

1 A reviser's bill to be entitled
2 An act relating to the Florida Statutes; amending ss.
3 11.45, 24.113, 25.077, 98.093, 106.011, 106.07,
4 106.0703, 106.08, 106.143, 120.745, 121.021, 121.0515,
5 121.4501, 163.06, 163.3184, 163.3213, 163.3245,
6 163.3248, 189.421, 196.012, 212.096, 213.24, 215.198,
7 215.425, 218.39, 255.21, 260.0142, 287.042, 287.0947,
8 288.106, 288.1226, 288.706, 288.7102, 290.0401,
9 290.0411, 290.042, 290.044, 290.048, 311.09, 311.105,
10 316.302, 373.414, 376.3072, 376.86, 379.2255, 381.026,
11 409.9122, 409.966, 409.972, 409.973, 409.974, 409.975,
12 409.983, 409.984, 409.985, 420.602, 427.012, 440.45,
13 443.036, 443.1216, 468.841, 474.203, 474.2125,
14 493.6402, 499.012, 514.0315, 514.072, 526.207, 538.09,
15 538.25, 553.79, 590.33, 604.50, 627.0628, 627.351,
16 627.3511, 658.48, 667.003, 681.108, 753.03, 766.1065,
17 794.056, 847.0141, 893.055, 893.138, 943.25, 984.03,
18 985.0301, 985.14, 985.441, 1002.33, 1003.498, 1004.41,
19 1007.28, 1010.82, 1011.71, 1011.81, 1013.33, 1013.36,
20 and 1013.51, F.S.; reenacting and amending s.
21 288.1089, F.S.; and reenacting s. 288.980, F.S.,
22 deleting provisions that have expired, have become
23 obsolete, have had their effect, have served their
24 purpose, or have been impliedly repealed or
25 superseded; replacing incorrect cross-references and
26 citations; correcting grammatical, typographical, and
27 like errors; removing inconsistencies, redundancies,
28 and unnecessary repetition in the statutes; improving

29 | the clarity of the statutes and facilitating their
 30 | correct interpretation; and confirming the restoration
 31 | of provisions unintentionally omitted from
 32 | republication in the acts of the Legislature during
 33 | the amendatory process; providing an effective date.
 34 |

35 | Be It Enacted by the Legislature of the State of Florida:
 36 |

37 | Section 1. Paragraph (i) of subsection (7) of section
 38 | 11.45, Florida Statutes, is amended to read:

39 | 11.45 Definitions; duties; authorities; reports; rules.—

40 | (7) AUDITOR GENERAL REPORTING REQUIREMENTS.—

41 | (i) Beginning in 2012, the Auditor General shall annually
 42 | transmit by July 15, to the President of the Senate, the Speaker
 43 | of the House of Representatives, and the Department of Financial
 44 | Services, a list of all school districts, charter schools,
 45 | charter technical career centers, Florida College System
 46 | institutions, state universities, and water management districts
 47 | that have failed to comply with the transparency requirements as
 48 | identified in the audit reports reviewed pursuant to paragraph
 49 | (b) and those conducted pursuant to subsection (2).

50 | Reviser's note.—Amended to confirm editorial insertion
 51 | of the word "subsection."

52 | Section 2. Subsection (1) of section 24.113, Florida
 53 | Statutes, is amended to read:

54 | 24.113 Minority participation.—

55 | (1) It is the intent of the Legislature that the
 56 | department encourage participation by minority business

PCB RCC 12-02

ORIGINAL

2012

57 enterprises as defined in s. 288.703. Accordingly, 15 percent of
 58 the retailers shall be minority business enterprises as defined
 59 in s. 288.703(3) ~~288.703(2)~~; however, no more than 35 percent of
 60 such retailers shall be owned by the same type of minority
 61 person, as defined in s. 288.703(4) ~~288.703(3)~~. The department
 62 is encouraged to meet the minority business enterprise
 63 procurement goals set forth in s. 287.09451 in the procurement
 64 of commodities, contractual services, construction, and
 65 architectural and engineering services. This section shall not
 66 preclude or prohibit a minority person from competing for any
 67 other retailing or vending agreement awarded by the department.

68 Reviser's note.—Amended to conform to the
 69 redesignation of subsections within s. 288.703 by s.
 70 172, ch. 2011-142, Laws of Florida.

71 Section 3. Section 25.077, Florida Statutes, is amended to
 72 read:

73 25.077 Negligence case settlements and jury verdicts; case
 74 reporting.—Through the state's uniform case reporting system,
 75 the clerk of court shall report to the Office of the State
 76 Courts Administrator, beginning in 2003, information from each
 77 settlement or jury verdict and final judgment in negligence
 78 cases as defined in s. 768.81(1)(c) ~~768.81(4)~~, as the President
 79 of the Senate and the Speaker of the House of Representatives
 80 deem necessary from time to time. The information shall include,
 81 but need not be limited to: the name of each plaintiff and
 82 defendant; the verdict; the percentage of fault of each; the
 83 amount of economic damages and noneconomic damages awarded to
 84 each plaintiff, identifying those damages that are to be paid

85 jointly and severally and by which defendants; and the amount of
 86 any punitive damages to be paid by each defendant.

87 Reviser's note.—Amended to conform to the amendment of
 88 s. 768.81 by s. 1, ch. 2011-215, Laws of Florida.

89 Former paragraph (4) (a) defining "negligence cases"
 90 was stricken by that law section, and a new paragraph
 91 (1) (c) defining "negligence action" was added.

92 Section 4. Paragraph (f) of subsection (2) of section
 93 98.093, Florida Statutes, is amended to read:

94 98.093 Duty of officials to furnish information relating
 95 to deceased persons, persons adjudicated mentally incapacitated,
 96 and persons convicted of a felony.—

97 (2) To the maximum extent feasible, state and local
 98 government agencies shall facilitate provision of information
 99 and access to data to the department, including, but not limited
 100 to, databases that contain reliable criminal records and records
 101 of deceased persons. State and local government agencies that
 102 provide such data shall do so without charge if the direct cost
 103 incurred by those agencies is not significant.

104 (f) The Department of Corrections shall identify those
 105 persons who have been convicted of a felony and committed to its
 106 custody or placed on community supervision. The information must
 107 be provided to the department at a time and in a manner that
 108 enables the department to identify registered voters who are
 109 convicted felons and to meet its obligations under state and
 110 federal law.

111 Reviser's note.—Amended to confirm editorial insertion
 112 of the word "a."

113 Section 5. Subsection (3) of section 106.011, Florida
 114 Statutes, is amended to read:

115 106.011 Definitions.—As used in this chapter, the
 116 following terms have the following meanings unless the context
 117 clearly indicates otherwise:

118 (3) "Contribution" means:

119 (a) A gift, subscription, conveyance, deposit, loan,
 120 payment, or distribution of money or anything of value,
 121 including contributions in kind having an attributable monetary
 122 value in any form, made for the purpose of influencing the
 123 results of an election or making an electioneering
 124 communication.

125 (b) A transfer of funds between political committees,
 126 between committees of continuous existence, between
 127 electioneering communications organizations, or between any
 128 combination of these groups.

129 (c) The payment, by any person other than a candidate or
 130 political committee, of compensation for the personal services
 131 of another person which are rendered to a candidate or political
 132 committee without charge to the candidate or committee for such
 133 services.

134 (d) The transfer of funds by a campaign treasurer or
 135 deputy campaign treasurer between a primary depository and a
 136 separate interest-bearing account or certificate of deposit, and
 137 the term includes any interest earned on such account or
 138 certificate.

139
 140 Notwithstanding the foregoing meanings of "contribution," the

141 term may not be construed to include services, including, but
 142 not limited to, legal and accounting services, provided without
 143 compensation by individuals volunteering a portion or all of
 144 their time on behalf of a candidate or political committee or
 145 editorial endorsements.

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

148 Section 6. Paragraph (c) of subsection (8) of section
 149 106.07, Florida Statutes, is amended to read:

150 106.07 Reports; certification and filing.—

151 (8)

152 (c) Any candidate or chair of a political committee may
 153 appeal or dispute the fine, based upon, but not limited to,
 154 unusual circumstances surrounding the failure to file on the
 155 designated due date, and may request and shall be entitled to a
 156 hearing before the Florida Elections Commission, which shall
 157 have the authority to waive the fine in whole or in part. The
 158 Florida Elections Commission must consider the mitigating and
 159 aggravating circumstances contained in s. 106.265(2) ~~106.265(1)~~
 160 when determining the amount of a fine, if any, to be waived. Any
 161 such request shall be made within 20 days after receipt of the
 162 notice of payment due. In such case, the candidate or chair of
 163 the political committee shall, within the 20-day period, notify
 164 the filing officer in writing of his or her intention to bring
 165 the matter before the commission.

166 Reviser's note.—Amended to conform to the amendment of
 167 s. 106.265 by s. 72, ch. 2011-40, Laws of Florida,
 168 which split former subsection (1) into two

PCB RCC 12-02

ORIGINAL

2012

169 subsections; new subsection (2) references mitigating
 170 and aggravating circumstances.

171 Section 7. Paragraph (c) of subsection (7) of section
 172 106.0703, Florida Statutes, is amended to read:

173 106.0703 Electioneering communications organizations;
 174 reporting requirements; certification and filing; penalties.—

175 (7)

176 (c) The treasurer of an electioneering communications
 177 organization may appeal or dispute the fine, based upon, but not
 178 limited to, unusual circumstances surrounding the failure to
 179 file on the designated due date, and may request and shall be
 180 entitled to a hearing before the Florida Elections Commission,
 181 which shall have the authority to waive the fine in whole or in
 182 part. The Florida Elections Commission must consider the
 183 mitigating and aggravating circumstances contained in s.

184 106.265(2) ~~106.265(1)~~ when determining the amount of a fine, if
 185 any, to be waived. Any such request shall be made within 20 days
 186 after receipt of the notice of payment due. In such case, the
 187 treasurer of the electioneering communications organization
 188 shall, within the 20-day period, notify the filing officer in
 189 writing of his or her intention to bring the matter before the
 190 commission.

191 Reviser's note.—Amended to conform to the amendment of
 192 s. 106.265 by s. 72, ch. 2011-40, Laws of Florida,
 193 which split former subsection (1) into two
 194 subsections; new subsection (2) references mitigating
 195 and aggravating circumstances.

196 Section 8. Paragraph (b) of subsection (3) of section

PCB RCC 12-02

ORIGINAL

2012

197 106.08, Florida Statutes, is amended to read:

198 106.08 Contributions; limitations on.—

199 (3)

200 (b) ~~Except as otherwise provided in paragraph (c),~~ Any
 201 contribution received by a candidate or by the campaign
 202 treasurer or a deputy campaign treasurer of a candidate after
 203 the date at which the candidate withdraws his or her candidacy,
 204 or after the date the candidate is defeated, becomes unopposed,
 205 or is elected to office must be returned to the person or
 206 committee contributing it and may not be used or expended by or
 207 on behalf of the candidate.

208 Reviser's note.—Amended to conform to the repeal of
 209 paragraph (c) by s. 62, ch. 2011-40, Laws of Florida.

210 Section 9. Subsection (2) of section 106.143, Florida
 211 Statutes, is amended to read:

212 106.143 Political advertisements circulated prior to
 213 election; requirements.—

214 (2) Political advertisements made as in-kind contributions
 215 from a political party must prominently state: "Paid political
 216 advertisement paid for ~~by~~ in-kind by... (name of political
 217 party).... Approved by ... (name of person, party affiliation,
 218 and office sought in the political advertisement)...."

219 Reviser's note.—Amended to confirm editorial deletion
 220 of the word "by."

221 Section 10. Paragraph (g) of subsection (2) and paragraph
 222 (i) of subsection (3) of section 120.745, Florida Statutes, are
 223 amended to read:

224 120.745 Legislative review of agency rules in effect on or

225 before November 16, 2010.—

226 (2) ENHANCED BIENNIAL REVIEW.—By December 1, 2011, each
 227 agency shall complete an enhanced biennial review of the
 228 agency's existing rules, which shall include, but is not limited
 229 to:

230 (g) Identification of each rule for which the agency will
 231 be required to prepare a compliance economic review, to include
 232 each entire rule that:

233 1. The agency does not plan to repeal on or before
 234 December 31, 2012;

235 2. Was effective on or before November 16, 2010; and

236 3. Probably will have any of the economic impacts
 237 described in s. 120.541(2)(a), for 5 years beginning on July 1,
 238 2011, excluding in such estimation any part or subpart
 239 identified for amendment under paragraph (f) ~~(e)~~.

240 (3) PUBLICATION OF REPORT.—No later than December 1, 2011,
 241 each agency shall publish, in the manner provided in subsection
 242 (7), a report of the entire enhanced biennial review pursuant to
 243 subsection (2), including the results of the review; a complete
 244 list of all rules the agency has placed in Group 1 or Group 2;
 245 the name, physical address, fax number, and e-mail address for
 246 the person the agency has designated to receive all inquiries,
 247 public comments, and objections pertaining to the report; and
 248 the certification of the agency head pursuant to paragraph
 249 (2)(i). The report of results shall summarize certain
 250 information required in subsection (2) in a table consisting of
 251 the following columns:

252 (i) Column 9: Section 120.541(2)(a) impacts. Entries

253 should be "NA" if Column 8 is "N" or, if Column 6 is "Y," "NP"
 254 for not probable, based on the response required in subparagraph
 255 (2)(g)3. ~~(2)(f)3.~~, or "1" or "2," reflecting the group number
 256 assigned by the division required in paragraph (2)(h).

257 Reviser's note.—Paragraph (2)(g) is amended to conform
 258 to the location of material relating to identification
 259 of rules or subparts of rules in paragraph (2)(f) for
 260 purposes of amendment; paragraph (2)(e) relates to
 261 identification of rules for repeal. Paragraph (3)(i)
 262 is amended to conform to the fact that paragraph
 263 (2)(f) is not divided into subparagraphs; related
 264 material is located at subparagraph (2)(g)3.

265 Section 11. Subsection (12) of section 121.021, Florida
 266 Statutes, is amended to read:

267 121.021 Definitions.—The following words and phrases as
 268 used in this chapter have the respective meanings set forth
 269 unless a different meaning is plainly required by the context:

270 (12) "Member" means any officer or employee who is covered
 271 or who becomes covered under this system in accordance with this
 272 chapter. On and after December 1, 1970, all new members and
 273 those members transferring from existing systems shall be
 274 divided into the following classes: "Special Risk Class," as
 275 provided in s. 121.0515 ~~121.0515(2)~~; "Special Risk
 276 Administrative Support Class," as provided in s. 121.0515(8)
 277 ~~121.0515(7)~~; "Elected Officers' Class," as provided in s.
 278 121.052; "Senior Management Service Class," as provided in s.
 279 121.055; and "Regular Class," which consists of all members who
 280 are not in the Special Risk Class, Special Risk Administrative

281 Support Class, Elected Officers' Class, or Senior Management
 282 Service Class.

283 Reviser's note.—Amended to conform to the addition of
 284 a new s. 121.0515(2) by s. 8, ch. 2011-68, Laws of
 285 Florida, and the renumbering of existing subsections
 286 to conform.

287 Section 12. Paragraph (k) of subsection (3) of section
 288 121.0515, Florida Statutes, is amended to read:

289 121.0515 Special Risk Class.—

290 (3) CRITERIA.—A member, to be designated as a special risk
 291 member, must meet the following criteria:

292 (k) The member must have already qualified for and be
 293 actively participating in special risk membership under
 294 paragraph (a), paragraph (b), or paragraph (c), must have
 295 suffered a qualifying injury as defined in this paragraph, must
 296 not be receiving disability retirement benefits as provided in
 297 s. 121.091(4), and must satisfy the requirements of this
 298 paragraph.

299 1. The ability to qualify for the class of membership
 300 defined in paragraph (2)(i) ~~(2)(f)~~ occurs when two licensed
 301 medical physicians, one of whom is a primary treating physician
 302 of the member, certify the existence of the physical injury and
 303 medical condition that constitute a qualifying injury as defined
 304 in this paragraph and that the member has reached maximum
 305 medical improvement after August 1, 2008. The certifications
 306 from the licensed medical physicians must include, at a minimum,
 307 that the injury to the special risk member has resulted in a
 308 physical loss, or loss of use, of at least two of the following:

PCB RCC 12-02

ORIGINAL

2012

309 left arm, right arm, left leg, or right leg; and:

310 a. That this physical loss or loss of use is total and
311 permanent, except in the event that the loss of use is due to a
312 physical injury to the member's brain, in which event the loss
313 of use is permanent with at least 75 percent loss of motor
314 function with respect to each arm or leg affected.

315 b. That this physical loss or loss of use renders the
316 member physically unable to perform the essential job functions
317 of his or her special risk position.

318 c. That, notwithstanding this physical loss or loss of
319 use, the individual is able to perform the essential job
320 functions required by the member's new position, as provided in
321 subparagraph 3.

322 d. That use of artificial limbs is either not possible or
323 does not alter the member's ability to perform the essential job
324 functions of the member's position.

325 e. That the physical loss or loss of use is a direct
326 result of a physical injury and not a result of any mental,
327 psychological, or emotional injury.

328 2. For the purposes of this paragraph, "qualifying injury"
329 means an injury sustained in the line of duty, as certified by
330 the member's employing agency, by a special risk member that
331 does not result in total and permanent disability as defined in
332 s. 121.091(4)(b). An injury is a qualifying injury if the injury
333 is a physical injury to the member's physical body resulting in
334 a physical loss, or loss of use, of at least two of the
335 following: left arm, right arm, left leg, or right leg.
336 Notwithstanding any other provision of this section, an injury

PCB RCC 12-02

ORIGINAL

2012

337 that would otherwise qualify as a qualifying injury is not
338 considered a qualifying injury if and when the member ceases
339 employment with the employer for whom he or she was providing
340 special risk services on the date the injury occurred.

341 3. The new position, as described in sub-subparagraph
342 1.c., that is required for qualification as a special risk
343 member under this paragraph is not required to be a position
344 with essential job functions that entitle an individual to
345 special risk membership. Whether a new position as described in
346 sub-subparagraph 1.c. exists and is available to the special
347 risk member is a decision to be made solely by the employer in
348 accordance with its hiring practices and applicable law.

349 4. This paragraph does not grant or create additional
350 rights for any individual to continued employment or to be hired
351 or rehired by his or her employer that are not already provided
352 within the Florida Statutes, the State Constitution, the
353 Americans with Disabilities Act, if applicable, or any other
354 applicable state or federal law.

355 Reviser's note.—Amended to conform to ss. 6 and 8, ch.
356 2011-68, Laws of Florida, which moved the referenced
357 text from s. 121.021(15)(f) to s. 121.0515(2)(i), not
358 s. 121.0515(2)(f).

359 Section 13. Paragraph (c) of subsection (15) of section
360 121.4501, Florida Statutes, is amended to read:

361 121.4501 Florida Retirement System Investment Plan.—

362 (15) STATEMENT OF FIDUCIARY STANDARDS AND
363 RESPONSIBILITIES.—

364 (c) Subparagraph (8)(b)2. and paragraph (b) incorporate

365 the federal law concept of participant control, established by
 366 regulations of the United States Department of Labor under s.
 367 404(c) of the Employee Retirement Income Security Act of 1974
 368 (ERISA). The purpose of this paragraph is to assist employers
 369 and the state board in maintaining compliance with s. 404(c),
 370 while avoiding unnecessary costs and eroding member benefits
 371 under the investment plan. Pursuant to 29 C.F.R. s. 2550.404c-
 372 1(b)(2)(i)(B)(1)(viii), the state board or its designated agents
 373 shall deliver to members of the investment plan a copy of the
 374 prospectus most recently provided to the plan, and, pursuant to
 375 29 C.F.R. s. 2550.404c-1(b)(2)(i)(B)(2)(ii), shall provide such
 376 members an opportunity to obtain this information, except that:

377 1. The requirement to deliver a prospectus shall be
 378 satisfied by delivery of a fund profile or summary profile that
 379 contains the information that would be included in a summary
 380 prospectus as described by Rule 498 under the Securities Act of
 381 1933, 17 C.F.R. s. 230.498. If the transaction fees, expense
 382 information or other information provided by a mutual fund in
 383 the prospectus does not reflect terms negotiated by the state
 384 board or its designated agents, the requirement is satisfied by
 385 delivery of a separate document described by Rule 498
 386 substituting accurate information; and

387 2. Delivery shall be effected if delivery is through
 388 electronic means and the following standards are satisfied:

389 a. Electronically-delivered documents are prepared and
 390 provided consistent with style, format, and content requirements
 391 applicable to printed documents;

392 b. Each member is provided timely and adequate notice of

393 the documents that are to be delivered, and their significance
 394 thereof, and of the member's right to obtain a paper copy of
 395 such documents free of charge;

396 c. Members have adequate access to the electronic
 397 documents, at locations such as their worksites or public
 398 facilities, and have the ability to convert the documents to
 399 paper free of charge by the state board, and the board or its
 400 designated agents take appropriate and reasonable measures to
 401 ensure that the system for furnishing electronic documents
 402 results in actual receipt. Members have provided consent to
 403 receive information in electronic format, which consent may be
 404 revoked; and

405 d. The state board, or its designated agent, actually
 406 provides paper copies of the documents free of charge, upon
 407 request.

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

409 Section 14. Paragraph (i) of subsection (3) of section
 410 163.06, Florida Statutes, is amended to read:

411 163.06 Miami River Commission.—

412 (3) The policy committee shall have the following powers
 413 and duties:

414 (i) Establish the Miami River working group, appoint
 415 members to the group, and organize subcommittees, delegate
 416 tasks, and seek counsel ~~council~~ from members of the working
 417 group as necessary to carry out the powers and duties listed in
 418 this subsection.

419 Reviser's note.—Amended to confirm editorial
 420 substitution of the word "counsel" for the word

421 "council."
 422 Section 15. Paragraph (b) of subsection (8) of section
 423 163.3184, Florida Statutes, is amended to read:
 424 163.3184 Process for adoption of comprehensive plan or
 425 plan amendment.—
 426 (8) ADMINISTRATION COMMISSION.—
 427 (b) The commission may specify the sanctions provided in
 428 subparagraphs 1. and 2. to which the local government will be
 429 subject if it elects to make the amendment effective
 430 notwithstanding the determination of noncompliance.
 431 1. The commission may direct state agencies not to provide
 432 funds to increase the capacity of roads, bridges, or water and
 433 sewer systems within the boundaries of those local governmental
 434 entities which have comprehensive plans or plan elements that
 435 are determined not to be in compliance. The commission order may
 436 also specify that the local government is not eligible for
 437 grants administered under the following programs:
 438 a. The Florida Small Cities Community Development Block
 439 Grant Program, as authorized by ss. 290.0401-290.048 ~~290.0401-~~
 440 ~~290.049~~.
 441 b. The Florida Recreation Development Assistance Program,
 442 as authorized by chapter 375.
 443 c. Revenue sharing pursuant to ss. 206.60, 210.20, and
 444 218.61 and chapter 212, to the extent not pledged to pay back
 445 bonds.
 446 2. If the local government is one which is required to
 447 include a coastal management element in its comprehensive plan
 448 pursuant to s. 163.3177(6)(g), the commission order may also

449 specify that the local government is not eligible for funding
 450 pursuant to s. 161.091. The commission order may also specify
 451 that the fact that the coastal management element has been
 452 determined to be not in compliance shall be a consideration when
 453 the department considers permits under s. 161.053 and when the
 454 Board of Trustees of the Internal Improvement Trust Fund
 455 considers whether to sell, convey any interest in, or lease any
 456 sovereignty lands or submerged lands until the element is
 457 brought into compliance.

458 3. The sanctions provided by subparagraphs 1. and 2. do
 459 not apply to a local government regarding any plan amendment,
 460 except for plan amendments that amend plans that have not been
 461 finally determined to be in compliance with this part, and
 462 except as provided in this paragraph.

463 Reviser's note.—Amended to conform to the repeal of s.
 464 290.049 by s. 44, ch. 2001-89, Laws of Florida, and s.
 465 25, ch. 2001-201, Laws of Florida. Section 290.048 is
 466 now the last section in the range.

467 Section 16. Subsection (6) of section 163.3213, Florida
 468 Statutes, is amended to read:

469 163.3213 Administrative review of land development
 470 regulations.—

471 (6) If the administrative law judge in his or her order
 472 finds the land development regulation to be inconsistent with
 473 the local comprehensive plan, the order will be submitted to the
 474 Administration Commission. An appeal pursuant to s. 120.68 may
 475 not be taken until the Administration Commission acts pursuant
 476 to this subsection. The Administration Commission shall hold a

477 hearing no earlier than 30 days or later than 60 days after the
 478 administrative law judge renders his or her final order. The
 479 sole issue before the Administration Commission shall be the
 480 extent to which any of the sanctions described in s.
 481 163.3184(8) (a) or (b)1. or 2. ~~163.3184(11)(a) or (b)~~ shall be
 482 applicable to the local government whose land development
 483 regulation has been found to be inconsistent with its
 484 comprehensive plan. If a land development regulation is not
 485 challenged within 12 months, it shall be deemed to be consistent
 486 with the adopted local plan.

487 Reviser's note.—Amended to conform to the
 488 redesignation of material in s. 163.3184(11) (a) and
 489 (b) as s. 163.3184(8) (a) and (b)1. and 2. by s. 17,
 490 ch. 2011-139, Laws of Florida.

491 Section 17. Subsection (9) of section 163.3245, Florida
 492 Statutes, is amended to read:

493 163.3245 Sector plans.—

494 (9) Any owner of property within the planning area of a
 495 proposed long-term master plan may withdraw his or her consent
 496 to the master plan at any time prior to local government
 497 adoption, and the local government shall exclude such parcels
 498 from the adopted master plan. Thereafter, the long-term master
 499 plan, any detailed specific area plan, and the exemption from
 500 development-of-regional-impact review under this section do not
 501 apply to the subject parcels. After adoption of a long-term
 502 master plan, an owner may withdraw his or her property from the
 503 master plan only with the approval of the local government by
 504 plan amendment adopted and reviewed pursuant to s. 163.3184.

505 Reviser's note.—Amended pursuant to the directive of
 506 the Legislature in s. 1, ch. 93-199, Laws of Florida,
 507 to remove gender-specific references applicable to
 508 human beings from the Florida Statutes without
 509 substantive change in legal effect.

510 Section 18. Subsection (6) of section 163.3248, Florida
 511 Statutes, is amended to read:

512 163.3248 Rural land stewardship areas.—

513 (6) A receiving area may be designated only pursuant to
 514 procedures established in the local government's land
 515 development regulations. If receiving area designation requires
 516 the approval of the ~~county~~ board of county commissioners, such
 517 approval shall be by resolution with a simple majority vote.
 518 Before the commencement of development within a stewardship
 519 receiving area, a listed species survey must be performed for
 520 the area proposed for development. If listed species occur on
 521 the receiving area development site, the applicant must
 522 coordinate with each appropriate local, state, or federal agency
 523 to determine if adequate provisions have been made to protect
 524 those species in accordance with applicable regulations. In
 525 determining the adequacy of provisions for the protection of
 526 listed species and their habitats, the rural land stewardship
 527 area shall be considered as a whole, and the potential impacts
 528 and protective measures taken within areas to be developed as
 529 receiving areas shall be considered in conjunction with and
 530 compensated by lands set aside and protective measures taken
 531 within the designated sending areas.

532 Reviser's note.—Amended to confirm editorial deletion

533 of the word "county" to eliminate unnecessary
 534 repetition.

535 Section 19. Paragraph (b) of subsection (1) of section
 536 189.421, Florida Statutes, is amended to read:

537 189.421 Failure of district to disclose financial
 538 reports.—

539 (1)

540 (b) A special district that is unable to meet the 60-day
 541 reporting deadline must provide written notice to the department
 542 before the expiration of the deadline stating the reason the
 543 special district is unable to comply with the deadline, the
 544 steps the special district is taking to prevent the
 545 noncompliance from reoccurring, and the estimated date that the
 546 special district will file the report with the appropriate
 547 agency. The district's written response does not constitute an
 548 extension by the department; however, the department shall
 549 forward the written response to:

550 1. If the written response refers to the reports required
 551 under s. 218.32 or s. 218.39, the Legislative Auditing Committee
 552 for its consideration in determining whether the special
 553 district should be subject to further state action in accordance
 554 with s. 11.40(2)(b) ~~11.40(5)(b)~~.

555 2. If the written response refers to the reports or
 556 information requirements listed in s. 189.419(1), the local
 557 general-purpose government or governments for their
 558 consideration in determining whether the oversight review
 559 process set forth in s. 189.428 should be undertaken.

560 3. If the written response refers to the reports or

561 information required under s. 112.63, the Department of
 562 Management Services for its consideration in determining whether
 563 the special district should be subject to further state action
 564 in accordance with s. 112.63(4)(d)2.

565 Reviser's note.—Amended to conform to the
 566 redesignation of s. 11.40(5)(b) as s. 11.40(2)(b) by
 567 s. 12, ch. 2011-34, Laws of Florida.

568 Section 20. Paragraph (a) of subsection (15) of section
 569 196.012, Florida Statutes, is amended to read:

570 196.012 Definitions.—For the purpose of this chapter, the
 571 following terms are defined as follows, except where the context
 572 clearly indicates otherwise:

573 (15) "New business" means:

574 (a)1. A business or organization establishing 10 or more
 575 new jobs to employ 10 or more full-time employees in this state,
 576 paying an average wage for such new jobs that is above the
 577 average wage in the area, which principally engages in any one
 578 or more of the following operations:

579 a. Manufactures, processes, compounds, fabricates, or
 580 produces for sale items of tangible personal property at a fixed
 581 location and which comprises an industrial or manufacturing
 582 plant; or

583 b. Is a target industry business as defined in s.
 584 288.106(2)(g) ~~288.106(2)(t)~~;

585 2. A business or organization establishing 25 or more new
 586 jobs to employ 25 or more full-time employees in this state, the
 587 sales factor of which, as defined by s. 220.15(5), for the
 588 facility with respect to which it requests an economic

PCB RCC 12-02

ORIGINAL

2012

589 development ad valorem tax exemption is less than 0.50 for each
 590 year the exemption is claimed; or

591 3. An office space in this state owned and used by a
 592 business or organization newly domiciled in this state; provided
 593 such office space houses 50 or more full-time employees of such
 594 business or organization; provided that such business or
 595 organization office first begins operation on a site clearly
 596 separate from any other commercial or industrial operation owned
 597 by the same business or organization.

598 Reviser's note.—Amended to conform to the
 599 redesignation of s. 288.106(2)(t) as s. 288.106(2)(q)
 600 by s. 150, ch. 2011-142, Laws of Florida.

601 Section 21. Paragraph (g) of subsection (3) of section
 602 212.096, Florida Statutes, is amended to read:

603 212.096 Sales, rental, storage, use tax; enterprise zone
 604 jobs credit against sales tax.—

605 (3) In order to claim this credit, an eligible business
 606 must file under oath with the governing body or enterprise zone
 607 development agency having jurisdiction over the enterprise zone
 608 where the business is located, as applicable, a statement which
 609 includes:

610 (g) Whether the business is a small business as defined by
 611 s. 288.703(6) ~~288.703(1)~~.

612 Reviser's note.—Amended to conform to the
 613 redesignation of s. 288.703(1) as s. 288.703(6) by s.
 614 172, ch. 2011-142, Laws of Florida.

615 Section 22. Paragraph (d) of subsection (3) of section
 616 213.24, Florida Statutes, is amended to read:

617 213.24 Accrual of penalties and interest on deficiencies;
 618 deficiency billing costs.—

619 (3) An administrative collection processing fee shall be
 620 imposed to offset payment processing and administrative costs
 621 incurred by the state due to late payment of a collection event.

622 (d) Fees collected pursuant to this subsection shall be
 623 distributed each fiscal year as follows:

624 1. The first \$6.2 million collected shall be deposited
 625 into the department's Operating ~~Operations~~ Trust Fund.

626 2. Any amount collected above \$6.2 million shall be
 627 deposited into the General Revenue Fund.

628 Reviser's note.—Amended to confirm editorial
 629 substitution of the word "Operating" for the word
 630 "Operations" to conform to the renaming of the trust
 631 fund by s. 1, ch. 2011-28, Laws of Florida.

632 Section 23. Section 215.198, Florida Statutes, is amended
 633 to read:

634 215.198 Operating ~~Operations~~ Trust Fund.—

635 (1) The Operating ~~Operations~~ Trust Fund is created within
 636 the Department of Revenue.

637 (2) The fund is established for use as a depository for
 638 funds to be used for program operations funded by program
 639 revenues. Funds shall be expended only pursuant to legislative
 640 appropriation or an approved amendment to the department's
 641 operating budget pursuant to the provisions of chapter 216.

642 Reviser's note.—Amended to confirm editorial
 643 substitution of the word "Operating" for the word
 644 "Operations" to conform to the renaming of the trust

645 fund by s. 1, ch. 2011-28, Laws of Florida.

646 Section 24. Paragraph (a) of subsection (4) of section
647 215.425, Florida Statutes, is amended to read:

648 215.425 Extra compensation claims prohibited; bonuses;
649 severance pay.—

650 (4) (a) On or after July 1, 2011, a unit of government that
651 enters into a contract or employment agreement, or renewal or
652 renegotiation of an existing contract or employment agreement,
653 that contains a provision for severance pay with an officer,
654 agent, employee, or contractor must include the following
655 provisions in the contract:

656 1. A requirement that severance pay provided may not
657 exceed an amount greater than 20 weeks of compensation.

658 2. A prohibition of provision of severance pay when the
659 officer, agent, employee, or contractor has been fired for
660 misconduct, as defined in s. 443.036(30) ~~443.036(29)~~, by the
661 unit of government.

662 Reviser's note.—Amended to conform to the addition of
663 a new subsection (26) and the redesignation of
664 following subsections within s. 443.036 by s. 3, ch.
665 2011-235, Laws of Florida.

666 Section 25. Paragraph (c) of subsection (8) of section
667 218.39, Florida Statutes, is amended to read:

668 218.39 Annual financial audit reports.—

669 (8) The Auditor General shall notify the Legislative
670 Auditing Committee of any audit report prepared pursuant to this
671 section which indicates that an audited entity has failed to
672 take full corrective action in response to a recommendation that

673 was included in the two preceding financial audit reports.

674 (c) If the committee determines that an audited entity has
 675 failed to take full corrective action for which there is no
 676 justifiable reason for not taking such action, or has failed to
 677 comply with committee requests made pursuant to this section,
 678 the committee may proceed in accordance with s. 11.40(2)
 679 ~~11.40(5)~~.

680 Reviser's note.—Amended to conform to the
 681 redesignation of s. 11.40(5) as s. 11.40(2) by s. 12,
 682 ch. 2011-34, Laws of Florida.

683 Section 26. Section 255.21, Florida Statutes, is amended
 684 to read:

685 255.21 Special facilities for physically disabled.—Any
 686 building or facility intended for use by the general public
 687 which, in whole or in part, is constructed or altered or
 688 operated as a lessee, by or on behalf of the state or any
 689 political subdivision, municipality, or special district thereof
 690 or any public administrative board or authority of the state
 691 shall, with respect to the altered or newly constructed or
 692 leased portion of such building or facility, comply with
 693 standards and specifications established by part II ~~V~~ of chapter
 694 553.

695 Reviser's note.—Amended to conform to the location of
 696 material relating to accessibility by handicapped
 697 persons in part II of chapter 553; part V of chapter
 698 553 relates to thermal efficiency standards.

699 Section 27. Subsection (1) of section 260.0142, Florida
 700 Statutes, is amended to read:

701 260.0142 Florida Greenways and Trails Council;
 702 composition; powers and duties.—

703 (1) There is created within the department the Florida
 704 Greenways and Trails Council which shall advise the department
 705 in the execution of the department's powers and duties under
 706 this chapter. The council shall be composed of 20 members,
 707 consisting of:

708 (a)1. Five members appointed by the Governor, with two
 709 members representing the trail user community, two members
 710 representing the greenway user community, and one member
 711 representing private landowners.

712 2.~~(b)~~ Three members appointed by the President of the
 713 Senate, with one member representing the trail user community
 714 and two members representing the greenway user community.

715 3.~~(e)~~ Three members appointed by the Speaker of the House
 716 of Representatives, with two members representing the trail user
 717 community and one member representing the greenway user
 718 community.

719
 720 Those eligible to represent the trail user community shall be
 721 chosen from, but not be limited to, paved trail users, hikers,
 722 off-road bicyclists, users of off-highway vehicles, paddlers,
 723 equestrians, disabled outdoor recreational users, and commercial
 724 recreational interests. Those eligible to represent the greenway
 725 user community shall be chosen from, but not be limited to,
 726 conservation organizations, nature study organizations, and
 727 scientists and university experts.

728 (b)~~(d)~~ The 9 remaining members shall include:

- 729 1. The Secretary of Environmental Protection or a
730 designee.
- 731 2. The executive director of the Fish and Wildlife
732 Conservation Commission or a designee.
- 733 3. The Secretary of Transportation or a designee.
- 734 4. The Director of the Division of Forestry of the
735 Department of Agriculture and Consumer Services or a designee.
- 736 5. The director of the Division of Historical Resources of
737 the Department of State or a designee.
- 738 6. A representative of the water management districts.
739 Membership on the council shall rotate among the five districts.
740 The districts shall determine the order of rotation.
- 741 7. A representative of a federal land management agency.
742 The Secretary of Environmental Protection shall identify the
743 appropriate federal agency and request designation of a
744 representative from the agency to serve on the council.
- 745 8. A representative of the regional planning councils to
746 be appointed by the Secretary of Environmental Protection.
747 Membership on the council shall rotate among the seven regional
748 planning councils. The regional planning councils shall
749 determine the order of rotation.
- 750 9. A representative of local governments to be appointed
751 by the Secretary of Environmental Protection. Membership shall
752 alternate between a county representative and a municipal
753 representative.
- 754 Reviser's note.—Amended to redesignate subunits to
755 conform to Florida Statutes style. The flush left
756 language between what was designated as paragraphs (c)

757 and (d) only goes to material in the first three
 758 paragraphs.

759 Section 28. Paragraph (h) of subsection (3) and paragraph
 760 (b) of subsection (4) of section 287.042, Florida Statutes, are
 761 amended to read:

762 287.042 Powers, duties, and functions.—The department
 763 shall have the following powers, duties, and functions:

764 (3) To establish a system of coordinated, uniform
 765 procurement policies, procedures, and practices to be used by
 766 agencies in acquiring commodities and contractual services,
 767 which shall include, but not be limited to:

768 (h) Development of procedures to be used by state agencies
 769 when procuring information technology commodities and
 770 contractual services that ensure compliance with public records
 771 requirements and records retention and archiving requirements.

772 (4)

773 (b) To prescribe procedures for procuring information
 774 technology and information technology consultant services that
 775 provide for public announcement and qualification, competitive
 776 solicitations, contract award, and prohibition against
 777 contingent fees. Such procedures are limited to information
 778 technology consultant contracts for which the total project
 779 costs, or planning or study activities, are estimated to exceed
 780 the threshold amount provided in s. 287.017, for CATEGORY TWO.

781 Reviser's note.—Amended to confirm editorial insertion
 782 of the word "that" to provide clarity.

783 Section 29. Subsection (1) of section 287.0947, Florida
 784 Statutes, is amended to read:

785 | 287.0947 Florida Advisory Council on Small and Minority
786 | Business Development; creation; membership; duties.—

787 | (1) The Secretary of Management Services may create the
788 | Florida Advisory Council on Small and Minority Business
789 | Development with the purpose of advising and assisting the
790 | secretary in carrying out the secretary's duties with respect to
791 | minority businesses and economic and business development. It is
792 | the intent of the Legislature that the membership of such
793 | council include practitioners, laypersons, financiers, and
794 | others with business development experience who can provide
795 | invaluable insight and expertise for this state in the
796 | diversification of its markets and networking of business
797 | opportunities. The council shall initially consist of 19
798 | persons, each of whom is or has been actively engaged in small
799 | and minority business development, either in private industry,
800 | in governmental service, or as a scholar of recognized
801 | achievement in the study of such matters. Initially, the council
802 | shall consist of members representing all regions of the state
803 | and shall include at least one member from each group identified
804 | within the definition of "minority person" in s. 288.703(4)
805 | ~~288.703(3)~~, considering also gender and nationality subgroups,
806 | and shall consist of the following:

807 | (a) Four members consisting of representatives of local
808 | and federal small and minority business assistance programs or
809 | community development programs.

810 | (b) Eight members composed of representatives of the
811 | minority private business sector, including certified minority
812 | business enterprises and minority supplier development councils,

PCB RCC 12-02

ORIGINAL

2012

813 among whom at least two shall be women and at least four shall
814 be minority persons.

815 (c) Two representatives of local government, one of whom
816 shall be a representative of a large local government, and one
817 of whom shall be a representative of a small local government.

818 (d) Two representatives from the banking and insurance
819 industry.

820 (e) Two members from the private business sector,
821 representing the construction and commodities industries.

822 (f) A member from the board of directors of Enterprise
823 Florida, Inc.

824

825 A candidate for appointment may be considered if eligible to be
826 certified as an owner of a minority business enterprise, or if
827 otherwise qualified under the criteria above. Vacancies may be
828 filled by appointment of the secretary, in the manner of the
829 original appointment.

830 Reviser's note.—Amended to conform to the
831 redesignation of s. 288.703(3) as s. 288.703(4) by s.
832 172, ch. 2011-142, Laws of Florida.

833 Section 30. Paragraph (f) of subsection (4) of section
834 288.106, Florida Statutes, is amended to read:

835 288.106 Tax refund program for qualified target industry
836 businesses.—

837 (4) APPLICATION AND APPROVAL PROCESS.—

838 (f) Effective July 1, 2011, notwithstanding paragraph
839 (2) (j) ~~(2) (k)~~, the office may reduce the local financial support
840 requirements of this section by one-half for a qualified target

841 industry business located in Bay County, Escambia County,
 842 Franklin County, Gadsden County, Gulf County, Jefferson County,
 843 Leon County, Okaloosa County, Santa Rosa County, Wakulla County,
 844 or Walton County, if the office determines that such reduction
 845 of the local financial support requirements is in the best
 846 interest of the state and facilitates economic development,
 847 growth, or new employment opportunities in such county. This
 848 paragraph expires June 30, 2014.

849 Reviser's note.—Amended to conform to the
 850 redesignation of paragraph (2) (k) as paragraph (2) (j)
 851 by s. 150, ch. 2011-142, Laws of Florida.

852 Section 31. Paragraph (e) of subsection (2) of section
 853 288.1089, Florida Statutes, is reenacted and amended to read:

854 288.1089 Innovation Incentive Program.—

855 (2) As used in this section, the term:

856 (d) ~~(e)~~ "Cumulative investment" means cumulative capital
 857 investment and all eligible capital costs, as defined in s.
 858 220.191.

859 Reviser's note.—Section 155, ch. 2011-142, purported
 860 to amend paragraphs (2) (b), (d), (e), (f), and (o),
 861 but did not publish paragraph (e). To conform to the
 862 deletion of former paragraph (2) (d) by s. 155, ch.

863 2011-142, Laws of Florida, paragraph (2) (e) was
 864 redesignated as paragraph (2) (d) by the editors.

865 Absent affirmative evidence of legislative intent to
 866 repeal it, the paragraph is reenacted and amended as
 867 paragraph (2) (d), to confirm the omission was not
 868 intended.

869 Section 32. Subsection (6) of section 288.1226, Florida
 870 Statutes, is amended to read:
 871 288.1226 Florida Tourism Industry Marketing Corporation;
 872 use of property; board of directors; duties; audit.—
 873 (6) ANNUAL AUDIT.—The corporation shall provide for an
 874 annual financial audit in accordance with s. 215.981. The annual
 875 audit report shall be submitted to the Auditor General; the
 876 Office of Program Policy Analysis and Government Accountability;
 877 Enterprise Florida, Inc.; and the department for review. The
 878 Office of Program Policy Analysis and Government Accountability;
 879 Enterprise Florida, Inc.; the department; and the Auditor
 880 General have the authority to require and receive from the
 881 corporation or from its independent auditor any detail or
 882 supplemental data relative to the operation of the corporation.
 883 The department shall annually certify whether the corporation is
 884 operating in a manner and achieving the objectives that are
 885 consistent with the policies and goals of Enterprise Florida,
 886 Inc., and its long-range marketing plan. The identity of a donor
 887 or prospective donor to the corporation who desires to remain
 888 anonymous and all information identifying such donor or
 889 prospective donor are confidential and exempt from the
 890 provisions of s. 119.07(1) and s. 24(a), Art. I of the State
 891 Constitution. Such anonymity shall be maintained in the
 892 auditor's report.
 893 Reviser's note.—Amended to confirm editorial insertion
 894 of the word "Program" to conform to the complete name
 895 of the office.
 896 Section 33. Subsection (2) of section 288.706, Florida

PCB RCC 12-02

ORIGINAL

2012

897 Statutes, is amended to read:

898 288.706 Florida Minority Business Loan Mobilization
899 Program.—

900 (2) The Florida Minority Business Loan Mobilization
901 Program is created to promote the development of minority
902 business enterprises, as defined in s. 288.703(3) ~~288.703(2)~~,
903 increase the ability of minority business enterprises to compete
904 for state contracts, and sustain the economic growth of minority
905 business enterprises in this state. The goal of the program is
906 to assist minority business enterprises by facilitating working
907 capital loans to minority business enterprises that are vendors
908 on state agency contracts. The Department of Management Services
909 shall administer the program.

910 Reviser's note.—Amended to conform to the
911 redesignation of s. 288.703(2) as s. 288.703(3) by s.
912 172, ch. 2011-142, Laws of Florida.

913 Section 34. Paragraph (b) of subsection (4) of section
914 288.7102, Florida Statutes, is amended to read:

915 288.7102 Black Business Loan Program.—

916 (4) To be eligible to receive funds and provide loans,
917 loan guarantees, or investments under this section, a recipient
918 must:

919 (b) For an existing recipient, annually submit to the
920 department a financial audit performed by an independent
921 certified public accountant ~~account~~ for the most recently
922 completed fiscal year, which audit does not reveal any material
923 weaknesses or instances of material noncompliance.

924 Reviser's note.—Amended to confirm editorial

925 substitution of the word "accountant" for the word
 926 "account" to conform to context.

927 Section 35. Subsection (3) of section 288.980, Florida
 928 Statutes, is reenacted to read:

929 288.980 Military base retention; legislative intent;
 930 grants program.—

931 (3) The Florida Economic Reinvestment Initiative is
 932 established to respond to the need for this state and defense-
 933 dependent communities in this state to develop alternative
 934 economic diversification strategies to lessen reliance on
 935 national defense dollars in the wake of base closures and
 936 reduced federal defense expenditures and the need to formulate
 937 specific base reuse plans and identify any specific
 938 infrastructure needed to facilitate reuse. The initiative shall
 939 consist of the following two distinct grant programs to be
 940 administered by the department:

941 (a) The Florida Defense Planning Grant Program, through
 942 which funds shall be used to analyze the extent to which the
 943 state is dependent on defense dollars and defense infrastructure
 944 and prepare alternative economic development strategies. The
 945 state shall work in conjunction with defense-dependent
 946 communities in developing strategies and approaches that will
 947 help communities make the transition from a defense economy to a
 948 nondefense economy. Grant awards may not exceed \$250,000 per
 949 applicant and shall be available on a competitive basis.

950 (b) The Florida Defense Implementation Grant Program,
 951 through which funds shall be made available to defense-dependent
 952 communities to implement the diversification strategies

953 developed pursuant to paragraph (a). Eligible applicants include
 954 defense-dependent counties and cities, and local economic
 955 development councils located within such communities. Grant
 956 awards may not exceed \$100,000 per applicant and shall be
 957 available on a competitive basis. Awards shall be matched on a
 958 one-to-one basis.

959 (c) The Florida Military Installation Reuse Planning and
 960 Marketing Grant Program, through which funds shall be used to
 961 help counties, cities, and local economic development councils
 962 develop and implement plans for the reuse of closed or realigned
 963 military installations, including any necessary infrastructure
 964 improvements needed to facilitate reuse and related marketing
 965 activities.

966
 967 Applications for grants under this subsection must include a
 968 coordinated program of work or plan of action delineating how
 969 the eligible project will be administered and accomplished,
 970 which must include a plan for ensuring close cooperation between
 971 civilian and military authorities in the conduct of the funded
 972 activities and a plan for public involvement.

973 Reviser's note.—Section 194, ch. 2011-142, Laws of
 974 Florida, amended subsection (3) without publishing
 975 paragraph (c). Absent affirmative evidence of
 976 legislative intent to repeal paragraph (c), subsection
 977 (3) is reenacted to confirm the omission was not
 978 intended.

979 Section 36. Section 290.0401, Florida Statutes, is amended
 980 to read:

PCB RCC 12-02

ORIGINAL

2012

981 290.0401 Florida Small Cities Community Development Block
 982 Grant Program Act; short title.—Sections 290.0401-290.048
 983 ~~290.0401-290.049~~ may be cited as the "Florida Small Cities
 984 Community Development Block Grant Program Act."

985 Reviser's note.—Amended to conform to the repeal of s.
 986 290.049 by s. 44, ch. 2001-89, Laws of Florida, and s.
 987 25, ch. 2001-201, Laws of Florida. Section 290.048 is
 988 now the last section in the range.

989 Section 37. Section 290.0411, Florida Statutes, is amended
 990 to read:

991 290.0411 Legislative intent and purpose of ss. 290.0401-
 992 290.048 ~~290.0401-290.049~~.—It is the intent of the Legislature to
 993 provide the necessary means to develop, preserve, redevelop, and
 994 revitalize Florida communities exhibiting signs of decline or
 995 distress by enabling local governments to undertake the
 996 necessary community development programs. The overall objective
 997 is to create viable communities by eliminating slum and blight,
 998 fortifying communities in urgent need, providing decent housing
 999 and suitable living environments, and expanding economic
 1000 opportunities, principally for persons of low or moderate
 1001 income. The purpose of ss. 290.0401-290.048 ~~290.0401-290.049~~ is
 1002 to assist local governments in carrying out effective community
 1003 development and project planning and design activities to arrest
 1004 and reverse community decline and restore community vitality.
 1005 Community development and project planning activities to
 1006 maintain viable communities, revitalize existing communities,
 1007 expand economic development and employment opportunities, and
 1008 improve housing conditions and expand housing opportunities,

PCB RCC 12-02

ORIGINAL

2012

1009 providing direct benefit to persons of low or moderate income,
 1010 are the primary purposes of ss. 290.0401-290.048 ~~290.0401-~~
 1011 ~~290.049~~. The Legislature, therefore, declares that the
 1012 development, redevelopment, preservation, and revitalization of
 1013 communities in this state and all the purposes of ss. 290.0401-
 1014 290.048 ~~290.0401-290.049~~ are public purposes for which public
 1015 money may be borrowed, expended, loaned, pledged to guarantee
 1016 loans, and granted.

1017 Reviser's note.—Amended to conform to the repeal of s.
 1018 290.049 by s. 44, ch. 2001-89, Laws of Florida, and s.
 1019 25, ch. 2001-201, Laws of Florida. Section 290.048 is
 1020 now the last section in the range.

1021 Section 38. Section 290.042, Florida Statutes, is amended
 1022 to read:

1023 290.042 Definitions relating to Florida Small Cities
 1024 Community Development Block Grant Program Act.—As used in ss.
 1025 290.0401-290.048 ~~290.0401-290.049~~, the term:

1026 (1) "Administrative closeout" means the notification of a
 1027 grantee by the department that all applicable administrative
 1028 actions and all required work of the grant have been completed
 1029 with the exception of the final audit.

1030 (2) "Administrative costs" means the payment of all
 1031 reasonable costs of management, coordination, monitoring, and
 1032 evaluation, and similar costs and carrying charges, related to
 1033 the planning and execution of community development activities
 1034 which are funded in whole or in part under the Florida Small
 1035 Cities Community Development Block Grant Program. Administrative
 1036 costs shall include all costs of administration, including

1037 | general administration, planning and urban design, and project
 1038 | administration costs.

1039 | (3) "Department" means the Department of Economic
 1040 | Opportunity.

1041 | (4) "Eligible activities" means those community
 1042 | development activities authorized in s. 105(a) of Title I of the
 1043 | Housing and Community Development Act of 1974, as amended, and
 1044 | applicable federal regulations.

1045 | (5) "Eligible local government" means any local government
 1046 | which qualifies as eligible to participate in the Florida Small
 1047 | Cities Community Development Block Grant Program in accordance
 1048 | with s. 102(a)(7) of Title I of the Housing and Community
 1049 | Development Act of 1974, as amended, and applicable federal
 1050 | regulations, and any eligibility requirements which may be
 1051 | imposed by this act or by department rule.

1052 | (6) "Person of low or moderate income" means any person
 1053 | who meets the definition established by the department in
 1054 | accordance with the guidelines established in Title I of the
 1055 | Housing and Community Development Act of 1974, as amended.

1056 | (7) "Service area" means the total geographic area to be
 1057 | directly or indirectly served by a community development block
 1058 | grant project where at least 51 percent of the residents are
 1059 | low-income and moderate-income persons.

1060 | Reviser's note.—Amended to conform to the repeal of s.
 1061 | 290.049 by s. 44, ch. 2001-89, Laws of Florida, and s.
 1062 | 25, ch. 2001-201, Laws of Florida. Section 290.048 is
 1063 | now the last section in the range.

1064 | Section 39. Subsection (1) of section 290.044, Florida

PCB RCC 12-02

ORIGINAL

2012

1065 Statutes, is amended to read:
 1066 290.044 Florida Small Cities Community Development Block
 1067 Grant Program Fund; administration; distribution.—
 1068 (1) The Florida Small Cities Community Development Block
 1069 Grant Program Fund is created. All revenue designated for
 1070 deposit in such fund shall be deposited by the appropriate
 1071 agency. The department shall administer this fund as a grant and
 1072 loan guarantee program for carrying out the purposes of ss.
 1073 290.0401-290.048 ~~290.0401-290.049~~.
 1074 Reviser's note.—Amended to conform to the repeal of s.
 1075 290.049 by s. 44, ch. 2001-89, Laws of Florida, and s.
 1076 25, ch. 2001-201, Laws of Florida. Section 290.048 is
 1077 now the last section in the range.
 1078 Section 40. Subsections (1), (3), and (4) of section
 1079 290.048, Florida Statutes, are amended to read:
 1080 290.048 General powers of department under ss. 290.0401-
 1081 290.048 ~~290.0401-290.049~~.—The department has all the powers
 1082 necessary or appropriate to carry out the purposes and
 1083 provisions of the program, including the power to:
 1084 (1) Make contracts and agreements with the Federal
 1085 Government; other agencies of the state; any other public
 1086 agency; or any other public person, association, corporation,
 1087 local government, or entity in exercising its powers and
 1088 performing its duties under ss. 290.0401-290.048 ~~290.0401-~~
 1089 ~~290.049~~.
 1090 (3) Adopt and enforce rules not inconsistent with ss.
 1091 290.0401-290.048 ~~290.0401-290.049~~ for the administration of the
 1092 fund.

1093 (4) Assist in training employees of local governing
 1094 authorities to help achieve and increase their capacity to
 1095 administer programs pursuant to ss. 290.0401-290.048 ~~290.0401-~~
 1096 ~~290.049~~ and provide technical assistance and advice to local
 1097 governing authorities involved with these programs.

1098 Reviser's note.—Amended to conform to the repeal of s.
 1099 290.049 by s. 44, ch. 2001-89, Laws of Florida, and s.
 1100 25, ch. 2001-201, Laws of Florida. Section 290.048 is
 1101 now the last section in the range.

1102 Section 41. Subsection (1) of section 311.09, Florida
 1103 Statutes, is amended to read:

1104 311.09 Florida Seaport Transportation and Economic
 1105 Development Council.—

1106 (1) The Florida Seaport Transportation and Economic
 1107 Development Council is created within the Department of
 1108 Transportation. The council consists of the following 17 ~~18~~
 1109 members: the port director, or the port director's designee, of
 1110 each of the ports of Jacksonville, Port Canaveral, Port Citrus,
 1111 Fort Pierce, Palm Beach, Port Everglades, Miami, Port Manatee,
 1112 St. Petersburg, Tampa, Port St. Joe, Panama City, Pensacola, Key
 1113 West, and Fernandina; the secretary of the Department of
 1114 Transportation or his or her designee; and the director of the
 1115 Department of Economic Opportunity or his or her designee.

1116 Reviser's note.—Amended to conform to the deletion of
 1117 the secretary of the Department of Community Affairs
 1118 from the list of members by s. 227, ch. 2011-142, Laws
 1119 of Florida, which changed the number of members on the
 1120 council.

1121 Section 42. Paragraph (b) of subsection (1) of section
 1122 311.105, Florida Statutes, is amended to read:

1123 311.105 Florida Seaport Environmental Management
 1124 Committee; permitting; mitigation.—

1125 (1)

1126 (b) The committee shall consist of the following members:
 1127 the Secretary of Environmental Protection, or his or her
 1128 designee, as an ex officio, nonvoting member; a designee from
 1129 the United States Army Corps of Engineers, as an ex officio,
 1130 nonvoting member; a designee from the Florida Inland Navigation
 1131 District, as an ex officio, nonvoting member; the executive
 1132 director of the Department of Economic Opportunity, or his or
 1133 her designee, as an ex officio, nonvoting member; and five or
 1134 more port directors, as voting members, appointed to the
 1135 committee by the council chair, who shall also designate one
 1136 such member as committee chair.

1137 Reviser's note.—Amended to confirm editorial insertion
 1138 of the words "the Department of" to conform to the
 1139 complete name of the department.

1140 Section 43. Paragraph (c) of subsection (2) of section
 1141 316.302, Florida Statutes, is amended to read:

1142 316.302 Commercial motor vehicles; safety regulations;
 1143 transporters and shippers of hazardous materials; enforcement.—

1144 (2)

1145 (c) Except as provided in 49 C.F.R. s. 395.1, a person who
 1146 operates a commercial motor vehicle solely in intrastate
 1147 commerce not transporting any hazardous material in amounts that
 1148 require placarding pursuant to 49 C.F.R. part 172 may not drive

PCB RCC 12-02

ORIGINAL

2012

1149 after having been on duty more than 70 hours in any period of 7
 1150 consecutive days or more than 80 hours in any period of 8
 1151 consecutive days if the motor carrier operates every day of the
 1152 week. Thirty-four consecutive hours off duty shall constitute
 1153 the end of any such period of 7 or 8 consecutive days. This
 1154 weekly limit does not apply to a person who operates a
 1155 commercial motor vehicle solely within this state while
 1156 transporting, during harvest periods, any unprocessed
 1157 agricultural products or unprocessed food or fiber that is
 1158 subject to seasonal harvesting from place of harvest to the
 1159 first place of processing or storage or from place of harvest
 1160 directly to market or while transporting livestock, livestock
 1161 feed, or farm supplies directly related to growing or harvesting
 1162 agricultural products. Upon request of the Department of Highway
 1163 Safety and Motor Vehicles ~~Transportation~~, motor carriers shall
 1164 furnish time records or other written verification to that
 1165 department so that the Department of Highway Safety and Motor
 1166 Vehicles ~~Transportation~~ can determine compliance with this
 1167 subsection. These time records must be furnished to the
 1168 Department of Highway Safety and Motor Vehicles ~~Transportation~~
 1169 within 2 days after receipt of that department's request.
 1170 Falsification of such information is subject to a civil penalty
 1171 not to exceed \$100. The provisions of this paragraph do not
 1172 apply to drivers of utility service vehicles as defined in 49
 1173 C.F.R. s. 395.2.

1174 Reviser's note.—Amended to conform to the transfer of
 1175 motor carrier compliance safety regulation from the
 1176 Department of Transportation to the Department of

PCB RCC 12-02

ORIGINAL

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1177 Highway Safety and Motor Vehicles by ch. 2011-66, Laws
 1178 of Florida.
 1179 Section 44. Subsection (13) of section 373.414, Florida
 1180 Statutes, is amended to read:
 1181 373.414 Additional criteria for activities in surface
 1182 waters and wetlands.—
 1183 (13) Any declaratory statement issued by the department
 1184 under s. 403.914, 1984 Supplement to the Florida Statutes 1983,
 1185 as amended, or pursuant to rules adopted thereunder, or by a
 1186 water management district under s. 373.421, in response to a
 1187 petition filed on or before June 1, 1994, shall continue to be
 1188 valid for the duration of such declaratory statement. Any such
 1189 petition pending on June 1, 1994, shall be exempt from the
 1190 methodology ratified in s. 373.4211, but the rules of the
 1191 department or the relevant water management district, as
 1192 applicable, in effect prior to the effective date of s.
 1193 373.4211, shall apply. Until May 1, 1998, activities within the
 1194 boundaries of an area subject to a petition pending on June 1,
 1195 1994, and prior to final agency action on such petition, shall
 1196 be reviewed under the rules adopted pursuant to ss. 403.91-
 1197 403.929, 1984 Supplement to the Florida Statutes 1983, as
 1198 amended, and this part, in existence prior to the effective date
 1199 of the rules adopted under subsection (9), unless the applicant
 1200 elects to have such activities reviewed under the rules adopted
 1201 under this part, as amended in accordance with subsection (9).
 1202 In the event that a jurisdictional declaratory statement
 1203 pursuant to the vegetative index in effect prior to the
 1204 effective date of chapter 84-79, Laws of Florida, has been

PCB RCC 12-02

ORIGINAL

2012

1205 | obtained and is valid prior to the effective date of the rules
 1206 | adopted under subsection (9) or July 1, 1994, whichever is
 1207 | later, and the affected lands are part of a project for which a
 1208 | master development order has been issued pursuant to s.
 1209 | 380.06(21), the declaratory statement shall remain valid for the
 1210 | duration of the buildout period of the project. Any
 1211 | jurisdictional determination validated by the department
 1212 | pursuant to rule 17-301.400(8), Florida Administrative Code, as
 1213 | it existed in rule 17-4.022, Florida Administrative Code, on
 1214 | April 1, 1985, shall remain in effect for a period of 5 years
 1215 | following the effective date of this act if proof of such
 1216 | validation is submitted to the department prior to January 1,
 1217 | 1995. In the event that a jurisdictional determination has been
 1218 | revalidated by the department pursuant to this subsection and
 1219 | the affected lands are part of a project for which a development
 1220 | order has been issued pursuant to s. 380.06(15), a final
 1221 | development order to which s. 163.3167(5) ~~163.3167(8)~~ applies
 1222 | has been issued, or a vested rights determination has been
 1223 | issued pursuant to s. 380.06(20), the jurisdictional
 1224 | determination shall remain valid until the completion of the
 1225 | project, provided proof of such validation and documentation
 1226 | establishing that the project meets the requirements of this
 1227 | sentence are submitted to the department prior to January 1,
 1228 | 1995. Activities proposed within the boundaries of a valid
 1229 | declaratory statement issued pursuant to a petition submitted to
 1230 | either the department or the relevant water management district
 1231 | on or before June 1, 1994, or a revalidated jurisdictional
 1232 | determination, prior to its expiration shall continue thereafter

PCB RCC 12-02

ORIGINAL

2012

1233 to be exempt from the methodology ratified in s. 373.4211 and to
 1234 be reviewed under the rules adopted pursuant to ss. 403.91-
 1235 403.929, 1984 Supplement to the Florida Statutes 1983, as
 1236 amended, and this part, in existence prior to the effective date
 1237 of the rules adopted under subsection (9), unless the applicant
 1238 elects to have such activities reviewed under the rules adopted
 1239 under this part, as amended in accordance with subsection (9).

1240 Reviser's note.—Amended to conform to the renumbering
 1241 of subunits within s. 163.3167 by s. 7, ch. 2011-139,
 1242 Laws of Florida.

1243 Section 45. Paragraph (a) of subsection (2) of section
 1244 376.3072, Florida Statutes, is amended to read:

1245 376.3072 Florida Petroleum Liability and Restoration
 1246 Insurance Program.—

1247 (2) (a) Any owner or operator of a petroleum storage system
 1248 may become an insured in the restoration insurance program at a
 1249 facility provided:

1250 1. A site at which an incident has occurred shall be
 1251 eligible for restoration if the insured is a participant in the
 1252 third-party liability insurance program or otherwise meets
 1253 applicable financial responsibility requirements. After July 1,
 1254 1993, the insured must also provide the required excess
 1255 insurance coverage or self-insurance for restoration to achieve
 1256 the financial responsibility requirements of 40 C.F.R. s.
 1257 280.97, subpart H, not covered by paragraph (d).

1258 2. A site which had a discharge reported prior to January
 1259 1, 1989, for which notice was given pursuant to s. 376.3071(9)
 1260 or (12), and which is ineligible for the third-party liability

1261 insurance program solely due to that discharge shall be eligible
 1262 for participation in the restoration program for any incident
 1263 occurring on or after January 1, 1989, in accordance with
 1264 subsection (3). Restoration funding for an eligible contaminated
 1265 site will be provided without participation in the third-party
 1266 liability insurance program until the site is restored as
 1267 required by the department or until the department determines
 1268 that the site does not require restoration.

1269 3. Notwithstanding paragraph (b), a site where an
 1270 application is filed with the department prior to January 1,
 1271 1995, where the owner is a small business under s. 288.703(6)
 1272 ~~288.703(1)~~, a state community college with less than 2,500 FTE,
 1273 a religious institution as defined by s. 212.08(7)(m), a
 1274 charitable institution as defined by s. 212.08(7)(p), or a
 1275 county or municipality with a population of less than 50,000,
 1276 shall be eligible for up to \$400,000 of eligible restoration
 1277 costs, less a deductible of \$10,000 for small businesses,
 1278 eligible community colleges, and religious or charitable
 1279 institutions, and \$30,000 for eligible counties and
 1280 municipalities, provided that:

1281 a. Except as provided in sub-subparagraph e., the facility
 1282 was in compliance with department rules at the time of the
 1283 discharge.

1284 b. The owner or operator has, upon discovery of a
 1285 discharge, promptly reported the discharge to the department,
 1286 and drained and removed the system from service, if necessary.

1287 c. The owner or operator has not intentionally caused or
 1288 concealed a discharge or disabled leak detection equipment.

1289 d. The owner or operator proceeds to complete initial
 1290 remedial action as defined by department rules.

1291 e. The owner or operator, if required and if it has not
 1292 already done so, applies for third-party liability coverage for
 1293 the facility within 30 days of receipt of an eligibility order
 1294 issued by the department pursuant to this provision.

1295
 1296 However, the department may consider in-kind services from
 1297 eligible counties and municipalities in lieu of the \$30,000
 1298 deductible. The cost of conducting initial remedial action as
 1299 defined by department rules shall be an eligible restoration
 1300 cost pursuant to this provision.

1301 4.a. By January 1, 1997, facilities at sites with existing
 1302 contamination shall be required to have methods of release
 1303 detection to be eligible for restoration insurance coverage for
 1304 new discharges subject to department rules for secondary
 1305 containment. Annual storage system testing, in conjunction with
 1306 inventory control, shall be considered to be a method of release
 1307 detection until the later of December 22, 1998, or 10 years
 1308 after the date of installation or the last upgrade. Other
 1309 methods of release detection for storage tanks which meet such
 1310 requirement are:

1311 (I) Interstitial monitoring of tank and integral piping
 1312 secondary containment systems;

1313 (II) Automatic tank gauging systems; or

1314 (III) A statistical inventory reconciliation system with a
 1315 tank test every 3 years.

1316 b. For pressurized integral piping systems, the owner or

1317 operator must use:

1318 (I) An automatic in-line leak detector with flow

1319 restriction meeting the requirements of department rules used in

1320 conjunction with an annual tightness or pressure test; or

1321 (II) An automatic in-line leak detector with electronic

1322 flow shut-off meeting the requirements of department rules.

1323 c. For suction integral piping systems, the owner or

1324 operator must use:

1325 (I) A single check valve installed directly below the

1326 suction pump, provided there are no other valves between the

1327 dispenser and the tank; or

1328 (II) An annual tightness test or other approved test.

1329 d. Owners of facilities with existing contamination that

1330 install internal release detection systems in accordance with

1331 sub-subparagraph a. shall permanently close their external

1332 groundwater and vapor monitoring wells in accordance with

1333 department rules by December 31, 1998. Upon installation of the

1334 internal release detection system, these wells shall be secured

1335 and taken out of service until permanent closure.

1336 e. Facilities with vapor levels of contamination meeting

1337 the requirements of or below the concentrations specified in the

1338 performance standards for release detection methods specified in

1339 department rules may continue to use vapor monitoring wells for

1340 release detection.

1341 f. The department may approve other methods of release

1342 detection for storage tanks and integral piping which have at

1343 least the same capability to detect a new release as the methods

1344 specified in this subparagraph.

PCB RCC 12-02

ORIGINAL

2012

1345 Reviser's note.—Amended to conform to the renumbering
 1346 of subunits within s. 288.703 by s. 172, ch. 2011-142,
 1347 Laws of Florida.

1348 Section 46. Subsection (2) of section 376.86, Florida
 1349 Statutes, is amended to read:

1350 376.86 Brownfield Areas Loan Guarantee Program.—

1351 (2) The council shall consist of the secretary of the
 1352 Department of Environmental Protection or the secretary's
 1353 designee, the State Surgeon General or the State Surgeon
 1354 General's designee, the executive director of the State Board of
 1355 Administration or the executive director's designee, the
 1356 executive director of the Florida Housing Finance Corporation or
 1357 the executive director's designee, and the executive director of
 1358 the Department of Economic Opportunity or the director's
 1359 designee. The executive director of the Department of Economic
 1360 Opportunity or the director's designee shall serve as chair of
 1361 the council. Staff services for activities of the council shall
 1362 be provided as needed by the member agencies.

1363 Reviser's note.—Amended to confirm editorial insertion
 1364 of the words "the Department of" to conform to the
 1365 complete name of the department.

1366 Section 47. Section 379.2255, Florida Statutes, is amended
 1367 to read:

1368 379.2255 Wildlife Violator Compact Act.—The Wildlife
 1369 Violator Compact is created and entered into with all other
 1370 jurisdictions legally joining therein in the form substantially
 1371 as follows:

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ARTICLE I

Findings and Purpose

(1) The participating states find that:

(a) Wildlife resources are managed in trust by the respective states for the benefit of all residents and visitors.

(b) The protection of the wildlife resources of a state is materially affected by the degree of compliance with state statutes, laws, regulations, ordinances, and administrative rules relating to the management of such resources.

(c) The preservation, protection, management, and restoration of wildlife contributes immeasurably to the aesthetic, recreational, and economic aspects of such natural resources.

(d) Wildlife resources are valuable without regard to political boundaries; therefore, every person should be required to comply with wildlife preservation, protection, management, and restoration laws, ordinances, and administrative rules and regulations of the participating states as a condition precedent to the continuance or issuance of any license to hunt, fish, trap, or possess wildlife.

(e) Violation of wildlife laws interferes with the management of wildlife resources and may endanger the safety of persons and property.

(f) The mobility of many wildlife law violators necessitates the maintenance of channels of communication among the various states.

(g) In most instances, a person who is cited for a

1401 wildlife violation in a state other than his or her home state
 1402 is:

1403 1. Required to post collateral or a bond to secure
 1404 appearance for a trial at a later date;

1405 2. Taken into custody until the collateral or bond is
 1406 posted; or

1407 3. Taken directly to court for an immediate appearance.

1408 (h) The purpose of the enforcement practices set forth in
 1409 paragraph (g) is to ensure compliance with the terms of a
 1410 wildlife citation by the cited person who, if permitted to
 1411 continue on his or her way after receiving the citation, could
 1412 return to his or her home state and disregard his or her duty
 1413 under the terms of the citation.

1414 (i) In most instances, a person receiving a wildlife
 1415 citation in his or her home state is permitted to accept the
 1416 citation from the officer at the scene of the violation and
 1417 immediately continue on his or her way after agreeing or being
 1418 instructed to comply with the terms of the citation.

1419 (j) The practices described in paragraph (g) cause
 1420 unnecessary inconvenience and, at times, a hardship for the
 1421 person who is unable at the time to post collateral, furnish a
 1422 bond, stand trial, or pay a fine, and thus is compelled to
 1423 remain in custody until some alternative arrangement is made.

1424 (k) The enforcement practices described in paragraph (g)
 1425 consume an undue amount of time of law enforcement agencies.

1426 (2) It is the policy of the participating states to:

1427 (a) Promote compliance with the statutes, laws,
 1428 ordinances, regulations, and administrative rules relating to

1429 the management of wildlife resources in their respective states.

1430 (b) Recognize a suspension of the wildlife license
 1431 privileges of any person whose license privileges have been
 1432 suspended by a participating state and treat such suspension as
 1433 if it had occurred in each respective state.

1434 (c) Allow a violator, except as provided in subsection (2)
 1435 of Article III, to accept a wildlife citation and, without
 1436 delay, proceed on his or her way, whether or not the violator is
 1437 a resident of the state in which the citation was issued, if the
 1438 violator's home state is party to this compact.

1439 (d) Report to the appropriate participating state, as
 1440 provided in the compact manual, any conviction recorded against
 1441 any person whose home state was not the issuing state.

1442 (e) Allow the home state to recognize and treat
 1443 convictions recorded against its residents, which convictions
 1444 occurred in a participating state, as though they had occurred
 1445 in the home state.

1446 (f) Extend cooperation to its fullest extent among the
 1447 participating states for enforcing compliance with the terms of
 1448 a wildlife citation issued in one participating state to a
 1449 resident of another participating state.

1450 (g) Maximize the effective use of law enforcement
 1451 personnel and information.

1452 (h) Assist court systems in the efficient disposition of
 1453 wildlife violations.

1454 (3) The purpose of this compact is to:

1455 (a) Provide a means through which participating states may
 1456 join in a reciprocal program to effectuate the policies

1457 enumerated in subsection (2) in a uniform and orderly manner.

1458 (b) Provide for the fair and impartial treatment of
 1459 wildlife violators operating within participating states in
 1460 recognition of the violator's right to due process and the
 1461 sovereign status of a participating state.

1462

1463 ARTICLE II
 1464 Definitions

1465

1466 As used in this compact, the term:

1467 (1) "Citation" means any summons, complaint, summons and
 1468 complaint, ticket, penalty assessment, or other official
 1469 document issued to a person by a wildlife officer or other peace
 1470 officer for a wildlife violation which contains an order
 1471 requiring the person to respond.

1472 (2) "Collateral" means any cash or other security
 1473 deposited to secure an appearance for trial in connection with
 1474 the issuance by a wildlife officer or other peace officer of a
 1475 citation for a wildlife violation.

1476 (3) "Compliance" with respect to a citation means the act
 1477 of answering a citation through an appearance in a court or
 1478 tribunal, or through the payment of fines, costs, and
 1479 surcharges, if any.

1480 (4) "Conviction" means a conviction that results in
 1481 suspension or revocation of a license, including any court
 1482 conviction, for any offense related to the preservation,
 1483 protection, management, or restoration of wildlife which is
 1484 prohibited by state statute, law, regulation, ordinance, or

1485 administrative rule. The term also includes the forfeiture of
 1486 any bail, bond, or other security deposited to secure appearance
 1487 by a person charged with having committed any such offense, the
 1488 payment of a penalty assessment, a plea of nolo contendere, or
 1489 the imposition of a deferred or suspended sentence by the court.

1490 (5) "Court" means a court of law, including magistrate's
 1491 court and the justice of the peace court.

1492 (6) "Home state" means the state of primary residence of a
 1493 person.

1494 (7) "Issuing state" means the participating state that
 1495 issues a wildlife citation to the violator.

1496 (8) "License" means any license, permit, or other public
 1497 document that conveys to the person to whom it was issued the
 1498 privilege of pursuing, possessing, or taking any wildlife
 1499 regulated by statute, law, regulation, ordinance, or
 1500 administrative rule of a participating state; any privilege to
 1501 obtain such license, permit, or other public document; or any
 1502 statutory exemption from the requirement to obtain such license,
 1503 permit, or other public document. However, when applied to a
 1504 license, permit, or privilege issued or granted by the State of
 1505 Florida, only a license or permit issued under s. 379.354, or a
 1506 privilege granted under s. 379.353, shall be considered a
 1507 license.

1508 (9) "Licensing authority" means the department or division
 1509 within each participating state which is authorized by law to
 1510 issue or approve licenses or permits to hunt, fish, trap, or
 1511 possess wildlife.

1512 (10) "Participating state" means any state that enacts

1513 | legislation to become a member of this wildlife compact.

1514 | (11) "Personal recognizance" means an agreement by a
1515 | person made at the time of issuance of the wildlife citation
1516 | that such person will comply with the terms of the citation.

1517 | (12) "State" means any state, territory, or possession of
1518 | the United States, the District of Columbia, the Commonwealth of
1519 | Puerto Rico, the Provinces of Canada, and other countries.

1520 | (13) "Suspension" means any revocation, denial, or
1521 | withdrawal of any or all license privileges, including the
1522 | privilege to apply for, purchase, or exercise the benefits
1523 | conferred by any license.

1524 | (14) "Terms of the citation" means those conditions and
1525 | options expressly stated upon the citation.

1526 | (15) "Wildlife" means all species of animals, including,
1527 | but not limited to, mammals, birds, fish, reptiles, amphibians,
1528 | mollusks, and crustaceans, which are defined as "wildlife" and
1529 | are protected or otherwise regulated by statute, law,
1530 | regulation, ordinance, or administrative rule in a participating
1531 | state. Species included in the definition of "wildlife" vary
1532 | from state to state and the determination of whether a species
1533 | is "wildlife" for the purposes of this compact shall be based on
1534 | local law.

1535 | (16) "Wildlife law" means any statute, law, regulation,
1536 | ordinance, or administrative rule developed and enacted for the
1537 | management of wildlife resources and the uses thereof.

1538 | (17) "Wildlife officer" means any individual authorized by
1539 | a participating state to issue a citation for a wildlife
1540 | violation.

1541 (18) "Wildlife violation" means any cited violation of a
 1542 statute, law, regulation, ordinance, or administrative rule
 1543 developed and enacted for the management of wildlife resources
 1544 and the uses thereof.

1545

1546 ARTICLE III
 1547 Procedures for Issuing State

1548

1549 (1) When issuing a citation for a wildlife violation, a
 1550 wildlife officer shall issue a citation to any person whose
 1551 primary residence is in a participating state in the same manner
 1552 as though the person were a resident of the issuing state and
 1553 shall not require such person to post collateral to secure
 1554 appearance, subject to the exceptions noted in subsection (2),
 1555 if the officer receives the recognizance of such person that he
 1556 will comply with the terms of the citation.

1557 (2) Personal recognizance is acceptable if not prohibited
 1558 by local law; by policy, procedure, or regulation of the issuing
 1559 agency; or by the compact manual and if the violator provides
 1560 adequate proof of identification to the wildlife officer.

1561 (3) Upon conviction or failure of a person to comply with
 1562 the terms of a wildlife citation, the appropriate official shall
 1563 report the conviction or failure to comply to the licensing
 1564 authority of the participating state in which the wildlife
 1565 citation was issued. The report shall be made in accordance with
 1566 procedures specified by the issuing state and must contain
 1567 information as specified in the compact manual as minimum
 1568 requirements for effective processing by the home state.

1569 (4) Upon receipt of the report of conviction or
 1570 noncompliance pursuant to subsection (3), the licensing
 1571 authority of the issuing state shall transmit to the licensing
 1572 authority of the home state of the violator the information in
 1573 the form and content prescribed in the compact manual.

1575 ARTICLE IV

1576 Procedure for Home State

1577
 1578 (1) Upon receipt of a report from the licensing authority
 1579 of the issuing state reporting the failure of a violator to
 1580 comply with the terms of a citation, the licensing authority of
 1581 the home state shall notify the violator and shall initiate a
 1582 suspension action in accordance with the home state's suspension
 1583 procedures and shall suspend the violator's license privileges
 1584 until satisfactory evidence of compliance with the terms of the
 1585 wildlife citation has been furnished by the issuing state to the
 1586 home state licensing authority. Due-process safeguards shall be
 1587 accorded.

1588 (2) Upon receipt of a report of conviction from the
 1589 licensing authority of the issuing state, the licensing
 1590 authority of the home state shall enter such conviction in its
 1591 records and shall treat such conviction as though it occurred in
 1592 the home state for purposes of the suspension of license
 1593 privileges.

1594 (3) The licensing authority of the home state shall
 1595 maintain a record of actions taken and shall make reports to
 1596 issuing states as provided in the compact manual.

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ARTICLE V

Reciprocal Recognition of Suspension

(1) Each participating state may recognize the suspension of license privileges of any person by any other participating state as though the violation resulting in the suspension had occurred in that state and would have been the basis for suspension of license privileges in that state.

(2) Each participating state shall communicate suspension information to other participating states in the form and content contained in the compact manual.

ARTICLE VI

Applicability of Other Laws

Except as expressly required by provisions of this compact, this compact does not affect the right of any participating state to apply any of its laws relating to license privileges to any person or circumstance or to invalidate or prevent any agreement or other cooperative arrangement between a participating state and a nonparticipating state concerning the enforcement of wildlife laws.

ARTICLE VII

Compact Administrator Procedures

(1) For the purpose of administering the provisions of

1625 | this compact and to serve as a governing body for the resolution
 1626 | of all matters relating to the operation of this compact, a
 1627 | board of compact administrators is established. The board shall
 1628 | be composed of one representative from each of the participating
 1629 | states to be known as the compact administrator. The compact
 1630 | administrator shall be appointed by the head of the licensing
 1631 | authority of each participating state and shall serve and be
 1632 | subject to removal in accordance with the laws of the state he
 1633 | or she represents. A compact administrator may provide for the
 1634 | discharge of his or her duties and the performance of his or her
 1635 | functions as a board member by an alternate. An alternate is not
 1636 | entitled to serve unless written notification of his or her
 1637 | identity has been given to the board.

1638 | (2) Each member of the board of compact administrators
 1639 | shall be entitled to one vote. No action of the board shall be
 1640 | binding unless taken at a meeting at which a majority of the
 1641 | total number of the board's votes are cast in favor thereof.
 1642 | Action by the board shall be only at a meeting at which a
 1643 | majority of the participating states are represented.

1644 | (3) The board shall elect annually from its membership a
 1645 | chairperson ~~chairman~~ and vice chairperson ~~chairman~~.

1646 | (4) The board shall adopt bylaws not inconsistent with the
 1647 | provisions of this compact or the laws of a participating state
 1648 | for the conduct of its business and shall have the power to
 1649 | amend and rescind its bylaws.

1650 | (5) The board may accept for any of its purposes and
 1651 | functions under this compact any and all donations and grants of
 1652 | moneys, equipment, supplies, materials, and services,

1653 conditional or otherwise, from any state, the United States, or
 1654 any governmental agency, and may receive, use, and dispose of
 1655 the same.

1656 (6) The board may contract with, or accept services or
 1657 personnel from, any governmental or intergovernmental agency,
 1658 individual, firm, corporation, or private nonprofit organization
 1659 or institution.

1660 (7) The board shall formulate all necessary procedures and
 1661 develop uniform forms and documents for administering the
 1662 provisions of this compact. All procedures and forms adopted
 1663 pursuant to board action shall be contained in a compact manual.

1665 ARTICLE VIII

1666 Entry into Compact and Withdrawal

1668 (1) This compact shall become effective at such time as it
 1669 is adopted in substantially similar form by two or more states.

1670 (2)

1671 (a) Entry into the compact shall be made by resolution of
 1672 ratification executed by the authorized officials of the
 1673 applying state and submitted to the chairperson ~~chairman~~ of the
 1674 board.

1675 (b) The resolution shall substantially be in the form and
 1676 content as provided in the compact manual and must include the
 1677 following:

1678 1. A citation of the authority from which the state is
 1679 empowered to become a party to this compact;

1680 2. An agreement of compliance with the terms and

1681 provisions of this compact; and

1682 3. An agreement that compact entry is with all states
 1683 participating in the compact and with all additional states
 1684 legally becoming a party to the compact.

1685 (c) The effective date of entry shall be specified by the
 1686 applying state, but may not be less than 60 days after notice
 1687 has been given by the chairperson ~~chairman~~ of the board of the
 1688 compact administrators or by the secretariat of the board to
 1689 each participating state that the resolution from the applying
 1690 state has been received.

1691 (3) A participating state may withdraw from participation
 1692 in this compact by official written notice to each participating
 1693 state, but withdrawal shall not become effective until 90 days
 1694 after the notice of withdrawal is given. The notice must be
 1695 directed to the compact administrator of each member state. The
 1696 withdrawal of any state does not affect the validity of this
 1697 compact as to the remaining participating states.

1698
 1699 ARTICLE IX

1700 Amendments to the Compact

1701
 1702 (1) This compact may be amended from time to time.
 1703 Amendments shall be presented in resolution form to the
 1704 chairperson ~~chairman~~ of the board of compact administrators and
 1705 shall be initiated by one or more participating states.

1706 (2) Adoption of an amendment shall require endorsement by
 1707 all participating states and shall become effective 30 days
 1708 after the date of the last endorsement.

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ARTICLE X

Construction and Severability

This compact shall be liberally construed so as to effectuate the purposes stated herein. The provisions of this compact are severable and if any phrase, clause, sentence, or provision of this compact is declared to be contrary to the constitution of any participating state or of the United States, or if the applicability thereof to any government, agency, individual, or circumstance is held invalid, the validity of the remainder of this compact shall not be affected thereby. If this compact is held contrary to the constitution of any participating state, the compact shall remain in full force and effect as to the remaining states and in full force and effect as to the participating state affected as to all severable matters.

ARTICLE XI

Title

This compact shall be known as the "Wildlife Violator Compact."

Reviser's note.—Amended pursuant to the directive of the Legislature in s. 1, ch. 93-199, Laws of Florida, to remove gender-specific references applicable to human beings from the Florida Statutes without substantive change in legal effect.
Section 48. Paragraphs (b) and (c) of subsection (4) of

1737 section 381.026, Florida Statutes, are amended to read:

1738 381.026 Florida Patient's Bill of Rights and
 1739 Responsibilities.—

1740 (4) RIGHTS OF PATIENTS.—Each health care facility or
 1741 provider shall observe the following standards:

1742 (b) Information.—

1743 1. A patient has the right to know the name, function, and
 1744 qualifications of each health care provider who is providing
 1745 medical services to the patient. A patient may request such
 1746 information from his or her responsible provider or the health
 1747 care facility in which he or she is receiving medical services.

1748 2. A patient in a health care facility has the right to
 1749 know what patient support services are available in the
 1750 facility.

1751 3. A patient has the right to be given by his or her
 1752 health care provider information concerning diagnosis, planned
 1753 course of treatment, alternatives, risks, and prognosis, unless
 1754 it is medically inadvisable or impossible to give this
 1755 information to the patient, in which case the information must
 1756 be given to the patient's guardian or a person designated as the
 1757 patient's representative. A patient has the right to refuse this
 1758 information.

1759 4. A patient has the right to refuse any treatment based
 1760 on information required by this paragraph, except as otherwise
 1761 provided by law. The responsible provider shall document any
 1762 such refusal.

1763 5. A patient in a health care facility has the right to
 1764 know what facility rules and regulations apply to patient

1765 | conduct.

1766 | 6. A patient has the right to express grievances to a
 1767 | health care provider, a health care facility, or the appropriate
 1768 | state licensing agency regarding alleged violations of patients'
 1769 | rights. A patient has the right to know the health care
 1770 | provider's or health care facility's procedures for expressing a
 1771 | grievance.

1772 | 7. A patient in a health care facility who does not speak
 1773 | English has the right to be provided an interpreter when
 1774 | receiving medical services if the facility has a person readily
 1775 | available who can interpret on behalf of the patient.

1776 | 8. A health care provider or health care facility shall
 1777 | respect a patient's right to privacy and should refrain from
 1778 | making a written inquiry or asking questions concerning the
 1779 | ownership of a firearm or ammunition by the patient or by a
 1780 | family member of the patient, or the presence of a firearm in a
 1781 | private home or other domicile of the patient or a family member
 1782 | of the patient. Notwithstanding this provision, a health care
 1783 | provider or health care facility that in good faith believes
 1784 | that this information is relevant to the patient's medical care
 1785 | or safety, or safety of ~~or~~ others, may make such a verbal or
 1786 | written inquiry.

1787 | 9. A patient may decline to answer or provide any
 1788 | information regarding ownership of a firearm by the patient or a
 1789 | family member of the patient, or the presence of a firearm in
 1790 | the domicile of the patient or a family member of the patient. A
 1791 | patient's decision not to answer a question relating to the
 1792 | presence or ownership of a firearm does not alter existing law

1793 regarding a physician's authorization to choose his or her
 1794 patients.

1795 10. A health care provider or health care facility may not
 1796 discriminate against a patient based solely upon the patient's
 1797 exercise of the constitutional right to own and possess firearms
 1798 or ammunition.

1799 11. A health care provider or health care facility shall
 1800 respect a patient's legal right to own or possess a firearm and
 1801 should refrain from unnecessarily harassing a patient about
 1802 firearm ownership during an examination.

1803 (c) Financial information and disclosure.-

1804 1. A patient has the right to be given, upon request, by
 1805 the responsible provider, his or her designee, or a
 1806 representative of the health care facility full information and
 1807 necessary counseling on the availability of known financial
 1808 resources for the patient's health care.

1809 2. A health care provider or a health care facility shall,
 1810 upon request, disclose to each patient who is eligible for
 1811 Medicare, before treatment, whether the health care provider or
 1812 the health care facility in which the patient is receiving
 1813 medical services accepts assignment under Medicare reimbursement
 1814 as payment in full for medical services and treatment rendered
 1815 in the health care provider's office or health care facility.

1816 3. A primary care provider may publish a schedule of
 1817 charges for the medical services that the provider offers to
 1818 patients. The schedule must include the prices charged to an
 1819 uninsured person paying for such services by cash, check, credit
 1820 card, or debit card. The schedule must be posted in a

1821 conspicuous place in the reception area of the provider's office
 1822 and must include, but is not limited to, the 50 services most
 1823 frequently provided by the primary care provider. The schedule
 1824 may group services by three price levels, listing services in
 1825 each price level. The posting must be at least 15 square feet in
 1826 size. A primary care provider who publishes and maintains a
 1827 schedule of charges for medical services is exempt from the
 1828 license fee requirements for a single period of renewal of a
 1829 professional license under chapter 456 for that licensure term
 1830 and is exempt from the continuing education requirements of
 1831 chapter 456 and the rules implementing those requirements for a
 1832 single 2-year period.

1833 4. If a primary care provider publishes a schedule of
 1834 charges pursuant to subparagraph 3., he or she must continually
 1835 post it at all times for the duration of active licensure in
 1836 this state when primary care services are provided to patients.
 1837 If a primary care provider fails to post the schedule of charges
 1838 in accordance with this subparagraph, the provider shall be
 1839 required to pay any license fee and comply with any continuing
 1840 education requirements for which an exemption was received.

1841 5. A health care provider or a health care facility shall,
 1842 upon request, furnish a person, before the provision of medical
 1843 services, a reasonable estimate of charges for such services.
 1844 The health care provider or the health care facility shall
 1845 provide an uninsured person, before the provision of a planned
 1846 nonemergency medical service, a reasonable estimate of charges
 1847 for such service and information regarding the provider's or
 1848 facility's discount or charity policies for which the uninsured

1849 person may be eligible. Such estimates by a primary care
 1850 provider must be consistent with the schedule posted under
 1851 subparagraph 3. Estimates shall, to the extent possible, be
 1852 written in a language comprehensible to an ordinary layperson.
 1853 Such reasonable estimate does not preclude the health care
 1854 provider or health care facility from exceeding the estimate or
 1855 making additional charges based on changes in the patient's
 1856 condition or treatment needs.

1857 6. Each licensed facility not operated by the state shall
 1858 make available to the public on its Internet website or by other
 1859 electronic means a description of and a link to the performance
 1860 outcome and financial data that is published by the agency
 1861 pursuant to s. 408.05(3)(k). The facility shall place a notice
 1862 in the reception area that such information is available
 1863 electronically and the website address. The licensed facility
 1864 may indicate that the pricing information is based on a
 1865 compilation of charges for the average patient and that each
 1866 patient's bill may vary from the average depending upon the
 1867 severity of illness and individual resources consumed. The
 1868 licensed facility may also indicate that the price of service is
 1869 negotiable for eligible patients based upon the patient's
 1870 ability to pay.

1871 7. A patient has the right to receive a copy of an
 1872 itemized bill upon request. A patient has a right to be given an
 1873 explanation of charges upon request.

1874 Reviser's note.—Paragraph (4)(b) is amended to confirm
 1875 editorial substitution of the word "of" for the word
 1876 "or." Paragraph (4)(c) is amended to delete the word

PCB RCC 12-02

ORIGINAL

2012

1877 "a" to improve clarity.

1878 Section 49. Subsection (17) of section 409.9122, Florida
1879 Statutes, is amended to read:

1880 409.9122 Mandatory Medicaid managed care enrollment;
1881 programs and procedures.—

1882 (17) The agency shall establish and maintain an
1883 information system to make encounter data, financial data, and
1884 other measures of plan performance available to the public and
1885 any interested party.

1886 (a) Information submitted by the managed care plans shall
1887 be available online as well as in other formats.

1888 (b) Periodic agency reports shall be published that
1889 include ~~provide~~ summary as well as plan specific measures of
1890 financial performance and service utilization.

1891 (c) Any release of the financial and encounter data
1892 submitted by managed care plans shall ensure the confidentiality
1893 of personal health information.

1894 Reviser's note.—Amended to confirm editorial insertion
1895 of the word "available" and deletion of the word
1896 "provide."

1897 Section 50. Paragraphs (c) and (e) of subsection (3) of
1898 section 409.966, Florida Statutes, are amended to read:

1899 409.966 Eligible plans; selection.—

1900 (3) QUALITY SELECTION CRITERIA.—

1901 (c) After negotiations are conducted, the agency shall
1902 select the eligible plans that are determined to be responsive
1903 and provide the best value to the state. Preference shall be
1904 given to plans that:

1905 1. Have signed contracts with primary and specialty
 1906 physicians in sufficient numbers to meet the specific standards
 1907 established pursuant to s. 409.967(2)(c) ~~409.967(2)(b)~~.

1908 2. Have well-defined programs for recognizing patient-
 1909 centered medical homes and providing for increased compensation
 1910 for recognized medical homes, as defined by the plan.

1911 3. Are organizations that are based in and perform
 1912 operational functions in this state, in-house or through
 1913 contractual arrangements, by staff located in this state. Using
 1914 a tiered approach, the highest number of points shall be awarded
 1915 to a plan that has all or substantially all of its operational
 1916 functions performed in the state. The second highest number of
 1917 points shall be awarded to a plan that has a majority of its
 1918 operational functions performed in the state. The agency may
 1919 establish a third tier; however, preference points may not be
 1920 awarded to plans that perform only community outreach, medical
 1921 director functions, and state administrative functions in the
 1922 state. For purposes of this subparagraph, operational functions
 1923 include claims processing, member services, provider relations,
 1924 utilization and prior authorization, case management, disease
 1925 and quality functions, and finance and administration. For
 1926 purposes of this subparagraph, the term "based in this state"
 1927 means that the entity's principal office is in this state and
 1928 the plan is not a subsidiary, directly or indirectly through one
 1929 or more subsidiaries of, or a joint venture with, any other
 1930 entity whose principal office is not located in the state.

1931 4. Have contracts or other arrangements for cancer disease
 1932 management programs that have a proven record of clinical

1933 efficiencies and cost savings.

1934 5. Have contracts or other arrangements for diabetes
1935 disease management programs that have a proven record of
1936 clinical efficiencies and cost savings.

1937 6. Have a claims payment process that ensures that claims
1938 that are not contested or denied will be promptly paid pursuant
1939 to s. 641.3155.

1940 (e) To ensure managed care plan participation in Regions 1
1941 and 2, the agency shall award an additional contract to each
1942 plan with a contract award in Region 1 or Region 2. Such
1943 contract shall be in any other region in which the plan
1944 submitted a responsive bid and negotiates a rate acceptable to
1945 the agency. If a plan that is awarded an additional contract
1946 pursuant to this paragraph is subject to penalties pursuant to
1947 s. 409.967(2)(h) ~~s. 409.967(2)(g)~~ for activities in Region 1 or
1948 Region 2, the additional contract is automatically terminated
1949 180 days after the imposition of the penalties. The plan must
1950 reimburse the agency for the cost of enrollment changes and
1951 other transition activities.

1952 Reviser's note.—Paragraph (3)(c) is amended to
1953 substitute a reference to s. 409.967(2)(c) for a
1954 reference to s. 409.967(2)(b). Section 409.967(2)(c)
1955 establishes standards for access to care. Section
1956 409.967(2)(b) references emergency services. Paragraph
1957 (3)(e) is amended to substitute a reference to s.
1958 409.967(2)(h) for a reference to s. 409.967(2)(g).
1959 Section 409.967(2)(h) relates to penalties. Section
1960 409.967(2)(g) relates to grievance resolution.

PCB RCC 12-02

ORIGINAL

2012

1961 Section 51. Subsection (1) of section 409.972, Florida
 1962 Statutes, is amended to read:
 1963 409.972 Mandatory and voluntary enrollment.—
 1964 (1) Persons eligible for the program known as "medically
 1965 needy" pursuant to s. 409.904(2) ~~409.904(2)(a)~~ shall enroll in
 1966 managed care plans. Medically needy recipients shall meet the
 1967 share of the cost by paying the plan premium, up to the share of
 1968 the cost amount, contingent upon federal approval.

1969 Reviser's note.—Amended to conform to the repeal of s.
 1970 409.904(2)(b) by s. 3, ch. 2011-61, Laws of Florida,
 1971 which resulted in subsection (2) having no subunits.

1972 Section 52. Paragraph (e) of subsection (4) of section
 1973 409.973, Florida Statutes, is amended to read:

1974 409.973 Benefits.—

1975 (4) PRIMARY CARE INITIATIVE.—Each plan operating in the
 1976 managed medical assistance program shall establish a program to
 1977 encourage enrollees to establish a relationship with their
 1978 primary care provider. Each plan shall:

1979 (e) Report to the agency the number of emergency room
 1980 visits by enrollees who have not had at ~~a~~ least one appointment
 1981 with their primary care provider.

1982 Reviser's note.—Amended to confirm editorial
 1983 substitution of the word "at" for the word "a."

1984 Section 53. Subsection (2) of section 409.974, Florida
 1985 Statutes, is amended to read:

1986 409.974 Eligible plans.—

1987 (2) QUALITY SELECTION CRITERIA.—In addition to the
 1988 criteria established in s. 409.966, the agency shall consider

PCB RCC 12-02

ORIGINAL

2012

1989 | evidence that an eligible plan has written agreements or signed
 1990 | contracts or has made substantial progress in establishing
 1991 | relationships with providers before the plan submitting a
 1992 | response. The agency shall evaluate and give special weight to
 1993 | evidence of signed contracts with essential providers as defined
 1994 | by the agency pursuant to s. 409.975(1) ~~409.975(2)~~. The agency
 1995 | shall exercise a preference for plans with a provider network in
 1996 | which over 10 percent of the providers use electronic health
 1997 | records, as defined in s. 408.051. When all other factors are
 1998 | equal, the agency shall consider whether the organization has a
 1999 | contract to provide managed long-term care services in the same
 2000 | region and shall exercise a preference for such plans.

2001 | Reviser's note.—Amended to substitute a reference to
 2002 | s. 409.975(1) for a reference to s. 409.975(2).

2003 | Material concerning essential providers is in s.
 2004 | 409.975(1). Section 409.975(2) relates to the Florida
 2005 | Medical Schools Quality Network.

2006 | Section 54. Subsection (1) of section 409.975, Florida
 2007 | Statutes, is amended to read:

2008 | 409.975 Managed care plan accountability.—In addition to
 2009 | the requirements of s. 409.967, plans and providers
 2010 | participating in the managed medical assistance program shall
 2011 | comply with the requirements of this section.

2012 | (1) PROVIDER NETWORKS.—Managed care plans must develop and
 2013 | maintain provider networks that meet the medical needs of their
 2014 | enrollees in accordance with standards established pursuant to
 2015 | s. 409.967(2)(c) ~~409.967(2)(b)~~. Except as provided in this
 2016 | section, managed care plans may limit the providers in their

PCB RCC 12-02

ORIGINAL

2012

2017 networks based on credentials, quality indicators, and price.
 2018 (a) Plans must include all providers in the region that
 2019 are classified by the agency as essential Medicaid providers,
 2020 unless the agency approves, in writing, an alternative
 2021 arrangement for securing the types of services offered by the
 2022 essential providers. Providers are essential for serving
 2023 Medicaid enrollees if they offer services that are not available
 2024 from any other provider within a reasonable access standard, or
 2025 if they provided a substantial share of the total units of a
 2026 particular service used by Medicaid patients within the region
 2027 during the last 3 years and the combined capacity of other
 2028 service providers in the region is insufficient to meet the
 2029 total needs of the Medicaid patients. The agency may not
 2030 classify physicians and other practitioners as essential
 2031 providers. The agency, at a minimum, shall determine which
 2032 providers in the following categories are essential Medicaid
 2033 providers:
 2034 1. Federally qualified health centers.
 2035 2. Statutory teaching hospitals as defined in s.
 2036 408.07(45).
 2037 3. Hospitals that are trauma centers as defined in s.
 2038 395.4001(14).
 2039 4. Hospitals located at least 25 miles from any other
 2040 hospital with similar services.
 2041
 2042 Managed care plans that have not contracted with all essential
 2043 providers in the region as of the first date of recipient
 2044 enrollment, or with whom an essential provider has terminated

PCB RCC 12-02

ORIGINAL

2012

2045 its contract, must negotiate in good faith with such essential
 2046 providers for 1 year or until an agreement is reached, whichever
 2047 is first. Payments for services rendered by a nonparticipating
 2048 essential provider shall be made at the applicable Medicaid rate
 2049 as of the first day of the contract between the agency and the
 2050 plan. A rate schedule for all essential providers shall be
 2051 attached to the contract between the agency and the plan. After
 2052 1 year, managed care plans that are unable to contract with
 2053 essential providers shall notify the agency and propose an
 2054 alternative arrangement for securing the essential services for
 2055 Medicaid enrollees. The arrangement must rely on contracts with
 2056 other participating providers, regardless of whether those
 2057 providers are located within the same region as the
 2058 nonparticipating essential service provider. If the alternative
 2059 arrangement is approved by the agency, payments to
 2060 nonparticipating essential providers after the date of the
 2061 agency's approval shall equal 90 percent of the applicable
 2062 Medicaid rate. If the alternative arrangement is not approved by
 2063 the agency, payment to nonparticipating essential providers
 2064 shall equal 110 percent of the applicable Medicaid rate.

2065 (b) Certain providers are statewide resources and
 2066 essential providers for all managed care plans in all regions.
 2067 All managed care plans must include these essential providers in
 2068 their networks. Statewide essential providers include:

- 2069 1. Faculty plans of Florida medical schools.
- 2070 2. Regional perinatal intensive care centers as defined in
 2071 s. 383.16(2).
- 2072 3. Hospitals licensed as specialty children's hospitals as

2073 defined in s. 395.002(28).

2074 4. Accredited and integrated systems serving medically
 2075 complex children that are comprised of separately licensed, but
 2076 commonly owned, health care providers delivering at least the
 2077 following services: medical group home, in-home and outpatient
 2078 nursing care and therapies, pharmacy services, durable medical
 2079 equipment, and Prescribed Pediatric Extended Care.

2080

2081 Managed care plans that have not contracted with all statewide
 2082 essential providers in all regions as of the first date of
 2083 recipient enrollment must continue to negotiate in good faith.
 2084 Payments to physicians on the faculty of nonparticipating
 2085 Florida medical schools shall be made at the applicable Medicaid
 2086 rate. Payments for services rendered by regional perinatal
 2087 intensive care centers shall be made at the applicable Medicaid
 2088 rate as of the first day of the contract between the agency and
 2089 the plan. Payments to nonparticipating specialty children's
 2090 hospitals shall equal the highest rate established by contract
 2091 between that provider and any other Medicaid managed care plan.

2092 (c) After 12 months of active participation in a plan's
 2093 network, the plan may exclude any essential provider from the
 2094 network for failure to meet quality or performance criteria. If
 2095 the plan excludes an essential provider from the plan, the plan
 2096 must provide written notice to all recipients who have chosen
 2097 that provider for care. The notice shall be provided at least 30
 2098 days before the effective date of the exclusion.

2099 (d) Each managed care plan must offer a network contract
 2100 to each home medical equipment and supplies provider in the

2101 region which meets quality and fraud prevention and detection
 2102 standards established by the plan and which agrees to accept the
 2103 lowest price previously negotiated between the plan and another
 2104 such provider.

2105 Reviser's note.—Amended to substitute a reference to
 2106 s. 409.967(2)(c) for a reference to s. 409.967(2)(b).
 2107 Section 409.967(2)(c) establishes standards for access
 2108 to care. Section 409.067(2)(b) references emergency
 2109 services.

2110 Section 55. Paragraph (b) of subsection (4) of section
 2111 409.983, Florida Statutes, is amended to read:

2112 409.983 Long-term care managed care plan payment.—In
 2113 addition to the payment provisions of s. 409.968, the agency
 2114 shall provide payment to plans in the long-term care managed
 2115 care program pursuant to this section.

2116 (4) The initial assessment of an enrollee's level of care
 2117 shall be made by the Comprehensive Assessment and Review for
 2118 Long-Term-Care Services (CARES) program, which shall assign the
 2119 recipient into one of the following levels of care:

2120 (b) Level of care 2 consists of recipients at imminent
 2121 risk of nursing home placement, as evidenced by the need for the
 2122 constant availability of routine medical and nursing treatment
 2123 and care, and who require extensive health-related care and
 2124 services because of mental or physical incapacitation.

2125
 2126 The agency shall periodically adjust payment rates to account
 2127 for changes in the level of care profile for each managed care
 2128 plan based on encounter data.

2129 Reviser's note.—Amended to confirm editorial insertion
 2130 of the word "who."

2131 Section 56. Subsection (3) of section 409.984, Florida
 2132 Statutes, is amended to read:

2133 409.984 Enrollment in a long-term care managed care plan.—

2134 (3) Notwithstanding s. 409.969(2) ~~409.969(3)(c)~~, if a
 2135 recipient is referred for hospice services, the recipient has 30
 2136 days during which the recipient may select to enroll in another
 2137 managed care plan to access the hospice provider of the
 2138 recipient's choice.

2139 Reviser's note.—Amended to substitute a reference to
 2140 s. 409.969(2) for a reference to s. 409.969(3)(c).

2141 Section 409.969(2) references a 90-day period during
 2142 which a Medicaid recipient may disenroll and select
 2143 another plan. Section 409.969(3)(c) does not exist.

2144 Section 57. Paragraph (b) of subsection (3) of section
 2145 409.985, Florida Statutes, is amended to read:

2146 409.985 Comprehensive Assessment and Review for Long-Term
 2147 Care Services (CARES) Program.—

2148 (3) The CARES program shall determine if an individual
 2149 requires nursing facility care and, if the individual requires
 2150 such care, assign the individual to a level of care as described
 2151 in s. 409.983(4). When determining the need for nursing facility
 2152 care, consideration shall be given to the nature of the services
 2153 prescribed and which level of nursing or other health care
 2154 personnel meets the qualifications necessary to provide such
 2155 services and the availability to and access by the individual of
 2156 community or alternative resources. For the purposes of the

2157 long-term care managed care program, the term "nursing facility
2158 care" means the individual:

2159 (b) Requires or is at imminent risk of nursing home
2160 placement as evidenced by the need for observation throughout a
2161 24-hour period and care and the constant availability of medical
2162 and nursing treatment and requires services on a daily or
2163 intermittent basis that are to be performed under the
2164 supervision of licensed nursing or other health professionals
2165 because the individual ~~who~~ is incapacitated mentally or
2166 physically; or

2167 Reviser's note.—Amended to confirm editorial deletion
2168 of the word "who."

2169 Section 58. Subsection (1) of section 420.602, Florida
2170 Statutes, is amended to read:

2171 420.602 Definitions.—As used in this part, the following
2172 terms shall have the following meanings, unless the context
2173 otherwise requires:

2174 (1) "Adjusted for family size" means adjusted in a manner
2175 which results in an income eligibility level which is lower for
2176 households with fewer than four people, or higher for households
2177 with more than four people, than the base income eligibility
2178 level determined as provided in subsection (9) ~~(8)~~, subsection
2179 (10) ~~(9)~~, or subsection (12), based upon a formula as
2180 established by rule of the corporation.

2181 Reviser's note.—Amended to conform to the
2182 redesignation of subsections (8) and (9) as
2183 subsections (9) and (10) by s. 333, ch. 2011-142, Laws
2184 of Florida.

2185 Section 59. Paragraph (g) of subsection (1) of section
 2186 427.012, Florida Statutes, is amended to read:

2187 427.012 The Commission for the Transportation
 2188 Disadvantaged.—There is created the Commission for the
 2189 Transportation Disadvantaged in the Department of
 2190 Transportation.

2191 (1) The commission shall consist of seven members, all of
 2192 whom shall be appointed by the Governor, in accordance with the
 2193 requirements of s. 20.052.

2194 (g) The Secretary of Transportation, the Secretary of
 2195 Children and Family Services, the executive director of the
 2196 Department of Economic Opportunity, the executive director of
 2197 the Department of Veterans' Affairs, the Secretary of Elderly
 2198 Affairs, the Secretary of Health Care Administration, the
 2199 director of the Agency for Persons with Disabilities, and a
 2200 county manager or administrator who is appointed by the
 2201 Governor, or a senior management level representative of each,
 2202 shall serve as ex officio, nonvoting advisors to the commission.

2203 Reviser's note.—Amended to confirm editorial insertion
 2204 of the words "the Department of" to conform to the
 2205 complete name of the department.

2206 Section 60. Paragraph (b) of subsection (2) of section
 2207 440.45, Florida Statutes, is amended to read:

2208 440.45 Office of the Judges of Compensation Claims.—

2209 (2)

2210 (b) Except as provided in paragraph (c), the Governor
 2211 shall appoint a judge of compensation claims from a list of
 2212 three persons nominated by a statewide nominating commission.

2213 The statewide nominating commission shall be composed of the
 2214 following:

2215 1. Five members, at least one of whom must be a member of
 2216 a minority group as defined in s. 288.703, one of each who
 2217 resides in each of the territorial jurisdictions of the district
 2218 courts of appeal, appointed by the Board of Governors of The
 2219 Florida Bar from among The Florida Bar members who are engaged
 2220 in the practice of law. ~~On July 1, 1999, the term of office of~~
 2221 ~~each person appointed by the Board of Governors of The Florida~~
 2222 ~~Bar to the commission expires.~~ The Board of Governors shall
 2223 appoint members who reside in the odd-numbered district court of
 2224 appeal jurisdictions to 4-year terms each, beginning July 1,
 2225 1999, and members who reside in the even-numbered district court
 2226 of appeal jurisdictions to 2-year terms each, beginning July 1,
 2227 1999. Thereafter, each member shall be appointed for a 4-year
 2228 term;

2229 2. Five electors, at least one of whom must be a member of
 2230 a minority group as defined in s. 288.703, one of each who
 2231 resides in each of the territorial jurisdictions of the district
 2232 courts of appeal, appointed by the Governor. ~~On July 1, 1999,~~
 2233 ~~the term of office of each person appointed by the Governor to~~
 2234 ~~the commission expires.~~ The Governor shall appoint members who
 2235 reside in the odd-numbered district court of appeal
 2236 jurisdictions to 2-year terms each, beginning July 1, 1999, and
 2237 members who reside in the even-numbered district court of appeal
 2238 jurisdictions to 4-year terms each, beginning July 1, 1999.
 2239 Thereafter, each member shall be appointed for a 4-year term;
 2240 and

PCB RCC 12-02

ORIGINAL

2012

2241 3. Five electors, at least one of whom must be a member of
 2242 a minority group as defined in s. 288.703, one of each who
 2243 resides in the territorial jurisdictions of the district courts
 2244 of appeal, selected and appointed by a majority vote of the
 2245 other 10 members of the commission. ~~On October 1, 1999, the term~~
 2246 ~~of office of each person appointed to the commission by its~~
 2247 ~~other members expires.~~ A majority of the other members of the
 2248 commission shall appoint members who reside in the odd-numbered
 2249 district court of appeal jurisdictions to 2-year terms each,
 2250 beginning October 1, 1999, and members who reside in the even-
 2251 numbered district court of appeal jurisdictions to 4-year terms
 2252 each, beginning October 1, 1999. Thereafter, each member shall
 2253 be appointed for a 4-year term.

2254
 2255 A vacancy occurring on the commission shall be filled by the
 2256 original appointing authority for the unexpired balance of the
 2257 term. No attorney who appears before any judge of compensation
 2258 claims more than four times a year is eligible to serve on the
 2259 statewide nominating commission. The meetings and determinations
 2260 of the nominating commission as to the judges of compensation
 2261 claims shall be open to the public.

2262 Reviser's note.—Amended to delete obsolete provisions.

2263 Section 61. Subsection (26) of section 443.036, Florida
 2264 Statutes, is amended to read:

2265 443.036 Definitions.—As used in this chapter, the term:

2266 (26) "Initial skills review" means an online education or
 2267 training program, such as that established under s. 445.06
 2268 ~~1004.99~~, that is approved by the Agency for Workforce Innovation

2269 and designed to measure an individual's mastery level of
 2270 workplace skills.

2271 Reviser's note.—Amended to conform to the transfer of
 2272 s. 1004.99 to s. 445.06 by s. 476, ch. 2011-142, Laws
 2273 of Florida.

2274 Section 62. Paragraph (f) of subsection (13) of section
 2275 443.1216, Florida Statutes, is amended to read:

2276 443.1216 Employment.—Employment, as defined in s. 443.036,
 2277 is subject to this chapter under the following conditions:

2278 (13) The following are exempt from coverage under this
 2279 chapter:

2280 (f) Service performed in the employ of a public employer
 2281 as defined in s. 443.036, except as provided in subsection (2),
 2282 and service performed in the employ of an instrumentality of a
 2283 public employer as described in s. 443.036(36)(b) or (c)
 2284 ~~443.036(35)(b) or (c)~~, to the extent that the instrumentality is
 2285 immune under the United States Constitution from the tax imposed
 2286 by s. 3301 of the Internal Revenue Code for that service.

2287 Reviser's note.—Amended to conform to the
 2288 redesignation of subunits within s. 443.036 by s. 3,
 2289 ch. 2011-235, Laws of Florida.

2290 Section 63. Paragraph (d) of subsection (1) of section
 2291 468.841, Florida Statutes, is amended to read:

2292 468.841 Exemptions.—

2293 (1) The following persons are not required to comply with
 2294 any provisions of this part relating to mold assessment:

2295 (d) Persons or business organizations acting within the
 2296 scope of the respective licenses required under part XV of this

PCB RCC 12-02

ORIGINAL

2012

2297 chapter, chapter 471, part I of chapter 481, chapter 482, or
 2298 chapter 489 ~~or part XV of this chapter~~ are acting on behalf of
 2299 an insurer under part VI of chapter 626, or are persons in the
 2300 manufactured housing industry who are licensed under chapter
 2301 320, except when any such persons or business organizations hold
 2302 themselves out for hire to the public as a "certified mold
 2303 assessor," "registered mold assessor," "licensed mold assessor,"
 2304 "mold assessor," "professional mold assessor," or any
 2305 combination thereof stating or implying licensure under this
 2306 part.

2307 Reviser's note.—Amended to confirm editorial deletion
 2308 of the words "or part XV of this chapter" to eliminate
 2309 redundancy.

2310 Section 64. Paragraph (a) of subsection (5) of section
 2311 474.203, Florida Statutes, is amended to read:

2312 474.203 Exemptions.—This chapter does not apply to:

2313 (5) (a) Any person, or the person's regular employee,
 2314 administering to the ills or injuries of her or his own animals,
 2315 including, but not limited to, castration, spaying, and
 2316 dehorning of herd animals, unless title is transferred or
 2317 employment provided for the purpose of circumventing this law.
 2318 This exemption does not apply to any person licensed as a
 2319 veterinarian in another state or foreign jurisdiction and ~~is~~
 2320 practicing temporarily in this state. However, only a
 2321 veterinarian may immunize or treat an animal for diseases that
 2322 are communicable to humans and that are of public health
 2323 significance.

2324

PCB RCC 12-02

ORIGINAL

2012

2325 For the purposes of chapters 465 and 893, persons exempt
 2326 pursuant to subsection (1), subsection (2), or subsection (4)
 2327 are deemed to be duly licensed practitioners authorized by the
 2328 laws of this state to prescribe drugs or medicinal supplies.

2329 Reviser's note.—Amended to confirm editorial deletion
 2330 of the word "is."

2331 Section 65. Subsection (1) of section 474.2125, Florida
 2332 Statutes, is amended to read:

2333 474.2125 Temporary license.—

2334 (1) The board shall adopt rules providing for the issuance
 2335 of a temporary license to a licensed veterinarian of another
 2336 state for the purpose of enabling her or him to provide
 2337 veterinary medical services in this state for the animals of a
 2338 specific owner or, as may be needed in an emergency as defined
 2339 in s. 252.34(3) ~~252.34(2)~~, for the animals of multiple owners,
 2340 provided the applicant would qualify for licensure by
 2341 endorsement under s. 474.217. No temporary license shall be
 2342 valid for more than 30 days after its issuance, and no license
 2343 shall cover more than the treatment of the animals of one owner
 2344 except in an emergency as defined in s. 252.34(3) ~~252.34(2)~~.
 2345 After the expiration of 30 days, a new license is required.

2346 Reviser's note.—Amended to conform to the correct
 2347 location of the definition of the word "emergency."

2348 Section 66. Subsection (3) of section 493.6402, Florida
 2349 Statutes, is amended to read:

2350 493.6402 Fees.—

2351 (3) The fees set forth in this section must be paid by
 2352 check or money order, or, at the discretion of the department,

PCB RCC 12-02

ORIGINAL

2012

2353 | by ~~or~~ electronic funds transfer at the time the application is
 2354 | approved, except that the applicant for a Class "E," Class "EE,"
 2355 | or Class "MR" license must pay the license fee at the time the
 2356 | application is made. If a license is revoked or denied, or if an
 2357 | application is withdrawn, the license fee is nonrefundable.

2358 | Reviser's note.—Amended to confirm editorial deletion
 2359 | of the word "or."

2360 | Section 67. Paragraph (o) of subsection (8) of section
 2361 | 499.012, Florida Statutes, is amended to read:

2362 | 499.012 Permit application requirements.—

2363 | (8) An application for a permit or to renew a permit for a
 2364 | prescription drug wholesale distributor or an out-of-state
 2365 | prescription drug wholesale distributor submitted to the
 2366 | department must include:

2367 | (o) Documentation of the credentialing policies and
 2368 | procedures required by s. 499.0121(15) ~~499.0121(14)~~.

2369 | Reviser's note.—Amended to correct an apparent error.
 2370 | Section 499.0121(15) references credentialing. Section
 2371 | 499.0121(14) references distribution reporting.

2372 | Section 68. Subsection (2) of section 514.0315, Florida
 2373 | Statutes, is amended to read:

2374 | 514.0315 Required safety features for public swimming
 2375 | pools and spas.—

2376 | (2) A public swimming pool or spa built before January 1,
 2377 | 1993, with a single main drain other than an unblockable drain
 2378 | must be equipped with at least one of the following features
 2379 | that complies with any American Society of Mechanical Engineers,
 2380 | American National Standards Institute, American Society Standard

2381 for Testing and Materials, or other applicable consumer product
 2382 safety standard for such system or device and protects against
 2383 evisceration and body-and-limb suction entrapment:

2384 (a) A safety vacuum release system that ceases operation
 2385 of the pump, reverses the circulation flow, or otherwise
 2386 provides a vacuum release at a suction outlet when a blockage is
 2387 detected and that has been tested by an independent third party
 2388 and found to conform to American Society of Mechanical
 2389 Engineers/American National Standards Institute standard
 2390 A112.19.17, American Society Standard for Testing and Materials
 2391 standard ~~26~~ F2387, or any successor standard.

2392 (b) A suction-limiting vent system with a tamper-resistant
 2393 atmospheric opening.

2394 (c) A gravity drainage system that uses a collector tank.

2395 (d) An automatic pump shut-off system.

2396 (e) A device or system that disables the drain.

2397 Reviser's note.—The introductory paragraph of
 2398 subsection (2) and paragraph (2)(a) are amended to
 2399 confirm editorial substitution of the word "Society"
 2400 for the word "Standard" to conform to the correct name
 2401 of the society. Paragraph (2)(a) is also amended to
 2402 confirm editorial deletion of the number "26" to
 2403 conform to the fact that there is no standard 26
 2404 F2387, only a standard F2387.

2405 Section 69. Section 514.072, Florida Statutes, is amended
 2406 to read:

2407 514.072 Certification of swimming instructors for people
 2408 who have developmental disabilities required.—Any person working

PCB RCC 12-02

ORIGINAL

2012

2409 at a swimming pool who holds himself or herself out as a
 2410 swimming instructor specializing in training people who have
 2411 developmental disabilities, as defined in s. 393.063(9)
 2412 ~~393.063(10)~~, may be certified by the Dan Marino Foundation,
 2413 Inc., in addition to being certified under s. 514.071. The Dan
 2414 Marino Foundation, Inc., must develop certification requirements
 2415 and a training curriculum for swimming instructors for people
 2416 who have developmental disabilities and must submit the
 2417 certification requirements to the Department of Health for
 2418 review by January 1, 2007. A person certified under s. 514.071
 2419 before July 1, 2007, must meet the additional certification
 2420 requirements of this section before January 1, 2008. A person
 2421 certified under s. 514.071 on or after July 1, 2007, must meet
 2422 the additional certification requirements of this section within
 2423 6 months after receiving certification under s. 514.071.

2424 Reviser's note.—Amended to correct an apparent error
 2425 and facilitate correct interpretation. "Developmental
 2426 disabilities center" is defined in s. 393.063(10);
 2427 "developmental disability" is defined in s.
 2428 393.063(9).

2429 Section 70. Section 526.207, Florida Statutes, is amended
 2430 to read:

2431 526.207 Studies and reports.—

2432 ~~(1)~~ The Department of Agriculture and Consumer Services
 2433 shall conduct a study to evaluate and recommend the life-cycle
 2434 greenhouse gas emissions associated with all renewable fuels,
 2435 including, but not limited to, biodiesel, renewable diesel,
 2436 biobutanol, and ethanol derived from any source. In addition,

PCB RCC 12-02

ORIGINAL

2012

2437 the department shall evaluate and recommend a requirement that
 2438 all renewable fuels introduced into commerce in the state, as a
 2439 result of the renewable fuel standard, shall reduce the life-
 2440 cycle greenhouse gas emissions by an average percentage. The
 2441 department may also evaluate and recommend any benefits
 2442 associated with the creation, banking, transfer, and sale of
 2443 credits among fuel refiners, blenders, and importers.

2444 ~~(2) The Department of Agriculture and Consumer Services~~
 2445 ~~shall submit a report containing specific recommendations to the~~
 2446 ~~President of the Senate and the Speaker of the House of~~
 2447 ~~Representatives no later than December 31, 2010.~~

2448 Reviser's note.—Amended to delete a provision that has
 2449 served its purpose.

2450 Section 71. Subsection (1) of section 538.09, Florida
 2451 Statutes, is amended to read:

2452 538.09 Registration.—

2453 (1) A secondhand dealer shall not engage in the business
 2454 of purchasing, consigning, or trading secondhand goods from any
 2455 location without registering with the Department of Revenue. A
 2456 fee equal to the federal and state costs for processing required
 2457 fingerprints must be submitted to the department with each
 2458 application for registration. One application is required for
 2459 each dealer. If a secondhand dealer is the owner of more than
 2460 one secondhand store location, the application must list each
 2461 location, and the department shall issue a duplicate
 2462 registration for each location. For purposes of subsections (4)
 2463 and (5) of this section, these duplicate registrations shall be
 2464 deemed individual registrations. A dealer shall pay a fee of \$6

PCB RCC 12-02

ORIGINAL

2012

2465 per location at the time of registration and an annual renewal
 2466 fee of \$6 per location on October 1 of each year. All fees
 2467 collected, less costs of administration, shall be transferred
 2468 into the Operating ~~Operations~~ Trust Fund. The Department of
 2469 Revenue shall forward the full set of fingerprints to the
 2470 Department of Law Enforcement for state and federal processing,
 2471 provided the federal service is available, to be processed for
 2472 any criminal justice information as defined in s. 943.045. The
 2473 cost of processing such fingerprints shall be payable to the
 2474 Department of Law Enforcement by the Department of Revenue. The
 2475 department may issue a temporary registration to each location
 2476 pending completion of the background check by state and federal
 2477 law enforcement agencies, but shall revoke such temporary
 2478 registration if the completed background check reveals a
 2479 prohibited criminal background. An applicant for a secondhand
 2480 dealer registration must be a natural person who has reached the
 2481 age of 18 years.

2482 (a) If the applicant is a partnership, all the partners
 2483 must apply.

2484 (b) If the applicant is a joint venture, association, or
 2485 other noncorporate entity, all members of such joint venture,
 2486 association, or other noncorporate entity must make application
 2487 for registration as natural persons.

2488 (c) If the applicant is a corporation, the registration
 2489 must include the name and address of such corporation's
 2490 registered agent for service of process in the state and a
 2491 certified copy of statement from the Secretary of State that the
 2492 corporation is duly organized in the state or, if the

2493 corporation is organized in a state other than Florida, a
 2494 certified copy of statement from the Secretary of State that the
 2495 corporation is duly qualified to do business in this state. If
 2496 the dealer has more than one location, the application must list
 2497 each location owned by the same legal entity and the department
 2498 shall issue a duplicate registration for each location.

2499 Reviser's note.—Amended to confirm editorial
 2500 substitution of the word "Operating" for the word
 2501 "Operations" to conform to the renaming of the trust
 2502 fund by s. 1, ch. 2011-28, Laws of Florida.

2503 Section 72. Paragraph (a) of subsection (1) of section
 2504 538.25, Florida Statutes, is amended to read:

2505 538.25 Registration.—

2506 (1) No person shall engage in business as a secondary
 2507 metals recycler at any location without registering with the
 2508 department.

2509 (a) A fee equal to the federal and state costs for
 2510 processing required fingerprints must be submitted to the
 2511 department with each application for registration. One
 2512 application is required for each secondary metals recycler. If a
 2513 secondary metals recycler is the owner of more than one
 2514 secondary metals recycling location, the application must list
 2515 each location, and the department shall issue a duplicate
 2516 registration for each location. For purposes of subsections (3),
 2517 (4), and (5), these duplicate registrations shall be deemed
 2518 individual registrations. A secondary metals recycler shall pay
 2519 a fee of \$6 per location at the time of registration and an
 2520 annual renewal fee of \$6 per location on October 1 of each year.

PCB RCC 12-02

ORIGINAL

2012

2521 All fees collected, less costs of administration, shall be
 2522 transferred into the Operating ~~Operations~~ Trust Fund.

2523 Reviser's note.—Amended to confirm editorial
 2524 substitution of the word "Operating" for the word
 2525 "Operations" to conform to the renaming of the trust
 2526 fund by s. 1, ch. 2011-28, Laws of Florida.

2527 Section 73. Paragraph (a) of subsection (5) and subsection
 2528 (11) of section 553.79, Florida Statutes, are amended to read:

2529 553.79 Permits; applications; issuance; inspections.—

2530 (5) (a) The enforcing agency shall require a special
 2531 inspector to perform structural inspections on a threshold
 2532 building pursuant to a structural inspection plan prepared by
 2533 the engineer or architect of record. The structural inspection
 2534 plan must be submitted to and approved by the enforcing agency
 2535 prior to the issuance of a building permit for the construction
 2536 of a threshold building. The purpose of the structural
 2537 inspection plan is to provide specific inspection procedures and
 2538 schedules so that the building can be adequately inspected for
 2539 compliance with the permitted documents. The special inspector
 2540 may not serve as a surrogate in carrying out the
 2541 responsibilities of the building official, the architect, or the
 2542 engineer of record. The contractor's contractual or statutory
 2543 obligations are not relieved by any action of the special
 2544 inspector. The special inspector shall determine that a
 2545 professional engineer who specializes in shoring design has
 2546 inspected the shoring and reshoring for conformance with the
 2547 shoring and reshoring plans submitted to the enforcing agency. A
 2548 fee simple title owner of a building, which does not meet the

PCB RCC 12-02

ORIGINAL

2012

2549 | minimum size, height, occupancy, occupancy classification, or
 2550 | number-of-stories criteria which would result in classification
 2551 | as a threshold building under s. 553.71(11) ~~553.71(7)~~, may
 2552 | designate such building as a threshold building, subject to more
 2553 | than the minimum number of inspections required by the Florida
 2554 | Building Code.

2555 | (11) Nothing in this section shall be construed to alter
 2556 | or supplement the provisions of part I ~~IV~~ of this chapter
 2557 | relating to manufactured buildings.

2558 | Reviser's note.—Paragraph (5) (a) is amended to conform
 2559 | to the redesignation of s. 553.71(7) as s. 553.71(11)
 2560 | by s. 413, ch. 2011-142, Laws of Florida. Subsection
 2561 | (11) is amended to conform to context; part I of
 2562 | chapter 553 relates to manufactured buildings; part IV
 2563 | relates to the Florida Building Code.

2564 | Section 74. Section 590.33, Florida Statutes, is amended
 2565 | to read:

2566 | 590.33 State compact administrator; compact advisory
 2567 | committee.—In pursuance of art. III of the compact, the director
 2568 | of the division shall act as compact administrator for Florida
 2569 | of the Southeastern Interstate Forest Fire Protection Compact
 2570 | during his or her term of office as director, and his or her
 2571 | successor as compact administrator shall be his or her successor
 2572 | as director of the division. As compact administrator, he or she
 2573 | shall be an ex officio member of the advisory committee of the
 2574 | Southeastern Interstate Forest Fire Protection Compact, and
 2575 | chair ex officio of the Florida members of the advisory
 2576 | committee. There shall be four members of the Southeastern

PCB RCC 12-02

ORIGINAL

2012

2577 Interstate Forest Fire Protection Compact Advisory Committee
 2578 from Florida. Two of the members from Florida shall be members
 2579 of the Legislature of Florida, one from the Senate designated by
 2580 the President of the Senate and one from the House of
 2581 Representatives designated by the Speaker of the House of
 2582 Representatives, and the terms of any such members shall
 2583 terminate at the time they cease to hold legislative office, and
 2584 their successors as members shall be named in like manner. The
 2585 Governor shall appoint the other two members from Florida, one
 2586 of whom shall be associated with forestry or forest products
 2587 industries. The terms of such members shall be 3 years and such
 2588 members shall hold office until their respective successors
 2589 shall be appointed and qualified. Vacancies occurring in the
 2590 office of such members from any reason or cause shall be filled
 2591 by appointment by the Governor for the unexpired term. The
 2592 director of the division as compact administrator for Florida
 2593 may delegate, from time to time, to any deputy or other
 2594 subordinate in his or her department or office, the power to be
 2595 present and participate, including voting as his or her
 2596 representative or substitute at any meeting of or hearing by or
 2597 other proceeding of the compact administrators or of the
 2598 advisory committee. The terms of each of the initial four
 2599 memberships, whether appointed at said time or not, shall begin
 2600 upon the date upon which the compact shall become effective in
 2601 accordance with art. II of said compact. Any member of the
 2602 advisory committee may be removed from office by the Governor
 2603 upon charges and after a hearing.

2604 Reviser's note.—Amended to confirm editorial insertion

PCB RCC 12-02

ORIGINAL

2012

2605 of the words "of Representatives."

2606 Section 75. Paragraph (a) of subsection (2) of section
2607 604.50, Florida Statutes, is amended to read:

2608 604.50 Nonresidential farm buildings and farm fences.—

2609 (2) As used in this section, the term:

2610 (a) "Nonresidential farm building" means any temporary or
2611 permanent building or support structure that is classified as a
2612 nonresidential farm building on a farm under s. 553.73(10)(c)
2613 ~~553.73(9)(e)~~ or that is used primarily for agricultural
2614 purposes, is located on land that is an integral part of a farm
2615 operation or is classified as agricultural land under s.
2616 193.461, and is not intended to be used as a residential
2617 dwelling. The term may include, but is not limited to, a barn,
2618 greenhouse, shade house, farm office, storage building, or
2619 poultry house.

2620 Reviser's note.—Amended to conform to the
2621 redesignation of s. 553.73(9)(c) as s. 553.73(10)(c)
2622 by s. 32, ch. 2010-176, Laws of Florida.

2623 Section 76. Subsection (4) of section 627.0628, Florida
2624 Statutes, is amended to read:

2625 627.0628 Florida Commission on Hurricane Loss Projection
2626 Methodology; public records exemption; public meetings
2627 exemption.—

2628 ~~(4) REVIEW OF DISCOUNTS, CREDITS, OTHER RATE~~
2629 ~~DIFFERENTIALS, AND REDUCTIONS IN DEDUCTIBLES RELATING TO~~
2630 ~~WINDSTORM MITIGATION. The commission shall hold public meetings~~
2631 ~~for the purpose of receiving testimony and data regarding the~~
2632 ~~implementation of windstorm mitigation discounts, credits, other~~

2633 ~~rate differentials, and appropriate reductions in deductibles~~
 2634 ~~pursuant to s. 627.0629. After reviewing the testimony and data~~
 2635 ~~as well as any other information the commission deems~~
 2636 ~~appropriate, the commission shall present a report by February~~
 2637 ~~1, 2010, to the Governor, the Cabinet, the President of the~~
 2638 ~~Senate, and the Speaker of the House of Representatives,~~
 2639 ~~including recommendations on improving the process of assessing,~~
 2640 ~~determining, and applying windstorm mitigation discounts,~~
 2641 ~~credits, other rate differentials, and appropriate reductions in~~
 2642 ~~deductibles pursuant to s. 627.0629.~~

2643 Reviser's note.—Amended to delete a provision that has
 2644 served its purpose.

2645 Section 77. Paragraph (b) of subsection (2) and paragraphs
 2646 (b), (c), (q), and (v) of subsection (6) of section 627.351,
 2647 Florida Statutes, are amended to read:

2648 627.351 Insurance risk apportionment plans.—

2649 (2) WINDSTORM INSURANCE RISK APPORTIONMENT.—

2650 (b) The department shall require all insurers holding a
 2651 certificate of authority to transact property insurance on a
 2652 direct basis in this state, other than joint underwriting
 2653 associations and other entities formed pursuant to this section,
 2654 to provide windstorm coverage to applicants from areas
 2655 determined to be eligible pursuant to paragraph (c) who in good
 2656 faith are entitled to, but are unable to procure, such coverage
 2657 through ordinary means; or it shall adopt a reasonable plan or
 2658 plans for the equitable apportionment or sharing among such
 2659 insurers of windstorm coverage, which may include formation of
 2660 an association for this purpose. As used in this subsection, the

2661 term "property insurance" means insurance on real or personal
 2662 property, as defined in s. 624.604, including insurance for
 2663 fire, industrial fire, allied lines, farmowners multiperil,
 2664 homeowners' multiperil, commercial multiperil, and mobile homes,
 2665 and including liability coverages on all such insurance, but
 2666 excluding inland marine as defined in s. 624.607(3) and
 2667 excluding vehicle insurance as defined in s. 624.605(1)(a) other
 2668 than insurance on mobile homes used as permanent dwellings. The
 2669 department shall adopt rules that provide a formula for the
 2670 recovery and repayment of any deferred assessments.

2671 1. For the purpose of this section, properties eligible
 2672 for such windstorm coverage are defined as dwellings, buildings,
 2673 and other structures, including mobile homes which are used as
 2674 dwellings and which are tied down in compliance with mobile home
 2675 tie-down requirements prescribed by the Department of Highway
 2676 Safety and Motor Vehicles pursuant to s. 320.8325, and the
 2677 contents of all such properties. An applicant or policyholder is
 2678 eligible for coverage only if an offer of coverage cannot be
 2679 obtained by or for the applicant or policyholder from an
 2680 admitted insurer at approved rates.

2681 2.a.(I) All insurers required to be members of such
 2682 association shall participate in its writings, expenses, and
 2683 losses. Surplus of the association shall be retained for the
 2684 payment of claims and shall not be distributed to the member
 2685 insurers. Such participation by member insurers shall be in the
 2686 proportion that the net direct premiums of each member insurer
 2687 written for property insurance in this state during the
 2688 preceding calendar year bear to the aggregate net direct

PCB RCC 12-02

ORIGINAL

2012

2689 premiums for property insurance of all member insurers, as
 2690 reduced by any credits for voluntary writings, in this state
 2691 during the preceding calendar year. For the purposes of this
 2692 subsection, the term "net direct premiums" means direct written
 2693 premiums for property insurance, reduced by premium for
 2694 liability coverage and for the following if included in allied
 2695 lines: rain and hail on growing crops; livestock; association
 2696 direct premiums booked; National Flood Insurance Program direct
 2697 premiums; and similar deductions specifically authorized by the
 2698 plan of operation and approved by the department. A member's
 2699 participation shall begin on the first day of the calendar year
 2700 following the year in which it is issued a certificate of
 2701 authority to transact property insurance in the state and shall
 2702 terminate 1 year after the end of the calendar year during which
 2703 it no longer holds a certificate of authority to transact
 2704 property insurance in the state. The commissioner, after review
 2705 of annual statements, other reports, and any other statistics
 2706 that the commissioner deems necessary, shall certify to the
 2707 association the aggregate direct premiums written for property
 2708 insurance in this state by all member insurers.

2709 (II) Effective July 1, 2002, the association shall operate
 2710 subject to the supervision and approval of a board of governors
 2711 who are the same individuals that have been appointed by the
 2712 Treasurer to serve on the board of governors of the Citizens
 2713 Property Insurance Corporation.

2714 (III) The plan of operation shall provide a formula
 2715 whereby a company voluntarily providing windstorm coverage in
 2716 affected areas will be relieved wholly or partially from

2717 | appportionment of a regular assessment pursuant to sub-sub-
 2718 | subparagraph d.(I) or sub-sub-subparagraph d.(II).

2719 | (IV) A company which is a member of a group of companies
 2720 | under common management may elect to have its credits applied on
 2721 | a group basis, and any company or group may elect to have its
 2722 | credits applied to any other company or group.

2723 | (V) There shall be no credits or relief from appportionment
 2724 | to a company for emergency assessments collected from its
 2725 | policyholders under sub-sub-subparagraph d.(III).

2726 | (VI) The plan of operation may also provide for the award
 2727 | of credits, for a period not to exceed 3 years, from a regular
 2728 | assessment pursuant to sub-sub-subparagraph d.(I) or sub-sub-
 2729 | subparagraph d.(II) as an incentive for taking policies out of
 2730 | the Residential Property and Casualty Joint Underwriting
 2731 | Association. In order to qualify for the exemption under this
 2732 | sub-sub-subparagraph, the take-out plan must provide that at
 2733 | least 40 percent of the policies removed from the Residential
 2734 | Property and Casualty Joint Underwriting Association cover risks
 2735 | located in Miami-Dade, Broward, and Palm Beach Counties or at
 2736 | least 30 percent of the policies so removed cover risks located
 2737 | in Miami-Dade, Broward, and Palm Beach Counties and an
 2738 | additional 50 percent of the policies so removed cover risks
 2739 | located in other coastal counties, and must also provide that no
 2740 | more than 15 percent of the policies so removed may exclude
 2741 | windstorm coverage. With the approval of the department, the
 2742 | association may waive these geographic criteria for a take-out
 2743 | plan that removes at least the lesser of 100,000 Residential
 2744 | Property and Casualty Joint Underwriting Association policies or

PCB RCC 12-02

ORIGINAL

2012

2745 15 percent of the total number of Residential Property and
 2746 Casualty Joint Underwriting Association policies, provided the
 2747 governing board of the Residential Property and Casualty Joint
 2748 Underwriting Association certifies that the take-out plan will
 2749 materially reduce the Residential Property and Casualty Joint
 2750 Underwriting Association's 100-year probable maximum loss from
 2751 hurricanes. With the approval of the department, the board may
 2752 extend such credits for an additional year if the insurer
 2753 guarantees an additional year of renewability for all policies
 2754 removed from the Residential Property and Casualty Joint
 2755 Underwriting Association, or for 2 additional years if the
 2756 insurer guarantees 2 additional years of renewability for all
 2757 policies removed from the Residential Property and Casualty
 2758 Joint Underwriting Association.

2759 b. Assessments to pay deficits in the association under
 2760 this subparagraph shall be included as an appropriate factor in
 2761 the making of rates as provided in s. 627.3512.

2762 c. The Legislature finds that the potential for unlimited
 2763 deficit assessments under this subparagraph may induce insurers
 2764 to attempt to reduce their writings in the voluntary market, and
 2765 that such actions would worsen the availability problems that
 2766 the association was created to remedy. It is the intent of the
 2767 Legislature that insurers remain fully responsible for paying
 2768 regular assessments and collecting emergency assessments for any
 2769 deficits of the association; however, it is also the intent of
 2770 the Legislature to provide a means by which assessment
 2771 liabilities may be amortized over a period of years.

2772 d.(I) When the deficit incurred in a particular calendar

PCB RCC 12-02

ORIGINAL

2012

2773 | year is 10 percent or less of the aggregate statewide direct
 2774 | written premium for property insurance for the prior calendar
 2775 | year for all member insurers, the association shall levy an
 2776 | assessment on member insurers in an amount equal to the deficit.

2777 | (II) When the deficit incurred in a particular calendar
 2778 | year exceeds 10 percent of the aggregate statewide direct
 2779 | written premium for property insurance for the prior calendar
 2780 | year for all member insurers, the association shall levy an
 2781 | assessment on member insurers in an amount equal to the greater
 2782 | of 10 percent of the deficit or 10 percent of the aggregate
 2783 | statewide direct written premium for property insurance for the
 2784 | prior calendar year for member insurers. Any remaining deficit
 2785 | shall be recovered through emergency assessments under sub-sub-
 2786 | subparagraph (III).

2787 | (III) Upon a determination by the board of directors that
 2788 | a deficit exceeds the amount that will be recovered through
 2789 | regular assessments on member insurers, pursuant to sub-sub-
 2790 | subparagraph (I) or sub-sub-subparagraph (II), the board shall
 2791 | levy, after verification by the department, emergency
 2792 | assessments to be collected by member insurers and by
 2793 | underwriting associations created pursuant to this section which
 2794 | write property insurance, upon issuance or renewal of property
 2795 | insurance policies other than National Flood Insurance policies
 2796 | in the year or years following levy of the regular assessments.
 2797 | The amount of the emergency assessment collected in a particular
 2798 | year shall be a uniform percentage of that year's direct written
 2799 | premium for property insurance for all member insurers and
 2800 | underwriting associations, excluding National Flood Insurance

PCB RCC 12-02

ORIGINAL

2012

2801 policy premiums, as annually determined by the board and
 2802 verified by the department. The department shall verify the
 2803 arithmetic calculations involved in the board's determination
 2804 within 30 days after receipt of the information on which the
 2805 determination was based. Notwithstanding any other provision of
 2806 law, each member insurer and each underwriting association
 2807 created pursuant to this section shall collect emergency
 2808 assessments from its policyholders without such obligation being
 2809 affected by any credit, limitation, exemption, or deferment. The
 2810 emergency assessments so collected shall be transferred directly
 2811 to the association on a periodic basis as determined by the
 2812 association. The aggregate amount of emergency assessments
 2813 levied under this sub-sub-subparagraph in any calendar year may
 2814 not exceed the greater of 10 percent of the amount needed to
 2815 cover the original deficit, plus interest, fees, commissions,
 2816 required reserves, and other costs associated with financing of
 2817 the original deficit, or 10 percent of the aggregate statewide
 2818 direct written premium for property insurance written by member
 2819 insurers and underwriting associations for the prior year, plus
 2820 interest, fees, commissions, required reserves, and other costs
 2821 associated with financing the original deficit. The board may
 2822 pledge the proceeds of the emergency assessments under this sub-
 2823 sub-subparagraph as the source of revenue for bonds, to retire
 2824 any other debt incurred as a result of the deficit or events
 2825 giving rise to the deficit, or in any other way that the board
 2826 determines will efficiently recover the deficit. The emergency
 2827 assessments under this sub-sub-subparagraph shall continue as
 2828 long as any bonds issued or other indebtedness incurred with

PCB RCC 12-02

ORIGINAL

2012

2829 | respect to a deficit for which the assessment was imposed remain
 2830 | outstanding, unless adequate provision has been made for the
 2831 | payment of such bonds or other indebtedness pursuant to the
 2832 | document governing such bonds or other indebtedness. Emergency
 2833 | assessments collected under this sub-sub-subparagraph are not
 2834 | part of an insurer's rates, are not premium, and are not subject
 2835 | to premium tax, fees, or commissions; however, failure to pay
 2836 | the emergency assessment shall be treated as failure to pay
 2837 | premium.

2838 | (IV) Each member insurer's share of the total regular
 2839 | assessments under sub-sub-subparagraph (I) or sub-sub-
 2840 | subparagraph (II) shall be in the proportion that the insurer's
 2841 | net direct premium for property insurance in this state, for the
 2842 | year preceding the assessment bears to the aggregate statewide
 2843 | net direct premium for property insurance of all member
 2844 | insurers, as reduced by any credits for voluntary writings for
 2845 | that year.

2846 | (V) If regular deficit assessments are made under sub-sub-
 2847 | subparagraph (I) or sub-sub-subparagraph (II), or by the
 2848 | Residential Property and Casualty Joint Underwriting Association
 2849 | under sub-subparagraph (6) (b) 3.a. ~~or sub-subparagraph~~
 2850 | ~~(6) (b) 3.b.~~, the association shall levy upon the association's
 2851 | policyholders, as part of its next rate filing, or by a separate
 2852 | rate filing solely for this purpose, a market equalization
 2853 | surcharge in a percentage equal to the total amount of such
 2854 | regular assessments divided by the aggregate statewide direct
 2855 | written premium for property insurance for member insurers for
 2856 | the prior calendar year. Market equalization surcharges under

PCB RCC 12-02

ORIGINAL

2012

2857 | this sub-sub-subparagraph are not considered premium and are not
 2858 | subject to commissions, fees, or premium taxes; however, failure
 2859 | to pay a market equalization surcharge shall be treated as
 2860 | failure to pay premium.

2861 | e. The governing body of any unit of local government, any
 2862 | residents of which are insured under the plan, may issue bonds
 2863 | as defined in s. 125.013 or s. 166.101 to fund an assistance
 2864 | program, in conjunction with the association, for the purpose of
 2865 | defraying deficits of the association. In order to avoid
 2866 | needless and indiscriminate proliferation, duplication, and
 2867 | fragmentation of such assistance programs, any unit of local
 2868 | government, any residents of which are insured by the
 2869 | association, may provide for the payment of losses, regardless
 2870 | of whether or not the losses occurred within or outside of the
 2871 | territorial jurisdiction of the local government. Revenue bonds
 2872 | may not be issued until validated pursuant to chapter 75, unless
 2873 | a state of emergency is declared by executive order or
 2874 | proclamation of the Governor pursuant to s. 252.36 making such
 2875 | findings as are necessary to determine that it is in the best
 2876 | interests of, and necessary for, the protection of the public
 2877 | health, safety, and general welfare of residents of this state
 2878 | and the protection and preservation of the economic stability of
 2879 | insurers operating in this state, and declaring it an essential
 2880 | public purpose to permit certain municipalities or counties to
 2881 | issue bonds as will provide relief to claimants and
 2882 | policyholders of the association and insurers responsible for
 2883 | apportionment of plan losses. Any such unit of local government
 2884 | may enter into such contracts with the association and with any

2885 other entity created pursuant to this subsection as are
 2886 necessary to carry out this paragraph. Any bonds issued under
 2887 this sub-subparagraph shall be payable from and secured by
 2888 moneys received by the association from assessments under this
 2889 subparagraph, and assigned and pledged to or on behalf of the
 2890 unit of local government for the benefit of the holders of such
 2891 bonds. The funds, credit, property, and taxing power of the
 2892 state or of the unit of local government shall not be pledged
 2893 for the payment of such bonds. If any of the bonds remain unsold
 2894 60 days after issuance, the department shall require all
 2895 insurers subject to assessment to purchase the bonds, which
 2896 shall be treated as admitted assets; each insurer shall be
 2897 required to purchase that percentage of the unsold portion of
 2898 the bond issue that equals the insurer's relative share of
 2899 assessment liability under this subsection. An insurer shall not
 2900 be required to purchase the bonds to the extent that the
 2901 department determines that the purchase would endanger or impair
 2902 the solvency of the insurer. The authority granted by this sub-
 2903 subparagraph is additional to any bonding authority granted by
 2904 subparagraph 6.

2905 3. The plan shall also provide that any member with a
 2906 surplus as to policyholders of \$20 million or less writing 25
 2907 percent or more of its total countrywide property insurance
 2908 premiums in this state may petition the department, within the
 2909 first 90 days of each calendar year, to qualify as a limited
 2910 apportionment company. The apportionment of such a member
 2911 company in any calendar year for which it is qualified shall not
 2912 exceed its gross participation, which shall not be affected by

PCB RCC 12-02

ORIGINAL

2012

2913 the formula for voluntary writings. In no event shall a limited
2914 apportionment company be required to participate in any
2915 apportionment of losses pursuant to sub-sub-subparagraph 2.d.(I)
2916 or sub-sub-subparagraph 2.d.(II) in the aggregate which exceeds
2917 \$50 million after payment of available plan funds in any
2918 calendar year. However, a limited apportionment company shall
2919 collect from its policyholders any emergency assessment imposed
2920 under sub-sub-subparagraph 2.d.(III). The plan shall provide
2921 that, if the department determines that any regular assessment
2922 will result in an impairment of the surplus of a limited
2923 apportionment company, the department may direct that all or
2924 part of such assessment be deferred. However, there shall be no
2925 limitation or deferment of an emergency assessment to be
2926 collected from policyholders under sub-sub-subparagraph
2927 2.d.(III).

2928 4. The plan shall provide for the deferment, in whole or
2929 in part, of a regular assessment of a member insurer under sub-
2930 sub-subparagraph 2.d.(I) or sub-sub-subparagraph 2.d.(II), but
2931 not for an emergency assessment collected from policyholders
2932 under sub-sub-subparagraph 2.d.(III), if, in the opinion of the
2933 commissioner, payment of such regular assessment would endanger
2934 or impair the solvency of the member insurer. In the event a
2935 regular assessment against a member insurer is deferred in whole
2936 or in part, the amount by which such assessment is deferred may
2937 be assessed against the other member insurers in a manner
2938 consistent with the basis for assessments set forth in sub-sub-
2939 subparagraph 2.d.(I) or sub-sub-subparagraph 2.d.(II).

2940 5.a. The plan of operation may include deductibles and

2941 rules for classification of risks and rate modifications
 2942 consistent with the objective of providing and maintaining funds
 2943 sufficient to pay catastrophe losses.

2944 b. It is the intent of the Legislature that the rates for
 2945 coverage provided by the association be actuarially sound and
 2946 not competitive with approved rates charged in the admitted
 2947 voluntary market such that the association functions as a
 2948 residual market mechanism to provide insurance only when the
 2949 insurance cannot be procured in the voluntary market. The plan
 2950 of operation shall provide a mechanism to assure that, beginning
 2951 no later than January 1, 1999, the rates charged by the
 2952 association for each line of business are reflective of approved
 2953 rates in the voluntary market for hurricane coverage for each
 2954 line of business in the various areas eligible for association
 2955 coverage.

2956 c. The association shall provide for windstorm coverage on
 2957 residential properties in limits up to \$10 million for
 2958 commercial lines residential risks and up to \$1 million for
 2959 personal lines residential risks. If coverage with the
 2960 association is sought for a residential risk valued in excess of
 2961 these limits, coverage shall be available to the risk up to the
 2962 replacement cost or actual cash value of the property, at the
 2963 option of the insured, if coverage for the risk cannot be
 2964 located in the authorized market. The association must accept a
 2965 commercial lines residential risk with limits above \$10 million
 2966 or a personal lines residential risk with limits above \$1
 2967 million if coverage is not available in the authorized market.
 2968 The association may write coverage above the limits specified in

2969 | this subparagraph with or without facultative or other
 2970 | reinsurance coverage, as the association determines appropriate.

2971 | d. The plan of operation must provide objective criteria
 2972 | and procedures, approved by the department, to be uniformly
 2973 | applied for all applicants in determining whether an individual
 2974 | risk is so hazardous as to be uninsurable. In making this
 2975 | determination and in establishing the criteria and procedures,
 2976 | the following shall be considered:

2977 | (I) Whether the likelihood of a loss for the individual
 2978 | risk is substantially higher than for other risks of the same
 2979 | class; and

2980 | (II) Whether the uncertainty associated with the
 2981 | individual risk is such that an appropriate premium cannot be
 2982 | determined.

2983 |
 2984 | The acceptance or rejection of a risk by the association
 2985 | pursuant to such criteria and procedures must be construed as
 2986 | the private placement of insurance, and the provisions of
 2987 | chapter 120 do not apply.

2988 | e. If the risk accepts an offer of coverage through the
 2989 | market assistance program or through a mechanism established by
 2990 | the association, either before the policy is issued by the
 2991 | association or during the first 30 days of coverage by the
 2992 | association, and the producing agent who submitted the
 2993 | application to the association is not currently appointed by the
 2994 | insurer, the insurer shall:

2995 | (I) Pay to the producing agent of record of the policy,
 2996 | for the first year, an amount that is the greater of the

PCB RCC 12-02

ORIGINAL

2012

2997 insurer's usual and customary commission for the type of policy
 2998 written or a fee equal to the usual and customary commission of
 2999 the association; or

3000 (II) Offer to allow the producing agent of record of the
 3001 policy to continue servicing the policy for a period of not less
 3002 than 1 year and offer to pay the agent the greater of the
 3003 insurer's or the association's usual and customary commission
 3004 for the type of policy written.

3005
 3006 If the producing agent is unwilling or unable to accept
 3007 appointment, the new insurer shall pay the agent in accordance
 3008 with sub-sub-subparagraph (I). Subject to the provisions of s.
 3009 627.3517, the policies issued by the association must provide
 3010 that if the association obtains an offer from an authorized
 3011 insurer to cover the risk at its approved rates under either a
 3012 standard policy including wind coverage or, if consistent with
 3013 the insurer's underwriting rules as filed with the department, a
 3014 basic policy including wind coverage, the risk is no longer
 3015 eligible for coverage through the association. Upon termination
 3016 of eligibility, the association shall provide written notice to
 3017 the policyholder and agent of record stating that the
 3018 association policy must be canceled as of 60 days after the date
 3019 of the notice because of the offer of coverage from an
 3020 authorized insurer. Other provisions of the insurance code
 3021 relating to cancellation and notice of cancellation do not apply
 3022 to actions under this sub-subparagraph.

3023 f. When the association enters into a contractual
 3024 agreement for a take-out plan, the producing agent of record of

PCB RCC 12-02

ORIGINAL

2012

3025 | the association policy is entitled to retain any unearned
 3026 | commission on the policy, and the insurer shall:

3027 | (I) Pay to the producing agent of record of the
 3028 | association policy, for the first year, an amount that is the
 3029 | greater of the insurer's usual and customary commission for the
 3030 | type of policy written or a fee equal to the usual and customary
 3031 | commission of the association; or

3032 | (II) Offer to allow the producing agent of record of the
 3033 | association policy to continue servicing the policy for a period
 3034 | of not less than 1 year and offer to pay the agent the greater
 3035 | of the insurer's or the association's usual and customary
 3036 | commission for the type of policy written.

3037 |
 3038 | If the producing agent is unwilling or unable to accept
 3039 | appointment, the new insurer shall pay the agent in accordance
 3040 | with sub-sub-subparagraph (I).

3041 | 6.a. The plan of operation may authorize the formation of
 3042 | a private nonprofit corporation, a private nonprofit
 3043 | unincorporated association, a partnership, a trust, a limited
 3044 | liability company, or a nonprofit mutual company which may be
 3045 | empowered, among other things, to borrow money by issuing bonds
 3046 | or by incurring other indebtedness and to accumulate reserves or
 3047 | funds to be used for the payment of insured catastrophe losses.
 3048 | The plan may authorize all actions necessary to facilitate the
 3049 | issuance of bonds, including the pledging of assessments or
 3050 | other revenues.

3051 | b. Any entity created under this subsection, or any entity
 3052 | formed for the purposes of this subsection, may sue and be sued,

PCB RCC 12-02

ORIGINAL

2012

3053 | may borrow money; issue bonds, notes, or debt instruments;
 3054 | pledge or sell assessments, market equalization surcharges and
 3055 | other surcharges, rights, premiums, contractual rights,
 3056 | projected recoveries from the Florida Hurricane Catastrophe
 3057 | Fund, other reinsurance recoverables, and other assets as
 3058 | security for such bonds, notes, or debt instruments; enter into
 3059 | any contracts or agreements necessary or proper to accomplish
 3060 | such borrowings; and take other actions necessary to carry out
 3061 | the purposes of this subsection. The association may issue bonds
 3062 | or incur other indebtedness, or have bonds issued on its behalf
 3063 | by a unit of local government pursuant to subparagraph (6)(q)2.,
 3064 | in the absence of a hurricane or other weather-related event,
 3065 | upon a determination by the association subject to approval by
 3066 | the department that such action would enable it to efficiently
 3067 | meet the financial obligations of the association and that such
 3068 | financings are reasonably necessary to effectuate the
 3069 | requirements of this subsection. Any such entity may accumulate
 3070 | reserves and retain surpluses as of the end of any association
 3071 | year to provide for the payment of losses incurred by the
 3072 | association during that year or any future year. The association
 3073 | shall incorporate and continue the plan of operation and
 3074 | articles of agreement in effect on the effective date of chapter
 3075 | 76-96, Laws of Florida, to the extent that it is not
 3076 | inconsistent with chapter 76-96, and as subsequently modified
 3077 | consistent with chapter 76-96. The board of directors and
 3078 | officers currently serving shall continue to serve until their
 3079 | successors are duly qualified as provided under the plan. The
 3080 | assets and obligations of the plan in effect immediately prior

3081 to the effective date of chapter 76-96 shall be construed to be
 3082 the assets and obligations of the successor plan created herein.

3083 c. In recognition of s. 10, Art. I of the State
 3084 Constitution, prohibiting the impairment of obligations of
 3085 contracts, it is the intent of the Legislature that no action be
 3086 taken whose purpose is to impair any bond indenture or financing
 3087 agreement or any revenue source committed by contract to such
 3088 bond or other indebtedness issued or incurred by the association
 3089 or any other entity created under this subsection.

3090 7. On such coverage, an agent's remuneration shall be that
 3091 amount of money payable to the agent by the terms of his or her
 3092 contract with the company with which the business is placed.
 3093 However, no commission will be paid on that portion of the
 3094 premium which is in excess of the standard premium of that
 3095 company.

3096 8. Subject to approval by the department, the association
 3097 may establish different eligibility requirements and operational
 3098 procedures for any line or type of coverage for any specified
 3099 eligible area or portion of an eligible area if the board
 3100 determines that such changes to the eligibility requirements and
 3101 operational procedures are justified due to the voluntary market
 3102 being sufficiently stable and competitive in such area or for
 3103 such line or type of coverage and that consumers who, in good
 3104 faith, are unable to obtain insurance through the voluntary
 3105 market through ordinary methods would continue to have access to
 3106 coverage from the association. When coverage is sought in
 3107 connection with a real property transfer, such requirements and
 3108 procedures shall not provide for an effective date of coverage

3109 later than the date of the closing of the transfer as
 3110 established by the transferor, the transferee, and, if
 3111 applicable, the lender.

3112 9. Notwithstanding any other provision of law:

3113 a. The pledge or sale of, the lien upon, and the security
 3114 interest in any rights, revenues, or other assets of the
 3115 association created or purported to be created pursuant to any
 3116 financing documents to secure any bonds or other indebtedness of
 3117 the association shall be and remain valid and enforceable,
 3118 notwithstanding the commencement of and during the continuation
 3119 of, and after, any rehabilitation, insolvency, liquidation,
 3120 bankruptcy, receivership, conservatorship, reorganization, or
 3121 similar proceeding against the association under the laws of
 3122 this state or any other applicable laws.

3123 b. No such proceeding shall relieve the association of its
 3124 obligation, or otherwise affect its ability to perform its
 3125 obligation, to continue to collect, or levy and collect,
 3126 assessments, market equalization or other surcharges, projected
 3127 recoveries from the Florida Hurricane Catastrophe Fund,
 3128 reinsurance recoverables, or any other rights, revenues, or
 3129 other assets of the association pledged.

3130 c. Each such pledge or sale of, lien upon, and security
 3131 interest in, including the priority of such pledge, lien, or
 3132 security interest, any such assessments, emergency assessments,
 3133 market equalization or renewal surcharges, projected recoveries
 3134 from the Florida Hurricane Catastrophe Fund, reinsurance
 3135 recoverables, or other rights, revenues, or other assets which
 3136 are collected, or levied and collected, after the commencement

3137 of and during the pendency of or after any such proceeding shall
 3138 continue unaffected by such proceeding.

3139 d. As used in this subsection, the term "financing
 3140 documents" means any agreement, instrument, or other document
 3141 now existing or hereafter created evidencing any bonds or other
 3142 indebtedness of the association or pursuant to which any such
 3143 bonds or other indebtedness has been or may be issued and
 3144 pursuant to which any rights, revenues, or other assets of the
 3145 association are pledged or sold to secure the repayment of such
 3146 bonds or indebtedness, together with the payment of interest on
 3147 such bonds or such indebtedness, or the payment of any other
 3148 obligation of the association related to such bonds or
 3149 indebtedness.

3150 e. Any such pledge or sale of assessments, revenues,
 3151 contract rights or other rights or assets of the association
 3152 shall constitute a lien and security interest, or sale, as the
 3153 case may be, that is immediately effective and attaches to such
 3154 assessments, revenues, contract, or other rights or assets,
 3155 whether or not imposed or collected at the time the pledge or
 3156 sale is made. Any such pledge or sale is effective, valid,
 3157 binding, and enforceable against the association or other entity
 3158 making such pledge or sale, and valid and binding against and
 3159 superior to any competing claims or obligations owed to any
 3160 other person or entity, including policyholders in this state,
 3161 asserting rights in any such assessments, revenues, contract, or
 3162 other rights or assets to the extent set forth in and in
 3163 accordance with the terms of the pledge or sale contained in the
 3164 applicable financing documents, whether or not any such person

PCB RCC 12-02

ORIGINAL

2012

3165 or entity has notice of such pledge or sale and without the need
 3166 for any physical delivery, recordation, filing, or other action.

3167 f. There shall be no liability on the part of, and no
 3168 cause of action of any nature shall arise against, any member
 3169 insurer or its agents or employees, agents or employees of the
 3170 association, members of the board of directors of the
 3171 association, or the department or its representatives, for any
 3172 action taken by them in the performance of their duties or
 3173 responsibilities under this subsection. Such immunity does not
 3174 apply to actions for breach of any contract or agreement
 3175 pertaining to insurance, or any willful tort.

3176 (6) CITIZENS PROPERTY INSURANCE CORPORATION.—

3177 (b)1. All insurers authorized to write one or more subject
 3178 lines of business in this state are subject to assessment by the
 3179 corporation and, for the purposes of this subsection, are
 3180 referred to collectively as "assessable insurers." Insurers
 3181 writing one or more subject lines of business in this state
 3182 pursuant to part VIII of chapter 626 are not assessable
 3183 insurers, but insureds who procure one or more subject lines of
 3184 business in this state pursuant to part VIII of chapter 626 are
 3185 subject to assessment by the corporation and are referred to
 3186 collectively as "assessable insureds." An insurer's assessment
 3187 liability begins on the first day of the calendar year following
 3188 the year in which the insurer was issued a certificate of
 3189 authority to transact insurance for subject lines of business in
 3190 this state and terminates 1 year after the end of the first
 3191 calendar year during which the insurer no longer holds a
 3192 certificate of authority to transact insurance for subject lines

3193 | of business in this state.

3194 | 2.a. All revenues, assets, liabilities, losses, and
3195 | expenses of the corporation shall be divided into three separate
3196 | accounts as follows:

3197 | (I) A personal lines account for personal residential
3198 | policies issued by the corporation, or issued by the Residential
3199 | Property and Casualty Joint Underwriting Association and renewed
3200 | by the corporation, which provides comprehensive, multiperil
3201 | coverage on risks that are not located in areas eligible for
3202 | coverage by the Florida Windstorm Underwriting Association as
3203 | those areas were defined on January 1, 2002, and for policies
3204 | that do not provide coverage for the peril of wind on risks that
3205 | are located in such areas;

3206 | (II) A commercial lines account for commercial residential
3207 | and commercial nonresidential policies issued by the
3208 | corporation, or issued by the Residential Property and Casualty
3209 | Joint Underwriting Association and renewed by the corporation,
3210 | which provides coverage for basic property perils on risks that
3211 | are not located in areas eligible for coverage by the Florida
3212 | Windstorm Underwriting Association as those areas were defined
3213 | on January 1, 2002, and for policies that do not provide
3214 | coverage for the peril of wind on risks that are located in such
3215 | areas; and

3216 | (III) A coastal account for personal residential policies
3217 | and commercial residential and commercial nonresidential
3218 | property policies issued by the corporation, or transferred to
3219 | the corporation, which provides coverage for the peril of wind
3220 | on risks that are located in areas eligible for coverage by the

3221 Florida Windstorm Underwriting Association as those areas were
 3222 defined on January 1, 2002. The corporation may offer policies
 3223 that provide multiperil coverage and the corporation shall
 3224 continue to offer policies that provide coverage only for the
 3225 peril of wind for risks located in areas eligible for coverage
 3226 in the coastal account. In issuing multiperil coverage, the
 3227 corporation may use its approved policy forms and rates for the
 3228 personal lines account. An applicant or insured who is eligible
 3229 to purchase a multiperil policy from the corporation may
 3230 purchase a multiperil policy from an authorized insurer without
 3231 prejudice to the applicant's or insured's eligibility to
 3232 prospectively purchase a policy that provides coverage only for
 3233 the peril of wind from the corporation. An applicant or insured
 3234 who is eligible for a corporation policy that provides coverage
 3235 only for the peril of wind may elect to purchase or retain such
 3236 policy and also purchase or retain coverage excluding wind from
 3237 an authorized insurer without prejudice to the applicant's or
 3238 insured's eligibility to prospectively purchase a policy that
 3239 provides multiperil coverage from the corporation. It is the
 3240 goal of the Legislature that there be an overall average savings
 3241 of 10 percent or more for a policyholder who currently has a
 3242 wind-only policy with the corporation, and an ex-wind policy
 3243 with a voluntary insurer or the corporation, and who obtains a
 3244 multiperil policy from the corporation. It is the intent of the
 3245 Legislature that the offer of multiperil coverage in the coastal
 3246 account be made and implemented in a manner that does not
 3247 adversely affect the tax-exempt status of the corporation or
 3248 creditworthiness of or security for currently outstanding

3249 financing obligations or credit facilities of the coastal
 3250 account, the personal lines account, or the commercial lines
 3251 account. The coastal account must also include quota share
 3252 primary insurance under subparagraph (c)2. The area eligible for
 3253 coverage under the coastal account also includes the area within
 3254 Port Canaveral, which is bordered on the south by the City of
 3255 Cape Canaveral, bordered on the west by the Banana River, and
 3256 bordered on the north by Federal Government property.

3257 b. The three separate accounts must be maintained as long
 3258 as financing obligations entered into by the Florida Windstorm
 3259 Underwriting Association or Residential Property and Casualty
 3260 Joint Underwriting Association are outstanding, in accordance
 3261 with the terms of the corresponding financing documents. If the
 3262 financing obligations are no longer outstanding, the corporation
 3263 may use a single account for all revenues, assets, liabilities,
 3264 losses, and expenses of the corporation. Consistent with this
 3265 subparagraph and prudent investment policies that minimize the
 3266 cost of carrying debt, the board shall exercise its best efforts
 3267 to retire existing debt or obtain the approval of necessary
 3268 parties to amend the terms of existing debt, so as to structure
 3269 the most efficient plan to consolidate the three separate
 3270 accounts into a single account.

3271 c. Creditors of the Residential Property and Casualty
 3272 Joint Underwriting Association and the accounts specified in
 3273 sub-sub-subparagraphs a.(I) and (II) may have a claim against,
 3274 and recourse to, those accounts and no claim against, or
 3275 recourse to, the account referred to in sub-sub-subparagraph
 3276 a.(III). Creditors of the Florida Windstorm Underwriting

3277 Association have a claim against, and recourse to, the account
 3278 referred to in sub-sub-subparagraph a.(III) and no claim
 3279 against, or recourse to, the accounts referred to in sub-sub-
 3280 subparagraphs a.(I) and (II).

3281 d. Revenues, assets, liabilities, losses, and expenses not
 3282 attributable to particular accounts shall be prorated among the
 3283 accounts.

3284 e. The Legislature finds that the revenues of the
 3285 corporation are revenues that are necessary to meet the
 3286 requirements set forth in documents authorizing the issuance of
 3287 bonds under this subsection.

3288 f. No part of the income of the corporation may inure to
 3289 the benefit of any private person.

3290 3. With respect to a deficit in an account:

3291 a. After accounting for the Citizens policyholder
 3292 surcharge imposed under sub-subparagraph h., if the remaining
 3293 projected deficit incurred in a particular calendar year:

3294 (I) Is not greater than 6 percent of the aggregate
 3295 statewide direct written premium for the subject lines of
 3296 business for the prior calendar year, the entire deficit shall
 3297 be recovered through regular assessments of assessable insurers
 3298 under paragraph (q) and assessable insureds.

3299 (II) Exceeds 6 percent of the aggregate statewide direct
 3300 written premium for the subject lines of business for the prior
 3301 calendar year, the corporation shall levy regular assessments on
 3302 assessable insurers under paragraph (q) and on assessable
 3303 insureds in an amount equal to the greater of 6 percent of the
 3304 deficit or 6 percent of the aggregate statewide direct written

3305 premium for the subject lines of business for the prior calendar
 3306 year. Any remaining deficit shall be recovered through emergency
 3307 assessments under sub-subparagraph c.

3308 b. Each assessable insurer's share of the amount being
 3309 assessed under sub-subparagraph a. must be in the proportion
 3310 that the assessable insurer's direct written premium for the
 3311 subject lines of business for the year preceding the assessment
 3312 bears to the aggregate statewide direct written premium for the
 3313 subject lines of business for that year. The assessment
 3314 percentage applicable to each assessable insured is the ratio of
 3315 the amount being assessed under sub-subparagraph a. to the
 3316 aggregate statewide direct written premium for the subject lines
 3317 of business for the prior year. Assessments levied by the
 3318 corporation on assessable insurers under sub-subparagraph a.
 3319 must be paid as required by the corporation's plan of operation
 3320 and paragraph (q). Assessments levied by the corporation on
 3321 assessable insureds under sub-subparagraph a. shall be collected
 3322 by the surplus lines agent at the time the surplus lines agent
 3323 collects the surplus lines tax required by s. 626.932, and paid
 3324 to the Florida Surplus Lines Service Office at the time the
 3325 surplus lines agent pays the surplus lines tax to that office.
 3326 Upon receipt of regular assessments from surplus lines agents,
 3327 the Florida Surplus Lines Service Office shall transfer the
 3328 assessments directly to the corporation as determined by the
 3329 corporation.

3330 c. Upon a determination by the board of governors that a
 3331 deficit in an account exceeds the amount that will be recovered
 3332 through regular assessments under sub-subparagraph a., plus the

PCB RCC 12-02

ORIGINAL

2012

3333 amount that is expected to be recovered through surcharges under
 3334 sub-subparagraph h., the board, after verification by the
 3335 office, shall levy emergency assessments for as many years as
 3336 necessary to cover the deficits, to be collected by assessable
 3337 insurers and the corporation and collected from assessable
 3338 insureds upon issuance or renewal of policies for subject lines
 3339 of business, excluding National Flood Insurance policies. The
 3340 amount collected in a particular year must be a uniform
 3341 percentage of that year's direct written premium for subject
 3342 lines of business and all accounts of the corporation, excluding
 3343 National Flood Insurance Program policy premiums, as annually
 3344 determined by the board and verified by the office. The office
 3345 shall verify the arithmetic calculations involved in the board's
 3346 determination within 30 days after receipt of the information on
 3347 which the determination was based. Notwithstanding any other
 3348 provision of law, the corporation and each assessable insurer
 3349 that writes subject lines of business shall collect emergency
 3350 assessments from its policyholders without such obligation being
 3351 affected by any credit, limitation, exemption, or deferment.
 3352 Emergency assessments levied by the corporation on assessable
 3353 insureds shall be collected by the surplus lines agent at the
 3354 time the surplus lines agent collects the surplus lines tax
 3355 required by s. 626.932 and paid to the Florida Surplus Lines
 3356 Service Office at the time the surplus lines agent pays the
 3357 surplus lines tax to that office. The emergency assessments
 3358 collected shall be transferred directly to the corporation on a
 3359 periodic basis as determined by the corporation and held by the
 3360 corporation solely in the applicable account. The aggregate

PCB RCC 12-02

ORIGINAL

2012

3361 amount of emergency assessments levied for an account under this
 3362 sub-subparagraph in any calendar year may be less than but not
 3363 exceed the greater of 10 percent of the amount needed to cover
 3364 the deficit, plus interest, fees, commissions, required
 3365 reserves, and other costs associated with financing the original
 3366 deficit, or 10 percent of the aggregate statewide direct written
 3367 premium for subject lines of business and all accounts of the
 3368 corporation for the prior year, plus interest, fees,
 3369 commissions, required reserves, and other costs associated with
 3370 financing the deficit.

3371 d. The corporation may pledge the proceeds of assessments,
 3372 projected recoveries from the Florida Hurricane Catastrophe
 3373 Fund, other insurance and reinsurance recoverables, policyholder
 3374 surcharges and other surcharges, and other funds available to
 3375 the corporation as the source of revenue for and to secure bonds
 3376 issued under paragraph (q), bonds or other indebtedness issued
 3377 under subparagraph (c)3., or lines of credit or other financing
 3378 mechanisms issued or created under this subsection, or to retire
 3379 any other debt incurred as a result of deficits or events giving
 3380 rise to deficits, or in any other way that the board determines
 3381 will efficiently recover such deficits. The purpose of the lines
 3382 of credit or other financing mechanisms is to provide additional
 3383 resources to assist the corporation in covering claims and
 3384 expenses attributable to a catastrophe. As used in this
 3385 subsection, the term "assessments" includes regular assessments
 3386 under sub-subparagraph a. or subparagraph (q)1. and emergency
 3387 assessments under sub-subparagraph c. ~~d.~~ Emergency assessments
 3388 collected under sub-subparagraph c. ~~d.~~ are not part of an

3389 insurer's rates, are not premium, and are not subject to premium
 3390 tax, fees, or commissions; however, failure to pay the emergency
 3391 assessment shall be treated as failure to pay premium. The
 3392 emergency assessments under sub-subparagraph c. shall continue
 3393 as long as any bonds issued or other indebtedness incurred with
 3394 respect to a deficit for which the assessment was imposed remain
 3395 outstanding, unless adequate provision has been made for the
 3396 payment of such bonds or other indebtedness pursuant to the
 3397 documents governing such bonds or indebtedness.

3398 e. As used in this subsection for purposes of any deficit
 3399 incurred on or after January 25, 2007, the term "subject lines
 3400 of business" means insurance written by assessable insurers or
 3401 procured by assessable insureds for all property and casualty
 3402 lines of business in this state, but not including workers'
 3403 compensation or medical malpractice. As used in this sub-
 3404 subparagraph, the term "property and casualty lines of business"
 3405 includes all lines of business identified on Form 2, Exhibit of
 3406 Premiums and Losses, in the annual statement required of
 3407 authorized insurers under s. 624.424 and any rule adopted under
 3408 this section, except for those lines identified as accident and
 3409 health insurance and except for policies written under the
 3410 National Flood Insurance Program or the Federal Crop Insurance
 3411 Program. For purposes of this sub-subparagraph, the term
 3412 "workers' compensation" includes both workers' compensation
 3413 insurance and excess workers' compensation insurance.

3414 f. The Florida Surplus Lines Service Office shall
 3415 determine annually the aggregate statewide written premium in
 3416 subject lines of business procured by assessable insureds and

3417 report that information to the corporation in a form and at a
 3418 time the corporation specifies to ensure that the corporation
 3419 can meet the requirements of this subsection and the
 3420 corporation's financing obligations.

3421 g. The Florida Surplus Lines Service Office shall verify
 3422 the proper application by surplus lines agents of assessment
 3423 percentages for regular assessments and emergency assessments
 3424 levied under this subparagraph on assessable insureds and assist
 3425 the corporation in ensuring the accurate, timely collection and
 3426 payment of assessments by surplus lines agents as required by
 3427 the corporation.

3428 h. If a deficit is incurred in any account in 2008 or
 3429 thereafter, the board of governors shall levy a Citizens
 3430 policyholder surcharge against all policyholders of the
 3431 corporation.

3432 (I) The surcharge shall be levied as a uniform percentage
 3433 of the premium for the policy of up to 15 percent of such
 3434 premium, which funds shall be used to offset the deficit.

3435 (II) The surcharge is payable upon cancellation or
 3436 termination of the policy, upon renewal of the policy, or upon
 3437 issuance of a new policy by the corporation within the first 12
 3438 months after the date of the levy or the period of time
 3439 necessary to fully collect the surcharge amount.

3440 (III) The corporation may not levy any regular assessments
 3441 under paragraph (q) pursuant to sub-subparagraph a. or sub-
 3442 subparagraph b. with respect to a particular year's deficit
 3443 until the corporation has first levied the full amount of the
 3444 surcharge authorized by this sub-subparagraph.

3445 (IV) The surcharge is not considered premium and is not
 3446 subject to commissions, fees, or premium taxes. However, failure
 3447 to pay the surcharge shall be treated as failure to pay premium.

3448 i. If the amount of any assessments or surcharges
 3449 collected from corporation policyholders, assessable insurers or
 3450 their policyholders, or assessable insureds exceeds the amount
 3451 of the deficits, such excess amounts shall be remitted to and
 3452 retained by the corporation in a reserve to be used by the
 3453 corporation, as determined by the board of governors and
 3454 approved by the office, to pay claims or reduce any past,
 3455 present, or future plan-year deficits or to reduce outstanding
 3456 debt.

3457 (c) The corporation's plan of operation:

3458 1. Must provide for adoption of residential property and
 3459 casualty insurance policy forms and commercial residential and
 3460 nonresidential property insurance forms, which must be approved
 3461 by the office before use. The corporation shall adopt the
 3462 following policy forms:

3463 a. Standard personal lines policy forms that are
 3464 comprehensive multiperil policies providing full coverage of a
 3465 residential property equivalent to the coverage provided in the
 3466 private insurance market under an HO-3, HO-4, or HO-6 policy.

3467 b. Basic personal lines policy forms that are policies
 3468 similar to an HO-8 policy or a dwelling fire policy that provide
 3469 coverage meeting the requirements of the secondary mortgage
 3470 market, but which is more limited than the coverage under a
 3471 standard policy.

3472 c. Commercial lines residential and nonresidential policy

3473 forms that are generally similar to the basic perils of full
 3474 coverage obtainable for commercial residential structures and
 3475 commercial nonresidential structures in the admitted voluntary
 3476 market.

3477 d. Personal lines and commercial lines residential
 3478 property insurance forms that cover the peril of wind only. The
 3479 forms are applicable only to residential properties located in
 3480 areas eligible for coverage under the coastal account referred
 3481 to in sub-subparagraph (b)2.a.

3482 e. Commercial lines nonresidential property insurance
 3483 forms that cover the peril of wind only. The forms are
 3484 applicable only to nonresidential properties located in areas
 3485 eligible for coverage under the coastal account referred to in
 3486 sub-subparagraph (b)2.a.

3487 f. The corporation may adopt variations of the policy
 3488 forms listed in sub-subparagraphs a.-e. which contain more
 3489 restrictive coverage.

3490 2. Must provide that the corporation adopt a program in
 3491 which the corporation and authorized insurers enter into quota
 3492 share primary insurance agreements for hurricane coverage, as
 3493 defined in s. 627.4025(2)(a), for eligible risks, and adopt
 3494 property insurance forms for eligible risks which cover the
 3495 peril of wind only.

3496 a. As used in this subsection, the term:

3497 (I) "Quota share primary insurance" means an arrangement
 3498 in which the primary hurricane coverage of an eligible risk is
 3499 provided in specified percentages by the corporation and an
 3500 authorized insurer. The corporation and authorized insurer are

3501 each solely responsible for a specified percentage of hurricane
 3502 coverage of an eligible risk as set forth in a quota share
 3503 primary insurance agreement between the corporation and an
 3504 authorized insurer and the insurance contract. The
 3505 responsibility of the corporation or authorized insurer to pay
 3506 its specified percentage of hurricane losses of an eligible
 3507 risk, as set forth in the agreement, may not be altered by the
 3508 inability of the other party to pay its specified percentage of
 3509 losses. Eligible risks that are provided hurricane coverage
 3510 through a quota share primary insurance arrangement must be
 3511 provided policy forms that set forth the obligations of the
 3512 corporation and authorized insurer under the arrangement,
 3513 clearly specify the percentages of quota share primary insurance
 3514 provided by the corporation and authorized insurer, and
 3515 conspicuously and clearly state that the authorized insurer and
 3516 the corporation may not be held responsible beyond their
 3517 specified percentage of coverage of hurricane losses.

3518 (II) "Eligible risks" means personal lines residential and
 3519 commercial lines residential risks that meet the underwriting
 3520 criteria of the corporation and are located in areas that were
 3521 eligible for coverage by the Florida Windstorm Underwriting
 3522 Association on January 1, 2002.

3523 b. The corporation may enter into quota share primary
 3524 insurance agreements with authorized insurers at corporation
 3525 coverage levels of 90 percent and 50 percent.

3526 c. If the corporation determines that additional coverage
 3527 levels are necessary to maximize participation in quota share
 3528 primary insurance agreements by authorized insurers, the

3529 corporation may establish additional coverage levels. However,
 3530 the corporation's quota share primary insurance coverage level
 3531 may not exceed 90 percent.

3532 d. Any quota share primary insurance agreement entered
 3533 into between an authorized insurer and the corporation must
 3534 provide for a uniform specified percentage of coverage of
 3535 hurricane losses, by county or territory as set forth by the
 3536 corporation board, for all eligible risks of the authorized
 3537 insurer covered under the agreement.

3538 e. Any quota share primary insurance agreement entered
 3539 into between an authorized insurer and the corporation is
 3540 subject to review and approval by the office. However, such
 3541 agreement shall be authorized only as to insurance contracts
 3542 entered into between an authorized insurer and an insured who is
 3543 already insured by the corporation for wind coverage.

3544 f. For all eligible risks covered under quota share
 3545 primary insurance agreements, the exposure and coverage levels
 3546 for both the corporation and authorized insurers shall be
 3547 reported by the corporation to the Florida Hurricane Catastrophe
 3548 Fund. For all policies of eligible risks covered under such
 3549 agreements, the corporation and the authorized insurer must
 3550 maintain complete and accurate records for the purpose of
 3551 exposure and loss reimbursement audits as required by fund
 3552 rules. The corporation and the authorized insurer shall each
 3553 maintain duplicate copies of policy declaration pages and
 3554 supporting claims documents.

3555 g. The corporation board shall establish in its plan of
 3556 operation standards for quota share agreements which ensure that

3557 | there is no discriminatory application among insurers as to the
 3558 | terms of the agreements, pricing of the agreements, incentive
 3559 | provisions if any, and consideration paid for servicing policies
 3560 | or adjusting claims.

3561 | h. The quota share primary insurance agreement between the
 3562 | corporation and an authorized insurer must set forth the
 3563 | specific terms under which coverage is provided, including, but
 3564 | not limited to, the sale and servicing of policies issued under
 3565 | the agreement by the insurance agent of the authorized insurer
 3566 | producing the business, the reporting of information concerning
 3567 | eligible risks, the payment of premium to the corporation, and
 3568 | arrangements for the adjustment and payment of hurricane claims
 3569 | incurred on eligible risks by the claims adjuster and personnel
 3570 | of the authorized insurer. Entering into a quota sharing
 3571 | insurance agreement between the corporation and an authorized
 3572 | insurer is voluntary and at the discretion of the authorized
 3573 | insurer.

3574 | 3.a. May provide that the corporation may employ or
 3575 | otherwise contract with individuals or other entities to provide
 3576 | administrative or professional services that may be appropriate
 3577 | to effectuate the plan. The corporation may borrow funds by
 3578 | issuing bonds or by incurring other indebtedness, and shall have
 3579 | other powers reasonably necessary to effectuate the requirements
 3580 | of this subsection, including, without limitation, the power to
 3581 | issue bonds and incur other indebtedness in order to refinance
 3582 | outstanding bonds or other indebtedness. The corporation may
 3583 | seek judicial validation of its bonds or other indebtedness
 3584 | under chapter 75. The corporation may issue bonds or incur other

3585 indebtedness, or have bonds issued on its behalf by a unit of
 3586 local government pursuant to subparagraph (q)2. in the absence
 3587 of a hurricane or other weather-related event, upon a
 3588 determination by the corporation, subject to approval by the
 3589 office, that such action would enable it to efficiently meet the
 3590 financial obligations of the corporation and that such
 3591 financings are reasonably necessary to effectuate the
 3592 requirements of this subsection. The corporation may take all
 3593 actions needed to facilitate tax-free status for such bonds or
 3594 indebtedness, including formation of trusts or other affiliated
 3595 entities. The corporation may pledge assessments, projected
 3596 recoveries from the Florida Hurricane Catastrophe Fund, other
 3597 reinsurance recoverables, market equalization and other
 3598 surcharges, and other funds available to the corporation as
 3599 security for bonds or other indebtedness. In recognition of s.
 3600 10, Art. I of the State Constitution, prohibiting the impairment
 3601 of obligations of contracts, it is the intent of the Legislature
 3602 that no action be taken whose purpose is to impair any bond
 3603 indenture or financing agreement or any revenue source committed
 3604 by contract to such bond or other indebtedness.

3605 b. To ensure that the corporation is operating in an
 3606 efficient and economic manner while providing quality service to
 3607 policyholders, applicants, and agents, the board shall
 3608 commission an independent third-party consultant having
 3609 expertise in insurance company management or insurance company
 3610 management consulting to prepare a report and make
 3611 recommendations on the relative costs and benefits of
 3612 outsourcing various policy issuance and service functions to

3613 private servicing carriers or entities performing similar
 3614 functions in the private market for a fee, rather than
 3615 performing such functions in-house. In making such
 3616 recommendations, the consultant shall consider how other
 3617 residual markets, both in this state and around the country,
 3618 outsource appropriate functions or use servicing carriers to
 3619 better match expenses with revenues that fluctuate based on a
 3620 widely varying policy count. The report must be completed by
 3621 July 1, 2012. Upon receiving the report, the board shall develop
 3622 a plan to implement the report and submit the plan for review,
 3623 modification, and approval to the Financial Services Commission.
 3624 Upon the commission's approval of the plan, the board shall
 3625 begin implementing the plan by January 1, 2013.

3626 4. Must require that the corporation operate subject to
 3627 the supervision and approval of a board of governors consisting
 3628 of eight individuals who are residents of this state, from
 3629 different geographical areas of this state.

3630 a. The Governor, the Chief Financial Officer, the
 3631 President of the Senate, and the Speaker of the House of
 3632 Representatives shall each appoint two members of the board. At
 3633 least one of the two members appointed by each appointing
 3634 officer must have demonstrated expertise in insurance and is
 3635 deemed to be within the scope of the exemption provided in s.
 3636 112.313(7)(b). The Chief Financial Officer shall designate one
 3637 of the appointees as chair. All board members serve at the
 3638 pleasure of the appointing officer. All members of the board are
 3639 subject to removal at will by the officers who appointed them.
 3640 All board members, including the chair, must be appointed to

3641 | serve for 3-year terms beginning annually on a date designated
 3642 | by the plan. However, for the first term beginning on or after
 3643 | July 1, 2009, each appointing officer shall appoint one member
 3644 | of the board for a 2-year term and one member for a 3-year term.
 3645 | A board vacancy shall be filled for the unexpired term by the
 3646 | appointing officer. The Chief Financial Officer shall appoint a
 3647 | technical advisory group to provide information and advice to
 3648 | the board in connection with the board's duties under this
 3649 | subsection. The executive director and senior managers of the
 3650 | corporation shall be engaged by the board and serve at the
 3651 | pleasure of the board. Any executive director appointed on or
 3652 | after July 1, 2006, is subject to confirmation by the Senate.
 3653 | The executive director is responsible for employing other staff
 3654 | as the corporation may require, subject to review and
 3655 | concurrence by the board.

3656 | b. The board shall create a Market Accountability Advisory
 3657 | Committee to assist the corporation in developing awareness of
 3658 | its rates and its customer and agent service levels in
 3659 | relationship to the voluntary market insurers writing similar
 3660 | coverage.

3661 | (I) The members of the advisory committee consist of the
 3662 | following 11 persons, one of whom must be elected chair by the
 3663 | members of the committee: four representatives, one appointed by
 3664 | the Florida Association of Insurance Agents, one by the Florida
 3665 | Association of Insurance and Financial Advisors, one by the
 3666 | Professional Insurance Agents of Florida, and one by the Latin
 3667 | American Association of Insurance Agencies; three
 3668 | representatives appointed by the insurers with the three highest

PCB RCC 12-02

ORIGINAL

2012

3669 | voluntary market share of residential property insurance
 3670 | business in the state; one representative from the Office of
 3671 | Insurance Regulation; one consumer appointed by the board who is
 3672 | insured by the corporation at the time of appointment to the
 3673 | committee; one representative appointed by the Florida
 3674 | Association of Realtors; and one representative appointed by the
 3675 | Florida Bankers Association. All members shall be appointed to
 3676 | 3-year terms and may serve for consecutive terms.

3677 | (II) The committee shall report to the corporation at each
 3678 | board meeting on insurance market issues which may include rates
 3679 | and rate competition with the voluntary market; service,
 3680 | including policy issuance, claims processing, and general
 3681 | responsiveness to policyholders, applicants, and agents; and
 3682 | matters relating to depopulation.

3683 | 5. Must provide a procedure for determining the
 3684 | eligibility of a risk for coverage, as follows:

3685 | a. Subject to s. 627.3517, with respect to personal lines
 3686 | residential risks, if the risk is offered coverage from an
 3687 | authorized insurer at the insurer's approved rate under a
 3688 | standard policy including wind coverage or, if consistent with
 3689 | the insurer's underwriting rules as filed with the office, a
 3690 | basic policy including wind coverage, for a new application to
 3691 | the corporation for coverage, the risk is not eligible for any
 3692 | policy issued by the corporation unless the premium for coverage
 3693 | from the authorized insurer is more than 15 percent greater than
 3694 | the premium for comparable coverage from the corporation. If the
 3695 | risk is not able to obtain such offer, the risk is eligible for
 3696 | a standard policy including wind coverage or a basic policy

3697 including wind coverage issued by the corporation; however, if
 3698 the risk could not be insured under a standard policy including
 3699 wind coverage regardless of market conditions, the risk is
 3700 eligible for a basic policy including wind coverage unless
 3701 rejected under subparagraph 8. However, a policyholder of the
 3702 corporation or a policyholder removed from the corporation
 3703 through an assumption agreement until the end of the assumption
 3704 period remains eligible for coverage from the corporation
 3705 regardless of any offer of coverage from an authorized insurer
 3706 or surplus lines insurer. The corporation shall determine the
 3707 type of policy to be provided on the basis of objective
 3708 standards specified in the underwriting manual and based on
 3709 generally accepted underwriting practices.

3710 (I) If the risk accepts an offer of coverage through the
 3711 market assistance plan or through a mechanism established by the
 3712 corporation before a policy is issued to the risk by the
 3713 corporation or during the first 30 days of coverage by the
 3714 corporation, and the producing agent who submitted the
 3715 application to the plan or to the corporation is not currently
 3716 appointed by the insurer, the insurer shall:

3717 (A) Pay to the producing agent of record of the policy for
 3718 the first year, an amount that is the greater of the insurer's
 3719 usual and customary commission for the type of policy written or
 3720 a fee equal to the usual and customary commission of the
 3721 corporation; or

3722 (B) Offer to allow the producing agent of record of the
 3723 policy to continue servicing the policy for at least 1 year and
 3724 offer to pay the agent the greater of the insurer's or the

3725 corporation's usual and customary commission for the type of
 3726 policy written.

3727
 3728 If the producing agent is unwilling or unable to accept
 3729 appointment, the new insurer shall pay the agent in accordance
 3730 with sub-sub-sub-subparagraph (A).

3731 (II) If the corporation enters into a contractual
 3732 agreement for a take-out plan, the producing agent of record of
 3733 the corporation policy is entitled to retain any unearned
 3734 commission on the policy, and the insurer shall:

3735 (A) Pay to the producing agent of record, for the first
 3736 year, an amount that is the greater of the insurer's usual and
 3737 customary commission for the type of policy written or a fee
 3738 equal to the usual and customary commission of the corporation;
 3739 or

3740 (B) Offer to allow the producing agent of record to
 3741 continue servicing the policy for at least 1 year and offer to
 3742 pay the agent the greater of the insurer's or the corporation's
 3743 usual and customary commission for the type of policy written.

3744
 3745 If the producing agent is unwilling or unable to accept
 3746 appointment, the new insurer shall pay the agent in accordance
 3747 with sub-sub-sub-subparagraph (A).

3748 b. With respect to commercial lines residential risks, for
 3749 a new application to the corporation for coverage, if the risk
 3750 is offered coverage under a policy including wind coverage from
 3751 an authorized insurer at its approved rate, the risk is not
 3752 eligible for a policy issued by the corporation unless the

PCB RCC 12-02

ORIGINAL

2012

3753 premium for coverage from the authorized insurer is more than 15
 3754 percent greater than the premium for comparable coverage from
 3755 the corporation. If the risk is not able to obtain any such
 3756 offer, the risk is eligible for a policy including wind coverage
 3757 issued by the corporation. However, a policyholder of the
 3758 corporation or a policyholder removed from the corporation
 3759 through an assumption agreement until the end of the assumption
 3760 period remains eligible for coverage from the corporation
 3761 regardless of an offer of coverage from an authorized insurer or
 3762 surplus lines insurer.

3763 (I) If the risk accepts an offer of coverage through the
 3764 market assistance plan or through a mechanism established by the
 3765 corporation before a policy is issued to the risk by the
 3766 corporation or during the first 30 days of coverage by the
 3767 corporation, and the producing agent who submitted the
 3768 application to the plan or the corporation is not currently
 3769 appointed by the insurer, the insurer shall:

3770 (A) Pay to the producing agent of record of the policy,
 3771 for the first year, an amount that is the greater of the
 3772 insurer's usual and customary commission for the type of policy
 3773 written or a fee equal to the usual and customary commission of
 3774 the corporation; or

3775 (B) Offer to allow the producing agent of record of the
 3776 policy to continue servicing the policy for at least 1 year and
 3777 offer to pay the agent the greater of the insurer's or the
 3778 corporation's usual and customary commission for the type of
 3779 policy written.

3780

PCB RCC 12-02

ORIGINAL

2012

3781 If the producing agent is unwilling or unable to accept
 3782 appointment, the new insurer shall pay the agent in accordance
 3783 with sub-sub-sub-subparagraph (A).

3784 (II) If the corporation enters into a contractual
 3785 agreement for a take-out plan, the producing agent of record of
 3786 the corporation policy is entitled to retain any unearned
 3787 commission on the policy, and the insurer shall:

3788 (A) Pay to the producing agent of record ~~policy~~, for the
 3789 first year, an amount that is the greater of the insurer's usual
 3790 and customary commission for the type of policy written or a fee
 3791 equal to the usual and customary commission of the corporation;
 3792 or

3793 (B) Offer to allow the producing agent of record to
 3794 continue servicing the policy for at least 1 year and offer to
 3795 pay the agent the greater of the insurer's or the corporation's
 3796 usual and customary commission for the type of policy written.

3797
 3798 If the producing agent is unwilling or unable to accept
 3799 appointment, the new insurer shall pay the agent in accordance
 3800 with sub-sub-sub-subparagraph (A).

3801 c. For purposes of determining comparable coverage under
 3802 sub-subparagraphs a. and b., the comparison must be based on
 3803 those forms and coverages that are reasonably comparable. The
 3804 corporation may rely on a determination of comparable coverage
 3805 and premium made by the producing agent who submits the
 3806 application to the corporation, made in the agent's capacity as
 3807 the corporation's agent. A comparison may be made solely of the
 3808 premium with respect to the main building or structure only on

3809 the following basis: the same coverage A or other building
 3810 limits; the same percentage hurricane deductible that applies on
 3811 an annual basis or that applies to each hurricane for commercial
 3812 residential property; the same percentage of ordinance and law
 3813 coverage, if the same limit is offered by both the corporation
 3814 and the authorized insurer; the same mitigation credits, to the
 3815 extent the same types of credits are offered both by the
 3816 corporation and the authorized insurer; the same method for loss
 3817 payment, such as replacement cost or actual cash value, if the
 3818 same method is offered both by the corporation and the
 3819 authorized insurer in accordance with underwriting rules; and
 3820 any other form or coverage that is reasonably comparable as
 3821 determined by the board. If an application is submitted to the
 3822 corporation for wind-only coverage in the coastal account, the
 3823 premium for the corporation's wind-only policy plus the premium
 3824 for the ex-wind policy that is offered by an authorized insurer
 3825 to the applicant must be compared to the premium for multiperil
 3826 coverage offered by an authorized insurer, subject to the
 3827 standards for comparison specified in this subparagraph. If the
 3828 corporation or the applicant requests from the authorized
 3829 insurer a breakdown of the premium of the offer by types of
 3830 coverage so that a comparison may be made by the corporation or
 3831 its agent and the authorized insurer refuses or is unable to
 3832 provide such information, the corporation may treat the offer as
 3833 not being an offer of coverage from an authorized insurer at the
 3834 insurer's approved rate.

3835 6. Must include rules for classifications of risks and
 3836 rates.

3837 7. Must provide that if premium and investment income for
 3838 an account attributable to a particular calendar year are in
 3839 excess of projected losses and expenses for the account
 3840 attributable to that year, such excess shall be held in surplus
 3841 in the account. Such surplus must be available to defray
 3842 deficits in that account as to future years and used for that
 3843 purpose before assessing assessable insurers and assessable
 3844 insureds as to any calendar year.

3845 8. Must provide objective criteria and procedures to be
 3846 uniformly applied to all applicants in determining whether an
 3847 individual risk is so hazardous as to be uninsurable. In making
 3848 this determination and in establishing the criteria and
 3849 procedures, the following must be considered:

3850 a. Whether the likelihood of a loss for the individual
 3851 risk is substantially higher than for other risks of the same
 3852 class; and

3853 b. Whether the uncertainty associated with the individual
 3854 risk is such that an appropriate premium cannot be determined.

3855
 3856 The acceptance or rejection of a risk by the corporation shall
 3857 be construed as the private placement of insurance, and the
 3858 provisions of chapter 120 do not apply.

3859 9. Must provide that the corporation make its best efforts
 3860 to procure catastrophe reinsurance at reasonable rates, to cover
 3861 its projected 100-year probable maximum loss as determined by
 3862 the board of governors.

3863 10. The policies issued by the corporation must provide
 3864 that if the corporation or the market assistance plan obtains an

PCB RCC 12-02

ORIGINAL

2012

3865 offer from an authorized insurer to cover the risk at its
 3866 approved rates, the risk is no longer eligible for renewal
 3867 through the corporation, except as otherwise provided in this
 3868 subsection.

3869 11. Corporation policies and applications must include a
 3870 notice that the corporation policy could, under this section, be
 3871 replaced with a policy issued by an authorized insurer which
 3872 does not provide coverage identical to the coverage provided by
 3873 the corporation. The notice must also specify that acceptance of
 3874 corporation coverage creates a conclusive presumption that the
 3875 applicant or policyholder is aware of this potential.

3876 12. May establish, subject to approval by the office,
 3877 different eligibility requirements and operational procedures
 3878 for any line or type of coverage for any specified county or
 3879 area if the board determines that such changes are justified due
 3880 to the voluntary market being sufficiently stable and
 3881 competitive in such area or for such line or type of coverage
 3882 and that consumers who, in good faith, are unable to obtain
 3883 insurance through the voluntary market through ordinary methods
 3884 continue to have access to coverage from the corporation. If
 3885 coverage is sought in connection with a real property transfer,
 3886 the requirements and procedures may not provide an effective
 3887 date of coverage later than the date of the closing of the
 3888 transfer as established by the transferor, the transferee, and,
 3889 if applicable, the lender.

3890 13. Must provide that, with respect to the coastal
 3891 account, any assessable insurer with a surplus as to
 3892 policyholders of \$25 million or less writing 25 percent or more

PCB RCC 12-02

ORIGINAL

2012

3893 of its total countrywide property insurance premiums in this
 3894 state may petition the office, within the first 90 days of each
 3895 calendar year, to qualify as a limited apportionment company. A
 3896 regular assessment levied by the corporation on a limited
 3897 apportionment company for a deficit incurred by the corporation
 3898 for the coastal account may be paid to the corporation on a
 3899 monthly basis as the assessments are collected by the limited
 3900 apportionment company from its insureds pursuant to s. 627.3512,
 3901 but the regular assessment must be paid in full within 12 months
 3902 after being levied by the corporation. A limited apportionment
 3903 company shall collect from its policyholders any emergency
 3904 assessment imposed under sub-subparagraph (b)3.c. ~~(b)3.d.~~ The
 3905 plan must provide that, if the office determines that any
 3906 regular assessment will result in an impairment of the surplus
 3907 of a limited apportionment company, the office may direct that
 3908 all or part of such assessment be deferred as provided in
 3909 subparagraph (q)4. However, an emergency assessment to be
 3910 collected from policyholders under sub-subparagraph (b)3.c.
 3911 ~~(b)3.d.~~ may not be limited or deferred.

3912 14. Must provide that the corporation appoint as its
 3913 licensed agents only those agents who also hold an appointment
 3914 as defined in s. 626.015(3) with an insurer who at the time of
 3915 the agent's initial appointment by the corporation is authorized
 3916 to write and is actually writing personal lines residential
 3917 property coverage, commercial residential property coverage, or
 3918 commercial nonresidential property coverage within the state.

3919 15. Must provide a premium payment plan option to its
 3920 policyholders which, at a minimum, allows for quarterly and

3921 semiannual payment of premiums. A monthly payment plan may, but
 3922 is not required to, be offered.

3923 16. Must limit coverage on mobile homes or manufactured
 3924 homes built before 1994 to actual cash value of the dwelling
 3925 rather than replacement costs of the dwelling.

3926 17. May provide such limits of coverage as the board
 3927 determines, consistent with the requirements of this subsection.

3928 18. May require commercial property to meet specified
 3929 hurricane mitigation construction features as a condition of
 3930 eligibility for coverage.

3931 19. Must provide that new or renewal policies issued by
 3932 the corporation on or after January 1, 2012, which cover
 3933 sinkhole loss do not include coverage for any loss to
 3934 appurtenant structures, driveways, sidewalks, decks, or patios
 3935 that are directly or indirectly caused by sinkhole activity. The
 3936 corporation shall exclude such coverage using a notice of
 3937 coverage change, which may be included with the policy renewal,
 3938 and not by issuance of a notice of nonrenewal of the excluded
 3939 coverage upon renewal of the current policy.

3940 20. As of January 1, 2012, must require that the agent
 3941 obtain from an applicant for coverage from the corporation an
 3942 acknowledgement signed by the applicant, which includes, at a
 3943 minimum, the following statement:

3944
 3945 ACKNOWLEDGEMENT OF POTENTIAL SURCHARGE
 3946 AND ASSESSMENT LIABILITY:

3947
 3948 1. AS A POLICYHOLDER OF CITIZENS PROPERTY INSURANCE

PCB RCC 12-02

ORIGINAL

2012

3949 CORPORATION, I UNDERSTAND THAT IF THE CORPORATION SUSTAINS A
 3950 DEFICIT AS A RESULT OF HURRICANE LOSSES OR FOR ANY OTHER REASON,
 3951 MY POLICY COULD BE SUBJECT TO SURCHARGES, WHICH WILL BE DUE AND
 3952 PAYABLE UPON RENEWAL, CANCELLATION, OR TERMINATION OF THE
 3953 POLICY, AND THAT THE SURCHARGES COULD BE AS HIGH AS 45 PERCENT
 3954 OF MY PREMIUM, OR A DIFFERENT AMOUNT AS IMPOSED BY THE FLORIDA
 3955 LEGISLATURE.

3956 2. I ALSO UNDERSTAND THAT I MAY BE SUBJECT TO EMERGENCY
 3957 ASSESSMENTS TO THE SAME EXTENT AS POLICYHOLDERS OF OTHER
 3958 INSURANCE COMPANIES, OR A DIFFERENT AMOUNT AS IMPOSED BY THE
 3959 FLORIDA LEGISLATURE.

3960 3. I ALSO UNDERSTAND THAT CITIZENS PROPERTY INSURANCE
 3961 CORPORATION IS NOT SUPPORTED BY THE FULL FAITH AND CREDIT OF THE
 3962 STATE OF FLORIDA.

3963
 3964 a. The corporation shall maintain, in electronic format or
 3965 otherwise, a copy of the applicant's signed acknowledgement and
 3966 provide a copy of the statement to the policyholder as part of
 3967 the first renewal after the effective date of this subparagraph.

3968 b. The signed acknowledgement form creates a conclusive
 3969 presumption that the policyholder understood and accepted his or
 3970 her potential surcharge and assessment liability as a
 3971 policyholder of the corporation.

3972 (q)1. The corporation shall certify to the office its
 3973 needs for annual assessments as to a particular calendar year,
 3974 and for any interim assessments that it deems to be necessary to
 3975 sustain operations as to a particular year pending the receipt
 3976 of annual assessments. Upon verification, the office shall

PCB RCC 12-02

ORIGINAL

2012

3977 approve such certification, and the corporation shall levy such
 3978 annual or interim assessments. Such assessments shall be
 3979 prorated as provided in paragraph (b). The corporation shall
 3980 take all reasonable and prudent steps necessary to collect the
 3981 amount of assessment due from each assessable insurer,
 3982 including, if prudent, filing suit to collect such assessment.
 3983 If the corporation is unable to collect an assessment from any
 3984 assessable insurer, the uncollected assessments shall be levied
 3985 as an additional assessment against the assessable insurers and
 3986 any assessable insurer required to pay an additional assessment
 3987 as a result of such failure to pay shall have a cause of action
 3988 against such nonpaying assessable insurer. Assessments shall be
 3989 included as an appropriate factor in the making of rates. The
 3990 failure of a surplus lines agent to collect and remit any
 3991 regular or emergency assessment levied by the corporation is
 3992 considered to be a violation of s. 626.936 and subjects the
 3993 surplus lines agent to the penalties provided in that section.

3994 2. The governing body of any unit of local government, any
 3995 residents of which are insured by the corporation, may issue
 3996 bonds as defined in s. 125.013 or s. 166.101 from time to time
 3997 to fund an assistance program, in conjunction with the
 3998 corporation, for the purpose of defraying deficits of the
 3999 corporation. In order to avoid needless and indiscriminate
 4000 proliferation, duplication, and fragmentation of such assistance
 4001 programs, any unit of local government, any residents of which
 4002 are insured by the corporation, may provide for the payment of
 4003 losses, regardless of whether or not the losses occurred within
 4004 or outside of the territorial jurisdiction of the local

PCB RCC 12-02

ORIGINAL

2012

4005 government. Revenue bonds under this subparagraph may not be
 4006 issued until validated pursuant to chapter 75, unless a state of
 4007 emergency is declared by executive order or proclamation of the
 4008 Governor pursuant to s. 252.36 making such findings as are
 4009 necessary to determine that it is in the best interests of, and
 4010 necessary for, the protection of the public health, safety, and
 4011 general welfare of residents of this state and declaring it an
 4012 essential public purpose to permit certain municipalities or
 4013 counties to issue such bonds as will permit relief to claimants
 4014 and policyholders of the corporation. Any such unit of local
 4015 government may enter into such contracts with the corporation
 4016 and with any other entity created pursuant to this subsection as
 4017 are necessary to carry out this paragraph. Any bonds issued
 4018 under this subparagraph shall be payable from and secured by
 4019 moneys received by the corporation from emergency assessments
 4020 under sub-subparagraph (b) 3.c. ~~(b) 3.d.~~, and assigned and pledged
 4021 to or on behalf of the unit of local government for the benefit
 4022 of the holders of such bonds. The funds, credit, property, and
 4023 taxing power of the state or of the unit of local government
 4024 shall not be pledged for the payment of such bonds.

4025 3.a. The corporation shall adopt one or more programs
 4026 subject to approval by the office for the reduction of both new
 4027 and renewal writings in the corporation. Beginning January 1,
 4028 2008, any program the corporation adopts for the payment of
 4029 bonuses to an insurer for each risk the insurer removes from the
 4030 corporation shall comply with s. 627.3511(2) and may not exceed
 4031 the amount referenced in s. 627.3511(2) for each risk removed.
 4032 The corporation may consider any prudent and not unfairly

PCB RCC 12-02

ORIGINAL

2012

4033 discriminatory approach to reducing corporation writings, and
 4034 may adopt a credit against assessment liability or other
 4035 liability that provides an incentive for insurers to take risks
 4036 out of the corporation and to keep risks out of the corporation
 4037 by maintaining or increasing voluntary writings in counties or
 4038 areas in which corporation risks are highly concentrated and a
 4039 program to provide a formula under which an insurer voluntarily
 4040 taking risks out of the corporation by maintaining or increasing
 4041 voluntary writings will be relieved wholly or partially from
 4042 assessments under sub-subparagraph (b) 3.a. ~~sub-subparagraphs~~
 4043 ~~(b) 3.a. and b.~~ However, any "take-out bonus" or payment to an
 4044 insurer must be conditioned on the property being insured for at
 4045 least 5 years by the insurer, unless canceled or nonrenewed by
 4046 the policyholder. If the policy is canceled or nonrenewed by the
 4047 policyholder before the end of the 5-year period, the amount of
 4048 the take-out bonus must be prorated for the time period the
 4049 policy was insured. When the corporation enters into a
 4050 contractual agreement for a take-out plan, the producing agent
 4051 of record of the corporation policy is entitled to retain any
 4052 unearned commission on such policy, and the insurer shall
 4053 either:

4054 (I) Pay to the producing agent of record of the policy,
 4055 for the first year, an amount which is the greater of the
 4056 insurer's usual and customary commission for the type of policy
 4057 written or a policy fee equal to the usual and customary
 4058 commission of the corporation; or

4059 (II) Offer to allow the producing agent of record of the
 4060 policy to continue servicing the policy for a period of not less

PCB RCC 12-02

ORIGINAL

2012

4061 than 1 year and offer to pay the agent the insurer's usual and
 4062 customary commission for the type of policy written. If the
 4063 producing agent is unwilling or unable to accept appointment by
 4064 the new insurer, the new insurer shall pay the agent in
 4065 accordance with sub-sub-subparagraph (I).

4066 b. Any credit or exemption from regular assessments
 4067 adopted under this subparagraph shall last no longer than the 3
 4068 years following the cancellation or expiration of the policy by
 4069 the corporation. With the approval of the office, the board may
 4070 extend such credits for an additional year if the insurer
 4071 guarantees an additional year of renewability for all policies
 4072 removed from the corporation, or for 2 additional years if the
 4073 insurer guarantees 2 additional years of renewability for all
 4074 policies so removed.

4075 c. There shall be no credit, limitation, exemption, or
 4076 deferment from emergency assessments to be collected from
 4077 policyholders pursuant to sub-subparagraph (b)3.c. ~~(b)3.d.~~

4078 4. The plan shall provide for the deferment, in whole or
 4079 in part, of the assessment of an assessable insurer, other than
 4080 an emergency assessment collected from policyholders pursuant to
 4081 sub-subparagraph (b)3.c. ~~(b)3.d.~~, if the office finds that
 4082 payment of the assessment would endanger or impair the solvency
 4083 of the insurer. In the event an assessment against an assessable
 4084 insurer is deferred in whole or in part, the amount by which
 4085 such assessment is deferred may be assessed against the other
 4086 assessable insurers in a manner consistent with the basis for
 4087 assessments set forth in paragraph (b).

4088 5. Effective July 1, 2007, in order to evaluate the costs

4089 and benefits of approved take-out plans, if the corporation pays
 4090 a bonus or other payment to an insurer for an approved take-out
 4091 plan, it shall maintain a record of the address or such other
 4092 identifying information on the property or risk removed in order
 4093 to track if and when the property or risk is later insured by
 4094 the corporation.

4095 6. Any policy taken out, assumed, or removed from the
 4096 corporation is, as of the effective date of the take-out,
 4097 assumption, or removal, direct insurance issued by the insurer
 4098 and not by the corporation, even if the corporation continues to
 4099 service the policies. This subparagraph applies to policies of
 4100 the corporation and not policies taken out, assumed, or removed
 4101 from any other entity.

4102 (v)1. Effective July 1, 2002, policies of the Residential
 4103 Property and Casualty Joint Underwriting Association become
 4104 policies of the corporation. All obligations, rights, assets and
 4105 liabilities of the association, including bonds, note and debt
 4106 obligations, and the financing documents pertaining to them
 4107 become those of the corporation as of July 1, 2002. The
 4108 corporation is not required to issue endorsements or
 4109 certificates of assumption to insureds during the remaining term
 4110 of in-force transferred policies.

4111 2. Effective July 1, 2002, policies of the Florida
 4112 Windstorm Underwriting Association are transferred to the
 4113 corporation and become policies of the corporation. All
 4114 obligations, rights, assets, and liabilities of the association,
 4115 including bonds, note and debt obligations, and the financing
 4116 documents pertaining to them are transferred to and assumed by

PCB RCC 12-02

ORIGINAL

2012

4117 | the corporation on July 1, 2002. The corporation is not required
 4118 | to issue endorsements or certificates of assumption to insureds
 4119 | during the remaining term of in-force transferred policies.

4120 | 3. The Florida Windstorm Underwriting Association and the
 4121 | Residential Property and Casualty Joint Underwriting Association
 4122 | shall take all actions necessary to further evidence the
 4123 | transfers and provide the documents and instruments of further
 4124 | assurance as may reasonably be requested by the corporation for
 4125 | that purpose. The corporation shall execute assumptions and
 4126 | instruments as the trustees or other parties to the financing
 4127 | documents of the Florida Windstorm Underwriting Association or
 4128 | the Residential Property and Casualty Joint Underwriting
 4129 | Association may reasonably request to further evidence the
 4130 | transfers and assumptions, which transfers and assumptions,
 4131 | however, are effective on the date provided under this paragraph
 4132 | whether or not, and regardless of the date on which, the
 4133 | assumptions or instruments are executed by the corporation.
 4134 | Subject to the relevant financing documents pertaining to their
 4135 | outstanding bonds, notes, indebtedness, or other financing
 4136 | obligations, the moneys, investments, receivables, choses in
 4137 | action, and other intangibles of the Florida Windstorm
 4138 | Underwriting Association shall be credited to the coastal
 4139 | account of the corporation, and those of the personal lines
 4140 | residential coverage account and the commercial lines
 4141 | residential coverage account of the Residential Property and
 4142 | Casualty Joint Underwriting Association shall be credited to the
 4143 | personal lines account and the commercial lines account,
 4144 | respectively, of the corporation.

4145 4. Effective July 1, 2002, a new applicant for property
 4146 insurance coverage who would otherwise have been eligible for
 4147 coverage in the Florida Windstorm Underwriting Association is
 4148 eligible for coverage from the corporation as provided in this
 4149 subsection.

4150 5. The transfer of all policies, obligations, rights,
 4151 assets, and liabilities from the Florida Windstorm Underwriting
 4152 Association to the corporation and the renaming of the
 4153 Residential Property and Casualty Joint Underwriting Association
 4154 as the corporation does not affect the coverage with respect to
 4155 covered policies as defined in s. 215.555(2)(c) provided to
 4156 these entities by the Florida Hurricane Catastrophe Fund. The
 4157 coverage provided by the fund to the Florida Windstorm
 4158 Underwriting Association based on its exposures as of June 30,
 4159 2002, and each June 30 thereafter shall be redesignated as
 4160 coverage for the coastal account of the corporation.
 4161 Notwithstanding any other provision of law, the coverage
 4162 provided by the fund to the Residential Property and Casualty
 4163 Joint Underwriting Association based on its exposures as of June
 4164 30, 2002, and each June 30 thereafter shall be transferred to
 4165 the personal lines account and the commercial lines account of
 4166 the corporation. Notwithstanding any other provision of law, the
 4167 coastal account shall be treated, for all Florida Hurricane
 4168 Catastrophe Fund purposes, as if it were a separate
 4169 participating insurer with its own exposures, reimbursement
 4170 premium, and loss reimbursement. Likewise, the personal lines
 4171 and commercial lines accounts shall be viewed together, for all
 4172 fund purposes, as if the two accounts were one and represent a

4173 single, separate participating insurer with its own exposures,
 4174 reimbursement premium, and loss reimbursement. The coverage
 4175 provided by the fund to the corporation shall constitute and
 4176 operate as a full transfer of coverage from the Florida
 4177 Windstorm Underwriting Association and Residential Property and
 4178 Casualty Joint Underwriting Association to the corporation.

4179 Reviser's note.—Paragraphs (2)(b) and (6)(q) are
 4180 amended to conform to the redesignation of s.
 4181 627.351(6)(b)3.b. as a portion of sub-subparagraph
 4182 (6)(b)3.a. by s. 15, ch. 2011-39, Laws of Florida.
 4183 Paragraphs (6)(b), (c), and (q) are amended to conform
 4184 to the redesignation of s. 627.351(6)(b)3.d. as sub-
 4185 subparagraph (6)(b)3.c. by s. 15, ch. 2011-39.
 4186 Paragraph (6)(c) is amended to confirm editorial
 4187 deletion of the word "policy" to improve clarity.
 4188 Paragraph (6)(v) is amended to confirm editorial
 4189 insertion of the word "Association" to conform to the
 4190 complete name of the association.

4191 Section 78. Paragraphs (a), (b), and (c) of subsection (3)
 4192 and paragraphs (d), (e), and (f) of subsection (6) of section
 4193 627.3511, Florida Statutes, are amended to read:

4194 627.3511 Depopulation of Citizens Property Insurance
 4195 Corporation.—

4196 (3) EXEMPTION FROM DEFICIT ASSESSMENTS.—

4197 (a) The calculation of an insurer's assessment liability
 4198 under s. 627.351(6)(b)3.a. ~~or b.~~ shall, for an insurer that in
 4199 any calendar year removes 50,000 or more risks from the Citizens
 4200 Property Insurance Corporation, either by issuance of a policy

PCB RCC 12-02

ORIGINAL

2012

4201 upon expiration or cancellation of the corporation policy or by
4202 assumption of the corporation's obligations with respect to in-
4203 force policies, exclude such removed policies for the succeeding
4204 3 years, as follows:

4205 1. In the first year following removal of the risks, the
4206 risks are excluded from the calculation to the extent of 100
4207 percent.

4208 2. In the second year following removal of the risks, the
4209 risks are excluded from the calculation to the extent of 75
4210 percent.

4211 3. In the third year following removal of the risks, the
4212 risks are excluded from the calculation to the extent of 50
4213 percent.

4214
4215 If the removal of risks is accomplished through assumption of
4216 obligations with respect to in-force policies, the corporation
4217 shall pay to the assuming insurer all unearned premium with
4218 respect to such policies less any policy acquisition costs
4219 agreed to by the corporation and assuming insurer. The term
4220 "policy acquisition costs" is defined as costs of issuance of
4221 the policy by the corporation which includes agent commissions,
4222 servicing company fees, and premium tax. This paragraph does not
4223 apply to an insurer that, at any time within 5 years before
4224 removing the risks, had a market share in excess of 0.1 percent
4225 of the statewide aggregate gross direct written premium for any
4226 line of property insurance, or to an affiliate of such an
4227 insurer. This paragraph does not apply unless either at least 40
4228 percent of the risks removed from the corporation are located in

PCB RCC 12-02

ORIGINAL

2012

4229 Miami-Dade, Broward, and Palm Beach Counties, or at least 30
 4230 percent of the risks removed from the corporation are located in
 4231 such counties and an additional 50 percent of the risks removed
 4232 from the corporation are located in other coastal counties.

4233 (b) An insurer that first wrote personal lines residential
 4234 property coverage in this state on or after July 1, 1994, is
 4235 exempt from regular deficit assessments imposed pursuant to s.
 4236 627.351(6)(b)3.a. ~~and b.~~, but not emergency assessments
 4237 collected from policyholders pursuant to s. 627.351(6)(b)3.c.
 4238 ~~627.351(6)(b)3.d.~~, of the Citizens Property Insurance
 4239 Corporation until the earlier of the following:

4240 1. The end of the calendar year in which it first wrote
 4241 0.5 percent or more of the statewide aggregate direct written
 4242 premium for any line of residential property coverage; or

4243 2. December 31, 1997, or December 31 of the third year in
 4244 which it wrote such coverage in this state, whichever is later.

4245 (c) Other than an insurer that is exempt under paragraph
 4246 (b), an insurer that in any calendar year increases its total
 4247 structure exposure subject to wind coverage by 25 percent or
 4248 more over its exposure for the preceding calendar year is, with
 4249 respect to that year, exempt from deficit assessments imposed
 4250 pursuant to s. 627.351(6)(b)3.a. ~~and b.~~, but not emergency
 4251 assessments collected from policyholders pursuant to s.
 4252 627.351(6)(b)3.c. ~~627.351(6)(b)3.d.~~, of the Citizens Property
 4253 Insurance Corporation attributable to such increase in exposure.

4254 (6) COMMERCIAL RESIDENTIAL TAKE-OUT PLANS.—

4255 (d) The calculation of an insurer's regular assessment
 4256 liability under s. 627.351(6)(b)3.a. ~~and b.~~, but not emergency

PCB RCC 12-02

ORIGINAL

2012

4257 assessments collected from policyholders pursuant to s.
 4258 627.351(6)(b)3.c. ~~627.351(6)(b)3.d.~~, shall, with respect to
 4259 commercial residential policies removed from the corporation
 4260 under an approved take-out plan, exclude such removed policies
 4261 for the succeeding 3 years, as follows:

4262 1. In the first year following removal of the policies,
 4263 the policies are excluded from the calculation to the extent of
 4264 100 percent.

4265 2. In the second year following removal of the policies,
 4266 the policies are excluded from the calculation to the extent of
 4267 75 percent.

4268 3. In the third year following removal of the policies,
 4269 the policies are excluded from the calculation to the extent of
 4270 50 percent.

4271 (e) An insurer that first wrote commercial residential
 4272 property coverage in this state on or after June 1, 1996, is
 4273 exempt from regular assessments under s. 627.351(6)(b)3.a. ~~and~~
 4274 ~~b.~~, but not emergency assessments collected from policyholders
 4275 pursuant to s. 627.351(6)(b)3.c. ~~627.351(6)(b)3.d.~~, with respect
 4276 to commercial residential policies until the earlier of:

4277 1. The end of the calendar year in which such insurer
 4278 first wrote 0.5 percent or more of the statewide aggregate
 4279 direct written premium for commercial residential property
 4280 coverage; or

4281 2. December 31 of the third year in which such insurer
 4282 wrote commercial residential property coverage in this state.

4283 (f) An insurer that is not otherwise exempt from regular
 4284 assessments under s. 627.351(6)(b)3.a. ~~and b.~~ with respect to

PCB RCC 12-02

ORIGINAL

2012

4285 commercial residential policies is, for any calendar year in
 4286 which such insurer increased its total commercial residential
 4287 hurricane exposure by 25 percent or more over its exposure for
 4288 the preceding calendar year, exempt from regular assessments
 4289 under s. 627.351(6)(b)3.a. ~~and b.~~, but not emergency assessments
 4290 collected from policyholders pursuant to s. 627.351(6)(b)3.c.
 4291 ~~627.351(6)(b)3.d.~~, attributable to such increased exposure.

4292 Reviser's note.—Amended to conform to the
 4293 redesignation of s. 627.351(6)(b)3.b. as a portion of
 4294 sub-subparagraph (6)(b)3.a. by s. 15, ch. 2011-39,
 4295 Laws of Florida, and the redesignation of s.
 4296 627.351(6)(b)3.d. as sub-subparagraph (6)(b)3.c. by s.
 4297 15, ch. 2011-39.

4298 Section 79. Paragraph (c) of subsection (1) of section
 4299 658.48, Florida Statutes, is amended to read:

4300 658.48 Loans.—A state bank may make loans and extensions
 4301 of credit, with or without security, subject to the following
 4302 limitations and provisions:

4303 (1) LOANS; GENERAL LIMITATIONS.—

4304 (c) The loan limitations stated in this section shall not
 4305 be enlarged by the provisions of any other section of this
 4306 chapter, except as provided in subsection (5) ~~(6)~~.

4307 Reviser's note.—Amended to conform to the
 4308 redesignation of subsection (6) as subsection (5) by
 4309 s. 28, ch. 2011-194, Laws of Florida.

4310 Section 80. Subsection (12) of section 667.003, Florida
 4311 Statutes, is amended to read:

4312 667.003 Applicability of chapter 658.—Any state savings

4313 bank is subject to all the provisions, and entitled to all the
 4314 privileges, of the financial institutions codes except where it
 4315 appears, from the context or otherwise, that such provisions
 4316 clearly apply only to banks or trust companies organized under
 4317 the laws of this state or the United States. Without limiting
 4318 the foregoing general provisions, it is the intent of the
 4319 Legislature that the following provisions apply to a savings
 4320 bank to the same extent as if the savings bank were a "bank"
 4321 operating under such provisions:

4322 ~~(12) Section 658.295, relating to interstate banking.~~
 4323 Reviser's note.—Amended to conform to the repeal of s.
 4324 658.295 by s. 23, ch. 2011-194, Laws of Florida.

4325 Section 81. Subsection (1) of section 681.108, Florida
 4326 Statutes, is amended to read:

4327 681.108 Dispute-settlement procedures.—

4328 (1) If a manufacturer has established a procedure that the
 4329 department has certified as substantially complying with the
 4330 provisions of 16 C.F.R. part 703, in effect October 1, 1983, and
 4331 with the provisions of this chapter and the rules adopted under
 4332 this chapter, and has informed the consumer how and where to
 4333 file a claim with such procedure pursuant to s. 681.103(3), the
 4334 provisions of s. 681.104(2) apply to the consumer only if the
 4335 consumer has first resorted to such procedure. The
 4336 decisionmakers for a certified procedure shall, in rendering
 4337 decisions, take into account all legal and equitable factors
 4338 germane to a fair and just decision, including, but not limited
 4339 to, the warranty; the rights and remedies conferred under 16
 4340 C.F.R. part 703, in effect October 1, 1983; the provisions of

4341 this chapter; and any other equitable considerations appropriate
 4342 under the circumstances. Decisionmakers and staff for ~~of~~ a
 4343 procedure shall be trained in the provisions of this chapter and
 4344 in 16 C.F.R. part 703, in effect October 1, 1983. In an action
 4345 brought by a consumer concerning an alleged nonconformity, the
 4346 decision that results from a certified procedure is admissible
 4347 in evidence.

4348 Reviser's note.—Amended to confirm editorial
 4349 substitution of the word "for" for the word "of."

4350 Section 82. Subsection (4) of section 753.03, Florida
 4351 Statutes, is amended to read:

4352 753.03 Standards for supervised visitation and supervised
 4353 exchange programs.—

4354 ~~(4) The clearinghouse shall submit a preliminary report~~
 4355 ~~containing its recommendations for the uniform standards by~~
 4356 ~~December 31, 2007, and a final report of all recommendations,~~
 4357 ~~including those related to the certification and monitoring~~
 4358 ~~developed to date, by December 31, 2008, to the President of the~~
 4359 ~~Senate, the Speaker of the House of Representatives, and the~~
 4360 ~~Chief Justice of the Supreme Court.~~

4361 Reviser's note.—Amended to delete a provision that has
 4362 served its purpose.

4363 Section 83. Subsection (3) of section 766.1065, Florida
 4364 Statutes, is amended to read:

4365 766.1065 Authorization for release of protected health
 4366 information.—

4367 (3) The authorization required by this section shall be in
 4368 the following form and shall be construed in accordance with the

4369 "Standards for Privacy of Individually Identifiable Health
 4370 Information" in 45 C.F.R. parts 160 and 164:

4371

4372

AUTHORIZATION FOR RELEASE OF
 PROTECTED HEALTH INFORMATION

4373

4374

4375

A. I, (...Name of patient or authorized
 representative...) [hereinafter "Patient"], authorize
 that (...Name of health care provider to whom the
 presuit notice is directed...) and his/her/its
 insurer(s), self-insurer(s), and attorney(s) may
 obtain and disclose (within the parameters set out
 below) the protected health information described
 below for the following specific purposes:

4376

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1. Facilitating the investigation and evaluation of
 the medical negligence claim described in the
 accompanying presuit notice; or

4384

4385

4386

2. Defending against any litigation arising out of
 the medical negligence claim made on the basis of the
 accompanying presuit notice.

4387

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4389

B. The health information obtained, used, or
 disclosed extends to, and includes, the verbal as well
 as the written and is described as follows:

4390

4391

4392

1. The health information in the custody of the
 following health care providers who have examined,
 evaluated, or treated the Patient in connection with
 injuries complained of after the alleged act of
 negligence: (List the name and current address of all

4393

4394

4395

4396

4397 health care providers). This authorization extends to
 4398 any additional health care providers that may in the
 4399 future evaluate, examine, or treat the Patient for the
 4400 injuries complained of.

4401 2. The health information in the custody of the
 4402 following health care providers who have examined,
 4403 evaluated, or treated the Patient during a period
 4404 commencing 2 years before the incident that is the
 4405 basis of the accompanying presuit notice.

4406
 4407 (List the name and current address of such health care
 4408 providers, if applicable.)

4409
 4410 C. This authorization does not apply to the following
 4411 list of health care providers possessing health care
 4412 information about the Patient because the Patient
 4413 certifies that such health care information is not
 4414 potentially relevant to the claim of personal injury
 4415 or wrongful death that is the basis of the
 4416 accompanying presuit notice.

4417
 4418 (List the name of each health care provider to whom
 4419 this authorization does not apply and the inclusive
 4420 dates of examination, evaluation, or treatment to be
 4421 withheld from disclosure. If none, specify "none.")

4422
 4423 D. The persons or class of persons to whom the
 4424 Patient authorizes such health information to be

4425 | disclosed or by whom such health information is to be
 4426 | used:
 4427 | 1. Any health care provider providing care or
 4428 | treatment for the Patient.
 4429 | 2. Any liability insurer or self-insurer providing
 4430 | liability insurance coverage, self-insurance, or
 4431 | defense to any health care provider to whom presuit
 4432 | notice is given regarding the care and treatment of
 4433 | the Patient.
 4434 | 3. Any consulting or testifying expert employed by or
 4435 | on behalf of (name of health care provider to whom
 4436 | presuit notice was given) and his/her/its insurer(s),
 4437 | self-insurer(s), or attorney(s) regarding ~~to~~ the
 4438 | matter of the presuit notice accompanying this
 4439 | authorization.
 4440 | 4. Any attorney (including secretarial, clerical, or
 4441 | paralegal staff) employed by or on behalf of (name of
 4442 | health care provider to whom presuit notice was given)
 4443 | regarding the matter of the presuit notice
 4444 | accompanying this authorization.
 4445 | 5. Any trier of the law or facts relating to any suit
 4446 | filed seeking damages arising out of the medical care
 4447 | or treatment of the Patient.
 4448 | E. This authorization expires upon resolution of the
 4449 | claim or at the conclusion of any litigation
 4450 | instituted in connection with the matter of the
 4451 | presuit notice accompanying this authorization,
 4452 | whichever occurs first.

4453 F. The Patient understands that, without exception,
 4454 the Patient has the right to revoke this authorization
 4455 in writing. The Patient further understands that the
 4456 consequence of any such revocation is that the presuit
 4457 notice under s. 766.106(2), Florida Statutes, is
 4458 deemed retroactively void from the date of issuance,
 4459 and any tolling effect that the presuit notice may
 4460 have had on any applicable statute-of-limitations
 4461 period is retroactively rendered void.

4462 G. The Patient understands that signing this
 4463 authorization is not a condition for continued
 4464 treatment, payment, enrollment, or eligibility for
 4465 health plan benefits.

4466 H. The Patient understands that information used or
 4467 disclosed under this authorization may be subject to
 4468 additional disclosure by the recipient and may not be
 4469 protected by federal HIPAA privacy regulations.

4470
 4471 Signature of Patient/Representative:

4472 Date:

4473 Name of Patient/Representative:

4474 Description of Representative's Authority:

4475 Reviser's note.—Amended to confirm editorial deletion
 4476 of the word "to" following the word "regarding."

4477 Section 84. Subsection (2) of section 794.056, Florida
 4478 Statutes, is amended to read:

4479 794.056 Rape Crisis Program Trust Fund.—

4480 (2) The Department of Health shall establish by rule

PCB RCC 12-02

ORIGINAL

2012

4481 criteria consistent with the provisions of s. 794.055(3)(b)
 4482 ~~794.055(3)(a)~~ for distributing moneys from the trust fund to
 4483 rape crisis centers.

4484 Reviser's note.—Amended to improve clarity and correct
 4485 an apparent error. Section 794.055(3)(b) relates to
 4486 distribution of moneys in the Rape Crisis Program
 4487 Trust Fund. Paragraph (3)(a) of that section states
 4488 that the Department of Health is to contract with the
 4489 statewide nonprofit association, and that the
 4490 association is to receive 95 percent of the moneys
 4491 appropriated from the trust fund.

4492 Section 85. Paragraph (b) of subsection (1) of section
 4493 847.0141, Florida Statutes, is amended to read:

4494 847.0141 Sexting; prohibited acts; penalties.—

4495 (1) A minor commits the offense of sexting if he or she
 4496 knowingly:

4497 (b) Possesses a photograph or video of any person that was
 4498 transmitted or distributed by another minor which depicts
 4499 nudity, as defined in s. 847.001(9), and is harmful to minors,
 4500 as defined in s. 847.001(6). A minor does not violate ~~paragraph~~
 4501 this paragraph if all of the following apply:

4502 1. The minor did not solicit the photograph or video.

4503 2. The minor took reasonable steps to report the
 4504 photograph or video to the minor's legal guardian or to a school
 4505 or law enforcement official.

4506 3. The minor did not transmit or distribute the photograph
 4507 or video to a third party.

4508 Reviser's note.—Amended to confirm editorial deletion

PCB RCC 12-02

ORIGINAL

2012

4509 of the word "paragraph" preceding the word "this."
 4510 Section 86. Paragraph (d) of subsection (11) of section
 4511 893.055, Florida Statutes, is amended to read:
 4512 893.055 Prescription drug monitoring program.—
 4513 (11) The department may establish a direct-support
 4514 organization that has a board consisting of at least five
 4515 members to provide assistance, funding, and promotional support
 4516 for the activities authorized for the prescription drug
 4517 monitoring program.
 4518 (d) The direct-support organization shall operate under
 4519 written contract with the department. The contract must, at a
 4520 minimum, provide for:
 4521 1. Approval of the articles of incorporation and bylaws of
 4522 the direct-support organization by the department.
 4523 2. Submission of an annual budget for the approval of the
 4524 department.
 4525 3. Certification by the department ~~in consultation with~~
 4526 ~~the department~~ that the direct-support organization is complying
 4527 with the terms of the contract in a manner consistent with and
 4528 in furtherance of the goals and purposes of the prescription
 4529 drug monitoring program and in the best interests of the state.
 4530 Such certification must be made annually and reported in the
 4531 official minutes of a meeting of the direct-support
 4532 organization.
 4533 4. The reversion, without penalty, to the state of all
 4534 moneys and property held in trust by the direct-support
 4535 organization for the benefit of the prescription drug monitoring
 4536 program if the direct-support organization ceases to exist or if

4537 | the contract is terminated.

4538 | 5. The fiscal year of the direct-support organization,
4539 | which must begin July 1 of each year and end June 30 of the
4540 | following year.

4541 | 6. The disclosure of the material provisions of the
4542 | contract to donors of gifts, contributions, or bequests,
4543 | including such disclosure on all promotional and fundraising
4544 | publications, and an explanation to such donors of the
4545 | distinction between the department and the direct-support
4546 | organization.

4547 | 7. The direct-support organization's collecting,
4548 | expending, and providing of funds to the department for the
4549 | development, implementation, and operation of the prescription
4550 | drug monitoring program as described in this section and s. 2,
4551 | chapter 2009-198, Laws of Florida, as long as the task force is
4552 | authorized. The direct-support organization may collect and
4553 | expend funds to be used for the functions of the direct-support
4554 | organization's board of directors, as necessary and approved by
4555 | the department. In addition, the direct-support organization may
4556 | collect and provide funding to the department in furtherance of
4557 | the prescription drug monitoring program by:

4558 | a. Establishing and administering the prescription drug
4559 | monitoring program's electronic database, including hardware and
4560 | software.

4561 | b. Conducting studies on the efficiency and effectiveness
4562 | of the program to include feasibility studies as described in
4563 | subsection (13).

4564 | c. Providing funds for future enhancements of the program

4565 within the intent of this section.

4566 d. Providing user training of the prescription drug
 4567 monitoring program, including distribution of materials to
 4568 promote public awareness and education and conducting workshops
 4569 or other meetings, for health care practitioners, pharmacists,
 4570 and others as appropriate.

4571 e. Providing funds for travel expenses.

4572 f. Providing funds for administrative costs, including
 4573 personnel, audits, facilities, and equipment.

4574 g. Fulfilling all other requirements necessary to
 4575 implement and operate the program as outlined in this section.

4576 Reviser's note.—Amended to remove redundant language
 4577 and improve clarity.

4578 Section 87. Subsections (6) and (7) of section 893.138,
 4579 Florida Statutes, are amended to read:

4580 893.138 Local administrative action to abate drug-related,
 4581 prostitution-related, or stolen-property-related public
 4582 nuisances and criminal gang activity.—

4583 (6) An order entered under subsection (5) ~~(4)~~ shall expire
 4584 after 1 year or at such earlier time as is stated in the order.

4585 (7) An order entered under subsection (5) ~~(4)~~ may be
 4586 enforced pursuant to the procedures contained in s. 120.69. This
 4587 subsection does not subject a municipality that creates a board
 4588 under this section, or the board so created, to any other
 4589 provision of chapter 120.

4590 Reviser's note.—Amended to conform to the
 4591 redesignation of subsection (4) as subsection (5) by
 4592 s. 27, ch. 2011-141, Laws of Florida.

4593 Section 88. Subsection (3) and paragraph (d) of subsection
 4594 (4) of section 943.25, Florida Statutes, are amended to read:

4595 943.25 Criminal justice trust funds; source of funds; use
 4596 of funds.—

4597 (3) The commission shall, by rule, establish, implement,
 4598 supervise, and evaluate the expenditures of the Criminal Justice
 4599 Standards and Training Trust Fund for approved advanced and
 4600 specialized training program courses. Criminal justice training
 4601 school enhancements may be authorized by the commission subject
 4602 to the provisions of subsection (6) ~~(7)~~. The commission may
 4603 approve the training of appropriate support personnel when it
 4604 can be demonstrated that these personnel directly support the
 4605 criminal justice function.

4606 (4) The commission shall authorize the establishment of
 4607 regional training councils to advise and assist the commission
 4608 in developing and maintaining a plan assessing regional criminal
 4609 justice training needs and to act as an extension of the
 4610 commission in the planning, programming, and budgeting for
 4611 expenditures of the moneys in the Criminal Justice Standards and
 4612 Training Trust Fund.

4613 (d) A public criminal justice training school must be
 4614 designated by the commission to receive and distribute the
 4615 disbursements authorized under subsection (8) ~~(9)~~.

4616 Reviser's note.—Amended to conform to the renumbering
 4617 of subunits within the section as a result of the
 4618 repeal of subsection (3) by s. 8, ch. 2011-52, Laws of
 4619 Florida.

4620 Section 89. Subsection (48) of section 984.03, Florida

PCB RCC 12-02

ORIGINAL

2012

4621 Statutes, is amended to read:
 4622 984.03 Definitions.—When used in this chapter, the term:
 4623 ~~(48) "Serious or habitual juvenile offender program" means~~
 4624 ~~the program established in s. 985.47.~~
 4625 Reviser's note.—Amended to conform to the repeal of s.
 4626 985.47 by s. 4, ch. 2011-70, Laws of Florida.
 4627 Section 90. Paragraphs (a), (b), (c), (d), (e), and (g) of
 4628 subsection (5) of section 985.0301, Florida Statutes, are
 4629 amended to read:
 4630 985.0301 Jurisdiction.—
 4631 (5) (a) Notwithstanding ss. 743.07, 985.43, 985.433,
 4632 985.435, 985.439, and 985.441, and except as provided in ss.
 4633 985.461, and 985.465, ~~and 985.47~~ and paragraph (f), when the
 4634 jurisdiction of any child who is alleged to have committed a
 4635 delinquent act or violation of law is obtained, the court shall
 4636 retain jurisdiction, unless relinquished by its order, until the
 4637 child reaches 19 years of age, with the same power over the
 4638 child which the court had before the child became an adult. For
 4639 the purposes of s. 985.461, the court may retain jurisdiction
 4640 for an additional 365 days following the child's 19th birthday
 4641 if the child is participating in transition-to-adulthood
 4642 services. The additional services do not extend involuntary
 4643 court-sanctioned residential commitment and therefore require
 4644 voluntary participation by the affected youth.
 4645 (b) Notwithstanding ss. 743.07 and 985.455(3), ~~and except~~
 4646 ~~as provided in s. 985.47,~~ the term of any order placing a child
 4647 in a probation program must be until the child's 19th birthday
 4648 unless he or she is released by the court on the motion of an

4649 interested party or on his or her own motion.

4650 (c) Notwithstanding ss. 743.07 and 985.455(3), ~~and except~~
 4651 ~~as provided in s. 985.47~~, the term of the commitment must be
 4652 until the child is discharged by the department or until he or
 4653 she reaches the age of 21 years. Notwithstanding ss. 743.07,
 4654 985.435, 985.437, 985.439, 985.441, 985.455, and 985.513, and
 4655 except as provided in this section ~~and s. 985.47~~, a child may
 4656 not be held under a commitment from a court under s. 985.439, s.
 4657 985.441(1)(a) or (b), or s. 985.455 after becoming 21 years of
 4658 age.

4659 (d) The court may retain jurisdiction over a child
 4660 committed to the department for placement in a juvenile prison
 4661 or in a high-risk or maximum-risk residential commitment program
 4662 to allow the child to participate in a juvenile conditional
 4663 release program pursuant to s. 985.46. The jurisdiction of the
 4664 court may not be retained after ~~beyond~~ the child's 22nd
 4665 birthday. However, if the child is not successful in the
 4666 conditional release program, the department may use the transfer
 4667 procedure under s. 985.441(4).

4668 (e) The court may retain jurisdiction over a child
 4669 committed to the department for placement in an intensive
 4670 residential treatment program for 10-year-old to 13-year-old
 4671 offenders, in the residential commitment program in a juvenile
 4672 prison, in a residential sex offender program, or in a program
 4673 for serious or habitual juvenile offenders ~~as provided in s.~~
 4674 ~~985.47 or s. 985.483~~ until the child reaches the age of 21. If
 4675 the court exercises this jurisdiction retention, it shall do so
 4676 solely for the purpose of the child completing the intensive

4677 residential treatment program for 10-year-old to 13-year-old
 4678 offenders, in the residential commitment program in a juvenile
 4679 prison, in a residential sex offender program, or the program
 4680 for serious or habitual juvenile offenders. Such jurisdiction
 4681 retention does not apply for other programs, other purposes, or
 4682 new offenses.

4683 (g)1. Notwithstanding ss. 743.07 and 985.455(3), a serious
 4684 or habitual juvenile offender shall not be held under commitment
 4685 from a court under s. 985.441(1)(c), ~~s. 985.47~~, or s. 985.565
 4686 after becoming 21 years of age. This subparagraph shall apply
 4687 only for the purpose of completing the serious or habitual
 4688 juvenile offender program under this chapter and shall be used
 4689 solely for the purpose of treatment.

4690 2. The court may retain jurisdiction over a child who has
 4691 been placed in a program or facility for serious or habitual
 4692 juvenile offenders until the child reaches the age of 21,
 4693 specifically for the purpose of the child completing the
 4694 program.

4695 Reviser's note.—Amended to conform to the repeal of s.
 4696 985.47 by s. 4, ch. 2011-70, Laws of Florida, and the
 4697 repeal of s. 985.483 by s. 5, ch. 2011-70. Paragraph
 4698 (5)(d) is amended to confirm editorial deletion of the
 4699 word "beyond" following the word "after."

4700 Section 91. Paragraph (a) of subsection (3) of section
 4701 985.14, Florida Statutes, is amended to read:

4702 985.14 Intake and case management system.—

4703 (3) The intake and case management system shall facilitate
 4704 consistency in the recommended placement of each child, and in

PCB RCC 12-02

ORIGINAL

2012

4705 the assessment, classification, and placement process, with the
 4706 following purposes:

4707 (a) An individualized, multidisciplinary assessment
 4708 process that identifies the priority needs of each individual
 4709 child for rehabilitation and treatment and identifies any needs
 4710 of the child's parents or guardians for services that would
 4711 enhance their ability to provide adequate support, guidance, and
 4712 supervision for the child. This process shall begin with the
 4713 detention risk assessment instrument and decision, shall include
 4714 the intake preliminary screening and comprehensive assessment
 4715 for substance abuse treatment services, mental health services,
 4716 retardation services, literacy services, and other educational
 4717 and treatment services as components, additional assessment of
 4718 the child's treatment needs, and classification regarding the
 4719 child's risks to the community and, for a serious or habitual
 4720 delinquent child, shall include the assessment for placement in
 4721 a serious or habitual delinquent children program ~~under s.~~

4722 ~~985.47~~. The completed multidisciplinary assessment process shall
 4723 result in the predisposition report.

4724 Reviser's note.—Amended to conform to the repeal of s.
 4725 985.47 by s. 4, ch. 2011-70, Laws of Florida.

4726 Section 92. Paragraph (c) of subsection (1) of section
 4727 985.441, Florida Statutes, is amended to read:

4728 985.441 Commitment.—

4729 (1) The court that has jurisdiction of an adjudicated
 4730 delinquent child may, by an order stating the facts upon which a
 4731 determination of a sanction and rehabilitative program was made
 4732 at the disposition hearing:

PCB RCC 12-02

ORIGINAL

2012

4733 (c) Commit the child to the department for placement in a
 4734 program or facility for serious or habitual juvenile offenders
 4735 ~~in accordance with s. 985.47.~~

4736 1. Following a delinquency adjudicatory hearing under s.
 4737 985.35 and a delinquency disposition hearing under s. 985.433
 4738 that results in a commitment determination, the court shall, on
 4739 its own or upon request by the state or the department,
 4740 determine whether the protection of the public requires that the
 4741 child be placed in a program for serious or habitual juvenile
 4742 offenders and whether the particular needs of the child would be
 4743 best served by a program for serious or habitual juvenile
 4744 offenders ~~as provided in s. 985.47.~~ The determination shall be
 4745 made under s. ss. 985.47(1) and 985.433(7).

4746 2. Any commitment of a child to a program or facility for
 4747 serious or habitual juvenile offenders must be for an
 4748 indeterminate period of time, but the time may not exceed the
 4749 maximum term of imprisonment that an adult may serve for the
 4750 same offense.

4751 Reviser's note.—Amended to conform to the repeal of s.
 4752 985.47 by s. 4, ch. 2011-70, Laws of Florida.

4753 Section 93. Subsection (1) of section 1002.33, Florida
 4754 Statutes, is amended to read:

4755 1002.33 Charter schools.—

4756 (1) AUTHORIZATION.—Charter schools shall be part of the
 4757 state's program of public education. All charter schools in
 4758 Florida are public schools. A charter school may be formed by
 4759 creating a new school or converting an existing public school to
 4760 charter status. A charter school may operate a virtual charter

4761 school pursuant to s. 1002.45(1)(d) to provide full-time online
 4762 instruction to eligible students, pursuant to s. 1002.455, in
 4763 kindergarten through grade 12. A charter school must amend its
 4764 charter or submit a new application pursuant to subsection (6)
 4765 to become a virtual charter school. A virtual charter school is
 4766 subject to the requirements of this section; however, a virtual
 4767 charter school is exempt from subsections (18) and (19),
 4768 subparagraphs (20)(a)2., 4., 5., and 7. ~~(20)(a)2.-5.~~, paragraph
 4769 (20)(c), and s. 1003.03. A public school may not use the term
 4770 charter in its name unless it has been approved under this
 4771 section.

4772 Reviser's note.—Amended to conform to the
 4773 redesignation of subparagraphs (20)(a)2.-5. as
 4774 subparagraphs (20)(a)2., 4., 5., and 7. by s. 8, ch.
 4775 2011-55, Laws of Florida.

4776 Section 94. Paragraph (b) of subsection (2) of section
 4777 1003.498, Florida Statutes, is amended to read:

4778 1003.498 School district virtual course offerings.—

4779 (2) School districts may offer virtual courses for
 4780 students enrolled in the school district. These courses must be
 4781 identified in the course code directory. Students who meet the
 4782 eligibility requirements of s. 1002.455 may participate in these
 4783 virtual course offerings.

4784 (b) Any eligible student who is enrolled in a school
 4785 district may register and enroll in an online course offered by
 4786 any other school district in the state, except as limited by the
 4787 following:

4788 1. A student may not enroll in a course offered through a

PCB RCC 12-02

ORIGINAL

2012

4789 virtual instruction program provided pursuant to s. 1002.45.
 4790 2. A student may not enroll in a virtual course offered by
 4791 another school district if:
 4792 a. The course is offered online by the school district in
 4793 which the student resides; or
 4794 b. The course is offered in the school in which the
 4795 student is enrolled. However, a student may enroll in an online
 4796 course offered by another school district if the school in which
 4797 the student is enrolled offers the course but the student is
 4798 unable to schedule the course in his or her school.
 4799 3. The school district in which the student completes the
 4800 course shall report the student's completion of that course for
 4801 funding pursuant to s. 1011.61(1)(c)1.b.(VI)
 4802 ~~1011.61(1)(c)b.(VI)~~, and the home school district shall not
 4803 report the student for funding for that course.
 4804
 4805 For purposes of this paragraph, the combined total of all school
 4806 district reported FTE may not be reported as more than 1.0 full-
 4807 time equivalent student in any given school year. The Department
 4808 of Education shall establish procedures to enable interdistrict
 4809 coordination for the delivery and funding of this online option.
 4810 Reviser's note.—Amended to confirm editorial
 4811 substitution of the reference to s.
 4812 1011.61(1)(c)1.b.(VI) for a reference to s.
 4813 1011.61(1)(c)b.(VI) to conform to the complete
 4814 citation for the provision created by s. 9, ch. 2011-
 4815 137, relating to FTE calculation for funding for
 4816 completion of an online course in a district other

PCB RCC 12-02

ORIGINAL

2012

4817 | than the student's home district.

4818 | Section 95. Paragraph (d) of subsection (5) of section
4819 | 1004.41, Florida Statutes, is amended to read:

4820 | 1004.41 University of Florida; J. Hillis Miller Health
4821 | Center.—

4822 | (5)

4823 | (d) For purposes of sovereign immunity pursuant to s.
4824 | 768.28(2), Shands Jacksonville Medical Center, Inc., Shands
4825 | Jacksonville HealthCare, Inc., and any not-for-profit subsidiary
4826 | which directly delivers health care services and whose governing
4827 | board is chaired by the President of the University of Florida
4828 | or his or her designee and is controlled by the University of
4829 | Florida Board of Trustees, which may act through the president
4830 | of the university or his or her designee and whose primary
4831 | purpose is the support of the University of Florida Board of
4832 | Trustees' health affairs mission, shall be conclusively deemed
4833 | corporations primarily acting as instrumentalities of the state.

4834 | Reviser's note.—Amended to confirm editorial insertion
4835 | of the word "her."

4836 | Section 96. Subsection (5) of section 1007.28, Florida
4837 | Statutes, is amended to read:

4838 | 1007.28 Computer-assisted student advising system.—The
4839 | Department of Education, in conjunction with the Board of
4840 | Governors, shall establish and maintain a single, statewide
4841 | computer-assisted student advising system, which must be an
4842 | integral part of the process of advising, registering, and
4843 | certifying students for graduation and must be accessible to all
4844 | Florida students. The state universities and Florida College

4845 System institutions shall interface institutional systems with
 4846 the computer-assisted advising system required by this section.
 4847 The State Board of Education and the Board of Governors shall
 4848 specify in the statewide articulation agreement required by s.
 4849 1007.23(1) the roles and responsibilities of the department, the
 4850 state universities, and the Florida College System institutions
 4851 in the design, implementation, promotion, development, and
 4852 analysis of the system. The system shall consist of a degree
 4853 audit and an articulation component that includes the following
 4854 characteristics:

4855 (5) The system must provide the admissions application for
 4856 transient students who are undergraduate students currently
 4857 enrolled and pursuing a degree at a public postsecondary
 4858 educational institution and who want to enroll in a course
 4859 listed in the Florida Higher Education Distance Learning ~~Leaning~~
 4860 Catalog which is offered by a public postsecondary educational
 4861 institution that is not the student's degree-granting
 4862 institution. This system must include the electronic transfer
 4863 and receipt of information and records for the following
 4864 functions:

- 4865 (a) Admissions and readmissions;
- 4866 (b) Financial aid; and
- 4867 (c) Transfer of credit awarded by the institution offering
 4868 the distance learning course to the transient student's degree-
 4869 granting institution.

4870 Reviser's note.—Amended to confirm editorial
 4871 substitution of the word "Learning" for the word
 4872 "Leaning" to conform to the correct name of the

PCB RCC 12-02

ORIGINAL

2012

4873 catalog.

4874 Section 97. Section 1010.82, Florida Statutes, is amended

4875 to read:

4876 1010.82 Textbook Bid Trust Fund.—Chapter 99-36, Laws of

4877 Florida, re-created the Textbook Bid Trust Fund to record the

4878 revenue and disbursements of textbook bid performance deposits

4879 submitted to the Department of Education as required in s.

4880 1006.33 ~~1006.32~~.

4881 Reviser's note.—Amended to correct an apparent error

4882 and facilitate correct interpretation. Section 233.15,

4883 2001 Florida Statutes, which related to the deposit of

4884 funds required to be paid by each publisher or

4885 manufacturer of instructional materials upon

4886 submission of a bid or proposal to the Department of

4887 Education into the Textbook Bid Trust Fund, was

4888 repealed by s. 1058, ch. 2002-387, Laws of Florida.

4889 That language was recreated as s. 1006.33(3) by s.

4890 308, ch. 2002-387. Similar language was not recreated

4891 in s. 1006.32, which relates to prohibited acts with

4892 regard to instructional materials.

4893 Section 98. Paragraph (b) of subsection (3) of section

4894 1011.71, Florida Statutes, is amended to read:

4895 1011.71 District school tax.—

4896 (3)

4897 (b) Local funds generated by the additional 0.25 mills

4898 authorized in paragraph (b) and state funds provided pursuant to

4899 s. 1011.62(5) may not be included in the calculation of the

4900 Florida Education Finance Program in 2011-2012 or any subsequent

PCB RCC 12-02

ORIGINAL

2012

4901 year and may not be incorporated in the calculation of any hold-
 4902 harmless or other component of the Florida Education Finance
 4903 Program in any year, except as provided in paragraph (c) ~~(d)~~.

4904 Reviser's note.—Amended to conform to the
 4905 redesignation of paragraph (d) as paragraph (c) as a
 4906 result of the repeal of former paragraph (b) by s. 36,
 4907 ch. 2011-55, Laws of Florida.

4908 Section 99. Subsection (3) of section 1011.81, Florida
 4909 Statutes, is amended to read:

4910 1011.81 Florida College System Program Fund.—

4911 (3) State funds provided for the Florida College System
 4912 ~~Community College~~ Program Fund may not be expended for the
 4913 education of state or federal inmates.

4914 Reviser's note.—Amended to confirm editorial
 4915 substitution of the words "Florida College System" for
 4916 the words "Community College" to conform to the
 4917 renaming of the fund by s. 176, ch. 2011-5, Laws of
 4918 Florida.

4919 Section 100. Paragraph (c) of subsection (4) and
 4920 subsection (5) of section 1013.33, Florida Statutes, are amended
 4921 to read:

4922 1013.33 Coordination of planning with local governing
 4923 bodies.—

4924 (4)

4925 (c) If the state land planning agency enters a final order
 4926 that finds that the interlocal agreement is inconsistent with
 4927 the requirements of subsection (3) or this subsection, the state
 4928 land planning agency shall forward it to the Administration

PCB RCC 12-02

ORIGINAL

2012

4929 Commission, which may impose sanctions against the local
 4930 government pursuant to s. 163.3184(8) ~~163.3184(11)~~ and may
 4931 impose sanctions against the district school board by directing
 4932 the Department of Education to withhold an equivalent amount of
 4933 funds for school construction available pursuant to ss. 1013.65,
 4934 1013.68, 1013.70, and 1013.72.

4935 (5) If an executed interlocal agreement is not timely
 4936 submitted to the state land planning agency for review, the
 4937 state land planning agency shall, within 15 working days after
 4938 the deadline for submittal, issue to the local government and
 4939 the district school board a notice to show cause why sanctions
 4940 should not be imposed for failure to submit an executed
 4941 interlocal agreement by the deadline established by the agency.
 4942 The agency shall forward the notice and the responses to the
 4943 Administration Commission, which may enter a final order citing
 4944 the failure to comply and imposing sanctions against the local
 4945 government and district school board by directing the
 4946 appropriate agencies to withhold at least 5 percent of state
 4947 funds pursuant to s. 163.3184(8) ~~163.3184(11)~~ and by directing
 4948 the Department of Education to withhold from the district school
 4949 board at least 5 percent of funds for school construction
 4950 available pursuant to ss. 1013.65, 1013.68, 1013.70, and
 4951 1013.72.

4952 Reviser's note.—Amended to conform to the
 4953 redesignation of s. 163.3184(11) as s. 163.3184(8) by
 4954 s. 17, ch. 2011-139, Laws of Florida.

4955 Section 101. Subsection (6) of section 1013.36, Florida
 4956 Statutes, is amended to read:

PCB RCC 12-02

ORIGINAL

2012

4957 1013.36 Site planning and selection.—
 4958 (6) If the school board and local government have entered
 4959 into an interlocal agreement pursuant to s. 1013.33(2) and
 4960 ~~either s. 163.3177(6)(h)4. or~~ s. 163.31777 or have developed a
 4961 process to ensure consistency between the local government
 4962 comprehensive plan and the school district educational
 4963 facilities plan, site planning and selection must be consistent
 4964 with the interlocal agreements and the plans.

4965 Reviser's note.—Amended to conform to the repeal of s.
 4966 163.3177(6)(h)4. by s. 12, ch. 2011-139, Laws of
 4967 Florida.

4968 Section 102. Paragraph (a) of subsection (1) of section
 4969 1013.51, Florida Statutes, is amended to read:

4970 1013.51 Expenditures authorized for certain
 4971 infrastructure.—

4972 (1)(a) Subject to exemption from the assessment of fees
 4973 pursuant to s. 1013.371(1) ~~1013.37(1)~~, education boards, boards
 4974 of county commissioners, municipal boards, and other agencies
 4975 and boards of the state may expend funds, separately or
 4976 collectively, by contract or agreement, for the placement,
 4977 paving, or maintaining of any road, byway, or sidewalk if the
 4978 road, byway, or sidewalk is contiguous to or runs through the
 4979 property of any educational plant or for the maintenance or
 4980 improvement of the property of any educational plant or of any
 4981 facility on such property. Expenditures may also be made for
 4982 sanitary sewer, water, stormwater, and utility improvements
 4983 upon, or contiguous to, and for the installation, operation, and
 4984 maintenance of traffic control and safety devices upon, or

PCB RCC 12-02

ORIGINAL

2012

4985 contiguous to, any existing or proposed educational plant.
 4986 Reviser's note.—Amended to correct an apparent error
 4987 and facilitate correct interpretation. There is no
 4988 reference to fees in s. 1013.37(1); it relates to the
 4989 adoption and standards of a uniform statewide building
 4990 code for the planning and construction of public
 4991 educational facilities. Section 1013.371(1) provides
 4992 that public and ancillary plans constructed by a board
 4993 are exempt from the assessment of certain fees.
 4994 Section 103. This act shall take effect on the 60th day
 4995 after adjournment sine die of the session of the Legislature in
 4996 which enacted.