clerks of court and the judiciary for case
 118 management. ~~The clerks of court shall begin implementation no~~
 119 ~~later than October 1, 2009.~~ Revenues provided to counties and
 120 the clerk of court under s. 28.24(12)(e) for information
 121 technology may also be used to implement electronic filing
 122 processes.

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

124 Section 6. Paragraph (c) of subsection (1) of section
 125 39.307, Florida Statutes, is amended to read:

126 39.307 Reports of child-on-child sexual abuse.—

127 (1) Upon receiving a report alleging juvenile sexual abuse
 128 or inappropriate sexual behavior as defined in s. 39.01, the
 129 department shall assist the family, child, and caregiver in
 130 receiving appropriate services to address the allegations of the

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131 report.

132 (c) The department shall monitor the occurrence of child
133 sexual abuse and the provision of services to children involved
134 in child sexual abuse or juvenile sexual abuse, or who have
135 displayed inappropriate sexual behavior.

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

138 Section 7. Subsection (1) of section 39.524, Florida
139 Statutes, is amended to read:

140 39.524 Safe-harbor placement.—

141 (1) Except as provided in s. 39.407 or s. 985.801, a
142 dependent child 6 years of age or older who has been found to be
143 a victim of sexual exploitation as defined in s. 39.01(69)(g)
144 ~~39.01(68)(g)~~ must be assessed for placement in a safe house or
145 safe foster home as provided in s. 409.1678 using the initial
146 screening and assessment instruments provided in s. 409.1754(1).
147 If such placement is determined to be appropriate for the child
148 as a result of this assessment, the child may be placed in a
149 safe house or safe foster home, if one is available. However,
150 the child may be placed in another setting, if the other setting
151 is more appropriate to the child's needs or if a safe house or
152 safe foster home is unavailable, as long as the child's
153 behaviors are managed so as not to endanger other children
154 served in that setting.

155 Reviser's note.—Amended to confirm the editorial substitution of
156 a reference to s. 39.01(69)(g) for a reference to s.

157 39.01(68)(g). Sexual exploitation of a child is defined in
158 s. 39.01(69)(g). "Secretary" is defined in s. 39.01(68),
159 which has no paragraphs.

160 Section 8. Subsection (2) of section 40.32, Florida
161 Statutes, is amended to read:

162 40.32 Clerks to disburse money; payments to jurors and
163 witnesses.—

164 (2) The payment of jurors and the payment of expenses for
165 meals and lodging for jurors under the provisions of this
166 chapter are court-related functions that the clerk of the court
167 shall fund from filing fees, service charges, court costs, and
168 ~~finances as part of the maximum annual budget under ss. 28.35 and~~
169 ~~28.36.~~

170 Reviser's note.—Amended to conform to the deletion of a
171 reference to "maximum annual budgets under ss. 28.35 and
172 28.36." The references to "maximum annual budget" were
173 deleted from these sections by ss. 3, 4, ch. 2009-204, Laws
174 of Florida.

175 Section 9. Paragraph (c) of subsection (1) of section
176 61.13016, Florida Statutes, is amended to read:

177 61.13016 Suspension of driver licenses and motor vehicle
178 registrations.—

179 (1) The driver license and motor vehicle registration of a
180 support obligor who is delinquent in payment or who has failed
181 to comply with subpoenas or a similar order to appear or show
182 cause relating to paternity or support proceedings may be

183 suspended. When an obligor is 15 days delinquent making a
184 payment in support or failure to comply with a subpoena, order
185 to appear, order to show cause, or similar order in IV-D cases,
186 the Title IV-D agency may provide notice to the obligor of the
187 delinquency or failure to comply with a subpoena, order to
188 appear, order to show cause, or similar order and the intent to
189 suspend by regular United States mail that is posted to the
190 obligor's last address of record with the Department of Highway
191 Safety and Motor Vehicles. When an obligor is 15 days delinquent
192 in making a payment in support in non-IV-D cases, and upon the
193 request of the obligee, the depository or the clerk of the court
194 must provide notice to the obligor of the delinquency and the
195 intent to suspend by regular United States mail that is posted
196 to the obligor's last address of record with the Department of
197 Highway Safety and Motor Vehicles. In either case, the notice
198 must state:

199 (c) That notification will be given to the Department of
200 Highway Safety and Motor Vehicles to suspend the obligor's
201 driver license and motor vehicle registration unless, within 20
202 days after the date that the notice is mailed, the obligor:

203 1.a. Pays the delinquency in full and any other costs and
204 fees accrued between the date of the notice and the date the
205 delinquency is paid;

206 b. Enters into a written agreement for payment with the
207 obligee in non-IV-D cases or with the Title IV-D agency in IV-D
208 cases; or in IV-D cases, complies with a subpoena or order to

209 appear, order to show cause, or a similar order;

210 c. Files a petition with the circuit court to contest the
211 delinquency action;

212 d. Demonstrates that he or she receives reemployment
213 assistance or unemployment compensation pursuant to chapter 443;

214 e. Demonstrates that he or she is disabled and incapable
215 of self-support or that he or she receives benefits under the
216 federal Supplemental Security Income program or Social Security
217 Disability Insurance program ~~programs~~;

218 f. Demonstrates that he or she receives temporary cash
219 assistance pursuant to chapter 414; or

220 g. Demonstrates that he or she is making payments in
221 accordance with a confirmed bankruptcy plan under chapter 11,
222 chapter 12, or chapter 13 of the United States Bankruptcy Code,
223 11 U.S.C. ss. 101 et seq.; and

224 2. Pays any applicable delinquency fees.

225

226 If an obligor in a non-IV-D case enters into a written agreement
227 for payment before the expiration of the 20-day period, the
228 obligor must provide a copy of the signed written agreement to
229 the depository or the clerk of the court. If an obligor seeks to
230 satisfy sub-subparagraph 1.d., sub-subparagraph 1.e., sub-
231 subparagraph 1.f., or sub-subparagraph 1.g. before expiration of
232 the 20-day period, the obligor must provide the applicable
233 documentation or proof to the depository or the clerk of the
234 court.

235 Reviser's note.—Amended to improve clarity and to facilitate
236 correct interpretation.

237 Section 10. Subsections (1) and (2) of section 112.31455,
238 Florida Statutes, are amended to read:

239 112.31455 Collection methods for unpaid automatic fines
240 for failure to timely file disclosure of financial interests.—

241 (1) Before referring any unpaid fine accrued pursuant to
242 s. 112.3144(5) or s. 112.3145(7) ~~112.3145(6)~~ to the Department
243 of Financial Services, the commission shall attempt to determine
244 whether the individual owing such a fine is a current public
245 officer or current public employee. If so, the commission may
246 notify the Chief Financial Officer or the governing body of the
247 appropriate county, municipality, or special district of the
248 total amount of any fine owed to the commission by such
249 individual.

250 (a) After receipt and verification of the notice from the
251 commission, the Chief Financial Officer or the governing body of
252 the county, municipality, or special district shall begin
253 withholding the lesser of 10 percent or the maximum amount
254 allowed under federal law from any salary-related payment. The
255 withheld payments shall be remitted to the commission until the
256 fine is satisfied.

257 (b) The Chief Financial Officer or the governing body of
258 the county, municipality, or special district may retain an
259 amount of each withheld payment, as provided in s. 77.0305, to
260 cover the administrative costs incurred under this section.

261 (2) If the commission determines that the individual who
262 is the subject of an unpaid fine accrued pursuant to s.
263 112.3144(5) or s. 112.3145(7) ~~112.3145(6)~~ is no longer a public
264 officer or public employee or if the commission is unable to
265 determine whether the individual is a current public officer or
266 public employee, the commission may, 6 months after the order
267 becomes final, seek garnishment of any wages to satisfy the
268 amount of the fine, or any unpaid portion thereof, pursuant to
269 chapter 77. Upon recording the order imposing the fine with the
270 clerk of the circuit court, the order shall be deemed a judgment
271 for purposes of garnishment pursuant to chapter 77.

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

273 112.3145(6) as s. 112.3145(7) by s. 4, ch. 2014-183, Laws
274 of Florida.

275 Section 11. Section 163.32466, Florida Statutes, is
276 amended to read:

277 163.32466 Readoption by ordinance of plan amendments
278 adopted pursuant to former s. 163.32465, subject to local
279 referendum.—A comprehensive plan amendment adopted pursuant to
280 former s. 163.32465 subject to voter referendum by local
281 charter, and found in compliance before June 2, 2011, may be
282 readopted by ordinance, shall become effective upon approval by
283 the local government, and is not subject to review or challenge
284 pursuant to the provisions of former s. 163.32465 or s.
285 163.3184.

286 Reviser's note.—Amended to conform to the repeal of s. 163.32465

287 by s. 30, ch. 2011-139, Laws of Florida.

288 Section 12. Subsection (13) of section 189.074, Florida
 289 Statutes, is amended to read:

290 189.074 Voluntary merger of independent special
 291 districts.—Two or more contiguous independent special districts
 292 created by special act which have similar functions and elected
 293 governing bodies may elect to merge into a single independent
 294 district through the act of merging the component independent
 295 special districts.

296 (13) DETERMINATION OF RIGHTS.—If any right, title,
 297 interest, or claim arises out of a merger or by reason thereof
 298 which is not determinable by reference to this section
 299 ~~subsection~~, the joint merger plan or elector-initiated merger
 300 plan, as appropriate, or otherwise under the laws of this state,
 301 the governing body of the merged independent district may
 302 provide therefor in a manner conforming to law.

303 Reviser's note.—Amended to substitute the word "section" for the
 304 word "subsection"; the "subsection" reference predated the
 305 transfer of s. 189.4042(5) to s. 189.074 by s. 21, ch.
 306 2014-22, Laws of Florida.

307 Section 13. Paragraph (b) of subsection (5) and paragraphs
 308 (d) and (e) of subsection (13) of section 200.065, Florida
 309 Statutes, are amended to read:

310 200.065 Method of fixing millage.—

311 (5) In each fiscal year:

312 (b) The millage rate of a county or municipality,

313 municipal service taxing unit of that county, and any special
 314 district dependent to that county or municipality may exceed the
 315 maximum millage rate calculated pursuant to this subsection if
 316 the total county ad valorem taxes levied or total municipal ad
 317 valorem taxes levied do not exceed the maximum total county ad
 318 valorem taxes levied or maximum total municipal ad valorem taxes
 319 levied respectively. Voted millage and taxes levied by a
 320 municipality or independent special district that has levied ad
 321 valorem taxes for less than 5 years are not subject to this
 322 limitation. The millage rate of a county authorized to levy a
 323 county public hospital surtax under s. 212.055 may exceed the
 324 maximum millage rate calculated pursuant to this subsection to
 325 the extent necessary to account for the revenues required to be
 326 contributed to the county public hospital. Total taxes levied
 327 may exceed the maximum calculated pursuant to subsection (6) as
 328 a result of an increase in taxable value above that certified in
 329 subsection (1) if such increase is less than the percentage
 330 amounts contained in subsection (6) or if the administrative
 331 adjustment cannot be made because the value adjustment board is
 332 still in session at the time the tax roll is extended;
 333 otherwise, millage rates subject to this subsection or ~~or~~ s.
 334 200.185, ~~or s. 200.186~~ may be reduced so that total taxes levied
 335 do not exceed the maximum.
 336
 337 Any unit of government operating under a home rule charter
 338 adopted pursuant to ss. 10, 11, and 24, Art. VIII of the State

339 Constitution of 1885, as preserved by s. 6(e), Art. VIII of the
 340 State Constitution of 1968, which is granted the authority in
 341 the State Constitution to exercise all the powers conferred now
 342 or hereafter by general law upon municipalities and which
 343 exercises such powers in the unincorporated area shall be
 344 recognized as a municipality under this subsection. For a
 345 downtown development authority established before the effective
 346 date of the 1968 State Constitution which has a millage that
 347 must be approved by a municipality, the governing body of that
 348 municipality shall be considered the governing body of the
 349 downtown development authority for purposes of this subsection.

350 (13)

351 (d) If any county or municipality, dependent special
 352 district of such county or municipality, or municipal service
 353 taxing unit of such county is in violation of subsection (5) or
 354 ~~s. 200.185, or s. 200.186~~ because total county or municipal ad
 355 valorem taxes exceeded the maximum total county or municipal ad
 356 valorem taxes, respectively, that county or municipality shall
 357 forfeit the distribution of local government half-cent sales tax
 358 revenues during the 12 months following a determination of
 359 noncompliance by the Department of Revenue as described in s.
 360 218.63(3) and this subsection. If the executive director of the
 361 Department of Revenue determines that any county or
 362 municipality, dependent special district of such county or
 363 municipality, or municipal service taxing unit of such county is
 364 in violation of subsection (5) or ~~s. 200.185, or s. 200.186,~~

365 the Department of Revenue and the county or municipality,
366 dependent special district of such county or municipality, or
367 municipal service taxing unit of such county shall follow the
368 procedures set forth in this paragraph or paragraph (e). During
369 the pendency of any procedure under paragraph (e) or any
370 administrative or judicial action to challenge any action taken
371 under this subsection, the tax collector shall hold in escrow
372 any revenues collected by the noncomplying county or
373 municipality, dependent special district of such county or
374 municipality, or municipal service taxing unit of such county in
375 excess of the amount allowed by subsection (5) or ~~τ~~ s. 200.185~~τ~~
376 ~~or s. 200.186~~, as determined by the executive director. Such
377 revenues shall be held in escrow until the process required by
378 paragraph (e) is completed and approved by the department. The
379 department shall direct the tax collector to so hold such funds.
380 If the county or municipality, dependent special district of
381 such county or municipality, or municipal service taxing unit of
382 such county remedies the noncompliance, any moneys collected in
383 excess of the new levy or in excess of the amount allowed by
384 subsection (5) or ~~τ~~ s. 200.185~~τ~~, ~~or s. 200.186~~ shall be held in
385 reserve until the subsequent fiscal year and shall then be used
386 to reduce ad valorem taxes otherwise necessary. If the county or
387 municipality, dependent special district of such county or
388 municipality, or municipal service taxing unit of such county
389 does not remedy the noncompliance, the provisions of s. 218.63
390 shall apply.

391 (e) The following procedures shall be followed when the
 392 executive director notifies any county or municipality,
 393 dependent special district of such county or municipality, or
 394 municipal service taxing unit of such county that he or she has
 395 determined that such taxing authority is in violation of
 396 subsection (5) or ~~7~~ s. 200.185, ~~or s. 200.186~~:

397 1. Within 30 days after the deadline for certification of
 398 compliance required by s. 200.068, the executive director shall
 399 notify any such county or municipality, dependent special
 400 district of such county or municipality, or municipal service
 401 taxing unit of such county of his or her determination regarding
 402 subsection (5) or ~~7~~ s. 200.185, ~~or s. 200.186~~ and that such
 403 taxing authority is subject to subparagraph 2.

404 2. Any taxing authority so noticed by the executive
 405 director shall repeat the hearing and notice process required by
 406 paragraph (2)(d), except that:

407 a. The advertisement shall appear within 15 days after
 408 notice from the executive director.

409 b. The advertisement, in addition to meeting the
 410 requirements of subsection (3), must contain the following
 411 statement in boldfaced type immediately after the heading:

412 THE PREVIOUS NOTICE PLACED BY THE ...(name of taxing
 413 authority)... HAS BEEN DETERMINED BY THE DEPARTMENT OF REVENUE
 414 TO BE IN VIOLATION OF THE LAW, NECESSITATING THIS SECOND NOTICE.

415 c. The millage newly adopted at such hearing shall not be
 416 forwarded to the tax collector or property appraiser and may not

417 exceed the rate previously adopted or the amount allowed by
418 subsection (5) or ~~τ~~ s. 200.185, ~~or s. 200.186~~. Each taxing
419 authority provided notice pursuant to this paragraph shall
420 recertify compliance with this chapter as provided in this
421 section within 15 days after the adoption of a millage at such
422 hearing.

423 d. The determination of the executive director shall be
424 superseded if the executive director determines that the county
425 or municipality, dependent special district of such county or
426 municipality, or municipal service taxing unit of such county
427 has remedied the noncompliance. Such noncompliance shall be
428 determined to be remedied if any such taxing authority provided
429 notice by the executive director pursuant to this paragraph
430 adopts a new millage that does not exceed the maximum millage
431 allowed for such taxing authority under paragraph (5) (a) or ~~τ~~ s.
432 200.185(1)-(5), ~~or s. 200.186(1)~~, or if any such county or
433 municipality, dependent special district of such county or
434 municipality, or municipal service taxing unit of such county
435 adopts a lower millage sufficient to reduce the total taxes
436 levied such that total taxes levied do not exceed the maximum as
437 provided in paragraph (5) (b) or ~~τ~~ s. 200.185(8), ~~or s.~~
438 ~~200.186(3)~~.

439 e. If any such county or municipality, dependent special
440 district of such county or municipality, or municipal service
441 taxing unit of such county has not remedied the noncompliance or
442 recertified compliance with this chapter as provided in this

443 paragraph, and the executive director determines that the
444 noncompliance has not been remedied or compliance has not been
445 recertified, the county or municipality shall forfeit the
446 distribution of local government half-cent sales tax revenues
447 during the 12 months following a determination of noncompliance
448 by the Department of Revenue as described in s. 218.63(2) and
449 (3) and this subsection.

450 f. The determination of the executive director is not
451 subject to chapter 120.

452 Reviser's note.—Amended to delete references to s. 200.186,
453 which was created by s. 28, ch. 2007-321, Laws of Florida,
454 in 2007 Special Session B and appeared with a contingency
455 note. The contingency did not occur; the joint resolution
456 for a constitutional amendment passed, but the ballot
457 language was ruled unconstitutional. The referenced s.
458 200.186 did not become effective.

459 Section 14. Subsection (1) of section 212.0606, Florida
460 Statutes, is amended to read:

461 212.0606 Rental car surcharge.—

462 (1) Except as provided in subsection (2), a surcharge of
463 \$2 per day or any part of a day is imposed upon the lease or
464 rental of a motor vehicle licensed for hire and designed to
465 carry fewer ~~less~~ than nine passengers regardless of whether the
466 motor vehicle is licensed in this state. The surcharge applies
467 to only the first 30 days of the term of a lease or rental. The
468 surcharge is subject to all applicable taxes imposed by this

469 chapter.

470 Reviser's note.—Amended to facilitate correct understanding and
471 improve clarity.

472 Section 15. Paragraph (d) of subsection (3) of section
473 285.18, Florida Statutes, is amended to read:

474 285.18 Tribal council as governing body; powers and
475 duties.—

476 (3) The law enforcement agencies of the Seminole Tribe of
477 Florida and the Miccosukee Tribe of Indians of Florida shall
478 have the authority of "criminal justice agencies" as defined in
479 s. 943.045(11)(e) and shall have the specific authority to
480 negotiate agreements with the Department of Law Enforcement, the
481 United States Department of Justice, and other federal law
482 enforcement agencies for access to criminal history records for
483 the purpose of conducting ongoing criminal investigations and
484 for the following governmental purposes:

485 (d) Background investigations with respect to all
486 employees, primary management officials, and all persons having
487 a financial interest in a class II Indian tribal gaming
488 enterprise to ensure eligibility as provided in the Indian
489 Gaming Regulatory Act, 25 U.S.C. ss. 2701 et seq ~~al.~~

490

491 With regard to those investigations authorized in paragraphs
492 (a), (c), and (d), each such individual shall file a complete
493 set of his or her fingerprints that have been taken by an
494 authorized law enforcement officer, which set of fingerprints

495 shall be submitted to the Department of Law Enforcement for
 496 state processing and to the Federal Bureau of Investigation for
 497 federal processing. The cost of processing shall be borne by the
 498 applicant.

499 Reviser's note.—Amended to improve clarity and facilitate
 500 correct understanding.

501 Section 16. Paragraph (a) of subsection (1) of section
 502 287.0595, Florida Statutes, is amended to read:

503 287.0595 Pollution response action contracts; department
 504 rules.—

505 (1) The Department of Environmental Protection shall
 506 establish, by adopting administrative rules as provided in
 507 chapter 120:

508 (a) Procedures for determining the qualifications of
 509 responsible potential vendors prior to advertisement for and
 510 receipt of bids, proposals, or replies for pollution response
 511 action contracts, including procedures for the rejection of
 512 unqualified vendors. Response actions are those activities
 513 described in s. 376.301(37) ~~376.301(39)~~.

514 Reviser's note.—Amended to conform to the redesignation of s.
 515 376.301(39) as s. 376.301(37) by the editors to conform to
 516 the repeal of s. 376.301(4) and (30) by s. 5, ch. 2014-151,
 517 Laws of Florida.

518 Section 17. Subsection (2) of section 288.001, Florida
 519 Statutes, is reenacted to read:

520 288.001 The Florida Small Business Development Center

521 Network.—

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

523 (a) "Board of Governors" means the Board of Governors of
524 the State University System.

525 (b) "Host institution" means the university designated by
526 the Board of Governors to be the recipient organization in
527 accordance with 13 C.F.R. s. 130.200.

528 (c) "Network" means the Florida Small Business Development
529 Center Network.

530 Reviser's note.—Section 43, ch. 2014-17, Laws of Florida,
531 purported to amend subsection (2) but did not publish
532 paragraph (c). Absent affirmative evidence of legislative
533 intent to repeal it, subsection (2) is reenacted to confirm
534 that the omission was not intended.

535 Section 18. Paragraph (a) of subsection (7) of section
536 288.9934, Florida Statutes, is amended to read:

537 288.9934 Microfinance Loan Program.—

538 (7) CONTRACT TERMINATION.—

539 (a) The loan administrator's contract with the department
540 may be terminated by the department, and the loan administrator
541 required to immediately return all state funds awarded,
542 including any interest, fees, and costs it would otherwise be
543 entitled to retain pursuant to subsection (5) for that fiscal
544 year, upon a finding by the department that:

545 1. The loan administrator has, within the previous 5
546 years, participated in a state-funded economic development

547 program in this or any other state and was found to have failed
 548 to comply with the requirements of that program;

549 2. The loan administrator is currently in material
 550 noncompliance with any statute, rule, or program administered by
 551 the department;

552 3. The loan administrator or any member of its board of
 553 directors, officers, partners, managers, or shareholders has
 554 pled no contest to or been found guilty, regardless of whether
 555 adjudication was withheld, of any felony or any misdemeanor
 556 involving fraud, misrepresentation, or dishonesty;

557 4. The loan administrator failed to meet or agree to the
 558 terms of the contract with the department or failed to meet this
 559 part; or

560 5. The department finds that the loan administrator
 561 provided fraudulent or misleading information to the department.
 562 Reviser's note.—Amended to confirm the editorial insertion of
 563 the word "to" to improve clarity.

564 Section 19. Subsection (2) of section 288.9936, Florida
 565 Statutes, is amended to read:

566 288.9936 Annual report of the Microfinance Loan Program.—

567 (2) The department shall submit the report provided to the
 568 department from Enterprise Florida, Inc., pursuant to s.
 569 288.9935(8) ~~288.9935(7)~~ for inclusion in the department's annual
 570 report required under s. 20.60(10).

571 Reviser's note.—Amended to correct an apparent error and
 572 facilitate correct interpretation. The referenced report is

573 in s. 288.9935(8).

574 Section 20. Section 298.01, Florida Statutes, is amended
575 to read:

576 298.01 Formation of water control district.—It is the
577 legislative intent that those water control districts
578 established prior to July 1, 1980, pursuant to the process
579 formerly contained in this section ~~ss. 298.01,~~ and former ss.
580 298.02, and 298.03, may continue to operate as outlined in this
581 chapter. However, on and after that date, no water control
582 district may be created except pursuant to s. 125.01 or a
583 special act of the Legislature. Upon formation of a water
584 control district by a special act of the Legislature, the
585 circuit court of the county in which a majority of the land
586 within the district is located shall thereafter maintain and
587 have original and exclusive jurisdiction, coextensive with the
588 boundaries and limits of the water control district without
589 regard to county lines, for all purposes of this chapter.

590 Reviser's note.—Amended to conform to Florida Statutes cite
591 style and to the repeal of ss. 298.02 and 298.03 by s. 7,
592 ch. 80-281, Laws of Florida.

593 Section 21. Paragraph (d) of subsection (3) of section
594 316.545, Florida Statutes, is amended to read:

595 316.545 Weight and load unlawful; special fuel and motor
596 fuel tax enforcement; inspection; penalty; review.—

597 (3)

598 (d) A vehicle operating on the highways of this state from

599 a nonmember International Registration Plan jurisdiction
 600 ~~nonmember International Registration Plan jurisdictions~~ which is
 601 not in compliance with s. 316.605 is subject to the penalties
 602 provided in this section.

603 Reviser's note.—Amended to confirm the editorial substitution of
 604 the words "a nonmember International Registration Plan
 605 jurisdiction" for the words "nonmember International
 606 Registration Plan jurisdictions" to improve clarity.

607 Section 22. Paragraph (f) of subsection (2) of section
 608 322.058, Florida Statutes, is amended to read:

609 322.058 Suspension of driving privilege due to support
 610 delinquency; reinstatement.—

611 (2) The department must reinstate the driving privilege
 612 and allow registration of a motor vehicle when the Title IV-D
 613 agency in IV-D cases or the depository or the clerk of the court
 614 in non-IV-D cases provides to the department an affidavit
 615 stating that:

616 (f) The person is disabled and incapable of self-support
 617 or receives benefits under the federal Supplemental Security
 618 Income program or Social Security Disability Insurance program
 619 ~~programs~~;

620 Reviser's note.—Amended to improve clarity and to facilitate
 621 correct interpretation.

622 Section 23. Subsection (1) of section 327.391, Florida
 623 Statutes, is amended to read:

624 327.391 Airboats regulated.—

625 (1) The exhaust of every internal combustion engine used
 626 on any airboat operated on the waters of this state shall be
 627 provided with an automotive-style factory muffler, underwater
 628 exhaust, or other manufactured device capable of adequately
 629 muffling the sound of the exhaust of the engine as described in
 630 s. 327.02(27) ~~327.02(25)~~. The use of cutouts or flex pipe as the
 631 sole source of muffling is prohibited, except as provided in
 632 subsection (4). Any person who violates this subsection commits
 633 a noncriminal infraction punishable as provided in s. 327.73(1).
 634 Reviser's note.—Amended to correct an apparent error. "Muffler"

635 is defined in s. 327.02(27); s. 327.02(25) defines "moored
 636 ballooning."

637 Section 24. Paragraph (h) of subsection (1) of section
 638 337.403, Florida Statutes, is amended to read:

639 337.403 Interference caused by utility; expenses.—

640 (1) If a utility that is placed upon, under, over, or
 641 along any public road or publicly owned rail corridor is found
 642 by the authority to be unreasonably interfering in any way with
 643 the convenient, safe, or continuous use, or the maintenance,
 644 improvement, extension, or expansion, of such public road or
 645 publicly owned rail corridor, the utility owner shall, upon 30
 646 days' written notice to the utility or its agent by the
 647 authority, initiate the work necessary to alleviate the
 648 interference at its own expense except as provided in paragraphs
 649 (a)-(i). The work must be completed within such reasonable time
 650 as stated in the notice or such time as agreed to by the

651 authority and the utility owner.

652 (h) If a municipally owned utility or county-owned utility
653 is located in a rural area of opportunity ~~critical economic~~
654 ~~concern~~, as defined in s. 288.0656(2), and the department
655 determines that the utility is unable, and will not be able
656 within the next 10 years, to pay for the cost of utility work
657 necessitated by a department project on the State Highway
658 System, the department may pay, in whole or in part, the cost of
659 such utility work performed by the department or its contractor.

660 Reviser's note.—Amended to conform to provisions in ch. 2014-
661 218, Laws of Florida, which changed references from "rural
662 areas of critical economic concern" to "rural areas of
663 opportunity" with the exception of three sections of the
664 Florida Statutes.

665 Section 25. Subsection (6) of section 339.041, Florida
666 Statutes, is amended to read:

667 339.041 Factoring of revenues from leases for wireless
668 communication facilities.—

669 (6) Subject to annual appropriation, the investors shall
670 collect the lease payments on a schedule and in a manner
671 established in the agreements entered into by the department and
672 the investors pursuant to this section. The agreements may
673 provide for lease payments to be made directly to investors by
674 lessees if the lease agreements entered into by the department
675 and the lessees pursuant to s. 365.172(13)(f) ~~s. 365.172(12)(f)~~
676 allow direct payment.

677 Reviser's note.—Amended to conform to the redesignation of s.
678 365.172(12)(f) as s. 365.172(13)(f) by s. 1, ch. 2014-196,
679 Laws of Florida.

680 Section 26. Paragraph (c) of subsection (5) of section
681 339.135, Florida Statutes, is amended to read:

682 339.135 Work program; legislative budget request;
683 definitions; preparation, adoption, execution, and amendment.—

684 (5) ADOPTION OF THE WORK PROGRAM.—

685 (c) Notwithstanding paragraph (a), and for the 2014-2015
686 fiscal year only, the department may use appropriated funds to
687 pay the costs of strategic and regionally significant
688 transportation projects as provided in paragraph (4)(j)
689 ~~paragraph (4)(i)~~. Funds specifically appropriated for this
690 purpose may not reduce, delete, or defer any existing projects
691 funded as of July 1, 2014, in the department's 5-year work
692 program. This paragraph expires July 1, 2015.

693 Reviser's note.—Amended to conform to the editorial

694 redesignation of paragraph (4)(i), as created by s. 47, ch.
695 2014-53, Laws of Florida, as paragraph (4)(j) to conform to
696 the addition of a different paragraph (4)(i) by s. 41, ch.
697 2014-53.

698 Section 27. Subsection (7) of section 339.2818, Florida
699 Statutes, is amended to read:

700 339.2818 Small County Outreach Program.—

701 (7) Subject to a specific appropriation in addition to
702 funds annually appropriated for projects under this section, a

703 municipality within a rural area of opportunity ~~critical~~
 704 ~~economic concern~~ or a rural area of opportunity ~~critical~~
 705 ~~economic concern~~ community designated under s. 288.0656(7) (a)
 706 may compete for the additional project funding using the
 707 criteria listed in subsection (4) at up to 100 percent of
 708 project costs, excluding capacity improvement projects.
 709 Reviser's note.—Amended to conform to provisions in ch. 2014-
 710 218, Laws of Florida, which changed references from "rural
 711 areas of critical economic concern" to "rural areas of
 712 opportunity" with the exception of three sections of the
 713 Florida Statutes.
 714 Section 28. Paragraph (a) of subsection (2) of section
 715 348.753, Florida Statutes, is amended to read:
 716 348.753 Central Florida Expressway Authority.—
 717 (2) (a) Immediately on ~~upon~~ June 20, 2014, the Central
 718 Florida Expressway Authority shall assume the governance and
 719 control of the Orlando-Orange County Expressway Authority
 720 System, including its assets, personnel, contracts, obligations,
 721 liabilities, facilities, and tangible and intangible property.
 722 Any rights in such property, and other legal rights of the
 723 authority, are transferred to the Central Florida Expressway
 724 Authority. The Central Florida Expressway Authority shall
 725 immediately succeed to and assume the powers, responsibilities,
 726 and obligations of the Orlando-Orange County Expressway
 727 Authority.
 728 Reviser's note.—Amended to substitute the word "on" for the word

729 "upon" to improve clarity. As created by s. 3, ch. 2014-
730 171, Laws of Florida, paragraph (2) (a) began with the words
731 "Immediately upon the effective date of this act." Section
732 21, ch. 2014-171, directed the Division of Law Revision and
733 Information to substitute the date for the new language
734 "the effective date of this act."

735 Section 29. Subsection (1) of section 348.7546, Florida
736 Statutes, is amended to read:

737 348.7546 Wekiva Parkway, construction authorized;
738 financing.—

739 (1) The Central Florida Expressway Authority may exercise
740 its condemnation powers and ~~to~~ construct, finance, operate, own,
741 and maintain those portions of the Wekiva Parkway which are
742 identified by agreement between the authority and the department
743 and which are included as part of the authority's long-range
744 capital improvement plan. The "Wekiva Parkway" means any limited
745 access highway or expressway constructed between State Road 429
746 and Interstate 4 specifically incorporating the corridor
747 alignment recommended by Recommendation 2 of the Wekiva River
748 Basin Area Task Force final report dated January 15, 2003, and
749 the recommendations of the SR 429 Working Group which were
750 adopted January 16, 2004. This project may be financed with any
751 funds available to the authority for such purpose or revenue
752 bonds issued by the authority under s. 11, Art. VII of the State
753 Constitution and s. 348.755(1) (b). This section does not
754 invalidate the exercise by the authority of its condemnation

755 powers or the acquisition of any property for the Wekiva Parkway
 756 before July 1, 2012.

757 Reviser's note.—Amended to confirm the editorial deletion of the
 758 word "to" preceding the word "construct."

759 Section 30. Paragraph (c) of subsection (13) of section
 760 365.172, Florida Statutes, is amended to read:

761 365.172 Emergency communications number "E911."—

762 (13) FACILITATING E911 SERVICE IMPLEMENTATION.—To balance
 763 the public need for reliable E911 services through reliable
 764 wireless systems and the public interest served by governmental
 765 zoning and land development regulations and notwithstanding any
 766 other law or local ordinance to the contrary, the following
 767 standards shall apply to a local government's actions, as a
 768 regulatory body, in the regulation of the placement,
 769 construction, or modification of a wireless communications
 770 facility. This subsection shall not, however, be construed to
 771 waive or alter the provisions of s. 286.011 or s. 286.0115. For
 772 the purposes of this subsection only, "local government" shall
 773 mean any municipality or county and any agency of a municipality
 774 or county only. The term "local government" does not, however,
 775 include any airport, as defined by s. 330.27(2), even if it is
 776 owned or controlled by or through a municipality, county, or
 777 agency of a municipality or county. Further, notwithstanding
 778 anything in this section to the contrary, this subsection does
 779 not apply to or control a local government's actions as a
 780 property or structure owner in the use of any property or

781 structure owned by such entity for the placement, construction,
782 or modification of wireless communications facilities. In the
783 use of property or structures owned by the local government,
784 however, a local government may not use its regulatory authority
785 so as to avoid compliance with, or in a manner that does not
786 advance, the provisions of this subsection.

787 (c) Local governments may not require wireless providers
788 to provide evidence of a wireless communications facility's
789 compliance with federal regulations, except evidence of
790 compliance with applicable Federal Aviation Administration
791 requirements under 14 C.F.R. part 77 ~~14 C.F.R. s. 77~~, as
792 amended, and evidence of proper Federal Communications
793 Commission licensure, or other evidence of Federal
794 Communications Commission authorized spectrum use, but may
795 request the Federal Communications Commission to provide
796 information as to a wireless provider's compliance with federal
797 regulations, as authorized by federal law.

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

799 There is no 14 C.F.R. s. 77; there is a 14 C.F.R. part 77.
800 Section 31. Subsection (5) of section 373.223, Florida
801 Statutes, is amended to read:

802 373.223 Conditions for a permit.—

803 (5) In evaluating an application for consumptive use of
804 water which proposes the use of an alternative water supply
805 project as described in the regional water supply plan and
806 provides reasonable assurances of the applicant's capability to

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807 design, construct, operate, and maintain the project, the
808 governing board or department shall presume that the alternative
809 water supply use is consistent with the public interest under
810 paragraph (1)(c). However, where the governing board identifies
811 the need for a multijurisdictional water supply entity or
812 regional water supply authority to develop the alternative water
813 supply project pursuant to s. 373.709(2)(a)2., the presumption
814 shall be accorded only to that use proposed by such entity or
815 authority. This subsection does not affect ~~effect~~ evaluation of
816 the use pursuant to the provisions of paragraphs (1)(a) and (b),
817 subsections (2) and (3), and ss. 373.2295 and 373.233.

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

819 Section 32. Paragraph (a) of subsection (2) of section
820 376.3072, Florida Statutes, is amended to read:

821 376.3072 Florida Petroleum Liability and Restoration
822 Insurance Program.—

823 (2)(a) An owner or operator of a petroleum storage system
824 may become an insured in the restoration insurance program at a
825 facility if:

826 1. A site at which an incident has occurred is eligible
827 for restoration if the insured is a participant in the third-
828 party liability insurance program or otherwise meets applicable
829 financial responsibility requirements. After July 1, 1993, the
830 insured must also provide the required excess insurance coverage
831 or self-insurance for restoration to achieve the financial
832 responsibility requirements of 40 C.F.R. s. 280.97, subpart H,

833 not covered by paragraph (d).

834 2. A site which had a discharge reported before January 1,
835 1989, for which notice was given pursuant to s. 376.3071(10) and
836 which is ineligible for the third-party liability insurance
837 program solely due to that discharge is eligible for
838 participation in the restoration program for an incident
839 occurring on or after January 1, 1989, pursuant to subsection
840 (3). Restoration funding for an eligible contaminated site will
841 be provided without participation in the third-party liability
842 insurance program until the site is restored as required by the
843 department or until the department determines that the site does
844 not require restoration.

845 3. Notwithstanding paragraph (b), a site where an
846 application is filed with the department before January 1, 1995,
847 where the owner is a small business under s. 288.703(6), a
848 Florida College System institution ~~state community college~~ with
849 less than 2,500 FTE, a religious institution as defined by s.
850 212.08(7)(m), a charitable institution as defined by s.
851 212.08(7)(p), or a county or municipality with a population of
852 less than 50,000, is eligible for up to \$400,000 of eligible
853 restoration costs, less a deductible of \$10,000 for small
854 businesses, eligible Florida College System institutions
855 ~~community colleges~~, and religious or charitable institutions,
856 and \$30,000 for eligible counties and municipalities, if:

857 a. Except as provided in sub-subparagraph e., the facility
858 was in compliance with department rules at the time of the

859 discharge.

860 b. The owner or operator has, upon discovery of a
861 discharge, promptly reported the discharge to the department,
862 and drained and removed the system from service, if necessary.

863 c. The owner or operator has not intentionally caused or
864 concealed a discharge or disabled leak detection equipment.

865 d. The owner or operator proceeds to complete initial
866 remedial action as specified in department rules.

867 e. The owner or operator, if required and if it has not
868 already done so, applies for third-party liability coverage for
869 the facility within 30 days after receipt of an eligibility
870 order issued by the department pursuant to this subparagraph.

871

872 However, the department may consider in-kind services from
873 eligible counties and municipalities in lieu of the \$30,000
874 deductible. The cost of conducting initial remedial action as
875 defined by department rules is an eligible restoration cost
876 pursuant to this subparagraph.

877 4.a. By January 1, 1997, facilities at sites with existing
878 contamination must have methods of release detection to be
879 eligible for restoration insurance coverage for new discharges
880 subject to department rules for secondary containment. Annual
881 storage system testing, in conjunction with inventory control,
882 shall be considered to be a method of release detection until
883 the later of December 22, 1998, or 10 years after the date of
884 installation or the last upgrade. Other methods of release

885 detection for storage tanks which meet such requirement are:

886 (I) Interstitial monitoring of tank and integral piping
887 secondary containment systems;

888 (II) Automatic tank gauging systems; or

889 (III) A statistical inventory reconciliation system with a
890 tank test every 3 years.

891 b. For pressurized integral piping systems, the owner or
892 operator must use:

893 (I) An automatic in-line leak detector with flow
894 restriction meeting the requirements of department rules used in
895 conjunction with an annual tightness or pressure test; or

896 (II) An automatic in-line leak detector with electronic
897 flow shut-off meeting the requirements of department rules.

898 c. For suction integral piping systems, the owner or
899 operator must use:

900 (I) A single check valve installed directly below the
901 suction pump if there are no other valves between the dispenser
902 and the tank; or

903 (II) An annual tightness test or other approved test.

904 d. Owners of facilities with existing contamination that
905 install internal release detection systems pursuant to sub-
906 subparagraph a. shall permanently close their external
907 groundwater and vapor monitoring wells pursuant to department
908 rules by December 31, 1998. Upon installation of the internal
909 release detection system, such wells must be secured and taken
910 out of service until permanent closure.

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911 e. Facilities with vapor levels of contamination meeting
912 the requirements of or below the concentrations specified in the
913 performance standards for release detection methods specified in
914 department rules may continue to use vapor monitoring wells for
915 release detection.

916 f. The department may approve other methods of release
917 detection for storage tanks and integral piping which have at
918 least the same capability to detect a new release as the methods
919 specified in this subparagraph.

920

921 Sites meeting the criteria of this subsection for which a site
922 rehabilitation completion order was issued before June 1, 2008,
923 do not qualify for the 2008 increase in site rehabilitation
924 funding assistance and are bound by the pre-June 1, 2008,
925 limits. Sites meeting the criteria of this subsection for which
926 a site rehabilitation completion order was not issued before
927 June 1, 2008, regardless of whether they have previously
928 transitioned to nonstate-funded cleanup status, may continue
929 state-funded cleanup pursuant to s. 376.3071(6) until a site
930 rehabilitation completion order is issued or the increased site
931 rehabilitation funding assistance limit is reached, whichever
932 occurs first.

933 Reviser's note.—Amended to conform references to state community
934 colleges to changes in chs. 2008-52 and 2009-228, Laws of
935 Florida, transitioning references from community colleges
936 to Florida College System institutions.

937 Section 33. Paragraph (e) of subsection (2) of section
 938 377.6015, Florida Statutes, is amended to read:

939 377.6015 Department of Agriculture and Consumer Services;
 940 powers and duties.—

941 (2) The department shall:

942 (e) Administer the provisions of the Florida Energy and
 943 Climate Protection Act pursuant to ss. 377.801-377.804 ~~377.801-~~
 944 ~~377.807~~.

945 Reviser's note.—Amended to conform to the repeal of ss. 377.806
 946 and 377.807 by s. 9, ch. 2014-154, Laws of Florida, and to
 947 conform to context. Section 377.801 cites ss. 377.801-
 948 377.804 as the Florida Energy and Climate Protection Act;
 949 s. 377.805, requiring development of an energy efficiency
 950 and conservation clearinghouse, was transferred from s.
 951 570.0741 to s. 377.805 by s. 64, ch. 2014-150, Laws of
 952 Florida, and is not technically part of the Florida Energy
 953 and Climate Protection Act.

954 Section 34. Subsection (4) of section 379.2495, Florida
 955 Statutes, is amended to read:

956 379.2495 Florida Ships-2-Reefs Program; matching grant
 957 requirements.—

958 (4) To demonstrate that a local government or nonprofit
 959 corporation meets the required criteria, the local government or
 960 nonprofit corporation must submit formal agreements, written
 961 pledges, memoranda of understanding, financing arrangements, or
 962 other documents demonstrating that nonstate matching funds are

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963 available for securing and placing the vessel prior to
964 submission of an application. Matching grant funds shall be
965 released only upon documentation that meets all the criteria
966 established in rules adopted by the commission ~~pursuant to~~
967 ~~subsection (5)~~.

968 Reviser's note.—Amended to conform to the repeal of former
969 subsection (5) by s. 2, ch. 2014-21, Laws of Florida.
970 Section 35. Paragraph (b) of subsection (29) of section
971 380.06, Florida Statutes, is amended to read:

972 380.06 Developments of regional impact.—

973 (29) EXEMPTIONS FOR DENSE URBAN LAND AREAS.—

974 (b) If a municipality that does not qualify as a dense
975 urban land area pursuant to paragraph (a) designates any of the
976 following areas in its comprehensive plan, any proposed
977 development within the designated area is exempt from the
978 development-of-regional-impact process:

- 979 1. Urban infill as defined in s. 163.3164;
- 980 2. Community redevelopment areas as defined in s. 163.340;
- 981 3. Downtown revitalization areas as defined in s.
982 163.3164;
- 983 4. Urban infill and redevelopment under s. 163.2517; or
- 984 5. Urban service areas as defined in s. 163.3164 or areas
985 within a designated urban service boundary under s.
986 163.3177(14), Florida Statutes (2010).

987 Reviser's note.—Amended to conform to the repeal of s.
988 163.3177(14) by s. 12, ch. 2011-139, Laws of Florida, and

989 | to conform to a similar cross-reference in paragraph
 990 | (24) (1) of this section.
 991 | Section 36. Subsection (5) of section 381.78, Florida
 992 | Statutes, is amended to read:
 993 | 381.78 Advisory council on brain and spinal cord
 994 | injuries.—
 995 | (5) Members of the advisory council are entitled to
 996 | reimbursement for per diem and travel expenses for required
 997 | attendance at council meetings in accordance with s. 112.061.
 998 | Reasonable expenses for personal assistance services and
 999 | interpreters needed by members during required attendance at
 1000 | council meetings shall be reimbursed. A member may not receive
 1001 | any compensation for performing duties specified in, or arising
 1002 | out of, her or his duties as a council member under ss. 381.739-
 1003 | 381.79 ~~this part~~, except as otherwise specified in ss. 381.739-
 1004 | 381.79 ~~this part~~.
 1005 | Reviser's note.—Amended to conform to the fact that chapter 381
 1006 | is not divided into parts and to conform to context. An
 1007 | amendment to subsection (7) of this section by s. 8, ch.
 1008 | 2010-161, Laws of Florida, substituted a reference to ss.
 1009 | 381.739-381.79 for a reference to "this part;" ss. 381.739-
 1010 | 381.79 constitute the Charlie Mack Overstreet Brain or
 1011 | Spinal Cord Injuries Act.
 1012 | Section 37. Subsection (2) of section 394.494, Florida
 1013 | Statutes, is amended to read:
 1014 | 394.494 General performance outcomes for the child and

1015 adolescent mental health treatment and support system.—

1016 (2) Annually, pursuant to former s. 216.0166, the
 1017 department shall develop more specific performance outcomes and
 1018 performance measures to assess the performance of the child and
 1019 adolescent mental health treatment and support system in
 1020 achieving the intent of this section.

1021 Reviser's note.—Amended to conform to the repeal of s. 216.0166
 1022 by s. 61, ch. 2000-371, Laws of Florida.

1023 Section 38. Paragraph (p) of subsection (4) of section
 1024 394.495, Florida Statutes, is amended to read:

1025 394.495 Child and adolescent mental health system of care;
 1026 programs and services.—

1027 (4) The array of services may include, but is not limited
 1028 to:

1029 (p) Trauma-informed services for children who have
 1030 suffered sexual exploitation as defined in s. 39.01(69)(g)
 1031 ~~39.01(67)(g)~~.

1032 Reviser's note.—Amended to confirm the editorial substitution of
 1033 a reference to s. 39.01(69)(g) for a reference to s.
 1034 39.01(67)(g) to conform to the renumbering of subunits
 1035 within s. 39.01 by s. 3, ch. 2014-224, Laws of Florida.

1036 Section 39. Paragraph (e) of subsection (3) of section
 1037 394.913, Florida Statutes, is amended to read:

1038 394.913 Notice to state attorney and multidisciplinary
 1039 team of release of sexually violent predator; establishing
 1040 multidisciplinary teams; information to be provided to

1041 multidisciplinary teams.—

1042 (3)

1043 (e) The multidisciplinary team may consult with law
 1044 enforcement agencies and victim advocate groups during the
 1045 assessment and evaluation process. A clinical evaluation of the
 1046 person may be conducted. A second clinical evaluation must be
 1047 conducted if a member of the multidisciplinary team questions
 1048 the conclusion of the first clinical evaluation. All members of
 1049 the multidisciplinary team shall review, at a minimum, the
 1050 information provided in subsection (2) and any clinical
 1051 evaluation before making a recommendation pursuant to paragraph
 1052 (g) ~~paragraph (f)~~.

1053 Reviser's note.—Amended to confirm the editorial substitution of
 1054 a reference to paragraph (g) for a reference to paragraph
 1055 (f), as referenced in the amendment by s. 3, ch. 2014-2,
 1056 Laws of Florida. Paragraph (f) was redesignated as
 1057 paragraph (g) in the compilation of the text pursuant to
 1058 incorporating amendments made by s. 2, ch. 2014-3, Laws of
 1059 Florida.

1060 Section 40. Paragraph (c) of subsection (3) of section
 1061 397.333, Florida Statutes, is amended to read:

1062 397.333 Statewide Drug Policy Advisory Council.—

1063 (3) The advisory council shall:

1064 (c) Review various substance abuse programs and recommend,
 1065 where needed, measures that are sufficient to determine program
 1066 outcomes. The council shall review different methodologies for

1067 evaluating programs and determine whether programs within
 1068 different agencies have common outcomes. The methodologies shall
 1069 be consistent with those established under former s. 216.0166.
 1070 Reviser's note.—Amended to conform to the repeal of s. 216.0166
 1071 by s. 61, ch. 2000-371, Laws of Florida.

1072 Section 41. Subsection (6) of section 397.754, Florida
 1073 Statutes, is amended to read:

1074 397.754 Duties and responsibilities of the Department of
 1075 Corrections.—The Department of Corrections shall:

1076 (6) In cooperation with other agencies, actively seek to
 1077 enhance resources for the provision of treatment services for
 1078 inmates and to develop partnerships with other state agencies,
 1079 including but not limited to the Departments of Children and
 1080 Families, Education, Economic Opportunity ~~Community Affairs~~, and
 1081 Law Enforcement.

1082 Reviser's note.—Amended to conform to the repeal of s. 20.18,
 1083 which created the Department of Community Affairs, by s.
 1084 478, ch. 2011-142, Laws of Florida, and the transfer of the
 1085 department's duties to the Department of Economic
 1086 Opportunity by ch. 2011-142.

1087 Section 42. Subsection (2) of section 397.92, Florida
 1088 Statutes, is amended to read:

1089 397.92 Children's substance abuse services system; goals.—

1090 (2) Pursuant to former s. 216.0166, the department shall
 1091 annually develop performance outcomes and performance measures
 1092 to assess the performance of the children's substance abuse

1093 services system in achieving the intent of this section.
 1094 Reviser's note.—Amended to conform to the repeal of s. 216.0166
 1095 by s. 61, ch. 2000-371, Laws of Florida.

1096 Section 43. Paragraph (v) of subsection (1) of section
 1097 400.022, Florida Statutes, is amended to read:

1098 400.022 Residents' rights.—

1099 (1) All licensees of nursing home facilities shall adopt
 1100 and make public a statement of the rights and responsibilities
 1101 of the residents of such facilities and shall treat such
 1102 residents in accordance with the provisions of that statement.
 1103 The statement shall assure each resident the following:

1104 (v) For residents of Medicaid or Medicare certified
 1105 facilities, the right to challenge a decision by the facility to
 1106 discharge or transfer the resident, as required under ~~Title~~ 42
 1107 C.F.R. s. 483.12 ~~part 483.13~~.

1108 Reviser's note.—Amended to conform to the fact that there is no
 1109 part 483.13 in the Code of Federal Regulations; 42 C.F.R.
 1110 s. 483.12 relates to admission, transfer, and discharge
 1111 rights; 42 C.F.R. s. 483.13 relates to resident behavior
 1112 and facility practices.

1113 Section 44. Paragraph (c) of subsection (7) of section
 1114 403.067, Florida Statutes, is amended to read:

1115 403.067 Establishment and implementation of total maximum
 1116 daily loads.—

1117 (7) DEVELOPMENT OF BASIN MANAGEMENT PLANS AND
 1118 IMPLEMENTATION OF TOTAL MAXIMUM DAILY LOADS.—

1119 (c) *Best management practices.*—

1120 1. The department, in cooperation with the water
 1121 management districts and other interested parties, as
 1122 appropriate, may develop suitable interim measures, best
 1123 management practices, or other measures necessary to achieve the
 1124 level of pollution reduction established by the department for
 1125 nonagricultural nonpoint pollutant sources in allocations
 1126 developed pursuant to subsection (6) and this subsection. These
 1127 practices and measures may be adopted by rule by the department
 1128 and the water management districts and, where adopted by rule,
 1129 shall be implemented by those parties responsible for
 1130 nonagricultural nonpoint source pollution.

1131 2. The Department of Agriculture and Consumer Services may
 1132 develop and adopt by rule pursuant to ss. 120.536(1) and 120.54
 1133 suitable interim measures, best management practices, or other
 1134 measures necessary to achieve the level of pollution reduction
 1135 established by the department for agricultural pollutant sources
 1136 in allocations developed pursuant to subsection (6) and this
 1137 subsection or for programs implemented pursuant to paragraph
 1138 (12) (b) ~~paragraph (13) (b)~~. These practices and measures may be
 1139 implemented by those parties responsible for agricultural
 1140 pollutant sources and the department, the water management
 1141 districts, and the Department of Agriculture and Consumer
 1142 Services shall assist with implementation. In the process of
 1143 developing and adopting rules for interim measures, best
 1144 management practices, or other measures, the Department of

1145 Agriculture and Consumer Services shall consult with the
1146 department, the Department of Health, the water management
1147 districts, representatives from affected farming groups, and
1148 environmental group representatives. Such rules must also
1149 incorporate provisions for a notice of intent to implement the
1150 practices and a system to assure the implementation of the
1151 practices, including recordkeeping requirements.

1152 3. Where interim measures, best management practices, or
1153 other measures are adopted by rule, the effectiveness of such
1154 practices in achieving the levels of pollution reduction
1155 established in allocations developed by the department pursuant
1156 to subsection (6) and this subsection or in programs implemented
1157 pursuant to paragraph (12) (b) ~~paragraph (13) (b)~~ must be verified
1158 at representative sites by the department. The department shall
1159 use best professional judgment in making the initial
1160 verification that the best management practices are reasonably
1161 expected to be effective and, where applicable, must notify the
1162 appropriate water management district or the Department of
1163 Agriculture and Consumer Services of its initial verification
1164 before the adoption of a rule proposed pursuant to this
1165 paragraph. Implementation, in accordance with rules adopted
1166 under this paragraph, of practices that have been initially
1167 verified to be effective, or verified to be effective by
1168 monitoring at representative sites, by the department, shall
1169 provide a presumption of compliance with state water quality
1170 standards and release from the provisions of s. 376.307(5) for

1171 those pollutants addressed by the practices, and the department
1172 is not authorized to institute proceedings against the owner of
1173 the source of pollution to recover costs or damages associated
1174 with the contamination of surface water or groundwater caused by
1175 those pollutants. Research projects funded by the department, a
1176 water management district, or the Department of Agriculture and
1177 Consumer Services to develop or demonstrate interim measures or
1178 best management practices shall be granted a presumption of
1179 compliance with state water quality standards and a release from
1180 the provisions of s. 376.307(5). The presumption of compliance
1181 and release is limited to the research site and only for those
1182 pollutants addressed by the interim measures or best management
1183 practices. Eligibility for the presumption of compliance and
1184 release is limited to research projects on sites where the owner
1185 or operator of the research site and the department, a water
1186 management district, or the Department of Agriculture and
1187 Consumer Services have entered into a contract or other
1188 agreement that, at a minimum, specifies the research objectives,
1189 the cost-share responsibilities of the parties, and a schedule
1190 that details the beginning and ending dates of the project.

1191 4. Where water quality problems are demonstrated, despite
1192 the appropriate implementation, operation, and maintenance of
1193 best management practices and other measures required by rules
1194 adopted under this paragraph, the department, a water management
1195 district, or the Department of Agriculture and Consumer
1196 Services, in consultation with the department, shall institute a

1197 reevaluation of the best management practice or other measure.
1198 Should the reevaluation determine that the best management
1199 practice or other measure requires modification, the department,
1200 a water management district, or the Department of Agriculture
1201 and Consumer Services, as appropriate, shall revise the rule to
1202 require implementation of the modified practice within a
1203 reasonable time period as specified in the rule.

1204 5. Agricultural records relating to processes or methods
1205 of production, costs of production, profits, or other financial
1206 information held by the Department of Agriculture and Consumer
1207 Services pursuant to subparagraphs 3. and 4. or pursuant to any
1208 rule adopted pursuant to subparagraph 2. are confidential and
1209 exempt from s. 119.07(1) and s. 24(a), Art. I of the State
1210 Constitution. Upon request, records made confidential and exempt
1211 pursuant to this subparagraph shall be released to the
1212 department or any water management district provided that the
1213 confidentiality specified by this subparagraph for such records
1214 is maintained.

1215 6. The provisions of subparagraphs 1. and 2. do not
1216 preclude the department or water management district from
1217 requiring compliance with water quality standards or with
1218 current best management practice requirements set forth in any
1219 applicable regulatory program authorized by law for the purpose
1220 of protecting water quality. Additionally, subparagraphs 1. and
1221 2. are applicable only to the extent that they do not conflict
1222 with any rules adopted by the department that are necessary to

1223 maintain a federally delegated or approved program.

1224 Reviser's note.—Amended to conform to the redesignation of

1225 paragraph (13) (b) as paragraph (12) (b) by s. 2, ch. 2013-

1226 146, Laws of Florida.

1227 Section 45. Subsection (1) of section 408.036, Florida

1228 Statutes, is amended to read:

1229 408.036 Projects subject to review; exemptions.—

1230 (1) APPLICABILITY.—Unless exempt under subsection (3), all

1231 health-care-related projects, as described in paragraphs (a)-(f)

1232 ~~paragraphs (a)-(g)~~, are subject to review and must file an

1233 application for a certificate of need with the agency. The

1234 agency is exclusively responsible for determining whether a

1235 health-care-related project is subject to review under ss.

1236 408.031-408.045.

1237 (a) The addition of beds in community nursing homes or

1238 intermediate care facilities for the developmentally disabled by

1239 new construction or alteration.

1240 (b) The new construction or establishment of additional

1241 health care facilities, including a replacement health care

1242 facility when the proposed project site is not located on the

1243 same site as or within 1 mile of the existing health care

1244 facility, if the number of beds in each licensed bed category

1245 will not increase.

1246 (c) The conversion from one type of health care facility

1247 to another, including the conversion from a general hospital, a

1248 specialty hospital, or a long-term care hospital.

1249 (d) The establishment of a hospice or hospice inpatient
 1250 facility, except as provided in s. 408.043.

1251 (e) An increase in the number of beds for comprehensive
 1252 rehabilitation.

1253 (f) The establishment of tertiary health services,
 1254 including inpatient comprehensive rehabilitation services.

1255 Reviser's note.—Amended to confirm the editorial substitution of
 1256 a reference to paragraphs (a)-(f) for a reference to
 1257 paragraphs (a)-(g) to conform to the repeal of paragraph
 1258 (1)(g) by s. 19, ch. 2010-4, Laws of Florida.

1259 Section 46. Subsection (8) of section 408.061, Florida
 1260 Statutes, is amended to read:

1261 408.061 Data collection; uniform systems of financial
 1262 reporting; information relating to physician charges;
 1263 confidential information; immunity.—

1264 (8) The identity of any health care provider, health care
 1265 facility, or health insurer who submits any data which is
 1266 proprietary business information to the agency pursuant to the
 1267 provisions of this section shall remain confidential and exempt
 1268 from the provisions of s. 119.07(1) and s. 24(a), Art. I of the
 1269 State Constitution. As used in this section, "proprietary
 1270 business information" shall include, but not be limited to,
 1271 information relating to specific provider contract reimbursement
 1272 information; information relating to security measures, systems,
 1273 or procedures; and information concerning bids or other
 1274 contractual data, the disclosure of which would impair efforts

1275 to contract for goods or services on favorable terms or would
 1276 injure the affected entity's ability to compete in the
 1277 marketplace. Notwithstanding the provisions of this subsection,
 1278 any information obtained ~~or generated pursuant to the provisions~~
 1279 ~~of former s. 407.61~~, either by the former Health Care Cost
 1280 Containment Board or by the Agency for Health Care
 1281 Administration upon transfer to that agency of the duties and
 1282 functions of the former Health Care Cost Containment Board, is
 1283 not confidential and exempt from the provisions of s. 119.07(1)
 1284 and s. 24(a), Art. I of the State Constitution. Such proprietary
 1285 business information may be used in published analyses and
 1286 reports or otherwise made available for public disclosure in
 1287 such manner as to preserve the confidentiality of the identity
 1288 of the provider. This exemption shall not limit the use of any
 1289 information used in conjunction with investigation or
 1290 enforcement purposes under the provisions of s. 456.073.

1291 Reviser's note.—Amended to delete an obsolete provision.

1292 Section 47. Subsection (2) of section 409.1451, Florida
 1293 Statutes, as amended by section 4 of chapter 2014-39, Laws of
 1294 Florida, and as amended by section 25 of chapter 2014-184, Laws
 1295 of Florida, effective July 1, 2015, is reenacted and amended to
 1296 read:

1297 409.1451 The Road-to-Independence Program.—

1298 (2) POSTSECONDARY EDUCATION SERVICES AND SUPPORT.—

1299 (a) A young adult is eligible for services and support
 1300 under this subsection if he or she:

1301 1. Was living in licensed care on his or her 18th birthday
 1302 or is currently living in licensed care; or was at least 16
 1303 years of age and was adopted from foster care or placed with a
 1304 court-approved dependency guardian after spending at least 6
 1305 months in licensed care within the 12 months immediately
 1306 preceding such placement or adoption;

1307 2. Spent at least 6 months in licensed care before
 1308 reaching his or her 18th birthday;

1309 3. Earned a standard high school diploma pursuant to s.
 1310 1002.3105(5), s. 1003.4281, or s. 1003.4282, or its equivalent
 1311 pursuant to s. 1003.435 ~~a special diploma pursuant to;~~

1312 4. Has been admitted for enrollment as a full-time student
 1313 or its equivalent in an eligible postsecondary educational
 1314 institution as provided in s. 1009.533. For purposes of this
 1315 section, the term "full-time" means 9 credit hours or the
 1316 vocational school equivalent. A student may enroll part-time if
 1317 he or she has a recognized disability or is faced with another
 1318 challenge or circumstance that would prevent full-time
 1319 attendance. A student needing to enroll part-time for any reason
 1320 other than having a recognized disability must get approval from
 1321 his or her academic advisor;

1322 5. Has reached 18 years of age but is not yet 23 years of
 1323 age;

1324 6. Has applied, with assistance from the young adult's
 1325 caregiver and the community-based lead agency, for any other
 1326 grants and scholarships for which he or she may qualify;

1327 7. Submitted a Free Application for Federal Student Aid
1328 which is complete and error free; and

1329 8. Signed an agreement to allow the department and the
1330 community-based care lead agency access to school records.

1331 (b) The amount of the financial assistance shall be as
1332 follows:

1333 1. For a young adult who does not remain in foster care
1334 and is attending a postsecondary school as provided in s.
1335 1009.533, the amount is \$1,256 monthly.

1336 2. For a young adult who remains in foster care, is
1337 attending a postsecondary school, as provided in s. 1009.533,
1338 and continues to reside in a licensed foster home, the amount is
1339 the established room and board rate for foster parents. This
1340 takes the place of the payment provided for in s. 409.145(4).

1341 3. For a young adult who remains in foster care, but
1342 temporarily resides away from a licensed foster home for
1343 purposes of attending a postsecondary school as provided in s.
1344 1009.533, the amount is \$1,256 monthly. This takes the place of
1345 the payment provided for in s. 409.145(4).

1346 4. For a young adult who remains in foster care, is
1347 attending a postsecondary school as provided in s. 1009.533, and
1348 continues to reside in a licensed group home, the amount is
1349 negotiated between the community-based care lead agency and the
1350 licensed group home provider.

1351 5. For a young adult who remains in foster care, but
1352 temporarily resides away from a licensed group home for purposes

1353 of attending a postsecondary school as provided in s. 1009.533,
1354 the amount is \$1,256 monthly. This takes the place of a
1355 negotiated room and board rate.

1356 6. The amount of the award may be disregarded for purposes
1357 of determining the eligibility for, or the amount of, any other
1358 federal or federally supported assistance.

1359 7. A young adult is eligible to receive financial
1360 assistance during the months when enrolled in a postsecondary
1361 educational institution.

1362 (c) Payment of financial assistance for a young adult who:

1363 1. Has chosen not to remain in foster care and is
1364 attending a postsecondary school as provided in s. 1009.533,
1365 shall be made to the community-based care lead agency in order
1366 to secure housing and utilities, with the balance being paid
1367 directly to the young adult until such time the lead agency and
1368 the young adult determine that the young adult can successfully
1369 manage the full amount of the assistance.

1370 2. Has remained in foster care under s. 39.6251 and who is
1371 attending postsecondary school as provided in s. 1009.533, shall
1372 be made directly to the foster parent or group home provider.

1373 3. Community-based care lead agencies or other contracted
1374 providers are prohibited from charging a fee associated with
1375 administering the Road-to-Independence payments.

1376 (d)1. The department must advertise the availability of
1377 the stipend and must provide notification of the criteria and
1378 application procedures for the stipend to children and young

1379 adults leaving, or who were formerly in, foster care;
 1380 caregivers; case managers; guidance and family services
 1381 counselors; principals or other relevant school administrators;
 1382 and guardians ad litem.

1383 2. If the award recipient transfers from one eligible
 1384 institution to another and continues to meet eligibility
 1385 requirements, the award shall be transferred with the recipient.

1386 3. The department, or an agency under contract with the
 1387 department, shall evaluate each Road-to-Independence award for
 1388 renewal eligibility on an annual basis. In order to be eligible
 1389 for a renewal award for the subsequent year, the young adult
 1390 must:

1391 a. Be enrolled for or have completed the number of hours,
 1392 or the equivalent, to be considered a full-time student under
 1393 subparagraph (a)4., unless the young adult qualifies for an
 1394 exception under subparagraph (a)4.

1395 b. Maintain standards of academic progress as defined by
 1396 the education institution, except that if the young adult's
 1397 progress is insufficient to renew the award at any time during
 1398 the eligibility period, the young adult may continue to be
 1399 enrolled for additional terms while attempting to restore
 1400 eligibility as long as progress towards the required level is
 1401 maintained.

1402 4. Funds may be terminated during the interim between an
 1403 award and the evaluation for a renewal award if the department,
 1404 or an agency under contract with the department, determines that

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1405 the award recipient is no longer enrolled in an educational
1406 institution as described in subparagraph (a)4. or is no longer a
1407 resident of this state.

1408 5. The department, or an agency under contract with the
1409 department, shall notify a recipient who is terminated and
1410 inform the recipient of his or her right to appeal.

1411 6. An award recipient who does not qualify for a renewal
1412 award or who chooses not to renew the award may apply for
1413 reinstatement. An application for reinstatement must be made
1414 before the young adult reaches 23 years of age. In order to be
1415 eligible for reinstatement, the young adult must meet the
1416 eligibility criteria and the criteria for award renewal for the
1417 program.

1418 Reviser's note.—Section 25, ch. 2014-184, Laws of Florida,
1419 purported to amend subsection (2), effective July 1, 2015,
1420 but did not publish paragraphs (b)-(d). Absent affirmative
1421 evidence of legislative intent to repeal paragraphs (b)-
1422 (d), subsection (2) is reenacted to confirm that the
1423 omission was not intended. Subparagraph (2)(a)3. is amended
1424 to confirm the editorial deletion of the words "a special
1425 diploma pursuant to," added by s. 4, ch. 2014-39, Laws of
1426 Florida, following the word "or" and preceding a cite to s.
1427 1003.438, which word and cite were deleted by s. 25, ch.
1428 2014-184.

1429 Section 48. Paragraph (c) of subsection (1) of section
1430 409.1678, Florida Statutes, is amended to read:

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1431 409.1678 Specialized residential options for children who
1432 are victims of sexual exploitation.—

1433 (1) DEFINITIONS.—As used in this section, the term:

1434 (c) "Sexually exploited child" means a child who has
1435 suffered sexual exploitation as defined in s. 39.01(69)(g)
1436 ~~39.01(68)(g)~~ and is ineligible for relief and benefits under the
1437 federal Trafficking Victims Protection Act, 22 U.S.C. ss. 7101
1438 et seq.

1439 Reviser's note.—Amended to confirm the editorial substitution of
1440 a reference to s. 39.01(69)(g) for a reference to s.

1441 39.01(68)(g) added by s. 56, ch. 2014-224, Laws of Florida.

1442 Sexual exploitation of a child is defined in s.

1443 39.01(69)(g). "Secretary" is defined in s. 39.01(68), which
1444 has no paragraphs.

1445 Section 49. Paragraph (d) of subsection (13) of section
1446 409.906, Florida Statutes, is amended to read:

1447 409.906 Optional Medicaid services.—Subject to specific
1448 appropriations, the agency may make payments for services which
1449 are optional to the state under Title XIX of the Social Security
1450 Act and are furnished by Medicaid providers to recipients who
1451 are determined to be eligible on the dates on which the services
1452 were provided. Any optional service that is provided shall be
1453 provided only when medically necessary and in accordance with
1454 state and federal law. Optional services rendered by providers
1455 in mobile units to Medicaid recipients may be restricted or
1456 prohibited by the agency. Nothing in this section shall be

1457 construed to prevent or limit the agency from adjusting fees,
 1458 reimbursement rates, lengths of stay, number of visits, or
 1459 number of services, or making any other adjustments necessary to
 1460 comply with the availability of moneys and any limitations or
 1461 directions provided for in the General Appropriations Act or
 1462 chapter 216. If necessary to safeguard the state's systems of
 1463 providing services to elderly and disabled persons and subject
 1464 to the notice and review provisions of s. 216.177, the Governor
 1465 may direct the Agency for Health Care Administration to amend
 1466 the Medicaid state plan to delete the optional Medicaid service
 1467 known as "Intermediate Care Facilities for the Developmentally
 1468 Disabled." Optional services may include:

1469 (13) HOME AND COMMUNITY-BASED SERVICES.—

1470 (d) The agency shall request federal approval to develop a
 1471 system to require payment of premiums or other cost sharing by
 1472 the parents of a child who is being served by a waiver under
 1473 this subsection if the adjusted household income is greater than
 1474 100 percent of the federal poverty level. The amount of the
 1475 premium or cost sharing shall be calculated using a sliding
 1476 scale based on the size of the family, the amount of the
 1477 parent's adjusted gross income, and the federal poverty
 1478 guidelines. The premium and cost-sharing system developed by the
 1479 agency shall not adversely affect federal funding to the state.
 1480 After the agency receives federal approval, the Department of
 1481 Children and Families may collect income information from
 1482 parents of children who will be affected by this paragraph. ~~The~~

1483 ~~agency shall prepare a report to include the estimated~~
 1484 ~~operational cost of implementing the premium and cost-sharing~~
 1485 ~~system and the estimated revenues to be collected from parents~~
 1486 ~~of children in the waiver program. The report shall be delivered~~
 1487 ~~to the President of the Senate and the Speaker of the House of~~
 1488 ~~Representatives by June 30, 2012.~~

1489 Reviser's note.—Amended to delete obsolete provisions.

1490 Section 50. Subsection (2) of section 409.966, Florida
 1491 Statutes, is amended to read:

1492 409.966 Eligible plans; selection.—

1493 (2) ELIGIBLE PLAN SELECTION.—The agency shall select a
 1494 limited number of eligible plans to participate in the Medicaid
 1495 program using invitations to negotiate in accordance with s.
 1496 287.057(1)(c) ~~287.057(3)(a)~~. At least 90 days before issuing an
 1497 invitation to negotiate, the agency shall compile and publish a
 1498 databook consisting of a comprehensive set of utilization and
 1499 spending data for the 3 most recent contract years consistent
 1500 with the rate-setting periods for all Medicaid recipients by
 1501 region or county. The source of the data in the report must
 1502 include both historic fee-for-service claims and validated data
 1503 from the Medicaid Encounter Data System. The report must be
 1504 available in electronic form and delineate utilization use by
 1505 age, gender, eligibility group, geographic area, and aggregate
 1506 clinical risk score. Separate and simultaneous procurements
 1507 shall be conducted in each of the following regions:

1508 (a) Region 1, which consists of Escambia, Okaloosa, Santa

1509 Rosa, and Walton Counties.

1510 (b) Region 2, which consists of Bay, Calhoun, Franklin,
 1511 Gadsden, Gulf, Holmes, Jackson, Jefferson, Leon, Liberty,
 1512 Madison, Taylor, Wakulla, and Washington Counties.

1513 (c) Region 3, which consists of Alachua, Bradford, Citrus,
 1514 Columbia, Dixie, Gilchrist, Hamilton, Hernando, Lafayette, Lake,
 1515 Levy, Marion, Putnam, Sumter, Suwannee, and Union Counties.

1516 (d) Region 4, which consists of Baker, Clay, Duval,
 1517 Flagler, Nassau, St. Johns, and Volusia Counties.

1518 (e) Region 5, which consists of Pasco and Pinellas
 1519 Counties.

1520 (f) Region 6, which consists of Hardee, Highlands,
 1521 Hillsborough, Manatee, and Polk Counties.

1522 (g) Region 7, which consists of Brevard, Orange, Osceola,
 1523 and Seminole Counties.

1524 (h) Region 8, which consists of Charlotte, Collier,
 1525 DeSoto, Glades, Hendry, Lee, and Sarasota Counties.

1526 (i) Region 9, which consists of Indian River, Martin,
 1527 Okeechobee, Palm Beach, and St. Lucie Counties.

1528 (j) Region 10, which consists of Broward County.

1529 (k) Region 11, which consists of Miami-Dade and Monroe
 1530 Counties.

1531 Reviser's note.—Amended to conform to context. Section
 1532 287.057(1)(c) relates to invitation to negotiate; s.
 1533 287.057(3)(a) provides an exception to receiving
 1534 competitive sealed bids, competitive sealed proposals, or

1535 competitive sealed replies when purchase price exceeds a
 1536 specified threshold.

1537 Section 51. Paragraph (a) of subsection (3) of section
 1538 409.986, Florida Statutes, is amended to read:

1539 409.986 Legislative findings and intent; child protection
 1540 and child welfare outcomes; definitions.—

1541 (3) DEFINITIONS.—As used in this part, except as otherwise
 1542 provided, the term:

1543 (a) "Care" means services of any kind which are designed
 1544 to facilitate a child remaining safely in his or her own home,
 1545 returning safely to his or her own home if he or she is removed
 1546 from the home, or obtaining an alternative permanent home if he
 1547 or she cannot remain at home or be returned home. The term
 1548 includes, but is not ~~be~~ limited to, prevention, diversion, and
 1549 related services.

1550 Reviser's note.—Amended to confirm the editorial deletion of the
 1551 word "be."

1552 Section 52. Paragraph (b) of subsection (4) of section
 1553 409.987, Florida Statutes, is amended to read:

1554 409.987 Lead agency procurement.—

1555 (4) In order to serve as a lead agency, an entity must:

1556 (b) Be governed by a board of directors or a board
 1557 committee composed of board members. The membership of the board
 1558 of directors or board committee must be described in the bylaws
 1559 or articles of incorporation of each lead agency, which must
 1560 provide that at least 75 percent of the membership of the board

1561 of directors or board committee must consist of persons residing
1562 in this state, and at least 51 percent of the state residents on
1563 the board of directors must reside within the service area of
1564 the lead agency. However, for procurements of lead agency
1565 contracts initiated on or after July 1, 2014:

1566 1. At least 75 percent of the membership of the board of
1567 directors must consist of persons residing in this state, and at
1568 least 51 percent of the membership of the board of directors
1569 must consist of persons residing within the service area of the
1570 lead agency. If a board committee governs the lead agency, 100
1571 percent of its membership must consist of persons residing
1572 within the service area of the lead agency.

1573 2. The powers of the board of directors or board committee
1574 include, but are not limited to, approving the lead agency's
1575 budget and setting the lead agency's operational policy and
1576 procedures. A board of directors must additionally have the
1577 power to hire the lead agency's executive director, unless a
1578 board committee governs the lead agency, in which case the board
1579 committee must have the power to confirm the selection of the
1580 lead agency's executive director.

1581 Reviser's note.—Amended to confirm the editorial insertion of
1582 the word "but."

1583 Section 53. Subsection (1) of section 430.502, Florida
1584 Statutes, is reenacted to read:

1585 430.502 Alzheimer's disease; memory disorder clinics and
1586 day care and respite care programs.—

- 1587 (1) There is established:
- 1588 (a) A memory disorder clinic at each of the three medical
- 1589 schools in this state;
- 1590 (b) A memory disorder clinic at a major private nonprofit
- 1591 research-oriented teaching hospital, and may fund a memory
- 1592 disorder clinic at any of the other affiliated teaching
- 1593 hospitals;
- 1594 (c) A memory disorder clinic at the Mayo Clinic in
- 1595 Jacksonville;
- 1596 (d) A memory disorder clinic at the West Florida Regional
- 1597 Medical Center;
- 1598 (e) A memory disorder clinic operated by Health First in
- 1599 Brevard County;
- 1600 (f) A memory disorder clinic at the Orlando Regional
- 1601 Healthcare System, Inc.;
- 1602 (g) A memory disorder center located in a public hospital
- 1603 that is operated by an independent special hospital taxing
- 1604 district that governs multiple hospitals and is located in a
- 1605 county with a population greater than 800,000 persons;
- 1606 (h) A memory disorder clinic at St. Mary's Medical Center
- 1607 in Palm Beach County;
- 1608 (i) A memory disorder clinic at Tallahassee Memorial
- 1609 Healthcare;
- 1610 (j) A memory disorder clinic at Lee Memorial Hospital
- 1611 created by chapter 63-1552, Laws of Florida, as amended;
- 1612 (k) A memory disorder clinic at Sarasota Memorial Hospital

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1613 in Sarasota County;

1614 (l) A memory disorder clinic at Morton Plant Hospital,
1615 Clearwater, in Pinellas County; and

1616 (m) A memory disorder clinic at Florida Atlantic
1617 University, Boca Raton, in Palm Beach County,

1618

1619 for the purpose of conducting research and training in a
1620 diagnostic and therapeutic setting for persons suffering from
1621 Alzheimer's disease and related memory disorders. However,
1622 memory disorder clinics funded as of June 30, 1995, shall not
1623 receive decreased funding due solely to subsequent additions of
1624 memory disorder clinics in this subsection.

1625 Reviser's note.—Section 4, ch. 2014-163, Laws of Florida,
1626 amended paragraph (1)(e) but did not publish the flush left
1627 language at the end of the subsection. Absent affirmative
1628 evidence of legislative intent to repeal it, subsection (1)
1629 is reenacted to confirm that the omission was not intended.

1630 Section 54. Paragraph (a) of subsection (4) of section
1631 456.039, Florida Statutes, is amended to read:

1632 456.039 Designated health care professionals; information
1633 required for licensure.—

1634 (4) (a) An applicant for initial licensure must submit a
1635 set of fingerprints to the Department of Health in accordance
1636 with s. 458.311, ~~s. 458.3115~~, ~~s. 458.3124~~, ~~s. 458.313~~, s.
1637 459.0055, s. 460.406, or s. 461.006.

1638 Reviser's note.—Amended to facilitate correct interpretation;

1639 ss. 458.3115, 458.3124, and 458.313 do not reference the
 1640 submission of fingerprints.

1641 Section 55. Paragraphs (h) and (i) of subsection (5) of
 1642 section 456.074, Florida Statutes, are amended to read:

1643 456.074 Certain health care practitioners; immediate
 1644 suspension of license.—

1645 (5) The department shall issue an emergency order
 1646 suspending the license of a massage therapist or establishment
 1647 as defined in chapter 480 upon receipt of information that the
 1648 massage therapist, a person with an ownership interest in the
 1649 establishment, or, for a corporation that has more than \$250,000
 1650 of business assets in this state, the owner, officer, or
 1651 individual directly involved in the management of the
 1652 establishment has been convicted or found guilty of, or has
 1653 entered a plea of guilty or nolo contendere to, regardless of
 1654 adjudication, a felony offense under any of the following
 1655 provisions of state law or a similar provision in another
 1656 jurisdiction:

1657 (h) Former s. Section 796.03, relating to procuring a
 1658 person under the age of 18 for prostitution.

1659 (i) Former s. Section 796.035, relating to the selling or
 1660 buying of minors into prostitution.

1661 Reviser's note.—Amended to conform to the repeal of ss. 796.03
 1662 and 796.035 by s. 10, ch. 2014-160, Laws of Florida.

1663 Section 56. Section 479.03, Florida Statutes, is amended
 1664 to read:

1665 479.03 Jurisdiction of the Department of Transportation;
1666 entry upon privately owned lands.—The territory under the
1667 jurisdiction of the department for the purpose of this chapter
1668 includes all the state. Employees, agents, or independent
1669 contractors working for the department, in the performance of
1670 their functions and duties under the provisions of this chapter,
1671 may enter into and upon any land upon which a sign is displayed,
1672 is proposed to be erected, or is being erected and make such
1673 inspections, surveys, and removals as may be relevant. Upon
1674 written notice to the landowner, operator, or person in charge
1675 of any ~~an~~ intervening privately owned land that the removal of
1676 an illegal outdoor advertising sign is necessary and has been
1677 authorized by a final order or results from an uncontested
1678 notice to the sign owner, the department may enter upon any
1679 intervening privately owned lands for the purposes of
1680 effectuating removal of illegal signs. The department may enter
1681 intervening privately owned lands only in circumstances where it
1682 has determined that other legal or economically feasible means
1683 of entry to the sign site are not reasonably available. Except
1684 as otherwise provided by this chapter, the department is
1685 responsible for the repair or replacement in a like manner for
1686 any physical damage or destruction of private property, other
1687 than the sign, incidental to the department's entry upon such
1688 intervening privately owned lands.
1689 Reviser's note.—Amended to conform to context and facilitate
1690 correct interpretation.

1691 Section 57. Subsection (16) of section 479.16, Florida
 1692 Statutes, as amended by section 18 of chapter 2014-215, Laws of
 1693 Florida, and section 39 of chapter 2014-223, Laws of Florida, is
 1694 amended to read:

1695 479.16 Signs for which permits are not required.—The
 1696 following signs are exempt from the requirement that a permit
 1697 for a sign be obtained under this chapter but are required to
 1698 comply with s. 479.11(4)-(8), and the provisions of subsections
 1699 (15)-(19) may not be implemented or continued if the Federal
 1700 Government notifies the department that implementation or
 1701 continuation will adversely affect the allocation of federal
 1702 funds to the department:

1703 (16) Signs placed by a local tourist-oriented business
 1704 located within a rural area of opportunity ~~critical economic~~
 1705 ~~concern~~ as defined in s. 288.0656(2) which are:

1706 (a) Not more than 8 square feet in size or more than 4
 1707 feet in height;

1708 (b) Located only in rural areas on a facility that does
 1709 not meet the definition of a limited access facility, as defined
 1710 in s. 334.03;

1711 (c) Located within 2 miles of the business location and at
 1712 least 500 feet apart;

1713 (d) Located only in two directions leading to the
 1714 business; and

1715 (e) Not located within the road right-of-way.
 1716

1717 A business placing such signs must be at least 4 miles from any
 1718 other business using this exemption and may not participate in
 1719 any other directional signage program by the department.

1720
 1721 If the exemptions in subsections (15)-(19) are not implemented
 1722 or continued due to notification from the Federal Government
 1723 that the allocation of federal funds to the department will be
 1724 adversely impacted, the department shall provide notice to the
 1725 sign owner that the sign must be removed within 30 days after
 1726 receipt of the notice. If the sign is not removed within 30 days
 1727 after receipt of the notice by the sign owner, the department
 1728 may remove the sign, and the costs incurred in connection with
 1729 the sign removal shall be assessed against and collected from
 1730 the sign owner.

1731 Reviser's note.—Amended to conform to the fact that the term
 1732 "rural area of critical economic concern" was changed to
 1733 "rural area of opportunity" in s. 288.0656 by s. 33, ch.
 1734 2014-218, Laws of Florida.

1735 Section 58. Subsection (15) of section 479.16, Florida
 1736 Statutes, as amended by section 11 of chapter 2014-169, Laws of
 1737 Florida, is amended to read:

1738 479.16 Signs for which permits are not required.—Signs
 1739 placed on benches, transit shelters, modular news racks, street
 1740 light poles, public pay telephones, and waste disposal
 1741 receptacles within the right-of-way, as provided under s.
 1742 337.408, are exempt from this chapter. The following signs are

1743 exempt from the requirement that a permit be obtained under this
1744 chapter but must comply with s. 479.11(4)-(8):

1745 (15) Signs placed by a local tourist-oriented business
1746 located within a rural area of opportunity ~~critical economic~~
1747 ~~concern~~ as defined in s. 288.0656(2) which are:

1748 (a) Not more than 8 square feet in size or not more than 4
1749 feet in height;

1750 (b) Located only in rural areas on a facility that does
1751 not meet the definition of a limited access facility as defined
1752 by department rule;

1753 (c) Located within 2 miles of the business location and at
1754 least 500 feet apart;

1755 (d) Located only in two directions leading to the
1756 business; and

1757 (e) Not located within the road right-of-way.

1758

1759 A business placing such signs must be at least 4 miles from any
1760 other business using this exemption and may not participate in
1761 any other directional signage program by the department.

1762

1763 The exemptions in subsections (14)-(18) may not be implemented
1764 or continued if the Federal Government notifies the department
1765 that implementation or continuation will adversely impact the
1766 allocation of federal funds to the department. If the exemptions
1767 in subsections (14)-(18) are not implemented or continued due to
1768 notification from the Federal Government that the allocation of

1769 federal funds to the department will be adversely impacted, the
 1770 department shall provide notice to the sign owner that the sign
 1771 must be removed within 30 days. If the sign is not removed
 1772 within 30 days after receipt of the notice by the sign owner,
 1773 the department may remove the sign, and the costs incurred in
 1774 connection with the sign removal shall be assessed against and
 1775 collected from the sign owner.

1776 Reviser's note.—Amended to conform to the fact that the term
 1777 "rural area of critical economic concern" was changed to
 1778 "rural area of opportunity" in s. 288.0656 by s. 33, ch.
 1779 2014-218, Laws of Florida.

1780 Section 59. Paragraphs (h) and (i) of subsection (7) of
 1781 section 480.041, Florida Statutes, are amended to read:

1782 480.041 Massage therapists; qualifications; licensure;
 1783 endorsement.—

1784 (7) The board shall deny an application for a new or
 1785 renewal license if an applicant has been convicted or found
 1786 guilty of, or enters a plea of guilty or nolo contendere to,
 1787 regardless of adjudication, a felony offense under any of the
 1788 following provisions of state law or a similar provision in
 1789 another jurisdiction:

1790 (h) Former s. Section 796.03, relating to procuring a
 1791 person under the age of 18 for prostitution.

1792 (i) Former s. Section 796.035, relating to the selling or
 1793 buying of minors into prostitution.

1794 Reviser's note.—Amended to conform to the repeal of ss. 796.03

1795 | and 796.035 by s. 10, ch. 2014-160, Laws of Florida.
 1796 | Section 60. Paragraphs (h) and (i) of subsection (8) of
 1797 | section 480.043, Florida Statutes, are amended to read:
 1798 | 480.043 Massage establishments; requisites; licensure;
 1799 | inspection.—
 1800 | (8) The department shall deny an application for a new or
 1801 | renewal license if a person with an ownership interest in the
 1802 | establishment or, for a corporation that has more than \$250,000
 1803 | of business assets in this state, the owner, officer, or
 1804 | individual directly involved in the management of the
 1805 | establishment has been convicted or found guilty of, or entered
 1806 | a plea of guilty or nolo contendere to, regardless of
 1807 | adjudication, a felony offense under any of the following
 1808 | provisions of state law or a similar provision in another
 1809 | jurisdiction:
 1810 | (h) Former s. Section 796.03, relating to procuring a
 1811 | person under the age of 18 for prostitution.
 1812 | (i) Former s. Section 796.035, relating to selling or
 1813 | buying of minors into prostitution.
 1814 | Reviser's note.—Amended to conform to the repeal of ss. 796.03
 1815 | and 796.035 by s. 10, ch. 2014-160, Laws of Florida.
 1816 | Section 61. Paragraph (a) of subsection (7) of section
 1817 | 482.161, Florida Statutes, is amended to read:
 1818 | 482.161 Disciplinary grounds and actions; reinstatement.—
 1819 | (7) The department, pursuant to chapter 120, in addition
 1820 | to or in lieu of any other remedy provided by state or local

1821 law, may impose an administrative fine in the Class II category
 1822 pursuant to s. 570.971 for a violation of this chapter or of the
 1823 rules adopted pursuant to this chapter. In determining the
 1824 amount of fine to be levied for a violation, the following
 1825 factors shall be considered:

1826 (a) The severity of the violation, including the
 1827 probability that the death, or serious harm to the health or
 1828 safety, of any person will result or has resulted; the severity
 1829 of the actual or potential harm; and the extent to which this
 1830 chapter or ~~of~~ the rules adopted pursuant to this chapter were
 1831 violated;

1832 Reviser's note.—Amended to confirm the editorial deletion of the
 1833 word "of."

1834 Section 62. Subsection (7) of section 487.2031, Florida
 1835 Statutes, is amended to read:

1836 487.2031 Definitions.—For the purposes of this part, the
 1837 term:

1838 (7) "Retaliatory action" means an action, such as
 1839 dismissal, demotion, harassment, blacklisting with other
 1840 employers, reducing pay or work hours, or taking away company
 1841 housing, that is taken by any agricultural employer against a
 1842 worker who exercises any right under the provisions of the
 1843 United States Environmental Protection Agency Worker Protection
 1844 Standard, 40 C.F.R. s. 170.7(b) ~~40 C.F.R. s. 1707(b)~~, or this
 1845 part.

1846 Reviser's note.—Amended to conform to context and facilitate

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1847 correct interpretation; 40 C.F.R. s. 170.7(b) references
1848 retaliatory actions, and 40 C.F.R. s. 1707 does not exist.
1849 Section 63. Paragraph (f) of subsection (1) of section
1850 499.84, Florida Statutes, is amended to read:

1851 499.84 Minimum requirements for the storage and handling
1852 of medical gases.—

1853 (1) A facility where a medical gas is received, stored,
1854 warehoused, handled, held, offered, marketed, displayed, or
1855 transported, to avoid any negative effect on the identity,
1856 strength, quality, or purity of the medical gas, must:

1857 (f) Be located in a commercial location and not in a
1858 personal dwelling or residence location, except for ~~that~~ a
1859 personal dwelling location used for on-call delivery of oxygen
1860 USP for home care use if the person providing on-call delivery
1861 is employed by or acting under a written contract with an entity
1862 that holds a medical oxygen retailer permit;

1863 Reviser's note.—Amended to confirm the editorial substitution of
1864 the word "for" for the word "that" to facilitate correct
1865 interpretation.

1866 Section 64. Subsection (6) of section 499.91, Florida
1867 Statutes, is amended to read:

1868 499.91 Prohibited acts.—A person may not perform or cause
1869 the performance of, or aid and abet in, any of the following
1870 acts:

1871 (6) The knowing and willful sale or transfer of a medical
1872 gas to a recipient who is not legally authorized to receive a

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1873 medical gas, except that a violation does not exist if a
1874 permitted wholesale distributor provides oxygen to a permitted
1875 medical oxygen retail establishment that is out of compliance
1876 with the notice of location change requirements of s.
1877 499.833(3)(a) ~~499.834~~, provided that the wholesale distributor
1878 with knowledge of the violation notifies the department of the
1879 transaction by the next business day.

1880 Reviser's note.—Amended to correct a cross-reference. Section
1881 499.833(3)(a) references the change of location
1882 notification requirement; s. 499.834 references minimum
1883 qualifications for a permit.

1884 Section 65. Paragraph (c) of subsection (1) of section
1885 499.92, Florida Statutes, is amended to read:

1886 499.92 Criminal acts.—

1887 (1) A person commits a felony of the third degree,
1888 punishable as provided in s. 775.082, s. 775.083, or s. 775.084,
1889 if he or she:

1890 (c) Knowingly engages in the wholesale distribution of, or
1891 sells, barter, brokers, or transfers, a medical gas to a person
1892 not legally authorized to purchase or receive medical gas in the
1893 jurisdiction in which the person receives the medical gas. A
1894 permitted wholesale distributor that provides oxygen to a
1895 permitted medical oxygen retail establishment that is out of
1896 compliance with only the change of location notice requirement
1897 under s. 499.833(3)(a) ~~499.834~~ does not commit a violation of
1898 this paragraph if the wholesale distributor notifies the

1899 department of the transaction no later than the next business
 1900 day; or
 1901 Reviser's note.—Amended to correct a cross-reference. Section
 1902 499.833(3) (a) references the change of location
 1903 notification requirement; s. 499.834 references minimum
 1904 qualifications for a permit.
 1905 Section 66. Subsection (2) of section 509.032, Florida
 1906 Statutes, is reenacted to read:
 1907 509.032 Duties.—
 1908 (2) INSPECTION OF PREMISES.—
 1909 (a) The division has jurisdiction and is responsible for
 1910 all inspections required by this chapter. The division is
 1911 responsible for quality assurance. The division shall inspect
 1912 each licensed public lodging establishment at least biannually,
 1913 except for transient and nontransient apartments, which shall be
 1914 inspected at least annually. Each establishment licensed by the
 1915 division shall be inspected at such other times as the division
 1916 determines is necessary to ensure the public's health, safety,
 1917 and welfare. The division shall, by no later than July 1, 2014,
 1918 adopt by rule a risk-based inspection frequency for each
 1919 licensed public food service establishment. The rule must
 1920 require at least one, but not more than four, routine
 1921 inspections that must be performed annually, and may include
 1922 guidelines that consider the inspection and compliance history
 1923 of a public food service establishment, the type of food and
 1924 food preparation, and the type of service. The division shall

1925 annually reassess the inspection frequency of all licensed
1926 public food service establishments. Public lodging units
1927 classified as vacation rentals or timeshare projects are not
1928 subject to this requirement but shall be made available to the
1929 division upon request. If, during the inspection of a public
1930 lodging establishment classified for renting to transient or
1931 nontransient tenants, an inspector identifies vulnerable adults
1932 who appear to be victims of neglect, as defined in s. 415.102,
1933 or, in the case of a building that is not equipped with
1934 automatic sprinkler systems, tenants or clients who may be
1935 unable to self-preserve in an emergency, the division shall
1936 convene meetings with the following agencies as appropriate to
1937 the individual situation: the Department of Health, the
1938 Department of Elderly Affairs, the area agency on aging, the
1939 local fire marshal, the landlord and affected tenants and
1940 clients, and other relevant organizations, to develop a plan
1941 that improves the prospects for safety of affected residents
1942 and, if necessary, identifies alternative living arrangements
1943 such as facilities licensed under part II of chapter 400 or
1944 under chapter 429.

1945 (b) For purposes of performing required inspections and
1946 the enforcement of this chapter, the division has the right of
1947 entry and access to public lodging establishments and public
1948 food service establishments at any reasonable time.

1949 (c) Public food service establishment inspections shall be
1950 conducted to enforce provisions of this part and to educate,

1951 | inform, and promote cooperation between the division and the
1952 | establishment.

1953 | (d) The division shall adopt and enforce sanitation rules
1954 | consistent with law to ensure the protection of the public from
1955 | food-borne illness in those establishments licensed under this
1956 | chapter. These rules shall provide the standards and
1957 | requirements for obtaining, storing, preparing, processing,
1958 | serving, or displaying food in public food service
1959 | establishments, approving public food service establishment
1960 | facility plans, conducting necessary public food service
1961 | establishment inspections for compliance with sanitation
1962 | regulations, cooperating and coordinating with the Department of
1963 | Health in epidemiological investigations, and initiating
1964 | enforcement actions, and for other such responsibilities deemed
1965 | necessary by the division. The division may not establish by
1966 | rule any regulation governing the design, construction,
1967 | erection, alteration, modification, repair, or demolition of any
1968 | public lodging or public food service establishment. It is the
1969 | intent of the Legislature to preempt that function to the
1970 | Florida Building Commission and the State Fire Marshal through
1971 | adoption and maintenance of the Florida Building Code and the
1972 | Florida Fire Prevention Code. The division shall provide
1973 | technical assistance to the commission in updating the
1974 | construction standards of the Florida Building Code which govern
1975 | public lodging and public food service establishments. Further,
1976 | the division shall enforce the provisions of the Florida

1977 Building Code which apply to public lodging and public food
 1978 service establishments in conducting any inspections authorized
 1979 by this part. The division, or its agent, shall notify the local
 1980 firesafety authority or the State Fire Marshal of any readily
 1981 observable violation of a rule adopted under chapter 633 which
 1982 relates to public lodging establishments or public food
 1983 establishments, and the identification of such violation does
 1984 not require any firesafety inspection certification.

1985 (e)1. Relating to facility plan approvals, the division
 1986 may establish, by rule, fees for conducting plan reviews and may
 1987 grant variances from construction standards in hardship cases,
 1988 which variances may be less restrictive than the provisions
 1989 specified in this section or the rules adopted under this
 1990 section. A variance may not be granted pursuant to this section
 1991 until the division is satisfied that:

1992 a. The variance shall not adversely affect the health of
 1993 the public.

1994 b. No reasonable alternative to the required construction
 1995 exists.

1996 c. The hardship was not caused intentionally by the action
 1997 of the applicant.

1998 2. The division's advisory council shall review
 1999 applications for variances and recommend agency action. The
 2000 division shall make arrangements to expedite emergency requests
 2001 for variances, to ensure that such requests are acted upon
 2002 within 30 days of receipt.

2003 3. The division shall establish, by rule, a fee for the
 2004 cost of the variance process. Such fee shall not exceed \$150 for
 2005 routine variance requests and \$300 for emergency variance
 2006 requests.

2007 (f) In conducting inspections of establishments licensed
 2008 under this chapter, the division shall determine if each coin-
 2009 operated amusement machine that is operated on the premises of a
 2010 licensed establishment is properly registered with the
 2011 Department of Revenue. Each month the division shall report to
 2012 the Department of Revenue the sales tax registration number of
 2013 the operator of any licensed establishment that has on location
 2014 a coin-operated amusement machine and that does not have an
 2015 identifying certificate conspicuously displayed as required by
 2016 s. 212.05(1)(h).

2017 (g) In inspecting public food service establishments, the
 2018 department shall provide each inspected establishment with the
 2019 food-recovery brochure developed under s. 595.420.

2020 Reviser's note.—Section 2, ch. 2014-133, Laws of Florida,
 2021 amended paragraph (2)(a) but inadvertently failed to
 2022 incorporate the amendment made to the paragraph by s. 1,
 2023 ch. 2013-147, Laws of Florida, which became effective on
 2024 July 1, 2014. Since there was no intent to set aside the
 2025 amendment by s. 1, ch. 2013-147, subsection (2) is
 2026 reenacted to confirm that the omission was not intended.
 2027 Section 67. Subsection (5) of section 514.0115, Florida
 2028 Statutes, is amended to read:

2029 514.0115 Exemptions from supervision or regulation;
 2030 variances.—

2031 (5) The department may grant variances from any rule
 2032 adopted under this chapter pursuant to procedures adopted by
 2033 department rule. The department may also grant, pursuant to
 2034 procedures adopted by department rule, variances from the
 2035 provisions of the Florida Building Code specifically pertaining
 2036 to public swimming pools and bathing places when requested by
 2037 the pool owner or the pool owner's ~~their~~ representative to
 2038 relieve hardship in cases involving deviations from the Florida
 2039 Building Code provisions, when it is shown that the hardship was
 2040 not caused intentionally by the action of the applicant, where
 2041 no reasonable alternative exists, and the health and safety of
 2042 the pool patrons is not at risk.

2043 Reviser's note.—Amended to conform to the immediately preceding
 2044 context.

2045 Section 68. Paragraph (h) of subsection (2) of section
 2046 538.03, Florida Statutes, is amended to read:

2047 538.03 Definitions; applicability.—

2048 (2) This chapter does not apply to:

2049 (h) Any person who sells household personal property as an
 2050 agent for the property owner or the property owner's ~~their~~
 2051 representative pursuant to a written agreement at that person's
 2052 residence.

2053 Reviser's note.—Amended to conform to the immediately preceding
 2054 context.

2055 Section 69. Subsection (8) of section 539.001, Florida
 2056 Statutes, is reenacted to read:

2057 539.001 The Florida Pawnbroking Act.—

2058 (8) PAWNBROKER TRANSACTION FORM.—

2059 (a) At the time the pawnbroker enters into any pawn or
 2060 purchase transaction, the pawnbroker shall complete a pawnbroker
 2061 transaction form for such transaction, including an indication
 2062 of whether the transaction is a pawn or a purchase, and the
 2063 pledgor or seller shall sign such completed form. The agency
 2064 must approve the design and format of the pawnbroker transaction
 2065 form, which must be 8 1/2 inches x 11 inches in size and elicit
 2066 the information required under this section. In completing the
 2067 pawnbroker transaction form, the pawnbroker shall record the
 2068 following information, which must be typed or written indelibly
 2069 and legibly in English.

2070 (b) The front of the pawnbroker transaction form must
 2071 include:

- 2072 1. The name and address of the pawnshop.
- 2073 2. A complete and accurate description of the pledged
 2074 goods or purchased goods, including the following information,
 2075 if applicable:
 - 2076 a. Brand name.
 - 2077 b. Model number.
 - 2078 c. Manufacturer's serial number.
 - 2079 d. Size.
 - 2080 e. Color, as apparent to the untrained eye.

- 2081 f. Precious metal type, weight, and content, if known.
- 2082 g. Gemstone description, including the number of stones.
- 2083 h. In the case of firearms, the type of action, caliber or
- 2084 gauge, number of barrels, barrel length, and finish.
- 2085 i. Any other unique identifying marks, numbers, names, or
- 2086 letters.

2087

2088 Notwithstanding sub-subparagraphs a.-i., in the case of multiple

2089 items of a similar nature delivered together in one transaction

2090 which do not bear serial or model numbers and which do not

2091 include precious metal or gemstones, such as musical or video

2092 recordings, books, and hand tools, the description of the items

2093 is adequate if it contains the quantity of items and a

2094 description of the type of items delivered.

2095 3. The name, address, home telephone number, place of

2096 employment, date of birth, physical description, and right

2097 thumbprint of the pledgor or seller.

2098 4. The date and time of the transaction.

2099 5. The type of identification accepted from the pledgor or

2100 seller, including the issuing agency and the identification

2101 number.

2102 6. In the case of a pawn:

2103 a. The amount of money advanced, which must be designated

2104 as the amount financed;

2105 b. The maturity date of the pawn, which must be 30 days

2106 after the date of the pawn;

2107 c. The default date of the pawn and the amount due on the
2108 default date;

2109 d. The total pawn service charge payable on the maturity
2110 date, which must be designated as the finance charge;

2111 e. The amount financed plus the finance charge that must
2112 be paid to redeem the pledged goods on the maturity date, which
2113 must be designated as the total of payments;

2114 f. The annual percentage rate, computed according to the
2115 regulations adopted by the Federal Reserve Board under the
2116 federal Truth in Lending Act; and

2117 g. The front or back of the pawnbroker transaction form
2118 must include a statement that:

2119 (I) Any personal property pledged to a pawnbroker within
2120 this state which is not redeemed within 30 days following the
2121 maturity date of the pawn, if the 30th day is not a business
2122 day, then the following business day, is automatically forfeited
2123 to the pawnbroker, and absolute right, title, and interest in
2124 and to the property vests in and is deemed conveyed to the
2125 pawnbroker by operation of law, and no further notice is
2126 necessary;

2127 (II) The pledgor is not obligated to redeem the pledged
2128 goods; and

2129 (III) If the pawnbroker transaction form is lost,
2130 destroyed, or stolen, the pledgor must immediately advise the
2131 issuing pawnbroker in writing by certified or registered mail,
2132 return receipt requested, or in person evidenced by a signed

2133 receipt.

2134 (IV) A pawn may be extended upon mutual agreement of the
2135 parties.

2136 7. In the case of a purchase, the amount of money paid for
2137 the goods or the monetary value assigned to the goods in
2138 connection with the transaction.

2139 8. A statement that the pledgor or seller of the item
2140 represents and warrants that it is not stolen, that it has no
2141 liens or encumbrances against it, and that the pledgor or seller
2142 is the rightful owner of the goods and has the right to enter
2143 into the transaction. Any person who knowingly gives false
2144 verification of ownership or gives a false or altered
2145 identification and who receives money from a pawnbroker for
2146 goods sold or pledged commits:

2147 a. If the value of the money received is less than \$300, a
2148 felony of the third degree, punishable as provided in s.
2149 775.082, s. 775.083, or s. 775.084.

2150 b. If the value of the money received is \$300 or more, a
2151 felony of the second degree, punishable as provided in s.
2152 775.082, s. 775.083, or s. 775.084.

2153 (c) A pawnbroker transaction form must provide a space for
2154 the imprint of the right thumbprint of the pledgor or seller and
2155 a blank line for the signature of the pledgor or seller.

2156 (d) At the time of the pawn or purchase transaction, the
2157 pawnbroker shall deliver to the pledgor or seller an exact copy
2158 of the completed pawnbroker transaction form.

2159 Reviser's note.—Section 17, ch. 2014-147, Laws of Florida,
 2160 purported to amend paragraphs (4) (a), (7) (b) and (d), and
 2161 (8) (b) but did not publish paragraph (8) (b). Absent
 2162 affirmative evidence of legislative intent to repeal it,
 2163 subsection (8) is reenacted to confirm that the omission
 2164 was not intended.

2165 Section 70. Subsection (43) of section 570.07, Florida
 2166 Statutes, is amended to read:

2167 570.07 Department of Agriculture and Consumer Services;
 2168 functions, powers, and duties.—The department shall have and
 2169 exercise the following functions, powers, and duties:

2170 (43) In cooperation with the Institute of Food and
 2171 Agricultural Sciences at the University of Florida and the
 2172 College of Agriculture and Food Sciences at the Florida
 2173 Agricultural and Mechanical University, to annually provide to
 2174 the State Board of Education and the Department of Education
 2175 information and industry certifications for farm occupations to
 2176 be considered for placement on the CAPE Industry Certification
 2177 Funding List and the CAPE Postsecondary Industry Certification
 2178 Funding List pursuant to s. 1008.44. Information and industry
 2179 certifications provided by the department must be based upon the
 2180 best available data.

2181 Reviser's note.—Amended to insert the word "CAPE" to conform to
 2182 the complete names of the funding lists in s. 1008.44 as
 2183 amended by s. 12, ch. 2014-184, Laws of Florida.

2184 Section 71. Subsection (2) of section 570.482, Florida

2185 Statutes, is amended to read:

2186 570.482 Citrus Inspection Trust Fund.—

2187 (2) Funds to be credited to and uses of the trust fund
 2188 shall be administered in accordance with ss. ~~570.481~~, 573.118,
 2189 581.091, 601.28, 601.281, ~~and~~ 601.59, and 603.011.

2190 Reviser's note.—Amended to conform to the redesignation of s.
 2191 570.481 as s. 603.011 by s. 90, ch. 2014-150, Laws of
 2192 Florida.

2193 Section 72. Paragraph (c) of subsection (1) of section
 2194 597.020, Florida Statutes, is amended to read:

2195 597.020 Shellfish processors; regulation.—

2196 (1) The department may:

2197 (c) License or certify, for a fee determined by rule,
 2198 facilities used for processing oysters, clams, mussels,
 2199 scallops, and crabs, and may levy an administrative fine in the
 2200 Class I category pursuant to s. 570.971 for each violation, for
 2201 each day the violation exists, or ~~to~~ suspend or revoke such
 2202 licenses or certificates upon satisfactory evidence of a
 2203 violation of rules adopted pursuant to this section, and ~~to~~
 2204 seize and destroy any adulterated or misbranded shellfish
 2205 products as defined by rule.

2206 Reviser's note.—Amended to confirm the editorial deletions of
 2207 the word "to" to improve clarity.

2208 Section 73. Subsection (3) of section 605.0712, Florida
 2209 Statutes, is amended to read:

2210 605.0712 Other claims against a dissolved limited

2211 liability company.—

2212 (3) A claim that is not barred by this section, s.
 2213 605.0711 ~~608.0711~~, or another statute limiting actions, may be
 2214 enforced:

2215 (a) Against a dissolved limited liability company, to the
 2216 extent of its undistributed assets; and

2217 (b) Except as otherwise provided in s. 605.0713, if assets
 2218 of the limited liability company have been distributed after
 2219 dissolution, against a member or transferee to the extent of
 2220 that person's proportionate share of the claim or of the
 2221 company's assets distributed to the member or transferee after
 2222 dissolution, whichever is less, but a person's total liability
 2223 for all claims under this subsection may not exceed the total
 2224 amount of assets distributed to the person after dissolution.

2225 Reviser's note.—Amended to correct an apparent error and conform
 2226 to the fact that chapter 608, the Florida Limited Liability
 2227 Company Act, repealed by s. 5, ch. 2013-180, Laws of
 2228 Florida, did not contain a s. 608.0711. Section 2, ch.
 2229 2013-180, created the Florida Revised Limited Liability
 2230 Company Act; s. 605.0711 contains language relating to
 2231 barred claims.

2232 Section 74. Subsection (2) of section 605.0805, Florida
 2233 Statutes, is amended to read:

2234 605.0805 Proceeds and expenses.—

2235 (2) If a derivative action under s. 605.0802 ~~608.0802~~ is
 2236 successful in whole or in part, the court may award the

2237 plaintiff reasonable expenses, including reasonable attorney
 2238 fees and costs, from the recovery of the limited liability
 2239 company.

2240 Reviser's note.—Amended to correct an apparent error and conform
 2241 to the fact that chapter 608, the Florida Limited Liability
 2242 Company Act, repealed by s. 5, ch. 2013-180, Laws of
 2243 Florida, did not contain a s. 608.0802. Section 2, ch.
 2244 2013-180, created the Florida Revised Limited Liability
 2245 Company Act; s. 605.0802 contains language relating to
 2246 derivative actions.

2247 Section 75. Paragraph (e) of subsection (1) of section
 2248 624.523, Florida Statutes, is amended to read:

2249 624.523 Insurance Regulatory Trust Fund.—

2250 (1) There is created in the State Treasury a trust fund
 2251 designated "Insurance Regulatory Trust Fund" to which shall be
 2252 credited all payments received on account of the following
 2253 items:

2254 (e) All payments received on account of items provided for
 2255 under respective provisions of s. 624.501, as follows:

- 2256 1. Subsection (1) (certificate of authority of insurer).
- 2257 2. Subsection (2) (charter documents of insurer).
- 2258 3. Subsection (3) (annual license tax of insurer).
- 2259 4. Subsection (4) (annual statement of insurer).
- 2260 5. Subsection (5) (application fee for insurance
 2261 representatives).
- 2262 6. The "appointment fee" portion of any appointment

2263 provided for under paragraphs (6) (a) and (b) (insurance
 2264 representatives, property, marine, casualty and surety
 2265 insurance, and agents).

2266 7. Paragraph (6) (c) (nonresident agents).

2267 8. Paragraph (6) (d) (service representatives).

2268 9. The "appointment fee" portion of any appointment
 2269 provided for under paragraph (7) (a) (life insurance agents,
 2270 original appointment, and renewal or continuation of
 2271 appointment).

2272 10. Paragraph (7) (b) (nonresident agent license).

2273 11. The "appointment fee" portion of any appointment
 2274 provided for under paragraph (8) (a) (health insurance agents,
 2275 agent's appointment, and renewal or continuation fee).

2276 12. Paragraph (8) (b) (nonresident agent appointment).

2277 13. The "appointment fee" portion of any appointment
 2278 provided for under subsections (9) and (10) (limited licenses
 2279 and fraternal benefit society agents).

2280 ~~14. Subsection (11) (vending machines).~~

2281 ~~14.15.~~ Subsection (11) ~~(12)~~ (surplus lines agent).

2282 ~~15.16.~~ Subsection (12) ~~(13)~~ (adjusters' appointment).

2283 ~~16.17.~~ Subsection (13) ~~(14)~~ (examination fee).

2284 ~~17.18.~~ Subsection (14) ~~(15)~~ (temporary license and
 2285 appointment as agent or adjuster).

2286 ~~18.19.~~ Subsection (15) ~~(16)~~ (reissuance, reinstatement,
 2287 etc.).

2288 ~~19.20.~~ Subsection (16) ~~(17)~~ (additional license

2289 continuation fees).

2290 20.21. Subsection (17) ~~(18)~~ (filing application for permit

2291 to form insurer).

2292 21.22. Subsection (18) ~~(19)~~ (license fee of rating

2293 organization).

2294 22.23. Subsection (19) ~~(20)~~ (miscellaneous services).

2295 23.24. Subsection (20) ~~(21)~~ (insurance agencies).

2296 Reviser's note.—Amended to conform to the repeal of s.

2297 624.501(11) by s. 2, ch. 2001-142, Laws of Florida.

2298 Section 76. Paragraph (g) of subsection (5) of section

2299 625.1212, Florida Statutes, is amended to read:

2300 625.1212 Valuation of policies and contracts issued on or

2301 after the operative date of the valuation manual.—

2302 (5) MINIMUM STANDARD OF VALUATION.—

2303 (g) An insurer that adopted a standard of valuation

2304 producing greater aggregate reserves than those calculated

2305 according to the minimum standard provided under this section

2306 may, with the approval of the office, adopt a lower standard of

2307 valuation, but such standard may not be lower than the minimum

2308 provided in this subsection. For purposes of this subsection,

2309 holding additional reserves previously determined by an

2310 appointed actuary to be necessary to render the opinion required

2311 by subsection (4) ~~(3)~~ may not be deemed to be the adoption of a

2312 higher standard of valuation.

2313 Reviser's note.—Amended to correct an apparent error and

2314 facilitate correct interpretation. The requirement that

2315 each insurer must annually submit the opinion of a
 2316 qualified actuary is found in subsection (4). Subsection
 2317 (3) contains information on reserve valuations.

2318 Section 77. Subsection (3) of section 626.0428, Florida
 2319 Statutes, is amended to read:

2320 626.0428 Agency personnel powers, duties, and
 2321 limitations.—

2322 (3) An employee or an authorized representative located at
 2323 a designated branch of an agent or agency may not initiate
 2324 contact with any person for the purpose of soliciting insurance
 2325 unless licensed and appointed as an agent or customer
 2326 representative. As to title insurance, an employee of an agent
 2327 or agency may not initiate contact with any individual proposed
 2328 insured for the purpose of soliciting title insurance unless
 2329 licensed as a title insurance agent or exempt from such
 2330 licensure pursuant to s. 626.8417(4) and (5).

2331 Reviser's note.—Amended to conform to the redesignation of s.
 2332 626.8417(4), which contained paragraphs (a), (b), and (c),
 2333 as s. 626.8417(4), (5), and (6), respectively, by s. 7, ch.
 2334 2014-112, Laws of Florida, and to conform to context.
 2335 Former paragraphs (4)(a) and (b), now subsections (4) and
 2336 (5), contained exemptions; paragraph (4)(c), now subsection
 2337 (6), did not.

2338 Section 78. Paragraph (d) of subsection (3) of section
 2339 627.062, Florida Statutes, is amended to read:

2340 627.062 Rate standards.—

2341 (3)

2342 (d)1. The following categories or kinds of insurance and

2343 types of commercial lines risks are not subject to paragraph

2344 (2) (a) or paragraph (2) (f):

2345 a. Excess or umbrella.

2346 b. Surety and fidelity.

2347 c. Boiler and machinery and leakage and fire extinguishing

2348 equipment.

2349 d. Errors and omissions.

2350 e. Directors and officers, employment practices, fiduciary

2351 liability, and management liability.

2352 f. Intellectual property and patent infringement

2353 liability.

2354 g. Advertising injury and Internet liability insurance.

2355 h. Property risks rated under a highly protected risks

2356 rating plan.

2357 i. General liability.

2358 j. Nonresidential property, except for collateral

2359 protection insurance as defined in s. 624.6085.

2360 k. Nonresidential multiperil.

2361 l. Excess property.

2362 m. Burglary and theft.

2363 n. Medical malpractice for a facility that is not a

2364 hospital licensed under chapter 395, a nursing home licensed

2365 under part II of chapter 400, or an assisted living facility

2366 licensed under part I of chapter 429.

2367 o. Medical malpractice for a health care practitioner who
 2368 is not a dentist licensed under chapter 466, a physician
 2369 licensed under chapter 458, an osteopathic physician licensed
 2370 under chapter 459, a chiropractic physician licensed under
 2371 chapter 460, a podiatric physician licensed under chapter 461, a
 2372 pharmacist licensed under chapter 465, or a pharmacy technician
 2373 registered under chapter 465.

2374 p. Any other commercial lines categories or kinds of
 2375 insurance or types of commercial lines risks that the office
 2376 determines should not be subject to paragraph (2) (a) or
 2377 paragraph (2) (f) because of the existence of a competitive
 2378 market for such insurance or similarity of such insurance to
 2379 other categories or kinds of insurance not subject to paragraph
 2380 (2) (a) or paragraph (2) (f), or to improve the general
 2381 operational efficiency of the office.

2382 2. Insurers or rating organizations shall establish and
 2383 use rates, rating schedules, or rating manuals to allow the
 2384 insurer a reasonable rate of return on insurance and risks
 2385 described in subparagraph 1. which are written in this state.

2386 3. An insurer shall notify the office of any changes to
 2387 rates for insurance and risks described in subparagraph 1.
 2388 within 30 days after the effective date of the change. The
 2389 notice must include the name of the insurer, the type or kind of
 2390 insurance subject to rate change, and the average statewide
 2391 percentage change in rates. Actuarial data with regard to rates
 2392 for such risks must be maintained by the insurer for 2 years

2393 after the effective date of changes to those rates and are
2394 subject to examination by the office. The office may require the
2395 insurer to incur the costs associated with an examination. Upon
2396 examination, the office, in accordance with generally accepted
2397 and reasonable actuarial techniques, shall consider the rate
2398 factors in paragraphs (2) (b), (c), and (d) and the standards in
2399 paragraph (2) (e) to determine if the rate is excessive,
2400 inadequate, or unfairly discriminatory.

2401 4. A rating organization shall notify the office of any
2402 changes to loss cost for insurance and risks described in
2403 subparagraph 1. within 30 days after the effective date of the
2404 change. The notice must include the name of the rating
2405 organization, the type or kind of insurance subject to a loss
2406 cost change, loss costs during the immediately preceding year
2407 for the type or kind of insurance subject to the loss cost
2408 change, and the average statewide percentage change in loss
2409 cost. Actuarial data with regard to changes to loss cost for
2410 risks not subject to paragraph (2) (a) or paragraph (2) (f) must
2411 be maintained by the rating organization for 2 years after the
2412 effective date of the change and are subject to examination by
2413 the office. The office may require the rating organization to
2414 incur the costs associated with an examination. Upon
2415 examination, the office, in accordance with generally accepted
2416 and reasonable actuarial techniques, shall consider the rate
2417 factors in paragraphs (2) (b)-(d) and the standards in paragraph
2418 (2) (e) to determine if the rate is excessive, inadequate, or

2419 | unfairly discriminatory.

2420 | Reviser's note.—Amended to improve clarity.

2421 | Section 79. Paragraph (e) of subsection (4) of section
2422 | 627.745, Florida Statutes, is amended to read:

2423 | 627.745 Mediation of claims.—

2424 | (4) The department shall deny an application, or suspend
2425 | or revoke its approval, of a mediator to serve in such capacity
2426 | if the department finds that one or more of the following
2427 | grounds exist:

2428 | (e) Violation of any provision of this code or of a lawful
2429 | order or rule of the department, violation of the Florida Rules
2430 | for ~~of~~ Certified and Court-Appointed Mediators, or aiding,
2431 | instructing, or encouraging another party in committing such a
2432 | violation.

2433 |
2434 | The department may adopt rules to administer this subsection.

2435 | Reviser's note.—Amended to confirm the editorial substitution of
2436 | the word "for" for the word "of" to conform to the correct
2437 | name of the Florida Rules for Certified and Court-Appointed
2438 | Mediators.

2439 | Section 80. Subsection (1) of section 627.797, Florida
2440 | Statutes, is amended to read:

2441 | 627.797 Exempt agent list.—

2442 | (1) Every insurer shall file with the department a list
2443 | containing the name and address of each appointed agent who is
2444 | exempt from licensure under s. 626.8417(4) and (5) and who

2445 issues or countersigns binders, commitments, title insurance
2446 policies, or guarantees of title.

2447 Reviser's note.—Amended to conform to the redesignation of s.
2448 626.8417(4), which contained paragraphs (a), (b), and (c),
2449 as s. 626.8417(4), (5), and (6), respectively, by s. 7, ch.
2450 2014-112, Laws of Florida, and to conform to context.

2451 Former paragraphs (4)(a) and (b), now subsections (4) and
2452 (5), contained exemptions; paragraph (4)(c), now subsection
2453 (6), did not.

2454 Section 81. Effective October 1, 2015, paragraph (c) of
2455 subsection (10) of section 662.121, Florida Statutes, is amended
2456 to read:

2457 662.121 Application for licensed family trust company;
2458 fees.—An applicant seeking to operate as a licensed family trust
2459 company must file an application with the office on forms
2460 prescribed by the office, accompanied by a nonrefundable \$10,000
2461 application fee to be deposited into the Financial Institutions'
2462 Regulatory Trust Fund pursuant to s. 655.049 for the purpose of
2463 administering this chapter. The application must contain or be
2464 accompanied by:

2465 (10) A statement signed by the applicant, or by the
2466 individual signing on behalf of the proposed licensed family
2467 trust company, under penalty of perjury, affirming that the
2468 following statements are true:

2469 (c) No director, officer, manager, or member acting in a
2470 managerial capacity has been convicted of, or pled guilty or

2471 nolo contendere, regardless of whether adjudication of guilt is
 2472 entered by the court, to a violation of the financial
 2473 institutions codes, including s. 655.50, chapter 896, or similar
 2474 state or federal law or related rule, or to a crime involving
 2475 fraud, misrepresentation, or moral turpitude.

2476 Reviser's note.—Amended to confirm the editorial insertion of
 2477 the word "or."

2478 Section 82. Effective October 1, 2015, subsection (3) of
 2479 section 662.122, Florida Statutes, is amended to read:

2480 662.122 Registration of a family trust company or a
 2481 foreign licensed family trust company.—

2482 (3) The registration application required under this
 2483 section for a family trust company or ~~and~~ a foreign licensed
 2484 family trust company must be accompanied by a nonrefundable
 2485 registration fee of \$5,000.

2486 Reviser's note.—Amended to conform to context and facilitate
 2487 correct interpretation.

2488 Section 83. Effective October 1, 2015, subsection (1) of
 2489 section 662.1225, Florida Statutes, is amended to read:

2490 662.1225 Requirements for a family trust company, licensed
 2491 family trust company, or ~~and~~ foreign licensed family trust
 2492 company.—

2493 (1) A family trust company or ~~and~~ a licensed family trust
 2494 company shall maintain:

2495 (a) A principal office physically located in this state
 2496 where original or true copies of all records and accounts of the

2497 family trust company or licensed family trust company may be
 2498 accessed and made readily available for examination by the
 2499 office in accordance with this chapter. A family trust company
 2500 or licensed family trust company may also maintain one or more
 2501 branch offices within or outside of this state.

2502 (b) A registered agent who has an office in this state at
 2503 the street address of the registered agent.

2504 (c) All applicable state and local business licenses,
 2505 charters, and permits.

2506 (d) A deposit account with a state-chartered or national
 2507 financial institution that has a principal or branch office in
 2508 this state.

2509 Reviser's note.—Amended to conform to context and facilitate
 2510 correct interpretation.

2511 Section 84. Effective October 1, 2015, subsection (1) of
 2512 section 662.130, Florida Statutes, is amended to read:

2513 662.130 Powers of family trust companies, licensed family
 2514 trust companies, and foreign licensed family trust companies.—

2515 (1) A family trust company or ~~and~~ a licensed family trust
 2516 company may, for its eligible members and individuals:

2517 (a) Act as a sole or copersonal representative, executor,
 2518 or curator for probate estates being administered in a state or
 2519 jurisdiction other than this state.

2520 (b) Act as an attorney in fact or agent under a power of
 2521 attorney, other than a power of attorney governed by chapter
 2522 709.

2523 (c) Except as provided in s. 662.131, act within or
2524 outside this state as a sole fiduciary or cofiduciary, including
2525 acting as a trustee, advisory agent, assignee, assignee for the
2526 benefit of creditors, authenticating agent, bailee, bond or
2527 indenture trustee, conservator, conversion agent, custodian,
2528 escrow agent, fiscal or paying agent, financial advisor,
2529 guardian, investment advisor or manager, managing agent,
2530 purchase agent, receiver, registrar, safekeeping or subscription
2531 agent, transfer agent, except for public companies, warrant
2532 agent, or similar capacities generally performed by corporate
2533 trustees, and in so acting possess, purchase, sell, invest,
2534 reinvest, safekeep, or otherwise manage or administer the real
2535 or personal property of eligible members and individuals.

2536 (d) Exercise the powers of a corporation or limited
2537 liability company incorporated or organized under the laws of
2538 this state, or qualified to transact business as a foreign
2539 corporation or limited liability company under the laws of this
2540 state, which are reasonably necessary to enable it to fully
2541 exercise, in accordance with commonly accepted customs and
2542 usages, a power conferred under this chapter.

2543 (e) Delegate duties and powers, including investment
2544 functions under s. 518.112, in accordance with the powers
2545 granted to a trustee under chapter 736 or other applicable law,
2546 and retain agents, attorneys, accountants, investment advisers,
2547 or other individuals or entities to advise or assist the family
2548 trust company, licensed family trust company, or foreign

2549 licensed family trust company in the exercise of its powers and
 2550 duties under this chapter and chapter 736. Such exercise of
 2551 power may include, but is not limited to, retaining a bank trust
 2552 department, or a public trust company, other than another family
 2553 trust company, licensed family trust company, or foreign
 2554 licensed family trust company.

2555 (f) Perform all acts necessary for exercising the powers
 2556 enumerated in this section or authorized by this chapter and
 2557 other applicable laws of this state.

2558 Reviser's note.—Amended to conform to context and facilitate
 2559 correct interpretation.

2560 Section 85. Effective October 1, 2015, subsection (1) of
 2561 section 662.141, Florida Statutes, is amended to read:

2562 662.141 Examination, investigations, and fees.—The office
 2563 may conduct an examination or investigation of a family trust
 2564 company, licensed family trust company, or foreign licensed
 2565 family trust company at any time it deems necessary to determine
 2566 whether a family trust company, licensed family trust company,
 2567 foreign licensed family trust company, or family trust company-
 2568 affiliated person has violated or is about to violate any
 2569 provision of this chapter or rules adopted by the commission
 2570 pursuant to this chapter, or any applicable provision of the
 2571 financial institution codes or rules adopted by the commission
 2572 pursuant to such codes.

2573 (1) The office shall conduct an examination of a licensed
 2574 family trust company, family trust company, or ~~and~~ foreign

2575 licensed family trust company at least once every 18 months.
 2576 Reviser's note.—Amended to conform to context and facilitate
 2577 correct interpretation.

2578 Section 86. Effective October 1, 2015, subsection (1) of
 2579 section 662.146, Florida Statutes, is amended to read:

2580 662.146 Confidentiality of books and records.—

2581 (1) The books and records of a family trust company,
 2582 licensed family trust company, or ~~and~~ foreign licensed family
 2583 trust company are confidential and shall be made available for
 2584 inspection and examination only:

- 2585 (a) To the office or its authorized representative;
- 2586 (b) To any person authorized to act for the company;
- 2587 (c) As compelled by a court, pursuant to a subpoena issued
 2588 pursuant to the Florida Rules of Civil Procedure, the Florida
 2589 Rules of Criminal Procedure, or the Federal Rules of Civil
 2590 Procedure or pursuant to a subpoena issued in accordance with
 2591 state or federal law. Before the production of the books and
 2592 records of a family trust company, licensed family trust
 2593 company, or foreign licensed family trust company, the party
 2594 seeking production must reimburse the company for the reasonable
 2595 costs and fees incurred in compliance with the production. If
 2596 the parties disagree regarding the amount of reimbursement, the
 2597 party seeking the records may request the court having
 2598 jurisdiction to set the amount of reimbursement;
- 2599 (d) Pursuant to a subpoena, to any federal or state law
 2600 enforcement or prosecutorial instrumentality authorized to

2601 investigate suspected criminal activity;

2602 (e) As authorized by the board of directors, if in
 2603 corporate form, or the managers, if in limited liability company
 2604 form; or

2605 (f) As provided in subsection (2).

2606 Reviser's note.—Amended to conform to context and facilitate
 2607 correct interpretation.

2608 Section 87. Effective October 1, 2015, subsection (1) of
 2609 section 662.147, Florida Statutes, is amended to read:

2610 662.147 Records relating to the office examination;
 2611 limited restrictions on public access.—

2612 (1) A family trust company, licensed family trust company,
 2613 or ~~and~~ foreign licensed family trust company shall keep at the
 2614 office it is required to maintain pursuant to s. 662.1225 full
 2615 and complete records of the names and residences of all the
 2616 shareholders or members of the trust company and the number of
 2617 shares or membership units held by each, as applicable, as well
 2618 as the ownership percentage of each shareholder or member, as
 2619 the case may be. The records are subject to the inspection of
 2620 all the shareholders or members of the trust company, and the
 2621 officers authorized to assess taxes under state authority,
 2622 during the normal business hours of the trust company. A current
 2623 list of shareholders or members shall be made available to the
 2624 office's examiners for their inspection and, upon the request of
 2625 the office, shall be submitted to the office.

2626 Reviser's note.—Amended to conform to context and facilitate

2627 correct interpretation.

2628 Section 88. Subsection (1) of section 680.528, Florida
 2629 Statutes, is amended to read:

2630 680.528 Lessor's damages for nonacceptance or
 2631 repudiation.—

2632 (1) Except as otherwise provided with respect to damages
 2633 liquidated in the lease agreement (s. 680.504) or otherwise
 2634 determined pursuant to agreement of the parties (ss. 671.102(2)
 2635 and 680.503 ~~580.503~~), if a lessor elects to retain the goods or
 2636 a lessor elects to dispose of the goods and the disposition is
 2637 by lease agreement that for any reason does not qualify for
 2638 treatment under s. 680.527(2), or is by sale or otherwise, the
 2639 lessor may recover from the lessee as damages a default of the
 2640 type described in s. 680.523(1) or (3)(a), or if agreed, for
 2641 other default of the lessee:

2642 (a) Accrued and unpaid rent as of the date of default if
 2643 the lessee has never taken possession of the goods, or, if the
 2644 lessee has taken possession of the goods, as of the date the
 2645 lessor repossesses the goods or an earlier date on which the
 2646 lessee makes a tender of the goods to the lessor.

2647 (b) The present value as of the date determined under
 2648 paragraph (a) of the total rent for the then remaining lease
 2649 term of the original lease agreement minus the present value as
 2650 of the same date of the market rent at the place where the goods
 2651 were located on that date computed for the same lease term.

2652 (c) Any incidental damages allowed under s. 680.53, less

2653 expenses saved in consequence of the lessee's default.

2654 Reviser's note.—Amended to correct an erroneous reference.

2655 Section 580.503 does not exist; s. 680.503 relates to
 2656 modification or impairment of rights and remedies relating
 2657 to lease agreements.

2658 Section 89. Subsection (6) of section 718.116, Florida
 2659 Statutes, is reenacted to read:

2660 718.116 Assessments; liability; lien and priority;
 2661 interest; collection.—

2662 (6) (a) The association may bring an action in its name to
 2663 foreclose a lien for assessments in the manner a mortgage of
 2664 real property is foreclosed and may also bring an action to
 2665 recover a money judgment for the unpaid assessments without
 2666 waiving any claim of lien. The association is entitled to
 2667 recover its reasonable attorney's fees incurred in either a lien
 2668 foreclosure action or an action to recover a money judgment for
 2669 unpaid assessments.

2670 (b) No foreclosure judgment may be entered until at least
 2671 30 days after the association gives written notice to the unit
 2672 owner of its intention to foreclose its lien to collect the
 2673 unpaid assessments. The notice must be in substantially the
 2674 following form:

2675

2676 DELINQUENT ASSESSMENT

2677

2678 This letter is to inform you a Claim of Lien has been

2679 | filed against your property because you have not paid
 2680 | the ...(type of assessment)... assessment to ...(name
 2681 | of association).... The association intends to
 2682 | foreclose the lien and collect the unpaid amount
 2683 | within 30 days of this letter being provided to you.

2684 |
 2685 | You owe the interest accruing from ...(month/year)...
 2686 | to the present. As of the date of this letter, the
 2687 | total amount due with interest is \$..... All costs of
 2688 | any action and interest from this day forward will
 2689 | also be charged to your account.

2690 |
 2691 | Any questions concerning this matter should be
 2692 | directed to ...(insert name, addresses, and telephone
 2693 | numbers of association representative)....

2694 |
 2695 | If this notice is not given at least 30 days before the
 2696 | foreclosure action is filed, and if the unpaid assessments,
 2697 | including those coming due after the claim of lien is recorded,
 2698 | are paid before the entry of a final judgment of foreclosure,
 2699 | the association shall not recover attorney's fees or costs. The
 2700 | notice must be given by delivery of a copy of it to the unit
 2701 | owner or by certified or registered mail, return receipt
 2702 | requested, addressed to the unit owner at his or her last known
 2703 | address; and, upon such mailing, the notice shall be deemed to
 2704 | have been given, and the court shall proceed with the

2705 foreclosure action and may award attorney's fees and costs as
2706 permitted by law. The notice requirements of this subsection are
2707 satisfied if the unit owner records a notice of contest of lien
2708 as provided in subsection (5). The notice requirements of this
2709 subsection do not apply if an action to foreclose a mortgage on
2710 the condominium unit is pending before any court; if the rights
2711 of the association would be affected by such foreclosure; and if
2712 actual, constructive, or substitute service of process has been
2713 made on the unit owner.

2714 (c) If the unit owner remains in possession of the unit
2715 after a foreclosure judgment has been entered, the court, in its
2716 discretion, may require the unit owner to pay a reasonable
2717 rental for the unit. If the unit is rented or leased during the
2718 pendency of the foreclosure action, the association is entitled
2719 to the appointment of a receiver to collect the rent. The
2720 expenses of the receiver shall be paid by the party which does
2721 not prevail in the foreclosure action.

2722 (d) The association has the power to purchase the
2723 condominium parcel at the foreclosure sale and to hold, lease,
2724 mortgage, or convey it.

2725 Reviser's note.—Section 3, ch. 2014-146, Laws of Florida,
2726 purported to amend subsection (6) but did not publish
2727 paragraphs (c) and (d). Absent affirmative evidence of
2728 legislative intent to repeal them, subsection (6) is
2729 reenacted to confirm that the omission was not intended.
2730 Section 90. Subsection (4) of section 721.13, Florida

2731 Statutes, is amended to read:

2732 721.13 Management.—

2733 (4) The managing entity shall maintain among its records
2734 and provide to the division upon request a complete list of the
2735 names and addresses of all purchasers and owners of timeshare
2736 units in the timeshare plan. The managing entity shall update
2737 this list no less frequently than quarterly. Pursuant to
2738 paragraph (3)(d), the managing entity may not publish this
2739 owner's list or provide a copy of it to any purchaser or to any
2740 third party other than the division. However, the managing
2741 entity shall mail to those persons listed on the owner's list
2742 materials provided by any purchaser, upon the written request of
2743 that purchaser, if the purpose of the mailing is to advance
2744 legitimate owners' association business, such as a proxy
2745 solicitation for any purpose, including the recall of one or
2746 more board members elected by the owners or the discharge of the
2747 manager or management firm. The use of any proxies solicited in
2748 this manner must comply with the provisions of the timeshare
2749 instrument and this chapter. A mailing requested for the purpose
2750 of advancing legitimate owners' association business shall occur
2751 within 30 days after receipt of a request from a purchaser. The
2752 board of administration of the owners' association shall be
2753 responsible for determining the appropriateness of any mailing
2754 requested pursuant to this subsection. The purchaser who
2755 requests the mailing must reimburse the owners' association in
2756 advance for the owners' association's actual costs in performing

2757 the mailing. It shall be a violation of this chapter and, if
2758 applicable, of part VIII of chapter 468, for the board of
2759 administration or the manager or management firm to refuse to
2760 mail any material requested by the purchaser to be mailed,
2761 provided the sole purpose of the materials is to advance
2762 legitimate owners' association business. If the purpose of the
2763 mailing is a proxy solicitation to recall one or more board
2764 members elected by the owners or to discharge the manager or
2765 management firm and the managing entity does not mail the
2766 materials within 30 days after receipt of a request from a
2767 purchaser, the circuit court in the county where the timeshare
2768 plan is located may, upon application from the requesting
2769 purchaser, summarily order the mailing of the materials solely
2770 related to the recall of one or more board members elected by
2771 the owners or the discharge of the manager or management firm.
2772 The court shall dispose of an application on an expedited basis.
2773 In the event of such an order, the court may order the managing
2774 entity to pay the purchaser's costs, including attorney's fees
2775 reasonably incurred to enforce the purchaser's rights, unless
2776 the managing entity can prove it refused the mailing in good
2777 faith because of a reasonable basis for doubt about the
2778 legitimacy of the mailing.

2779 Reviser's note.—Amended to correct an apparent error and
2780 facilitate correct interpretation. This section was amended
2781 by s. 20 of Committee Substitute for Committee Substitute
2782 for House Bill 593, which became ch. 2000-302, Laws of

2783 Florida. Committee Substitute for Senate Bill 908, a
 2784 similar bill that did not pass during the 2000 Regular
 2785 Session, also amended this section. Both bills struck the
 2786 phrase "initiate a mailing" after the word "shall," but
 2787 only Committee Substitute for Senate Bill 908 added the
 2788 word "mail" to replace the phrase. That change was not
 2789 carried over to Committee Substitute for Committee
 2790 Substitute for House Bill 593, which became ch. 2000-302.
 2791 Section 91. Paragraph (b) of subsection (1) and subsection
 2792 (2) of section 775.0862, Florida Statutes, are amended to read:
 2793 775.0862 Sexual offenses against students by authority
 2794 figures; reclassification.—
 2795 (1) As used in this section, the term:
 2796 (b) "School" has the same meaning as provided in s.
 2797 1003.01 and includes a private school as defined in s. 1002.01,
 2798 a voluntary prekindergarten education program as described in s.
 2799 1002.53(3), early learning programs, a public school as
 2800 described in s. 402.3025(1), the Florida School for the Deaf and
 2801 the Blind, and the Florida Virtual School established under s.
 2802 1002.37, ~~and a K-8 Virtual School established under s. 1002.415.~~
 2803 The term does not include facilities dedicated exclusively to
 2804 the education of adults.
 2805 (2) The felony degree of a violation of an offense listed
 2806 in s. 943.0435(1)(a)1.a., unless the offense is a violation of
 2807 s. 794.011(4)(e)7. ~~794.011(4)(g)~~ or s. 810.145(8)(a)2., shall be
 2808 reclassified as provided in this section if the offense is

2809 committed by an authority figure of a school against a student
 2810 of the school.

2811 Reviser's note.—Paragraph (1)(b) is amended to conform to the
 2812 repeal of s. 1002.415 by s. 29, ch. 2014-39, Laws of
 2813 Florida. Subsection (2) is amended to conform to the
 2814 redesignation of s. 794.011(4)(g) as s. 794.011(4)(e)7. by
 2815 s. 3, ch. 2014-4, Laws of Florida.

2816 Section 92. Paragraph (d) of subsection (10) of section
 2817 775.21, Florida Statutes, is amended to read:

2818 775.21 The Florida Sexual Predators Act.—

2819 (10) PENALTIES.—

2820 (d) A sexual predator who commits any act or omission in
 2821 violation of this section may be prosecuted for the act or
 2822 omission in the county in which the act or omission was
 2823 committed, in the county of the last registered address of the
 2824 sexual predator, in the county in which the conviction occurred
 2825 for the offense or offenses that meet the criteria for
 2826 designating a person as a sexual predator, in the county where
 2827 the sexual predator was released from incarceration, or in the
 2828 county of the intended address of the sexual predator as
 2829 reported by the predator prior to his or her release from
 2830 incarceration. In addition, a sexual predator may be prosecuted
 2831 for any such act or omission in the county in which he or she
 2832 was designated a sexual predator.

2833 Reviser's note.—Amended to conform to context.

2834 Section 93. Section 775.25, Florida Statutes, is amended

2835 to read:

2836 775.25 Prosecutions for acts or omissions.—A sexual
 2837 predator or sexual offender who commits any act or omission in
 2838 violation of s. 775.21, s. 943.0435, s. 944.605, s. 944.606, s.
 2839 944.607, or former s. 947.177 may be prosecuted for the act or
 2840 omission in the county in which the act or omission was
 2841 committed, in the county of the last registered address of the
 2842 sexual predator or sexual offender, in the county in which the
 2843 conviction occurred for the offense or offenses that meet the
 2844 criteria for designating a person as a sexual predator or sexual
 2845 offender, in the county where the sexual predator or sexual
 2846 offender was released from incarceration, or in the county of
 2847 the intended address of the sexual predator or sexual offender
 2848 as reported by the predator or offender prior to his or her
 2849 release from incarceration. In addition, a sexual predator may
 2850 be prosecuted for any such act or omission in the county in
 2851 which he or she was designated a sexual predator.

2852 Reviser's note.—Amended to conform to context.

2853 Section 94. Subsection (1) of section 784.078, Florida
 2854 Statutes, is amended to read:

2855 784.078 Battery of facility employee by throwing, tossing,
 2856 or expelling certain fluids or materials.—

2857 (1) As used in this section, the term "facility" means a
 2858 state correctional institution defined in s. 944.02(8)
 2859 ~~944.02(6)~~; a private correctional facility defined in s. 944.710
 2860 or under chapter 957; a county, municipal, or regional jail or

2861 other detention facility of local government under chapter 950
 2862 or chapter 951; or a secure facility operated and maintained by
 2863 the Department of Corrections or the Department of Juvenile
 2864 Justice.

2865 Reviser's note.—Amended to correct an erroneous reference.

2866 Section 944.02(8) defines "state correctional institution;"
 2867 s. 944.02(6) defines "prisoner."

2868 Section 95. Paragraph (a) of subsection (3) of section
 2869 787.02, Florida Statutes, is amended to read:

2870 787.02 False imprisonment; false imprisonment of child
 2871 under age 13, aggravating circumstances.—

2872 (3) (a) A person who commits the offense of false
 2873 imprisonment upon a child under the age of 13 and who, in the
 2874 course of committing the offense, commits any offense enumerated
 2875 in subparagraphs 1.-5., commits a felony of the first degree,
 2876 punishable by imprisonment for a term of years not exceeding
 2877 life or as provided in s. 775.082, s. 775.083, or s. 775.084.

- 2878 1. Aggravated child abuse, as defined in s. 827.03;
- 2879 2. Sexual battery, as defined in chapter 794, against the
 2880 child;
- 2881 3. Lewd or lascivious battery, lewd or lascivious
 2882 molestation, lewd or lascivious conduct, or lewd or lascivious
 2883 exhibition, in violation of s. 800.04 or s. 847.0135(5);
- 2884 4. A violation of former s. 796.03 or s. 796.04, relating
 2885 to prostitution, upon the child;
- 2886 5. Exploitation of the child or allowing the child to be

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2887 exploited, in violation of s. 450.151; or
2888 6. A violation of s. 787.06(3)(g) ~~878.06(3)(g)~~ relating to
2889 human trafficking.

2890 Reviser's note.—Amended to correct an apparent typographical
2891 error and conform to context. Section 20, ch. 2014-160,
2892 Laws of Florida, added subparagraph 6. with the cross-
2893 reference to s. 878.06(3)(g); s. 878.06 does not exist.
2894 Section 19, ch. 2014-160, amended s. 787.01(3)(a) to add a
2895 subparagraph 6., with similar language and context as
2896 subparagraph 6. in this section, relating to human
2897 trafficking with a cross-reference to s. 787.06(3)(g); s.
2898 787.06 relates to human trafficking.

2899 Section 96. Paragraph (g) of subsection (3) of section
2900 787.06, Florida Statutes, is amended to read:

2901 787.06 Human trafficking.—

2902 (3) Any person who knowingly, or in reckless disregard of
2903 the facts, engages in human trafficking, or attempts to engage
2904 in human trafficking, or benefits financially by receiving
2905 anything of value from participation in a venture that has
2906 subjected a person to human trafficking:

2907 (g) For commercial sexual activity in which any child
2908 under the age of 18, or in which any person who is mentally
2909 defective or mentally incapacitated as those terms are defined
2910 in s. 794.011(1), is involved commits a life felony, punishable
2911 as provided in s. 775.082(3)(a)6. ~~775.082(3)(a)5.~~, s. 775.083,
2912 or s. 775.084.

2913
 2914 For each instance of human trafficking of any individual under
 2915 this subsection, a separate crime is committed and a separate
 2916 punishment is authorized.

2917 Reviser's note.—Amended to conform to the editorial substitution
 2918 of a reference to s. 775.082(3)(a)6. for a reference to s.
 2919 775.082(3)(a)5. Section 1, ch. 2014-220, Laws of Florida,
 2920 and s. 8, ch. 2014-160, Laws of Florida, added new
 2921 subparagraph 5. language to paragraph (a); the added
 2922 language by the two acts was different in substance, and
 2923 the subparagraph 5. added by s. 8, ch. 2014-160, which is
 2924 the same law that added the reference to s. 775.082(3)(a)5.
 2925 here, was redesignated as subparagraph 6. by the editors.
 2926 Section 97. Paragraph (g) of subsection (6) of section
 2927 921.1402, Florida Statutes, is amended to read:

2928 921.1402 Review of sentences for persons convicted of
 2929 specified offenses committed while under the age of 18 years.—

2930 (6) Upon receiving an application from an eligible
 2931 juvenile offender, the court of original sentencing jurisdiction
 2932 shall hold a sentence review hearing to determine whether the
 2933 juvenile offender's sentence should be modified. When
 2934 determining if it is appropriate to modify the juvenile
 2935 offender's sentence, the court shall consider any factor it
 2936 deems appropriate, including all of the following:

2937 (g) Whether the juvenile offender has successfully
 2938 obtained a high school equivalency diploma ~~general educational~~

2939 ~~development certificate~~ or completed another educational,
 2940 technical, work, vocational, or self-rehabilitation program, if
 2941 such a program is available.

2942 Reviser's note.—Amended to conform to the fact that the term
 2943 "general educational development certificate" was changed
 2944 to "high school equivalency diploma" in existing Florida
 2945 Statutes text by ch. 2014-20, Laws of Florida, pursuant to
 2946 s. 38, ch. 2013-51, Laws of Florida.

2947 Section 98. Subsection (2) of section 940.031, Florida
 2948 Statutes, is amended to read:

2949 940.031 Clemency counsel when sentence of death imposed.—

2950 (2) The appointed attorney shall be compensated by the
 2951 board, not to exceed \$10,000, for attorney fees and costs
 2952 incurred in representing the person for relief by executive
 2953 clemency, with compensation to be paid out of the General
 2954 Revenue Fund from funds budgeted to the Florida Parole
 2955 Commission on Offender Review.

2956 Reviser's note.—Amended to conform to the renaming of the Parole
 2957 Commission as the Florida Commission on Offender Review by
 2958 ch. 2014-191, Laws of Florida.

2959 Section 99. Paragraph (b) of subsection (9) of section
 2960 943.0435, Florida Statutes, is amended to read:

2961 943.0435 Sexual offenders required to register with the
 2962 department; penalty.—

2963 (9)

2964 (b) A sexual offender who commits any act or omission in

2965 violation of this section may be prosecuted for the act or
 2966 omission in the county in which the act or omission was
 2967 committed, in the county of the last registered address of the
 2968 sexual offender, in the county in which the conviction occurred
 2969 for the offense or offenses that meet the criteria for
 2970 designating a person as a sexual offender, in the county where
 2971 the sexual offender was released from incarceration, or in the
 2972 county of the intended address of the sexual offender as
 2973 reported by the offender prior to his or her release from
 2974 incarceration.

2975 Reviser's note.—Amended to conform to context.

2976 Section 100. Paragraph (b) of subsection (4) of section
 2977 944.275, Florida Statutes, is amended to read:

2978 944.275 Gain-time.—

2979 (4)

2980 (b) For each month in which an inmate works diligently,
 2981 participates in training, uses time constructively, or otherwise
 2982 engages in positive activities, the department may grant
 2983 incentive gain-time in accordance with this paragraph. The rate
 2984 of incentive gain-time in effect on the date the inmate
 2985 committed the offense which resulted in his or her incarceration
 2986 shall be the inmate's rate of eligibility to earn incentive
 2987 gain-time throughout the period of incarceration and shall not
 2988 be altered by a subsequent change in the severity level of the
 2989 offense for which the inmate was sentenced.

2990 1. For sentences imposed for offenses committed prior to

2991 January 1, 1994, up to 20 days of incentive gain-time may be
 2992 granted. If granted, such gain-time shall be credited and
 2993 applied monthly.

2994 2. For sentences imposed for offenses committed on or
 2995 after January 1, 1994, and before October 1, 1995:

2996 a. For offenses ranked in offense severity levels 1
 2997 through 7, under former s. 921.0012 or former s. 921.0013, up to
 2998 25 days of incentive gain-time may be granted. If granted, such
 2999 gain-time shall be credited and applied monthly.

3000 b. For offenses ranked in offense severity levels 8, 9,
 3001 and 10, under former s. 921.0012 or former s. 921.0013, up to 20
 3002 days of incentive gain-time may be granted. If granted, such
 3003 gain-time shall be credited and applied monthly.

3004 3. For sentences imposed for offenses committed on or
 3005 after October 1, 1995, the department may grant up to 10 days
 3006 per month of incentive gain-time, except that no prisoner is
 3007 eligible to earn any type of gain-time in an amount that would
 3008 cause a sentence to expire, end, or terminate, or that would
 3009 result in a prisoner's release, prior to serving a minimum of 85
 3010 percent of the sentence imposed. For purposes of this
 3011 subparagraph, credits awarded by the court for time physically
 3012 incarcerated shall be credited toward satisfaction of 85 percent
 3013 of the sentence imposed. Except as provided by this section, a
 3014 prisoner shall not accumulate further gain-time awards at any
 3015 point when the tentative release date is the same as that date
 3016 at which the prisoner will have served 85 percent of the

3017 sentence imposed. State prisoners sentenced to life imprisonment
 3018 shall be incarcerated for the rest of their natural lives,
 3019 unless granted pardon or clemency.

3020 Reviser's note.—Amended to provide clarity and facilitate
 3021 correct interpretation. Sections 921.0012 and 921.0013 were
 3022 repealed by s. 21, ch. 2009-20, Laws of Florida.

3023 Section 101. Paragraph (b) of subsection (3) of section
 3024 960.03, Florida Statutes, is amended to read:

3025 960.03 Definitions; ss. 960.01-960.28.—As used in ss.
 3026 960.01-960.28, unless the context otherwise requires, the term:

3027 (3) "Crime" means:

3028 (b) A violation of s. 316.193, s. 316.027(2) ~~316.027(1)~~,
 3029 s. 327.35(1), s. 782.071(1)(b), or s. 860.13(1)(a) which results
 3030 in physical injury or death; however, an act involving the
 3031 operation of a motor vehicle, boat, or aircraft which results in
 3032 injury or death does not constitute a crime for the purpose of
 3033 this chapter unless the injury or death was intentionally
 3034 inflicted through the use of the vehicle, boat, or aircraft.

3035 Reviser's note.—Amended to conform to the redesignation of s.
 3036 316.027(1) as s. 316.027(2) by s. 2, ch. 2014-225, Laws of
 3037 Florida.

3038 Section 102. Subsection (5) of section 960.065, Florida
 3039 Statutes, is amended to read:

3040 960.065 Eligibility for awards.—

3041 (5) A person is not ineligible for an award pursuant to
 3042 paragraph (2)(a), paragraph (2)(b), or paragraph (2)(c) if that

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3043 person is a victim of sexual exploitation of a child as defined
3044 in s. 39.01(69)(g) ~~39.01(68)(g)~~.

3045 Reviser's note.—Amended to confirm the editorial substitution of
3046 a reference to s. 39.01(69)(g) for a reference to s.
3047 39.01(68)(g). Sexual exploitation of a child is defined in
3048 s. 39.01(69)(g). "Secretary" is defined in s. 39.01(68),
3049 which has no paragraphs.

3050 Section 103. Paragraph (b) of subsection (1) of section
3051 961.06, Florida Statutes, is amended to read:

3052 961.06 Compensation for wrongful incarceration.—

3053 (1) Except as otherwise provided in this act and subject
3054 to the limitations and procedures prescribed in this section, a
3055 person who is found to be entitled to compensation under the
3056 provisions of this act is entitled to:

3057 (b) A waiver of tuition and fees for up to 120 hours of
3058 instruction at any career center established under s. 1001.44,
3059 any Florida College System institution ~~community college~~ as
3060 defined in s. 1000.21(3), or any state university as defined in
3061 s. 1000.21(6), if the wrongfully incarcerated person meets and
3062 maintains the regular admission requirements of such career
3063 center, Florida College System institution ~~community college~~, or
3064 state university; remains registered at such educational
3065 institution; and makes satisfactory academic progress as defined
3066 by the educational institution in which the claimant is
3067 enrolled;

3068

3069 The total compensation awarded under paragraphs (a), (c), and
 3070 (d) may not exceed \$2 million. No further award for attorney's
 3071 fees, lobbying fees, costs, or other similar expenses shall be
 3072 made by the state.

3073 Reviser's note.—Amended to conform to context. Referenced s.
 3074 1000.21(3) defines "Florida College System institution,"
 3075 not "community college." Chapters 2008-52 and 2009-228,
 3076 Laws of Florida, transitioned references from community
 3077 colleges to Florida College System institutions.

3078 Section 104. Paragraph (a) of subsection (5) of section
 3079 985.0301, Florida Statutes, is amended to read:

3080 985.0301 Jurisdiction.—

3081 (5) (a) Notwithstanding s. 743.07, and except as provided
 3082 in paragraph (b), when the jurisdiction of any child who is
 3083 alleged to have committed a delinquent act or violation of law
 3084 is obtained, the court shall retain jurisdiction to dispose of a
 3085 case, unless relinquished by its order, until the child reaches
 3086 19 years of age, with the same power over the child which the
 3087 court had before the child became an adult.

3088 Reviser's note.—Amended to confirm the editorial insertion of
 3089 the word "of."

3090 Section 105. Subsection (5) of section 985.265, Florida
 3091 Statutes, is amended to read:

3092 985.265 Detention transfer and release; education; adult
 3093 jails.—

3094 (5) The court shall order the delivery of a child to a

3095 jail or other facility intended or used for the detention of
3096 adults:

3097 (a) When the child has been transferred or indicted for
3098 criminal prosecution as an adult under part X, except that the
3099 court may not order or allow a child alleged to have committed a
3100 misdemeanor who is being transferred for criminal prosecution
3101 pursuant to either s. 985.556 or s. 985.557 to be detained or
3102 held in a jail or other facility intended or used for the
3103 detention of adults; however, such child may be held temporarily
3104 in a detention facility; or

3105 (b) When a child taken into custody in this state is
3106 wanted by another jurisdiction for prosecution as an adult.

3107
3108 The child shall be housed separately from adult inmates to
3109 prohibit a child from having regular contact with incarcerated
3110 adults, including trusties ~~trustees~~. "Regular contact" means
3111 sight and sound contact. Separation of children from adults
3112 shall permit no more than haphazard or accidental contact. The
3113 receiving jail or other facility shall contain a separate
3114 section for children and shall have an adequate staff to
3115 supervise and monitor the child's activities at all times.
3116 Supervision and monitoring of children includes physical
3117 observation and documented checks by jail or receiving facility
3118 supervisory personnel at intervals not to exceed 10 minutes.
3119 This subsection does not prohibit placing two or more children
3120 in the same cell. Under no circumstances shall a child be placed

3121 | in the same cell with an adult.

3122 | Reviser's note.—Amended to confirm the editorial substitution of

3123 | the word "trusties" for the word "trustees" to conform to

3124 | context.

3125 | Section 106. Paragraph (h) of subsection (2) of section

3126 | 1002.395, Florida Statutes, is amended to read:

3127 | 1002.395 Florida Tax Credit Scholarship Program.—

3128 | (2) DEFINITIONS.—As used in this section, the term:

3129 | (h) "Household income" has the same meaning as the term

3130 | "income" as ~~is~~ defined in the Income Eligibility Guidelines for

3131 | free and reduced price meals under the National School Lunch

3132 | Program in 7 C.F.R. part 210 as published in the Federal

3133 | Register by the United States Department of Agriculture.

3134 | Reviser's note.—Amended to confirm the editorial substitution of

3135 | the word "as" for the word "is."

3136 | Section 107. Paragraph (b) of subsection (8) of section

3137 | 1003.4203, Florida Statutes, is amended to read:

3138 | 1003.4203 Digital materials, CAPE Digital Tool

3139 | certificates, and technical assistance.—

3140 | (8) PARTNERSHIPS.—

3141 | (b) Third-party assessment providers and career and

3142 | professional academy curricula providers are encouraged to

3143 | provide annual training to staff of the Department of Education,

3144 | staff of school district offices, instructional staff of public

3145 | schools, including charter schools, and other appropriate

3146 | administrative staff through face-to-face training models;

3147 through online, video conferencing training models; and through
 3148 state, regional, or conference presentations.

3149 Reviser's note.—Amended to confirm the editorial insertion of
 3150 the word "through" to improve clarity.

3151 Section 108. Paragraph (c) of subsection (10) of section
 3152 1003.4282, Florida Statutes, is amended to read:

3153 1003.4282 Requirements for a standard high school
 3154 diploma.—

3155 (10) COHORT TRANSITION TO NEW GRADUATION REQUIREMENTS.—The
 3156 requirements of this section, in addition to applying to
 3157 students entering grade 9 in the 2013-2014 school year and
 3158 thereafter, shall also apply to students entering grade 9 before
 3159 the 2013-2014 school year, except as otherwise provided in this
 3160 subsection.

3161 (c) A student entering grade 9 in the 2011-2012 school
 3162 year must earn:

3163 1. Four credits in English/ELA. A student must pass the
 3164 statewide, standardized grade 10 Reading assessment, or earn a
 3165 concordant score, in order to graduate with a standard high
 3166 school diploma.

3167 2. Four credits in mathematics, which must include Algebra
 3168 I and Geometry. A student who takes Algebra I after the 2010-
 3169 2011 school year must pass the statewide, standardized Algebra I
 3170 EOC assessment, or earn a comparative score, in order to earn a
 3171 standard high school diploma. A student who takes Algebra I or
 3172 Geometry after the 2010-2011 school year must take the

3173 statewide, standardized EOC assessment but is not required to
3174 pass the Algebra I or Geometry EOC assessment in order to earn
3175 course credit. A student's performance on the Algebra I or
3176 Geometry EOC assessment is not required to constitute 30 percent
3177 of the student's final course grade. A student who earns an
3178 industry certification for which there is a statewide college
3179 credit articulation agreement approved by the State Board of
3180 Education may substitute the certification for one mathematics
3181 credit. Substitution may occur for up to two mathematics
3182 credits, except for Algebra I and Geometry.

3183 3. Three credits in science, two of which must have a
3184 laboratory component. One of the science credits must be Biology
3185 I. A student who takes Biology I after the 2010-2011 school year
3186 must take the statewide, standardized Biology I EOC assessment
3187 but is not required to pass the assessment in order to earn
3188 course credit. A student's performance on the assessment is not
3189 required to constitute 30 percent of the student's final course
3190 grade. A student who earns an industry certification for which
3191 there is a statewide college credit articulation agreement
3192 approved by the State Board of Education may substitute the
3193 certification for one science credit, except for Biology I.

3194 4. Three credits in social studies of which one credit in
3195 World History, one credit in United States History, one-half
3196 credit in United States Government, and one-half credit in
3197 economics are required. A student who takes United States
3198 History after the 2011-2012 school year ~~student~~ must take the

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3199 statewide, standardized United States History EOC assessment,
3200 but the student's performance on the assessment is not required
3201 to constitute 30 percent of the student's final course grade.

3202 5. One credit in fine or performing arts, speech and
3203 debate, or practical arts as provided in paragraph (3)(e).

3204 6. One credit in physical education as provided in
3205 paragraph (3)(f).

3206 7. Eight credits in electives.

3207 8. One online course as provided in subsection (4).

3208 Reviser's note.—Amended to confirm the editorial deletion of the
3209 word "student."

3210 Section 109. Paragraph (b) of subsection (1) of section
3211 1003.493, Florida Statutes, is amended to read:

3212 1003.493 Career and professional academies and career-
3213 themed courses.—

3214 (1)

3215 (b) A "career-themed course" is a course, or a course in a
3216 series of courses, that leads to an industry certification
3217 identified in the CAPE Industry Certification Funding List
3218 pursuant to rules adopted by the State Board of Education.

3219 Career-themed courses have industry-specific curriculum aligned
3220 directly to priority workforce needs established by the regional
3221 workforce board or the Department of Economic Opportunity.

3222 School districts shall offer at least two career-themed courses,
3223 and each secondary school is encouraged to offer at least one
3224 career-themed course. The Florida Virtual School is encouraged

3225 to develop and offer rigorous career-themed courses as
 3226 appropriate. Students completing a career-themed course must be
 3227 provided opportunities to earn postsecondary credit if the
 3228 credit for the career-themed course can be articulated to a
 3229 postsecondary institution approved to operate in the state.

3230 Reviser's note.—Amended to conform to the complete name of the
 3231 CAPE Industry Certification Funding List authorized by s.
 3232 1008.44; s. 1008.44 was amended by s. 12, ch. 2014-184,
 3233 Laws of Florida, to add the word "CAPE" to the name of the
 3234 Industry Certification Funding List.

3235 Section 110. Paragraph (a) of subsection (2) of section
 3236 1003.4935, Florida Statutes, is amended to read:

3237 1003.4935 Middle grades career and professional academy
 3238 courses and career-themed courses.—

3239 (2) Each middle grades career and professional academy or
 3240 career-themed course must be aligned with at least one high
 3241 school career and professional academy or career-themed course
 3242 offered in the district and maintain partnerships with local
 3243 business and industry and economic development boards. Middle
 3244 grades career and professional academies and career-themed
 3245 courses must:

3246 (a) Lead to careers in occupations designated as high-
 3247 skill, high-wage, and high-demand in the CAPE Industry
 3248 Certification Funding List approved under rules adopted by the
 3249 State Board of Education;

3250 Reviser's note.—Amended to conform to the complete name of the

3251 CAPE Industry Certification Funding List authorized by s.
 3252 1008.44; s. 1008.44 was amended by s. 12, ch. 2014-184,
 3253 Laws of Florida, to add the word "CAPE" to the name of the
 3254 Industry Certification Funding List.

3255 Section 111. Paragraph (j) of subsection (2) of section
 3256 1003.51, Florida Statutes, is amended to read:

3257 1003.51 Other public educational services.—

3258 (2) The State Board of Education shall adopt rules
 3259 articulating expectations for effective education programs for
 3260 students in Department of Juvenile Justice programs, including,
 3261 but not limited to, education programs in juvenile justice
 3262 prevention, day treatment, residential, and detention programs.
 3263 The rule shall establish policies and standards for education
 3264 programs for students in Department of Juvenile Justice programs
 3265 and shall include the following:

3266 (j) Qualifications of instructional staff, procedures for
 3267 the selection of instructional staff, and procedures for
 3268 consistent instruction and qualified staff year round.
 3269 Qualifications shall include those for instructors of CAPE
 3270 courses, standardized across the state, and shall be based on
 3271 state certification, local school district approval, and
 3272 industry-recognized certifications as identified on the CAPE
 3273 Industry Certification Funding List. Procedures for the use of
 3274 noncertified instructional personnel who possess expert
 3275 knowledge or experience in their fields of instruction shall be
 3276 established.

3277 Reviser's note.—Amended to conform to the complete name of the
 3278 CAPE Industry Certification Funding List authorized by s.
 3279 1008.44; s. 1008.44 was amended by s. 12, ch. 2014-184,
 3280 Laws of Florida, to add the word "CAPE" to the name of the
 3281 Industry Certification Funding List.

3282 Section 112. Paragraph (b) of subsection (2) of section
 3283 1003.5716, Florida Statutes, is amended to read:

3284 1003.5716 Transition to postsecondary education and career
 3285 opportunities.—All students with disabilities who are 3 years of
 3286 age to 21 years of age have the right to a free, appropriate
 3287 public education. As used in this section, the term "IEP" means
 3288 individual education plan.

3289 (2) Beginning not later than the first IEP to be in effect
 3290 when the student attains the age of 16, or younger if determined
 3291 appropriate by the parent and the IEP team, the IEP must include
 3292 the following statements that must be updated annually:

3293 (b) A statement of intent to receive a standard high
 3294 school diploma before the student attains the age of 22 and a
 3295 description of how the student will fully meet the requirements
 3296 in ~~s. 1003.428~~ or s. 1003.4282, ~~as applicable~~, including, but
 3297 not limited to, a portfolio pursuant to s. 1003.4282(11)(b)
 3298 which meets the criteria specified in State Board of Education
 3299 rule. The IEP must also specify the outcomes and additional
 3300 benefits expected by the parent and the IEP team at the time of
 3301 the student's graduation.

3302 Reviser's note.—Amended to conform to the repeal of s. 1003.428

3303 by s. 38, ch. 2014-39, Laws of Florida.

3304 Section 113. Subsection (3) of section 1005.33, Florida
 3305 Statutes, is amended to read:

3306 1005.33 License period and renewal.—

3307 ~~(3) On the effective date of this act, an institution~~
 3308 ~~that, in 2002, held the status of "Permission to Operate" under~~
 3309 ~~s. 246.093, Florida Statutes 2001, has 90 days to seek and~~
 3310 ~~obtain licensure from the commission. Ninety days after this act~~
 3311 ~~takes effect, that status no longer authorizes an institution to~~
 3312 ~~operate in Florida.~~

3313 Reviser's note.—Amended to delete an obsolete provision.

3314 Section 114. Subsection (11) of section 1007.271, Florida
 3315 Statutes, is amended to read:

3316 1007.271 Dual enrollment programs.—

3317 (11) Career early admission is a form of career dual
 3318 enrollment through which eligible secondary students enroll full
 3319 time in a career center or a Florida College System institution
 3320 in postsecondary programs leading to industry certifications, as
 3321 listed in the CAPE Postsecondary Industry Certification Funding
 3322 List pursuant to s. 1008.44, which are creditable toward the
 3323 high school diploma and the certificate or associate degree.
 3324 Participation in the career early admission program is limited
 3325 to students who have completed a minimum of 4 semesters of full-
 3326 time secondary enrollment, including studies undertaken in the
 3327 ninth grade. Students enrolled pursuant to this section are
 3328 exempt from the payment of registration, tuition, and laboratory

3329 fees.

3330 Reviser's note.—Amended to conform to the complete name of the
3331 CAPE Postsecondary Industry Certification Funding List
3332 authorized by s. 1008.44; s. 1008.44 was amended by s. 12,
3333 ch. 2014-184, Laws of Florida, to add the word "CAPE" to
3334 the name of the Postsecondary Industry Certification
3335 Funding List.

3336 Section 115. Paragraph (b) of subsection (3) of section
3337 1008.22, Florida Statutes, is amended to read:

3338 1008.22 Student assessment program for public schools.—
3339 (3) STATEWIDE, STANDARDIZED ASSESSMENT PROGRAM.—The
3340 Commissioner of Education shall design and implement a
3341 statewide, standardized assessment program aligned to the core
3342 curricular content established in the Next Generation Sunshine
3343 State Standards. The commissioner also must develop or select
3344 and implement a common battery of assessment tools that will be
3345 used in all juvenile justice education programs in the state.
3346 These tools must accurately measure the core curricular content
3347 established in the Next Generation Sunshine State Standards.
3348 Participation in the assessment program is mandatory for all
3349 school districts and all students attending public schools,
3350 including adult students seeking a standard high school diploma
3351 under s. 1003.4282 and students in Department of Juvenile
3352 Justice education programs, except as otherwise provided by law.
3353 If a student does not participate in the assessment program, the
3354 school district must notify the student's parent and provide the

3355 parent with information regarding the implications of such
3356 nonparticipation. The statewide, standardized assessment program
3357 shall be designed and implemented as follows:

3358 (b) *End-of-course (EOC) assessments.*—EOC assessments must
3359 be statewide, standardized, and developed or approved by the
3360 Department of Education as follows:

3361 1. Statewide, standardized EOC assessments in mathematics
3362 shall be administered according to this subparagraph. Beginning
3363 with the 2010-2011 school year, all students enrolled in Algebra
3364 I must take the Algebra I EOC assessment. Except as otherwise
3365 provided in paragraph (c), beginning with students entering
3366 grade 9 in the 2011-2012 school year, a student who is enrolled
3367 in Algebra I must earn a passing score on the Algebra I EOC
3368 assessment or attain a comparative score as authorized under
3369 subsection (8) in order to earn a standard high school diploma.
3370 In order to earn a standard high school diploma, a student who
3371 has not earned a passing score on the Algebra I EOC assessment
3372 must earn a passing score on the assessment retake or a
3373 comparative score as authorized under subsection (8). Beginning
3374 with the 2011-2012 school year, all students enrolled in
3375 Geometry must take the Geometry EOC assessment. Middle grades
3376 students enrolled in Algebra I, Geometry, or Biology I must take
3377 the statewide, standardized EOC assessment for those courses and
3378 shall not take the corresponding subject and grade-level
3379 statewide, standardized assessment. When a statewide,
3380 standardized EOC assessment in Algebra II is administered, all

3381 students enrolled in Algebra II must take the EOC assessment.
3382 Pursuant to the commissioner's implementation schedule, student
3383 performance on the Algebra II EOC assessment constitutes 30
3384 percent of a student's final course grade.

3385 2. Statewide, standardized EOC assessments in science
3386 shall be administered according to this subparagraph. Beginning
3387 with the 2011-2012 school year, all students enrolled in Biology
3388 I must take the Biology I EOC assessment. Beginning with
3389 students entering grade 9 in the 2013-2014 school year,
3390 performance on the Biology I EOC assessment constitutes 30
3391 percent of the student's final course grade.

3392 3. Beginning with the 2013-2014 school year, each
3393 student's performance on the statewide, standardized middle
3394 grades Civics EOC assessment constitutes 30 percent of the
3395 student's final course grade in civics education.

3396 4. The commissioner may select one or more nationally
3397 developed comprehensive examinations, which may include
3398 examinations for a College Board Advanced Placement course,
3399 International Baccalaureate course, or Advanced International
3400 Certificate of Education course, or industry-approved
3401 examinations to earn national industry certifications identified
3402 in the CAPE Industry Certification Funding List, for use as EOC
3403 assessments under this paragraph if the commissioner determines
3404 that the content knowledge and skills assessed by the
3405 examinations meet or exceed the grade-level expectations for the
3406 core curricular content established for the course in the Next

3407 Generation Sunshine State Standards. Use of any such examination
 3408 as an EOC assessment must be approved by the state board in
 3409 rule.

3410 5. Contingent upon funding provided in the General
 3411 Appropriations Act, including the appropriation of funds
 3412 received through federal grants, the commissioner may establish
 3413 an implementation schedule for the development and
 3414 administration of additional statewide, standardized EOC
 3415 assessments that must be approved by the state board in rule. If
 3416 approved by the state board, student performance on such
 3417 assessments constitutes 30 percent of a student's final course
 3418 grade.

3419 6. All statewide, standardized EOC assessments must be
 3420 administered online except as otherwise provided in paragraph
 3421 (c).

3422 Reviser's note.—Amended to conform to the complete name of the
 3423 CAPE Industry Certification Funding List authorized by s.
 3424 1008.44; s. 1008.44 was amended by s. 12, ch. 2014-184,
 3425 Laws of Florida, to add the word "CAPE" to the name of the
 3426 Industry Certification Funding List.

3427 Section 116. Paragraph (b) of subsection (6) of section
 3428 1008.25, Florida Statutes, is amended to read:

3429 1008.25 Public school student progression; remedial
 3430 instruction; reporting requirements.—

3431 (6) ELIMINATION OF SOCIAL PROMOTION.—

3432 (b) The district school board may only exempt students

3433 from mandatory retention, as provided in paragraph (5) (b), for
3434 good cause. A student who is promoted to grade 4 with a good
3435 cause exemption shall be provided intensive reading instruction
3436 and intervention that include specialized diagnostic information
3437 and specific reading strategies to meet the needs of each
3438 student so promoted. The school district shall assist schools
3439 and teachers with the implementation of reading strategies for
3440 students promoted with a good cause exemption which research has
3441 shown to be successful in improving reading among students who
3442 ~~that~~ have reading difficulties. Good cause exemptions are
3443 limited to the following:

3444 1. Limited English proficient students who have had less
3445 than 2 years of instruction in an English for Speakers of Other
3446 Languages program.

3447 2. Students with disabilities whose individual education
3448 plan indicates that participation in the statewide assessment
3449 program is not appropriate, consistent with the requirements of
3450 s. 1008.212.

3451 3. Students who demonstrate an acceptable level of
3452 performance on an alternative standardized reading or English
3453 Language Arts assessment approved by the State Board of
3454 Education.

3455 4. A student who demonstrates through a student portfolio
3456 that he or she is performing at least at Level 2 on the
3457 statewide, standardized Reading assessment or, upon
3458 implementation, the English Language Arts assessment.

3459 5. Students with disabilities who take the statewide,
3460 standardized Reading assessment or, upon implementation, the
3461 English Language Arts assessment and who have an individual
3462 education plan or a Section 504 plan that reflects that the
3463 student has received intensive remediation in reading or English
3464 Language Arts for more than 2 years but still demonstrates a
3465 deficiency and was previously retained in kindergarten, grade 1,
3466 grade 2, or grade 3.

3467 6. Students who have received intensive reading
3468 intervention for 2 or more years but still demonstrate a
3469 deficiency in reading and who were previously retained in
3470 kindergarten, grade 1, grade 2, or grade 3 for a total of 2
3471 years. A student may not be retained more than once in grade 3.

3472 7. Students who have received intensive remediation in
3473 reading or English Language Arts for 2 or more years but still
3474 demonstrate a deficiency and who were previously retained in
3475 kindergarten, grade 1, grade 2, or grade 3 for a total of 2
3476 years. Intensive instruction for students so promoted must
3477 include an altered instructional day that includes specialized
3478 diagnostic information and specific reading strategies for each
3479 student. The district school board shall assist schools and
3480 teachers to implement reading strategies that research has shown
3481 to be successful in improving reading among low-performing
3482 readers.

3483 Reviser's note.—Amended to confirm the editorial substitution of
3484 the word "who" for the word "that."

3485 Section 117. Paragraphs (b) and (d) of subsection (3) of
3486 section 1008.34, Florida Statutes, are amended to read:

3487 1008.34 School grading system; school report cards;
3488 district grade.—

3489 (3) DESIGNATION OF SCHOOL GRADES.—

3490 (b)1. Beginning with the 2014-2015 school year, a school's
3491 grade shall be based on the following components, each worth 100
3492 points:

3493 a. The percentage of eligible students passing statewide,
3494 standardized assessments in English Language Arts under s.
3495 1008.22(3).

3496 b. The percentage of eligible students passing statewide,
3497 standardized assessments in mathematics under s. 1008.22(3).

3498 c. The percentage of eligible students passing statewide,
3499 standardized assessments in science under s. 1008.22(3).

3500 d. The percentage of eligible students passing statewide,
3501 standardized assessments in social studies under s. 1008.22(3).

3502 e. The percentage of eligible students who make Learning
3503 Gains in English Language Arts as measured by statewide,
3504 standardized assessments administered under s. 1008.22(3).

3505 f. The percentage of eligible students who make Learning
3506 Gains in mathematics as measured by statewide, standardized
3507 assessments administered under s. 1008.22(3).

3508 g. The percentage of eligible students in the lowest 25
3509 percent in English Language Arts, as identified by prior year
3510 performance on statewide, standardized assessments, who make

3511 Learning Gains as measured by statewide, standardized English
3512 Language Arts assessments administered under s. 1008.22(3).

3513 h. The percentage of eligible students in the lowest 25
3514 percent in mathematics, as identified by prior year performance
3515 on statewide, standardized assessments, who make Learning Gains
3516 as measured by statewide, standardized mathematics assessments
3517 administered under s. 1008.22(3).

3518 i. For schools comprised of middle grades 6 through 8 or
3519 grades 7 and 8, the percentage of eligible students passing high
3520 school level statewide, standardized end-of-course assessments
3521 or attaining national industry certifications identified in the
3522 CAPE Industry Certification Funding List pursuant to rules
3523 adopted by the State Board of Education.

3524
3525 In calculating Learning Gains for the components listed in sub-
3526 subparagraphs e.-h., the State Board of Education shall require
3527 that learning growth toward achievement levels 3, 4, and 5 is
3528 demonstrated by students who scored below each of those levels
3529 in the prior year. In calculating the components in sub-
3530 subparagraphs a.-d., the state board shall include the
3531 performance of English language learners only if they have been
3532 enrolled in a school in the United States for more than 2 years.

3533 2. For a school comprised of grades 9, 10, 11, and 12, or
3534 grades 10, 11, and 12, the school's grade shall also be based on
3535 the following components, each worth 100 points:

3536 a. The 4-year high school graduation rate of the school as

3537 defined by state board rule.

3538 b. The percentage of students who were eligible to earn
3539 college and career credit through College Board Advanced
3540 Placement examinations, International Baccalaureate
3541 examinations, dual enrollment courses, or Advanced International
3542 Certificate of Education examinations; or who, at any time
3543 during high school, earned national industry certification
3544 identified in the CAPE Industry Certification Funding List,
3545 pursuant to rules adopted by the state board.

3546 (d) The performance of students attending alternative
3547 schools and students designated as hospital or homebound shall
3548 be factored into a school grade as follows:

3549 1. The student performance data for eligible students
3550 attending alternative schools that provide dropout prevention
3551 and academic intervention services pursuant to s. 1003.53 shall
3552 be included in the calculation of the home school's grade. The
3553 term "eligible students" in this subparagraph does not include
3554 students attending an alternative school who are subject to
3555 district school board policies for expulsion for repeated or
3556 serious offenses, who are in dropout retrieval programs serving
3557 students who have officially been designated as dropouts, or who
3558 are in programs operated or contracted by the Department of
3559 Juvenile Justice. As used in this subparagraph ~~and s. 1008.341,~~
3560 the term "home school" means the school to which the student
3561 would be assigned if the student were not assigned to an
3562 alternative school. If an alternative school chooses to be

3563 graded under this section, student performance data for eligible
3564 students identified in this subparagraph shall not be included
3565 in the home school's grade but shall be included only in the
3566 calculation of the alternative school's grade. A school district
3567 that fails to assign statewide, standardized end-of-course
3568 assessment scores of each of its students to his or her home
3569 school or to the alternative school that receives a grade shall
3570 forfeit Florida School Recognition Program funds for one fiscal
3571 year. School districts must require collaboration between the
3572 home school and the alternative school in order to promote
3573 student success. This collaboration must include an annual
3574 discussion between the principal of the alternative school and
3575 the principal of each student's home school concerning the most
3576 appropriate school assignment of the student.

3577 2. Student performance data for students designated as
3578 hospital or homebound shall be assigned to their home school for
3579 the purposes of school grades. As used in this subparagraph, the
3580 term "home school" means the school to which a student would be
3581 assigned if the student were not assigned to a hospital or
3582 homebound program.

3583 Reviser's note.—Paragraph (3) (b) amended to conform to the
3584 complete name of the CAPE Industry Certification Funding
3585 List authorized in s. 1008.44; s. 1008.44 was amended by s.
3586 12, ch. 2014-184, Laws of Florida, to add the word "CAPE"
3587 to the name of the Industry Certification Funding List.
3588 Paragraph (3) (d) amended to conform to the fact that

3589 references to "home school" were deleted from s. 1008.341
 3590 by s. 7, ch. 2014-23, Laws of Florida.

3591 Section 118. Paragraph (c) of subsection (4) of section
 3592 1008.44, Florida Statutes, is amended to read:

3593 1008.44 CAPE Industry Certification Funding List and CAPE
 3594 Postsecondary Industry Certification Funding List.—

3595 (4)

3596 (c) The Articulation Coordinating Committee shall review
 3597 statewide articulation agreement proposals for industry
 3598 certifications and make recommendations to the State Board of
 3599 Education for approval. After an industry certification is
 3600 adopted by the State Board of Education for inclusion on the
 3601 CAPE Industry Certification Funding List, the Chancellor of
 3602 Career and Adult Education, within 90 days, must provide to the
 3603 Articulation Coordinating Committee recommendations for
 3604 articulation of postsecondary credit for related degrees for the
 3605 approved certifications.

3606 Reviser's note.—Amended to conform to the complete name of the
 3607 CAPE Industry Certification Funding List, as amended
 3608 elsewhere in this section by s. 12, ch. 2014-184, Laws of
 3609 Florida.

3610 Section 119. Paragraph (b) of subsection (6) of section
 3611 1011.80, Florida Statutes, is amended to read:

3612 1011.80 Funds for operation of workforce education
 3613 programs.—

3614 (6)

3615 (b) Performance funding for industry certifications for
 3616 school district workforce education programs is contingent upon
 3617 specific appropriation in the General Appropriations Act and
 3618 shall be determined as follows:

3619 1. Occupational areas for which industry certifications
 3620 may be earned, as established in the General Appropriations Act,
 3621 are eligible for performance funding. Priority shall be given to
 3622 the occupational areas emphasized in state, national, or
 3623 corporate grants provided to Florida educational institutions.

3624 2. The Chancellor of Career and Adult Education shall
 3625 identify the industry certifications eligible for funding on the
 3626 CAPE Postsecondary Industry Certification Funding List approved
 3627 by the State Board of Education pursuant to s. 1008.44, based on
 3628 the occupational areas specified in the General Appropriations
 3629 Act.

3630 3. Each school district shall be provided \$1,000 for each
 3631 industry certification earned by a workforce education student.
 3632 The maximum amount of funding appropriated for performance
 3633 funding pursuant to this paragraph shall be limited to \$15
 3634 million annually. If funds are insufficient to fully fund the
 3635 calculated total award, such funds shall be prorated.

3636 Reviser's note.—Amended to conform to the complete name of the
 3637 CAPE Postsecondary Industry Certification Funding List
 3638 authorized in s. 1008.44; s. 1008.44 was amended by s. 12,
 3639 ch. 2014-184, Laws of Florida, to add the word "CAPE" to
 3640 the name of the Postsecondary Industry Certification

3641 Funding List.

3642 Section 120. Paragraph (b) of subsection (2) of section
3643 1011.81, Florida Statutes, is amended to read:

3644 1011.81 Florida College System Program Fund.—

3645 (2) Performance funding for industry certifications for
3646 Florida College System institutions is contingent upon specific
3647 appropriation in the General Appropriations Act and shall be
3648 determined as follows:

3649 (b) The Chancellor of the Florida College System shall
3650 identify the industry certifications eligible for funding on the
3651 CAPE Postsecondary Industry Certification Funding List approved
3652 by the State Board of Education pursuant to s. 1008.44, based on
3653 the occupational areas specified in the General Appropriations
3654 Act.

3655 Reviser's note.—Amended to conform to the complete name of the
3656 CAPE Postsecondary Industry Certification Funding List
3657 authorized in s. 1008.44; s. 1008.44 was amended by s. 12,
3658 ch. 2014-184, Laws of Florida, to add the word "CAPE" to
3659 the name of the Postsecondary Industry Certification
3660 Funding List.

3661 Section 121. Paragraph (b) of subsection (1) of section
3662 1011.905, Florida Statutes, is amended to read:

3663 1011.905 Performance funding for state universities.—

3664 (1) State performance funds for the State University
3665 System shall be based on indicators of system and institutional
3666 attainment of performance expectations. For the 2012-2013

3667 through at least the 2016-2017 fiscal year, the Board of
3668 Governors shall review and rank each state university that
3669 applies for performance funding, as provided in the General
3670 Appropriations Act, based on the following formula:

3671 (b) Twenty-five percent of a state university's score
3672 shall be based on the percentage of graduates who have earned
3673 baccalaureate degrees in the programs in paragraph (a) and who
3674 have earned industry certifications identified on the CAPE
3675 Postsecondary Industry Certification Funding List approved by
3676 the State Board of Education pursuant to s. 1008.44 in a related
3677 field from a Florida College System institution or state
3678 university prior to graduation.

3679 Reviser's note.—Amended to conform to the complete name of the
3680 CAPE Postsecondary Industry Certification Funding List
3681 authorized by s. 1008.44; s. 1008.44 was amended by s. 12,
3682 ch. 2014-184, Laws of Florida, to add the word "CAPE" to
3683 the name of the Postsecondary Industry Certification
3684 Funding List.

3685 Section 122. Paragraph (a) of subsection (2) of section
3686 1013.738, Florida Statutes, is amended to read:

3687 1013.738 High Growth District Capital Outlay Assistance
3688 Grant Program.—

3689 (2) In order to qualify for a grant, a school district
3690 must meet the following criteria:

3691 (a) The district must have levied the full 1.5 ~~2~~ mills of
3692 nonvoted discretionary capital outlay millage authorized in s.

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3693 1011.71(2) for each of the past 4 fiscal years.
3694 Reviser's note.—Amended to conform to context and facilitate
3695 correct interpretation. Section 1011.71(2) provides a
3696 maximum of 1.5 mills that the school board may levy.
3697 Section 123. Except as otherwise provided in this act,
3698 this act shall take effect on the 60th day after adjournment
3699 sine die of the session of the Legislature in which enacted.