



Rules & Policy Committee

Tuesday, February 21, 2017

8:30 a.m.

Sumner Hall (404 HOB)

MEETING PACKET

Richard Corcoran
Speaker

Jose Oliva
Chair

Committee Meeting Notice

HOUSE OF REPRESENTATIVES

Rules & Policy Committee

Start Date and Time: Tuesday, February 21, 2017 08:30 am
End Date and Time: Tuesday, February 21, 2017 09:30 am
Location: Sumner Hall (404 HOB)
Duration: 1.00 hrs

Consideration of the following bill(s):

HJR 7001 State Officers Post-service Personal Representation Prohibitions by Public Integrity & Ethics Committee, Metz
HB 7003 State Officer Post-service Lobbying Prohibitions by Public Integrity & Ethics Committee, Metz

Consideration of the following proposed committee bill(s):

PCB RPC 17-01 -- Official Florida Statutes
PCB RPC 17-02 -- Florida Statutes / General
PCB RPC 17-03 -- Florida Statutes / Non-current Repeals or Expiration
PCB RPC 17-04 -- Florida Statutes / Rulemaking Repeals

NOTICE FINALIZED on 02/14/2017 4:18PM by Hunter.Robert

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HJR 7001 PCB PIE 17-01 State Officers Post-service Personal Representation Prohibitions
SPONSOR(S): Public Integrity & Ethics Committee, Metz
TIED BILLS: **IDEN./SIM. BILLS:**

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
Orig. Comm.: Public Integrity & Ethics Committee	18 Y, 0 N	Kiner	Rubottom
1) Rules & Policy Committee		Kiner	Birtman

SUMMARY ANALYSIS

The Florida constitution places post-service restrictions on legislators and statewide elected officers. General law places post-service restrictions on legislators, statewide elected officers, and appointed state officers. These restrictions, typically characterized as post-service lobbying bans, prohibit these individuals from personally representing another person or entity for compensation before their former government body or agency for two years following vacation of office. Additionally, legislators are prohibited from lobbying the executive branch for two years following vacation of office and from personally representing another person or entity for compensation during term of office before any state agency, other than judicial tribunals.

The joint resolution proposes an amendment to the Florida constitution to extend the current two-year constitutional prohibition on legislators and statewide elected officers personally representing another person or entity for compensation before their former government body or agency to six years following vacation of office. The joint resolution also proposes to subject appointed state officers as defined by general law in the Code of Ethics, to the same prohibition and to extend the prohibition on legislators providing personal representation for compensation during term of office before any state agency (other than judicial tribunals) to six years following vacation of office.

The joint resolution's proposed revisions to the constitution apply only to those individuals who were members of the Legislature after November 8, 2016, who were statewide elected officers after November 8, 2016, or who were appointed state officers after July 1, 2017.

If passed by the Legislature, the joint resolution will be submitted to the electorate for approval or rejection at the next general election or at an earlier special election specifically authorized by law for that purpose.

The joint resolution impacts state funds to the extent the cost of placing the constitutional amendment on the ballot must be administered by the Department of State. During the 2016 general election, such cost was \$117.56 per word.

A joint resolution proposing an amendment to the Florida Constitution must be passed by three-fifths of the membership of each house of the Legislature.

The Florida Constitution requires 60 percent voter approval for passage of a proposed constitutional amendment.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation

Florida Post-service Lobbying Prohibitions

The Florida Constitution prohibits legislators and statewide elected officers from personally representing¹ another person or entity for compensation before their former government body or agency for a period of two years following vacation of office.² This constitutional provision also prohibits legislators from personally representing another person or entity for compensation during term of office before any state agency³, other than judicial tribunals.⁴ The constitutional provision is codified in state statute as part of Florida's Code of Ethics for Public Officers and Employees (Code).⁵

In addition to these constitutional prohibitions, general law prohibits appointed state officers⁶ from representing another person or entity for compensation before their former government body or agency for a period of two years following vacation of office, and legislators from acting as lobbyists for compensation before an executive branch agency, agency official, or employee, for two years following vacation of office.⁷

The Florida Commission on Ethics (Commission) is the independent body charged with receiving and investigating sworn complaints involving Florida's constitutional and statutory ethics provisions.⁸ While the Commission receives and investigates sworn complaints, the Commission does not have the authority to impose punishment for an ethics violation.⁹ Instead, whenever the Commission finds probable cause exists that an ethics violation has occurred, the Commission is required to submit its findings, along with a recommended penalty, to the statutorily designated official who may impose punishment.¹⁰

The Commission must make such submission to the Senate President or Speaker of the House, whichever is applicable, in any case concerning a former legislator who is alleged to have violated a provision applicable to former legislators or whose alleged conduct occurred during term of office.¹¹ In the case of a former statewide elected officer or appointed state officer, the Commission is required to make such submission to the Governor.¹²

¹ Pursuant to s. 112.312(22), the term 'represent' or 'representation' means "actual physical attendance on behalf of a client in an agency proceeding, the writing of letters or filing of documents on behalf of a client, and personal communications made with the officers or employees of any agency on behalf of a client."

² Art. II, s. 8, Fla. Const.

³ Pursuant to s. 112.313(9), F.S., the term 'state agency' means "an entity of the legislative, executive, or judicial branch of state government over which the Legislature exercises plenary budgetary and statutory control."

⁴ Id.

⁵ S. 112.313(9), F.S.

⁶ Pursuant to s. 112.313(9), F.S., the term 'appointed state officer' means "any member of an appointive board, commission, committee, council, or authority of the executive or legislative branch of state government whose powers, jurisdiction, and authority are not solely advisory and include the final determination or adjudication of any personal or property rights, duties, or obligations, other than those relative to its internal operations."

⁷ S. 112.313(9), F.S.

⁸ Art. II, s. 8(f) and (i)(3), Fla. Const., and s. 112.322(1), F.S.

⁹ S. 112.324(3), F.S.

¹⁰ S. 112.324(4)-(9), F.S.

¹¹ S. 112.324(8)(e), F.S.

¹² S. 112.324(8)(d), F.S.

A former legislator, statewide elected officer, or appointed state officer, who violates one of Florida's constitutional ethics provisions or a provision of the Code may be subject to one or more of the following civil penalties:

- Public censure and reprimand
- Civil penalty up to \$10,000
- Restitution¹³ of any pecuniary benefits received because of the violation committed

Pursuant to statute, in any case in which a civil penalty or restitution is imposed, the Attorney General is required to bring a civil action to recover such penalty.¹⁴

Rules of the Florida House of Representatives (2016 – 2018)

During the 2016 Organization Session, the Florida House of Representatives adopted its rules for the 2016 – 2018 term. Rule 17.1(g) prohibits a lobbyist¹⁵ who was a member of the Legislature at any time after November 8, 2016, from lobbying the House of Representatives for period of six years following vacation of office as a member of the Legislature.

Other Post-service Lobbying Prohibitions (Federal & State)

Federal Post-service Lobbying Prohibitions

Federal law places certain post-service lobbying prohibitions on former members of the United States Senate and United States House of Representatives.¹⁶ Specifically, former United States Senators are prohibited from lobbying either House of Congress on behalf of any other person (except the United States) for two years after vacating office.¹⁷ Former United States Representatives are prohibited from lobbying either House of Congress on behalf of any other person (except the United States) for one year after vacating office.¹⁸

¹³ Pursuant to s. 112.317(1)(d), F.S., the Commission may recommend that the restitution penalty be paid to the agency of the public officer or employee or to the General Revenue Fund.

¹⁴ S. 112.317(2), F.S.

¹⁵ Pursuant to the Joint Rules of the Florida Legislature for the 2016 – 2018 term, 'lobbyist' means "a person who is employed and receives payment, or who contracts for economic consideration, for the purpose of lobbying or a person who is principally employed for governmental affairs by another person or governmental entity to lobby on behalf of that other person or governmental entity. An employee of the principal is not a lobbyist unless the employee is principally employed for governmental affairs . . . Any person employed by the Governor, the Executive Office of the Governor, or any executive or judicial department of the state or any community college of the state who seeks to encourage the passage, defeat, or modification of any legislation by personal appearance or attendance before the House of Representatives or the Senate, or any member or committee thereof, is a lobbyist." Joint Rule 1.1(2)(e).

¹⁶ See 18 U.S.C., sec. 207(e).

¹⁷ See 18 U.S.C., sec. 207(e)(1)(A). The statute reads, "Senators. Any person who is a Senator and who, within 2 years after that person leaves office, knowingly makes, with the intent to influence, any communication to or appearance before any Member, officer, or employee of either House of Congress or any employee of any other legislative office of the Congress, on behalf of any other person (except the United States) in connection with any matter on which such former Senator seeks action by a Member, officer, or employee of either House of Congress, in his or her official capacity, shall be punished as provided in section 216 of this title [18 USCS § 216]."

¹⁸ See 18 U.S.C., sec. 207 (e)(1)(B)(i). Any person who is a Member of the House of Representatives or an elected officer of the House of Representatives and who, within 1 year after that person leaves office, knowingly makes, with the intent to influence, any communication to or appearance before any of the persons described in clause (ii) or (iii), on behalf of any other person (except the United States) in connection with any matter on which such former Member of Congress or elected officer seeks action by a Member, officer, or employee of either House of Congress, in his or her official capacity, shall be punished as provided in section 216 of this title [18 USCS § 216].

Federal law also subjects certain executive branch¹⁹ employees²⁰ (including appointed employees) to the following post-employment restrictions:²¹

- Lifetime ban – a former employee may not represent a private party against the United States government in relation to a particular matter involving specific parties if the former employee was personally and substantially involved in the matter during his or her employment.
- Two-year ban – a former employee may not represent a private party against the United States government in relation to a matter that was pending under the former employee's official responsibility during his or her last year of government service.
- One-year cooling-off period – a former senior employee may not represent another person or entity by making a communication to or appearing before the former employee's former agency to seek official action on any matter.
- Two-year cooling-off period – a former very senior employee may not represent another person or entity by making a communication to or appearing before the former employee's former agency to seek official action on any matter.

On January 28, 2017, President Trump issued an executive order prohibiting executive branch appointees from lobbying the agency which they were appointed to serve for five years after termination of employment.²²

The executive order also prohibits executive branch appointees from the following:

- participating in any matter involving specific parties that is directly and substantially related to their former employer or former clients, including regulations and contracts, for two years after their appointment date;
- participating in any particular matter which they lobbied within the two years before their appointment date, and from participating in the specific issue area in which that particular matter falls, for two years after their appointment date;
- engaging in any activity on behalf of any foreign government or foreign political party which, were it undertaken on January 20, 2017, would require registration under the Foreign Agents Registration Act of 1938, as amended; and
- accepting gifts from registered lobbyists or lobbying organizations for the duration of their service as an appointee.²³

In early 2017, several congressional members have introduced legislation in the United States House of Representatives to extend post-service employment restrictions currently applicable to former members of the United States Senate and United States House of Representatives.

Florida Congressman Bill Posey has introduced H.R. 383, the 'Stop the Revolving Door in Washington Act,' which proposes to extend the current lobbying bans applicable to former members of the United States Senate and United States Representatives to five years after vacation of office. Congressman

¹⁹ Per 5 C.F.R. part 2641, the term 'executive branch' for purposes of 18 U.S.C. sec. 207 includes "an executive department as defined in 5 U.S.C. 101, a Government corporation, an independent establishment (other than the Government Accountability Office), the Postal Service, the Postal Regulatory Commission, and also includes any other entity or administrative unit in the executive branch."

²⁰ Per 5 C.F.R. part 2641, the term 'employee' for purposes of 18 U.S.C. sec. 207 means "any officer or employee of the executive branch or any independent agency that is not a part of the legislative or judicial branches. The term does not include the President or the Vice President, an enlisted member of the Armed Forces, or an officer or employee of the District of Columbia. The term includes an individual appointed as an employee or detailed to the Federal Government under the Intergovernmental Personnel Act (5 U.S.C. 3371-3376) or specifically subject to section 207 under the terms of another statute. It encompasses senior employees, very senior employees, special Government employees, and employees serving without compensation."

²¹ See 18 U.S.C., sec. 207

²² See "Executive Order: Ethics Commitments by Executive Branch Appointees" on the White House website at <https://www.whitehouse.gov/the-press-office/2017/01/28/executive-order-ethics-commitments-executive-branch-appointees> (last viewed 1/30/2017).

²³ Id.

Posey also has also introduced H.R. 384, the 'End the Congressional Revolving Door Act,' which proposes to terminate retirement and other federal benefits for former members of Congress who become lobbyists.

Florida Congressman Ron DeSantis has introduced H.R. 796, the 'Drain the Swamp Act of 2017'. Among other things, the house resolution proposes to extend the current lobbying bans applicable to former members of the United States Senate and United States House of Representatives to five years after leaving office.

Michigan Congressman David Trott has introduced H.R. 346, the 'Congressional Integrity Act,' which proposes to establish a uniform five-year lobbying ban on former members of the United States Senate and United States House of Representatives.

Other State Post-service Lobbying Prohibitions

According to a 50-state survey conducted by the National Conference of State Legislatures, at least 34 states have enacted post-service lobbying prohibitions on former state legislators.²⁴ Of these 34 states, 20 states²⁵ impose a one-year prohibition, while eight states²⁶, including Florida, impose a two-year prohibition. Out of the remaining six states, three states²⁷ impose a ban that expires at the end of the next regular session after the legislator has vacated office, one state²⁸ has a prohibition that expires at the end of the legislator's current term of office (in case of resignation), one state²⁹ has a prohibition lasting six months after expiration of any term of office for which the person was elected, and one state's³⁰ prohibition lasts until the later of the close of the session which the legislator served or six months after leaving office.

While no state currently has a post-service lobbying ban longer than two years, at least one state other than Florida is considering extending beyond two years. House Bill 213 is currently pending in the Missouri House of Representatives and proposes to extend Missouri's lobbying ban applicable to former legislators and appointed state officers (who require confirmation by the state senate) to five years following vacation of office from six months.

In 2010, an Ohio state statute that imposed a one-year lobbying ban on former state assembly members was permanently enjoined by a federal district court on grounds it violated the First Amendment to the United States Constitution.³¹ The statute at issue prohibited former assembly members and legislative employees from lobbying the general assembly on a *compensated* and *uncompensated* basis for one-year after leaving office or employment.³² There, a former state assembly member, who was a supporter and member of an advocacy organization, wished to represent the organization's interest before the Ohio General Assembly on an *uncompensated* basis. The court found the statute infringed on First Amendment protections relating to the right to peaceably assemble and to petition the government for redress of grievances, and as such, subjected the statute to strict scrutiny. While the court found the state had a compelling interest in preventing corruption or the appearance of corruption, the court found this compelling interest to be limited to *compensated* lobbying; as such, the court did not find the state had a compelling interest in prohibiting *uncompensated* lobbying.

²⁴ See "Rules Against Legislators Lobbying State Government After They Leave Office," on NCSL's website at <http://www.ncsl.org/research/ethics/50-state-table-revolving-door-prohibitions.aspx> (last viewed 1/13/2017).

²⁵ AK, AZ, AR, CA, CT, DE, GA, IN, ME, MA, MN, NJ, PA, RI, SC, SD, TN, UT, VA, WV.

²⁶ AL, CO, FL, IA, KY, LA, MT, NY.

²⁷ MD, NV, OR.

²⁸ MI.

²⁹ MO.

³⁰ NC.

³¹ Brinkman v. Budish, 692 F. Supp. 2d 855, 862 (S.D. Ohio 2010).

³² See Ohio Rev. Code 102.03(A)(4) (2010).

Like many other states³³, Florida's ban is limited to personal representation for compensation.

Despite the injunction, however, an Ohio state statute providing a one-year prohibition on all public officials and employees from representing any person or entity in regards to a [non-legislative] matter in which they personally participated as a public official or employee remains intact.³⁴

A handful of states also have post-service lobbying bans applicable to former executive branch officials.

Effect of Proposed Changes

The joint resolution proposes an amendment to the Florida constitution to extend the current two-year constitutional prohibition on legislators and statewide elected officers personally representing another person or entity for compensation before their former government body or agency to six years following vacation of office. The joint resolution also proposes to subject appointed state officers to the same prohibition, and extend the prohibition on legislators providing personal representation for compensation before any state agency (other than judicial tribunals) to six years following vacation of office.

The joint resolution's proposed revisions to the constitution only apply to those individuals who were members of the Legislature after November 8, 2016, were statewide elected officers after November 8, 2016, or who were appointed state officers after July 1, 2017.

A joint resolution proposing an amendment to the Florida Constitution must be passed by three-fifths of the membership of each house of the Legislature.

The Florida Constitution requires 60 percent voter approval for passage of a proposed constitutional amendment.

B. SECTION DIRECTORY:

As this piece of legislation is a joint resolution proposing a constitutional amendment, it does not contain bill sections. The joint resolution proposes to amend art. II, s. 8(e) of the state constitution, to extend the two-year prohibition on legislators and elected statewide officers from lobbying their former government body or agency to six years following vacation of office, to prohibit legislators lobbying the executive branch for six years following vacation of office, and to prohibit appointed state officers from lobbying their former government body or agency for six years following vacation of office.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

Article XI, s. 5(d) of the state constitution, requires proposed amendments or constitutional revisions to be published in a newspaper of general circulation in each county where a newspaper is published. The amendment or revision must be published once in the tenth week and again in the sixth week immediately before the week the election is held. During the 2016 general election, the publication cost was \$117.56 per word.

³³ At least, AL, AK, AZ, CA, CO, DE, IA, LA, ME, MD, MI, NV, NY, OR, PA, VA.

³⁴ See Ohio Rev. Code 102.03(A)(1).

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable.

2. Other:

Article XI, s. 1 of the state constitution, provides for proposed changes to the constitution by the Legislature:

SECTION 1: Proposal by legislature. – Amendment of a section or revision of one or more articles, or the whole, of this constitution may be proposed by joint resolution agreed to by three-fifths of the membership of each house of the Legislature. The full text of the joint resolution and the vote of each member voting shall be entered on the journal of each house.

If passed by the Legislature, the proposed amendment must be submitted to the electors at the next general election held more than 90 days after the joint resolution is filed with the custodian of state records. A proposed amendment may be submitted to the electorate at an earlier special election if the Legislature by three-fourths vote enacts a law so providing, which is limited to a single amendment or revision.³⁵ Each proposed amendment must be published, once in the tenth week and once in the sixth week immediately preceding the week of the election, in one newspaper of general circulation in each county where a newspaper is published.³⁶

Sixty percent voter approval is required for a proposed constitutional amendment to pass.³⁷ A proposed amendment or revision approved by the requisite vote of the electors is effective as an amendment to or revision of the state constitution on the first Tuesday after the first Monday in January following the election.³⁸

First Amendment, United States Constitution

The First Amendment to the United States Constitution provides, in part, that “Congress shall make no law . . . abridging the freedom of speech . . . or the right of the people to peaceably assemble,

³⁵ Art. XI, s. 5(a), Fla. Const.

³⁶ Art. XI, s. 5(d), Fla. Const.

³⁷ Art. XI, s. 5(e), Fla. Const.

³⁸ Art. XI, s. 5(e), Fla. Const.

and to petition the government for redress of grievances.” The Fourteenth Amendment extends these prohibitions to the states.

Provisions of Florida law that regulate lobbyist activity have been challenged on grounds they violate these First Amendment protections. In Florida League of Professional Lobbyists v. Meggs, the United States Court of Appeals for the Eleventh Circuit (11th Circuit) upheld a Florida statute that required a lobbyist hired by a principal to disclose all lobbying expenditures, whether made by the lobbyist or by the principal, and the source of funds for all such expenditures.³⁹ In Florida Association of Professional Lobbyists, Inc. v. Division of Legislative Information Services, the 11th Circuit upheld a Florida statute prohibiting certain ‘expenditures’ and requiring quarterly compensation reports.⁴⁰

At least 34 states have instituted post-service lobbying bans on state legislators. In 2010, an Ohio statute prohibiting former members of the general assembly from lobbying the general assembly for one year following vacation of office was permanently enjoined.⁴¹ There, the federal district court recognized the state’s compelling interest in avoiding corruption or the appearance of corruption, but held the prohibition was not narrowly tailored to achieve that objective because it prohibited compensated and uncompensated lobbying. Florida’s lobbying ban prohibits personal representation for compensation.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

On Tuesday, January 24, 2017, the Public Integrity & Ethics Committee adopted an amendment to specify that the joint resolution’s proposed revisions to the constitution apply only to those individuals who were members of the Legislature after November 8, 2016, were statewide elected officers after November 8, 2016, or who were appointed state officers after July 1, 2017.

The bill analysis is drawn to the bill as amended by the Public Integrity & Ethics Committee.

³⁹ Florida League of Professional Lobbyists v. Meggs, 87 F.3d 457 (11th Cir. 1996).

⁴⁰ Florida Association of Professional Lobbyists, Inc. v. Division of Legislative Information Services, 525 F. 3d 1073 (11th Cir. 2008).

⁴¹ Brinkman v. Budish, 692 F. Supp. 2d 855, 862 (S.D. Ohio 2010).

House Joint Resolution

A joint resolution proposing an amendment to Section 8 of Article II and the creation of Section 37 of Article XII of the State Constitution; extending the prohibition on specified legislators and statewide elected officers of personal representation for compensation before an entity of which the individual was an officer or member from two years to six years following vacation of office; subjecting appointed state officers to the same prohibition; prohibiting specified legislators from such representation before any state agency other than judicial tribunals for six years following vacation of office.

Be It Resolved by the Legislature of the State of Florida:

That the following amendment to Section 8 of Article II and the creation of Section 37 of Article XII of the State Constitution are agreed to and shall be submitted to the electors of this state for approval or rejection at the next general election or at an earlier special election specifically authorized by law for that purpose:

ARTICLE II

GENERAL PROVISIONS

26 SECTION 8. Ethics in government.—A public office is a
 27 public trust. The people shall have the right to secure and
 28 sustain that trust against abuse. To assure this right:

29 (a) All elected constitutional officers and candidates for
 30 such offices and, as may be determined by law, other public
 31 officers, candidates, and employees shall file full and public
 32 disclosure of their financial interests.

33 (b) All elected public officers and candidates for such
 34 offices shall file full and public disclosure of their campaign
 35 finances.

36 (c) Any public officer or employee who breaches the public
 37 trust for private gain and any person or entity inducing such
 38 breach shall be liable to the state for all financial benefits
 39 obtained by such actions. The manner of recovery and additional
 40 damages may be provided by law.

41 (d) Any public officer or employee who is convicted of a
 42 felony involving a breach of public trust shall be subject to
 43 forfeiture of rights and privileges under a public retirement
 44 system or pension plan in such manner as may be provided by law.

45 (e) A ~~No~~ member of the legislature, an appointed state
 46 officer as defined by general law in the code of ethics, or a
 47 statewide elected officer may not ~~shall~~ personally represent
 48 another person or entity for compensation before the government
 49 body or agency of which the individual was an officer or member
 50 for a period of six ~~two~~ years following vacation of office. A ~~No~~

51 | member of the legislature may not ~~shall~~ personally represent
 52 | another person or entity for compensation during term of office,
 53 | or for a period of six years following vacation of office,
 54 | before any state agency other than judicial tribunals. Similar
 55 | restrictions on other public officers and employees may be
 56 | established by law.

57 | (f) There shall be an independent commission to conduct
 58 | investigations and make public reports on all complaints
 59 | concerning breach of public trust by public officers or
 60 | employees not within the jurisdiction of the judicial
 61 | qualifications commission.

62 | (g) A code of ethics for all state employees and
 63 | nonjudicial officers prohibiting conflict between public duty
 64 | and private interests shall be prescribed by law.

65 | (h) This section shall not be construed to limit
 66 | disclosures and prohibitions which may be established by law to
 67 | preserve the public trust and avoid conflicts between public
 68 | duties and private interests.

69 | (i) Schedule—On the effective date of this amendment and
 70 | until changed by law:

71 | (1) Full and public disclosure of financial interests
 72 | shall mean filing with the custodian of state records by July 1
 73 | of each year a sworn statement showing net worth and identifying
 74 | each asset and liability in excess of \$1,000 and its value
 75 | together with one of the following:

76 a. A copy of the person's most recent federal income tax
77 return; or

78 b. A sworn statement which identifies each separate source
79 and amount of income which exceeds \$1,000. The forms for such
80 source disclosure and the rules under which they are to be filed
81 shall be prescribed by the independent commission established in
82 subsection (f), and such rules shall include disclosure of
83 secondary sources of income.

84 (2) Persons holding statewide elective offices shall also
85 file disclosure of their financial interests pursuant to
86 subsection (i)(1).

87 (3) The independent commission provided for in subsection
88 (f) shall mean the Florida Commission on Ethics.

89 ARTICLE XII

90 SCHEDULE

91 Section 37. State officers post-service personal
92 representation prohibitions.—The amendment to Section 8 of
93 Article II extending the prohibition on legislators and
94 statewide elected officers providing personal representation for
95 compensation before the government body or agency of which the
96 individual was an officer or member from two years following
97 vacation of office to six years is applicable only to those
98 individuals who were members of the legislature or who were
99 statewide elected officers at any time after November 8, 2016.
100 The amendment to Section 8 of Article II extending the

101 | prohibition on legislators providing personal representation for
 102 | compensation during term of office before any state agency other
 103 | than judicial tribunals to six years following vacation of
 104 | office is applicable only to those individuals who were members
 105 | of the legislature at any time after November 8, 2016. The
 106 | amendment to Section 8 of Article II prohibiting appointed state
 107 | officers from providing personal representation for compensation
 108 | before the government body or agency of which the individual was
 109 | an officer or member for six years following vacation of office
 110 | is applicable only to those appointed state officers who were in
 111 | such positions at any time after July 1, 2017.

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113 | BE IT FURTHER RESOLVED that the following statement be
 114 | placed on the ballot:

115 | CONSTITUTIONAL AMENDMENT

116 | ARTICLE II, SECTION 8

117 | STATE OFFICERS POST-SERVICE PERSONAL REPRESENTATION

118 | PROHIBITIONS.—Proposing an amendment to the State Constitution
 119 | extending the prohibition on specified legislators and statewide
 120 | elected officers providing personal representation for
 121 | compensation before an entity of which the individual was an
 122 | officer or member from two years to six years following vacation
 123 | of office, subjecting the same prohibition on appointed state
 124 | officers, and prohibiting specified legislators from providing

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125 | such representation before any state agency other than judicial
126 | tribunals for six years following vacation of office.



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 & Policy Committee
 2 Representative Metz offered the following:

Amendment (with schedule, ballot and title amendments)

Remove lines 45-54 and insert:

3
 4 (e) A ~~No~~ member of the legislature or a statewide elected
 5 officer may not ~~shall~~ personally represent another person or
 6 entity for compensation before any state ~~the~~ government body or
 7 state agency other than judicial tribunals ~~of which the~~
 8 ~~individual was an officer or member~~ for a period of six ~~two~~
 9 years following vacation of office. A ~~No~~ member of the
 10 legislature may not ~~shall~~ personally represent another person or
 11 entity for compensation during term of office before any state
 12 agency other than judicial tribunals. Similar
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Amendment No. 1

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SCHEDULE AMENDMENT

Remove lines 93-111 and insert:

Article II prohibiting legislators and statewide elected officers from providing personal representation for compensation before any state government body or state agency for six years following vacation of office is applicable only to those individuals who were members of the legislature or who were statewide elected officers at any time after November 8, 2016.

BALLOT AMENDMENT

Remove lines 117-126 and insert:

ARTICLE XII, SECTION 37

STATE OFFICERS POST-SERVICE PERSONAL REPRESENTATION PROHIBITIONS.—Proposing an amendment to the State Constitution prohibiting legislators and statewide elected officers from personally representing another person or entity for compensation before any state government body or state agency except judicial tribunals for six years following vacation of office; providing that the prohibition applies to individuals who were members of the legislature or who were statewide elected officers at any time after November 8, 2016.

TITLE AMENDMENT



Amendment No. 1

42 Remove lines 4-13 and insert:
43 Article XII of the State Constitution; prohibiting legislators
44 and statewide elected officers from personally representing
45 another person or entity for compensation before any state
46 government body or state agency except judicial tribunals for
47 six years following vacation of office; providing that the
48 prohibition applies to individuals who were members of the
49 legislature or who were statewide elected officers at any time
50 after November 8, 2016.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 7003 PCB PIE 17-02 State Officer Post-service Lobbying Prohibitions
SPONSOR(S): Public Integrity & Ethics Committee, Metz
TIED BILLS: **IDEN./SIM. BILLS:**

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
Orig. Comm.: Public Integrity & Ethics Committee	18 Y, 0 N	Kiner	Rubottom
1) Rules & Policy Committee		Kiner	Birtman

SUMMARY ANALYSIS

The Florida constitution places post-service restrictions on legislators and statewide elected officers. General law places post-service restrictions on legislators, statewide elected officers, and appointed state officers. These restrictions, typically characterized as post-service lobbying bans, prohibit these individuals from personally representing another person or entity for compensation before their former government body or agency for two years following vacation of office. Additionally, legislators are prohibited from lobbying the executive branch for two years following vacation of office and from personally representing another person or entity for compensation during term of office before any state agency, other than judicial tribunals.

The bill amends general law to extend the current two-year prohibition on legislators, statewide elected officers, and appointed state officers, personally representing another person or entity for compensation before their former government body or agency to six years following vacation of office.

The bill also amends general law to extend the two-year prohibition on legislators lobbying the executive branch to six years following vacation of office.

The bill's provisions apply only to those individuals who were members of the Legislature at any time after November 8, 2016, who were statewide elected officers at any time after November 8, 2016, or who were appointed state officers at any time after July 1, 2017.

The bill does not have a fiscal impact on the state or local governments.

The bill has an effective date of July 1, 2017.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation

Florida Post-service Lobbying Prohibitions

The Florida Constitution prohibits legislators and statewide elected officers from personally representing¹ another person or entity for compensation before their former government body or agency for a period of two years following vacation of office.² This constitutional provision also prohibits legislators from personally representing another person or entity for compensation during term of office before any state agency³, other than judicial tribunals.⁴ The constitutional provision is codified in state statute as part of Florida's Code of Ethics for Public Officers and Employees (Code).⁵

In addition to these constitutional prohibitions, general law prohibits appointed state officers⁶ from representing another person or entity for compensation before their former government body or agency for a period of two years following vacation of office, and legislators from acting as lobbyists⁷ for compensation before an executive branch agency, agency official, or employee.⁸

The Florida Commission on Ethics (Commission) is the independent body charged with receiving and investigating sworn complaints involving Florida's constitutional ethics provisions, as well as any other violation of Florida's Code of Ethics for Public Officers and Employees.⁹ While the Commission receives and investigates sworn complaints, the Commission does not have the authority to impose punishment for an ethics violation.¹⁰ Instead, whenever the Commission finds probable cause exists that an ethics violation has occurred, the Commission is required to submit its findings, along with a recommended penalty, to the statutorily designated official who may impose punishment.¹¹

The Commission must make such submission to the Senate President or Speaker of the House, whichever is applicable, in any case concerning a former legislator who is alleged to have violated a provision applicable to former legislators or whose alleged conduct occurred while a member of the

¹ Pursuant to s. 112.312(22), the term 'represent' or 'representation' means "actual physical attendance on behalf of a client in an agency proceeding, the writing of letters or filing of documents on behalf of a client, and personal communications made with the officers or employees of any agency on behalf of a client."

² Art. II, s. 8, Fla. Const.

³ Pursuant to s. 112.313(9), F.S., the term 'state agency' means "an entity of the legislative, executive, or judicial branch of state government over which the Legislature exercises plenary budgetary and statutory control."

⁴ Id.

⁵ S. 112.313(9), F.S.

⁶ Pursuant to s. 112.313(9), F.S., the term 'appointed state officer' means "any member of an appointive board, commission, committee, council, or authority of the executive or legislative branch of state government whose powers, jurisdiction, and authority are not solely advisory and include the final determination or adjudication of any personal or property rights, duties, or obligations, other than those relative to its internal operations."

⁷ Pursuant to s. 112.3215(1)(h), the term 'lobbyist' means a person who is employed and receives payment, or who contracts for economic consideration, for the purpose of lobbying, or a person who is principally employed for governmental affairs by another person or governmental entity to lobby on behalf of that other person or governmental entity. The term does not include: An attorney, or any person, who represents a client in a judicial proceeding or in a formal administrative proceeding conducted pursuant to chapter 120 or any other formal hearing before an agency, board, commission, or authority of this state; An employee of an agency or of a legislative or judicial branch entity acting in the normal course of his or her duties; A confidential informant who is providing, or wishes to provide, confidential information to be used for law enforcement purposes; A person who lobbies to procure a contract pursuant to chapter 287 which contract is less than the threshold for CATEGORY ONE as provided in s. 287.017."

⁸ S. 112.313(9), F.S.

⁹ Art. II, s. 8(f) and (i)(3), Fla. Const., and s. 112.322(1), F.S.

¹⁰ S. 112.324(3), F.S.

¹¹ S. 112.324(4)-(9), F.S.

Legislature.¹² In the case of a former statewide elected officer or appointed state officer, the Commission is required to make such submission to the Governor.¹³

A former legislator, statewide elected officer, or appointed state officer, who violates one of Florida's constitutional ethics provisions or a provision of the Code may be subject to one or more of the following civil penalties:

- Public censure and reprimand
- Civil penalty up to \$10,000
- Restitution¹⁴ of any pecuniary benefits received because of the violation committed

Pursuant to statute, in any case in which a civil penalty or restitution is imposed, the Attorney General is required to bring a civil action to recover such penalty.¹⁵

Rules of the Florida House of Representatives (2016 – 2018)

During the 2016 Organization Session, the Florida House of Representatives adopted its rules for the 2016 – 2018 term. Rule 17.1(g) prohibits a lobbyist¹⁶ who was a member of the Legislature at any time after November 8, 2016, from lobbying the House of Representatives for period of six years following vacation of office as a member of the Legislature.

Other Post-service Lobbying Prohibitions (Federal & State)

Federal Post-service Lobbying Prohibitions

Federal law places certain post-service lobbying prohibitions on former members of the United States Senate and United States House of Representatives.¹⁷ Specifically, former United States Senators are prohibited from lobbying either House of Congress on behalf of any other person (except the United States) for two years after vacating office.¹⁸ Former United States Representatives are prohibited from lobbying either House of Congress on behalf of any other person (except the United States) for one year after vacating office.¹⁹

¹² S. 112.324(8)(e), F.S.

¹³ S. 112.324(8)(d), F.S.

¹⁴ Pursuant to s. 112.317(1)(d), F.S., the Commission may recommend that the restitution penalty be paid to the agency of the public officer or employee or to the General Revenue Fund.

¹⁵ S. 112.317(2), F.S.

¹⁶ Pursuant to the Joint Rules of the Florida Legislature for the 2016 – 2018 term, 'lobbyist' means "a person who is employed and receives payment, or who contracts for economic consideration, for the purpose of lobbying or a person who is principally employed for governmental affairs by another person or governmental entity to lobby on behalf of that other person or governmental entity. An employee of the principal is not a lobbyist unless the employee is principally employed for governmental affairs . . . Any person employed by the Governor, the Executive Office of the Governor, or any executive or judicial department of the state or any community college of the state who seeks to encourage the passage, defeat, or modification of any legislation by personal appearance or attendance before the House of Representatives or the Senate, or any member or committee thereof, is a lobbyist." Joint Rule 1.1(2)(e).

¹⁷ See 18 U.S.C., sec. 207(e).

¹⁸ See 18 U.S.C., sec. 207(e)(1)(A). The statute reads, "Senators. Any person who is a Senator and who, within 2 years after that person leaves office, knowingly makes, with the intent to influence, any communication to or appearance before any Member, officer, or employee of either House of Congress or any employee of any other legislative office of the Congress, on behalf of any other person (except the United States) in connection with any matter on which such former Senator seeks action by a Member, officer, or employee of either House of Congress, in his or her official capacity, shall be punished as provided in section 216 of this title [18 USCS § 216]."

¹⁹ See 18 U.S.C., sec. 207 (e)(1)(B)(i). Any person who is a Member of the House of Representatives or an elected officer of the House of Representatives and who, within 1 year after that person leaves office, knowingly makes, with the intent to influence, any communication to or appearance before any of the persons described in clause (ii) or (iii), on behalf of any other person (except the United States) in connection with any matter on which such former Member of Congress or elected officer seeks action by a Member, officer, or employee of either House of Congress, in his or her official capacity, shall be punished as provided in section 216 of this title [18 USCS § 216].

Federal law also subjects certain executive branch²⁰ employees²¹ (including appointed employees) to the following post-employment restrictions:²²

- Lifetime ban – a former employee may not represent a private party against the United States government in relation to a particular matter involving specific parties if the former employee was personally and substantially involved in the matter during his or her employment.
- Two-year ban – a former employee may not represent a private party against the United States government in relation to a matter that was pending under the former employee's official responsibility during his or her last year of government service.
- One-year cooling-off period – a former senior employee may not represent another person or entity by making a communication to or appearing before the former employee's former agency to seek official action on any matter.
- Two-year cooling-off period – a former very senior employee may not represent another person or entity by making a communication to or appearing before the former employee's former agency to seek official action on any matter.

On January 28, 2017, President Trump issued an executive order prohibiting executive branch appointees from lobbying the agency which they were appointed to serve for five years after termination of employment.²³

The executive order also prohibits executive branch appointees from the following:

- participating in any matter involving specific parties that is directly and substantially related to their former employer or former clients, including regulations and contracts, for two years after their appointment date;
- participating in any particular matter which they lobbied within the two years before their appointment date, and from participating in the specific issue area in which that particular matter falls, for two years after their appointment date;
- engaging in any activity on behalf of any foreign government or foreign political party which, were it undertaken on January 20, 2017, would require registration under the Foreign Agents Registration Act of 1938, as amended; and

accepting gifts from registered lobbyists or lobbying organizations for the duration of their service as an appointee.²⁴

In early 2017, several congressional members have introduced legislation in the United States House of Representatives to extend post-service employment restrictions currently applicable to former members of the United States Senate and United States House of Representatives.

Florida Congressman Bill Posey has introduced H.R. 383, the 'Stop the Revolving Door in Washington Act,' which proposes to extend the current lobbying bans applicable to former members of the United

²⁰ Per 5 C.F.R. part 2641, the term 'executive branch' for purposes of 18 U.S.C. sec. 207 includes "an executive department as defined in 5 U.S.C. 101, a Government corporation, an independent establishment (other than the Government Accountability Office), the Postal Service, the Postal Regulatory Commission, and also includes any other entity or administrative unit in the executive branch."

²¹ Per 5 C.F.R. part 2641, the term 'employee' for purposes of 18 U.S.C. sec. 207 means "any officer or employee of the executive branch or any independent agency that is not a part of the legislative or judicial branches. The term does not include the President or the Vice President, an enlisted member of the Armed Forces, or an officer or employee of the District of Columbia. The term includes an individual appointed as an employee or detailed to the Federal Government under the Intergovernmental Personnel Act (5 U.S.C. 3371-3376) or specifically subject to section 207 under the terms of another statute. It encompasses senior employees, very senior employees, special Government employees, and employees serving without compensation."

²² See 18 U.S.C., sec. 207

²³ See "Executive Order: Ethics Commitments by Executive Branch Appointees" on the White House website at <https://www.whitehouse.gov/the-press-office/2017/01/28/executive-order-ethics-commitments-executive-branch-appointees> (last viewed 1/30/2017).

²⁴ Id.

States Senate and United States Representatives to five years after vacation of office. Congressman Posey also has introduced H.R. 384, the 'End the Congressional Revolving Door Act,' which proposes to terminate retirement and other federal benefits for former members of Congress who become lobbyists.

Florida Congressman Ron DeSantis has introduced H.R. 796, the 'Drain the Swamp Act of 2017'. Among other things, the house resolution proposes to extend the current lobbying bans applicable to former members of the United States Senate and United States House of Representatives to five years after leaving office.

Michigan Congressman David Trott has introduced H.R. 346, the 'Congressional Integrity Act,' which proposes to establish a uniform five-year lobbying ban on former members of the United States Senate and United States House of Representatives.

Other State Post-service Lobbying Prohibitions

According to a 50-state survey conducted by the National Conference of State Legislatures, at least 34 states have enacted post-service lobbying prohibitions on former state legislators.²⁵ Of these 34 states, 20 states²⁶ impose a one-year prohibition, while eight states²⁷, including Florida, impose a two-year prohibition. Out of the remaining six states, three states²⁸ impose a ban that expires at the end of the next regular session after the legislator has vacated office, one state²⁹ has a prohibition that expires at the end of the legislator's current term of office (in case of resignation), one state³⁰ has a prohibition lasting six months after expiration of any term of office for which the person was elected, and one state's³¹ prohibition lasts until the later of the close of the session which the legislator served or six months after leaving office.

While no state currently has a post-service lobbying ban longer than two years, at least one state other than Florida is considering extending beyond two years. House Bill 213 is currently pending in the Missouri House of Representatives and proposes to extend Missouri's lobbying ban applicable to former legislators and appointed state officers (who require confirmation by the state senate) to five years following vacation of office from six months.

In 2010, an Ohio state statute that imposed a one-year lobbying ban on former state assembly members was permanently enjoined by a federal district court on grounds it violated the First Amendment to the United States Constitution.³² The statute at issue prohibited former assembly members and legislative employees from lobbying the general assembly on a *compensated* and *uncompensated* basis for one-year after leaving office or employment.³³ There, a former state assembly member, who was a supporter and member of an advocacy organization, wished to represent the organization's interest before the Ohio General Assembly on an *uncompensated* basis. The court found the statute infringed on First Amendment protections relating to the right to peaceably assemble and to petition the government for redress of grievances, and as such, subjected the statute to strict scrutiny. While the court found the state had a compelling interest in preventing corruption or the appearance of corruption, the court found this compelling interest to be limited to *compensated* lobbying; as such, the court did not find the state had a compelling interest in prohibiting *uncompensated* lobbying.

²⁵ See "Rules Against Legislators Lobbying State Government After They Leave Office," on NCSL's website at <http://www.ncsl.org/research/ethics/50-state-table-revolving-door-prohibitions.aspx> (last viewed 1/13/2017).

²⁶ AK, AZ, AR, CA, CT, DE, GA, IN, ME, MA, MN, NJ, PA, RI, SC, SD, TN, UT, VA, WV.

²⁷ AL, CO, FL, IA, KY, LA, MT, NY.

²⁸ MD, NV, OR.

²⁹ MI.

³⁰ MO.

³¹ NC.

³² Brinkman v. Budish, 692 F. Supp. 2d 855, 862 (S.D. Ohio 2010).

³³ See Ohio Rev. Code 102.03(A)(4) (2010).

Like many other states³⁴, Florida's ban is limited to personal representation for compensation.

Despite the injunction, however, an Ohio state statute providing a one-year prohibition on all public officials and employees from representing any person or entity in regards to a [non-legislative] matter in which they personally participated as a public official or employee remains intact.³⁵

A handful of states also have post-service lobbying bans applicable to former executive branch officials.

Effect of Proposed Changes

The bill amends general law to extend the current two-year prohibition on legislators, statewide elected officers, and appointed state officers representing another person or entity for compensation before their former government body or agency to six years following vacation of office.

The bill also amends general law to extend the two-year prohibition on legislators lobbying the executive branch to six years following vacation of office.

The bill's provisions apply only to those individuals who were members of the Legislature after November 8, 2016, were statewide elected officers after November 8, 2016, or who were appointed state officers after July 1, 2017.

B. SECTION DIRECTORY:

Section 1 adds the definition of 'appointed state officer' to s. 112.312, F.S.

Section 2 amends s. 112.313, F.S., relating to postemployment restrictions and standards of conduct for legislators and legislative employees.

Section 3 provides applicability for the act's provisions.

Section 4 amends s. 1001.421, F.S., to correct cross-references.

Section 5 provides an effective date.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

³⁴ At least, AL, AK, AZ, CA, CO, DE, IA, LA, ME, MD, MI, NV, NY, OR, PA, VA.

³⁵ See Ohio Rev. Code 102.03(A)(1).

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable.

2. Other:

First Amendment, United States Constitution

The First Amendment to the United States Constitution provides, in part, that “Congress shall make no law . . . abridging the freedom of speech . . . or the right of the people to peaceably assemble, and to petition the government for redress of grievances.” The Fourteenth Amendment extends these prohibitions to the states.

Provisions of Florida law that regulate lobbyist activity have been challenged on grounds they violate these First Amendment protections. In Florida League of Professional Lobbyists v. Meggs, the United States Court of Appeals for the Eleventh Circuit (11th Circuit) upheld a Florida statute that required a lobbyist hired by a principal to disclose all lobbying expenditures, whether made by the lobbyist or by the principal, and the source of funds for all such expenditures.³⁶ In Florida Association of Professional Lobbyists, Inc. v. Division of Legislative Information Services, the 11th Circuit upheld a Florida statute prohibiting certain ‘expenditures’ and requiring quarterly compensation reports.³⁷

At least 34 states have instituted post-service lobbying bans on state legislators. In 2010, an Ohio statute prohibiting former members of the general assembly from lobbying the general assembly for one year following vacation of office was permanently enjoined.³⁸ There, the federal district court recognized the state’s compelling interest in avoiding corruption or the appearance of corruption, but held the prohibition was not narrowly tailored to achieve that objective because it prohibited compensated and uncompensated lobbying. Florida’s lobbying ban prohibits personal representation for compensation.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

On Tuesday, January 24, 2017, the Public Integrity & Ethics Committee adopted an amendment to specify that the bill’s provisions apply only to those individuals who were members of the Legislature after

³⁶ Florida League of Professional Lobbyists v. Meggs, 87 F.3d 457 (11th Cir. 1996).

³⁷ Florida Association of Professional Lobbyists, Inc. v. Division of Legislative Information Services, 525 F. 3d 1073 (11th Cir. 2008).

³⁸ Brinkman v. Budish, 692 F. Supp. 2d 855, 862 (S.D. Ohio 2010).

November 8, 2016, were statewide elected officers after November 8, 2016, or who were appointed state officers after July 1, 2017.

The bill analysis is drawn to the bill as amended by the Public Integrity & Ethics Committee.

1 A bill to be entitled
 2 An act relating to state officer post-service lobbying
 3 prohibitions; amending s. 112.312, F.S.; defining the
 4 term "appointed state officer"; amending s. 112.313,
 5 F.S.; deleting a definition; extending the prohibition
 6 on legislators, elected statewide officers, and
 7 appointed state officers, from providing personal
 8 representation for compensation before the government
 9 body or agency of which the individual was an officer
 10 or member to a number of specified years following
 11 vacation of office; extending the prohibition on
 12 legislators lobbying the executive branch for
 13 compensation to a number of specified years following
 14 vacation of office; providing applicability; amending
 15 s. 1001.421, F.S.; conforming a provision to changes
 16 made by the act; providing an effective date.

17
 18 Be It Enacted by the Legislature of the State of Florida:

19
 20 Section 1. Subsections (3) through (24) of section
 21 112.312, Florida Statutes, are renumbered as subsections (4)
 22 through (25), respectively, and a new subsection (3) is added to
 23 that section, to read:

24 112.312 Definitions.—As used in this part and for purposes
 25 of the provisions of s. 8, Art. II of the State Constitution,

26 unless the context otherwise requires:

27 (3) "Appointed state officer" means any member of an
 28 appointive board, commission, committee, council, or authority
 29 of the executive or legislative branch of state government whose
 30 powers, jurisdiction, and authority are not solely advisory and
 31 include the final determination or adjudication of any personal
 32 or property rights, duties, or obligations, other than those
 33 relative to its internal operations.

34 Section 2. Subsection (9) of section 112.313, Florida
 35 Statutes, is amended to read:

36 112.313 Standards of conduct for public officers,
 37 employees of agencies, and local government attorneys.—

38 (9) POSTEMPLOYMENT RESTRICTIONS; STANDARDS OF CONDUCT FOR
 39 LEGISLATORS AND LEGISLATIVE EMPLOYEES.—

40 (a)1. It is the intent of the Legislature to implement by
 41 statute the provisions of s. 8(e), Art. II of the State
 42 Constitution relating to legislators, statewide elected
 43 officers, appointed state officers, and designated public
 44 employees.

45 2. As used in this paragraph:

46 a. "Employee" means:

47 (I) Any person employed in the executive or legislative
 48 branch of government holding a position in the Senior Management
 49 Service as defined in s. 110.402 or any person holding a
 50 position in the Selected Exempt Service as defined in s. 110.602

51 | or any person having authority over policy or procurement
 52 | employed by the Department of the Lottery.

53 | (II) The Auditor General, the director of the Office of
 54 | Program Policy Analysis and Government Accountability, the
 55 | Sergeant at Arms and Secretary of the Senate, and the Sergeant
 56 | at Arms and Clerk of the House of Representatives.

57 | (III) The executive director and deputy executive director
 58 | of the Commission on Ethics.

59 | (IV) An executive director, staff director, or deputy
 60 | staff director of each joint committee, standing committee, or
 61 | select committee of the Legislature; an executive director,
 62 | staff director, executive assistant, analyst, or attorney of the
 63 | Office of the President of the Senate, the Office of the Speaker
 64 | of the House of Representatives, the Senate Majority Party
 65 | Office, Senate Minority Party Office, House Majority Party
 66 | Office, or House Minority Party Office; or any person, hired on
 67 | a contractual basis, having the power normally conferred upon
 68 | such persons, by whatever title.

69 | (V) The Chancellor and Vice Chancellors of the State
 70 | University System; the general counsel to the Board of Governors
 71 | of the State University System; and the president, provost, vice
 72 | presidents, and deans of each state university.

73 | (VI) Any person, including an other-personal-services
 74 | employee, having the power normally conferred upon the positions
 75 | referenced in this sub-subparagraph.

76 b. ~~"Appointed state officer" means any member of an~~
 77 ~~appointive board, commission, committee, council, or authority~~
 78 ~~of the executive or legislative branch of state government whose~~
 79 ~~powers, jurisdiction, and authority are not solely advisory and~~
 80 ~~include the final determination or adjudication of any personal~~
 81 ~~or property rights, duties, or obligations, other than those~~
 82 ~~relative to its internal operations.~~

83 ~~e.~~ "State agency" means an entity of the legislative,
 84 executive, or judicial branch of state government over which the
 85 Legislature exercises plenary budgetary and statutory control.

86 3.a. A ~~No~~ member of the Legislature, appointed state
 87 officer, or statewide elected officer may not ~~shall~~ personally
 88 represent another person or entity for compensation before the
 89 government body or agency of which the individual was an officer
 90 or member for a period of 6 ~~2~~ years following vacation of
 91 office. A ~~No~~ member of the Legislature may not ~~shall~~ personally
 92 represent another person or entity for compensation during his
 93 or her term of office before any state agency other than
 94 judicial tribunals or in settlement negotiations after the
 95 filing of a lawsuit.

96 b. For a period of 6 ~~2~~ years following vacation of office,
 97 a former member of the Legislature may not act as a lobbyist for
 98 compensation before an executive branch agency, agency official,
 99 or employee. The terms used in this sub-subparagraph have the
 100 same meanings as provided in s. 112.3215.

101 4. An agency employee, including an agency employee who
 102 was employed on July 1, 2001, in a Career Service System
 103 position that was transferred to the Selected Exempt Service
 104 System under chapter 2001-43, Laws of Florida, may not
 105 personally represent another person or entity for compensation
 106 before the agency with which he or she was employed for a period
 107 of 2 years following vacation of position, unless employed by
 108 another agency of state government.

109 5. Any person violating this paragraph shall be subject to
 110 the penalties provided in s. 112.317 and a civil penalty of an
 111 amount equal to the compensation which the person receives for
 112 the prohibited conduct.

113 6. This paragraph is not applicable to:

114 a. A person employed by the Legislature or other agency
 115 prior to July 1, 1989;

116 b. A person who was employed by the Legislature or other
 117 agency on July 1, 1989, whether or not the person was a defined
 118 employee on July 1, 1989;

119 c. A person who was a defined employee of the State
 120 University System or the Public Service Commission who held such
 121 employment on December 31, 1994;

122 d. A person who has reached normal retirement age as
 123 defined in s. 121.021(29), and who has retired under the
 124 provisions of chapter 121 by July 1, 1991; or

125 e. Any appointed state officer whose term of office began

126 before January 1, 1995, unless reappointed to that office on or
 127 after January 1, 1995.

128 (b) In addition to the provisions of this part which are
 129 applicable to legislators and legislative employees by virtue of
 130 their being public officers or employees, the conduct of members
 131 of the Legislature and legislative employees shall be governed
 132 by the ethical standards provided in the respective rules of the
 133 Senate or House of Representatives which are not in conflict
 134 herewith.

135 Section 3. The amendment made by this act to s. 112.313,
 136 Florida Statutes, applies only to those individuals who were
 137 members of the Legislature at any time after November 8, 2016,
 138 who were statewide elected officers at any time after November
 139 8, 2016, or who were appointed state officers at any time after
 140 July 1, 2017.

141 Section 4. Section 1001.421, Florida Statutes, is amended
 142 to read:

143 1001.421 Gifts.—Notwithstanding any other provision of law
 144 to the contrary, district school board members and their
 145 relatives, as defined in s. 112.312(22) ~~112.312(21)~~, may not
 146 directly or indirectly solicit any gift, or directly or
 147 indirectly accept any gift in excess of \$50, from any person,
 148 vendor, potential vendor, or other entity doing business with
 149 the school district. The term "gift" has the same meaning as in
 150 s. 112.312(13) ~~112.312(12)~~.

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151

Section 5. This act shall take effect July 1, 2017.



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 & Policy Committee
2 Representative Metz offered the following:

Amendment (with title amendment)

Remove everything after the enacting clause and insert:

6 Section 1. Subsection (9) of section 112.313, Florida
7 Statutes, is amended to read:

8 112.313 Standards of conduct for public officers,
9 employees of agencies, and local government attorneys.—

10 (9) POSTEMPLOYMENT RESTRICTIONS; STANDARDS OF CONDUCT FOR
11 LEGISLATORS AND LEGISLATIVE EMPLOYEES.—

12 (a)1. It is the intent of the Legislature to implement by
13 statute the provisions of s. 8(e), Art. II of the State
14 Constitution relating to legislators, statewide elected
15 officers, appointed state officers, and designated public
16 employees.



Amendment No. 1

17 2. As used in this paragraph:

18 a. "Employee" means:

19 (I) Any person employed in the executive or legislative
20 branch of government holding a position in the Senior Management
21 Service as defined in s. 110.402 or any person holding a
22 position in the Selected Exempt Service as defined in s. 110.602
23 or any person having authority over policy or procurement
24 employed by the Department of the Lottery.

25 (II) The Auditor General, the director of the Office of
26 Program Policy Analysis and Government Accountability, the
27 Sergeant at Arms and Secretary of the Senate, and the Sergeant
28 at Arms and Clerk of the House of Representatives.

29 (III) The executive director and deputy executive director
30 of the Commission on Ethics.

31 (IV) An executive director, staff director, or deputy
32 staff director of each joint committee, standing committee, or
33 select committee of the Legislature; an executive director,
34 staff director, executive assistant, analyst, or attorney of the
35 Office of the President of the Senate, the Office of the Speaker
36 of the House of Representatives, the Senate Majority Party
37 Office, Senate Minority Party Office, House Majority Party
38 Office, or House Minority Party Office; or any person, hired on
39 a contractual basis, having the power normally conferred upon
40 such persons, by whatever title.



Amendment No. 1

41 (V) The Chancellor and Vice Chancellors of the State
42 University System; the general counsel to the Board of Governors
43 of the State University System; and the president, provost, vice
44 presidents, and deans of each state university.

45 (VI) Any person, including an other-personal-services
46 employee, having the power normally conferred upon the positions
47 referenced in this sub-subparagraph.

48 b. "Appointed state officer" means any member of an
49 appointive board, commission, committee, council, or authority
50 of the executive or legislative branch of state government whose
51 powers, jurisdiction, and authority are not solely advisory and
52 include the final determination or adjudication of any personal
53 or property rights, duties, or obligations, other than those
54 relative to its internal operations.

55 c. "State agency" means an entity of the legislative,
56 executive, or judicial branch of state government over which the
57 Legislature exercises plenary budgetary and statutory control.

58

59 3.a. A ~~No~~ member of the Legislature, ~~appointed state~~
60 ~~officer~~, or statewide elected officer may not shall personally
61 represent another person or entity for compensation before any
62 state government body or state agency other than judicial
63 tribunals or in settlement negotiations after the filing of a
64 lawsuit the government body or agency of which the individual
65 ~~was an officer or member~~ for a period of 6 2 years following

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Amendment No. 1

66 vacation of office. A No member of the Legislature may not shall
67 personally represent another person or entity for compensation
68 during his or her term of office before any state agency other
69 than judicial tribunals or in settlement negotiations after the
70 filing of a lawsuit.

71 b. An appointed state officer may not personally represent
72 another person or entity for compensation before the government
73 body or agency of which the individual was an officer or member
74 for a period of 2 years following vacation of office. For a
75 period of 2 years following vacation of office, a former member
76 of the Legislature may not act as a lobbyist for compensation
77 before an executive branch agency, agency official, or employee.
78 The terms used in this sub-subparagraph have the same meanings
79 as provided in s. 112.3215.

80 4. An agency employee, including an agency employee who
81 was employed on July 1, 2001, in a Career Service System
82 position that was transferred to the Selected Exempt Service
83 System under chapter 2001-43, Laws of Florida, may not
84 personally represent another person or entity for compensation
85 before the agency with which he or she was employed for a period
86 of 2 years following vacation of position, unless employed by
87 another agency of state government.

88 5. Any person violating this paragraph shall be subject to
89 the penalties provided in s. 112.317 and a civil penalty of an



Amendment No. 1

90 amount equal to the compensation which the person receives for
91 the prohibited conduct.

92 6. This paragraph is not applicable to:

93 a. A person employed by the Legislature or other agency
94 prior to July 1, 1989;

95 b. A person who was employed by the Legislature or other
96 agency on July 1, 1989, whether or not the person was a defined
97 employee on July 1, 1989;

98 c. A person who was a defined employee of the State
99 University System or the Public Service Commission who held such
100 employment on December 31, 1994;

101 d. A person who has reached normal retirement age as
102 defined in s. 121.021(29), and who has retired under the
103 provisions of chapter 121 by July 1, 1991; or

104 e. Any appointed state officer whose term of office began
105 before January 1, 1995, unless reappointed to that office on or
106 after January 1, 1995.

107 (b) In addition to the provisions of this part which are
108 applicable to legislators and legislative employees by virtue of
109 their being public officers or employees, the conduct of members
110 of the Legislature and legislative employees shall be governed
111 by the ethical standards provided in the respective rules of the
112 Senate or House of Representatives which are not in conflict
113 herewith.

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Amendment No. 1

114 Section 2. The amendment made by this act to s. 112.313,
115 Florida Statutes, applies only to those individuals who were
116 members of the Legislature at any time after November 8, 2016,
117 or who were statewide elected officers at any time after
118 November 8, 2016.

119 Section 3. This act shall take effect July 1, 2017.

120

121

122 T I T L E A M E N D M E N T

123 Remove everything before the enacting clause and insert:

124 A bill to be entitled

125 An act relating to state officer post-service lobbying
126 restrictions; amending s. 112.313, F.S.; prohibiting
127 legislators and statewide elected officers from
128 personally representing another person or entity for
129 compensation before any state government body or state
130 agency except judicial tribunals for a specified time
131 period following vacation of office; deleting a
132 prohibition on a former legislator from acting as a
133 lobbyist before an executive branch agency, agency
134 official, or employee for a specified period following
135 vacation of office; providing applicability; providing
136 an effective date.

137

PCB RPC 17-01

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: PCB RPC 17-01 Official Florida Statutes
SPONSOR(S): Rules & Policy Committee
TIED BILLS: **IDEN./SIM. BILLS:** SB 500

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
Orig. Comm.: Rules & Policy Committee		Nincehelser	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 2017 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 2016 Regular Session together with corrections, changes, and amendments to and repeals of the provisions of the 2016 Florida Statutes enacted in additional Reviser's bill(s) by the 2017 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 2016, which thus serve as the best evidence of the law.

Legislation passed in the 2017 Regular Session, which will have occurred since the publication of the 2016 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 2018.

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 2017 adoption act is drafted by the Division of Law Revision and Information of the Office of Legislative Services to prospectively adopt the Florida Statutes 2017 and designate the portions thereof that are to constitute the official statutory law of the state. The adoption act amends ss. 11.2421, 11.2422, 11.2424, and 11.2425, F.S., and has the effect of curing any title or single subject defects that may have existed in an act as originally passed.¹ The adoption act is usually enacted annually during each regular session.

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

The 2017 adoption act prospectively adopts all statutes of a general and permanent nature passed through the 2016 Regular Session together with corrections, changes, and amendments to and repeals of provisions of 2016 Florida Statutes enacted in additional Reviser's bill(s) by the 2017 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 2016, which thus serve as the best evidence of the law.

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

The adopted statutes that have been enacted, amended, or repealed in a session occurring subsequent to publication of the 2016 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 2017 Regular Session, which will have occurred since the publication of the 2016 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 2016 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 2017 Florida Statutes, which include the 2016 Florida Statutes and Reviser's Bill(s) enacted during the 2017 Legislative Session.

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

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

Section 2 amends s. 11.2422, F.S., to repeal all statutes of a general and permanent nature enacted by the State of Florida at or prior to the 2016 Regular session that are not included in the 2017 Florida Statutes. This does not include any laws adopted during the 2017 regular legislative session.

Section 3 amends s. 11.2424, F.S., to detail that the laws adopted during the 2017 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 2017 Florida Statutes shall not affect any right that accrued under a statute before it was repealed by the 2017 Florida Statutes, nor will it affect any civil remedy where a suit is pending.

Section 5 provides for an effective date.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

The adoption act prospectively adopts the Florida Statutes 2017 as an official document. It has no fiscal impact on state or local governments or on the private sector.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

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

2. Other:

None.

B. RULE-MAKING AUTHORITY:

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

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

BILL

ORIGINAL

YEAR

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 2017 and designating the portions
 5 thereof that are to constitute the official law of the
 6 state; providing that the Florida Statutes 2017 shall
 7 be effective immediately upon publication; providing
 8 that general laws enacted during the 2016 regular
 9 session and prior thereto and not included in the
 10 Florida Statutes 2017 are repealed; providing that
 11 general laws enacted after the 2016 regular session
 12 are not repealed by this adoption act; providing an
 13 effective date.

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

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

19 11.2421 Florida Statutes 2017 ~~2016~~ adopted.—The
 20 accompanying revision, consolidation, and compilation of the
 21 public statutes of 2016 ~~2015~~ of a general and permanent nature,
 22 excepting tables, rules, indexes, and other related matter
 23 contained therein, prepared by the Office of Legislative
 24 Services under the provisions of s. 11.242, together with
 25 corrections, changes, and amendments to and repeals of

BILL

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26 provisions of Florida Statutes 2016 ~~2015~~ enacted in additional
 27 reviser's bill or bills by the 2017 ~~2016~~ Legislature, is adopted
 28 and enacted as the official statute law of the state under the
 29 title of "Florida Statutes 2017 ~~2016~~" and shall take effect
 30 immediately upon publication. Said statutes may be cited as
 31 "Florida Statutes 2017 ~~2016~~," "Florida Statutes," or "F.S. 2017
 32 ~~2016~~."

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

35 11.2422 Statutes repealed.—Every statute of a general and
 36 permanent nature enacted by the State or by the Territory of
 37 Florida at or prior to the 2016 regular ~~October 19–November 6,~~
 38 ~~2015, special~~ legislative session, and every part of such
 39 statute, not included in Florida Statutes 2017 ~~2016~~, as adopted
 40 by s. 11.2421, as amended, or recognized and continued in force
 41 by reference therein or in ss. 11.2423 and 11.2424, as amended,
 42 is repealed.

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

45 11.2424 Laws not repealed.—Laws enacted after the 2016
 46 regular ~~October 19–November 6, 2015, special~~ session are not
 47 repealed by the adoption and enactment of the Florida Statutes
 48 2017 ~~2016~~ by s. 11.2421, as amended, but shall have full effect
 49 as if enacted after its said adoption and enactment.

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

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51 | to read:

52 | 11.2425 Rights reserved under repealed statutes.—The
53 | repeal of any statute by the adoption and enactment of Florida
54 | Statutes 2017 ~~2016~~, by s. 11.2421, as amended, shall not affect
55 | any right accrued before such repeal or any civil remedy where a
56 | suit is pending.

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

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: PCB RPC 17-02 Florida Statutes / General
SPONSOR(S): Rules & Policy Committee
TIED BILLS: **IDEN./SIM. BILLS:** SB 502

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

SUMMARY ANALYSIS

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

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

Such changes include:

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

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

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

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

The bill has no fiscal impact.

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

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

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

B. SECTION DIRECTORY:

Sections 1, 4, 5, 9, 19, 21, 23, 24, 27, 28, 30, 31, 32, 33, 35, 37, 38, 47, 48, 51, 52, 53, 54, 55 and 56 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, 3, 7, 8, 11, 12, 13, 14, 15, 16, 17, 20, 25, 26, 29, 34, 36, 40, 41, 42, 43, 44, 45, 46, 49 and 50 correct cross references and when necessary conform to context or redesignated, amended, repealed, or added subsections and subunits.

Sections 6, 10, 22 and 39 delete obsolete or expired provisions.

Section 18 deletes obsolete or expired provisions AND corrects cross references and conforms to redesignated, amended, repealed, or added subsections and subunits.

Section 57 provides for an effective date.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None

2. Expenditures:

None

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None

2. Expenditures:

None

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

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

BILL

ORIGINAL

YEAR

1 A bill to be entitled
2 An act relating to the Florida Statutes; amending ss.
3 102.031, 106.24, 120.595, 190.046, 212.08, 215.555,
4 215.619, 215.985, 253.034, 288.9936, 316.003, 316.545,
5 316.613, 320.08, 322.121, 373.042, 373.414, 373.4592,
6 373.707, 376.3071, 393.18, 393.501, 394.461, 400.925,
7 402.3025, 409.9201, 413.207, 413.402, 440.185,
8 459.022, 491.0046, 497.458, 499.015, 499.036, 499.83,
9 553.79, 571.24, 625.111, 627.0629, 627.42392,
10 627.6562, 627.7074, 633.216, 655.960, 744.20041,
11 790.065, 832.07, 893.0356, 893.13, 921.0022, 932.7055,
12 1002.385, 1003.42, 1006.195, 1012.796, and 1013.40,
13 F.S.; deleting provisions that have expired, have
14 become obsolete, have had their effect, have served
15 their purpose, or have been impliedly repealed or
16 superseded; replacing incorrect cross-references and
17 citations; correcting grammatical, typographical, and
18 like errors; removing inconsistencies, redundancies,
19 and unnecessary repetition in the statutes; and
20 improving the clarity of the statutes and facilitating
21 their correct interpretation; providing an effective
22 date.

23
24 Be It Enacted by the Legislature of the State of Florida:
25

BILL

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26 Section 1. Paragraph (d) of subsection (4) of section
27 102.031, Florida Statutes, is amended to read:

28 102.031 Maintenance of good order at polls; authorities;
29 persons allowed in polling rooms and early voting areas;
30 unlawful solicitation of voters.-

31 (4)

32 (d) Except as provided in paragraph (a), the supervisor
33 may not designate a no-solicitation zone or otherwise restrict
34 access to any person, political committee, ~~committee of~~
35 ~~continuous existence~~, candidate, or other group or organization
36 for the purposes of soliciting voters. This paragraph applies to
37 any public or private property used as a polling place or early
38 voting site.

39 Reviser's note.-Amended to conform to the deletion of committees
40 of continuous existence in ch. 2013-37, Laws of Florida.

41 Section 2. Subsection (6) of section 106.24, Florida
42 Statutes, is amended to read:

43 106.24 Florida Elections Commission; membership; powers;
44 duties.-

45 (6) There is established in the State Treasury an
46 Elections Commission Trust Fund to be used by the Florida
47 Elections Commission in order to carry out its duties pursuant
48 to ss. 106.24-106.28. The trust fund may also be used by the
49 Secretary of State, pursuant to his or her authority under s.
50 97.012(15) ~~97.012(14)~~, to provide rewards for information

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51 leading to criminal convictions related to voter registration
 52 fraud, voter fraud, and vote scams.
 53 Reviser's note.—Amended to correct a cross-reference. Section 1,
 54 ch. 2005-277, Laws of Florida, created a new s. 97.012(14)
 55 relating to fraud; s. 69 of that same law amended s.
 56 106.24(6) to conform a cross-reference to the addition of
 57 the new s. 97.012(14). Section 1, ch. 2005-278, Laws of
 58 Florida, also created a new s. 97.012(14) relating to
 59 enforcement of the performance of duties or compliance of
 60 rules with respect to chapters 97 through 102 and 105, and
 61 that law did not amend s. 106.24. The new s. 97.012(14)
 62 added by s. 1, ch. 2005-277, was redesignated as s.
 63 97.012(15), and the cross-reference added by that law in s.
 64 106.24 was never updated to reflect the redesignation.
 65 Section 3. Paragraph (a) of subsection (4) of section
 66 120.595, Florida Statutes, is amended to read:
 67 120.595 Attorney's fees.—
 68 (4) CHALLENGES TO AGENCY ACTION PURSUANT TO SECTION
 69 120.56(4).—
 70 (a) If the appellate court or administrative law judge
 71 determines that all or part of an agency statement violates s.
 72 120.54(1)(a), or that the agency must immediately discontinue
 73 reliance on the statement and any substantially similar
 74 statement pursuant to s. 120.56(4)(f) ~~120.56(4)(e)~~, a judgment
 75 or order shall be entered against the agency for reasonable

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76 costs and reasonable attorney's fees, unless the agency
 77 demonstrates that the statement is required by the Federal
 78 Government to implement or retain a delegated or approved
 79 program or to meet a condition to receipt of federal funds.
 80 Reviser's note.—Amended to conform to the redesignation of s.
 81 120.56(4)(e) as s. 120.56(4)(f) by s. 3, ch. 2016-116, Laws
 82 of Florida.
 83 Section 4. Paragraph (a) of subsection (4) of section
 84 190.046, Florida Statutes, is amended to read:
 85 190.046 Termination, contraction, or expansion of
 86 district.—
 87 (4)(a) To achieve economies of scale, reduce costs to
 88 affected district residents and businesses in areas with
 89 multiple existing districts, and encourage the merger of
 90 multiple districts, up to five districts that were established
 91 by the same local general-purpose government and whose board
 92 memberships are composed entirely of qualified electors may
 93 merge into one surviving district through adoption of an
 94 ordinance by the local general-purpose government,
 95 notwithstanding the acreage limitations otherwise set forth for
 96 the establishment of a district in this chapter. The filing of a
 97 petition by the majority of the members of each ~~of the~~ district
 98 board of supervisors seeking to merge constitutes consent of the
 99 landowners within each applicable district.
 100 Reviser's note.—Amended to confirm the editorial deletion of the

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101 words "of the."

102 Section 5. Paragraph (p) of subsection (5) of section
103 212.08, Florida Statutes, is amended to read:

104 212.08 Sales, rental, use, consumption, distribution, and
105 storage tax; specified exemptions.—The sale at retail, the
106 rental, the use, the consumption, the distribution, and the
107 storage to be used or consumed in this state of the following
108 are hereby specifically exempt from the tax imposed by this
109 chapter.

110 (5) EXEMPTIONS; ACCOUNT OF USE.—

111 (p) Community contribution tax credit for donations.—

112 1. Authorization.—Persons who are registered with the
113 department under s. 212.18 to collect or remit sales or use tax
114 and who make donations to eligible sponsors are eligible for tax
115 credits against their state sales and use tax liabilities as
116 provided in this paragraph:

117 a. The credit shall be computed as 50 percent of the
118 person's approved annual community contribution.

119 b. The credit shall be granted as a refund against state
120 sales and use taxes reported on returns and remitted in the 12
121 months preceding the date of application to the department for
122 the credit as required in sub-subparagraph 3.c. If the annual
123 credit is not fully used through such refund because of
124 insufficient tax payments during the applicable 12-month period,
125 the unused amount may be included in an application for a refund

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126 made pursuant to sub-subparagraph 3.c. in subsequent years
 127 against the total tax payments made for such year. Carryover
 128 credits may be applied for a 3-year period without regard to any
 129 time limitation that would otherwise apply under s. 215.26.

130 c. A person may not receive more than \$200,000 in annual
 131 tax credits for all approved community contributions made in any
 132 one year.

133 d. All proposals for the granting of the tax credit
 134 require the prior approval of the Department of Economic
 135 Opportunity.

136 e. The total amount of tax credits which may be granted
 137 for all programs approved under this paragraph, s. 220.183, and
 138 s. 624.5105 is \$18.4 million in the 2015-2016 fiscal year, \$21.4
 139 million in the 2016-2017 fiscal year, and \$21.4 million in the
 140 2017-2018 fiscal year for projects that provide housing
 141 opportunities for persons with special needs or homeownership
 142 opportunities for low-income households or very-low-income
 143 households and \$3.5 million annually for all other projects. As
 144 used in this paragraph, the term "person with special needs" has
 145 the same meaning as in s. 420.0004 and the terms "low-income
 146 person," "low-income household," "very-low-income person," and
 147 "very-low-income household" have the same meanings as in s.
 148 420.9071.

149 f. A person who is eligible to receive the credit provided
 150 in this paragraph, s. 220.183, or s. 624.5105 may receive the

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151 credit only under one section of the person's choice.

152 2. Eligibility requirements.—

153 a. A community contribution by a person must be in the
154 following form:

155 (I) Cash or other liquid assets;

156 (II) Real property, including 100 percent ownership of a
157 real property holding company;

158 (III) Goods or inventory; or

159 (IV) Other physical resources identified by the Department
160 of Economic Opportunity.

161

162 For purposes of this sub-subparagraph ~~subparagraph~~, the term
163 "real property holding company" means a Florida entity, such as
164 a Florida limited liability company, that is wholly owned by the
165 person; is the sole owner of real property, as defined in s.
166 192.001(12), located in the state; is disregarded as an entity
167 for federal income tax purposes pursuant to 26 C.F.R. s.
168 301.7701-3(b)(1)(ii); and at the time of contribution to an
169 eligible sponsor, has no material assets other than the real
170 property and any other property that qualifies as a community
171 contribution.

172 b. All community contributions must be reserved
173 exclusively for use in a project. As used in this sub-
174 subparagraph, the term "project" means activity undertaken by an
175 eligible sponsor which is designed to construct, improve, or

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176 substantially rehabilitate housing that is affordable to low-
 177 income households or very-low-income households; designed to
 178 provide housing opportunities for persons with special needs;
 179 designed to provide commercial, industrial, or public resources
 180 and facilities; or designed to improve entrepreneurial and job-
 181 development opportunities for low-income persons. A project may
 182 be the investment necessary to increase access to high-speed
 183 broadband capability in a rural community that had an enterprise
 184 zone designated pursuant to chapter 290 as of May 1, 2015,
 185 including projects that result in improvements to communications
 186 assets that are owned by a business. A project may include the
 187 provision of museum educational programs and materials that are
 188 directly related to a project approved between January 1, 1996,
 189 and December 31, 1999, and located in an area which was in an
 190 enterprise zone designated pursuant to s. 290.0065 as of May 1,
 191 2015. This paragraph does not preclude projects that propose to
 192 construct or rehabilitate housing for low-income households or
 193 very-low-income households on scattered sites or housing
 194 opportunities for persons with special needs. With respect to
 195 housing, contributions may be used to pay the following eligible
 196 special needs, low-income, and very-low-income housing-related
 197 activities:

198 (I) Project development impact and management fees for
 199 special needs, low-income, or very-low-income housing projects;

200 (II) Down payment and closing costs for persons with

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201 special needs, low-income persons, and very-low-income persons;

202 (III) Administrative costs, including housing counseling
 203 and marketing fees, not to exceed 10 percent of the community
 204 contribution, directly related to special needs, low-income, or
 205 very-low-income projects; and

206 (IV) Removal of liens recorded against residential
 207 property by municipal, county, or special district local
 208 governments if satisfaction of the lien is a necessary precedent
 209 to the transfer of the property to a low-income person or very-
 210 low-income person for the purpose of promoting home ownership.
 211 Contributions for lien removal must be received from a
 212 nonrelated third party.

213 c. The project must be undertaken by an "eligible
 214 sponsor," which includes:

215 (I) A community action program;

216 (II) A nonprofit community-based development organization
 217 whose mission is the provision of housing for persons with
 218 special needs, low-income households, or very-low-income
 219 households or increasing entrepreneurial and job-development
 220 opportunities for low-income persons;

221 (III) A neighborhood housing services corporation;

222 (IV) A local housing authority created under chapter 421;

223 (V) A community redevelopment agency created under s.

224 163.356;

225 (VI) A historic preservation district agency or

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226 organization;

227 (VII) A local workforce development board;

228 (VIII) A direct-support organization as provided in s.

229 1009.983;

230 (IX) An enterprise zone development agency created under

231 s. 290.0056;

232 (X) A community-based organization incorporated under

233 chapter 617 which is recognized as educational, charitable, or

234 scientific pursuant to s. 501(c)(3) of the Internal Revenue Code

235 and whose bylaws and articles of incorporation include

236 affordable housing, economic development, or community

237 development as the primary mission of the corporation;

238 (XI) Units of local government;

239 (XII) Units of state government; or

240 (XIII) Any other agency that the Department of Economic

241 Opportunity designates by rule.

242

243 A contributing person may not have a financial interest in the

244 eligible sponsor.

245 d. The project must be located in an area which was in an

246 enterprise zone designated pursuant to chapter 290 as of May 1,

247 2015, or a Front Porch Florida Community, unless the project

248 increases access to high-speed broadband capability in a rural

249 community that had an enterprise zone designated pursuant to

250 chapter 290 as of May 1, 2015, but is physically located outside

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251 the designated rural zone boundaries. Any project designed to
 252 construct or rehabilitate housing for low-income households or
 253 very-low-income households or housing opportunities for persons
 254 with special needs is exempt from the area requirement of this
 255 sub-subparagraph.

256 e.(I) If, during the first 10 business days of the state
 257 fiscal year, eligible tax credit applications for projects that
 258 provide housing opportunities for persons with special needs or
 259 homeownership opportunities for low-income households or very-
 260 low-income households are received for less than the annual tax
 261 credits available for those projects, the Department of Economic
 262 Opportunity shall grant tax credits for those applications and
 263 grant remaining tax credits on a first-come, first-served basis
 264 for subsequent eligible applications received before the end of
 265 the state fiscal year. If, during the first 10 business days of
 266 the state fiscal year, eligible tax credit applications for
 267 projects that provide housing opportunities for persons with
 268 special needs or homeownership opportunities for low-income
 269 households or very-low-income households are received for more
 270 than the annual tax credits available for those projects, the
 271 Department of Economic Opportunity shall grant the tax credits
 272 for those applications as follows:

273 (A) If tax credit applications submitted for approved
 274 projects of an eligible sponsor do not exceed \$200,000 in total,
 275 the credits shall be granted in full if the tax credit

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276 applications are approved.

277 (B) If tax credit applications submitted for approved
278 projects of an eligible sponsor exceed \$200,000 in total, the
279 amount of tax credits granted pursuant to sub-sub-sub-
280 subparagraph (A) shall be subtracted from the amount of
281 available tax credits, and the remaining credits shall be
282 granted to each approved tax credit application on a pro rata
283 basis.

284 (II) If, during the first 10 business days of the state
285 fiscal year, eligible tax credit applications for projects other
286 than those that provide housing opportunities for persons with
287 special needs or homeownership opportunities for low-income
288 households or very-low-income households are received for less
289 than the annual tax credits available for those projects, the
290 Department of Economic Opportunity shall grant tax credits for
291 those applications and shall grant remaining tax credits on a
292 first-come, first-served basis for subsequent eligible
293 applications received before the end of the state fiscal year.
294 If, during the first 10 business days of the state fiscal year,
295 eligible tax credit applications for projects other than those
296 that provide housing opportunities for persons with special
297 needs or homeownership opportunities for low-income households
298 or very-low-income households are received for more than the
299 annual tax credits available for those projects, the Department
300 of Economic Opportunity shall grant the tax credits for those

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301 applications on a pro rata basis.
 302 3. Application requirements.—
 303 a. An eligible sponsor seeking to participate in this
 304 program must submit a proposal to the Department of Economic
 305 Opportunity which sets forth the name of the sponsor, a
 306 description of the project, and the area in which the project is
 307 located, together with such supporting information as is
 308 prescribed by rule. The proposal must also contain a resolution
 309 from the local governmental unit in which the project is located
 310 certifying that the project is consistent with local plans and
 311 regulations.
 312 b. A person seeking to participate in this program must
 313 submit an application for tax credit to the Department of
 314 Economic Opportunity which sets forth the name of the sponsor, a
 315 description of the project, and the type, value, and purpose of
 316 the contribution. The sponsor shall verify, in writing, the
 317 terms of the application and indicate its receipt of the
 318 contribution, and such verification must accompany the
 319 application for tax credit. The person must submit a separate
 320 tax credit application to the Department of Economic Opportunity
 321 for each individual contribution that it makes to each
 322 individual project.
 323 c. A person who has received notification from the
 324 Department of Economic Opportunity that a tax credit has been
 325 approved must apply to the department to receive the refund.

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326 Application must be made on the form prescribed for claiming
 327 refunds of sales and use taxes and be accompanied by a copy of
 328 the notification. A person may submit only one application for
 329 refund to the department within a 12-month period.

330 4. Administration.—

331 a. The Department of Economic Opportunity may adopt rules
 332 necessary to administer this paragraph, including rules for the
 333 approval or disapproval of proposals by a person.

334 b. The decision of the Department of Economic Opportunity
 335 must be in writing, and, if approved, the notification shall
 336 state the maximum credit allowable to the person. Upon approval,
 337 the Department of Economic Opportunity shall transmit a copy of
 338 the decision to the department.

339 c. The Department of Economic Opportunity shall
 340 periodically monitor all projects in a manner consistent with
 341 available resources to ensure that resources are used in
 342 accordance with this paragraph; however, each project must be
 343 reviewed at least once every 2 years.

344 d. The Department of Economic Opportunity shall, in
 345 consultation with the statewide and regional housing and
 346 financial intermediaries, market the availability of the
 347 community contribution tax credit program to community-based
 348 organizations.

349 5. Expiration.—This paragraph expires June 30, 2018;
 350 however, any accrued credit carryover that is unused on that

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351 date may be used until the expiration of the 3-year carryover
 352 period for such credit.

353 Reviser's note.—Amended to conform to context. Section

354 212.08(5)(p)2.a., specifically, uses the term "real
 355 property holding company." The term does not appear
 356 elsewhere in s. 212.08(5)(p)2.

357 Section 6. Subsection (16) of section 215.555, Florida
 358 Statutes, is repealed.

359 Reviser's note.—Amended to repeal an obsolete provision. The
 360 cited subsection relates to a temporary increase in
 361 coverage limit options from the Florida Hurricane
 362 Catastrophe Fund applicable only to the 2007, 2008, 2009,
 363 2010, 2011, 2012, and 2013 hurricane seasons.

364 Section 7. Subsection (2) of section 215.619, Florida
 365 Statutes, is amended to read:

366 215.619 Bonds for Everglades restoration.—

367 (2) The state covenants with the holders of Everglades
 368 restoration bonds that it will not take any action that will
 369 materially and adversely affect the rights of the holders so
 370 long as the bonds are outstanding, including, but not limited
 371 to, a reduction in the portion of documentary stamp taxes
 372 distributable under s. 201.15 ~~205.15~~ for payment of debt service
 373 on Florida Forever bonds or Everglades restoration bonds.

374 Reviser's note.—Amended to correct a cross-reference. Section
 375 205.15 was repealed by s. 2, ch. 67-433, Laws of Florida;

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376 s. 201.15 deals with distribution of taxes collected,
 377 including documentary stamp taxes.
 378 Section 8. Paragraph (a) of subsection (2) of section
 379 215.985, Florida Statutes, is amended to read:
 380 215.985 Transparency in government spending.-
 381 (2) As used in this section, the term:
 382 (a) "Committee" means the Legislative Auditing Committee
 383 ~~created in s. 11.40.~~
 384 Reviser's note.-Amended to conform to the fact that s. 11.40 was
 385 amended by s. 12, ch. 2011-34, Laws of Florida, to remove
 386 the language that provided for the creation of the
 387 Legislative Auditing Committee.
 388 Section 9. Paragraph (c) of subsection (9) of section
 389 253.034, Florida Statutes, is amended to read:
 390 253.034 State-owned lands; uses.-
 391 (9) The following additional uses of conservation lands
 392 acquired pursuant to the Florida Forever program and other
 393 state-funded conservation land purchase programs shall be
 394 authorized, upon a finding by the board of trustees, if they
 395 meet the criteria specified in paragraphs (a)-(e): water
 396 resource development projects, water supply development
 397 projects, stormwater management projects, linear facilities, and
 398 sustainable agriculture and forestry. Such additional uses are
 399 authorized if:
 400 (c) The use is appropriately located on such lands and ~~if~~

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401 due consideration is given to the use of other available lands;

402

403 A decision by the board of trustees pursuant to this section
 404 shall be given a presumption of correctness. Moneys received
 405 from the use of state lands pursuant to this section shall be
 406 returned to the lead managing entity in accordance with s.
 407 259.032(9)(c).

408 Reviser's note.—Amended to confirm the editorial deletion of the
 409 word "if."

410 Section 10. Subsection (4) of section 288.9936, Florida
 411 Statutes, is amended to read:

412 288.9936 Annual report of the Microfinance Loan Program.—

413 ~~(4) The Office of Program Policy Analysis and Government~~
 414 ~~Accountability shall conduct a study to evaluate the~~
 415 ~~effectiveness and the Office of Economic and Demographic~~
 416 ~~Research shall conduct a study to evaluate the return on~~
 417 ~~investment of the State Small Business Credit Initiative~~
 418 ~~operated in this state pursuant to 12 U.S.C. ss. 5701 et seq.~~
 419 ~~The offices shall each submit a report to the President of the~~
 420 ~~Senate and the Speaker of the House of Representatives by~~
 421 ~~January 1, 2015.~~

422 Reviser's note.—Amended to delete a provision that has served
 423 its purpose. Office of Program Policy Analysis and
 424 Government Accountability Report No. 15-02 and the Office
 425 of Economic and Demographic Research's "Evaluation of the

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426 State Small Business Credit Initiative" were submitted and
 427 appear online.

428 Section 11. Subsection (55) of section 316.003, Florida
 429 Statutes, is amended to read:

430 316.003 Definitions.—The following words and phrases, when
 431 used in this chapter, shall have the meanings respectively
 432 ascribed to them in this section, except where the context
 433 otherwise requires:

434 (55) PRIVATE ROAD OR DRIVEWAY.—Except as otherwise
 435 provided in paragraph (77)(b) ~~(75)(b)~~, any privately owned way
 436 or place used for vehicular travel by the owner and those having
 437 express or implied permission from the owner, but not by other
 438 persons.

439 Reviser's note.—Amended to confirm the editorial substitution of
 440 a reference to paragraph (77)(b) for a reference to
 441 paragraph (75)(b) to conform to the renumbering of subunits
 442 by s. 5, ch. 2016-239, Laws of Florida, and the addition of
 443 subunits by s. 1, ch. 2016-115, Laws of Florida, and s. 3,
 444 ch. 2016-181, Laws of Florida.

445 Section 12. Paragraph (b) of subsection (2) of section
 446 316.545, Florida Statutes, is amended to read:

447 316.545 Weight and load unlawful; special fuel and motor
 448 fuel tax enforcement; inspection; penalty; review.—

449 (2)

450 (b) The officer or inspector shall inspect the license

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451 | plate or registration certificate of the commercial vehicle to
 452 | determine whether its gross weight is in compliance with the
 453 | declared gross vehicle weight. If its gross weight exceeds the
 454 | declared weight, the penalty shall be 5 cents per pound on the
 455 | difference between such weights. In those cases when the
 456 | commercial vehicle is being operated over the highways of the
 457 | state with an expired registration or with no registration from
 458 | this or any other jurisdiction or is not registered under the
 459 | applicable provisions of chapter 320, the penalty herein shall
 460 | apply on the basis of 5 cents per pound on that scaled weight
 461 | which exceeds 35,000 pounds on laden truck tractor-semitrailer
 462 | combinations or tandem trailer truck combinations, 10,000 pounds
 463 | on laden straight trucks or straight truck-trailer combinations,
 464 | or 10,000 pounds on any unladen commercial motor vehicle. A
 465 | driver of a commercial motor vehicle entering the state at a
 466 | designated port-of-entry location, as defined in s. 316.003(54)
 467 | ~~316.003(94)~~, or operating on designated routes to a port-of-
 468 | entry location, who obtains a temporary registration permit
 469 | shall be assessed a penalty limited to the difference between
 470 | its gross weight and the declared gross vehicle weight at 5
 471 | cents per pound. If the license plate or registration has not
 472 | been expired for more than 90 days, the penalty imposed under
 473 | this paragraph may not exceed \$1,000. In the case of special
 474 | mobile equipment, which qualifies for the license tax provided
 475 | for in s. 320.08(5)(b), being operated on the highways of the

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476 state with an expired registration or otherwise not properly
 477 registered under the applicable provisions of chapter 320, a
 478 penalty of \$75 shall apply in addition to any other penalty
 479 which may apply in accordance with this chapter. A vehicle found
 480 in violation of this section may be detained until the owner or
 481 operator produces evidence that the vehicle has been properly
 482 registered. Any costs incurred by the retention of the vehicle
 483 shall be the sole responsibility of the owner. A person who has
 484 been assessed a penalty pursuant to this paragraph for failure
 485 to have a valid vehicle registration certificate pursuant to the
 486 provisions of chapter 320 is not subject to the delinquent fee
 487 authorized in s. 320.07 if such person obtains a valid
 488 registration certificate within 10 working days after such
 489 penalty was assessed.

490 Reviser's note.—Amended to confirm the editorial substitution of
 491 a reference to s. 316.003(54) for a reference to s.
 492 316.003(94) to conform to the renumbering of subunits
 493 within s. 316.003 by s. 5, ch. 2016-239, Laws of Florida,
 494 and the addition of subunits by s. 1, ch. 2016-115, Laws of
 495 Florida, and s. 3, ch. 2016-181, Laws of Florida.

496 Section 13. Paragraph (a) of subsection (2) of section
 497 316.613, Florida Statutes, is amended to read:

498 316.613 Child restraint requirements.—

499 (2) As used in this section, the term "motor vehicle"
 500 means a motor vehicle as defined in s. 316.003 that is operated

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501 on the roadways, streets, and highways of the state. The term
 502 does not include:

503 (a) A school bus as defined in s. 316.003(68) ~~316.003(66)~~.
 504 Reviser's note.—Amended to confirm the editorial substitution of
 505 a reference to s. 316.003(68) for a reference to s.
 506 316.003(66) to conform to the renumbering of subunits
 507 within s. 316.003 by s. 5, ch. 2016-239, Laws of Florida,
 508 and the addition of subunits by s. 1, ch. 2016-115, Laws of
 509 Florida, and s. 3, ch. 2016-181, Laws of Florida.

510 Section 14. Section 320.08, Florida Statutes, is amended
 511 to read:

512 320.08 License taxes.—Except as otherwise provided herein,
 513 there are hereby levied and imposed annual license taxes for the
 514 operation of motor vehicles, mopeds, motorized bicycles as
 515 defined in s. 316.003(3) ~~316.003(2)~~, tri-vehicles as defined in
 516 s. 316.003, and mobile homes as defined in s. 320.01, which
 517 shall be paid to and collected by the department or its agent
 518 upon the registration or renewal of registration of the
 519 following:

- 520 (1) MOTORCYCLES AND MOPEDS.—
- 521 (a) Any motorcycle: \$10 flat.
- 522 (b) Any moped: \$5 flat.
- 523 (c) Upon registration of a motorcycle, motor-driven cycle,
 524 or moped, in addition to the license taxes specified in this
 525 subsection, a nonrefundable motorcycle safety education fee in

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526 | the amount of \$2.50 shall be paid. The proceeds of such
 527 | additional fee shall be deposited in the Highway Safety
 528 | Operating Trust Fund to fund a motorcycle driver improvement
 529 | program implemented pursuant to s. 322.025, the Florida
 530 | Motorcycle Safety Education Program established in s. 322.0255,
 531 | or the general operations of the department.

532 | (d) An ancient or antique motorcycle: \$7.50 flat, of which
 533 | \$2.50 shall be deposited into the General Revenue Fund.

534 | (2) AUTOMOBILES OR TRI-VEHICLES FOR PRIVATE USE.—

535 | (a) An ancient or antique automobile, as defined in s.
 536 | 320.086, or a street rod, as defined in s. 320.0863: \$7.50 flat.

537 | (b) Net weight of less than 2,500 pounds: \$14.50 flat.

538 | (c) Net weight of 2,500 pounds or more, but less than
 539 | 3,500 pounds: \$22.50 flat.

540 | (d) Net weight of 3,500 pounds or more: \$32.50 flat.

541 | (3) TRUCKS.—

542 | (a) Net weight of less than 2,000 pounds: \$14.50 flat.

543 | (b) Net weight of 2,000 pounds or more, but not more than
 544 | 3,000 pounds: \$22.50 flat.

545 | (c) Net weight more than 3,000 pounds, but not more than
 546 | 5,000 pounds: \$32.50 flat.

547 | (d) A truck defined as a "goat," or other vehicle if used
 548 | in the field by a farmer or in the woods for the purpose of
 549 | harvesting a crop, including naval stores, during such
 550 | harvesting operations, and which is not principally operated

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551 upon the roads of the state: \$7.50 flat. The term "goat" means a
 552 motor vehicle designed, constructed, and used principally for
 553 the transportation of citrus fruit within citrus groves or for
 554 the transportation of crops on farms, and which can also be used
 555 for hauling associated equipment or supplies, including required
 556 sanitary equipment, and the towing of farm trailers.

557 (e) An ancient or antique truck, as defined in s. 320.086:
 558 \$7.50 flat.

559 (4) HEAVY TRUCKS, TRUCK TRACTORS, FEES ACCORDING TO GROSS
 560 VEHICLE WEIGHT.—

561 (a) Gross vehicle weight of 5,001 pounds or more, but less
 562 than 6,000 pounds: \$60.75 flat, of which \$15.75 shall be
 563 deposited into the General Revenue Fund.

564 (b) Gross vehicle weight of 6,000 pounds or more, but less
 565 than 8,000 pounds: \$87.75 flat, of which \$22.75 shall be
 566 deposited into the General Revenue Fund.

567 (c) Gross vehicle weight of 8,000 pounds or more, but less
 568 than 10,000 pounds: \$103 flat, of which \$27 shall be deposited
 569 into the General Revenue Fund.

570 (d) Gross vehicle weight of 10,000 pounds or more, but
 571 less than 15,000 pounds: \$118 flat, of which \$31 shall be
 572 deposited into the General Revenue Fund.

573 (e) Gross vehicle weight of 15,000 pounds or more, but
 574 less than 20,000 pounds: \$177 flat, of which \$46 shall be
 575 deposited into the General Revenue Fund.

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576 (f) Gross vehicle weight of 20,000 pounds or more, but
 577 less than 26,001 pounds: \$251 flat, of which \$65 shall be
 578 deposited into the General Revenue Fund.

579 (g) Gross vehicle weight of 26,001 pounds or more, but
 580 less than 35,000: \$324 flat, of which \$84 shall be deposited
 581 into the General Revenue Fund.

582 (h) Gross vehicle weight of 35,000 pounds or more, but
 583 less than 44,000 pounds: \$405 flat, of which \$105 shall be
 584 deposited into the General Revenue Fund.

585 (i) Gross vehicle weight of 44,000 pounds or more, but
 586 less than 55,000 pounds: \$773 flat, of which \$201 shall be
 587 deposited into the General Revenue Fund.

588 (j) Gross vehicle weight of 55,000 pounds or more, but
 589 less than 62,000 pounds: \$916 flat, of which \$238 shall be
 590 deposited into the General Revenue Fund.

591 (k) Gross vehicle weight of 62,000 pounds or more, but
 592 less than 72,000 pounds: \$1,080 flat, of which \$280 shall be
 593 deposited into the General Revenue Fund.

594 (l) Gross vehicle weight of 72,000 pounds or more: \$1,322
 595 flat, of which \$343 shall be deposited into the General Revenue
 596 Fund.

597 (m) Notwithstanding the declared gross vehicle weight, a
 598 truck tractor used within a 150-mile radius of its home address
 599 is eligible for a license plate for a fee of \$324 flat if:

600 1. The truck tractor is used exclusively for hauling

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601 forestry products; or

602 2. The truck tractor is used primarily for the hauling of
 603 forestry products, and is also used for the hauling of
 604 associated forestry harvesting equipment used by the owner of
 605 the truck tractor.

606
 607 Of the fee imposed by this paragraph, \$84 shall be deposited
 608 into the General Revenue Fund.

609 (n) A truck tractor or heavy truck, not operated as a for-
 610 hire vehicle, which is engaged exclusively in transporting raw,
 611 unprocessed, and nonmanufactured agricultural or horticultural
 612 products within a 150-mile radius of its home address, is
 613 eligible for a restricted license plate for a fee of:

614 1. If such vehicle's declared gross vehicle weight is less
 615 than 44,000 pounds, \$87.75 flat, of which \$22.75 shall be
 616 deposited into the General Revenue Fund.

617 2. If such vehicle's declared gross vehicle weight is
 618 44,000 pounds or more and such vehicle only transports from the
 619 point of production to the point of primary manufacture; to the
 620 point of assembling the same; or to a shipping point of a rail,
 621 water, or motor transportation company, \$324 flat, of which \$84
 622 shall be deposited into the General Revenue Fund.

623
 624 Such not-for-hire truck tractors and heavy trucks used
 625 exclusively in transporting raw, unprocessed, and

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626 nonmanufactured agricultural or horticultural products may be
 627 incidentally used to haul farm implements and fertilizers
 628 delivered direct to the growers. The department may require any
 629 documentation deemed necessary to determine eligibility prior to
 630 issuance of this license plate. For the purpose of this
 631 paragraph, "not-for-hire" means the owner of the motor vehicle
 632 must also be the owner of the raw, unprocessed, and
 633 nonmanufactured agricultural or horticultural product, or the
 634 user of the farm implements and fertilizer being delivered.

635 (5) SEMITRAILERS, FEES ACCORDING TO GROSS VEHICLE WEIGHT;
 636 SCHOOL BUSES; SPECIAL PURPOSE VEHICLES.—

637 (a)1. A semitrailer drawn by a GVW truck tractor by means
 638 of a fifth-wheel arrangement: \$13.50 flat per registration year
 639 or any part thereof, of which \$3.50 shall be deposited into the
 640 General Revenue Fund.

641 2. A semitrailer drawn by a GVW truck tractor by means of
 642 a fifth-wheel arrangement: \$68 flat per permanent registration,
 643 of which \$18 shall be deposited into the General Revenue Fund.

644 (b) A motor vehicle equipped with machinery and designed
 645 for the exclusive purpose of well drilling, excavation,
 646 construction, spraying, or similar activity, and which is not
 647 designed or used to transport loads other than the machinery
 648 described above over public roads: \$44 flat, of which \$11.50
 649 shall be deposited into the General Revenue Fund.

650 (c) A school bus used exclusively to transport pupils to

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651 and from school or school or church activities or functions
 652 within their own county: \$41 flat, of which \$11 shall be
 653 deposited into the General Revenue Fund.

654 (d) A wrecker, as defined in s. 320.01, which is used to
 655 tow a vessel as defined in s. 327.02, a disabled, abandoned,
 656 stolen-recovered, or impounded motor vehicle as defined in s.
 657 320.01, or a replacement motor vehicle as defined in s. 320.01:
 658 \$41 flat, of which \$11 shall be deposited into the General
 659 Revenue Fund.

660 (e) A wrecker that is used to tow any nondisabled motor
 661 vehicle, a vessel, or any other cargo unless used as defined in
 662 paragraph (d), as follows:

663 1. Gross vehicle weight of 10,000 pounds or more, but less
 664 than 15,000 pounds: \$118 flat, of which \$31 shall be deposited
 665 into the General Revenue Fund.

666 2. Gross vehicle weight of 15,000 pounds or more, but less
 667 than 20,000 pounds: \$177 flat, of which \$46 shall be deposited
 668 into the General Revenue Fund.

669 3. Gross vehicle weight of 20,000 pounds or more, but less
 670 than 26,000 pounds: \$251 flat, of which \$65 shall be deposited
 671 into the General Revenue Fund.

672 4. Gross vehicle weight of 26,000 pounds or more, but less
 673 than 35,000 pounds: \$324 flat, of which \$84 shall be deposited
 674 into the General Revenue Fund.

675 5. Gross vehicle weight of 35,000 pounds or more, but less

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676 | than 44,000 pounds: \$405 flat, of which \$105 shall be deposited
 677 | into the General Revenue Fund.

678 | 6. Gross vehicle weight of 44,000 pounds or more, but less
 679 | than 55,000 pounds: \$772 flat, of which \$200 shall be deposited
 680 | into the General Revenue Fund.

681 | 7. Gross vehicle weight of 55,000 pounds or more, but less
 682 | than 62,000 pounds: \$915 flat, of which \$237 shall be deposited
 683 | into the General Revenue Fund.

684 | 8. Gross vehicle weight of 62,000 pounds or more, but less
 685 | than 72,000 pounds: \$1,080 flat, of which \$280 shall be
 686 | deposited into the General Revenue Fund.

687 | 9. Gross vehicle weight of 72,000 pounds or more: \$1,322
 688 | flat, of which \$343 shall be deposited into the General Revenue
 689 | Fund.

690 | (f) A hearse or ambulance: \$40.50 flat, of which \$10.50
 691 | shall be deposited into the General Revenue Fund.

692 | (6) MOTOR VEHICLES FOR HIRE.—

693 | (a) Under nine passengers: \$17 flat, of which \$4.50 shall
 694 | be deposited into the General Revenue Fund; plus \$1.50 per cwt,
 695 | of which 50 cents shall be deposited into the General Revenue
 696 | Fund.

697 | (b) Nine passengers and over: \$17 flat, of which \$4.50
 698 | shall be deposited into the General Revenue Fund; plus \$2 per
 699 | cwt, of which 50 cents shall be deposited into the General
 700 | Revenue Fund.

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701 (7) TRAILERS FOR PRIVATE USE.—
 702 (a) Any trailer weighing 500 pounds or less: \$6.75 flat
 703 per year or any part thereof, of which \$1.75 shall be deposited
 704 into the General Revenue Fund.

705 (b) Net weight over 500 pounds: \$3.50 flat, of which \$1
 706 shall be deposited into the General Revenue Fund; plus \$1 per
 707 cwt, of which 25 cents shall be deposited into the General
 708 Revenue Fund.

709 (8) TRAILERS FOR HIRE.—

710 (a) Net weight under 2,000 pounds: \$3.50 flat, of which \$1
 711 shall be deposited into the General Revenue Fund; plus \$1.50 per
 712 cwt, of which 50 cents shall be deposited into the General
 713 Revenue Fund.

714 (b) Net weight 2,000 pounds or more: \$13.50 flat, of which
 715 \$3.50 shall be deposited into the General Revenue Fund; plus
 716 \$1.50 per cwt, of which 50 cents shall be deposited into the
 717 General Revenue Fund.

718 (9) RECREATIONAL VEHICLE-TYPE UNITS.—

719 (a) A travel trailer or fifth-wheel trailer, as defined by
 720 s. 320.01(1)(b), that does not exceed 35 feet in length: \$27
 721 flat, of which \$7 shall be deposited into the General Revenue
 722 Fund.

723 (b) A camping trailer, as defined by s. 320.01(1)(b)2.:
 724 \$13.50 flat, of which \$3.50 shall be deposited into the General
 725 Revenue Fund.

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726 (c) A motor home, as defined by s. 320.01(1)(b)4.:

727 1. Net weight of less than 4,500 pounds: \$27 flat, of

728 which \$7 shall be deposited into the General Revenue Fund.

729 2. Net weight of 4,500 pounds or more: \$47.25 flat, of

730 which \$12.25 shall be deposited into the General Revenue Fund.

731 (d) A truck camper as defined by s. 320.01(1)(b)3.:

732 1. Net weight of less than 4,500 pounds: \$27 flat, of

733 which \$7 shall be deposited into the General Revenue Fund.

734 2. Net weight of 4,500 pounds or more: \$47.25 flat, of

735 which \$12.25 shall be deposited into the General Revenue Fund.

736 (e) A private motor coach as defined by s. 320.01(1)(b)5.:

737 1. Net weight of less than 4,500 pounds: \$27 flat, of

738 which \$7 shall be deposited into the General Revenue Fund.

739 2. Net weight of 4,500 pounds or more: \$47.25 flat, of

740 which \$12.25 shall be deposited into the General Revenue Fund.

741 (10) PARK TRAILERS; TRAVEL TRAILERS; FIFTH-WHEEL TRAILERS;

742 35 FEET TO 40 FEET.—

743 (a) Park trailers.—Any park trailer, as defined in s.

744 320.01(1)(b)7.: \$25 flat.

745 (b) A travel trailer or fifth-wheel trailer, as defined in

746 s. 320.01(1)(b), that exceeds 35 feet: \$25 flat.

747 (11) MOBILE HOMES.—

748 (a) A mobile home not exceeding 35 feet in length: \$20

749 flat.

750 (b) A mobile home over 35 feet in length, but not

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751 | exceeding 40 feet: \$25 flat.
752 | (c) A mobile home over 40 feet in length, but not
753 | exceeding 45 feet: \$30 flat.
754 | (d) A mobile home over 45 feet in length, but not
755 | exceeding 50 feet: \$35 flat.
756 | (e) A mobile home over 50 feet in length, but not
757 | exceeding 55 feet: \$40 flat.
758 | (f) A mobile home over 55 feet in length, but not
759 | exceeding 60 feet: \$45 flat.
760 | (g) A mobile home over 60 feet in length, but not
761 | exceeding 65 feet: \$50 flat.
762 | (h) A mobile home over 65 feet in length: \$80 flat.
763 | (12) DEALER AND MANUFACTURER LICENSE PLATES.—A franchised
764 | motor vehicle dealer, independent motor vehicle dealer, marine
765 | boat trailer dealer, or mobile home dealer and manufacturer
766 | license plate: \$17 flat, of which \$4.50 shall be deposited into
767 | the General Revenue Fund.
768 | (13) EXEMPT OR OFFICIAL LICENSE PLATES.—Any exempt or
769 | official license plate: \$4 flat, of which \$1 shall be deposited
770 | into the General Revenue Fund.
771 | (14) LOCALLY OPERATED MOTOR VEHICLES FOR HIRE.—A motor
772 | vehicle for hire operated wholly within a city or within 25
773 | miles thereof: \$17 flat, of which \$4.50 shall be deposited into
774 | the General Revenue Fund; plus \$2 per cwt, of which 50 cents
775 | shall be deposited into the General Revenue Fund.

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776 (15) TRANSPORTER.—Any transporter license plate issued to
 777 a transporter pursuant to s. 320.133: \$101.25 flat, of which
 778 \$26.25 shall be deposited into the General Revenue Fund.
 779 Reviser's note.—Amended to conform to the redesignation of s.
 780 316.003(2) as s. 316.003(3) to conform to the reordering of
 781 subunits by s. 5, ch. 2016-239, Laws of Florida.
 782 Section 15. Paragraph (b) of subsection (2) of section
 783 322.121, Florida Statutes, is amended to read:
 784 322.121 Periodic reexamination of all drivers.—
 785 (2) For each licensee whose driving record does not show
 786 any revocations, disqualifications, or suspensions for the
 787 preceding 7 years or any convictions for the preceding 3 years
 788 except for convictions of the following nonmoving violations:
 789 (b) Failure to renew a motor vehicle or mobile home
 790 registration that has been expired for 6 4 months or less
 791 pursuant to s. 320.07(3)(a);
 792
 793 the department shall cause such licensee's license to be
 794 prominently marked with the notation "Safe Driver."
 795 Reviser's note.—Amended to conform to the fact that s. 7, ch.
 796 97-300, Laws of Florida, amended s. 320.07(3)(a) to change
 797 the expiration period from 4 months or less to 6 months or
 798 less.
 799 Section 16. Subsection (7) of section 373.042, Florida
 800 Statutes, is amended to read:

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801 373.042 Minimum flows and minimum water levels.—
 802 (7) If a petition for administrative hearing is filed
 803 under chapter 120 challenging the establishment of a minimum
 804 flow or minimum water level, the report of an independent
 805 scientific peer review conducted under subsection (6) ~~(5)~~ is
 806 admissible as evidence in the final hearing, and the
 807 administrative law judge must render the order within 120 days
 808 after the filing of the petition. The time limit for rendering
 809 the order shall not be extended except by agreement of all the
 810 parties. To the extent that the parties agree to the findings of
 811 the peer review, they may stipulate that those findings be
 812 incorporated as findings of fact in the final order.
 813 Reviser's note.—Amended to correct a cross-reference. Subsection
 814 (5) relates to provision of technical information and staff
 815 support and rulemaking; subsection (6) references
 816 independent scientific peer review.
 817 Section 17. Paragraph (d) of subsection (19) of section
 818 373.414, Florida Statutes, is amended to read:
 819 373.414 Additional criteria for activities in surface
 820 waters and wetlands.—
 821 (19)
 822 (d) Nothing provided in this subsection supersedes or
 823 modifies the financial responsibility requirements of s. 378.208
 824 ~~378.209~~.
 825 Reviser's note.—Amended to correct a cross-reference. Section

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826 | 378.209 relates to timing of reclamation; s. 378.208
 827 | relates to financial responsibility.
 828 | Section 18. Paragraph (d) of subsection (3) and paragraph
 829 | (e) of subsection (4) of section 373.4592, Florida Statutes, are
 830 | amended to read:
 831 | 373.4592 Everglades improvement and management.—
 832 | (3) EVERGLADES LONG-TERM PLAN.—
 833 | ~~(d) The Legislature intends that a review of this act at~~
 834 | ~~least 10 years after implementation of the Long-Term Plan is~~
 835 | ~~appropriate and necessary to the public interest. The review is~~
 836 | ~~the best way to ensure that the Everglades Protection Area is~~
 837 | ~~achieving state water quality standards, including phosphorus~~
 838 | ~~reduction, and the Long-Term Plan is using the best technology~~
 839 | ~~available.~~
 840 | (4) EVERGLADES PROGRAM.—
 841 | (e) Evaluation of water quality standards.—
 842 | 1. The department and the district shall employ all means
 843 | practicable to complete by December 31, 1998, any additional
 844 | research necessary to:
 845 | a. Numerically interpret for phosphorus the Class III
 846 | narrative nutrient criterion necessary to meet water quality
 847 | standards in the Everglades Protection Area; and
 848 | b. Evaluate existing water quality standards applicable to
 849 | the Everglades Protection Area and EAA canals.
 850 | 2. In no case shall such phosphorus criterion allow waters

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851 | in the Everglades Protection Area to be altered so as to cause
 852 | an imbalance in the natural populations of aquatic flora or
 853 | fauna. The phosphorus criterion shall be 10 parts per billion
 854 | (ppb) in the Everglades Protection Area in the event the
 855 | department does not adopt by rule such criterion by December 31,
 856 | 2003. However, in the event the department fails to adopt a
 857 | phosphorus criterion on or before December 31, 2002, any person
 858 | whose substantial interests would be affected by the rulemaking
 859 | shall have the right, on or before February 28, 2003, to
 860 | petition for a writ of mandamus to compel the department to
 861 | adopt by rule such criterion. Venue for the mandamus action must
 862 | be Leon County. The court may stay implementation of the 10
 863 | parts per billion (ppb) criterion during the pendency of the
 864 | mandamus proceeding upon a demonstration by the petitioner of
 865 | irreparable harm in the absence of such relief. The department's
 866 | phosphorus criterion, whenever adopted, shall supersede the 10
 867 | parts per billion (ppb) criterion otherwise established by this
 868 | section, but shall not be lower than the natural conditions of
 869 | the Everglades Protection Area and shall take into account
 870 | spatial and temporal variability. The department's rule adopting
 871 | a phosphorus criterion may include moderating provisions during
 872 | the implementation of the initial phase of the Long-Term Plan
 873 | authorizing discharges based upon BAPRT providing net
 874 | improvement to impacted areas. Discharges to unimpacted areas
 875 | may also be authorized by moderating provisions, which shall

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876 | require BAPRT, and which must be based upon a determination by
 877 | the department that the environmental benefits of the discharge
 878 | clearly outweigh potential adverse impacts and otherwise comply
 879 | with antidegradation requirements. Moderating provisions
 880 | authorized by this section shall not extend beyond December 2016
 881 | unless further authorized by the Legislature ~~pursuant to~~
 882 | ~~paragraph (3)(d)~~.

883 | 3. The department shall use the best available information
 884 | to define relationships between waters discharged to, and the
 885 | resulting water quality in, the Everglades Protection Area. The
 886 | department or the district shall use these relationships to
 887 | establish discharge limits in permits for discharges into the
 888 | EAA canals and the Everglades Protection Area necessary to
 889 | prevent an imbalance in the natural populations of aquatic flora
 890 | or fauna in the Everglades Protection Area, and to provide a net
 891 | improvement in the areas already impacted. During the
 892 | implementation of the initial phase of the Long-Term Plan,
 893 | permits issued by the department shall be based on BAPRT and
 894 | shall include technology-based effluent limitations consistent
 895 | with the Long-Term Plan. Compliance with the phosphorus
 896 | criterion shall be based upon a long-term geometric mean of
 897 | concentration levels to be measured at sampling stations
 898 | recognized from the research to be reasonably representative of
 899 | receiving waters in the Everglades Protection Area, and so
 900 | located so as to assure that the Everglades Protection Area is

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901 not altered so as to cause an imbalance in natural populations
 902 of aquatic flora and fauna and to assure a net improvement in
 903 the areas already impacted. For the Everglades National Park and
 904 the Arthur R. Marshall Loxahatchee National Wildlife Refuge, the
 905 method for measuring compliance with the phosphorus criterion
 906 shall be in a manner consistent with Appendices A and B,
 907 respectively, of the settlement agreement dated July 26, 1991,
 908 entered in case No. 88-1886-Civ-Hoeveler, United States District
 909 Court for the Southern District of Florida, that recognizes and
 910 provides for incorporation of relevant research.

911 4. The department's evaluation of any other water quality
 912 standards must include the department's antidegradation
 913 standards and EAA canal classifications. In recognition of the
 914 special nature of the conveyance canals of the EAA, as a
 915 component of the classification process, the department is
 916 directed to formally recognize by rulemaking existing actual
 917 beneficial uses of the conveyance canals in the EAA. This shall
 918 include recognition of the Class III designated uses of
 919 recreation, propagation and maintenance of a healthy, well-
 920 balanced population of fish and wildlife, the integrated water
 921 management purposes for which the Central and Southern Florida
 922 Flood Control Project was constructed, flood control, conveyance
 923 of water to and from Lake Okeechobee for urban and agricultural
 924 water supply, Everglades hydroperiod restoration, conveyance of
 925 water to the STAs, and navigation.

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926 Reviser's note.—Paragraph (3)(d) is amended to delete a
 927 provision that has served its purpose. Section 1, ch. 2013-
 928 59, Laws of Florida, amended s. 373.4592, the Everglades
 929 Forever Act, based on results of the review 10 years after
 930 the long-term plan was implemented per substantive
 931 committee staff. Paragraph (4)(e) is amended to delete a
 932 reference to paragraph (3)(d).
 933 Section 19. Paragraph (a) of subsection (6) of section
 934 373.707, Florida Statutes, is amended to read:
 935 373.707 Alternative water supply development.—
 936 (6)(a) If state funds are provided through specific
 937 appropriation or pursuant to the Water Protection and
 938 Sustainability Program, such funds serve to supplement existing
 939 water management district or basin board funding for alternative
 940 water supply development assistance and should not result in a
 941 reduction of such funding. For each project identified in the
 942 annual funding plans prepared pursuant to s. 373.536(6)(a)4.,
 943 the water management districts shall include in the annual
 944 tentative and adopted budget submittals required under this
 945 chapter the amount of funds allocated for water resource
 946 development that supports alternative water supply development
 947 and the funds allocated for alternative water supply projects.
 948 It shall be the goal of each water management district and basin
 949 boards that the combined funds allocated annually for these
 950 purposes be, at a minimum, the equivalent of 100 percent of the

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951 state funding provided to the water management district for
 952 alternative water supply development. If this goal is not
 953 achieved, the water management district shall provide in the
 954 budget submittal an explanation of the reasons or constraints
 955 that prevent this goal from being met and an explanation of how
 956 the goal will be met in future years, and affirmation of match
 957 is required during the budget review process as established
 958 under s. 373.536(5). The Suwannee River Water Management
 959 District and the Northwest Florida Water Management District
 960 shall not be required to meet the match requirements of this
 961 paragraph; however, they shall try to achieve the match
 962 requirement to the greatest extent practicable.

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

964 Section 20. Paragraph (b) of subsection (12) of section
 965 376.3071, Florida Statutes, is amended to read:

966 376.3071 Inland Protection Trust Fund; creation; purposes;
 967 funding.—

968 (12) SITE CLEANUP.—

969 (b) Low-scored site initiative.—Notwithstanding
 970 subsections (5) and (6), a site with a priority ranking score of
 971 29 points or less may voluntarily participate in the low-scored
 972 site initiative regardless of whether the site is eligible for
 973 state restoration funding.

974 1. To participate in the low-scored site initiative, the
 975 property owner, or a responsible party who provides evidence of

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976 authorization from the property owner, must submit a "No Further
 977 Action" proposal and affirmatively demonstrate that the
 978 conditions imposed under subparagraph 4. are met.

979 2. Upon affirmative demonstration that the conditions
 980 imposed under subparagraph 4. are met, the department shall
 981 issue a site rehabilitation completion order incorporating the
 982 "No Further Action" proposal submitted by the property owner or
 983 the responsible party, who must provide evidence of
 984 authorization from the property owner. If no contamination is
 985 detected, the department may issue a site rehabilitation
 986 completion order.

987 3. Sites that are eligible for state restoration funding
 988 may receive payment of costs for the low-scored site initiative
 989 as follows:

990 a. A property owner, or a responsible party who provides
 991 evidence of authorization from the property owner, may submit an
 992 assessment and limited remediation plan designed to
 993 affirmatively demonstrate that the site meets the conditions
 994 imposed under subparagraph 4. Notwithstanding the priority
 995 ranking score of the site, the department may approve the cost
 996 of the assessment and limited remediation, including up to 12
 997 months of groundwater monitoring and 12 months of limited
 998 remediation activities in one or more task assignments or
 999 modifications thereof, not to exceed the threshold amount
 1000 provided in s. 287.017 for CATEGORY TWO, for each site where the

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1001 department has determined that the assessment and limited
 1002 remediation, if applicable, will likely result in a
 1003 determination of "No Further Action." The department may not pay
 1004 the costs associated with the establishment of institutional or
 1005 engineering controls other than the costs associated with a
 1006 professional land survey or a specific purpose survey, if such
 1007 is needed, and the costs associated with obtaining a title
 1008 report and paying recording fees.

1009 b. After the approval of initial site assessment results
 1010 provided pursuant to state funding under sub-subparagraph a.,
 1011 the department may approve an additional amount not to exceed
 1012 the threshold amount provided in s. 287.017 for CATEGORY TWO for
 1013 limited remediation needed to achieve a determination of "No
 1014 Further Action."

1015 c. The assessment and limited remediation work shall be
 1016 completed no later than 15 months after the department
 1017 authorizes the start of a state-funded, low-score site
 1018 initiative task. If groundwater monitoring is required after the
 1019 assessment and limited remediation in order to satisfy the
 1020 conditions under subparagraph 4., the department may authorize
 1021 an additional 12 months to complete the monitoring.

1022 d. No more than \$15 million for the low-scored site
 1023 initiative may be encumbered from the fund in any fiscal year.
 1024 Funds shall be made available on a first-come, first-served
 1025 basis and shall be limited to 10 sites in each fiscal year for

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1026 | each property owner or each responsible party who provides
 1027 | evidence of authorization from the property owner.

1028 | e. Program deductibles, copayments, and the limited
 1029 | contamination assessment report requirements under paragraph
 1030 | (13)(d) do not apply to expenditures under this paragraph.

1031 | 4. The department shall issue an order incorporating the
 1032 | "No Further Action" proposal submitted by a property owner or a
 1033 | responsible party who provides evidence of authorization from
 1034 | the property owner upon affirmative demonstration that all of
 1035 | the following conditions are met:

1036 | a. Soil saturated with petroleum or petroleum products, or
 1037 | soil that causes a total corrected hydrocarbon measurement of
 1038 | 500 parts per million or higher for the Gasoline Analytical
 1039 | Group or 50 parts per million or higher for the Kerosene
 1040 | Analytical Group, as defined by department rule, does not exist
 1041 | onsite as a result of a release of petroleum products.

1042 | b. A minimum of 12 months of groundwater monitoring
 1043 | indicates that the plume is shrinking or stable.

1044 | c. The release of petroleum products at the site does not
 1045 | adversely affect adjacent surface waters, including their
 1046 | effects on human health and the environment.

1047 | d. The area containing the petroleum products' chemicals
 1048 | of concern:

1049 | (I) Is confined to the source property boundaries of the
 1050 | real property on which the discharge originated, unless the

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1051 | property owner has requested or authorized a more limited area
 1052 | in the "No Further Action" proposal submitted under this
 1053 | subsection; or

1054 | (II) Has migrated from the source property onto or beneath
 1055 | a transportation facility as defined in s. 334.03(30) for which
 1056 | the department has approved, and the governmental entity owning
 1057 | the transportation facility has agreed to institutional controls
 1058 | as defined in s. 376.301(22) ~~376.301(21)~~. This sub-sub-
 1059 | subparagraph does not, however, impose any legal liability on
 1060 | the transportation facility owner, obligate such owner to engage
 1061 | in remediation, or waive such owner's right to recover costs for
 1062 | damages.

1063 | e. The groundwater contamination containing the petroleum
 1064 | products' chemicals of concern is not a threat to any permitted
 1065 | potable water supply well.

1066 | f. Soils onsite found between land surface and 2 feet
 1067 | below land surface which are subject to human exposure meet the
 1068 | soil cleanup target levels established in subparagraph (5)(b)9.,
 1069 | or human exposure is limited by appropriate institutional or
 1070 | engineering controls.

1071 |
 1072 | Issuance of a site rehabilitation completion order under this
 1073 | paragraph acknowledges that minimal contamination exists onsite
 1074 | and that such contamination is not a threat to the public
 1075 | health, safety, or welfare; water resources; or the environment.

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1076 Pursuant to subsection (4), the issuance of the site
 1077 rehabilitation completion order, with or without conditions,
 1078 does not alter eligibility for state-funded rehabilitation that
 1079 would otherwise be applicable under this section.
 1080 Reviser's note.—Amended to confirm the editorial insertion of
 1081 the word "in" and the editorial substitution of a reference
 1082 to s. 376.301(22) for a reference to s. 376.301(21) to
 1083 conform to the redesignation of subunits by s. 1, ch. 2016-
 1084 184, Laws of Florida.
 1085 Section 21. Paragraph (c) of subsection (1) of section
 1086 393.18, Florida Statutes, is amended to read:
 1087 393.18 Comprehensive transitional education program.—A
 1088 comprehensive transitional education program serves individuals
 1089 who have developmental disabilities, severe maladaptive
 1090 behaviors, severe maladaptive behaviors and co-occurring complex
 1091 medical conditions, or a dual diagnosis of developmental
 1092 disability and mental illness. Services provided by the program
 1093 must be temporary in nature and delivered in a manner designed
 1094 to achieve the primary goal of incorporating the principles of
 1095 self-determination and person-centered planning to transition
 1096 individuals to the most appropriate, least restrictive community
 1097 living option of their choice which is not operated as a
 1098 comprehensive transitional education program. The supervisor of
 1099 the clinical director of the program licensee must hold a
 1100 doctorate degree with a primary focus in behavior analysis from

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1101 an accredited university, be a certified behavior analyst
 1102 pursuant to s. 393.17, and have at least 1 year of experience in
 1103 providing behavior analysis services for individuals in
 1104 developmental disabilities. The staff must include behavior
 1105 analysts and teachers, as appropriate, who must be available to
 1106 provide services in each component center or unit of the
 1107 program. A behavior analyst must be certified pursuant to s.
 1108 393.17.

1109 (1) Comprehensive transitional education programs must
 1110 include the following components:

1111 (c) Transition.—This component provides educational
 1112 programs and any support services, training, and care that are
 1113 needed to avoid regression to more restrictive environments
 1114 while preparing individuals ~~them~~ for more independent living.
 1115 Continuous-shift staff are ~~be~~ required for this component.

1116 Reviser's note.—Amended to improve clarity and to confirm the
 1117 editorial deletion of the word "be."

1118 Section 22. Subsection (2) of section 393.501, Florida
 1119 Statutes, is amended to read:

1120 393.501 Rulemaking.—

1121 (2) Such rules must address the number of facilities on a
 1122 single lot or on adjacent lots, except that there is no
 1123 restriction on the number of facilities designated as community
 1124 residential homes located within a planned residential community
 1125 as those terms are defined in s. 419.001(1). ~~In adopting rules,~~

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1126 ~~an alternative living center and an independent living education~~
 1127 ~~center, as described in s. 393.18, are subject to s. 419.001,~~
 1128 ~~except that such centers are exempt from the 1,000-foot radius~~
 1129 ~~requirement of s. 419.001(2) if:~~

1130 ~~(a) The centers are located on a site zoned in a manner~~
 1131 ~~that permits all the components of a comprehensive transitional~~
 1132 ~~education center to be located on the site; or~~

1133 ~~(b) There are no more than three such centers within a~~
 1134 ~~radius of 1,000 feet.~~

1135 Reviser's note.—Amended to delete obsolete language. Section
 1136 393.18(1)(d) and (e), which related to alternative living
 1137 centers and independent living education centers,
 1138 respectively, were deleted by s. 10, ch. 2016-140, Laws of
 1139 Florida.

1140 Section 23. Paragraph (c) of subsection (4) of section
 1141 394.461, Florida Statutes, is amended to read:

1142 394.461 Designation of receiving and treatment facilities
 1143 and receiving systems.—The department is authorized to designate
 1144 and monitor receiving facilities, treatment facilities, and
 1145 receiving systems and may suspend or withdraw such designation
 1146 for failure to comply with this part and rules adopted under
 1147 this part. Unless designated by the department, facilities are
 1148 not permitted to hold or treat involuntary patients under this
 1149 part.

1150 (4) REPORTING REQUIREMENTS.—

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1151 (c) The data required under this subsection shall be
 1152 submitted to the department no later than 90 days following the
 1153 end of the facility's fiscal year. ~~A facility designated as a~~
 1154 ~~public receiving or treatment facility shall submit its initial~~
 1155 ~~report for the 6-month period ending June 30, 2008.~~

1156 Reviser's note.—Amended to delete obsolete language.

1157 Section 24. Subsection (6) of section 400.925, Florida
 1158 Statutes, is amended to read:

1159 400.925 Definitions.—As used in this part, the term:

1160 (6) "Home medical equipment" includes any product as
 1161 defined by the Food and ~~Federal~~ Drug Administration's Federal
 1162 Food, Drug, and Cosmetic ~~Drugs, Devices and Cosmetics~~ Act, any
 1163 products reimbursed under the Medicare Part B Durable Medical
 1164 Equipment benefits, or any products reimbursed under the Florida
 1165 Medicaid durable medical equipment program. Home medical
 1166 equipment includes oxygen and related respiratory equipment;
 1167 manual, motorized, or customized wheelchairs and related seating
 1168 and positioning, but does not include prosthetics or orthotics
 1169 or any splints, braces, or aids custom fabricated by a licensed
 1170 health care practitioner; motorized scooters; personal transfer
 1171 systems; and specialty beds, for use by a person with a medical
 1172 need.

1173 Reviser's note.—Amended to correct an apparent error. There is
 1174 no Federal Drug Administration; the Food and Drug
 1175 Administration enforces the Federal Food, Drug, and

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1176 | Cosmetic Act. Also amended to conform to the short title of
 1177 | the act at 21 U.S.C. s. 301.

1178 | Section 25. Paragraph (d) of subsection (2) of section
 1179 | 402.3025, Florida Statutes, is amended to read:

1180 | 402.3025 Public and nonpublic schools.—For the purposes of
 1181 | ss. 402.301-402.319, the following shall apply:

1182 | (2) NONPUBLIC SCHOOLS.—

1183 | (d)1. Programs for children who are at least 3 years of
 1184 | age, but under 5 years of age, which are not licensed under ss.
 1185 | 402.301-402.319 shall substantially comply with the minimum
 1186 | child care standards promulgated pursuant to ss. 402.305-
 1187 | 402.3055 ~~402.305-402.3057~~.

1188 | 2. The department or local licensing agency shall enforce
 1189 | compliance with such standards, where possible, to eliminate or
 1190 | minimize duplicative inspections or visits by staff enforcing
 1191 | the minimum child care standards and staff enforcing other
 1192 | standards under the jurisdiction of the department.

1193 | 3. The department or local licensing agency may commence
 1194 | and maintain all proper and necessary actions and proceedings
 1195 | for any or all of the following purposes:

1196 | a. To protect the health, sanitation, safety, and well-
 1197 | being of all children under care.

1198 | b. To enforce its rules and regulations.

1199 | c. To use corrective action plans, whenever possible, to
 1200 | attain compliance prior to the use of more restrictive

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1201 enforcement measures.

1202 d. To make application for injunction to the proper

1203 circuit court, and the judge of that court shall have

1204 jurisdiction upon hearing and for cause shown to grant a

1205 temporary or permanent injunction, or both, restraining any

1206 person from violating or continuing to violate any of the

1207 provisions of ss. 402.301-402.319. Any violation of this section

1208 or of the standards applied under ss. 402.305-402.3055 ~~402.305-~~

1209 ~~402.3057~~ which threatens harm to any child in the school's

1210 programs for children who are at least 3 years of age, but are

1211 under 5 years of age, or repeated violations of this section or

1212 the standards under ss. 402.305-402.3055 ~~402.305-402.3057~~, shall

1213 be grounds to seek an injunction to close a program in a school.

1214 e. To impose an administrative fine, not to exceed \$100,

1215 for each violation of the minimum child care standards

1216 promulgated pursuant to ss. 402.305-402.3055 ~~402.305-402.3057~~.

1217 4. It is a misdemeanor of the first degree, punishable as

1218 provided in s. 775.082 or s. 775.083, for any person willfully,

1219 knowingly, or intentionally to:

1220 a. Fail, by false statement, misrepresentation,

1221 impersonation, or other fraudulent means, to disclose in any

1222 required written documentation for exclusion from licensure

1223 pursuant to this section a material fact used in making a

1224 determination as to such exclusion; or

1225 b. Use information from the criminal records obtained

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1226 under s. 402.305 or s. 402.3055 for any purpose other than
 1227 screening that person for employment as specified in those
 1228 sections or release such information to any other person for any
 1229 purpose other than screening for employment as specified in
 1230 those sections.

1231 5. It is a felony of the third degree, punishable as
 1232 provided in s. 775.082, s. 775.083, or s. 775.084, for any
 1233 person willfully, knowingly, or intentionally to use information
 1234 from the juvenile records of any person obtained under s.
 1235 402.305 or s. 402.3055 for any purpose other than screening for
 1236 employment as specified in those sections or to release
 1237 information from such records to any other person for any
 1238 purpose other than screening for employment as specified in
 1239 those sections.

1240 Reviser's note.—Amended to correct a cross-reference. Section
 1241 402.3057 was repealed by s. 11, ch. 2016-238, Laws of
 1242 Florida; s. 402.3055 is now the last section in the range.
 1243 Section 26. Paragraph (a) of subsection (1) of section
 1244 409.9201, Florida Statutes, is amended to read:

1245 409.9201 Medicaid fraud.—

1246 (1) As used in this section, the term:

1247 (a) "Prescription drug" means any drug, including, but not
 1248 limited to, finished dosage forms or active ingredients that are
 1249 subject to, defined in, or described in s. 503(b) of the Federal
 1250 Food, Drug, and Cosmetic Act or in s. 465.003(8), s. 499.003(17)

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1251 ~~499.003(47)~~, s. 499.007(13), or s. 499.82(10).

1252

1253 The value of individual items of the legend drugs or goods or
1254 services involved in distinct transactions committed during a
1255 single scheme or course of conduct, whether involving a single
1256 person or several persons, may be aggregated when determining
1257 the punishment for the offense.

1258 Reviser's note.—Amended to correct an apparent error. Section
1259 499.003(47) defines "veterinary prescription drug"; s.
1260 499.003(17) defines "drug."

1261 Section 27. Paragraph (h) of subsection (2) of section
1262 413.207, Florida Statutes, is amended to read:

1263 413.207 Division of Vocational Rehabilitation; quality
1264 assurance; performance improvement plan.—

1265 (2) No later than October 1, 2016, the division shall
1266 develop and implement a performance improvement plan designed to
1267 achieve the following goals:

1268 (h) Increase the percentage of participants who, during a
1269 program year, are in an education or training program that leads
1270 to a recognized postsecondary credential or to employment and
1271 who are achieving a measurable gain of skill, including
1272 documented academic, technical, or occupational gains or other
1273 forms of progress toward a postsecondary credential or
1274 employment.

1275 Reviser's note.—Amended to confirm the editorial insertion of

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1276 the word "or" to improve clarity.
 1277 Section 28. Subsection (6) of section 413.402, Florida
 1278 Statutes, is amended to read:
 1279 413.402 James Patrick Memorial Work Incentive Personal
 1280 Attendant Services and Employment Assistance Program.—The
 1281 Florida Endowment Foundation for Vocational Rehabilitation shall
 1282 maintain an agreement with the Florida Association of Centers
 1283 for Independent Living to administer the James Patrick Memorial
 1284 Work Incentive Personal Attendant Services and Employment
 1285 Assistance Program and shall remit sufficient funds monthly to
 1286 meet the requirements of subsection (5).
 1287 (6) The James Patrick Memorial Work Incentive Personal
 1288 Attendant Services and Employment Assistance Program Oversight
 1289 Council is created adjunct to the Department of Education for
 1290 the purpose of providing program recommendations, recommending
 1291 the maximum monthly reimbursement available to program
 1292 participants, advising the Florida Association of Centers for
 1293 Independent Living on policies and procedures, and recommending
 1294 the program's annual operating budget for activities of the
 1295 association associated with operations, administration, and
 1296 oversight. The oversight council shall also advise on and
 1297 recommend the schedule of eligible services for which program
 1298 participants may be reimbursed subject to the requirements and
 1299 limitations of paragraph (3)(c) which, at a minimum, must
 1300 include personal care attendant services. The oversight council

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1301 shall advise and make its recommendations under this section to
 1302 the board of directors of the association. The oversight council
 1303 is not subject to the control of or direction by the department,
 1304 and the department is not ~~be~~ responsible for providing staff
 1305 support or paying any expenses incurred by the oversight council
 1306 in the performance of its duties.

1307 (a) The oversight council consists of the following
 1308 members:

- 1309 1. The director of the division or his or her designee;
- 1310 2. A human resources professional or an individual who has
 1311 significant experience managing and operating a business based
 1312 in this state, recommended by the Florida Chamber of Commerce
 1313 and appointed by the Governor;
- 1314 3. A financial management professional, appointed by the
 1315 Governor;
- 1316 4. A program participant, appointed by the Secretary of
 1317 Health or his or her designee;
- 1318 5. The director of the advisory council on brain and
 1319 spinal cord injuries or his or her designee;
- 1320 6. The director of the Florida Endowment Foundation for
 1321 Vocational Rehabilitation or his or her designee; and
- 1322 7. The director of the Florida Association of Centers for
 1323 Independent Living or his or her designee.

1324 (b) The appointed members shall serve for a term
 1325 concurrent with the term of the official who made the

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1326 appointment and shall serve at the pleasure of such official.
 1327 Reviser's note.—Amended to confirm the editorial deletion of the
 1328 word "be."

1329 Section 29. Subsections (5), (7), and (8) and paragraph
 1330 (c) of subsection (10) of section 440.185, Florida Statutes, are
 1331 amended to read:

1332 440.185 Notice of injury or death; reports; penalties for
 1333 violations.—

1334 (5) In the absence of a stipulation by the parties,
 1335 reports provided for in subsection (2), subsection (3) ~~(4)~~, or
 1336 subsection (4) ~~(5)~~ shall not be evidence of any fact stated in
 1337 such report in any proceeding relating thereto, except for
 1338 medical reports which, if otherwise qualified, may be admitted
 1339 at the discretion of the judge of compensation claims.

1340 (7) When a claimant, employer, or carrier has the right,
 1341 or is required, to mail a report or notice with required copies
 1342 within the times prescribed in subsection (2), subsection (3)
 1343 ~~(4)~~, or subsection (4) ~~(5)~~, such mailing will be completed and
 1344 in compliance with this section if it is postmarked and mailed
 1345 prepaid to the appropriate recipient prior to the expiration of
 1346 the time periods prescribed in this section.

1347 (8) Any employer or carrier who fails or refuses to timely
 1348 send any form, report, or notice required by this section shall
 1349 be subject to an administrative fine by the department not to
 1350 exceed \$500 for each such failure or refusal. However, any

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1351 employer who fails to notify the carrier of an injury on the
 1352 prescribed form or by letter within the 7 days required in
 1353 subsection (2) shall be liable for the administrative fine,
 1354 which shall be paid by the employer and not the carrier. Failure
 1355 by the employer to meet its obligations under subsection (2)
 1356 shall not relieve the carrier from liability for the
 1357 administrative fine if it fails to comply with subsections (3)
 1358 ~~(4)~~ and (4) ~~(5)~~.

1359 (10) Upon receiving notice of an injury from an employee
 1360 under subsection (1), the employer or carrier shall provide the
 1361 employee with a written notice, in the form and manner
 1362 determined by the department by rule, of the availability of
 1363 services from the Employee Assistance and Ombudsman Office. The
 1364 substance of the notice to the employee shall include:

1365 (c) A statement that the informational brochure referred
 1366 to in subsection (3) ~~(4)~~ will be mailed to the employee within 3
 1367 days after the carrier receives notice of the injury.

1368 Reviser's note.—Amended to conform to the redesignation of
 1369 subsections as a result of the repeal of former subsection
 1370 (3) by s. 5, ch. 2016-56, Laws of Florida.

1371 Section 30. Paragraph (e) of subsection (4) of section
 1372 459.022, Florida Statutes, is amended to read:

1373 459.022 Physician assistants.—

1374 (4) PERFORMANCE OF PHYSICIAN ASSISTANTS.—

1375 (e) A supervising physician may delegate to a fully

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1376 licensed physician assistant the authority to prescribe or
 1377 dispense any medication used in the supervising physician's
 1378 practice unless such medication is listed on the formulary
 1379 created pursuant to s. 458.347. A fully licensed physician
 1380 assistant may only prescribe or dispense such medication under
 1381 the following circumstances:

1382 1. A physician assistant must clearly identify to the
 1383 patient that she or he is a physician assistant and must inform
 1384 the patient that the patient has the right to see the physician
 1385 before a prescription is prescribed or dispensed by the
 1386 physician assistant.

1387 2. The supervising physician must notify the department of
 1388 her or his intent to delegate, on a department-approved form,
 1389 before delegating such authority and of any change in
 1390 prescriptive privileges of the physician assistant. Authority to
 1391 dispense may be delegated only by a supervising physician who is
 1392 registered as a dispensing practitioner in compliance with s.
 1393 465.0276.

1394 3. The physician assistant must complete a minimum of 10
 1395 continuing medical education hours in the specialty practice in
 1396 which the physician assistant has prescriptive privileges with
 1397 each licensure renewal.

1398 4. The department may issue a prescriber number to the
 1399 physician assistant granting authority for the prescribing of
 1400 medicinal drugs authorized within this paragraph upon completion

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1401 of the requirements of this paragraph. The physician assistant
 1402 is not ~~be~~ required to independently register pursuant to s.
 1403 465.0276.

1404 5. The prescription may be in paper or electronic form but
 1405 must comply with ss. 456.0392(1) and 456.42(1) and chapter 499
 1406 and must contain, in addition to the supervising physician's
 1407 name, address, and telephone number, the physician assistant's
 1408 prescriber number. Unless it is a drug or drug sample dispensed
 1409 by the physician assistant, the prescription must be filled in a
 1410 pharmacy permitted under chapter 465, and must be dispensed in
 1411 that pharmacy by a pharmacist licensed under chapter 465. The
 1412 inclusion of the prescriber number creates a presumption that
 1413 the physician assistant is authorized to prescribe the medicinal
 1414 drug and the prescription is valid.

1415 6. The physician assistant must note the prescription or
 1416 dispensing of medication in the appropriate medical record.
 1417 Reviser's note.—Amended to confirm the editorial deletion of the
 1418 word "be."

1419 Section 31. Paragraph (c) of subsection (2) of section
 1420 491.0046, Florida Statutes, is amended to read:

1421 491.0046 Provisional license; requirements.—

1422 (2) The department shall issue a provisional clinical
 1423 social worker license, provisional marriage and family therapist
 1424 license, or provisional mental health counselor license to each
 1425 applicant who the board certifies has:

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1426 (c) Has met the following minimum coursework requirements:

1427 1. For clinical social work, a minimum of 15 semester
 1428 hours or 22 quarter hours of the coursework required by s.
 1429 491.005(1)(b)2.b.

1430 2. For marriage and family therapy, 10 of the courses
 1431 required by s. 491.005(3)(b)1.a.-c., as determined by the board,
 1432 and at least 6 semester hours or 9 quarter hours of the course
 1433 credits must have been completed in the area of marriage and
 1434 family systems, theories, or techniques.

1435 3. For mental health counseling, a minimum of seven of the
 1436 courses required under s. 491.005(4)(b)1.a.-c. ~~491.005(b)1.a.-c.~~
 1437 Reviser's note.—Amended to confirm the editorial substitution of
 1438 a reference to s. 491.005(4)(b)1.a.-c. for a reference to
 1439 s. 491.005(b)1.a.-c. to provide the complete cite to
 1440 material relating to mental health counseling courses.

1441 Section 32. Subsection (4) of section 497.458, Florida
 1442 Statutes, is amended to read:

1443 497.458 Disposition of proceeds received on contracts.—

1444 (4) The licensing authority may adopt rules exempting from
 1445 the prohibition of paragraph (1)(h) ~~(1)(g)~~, pursuant to criteria
 1446 established in such rule, the investment of trust funds in
 1447 investments, such as widely and publicly traded stocks and
 1448 bonds, notwithstanding that the licensee, its principals, or
 1449 persons related by blood or marriage to the licensee or its
 1450 principals have an interest by investment in the same entity,

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1451 | where neither the licensee, its principals, or persons related
 1452 | by blood or marriage to the licensee or its principals have the
 1453 | ability to control the entity invested in, and it would be in
 1454 | the interest of the preneed contract holders whose contracts are
 1455 | secured by the trust funds to allow the investment.

1456 | Reviser's note.—Amended to confirm the editorial substitution of
 1457 | a reference to paragraph (1)(h) for a reference to
 1458 | paragraph (1)(g). An early version of C.S. for C.S. for
 1459 | S.B. 854, which became ch. 2016-172, Laws of Florida,
 1460 | deleted paragraph (1)(b) and changed this reference to
 1461 | reflect the deletion. A later amendment restored paragraph
 1462 | (1)(b) but did not remove the change to the reference.

1463 | Section 33. Paragraphs (b), (c), and (d) of subsection (9)
 1464 | of section 499.015, Florida Statutes, are amended to read:

1465 | 499.015 Registration of drugs, devices, and cosmetics;
 1466 | issuance of certificates of free sale.—

1467 | (9) However, the manufacturer must submit evidence of such
 1468 | registration, listing, or approval with its initial application
 1469 | for a permit to do business in this state, as required in s.
 1470 | 499.01 and any changes to such information previously submitted
 1471 | at the time of renewal of the permit. Evidence of approval,
 1472 | listing, and registration by the federal Food and Drug
 1473 | Administration must include:

1474 | (b) For Class III devices, a Food and ~~Federal~~ Drug
 1475 | Administration premarket approval number;

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1476 (c) For a manufacturer who subcontracts with a
 1477 manufacturer of medical devices to manufacture components of
 1478 such devices, a Food and ~~Federal~~ Drug Administration
 1479 registration number; or

1480 (d) For a manufacturer of medical devices whose devices
 1481 are exempt from premarket approval by the Food and ~~Federal~~ Drug
 1482 Administration, a Food and ~~Federal~~ Drug Administration
 1483 registration number.

1484 Reviser's note.—Amended to correct an apparent error. There is
 1485 no Federal Drug Administration; the Food and Drug
 1486 Administration enforces the Federal Food, Drug, and
 1487 Cosmetic Act.

1488 Section 34. Paragraph (a) of subsection (1) and paragraph
 1489 (c) of subsection (5) of section 499.036, Florida Statutes, are
 1490 amended to read:

1491 499.036 Restrictions on sale of dextromethorphan.—

1492 (1) As used in this section, the term:

1493 (a) "Finished drug product" means a drug legally marketed
 1494 under the Federal Food, Drug, and Cosmetic Act that is in
 1495 finished dosage form. For purposes of this paragraph, the term
 1496 "drug" has the same meaning as provided in s. 499.003(17)
 1497 ~~499.003(18)~~.

1498 (5) A civil citation issued to a manufacturer,
 1499 distributor, or retailer pursuant to this section shall be
 1500 provided to the manager on duty at the time the citation is

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1501 issued. If a manager is not available, a local law enforcement
 1502 officer shall attempt to contact the manager to issue the
 1503 citation. If the local law enforcement officer is unsuccessful
 1504 in contacting the manager, he or she may leave a copy of the
 1505 citation with an employee 18 years of age or older and mail a
 1506 copy of the citation by certified mail to the owner's business
 1507 address, as filed with the Department of State, or he or she may
 1508 return to issue the citation at a later time. The civil citation
 1509 shall provide:

1510 (c) The name of the employee or representative who ~~that~~
 1511 completed the sale.

1512 Reviser's note.—Paragraph (1)(a) is amended to confirm the
 1513 editorial substitution of a reference to s. 499.003(17) for
 1514 a reference to s. 499.003(18) to conform to the
 1515 redesignation of subunits of s. 499.003 by s. 2, ch. 2016-
 1516 212, Laws of Florida. Paragraph (5)(c) is amended to
 1517 improve clarity.

1518 Section 35. Subsection (6) of section 499.83, Florida
 1519 Statutes, is amended to read:

1520 499.83 Permits.—

1521 (6) A hospice licensed by the Agency for Health Care
 1522 Administration pursuant to part IV of chapter 400 is not
 1523 required to obtain a medical oxygen retail establishment permit
 1524 to purchase on behalf of and sell medical oxygen to its hospice
 1525 patients if the hospice contracts for the purchase and delivery

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1526 of medical oxygen from an establishment permitted pursuant to
 1527 this part. Sale and delivery to patients by hospices pursuant to
 1528 this subsection must be based upon ~~on~~ a prescription or an order
 1529 from a practitioner authorized by law to prescribe medical
 1530 oxygen. For sales to hospices pursuant to this subsection, the
 1531 medical gas wholesale distributor or the medical gas
 1532 manufacturer selling medical oxygen to a hospice shall reflect
 1533 on its invoice the hospice license number provided by the Agency
 1534 for Health Care Administration and shall maintain such record
 1535 pursuant to s. 499.89. Both the hospice and the medical oxygen
 1536 retailer delivering medical oxygen to the patient must maintain
 1537 a copy of a valid order or prescription for medical oxygen in
 1538 accordance with s. 499.89 and department rule, which copy must
 1539 be readily available for inspection.

1540 Reviser's note.—Amended to confirm the editorial deletion of the
 1541 word "on."

1542 Section 36. Subsection (1) of section 553.79, Florida
 1543 Statutes, as amended by sections 19 and 39 of chapter 2016-129,
 1544 Laws of Florida, effective October 1, 2017, is amended to read:

1545 553.79 Permits; applications; issuance; inspections.—

1546 (1)(a) After the effective date of the Florida Building
 1547 Code adopted as herein provided, it shall be unlawful for any
 1548 person, firm, corporation, or governmental entity to construct,
 1549 erect, alter, modify, repair, or demolish any building within
 1550 this state without first obtaining a permit therefor from the

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1551 appropriate enforcing agency or from such persons as may, by
 1552 appropriate resolution or regulation of the authorized state or
 1553 local enforcing agency, be delegated authority to issue such
 1554 permits, upon the payment of such reasonable fees adopted by the
 1555 enforcing agency. The enforcing agency is empowered to revoke
 1556 any such permit upon a determination by the agency that the
 1557 construction, erection, alteration, modification, repair, or
 1558 demolition of the building for which the permit was issued is in
 1559 violation of, or not in conformity with, the provisions of the
 1560 Florida Building Code. Whenever a permit required under this
 1561 section is denied or revoked because the plan, or the
 1562 construction, erection, alteration, modification, repair, or
 1563 demolition of a building, is found by the local enforcing agency
 1564 to be not in compliance with the Florida Building Code, the
 1565 local enforcing agency shall identify the specific plan or
 1566 project features that do not comply with the applicable codes,
 1567 identify the specific code chapters and sections upon which the
 1568 finding is based, and provide this information to the permit
 1569 applicant. A plans reviewer or building code administrator who
 1570 is responsible for issuing a denial, revocation, or modification
 1571 request but fails to provide to the permit applicant a reason
 1572 for denying, revoking, or requesting a modification, based on
 1573 compliance with the Florida Building Code or local ordinance, is
 1574 subject to disciplinary action against his or her license
 1575 pursuant to s. 468.621(1)(i) ~~468.621(1)(j)~~. Installation,

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1576 replacement, removal, or metering of any load management control
 1577 device is exempt from and shall not be subject to the permit
 1578 process and fees otherwise required by this section.

1579 (b) A local enforcement agency shall post each type of
 1580 building permit application on its website. Completed
 1581 applications must be able to be submitted electronically to the
 1582 appropriate building department. Accepted methods of electronic
 1583 submission include, but are not limited to, e-mail submission of
 1584 applications in portable document format or submission of
 1585 applications through an electronic fill-in form available on the
 1586 building department's website or through a third-party
 1587 submission management software. Payments, attachments, or
 1588 drawings required as part of the permit application may be
 1589 submitted in person in a nonelectronic format, at the discretion
 1590 of the building official.

1591 Reviser's note.—Amended to correct an erroneous cross-reference.

1592 Section 468.621(1)(j) references insurance requirements; s.
 1593 468.621(1)(i) references failing to lawfully execute
 1594 specified duties and responsibilities.

1595 Section 37. Section 571.24, Florida Statutes, is amended
 1596 to read:

1597 571.24 Purpose; duties of the department.—The purpose of
 1598 this part is to authorize the department to establish and
 1599 coordinate the Florida Agricultural Promotional Campaign. The
 1600 Legislature intends for the Florida Agricultural Promotional

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1601 Campaign to serve as a marketing program to promote Florida
 1602 agricultural commodities, value-added products, and
 1603 agricultural-related businesses and not as a food safety or
 1604 traceability program. The duties of the department shall
 1605 include, but are not limited to:

- 1606 (1) Developing logos and authorizing the use of logos as
- 1607 provided by rule.
- 1608 (2) Registering participants.
- 1609 (3) Assessing and collecting fees.
- 1610 (4) Collecting rental receipts for industry promotions.
- 1611 (5) Developing in-kind advertising programs.
- 1612 (6) Contracting with media representatives for the purpose
- 1613 of dispersing promotional materials.
- 1614 (7) Assisting the representative of the department who
- 1615 serves on the Florida Agricultural Promotional Campaign Advisory
- 1616 Council.
- 1617 (8) Adopting rules pursuant to ss. 120.536(1) and 120.54
- 1618 to implement the provisions of this part.
- 1619 (9) Enforcing and administering the provisions of this
- 1620 part, including measures ensuring that only Florida agricultural
- 1621 or agricultural based products are marketed under the "Fresh
- 1622 From Florida" or "From Florida" logos or other logos of the
- 1623 Florida Agricultural Promotional Campaign.

1624 Reviser's note.—Amended to confirm the editorial insertion of
 1625 the word "as" to improve clarity.

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1626 Section 38. Paragraph (c) of subsection (1) of section
 1627 625.111, Florida Statutes, is amended to read:
 1628 625.111 Title insurance reserve.—In addition to an
 1629 adequate reserve as to outstanding losses relating to known
 1630 claims as required under s. 625.041, a domestic title insurer
 1631 shall establish, segregate, and maintain a guaranty fund or
 1632 unearned premium reserve as provided in this section. The sums
 1633 to be reserved for unearned premiums on title guarantees and
 1634 policies shall be considered and constitute unearned portions of
 1635 the original premiums and shall be charged as a reserve
 1636 liability of the insurer in determining its financial condition.
 1637 Such reserved funds shall be withdrawn from the use of the
 1638 insurer for its general purposes, impressed with a trust in
 1639 favor of the holders of title guarantees and policies, and held
 1640 available for reinsurance of the title guarantees and policies
 1641 in the event of the insolvency of the insurer. This section does
 1642 not preclude the insurer from investing such reserve in
 1643 investments authorized by law, and the income from such
 1644 investments shall be included in the general income of the
 1645 insurer and may be used by such insurer for any lawful purpose.
 1646 (1) For an unearned premium reserve established on or
 1647 after July 1, 1999, such reserve must be in an amount at least
 1648 equal to the sum of paragraphs (a), (b), and (d) for title
 1649 insurers holding less than \$50 million in surplus as to
 1650 policyholders as of the previous year end and the sum of

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1651 paragraphs (c) and (d) for title insurers holding \$50 million or
 1652 more in surplus as to policyholders as of the previous year end
 1653 or title insurers that are members of an insurance holding
 1654 company system holding \$1 billion or more in surplus as to
 1655 policyholders and a superior, excellent, exceptional, or
 1656 equivalent financial strength rating by a rating agency
 1657 acceptable to the office:

1658 (c) On or after January 1, 2014, for title insurers
 1659 holding \$50 million or more in surplus as to policyholders as of
 1660 the previous year end or title insurers that are members of an
 1661 insurance holding company system holding \$1 billion or more in
 1662 surplus as to policyholders and a superior, excellent,
 1663 exceptional, or equivalent financial strength rating by a rating
 1664 agency acceptable to the office, a minimum of 6.5 percent of the
 1665 total of the following:

- 1666 1. Direct premiums written; and
- 1667 2. Premiums for reinsurance assumed, plus other income,
 1668 less premiums for reinsurance ceded as displayed in Schedule P
 1669 of the title insurer's most recent annual statement filed with
 1670 the office with such reserve being subsequently released as
 1671 provided in subsection (2). Title insurers with less than \$50
 1672 million in surplus as to policyholders and that are not members
 1673 of an insurance holding company system with \$1 billion or more
 1674 in surplus as to policyholders and a superior, excellent,
 1675 exceptional, or equivalent financial strength rating by a rating

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1676 agency acceptable to the office must continue to record unearned
 1677 premium reserve in accordance with paragraph (b).

1678 Reviser's note.—Amended to confirm the editorial insertion of
 1679 the word "that" to improve clarity.

1680 Section 39. Subsection (5) of section 627.0629, Florida
 1681 Statutes, is amended to read:

1682 627.0629 Residential property insurance; rate filings.—

1683 (5) In order to provide an appropriate transition period,
 1684 an insurer may implement an approved rate filing for residential
 1685 property insurance over a period of years. Such insurer must
 1686 provide an informational notice to the office setting out its
 1687 schedule for implementation of the phased-in rate filing. ~~The~~
 1688 ~~insurer may include in its rate the actual cost of private~~
 1689 ~~market reinsurance that corresponds to available coverage of the~~
 1690 ~~Temporary Increase in Coverage Limits, TICL, from the Florida~~
 1691 ~~Hurricane Catastrophe Fund. The insurer may also include the~~
 1692 ~~cost of reinsurance to replace the TICL reduction implemented~~
 1693 ~~pursuant to s. 215.555(16)(d)9. However, this cost for~~
 1694 ~~reinsurance may not include any expense or profit load or result~~
 1695 ~~in a total annual base rate increase in excess of 10 percent.~~

1696 Reviser's note.—Amended to delete obsolete provisions relating
 1697 to temporary increase in coverage limits options from the
 1698 Florida Hurricane Catastrophe Fund provided in s.
 1699 215.555(16), which is repealed by this act.

1700 Section 40. Subsection (1) of section 627.42392, Florida

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1701 Statutes, is amended to read:
 1702 627.42392 Prior authorization.—
 1703 (1) As used in this section, the term "health insurer"
 1704 means an authorized insurer offering health insurance as defined
 1705 in s. 624.603, a managed care plan as defined in s. 409.962(10)
 1706 ~~409.962(9)~~, or a health maintenance organization as defined in
 1707 s. 641.19(12).
 1708 Reviser's note.—Amended to conform to the redesignation of s.
 1709 409.962(9) as s. 409.962(10) by s. 1, ch. 2016-147, Laws of
 1710 Florida.
 1711 Section 41. Paragraph (a) of subsection (3) of section
 1712 627.6562, Florida Statutes, is amended to read:
 1713 627.6562 Dependent coverage.—
 1714 (3) If, pursuant to subsection (2), a child is provided
 1715 coverage under the parent's policy after the end of the calendar
 1716 year in which the child reaches age 25 and coverage for the
 1717 child is subsequently terminated, the child is not eligible to
 1718 be covered under the parent's policy unless the child was
 1719 continuously covered by other creditable coverage without a gap
 1720 in coverage of more than 63 days.
 1721 (a) For the purposes of this subsection, the term
 1722 "creditable coverage" means, with respect to an individual,
 1723 coverage of the individual under any of the following:
 1724 1. A group health plan, as defined in s. 2791 of the
 1725 Public Health Service Act.

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- 1726 2. Health insurance coverage consisting of medical care
 1727 provided directly through insurance or reimbursement or
 1728 otherwise, and including terms and services paid for as medical
 1729 care, under any hospital or medical service policy or
 1730 certificate, hospital or medical service plan contract, or
 1731 health maintenance contract offered by a health insurance
 1732 issuer.
- 1733 3. Part A or Part B of Title XVIII of the Social Security
 1734 Act.
- 1735 4. Title XIX of the Social Security Act, other than
 1736 coverage consisting solely of benefits under s. 1928.
- 1737 5. Title 10 U.S.C. chapter 55.
- 1738 6. A medical care program of the Indian Health Service or
 1739 of a tribal organization.
- 1740 7. A ~~The Florida Comprehensive Health Association or~~
 1741 ~~another~~ state health benefit risk pool.
- 1742 8. A health plan offered under 5 U.S.C. chapter 89.
- 1743 9. A public health plan as defined by rules adopted by the
 1744 commission. To the greatest extent possible, such rules must be
 1745 consistent with regulations adopted by the United States
 1746 Department of Health and Human Services.
- 1747 10. A health benefit plan under s. 5(e) of the Peace Corps
 1748 Act, 22 U.S.C. s. 2504(e).
- 1749 Reviser's note.—Amended to conform to the repeal of s. 627.6488,
 1750 which created the Florida Comprehensive Health Association,

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1751 by s. 20, ch. 2013-101, Laws of Florida, effective October
 1752 1, 2015; confirmed by s. 13, ch. 2016-11, Laws of Florida,
 1753 a reviser's bill.

1754 Section 42. Subsection (8) of section 627.7074, Florida
 1755 Statutes, is amended to read:

1756 627.7074 Alternative procedure for resolution of disputed
 1757 sinkhole insurance claims.—

1758 (8) For policyholders not represented by an attorney, a
 1759 consumer affairs specialist of the department or an employee
 1760 designated as the primary contact for consumers on issues
 1761 relating to sinkholes under s. 624.307(10)(a)5. ~~20.121~~ shall be
 1762 available for consultation to the extent that he or she may
 1763 lawfully do so.

1764 Reviser's note.—Amended to conform to the repeal of s.

1765 20.121(2)(h) by s. 3, ch. 2016-165, Laws of Florida; s.
 1766 20.121(2)(h)1.e. authorized the Division of Consumer
 1767 Services to designate an employee of the division as
 1768 primary contact for consumers on issues relating to
 1769 sinkholes. Section 5, ch. 2016-165, added s. 624.307(10),
 1770 including substantially similar language relating to
 1771 division designation of an employee as primary contact
 1772 relating to sinkhole issues, at s. 624.307(10)(a)5.

1773 Section 43. Subsection (2) of section 633.216, Florida
 1774 Statutes, is amended to read:

1775 633.216 Inspection of buildings and equipment; orders;

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1776 firesafety inspection training requirements; certification;
 1777 disciplinary action.—The State Fire Marshal and her or his
 1778 agents or persons authorized to enforce laws and rules of the
 1779 State Fire Marshal shall, at any reasonable hour, when the State
 1780 Fire Marshal has reasonable cause to believe that a violation of
 1781 this chapter or s. 509.215, or a rule adopted thereunder, or a
 1782 minimum firesafety code adopted by the State Fire Marshal or a
 1783 local authority, may exist, inspect any and all buildings and
 1784 structures which are subject to the requirements of this chapter
 1785 or s. 509.215 and rules adopted thereunder. The authority to
 1786 inspect shall extend to all equipment, vehicles, and chemicals
 1787 which are located on or within the premises of any such building
 1788 or structure.

1789 (2) Except as provided in s. 633.312(2), every firesafety
 1790 inspection conducted pursuant to state or local firesafety
 1791 requirements shall be by a person certified as having met the
 1792 inspection training requirements set by the State Fire Marshal.
 1793 Such person shall meet the requirements of s. 633.412(1)-(4)
 1794 ~~633.412(1)(a)-(d)~~, and:

1795 (a) Have satisfactorily completed the firesafety inspector
 1796 certification examination as prescribed by division rule; and

1797 (b)1. Have satisfactorily completed, as determined by
 1798 division rule, a firesafety inspector training program of at
 1799 least 200 hours established by the department and administered
 1800 by education or training providers approved by the department

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1801 for the purpose of providing basic certification training for
 1802 firesafety inspectors; or

1803 2. Have received training in another state which is
 1804 determined by the division to be at least equivalent to that
 1805 required by the department for approved firesafety inspector
 1806 education and training programs in this state.

1807 Reviser's note.—Amended to conform to the redesignation of s.
 1808 633.412(1)(a)-(d) as s. 633.412(1)-(4) to conform to the
 1809 repeal of subsection (2) of s. 633.412 by s. 24, ch. 2016-
 1810 132, Laws of Florida.

1811 Section 44. Subsection (1) of section 655.960, Florida
 1812 Statutes, is amended to read:

1813 655.960 Definitions; ss. 655.960-655.965.—As used in this
 1814 section and ss. 655.961-655.965, unless the context otherwise
 1815 requires:

1816 (1) "Access area" means any paved walkway or sidewalk
 1817 which is within 50 feet of any automated teller machine. The
 1818 term does not include any street or highway open to the use of
 1819 the public, as defined in s. 316.003(77)(a) or (b)
 1820 ~~316.003(76)(a) or (b)~~, including any adjacent sidewalk, as
 1821 defined in s. 316.003.

1822 Reviser's note.—Amended to confirm the editorial substitution of
 1823 a reference to s. 316.003(77)(a) or (b) for a reference to
 1824 s. 316.003(76)(a) or (b) to conform to the renumbering of
 1825 subunits by s. 5, ch. 2016-239, Laws of Florida, and the

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1826 addition of subunits by s. 1, ch. 2016-115, Laws of
 1827 Florida, and s. 3, ch. 2016-181, Laws of Florida.
 1828 Section 45. Paragraph (q) of subsection (1) of section
 1829 744.20041, Florida Statutes, is amended to read:
 1830 744.20041 Grounds for discipline; penalties; enforcement.—
 1831 (1) The following acts by a professional guardian shall
 1832 constitute grounds for which the disciplinary actions specified
 1833 in subsection (2) may be taken:
 1834 (q) Failing to post and maintain a blanket fiduciary bond
 1835 pursuant to s. 744.2003 ~~744.1085~~.
 1836 Reviser's note.—Amended to conform to the transfer of s.
 1837 744.1085 to s. 744.2003 by s. 10, ch. 2016-40, Laws of
 1838 Florida.
 1839 Section 46. Paragraph (a) of subsection (2) of section
 1840 790.065, Florida Statutes, is amended to read:
 1841 790.065 Sale and delivery of firearms.—
 1842 (2) Upon receipt of a request for a criminal history
 1843 record check, the Department of Law Enforcement shall, during
 1844 the licensee's call or by return call, forthwith:
 1845 (a) Review any records available to determine if the
 1846 potential buyer or transferee:
 1847 1. Has been convicted of a felony and is prohibited from
 1848 receipt or possession of a firearm pursuant to s. 790.23;
 1849 2. Has been convicted of a misdemeanor crime of domestic
 1850 violence, and therefore is prohibited from purchasing a firearm;

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1851 3. Has had adjudication of guilt withheld or imposition of
 1852 sentence suspended on any felony or misdemeanor crime of
 1853 domestic violence unless 3 years have elapsed since probation or
 1854 any other conditions set by the court have been fulfilled or
 1855 expunction has occurred; or

1856 4. Has been adjudicated mentally defective or has been
 1857 committed to a mental institution by a court or as provided in
 1858 sub-sub-subparagraph b.(II), and as a result is prohibited by
 1859 state or federal law from purchasing a firearm.

1860 a. As used in this subparagraph, "adjudicated mentally
 1861 defective" means a determination by a court that a person, as a
 1862 result of marked subnormal intelligence, or mental illness,
 1863 incompetency, condition, or disease, is a danger to himself or
 1864 herself or to others or lacks the mental capacity to contract or
 1865 manage his or her own affairs. The phrase includes a judicial
 1866 finding of incapacity under s. 744.331(6)(a), an acquittal by
 1867 reason of insanity of a person charged with a criminal offense,
 1868 and a judicial finding that a criminal defendant is not
 1869 competent to stand trial.

1870 b. As used in this subparagraph, "committed to a mental
 1871 institution" means:

1872 (I) Involuntary commitment, commitment for mental
 1873 defectiveness or mental illness, and commitment for substance
 1874 abuse. The phrase includes involuntary inpatient placement as
 1875 defined in s. 394.467, involuntary outpatient placement as

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1876 defined in s. 394.4655, involuntary assessment and stabilization
 1877 under s. 397.6818, and involuntary substance abuse treatment
 1878 under s. 397.6957, but does not include a person in a mental
 1879 institution for observation or discharged from a mental
 1880 institution based upon the initial review by the physician or a
 1881 voluntary admission to a mental institution; or
 1882 (II) Notwithstanding sub-sub-subparagraph (I), voluntary
 1883 admission to a mental institution for outpatient or inpatient
 1884 treatment of a person who had an involuntary examination under
 1885 s. 394.463, where each of the following conditions have been
 1886 met:
 1887 (A) An examining physician found that the person is an
 1888 imminent danger to himself or herself or others.
 1889 (B) The examining physician certified that if the person
 1890 did not agree to voluntary treatment, a petition for involuntary
 1891 outpatient or inpatient treatment would have been filed under s.
 1892 394.463(2)(g)4. ~~394.463(2)(i)4.~~, or the examining physician
 1893 certified that a petition was filed and the person subsequently
 1894 agreed to voluntary treatment prior to a court hearing on the
 1895 petition.
 1896 (C) Before agreeing to voluntary treatment, the person
 1897 received written notice of that finding and certification, and
 1898 written notice that as a result of such finding, he or she may
 1899 be prohibited from purchasing a firearm, and may not be eligible
 1900 to apply for or retain a concealed weapon or firearms license

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1901 | under s. 790.06 and the person acknowledged such notice in
 1902 | writing, in substantially the following form:
 1903 |
 1904 | "I understand that the doctor who examined me believes I am a
 1905 | danger to myself or to others. I understand that if I do not
 1906 | agree to voluntary treatment, a petition will be filed in court
 1907 | to require me to receive involuntary treatment. I understand
 1908 | that if that petition is filed, I have the right to contest it.
 1909 | In the event a petition has been filed, I understand that I can
 1910 | subsequently agree to voluntary treatment prior to a court
 1911 | hearing. I understand that by agreeing to voluntary treatment in
 1912 | either of these situations, I may be prohibited from buying
 1913 | firearms and from applying for or retaining a concealed weapons
 1914 | or firearms license until I apply for and receive relief from
 1915 | that restriction under Florida law."

1916 |
 1917 | (D) A judge or a magistrate has, pursuant to sub-sub-
 1918 | subparagraph c.(II), reviewed the record of the finding,
 1919 | certification, notice, and written acknowledgment classifying
 1920 | the person as an imminent danger to himself or herself or
 1921 | others, and ordered that such record be submitted to the
 1922 | department.

1923 | c. In order to check for these conditions, the department
 1924 | shall compile and maintain an automated database of persons who
 1925 | are prohibited from purchasing a firearm based on court records

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1926 | of adjudications of mental defectiveness or commitments to
 1927 | mental institutions.
 1928 | (I) Except as provided in sub-sub-subparagraph (II),
 1929 | clerks of court shall submit these records to the department
 1930 | within 1 month after the rendition of the adjudication or
 1931 | commitment. Reports shall be submitted in an automated format.
 1932 | The reports must, at a minimum, include the name, along with any
 1933 | known alias or former name, the sex, and the date of birth of
 1934 | the subject.
 1935 | (II) For persons committed to a mental institution
 1936 | pursuant to sub-sub-subparagraph b.(II), within 24 hours after
 1937 | the person's agreement to voluntary admission, a record of the
 1938 | finding, certification, notice, and written acknowledgment must
 1939 | be filed by the administrator of the receiving or treatment
 1940 | facility, as defined in s. 394.455, with the clerk of the court
 1941 | for the county in which the involuntary examination under s.
 1942 | 394.463 occurred. No fee shall be charged for the filing under
 1943 | this sub-sub-subparagraph. The clerk must present the records to
 1944 | a judge or magistrate within 24 hours after receipt of the
 1945 | records. A judge or magistrate is required and has the lawful
 1946 | authority to review the records ex parte and, if the judge or
 1947 | magistrate determines that the record supports the classifying
 1948 | of the person as an imminent danger to himself or herself or
 1949 | others, to order that the record be submitted to the department.
 1950 | If a judge or magistrate orders the submittal of the record to

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1951 | the department, the record must be submitted to the department
1952 | within 24 hours.

1953 | d. A person who has been adjudicated mentally defective or
1954 | committed to a mental institution, as those terms are defined in
1955 | this paragraph, may petition the court that made the
1956 | adjudication or commitment, or the court that ordered that the
1957 | record be submitted to the department pursuant to sub-sub-
1958 | subparagraph c.(II), for relief from the firearm disabilities
1959 | imposed by such adjudication or commitment. A copy of the
1960 | petition shall be served on the state attorney for the county in
1961 | which the person was adjudicated or committed. The state
1962 | attorney may object to and present evidence relevant to the
1963 | relief sought by the petition. The hearing on the petition may
1964 | be open or closed as the petitioner may choose. The petitioner
1965 | may present evidence and subpoena witnesses to appear at the
1966 | hearing on the petition. The petitioner may confront and cross-
1967 | examine witnesses called by the state attorney. A record of the
1968 | hearing shall be made by a certified court reporter or by court-
1969 | approved electronic means. The court shall make written findings
1970 | of fact and conclusions of law on the issues before it and issue
1971 | a final order. The court shall grant the relief requested in the
1972 | petition if the court finds, based on the evidence presented
1973 | with respect to the petitioner's reputation, the petitioner's
1974 | mental health record and, if applicable, criminal history
1975 | record, the circumstances surrounding the firearm disability,

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1976 and any other evidence in the record, that the petitioner will
 1977 not be likely to act in a manner that is dangerous to public
 1978 safety and that granting the relief would not be contrary to the
 1979 public interest. If the final order denies relief, the
 1980 petitioner may not petition again for relief from firearm
 1981 disabilities until 1 year after the date of the final order. The
 1982 petitioner may seek judicial review of a final order denying
 1983 relief in the district court of appeal having jurisdiction over
 1984 the court that issued the order. The review shall be conducted
 1985 de novo. Relief from a firearm disability granted under this
 1986 sub-subparagraph has no effect on the loss of civil rights,
 1987 including firearm rights, for any reason other than the
 1988 particular adjudication of mental defectiveness or commitment to
 1989 a mental institution from which relief is granted.

1990 e. Upon receipt of proper notice of relief from firearm
 1991 disabilities granted under sub-subparagraph d., the department
 1992 shall delete any mental health record of the person granted
 1993 relief from the automated database of persons who are prohibited
 1994 from purchasing a firearm based on court records of
 1995 adjudications of mental defectiveness or commitments to mental
 1996 institutions.

1997 f. The department is authorized to disclose data collected
 1998 pursuant to this subparagraph to agencies of the Federal
 1999 Government and other states for use exclusively in determining
 2000 the lawfulness of a firearm sale or transfer. The department is

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2001 also authorized to disclose this data to the Department of
 2002 Agriculture and Consumer Services for purposes of determining
 2003 eligibility for issuance of a concealed weapons or concealed
 2004 firearms license and for determining whether a basis exists for
 2005 revoking or suspending a previously issued license pursuant to
 2006 s. 790.06(10). When a potential buyer or transferee appeals a
 2007 nonapproval based on these records, the clerks of court and
 2008 mental institutions shall, upon request by the department,
 2009 provide information to help determine whether the potential
 2010 buyer or transferee is the same person as the subject of the
 2011 record. Photographs and any other data that could confirm or
 2012 negate identity must be made available to the department for
 2013 such purposes, notwithstanding any other provision of state law
 2014 to the contrary. Any such information that is made confidential
 2015 or exempt from disclosure by law shall retain such confidential
 2016 or exempt status when transferred to the department.
 2017 Reviser's note.—Amended to conform to the repeal of s.
 2018 394.463(2)(i)4. by s. 88, ch. 2016-241, Laws of Florida,
 2019 and the creation of substantially similar language at s.
 2020 394.463(2)(g)4. by the same law section.
 2021 Section 47. Paragraph (a) of subsection (1) of section
 2022 832.07, Florida Statutes, is amended to read:
 2023 832.07 Prima facie evidence of intent; identity.—
 2024 (1) INTENT.—
 2025 (a) In any prosecution or action under this chapter, the

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2026 making, drawing, uttering, or delivery of a check, draft, or
2027 order, payment of which is refused by the drawee because of lack
2028 of funds or credit, shall be prima facie evidence of intent to
2029 defraud or knowledge of insufficient funds in, or credit with,
2030 such bank, banking institution, trust company, or other
2031 depository, unless such maker or drawer, or someone for him or
2032 her, shall have paid the holder thereof the amount due thereon,
2033 together with a service charge not to exceed the service fees
2034 authorized under s. 832.08(5) or an amount of up to 5 percent of
2035 the face amount of the check, whichever is greater, within 15
2036 days after written notice has been sent to the address printed
2037 on the check or given at the time of issuance that such check,
2038 draft, or order has not been paid to the holder thereof, and
2039 bank fees incurred by the holder. In the event of legal action
2040 for recovery, the maker or drawer may be additionally liable for
2041 court costs and reasonable attorney's fees. Notice mailed by
2042 certified or registered mail, evidenced by return receipt, or by
2043 first-class mail, evidenced by an affidavit of service of mail,
2044 to the address printed on the check or given at the time of
2045 issuance shall be deemed sufficient and equivalent to notice
2046 having been received by the maker or drawer, whether such notice
2047 shall be returned undelivered or not. The form of such notice
2048 shall be substantially as follows:

2049
2050 "You are hereby notified that a check, numbered, in

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2051 | the face amount of \$...., issued by you on ...(date)..., drawn
 2052 | upon ...(name of bank)..., and payable to, has been
 2053 | dishonored. Pursuant to Florida law, you have 15 days from the
 2054 | date of this notice to tender payment of the full amount of such
 2055 | check plus a service charge of \$25, if the face value does not
 2056 | exceed \$50, \$30, if the face value exceeds \$50 but does not
 2057 | exceed \$300, \$40, if the face value exceeds \$300, or an amount
 2058 | of up to 5 percent of the face amount of the check, whichever is
 2059 | greater, the total amount due being \$.... and cents. Unless
 2060 | this amount is paid in full within the time specified above, the
 2061 | holder of such check may turn over the dishonored check and all
 2062 | other available information relating to this incident to the
 2063 | state attorney for criminal prosecution. You may be additionally
 2064 | liable in a civil action for triple the amount of the check, but
 2065 | in no case less than \$50, together with the amount of the check,
 2066 | a service charge, court costs, reasonable attorney fees, and
 2067 | incurred bank fees, as provided in s. 68.065, Florida Statutes."
 2068 |
 2069 | Subsequent persons receiving a check, draft, or order from the
 2070 | original payee or a successor endorsee have the same rights that
 2071 | the original payee has against the maker of the instrument,
 2072 | provided such subsequent persons give notice in a substantially
 2073 | similar form to that provided above. Subsequent persons
 2074 | providing such notice shall be immune from civil liability for
 2075 | the giving of such notice and for proceeding under the forms of

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2076 such notice, so long as the maker of the instrument has the same
 2077 defenses against these subsequent persons as against the
 2078 original payee. However, the remedies available under this
 2079 section may be exercised only by one party in interest.

2080 Reviser's note.—Amended to conform to the Florida Statutes
 2081 citation style for forms.

2082 Section 48. Subsection (5) of section 893.0356, Florida
 2083 Statutes, is amended to read:

2084 893.0356 Control of new substances; findings of fact;
 2085 "controlled substance analog" defined.—

2086 (5) A controlled substance analog shall, for purposes of
 2087 drug abuse prevention and control, be treated as the highest
 2088 scheduled controlled substance of which it is a controlled
 2089 substance analog ~~to~~ in s. 893.03.

2090 Reviser's note.—Amended to confirm the editorial deletion of the
 2091 word "to."

2092 Section 49. Subsections (3) and (4) of section 893.13,
 2093 Florida Statutes, are amended to read:

2094 893.13 Prohibited acts; penalties.—

2095 (3) A person who delivers, without consideration, 20 grams
 2096 or less of cannabis, as defined in this chapter, commits a
 2097 misdemeanor of the first degree, punishable as provided in s.
 2098 775.082 or s. 775.083. As used in this subsection ~~paragraph~~, the
 2099 term "cannabis" does not include the resin extracted from the
 2100 plants of the genus Cannabis or any compound manufacture, salt,

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2101 derivative, mixture, or preparation of such resin.
 2102 (4) Except as authorized by this chapter, a person 18
 2103 years of age or older may not deliver any controlled substance
 2104 to a person younger than 18 years of age, use or hire a person
 2105 younger than 18 years of age as an agent or employee in the sale
 2106 or delivery of such a substance, or use such person to assist in
 2107 avoiding detection or apprehension for a violation of this
 2108 chapter. A person who violates this subsection ~~paragraph~~ with
 2109 respect to:
 2110 (a) A controlled substance named or described in s.
 2111 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4.
 2112 commits a felony of the first degree, punishable as provided in
 2113 s. 775.082, s. 775.083, or s. 775.084.
 2114 (b) A controlled substance named or described in s.
 2115 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6.,
 2116 (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) commits a felony of
 2117 the second degree, punishable as provided in s. 775.082, s.
 2118 775.083, or s. 775.084.
 2119 (c) Any other controlled substance, except as lawfully
 2120 sold, manufactured, or delivered, commits a felony of the third
 2121 degree, punishable as provided in s. 775.082, s. 775.083, or s.
 2122 775.084.
 2123
 2124 Imposition of sentence may not be suspended or deferred, and the
 2125 person so convicted may not be placed on probation.

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2126 Reviser's note.—Subsection (3) is amended to conform to context
 2127 and to the fact that subsection (3) does not contain
 2128 paragraphs. Subsection (4) is amended to conform to
 2129 context; the amendment to subsection (4) by s. 5, ch. 2016-
 2130 105, Laws of Florida, substituted the word "paragraph" for
 2131 the word "provision," but the introductory material is
 2132 applicable to the entire subsection.

2133 Section 50. Paragraphs (c) and (h) of subsection (3) of
 2134 section 921.0022, Florida Statutes, are amended to read:
 2135 921.0022 Criminal Punishment Code; offense severity
 2136 ranking chart.—

- 2137 (3) OFFENSE SEVERITY RANKING CHART
- 2138 (c) LEVEL 3

2139	Florida Statute	Felony Degree	Description
2140	119.10(2)(b)	3rd	Unlawful use of confidential information from police reports.
2141	316.066 (3)(b)-(d)	3rd	Unlawfully obtaining or using confidential crash reports.
2142	316.193(2)(b)	3rd	Felony DUI, 3rd

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2143	316.1935(2)	3rd	conviction. Fleeing or attempting to elude law enforcement officer in patrol vehicle with siren and lights activated.
2144	319.30(4)	3rd	Possession by junkyard of motor vehicle with identification number plate removed.
2145	319.33(1)(a)	3rd	Alter or forge any certificate of title to a motor vehicle or mobile home.
2146	319.33(1)(c)	3rd	Procure or pass title on stolen vehicle.
2147	319.33(4)	3rd	With intent to defraud, possess, sell, etc., a blank, forged, or unlawfully obtained title or registration.
2148			

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2149	327.35 (2) (b)	3rd Felony BUI.
2150	328.05 (2)	3rd Possess, sell, or counterfeit fictitious, stolen, or fraudulent titles or bills of sale of vessels.
2151	328.07 (4)	3rd Manufacture, exchange, or possess vessel with counterfeit or wrong ID number.
2152	376.302 (5)	3rd Fraud related to reimbursement for cleanup expenses under the Inland Protection Trust Fund.
2152	379.2431 (1) (e) 5.	3rd Taking, disturbing, mutilating, destroying, causing to be destroyed, transferring, selling, offering to sell, molesting, or harassing marine turtles, marine turtle eggs, or marine turtle nests in violation of the Marine Turtle Protection Act.

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2153	<u>379.2431</u> <u>(1) (e) 7</u> 379.2431 (1) (e) 6.	3rd Soliciting to commit or conspiring to commit a violation of the Marine Turtle Protection Act.
2154	400.9935 (4) (a) or (b)	3rd Operating a clinic, or offering services requiring licensure, without a license.
2155	400.9935 (4) (e)	3rd Filing a false license application or other required information or failing to report information.
2156	440.1051 (3)	3rd False report of workers' compensation fraud or retaliation for making such a report.
2157	501.001 (2) (b)	2nd Tampers with a consumer product or the container using materially false/misleading

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2158	624.401(4)(a)	3rd	information. Transacting insurance without a certificate of authority.
2159	624.401(4)(b)1.	3rd	Transacting insurance without a certificate of authority; premium collected less than \$20,000.
2160	626.902(1)(a) & (b)	3rd	Representing an unauthorized insurer.
2161	697.08	3rd	Equity skimming.
2162	790.15(3)	3rd	Person directs another to discharge firearm from a vehicle.
2163	806.10(1)	3rd	Maliciously injure, destroy, or interfere with vehicles or equipment used in firefighting.
2164			

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2165	806.10(2)	3rd Interferes with or assaults firefighter in performance of duty.
2166	810.09(2)(c)	3rd Trespass on property other than structure or conveyance armed with firearm or dangerous weapon.
2167	812.014(2)(c)2.	3rd Grand theft; \$5,000 or more but less than \$10,000.
2168	812.0145(2)(c)	3rd Theft from person 65 years of age or older; \$300 or more but less than \$10,000.
2169	815.04(5)(b)	2nd Computer offense devised to defraud or obtain property.
817.034(4)(a)3.	3rd Engages in scheme to	

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BILL	ORIGINAL	YEAR	
2170	817.233	3rd	defraud (Florida Communications Fraud Act), property valued at less than \$20,000.
2171	817.234 (8) (b) & (c)	3rd	Burning to defraud insurer.
2172	817.234(11) (a)	3rd	Unlawful solicitation of persons involved in motor vehicle accidents.
2173	817.236	3rd	Insurance fraud; property value less than \$20,000.
2174	817.2361	3rd	Filing a false motor vehicle insurance application.
2175	817.413(2)	3rd	Creating, marketing, or presenting a false or fraudulent motor vehicle insurance card.
			Sale of used

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BILL ORIGINAL YEAR

			goods as new.
2176	817.505(4)	3rd	Patient brokering.
2177	828.12(2)	3rd	Tortures any animal with intent to inflict intense pain, serious physical injury, or death.
2178	831.28(2)(a)	3rd	Counterfeiting a payment instrument with intent to defraud or possessing a counterfeit payment instrument.
2179	831.29	2nd	Possession of instruments for counterfeiting driver licenses or identification cards.
2180	838.021(3)(b)	3rd	Threatens unlawful harm to public servant.
2181	843.19	3rd	Injure, disable, or kill

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BILL	ORIGINAL	YEAR
2182		police dog or horse.
860.15(3)	3rd	Overcharging for repairs and parts.
2183		
870.01(2)	3rd	Riot; inciting or encouraging.
2184		
893.13(1)(a)2.	3rd	Sell, manufacture, or deliver cannabis (or other s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) drugs).
2185		
893.13(1)(d)2.	2nd	Sell, manufacture, or deliver s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) drugs within 1,000 feet of university.

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2186	893.13(1)(f)2.	2nd	Sell, manufacture, or deliver s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) drugs within 1,000 feet of public housing facility.
2187	893.13(4)(c)	3rd	Use or hire of minor; deliver to minor other controlled substances.
2188	893.13(6)(a)	3rd	Possession of any controlled substance other than felony possession of cannabis.
2189	893.13(7)(a)8.	3rd	Withhold information from practitioner regarding previous receipt of or prescription for a controlled substance.

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BILL ORIGINAL YEAR

2190	893.13(7)(a)9.	3rd	Obtain or attempt to obtain controlled substance by fraud, forgery, misrepresentation, etc.
2191	893.13(7)(a)10.	3rd	Affix false or forged label to package of controlled substance.
2192	893.13(7)(a)11.	3rd	Furnish false or fraudulent material information on any document or record required by chapter 893.
2193	893.13(8)(a)1.	3rd	Knowingly assist a patient, other person, or owner of an animal in obtaining a controlled substance through deceptive, untrue, or fraudulent representations in or related to the practitioner's practice.

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BILL	ORIGINAL	YEAR
2194	893.13(8)(a)2.	3rd Employ a trick or scheme in the practitioner's practice to assist a patient, other person, or owner of an animal in obtaining a controlled substance.
2195	893.13(8)(a)3.	3rd Knowingly write a prescription for a controlled substance for a fictitious person.
2196	893.13(8)(a)4.	3rd Write a prescription for a controlled substance for a patient, other person, or an animal if the sole purpose of writing the prescription is a monetary benefit for the practitioner.
2197	918.13(1)(a)	3rd Alter, destroy, or conceal investigation evidence.
2198		

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BILL	ORIGINAL	YEAR
944.47 (1) (a) 1. & 2.	3rd Introduce contraband to correctional facility.	2199
944.47 (1) (c)	2nd Possess contraband while upon the grounds of a correctional institution.	2200
985.721	3rd Escapes from a juvenile facility (secure detention or residential commitment facility).	2201
(h) LEVEL 8		2202
Florida Statute	Felony Degree Description	2203
316.193 (3) (c) 3.a.	2nd DUI manslaughter.	2204
316.1935 (4) (b)	1st Aggravated fleeing or attempted eluding with serious bodily injury or death.	2205
		2206

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BILL	ORIGINAL	YEAR
2207	327.35 (3) (c) 3.	2nd Vessel BUI manslaughter.
2208	<u>499.0051 (6)</u> 499.0051 (7)	1st Knowing trafficking in contraband prescription drugs.
2209	<u>499.0051 (7)</u> 499.0051 (8)	1st Knowing forgery of prescription labels or prescription drug labels.
2210	560.123 (8) (b) 2.	2nd Failure to report currency or payment instruments totaling or exceeding \$20,000, but less than \$100,000 by money transmitter.
2211	560.125 (5) (b)	2nd Money transmitter business by unauthorized person, currency or payment instruments totaling or exceeding \$20,000, but less than \$100,000.
	655.50 (10) (b) 2.	2nd Failure to report

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financial transactions
 totaling or exceeding
 \$20,000, but less than
 \$100,000 by financial
 institutions.

2212

777.03(2)(a)

1st Accessory after the
 fact, capital felony.

2213

782.04(4)

2nd Killing of human without
 design when engaged in act
 or attempt of any felony
 other than arson, sexual
 battery, robbery, burglary,
 kidnapping, aggravated
 fleeing or eluding with
 serious bodily injury or
 death, aircraft piracy, or
 unlawfully discharging bomb.

2214

782.051(2)

1st Attempted felony murder
 while perpetrating or
 attempting to perpetrate a
 felony not enumerated in s.
 782.04(3).

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BILL	ORIGINAL	YEAR
2215	782.071 (1) (b)	1st Committing vehicular homicide and failing to render aid or give information.
2216	782.072 (2)	1st Committing vessel homicide and failing to render aid or give information.
2217	787.06 (3) (a) 1.	1st Human trafficking for labor and services of a child.
2218	787.06 (3) (b)	1st Human trafficking using coercion for commercial sexual activity of an adult.
2219	787.06 (3) (c) 2.	1st Human trafficking using coercion for labor and services of an unauthorized alien adult.
2220	787.06 (3) (e) 1.	1st Human trafficking for

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2221	787.06(3)(f)2.	1st	<p>labor and services by the transfer or transport of a child from outside Florida to within the state.</p> <p>Human trafficking using coercion for commercial sexual activity by the transfer or transport of any adult from outside Florida to within the state.</p>
2222	790.161(3)	1st	<p>Discharging a destructive device which results in bodily harm or property damage.</p>
2223	794.011(5)(a)	1st	<p>Sexual battery; victim 12 years of age or older but younger than 18 years; offender 18 years or older;</p>

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2224	794.011 (5) (b)	2nd	offender does not use physical force likely to cause serious injury.
2225	794.011 (5) (c)	2nd	Sexual battery; victim and offender 18 years of age or older; offender does not use physical force likely to cause serious injury.
2226	794.011 (5) (d)	1st	Sexual battery; victim 12 years of age or older; offender younger than 18 years; offender does not use physical force likely to cause injury.
			Sexual battery; victim

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12 years of age or older; offender does not use physical force likely to cause serious injury; prior conviction for specified sex offense.

2227

794.08 (3)

2nd

Female genital mutilation, removal of a victim younger than 18 years of age from this state.

2228

800.04 (4) (b)

2nd

Lewd or lascivious battery.

2229

800.04 (4) (c)

1st

Lewd or lascivious battery; offender 18 years of age or older; prior conviction for specified sex offense.

2230

806.01 (1)

1st

Maliciously damage dwelling or structure by fire or explosive, believing person

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in structure.

2231

810.02(2)(a)

1st, PBL

Burglary with
assault or
battery.

2232

810.02(2)(b)

1st, PBL

Burglary; armed with
explosives or
dangerous weapon.

2233

810.02(2)(c)

1st

Burglary of a dwelling
or structure causing
structural damage or
\$1,000 or more property
damage.

2234

812.014(2)(a)2.

1st

Property stolen;
cargo valued at
\$50,000 or more,
grand theft in 1st
degree.

2235

812.13(2)(b)

1st

Robbery with a
weapon.

2236

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BILL	ORIGINAL	YEAR
2237	812.135(2)(c)	1st Home-invasion robbery, no firearm, deadly weapon, or other weapon.
2238	817.535(2)(b)	2nd Filing false lien or other unauthorized document; second or subsequent offense.
2239	817.535(3)(a)	2nd Filing false lien or other unauthorized document; property owner is a public officer or employee.
2240	817.535(4)(a)1.	2nd Filing false lien or other unauthorized document; defendant is incarcerated or under supervision.
	817.535(5)(a)	2nd Filing false lien or other unauthorized document; owner of the property incurs financial loss as a

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BILL ORIGINAL YEAR

2241	817.568(6)	2nd	<p>result of the false instrument.</p> <p>Fraudulent use of personal identification information of an individual under the age of 18.</p>
2242	817.611(2)(c)	1st	<p>Traffic in or possess 50 or more counterfeit credit cards or related documents.</p>
2243	825.102(2)	1st	<p>Aggravated abuse of an elderly person or disabled adult.</p>
2244	825.1025(2)	2nd	<p>Lewd or lascivious battery upon an elderly person or disabled adult.</p>
2245	825.103(3)(a)	1st	<p>Exploiting an elderly person or disabled adult and property is valued at \$50,000 or</p>

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more.

2246

837.02(2)

2nd

Perjury in official proceedings relating to prosecution of a capital felony.

2247

837.021(2)

2nd

Making contradictory statements in official proceedings relating to prosecution of a capital felony.

2248

860.121(2)(c)

1st

Shooting at or throwing any object in path of railroad vehicle resulting in great bodily harm.

2249

860.16

1st

Aircraft piracy.

2250

893.13(1)(b)

1st

Sell or deliver in excess of 10 grams of any substance specified in s. 893.03(1)(a) or (b).

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BILL	ORIGINAL	YEAR
2251	893.13(2)(b)	1st Purchase in excess of 10 grams of any substance specified in s. 893.03(1)(a) or (b).
2252	893.13(6)(c)	1st Possess in excess of 10 grams of any substance specified in s. 893.03(1)(a) or (b).
2253	893.135(1)(a)2.	1st Trafficking in cannabis, more than 2,000 lbs., less than 10,000 lbs.
2254	893.135 (1)(b)1.b.	1st Trafficking in cocaine, more than 200 grams, less than 400 grams.
2255	893.135 (1)(c)1.b.	1st Trafficking in illegal drugs, more than 14 grams, less than 28 grams.
2256	893.135	1st Trafficking in hydrocodone,

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BILL	ORIGINAL	YEAR
2257	(1) (c) 2.c.	50 grams or more, less than 200 grams.
2258	893.135 (1) (c) 3.c.	1st Trafficking in oxycodone, 25 grams or more, less than 100 grams.
2259	893.135 (1) (d) 1.b.	1st Trafficking in phencyclidine, more than 200 grams, less than 400 grams.
2260	893.135 (1) (e) 1.b.	1st Trafficking in methaqualone, more than 5 kilograms, less than 25 kilograms.
2261	893.135 (1) (f) 1.b.	1st Trafficking in amphetamine, more than 28 grams, less than 200 grams.
2262	893.135 (1) (g) 1.b.	1st Trafficking in flunitrazepam, 14 grams or more, less than 28 grams.
	893.135 (1) (h) 1.b.	1st Trafficking in gamma-hydroxybutyric acid (GHB), 5

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			kilograms or more, less than 10 kilograms.
2263	893.135 (1) (j) 1.b.	1st	Trafficking in 1,4-Butanediol, 5 kilograms or more, less than 10 kilograms.
2264	893.135 (1) (k) 2.b.	1st	Trafficking in Phenethylamines, 200 grams or more, less than 400 grams.
2265	893.1351(3)	1st	Possession of a place used to manufacture controlled substance when minor is present or resides there.
2266	895.03(1)	1st	Use or invest proceeds derived from pattern of racketeering activity.
2267	895.03(2)	1st	Acquire or maintain through racketeering activity any interest in or control of any enterprise or real property.

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2268	895.03(3)	1st	Conduct or participate in any enterprise through pattern of racketeering activity.
2269	896.101(5)(b)	2nd	Money laundering, financial transactions totaling or exceeding \$20,000, but less than \$100,000.
2270	896.104(4)(a)2.	2nd	Structuring transactions to evade reporting or registration requirements, financial transactions totaling or exceeding \$20,000 but less than \$100,000.
2271	Reviser's note.—Paragraph (3)(c) is amended to conform to the		
2272	redesignation of s. 379.2431(1)(e)6. as s. 379.2431(1)(e)7.		
2273	by s. 4, ch. 2016-107, Laws of Florida. Paragraph (3)(h) is		
2274	amended to conform to the redesignation of subunits in s.		
2275	499.0051 by s. 4, ch. 2016-212, Laws of Florida.		
2276	Section 51. Paragraph (c) of subsection (5) of section		
2277			

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2278 | 932.7055, Florida Statutes, is amended to read:
 2279 | 932.7055 Disposition of liens and forfeited property.—
 2280 | (5)
 2281 | (c) An agency or organization, other than the seizing
 2282 | agency, that wishes to receive such funds shall apply to the
 2283 | sheriff or chief of police for an appropriation and its
 2284 | application shall be accompanied by a written certification that
 2285 | the moneys will be used for an authorized purpose. Such requests
 2286 | for expenditures shall include a statement describing
 2287 | anticipated recurring costs for the agency for subsequent fiscal
 2288 | years. An agency or organization that receives money pursuant to
 2289 | this subsection shall provide an accounting for such moneys and
 2290 | shall furnish the same reports as an agency of the county or
 2291 | municipality that receives public funds. Such funds may be
 2292 | expended in accordance with the following procedures:
 2293 | 1. Such funds may be used only for school resource
 2294 | officer, crime prevention, safe neighborhood, drug abuse
 2295 | education, or drug prevention programs or such other law
 2296 | enforcement purposes as the board of county commissioners or
 2297 | governing body of the municipality deems appropriate.
 2298 | 2. Such funds shall not be a source of revenue to meet
 2299 | normal operating needs of the law enforcement agency.
 2300 | 3. Any local law enforcement agency that acquires at least
 2301 | \$15,000 pursuant to the Florida Contraband Forfeiture Act within
 2302 | a fiscal year must expend or donate no less than 25 percent of

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2303 such proceeds for the support or operation of any drug
 2304 treatment, drug abuse education, drug prevention, crime
 2305 prevention, safe neighborhood, or school resource officer
 2306 program or programs. The local law enforcement agency has the
 2307 discretion to determine which program or programs will receive
 2308 the designated proceeds.

2309
 2310 Notwithstanding the drug abuse education, drug treatment, drug
 2311 prevention, crime prevention, safe neighborhood, or school
 2312 resource officer minimum expenditures or donations, the sheriff
 2313 and the board of county commissioners or the chief of police and
 2314 the governing body of the municipality may agree to expend or
 2315 donate such funds over a period of years if the expenditure or
 2316 donation of such minimum amount in any given fiscal year would
 2317 exceed the needs of the county or municipality for such program
 2318 or programs. The minimum requirement for expenditure or donation
 2319 of forfeiture proceeds established in subparagraph 3. ~~this~~
 2320 ~~subparagraph~~ does not preclude expenditures or donations in
 2321 excess of that amount.

2322 Reviser's note.—Amended to correct an apparent error. The
 2323 reference to "this subparagraph" was added to the flush
 2324 left language at the end of paragraph (c) by s. 4, ch.
 2325 2016-79, Laws of Florida; subparagraph (c)3. specifically
 2326 contains a minimum requirement for expenditure or donation.
 2327 Section 52. Paragraph (a) of subsection (14) of section

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2328 | 1002.385, Florida Statutes, is amended to read:
2329 | 1002.385 The Gardiner Scholarship.—
2330 | (14) OBLIGATIONS OF THE AUDITOR GENERAL.—
2331 | (a) The Auditor General shall conduct an annual
2332 | operational audit of accounts and records of each organization
2333 | that participates in the program. As part of this audit, the
2334 | Auditor General shall verify, at a minimum, the total number
2335 | ~~amount~~ of students served and the eligibility of reimbursements
2336 | made by the organization and transmit that information to the
2337 | department. The Auditor General shall provide the commissioner
2338 | with a copy of each annual operational audit performed pursuant
2339 | to this subsection within 10 days after the audit is finalized.
2340 | Reviser's note.—Amended to improve clarity.
2341 | Section 53. Subsection (2) of section 1003.42, Florida
2342 | Statutes, is amended to read:
2343 | 1003.42 Required instruction.—
2344 | (2) Members of the instructional staff of the public
2345 | schools, subject to the rules of the State Board of Education
2346 | and the district school board, shall teach efficiently and
2347 | faithfully, using the books and materials required that meet the
2348 | highest standards for professionalism and historical ~~historie~~
2349 | accuracy, following the prescribed courses of study, and
2350 | employing approved methods of instruction, the following:
2351 | (a) The history and content of the Declaration of
2352 | Independence, including national sovereignty, natural law, self-

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2353 | evident truth, equality of all persons, limited government,
 2354 | popular sovereignty, and inalienable rights of life, liberty,
 2355 | and property, and how they form the philosophical foundation of
 2356 | our government.

2357 | (b) The history, meaning, significance, and effect of the
 2358 | provisions of the Constitution of the United States and
 2359 | amendments thereto, with emphasis on each of the 10 amendments
 2360 | that make up the Bill of Rights and how the constitution
 2361 | provides the structure of our government.

2362 | (c) The arguments in support of adopting our republican
 2363 | form of government, as they are embodied in the most important
 2364 | of the Federalist Papers.

2365 | (d) Flag education, including proper flag display and flag
 2366 | salute.

2367 | (e) The elements of civil government, including the
 2368 | primary functions of and interrelationships between the Federal
 2369 | Government, the state, and its counties, municipalities, school
 2370 | districts, and special districts.

2371 | (f) The history of the United States, including the period
 2372 | of discovery, early colonies, the War for Independence, the
 2373 | Civil War, the expansion of the United States to its present
 2374 | boundaries, the world wars, and the civil rights movement to the
 2375 | present. American history shall be viewed as factual, not as
 2376 | constructed, shall be viewed as knowable, teachable, and
 2377 | testable, and shall be defined as the creation of a new nation

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2378 based largely on the universal principles stated in the
 2379 Declaration of Independence.

2380 (g) The history of the Holocaust (1933-1945), the
 2381 systematic, planned annihilation of European Jews and other
 2382 groups by Nazi Germany, a watershed event in the history of
 2383 humanity, to be taught in a manner that leads to an
 2384 investigation of human behavior, an understanding of the
 2385 ramifications of prejudice, racism, and stereotyping, and an
 2386 examination of what it means to be a responsible and respectful
 2387 person, for the purposes of encouraging tolerance of diversity
 2388 in a pluralistic society and for nurturing and protecting
 2389 democratic values and institutions.

2390 (h) The history of African Americans, including the
 2391 history of African peoples before the political conflicts that
 2392 led to the development of slavery, the passage to America, the
 2393 enslavement experience, abolition, and the contributions of
 2394 African Americans to society. Instructional materials shall
 2395 include the contributions of African Americans to American
 2396 society.

2397 (i) The elementary principles of agriculture.

2398 (j) The true effects of all alcoholic and intoxicating
 2399 liquors and beverages and narcotics upon the human body and
 2400 mind.

2401 (k) Kindness to animals.

2402 (l) The history of the state.

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2403 (m) The conservation of natural resources.

2404 (n) Comprehensive health education that addresses concepts

2405 of community health; consumer health; environmental health;

2406 family life, including an awareness of the benefits of sexual

2407 abstinence as the expected standard and the consequences of

2408 teenage pregnancy; mental and emotional health; injury

2409 prevention and safety; Internet safety; nutrition; personal

2410 health; prevention and control of disease; and substance use and

2411 abuse. The health education curriculum for students in grades 7

2412 through 12 shall include a teen dating violence and abuse

2413 component that includes, but is not limited to, the definition

2414 of dating violence and abuse, the warning signs of dating

2415 violence and abusive behavior, the characteristics of healthy

2416 relationships, measures to prevent and stop dating violence and

2417 abuse, and community resources available to victims of dating

2418 violence and abuse.

2419 (o) Such additional materials, subjects, courses, or

2420 fields in such grades as are prescribed by law or by rules of

2421 the State Board of Education and the district school board in

2422 fulfilling the requirements of law.

2423 (p) The study of Hispanic contributions to the United

2424 States.

2425 (q) The study of women's contributions to the United

2426 States.

2427 (r) The nature and importance of free enterprise to the

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2428 United States economy.

2429 (s) A character-development program in the elementary

2430 schools, similar to Character First or Character Counts, which

2431 is secular in nature. Beginning in school year 2004-2005, the

2432 character-development program shall be required in kindergarten

2433 through grade 12. Each district school board shall develop or

2434 adopt a curriculum for the character-development program that

2435 shall be submitted to the department for approval. The

2436 character-development curriculum shall stress the qualities of

2437 patriotism; responsibility; citizenship; kindness; respect for

2438 authority, life, liberty, and personal property; honesty;

2439 charity; self-control; racial, ethnic, and religious tolerance;

2440 and cooperation. The character-development curriculum for grades

2441 9 through 12 shall, at a minimum, include instruction on

2442 developing leadership skills, interpersonal skills, organization

2443 skills, and research skills; creating a resume; developing and

2444 practicing the skills necessary for employment interviews;

2445 conflict resolution, workplace ethics, and workplace law;

2446 managing stress and expectations; and developing skills that

2447 enable students to become more resilient and self-motivated.

2448 (t) In order to encourage patriotism, the sacrifices that

2449 veterans have made in serving our country and protecting

2450 democratic values worldwide. Such instruction must occur on or

2451 before Veterans' Day and Memorial Day. Members of the

2452 instructional staff are encouraged to use the assistance of

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2453 | local veterans when practicable.
 2454 |
 2455 | The State Board of Education is encouraged to adopt standards
 2456 | and pursue assessment of the requirements of this subsection.
 2457 | Reviser's note.—Amended to improve clarity.
 2458 | Section 54. Paragraph (a) of subsection (2) of section
 2459 | 1006.195, Florida Statutes, is amended to read:
 2460 | 1006.195 District school board, charter school authority
 2461 | and responsibility to establish student eligibility regarding
 2462 | participation in interscholastic and intrascholastic
 2463 | extracurricular activities.—Notwithstanding any provision to the
 2464 | contrary in ss. 1006.15, 1006.18, and 1006.20, regarding student
 2465 | eligibility to participate in interscholastic and
 2466 | intrascholastic extracurricular activities:
 2467 | (2)(a) The Florida High School Athletic Association
 2468 | (FHSAA) continues to retain jurisdiction over the following
 2469 | provisions in s. 1006.20, which may not be implemented in a
 2470 | manner contrary to this section: membership in the FHSAA;
 2471 | recruiting prohibitions and violations; student medical
 2472 | evaluations; investigations; ~~and~~ sanctions for coaches; school
 2473 | eligibility and forfeiture of contests; student concussions or
 2474 | head injuries; the sports medical advisory committee; and the
 2475 | general operational provisions of the FHSAA.
 2476 | Reviser's note.—Amended to improve clarity.
 2477 | Section 55. Paragraph (d) of subsection (7) of section

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2478 | 1012.796, Florida Statutes, is amended to read:
 2479 | 1012.796 Complaints against teachers and administrators;
 2480 | procedure; penalties.—
 2481 | (7) A panel of the commission shall enter a final order
 2482 | either dismissing the complaint or imposing one or more of the
 2483 | following penalties:
 2484 | (d) Placement of the teacher, administrator, or supervisor
 2485 | on probation for a period of time and subject to such conditions
 2486 | as the commission may specify, including requiring the certified
 2487 | teacher, administrator, or supervisor to complete additional
 2488 | appropriate college courses or work with another certified
 2489 | educator, with the administrative costs of monitoring the
 2490 | probation assessed to the educator placed on probation. An
 2491 | educator who has been placed on probation shall, at a minimum:
 2492 | 1. Immediately notify the investigative office in the
 2493 | Department of Education upon employment or termination of
 2494 | employment in the state in any public or private position
 2495 | requiring a Florida educator's certificate.
 2496 | 2. Have his or her immediate supervisor submit annual
 2497 | performance reports to the investigative office in the
 2498 | Department of Education.
 2499 | 3. Pay to the commission within the first 6 months of each
 2500 | probation year the administrative costs of monitoring probation
 2501 | assessed to the educator.
 2502 | 4. Violate no law and ~~shall~~ fully comply with all district

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2503 school board policies, school rules, and State Board of
 2504 Education rules.

2505 5. Satisfactorily perform his or her assigned duties in a
 2506 competent, professional manner.

2507 6. Bear all costs of complying with the terms of a final
 2508 order entered by the commission.

2509

2510 The penalties imposed under this subsection are in addition to,
 2511 and not in lieu of, the penalties required for a third
 2512 recruiting offense pursuant to s. 1006.20(2)(b).

2513 Reviser's note.—Amended to improve clarity.

2514 Section 56. Subsection (4) of section 1013.40, Florida
 2515 Statutes, is amended to read:

2516 1013.40 Planning and construction of Florida College
 2517 System institution facilities; property acquisition.—

2518 (4) The campus of a Florida College System institution
 2519 within a municipality designated as an area of critical state
 2520 concern, as defined in s. 380.05, and having a comprehensive
 2521 plan and land development regulations containing a building
 2522 permit allocation system that limits annual growth, may
 2523 construct dormitories for up to 300 beds for Florida College
 2524 System institution students. Such dormitories are exempt from
 2525 the building permit allocation system and may be constructed up
 2526 to 45 feet in height if the dormitories are otherwise consistent
 2527 with the comprehensive plan, the Florida College System

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2528 institution has a hurricane evacuation plan that requires all
 2529 dormitory occupants to be evacuated 48 hours in advance of
 2530 tropical force winds, and transportation is provided for
 2531 dormitory occupants during an evacuation. State funds and
 2532 tuition and fee revenues may not be used for construction, debt
 2533 service payments, maintenance, or operation of such dormitories.
 2534 Additional dormitory beds constructed after July 1, 2016, may
 2535 not be financed through the issuance of bonds ~~a bond~~.
 2536 Reviser's note.—Amended to improve clarity.
 2537 Section 57. Except as otherwise provided by this act, this
 2538 act shall take effect on the 60th day after adjournment sine die
 2539 of the session of the Legislature in which enacted.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: PCB RPC 17-03 Florida Statutes / Non-current Repeals or Expiration
SPONSOR(S): Rules & Policy Committee
TIED BILLS: **IDEN./SIM. BILLS:** SB 504

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

SUMMARY ANALYSIS

Florida Statute section 11.242 requires the Division of Law Revision and Information of the Office of Legislative Services to conduct a systematic and continuing study of the state's statutes and laws. The purpose of this study is to recommend to the Legislature changes that would:

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

Such changes include:

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

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

The bill is a general reviser's bill that deletes statutory provisions that have been repealed by a non-current (past-year) session of the Legislature where that repeal or expiration date has now occurred, rendering the provision of no effect. Such provisions may be omitted from publication in the 2017 Florida Statutes only through a reviser's bill duly enacted by the Legislature

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

The bill has no fiscal impact.

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

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

The effect of the general reviser's bill is of a technical, non-substantive nature. This reviser's bill repeals provisions that have become inoperative by noncurrent repeal or expiration and, pursuant to ss. 11.242(5)(b) and (i), F.S., may be omitted from publication in the 2017 Florida Statutes only through a reviser's bill duly enacted by the Legislature.

B. SECTION DIRECTORY:

Sections 1, 2, 3, 4, 5, 6, 8, 9 and 10 delete provisions that have expired, have become obsolete, have had their effect, have served their purpose, or have been impliedly repealed or superseded.

Section 7 amends statutes to conform to the repeal of s. 3 ch. 2015-25, Laws of Florida.

Sections 11, 12, and 13 amend statutes to conform to the repeal by this act of s. 212.08 (7) (hhh), F.S.

Section 14 amends a statute to conform to the repeal by this act of s. 322.1415, F.S.

Sections 15 and 16 amend statutes to conform to the repeal by this act of s. 409.912 (1), (3), and (7), F.S.

Sections 17 and 18 amend statutes to conform to the repeal of this act of s. 409.912 (1), F.S.

Section 19 amends s statute to conform to the repeal of this act of s. 409.912 (1) and (3), F.S.

Section 20 provides an effective date.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

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

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1 A bill to be entitled
 2 An act relating to the Florida Statutes; repealing ss.
 3 212.08(7)(hhh), 216.292(8), 322.1415, 388.261(4)(b),
 4 400.9986, 403.1832(2), 409.912(1), (3), and (7), and
 5 720.303(13), F.S., amending ss. 20.435 and 320.08058,
 6 F.S., to delete provisions which have become
 7 inoperative by noncurrent repeal or expiration and,
 8 pursuant to s. 11.242(5)(b) and (i), F.S., may be
 9 omitted from the 2017 Florida Statutes only through a
 10 reviser's bill duly enacted by the Legislature;
 11 amending ss. 213.053, 220.192, 322.21, 377.703,
 12 409.91195, 409.91196, 409.962, 641.19, and 641.386,
 13 F.S., to conform cross-references; providing an
 14 effective date.

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

17
 18 Section 1. Paragraph (a) of subsection (4) of section
 19 20.435, Florida Statutes, is amended to read:

20 20.435 Department of Health; trust funds.—The following
 21 trust funds shall be administered by the Department of Health:

22 (4) Medical Quality Assurance Trust Fund.

23 (a) ~~1.~~ Funds to be credited to the trust fund shall consist
 24 of fees and fines related to the licensing of health care
 25 professionals. Funds shall be used for the purpose of providing

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26 administrative support for the regulation of health care
 27 professionals and for other such purposes as may be appropriate
 28 and shall be expended only pursuant to legislative appropriation
 29 or an approved amendment to the department's operating budget
 30 pursuant to the provisions of chapter 216.

31 ~~2. For the 2015-2016 fiscal year, the uses authorized~~
 32 ~~under subparagraph 1. include the provision of health care~~
 33 ~~services to department clients. This subparagraph expires July~~
 34 ~~1, 2016.~~

35 Reviser's note.—Amended to delete subparagraph 2. to conform to
 36 the expiration of that subparagraph pursuant to its own
 37 terms, effective July 1, 2016.

38 Section 2. Paragraph (hhh) of subsection (7) of section
 39 212.08, Florida Statutes, is repealed.

40 Reviser's note.—The cited paragraph, which relates to a sales
 41 tax exemption for equipment, machinery, and other materials
 42 for renewable energy technologies, expired pursuant to its
 43 own terms, effective July 1, 2016.

44 Section 3. Subsection (8) of section 216.292, Florida
 45 Statutes, is repealed.

46 Reviser's note.—The cited subsection, which authorizes transfer,
 47 for the 2015-2016 fiscal year only, of up to \$2.5 million
 48 of recurring funds from the Working Capital Trust Fund
 49 within the Agency for State Technology between
 50 appropriations categories for operations to realign funds

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51 | to begin migration of cloud-ready applications at the State
 52 | Data Center to a cloud solution that complies with all
 53 | applicable federal and state security and privacy
 54 | requirements, expired pursuant to its own terms, effective
 55 | July 1, 2016.

56 | Section 4. Paragraph (b) of subsection (69) of section
 57 | 320.08058, Florida Statutes, is amended to read:

58 | 320.08058 Specialty license plates.—

59 | (69) ST. JOHNS RIVER LICENSE PLATES.—

60 | (b) The requirements of s. 320.08053 must be met prior to
 61 | the issuance of the plate. Thereafter, the license plate annual
 62 | use fees shall be distributed to the St. Johns River Alliance,
 63 | Inc., a s. 501(c)(3) nonprofit organization, which shall
 64 | administer the fees as follows:

65 | 1. The St. Johns River Alliance, Inc., shall retain the
 66 | first \$60,000 of the annual use fees as direct reimbursement for
 67 | administrative costs, startup costs, and costs incurred in the
 68 | development and approval process. Thereafter, up to 10 percent
 69 | of the annual use fee revenue may be used for administrative
 70 | costs directly associated with education programs, conservation,
 71 | research, and grant administration of the organization, and up
 72 | to 10 percent may be used for promotion and marketing of the
 73 | specialty license plate.

74 | 2. At least 30 percent of the fees shall be available for
 75 | competitive grants for targeted community-based or county-based

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76 research or projects for which state funding is limited or not
 77 currently available. The remaining 50 percent shall be directed
 78 toward community outreach and access programs. The competitive
 79 grants shall be administered and approved by the board of
 80 directors of the St. Johns River Alliance, Inc. A grant advisory
 81 committee shall be composed of six members chosen by the St.
 82 Johns River Alliance board members.

83 3. Any remaining funds shall be distributed with the
 84 approval of and accountability to the board of directors of the
 85 St. Johns River Alliance, Inc., and shall be used to support
 86 activities contributing to education, outreach, and springs
 87 conservation.

88 ~~4. Effective July 1, 2014, the St. Johns River license~~
 89 ~~plate will shift into the presale voucher phase, as provided in~~
 90 ~~s. 320.08053(2)(b). The St. Johns River Alliance, Inc., shall~~
 91 ~~have 24 months to record a minimum of 1,000 sales of the license~~
 92 ~~plates. Sales include existing active plates and vouchers sold~~
 93 ~~subsequent to July 1, 2014. During the voucher period, new~~
 94 ~~plates may not be issued, but existing plates may be renewed.~~
 95 ~~If, at the conclusion of the 24-month presale period, the~~
 96 ~~requirement of a minimum of 1,000 sales has been met, the~~
 97 ~~department shall resume normal distribution of the St. Johns~~
 98 ~~River specialty plate. If, after 24 months, the minimum of 1,000~~
 99 ~~sales has not been met, the department shall discontinue the~~
 100 ~~development and issuance of the plate. This subparagraph is~~

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101 ~~repealed June 30, 2016.~~

102 Reviser's note.—Amended to delete subparagraph (69)(b)4. to
 103 conform to the repeal of that subparagraph pursuant to its
 104 own terms, effective June 30, 2016.

105 Section 5. Section 322.1415, Florida Statutes, is
 106 repealed.

107 Reviser's note.—The cited section, which relates to a specialty
 108 driver license and identification card program, was
 109 repealed pursuant to its own terms, effective August 31,
 110 2016.

111 Section 6. Paragraph (b) of subsection (4) of section
 112 388.261, Florida Statutes, is repealed.

113 Reviser's note.—The cited paragraph, which authorizes up to 40
 114 percent of the annual funds appropriated to local
 115 governments for arthropod control to be used for arthropod
 116 control research or demonstration projects for the 2015-
 117 2016 fiscal year only, expired pursuant to its own terms,
 118 effective July 1, 2016.

119 Section 7. Section 400.9986, Florida Statutes, is
 120 repealed.

121 Reviser's note.—The cited section, which relates to transitional
 122 living facilities, was repealed by s. 3, ch. 2015-25, Laws
 123 of Florida, effective July 1, 2016. Since the section was
 124 not repealed by a "current session" of the Legislature, it
 125 may be omitted from the 2017 Florida Statutes only through

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126 a reviser's bill duly enacted by the Legislature. See s.
 127 11.242(5)(b) and (i).

128 Section 8. Subsection (2) of section 403.1832, Florida
 129 Statutes, is repealed.

130 Reviser's note.--The cited subsection, which relates to transfer
 131 of all outstanding appropriations supported by federal
 132 grants to the Federal Grants Trust Fund, expired pursuant
 133 to its own terms, effective July 1, 2016.

134 Section 9. Subsections (1), (3), and (7) of section
 135 409.912, Florida Statutes, are repealed.

136 Reviser's note.--The cited subsections, which relate to
 137 interagency agreements, agency application for waivers of
 138 federal law and regulations to implement more appropriate
 139 systems of health care for Medicaid recipients, and
 140 establishment of a health care quality improvement system,
 141 respectively, expired pursuant to their own terms,
 142 effective October 1, 2016.

143 Section 10. Subsection (13) of section 720.303, Florida
 144 Statutes, is repealed.

145 Reviser's note.--The cited subsection, which relates to
 146 association reporting requirements, expired pursuant to its
 147 own terms, effective July 1, 2016.

148 Section 11. Paragraph (v) of subsection (8) of section
 149 213.053, Florida Statutes, is amended to read: .

150 213.053 Confidentiality and information sharing.--

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151 (8) Notwithstanding any other provision of this section,
 152 the department may provide:

153 (v) Information relative to ss. ~~212.08(7)(hhh)~~, 220.192,
 154 and 220.193 to the Department of Agriculture and Consumer
 155 Services for use in the conduct of its official business.

156
 157 Disclosure of information under this subsection shall be
 158 pursuant to a written agreement between the executive director
 159 and the agency. Such agencies, governmental or nongovernmental,
 160 shall be bound by the same requirements of confidentiality as
 161 the Department of Revenue. Breach of confidentiality is a
 162 misdemeanor of the first degree, punishable as provided by s.
 163 775.082 or s. 775.083.

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

165 212.08(7)(hhh) by this act to ratify the expiration of that
 166 paragraph pursuant to its own terms, effective July 1,
 167 2016.

168 Section 12. Paragraphs (a) and (d) of subsection (1) of
 169 section 220.192, Florida Statutes, are amended to read:

170 220.192 Renewable energy technologies investment tax
 171 credit.—

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

173 (a) "Biodiesel" means biodiesel as defined in former s.

174 212.08(7)(hhh), Florida Statutes 2016.

175 (d) "Ethanol" means ethanol as defined in former s.

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176 212.08(7) (hhh), Florida Statutes 2016.

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

178 212.08(7) (hhh) by this act to ratify the expiration of that
179 paragraph pursuant to its own terms, effective July 1,
180 2016.

181 Section 13. Paragraph (n) of subsection (2) of section
182 377.703, Florida Statutes, is amended to read:

183 377.703 Additional functions of the Department of
184 Agriculture and Consumer Services.—

185 (2) DUTIES.—The department shall perform the following
186 functions, unless as otherwise provided, consistent with the
187 development of a state energy policy:

188 (n) On an annual basis, the department shall prepare an
189 assessment of the utilization of ~~the tax exemption authorized in~~
190 ~~s. 212.08(7) (hhh),~~ the renewable energy technologies investment
191 tax credit authorized in s. 220.192, and the renewable energy
192 production credit authorized in s. 220.193, which the department
193 shall submit to the President of the Senate, the Speaker of the
194 House of Representatives, and the Executive Office of the
195 Governor by February 1 of each year. The assessment shall
196 include, at a minimum, the following information:

197 1. ~~For the tax exemption authorized in s. 212.08(7) (hhh):~~

198 a. ~~The name of each taxpayer receiving an exemption under~~
199 ~~this section;~~

200 b. ~~The amount of the exemption received by each taxpayer;~~

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201 and

202 ~~e. The type and description of each eligible item for~~
 203 ~~which each taxpayer is applying.~~

204 2. For the renewable energy technologies investment tax
 205 credit authorized in s. 220.192:

206 a. The name of each taxpayer receiving an allocation under
 207 this section;

208 b. The amount of the credits allocated for that fiscal
 209 year for each taxpayer; and

210 c. The type of technology and a description of each
 211 investment for which each taxpayer receives an allocation.

212 2.3. For the renewable energy production credit authorized
 213 in s. 220.193:

214 a. The name of each taxpayer receiving an allocation under
 215 this section;

216 b. The amount of credits allocated for that fiscal year
 217 for each taxpayer;

218 c. The type and amount of renewable energy produced and
 219 sold, whether the facility producing that energy is a new or
 220 expanded facility, and the approximate date on which production
 221 began; and

222 d. The aggregate amount of credits allocated for all
 223 taxpayers claiming credits under this section for the fiscal
 224 year.

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

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226 212.08(7) (hhh) by this act to ratify the expiration of that
 227 paragraph pursuant to its own terms, effective July 1,
 228 2016.

229 Section 14. Paragraph (i) of subsection (1) of section
 230 322.21, Florida Statutes, is amended to read:

231 322.21 License fees; procedure for handling and collecting
 232 fees.—

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

234 ~~(i) The specialty driver license or identification card~~
 235 ~~issued pursuant to s. 322.1415 is \$25, which is in addition to~~
 236 ~~other fees required in this section. The fee shall be~~
 237 ~~distributed as follows:~~

238 ~~1. Fifty percent shall be distributed as provided in s.~~
 239 ~~320.08058 to the appropriate state or independent university,~~
 240 ~~professional sports team, or branch of the United States Armed~~
 241 ~~Forces.~~

242 ~~2. Fifty percent shall be distributed to the department~~
 243 ~~for costs directly related to the specialty driver license and~~
 244 ~~identification card program and to defray the costs associated~~
 245 ~~with production enhancements and distribution.~~

246 Reviser's note.—Amended to conform to the repeal of s. 322.1415
 247 by this act to ratify the repeal of that section by its own
 248 terms, effective August 31, 2016.

249 Section 15. Subsection (4) of section 409.91195, Florida
 250 Statutes, is amended to read:

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251 | 409.91195 Medicaid Pharmaceutical and Therapeutics
 252 | Committee.—There is created a Medicaid Pharmaceutical and
 253 | Therapeutics Committee within the agency for the purpose of
 254 | developing a Medicaid preferred drug list.

255 | (4) Upon recommendation of the committee, the agency shall
 256 | adopt a preferred drug list as described in s. 409.912(5)
 257 | ~~409.912(8)~~. To the extent feasible, the committee shall review
 258 | all drug classes included on the preferred drug list every 12
 259 | months, and may recommend additions to and deletions from the
 260 | preferred drug list, such that the preferred drug list provides
 261 | for medically appropriate drug therapies for Medicaid patients
 262 | which achieve cost savings contained in the General
 263 | Appropriations Act.

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

265 | 409.912(1), (3), and (7) by this act to ratify the
 266 | expiration of subsections (1), (3), and (7) pursuant to
 267 | their own terms, effective October 1, 2016.

268 | Section 16. Subsection (1) of section 409.91196, Florida
 269 | Statutes, is amended to read:

270 | 409.91196 Supplemental rebate agreements; public records
 271 | and public meetings exemption.—

272 | (1) The rebate amount, percent of rebate, manufacturer's
 273 | pricing, and supplemental rebate, and other trade secrets as
 274 | defined in s. 688.002 that the agency has identified for use in
 275 | negotiations, held by the Agency for Health Care Administration

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276 | under s. 409.912(5)(a)7. ~~409.912(8)(a)7.~~ are confidential and
 277 | exempt from s. 119.07(1) and s. 24(a), Art. I of the State
 278 | Constitution.

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

280 | 409.912(1), (3), and (7) by this act to ratify the
 281 | expiration of subsections (1), (3), and (7) pursuant to
 282 | their own terms, effective October 1, 2016.

283 | Section 17. Subsections (1), (7), (13), and (14) of
 284 | section 409.962, Florida Statutes, are amended to read:

285 | 409.962 Definitions.—As used in this part, except as
 286 | otherwise specifically provided, the term:

287 | (1) "Accountable care organization" means an entity
 288 | qualified as an accountable care organization in accordance with
 289 | federal regulations, and which meets the requirements of a
 290 | provider service network as described in s. 409.912(1)
 291 | ~~409.912(2)~~.

292 | (7) "Eligible plan" means a health insurer authorized
 293 | under chapter 624, an exclusive provider organization authorized
 294 | under chapter 627, a health maintenance organization authorized
 295 | under chapter 641, or a provider service network authorized
 296 | under s. 409.912(1) ~~409.912(2)~~ or an accountable care
 297 | organization authorized under federal law. For purposes of the
 298 | managed medical assistance program, the term also includes the
 299 | Children's Medical Services Network authorized under chapter 391
 300 | and entities qualified under 42 C.F.R. part 422 as Medicare

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301 Advantage Preferred Provider Organizations, Medicare Advantage
 302 Provider-sponsored Organizations, Medicare Advantage Health
 303 Maintenance Organizations, Medicare Advantage Coordinated Care
 304 Plans, and Medicare Advantage Special Needs Plans, and the
 305 Program of All-inclusive Care for the Elderly.

306 (13) "Prepaid plan" means a managed care plan that is
 307 licensed or certified as a risk-bearing entity, or qualified
 308 pursuant to s. 409.912(1) ~~409.912(2)~~, in the state and is paid a
 309 prospective per-member, per-month payment by the agency.

310 (14) "Provider service network" means an entity qualified
 311 pursuant to s. 409.912(1) ~~409.912(2)~~ of which a controlling
 312 interest is owned by a health care provider, or group of
 313 affiliated providers, or a public agency or entity that delivers
 314 health services. Health care providers include Florida-licensed
 315 health care professionals or licensed health care facilities,
 316 federally qualified health care centers, and home health care
 317 agencies.

318 Reviser's note.—Amended to conform to the repeal of s.
 319 409.912(1) by this act to ratify the expiration of
 320 subsection (1) pursuant to its own terms, effective October
 321 1, 2016.

322 Section 18. Subsection (22) of section 641.19, Florida
 323 Statutes, is amended to read:

324 641.19 Definitions.—As used in this part, the term:

325 (22) "Provider service network" means a network authorized

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326 | under s. 409.912(1) ~~409.912(2)~~, reimbursed on a prepaid basis,
 327 | operated by a health care provider or group of affiliated health
 328 | care providers, and which directly provides health care services
 329 | under a Medicare, Medicaid, or Healthy Kids contract.

330 | Reviser's note.—Amended to conform to the repeal of s.
 331 | 409.912(1) by this act to ratify the expiration of
 332 | subsection (1) pursuant to its own terms, effective October
 333 | 1, 2016.

334 | Section 19. Subsection (4) of section 641.386, Florida
 335 | Statutes, is amended to read:

336 | 641.386 Agent licensing and appointment required;
 337 | exceptions.—

338 | (4) All agents and health maintenance organizations shall
 339 | comply with and be subject to the applicable provisions of ss.
 340 | 641.309 and 409.912(3) ~~409.912(5)~~, and all companies and
 341 | entities appointing agents shall comply with s. 626.451, when
 342 | marketing for any health maintenance organization licensed
 343 | pursuant to this part, including those organizations under
 344 | contract with the Agency for Health Care Administration to
 345 | provide health care services to Medicaid recipients or any
 346 | private entity providing health care services to Medicaid
 347 | recipients pursuant to a prepaid health plan contract with the
 348 | Agency for Health Care Administration.

349 | Reviser's note.—Amended to conform to the repeal of s.
 350 | 409.912(1) and (3) by this act to ratify the expiration of

F L O R I D A H O U S E O F R E P R E S E N T A T I V E S

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351 subsections (1) and (3) pursuant to their own terms,
352 effective October 1, 2016.

353 Section 20. This act shall take effect on the 60th day
354 after adjournment sine die of the session of the Legislature in
355 which enacted.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: PCB RPC 17-04 Florida Statutes / Rulemaking Repeals
SPONSOR(S): Rules & Policy Committee
TIED BILLS: **IDEN./SIM. BILLS:** SB 506

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
Orig. Comm.: Rules & Policy Committee		Nincehelser	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 bill sections.

The effective date of the bill is the 60th day after adjournment sine die.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

1. Statutory Delegation of Authority to Make Rules

A rule is an agency statement of general applicability which interprets, implements, or prescribes law or policy, including the procedure and practice requirements of an agency, as well as certain types of forms.¹ Rulemaking authority is delegated by the Legislature² by law authorizing an agency to “adopt, develop, establish, or otherwise create”³ a rule. Agencies do not have discretion whether to engage in rulemaking.⁴ To adopt a rule an agency must have an express grant of authority to implement a specific law by rulemaking.⁵ The grant of rulemaking authority itself need not be detailed.⁶ The particular statute being interpreted or implemented through rulemaking must provide specific standards and guidelines to preclude the administrative agency from exercising unbridled discretion in creating policy or applying the law.⁷ A delegation of authority to an administrative agency by a law that is vague, uncertain, or so broad as to give no notice of what actions would violate the law, could be ruled unconstitutional because it allows the agency to state what the law is.⁸ The Legislature must provide minimal standards and guidelines in the law creating a program to provide for its proper administration by the assigned executive agency. The Legislature may delegate rule-making authority to agencies but not the authority to determine what the law should be.⁹

Legislation creating new programs or modifying existing ones may include an additional grant of authority for the responsible agency to create rules for administering the statute. Such language can be redundant of a broader grant of authority for the agency to adopt rules implementing the full statutory chapter or part and often is never used to support subsequent rulemaking because the existing authority is legally sufficient.

Other grants of rulemaking authority are superfluous because the substantive legislation provides sufficient guidance and detail for the agency to implement the program requirements without any additional rulemaking. Such grants of rulemaking authority remain in statutes unused because they serve no practical purpose.

2. Annual Review of Rulemaking Authority

In 2012 the Legislature directed the Office of Legislative Services (OLS), through the process of duly proposed reviser’s bills, to omit duplicative, redundant, or unused grants of rulemaking authority from inclusion in the statutes. Rulemaking authority is deemed unused if the provision has been in effect for more than 5 years without being relied upon to adopt rules.¹⁰

This bill implements that oversight of rulemaking authority. In preparing the bill OLS, together with the respective staffs of the Joint Administrative Procedures Committee (JAPC) and the former House Rulemaking Oversight & Repeal Subcommittee developed a list of statutory grants of rulemaking authority that initially appeared to meet the requirements for omission. This summary then was submitted for review and comment by the staff of other substantive House committees, which in turn consulted with the various administrative agencies affected by the proposed revisions. Adhering to the

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

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

³ Section 120.52(17), F.S.

⁴ Section 120.54(1)(a), F.S.

⁵ Section 120.52(8) & s. 120.536(1), F.S.

⁶ *Save the Manatee Club, Inc.*, supra at 599.

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

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

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

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

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. 73.073 F.S., to remove unused rulemaking authority from The Division of Florida Condominiums, Timeshares, and Mobile Homes of the Department of Business and Professional Regulation regulating the notice required when eminent domain procedures are initiated.

Section 2 amends s. 110.2037 F.S., to remove unused rulemaking authority from the Department of Management Services to determine eligibility of participants for a tax-sheltered annual and sick leave program.

Section 3 repeals s. 217.14 F.S., to remove unused rulemaking authority from the Department of Management Services dealing with the handling of surplus property.

Section 4 amends s. 250.116 F.S., to remove unused and conflicting rulemaking authority from the Department of Military Affairs to administer the Soldiers and Airmen Assistance Program that is inconsistent to authority granted the Governor under s. 205.03 F.S.

Section 5 amends s. 250.40 F.S., to remove unused and conflicting rulemaking authority from the Armory Board that is inconsistent to authority granted the Governor under s. 205.03 F.S.

Section 6 amends s. 257.12 F.S., to remove unused rulemaking authority from the Division of Library and Information Services for the disbursement of grant funds for Internet safety programs.

Section 7 amends s. 258.015 F.S., to remove unused rulemaking authority from the Department of Environmental Protection dealing with the matching of private donation funds from the Land Acquisition Trust Fund.

Section 8 amends s. 258.15 F.S., to remove unused rulemaking authority from the Department of Environmental Protection regulating the operation and preservation of St. Michael's Cemetery.

Section 9 amends s. 261.06 F.S., to remove rule authorizing language respecting the Florida Forest Service that is redundant to authority of the Department of Agriculture and Consumer Services under s. 589.011 F.S.

Section 10 amends s. 265.703 F.S., to remove inconsequential and redundant rulemaking language.

Section 11 amends s. 267.075 F.S., to remove unused rulemaking authority from the Division of Historical Resources governing the maintenance and use of "The Grove" historical home.

Section 12 amends s. 267.173 F.S., to remove unused and unnecessary rulemaking authority from the University of West Florida administering the historic preservation of sites in West Florida.

Section 13 amends s. 267.1735 F.S., to remove unused and unnecessary rulemaking authority from the University of Florida administering the historic preservation of sites in St. Augustine.

Section 14 amends s. 288.1082 F.S., to remove unused rulemaking authority from the Department of Economic Opportunity regulating the Economic Gardening Technical Assistance Pilot Program.

Section 15 amends s. 288.774 F.S., to remove unused rulemaking authority language from the Board of Directors of the Florida Export Finance Corporation for the terms and limits for issued loans and guarantees and for the monitoring of program participants that is redundant with similar language in the same section.

Section 16 amends s. 288.776 F.S., to remove unnecessary and redundant rulemaking language dealing with the Board of Directors of the Florida Export Finance Corporation's authority to manage criteria for exporters and export transactions.

Section 17 amends s. 311.07 F.S., to remove rule authorizing language that is redundant to authority of the Department of Transportation under s. 334.044(s) F.S.

Section 18 amends s. 375.065 F.S., to remove unused rulemaking authority from the Department of Environmental Protection regulating financial assistance to local governments for the acquisition of public beach properties.

Section 19 amends s. 379.2402 F.S., to remove unused rulemaking authority from the Department of Environmental Protection regulating the establishment of a Marine Information System.

Section 20 provides for an effective date.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None

2. Expenditures:

None

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

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

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

The bill does not appear to require counties or municipalities to take any action requiring the expenditure of funds, reduce the authority that counties or municipalities have to raise revenue in the aggregate, nor reduce the percentage of state tax shared with counties or municipalities.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

This reviser's bill removes unnecessary grants of rulemaking authority from the statutes but does not substantively affect the necessary rulemaking authority of any agency.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

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1 A bill to be entitled
 2 An act relating to the Florida Statutes; amending ss.
 3 73.073, 110.2037, 250.116, 250.40, 257.12, 258.015,
 4 258.15, 261.06, 265.703, 267.075, 267.173, 267.1735,
 5 288.1082, 288.774, 288.776, 311.07, 375.065, and
 6 379.2402, F.S., and repealing s. 217.14, F.S., to
 7 conform to the directive of the Legislature in section
 8 9 of chapter 2012-116, Laws of Florida, codified as
 9 section 11.242(5)(j), Florida Statutes, to prepare a
 10 reviser's bill to omit all statutes and laws, or parts
 11 thereof, which grant duplicative, redundant, or unused
 12 rulemaking authority; providing an effective date.

13
 14 Be It Enacted by the Legislature of the State of Florida:

15
 16 Section 1. Subsection (2) of section 73.073, Florida
 17 Statutes, is amended to read:

18 73.073 Eminent domain procedure with respect to
 19 condominium common elements.-

20 (2) With respect to the exercise of eminent domain or a
 21 negotiated sale for the purchase or taking of a portion of the
 22 common elements of a condominium, the condemning authority shall
 23 have the responsibility of contacting the condominium
 24 association and acquiring the most recent rolls indicating the
 25 names of the unit owners or contacting the appropriate taxing

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26 authority to obtain the names of the owners of record on the tax
 27 rolls. Notification shall be sent by certified mail, return
 28 receipt requested, to the unit owners of record of the
 29 condominium units by the condemning authority indicating the
 30 intent to purchase or take the required property and requesting
 31 a response from the unit owner. The condemning authority shall
 32 be responsible for the expense of sending notification pursuant
 33 to this section. Such notice shall, at a minimum, include:

- 34 (a) The name and address of the condemning authority.
- 35 (b) A written or visual description of the property.
- 36 (c) The public purpose for which the property is needed.
- 37 (d) The appraisal value of the property.
- 38 (e) A clear, concise statement relating to the unit
 39 owner's right to object to the taking or appraisal value and the
 40 procedures and effects of exercising that right.
- 41 (f) A clear, concise statement relating to the power of
 42 the association to convey the property on behalf of the unit
 43 owners if no objection to the taking or appraisal value is
 44 raised, and the effects of this alternative on the unit owner.

45
 46 ~~The Division of Florida Condominiums, Timeshares, and Mobile~~
 47 ~~Homes of the Department of Business and Professional Regulation~~
 48 ~~may adopt, by rule, a standard form for such notice and may~~
 49 ~~require the notice to include any additional relevant~~
 50 ~~information.~~

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51 Section 2. Subsection (5) of section 110.2037, Florida
52 Statutes, is amended to read:

53 110.2037 Alternative benefits; tax-sheltered annual leave
54 and sick leave payments and special compensation payments.—

55 ~~(5) The department shall determine by rule the design of~~
56 ~~the plans and the eligibility of participants.~~

57 Section 3. Section 217.14, Florida Statutes, is repealed.

58 Section 4. Subsection (7) of section 250.116, Florida
59 Statutes, is amended to read:

60 250.116 Soldiers and Airmen Assistance Program.—

61 ~~(7) RULES. The Department of Military Affairs may adopt~~
62 ~~rules to administer this section.~~

63 Section 5. Paragraphs (c) and (f) of subsection (5) of
64 section 250.40, Florida Statutes, are amended to read:

65 250.40 Armory Board; creation; membership, terms, and
66 compensation; duties and responsibilities.—

67 (5) The Armory Board must:

68 (c) Receive from counties, municipalities, and other
69 sources donations of land, services, or money to aid in
70 providing, operating, improving, and maintaining armories and
71 other facilities used for military purposes. The national
72 military policy recognizes the Florida National Guard as an
73 important component of the United States Army and Air Force, and
74 a member of the total force, sharing in the defense of the
75 country. The Florida National Guard is available to assist the

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76 | state and local governments in the event of an emergency.
 77 | Therefore, it is reasonable and equitable that the expense of
 78 | maintaining the Florida National Guard be shared by the federal,
 79 | state, and local governments. As the Federal Government is
 80 | providing liberally for the equipment and training of the
 81 | Florida National Guard and the state for its administration,
 82 | management, and maintenance, local governments are encouraged to
 83 | provide services at no cost to Florida National Guard armories.

84 | 1. Any contributions of money, any moneys derived from the
 85 | rental of armories and other facilities, the armory-operations
 86 | allowances provided in s. 250.20, and all money collected
 87 | through fines imposed by a court-martial or nonjudicial
 88 | proceeding of the Florida National Guard, as provided in s.
 89 | 250.36(5), shall be received on behalf of the Armory Board by
 90 | the post commander of such facility and must be deposited into a
 91 | federal depository, approved by the Department of Military
 92 | Affairs, in an account in a banking institution in the county in
 93 | which such facility is located.

94 | 2. The funds received shall be disbursed for the purposes
 95 | enumerated in this subsection at the discretion of the post
 96 | commander ~~according to rules established by the Armory Board.~~

97 | 3. Any real property donated shall be held as other
 98 | property for use by the state, and counties and municipalities
 99 | may make donations of lands by deed or long-term lease and
 100 | contributions of moneys for the purposes set forth in this

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101 section, and may issue bonds or certificates of indebtedness to
 102 provide funds for such purposes. Boards of county commissioners
 103 may levy taxes, not to exceed 1 mill, to provide funds for the
 104 construction of armories or for the retirement of bonds or
 105 certificates of indebtedness issued to provide funds for the
 106 construction of armories. Counties and municipalities may
 107 construct armories upon state-owned land, which may be made
 108 available for such purpose by action of the Armory Board.
 109 Counties and municipalities may also grant to the Armory Board,
 110 by deed or long-term leases, property that is acquired or
 111 buildings that are constructed for military purposes. Each local
 112 government is encouraged to provide economic incentives to
 113 reduce the cost of locating Florida National Guard facilities in
 114 its jurisdiction. A local government may appropriate funds to
 115 pay expenses of the Florida National Guard unit in its
 116 jurisdiction. Such funds will be received, accounted for, and
 117 dispersed as other funds received by the unit.

118 (f) ~~Adopt rules for managing armories and other facilities~~
 119 ~~under the control of the Department of Military Affairs. The~~
 120 ~~rules must ensure that federal and state military property is~~
 121 ~~secure.~~ Each unit commander shall provide for the safekeeping,
 122 accountability, and proper care of such property and for its
 123 protection against misappropriation or loss. An armory, while it
 124 is occupied and in use by troops, is a military post and must be
 125 under the control and jurisdiction of the post commander. A

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126 building that is not under the control and supervision of the
 127 post commander or other properly constituted military authority
 128 may not be used to house or train troops or to store military
 129 property.

130 Section 6. Subsection (3) of section 257.12, Florida
 131 Statutes, is amended to read:

132 257.12 Division of Library and Information Services
 133 authorized to accept and expend federal funds.—

134 (3) All public libraries are encouraged to adopt an
 135 Internet safety education program, including the implementation
 136 of a computer-based educational program, which has been endorsed
 137 by a government-sanctioned law enforcement agency or other
 138 reputable public safety advocacy organization and is designed
 139 for children and adults. The purpose of the Internet safety
 140 education program is to promote the use of prudent online
 141 deportment and broaden awareness of online predators. The
 142 program must be interactive and age-appropriate. Each library
 143 shall annually report to the division the annual number of
 144 program participants who complete the Internet safety education
 145 program. By April 1, 2010, the division shall reward ~~adopt rules~~
 146 ~~for rewarding~~ those libraries in the program grant application
 147 process which have had 1 percent or more of their annual number
 148 of program participants, based on the total number of registered
 149 borrowers from the preceding year, complete the Internet safety
 150 education program adopted by the library. Program participants

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151 completing the program as a result of strategic partnerships or
 152 collaboration between the library and other entities shall be
 153 integrated into the library's annual report. The division shall
 154 ~~adopt rules to~~ allocate 10 percent of the total points available
 155 in the library services and technology grant application
 156 evaluation process to public libraries that are in compliance
 157 with this section, beginning with the grant application cycle
 158 for the 2011-2012 fiscal year.

159 Section 7. Paragraph (b) of subsection (3) of section
 160 258.015, Florida Statutes, is amended to read:

161 258.015 Citizen support organizations; use of property;
 162 audit.—

163 (3) PARTNERSHIPS IN PARKS.—

164 (b) The Legislature may annually appropriate funds from
 165 the Land Acquisition Trust Fund for use only as state matching
 166 funds, in conjunction with private donations in aggregates of at
 167 least \$60,000 matched by \$40,000 of state funds for a total
 168 minimum project amount of \$100,000 for capital improvement
 169 facility development at state parks, at either individually
 170 designated parks or for priority projects within the overall
 171 state park system. Not more than 30 percent of the Land
 172 Acquisition Trust Fund unencumbered fund balance or \$3 million,
 173 whichever is less, shall be reserved, available annually for
 174 matching private donations. The amount held in reserve for the
 175 state match will be no greater than \$6 million for any fiscal

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176 year. State funds from the Land Acquisition Trust Fund or other
 177 appropriate funding sources shall be used for matching private
 178 donations for 40 percent of the projects' costs. Funds held in
 179 reserve for the purposes of this subsection shall be available
 180 only after the requirements of s. 375.041(4) are met. Citizen
 181 support organizations organized and operating for the benefit of
 182 state parks may acquire private donations pursuant to this
 183 section, and matching state funds for approved projects may be
 184 provided in accordance with this subsection. The department is
 185 authorized to properly recognize and honor a private donor by
 186 placing a plaque or other appropriate designation noting the
 187 contribution on project facilities or by naming project
 188 facilities after the person or organization that provided
 189 matching funds. ~~The department is authorized to adopt necessary~~
 190 ~~administrative rules to carry out the purposes of this~~
 191 ~~subsection.~~

192 Section 8. Subsection (2) of section 258.15, Florida
 193 Statutes, is amended to read:

194 258.15 St. Michael's Cemetery designated a state park.—

195 (2) The Division of Recreation and Parks of the Department
 196 of Environmental Protection shall manage and operate the said
 197 cemetery and shall be authorized to make such reasonable rules
 198 and regulations with respect to the said cemetery as the said
 199 division shall deem necessary for the orderly operation,
 200 protection, and preservation of said cemetery. However, this

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201 section shall not be construed to prevent, and no rule and
 202 regulation shall be made which will prevent, the continued
 203 interment of bodies in the cemetery lots which are privately
 204 owned.

205 Section 9. Subsection (11) of section 261.06, Florida
 206 Statutes, is amended to read:

207 261.06 Functions, duties, and responsibilities of the
 208 department.—The following are functions, duties, and
 209 responsibilities of the department through the Florida Forest
 210 Service:

211 ~~(11) Rulemaking authority to implement the provisions of~~
 212 ~~ss. 261.01-261.10.~~

213 Section 10. Paragraph (b) of subsection (2) of section
 214 265.703, Florida Statutes, is amended to read:

215 265.703 Citizen support organizations; use of state
 216 administrative services and property; audit.—

217 (2) USE OF ADMINISTRATIVE SERVICES AND PROPERTY.—

218 (b) The division may prescribe ~~by rule~~ any condition with
 219 which a citizen support organization shall comply in order to
 220 use division administrative services, property, or facilities.

221 Section 11. Paragraph (d) of subsection (4) of section
 222 267.075, Florida Statutes, is amended to read:

223 267.075 The Grove Advisory Council; creation; membership;
 224 purposes.—

225 (4)

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226 ~~(d) The Division of Historical Resources shall adopt rules~~
 227 ~~governing the maintenance and use of The Grove; the selection,~~
 228 ~~acquisition, and disposition of furnishings and decorations for~~
 229 ~~the premises; and the acceptance of gifts, contributions,~~
 230 ~~bequests, or loans of property.~~

231 Section 12. Paragraph (c) of subsection (4) of section
 232 267.173, Florida Statutes, is amended to read:

233 267.173 Historic preservation in West Florida; goals;
 234 contracts for historic preservation; powers and duties.—

235 (4)

236 (c) The university or its direct-support organization, if
 237 permitted in the contract with the university, shall have the
 238 authority to:

239 1. Enter into agreements to accept credit card payments as
 240 compensation, and establish accounts in credit card banks for
 241 the deposit of credit card sales invoices.

242 2. Fix and collect charges for admission to any of the
 243 state-owned facilities governed by this section.

244 3. Permit the acceptance of tour vouchers issued by tour
 245 organizations or travel agents for payment of admissions.

246 4. Adopt and enforce reasonable ~~rules, regulations, or~~
 247 ~~policies~~ to govern the conduct of the visiting public.

248 Section 13. Paragraph (c) of subsection (4) of section
 249 267.1735, Florida Statutes, is amended to read:

250 267.1735 Historic preservation in St. Augustine; goals;

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251 | contracts for historic preservation; powers and duties.-

252 | (4)

253 | (c) The university or its direct-support organization, if
254 | permitted in its contract with the university, shall have the
255 | authority to:

256 | 1. Enter into agreements to accept credit card payments as
257 | compensation and establish accounts in credit card banks for the
258 | deposit of credit card sales invoices.

259 | 2. Fix and collect charges for admission to any of the
260 | state-owned facilities under contract with the Board of Trustees
261 | of the Internal Improvement Trust Fund.

262 | 3. Permit the acceptance of tour vouchers issued by tour
263 | organizations or travel agents for payment of admissions.

264 | ~~4. Adopt and enforce reasonable rules to govern the~~
265 | ~~conduct of the visiting public.~~

266 | Section 14. Subsection (9) of section 288.1082, Florida
267 | Statutes, is amended to read:

268 | 288.1082 Economic Gardening Technical Assistance Pilot
269 | Program.-

270 | ~~(9) The department may adopt rules under ss. 120.536(1)~~
271 | ~~and 120.54 to administer this section.~~

272 | Section 15. Paragraph (a) of subsection (3) and subsection
273 | (4) of section 288.774, Florida Statutes, are amended to read:

274 | 288.774 Powers and limitations.-

275 | (3) (a) The board shall adopt ~~rules on the~~ terms and limits

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276 | for loans, guarantees, and direct loan originations, but a loan
 277 | guarantee or a direct loan origination shall not exceed 90
 278 | percent of the transaction contract.

279 | (4) The board shall ~~adopt rules to~~ ensure that program
 280 | participants graduate from the program to private financing and
 281 | that no applicant receives more than \$500,000 of assistance over
 282 | any 5-year period. On a case-by-case basis, the board may exempt
 283 | applicants from this limitation if the applicant demonstrates
 284 | that he or she cannot secure financing from traditional lending
 285 | sources. The term "applicant," as used in this subsection, means
 286 | any individual corporate officer or business owner regardless of
 287 | whether the business name changes from application to
 288 | application.

289 | Section 16. Paragraphs (a) and (d) of subsection (3) of
 290 | section 288.776, Florida Statutes, are amended to read:

291 | 288.776 Board of directors; powers and duties.—

292 | (3) The board shall:

293 | (a) Prior to the expenditure of funds from the export
 294 | finance account, adopt bylaws, ~~rules,~~ and policies which are
 295 | necessary to carry out the responsibilities under this part,
 296 | particularly with respect to the implementation of the
 297 | corporation's programs to insure, coinsure, lend, provide loan
 298 | guarantees, and make direct, guaranteed, or collateralized loans
 299 | by the corporation to support export transactions. The
 300 | corporation's bylaws, ~~rules,~~ and policies shall be reviewed and

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301 approved by Enterprise Florida, Inc., prior to final adoption by
 302 the board.

303 (d) Adopt policies, including criteria, establishing which
 304 exporters and export transactions shall be eligible for
 305 insurance, coinsurance, loan guarantees, and direct, guaranteed,
 306 or collateralized loans which may be extended by the
 307 corporation. Pursuant to this subsection, the board shall ~~adopt~~
 308 ~~rules to~~ include the following criteria:

309 1. Any individual signing any corporation loan application
 310 and loan or guarantee agreement shall have an equity in the
 311 business applying for financial assistance.

312 2. Each program shall exclusively support the export of
 313 goods and services by small and medium-sized businesses which
 314 are domiciled in this state. Priority shall be given to goods
 315 which have value added in this state.

316 3. Financial assistance shall only be extended when at
 317 least one of the following circumstances exists:

318 a. The assistance is required to secure the participation
 319 of small and medium-sized export businesses in federal, state,
 320 or private financing programs.

321 b. No conventional source of lender support is available
 322 for the business from public or private financing sources.

323

324 Personal financial records, trade secrets, or proprietary
 325 information of applicants shall be confidential and exempt from

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326 | the provisions of s. 119.07(1).

327 | Section 17. Subsection (5) of section 311.07, Florida
328 | Statutes, is amended to read:

329 | 311.07 Florida seaport transportation and economic
330 | development funding.—

331 | (5) The Department of Transportation may subject any
332 | project that receives funds pursuant to this section and s.
333 | 320.20 to a final audit. The department may ~~adopt rules and~~
334 | perform such other acts as are necessary or convenient to ensure
335 | that the final audits are conducted and that any deficiency or
336 | questioned costs noted by the audit are resolved.

337 | Section 18. Subsection (3) of section 375.065, Florida
338 | Statutes, is amended to read:

339 | 375.065 Public beaches; financial and other assistance by
340 | Department of Environmental Protection to local governments.—

341 | ~~(3) The department is authorized to promulgate such rules~~
342 | ~~and forms as may be necessary to carry out the purposes of this~~
343 | ~~section and to ensure that all projects to which assistance is~~
344 | ~~rendered hereunder are for the purpose of providing public~~
345 | ~~beaches for recreation purposes.~~

346 | Section 19. Section 379.2402, Florida Statutes, is amended
347 | to read:

348 | 379.2402 Marine information system.—The Fish and Wildlife
349 | Conservation Commission shall establish ~~by rule~~ a marine
350 | information system in conjunction with the licensing program to

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351 gather marine fisheries data.
 352 Reviser's note.—Amends or repeals provisions of the Florida
 353 Statutes pursuant to the directive of the Legislature in s. 9,
 354 ch. 2012-116, Laws of Florida, codified as s. 11.242(5)(j),
 355 Florida Statutes, to prepare a reviser's bill to omit all
 356 statutes and laws, or parts thereof, which grant duplicative,
 357 redundant, or unused rulemaking authority.
 358 Section 20. This act shall take effect on the 60th day
 359 after adjournment sine die of the session of the Legislature in
 360 which enacted.