

1 A reviser's bill to be entitled
2 An act relating to the Florida Statutes; amending ss.
3 11.45, 17.20, 20.60, 27.5112, 27.7081, 28.22205,
4 39.701, 104.0616, 106.011, 106.0703, 110.131, 112.19,
5 112.191, 112.1915, 112.3215, 112.324, 117.05, 120.74,
6 120.81, 122.01, 122.22, 122.28, 163.3187, 163.3246,
7 196.075, 206.414, 206.606, 215.618, 215.89, 243.52,
8 253.034, 253.66, 255.60, 259.037, 259.105, 265.601,
9 265.603, 285.18, 287.064, 287.135, 288.001, 288.11621,
10 288.7015, 288.9918, 290.00726, 290.00727, 290.00728,
11 290.00729, 290.00731, 290.0074, 316.305, 318.14,
12 318.1451, 319.21, 319.30, 322.12, 322.143, 322.21,
13 322.292, 326.004, 334.065, 339.135, 366.04, 366.11,
14 366.80, 366.81, 366.82, 366.83, 366.94, 373.036,
15 373.0363, 373.4145, 373.4592, 373.59, 375.313,
16 376.011, 376.3078, 379.333, 379.3511, 381.911,
17 382.009, 383.16, 383.17, 383.18, 383.19, 391.025,
18 394.9084, 400.471, 400.960, 401.27, 403.061, 403.804,
19 403.9338, 409.1451, 409.907, 409.9082, 409.981,
20 411.203, 420.5087, 420.622, 429.14, 430.207, 443.091,
21 443.1216, 443.131, 443.141, 445.007, 455.2274,
22 456.001, 456.056, 458.3115, 464.0196, 475.617,
23 497.005, 499.001, 499.0121, 509.302, 513.1115, 553.79,
24 553.80, 562.45, 565.03, 570.964, 590.02, 605.0109,
25 605.04092, 605.0711, 605.0714, 605.0904, 605.0905,
26 605.0907, 605.0912, 605.1006, 605.1033, 605.1041,

27 605.1103, 610.108, 610.119, 617.0601, 620.8503,
 28 624.91, 627.351, 627.3518, 627.642, 627.6515,
 29 627.6562, 627.657, 627.6686, 633.102, 633.216,
 30 633.316, 633.408, 634.283, 641.31098, 658.27, 658.995,
 31 713.78, 871.015, 893.055, 893.1495, 943.0585, 943.059,
 32 945.091, 951.23, 1002.20, 1002.34, 1002.41, 1002.45,
 33 1002.83, 1002.84, 1002.89, 1003.49, 1003.52, 1006.15,
 34 1006.282, 1006.73, 1008.44, 1011.61, 1011.80, and
 35 1013.12, F.S.; reenacting ss. 323.002 and 718.301,
 36 F.S.; reenacting and amending s. 1009.22, F.S.; and
 37 repealing ss. 408.914, 408.915, 408.916, and 420.151,
 38 F.S.; deleting provisions that have expired, have
 39 become obsolete, have had their effect, have served
 40 their purpose, or have been impliedly repealed or
 41 superseded; replacing incorrect cross-references and
 42 citations; correcting grammatical, typographical, and
 43 like errors; removing inconsistencies, redundancies,
 44 and unnecessary repetition in the statutes; improving
 45 the clarity of the statutes and facilitating their
 46 correct interpretation; and confirming the restoration
 47 of provisions unintentionally omitted from
 48 republication in the acts of the Legislature during
 49 the amendatory process; providing an effective date.

51 Be It Enacted by the Legislature of the State of Florida:
 52

53 Section 1. Paragraph (i) of subsection (7) of section
 54 11.45, Florida Statutes, is amended to read:

55 11.45 Definitions; duties; authorities; reports; rules.—

56 (7) AUDITOR GENERAL REPORTING REQUIREMENTS.—

57 (i) ~~Beginning in 2012,~~ The Auditor General shall annually
 58 transmit by July 15, to the President of the Senate, the Speaker
 59 of the House of Representatives, and the Department of Financial
 60 Services, a list of all school districts, charter schools,
 61 charter technical career centers, Florida College System
 62 institutions, state universities, and water management districts
 63 that have failed to comply with the transparency requirements as
 64 identified in the audit reports reviewed pursuant to paragraph
 65 (b) and those conducted pursuant to subsection (2).

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

67 Section 2. Subsections (4) and (5) of section 17.20,
 68 Florida Statutes, are amended to read:

69 17.20 Assignment of claims for collection.—

70 (4) ~~Beginning October 1, 2010, and~~ Each October 1
 71 ~~thereafter,~~ each agency shall submit a report to the President
 72 of the Senate, the Speaker of the House of Representatives, and
 73 the Chief Financial Officer which includes:

74 (a) A detailed list and total of all accounts that were
 75 referred for collection and the status of such accounts,
 76 including the date referred, any amounts collected, and the
 77 total that remains uncollected.

78 (b) A list and total of all delinquent accounts that were

79 not referred to a collection agency, the reasons for not
 80 referring those accounts, and the actions taken by the agency to
 81 collect.

82 (c) A list of all accounts or claims, including a
 83 description and the total amount of each account or claim, which
 84 were written off or waived by the agency for any reason during
 85 the prior fiscal year, the reason for being written off, and
 86 whether any of those accounts continue to be pursued by a
 87 collection agent.

88 (5) ~~Beginning December 1, 2010, and~~ Each December 1
 89 ~~thereafter,~~ the Chief Financial Officer shall provide to the
 90 Governor, the President of the Senate, and the Speaker of the
 91 House of Representatives a report that details the following
 92 information for any contracted collection agent:

93 (a) The amount of claims referred for collection by each
 94 agency, cumulatively and annually.

95 (b) The number of accounts by age and amount.

96 (c) A listing of those agencies that failed to report
 97 known claims to the Chief Financial Officer in a timely manner
 98 as prescribed in subsection (3).

99 (d) The total amount of claims collected, cumulatively and
 100 annually.

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

102 Section 3. Paragraph (c) of subsection (5) of section
 103 20.60, Florida Statutes, is amended to read:

104 20.60 Department of Economic Opportunity; creation; powers

105 and duties.—

106 (5) The divisions within the department have specific
 107 responsibilities to achieve the duties, responsibilities, and
 108 goals of the department. Specifically:

109 (c) The Division of Workforce Services shall:

110 1. Prepare and submit a unified budget request for
 111 workforce development in accordance with chapter 216 for, and in
 112 conjunction with, Workforce Florida, Inc., and its board.

113 2. Ensure that the state appropriately administers federal
 114 and state workforce funding by administering plans and policies
 115 of Workforce Florida, Inc., under contract with Workforce
 116 Florida, Inc. The operating budget and midyear amendments
 117 thereto must be part of such contract.

118 a. All program and fiscal instructions to regional
 119 workforce boards shall emanate from the Department of Economic
 120 Opportunity pursuant to plans and policies of Workforce Florida,
 121 Inc., which shall be responsible for all policy directions to
 122 the regional workforce boards.

123 b. Unless otherwise provided by agreement with Workforce
 124 Florida, Inc., administrative and personnel policies of the
 125 Department of Economic Opportunity shall apply.

126 3. Implement the state's reemployment assistance program.
 127 The Department of Economic Opportunity shall ensure that the
 128 state appropriately administers the reemployment assistance
 129 program pursuant to state and federal law.

130 4. Assist in developing the 5-year statewide strategic

131 plan required by this section.
 132 Reviser's note.—The word "development" was inserted to conform
 133 to the language which was derived from s. 20.50(2)(b),
 134 Florida Statutes 2010, in the 2011 reorganization bill.

135 Section 4. Subsection (3) of section 27.5112, Florida
 136 Statutes, is amended to read:

137 27.5112 Electronic filing and receipt of court documents.—

138 ~~(3) The Florida Public Defender Association shall file a~~
 139 ~~report with the President of the Senate and the Speaker of the~~
 140 ~~House of Representatives by March 1, 2012, describing the~~
 141 ~~progress that each office of the public defender has made to use~~
 142 ~~the Florida Courts E-Portal or, if the case type is not approved~~
 143 ~~for the Florida Courts E-Portal, separate clerks' offices~~
 144 ~~portals for purposes of electronic filing and documenting~~
 145 ~~receipt of court documents. For any office of the public~~
 146 ~~defender that has not fully implemented an electronic filing and~~
 147 ~~receipt system by March 1, 2012, the report must also include a~~
 148 ~~description of the additional activities that are needed to~~
 149 ~~complete the system for that office and the projected time~~
 150 ~~necessary to complete the additional activities.~~

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

152 Section 5. Paragraph (e) of subsection (6) of section
 153 27.7081, Florida Statutes, is amended to read:

154 27.7081 Capital postconviction public records production.—

155 (6) ACTION UPON RECEIPT OF NOTICE OF MANDATE.—

156 (e) Within 90 days after receipt of written notification

157 of the mandate from the Attorney General, each additional person
 158 or agency identified pursuant to paragraph (5) (b) or paragraph
 159 (5) (c) shall copy, index, and deliver to the records repository
 160 all public records which were produced during the prosecution of
 161 the case. The person or agency shall bear the costs. The person
 162 or agency shall provide written notification to the Attorney
 163 General of compliance with this paragraph ~~subdivision~~ and shall
 164 certify, to the best of the person or agency's knowledge and
 165 belief, all such public records in the possession of the person
 166 or agency have been copied, indexed, and delivered to the
 167 records repository.

168 Reviser's note.—Amended to confirm the editorial substitution of
 169 the word "paragraph" for the word "subdivision" to improve
 170 clarity.

171 Section 6. Section 28.22205, Florida Statutes, is amended
 172 to read:

173 28.22205 Electronic filing process.—Each clerk of court
 174 shall implement an electronic filing process. The purpose of the
 175 electronic filing process is to reduce judicial costs in the
 176 office of the clerk and the judiciary, increase timeliness in
 177 the processing of cases, and provide the judiciary with case-
 178 related information to allow for improved judicial case
 179 management. The Legislature requests that, no later than July 1,
 180 2009, the Supreme Court set statewide standards for electronic
 181 filing to be used by the clerks of court to implement electronic
 182 filing. The standards should specify the required information

183 for the duties of the clerks of court and the judiciary for case
 184 management. The clerks of court shall begin implementation no
 185 later than October 1, 2009. ~~The Florida Clerks of Court~~
 186 ~~Operations Corporation shall report to the President of the~~
 187 ~~Senate and the Speaker of the House of Representatives by March~~
 188 ~~1, 2010, on the status of implementing electronic filing. The~~
 189 ~~report shall include the detailed status of each clerk office's~~
 190 ~~implementation of an electronic filing process, and for those~~
 191 ~~clerks who have not fully implemented electronic filing by March~~
 192 ~~1, 2010, a description of the additional steps needed and a~~
 193 ~~projected timeline for full implementation.~~ Revenues provided to
 194 counties and the clerk of court under s. 28.24(12)(e) for
 195 information technology may also be used to implement electronic
 196 filing processes.

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

198 Section 7. Paragraph (c) of subsection (3) of section
 199 39.701, Florida Statutes, is amended to read:

200 39.701 Judicial review.—

201 (3) REVIEW HEARINGS FOR CHILDREN 17 YEARS OF AGE.—

202 (c) If the court finds at the judicial review hearing that
 203 the department has not met ~~with~~ its obligations to the child as
 204 stated in the written case plan or in the provision of
 205 independent living services, the court may issue an order
 206 directing the department to show cause as to why it has not done
 207 so. If the department cannot justify its noncompliance, the
 208 court may give the department 30 days within which to comply. If

209 the department fails to comply within 30 days, the court may
 210 hold the department in contempt.

211 Reviser's note.—Amended to confirm the editorial deletion of the
 212 word "with."

213 Section 8. Subsection (2) of section 104.0616, Florida
 214 Statutes, is amended to read:

215 104.0616 Absentee ballots and voting; violations.—

216 (2) Any person who provides or offers to provide, and any
 217 person who accepts, a pecuniary or other benefit in exchange for
 218 distributing, ordering, requesting, collecting, delivering, or
 219 otherwise physically possessing more than two absentee ballots
 220 per election in addition to his or her own ballot or a ballot
 221 belonging to an immediate family member, except as provided in
 222 ss. 101.6105-101.694 ~~101.6105-101.695~~, commits a misdemeanor of
 223 the first degree, punishable as provided in s. 775.082, s.
 224 775.083, or s. 775.084.

225 Reviser's note.—Amended to conform to the transfer of s. 101.695
 226 to s. 97.065 by s. 42, ch. 65-380, Laws of Florida, and the
 227 further transfer of s. 97.065 to s. 101.665 by s. 17, ch.
 228 94-224, Laws of Florida.

229 Section 9. Subsection (15) of section 106.011, Florida
 230 Statutes, is amended to read:

231 106.011 Definitions.—As used in this chapter, the
 232 following terms have the following meanings unless the context
 233 clearly indicates otherwise:

234 (15) "Political advertisement" means a paid expression in

235 a communications medium ~~media~~ prescribed in subsection (4),
 236 whether radio, television, newspaper, magazine, periodical,
 237 campaign literature, direct mail, or display or by means other
 238 than the spoken word in direct conversation, which expressly
 239 advocates the election or defeat of a candidate or the approval
 240 or rejection of an issue. However, political advertisement does
 241 not include:

242 (a) A statement by an organization, in existence before
 243 the time during which a candidate qualifies or an issue is
 244 placed on the ballot for that election, in support of or
 245 opposition to a candidate or issue, in that organization's
 246 newsletter, which newsletter is distributed only to the members
 247 of that organization.

248 (b) Editorial endorsements by a newspaper, a radio or
 249 television station, or any other recognized news medium.
 250 Reviser's note.—Amended to confirm the editorial substitution of
 251 the word "medium" for the word "media" to conform to
 252 context.

253 Section 10. Paragraph (a) of subsection (2) of section
 254 106.0703, Florida Statutes, is amended to read:

255 106.0703 Electioneering communications organizations;
 256 reporting requirements; certification and filing; penalties.—

257 (2) (a) Except as provided in s. 106.0705, the reports
 258 required of an electioneering communications organization shall
 259 be filed with the filing officer not later than 5 p.m. of the
 260 day designated. However, any report postmarked by the United

261 States Postal Service no later than midnight of the day
 262 designated is deemed to have been filed in a timely manner. Any
 263 report received by the filing officer within 5 days after the
 264 designated due date that was delivered by the United States
 265 Postal Service is ~~be~~ deemed timely filed unless it has a
 266 postmark that indicates that the report was mailed after the
 267 designated due date. A certificate of mailing obtained from and
 268 dated by the United States Postal Service at the time of
 269 mailing, or a receipt from an established courier company, which
 270 bears a date on or before the date on which the report is due,
 271 suffices as proof of mailing in a timely manner. Reports other
 272 than daily reports must contain information on all previously
 273 unreported contributions received and expenditures made as of
 274 the preceding Friday, except that the report filed on the Friday
 275 immediately preceding the election must contain information on
 276 all previously unreported contributions received and
 277 expenditures made as of the day preceding the designated due
 278 date; daily reports must contain information on all previously
 279 unreported contributions received as of the preceding day. All
 280 such reports are open to public inspection.

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

283 Section 11. Subsection (4) of section 110.131, Florida
 284 Statutes, is amended to read:

285 110.131 Other-personal-services employment.—

286 (4) ~~Beginning August 15, 2012,~~ and Each August 15

287 ~~thereafter~~, each agency employing an individual in other-
 288 personal-services employment shall submit a report to the
 289 Executive Office of the Governor and to the chairs of the
 290 legislative appropriations committees containing the following
 291 information for the previous fiscal year ending June 30, ~~2012,~~
 292 ~~and each June 30 thereafter:~~

293 (a) The total number of individuals serving in other-
 294 personal-services employment.

295 (b) The type of employment, average pay, and total number
 296 of hours worked for each individual serving in other-personal-
 297 services employment.

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

299 Section 12. Subsection (3) of section 112.19, Florida
 300 Statutes, as amended by section 1 of chapter 2002-191, Laws of
 301 Florida, as amended by section 14 of chapter 2004-357, Laws of
 302 Florida, as reenacted by section 5 of chapter 2005-100, Laws of
 303 Florida, is amended to read:

304 112.19 Law enforcement, correctional, and correctional
 305 probation officers; death benefits.—

306 (3) If a law enforcement, correctional, or correctional
 307 probation officer is accidentally killed as specified in
 308 paragraph (2) (b) on or after June 22, 1990, or unlawfully and
 309 intentionally killed as specified in paragraph (2) (c) on or
 310 after July 1, 1980, the state shall waive certain educational
 311 expenses that the child or spouse of the deceased officer incurs
 312 while obtaining a career certificate, an undergraduate

313 education, or a postgraduate education. The amount waived by the
314 state shall be an amount equal to the cost of tuition and
315 matriculation and registration fees for a total of 120 credit
316 hours. The child or spouse may attend a state career center, a
317 Florida College System institution ~~state community college~~, or a
318 state university. The child or spouse may attend any or all of
319 the institutions specified in this subsection, on either a full-
320 time or part-time basis. The benefits provided to a child under
321 this subsection shall continue until the child's 25th birthday.
322 The benefits provided to a spouse under this subsection must
323 commence within 5 years after the death occurs, and entitlement
324 thereto shall continue until the 10th anniversary of that death.

325 (a) Upon failure of any child or spouse benefited by the
326 provisions of this subsection to comply with the ordinary and
327 minimum requirements of the institution attended, both as to
328 discipline and scholarship, the benefits shall be withdrawn as
329 to the child or spouse and no further moneys may be expended for
330 the child's or spouse's benefits so long as such failure or
331 delinquency continues.

332 (b) Only a student in good standing in his or her
333 respective institution may receive the benefits thereof.

334 (c) A child or spouse receiving benefits under this
335 subsection must be enrolled according to the customary rules and
336 requirements of the institution attended.

337 Reviser's note.—Amended to conform a reference to a state
338 community college to changes in chs. 2008-52 and 2009-228,

339 Laws of Florida, transitioning references from community
340 colleges to Florida College System institutions.

341 Section 13. Subsection (3) of section 112.19, Florida
342 Statutes, as amended by section 1 of chapter 2002-232, Laws of
343 Florida, as amended by section 9 of chapter 2003-1, Laws of
344 Florida, as amended by section 15 of chapter 2004-357, Laws of
345 Florida, as reenacted by section 6 of chapter 2005-100, Laws of
346 Florida, is amended to read:

347 112.19 Law enforcement, correctional, and correctional
348 probation officers; death benefits.—

349 (3) If a law enforcement, correctional, or correctional
350 probation officer is accidentally killed as specified in
351 paragraph (2)(b) on or after June 22, 1990, or unlawfully and
352 intentionally killed as specified in paragraph (2)(c) on or
353 after July 1, 1980, the state shall waive certain educational
354 expenses that children of the deceased officer incur while
355 obtaining a career certificate, an undergraduate education, or a
356 graduate or postbaccalaureate professional degree. The amount
357 waived by the state shall be an amount equal to the cost of
358 tuition, matriculation, and other statutorily authorized fees
359 for a total of 120 credit hours for a career certificate or an
360 undergraduate education. For a child pursuing a graduate or
361 postbaccalaureate professional degree, the amount waived shall
362 equal the cost of matriculation and other statutorily authorized
363 fees incurred while the child continues to fulfill the
364 professional requirements associated with the graduate or

365 postbaccalaureate professional degree program, and eligibility
 366 continues until the child's 29th birthday. The child may attend
 367 a state career center, a Florida College System institution
 368 ~~state community college~~, or a state university. The child may
 369 attend any or all of the institutions specified in this
 370 subsection, on either a full-time or part-time basis. For a
 371 child pursuing a career certificate or an undergraduate
 372 education, the benefits provided under this subsection shall
 373 continue to the child until the child's 25th birthday. To be
 374 eligible for the benefits provided under this subsection for
 375 enrollment in a graduate or postbaccalaureate professional
 376 degree program, the child must be a state resident, as defined
 377 in s. 1009.21, at the time of enrollment.

378 (a) Upon failure of any child benefited by the provisions
 379 of this section to comply with the ordinary and minimum
 380 requirements of the institution attended, both as to discipline
 381 and scholarship, the benefits shall be withdrawn as to the child
 382 and no further moneys may be expended for the child's benefits
 383 so long as such failure or delinquency continues.

384 (b) Only a student in good standing in his or her
 385 respective institution may receive the benefits thereof.

386 (c) A child receiving benefits under this section must be
 387 enrolled according to the customary rules and requirements of
 388 the institution attended.

389 Reviser's note.—Amended to conform a reference to a state
 390 community college to changes in chs. 2008-52 and 2009-228,

391 Laws of Florida, transitioning references from community
392 colleges to Florida College System institutions.

393 Section 14. Subsection (3) of section 112.191, Florida
394 Statutes, as amended by section 2 of chapter 2002-191, Laws of
395 Florida, as amended by section 16 of chapter 2004-357, Laws of
396 Florida, is amended to read:

397 112.191 Firefighters; death benefits.—

398 (3) If a firefighter is accidentally killed as specified
399 in paragraph (2)(b) on or after June 22, 1990, or unlawfully and
400 intentionally killed as specified in paragraph (2)(c), on or
401 after July 1, 1980, the state shall waive certain educational
402 expenses that the child or spouse of the deceased firefighter
403 incurs while obtaining a career certificate, an undergraduate
404 education, or a postgraduate education. The amount waived by the
405 state shall be an amount equal to the cost of tuition and
406 matriculation and registration fees for a total of 120 credit
407 hours. The child or spouse may attend a state career center, a
408 Florida College System institution ~~state community college~~, or a
409 state university. The child or spouse may attend any or all of
410 the institutions specified in this subsection, on either a full-
411 time or part-time basis. The benefits provided to a child under
412 this subsection shall continue until the child's 25th birthday.
413 The benefits provided to a spouse under this subsection must
414 commence within 5 years after the death occurs, and entitlement
415 thereto shall continue until the 10th anniversary of that death.

416 (a) Upon failure of any child or spouse benefited by the

417 provisions of this subsection to comply with the ordinary and
 418 minimum requirements of the institution attended, both as to
 419 discipline and scholarship, the benefits thereof shall be
 420 withdrawn as to the child or spouse and no further moneys
 421 expended for the child's or spouse's benefits so long as such
 422 failure or delinquency continues.

423 (b) Only students in good standing in their respective
 424 institutions shall receive the benefits thereof.

425 (c) A child or spouse receiving benefits under this
 426 subsection must be enrolled according to the customary rules and
 427 requirements of the institution attended.

428 Reviser's note.—Amended to conform a reference to a state
 429 community college to changes in chs. 2008-52 and 2009-228,
 430 Laws of Florida, transitioning references from community
 431 colleges to Florida College System institutions.

432 Section 15. Subsection (3) of section 112.191, Florida
 433 Statutes, as amended by section 2 of chapter 2002-232, Laws of
 434 Florida, as amended by section 10 of chapter 2003-1, Laws of
 435 Florida, as amended by section 17 of chapter 2004-357, Laws of
 436 Florida, is amended to read:

437 112.191 Firefighters; death benefits.—

438 (3) If a firefighter is accidentally killed as specified
 439 in paragraph (2) (b) on or after June 22, 1990, or unlawfully and
 440 intentionally killed as specified in paragraph (2) (c), on or
 441 after July 1, 1980, the state shall waive certain educational
 442 expenses that children of the deceased firefighter incur while

443 obtaining a career certificate, an undergraduate education, or a
 444 graduate or postbaccalaureate professional degree. The amount
 445 waived by the state shall be an amount equal to the cost of
 446 tuition, matriculation, and other statutorily authorized fees
 447 for a total of 120 credit hours for a career certificate or an
 448 undergraduate education. For a child pursuing a graduate or
 449 postbaccalaureate professional degree, the amount waived shall
 450 equal the cost of matriculation and other statutorily authorized
 451 fees incurred while the child continues to fulfill the
 452 professional requirements associated with the graduate or
 453 postbaccalaureate professional degree program, and eligibility
 454 continues until the child's 29th birthday. The child may attend
 455 a state career center, a Florida College System institution
 456 ~~state community college~~, or a state university. The child may
 457 attend any or all of the institutions specified in this
 458 subsection, on either a full-time or part-time basis. For a
 459 child pursuing a career certificate or an undergraduate
 460 education, the benefits provided under this subsection shall
 461 continue to such a child until the child's 25th birthday. To be
 462 eligible for the benefits provided under this subsection for
 463 enrollment in a graduate or postbaccalaureate professional
 464 degree program, the child must be a state resident, as defined
 465 in s. 1009.21, at the time of enrollment.

466 (a) Upon failure of any child benefited by the provisions
 467 of this section to comply with the ordinary and minimum
 468 requirements of the institution attended, both as to discipline

469 and scholarship, the benefits thereof shall be withdrawn as to
 470 the child and no further moneys expended for the child's
 471 benefits so long as such failure or delinquency continues.

472 (b) Only students in good standing in their respective
 473 institutions shall receive the benefits thereof.

474 (c) All children receiving benefits under this section
 475 shall be enrolled according to the customary rules and
 476 requirements of the institution attended.

477 Reviser's note.—Amended to conform a reference to a state
 478 community college to changes in chs. 2008-52 and 2009-228,
 479 Laws of Florida, transitioning references from community
 480 colleges to Florida College System institutions.

481 Section 16. Paragraph (d) of subsection (3) of section
 482 112.1915, Florida Statutes, is amended to read:

483 112.1915 Teachers and school administrators; death
 484 benefits.—Any other provision of law to the contrary
 485 notwithstanding:

486 (3) If a teacher or school administrator dies under the
 487 conditions in subsection (2), benefits shall be provided as
 488 follows:

489 (d) Waiver of certain educational expenses which children
 490 of the deceased teacher or school administrator incur while
 491 obtaining a career certificate or an undergraduate education
 492 shall be according to conditions set forth in this paragraph.
 493 The amount waived by the state shall be an amount equal to the
 494 cost of tuition and matriculation and registration fees for a

495 total of 120 credit hours at a university. The child may attend
 496 a state career center, a Florida College System institution
 497 ~~state community college~~, or a state university. The child may
 498 attend any or all of the institutions specified in this
 499 paragraph, on either a full-time or part-time basis. The
 500 benefits provided under this paragraph shall continue to the
 501 child until the child's 25th birthday.

502 1. Upon failure of any child benefited by the provisions
 503 of this paragraph to comply with the ordinary and minimum
 504 requirements of the institution attended, both as to discipline
 505 and scholarship, the benefits shall be withdrawn as to the child
 506 and no further moneys may be expended for the child's benefits
 507 so long as such failure or delinquency continues.

508 2. A student who becomes eligible for benefits under the
 509 provisions of this paragraph while enrolled in an institution
 510 must be in good standing with the institution to receive the
 511 benefits provided herein.

512 3. A child receiving benefits under this paragraph must be
 513 enrolled according to the customary rules and requirements of
 514 the institution attended.

515 Reviser's note.—Amended to conform a reference to a state
 516 community college to changes in chs. 2008-52 and 2009-228,
 517 Laws of Florida, transitioning references from community
 518 colleges to Florida College System institutions.

519 Section 17. Subsection (10) of section 112.3215, Florida
 520 Statutes, is amended to read:

521 112.3215 Lobbying before the executive branch or the
 522 Constitution Revision Commission; registration and reporting;
 523 investigation by commission.—

524 (10) If the Governor and Cabinet find that a violation
 525 occurred, the Governor and Cabinet ~~it~~ may reprimand the
 526 violator, censure the violator, or prohibit the violator from
 527 lobbying all agencies for a period not to exceed 2 years. If the
 528 violator is a lobbying firm, lobbyist, or principal, the
 529 Governor and Cabinet may also assess a fine of not more than
 530 \$5,000 to be deposited in the Executive Branch Lobby
 531 Registration Trust Fund.

532 Reviser's note.—Amended to confirm the editorial substitution of
 533 the words "the Governor and Cabinet" for the word "it" to
 534 improve clarity.

535 Section 18. Paragraph (a) of subsection (1) of section
 536 112.324, Florida Statutes, is amended to read:

537 112.324 Procedures on complaints of violations and
 538 referrals; public records and meeting exemptions.—

539 (1) The commission shall investigate an alleged violation
 540 of this part or other alleged breach of the public trust within
 541 the jurisdiction of the commission as provided in s. 8(f), Art.
 542 II of the State Constitution:

543 (a) Upon a written complaint executed on a form prescribed
 544 by the commission and signed under oath or ~~of~~ affirmation by any
 545 person; or

546

547 Within 5 days after receipt of a complaint by the commission or
 548 a determination by at least six members of the commission that
 549 the referral received is deemed sufficient, a copy shall be
 550 transmitted to the alleged violator.

551 Reviser's note.—Amended to confirm the editorial substitution of
 552 the word "or" for the word "of" to conform to context.

553 Section 19. Paragraph (b) of subsection (3) of section
 554 117.05, Florida Statutes, is amended to read:

555 117.05 Use of notary commission; unlawful use; notary fee;
 556 seal; duties; employer liability; name change; advertising;
 557 photocopies; penalties.—

558 (3)

559 ~~(b) Any notary public whose term of appointment extends~~
 560 ~~beyond January 1, 1992, is required to use a rubber stamp type~~
 561 ~~notary public seal on paper documents only upon reappointment on~~
 562 ~~or after January 1, 1992.~~

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

564 Section 20. Subsections (2), (3), and (4) of section
 565 120.74, Florida Statutes, are amended to read:

566 120.74 Agency review, revision, and report.—

567 (2) ~~Beginning October 1, 1997, and~~ By October 1 of every
 568 other year ~~thereafter~~, the head of each agency shall file a
 569 report with the President of the Senate, the Speaker of the
 570 House of Representatives, and the committee, with a copy to each
 571 appropriate standing committee of the Legislature, which
 572 certifies that the agency has complied with the requirements of

573 this section. The report must specify any changes made to its
574 rules as a result of the review and, when appropriate, recommend
575 statutory changes that will promote efficiency, reduce
576 paperwork, or decrease costs to government and the private
577 sector. The report must specifically address the economic impact
578 of the rules on small business. The report must identify the
579 types of cases or disputes in which the agency is involved which
580 should be conducted under the summary hearing process described
581 in s. 120.574.

582 (3) ~~Beginning in 2012, and~~ No later than July 1 of each
583 year, each agency shall file with the President of the Senate,
584 the Speaker of the House of Representatives, and the committee a
585 regulatory plan identifying and describing each rule the agency
586 proposes to adopt for the 12-month period beginning on the July
587 1 reporting date and ending on the subsequent June 30, excluding
588 emergency rules.

589 (4) ~~For the year 2011, the certification required in~~
590 ~~subsection (2) may omit any information included in the reports~~
591 ~~provided under s. 120.745.~~ Reporting under subsections (1) and
592 (2) shall be suspended for the year 2013, but required reporting
593 under those subsections shall resume in 2015 and biennially
594 thereafter.

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

596 Section 21. Paragraph (c) of subsection (1) of section
597 120.81, Florida Statutes, is amended to read:

598 120.81 Exceptions and special requirements; general

599 areas.—

600 (1) EDUCATIONAL UNITS.—

601 (c) Notwithstanding s. 120.52(16), any tests, test scoring
 602 criteria, or testing procedures relating to student assessment
 603 which are developed or administered by the Department of
 604 Education pursuant to s. 1003.428, ~~s. 1003.429~~, s. 1003.438, s.
 605 1008.22, or s. 1008.25, or any other statewide educational tests
 606 required by law, are not rules.

607 Reviser's note.—Amended to conform to the repeal of s. 1003.429
 608 by s. 20, ch. 2013-27, Laws of Florida.

609 Section 22. Paragraph (a) of subsection (4) of section
 610 122.01, Florida Statutes, is amended to read:

611 122.01 State and County Officers and Employees' Retirement
 612 System; consolidation; divisions.—

613 (4) (a) The State and County Officers and Employees'
 614 Retirement System shall be deemed to be divided into two
 615 divisions to be designated division A and division B.

616 1. Division A of this system shall consist of those
 617 members of the system who were employed prior to July 1, 1963,
 618 who did not elect to become members of division B; and ss.
 619 122.01-122.12 ~~122.01-122.13~~, 122.15, 122.16, 122.18 to 122.20,
 620 inclusive and ss. 122.34 to 122.35, inclusive shall control with
 621 respect to division A and membership therein.

622 2. Division B of this system, established for the purposes
 623 and within the contemplation of s. 218(d) (6) of the federal
 624 Social Security Act [42 U.S.C.A. s. 418(d) (6)] for the purpose

625 of affording to the members of said division B the opportunity
 626 to obtain federal social security coverage, shall consist of
 627 those members of the system who elected to or were required to
 628 become members of division B, as hereinafter provided, and ss.
 629 122.21-122.24, 122.26 to 122.321 shall control with respect to
 630 division B and membership therein.

631 Reviser's note.—Amended to conform to the repeal of s. 122.13 by
 632 s. 12, ch. 2004-234, Laws of Florida.

633 Section 23. Section 122.22, Florida Statutes, is amended
 634 to read:

635 122.22 Applicable law.—Sections 122.01-122.12 ~~122.01-~~
 636 ~~122.13~~, 122.15, 122.16, 122.18 to 122.20, inclusive, in relation
 637 to administration of division B and to duties, rights,
 638 privileges and benefits of members of this division under this
 639 system, shall apply to said division B and membership therein,
 640 except to the extent that the provisions of ss. 122.21-122.24,
 641 122.26 to 122.321, inclusive, may be at variance or in conflict
 642 therewith.

643 Reviser's note.—Amended to conform to the repeal of s. 122.13 by
 644 s. 12, ch. 2004-234, Laws of Florida.

645 Section 24. Section 122.28, Florida Statutes, is amended
 646 to read:

647 122.28 Benefits.—The relevant provisions of ss. 122.01-
 648 122.12 ~~122.01-122.13~~, 122.15, 122.16, 122.18 to 122.20,
 649 inclusive, fixing or relating to eligibility for retirement,
 650 retirement compensation, and other benefits payable to members

651 or for the account of members of this system in relation to
 652 members in division A hereof, shall apply with equal force and
 653 effect to members of division B, with the following exceptions:

654 (1) For the period of service of the member prior to the
 655 effective date of his or her social security coverage hereunder,
 656 retirement benefits shall be computed on average final
 657 compensation at the rate of 2 percent for each year of service
 658 rendered prior to such effective date and as provided in s.
 659 122.08. For the period of membership in division B the member's
 660 retirement compensation shall be computed on average final
 661 compensation at the rate of 1.5 percent for each year of service
 662 rendered after the effective date of said social security
 663 coverage.

664 (2) Members of division B retiring under the disability
 665 provisions of this chapter shall receive not less than 20
 666 percent of their average final compensation.

667 (3) For those persons who become members of the retirement
 668 system on or after July 1, 1963, the amount of such retirement
 669 compensation shall not exceed that amount which when added to
 670 the member's estimated annual primary insurance amount under
 671 social security coverage equals 80 percent of his or her average
 672 final compensation. The estimated annual primary insurance
 673 amount of the member shall be determined by the administrator on
 674 the basis of the social security coverage in effect on the
 675 member's retirement date, assuming that payment of such primary
 676 insurance amount shall commence at the later of the member's

677 65th birthday or actual age of retirement, and that the member
 678 earned his or her average final compensation in each year
 679 between the date of retirement and his or her 65th birthday for
 680 those members retiring prior to age 65.

681 Reviser's note.—Amended to conform to the repeal of s. 122.13 by
 682 s. 12, ch. 2004-234, Laws of Florida.

683 Section 25. Subsection (3) of section 163.3187, Florida
 684 Statutes, is amended to read:

685 163.3187 Process for adoption of small-scale comprehensive
 686 plan amendment.—

687 (3) If the small scale development amendment involves a
 688 site within a rural area of critical economic concern as defined
 689 under s. 288.0656(2)(d) for the duration of such designation,
 690 the 10-acre limit listed in subsection (1) shall be increased by
 691 100 percent to 20 acres. The local government approving the
 692 small scale plan amendment shall certify to the state land
 693 planning agency ~~Office of Tourism, Trade, and Economic~~
 694 ~~Development~~ that the plan amendment furthers the economic
 695 objectives set forth in the executive order issued under s.
 696 288.0656(7), and the property subject to the plan amendment
 697 shall undergo public review to ensure that all concurrency
 698 requirements and federal, state, and local environmental permit
 699 requirements are met.

700 Reviser's note.—Amended to conform to the repeal of s. 14.2015,
 701 which created the Office of Tourism, Trade, and Economic
 702 Development, by s. 477, ch. 2011-142, Laws of Florida, and

703 the transfer of the duties of that office to the Department
 704 of Economic Opportunity by s. 4, ch. 2011-142. Section
 705 163.3164, the definitions section for this material,
 706 defines "state land planning agency" as the Department of
 707 Economic Opportunity.

708 Section 26. Subsection (12) of section 163.3246, Florida
 709 Statutes, is amended to read:

710 163.3246 Local government comprehensive planning
 711 certification program.—

712 (12) A local government's certification shall be reviewed
 713 by the local government and the state land planning agency as
 714 part of the evaluation and appraisal process pursuant to s.
 715 163.3191. Within 1 year after the deadline for the local
 716 government to update its comprehensive plan based on the
 717 evaluation and appraisal ~~report~~, the state land planning agency
 718 shall renew or revoke the certification. The local government's
 719 failure to timely adopt necessary amendments to update its
 720 comprehensive plan based on an evaluation and appraisal, which
 721 are found to be in compliance by the state land planning agency,
 722 shall be cause for revoking the certification agreement. The
 723 state land planning agency's decision to renew or revoke shall
 724 be considered agency action subject to challenge under s.
 725 120.569.

726 Reviser's note.—Amended to delete an obsolete provision. The
 727 evaluation and report requirement was deleted from s.
 728 163.3191 by s. 20, ch. 2011-139, Laws of Florida; s.

729 163.3191 continues to reference evaluation and appraisal.

730 Section 27. Subsection (2) of section 196.075, Florida
 731 Statutes, is amended to read:

732 196.075 Additional homestead exemption for persons 65 and
 733 older.—

734 (2) In accordance with s. 6(d), Art. VII of the State
 735 Constitution, the board of county commissioners of any county or
 736 the governing authority of any municipality may adopt an
 737 ordinance to allow either or both of the following ~~an~~ additional
 738 homestead exemptions:

739 (a) Up to \$50,000 for any person who has the legal or
 740 equitable title to real estate and maintains thereon the
 741 permanent residence of the owner, who has attained age 65, and
 742 whose household income does not exceed \$20,000; or

743 (b) The amount of the assessed value of the property for
 744 any person who has the legal or equitable title to real estate
 745 with a just value less than \$250,000 and has maintained thereon
 746 the permanent residence of the owner for at least 25 years, who
 747 has attained age 65, and whose household income does not exceed
 748 the income limitation prescribed in paragraph (a), as calculated
 749 in subsection (3).

750 Reviser's note.—Amended to confirm the editorial deletion of the
 751 word "an."

752 Section 28. Paragraph (b) of subsection (1) of section
 753 206.414, Florida Statutes, is amended to read:

754 206.414 Collection of certain taxes; prohibited credits

755 and refunds.—

756 (1) Notwithstanding s. 206.41, which requires the
 757 collection of taxes due when motor fuel is removed through the
 758 terminal loading rack, the taxes imposed by s. 206.41(1)(d),
 759 (e), and (f) shall be collected in the following manner:

760 (b) The minimum tax imposed by s. 206.41(1)(d), (e), and
 761 (f) shall be collected in the same manner as the taxes imposed
 762 under s. 206.41(1)(a), (b), and (c) ~~206.41(a), (b), and (c)~~; at
 763 the point of removal through the terminal loading rack; or as
 764 provided in paragraph (c). All taxes collected, refunded, or
 765 credited shall be distributed based on the current applied
 766 period.

767 Reviser's note.—Amended to substitute a reference to s.

768 206.41(1)(a), (b), and (c) for a reference to s. 206.41(a),
 769 (b), and (c) to conform to the complete citation of the
 770 provisions in s. 206.41 providing for the imposition of
 771 specified motor fuel taxes.

772 Section 29. Paragraph (d) of subsection (1) of section
 773 206.606, Florida Statutes, is amended to read:

774 206.606 Distribution of certain proceeds.—

775 (1) Moneys collected pursuant to ss. 206.41(1)(g) and
 776 206.87(1)(e) shall be deposited in the Fuel Tax Collection Trust
 777 Fund. Such moneys, after deducting the service charges imposed
 778 by s. 215.20, the refunds granted pursuant to s. 206.41, and the
 779 administrative costs incurred by the department in collecting,
 780 administering, enforcing, and distributing the tax, which

781 administrative costs may not exceed 2 percent of collections,
 782 shall be distributed monthly to the State Transportation Trust
 783 Fund, except that:

784 (d) \$13.4 million in fiscal year 2007-2008 and each fiscal
 785 year thereafter ~~A portion~~ of the moneys attributable to the sale
 786 of motor and diesel fuel at marinas shall be transferred from
 787 the Fuel Tax Collection Trust Fund to the Marine Resources
 788 Conservation Trust Fund in the Fish and Wildlife Conservation
 789 Commission ~~as follows:~~

- 790 1. ~~\$2.5 million in fiscal year 2003-2004;~~
- 791 2. ~~\$5.0 million in fiscal year 2004-2005;~~
- 792 3. ~~\$8.5 million in fiscal year 2005-2006;~~
- 793 4. ~~\$10.9 million in fiscal year 2006-2007; and~~
- 794 5. ~~\$13.4 million in fiscal year 2007-2008 and each fiscal~~
 795 ~~year thereafter.~~

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

797 Section 30. Paragraph (c) of subsection (1) of section
 798 215.618, Florida Statutes, is amended to read:

799 215.618 Bonds for acquisition and improvement of land,
 800 water areas, and related property interests and resources.—

801 (1)

802 ~~(c) By February 1, 2010, the Legislature shall complete an~~
 803 ~~analysis of potential revenue sources for the Florida Forever~~
 804 ~~program.~~

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

806 Section 31. Paragraph (a) of subsection (3) of section

807 215.89, Florida Statutes, is amended to read:

808 215.89 Charts of account.—

809 (3) REPORTING STRUCTURE.—

810 ~~(a) Beginning October 1, 2011, the Chief Financial Officer~~
 811 ~~shall conduct workshops with state agencies, local governments,~~
 812 ~~educational entities, and entities of higher education to gather~~
 813 ~~information pertaining to uniform statewide reporting~~
 814 ~~requirements to be used to develop charts of account by the~~
 815 ~~Chief Financial Officer. A draft proposed charts of account~~
 816 ~~shall be provided by July 1, 2013, to the state agencies, local~~
 817 ~~governments, educational entities, and entities of higher~~
 818 ~~education.~~

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

820 Section 32. Subsection (6) of section 243.52, Florida
 821 Statutes, is amended to read:

822 243.52 Definitions.—As used in ss. 243.50-243.77, the
 823 term:

824 (6) "Institution of higher education" means an independent
 825 nonprofit college or university which is located in and
 826 chartered by the state; which is accredited by the Commission on
 827 Colleges of the Southern Association of Colleges and Schools;
 828 which grants baccalaureate degrees; and which is not a state
 829 university or Florida College System institution ~~state community~~
 830 ~~college.~~

831 Reviser's note.—Amended to conform a reference to a state
 832 community college to changes in chs. 2008-52 and 2009-228,

833 Laws of Florida, transitioning references from community
834 colleges to Florida College System institutions.

835 Section 33. Paragraph (a) of subsection (8) and
836 subsections (10) and (13) of section 253.034, Florida Statutes,
837 are amended to read:

838 253.034 State-owned lands; uses.—

839 (8) (a) The Legislature recognizes the value of the state's
840 conservation lands as water recharge areas and air filters and,
841 ~~in an effort to better understand the scientific underpinnings~~
842 ~~of carbon sequestration, carbon capture, and greenhouse gas~~
843 ~~mitigation, to inform policymakers and decisionmakers, and to~~
844 ~~provide the infrastructure for landowners, the Division of State~~
845 ~~Lands shall contract with an organization experienced and~~
846 ~~specialized in carbon sinks and emission budgets to conduct an~~
847 ~~inventory of all lands that were acquired pursuant to~~
848 ~~Preservation 2000 and Florida Forever and that were titled in~~
849 ~~the name of the Board of Trustees of the Internal Improvement~~
850 ~~Trust Fund. The inventory shall determine the value of carbon~~
851 ~~capture and carbon sequestration. Such inventory shall consider~~
852 ~~potential carbon offset values of changes in land management~~
853 ~~practices, including, but not limited to, replanting of trees,~~
854 ~~routine prescribed burns, and land use conversion. Such an~~
855 ~~inventory shall be completed and presented to the board of~~
856 ~~trustees by July 1, 2009.~~

857 (10) The following additional uses of conservation lands
858 acquired pursuant to the Florida Forever program and other

859 state-funded conservation land purchase programs shall be
 860 authorized, upon a finding by the board of trustees, if they
 861 meet the criteria specified in paragraphs (a)-(e): water
 862 resource development projects, water supply development
 863 projects, stormwater management projects, linear facilities, and
 864 sustainable agriculture and forestry. Such additional uses are
 865 authorized where:

866 (a) Not inconsistent with the management plan for such
 867 lands;

868 (b) Compatible with the natural ecosystem and resource
 869 values of such lands;

870 (c) The proposed use is appropriately located on such
 871 lands and where due consideration is given to the use of other
 872 available lands;

873 (d) The using entity reasonably compensates the
 874 titleholder for such use based upon an appropriate measure of
 875 value; and

876 (e) The use is consistent with the public interest.
 877

878 A decision by the board of trustees pursuant to this section
 879 shall be given a presumption of correctness. Moneys received
 880 from the use of state lands pursuant to this section shall be
 881 returned to the lead managing entity in accordance with the
 882 provisions of s. 259.032(11)(c) ~~259.032(11)(d)~~.

883 ~~(13) By February 1, 2010, the commission shall submit a~~
 884 ~~report to the President of the Senate and the Speaker of the~~

885 ~~House of Representatives on the efficacy of using state-owned~~
 886 ~~lands to protect, manage, or restore habitat for native or~~
 887 ~~imperiled species. This subsection expires July 1, 2014.~~

888 Reviser's note.—Paragraph (8) (a) and subsection (13) are amended
 889 to delete obsolete provisions. Subsection (10) is amended
 890 to conform to the redesignation of s. 259.032(11) (d) as s.
 891 259.032(11) (c) as a result of the repeal of former s.
 892 259.032(11) (c) by s. 36, ch. 2013-15, Laws of Florida.
 893 Section 34. Subsection (1) of section 253.66, Florida
 894 Statutes, is amended to read:

895 253.66 Change in bulkhead lines, Pinellas County.—
 896 (1) As soon as a county bulkhead line as provided in s.
 897 253.1221 ~~253.122~~ has been fixed by the water and navigation
 898 control authority of Pinellas County around the mainland of the
 899 county and the offshore islands therein, and the bulkhead line
 900 has been formally approved by the Board of Trustees of the
 901 Internal Improvement Trust Fund of the state, all in accordance
 902 with the provisions of s. 253.1221 ~~253.122~~, no further change in
 903 said bulkhead line shall be made notwithstanding the provisions
 904 of s. 253.1221 ~~253.122~~.

905 Reviser's note.—Amended to confirm the editorial substitution of
 906 a reference to s. 253.1221 for a reference to s. 253.122,
 907 which was repealed by s. 26, ch. 75-22, Laws of Florida.
 908 Section 253.1221 deals with the reestablishment of bulkhead
 909 lines that were previously established by s. 253.122.
 910 Section 35. Subsection (2) of section 255.60, Florida

911 Statutes, is amended to read:

912 255.60 Special contracts with charitable or not-for-profit
 913 organizations.—The state, the governing body of any political
 914 subdivision of the state, or a public-private partnership is
 915 authorized, but not required, to contract for public service
 916 work with a not-for-profit organization or charitable youth
 917 organization, notwithstanding competitive sealed bid procedures
 918 required under this chapter, chapter 287, or any municipal or
 919 county charter, upon compliance with this section.

920 (2) The contract, if approved by authorized agency
 921 personnel of the state, ~~or~~ the governing body of a political
 922 subdivision, or the public-private partnership, as appropriate,
 923 must provide at a minimum that:

924 (a) For youth organizations, labor shall be performed
 925 exclusively by at-risk youth and their direct supervisors; and
 926 shall not be subject to subcontracting.

927 (b) For the preservation, maintenance, and improvement of
 928 park land, the property must be at least 20 acres with
 929 contiguous public facilities that are capable of seating at
 930 least 5,000 people in a permanent structure.

931 (c) For public education buildings, the building must be
 932 at least 90,000 square feet.

933 (d) Payment must be production-based.

934 (e) The contract will terminate should the contractor or
 935 supplier no longer qualify under subsection (1).

936 (f) The supplier or contractor has instituted a drug-free

937 workplace program substantially in compliance with the
 938 provisions of s. 287.087.

939 (g) The contractor or supplier agrees to be subject to
 940 review and audit at the discretion of the Auditor General in
 941 order to ensure that the contractor or supplier has complied
 942 with this section.

943 Reviser's note.—Amended to confirm the editorial deletion of the
 944 word "or."

945 Section 36. Paragraph (b) of subsection (3) of section
 946 259.037, Florida Statutes, is amended to read:

947 259.037 Land Management Uniform Accounting Council.—

948 (3)

949 (b) Each reporting agency shall also:

950 1. Include a report of the available public use
 951 opportunities for each management unit of state land, the total
 952 management cost for public access and public use, and the cost
 953 associated with each use option.

954 2. List the acres of land requiring minimal management
 955 effort, moderate management effort, and significant management
 956 effort pursuant to former s. 259.032(11)(c). For each category
 957 created in paragraph (a), the reporting agency shall include the
 958 amount of funds requested, the amount of funds received, and the
 959 amount of funds expended for land management.

960 3. List acres managed and cost of management for each
 961 park, preserve, forest, reserve, or management area.

962 4. List acres managed, cost of management, and lead

963 manager for each state lands management unit for which secondary
 964 management activities were provided.

965 5. Include a report of the estimated calculable financial
 966 benefits to the public for the ecosystem services provided by
 967 conservation lands, based on the best readily available
 968 information or science that provides a standard measurement
 969 methodology to be consistently applied by the land managing
 970 agencies. Such information may include, but need not be limited
 971 to, the value of natural lands for protecting the quality and
 972 quantity of drinking water through natural water filtration and
 973 recharge, contributions to protecting and improving air quality,
 974 benefits to agriculture through increased soil productivity and
 975 preservation of biodiversity, and savings to property and lives
 976 through flood control.

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

978 259.032(11)(c) by s. 36, ch. 2013-15, Laws of Florida.

979 Section 37. Paragraph (a) of subsection (2) of section
 980 259.105, Florida Statutes, is amended to read:

981 259.105 The Florida Forever Act.—

982 (2)(a) The Legislature finds and declares that:

983 1. Land acquisition programs have provided tremendous
 984 financial resources for purchasing environmentally significant
 985 lands to protect those lands from imminent development or
 986 alteration, thereby ensuring present and future generations'
 987 access to important waterways, open spaces, and recreation and
 988 conservation lands.

989 2. The continued alteration and development of Florida's
 990 natural and rural areas to accommodate the state's growing
 991 population have contributed to the degradation of water
 992 resources, the fragmentation and destruction of wildlife
 993 habitats, the loss of outdoor recreation space, and the
 994 diminishment of wetlands, forests, working landscapes, and
 995 coastal open space.

996 3. The potential development of Florida's remaining
 997 natural areas and escalation of land values require government
 998 efforts to restore, bring under public protection, or acquire
 999 lands and water areas to preserve the state's essential
 1000 ecological functions and invaluable quality of life.

1001 4. It is essential to protect the state's ecosystems by
 1002 promoting a more efficient use of land, to ensure opportunities
 1003 for viable agricultural activities on working lands, and to
 1004 promote vital rural and urban communities that support and
 1005 produce development patterns consistent with natural resource
 1006 protection.

1007 5. Florida's groundwater, surface waters, and springs are
 1008 under tremendous pressure due to population growth and economic
 1009 expansion and require special protection and restoration
 1010 efforts, including the protection of uplands and springsheds
 1011 that provide vital recharge to aquifer systems and are critical
 1012 to the protection of water quality and water quantity of the
 1013 aquifers and springs. To ensure that sufficient quantities of
 1014 water are available to meet the current and future needs of the

1015 natural systems and citizens of the state, and assist in
 1016 achieving the planning goals of the department and the water
 1017 management districts, water resource development projects on
 1018 public lands, where compatible with the resource values of and
 1019 management objectives for the lands, are appropriate.

1020 6. The needs of urban, suburban, and small communities in
 1021 Florida for high-quality outdoor recreational opportunities,
 1022 greenways, trails, and open space have not been fully met by
 1023 previous acquisition programs. Through such programs as the
 1024 Florida Communities Trust and the Florida Recreation Development
 1025 Assistance Program, the state shall place additional emphasis on
 1026 acquiring, protecting, preserving, and restoring open space,
 1027 ecological greenways, and recreation properties within urban,
 1028 suburban, and rural areas where pristine natural communities or
 1029 water bodies no longer exist because of the proximity of
 1030 developed property.

1031 7. Many of Florida's unique ecosystems, such as the
 1032 Florida Everglades, are facing ecological collapse due to
 1033 Florida's burgeoning population growth and other economic
 1034 activities. To preserve these valuable ecosystems for future
 1035 generations, essential parcels of land must be acquired to
 1036 facilitate ecosystem restoration.

1037 8. Access to public lands to support a broad range of
 1038 outdoor recreational opportunities and the development of
 1039 necessary infrastructure, where compatible with the resource
 1040 values of and management objectives for such lands, promotes an

1041 appreciation for Florida's natural assets and improves the
 1042 quality of life.

1043 9. Acquisition of lands, in fee simple, less-than-fee
 1044 interest, or other techniques shall be based on a comprehensive
 1045 science-based assessment of Florida's natural resources which
 1046 targets essential conservation lands by prioritizing all current
 1047 and future acquisitions based on a uniform set of data and
 1048 planned so as to protect the integrity and function of
 1049 ecological systems and working landscapes, and provide multiple
 1050 benefits, including preservation of fish and wildlife habitat,
 1051 recreation space for urban and rural areas, and the restoration
 1052 of natural water storage, flow, and recharge.

1053 10. The state has embraced performance-based program
 1054 budgeting as a tool to evaluate the achievements of publicly
 1055 funded agencies, build in accountability, and reward those
 1056 agencies which are able to consistently achieve quantifiable
 1057 goals. While previous and existing state environmental programs
 1058 have achieved varying degrees of success, few of these programs
 1059 can be evaluated as to the extent of their achievements,
 1060 primarily because performance measures, standards, outcomes, and
 1061 goals were not established at the outset. Therefore, the Florida
 1062 Forever program shall be developed and implemented in the
 1063 context of measurable state goals and objectives.

1064 11. The state must play a major role in the recovery and
 1065 management of its imperiled species through the acquisition,
 1066 restoration, enhancement, and management of ecosystems that can

1067 support the major life functions of such species. It is the
 1068 intent of the Legislature to support local, state, and federal
 1069 programs that result in net benefit to imperiled species habitat
 1070 by providing public and private land owners meaningful
 1071 incentives for acquiring, restoring, managing, and repopulating
 1072 habitats for imperiled species. It is the further intent of the
 1073 Legislature that public lands, both existing and to be acquired,
 1074 identified by the lead land managing agency, in consultation
 1075 with the Florida Fish and Wildlife Conservation Commission for
 1076 animals or the Department of Agriculture and Consumer Services
 1077 for plants, as habitat or potentially restorable habitat for
 1078 imperiled species, be restored, enhanced, managed, and
 1079 repopulated as habitat for such species to advance the goals and
 1080 objectives of imperiled species management consistent with the
 1081 purposes for which such lands are acquired without restricting
 1082 other uses identified in the management plan. It is also the
 1083 intent of the Legislature that of the proceeds distributed
 1084 pursuant to subsection (3), additional consideration be given to
 1085 acquisitions that achieve a combination of conservation goals,
 1086 including the restoration, enhancement, management, or
 1087 repopulation of habitat for imperiled species. The Acquisition
 1088 and Restoration Council, in addition to the criteria in
 1089 subsection (9), shall give weight to projects that include
 1090 acquisition, restoration, management, or repopulation of habitat
 1091 for imperiled species. The term "imperiled species" as used in
 1092 this chapter and chapter 253, means plants and animals that are

1093 federally listed under the Endangered Species Act, or state-
 1094 listed by the Fish and Wildlife Conservation Commission or the
 1095 Department of Agriculture and Consumer Services.

1096 a. As part of the state's role, all state lands that have
 1097 imperiled species habitat shall include as a consideration in
 1098 management plan development the restoration, enhancement,
 1099 management, and repopulation of such habitats. In addition, the
 1100 lead land managing agency of such state lands may use fees
 1101 received from public or private entities for projects to offset
 1102 adverse impacts to imperiled species or their habitat in order
 1103 to restore, enhance, manage, repopulate, or acquire land and to
 1104 implement land management plans developed under s. 253.034 or a
 1105 land management prospectus developed and implemented under this
 1106 chapter. Such fees shall be deposited into a foundation or fund
 1107 created by each land management agency under s. 379.223, s.
 1108 589.012, or s. 259.032(11)(c) ~~259.032(11)(d)~~, to be used solely
 1109 to restore, manage, enhance, repopulate, or acquire imperiled
 1110 species habitat.

1111 b. Where habitat or potentially restorable habitat for
 1112 imperiled species is located on state lands, the Fish and
 1113 Wildlife Conservation Commission and the Department of
 1114 Agriculture and Consumer Services shall be included on any
 1115 advisory group required under chapter 253, and the short-term
 1116 and long-term management goals required under chapter 253 must
 1117 advance the goals and objectives of imperiled species management
 1118 consistent with the purposes for which the land was acquired

1119 without restricting other uses identified in the management
 1120 plan.

1121 12. There is a need to change the focus and direction of
 1122 the state's major land acquisition programs and to extend
 1123 funding and bonding capabilities, so that future generations may
 1124 enjoy the natural resources of this state.

1125 Reviser's note.—Amended to conform to the redesignation of s.

1126 259.032(11)(d) as s. 259.032(11)(c) as a result of the
 1127 repeal of former s. 259.032(11)(c) by s. 36, ch. 2013-15,
 1128 Laws of Florida.

1129 Section 38. Section 265.601, Florida Statutes, is amended
 1130 to read:

1131 265.601 Cultural Endowment Program; short title.—Sections
 1132 265.601-265.606 ~~265.601-265.607~~ may be cited as the "Cultural
 1133 Endowment Program."

1134 Reviser's note.—Amended to conform to the repeal of s. 265.607
 1135 by s. 141, ch. 2001-266, Laws of Florida.

1136 Section 39. Section 265.603, Florida Statutes, is amended
 1137 to read:

1138 265.603 Definitions relating to Cultural Endowment
 1139 Program.—The following terms and phrases when used in ss.
 1140 265.601-265.606 ~~265.601-265.607~~ shall have the meaning ascribed
 1141 to them in this section, except where the context clearly
 1142 indicates a different meaning:

- 1143 (1) "Department" means the Department of State.
- 1144 (2) "Division" means the Division of Cultural Affairs of

1145 the Department of State.

1146 (3) "Cultural" means the disciplines of dance, music,
1147 theater, visual arts, literature, media arts, interdisciplinary
1148 and multidisciplinary, and programs of museums.

1149 (4) "Secretary" means the Secretary of State.

1150 (5) "Sponsoring organization" means a cultural
1151 organization which:

1152 (a) Is designated as not for profit pursuant to s.
1153 501(c)(3) or (4) of the Internal Revenue Code of 1954;

1154 (b) Is described in, and allowed to receive contributions
1155 pursuant to, the provisions of s. 170 of the Internal Revenue
1156 Code of 1954;

1157 (c) Is a corporation not for profit incorporated pursuant
1158 to chapter 617; and

1159 (d) Is primarily and directly responsible for conducting,
1160 creating, producing, presenting, staging, or sponsoring a
1161 cultural exhibit, performance, or event. This provision includes
1162 museums owned and operated by political subdivisions of the
1163 state, except those constituted pursuant to s. 1004.67.

1164 Reviser's note.—Amended to conform to the repeal of s. 265.607

1165 by s. 141, ch. 2001-266, Laws of Florida.

1166 Section 40. Subsection (3) of section 285.18, Florida
1167 Statutes, is amended to read:

1168 285.18 Tribal council as governing body; powers and
1169 duties.—

1170 (3) The law enforcement agencies of the Seminole Tribe of

1171 Florida and the Miccosukee Tribe of Indians of Florida shall
 1172 have the authority of "criminal justice agencies" as defined in
 1173 s. 943.045(11)(e) ~~945.045(11)(e)~~ and shall have the specific
 1174 authority to negotiate agreements with the Department of Law
 1175 Enforcement, the United States Department of Justice, and other
 1176 federal law enforcement agencies for access to criminal history
 1177 records for the purpose of conducting ongoing criminal
 1178 investigations and for the following governmental purposes:

1179 (a) Background investigations, which are required for
 1180 employment by a tribal education program, tribal Head Start
 1181 program, or tribal day care program as may be required by state
 1182 or federal law.

1183 (b) Background investigations, which are required for
 1184 employment by tribal law enforcement agencies.

1185 (c) Background investigations, which are required for
 1186 employment by a tribal government.

1187 (d) Background investigations with respect to all
 1188 employees, primary management officials, and all persons having
 1189 a financial interest in a class II Indian tribal gaming
 1190 enterprise to ensure eligibility as provided in the Indian
 1191 Gaming Regulatory Act, 25 U.S.C. ss. 2701 et al.

1192
 1193 With regard to those investigations authorized in paragraphs
 1194 (a), (c), and (d), each such individual shall file a complete
 1195 set of his or her fingerprints that have been taken by an
 1196 authorized law enforcement officer, which set of fingerprints

1197 shall be submitted to the Department of Law Enforcement for
 1198 state processing and to the Federal Bureau of Investigation for
 1199 federal processing. The cost of processing shall be borne by the
 1200 applicant.

1201 Reviser's note.—Amended to correct an apparent typographical
 1202 error. Section 945.045 was transferred to s. 946.001 in
 1203 1983 and repealed by s. 27, ch. 85-288, Laws of Florida.
 1204 Section 14, ch. 2013-116, Laws of Florida, amended s.
 1205 943.045, including redesignating subsection (10) as
 1206 subsection (11); that subsection defines "criminal justice
 1207 agency" and contains paragraphs, including paragraph (e).
 1208 Section 37, ch. 2013-116, revised the reference in s.
 1209 285.18 from "s. 943.045(10) (e)" to "s. 945.045(11) (e)" in
 1210 an attempt to conform the changes in s. 14, ch. 2013-116.
 1211 Section 41. Subsection (1) of section 287.064, Florida
 1212 Statutes, is amended to read:

1213 287.064 Consolidated financing of deferred-payment
 1214 purchases.—

1215 (1) The Division of Bond Finance of the State Board of
 1216 Administration and the Chief Financial Officer shall plan and
 1217 coordinate deferred-payment purchases made by or on behalf of
 1218 the state or its agencies or by or on behalf of state
 1219 universities or Florida College System institutions ~~state~~
 1220 ~~community colleges~~ participating under this section pursuant to
 1221 s. 1001.706(7) or s. 1001.64(26), respectively. The Division of
 1222 Bond Finance shall negotiate and the Chief Financial Officer

1223 shall execute agreements and contracts to establish master
 1224 equipment financing agreements for consolidated financing of
 1225 deferred-payment, installment sale, or lease purchases with a
 1226 financial institution or a consortium of financial institutions.
 1227 As used in this act, the term "deferred-payment" includes
 1228 installment sale and lease-purchase.

1229 (a) The period during which equipment may be acquired
 1230 under any one master equipment financing agreement shall be
 1231 limited to not more than 3 years.

1232 (b) Repayment of the whole or a part of the funds drawn
 1233 pursuant to the master equipment financing agreement may
 1234 continue beyond the period established pursuant to paragraph
 1235 (a).

1236 (c) The interest rate component of any master equipment
 1237 financing agreement shall be deemed to comply with the interest
 1238 rate limitation imposed in s. 287.063 so long as the interest
 1239 rate component of every interagency, state university, or
 1240 community college agreement entered into under such master
 1241 equipment financing agreement complies with the interest rate
 1242 limitation imposed in s. 287.063. Such interest rate limitation
 1243 does not apply when the payment obligation under the master
 1244 equipment financing agreement is rated by a nationally
 1245 recognized rating service in any one of the three highest
 1246 classifications, which rating services and classifications are
 1247 determined pursuant to rules adopted by the Chief Financial
 1248 Officer.

1249 Reviser's note.—Amended to conform a reference to state
 1250 community colleges to changes in chs. 2008-52 and 2009-228,
 1251 Laws of Florida, transitioning references from community
 1252 colleges to Florida College System institutions.

1253 Section 42. Subsection (8) of section 287.135, Florida
 1254 Statutes, is amended to read:

1255 287.135 Prohibition against contracting with scrutinized
 1256 companies.—

1257 ~~(8) The department shall submit to the Attorney General of~~
 1258 ~~the United States a written notice:~~

1259 ~~(a) Describing this section within 30 days after July 1,~~
 1260 ~~2011.~~

1261 ~~(b) Within 30 days after July 1, 2012, apprising the~~
 1262 ~~Attorney General of the United States of the inclusion of~~
 1263 ~~companies with business operations in Cuba or Syria within the~~
 1264 ~~provisions of this section.~~

1265 Reviser's note.—Amended to delete an obsolete provision.

1266 Section 43. Subsection (2) of section 288.001, Florida
 1267 Statutes, is amended to read:

1268 288.001 The Florida Small Business Development Center
 1269 Network—

1270 (2) DEFINITIONS.—As used in this section, the term:

1271 (a) "Board of Governors" means ~~is~~ the Board of Governors
 1272 of the State University System.

1273 (b) "Host institution" means ~~is~~ the university designated
 1274 by the Board of Governors to be the recipient organization in

1275 accordance with 13 C.F.R. s. 130.200.
 1276 Reviser's note.—Amended to confirm the editorial substitution of
 1277 the word "means" for the word "is" to conform to context.
 1278 Section 44. Paragraph (b) of subsection (7) of section
 1279 288.11621, Florida Statutes, is amended to read:
 1280 288.11621 Spring training baseball franchises.—
 1281 (7) STRATEGIC PLANNING.—
 1282 ~~(b) The department shall submit a copy of the strategic~~
 1283 ~~plan to the Governor, the President of the Senate, and the~~
 1284 ~~Speaker of the House of Representatives by December 31, 2010.~~
 1285 Reviser's note.—Amended to delete an obsolete provision.
 1286 Section 45. Subsection (1) of section 288.7015, Florida
 1287 Statutes, is amended to read:
 1288 288.7015 Appointment of rules ombudsman; duties.—The
 1289 Governor shall appoint a rules ombudsman, as defined in s.
 1290 288.703, in the Executive Office of the Governor, for
 1291 considering the impact of agency rules on the state's citizens
 1292 and businesses. In carrying out duties as provided by law, the
 1293 ombudsman shall consult with Enterprise Florida, Inc., at which
 1294 point the department may recommend to improve the regulatory
 1295 environment of this state. The duties of the rules ombudsman are
 1296 to:
 1297 (1) Carry out the responsibility provided in s.
 1298 120.54(3)(b) ~~120.54(2)~~, with respect to small businesses.
 1299 Reviser's note.—Amended to correct an apparent error and to
 1300 conform to context. Section 120.54(2) relates to rule

1301 development; s. 120.54(3)(b) references responsibility in
 1302 relation to small businesses.

1303 Section 46. Subsection (1) of section 288.9918, Florida
 1304 Statutes, is amended to read:

1305 288.9918 Annual reporting by a community development
 1306 entity.—

1307 (1) A community development entity that has issued a
 1308 qualified investment shall submit an annual report to the
 1309 department by January 31 after the end of each year which
 1310 includes a credit allowance date. The report shall include
 1311 information on investments made in the preceding calendar year
 1312 to include but not be limited to the following:

1313 (a) The identity of the types of industries, identified by
 1314 the North American Industry Classification System Code, in which
 1315 qualified low-income community investments were made.

1316 (b) The names of the counties in which the qualified
 1317 active low-income businesses are located which received
 1318 qualified low-income community investments.

1319 (c) The number of jobs created and retained by qualified
 1320 active low-income community businesses receiving qualified low-
 1321 income community investments, including verification that the
 1322 average wages paid meet or exceed 115 percent of the federal
 1323 poverty income guidelines for a family of four.

1324 (d) A description of the relationships that the entity has
 1325 established with community-based organizations and local
 1326 community development offices and organizations and a summary of

1327 the outcomes resulting from those relationships.

1328 (e) Other information and documentation required by the
 1329 department to verify continued certification as a qualified
 1330 community development entity under 26 U.S.C. s. 45D.

1331 Reviser's note.—Amended to confirm the editorial insertion of
 1332 the word "be" to improve clarity.

1333 Section 47. Section 290.00726, Florida Statutes, is
 1334 amended to read:

1335 290.00726 Enterprise zone designation for Martin County.—
 1336 Martin County may apply to the department for designation of one
 1337 enterprise zone for an area within Martin County, which zone
 1338 shall encompass an area of up to 10 square miles consisting of
 1339 land within the primary urban services boundary and focusing on
 1340 Indiantown, but excluding property owned by Florida Power and
 1341 Light to the west, two areas to the north designated as estate
 1342 residential, and the county-owned Timer Powers Recreational
 1343 Area. Within the designated enterprise zone, Martin County shall
 1344 exempt residential condominiums from benefiting from state
 1345 enterprise zone incentives, unless prohibited by law. ~~The~~
 1346 ~~application must have been submitted by December 31, 2011, and~~
 1347 ~~must comply with the requirements of s. 290.0055.~~

1348 Notwithstanding s. 290.0065 limiting the total number of
 1349 enterprise zones designated and the number of enterprise zones
 1350 within a population category, the department may designate one
 1351 enterprise zone under this section. The department shall
 1352 establish the initial effective date of the enterprise zone

1353 designated under this section.

1354 Reviser's note.—Amended to delete an obsolete provision.

1355 Section 48. Section 290.00727, Florida Statutes, is
 1356 amended to read:

1357 290.00727 Enterprise zone designation for the City of Palm
 1358 Bay.—The City of Palm Bay may apply to the department for
 1359 designation of one enterprise zone for an area within the
 1360 northeast portion of the city, which zone shall encompass an
 1361 area of up to 5 square miles. ~~The application must have been~~
 1362 ~~submitted by December 31, 2011, and must comply with the~~
 1363 ~~requirements of s. 290.0055.~~ Notwithstanding s. 290.0065
 1364 limiting the total number of enterprise zones designated and the
 1365 number of enterprise zones within a population category, the
 1366 department may designate one enterprise zone under this section.
 1367 The department shall establish the initial effective date of the
 1368 enterprise zone designated under this section.

1369 Reviser's note.—Amended to delete an obsolete provision.

1370 Section 49. Section 290.00728, Florida Statutes, is
 1371 amended to read:

1372 290.00728 Enterprise zone designation for Lake County.—
 1373 Lake County may apply to the department for designation of one
 1374 enterprise zone, which zone shall encompass an area of up to 10
 1375 square miles within Lake County. ~~The application must have been~~
 1376 ~~submitted by December 31, 2011, and must comply with the~~
 1377 ~~requirements of s. 290.0055.~~ Notwithstanding s. 290.0065
 1378 limiting the total number of enterprise zones designated and the

PCB RCC 14-02

ORIGINAL

2014

1379 number of enterprise zones within a population category, the
 1380 department may designate one enterprise zone under this section.
 1381 The department shall establish the initial effective date of the
 1382 enterprise zone designated under this section.

1383 Reviser's note.—Amended to delete an obsolete provision.

1384 Section 50. Section 290.00729, Florida Statutes, is
 1385 amended to read:

1386 290.00729 Enterprise zone designation for Charlotte
 1387 County.—Charlotte County may apply to the Department of Economic
 1388 Opportunity for designation of one enterprise zone encompassing
 1389 an area not to exceed 20 square miles within Charlotte County.
 1390 ~~The application must be submitted by December 31, 2012, and must~~
 1391 ~~comply with the requirements in s. 290.0055.~~ Notwithstanding s.
 1392 290.0065 limiting the total number of enterprise zones
 1393 designated and the number of enterprise zones within a
 1394 population category, the department may designate one enterprise
 1395 zone under this section. The department shall establish the
 1396 initial effective date of the enterprise zone designated under
 1397 this section.

1398 Reviser's note.—Amended to delete an obsolete provision.

1399 Section 51. Section 290.00731, Florida Statutes, is
 1400 amended to read:

1401 290.00731 Enterprise zone designation for Citrus County.—
 1402 Citrus County may apply to the department for designation of one
 1403 enterprise zone for an area within Citrus County. ~~The~~
 1404 ~~application must be submitted by December 31, 2012, and must~~

PCB RCC 14-02

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

1405 ~~comply with the requirements of s. 290.0055.~~ Notwithstanding s.
 1406 290.0065 limiting the total number of enterprise zones
 1407 designated and the number of enterprise zones within a
 1408 population category, the department may designate one enterprise
 1409 zone under this section. The department shall establish the
 1410 initial effective date of the enterprise zone designated under
 1411 this section.

1412 Reviser's note.—Amended to delete an obsolete provision.

1413 Section 52. Section 290.0074, Florida Statutes, is amended
 1414 to read:

1415 290.0074 Enterprise zone designation for Sumter County.—
 1416 Sumter County may apply to the department for designation of one
 1417 enterprise zone encompassing an area not to exceed 10 square
 1418 miles. ~~The application must be submitted by December 31, 2005.~~

1419 Notwithstanding the provisions of s. 290.0065 limiting the total
 1420 number of enterprise zones designated and the number of
 1421 enterprise zones within a population category, the department
 1422 may designate one enterprise zone under this section. The
 1423 department shall establish the initial effective date of the
 1424 enterprise zone designated pursuant to this section.

1425 Reviser's note.—Amended to delete an obsolete provision.

1426 Section 53. Paragraph (a) of subsection (3) of section
 1427 316.305, Florida Statutes, is amended to read:

1428 316.305 Wireless communications devices; prohibition.—

1429 (3) (a) A person may not operate a motor vehicle while
 1430 manually typing or entering multiple letters, numbers, symbols,

1431 or other characters into a wireless communications device or
 1432 while sending or reading data on ~~in~~ such a device for the
 1433 purpose of nonvoice interpersonal communication, including, but
 1434 not limited to, communication methods known as texting, e-
 1435 mailing, and instant messaging. As used in this section, the
 1436 term "wireless communications device" means any handheld device
 1437 used or capable of being used in a handheld manner, that is
 1438 designed or intended to receive or transmit text or character-
 1439 based messages, access or store data, or connect to the Internet
 1440 or any communications service as defined in s. 812.15 and that
 1441 allows text communications. For the purposes of this paragraph,
 1442 a motor vehicle that is stationary is not being operated and is
 1443 not subject to the prohibition in this paragraph.

1444 Reviser's note.—Amended to confirm the editorial substitution of
 1445 the word "on" for the word "in."

1446 Section 54. Subsection (12) of section 318.14, Florida
 1447 Statutes, is amended to read:

1448 318.14 Noncriminal traffic infractions; exception;
 1449 procedures.—

1450 (12) Any person cited for a violation of s. 316.1001 may,
 1451 in lieu of making an election as set forth in subsection (4) ~~or~~
 1452 ~~s. 318.18(7)~~, elect to pay a fine of \$25, or such other amount
 1453 as imposed by the governmental entity owning the applicable toll
 1454 facility, plus the amount of the unpaid toll that is shown on
 1455 the traffic citation directly to the governmental entity that
 1456 issued the citation, or on whose behalf the citation was issued,

1457 within 30 days after the date of issuance of the citation. Any
 1458 person cited for a violation of s. 316.1001 who does not elect
 1459 to pay the fine imposed by the governmental entity owning the
 1460 applicable toll facility plus the amount of the unpaid toll that
 1461 is shown on the traffic citation directly to the governmental
 1462 entity that issued the citation, or on whose behalf the citation
 1463 was issued, as described in this subsection shall have an
 1464 additional 45 days after the date of the issuance of the
 1465 citation in which to request a court hearing or to pay the civil
 1466 penalty and delinquent fee, if applicable, as provided in s.
 1467 318.18(7), either by mail or in person, in accordance with
 1468 subsection (4).

1469 Reviser's note.—Amended to conform to the deletion of language
 1470 pertaining to making an election from s. 318.18(7) by s.
 1471 21, ch. 2007-196, Laws of Florida.

1472 Section 55. Paragraph (h) of subsection (6) of section
 1473 318.1451, Florida Statutes, is amended to read:

1474 318.1451 Driver improvement schools.—

1475 (6) The department shall adopt rules establishing and
 1476 maintaining policies and procedures to implement the
 1477 requirements of this section. These policies and procedures may
 1478 include, but shall not be limited to, the following:

1479 (h) *Miscellaneous requirements.*—The department shall
 1480 require that all course providers:

1481 1. Disclose all fees associated with courses offered by
 1482 the provider and associated driver improvement schools and not

1483 charge any fees that are not disclosed during registration.

1484 2. Provide proof of ownership, copyright, or written
 1485 permission from the course owner to use the course in this
 1486 state.

1487 3. Ensure that any course that is offered in a classroom
 1488 setting, by the provider or a school authorized by the provider
 1489 to teach the course, is offered ~~the course~~ at locations that are
 1490 free from distractions and reasonably accessible to most
 1491 applicants.

1492 4. Issue a certificate to persons who successfully
 1493 complete the course.

1494 Reviser's note.—Amended to confirm the editorial deletion of the
 1495 words "the course" to improve clarity.

1496 Section 56. Paragraph (a) of subsection (3) of section
 1497 319.21, Florida Statutes, is amended to read:

1498 319.21 Necessity of manufacturer's statement of origin and
 1499 certificate of title.—

1500 (3) Except as provided in s. 320.27(7), no person shall
 1501 sell or otherwise dispose of a motor vehicle or mobile home
 1502 without delivering to the purchaser or transferee thereof a
 1503 certificate of title with such assignment thereon as may be
 1504 necessary to show title in the name of the purchaser. No person
 1505 shall purchase or otherwise acquire or bring into the state a
 1506 motor vehicle or mobile home, except for a surviving spouse as
 1507 provided by s. 319.28 or except for temporary use, unless such
 1508 person obtains a certificate of title for it in his or her name

1509 in accordance with the provisions of this chapter. However, any
 1510 licensed dealer may, in lieu of having a certificate of title
 1511 issued in the dealer's name, reassign any existing certificate
 1512 of title, except as provided in s. 319.225. It shall not be
 1513 necessary for any licensed dealer to obtain a certificate of
 1514 title on any new motor vehicle or new mobile home which he or
 1515 she is selling or which he or she acquires for sale if the
 1516 dealer obtains a manufacturer's statement of origin as provided
 1517 in subsection (1); however, the dealer shall attach the
 1518 manufacturer's statement of origin to the separate application
 1519 for initial certificate of title which is made by the purchaser
 1520 and certify on the face of such application that the vehicle is
 1521 a new motor vehicle or new mobile home and shall also disclose
 1522 the name and address of the manufacturer, distributor, or other
 1523 person from whom the dealer acquired such motor vehicle or
 1524 mobile home. In no event shall a manufacturer's statement of
 1525 origin be issued or reissued to any distributor, licensed
 1526 dealer, or other person for the purpose of updating any motor
 1527 vehicle or mobile home for sale. As used in this subsection, the
 1528 term "updating" means:

1529 (a) Modification of the motor vehicle or mobile home in
 1530 such a manner that it resembles in appearance the current year's
 1531 model ~~as defined in s. 319.14(3);~~

1532 Reviser's note.—Amended to conform to the deletion of the
 1533 definition of "current year's model" from s. 319.14(3) by
 1534 s. 3, ch. 89-333, Laws of Florida.

1535 Section 57. Paragraph (a) of subsection (7) of section
 1536 319.30, Florida Statutes, is amended to read:

1537 319.30 Definitions; dismantling, destruction, change of
 1538 identity of motor vehicle or mobile home; salvage.—

1539 (7) (a) In the event of a purchase by a secondary metals
 1540 recycler, that has been issued a certificate of registration
 1541 number, of:

1542 1. Materials, prepared materials, or parts from any seller
 1543 for purposes other than the processing of such materials,
 1544 prepared materials, or parts, the purchaser shall obtain such
 1545 documentation as may be required by this section and shall
 1546 record the seller's name and address, date of purchase, and the
 1547 personal identification card number of the person delivering
 1548 such items.

1549 2. Parts or prepared materials from any seller for
 1550 purposes of the processing of such parts or prepared materials,
 1551 the purchaser shall record the seller's name and address and
 1552 date of purchase and, in the event of a purchase transaction
 1553 consisting primarily of parts or prepared materials, the
 1554 personal identification card number of the person delivering
 1555 such items.

1556 3. Materials from another secondary metals recycler for
 1557 purposes of the processing of such materials, the purchaser
 1558 shall record the seller's name and address and date of purchase.

1559 4.a. Motor vehicles, recreational vehicles, mobile homes,
 1560 or derelict motor vehicles from other than a secondary metals

1561 recycler for purposes of the processing of such motor vehicles,
 1562 recreational vehicles, mobile homes, or derelict motor vehicles,
 1563 the purchaser shall make the required notification to the
 1564 National Motor Vehicle Title Information System and record the
 1565 date of purchase and the name, address, and personal
 1566 identification card number of the person selling such items and
 1567 shall obtain the following documentation from the seller with
 1568 respect to each item purchased:

1569 (I) A valid certificate of title issued in the name of the
 1570 seller or properly endorsed, as required in s. 319.22, over to
 1571 the seller;

1572 (II) A valid salvage certificate of title issued in the
 1573 name of the seller or properly endorsed, as required in s.
 1574 319.22, over to the seller;

1575 (III) A valid certificate of destruction issued in the
 1576 name of the seller or properly endorsed over to the seller; or

1577 (IV) A valid derelict motor vehicle certificate obtained
 1578 from the department by a licensed salvage motor vehicle dealer
 1579 and properly reassigned to the secondary metals recycler.

1580 b. If a valid certificate of title, salvage certificate of
 1581 title, certificate of destruction, or derelict motor vehicle
 1582 certificate is not available and the motor vehicle or mobile
 1583 home is a derelict motor vehicle, a derelict motor vehicle
 1584 certificate application shall be completed by the seller or
 1585 owner of the motor vehicle or mobile home, the seller's or
 1586 owner's authorized transporter, and the registered secondary

1587 metals recycler at the time of sale, transport, or delivery to
 1588 the registered secondary metals recycler to obtain a derelict
 1589 motor vehicle certificate from the department. The derelict
 1590 motor vehicle certificate application must be accompanied by a
 1591 legible copy of the seller's or owner's valid Florida driver
 1592 license or Florida identification card, or a valid driver
 1593 license or identification card from another state. If the seller
 1594 is not the owner of record of the vehicle being sold, the
 1595 recycler shall, at the time of sale, ensure that a smudge-free
 1596 right thumbprint, or other digit if the seller has no right
 1597 thumb, of the seller is imprinted upon the derelict motor
 1598 vehicle certificate application and that the legible copy of the
 1599 seller's driver license or identification card is affixed to the
 1600 application and transmitted to the department. The derelict
 1601 motor vehicle certificate shall be used by the owner, the
 1602 owner's authorized transporter, and the registered secondary
 1603 metals recycler. The registered secondary metals recycler shall
 1604 make the required notification of the derelict motor vehicle to
 1605 the National Motor Vehicle Title Information System and shall
 1606 secure the derelict motor vehicle for 3 full business days,
 1607 excluding weekends and holidays, if there is no active lien or a
 1608 lien of 3 years or more on the department's records before
 1609 destroying or dismantling the derelict motor vehicle and shall
 1610 follow all reporting procedures established by the department,
 1611 including electronic notification to the department or delivery
 1612 of the original derelict motor vehicle certificate application

1613 to an agent of the department within 24 hours after receiving
 1614 the derelict motor vehicle. If there is an active lien of less
 1615 than 3 years on the derelict motor vehicle, the registered
 1616 secondary metals recycler shall secure the derelict motor
 1617 vehicle for 10 days. The department shall notify the lienholder
 1618 of the application for a derelict motor vehicle certificate and
 1619 shall notify the lienholder of its intention to remove the lien.
 1620 Ten days after receipt of the motor vehicle derelict
 1621 application, the department may remove the lien from its records
 1622 if a written statement protesting removal of the lien is not
 1623 received by the department from the lienholder within the 10-day
 1624 period. However, if the lienholder files with the department and
 1625 the registered secondary metals recycler within the 10-day
 1626 period a written statement that the lien is still outstanding,
 1627 the department shall not remove the lien and shall place an
 1628 administrative hold on the record for 30 days to allow the
 1629 lienholder to apply for title to the vehicle or a repossession
 1630 certificate under s. 319.28. The registered secondary metals
 1631 recycler must secure the derelict motor vehicle until the
 1632 department's administrative stop is removed, the lienholder
 1633 submits a lien satisfaction, or the lienholder takes possession
 1634 of the vehicle.

1635 c. Any person who knowingly violates this subparagraph by
 1636 selling, transporting, delivering, purchasing, or receiving a
 1637 motor vehicle, recreational motor vehicle, mobile home, or
 1638 derelict motor vehicle without obtaining a certificate of title,

1639 salvage certificate of title, certificate of destruction, or
 1640 derelict motor vehicle certificate; enters false or fictitious
 1641 information on a derelict motor vehicle certificate application;
 1642 does not complete the derelict motor vehicle certificate
 1643 application as required or does not make the required
 1644 notification to the department; does not make the required
 1645 notification to the National Motor Vehicle Title Information
 1646 System; does not obtain a legible copy of the seller's or
 1647 owner's driver license or identification card when required; or
 1648 destroys or dismantles a derelict motor vehicle without waiting
 1649 the required time as set forth in sub-subparagraph b. commits a
 1650 felony of the third degree, punishable as provided in s.
 1651 775.082, s. 775.083, or s. 775.084.

1652 5. Major parts from other than a secondary metals recycler
 1653 for purposes of the processing of such major parts, the
 1654 purchaser shall record the seller's name, address, date of
 1655 purchase, and the personal identification card number of the
 1656 person delivering such items, as well as the vehicle
 1657 identification number, if available, of each major part
 1658 purchased.

1659 Reviser's note.—Amended to confirm the editorial insertion of
 1660 the words "System and" to conform to context.

1661 Section 58. Subsection (1) and paragraph (b) of subsection
 1662 (4) of section 322.12, Florida Statutes, are amended to read:

1663 322.12 Examination of applicants.—

1664 (1) It is the intent of the Legislature that every

1665 applicant for an original driver's license in this state be
 1666 required to pass an examination pursuant to this section.
 1667 However, the department may waive the knowledge, endorsement,
 1668 and skills tests for an applicant who is otherwise qualified and
 1669 who surrenders a valid driver's license from another state or a
 1670 province of Canada, or a valid driver's license issued by the
 1671 United States Armed Forces, if the driver applies for a Florida
 1672 license of an equal or lesser classification. Any applicant who
 1673 fails to pass the initial knowledge test incurs a \$10 fee for
 1674 each subsequent test, to be deposited into the Highway Safety
 1675 Operating Trust Fund. Any applicant who fails to pass the
 1676 initial skills test incurs a \$20 fee for each subsequent test,
 1677 to be deposited into the Highway Safety Operating Trust Fund. A
 1678 person who seeks to retain a hazardous-materials endorsement,
 1679 pursuant to s. 322.57(1)(e) ~~322.57(1)(d)~~, must pass the
 1680 hazardous-materials test, upon surrendering his or her
 1681 commercial driver's license, if the person has not taken and
 1682 passed the hazardous-materials test within 2 years before
 1683 applying for a commercial driver's license in this state.

1684 (4) The examination for an applicant for a commercial
 1685 driver's license shall include a test of the applicant's
 1686 eyesight given by a driver's license examiner designated by the
 1687 department or by a licensed ophthalmologist, optometrist, or
 1688 physician and a test of the applicant's hearing given by a
 1689 driver's license examiner or a licensed physician. The
 1690 examination shall also include a test of the applicant's ability

1691 to read and understand highway signs regulating, warning, and
 1692 directing traffic; his or her knowledge of the traffic laws of
 1693 this state pertaining to the class of motor vehicle which he or
 1694 she is applying to be licensed to operate, including laws
 1695 regulating driving under the influence of alcohol or controlled
 1696 substances, driving with an unlawful blood-alcohol level, and
 1697 driving while intoxicated; his or her knowledge of the effects
 1698 of alcohol and controlled substances and the dangers of driving
 1699 a motor vehicle after having consumed alcohol or controlled
 1700 substances; and his or her knowledge of any special skills,
 1701 requirements, or precautions necessary for the safe operation of
 1702 the class of vehicle which he or she is applying to be licensed
 1703 to operate. In addition, the examination shall include an actual
 1704 demonstration of the applicant's ability to exercise ordinary
 1705 and reasonable control in the safe operation of a motor vehicle
 1706 or combination of vehicles of the type covered by the license
 1707 classification which the applicant is seeking, including an
 1708 examination of the applicant's ability to perform an inspection
 1709 of his or her vehicle.

1710 (b) A person who seeks to retain a hazardous-materials
 1711 endorsement must, upon renewal, pass the test for such
 1712 endorsement as specified in s. 322.57(1)(e) ~~322.57(1)(d)~~, if the
 1713 person has not taken and passed the hazardous-materials test
 1714 within 2 years preceding his or her application for a commercial
 1715 driver's license in this state.

1716 Reviser's note.—Amended to conform to the redesignation of s.

1717 322.57(1)(d) as s. 322.57(1)(e) by s. 90, ch. 2005-164,
 1718 Laws of Florida.

1719 Section 59. Subsection (9) of section 322.143, Florida
 1720 Statutes, is amended to read:

1721 322.143 Use of a driver license or identification card.—

1722 (9) This section does not apply to a financial institution
 1723 as defined in s. 655.005(1)(i) ~~655.005(i)~~.

1724 Reviser's note.—Amended to confirm the editorial substitution of
 1725 a reference to s. 655.005(1)(i) for a reference to s.
 1726 655.005(i) to conform to the complete citation for the
 1727 provision in s. 655.005 that defines "financial
 1728 institution."

1729 Section 60. Paragraph (h) of subsection (1) of section
 1730 322.21, Florida Statutes, is amended to read:

1731 322.21 License fees; procedure for handling and collecting
 1732 fees.—

1733 (1) Except as otherwise provided herein, the fee for:

1734 (h) A hazardous-materials endorsement, as required by s.
 1735 322.57(1)(e) ~~322.57(1)(d)~~, shall be set by the department by
 1736 rule and must reflect the cost of the required criminal history
 1737 check, including the cost of the state and federal fingerprint
 1738 check, and the cost to the department of providing and issuing
 1739 the license. The fee shall not exceed \$100. This fee shall be
 1740 deposited in the Highway Safety Operating Trust Fund. The
 1741 department may adopt rules to administer this section.

1742 Reviser's note.—Amended to conform to the redesignation of s.

1743 322.57(1)(d) as s. 322.57(1)(e) by s. 90, ch. 2005-164,
 1744 Laws of Florida.

1745 Section 61. Paragraph (a) of subsection (2) of section
 1746 322.292, Florida Statutes, is amended to read:

1747 322.292 DUI programs supervision; powers and duties of the
 1748 department.—

1749 (2) The department shall adopt rules to implement its
 1750 supervisory authority over DUI programs in accordance with the
 1751 procedures of chapter 120, including the establishment of
 1752 uniform standards of operation for DUI programs and the method
 1753 for setting and approving fees, as follows:

1754 (a) Adopt rules for statutorily required education,
 1755 evaluation, and supervision of DUI offenders. ~~Such rules~~
 1756 ~~previously adopted by the Traffic Court Review Committee of the~~
 1757 ~~Supreme Court of Florida shall remain in effect unless modified~~
 1758 ~~by the department.~~

1759 Reviser's note.—Amended to conform to the deletion of this
 1760 sentence by s. 9, ch. 99-234, Laws of Florida; s. 322.292
 1761 was also amended by s. 294, ch. 99-248, Laws of Florida,
 1762 and the word "rules" was substituted for the term "minimum
 1763 standards" throughout the section, including in the
 1764 sentence repealed by s. 9, ch. 99-234.

1765 Section 62. Subsection (2) of section 323.002, Florida
 1766 Statutes, is reenacted to read:

1767 323.002 County and municipal wrecker operator systems;
 1768 penalties for operation outside of system.—

1769 (2) In any county or municipality that operates a wrecker
 1770 operator system:

1771 (a) It is unlawful for an unauthorized wrecker operator or
 1772 its employees or agents to monitor police radio for
 1773 communications between patrol field units and the dispatcher in
 1774 order to determine the location of a wrecked or disabled vehicle
 1775 for the purpose of driving by the scene of such vehicle in a
 1776 manner described in paragraph (b) or paragraph (c). Any person
 1777 who violates this paragraph commits a noncriminal violation,
 1778 punishable as provided in s. 775.083.

1779 (b) It is unlawful for an unauthorized wrecker operator to
 1780 drive by the scene of a wrecked or disabled vehicle before the
 1781 arrival of an authorized wrecker operator, initiate contact with
 1782 the owner or operator of such vehicle by soliciting or offering
 1783 towing services, and tow such vehicle. Any person who violates
 1784 this paragraph commits a misdemeanor of the second degree,
 1785 punishable as provided in s. 775.082 or s. 775.083.

1786 (c) When an unauthorized wrecker operator drives by the
 1787 scene of a wrecked or disabled vehicle and the owner or operator
 1788 initiates contact by signaling the wrecker operator to stop and
 1789 provide towing services, the unauthorized wrecker operator must
 1790 disclose in writing to the owner or operator of the vehicle his
 1791 or her full name and driver license number, that he or she is
 1792 not the authorized wrecker operator who has been designated as
 1793 part of the wrecker operator system, that the motor vehicle is
 1794 not being towed for the owner's or operator's insurance company

1795 or lienholder, whether he or she has in effect an insurance
 1796 policy providing at least \$300,000 of liability insurance and at
 1797 least \$50,000 of on-hook cargo insurance, and the maximum
 1798 charges for towing and storage which will apply before the
 1799 vehicle is connected to the towing apparatus. Any person who
 1800 violates this paragraph commits a misdemeanor of the second
 1801 degree, punishable as provided in s. 775.082 or s. 775.083.

1802 (d) At the scene of a wrecked or disabled vehicle, it is
 1803 unlawful for a wrecker operator to falsely identify himself or
 1804 herself as being part of the wrecker operator system. Any person
 1805 who violates this paragraph is guilty of a misdemeanor of the
 1806 first degree, punishable as provided in s. 775.082 or s.
 1807 775.083.

1808 Reviser's note.—Section 65, ch. 2013-160, Laws of Florida,
 1809 purported to amend subsection (2) but did not publish
 1810 paragraph (d). Absent affirmative evidence of legislative
 1811 intent to repeal it, subsection (2) is reenacted to confirm
 1812 that the omission was not intended.

1813 Section 63. Subsection (8) of section 326.004, Florida
 1814 Statutes, is amended to read:

1815 326.004 Licensing.—

1816 (8) A person may not be licensed as a broker unless he or
 1817 she has been a salesperson for at least 2 consecutive years, and
 1818 may not be licensed as a broker ~~after October 1, 1990,~~ unless he
 1819 or she has been licensed as a salesperson for at least 2
 1820 consecutive years.

1821 Reviser's note.—Amended to delete an obsolete provision.
 1822 Section 64. Subsection (3) of section 334.065, Florida
 1823 Statutes, is amended to read:
 1824 334.065 Center for Urban Transportation Research.—
 1825 (3) An advisory board shall be created to periodically and
 1826 objectively review and advise the center concerning its research
 1827 program. Except for projects mandated by law, state-funded base
 1828 projects shall not be undertaken without approval of the
 1829 advisory board. The membership of the board shall consist of
 1830 nine experts in transportation-related areas, including the
 1831 secretaries of the Florida Departments of Transportation, ~~Community Affairs,~~
 1832 ~~Community Affairs,~~ and Environmental Protection, the executive
 1833 director of the Department of Economic Opportunity, or their
 1834 designees, and a member of the Florida Transportation
 1835 Commission. The nomination of the remaining members of the board
 1836 shall be made to the President of the University of South
 1837 Florida by the College of Engineering at the University of South
 1838 Florida, and the appointment of these members must be reviewed
 1839 and approved by the Florida Transportation Commission and
 1840 confirmed by the Board of Governors.
 1841 Reviser's note.—Amended to substitute a reference to the
 1842 executive director of the Department of Economic
 1843 Opportunity for a reference to the secretary of the
 1844 Department of Community Affairs. The Department of
 1845 Community Affairs was abolished by s. 3, ch. 2011-142, Laws
 1846 of Florida, and functions of the department relating to

1847 community planning were transferred to the Department of
 1848 Economic Opportunity.

1849 Section 65. Paragraph (f) of subsection (7) of section
 1850 339.135, Florida Statutes, is amended to read:

1851 339.135 Work program; legislative budget request;
 1852 definitions; preparation, adoption, execution, and amendment.—

1853 (7) AMENDMENT OF THE ADOPTED WORK PROGRAM.—

1854 (f) The department may authorize the investment of the
 1855 earnings accrued and collected upon the investment of the
 1856 minimum balance of funds required to be maintained in the State
 1857 Transportation Trust Fund pursuant to paragraph (6) (b) former
 1858 ~~paragraph (b)~~.

1859 Reviser's note.—Amended to conform to the repeal of paragraph
 1860 (7) (b) by s. 5, ch. 2012-6, Laws of Florida. Minimum
 1861 balances are referenced in paragraph (6) (b).

1862 Section 66. Paragraph (e) of subsection (7) of section
 1863 366.04, Florida Statutes, is amended to read:

1864 366.04 Jurisdiction of commission.—

1865 (7)

1866 ~~(e) If a majority of the affected municipal electric~~
 1867 ~~utility's retail electric customers vote in favor of creating a~~
 1868 ~~separate electric utility authority, the affected municipal~~
 1869 ~~electric utility shall, no later than January 15, 2009, provide~~
 1870 ~~to each member of the Legislature whose district includes any~~
 1871 ~~portion of the electric service territory of the affected~~
 1872 ~~municipal electric utility a proposed charter that transfers~~

1873 ~~operations of its electric, water, and sewer utility businesses~~
 1874 ~~to a duly created authority, the governing board of which shall~~
 1875 ~~proportionally represent the number of county and city~~
 1876 ~~ratepayers of the electric utility.~~

1877 Reviser's note.—Amended to delete a provision that has served
 1878 its purpose.

1879 Section 67. Subsection (1) of section 366.11, Florida
 1880 Statutes, is amended to read:

1881 366.11 Certain exemptions.—

1882 (1) No provision of this chapter shall apply in any
 1883 manner, other than as specified in ss. 366.04, 366.05(7) and
 1884 (8), 366.051, 366.055, 366.093, 366.095, 366.14, 366.80-366.83
 1885 ~~366.80-366.85~~, and 366.91, to utilities owned and operated by
 1886 municipalities, whether within or without any municipality, or
 1887 by cooperatives organized and existing under the Rural Electric
 1888 Cooperative Law of the state, or to the sale of electricity,
 1889 manufactured gas, or natural gas at wholesale by any public
 1890 utility to, and the purchase by, any municipality or cooperative
 1891 under and pursuant to any contracts now in effect or which may
 1892 be entered into in the future, when such municipality or
 1893 cooperative is engaged in the sale and distribution of
 1894 electricity or manufactured or natural gas, or to the rates
 1895 provided for in such contracts.

1896 Reviser's note.—Amended to conform to the repeal of s. 366.84 by
 1897 s. 14, ch. 95-372, Laws of Florida; the repeal was
 1898 confirmed by s. 7, ch. 97-94, Laws of Florida; and the

PCB RCC 14-02

ORIGINAL

2014

1899 repeal of s. 366.85 by s. 2, ch. 2012-67, Laws of Florida.
 1900 Section 68. Section 366.80, Florida Statutes, is amended
 1901 to read:

1902 366.80 Short title.—Sections 366.80-366.83 ~~366.80-366.85~~
 1903 and 403.519 shall be known and may be cited as the "Florida
 1904 Energy Efficiency and Conservation Act."

1905 Reviser's note.—Amended to conform to the repeal of s. 366.84 by
 1906 s. 14, ch. 95-372, Laws of Florida; the repeal was
 1907 confirmed by s. 7, ch. 97-94, Laws of Florida; and the
 1908 repeal of s. 366.85 by s. 2, ch. 2012-67, Laws of Florida.

1909 Section 69. Section 366.81, Florida Statutes, is amended
 1910 to read:

1911 366.81 Legislative findings and intent.—The Legislature
 1912 finds and declares that it is critical to utilize the most
 1913 efficient and cost-effective demand-side renewable energy
 1914 systems and conservation systems in order to protect the health,
 1915 prosperity, and general welfare of the state and its citizens.
 1916 Reduction in, and control of, the growth rates of electric
 1917 consumption and of weather-sensitive peak demand are of
 1918 particular importance. The Legislature further finds that the
 1919 Florida Public Service Commission is the appropriate agency to
 1920 adopt goals and approve plans related to the promotion of
 1921 demand-side renewable energy systems and the conservation of
 1922 electric energy and natural gas usage. The Legislature directs
 1923 the commission to develop and adopt overall goals and authorizes
 1924 the commission to require each utility to develop plans and

1925 | implement programs for increasing energy efficiency and
 1926 | conservation and demand-side renewable energy systems within its
 1927 | service area, subject to the approval of the commission. Since
 1928 | solutions to our energy problems are complex, the Legislature
 1929 | intends that the use of solar energy, renewable energy sources,
 1930 | highly efficient systems, cogeneration, and load-control systems
 1931 | be encouraged. Accordingly, in exercising its jurisdiction, the
 1932 | commission shall not approve any rate or rate structure which
 1933 | discriminates against any class of customers on account of the
 1934 | use of such facilities, systems, or devices. This expression of
 1935 | legislative intent shall not be construed to preclude
 1936 | experimental rates, rate structures, or programs. The
 1937 | Legislature further finds and declares that ss. 366.80-366.83
 1938 | ~~366.80-366.85~~ and 403.519 are to be liberally construed in order
 1939 | to meet the complex problems of reducing and controlling the
 1940 | growth rates of electric consumption and reducing the growth
 1941 | rates of weather-sensitive peak demand; increasing the overall
 1942 | efficiency and cost-effectiveness of electricity and natural gas
 1943 | production and use; encouraging further development of demand-
 1944 | side renewable energy systems; and conserving expensive
 1945 | resources, particularly petroleum fuels.
 1946 | Reviser's note.—Amended to conform to the repeal of s. 366.84 by
 1947 | s. 14, ch. 95-372, Laws of Florida; the repeal was
 1948 | confirmed by s. 7, ch. 97-94, Laws of Florida; and the
 1949 | repeal of s. 366.85 by s. 2, ch. 2012-67, Laws of Florida.
 1950 | Section 70. Subsections (1) and (10) of section 366.82,

1951 Florida Statutes, are amended to read:
 1952 366.82 Definition; goals; plans; programs; annual reports;
 1953 energy audits.—
 1954 (1) For the purposes of ss. 366.80-366.83 ~~366.80-366.85~~
 1955 and 403.519:
 1956 (a) "Utility" means any person or entity of whatever form
 1957 which provides electricity or natural gas at retail to the
 1958 public, specifically including municipalities or
 1959 instrumentalities thereof and cooperatives organized under the
 1960 Rural Electric Cooperative Law and specifically excluding any
 1961 municipality or instrumentality thereof, any cooperative
 1962 organized under the Rural Electric Cooperative Law, or any other
 1963 person or entity providing natural gas at retail to the public
 1964 whose annual sales volume is less than 100 million therms or any
 1965 municipality or instrumentality thereof and any cooperative
 1966 organized under the Rural Electric Cooperative Law providing
 1967 electricity at retail to the public whose annual sales as of
 1968 July 1, 1993, to end-use customers is less than 2,000 gigawatt
 1969 hours.
 1970 (b) "Demand-side renewable energy" means a system located
 1971 on a customer's premises generating thermal or electric energy
 1972 using Florida renewable energy resources and primarily intended
 1973 to offset all or part of the customer's electricity requirements
 1974 provided such system does not exceed 2 megawatts.
 1975 (10) The commission shall require periodic reports from
 1976 each utility and shall provide the Legislature and the Governor

1977 with an annual report by March 1 of the goals it has adopted and
 1978 its progress toward meeting those goals. The commission shall
 1979 also consider the performance of each utility pursuant to ss.
 1980 366.80-366.83 ~~366.80-366.85~~ and 403.519 when establishing rates
 1981 for those utilities over which the commission has ratesetting
 1982 authority.

1983 Reviser's note.—Amended to conform to the repeal of s. 366.84 by
 1984 s. 14, ch. 95-372, Laws of Florida; the repeal was
 1985 confirmed by s. 7, ch. 97-94, Laws of Florida; and the
 1986 repeal of s. 366.85 by s. 2, ch. 2012-67, Laws of Florida.
 1987 Section 71. Section 366.83, Florida Statutes, is amended
 1988 to read:

1989 366.83 Certain laws not applicable; saving clause.—No
 1990 utility shall be held liable for the acts or omissions of any
 1991 person in implementing or attempting to implement those measures
 1992 found cost-effective by, or recommended as a result of, an
 1993 energy audit. The findings and recommendations of an energy
 1994 audit shall not be construed to be a warranty or guarantee of
 1995 any kind, nor shall such findings or recommendations subject the
 1996 utility to liability of any kind. Nothing in ss. 366.80-366.83
 1997 ~~366.80-366.85~~ and 403.519 shall preempt or affect litigation
 1998 pending on June 5, 1980, nor shall ss. 366.80-366.83 ~~366.80-~~
 1999 ~~366.86~~ and 403.519 preempt federal law unless such preemption is
 2000 expressly authorized by federal statute.

2001 Reviser's note.—Amended to conform to the repeal of s. 366.84 by
 2002 s. 14, ch. 95-372, Laws of Florida; the repeal was

2003 confirmed by s. 7, ch. 97-94, Laws of Florida; and the
 2004 repeal of s. 366.85 by s. 2, ch. 2012-67, Laws of Florida,
 2005 and the transfer of s. 366.86 to s. 403.519 in 1980.

2006 Section 72. Subsection (4) of section 366.94, Florida
 2007 Statutes, is amended to read:

2008 366.94 Electric vehicle charging stations.—

2009 ~~(4) The Public Service Commission is directed to conduct a~~
 2010 ~~study of the potential effects of public charging stations and~~
 2011 ~~privately owned electric vehicle charging on both energy~~
 2012 ~~consumption and the impact on the electric grid in the state.~~

2013 ~~The Public Service Commission shall also investigate the~~
 2014 ~~feasibility of using off-grid solar photovoltaic power as a~~
 2015 ~~source of electricity for the electric vehicle charging~~
 2016 ~~stations. The commission shall submit the results of the study~~
 2017 ~~to the President of the Senate, the Speaker of the House of~~
 2018 ~~Representatives, and the Executive Office of the Governor by~~
 2019 ~~December 31, 2012.~~

2020 Reviser's note.—Amended to delete a provision that has served
 2021 its purpose.

2022 Section 73. Paragraph (b) of subsection (2) of section
 2023 373.036, Florida Statutes, is amended to read:

2024 373.036 Florida water plan; district water management
 2025 plans.—

2026 (2) DISTRICT WATER MANAGEMENT PLANS.—

2027 (b) The district water management plan shall include, but
 2028 not be limited to:

2029 1. The scientific methodologies for establishing minimum
 2030 flows and levels under s. 373.042, and all established minimum
 2031 flows and levels.

2032 2. Identification of one or more water supply planning
 2033 regions that singly or together encompass the entire district.

2034 3. Technical data and information prepared under s.
 2035 373.711.

2036 4. A districtwide water supply assessment, ~~to be completed~~
 2037 ~~no later than July 1, 1998,~~ which determines for each water
 2038 supply planning region:

2039 a. Existing legal uses, reasonably anticipated future
 2040 needs, and existing and reasonably anticipated sources of water
 2041 and conservation efforts; and

2042 b. Whether existing and reasonably anticipated sources of
 2043 water and conservation efforts are adequate to supply water for
 2044 all existing legal uses and reasonably anticipated future needs
 2045 and to sustain the water resources and related natural systems.

2046 5. Any completed regional water supply plans.

2047 Reviser's note.—Amended to delete language that has served its
 2048 purpose.

2049 Section 74. Subsection (6) of section 373.0363, Florida
 2050 Statutes, is amended to read:

2051 373.0363 Southern Water Use Caution Area Recovery
 2052 Strategy.—

2053 ~~(6) The district shall submit the West Central Florida~~
 2054 ~~Water Restoration Action Plan developed pursuant to subsection~~

2055 ~~(4) to the President of the Senate and the Speaker of the House~~
 2056 ~~of Representatives prior to the 2010 regular legislative session~~
 2057 ~~for review. If the Legislature takes no action on the plan~~
 2058 ~~during the 2010 regular legislative session, the plan shall be~~
 2059 ~~deemed approved.~~

2060 Reviser's note.—Amended to delete a provision that has served
 2061 its purpose.

2062 Section 75. Subsections (2), (8), and (9) of section
 2063 373.4145, Florida Statutes, are amended to read:

2064 373.4145 Part IV permitting program within the
 2065 geographical jurisdiction of the Northwest Florida Water
 2066 Management District.—

2067 ~~(2) The department may implement chapter 40A-4, Florida~~
 2068 ~~Administrative Code, in effect prior to July 1, 1994, pursuant~~
 2069 ~~to an interagency agreement with the Northwest Florida Water~~
 2070 ~~Management District adopted under s. 373.046(4).~~

2071 ~~(8) Within the geographical jurisdiction of the Northwest~~
 2072 ~~Florida Water Management District, the methodology for~~
 2073 ~~determining the landward extent of surface waters of the state~~
 2074 ~~under chapter 403 in effect prior to the effective date of the~~
 2075 ~~methodology ratified in s. 373.4211 shall apply to:~~

2076 ~~(a) Activities permitted under the rules adopted pursuant~~
 2077 ~~to ss. 403.91-403.929, 1984 Supplement to the Florida Statutes~~
 2078 ~~1983, as amended, or that were exempted from regulation under~~
 2079 ~~such rules, prior to July 1, 1994, and that were permitted under~~
 2080 ~~chapter 62-25, Florida Administrative Code, or exempt from~~

2081 ~~chapter 62-25, Florida Administrative Code, prior to July 1,~~
 2082 ~~1994, provided:~~

2083 ~~1. An activity authorized by such permits is conducted in~~
 2084 ~~accordance with the plans, terms, and conditions of such~~
 2085 ~~permits.~~

2086 ~~2. An activity exempted from the permitting requirements~~
 2087 ~~of the rules adopted pursuant to ss. 403.91-403.929, 1984~~
 2088 ~~Supplement to the Florida Statutes 1983, as amended, or chapter~~
 2089 ~~62-25, Florida Administrative Code, is:~~

2090 ~~a. Commenced prior to July 1, 1994, and completed by July~~
 2091 ~~1, 1999;~~

2092 ~~b. Conducted in accordance with a plan depicting the~~
 2093 ~~activity that has been submitted to and approved for~~
 2094 ~~construction by the department, the appropriate local~~
 2095 ~~government, the United States Army Corps of Engineers, or the~~
 2096 ~~Northwest Florida Water Management District; and~~

2097 ~~e. Conducted in accordance with the terms of the~~
 2098 ~~exemption.~~

2099 ~~(b) An activity within the boundaries of a valid~~
 2100 ~~jurisdictional declaratory statement issued pursuant to s.~~
 2101 ~~403.914, 1984 Supplement to the Florida Statutes 1983, as~~
 2102 ~~amended, or the rules adopted thereunder, in response to a~~
 2103 ~~petition received prior to June 1, 1994.~~

2104 ~~(c) Any modification of a permitted or exempt activity as~~
 2105 ~~described in paragraph (a) that does not constitute a~~
 2106 ~~substantial modification or that lessens the environmental~~

2107 ~~impact of such permitted or exempt activity. For the purposes of~~
 2108 ~~this section, a substantial modification is one that is~~
 2109 ~~reasonably expected to lead to substantially different~~
 2110 ~~environmental impacts.~~

2111 ~~(d) Applications for activities permitted under the rules~~
 2112 ~~adopted pursuant to ss. 403.91-403.929, 1984 Supplement to the~~
 2113 ~~1983 Florida Statutes, as amended, that were pending on June 15,~~
 2114 ~~1994, unless the application elects to have applied the~~
 2115 ~~delineation methodology ratified in s. 373.4211.~~

2116 ~~(9) Subsections (2) and (8) are repealed on the effective~~
 2117 ~~date of the rules adopted under subsection (1).~~

2118 Reviser's note.—Amended to delete repealed provisions; the rules
 2119 required to be adopted by s. 373.4145(1) have been adopted,
 2120 and the repeal of subsections (2) and (8) by subsection (9)
 2121 has taken effect.

2122 Section 76. Paragraph (a) of subsection (3) of section
 2123 373.4592, Florida Statutes, is amended to read:

2124 373.4592 Everglades improvement and management.—

2125 (3) EVERGLADES LONG-TERM PLAN.—

2126 (a) The Legislature finds that the Everglades Program
 2127 required by this section establishes more extensive and
 2128 comprehensive requirements for surface water improvement and
 2129 management within the Everglades than the SWIM plan requirements
 2130 provided in ss. 373.451 and 373.453 ~~373.451-373.456~~. In order to
 2131 avoid duplicative requirements, and in order to conserve the
 2132 resources available to the district, the SWIM plan requirements

2133 of those sections shall not apply to the Everglades Protection
 2134 Area and the EAA during the term of the Everglades Program, and
 2135 the district will neither propose, nor take final agency action
 2136 on, any Everglades SWIM plan for those areas until the
 2137 Everglades Program is fully implemented. Funds under s.
 2138 259.101(3)(b) may be used for acquisition of lands necessary to
 2139 implement the Everglades Construction Project, to the extent
 2140 these funds are identified in the Statement of Principles of
 2141 July 1993. The district's actions in implementing the Everglades
 2142 Construction Project relating to the responsibilities of the EAA
 2143 and C-139 Basin for funding and water quality compliance in the
 2144 EAA and the Everglades Protection Area shall be governed by this
 2145 section. Other strategies or activities in the March 1992
 2146 Everglades SWIM plan may be implemented if otherwise authorized
 2147 by law.

2148 Reviser's note.—Amended to conform to the repeal of ss. 373.455
 2149 and 373.456 by s. 7, ch. 2003-265, Laws of Florida.

2150 Section 77. Paragraphs (a), (b), and (c) of subsection (8)
 2151 of section 373.59, Florida Statutes, are amended to read:

2152 373.59 Water Management Lands Trust Fund.—

2153 (8) Moneys from the Water Management Lands Trust Fund
 2154 shall be allocated as follows:

2155 (a) ~~Through the 2008-2009 fiscal year, thirty percent to~~
 2156 ~~the South Florida Water Management District.~~ Beginning with the
 2157 2009-2010 fiscal year, thirty percent shall be used first to pay
 2158 debt service on bonds issued before February 1, 2009, by the

2159 South Florida Water Management District which are secured by
 2160 revenues provided by this section or to fund debt service
 2161 reserve funds, rebate obligations, or other amounts payable with
 2162 respect to such bonds, then to transfer \$3,000,000 to the credit
 2163 of the General Revenue Fund in each fiscal year, and lastly to
 2164 distribute the remainder to the South Florida Water Management
 2165 District.

2166 (b) ~~Through the 2008-2009 fiscal year, twenty-five percent~~
 2167 ~~to the Southwest Florida Water Management District.~~ Beginning
 2168 with the 2009-2010 fiscal year, twenty-five percent shall be
 2169 used first to transfer \$2,500,000 to the credit of the General
 2170 Revenue Fund in each fiscal year and then to distribute the
 2171 remainder to the Southwest Florida Water Management District.

2172 (c) ~~Through the 2008-2009 fiscal year, twenty-five percent~~
 2173 ~~to the St. Johns River Water Management District.~~ Beginning with
 2174 the 2009-2010 fiscal year, twenty-five percent shall be used
 2175 first to pay debt service on bonds issued before February 1,
 2176 2009, by the St. Johns River Water Management District which are
 2177 secured by revenues provided by this section or to fund debt
 2178 service reserve funds, rebate obligations, or other amounts
 2179 payable with respect to such bonds, then to transfer \$2,500,000
 2180 to the credit of the General Revenue Fund in each fiscal year,
 2181 and to distribute the remainder to the St. Johns River Water
 2182 Management District.

2183 Reviser's note.—Amended to delete obsolete provisions.

2184 Section 78. Subsection (2) of section 375.313, Florida

2185 Statutes, is amended to read:

2186 375.313 Commission powers and duties.—The commission
2187 shall:

2188 (2) Adopt and promulgate such reasonable rules as deemed
2189 necessary to administer the provisions of ss. 375.311-375.314
2190 ~~375.311-375.315~~, except that, before any such rules are adopted,
2191 the commission shall obtain the consent and agreement, in
2192 writing, of the owner, in the case of privately owned lands, or
2193 the owner or primary custodian, in the case of publicly owned
2194 lands.

2195 Reviser's note.—Amended to conform to the repeal of s. 375.315
2196 by s. 69, ch. 2002-295, Laws of Florida.

2197 Section 79. Section 376.011, Florida Statutes, is amended
2198 to read:

2199 376.011 Pollutant Discharge Prevention and Control Act;
2200 short title.—Sections 376.011-376.21 ~~376.011-376.165, 376.19-~~
2201 ~~376.21~~ shall be known as the "Pollutant Discharge Prevention and
2202 Control Act."

2203 Reviser's note.—Amended to conform to the repeal of s. 376.17 by
2204 s. 85, ch. 2010-102, Laws of Florida, s. 376.18 by s. 83,
2205 ch. 83-310, Laws of Florida, and s. 376.185 by s. 4, ch.
2206 2000-211, Laws of Florida.

2207 Section 80. Subsections (4) and (10) of section 376.3078,
2208 Florida Statutes, are amended to read:

2209 376.3078 Drycleaning facility restoration; funds; uses;
2210 liability; recovery of expenditures.—

2211 (4) REHABILITATION CRITERIA.—It is the intent of the
 2212 Legislature to protect the health of all people under actual
 2213 circumstances of exposure. ~~By July 1, 1999,~~ The secretary of the
 2214 department shall establish criteria by rule for the purpose of
 2215 determining, on a site-specific basis, the rehabilitation
 2216 program tasks that comprise a site rehabilitation program,
 2217 including a voluntary site rehabilitation program, and the level
 2218 at which a rehabilitation program task and a site rehabilitation
 2219 program may be deemed completed. In establishing the rule, the
 2220 department shall incorporate, to the maximum extent feasible,
 2221 risk-based corrective action principles to achieve protection of
 2222 human health and safety and the environment in a cost-effective
 2223 manner as provided in this subsection. The rule shall also
 2224 include protocols for the use of natural attenuation and the
 2225 issuance of "no further action" letters. The criteria for
 2226 determining what constitutes a rehabilitation program task or
 2227 completion of a site rehabilitation program task or site
 2228 rehabilitation program, including a voluntary site
 2229 rehabilitation program, must:

2230 (a) Consider the current exposure and potential risk of
 2231 exposure to humans and the environment, including multiple
 2232 pathways of exposure. The physical, chemical, and biological
 2233 characteristics of each contaminant must be considered in order
 2234 to determine the feasibility of risk-based corrective action
 2235 assessment.

2236 (b) Establish the point of compliance at the source of the

PCB RCC 14-02

ORIGINAL

2014

2237 | contamination. However, the department is authorized to
2238 | temporarily move the point of compliance to the boundary of the
2239 | property, or to the edge of the plume when the plume is within
2240 | the property boundary, while cleanup, including cleanup through
2241 | natural attenuation processes in conjunction with appropriate
2242 | monitoring, is proceeding. The department also is authorized,
2243 | pursuant to criteria provided for in this section, to
2244 | temporarily extend the point of compliance beyond the property
2245 | boundary with appropriate monitoring, if such extension is
2246 | needed to facilitate natural attenuation or to address the
2247 | current conditions of the plume, provided human health, public
2248 | safety, and the environment are protected. When temporarily
2249 | extending the point of compliance beyond the property boundary,
2250 | it cannot be extended further than the lateral extent of the
2251 | plume at the time of execution of the voluntary cleanup
2252 | agreement, if known, or the lateral extent of the plume as
2253 | defined at the time of site assessment. Temporary extension of
2254 | the point of compliance beyond the property boundary, as
2255 | provided in this paragraph, must include actual notice by the
2256 | person responsible for site rehabilitation to local governments
2257 | and the owners of any property into which the point of
2258 | compliance is allowed to extend and constructive notice to
2259 | residents and business tenants of the property into which the
2260 | point of compliance is allowed to extend. Persons receiving
2261 | notice pursuant to this paragraph shall have the opportunity to
2262 | comment within 30 days of receipt of the notice.

Page 87 of 255

PCB RCC 14-02

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

V

PCB RCC 14-02

ORIGINAL

2014

2263 (c) Ensure that the site-specific cleanup goal is that all
2264 sites contaminated with drycleaning solvents ultimately achieve
2265 the applicable cleanup target levels provided in this section.
2266 In the circumstances provided below, and after constructive
2267 notice and opportunity to comment within 30 days from receipt of
2268 the notice to local government, to owners of any property into
2269 which the point of compliance is allowed to extend, and to
2270 residents on any property into which the point of compliance is
2271 allowed to extend, the department may allow concentrations of
2272 contaminants to temporarily exceed the applicable cleanup target
2273 levels while cleanup, including cleanup through natural
2274 attenuation processes in conjunction with appropriate
2275 monitoring, is proceeding, if human health, public safety, and
2276 the environment are protected.

2277 (d) Allow the use of institutional or engineering controls
2278 at sites contaminated with drycleaning solvents, where
2279 appropriate, to eliminate or control the potential exposure to
2280 contaminants of humans or the environment. The use of controls
2281 must be preapproved by the department and only after
2282 constructive notice and opportunity to comment within 30 days
2283 from receipt of notice is provided to local governments, to
2284 owners of any property into which the point of compliance is
2285 allowed to extend, and to residents on any property into which
2286 the point of compliance is allowed to extend. When institutional
2287 or engineering controls are implemented to control exposure, the
2288 removal of the controls must have prior department approval and

Page 88 of 255

PCB RCC 14-02

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

V

2289 must be accompanied by the resumption of active cleanup, or
 2290 other approved controls, unless cleanup target levels under this
 2291 section have been achieved.

2292 (e) Consider the additive effects of contaminants. The
 2293 synergistic and antagonistic effects shall also be considered
 2294 when the scientific data become available.

2295 (f) Take into consideration individual site
 2296 characteristics, which shall include, but not be limited to, the
 2297 current and projected use of the affected groundwater and
 2298 surface water in the vicinity of the site, current and projected
 2299 land uses of the area affected by the contamination, the exposed
 2300 population, the degree and extent of contamination, the rate of
 2301 contaminant migration, the apparent or potential rate of
 2302 contaminant degradation through natural attenuation processes,
 2303 the location of the plume, and the potential for further
 2304 migration in relation to site property boundaries.

2305 (g) Apply state water quality standards as follows:

2306 1. Cleanup target levels for each contaminant found in
 2307 groundwater shall be the applicable state water quality
 2308 standards. Where such standards do not exist, the cleanup target
 2309 levels for groundwater shall be based on the minimum criteria
 2310 specified in department rule. The department shall consider the
 2311 following, as appropriate, in establishing the applicable
 2312 minimum criteria: calculations using a lifetime cancer risk
 2313 level of 1.0E-6; a hazard index of 1 or less; the best
 2314 achievable detection limit; the naturally occurring background

2315 concentration; or nuisance, organoleptic, and aesthetic
 2316 considerations.

2317 2. Where surface waters are exposed to contaminated
 2318 groundwater, the cleanup target levels for the contaminants
 2319 shall be based on the lower of the groundwater or surface water
 2320 standards as established by department rule. The point of
 2321 measuring compliance with the surface water standards shall be
 2322 in the groundwater immediately adjacent to the surface water
 2323 body.

2324 3. The department may set alternative cleanup target
 2325 levels based upon the person responsible for site rehabilitation
 2326 demonstrating, using site-specific modeling and risk assessment
 2327 studies, that human health, public safety, and the environment
 2328 are protected to the same degree as provided in subparagraphs 1.
 2329 and 2. Where a state water quality standard is applicable, a
 2330 deviation may not result in the application of cleanup target
 2331 levels more stringent than the standard. In determining whether
 2332 it is appropriate to establish alternative cleanup target levels
 2333 at a site, the department must consider the effectiveness of
 2334 source removal that has been completed at the site and the
 2335 practical likelihood of the use of low yield or poor quality
 2336 groundwater, the use of groundwater near marine surface water
 2337 bodies, the current and projected use of the affected
 2338 groundwater in the vicinity of the site, or the use of
 2339 groundwater in the immediate vicinity of the contaminated area,
 2340 where it has been demonstrated that the groundwater

2341 contamination is not migrating away from such localized source,
 2342 provided human health, public safety, and the environment are
 2343 protected.

2344 (h) Provide for the department to issue a "no further
 2345 action order," with conditions where appropriate, when
 2346 alternative cleanup target levels established pursuant to
 2347 subparagraph (g)3. have been achieved, or when the person
 2348 responsible for site rehabilitation can demonstrate that the
 2349 cleanup target level is unachievable within available
 2350 technologies. Prior to issuing such an order, the department
 2351 shall consider the feasibility of an alternative site
 2352 rehabilitation technology in the area.

2353 (i) Establish appropriate cleanup target levels for soils.

2354 1. In establishing soil cleanup target levels for human
 2355 exposure to each contaminant found in soils from the land
 2356 surface to 2 feet below land surface, the department shall
 2357 consider the following, as appropriate: calculations using a
 2358 lifetime cancer risk level of 1.0E-6; a hazard index of 1 or
 2359 less; the best achievable detection limit; or the naturally
 2360 occurring background concentration. Institutional controls or
 2361 other methods shall be used to prevent human exposure to
 2362 contaminated soils more than 2 feet below the land surface. Any
 2363 removal of such institutional controls shall require such
 2364 contaminated soils to be remediated.

2365 2. Leachability-based soil target levels shall be based on
 2366 protection of the groundwater cleanup target levels or the

2367 alternate cleanup target levels for groundwater established
 2368 pursuant to this paragraph, as appropriate. Source removal and
 2369 other cost-effective alternatives that are technologically
 2370 feasible shall be considered in achieving the leachability soil
 2371 target levels established by the department. The leachability
 2372 goals shall not be applicable if the department determines,
 2373 based upon individual site characteristics, that contaminants
 2374 will not leach into the groundwater at levels which pose a
 2375 threat to human health, public safety, and the environment.

2376 3. Using risk-based corrective action principles, the
 2377 department shall approve alternative cleanup target levels based
 2378 upon the person responsible for site rehabilitation
 2379 demonstrating, using site-specific modeling and risk assessment
 2380 studies, that human health, public safety, and the environment
 2381 are protected.

2382
 2383 The department shall require source removal, as a risk reduction
 2384 measure, if warranted and cost-effective. Once source removal at
 2385 a site is complete, the department shall reevaluate the site to
 2386 determine the degree of active cleanup needed to continue.

2387 Further, the department shall determine if the reevaluated site
 2388 qualifies for monitoring only or if no further action is
 2389 required to rehabilitate the site. If additional site
 2390 rehabilitation is necessary to reach "no further action" status,
 2391 the department is encouraged to utilize natural attenuation and
 2392 monitoring where site conditions warrant.

2393 (10) INSURANCE REQUIREMENTS.—The owner or operator of an
 2394 operating drycleaning facility or wholesale supply facility
 2395 shall, ~~by January 1, 1999,~~ have purchased third-party liability
 2396 insurance for \$1 million of coverage for each operating
 2397 facility. The owner or operator shall maintain such insurance
 2398 while operating as a drycleaning facility or wholesale supply
 2399 facility and provide proof of such insurance to the department
 2400 upon registration renewal each year thereafter. Such requirement
 2401 applies only if such insurance becomes available to the owner or
 2402 operator at a reasonable rate and covers liability for
 2403 contamination subsequent to the effective date of the policy and
 2404 prior to the effective date, retroactive to the commencement of
 2405 operations at the drycleaning facility or wholesale supply
 2406 facility. Such insurance may be offered in group coverage
 2407 policies with a minimum coverage of \$1 million for each member
 2408 of the group per year. For the purposes of this subsection,
 2409 reasonable rate means the rate developed based on exposure to
 2410 loss and underwriting and administrative costs as determined by
 2411 the Office of Insurance Regulation of the Financial Services
 2412 Commission, in consultation with representatives of the
 2413 drycleaning industry.

2414 Reviser's note.—Amended to delete obsolete provisions.

2415 Section 81. Subsection (1) of section 379.333, Florida
 2416 Statutes, is amended to read:

2417 379.333 Arrest by officers of the commission;
 2418 recognizance; cash bond; citation.—

2419 (1) In all cases of arrest by officers of the commission,
 2420 the person arrested shall be delivered forthwith by such officer
 2421 to the sheriff of the county, or the officer shall obtain from
 2422 such person arrested a recognizance or, if deemed necessary, a
 2423 cash bond or other sufficient security conditioned for her or
 2424 his appearance before the proper tribunal of such county to
 2425 answer the charge for which the person has been arrested.

2426 Reviser's note.—Amended to confirm the editorial insertion of
 2427 the words "the officer" to facilitate correct
 2428 interpretation.

2429 Section 82. Subsection (3) of section 379.3511, Florida
 2430 Statutes, is amended to read:

2431 379.3511 Appointment of subagents for the sale of hunting,
 2432 fishing, and trapping licenses and permits.—

2433 (3) All social security numbers that are provided pursuant
 2434 to s. 379.352 ~~ss. 379.352 and 379.354~~ and are contained in
 2435 records of any subagent appointed under this section are
 2436 confidential as provided in those sections.

2437 Reviser's note.—Amended to conform to the fact that s. 379.352
 2438 references social security numbers; s. 379.354 does not.

2439 Section 16, ch. 2002-46, Laws of Florida, dropped the
 2440 social security requirement from s. 372.57, which was
 2441 transferred to s. 379.354 by s. 139, ch. 2008-247, Laws of
 2442 Florida.

2443 Section 83. Paragraph (f) of subsection (3) of section
 2444 381.911, Florida Statutes, is amended to read:

2445 381.911 Prostate Cancer Awareness Program.—

2446 (3) The University of Florida Prostate Disease Center

2447 (UFPDC) shall establish the UFPDC Prostate Cancer Advisory

2448 Council and lead the advisory council in developing and

2449 implementing strategies to improve outreach and education and

2450 thereby reduce the number of patients who develop prostate

2451 cancer.

2452 (f) The advisory council shall:

2453 1. Present prostate-cancer-related policy recommendations

2454 to the Department of Health and other appropriate governmental

2455 entities.

2456 2. Assess the accuracy of prostate cancer information

2457 disseminated to the public.

2458 3. Develop effective communication channels among all

2459 private and public entities in the state involved in prostate

2460 cancer education, research, treatment, and patient advocacy.

2461 4. Plan, develop, and implement activities designed to

2462 heighten awareness and educate residents of the state,

2463 especially those in underserved areas, regarding the importance

2464 of prostate cancer awareness.

2465 5. Disseminate information about recent progress in

2466 prostate cancer research and the availability of clinical

2467 trials.

2468 6. Minimize health disparities through outreach and

2469 education.

2470 7. Communicate best practices principles to physicians

2471 involved in the care of patients with prostate cancer.

2472 8. Establish a communication platform for patients and
2473 their advocates.

2474 9. Solicit private grants or philanthropic funding to
2475 conduct an annual prostate cancer symposium that brings
2476 physicians, researchers, community leaders, prostate cancer
2477 survivors, and prostate cancer advocates together to highlight
2478 recent advances in prostate cancer research, clinical trials,
2479 and best practices used for the prevention of prostate cancer
2480 and to promote strategies for successful rural and urban
2481 outreach, community education, and increased awareness.

2482 10. Submit and present an annual report to the Governor,
2483 the President of the Senate, the Speaker of the House of
2484 Representatives, and the State Surgeon General by ~~January 15,~~
2485 ~~2012, and by~~ January 15 of each ~~following~~ year, which contains
2486 recommendations for legislative changes necessary to decrease
2487 the incidence of prostate cancer, decrease racial and ethnic
2488 disparities among persons diagnosed with prostate cancer, and
2489 promote increased community education and awareness regarding
2490 this disease.

2491 Reviser's note.—Amended to delete an obsolete provision.

2492 Section 84. Subsection (4) of section 382.009, Florida
2493 Statutes, is amended to read:

2494 382.009 Recognition of brain death under certain
2495 circumstances.—

2496 (4) No recovery shall be allowed nor shall criminal

2497 proceedings be instituted in any court in this state against a
 2498 physician or licensed medical facility that makes a
 2499 determination of death in accordance with this section or which
 2500 acts in reliance thereon, if such determination is made in
 2501 accordance with the accepted standard of care for such physician
 2502 or facility set forth in s. 766.102 ~~768.45~~. Except for a
 2503 diagnosis of brain death, the standard set forth in this section
 2504 is not the exclusive standard for determining death or for the
 2505 withdrawal of life support systems.

2506 Reviser's note.—Amended to confirm the editorial substitution of
 2507 a reference to s. 766.102 for a reference to s. 768.45.
 2508 Section 768.45 was transferred to s. 766.102 by the reviser
 2509 incident to compiling the 1988 Supplement to the Florida
 2510 Statutes 1987.

2511 Section 85. Section 383.16, Florida Statutes, is amended
 2512 to read:

2513 383.16 Definitions; ss. 383.15-383.19 ~~383.15-383.21~~.—As
 2514 used in ss. 383.15-383.19 ~~383.15-383.21~~, the term:

- 2515 (1) "Department" means the Department of Health.
- 2516 (2) "Regional perinatal intensive care center" or "center"
 2517 means a unit designated by the department, located within a
 2518 hospital, and specifically designed to provide a full range of
 2519 health services to its patients.
- 2520 (3) "Patient" means a woman who is experiencing a high-
 2521 risk pregnancy and who has been declared financially and
 2522 medically eligible or a newborn infant who needs intensive care

2523 and who is declared financially and medically eligible.
 2524 Reviser's note.—Amended to conform to the repeal of s. 383.21 by
 2525 s. 98, ch. 2010-102, Laws of Florida.

2526 Section 86. Section 383.17, Florida Statutes, is amended
 2527 to read:

2528 383.17 Regional perinatal intensive care centers program;
 2529 authority.—The department may contract with health care
 2530 providers in establishing and maintaining centers in accordance
 2531 with ss. 383.15-383.19 ~~383.15-383.21~~. The cost of administering
 2532 the regional perinatal intensive care centers program shall be
 2533 paid by the department from funds appropriated for this purpose.

2534 Reviser's note.—Amended to conform to the repeal of s. 383.21 by
 2535 s. 98, ch. 2010-102, Laws of Florida.

2536 Section 87. Section 383.18, Florida Statutes, is amended
 2537 to read:

2538 383.18 Contracts; conditions.—Participation in the
 2539 regional perinatal intensive care centers program under ss.
 2540 383.15-383.19 ~~383.15-383.21~~ is contingent upon the department
 2541 entering into a contract with a provider. The contract shall
 2542 provide that patients will receive services from the center and
 2543 that parents or guardians of patients who participate in the
 2544 program and who are in compliance with Medicaid eligibility
 2545 requirements as determined by the department are not
 2546 additionally charged for treatment and care which has been
 2547 contracted for by the department. Financial eligibility for the
 2548 program is based on the Medicaid income guidelines for pregnant

2549 women and for children under 1 year of age. Funding shall be
 2550 provided in accordance with ss. 383.19 and 409.908.
 2551 Reviser's note.—Amended to conform to the repeal of s. 383.21 by
 2552 s. 98, ch. 2010-102, Laws of Florida.
 2553 Section 88. Subsections (5) and (6) of section 383.19,
 2554 Florida Statutes, are amended to read:
 2555 383.19 Standards; funding; ineligibility.—
 2556 (5) A private, for-profit hospital that does not accept
 2557 county, state, or federal funds or indigent patients is not
 2558 eligible to participate under ss. 383.15-383.19 ~~383.15-383.21~~.
 2559 (6) Each hospital that contracts with the department to
 2560 provide services under the terms of ss. 383.15-383.19 ~~383.15-~~
 2561 ~~383.21~~ shall prepare and submit to the department an annual
 2562 report that includes, but is not limited to, the number of
 2563 clients served and the costs of services in the center. The
 2564 department shall annually conduct a programmatic and financial
 2565 evaluation of each center.
 2566 Reviser's note.—Amended to conform to the repeal of s. 383.21 by
 2567 s. 98, ch. 2010-102, Laws of Florida.
 2568 Section 89. Paragraph (b) of subsection (1) of section
 2569 391.025, Florida Statutes, is amended to read:
 2570 391.025 Applicability and scope.—
 2571 (1) The Children's Medical Services program consists of
 2572 the following components:
 2573 (b) The regional perinatal intensive care centers program
 2574 established in ss. 383.15-383.19 ~~383.15-383.21~~.

2575 Reviser's note.—Amended to conform to the repeal of s. 383.21 by
 2576 s. 98, ch. 2010-102, Laws of Florida.

2577 Section 90. Subsection (9) of section 394.9084, Florida
 2578 Statutes, is amended to read:

2579 394.9084 Florida Self-Directed Care program.—

2580 ~~(9) By December 31, 2009, the Office of Program Policy~~
 2581 ~~Analysis and Government Accountability shall evaluate the~~
 2582 ~~effectiveness of the Florida Self-Directed Care program. The~~
 2583 ~~evaluation shall include an assessment of participant choice and~~
 2584 ~~access to services, cost savings, coordination and quality of~~
 2585 ~~care, adherence to principles of self-directed care, barriers to~~
 2586 ~~implementation, progress toward expansion of the program~~
 2587 ~~statewide, and recommendations for improvement in the program.~~

2588 Reviser's note.—Amended to delete a provision that has served
 2589 its purpose.

2590 Section 91. Subsection (11) of section 400.471, Florida
 2591 Statutes, as created by section 5 of chapter 2009-223, Laws of
 2592 Florida, and as created as subsection (10) by section 5 of
 2593 chapter 2009-193, Laws of Florida, is repealed.

2594 Reviser's note.—The cited subsection, which provides that an
 2595 initial or change of ownership license for a home health
 2596 agency in counties meeting specified requirements for
 2597 opening a new home health agency may not be issued until
 2598 July 1, 2010, is obsolete.

2599 Section 92. Paragraph (a) of subsection (7) of section
 2600 400.960, Florida Statutes, is amended to read:

2601 400.960 Definitions.—As used in this part, the term:

2602 (7) "Restraint" means a physical device, method, or drug
 2603 used to control behavior.

2604 (a) A physical restraint is any manual method or physical
 2605 or mechanical device, material, or equipment attached or
 2606 adjacent to the individual's body so that he or she cannot
 2607 easily remove the restraint and which restricts freedom of
 2608 movement or normal access to the individual's body ~~one's body~~.

2609 Reviser's note.—Amended to conform to context and improve
 2610 clarity.

2611 Section 93. Paragraph (g) of subsection (4) and subsection
 2612 (8) of section 401.27, Florida Statutes, are amended to read:

2613 401.27 Personnel; standards and certification.—

2614 (4) An applicant for certification or recertification as
 2615 an emergency medical technician or paramedic must:

2616 (g) Submit a completed application to the department,
 2617 which application documents compliance with paragraphs (a), (b),
 2618 (c), (e), (f), and this paragraph ~~(g)~~, and, if applicable,
 2619 paragraph (d). The application must be submitted so as to be
 2620 received by the department at least 30 calendar days before the
 2621 next regularly scheduled examination for which the applicant
 2622 desires to be scheduled.

2623 (8) Each emergency medical technician certificate and each
 2624 paramedic certificate will expire automatically and may be
 2625 renewed if the holder meets the qualifications for renewal as
 2626 established by the department. A certificate that is not renewed

2627 at the end of the 2-year period will automatically revert to an
 2628 inactive status for a period not to exceed 180 days. Such
 2629 certificate may be reactivated and renewed within the 180 days
 2630 if the certificateholder meets all other qualifications for
 2631 renewal and pays a \$25 late fee. Reactivation shall be in a
 2632 manner and on forms prescribed by department rule. ~~The holder of~~
 2633 ~~a certificate that expired on December 1, 1996, has until~~
 2634 ~~September 30, 1997, to reactivate the certificate in accordance~~
 2635 ~~with this subsection.~~

2636 Reviser's note.—Paragraph (4) (g) is amended to conform to
 2637 Florida Statutes cite style. Subsection (8) is amended to
 2638 delete an obsolete provision.

2639 Section 94. Paragraph (a) of subsection (24) of section
 2640 403.061, Florida Statutes, is amended to read:

2641 403.061 Department; powers and duties.—The department
 2642 shall have the power and the duty to control and prohibit
 2643 pollution of air and water in accordance with the law and rules
 2644 adopted and promulgated by it and, for this purpose, to:

2645 (24) (a) Establish a permit system to provide for spoil
 2646 site approval, as may be requested and required by local
 2647 governmental agencies as defined in s. 403.1835(2)(c)
 2648 ~~403.1822(3)~~, or mosquito control districts as defined in s.
 2649 388.011(5), to facilitate these agencies in providing spoil
 2650 sites for the deposit of spoil from maintenance dredging of
 2651 navigation channels, port harbors, turning basins, and harbor
 2652 berths, as part of a federal project, when the agency is acting

2653 as sponsor of a contemplated dredge and fill operation involving
 2654 an established navigation channel, harbor, turning basin, or
 2655 harbor berth. A spoil site approval granted to the agency shall
 2656 be granted for a period of 10 to 25 years when such site is not
 2657 inconsistent with an adopted local governmental comprehensive
 2658 plan and the requirements of this chapter. The department shall
 2659 periodically review each permit to determine compliance with the
 2660 terms and conditions of the permit. Such review shall be
 2661 conducted at least once every 10 years.

2662
 2663 The department shall implement such programs in conjunction with
 2664 its other powers and duties and shall place special emphasis on
 2665 reducing and eliminating contamination that presents a threat to
 2666 humans, animals or plants, or to the environment.

2667 Reviser's note.—Amended to conform to the repeal of s. 403.1822
 2668 by s. 18, ch. 2001-270, Laws of Florida. The term "local
 2669 government agencies" was added to s. 403.1835(2)(a), by
 2670 s.15, 2001-270, Laws of Florida, in response to the repeal
 2671 of s. 403.1822. The section was further amended by s. 40,
 2672 ch. 2010-205, Laws of Florida, which reordered the
 2673 paragraphs so that the definition currently appears at
 2674 paragraph (2)(c).

2675 Section 95. Subsection (1) of section 403.804, Florida
 2676 Statutes, is amended to read:

2677 403.804 Environmental Regulation Commission; powers and
 2678 duties.—

2679 (1) Except as provided in subsection (2) and s. 120.54(4),
 2680 the commission, pursuant to s. 403.805(1), shall exercise the
 2681 standard-setting authority of the department under this chapter;
 2682 part II of chapter 373 ~~376~~; and ss. 373.309(1)(e), 373.414(4)
 2683 and (10), 373.4145(1)(a), 373.421(1), and 373.4592(4)(d)4. and
 2684 (e). The commission, in exercising its authority, shall consider
 2685 scientific and technical validity, economic impacts, and
 2686 relative risks and benefits to the public and the environment.
 2687 The commission shall not establish department policies,
 2688 priorities, plans, or directives. The commission may adopt
 2689 procedural rules governing the conduct of its meetings and
 2690 hearings.

2691 Reviser's note.—Amended to correct an apparent typographical
 2692 error. The referenced part II of chapter 376 does not
 2693 exist.

2694 Section 96. Paragraph (b) of subsection (1) of section
 2695 403.9338, Florida Statutes, is amended to read:

2696 403.9338 Training.—

2697 (1) The department, in cooperation with the Institute of
 2698 Food and Agricultural Sciences, shall:

2699 (b) Approve training and testing programs that are
 2700 equivalent to or more comprehensive than the training provided
 2701 by the department under paragraph (a). Such programs must be
 2702 reviewed and reapproved by the department if significant changes
 2703 are made. ~~Currently approved programs must be reapproved by July~~
 2704 ~~1, 2010.~~

2705 Reviser's note.—Amended to delete an obsolete provision.

2706 Section 97. Section 408.914, Florida Statutes, is
 2707 repealed.

2708 Reviser's note.—Section 408.914 is repealed to remove a
 2709 provision that has served its purpose. The section required
 2710 that the Agency for Health Care Administration, in
 2711 consultation with the steering committee established in s.
 2712 408.916, phase in the Comprehensive Health and Human
 2713 Services Eligibility Access System. The authorization for
 2714 the steering committee ended on June 30, 2004.

2715 Section 98. Section 408.915, Florida Statutes, is
 2716 repealed.

2717 Reviser's note.—Section 408.915 is repealed to remove a
 2718 provision that has served its purpose. The section required
 2719 that the Agency for Health Care Administration, in
 2720 consultation with the steering committee established in s.
 2721 408.916, develop and implement a pilot program to integrate
 2722 the determination of eligibility for health care services
 2723 with information and referral services. The authorization
 2724 for the steering committee ended on June 30, 2004.

2725 Section 99. Section 408.916, Florida Statutes, is
 2726 repealed.

2727 Reviser's note.—Section 408.916 is repealed to remove a
 2728 provision that has served its purpose. The section created
 2729 a steering committee to guide the implementation of the
 2730 pilot project in s. 408.915. The authorization for the

2731 committee ended on June 30, 2004, and its activities were
 2732 to be completed by that date.

2733 Section 100. Paragraph (a) of subsection (2) and
 2734 subsection (7) of section 409.1451, Florida Statutes, are
 2735 amended to read:

2736 409.1451 The Road-to-Independence Program.—

2737 (2) POSTSECONDARY EDUCATION SERVICES AND SUPPORT.—

2738 (a) A young adult is eligible for services and support
 2739 under this subsection if he or she:

2740 1. Was living in licensed care on his or her 18th birthday
 2741 or is currently living in licensed care; or was at least 16
 2742 years of age and was adopted from foster care or placed with a
 2743 court-approved dependency guardian after spending at least 6
 2744 months in licensed care within the 12 months immediately
 2745 preceding such placement or adoption;

2746 2. Spent at least 6 months in licensed care before
 2747 reaching his or her 18th birthday;

2748 3. Earned a standard high school diploma or its equivalent
 2749 pursuant to s. 1003.428, s. 1003.4281, former s. 1003.429, s.
 2750 1003.435, or s. 1003.438;

2751 4. Has been admitted for enrollment as a full-time student
 2752 or its equivalent in an eligible postsecondary educational
 2753 institution as provided in s. 1009.533. For purposes of this
 2754 section, the term "full-time" means 9 credit hours or the
 2755 vocational school equivalent. A student may enroll part-time if
 2756 he or she has a recognized disability or is faced with another

2757 challenge or circumstance that would prevent full-time
 2758 attendance. A student needing to enroll part-time for any reason
 2759 other than having a recognized disability must get approval from
 2760 his or her academic advisor;

2761 5. Has reached 18 years of age but is not yet 23 years of
 2762 age;

2763 6. Has applied, with assistance from the young adult's
 2764 caregiver and the community-based lead agency, for any other
 2765 grants and scholarships for which he or she may qualify;

2766 7. Submitted a Free Application for Federal Student Aid
 2767 which is complete and error free; and

2768 8. Signed an agreement to allow the department and the
 2769 community-based care lead agency access to school records.

2770 (7) INDEPENDENT LIVING SERVICES ADVISORY COUNCIL.—The
 2771 secretary shall establish the Independent Living Services
 2772 Advisory Council for the purpose of reviewing and making
 2773 recommendations concerning the implementation and operation of
 2774 the provisions of s. 39.6251 ~~39.6015~~ and the Road-to-
 2775 Independence Program. The advisory council shall function as
 2776 specified in this subsection until the Legislature determines
 2777 that the advisory council can no longer provide a valuable
 2778 contribution to the department's efforts to achieve the goals of
 2779 the services designed to enable a young adult to live
 2780 independently.

2781 (a) The advisory council shall assess the implementation
 2782 and operation of the Road-to-Independence Program and advise the

2783 department on actions that would improve the ability of these
 2784 Road-to-Independence Program services to meet the established
 2785 goals. The advisory council shall keep the department informed
 2786 of problems being experienced with the services, barriers to the
 2787 effective and efficient integration of services and support
 2788 across systems, and successes that the system of services has
 2789 achieved. The department shall consider, but is not required to
 2790 implement, the recommendations of the advisory council.

2791 (b) The advisory council shall report to the secretary on
 2792 the status of the implementation of the Road-to-Independence
 2793 Program, efforts to publicize the availability of the Road-to-
 2794 Independence Program, the success of the services, problems
 2795 identified, recommendations for department or legislative
 2796 action, and the department's implementation of the
 2797 recommendations contained in the Independent Living Services
 2798 Integration Workgroup Report submitted to the appropriate
 2799 substantive committees of the Legislature by December 31, 2013.
 2800 The department shall submit a report by December 31 of each year
 2801 to the Governor, the President of the Senate, and the Speaker of
 2802 the House of Representatives which includes a summary of the
 2803 factors reported on by the council and identifies the
 2804 recommendations of the advisory council and either describes the
 2805 department's actions to implement the recommendations or
 2806 provides the department's rationale for not implementing the
 2807 recommendations.

2808 (c) Members of the advisory council shall be appointed by

2809 the secretary of the department. The membership of the advisory
 2810 council must include, at a minimum, representatives from the
 2811 headquarters and regional offices of the Department of Children
 2812 and Families, community-based care lead agencies, the Department
 2813 of Juvenile Justice, the Department of Economic Opportunity, the
 2814 Department of Education, the Agency for Health Care
 2815 Administration, the State Youth Advisory Board, Workforce
 2816 Florida, Inc., the Statewide Guardian Ad Litem Office, foster
 2817 parents, recipients of services and funding through the Road-to-
 2818 Independence Program, and advocates for children in care. The
 2819 secretary shall determine the length of the term to be served by
 2820 each member appointed to the advisory council, which may not
 2821 exceed 4 years.

2822 (d) The department shall provide administrative support to
 2823 the Independent Living Services Advisory Council to accomplish
 2824 its assigned tasks. The advisory council shall be afforded
 2825 access to all appropriate data from the department, each
 2826 community-based care lead agency, and other relevant agencies in
 2827 order to accomplish the tasks set forth in this section. The
 2828 data collected may not include any information that would
 2829 identify a specific child or young adult.

2830 (e) The advisory council report required under paragraph
 2831 (b) must include an analysis of the system of independent living
 2832 transition services for young adults who reach 18 years of age
 2833 while in foster care before completing high school or its
 2834 equivalent and recommendations for department or legislative

2835 action. The council shall assess and report on the most
 2836 effective method of assisting these young adults to complete
 2837 high school or its equivalent by examining the practices of
 2838 other states.

2839 Reviser's note.—Paragraph (2) (a) is amended to conform to the
 2840 repeal of s. 1003.429, by s. 20, ch. 2013-27, Laws of
 2841 Florida. Subsection (7) is amended to correct an apparent
 2842 error. Section 39.6015 does not exist. The intended
 2843 reference is to s. 39.6251 which relates to continuing care
 2844 of young adults.

2845 Section 101. Paragraph (b) of subsection (5) of section
 2846 409.907, Florida Statutes, is amended to read:

2847 409.907 Medicaid provider agreements.—The agency may make
 2848 payments for medical assistance and related services rendered to
 2849 Medicaid recipients only to an individual or entity who has a
 2850 provider agreement in effect with the agency, who is performing
 2851 services or supplying goods in accordance with federal, state,
 2852 and local law, and who agrees that no person shall, on the
 2853 grounds of handicap, race, color, or national origin, or for any
 2854 other reason, be subjected to discrimination under any program
 2855 or activity for which the provider receives payment from the
 2856 agency.

2857 (5) The agency:

2858 (b) Is prohibited from demanding repayment from the
 2859 provider in any instance in which the Medicaid overpayment is
 2860 attributable to agency error ~~of the department~~ in the

2861 determination of eligibility of a recipient.
 2862 Reviser's note.—Amended to conform to context. Paragraph (5) (b)
 2863 was amended by s. 5, ch. 96-417, Laws of Florida, which
 2864 used the words "error of the department." The paragraph was
 2865 also amended by s. 2, ch. 96-387, Laws of Florida, which
 2866 used the words "agency error"; ch. 96-387 conformed
 2867 provisions in the Florida Statutes to the transfer of
 2868 responsibilities from the Department of Health and
 2869 Rehabilitative Services to the Agency for Health Care
 2870 Administration. Paragraph (5) (b) is amended here to resolve
 2871 the conflict based on context. The section contains
 2872 numerous references to the agency and no other references
 2873 to the department.

2874 Section 102. Subsection (2) and paragraph (d) of
 2875 subsection (3) of section 409.9082, Florida Statutes, are
 2876 amended to read:

2877 409.9082 Quality assessment on nursing home facility
 2878 providers; exemptions; purpose; federal approval required;
 2879 remedies.—

2880 (2) ~~Effective April 1, 2009,~~ A quality assessment is
 2881 imposed upon each nursing home facility. The aggregated amount
 2882 of assessments for all nursing home facilities in a given year
 2883 shall be an amount not exceeding the maximum percentage allowed
 2884 under federal law of the total aggregate net patient service
 2885 revenue of assessed facilities. The agency shall calculate the
 2886 quality assessment rate annually on a per-resident-day basis,

2887 exclusive of those resident days funded by the Medicare program,
 2888 as reported by the facilities. The per-resident-day assessment
 2889 rate must be uniform except as prescribed in subsection (3).
 2890 Each facility shall report monthly to the agency its total
 2891 number of resident days, exclusive of Medicare Part A resident
 2892 days, and remit an amount equal to the assessment rate times the
 2893 reported number of days. The agency shall collect, and each
 2894 facility shall pay, the quality assessment each month. The
 2895 agency shall collect the assessment from nursing home facility
 2896 providers by the 15th day of the next succeeding calendar month.
 2897 The agency shall notify providers of the quality assessment and
 2898 provide a standardized form to complete and submit with
 2899 payments. The collection of the nursing home facility quality
 2900 assessment shall commence no sooner than 5 days after the
 2901 agency's initial payment of the Medicaid rates containing the
 2902 elements prescribed in subsection (4). Nursing home facilities
 2903 may not create a separate line-item charge for the purpose of
 2904 passing the assessment through to residents.

2905 (3)

2906 (d) ~~Effective July 1, 2011,~~ The agency may exempt from the
 2907 quality assessment or apply a lower quality assessment rate to a
 2908 qualified public, nonstate-owned or operated nursing home
 2909 facility whose total annual indigent census days are greater
 2910 than 20 percent of the facility's total annual census days.

2911 Reviser's note.—Amended to delete obsolete provisions.

2912 Section 103. Subsection (2) of section 409.981, Florida

2913 Statutes, is amended to read:

2914 409.981 Eligible long-term care plans.—

2915 (2) ELIGIBLE PLAN SELECTION.—The agency shall select
 2916 eligible plans through the procurement process described in s.
 2917 409.966. ~~The agency shall provide notice of invitations to~~
 2918 ~~negotiate by July 1, 2012.~~ The agency shall procure:

2919 (a) Two plans for Region 1. At least one plan must be a
 2920 provider service network if any provider service networks submit
 2921 a responsive bid.

2922 (b) Two plans for Region 2. At least one plan must be a
 2923 provider service network if any provider service networks submit
 2924 a responsive bid.

2925 (c) At least three plans and up to five plans for Region
 2926 3. At least one plan must be a provider service network if any
 2927 provider service networks submit a responsive bid.

2928 (d) At least three plans and up to five plans for Region
 2929 4. At least one plan must be a provider service network if any
 2930 provider service network submits a responsive bid.

2931 (e) At least two plans and up to four plans for Region 5.
 2932 At least one plan must be a provider service network if any
 2933 provider service networks submit a responsive bid.

2934 (f) At least four plans and up to seven plans for Region
 2935 6. At least one plan must be a provider service network if any
 2936 provider service networks submit a responsive bid.

2937 (g) At least three plans and up to six plans for Region 7.
 2938 At least one plan must be a provider service network if any

2939 provider service networks submit a responsive bid.

2940 (h) At least two plans and up to four plans for Region 8.
 2941 At least one plan must be a provider service network if any
 2942 provider service networks submit a responsive bid.

2943 (i) At least two plans and up to four plans for Region 9.
 2944 At least one plan must be a provider service network if any
 2945 provider service networks submit a responsive bid.

2946 (j) At least two plans and up to four plans for Region 10.
 2947 At least one plan must be a provider service network if any
 2948 provider service networks submit a responsive bid.

2949 (k) At least five plans and up to 10 plans for Region 11.
 2950 At least one plan must be a provider service network if any
 2951 provider service networks submit a responsive bid.

2952
 2953 If no provider service network submits a responsive bid in a
 2954 region other than Region 1 or Region 2, the agency shall procure
 2955 no more than one less than the maximum number of eligible plans
 2956 permitted in that region. Within 12 months after the initial
 2957 invitation to negotiate, the agency shall attempt to procure a
 2958 provider service network. The agency shall notice another
 2959 invitation to negotiate only with provider service networks in
 2960 regions where no provider service network has been selected.

2961 Reviser's note.—Amended to delete an obsolete provision.

2962 Section 104. Paragraph (d) of subsection (9) of section
 2963 411.203, Florida Statutes, is amended to read:

2964 411.203 Continuum of comprehensive services.—The

2965 Department of Education and the Department of Health shall
 2966 utilize the continuum of prevention and early assistance
 2967 services for high-risk pregnant women and for high-risk and
 2968 handicapped children and their families, as outlined in this
 2969 section, as a basis for the intraagency and interagency program
 2970 coordination, monitoring, and analysis required in this chapter.
 2971 The continuum shall be the guide for the comprehensive statewide
 2972 approach for services for high-risk pregnant women and for high-
 2973 risk and handicapped children and their families, and may be
 2974 expanded or reduced as necessary for the enhancement of those
 2975 services. Expansion or reduction of the continuum shall be
 2976 determined by intraagency or interagency findings and agreement,
 2977 whichever is applicable. Implementation of the continuum shall
 2978 be based upon applicable eligibility criteria, availability of
 2979 resources, and interagency prioritization when programs impact
 2980 both agencies, or upon single agency prioritization when
 2981 programs impact only one agency. The continuum shall include,
 2982 but not be limited to:

2983 (9) MANAGEMENT SYSTEMS AND PROCEDURES.—

2984 (d) Information sharing system among the Department of
 2985 Health ~~and Rehabilitative Services~~, the Department of Education,
 2986 local education agencies, and other appropriate entities, on
 2987 children eligible for services. Information may be shared when
 2988 parental or guardian permission has been given for release.

2989 Reviser's note.—Amended to substitute a reference to the
 2990 Department of Health for a reference to the Department of

2991 Health and Rehabilitative Services to conform to context.
 2992 Section 6, ch. 96-403, Laws of Florida, transferred all
 2993 duties of the Department of Health and Rehabilitative
 2994 Services relating to public health to the Department of
 2995 Health as created by s. 8, ch. 96-403.

2996 Section 105. Section 420.151, Florida Statutes, is
 2997 repealed.

2998 Reviser's note.—The cited section stipulated that the first
 2999 meeting of the Housing Development Corporation would be
 3000 called by a notice by incorporators and set an agenda for
 3001 the meeting. The section was created by s. 1, ch. 72-172,
 3002 Laws of Florida, and has not been amended since its
 3003 creation.

3004 Section 106. Paragraph (c) of subsection (6) of section
 3005 420.5087, Florida Statutes, is amended to read:

3006 420.5087 State Apartment Incentive Loan Program.—There is
 3007 hereby created the State Apartment Incentive Loan Program for
 3008 the purpose of providing first, second, or other subordinated
 3009 mortgage loans or loan guarantees to sponsors, including for-
 3010 profit, nonprofit, and public entities, to provide housing
 3011 affordable to very-low-income persons.

3012 (6) On all state apartment incentive loans, except loans
 3013 made to housing communities for the elderly to provide for
 3014 lifesafety, building preservation, health, sanitation, or
 3015 security-related repairs or improvements, the following
 3016 provisions shall apply:

3017 (c) The corporation shall provide by rule for the
 3018 establishment of a review committee for the competitive
 3019 evaluation and selection of applications submitted in this
 3020 program, including, but not limited to, the following criteria:

3021 1. Tenant income and demographic targeting objectives of
 3022 the corporation.

3023 2. Targeting objectives of the corporation which will
 3024 ensure an equitable distribution of loans between rural and
 3025 urban areas.

3026 3. Sponsor's agreement to reserve the units for persons or
 3027 families who have incomes below 50 percent of the state or local
 3028 median income, whichever is higher, for a time period that
 3029 exceeds the minimum required by federal law or ~~the~~ this part.

3030 4. Sponsor's agreement to reserve more than:

3031 a. Twenty percent of the units in the project for persons
 3032 or families who have incomes that do not exceed 50 percent of
 3033 the state or local median income, whichever is higher; or

3034 b. Forty percent of the units in the project for persons
 3035 or families who have incomes that do not exceed 60 percent of
 3036 the state or local median income, whichever is higher, without
 3037 requiring a greater amount of the loans as provided in this
 3038 section.

3039 5. Provision for tenant counseling.

3040 6. Sponsor's agreement to accept rental assistance
 3041 certificates or vouchers as payment for rent.

3042 7. Projects requiring the least amount of a state

3043 apartment incentive loan compared to overall project cost,
 3044 except that the share of the loan attributable to units serving
 3045 extremely-low-income persons must be excluded from this
 3046 requirement.

3047 8. Local government contributions and local government
 3048 comprehensive planning and activities that promote affordable
 3049 housing.

3050 9. Project feasibility.

3051 10. Economic viability of the project.

3052 11. Commitment of first mortgage financing.

3053 12. Sponsor's prior experience.

3054 13. Sponsor's ability to proceed with construction.

3055 14. Projects that directly implement or assist welfare-to-
 3056 work transitioning.

3057 15. Projects that reserve units for extremely-low-income
 3058 persons.

3059 16. Projects that include green building principles,
 3060 storm-resistant construction, or other elements that reduce
 3061 long-term costs relating to maintenance, utilities, or
 3062 insurance.

3063 17. Job-creation rate of the developer and general
 3064 contractor, as provided in s. 420.507(47).

3065 Reviser's note.—Amended to confirm the editorial deletion of the
 3066 word "the" following the word "or."

3067 Section 107. Subsection (9) of section 420.622, Florida
 3068 Statutes, is amended to read:

3069 420.622 State Office on Homelessness; Council on
 3070 Homelessness.—

3071 (9) The council shall, by June 30 of each year, ~~beginning~~
 3072 ~~in 2010,~~ provide to the Governor, the Legislature, and the
 3073 Secretary of Children and Family Services a report summarizing
 3074 the extent of homelessness in the state and the council's
 3075 recommendations for reducing homelessness in this state.
 3076 Reviser's note.—Amended to delete an obsolete provision.

3077 Section 108. Subsection (5) of section 429.14, Florida
 3078 Statutes, is amended to read:

3079 429.14 Administrative penalties.—

3080 (5) An action taken by the agency to suspend, deny, or
 3081 revoke a facility's license under this part or part II of
 3082 chapter 408, in which the agency claims that the facility owner
 3083 or an employee of the facility has threatened the health,
 3084 safety, or welfare of a resident of the facility, shall be heard
 3085 by the Division of Administrative Hearings of the Department of
 3086 Management Services within 120 days after receipt of the
 3087 facility's request for a hearing, unless that time limitation is
 3088 waived by both parties. The administrative law judge must render
 3089 a decision within 30 days after receipt of a proposed
 3090 recommended order.

3091 Reviser's note.—Amended to insert the word "shall" following the
 3092 word "facility" to facilitate correct interpretation and
 3093 improve clarity.

3094 Section 109. Section 430.207, Florida Statutes, is amended

3095 to read:
 3096 430.207 Confidentiality of information.—Information about
 3097 functionally impaired elderly persons who receive services under
 3098 ss. 430.201-430.2053 and 430.902 ~~430.201-430.206~~ which is
 3099 received through files, reports, inspections, or otherwise, by
 3100 the department or by authorized departmental employees, by
 3101 persons who volunteer services, or by persons who provide
 3102 services to functionally impaired elderly persons under ss.
 3103 430.201-430.2053 and 430.902 ~~430.201-430.206~~ through contracts
 3104 with the department is confidential and exempt from the
 3105 provisions of s. 119.07(1). Such information may not be
 3106 disclosed publicly in such a manner as to identify a
 3107 functionally impaired elderly person, unless that person or his
 3108 or her legal guardian provides written consent.

3109 Reviser's note.—Amended to conform to the transfer of s. 430.206
 3110 to s. 430.902 by s. 2 , ch. 2005-223, Laws of Florida.

3111 Section 110. Paragraph (c) of subsection (1) of section
 3112 443.091, Florida Statutes, is amended to read:

3113 443.091 Benefit eligibility conditions.—

3114 (1) An unemployed individual is eligible to receive
 3115 benefits for any week only if the Department of Economic
 3116 Opportunity finds that:

3117 (c) To make continued claims for benefits, she or he is
 3118 reporting to the department in accordance with this paragraph
 3119 and department rules, and participating in an initial skills
 3120 review, as directed by the department. Department rules may not

3121 conflict with s. 443.111(1)(b), which requires that each
3122 claimant continue to report regardless of any pending appeal
3123 relating to her or his eligibility or disqualification for
3124 benefits.

3125 1. For each week of unemployment claimed, each report
3126 must, at a minimum, include the name, address, and telephone
3127 number of each prospective employer contacted, or the date the
3128 claimant reported to a one-stop career center, pursuant to
3129 paragraph (d).

3130 2. The administrator or operator of the initial skills
3131 review shall notify the department when the individual completes
3132 the initial skills review and report the results of the review
3133 to the regional workforce board or the one-stop career center as
3134 directed by the workforce board. The department shall prescribe
3135 a numeric score on the initial skills review that demonstrates a
3136 minimal proficiency in workforce skills. The department,
3137 workforce board, or one-stop career center shall use the initial
3138 skills review to develop a plan for referring individuals to
3139 training and employment opportunities. The failure of the
3140 individual to comply with this requirement will result in the
3141 individual being determined ineligible for benefits for the week
3142 in which the noncompliance occurred and for any subsequent week
3143 of unemployment until the requirement is satisfied. However,
3144 this requirement does not apply if the individual is exempt from
3145 the work registration requirement as set forth in paragraph (b).

3146 3. Any individual who falls below the minimal proficiency

3147 | score prescribed by the department in subparagraph 2. on the
 3148 | initial skills review shall be offered training opportunities
 3149 | and encouraged to participate in such training at no cost to the
 3150 | individual in order to improve his or her workforce skills to
 3151 | the minimal proficiency level.

3152 | 4. The department shall coordinate with Workforce Florida,
 3153 | Inc., the workforce boards, and the one-stop career centers to
 3154 | identify, develop, and utilize best practices for improving the
 3155 | skills of individuals who choose to participate in training
 3156 | opportunities and who have a minimal proficiency score below the
 3157 | score prescribed in subparagraph 2.

3158 | ~~5. The department, in coordination with Workforce Florida,~~
 3159 | ~~Inc., the workforce boards, and the one-stop career centers,~~
 3160 | ~~shall evaluate the use, effectiveness, and costs associated with~~
 3161 | ~~the training prescribed in subparagraph 3. and report its~~
 3162 | ~~findings and recommendations for training and the use of best~~
 3163 | ~~practices to the Governor, the President of the Senate, and the~~
 3164 | ~~Speaker of the House of Representatives by January 1, 2013.~~

3165 | Reviser's note.—Amended to delete a provision that has served
 3166 | its purpose.

3167 | Section 111. Paragraph (a) of subsection (1) of section
 3168 | 443.1216, Florida Statutes, is amended to read:

3169 | 443.1216 Employment.—Employment, as defined in s. 443.036,
 3170 | is subject to this chapter under the following conditions:

3171 | (1) (a) The employment subject to this chapter includes a
 3172 | service performed, including a service performed in interstate

3173 commerce, by:

3174 1. An officer of a corporation.

3175 2. An individual who, under the usual common-law rules

3176 applicable in determining the employer-employee relationship, is

3177 an employee. However, whenever a client, as defined in s.

3178 443.036(18), which would otherwise be designated as an employing

3179 unit has contracted with an employee leasing company to supply

3180 it with workers, those workers are considered employees of the

3181 employee leasing company. An employee leasing company may lease

3182 corporate officers of the client to the client and other workers

3183 to the client, except as prohibited by regulations of the

3184 Internal Revenue Service. Employees of an employee leasing

3185 company must be reported under the employee leasing company's

3186 tax identification number and contribution rate for work

3187 performed for the employee leasing company.

3188 a. However, except for the internal employees of an

3189 employee leasing company, each employee leasing company may make

3190 a separate one-time election to report and pay contributions

3191 under the tax identification number and contribution rate for

3192 each client of the employee leasing company. Under the client

3193 method, an employee leasing company choosing this option must

3194 assign leased employees to the client company that is leasing

3195 the employees. The client method is solely a method to report

3196 and pay unemployment contributions, and, whichever method is

3197 chosen, such election may not impact any other aspect of state

3198 law. An employee leasing company that elects the client method

3199 must pay contributions at the rates assigned to each client
 3200 company.

3201 (I) The election applies to all of the employee leasing
 3202 company's current and future clients.

3203 (II) The employee leasing company must notify the
 3204 Department of Revenue of its election by July 1, 2012, and such
 3205 election applies to reports and contributions for the first
 3206 quarter of the following calendar year. The notification must
 3207 include:

3208 (A) A list of each client company and the unemployment
 3209 account number or, if one has not yet been issued, the federal
 3210 employment identification number, as established by the employee
 3211 leasing company upon the election to file by client method;

3212 (B) A list of each client company's current and previous
 3213 employees and their respective social security numbers for the
 3214 prior 3 state fiscal years or, if the client company has not
 3215 been a client for the prior 3 state fiscal years, such portion
 3216 of the prior 3 state fiscal years that the client company has
 3217 been a client must be supplied;

3218 (C) The wage data and benefit charges associated with each
 3219 client company for the prior 3 state fiscal years or, if the
 3220 client company has not been a client for the prior 3 state
 3221 fiscal years, such portion of the prior 3 state fiscal years
 3222 that the client company has been a client must be supplied. If
 3223 the client company's employment record is chargeable with
 3224 benefits for less than 8 calendar quarters while being a client

3225 of the employee leasing company, the client company must pay
 3226 contributions at the initial rate of 2.7 percent; and

3227 (D) The wage data and benefit charges for the prior 3
 3228 state fiscal years that cannot be associated with a client
 3229 company must be reported and charged to the employee leasing
 3230 company.

3231 (III) Subsequent to choosing the client method, the
 3232 employee leasing company may not change its reporting method.

3233 (IV) The employee leasing company shall file a Florida
 3234 Department of Revenue Employer's Quarterly Report for each
 3235 client company by approved electronic means, and pay all
 3236 contributions by approved electronic means.

3237 (V) For the purposes of calculating experience rates when
 3238 the client method is chosen, each client's own benefit charges
 3239 and wage data experience while with the employee leasing company
 3240 determines each client's tax rate where the client has been a
 3241 client of the employee leasing company for at least 8 calendar
 3242 quarters before the election. The client company shall continue
 3243 to report the nonleased employees under its tax rate.

3244 (VI) The election is binding on each client of the
 3245 employee leasing company for as long as a written agreement is
 3246 in effect between the client and the employee leasing company
 3247 pursuant to s. 468.525(3)(a). If the relationship between the
 3248 employee leasing company and the client terminates, the client
 3249 retains the wage and benefit history experienced under the
 3250 employee leasing company.

3251 (VII) Notwithstanding which election method the employee
 3252 leasing company chooses, the applicable client company is an
 3253 employing unit for purposes of s. 443.071. The employee leasing
 3254 company or any of its officers or agents are liable for any
 3255 violation of s. 443.071 engaged in by such persons or entities.
 3256 The applicable client company or any of its officers or agents
 3257 are liable for any violation of s. 443.071 engaged in by such
 3258 persons or entities. The employee leasing company or its
 3259 applicable client company is not liable for any violation of s.
 3260 443.071 engaged in by the other party or by the other party's
 3261 officers or agents.

3262 (VIII) If an employee leasing company fails to select the
 3263 client method of reporting not later than July 1, 2012, the
 3264 entity is required to report under the employee leasing
 3265 company's tax identification number and contribution rate.

3266 (IX) After an employee leasing company is licensed
 3267 pursuant to part XI of chapter 468, each newly licensed entity
 3268 has 30 days after the date the license is granted to notify the
 3269 tax collection service provider in writing of their selection of
 3270 the client method. A newly licensed employee leasing company
 3271 that fails to timely select reporting pursuant to the client
 3272 method of reporting must report under the employee leasing
 3273 company's tax identification number and contribution rate.

3274 (X) Irrespective of the election, each transfer of trade
 3275 or business, including workforce, or a portion thereof, between
 3276 employee leasing companies is subject to the provisions of s.

3277 443.131(3)(g) if, at the time of the transfer, there is common
 3278 ownership, management, or control between the entities.

3279 b. In addition to any other report required to be filed by
 3280 law, an employee leasing company shall submit a report to the
 3281 Labor Market Statistics Center within the Department of Economic
 3282 Opportunity which includes each client establishment and each
 3283 establishment of the leasing company, or as otherwise directed
 3284 by the department. The report must include the following
 3285 information for each establishment:

- 3286 (I) The trade or establishment name;
- 3287 (II) The former reemployment assistance account number, if
 3288 available;
- 3289 (III) The former federal employer's identification number,
 3290 if available;
- 3291 (IV) The industry code recognized and published by the
 3292 United States Office of Management and Budget, if available;
- 3293 (V) A description of the client's primary business
 3294 activity in order to verify or assign an industry code;
- 3295 (VI) The address of the physical location;
- 3296 (VII) The number of full-time and part-time employees who
 3297 worked during, or received pay that was subject to reemployment
 3298 assistance taxes for, the pay period including the 12th of the
 3299 month for each month of the quarter;
- 3300 (VIII) The total wages subject to reemployment assistance
 3301 taxes paid during the calendar quarter;
- 3302 (IX) An internal identification code to uniquely identify

3303 each establishment of each client;

3304 (X) The month and year that the client entered into the

3305 contract for services; and

3306 (XI) The month and year that the client terminated the

3307 contract for services.

3308 c. The report must be submitted electronically or in a

3309 manner otherwise prescribed by the Department of Economic

3310 Opportunity in the format specified by the Bureau of Labor

3311 Statistics of the United States Department of Labor for its

3312 Multiple Worksite Report for Professional Employer

3313 Organizations. The report must be provided quarterly to the

3314 Labor Market Statistics Center within the department, or as

3315 otherwise directed by the department, and must be filed by the

3316 last day of the month immediately after the end of the calendar

3317 quarter. The information required in sub-sub-subparagraphs b.(X)

3318 and (XI) need be provided only in the quarter in which the

3319 contract to which it relates was entered into or terminated. The

3320 sum of the employment data and the sum of the wage data in this

3321 report must match the employment and wages reported in the

3322 reemployment assistance quarterly tax and wage report. ~~A report~~

3323 ~~is not required for any calendar quarter preceding the third~~

3324 ~~calendar quarter of 2010.~~

3325 d. The department shall adopt rules as necessary to

3326 administer this subparagraph, and may administer, collect,

3327 enforce, and waive the penalty imposed by s. 443.141(1)(b) for

3328 the report required by this subparagraph.

3329 e. For the purposes of this subparagraph, the term
 3330 "establishment" means any location where business is conducted
 3331 or where services or industrial operations are performed.

3332 3. An individual other than an individual who is an
 3333 employee under subparagraph 1. or subparagraph 2., who performs
 3334 services for remuneration for any person:

3335 a. As an agent-driver or commission-driver engaged in
 3336 distributing meat products, vegetable products, fruit products,
 3337 bakery products, beverages other than milk, or laundry or
 3338 drycleaning services for his or her principal.

3339 b. As a traveling or city salesperson engaged on a full-
 3340 time basis in the solicitation on behalf of, and the
 3341 transmission to, his or her principal of orders from
 3342 wholesalers, retailers, contractors, or operators of hotels,
 3343 restaurants, or other similar establishments for merchandise for
 3344 resale or supplies for use in the business operations. This sub-
 3345 subparagraph does not apply to an agent-driver or a commission-
 3346 driver and does not apply to sideline sales activities performed
 3347 on behalf of a person other than the salesperson's principal.

3348 4. The services described in subparagraph 3. are
 3349 employment subject to this chapter only if:

3350 a. The contract of service contemplates that substantially
 3351 all of the services are to be performed personally by the
 3352 individual;

3353 b. The individual does not have a substantial investment
 3354 in facilities used in connection with the services, other than

3355 facilities used for transportation; and

3356 c. The services are not in the nature of a single
 3357 transaction that is not part of a continuing relationship with
 3358 the person for whom the services are performed.

3359 Reviser's note.—Amended to delete an obsolete provision.

3360 Section 112. Paragraph (g) of subsection (3) and paragraph
 3361 (d) of subsection (5) of section 443.131, Florida Statutes, are
 3362 amended to read:

3363 443.131 Contributions.—

3364 (3) VARIATION OF CONTRIBUTION RATES BASED ON BENEFIT
 3365 EXPERIENCE.—

3366 (g) *Transfer of unemployment experience upon transfer or*
 3367 *acquisition of a business.*—Notwithstanding any other provision
 3368 of law, upon transfer or acquisition of a business, the
 3369 following conditions apply to the assignment of rates and to
 3370 transfers of unemployment experience:

3371 1.a. If an employer transfers its trade or business, or a
 3372 portion thereof, to another employer and, at the time of the
 3373 transfer, there is any common ownership, management, or control
 3374 of the two employers, the unemployment experience attributable
 3375 to the transferred trade or business shall be transferred to the
 3376 employer to whom the business is so transferred. The rates of
 3377 both employers shall be recalculated and made effective as of
 3378 the beginning of the calendar quarter immediately following the
 3379 date of the transfer of the trade or business unless the
 3380 transfer occurred on the first day of a calendar quarter, in

3381 which case the rate shall be recalculated as of that date.

3382 b. If, following a transfer of experience under sub-
 3383 subparagraph a., the department or the tax collection service
 3384 provider determines that a substantial purpose of the transfer
 3385 of trade or business was to obtain a reduced liability for
 3386 contributions, the experience rating account of the employers
 3387 involved shall be combined into a single account and a single
 3388 rate assigned to the account.

3389 2. Whenever a person ~~who~~ is not an employer under this
 3390 chapter at the time it acquires the trade or business of an
 3391 employer, the unemployment experience of the acquired business
 3392 shall not be transferred to the person if the department or the
 3393 tax collection service provider finds that such person acquired
 3394 the business solely or primarily for the purpose of obtaining a
 3395 lower rate of contributions. Instead, such person shall be
 3396 assigned the new employer rate under paragraph (2) (a). In
 3397 determining whether the business was acquired solely or
 3398 primarily for the purpose of obtaining a lower rate of
 3399 contributions, the tax collection service provider shall
 3400 consider, but not be limited to, the following factors:

3401 a. Whether the person continued the business enterprise of
 3402 the acquired business;

3403 b. How long such business enterprise was continued; or

3404 c. Whether a substantial number of new employees was hired
 3405 for performance of duties unrelated to the business activity
 3406 conducted before the acquisition.

3407 3. If a person knowingly violates or attempts to violate
 3408 subparagraph 1. or subparagraph 2. or any other provision of
 3409 this chapter related to determining the assignment of a
 3410 contribution rate, or if a person knowingly advises another
 3411 person to violate the law, the person shall be subject to the
 3412 following penalties:

3413 a. If the person is an employer, the employer shall be
 3414 assigned the highest rate assignable under this chapter for the
 3415 rate year during which such violation or attempted violation
 3416 occurred and for the 3 rate years immediately following this
 3417 rate year. However, if the person's business is already at the
 3418 highest rate for any year, or if the amount of increase in the
 3419 person's rate would be less than 2 percent for such year, then a
 3420 penalty rate of contribution of 2 percent of taxable wages shall
 3421 be imposed for such year and the following 3 rate years.

3422 b. If the person is not an employer, such person shall be
 3423 subject to a civil money penalty of not more than \$5,000. The
 3424 procedures for the assessment of a penalty shall be in
 3425 accordance with the procedures set forth in s. 443.141(2), and
 3426 the provisions of s. 443.141(3) shall apply to the collection of
 3427 the penalty. Any such penalty shall be deposited in the penalty
 3428 and interest account established under s. 443.211(2).

3429 4. For purposes of this paragraph, the term:

3430 a. "Knowingly" means having actual knowledge of or acting
 3431 with deliberate ignorance or reckless disregard for the
 3432 prohibition involved.

3433 b. "Violates or attempts to violate" includes, but is not
 3434 limited to, intent to evade, misrepresent, or willfully
 3435 nondisclose.

3436 5. In addition to the penalty imposed by subparagraph 3.,
 3437 any person who violates this paragraph commits a felony of the
 3438 third degree, punishable as provided in s. 775.082, s. 775.083,
 3439 or s. 775.084.

3440 6. The department and the tax collection service provider
 3441 shall establish procedures to identify the transfer or
 3442 acquisition of a business for the purposes of this paragraph and
 3443 shall adopt any rules necessary to administer this paragraph.

3444 7. For purposes of this paragraph:

3445 a. "Person" has the meaning given to the term by s.
 3446 7701(a)(1) of the Internal Revenue Code of 1986.

3447 b. "Trade or business" shall include the employer's
 3448 workforce.

3449 8. This paragraph shall be interpreted and applied in such
 3450 a manner as to meet the minimum requirements contained in any
 3451 guidance or regulations issued by the United States Department
 3452 of Labor.

3453 (5) ADDITIONAL RATE FOR INTEREST ON FEDERAL ADVANCES.—

3454 (d) The tax collection service provider shall make a
 3455 separate collection of such assessment, which may be collected
 3456 at the time of employer contributions and subject to the same
 3457 penalties for failure to file a report, imposition of the
 3458 standard rate pursuant to paragraph (3)(h), and interest if the

3459 assessment is not received on or before June 30. ~~Section~~
 3460 ~~443.141(1) (d) and (e) does not apply to this separately~~
 3461 ~~collected assessment.~~ The tax collection service provider shall
 3462 maintain those funds in the tax collection service provider's
 3463 Audit and Warrant Clearing Trust Fund until the provider is
 3464 directed by the Governor or the Governor's designee to make the
 3465 interest payment to the Federal Government. Assessments on
 3466 deposit must be available to pay the interest on advances
 3467 received from the Federal Government under 42 U.S.C. s. 1321.
 3468 Assessments on deposit may be invested and any interest earned
 3469 shall be part of the balance available to pay the interest on
 3470 advances received from the Federal Government under 42 U.S.C. s.
 3471 1321.

3472 Reviser's note.—Paragraph (3) (g) is amended to delete the word
 3473 "who" to improve clarity. Paragraph (5) (d) is amended to
 3474 delete an obsolete provision; referenced paragraphs (d) and
 3475 (e) of s. 443.141(1) are repealed by this act.

3476 Section 113. Paragraphs (d) and (e) of subsection (1) of
 3477 section 443.141, Florida Statutes, are amended to read:

3478 443.141 Collection of contributions and reimbursements.—

3479 (1) PAST DUE CONTRIBUTIONS AND REIMBURSEMENTS; DELINQUENT,
 3480 ERRONEOUS, INCOMPLETE, OR INSUFFICIENT REPORTS.—

3481 ~~(d) *Payments for 2010 Contributions.*—For an annual~~
 3482 ~~administrative fee not to exceed \$5, a contributing employer may~~
 3483 ~~pay its quarterly contributions due for wages paid in the first~~
 3484 ~~three quarters of 2010 in equal installments if those~~

3485 ~~contributions are paid as follows:~~

3486 ~~1. For contributions due for wages paid in the first~~
 3487 ~~quarter of 2010, one-fourth of the contributions due must be~~
 3488 ~~paid on or before April 30, 2010, one-fourth must be paid on or~~
 3489 ~~before July 31, 2010, one-fourth must be paid on or before~~
 3490 ~~October 31, 2010, and the remaining one-fourth must be paid on~~
 3491 ~~or before December 31, 2010.~~

3492 ~~2. In addition to the payments specified in subparagraph~~
 3493 ~~1., for contributions due for wages paid in the second quarter~~
 3494 ~~of 2010, one-third of the contributions due must be paid on or~~
 3495 ~~before July 31, 2010, one-third must be paid on or before~~
 3496 ~~October 31, 2010, and the remaining one-third must be paid on or~~
 3497 ~~before December 31, 2010.~~

3498 ~~3. In addition to the payments specified in subparagraphs~~
 3499 ~~1. and 2., for contributions due for wages paid in the third~~
 3500 ~~quarter of 2010, one-half of the contributions due must be paid~~
 3501 ~~on or before October 31, 2010, and the remaining one-half must~~
 3502 ~~be paid on or before December 31, 2010.~~

3503 ~~4. The annual administrative fee not to exceed \$5 for the~~
 3504 ~~election to pay under the installment method shall be collected~~
 3505 ~~at the time the employer makes the first installment payment.~~
 3506 ~~The \$5 fee shall be segregated from the payment and shall be~~
 3507 ~~deposited in the Operating Trust Fund within the Department of~~
 3508 ~~Revenue.~~

3509 ~~5. Interest does not accrue on any contribution that~~
 3510 ~~becomes due for wages paid in the first three quarters of 2010~~

3511 ~~if the employer pays the contribution in accordance with~~
 3512 ~~subparagraphs 1.-4. Interest and fees continue to accrue on~~
 3513 ~~prior delinquent contributions and commence accruing on all~~
 3514 ~~contributions due for wages paid in the first three quarters of~~
 3515 ~~2010 which are not paid in accordance with subparagraphs 1.-3.~~
 3516 ~~Penalties may be assessed in accordance with this chapter. The~~
 3517 ~~contributions due for wages paid in the fourth quarter of 2010~~
 3518 ~~are not affected by this paragraph and are due and payable in~~
 3519 ~~accordance with this chapter.~~

3520 ~~(c) *Payments for 2011 Contributions.* For an annual~~
 3521 ~~administrative fee not to exceed \$5, a contributing employer may~~
 3522 ~~pay its quarterly contributions due for wages paid in the first~~
 3523 ~~three quarters of 2011 in equal installments if those~~
 3524 ~~contributions are paid as follows:~~

3525 ~~1. For contributions due for wages paid in the first~~
 3526 ~~quarter of 2011, one-fourth of the contributions due must be~~
 3527 ~~paid on or before April 30, 2011, one-fourth must be paid on or~~
 3528 ~~before July 31, 2011, one-fourth must be paid on or before~~
 3529 ~~October 31, 2011, and the remaining one-fourth must be paid on~~
 3530 ~~or before December 31, 2011.~~

3531 ~~2. In addition to the payments specified in subparagraph~~
 3532 ~~1., for contributions due for wages paid in the second quarter~~
 3533 ~~of 2011, one-third of the contributions due must be paid on or~~
 3534 ~~before July 31, 2011, one-third must be paid on or before~~
 3535 ~~October 31, 2011, and the remaining one-third must be paid on or~~
 3536 ~~before December 31, 2011.~~

3537 ~~3. In addition to the payments specified in subparagraphs~~
 3538 ~~1. and 2., for contributions due for wages paid in the third~~
 3539 ~~quarter of 2011, one-half of the contributions due must be paid~~
 3540 ~~on or before October 31, 2011, and the remaining one-half must~~
 3541 ~~be paid on or before December 31, 2011.~~

3542 ~~4. The annual administrative fee not to exceed \$5 for the~~
 3543 ~~election to pay under the installment method shall be collected~~
 3544 ~~at the time the employer makes the first installment payment.~~
 3545 ~~The \$5 fee shall be segregated from the payment and shall be~~
 3546 ~~deposited in the Operating Trust Fund within the Department of~~
 3547 ~~Revenue.~~

3548 ~~5. Interest does not accrue on any contribution that~~
 3549 ~~becomes due for wages paid in the first three quarters of 2011~~
 3550 ~~if the employer pays the contribution in accordance with~~
 3551 ~~subparagraphs 1.-4. Interest and fees continue to accrue on~~
 3552 ~~prior delinquent contributions and commence accruing on all~~
 3553 ~~contributions due for wages paid in the first three quarters of~~
 3554 ~~2011 which are not paid in accordance with subparagraphs 1.-3.~~
 3555 ~~Penalties may be assessed in accordance with this chapter. The~~
 3556 ~~contributions due for wages paid in the fourth quarter of 2011~~
 3557 ~~are not affected by this paragraph and are due and payable in~~
 3558 ~~accordance with this chapter.~~

3559 Reviser's note.—Amended to delete provisions that have served
 3560 their purpose.

3561 Section 114. Subsection (13) of section 445.007, Florida
 3562 Statutes, is amended to read:

3563 445.007 Regional workforce boards.—
 3564 ~~(13) Workforce Florida, Inc., shall evaluate the means to~~
 3565 ~~establish a single, statewide workforce system brand for the~~
 3566 ~~state and shall submit its recommendations to the Governor by~~
 3567 ~~November 1, 2012.~~

3568 Reviser's note.—Amended to delete a provision that has served
 3569 its purpose.

3570 Section 115. Section 455.2274, Florida Statutes, is
 3571 amended to read:

3572 455.2274 Criminal proceedings against licensees;
 3573 appearances by department representatives.—A representative of
 3574 the department may voluntarily appear in a criminal proceeding
 3575 brought against a person licensed by the department to practice
 3576 a profession regulated by the state. The department's
 3577 representative is authorized to furnish pertinent information,
 3578 make recommendations regarding specific conditions of probation,
 3579 and provide other assistance to the court necessary to promote
 3580 justice or protect the public. The court may order a
 3581 representative of the department to appear in a criminal
 3582 proceeding if the crime charged is substantially related to the
 3583 qualifications, functions, or duties of a licensee ~~license~~
 3584 regulated by the department.

3585 Reviser's note.—Amended to confirm the editorial substitution of
 3586 the word "licensee" for the word "license" to conform to
 3587 context.

3588 Section 116. Subsection (1) of section 456.001, Florida

3589 Statutes, is amended to read:
 3590 456.001 Definitions.—As used in this chapter, the term:
 3591 (1) "Board" means any board or commission, or other
 3592 statutorily created entity to the extent such entity is
 3593 authorized to exercise regulatory or rulemaking functions,
 3594 within the department, except that, for ss. 456.003-456.018,
 3595 456.022, 456.023, 456.025-456.033 ~~456.025-456.034~~, and 456.039-
 3596 456.082, "board" means only a board, or other statutorily
 3597 created entity to the extent such entity is authorized to
 3598 exercise regulatory or rulemaking functions, within the Division
 3599 of Medical Quality Assurance.
 3600 Reviser's note.—Amended to conform to the repeal of s. 456.034
 3601 by s. 1, ch. 2012-115, Laws of Florida.
 3602 Section 117. Subsection (3) of section 456.056, Florida
 3603 Statutes, is amended to read:
 3604 456.056 Treatment of Medicare beneficiaries; refusal,
 3605 emergencies, consulting physicians.—
 3606 (3) If treatment is provided to a beneficiary for an
 3607 emergency medical condition as defined in s. 395.002(8)(a)
 3608 ~~395.0142(2)(c)~~, the physician must accept Medicare assignment
 3609 provided that the requirement to accept Medicare assignment for
 3610 an emergency medical condition shall not apply to treatment
 3611 rendered after the patient is stabilized, or the treatment is
 3612 unrelated to the original emergency medical condition. For the
 3613 purpose of this subsection "stabilized" is defined to mean with
 3614 respect to an emergency medical condition, that no material

3615 deterioration of the condition is likely within reasonable
 3616 medical probability.

3617 Reviser's note.—Section 395.0142, which defined "emergency
 3618 medical condition," was amended and transferred to s.
 3619 395.1041 by s. 24, ch. 92-289, Laws of Florida, and the
 3620 definition of "emergency medical condition" was deleted.
 3621 The definition was added to s. 395.002 by s. 3, ch. 92-289.
 3622 Section 118. Paragraph (a) of subsection (1) of section
 3623 458.3115, Florida Statutes, is amended to read:

3624 458.3115 Restricted license; certain foreign-licensed
 3625 physicians; examination; restrictions on practice; full
 3626 licensure.—

3627 (1) (a) Notwithstanding any other provision of law, the
 3628 department shall provide procedures under which certain
 3629 physicians who are or were foreign-licensed and have practiced
 3630 medicine no less than 2 years may take the USMLE or an
 3631 examination developed by the department, in consultation with
 3632 the board, to qualify for a restricted license to practice
 3633 medicine in this state. The department-developed examination
 3634 shall test the same areas of medical knowledge as the Federation
 3635 of State Medical Boards of the United States, Inc. (FLEX)
 3636 previously administered by the Florida Board of Medicine to
 3637 grant medical licensure in Florida. ~~The department-developed~~
 3638 ~~examination must be made available no later than December 31,~~
 3639 ~~1998, to a physician who qualifies for licensure.~~ A person who
 3640 is eligible to take and elects to take the department-developed

3641 examination, who has previously passed part 1 or part 2 of the
 3642 previously administered FLEX shall not be required to retake or
 3643 pass the equivalent parts of the department-developed
 3644 examination, and may sit for the department-developed
 3645 examination five times within 5 years.

3646 Reviser's note.—Amended to delete an obsolete provision.

3647 Section 119. Paragraph (e) of subsection (1) of section
 3648 464.0196, Florida Statutes, is amended to read:

3649 464.0196 Florida Center for Nursing; board of directors.—

3650 (1) The Florida Center for Nursing shall be governed by a
 3651 policy-setting board of directors. The board shall consist of 16
 3652 members, with a simple majority of the board being nurses
 3653 representative of various practice areas. Other members shall
 3654 include representatives of other health care professions,
 3655 business and industry, health care providers, and consumers. The
 3656 members of the board shall be appointed by the Governor as
 3657 follows:

3658 (e) Three nurse educators recommended by the State Board
 3659 of Education, one of whom must be a director of a nursing
 3660 program at a Florida College System institution ~~state community~~
 3661 ~~college~~.

3662 Reviser's note.—Amended to conform a reference to "state
 3663 community college" to changes in chs. 2008-52 and 2009-228,
 3664 Laws of Florida, transitioning references to community
 3665 colleges to Florida College System institutions.

3666 Section 120. Subsections (2) and (3) of section 475.617,

3667 Florida Statutes, are amended to read:
 3668 475.617 Education and experience requirements.—
 3669 (2) To be certified as a residential appraiser, an
 3670 applicant must present satisfactory evidence to the board that
 3671 she or he has met the minimum education and experience
 3672 requirements prescribed by rule of the board. The board shall
 3673 prescribe by rule education and experience requirements that
 3674 meet or exceed the following real property appraiser
 3675 qualification criteria adopted on December 9, 2011, by the
 3676 Appraiser Appraisal ~~Appraisal~~ Qualifications Board of the Appraisal
 3677 Foundation:
 3678 (a) Has at least 2,500 hours of experience obtained over a
 3679 24-month period in real property appraisal as defined by rule.
 3680 (b) Has successfully completed at least 200 classroom
 3681 hours, inclusive of examination, of approved qualifying
 3682 education courses in subjects related to real estate appraisal,
 3683 which must include a 15-hour National Uniform Standards of
 3684 Professional Appraisal Practice course, or its equivalent, as
 3685 established by rule of the board, from a nationally recognized
 3686 or state-recognized appraisal organization, career center,
 3687 accredited community college, college, or university, state or
 3688 federal agency or commission, or proprietary real estate school
 3689 that holds a permit pursuant to s. 475.451. All qualifying
 3690 education courses may be completed through in-person classroom
 3691 instruction or distance learning. A classroom hour is defined as
 3692 50 minutes out of each 60-minute segment. Past courses may be

3693 approved by the board and substituted on an hour-for-hour basis.

3694 (3) To be certified as a general appraiser, an applicant
 3695 must present evidence satisfactory to the board that she or he
 3696 has met the minimum education and experience requirements
 3697 prescribed by rule of the board. The board shall prescribe
 3698 education and experience requirements that meet or exceed the
 3699 following real property appraiser qualification criteria adopted
 3700 on December 9, 2011, by the Appraiser ~~Appraisal~~ Qualifications
 3701 Board of the Appraisal Foundation:

3702 (a) Has at least 3,000 hours of experience obtained over a
 3703 30-month period in real property appraisal as defined by rule.

3704 (b) Has successfully completed at least 300 classroom
 3705 hours, inclusive of examination, of approved qualifying
 3706 education courses in subjects related to real estate appraisal,
 3707 which must include a 15-hour National Uniform Standards of
 3708 Professional Appraisal Practice course, or its equivalent, as
 3709 established by rule of the board, from a nationally recognized
 3710 or state-recognized appraisal organization, career center,
 3711 accredited community college, college, or university, state or
 3712 federal agency or commission, or proprietary real estate school
 3713 that holds a permit pursuant to s. 475.451. All qualifying
 3714 education courses may be completed through in-person classroom
 3715 instruction or distance learning. A classroom hour is defined as
 3716 50 minutes out of each 60-minute segment. Past courses may be
 3717 approved by the board and substituted on an hour-for-hour basis.
 3718 Reviser's note.—Amended to confirm the editorial substitution of

3719 the word "Appraiser" for the word "Appraisal" to conform to
 3720 the official title of the board.

3721 Section 121. Paragraph (b) of subsection (39) of section
 3722 497.005, Florida Statutes, is amended to read:

3723 497.005 Definitions.—As used in this chapter, the term:

3724 (39) "Legally authorized person" means, in the priority
 3725 listed:

3726 (b) The person designated by the decedent as authorized to
 3727 direct disposition pursuant to Pub. L. No. 109-163, s. 564, as
 3728 listed on the decedent's United States Department of Defense
 3729 Record of Emergency Data, DD Form 93, or its successor form, if
 3730 the decedent died while ~~serv~~ing in military service as described
 3731 in 10 U.S.C. s. 1481(a)(1)-(8) in any branch of the United
 3732 States Armed Forces, United States Reserve Forces, or National
 3733 Guard;

3734
 3735 In addition, the term may include, if no family member exists or
 3736 is available, the guardian of the dead person at the time of
 3737 death; the personal representative of the deceased; the attorney
 3738 in fact of the dead person at the time of death; the health
 3739 surrogate of the dead person at the time of death; a public
 3740 health officer; the medical examiner, county commission, or
 3741 administrator acting under part II of chapter 406 or other
 3742 public administrator; a representative of a nursing home or
 3743 other health care institution in charge of final disposition; or
 3744 a friend or other person not listed in this subsection who is

3745 willing to assume the responsibility as the legally authorized
 3746 person. Where there is a person in any priority class listed in
 3747 this subsection, the funeral establishment shall rely upon the
 3748 authorization of any one legally authorized person of that class
 3749 if that person represents that she or he is not aware of any
 3750 objection to the cremation of the deceased's human remains by
 3751 others in the same class of the person making the representation
 3752 or of any person in a higher priority class.

3753 Reviser's note.—Amended to delete the word "serving" and to
 3754 insert the word "in" to provide clarity.

3755 Section 122. Section 499.001, Florida Statutes, is amended
 3756 to read:

3757 499.001 Florida Drug and Cosmetic Act; short title.—
 3758 Sections 499.001-499.067 ~~499.001-499.081~~ may be cited as the
 3759 "Florida Drug and Cosmetic Act."

3760 Reviser's note.—Amended to conform to the repeal of s. 499.068
 3761 by s. 51, ch. 92-69, Laws of Florida, and the transfer of
 3762 ss. 499.069, 499.0691, 499.07, 499.071, and 499.081 to
 3763 locations within ss. 499.001-499.067 by ch. 2008-207, Laws
 3764 of Florida.

3765 Section 123. Paragraph (d) of subsection (15) of section
 3766 499.0121, Florida Statutes, is amended to read:

3767 499.0121 Storage and handling of prescription drugs;
 3768 recordkeeping.—The department shall adopt rules to implement
 3769 this section as necessary to protect the public health, safety,
 3770 and welfare. Such rules shall include, but not be limited to,

3771 requirements for the storage and handling of prescription drugs
 3772 and for the establishment and maintenance of prescription drug
 3773 distribution records.

3774 (15) DUE DILIGENCE OF PURCHASERS.—

3775 ~~(d) The department shall assess national data from the~~
 3776 ~~Automation of Reports and Consolidated Orders System of the~~
 3777 ~~federal Drug Enforcement Administration, excluding Florida data,~~
 3778 ~~and identify the national average of grams of hydrocodone,~~
 3779 ~~morphine, oxycodone, and methadone distributed per pharmacy~~
 3780 ~~registrant per month in the most recent year for which data is~~
 3781 ~~available. The department shall report the average for each of~~
 3782 ~~these drugs to the Governor, the President of the Senate, and~~
 3783 ~~the Speaker of the House of Representatives by November 1, 2011.~~
 3784 ~~The department shall assess the data reported pursuant to~~
 3785 ~~subsection (14) and identify the statewide average of grams of~~
 3786 ~~each benzodiazepine distributed per community pharmacy per~~
 3787 ~~month. The department shall report the average for each~~
 3788 ~~benzodiazepine to the Governor, the President of the Senate, and~~
 3789 ~~the Speaker of the House of Representatives by November 1, 2011.~~
 3790 Reviser's note.—Amended to delete an obsolete provision.

3791 Section 124. Paragraph (b) of subsection (1) of section
 3792 509.302, Florida Statutes, is amended to read:

3793 509.302 Hospitality Education Program.—

3794 (1)

3795 (b) The program may affiliate with Florida State
 3796 University, Florida International University, and the University

3797 of Central Florida. The program may also affiliate with any
 3798 other member of the State University System or Florida Community
 3799 College System, or with any privately funded college or
 3800 university, which offers a program of hospitality administration
 3801 and management.

3802 Reviser's note.—Amended to substitute a reference to the Florida
 3803 College System for a reference to the Florida Community
 3804 College System to conform to s. 2, ch. 2008-52, Laws of
 3805 Florida, which enacted s. 1001.60, creating the Florida
 3806 College System.

3807 Section 125. Subsection (3) of section 513.1115, Florida
 3808 Statutes, is amended to read:

3809 513.1115 Placement of recreational vehicles on lots in
 3810 permitted parks.—

3811 (3) This section does not limit the regulation of the
 3812 uniform firesafety standards established under s. 633.206
 3813 ~~633.022~~.

3814 Reviser's note.—Amended to conform to the redesignation of s.
 3815 633.022 as s. 633.206 by s. 23, ch. 2013-183, Laws of
 3816 Florida.

3817 Section 126. Paragraph (b) of subsection (17) of section
 3818 553.79, Florida Statutes, is amended to read:

3819 553.79 Permits; applications; issuance; inspections.—

3820 (17)

3821 (b) This subsection does not apply to a building permit
 3822 sought for:

3823 1. A substantial improvement as defined in s. 161.54 or as
 3824 defined in the Florida Building Code.

3825 2. A change of occupancy as defined in the Florida
 3826 Building Code.

3827 3. A conversion from residential to nonresidential or
 3828 mixed use pursuant to s. 553.507(3) ~~553.507(2)(a)~~ or as defined
 3829 in the Florida Building Code.

3830 4. A historic building as defined in the Florida Building
 3831 Code.

3832 Reviser's note.—Amended to conform to the repeal of s.

3833 553.507(2)(a), and the creation of s. 553.507(3), relating
 3834 to similar subject matter, by s. 27, ch. 2011-222, Laws of
 3835 Florida.

3836 Section 127. Paragraph (e) of subsection (1) and
 3837 subsection (6) of section 553.80, Florida Statutes, are amended
 3838 to read:

3839 553.80 Enforcement.—

3840 (1) Except as provided in paragraphs (a)-(g), each local
 3841 government and each legally constituted enforcement district
 3842 with statutory authority shall regulate building construction
 3843 and, where authorized in the state agency's enabling
 3844 legislation, each state agency shall enforce the Florida
 3845 Building Code required by this part on all public or private
 3846 buildings, structures, and facilities, unless such
 3847 responsibility has been delegated to another unit of government
 3848 pursuant to s. 553.79(9).

3849 (e) Construction regulations governing public schools,
 3850 state universities, and Florida College System institutions
 3851 ~~community colleges~~ shall be enforced as provided in subsection
 3852 (6).

3853
 3854 The governing bodies of local governments may provide a schedule
 3855 of fees, as authorized by s. 125.56(2) or s. 166.222 and this
 3856 section, for the enforcement of the provisions of this part.
 3857 Such fees shall be used solely for carrying out the local
 3858 government's responsibilities in enforcing the Florida Building
 3859 Code. The authority of state enforcing agencies to set fees for
 3860 enforcement shall be derived from authority existing on July 1,
 3861 1998. However, nothing contained in this subsection shall
 3862 operate to limit such agencies from adjusting their fee schedule
 3863 in conformance with existing authority.

3864 (6) Notwithstanding any other law, state universities,
 3865 Florida College System institutions ~~community colleges~~, and
 3866 public school districts shall be subject to enforcement of the
 3867 Florida Building Code under this part.

3868 (a)1. State universities, Florida College System
 3869 institutions ~~state community colleges~~, or public school
 3870 districts shall conduct plan review and construction inspections
 3871 to enforce building code compliance for their building projects
 3872 that are subject to the Florida Building Code. These entities
 3873 must use personnel or contract providers appropriately certified
 3874 under part XII of chapter 468 to perform the plan reviews and

3875 inspections required by the code. Under these arrangements, the
 3876 entities are not subject to local government permitting
 3877 requirements, plans review, and inspection fees. State
 3878 universities, Florida College System institutions ~~state~~
 3879 ~~community colleges~~, and public school districts are liable and
 3880 responsible for all of their buildings, structures, and
 3881 facilities. This paragraph does not limit the authority of the
 3882 county, municipality, or code enforcement district to ensure
 3883 that buildings, structures, and facilities owned by these
 3884 entities comply with the Florida Building Code or to limit the
 3885 authority and responsibility of the fire official to conduct
 3886 firesafety inspections under chapter 633.

3887 2. In order to enforce building code compliance
 3888 independent of a county or municipality, a state university,
 3889 Florida College System institution ~~community college~~, or public
 3890 school district may create a board of adjustment and appeal to
 3891 which a substantially affected party may appeal an
 3892 interpretation of the Florida Building Code which relates to a
 3893 specific project. The decisions of this board, or, in its
 3894 absence, the decision of the building code administrator, may be
 3895 reviewed under s. 553.775.

3896 (b) If a state university, Florida College System
 3897 institution ~~state community college~~, or public school district
 3898 elects to use a local government's code enforcement offices:

3899 1. Fees charged by counties and municipalities for
 3900 enforcement of the Florida Building Code on buildings,

3901 structures, and facilities of state universities, state
 3902 colleges, and public school districts may not be more than the
 3903 actual labor and administrative costs incurred for plans review
 3904 and inspections to ensure compliance with the code.

3905 2. Counties and municipalities shall expedite building
 3906 construction permitting, building plans review, and inspections
 3907 of projects of state universities, Florida College System
 3908 institutions ~~state community colleges~~, and public school
 3909 districts that are subject to the Florida Building Code
 3910 according to guidelines established by the Florida Building
 3911 Commission.

3912 3. A party substantially affected by an interpretation of
 3913 the Florida Building Code by the local government's code
 3914 enforcement offices may appeal the interpretation to the local
 3915 government's board of adjustment and appeal or to the commission
 3916 under s. 553.775 if no local board exists. The decision of a
 3917 local board is reviewable in accordance with s. 553.775.

3918 (c) The Florida Building Commission and code enforcement
 3919 jurisdictions shall consider balancing code criteria and
 3920 enforcement to unique functions, where they occur, of research
 3921 institutions by application of performance criteria in lieu of
 3922 prescriptive criteria.

3923 (d) School boards, Florida College System institution
 3924 ~~community college~~ boards, and state universities may use annual
 3925 facility maintenance permits to facilitate routine maintenance,
 3926 emergency repairs, building refurbishment, and minor renovations

3927 of systems or equipment. The amount expended for maintenance
 3928 projects may not exceed \$200,000 per project. A facility
 3929 maintenance permit is valid for 1 year. A detailed log of
 3930 alterations and inspections must be maintained and annually
 3931 submitted to the building official. The building official
 3932 retains the right to make inspections at the facility site as he
 3933 or she considers necessary. Code compliance must be provided
 3934 upon notification by the building official. If a pattern of code
 3935 violations is found, the building official may withhold the
 3936 issuance of future annual facility maintenance permits.

3937
 3938 This part may not be construed to authorize counties,
 3939 municipalities, or code enforcement districts to conduct any
 3940 permitting, plans review, or inspections not covered by the
 3941 Florida Building Code. Any actions by counties or municipalities
 3942 not in compliance with this part may be appealed to the Florida
 3943 Building Commission. The commission, upon a determination that
 3944 actions not in compliance with this part have delayed permitting
 3945 or construction, may suspend the authority of a county,
 3946 municipality, or code enforcement district to enforce the
 3947 Florida Building Code on the buildings, structures, or
 3948 facilities of a state university, Florida College System
 3949 institution ~~state community college~~, or public school district
 3950 and provide for code enforcement at the expense of the state
 3951 university, Florida College System institution ~~state community~~
 3952 ~~college~~, or public school district.

3953 Reviser's note.—Amended to conform references to community
 3954 colleges to changes in chs. 2008-52 and 2009-228, Laws of
 3955 Florida, transitioning references from community colleges
 3956 to Florida College System institutions.

3957 Section 128. Subsection (1) of section 562.45, Florida
 3958 Statutes, is amended to read:

3959 562.45 Penalties for violating Beverage Law; local
 3960 ordinances; prohibiting regulation of certain activities or
 3961 business transactions; requiring nondiscriminatory treatment;
 3962 providing exceptions.—

3963 (1) Any person willfully and knowingly making any false
 3964 entries in any records required under the Beverage Law or
 3965 willfully violating any of the provisions of the Beverage Law,
 3966 concerning the excise tax herein provided for shall be guilty of
 3967 a felony of the third degree, punishable as provided in s.
 3968 775.082, s. 775.083, or s. 775.084. It is unlawful for any
 3969 person to violate any provision of the Beverage Law, and any
 3970 person who violates any provision of the Beverage Law for which
 3971 no penalty has been provided shall be guilty of a misdemeanor of
 3972 the second degree, punishable as provided in s. 775.082 or s.
 3973 775.083; provided, that any person who shall have been convicted
 3974 of a violation of any provision of the Beverage Law and shall
 3975 thereafter be convicted of a further violation of the Beverage
 3976 Law, shall, upon conviction of said further offense, be guilty
 3977 of a felony of the third degree, punishable as provided in s.
 3978 775.082, s. 775.083, or s. 775.084.

3979 Reviser's note.—Amended to insert the words "any person who
3980 violates" to conform to context.

3981 Section 129. Subsection (5) of section 565.03, Florida
3982 Statutes, is amended to read:

3983 565.03 License fees; manufacturers, distributors, brokers,
3984 sales agents, and importers of alcoholic beverages; vendor
3985 licenses and fees; craft distilleries.—

3986 (5) A craft distillery making sales under paragraph (2)(c)
3987 is responsible for submitting any excise taxes on beverages
3988 ~~beverages excise taxes~~ under the Beverage Law in its monthly
3989 report to the division with any tax payments due to the state.

3990 Reviser's note.—Amended to confirm the editorial substitution of
3991 the words "excise taxes on beverages" for the words
3992 "beverages excise taxes."

3993 Section 130. Subsection (3) of section 570.964, Florida
3994 Statutes, is amended to read:

3995 570.964 Posting and notification.—

3996 (3) Failure to comply with the requirements of this
3997 section ~~subsection~~ prevents an agritourism operator, his or her
3998 employer or employee, or the owner of the underlying land on
3999 which the agritourism occurs from invoking the privileges of
4000 immunity provided by this section.

4001 Reviser's note.—Amended to correct an apparent error. No
4002 specific requirements are found in subsection (3); they are
4003 found elsewhere in the section.

4004 Section 131. Subsection (3) of section 590.02, Florida

4005 Statutes, is amended to read:

4006 590.02 Florida Forest Service; powers, authority, and
 4007 duties; liability; building structures; Florida Center for
 4008 Wildfire and Forest Resources Management Training.—

4009 (3) Employees of the Florida Forest Service and of
 4010 federal, state, and local agencies, and all other persons and
 4011 entities that are under contract or agreement with the Florida
 4012 Forest Service to assist in firefighting operations as well as
 4013 those entities, called upon by the Florida Forest Service to
 4014 assist in firefighting may, in the performance of their duties,
 4015 set counterfires, remove fences and other obstacles, dig
 4016 trenches, cut firelines, use water from public and private
 4017 sources, and carry on all other customary activities in the
 4018 fighting of wildfires without incurring liability to any person
 4019 or entity. The manner in which the Florida Forest Service
 4020 monitors a smoldering wildfire or smoldering prescribed fire or
 4021 fights any wildfire are planning level activities for which
 4022 sovereign immunity applies and is not waived.

4023 Reviser's note.—Amended to confirm the editorial insertion of
 4024 the word "or" to improve clarity.

4025 Section 132. Section 605.0109, Florida Statutes, is
 4026 amended to read:

4027 605.0109 Powers.—A limited liability company has the
 4028 powers, rights, and privileges granted by this chapter, by any
 4029 other law, or by its operating agreement to do all things
 4030 necessary or convenient to carry out its activities and affairs,

- 4031 including the power to do all of the following:
- 4032 (1) Sue, be sued, and defend in its name.
- 4033 (2) Purchase, receive, lease, or otherwise acquire, own,
- 4034 hold, improve, use, and otherwise deal with real or personal
- 4035 property or any legal or equitable interest in property,
- 4036 wherever located.
- 4037 (3) Sell, convey, mortgage, grant a security interest in,
- 4038 lease, exchange, and otherwise encumber or dispose of all or a
- 4039 part of its property.
- 4040 (4) Purchase, receive, subscribe for, or otherwise
- 4041 acquire, own, hold, vote, use, sell, mortgage, lend, grant a
- 4042 security interest in, or otherwise dispose of and deal in and
- 4043 with, shares or other interests in or obligations of another
- 4044 entity.
- 4045 (5) Make contracts or guarantees or incur liabilities;
- 4046 borrow money; issue notes, bonds, or other obligations, which
- 4047 may be convertible into or include the option to purchase other
- 4048 securities of the limited liability company; or make contracts
- 4049 of guaranty and suretyship which are necessary or convenient to
- 4050 the conduct, promotion, or attainment of the purposes,
- 4051 activities, and affairs of the limited liability company.
- 4052 (6) Lend money, invest or reinvest its funds, and receive
- 4053 and hold real or personal property as security for repayment.
- 4054 (7) Conduct its business, locate offices, and exercise the
- 4055 powers granted by this chapter within or without this state.
- 4056 (8) Select managers and appoint officers, directors,

4057 employees, and agents of the limited liability company, define
 4058 their duties, fix their compensation, and lend them money and
 4059 credit.

4060 (9) Make donations for the public welfare or for
 4061 charitable, scientific, or educational purposes.

4062 (10) Pay pensions and establish pension plans, pension
 4063 trusts, profit-sharing plans, bonus plans, option plans, and
 4064 benefit or incentive plans for any or all of its current or
 4065 former managers, members, officers, agents, and employees.

4066 (11) Be a promoter, incorporator, shareholder, partner,
 4067 member, associate, or manager of a corporation, partnership,
 4068 joint venture, trust, or other entity.

4069 (12) Make payments or donations or conduct any other act
 4070 not inconsistent with applicable law which furthers the business
 4071 of the limited liability company.

4072 (13) Enter into interest rate, basis, currency, hedge or
 4073 other swap agreements, or cap, floor, put, call, option,
 4074 exchange or collar agreements, derivative agreements, or similar
 4075 agreements.

4076 (14) Grant, hold, or exercise a power of attorney,
 4077 including an irrevocable power of attorney.

4078 Reviser's note.—Amended to confirm the editorial insertion of
 4079 the word "by" to conform to context.

4080 Section 133. Subsection (5) of section 605.04092, Florida
 4081 Statutes, is amended to read:

4082 605.04092 Conflict of interest transactions.—

4083 (5) The presence of or a vote cast by a manager or member
 4084 with an interest in the transaction does not affect the validity
 4085 of an action taken under paragraph (4) (a) if the transaction is
 4086 otherwise authorized, approved, or ratified as provided in
 4087 subsection (4) ~~that subsection~~, but the presence or vote of the
 4088 manager or member may be counted for purposes of determining
 4089 whether the transaction is approved under other sections of this
 4090 chapter.

4091 Reviser's note.—Amended to confirm the editorial substitution of
 4092 the reference to subsection (4) for the phrase "that
 4093 subsection" to provide clarity.

4094 Section 134. Subsection (14) of section 605.0711, Florida
 4095 Statutes, is amended to read:

4096 605.0711 Known claims against dissolved limited liability
 4097 company.—

4098 (14) As used in this section and s. 605.0712 ~~605.0710~~, the
 4099 term "successor entity" includes a trust, receivership, or other
 4100 legal entity governed by the laws of this state to which the
 4101 remaining assets and liabilities of a dissolved limited
 4102 liability company are transferred and which exists solely for
 4103 the purposes of prosecuting and defending suits by or against
 4104 the dissolved limited liability company, thereby enabling the
 4105 dissolved limited liability company to settle and close the
 4106 activities and affairs of the dissolved limited liability
 4107 company, to dispose of and convey the property of the dissolved
 4108 limited liability company, to discharge the liabilities of the

4109 dissolved limited liability company, and to distribute to the
 4110 dissolved limited liability company's members or transferees any
 4111 remaining assets, but not for the purpose of continuing the
 4112 activities and affairs for which the dissolved limited liability
 4113 company was organized.

4114 Reviser's note.—Amended to substitute a reference to s. 605.0712
 4115 for a reference to s. 605.0710. The term "successor entity"
 4116 is not used in s. 605.0710; the term is used in s.
 4117 605.0712.

4118 Section 135. Paragraph (d) of subsection (1) of section
 4119 605.0714, Florida Statutes, is amended to read:

4120 605.0714 Administrative dissolution.—

4121 (1) The department may dissolve a limited liability
 4122 company administratively if the company does not:

4123 (d) Deliver for filing a statement of a change under s.
 4124 605.0114 within 30 days after a change has occurred in the name
 4125 or address of the agent unless, within 30 days after the change
 4126 occurred:

4127 1. The agent filed a statement of change under s.
 4128 605.0116; or

4129 2. The change was made in accordance with s. 605.0114(4).

4130 Reviser's note.—Amended to confirm the editorial insertion of
 4131 the word "in" to improve clarity.

4132 Section 136. Subsection (7) of section 605.0904, Florida
 4133 Statutes, is amended to read:

4134 605.0904 Effect of failure to have certificate of

4135 authority.—

4136 (7) A foreign limited liability company that transacts
 4137 business in this state without obtaining a certificate of
 4138 authority is liable to this state for the years or parts thereof
 4139 during which it transacted business in this state without
 4140 obtaining a certificate of authority in an amount equal to all
 4141 fees and penalties that would have been imposed by this chapter
 4142 upon the foreign limited liability company had it duly applied
 4143 for and received a certificate of authority to transact business
 4144 in this state as required under this chapter. In addition to the
 4145 payments thus prescribed, the foreign limited liability company
 4146 is liable for a civil penalty of at least \$500 but not more than
 4147 \$1,000 for each year or part thereof during which it transacts
 4148 business in this state without a certificate of authority. The
 4149 department may collect all penalties due under this subsection.

4150 Reviser's note.—Amended to confirm the editorial insertion of
 4151 the word "of" to conform to context.

4152 Section 137. Subsection (2) of section 605.0905, Florida
 4153 Statutes, is amended to read:

4154 605.0905 Activities not constituting transacting
 4155 business.—

4156 (2) The list of activities in subsection (1) is not an
 4157 exhaustive list of activities that do not constitute transacting
 4158 business within the meaning of s. 605.0902(1).

4159 Reviser's note.—Amended to confirm the editorial insertion of
 4160 the words "do not" to conform to context.

4161 Section 138. Paragraph (c) of subsection (2) of section
 4162 605.0907, Florida Statutes, is amended to read:

4163 605.0907 Amendment to certificate of authority.—

4164 (2) The amendment must be filed within 30 days after the
 4165 occurrence of a change described in subsection (1), must be
 4166 signed by an authorized representative of the foreign limited
 4167 liability company, and must state the following:

4168 (c) The date the foreign limited liability company was
 4169 authorized to transact business in this state.

4170 Reviser's note.—Amended to confirm the editorial insertion of
 4171 the word "in" to improve clarity.

4172 Section 139. Subsection (1) of section 605.0912, Florida
 4173 Statutes, is amended to read:

4174 605.0912 Withdrawal on dissolution, merger, or conversion
 4175 to nonfiling entity.—

4176 (1) A registered foreign limited liability company that
 4177 has dissolved and completed winding up, has merged into a
 4178 foreign entity that is not registered in this state, or has
 4179 converted to a domestic or foreign entity that is not organized,
 4180 incorporated, registered or otherwise formed through the public
 4181 filing of a record, shall deliver a notice of withdrawal of
 4182 certificate of authority to the department for filing in
 4183 accordance with s. 605.0910.

4184 Reviser's note.—Amended to confirm the editorial insertion of
 4185 the word "has" to conform to context.

4186 Section 140. Paragraph (a) of subsection (4) of section

4187 605.1006, Florida Statutes, is amended to read:

4188 605.1006 Appraisal rights.—

4189 (4) Notwithstanding subsection (1), the availability of
 4190 appraisal rights must be limited in accordance with the
 4191 following provisions:

4192 (a) Appraisal rights are not available for holders of a
 4193 membership interest ~~interests~~ that is ~~are~~:

4194 1. A covered security under s. 18(b)(1)(A) or (B) of the
 4195 Securities Act of 1933, as amended;

4196 2. Traded in an organized market and part of a class or
 4197 series that has at least 2,000 members or other holders and a
 4198 market value of at least \$20 million, exclusive of the value of
 4199 such class or series of membership interests held by the limited
 4200 liability company's subsidiaries, senior executives, managers,
 4201 and beneficial members owning more than 10 percent of such class
 4202 or series of membership interests; or

4203 3. Issued by an open-end management investment company
 4204 registered with the Securities and Exchange Commission under the
 4205 Investment Company Act of 1940 and subject to being redeemed at
 4206 the option of the holder at net asset value.

4207 Reviser's note.—Amended to correct subject-verb agreement.

4208 Section 141. Subsection (5) of section 605.1033, Florida
 4209 Statutes, is amended to read:

4210 605.1033 Approval of interest exchange.—

4211 (5) All members of each domestic limited liability company
 4212 that is a party to the interest exchange ~~and~~ who have a right to

4213 | vote upon the interest exchange must be given written notice of
 4214 | any meeting with respect to the approval of a plan of interest
 4215 | exchange as provided in subsection (1) not less than 10 days and
 4216 | not more than 60 days before the date of the meeting at which
 4217 | the plan of interest exchange is submitted for approval by the
 4218 | members of such limited liability company. The notification
 4219 | required under this subsection may be waived in writing by the
 4220 | person entitled to such notification.

4221 | Reviser's note.—Amended to confirm the editorial deletion of the
 4222 | word "and" to improve clarity and to conform to similar
 4223 | language in s. 605.1023, as created by s. 2, ch. 2013-180,
 4224 | Laws of Florida.

4225 | Section 142. Subsection (3) of section 605.1041, Florida
 4226 | Statutes, is amended to read:

4227 | 605.1041 Conversion authorized.—

4228 | (3) By complying with the provisions of this section and
 4229 | ss. 605.1042-605.1046 ~~605.1042-608.1046~~ which are applicable to
 4230 | foreign entities, a foreign entity may become a domestic limited
 4231 | liability company if the conversion is authorized by the law of
 4232 | the foreign entity's jurisdiction of formation.

4233 | Reviser's note.—Amended to substitute a reference to ss.

4234 | 605.1042-605.1046 for a reference to ss. 605.1042-608.1046
 4235 | to conform to context. Section 608.1046 does not exist.

4236 | Section 143. Subsection (2) of section 605.1103, Florida
 4237 | Statutes, is amended to read:

4238 | 605.1103 Tax exemption on income of certain limited

4239 liability companies.—

4240 (2) For purposes of taxation under chapter 220, a limited
 4241 liability company formed in this state or a foreign limited
 4242 liability company with a certificate of authority to transact
 4243 business in this state shall be classified as a partnership or a
 4244 limited liability company that has only one member shall be
 4245 disregarded as an entity separate from its owner for federal
 4246 income tax purposes, unless classified otherwise for federal
 4247 income tax purposes, in which case the limited liability company
 4248 shall be classified identically to its classification for
 4249 federal income tax purposes. For purposes of taxation under
 4250 chapter 220, a member or a transferee of a member of a limited
 4251 liability company formed in this state or a foreign limited
 4252 liability company with a certificate of authority to transact
 4253 business in this state shall be treated as a resident or
 4254 nonresident partner unless classified otherwise for federal
 4255 income tax purposes, in which case the member or transferee of a
 4256 member has the same status as the member or transferee of a
 4257 member ~~has~~ for federal income tax purposes.

4258 Reviser's note.—Amended to confirm the editorial deletion of the
 4259 word "has" to improve clarity.

4260 Section 144. Subsection (2) of section 610.108, Florida
 4261 Statutes, is amended to read:

4262 610.108 Customer service standards.—

4263 (2) ~~Any municipality or county that, as of January 1,~~
 4264 ~~2007, has an office or department dedicated to responding to~~

4265 ~~cable or video service customer complaints may continue to~~
 4266 ~~respond to such complaints until July 1, 2009. Beginning July 1,~~
 4267 ~~2009,~~ The Department of Agriculture and Consumer Services shall
 4268 have the sole authority to respond to all cable or video service
 4269 customer complaints. This provision does not permit the
 4270 municipality, county, or department to impose customer service
 4271 standards inconsistent with the requirements in 47 C.F.R. s.
 4272 76.309(c).

4273 Reviser's note.—Amended to delete an obsolete provision.

4274 Section 145. Section 610.119, Florida Statutes, is amended
 4275 to read:

4276 610.119 Report ~~Reports~~ to the Legislature.—

4277 ~~(1)~~ The Office of Program Policy Analysis and Government
 4278 Accountability shall submit to the President of the Senate, the
 4279 Speaker of the House of Representatives, and the majority and
 4280 minority leaders of the Senate and House of Representatives, by
 4281 ~~December 1, 2009,~~ and December 1, 2014, a report on the status
 4282 of competition in the cable and video service industry,
 4283 including, by each municipality and county, the number of cable
 4284 and video service providers, the number of cable and video
 4285 subscribers served, the number of areas served by fewer than two
 4286 cable or video service providers, the trend in cable and video
 4287 service prices, and the identification of any patterns of
 4288 service as they impact demographic and income groups.

4289 ~~(2) By January 15, 2008, the Department of Agriculture and~~
 4290 ~~Consumer Services shall make recommendations to the President of~~

4291 ~~the Senate, the Speaker of the House of Representatives, and the~~
 4292 ~~majority and minority leaders of the Senate and House of~~
 4293 ~~Representatives regarding the workload and staffing requirements~~
 4294 ~~associated with consumer complaints related to video and cable~~
 4295 ~~certificateholders. The Department of State shall provide to the~~
 4296 ~~Department of Agriculture and Consumer Services, for inclusion~~
 4297 ~~in the report, the workload requirements for processing the~~
 4298 ~~certificates of franchise authority. In addition, the Department~~
 4299 ~~of State shall provide the number of applications filed for~~
 4300 ~~cable and video certificates of franchise authority and the~~
 4301 ~~number of amendments received to original applications for~~
 4302 ~~franchise certificate authority.~~

4303 Reviser's note.—Amended to delete obsolete provisions.

4304 Section 146. Paragraph (b) of subsection (1) of section
 4305 617.0601, Florida Statutes, is amended to read:

4306 617.0601 Members, generally.—

4307 (1)

4308 (b) The articles of incorporation or bylaws of any
 4309 corporation not for profit that maintains chapters or affiliates
 4310 may grant representatives of such chapters or affiliates the
 4311 right to vote in conjunction with the board of directors of the
 4312 corporation notwithstanding applicable quorum or voting
 4313 requirements of this chapter if the corporation is registered
 4314 with the Department of Agriculture and Consumer Services
 4315 pursuant to ss. 496.401-496.424, the Solicitation of
 4316 Contributions Act.

4317 Reviser's note.—Amended to substitute a reference to the
 4318 Department of Agriculture and Consumer Services for a
 4319 reference to the department to provide clarity. Section
 4320 617.01401(6) defines "department," as used in chapter 617,
 4321 as the Department of State; corporations registered
 4322 pursuant to ss. 496.401-496.424, the Solicitation of
 4323 Contributions Act, must register with the Department of
 4324 Agriculture and Consumer Services.
 4325 Section 147. Paragraph (c) of subsection (2) of section
 4326 620.8503, Florida Statutes, is amended to read:
 4327 620.8503 Transfer of partner's transferable interest.—
 4328 (2) A transferee of a partner's transferable interest in
 4329 the partnership has a right:
 4330 (c) To seek, under s. 620.8801(6) ~~620.839(6)~~, a judicial
 4331 determination that it is equitable to wind up the partnership
 4332 business.
 4333 Reviser's note.—Amended to correct an apparent error and
 4334 facilitate correct interpretation. Section 620.8503,
 4335 including the reference to s. 620.839(6) in paragraph
 4336 (2)(c), was created by s. 13, ch. 95-242, Laws of Florida.
 4337 Section 620.839 does not exist; the correct reference seems
 4338 to be s. 620.8801(6), which relates to judicial
 4339 determinations equitable to wind up partnership businesses.
 4340 Section 148. Paragraph (b) of subsection (5) of section
 4341 624.91, Florida Statutes, is amended to read:
 4342 624.91 The Florida Healthy Kids Corporation Act.—

- 4343 (5) CORPORATION AUTHORIZATION, DUTIES, POWERS.—
- 4344 (b) The Florida Healthy Kids Corporation shall:
- 4345 1. Arrange for the collection of any family, local
- 4346 contributions, or employer payment or premium, in an amount to
- 4347 be determined by the board of directors, to provide for payment
- 4348 of premiums for comprehensive insurance coverage and for the
- 4349 actual or estimated administrative expenses.
- 4350 2. Arrange for the collection of any voluntary
- 4351 contributions to provide for payment of Florida Kidcare program
- 4352 premiums for children who are not eligible for medical
- 4353 assistance under Title XIX or Title XXI of the Social Security
- 4354 Act.
- 4355 3. Subject to the provisions of s. 409.8134, accept
- 4356 voluntary supplemental local match contributions that comply
- 4357 with the requirements of Title XXI of the Social Security Act
- 4358 for the purpose of providing additional Florida Kidcare coverage
- 4359 in contributing counties under Title XXI.
- 4360 4. Establish the administrative and accounting procedures
- 4361 for the operation of the corporation.
- 4362 5. Establish, with consultation from appropriate
- 4363 professional organizations, standards for preventive health
- 4364 services and providers and comprehensive insurance benefits
- 4365 appropriate to children, provided that such standards for rural
- 4366 areas shall not limit primary care providers to board-certified
- 4367 pediatricians.
- 4368 6. Determine eligibility for children seeking to

4369 participate in the Title XXI-funded components of the Florida
 4370 Kidcare program consistent with the requirements specified in s.
 4371 409.814, as well as the non-Title-XXI-eligible children as
 4372 provided in subsection (3).

4373 7. Establish procedures under which providers of local
 4374 match to, applicants to and participants in the program may have
 4375 grievances reviewed by an impartial body and reported to the
 4376 board of directors of the corporation.

4377 8. Establish participation criteria and, if appropriate,
 4378 contract with an authorized insurer, health maintenance
 4379 organization, or third-party administrator to provide
 4380 administrative services to the corporation.

4381 9. Establish enrollment criteria that include penalties or
 4382 waiting periods of 30 days for reinstatement of coverage upon
 4383 voluntary cancellation for nonpayment of family premiums.

4384 10. Contract with authorized insurers or any provider of
 4385 health care services, meeting standards established by the
 4386 corporation, for the provision of comprehensive insurance
 4387 coverage to participants. Such standards shall include criteria
 4388 under which the corporation may contract with more than one
 4389 provider of health care services in program sites. Health plans
 4390 shall be selected through a competitive bid process. The Florida
 4391 Healthy Kids Corporation shall purchase goods and services in
 4392 the most cost-effective manner consistent with the delivery of
 4393 quality medical care. The maximum administrative cost for a
 4394 Florida Healthy Kids Corporation contract shall be 15 percent.

4395 For health care contracts, the minimum medical loss ratio for a
 4396 Florida Healthy Kids Corporation contract shall be 85 percent.
 4397 For dental contracts, the remaining compensation to be paid to
 4398 the authorized insurer or provider under a Florida Healthy Kids
 4399 Corporation contract shall be no less than an amount which is 85
 4400 percent of premium; to the extent any contract provision does
 4401 not provide for this minimum compensation, this section shall
 4402 prevail. The health plan selection criteria and scoring system,
 4403 and the scoring results, shall be available upon request for
 4404 inspection after the bids have been awarded.

4405 11. Establish disenrollment criteria in the event local
 4406 matching funds are insufficient to cover enrollments.

4407 12. Develop and implement a plan to publicize the Florida
 4408 Kidcare program, the eligibility requirements of the program,
 4409 and the procedures for enrollment in the program and to maintain
 4410 public awareness of the corporation and the program.

4411 13. Secure staff necessary to properly administer the
 4412 corporation. Staff costs shall be funded from state and local
 4413 matching funds and such other private or public funds as become
 4414 available. The board of directors shall determine the number of
 4415 staff members necessary to administer the corporation.

4416 14. In consultation with the partner agencies, provide a
 4417 report on the Florida Kidcare program annually to the Governor,
 4418 the Chief Financial Officer, the Commissioner of Education, the
 4419 President of the Senate, the Speaker of the House of
 4420 Representatives, and the Minority Leaders of the Senate and the

4421 House of Representatives.

4422 15. Provide information on a quarterly basis to the
 4423 Legislature and the Governor which compares the costs and
 4424 utilization of the full-pay enrolled population and the Title
 4425 XXI-subsidized enrolled population in the Florida Kidcare
 4426 program. The information, at a minimum, must include:

4427 a. The monthly enrollment and expenditure for full-pay
 4428 enrollees in the Medikids and Florida Healthy Kids programs
 4429 compared to the Title XXI-subsidized enrolled population; and

4430 b. The costs and utilization by service of the full-pay
 4431 enrollees in the Medikids and Florida Healthy Kids programs and
 4432 the Title XXI-subsidized enrolled population.

4433
 4434 ~~By February 1, 2010, the Florida Healthy Kids Corporation shall~~
 4435 ~~provide a study to the Legislature and the Governor on premium~~
 4436 ~~impacts to the subsidized portion of the program from the~~
 4437 ~~inclusion of the full-pay program, which shall include~~
 4438 ~~recommendations on how to eliminate or mitigate possible impacts~~
 4439 ~~to the subsidized premiums.~~

4440 16. Establish benefit packages that conform to the
 4441 provisions of the Florida Kidcare program, as created in ss.
 4442 409.810-409.821.

4443 Reviser's note.—Amended to delete an obsolete provision.

4444 Section 149. Paragraph (c) of subsection (6) of section
 4445 627.351, Florida Statutes, is amended to read:

4446 627.351 Insurance risk apportionment plans.—

4447 (6) CITIZENS PROPERTY INSURANCE CORPORATION.—
 4448 (c) The corporation's plan of operation:
 4449 1. Must provide for adoption of residential property and
 4450 casualty insurance policy forms and commercial residential and
 4451 nonresidential property insurance forms, which must be approved
 4452 by the office before use. The corporation shall adopt the
 4453 following policy forms:
 4454 a. Standard personal lines policy forms that are
 4455 comprehensive multiperil policies providing full coverage of a
 4456 residential property equivalent to the coverage provided in the
 4457 private insurance market under an HO-3, HO-4, or HO-6 policy.
 4458 b. Basic personal lines policy forms that are policies
 4459 similar to an HO-8 policy or a dwelling fire policy that provide
 4460 coverage meeting the requirements of the secondary mortgage
 4461 market, but which is more limited than the coverage under a
 4462 standard policy.
 4463 c. Commercial lines residential and nonresidential policy
 4464 forms that are generally similar to the basic perils of full
 4465 coverage obtainable for commercial residential structures and
 4466 commercial nonresidential structures in the admitted voluntary
 4467 market.
 4468 d. Personal lines and commercial lines residential
 4469 property insurance forms that cover the peril of wind only. The
 4470 forms are applicable only to residential properties located in
 4471 areas eligible for coverage under the coastal account referred
 4472 to in sub-subparagraph (b)2.a.

4473 e. Commercial lines nonresidential property insurance
 4474 forms that cover the peril of wind only. The forms are
 4475 applicable only to nonresidential properties located in areas
 4476 eligible for coverage under the coastal account referred to in
 4477 sub-subparagraph (b)2.a.

4478 f. The corporation may adopt variations of the policy
 4479 forms listed in sub-subparagraphs a.-e. which contain more
 4480 restrictive coverage.

4481 g. Effective January 1, 2013, the corporation shall offer
 4482 a basic personal lines policy similar to an HO-8 policy with
 4483 dwelling repair based on common construction materials and
 4484 methods.

4485 2. Must provide that the corporation adopt a program in
 4486 which the corporation and authorized insurers enter into quota
 4487 share primary insurance agreements for hurricane coverage, as
 4488 defined in s. 627.4025(2)(a), for eligible risks, and adopt
 4489 property insurance forms for eligible risks which cover the
 4490 peril of wind only.

4491 a. As used in this subsection, the term:

4492 (I) "Quota share primary insurance" means an arrangement
 4493 in which the primary hurricane coverage of an eligible risk is
 4494 provided in specified percentages by the corporation and an
 4495 authorized insurer. The corporation and authorized insurer are
 4496 each solely responsible for a specified percentage of hurricane
 4497 coverage of an eligible risk as set forth in a quota share
 4498 primary insurance agreement between the corporation and an

PCB RCC 14-02

ORIGINAL

2014

4499 authorized insurer and the insurance contract. The
4500 responsibility of the corporation or authorized insurer to pay
4501 its specified percentage of hurricane losses of an eligible
4502 risk, as set forth in the agreement, may not be altered by the
4503 inability of the other party to pay its specified percentage of
4504 losses. Eligible risks that are provided hurricane coverage
4505 through a quota share primary insurance arrangement must be
4506 provided policy forms that set forth the obligations of the
4507 corporation and authorized insurer under the arrangement,
4508 clearly specify the percentages of quota share primary insurance
4509 provided by the corporation and authorized insurer, and
4510 conspicuously and clearly state that the authorized insurer and
4511 the corporation may not be held responsible beyond their
4512 specified percentage of coverage of hurricane losses.

4513 (II) "Eligible risks" means personal lines residential and
4514 commercial lines residential risks that meet the underwriting
4515 criteria of the corporation and are located in areas that were
4516 eligible for coverage by the Florida Windstorm Underwriting
4517 Association on January 1, 2002.

4518 b. The corporation may enter into quota share primary
4519 insurance agreements with authorized insurers at corporation
4520 coverage levels of 90 percent and 50 percent.

4521 c. If the corporation determines that additional coverage
4522 levels are necessary to maximize participation in quota share
4523 primary insurance agreements by authorized insurers, the
4524 corporation may establish additional coverage levels. However,

PCB RCC 14-02

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

4525 the corporation's quota share primary insurance coverage level
 4526 may not exceed 90 percent.

4527 d. Any quota share primary insurance agreement entered
 4528 into between an authorized insurer and the corporation must
 4529 provide for a uniform specified percentage of coverage of
 4530 hurricane losses, by county or territory as set forth by the
 4531 corporation board, for all eligible risks of the authorized
 4532 insurer covered under the agreement.

4533 e. Any quota share primary insurance agreement entered
 4534 into between an authorized insurer and the corporation is
 4535 subject to review and approval by the office. However, such
 4536 agreement shall be authorized only as to insurance contracts
 4537 entered into between an authorized insurer and an insured who is
 4538 already insured by the corporation for wind coverage.

4539 f. For all eligible risks covered under quota share
 4540 primary insurance agreements, the exposure and coverage levels
 4541 for both the corporation and authorized insurers shall be
 4542 reported by the corporation to the Florida Hurricane Catastrophe
 4543 Fund. For all policies of eligible risks covered under such
 4544 agreements, the corporation and the authorized insurer must
 4545 maintain complete and accurate records for the purpose of
 4546 exposure and loss reimbursement audits as required by fund
 4547 rules. The corporation and the authorized insurer shall each
 4548 maintain duplicate copies of policy declaration pages and
 4549 supporting claims documents.

4550 g. The corporation board shall establish in its plan of

4551 operation standards for quota share agreements which ensure that
 4552 there is no discriminatory application among insurers as to the
 4553 terms of the agreements, pricing of the agreements, incentive
 4554 provisions if any, and consideration paid for servicing policies
 4555 or adjusting claims.

4556 h. The quota share primary insurance agreement between the
 4557 corporation and an authorized insurer must set forth the
 4558 specific terms under which coverage is provided, including, but
 4559 not limited to, the sale and servicing of policies issued under
 4560 the agreement by the insurance agent of the authorized insurer
 4561 producing the business, the reporting of information concerning
 4562 eligible risks, the payment of premium to the corporation, and
 4563 arrangements for the adjustment and payment of hurricane claims
 4564 incurred on eligible risks by the claims adjuster and personnel
 4565 of the authorized insurer. Entering into a quota sharing
 4566 insurance agreement between the corporation and an authorized
 4567 insurer is voluntary and at the discretion of the authorized
 4568 insurer.

4569 ~~3.a.~~ May provide that the corporation may employ or
 4570 otherwise contract with individuals or other entities to provide
 4571 administrative or professional services that may be appropriate
 4572 to effectuate the plan. The corporation may borrow funds by
 4573 issuing bonds or by incurring other indebtedness, and shall have
 4574 other powers reasonably necessary to effectuate the requirements
 4575 of this subsection, including, without limitation, the power to
 4576 issue bonds and incur other indebtedness in order to refinance

4577 outstanding bonds or other indebtedness. The corporation may
 4578 seek judicial validation of its bonds or other indebtedness
 4579 under chapter 75. The corporation may issue bonds or incur other
 4580 indebtedness, or have bonds issued on its behalf by a unit of
 4581 local government pursuant to subparagraph (q)2. in the absence
 4582 of a hurricane or other weather-related event, upon a
 4583 determination by the corporation, subject to approval by the
 4584 office, that such action would enable it to efficiently meet the
 4585 financial obligations of the corporation and that such
 4586 financings are reasonably necessary to effectuate the
 4587 requirements of this subsection. The corporation may take all
 4588 actions needed to facilitate tax-free status for such bonds or
 4589 indebtedness, including formation of trusts or other affiliated
 4590 entities. The corporation may pledge assessments, projected
 4591 recoveries from the Florida Hurricane Catastrophe Fund, other
 4592 reinsurance recoverables, policyholder surcharges and other
 4593 surcharges, and other funds available to the corporation as
 4594 security for bonds or other indebtedness. In recognition of s.
 4595 10, Art. I of the State Constitution, prohibiting the impairment
 4596 of obligations of contracts, it is the intent of the Legislature
 4597 that no action be taken whose purpose is to impair any bond
 4598 indenture or financing agreement or any revenue source committed
 4599 by contract to such bond or other indebtedness.

4600 ~~b. To ensure that the corporation is operating in an~~
 4601 ~~efficient and economic manner while providing quality service to~~
 4602 ~~policyholders, applicants, and agents, the board shall~~

4603 ~~commission an independent third party consultant having~~
 4604 ~~expertise in insurance company management or insurance company~~
 4605 ~~management consulting to prepare a report and make~~
 4606 ~~recommendations on the relative costs and benefits of~~
 4607 ~~outsourcing various policy issuance and service functions to~~
 4608 ~~private servicing carriers or entities performing similar~~
 4609 ~~functions in the private market for a fee, rather than~~
 4610 ~~performing such functions in house. In making such~~
 4611 ~~recommendations, the consultant shall consider how other~~
 4612 ~~residual markets, both in this state and around the country,~~
 4613 ~~outsource appropriate functions or use servicing carriers to~~
 4614 ~~better match expenses with revenues that fluctuate based on a~~
 4615 ~~widely varying policy count. The report must be completed by~~
 4616 ~~July 1, 2012. Upon receiving the report, the board shall develop~~
 4617 ~~a plan to implement the report and submit the plan for review,~~
 4618 ~~modification, and approval to the Financial Services Commission.~~
 4619 ~~Upon the commission's approval of the plan, the board shall~~
 4620 ~~begin implementing the plan by January 1, 2013.~~

4621 4. Must require that the corporation operate subject to
 4622 the supervision and approval of a board of governors consisting
 4623 of nine individuals who are residents of this state and who are
 4624 from different geographical areas of the state, one of whom is
 4625 appointed by the Governor and serves solely to advocate on
 4626 behalf of the consumer. The appointment of a consumer
 4627 representative by the Governor is in addition to the
 4628 appointments authorized under sub-subparagraph a.

4629 a. The Governor, the Chief Financial Officer, the
 4630 President of the Senate, and the Speaker of the House of
 4631 Representatives shall each appoint two members of the board. At
 4632 least one of the two members appointed by each appointing
 4633 officer must have demonstrated expertise in insurance and be
 4634 deemed to be within the scope of the exemption provided in s.
 4635 112.313(7)(b). The Chief Financial Officer shall designate one
 4636 of the appointees as chair. All board members serve at the
 4637 pleasure of the appointing officer. All members of the board are
 4638 subject to removal at will by the officers who appointed them.
 4639 All board members, including the chair, must be appointed to
 4640 serve for 3-year terms beginning annually on a date designated
 4641 by the plan. However, for the first term beginning on or after
 4642 July 1, 2009, each appointing officer shall appoint one member
 4643 of the board for a 2-year term and one member for a 3-year term.
 4644 A board vacancy shall be filled for the unexpired term by the
 4645 appointing officer. The Chief Financial Officer shall appoint a
 4646 technical advisory group to provide information and advice to
 4647 the board in connection with the board's duties under this
 4648 subsection. The executive director and senior managers of the
 4649 corporation shall be engaged by the board and serve at the
 4650 pleasure of the board. Any executive director appointed on or
 4651 after July 1, 2006, is subject to confirmation by the Senate.
 4652 The executive director is responsible for employing other staff
 4653 as the corporation may require, subject to review and
 4654 concurrence by the board.

4655 b. The board shall create a Market Accountability Advisory
 4656 Committee to assist the corporation in developing awareness of
 4657 its rates and its customer and agent service levels in
 4658 relationship to the voluntary market insurers writing similar
 4659 coverage.

4660 (I) The members of the advisory committee consist of the
 4661 following 11 persons, one of whom must be elected chair by the
 4662 members of the committee: four representatives, one appointed by
 4663 the Florida Association of Insurance Agents, one by the Florida
 4664 Association of Insurance and Financial Advisors, one by the
 4665 Professional Insurance Agents of Florida, and one by the Latin
 4666 American Association of Insurance Agencies; three
 4667 representatives appointed by the insurers with the three highest
 4668 voluntary market share of residential property insurance
 4669 business in the state; one representative from the Office of
 4670 Insurance Regulation; one consumer appointed by the board who is
 4671 insured by the corporation at the time of appointment to the
 4672 committee; one representative appointed by the Florida
 4673 Association of Realtors; and one representative appointed by the
 4674 Florida Bankers Association. All members shall be appointed to
 4675 3-year terms and may serve for consecutive terms.

4676 (II) The committee shall report to the corporation at each
 4677 board meeting on insurance market issues which may include rates
 4678 and rate competition with the voluntary market; service,
 4679 including policy issuance, claims processing, and general
 4680 responsiveness to policyholders, applicants, and agents; and

4681 matters relating to depopulation.

4682 5. Must provide a procedure for determining the
4683 eligibility of a risk for coverage, as follows:

4684 a. Subject to s. 627.3517, with respect to personal lines
4685 residential risks, if the risk is offered coverage from an
4686 authorized insurer at the insurer's approved rate under a
4687 standard policy including wind coverage or, if consistent with
4688 the insurer's underwriting rules as filed with the office, a
4689 basic policy including wind coverage, for a new application to
4690 the corporation for coverage, the risk is not eligible for any
4691 policy issued by the corporation unless the premium for coverage
4692 from the authorized insurer is more than 15 percent greater than
4693 the premium for comparable coverage from the corporation.

4694 Whenever an offer of coverage for a personal lines residential
4695 risk is received for a policyholder of the corporation at
4696 renewal from an authorized insurer, if the offer is equal to or
4697 less than the corporation's renewal premium for comparable
4698 coverage, the risk is not eligible for coverage with the
4699 corporation. If the risk is not able to obtain such offer, the
4700 risk is eligible for a standard policy including wind coverage
4701 or a basic policy including wind coverage issued by the
4702 corporation; however, if the risk could not be insured under a
4703 standard policy including wind coverage regardless of market
4704 conditions, the risk is eligible for a basic policy including
4705 wind coverage unless rejected under subparagraph 8. However, a
4706 policyholder removed from the corporation through an assumption

4707 agreement remains eligible for coverage from the corporation
 4708 until the end of the assumption period. The corporation shall
 4709 determine the type of policy to be provided on the basis of
 4710 objective standards specified in the underwriting manual and
 4711 based on generally accepted underwriting practices.

4712 (I) If the risk accepts an offer of coverage through the
 4713 market assistance plan or through a mechanism established by the
 4714 corporation other than a plan established by s. 627.3518, before
 4715 a policy is issued to the risk by the corporation or during the
 4716 first 30 days of coverage by the corporation, and the producing
 4717 agent who submitted the application to the plan or to the
 4718 corporation is not currently appointed by the insurer, the
 4719 insurer shall:

4720 (A) Pay to the producing agent of record of the policy for
 4721 the first year, an amount that is the greater of the insurer's
 4722 usual and customary commission for the type of policy written or
 4723 a fee equal to the usual and customary commission of the
 4724 corporation; or

4725 (B) Offer to allow the producing agent of record of the
 4726 policy to continue servicing the policy for at least 1 year and
 4727 offer to pay the agent the greater of the insurer's or the
 4728 corporation's usual and customary commission for the type of
 4729 policy written.

4730
 4731 If the producing agent is unwilling or unable to accept
 4732 appointment, the new insurer shall pay the agent in accordance

4733 with sub-sub-sub-subparagraph (A).

4734 (II) If the corporation enters into a contractual
 4735 agreement for a take-out plan, the producing agent of record of
 4736 the corporation policy is entitled to retain any unearned
 4737 commission on the policy, and the insurer shall:

4738 (A) Pay to the producing agent of record, for the first
 4739 year, an amount that is the greater of the insurer's usual and
 4740 customary commission for the type of policy written or a fee
 4741 equal to the usual and customary commission of the corporation;
 4742 or

4743 (B) Offer to allow the producing agent of record to
 4744 continue servicing the policy for at least 1 year and offer to
 4745 pay the agent the greater of the insurer's or the corporation's
 4746 usual and customary commission for the type of policy written.

4747
 4748 If the producing agent is unwilling or unable to accept
 4749 appointment, the new insurer shall pay the agent in accordance
 4750 with sub-sub-sub-subparagraph (A).

4751 b. With respect to commercial lines residential risks, for
 4752 a new application to the corporation for coverage, if the risk
 4753 is offered coverage under a policy including wind coverage from
 4754 an authorized insurer at its approved rate, the risk is not
 4755 eligible for a policy issued by the corporation unless the
 4756 premium for coverage from the authorized insurer is more than 15
 4757 percent greater than the premium for comparable coverage from
 4758 the corporation. Whenever an offer of coverage for a commercial

4759 lines residential risk is received for a policyholder of the
 4760 corporation at renewal from an authorized insurer, if the offer
 4761 is equal to or less than the corporation's renewal premium for
 4762 comparable coverage, the risk is not eligible for coverage with
 4763 the corporation. If the risk is not able to obtain any such
 4764 offer, the risk is eligible for a policy including wind coverage
 4765 issued by the corporation. However, a policyholder removed from
 4766 the corporation through an assumption agreement remains eligible
 4767 for coverage from the corporation until the end of the
 4768 assumption period.

4769 (I) If the risk accepts an offer of coverage through the
 4770 market assistance plan or through a mechanism established by the
 4771 corporation other than a plan established by s. 627.3518, before
 4772 a policy is issued to the risk by the corporation or during the
 4773 first 30 days of coverage by the corporation, and the producing
 4774 agent who submitted the application to the plan or the
 4775 corporation is not currently appointed by the insurer, the
 4776 insurer shall:

4777 (A) Pay to the producing agent of record of the policy,
 4778 for the first year, an amount that is the greater of the
 4779 insurer's usual and customary commission for the type of policy
 4780 written or a fee equal to the usual and customary commission of
 4781 the corporation; or

4782 (B) Offer to allow the producing agent of record of the
 4783 policy to continue servicing the policy for at least 1 year and
 4784 offer to pay the agent the greater of the insurer's or the

4785 corporation's usual and customary commission for the type of
 4786 policy written.

4787
 4788 If the producing agent is unwilling or unable to accept
 4789 appointment, the new insurer shall pay the agent in accordance
 4790 with sub-sub-sub-subparagraph (A).

4791 (II) If the corporation enters into a contractual
 4792 agreement for a take-out plan, the producing agent of record of
 4793 the corporation policy is entitled to retain any unearned
 4794 commission on the policy, and the insurer shall:

4795 (A) Pay to the producing agent of record, for the first
 4796 year, an amount that is the greater of the insurer's usual and
 4797 customary commission for the type of policy written or a fee
 4798 equal to the usual and customary commission of the corporation;
 4799 or

4800 (B) Offer to allow the producing agent of record to
 4801 continue servicing the policy for at least 1 year and offer to
 4802 pay the agent the greater of the insurer's or the corporation's
 4803 usual and customary commission for the type of policy written.

4804
 4805 If the producing agent is unwilling or unable to accept
 4806 appointment, the new insurer shall pay the agent in accordance
 4807 with sub-sub-sub-subparagraph (A).

4808 c. For purposes of determining comparable coverage under
 4809 sub-subparagraphs a. and b., the comparison must be based on
 4810 those forms and coverages that are reasonably comparable. The

PCB RCC 14-02

ORIGINAL

2014

4811 corporation may rely on a determination of comparable coverage
4812 and premium made by the producing agent who submits the
4813 application to the corporation, made in the agent's capacity as
4814 the corporation's agent. A comparison may be made solely of the
4815 premium with respect to the main building or structure only on
4816 the following basis: the same coverage A or other building
4817 limits; the same percentage hurricane deductible that applies on
4818 an annual basis or that applies to each hurricane for commercial
4819 residential property; the same percentage of ordinance and law
4820 coverage, if the same limit is offered by both the corporation
4821 and the authorized insurer; the same mitigation credits, to the
4822 extent the same types of credits are offered both by the
4823 corporation and the authorized insurer; the same method for loss
4824 payment, such as replacement cost or actual cash value, if the
4825 same method is offered both by the corporation and the
4826 authorized insurer in accordance with underwriting rules; and
4827 any other form or coverage that is reasonably comparable as
4828 determined by the board. If an application is submitted to the
4829 corporation for wind-only coverage in the coastal account, the
4830 premium for the corporation's wind-only policy plus the premium
4831 for the ex-wind policy that is offered by an authorized insurer
4832 to the applicant must be compared to the premium for multiperil
4833 coverage offered by an authorized insurer, subject to the
4834 standards for comparison specified in this subparagraph. If the
4835 corporation or the applicant requests from the authorized
4836 insurer a breakdown of the premium of the offer by types of

Page 186 of 255

PCB RCC 14-02

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

V

4837 coverage so that a comparison may be made by the corporation or
 4838 its agent and the authorized insurer refuses or is unable to
 4839 provide such information, the corporation may treat the offer as
 4840 not being an offer of coverage from an authorized insurer at the
 4841 insurer's approved rate.

4842 6. Must include rules for classifications of risks and
 4843 rates.

4844 7. Must provide that if premium and investment income for
 4845 an account attributable to a particular calendar year are in
 4846 excess of projected losses and expenses for the account
 4847 attributable to that year, such excess shall be held in surplus
 4848 in the account. Such surplus must be available to defray
 4849 deficits in that account as to future years and used for that
 4850 purpose before assessing assessable insurers and assessable
 4851 insureds as to any calendar year.

4852 8. Must provide objective criteria and procedures to be
 4853 uniformly applied to all applicants in determining whether an
 4854 individual risk is so hazardous as to be uninsurable. In making
 4855 this determination and in establishing the criteria and
 4856 procedures, the following must be considered:

4857 a. Whether the likelihood of a loss for the individual
 4858 risk is substantially higher than for other risks of the same
 4859 class; and

4860 b. Whether the uncertainty associated with the individual
 4861 risk is such that an appropriate premium cannot be determined.
 4862

4863 The acceptance or rejection of a risk by the corporation shall
 4864 be construed as the private placement of insurance, and the
 4865 provisions of chapter 120 do not apply.

4866 9. Must provide that the corporation make its best efforts
 4867 to procure catastrophe reinsurance at reasonable rates, to cover
 4868 its projected 100-year probable maximum loss as determined by
 4869 the board of governors.

4870 10. The policies issued by the corporation must provide
 4871 that if the corporation or the market assistance plan obtains an
 4872 offer from an authorized insurer to cover the risk at its
 4873 approved rates, the risk is no longer eligible for renewal
 4874 through the corporation, except as otherwise provided in this
 4875 subsection.

4876 11. Corporation policies and applications must include a
 4877 notice that the corporation policy could, under this section, be
 4878 replaced with a policy issued by an authorized insurer which
 4879 does not provide coverage identical to the coverage provided by
 4880 the corporation. The notice must also specify that acceptance of
 4881 corporation coverage creates a conclusive presumption that the
 4882 applicant or policyholder is aware of this potential.

4883 12. May establish, subject to approval by the office,
 4884 different eligibility requirements and operational procedures
 4885 for any line or type of coverage for any specified county or
 4886 area if the board determines that such changes are justified due
 4887 to the voluntary market being sufficiently stable and
 4888 competitive in such area or for such line or type of coverage

4889 and that consumers who, in good faith, are unable to obtain
 4890 insurance through the voluntary market through ordinary methods
 4891 continue to have access to coverage from the corporation. If
 4892 coverage is sought in connection with a real property transfer,
 4893 the requirements and procedures may not provide an effective
 4894 date of coverage later than the date of the closing of the
 4895 transfer as established by the transferor, the transferee, and,
 4896 if applicable, the lender.

4897 13. Must provide that, with respect to the coastal
 4898 account, any assessable insurer with a surplus as to
 4899 policyholders of \$25 million or less writing 25 percent or more
 4900 of its total countrywide property insurance premiums in this
 4901 state may petition the office, within the first 90 days of each
 4902 calendar year, to qualify as a limited apportionment company. A
 4903 regular assessment levied by the corporation on a limited
 4904 apportionment company for a deficit incurred by the corporation
 4905 for the coastal account may be paid to the corporation on a
 4906 monthly basis as the assessments are collected by the limited
 4907 apportionment company from its insureds, but a limited
 4908 apportionment company must begin collecting the regular
 4909 assessments not later than 90 days after the regular assessments
 4910 are levied by the corporation, and the regular assessments must
 4911 be paid in full within 15 months after being levied by the
 4912 corporation. A limited apportionment company shall collect from
 4913 its policyholders any emergency assessment imposed under sub-
 4914 subparagraph (b)3.d. The plan must provide that, if the office

4915 determines that any regular assessment will result in an
 4916 impairment of the surplus of a limited apportionment company,
 4917 the office may direct that all or part of such assessment be
 4918 deferred as provided in subparagraph (q)4. However, an emergency
 4919 assessment to be collected from policyholders under sub-
 4920 subparagraph (b)3.d. may not be limited or deferred.

4921 14. Must provide that the corporation appoint as its
 4922 licensed agents only those agents who also hold an appointment
 4923 as defined in s. 626.015(3) with an insurer who at the time of
 4924 the agent's initial appointment by the corporation is authorized
 4925 to write and is actually writing personal lines residential
 4926 property coverage, commercial residential property coverage, or
 4927 commercial nonresidential property coverage within the state.

4928 15. Must provide a premium payment plan option to its
 4929 policyholders which, at a minimum, allows for quarterly and
 4930 semiannual payment of premiums. A monthly payment plan may, but
 4931 is not required to, be offered.

4932 16. Must limit coverage on mobile homes or manufactured
 4933 homes built before 1994 to actual cash value of the dwelling
 4934 rather than replacement costs of the dwelling.

4935 17. Must provide coverage for manufactured or mobile home
 4936 dwellings. Such coverage must also include the following
 4937 attached structures:

4938 a. Screened enclosures that are aluminum framed or
 4939 screened enclosures that are not covered by the same or
 4940 substantially the same materials as those of the primary

4941 dwelling;

4942 b. Carports that are aluminum or carports that are not
4943 covered by the same or substantially the same materials as those
4944 of the primary dwelling; and

4945 c. Patios that have a roof covering that is constructed of
4946 materials that are not the same or substantially the same
4947 materials as those of the primary dwelling.

4948
4949 The corporation shall make available a policy for mobile homes
4950 or manufactured homes for a minimum insured value of at least
4951 \$3,000.

4952 18. May provide such limits of coverage as the board
4953 determines, consistent with the requirements of this subsection.

4954 19. May require commercial property to meet specified
4955 hurricane mitigation construction features as a condition of
4956 eligibility for coverage.

4957 20. Must provide that new or renewal policies issued by
4958 the corporation on or after January 1, 2012, which cover
4959 sinkhole loss do not include coverage for any loss to
4960 appurtenant structures, driveways, sidewalks, decks, or patios
4961 that are directly or indirectly caused by sinkhole activity. The
4962 corporation shall exclude such coverage using a notice of
4963 coverage change, which may be included with the policy renewal,
4964 and not by issuance of a notice of nonrenewal of the excluded
4965 coverage upon renewal of the current policy.

4966 21. As of January 1, 2012, must require that the agent

4967 obtain from an applicant for coverage from the corporation an
 4968 acknowledgment signed by the applicant, which includes, at a
 4969 minimum, the following statement:

4970
 4971 ACKNOWLEDGMENT OF POTENTIAL SURCHARGE
 4972 AND ASSESSMENT LIABILITY:
 4973

4974 1. AS A POLICYHOLDER OF CITIZENS PROPERTY INSURANCE
 4975 CORPORATION, I UNDERSTAND THAT IF THE CORPORATION SUSTAINS A
 4976 DEFICIT AS A RESULT OF HURRICANE LOSSES OR FOR ANY OTHER REASON,
 4977 MY POLICY COULD BE SUBJECT TO SURCHARGES, WHICH WILL BE DUE AND
 4978 PAYABLE UPON RENEWAL, CANCELLATION, OR TERMINATION OF THE
 4979 POLICY, AND THAT THE SURCHARGES COULD BE AS HIGH AS 45 PERCENT
 4980 OF MY PREMIUM, OR A DIFFERENT AMOUNT AS IMPOSED BY THE FLORIDA
 4981 LEGISLATURE.

4982 2. I UNDERSTAND THAT I CAN AVOID THE CITIZENS POLICYHOLDER
 4983 SURCHARGE, WHICH COULD BE AS HIGH AS 45 PERCENT OF MY PREMIUM,
 4984 BY OBTAINING COVERAGE FROM A PRIVATE MARKET INSURER AND THAT TO
 4985 BE ELIGIBLE FOR COVERAGE BY CITIZENS, I MUST FIRST TRY TO OBTAIN
 4986 PRIVATE MARKET COVERAGE BEFORE APPLYING FOR OR RENEWING COVERAGE
 4987 WITH CITIZENS. I UNDERSTAND THAT PRIVATE MARKET INSURANCE RATES
 4988 ARE REGULATED AND APPROVED BY THE STATE.

4989 3. I UNDERSTAND THAT I MAY BE SUBJECT TO EMERGENCY
 4990 ASSESSMENTS TO THE SAME EXTENT AS POLICYHOLDERS OF OTHER
 4991 INSURANCE COMPANIES, OR A DIFFERENT AMOUNT AS IMPOSED BY THE
 4992 FLORIDA LEGISLATURE.

4993 4. I ALSO UNDERSTAND THAT CITIZENS PROPERTY INSURANCE
 4994 CORPORATION IS NOT SUPPORTED BY THE FULL FAITH AND CREDIT OF THE
 4995 STATE OF FLORIDA.

4996 a. The corporation shall maintain, in electronic format or
 4997 otherwise, a copy of the applicant's signed acknowledgment and
 4998 provide a copy of the statement to the policyholder as part of
 4999 the first renewal after the effective date of this subparagraph.

5000 b. The signed acknowledgment form creates a conclusive
 5001 presumption that the policyholder understood and accepted his or
 5002 her potential surcharge and assessment liability as a
 5003 policyholder of the corporation.

5004 Reviser's note.—Subparagraph (6)(c)3. is amended to delete an
 5005 obsolete provision. Sub-subparagraph (6)(c)4.a. is amended
 5006 to confirm the editorial insertion of the word "be" to
 5007 improve clarity.

5008 Section 150. Subsection (5) of section 627.3518, Florida
 5009 Statutes, is amended to read:

5010 627.3518 Citizens Property Insurance Corporation
 5011 policyholder eligibility clearinghouse program.—The purpose of
 5012 this section is to provide a framework for the corporation to
 5013 implement a clearinghouse program by January 1, 2014.

5014 (5) Notwithstanding s. 627.3517, any applicant for new
 5015 coverage from the corporation is not eligible for coverage from
 5016 the corporation if provided an offer of coverage from an
 5017 authorized insurer through the program at a premium that is at
 5018 or below the eligibility threshold established in s.

5019 627.351(6)(c)5.a. Whenever an offer of coverage for a personal
 5020 lines risk is received for a policyholder of the corporation at
 5021 renewal from an authorized insurer through the program, if the
 5022 offer is equal to or less than the corporation's renewal premium
 5023 for comparable coverage, the risk is not eligible for coverage
 5024 with the corporation. In the event an offer of coverage for a
 5025 new applicant is received from an authorized insurer through the
 5026 program, and the premium offered exceeds the eligibility
 5027 threshold contained in s. 627.351(6)(c)5.a., the applicant or
 5028 insured may elect to accept such coverage, or may elect to
 5029 accept or continue coverage with the corporation. In the event
 5030 an offer of coverage for a personal lines risk is received from
 5031 an authorized insurer at renewal through the program, and the
 5032 premium offered is more than the corporation's renewal premium
 5033 for comparable coverage, the insured may elect to accept such
 5034 coverage, or may elect to accept or continue coverage with the
 5035 corporation. Section 627.351(6)(c)5.a.(I) does not apply to an
 5036 offer of coverage from an authorized insurer obtained through
 5037 the program. An applicant for coverage from the corporation who
 5038 was ~~previously~~ declared ineligible for coverage at renewal by
 5039 the corporation in the previous 36 months due to an offer of
 5040 coverage pursuant to this subsection shall be considered a
 5041 renewal under this section if the corporation determines that
 5042 the authorized insurer making the offer of coverage pursuant to
 5043 this subsection continues to insure the applicant and increased
 5044 the rate on the policy in excess of the increase allowed for the

5045 corporation under s. 627.351(6)(n)6.
 5046 Reviser's note.—Amended to confirm the editorial deletion of the
 5047 word "previously" to eliminate redundancy.
 5048 Section 151. Subsection (3) of section 627.642, Florida
 5049 Statutes, is amended to read:
 5050 627.642 Outline of coverage.—
 5051 (3) In addition to the outline of coverage, a policy as
 5052 specified in s. 627.6699(3)(1) ~~627.6699(3)(k)~~ must be
 5053 accompanied by an identification card that contains, at a
 5054 minimum:
 5055 (a) The name of the organization issuing the policy or the
 5056 name of the organization administering the policy, whichever
 5057 applies.
 5058 (b) The name of the contract holder.
 5059 (c) The type of plan only if the plan is filed in the
 5060 state, an indication that the plan is self-funded, or the name
 5061 of the network.
 5062 (d) The member identification number, contract number, and
 5063 policy or group number, if applicable.
 5064 (e) A contact phone number or electronic address for
 5065 authorizations and admission certifications.
 5066 (f) A phone number or electronic address whereby the
 5067 covered person or hospital, physician, or other person rendering
 5068 services covered by the policy may obtain benefits verification
 5069 and information in order to estimate patient financial
 5070 responsibility, in compliance with privacy rules under the

5071 Health Insurance Portability and Accountability Act.

5072 (g) The national plan identifier, in accordance with the
 5073 compliance date set forth by the federal Department of Health
 5074 and Human Services.

5075
 5076 The identification card must present the information in a
 5077 readily identifiable manner or, alternatively, the information
 5078 may be embedded on the card and available through magnetic
 5079 stripe or smart card. The information may also be provided
 5080 through other electronic technology.

5081 Reviser's note.—Amended to conform to the redesignation of s.
 5082 627.6699(3)(k) as s. 627.6699(3)(l) by s. 23, ch. 2013-101,
 5083 Laws of Florida.

5084 Section 152. Paragraph (d) of subsection (2) of section
 5085 627.6515, Florida Statutes, is amended to read:

5086 627.6515 Out-of-state groups.—

5087 (2) Except as otherwise provided in this part, this part
 5088 does not apply to a group health insurance policy issued or
 5089 delivered outside this state under which a resident of this
 5090 state is provided coverage if:

5091 (d) Applications for certificates of coverage offered to
 5092 residents of this state must contain, in contrasting color and
 5093 not less than 12-point type, the following statement on the same
 5094 page as the applicant's signature:

5095
 5096 "This policy is primarily governed by the laws of

5097 | ...insert state where the master policy is ~~if~~
 5098 | filed.... As a result, all of the rating laws
 5099 | applicable to policies filed in this state do not
 5100 | apply to this coverage, which may result in increases
 5101 | in your premium at renewal that would not be
 5102 | permissible under a Florida-approved policy. Any
 5103 | purchase of individual health insurance should be
 5104 | considered carefully, as future medical conditions may
 5105 | make it impossible to qualify for another individual
 5106 | health policy. For information concerning individual
 5107 | health coverage under a Florida-approved policy,
 5108 | consult your agent or the Florida Department of
 5109 | Financial Services."

5110 |
 5111 | This paragraph applies only to group certificates providing
 5112 | health insurance coverage which require individualized
 5113 | underwriting to determine coverage eligibility for an individual
 5114 | or premium rates to be charged to an individual except for the
 5115 | following:

5116 | 1. Policies issued to provide coverage to groups of
 5117 | persons all of whom are in the same or functionally related
 5118 | licensed professions, and providing coverage only to such
 5119 | licensed professionals, their employees, or their dependents;

5120 | 2. Policies providing coverage to small employers as
 5121 | defined by s. 627.6699. Such policies shall be subject to, and
 5122 | governed by, the provisions of s. 627.6699;

5123 3. Policies issued to a bona fide association, as defined
 5124 by s. 627.6571(5), provided that there is a person or board
 5125 acting as a fiduciary for the benefit of the members, and such
 5126 association is not owned, controlled by, or otherwise associated
 5127 with the insurance company; or

5128 4. Any accidental death, accidental death and
 5129 dismemberment, accident-only, vision-only, dental-only, hospital
 5130 indemnity-only, hospital accident-only, cancer, specified
 5131 disease, Medicare supplement, products that supplement Medicare,
 5132 long-term care, or disability income insurance, or similar
 5133 supplemental plans provided under a separate policy,
 5134 certificate, or contract of insurance, which cannot duplicate
 5135 coverage under an underlying health plan, coinsurance, or
 5136 deductibles or coverage issued as a supplement to workers'
 5137 compensation or similar insurance, or automobile medical-payment
 5138 insurance.

5139 Reviser's note.—Amended to confirm the editorial substitution of
 5140 the word "is" for the word "if" to provide clarity.

5141 Section 153. Subsection (5) of section 627.6562, Florida
 5142 Statutes, is amended to read:

5143 627.6562 Dependent coverage.—

5144 ~~(5) (a) Until April 1, 2009, the parent of a child who~~
 5145 ~~qualifies for coverage under subsection (2) but whose coverage~~
 5146 ~~as a dependent child under the parent's plan terminated under~~
 5147 ~~the terms of the plan before October 1, 2008, may make a written~~
 5148 ~~election to reinstate coverage, without proof of insurability,~~

5149 ~~under that plan as a dependent child pursuant to this section.~~

5150 ~~(b) The covered person's plan may require the payment of a~~
 5151 ~~premium by the covered person or dependent child, as~~
 5152 ~~appropriate, subject to the approval of the Office of Insurance~~
 5153 ~~Regulation, for any period of coverage relating to a dependent's~~
 5154 ~~written election for coverage pursuant to paragraph (a).~~

5155 ~~(c) Notice regarding the reinstatement of coverage for a~~
 5156 ~~dependent child as provided under this subsection must be~~
 5157 ~~provided to a covered person in the certificate of coverage~~
 5158 ~~prepared for covered persons by the insurer or by the covered~~
 5159 ~~person's employer. Such notice may be given through the group~~
 5160 ~~policyholder.~~

5161 Reviser's note.—Amended to delete an obsolete provision.

5162 Section 154. Subsection (2) of section 627.657, Florida
 5163 Statutes, is amended to read:

5164 627.657 Provisions of group health insurance policies.—

5165 (2) The medical policy as specified in s. 627.6699(3)(1)
 5166 ~~627.6699(3)(k)~~ must be accompanied by an identification card
 5167 that contains, at a minimum:

5168 (a) The name of the organization issuing the policy or
 5169 name of the organization administering the policy, whichever
 5170 applies.

5171 (b) The name of the certificateholder.

5172 (c) The type of plan only if the plan is filed in the
 5173 state, an indication that the plan is self-funded, or the name
 5174 of the network.

5175 (d) The member identification number, contract number, and
 5176 policy or group number, if applicable.

5177 (e) A contact phone number or electronic address for
 5178 authorizations and admission certifications.

5179 (f) A phone number or electronic address whereby the
 5180 covered person or hospital, physician, or other person rendering
 5181 services covered by the policy may obtain benefits verification
 5182 and information in order to estimate patient financial
 5183 responsibility, in compliance with privacy rules under the
 5184 Health Insurance Portability and Accountability Act.

5185 (g) The national plan identifier, in accordance with the
 5186 compliance date set forth by the federal Department of Health
 5187 and Human Services.

5188
 5189 The identification card must present the information in a
 5190 readily identifiable manner or, alternatively, the information
 5191 may be embedded on the card and available through magnetic
 5192 stripe or smart card. The information may also be provided
 5193 through other electronic technology.

5194 Reviser's note.—Amended to conform to the redesignation of s.
 5195 627.6699(3)(k) as s. 627.6699(3)(l) by s. 23, ch. 2013-101,
 5196 Laws of Florida.

5197 Section 155. Subsection (8) of section 627.6686, Florida
 5198 Statutes, is amended to read:

5199 627.6686 Coverage for individuals with autism spectrum
 5200 disorder required; exception.—

5201 (8) ~~Beginning January 1, 2011,~~ The maximum benefit under
 5202 paragraph (4) (b) shall be adjusted annually on January 1 of each
 5203 calendar year to reflect any change from the previous year in
 5204 the medical component of the then current Consumer Price Index
 5205 for All Urban Consumers, published by the Bureau of Labor
 5206 Statistics of the United States Department of Labor.

5207 Reviser's note.—Amended to delete an obsolete provision.

5208 Section 156. Subsection (28) of section 633.102, Florida
 5209 Statutes, is amended to read:

5210 633.102 Definitions.—As used in this chapter, the term:

5211 ~~(28) "Special state firesafety inspector" means an~~
 5212 ~~individual officially assigned to the duties of conducting~~
 5213 ~~firesafety inspections required by law on behalf of or by an~~
 5214 ~~agency of the state having authority for inspections other than~~
 5215 ~~the division.~~

5216 Reviser's note.—Amended to delete an obsolete provision. Section

5217 633.216(3) provides that the classification of special
 5218 state firesafety inspector is abolished effective July 1,
 5219 2013, and all special state firesafety inspector
 5220 certifications expire at midnight June 30, 2013.

5221 Section 157. Subsection (3) of section 633.216, Florida
 5222 Statutes, is amended to read:

5223 633.216 Inspection of buildings and equipment; orders;
 5224 firesafety inspection training requirements; certification;
 5225 disciplinary action.—The State Fire Marshal and her or his
 5226 agents or persons authorized to enforce laws and rules of the

5227 State Fire Marshal shall, at any reasonable hour, when the State
 5228 Fire Marshal has reasonable cause to believe that a violation of
 5229 this chapter or s. 509.215, or a rule adopted thereunder, or a
 5230 minimum firesafety code adopted by the State Fire Marshal or a
 5231 local authority, may exist, inspect any and all buildings and
 5232 structures which are subject to the requirements of this chapter
 5233 or s. 509.215 and rules adopted thereunder. The authority to
 5234 inspect shall extend to all equipment, vehicles, and chemicals
 5235 which are located on or within the premises of any such building
 5236 or structure.

5237 ~~(3)(a)1. Effective July 1, 2013, the classification of~~
 5238 ~~special state firesafety inspector is abolished, and all special~~
 5239 ~~state firesafety inspector certifications expire at midnight~~
 5240 ~~June 30, 2013.~~

5241 ~~2. Any person who is a special state firesafety inspector~~
 5242 ~~on June 30, 2013, and who has failed to comply with paragraph~~
 5243 ~~(b) or paragraph (c) may not perform any firesafety inspection~~
 5244 ~~required by law.~~

5245 ~~3. A special state firesafety inspector certificate may~~
 5246 ~~not be issued after June 30, 2011.~~

5247 ~~(b)1. Any person who is a special state firesafety~~
 5248 ~~inspector on July 1, 2011, and who has at least 5 years of~~
 5249 ~~experience as a special state firesafety inspector as of July 1,~~
 5250 ~~2011, may take the firesafety inspection examination as provided~~
 5251 ~~in paragraph (2) (a) for firesafety inspectors before July 1,~~
 5252 ~~2013, to be certified as a firesafety inspector under this~~

5253 ~~section.~~

5254 ~~2. Upon passing the examination, the person shall be~~

5255 ~~certified as a firesafety inspector as provided in this section.~~

5256 ~~3. A person who fails to become certified must comply with~~

5257 ~~paragraph (c) to be certified as a firesafety inspector under~~

5258 ~~this section.~~

5259 ~~(c)1. To be certified as a firesafety inspector under this~~

5260 ~~section, a person who:~~

5261 ~~a. Is a special state firesafety inspector on July 1,~~

5262 ~~2011, and who does not have 5 years of experience as a special~~

5263 ~~state firesafety inspector as of July 1, 2011; or~~

5264 ~~b. Has 5 years of experience as a special state firesafety~~

5265 ~~inspector but has failed the examination taken as provided in~~

5266 ~~paragraph (2) (a),~~

5267

5268 ~~must take an additional 80 hours of the courses described in~~

5269 ~~paragraph (2) (b).~~

5270 ~~2. After successfully completing the courses described in~~

5271 ~~this paragraph, such person may take the firesafety inspection~~

5272 ~~examination as provided in paragraph (2) (a), if such examination~~

5273 ~~is taken before July 1, 2013.~~

5274 ~~3. Upon passing the examination, the person shall be~~

5275 ~~certified as a firesafety inspector as provided in this section.~~

5276 ~~4. A person who fails the course of study or the~~

5277 ~~examination described in this paragraph may not perform any~~

5278 ~~firesafety inspection required by law on or after July 1, 2013.~~

5279 Reviser's note.—Amended to delete an obsolete provision.
 5280 Section 158. Subsection (1) of section 633.316, Florida
 5281 Statutes, is amended to read:
 5282 633.316 Fire suppression system contractors; disciplinary
 5283 action.—
 5284 (1) The violation of any provision of this chapter or any
 5285 rule ~~adopted and~~ adopted pursuant hereto or the failure or
 5286 refusal to comply with any notice or order to correct a
 5287 violation or any cease and desist order by a person who
 5288 possesses a license or permit issued pursuant to s. 633.304 is
 5289 cause for denial, nonrenewal, revocation, or suspension of such
 5290 license or permit by the State Fire Marshal after such officer
 5291 has determined that the person committed such violation. An
 5292 order of suspension must state the period of such suspension,
 5293 which period may not be in excess of 2 years from the date of
 5294 such order. An order of revocation may be entered for a period
 5295 not exceeding 5 years. Such orders shall effect suspension or
 5296 revocation of all licenses or permits issued by the division to
 5297 the person, and during such period a license or permit may not
 5298 be issued by the division to such person. During the suspension
 5299 or revocation of any license or permit, the former licensee or
 5300 permittee may not engage in or attempt or profess to engage in
 5301 any transaction or business for which a license or permit is
 5302 required under this chapter or directly or indirectly own,
 5303 control, or be employed in any manner by any firm, business, or
 5304 corporation for which a license or permit under this chapter is

5305 required. If, during the period between the beginning of
 5306 proceedings and the entry of an order of suspension or
 5307 revocation by the State Fire Marshal, a new license or permit
 5308 has been issued by the division to the person so charged, the
 5309 order of suspension or revocation shall operate to suspend or
 5310 revoke such new license or permit held by such person.

5311 Reviser's note.—Amended to confirm the editorial deletion of the
 5312 words "adopted and" to improve clarity.

5313 Section 159. Paragraph (a) of subsection (4) of section
 5314 633.408, Florida Statutes, is amended to read:

5315 633.408 Firefighter and volunteer firefighter training and
 5316 certification.—

5317 (4) The division shall issue a firefighter certificate of
 5318 compliance to an individual who does all of the following:

5319 (a) Satisfactorily completes the Minimum Standards Course
 5320 or ~~who~~ has satisfactorily completed training for firefighters in
 5321 another state which has been determined by the division to be at
 5322 least the equivalent of the training required for the Minimum
 5323 Standards Course.

5324 Reviser's note.—Amended to confirm the editorial deletion of the
 5325 word "who."

5326 Section 160. Section 634.283, Florida Statutes, is amended
 5327 to read:

5328 634.283 Power of department and office to examine and
 5329 investigate.—The department and office may, within their
 5330 respective regulatory jurisdictions, examine and investigate the

5331 affairs of every person involved in the business of motor
 5332 vehicle service agreements in this state in order to determine
 5333 whether such person has been or is engaged in any unfair method
 5334 of competition or in any unfair or deceptive act or practice
 5335 prohibited by s. 634.2815, and each shall have the powers and
 5336 duties specified in ss. 634.284-634.288 ~~634.284-634.289~~ in
 5337 connection therewith.

5338 Reviser's note.—Amended to conform to the repeal of s. 634.289
 5339 by s. 99, ch. 2013-18, Laws of Florida.

5340 Section 161. Subsection (8) of section 641.31098, Florida
 5341 Statutes, is amended to read:

5342 641.31098 Coverage for individuals with developmental
 5343 disabilities.—

5344 (8) ~~Beginning January 1, 2011,~~ The maximum benefit under
 5345 paragraph (4) (b) shall be adjusted annually on January 1 of each
 5346 calendar year to reflect any change from the previous year in
 5347 the medical component of the then current Consumer Price Index
 5348 for All Urban Consumers, published by the Bureau of Labor
 5349 Statistics of the United States Department of Labor.

5350 Reviser's note.—Amended to delete an obsolete provision.

5351 Section 162. Subsection (1) and paragraphs (b), (c), and
 5352 (d) of subsection (5) of section 658.27, Florida Statutes, are
 5353 amended to read:

5354 658.27 Control of bank or trust company; definitions and
 5355 related provisions.—

5356 (1) In ss. 658.27-658.285 ~~658.27-658.29~~, unless the

5357 context clearly requires otherwise:

5358 (a) "Bank holding company" means any business organization
 5359 which has or acquires control over any bank or trust company or
 5360 over any business organization that is or becomes a bank holding
 5361 company by virtue of ss. 658.27-658.285 ~~658.27-658.29~~.

5362 (b) "Business organization" means a corporation,
 5363 association, partnership, or business trust and includes any
 5364 similar organization (including a trust company and including a
 5365 bank, whether or not authorized to engage in trust business, but
 5366 only if such bank is, or by virtue of ss. 658.27-658.285 ~~658.27-~~
 5367 ~~658.29~~ becomes, a bank holding company), whether created,
 5368 organized, or existing under the laws of the United States; this
 5369 state or any other state of the United States; or any other
 5370 country, government, or jurisdiction. "Business organization"
 5371 does not include any corporation the majority of the shares of
 5372 which are owned by the United States or by this state. "Business
 5373 organization" also includes any other trust, unless by its terms
 5374 it must terminate within 25 years or not later than 21 years and
 5375 10 months after the death of individuals living on the effective
 5376 date of the trust, unless the office determines, after notice
 5377 and opportunity for hearing, that a purpose for the creation of
 5378 such trust was the evasion of the provisions of ss. 658.27-
 5379 658.285 ~~658.27-658.29~~.

5380 (c) "Edge Act corporation" means a corporation organized
 5381 and existing under the provisions of s. 25(a) of the Federal
 5382 Reserve Act, 12 U.S.C. ss. 611-632.

5383 (d) "Subsidiary," with respect to a specified bank, trust
 5384 company, or bank holding company, means:

5385 1. Any business organization 25 percent or more of the
 5386 voting shares of which, excluding shares owned by the United
 5387 States or by any business organization wholly owned by the
 5388 United States, are directly or indirectly owned or controlled by
 5389 such bank, trust company, or bank holding company or are held by
 5390 such bank, trust company, or bank holding company with power to
 5391 vote;

5392 2. Any business organization the election of a majority of
 5393 the directors of which is controlled in any manner by such bank,
 5394 trust company, or bank holding company; or

5395 3. Any business organization with respect to the
 5396 management or policies of which such bank, trust company, or
 5397 bank holding company has the power, directly or indirectly, to
 5398 exercise a controlling influence, as determined by the office
 5399 after notice and opportunity for hearing.

5400 (e) "Successor," with respect to a specified bank holding
 5401 company, means any business organization which acquires directly
 5402 or indirectly from the bank holding company shares of any bank
 5403 or trust company, when and if the relationship between such
 5404 business organization and the bank holding company is such that
 5405 the transaction effects no substantial change in the control of
 5406 the bank or trust company or beneficial ownership of such shares
 5407 of such bank or trust company. The commission may, by rule,
 5408 further define the term "successor" to the extent necessary to

5409 prevent evasion of the purposes of ss. 658.27-658.285 ~~658.27-~~
 5410 ~~658.29~~. For the purposes of ss. 658.27-658.285 ~~658.27-658.29~~,
 5411 any successor to a bank holding company shall be deemed to have
 5412 been a bank holding company from the date on which the
 5413 predecessor business organization became a bank holding company.

5414 (5) Notwithstanding any other provision of this section,
 5415 no bank and no business organization shall be deemed to own or
 5416 control voting shares or assets of another bank or another
 5417 business organization if:

5418 (b) The shares are acquired in connection with the
 5419 underwriting of securities by a business organization, in good
 5420 faith and without any intent or purpose to evade the purposes of
 5421 ss. 658.27-658.285 ~~658.27-658.29~~, and if such shares are held
 5422 only for such period of time, not exceeding 3 months from date
 5423 of acquisition, as will permit the sale thereof on a reasonable
 5424 basis; however, upon application by the underwriting business
 5425 organization, and after notice and opportunity for hearing, if
 5426 the office finds that the sale of such shares within that period
 5427 of time would create an unreasonable hardship on the
 5428 underwriting business organization, that there is no intent or
 5429 purpose to evade the purposes of ss. 658.27-658.285 ~~658.27-~~
 5430 ~~658.29~~ by the continued ownership or control of such shares by
 5431 such underwriting business organization, and that an extension
 5432 of such period of time would not be detrimental to the public
 5433 interest, the office is authorized to extend, from time to time,
 5434 for not more than 1 month at a time, the 3-month period, but the

5435 aggregate of such extensions shall not exceed 3 months;

5436 (c) Control of voting rights of such shares is acquired in

5437 good faith, and without any purpose or intent to evade the

5438 purposes of ss. 658.27-658.285 ~~658.27-658.29~~, in the course of

5439 participating in a proxy solicitation by a business organization

5440 formed in good faith, and without any purpose or intent to evade

5441 the purposes of ss. 658.27-658.285 ~~658.27-658.29~~, for the sole

5442 purpose of participating in such proxy solicitation, and such

5443 control of voting rights terminates immediately upon the

5444 conclusion of the sole purpose for which such business

5445 organization was formed; or

5446 (d) The ownership or control of such shares or assets is

5447 acquired in securing or collecting a debt previously contracted

5448 in good faith, unless the office, after notice and opportunity

5449 for hearing, finds that a purpose of any part of any transaction

5450 was an evasion of the purposes of ss. 658.27-658.285 ~~658.27-~~

5451 ~~658.29~~ and if the ownership or control of such shares or assets

5452 is held only for such reasonable period of time, not exceeding 2

5453 years after the date of acquisition, as will permit the

5454 divestiture thereof on a reasonable basis. Upon application by

5455 the bank or business organization which acquired such ownership

5456 or control in accordance with the preceding provisions of this

5457 paragraph, and after notice and opportunity for hearing, if the

5458 office finds that the bank or business organization has made

5459 reasonable and good faith efforts to divest itself of such

5460 ownership or control on a reasonable basis within the 2-year

5461 period but has been unable to do so, that immediate divestiture
 5462 of such ownership or control would create an unreasonable
 5463 hardship on such bank or business organization, that
 5464 continuation of such ownership or control involves no purpose or
 5465 intent to evade the purposes of ss. 658.27-658.285 ~~658.27-~~
 5466 ~~658.29~~, and that an extension of the 2-year period would not be
 5467 detrimental to the public interest, the office is authorized to
 5468 extend, from time to time and for not more than 1 year at a
 5469 time, the 2-year period, but the aggregate of all such
 5470 extensions shall not exceed 3 years.

5471 Reviser's note.—Amended to conform to the repeal of s. 658.29 by
 5472 s. 15, ch. 96-168, Laws of Florida.

5473 Section 163. Subsection (7) of section 658.995, Florida
 5474 Statutes, is amended to read:

5475 658.995 Credit Card Bank Act.—

5476 (7) A credit card bank shall not be considered a "bank"
 5477 for the purposes of ss. 658.27-658.2953 ~~658.27-658.296~~.

5478 Reviser's note.—Amended to conform to the repeal of s. 658.296
 5479 by s. 25, ch. 2011-194, Laws of Florida.

5480 Section 164. Paragraph (d) of subsection (4) and paragraph
 5481 (a) of subsection (13) of section 713.78, Florida Statutes, are
 5482 amended to read:

5483 713.78 Liens for recovering, towing, or storing vehicles
 5484 and vessels.—

5485 (4)

5486 (d) If attempts to locate the name and address of the

5487 owner or lienholder prove unsuccessful, the towing-storage
 5488 operator shall, after 7 working days, excluding Saturday and
 5489 Sunday, of the initial tow or storage, notify the public agency
 5490 of jurisdiction where the vehicle or vessel is stored in writing
 5491 by certified mail or acknowledged hand delivery that the towing-
 5492 storage company has been unable to locate the name and address
 5493 of the owner or lienholder and a physical search of the vehicle
 5494 or vessel has disclosed no ownership information and a good
 5495 faith effort has been made, including records checks of the
 5496 Department of Highway Safety and Motor Vehicles database and the
 5497 National Motor Vehicle Title Information System or an equivalent
 5498 commercially available system ~~databases~~. For purposes of this
 5499 paragraph and subsection (9), "good faith effort" means that the
 5500 following checks have been performed by the company to establish
 5501 prior state of registration and for title:

- 5502 1. Check of the Department of Highway Safety and Motor
 5503 Vehicles database for the owner and any lienholder.
- 5504 2. Check of the electronic National Motor Vehicle Title
 5505 Information System or an equivalent commercially available
 5506 system to determine the state of registration when there is not
 5507 a current registration record for the vehicle on file with the
 5508 Department of Highway Safety and Motor Vehicles.
- 5509 3. Check of vehicle or vessel for any type of tag, tag
 5510 record, temporary tag, or regular tag.
- 5511 4. Check of law enforcement report for tag number or other
 5512 information identifying the vehicle or vessel, if the vehicle or

5513 vessel was towed at the request of a law enforcement officer.

5514 5. Check of trip sheet or tow ticket of tow truck operator
5515 to see if a tag was on vehicle or vessel at beginning of tow, if
5516 private tow.

5517 6. If there is no address of the owner on the impound
5518 report, check of law enforcement report to see if an out-of-
5519 state address is indicated from driver license information.

5520 7. Check of vehicle or vessel for inspection sticker or
5521 other stickers and decals that may indicate a state of possible
5522 registration.

5523 8. Check of the interior of the vehicle or vessel for any
5524 papers that may be in the glove box, trunk, or other areas for a
5525 state of registration.

5526 9. Check of vehicle for vehicle identification number.

5527 10. Check of vessel for vessel registration number.

5528 11. Check of vessel hull for a hull identification number
5529 which should be carved, burned, stamped, embossed, or otherwise
5530 permanently affixed to the outboard side of the transom or, if
5531 there is no transom, to the outmost seaboard side at the end of
5532 the hull that bears the rudder or other steering mechanism.

5533 (13) (a) Upon receipt by the Department of Highway Safety
5534 and Motor Vehicles of written notice from a wrecker operator who
5535 claims a wrecker operator's lien under paragraph ~~(2) (c) or~~
5536 ~~paragraph~~ (2) (d) for recovery, towing, or storage of an
5537 abandoned vehicle or vessel upon instructions from any law
5538 enforcement agency, for which a certificate of destruction has

5539 | been issued under subsection (11) and the vehicle has been
 5540 | reported to the National Motor Vehicle Title Information System,
 5541 | the department shall place the name of the registered owner of
 5542 | that vehicle or vessel on the list of those persons who may not
 5543 | be issued a license plate or revalidation sticker for any motor
 5544 | vehicle under s. 320.03(8). If the vehicle or vessel is owned
 5545 | jointly by more than one person, the name of each registered
 5546 | owner shall be placed on the list. The notice of wrecker
 5547 | operator's lien shall be submitted on forms provided by the
 5548 | department, which must include:

5549 | 1. The name, address, and telephone number of the wrecker
 5550 | operator.

5551 | 2. The name of the registered owner of the vehicle or
 5552 | vessel and the address to which the wrecker operator provided
 5553 | notice of the lien to the registered owner under subsection (4).

5554 | 3. A general description of the vehicle or vessel,
 5555 | including its color, make, model, body style, and year.

5556 | 4. The vehicle identification number (VIN); registration
 5557 | license plate number, state, and year; validation decal number,
 5558 | state, and year; vessel registration number; hull identification
 5559 | number; or other identification number, as applicable.

5560 | 5. The name of the person or the corresponding law
 5561 | enforcement agency that requested that the vehicle or vessel be
 5562 | recovered, towed, or stored.

5563 | 6. The amount of the wrecker operator's lien, not to
 5564 | exceed the amount allowed by paragraph (b).

5565 Reviser's note.—Paragraph (4) (d) is amended to confirm the
 5566 editorial insertion of the word "database" and editorial
 5567 deletion of the word "databases" to improve clarity.
 5568 Paragraph (13) (a) is amended to conform to the deletion of
 5569 referenced paragraph (2) (d) by s. 3, ch. 2005-137, Laws of
 5570 Florida, and the subsequent redesignation of referenced
 5571 paragraph (2) (c) as paragraph (2) (d) by s. 75, ch. 2013-
 5572 160, Laws of Florida.

5573 Section 165. Subsection (1) of section 718.301, Florida
 5574 Statutes, is reenacted to read:

5575 718.301 Transfer of association control; claims of defect
 5576 by association.—

5577 (1) If unit owners other than the developer own 15 percent
 5578 or more of the units in a condominium that will be operated
 5579 ultimately by an association, the unit owners other than the
 5580 developer are entitled to elect at least one-third of the
 5581 members of the board of administration of the association. Unit
 5582 owners other than the developer are entitled to elect at least a
 5583 majority of the members of the board of administration of an
 5584 association, upon the first to occur of any of the following
 5585 events:

5586 (a) Three years after 50 percent of the units that will be
 5587 operated ultimately by the association have been conveyed to
 5588 purchasers;

5589 (b) Three months after 90 percent of the units that will
 5590 be operated ultimately by the association have been conveyed to

5591 purchasers;

5592 (c) When all the units that will be operated ultimately by
 5593 the association have been completed, some of them have been
 5594 conveyed to purchasers, and none of the others are being offered
 5595 for sale by the developer in the ordinary course of business;

5596 (d) When some of the units have been conveyed to
 5597 purchasers and none of the others are being constructed or
 5598 offered for sale by the developer in the ordinary course of
 5599 business;

5600 (e) When the developer files a petition seeking protection
 5601 in bankruptcy;

5602 (f) When a receiver for the developer is appointed by a
 5603 circuit court and is not discharged within 30 days after such
 5604 appointment, unless the court determines within 30 days after
 5605 appointment of the receiver that transfer of control would be
 5606 detrimental to the association or its members; or

5607 (g) Seven years after the date of the recording of the
 5608 certificate of a surveyor and mapper pursuant to s.
 5609 718.104(4)(e) or the recording of an instrument that transfers
 5610 title to a unit in the condominium which is not accompanied by a
 5611 recorded assignment of developer rights in favor of the grantee
 5612 of such unit, whichever occurs first; or, in the case of an
 5613 association that may ultimately operate more than one
 5614 condominium, 7 years after the date of the recording of the
 5615 certificate of a surveyor and mapper pursuant to s.
 5616 718.104(4)(e) or the recording of an instrument that transfers

5617 title to a unit which is not accompanied by a recorded
 5618 assignment of developer rights in favor of the grantee of such
 5619 unit, whichever occurs first, for the first condominium it
 5620 operates; or, in the case of an association operating a phase
 5621 condominium created pursuant to s. 718.403, 7 years after the
 5622 date of the recording of the certificate of a surveyor and
 5623 mapper pursuant to s. 718.104(4) (e) or the recording of an
 5624 instrument that transfers title to a unit which is not
 5625 accompanied by a recorded assignment of developer rights in
 5626 favor of the grantee of such unit, whichever occurs first.

5627
 5628 The developer is entitled to elect at least one member of the
 5629 board of administration of an association as long as the
 5630 developer holds for sale in the ordinary course of business at
 5631 least 5 percent, in condominiums with fewer than 500 units, and
 5632 2 percent, in condominiums with more than 500 units, of the
 5633 units in a condominium operated by the association. After the
 5634 developer relinquishes control of the association, the developer
 5635 may exercise the right to vote any developer-owned units in the
 5636 same manner as any other unit owner except for purposes of
 5637 reacquiring control of the association or selecting the majority
 5638 members of the board of administration.

5639 Reviser's note.—Reenacted to confirm restoration by the editors
 5640 of the flush left language at the end of subsection (1). A
 5641 drafting error in s. 7, ch. 2013-122, Laws of Florida,
 5642 placed the flush left material of subsection (1) at the end

5643 of paragraph (g); the intent was for it to remain flush
 5644 left text at the end of subsection (1).

5645 Section 166. Paragraph (a) of subsection (1) of section
 5646 871.015, Florida Statutes, is amended to read:

5647 871.015 Unlawful protests.—

5648 (1) As used in this section, the term:

5649 (a) "Funeral or burial" means a service or ceremony
 5650 offered or provided in connection with the final disposition,
 5651 memorialization, interment ~~internment~~, entombment, or inurnment
 5652 of human remains or cremated human remains.

5653 Reviser's note.—Amended to confirm the editorial substitution of
 5654 the word "interment" for the word "internment" to conform
 5655 to context.

5656 Section 167. Subsection (8) of section 893.055, Florida
 5657 Statutes, is amended to read:

5658 893.055 Prescription drug monitoring program.—

5659 (8) To assist in fulfilling program responsibilities,
 5660 performance measures shall be reported annually to the Governor,
 5661 the President of the Senate, and the Speaker of the House of
 5662 Representatives by the department each December 1, ~~beginning in~~
 5663 ~~2011~~. Data that does not contain patient, physician, health care
 5664 practitioner, prescriber, or dispenser identifying information
 5665 may be requested during the year by department employees so that
 5666 the department may undertake public health care and safety
 5667 initiatives that take advantage of observed trends. Performance
 5668 measures may include, but are not limited to, efforts to achieve

5669 the following outcomes:

5670 (a) Reduction of the rate of inappropriate use of
5671 prescription drugs through department education and safety
5672 efforts.

5673 (b) Reduction of the quantity of pharmaceutical controlled
5674 substances obtained by individuals attempting to engage in fraud
5675 and deceit.

5676 (c) Increased coordination among partners participating in
5677 the prescription drug monitoring program.

5678 (d) Involvement of stakeholders in achieving improved
5679 patient health care and safety and reduction of prescription
5680 drug abuse and prescription drug diversion.

5681 Reviser's note.—Amended to delete an obsolete provision.

5682 Section 168. Paragraph (a) of subsection (5) of section
5683 893.1495, Florida Statutes, is amended to read:

5684 893.1495 Retail sale of ephedrine and related compounds.—

5685 (5) (a) Any person purchasing, receiving, or otherwise
5686 acquiring any nonprescription compound, mixture, or preparation
5687 containing any detectable quantity of ephedrine or related
5688 compounds must:

5689 1. Be at least 18 years of age.

5690 2. Produce a government-issued photo identification
5691 showing his or her name, date of birth, address, and photo
5692 identification number or an alternative form of identification
5693 acceptable under ~~federal regulation~~ 8 C.F.R. s.

5694 274a.2 (b) (1) (v) (A) and (B).

5695 3. Sign his or her name on a record of the purchase,
 5696 either on paper or on an electronic signature capture device.
 5697 Reviser's note.—Amended to delete the words "federal regulation"
 5698 to provide clarity.

5699 Section 169. Paragraph (c) of subsection (4) of section
 5700 943.0585, Florida Statutes, is amended to read:

5701 943.0585 Court-ordered expunction of criminal history
 5702 records.—The courts of this state have jurisdiction over their
 5703 own procedures, including the maintenance, expunction, and
 5704 correction of judicial records containing criminal history
 5705 information to the extent such procedures are not inconsistent
 5706 with the conditions, responsibilities, and duties established by
 5707 this section. Any court of competent jurisdiction may order a
 5708 criminal justice agency to expunge the criminal history record
 5709 of a minor or an adult who complies with the requirements of
 5710 this section. The court shall not order a criminal justice
 5711 agency to expunge a criminal history record until the person
 5712 seeking to expunge a criminal history record has applied for and
 5713 received a certificate of eligibility for expunction pursuant to
 5714 subsection (2). A criminal history record that relates to a
 5715 violation of s. 393.135, s. 394.4593, s. 787.025, chapter 794,
 5716 s. 796.03, s. 800.04, s. 810.14, s. 817.034, s. 825.1025, s.
 5717 827.071, chapter 839, s. 847.0133, s. 847.0135, s. 847.0145, s.
 5718 893.135, s. 916.1075, a violation enumerated in s. 907.041, or
 5719 any violation specified as a predicate offense for registration
 5720 as a sexual predator pursuant to s. 775.21, without regard to

5721 whether that offense alone is sufficient to require such
 5722 registration, or for registration as a sexual offender pursuant
 5723 to s. 943.0435, may not be expunged, without regard to whether
 5724 adjudication was withheld, if the defendant was found guilty of
 5725 or pled guilty or nolo contendere to the offense, or if the
 5726 defendant, as a minor, was found to have committed, or pled
 5727 guilty or nolo contendere to committing, the offense as a
 5728 delinquent act. The court may only order expunction of a
 5729 criminal history record pertaining to one arrest or one incident
 5730 of alleged criminal activity, except as provided in this
 5731 section. The court may, at its sole discretion, order the
 5732 expunction of a criminal history record pertaining to more than
 5733 one arrest if the additional arrests directly relate to the
 5734 original arrest. If the court intends to order the expunction of
 5735 records pertaining to such additional arrests, such intent must
 5736 be specified in the order. A criminal justice agency may not
 5737 expunge any record pertaining to such additional arrests if the
 5738 order to expunge does not articulate the intention of the court
 5739 to expunge a record pertaining to more than one arrest. This
 5740 section does not prevent the court from ordering the expunction
 5741 of only a portion of a criminal history record pertaining to one
 5742 arrest or one incident of alleged criminal activity.
 5743 Notwithstanding any law to the contrary, a criminal justice
 5744 agency may comply with laws, court orders, and official requests
 5745 of other jurisdictions relating to expunction, correction, or
 5746 confidential handling of criminal history records or information

5747 derived therefrom. This section does not confer any right to the
 5748 expunction of any criminal history record, and any request for
 5749 expunction of a criminal history record may be denied at the
 5750 sole discretion of the court.

5751 (4) EFFECT OF CRIMINAL HISTORY RECORD EXPUNCTION.—Any
 5752 criminal history record of a minor or an adult which is ordered
 5753 expunged by a court of competent jurisdiction pursuant to this
 5754 section must be physically destroyed or obliterated by any
 5755 criminal justice agency having custody of such record; except
 5756 that any criminal history record in the custody of the
 5757 department must be retained in all cases. A criminal history
 5758 record ordered expunged that is retained by the department is
 5759 confidential and exempt from the provisions of s. 119.07(1) and
 5760 s. 24(a), Art. I of the State Constitution and not available to
 5761 any person or entity except upon order of a court of competent
 5762 jurisdiction. A criminal justice agency may retain a notation
 5763 indicating compliance with an order to expunge.

5764 (c) Information relating to the existence of an expunged
 5765 criminal history record which is provided in accordance with
 5766 paragraph (a) is confidential and exempt from the provisions of
 5767 s. 119.07(1) and s. 24(a), Art. I of the State Constitution,
 5768 except that the department shall disclose the existence of a
 5769 criminal history record ordered expunged to the entities set
 5770 forth in subparagraphs (a)1., 4., 5., and 6. ~~(a)1., 4., 5., 6.,~~
 5771 ~~and 7.~~ for their respective licensing, access authorization, and
 5772 employment purposes, and to criminal justice agencies for their

5773 | respective criminal justice purposes. It is unlawful for any
 5774 | employee of an entity set forth in subparagraph (a)1.,
 5775 | subparagraph (a)4., subparagraph (a)5., or subparagraph (a)6.~~7~~
 5776 | ~~or subparagraph (a)7.~~ to disclose information relating to the
 5777 | existence of an expunged criminal history record of a person
 5778 | seeking employment, access authorization, or licensure with such
 5779 | entity or contractor, except to the person to whom the criminal
 5780 | history record relates or to persons having direct
 5781 | responsibility for employment, access authorization, or
 5782 | licensure decisions. Any person who violates this paragraph
 5783 | commits a misdemeanor of the first degree, punishable as
 5784 | provided in s. 775.082 or s. 775.083.

5785 | Reviser's note.—Amended to conform to the repeal of subparagraph
 5786 | (4) (a)7. by s. 25, ch. 2013-116, Laws of Florida.

5787 | Section 170. Subsection (4) of section 943.059, Florida
 5788 | Statutes, is amended to read:

5789 | 943.059 Court-ordered sealing of criminal history
 5790 | records.—The courts of this state shall continue to have
 5791 | jurisdiction over their own procedures, including the
 5792 | maintenance, sealing, and correction of judicial records
 5793 | containing criminal history information to the extent such
 5794 | procedures are not inconsistent with the conditions,
 5795 | responsibilities, and duties established by this section. Any
 5796 | court of competent jurisdiction may order a criminal justice
 5797 | agency to seal the criminal history record of a minor or an
 5798 | adult who complies with the requirements of this section. The

5799 | court shall not order a criminal justice agency to seal a
 5800 | criminal history record until the person seeking to seal a
 5801 | criminal history record has applied for and received a
 5802 | certificate of eligibility for sealing pursuant to subsection
 5803 | (2). A criminal history record that relates to a violation of s.
 5804 | 393.135, s. 394.4593, s. 787.025, chapter 794, s. 796.03, s.
 5805 | 800.04, s. 810.14, s. 817.034, s. 825.1025, s. 827.071, chapter
 5806 | 839, s. 847.0133, s. 847.0135, s. 847.0145, s. 893.135, s.
 5807 | 916.1075, a violation enumerated in s. 907.041, or any violation
 5808 | specified as a predicate offense for registration as a sexual
 5809 | predator pursuant to s. 775.21, without regard to whether that
 5810 | offense alone is sufficient to require such registration, or for
 5811 | registration as a sexual offender pursuant to s. 943.0435, may
 5812 | not be sealed, without regard to whether adjudication was
 5813 | withheld, if the defendant was found guilty of or pled guilty or
 5814 | nolo contendere to the offense, or if the defendant, as a minor,
 5815 | was found to have committed or pled guilty or nolo contendere to
 5816 | committing the offense as a delinquent act. The court may only
 5817 | order sealing of a criminal history record pertaining to one
 5818 | arrest or one incident of alleged criminal activity, except as
 5819 | provided in this section. The court may, at its sole discretion,
 5820 | order the sealing of a criminal history record pertaining to
 5821 | more than one arrest if the additional arrests directly relate
 5822 | to the original arrest. If the court intends to order the
 5823 | sealing of records pertaining to such additional arrests, such
 5824 | intent must be specified in the order. A criminal justice agency

5825 may not seal any record pertaining to such additional arrests if
 5826 the order to seal does not articulate the intention of the court
 5827 to seal records pertaining to more than one arrest. This section
 5828 does not prevent the court from ordering the sealing of only a
 5829 portion of a criminal history record pertaining to one arrest or
 5830 one incident of alleged criminal activity. Notwithstanding any
 5831 law to the contrary, a criminal justice agency may comply with
 5832 laws, court orders, and official requests of other jurisdictions
 5833 relating to sealing, correction, or confidential handling of
 5834 criminal history records or information derived therefrom. This
 5835 section does not confer any right to the sealing of any criminal
 5836 history record, and any request for sealing a criminal history
 5837 record may be denied at the sole discretion of the court.

5838 (4) EFFECT OF CRIMINAL HISTORY RECORD SEALING.—A criminal
 5839 history record of a minor or an adult which is ordered sealed by
 5840 a court of competent jurisdiction pursuant to this section is
 5841 confidential and exempt from the provisions of s. 119.07(1) and
 5842 s. 24(a), Art. I of the State Constitution and is available only
 5843 to the person who is the subject of the record, to the subject's
 5844 attorney, to criminal justice agencies for their respective
 5845 criminal justice purposes, which include conducting a criminal
 5846 history background check for approval of firearms purchases or
 5847 transfers as authorized by state or federal law, to judges in
 5848 the state courts system for the purpose of assisting them in
 5849 their case-related decisionmaking responsibilities, as set forth
 5850 in s. 943.053(5), or to those entities set forth in

5851 subparagraphs (a)1., 4., 5., and 6. ~~(a)1., 4., 5., 6., and 8.~~
 5852 for their respective licensing, access authorization, and
 5853 employment purposes.

5854 (a) The subject of a criminal history record sealed under
 5855 this section or under other provisions of law, including former
 5856 s. 893.14, former s. 901.33, and former s. 943.058, may lawfully
 5857 deny or fail to acknowledge the arrests covered by the sealed
 5858 record, except when the subject of the record:

- 5859 1. Is a candidate for employment with a criminal justice
 5860 agency;
- 5861 2. Is a defendant in a criminal prosecution;
- 5862 3. Concurrently or subsequently petitions for relief under
 5863 this section, s. 943.0583, or s. 943.0585;
- 5864 4. Is a candidate for admission to The Florida Bar;
- 5865 5. Is seeking to be employed or licensed by or to contract
 5866 with the Department of Children and Families, the Division of
 5867 Vocational Rehabilitation within the Department of Education,
 5868 the Agency for Health Care Administration, the Agency for
 5869 Persons with Disabilities, the Department of Health, the
 5870 Department of Elderly Affairs, or the Department of Juvenile
 5871 Justice or to be employed or used by such contractor or licensee
 5872 in a sensitive position having direct contact with children, the
 5873 disabled, or the elderly;
- 5874 6. Is seeking to be employed or licensed by the Department
 5875 of Education, any district school board, any university
 5876 laboratory school, any charter school, any private or parochial

5877 school, or any local governmental entity that licenses child
 5878 care facilities; or

5879 7. Is attempting to purchase a firearm from a licensed
 5880 importer, licensed manufacturer, or licensed dealer and is
 5881 subject to a criminal history check under state or federal law.

5882 (b) Subject to the exceptions in paragraph (a), a person
 5883 who has been granted a sealing under this section, former s.
 5884 893.14, former s. 901.33, or former s. 943.058 may not be held
 5885 under any provision of law of this state to commit perjury or to
 5886 be otherwise liable for giving a false statement by reason of
 5887 such person's failure to recite or acknowledge a sealed criminal
 5888 history record.

5889 (c) Information relating to the existence of a sealed
 5890 criminal record provided in accordance with the provisions of
 5891 paragraph (a) is confidential and exempt from the provisions of
 5892 s. 119.07(1) and s. 24(a), Art. I of the State Constitution,
 5893 except that the department shall disclose the sealed criminal
 5894 history record to the entities set forth in subparagraphs (a)1.,
 5895 4., 5., and 6. ~~(a)1., 4., 5., 6., and 8.~~ for their respective
 5896 licensing, access authorization, and employment purposes. It is
 5897 unlawful for any employee of an entity set forth in subparagraph
 5898 (a)1., subparagraph (a)4., subparagraph (a)5., or subparagraph
 5899 (a)6., ~~or subparagraph (a)8.~~ to disclose information relating to
 5900 the existence of a sealed criminal history record of a person
 5901 seeking employment, access authorization, or licensure with such
 5902 entity or contractor, except to the person to whom the criminal

5903 history record relates or to persons having direct
 5904 responsibility for employment, access authorization, or
 5905 licensure decisions. Any person who violates the provisions of
 5906 this paragraph commits a misdemeanor of the first degree,
 5907 punishable as provided in s. 775.082 or s. 775.083.

5908 Reviser's note.—Amended to conform to the repeal of subparagraph
 5909 (4)(a)8. by s. 26, ch. 2013-116, Laws of Florida.

5910 Section 171. Subsection (5) of section 945.091, Florida
 5911 Statutes, is amended to read:

5912 945.091 Extension of the limits of confinement;
 5913 restitution by employed inmates.—

5914 (5) The provisions of this section shall not be deemed to
 5915 authorize any inmate who has been convicted of any murder,
 5916 manslaughter, sexual battery, robbery, arson, aggravated
 5917 assault, aggravated battery, kidnapping, escape, breaking and
 5918 entering with intent to commit a felony, or aircraft piracy, or
 5919 any attempt to commit the aforementioned crimes, to attend any
 5920 classes at any Florida College System institution ~~state~~
 5921 ~~community college~~ or any university which is a part of the State
 5922 University System.

5923 Reviser's note.—Amended to conform a reference to a state
 5924 community college to changes in chs. 2008-52 and 2009-228,
 5925 Laws of Florida, transitioning references from community
 5926 colleges to Florida College System institutions.

5927 Section 172. Subsection (11) of section 951.23, Florida
 5928 Statutes, is amended to read:

5929 951.23 County and municipal detention facilities;
 5930 definitions; administration; standards and requirements.—

5931 (11) GANG STATUS OF INMATES.—A county or municipal
 5932 detention facility may designate an individual to be responsible
 5933 for assessing whether each current inmate is a criminal gang
 5934 member or associate using the criteria in s. 874.03. The
 5935 individual should at least once biweekly transmit information on
 5936 inmates believed to be a criminal gang members ~~member~~ or
 5937 associates ~~associate~~ to the arresting law enforcement agency.
 5938 Reviser's note.—Amended to provide clarity and facilitate
 5939 correct interpretation.

5940 Section 173. Paragraph (a) of subsection (21) of section
 5941 1002.20, Florida Statutes, is amended to read:

5942 1002.20 K-12 student and parent rights.—Parents of public
 5943 school students must receive accurate and timely information
 5944 regarding their child's academic progress and must be informed
 5945 of ways they can help their child to succeed in school. K-12
 5946 students and their parents are afforded numerous statutory
 5947 rights including, but not limited to, the following:

5948 (21) PARENTAL INPUT AND MEETINGS.—

5949 (a) *Meetings with school district personnel.*—Parents of
 5950 public school students may be accompanied by another adult of
 5951 their choice at any meeting with school district personnel.
 5952 School district personnel may not object to the attendance of
 5953 such adult or discourage or attempt to discourage, through any
 5954 action, statement, or other means, parents from inviting another

5955 person of their choice to attend any meeting. Such prohibited
 5956 actions include, but are not limited to, attempted or actual
 5957 coercion or harassment of parents or students or retaliation or
 5958 threats of consequences to parents or students.

5959 1. Such meetings include, but ~~not~~ are not limited to,
 5960 meetings related to: the eligibility for exceptional student
 5961 education or related services; the development of an individual
 5962 family support plan (IFSP); the development of an individual
 5963 education plan (IEP); the development of a 504 accommodation
 5964 plan issued under s. 504 of the Rehabilitation Act of 1973; the
 5965 transition of a student from early intervention services to
 5966 other services; the development of postsecondary goals for a
 5967 student and the transition services needed to reach those goals;
 5968 and other issues that may affect a student's educational
 5969 environment, discipline, or placement.

5970 2. The parents and school district personnel attending the
 5971 meeting shall sign a document at the meeting's conclusion which
 5972 states whether any school district personnel have prohibited,
 5973 discouraged, or attempted to discourage the parents from
 5974 inviting a person of their choice to the meeting.

5975 Reviser's note.—Amended to confirm the editorial deletion of the
 5976 word "not."

5977 Section 174. Paragraph (g) of subsection (4) of section
 5978 1002.34, Florida Statutes, is amended to read:

5979 1002.34 Charter technical career centers.—

5980 (4) CHARTER.—A sponsor may designate centers as provided

5981 in this section. An application to establish a center may be
 5982 submitted by a sponsor or another organization that is
 5983 determined, by rule of the State Board of Education, to be
 5984 appropriate. However, an independent school is not eligible for
 5985 status as a center. The charter must be signed by the governing
 5986 body of the center and the sponsor and must be approved by the
 5987 district school board and Florida College System institution
 5988 board of trustees in whose geographic region the facility is
 5989 located. If a charter technical career center is established by
 5990 the conversion to charter status of a public technical center
 5991 formerly governed by a district school board, the charter status
 5992 of that center takes precedence in any question of governance.
 5993 The governance of the center or of any program within the center
 5994 remains with its board of directors unless the board agrees to a
 5995 change in governance or its charter is revoked as provided in
 5996 subsection (15). Such a conversion charter technical career
 5997 center is not affected by a change in the governance of public
 5998 technical centers or of programs within other centers that are
 5999 or have been governed by district school boards. A charter
 6000 technical career center, or any program within such a center,
 6001 that was governed by a district school board and transferred to
 6002 a Florida College System institution prior to the effective date
 6003 of this act is not affected by this provision. An applicant who
 6004 wishes to establish a center must submit to the district school
 6005 board or Florida College System institution board of trustees,
 6006 or a consortium of one or more of each, an application on a form

6007 developed by the Department of Education which includes:
 6008 (g) A method for determining whether a student has
 6009 satisfied the requirements for graduation specified in s.
 6010 1003.428 ~~or s. 1003.429~~ and for completion of a postsecondary
 6011 certificate or degree.
 6012
 6013 Students at a center must meet the same testing and academic
 6014 performance standards as those established by law and rule for
 6015 students at public schools and public technical centers. The
 6016 students must also meet any additional assessment indicators
 6017 that are included within the charter approved by the district
 6018 school board or Florida College System institution board of
 6019 trustees.
 6020 Reviser's note.—Amended to conform to the repeal of s. 1003.429
 6021 by s. 20, ch. 2013-27, Laws of Florida.
 6022 Section 175. Subsection (5) of section 1002.41, Florida
 6023 Statutes, is amended to read:
 6024 1002.41 Home education programs.—
 6025 (5) Home education students may participate in the Bright
 6026 Futures Scholarship Program in accordance with the provisions of
 6027 ss. 1009.53-1009.538 ~~1009.53-1009.539~~.
 6028 Reviser's note.—Amended to conform to the repeal of s. 1009.539
 6029 by s. 1, ch. 2003-89, Laws of Florida.
 6030 Section 176. Paragraph (e) of subsection (1) of section
 6031 1002.45, Florida Statutes, is amended to read:
 6032 1002.45 Virtual instruction programs.—

6033 (1) PROGRAM.—

6034 (e) Each school district shall:

6035 1. Provide to the department by ~~October 1, 2011, and by~~

6036 each October 1 ~~thereafter~~, a copy of each contract and the

6037 amounts paid per unweighted full-time equivalent student for

6038 services procured pursuant to subparagraphs (c)1. and 2.

6039 2. Expend the difference in funds provided for a student

6040 participating in the school district virtual instruction program

6041 pursuant to subsection (7) and the price paid for contracted

6042 services procured pursuant to subparagraphs (c)1. and 2. for the

6043 district's local instructional improvement system pursuant to s.

6044 1006.281 or other technological tools that are required to

6045 access electronic and digital instructional materials.

6046 3. At the end of each fiscal year, but no later than

6047 September 1, report to the department an itemized list of the

6048 technological tools purchased with these funds.

6049 Reviser's note.—Amended to delete an obsolete provision.

6050 Section 177. Subsection (12) of section 1002.83, Florida

6051 Statutes, is amended to read:

6052 1002.83 Early learning coalitions.—

6053 (12) State, federal, and local matching funds provided to

6054 the early learning coalitions may not be used directly or

6055 indirectly to pay for meals, food, or beverages for coalition

6056 members, coalition employees, or ~~for~~ subcontractor employees.

6057 Preapproved, reasonable, and necessary per diem allowances and

6058 travel expenses may be reimbursed. Such reimbursement shall be

6059 at the standard travel reimbursement rates established in s.
 6060 112.061 and must comply with applicable federal and state
 6061 requirements.
 6062 Reviser's note.—Amended to confirm the editorial deletion of the
 6063 word "for" to improve clarity.
 6064 Section 178. Subsection (20) of section 1002.84, Florida
 6065 Statutes, is amended to read:
 6066 1002.84 Early learning coalitions; school readiness powers
 6067 and duties.—Each early learning coalition shall:
 6068 (20) To increase transparency and accountability, comply
 6069 with the requirements of this section before contracting with a
 6070 member of the coalition or a relative, as defined in s.
 6071 112.3143(1)(c) ~~112.3143(1)(b)~~, of a coalition member or of an
 6072 employee of the coalition. Such contracts may not be executed
 6073 without the approval of the office. Such contracts, as well as
 6074 documentation demonstrating adherence to this section by the
 6075 coalition, must be approved by a two-thirds vote of the
 6076 coalition, a quorum having been established; all conflicts of
 6077 interest must be disclosed before the vote; and any member who
 6078 may benefit from the contract, or whose relative may benefit
 6079 from the contract, must abstain from the vote. A contract under
 6080 \$25,000 between an early learning coalition and a member of that
 6081 coalition or between a relative, as defined in s. 112.3143(1)(c)
 6082 ~~112.3143(1)(b)~~, of a coalition member or of an employee of the
 6083 coalition is not required to have the prior approval of the
 6084 office but must be approved by a two-thirds vote of the

6085 coalition, a quorum having been established, and must be
 6086 reported to the office within 30 days after approval. If a
 6087 contract cannot be approved by the office, a review of the
 6088 decision to disapprove the contract may be requested by the
 6089 early learning coalition or other parties to the disapproved
 6090 contract.

6091 Reviser's note.—Amended to conform to the redesignation of s.
 6092 112.3143(1) (b) as s. 112.3143(1) (c) by s. 6, ch. 2013-36,
 6093 Laws of Florida.

6094 Section 179. Subsection (7) of section 1002.89, Florida
 6095 Statutes, is amended to read:

6096 1002.89 School readiness program; funding.—

6097 (7) Funds appropriated for the school readiness program
 6098 may not be expended for the purchase or improvement of land; for
 6099 the purchase, construction, or permanent improvement of any
 6100 building or facility; or for the purchase of buses. However,
 6101 funds may be expended for minor remodeling and upgrading of
 6102 child care facilities to ensure that providers meet state and
 6103 local child care standards, including applicable health and
 6104 safety requirements.

6105 Reviser's note.—Amended to confirm the editorial insertion of
 6106 the word "of" to improve clarity.

6107 Section 180. Subsection (1) of section 1003.49, Florida
 6108 Statutes, is amended to read:

6109 1003.49 Graduation and promotion requirements for publicly
 6110 operated schools.—

6111 (1) Each state or local public agency, including the
 6112 Department of Children and Family Services, the Department of
 6113 Corrections, the boards of trustees of universities and Florida
 6114 College System institutions, and the Board of Trustees of the
 6115 Florida School for the Deaf and the Blind, which agency is
 6116 authorized to operate educational programs for students at any
 6117 level of grades kindergarten through 12 shall be subject to all
 6118 applicable requirements of ss. 1003.428, ~~1003.429~~, 1008.23, and
 6119 1008.25. Within the content of these cited statutes each such
 6120 state or local public agency or entity shall be considered a
 6121 "district school board."

6122 Reviser's note.—Amended to conform to the repeal of s. 1003.429
 6123 by s. 20, ch. 2013-27, Laws of Florida.

6124 Section 181. Paragraph (a) of subsection (12) of section
 6125 1003.52, Florida Statutes, is amended to read:

6126 1003.52 Educational services in Department of Juvenile
 6127 Justice programs.—

6128 (12) (a) Funding for eligible students enrolled in juvenile
 6129 justice education programs shall be provided through the Florida
 6130 Education Finance Program as provided in s. 1011.62 and the
 6131 General Appropriations Act. Funding shall include, at a minimum:

6132 1. Weighted program funding or the basic amount for
 6133 current operation multiplied by the district cost differential
 6134 as provided in s. 1011.62(1)(t) ~~1011.62(1)(s)~~ and (2);

6135 2. The supplemental allocation for juvenile justice
 6136 education as provided in s. 1011.62(10);

6137 3. A proportionate share of the district's exceptional
 6138 student education guaranteed allocation, the supplemental
 6139 academic instruction allocation, and the instructional materials
 6140 allocation;

6141 4. An amount equivalent to the proportionate share of the
 6142 state average potential discretionary local effort for
 6143 operations, which shall be determined as follows:

6144 a. If the district levies the maximum discretionary local
 6145 effort and the district's discretionary local effort per FTE is
 6146 less than the state average potential discretionary local effort
 6147 per FTE, the proportionate share shall include both the
 6148 discretionary local effort and the compression supplement per
 6149 FTE. If the district's discretionary local effort per FTE is
 6150 greater than the state average per FTE, the proportionate share
 6151 shall be equal to the state average; or

6152 b. If the district does not levy the maximum discretionary
 6153 local effort and the district's actual discretionary local
 6154 effort per FTE is less than the state average potential
 6155 discretionary local effort per FTE, the proportionate share
 6156 shall be equal to the district's actual discretionary local
 6157 effort per FTE. If the district's actual discretionary local
 6158 effort per FTE is greater than the state average per FTE, the
 6159 proportionate share shall be equal to the state average
 6160 potential local effort per FTE; and

6161 5. A proportionate share of the district's proration to
 6162 funds available, if necessary.

6163 Reviser's note.—Amended to conform to the redesignation of s.
 6164 1011.62(1)(s) as s. 1011.62(1)(t) by s. 39, ch. 2013-27,
 6165 Laws of Florida.
 6166 Section 182. Paragraph (a) of subsection (3) of section
 6167 1006.15, Florida Statutes, is amended to read:
 6168 1006.15 Student standards for participation in
 6169 interscholastic and intrascholastic extracurricular student
 6170 activities; regulation.—
 6171 (3)(a) To be eligible to participate in interscholastic
 6172 extracurricular student activities, a student must:
 6173 1. Maintain a grade point average of 2.0 or above on a 4.0
 6174 scale, or its equivalent, in the previous semester or a
 6175 cumulative grade point average of 2.0 or above on a 4.0 scale,
 6176 or its equivalent, in the courses required by s. 1003.428 ~~or s.~~
 6177 ~~1003.429~~.
 6178 2. Execute and fulfill the requirements of an academic
 6179 performance contract between the student, the district school
 6180 board, the appropriate governing association, and the student's
 6181 parents, if the student's cumulative grade point average falls
 6182 below 2.0, or its equivalent, on a 4.0 scale in the courses
 6183 required by s. 1003.428 ~~or s. 1003.429~~. At a minimum, the
 6184 contract must require that the student attend summer school, or
 6185 its graded equivalent, between grades 9 and 10 or grades 10 and
 6186 11, as necessary.
 6187 3. Have a cumulative grade point average of 2.0 or above
 6188 on a 4.0 scale, or its equivalent, in the courses required by s.

6189 1003.428 ~~or s. 1003.429~~ during his or her junior or senior year.

6190 4. Maintain satisfactory conduct, including adherence to
 6191 appropriate dress and other codes of student conduct policies
 6192 described in s. 1006.07(2). If a student is convicted of, or is
 6193 found to have committed, a felony or a delinquent act that would
 6194 have been a felony if committed by an adult, regardless of
 6195 whether adjudication is withheld, the student's participation in
 6196 interscholastic extracurricular activities is contingent upon
 6197 established and published district school board policy.

6198 Reviser's note.—Amended to conform to the repeal of s. 1003.429
 6199 by s. 20, ch. 2013-27, Laws of Florida.

6200 Section 183. Subsections (4) and (5) of section 1006.282,
 6201 Florida Statutes, are amended to read:

6202 1006.282 Pilot program for the transition to electronic
 6203 and digital instructional materials.—

6204 (4) By August 1 of each year, ~~beginning in 2011,~~ the
 6205 school board must report to the Department of Education the
 6206 school or schools in its district which have been designated as
 6207 pilot program schools. The department shall publish the list of
 6208 pilot program schools on the department's Internet website. The
 6209 report must include:

6210 (a) The name of the pilot program school, the contact
 6211 person and contact person information, and the grade or grades
 6212 and associated course or courses included in the pilot program
 6213 school.

6214 (b) A description of the type of technological tool or

6215 tools that will be used to access the electronic or digital
 6216 instructional materials included in the pilot program school,
 6217 whether district-owned or student-owned.

6218 (c) The projected costs and funding sources, which must
 6219 include cost savings or cost avoidances, associated with the
 6220 pilot program.

6221 (5) By September 1 of each year, ~~beginning in 2012,~~ each
 6222 school board that has a designated pilot program school shall
 6223 provide to the Department of Education, the Executive Office of
 6224 the Governor, and the chairs of the appropriations committees of
 6225 the Senate and the House of Representatives a review of the
 6226 pilot program schools which must include, but need not be
 6227 limited to:

6228 (a) Successful practices;

6229 (b) The average amount of online Internet time needed by a
 6230 student to access and use the school's electronic or digital
 6231 instructional materials;

6232 (c) Lessons learned;

6233 (d) The level of investment and cost-effectiveness; and

6234 (e) Impacts on student performance.

6235 Reviser's note.—Amended to delete obsolete provisions.

6236 Section 184. Paragraph (b) of subsection (5) of section
 6237 1006.73, Florida Statutes, is amended to read:

6238 1006.73 Florida Virtual Campus.—

6239 (5) The Florida Virtual Campus shall:

6240 (b) Develop and manage a statewide Internet-based catalog

6241 of distance learning courses, degree programs, and resources
 6242 offered by public postsecondary education institutions which is
 6243 intended to assist in the coordination and collaboration of
 6244 articulation and access pursuant to parts II and III of chapter
 6245 1007. The campus shall establish operational guidelines and
 6246 procedures for the catalog which must:

6247 1. Require participating institutions to provide
 6248 information concerning the distance learning course or degree
 6249 program to include course number and classification of
 6250 instructional programs number and information on the
 6251 availability of the course or degree program; the type of
 6252 required technology; any prerequisite course or technology
 6253 competency or skill; the availability of academic support
 6254 services and financial aid resources; and course costs, fees,
 6255 and payment policies.

6256 2. Require that distance learning courses and degree
 6257 programs meet applicable accreditation standards and criteria.

6258 3. Require that, at a minimum, the catalog is reviewed at
 6259 the start of each academic semester to ensure that distance
 6260 learning courses and degree programs comply with all operational
 6261 guidelines and procedures.

6262 4. Define and describe the catalog's search and retrieval
 6263 options that, at a minimum, will allow users to search by
 6264 academic term or course start date; institution, multiple
 6265 institutions, or all institutions; and course or program
 6266 delivery method, course type, course availability, subject or

6267 discipline, and course number or classification of instructional
 6268 programs number.

6269 5. Use an Internet-based analytic tool that allows for the
 6270 collection and analysis of data, including, but not limited to:

6271 a. The number and type of students who use the catalog to
 6272 search for distance learning courses and degree programs.

6273 b. The number and type of requests for information on
 6274 distance learning courses and degree programs that are not
 6275 listed in the catalog.

6276 c. A summary of specific requests by course type or course
 6277 number, delivery method, offering institution, and semester.

6278 6. Periodically obtain and analyze data from the Florida
 6279 College System and the State University System concerning:

6280 a. Costs of distance learning courses and degree programs.

6281 b. Completion, graduation, and retention rates of students
 6282 enrolled in distance learning courses ~~course~~ and degree
 6283 programs.

6284 c. Distance learning course completion.

6285 Reviser's note.—Amended to confirm the editorial substitution of
 6286 the word "courses" for the word "course" to improve
 6287 clarity.

6288 Section 185. Subsection (2) of section 1008.44, Florida
 6289 Statutes, is amended to read:

6290 1008.44 Industry certifications; Industry Certification
 6291 Funding List and Postsecondary Industry Certification Funding
 6292 List.—

6293 (2) The State Board of Education shall approve, at least
 6294 annually, the Postsecondary Industry Certification Funding List
 6295 pursuant to this section. The commissioner shall recommend, at
 6296 least annually, the Postsecondary Industry Certification Funding
 6297 List to the State Board of Education and may at any time
 6298 recommend adding certifications. The Chancellor of the State
 6299 University System, the Chancellor of the Florida College System,
 6300 and the Chancellor of Career and Adult Education shall work with
 6301 local workforce boards, other postsecondary institutions,
 6302 businesses, and industry to identify, create, and recommend to
 6303 the commissioner industry certifications to be placed on the
 6304 funding list. The list shall be used to determine annual
 6305 performance funding distributions to school districts or Florida
 6306 College System institutions as specified in ss. 1011.80 and
 6307 1011.81, respectively. The chancellors shall review results of
 6308 the economic security report of employment and earning outcomes
 6309 produced annually pursuant to s. 445.07 ~~445.007~~ when determining
 6310 recommended certifications for the list, as well as other
 6311 reports and indicators available regarding certification needs.
 6312 Reviser's note.—Amended to correct a reference to conform to
 6313 context. Section 445.07 relates to the economic security
 6314 report of employment and earning outcomes. Section 445.007
 6315 relates to regional workforce boards.
 6316 Section 186. Subsection (3) of section 1009.22, Florida
 6317 Statutes, is reenacted and amended to read:
 6318 1009.22 Workforce education postsecondary student fees.—

6319 (3) (a) Except as otherwise provided by law, fees for
 6320 students who are nonresidents for tuition purposes must offset
 6321 the full cost of instruction. Residency of students shall be
 6322 determined as required in s. 1009.21. Fee-nonexempt students
 6323 enrolled in applied academics for adult education instruction
 6324 shall be charged fees equal to the fees charged for adult
 6325 general education programs. Each Florida College System
 6326 institution that conducts developmental education and applied
 6327 academics for adult education instruction in the same class
 6328 section may charge a single fee for both types of instruction.

6329 (b) Fees for continuing workforce education shall be
 6330 locally determined by the district school board or Florida
 6331 College System institution board. Expenditures for the
 6332 continuing workforce education program provided by the Florida
 6333 College System institution or school district must be fully
 6334 supported by fees. Enrollments in continuing workforce education
 6335 courses may not be counted for purposes of funding full-time
 6336 equivalent enrollment.

6337 (c) ~~Effective July 1, 2011,~~ For programs leading to a
 6338 career certificate or an applied technology diploma, the
 6339 standard tuition shall be \$2.22 per contact hour for residents
 6340 and nonresidents and the out-of-state fee shall be \$6.66 per
 6341 contact hour. For adult general education programs, a block
 6342 tuition of \$45 per half year or \$30 per term shall be assessed
 6343 for residents and nonresidents, and the out-of-state fee shall
 6344 be \$135 per half year or \$90 per term. Each district school

6345 board and Florida College System institution board of trustees
 6346 shall adopt policies and procedures for the collection of and
 6347 accounting for the expenditure of the block tuition. All funds
 6348 received from the block tuition shall be used only for adult
 6349 general education programs. Students enrolled in adult general
 6350 education programs may not be assessed the fees authorized in
 6351 subsection (5), subsection (6), or subsection (7).

6352 (d) ~~Beginning with the 2008-2009 fiscal year and each year~~
 6353 ~~thereafter,~~ The tuition and the out-of-state fee per contact
 6354 hour shall increase at the beginning of each fall semester at a
 6355 rate equal to inflation, unless otherwise provided in the
 6356 General Appropriations Act. The Office of Economic and
 6357 Demographic Research shall report the rate of inflation to the
 6358 President of the Senate, the Speaker of the House of
 6359 Representatives, the Governor, and the State Board of Education
 6360 each year prior to March 1. For purposes of this paragraph, the
 6361 rate of inflation shall be defined as the rate of the 12-month
 6362 percentage change in the Consumer Price Index for All Urban
 6363 Consumers, U.S. City Average, All Items, or successor reports as
 6364 reported by the United States Department of Labor, Bureau of
 6365 Labor Statistics, or its successor for December of the previous
 6366 year. In the event the percentage change is negative, the
 6367 tuition and out-of-state fee shall remain at the same level as
 6368 the prior fiscal year.

6369 (e) Each district school board and each Florida College
 6370 System institution board of trustees may adopt tuition and out-

6371 of-state fees that may vary no more than 5 percent below and 5
 6372 percent above the combined total of the standard tuition and
 6373 out-of-state fees established in paragraph (c).

6374 ~~(f) The maximum increase in resident tuition for any~~
 6375 ~~school district or Florida College System institution during the~~
 6376 ~~2007-2008 fiscal year shall be 5 percent over the tuition~~
 6377 ~~charged during the 2006-2007 fiscal year.~~

6378 (f) ~~(g)~~ The State Board of Education may adopt, by rule,
 6379 the definitions and procedures that district school boards and
 6380 Florida College System institution boards of trustees shall use
 6381 in the calculation of cost borne by students.

6382 Reviser's note.—Section 54, ch. 2013-27, Laws of Florida,
 6383 purported to amend subsection (3) but did not publish
 6384 paragraphs (b)-(g). Absent affirmative evidence of
 6385 legislative intent to repeal paragraphs (b)-(g), subsection
 6386 (3) is reenacted to confirm that the omission was not
 6387 intended. Paragraphs (c), (d), and (f) are amended to
 6388 delete obsolete provisions.

6389 Section 187. Subsection (1) of section 1011.61, Florida
 6390 Statutes, is amended to read:

6391 1011.61 Definitions.—Notwithstanding the provisions of s.
 6392 1000.21, the following terms are defined as follows for the
 6393 purposes of the Florida Education Finance Program:

6394 (1) A "full-time equivalent student" in each program of
 6395 the district is defined in terms of full-time students and part-
 6396 time students as follows:

6397 (a) A "full-time student" is one student on the membership
 6398 roll of one school program or a combination of school programs
 6399 listed in s. 1011.62(1)(c) for the school year or the equivalent
 6400 for:

6401 1. Instruction in a standard school, comprising not less
 6402 than 900 net hours for a student in or at the grade level of 4
 6403 through 12, or not less than 720 net hours for a student in or
 6404 at the grade level of kindergarten through grade 3 or in an
 6405 authorized prekindergarten exceptional program;

6406 2. Instruction in a double-session school or a school
 6407 utilizing an experimental school calendar approved by the
 6408 Department of Education, comprising not less than the equivalent
 6409 of 810 net hours in grades 4 through 12 or not less than 630 net
 6410 hours in kindergarten through grade 3; or

6411 3. Instruction comprising the appropriate number of net
 6412 hours set forth in subparagraph 1. or subparagraph 2. for
 6413 students who, within the past year, have moved with their
 6414 parents for the purpose of engaging in the farm labor or fish
 6415 industries, if a plan furnishing such an extended school day or
 6416 week, or a combination thereof, has been approved by the
 6417 commissioner. Such plan may be approved to accommodate the needs
 6418 of migrant students only or may serve all students in schools
 6419 having a high percentage of migrant students. The plan described
 6420 in this subparagraph is optional for any school district and is
 6421 not mandated by the state.

6422 (b) A "part-time student" is a student on the active

6423 membership roll of a school program or combination of school
 6424 programs listed in s. 1011.62(1)(c) who is less than a full-time
 6425 student.

6426 (c)1. A "full-time equivalent student" is:

6427 a. A full-time student in any one of the programs listed
 6428 in s. 1011.62(1)(c); or

6429 b. A combination of full-time or part-time students in any
 6430 one of the programs listed in s. 1011.62(1)(c) which is the
 6431 equivalent of one full-time student based on the following
 6432 calculations:

6433 (I) A full-time student in a combination of programs
 6434 listed in s. 1011.62(1)(c) shall be a fraction of a full-time
 6435 equivalent membership in each special program equal to the
 6436 number of net hours per school year for which he or she is a
 6437 member, divided by the appropriate number of hours set forth in
 6438 subparagraph (a)1. or subparagraph (a)2. The difference between
 6439 that fraction or sum of fractions and the maximum value as set
 6440 forth in subsection (4) for each full-time student is presumed
 6441 to be the balance of the student's time not spent in a special
 6442 program and shall be recorded as time in the appropriate basic
 6443 program.

6444 (II) A prekindergarten student with a disability shall
 6445 meet the requirements specified for kindergarten students.

6446 (III) A full-time equivalent student for students in
 6447 kindergarten through grade 12 in a full-time virtual instruction
 6448 program under s. 1002.45 or a virtual charter school under s.

6449 1002.33 shall consist of six full-credit completions or the
 6450 prescribed level of content that counts toward promotion to the
 6451 next grade in programs listed in s. 1011.62(1)(c). Credit
 6452 completions may be a combination of full-credit courses or half-
 6453 credit courses. Beginning in the 2016-2017 fiscal year, the
 6454 reported full-time equivalent students and associated funding of
 6455 students enrolled in courses requiring passage of an end-of-
 6456 course assessment under s. 1003.4282 to earn a standard high
 6457 school diploma shall be adjusted if the student does not pass
 6458 the end-of-course assessment. However, no adjustment shall be
 6459 made for a student who enrolls in a segmented remedial course
 6460 delivered online.

6461 (IV) A full-time equivalent student for students in
 6462 kindergarten through grade 12 in a part-time virtual instruction
 6463 program under s. 1002.45 shall consist of six full-credit
 6464 completions in programs listed in s. 1011.62(1)(c)1. and 3.
 6465 Credit completions may be a combination of full-credit courses
 6466 or half-credit courses. Beginning in the 2016-2017 fiscal year,
 6467 the reported full-time equivalent students and associated
 6468 funding of students enrolled in courses requiring passage of an
 6469 end-of-course assessment under s. 1003.4282 to earn a standard
 6470 high school diploma shall be adjusted if the student does not
 6471 pass the end-of-course assessment. However, no adjustment shall
 6472 be made for a student who enrolls in a segmented remedial course
 6473 delivered online.

6474 (V) A Florida Virtual School full-time equivalent student

6475 shall consist of six full-credit completions or the prescribed
 6476 level of content that counts toward promotion to the next grade
 6477 in the programs listed in s. 1011.62(1)(c)1. and 3. for students
 6478 participating in kindergarten through grade 12 part-time virtual
 6479 instruction and the programs listed in s. 1011.62(1)(c) for
 6480 students participating in kindergarten through grade 12 full-
 6481 time virtual instruction. Credit completions may be a
 6482 combination of full-credit courses or half-credit courses.
 6483 Beginning in the 2016-2017 fiscal year, the reported full-time
 6484 equivalent students and associated funding of students enrolled
 6485 in courses requiring passage of an end-of-course assessment
 6486 under s. 1003.4282 to earn a standard high school diploma shall
 6487 be adjusted if the student does not pass the end-of-course
 6488 assessment. However, no adjustment shall be made for a student
 6489 who enrolls in a segmented remedial course delivered online.

6490 (VI) Each successfully completed full-credit course earned
 6491 through an online course delivered by a district other than the
 6492 one in which the student resides shall be calculated as 1/6 FTE.

6493 (VII) A full-time equivalent student for courses requiring
 6494 passage of a statewide, standardized end-of-course assessment
 6495 under s. 1003.4282 to earn a standard high school diploma shall
 6496 be defined and reported based on the number of instructional
 6497 hours as provided in this subsection until the 2016-2017 fiscal
 6498 year. Beginning in the 2016-2017 fiscal year, the FTE for the
 6499 course shall be assessment-based and shall be equal to 1/6 FTE.
 6500 The reported FTE shall be adjusted if the student does not pass

6501 the end-of-course assessment. However, no adjustment shall be
 6502 made for a student who enrolls in a segmented remedial course
 6503 delivered online.

6504 (VIII) For students enrolled in a school district as a
 6505 full-time student, the district may report 1/6 FTE for each
 6506 student who passes a statewide, standardized end-of-course
 6507 assessment without being enrolled in the corresponding course.

6508 2. A student in membership in a program scheduled for more
 6509 or less than 180 school days or the equivalent on an hourly
 6510 basis as specified by rules of the State Board of Education is a
 6511 fraction of a full-time equivalent membership equal to the
 6512 number of instructional hours in membership divided by the
 6513 appropriate number of hours set forth in subparagraph (a)1.;
 6514 however, for the purposes of this subparagraph, membership in
 6515 programs scheduled for more than 180 days is limited to students
 6516 enrolled in:

- 6517 a. Juvenile justice education programs.
- 6518 b. The Florida Virtual School.
- 6519 c. Virtual instruction programs and virtual charter
 6520 schools for the purpose of course completion and credit recovery
 6521 pursuant to ss. 1002.45 and 1003.498. Course completion applies
 6522 only to a student who is reported during the second or third
 6523 membership surveys and who does not complete a virtual education
 6524 course by the end of the regular school year. The course must be
 6525 completed no later than the deadline for amending the final
 6526 student enrollment survey for that year. Credit recovery applies

6527 only to a student who has unsuccessfully completed a traditional
 6528 or virtual education course during the regular school year and
 6529 must re-take the course in order to be eligible to graduate with
 6530 the student's class.

6531 ~~3. The department shall determine and implement an~~
 6532 ~~equitable method of equivalent funding for experimental schools~~
 6533 ~~and for schools operating under emergency conditions, which~~
 6534 ~~schools have been approved by the department to operate for less~~
 6535 ~~than the minimum school day.~~

6536
 6537 The full-time equivalent student enrollment calculated under
 6538 this subsection is subject to the requirements in subsection
 6539 (4).

6540
 6541 The department shall determine and implement an equitable method
 6542 of equivalent funding for experimental schools and for schools
 6543 operating under emergency conditions, which schools have been
 6544 approved by the department to operate for less than the minimum
 6545 school day.

6546 Reviser's note.—Amended to correct an editorial error. The flush
 6547 left language at the end of subsection (1) was redesignated
 6548 as subparagraph (1)(c)3. by s. 18, ch. 2013-45, Laws of
 6549 Florida, and it appeared there in the 2013 edition of the
 6550 Florida Statutes but was erroneously repeated at the end of
 6551 the subsection.

6552 Section 188. Subsection (10) of section 1011.80, Florida

6553 Statutes, is amended to read:
 6554 1011.80 Funds for operation of workforce education
 6555 programs.—
 6556 (10) A high school student dually enrolled under s.
 6557 1007.271 in a workforce education program operated by a Florida
 6558 College System institution or school district career center
 6559 generates the amount calculated for workforce education funding,
 6560 including any payment of performance funding, and the
 6561 proportional share of full-time equivalent enrollment generated
 6562 through the Florida Education Finance Program for the student's
 6563 enrollment in a high school. If a high school student is dually
 6564 enrolled in a Florida College System institution program,
 6565 including a program conducted at a high school, the Florida
 6566 College System institution earns the funds generated for
 6567 workforce education funding, and the school district earns the
 6568 proportional share of full-time equivalent funding from the
 6569 Florida Education Finance Program. If a student is dually
 6570 enrolled in a career center operated by the same district as the
 6571 district in which the student attends high school, that district
 6572 earns the funds generated for workforce education funding and
 6573 also earns the proportional share of full-time equivalent
 6574 funding from the Florida Education Finance Program. If a student
 6575 is dually enrolled in a workforce education program provided by
 6576 a career center operated by a different school district, the
 6577 funds must be divided between the two school districts
 6578 proportionally from the two funding sources. A student may not

6579 be reported for funding in a dual enrollment workforce education
 6580 program unless the student has completed the basic skills
 6581 assessment pursuant to s. 1004.91. A student who is coenrolled
 6582 in a K-12 education program and an adult education program may
 6583 be reported for purposes of funding in an adult education
 6584 program. If a student is coenrolled in core curricula courses
 6585 for credit recovery or dropout prevention purposes and does not
 6586 have a pattern of excessive absenteeism or habitual truancy or a
 6587 history of disruptive behavior in school, the student may be
 6588 reported for funding for up to two courses per year. Such a
 6589 student is exempt from the payment of the block tuition for
 6590 adult general education programs provided in s. 1009.22(3)(c)
 6591 ~~1009.22(3)(d)~~. The Department of Education shall develop a list
 6592 of courses to be designated as core curricula courses for the
 6593 purposes of coenrollment.

6594 Reviser's note.—Amended to correct a reference to conform to
 6595 context. An amendment by s. 58, ch. 2013-27, Laws of
 6596 Florida, added the reference to s. 1009.22(3)(d); material
 6597 concerning payment of block tuition for adult general
 6598 education programs is in s. 1009.22(3)(c).

6599 Section 189. Subsection (8) of section 1013.12, Florida
 6600 Statutes, is amended to read:

6601 1013.12 Casualty, safety, sanitation, and firesafety
 6602 standards and inspection of property.—

6603 (8) ADDITIONAL STANDARDS.—In addition to any other rules
 6604 adopted under this section or s. 633.206 ~~633.022~~, the State Fire

6605 Marshal in consultation with the Department of Education shall
6606 adopt and administer rules prescribing the following standards
6607 for the safety and health of occupants of educational and
6608 ancillary plants:

6609 (a) The designation of serious life-safety hazards,
6610 including, but not limited to, nonfunctional fire alarm systems,
6611 nonfunctional fire sprinkler systems, doors with padlocks or
6612 other locks or devices that preclude egress at any time,
6613 inadequate exits, hazardous electrical system conditions,
6614 potential structural failure, and storage conditions that create
6615 a fire hazard.

6616 (b) The proper placement of functional smoke and heat
6617 detectors and accessible, unexpired fire extinguishers.

6618 (c) The maintenance of fire doors without doorstops or
6619 wedges improperly holding them open.

6620 Reviser's note.—Amended to conform to the transfer of s. 633.022
6621 to s. 633.206 by s. 23, ch. 2013-183, Laws of Florida.

6622 Section 190. This act shall take effect on the 60th day
6623 after adjournment sine die of the session of the Legislature in
6624 which enacted.