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# **Rules, Calendar & Ethics Committee**

**December 3, 2015**

**3:30 PM**

**404 HOB**

**REVISED  
Meeting Packet**

**Steve Crisafulli  
Speaker**

**Ritch Workman  
Chair**

# Committee Meeting Notice

## HOUSE OF REPRESENTATIVES

### Rules, Calendar & Ethics Committee

**Start Date and Time:** Thursday, December 03, 2015 03:30 pm  
**End Date and Time:** Thursday, December 03, 2015 04:30 pm  
**Location:** Sumner Hall (404 HOB)  
**Duration:** 1.00 hrs

**Consideration of the following proposed committee bill(s):**

PCB RCEC 16-01 -- Adoption Act  
PCB RCEC 16-02 -- Non-current Repeals  
PCB RCEC 16-03 -- General Reviser's Bill  
PCB RCEC 16-04 -- Rulemaking Repeals

**NOTICE FINALIZED on 11/25/2015 8:53AM by Jones.Missy**



## HOUSE OF REPRESENTATIVES STAFF ANALYSIS

**BILL #:** PCB RCEC 16-01 Adoption Act  
**SPONSOR(S):** Rules, Calendar & Ethics Committee  
**TIED BILLS:**           **IDEN./SIM. BILLS:**

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
Orig. Comm.: Rules, Calendar & Ethics Committee		Champ	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 2016 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 October 19-November 6, 2015 Special Session together with corrections, changes, and amendments to and repeals of the provisions of the 2015 Florida Statutes enacted in additional Reviser's bill(s) by the 2016 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 2015, which thus serve as the best evidence of the law.

Legislation passed in the 2016 Regular Session, which will have occurred since the publication of the 2015 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 2017.

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 2016 adoption act is drafted by the Division of Law Revision and Information of the Office of Legislative Services to prospectively adopt the Florida Statutes 2015 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.<sup>1</sup> 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 2016 adoption act prospectively adopts all statutes of a general and permanent nature passed through the October 19-November 6, 2015 Special Session together with corrections, changes, and amendments to and repeals of provisions of 2015 Florida Statutes enacted in additional Reviser's bill(s) by the 2016 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 2015, 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.<sup>2</sup>

The adopted statutes that have been enacted, amended, or repealed in a session occurring subsequent to publication of the 2015 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 2016 Regular Session, which will have occurred since the publication of the 2015 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 2015 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 2016 Florida Statutes, which include the 2015 Florida Statutes and Reviser's Bill(s) enacted during the 2016 Legislative Session.

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<sup>1</sup> 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).

<sup>2</sup> 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 October 19-November 6, 2015, special legislative session that are not included in the 2016 Florida Statutes. This does not include any laws adopted during the 2016 regular legislative session.

**Section 3** amends s. 11.2424, F.S., to detail that the laws adopted during the 2016 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 2016 Florida Statutes shall not affect any right that accrued under a statute before it was repealed by the 2016 Florida Statutes, nor will it affect any civil remedy where a suit is pending.

**Section 5** provides for an effective date on the 60th day after adjournment sine die of the session of the Legislature in which enacted.

## II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

### A. FISCAL IMPACT ON STATE GOVERNMENT:

#### 1. Revenues:

Please see FISCAL COMMENTS in Part II, Section D.

#### 2. Expenditures:

Please see FISCAL COMMENTS in Part II, Section D.

### B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

#### 1. Revenues:

Please see FISCAL COMMENTS in Part II, Section D.

#### 2. Expenditures:

Please see FISCAL COMMENTS in Part II, Section D.

### C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

Please see FISCAL COMMENTS in Part II, Section D.

### D. FISCAL COMMENTS:

The adoption act prospectively adopts the Florida Statutes 2015 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:

**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 2016 and designating the portions  
 5 thereof that are to constitute the official law of the  
 6 state; providing that the Florida Statutes 2016 shall  
 7 be effective immediately upon publication; providing  
 8 that general laws enacted during the October 19-  
 9 November 6, 2015, special session and prior thereto  
 10 and not included in the Florida Statutes 2016 are  
 11 repealed; providing that general laws enacted after  
 12 the October 19-November 6, 2015, special session are  
 13 not repealed by this adoption act; providing an  
 14 effective date.

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

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

20 11.2421 Florida Statutes 2016 ~~2015~~ adopted.—The  
 21 accompanying revision, consolidation, and compilation of the  
 22 public statutes of 2015 ~~2014~~ of a general and permanent nature,  
 23 excepting tables, rules, indexes, and other related matter  
 24 contained therein, prepared by the Office of Legislative  
 25 Services under the provisions of s. 11.242, together with  
 26 corrections, changes, and amendments to and repeals of



27 provisions of Florida Statutes 2015 ~~2014~~ enacted in additional  
 28 reviser's bill or bills by the 2016 ~~2015~~ Legislature, is adopted  
 29 and enacted as the official statute law of the state under the  
 30 title of "Florida Statutes 2016 ~~2015~~" and shall take effect  
 31 immediately upon publication. Said statutes may be cited as  
 32 "Florida Statutes 2016 ~~2015~~," "Florida Statutes," or "F.S. 2016  
 33 ~~2015~~."

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

36 11.2422 Statutes repealed.—Every statute of a general and  
 37 permanent nature enacted by the State or by the Territory of  
 38 Florida at or prior to the October 19-November 6, 2015 ~~August 7-~~  
 39 ~~11, 2014~~, special legislative session, and every part of such  
 40 statute, not included in Florida Statutes 2016 ~~2015~~, as adopted  
 41 by s. 11.2421, as amended, or recognized and continued in force  
 42 by reference therein or in ss. 11.2423 and 11.2424, as amended,  
 43 is repealed.

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

46 11.2424 Laws not repealed.—Laws enacted after ~~at~~ the  
 47 October 19-November 6, 2015, special ~~regular~~ session are not  
 48 repealed by the adoption and enactment of the Florida Statutes  
 49 2016 ~~2015~~ by s. 11.2421, as amended, but shall have full effect  
 50 as if enacted after its said adoption and enactment.

51 Section 4. Section 11.2425, Florida Statutes, is amended  
 52 to read:

53           11.2425 Rights reserved under repealed statutes.—The  
 54 repeal of any statute by the adoption and enactment of Florida  
 55 Statutes 2016 ~~2015~~, by s. 11.2421, as amended, shall not affect  
 56 any right accrued before such repeal or any civil remedy where a  
 57 suit is pending.

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

**PCB RCEC 16-02**  
**Non-current Repeats**

## HOUSE OF REPRESENTATIVES STAFF ANALYSIS

**BILL #:** PCB RCEC 16-02 Non-current Repeals

**SPONSOR(S):** Rules, Calendar & Ethics Committee

**TIED BILLS:**           **IDEN./SIM. BILLS:**

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
Orig. Comm.: Rules, Calendar & Ethics Committee		Champ	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 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 2016 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 60<sup>th</sup> 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 2016 Florida Statutes only through a reviser's bill duly enacted by the Legislature.

#### B. SECTION DIRECTORY:

**Sections 1-7 and 9-15** delete provisions that have expired, have become obsolete, have had their effect, have served their purpose, or have been impliedly repealed or superseded.

**Sections 8, 16, 17, and 18** amend statutes to conform to the repeals of subunits pursuant to their own terms.

**Section 19** amends statute to conform to the repeal of ss. 627.648, 627.6482, 627.6484, 627.6486, 627.6488, 627.6489, 627.649, 627.6492, 627.6494, 627.6496, 627.6498, and 627.6499, F.S., by s. 20, ch. 2013-101, Laws of Florida.

**Sections 20 and 21** amend statutes to conform to the repeal of ss. 627.6494 and 627.6482, F.S., by s. 20, ch. 2013-101, Laws of Florida.

**Section 22** amends statute to conform to the repeal of s. 1003.438, F.S., by s. 19, ch. 2014-184, Laws of Florida.

**Section 23** provides an effective date.

### II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

#### A. FISCAL IMPACT ON STATE GOVERNMENT:

##### 1. Revenues:

Please see FISCAL COMMENTS in Part II, Section D.

##### 2. Expenditures:

Please see FISCAL COMMENTS in Part II, Section D.

#### B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

##### 1. Revenues:

Please see FISCAL COMMENTS in Part II, Section D.

##### 2. Expenditures:

Please see FISCAL COMMENTS in Part II, Section D.

#### C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

Please see FISCAL COMMENTS in Part II, Section D.

#### 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           15.0525, 29.008(4)(c), 255.25001(3), 339.135(4)(j) and  
 4           (5)(c), 373.4137(3)(f), 379.204(3), 403.7095(5),  
 5           409.997(2), 527.06(3)(b) as created by section 1 of  
 6           chapter 2011-106, Laws of Florida, 553.844(4),  
 7           627.410(9), 627.411(4), 627.648, 627.6482, 627.6484,  
 8           627.6486, 627.6488, 627.6489, 627.649, 627.6492,  
 9           627.6494, 627.6496, 627.6498, 627.6499, 641.31(3)(f),  
 10          and 1003.438, F.S., and amending ss. 409.997, 1011.62  
 11          as amended by section 9 of chapter 2015-222, Laws of  
 12          Florida, and 1013.64, F.S., to delete provisions which  
 13          have become inoperative by noncurrent repeal or  
 14          expiration and, pursuant to s. 11.242(5)(b) and (i),  
 15          F.S., may be omitted from the 2016 Florida Statutes  
 16          only through a reviser's bill duly enacted by the  
 17          Legislature; amending ss. 465.1862, 627.601, 627.6699,  
 18          627.66997, and 1002.20, F.S., to conform cross-  
 19          references; providing effective dates.

20  
 21   Be It Enacted by the Legislature of the State of Florida:

22  
 23           Section 1. Section 15.0525, Florida Statutes, is repealed.  
 24   Reviser's note.—The cited section, which relates to the Admiral  
 25           John H. Fetterman State of Florida Maritime Museum and  
 26           Research Center, expired pursuant to its own terms,

27 effective July 1, 2015.

28 Section 2. Paragraph (c) of subsection (4) of section  
 29 29.008, Florida Statutes, is repealed.

30 Reviser's note.—The cited paragraph, which exempts counties from  
 31 the requirements and provisions of s. 29.008(4)(a) for the  
 32 2014-2015 fiscal year, expired pursuant to its own terms,  
 33 effective July 1, 2015.

34 Section 3. Subsection (3) of section 255.25001, Florida  
 35 Statutes, is repealed.

36 Reviser's note.—The cited subsection, which provides for deposit  
 37 of funds from the sale of property located in Sanford,  
 38 Florida, by the Department of Agriculture and Consumer  
 39 Services to the Market Improvements Working Capital Trust  
 40 Fund, expired pursuant to its own terms, effective July 1,  
 41 2015.

42 Section 4. Paragraph (j) of subsection (4) and paragraph  
 43 (c) of subsection (5) of section 339.135, Florida Statutes, are  
 44 repealed.

45 Reviser's note.—The cited paragraphs, which relate to Department  
 46 of Transportation use, for the 2014-2015 fiscal year only,  
 47 of up to \$15 million of appropriated funds to pay the costs  
 48 of strategic and regionally significant transportation  
 49 projects, expired pursuant to their own terms, effective  
 50 July 1, 2015.

51 Section 5. Paragraph (f) of subsection (3) of section  
 52 373.4137, Florida Statutes, is repealed.



53 Reviser's note.—The cited paragraph requires funds identified in  
 54 the Department of Transportation's work program or  
 55 participating transportation authorities' escrow accounts  
 56 to correspond to a cost per acre of \$75,000 multiplied by  
 57 the projected acres of impact as identified in the  
 58 environmental impact inventory for purposes of preparing  
 59 and implementing the mitigation plans to be adopted by the  
 60 water management districts on or before March 1, 2014, for  
 61 impacts based on the July 1, 2013, environmental impact  
 62 inventory, and for adjustment to a specified percentage  
 63 change in the average of the Consumer Price Index. Payment  
 64 under this paragraph is limited to mitigation activities  
 65 that are identified in the first year of the 2013  
 66 mitigation plan and for which the transportation project is  
 67 permitted and are in the department's adopted work program,  
 68 or equivalent for a transportation authority. When  
 69 implementing the mitigation activities necessary to offset  
 70 the permitted impacts as provided in the approved  
 71 mitigation plan, the water management district shall  
 72 maintain specified records of the costs incurred in  
 73 implementing the mitigation. To the extent moneys paid to a  
 74 water management district by the department or a  
 75 participating transportation authority are greater than the  
 76 amount spent by the water management districts in  
 77 implementing the mitigation to offset the permitted  
 78 impacts, these funds must be refunded to the department or

79 participating transportation authority. This paragraph  
 80 expired pursuant to its own terms, effective June 30, 2015.

81 Section 6. Subsection (3) of section 379.204, Florida  
 82 Statutes, is repealed.

83 Reviser's note.—The cited subsection, which authorizes transfer  
 84 of the cash balance originating from hunting and fishing  
 85 license fees from other trust funds into the Federal Grants  
 86 Trust Fund for the purpose of supporting cash flow needs,  
 87 expired pursuant to its own terms, effective July 1, 2012.

88 Section 7. Subsection (5) of section 403.7095, Florida  
 89 Statutes, is repealed.

90 Reviser's note.—The cited subsection, which requires the  
 91 Department of Environmental Protection, for the 2014-2015  
 92 fiscal year only, to award the sum of \$3 million in grants  
 93 equally to counties having populations of fewer than  
 94 100,000 for waste tire and litter prevention, recycling  
 95 education, and general solid waste programs, expired  
 96 pursuant to its own terms, effective July 1, 2015.

97 Section 8. Subsection (2) of section 409.997, Florida  
 98 Statutes, is repealed, and subsection (4) of that section is  
 99 amended to read:

100 409.997 Child welfare results-oriented accountability  
 101 program.—

102 ~~(3)(4) Subject to a specific appropriation to implement~~  
 103 ~~the accountability program developed under subsection (2),~~ The  
 104 department shall establish a technical advisory panel consisting

105 of representatives from the Florida Institute for Child Welfare  
 106 established pursuant to s. 1004.615, lead agencies, community-  
 107 based care providers, other contract providers, community  
 108 alliances, and family representatives. The President of the  
 109 Senate and the Speaker of the House of Representatives shall  
 110 each appoint a member to serve as a legislative liaison to the  
 111 panel. The technical advisory panel shall advise the department  
 112 on the implementation of the results-oriented accountability  
 113 program.

114 Reviser's note.—Subsection (2), which relates to contracting for  
 115 and submittal of a plan for implementing the child welfare  
 116 results-oriented accountability program, expired pursuant  
 117 to its own terms, effective June 30, 2015. Subsection (4)  
 118 is amended to conform to the expiration of subsection (2).  
 119 Section 9. Paragraph (b) of subsection (3) of section  
 120 527.06, Florida Statutes, as created by section 1 of chapter  
 121 2011-106, Laws of Florida, is repealed.

122 Reviser's note.—The cited paragraph, which provides that the  
 123 department or other state agency may not require compliance  
 124 with the minimum separation distances of NFPA 58 for  
 125 separation between a liquefied petroleum gas tank and a  
 126 building, adjoining property line, other liquefied  
 127 petroleum gas tank, or any source of ignition, except in  
 128 compliance with the minimum separation distances of the  
 129 2011 edition of NFPA 58, expired pursuant to its own terms  
 130 "upon the last effective date of rules adopted, directly or

131 incorporated by reference, by the department, the Florida  
 132 Building Commission as part of the Florida Building Code,  
 133 and the Office of State Fire Marshal as part of the Florida  
 134 Fire Prevention Code of these minimum separation distances  
 135 contained in the 2011 edition of NFPA 58, promulgated by  
 136 the National Fire Protection Association." Rules 5J-20.002  
 137 and 69A-3.012, Florida Administrative Code, incorporate  
 138 NFPA 58 (2011 edition) re storage and handling of liquefied  
 139 petroleum gas; s. 401.2 of the Florida Building Code also  
 140 incorporates the NFPA 58 standard. Two conflicting laws,  
 141 chapters 2011-106, Laws of Florida, and 2011-222, Laws of  
 142 Florida, amended s. 527.06 and included very similar  
 143 language; paragraph (3)(b) as created by s. 1, ch. 2011-  
 144 106, expired pursuant to adoption of the rules, and  
 145 subsection (3), as amended by s. 19, ch. 2011-222, was  
 146 repealed upon adoption of the rules.

147 Section 10. Subsection (4) of section 553.844, Florida  
 148 Statutes, is repealed.

149 Reviser's note.—The cited subsection, which provides that  
 150 exposed mechanical equipment or appliances fastened to a  
 151 roof or installed on the ground in compliance with the code  
 152 using rated stands, platforms, curbs, slabs, or other means  
 153 are deemed to comply with the wind resistance requirements  
 154 of the 2007 Florida Building Code, as amended, and further  
 155 support or enclosure of such mechanical equipment or  
 156 appliance is not required by a state or local official

157 | having authority to enforce the Florida Building Code,  
 158 | expired pursuant to its own terms, on the effective date of  
 159 | the 2013 Florida Building Code. The new edition of the code  
 160 | became effective June 30, 2015, but the Florida Building  
 161 | Commission elected to rename it as the 2014 Florida  
 162 | Building Code.

163 | Section 11. Subsection (9) of section 627.410, Florida  
 164 | Statutes, is repealed.

165 | Reviser's note.—The cited subsection, which provides that, for  
 166 | plan years 2014 and 2015, nongrandfathered health plans for  
 167 | the individual or small group market are not subject to  
 168 | rate review or approval by the Office of Insurance  
 169 | Regulation, was repealed pursuant to its own terms,  
 170 | effective March 1, 2015.

171 | Section 12. Subsection (4) of section 627.411, Florida  
 172 | Statutes, is repealed.

173 | Reviser's note.—The cited subsection, which provides that the  
 174 | provisions of s. 627.411 which apply to rates, rating  
 175 | practices, or the relationship of benefits to the premium  
 176 | charged do not apply to nongrandfathered health plans  
 177 | described in s. 627.410(9), was repealed pursuant to its  
 178 | own terms, effective March 1, 2015.

179 | Section 13. Sections 627.648, 627.6482, 627.6484,  
 180 | 627.6486, 627.6488, 627.6489, 627.649, 627.6492, 627.6494,  
 181 | 627.6496, 627.6498, and 627.6499, Florida Statutes, are  
 182 | repealed.

183 Reviser's note.—The cited sections, which relate to the Florida  
 184 Comprehensive Health Association, were repealed by s. 20,  
 185 ch. 2013-101, Laws of Florida, effective October 1, 2015.  
 186 Since the sections were not repealed by a "current session"  
 187 of the Legislature, they may be omitted from the 2016  
 188 Florida Statutes only through a reviser's bill duly enacted  
 189 by the Legislature. See s. 11.242(5)(b) and (i).

190 Section 14. Paragraph (f) of subsection (3) of section  
 191 641.31, Florida Statutes, is repealed.

192 Reviser's note.—The cited paragraph, which, for plan years 2014  
 193 and 2015, provides that nongrandfathered health plans for  
 194 the individual or small group market are not subject to  
 195 rate review or approval by the office, and that a health  
 196 maintenance organization that issues or renews a  
 197 nongrandfathered health plan is subject to s. 627.410(9),  
 198 expired pursuant to its own terms, effective March 1, 2015.

199 Section 15. Section 1003.438, Florida Statutes, is  
 200 repealed.

201 Reviser's note.—The cited section, which relates to special high  
 202 school graduation requirements for certain exceptional  
 203 students, was repealed by s. 19, ch. 2014-184, Laws of  
 204 Florida, effective July 1, 2015. Since the section was not  
 205 repealed by a "current session" of the Legislature, it may  
 206 be omitted from the 2016 Florida Statutes only through a  
 207 reviser's bill duly enacted by the Legislature. See s.  
 208 11.242(5)(b) and (i).

209 Section 16. Effective July 1, 2016, paragraph (e) of  
 210 subsection (4) of section 1011.62, Florida Statutes, as amended  
 211 by section 9 of chapter 2015-222, Laws of Florida, is amended to  
 212 read:

213 1011.62 Funds for operation of schools.—If the annual  
 214 allocation from the Florida Education Finance Program to each  
 215 district for operation of schools is not determined in the  
 216 annual appropriations act or the substantive bill implementing  
 217 the annual appropriations act, it shall be determined as  
 218 follows:

219 (4) COMPUTATION OF DISTRICT REQUIRED LOCAL EFFORT.—The  
 220 Legislature shall prescribe the aggregate required local effort  
 221 for all school districts collectively as an item in the General  
 222 Appropriations Act for each fiscal year. The amount that each  
 223 district shall provide annually toward the cost of the Florida  
 224 Education Finance Program for kindergarten through grade 12  
 225 programs shall be calculated as follows:

226 (e) Prior period funding adjustment millage.—

227 1. There shall be an additional millage to be known as the  
 228 Prior Period Funding Adjustment Millage levied by a school  
 229 district if the prior period unrealized required local effort  
 230 funds are greater than zero. The Commissioner of Education shall  
 231 calculate the amount of the prior period unrealized required  
 232 local effort funds as specified in subparagraph 2. and the  
 233 millage required to generate that amount as specified in this  
 234 subparagraph. The Prior Period Funding Adjustment Millage shall

235 be the quotient of the prior period unrealized required local  
 236 effort funds divided by the current year taxable value certified  
 237 to the Commissioner of Education pursuant to sub-subparagraph  
 238 (a)1.a. This levy shall be in addition to the required local  
 239 effort millage certified pursuant to this subsection. Such  
 240 millage shall not affect the calculation of the current year's  
 241 required local effort, and the funds generated by such levy  
 242 shall not be included in the district's Florida Education  
 243 Finance Program allocation for that fiscal year. For purposes of  
 244 the millage to be included on the Notice of Proposed Taxes, the  
 245 Commissioner of Education shall adjust the required local effort  
 246 millage computed pursuant to paragraph (a) as adjusted by  
 247 paragraph (b) for the current year for any district that levies  
 248 a Prior Period Funding Adjustment Millage to include all Prior  
 249 Period Funding Adjustment Millage. For the purpose of this  
 250 paragraph, there shall be a Prior Period Funding Adjustment  
 251 Millage levied for each year certified by the Department of  
 252 Revenue pursuant to sub-subparagraph (a)2.a. since the previous  
 253 year certification and for which the calculation in sub-  
 254 subparagraph 2.b. is greater than zero.

255 2.a. As used in this subparagraph, the term:

256 (I) "Prior year" means a year certified under sub-  
 257 subparagraph (a)2.a.

258 (II) "Preliminary taxable value" means:

259 (A) If the prior year is the 2009-2010 fiscal year or  
 260 later, the taxable value certified to the Commissioner of



261 Education pursuant to sub-subparagraph (a)1.a.

262 (B) If the prior year is the 2008-2009 fiscal year or  
 263 earlier, the taxable value certified pursuant to the final  
 264 calculation as specified in former paragraph (b) as that  
 265 paragraph existed in the prior year.

266 (III) "Final taxable value" means the district's taxable  
 267 value as certified by the property appraiser pursuant to s.  
 268 193.122(2) or (3), if applicable. This is the certification that  
 269 reflects all final administrative actions of the value  
 270 adjustment board.

271 b. For purposes of this subsection and with respect to  
 272 each year certified pursuant to sub-subparagraph (a)2.a., if the  
 273 district's prior year preliminary taxable value is greater than  
 274 the district's prior year final taxable value, the prior period  
 275 unrealized required local effort funds are the difference  
 276 between the district's prior year preliminary taxable value and  
 277 the district's prior year final taxable value, multiplied by the  
 278 prior year district required local effort millage. If the  
 279 district's prior year preliminary taxable value is less than the  
 280 district's prior year final taxable value, the prior period  
 281 unrealized required local effort funds are zero.

282 ~~e. For the 2014 2015 fiscal year only, if a district's~~  
 283 ~~prior period unrealized required local effort funds and prior~~  
 284 ~~period district required local effort millage cannot be~~  
 285 ~~determined because such district's final taxable value has not~~  
 286 ~~yet been certified pursuant to s. 193.122(2) or (3), for the~~

287 ~~2014 tax levy, the Prior Period Funding Adjustment Millage for~~  
 288 ~~such fiscal year shall be levied in 2014 in an amount equal to~~  
 289 ~~75 percent of such district's most recent unrealized required~~  
 290 ~~local effort for which a Prior Period Funding Adjustment Millage~~  
 291 ~~was determined as provided in this section. Upon certification~~  
 292 ~~of the final taxable value for the 2013 tax roll in accordance~~  
 293 ~~with s. 193.122(2) or (3), the Prior Period Funding Adjustment~~  
 294 ~~Millage levied in 2015 shall be adjusted to include any~~  
 295 ~~shortfall or surplus in the prior period unrealized required~~  
 296 ~~local effort funds that would have been levied in 2014, had the~~  
 297 ~~district's final taxable value been certified pursuant to s.~~  
 298 ~~193.122(2) or (3) for the 2014 tax levy. This provision shall be~~  
 299 ~~implemented by a district only if the millage calculated~~  
 300 ~~pursuant to this paragraph when added to the millage levied by~~  
 301 ~~the district for all purposes for the 2014 2015 fiscal year is~~  
 302 ~~less than or equal to the total millage levied for the 2013 2014~~  
 303 ~~fiscal year. This sub-subparagraph expires July 1, 2015.~~

304 Reviser's note.—Amended, as amended by s. 9, ch. 2015-222, Laws  
 305 of Florida, effective July 1, 2016, to delete sub-  
 306 subparagraph (4)(e)2.c., to conform to the expiration of  
 307 that sub-subparagraph pursuant to its own terms, effective  
 308 July 1, 2015.

309 Section 17. Paragraph (a) of subsection (1) of section  
 310 1013.64, Florida Statutes, is amended to read:

311 1013.64 Funds for comprehensive educational plant needs;  
 312 construction cost maximums for school district capital

313 projects.—Allocations from the Public Education Capital Outlay  
 314 and Debt Service Trust Fund to the various boards for capital  
 315 outlay projects shall be determined as follows:

316 (1)(a) ~~1~~. Funds for remodeling, renovation, maintenance,  
 317 repairs, and site improvement for existing satisfactory  
 318 facilities shall be given priority consideration by the  
 319 Legislature for appropriations allocated to the boards from the  
 320 total amount of the Public Education Capital Outlay and Debt  
 321 Service Trust Fund appropriated. These funds shall be calculated  
 322 pursuant to the following basic formula: the building value  
 323 times the building age over the sum of the years' digits  
 324 assuming a 50-year building life. For modular noncombustible  
 325 facilities, a 35-year life shall be used, and for relocatable  
 326 facilities, a 20-year life shall be used. "Building value" is  
 327 calculated by multiplying each building's total assignable  
 328 square feet times the appropriate net-to-gross conversion rate  
 329 found in state board rules and that product times the current  
 330 average new construction cost. "Building age" is calculated by  
 331 multiplying the prior year's building age times 1 minus the  
 332 prior year's sum received from this subsection divided by the  
 333 prior year's building value. To the net result shall be added  
 334 the number 1. Each board shall receive the percentage generated  
 335 by the preceding formula of the total amount appropriated for  
 336 the purposes of this section.

337 ~~2. Notwithstanding subparagraph 1., and for the 2014-2015~~  
 338 ~~fiscal year only, funds appropriated for remodeling, renovation,~~

339 ~~maintenance, repairs, and site improvement for existing~~  
 340 ~~satisfactory facilities shall be allocated by prorating the~~  
 341 ~~total appropriation based on each school district's share of the~~  
 342 ~~2013-2014 reported fixed capital outlay full-time equivalent~~  
 343 ~~student. This subparagraph expires July 1, 2015.~~

344 Reviser's note.—Amended to delete subparagraph 2., which expired  
 345 pursuant to its own terms, effective July 1, 2015.

346 Section 18. Paragraph (b) of subsection (1) of section  
 347 465.1862, Florida Statutes, is amended to read:

348 465.1862 Pharmacy benefits manager contracts.—

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

350 (b) "Pharmacy benefits manager" means a person or entity  
 351 doing business in this state which contracts to administer or  
 352 manage prescription drug benefits on behalf of a health  
 353 insurance plan, as defined in former s. 627.6482, to residents  
 354 of this state.

355 Reviser's note.—Amended to conform to the repeal of s. 627.6482  
 356 by s. 20, ch. 2013-101, Laws of Florida, effective October  
 357 1, 2015, and confirmed in this act.

358 Section 19. Subsection (2) of section 627.601, Florida  
 359 Statutes, is amended to read:

360 627.601 Scope of this part.—Nothing in this part applies  
 361 to or affects:

362 (2) Any group or blanket policy, ~~except as provided in ss.~~  
 363 ~~627.648-627.6499.~~

364 Reviser's note.—Amended to conform to the repeal of ss. 627.648,

365 627.6482, 627.6484, 627.6486, 627.6488, 627.6489, 627.649,  
 366 627.6492, 627.6494, 627.6496, 627.6498, and 627.6499, which  
 367 relate to the Florida Comprehensive Health Association, by  
 368 s. 20, ch. 2013-101, Laws of Florida, effective October 1,  
 369 2015, and confirmed in this act. Sections 627.6487 and  
 370 627.64871 were created by ch. 97-179, Laws of Florida. The  
 371 most recent amendment to s. 627.601 was by s. 53, ch. 92-  
 372 318, Laws of Florida.

373 Section 20, Paragraph (b) of subsection (15) of section  
 374 627.6699, Florida Statutes, is amended to read:

375 627.6699 Employee Health Care Access Act.—

376 (15) APPLICABILITY OF OTHER STATE LAWS.—

377 ~~(b) Any second tier assessment paid by a carrier pursuant~~  
 378 ~~to paragraph (11)(j) may be credited against assessments levied~~  
 379 ~~against the carrier pursuant to s. 627.6494.~~

380 Reviser's note.—Amended to conform to the repeal of s. 627.6494  
 381 by s. 20, ch. 2013-101, Laws of Florida, effective October  
 382 1, 2015, and confirmed by this act.

383 Section 21. Subsection (2) of section 627.66997, Florida  
 384 Statutes, is amended to read:

385 627.66997 Stop-loss insurance.—

386 (2) A self-insured health benefit plan established or  
 387 maintained by an employer with 51 or more covered employees is  
 388 considered health insurance if the plan's stop-loss coverage, as  
 389 defined in former s. 627.6482(14), has an aggregate attachment  
 390 point that is lower than the greater of:

391 (a) One hundred ten percent of expected claims, as  
392 determined by the stop-loss insurer in accordance with actuarial  
393 standards of practice; or

394 (b) Twenty thousand dollars.

395 Reviser's note.—Amended to conform to the repeal of s. 627.6482  
396 by s. 20, ch. 2013-101, Laws of Florida, effective October  
397 1, 2015, and confirmed by this act.

398 Section 22. Subsection (8) of section 1002.20, Florida  
399 Statutes, is amended to read:

400 1002.20 K-12 student and parent rights.—Parents of public  
401 school students must receive accurate and timely information  
402 regarding their child's academic progress and must be informed  
403 of ways they can help their child to succeed in school. K-12  
404 students and their parents are afforded numerous statutory  
405 rights including, but not limited to, the following:

406 (8) STUDENTS WITH DISABILITIES.—Parents of public school  
407 students with disabilities and parents of public school students  
408 in residential care facilities are entitled to notice and due  
409 process in accordance with the provisions of ss. 1003.57 and  
410 1003.58. Public school students with disabilities must be  
411 provided the opportunity to meet the graduation requirements for  
412 a standard high school diploma as set forth in s. 1003.4282 in  
413 accordance with the provisions of ss. 1003.57 and 1008.22.

414 ~~Pursuant to s. 1003.438, certain public school students with~~  
415 ~~disabilities may be awarded a special diploma upon high school~~  
416 ~~graduation.~~

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417 Reviser's note.—Amended to conform to the repeal of s. 1003.438  
418 by s. 19, ch. 2014-184, Laws of Florida, effective July 1,  
419 2015, and confirmed by this act.  
420 Section 23. Except as otherwise expressly provided in this  
421 act, this act shall take effect on the 60th day after  
422 adjournment sine die of the session of the Legislature in which  
423 enacted.





## HOUSE OF REPRESENTATIVES STAFF ANALYSIS

**BILL #:** PCB RCEC 16-03 General Reviser's Bill  
**SPONSOR(S):** Rules, Calendar & Ethics Committee  
**TIED BILLS:**           **IDEN./SIM. BILLS:**

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
Orig. Comm.: Rules, Calendar & Ethics Committee		Champ	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 60<sup>th</sup> 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 1, 3, 8, 12, 15, 19, 21-23, 26, 28, 29, 31, 32, 34-49, 51, 55-62, 65- 68, 71- 73, 76, 78, 80, 81, 83, 86-91, and 94** 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 2, 9, 10, 11, 17, 18, 30, 50, 52-54, 63, 64, 74, 75, 79, 82, 84, 85, 93, 95, and 97** correct cross references and when necessary conform to context or redesignated, amended, repealed, or added subsections and subunits.

**Sections 4-7, 13, 14, 20, 25, 27, 33, 69, 70, 77, and 98** delete obsolete or expired provisions.

**Sections 16, 24, and 92** delete obsolete or expired provisions AND correct cross references and conform to redesignated, amended, repealed, or added subsections and subunits.

**Section 96** reenacts a provision omitted from republication in the Legislature's acts during the amendatory process. Absent affirmative evidence of legislative intent to repeal this section, it is reenacted here to confirm the omission was not intended. Further, this section also makes editorial and grammatical changes to correct errors, improve clarity, facilitate correct understanding or interpretation, conform to context, or conform to Florida statute style.

**Section 99** provides for an effective date.

### II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

#### A. FISCAL IMPACT ON STATE GOVERNMENT:

##### 1. Revenues:

Please see FISCAL COMMENTS in Part II, Section D.

##### 2. Expenditures:

Please see FISCAL COMMENTS in Part II, Section D.

#### B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

##### 1. Revenues:

Please see FISCAL COMMENTS in Part II, Section D.

##### 2. Expenditures:

Please see FISCAL COMMENTS in Part II, Section D.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

Please see FISCAL COMMENTS in Part II, Section D.

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           27.7045, 39.0134, 39.701, 55.203, 101.56065,  
4           110.12302, 112.0455, 112.362, 119.0712, 153.74,  
5           159.02, 161.091, 163.3177, 166.271, 189.031, 200.001,  
6           200.065, 200.068, 200.141, 212.08, 213.0532, 218.39,  
7           220.63, 238.05, 255.041, 255.254, 259.032, 272.135,  
8           288.012, 311.12, 316.3025, 333.07, 336.71, 343.1003,  
9           366.95, 373.236, 373.4149, 373.41492, 379.3751,  
10          380.510, 383.402, 395.1012, 400.0065, 400.0070,  
11          400.0081, 400.0087, 400.022, 400.141, 403.5363,  
12          408.301, 409.978, 415.113, 456.074, 458.3265,  
13          459.0137, 468.503, 468.509, 468.513, 468.514, 468.515,  
14          468.518, 480.041, 480.043, 497.159, 546.10, 553.74,  
15          559.55, 559.555, 560.141, 561.42, 561.57, 605.0410,  
16          610.1201, 617.01301, 618.221, 624.5105, 625.012,  
17          631.152, 631.737, 641.225, 719.108, 742.14, 752.001,  
18          765.105, 765.2038, 787.29, 893.138, 944.4731, 945.215,  
19          1001.65, 1002.3105, 1003.21, 1003.5716, 1012.22, and  
20          1012.341, F.S.; reenacting and amending s. 1008.22,  
21          F.S; and repealing ss. 200.185 and 624.35, F.S.;  
22          deleting provisions that have expired, have become  
23          obsolete, have had their effect, have served their  
24          purpose, or have been impliedly repealed or  
25          superseded; replacing incorrect cross-references and  
26          citations; correcting grammatical, typographical, and

27 |       like errors; removing inconsistencies, redundancies,  
 28 |       and unnecessary repetition in the statutes; improving  
 29 |       the clarity of the statutes and facilitating their  
 30 |       correct interpretation; and confirming the restoration  
 31 |       of provisions unintentionally omitted from  
 32 |       republication in the acts of the Legislature during  
 33 |       the amendatory process; providing an effective date.

34 |

35 | Be It Enacted by the Legislature of the State of Florida:

36 |

37 |       Section 1. Section 27.7045, Florida Statutes, is amended  
 38 | to read:

39 |       27.7045 Capital case proceedings; constitutionally  
 40 | deficient representation.—Notwithstanding any other ~~another~~  
 41 | provision of law, an attorney employed by the state or appointed  
 42 | pursuant to s. 27.711 may not represent a person charged with a  
 43 | capital offense at trial or on direct appeal or a person  
 44 | sentenced to death in a postconviction proceeding if, in two  
 45 | separate instances, a court, in a capital postconviction  
 46 | proceeding, determined that such attorney provided  
 47 | constitutionally deficient representation and relief was granted  
 48 | as a result. This prohibition on representation shall be for a  
 49 | period of 5 years, which commences at the time relief is granted  
 50 | after the highest court having jurisdiction to review the  
 51 | deficient representation determination has issued its final  
 52 | order affirming the second such determination.

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

54 Section 2. Paragraph (c) of subsection (2) of section  
55 39.0134, Florida Statutes, is amended to read:

56 39.0134 Appointed counsel; compensation.—

57 (2)

58 (c) The clerk of the court shall transfer monthly all  
59 attorney's fees and costs collected under this subsection to the  
60 Department of Revenue for deposit into the Indigent Civil  
61 Defense Trust Fund, to be used as appropriated by the  
62 Legislature and consistent with s. 27.5111 ~~27.511~~.

63 Reviser's note.—Amended to conform to the fact that the Indigent  
64 Civil Defense Trust Fund is created in s. 27.5111; the  
65 trust fund is not referenced in s. 27.511.

66 Section 3. Paragraph (b) of subsection (3) of section  
67 39.701, Florida Statutes, is amended to read:

68 39.701 Judicial review.—

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

70 (b) At the first judicial review hearing held subsequent  
71 to the child's 17th birthday, the department shall provide the  
72 court with an updated case plan that includes specific  
73 information related to the independent living skills that the  
74 child has acquired since the child's 13th birthday, or since the  
75 date the child came into foster care, whichever came later.

76 1. For any child who ~~that~~ may meet the requirements for  
77 appointment of a guardian pursuant to chapter 744, or a guardian  
78 advocate pursuant to s. 393.12, the updated case plan must be

79 developed in a face-to-face conference with the child, if  
80 appropriate; the child's attorney; any court-appointed guardian  
81 ad litem; the temporary custodian of the child; and the parent,  
82 if the parent's rights have not been terminated.

83 2. At the judicial review hearing, if the court determines  
84 pursuant to chapter 744 that there is a good faith basis to  
85 believe that the child qualifies for appointment of a guardian  
86 advocate, limited guardian, or plenary guardian for the child  
87 and that no less restrictive decisionmaking assistance will meet  
88 the child's needs:

89 a. The department shall complete a multidisciplinary  
90 report which must include, but is not limited to, a psychosocial  
91 evaluation and educational report if such a report has not been  
92 completed within the previous 2 years.

93 b. The department shall identify one or more individuals  
94 who are willing to serve as the guardian advocate pursuant to s.  
95 393.12 or as the plenary or limited guardian pursuant to chapter  
96 744. Any other interested parties or participants may make  
97 efforts to identify such a guardian advocate, limited guardian,  
98 or plenary guardian. The child's biological or adoptive family  
99 members, including the child's parents if the parents' rights  
100 have not been terminated, may not be considered for service as  
101 the plenary or limited guardian unless the court enters a  
102 written order finding that such an appointment is in the child's  
103 best interests.

104 c. Proceedings may be initiated within 180 days after the

105 child's 17th birthday for the appointment of a guardian  
 106 advocate, plenary guardian, or limited guardian for the child in  
 107 a separate proceeding in the court division with jurisdiction  
 108 over guardianship matters and pursuant to chapter 744. The  
 109 Legislature encourages the use of pro bono representation to  
 110 initiate proceedings under this section.

111 3. In the event another interested party or participant  
 112 initiates proceedings for the appointment of a guardian  
 113 advocate, plenary guardian, or limited guardian for the child,  
 114 the department shall provide all necessary documentation and  
 115 information to the petitioner to complete a petition under s.  
 116 393.12 or chapter 744 within 45 days after the first judicial  
 117 review hearing after the child's 17th birthday.

118 4. Any proceedings seeking appointment of a guardian  
 119 advocate or a determination of incapacity and the appointment of  
 120 a guardian must be conducted in a separate proceeding in the  
 121 court division with jurisdiction over guardianship matters and  
 122 pursuant to chapter 744.

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

125 Section 4. Paragraph (h) of subsection (1) of section  
 126 55.203, Florida Statutes, is repealed.

127 Reviser's note.—The referenced paragraph is repealed to delete a  
 128 provision that has served its purpose. The paragraph  
 129 requires an original judgment lien certificate for a lien  
 130 acquired by delivery of a writ of execution to a sheriff



131 prior to October 1, 2001, to include an affidavit by the  
 132 judgment creditor attesting that the person or entity  
 133 possesses any documentary evidence of the date of delivery  
 134 of the writ, and a statement of that date or a  
 135 certification by the sheriff of the date as provided in s.  
 136 30.17(4). Section 30.17 was repealed by s. 5, ch. 2005-2,  
 137 Laws of Florida.

138 Section 5. Paragraph (a) of subsection (2) of section  
 139 101.56065, Florida Statutes, is amended to read:

140 101.56065 Voting system defects; disclosure;  
 141 investigations; penalties.—

142 (2) (a) ~~No later than December 31, 2013, and, thereafter,~~  
 143 On January 1 of every odd-numbered year, each vendor shall file  
 144 a written disclosure with the department identifying any known  
 145 defect in the voting system or the fact that there is no known  
 146 defect, the effect of any defect on the operation and use of the  
 147 approved voting system, and any known corrective measures to  
 148 cure a defect, including, but not limited to, advisories and  
 149 bulletins issued to system users.

150 Reviser's note.—Amended to delete language that has served its  
 151 purpose.

152 Section 6. Section 110.12302, Florida Statutes, is amended  
 153 to read:

154 110.12302 Costing options for plan designs required for  
 155 contract solicitation; best value recommendations.—For the state  
 156 group insurance program, the Department of Management Services

157 shall require costing options for both fully insured and self-  
 158 insured plan designs, or some combination thereof, as part of  
 159 the department's solicitation for health maintenance  
 160 organization contracts. ~~Prior to contracting, the department~~  
 161 ~~shall recommend to the Legislature, no later than February 1,~~  
 162 ~~2011, the best value to the State group insurance program~~  
 163 ~~relating to health maintenance organizations.~~

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

165 Section 7. Paragraph (e) of subsection (10) of section  
 166 112.0455, Florida Statutes, is amended to read:

167 112.0455 Drug-Free Workplace Act.—

168 (10) EMPLOYER PROTECTION.—

169 (e) Nothing in this section shall be construed to operate  
 170 retroactively, ~~and nothing in this section shall abrogate the~~  
 171 ~~right of an employer under state law to conduct drug tests prior~~  
 172 ~~to January 1, 1990. A drug test conducted by an employer prior~~  
 173 ~~to January 1, 1990, is not subject to this section.~~

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

175 Section 8. Subsection (3) of section 112.362, Florida  
 176 Statutes, is amended to read:

177 112.362 Recomputation of retirement benefits.—

178 (3) A member of any state-supported retirement system who  
 179 has already retired under a retirement plan or system which does  
 180 not require its members to participate in social security  
 181 pursuant to a modification of the federal-state social security  
 182 agreement as authorized by the provisions of chapter 650, who is

183 over 65 years of age, and who has not less than 10 years of  
 184 creditable service, or the surviving spouse or beneficiary of  
 185 said member who, if living, would be over 65 years of age, upon  
 186 application to the administrator, may have his or her present  
 187 monthly retirement benefits recomputed and receive a monthly  
 188 retirement allowance equal to \$10 multiplied by the total number  
 189 of years of creditable service. Effective July 1, 1978, this  
 190 minimum monthly benefit shall be equal to \$10.50 multiplied by  
 191 the total number of years of creditable service, and thereafter  
 192 said minimum monthly benefit shall be recomputed as provided in  
 193 paragraph (5) (a). This adjustment shall be made in accordance  
 194 with subsection (2). No retirement benefits shall be reduced  
 195 under this computation. Retirees receiving additional benefits  
 196 under the provisions of this subsection shall also receive the  
 197 cost-of-living adjustments provided by the appropriate state-  
 198 supported retirement system for the fiscal year beginning July  
 199 1, 1977, and for each fiscal year thereafter. The minimum  
 200 monthly benefit provided by this subsection ~~paragraph~~ shall not  
 201 apply to any member or the beneficiary of any member who retires  
 202 after June 30, 1978.

203 Reviser's note.—Amended to conform to context and to the fact  
 204 that subsection (3) did not have paragraphs when it was  
 205 added by s. 1, ch. 78-364, Laws of Florida, nor does it  
 206 have paragraphs currently.

207 Section 9. Paragraph (c) of subsection (2) of section  
 208 119.0712, Florida Statutes, is amended to read:

209 119.0712 Executive branch agency-specific exemptions from  
 210 inspection or copying of public records.—

211 (2) DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES.—

212 (c) E-mail addresses collected by the Department of  
 213 Highway Safety and Motor Vehicles pursuant to s. 319.40(3), s.  
 214 320.95(2), or s. 322.08(9) ~~322.08(8)~~ are exempt from s.  
 215 119.07(1) and s. 24(a), Art. I of the State Constitution. This  
 216 exemption applies retroactively. This paragraph is subject to  
 217 the Open Government Sunset Review Act in accordance with s.  
 218 119.15 and shall stand repealed on October 2, 2020, unless  
 219 reviewed and saved from repeal through reenactment by the  
 220 Legislature.

221 Reviser's note.—Amended to conform to the redesignation of  
 222 subsections in s. 322.08 by s. 14, ch. 2015-163, Laws of  
 223 Florida.

224 Section 10. Subsection (2) of section 153.74, Florida  
 225 Statutes, is amended to read:

226 153.74 Issuance of certificates of indebtedness based on  
 227 assessments for assessable improvements.—

228 (2) The district may also issue assessment bonds or other  
 229 obligations payable from a special fund into which such  
 230 certificates of indebtedness referred to in the preceding  
 231 subsection may be deposited; or, if such certificates of  
 232 indebtedness have not been issued, the district may assign to  
 233 such special fund for the benefit of the holders of such  
 234 assessment bonds or other obligations, or to a trustee for such

235 bondholders, the assessment liens provided for in s. 153.73(11)  
 236 ~~153.73(10)~~, unless such certificates of indebtedness or  
 237 assessment liens have been theretofore pledged for any bonds or  
 238 other obligations authorized hereunder. In the event of the  
 239 creation of such special fund and the issuance of such  
 240 assessment bonds or other obligations, the proceeds of such  
 241 certificates of indebtedness or assessment liens deposited  
 242 therein shall be used only for the payment of the assessment  
 243 bonds or other obligations issued as provided in this section.  
 244 The district is hereby authorized to covenant with the holders  
 245 of such assessment bonds or other obligations that it will  
 246 diligently and faithfully enforce and collect all the special  
 247 assessments and interest and penalties thereon for which such  
 248 certificates of indebtedness or assessment liens have been  
 249 deposited in or assigned to such fund, and to foreclose such  
 250 assessment liens so assigned to such special fund or represented  
 251 by the certificates of indebtedness deposited in said special  
 252 fund, after such assessment liens have become delinquent and  
 253 deposit the proceeds derived from such foreclosure, including  
 254 interest and penalties, in such special fund, and to further  
 255 make any other necessary covenants deemed necessary or advisable  
 256 in order to properly secure the holders of such assessment bonds  
 257 or other obligations.

258 Reviser's note.—Amended to correct an apparent error. Section  
 259 153.73(10) does not reference assessment liens; s.  
 260 153.73(11)(c) provides that all assessments constitute a

261 lien on the property assessed.

262 Section 11. Subsection (16) of section 159.02, Florida  
263 Statutes, is amended to read:

264 159.02 Definitions.—As used in this part, the following  
265 words and terms shall have the following meanings, unless some  
266 other meaning is plainly intended:

267 (16) The term "utilities services taxes" shall mean taxes  
268 levied and collected on the purchase or sale of utilities  
269 services pursuant to ~~ss. 167.431 and 167.45~~ or any other law.  
270 Reviser's note.—Amended to delete references to ss. 167.431 and  
271 167.45, which were repealed by s. 5, ch. 73-129, Laws of  
272 Florida.

273 Section 12. Subsection (1) of section 161.091, Florida  
274 Statutes, is amended to read:

275 161.091 Beach management; funding; repair and maintenance  
276 strategy.—

277 (1) Subject to such appropriations as the Legislature may  
278 make therefor from time to time, disbursements from the Land  
279 Acquisition Trust Fund may be made by the department in order to  
280 carry out the proper state responsibilities in a comprehensive,  
281 long-range, statewide beach management plan for erosion control;  
282 beach preservation, restoration, and nourishment; ~~and~~ storm and  
283 hurricane protection; and other activities authorized for  
284 beaches and shores pursuant to s. 28, Art. X of the State  
285 Constitution. Legislative intent in appropriating such funds is  
286 for the implementation of those projects that contribute most

287 significantly to addressing the state's beach erosion problems.  
 288 Reviser's note.—Amended to confirm the editorial deletion of the  
 289 word "and."

290 Section 13. Paragraph (a) of subsection (6) of section  
 291 163.3177, Florida Statutes, is amended to read:

292 163.3177 Required and optional elements of comprehensive  
 293 plan; studies and surveys.—

294 (6) In addition to the requirements of subsections (1)-  
 295 (5), the comprehensive plan shall include the following  
 296 elements:

297 (a) A future land use plan element designating proposed  
 298 future general distribution, location, and extent of the uses of  
 299 land for residential uses, commercial uses, industry,  
 300 agriculture, recreation, conservation, education, public  
 301 facilities, and other categories of the public and private uses  
 302 of land. The approximate acreage and the general range of  
 303 density or intensity of use shall be provided for the gross land  
 304 area included in each existing land use category. The element  
 305 shall establish the long-term end toward which land use programs  
 306 and activities are ultimately directed.

307 1. Each future land use category must be defined in terms  
 308 of uses included, and must include standards to be followed in  
 309 the control and distribution of population densities and  
 310 building and structure intensities. The proposed distribution,  
 311 location, and extent of the various categories of land use shall  
 312 be shown on a land use map or map series which shall be

313 supplemented by goals, policies, and measurable objectives.

314 2. The future land use plan and plan amendments shall be  
 315 based upon surveys, studies, and data regarding the area, as  
 316 applicable, including:

317 a. The amount of land required to accommodate anticipated  
 318 growth.

319 b. The projected permanent and seasonal population of the  
 320 area.

321 c. The character of undeveloped land.

322 d. The availability of water supplies, public facilities,  
 323 and services.

324 e. The need for redevelopment, including the renewal of  
 325 blighted areas and the elimination of nonconforming uses which  
 326 are inconsistent with the character of the community.

327 f. The compatibility of uses on lands adjacent to or  
 328 closely proximate to military installations.

329 g. The compatibility of uses on lands adjacent to an  
 330 airport as defined in s. 330.35 and consistent with s. 333.02.

331 h. The discouragement of urban sprawl.

332 i. The need for job creation, capital investment, and  
 333 economic development that will strengthen and diversify the  
 334 community's economy.

335 j. The need to modify land uses and development patterns  
 336 within antiquated subdivisions.

337 3. The future land use plan element shall include criteria  
 338 to be used to:



339 a. Achieve the compatibility of lands adjacent or closely  
 340 proximate to military installations, considering factors  
 341 identified in s. 163.3175(5).

342 b. Achieve the compatibility of lands adjacent to an  
 343 airport as defined in s. 330.35 and consistent with s. 333.02.

344 c. Encourage preservation of recreational and commercial  
 345 working waterfronts for water-dependent uses in coastal  
 346 communities.

347 d. Encourage the location of schools proximate to urban  
 348 residential areas to the extent possible.

349 e. Coordinate future land uses with the topography and  
 350 soil conditions, and the availability of facilities and  
 351 services.

352 f. Ensure the protection of natural and historic  
 353 resources.

354 g. Provide for the compatibility of adjacent land uses.

355 h. Provide guidelines for the implementation of mixed-use  
 356 development including the types of uses allowed, the percentage  
 357 distribution among the mix of uses, or other standards, and the  
 358 density and intensity of each use.

359 4. The amount of land designated for future planned uses  
 360 shall provide a balance of uses that foster vibrant, viable  
 361 communities and economic development opportunities and address  
 362 outdated development patterns, such as antiquated subdivisions.  
 363 The amount of land designated for future land uses should allow  
 364 the operation of real estate markets to provide adequate choices

365 | for permanent and seasonal residents and business and may not be  
 366 | limited solely by the projected population. The element shall  
 367 | accommodate at least the minimum amount of land required to  
 368 | accommodate the medium projections as published by the Office of  
 369 | Economic and Demographic Research for at least a 10-year  
 370 | planning period unless otherwise limited under s. 380.05,  
 371 | including related rules of the Administration Commission.

372 |         5. The future land use plan of a county may designate  
 373 | areas for possible future municipal incorporation.

374 |         6. The land use maps or map series shall generally  
 375 | identify and depict historic district boundaries and shall  
 376 | designate historically significant properties meriting  
 377 | protection.

378 |         7. The future land use element must clearly identify the  
 379 | land use categories in which public schools are an allowable  
 380 | use. When delineating the land use categories in which public  
 381 | schools are an allowable use, a local government shall include  
 382 | in the categories sufficient land proximate to residential  
 383 | development to meet the projected needs for schools in  
 384 | coordination with public school boards and may establish  
 385 | differing criteria for schools of different type or size. Each  
 386 | local government shall include lands contiguous to existing  
 387 | school sites, to the maximum extent possible, within the land  
 388 | use categories in which public schools are an allowable use.

389 |         8. Future land use map amendments shall be based upon the  
 390 | following analyses:

391 a. An analysis of the availability of facilities and  
392 services.

393 b. An analysis of the suitability of the plan amendment  
394 for its proposed use considering the character of the  
395 undeveloped land, soils, topography, natural resources, and  
396 historic resources on site.

397 c. An analysis of the minimum amount of land needed to  
398 achieve the goals and requirements of this section.

399 9. The future land use element and any amendment to the  
400 future land use element shall discourage the proliferation of  
401 urban sprawl.

402 a. The primary indicators that a plan or plan amendment  
403 does not discourage the proliferation of urban sprawl are listed  
404 below. The evaluation of the presence of these indicators shall  
405 consist of an analysis of the plan or plan amendment within the  
406 context of features and characteristics unique to each locality  
407 in order to determine whether the plan or plan amendment:

408 (I) Promotes, allows, or designates for development  
409 substantial areas of the jurisdiction to develop as low-  
410 intensity, low-density, or single-use development or uses.

411 (II) Promotes, allows, or designates significant amounts  
412 of urban development to occur in rural areas at substantial  
413 distances from existing urban areas while not using undeveloped  
414 lands that are available and suitable for development.

415 (III) Promotes, allows, or designates urban development in  
416 radial, strip, isolated, or ribbon patterns generally emanating

417 from existing urban developments.

418 (IV) Fails to adequately protect and conserve natural  
 419 resources, such as wetlands, floodplains, native vegetation,  
 420 environmentally sensitive areas, natural groundwater aquifer  
 421 recharge areas, lakes, rivers, shorelines, beaches, bays,  
 422 estuarine systems, and other significant natural systems.

423 (V) Fails to adequately protect adjacent agricultural  
 424 areas and activities, including silviculture, active  
 425 agricultural and silvicultural activities, passive agricultural  
 426 activities, and dormant, unique, and prime farmlands and soils.

427 (VI) Fails to maximize use of existing public facilities  
 428 and services.

429 (VII) Fails to maximize use of future public facilities  
 430 and services.

431 (VIII) Allows for land use patterns or timing which  
 432 disproportionately increase the cost in time, money, and energy  
 433 of providing and maintaining facilities and services, including  
 434 roads, potable water, sanitary sewer, stormwater management, law  
 435 enforcement, education, health care, fire and emergency  
 436 response, and general government.

437 (IX) Fails to provide a clear separation between rural and  
 438 urban uses.

439 (X) Discourages or inhibits infill development or the  
 440 redevelopment of existing neighborhoods and communities.

441 (XI) Fails to encourage a functional mix of uses.

442 (XII) Results in poor accessibility among linked or

443 related land uses.

444 (XIII) Results in the loss of significant amounts of  
445 functional open space.

446 b. The future land use element or plan amendment shall be  
447 determined to discourage the proliferation of urban sprawl if it  
448 incorporates a development pattern or urban form that achieves  
449 four or more of the following:

450 (I) Directs or locates economic growth and associated land  
451 development to geographic areas of the community in a manner  
452 that does not have an adverse impact on and protects natural  
453 resources and ecosystems.

454 (II) Promotes the efficient and cost-effective provision  
455 or extension of public infrastructure and services.

456 (III) Promotes walkable and connected communities and  
457 provides for compact development and a mix of uses at densities  
458 and intensities that will support a range of housing choices and  
459 a multimodal transportation system, including pedestrian,  
460 bicycle, and transit, if available.

461 (IV) Promotes conservation of water and energy.

462 (V) Preserves agricultural areas and activities, including  
463 silviculture, and dormant, unique, and prime farmlands and  
464 soils.

465 (VI) Preserves open space and natural lands and provides  
466 for public open space and recreation needs.

467 (VII) Creates a balance of land uses based upon demands of  
468 the residential population for the nonresidential needs of an

469 area.

470 (VIII) Provides uses, densities, and intensities of use  
 471 and urban form that would remediate an existing or planned  
 472 development pattern in the vicinity that constitutes sprawl or  
 473 if it provides for an innovative development pattern such as  
 474 transit-oriented developments or new towns as defined in s.  
 475 163.3164.

476 10. The future land use element shall include a future  
 477 land use map or map series.

478 a. The proposed distribution, extent, and location of the  
 479 following uses shall be shown on the future land use map or map  
 480 series:

481 (I) Residential.

482 (II) Commercial.

483 (III) Industrial.

484 (IV) Agricultural.

485 (V) Recreational.

486 (VI) Conservation.

487 (VII) Educational.

488 (VIII) Public.

489 b. The following areas shall also be shown on the future  
 490 land use map or map series, if applicable:

491 (I) Historic district boundaries and designated  
 492 historically significant properties.

493 (II) Transportation concurrency management area boundaries  
 494 or transportation concurrency exception area boundaries.

495 (III) Multimodal transportation district boundaries.

496 (IV) Mixed-use categories.

497 c. The following natural resources or conditions shall be  
498 shown on the future land use map or map series, if applicable:

499 (I) Existing and planned public potable waterwells, cones  
500 of influence, and wellhead protection areas.

501 (II) Beaches and shores, including estuarine systems.

502 (III) Rivers, bays, lakes, floodplains, and harbors.

503 (IV) Wetlands.

504 (V) Minerals and soils.

505 (VI) Coastal high hazard areas.

506 ~~11. Local governments required to update or amend their~~  
507 ~~comprehensive plan to include criteria and address compatibility~~  
508 ~~of lands adjacent or closely proximate to existing military~~  
509 ~~installations, or lands adjacent to an airport as defined in s.~~  
510 ~~330.35 and consistent with s. 333.02, in their future land use~~  
511 ~~plan element shall transmit the update or amendment to the state~~  
512 ~~land planning agency by June 30, 2012.~~

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

514 Section 14. Subsection (1) of section 166.271, Florida  
515 Statutes, is amended to read:

516 166.271 Surcharge on municipal facility parking fees.—

517 (1) The governing authority of any municipality with a  
518 resident population of 200,000 or more, more than 20 percent of  
519 the real property of which is exempt from ad valorem taxes, and  
520 which is located in a county with a population of more than

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521 500,000 may impose and collect, subject to referendum approval  
 522 by voters in the municipality, a discretionary per vehicle  
 523 surcharge of up to 15 percent of the amount charged for the  
 524 sale, lease, or rental of space at parking facilities within the  
 525 municipality which are open for use to the general public and  
 526 which are not airports, seaports, county administration  
 527 buildings, or other projects as defined under ss. 125.011 and  
 528 125.015, ~~provided that this surcharge shall not take effect~~  
 529 ~~while any surcharge imposed pursuant to former s. 218.503(6)(a),~~  
 530 ~~is in effect.~~

531 Reviser's note.—Amended to delete obsolete language. The  
 532 surcharge imposed under former s. 218.503(6) expired  
 533 pursuant to its own terms, effective June 30, 2006;  
 534 confirmed by s. 6, ch. 2007-6, Laws of Florida, a reviser's  
 535 bill.

536 Section 15. Subsection (2) of section 189.031, Florida  
 537 Statutes, is amended to read:

538 189.031 Legislative intent for the creation of independent  
 539 special districts; special act prohibitions; model elements and  
 540 other requirements; local general-purpose government/Governor  
 541 and Cabinet creation authorizations.—

542 (2) SPECIAL ACTS PROHIBITED.—Pursuant to s. 11(a)(21),  
 543 Art. III of the State Constitution, the Legislature hereby  
 544 prohibits special laws or general laws of local application  
 545 which:

546 (a) Create independent special districts that do not, at a



547 minimum, conform to the minimum requirements in subsection (3);

548 (b) Exempt independent special district elections from the  
549 appropriate requirements in s. 189.04;

550 (c) Exempt an independent special district from the  
551 requirements for bond referenda in s. 189.042;

552 (d) Exempt an independent special district from the  
553 reporting, notice, or public meetings requirements of s.  
554 189.015, s. 189.016, s. 189.051, or s. 189.08; or

555 (e) Create an independent special district for which a  
556 statement has not been submitted to the Legislature that  
557 documents the following:

558 1. The purpose of the proposed district;

559 2. The authority of the proposed district;

560 3. An explanation of why the district is the best  
561 alternative; and

562 4. A resolution or official statement of the governing  
563 body or an appropriate administrator of the local jurisdiction  
564 within which the proposed district is located stating that the  
565 creation of the proposed district is consistent with the  
566 approved local government plans of the local governing body and  
567 that the local government has no objection to the creation of  
568 the proposed district.

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

570 Section 16. Paragraphs (l) and (m) of subsection (8) of  
571 section 200.001, Florida Statutes, are amended to read:

572 200.001 Millages; definitions and general provisions.—

573 (8)  
 574 (1) "Maximum total county ad valorem taxes levied" means  
 575 the total taxes levied by a county, municipal service taxing  
 576 units of that county, and special districts dependent to that  
 577 county at their individual maximum millages, calculated pursuant  
 578 to s. 200.065(5) (a) for fiscal years 2009-2010 and thereafter  
 579 ~~and pursuant to s. 200.185 for fiscal years 2007-2008 and 2008-~~  
 580 ~~2009.~~

581 (m) "Maximum total municipal ad valorem taxes levied"  
 582 means the total taxes levied by a municipality and special  
 583 districts dependent to that municipality at their individual  
 584 maximum millages, calculated pursuant to s. 200.065(5) (b) for  
 585 fiscal years 2009-2010 and thereafter ~~and by s. 200.185 for~~  
 586 ~~fiscal years 2007-2008 and 2008-2009.~~

587 Reviser's note.—Amended to delete obsolete language and to  
 588 conform to the repeal of s. 200.185 by this act.

589 Section 17. Paragraph (b) of subsection (5) and paragraphs  
 590 (d) and (e) of subsection (13) of section 200.065, Florida  
 591 Statutes, are amended to read:

592 200.065 Method of fixing millage.—

593 (5) In each fiscal year:

594 (b) The millage rate of a county or municipality,  
 595 municipal service taxing unit of that county, and any special  
 596 district dependent to that county or municipality may exceed the  
 597 maximum millage rate calculated pursuant to this subsection if  
 598 the total county ad valorem taxes levied or total municipal ad

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599 | valorem taxes levied do not exceed the maximum total county ad  
 600 | valorem taxes levied or maximum total municipal ad valorem taxes  
 601 | levied respectively. Voted millage and taxes levied by a  
 602 | municipality or independent special district that has levied ad  
 603 | valorem taxes for less than 5 years are not subject to this  
 604 | limitation. The millage rate of a county authorized to levy a  
 605 | county public hospital surtax under s. 212.055 may exceed the  
 606 | maximum millage rate calculated pursuant to this subsection to  
 607 | the extent necessary to account for the revenues required to be  
 608 | contributed to the county public hospital. Total taxes levied  
 609 | may exceed the maximum calculated pursuant to subsection (6) as  
 610 | a result of an increase in taxable value above that certified in  
 611 | subsection (1) if such increase is less than the percentage  
 612 | amounts contained in subsection (6) or if the administrative  
 613 | adjustment cannot be made because the value adjustment board is  
 614 | still in session at the time the tax roll is extended;  
 615 | otherwise, millage rates subject to this subsection ~~or s.~~  
 616 | ~~200.185~~ may be reduced so that total taxes levied do not exceed  
 617 | the maximum.

618 |  
 619 | Any unit of government operating under a home rule charter  
 620 | adopted pursuant to ss. 10, 11, and 24, Art. VIII of the State  
 621 | Constitution of 1885, as preserved by s. 6(e), Art. VIII of the  
 622 | State Constitution of 1968, which is granted the authority in  
 623 | the State Constitution to exercise all the powers conferred now  
 624 | or hereafter by general law upon municipalities and which

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

625 exercises such powers in the unincorporated area shall be  
 626 recognized as a municipality under this subsection. For a  
 627 downtown development authority established before the effective  
 628 date of the 1968 State Constitution which has a millage that  
 629 must be approved by a municipality, the governing body of that  
 630 municipality shall be considered the governing body of the  
 631 downtown development authority for purposes of this subsection.

632 (13)

633 (d) If any county or municipality, dependent special  
 634 district of such county or municipality, or municipal service  
 635 taxing unit of such county is in violation of subsection (5) ~~or~~  
 636 ~~s. 200.185~~ because total county or municipal ad valorem taxes  
 637 exceeded the maximum total county or municipal ad valorem taxes,  
 638 respectively, that county or municipality shall forfeit the  
 639 distribution of local government half-cent sales tax revenues  
 640 during the 12 months following a determination of noncompliance  
 641 by the Department of Revenue as described in s. 218.63(3) and  
 642 this subsection. If the executive director of the Department of  
 643 Revenue determines that any county or municipality, dependent  
 644 special district of such county or municipality, or municipal  
 645 service taxing unit of such county is in violation of subsection  
 646 (5) ~~or s. 200.185~~, the Department of Revenue and the county or  
 647 municipality, dependent special district of such county or  
 648 municipality, or municipal service taxing unit of such county  
 649 shall follow the procedures set forth in this paragraph or  
 650 paragraph (e). During the pendency of any procedure under

651 paragraph (e) or any administrative or judicial action to  
 652 challenge any action taken under this subsection, the tax  
 653 collector shall hold in escrow any revenues collected by the  
 654 noncomplying county or municipality, dependent special district  
 655 of such county or municipality, or municipal service taxing unit  
 656 of such county in excess of the amount allowed by subsection (5)  
 657 ~~ex s. 200.185~~, as determined by the executive director. Such  
 658 revenues shall be held in escrow until the process required by  
 659 paragraph (e) is completed and approved by the department. The  
 660 department shall direct the tax collector to so hold such funds.  
 661 If the county or municipality, dependent special district of  
 662 such county or municipality, or municipal service taxing unit of  
 663 such county remedies the noncompliance, any moneys collected in  
 664 excess of the new levy or in excess of the amount allowed by  
 665 subsection (5) ~~ex s. 200.185~~ shall be held in reserve until the  
 666 subsequent fiscal year and shall then be used to reduce ad  
 667 valorem taxes otherwise necessary. If the county or  
 668 municipality, dependent special district of such county or  
 669 municipality, or municipal service taxing unit of such county  
 670 does not remedy the noncompliance, the provisions of s. 218.63  
 671 shall apply.

672 (e) The following procedures shall be followed when the  
 673 executive director notifies any county or municipality,  
 674 dependent special district of such county or municipality, or  
 675 municipal service taxing unit of such county that he or she has  
 676 determined that such taxing authority is in violation of

677 subsection (5) ~~or s. 200.185~~:

678 1. Within 30 days after the deadline for certification of  
679 compliance required by s. 200.068, the executive director shall  
680 notify any such county or municipality, dependent special  
681 district of such county or municipality, or municipal service  
682 taxing unit of such county of his or her determination regarding  
683 subsection (5) ~~or s. 200.185~~ and that such taxing authority is  
684 subject to subparagraph 2.

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

688 a. The advertisement shall appear within 15 days after  
689 notice from the executive director.

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

693  
694 THE PREVIOUS NOTICE PLACED BY THE ...(name of taxing  
695 authority)... HAS BEEN DETERMINED BY THE DEPARTMENT OF REVENUE  
696 TO BE IN VIOLATION OF THE LAW, NECESSITATING THIS SECOND NOTICE.  
697

698 c. The millage newly adopted at such hearing shall not be  
699 forwarded to the tax collector or property appraiser and may not  
700 exceed the rate previously adopted or the amount allowed by  
701 subsection (5) ~~or s. 200.185~~. Each taxing authority provided  
702 notice pursuant to this paragraph shall recertify compliance

703 with this chapter as provided in this section within 15 days  
 704 after the adoption of a millage at such hearing.

705 d. The determination of the executive director shall be  
 706 superseded if the executive director determines that the county  
 707 or municipality, dependent special district of such county or  
 708 municipality, or municipal service taxing unit of such county  
 709 has remedied the noncompliance. Such noncompliance shall be  
 710 determined to be remedied if any such taxing authority provided  
 711 notice by the executive director pursuant to this paragraph  
 712 adopts a new millage that does not exceed the maximum millage  
 713 allowed for such taxing authority under paragraph (5) (a) ~~or s.~~  
 714 ~~200.185(1)-(5)~~, or if any such county or municipality, dependent  
 715 special district of such county or municipality, or municipal  
 716 service taxing unit of such county adopts a lower millage  
 717 sufficient to reduce the total taxes levied such that total  
 718 taxes levied do not exceed the maximum as provided in paragraph  
 719 (5) (b) ~~or s. 200.185(8)~~.

720 e. If any such county or municipality, dependent special  
 721 district of such county or municipality, or municipal service  
 722 taxing unit of such county has not remedied the noncompliance or  
 723 recertified compliance with this chapter as provided in this  
 724 paragraph, and the executive director determines that the  
 725 noncompliance has not been remedied or compliance has not been  
 726 recertified, the county or municipality shall forfeit the  
 727 distribution of local government half-cent sales tax revenues  
 728 during the 12 months following a determination of noncompliance

729 by the Department of Revenue as described in s. 218.63(2) and  
 730 (3) and this subsection.

731 f. The determination of the executive director is not  
 732 subject to chapter 120.

733 Reviser's note.—Amended to conform to the repeal of s. 200.185  
 734 by this act.

735 Section 18. Section 200.068, Florida Statutes, is amended  
 736 to read:

737 200.068 Certification of compliance with this chapter.—Not  
 738 later than 30 days following adoption of an ordinance or  
 739 resolution establishing a property tax levy, each taxing  
 740 authority shall certify compliance with the provisions of this  
 741 chapter to the Department of Revenue. In addition to a statement  
 742 of compliance, such certification shall include a copy of the  
 743 ordinance or resolution so adopted; a copy of the certification  
 744 of value showing rolled-back millage and proposed millage rates,  
 745 as provided to the property appraiser pursuant to s. 200.065(1)  
 746 and (2)(b); maximum millage rates calculated pursuant to s.  
 747 ~~200.065(5), s. 200.185, or s. 200.186~~, together with values and  
 748 calculations upon which the maximum millage rates are based; and  
 749 a certified copy of the advertisement, as published pursuant to  
 750 s. 200.065(3). In certifying compliance, the governing body of  
 751 the county shall also include a certified copy of the notice  
 752 required under s. 194.037. However, if the value adjustment  
 753 board completes its hearings after the deadline for  
 754 certification under this section, the county shall submit such



755 copy to the department not later than 30 days following  
 756 completion of such hearings.  
 757 Reviser's note.—Amended to conform to the repeal of s. 200.185  
 758 by this act and to delete a reference to s. 200.186, which  
 759 was created by s. 28, ch. 2007-321, Laws of Florida,  
 760 effective contingent upon a constitutional amendment which  
 761 did pass but for which the ballot language was ruled  
 762 unconstitutional; s. 200.186 did not become effective.  
 763 Section 19. Section 200.141, Florida Statutes, is amended  
 764 to read:  
 765 200.141 Millage following consolidation of city and county  
 766 functions.—Those cities or counties which now or hereafter  
 767 provide both municipal and county services as authorized under  
 768 ss. 9-11 and 24 of Art. VIII of the State Constitution of 1885,  
 769 as preserved by s. (6)(e), Art. VIII of the State Constitution  
 770 of 1968, shall have the right to levy for county, district and  
 771 municipal purposes a millage up to 20 mills on the dollar of  
 772 assessed valuation under this section. For each increase in the  
 773 county millage above 10 mills which is attributable to an  
 774 assumption of municipal services by a county having home rule,  
 775 or for each increase in the municipal millage above 10 mills  
 776 which is attributable to an assumption of county services by a  
 777 city having home rule, there shall be a decrease in the millage  
 778 levied by each and every municipality which has a service or  
 779 services assumed by the county, or by the county which has a  
 780 service or services assumed by the city. Such decrease shall be

781 equal to the cost of that service or services assumed, so that  
 782 an amount equal to that cost shall be eliminated from the budget  
 783 of the county or city giving up the performance of such service  
 784 or services.

785 Reviser's note.—Amended to conform to the citation style used at  
 786 other provisions in the Florida Statutes citing to ss. 9-11  
 787 and 24 of Art. VIII of the State Constitution of 1885,  
 788 which were preserved by s. (6)(e), Art. VIII of the State  
 789 Constitution of 1968.

790 Section 20. Section 200.185, Florida Statutes, is  
 791 repealed.

792 Reviser's note.—The cited section, which relates to maximum  
 793 millage rates for the 2007-2008 and 2008-2009 fiscal years,  
 794 is repealed to delete a provision that has served its  
 795 purpose.

796 Section 21. Paragraph (o) of subsection (5) of section  
 797 212.08, Florida Statutes, is amended to read:

798 212.08 Sales, rental, use, consumption, distribution, and  
 799 storage tax; specified exemptions.—The sale at retail, the  
 800 rental, the use, the consumption, the distribution, and the  
 801 storage to be used or consumed in this state of the following  
 802 are hereby specifically exempt from the tax imposed by this  
 803 chapter.

804 (5) EXEMPTIONS; ACCOUNT OF USE.—

805 (o) Building materials in redevelopment projects.—

806 . 1. As used in this paragraph, the term:

807 a. "Building materials" means tangible personal property  
 808 that becomes a component part of a housing project or a mixed-  
 809 use project.

810 b. "Housing project" means the conversion of an existing  
 811 manufacturing or industrial building to a housing unit which is  
 812 in an urban high-crime area, an enterprise zone, an empowerment  
 813 zone, a Front Porch Florida Community, a designated brownfield  
 814 site for which a rehabilitation agreement with the Department of  
 815 Environmental Protection or a local government delegated by the  
 816 Department of Environmental Protection has been executed under  
 817 s. 376.80 and any abutting real property parcel within a  
 818 brownfield area, or an urban infill area; and in which the  
 819 developer agrees to set aside at least 20 percent of the housing  
 820 units in the project for low-income and moderate-income persons  
 821 or the construction in a designated brownfield area of  
 822 affordable housing for persons described in s. 420.0004(9),  
 823 (11), (12), or (17) or in s. 159.603(7).

824 c. "Mixed-use project" means the conversion of an existing  
 825 manufacturing or industrial building to mixed-use units that  
 826 include artists' studios, art and entertainment services, or  
 827 other compatible uses. A mixed-use project must be located in an  
 828 urban high-crime area, an enterprise zone, an empowerment zone,  
 829 a Front Porch Florida Community, a designated brownfield site  
 830 for which a rehabilitation agreement with the Department of  
 831 Environmental Protection or a local government delegated by the  
 832 Department of Environmental Protection has been executed under

833 s. 376.80 and any abutting real property parcel within a  
 834 brownfield area, or an urban infill area; and the developer must  
 835 agree to set aside at least 20 percent of the square footage of  
 836 the project for low-income and moderate-income housing.

837 d. "Substantially completed" has the same meaning as  
 838 provided in s. 192.042(1).

839 2. Building materials used in the construction of a  
 840 housing project or mixed-use project are exempt from the tax  
 841 imposed by this chapter upon an affirmative showing to the  
 842 satisfaction of the department that the requirements of this  
 843 paragraph have been met. This exemption inures to the owner  
 844 through a refund of previously paid taxes. To receive this  
 845 refund, the owner must file an application under oath with the  
 846 department which includes:

847 a. The name and address of the owner.

848 b. The address and assessment roll parcel number of the  
 849 project for which a refund is sought.

850 c. A copy of the building permit issued for the project.

851 d. A certification by the local building code inspector  
 852 that the project is substantially completed.

853 e. A sworn statement, under penalty of perjury, from the  
 854 general contractor licensed in this state with whom the owner  
 855 contracted to construct the project, which statement lists the  
 856 building materials used in the construction of the project and  
 857 the actual cost thereof, and the amount of sales tax paid on  
 858 these materials. If a general contractor was not used, the owner

859 shall provide this information in a sworn statement, under  
 860 penalty of perjury. Copies of invoices evidencing payment of  
 861 sales tax must be attached to the sworn statement.

862 3. An application for a refund under this paragraph must  
 863 be submitted to the department within 6 months after the date  
 864 the project is deemed to be substantially completed by the local  
 865 building code inspector. Within 30 working days after receipt of  
 866 the application, the department shall determine if it meets the  
 867 requirements of this paragraph. A refund approved pursuant to  
 868 this paragraph shall be made within 30 days after formal  
 869 approval of the application by the department.

870 4. The department shall establish by rule an application  
 871 form and criteria for establishing eligibility for exemption  
 872 under this paragraph.

873 5. The exemption shall apply to purchases of materials on  
 874 or after July 1, 2000.

875 Reviser's note.—Amended to confirm the editorial insertion of  
 876 the word "Florida" to conform to the full title of  
 877 communities receiving grants through the Front Porch  
 878 Florida Initiative.

879 Section 22. Subsection (8) of section 213.0532, Florida  
 880 Statutes, is amended to read:

881 213.0532 Information-sharing agreements with financial  
 882 institutions.—

883 (8) Any financial records obtained pursuant to this  
 884 section may be disclosed only for the purpose of, and to the

885 extent necessary for, administration and enforcement of ~~to~~  
 886 ~~administer and enforce~~ the tax laws of this state.

887 Reviser's note.—Amended to improve sentence construction.

888 Section 23. Paragraph (b) of subsection (5) of section  
 889 218.39, Florida Statutes, is amended to read:

890 218.39 Annual financial audit reports.—

891 (5) At the conclusion of the audit, the auditor shall  
 892 discuss with the chair of the governing body of the local  
 893 governmental entity or the chair's designee, the elected  
 894 official of each county agency or the elected official's  
 895 designee, the chair of the district school board or the chair's  
 896 designee, the chair of the board of the charter school or the  
 897 chair's designee, or the chair of the board of the charter  
 898 technical career center or the chair's designee, as appropriate,  
 899 all of the auditor's comments that will be included in the audit  
 900 report. If the officer is not available to discuss the auditor's  
 901 comments, their discussion is presumed when the comments are  
 902 delivered in writing to his or her office. The auditor shall  
 903 notify each member of the governing body of a local governmental  
 904 entity, district school board, charter school, or charter  
 905 technical career center for which:

906 (b) A fund balance deficit in total or a deficit for that  
 907 portion of a fund balance not classified as restricted,  
 908 committed, or nonspendable, or a total or unrestricted net  
 909 assets deficit, as reported on the fund financial statements of  
 910 entities required to report under governmental financial

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911 reporting standards or on the basic financial statements of  
 912 entities required to report under not-for-profit financial  
 913 reporting standards, for which sufficient resources of the local  
 914 governmental entity, charter school, charter technical career  
 915 center, or district school board, as reported on the fund  
 916 financial statements, are not available to cover the deficit.  
 917 Resources available to cover reported deficits include fund  
 918 balance or net assets that are not otherwise restricted by  
 919 federal, state, or local laws, bond covenants, contractual  
 920 agreements, or other legal constraints. Property, plant, and  
 921 equipment, the disposal of which would impair the ability of a  
 922 local governmental entity, charter school, charter technical  
 923 career center, or district school board to carry out its  
 924 functions, are not considered resources available to cover  
 925 reported deficits.

926 Reviser's note.—Amended to facilitate correct understanding.

927 Section 24. Subsection (1) of section 220.63, Florida  
 928 Statutes, is amended to read:

929 220.63 Franchise tax imposed on banks and savings  
 930 associations.—

931 (1) A franchise tax measured by net income is hereby  
 932 imposed on every bank and savings association for each taxable  
 933 year commencing on or after January 1, 1973, ~~and for each~~  
 934 ~~taxable year which begins before and ends after January 1, 1973.~~  
 935 ~~The franchise tax base of any bank for a taxable year which~~  
 936 ~~begins before and ends after January 1, 1972, shall be prorated~~

937 | ~~in the manner prescribed for the proration of net income under~~  
 938 | ~~s. 220.12(2).~~

939 | Reviser's note.—Amended to delete an obsolete provision and  
 940 | conform to the repeal of s. 220.12(2) by s. 14, ch. 90-203,  
 941 | Laws of Florida.

942 | Section 25. Paragraph (c) of subsection (3) of section  
 943 | 238.05, Florida Statutes, is amended to read:

944 | 238.05 Membership.—

945 | (3) Except as otherwise provided in s. 238.07(9),  
 946 | membership of any person in the retirement system will cease if  
 947 | he or she is continuously unemployed as a teacher for a period  
 948 | of more than 5 consecutive years, or upon the withdrawal by the  
 949 | member of his or her accumulated contributions as provided in s.  
 950 | 238.07(13), or upon retirement, or upon death; provided that the  
 951 | adjustments prescribed below are to be made for persons who  
 952 | enter the Armed Forces of the United States during a period of  
 953 | war or national emergency and for persons who are granted leaves  
 954 | of absence. Any member of the retirement system who within 1  
 955 | year before the time of entering the Armed Forces of the United  
 956 | States was a teacher, as defined in s. 238.01, or was engaged in  
 957 | other public educational work within the state, and member of  
 958 | the Teachers' Retirement System at the time of induction, or who  
 959 | has been or is granted leave of absence, shall be permitted to  
 960 | elect to continue his or her membership in the Teachers'  
 961 | Retirement System; and membership service shall be allowed for  
 962 | the period covered by service in the Armed Forces of the United



963 States or by leave of absence under the following conditions:

964 ~~(c) Any person who served in the Armed Forces of the~~  
 965 ~~United States in World War I, or who served as a registered~~  
 966 ~~nurse or nurse's aide in service connected with the Armed Forces~~  
 967 ~~of the United States during the period of World War I, and who~~  
 968 ~~is now a member of the Teachers' Retirement System and who, at~~  
 969 ~~or before the time of entering the Armed Forces or the service~~  
 970 ~~of the care and nursing of members of the Armed Forces of the~~  
 971 ~~United States, was a teacher as defined in s. 238.01 is entitled~~  
 972 ~~to prior service and out of state prior service credit in the~~  
 973 ~~Teachers' Retirement System for his or her period of such~~  
 974 ~~service.~~

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

976 Section 26. Section 255.041, Florida Statutes, is amended  
 977 to read:

978 255.041 Separate specifications for building contracts.—  
 979 Every officer, board, department, or commission ~~or commissions~~  
 980 charged with the duty of preparing specifications or awarding or  
 981 entering into contract for the erection, construction, or  
 982 altering of buildings for the state, when the entire cost of  
 983 such work shall exceed \$10,000, may have prepared separate  
 984 specifications for each of the following branches of work to be  
 985 performed:

- 986 (1) Heating and ventilating and accessories.
- 987 (2) Plumbing and gas fitting and accessories.
- 988 (3) Electrical installations.

989 (4) Air-conditioning, for the purpose of comfort cooling  
 990 by the lowering of temperature, and accessories.

991  
 992 All such specifications may be so drawn as to permit separate  
 993 and independent bidding upon each of the classes of work  
 994 enumerated in the above subdivisions. All contracts hereafter  
 995 awarded by the state or a department, board, commissioner, or  
 996 officer thereof, for the erection, construction or alteration of  
 997 buildings, or any part thereof, may award the respective work  
 998 specified in the above subdivisions separately to responsible  
 999 and reliable persons, firms or corporations regularly engaged in  
 1000 their respective line of work; provided, however, that all or  
 1001 any part of the work specified in the above subdivisions may be  
 1002 awarded to the same contractor.

1003 Reviser's note.—Amended to improve clarity.

1004 Section 27. Subsection (2) of section 255.254, Florida  
 1005 Statutes, is amended to read:

1006 255.254 No facility constructed or leased without life-  
 1007 cycle costs.—

1008 (2) ~~On and after January 1, 1979,~~ No state agency shall  
 1009 initiate construction or have construction initiated, prior to  
 1010 approval thereof by the department, on a facility or self-  
 1011 contained unit of any facility, the design and construction of  
 1012 which incorporates or contemplates the use of an energy system  
 1013 other than a solar energy system when the life-cycle costs  
 1014 analysis prepared by the department has determined that a solar

1015 energy system is the most cost-efficient energy system for the  
 1016 facility or unit.

1017 Reviser's note.—Amended to delete an obsolete provision.

1018 Section 28. Paragraph (b) of subsection (9) of section  
 1019 259.032, Florida Statutes, is amended to read:

1020 259.032 Conservation and recreation lands.—

1021 (9)

1022 (b) An amount of not less than 1.5 percent of the  
 1023 cumulative total of funds ever deposited into the former Florida  
 1024 Preservation 2000 Trust Fund and the Florida Forever Trust Fund  
 1025 shall be made available for the purposes of management,  
 1026 maintenance, and capital improvements, and for associated  
 1027 contractual services, for conservation and recreation lands  
 1028 acquired with funds deposited into the Land Acquisition Trust  
 1029 Fund pursuant to s. 28(a), Art. X of the State Constitution or  
 1030 pursuant to former s. 259.032, Florida Statutes 2014, former s.  
 1031 259.101, Florida Statutes 2014, s. 259.105, s. 259.1052, or  
 1032 previous programs for the acquisition of lands for conservation  
 1033 and recreation, including state forests, to which title is  
 1034 vested in the board of trustees and other conservation and  
 1035 recreation lands managed by a state agency. Each agency with  
 1036 management responsibilities shall annually request from the  
 1037 Legislature funds sufficient to fulfill such responsibilities to  
 1038 implement individual management plans. For the purposes of this  
 1039 paragraph, capital improvements shall include, but need not be  
 1040 limited to, perimeter fencing, signs, firelanes, access roads

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1041 and trails, and minimal public accommodations, such as primitive  
 1042 campsites, garbage receptacles, and toilets. Any equipment  
 1043 purchased with funds provided pursuant to this paragraph may be  
 1044 used for the purposes described in this paragraph on any  
 1045 conservation and recreation lands managed by a state agency. The  
 1046 funding requirement created in this paragraph is subject to an  
 1047 annual evaluation by the Legislature to ensure that such  
 1048 requirement does not impact the respective trust fund in a  
 1049 manner that would prevent the trust fund from meeting other  
 1050 minimum requirements.

1051 Reviser's note.—Amended to conform to the termination of the  
 1052 Florida Preservation 2000 Trust Fund pursuant to s. 1, ch.  
 1053 2015-229, Laws of Florida, and the repeal of s. 375.045,  
 1054 which created the trust fund, by s. 52, ch. 2015-229.  
 1055 Section 29. Paragraph (d) of subsection (2) of section  
 1056 272.135, Florida Statutes, is amended to read:

1057 272.135 Florida Historic Capitol Museum Director.—

1058 (2) The director shall:

1059 (d) Propose a strategic plan to the President of the  
 1060 Senate and the Speaker of the House of Representatives by May 1  
 1061 of each year in which a general election is held and ~~shall~~  
 1062 propose an annual operating plan.

1063 Reviser's note.—Amended to confirm the editorial deletion of the  
 1064 world "shall."

1065 Section 30. Subsection (4) of section 288.012, Florida  
 1066 Statutes, is amended to read:

1067           288.012 State of Florida international offices; state  
 1068 protocol officer; protocol manual.—The Legislature finds that  
 1069 the expansion of international trade and tourism is vital to the  
 1070 overall health and growth of the economy of this state. This  
 1071 expansion is hampered by the lack of technical and business  
 1072 assistance, financial assistance, and information services for  
 1073 businesses in this state. The Legislature finds that these  
 1074 businesses could be assisted by providing these services at  
 1075 State of Florida international offices. The Legislature further  
 1076 finds that the accessibility and provision of services at these  
 1077 offices can be enhanced through cooperative agreements or  
 1078 strategic alliances between private businesses and state, local,  
 1079 and international governmental entities.

1080           (4) The Department of Economic Opportunity, in connection  
 1081 with the establishment, operation, and management of any of its  
 1082 offices located in another country, is exempt from the  
 1083 provisions of ss. 255.21, 255.25, and 255.254 relating to  
 1084 leasing of buildings; ss. 283.33 and 283.35 relating to bids for  
 1085 printing; ss. 287.001-287.20 relating to purchasing and motor  
 1086 vehicles; and ss. 282.003-282.00515 ~~282.003-282.0056~~ and  
 1087 282.702-282.7101 relating to communications, and from all  
 1088 statutory provisions relating to state employment.

1089           (a) The department may exercise such exemptions only upon  
 1090 prior approval of the Governor.

1091           (b) If approval for an exemption under this section is  
 1092 granted as an integral part of a plan of operation for a

1093 specified international office, such action shall constitute  
 1094 continuing authority for the department to exercise the  
 1095 exemption, but only in the context and upon the terms originally  
 1096 granted. Any modification of the approved plan of operation with  
 1097 respect to an exemption contained therein must be resubmitted to  
 1098 the Governor for his or her approval. An approval granted to  
 1099 exercise an exemption in any other context shall be restricted  
 1100 to the specific instance for which the exemption is to be  
 1101 exercised.

1102 (c) As used in this subsection, the term "plan of  
 1103 operation" means the plan developed pursuant to subsection (2).

1104 (d) Upon final action by the Governor with respect to a  
 1105 request to exercise the exemption authorized in this subsection,  
 1106 the department shall report such action, along with the original  
 1107 request and any modifications thereto, to the President of the  
 1108 Senate and the Speaker of the House of Representatives within 30  
 1109 days.

1110 Reviser's note.—Amended to conform to the repeal of s. 282.0056  
 1111 by s. 12, ch. 2014-221, Laws of Florida.

1112 Section 31. Paragraph (b) of subsection (4) of section  
 1113 311.12, Florida Statutes, is amended to read:

1114 311.12 Seaport security.—

1115 (4) ACCESS TO SECURE AND RESTRICTED AREAS.—

1116 (b) A seaport may not charge a fee for the administration  
 1117 or production of any access control credential that requires or  
 1118 is associated with a fingerprint-based background check, in

1119 addition to the fee for the federal TWIC. Beginning July 1,  
 1120 2013, a seaport may not charge a fee for a seaport-specific  
 1121 access credential issued in addition to the federal TWIC, except  
 1122 under the following circumstances:

1123 1. The individual seeking to gain secured access is a new  
 1124 hire as defined under 33 C.F.R. part ~~s.~~ 105; or

1125 2. The individual has lost or misplaced his or her federal  
 1126 TWIC.

1127 Reviser's note.—Amended to facilitate correct interpretation.

1128 There is no 33 C.F.R. s. 105; there is a 33 C.F.R. part  
 1129 105, which relates to security of maritime facilities.

1130 Section 32. Subsection (5) of section 316.3025, Florida  
 1131 Statutes, is amended to read:

1132 316.3025 Penalties.—

1133 (5) Whenever any person or motor carrier as defined in  
 1134 chapter 320 violates the provisions of this section and becomes  
 1135 indebted to the state because of such violation and refuses to  
 1136 pay the appropriate penalty, in addition to the provisions of s.  
 1137 316.3026, such penalty becomes a lien upon the property  
 1138 including the motor vehicles of such person or motor carrier and  
 1139 such property may be seized and foreclosed by the state in a  
 1140 civil action in any court of this state. It shall be presumed  
 1141 that the owner of the motor vehicle is liable for the sum, and  
 1142 the vehicle may be detained or impounded until the penalty is  
 1143 paid.

1144 Reviser's note.—Amended to improve clarity.

1145 Section 33. Paragraph (c) of subsection (3) of section  
 1146 333.07, Florida Statutes, is amended to read:

1147 333.07 Permits and variances.—

1148 (3) OBSTRUCTION MARKING AND LIGHTING.—

1149 ~~(c) Existing structures not in compliance on October 1,~~  
 1150 ~~1988, shall be required to comply whenever the existing marking~~  
 1151 ~~requires refurbishment, whenever the existing lighting requires~~  
 1152 ~~replacement, or within 5 years of October 1, 1988, whichever~~  
 1153 ~~occurs first.~~

1154 Reviser's note.—Amended to delete an obsolete provision.

1155 Section 34. Subsection (2) of section 336.71, Florida  
 1156 Statutes, is amended to read:

1157 336.71 Public-private cooperation in construction of  
 1158 county roads.—

1159 (2) The notice for the public hearing provided for in  
 1160 subsection (1) must be published at least 14 days before the  
 1161 date of the public meeting at which the governing board takes  
 1162 final action. The notice must identify the project and, the  
 1163 estimated cost of the project, and specify that the purpose for  
 1164 the public meeting is to consider whether it is in the public's  
 1165 best interest to accept the proposal and enter into an agreement  
 1166 pursuant thereto. The determination of cost savings pursuant to  
 1167 paragraph (1)(e) must be supported by a professional engineer's  
 1168 cost estimate made available to the public at least 14 days  
 1169 before the public meeting and placed in the record for that  
 1170 meeting.



1171 Reviser's note.—Amended to improve clarity.

1172 Section 35. Subsection (13) of section 343.1003, Florida  
1173 Statutes, is amended to read:

1174 343.1003 Northeast Florida Regional Transportation  
1175 Commission.—

1176 (13) There shall be no liability on the part of, and no  
1177 cause of action may arise against, any member for any action  
1178 taken in the performance of his or her duties under this part.

1179 Reviser's note.—Amended to improve clarity.

1180 Section 36. Paragraph (e) of subsection (1) of section  
1181 366.95, Florida Statutes, is amended to read:

1182 366.95 Financing for certain nuclear generating asset  
1183 retirement or abandonment costs.—

1184 (1) DEFINITIONS.—As used in this section, the term:

1185 (e) "Financing costs" means:

1186 1. Interest and acquisition, defeasance, or redemption  
1187 premiums payable on nuclear asset-recovery bonds;

1188 2. Any payment required under an ancillary agreement and  
1189 any amount required to fund or replenish a reserve account or  
1190 other accounts established under the terms of any indenture,  
1191 ancillary agreement, or other financing documents pertaining to  
1192 nuclear asset-recovery bonds;

1193 3. Any other cost related to issuing, supporting,  
1194 repaying, refunding, and servicing nuclear asset-recovery bonds,  
1195 including, but not limited to, servicing fees, accounting and  
1196 auditing fees, trustee fees, legal fees, consulting fees,

1197 financial adviser fees, administrative fees, placement and  
 1198 underwriting fees, capitalized interest, rating agency fees,  
 1199 stock exchange listing and compliance fees, security  
 1200 registration fees, filing fees, information technology  
 1201 programming costs, and any other costs necessary to otherwise  
 1202 ensure the timely payment of nuclear asset-recovery bonds or  
 1203 other amounts or charges payable in connection with the bonds,  
 1204 including costs related to obtaining the financing order;

1205 4. Any taxes and license fees imposed on the revenues  
 1206 generated from the collection of the nuclear asset-recovery  
 1207 charge;

1208 5. Any state and local taxes, franchise fees, gross  
 1209 receipts taxes, and other taxes or similar charges, including,  
 1210 but not limited to, regulatory assessment fees, in any such case  
 1211 whether paid, payable, or accrued; and

1212 6. Any costs incurred by the commission for any outside  
 1213 consultants or counsel pursuant to subparagraph (2)(c)2.

1214 Reviser's note.—Amended to improve clarity and facilitate  
 1215 correct interpretation.

1216 Section 37. Subsection (8) of section 373.236, Florida  
 1217 Statutes, is amended to read:

1218 373.236 Duration of permits; compliance reports.—

1219 (8) A water management district may issue a permit to an  
 1220 applicant, as set forth in s. 163.3245(13), for the same period  
 1221 of time as the applicant's approved master development order if  
 1222 the master development order was issued under s. 380.06(21) by a

1223 county which, at the time the order was issued, was designated  
 1224 as a rural area of opportunity under s. 288.0656, was not  
 1225 located in an area encompassed by a regional water supply plan  
 1226 as set forth in s. 373.709(1), and was not located within the  
 1227 basin management action plan of a first magnitude spring. In  
 1228 reviewing the permit application and determining the permit  
 1229 duration, the water management district shall apply s.  
 1230 163.3245(4)(b).

1231 Reviser's note.—Amended to confirm the editorial insertion of  
 1232 the word "was" to improve clarity.

1233 Section 38. Subsections (4) and (5) of section 373.4149,  
 1234 Florida Statutes, are amended to read:

1235 373.4149 Miami-Dade County Lake Belt Plan.—

1236 (4) The identification of the Miami-Dade County Lake Belt  
 1237 Area shall not preempt local land use jurisdiction, planning, or  
 1238 regulatory authority in regard to the use of land by private  
 1239 land owners. When amending local comprehensive plans, or  
 1240 implementing zoning regulations, development regulations, or  
 1241 other local regulations, Miami-Dade County shall strongly  
 1242 consider limestone mining activities and ancillary operations,  
 1243 such as lake excavation, including use of explosives, rock  
 1244 processing, cement, concrete and asphalt products manufacturing,  
 1245 and ancillary activities, within the rock mining supported and  
 1246 allowable areas of the Miami-Dade County Lake Belt Plan adopted  
 1247 by subsection (1); provided, however, that limerock mining  
 1248 activities are consistent with wellfield protection. Rezoning,

1249 amendments to local zoning and subdivision regulations, and  
 1250 amendments to local comprehensive plans concerning properties  
 1251 that are located within 1 mile of the Miami-Dade County Lake  
 1252 Belt Area shall be compatible with limestone mining activities.  
 1253 No rezonings, variances, amendments to local zoning and  
 1254 subdivision regulations which would result in an increase in  
 1255 residential density, or amendments to local comprehensive plans  
 1256 for any residential purpose may be approved for any property  
 1257 located in sections 35 and 36 and the east one-half of sections  
 1258 24 and 25, Township 53 South, Range 39 East until such time as  
 1259 there is no active mining within 2 miles of the property. This  
 1260 section does not preclude residential development that complies  
 1261 with current regulations.

1262 (5) The secretary of the Department of Environmental  
 1263 Protection, the executive director of the Department of Economic  
 1264 Opportunity, the secretary of the Department of Transportation,  
 1265 the Commissioner of Agriculture, the executive director of the  
 1266 Fish and Wildlife Conservation Commission, and the executive  
 1267 director of the South Florida Water Management District may  
 1268 enter into agreements with landowners, developers, businesses,  
 1269 industries, individuals, and governmental agencies as necessary  
 1270 to effectuate the Miami-Dade County Lake Belt Plan and the  
 1271 provisions of this section.

1272 Reviser's note.—Amended to conform to context and to the full  
 1273 names of the Miami-Dade County Lake Belt Area and the  
 1274 Miami-Dade County Lake Belt Plan.

1275 Section 39. Subsection (7) of section 373.41492, Florida  
 1276 Statutes, is amended to read:

1277 373.41492 Miami-Dade County Lake Belt Mitigation Plan;  
 1278 mitigation for mining activities within the Miami-Dade County  
 1279 Lake Belt.—

1280 (7) Payment of the mitigation fee imposed by this section  
 1281 satisfies the mitigation requirements imposed under ss. 373.403-  
 1282 373.439 and any applicable county ordinance for loss of the  
 1283 value and functions from mining of the wetlands identified as  
 1284 rock mining supported and allowable areas of the Miami-Dade  
 1285 County Lake Belt Plan adopted by s. 373.4149(1). In addition, it  
 1286 is the intent of the Legislature that the payment of the  
 1287 mitigation fee imposed by this section satisfy all federal  
 1288 mitigation requirements for the wetlands mined.

1289 Reviser's note.—Amended to conform to context and to the full  
 1290 name of the Miami-Dade County Lake Belt Plan.

1291 Section 40. Paragraph (g) of subsection (1) of section  
 1292 379.3751, Florida Statutes, is amended to read:

1293 379.3751 Taking and possession of alligators; trapping  
 1294 licenses; fees.—

1295 (1)

1296 (g) A person engaged in the taking of alligators under any  
 1297 permit issued by the commission which authorizes the taking ~~take~~  
 1298 of alligators is not required to possess a management area  
 1299 permit under s. 379.354(8).

1300 Reviser's note.—Amended to confirm the editorial substitution of

1301 the word "taking" for the word "take" to improve clarity.

1302 Section 41. Paragraph (b) of subsection (7) of section  
 1303 380.510, Florida Statutes, is amended to read:

1304 380.510 Conditions of grants and loans.—

1305 (7) Any funds received by the trust pursuant to s.  
 1306 259.105(3)(c) or s. 375.041 shall be held separate and apart  
 1307 from any other funds held by the trust and used for the land  
 1308 acquisition purposes of this part.

1309 (b) All deeds or leases with respect to any real property  
 1310 acquired with funds received by the trust from the former  
 1311 Preservation 2000 Trust Fund, the Florida Forever Trust Fund, or  
 1312 the Land Acquisition Trust Fund must contain such covenants and  
 1313 restrictions as are sufficient to ensure that the use of such  
 1314 real property at all times complies with s. 375.051 and s. 9,  
 1315 Art. XII of the State Constitution. Each deed or lease with  
 1316 respect to any real property acquired with funds received by the  
 1317 trust from the Florida Forever Trust Fund before July 1, 2015,  
 1318 must contain covenants and restrictions sufficient to ensure  
 1319 that the use of such real property at all times complies with s.  
 1320 11(e), Art. VII of the State Constitution. Each deed or lease  
 1321 with respect to any real property acquired with funds received  
 1322 by the trust from the Florida Forever Trust Fund after July 1,  
 1323 2015, must contain covenants and restrictions sufficient to  
 1324 ensure that the use of such real property at all times complies  
 1325 with s. 28, Art. X of the State Constitution. Each deed or lease  
 1326 must contain a reversion, conveyance, or termination clause that

1327 vests title in the Board of Trustees of the Internal Improvement  
 1328 Trust Fund if any of the covenants or restrictions are violated  
 1329 by the titleholder or leaseholder or by some third party with  
 1330 the knowledge of the titleholder or leaseholder.

1331 Reviser's note.—Amended to conform to the termination of the  
 1332 Florida Preservation 2000 Trust Fund pursuant to s. 1, ch.  
 1333 2015-229, Laws of Florida, and the repeal of s. 375.045,  
 1334 which created the trust fund, by s. 52, ch. 2015-229.

1335 Section 42. Paragraph (g) of subsection (5) of section  
 1336 383.402, Florida Statutes, is amended to read:

1337 383.402 Child abuse death review; State Child Abuse Death  
 1338 Review Committee; local child abuse death review committees.—

1339 (5) ACCESS TO AND USE OF RECORDS.—

1340 (g) A person who has attended a meeting of the state  
 1341 committee or a local committee or who has otherwise participated  
 1342 in activities authorized by this section may not be permitted or  
 1343 required to testify in any civil, criminal, or administrative  
 1344 proceeding as to any records or information produced or  
 1345 presented to a committee during meetings or other activities  
 1346 authorized by this section. However, this paragraph ~~subsection~~  
 1347 does not prevent any person who testifies before the committee  
 1348 or who is a member of the committee from testifying as to  
 1349 matters otherwise within his or her knowledge. An organization,  
 1350 institution, committee member, or other person who furnishes  
 1351 information, data, reports, or records to the state committee or  
 1352 a local committee is not liable for damages to any person and is

1353 not subject to any other civil, criminal, or administrative  
 1354 recourse. This paragraph ~~subsection~~ does not apply to any person  
 1355 who admits to committing a crime.

1356 Reviser's note.—Amended to confirm the editorial substitution of  
 1357 the word "paragraph" for the word "subsection" to conform  
 1358 to the redesignation of subsection (14) as paragraph (5) (g)  
 1359 by s. 4, ch. 2015-79, Laws of Florida.

1360 Section 43. Subsection (1) of section 395.1012, Florida  
 1361 Statutes, is amended to read:

1362 395.1012 Patient safety.—

1363 (1) Each licensed facility must adopt a patient safety  
 1364 plan. A plan adopted to implement the requirements of 42 C.F.R.  
 1365 s. part 482.21 shall be deemed to comply with this requirement.

1366 Reviser's note.—Amended to facilitate correct interpretation.

1367 There is no 42 C.F.R. part 482.21; there is a 42 C.F.R. s.  
 1368 482.21, which requires a program for quality improvement  
 1369 and patient safety.

1370 Section 44. Paragraph (d) of subsection (1) of section  
 1371 400.0065, Florida Statutes, is amended to read:

1372 400.0065 State Long-Term Care Ombudsman Program; duties  
 1373 and responsibilities.—

1374 (1) The purpose of the State Long-Term Care Ombudsman  
 1375 Program is to:

1376 (d) Ensure that residents have regular and timely access  
 1377 to the services provided through the State Long-Term Care  
 1378 Ombudsman Program and that residents and complainants receive



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1379 | timely responses from representatives of the State Long-Term  
 1380 | Care Ombudsman Program to their complaints.

1381 | Reviser's note.—Amended to confirm the editorial insertion of  
 1382 | the word "Ombudsman" to conform to the name of the program  
 1383 | established in s. 400.0063.

1384 | Section 45. Paragraph (a) of subsection (3) of section  
 1385 | 400.0070, Florida Statutes, is amended to read:

1386 | 400.0070 Conflicts of interest.—

1387 | (3) The department, in consultation with the state  
 1388 | ombudsman, shall define by rule:

1389 | (a) Situations that constitute a conflict of interest  
 1390 | which could materially affect the objectivity or capacity of an  
 1391 | individual to serve as a representative of the State Long-Term  
 1392 | Care Ombudsman Program while carrying out the purposes of the  
 1393 | State Long-Term Care Ombudsman Program as specified in this  
 1394 | part.

1395 | Reviser's note.—Amended to confirm the editorial insertion of  
 1396 | the word "Ombudsman" to conform to the name of the program  
 1397 | established in s. 400.0063.

1398 | Section 46. Subsection (1) of section 400.0081, Florida  
 1399 | Statutes, is amended to read:

1400 | 400.0081 Access to facilities, residents, and records.—

1401 | (1) A long-term care facility shall provide  
 1402 | representatives of the State Long-Term Care Ombudsman Program  
 1403 | with access to:

1404 | (a) The long-term care facility and its residents.

1405 (b) Where appropriate, medical and social records of a  
 1406 resident for review if:

1407 1. The representative of the State Long-Term Care  
 1408 Ombudsman Program has the permission of the resident or the  
 1409 legal representative of the resident; or

1410 2. The resident is unable to consent to the review and  
 1411 does not have a legal representative.

1412 (c) Medical and social records of a resident as necessary  
 1413 to investigate a complaint, if:

1414 1. A legal representative or guardian of the resident  
 1415 refuses to give permission;

1416 2. The representative of the State Long-Term Care  
 1417 Ombudsman Program has reasonable cause to believe that the legal  
 1418 representative or guardian is not acting in the best interests  
 1419 of the resident; and

1420 3. The representative of the State Long-Term Care  
 1421 Ombudsman Program obtains the approval of the state ombudsman.

1422 (d) ~~Access to~~ Administrative records, policies, and  
 1423 documents to which residents or the general public have access.

1424 (e) Upon request, copies of all licensing and  
 1425 certification records maintained by the state with respect to a  
 1426 long-term care facility.

1427 Reviser's note.—The introductory paragraph to subsection (1) is  
 1428 amended to confirm the editorial insertion of the word  
 1429 "Ombudsman" to conform to the name of the program  
 1430 established in s. 400.0063. Paragraph (1)(d) is amended to

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1431 confirm the editorial deletion of the words "Access to" to  
 1432 improve clarity.

1433 Section 47. Paragraph (c) of subsection (3) of section  
 1434 400.0087, Florida Statutes, is amended to read:

1435 400.0087 Department oversight; funding.—

1436 (3) The department is responsible for ensuring that the  
 1437 State Long-Term Care Ombudsman Program:

1438 (c) Provides appropriate training to representatives of  
 1439 the State Long-Term Care Ombudsman Program ~~Office~~.

1440 Reviser's note.—Amended to substitute the term "State Long-Term  
 1441 Care Ombudsman Program" for the term "State Long-Term Care  
 1442 Ombudsman Office" to conform to context and revisions to  
 1443 this material by ch. 2015-31, Laws of Florida.

1444 Section 48. Subsection (2) of section 400.022, Florida  
 1445 Statutes, is amended to read:

1446 400.022 Residents' rights.—

1447 (2) The licensee for each nursing home shall orally inform  
 1448 the resident of the resident's rights and provide a copy of the  
 1449 statement required by subsection (1) to each resident or the  
 1450 resident's legal representative at or before the resident's  
 1451 admission to a facility. The licensee shall provide a copy of  
 1452 the resident's rights to each staff member of the facility. Each  
 1453 such licensee shall prepare a written plan and provide  
 1454 appropriate staff training to implement the provisions of this  
 1455 section. The written statement of rights must include a  
 1456 statement that a resident may file a complaint with the agency

1457 or state or local ombudsman council. The statement must be in  
 1458 boldfaced type and include the telephone number and e-mail  
 1459 address of the State Long-Term Care Ombudsman Program and the  
 1460 telephone numbers of the local ombudsman council and the Elder  
 1461 Abuse Hotline operated by the Department of Children and  
 1462 Families.

1463 Reviser's note.—Amended to confirm the editorial insertion of  
 1464 the word "and" and to insert the word "telephone" to  
 1465 improve clarity.

1466 Section 49. Paragraph (d) of subsection (1) of section  
 1467 400.141, Florida Statutes, is amended to read:

1468 400.141 Administration and management of nursing home  
 1469 facilities.—

1470 (1) Every licensed facility shall comply with all  
 1471 applicable standards and rules of the agency and shall:

1472 (d) Provide for resident use of a community pharmacy as  
 1473 specified in s. 400.022(1)(q). Any other law to the contrary  
 1474 notwithstanding, a registered pharmacist licensed in Florida,  
 1475 that is under contract with a facility licensed under this  
 1476 chapter or chapter 429, shall repackage a nursing facility  
 1477 resident's bulk prescription medication which has been packaged  
 1478 by another pharmacist licensed in any state in the United States  
 1479 into a unit dose system compatible with the system used by the  
 1480 nursing facility, if the pharmacist is requested to offer such  
 1481 service. In order to be eligible for the repackaging, a resident  
 1482 or the resident's spouse must receive prescription medication

1483 benefits provided through a former employer as part of his or  
 1484 her retirement benefits, a qualified pension plan as specified  
 1485 in s. 4972 of the Internal Revenue Code, a federal retirement  
 1486 program as specified under 5 C.F.R. part ~~s.~~ 831, or a long-term  
 1487 care policy as defined in s. 627.9404(1). A pharmacist who  
 1488 correctly repackages and relabels the medication and the nursing  
 1489 facility which correctly administers such repackaged medication  
 1490 under this paragraph may not be held liable in any civil or  
 1491 administrative action arising from the repackaging. In order to  
 1492 be eligible for the repackaging, a nursing facility resident for  
 1493 whom the medication is to be repackaged shall sign an informed  
 1494 consent form provided by the facility which includes an  
 1495 explanation of the repackaging process and which notifies the  
 1496 resident of the immunities from liability provided in this  
 1497 paragraph. A pharmacist who repackages and relabels prescription  
 1498 medications, as authorized under this paragraph, may charge a  
 1499 reasonable fee for costs resulting from the implementation of  
 1500 this provision.

1501 Reviser's note.—Amended to facilitate correct interpretation.

1502 There is no 5 C.F.R. s. 831; there is a 5 C.F.R. part 831,  
 1503 which relates to retirement.

1504 Section 50. Paragraph (b) of subsection (1) of section  
 1505 403.5363, Florida Statutes, is amended to read:

1506 403.5363 Public notices; requirements.—

1507 (1)

1508 (b) Public notices that must be published under this

1509 section include:

1510 1. The notice of the filing of an application, which must  
 1511 include a description of the proceedings required by this act.  
 1512 The notice must describe the provisions of s. 403.531(1) and (2)  
 1513 and give the date by which notice of intent to be a party or a  
 1514 petition to intervene in accordance with s. 403.527(2) must be  
 1515 filed. This notice must be published no more than 21 days after  
 1516 the application is filed. The notice shall, at a minimum, be  
 1517 one-half page in size in a standard size newspaper or a full  
 1518 page in a tabloid size newspaper. The notice must include a map  
 1519 generally depicting all transmission corridors proper for  
 1520 certification.

1521 2. The notice of the certification hearing and any public  
 1522 hearing held under s. 403.527(4). The notice must include the  
 1523 date by which a person wishing to appear as a party must file  
 1524 the notice to do so. The notice of the originally scheduled  
 1525 certification hearing must be published at least 65 days before  
 1526 the date set for the certification hearing. The notice shall  
 1527 meet the size and map requirements set forth in subparagraph 1.

1528 3. The notice of the cancellation of the certification  
 1529 hearing under s. 403.527(6), if applicable. The notice must be  
 1530 published at least 3 days before the date of the originally  
 1531 scheduled certification hearing. The notice shall, at a minimum,  
 1532 be one-fourth page in size in a standard size newspaper or one-  
 1533 half page in a tabloid size newspaper. The notice shall not  
 1534 require a map to be included.

1535 4. The notice of the deferment of the certification  
 1536 hearing due to the acceptance of an alternate corridor under s.  
 1537 403.5271(1)(b)2. ~~403.5272(1)(b)2.~~ The notice must be published  
 1538 at least 7 days before the date of the originally scheduled  
 1539 certification hearing. The notice shall, at a minimum, be one-  
 1540 eighth page in size in a standard size newspaper or one-fourth  
 1541 page in a tabloid size newspaper. The notice shall not require a  
 1542 map to be included.

1543 5. If the notice of the rescheduled certification hearing  
 1544 required of an alternate proponent under s. 403.5271(1)(c) is  
 1545 not timely published or does not meet the notice requirements  
 1546 such that an alternate corridor is withdrawn under the  
 1547 provisions of s. 403.5271(1)(c), the notice of the rescheduled  
 1548 hearing and any local hearings shall be provided by the  
 1549 applicant at least 30 days prior to the rescheduled  
 1550 certification hearing.

1551 6. The notice of the filing of a proposal to modify the  
 1552 certification submitted under s. 403.5315, if the department  
 1553 determines that the modification would require relocation or  
 1554 expansion of the transmission line right-of-way or a certified  
 1555 substation.

1556 Reviser's note.—Amended to conform to context and facilitate  
 1557 correct interpretation. Section 403.5272(1)(b)2. does not  
 1558 exist; s. 403.5271(1)(b)2. relates to certification  
 1559 hearings for alternate corridors.

1560 Section 51. Section 408.301, Florida Statutes, is amended

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1561 to read:

1562           408.301 Legislative findings.—The Legislature has found  
 1563 that access to quality, affordable, health care for all  
 1564 Floridians is an important goal for the state. The Legislature  
 1565 recognizes that there are Floridians with special health care  
 1566 and social needs which require particular attention. The people  
 1567 served by the Department of Children and Families, the Agency  
 1568 for Persons with Disabilities, the Department of Health, and the  
 1569 Department of Elderly Affairs are examples of citizens with  
 1570 special needs. The Legislature further recognizes that the  
 1571 Medicaid program is an intricate part of the service delivery  
 1572 system for the special needs citizens. However, the Agency for  
 1573 Health Care Administration is not a service provider and does  
 1574 not develop or direct programs for the special needs citizens.  
 1575 Therefore, it is the intent of the Legislature that the Agency  
 1576 for Health Care Administration work closely with the Department  
 1577 of Children and Families, the Agency for Persons with  
 1578 Disabilities, the Department of Health, and the Department of  
 1579 Elderly Affairs in developing plans for assuring access to all  
 1580 Floridians in order to assure that the needs of special needs  
 1581 citizens are met.

1582 Reviser's note.—Amended to insert the word "needs" to conform to  
 1583 context and facilitate correct interpretation.

1584           Section 52. Subsection (2) of section 409.978, Florida  
 1585 Statutes, is amended to read:

1586           409.978 Long-term care managed care program.—



1587 (2) The agency shall make payments for long-term care,  
 1588 including home and community-based services, using a managed  
 1589 care model. Unless otherwise specified, ss. 409.961-409.969  
 1590 ~~409.961-409.97~~ apply to the long-term care managed care program.  
 1591 Reviser's note.—Amended to conform to the repeal of s. 409.97 by  
 1592 s. 11, ch. 2015-225, Laws of Florida.

1593 Section 53. Section 415.113, Florida Statutes, is amended  
 1594 to read:

1595 415.113 Statutory construction; treatment by spiritual  
 1596 means.—Nothing in ss. 415.101-415.1115 ~~415.101-415.112~~ shall be  
 1597 construed to mean a person is abused, neglected, or in need of  
 1598 emergency or protective services for the sole reason that the  
 1599 person relies upon and is, therefore, being furnished treatment  
 1600 by spiritual means through prayer alone in accordance with the  
 1601 tenets and practices of a well-recognized church or religious  
 1602 denomination or organization; nor shall anything in such  
 1603 sections be construed to authorize, permit, or require any  
 1604 medical care or treatment in contravention of the stated or  
 1605 implied objection of such person. Such construction does not:

1606 (1) Eliminate the requirement that such a case be reported  
 1607 to the department;

1608 (2) Prevent the department from investigating such a case;  
 1609 or

1610 (3) Preclude a court from ordering, when the health of the  
 1611 individual requires it, the provision of medical services by a  
 1612 licensed physician or treatment by a duly accredited

1613 practitioner who relies solely on spiritual means for healing in  
 1614 accordance with the tenets and practices of a well-recognized  
 1615 church or religious denomination or organization.

1616 Reviser's note.—Amended to conform to the repeal of s. 415.112  
 1617 by s. 31, ch. 2015-4, Laws of Florida.

1618 Section 54. Paragraph (1) of subsection (5) of section  
 1619 456.074, Florida Statutes, is amended to read:

1620 456.074 Certain health care practitioners; immediate  
 1621 suspension of license.—

1622 (5) The department shall issue an emergency order  
 1623 suspending the license of a massage therapist or establishment  
 1624 as defined in chapter 480 upon receipt of information that the  
 1625 massage therapist, a person with an ownership interest in the  
 1626 establishment, or, for a corporation that has more than \$250,000  
 1627 of business assets in this state, the owner, officer, or  
 1628 individual directly involved in the management of the  
 1629 establishment has been convicted or found guilty of, or has  
 1630 entered a plea of guilty or nolo contendere to, regardless of  
 1631 adjudication, a felony offense under any of the following  
 1632 provisions of state law or a similar provision in another  
 1633 jurisdiction:

1634 (1) Section 796.07(4)(a)3.~~796.07(4)(e)~~, relating to a  
 1635 felony of the third degree for a third or subsequent violation  
 1636 of s. 796.07, relating to prohibiting prostitution and related  
 1637 acts.

1638 Reviser's note.—Amended to conform to the redesignation of s.

1639 796.07(4)(c) as s. 796.07(4)(a)3. by s. 1, ch. 2015-145,  
 1640 Laws of Florida.

1641 Section 55. Paragraph (a) of subsection (1) of section  
 1642 458.3265, Florida Statutes, is amended to read:

1643 458.3265 Pain-management clinics.—

1644 (1) REGISTRATION.—

1645 (a)1. As used in this section, the term:

1646 a. "Board eligible" means successful completion of an  
 1647 anesthesia, physical medicine and rehabilitation, rheumatology,  
 1648 or neurology residency program approved by the Accreditation  
 1649 Council for Graduate Medical Education or the American  
 1650 Osteopathic Association for a period of 6 years from successful  
 1651 completion of such residency program.

1652 b. "Chronic nonmalignant pain" means pain unrelated to  
 1653 cancer which persists beyond the usual course of disease or the  
 1654 injury that is the cause of the pain or more than 90 days after  
 1655 surgery.

1656 c. "Pain-management clinic" or "clinic" means any publicly  
 1657 or privately owned facility:

1658 (I) That advertises in any medium for any type of pain-  
 1659 management services; or

1660 (II) Where in any month a majority of patients are  
 1661 prescribed opioids, benzodiazepines, barbiturates, or  
 1662 carisoprodol for the treatment of chronic nonmalignant pain.

1663 2. Each pain-management clinic must register with the  
 1664 department unless:

- 1665 |       a. That clinic is licensed as a facility pursuant to
- 1666 | chapter 395;
- 1667 |       b. The majority of the physicians who provide services in
- 1668 | the clinic primarily provide surgical services;
- 1669 |       c. The clinic is owned by a publicly held corporation
- 1670 | whose shares are traded on a national exchange or on the over-
- 1671 | the-counter market and whose total assets at the end of the
- 1672 | corporation's most recent fiscal quarter exceeded \$50 million;
- 1673 |       d. The clinic is affiliated with an accredited medical
- 1674 | school at which training is provided for medical students,
- 1675 | residents, or fellows;
- 1676 |       e. The clinic does not prescribe controlled substances for
- 1677 | the treatment of pain;
- 1678 |       f. The clinic is owned by a corporate entity exempt from
- 1679 | federal taxation under 26 U.S.C. s. 501(c)(3);
- 1680 |       g. The clinic is wholly owned and operated by one or more
- 1681 | board-eligible or board-certified anesthesiologists,
- 1682 | physiatrists, rheumatologists, or neurologists; or
- 1683 |       h. The clinic is wholly owned and operated by a physician
- 1684 | multispecialty practice where one or more board-eligible or
- 1685 | board-certified medical specialists, who have also completed
- 1686 | fellowships in pain medicine approved by the Accreditation
- 1687 | Council for Graduate Medical Education, ~~or who are also board-~~
- 1688 | certified in pain medicine by the American Board of Pain
- 1689 | Medicine or a board approved by the American Board of Medical
- 1690 | Specialties, the American Association of Physician Specialists,

1691 or the American Osteopathic Association, and perform  
 1692 interventional pain procedures of the type routinely billed  
 1693 using surgical codes.

1694 Reviser's note.—Amended to facilitate correct interpretation and  
 1695 improve clarity.

1696 Section 56. Paragraph (a) of subsection (1) of section  
 1697 459.0137, Florida Statutes, is amended to read:

1698 459.0137 Pain-management clinics.—

1699 (1) REGISTRATION.—

1700 (a)1. As used in this section, the term:

1701 a. "Board eligible" means successful completion of an  
 1702 anesthesia, physical medicine and rehabilitation, rheumatology,  
 1703 or neurology residency program approved by the Accreditation  
 1704 Council for Graduate Medical Education or the American  
 1705 Osteopathic Association for a period of 6 years from successful  
 1706 completion of such residency program.

1707 b. "Chronic nonmalignant pain" means pain unrelated to  
 1708 cancer which persists beyond the usual course of disease or the  
 1709 injury that is the cause of the pain or more than 90 days after  
 1710 surgery.

1711 c. "Pain-management clinic" or "clinic" means any publicly  
 1712 or privately owned facility:

1713 (I) That advertises in any medium for any type of pain-  
 1714 management services; or

1715 (II) Where in any month a majority of patients are  
 1716 prescribed opioids, benzodiazepines, barbiturates, or

1717 carisoprodol for the treatment of chronic nonmalignant pain.  
 1718 2. Each pain-management clinic must register with the  
 1719 department unless:  
 1720 a. That clinic is licensed as a facility pursuant to  
 1721 chapter 395;  
 1722 b. The majority of the physicians who provide services in  
 1723 the clinic primarily provide surgical services;  
 1724 c. The clinic is owned by a publicly held corporation  
 1725 whose shares are traded on a national exchange or on the over-  
 1726 the-counter market and whose total assets at the end of the  
 1727 corporation's most recent fiscal quarter exceeded \$50 million;  
 1728 d. The clinic is affiliated with an accredited medical  
 1729 school at which training is provided for medical students,  
 1730 residents, or fellows;  
 1731 e. The clinic does not prescribe controlled substances for  
 1732 the treatment of pain;  
 1733 f. The clinic is owned by a corporate entity exempt from  
 1734 federal taxation under 26 U.S.C. s. 501(c)(3);  
 1735 g. The clinic is wholly owned and operated by one or more  
 1736 board-eligible or board-certified anesthesiologists,  
 1737 physiatrists, rheumatologists, or neurologists; or  
 1738 h. The clinic is wholly owned and operated by a physician  
 1739 multispecialty practice where one or more board-eligible or  
 1740 board-certified medical specialists, who have also completed  
 1741 fellowships in pain medicine approved by the Accreditation  
 1742 Council for Graduate Medical Education or the American

1743 Osteopathic Association, or who are also board-certified in pain  
 1744 medicine by the American Board of Pain Medicine or a board  
 1745 approved by the American Board of Medical Specialties, the  
 1746 American Association of Physician Specialists, or the American  
 1747 Osteopathic Association, and perform interventional pain  
 1748 procedures of the type routinely billed using surgical codes.  
 1749 Reviser's note.—Amended to facilitate correct interpretation and  
 1750 improve clarity.

1751 Section 57. Subsections (1), (2), and (3) of section  
 1752 468.503, Florida Statutes, are amended and reordered to read:

1753 468.503 Definitions.—As used in this part:

1754 (1)~~(2)~~ "Board" means the Board of Medicine.

1755 (2)~~(3)~~ "Commission" means the Commission on Dietetic  
 1756 Registration, the credentialing agency of the Academy of  
 1757 Nutrition and Dietetics.

1758 (3)~~(1)~~ "Department" means the Department of Health  
 1759 "~~Agency~~" means the ~~Agency for Health Care Administration~~.

1760 Reviser's note.—The definition of "department" as the  
 1761 "Department of Health" was substituted by the editors for a  
 1762 definition of "agency" as the "Agency for Health Care  
 1763 Administration" to conform to the fact that s.  
 1764 20.43(3)(g)17. provides that Dietetics and Nutrition  
 1765 Practice, as provided under part X of chapter 468, is under  
 1766 the Division of Medical Quality Assurance of the Department  
 1767 of Health. Section 8, ch. 96-403, Laws of Florida, enacted  
 1768 s. 20.43, and provided for department oversight of

1769 Dietetics and Nutrition Practice, effective July 1, 1997.  
 1770 Some references to the Agency for Health Care  
 1771 Administration were never conformed.

1772 Section 58. Subsections (1), (2), and (4) of section  
 1773 468.509, Florida Statutes, are amended to read:

1774 468.509 Dietitian/nutritionist; requirements for  
 1775 licensure.—

1776 (1) Any person desiring to be licensed as a  
 1777 dietitian/nutritionist shall apply to the department ~~agency~~ to  
 1778 take the licensure examination.

1779 (2) The department ~~agency~~ shall examine any applicant who  
 1780 the board certifies has completed the application form and  
 1781 remitted the application and examination fees specified in s.  
 1782 468.508 and who:

1783 (a)1. Possesses a baccalaureate or postbaccalaureate  
 1784 degree with a major course of study in human nutrition, food and  
 1785 nutrition, dietetics, or food management, or an equivalent major  
 1786 course of study, from a school or program accredited, at the  
 1787 time of the applicant's graduation, by the appropriate  
 1788 accrediting agency recognized by the Commission on Recognition  
 1789 of Postsecondary Accreditation and the United States Department  
 1790 of Education; and

1791 2. Has completed a preprofessional experience component of  
 1792 not less than 900 hours or has education or experience  
 1793 determined to be equivalent by the board; or

1794 (b)1. Has an academic degree, from a foreign country, that



1795 has been validated by an accrediting agency approved by the  
 1796 United States Department of Education as equivalent to the  
 1797 baccalaureate or postbaccalaureate degree conferred by a  
 1798 regionally accredited college or university in the United  
 1799 States;

1800 2. Has completed a major course of study in human  
 1801 nutrition, food and nutrition, dietetics, or food management;  
 1802 and

1803 3. Has completed a preprofessional experience component of  
 1804 not less than 900 hours or has education or experience  
 1805 determined to be equivalent by the board.

1806 (4) The department ~~agency~~ shall license as a  
 1807 dietitian/nutritionist any applicant who has remitted the  
 1808 initial licensure fee and has passed the examination in  
 1809 accordance with this section.

1810 Reviser's note.—The word "department" was substituted for the  
 1811 word "agency" by the editors to conform to the fact that s.  
 1812 20.43(3)(g)17. provides that Dietetics and Nutrition  
 1813 Practice, as provided under part X of chapter 468, is under  
 1814 the Division of Medical Quality Assurance of the Department  
 1815 of Health. Section 8, ch. 96-403, Laws of Florida, enacted  
 1816 s. 20.43, and provided for department oversight of  
 1817 Dietetics and Nutrition Practice, effective July 1, 1997.  
 1818 Some references to the Agency for Health Care  
 1819 Administration were never conformed.  
 1820 Section 59. Subsections (1) and (3) of section 468.513,

1821 Florida Statutes, are amended to read:

1822 468.513 Dietitian/nutritionist; licensure by endorsement.—

1823 (1) The department ~~agency~~ shall issue a license to  
 1824 practice dietetics and nutrition by endorsement to any applicant  
 1825 who the board certifies as qualified, upon receipt of a  
 1826 completed application and the fee specified in s. 468.508.

1827 (3) The department ~~agency~~ shall not issue a license by  
 1828 endorsement under this section to any applicant who is under  
 1829 investigation in any jurisdiction for any act which would  
 1830 constitute a violation of this part or chapter 456 until such  
 1831 time as the investigation is complete and disciplinary  
 1832 proceedings have been terminated.

1833 Reviser's note.—The word "department" was substituted for the  
 1834 word "agency" by the editors to conform to the fact that s.  
 1835 20.43(3)(g)17. provides that Dietetics and Nutrition  
 1836 Practice, as provided under part X of chapter 468, is under  
 1837 the Division of Medical Quality Assurance of the Department  
 1838 of Health. Section 8, ch. 96-403, Laws of Florida, enacted  
 1839 s. 20.43, and provided for department oversight of  
 1840 Dietetics and Nutrition Practice, effective July 1, 1997.  
 1841 Some references to the Agency for Health Care  
 1842 Administration were never conformed.

1843 Section 60. Section 468.514, Florida Statutes, is amended  
 1844 to read:

1845 468.514 Renewal of license.—

1846 (1) The department ~~agency~~ shall renew a license under this

1847 part upon receipt of the renewal application, fee, and proof of  
 1848 the successful completion of continuing education requirements  
 1849 as determined by the board.

1850 (2) The department ~~agency~~ shall adopt rules establishing a  
 1851 procedure for the biennial renewal of licenses under this part.

1852 Reviser's note.—The word "department" was substituted for the  
 1853 word "agency" by the editors to conform to the fact that s.  
 1854 20.43(3)(g)17. provides that Dietetics and Nutrition  
 1855 Practice, as provided under part X of chapter 468, is under  
 1856 the Division of Medical Quality Assurance of the Department  
 1857 of Health. Section 8, ch. 96-403, Laws of Florida, enacted  
 1858 s. 20.43, and provided for department oversight of  
 1859 Dietetics and Nutrition Practice, effective July 1, 1997.  
 1860 Some references to the Agency for Health Care  
 1861 Administration were never conformed.

1862 Section 61. Subsection (2) of section 468.515, Florida  
 1863 Statutes, is amended to read:

1864 468.515 Inactive status.—

1865 (2) The department ~~agency~~ shall reactivate a license under  
 1866 this part upon receipt of the reactivation application, fee, and  
 1867 proof of the successful completion of continuing education  
 1868 prescribed by the board.

1869 Reviser's note.—The word "department" was substituted for the  
 1870 word "agency" by the editors to conform to the fact that s.  
 1871 20.43(3)(g)17. provides that Dietetics and Nutrition  
 1872 Practice, as provided under part X of chapter 468, is under

1873 the Division of Medical Quality Assurance of the Department  
 1874 of Health. Section 8, ch. 96-403, Laws of Florida, enacted  
 1875 s. 20.43, and provided for department oversight of  
 1876 Dietetics and Nutrition Practice, effective July 1, 1997.  
 1877 Some references to the Agency for Health Care  
 1878 Administration were never conformed.

1879 Section 62. Paragraph (a) of subsection (1) and subsection  
 1880 (3) of section 468.518, Florida Statutes, are amended to read:  
 1881 468.518 Grounds for disciplinary action.—

1882 (1) The following acts constitute grounds for denial of a  
 1883 license or disciplinary action, as specified in s. 456.072(2):

1884 (a) Violating any provision of this part, any board or  
 1885 department ~~agency~~ rule adopted pursuant thereto, or any lawful  
 1886 order of the board or department ~~agency~~ previously entered in a  
 1887 disciplinary hearing held pursuant to this part, or failing to  
 1888 comply with a lawfully issued subpoena of the department ~~agency~~.  
 1889 The provisions of this paragraph also apply to any order or  
 1890 subpoena previously issued by the Department of Health during  
 1891 its period of regulatory control over this part.

1892 (3) The department ~~agency~~ shall reissue the license of a  
 1893 disciplined dietitian/nutritionist or nutrition counselor upon  
 1894 certification by the board that the disciplined  
 1895 dietitian/nutritionist or nutrition counselor has complied with  
 1896 all of the terms and conditions set forth in the final order.

1897 Reviser's note.—The word "department" was substituted for the  
 1898 word "agency" by the editors to conform to the fact that s.

1899 20.43(3)(g)17. provides that Dietetics and Nutrition  
 1900 Practice, as provided under part X of chapter 468, is under  
 1901 the Division of Medical Quality Assurance of the Department  
 1902 of Health. Section 8, ch. 96-403, Laws of Florida, enacted  
 1903 s. 20.43, and provided for department oversight of  
 1904 Dietetics and Nutrition Practice, effective July 1, 1997.  
 1905 Some references to the Agency for Health Care  
 1906 Administration were never conformed.

1907 Section 63. Paragraph (1) of subsection (7) of section  
 1908 480.041, Florida Statutes, is amended to read:

1909 480.041 Massage therapists; qualifications; licensure;  
 1910 endorsement.—

1911 (7) The board shall deny an application for a new or  
 1912 renewal license if an applicant has been convicted or found  
 1913 guilty of, or enters a plea of guilty or nolo contendere to,  
 1914 regardless of adjudication, a felony offense under any of the  
 1915 following provisions of state law or a similar provision in  
 1916 another jurisdiction:

1917 (1) Section 796.07(4)(a)3. ~~796.07(4)(e)~~, relating to a  
 1918 felony of the third degree for a third or subsequent violation  
 1919 of s. 796.07, relating to prohibiting prostitution and related  
 1920 acts.

1921 Reviser's note.—Amended to conform to the redesignation of s.  
 1922 796.07(4)(c) as s. 796.07(4)(a)3. by s. 1, ch. 2015-145,  
 1923 Laws of Florida.

1924 Section 64. Paragraph (1) of subsection (8) of section

1925 480.043, Florida Statutes, is amended to read:

1926 480.043 Massage establishments; requisites; licensure;  
1927 inspection.—

1928 (8) The department shall deny an application for a new or  
1929 renewal license if a person with an ownership interest in the  
1930 establishment or, for a corporation that has more than \$250,000  
1931 of business assets in this state, the owner, officer, or  
1932 individual directly involved in the management of the  
1933 establishment has been convicted or found guilty of, or entered  
1934 a plea of guilty or nolo contendere to, regardless of  
1935 adjudication, a felony offense under any of the following  
1936 provisions of state law or a similar provision in another  
1937 jurisdiction:

1938 (1) Section 796.07(4)(a)3. ~~796.07(4)(e)~~, relating to a  
1939 felony of the third degree for a third or subsequent violation  
1940 of s. 796.07, relating to prohibiting prostitution and related  
1941 acts.

1942 Reviser's note.—Amended to conform to the redesignation of s.  
1943 796.07(4)(c) as s. 796.07(4)(a)3. by s. 1, ch. 2015-145,  
1944 Laws of Florida.

1945 Section 65. Subsection (3) of section 497.159, Florida  
1946 Statutes, is amended to read:

1947 497.159 Crimes.—

1948 (3) Any person who willfully obstructs the department or  
1949 its examiner in any examination or investigation authorized by  
1950 this chapter commits a misdemeanor of the second degree ~~and is,~~

1951 ~~in addition to any disciplinary action under this chapter,~~  
 1952 punishable as provided in s. 775.082 or s. 775.083, in addition  
 1953 to any disciplinary action under this chapter. The initiation of  
 1954 action in any court by or on behalf of any licensee to terminate  
 1955 or limit any examination or investigation under this chapter  
 1956 shall not constitute a violation under this subsection.

1957 Reviser's note.—Amended to facilitate correct interpretation and  
 1958 improve clarity.

1959 Section 66. Paragraph (a) of subsection (6) of section  
 1960 546.10, Florida Statutes, is amended to read:

1961 546.10 Amusement games or machines.—

1962 (6) (a) A Type B amusement game or machine may only be  
 1963 operated at:

1964 1. A facility as defined in s. 721.05(17) that is under  
 1965 the control of a timeshare plan.†

1966 2. A public lodging establishment or public food service  
 1967 establishment licensed pursuant to chapter 509.†

1968 3. The following premises, if the owner or operator of the  
 1969 premises has a current license issued by the Department of  
 1970 Business and Professional Regulation pursuant to chapter 509,  
 1971 chapter 561, chapter 562, chapter 563, chapter 564, chapter 565,  
 1972 chapter 567, or chapter 568:

1973 a. An arcade amusement center;

1974 b. A bowling center, as defined in s. 849.141; or

1975 c. A truck stop.

1976 Reviser's note.—Amended to improve punctuation.

1977 Section 67. Paragraph (q) of subsection (1) of section  
 1978 553.74, Florida Statutes, is amended to read:

1979 553.74 Florida Building Commission.—

1980 (1) The Florida Building Commission is created and located  
 1981 within the Department of Business and Professional Regulation  
 1982 for administrative purposes. Members are appointed by the  
 1983 Governor subject to confirmation by the Senate. The commission  
 1984 is composed of 27 members, consisting of the following:

1985 (q) One member of the building products manufacturing  
 1986 industry who is authorized to do business in this state and is  
 1987 actively engaged in the industry. The Florida Building Material  
 1988 Association, the Florida Concrete and Products ~~Product~~  
 1989 Association, and the Fenestration Manufacturers Association are  
 1990 encouraged to recommend a list of candidates for consideration.  
 1991 Reviser's note.—Amended to conform to the correct name of the  
 1992 Florida Concrete and Products Association.

1993 Section 68. Paragraph (b) of subsection (7) of section  
 1994 559.55, Florida Statutes, is amended to read:

1995 559.55 Definitions.—The following terms shall, unless the  
 1996 context otherwise indicates, have the following meanings for the  
 1997 purpose of this part:

1998 (7) "Debt collector" means any person who uses any  
 1999 instrumentality of commerce within this state, whether initiated  
 2000 from within or outside this state, in any business the principal  
 2001 purpose of which is the collection of debts, or who regularly  
 2002 collects or attempts to collect, directly or indirectly, debts



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2003 owed or due or asserted to be owed or due another. The term  
 2004 "debt collector" includes any creditor who, in the process of  
 2005 collecting her or his own debts, uses any name other than her or  
 2006 his own which would indicate that a third person is collecting  
 2007 or attempting to collect such debts. The term does not include:

2008 (b) Any person while acting as a debt collector for  
 2009 another person, both of whom are related by common ownership or  
 2010 affiliated by corporate control, if the person is acting as a  
 2011 debt collector for persons to whom it is so related or  
 2012 affiliated and if the principal business of such persons is not  
 2013 the collection of debts;

2014 Reviser's note.—Amended to confirm the editorial insertion of  
 2015 the word "is."

2016 Section 69. Subsection (7) of section 559.555, Florida  
 2017 Statutes, is amended to read:

2018 559.555 Registration of consumer collection agencies;  
 2019 procedure.—

2020 ~~(7) A consumer collection agency registrant whose initial~~  
 2021 ~~registration was approved and issued by the office pursuant to~~  
 2022 ~~this section before October 1, 2014, and who seeks renewal of~~  
 2023 ~~the registration must submit fingerprints for each control~~  
 2024 ~~person for live scan processing as described in paragraph~~  
 2025 ~~(2)(c). The fingerprints must be submitted before renewing a~~  
 2026 ~~registration that is scheduled to expire on December 31, 2014.~~

2027 Reviser's note.—Amended to delete an obsolete provision.

2028 Section 70. Paragraph (c) of subsection (1) of section

2029 560.141, Florida Statutes, is amended to read:

2030 560.141 License application.—

2031 (1) To apply for a license as a money services business  
2032 under this chapter, the applicant must submit:

2033 (c) Fingerprints for each person listed in subparagraph  
2034 (a)3. for live-scan processing in accordance with rules adopted  
2035 by the commission.

2036 1. The fingerprints may be submitted through a third-party  
2037 vendor authorized by the Department of Law Enforcement to  
2038 provide live-scan fingerprinting.

2039 2. The Department of Law Enforcement must conduct the  
2040 state criminal history background check, and a federal criminal  
2041 history background check must be conducted through the Federal  
2042 Bureau of Investigation.

2043 3. All fingerprints submitted to the Department of Law  
2044 Enforcement must be submitted electronically and entered into  
2045 the statewide automated fingerprint identification system  
2046 established in s. 943.05(2)(b) and available for use in  
2047 accordance with s. 943.05(2)(g) and (h). The office shall pay an  
2048 annual fee to the Department of Law Enforcement to participate  
2049 in the system and shall inform the Department of Law Enforcement  
2050 of any person whose fingerprints no longer must be retained.

2051 4. The costs of fingerprint processing, including the cost  
2052 of retaining the fingerprints, shall be borne by the person  
2053 subject to the background check.

2054 5. The office shall review the results of the state and

2055 federal criminal history background checks and determine whether  
 2056 the applicant meets licensure requirements.

2057 6. For purposes of this paragraph, fingerprints are not  
 2058 required to be submitted if the applicant is a publicly traded  
 2059 corporation or is exempted from this chapter under s.  
 2060 560.104(1). The term "publicly traded" means a stock is  
 2061 currently traded on a national securities exchange registered  
 2062 with the federal Securities and Exchange Commission or traded on  
 2063 an exchange in a country other than the United States regulated  
 2064 by a regulator equivalent to the Securities and Exchange  
 2065 Commission and the disclosure and reporting requirements of such  
 2066 regulator are substantially similar to those of the commission.

2067 ~~7. Licensees initially approved before October 1, 2013,~~  
 2068 ~~who are seeking renewal must submit fingerprints for each person~~  
 2069 ~~listed in subparagraph (a)3. for live scan processing pursuant~~  
 2070 ~~to this paragraph. Such fingerprints must be submitted before~~  
 2071 ~~renewing a license that is scheduled to expire between April 30,~~  
 2072 ~~2014, and December 31, 2015.~~

2073 Reviser's note.—Amended to delete an obsolete provision.

2074 Section 71. Paragraph (a) of subsection (13) of section  
 2075 561.42, Florida Statutes, is amended to read:

2076 561.42 Tied house evil; financial aid and assistance to  
 2077 vendor by manufacturer, distributor, importer, primary American  
 2078 source of supply, brand owner or registrant, or any broker,  
 2079 sales agent, or sales person thereof, prohibited; procedure for  
 2080 enforcement; exception.—

2081 (13) A licensee under the Beverage Law may not possess or  
 2082 use, in physical or electronic format, any type of malt beverage  
 2083 coupon or malt beverage cross-merchandising coupon in this  
 2084 state, where:

2085 (a) The coupon is produced, sponsored, or furnished,  
 2086 whether directly or indirectly, by an alcoholic ~~aleohe~~ beverage  
 2087 manufacturer, distributor, importer, brand owner, or brand  
 2088 registrant or any broker, sales agent, or sales person thereof;  
 2089 and

2090 Reviser's note.—Amended to conform to context and facilitate  
 2091 correct interpretation.

2092 Section 72. Subsection (4) of section 561.57, Florida  
 2093 Statutes, is amended to read:

2094 561.57 Deliveries by licensees.—

2095 (4) Nothing contained in this section shall prohibit  
 2096 deliveries by the licensee from his or her permitted storage  
 2097 area or deliveries by a distributor from the manufacturer to his  
 2098 or her licensed premises; nor shall a pool buying agent be  
 2099 prohibited from transporting pool purchases to the licensed  
 2100 premises of his or her members with the licensee's owned or  
 2101 leased vehicles, ~~and in such cases,~~. In addition, a licensed  
 2102 salesperson of wine and spirits is authorized to deliver  
 2103 alcoholic beverages in his or her vehicle on behalf of the  
 2104 distributor.

2105 Reviser's note.—Amended to confirm the editorial deletion of the  
 2106 phrase ", and in such cases," to conform to the striking of

2107 | the remaining words of the sentence by s. 5, ch. 2015-12,  
 2108 | Laws of Florida.

2109 | Section 73. Paragraph (b) of subsection (2) of section  
 2110 | 605.0410, Florida Statutes, is amended to read:

2111 | 605.0410 Records to be kept; rights of member, manager,  
 2112 | and person dissociated to information.—

2113 | (2) In a member-managed limited liability company, the  
 2114 | following rules apply:

2115 | (b) The company shall furnish to each member:

2116 | 1. Without demand, any information concerning the  
 2117 | company's activities, affairs, financial condition, and other  
 2118 | circumstances that is known to ~~that~~ the company ~~knows~~ and is  
 2119 | material to the proper exercise of the member's rights and  
 2120 | duties under the operating agreement or this chapter, except to  
 2121 | the extent the company can establish that it reasonably believes  
 2122 | the member already knows the information; and

2123 | 2. On demand, other information concerning the company's  
 2124 | activities, affairs, financial condition, and other  
 2125 | circumstances, except to the extent the demand or information  
 2126 | demanded is unreasonable or otherwise improper under the  
 2127 | circumstances.

2128 | Reviser's note.—Amended to improve clarity and to facilitate  
 2129 | correct interpretation.

2130 | Section 74. Section 610.1201, Florida Statutes, is amended  
 2131 | to read:

2132 | 610.1201 Severability.—If any provision of ss. 610.102-

2133 610.118 ~~610.102-610.119~~ or the application thereof to any person  
 2134 or circumstance is held invalid, such invalidity shall not  
 2135 affect other provisions or application of ss. 610.102-610.118  
 2136 ~~610.102-610.119~~ which can be given effect without the invalid  
 2137 provision or application, and to this end the provisions of ss.  
 2138 610.102-610.118 ~~610.102-610.119~~ are severable.

2139 Reviser's note.—Amended to conform to the repeal of s. 610.119  
 2140 by s. 1, ch. 2014-90, Laws of Florida.

2141 Section 75. Subsection (3) of section 617.01301, Florida  
 2142 Statutes, is amended to read:

2143 617.01301 Powers of Department of State.—

2144 (3) The Department of State may, based upon its findings  
 2145 hereunder or as provided in s. 213.053(15) ~~213.053(13)~~, bring an  
 2146 action in circuit court to collect any penalties, fees, or taxes  
 2147 determined to be due and owing the state and to compel any  
 2148 filing, qualification, or registration required by law. In  
 2149 connection with such proceeding the department may, without  
 2150 prior approval by the court, file a lis pendens against any  
 2151 property owned by the corporation and may further certify any  
 2152 findings to the Department of Legal Affairs for the initiation  
 2153 of any action permitted pursuant to s. 617.0503 which the  
 2154 Department of Legal Affairs may deem appropriate.

2155 Reviser's note.—Amended to conform to the fact that s.  
 2156 213.053(15), not s. 2130.053(13), references the Department  
 2157 of State and to conform to similar provisions in ss.  
 2158 605.1104 and 607.0130.

2159 Section 76. Section 618.221, Florida Statutes, is amended  
 2160 to read:

2161 618.221 Conversion into a corporation for profit.—Any  
 2162 association incorporated under or that has adopted the  
 2163 provisions of this chapter, may, by a majority vote of its  
 2164 stockholders or members be brought under part I of chapter 607,  
 2165 as a corporation for profit by surrendering all right to carry  
 2166 on its business under this chapter, and the privileges and  
 2167 immunities incident thereto. It shall make out in duplicate a  
 2168 statement signed and sworn to by its directors to the effect  
 2169 that the association has, by a majority vote of its stockholders  
 2170 or members, decided to surrender all rights, powers, and  
 2171 privileges as a nonprofit cooperative marketing association  
 2172 under this chapter and to do business under and be bound by part  
 2173 I of chapter 607, as a corporation for profit and has authorized  
 2174 all changes accordingly. Articles of incorporation shall be  
 2175 delivered to the Department of State for filing as required  
 2176 under part I of chapter 607, except that they shall be signed by  
 2177 the members of the then board of directors. The filing fees and  
 2178 taxes shall be as provided under part I of chapter 607. Such  
 2179 articles of incorporation shall adequately protect and preserve  
 2180 the relative rights of the stockholders or members of the  
 2181 association so converting into a corporation for profit;  
 2182 provided that no rights or obligations due any stockholder or  
 2183 member of such association or any other person, firm, or  
 2184 corporation which have ~~has~~ not been waived or satisfied shall be

2185 | impaired by such conversion into a corporation for profit as  
 2186 | herein authorized.

2187 | Reviser's note.—Amended to improve clarity and facilitate  
 2188 | correct interpretation.

2189 | Section 77. Section 624.35, Florida Statutes, is repealed.

2190 | Reviser's note.—Repealed to delete a provision that has served  
 2191 | its purpose. Section 624.35 is the short title for the  
 2192 | "Medicaid and Public Assistance Fraud Strike Force,"  
 2193 | consisting of ss. 624.35, 624.351, and 624.352. Sections  
 2194 | 624.351 and 624.352 were repealed by ss. 21, 22, ch. 2015-  
 2195 | 3, Laws of Florida.

2196 | Section 78. Paragraph (d) of subsection (2) of section  
 2197 | 624.5105, Florida Statutes, is amended to read:

2198 | 624.5105 Community contribution tax credit; authorization;  
 2199 | limitations; eligibility and application requirements;  
 2200 | administration; definitions; expiration.—

2201 | (2) ELIGIBILITY REQUIREMENTS.—

2202 | (d) The project shall be located in an area that was  
 2203 | designated as an enterprise zone pursuant to chapter 290 as of  
 2204 | May 1, 2015, or a Front Porch Florida Community. Any project  
 2205 | designed to provide housing opportunities for persons with  
 2206 | special needs as defined in s. 420.0004 or to construct or  
 2207 | rehabilitate housing for low-income or very-low-income  
 2208 | households as defined in s. 420.9071(19) and (28) is exempt from  
 2209 | the area requirement of this paragraph.

2210 | Reviser's note.—Amended to confirm the editorial insertion of



2211 the word "Florida" to conform to the full title of  
 2212 communities receiving grants through the Front Porch  
 2213 Florida Initiative.

2214 Section 79. Paragraph (b) of subsection (15) of section  
 2215 625.012, Florida Statutes, is amended to read:

2216 625.012 "Assets" defined.—In any determination of the  
 2217 financial condition of an insurer, there shall be allowed as  
 2218 "assets" only such assets as are owned by the insurer and which  
 2219 consist of:

2220 (15)

2221 (b) Assessments levied as monthly installments pursuant to  
 2222 s. 631.57(3)(e)3. ~~631.57(3)(e)1.e.~~ that are paid after policy  
 2223 surcharges are collected so that the recognition of assets is  
 2224 based on actual premium written offset by the obligation to the  
 2225 Florida Insurance Guaranty Association.

2226 Reviser's note.—Amended to conform to the redesignation of s.  
 2227 631.57(3)(e)1.c. as s. 631.57(3)(e)3. by s. 2, ch. 2015-65,  
 2228 Laws of Florida.

2229 Section 80. Subsection (2) of section 631.152, Florida  
 2230 Statutes, is amended to read:

2231 631.152 Conduct of delinquency proceeding; foreign  
 2232 insurers.—

2233 (2) The domiciliary receiver for the purpose of  
 2234 liquidating an insurer domiciled in a reciprocal state shall be  
 2235 vested by operation of law with the title to all of the property  
 2236 (except statutory deposits, special statutory deposits, and

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2237 property located in this state subject to a security interest),  
 2238 contracts, and rights of action, and all of the books and  
 2239 records of the insurer located in this state, and it shall have  
 2240 the immediate right to recover balances due from local agents  
 2241 and to obtain possession of any books and records of the insurer  
 2242 found in this state. It shall also be entitled to recover the  
 2243 property subject to a security interest, statutory deposits, and  
 2244 special statutory deposits of the insurer located in this state,  
 2245 except that upon the appointment of an ancillary receiver in  
 2246 this state, the ancillary receiver shall during the ancillary  
 2247 receivership proceeding have the sole right to recover such  
 2248 other assets. The ancillary receiver shall, as soon as  
 2249 practicable, liquidate from their respective securities those  
 2250 special deposit claims and secured claims which are proved and  
 2251 allowed in the ancillary proceeding in this state, and shall pay  
 2252 the necessary expenses of the proceeding. ~~All remaining assets~~  
 2253 It shall promptly transfer all remaining assets to the  
 2254 domiciliary receiver. Subject to the foregoing provisions, the  
 2255 ancillary receiver and its agents shall have the same powers and  
 2256 be subject to the same duties with respect to the administration  
 2257 of such assets as a receiver of an insurer domiciled in this  
 2258 state.

2259 Reviser's note.—Amended to improve clarity and facilitate  
 2260 correct interpretation.

2261 Section 81. Section 631.737, Florida Statutes, is amended  
 2262 to read:

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2263           631.737 Rescission and review generally.—The association  
 2264 shall review claims and matters regarding covered policies based  
 2265 upon the record available to it on and after the date of  
 2266 liquidation. Notwithstanding any other provision of this part,  
 2267 in order to allow for orderly claims administration by the  
 2268 association, entry of a liquidation order by a court of  
 2269 competent jurisdiction tolls for 1 year any rescission or  
 2270 noncontestable period allowed by the contract, by the policy, or  
 2271 by law. The association's obligation is to pay any valid  
 2272 insurance policy or contract claims, if warranted, after its  
 2273 independent de novo review of the policies, contracts, and  
 2274 claims presented to it, whether domestic or foreign, following a  
 2275 rehabilitation or a liquidation.

2276 Reviser's note.—Amended to improve clarity and facilitate  
 2277 correct interpretation.

2278           Section 82. Subsection (2) of section 641.225, Florida  
 2279 Statutes, is amended to read:

2280           641.225 Surplus requirements.—

2281           (2) The office shall not issue a certificate of authority,  
 2282 ~~except as provided in subsection (3),~~ unless the health  
 2283 maintenance organization has a minimum surplus in an amount  
 2284 which is the greater of:

2285           (a) Ten percent of their total liabilities based on their  
 2286 startup projection as set forth in this part;

2287           (b) Two percent of their total projected premiums based on  
 2288 their startup projection as set forth in this part; or

2289 (c) \$1,500,000, plus all startup losses, excluding  
 2290 profits, projected to be incurred on their startup projection  
 2291 until the projection reflects statutory net profits for 12  
 2292 consecutive months.

2293 Reviser's note.—Amended to conform to the repeal of s.

2294 641.225(3) by s. 31, ch. 2015-3, Laws of Florida.

2295 Section 83. Subsection (3) of section 719.108, Florida  
 2296 Statutes, is amended to read:

2297 719.108 Rents and assessments; liability; lien and  
 2298 priority; interest; collection; cooperative ownership.—

2299 (3) Rents and assessments, and installments on them, not  
 2300 paid when due bear interest at the rate provided in the  
 2301 cooperative documents from the date due until paid. This rate  
 2302 may not exceed the rate allowed by law and, if a rate is not  
 2303 provided in the cooperative documents, accrues at 18 percent per  
 2304 annum. If the cooperative documents or bylaws so provide, the  
 2305 association may charge an administrative late fee in addition to  
 2306 such interest, not to exceed the greater of \$25 or 5 percent of  
 2307 each installment of the assessment for each delinquent  
 2308 installment that the payment is late. Any payment received by an  
 2309 association must be applied first to any interest accrued by the  
 2310 association, then to any administrative late fee, then to any  
 2311 costs and reasonable attorney fees incurred in collection, and  
 2312 then to the delinquent assessment. The foregoing applies  
 2313 notwithstanding s. 673.3111, any purported accord and  
 2314 satisfaction, or any restrictive endorsement, designation, or

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2315 instruction placed on or accompanying a payment. The preceding  
 2316 sentence ~~of~~ is intended to clarify existing law. A late fee is  
 2317 not subject to chapter 687 or s. 719.303(4).

2318 Reviser's note.—Amended to confirm the editorial deletion of the  
 2319 word "of."

2320 Section 84. Section 742.14, Florida Statutes, is amended  
 2321 to read:

2322 742.14 Donation of eggs, sperm, or preembryos.—The donor  
 2323 of any egg, sperm, or preembryo, other than the commissioning  
 2324 couple or a father who has executed a preplanned adoption  
 2325 agreement under s. 63.213 ~~63.212~~, shall relinquish all maternal  
 2326 or paternal rights and obligations with respect to the donation  
 2327 or the resulting children. Only reasonable compensation directly  
 2328 related to the donation of eggs, sperm, and preembryos shall be  
 2329 permitted.

2330 Reviser's note.—Amended to conform to the deletion of material  
 2331 relating to entry into a preplanned adoption arrangement  
 2332 from s. 63.212 by s. 35, ch. 2003-58, Laws of Florida, and  
 2333 creation of s. 63.213 relating to preplanned adoption  
 2334 agreements by s. 36 of that act.

2335 Section 85. Subsection (3) of section 752.001, Florida  
 2336 Statutes, is amended to read:

2337 752.001 Definitions.—As used in this chapter, the term:  
 2338 (3) "Persistent vegetative state" has the same meaning as  
 2339 provided in s. 765.101(15) ~~765.101(12)~~.

2340 Reviser's note.—Amended to conform to the redesignation of s.

2341 765.101(12) as s. 765.101(15) by s. 2, ch. 2015-153, Laws  
2342 of Florida.

2343 Section 86. Subsection (2) of section 765.105, Florida  
2344 Statutes, is amended to read:

2345 765.105 Review of surrogate or proxy's decision.—

2346 (2) This section does not apply to a patient who is not  
2347 incapacitated and who has designated a surrogate who has  
2348 immediate authority to make health care decisions or ~~and~~ receive  
2349 health information, or both, on behalf of the patient.

2350 Reviser's note.—Amended to confirm the editorial substitution of  
2351 the word "or" for the word "and" to conform to context and  
2352 facilitate correct interpretation.

2353 Section 87. Section 765.2038, Florida Statutes, is amended  
2354 to read:

2355 765.2038 Designation of health care surrogate for a minor;  
2356 suggested form.—A written designation of a health care surrogate  
2357 for a minor executed pursuant to this chapter may, but need not,  
2358 ~~be~~ in the following form:

2359  
2360 DESIGNATION OF HEALTH CARE SURROGATE  
2361 FOR MINOR  
2362

2363 I/We, ...(name/names)..., the [....] natural guardian(s) as  
2364 defined in s. 744.301(1), Florida Statutes; [....] legal  
2365 custodian(s); [....] legal guardian(s) [check one] of the  
2366 following minor(s):

2367  
2368  
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2386  
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2389  
2390  
2391  
2392

.....;  
.....;  
.....,

pursuant to s. 765.2035, Florida Statutes, designate the following person to act as my/our surrogate for health care decisions for such minor(s) in the event that I/we am/are not able or reasonably available to provide consent for medical treatment and surgical and diagnostic procedures:

Name: ...(name)..  
Address: ...(address)..  
Zip Code: ...(zip code)..  
Phone: ...(telephone)...

If my/our designated health care surrogate for a minor is not willing, able, or reasonably available to perform his or her duties, I/we designate the following person as my/our alternate health care surrogate for a minor:

Name: ...(name)..  
Address: ...(address)..  
Zip Code: ...(zip code)..  
Phone: ...(telephone)...

2393 I/We authorize and request all physicians, hospitals, or  
 2394 other providers of medical services to follow the instructions  
 2395 of my/our surrogate or alternate surrogate, as the case may be,  
 2396 at any time and under any circumstances whatsoever, with regard  
 2397 to medical treatment and surgical and diagnostic procedures for  
 2398 a minor, provided the medical care and treatment of any minor is  
 2399 on the advice of a licensed physician.

2400  
 2401 I/We fully understand that this designation will permit  
 2402 my/our designee to make health care decisions for a minor and to  
 2403 provide, withhold, or withdraw consent on my/our behalf, to  
 2404 apply for public benefits to defray the cost of health care, and  
 2405 to authorize the admission or transfer of a minor to or from a  
 2406 health care facility.

2407  
 2408 I/We will notify and send a copy of this document to the  
 2409 following person(s) other than my/our surrogate, so that they  
 2410 may know the identity of my/our surrogate:

2411  
 2412 Name: ... (name) ...

2413 Name: ... (name) ...

2414  
 2415 Signed: ... (signature) ...

2416 Date: ... (date) ...

2417  
 2418 WITNESSES:



2419 1. ... (witness)...

2420 2. ... (witness)...

2421 Reviser's note.—Amended to confirm the editorial substitution of  
 2422 the word "not" for the word "to" to conform to context and  
 2423 facilitate correct interpretation.

2424 Section 88. Paragraph (b) of subsection (3) of section  
 2425 787.29, Florida Statutes, is amended to read:

2426 787.29 Human trafficking public awareness signs.—

2427 (3) The employer at each of the following establishments  
 2428 shall display a public awareness sign developed under subsection  
 2429 (4) in a conspicuous location that is clearly visible to the  
 2430 public and employees of the establishment:

2431 (b) A business or establishment that offers massage or  
 2432 bodywork services for compensation that is not owned by a health  
 2433 care practitioner ~~profession~~ regulated pursuant to chapter 456  
 2434 and defined in s. 456.001.

2435 Reviser's note.—Amended to improve clarity and facilitate  
 2436 correct interpretation.

2437 Section 89. Paragraph (c) of subsection (3) of section  
 2438 893.138, Florida Statutes, is amended to read:

2439 893.138 Local administrative action to abate drug-related,  
 2440 prostitution-related, or stolen-property-related public  
 2441 nuisances and criminal gang activity.—

2442 (3) Any pain-management clinic, as described in s.  
 2443 458.3265 or s. 459.0137, which has been used on more than two  
 2444 occasions within a 6-month period as the site of a violation of:

2445 (c) Section 812.014, relating to ~~dealing in~~ theft;  
 2446  
 2447 may be declared to be a public nuisance, and such nuisance may  
 2448 be abated pursuant to the procedures provided in this section.  
 2449 Reviser's note.—Amended to conform to context.  
 2450 Section 90. Paragraph (b) of subsection (2) of section  
 2451 944.4731, Florida Statutes, is amended to read:  
 2452 944.4731 Addiction-Recovery Supervision Program.—  
 2453 (2)  
 2454 (b) An offender released under addiction-recovery  
 2455 supervision shall be subject to specified terms and conditions,  
 2456 including payment of the costs of supervision under s. 948.09  
 2457 and any other court-ordered payments, such as child support and  
 2458 restitution. If an offender has received a term of probation or  
 2459 community control to be served after release from incarceration,  
 2460 the period of probation or community control may not be  
 2461 substituted for addiction-recovery supervision and shall follow  
 2462 the term of addiction-recovery supervision. A panel of not fewer  
 2463 than two ~~parole~~ commissioners shall establish the terms and  
 2464 conditions of supervision, and the terms and conditions must be  
 2465 included in the supervision order. In setting the terms and  
 2466 conditions of supervision, the commission shall weigh heavily  
 2467 the program requirements, including, but not limited to, work at  
 2468 paid employment while participating in treatment and traveling  
 2469 restrictions. The commission shall also determine whether an  
 2470 offender violates the terms and conditions of supervision and

2471 whether a violation warrants revocation of addiction-recovery  
 2472 supervision pursuant to s. 947.141. The commission shall review  
 2473 the offender's record for the purpose of establishing the terms  
 2474 and conditions of supervision. The commission may impose any  
 2475 special conditions it considers warranted from its review of the  
 2476 record. The length of supervision may not exceed the maximum  
 2477 penalty imposed by the court.

2478 Reviser's note.—Amended to conform to the renaming of the  
 2479 Florida Parole Commission as the Florida Commission on  
 2480 Offender Review by s. 4, ch. 2014-191, Laws of Florida.  
 2481 Section 91. Paragraph (a) of subsection (1) of section  
 2482 945.215, Florida Statutes, is amended to read:

2483 945.215 Inmate welfare and employee benefit trust funds.—

2484 (1) INMATE PURCHASES; DEPARTMENT OF CORRECTIONS.—

2485 (a) ~~From~~ The net proceeds from operating inmate canteens,  
 2486 vending machines used primarily by inmates and visitors, hobby  
 2487 shops, and other such facilities must be deposited in the  
 2488 General Revenue Fund; however, funds necessary to purchase items  
 2489 for resale at inmate canteens and vending machines must be  
 2490 deposited into local bank accounts designated by the department.

2491 Reviser's note.—Amended to improve clarity and facilitate  
 2492 correct interpretation.

2493 Section 92. Subsection (20) of section 1001.65, Florida  
 2494 Statutes, is amended to read:

2495 1001.65 Florida College System institution presidents;  
 2496 powers and duties.—The president is the chief executive officer

2497 of the Florida College System institution, shall be corporate  
 2498 secretary of the Florida College System institution board of  
 2499 trustees, and is responsible for the operation and  
 2500 administration of the Florida College System institution. Each  
 2501 Florida College System institution president shall:

2502 ~~(20) Establish a committee to consider requests for~~  
 2503 ~~waivers from the provisions of s. 1008.29 and approve or~~  
 2504 ~~disapprove the committee's recommendations.~~

2505 Reviser's note.—Amended to delete an obsolete provision and  
 2506 conform to the repeal of s. 1008.29 by s. 21, ch. 2009-59,  
 2507 Laws of Florida.

2508 Section 93. Subsection (5) of section 1002.3105, Florida  
 2509 Statutes, is amended to read:

2510 1002.3105 Academically Challenging Curriculum to Enhance  
 2511 Learning (ACCEL) options.—

2512 (5) AWARD OF A STANDARD HIGH SCHOOL DIPLOMA.—A student who  
 2513 meets the applicable grade 9 cohort graduation requirements of  
 2514 s. 1003.4282(3)(a)-(e) or s. 1003.4282(9)(a)1.-5.  
 2515 ~~1003.4282(10)(a)1.-5.~~, (b)1.-5., (c)1.-5., or (d)1.-5., earns  
 2516 three credits in electives, and earns a cumulative grade point  
 2517 average (GPA) of 2.0 on a 4.0 scale shall be awarded a standard  
 2518 high school diploma in a form prescribed by the State Board of  
 2519 Education.

2520 Reviser's note.— Amended to conform to the redesignation of s.  
 2521 1003.4282(10) as s. 1003.4282(9) by the editors to conform  
 2522 to the repeal of s. 1003.4282(5) by s. 4, ch. 2015-6, Laws

2523 of Florida.

2524 Section 94. Paragraph (e) of subsection (1) of section  
2525 1003.21, Florida Statutes, is amended to read:

2526 1003.21 School attendance.—

2527 (1)

2528 (e) Consistent with rules adopted by the State Board of  
2529 Education, children with disabilities who have attained the age  
2530 of 3 years shall be eligible for admission to public special  
2531 education programs and for related services. Children with  
2532 disabilities younger than 3 years of age who are deaf or hard of  
2533 hearing, + visually impaired, + dual sensory impaired, +  
2534 orthopedically impaired, or + other health impaired or + who have  
2535 experienced traumatic brain injury, + ~~who~~ have autism spectrum  
2536 disorder, have + established conditions, or ~~who~~ exhibit  
2537 developmental delays or intellectual disabilities may be  
2538 eligible for special programs and may receive services in  
2539 accordance with rules of the State Board of Education. Rules for  
2540 the identification of established conditions for children birth  
2541 through 2 years of age and developmental delays for children  
2542 birth through 5 years of age must be adopted by the State Board  
2543 of Education.

2544 Reviser's note.—Amended to improve clarity.

2545 Section 95. Paragraph (b) of subsection (2) of section  
2546 1003.5716, Florida Statutes, is amended to read:

2547 1003.5716 Transition to postsecondary education and career  
2548 opportunities.—All students with disabilities who are 3 years of

2549 | age to 21 years of age have the right to a free, appropriate  
 2550 | public education. As used in this section, the term "IEP" means  
 2551 | individual education plan.

2552 |         (2) Beginning not later than the first IEP to be in effect  
 2553 | when the student attains the age of 16, or younger if determined  
 2554 | appropriate by the parent and the IEP team, the IEP must include  
 2555 | the following statements that must be updated annually:

2556 |         (b) A statement of intent to receive a standard high  
 2557 | school diploma before the student attains the age of 22 and a  
 2558 | description of how the student will fully meet the requirements  
 2559 | in s. 1003.4282, including, but not limited to, a portfolio  
 2560 | pursuant to s. 1003.4282(10)(b) ~~1003.4282(11)(b)~~ which meets the  
 2561 | criteria specified in State Board of Education rule. The IEP  
 2562 | must also specify the outcomes and additional benefits expected  
 2563 | by the parent and the IEP team at the time of the student's  
 2564 | graduation.

2565 | Reviser's note.—Amended to conform to the redesignation of s.  
 2566 |         1003.4282(11) as s. 1003.4282(10) by the editors to conform  
 2567 |         to the repeal of s. 1003.4282(5) by s. 4, ch. 2015-6, Laws  
 2568 |         of Florida.

2569 |         Section 96. Subsection (1) of section 1008.22, Florida  
 2570 | Statutes, is reenacted, and paragraph (d) of subsection (7) of  
 2571 | that section is amended, to read:

2572 |         1008.22 Student assessment program for public schools.—

2573 |         (1) PURPOSE.—The primary purpose of the student assessment  
 2574 | program is to provide student academic achievement and learning

2575 gains data to students, parents, teachers, school  
 2576 administrators, and school district staff. This data is to be  
 2577 used by districts to improve instruction; by students, parents,  
 2578 and teachers to guide learning objectives; by education  
 2579 researchers to assess national and international education  
 2580 comparison data; and by the public to assess the cost benefit of  
 2581 the expenditure of taxpayer dollars. The program must be  
 2582 designed to:

2583 (a) Assess the achievement level and annual learning gains  
 2584 of each student in English Language Arts and mathematics and the  
 2585 achievement level in all other subjects assessed.

2586 (b) Provide data for making decisions regarding school  
 2587 accountability, recognition, and improvement of operations and  
 2588 management, including schools operating for the purpose of  
 2589 providing educational services to youth in Department of  
 2590 Juvenile Justice programs.

2591 (c) Identify the educational strengths and needs of  
 2592 students and the readiness of students to be promoted to the  
 2593 next grade level or to graduate from high school.

2594 (d) Assess how well educational goals and curricular  
 2595 standards are met at the school, district, state, national, and  
 2596 international levels.

2597 (e) Provide information to aid in the evaluation and  
 2598 development of educational programs and policies.

2599 (f) When available, provide instructional personnel with  
 2600 information on student achievement of standards and benchmarks

2601 in order to improve instruction.

2602 (7) ASSESSMENT SCHEDULES AND REPORTING OF RESULTS.—

2603 (d) A school district may not schedule more than 5 percent  
 2604 of a student's total school hours in a school year to administer  
 2605 statewide, standardized assessments and district-required local  
 2606 assessments. The district must secure written consent from a  
 2607 student's parent before administering district-required local  
 2608 assessments that, after applicable statewide, standardized  
 2609 assessments are scheduled, exceed the 5 percent test  
 2610 administration limit for that student under this paragraph. The  
 2611 5 percent test administration limit for a student under this  
 2612 paragraph may be exceeded as needed to provide test  
 2613 accommodations that are required by an IEP or are appropriate  
 2614 for an English language learner who is currently receiving  
 2615 services in a program operated in accordance with an approved  
 2616 English language learner district plan pursuant to s. 1003.56.  
 2617 Notwithstanding this paragraph, a student may choose within a  
 2618 school year to take an examination or assessment adopted by  
 2619 State Board of Education rule pursuant to this section and ss.  
 2620 1007.27, 1008.30, and 1008.44.

2621 Reviser's note.—Section 7, ch. 2015-6, Laws of Florida,  
 2622 purported to amend subsection (1) but did not publish  
 2623 paragraphs (a)-(e). Absent affirmative evidence of  
 2624 legislative intent to repeal the omitted paragraphs,  
 2625 subsection (1) is reenacted to confirm the omission was not  
 2626 intended. Paragraph (7)(d) is amended to confirm the



2627 | editorial insertion of the word "assessments" to conform to  
 2628 | context.

2629 | Section 97. Paragraph (c) of subsection (1) of section  
 2630 | 1012.22, Florida Statutes, is amended to read:

2631 | 1012.22 Public school personnel; powers and duties of the  
 2632 | district school board.—The district school board shall:

2633 | (1) Designate positions to be filled, prescribe  
 2634 | qualifications for those positions, and provide for the  
 2635 | appointment, compensation, promotion, suspension, and dismissal  
 2636 | of employees as follows, subject to the requirements of this  
 2637 | chapter:

2638 | (c) Compensation and salary schedules.—

2639 | 1. Definitions.—As used in this paragraph:

2640 | a. "Adjustment" means an addition to the base salary  
 2641 | schedule that is not a bonus and becomes part of the employee's  
 2642 | permanent base salary and shall be considered compensation under  
 2643 | s. 121.021(22).

2644 | b. "Grandfathered salary schedule" means the salary  
 2645 | schedule or schedules adopted by a district school board before  
 2646 | July 1, 2014, pursuant to subparagraph 4.

2647 | c. "Instructional personnel" means instructional personnel  
 2648 | as defined in s. 1012.01(2)(a)-(d), excluding substitute  
 2649 | teachers.

2650 | d. "Performance salary schedule" means the salary schedule  
 2651 | or schedules adopted by a district school board pursuant to  
 2652 | subparagraph 5.

2653 e. "Salary schedule" means the schedule or schedules used  
 2654 to provide the base salary for district school board personnel.

2655 f. "School administrator" means a school administrator as  
 2656 defined in s. 1012.01(3)(c).

2657 g. "Supplement" means an annual addition to the base  
 2658 salary for the term of the negotiated supplement as long as the  
 2659 employee continues his or her employment for the purpose of the  
 2660 supplement. A supplement does not become part of the employee's  
 2661 continuing base salary but shall be considered compensation  
 2662 under s. 121.021(22).

2663 2. Cost-of-living adjustment.—A district school board may  
 2664 provide a cost-of-living salary adjustment if the adjustment:

2665 a. Does not discriminate among comparable classes of  
 2666 employees based upon the salary schedule under which they are  
 2667 compensated.

2668 b. Does not exceed 50 percent of the annual adjustment  
 2669 provided to instructional personnel rated as effective.

2670 3. Advanced degrees.—A district school board may not use  
 2671 advanced degrees in setting a salary schedule for instructional  
 2672 personnel or school administrators hired on or after July 1,  
 2673 2011, unless the advanced degree is held in the individual's  
 2674 area of certification and is only a salary supplement.

2675 4. Grandfathered salary schedule.—

2676 a. The district school board shall adopt a salary schedule  
 2677 or salary schedules to be used as the basis for paying all  
 2678 school employees hired before July 1, 2014. Instructional

2679 personnel on annual contract as of July 1, 2014, shall be placed  
 2680 on the performance salary schedule adopted under subparagraph 5.  
 2681 Instructional personnel on continuing contract or professional  
 2682 service contract may opt into the performance salary schedule if  
 2683 the employee relinquishes such contract and agrees to be  
 2684 employed on an annual contract under s. 1012.335. Such an  
 2685 employee shall be placed on the performance salary schedule and  
 2686 may not return to continuing contract or professional service  
 2687 contract status. Any employee who opts into the performance  
 2688 salary schedule may not return to the grandfathered salary  
 2689 schedule.

2690       b. In determining the grandfathered salary schedule for  
 2691 instructional personnel, a district school board must base a  
 2692 portion of each employee's compensation upon performance  
 2693 demonstrated under s. 1012.34 and shall provide differentiated  
 2694 pay for both instructional personnel and school administrators  
 2695 based upon district-determined factors, including, but not  
 2696 limited to, additional responsibilities, school demographics,  
 2697 critical shortage areas, and level of job performance  
 2698 difficulties.

2699       5. Performance salary schedule.—By July 1, 2014, the  
 2700 district school board shall adopt a performance salary schedule  
 2701 that provides annual salary adjustments for instructional  
 2702 personnel and school administrators based upon performance  
 2703 determined under s. 1012.34. Employees hired on or after July 1,  
 2704 2014, or employees who choose to move from the grandfathered

2705 salary schedule to the performance salary schedule shall be  
 2706 compensated pursuant to the performance salary schedule once  
 2707 they have received the appropriate performance evaluation for  
 2708 this purpose. ~~However, a classroom teacher whose performance~~  
 2709 ~~evaluation utilizes student learning growth measures established~~  
 2710 ~~under s. 1012.34(7)(c) shall remain under the grandfathered~~  
 2711 ~~salary schedule until his or her teaching assignment changes to~~  
 2712 ~~a subject for which there is an assessment or the school~~  
 2713 ~~district establishes equally appropriate measures of student~~  
 2714 ~~learning growth as defined under s. 1012.34 and rules of the~~  
 2715 ~~State Board of Education.~~

2716 a. Base salary.—The base salary shall be established as  
 2717 follows:

2718 (I) The base salary for instructional personnel or school  
 2719 administrators who opt into the performance salary schedule  
 2720 shall be the salary paid in the prior year, including  
 2721 adjustments only.

2722 (II) Beginning July 1, 2014, instructional personnel or  
 2723 school administrators new to the district, returning to the  
 2724 district after a break in service without an authorized leave of  
 2725 absence, or appointed for the first time to a position in the  
 2726 district in the capacity of instructional personnel or school  
 2727 administrator shall be placed on the performance salary  
 2728 schedule.

2729 b. Salary adjustments.—Salary adjustments for highly  
 2730 effective or effective performance shall be established as

2731 follows:

2732 (I) The annual salary adjustment under the performance  
 2733 salary schedule for an employee rated as highly effective must  
 2734 be greater than the highest annual salary adjustment available  
 2735 to an employee of the same classification through any other  
 2736 salary schedule adopted by the district.

2737 (II) The annual salary adjustment under the performance  
 2738 salary schedule for an employee rated as effective must be equal  
 2739 to at least 50 percent and no more than 75 percent of the annual  
 2740 adjustment provided for a highly effective employee of the same  
 2741 classification.

2742 (III) The performance salary schedule shall not provide an  
 2743 annual salary adjustment for an employee who receives a rating  
 2744 other than highly effective or effective for the year.

2745 c. Salary supplements.—In addition to the salary  
 2746 adjustments, each district school board shall provide for salary  
 2747 supplements for activities that must include, but are not  
 2748 limited to:

2749 (I) Assignment to a Title I eligible school.

2750 (II) Assignment to a school that earned a grade of "F" or  
 2751 three consecutive grades of "D" pursuant to s. 1008.34 such that  
 2752 the supplement remains in force for at least 1 year following  
 2753 improved performance in that school.

2754 (III) Certification and teaching in critical teacher  
 2755 shortage areas. Statewide critical teacher shortage areas shall  
 2756 be identified by the State Board of Education under s. 1012.07.

2757 | However, the district school board may identify other areas of  
 2758 | critical shortage within the school district for purposes of  
 2759 | this sub-sub-subparagraph and may remove areas identified by the  
 2760 | state board which do not apply within the school district.

2761 | (IV) Assignment of additional academic responsibilities.

2762 |

2763 | If budget constraints in any given year limit a district school  
 2764 | board's ability to fully fund all adopted salary schedules, the  
 2765 | performance salary schedule shall not be reduced on the basis of  
 2766 | total cost or the value of individual awards in a manner that is  
 2767 | proportionally greater than reductions to any other salary  
 2768 | schedules adopted by the district.

2769 | Reviser's note.—Amended to conform to the repeal of s.

2770 | 1012.34(7)(e) by s. 12, ch. 2015-6, Laws of Florida.

2771 | Section 98. Subsection (2) of section 1012.341, Florida  
 2772 | Statutes, is amended to read:

2773 | 1012.341 Exemption from performance evaluation system and  
 2774 | compensation and salary schedule requirements.—

2775 | (2) ~~By October 1, 2014, and~~ By October 1 annually  
 2776 | ~~thereafter~~, the superintendent of Hillsborough County School  
 2777 | District shall attest, in writing, to the Commissioner of  
 2778 | Education that:

2779 | (a) The instructional personnel and school administrator  
 2780 | evaluation systems base at least 40 percent of an employee's  
 2781 | performance evaluation upon student performance and that student  
 2782 | performance is the single greatest component of an employee's

2783 evaluation.

2784 (b) The instructional personnel and school administrator  
 2785 evaluation systems adopt the Commissioner of Education's student  
 2786 learning growth formula for statewide assessments as provided  
 2787 under s. 1012.34(7).

2788 (c) The school district's instructional personnel and  
 2789 school administrator compensation system awards salary increases  
 2790 based upon sustained student performance.

2791 (d) The school district's contract system awards  
 2792 instructional personnel and school administrators based upon  
 2793 student performance and removes ineffective employees.

2794

2795 This section is repealed August 1, 2017, unless reviewed and  
 2796 reenacted by the Legislature.

2797 Reviser's note.—Amended to delete an obsolete provision.

2798 Section 99. This act shall take effect on the 60th day  
 2799 after adjournment sine die of the session of the Legislature in  
 2800 which enacted.





## HOUSE OF REPRESENTATIVES STAFF ANALYSIS

**BILL #:** PCB RCEC 16-04 Rulemaking Repeals  
**SPONSOR(S):** Rules, Calendar & Ethics Committee  
**TIED BILLS:**           **IDEN./SIM. BILLS:**

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
Orig. Comm.: Rules, Calendar & Ethics Committee		Stranburg	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.

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

The effective date of the bill is the 60<sup>th</sup> 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.<sup>1</sup> Rulemaking authority is delegated by the Legislature<sup>2</sup> by law authorizing an agency to “adopt, develop, establish, or otherwise create”<sup>3</sup> a rule. Agencies do not have discretion whether to engage in rulemaking.<sup>4</sup> To adopt a rule an agency must have an express grant of authority to implement a specific law by rulemaking.<sup>5</sup> The grant of rulemaking authority itself need not be detailed.<sup>6</sup> 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.<sup>7</sup> 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.<sup>8</sup> 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 rule-making authority to agencies but not the authority to determine what the law should be.<sup>9</sup>

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.<sup>10</sup>

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 House Rulemaking Oversight & Repeal Subcommittee developed a list of statutory grants of rulemaking authority that

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<sup>1</sup> Section 120.52(16), F.S.; *Florida Department of Financial Services v. Capital Collateral Regional Counsel-Middle Region*, 969 So.2d 527, 530 (Fla. 1<sup>st</sup> DCA 2007).

<sup>2</sup> *Southwest Florida Water Management District v. Save the Manatee Club, Inc.*, 773 So.2d 594 (Fla. 1<sup>st</sup> DCA 2000).

<sup>3</sup> Section 120.52(17), F.S.

<sup>4</sup> Section 120.54(1)(a), F.S.

<sup>5</sup> Section 120.52(8) & s. 120.536(1), F.S.

<sup>6</sup> *Save the Manatee Club, Inc.*, *supra* at 599.

<sup>7</sup> *Sloban v. Florida Board of Pharmacy*, 982 So.2d 26, 29-30 (Fla. 1<sup>st</sup> DCA 2008); *Board of Trustees of the Internal Improvement Trust Fund v. Day Cruise Association, Inc.*, 794 So.2d 696, 704 (Fla. 1<sup>st</sup> DCA 2001).

<sup>8</sup> *Conner v. Joe Hatton, Inc.*, 216 So.2d 209 (Fla.1968).

<sup>9</sup> *Sarasota County v. Barg*, 302 So.2d 737 (Fla. 1974).

<sup>10</sup> Section 11.242(5)(j), F.S., as amended by Chapter 2012-116, s. 9, Laws of Florida.

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.

The present bill is technical and non-substantive, amending or deleting various statutory provisions or language to omit duplicative, redundant, or unused and unnecessary grants of rulemaking authority. Where necessary, the bill also deletes expired or obsolete language, corrects cross-references and grammatical errors, and improves the clarity of the statutes to facilitate correct and proper interpretation relative to legislative grants of rulemaking authority to administrative agencies.

## 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. 487.064, F.S., to remove unused rulemaking authority of the Department of Agriculture and Consumer Services (DACS) regulating certain pesticide handling devices or locations.

Section 2 amends s. 487.071, F.S., to remove rule authorizing language that is redundant to authority of DACS under s. 570.07(23), F.S.

Section 3 amends s. 493.6113, F.S., to remove rule authorizing language that is redundant to authority of DACS under s. 570.07(23), F.S.

Section 4 amends s. 493.6115, F.S., to remove rule authorizing language that is redundant to authority of DACS under ss. 493.6103 and 570.07(23), F.S.

Section 5 amends s. 570.921, F.S., to delete an unnecessary consultation requirement in certain rulemaking and to remove rule authorizing language that is redundant to authority of DACS under s. 570.07(23), F.S.

Section 6 amends s. 573.1201, F.S., to remove procedural rulemaking authority respecting exemptions from agricultural marketing orders that is redundant to authority of DACS under s. 570.07(23), F.S.

Section 7 amends s. 583.181, F.S., to remove rule authorizing language respecting facilities and equipment used with dead poultry and hatchery residue that is redundant to authority of DACS under ss. 570.07(23) and 583.04, F.S.

Section 8 amends s. 593.107, F.S., to remove rule authorizing language respecting cotton grower records that is redundant to authority of DACS under ss. 570.07(23) and 593.103(2), F.S.

Section 9 provides for an effective date.

## II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

### A. FISCAL IMPACT ON STATE GOVERNMENT:

#### 1. Revenues:

Please see FISCAL COMMENTS in Part II, Section D.

2. Expenditures:

Please see FISCAL COMMENTS in Part II, Section D.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

Please see FISCAL COMMENTS in Part II, Section D.

2. Expenditures:

Please see FISCAL COMMENTS in Part II, Section D.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

Please see FISCAL COMMENTS in Part II, Section D.

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:

N/A

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           487.064, 487.071, 493.6113, 493.6115, 570.921,  
 4           573.1201, 583.181, and 593.107, F.S., to conform to  
 5           the directive of the Legislature in section 9 of  
 6           chapter 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; providing an effective date.

11  
 12 Be It Enacted by the Legislature of the State of Florida:

13  
 14           Section 1. Subsection (3) of section 487.064, Florida  
 15           Statutes, is amended to read:

16           487.064 Antisiphon requirements for irrigation systems.—

17           ~~(3) The department may establish by rule specific~~  
 18           ~~requirements for antisiphon devices and for sites where~~  
 19           ~~pesticide mixing loading occurs.~~

20           Section 2. Paragraph (b) of subsection (7) of section  
 21           487.071, Florida Statutes, is amended to read:

22           487.071 Enforcement, inspection, sampling, and analysis.—

23           (7)

24           (b) The department shall establish ~~by rule~~ a fee schedule  
 25           for pesticide samples analyzed upon request. The fees shall be  
 26           sufficient to cover the costs to the department for taking the

27 samples and performing the analysis. However, no fee shall  
 28 exceed \$400 per test.

29 Section 3. Paragraph (b) of subsection (3) of section  
 30 493.6113, Florida Statutes, is amended to read:

31 493.6113 Renewal application for licensure.—

32 (3) Each licensee is responsible for renewing his or her  
 33 license on or before its expiration by filing with the  
 34 department an application for renewal accompanied by payment of  
 35 the prescribed license fee.

36 (b) Each Class "G" licensee shall additionally submit  
 37 proof that he or she has received during each year of the  
 38 license period a minimum of 4 hours of firearms recertification  
 39 training taught by a Class "K" licensee and has complied with  
 40 such other health and training requirements that the department  
 41 shall adopt ~~by rule~~. Proof of completion of firearms  
 42 recertification training shall be submitted to the department  
 43 upon completion of the training. If the licensee fails to  
 44 complete the required 4 hours of annual training during the  
 45 first year of the 2-year term of the license, the license shall  
 46 be automatically suspended. The licensee must complete the  
 47 minimum number of hours of range and classroom training required  
 48 at the time of initial licensure and submit proof of completion  
 49 of such training to the department before the license may be  
 50 reinstated. If the licensee fails to complete the required 4  
 51 hours of annual training during the second year of the 2-year  
 52 term of the license, the licensee must complete the minimum

53 number of hours of range and classroom training required at the  
 54 time of initial licensure and submit proof of completion of such  
 55 training to the department before the license may be renewed.

56 The department may waive the firearms training requirement if:

57 1. The applicant provides proof that he or she is  
 58 currently certified as a law enforcement officer or correctional  
 59 officer under the Criminal Justice Standards and Training  
 60 Commission and has completed law enforcement firearms  
 61 requalification training annually during the previous 2 years of  
 62 the licensure period;

63 2. The applicant provides proof that he or she is  
 64 currently certified as a federal law enforcement officer and has  
 65 received law enforcement firearms training administered by a  
 66 federal law enforcement agency annually during the previous 2  
 67 years of the licensure period; or

68 3. The applicant submits a valid firearm certificate among  
 69 those specified in s. 493.6105(6) (a) and provides proof of  
 70 having completed requalification training during the previous 2  
 71 years of the licensure period.

72 Section 4. Subsection (16) of section 493.6115, Florida  
 73 Statutes, is amended to read:

74 493.6115 Weapons and firearms.—

75 (16) If the criminal history record check program  
 76 referenced in s. 493.6108(1) is inoperable, the department may  
 77 issue a temporary "G" license on a case-by-case basis, provided  
 78 that the applicant has met all statutory requirements for the

79 issuance of a temporary "G" license as specified in subsection  
 80 (12), excepting the criminal history record check stipulated  
 81 there; provided, that the department requires that the licensed  
 82 employer of the applicant conduct a criminal history record  
 83 check of the applicant pursuant to standards set forth ~~in rule~~  
 84 by the department, and provide to the department an affidavit  
 85 containing such information and statements as required by the  
 86 department, including a statement that the criminal history  
 87 record check did not indicate the existence of any criminal  
 88 history that would prohibit licensure. Failure to properly  
 89 conduct such a check, or knowingly providing incorrect or  
 90 misleading information or statements in the affidavit  
 91 constitutes grounds for disciplinary action against the licensed  
 92 agency, including revocation of license.

93 Section 5. Section 570.921, Florida Statutes, is amended  
 94 to read:

95 570.921 Environmental Stewardship Certification Program.—  
 96 The department may, ~~by rule,~~ establish the Environmental  
 97 Stewardship Certification Program consistent with this section.  
 98 ~~A rule adopted under this section must be developed in~~  
 99 ~~consultation with state universities, agricultural~~  
 100 ~~organizations, and other interested parties.~~

101 (1) The program must:

102 (a) Be integrated, to the maximum extent practicable, with  
 103 programs that are sponsored by agricultural organizations or  
 104 state universities.



105 (b) Be designed to recognize and promote agricultural  
 106 operations or homeowner practices that demonstrate exemplary  
 107 resource management that is related to environmental  
 108 stewardship.

109 (c) Include a process to periodically review a  
 110 certification to ensure compliance with the program  
 111 requirements, including implementation by the certificateholder.

112 (d) Require periodic continuing education in relevant  
 113 environmental stewardship issues in order to maintain  
 114 certification.

115 (2) The department shall provide an agricultural  
 116 certification under this program for implementation of one or  
 117 more of the following criteria:

118 (a) A voluntary agreement between an agency and an  
 119 agricultural producer for environmental improvement or water-  
 120 resource protection.

121 (b) A conservation plan that meets or exceeds the  
 122 requirements of the United States Department of Agriculture.

123 (c) Best management practices adopted ~~by rule~~ pursuant to  
 124 s. 403.067(7)(c) or s. 570.93(1)(b).

125 (3) The Soil and Water Conservation Council created by s.  
 126 582.06 may develop and recommend to the department for adoption  
 127 additional criteria for receipt of an agricultural certification  
 128 which may include, but not be limited to:

129 (a) Comprehensive management of all on-farm resources.

130 (b) Promotion of environmental awareness and responsible

131 resource stewardship in agricultural or urban communities.

132 (c) Completion of a curriculum of study that is related to  
133 environmental issues and regulation.

134 (4) If needed, the department and the Institute of Food  
135 and Agricultural Sciences at the University of Florida may  
136 jointly develop a curriculum that provides instruction  
137 concerning environmental issues pertinent to agricultural  
138 certification and deliver such curriculum to, and certify its  
139 completion by, any person seeking certification or to maintain  
140 certification.

141 (5) The department may enter into agreements with third-  
142 party providers to administer or implement all or part of the  
143 program.

144 Section 6. Subsection (1) of section 573.1201, Florida  
145 Statutes, is amended to read:

146 573.1201 Certificates of exemption.—

147 ~~(1) The department may adopt procedures pursuant to which~~  
148 ~~certificates of exemption will be issued to producers or~~  
149 ~~handlers.~~

150 Section 7. Paragraph (a) of subsection (3) of section  
151 583.181, Florida Statutes, is amended to read:

152 583.181 Disposal of dead poultry and hatchery residue;  
153 inspection and quarantine; penalties.—

154 (3) POWERS AND DUTIES.—In the discharge of its duties  
155 under this section, the department has the power:

156 (a) To prescribe ~~promulgate rules prescribing~~ satisfactory

157 facilities and equipment for the handling, destruction, and  
 158 disposal of dead birds and hatchery residue so as to prevent the  
 159 spread or dissemination of diseases of poultry.

160 Section 8. Section 593.107, Florida Statutes, is amended  
 161 to read:

162 593.107 Regulation of collection, transportation,  
 163 distribution, and movement of cotton.—Each grower of cotton  
 164 shall keep and furnish the department such information as it  
 165 may, ~~by rule,~~ require regarding the collection, transportation,  
 166 distribution, and processing of cotton for the purpose of  
 167 determining if the cotton is infested with the boll weevil.  
 168 Further, each such grower is required to keep and maintain  
 169 sanitary at all times her or his vehicles used in the  
 170 collection, transportation, and distribution of cotton ~~under~~  
 171 ~~such rules~~ as may be required by the department. The department  
 172 may govern ~~promulgate rules governing~~ the movement of regulated  
 173 articles within the state and from another state, or portion  
 174 thereof, into an eradication zone when that state is known to be  
 175 infested with the boll weevil.

176 Reviser's note.—Amends or repeals provisions of the Florida  
 177 Statutes pursuant to the directive of the Legislature in s.  
 178 9, ch. 2012-116, Laws of Florida, codified as s.  
 179 11.242(5)(j), Florida Statutes, to prepare a reviser's bill  
 180 to omit all statutes and laws, or parts thereof, which  
 181 grant duplicative, redundant, or unused rulemaking  
 182 authority.

PCB RCEC 16-04

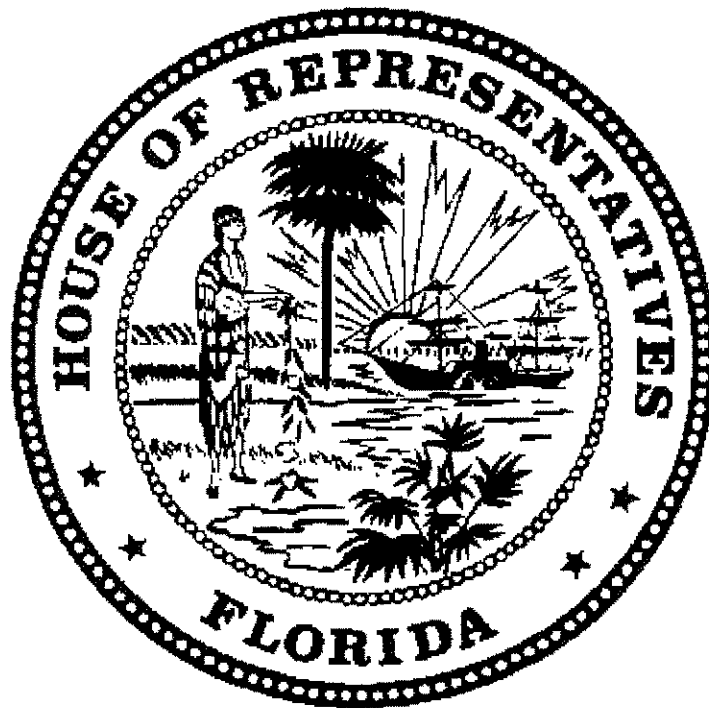
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183           Section 9. This act shall take effect on the 60th day  
184 after adjournment sine die of the session of the Legislature in  
185 which enacted.







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# **Rules, Calendar & Ethics Committee**

**December 3, 2015**

**3:30 PM**

**404 HOB**

**Amendment Packet**



Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	___	(Y/N)
ADOPTED AS AMENDED	___	(Y/N)
ADOPTED W/O OBJECTION	___	(Y/N)
FAILED TO ADOPT	___	(Y/N)
WITHDRAWN	___	(Y/N)
OTHER	_____	

1 Committee/Subcommittee hearing bill: Rules, Calendar & Ethics  
 2 Committee  
 3 Representative Workman offered the following:

4  
 5 **Amendment (with title amendment)**  
 6 Remove lines 29-92

7  
 8  
 9 -----

**T I T L E A M E N D M E N T**

10  
 11 Remove line 3 and insert:  
 12 487.064,487.071, 570.921,