



Rules and Policy Committee

January 8, 2018

5:00 PM

Sumner Hall (404 HOB)

Meeting Packet

Committee Meeting Notice

HOUSE OF REPRESENTATIVES

Rules & Policy Committee

Start Date and Time: Monday, January 08, 2018 05:00 pm
End Date and Time: Monday, January 08, 2018 06:00 pm
Location: Sumner Hall (404 HOB)
Duration: 1.00 hrs

Consideration of the following proposed committee bill(s):

PCB RPC 18-01 -- Florida Statutes
PCB RPC 18-02 -- Florida Statutes/General
PCB RPC 18-03 -- Florida Statutes/Non-current Repeals or Expiration
PCB RPC 18-04 -- Florida Statutes/Rulemaking Repeals

Actionable Items

Set Special Order Calendar(s)

NOTICE FINALIZED on 12/27/2017 12:03PM by Juszczuk.Erin

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: PCB RPC 18-01 Florida Statutes
SPONSOR(S): Rules & Policy Committee
TIED BILLS: **IDEN./SIM. BILLS:**

| REFERENCE | ACTION | ANALYST | STAFF DIRECTOR or BUDGET/POLICY CHIEF |
|---------------------------------------|---------------|----------------|--|
| Orig. Comm.: Rules & Policy Committee | | Dowd | Birtman |

SUMMARY ANALYSIS

The bill is drafted by the Division of Law Revision and Information of the Office of Legislative Services to prospectively adopt the Florida Statutes 2018 and designate the portions thereof that are to constitute the official statutory law of the state. The adoption act amends ss. 11.2421, 11.2422, 11.2424, and 11.2425, Florida Statutes, and has the effect of curing any title or single subject defects that may have existed in an act as originally passed.

The bill prospectively adopts all statutes of a general and permanent nature passed through the June 7-9, 2017 special session together with corrections, changes, and amendments to and repeals of the provisions of the 2017 Florida Statutes enacted in additional Reviser's bill(s) by the 2018 Legislature. The bill adopts as official statutory law of the state those portions of the statutes that are carried forward from the regular edition published in 2017, which thus serve as the best evidence of the law.

Legislation passed in the 2018 Regular Session, which will have occurred since the publication of the 2017 edition, is not adopted as the official statutory law of the state and serves as prima facie evidence of the law until it is adopted in 2019.

The bill has no fiscal impact.

The bill becomes effective on the 60th day after adjournment sine die.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

The 2018 adoption act is drafted by the Division of Law Revision and Information of the Office of Legislative Services to prospectively adopt the Florida Statutes 2018 and designate the portions thereof that are to constitute the official statutory law of the state. The adoption act amends ss. 11.2421, 11.2422, 11.2424, and 11.2425, F.S., and has the effect of curing any title or single subject defects that may have existed in an act as originally passed.¹ The adoption act is usually enacted annually during each regular session.

The adoption act provides a 1-year curing period for title or single subject defects before statutory material becomes the best evidence of the law. This is consistent with the decision by the Legislature, beginning in 2000, to publish the Florida Statutes on an annual basis and to have the Division of Statutory Revision submit an adoption act annually, rather than every 2 years.

The 2018 adoption act prospectively adopts all statutes of a general and permanent nature passed through the June 7-9, 2017 special session together with corrections, changes, and amendments to and repeals of provisions of 2017 Florida Statutes enacted in additional Reviser's bill(s) by the 2018 Legislature. The bill adopts as official statutory law of the state those portions of the statutes that are carried forward from the regular edition published in 2017, which thus serve as the best evidence of the law.

Any "statute of a general and permanent nature" enacted prior to the period since publication of the last adopted regular edition of the Florida Statutes that does not appear in the current edition stands repealed, both by logic of the system and by the operation of s. 11.2422, F.S.²

The adopted statutes that have been enacted, amended, or repealed in a session occurring subsequent to publication of the 2017 edition are prima facie evidence of the law in all courts of the state. For this material, the enrolled acts stand as best evidence of the law. Therefore, legislation passed in the 2018 Regular Session, which will have occurred since the publication of the 2017 edition, is not adopted as the official statutory law of the state and serves as prima facie evidence of the law.

Material passed in a session occurring since publication of the 2017 edition must wait one more year before being adopted, and the session law form of that material will remain the best evidence of the law for that material.

B. SECTION DIRECTORY:

Section 1 amends s. 11.2421, F.S., to adopt as the official statutory law of the state the 2018 Florida Statutes, which include the 2017 Florida Statutes and Reviser's Bill(s) enacted during the 2018 Legislative Session.

¹ The adoption of the *Florida Statutes* cures title defects that existed in an act as originally passed. See *State ex rel. Badgett v. Lee*, 156 Fla. 291, 22 So.2d 804 (1945). Thus, general legislation must be attacked on this ground only during the period between its original enactment and its subsequent adoption as the official law of the state. An act with a title defect is considered valid only from adoption and not from the date of original enactment. See *Thompson v. Intercounty Tel. & Tel. Co.*, 62 So.2d 16 (Fla. 1952). Analogously, once reenacted as a portion of the *Florida Statutes*, a statute is no longer subject to challenge on the ground that it violates the single subject requirement of s. 6, Art. III of the State Constitution. See *State v. Combs*, 388 So.2d 1029 (Fla. 1980); *Loxahatchee River Environmental Control District v. School Board of Palm Beach County*, 515 So.2d 217 (Fla. 1987); *State v. Johnson*, 616 So.2d 1 (Fla. 1993).

² See *National Bank v. Williams*, 38 Fla. 305, 20 So 931 (1896). Section 11.2423, F.S., provides that no special or local statute, or statute, local, limited or special in its nature, shall be repealed via reviser's bill.

Section 2 amends s. 11.2422, F.S., to repeal all statutes of a general and permanent nature enacted by the State of Florida at or prior to the June 7-9, 2017 special session that are not included in the 2018 Florida Statutes. This does not include any laws adopted during the 2018 regular legislative session.

Section 3 amends s. 11.2424, F.S., to detail that the laws adopted during the 2018 Regular Session have full effect and are not repealed by section 2 of the bill.

Section 4 amends s. 11.2425, F.S., to detail that the adoption of the 2018 Florida Statutes shall not affect any right that accrued under a statute before it was repealed by the 2018 Florida Statutes, nor will it affect any civil remedy where a suit is pending.

Section 5 provides for an effective date.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

The adoption act prospectively adopts the Florida Statutes 2018 as an official document. It has no fiscal impact on state or local governments or on the private sector.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable because the adoption act does not require counties or cities to spend funds or take action require the expenditure of funds, reduce the authority of counties or cities to raise revenue in the aggregate, or reduce the percentage of a state tax shared with counties or cities.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

The adoption act does not implicate authority for any agency to adopt rules.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

1 A bill to be entitled
 2 An act relating to the Florida Statutes; amending ss.
 3 11.2421, 11.2422, 11.2424, and 11.2425, F.S.; adopting
 4 the Florida Statutes 2018 and designating the portions
 5 thereof that are to constitute the official law of the
 6 state; providing that the Florida Statutes 2018 shall
 7 be effective immediately upon publication; providing
 8 that general laws enacted during the June 7-9, 2017,
 9 special session and prior thereto and not included in
 10 the Florida Statutes 2018 are repealed; providing that
 11 general laws enacted after the June 7-9, 2017, special
 12 session are not repealed by this adoption act;
 13 providing an effective date.

14
 15 Be It Enacted by the Legislature of the State of Florida:

16
 17 Section 1. Section 11.2421, Florida Statutes, is amended
 18 to read:

19 11.2421 Florida Statutes 2018 ~~2017~~ adopted.—The
 20 accompanying revision, consolidation, and compilation of the
 21 public statutes of 2017 ~~2016~~ of a general and permanent nature,
 22 excepting tables, rules, indexes, and other related matter
 23 contained therein, prepared by the Office of Legislative
 24 Services under the provisions of s. 11.242, together with
 25 corrections, changes, and amendments to and repeals of

26 provisions of Florida Statutes 2017 ~~2016~~ enacted in additional
 27 reviser's bill or bills by the 2018 ~~2017~~ Legislature, is adopted
 28 and enacted as the official statute law of the state under the
 29 title of "Florida Statutes 2018 ~~2017~~" and shall take effect
 30 immediately upon publication. Said statutes may be cited as
 31 "Florida Statutes 2018 ~~2017~~," "Florida Statutes," or "F.S. 2018
 32 ~~2017~~."

33 Section 2. Section 11.2422, Florida Statutes, is amended
 34 to read:

35 11.2422 Statutes repealed.—Every statute of a general and
 36 permanent nature enacted by the State or by the Territory of
 37 Florida at or prior to the June 7-9, 2017, special ~~2016-regular~~
 38 legislative session, and every part of such statute, not
 39 included in Florida Statutes 2018 ~~2017~~, as adopted by s.
 40 11.2421, as amended, or recognized and continued in force by
 41 reference therein or in ss. 11.2423 and 11.2424, as amended, is
 42 repealed.

43 Section 3. Section 11.2424, Florida Statutes, is amended
 44 to read:

45 11.2424 Laws not repealed.—Laws enacted after the June 7-
 46 9, 2017, special ~~2016-regular~~ session are not repealed by the
 47 adoption and enactment of the Florida Statutes 2018 ~~2017~~ by s.
 48 11.2421, as amended, but shall have full effect as if enacted
 49 after its said adoption and enactment.

50 Section 4. Section 11.2425, Florida Statutes, is amended

51 | to read:

52 | 11.2425 Rights reserved under repealed statutes.—The
 53 | repeal of any statute by the adoption and enactment of Florida
 54 | Statutes 2018 ~~2017~~, by s. 11.2421, as amended, shall not affect
 55 | any right accrued before such repeal or any civil remedy where a
 56 | suit is pending.

57 | Section 5. This act shall take effect on the 60th day
 58 | after adjournment sine die of the session of the Legislature in
 59 | which enacted.

PCB RPC 18-02

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: PCB RPC 18-02 Florida Statutes/General
SPONSOR(S): Rules & Policy Committee
TIED BILLS: **IDEN./SIM. BILLS:**

| REFERENCE | ACTION | ANALYST | STAFF DIRECTOR or BUDGET/POLICY CHIEF |
|---------------------------------------|--------|---------|--|
| Orig. Comm.: Rules & Policy Committee | | Dowd | Birtman |

SUMMARY ANALYSIS

Florida Statute section 11.242 requires the Division of Law Revision and Information of the Florida Legislature to conduct a systematic and continuing study of Florida's statutes and laws for the purpose of recommending to the Legislature changes that would:

- Remove statutory inconsistencies, redundancies, and unnecessary repetitions.
- Improve clarity.
- Facilitate correct and proper interpretation.

Such changes include:

- Corrections to grammatical and typographical errors.
- Removal of expired or obsolete statutes and laws.
- Transfer, consolidation, and renumbering of sections, subsections, chapters, and titles.

These recommendations are submitted to the Legislature as technical, non-substantive reviser's bills.

The bill is a general reviser's bill of technical nature that deletes expired or obsolete language; corrects cross references and grammatical errors; removes inconsistencies, redundancies, and unnecessary repetition in the statutes; improves the clarity of the statutes and facilitates their correct interpretation; and confirms the restoration of provisions unintentionally omitted from republication in the Legislature's acts during the amendatory process.

Pursuant to House Rule 12.3(e), a reviser's bill cannot be amended except to delete a bill section.

The bill has no fiscal impact.

This bill becomes effective on the 60th day after adjournment sine die.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

The general reviser's bill is technical and non-substantive in nature. The bill amends, deletes, and reenacts various statutory provisions. Further, the bill deletes expired or obsolete language; corrects cross-references and grammatical errors; removes inconsistencies, redundancies, and unnecessary repetition in the statutes; improves the clarity of the statutes and facilitates their correct and proper interpretation; and confirms the restoration of provisions unintentionally omitted from republication in the Legislature's acts during the amendatory process.

B. SECTION DIRECTORY:

Sections 8, 10, 12-13, 43, 53, 59, 66, 69, 78, 81, 86-87, 92, 97, 102, 106 make editorial and grammatical changes to correct errors, improve clarity, facilitate correct understanding or interpretation, conform to context, or conform to Florida statute style.

Sections 26-27, 44, 64, 71, 77, 80, 96, 99, 103-104, 107, 110-111 correct cross references and when necessary conform to context or redesignated, amended, repealed or added subsections and subunits.

Sections 1-7, 9, 11, 14-25, 28-42, 45-52, 54-58, 60-63, 65, 67-68, 70, 72-76, 79, 82-85, 88-91, 93-95, 98, 101, 105, 108, 112 delete obsolete or expired provisions.

Sections 100, 109 reenact subsections to improve clarity.

Section 113 provides for an effective date.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

The general reviser's bill is a technical, non-substantive bill. The bill has no fiscal impact on state or local government or on the private sector.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable, as the general reviser's bill does not require counties or cities to spend funds or take action requiring the expenditure of funds, reduce the authority of counties or cities to raise revenue in the aggregate, or reduce the percentage of a state tax shared with counties or cities.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

The general reviser's bill does not implicate authority for any agency to adopt rules.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

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

26 superseded; replacing incorrect cross-references and
 27 citations; correcting grammatical, typographical, and
 28 like errors; removing inconsistencies, redundancies,
 29 and unnecessary repetition in the statutes; and
 30 improving the clarity of the statutes and facilitating
 31 their correct interpretation; providing an effective
 32 date.

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

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

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

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

46 (c) Make findings and recommendations regarding suicide
 47 prevention programs and activities. The council shall prepare an
 48 annual report and present it to the Governor, the President of
 49 the Senate, and the Speaker of the House of Representatives by
 50 January 1, ~~2008, and~~ each year ~~thereafter~~. The annual report

51 must describe the status of existing and planned initiatives
52 identified in the statewide plan for suicide prevention and any
53 recommendations arising therefrom.

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

56 Section 2. Paragraph (a) of subsection (4) of section
57 14.31, Florida Statutes, is amended to read:

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

60 (4) MEETINGS; ORGANIZATION.—

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

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

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

69 27.341 Electronic filing and receipt of court documents.—

70 ~~(3) The Florida Prosecuting Attorneys Association shall~~
71 ~~file a report with the President of the Senate and the Speaker~~
72 ~~of the House of Representatives by March 1, 2012, describing the~~
73 ~~progress that each office of the state attorney has made to use~~
74 ~~the Florida Courts E-Portal or, if the case type is not approved~~
75 ~~for the Florida Courts E-Portal, separate clerks' offices~~

76 ~~portals for purposes of electronic filing and documenting~~
 77 ~~receipt of court documents. For any office of the state attorney~~
 78 ~~that has not fully implemented an electronic filing and receipt~~
 79 ~~system by March 1, 2012, the report must also include a~~
 80 ~~description of the additional activities that are needed to~~
 81 ~~complete the system for that office and the projected time~~
 82 ~~necessary to complete the additional activities.~~

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

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

87 27.405 Court-appointed counsel; Justice Administrative
 88 Commission tracking and reporting.—

89 ~~(3) From October 1, 2005, through September 30, 2007, the~~
 90 ~~commission shall also track and issue a report on the race,~~
 91 ~~gender, and national origin of private court-appointed counsel~~
 92 ~~for the Eleventh Judicial Circuit.~~

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

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

97 27.511 Offices of criminal conflict and civil regional
 98 counsel; legislative intent; qualifications; appointment;
 99 duties.—

100 (1) It is the intent of the Legislature to provide

101 adequate representation to persons entitled to court-appointed
 102 counsel under the Federal or State Constitution or as authorized
 103 by general law. It is the further intent of the Legislature to
 104 provide adequate representation in a fiscally sound manner,
 105 while safeguarding constitutional principles. Therefore, an
 106 office of criminal conflict and civil regional counsel is
 107 created within the geographic boundaries of each of the five
 108 district courts of appeal. The regional counsel shall be
 109 appointed as set forth in subsection (3) for each of the five
 110 regional offices. ~~The offices shall commence fulfilling their~~
 111 ~~constitutional and statutory purpose and duties on October 1,~~
 112 ~~2007.~~

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

115 Section 6. Paragraph (c) of subsection (3) of section
 116 39.3035, Florida Statutes, is amended to read:

117 39.3035 Child advocacy centers; standards; state funding.—

118 (3) A child advocacy center within this state may not
 119 receive the funds generated pursuant to s. 938.10, state or
 120 federal funds administered by a state agency, or any other funds
 121 appropriated by the Legislature unless all of the standards of
 122 subsection (1) are met and the screening requirement of
 123 subsection (2) is met. The Florida Network of Children's
 124 Advocacy Centers, Inc., shall be responsible for tracking and
 125 documenting compliance with subsections (1) and (2) for any of

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

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

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

144 106.34 Expenditure limits.—

145 (3) For purposes of this section, "Florida-registered
 146 voter" means a voter who is registered to vote in Florida as of
 147 June 30 of each odd-numbered year. The Division of Elections
 148 shall certify the total number of Florida-registered voters no
 149 later than July 31 of each odd-numbered year. Such total number
 150 shall be calculated by adding the number of registered voters in

151 each county as of June 30 in the year of the certification date.
 152 ~~For the 2006 general election, the Division of Elections shall~~
 153 ~~certify the total number of Florida registered voters by July~~
 154 ~~31, 2005.~~

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

157 Section 8. Paragraph (d) of subsection (4) of section
 158 119.071, Florida Statutes, is amended to read:

159 119.071 General exemptions from inspection or copying of
 160 public records.—

161 (4) AGENCY PERSONNEL INFORMATION.—

162 (d)1. For purposes of this paragraph, the term "telephone
 163 numbers" includes home telephone numbers, personal cellular
 164 telephone numbers, personal pager telephone numbers, and
 165 telephone numbers associated with personal communications
 166 devices.

167 2.a. The home addresses, telephone numbers, dates of
 168 birth, and photographs of active or former sworn or civilian law
 169 enforcement personnel, including correctional and correctional
 170 probation officers, personnel of the Department of Children and
 171 Families whose duties include the investigation of abuse,
 172 neglect, exploitation, fraud, theft, or other criminal
 173 activities, personnel of the Department of Health whose duties
 174 are to support the investigation of child abuse or neglect, and
 175 personnel of the Department of Revenue or local governments

176 | whose responsibilities include revenue collection and
 177 | enforcement or child support enforcement; the names, home
 178 | addresses, telephone numbers, photographs, dates of birth, and
 179 | places of employment of the spouses and children of such
 180 | personnel; and the names and locations of schools and day care
 181 | facilities attended by the children of such personnel are exempt
 182 | from s. 119.07(1) and s. 24(a), Art. I of the State
 183 | Constitution. This sub-subparagraph is subject to the Open
 184 | Government Sunset Review Act in accordance with s. 119.15 and
 185 | shall stand repealed on October 2, 2022, unless reviewed and
 186 | saved from repeal through reenactment by the Legislature.

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

201 saved from repeal through reenactment by the Legislature.

202 c. The home addresses, telephone numbers, dates of birth,
 203 and photographs of current or former nonsworn investigative
 204 personnel of the Office of Financial Regulation's Bureau of
 205 Financial Investigations whose duties include the investigation
 206 of fraud, theft, other related criminal activities, or state
 207 regulatory requirement violations; the names, home addresses,
 208 telephone numbers, dates of birth, and places of employment of
 209 the spouses and children of such personnel; and the names and
 210 locations of schools and day care facilities attended by the
 211 children of such personnel are exempt from s. 119.07(1) and s.
 212 24(a), Art. I of the State Constitution. This sub-subparagraph
 213 is subject to the Open Government Sunset Review Act in
 214 accordance with s. 119.15 and shall stand repealed on October 2,
 215 2022, unless reviewed and saved from repeal through reenactment
 216 by the Legislature.

217 d. The home addresses, telephone numbers, dates of birth,
 218 and photographs of current or former firefighters certified in
 219 compliance with s. 633.408; the names, home addresses, telephone
 220 numbers, photographs, dates of birth, and places of employment
 221 of the spouses and children of such firefighters; and the names
 222 and locations of schools and day care facilities attended by the
 223 children of such firefighters are exempt from s. 119.07(1) and
 224 s. 24(a), Art. I of the State Constitution. This sub-
 225 subparagraph is subject to the Open Government Sunset Review Act

226 | in accordance with s. 119.15, and shall stand repealed on
 227 | October 2, 2022, unless reviewed and saved from repeal through
 228 | reenactment by the Legislature.

229 | e. The home addresses, dates of birth, and telephone
 230 | numbers of current or former justices of the Supreme Court,
 231 | district court of appeal judges, circuit court judges, and
 232 | county court judges; the names, home addresses, telephone
 233 | numbers, dates of birth, and places of employment of the spouses
 234 | and children of current or former justices and judges; and the
 235 | names and locations of schools and day care facilities attended
 236 | by the children of current or former justices and judges are
 237 | exempt from s. 119.07(1) and s. 24(a), Art. I of the State
 238 | Constitution. This sub-subparagraph is subject to the Open
 239 | Government Sunset Review Act in accordance with s. 119.15 and
 240 | shall stand repealed on October 2, 2022, unless reviewed and
 241 | saved from repeal through reenactment by the Legislature.

242 | f. The home addresses, telephone numbers, dates of birth,
 243 | and photographs of current or former state attorneys, assistant
 244 | state attorneys, statewide prosecutors, or assistant statewide
 245 | prosecutors; the names, home addresses, telephone numbers,
 246 | photographs, dates of birth, and places of employment of the
 247 | spouses and children of current or former state attorneys,
 248 | assistant state attorneys, statewide prosecutors, or assistant
 249 | statewide prosecutors; and the names and locations of schools
 250 | and day care facilities attended by the children of current or

251 former state attorneys, assistant state attorneys, statewide
 252 prosecutors, or assistant statewide prosecutors are exempt from
 253 s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

254 g. The home addresses, dates of birth, and telephone
 255 numbers of general magistrates, special magistrates, judges of
 256 compensation claims, administrative law judges of the Division
 257 of Administrative Hearings, and child support enforcement
 258 hearing officers; the names, home addresses, telephone numbers,
 259 dates of birth, and places of employment of the spouses and
 260 children of general magistrates, special magistrates, judges of
 261 compensation claims, administrative law judges of the Division
 262 of Administrative Hearings, and child support enforcement
 263 hearing officers; and the names and locations of schools and day
 264 care facilities attended by the children of general magistrates,
 265 special magistrates, judges of compensation claims,
 266 administrative law judges of the Division of Administrative
 267 Hearings, and child support enforcement hearing officers are
 268 exempt from s. 119.07(1) and s. 24(a), Art. I of the State
 269 Constitution. This sub-subparagraph is subject to the Open
 270 Government Sunset Review Act in accordance with s. 119.15 and
 271 shall stand repealed on October 2, 2022, unless reviewed and
 272 saved from repeal through reenactment by the Legislature.

273 h. The home addresses, telephone numbers, dates of birth,
 274 and photographs of current or former human resource, labor
 275 relations, or employee relations directors, assistant directors,

276 managers, or assistant managers of any local government agency
 277 or water management district whose duties include hiring and
 278 firing employees, labor contract negotiation, administration, or
 279 other personnel-related duties; the names, home addresses,
 280 telephone numbers, dates of birth, and places of employment of
 281 the spouses and children of such personnel; and the names and
 282 locations of schools and day care facilities attended by the
 283 children of such personnel are exempt from s. 119.07(1) and s.
 284 24(a), Art. I of the State Constitution.

285 i. The home addresses, telephone numbers, dates of birth,
 286 and photographs of current or former code enforcement officers;
 287 the names, home addresses, telephone numbers, dates of birth,
 288 and places of employment of the spouses and children of such
 289 personnel; and the names and locations of schools and day care
 290 facilities attended by the children of such personnel are exempt
 291 from s. 119.07(1) and s. 24(a), Art. I of the State
 292 Constitution.

293 j. The home addresses, telephone numbers, places of
 294 employment, dates of birth, and photographs of current or former
 295 guardians ad litem, as defined in s. 39.820; the names, home
 296 addresses, telephone numbers, dates of birth, and places of
 297 employment of the spouses and children of such persons; and the
 298 names and locations of schools and day care facilities attended
 299 by the children of such persons are exempt from s. 119.07(1) and
 300 s. 24(a), Art. I of the State Constitution. This sub-

301 subparagraph is subject to the Open Government Sunset Review Act
 302 in accordance with s. 119.15 and shall stand repealed on October
 303 2, 2022, unless reviewed and saved from repeal through
 304 reenactment by the Legislature.

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

322 l. The home addresses, telephone numbers, dates of birth,
 323 and photographs of current or former public defenders, assistant
 324 public defenders, criminal conflict and civil regional counsel,
 325 and assistant criminal conflict and civil regional counsel; the

326 names, home addresses, telephone numbers, dates of birth, and
 327 places of employment of the spouses and children of ~~such~~ current
 328 or former public defenders, assistant public defenders, criminal
 329 conflict and civil regional counsel, and assistant criminal
 330 conflict and civil regional ~~or~~ counsel; and the names and
 331 locations of schools and day care facilities attended by the
 332 children of ~~such~~ current or former public defenders, assistant
 333 public defenders, criminal conflict and civil regional counsel,
 334 and assistant criminal conflict and civil regional ~~or~~ counsel
 335 are exempt from s. 119.07(1) and s. 24(a), Art. I of the State
 336 Constitution.

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

350 n. The home addresses, telephone numbers, and dates of

351 birth of county tax collectors; the names, home addresses,
 352 telephone numbers, dates of birth, and places of employment of
 353 the spouses and children of such tax collectors; and the names
 354 and locations of schools and day care facilities attended by the
 355 children of such tax collectors are exempt from s. 119.07(1) and
 356 s. 24(a), Art. I of the State Constitution. This sub-
 357 subparagraph is subject to the Open Government Sunset Review Act
 358 in accordance with s. 119.15 and shall stand repealed on October
 359 2, 2022, unless reviewed and saved from repeal through
 360 reenactment by the Legislature.

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

376 saved from repeal through reenactment by the Legislature.
 377 p. The home addresses, telephone numbers, dates of birth,
 378 and photographs of current or former impaired practitioner
 379 consultants who are retained by an agency or current or former
 380 employees of an impaired practitioner consultant whose duties
 381 result in a determination of a person's skill and safety to
 382 practice a licensed profession; the names, home addresses,
 383 telephone numbers, dates of birth, and places of employment of
 384 the spouses and children of such consultants or their employees;
 385 and the names and locations of schools and day care facilities
 386 attended by the children of such consultants or employees are
 387 exempt from s. 119.07(1) and s. 24(a), Art. I of the State
 388 Constitution. This sub-subparagraph is subject to the Open
 389 Government Sunset Review Act in accordance with s. 119.15 and
 390 shall stand repealed on October 2, 2020, unless reviewed and
 391 saved from repeal through reenactment by the Legislature.
 392 q. The home addresses, telephone numbers, dates of birth,
 393 and photographs of current or former emergency medical
 394 technicians or paramedics certified under chapter 401; the
 395 names, home addresses, telephone numbers, dates of birth, and
 396 places of employment of the spouses and children of such
 397 emergency medical technicians or paramedics; and the names and
 398 locations of schools and day care facilities attended by the
 399 children of such emergency medical technicians or paramedics are
 400 exempt from s. 119.07(1) and s. 24(a), Art. I of the State

401 Constitution. This sub-subparagraph is subject to the Open
 402 Government Sunset Review Act in accordance with s. 119.15 and
 403 shall stand repealed on October 2, 2021, unless reviewed and
 404 saved from repeal through reenactment by the Legislature.

405 r. The home addresses, telephone numbers, dates of birth,
 406 and photographs of current or former personnel employed in an
 407 agency's office of inspector general or internal audit
 408 department whose duties include auditing or investigating waste,
 409 fraud, abuse, theft, exploitation, or other activities that
 410 could lead to criminal prosecution or administrative discipline;
 411 the names, home addresses, telephone numbers, dates of birth,
 412 and places of employment of spouses and children of such
 413 personnel; and the names and locations of schools and day care
 414 facilities attended by the children of such personnel are exempt
 415 from s. 119.07(1) and s. 24(a), Art. I of the State

416 Constitution. This sub-subparagraph is subject to the Open
 417 Government Sunset Review Act in accordance with s. 119.15 and
 418 shall stand repealed on October 2, 2021, unless reviewed and
 419 saved from repeal through reenactment by the Legislature.

420 3. An agency that is the custodian of the information
 421 specified in subparagraph 2. and that is not the employer of the
 422 officer, employee, justice, judge, or other person specified in
 423 subparagraph 2. shall maintain the exempt status of that
 424 information only if the officer, employee, justice, judge, other
 425 person, or employing agency of the designated employee submits a

426 written request for maintenance of the exemption to the
 427 custodial agency.

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

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

432 Section 9. Section 119.092, Florida Statutes, is amended
 433 to read:

434 119.092 Registration by federal employer's registration
 435 number.—Each state agency which registers or licenses
 436 corporations, partnerships, or other business entities shall
 437 include, ~~by July 1, 1978,~~ within its numbering system, the
 438 federal employer's identification number of each corporation,
 439 partnership, or other business entity registered or licensed by
 440 it. Any state agency may maintain a dual numbering system in
 441 which the federal employer's identification number or the state
 442 agency's own number is the primary identification number;
 443 however, the records of such state agency shall be designed in
 444 such a way that the record of any business entity is subject to
 445 direct location by the federal employer's identification number.
 446 The Department of State shall keep a registry of federal
 447 employer's identification numbers of all business entities,
 448 registered with the Division of Corporations, which registry of
 449 numbers may be used by all state agencies.

450 Reviser's note.—Amended to delete obsolete

451 language.

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

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

467 (9) EMPLOYMENT AFTER RETIREMENT; LIMITATION.—

468 (b) Any person whose retirement is effective before July
 469 1, 2010, or whose participation in the Deferred Retirement
 470 Option Program terminates before July 1, 2010, except under the
 471 disability retirement provisions of subsection (4) or as
 472 provided in s. 121.053, may be reemployed by an employer that
 473 participates in a state-administered retirement system and
 474 receive retirement benefits and compensation from that employer,
 475 except that the person may not be reemployed by an employer

476 participating in the Florida Retirement System before meeting
 477 the definition of termination in s. 121.021 and may not receive
 478 both a salary from the employer and retirement benefits for 12
 479 calendar months immediately subsequent to the date of
 480 retirement. However, a DROP participant shall continue
 481 employment and receive a salary during the period of
 482 participation in the Deferred Retirement Option Program, as
 483 provided in subsection (13).

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

501 apply toward repayment of benefits received in violation of the
 502 reemployment limitation.

503 a. A district school board may reemploy a retiree as a
 504 substitute or hourly teacher, education paraprofessional,
 505 transportation assistant, bus driver, or food service worker on
 506 a noncontractual basis after he or she has been retired for 1
 507 calendar month. A district school board may reemploy a retiree
 508 as instructional personnel, as defined in s. 1012.01(2)(a), on
 509 an annual contractual basis after he or she has been retired for
 510 1 calendar month. Any member who is reemployed within 1 calendar
 511 month after retirement shall void his or her application for
 512 retirement benefits. District school boards reemploying such
 513 teachers, education paraprofessionals, transportation
 514 assistants, bus drivers, or food service workers are subject to
 515 the retirement contribution required by subparagraph 2.

516 b. A Florida College System institution board of trustees
 517 may reemploy a retiree as an adjunct instructor or as a
 518 participant in a phased retirement program within the Florida
 519 College System, after he or she has been retired for 1 calendar
 520 month. A member who is reemployed within 1 calendar month after
 521 retirement shall void his or her application for retirement
 522 benefits. Boards of trustees reemploying such instructors are
 523 subject to the retirement contribution required in subparagraph
 524 2. A retiree may be reemployed as an adjunct instructor for no
 525 more than 780 hours during the first 12 months of retirement. A

526 retiree reemployed for more than 780 hours during the first 12
 527 months of retirement must give timely notice in writing to the
 528 employer and to the Division of Retirement or the state board of
 529 the date he or she will exceed the limitation. The division
 530 shall suspend his or her retirement benefits for the remainder
 531 of the 12 months of retirement. Any retiree employed in
 532 violation of this sub-subparagraph and any employer who employs
 533 or appoints such person without notifying the division to
 534 suspend retirement benefits are jointly and severally liable for
 535 any benefits paid during the reemployment limitation period. The
 536 employer must have a written statement from the retiree that he
 537 or she is not retired from a state-administered retirement
 538 system. Any retirement benefits received by the retiree while
 539 reemployed in excess of 780 hours during the first 12 months of
 540 retirement must be repaid to the Florida Retirement System Trust
 541 Fund, and retirement benefits shall remain suspended until
 542 repayment is made. Benefits suspended beyond the end of the
 543 retiree's first 12 months of retirement shall apply toward
 544 repayment of benefits received in violation of the 780-hour
 545 reemployment limitation.

546 c. The State University System may reemploy a retiree as
 547 an adjunct faculty member or as a participant in a phased
 548 retirement program within the State University System after the
 549 retiree has been retired for 1 calendar month. A member who is
 550 reemployed within 1 calendar month after retirement shall void

551 his or her application for retirement benefits. The State
 552 University System is subject to the retired contribution
 553 required in subparagraph 2., as appropriate. A retiree may be
 554 reemployed as an adjunct faculty member or a participant in a
 555 phased retirement program for no more than 780 hours during the
 556 first 12 months of his or her retirement. A retiree reemployed
 557 for more than 780 hours during the first 12 months of retirement
 558 must give timely notice in writing to the employer and to the
 559 Division of Retirement or the state board of the date he or she
 560 will exceed the limitation. The division shall suspend his or
 561 her retirement benefits for the remainder of the 12 months. Any
 562 retiree employed in violation of this sub-subparagraph and any
 563 employer who employs or appoints such person without notifying
 564 the division to suspend retirement benefits are jointly and
 565 severally liable for any benefits paid during the reemployment
 566 limitation period. The employer must have a written statement
 567 from the retiree that he or she is not retired from a state-
 568 administered retirement system. Any retirement benefits received
 569 by the retiree while reemployed in excess of 780 hours during
 570 the first 12 months of retirement must be repaid to the Florida
 571 Retirement System Trust Fund, and retirement benefits shall
 572 remain suspended until repayment is made. Benefits suspended
 573 beyond the end of the retiree's first 12 months of retirement
 574 shall apply toward repayment of benefits received in violation
 575 of the 780-hour reemployment limitation.

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

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

599 f. A charter school may reemploy a retiree as a substitute
 600 or hourly teacher on a noncontractual basis after he or she has

601 | been retired for 1 calendar month. A charter school may reemploy
 602 | a retired member as instructional personnel, as defined in s.
 603 | 1012.01(2)(a), on an annual contractual basis after he or she
 604 | has been retired for 1 calendar month after retirement. Any
 605 | member who is reemployed within 1 calendar month voids his or
 606 | her application for retirement benefits. A charter school that
 607 | reemploys such teachers is subject to the retirement
 608 | contribution required by subparagraph 2.

609 | 2. The employment of a retiree or DROP participant of a
 610 | state-administered retirement system does not affect the average
 611 | final compensation or years of creditable service of the retiree
 612 | or DROP participant. Before July 1, 1991, upon employment of any
 613 | person, other than an elected officer as provided in s. 121.053,
 614 | who is retired under a state-administered retirement program,
 615 | the employer shall pay retirement contributions in an amount
 616 | equal to the unfunded actuarial liability portion of the
 617 | employer contribution which would be required for regular
 618 | members of the Florida Retirement System. Effective July 1,
 619 | 1991, contributions shall be made as provided in s. 121.122 for
 620 | retirees who have renewed membership or, as provided in
 621 | subsection (13), for DROP participants.

622 | 3. Any person who is holding an elective public office
 623 | which is covered by the Florida Retirement System and who is
 624 | concurrently employed in nonelected covered employment may elect
 625 | to retire while continuing employment in the elective public

626 office if he or she terminates his or her nonelected covered
 627 employment. Such person shall receive his or her retirement
 628 benefits in addition to the compensation of the elective office
 629 without regard to the time limitations otherwise provided in
 630 this subsection. A person who seeks to exercise the provisions
 631 of this subparagraph as they existed before May 3, 1984, may not
 632 be deemed to be retired under those provisions, unless such
 633 person is eligible to retire under this subparagraph, as amended
 634 by chapter 84-11, Laws of Florida.

635 (c) Any person whose retirement is effective on or after
 636 July 1, 2010, or whose participation in the Deferred Retirement
 637 Option Program terminates on or after July 1, 2010, who is
 638 retired under this chapter, except under the disability
 639 retirement provisions of subsection (4) or as provided in s.
 640 121.053, may be reemployed by an employer that participates in a
 641 state-administered retirement system and receive retirement
 642 benefits and compensation from that employer. However, a person
 643 may not be reemployed by an employer participating in the
 644 Florida Retirement System before meeting the definition of
 645 termination in s. 121.021 and may not receive both a salary from
 646 the employer and retirement benefits for 6 calendar months after
 647 meeting the definition of termination. However, a DROP
 648 participant shall continue employment and receive a salary
 649 during the period of participation in the Deferred Retirement
 650 Option Program, as provided in subsection (13).

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

653 2. The employer shall pay retirement contributions in an
 654 amount equal to the unfunded actuarial liability portion of the
 655 employer contribution that would be required for active members
 656 of the Florida Retirement System in addition to the
 657 contributions required by s. 121.76.

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

672 Reviser's note.--Amended to conform to the
 673 renaming of the trust fund by s. 27, ch. 2011-68, Laws of
 674 Florida.

675 Section 11. Paragraph (b) of subsection (5) of section

676 197.3632, Florida Statutes, is amended to read:

677 197.3632 Uniform method for the levy, collection, and
678 enforcement of non-ad valorem assessments.—

679 (5)

680 (b) ~~Beginning in 2009,~~ By December 15 of each year, the
681 tax collector shall provide to the department a copy of each
682 local governing board's non-ad valorem assessment roll
683 containing the data elements and in the format prescribed by the
684 executive director. In addition, ~~beginning in 2008,~~ a report
685 shall be provided to the department by December 15 of each year
686 for each non-ad valorem assessment roll, including, but not
687 limited to, the following information:

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

690 2. Whether or not the local government levies a property
691 tax;

692 3. The basis for the levy;

693 4. The rate of assessment;

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

695 and

696 6. The number of parcels affected.

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

699 Section 12. Paragraph (a) of subsection (5) of section

700 197.502, Florida Statutes, is amended to read:

701 197.502 Application for obtaining tax deed by holder of
 702 tax sale certificate; fees.—

703 (5)(a) The tax collector may contract with a title company
 704 or an abstract company to provide the minimum information
 705 required in subsection (4), consistent with rules adopted by the
 706 department. If additional information is required, the tax
 707 collector must make a written request to the title or abstract
 708 company stating the additional requirements. The tax collector
 709 may select any title or abstract company, regardless of its
 710 location, as long as the fee is reasonable, the minimum
 711 information is submitted, and the title or abstract company is
 712 authorized to do business in this state. The tax collector may
 713 advertise and accept bids for the title or abstract company if
 714 he or she considers it appropriate to do so.

715 1. The property information report must include the
 716 letterhead of the person, firm, or company that makes the
 717 search, and the signature of the individual who makes the search
 718 or of an officer of the firm. The tax collector is not liable
 719 for payment to the firm unless these requirements are met. The
 720 report may be submitted to the tax collector in an electronic
 721 format.

722 2. The tax collector may not accept or pay for any title
 723 search or abstract if financial responsibility is not assumed
 724 for the search. However, reasonable restrictions as to the
 725 liability or responsibility of the title or abstract company are

726 acceptable. Notwithstanding s. 627.7843(3), the tax collector
 727 may contract for higher maximum liability limits.

728 3. In order to establish uniform prices for property
 729 information reports within the county, the tax collector must
 730 ensure that the contract for property information reports
 731 include all requests for title searches or abstracts for a given
 732 period of time.

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

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

739 199.303 Declaration of legislative intent.—

740 ~~(3) It is hereby declared to be the specific intent of the~~
 741 ~~Legislature that all annual intangible personal property taxes~~
 742 ~~imposed as provided by law for calendar years 2006 and prior~~
 743 ~~shall remain in full force and effect during the period~~
 744 ~~specified by s. 95.091 for the year in which the tax was due. It~~
 745 ~~is further the intent of the Legislature that the department~~
 746 ~~continue to assess and collect all taxes due to the state under~~
 747 ~~such provisions for all periods available for assessment, as~~
 748 ~~provided for the year in which tax was due by s. 95.091.~~

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

750 Section 14. Paragraph (b) of subsection (8) of section

751 206.8745, Florida Statutes, is amended to read:

752 206.8745 Credits and refund claims.—

753 (8) Undyed, tax-paid diesel fuel purchased in this state
 754 and consumed by the engine of a qualified motor coach during
 755 idle time for the purpose of running climate control systems and
 756 maintaining electrical systems for the motor coach is subject to
 757 a refund. As used in this subsection, the term "qualified motor
 758 coach" means a privately owned vehicle that is designed to carry
 759 nine or more passengers, that has a gross vehicle weight of at
 760 least 33,000 pounds, that is used exclusively in the commercial
 761 application of transporting passengers for compensation, and
 762 that has the capacity to measure diesel fuel consumed in Florida
 763 during idling, separate from diesel fuel consumed to propel the
 764 vehicle in this state, by way of an on-board computer.

765 (b) The annual refund claim must be submitted before April
 766 1 of the year following the year in which the tax was paid ~~and~~
 767 ~~after December 31, 2000.~~

768
 769 The Department of Revenue may adopt rules to administer this
 770 subsection.

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

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

775 213.755 Filing of returns and payment of taxes by

776 | electronic means.—

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

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

781 | Section 16. Subsection (1) of section 215.442, Florida
782 | Statutes, is amended to read:

783 | 215.442 Executive director; reporting requirements; public
784 | meeting.—

785 | (1) ~~Beginning October 2007 and quarterly thereafter,~~ The
786 | executive director shall present to the Board of Trustees of the
787 | State Board of Administration a quarterly report to include the
788 | following:

789 | (a) The name of each equity in which the State Board of
790 | Administration has invested for the quarter.

791 | (b) The industry category of each equity.

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

794 | Section 17. Subsection (1) of section 215.444, Florida
795 | Statutes, is amended to read:

796 | 215.444 Investment Advisory Council.—

797 | (1) There is created a nine-member ~~six-member~~ Investment
798 | Advisory Council to review the investments made by the staff of
799 | the Board of Administration and to make recommendations to the
800 | board regarding investment policy, strategy, and procedures.

801 ~~Beginning February 1, 2011, the membership of the council shall~~
 802 ~~be expanded to nine members.~~ The council shall meet with staff
 803 of the board at least once each quarter and shall provide a
 804 quarterly report directly to the Board of Trustees of the State
 805 Board of Administration at a meeting of the board.

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

808 Section 18. Paragraph (a) of subsection (2) and paragraph
 809 (a) of subsection (3) of section 215.4725, Florida Statutes, are
 810 amended to read:

811 215.4725 Prohibited investments by the State Board of
 812 Administration; companies that boycott Israel.—

813 (2) IDENTIFICATION OF COMPANIES.—

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

818 1. To the extent that the public fund finds it
 819 appropriate, reviewing and relying on publicly available
 820 information regarding companies that boycott Israel, including
 821 information provided by nonprofit organizations, research firms,
 822 international organizations, and government entities;

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

825 3. Contacting other institutional investors that prohibit

826 such investments or that have engaged with companies that
 827 boycott Israel.

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

831 (a) Engagement.—

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

835 2. For each company newly identified under this paragraph
 836 ~~after August 1, 2016~~, the public fund shall send a written
 837 notice informing the company of its scrutinized company status
 838 and that it may become subject to investment prohibition by the
 839 public fund. The notice must inform the company of the
 840 opportunity to clarify its activities regarding the boycott of
 841 Israel and encourage the company to cease the boycott of Israel
 842 within 90 days in order to avoid qualifying for investment
 843 prohibition.

844 3. If, within 90 days after the public fund's first
 845 engagement with a company pursuant to this paragraph, the
 846 company ceases a boycott of Israel, the company shall be removed
 847 from the Scrutinized Companies that Boycott Israel List, and the
 848 provisions of this section shall cease to apply to that company
 849 unless that company resumes a boycott of Israel.

850 Reviser's note.—Amended to delete obsolete

851 language.
 852 Section 19. Section 252.357, Florida Statutes, is amended
 853 to read:
 854 252.357 Monitoring of nursing homes and assisted living
 855 facilities during disaster.—The Florida Comprehensive Emergency
 856 Management Plan shall permit the Agency for Health Care
 857 Administration, working from the agency's offices or in the
 858 Emergency Operations Center, ESF-8, to make initial contact with
 859 each nursing home and assisted living facility in the disaster
 860 area. The agency, by July 15, ~~2006, and~~ annually ~~thereafter,~~
 861 shall publish on the Internet an emergency telephone number that
 862 may be used by nursing homes and assisted living facilities to
 863 contact the agency on a schedule established by the agency to
 864 report requests for assistance. The agency may also provide the
 865 telephone number to each facility when it makes the initial
 866 facility call.

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

869 Section 20. Section 252.358, Florida Statutes, is amended
 870 to read:

871 252.358 Emergency-preparedness prescription medication
 872 refills.—All health insurers, managed care organizations, and
 873 other entities that are licensed by the Office of Insurance
 874 Regulation and provide prescription medication coverage as part
 875 of a policy or contract shall waive time restrictions on

876 prescription medication refills, which include suspension of
 877 electronic "refill too soon" edits to pharmacies, to enable
 878 insureds or subscribers to refill prescriptions in advance, if
 879 there are authorized refills remaining, and shall authorize
 880 payment to pharmacies for at least a 30-day supply of any
 881 prescription medication, regardless of the date upon which the
 882 prescription had most recently been filled by a pharmacist, when
 883 the following conditions occur:

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

886 (a) Is under a hurricane warning issued by the National
 887 Weather Service;

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

890 (c) Has activated its emergency operations center and its
 891 emergency management plan.

892 (2) The prescription medication refill is requested within
 893 30 days after the origination date of the conditions stated in
 894 this section or until such conditions are terminated by the
 895 issuing authority or no longer exist. The time period for the
 896 waiver of prescription medication refills may be extended in 15-
 897 or 30-day increments by emergency orders issued by the Office of
 898 Insurance Regulation.

899

900 This section does not excuse or exempt an insured or subscriber

901 from compliance with all other terms of the policy or contract
 902 providing prescription medication coverage. ~~This section takes~~
 903 ~~effect July 1, 2006.~~

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

906 Section 21. Paragraph (c) of subsection (7) of section
 907 258.501, Florida Statutes, is amended to read:

908 258.501 Myakka River; wild and scenic segment.—

909 (7) MANAGEMENT COORDINATING COUNCIL.—

910 ~~(c) The Myakka River Management Coordinating Council shall~~
 911 ~~prepare a report concerning the potential expansion of the~~
 912 ~~Florida Wild and Scenic River designation to include the entire~~
 913 ~~Myakka River. At a minimum, the report shall include a~~
 914 ~~description of the extent of the Myakka River area that may be~~
 915 ~~covered under the expanded designation and any recommendations~~
 916 ~~or concerns of affected parties or other interests. During the~~
 917 ~~development of the report, at least one public hearing shall be~~
 918 ~~held in each of the affected areas of Manatee, Sarasota, and~~
 919 ~~Charlotte Counties. The report shall be submitted to the~~
 920 ~~Governor, the President of the Senate, and the Speaker of the~~
 921 ~~House of Representatives no later than January 1, 2008.~~

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

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

926 261.04 Off-Highway Vehicle Recreation Advisory Committee;
 927 members; appointment.—

928 (1) ~~Effective July 1, 2003,~~ The Off-Highway Vehicle
 929 Recreation Advisory Committee is created within the Florida
 930 Forest Service and consists of nine members, all of whom are
 931 appointed by the Commissioner of Agriculture. The appointees
 932 shall include one representative of the Department of
 933 Agriculture and Consumer Services, one representative of the
 934 Department of Highway Safety and Motor Vehicles, one
 935 representative of the Department of Environmental Protection's
 936 Office of Greenways and Trails, one representative of the Fish
 937 and Wildlife Conservation Commission, one citizen with
 938 scientific expertise in disciplines relating to ecology,
 939 wildlife biology, or other environmental sciences, one
 940 representative of a licensed off-highway vehicle dealer, and
 941 three representatives of off-highway vehicle recreation groups.
 942 In making these appointments, the commissioner shall consider
 943 the places of residence of the members to ensure statewide
 944 representation.

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

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

949 261.20 Operations of off-highway vehicles on public lands;
 950 restrictions; safety courses; required equipment; prohibited

951 acts; penalties.-

952 (3) ~~Effective July 1, 2008,~~ While operating an off-highway
 953 vehicle, a person who has not attained 16 years of age must have
 954 in his or her possession a certificate evidencing the
 955 satisfactory completion of an approved off-highway vehicle
 956 safety course in this state or another jurisdiction. A
 957 nonresident who has not attained 16 years of age and who is in
 958 this state temporarily for a period not to exceed 30 days is
 959 exempt from this subsection. Nothing contained in this chapter
 960 shall prohibit an agency from requiring additional safety-
 961 education courses for all operators.

962 (4)

963 (c) ~~On and after July 1, 2008,~~ Off-highway vehicles, when
 964 operating pursuant to this chapter, shall be equipped with a
 965 silencer or other device which limits sound emissions. Exhaust
 966 noise must not exceed 96 decibels in the A-weighting scale for
 967 vehicles manufactured after January 1, 1986, or 99 decibels in
 968 the A-weighting scale for vehicles manufactured before January
 969 1, 1986, when measured from a distance of 20 inches using test
 970 procedures established by the Society of Automotive Engineers
 971 under Standard J-1287. Off-highway vehicle manufacturers or
 972 their agents prior to the sale to the general public in this
 973 state of any new off-highway vehicle model manufactured after
 974 January 1, 2008, shall provide to the department revolutions-
 975 per-minute data needed to conduct the J-1287 test, where

976 applicable.

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

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

981 284.02 Payment of premiums by each agency; handling of
982 funds; payment of losses and expenses.—

983 (1) Premiums as calculated on all coverages shall be
984 billed and charged to each state agency according to coverages
985 obtained from the fund for their benefit, and such obligation
986 shall be paid promptly by each agency from its operating budget
987 upon presentation of a bill therefor. ~~However, no state agency~~
988 ~~shall be liable for the cost of insurance protection under this~~
989 ~~section prior to July 1, 1971, if any obligation therefor would~~
990 ~~be incurred against unappropriated funds. After July 1, 1971,~~
991 Billings and the obligation to pay shall be based on coverage
992 provided during each fiscal year and annually thereafter.

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

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

997 286.29 Climate-friendly public business.—The Legislature
998 recognizes the importance of leadership by state government in
999 the area of energy efficiency and in reducing the greenhouse gas
1000 emissions of state government operations. The following shall

1001 | pertain to all state agencies when conducting public business:
 1002 | (2) ~~Effective July 1, 2008,~~ State agencies shall contract
 1003 | for meeting and conference space only with hotels or conference
 1004 | facilities that have received the "Green Lodging" designation
 1005 | from the Department of Environmental Protection for best
 1006 | practices in water, energy, and waste efficiency standards,
 1007 | unless the responsible state agency head makes a determination
 1008 | that no other viable alternative exists. The Department of
 1009 | Environmental Protection is authorized to adopt rules to
 1010 | implement the "Green Lodging" program.

1011 | Reviser's note.—Amended to delete obsolete
 1012 | language.

1013 | Section 26. Paragraph (c) of subsection (2) of section
 1014 | 288.0001, Florida Statutes, is amended to read:

1015 | 288.0001 Economic Development Programs Evaluation.—The
 1016 | Office of Economic and Demographic Research and the Office of
 1017 | Program Policy Analysis and Government Accountability (OPPAGA)
 1018 | shall develop and present to the Governor, the President of the
 1019 | Senate, the Speaker of the House of Representatives, and the
 1020 | chairs of the legislative appropriations committees the Economic
 1021 | Development Programs Evaluation.

1022 | (2) The Office of Economic and Demographic Research and
 1023 | OPPAGA shall provide a detailed analysis of economic development
 1024 | programs as provided in the following schedule:

1025 | (c) By January 1, 2016, and every 3 years thereafter, an

1026 analysis of the following:

1027 1. The qualified defense contractor and space flight
1028 business tax refund program established under s. 288.1045.

1029 2. The tax exemption for semiconductor, defense, or space
1030 technology sales established under s. 212.08(5)(j).

1031 3. The Military Base Protection Program established under
1032 s. 288.980.

1033 ~~4. The Manufacturing and Spaceport Investment Incentive~~
1034 ~~Program formerly established under s. 288.1083.~~

1035 4.5. The Quick Response Training Program established under
1036 s. 288.047.

1037 5.6. The Incumbent Worker Training Program established
1038 under s. 445.003.

1039 6.7. International trade and business development programs
1040 established or funded under s. 288.826.

1041 Reviser's note.—Amended to conform to the repeal
1042 of referenced s. 288.1083 by s. 6, ch. 2014-18, Laws of
1043 Florida, to confirm repeal of s. 288.1083 pursuant to its
1044 own terms effective July 1, 2013.

1045 Section 27. Paragraph (c) of subsection (3) of section
1046 288.101, Florida Statutes, is amended to read:

1047 288.101 Florida Job Growth Grant Fund.—

1048 (3) For purposes of this section:

1049 (c) "Targeted industry" means any industry identified in
1050 the most recent list provided to the Governor, the President of

1051 the Senate, and the Speaker of the House of Representatives in
 1052 accordance with s. 288.106(2)(q) ~~288.106(q)~~.

1053 Reviser's note.—Amended to confirm the editorial
 1054 substitution of a reference to s. 288.106(2)(q) for a
 1055 reference to s. 288.106(q) to provide the complete
 1056 citation.

1057 Section 28. Subsection (5) of section 288.1258, Florida
 1058 Statutes, is amended to read:

1059 288.1258 Entertainment industry qualified production
 1060 companies; application procedure; categories; duties of the
 1061 Department of Revenue; records and reports.—

1062 (5) RELATIONSHIP OF TAX EXEMPTIONS AND INCENTIVES TO
 1063 INDUSTRY GROWTH; REPORT TO THE LEGISLATURE.—The Office of Film
 1064 and Entertainment shall keep annual records from the information
 1065 provided on taxpayer applications for tax exemption certificates
 1066 ~~beginning January 1, 2001~~. These records also must reflect a
 1067 ratio of the annual amount of sales and use tax exemptions under
 1068 this section, plus the incentives awarded pursuant to s.
 1069 288.1254 to the estimated amount of funds expended by certified
 1070 productions. In addition, the office shall maintain data showing
 1071 annual growth in Florida-based entertainment industry companies
 1072 and entertainment industry employment and wages. The employment
 1073 information must include an estimate of the full-time equivalent
 1074 positions created by each production that received tax credits
 1075 pursuant to s. 288.1254. The Office of Film and Entertainment

1076 shall include this information in the annual report for the
 1077 entertainment industry financial incentive program required
 1078 under s. 288.1254(10).

1079 Reviser's note.—Amended to delete obsolete
 1080 language.

1081 Section 29. Paragraph (b) of subsection (12) of section
 1082 315.03, Florida Statutes, is amended to read:

1083 315.03 Grant of powers.—Each unit is hereby authorized and
 1084 empowered:

1085 (12)

1086 (b) The Florida Seaport Transportation and Economic
 1087 Development Council shall prepare an annual report detailing the
 1088 amounts loaned, the projects financed by the loans, any interest
 1089 earned, and loans outstanding. The report shall be submitted to
 1090 the Governor, the President of the Senate, and the Speaker of
 1091 the House of Representatives by January 1 of each year,
 1092 ~~beginning in 2004.~~

1093 Reviser's note.—Amended to delete obsolete
 1094 language.

1095 Section 30. Subsection (3) of section 320.833, Florida
 1096 Statutes, is amended to read:

1097 320.833 Retention, destruction, and reproduction of
 1098 records; electronic retention.—Records and documents of the
 1099 Department of Highway Safety and Motor Vehicles, created in
 1100 compliance with, and in the implementation of, chapter 319 and

1101 this chapter, shall be retained by the department as specified
 1102 in record retention schedules established under the general
 1103 provisions of chapter 119. Further, the department is hereby
 1104 authorized:

1105 (3) ~~Beginning December 1, 2001, the department may~~ To
 1106 maintain all records required or obtained in compliance with,
 1107 and in the implementation of, chapter 319 and this chapter
 1108 exclusively by electronic means.

1109 Reviser's note.—Amended to delete obsolete
 1110 language.

1111 Section 31. Section 320.865, Florida Statutes, is amended
 1112 to read:

1113 320.865 Maintenance of records by the department.—
 1114 ~~Beginning December 1, 2001,~~ The department shall maintain
 1115 electronic records of all complaints filed against licensees
 1116 licensed under the provisions of ss. 320.27, 320.61, 320.77,
 1117 320.771, and 320.8225, any other provision of this chapter to
 1118 the contrary notwithstanding. The records shall contain all
 1119 enforcement actions taken against licensees and against
 1120 unlicensed persons acting in a capacity which would require them
 1121 to be licensed under those sections. The electronic file of each
 1122 licensee and unlicensed person shall contain a record of any
 1123 complaints filed against him or her and a record of any
 1124 enforcement actions taken against him or her. The complainant
 1125 and the referring agency, if there is one, shall be advised of

1126 the disposition by the department of the complaint within 10
 1127 days of such action.

1128 Reviser's note.—Amended to delete obsolete
 1129 language.

1130 Section 32. Subsection (1) of section 331.3051, Florida
 1131 Statutes, is amended to read:

1132 331.3051 Duties of Space Florida.—Space Florida shall:

1133 (1) Create a business plan to foster the growth and
 1134 development of the aerospace industry. The business plan must
 1135 address business development, finance, spaceport operations,
 1136 research and development, workforce development, and education.
 1137 The business plan must be ~~completed by March 1, 2007, and be~~
 1138 revised when determined as necessary by the board.

1139 Reviser's note.—Amended to delete obsolete
 1140 language.

1141 Section 33. Subsection (8) of section 332.007, Florida
 1142 Statutes, is amended to read:

1143 332.007 Administration and financing of aviation and
 1144 airport programs and projects; state plan.—

1145 ~~(8) Notwithstanding any other law to the contrary, any~~
 1146 ~~airport with direct intercontinental passenger service that is~~
 1147 ~~located in a county with a population under 400,000 as of July~~
 1148 ~~1, 2002, and that has a loan from the Department of~~
 1149 ~~Transportation due in August of 2002 shall have such loan~~
 1150 ~~extended until September 18, 2008.~~

1151 Reviser's note.—Amended to delete an obsolete
 1152 provision.

1153 Section 34. Paragraph (d) of subsection (1) of section
 1154 344.26, Florida Statutes, is amended to read:

1155 344.26 State Board of Administration; duties concerning
 1156 debt service.—

1157 (1)

1158 (d) It shall be the duty of all officials of any such
 1159 public body, county, district, municipality or other public
 1160 authority to turn over to said State Board of Administration
 1161 ~~within 30 days after May 27, 1943, or~~ within 30 days after the
 1162 execution hereafter of any such lease or purchase agreement by
 1163 Department of Transportation all moneys or other assets
 1164 applicable to, or available for, the payment of said bonds or
 1165 debentures, together with all records, books, documents or other
 1166 papers pertaining to said bonds or debentures.

1167 Reviser's note.—Amended to delete obsolete
 1168 language.

1169 Section 35. Subsection (1) of section 364.386, Florida
 1170 Statutes, is amended to read:

1171 364.386 Reports to the Legislature.—

1172 (1)(a) The commission shall submit to the President of the
 1173 Senate, the Speaker of the House of Representatives, and the
 1174 majority and minority leaders of the Senate and the House of
 1175 Representatives, on August 1, ~~2008, and~~ on an annual basis

1176 ~~thereafter~~, a report on the status of competition in the
 1177 telecommunications industry and a detailed exposition of the
 1178 following:

1179 1. The ability of competitive providers to make
 1180 functionally equivalent local exchange services available to
 1181 both residential and business customers at competitive rates,
 1182 terms, and conditions.

1183 2. The ability of consumers to obtain functionally
 1184 equivalent services at comparable rates, terms, and conditions.

1185 3. The overall impact of competition on the maintenance of
 1186 reasonably affordable and reliable high-quality
 1187 telecommunications services.

1188 4. A listing and short description of any carrier disputes
 1189 filed under s. 364.16.

1190 (b) The commission shall make an annual request to
 1191 providers of local exchange telecommunications services on or
 1192 before March 1, ~~2008, and on or before March 1~~ of each year
 1193 ~~thereafter~~, for the data it requires to complete the report. A
 1194 provider of local exchange telecommunications services shall
 1195 file its response with the commission on or before April 15,
 1196 ~~2008, and on or before April 15~~ of each year ~~thereafter~~.

1197 Reviser's note.—Amended to delete obsolete
 1198 language.

1199 Section 36. Subsection (3) of section 366.92, Florida
 1200 Statutes, is amended to read:

1201 366.92 Florida renewable energy policy.-
 1202 (3) Each municipal electric utility and rural electric
 1203 cooperative shall develop standards for the promotion,
 1204 encouragement, and expansion of the use of renewable energy
 1205 resources and energy conservation and efficiency measures. On or
 1206 before April 1, ~~2009, and annually thereafter~~, each municipal
 1207 electric utility and electric cooperative shall submit to the
 1208 commission a report that identifies such standards.

1209 Reviser's note.-Amended to delete obsolete
 1210 language.

1211 Section 37. Paragraph (a) of subsection (7) of section
 1212 373.036, Florida Statutes, is amended to read:

1213 373.036 Florida water plan; district water management
 1214 plans.-

1215 (7) CONSOLIDATED WATER MANAGEMENT DISTRICT ANNUAL REPORT.-

1216 (a) By March 1, ~~2006, and annually thereafter~~, each water
 1217 management district shall prepare and submit to the department,
 1218 the Governor, the President of the Senate, and the Speaker of
 1219 the House of Representatives a consolidated water management
 1220 district annual report on the management of water resources. In
 1221 addition, copies must be provided by the water management
 1222 districts to the chairs of all legislative committees having
 1223 substantive or fiscal jurisdiction over the districts and the
 1224 governing board of each county in the district having
 1225 jurisdiction or deriving any funds for operations of the

1226 district. Copies of the consolidated annual report must be made
 1227 available to the public, either in printed or electronic format.

1228 Reviser's note.—Amended to delete obsolete
 1229 language.

1230 Section 38. Subsection (3) of section 373.042, Florida
 1231 Statutes, is amended to read:

1232 373.042 Minimum flows and minimum water levels.—

1233 (3) By November 15, ~~1997, and~~ annually ~~thereafter~~, each
 1234 water management district shall submit to the department for
 1235 review and approval a priority list and schedule for the
 1236 establishment of minimum flows and minimum water levels for
 1237 surface watercourses, aquifers, and surface waters within the
 1238 district. The priority list and schedule shall identify those
 1239 listed water bodies for which the district will voluntarily
 1240 undertake independent scientific peer review; any reservations
 1241 proposed by the district to be established pursuant to s.
 1242 373.223(4); and those listed water bodies that have the
 1243 potential to be affected by withdrawals in an adjacent district
 1244 for which the department's adoption of a reservation pursuant to
 1245 s. 373.223(4) or a minimum flow or minimum water level pursuant
 1246 to subsection (1) may be appropriate. By March 1, ~~2006, and~~
 1247 annually ~~thereafter~~, each water management district shall
 1248 include its approved priority list and schedule in the
 1249 consolidated annual report required by s. 373.036(7). The
 1250 priority list shall be based upon the importance of the waters

1251 to the state or region and the existence of or potential for
 1252 significant harm to the water resources or ecology of the state
 1253 or region, and shall include those waters which are experiencing
 1254 or may reasonably be expected to experience adverse impacts.
 1255 Each water management district's priority list and schedule
 1256 shall include all first magnitude springs, and all second
 1257 magnitude springs within state or federally owned lands
 1258 purchased for conservation purposes. The specific schedule for
 1259 establishment of spring minimum flows and minimum water levels
 1260 shall be commensurate with the existing or potential threat to
 1261 spring flow from consumptive uses. Springs within the Suwannee
 1262 River Water Management District, or second magnitude springs in
 1263 other areas of the state, need not be included on the priority
 1264 list if the water management district submits a report to the
 1265 Department of Environmental Protection demonstrating that
 1266 adverse impacts are not now occurring nor are reasonably
 1267 expected to occur from consumptive uses during the next 20
 1268 years. The priority list and schedule is not subject to any
 1269 proceeding pursuant to chapter 120. Except as provided in
 1270 subsection (4), the development of a priority list and
 1271 compliance with the schedule for the establishment of minimum
 1272 flows and minimum water levels pursuant to this subsection
 1273 satisfies the requirements of subsection (1).

1274 Reviser's note.—Amended to delete obsolete
 1275 language.

1276 Section 39. Subsection (7) of section 373.470, Florida
1277 Statutes, is amended to read:
1278 373.470 Everglades restoration.—
1279 (7) ANNUAL REPORT.—To provide enhanced oversight of and
1280 accountability for the financial commitments established under
1281 this section and the progress made in the implementation of the
1282 comprehensive plan, the following information must be prepared
1283 annually as part of the consolidated annual report required by
1284 s. 373.036(7):
1285 (a) The district, in cooperation with the department,
1286 shall provide the following information as it relates to
1287 implementation of the comprehensive plan:
1288 1. An identification of funds, by source and amount,
1289 received by the state and by each local sponsor during the
1290 fiscal year.
1291 2. An itemization of expenditures, by source and amount,
1292 made by the state and by each local sponsor during the fiscal
1293 year.
1294 3. A description of the purpose for which the funds were
1295 expended.
1296 4. The unencumbered balance of funds remaining in trust
1297 funds or other accounts designated for implementation of the
1298 comprehensive plan.
1299 5. A schedule of anticipated expenditures for the next
1300 fiscal year.

1301 (b) The department shall prepare a detailed report on all
1302 funds expended by the state and credited toward the state's
1303 share of funding for implementation of the comprehensive plan.

1304 The report shall include:

1305 1. A description of all expenditures, by source and
1306 amount, from the former Conservation and Recreation Lands Trust
1307 Fund, the Land Acquisition Trust Fund, the former Preservation
1308 2000 Trust Fund, the Florida Forever Trust Fund, the Save Our
1309 Everglades Trust Fund, and other named funds or accounts for the
1310 acquisition or construction of project components or other
1311 features or facilities that benefit the comprehensive plan.

1312 2. A description of the purposes for which the funds were
1313 expended.

1314 3. The unencumbered fiscal-year-end balance that remains
1315 in each trust fund or account identified in subparagraph 1.

1316 (c) The district, in cooperation with the department,
1317 shall provide a detailed report on progress made in the
1318 implementation of the comprehensive plan, including the status
1319 of all project components initiated after the effective date of
1320 this act or the date of the last report prepared under this
1321 subsection, whichever is later.

1322
1323 The information required in paragraphs (a), (b), and (c) shall
1324 be provided as part of the consolidated annual report required
1325 by s. 373.036(7). ~~The initial report is due by November 30,~~

1326 | 2000, and Each annual report thereafter is due by March 1.

1327 | Reviser's note.—Amended to delete obsolete
1328 | language.

1329 | Section 40. Subsection (9) of section 373.709, Florida
1330 | Statutes, is amended to read:

1331 | 373.709 Regional water supply planning.—

1332 | ~~(9) For any regional water supply plan that is scheduled~~
1333 | ~~to be updated before December 31, 2005, the deadline for such~~
1334 | ~~update shall be extended by 1 year.~~

1335 | Reviser's note.—Amended to delete obsolete
1336 | language.

1337 | Section 41. Paragraph (d) of subsection (1) of section
1338 | 376.303, Florida Statutes, is amended to read:

1339 | 376.303 Powers and duties of the Department of
1340 | Environmental Protection.—

1341 | (1) The department has the power and the duty to:

1342 | (d) Establish a registration program for drycleaning
1343 | facilities and wholesale supply facilities.

1344 | 1. Owners or operators of drycleaning facilities and
1345 | wholesale supply facilities and real property owners shall
1346 | jointly register each facility owned and in operation with the
1347 | department by June 30, 1995, pay initial registration fees by
1348 | December 31, 1995, and pay annual renewal registration fees by
1349 | December 31, 1996, and each year thereafter, in accordance with
1350 | this subsection. If the registration form cannot be jointly

1351 submitted, then the applicant shall provide notice of the
 1352 registration to other interested parties. The department shall
 1353 establish reasonable requirements for the registration of such
 1354 facilities. The department shall use reasonable efforts to
 1355 identify and notify drycleaning facilities and wholesale supply
 1356 facilities of the registration requirements by certified mail,
 1357 return receipt requested. The department shall provide to the
 1358 Department of Revenue a copy of each applicant's registration
 1359 materials, within 30 working days of the receipt of the
 1360 materials. This copy may be in such electronic format as the two
 1361 agencies mutually designate.

1362 2.a. The department shall issue an invoice for annual
 1363 registration fees to each registered drycleaning facility or
 1364 wholesale supply facility by December 31 of each year. Owners of
 1365 drycleaning facilities and wholesale supply facilities shall
 1366 submit to the department an initial fee of \$100 and an annual
 1367 renewal registration fee of \$100 for each drycleaning facility
 1368 or wholesale supply facility owned and in operation. The fee
 1369 shall be paid within 30 days after receipt of billing by the
 1370 department. Facilities that fail to pay their renewal fee within
 1371 30 days after receipt of billing are subject to a late fee of
 1372 \$75.

1373 b. Revenues derived from registration, renewal, and late
 1374 fees shall be deposited into the Water Quality Assurance Trust
 1375 Fund to be used as provided in s. 376.3078.

1376 3. ~~Effective March 1, 2009,~~ A registered drycleaning
 1377 facility shall display in the vicinity of its drycleaning
 1378 machines the original or a copy of a valid and current
 1379 certificate evidencing registration with the department pursuant
 1380 to this paragraph. ~~After that date,~~ A person may not sell or
 1381 transfer any drycleaning solvents to an owner or operator of a
 1382 drycleaning facility unless the owner or operator of the
 1383 drycleaning facility displays the certificate issued by the
 1384 department. Violators of this subparagraph are subject to the
 1385 remedies available to the department pursuant to s. 376.302.

1386 Reviser's note.—Amended to delete obsolete
 1387 language.

1388 Section 42. Subsection (5) of section 379.2495, Florida
 1389 Statutes, is amended to read:

1390 379.2495 Florida Ships-2-Reefs Program; matching grant
 1391 requirements.—

1392 (5) No later than January 1 of each year, ~~2009, and each~~
 1393 ~~January 1 thereafter,~~ the commission shall submit a report to
 1394 the Governor, the President of the Senate, and the Speaker of
 1395 the House of Representatives detailing the expenditure of the
 1396 funds appropriated to it for the purposes of carrying out the
 1397 provisions of this section.

1398 Reviser's note.—Amended to delete obsolete
 1399 language.

1400 Section 43. Paragraph (d) of subsection (14) of section

1401 381.986, Florida Statutes, is amended to read:

1402 381.986 Medical use of marijuana.—

1403 (14) EXCEPTIONS TO OTHER LAWS.—

1404 (d) A licensed medical marijuana treatment center and its
 1405 owners, managers, and employees are not subject to licensure or
 1406 regulation under chapter 465 or chapter 499 for manufacturing,
 1407 possessing, selling, delivering, distributing, dispensing, or
 1408 lawfully disposing of marijuana or a marijuana delivery device,
 1409 as provided in this section, in s. 381.988, and by department
 1410 rule.

1411 Reviser's note.—Amended to confirm the editorial
 1412 insertion of the word "in."

1413 Section 44. Paragraph (b) of subsection (1) of section
 1414 381.987, Florida Statutes, is amended to read:

1415 381.987 Public records exemption for personal identifying
 1416 information relating to medical marijuana held by the
 1417 department.—

1418 (1) The following information is confidential and exempt
 1419 from s. 119.07(1) and s. 24(a), Art. I of the State
 1420 Constitution:

1421 (b) All personal identifying information collected for the
 1422 purpose of issuing a patient's or caregiver's medical marijuana
 1423 use registry identification card described in s. 381.986
 1424 ~~381.896~~.

1425 Reviser's note.—Amended to correct an erroneous

1426 cross-reference. Section 381.986(7), as amended by s. 3,
 1427 ch. 2017-232, Laws of Florida, authorizes and describes
 1428 medical marijuana use registry identification cards.

1429 Section 45. Subsection (2) of section 394.75, Florida
 1430 Statutes, is amended to read:

1431 394.75 State and district substance abuse and mental
 1432 health plans.—

1433 (2) The state master plan shall also include:

1434 (a) A proposal for the development of a data system that
 1435 will evaluate the effectiveness of programs and services
 1436 provided to clients of the substance abuse and mental health
 1437 service system.

1438 (b) A proposal to resolve the funding discrepancies
 1439 between districts.

1440 (c) A methodology for the allocation of resources
 1441 available from federal, state, and local sources and a
 1442 description of the current level of funding available from each
 1443 source.

1444 (d) A description of the statewide priorities for clients
 1445 and services, and each district's priorities for clients and
 1446 services.

1447 (e) Recommendations for methods of enhancing local
 1448 participation in the planning, organization, and financing of
 1449 substance abuse and mental health services.

1450 (f) A description of the current methods of contracting

1451 for services, an assessment of the efficiency of these methods
 1452 in providing accountability for contracted funds, and
 1453 recommendations for improvements to the system of contracting.

1454 (g) Recommendations for improving access to services by
 1455 clients and their families.

1456 (h) Guidelines and formats for the development of district
 1457 plans.

1458 (i) Recommendations for future directions for the
 1459 substance abuse and mental health service delivery system.

1460

1461 A schedule, format, and procedure for development and review of
 1462 the state master plan shall be adopted by the department by June
 1463 of each year. The plan and annual updates must be submitted to
 1464 the President of the Senate and the Speaker of the House of
 1465 Representatives by January 1 of each year, ~~beginning January 1,~~
 1466 ~~2001.~~

1467 Reviser's note.—Amended to delete obsolete
 1468 language.

1469 Section 46. Paragraph (i) of subsection (1) of section
 1470 400.6045, Florida Statutes, is amended to read:

1471 400.6045 Patients with Alzheimer's disease or other
 1472 related disorders; staff training requirements; certain
 1473 disclosures.—

1474 (1) A hospice licensed under this part must provide the
 1475 following staff training:

1476 ~~(i) An employee who is hired on or after July 1, 2003,~~
 1477 ~~must complete the required training by July 1, 2004, or by the~~
 1478 ~~deadline specified in this section, whichever is later.~~

1479 Reviser's note.—Amended to delete obsolete
 1480 language.

1481 Section 47. Subsection (23) of section 403.061, Florida
 1482 Statutes, is amended to read:

1483 403.061 Department; powers and duties.—The department
 1484 shall have the power and the duty to control and prohibit
 1485 pollution of air and water in accordance with the law and rules
 1486 adopted and promulgated by it and, for this purpose, to:

1487 (23) Adopt rules and regulations to ensure that no
 1488 detergents are sold in Florida ~~after December 31, 1972,~~ which
 1489 are reasonably found to have a harmful or deleterious effect on
 1490 human health or on the environment. Any regulations adopted
 1491 pursuant to this subsection shall apply statewide. Subsequent to
 1492 the promulgation of such rules and regulations, no county,
 1493 municipality, or other local political subdivision shall adopt
 1494 or enforce any local ordinance, special law, or local regulation
 1495 governing detergents which is less stringent than state law or
 1496 regulation. Regulations, ordinances, or special acts adopted by
 1497 a county or municipality governing detergents shall be subject
 1498 to approval by the department, except that regulations,
 1499 ordinances, or special acts adopted by any county or
 1500 municipality with a local pollution control program approved

1501 pursuant to s. 403.182 shall be approved as an element of the
 1502 local pollution control program.

1503

1504 The department shall implement such programs in conjunction with
 1505 its other powers and duties and shall place special emphasis on
 1506 reducing and eliminating contamination that presents a threat to
 1507 humans, animals or plants, or to the environment.

1508 Reviser's note.—Amended to delete obsolete
 1509 language.

1510 Section 48. Subsection (16) of section 403.064, Florida
 1511 Statutes, is amended to read:

1512 403.064 Reuse of reclaimed water.—

1513 (16) Utilities implementing reuse projects are encouraged,
 1514 except in the case of use by electric utilities as defined in s.
 1515 366.02(2), to meter use of reclaimed water by all end users and
 1516 to charge for the use of reclaimed water based on the actual
 1517 volume used when such metering and charges can be shown to
 1518 encourage water conservation. Metering and the use of volume-
 1519 based rates are effective water management tools for the
 1520 following reuse activities: residential irrigation, agricultural
 1521 irrigation, industrial uses, landscape irrigation, irrigation of
 1522 other public access areas, commercial and institutional uses
 1523 such as toilet flushing, and transfers to other reclaimed water
 1524 utilities. ~~Beginning with the submittal due on January 1, 2005,~~
 1525 Each domestic wastewater utility that provides reclaimed water

1526 for the reuse activities listed in this section shall include a
 1527 summary of its metering and rate structure as part of its annual
 1528 reuse report to the department.

1529 Reviser's note.—Amended to delete obsolete
 1530 language.

1531 Section 49. Subsection (3) of section 408.0611, Florida
 1532 Statutes, is amended to read:

1533 408.0611 Electronic prescribing clearinghouse.—

1534 (3) The agency shall work in collaboration with private
 1535 sector electronic prescribing initiatives and relevant
 1536 stakeholders to create a clearinghouse of information on
 1537 electronic prescribing for health care practitioners, health
 1538 care facilities, and pharmacies. These stakeholders shall
 1539 include organizations that represent health care practitioners,
 1540 organizations that represent health care facilities,
 1541 organizations that represent pharmacies, organizations that
 1542 operate electronic prescribing networks, organizations that
 1543 create electronic prescribing products, and regional health
 1544 information organizations. Specifically, the agency shall, ~~by~~
 1545 ~~October 1, 2007:~~

1546 (a) Provide on its website:

1547 1. Information regarding the process of electronic
 1548 prescribing and the availability of electronic prescribing
 1549 products, including no-cost or low-cost products;

1550 2. Information regarding the advantages of electronic

1551 prescribing, including using medication history data to prevent
 1552 drug interactions, prevent allergic reactions, and deter doctor
 1553 and pharmacy shopping for controlled substances;

1554 3. Links to federal and private sector websites that
 1555 provide guidance on selecting an appropriate electronic
 1556 prescribing product; and

1557 4. Links to state, federal, and private sector incentive
 1558 programs for the implementation of electronic prescribing.

1559 (b) Convene quarterly meetings of the stakeholders to
 1560 assess and accelerate the implementation of electronic
 1561 prescribing.

1562 Reviser's note.—Amended to delete obsolete
 1563 language.

1564 Section 50. Paragraphs (i) and (j) of subsection (1) of
 1565 section 408.062, Florida Statutes, are amended to read:

1566 408.062 Research, analyses, studies, and reports.—

1567 (1) The agency shall conduct research, analyses, and
 1568 studies relating to health care costs and access to and quality
 1569 of health care services as access and quality are affected by
 1570 changes in health care costs. Such research, analyses, and
 1571 studies shall include, but not be limited to:

1572 (i) The use of emergency department services by patient
 1573 acuity level and the implication of increasing hospital cost by
 1574 providing nonurgent care in emergency departments. The agency
 1575 shall submit an annual report based on this monitoring and

1576 assessment to the Governor, the Speaker of the House of
 1577 Representatives, the President of the Senate, and the
 1578 substantive legislative committees, due ~~with the first report~~
 1579 ~~due~~ January 1, 2006.

1580 (j) The making available on its Internet website ~~beginning~~
 1581 ~~no later than October 1, 2004,~~ and in a hard-copy format upon
 1582 request, of patient charge, volumes, length of stay, and
 1583 performance indicators collected from health care facilities
 1584 pursuant to s. 408.061(1)(a) for specific medical conditions,
 1585 surgeries, and procedures provided in inpatient and outpatient
 1586 facilities as determined by the agency. In making the
 1587 determination of specific medical conditions, surgeries, and
 1588 procedures to include, the agency shall consider such factors as
 1589 volume, severity of the illness, urgency of admission,
 1590 individual and societal costs, and whether the condition is
 1591 acute or chronic. Performance outcome indicators shall be risk
 1592 adjusted or severity adjusted, as applicable, using nationally
 1593 recognized risk adjustment methodologies or software consistent
 1594 with the standards of the Agency for Healthcare Research and
 1595 Quality and as selected by the agency. The website shall also
 1596 provide an interactive search that allows consumers to view and
 1597 compare the information for specific facilities, a map that
 1598 allows consumers to select a county or region, definitions of
 1599 all of the data, descriptions of each procedure, and an
 1600 explanation about why the data may differ from facility to

1601 facility. Such public data shall be updated quarterly. The
 1602 agency shall submit an annual status report on the collection of
 1603 data and publication of health care quality measures to the
 1604 Governor, the Speaker of the House of Representatives, the
 1605 President of the Senate, and the substantive legislative
 1606 committees, ~~with the first status report~~ due January 1, ~~2005~~.

1607 Reviser's note.—Amended to delete obsolete
 1608 language.

1609 Section 51. Paragraph (a) of subsection (6) of section
 1610 408.811, Florida Statutes, is amended to read:

1611 408.811 Right of inspection; copies; inspection reports;
 1612 plan for correction of deficiencies.—

1613 (6)(a) Each licensee shall maintain as public information,
 1614 available upon request, records of all inspection reports
 1615 pertaining to that provider that have been filed by the agency
 1616 unless those reports are exempt from or contain information that
 1617 is exempt from s. 119.07(1) and s. 24(a), Art. I of the State
 1618 Constitution or is otherwise made confidential by law. ~~Effective~~
 1619 ~~October 1, 2006~~, Copies of such reports shall be retained in the
 1620 records of the provider for at least 3 years following the date
 1621 the reports are filed and issued, regardless of a change of
 1622 ownership.

1623 Reviser's note.—Amended to delete obsolete
 1624 language.

1625 Section 52. Paragraph (d) of subsection (10) of section

1626 408.9091, Florida Statutes, is amended to read:
 1627 408.9091 Cover Florida Health Care Access Program.—
 1628 (10) PROGRAM EVALUATION.—The agency and the office shall:
 1629 (d) Jointly submit by March 1, ~~2009~~, and annually
 1630 ~~thereafter~~, a report to the Governor, the President of the
 1631 Senate, and the Speaker of the House of Representatives which
 1632 provides the information specified in paragraphs (a)-(c) and
 1633 recommendations relating to the successful implementation and
 1634 administration of the program.

1635 Reviser's note.—Amended to delete obsolete
 1636 language.

1637 Section 53. Paragraph (a) of subsection (2) of section
 1638 409.1754, Florida Statutes, is amended to read:

1639 409.1754 Commercial sexual exploitation of children;
 1640 screening and assessment; training; multidisciplinary staffings;
 1641 service plans.—

1642 (2) MULTIDISCIPLINARY STAFFINGS AND SERVICE PLANS.—

1643 (a) The department, or a sheriff's office acting under s.
 1644 39.3065, shall conduct a multidisciplinary staffing for each
 1645 child who ~~that~~ is a suspected or verified victim of commercial
 1646 sexual exploitation. The department or sheriff's office shall
 1647 coordinate the staffing and invite individuals involved in the
 1648 child's care, including, but not limited to, the child, if
 1649 appropriate; the child's family or legal guardian; the child's
 1650 guardian ad litem; Department of Juvenile Justice staff; school

1651 district staff; local health and human services providers;
 1652 victim advocates; and any other persons who may be able to
 1653 assist the child.

1654 Reviser's note.—Amended to confirm the editorial
 1655 substitution of the word "who" for the word "that."

1656 Section 54. Paragraph (b) of subsection (1) and subsection
 1657 (26) of section 409.906, Florida Statutes, are amended to read:

1658 409.906 Optional Medicaid services.—Subject to specific
 1659 appropriations, the agency may make payments for services which
 1660 are optional to the state under Title XIX of the Social Security
 1661 Act and are furnished by Medicaid providers to recipients who
 1662 are determined to be eligible on the dates on which the services
 1663 were provided. Any optional service that is provided shall be
 1664 provided only when medically necessary and in accordance with
 1665 state and federal law. Optional services rendered by providers
 1666 in mobile units to Medicaid recipients may be restricted or
 1667 prohibited by the agency. Nothing in this section shall be
 1668 construed to prevent or limit the agency from adjusting fees,
 1669 reimbursement rates, lengths of stay, number of visits, or
 1670 number of services, or making any other adjustments necessary to
 1671 comply with the availability of moneys and any limitations or
 1672 directions provided for in the General Appropriations Act or
 1673 chapter 216. If necessary to safeguard the state's systems of
 1674 providing services to elderly and disabled persons and subject
 1675 to the notice and review provisions of s. 216.177, the Governor

1676 may direct the Agency for Health Care Administration to amend
 1677 the Medicaid state plan to delete the optional Medicaid service
 1678 known as "Intermediate Care Facilities for the Developmentally
 1679 Disabled." Optional services may include:

1680 (1) ADULT DENTAL SERVICES.—

1681 (b) ~~Beginning July 1, 2006,~~ The agency may pay for full or
 1682 partial dentures, the procedures required to seat full or
 1683 partial dentures, and the repair and reline of full or partial
 1684 dentures, provided by or under the direction of a licensed
 1685 dentist, for a recipient who is 21 years of age or older.

1686 (26) HOME AND COMMUNITY-BASED SERVICES FOR AUTISM SPECTRUM
 1687 DISORDER AND OTHER DEVELOPMENTAL DISABILITIES.—The agency is
 1688 authorized to seek federal approval through a Medicaid waiver or
 1689 a state plan amendment for the provision of occupational
 1690 therapy, speech therapy, physical therapy, behavior analysis,
 1691 and behavior assistant services to individuals who are 5 years
 1692 of age and under and have a diagnosed developmental disability
 1693 as defined in s. 393.063, autism spectrum disorder as defined in
 1694 s. 627.6686, or Down syndrome, a genetic disorder caused by the
 1695 presence of extra chromosomal material on chromosome 21. Causes
 1696 of the syndrome may include Trisomy 21, Mosaicism, Robertsonian
 1697 Translocation, and other duplications of a portion of chromosome
 1698 21. Coverage for such services shall be limited to \$36,000
 1699 annually and may not exceed \$108,000 in total lifetime benefits.
 1700 The agency shall submit an annual report ~~beginning~~ on January 17

1701 | ~~2009,~~ to the President of the Senate, the Speaker of the House
 1702 | of Representatives, and the relevant committees of the Senate
 1703 | and the House of Representatives regarding progress on obtaining
 1704 | federal approval and recommendations for the implementation of
 1705 | these home and community-based services. The agency may not
 1706 | implement this subsection without prior legislative approval.

1707 | Reviser's note.—Amended to delete obsolete
 1708 | language.

1709 | Section 55. Section 409.913, Florida Statutes, is amended
 1710 | to read:

1711 | 409.913 Oversight of the integrity of the Medicaid
 1712 | program.—The agency shall operate a program to oversee the
 1713 | activities of Florida Medicaid recipients, and providers and
 1714 | their representatives, to ensure that fraudulent and abusive
 1715 | behavior and neglect of recipients occur to the minimum extent
 1716 | possible, and to recover overpayments and impose sanctions as
 1717 | appropriate. ~~Beginning January 1, 2003, and~~ Each January 1 year
 1718 | ~~thereafter,~~ the agency and the Medicaid Fraud Control Unit of
 1719 | the Department of Legal Affairs shall submit a joint report to
 1720 | the Legislature documenting the effectiveness of the state's
 1721 | efforts to control Medicaid fraud and abuse and to recover
 1722 | Medicaid overpayments during the previous fiscal year. The
 1723 | report must describe the number of cases opened and investigated
 1724 | each year; the sources of the cases opened; the disposition of
 1725 | the cases closed each year; the amount of overpayments alleged

1726 | in preliminary and final audit letters; the number and amount of
 1727 | fines or penalties imposed; any reductions in overpayment
 1728 | amounts negotiated in settlement agreements or by other means;
 1729 | the amount of final agency determinations of overpayments; the
 1730 | amount deducted from federal claiming as a result of
 1731 | overpayments; the amount of overpayments recovered each year;
 1732 | the amount of cost of investigation recovered each year; the
 1733 | average length of time to collect from the time the case was
 1734 | opened until the overpayment is paid in full; the amount
 1735 | determined as uncollectible and the portion of the uncollectible
 1736 | amount subsequently reclaimed from the Federal Government; the
 1737 | number of providers, by type, that are terminated from
 1738 | participation in the Medicaid program as a result of fraud and
 1739 | abuse; and all costs associated with discovering and prosecuting
 1740 | cases of Medicaid overpayments and making recoveries in such
 1741 | cases. The report must also document actions taken to prevent
 1742 | overpayments and the number of providers prevented from
 1743 | enrolling in or reenrolling in the Medicaid program as a result
 1744 | of documented Medicaid fraud and abuse and must include policy
 1745 | recommendations necessary to prevent or recover overpayments and
 1746 | changes necessary to prevent and detect Medicaid fraud. All
 1747 | policy recommendations in the report must include a detailed
 1748 | fiscal analysis, including, but not limited to, implementation
 1749 | costs, estimated savings to the Medicaid program, and the return
 1750 | on investment. The agency must submit the policy recommendations

1751 and fiscal analyses in the report to the appropriate estimating
 1752 conference, pursuant to s. 216.137, by February 15 of each year.
 1753 The agency and the Medicaid Fraud Control Unit of the Department
 1754 of Legal Affairs each must include detailed unit-specific
 1755 performance standards, benchmarks, and metrics in the report,
 1756 including projected cost savings to the state Medicaid program
 1757 during the following fiscal year.

1758 (1) For the purposes of this section, the term:

1759 (a) "Abuse" means:

1760 1. Provider practices that are inconsistent with generally
 1761 accepted business or medical practices and that result in an
 1762 unnecessary cost to the Medicaid program or in reimbursement for
 1763 goods or services that are not medically necessary or that fail
 1764 to meet professionally recognized standards for health care.

1765 2. Recipient practices that result in unnecessary cost to
 1766 the Medicaid program.

1767 (b) "Complaint" means an allegation that fraud, abuse, or
 1768 an overpayment has occurred.

1769 (c) "Fraud" means an intentional deception or
 1770 misrepresentation made by a person with the knowledge that the
 1771 deception results in unauthorized benefit to herself or himself
 1772 or another person. The term includes any act that constitutes
 1773 fraud under applicable federal or state law.

1774 (d) "Medical necessity" or "medically necessary" means any
 1775 goods or services necessary to palliate the effects of a

1776 terminal condition, or to prevent, diagnose, correct, cure,
 1777 alleviate, or preclude deterioration of a condition that
 1778 threatens life, causes pain or suffering, or results in illness
 1779 or infirmity, which goods or services are provided in accordance
 1780 with generally accepted standards of medical practice. For
 1781 purposes of determining Medicaid reimbursement, the agency is
 1782 the final arbiter of medical necessity. Determinations of
 1783 medical necessity must be made by a licensed physician employed
 1784 by or under contract with the agency and must be based upon
 1785 information available at the time the goods or services are
 1786 provided.

1787 (e) "Overpayment" includes any amount that is not
 1788 authorized to be paid by the Medicaid program whether paid as a
 1789 result of inaccurate or improper cost reporting, improper
 1790 claiming, unacceptable practices, fraud, abuse, or mistake.

1791 (f) "Person" means any natural person, corporation,
 1792 partnership, association, clinic, group, or other entity,
 1793 whether or not such person is enrolled in the Medicaid program
 1794 or is a provider of health care.

1795 (2) The agency shall conduct, or cause to be conducted by
 1796 contract or otherwise, reviews, investigations, analyses,
 1797 audits, or any combination thereof, to determine possible fraud,
 1798 abuse, overpayment, or recipient neglect in the Medicaid program
 1799 and shall report the findings of any overpayments in audit
 1800 reports as appropriate. At least 5 percent of all audits shall

1801 be conducted on a random basis. As part of its ongoing fraud
 1802 detection activities, the agency shall identify and monitor, by
 1803 contract or otherwise, patterns of overutilization of Medicaid
 1804 services based on state averages. The agency shall track
 1805 Medicaid provider prescription and billing patterns and evaluate
 1806 them against Medicaid medical necessity criteria and coverage
 1807 and limitation guidelines adopted by rule. Medical necessity
 1808 determination requires that service be consistent with symptoms
 1809 or confirmed diagnosis of illness or injury under treatment and
 1810 not in excess of the patient's needs. The agency shall conduct
 1811 reviews of provider exceptions to peer group norms and shall,
 1812 using statistical methodologies, provider profiling, and
 1813 analysis of billing patterns, detect and investigate abnormal or
 1814 unusual increases in billing or payment of claims for Medicaid
 1815 services and medically unnecessary provision of services.

1816 (3) The agency may conduct, or may contract for,
 1817 prepayment review of provider claims to ensure cost-effective
 1818 purchasing; to ensure that billing by a provider to the agency
 1819 is in accordance with applicable provisions of all Medicaid
 1820 rules, regulations, handbooks, and policies and in accordance
 1821 with federal, state, and local law; and to ensure that
 1822 appropriate care is rendered to Medicaid recipients. Such
 1823 prepayment reviews may be conducted as determined appropriate by
 1824 the agency, without any suspicion or allegation of fraud, abuse,
 1825 or neglect, and may last for up to 1 year. Unless the agency has

1826 | reliable evidence of fraud, misrepresentation, abuse, or
 1827 | neglect, claims shall be adjudicated for denial or payment
 1828 | within 90 days after receipt of complete documentation by the
 1829 | agency for review. If there is reliable evidence of fraud,
 1830 | misrepresentation, abuse, or neglect, claims shall be
 1831 | adjudicated for denial of payment within 180 days after receipt
 1832 | of complete documentation by the agency for review.

1833 | (4) Any suspected criminal violation identified by the
 1834 | agency must be referred to the Medicaid Fraud Control Unit of
 1835 | the Office of the Attorney General for investigation. The agency
 1836 | and the Attorney General shall enter into a memorandum of
 1837 | understanding, which must include, but need not be limited to, a
 1838 | protocol for regularly sharing information and coordinating
 1839 | casework. The protocol must establish a procedure for the
 1840 | referral by the agency of cases involving suspected Medicaid
 1841 | fraud to the Medicaid Fraud Control Unit for investigation, and
 1842 | the return to the agency of those cases where investigation
 1843 | determines that administrative action by the agency is
 1844 | appropriate. Offices of the Medicaid program integrity program
 1845 | and the Medicaid Fraud Control Unit of the Department of Legal
 1846 | Affairs, shall, to the extent possible, be collocated. The
 1847 | agency and the Department of Legal Affairs shall periodically
 1848 | conduct joint training and other joint activities designed to
 1849 | increase communication and coordination in recovering
 1850 | overpayments.

1851 (5) A Medicaid provider is subject to having goods and
 1852 services that are paid for by the Medicaid program reviewed by
 1853 an appropriate peer-review organization designated by the
 1854 agency. The written findings of the applicable peer-review
 1855 organization are admissible in any court or administrative
 1856 proceeding as evidence of medical necessity or the lack thereof.

1857 (6) Any notice required to be given to a provider under
 1858 this section is presumed to be sufficient notice if sent to the
 1859 address last shown on the provider enrollment file. It is the
 1860 responsibility of the provider to furnish and keep the agency
 1861 informed of the provider's current address. United States Postal
 1862 Service proof of mailing or certified or registered mailing of
 1863 such notice to the provider at the address shown on the provider
 1864 enrollment file constitutes sufficient proof of notice. Any
 1865 notice required to be given to the agency by this section must
 1866 be sent to the agency at an address designated by rule.

1867 (7) When presenting a claim for payment under the Medicaid
 1868 program, a provider has an affirmative duty to supervise the
 1869 provision of, and be responsible for, goods and services claimed
 1870 to have been provided, to supervise and be responsible for
 1871 preparation and submission of the claim, and to present a claim
 1872 that is true and accurate and that is for goods and services
 1873 that:

1874 (a) Have actually been furnished to the recipient by the
 1875 provider prior to submitting the claim.

1876 (b) Are Medicaid-covered goods or services that are
 1877 medically necessary.

1878 (c) Are of a quality comparable to those furnished to the
 1879 general public by the provider's peers.

1880 (d) Have not been billed in whole or in part to a
 1881 recipient or a recipient's responsible party, except for such
 1882 copayments, coinsurance, or deductibles as are authorized by the
 1883 agency.

1884 (e) Are provided in accord with applicable provisions of
 1885 all Medicaid rules, regulations, handbooks, and policies and in
 1886 accordance with federal, state, and local law.

1887 (f) Are documented by records made at the time the goods
 1888 or services were provided, demonstrating the medical necessity
 1889 for the goods or services rendered. Medicaid goods or services
 1890 are excessive or not medically necessary unless both the medical
 1891 basis and the specific need for them are fully and properly
 1892 documented in the recipient's medical record.

1893

1894 The agency shall deny payment or require repayment for goods or
 1895 services that are not presented as required in this subsection.

1896 (8) The agency shall not reimburse any person or entity
 1897 for any prescription for medications, medical supplies, or
 1898 medical services if the prescription was written by a physician
 1899 or other prescribing practitioner who is not enrolled in the
 1900 Medicaid program. This section does not apply:

1901 (a) In instances involving bona fide emergency medical
 1902 conditions as determined by the agency;

1903 (b) To a provider of medical services to a patient in a
 1904 hospital emergency department, hospital inpatient or outpatient
 1905 setting, or nursing home;

1906 (c) To bona fide pro bono services by preapproved non-
 1907 Medicaid providers as determined by the agency;

1908 (d) To prescribing physicians who are board-certified
 1909 specialists treating Medicaid recipients referred for treatment
 1910 by a treating physician who is enrolled in the Medicaid program;

1911 (e) To prescriptions written for dually eligible Medicare
 1912 beneficiaries by an authorized Medicare provider who is not
 1913 enrolled in the Medicaid program;

1914 (f) To other physicians who are not enrolled in the
 1915 Medicaid program but who provide a medically necessary service
 1916 or prescription not otherwise reasonably available from a
 1917 Medicaid-enrolled physician; or

1918 (9) A Medicaid provider shall retain medical,
 1919 professional, financial, and business records pertaining to
 1920 services and goods furnished to a Medicaid recipient and billed
 1921 to Medicaid for a period of 5 years after the date of furnishing
 1922 such services or goods. The agency may investigate, review, or
 1923 analyze such records, which must be made available during normal
 1924 business hours. However, 24-hour notice must be provided if
 1925 patient treatment would be disrupted. The provider must keep the

1926 agency informed of the location of the provider's Medicaid-
 1927 related records. The authority of the agency to obtain Medicaid-
 1928 related records from a provider is neither curtailed nor limited
 1929 during a period of litigation between the agency and the
 1930 provider.

1931 (10) Payments for the services of billing agents or
 1932 persons participating in the preparation of a Medicaid claim
 1933 shall not be based on amounts for which they bill nor based on
 1934 the amount a provider receives from the Medicaid program.

1935 (11) The agency shall deny payment or require repayment
 1936 for inappropriate, medically unnecessary, or excessive goods or
 1937 services from the person furnishing them, the person under whose
 1938 supervision they were furnished, or the person causing them to
 1939 be furnished.

1940 (12) The complaint and all information obtained pursuant
 1941 to an investigation of a Medicaid provider, or the authorized
 1942 representative or agent of a provider, relating to an allegation
 1943 of fraud, abuse, or neglect are confidential and exempt from the
 1944 provisions of s. 119.07(1):

1945 (a) Until the agency takes final agency action with
 1946 respect to the provider and requires repayment of any
 1947 overpayment, or imposes an administrative sanction;

1948 (b) Until the Attorney General refers the case for
 1949 criminal prosecution;

1950 (c) Until 10 days after the complaint is determined

1951 without merit; or

1952 (d) At all times if the complaint or information is
 1953 otherwise protected by law.

1954 (13) The agency shall terminate participation of a
 1955 Medicaid provider in the Medicaid program and may seek civil
 1956 remedies or impose other administrative sanctions against a
 1957 Medicaid provider, if the provider or any principal, officer,
 1958 director, agent, managing employee, or affiliated person of the
 1959 provider, or any partner or shareholder having an ownership
 1960 interest in the provider equal to 5 percent or greater, has been
 1961 convicted of a criminal offense under federal law or the law of
 1962 any state relating to the practice of the provider's profession,
 1963 or a criminal offense listed under s. 408.809(4), s.
 1964 409.907(10), or s. 435.04(2). If the agency determines that the
 1965 provider did not participate or acquiesce in the offense,
 1966 termination will not be imposed. If the agency effects a
 1967 termination under this subsection, the agency shall take final
 1968 agency action.

1969 (14) If the provider has been suspended or terminated from
 1970 participation in the Medicaid program or the Medicare program by
 1971 the Federal Government or any state, the agency must immediately
 1972 suspend or terminate, as appropriate, the provider's
 1973 participation in this state's Medicaid program for a period no
 1974 less than that imposed by the Federal Government or any other
 1975 state, and may not enroll such provider in this state's Medicaid

1976 program while such foreign suspension or termination remains in
 1977 effect. The agency shall also immediately suspend or terminate,
 1978 as appropriate, a provider's participation in this state's
 1979 Medicaid program if the provider participated or acquiesced in
 1980 any action for which any principal, officer, director, agent,
 1981 managing employee, or affiliated person of the provider, or any
 1982 partner or shareholder having an ownership interest in the
 1983 provider equal to 5 percent or greater, was suspended or
 1984 terminated from participating in the Medicaid program or the
 1985 Medicare program by the Federal Government or any state. This
 1986 sanction is in addition to all other remedies provided by law.

1987 (15) The agency shall seek a remedy provided by law,
 1988 including, but not limited to, any remedy provided in
 1989 subsections (13) and (16) and s. 812.035, if:

1990 (a) The provider's license has not been renewed, or has
 1991 been revoked, suspended, or terminated, for cause, by the
 1992 licensing agency of any state;

1993 (b) The provider has failed to make available or has
 1994 refused access to Medicaid-related records to an auditor,
 1995 investigator, or other authorized employee or agent of the
 1996 agency, the Attorney General, a state attorney, or the Federal
 1997 Government;

1998 (c) The provider has not furnished or has failed to make
 1999 available such Medicaid-related records as the agency has found
 2000 necessary to determine whether Medicaid payments are or were due

2001 and the amounts thereof;

2002 (d) The provider has failed to maintain medical records
 2003 made at the time of service, or prior to service if prior
 2004 authorization is required, demonstrating the necessity and
 2005 appropriateness of the goods or services rendered;

2006 (e) The provider is not in compliance with provisions of
 2007 Medicaid provider publications that have been adopted by
 2008 reference as rules in the Florida Administrative Code; with
 2009 provisions of state or federal laws, rules, or regulations; with
 2010 provisions of the provider agreement between the agency and the
 2011 provider; or with certifications found on claim forms or on
 2012 transmittal forms for electronically submitted claims that are
 2013 submitted by the provider or authorized representative, as such
 2014 provisions apply to the Medicaid program;

2015 (f) The provider or person who ordered, authorized, or
 2016 prescribed the care, services, or supplies has furnished, or
 2017 ordered or authorized the furnishing of, goods or services to a
 2018 recipient which are inappropriate, unnecessary, excessive, or
 2019 harmful to the recipient or are of inferior quality;

2020 (g) The provider has demonstrated a pattern of failure to
 2021 provide goods or services that are medically necessary;

2022 (h) The provider or an authorized representative of the
 2023 provider, or a person who ordered, authorized, or prescribed the
 2024 goods or services, has submitted or caused to be submitted false
 2025 or a pattern of erroneous Medicaid claims;

2026 (i) The provider or an authorized representative of the
 2027 provider, or a person who has ordered, authorized, or prescribed
 2028 the goods or services, has submitted or caused to be submitted a
 2029 Medicaid provider enrollment application, a request for prior
 2030 authorization for Medicaid services, a drug exception request,
 2031 or a Medicaid cost report that contains materially false or
 2032 incorrect information;

2033 (j) The provider or an authorized representative of the
 2034 provider has collected from or billed a recipient or a
 2035 recipient's responsible party improperly for amounts that should
 2036 not have been so collected or billed by reason of the provider's
 2037 billing the Medicaid program for the same service;

2038 (k) The provider or an authorized representative of the
 2039 provider has included in a cost report costs that are not
 2040 allowable under a Florida Title XIX reimbursement plan after the
 2041 provider or authorized representative had been advised in an
 2042 audit exit conference or audit report that the costs were not
 2043 allowable;

2044 (l) The provider is charged by information or indictment
 2045 with fraudulent billing practices or an offense referenced in
 2046 subsection (13). The sanction applied for this reason is limited
 2047 to suspension of the provider's participation in the Medicaid
 2048 program for the duration of the indictment unless the provider
 2049 is found guilty pursuant to the information or indictment;

2050 (m) The provider or a person who ordered, authorized, or

2051 prescribed the goods or services is found liable for negligent
 2052 practice resulting in death or injury to the provider's patient;

2053 (n) The provider fails to demonstrate that it had
 2054 available during a specific audit or review period sufficient
 2055 quantities of goods, or sufficient time in the case of services,
 2056 to support the provider's billings to the Medicaid program;

2057 (o) The provider has failed to comply with the notice and
 2058 reporting requirements of s. 409.907;

2059 (p) The agency has received reliable information of
 2060 patient abuse or neglect or of any act prohibited by s. 409.920;
 2061 or

2062 (q) The provider has failed to comply with an agreed-upon
 2063 repayment schedule.

2064

2065 A provider is subject to sanctions for violations of this
 2066 subsection as the result of actions or inactions of the
 2067 provider, or actions or inactions of any principal, officer,
 2068 director, agent, managing employee, or affiliated person of the
 2069 provider, or any partner or shareholder having an ownership
 2070 interest in the provider equal to 5 percent or greater, in which
 2071 the provider participated or acquiesced.

2072 (16) The agency shall impose any of the following
 2073 sanctions or disincentives on a provider or a person for any of
 2074 the acts described in subsection (15):

2075 (a) Suspension for a specific period of time of not more

2076 than 1 year. Suspension precludes participation in the Medicaid
 2077 program, which includes any action that results in a claim for
 2078 payment to the Medicaid program for furnishing, supervising a
 2079 person who is furnishing, or causing a person to furnish goods
 2080 or services.

2081 (b) Termination for a specific period of time ranging from
 2082 more than 1 year to 20 years. Termination precludes
 2083 participation in the Medicaid program, which includes any action
 2084 that results in a claim for payment to the Medicaid program for
 2085 furnishing, supervising a person who is furnishing, or causing a
 2086 person to furnish goods or services.

2087 (c) Imposition of a fine of up to \$5,000 for each
 2088 violation. Each day that an ongoing violation continues, such as
 2089 refusing to furnish Medicaid-related records or refusing access
 2090 to records, is considered a separate violation. Each instance of
 2091 improper billing of a Medicaid recipient; each instance of
 2092 including an unallowable cost on a hospital or nursing home
 2093 Medicaid cost report after the provider or authorized
 2094 representative has been advised in an audit exit conference or
 2095 previous audit report of the cost unallowability; each instance
 2096 of furnishing a Medicaid recipient goods or professional
 2097 services that are inappropriate or of inferior quality as
 2098 determined by competent peer judgment; each instance of
 2099 knowingly submitting a materially false or erroneous Medicaid
 2100 provider enrollment application, request for prior authorization

2101 for Medicaid services, drug exception request, or cost report;
 2102 each instance of inappropriate prescribing of drugs for a
 2103 Medicaid recipient as determined by competent peer judgment; and
 2104 each false or erroneous Medicaid claim leading to an overpayment
 2105 to a provider is considered a separate violation.

2106 (d) Immediate suspension, if the agency has received
 2107 information of patient abuse or neglect or of any act prohibited
 2108 by s. 409.920. Upon suspension, the agency must issue an
 2109 immediate final order under s. 120.569(2)(n).

2110 (e) A fine, not to exceed \$10,000, for a violation of
 2111 paragraph (15)(i).

2112 (f) Imposition of liens against provider assets,
 2113 including, but not limited to, financial assets and real
 2114 property, not to exceed the amount of fines or recoveries
 2115 sought, upon entry of an order determining that such moneys are
 2116 due or recoverable.

2117 (g) Prepayment reviews of claims for a specified period of
 2118 time.

2119 (h) Comprehensive followup reviews of providers every 6
 2120 months to ensure that they are billing Medicaid correctly.

2121 (i) Corrective-action plans that remain in effect for up
 2122 to 3 years and that are monitored by the agency every 6 months
 2123 while in effect.

2124 (j) Other remedies as permitted by law to effect the
 2125 recovery of a fine or overpayment.

2126
 2127 If a provider voluntarily relinquishes its Medicaid provider
 2128 number or an associated license, or allows the associated
 2129 licensure to expire after receiving written notice that the
 2130 agency is conducting, or has conducted, an audit, survey,
 2131 inspection, or investigation and that a sanction of suspension
 2132 or termination will or would be imposed for noncompliance
 2133 discovered as a result of the audit, survey, inspection, or
 2134 investigation, the agency shall impose the sanction of
 2135 termination for cause against the provider. The agency's
 2136 termination with cause is subject to hearing rights as may be
 2137 provided under chapter 120. The Secretary of Health Care
 2138 Administration may make a determination that imposition of a
 2139 sanction or disincentive is not in the best interest of the
 2140 Medicaid program, in which case a sanction or disincentive may
 2141 not be imposed.

2142 (17) In determining the appropriate administrative
 2143 sanction to be applied, or the duration of any suspension or
 2144 termination, the agency shall consider:

2145 (a) The seriousness and extent of the violation or
 2146 violations.

2147 (b) Any prior history of violations by the provider
 2148 relating to the delivery of health care programs which resulted
 2149 in either a criminal conviction or in administrative sanction or
 2150 penalty.

2151 (c) Evidence of continued violation within the provider's
 2152 management control of Medicaid statutes, rules, regulations, or
 2153 policies after written notification to the provider of improper
 2154 practice or instance of violation.

2155 (d) The effect, if any, on the quality of medical care
 2156 provided to Medicaid recipients as a result of the acts of the
 2157 provider.

2158 (e) Any action by a licensing agency respecting the
 2159 provider in any state in which the provider operates or has
 2160 operated.

2161 (f) The apparent impact on access by recipients to
 2162 Medicaid services if the provider is suspended or terminated, in
 2163 the best judgment of the agency.

2164
 2165 The agency shall document the basis for all sanctioning actions
 2166 and recommendations.

2167 (18) The agency may take action to sanction, suspend, or
 2168 terminate a particular provider working for a group provider,
 2169 and may suspend or terminate Medicaid participation at a
 2170 specific location, rather than or in addition to taking action
 2171 against an entire group.

2172 (19) The agency shall establish a process for conducting
 2173 followup reviews of a sampling of providers who have a history
 2174 of overpayment under the Medicaid program. This process must
 2175 consider the magnitude of previous fraud or abuse and the

2176 potential effect of continued fraud or abuse on Medicaid costs.

2177 (20) In making a determination of overpayment to a
 2178 provider, the agency must use accepted and valid auditing,
 2179 accounting, analytical, statistical, or peer-review methods, or
 2180 combinations thereof. Appropriate statistical methods may
 2181 include, but are not limited to, sampling and extension to the
 2182 population, parametric and nonparametric statistics, tests of
 2183 hypotheses, and other generally accepted statistical methods.
 2184 Appropriate analytical methods may include, but are not limited
 2185 to, reviews to determine variances between the quantities of
 2186 products that a provider had on hand and available to be
 2187 purveyed to Medicaid recipients during the review period and the
 2188 quantities of the same products paid for by the Medicaid program
 2189 for the same period, taking into appropriate consideration sales
 2190 of the same products to non-Medicaid customers during the same
 2191 period. In meeting its burden of proof in any administrative or
 2192 court proceeding, the agency may introduce the results of such
 2193 statistical methods as evidence of overpayment.

2194 (21) When making a determination that an overpayment has
 2195 occurred, the agency shall prepare and issue an audit report to
 2196 the provider showing the calculation of overpayments. The
 2197 agency's determination must be based solely upon information
 2198 available to it before issuance of the audit report and, in the
 2199 case of documentation obtained to substantiate claims for
 2200 Medicaid reimbursement, based solely upon contemporaneous

2201 records. The agency may consider addenda or modifications to a
 2202 note that was made contemporaneously with the patient care
 2203 episode if the addenda or modifications are germane to the note.
 2204 (22) The audit report, supported by agency work papers,
 2205 showing an overpayment to a provider constitutes evidence of the
 2206 overpayment. A provider may not present or elicit testimony on
 2207 direct examination or cross-examination in any court or
 2208 administrative proceeding, regarding the purchase or acquisition
 2209 by any means of drugs, goods, or supplies; sales or divestment
 2210 by any means of drugs, goods, or supplies; or inventory of
 2211 drugs, goods, or supplies, unless such acquisition, sales,
 2212 divestment, or inventory is documented by written invoices,
 2213 written inventory records, or other competent written
 2214 documentary evidence maintained in the normal course of the
 2215 provider's business. A provider may not present records to
 2216 contest an overpayment or sanction unless such records are
 2217 contemporaneous and, if requested during the audit process, were
 2218 furnished to the agency or its agent upon request. This
 2219 limitation does not apply to Medicaid cost report audits. This
 2220 limitation does not preclude consideration by the agency of
 2221 addenda or modifications to a note if the addenda or
 2222 modifications are made before notification of the audit, the
 2223 addenda or modifications are germane to the note, and the note
 2224 was made contemporaneously with a patient care episode.
 2225 Notwithstanding the applicable rules of discovery, all

2226 | documentation to be offered as evidence at an administrative
 2227 | hearing on a Medicaid overpayment or an administrative sanction
 2228 | must be exchanged by all parties at least 14 days before the
 2229 | administrative hearing or be excluded from consideration.

2230 | (23)(a) In an audit or investigation of a violation
 2231 | committed by a provider which is conducted pursuant to this
 2232 | section, the agency is entitled to recover all investigative,
 2233 | legal, and expert witness costs if the agency's findings were
 2234 | not contested by the provider or, if contested, the agency
 2235 | ultimately prevailed.

2236 | (b) The agency has the burden of documenting the costs,
 2237 | which include salaries and employee benefits and out-of-pocket
 2238 | expenses. The amount of costs that may be recovered must be
 2239 | reasonable in relation to the seriousness of the violation and
 2240 | must be set taking into consideration the financial resources,
 2241 | earning ability, and needs of the provider, who has the burden
 2242 | of demonstrating such factors.

2243 | (c) The provider may pay the costs over a period to be
 2244 | determined by the agency if the agency determines that an
 2245 | extreme hardship would result to the provider from immediate
 2246 | full payment. Any default in payment of costs may be collected
 2247 | by any means authorized by law.

2248 | (24) If the agency imposes an administrative sanction
 2249 | pursuant to subsection (13), subsection (14), or subsection
 2250 | (15), except paragraphs (15)(e) and (o), upon any provider or

2251 any principal, officer, director, agent, managing employee, or
 2252 affiliated person of the provider who is regulated by another
 2253 state entity, the agency shall notify that other entity of the
 2254 imposition of the sanction within 5 business days. Such
 2255 notification must include the provider's or person's name and
 2256 license number and the specific reasons for sanction.

2257 (25) (a) The agency shall withhold Medicaid payments, in
 2258 whole or in part, to a provider upon receipt of reliable
 2259 evidence that the circumstances giving rise to the need for a
 2260 withholding of payments involve fraud, willful
 2261 misrepresentation, or abuse under the Medicaid program, or a
 2262 crime committed while rendering goods or services to Medicaid
 2263 recipients. If it is determined that fraud, willful
 2264 misrepresentation, abuse, or a crime did not occur, the payments
 2265 withheld must be paid to the provider within 14 days after such
 2266 determination. Amounts not paid within 14 days accrue interest
 2267 at the rate of 10 percent per year, beginning after the 14th
 2268 day.

2269 (b) The agency shall deny payment, or require repayment,
 2270 if the goods or services were furnished, supervised, or caused
 2271 to be furnished by a person who has been suspended or terminated
 2272 from the Medicaid program or Medicare program by the Federal
 2273 Government or any state.

2274 (c) Overpayments owed to the agency bear interest at the
 2275 rate of 10 percent per year from the date of final determination

2276 of the overpayment by the agency, and payment arrangements must
 2277 be made within 30 days after the date of the final order, which
 2278 is not subject to further appeal.

2279 (d) The agency, upon entry of a final agency order, a
 2280 judgment or order of a court of competent jurisdiction, or a
 2281 stipulation or settlement, may collect the moneys owed by all
 2282 means allowable by law, including, but not limited to, notifying
 2283 any fiscal intermediary of Medicare benefits that the state has
 2284 a superior right of payment. Upon receipt of such written
 2285 notification, the Medicare fiscal intermediary shall remit to
 2286 the state the sum claimed.

2287 (e) The agency may institute amnesty programs to allow
 2288 Medicaid providers the opportunity to voluntarily repay
 2289 overpayments. The agency may adopt rules to administer such
 2290 programs.

2291 (26) The agency may impose administrative sanctions
 2292 against a Medicaid recipient, or the agency may seek any other
 2293 remedy provided by law, including, but not limited to, the
 2294 remedies provided in s. 812.035, if the agency finds that a
 2295 recipient has engaged in solicitation in violation of s. 409.920
 2296 or that the recipient has otherwise abused the Medicaid program.

2297 (27) When the Agency for Health Care Administration has
 2298 made a probable cause determination and alleged that an
 2299 overpayment to a Medicaid provider has occurred, the agency,
 2300 after notice to the provider, shall:

2301 (a) Withhold, and continue to withhold during the pendency
 2302 of an administrative hearing pursuant to chapter 120, any
 2303 medical assistance reimbursement payments until such time as the
 2304 overpayment is recovered, unless within 30 days after receiving
 2305 notice thereof the provider:

- 2306 1. Makes repayment in full; or
- 2307 2. Establishes a repayment plan that is satisfactory to
- 2308 the Agency for Health Care Administration.

2309 (b) Withhold, and continue to withhold during the pendency
 2310 of an administrative hearing pursuant to chapter 120, medical
 2311 assistance reimbursement payments if the terms of a repayment
 2312 plan are not adhered to by the provider.

2313 (28) Venue for all Medicaid program integrity cases lies
 2314 in Leon County, at the discretion of the agency.

2315 (29) Notwithstanding other provisions of law, the agency
 2316 and the Medicaid Fraud Control Unit of the Department of Legal
 2317 Affairs may review a provider's Medicaid-related and non-
 2318 Medicaid-related records in order to determine the total output
 2319 of a provider's practice to reconcile quantities of goods or
 2320 services billed to Medicaid with quantities of goods or services
 2321 used in the provider's total practice.

2322 (30) The agency shall terminate a provider's participation
 2323 in the Medicaid program if the provider fails to reimburse an
 2324 overpayment or pay an agency-imposed fine that has been
 2325 determined by final order, not subject to further appeal, within

2326 30 days after the date of the final order, unless the provider
 2327 and the agency have entered into a repayment agreement.

2328 (31) If a provider requests an administrative hearing
 2329 pursuant to chapter 120, such hearing must be conducted within
 2330 90 days following assignment of an administrative law judge,
 2331 absent exceptionally good cause shown as determined by the
 2332 administrative law judge or hearing officer. Upon issuance of a
 2333 final order, the outstanding balance of the amount determined to
 2334 constitute the overpayment and fines is due. If a provider fails
 2335 to make payments in full, fails to enter into a satisfactory
 2336 repayment plan, or fails to comply with the terms of a repayment
 2337 plan or settlement agreement, the agency shall withhold
 2338 reimbursement payments for Medicaid services until the amount
 2339 due is paid in full.

2340 (32) Duly authorized agents and employees of the agency
 2341 shall have the power to inspect, during normal business hours,
 2342 the records of any pharmacy, wholesale establishment, or
 2343 manufacturer, or any other place in which drugs and medical
 2344 supplies are manufactured, packed, packaged, made, stored, sold,
 2345 or kept for sale, for the purpose of verifying the amount of
 2346 drugs and medical supplies ordered, delivered, or purchased by a
 2347 provider. The agency shall provide at least 2 business days'
 2348 prior notice of any such inspection. The notice must identify
 2349 the provider whose records will be inspected, and the inspection
 2350 shall include only records specifically related to that

2351 provider.

2352 (33) In accordance with federal law, Medicaid recipients
 2353 convicted of a crime pursuant to 42 U.S.C. s. 1320a-7b may be
 2354 limited, restricted, or suspended from Medicaid eligibility for
 2355 a period not to exceed 1 year, as determined by the agency head
 2356 or designee.

2357 (34) To deter fraud and abuse in the Medicaid program, the
 2358 agency may limit the number of Schedule II and Schedule III
 2359 refill prescription claims submitted from a pharmacy provider.
 2360 The agency shall limit the allowable amount of reimbursement of
 2361 prescription refill claims for Schedule II and Schedule III
 2362 pharmaceuticals if the agency or the Medicaid Fraud Control Unit
 2363 determines that the specific prescription refill was not
 2364 requested by the Medicaid recipient or authorized representative
 2365 for whom the refill claim is submitted or was not prescribed by
 2366 the recipient's medical provider or physician. Any such refill
 2367 request must be consistent with the original prescription.

2368 (35) The Office of Program Policy Analysis and Government
 2369 Accountability shall provide a report to the President of the
 2370 Senate and the Speaker of the House of Representatives on a
 2371 biennial basis, beginning January 31, 2006, on the agency's
 2372 efforts to prevent, detect, and deter, as well as recover funds
 2373 lost to, fraud and abuse in the Medicaid program.

2374 (36) The agency may provide to a sample of Medicaid
 2375 recipients or their representatives through the distribution of

2376 | explanations of benefits information about services reimbursed
 2377 | by the Medicaid program for goods and services to such
 2378 | recipients, including information on how to report inappropriate
 2379 | or incorrect billing to the agency or other law enforcement
 2380 | entities for review or investigation, information on how to
 2381 | report criminal Medicaid fraud to the Medicaid Fraud Control
 2382 | Unit's toll-free hotline number, and information about the
 2383 | rewards available under s. 409.9203. The explanation of benefits
 2384 | may not be mailed for Medicaid independent laboratory services
 2385 | as described in s. 409.905(7) or for Medicaid certified match
 2386 | services as described in ss. 409.9071 and 1011.70.

2387 | (37) The agency shall post on its website a current list
 2388 | of each Medicaid provider, including any principal, officer,
 2389 | director, agent, managing employee, or affiliated person of the
 2390 | provider, or any partner or shareholder having an ownership
 2391 | interest in the provider equal to 5 percent or greater, who has
 2392 | been terminated for cause from the Medicaid program or
 2393 | sanctioned under this section. The list must be searchable by a
 2394 | variety of search parameters and provide for the creation of
 2395 | formatted lists that may be printed or imported into other
 2396 | applications, including spreadsheets. The agency shall update
 2397 | the list at least monthly.

2398 | (38) In order to improve the detection of health care
 2399 | fraud, use technology to prevent and detect fraud, and maximize
 2400 | the electronic exchange of health care fraud information, the

2401 agency shall:

2402 (a) Compile, maintain, and publish on its website a
 2403 detailed list of all state and federal databases that contain
 2404 health care fraud information and update the list at least
 2405 biannually;

2406 (b) Develop a strategic plan to connect all databases that
 2407 contain health care fraud information to facilitate the
 2408 electronic exchange of health information between the agency,
 2409 the Department of Health, the Department of Law Enforcement, and
 2410 the Attorney General's Office. The plan must include recommended
 2411 standard data formats, fraud identification strategies, and
 2412 specifications for the technical interface between state and
 2413 federal health care fraud databases;

2414 (c) Monitor innovations in health information technology,
 2415 specifically as it pertains to Medicaid fraud prevention and
 2416 detection; and

2417 (d) Periodically publish policy briefs that highlight
 2418 available new technology to prevent or detect health care fraud
 2419 and projects implemented by other states, the private sector, or
 2420 the Federal Government which use technology to prevent or detect
 2421 health care fraud.

2422 Reviser's note.--Amended to delete obsolete
 2423 language.

2424 Section 56. Subsection (7) of section 420.609, Florida
 2425 Statutes, is amended to read:

2426 420.609 Affordable Housing Study Commission.—Because the
 2427 Legislature firmly supports affordable housing in Florida for
 2428 all economic classes:

2429 (7) By July 15 of each year ~~beginning in 2001~~, the
 2430 commission shall prepare and submit to the Governor, the
 2431 President of the Senate, and the Speaker of the House of
 2432 Representatives a report detailing its findings and making
 2433 specific program, legislative, and funding recommendations and
 2434 any other recommendations it deems appropriate.

2435 Reviser's note.—Amended to delete obsolete
 2436 language.

2437 Section 57. Subsection (4) of section 429.52, Florida
 2438 Statutes, is amended to read:

2439 429.52 Staff training and educational programs; core
 2440 educational requirement.—

2441 (4) ~~Effective January 1, 2004~~, A new facility
 2442 administrator must complete the required training and education,
 2443 including the competency test, within a reasonable time after
 2444 being employed as an administrator, as determined by the
 2445 department. Failure to do so is a violation of this part and
 2446 subjects the violator to an administrative fine as prescribed in
 2447 s. 429.19. Administrators licensed in accordance with part II of
 2448 chapter 468 are exempt from this requirement. Other licensed
 2449 professionals may be exempted, as determined by the department
 2450 by rule.

2451 Reviser's note.—Amended to delete obsolete
 2452 language.

2453 Section 58. Subsection (3) of section 429.75, Florida
 2454 Statutes, is amended to read:

2455 429.75 Training and education programs.—

2456 (3) ~~Effective January 1, 2004,~~ Providers must complete the
 2457 training and education program within a reasonable time
 2458 determined by the department. Failure to complete the training
 2459 and education program within the time set by the department is a
 2460 violation of this part and subjects the provider to revocation
 2461 of the license.

2462 Reviser's note.—Amended to delete obsolete
 2463 language.

2464 Section 59. Paragraph (a) of subsection (7) of section
 2465 455.219, Florida Statutes, is amended to read:

2466 455.219 Fees; receipts; disposition; periodic management
 2467 reports.—

2468 (7)(a) The department, or a board thereunder, shall waive
 2469 the initial licensing fee for a member of the Armed Services of
 2470 the United States who ~~that~~ has served on active duty, the spouse
 2471 of a member of the Armed Services of the United States who was
 2472 married to the member during a period of active duty, the
 2473 surviving spouse of a member of the Armed Services of the United
 2474 States who at the time of death was serving on active duty, or a
 2475 low-income individual upon application by the individual in a

2476 format prescribed by the department. The application format must
 2477 include the applicant's signature, under penalty of perjury, and
 2478 supporting documentation as required by the department. For
 2479 purposes of this subsection, the term "low-income individual"
 2480 means a person whose household income, before taxes, is at or
 2481 below 130 percent of the federal poverty guidelines prescribed
 2482 for the family's household size by the United States Department
 2483 of Health and Human Services, proof of which may be shown
 2484 through enrollment in a state or federal public assistance
 2485 program that requires participants to be at or below 130 percent
 2486 of the federal poverty guidelines to qualify.

2487 Reviser's note.—Amended to confirm the editorial
 2488 substitution of the word "who" for the word "that."

2489 Section 60. Paragraph (a) of subsection (1) of section
 2490 456.013, Florida Statutes, is amended to read:

2491 456.013 Department; general licensing provisions.—

2492 (1)(a) Any person desiring to be licensed in a profession
 2493 within the jurisdiction of the department shall apply to the
 2494 department in writing to take the licensure examination. The
 2495 application shall be made on a form prepared and furnished by
 2496 the department. The application form must be available on the
 2497 World Wide Web and the department may accept electronically
 2498 submitted applications ~~beginning July 1, 2001~~. The application
 2499 shall require the social security number of the applicant,
 2500 except as provided in paragraphs (b) and (c). The form shall be

2501 | supplemented as needed to reflect any material change in any
 2502 | circumstance or condition stated in the application which takes
 2503 | place between the initial filing of the application and the
 2504 | final grant or denial of the license and which might affect the
 2505 | decision of the department. If an application is submitted
 2506 | electronically, the department may require supplemental
 2507 | materials, including an original signature of the applicant and
 2508 | verification of credentials, to be submitted in a nonelectronic
 2509 | format. An incomplete application shall expire 1 year after
 2510 | initial filing. In order to further the economic development
 2511 | goals of the state, and notwithstanding any law to the contrary,
 2512 | the department may enter into an agreement with the county tax
 2513 | collector for the purpose of appointing the county tax collector
 2514 | as the department's agent to accept applications for licenses
 2515 | and applications for renewals of licenses. The agreement must
 2516 | specify the time within which the tax collector must forward any
 2517 | applications and accompanying application fees to the
 2518 | department.

2519 | Reviser's note.—Amended to delete obsolete
 2520 | language.

2521 | Section 61. Subsection (6) of section 456.017, Florida
 2522 | Statutes, is amended to read:

2523 | 456.017 Examinations.—

2524 | (6) In addition to meeting any other requirements for
 2525 | licensure by examination or by endorsement, and notwithstanding

2526 the provisions in paragraph (1)(c), an applicant may be required
 2527 by a board, or the department when there is no board, to certify
 2528 competency in state laws and rules relating to the applicable
 2529 practice act. ~~Beginning October 1, 2001,~~ All laws and rules
 2530 examinations shall be administered electronically unless the
 2531 laws and rules examination is administered concurrently with
 2532 another written examination for that profession or unless the
 2533 electronic administration would be substantially more expensive.

2534 Reviser's note.—Amended to delete obsolete
 2535 language.

2536 Section 62. Paragraphs (a) and (b) of subsection (1) of
 2537 section 456.041, Florida Statutes, are amended to read:

2538 456.041 Practitioner profile; creation.—

2539 (1)(a) The Department of Health shall compile the
 2540 information submitted pursuant to s. 456.039 into a practitioner
 2541 profile of the applicant submitting the information, except that
 2542 the Department of Health shall develop a format to compile
 2543 uniformly any information submitted under s. 456.039(4)(b).

2544 ~~Beginning July 1, 2001,~~ The Department of Health may compile the
 2545 information submitted pursuant to s. 456.0391 into a
 2546 practitioner profile of the applicant submitting the
 2547 information. The protocol submitted pursuant to s. 464.012(3)
 2548 must be included in the practitioner profile of the advanced
 2549 registered nurse practitioner.

2550 (b) ~~Beginning July 1, 2005,~~ The department shall verify

2551 the information submitted by the applicant under s. 456.039
 2552 concerning disciplinary history and medical malpractice claims
 2553 at the time of initial licensure and license renewal using the
 2554 National Practitioner Data Bank. The physician profiles shall
 2555 reflect the disciplinary action and medical malpractice claims
 2556 as reported by the National Practitioner Data Bank, and shall
 2557 include information relating to liability and disciplinary
 2558 actions obtained as a result of a search of the National
 2559 Practitioner Data Bank.

2560 Reviser's note.—Amended to delete obsolete
 2561 language.

2562 Section 63. Subsection (1) of section 462.18, Florida
 2563 Statutes, is amended to read:

2564 462.18 Educational requirements.—

2565 (1) At the time each licensee shall renew her or his
 2566 license as otherwise provided in this chapter, each licensee,
 2567 ~~beginning with the license renewal due May 1, 1944,~~ in addition
 2568 to the payment of the regular renewal fee, shall furnish to the
 2569 department satisfactory evidence that, in the year preceding
 2570 each such application for renewal, the licensee has attended the
 2571 2-day educational program as promulgated and conducted by the
 2572 Florida Naturopathic Physicians Association, Inc., or, as a
 2573 substitute therefor, the equivalent of that program as approved
 2574 by the department. The department shall send a written notice to
 2575 this effect to every person holding a valid license to practice

2576 naturopathy within this state at least 30 days prior to May 1 in
 2577 each even-numbered ~~biennial~~ year, directed to the last known
 2578 address of such licensee, and shall enclose with the notice
 2579 proper blank forms for application for annual license renewal.
 2580 All of the details and requirements of the aforesaid educational
 2581 program shall be adopted and prescribed by the department. In
 2582 the event of national emergencies, or for sufficient reason, the
 2583 department shall have the power to excuse the naturopathic
 2584 physicians as a group or as individuals from taking this
 2585 postgraduate course.

2586 Reviser's note.—Amended to delete obsolete
 2587 language.

2588 Section 64. Paragraph (h) of subsection (2) of section
 2589 471.003, Florida Statutes, is amended to read:

2590 471.003 Qualifications for practice; exemptions.—

2591 (2) The following persons are not required to be licensed
 2592 under the provisions of this chapter as a licensed engineer:

2593 (h) Any electrical, plumbing, air-conditioning, or
 2594 mechanical contractor whose practice includes the design and
 2595 fabrication of electrical, plumbing, air-conditioning, or
 2596 mechanical systems, respectively, which she or he installs by
 2597 virtue of a license issued under chapter 489, under former part
 2598 I of chapter 553, Florida Statutes 2001, or under any special
 2599 act or ordinance when working on any construction project which:

2600 1. Requires an electrical or plumbing or air-conditioning

2601 and refrigeration system with a value of \$125,000 or less; and
 2602 2.a. Requires an aggregate service capacity of 600 amperes
 2603 (240 volts) or less on a residential electrical system or 800
 2604 amperes (240 volts) or less on a commercial or industrial
 2605 electrical system;
 2606 b. Requires a plumbing system with fewer than 250 fixture
 2607 units; or
 2608 c. Requires a heating, ventilation, and air-conditioning
 2609 system not to exceed a 15-ton-per-system capacity, or if the
 2610 project is designed to accommodate 100 or fewer persons.

2611 Reviser's note.—Amended to reflect the repeal of
 2612 former part I of chapter 553, Florida Statutes 2001,
 2613 relating to plumbing, by s. 68, ch. 98-287, Laws of
 2614 Florida, as amended by s. 108, ch. 2000-141, s. 39, ch.
 2615 2001-186, and s. 8, ch. 2001-372, Laws of Florida.

2616 Section 65. Subsection (8) of section 475.451, Florida
 2617 Statutes, is amended to read:

2618 475.451 Schools teaching real estate practice.—

2619 (8) ~~Beginning October 1, 2006,~~ Each person, school, or
 2620 institution permitted under this section is required to keep
 2621 registration records, course rosters, attendance records, a file
 2622 copy of each examination and progress test, and all student
 2623 answer sheets for a period of at least 3 years subsequent to the
 2624 beginning of each course and make them available to the
 2625 department for inspection and copying upon request.

2626 Reviser's note.—Amended to delete obsolete
 2627 language.
 2628 Section 66. Paragraph (j) of subsection (1) of section
 2629 475.611, Florida Statutes, is amended to read:
 2630 475.611 Definitions.—
 2631 (1) As used in this part, the term:
 2632 (j) "Board" means the Florida Real Estate Appraisal Board
 2633 established under s. 475.613 ~~this section~~.
 2634 Reviser's note.—Amended to facilitate correct
 2635 interpretation. The Florida Real Estate Appraisal Board is
 2636 established under s. 475.613.
 2637 Section 67. Section 477.014, Florida Statutes, is amended
 2638 to read:
 2639 477.014 Qualifications for practice. ~~On and after January~~
 2640 ~~1, 1979,~~ No person other than a duly licensed cosmetologist
 2641 shall practice cosmetology or use the name or title of
 2642 cosmetologist.
 2643 Reviser's note.—Amended to delete obsolete
 2644 language.
 2645 Section 68. Subsection (4) of section 487.2071, Florida
 2646 Statutes, is amended to read:
 2647 487.2071 Penalties against violators; worker relief;
 2648 monitoring complaints of retaliation.—
 2649 ~~(4) The department shall monitor all complaints of~~
 2650 ~~retaliation that it receives and report its findings to the~~

2651 ~~President of the Senate and the Speaker of the House of~~
 2652 ~~Representatives on or before October 1, 2008. The report shall~~
 2653 ~~include the number of such complaints received, the~~
 2654 ~~circumstances surrounding the complaints, and the actions taken~~
 2655 ~~concerning the complaints.~~

2656 Reviser's note.—Amended to delete obsolete
 2657 language.

2658 Section 69. Section 489.529, Florida Statutes, is amended
 2659 to read:

2660 489.529 Alarm verification calls required.—All residential
 2661 or commercial intrusion/burglary alarms that have central
 2662 monitoring must have a central monitoring verification call made
 2663 to a telephone number associated with the premises generating
 2664 the alarm signal, before alarm monitor personnel contact
 2665 ~~contacting~~ a law enforcement agency for alarm dispatch. The
 2666 central monitoring station must employ call-verification methods
 2667 for the premises generating the alarm signal if the first call
 2668 is not answered. However, verification calling is not required
 2669 if:

2670 (1) The intrusion/burglary alarm has a properly operating
 2671 visual or auditory sensor that enables the monitoring personnel
 2672 to verify the alarm signal; or

2673 (2) The intrusion/burglary alarm is installed on a
 2674 premises that is used for the storage of firearms or ammunition
 2675 by a person who holds a valid federal firearms license as a

2676 manufacturer, importer, or dealer of firearms or ammunition,
 2677 provided the customer notifies the alarm monitoring company that
 2678 he or she holds such license and would like to bypass the two-
 2679 call verification protocol. Upon initiation of a new alarm
 2680 monitoring service contract, the alarm monitoring company shall
 2681 make reasonable efforts to inform a customer who holds a valid
 2682 federal firearms license as a manufacturer, importer, or dealer
 2683 of firearms or ammunition of his or her right to opt out of the
 2684 two-call verification protocol.

2685 Reviser's note.—Amended to confirm the editorial
 2686 substitution of the word "contact" for the word
 2687 "contacting."

2688 Section 70. Subsection (8) of section 490.012, Florida
 2689 Statutes, is amended to read:

2690 490.012 Violations; penalties; injunction.—

2691 (8) ~~Effective October 1, 2000,~~ A person may not practice
 2692 juvenile sexual offender therapy in this state, as the practice
 2693 is defined in s. 490.0145, for compensation, unless the person
 2694 holds an active license issued under this chapter and meets the
 2695 requirements to practice juvenile sexual offender therapy. An
 2696 unlicensed person may be employed by a program operated by or
 2697 under contract with the Department of Juvenile Justice or the
 2698 Department of Children and Families if the program employs a
 2699 professional who is licensed under chapter 458, chapter 459, s.
 2700 490.0145, or s. 491.0144 who manages or supervises the treatment

2701 services.

2702 Reviser's note.--Amended to delete obsolete
2703 language.

2704 Section 71. Subsection (5) of section 497.140, Florida
2705 Statutes, is amended to read:

2706 497.140 Fees.--

2707 (5) The department shall charge a fee not to exceed \$25
2708 for the certification of a public record. The fee shall be
2709 determined by rule of the department. The department shall
2710 assess a fee for duplication of a public record as provided in
2711 s. 119.07(4) ~~119.07(1)(a) and (e)~~.

2712 Reviser's note.--Amended to correct a cross-
2713 reference. Provisions relating to fees were moved from s.
2714 119.07(1) to s. 119.07(4) by s. 7, ch. 2004-335, Laws of
2715 Florida.

2716 Section 72. Subsection (9) of section 497.282, Florida
2717 Statutes, is amended to read:

2718 497.282 Disclosure of information to public.--A licensee
2719 offering to provide burial rights, merchandise, or services to
2720 the public shall:

2721 (9) ~~Effective October 1, 2006,~~ Display in its offices for
2722 free distribution to all potential customers, and provide to all
2723 customers at the time of sale, a brochure explaining how and by
2724 whom cemeteries and preneed sales are regulated; summarizing
2725 consumer rights under the law; and providing the name, address,

2726 and phone number of the department's consumer affairs division.
 2727 The format and content of the brochure shall be as prescribed by
 2728 rule. The licensing authority may cause the publication of such
 2729 brochures and by rule establish requirements that cemetery and
 2730 preneed licensees purchase and make available such brochures as
 2731 so published, in the licensee's offices, to all potential
 2732 customers.

2733 Reviser's note.—Amended to delete obsolete
 2734 language.

2735 Section 73. Subsection (8) of section 497.468, Florida
 2736 Statutes, is amended to read:

2737 497.468 Disclosure of information to the public.—A preneed
 2738 licensee offering to provide burial rights, merchandise, or
 2739 services to the public shall:

2740 (8) ~~Effective October 1, 2006,~~ Display in its offices for
 2741 free distribution to all potential customers, and provide to all
 2742 customers at the time of sale, a brochure explaining how and by
 2743 whom preneed sales are regulated, summarizing consumer rights
 2744 under the law, and providing the name, address, and phone number
 2745 of the department's consumer affairs division. The format and
 2746 content of the brochure shall be as prescribed by rule. The
 2747 licensing authority may cause the publication of such brochures
 2748 and by rule require that preneed licensees purchase and make
 2749 available such brochures as so published, in the licensee's
 2750 offices, to all potential customers.

2751 Reviser's note.—Amended to delete obsolete
 2752 language.
 2753 Section 74. Section 497.552, Florida Statutes, is amended
 2754 to read:
 2755 497.552 Required facilities.—~~Effective January 1, 2006,~~ A
 2756 monument establishment shall at all times have and maintain a
 2757 full-service place of business at a specific street address or
 2758 location in Florida complying with the following requirements:
 2759 (1) It shall include an office for the conduct of its
 2760 business including the reception of customers.
 2761 (2) It shall include a display area in which is displayed
 2762 a selection of monuments, markers, and related products for
 2763 inspection by customers prior to sale.
 2764 (3) Its office and display area shall normally be open to
 2765 the public weekdays during normal business hours.
 2766 (4) It shall have facilities on site for inscribing
 2767 monuments and equipment to deliver and install markers and
 2768 monuments.
 2769 (5) It shall comply with any local government zoning
 2770 regulations and may not be located on tax-exempt property.
 2771 Reviser's note.—Amended to delete obsolete
 2772 language.
 2773 Section 75. Subsections (2), (3), (4), and (5) of section
 2774 497.553, Florida Statutes, are amended to read:
 2775 497.553 Regulation of monument establishments.—

2776 (2) ~~Commencing January 1, 2006,~~ All retail sales by
 2777 monument establishments shall be on a sales agreement form filed
 2778 by the monument establishment with and approved by the licensing
 2779 authority. Sales agreement forms must provide a complete
 2780 description of any monument, marker, or related product to be
 2781 delivered, and shall prominently and clearly specify the agreed
 2782 date for delivery and installation. Procedures for submission
 2783 and approval of such forms shall be established by rule.

2784 (3) ~~Commencing January 1, 2006,~~ All monument
 2785 establishments shall have written procedures for the receipt,
 2786 investigation, and disposition of customer complaints, and shall
 2787 ensure that their staff who receive or process such complaints
 2788 are familiar with and follow such procedures.

2789 (4) ~~Commencing January 1, 2006,~~ All monument
 2790 establishments shall maintain for inspection by the department
 2791 records of written complaints received by the monument
 2792 establishment. Such complaint records shall include a
 2793 chronological log of written complaints received, in which the
 2794 name and address of each complainant and date of complaint is
 2795 entered consecutively within 10 business days of receipt of each
 2796 complaint. The licensing authority may by rule establish
 2797 requirements regarding the format of complaint logs, including
 2798 whether they may be maintained electronically or shall be
 2799 maintained by pen and ink on paper; the licensing authority may
 2800 by order direct a licensee to maintain complaint logs by pen and

2801 ink in writing. The original or complete copy of each written
 2802 complaint received by a monument establishment, and all
 2803 subsequent correspondence related to such complaint, shall be
 2804 maintained by the monument establishment, for inspection by the
 2805 department, for the longer of 24 months or 12 months after the
 2806 most recent department inspection during which the complaint was
 2807 in the monument establishment's complaint records and available
 2808 for the department's review.

2809 (5) ~~Commencing January 1, 2006,~~ The failure of a monument
 2810 establishment to deliver and install a purchased monument or
 2811 marker by the date agreed in the sales agreement shall entitle
 2812 the customer to a full refund of all amounts paid by the
 2813 customer for the monument and its delivery and installation,
 2814 unless the monument establishment has obtained a written
 2815 agreement from the customer extending the delivery date. Such
 2816 refund shall be made within 30 days after receipt by the
 2817 monument establishment of the customer's written request for a
 2818 refund. This subsection does not preclude the purchase and
 2819 installation of a new monument from any other registered
 2820 monument establishment or licensee.

2821 Reviser's note.—Amended to delete obsolete
 2822 language.

2823 Section 76. Subsection (2) of section 497.608, Florida
 2824 Statutes, is amended to read:

2825 497.608 Liability for unintentional commingling of the

2826 residue of the cremation process.—

2827 (2) The operator of a cinerator facility shall establish
 2828 written procedures for the removal of cremated remains, to the
 2829 extent possible, resulting from the cremation of a human body
 2830 and the postcremation processing, shipping, packing, or
 2831 identifying of those remains. The operator of a cinerator
 2832 facility shall file its written procedures, and any revisions to
 2833 those written procedures, with the licensing authority for its
 2834 approval, and ~~effective January 1, 2006,~~ the cremation facility
 2835 shall not be operated unless it has and follows such written
 2836 procedures approved by the licensing authority; provided, the
 2837 licensing authority may adopt by rule standard uniform
 2838 procedures for the removal of such cremated remains, which may
 2839 be adopted by any cinerator facility in lieu of promulgating,
 2840 filing, and obtaining approval of procedures. A cinerator
 2841 facility choosing to utilize standard uniform procedures
 2842 specified by rule shall file notice of its choice with the
 2843 licensing authority pursuant to procedures and forms specified
 2844 by rule.

2845 Reviser's note.—Amended to delete obsolete
 2846 language.

2847 Section 77. Paragraph (d) of subsection (9) of section
 2848 499.012, Florida Statutes, is amended to read:

2849 499.012 Permit application requirements.—

2850 (9)

2851 (d) For purposes of applying for renewal of a permit under
 2852 subsection (8) or certification under subsection (15) ~~(16)~~, a
 2853 person may submit the following in lieu of satisfying the
 2854 requirements of paragraphs (a), (b), and (c):

2855 1. A photograph of the individual taken within 180 days;
 2856 and

2857 2. A copy of the personal information statement form most
 2858 recently submitted to the department and a certification under
 2859 oath, on a form specified by the department, that the individual
 2860 has reviewed the previously submitted personal information
 2861 statement form and that the information contained therein
 2862 remains unchanged.

2863 Reviser's note.—Amended to reflect the
 2864 renumbering of former subsection (16) as subsection (15) by
 2865 s. 7, ch. 2016-212, Laws of Florida.

2866 Section 78. Paragraphs (a) and (b) of subsection (2) of
 2867 section 499.01211, Florida Statutes, are amended to read:

2868 499.01211 Drug Wholesale Distributor Advisory Council.—

2869 (2) The Secretary of Business and Professional Regulation
 2870 or his or her designee and the Secretary of Health Care
 2871 Administration or her or his designee shall be members of the
 2872 council. The Secretary of Business and Professional Regulation
 2873 shall appoint 10 additional members to the council who shall be
 2874 appointed to a term of 4 years each, as follows:

2875 (a) Three persons, each of whom is employed by a different

2876 prescription drug wholesale distributor permitted under this
 2877 part which operates nationally ~~and is a primary wholesale~~
 2878 ~~distributor~~ as defined in s. 499.003.

2879 (b) One person employed by a prescription drug wholesale
 2880 distributor permitted under this part ~~which is a secondary~~
 2881 ~~wholesale distributor,~~ as defined in s. 499.003.

2882 Reviser's note.—Amended to conform to the fact
 2883 that s. 2, ch. 2016-212, Laws of Florida, deleted the
 2884 definitions for "primary wholesale distributor" and
 2885 "secondary wholesale distributor" in s. 499.003, but
 2886 retained the definition for "wholesale distributor."

2887 Section 79. Paragraph (b) of subsection (6) of section
 2888 509.049, Florida Statutes, is amended to read:

2889 509.049 Food service employee training.—

2890 (6)

2891 (b) ~~Effective January 1, 2005,~~ Each third-party provider
 2892 shall provide the following information on each employee upon
 2893 certification and recertification: the name of the certified
 2894 food service employee, the employee's date of birth, the
 2895 employing food service establishment, the name of the certified
 2896 food manager who conducted the training, the training date, and
 2897 the certification expiration date. This information shall be
 2898 reported electronically to the division, in a format prescribed
 2899 by the division, within 30 days of certification or
 2900 recertification. The division shall compile the information into

2901 an electronic database that is not directly or indirectly owned,
 2902 maintained, or installed by any nongovernmental provider of food
 2903 service training. A public food service establishment that
 2904 trains its employees using its own in-house, proprietary food
 2905 safety training program approved by the division, and which uses
 2906 its own employees to provide this training, shall be exempt from
 2907 the electronic reporting requirements of this paragraph, and
 2908 from the card or certificate requirement of paragraph (a).

2909 Reviser's note.—Amended to delete obsolete
 2910 language.

2911 Section 80. Subsection (6) of section 520.68, Florida
 2912 Statutes, is amended to read:

2913 520.68 Persons not required to be licensed.—No home
 2914 improvement finance seller's or seller's license shall be
 2915 required under this act of any person when acting in any
 2916 capacity or type of transaction set forth in this section:

2917 (6) Retail establishments, including employees thereof,
 2918 which are licensed under part III ~~II~~ of this chapter and which
 2919 engage in home improvements as an incidental part of their
 2920 business. However, such retail establishments and their
 2921 employees shall be governed by all other provisions contained in
 2922 this act.

2923 Reviser's note.—Amended to conform to the
 2924 redesignation of part II of chapter 520 as part III by s.
 2925 5, ch. 2017-118, Laws of Florida.

2926 Section 81. Paragraph (c) of subsection (2) of section
2927 554.115, Florida Statutes, is amended to read:

2928 554.115 Disciplinary proceedings.—

2929 (2) The department may deny, refuse to renew, suspend, or
2930 revoke a certificate of competency upon proof that:

2931 (c) The boiler inspector:

2932 1. Gave false or forged information to the department, to
2933 an authorized inspection agency, or to another boiler inspector
2934 for the purpose of obtaining a certificate of operation; or

2935 2. Inspected any boiler regulated under this chapter
2936 without having obtained a valid certificate of competency.

2937 Reviser's note.—Amended to confirm the editorial
2938 insertion of the word "to" to provide clarity.

2939 Section 82. Section 559.11, Florida Statutes, is amended
2940 to read:

2941 559.11 Budget planning prohibited.—No person, firm,
2942 corporation, or association, shall ~~after June 17, 1959,~~ engage
2943 in the business of budget planning as defined in s. 559.10;
2944 provided, the provisions of this part shall not be construed to
2945 affect any contract for services to facilitate accelerated
2946 payment of a mortgage loan.

2947 Reviser's note.—Amended to delete obsolete
2948 language and improve clarity.

2949 Section 83. Paragraph (dd) of subsection (1) of section
2950 626.9541, Florida Statutes, is amended to read:

2951 626.9541 Unfair methods of competition and unfair or
2952 deceptive acts or practices defined.-

2953 (1) UNFAIR METHODS OF COMPETITION AND UNFAIR OR DECEPTIVE
2954 ACTS.-The following are defined as unfair methods of competition
2955 and unfair or deceptive acts or practices:

2956 (dd) Life insurance limitations based on past foreign
2957 travel experiences or future foreign travel plans.-

2958 1. An insurer may not refuse life insurance to; refuse to
2959 continue the life insurance of; or limit the amount, extent, or
2960 kind of life insurance coverage available to an individual based
2961 solely on the individual's past lawful foreign travel
2962 experiences.

2963 2. An insurer may not refuse life insurance to; refuse to
2964 continue the life insurance of; or limit the amount, extent, or
2965 kind of life insurance coverage available to an individual based
2966 solely on the individual's future lawful travel plans unless the
2967 insurer can demonstrate and the Office of Insurance Regulation
2968 determines that:

2969 a. Individuals who travel are a separate actuarially
2970 supportable class whose risk of loss is different from those
2971 individuals who do not travel; and

2972 b. Such risk classification is based upon sound actuarial
2973 principles and actual or reasonably anticipated experience that
2974 correlates to the risk of travel to a specific destination.

2975 3. The commission may adopt rules pursuant to ss.

2976 120.536(1) and 120.54 necessary to implement this paragraph and
 2977 may provide for limited exceptions that are based upon national
 2978 or international emergency conditions that affect the public
 2979 health, safety, and welfare and that are consistent with public
 2980 policy.

2981 4. Each market conduct examination of a life insurer
 2982 conducted pursuant to s. 624.3161 shall include a review of
 2983 every application under which such insurer refused to issue life
 2984 insurance; refused to continue life insurance; or limited the
 2985 amount, extent, or kind of life insurance issued, based upon
 2986 future lawful travel plans.

2987 5. The administrative fines provided in s. 624.4211(2) and
 2988 (3) shall be trebled for violations of this paragraph.

2989 6. The Office of Insurance Regulation shall report to the
 2990 President of the Senate and the Speaker of the House of
 2991 Representatives by March 1, 2007, ~~and on the same date~~ annually
 2992 ~~thereafter~~, on the implementation of this paragraph. The report
 2993 shall include, but not be limited to, the number of applications
 2994 under which life insurance was denied, continuance was refused,
 2995 or coverage was limited based on future travel plans; the number
 2996 of insurers taking such action; and the reason for taking each
 2997 such action.

2998 Reviser's note.—Amended to delete obsolete
 2999 language.

3000 Section 84. Subsection (4) of section 627.066, Florida

3001 Statutes, is amended to read:

3002 627.066 Excessive profits for motor vehicle insurance
3003 prohibited.-

3004 (4) Each insurer group shall also file a schedule of
3005 Florida private passenger automobile loss and loss adjustment
3006 experience for each of the 3 most recent accident years. The
3007 incurred losses and loss adjustment expenses shall be valued as
3008 of March 31 of the year following the close of the accident
3009 year, developed to an ultimate basis, and at two 12-month
3010 intervals thereafter, each developed to an ultimate basis, so
3011 that a total of three evaluations will be provided for each
3012 accident year. ~~The first year to be so reported shall be~~
3013 ~~accident year 1976, so that the reporting of 3 accident years~~
3014 ~~will not take place until accident years 1977 and 1978 have~~
3015 ~~become available.~~

3016 Reviser's note.-Amended to delete an obsolete
3017 provision.

3018 Section 85. Section 627.285, Florida Statutes, is amended
3019 to read:

3020 627.285 Independent actuarial peer review of workers'
3021 compensation rating organization.-The Financial Services
3022 Commission shall at least once every other year contract for an
3023 independent actuarial peer review and analysis of the ratemaking
3024 processes of any licensed rating organization that makes rate
3025 filings for workers' compensation insurance, and the rating

3026 organization shall fully cooperate in the peer review. The
 3027 contract shall require submission of a final report to the
 3028 commission, the President of the Senate, and the Speaker of the
 3029 House of Representatives by February 1. ~~The first report shall~~
 3030 ~~be submitted by February 1, 2004.~~ The costs of the independent
 3031 actuarial peer review shall be paid from the Workers'
 3032 Compensation Administration Trust Fund.

3033 Reviser's note.—Amended to delete obsolete
 3034 language.

3035 Section 86. Paragraph (b) of subsection (1) of section
 3036 627.748, Florida Statutes, is amended to read:

3037 627.748 Transportation network companies.—

3038 (1) DEFINITIONS.—As used in this section, the term:

3039 (b) "Prearranged ride" means the provision of
 3040 transportation by a TNC driver to a rider, beginning when a TNC
 3041 driver accepts a ride requested by a rider through a digital
 3042 network controlled by a transportation network company,
 3043 continuing while the TNC driver transports the rider, and ending
 3044 when the last rider exits from and is no longer occupying the
 3045 TNC vehicle. The term does not include a taxicab, for-hire
 3046 vehicle, or street hail service and does not include ridesharing
 3047 as defined in s. 341.031, carpool as defined in s. 450.28, or
 3048 any other type of service in which the driver receives a fee
 3049 that does not exceed the driver's cost to provide the ride.

3050 Reviser's note.—Amended to confirm the editorial

3051 insertion of the word "in."
 3052 Section 87. Paragraph (h) of subsection (1) of section
 3053 663.532, Florida Statutes, is amended to read:
 3054 663.532 Qualification.—
 3055 (1) To qualify as a qualified limited service affiliate
 3056 under this part, a proposed qualified limited service affiliate
 3057 must file a written notice with the office, in the manner and on
 3058 a form prescribed by the commission. Such written notice must
 3059 include:
 3060 (h) Disclosure of any instance occurring within the prior
 3061 10 years when the proposed qualified limited service affiliate's
 3062 director, executive officer, principal shareholder, manager,
 3063 managing member, or equivalent position was:
 3064 1. Arrested for, charged with, or convicted of, or ~~who~~
 3065 pled guilty or nolo contendere to, regardless of adjudication,
 3066 any offense that is punishable by imprisonment for a term
 3067 exceeding 1 year, or to any offense that involves money
 3068 laundering, currency transaction reporting, tax evasion,
 3069 facilitating or furthering terrorism, fraud, theft, larceny,
 3070 embezzlement, fraudulent conversion, misappropriation of
 3071 property, dishonesty, breach of trust, breach of fiduciary duty,
 3072 or moral turpitude, or that is otherwise related to the
 3073 operation of a financial institution;
 3074 2. Fined or sanctioned as a result of a complaint to the
 3075 office or any other state or federal regulatory agency; or

3076 3. Ordered to pay a fine or penalty in a proceeding
 3077 initiated by a federal, state, foreign, or local law enforcement
 3078 agency or an international agency related to money laundering,
 3079 currency transaction reporting, tax evasion, facilitating or
 3080 furthering terrorism, fraud, theft, larceny, embezzlement,
 3081 fraudulent conversion, misappropriation of property, dishonesty,
 3082 breach of trust, breach of fiduciary duty, or moral turpitude,
 3083 or that is otherwise related to the operation of a financial
 3084 institution.

3085
 3086 The proposed qualified limited service affiliate may provide
 3087 additional information in the form of exhibits when attempting
 3088 to satisfy any of the qualification requirements. All
 3089 information that the proposed qualified limited service
 3090 affiliate desires to present to support the written notice must
 3091 be submitted with the notice.

3092 Reviser's note.—Amended to confirm the editorial
 3093 deletion of the word "who."

3094 Section 88. Subsection (5) of section 741.0306, Florida
 3095 Statutes, is amended to read:

3096 741.0306 Creation of a family law handbook.—

3097 ~~(5) The existing family law handbook shall be reviewed and~~
 3098 ~~a report provided to the Legislature by October 1, 2008, or as~~
 3099 ~~soon thereafter as practicable, with recommendations for~~
 3100 ~~updating the handbook.~~

3101 Reviser's note.—Amended to delete an obsolete
 3102 provision.

3103 Section 89. Paragraph (d) of subsection (2) of section
 3104 744.331, Florida Statutes, is amended to read:

3105 744.331 Procedures to determine incapacity.—

3106 (2) ATTORNEY FOR THE ALLEGED INCAPACITATED PERSON.—

3107 (d) ~~Effective January 1, 2007,~~ An attorney seeking to be
 3108 appointed by a court for incapacity and guardianship proceedings
 3109 must have completed a minimum of 8 hours of education in
 3110 guardianship. A court may waive the initial training requirement
 3111 for an attorney who has served as a court-appointed attorney in
 3112 incapacity proceedings or as an attorney of record for guardians
 3113 for not less than 3 years. ~~The education requirement of this~~
 3114 ~~paragraph does not apply to the office of criminal conflict and~~
 3115 ~~civil regional counsel until July 1, 2008.~~

3116 Reviser's note.—Amended to delete obsolete
 3117 language.

3118 Section 90. Subsection (1) of section 796.04, Florida
 3119 Statutes, is amended to read:

3120 796.04 Forcing, compelling, or coercing another to become
 3121 a prostitute.—

3122 (1) ~~After May 1, 1943,~~ It shall be unlawful for anyone to
 3123 force, compel, or coerce another to become a prostitute.

3124 Reviser's note.—Amended to delete obsolete
 3125 language.

3126 Section 91. Subsection (1) of section 817.311, Florida
 3127 Statutes, is amended to read:

3128 817.311 Unlawful use of badges, etc.—

3129 (1) ~~From and after May 9, 1949,~~ Any person who shall wear
 3130 or display a badge, button, insignia or other emblem, or shall
 3131 use the name of or claim to be a member of any benevolent,
 3132 fraternal, social, humane, or charitable organization, which
 3133 organization is entitled to the exclusive use of such name and
 3134 such badge, button, insignia or emblem either in the identical
 3135 form or in such near resemblance thereto as to be a colorable
 3136 imitation thereof, unless such person is entitled so to do under
 3137 the laws, rules and regulations of such organization, shall be
 3138 guilty of a misdemeanor of the first degree, punishable as
 3139 provided in s. 775.082 or s. 775.083.

3140 Reviser's note.—Amended to delete obsolete
 3141 language.

3142 Section 92. Paragraph (c) of subsection (2) of section
 3143 817.625, Florida Statutes, is amended to read:

3144 817.625 Use of scanning device, skimming device, or
 3145 reencoder to defraud; possession of skimming device; penalties.—

3146 (2)

3147 (c) It is a felony of the third degree, punishable as
 3148 provided in s. 775.082, s. 775.083, or s. 775.084, for a person
 3149 to knowingly possess, sell, or deliver a skimming device. This
 3150 paragraph does not apply to the following individuals while

3151 acting within the scope of their ~~his or her~~ official duties:

3152 1. An employee, officer, or agent of:

3153 a. A law enforcement agency or criminal prosecuting
3154 authority for the state or the Federal Government;

3155 b. The state courts system as defined in s. 25.382 or the
3156 federal court system; or

3157 c. An executive branch agency in this state.

3158 2. A financial or retail security investigator employed by
3159 a merchant.

3160 Reviser's note.—Amended to confirm the editorial
3161 substitution of the word "their" for the words "his or
3162 her."

3163 Section 93. Section 876.24, Florida Statutes, is amended
3164 to read:

3165 876.24 Membership in subversive organization; penalty.—It
3166 shall be unlawful for any person ~~after the effective date of~~
3167 ~~this law~~ to become or ~~after July 1, 1953,~~ to remain a member of
3168 a subversive organization or a foreign subversive organization
3169 knowing said organization to be a subversive organization or
3170 foreign subversive organization. Any person convicted of
3171 violating this section shall be guilty of a felony of the third
3172 degree, punishable as provided in s. 775.082, s. 775.083, or s.
3173 775.084.

3174 Reviser's note.—Amended to delete obsolete
3175 language.

3176 Section 94. Subsection (1) of section 905.37, Florida
3177 Statutes, is amended to read:

3178 905.37 List of prospective jurors; impanelment;
3179 composition of jury; compensation.-

3180 (1) ~~On or before July 15, 1973, and~~ Not later than the
3181 first week in December of each year ~~thereafter~~, the chief judge
3182 of each judicial circuit shall cause to be compiled a list of
3183 persons called and certified for jury duty in each of the
3184 several counties in the circuit. From the lists of persons
3185 certified for jury duty in each of the several counties in his
3186 or her judicial circuit, the chief judge shall select by lot and
3187 at random a list of eligible prospective grand jurors from each
3188 county. The number of prospective statewide grand jurors to be
3189 selected from each county shall be determined on the basis of 3
3190 such jurors for each 3,000 residents, or fraction thereof, in
3191 each county. When such lists are compiled, the chief judge of
3192 each judicial circuit shall cause the lists to be submitted to
3193 the state courts administrator ~~on or before August 15, 1973, and~~
3194 not later than February 15 of each year ~~thereafter~~.

3195 Reviser's note.-Amended to delete obsolete
3196 language.

3197 Section 95. Subsection (2) of section 943.0311, Florida
3198 Statutes, is amended to read:

3199 943.0311 Chief of Domestic Security; duties of the
3200 department with respect to domestic security.-

3201 (2) The chief shall conduct or cause to be conducted by
 3202 the personnel and with the resources of the state agency, state
 3203 university, or community college that owns or leases a building,
 3204 facility, or structure, security assessments of buildings,
 3205 facilities, and structures owned or leased by state agencies,
 3206 state universities, and community colleges using methods and
 3207 instruments made available by the department. Each entity making
 3208 such an assessment shall prioritize its security needs based on
 3209 the findings of its assessment. Each state agency, state
 3210 university, and community college shall cooperate with the
 3211 department and provide the assistance of employees within
 3212 existing resources to provide to the chief information in the
 3213 format requested by the chief. The chief must report to the
 3214 Governor, the President of the Senate, and the Speaker of the
 3215 House of Representatives if any state agency, state university,
 3216 or community college substantially fails to cooperate with the
 3217 chief in making a security assessment of the buildings,
 3218 facilities, and structures of the state agency, state
 3219 university, or community college.

3220 ~~(a) The initial assessment of each building, facility, or~~
 3221 ~~structure owned or leased by a state agency, state university,~~
 3222 ~~or community college shall be completed by the state agency,~~
 3223 ~~state university, or community college and shall be provided to~~
 3224 ~~the chief no later than November 1, 2004.~~

3225 ~~(b)~~ Assessments of any building, facility, or structure

3226 owned or leased by a state agency, state university, or
 3227 community college not previously provided to the chief ~~under~~
 3228 ~~paragraph (a)~~ must be completed by the state agency, state
 3229 university, or community college and provided to the chief
 3230 before occupying or substantially modifying such building,
 3231 facility, or structure. The chief may request additional
 3232 assessments to ensure that the security assessments of
 3233 buildings, facilities, and structures, owned or leased by state
 3234 agencies, state universities, and community colleges, remain
 3235 reasonably current and valid.

3236 Reviser's note.—Paragraph (a) is amended to
 3237 delete an obsolete provision. Paragraph (b) is amended to
 3238 conform to the deletion of paragraph (a).

3239 Section 96. Section 944.48, Florida Statutes, is amended
 3240 to read:

3241 944.48 Service of sentence.—Whenever any prisoner is
 3242 convicted under the provisions of ss. 944.44-944.47, ~~944.41-~~
 3243 ~~944.47~~ the punishment of imprisonment imposed shall be served
 3244 consecutively to any former sentence imposed upon any prisoner
 3245 convicted hereunder.

3246 Reviser's note.—Amended to correct a cross-
 3247 reference and to improve clarity. Section 944.41 was
 3248 repealed by s. 177, ch. 71-355, Laws of Florida; s. 944.42
 3249 was repealed by s. 7, ch. 96-293, Laws of Florida; and s.
 3250 944.43 was repealed by s. 1, ch. 81-88, Laws of Florida.

3251 The first section in the range is now s. 944.44.

3252 Section 97. Paragraph (1) of subsection (1) of section
3253 948.03, Florida Statutes, is amended to read:

3254 948.03 Terms and conditions of probation.—

3255 (1) The court shall determine the terms and conditions of
3256 probation. Conditions specified in this section do not require
3257 oral pronouncement at the time of sentencing and may be
3258 considered standard conditions of probation. These conditions
3259 may include among them the following, that the probationer or
3260 offender in community control shall:

3261 (1)1. Submit to random testing as directed by the
3262 probation officer or the professional staff of the treatment
3263 center where he or she is receiving treatment to determine the
3264 presence or use of alcohol or controlled substances.

3265 2. If the offense was a controlled substance violation and
3266 the period of probation immediately follows a period of
3267 incarceration in the state correctional ~~correction~~ system, the
3268 conditions must include a requirement that the offender submit
3269 to random substance abuse testing intermittently throughout the
3270 term of supervision, upon the direction of the probation
3271 officer.

3272 Reviser's note.—Amended to confirm the editorial
3273 substitution of the word "correctional" for the word
3274 "correction" to conform to context.

3275 Section 98. Subsection (2) of section 1000.06, Florida

3276 Statutes, is amended to read:
 3277 1000.06 Display of flags.—
 3278 (2) Each public K-20 educational institution that is
 3279 provided or authorized by the Constitution and laws of Florida
 3280 shall display daily in each classroom the flag of the United
 3281 States. The flag must be made in the United States, must be at
 3282 least 2 feet by 3 feet, and must be properly displayed in
 3283 accordance with Title 4 U.S.C. Each educational institution
 3284 shall acquire the necessary number of flags to implement the
 3285 provisions of this subsection. The principal, director, or
 3286 president of each educational institution shall attempt to
 3287 acquire the flags through donations or fundraising for 1 year
 3288 prior to securing other funding sources or allocating funds for
 3289 the purchase of flags. The president of each state university or
 3290 Florida College System institution must present to the governing
 3291 board of the institution the results of donations and
 3292 fundraising activities relating to the acquisition of flags
 3293 prior to requesting the governing board to approve a funding
 3294 source for the purchase of flags. ~~A flag must be displayed in~~
 3295 ~~each classroom pursuant to this subsection no later than August~~
 3296 ~~1, 2005.~~

3297 Reviser's note.—Amended to delete obsolete
 3298 language.

3299 Section 99. Subsection (3) of section 1001.215, Florida
 3300 Statutes, is amended to read:

3301 1001.215 Just Read, Florida! Office.—There is created in
 3302 the Department of Education the Just Read, Florida! Office. The
 3303 office is fully accountable to the Commissioner of Education and
 3304 shall:

3305 (3) Work with the Lastinger Center for Learning at the
 3306 University of Florida to develop training for K-12 teachers,
 3307 reading coaches, and school principals on effective content-
 3308 area-specific reading strategies; the integration of content-
 3309 rich curriculum from other core subject areas into reading
 3310 instruction; and evidence-based reading strategies identified in
 3311 subsection (8) ~~(7)~~ to improve student reading performance. For
 3312 secondary teachers, emphasis shall be on technical text. These
 3313 strategies must be developed for all content areas in the K-12
 3314 curriculum.

3315 Reviser's note.—Amended to confirm the editorial
 3316 substitution of a reference to subsection (8) for a
 3317 reference to subsection (7) to conform to context.
 3318 Subsection (7) relates to implementation of a comprehensive
 3319 reading plan; subsection (8) relates to identification of
 3320 evidence-based reading instructional and intervention
 3321 programs.

3322 Section 100. Subsection (18) of section 1001.42, Florida
 3323 Statutes, is reenacted to read:

3324 1001.42 Powers and duties of district school board.—The
 3325 district school board, acting as a board, shall exercise all

3326 powers and perform all duties listed below:
 3327 (18) IMPLEMENT SCHOOL IMPROVEMENT AND ACCOUNTABILITY.—
 3328 Maintain a system of school improvement and education
 3329 accountability as provided by statute and State Board of
 3330 Education rule. This system of school improvement and education
 3331 accountability shall be consistent with, and implemented
 3332 through, the district's continuing system of planning and
 3333 budgeting required by this section and ss. 1008.385, 1010.01,
 3334 and 1011.01. This system of school improvement and education
 3335 accountability shall comply with the provisions of ss. 1008.33,
 3336 1008.34, 1008.345, and 1008.385 and include the following:
 3337 (a) School improvement plans.—The district school board
 3338 shall annually approve and require implementation of a new,
 3339 amended, or continuation school improvement plan for each school
 3340 in the district which has a school grade of "D" or "F"; has a
 3341 significant gap in achievement on statewide, standardized
 3342 assessments administered pursuant to s. 1008.22 by one or more
 3343 student subgroups, as defined in the federal Elementary and
 3344 Secondary Education Act (ESEA), 20 U.S.C. s.
 3345 6311(b)(2)(C)(v)(II); has not significantly increased the
 3346 percentage of students passing statewide, standardized
 3347 assessments; has not significantly increased the percentage of
 3348 students demonstrating Learning Gains, as defined in s. 1008.34
 3349 and as calculated under s. 1008.34(3)(b), who passed statewide,
 3350 standardized assessments; or has significantly lower graduation

3351 rates for a subgroup when compared to the state's graduation
 3352 rate. The improvement plan of a school that meets the
 3353 requirements of this paragraph shall include strategies for
 3354 improving these results. The state board shall adopt rules
 3355 establishing thresholds and for determining compliance with this
 3356 paragraph.

3357 (b) Early warning system.—

3358 1. A school that serves any students in kindergarten
 3359 through grade 8 shall implement an early warning system to
 3360 identify students in such grades who need additional support to
 3361 improve academic performance and stay engaged in school. The
 3362 early warning system must include the following early warning
 3363 indicators:

3364 a. Attendance below 90 percent, regardless of whether
 3365 absence is excused or a result of out-of-school suspension.

3366 b. One or more suspensions, whether in school or out of
 3367 school.

3368 c. Course failure in English Language Arts or mathematics
 3369 during any grading period.

3370 d. A Level 1 score on the statewide, standardized
 3371 assessments in English Language Arts or mathematics or, for
 3372 students in kindergarten through grade 3, a substantial reading
 3373 deficiency under s. 1008.25(5)(a).

3374

3375 A school district may identify additional early warning

3376 indicators for use in a school's early warning system. The
 3377 system must include data on the number of students identified by
 3378 the system as exhibiting two or more early warning indicators,
 3379 the number of students by grade level who exhibit each early
 3380 warning indicator, and a description of all intervention
 3381 strategies employed by the school to improve the academic
 3382 performance of students identified by the early warning system.

3383 2. A school-based team responsible for implementing the
 3384 requirements of this paragraph shall monitor the data from the
 3385 early warning system. The team may include a school
 3386 psychologist. When a student exhibits two or more early warning
 3387 indicators, the team, in consultation with the student's parent,
 3388 shall determine appropriate intervention strategies for the
 3389 student unless the student is already being served by an
 3390 intervention program at the direction of a school-based,
 3391 multidisciplinary team. Data and information relating to a
 3392 student's early warning indicators must be used to inform any
 3393 intervention strategies provided to the student.

3394 (c) Public disclosure.—The district school board shall
 3395 provide information regarding the performance of students and
 3396 educational programs as required pursuant to ss. 1008.22 and
 3397 1008.385 and implement a system of school reports as required by
 3398 statute and State Board of Education rule which shall include
 3399 schools operating for the purpose of providing educational
 3400 services to students in Department of Juvenile Justice programs,

3401 and for those schools, report on the elements specified in s.
 3402 1003.52(17). Annual public disclosure reports shall be in an
 3403 easy-to-read report card format and shall include the school's
 3404 grade, high school graduation rate calculated without high
 3405 school equivalency examinations, disaggregated by student
 3406 ethnicity, and performance data as specified in state board
 3407 rule.

3408 (d) School improvement funds.—The district school board
 3409 shall provide funds to schools for developing and implementing
 3410 school improvement plans. Such funds shall include those funds
 3411 appropriated for the purpose of school improvement pursuant to
 3412 s. 24.121(5)(c).

3413 Reviser's note.—Section 38, ch. 2017-116, Laws of
 3414 Florida, purported to amend subsection (18), but did not
 3415 publish paragraphs (c) and (d). Absent affirmative evidence
 3416 of legislative intent to repeal them, paragraphs (c) and
 3417 (d) are reenacted to confirm the omission was not intended.
 3418 Section 101. Subsection (7) of section 1002.61, Florida
 3419 Statutes, is amended to read:

3420 1002.61 Summer prekindergarten program delivered by public
 3421 schools and private prekindergarten providers.—

3422 (7) Notwithstanding ss. 1002.55(3)(f) and 1002.63(7), each
 3423 prekindergarten class in the summer prekindergarten program,
 3424 regardless of whether the class is a public school's or private
 3425 prekindergarten provider's class, must be composed of at least 4

3426 students but may not exceed 12 students ~~beginning with the 2009~~
 3427 ~~summer session~~. In order to protect the health and safety of
 3428 students, each public school or private prekindergarten provider
 3429 must also provide appropriate adult supervision for students at
 3430 all times. This subsection does not supersede any requirement
 3431 imposed on a provider under ss. 402.301-402.319.

3432 Reviser's note.—Amended to delete obsolete
 3433 language.

3434 Section 102. Subsection (10) of section 1003.4282, Florida
 3435 Statutes, is amended to read:

3436 1003.4282 Requirements for a standard high school
 3437 diploma.—

3438 (10) STUDENTS WITH DISABILITIES.—Beginning with students
 3439 entering grade 9 in the 2014-2015 school year, this subsection
 3440 applies to a student with a disability.

3441 (a) A parent of the student with a disability shall, in
 3442 collaboration with the individual education plan (IEP) team
 3443 during the transition planning process pursuant to s. 1003.5716,
 3444 declare an intent for the student to graduate from high school
 3445 with either a standard high school diploma or a certificate of
 3446 completion. A student with a disability who does not satisfy the
 3447 standard high school diploma requirements pursuant to this
 3448 section shall be awarded a certificate of completion.

3449 (b) The following options, in addition to the other
 3450 options specified in this section, may be used to satisfy the

3451 standard high school diploma requirements, as specified in the
 3452 student's individual education plan:

3453 1. For a student with a disability for whom the IEP team
 3454 has determined that the Florida Alternate Assessment is the most
 3455 appropriate measure of the student's skills:

3456 a. A combination of course substitutions, assessments,
 3457 industry certifications, other acceleration options, or
 3458 occupational completion points appropriate to the student's
 3459 unique skills and abilities that meet the criteria established
 3460 by State Board of Education rule.

3461 b. A portfolio of quantifiable evidence that documents a
 3462 student's mastery of academic standards through rigorous metrics
 3463 established by State Board of Education rule. A portfolio may
 3464 include, but is not limited to, documentation of work
 3465 experience, internships, community service, and postsecondary
 3466 credit.

3467 2. For a student with a disability for whom the IEP team
 3468 has determined that mastery of academic and employment
 3469 competencies is the most appropriate way for a student to
 3470 demonstrate his or her skills:

3471 a. Documented completion of the minimum high school
 3472 graduation requirements, including the number of course credits
 3473 prescribed by rules of the State Board of Education.

3474 b. Documented achievement of all annual goals and short-
 3475 term objectives for academic and employment competencies,

3476 industry certifications, and occupational completion points
 3477 specified in the student's transition plan. The documentation
 3478 must be verified by the IEP team.

3479 c. Documented successful employment for the number of
 3480 hours per week specified in the student's transition plan, for
 3481 the equivalent of 1 semester, and payment of a minimum wage in
 3482 compliance with the requirements of the federal Fair Labor
 3483 Standards Act.

3484 d. Documented mastery of the academic and employment
 3485 competencies, industry certifications, and occupational
 3486 completion points specified in the student's transition plan.
 3487 The documentation must be verified by the IEP team, the
 3488 employer, and the teacher. The transition plan must be developed
 3489 and signed by the student, parent, teacher, and employer before
 3490 placement in employment and must identify the following:

3491 (I) The expected academic and employment competencies,
 3492 industry certifications, and occupational completion points;

3493 (II) The criteria for determining and certifying mastery
 3494 of the competencies;

3495 (III) The work schedule and the minimum number of hours to
 3496 be worked per week; and

3497 (IV) A description of the supervision to be provided by
 3498 the school district.

3499 3. Any change to the high school graduation option
 3500 specified in the student's IEP must be approved by the parent

3501 and is subject to verification for appropriateness by an
 3502 independent reviewer selected by the parent as provided in s.
 3503 1003.572.

3504 (c) A student with a disability who meets the standard
 3505 high school diploma requirements in this section may defer the
 3506 receipt of a standard high school diploma if the student:

3507 1. Has an individual education plan that prescribes
 3508 special education, transition planning, transition services, or
 3509 related services through age 21; and

3510 2. Is enrolled in accelerated college credit instruction
 3511 pursuant to s. 1007.27, industry certification courses that lead
 3512 to college credit, a collegiate high school program, courses
 3513 necessary to satisfy the Scholar designation requirements, or a
 3514 structured work-study, internship, or preapprenticeship program.

3515 (d) A student with a disability who receives a certificate
 3516 of completion and has an individual education plan that
 3517 prescribes special education, transition planning, transition
 3518 services, or related services through 21 years of age may
 3519 continue to receive the specified instruction and services.

3520 (e) Any waiver of the statewide, standardized assessment
 3521 requirements by the individual education plan team, pursuant to
 3522 s. 1008.22(3)(c), must be approved by the parent and is subject
 3523 to verification for appropriateness by an independent reviewer
 3524 selected by the parent as provided for in s. 1003.572.

3525

3526 The State Board of Education shall adopt rules under ss.
 3527 120.536(1) and 120.54 to implement this subsection ~~paragraph~~,
 3528 including rules that establish the minimum requirements for
 3529 students described in this subsection ~~paragraph~~ to earn a
 3530 standard high school diploma. The State Board of Education shall
 3531 adopt emergency rules pursuant to ss. 120.536(1) and 120.54.

3532 Reviser's note.—Amended to confirm the editorial
 3533 substitution of a reference to "subsection" for a reference
 3534 to "paragraph" to conform to context. The flush left
 3535 language following paragraph (e) is a part of subsection
 3536 (10) and not any single paragraph.

3537 Section 103. Paragraphs (e) and (f) of subsection (3) of
 3538 section 1003.491, Florida Statutes, are amended to read:

3539 1003.491 Florida Career and Professional Education Act.—
 3540 The Florida Career and Professional Education Act is created to
 3541 provide a statewide planning partnership between the business
 3542 and education communities in order to attract, expand, and
 3543 retain targeted, high-value industry and to sustain a strong,
 3544 knowledge-based economy.

3545 (3) The strategic 3-year plan developed jointly by the
 3546 local school district, local workforce development boards,
 3547 economic development agencies, and state-approved postsecondary
 3548 institutions shall be constructed and based on:

3549 (e) Strategies to provide personalized student advisement,
 3550 including a parent-participation component, and coordination

3551 with middle grades to promote and support career-themed courses
 3552 and education planning ~~as required under s. 1003.4156;~~

3553 (f) Alignment of requirements for middle school career
 3554 planning ~~under s. 1003.4156(1)(e)~~, middle and high school career
 3555 and professional academies or career-themed courses leading to
 3556 industry certification or postsecondary credit, and high school
 3557 graduation requirements;

3558 Reviser's note.—Amended to conform to the
 3559 deletion of s. 1003.4156(1)(e) by s. 2, ch. 2017-55, Laws
 3560 of Florida, and s. 60, ch. 2017-116, Laws of Florida.
 3561 Section 1003.4156(1)(e) related to career and education
 3562 planning to be completed in 6th, 7th, or 8th grade.

3563 Section 104. Paragraph (j) of subsection (2) of section
 3564 1003.621, Florida Statutes, is amended to read:

3565 1003.621 Academically high-performing school districts.—It
 3566 is the intent of the Legislature to recognize and reward school
 3567 districts that demonstrate the ability to consistently maintain
 3568 or improve their high-performing status. The purpose of this
 3569 section is to provide high-performing school districts with
 3570 flexibility in meeting the specific requirements in statute and
 3571 rules of the State Board of Education.

3572 (2) COMPLIANCE WITH STATUTES AND RULES.—Each academically
 3573 high-performing school district shall comply with all of the
 3574 provisions in chapters 1000-1013, and rules of the State Board
 3575 of Education which implement these provisions, pertaining to the

3576 following:

3577 (j) Those statutes relating to instructional materials,
 3578 except that s. 1006.37, relating to the requisition of state-
 3579 adopted materials from the depository under contract with the
 3580 publisher, and s. 1006.40(3)(b) ~~1006.40(3)(a)~~, relating to the
 3581 use of 50 percent of the instructional materials allocation,
 3582 shall be eligible for exemption.

3583 Reviser's note.—Amended to correct a cross-
 3584 reference. Section 1006.40(3)(b) relates to the use of 50
 3585 percent of the annual allocation; s. 1006.40(3)(a) provides
 3586 that the annual allocation may be used only for the
 3587 purchase of instructional materials that align with state
 3588 standards and are included on the state-adopted list,
 3589 except as expressly provided.

3590 Section 105. Paragraph (c) of subsection (1) of section
 3591 1004.34, Florida Statutes, is amended to read:

3592 1004.34 The University of South Florida Sarasota/Manatee.—

3593 (1) The Sarasota/Manatee campus of the University of South
 3594 Florida is established and shall be known as the "University of
 3595 South Florida Sarasota/Manatee."

3596 ~~(c) As soon as possible, but no later than July 1, 2002,~~
 3597 ~~the President of the University of South Florida shall begin the~~
 3598 ~~process of application to the Commission on Colleges of the~~
 3599 ~~Southern Association of Colleges and Schools for separate~~
 3600 ~~accreditation of the University of South Florida~~

3601 ~~Sarasota/Manatee. If the application is not approved or is~~
 3602 ~~provisionally approved, the University of South Florida shall~~
 3603 ~~correct any identified deficiencies and shall continue to work~~
 3604 ~~for accreditation.~~

3605 Reviser's note.—Amended to delete an obsolete
 3606 provision and conform to the fact that the accreditation
 3607 has taken place. The Southern Association of Colleges and
 3608 Schools Commission on Colleges website identifies the
 3609 University of South Florida Sarasota-Manatee as being
 3610 initially accredited on January 1, 2011, and reaffirmed in
 3611 2016.

3612 Section 106. Paragraph (f) of subsection (1) of section
 3613 1004.4473, Florida Statutes, is amended to read:

3614 1004.4473 Industrial hemp pilot projects.—

3615 (1) As used in this section, the term:

3616 (f) "Qualified project partner" means a public, nonprofit,
 3617 or private entity that:

3618 1. Has a principal place of business ~~is~~ in this state.

3619 2. Has access to a grow site and research facility located
 3620 in this state which is acceptable for the cultivation,
 3621 processing, and manufacturing of industrial hemp and hemp
 3622 products, as determined by the department.

3623 3. Submits a comprehensive business or research plan
 3624 acceptable to the partnering university.

3625 4. Provides proof of prior experience in or knowledge of,

3626 or demonstrates an interest in and commitment to, the
 3627 cultivation, processing, manufacturing, or research of
 3628 industrial hemp, as determined by the department.

3629 Reviser's note.—Amended to confirm the editorial
 3630 deletion of the word "is" to improve clarity.

3631 Section 107. Paragraph (b) of subsection (4) of section
 3632 1006.735, Florida Statutes, is amended to read:

3633 1006.735 Complete Florida Plus Program.—The Complete
 3634 Florida Plus Program is created at the University of West
 3635 Florida.

3636 (4) STATEWIDE ONLINE STUDENT ADVISING SERVICES AND
 3637 SUPPORT.—The Complete Florida Plus Program shall make available
 3638 on a statewide basis online services and support, including:

3639 (b) A K-20 statewide computer-assisted student advising
 3640 system which shall support career and education planning for the
 3641 K-12 system and the process of advising, registering, and
 3642 certifying postsecondary students for graduation and which shall
 3643 include a degree audit and an articulation component. Florida
 3644 College System institutions and state universities shall
 3645 interface institutional advising systems with the statewide
 3646 computer-assisted student advising system. At a minimum, the
 3647 statewide computer-assisted student advising system shall:

- 3648 1. Allow a student to access the system at any time.
- 3649 2. Support K-12 career and education planning ~~required by~~
- 3650 ~~s. 1003.4156(1)(c).~~

3651 3. Allow a student to search public postsecondary
 3652 education institutions and identify course options that will
 3653 meet the requirements of a selected path toward a degree.

3654 4. Audit transcripts of students enrolled in a public
 3655 postsecondary education institution to assess current academic
 3656 standing, the requirements for a student to transfer to another
 3657 institution, and all requirements necessary for graduation.

3658 5. Serve as the official statewide repository for the
 3659 common prerequisite manual, admissions information for
 3660 transferring programs, foreign language requirements, residency
 3661 requirements, and statewide articulation agreements.

3662 6. Provide information relating to career descriptions and
 3663 corresponding educational requirements, admissions requirements,
 3664 and available sources of student financial assistance.

3665 7. Provide the admissions application for transient
 3666 students pursuant to paragraph (a) which must include the
 3667 electronic transfer and receipt of information and records for:

- 3668 a. Admissions and readmissions.
- 3669 b. Financial aid.
- 3670 c. Transfer of credit awarded by the institution offering
- 3671 the course to the transient student's degree-granting
- 3672 institution.

3673 Reviser's note.—Amended to conform to the
 3674 deletion of s. 1003.4156(1)(e) by s. 2, ch. 2017-55, Laws
 3675 of Florida, and s. 60, ch. 2017-116, Laws of Florida.

3676 Section 1003.4156(1)(e) related to career and education
 3677 planning to be completed in 6th, 7th, or 8th grade.
 3678 Section 108. Paragraph (i) of subsection (3) of section
 3679 1007.01, Florida Statutes, is amended to read:
 3680 1007.01 Articulation; legislative intent; purpose; role of
 3681 the State Board of Education and the Board of Governors;
 3682 Articulation Coordinating Committee.—
 3683 (3) The Commissioner of Education, in consultation with
 3684 the Chancellor of the State University System, shall establish
 3685 the Articulation Coordinating Committee, which shall make
 3686 recommendations related to statewide articulation policies and
 3687 issues regarding access, quality, and reporting of data
 3688 maintained by the K-20 data warehouse, established pursuant to
 3689 ss. 1001.10 and 1008.31, to the Higher Education Coordination
 3690 Council, the State Board of Education, and the Board of
 3691 Governors. The committee shall consist of two members each
 3692 representing the State University System, the Florida College
 3693 System, public career and technical education, K-12 education,
 3694 and nonpublic postsecondary education and one member
 3695 representing students. The chair shall be elected from the
 3696 membership. The Office of K-20 Articulation shall provide
 3697 administrative support for the committee. The committee shall:
 3698 ~~(i) Make recommendations regarding the cost and~~
 3699 ~~requirements to develop and implement an online system for~~
 3700 ~~collecting and analyzing data regarding requests for transfer of~~

3701 ~~credit by postsecondary education students. The online system,~~
 3702 ~~at a minimum, must collect information regarding the total~~
 3703 ~~number of credit transfer requests denied and the reason for~~
 3704 ~~each denial. Recommendations shall be reported to the President~~
 3705 ~~of the Senate and the Speaker of the House of Representatives on~~
 3706 ~~or before January 31, 2015.~~

3707 Reviser's note.—Amended to delete an obsolete
 3708 provision.

3709 Section 109. Paragraph (a) of subsection (1) of section
 3710 1008.34, Florida Statutes, is reenacted to read:

3711 1008.34 School grading system; school report cards;
 3712 district grade.—

3713 (1) DEFINITIONS.—For purposes of the statewide,
 3714 standardized assessment program and school grading system, the
 3715 following terms are defined:

3716 (a) "Achievement level," "student achievement," or
 3717 "achievement" describes the level of content mastery a student
 3718 has acquired in a particular subject as measured by a statewide,
 3719 standardized assessment administered pursuant to s.
 3720 1008.22(3)(a) and (b). There are five achievement levels. Level
 3721 1 is the lowest achievement level, level 5 is the highest
 3722 achievement level, and level 3 indicates satisfactory
 3723 performance. A student passes an assessment if the student
 3724 achieves a level 3, level 4, or level 5. For purposes of the
 3725 Florida Alternate Assessment administered pursuant to s.

3726 1008.22(3)(c), the state board shall provide, in rule, the
3727 number of achievement levels and identify the achievement levels
3728 that are considered passing.

3729 Reviser's note.—Reenacted to publish the correct
3730 text of paragraph (1)(a) and to correct an input error made
3731 in the compilation of the statutes.

3732 Section 110. Subsection (2) of section 1011.67, Florida
3733 Statutes, is amended to read:

3734 1011.67 Funds for instructional materials.—

3735 (2) Annually by July 1 and before the release of
3736 instructional materials funds, each district school
3737 superintendent shall certify to the Commissioner of Education
3738 that the district school board has approved a comprehensive
3739 staff development plan that supports fidelity of implementation
3740 of instructional materials programs, including verification that
3741 training was provided; that the materials are being implemented
3742 as designed; and, beginning July 1, 2021, for core reading
3743 materials and reading intervention materials used in
3744 kindergarten through grade 5, that the materials meet the
3745 requirements of s. 1001.215(8) ~~1001.215(7)~~. This subsection does
3746 not preclude school districts from purchasing or using other
3747 materials to supplement reading instruction and provide
3748 additional skills practice.

3749 Reviser's note.—Amended to conform to the
3750 redesignation of s. 1001.215(7) as s. 1001.215(8) by s. 16,

3751 ch. 2017-116, Laws of Florida.
 3752 Section 111. Subsection (1) of section 1011.71, Florida
 3753 Statutes, is amended to read:
 3754 1011.71 District school tax.—
 3755 (1) If the district school tax is not provided in the
 3756 General Appropriations Act or the substantive bill implementing
 3757 the General Appropriations Act, each district school board
 3758 desiring to participate in the state allocation of funds for
 3759 current operation as prescribed by s. 1011.62(16) ~~1011.62(15)~~
 3760 shall levy on the taxable value for school purposes of the
 3761 district, exclusive of millage voted under s. 9(b) or s. 12,
 3762 Art. VII of the State Constitution, a millage rate not to exceed
 3763 the amount certified by the commissioner as the minimum millage
 3764 rate necessary to provide the district required local effort for
 3765 the current year, pursuant to s. 1011.62(4)(a)1. In addition to
 3766 the required local effort millage levy, each district school
 3767 board may levy a nonvoted current operating discretionary
 3768 millage. The Legislature shall prescribe annually in the
 3769 appropriations act the maximum amount of millage a district may
 3770 levy.
 3771 Reviser's note.—Amended to conform to the
 3772 redesignation of s. 1011.62(15) as s. 1011.62(16) by s. 4,
 3773 ch. 2017-116, Laws of Florida.
 3774 Section 112. Paragraph (b) of subsection (6) of section
 3775 1013.64, Florida Statutes, is amended to read:

3776 1013.64 Funds for comprehensive educational plant needs;
 3777 construction cost maximums for school district capital
 3778 projects.—Allocations from the Public Education Capital Outlay
 3779 and Debt Service Trust Fund to the various boards for capital
 3780 outlay projects shall be determined as follows:
 3781 (6)
 3782 (b)1. A district school board may not use funds from the
 3783 following sources: Public Education Capital Outlay and Debt
 3784 Service Trust Fund; School District and Community College
 3785 District Capital Outlay and Debt Service Trust Fund; Classrooms
 3786 First Program funds provided in s. 1013.68; nonvoted 1.5-mill
 3787 levy of ad valorem property taxes provided in s. 1011.71(2);
 3788 Classrooms for Kids Program funds provided in s. 1013.735;
 3789 District Effort Recognition Program funds provided in s.
 3790 1013.736; or High Growth District Capital Outlay Assistance
 3791 Grant Program funds provided in s. 1013.738 for any new
 3792 construction of educational plant space with a total cost per
 3793 student station, including change orders, that equals more than:
 3794 a. \$17,952 for an elementary school,
 3795 b. \$19,386 for a middle school, or
 3796 c. \$25,181 for a high school,
 3797
 3798 (January 2006) as adjusted annually to reflect increases or
 3799 decreases in the Consumer Price Index.
 3800 2. School districts shall maintain accurate documentation

3801 related to the costs of all new construction of educational
 3802 plant space reported to the Department of Education pursuant to
 3803 paragraph (d). The Auditor General shall review the
 3804 documentation maintained by the school districts and verify
 3805 compliance with the limits under this paragraph during its
 3806 scheduled operational audits of the school district. The
 3807 department shall make the final determination on district
 3808 compliance based on the recommendation of the Auditor General.

3809 ~~3. The Office of Economic and Demographic Research, in~~
 3810 ~~consultation with the department, shall conduct a study of the~~
 3811 ~~cost per student station amounts using the most recent available~~
 3812 ~~information on construction costs. In this study, the costs per~~
 3813 ~~student station should represent the costs of classroom~~
 3814 ~~construction and administrative offices as well as the~~
 3815 ~~supplemental costs of core facilities, including required media~~
 3816 ~~centers, gymnasiums, music rooms, cafeterias and their~~
 3817 ~~associated kitchens and food service areas, vocational areas,~~
 3818 ~~and other defined specialty areas, including exceptional student~~
 3819 ~~education areas. The study must take into account appropriate~~
 3820 ~~cost-effectiveness factors in school construction and should~~
 3821 ~~include input from industry experts. The Office of Economic and~~
 3822 ~~Demographic Research must provide the results of the study and~~
 3823 ~~recommendations on the cost per student station to the Governor,~~
 3824 ~~the President of the Senate, and the Speaker of the House of~~
 3825 ~~Representatives no later than January 31, 2017.~~

3826 ~~4. The Office of Program Policy Analysis and Government~~
 3827 ~~Accountability (OPPAGA) shall conduct a study of the State~~
 3828 ~~Requirements for Education Facilities (SREF) to identify current~~
 3829 ~~requirements that can be eliminated or modified in order to~~
 3830 ~~decrease the cost of construction of educational facilities~~
 3831 ~~while ensuring student safety. OPPAGA must provide the results~~
 3832 ~~of the study, and an overall recommendation as to whether SREF~~
 3833 ~~should be retained, to the Governor, the President of the~~
 3834 ~~Senate, and the Speaker of the House of Representatives no later~~
 3835 ~~than January 31, 2017.~~

3836 3.5. Effective July 1, 2017, in addition to the funding
 3837 sources listed in subparagraph 1., a district school board may
 3838 not use funds from any sources for new construction of
 3839 educational plant space with a total cost per student station,
 3840 including change orders, which equals more than the current
 3841 adjusted amounts provided in sub-subparagraphs 1.a.-c. which
 3842 shall subsequently be adjusted annually to reflect increases or
 3843 decreases in the Consumer Price Index. However, if a contract
 3844 has been executed for architectural and design services or for
 3845 construction management services before July 1, 2017, a district
 3846 school board may use funds from any source for the new
 3847 construction of educational plant space and such funds are
 3848 exempt from the total cost per student station requirements.

3849 4.6. A district school board must not use funds from the
 3850 Public Education Capital Outlay and Debt Service Trust Fund or

3851 | the School District and Community College District Capital
3852 | Outlay and Debt Service Trust Fund for any new construction of
3853 | an ancillary plant that exceeds 70 percent of the average cost
3854 | per square foot of new construction for all schools.

3855 | Reviser's note.—Amended to delete provisions that
3856 | have served their purposes.

3857 | Section 113. This act shall take effect on the 60th day
3858 | after adjournment sine die of the session of the Legislature in
3859 | which enacted.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: PCB RPC 18-03 Florida Statutes/Non-current Repeals or Expiration
SPONSOR(S): Rules & Policy Committee
TIED BILLS: **IDEN./SIM. BILLS:**

| REFERENCE | ACTION | ANALYST | STAFF DIRECTOR or BUDGET/POLICY CHIEF |
|---------------------------------------|--------|---------|--|
| Orig. Comm.: Rules & Policy Committee | | Dowd | Birtman |

SUMMARY ANALYSIS

Florida Statute section 11.242 requires the Division of Law Revision and Information of the Office of Legislative Services to conduct a systematic and continuing study of the state's statutes and laws. The purpose of this study is to recommend to the Legislature changes that would:

- Remove inconsistencies, redundancies, and unnecessary repetition.
- Improve clarity.
- Facilitate correct and proper interpretation.

Such changes include:

- Corrections to grammatical and typographical errors.
- Removal of expired or obsolete statutes and laws.
- Transfer, consolidation, and renumbering of sections, subsections, chapter, and titles.

These recommendations are submitted to the Legislature as technical, non-substantive reviser's bills.

The bill is a general reviser's bill that deletes statutory provisions that have been repealed by a non-current (past-year) session of the Legislature where that repeal or expiration date has now occurred, rendering the provision of no effect. Such provisions may be omitted from publication in the 2018 Florida Statutes only through a reviser's bill duly enacted by the Legislature.

Pursuant to House Rule 12.3(e), a reviser's bill cannot be amended except to delete a bill section.

The bill has no fiscal impact.

This bill becomes effective on the 60th day after adjournment sine die.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

The effect of the general reviser's bill is of a technical, non-substantive nature. This reviser's bill repeals provisions that have become inoperative by noncurrent repeal or expiration and, pursuant to ss. 11.242(5)(b) and (i), F.S., may be omitted from publication in the 2018 Florida Statutes only through a reviser's bill duly enacted by the Legislature.

B. SECTION DIRECTORY:

Sections 1-27 delete provisions that have expired, have become obsolete, have had their effect, have served their purpose, or have been impliedly repealed or superseded.

Section 28-29 amend statutes to conform to the repeal of s. 39.0011, F.S., by this act.

Section 30 amends a statute to conform to the repeal of s. 663.041, F.S., by this act.

Section 31 provides for an effective date.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

The reviser's bill deletes inoperative provisions of the statutes. There is no fiscal impact on state or local governments or on the private sector.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable because the reviser's bill does not require counties or cities to spend funds or take action requiring the expenditure of funds; reduce the authority of counties or cities to raise revenue in the aggregate or; reduce the percentage of a state tax shared with counties or cities.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

The reviser's bill does not implicate authority for any agency to adopt rules.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

1 A reviser's bill to be entitled
 2 An act relating to the Florida Statutes; repealing ss.
 3 39.0011, 161.143(5)(e), 193.1552, 216.292(8), 218.417,
 4 218.418, 218.421, 218.422, 259.105(3)(m), 272.136(7),
 5 296.37(3), 322.03(1)(c), 327.4105, 328.76(1)(e) and
 6 (f), 339.135(4)(i) and (j) and (5)(b) and (c),
 7 375.075(4), 380.507(2)(h), 393.065(8), 403.7095(3),
 8 408.0436, 420.5087(10), 420.9072(10), 430.82,
 9 663.01(9), 663.041, 893.055(17), 1008.34(7), and
 10 1012.341, F.S., and amending ss. 212.08(7)(jjj) and
 11 394.462, F.S., to delete provisions which have become
 12 inoperative by noncurrent repeal or expiration and,
 13 pursuant to s. 11.242(5)(b) and (i), F.S., may be
 14 omitted from the 2018 Florida Statutes only through a
 15 reviser's bill duly enacted by the Legislature;
 16 amending ss. 39.001, 409.1666, and 663.532, F.S., to
 17 conform cross-references; providing an effective date.

18
 19 Be It Enacted by the Legislature of the State of Florida:

20
 21 Section 1. Section 39.0011, Florida Statutes, is repealed.

22 Reviser's note.—The cited section, which
 23 authorizes establishment of a direct-support organization
 24 relating to promotion of adoption, support of adoptive
 25 families, and prevention of child abuse, abandonment, and

26 neglect, was repealed pursuant to its own terms, effective
 27 October 1, 2017.

28 Section 2. Paragraph (e) of subsection (5) of section
 29 161.143, Florida Statutes, is repealed.

30 Reviser's note.—The cited paragraph, which
 31 relates to the amount allocated for inlet management
 32 funding for the 2016-2017 fiscal year only, was repealed
 33 pursuant to its own terms, effective July 1, 2017.

34 Section 3. Section 193.1552, Florida Statutes, is
 35 repealed.

36 Reviser's note.—The cited section, which relates
 37 to assessment of properties affected by imported or
 38 domestic drywall, was repealed pursuant to its own terms,
 39 effective July 1, 2017.

40 Section 4. Paragraph (jjj) of subsection (7) of section
 41 212.08, Florida Statutes, is amended to read:

42 212.08 Sales, rental, use, consumption, distribution, and
 43 storage tax; specified exemptions.—The sale at retail, the
 44 rental, the use, the consumption, the distribution, and the
 45 storage to be used or consumed in this state of the following
 46 are hereby specifically exempt from the tax imposed by this
 47 chapter.

48 (7) MISCELLANEOUS EXEMPTIONS.—Exemptions provided to any
 49 entity by this chapter do not inure to any transaction that is
 50 otherwise taxable under this chapter when payment is made by a

51 representative or employee of the entity by any means,
 52 including, but not limited to, cash, check, or credit card, even
 53 when that representative or employee is subsequently reimbursed
 54 by the entity. In addition, exemptions provided to any entity by
 55 this subsection do not inure to any transaction that is
 56 otherwise taxable under this chapter unless the entity has
 57 obtained a sales tax exemption certificate from the department
 58 or the entity obtains or provides other documentation as
 59 required by the department. Eligible purchases or leases made
 60 with such a certificate must be in strict compliance with this
 61 subsection and departmental rules, and any person who makes an
 62 exempt purchase with a certificate that is not in strict
 63 compliance with this subsection and the rules is liable for and
 64 shall pay the tax. The department may adopt rules to administer
 65 this subsection.

66 (jjj) Certain machinery and equipment.—

67 1. Industrial machinery and equipment purchased by
 68 eligible manufacturing businesses which is used at a fixed
 69 location in this state for the manufacture, processing,
 70 compounding, or production of items of tangible personal
 71 property for sale is exempt from the tax imposed by this
 72 chapter. If, at the time of purchase, the purchaser furnishes
 73 the seller with a signed certificate certifying the purchaser's
 74 entitlement to exemption pursuant to this paragraph, the seller
 75 is not required to collect the tax on the sale of such items,

76 and the department shall look solely to the purchaser for
 77 recovery of the tax if it determines that the purchaser was not
 78 entitled to the exemption.

79 2. For purposes of this paragraph, the term:

80 a. "Eligible manufacturing business" means any business
 81 whose primary business activity at the location where the
 82 industrial machinery and equipment is located is within the
 83 industries classified under NAICS codes 31, 32, 33, and 423930.

84 b. "Eligible postharvest activity business" means a
 85 business whose primary business activity, at the location where
 86 the postharvest machinery and equipment is located, is within
 87 the industries classified under NAICS code 115114.

88 c. "NAICS" means those classifications contained in the
 89 North American Industry Classification System, as published in
 90 2007 by the Office of Management and Budget, Executive Office of
 91 the President.

92 d. "Primary business activity" means an activity
 93 representing more than 50 percent of the activities conducted at
 94 the location where the industrial machinery and equipment or
 95 postharvest machinery and equipment is located.

96 e. "Industrial machinery and equipment" means tangible
 97 personal property or other property that has a depreciable life
 98 of 3 years or more and that is used as an integral part in the
 99 manufacturing, processing, compounding, or production of
 100 tangible personal property for sale. The term includes tangible

101 personal property or other property that has a depreciable life
 102 of 3 years or more which is used as an integral part in the
 103 recycling of metals for sale. A building and its structural
 104 components are not industrial machinery and equipment unless the
 105 building or structural component is so closely related to the
 106 industrial machinery and equipment that it houses or supports
 107 that the building or structural component can be expected to be
 108 replaced when the machinery and equipment are replaced. Heating
 109 and air conditioning systems are not industrial machinery and
 110 equipment unless the sole justification for their installation
 111 is to meet the requirements of the production process, even
 112 though the system may provide incidental comfort to employees or
 113 serve, to an insubstantial degree, nonproduction activities. The
 114 term includes parts and accessories for industrial machinery and
 115 equipment only to the extent that the parts and accessories are
 116 purchased before the date the machinery and equipment are placed
 117 in service.

118 f. "Postharvest activities" means services performed on
 119 crops, after their harvest, with the intent of preparing them
 120 for market or further processing. Postharvest activities
 121 include, but are not limited to, crop cleaning, sun drying,
 122 shelling, fumigating, curing, sorting, grading, packing, and
 123 cooling.

124 g. "Postharvest machinery and equipment" means tangible
 125 personal property or other property with a depreciable life of 3

126 | years or more which is used primarily for postharvest
 127 | activities. A building and its structural components are not
 128 | postharvest industrial machinery and equipment unless the
 129 | building or structural component is so closely related to the
 130 | postharvest machinery and equipment that it houses or supports
 131 | that the building or structural component can be expected to be
 132 | replaced when the postharvest machinery and equipment is
 133 | replaced. Heating and air conditioning systems are not
 134 | postharvest machinery and equipment unless the sole
 135 | justification for their installation is to meet the requirements
 136 | of the postharvest activities process, even though the system
 137 | may provide incidental comfort to employees or serve, to an
 138 | insubstantial degree, nonpostharvest activities.

139 | 3. Postharvest machinery and equipment purchased by an
 140 | eligible postharvest activity business which is used at a fixed
 141 | location in this state is exempt from the tax imposed by this
 142 | chapter. All labor charges for the repair of, and parts and
 143 | materials used in the repair of and incorporated into, such
 144 | postharvest machinery and equipment are also exempt. If, at the
 145 | time of purchase, the purchaser furnishes the seller with a
 146 | signed certificate certifying the purchaser's entitlement to
 147 | exemption pursuant to this subparagraph, the seller is not
 148 | required to collect the tax on the sale of such items, and the
 149 | department shall look solely to the purchaser for recovery of
 150 | the tax if it determines that the purchaser was not entitled to

151 the exemption.

152 ~~4. A mixer drum affixed to a mixer truck which is used at~~
 153 ~~any location in this state to mix, agitate, and transport~~
 154 ~~freshly mixed concrete in a plastic state for sale is exempt~~
 155 ~~from the tax imposed by this chapter. Parts and labor required~~
 156 ~~to affix a mixer drum exempt under this subparagraph to a mixer~~
 157 ~~truck are also exempt. If, at the time of purchase, the~~
 158 ~~purchaser furnishes the seller with a signed certificate~~
 159 ~~certifying the purchaser's entitlement to exemption pursuant to~~
 160 ~~this subparagraph, the seller is not required to collect the tax~~
 161 ~~on the sale of such items, and the department shall look solely~~
 162 ~~to the purchaser for recovery of the tax if it determines that~~
 163 ~~the purchaser was not entitled to the exemption. This~~
 164 ~~subparagraph is repealed April 30, 2017.~~

165 Reviser's note.—Amended to delete subparagraph
 166 4., to conform to repeal of that subparagraph pursuant to
 167 its own terms.

168 Section 5. Subsection (8) of section 216.292, Florida
 169 Statutes, is repealed.

170 Reviser's note.—The cited subsection, which
 171 relates to authorization of a transfer of funds for the
 172 2016-2017 fiscal year only, expired pursuant to its own
 173 terms, effective July 1, 2017.

174 Section 6. Sections 218.417, 218.418, 218.421, and
 175 218.422, Florida Statutes, are repealed.

176 Reviser's note.—Section 218.417, which created
 177 the Fund B Surplus Funds Trust Fund, provides that the
 178 "trust fund shall be terminated upon self-liquidation, if
 179 not terminated sooner by law." The fund has self-
 180 liquidated. Section 11, ch. 2008-59, Laws of Florida,
 181 provides for expiration of ss. 218.418, 218.421, and
 182 218.422, which relate to the trust fund, "at the time the
 183 Fund B Surplus Funds Trust Fund is terminated by law or
 184 self-liquidates as determined and announced by the
 185 executive director of the State Board of Administration,
 186 whichever occurs first." Since the sections were not
 187 repealed by a "current session" of the Legislature, they
 188 may be omitted from the 2018 Florida Statutes only through
 189 a reviser's bill duly enacted by the Legislature. See s.
 190 11.242(5)(b) and (i).

191 Section 7. Paragraph (m) of subsection (3) of section
 192 259.105, Florida Statutes, is repealed.

193 Reviser's note.—The cited paragraph, which
 194 relates to distribution of proceeds for the 2016-2017
 195 fiscal year only, expired pursuant to its own terms,
 196 effective July 1, 2017.

197 Section 8. Subsection (7) of section 272.136, Florida
 198 Statutes, is repealed.

199 Reviser's note.—The cited subsection, which
 200 provided for an exemption from open government requirements

201 for certain identifying information relating to a direct-
 202 support organization for the Florida Historic Capitol
 203 Museum, was repealed pursuant to its own terms, effective
 204 October 2, 2017.

205 Section 9. Subsection (3) of section 296.37, Florida
 206 Statutes, is repealed.

207 Reviser's note.—The cited subsection, which
 208 relates to contributions for maintenance and support from
 209 residents of veterans' nursing homes, was repealed pursuant
 210 to its own terms, effective July 1, 2017.

211 Section 10. Paragraph (c) of subsection (1) of section
 212 322.03, Florida Statutes, is repealed.

213 Reviser's note.—The cited paragraph, which
 214 relates to licenses issued to part-time residents under s.
 215 322.03(1)(b) as it existed before November 1, 2009, expired
 216 pursuant to its own terms, effective June 30, 2017.

217 Section 11. Section 327.4105, Florida Statutes, is
 218 repealed.

219 Reviser's note.—The cited section, which relates
 220 to a pilot program for regulation of mooring vessels
 221 outside of public mooring fields, expired pursuant to its
 222 own terms, effective July 1, 2017.

223 Section 12. Paragraphs (e) and (f) of subsection (1) of
 224 section 328.76, Florida Statutes, are repealed.

225 Reviser's note.—The cited paragraphs, which

226 relate to specific transfers of funds after all
 227 administrative costs are funded and distributions in
 228 paragraphs (a)-(d) have been made, expired pursuant to
 229 their own terms, effective July 1, 2017.

230 Section 13. Paragraphs (i) and (j) of subsection (4) and
 231 paragraphs (b) and (c) of subsection (5) of section 339.135,
 232 Florida Statutes, are repealed.

233 Reviser's note.—The cited paragraphs, which
 234 relate to specified use of funds for the 2016-2017 fiscal
 235 year only, expired pursuant to their own terms, effective
 236 July 1, 2017.

237 Section 14. Subsection (4) of section 375.075, Florida
 238 Statutes, is repealed.

239 Reviser's note.—The cited subsection, which
 240 relates to specified use of funds for the 2016-2017 fiscal
 241 year only, expired pursuant to its own terms, effective
 242 July 1, 2017.

243 Section 15. Paragraph (h) of subsection (2) of section
 244 380.507, Florida Statutes, is repealed.

245 Reviser's note.—The cited paragraph, which
 246 relates to projects providing for accessibility,
 247 availability, or adaptability of conservation and
 248 recreation lands for individuals with unique abilities,
 249 expired pursuant to its own terms, effective July 1, 2017.

250 Section 16. Subsection (8) of section 393.065, Florida

251 Statutes, is repealed.

252 Reviser's note.—The cited subsection, which
 253 relates to waivers for individuals with developmental
 254 disabilities in Category 6 during the 2016-2017 fiscal
 255 year, was repealed by s. 41, ch. 2016-62, Laws of Florida,
 256 effective July 1, 2017. Since the subsection was not
 257 repealed by a "current session" of the Legislature, it may
 258 be omitted from the 2018 Florida Statutes only through a
 259 reviser's bill duly enacted by the Legislature. See s.
 260 11.242(5)(b) and (i).

261 Section 17. Section 394.462, Florida Statutes, is amended
 262 to read:

263 394.462 Transportation.—A transportation plan shall be
 264 developed and implemented by each county ~~by July 1, 2017,~~ in
 265 collaboration with the managing entity in accordance with this
 266 section. A county may enter into a memorandum of understanding
 267 with the governing boards of nearby counties to establish a
 268 shared transportation plan. When multiple counties enter into a
 269 memorandum of understanding for this purpose, the counties shall
 270 notify the managing entity and provide it with a copy of the
 271 agreement. The transportation plan shall describe methods of
 272 transport to a facility within the designated receiving system
 273 for individuals subject to involuntary examination under s.
 274 394.463 or involuntary admission under s. 397.6772, s. 397.679,
 275 s. 397.6798, or s. 397.6811, and may identify responsibility for

276 other transportation to a participating facility when necessary
 277 and agreed to by the facility. The plan may rely on emergency
 278 medical transport services or private transport companies, as
 279 appropriate. The plan shall comply with the transportation
 280 provisions of this section and ss. 397.6772, 397.6795, 397.6822,
 281 and 397.697.

282 (1) TRANSPORTATION TO A RECEIVING FACILITY.—

283 (a) Each county shall designate a single law enforcement
 284 agency within the county, or portions thereof, to take a person
 285 into custody upon the entry of an ex parte order or the
 286 execution of a certificate for involuntary examination by an
 287 authorized professional and to transport that person to the
 288 appropriate facility within the designated receiving system
 289 pursuant to a transportation plan ~~or an exception under~~
 290 ~~subsection (4), or to the nearest receiving facility if neither~~
 291 ~~apply.~~

292 (b)1. The designated law enforcement agency may decline to
 293 transport the person to a receiving facility only if:

294 a. The jurisdiction designated by the county has
 295 contracted on an annual basis with an emergency medical
 296 transport service or private transport company for
 297 transportation of persons to receiving facilities pursuant to
 298 this section at the sole cost of the county; and

299 b. The law enforcement agency and the emergency medical
 300 transport service or private transport company agree that the

301 continued presence of law enforcement personnel is not necessary
 302 for the safety of the person or others.

303 2. The entity providing transportation may seek
 304 reimbursement for transportation expenses. The party responsible
 305 for payment for such transportation is the person receiving the
 306 transportation. The county shall seek reimbursement from the
 307 following sources in the following order:

308 a. From a private or public third-party payor, if the
 309 person receiving the transportation has applicable coverage.

310 b. From the person receiving the transportation.

311 c. From a financial settlement for medical care,
 312 treatment, hospitalization, or transportation payable or
 313 accruing to the injured party.

314 (c) A company that transports a patient pursuant to this
 315 subsection is considered an independent contractor and is solely
 316 liable for the safe and dignified transport of the patient. Such
 317 company must be insured and provide no less than \$100,000 in
 318 liability insurance with respect to the transport of patients.

319 (d) Any company that contracts with a governing board of a
 320 county to transport patients shall comply with the applicable
 321 rules of the department to ensure the safety and dignity of
 322 patients.

323 (e) When a law enforcement officer takes custody of a
 324 person pursuant to this part, the officer may request assistance
 325 from emergency medical personnel if such assistance is needed

326 | for the safety of the officer or the person in custody.

327 | (f) When a member of a mental health overlay program or a
 328 | mobile crisis response service is a professional authorized to
 329 | initiate an involuntary examination pursuant to s. 394.463 or s.
 330 | 397.675 and that professional evaluates a person and determines
 331 | that transportation to a receiving facility is needed, the
 332 | service, at its discretion, may transport the person to the
 333 | facility or may call on the law enforcement agency or other
 334 | transportation arrangement best suited to the needs of the
 335 | patient.

336 | (g) When any law enforcement officer has custody of a
 337 | person based on either noncriminal or minor criminal behavior
 338 | that meets the statutory guidelines for involuntary examination
 339 | pursuant to s. 394.463, the law enforcement officer shall
 340 | transport the person to the appropriate facility within the
 341 | designated receiving system pursuant to a transportation plan ~~or~~
 342 | ~~an exception under subsection (4), or to the nearest receiving~~
 343 | ~~facility if neither apply.~~ Persons who meet the statutory
 344 | guidelines for involuntary admission pursuant to s. 397.675 may
 345 | also be transported by law enforcement officers to the extent
 346 | resources are available and as otherwise provided by law. Such
 347 | persons shall be transported to an appropriate facility within
 348 | the designated receiving system pursuant to a transportation
 349 | plan ~~or an exception under subsection (4), or to the nearest~~
 350 | ~~facility if neither apply.~~

351 (h) When any law enforcement officer has arrested a person
 352 for a felony and it appears that the person meets the statutory
 353 guidelines for involuntary examination or placement under this
 354 part, such person must first be processed in the same manner as
 355 any other criminal suspect. The law enforcement agency shall
 356 thereafter immediately notify the appropriate facility within
 357 the designated receiving system pursuant to a transportation
 358 plan ~~or an exception under subsection (4), or to the nearest~~
 359 ~~receiving facility if neither apply.~~ The receiving facility
 360 shall be responsible for promptly arranging for the examination
 361 and treatment of the person. A receiving facility is not
 362 required to admit a person charged with a crime for whom the
 363 facility determines and documents that it is unable to provide
 364 adequate security, but shall provide examination and treatment
 365 to the person where he or she is held.

366 (i) If the appropriate law enforcement officer believes
 367 that a person has an emergency medical condition as defined in
 368 s. 395.002, the person may be first transported to a hospital
 369 for emergency medical treatment, regardless of whether the
 370 hospital is a designated receiving facility.

371 (j) The costs of transportation, evaluation,
 372 hospitalization, and treatment incurred under this subsection by
 373 persons who have been arrested for violations of any state law
 374 or county or municipal ordinance may be recovered as provided in
 375 s. 901.35.

376 (k) The appropriate facility within the designated
 377 receiving system pursuant to a transportation plan ~~or an~~
 378 ~~exception under subsection (4), or the nearest receiving~~
 379 ~~facility if neither apply,~~ must accept persons brought by law
 380 enforcement officers, or an emergency medical transport service
 381 or a private transport company authorized by the county, for
 382 involuntary examination pursuant to s. 394.463.

383 (l) The appropriate facility within the designated
 384 receiving system pursuant to a transportation plan ~~or an~~
 385 ~~exception under subsection (4), or the nearest receiving~~
 386 ~~facility if neither apply,~~ must provide persons brought by law
 387 enforcement officers, or an emergency medical transport service
 388 or a private transport company authorized by the county,
 389 pursuant to s. 397.675, a basic screening or triage sufficient
 390 to refer the person to the appropriate services.

391 (m) Each law enforcement agency designated pursuant to
 392 paragraph (a) shall establish a policy that reflects a single
 393 set of protocols for the safe and secure transportation and
 394 transfer of custody of the person. Each law enforcement agency
 395 shall provide a copy of the protocols to the managing entity.

396 (n) When a jurisdiction has entered into a contract with
 397 an emergency medical transport service or a private transport
 398 company for transportation of persons to facilities within the
 399 designated receiving system, such service or company shall be
 400 given preference for transportation of persons from nursing

401 homes, assisted living facilities, adult day care centers, or
 402 adult family-care homes, unless the behavior of the person being
 403 transported is such that transportation by a law enforcement
 404 officer is necessary.

405 (o) This section may not be construed to limit emergency
 406 examination and treatment of incapacitated persons provided in
 407 accordance with s. 401.445.

408 (2) TRANSPORTATION TO A TREATMENT FACILITY.—

409 (a) If neither the patient nor any person legally
 410 obligated or responsible for the patient is able to pay for the
 411 expense of transporting a voluntary or involuntary patient to a
 412 treatment facility, the transportation plan established by the
 413 governing board of the county or counties must specify how the
 414 hospitalized patient will be transported to, from, and between
 415 facilities in a safe and dignified manner.

416 (b) A company that transports a patient pursuant to this
 417 subsection is considered an independent contractor and is solely
 418 liable for the safe and dignified transportation of the patient.
 419 Such company must be insured and provide no less than \$100,000
 420 in liability insurance with respect to the transport of
 421 patients.

422 (c) A company that contracts with one or more counties to
 423 transport patients in accordance with this section shall comply
 424 with the applicable rules of the department to ensure the safety
 425 and dignity of patients.

426 (d) County or municipal law enforcement and correctional
 427 personnel and equipment may not be used to transport patients
 428 adjudicated incapacitated or found by the court to meet the
 429 criteria for involuntary placement pursuant to s. 394.467,
 430 except in small rural counties where there are no cost-efficient
 431 alternatives.

432 (3) TRANSFER OF CUSTODY.—Custody of a person who is
 433 transported pursuant to this part, along with related
 434 documentation, shall be relinquished to a responsible individual
 435 at the appropriate receiving or treatment facility.

436 ~~(4) EXCEPTIONS. An exception to the requirements of this~~
 437 ~~section may be granted by the secretary of the department for~~
 438 ~~the purposes of improving service coordination or better meeting~~
 439 ~~the special needs of individuals. A proposal for an exception~~
 440 ~~must be submitted to the department after being approved by the~~
 441 ~~governing boards of any affected counties.~~

442 ~~(a) A proposal for an exception must identify the specific~~
 443 ~~provision from which an exception is requested; describe how the~~
 444 ~~proposal will be implemented by participating law enforcement~~
 445 ~~agencies and transportation authorities; and provide a plan for~~
 446 ~~the coordination of services.~~

447 ~~(b) The exception may be granted only for:~~

448 ~~1. An arrangement centralizing and improving the provision~~
 449 ~~of services within a district, which may include an exception to~~
 450 ~~the requirement for transportation to the nearest receiving~~

451 ~~facility;~~
 452 ~~2. An arrangement by which a facility may provide, in~~
 453 ~~addition to required psychiatric or substance use disorder~~
 454 ~~services, an environment and services which are uniquely~~
 455 ~~tailored to the needs of an identified group of persons with~~
 456 ~~special needs, such as persons with hearing impairments or~~
 457 ~~visual impairments, or elderly persons with physical frailties;~~
 458 ~~or~~

459 ~~3. A specialized transportation system that provides an~~
 460 ~~efficient and humane method of transporting patients to~~
 461 ~~receiving facilities, among receiving facilities, and to~~
 462 ~~treatment facilities.~~

463
 464 ~~The exceptions provided in this subsection shall expire on June~~
 465 ~~30, 2017, and no new exceptions shall be granted after that~~
 466 ~~date. After June 30, 2017, the transport of a patient to a~~
 467 ~~facility that is not the nearest facility must be made pursuant~~
 468 ~~to a plan as provided in this section.~~

469 Reviser's note.—Amended to conform to the
 470 expiration of subsection (4) pursuant to its own terms,
 471 effective June 30, 2017.

472 Section 18. Subsection (3) of section 403.7095, Florida
 473 Statutes, is repealed.

474 Reviser's note.—The cited subsection, which
 475 awarded \$3 million in grants in the 2016-2017 fiscal year

476 | equally to counties having fewer than 110,000 persons for
 477 | waste tire and litter prevention, recycling education, and
 478 | general solid waste programs, expired pursuant to its own
 479 | terms, effective July 1, 2017.

480 | Section 19. Section 408.0436, Florida Statutes, is
 481 | repealed.

482 | Reviser's note.—The cited section, which relates
 483 | to a limitation on nursing home certificates of need, was
 484 | repealed pursuant to its own terms, effective July 1, 2017.

485 | Section 20. Subsection (10) of section 420.5087, Florida
 486 | Statutes, is repealed.

487 | Reviser's note.—The cited subsection, which
 488 | relates to reservation of funds for tenant groups for the
 489 | 2016-2017 fiscal year relating to the State Apartment
 490 | Incentive Loan Program, expired pursuant to its own terms,
 491 | effective July 1, 2017.

492 | Section 21. Subsection (10) of section 420.9072, Florida
 493 | Statutes, is repealed.

494 | Reviser's note.—The cited subsection, which
 495 | relates to funds for rental assistance and subsidies for
 496 | the 2016-2017 fiscal year relating to the State Housing
 497 | Initiatives Partnership Program, expired pursuant to its
 498 | own terms, effective July 1, 2017.

499 | Section 22. Section 430.82, Florida Statutes, is repealed.

500 | Reviser's note.—The cited section, which

501 establishes a direct-support organization to provide
 502 assistance to the Department of Elderly Affairs, was
 503 repealed pursuant to its own terms, effective October 1,
 504 2017.

505 Section 23. Subsection (9) of section 663.01, Florida
 506 Statutes, is repealed.

507 Reviser's note.—The cited subsection, which
 508 defines the term "international trust entity" for purposes
 509 of part I of chapter 663, was repealed by s. 3, ch. 2016-
 510 192, Laws of Florida, effective July 1, 2017. Since the
 511 subsection was not repealed by a "current session" of the
 512 Legislature, it may be omitted from the 2018 Florida
 513 Statutes only through a reviser's bill duly enacted by the
 514 Legislature. See s. 11.242(5)(b) and (i).

515 Section 24. Section 663.041, Florida Statutes, is
 516 repealed.

517 Reviser's note.—The cited section, which relates
 518 to a moratorium on enforcement of licensing requirements
 519 for international trust entities, was repealed by s. 3, ch.
 520 2016-192, Laws of Florida, effective July 1, 2017. Since
 521 the section was not repealed by a "current session" of the
 522 Legislature, it may be omitted from the 2018 Florida
 523 Statutes only through a reviser's bill duly enacted by the
 524 Legislature. See s. 11.242(5)(b) and (i).

525 Section 25. Subsection (17) of section 893.055, Florida

526 | Statutes, is repealed.

527 | Reviser's note.—The cited subsection, which
528 | relates to use of state funds appropriated in the 2016-2017
529 | General Appropriations Act to administer the prescription
530 | drug monitoring program for the 2016-2017 fiscal year only,
531 | expired pursuant to its own terms, effective July 1, 2017.

532 | Section 26. Subsection (7) of section 1008.34, Florida
533 | Statutes, is repealed.

534 | Reviser's note.—The cited subsection, which
535 | relates to transition provisions relating to school
536 | improvement ratings and school grades, was repealed
537 | pursuant to its own terms, effective July 1, 2017.

538 | Section 27. Section 1012.341, Florida Statutes, is
539 | repealed.

540 | Reviser's note.—The cited section, which provides
541 | an exemption for the Hillsborough County School District
542 | from performance evaluation system and compensation and
543 | salary schedule requirements, was repealed pursuant to its
544 | own terms, effective August 1, 2017.

545 | Section 28. Paragraph (c) of subsection (9) of section
546 | 39.001, Florida Statutes, is amended to read:

547 | 39.001 Purposes and intent; personnel standards and
548 | screening.—

549 | (9) OFFICE OF ADOPTION AND CHILD PROTECTION.—

550 | (c) The office is authorized and directed to:

551 1. Oversee the preparation and implementation of the state
 552 plan established under subsection (10) and revise and update the
 553 state plan as necessary.

554 2. Provide for or make available continuing professional
 555 education and training in the prevention of child abuse and
 556 neglect.

557 3. Work to secure funding in the form of appropriations,
 558 gifts, and grants from the state, the Federal Government, and
 559 other public and private sources in order to ensure that
 560 sufficient funds are available for the promotion of adoption,
 561 support of adoptive families, and child abuse prevention
 562 efforts.

563 4. Make recommendations pertaining to agreements or
 564 contracts for the establishment and development of:

565 a. Programs and services for the promotion of adoption,
 566 support of adoptive families, and prevention of child abuse and
 567 neglect.

568 b. Training programs for the prevention of child abuse and
 569 neglect.

570 c. Multidisciplinary and discipline-specific training
 571 programs for professionals with responsibilities affecting
 572 children, young adults, and families.

573 d. Efforts to promote adoption.

574 e. Postadoptive services to support adoptive families.

575 5. Monitor, evaluate, and review the development and

576 | quality of local and statewide services and programs for the
 577 | promotion of adoption, support of adoptive families, and
 578 | prevention of child abuse and neglect and shall publish and
 579 | distribute an annual report of its findings on or before January
 580 | 1 of each year to the Governor, the Speaker of the House of
 581 | Representatives, the President of the Senate, the head of each
 582 | state agency affected by the report, and the appropriate
 583 | substantive committees of the Legislature. The report shall
 584 | include:

- 585 | a. A summary of the activities of the office.
- 586 | b. A summary of the adoption data collected and reported
 587 | to the federal Adoption and Foster Care Analysis and Reporting
 588 | System (AFCARS) and the federal Administration for Children and
 589 | Families.
- 590 | c. A summary of the child abuse prevention data collected
 591 | and reported to the National Child Abuse and Neglect Data System
 592 | (NCANDS) and the federal Administration for Children and
 593 | Families.
- 594 | d. A summary detailing the timeliness of the adoption
 595 | process for children adopted from within the child welfare
 596 | system.
- 597 | e. Recommendations, by state agency, for the further
 598 | development and improvement of services and programs for the
 599 | promotion of adoption, support of adoptive families, and
 600 | prevention of child abuse and neglect.

601 f. Budget requests, adoption promotion and support needs,
 602 and child abuse prevention program needs by state agency.

603 ~~6. Work with the direct support organization established~~
 604 ~~under s. 39.0011 to receive financial assistance.~~

605 Reviser's note.—Amended to conform to the repeal
 606 of s. 39.0011 by this act to ratify the repeal of that
 607 section by its own terms, effective October 1, 2017.

608 Section 29. Section 409.1666, Florida Statutes, is amended
 609 to read:

610 409.1666 Annual adoption achievement awards.—Each year,
 611 the Governor shall select and recognize one or more individuals,
 612 families, or organizations that make significant contributions
 613 to enabling this state's foster children to achieve permanency
 614 through adoption. The department shall define appropriate
 615 categories for the achievement awards and seek nominations for
 616 potential recipients in each category from individuals and
 617 organizations knowledgeable about foster care and adoption.

618 ~~(1)~~ The award shall recognize persons whose contributions
 619 involve extraordinary effort or personal sacrifice in order to
 620 provide caring and permanent homes for foster children.

621 ~~(2) A direct support organization established in~~
 622 ~~accordance with s. 39.0011 by the Office of Adoption and Child~~
 623 ~~Protection within the Executive Office of the Governor may~~
 624 ~~accept donations of products or services from private sources to~~
 625 ~~be given to the recipients of the adoption achievement awards.~~

626 ~~The direct support organization may also provide suitable~~
 627 ~~plaques, framed certificates, pins, and other tokens of~~
 628 ~~recognition.~~

629 Reviser's note.—Amended to conform to the repeal
 630 of s. 39.0011 by this act to ratify the repeal of the
 631 section by its own terms, effective October 1, 2017.

632 Section 30. Subsection (6) of section 663.532, Florida
 633 Statutes, is amended to read:

634 663.532 Qualification.—

635 (6) No later than March 31, 2018, a person or entity that
 636 previously qualified under the moratorium in former s. 663.041
 637 must seek qualification as a qualified limited service affiliate
 638 or cease doing business in this state. Notwithstanding the
 639 expiration of the moratorium under former s. 663.041, a person
 640 or entity that previously qualified under such moratorium may
 641 remain open and in operation but shall refrain from engaging in
 642 new lines of business in this state until qualified as a
 643 qualified limited service affiliate under this part.

644 Reviser's note.—Amended to conform to the repeal
 645 of s. 663.041 by this act to ratify the repeal of that
 646 section effective July 1, 2017, by s. 3, ch. 2016-192, Laws
 647 of Florida.

648 Section 31. This act shall take effect on the 60th day
 649 after adjournment sine die of the session of the Legislature in
 650 which enacted.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: PCB RPC 18-04 Florida Statutes/Rulemaking Repeals
SPONSOR(S): Rules & Policy Committee
TIED BILLS: **IDEN./SIM. BILLS:**

| REFERENCE | ACTION | ANALYST | STAFF DIRECTOR or BUDGET/POLICY CHIEF |
|---------------------------------------|---------------|----------------|--|
| Orig. Comm.: Rules & Policy Committee | | Dowd | Birtman |

SUMMARY ANALYSIS

Section 11.242(5)(j), F.S., directs the Office of Legislative Services to include duplicative, redundant, or unused statutory rulemaking authority among its proposed repeals in reviser’s bill recommendations. The purpose of this directive is not to diminish the authority of executive branch agencies to adopt administrative rules necessary to implement their statutory responsibilities but to remove unnecessary text from the statutes.

This reviser’s bill removes such rule authorizing provisions through revision of existing statutes or repeal of unnecessary provisions. The bill also makes conforming changes to correct cross-references.

Rulemaking authority is deemed unused if the provision has been in effect for more than 5 years without being relied upon to adopt rules.

Pursuant to House Rule 12.3(e), a reviser's bill cannot be amended except to delete bill sections.

The effective date of the bill is the 60th day after adjournment sine die.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

1. Statutory Delegation of Authority to Make Rules

A rule is an agency statement of general applicability which interprets, implements, or prescribes law or policy, including the procedure and practice requirements of an agency, as well as certain types of forms.¹ Rulemaking authority is delegated by the Legislature² by law authorizing an agency to “adopt, develop, establish, or otherwise create”³ a rule. Agencies do not have discretion whether to engage in rulemaking.⁴ To adopt a rule an agency must have an express grant of authority to implement a specific law by rulemaking.⁵ The grant of rulemaking authority itself need not be detailed.⁶ The particular statute being interpreted or implemented through rulemaking must provide specific standards and guidelines to preclude the administrative agency from exercising unbridled discretion in creating policy or applying the law.⁷ A delegation of authority to an administrative agency by a law that is vague, uncertain, or so broad as to give no notice of what actions would violate the law, could be ruled unconstitutional because it allows the agency to state what the law is.⁸ The Legislature must provide minimal standards and guidelines in the law creating a program to provide for its proper administration by the assigned executive agency. The Legislature may delegate rulemaking authority to agencies but not the authority to determine what the law should be.⁹

Legislation creating new programs or modifying existing ones may include an additional grant of authority for the responsible agency to create rules for administering the statute. Such language can be redundant of a broader grant of authority for the agency to adopt rules implementing the full statutory chapter or part and often is never used to support subsequent rulemaking because the existing authority is legally sufficient.

Other grants of rulemaking authority are superfluous because the substantive legislation provides sufficient guidance and detail for the agency to implement the program requirements without any additional rulemaking. Such grants of rulemaking authority remain in statutes unused because they serve no practical purpose.

2. Annual Review of Rulemaking Authority

In 2012 the Legislature directed the Office of Legislative Services (OLS), through the process of duly proposed reviser’s bills, to omit duplicative, redundant, or unused grants of rulemaking authority from inclusion in the statutes. Rulemaking authority is deemed unused if the provision has been in effect for more than 5 years without being relied upon to adopt rules.¹⁰

This bill implements that oversight of rulemaking authority. In preparing the bill OLS, together with the respective staffs of the Joint Administrative Procedures Committee (JAPC) and the former House

¹ Section 120.52(16), F.S.; *Florida Department of Financial Services v. Capital Collateral Regional Counsel-Middle Region*, 969 So.2d 527, 530 (Fla. 1st DCA 2007).

² *Southwest Florida Water Management District v. Save the Manatee Club, Inc.*, 773 So.2d 594 (Fla. 1st DCA 2000).

³ Section 120.52(17), F.S.

⁴ Section 120.54(1)(a), F.S.

⁵ Section 120.52(8) & s. 120.536(1), F.S.

⁶ *Save the Manatee Club, Inc.*, supra at 599

⁷ *Sloban v. Florida Board of Pharmacy*, 982 So.2d 26, 29-30 (Fla. 1st DCA 2008); *Board of Trustees of the Internal Improvement Trust Fund v. Day Cruise Association, Inc.*, 794 So.2d 696, 704 (Fla. 1st DCA 2001).

⁸ *Conner v. Joe Hatton, Inc.*, 216 So.2d 209 (Fla.1968).

⁹ *Sarasota County. v. Barg*, 302 So.2d 737 (Fla. 1974).

¹⁰ Section 11.242(5)(j), F.S., as amended by Chapter 2012-116, s. 9, Laws of Florida.

Rulemaking Oversight & Repeal Subcommittee developed a list of statutory grants of rulemaking authority that initially appeared to meet the requirements for omission. This summary then was submitted for review and comment by the staff of other substantive House committees, which in turn consulted with the various administrative agencies affected by the proposed revisions. Adhering to the recommendations received from the other substantive committees, the final list of sections was included in the bill.

B. SECTION DIRECTORY:

For each of the following sections the statutory rulemaking authority being amended or repealed has not been used to adopt rules in more than 5 years and thus is unnecessary for the particular agency to implement its statutory responsibilities.

Section 1 amends s. 20.2551, F.S.

Section 2 amends s. 101.5614, F.S.

Section 3 amends s. 122.34, F.S.

Section 4 amends s. 201.02, F.S.

Section 5 amends s. 394.907, F.S.

Section 6 amends s. 395.602, F.S.

Section 7 amends s. 395.603, F.S.

Section 8 amends s. 395.604, F.S.

Section 9 amends s. 101.6952, F.S.

Section 10 amends s. 102.141, F.S.

Section 11 amends s. 102.166, F.S.

Section 12 provides for an effective date.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

This reviser's bill is a technical, non-substantive bill. The bill has no fiscal impact on state or local governments or on the private sector.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

The bill does not appear to require counties or municipalities to take any action requiring the expenditure of funds, reduce the authority that counties or municipalities have to raise revenue in the aggregate, nor reduce the percentage of state tax shared with counties or municipalities.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

This reviser's bill removes unnecessary grants of rulemaking authority from the statutes but does not substantively affect the necessary rulemaking authority of any agency.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

1 A reviser's bill to be entitled
 2 An act relating to the Florida Statutes; amending ss.
 3 20.2551, 101.5614, 122.34, 201.02, 394.907, 395.602,
 4 395.603, and 395.604, F.S., to conform to the
 5 directive of the Legislature in section 9 of chapter
 6 2012-116, Laws of Florida, codified as section
 7 11.242(5)(j), Florida Statutes, to prepare a reviser's
 8 bill to omit all statutes and laws, or parts thereof,
 9 which grant duplicative, redundant, or unused
 10 rulemaking authority; amending ss. 101.6952, 102.141,
 11 and 102.166, F.S., to conform cross-references;
 12 providing an effective date.

13
 14 Be It Enacted by the Legislature of the State of Florida:

15
 16 Section 1. Paragraph (b) of subsection (2) of section
 17 20.2551, Florida Statutes, is amended to read:

18 20.2551 Citizen support organizations; use of property;
 19 audit; public records; partnerships.—

20 (2) USE OF PROPERTY.—

21 (b) The department may prescribe ~~by rule~~ any condition
 22 with which a citizen support organization shall comply in order
 23 to use fixed property or facilities of the department.

24 Section 2. Subsection (2) of section 101.5614, Florida
 25 Statutes, is amended to read:

26 101.5614 Canvass of returns.—

27 ~~(2) The Department of State shall, in accordance with s.~~
 28 ~~101.015, adopt rules that provide safeguards for the counting of~~
 29 ~~votes at a precinct and at a central or regional location.~~

30 Section 3. Paragraph (c) of subsection (1) of section
 31 122.34, Florida Statutes, is amended to read:

32 122.34 Special provisions for certain sheriffs and full-
 33 time deputy sheriffs.—

34 (1)

35 ~~(c) The department shall make such rules as are necessary~~
 36 ~~for the effective administration of the intent of this section.~~

37 Section 4. Paragraph (c) of subsection (10) of section
 38 201.02, Florida Statutes, is amended to read:

39 201.02 Tax on deeds and other instruments relating to real
 40 property or interests in real property.—

41 (10)

42 ~~(c) The department may adopt rules to administer the~~
 43 ~~method for reporting tax due under this subsection.~~

44 Section 5. Subsection (8) of section 394.907, Florida
 45 Statutes, is amended to read:

46 394.907 Community mental health centers; quality assurance
 47 programs.—

48 ~~(8) The department, in consultation with the agency, shall~~
 49 ~~adopt rules to carry out this section.~~

50 Section 6. Subsection (4) of section 395.602, Florida

51 Statutes, is amended to read:

52 395.602 Rural hospitals.-

53 ~~(4) RULEMAKING AUTHORITY. The department may adopt all~~
54 ~~necessary rules pertaining to the standards of care applicable~~
55 ~~to rural hospital swing-beds and the criteria whereby swing-bed~~
56 ~~stays of longer than 30 days shall be authorized. The latter~~
57 ~~length-of-stay criteria shall include, but not be limited to,~~
58 ~~the medical needs of the patient, the county of residence of the~~
59 ~~patient and patient's family, patient preference, proximity to~~
60 ~~relatives and friends, and distance to available nursing home~~
61 ~~beds, if any.~~

62 Section 7. Subsection (1) of section 395.603, Florida
63 Statutes, is amended to read:

64 395.603 Deactivation of general hospital beds; rural
65 hospital impact statement.-

66 (1) ~~The agency shall establish, by rule, a process by~~
67 ~~which a rural hospital, as defined in s. 395.602, that seeks~~
68 ~~licensure as a rural primary care hospital or as an emergency~~
69 ~~care hospital, or becomes a certified rural health clinic as~~
70 ~~defined in Pub. L. No. 95-210, or becomes a primary care program~~
71 ~~such as a county health department, community health center, or~~
72 ~~other similar outpatient program that provides preventive and~~
73 ~~curative services, may deactivate general hospital beds. Rural~~
74 ~~primary care hospitals and emergency care hospitals shall~~
75 ~~maintain the number of actively licensed general hospital beds~~

76 necessary for the facility to be certified for Medicare
 77 reimbursement. Hospitals that discontinue inpatient care to
 78 become rural health care clinics or primary care programs shall
 79 deactivate all licensed general hospital beds. All hospitals,
 80 clinics, and programs with inactive beds shall provide 24-hour
 81 emergency medical care by staffing an emergency room. Providers
 82 with inactive beds shall be subject to the criteria in s.
 83 395.1041. ~~The agency shall specify in rule requirements for~~
 84 ~~making 24-hour emergency care available.~~ Inactive general
 85 hospital beds shall be included in the acute care bed inventory,
 86 maintained by the agency for certificate-of-need purposes, for
 87 10 years from the date of deactivation of the beds. After 10
 88 years have elapsed, inactive beds shall be excluded from the
 89 inventory. The agency shall, at the request of the licensee,
 90 reactivate the inactive general beds upon a showing by the
 91 licensee that licensure requirements for the inactive general
 92 beds are met.

93 Section 8. Subsection (3) of section 395.604, Florida
 94 Statutes, is amended to read:

95 395.604 Other rural hospital programs.—

96 ~~(3) The agency may adopt licensure rules for rural primary~~
 97 ~~care hospitals and essential access community hospitals. Such~~
 98 ~~rules must conform to s. 395.1055.~~

99 Section 9. Paragraph (b) of subsection (3) of section
 100 101.6952, Florida Statutes, is amended to read:

101 101.6952 Vote-by-mail ballots for absent uniformed
 102 services and overseas voters.—
 103 (3)
 104 (b) A federal write-in absentee ballot may not be
 105 canvassed until 7 p.m. on the day of the election. A federal
 106 write-in absentee ballot from an overseas voter in a
 107 presidential preference primary or general election may not be
 108 canvassed until the conclusion of the 10-day period specified in
 109 subsection (5). Each federal write-in absentee ballot received
 110 by 7 p.m. on the day of the election shall be canvassed pursuant
 111 to ss. 101.5614(4) ~~101.5614(5)~~ and 101.68, unless the elector's
 112 official vote-by-mail ballot is received by 7 p.m. on election
 113 day. Each federal write-in absentee ballot from an overseas
 114 voter in a presidential preference primary or general election
 115 received by 10 days after the date of the election shall be
 116 canvassed pursuant to ss. 101.5614(4) ~~101.5614(5)~~ and 101.68,
 117 unless the overseas voter's official vote-by-mail ballot is
 118 received by 10 days after the date of the election. If the
 119 elector's official vote-by-mail ballot is received by 7 p.m. on
 120 election day, or, for an overseas voter in a presidential
 121 preference primary or general election, no later than 10 days
 122 after the date of the election, the federal write-in absentee
 123 ballot is invalid and the official vote-by-mail ballot shall be
 124 canvassed. The time shall be regulated by the customary time in
 125 standard use in the county seat of the locality.

126 Section 10. Paragraph (a) of subsection (4) and paragraph
 127 (a) of subsection (7) of section 102.141, Florida Statutes, are
 128 amended to read:

129 102.141 County canvassing board; duties.—

130 (4)(a) The supervisor of elections shall upload into the
 131 county's election management system by 7 p.m. on the day before
 132 the election the results of all early voting and vote-by-mail
 133 ballots that have been canvassed and tabulated by the end of the
 134 early voting period. Pursuant to ss. 101.5614(8) ~~101.5614(9)~~,
 135 101.657, and 101.68(2), the tabulation of votes cast or the
 136 results of such uploads may not be made public before the close
 137 of the polls on election day.

138 (7) If the unofficial returns reflect that a candidate for
 139 any office was defeated or eliminated by one-half of a percent
 140 or less of the votes cast for such office, that a candidate for
 141 retention to a judicial office was retained or not retained by
 142 one-half of a percent or less of the votes cast on the question
 143 of retention, or that a measure appearing on the ballot was
 144 approved or rejected by one-half of a percent or less of the
 145 votes cast on such measure, a recount shall be ordered of the
 146 votes cast with respect to such office or measure. The Secretary
 147 of State is responsible for ordering recounts in federal, state,
 148 and multicounty races. The county canvassing board or the local
 149 board responsible for certifying the election is responsible for
 150 ordering recounts in all other races. A recount need not be

151 | ordered with respect to the returns for any office, however, if
 152 | the candidate or candidates defeated or eliminated from
 153 | contention for such office by one-half of a percent or less of
 154 | the votes cast for such office request in writing that a recount
 155 | not be made.

156 | (a) Each canvassing board responsible for conducting a
 157 | recount shall put each marksense ballot through automatic
 158 | tabulating equipment and determine whether the returns correctly
 159 | reflect the votes cast. If any marksense ballot is physically
 160 | damaged so that it cannot be properly counted by the automatic
 161 | tabulating equipment during the recount, a true duplicate shall
 162 | be made of the damaged ballot pursuant to the procedures in s.
 163 | 101.5614(4) ~~101.5614(5)~~. Immediately before the start of the
 164 | recount, a test of the tabulating equipment shall be conducted
 165 | as provided in s. 101.5612. If the test indicates no error, the
 166 | recount tabulation of the ballots cast shall be presumed correct
 167 | and such votes shall be canvassed accordingly. If an error is
 168 | detected, the cause therefor shall be ascertained and corrected
 169 | and the recount repeated, as necessary. The canvassing board
 170 | shall immediately report the error, along with the cause of the
 171 | error and the corrective measures being taken, to the Department
 172 | of State. No later than 11 days after the election, the
 173 | canvassing board shall file a separate incident report with the
 174 | Department of State, detailing the resolution of the matter and
 175 | identifying any measures that will avoid a future recurrence of

176 the error.

177 Section 11. Paragraph (b) of subsection (5) of section
 178 102.166, Florida Statutes, is amended to read:

179 102.166 Manual recounts of overvotes and undervotes.—

180 (5) Procedures for a manual recount are as follows:

181 (b) Each duplicate ballot prepared pursuant to s.
 182 101.5614(4) ~~101.5614(5)~~ or s. 102.141(7) shall be compared with
 183 the original ballot to ensure the correctness of the duplicate.

184 Reviser's note.—Amends or repeals provisions of
 185 the Florida Statutes pursuant to the directive of the
 186 Legislature in s. 9, ch. 2012-116, Laws of Florida,
 187 codified as s. 11.242(5)(j), Florida Statutes, to prepare a
 188 reviser's bill to omit all statutes and laws, or parts
 189 thereof, which grant duplicative, redundant, or unused
 190 rulemaking authority.

191 Section 12. This act shall take effect on the 60th day
 192 after adjournment sine die of the session of the Legislature in
 193 which enacted.