

1 A reviser's bill to be entitled
2 An act relating to the Florida Statutes; amending ss.
3 11.45, 20.15, 20.28, 39.001, 39.0139, 39.201, 40.011,
4 61.1825, 63.082, 63.2325, 97.0585, 112.63, 120.54,
5 120.745, 121.055, 121.085, 121.091, 159.823, 163.3246,
6 163.340, 189.4042, 190.046, 211.02, 215.5601, 215.97,
7 218.32, 252.385, 252.939, 252.940, 252.941, 252.942,
8 253.034, 255.2575, 259.032, 282.201, 288.1254,
9 288.71025, 288.980, 295.07, 311.101, 316.0083,
10 316.640, 320.20, 322.142, 322.2615, 339.135, 339.2825,
11 341.840, 343.805, 343.91, 344.17, 348.752, 349.02,
12 373.227, 373.250, 373.536, 376.3071, 379.2433,
13 379.3581, 380.0662, 381.004, 381.00593, 381.0065,
14 381.0101, 391.026, 400.172, 400.915, 400.9905,
15 403.086, 403.511, 403.9416, 414.295, 420.503,
16 420.5087, 430.205, 430.80, 430.81, 443.091, 443.111,
17 443.171, 466.007, 475.6235, 489.118, 499.01, 500.09,
18 538.23, 553.98, 570.451, 580.036, 586.10, 601.03,
19 601.15, 601.61, 601.9910, 610.109, 624.402, 626.2815,
20 626.8734, 626.9362, 626.989, 626.9895, 627.3511,
21 641.312, 651.118, 817.234, 877.101, 921.0022, 945.355,
22 948.08, 948.16, 960.003, 985.03, 1003.43, 1003.52,
23 1006.062, 1006.20, 1006.282, 1009.67, 1009.971, and
24 1013.231, F.S.; reenacting and amending s. 339.0805,
25 F.S.; reenacting s. 322.21, F.S.; and repealing ss.
26 202.38 and 252.945, F.S., deleting provisions that
27 have expired, have become obsolete, have had their
28 effect, have served their purpose, or have been

29 | impliedly repealed or superseded; replacing incorrect
 30 | cross-references and citations; correcting
 31 | grammatical, typographical, and like errors; removing
 32 | inconsistencies, redundancies, and unnecessary
 33 | repetition in the statutes; improving the clarity of
 34 | the statutes and facilitating their correct
 35 | interpretation; and confirming the restoration of
 36 | provisions unintentionally omitted from republication
 37 | in the acts of the Legislature during the amendatory
 38 | process providing an effective date.

39 |
 40 | Be It Enacted by the Legislature of the State of Florida:

41 |
 42 | Section 1. Subsection (1) of section 11.45, Florida
 43 | Statutes, is amended to read:

44 | 11.45 Definitions; duties; authorities; reports; rules.—

45 | (1) DEFINITIONS.—As used in ss. 11.40-11.51 ~~11.40-11.511~~,
 46 | the term:

47 | (a) "Audit" means a financial audit, operational audit, or
 48 | performance audit.

49 | (b) "County agency" means a board of county commissioners
 50 | or other legislative and governing body of a county, however
 51 | styled, including that of a consolidated or metropolitan
 52 | government, a clerk of the circuit court, a separate or ex
 53 | officio clerk of the county court, a sheriff, a property
 54 | appraiser, a tax collector, a supervisor of elections, or any
 55 | other officer in whom any portion of the fiscal duties of the
 56 | above are under law separately placed.

57 (c) "Financial audit" means an examination of financial
58 statements in order to express an opinion on the fairness with
59 which they are presented in conformity with generally accepted
60 accounting principles and an examination to determine whether
61 operations are properly conducted in accordance with legal and
62 regulatory requirements. Financial audits must be conducted in
63 accordance with auditing standards generally accepted in the
64 United States and government auditing standards as adopted by
65 the Board of Accountancy. When applicable, the scope of
66 financial audits shall encompass the additional activities
67 necessary to establish compliance with the Single Audit Act
68 Amendments of 1996, 31 U.S.C. ss. 7501-7507, and other
69 applicable federal law.

70 (d) "Governmental entity" means a state agency, a county
71 agency, or any other entity, however styled, that independently
72 exercises any type of state or local governmental function.

73 (e) "Local governmental entity" means a county agency,
74 municipality, or special district as defined in s. 189.403, but
75 does not include any housing authority established under chapter
76 421.

77 (f) "Management letter" means a statement of the auditor's
78 comments and recommendations.

79 (g) "Operational audit" means an audit whose purpose is to
80 evaluate management's performance in establishing and
81 maintaining internal controls, including controls designed to
82 prevent and detect fraud, waste, and abuse, and in administering
83 assigned responsibilities in accordance with applicable laws,
84 administrative rules, contracts, grant agreements, and other

85 | guidelines. Operational audits must be conducted in accordance
86 | with government auditing standards. Such audits examine internal
87 | controls that are designed and placed in operation to promote
88 | and encourage the achievement of management's control objectives
89 | in the categories of compliance, economic and efficient
90 | operations, reliability of financial records and reports, and
91 | safeguarding of assets, and identify weaknesses in those
92 | internal controls.

93 | (h) "Performance audit" means an examination of a program,
94 | activity, or function of a governmental entity, conducted in
95 | accordance with applicable government auditing standards or
96 | auditing and evaluation standards of other appropriate
97 | authoritative bodies. The term includes an examination of issues
98 | related to:

- 99 | 1. Economy, efficiency, or effectiveness of the program.
- 100 | 2. Structure or design of the program to accomplish its
101 | goals and objectives.
- 102 | 3. Adequacy of the program to meet the needs identified by
103 | the Legislature or governing body.
- 104 | 4. Alternative methods of providing program services or
105 | products.
- 106 | 5. Goals, objectives, and performance measures used by the
107 | agency to monitor and report program accomplishments.
- 108 | 6. The accuracy or adequacy of public documents, reports,
109 | or requests prepared under the program by state agencies.
- 110 | 7. Compliance of the program with appropriate policies,
111 | rules, or laws.
- 112 | 8. Any other issues related to governmental entities as

113 | directed by the Legislative Auditing Committee.

114 | (i) "Political subdivision" means a separate agency or
 115 | unit of local government created or established by law and
 116 | includes, but is not limited to, the following and the officers
 117 | thereof: authority, board, branch, bureau, city, commission,
 118 | consolidated government, county, department, district,
 119 | institution, metropolitan government, municipality, office,
 120 | officer, public corporation, town, or village.

121 | (j) "State agency" means a separate agency or unit of
 122 | state government created or established by law and includes, but
 123 | is not limited to, the following and the officers thereof:
 124 | authority, board, branch, bureau, commission, department,
 125 | division, institution, office, officer, or public corporation,
 126 | as the case may be, except any such agency or unit within the
 127 | legislative branch of state government other than the Florida
 128 | Public Service Commission.

129 | Reviser's note.—Section 11.511 was repealed by s. 1, ch. 2011-
 130 | 34, Laws of Florida.

131 | Section 2. Subsection (7) of section 20.15, Florida
 132 | Statutes, is amended to read:

133 | 20.15 Department of Education.—There is created a
 134 | Department of Education.

135 | (7) BOARDS.—Notwithstanding anything contained in law to
 136 | the contrary, all members of the Florida College System
 137 | institution ~~community college~~ boards of trustees must be
 138 | appointed according to chapter 1001.

139 | Reviser's note.—Amended to conform a reference to community
 140 | college boards of trustees to changes in chapters 2008-52

141 and 2009-228, Laws of Florida, transitioning references to
 142 community colleges to Florida College System institutions.
 143 Section 3. Section 20.28, Florida Statutes, is amended to
 144 read:

145 20.28 State Board of Administration.—The State Board of
 146 Administration, continued by s. 4 9, Art. IV ~~XII~~ of the State
 147 Constitution, retains all of its powers, duties, and functions
 148 as prescribed by law.

149 Reviser's note.—Section 4(e), Art. IV of the State Constitution
 150 of 1968 provides that the governor, chief financial
 151 officer, and attorney general constitute the state board of
 152 administration, as successor to the state board of
 153 administration established pursuant to s. 16, Art. IX of
 154 the Constitution of 1885.

155 Section 4. Subsection (12) of section 39.001, Florida
 156 Statutes, is amended to read:

157 39.001 Purposes and intent; personnel standards and
 158 screening.—

159 ~~(12) EVALUATION.—By February 1, 2009, the Legislature~~
 160 ~~shall evaluate the office and determine whether it should~~
 161 ~~continue to be housed in the Executive Office of the Governor or~~
 162 ~~transferred to a state agency.~~

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

164 Section 5. Paragraph (b) of subsection (4) of section
 165 39.0139, Florida Statutes, is amended to read:

166 39.0139 Visitation or other contact; restrictions.—

167 (4) HEARINGS.—A person who meets any of the criteria set
 168 forth in paragraph (3) (a) who seeks to begin or resume contact

169 with the child victim shall have the right to an evidentiary
 170 hearing to determine whether contact is appropriate.

171 (b) At the hearing, the court may receive and rely upon
 172 any relevant and material evidence submitted to the extent of
 173 its probative value, including written and oral reports or
 174 recommendations from the child protection ~~protective~~ team, the
 175 child's therapist, the child's guardian ad litem, or the child's
 176 attorney ad litem, even if these reports, recommendations, and
 177 evidence may not be admissible under the rules of evidence.

178 Reviser's note.—Amended to conform to s. 39.303, which relates
 179 to child protection teams.

180 Section 6. Paragraph (j) of subsection (2) of section
 181 39.201, Florida Statutes, is amended to read:

182 39.201 Mandatory reports of child abuse, abandonment, or
 183 neglect; mandatory reports of death; central abuse hotline.—

184 (2)

185 (j)1. The department shall update the web form used for
 186 reporting child abuse, abandonment, or neglect to:

187 a. Include qualifying questions in order to obtain
 188 necessary information required to assess need and a response.

189 b. Indicate which fields are required to submit the
 190 report.

191 c. Allow a reporter to save his or her report and return
 192 to it at a later time.

193 2. The report shall be made available to the counselors in
 194 its entirety as needed to update the Florida Safe Families
 195 Network or other similar systems.

196 Reviser's note.—Amended to confirm insertion of the word "at" by

197 the editors.

198 Section 7. Subsection (5) of section 40.011, Florida
 199 Statutes, is amended to read:

200 40.011 Jury lists.—

201 (5) Using the source name lists described in subsections
 202 (2) and (3), a clerk of court may generate juror candidate lists
 203 as necessary to ensure a valid and consistent juror selection
 204 process.

205 (a) The initial juror candidate list is derived from the
 206 name sources and shall be the master list from which prospective
 207 jurors are drawn for summons.

208 (b) The final juror candidate list shall contain a list of
 209 those persons, drawn from the initial candidate list as
 210 prescribed in this chapter, who are to be summoned as a pool for
 211 possible juror service.

212 Reviser's note.—Amended to confirm insertion of the word "in" by
 213 the editors.

214 Section 8. Paragraph (a) of subsection (3) of section
 215 61.1825, Florida Statutes, is amended to read:

216 61.1825 State Case Registry.—

217 (3) (a) For the purpose of this section, a family violence
 218 indicator must be placed on a record when:

219 1. A party executes a sworn statement requesting that a
 220 family violence indicator be placed on that party's record which
 221 states that the party has reason to believe that release of
 222 information to the Federal Case Registry may result in physical
 223 or emotional harm to the party or the child; or

224 2. A temporary or final injunction for protection against

225 domestic violence has been granted pursuant to s. 741.30(6), an
 226 injunction for protection against domestic violence has been
 227 issued by a court of a foreign state pursuant to s. 741.315, or
 228 a temporary or final injunction for protection against repeat
 229 violence has been granted pursuant to s. 784.046; or

230 3. The department has received information on a Title IV-D
 231 case from the Domestic, Dating, Sexual, Violence and Repeat
 232 Violence Injunction Statewide Verification System, established
 233 pursuant to s. 784.046(8)(b), that a court has granted a party a
 234 domestic violence or repeat violence injunction.

235 Reviser's note.—Amended to conform to the complete name of the
 236 verification system required by s. 784.046(8)(b).

237 Section 9. Paragraph (h) of subsection (7) of section
 238 63.082, Florida Statutes, is amended to read:

239 63.082 Execution of consent to adoption or affidavit of
 240 nonpaternity; family social and medical history; revocation of
 241 consent.—

242 (7) If a person is seeking to revoke consent for a child
 243 older than 6 months of age:

244 (h) If the consent of one parent is set aside or revoked
 245 in accordance with this chapter, any other consents executed by
 246 the other parent or a third party whose consent is required for
 247 the adoption of the child may not be used by the parent whose
 248 ~~who~~ consent was revoked or set aside to terminate or diminish
 249 the rights of the other parent or third party whose consent was
 250 required for the adoption of the child.

251 Reviser's note.—Amended to confirm substitution of the word
 252 "whose" for the word "who" by the editors.

253 Section 10. Section 63.2325, Florida Statutes, is amended
 254 to read:

255 63.2325 Conditions for invalidation of a consent to
 256 adoption or affidavit of nonpaternity.—Notwithstanding the
 257 requirements of this chapter, a failure to meet any of those
 258 requirements does not constitute grounds for invalidation of a
 259 consent to adoption or revocation of an affidavit of
 260 nonpaternity unless the extent and circumstances of such a
 261 failure result in a material failure of fundamental fairness in
 262 the administration of due process, or the failure constitutes or
 263 contributes to fraud or duress in obtaining a consent to
 264 adoption or affidavit of nonpaternity.

265 Reviser's note.—Amended to confirm reinsertion of the word "of"
 266 by the editors for clarity. Section 26, ch. 2012-81, Laws
 267 of Florida, inserted "revocation" and struck "withdrawal
 268 of."

269 Section 11. Subsection (3) of section 97.0585, Florida
 270 Statutes, is amended to read:

271 97.0585 Public records exemption; information regarding
 272 voters and voter registration; confidentiality.—

273 (3) The names, addresses, and telephone numbers of persons
 274 who are victims of stalking or aggravated stalking are exempt
 275 from s. 119.07(1) ~~119.071(1)~~ and s. 24(a), Art. I of the State
 276 Constitution in the same manner that the names, addresses, and
 277 telephone numbers of participants in the Address Confidentiality
 278 Program for Victims of Domestic Violence which are held by the
 279 Attorney General under s. 741.465 are exempt from disclosure,
 280 provided that the victim files a sworn statement of stalking

281 with the Office of the Attorney General and otherwise complies
 282 with the procedures in ss. 741.401-741.409.

283 Reviser's note.—Amended to correct an apparent error. Section
 284 119.07(1) requires custodians of public records to permit
 285 inspection and copying thereof. Section 119.071(1) provides
 286 exemptions from public records requirements for specified
 287 records of governmental agencies.

288 Section 12. Paragraph (d) of subsection (4) of section
 289 112.63, Florida Statutes, is amended to read:

290 112.63 Actuarial reports and statements of actuarial
 291 impact; review.—

292 (4) Upon receipt, pursuant to subsection (2), of an
 293 actuarial report, or, pursuant to subsection (3), of a statement
 294 of actuarial impact, the Department of Management Services shall
 295 acknowledge such receipt, but shall only review and comment on
 296 each retirement system's or plan's actuarial valuations at least
 297 on a triennial basis.

298 (d) In the case of an affected special district, the
 299 Department of Management Services shall also notify the
 300 Department of Economic Opportunity. Upon receipt of
 301 notification, the Department of Economic Opportunity shall
 302 proceed pursuant to s. 189.421.

303 1. Failure of a special district to provide a required
 304 report or statement, to make appropriate adjustments, or to
 305 provide additional material information after the procedures
 306 specified in s. 189.421(1) are exhausted shall be deemed final
 307 action by the special district.

308 2. The Department of Management Services may notify the

309 Department of Economic Opportunity ~~Community Affairs~~ of those
 310 special districts that failed to come into compliance. Upon
 311 receipt of notification, the Department of Economic Opportunity
 312 ~~Community Affairs~~ shall proceed pursuant to s. 189.421(4).
 313 Reviser's note.—Amended to confirm substitution by the editors
 314 of a reference to the Department of Economic Opportunity
 315 for a reference to the Department of Community Affairs; s.
 316 20.18, which created the Department of Community Affairs,
 317 was repealed by s. 478, ch. 2011-142, Laws of Florida. For
 318 purposes of chapter 189, relating to special districts, the
 319 term "department" was revised to mean the Department of
 320 Economic Opportunity instead of the Department of Community
 321 Affairs pursuant to the amendment to s. 189.403(4) by s.
 322 64, ch. 2011-142.
 323 Section 13. Paragraph (b) of subsection (3) of section
 324 120.54, Florida Statutes, is amended to read:
 325 120.54 Rulemaking.—
 326 (3) ADOPTION PROCEDURES.—
 327 (b) Special matters to be considered in rule adoption.—
 328 1. Statement of estimated regulatory costs.—Before the
 329 adoption, amendment, or repeal of any rule other than an
 330 emergency rule, an agency is encouraged to prepare a statement
 331 of estimated regulatory costs of the proposed rule, as provided
 332 by s. 120.541. However, an agency must prepare a statement of
 333 estimated regulatory costs of the proposed rule, as provided by
 334 s. 120.541, if:
 335 a. The proposed rule will have an adverse impact on small
 336 business; or

337 b. The proposed rule is likely to directly or indirectly
338 increase regulatory costs in excess of \$200,000 in the aggregate
339 in this state within 1 year after the implementation of the
340 rule.

341 2. Small businesses, small counties, and small cities.—

342 a. Each agency, before the adoption, amendment, or repeal
343 of a rule, shall consider the impact of the rule on small
344 businesses as defined by s. 288.703 and the impact of the rule
345 on small counties or small cities as defined by s. 120.52.
346 Whenever practicable, an agency shall tier its rules to reduce
347 disproportionate impacts on small businesses, small counties, or
348 small cities to avoid regulating small businesses, small
349 counties, or small cities that do not contribute significantly
350 to the problem the rule is designed to address. An agency may
351 define "small business" to include businesses employing more
352 than 200 persons, may define "small county" to include those
353 with populations of more than 75,000, and may define "small
354 city" to include those with populations of more than 10,000, if
355 it finds that such a definition is necessary to adapt a rule to
356 the needs and problems of small businesses, small counties, or
357 small cities. The agency shall consider each of the following
358 methods for reducing the impact of the proposed rule on small
359 businesses, small counties, and small cities, or any combination
360 of these entities:

361 (I) Establishing less stringent compliance or reporting
362 requirements in the rule.

363 (II) Establishing less stringent schedules or deadlines in
364 the rule for compliance or reporting requirements.

PCB RCC 13-02

2013

365 (III) Consolidating or simplifying the rule's compliance
366 or reporting requirements.

367 (IV) Establishing performance standards or best management
368 practices to replace design or operational standards in the
369 rule.

370 (V) Exempting small businesses, small counties, or small
371 cities from any or all requirements of the rule.

372 b.(I) If the agency determines that the proposed action
373 will affect small businesses as defined by the agency as
374 provided in sub-subparagraph a., the agency shall send written
375 notice of the rule to the rules ombudsman in the Executive
376 Office of the Governor at least 28 days before the intended
377 action.

378 (II) Each agency shall adopt those regulatory alternatives
379 offered by the rules ombudsman in the Executive Office of the
380 Governor and provided to the agency no later than 21 days after
381 the rules ombudsman's ~~council's~~ receipt of the written notice of
382 the rule which it finds are feasible and consistent with the
383 stated objectives of the proposed rule and which would reduce
384 the impact on small businesses. When regulatory alternatives are
385 offered by the rules ombudsman in the Executive Office of the
386 Governor, the 90-day period for filing the rule in subparagraph
387 (e)2. is extended for a period of 21 days.

388 (III) If an agency does not adopt all alternatives offered
389 pursuant to this sub-subparagraph, it shall, before rule
390 adoption or amendment and pursuant to subparagraph (d)1., file a
391 detailed written statement with the committee explaining the
392 reasons for failure to adopt such alternatives. Within 3 working

393 days after the filing of such notice, the agency shall send a
 394 copy of such notice to the rules ombudsman in the Executive
 395 Office of the Governor.

396 Reviser's note.—Amended to conform to the reassignment by ch.
 397 2012-27, Laws of Florida, of duties of the Small Business
 398 Regulatory Advisory Council to the rules ombudsman in the
 399 Executive Office of the Governor. Section 5, ch. 2012-27,
 400 repealed s. 288.7001, which created the council.

401 Section 14. Paragraph (a) of subsection (5) of section
 402 120.745, Florida Statutes, is amended to read:

403 120.745 Legislative review of agency rules in effect on or
 404 before November 16, 2010.—

405 (5) COMPLIANCE ECONOMIC REVIEW OF RULES AND REQUIRED
 406 REPORT.—Each agency shall perform a compliance economic review
 407 and report for all rules, including separate reviews of
 408 subparts, listed under Group 1 "Group 1 rules" or Group 2 "Group
 409 2 rules" pursuant to subparagraph (2)(g)3. Group 1 rules shall
 410 be reviewed and reported on in 2012, and Group 2 rules shall be
 411 reviewed and reported on in 2013.

412 (a) No later than May 1, each agency shall:

413 1. Complete a compliance economic review for each entire
 414 rule or subpart in the appropriate group.

415 2. File the written certification of the agency head with
 416 the committee verifying the completion of each compliance
 417 economic review required for the respective year. The
 418 certification shall be dated and published as an addendum to the
 419 report required in subsection (3). The duty to certify
 420 completion of the required compliance economic reviews is the

421 responsibility solely of the agency head as defined in s.
 422 120.52(3) and may not be delegated to any other person. If the
 423 defined agency head is a collegial body, the written
 424 certification must be prepared by the chair or equivalent
 425 presiding officer of that body.

426 3. Publish a copy of the compliance economic review,
 427 directions on how and when interested parties may submit lower
 428 cost regulatory alternatives to the agency, and the date the
 429 notice is published in the manner provided in subsection (7).

430 4. Publish notice of the publications required in
 431 subparagraphs 2. and 3. in the manner provided in subsection
 432 (7).

433 5. Submit each compliance economic review to the rules
 434 ombudsman in the Executive Office of the Governor for the rules
 435 ombudsman's ~~its~~ review.

436 Reviser's note.—Amended to confirm substitution of the words
 437 "the ombudsman's" for the word "its" by the editors. As
 438 created by s. 5, ch. 2011-225, Laws of Florida, s.
 439 120.745(5)(a)5. referenced the Small Business Regulatory
 440 Advisory Council, and the word "its" referred back to that
 441 reference. Chapter 2012-27, Laws of Florida, reassigned
 442 duties of the Small Business Regulatory Advisory Council to
 443 the rules ombudsman in the Executive Office of the
 444 Governor. Section 3, ch. 2012-27, substituted a reference
 445 to the rules ombudsman for a reference to the council but
 446 left the referencing word "its." Section 5, ch. 2012-27,
 447 repealed s. 288.7001, which created the council.
 448 Section 15. Paragraph (d) of subsection (6) of section

449 | 121.055, Florida Statutes, is amended to read:

450 | 121.055 Senior Management Service Class.—There is hereby
 451 | established a separate class of membership within the Florida
 452 | Retirement System to be known as the "Senior Management Service
 453 | Class," which shall become effective February 1, 1987.

454 | (6)

455 | (d) Contributions.—

456 | 1.a. Through June 30, 2001, each employer shall contribute
 457 | on behalf of each member of the Senior Management Service
 458 | Optional Annuity Program an amount equal to the normal cost
 459 | portion of the employer retirement contribution which would be
 460 | required if the member were a Senior Management Service Class
 461 | member of the Florida Retirement System Pension Plan, plus the
 462 | portion of the contribution rate required in s. 112.363(8) that
 463 | would otherwise be assigned to the Retiree Health Insurance
 464 | Subsidy Trust Fund.

465 | b. Effective July 1, 2001, through June 30, 2011, each
 466 | employer shall contribute on behalf of each member of the
 467 | optional annuity program an amount equal to 12.49 percent of the
 468 | employee's gross monthly compensation.

469 | c. Effective July 1, 2011, through June 30, 2012, each
 470 | member of the optional annuity program shall contribute an
 471 | amount equal to the employee contribution required under s.
 472 | 121.71(3). The employer shall contribute on behalf of such
 473 | employee an amount equal to the difference between 12.49 percent
 474 | of the employee's gross monthly compensation and the amount
 475 | equal to the employee's required contribution based on the
 476 | employee's gross monthly compensation.

477 d. Effective July 1, 2012, each member of the optional
 478 annuity program shall contribute an amount equal to the employee
 479 contribution required under s. 121.71 ~~121.73~~. The employer shall
 480 contribute on behalf of such employee an amount equal to the
 481 difference between 9.27 percent of the employee's gross monthly
 482 compensation and the amount equal to the employee's required
 483 contribution based on the employee's gross monthly compensation.

484 e. The department shall deduct an amount approved by the
 485 Legislature to provide for the administration of this program.
 486 Payment of the contributions, including contributions made by
 487 the employee, shall be made by the employer to the department,
 488 which shall forward the contributions to the designated company
 489 or companies contracting for payment of benefits for the member
 490 under the program.

491 2. Each employer shall contribute on behalf of each member
 492 of the Senior Management Service Optional Annuity Program an
 493 amount equal to the unfunded actuarial accrued liability portion
 494 of the employer contribution which would be required for members
 495 of the Senior Management Service Class in the Florida Retirement
 496 System. This contribution shall be paid to the department for
 497 transfer to the Florida Retirement System Trust Fund.

498 3. An Optional Annuity Program Trust Fund shall be
 499 established in the State Treasury and administered by the
 500 department to make payments to provider companies on behalf of
 501 the optional annuity program members, and to transfer the
 502 unfunded liability portion of the state optional annuity program
 503 contributions to the Florida Retirement System Trust Fund.

504 4. Contributions required for social security by each

505 employer and employee, in the amount required for social
 506 security coverage as now or hereafter may be provided by the
 507 federal Social Security Act shall be maintained for each member
 508 of the Senior Management Service retirement program and are in
 509 addition to the retirement contributions specified in this
 510 paragraph.

511 5. Each member of the optional annuity program may
 512 contribute by way of salary reduction or deduction a percentage
 513 amount of the employee's gross compensation not to exceed the
 514 percentage amount contributed by the employer to the optional
 515 annuity program. Payment of the employee's contributions shall
 516 be made by the employer to the department, which shall forward
 517 the contributions to the designated company or companies
 518 contracting for payment of benefits for the member under the
 519 program.

520 Reviser's note.—Amended to conform to context. Section 121.71(3)
 521 relates to employee contributions. Section 121.73 relates
 522 to allocations from the Florida Retirement System
 523 Contributions Clearing Trust Fund for disability coverage
 524 for members in the investment plan.

525 Section 16. Section 121.085, Florida Statutes, is amended
 526 to read:

527 121.085 Creditable service.—The following provision
 528 ~~provisions~~ shall apply to creditable service as defined in s.
 529 121.021(17): no creditable service which remained unclaimed at
 530 retirement may be claimed or purchased after a retirement
 531 benefit payment has been cashed or deposited.

532 Reviser's note.—Amended to confirm substitution of the word

533 "provision" for the word "provisions" by the editors to
 534 conform to context; s. 36, ch. 2012-116, Laws of Florida,
 535 repealed subsection (1), leaving only one provision in the
 536 section.

537 Section 17. Paragraph (b) of subsection (9) of section
 538 121.091, Florida Statutes, is amended to read:

539 121.091 Benefits payable under the system.—Benefits may
 540 not be paid under this section unless the member has terminated
 541 employment as provided in s. 121.021(39) (a) or begun
 542 participation in the Deferred Retirement Option Program as
 543 provided in subsection (13), and a proper application has been
 544 filed in the manner prescribed by the department. The department
 545 may cancel an application for retirement benefits when the
 546 member or beneficiary fails to timely provide the information
 547 and documents required by this chapter and the department's
 548 rules. The department shall adopt rules establishing procedures
 549 for application for retirement benefits and for the cancellation
 550 of such application when the required information or documents
 551 are not received.

552 (9) EMPLOYMENT AFTER RETIREMENT; LIMITATION.—

553 (b) Any person whose retirement is effective before July
 554 1, 2010, or whose participation in the Deferred Retirement
 555 Option Program terminates before July 1, 2010, except under the
 556 disability retirement provisions of subsection (4) or as
 557 provided in s. 121.053, may be reemployed by an employer that
 558 participates in a state-administered retirement system and
 559 receive retirement benefits and compensation from that employer,
 560 except that the person may not be reemployed by an employer

561 participating in the Florida Retirement System before meeting
 562 the definition of termination in s. 121.021 and may not receive
 563 both a salary from the employer and retirement benefits for 12
 564 calendar months immediately subsequent to the date of
 565 retirement. However, a DROP participant shall continue
 566 employment and receive a salary during the period of
 567 participation in the Deferred Retirement Option Program, as
 568 provided in subsection (13).

569 1. A retiree who violates such reemployment limitation
 570 before completion of the 12-month limitation period must give
 571 timely notice of this fact in writing to the employer and to the
 572 Division of Retirement or the state board and shall have his or
 573 her retirement benefits suspended for the months employed or the
 574 balance of the 12-month limitation period as required in sub-
 575 subparagraphs b. and c. A retiree employed in violation of this
 576 paragraph and an employer who employs or appoints such person
 577 are jointly and severally liable for reimbursement to the
 578 retirement trust fund, including the Florida Retirement System
 579 Trust Fund and the Public Employee Optional Retirement Program
 580 Trust Fund, from which the benefits were paid. The employer must
 581 have a written statement from the retiree that he or she is not
 582 retired from a state-administered retirement system. Retirement
 583 benefits shall remain suspended until repayment has been made.
 584 Benefits suspended beyond the reemployment limitation shall
 585 apply toward repayment of benefits received in violation of the
 586 reemployment limitation.

587 a. A district school board may reemploy a retiree as a
 588 substitute or hourly teacher, education paraprofessional,

589 transportation assistant, bus driver, or food service worker on
 590 a noncontractual basis after he or she has been retired for 1
 591 calendar month. A district school board may reemploy a retiree
 592 as instructional personnel, as defined in s. 1012.01(2)(a), on
 593 an annual contractual basis after he or she has been retired for
 594 1 calendar month. Any member who is reemployed within 1 calendar
 595 month after retirement shall void his or her application for
 596 retirement benefits. District school boards reemploying such
 597 teachers, education paraprofessionals, transportation
 598 assistants, bus drivers, or food service workers are subject to
 599 the retirement contribution required by subparagraph 2.

600 b. A Florida College System institution ~~community college~~
 601 board of trustees may reemploy a retiree as an adjunct
 602 instructor or as a participant in a phased retirement program
 603 within the Florida ~~Community~~ College System, after he or she has
 604 been retired for 1 calendar month. A member who is reemployed
 605 within 1 calendar month after retirement shall void his or her
 606 application for retirement benefits. Boards of trustees
 607 reemploying such instructors are subject to the retirement
 608 contribution required in subparagraph 2. A retiree may be
 609 reemployed as an adjunct instructor for no more than 780 hours
 610 during the first 12 months of retirement. A retiree reemployed
 611 for more than 780 hours during the first 12 months of retirement
 612 must give timely notice in writing to the employer and to the
 613 Division of Retirement or the state board of the date he or she
 614 will exceed the limitation. The division shall suspend his or
 615 her retirement benefits for the remainder of the 12 months of
 616 retirement. Any retiree employed in violation of this sub-

617 | subparagraph and any employer who employs or appoints such
618 | person without notifying the division to suspend retirement
619 | benefits are jointly and severally liable for any benefits paid
620 | during the reemployment limitation period. The employer must
621 | have a written statement from the retiree that he or she is not
622 | retired from a state-administered retirement system. Any
623 | retirement benefits received by the retiree while reemployed in
624 | excess of 780 hours during the first 12 months of retirement
625 | must be repaid to the Florida Retirement System Trust Fund, and
626 | retirement benefits shall remain suspended until repayment is
627 | made. Benefits suspended beyond the end of the retiree's first
628 | 12 months of retirement shall apply toward repayment of benefits
629 | received in violation of the 780-hour reemployment limitation.

630 | c. The State University System may reemploy a retiree as
631 | an adjunct faculty member or as a participant in a phased
632 | retirement program within the State University System after the
633 | retiree has been retired for 1 calendar month. A member who is
634 | reemployed within 1 calendar month after retirement shall void
635 | his or her application for retirement benefits. The State
636 | University System is subject to the retired contribution
637 | required in subparagraph 2., as appropriate. A retiree may be
638 | reemployed as an adjunct faculty member or a participant in a
639 | phased retirement program for no more than 780 hours during the
640 | first 12 months of his or her retirement. A retiree reemployed
641 | for more than 780 hours during the first 12 months of retirement
642 | must give timely notice in writing to the employer and to the
643 | Division of Retirement or the state board of the date he or she
644 | will exceed the limitation. The division shall suspend his or

645 her retirement benefits for the remainder of the 12 months. Any
646 retiree employed in violation of this sub-subparagraph and any
647 employer who employs or appoints such person without notifying
648 the division to suspend retirement benefits are jointly and
649 severally liable for any benefits paid during the reemployment
650 limitation period. The employer must have a written statement
651 from the retiree that he or she is not retired from a state-
652 administered retirement system. Any retirement benefits received
653 by the retiree while reemployed in excess of 780 hours during
654 the first 12 months of retirement must be repaid to the Florida
655 Retirement System Trust Fund, and retirement benefits shall
656 remain suspended until repayment is made. Benefits suspended
657 beyond the end of the retiree's first 12 months of retirement
658 shall apply toward repayment of benefits received in violation
659 of the 780-hour reemployment limitation.

660 d. The Board of Trustees of the Florida School for the
661 Deaf and the Blind may reemploy a retiree as a substitute
662 teacher, substitute residential instructor, or substitute nurse
663 on a noncontractual basis after he or she has been retired for 1
664 calendar month. Any member who is reemployed within 1 calendar
665 month after retirement shall void his or her application for
666 retirement benefits. The Board of Trustees of the Florida School
667 for the Deaf and the Blind reemploying such teachers,
668 residential instructors, or nurses is subject to the retirement
669 contribution required by subparagraph 2.

670 e. A developmental research school may reemploy a retiree
671 as a substitute or hourly teacher or an education
672 paraprofessional as defined in s. 1012.01(2) on a noncontractual

PCB RCC 13-02

2013

673 basis after he or she has been retired for 1 calendar month. A
674 developmental research school may reemploy a retiree as
675 instructional personnel, as defined in s. 1012.01(2)(a), on an
676 annual contractual basis after he or she has been retired for 1
677 calendar month after retirement. Any member who is reemployed
678 within 1 calendar month voids his or her application for
679 retirement benefits. A developmental research school that
680 reemploys retired teachers and education paraprofessionals is
681 subject to the retirement contribution required by subparagraph
682 2.

683 f. A charter school may reemploy a retiree as a substitute
684 or hourly teacher on a noncontractual basis after he or she has
685 been retired for 1 calendar month. A charter school may reemploy
686 a retired member as instructional personnel, as defined in s.
687 1012.01(2)(a), on an annual contractual basis after he or she
688 has been retired for 1 calendar month after retirement. Any
689 member who is reemployed within 1 calendar month voids his or
690 her application for retirement benefits. A charter school that
691 reemploys such teachers is subject to the retirement
692 contribution required by subparagraph 2.

693 2. The employment of a retiree or DROP participant of a
694 state-administered retirement system does not affect the average
695 final compensation or years of creditable service of the retiree
696 or DROP participant. Before July 1, 1991, upon employment of any
697 person, other than an elected officer as provided in s. 121.053,
698 who is retired under a state-administered retirement program,
699 the employer shall pay retirement contributions in an amount
700 equal to the unfunded actuarial liability portion of the

701 employer contribution which would be required for regular
 702 members of the Florida Retirement System. Effective July 1,
 703 1991, contributions shall be made as provided in s. 121.122 for
 704 retirees who have renewed membership or, as provided in
 705 subsection (13), for DROP participants.

706 3. Any person who is holding an elective public office
 707 which is covered by the Florida Retirement System and who is
 708 concurrently employed in nonelected covered employment may elect
 709 to retire while continuing employment in the elective public
 710 office if he or she terminates his or her nonelected covered
 711 employment. Such person shall receive his or her retirement
 712 benefits in addition to the compensation of the elective office
 713 without regard to the time limitations otherwise provided in
 714 this subsection. A person who seeks to exercise the provisions
 715 of this subparagraph as they existed before May 3, 1984, may not
 716 be deemed to be retired under those provisions, unless such
 717 person is eligible to retire under this subparagraph, as amended
 718 by chapter 84-11, Laws of Florida.

719 Reviser's note.—Amended to conform a reference to "community
 720 college board of trustees" to changes in chapters 2008-52
 721 and 2009-228, Laws of Florida, transitioning references to
 722 community colleges to Florida College System institutions.
 723 Also amended to substitute a reference to the Florida
 724 College System for a reference to the Florida Community
 725 College System to conform to s. 2, ch. 2008-52, which
 726 enacted s. 1001.60, creating the Florida College System.
 727 Section 18. Subsection (7) of section 159.823, Florida
 728 Statutes, is amended to read:

729 159.823 Definitions.—As used in this act, the following
 730 words and terms shall have the following meanings, unless some
 731 other meaning is plainly intended:

732 (7) "State Board of Administration" means the State Board
 733 of Administration created by and referred to in s. 4 9, Art. IV
 734 ~~XII~~, of the State Constitution.

735 Reviser's note.—Section 4(e), Art. IV of the State Constitution
 736 of 1968 provides that the governor, chief financial
 737 officer, and attorney general constitute the state board of
 738 administration, as successor to the state board of
 739 administration established pursuant to s. 16, Art. IX of
 740 the Constitution of 1885.

741 Section 19. Subsections (1), (4), (5), (6), and (7),
 742 paragraph (a) of subsection (9), and subsections (12) and (13)
 743 of section 163.3246, Florida Statutes, are amended to read:

744 163.3246 Local government comprehensive planning
 745 certification program.—

746 (1) There is created the Local Government Comprehensive
 747 Planning Certification Program to be administered by the state
 748 land planning agency. The purpose of the program is to create a
 749 certification process for local governments who identify a
 750 geographic area for certification within which they commit to
 751 directing growth and who, because of a demonstrated record of
 752 effectively adopting, implementing, and enforcing its
 753 comprehensive plan, the level of technical planning experience
 754 exhibited by the local government, and a commitment to implement
 755 exemplary planning practices, require less state and regional
 756 oversight of the comprehensive plan amendment process. The

757 | purpose of the certification area is to designate areas that are
 758 | contiguous, compact, and appropriate for urban growth and
 759 | development within a 10-year planning timeframe. Municipalities
 760 | and counties are encouraged to jointly establish the
 761 | certification area, and subsequently enter into joint
 762 | certification agreement with the state land planning agency
 763 | ~~department~~.

764 | (4) A local government or group of local governments
 765 | seeking certification of all or part of a jurisdiction or
 766 | jurisdictions must submit an application to the state land
 767 | planning agency ~~department~~ which demonstrates that the area
 768 | sought to be certified meets the criteria of subsections (2) and
 769 | (5). The application shall include copies of the applicable
 770 | local government comprehensive plan, land development
 771 | regulations, interlocal agreements, and other relevant
 772 | information supporting the eligibility criteria for designation.
 773 | Upon receipt of a complete application, the state land planning
 774 | agency ~~department~~ must provide the local government with an
 775 | initial response to the application within 90 days after receipt
 776 | of the application.

777 | (5) If the local government meets the eligibility criteria
 778 | of subsection (2), the state land planning agency ~~department~~
 779 | shall certify all or part of a local government by written
 780 | agreement, which shall be considered final agency action subject
 781 | to challenge under s. 120.569. The agreement must include the
 782 | following components:

- 783 | (a) The basis for certification.
- 784 | (b) The boundary of the certification area, which

785 encompasses areas that are contiguous, compact, appropriate for
 786 urban growth and development, and in which public infrastructure
 787 is existing or planned within a 10-year planning timeframe. The
 788 certification area is required to include sufficient land to
 789 accommodate projected population growth, housing demand,
 790 including choice in housing types and affordability, job growth
 791 and employment, appropriate densities and intensities of use to
 792 be achieved in new development and redevelopment, existing or
 793 planned infrastructure, including transportation and central
 794 water and sewer facilities. The certification area must be
 795 adopted as part of the local government's comprehensive plan.

796 (c) A demonstration that the capital improvements plan
 797 governing the certified area is updated annually.

798 (d) A visioning plan or a schedule for the development of
 799 a visioning plan.

800 (e) A description of baseline conditions related to the
 801 evaluation criteria in paragraph (g) in the certified area.

802 (f) A work program setting forth specific planning
 803 strategies and projects that will be undertaken to achieve
 804 improvement in the baseline conditions as measured by the
 805 criteria identified in paragraph (g).

806 (g) Criteria to evaluate the effectiveness of the
 807 certification process in achieving the community-development
 808 goals for the certification area including:

- 809 1. Measuring the compactness of growth, expressed as the
 810 ratio between population growth and land consumed;
- 811 2. Increasing residential density and intensities of use;
- 812 3. Measuring and reducing vehicle miles traveled and

813 increasing the interconnectedness of the street system,
 814 pedestrian access, and mass transit;

815 4. Measuring the balance between the location of jobs and
 816 housing;

817 5. Improving the housing mix within the certification
 818 area, including the provision of mixed-use neighborhoods,
 819 affordable housing, and the creation of an affordable housing
 820 program if such a program is not already in place;

821 6. Promoting mixed-use developments as an alternative to
 822 single-purpose centers;

823 7. Promoting clustered development having dedicated open
 824 space;

825 8. Linking commercial, educational, and recreational uses
 826 directly to residential growth;

827 9. Reducing per capita water and energy consumption;

828 10. Prioritizing environmental features to be protected
 829 and adopting measures or programs to protect identified
 830 features;

831 11. Reducing hurricane shelter deficits and evacuation
 832 times and implementing the adopted mitigation strategies; and

833 12. Improving coordination between the local government
 834 and school board.

835 (h) A commitment to change any land development
 836 regulations that restrict compact development and adopt
 837 alternative design codes that encourage desirable densities and
 838 intensities of use and patterns of compact development
 839 identified in the agreement.

840 (i) A plan for increasing public participation in

841 comprehensive planning and land use decisionmaking which
 842 includes outreach to neighborhood and civic associations through
 843 community planning initiatives.

844 (j) A demonstration that the intergovernmental
 845 coordination element of the local government's comprehensive
 846 plan includes joint processes for coordination between the
 847 school board and local government pursuant to s.
 848 163.3177(6)(h)2. and other requirements of law.

849 (k) A method of addressing the extrajurisdictional effects
 850 of development within the certified area which is integrated by
 851 amendment into the intergovernmental coordination element of the
 852 local government comprehensive plan.

853 (l) A requirement for the annual reporting to the state
 854 land planning agency ~~department~~ of plan amendments adopted
 855 during the year, and the progress of the local government in
 856 meeting the terms and conditions of the certification agreement.
 857 Prior to the deadline for the annual report, the local
 858 government must hold a public hearing soliciting public input on
 859 the progress of the local government in satisfying the terms of
 860 the certification agreement.

861 (m) An expiration date that is no later than 10 years
 862 after execution of the agreement.

863 (6) The state land planning agency ~~department~~ may enter up
 864 to eight new certification agreements each fiscal year. The
 865 state land planning agency ~~department~~ shall adopt procedural
 866 rules governing the application and review of local government
 867 requests for certification. Such procedural rules may establish
 868 a phased schedule for review of local government requests for

869 certification.

870 (7) The state land planning agency ~~department~~ shall revoke
 871 the local government's certification if it determines that the
 872 local government is not substantially complying with the terms
 873 of the agreement.

874 (9) (a) Upon certification all comprehensive plan
 875 amendments associated with the area certified must be adopted
 876 and reviewed in the manner described in s. 163.3184(5)-(11),
 877 such that state and regional agency review is eliminated. Plan
 878 amendments that qualify as small scale development amendments
 879 may follow the small scale review process in s. 163.3187. The
 880 state land planning agency ~~department~~ may not issue any
 881 objections, recommendations, and comments report on proposed
 882 plan amendments or a notice of intent on adopted plan
 883 amendments; however, affected persons, as defined by s.
 884 163.3184(1) (a), may file a petition for administrative review
 885 pursuant to the requirements of s. 163.3184(5) to challenge the
 886 compliance of an adopted plan amendment.

887 (12) A local government's certification shall be reviewed
 888 by the local government and the state land planning agency
 889 ~~department~~ as part of the evaluation and appraisal process
 890 pursuant to s. 163.3191. Within 1 year after the deadline for
 891 the local government to update its comprehensive plan based on
 892 the evaluation and appraisal report, the state land planning
 893 agency ~~department~~ shall renew or revoke the certification. The
 894 local government's failure to timely adopt necessary amendments
 895 to update its comprehensive plan based on an evaluation and
 896 appraisal, which are found to be in compliance by the state land

897 | planning agency ~~department~~, shall be cause for revoking the
 898 | certification agreement. The state land planning agency's
 899 | ~~department's~~ decision to renew or revoke shall be considered
 900 | agency action subject to challenge under s. 120.569.

901 | (13) The state land planning agency ~~department~~ shall, by
 902 | July 1 of each odd-numbered year, submit to the Governor, the
 903 | President of the Senate, and the Speaker of the House of
 904 | Representatives a report listing certified local governments,
 905 | evaluating the effectiveness of the certification, and including
 906 | any recommendations for legislative actions.

907 | Reviser's note.—Amended to conform to the repeal by s. 478, ch.
 908 | 2011-142, Laws of Florida, of s. 20.18, which created the
 909 | Department of Community Affairs.

910 | Section 20. Subsection (2) of section 163.340, Florida
 911 | Statutes, is amended to read:

912 | 163.340 Definitions.—The following terms, wherever used or
 913 | referred to in this part, have the following meanings:

914 | (2) "Public body" means the state or any county,
 915 | municipality, authority, special district as defined in s.
 916 | 165.031(7) ~~165.031(5)~~, or other public body of the state, except
 917 | a school district.

918 | Reviser's note.—Amended to conform to the redesignation of s.
 919 | 165.031(5) as s. 165.031(7) by s. 1, ch. 2012-121, Laws of
 920 | Florida.

921 | Section 21. Paragraph (c) of subsection (6) of section
 922 | 189.4042, Florida Statutes, is amended to read:

923 | 189.4042 Merger and dissolution procedures.—

924 | (6) INVOLUNTARY MERGER OF INDEPENDENT SPECIAL DISTRICTS.—

925 (c) Inactive independent special districts.—An independent
 926 special district that meets any criteria for being declared
 927 inactive, or that has already been declared inactive, pursuant
 928 to s. 189.4044 may be ~~by~~ merged by special act without a
 929 referendum.

930 Reviser's note.—Amended to conform to context.

931 Section 22. Paragraph (f) of subsection (1) of section
 932 190.046, Florida Statutes, is amended to read:

933 190.046 Termination, contraction, or expansion of
 934 district.—

935 (1) A landowner or the board may petition to contract or
 936 expand the boundaries of a community development district in the
 937 following manner:

938 (f) Petitions to amend the boundaries of the district that
 939 exceed the amount of land specified in paragraph (e) shall be
 940 processed in accordance with s. 190.005, and the petition shall
 941 include only the elements set forth in s. 190.005(1)(a)1. and
 942 5.-8. and the consent required by paragraph (g). However, the
 943 resulting administrative rule or ordinance may only amend the
 944 boundaries of the district and may not establish a new district
 945 or cause a new 6-year or 10-year period to begin pursuant to s.
 946 190.006(3)(a)2. The filing fee for such petitions shall be as
 947 set forth in s. 190.005(1)(b) ~~and (2)~~, as applicable.

948 Reviser's note.—Amended to conform to the fact that there is no
 949 reference to a fee in s. 190.005(2).

950 Section 23. Section 202.38, Florida Statutes, is repealed.

951 Reviser's note.—The repealed provision, which authorizes dealers
 952 who have paid specified taxes on telecommunications

953 services billed prior to October 1, 2001, which are no
 954 longer subject to the tax as a result of chapter 2000-260,
 955 Laws of Florida, to take a credit or obtain a refund of
 956 taxes imposed under chapter 202 on unpaid balances due on
 957 worthless accounts within 12 months following the last day
 958 of the calendar year for which the bad debt was charged off
 959 on the taxpayer's federal income tax return, is obsolete.

960 Section 24. Paragraph (b) of subsection (1) of section
 961 211.02, Florida Statutes, is amended to read:

962 211.02 Oil production tax; basis and rate of tax; tertiary
 963 oil and mature field recovery oil.—An excise tax is hereby
 964 levied upon every person who severs oil in the state for sale,
 965 transport, storage, profit, or commercial use. Except as
 966 otherwise provided in this part, the tax is levied on the basis
 967 of the entire production of oil in this state, including any
 968 royalty interest. Such tax shall accrue at the time the oil is
 969 severed and shall be a lien on production regardless of the
 970 place of sale, to whom sold, or by whom used, and regardless of
 971 the fact that delivery of the oil may be made outside the state.

972 (1) The amount of tax shall be measured by the value of
 973 the oil produced and saved or sold during a month. The value of
 974 oil shall be taxed at the following rates:

975 (b) Tertiary oil and mature field recovery oil:

- 976 1. One percent of the gross value of oil on the value of
 977 oil \$60 ~~dollars~~ and below;
- 978 2. Seven percent of the gross value of oil on the value of
 979 oil above \$60 and below \$80; and
- 980 3. Nine percent of the gross value of oil on the value of

981 oil \$80 and above.

982 Reviser's note.—Amended to confirm deletion of the word
 983 "dollars" by the editors to conform to Florida Statutes
 984 style.

985 Section 25. Paragraph (a) of subsection (2) of section
 986 215.5601, Florida Statutes, is amended to read:

987 215.5601 Lawton Chiles Endowment Fund.—

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

989 (a) "Board" means the State Board of Administration
 990 established by s. 16, Art. IX of the State Constitution of 1885
 991 and incorporated into s. 4 ~~9(e)~~, Art. IV ~~XII~~ of the State
 992 Constitution of 1968.

993 Reviser's note.—Section 4(e), Art. IV of the State Constitution
 994 of 1968 provides that the governor, chief financial
 995 officer, and attorney general constitute the state board of
 996 administration, as successor to the state board of
 997 administration established pursuant to s. 16, Art. IX of
 998 the Constitution of 1885.

999 Section 26. Paragraph (j) of subsection (2) and paragraph
 1000 (o) of subsection (8) of section 215.97, Florida Statutes, are
 1001 amended to read:

1002 215.97 Florida Single Audit Act.—

1003 (2) Definitions; as used in this section, the term:

1004 (j) "Local governmental entity" means a county as a whole,
 1005 municipality, or special district or any other entity excluding
 1006 a district school board, charter school, Florida College System
 1007 institution ~~community college~~, or public university, however
 1008 styled, which independently exercises any type of governmental

1009 function within the state.

1010 (8) Each recipient or subrecipient of state financial

1011 assistance shall comply with the following:

1012 (o) A contract involving the State University System or

1013 the Florida ~~Community~~ College System funded by state financial

1014 assistance may be in the form of:

1015 1. A fixed-price contract that entitles the provider to

1016 receive full compensation for the fixed contract amount upon

1017 completion of all contract deliverables;

1018 2. A fixed-rate-per-unit contract that entitles the

1019 provider to receive compensation for each contract deliverable

1020 provided;

1021 3. A cost-reimbursable contract that entitles the provider

1022 to receive compensation for actual allowable costs incurred in

1023 performing contract deliverables; or

1024 4. A combination of the contract forms described in

1025 subparagraphs 1., 2., and 3.

1026 Reviser's note.—Paragraph (2) (j) is amended to conform to

1027 changes in chapters 2008-52 and 2009-228, Laws of Florida,

1028 transitioning references from community colleges to Florida

1029 College System institutions. Paragraph (8) (o) is amended to

1030 substitute a reference to the Florida College System for a

1031 reference to the Florida Community College System to

1032 conform to s. 2, ch. 2008-52, which enacted s. 1001.60,

1033 creating the Florida College System.

1034 Section 27. Paragraph (f) of subsection (1) of section

1035 218.32, Florida Statutes, is amended to read:

1036 218.32 Annual financial reports; local governmental

1037 entities.—
 1038 (1)
 1039 (f) If the department does not receive a completed annual
 1040 financial report from a local governmental entity within the
 1041 required period, it shall notify the Legislative Auditing
 1042 Committee and the Special District Information Program of the
 1043 Department of Economic Opportunity ~~Community Affairs~~ of the
 1044 entity's failure to comply with the reporting requirements.
 1045 Reviser's note—Amended to confirm substitution of a reference to
 1046 the Department of Economic Opportunity for a reference to
 1047 the Department of Community Affairs by the editors. Section
 1048 65, ch. 2011-142, Laws of Florida, transferred the Special
 1049 District Information Program to the Department of Economic
 1050 Opportunity from the Department of Community Affairs.
 1051 Section 28. Paragraph (c) of subsection (4) of section
 1052 252.385, Florida Statutes, is amended to read:
 1053 252.385 Public shelter space.—
 1054 (4)
 1055 (c) The Department of Management Services shall, in
 1056 consultation with local and state emergency management agencies,
 1057 assess Department of Management Services facilities to identify
 1058 the extent to which each facility has public hurricane
 1059 evacuation shelter space. The Department of Management Services
 1060 shall submit proposed facility retrofit projects that
 1061 incorporate hurricane protection enhancements to the division
 1062 ~~department~~ for assessment and inclusion in the annual report
 1063 prepared in accordance with subsection (3).
 1064 Reviser's note.—Amended to conform to s. 98, ch. 2011-142, Laws

1065 of Florida, which revised the definition of the term
 1066 "division" for purposes of part I of chapter 252 from the
 1067 Division of Emergency Management of the Department of
 1068 Community Affairs to the Division of Emergency Management
 1069 within the Executive Office of the Governor. Section 478,
 1070 ch. 2011-142, repealed s. 20.18, which created the
 1071 Department of Community Affairs.

1072 Section 29. Subsections (1), (2), and (4) of section
 1073 252.939, Florida Statutes, are amended to read:

1074 252.939 Fees.—

1075 (1) (a) Any owner or operator of a specified stationary
 1076 source in the state which must submit a Risk Management Plan to
 1077 the United States Environmental Protection Agency under s.
 1078 112(r) (7) shall pay an annual registration fee for each
 1079 specified stationary source to the division ~~department~~. The
 1080 annual registration fee is due to the division ~~department~~ upon
 1081 initial submission of a stationary source's Risk Management Plan
 1082 to the United States Environmental Protection Agency, and every
 1083 April 1 thereafter.

1084 (b) Prior individual written notice shall be provided by
 1085 United States mail by the division ~~department~~ to owners or
 1086 operators of specified stationary sources in the state subject
 1087 to the requirements under s. 112(r) (7) to submit Risk Management
 1088 Plans and corresponding state registration fees. This notice
 1089 must include the requirements of the state fee schedule and must
 1090 be mailed at least 90 days before the due date for the specified
 1091 stationary source's initial registration and Risk Management
 1092 Plan submission year and at least 30 days before the

1093 registration fee due date for subsequent years.

1094 (c) The division ~~department~~ shall establish a fee schedule
 1095 by rule for the specified stationary sources, upon the advice
 1096 and consent of the commission. The annual registration fee must
 1097 be based on a stationary source's highest program level, as
 1098 determined under the federal implementing regulations for s.
 1099 112(r) (7) and may not exceed the following:

1100 1. Program 1 Stationary Sources \$100. Multiple Program 1
 1101 stationary sources which are under common ownership and which
 1102 have the same single chemical process, shall pay a full fee for
 1103 the first stationary source location and a 50 percent fee for
 1104 subsequent locations with no owner of such multiple stationary
 1105 sources paying more than \$1,000. To be eligible for this
 1106 multiple stationary source fee provision, one single fee payment
 1107 must be submitted by the owner of the eligible multiple
 1108 stationary source locations with a listing of the multiple
 1109 stationary source locations and the single chemical process.

1110 2. Program 2 Stationary Sources \$200. Multiple Program 2
 1111 stationary sources which are under common ownership and which
 1112 have the same single chemical process, shall pay a full fee for
 1113 the first three stationary source locations and a 50 percent fee
 1114 for subsequent locations with no owner of such multiple
 1115 stationary sources paying more than \$2,000. Multiple Program 2
 1116 stationary sources which are under common ownership and which
 1117 are classified under one of the following Standard Industrial
 1118 Classification group numbers 01, 02, or 07 shall pay a full fee,
 1119 not to exceed \$100 for the first stationary source location and
 1120 a 50 percent fee for subsequent locations with no owner of such

1121 multiple stationary sources paying more than \$800. To be
 1122 eligible for these multiple stationary source fee provisions,
 1123 one single fee payment must be submitted by the owner of the
 1124 eligible multiple stationary source locations with a listing of
 1125 the multiple stationary source locations and the chemical
 1126 process.

1127 3. Program 3 Stationary Sources \$1,000.

1128 (d) Annual registration fees under this section are not
 1129 required until after the division ~~department~~ receives final
 1130 delegation approval from the United States Environmental
 1131 Protection Agency to administer the s. 112(r)(7) Accidental
 1132 Release Prevention Program for the specified stationary sources.

1133 (2) The division ~~department~~ shall establish by rule late
 1134 fees, not to exceed 10 percent per month of the annual
 1135 registration fee owed, and not to exceed a total of 50 percent,
 1136 for failure to timely submit an annual registration fee. A late
 1137 fee may not be assessed against a stationary source during the
 1138 initial registration and submission year if 90 day's prior
 1139 written notice was not provided to that stationary source.

1140 (4) If the Legislature directs the division ~~department~~ to
 1141 seek authority to implement and enforce s. 112(r)(7) of the
 1142 Clean Air Act for additional stationary sources, the division
 1143 ~~department~~ shall, with the advice of the commission, review and
 1144 suggest revisions, if necessary and appropriate, to the fees
 1145 specified in this section.

1146 Reviser's note.— Amended to conform to s. 112, ch. 2011-142,
 1147 Laws of Florida, which replaced the definition of the term
 1148 "department" referencing the Department of Community

1149 Affairs in s. 252.936 with the term "division" referencing
 1150 the Division of Emergency Management within the Executive
 1151 Office of the Governor for purposes of part IV of chapter
 1152 252.

1153 Section 30. Subsections (1), (3), and (4) of section
 1154 252.940, Florida Statutes, are amended to read:

1155 252.940 Enforcement; procedure; remedies.-

1156 (1) The division ~~department~~ has the following enforcement
 1157 authority and remedies for specified stationary sources
 1158 available to it for violations of this part as specified in s.
 1159 252.941:

1160 (a) To institute a civil action in a court of competent
 1161 jurisdiction in order to seek injunctive relief to immediately
 1162 restrain or enjoin any person from engaging in any activity in
 1163 violation of this part which is presenting an imminent and
 1164 substantial endangerment to the public health or welfare or the
 1165 environment; and to seek injunctive relief to enforce compliance
 1166 with this part or any rule, regulation, program requirement, or
 1167 order implementing this part.

1168 (b) To institute a civil action in a court of competent
 1169 jurisdiction to impose and to recover a civil penalty for each
 1170 violation, as specified in s. 252.941(1), in an amount of not
 1171 more than \$10,000 per offense. However, the court may receive
 1172 evidence in mitigation. Each day during any portion of which
 1173 such violation occurs constitutes a separate offense.

1174 (c) To seek criminal remedies, including fines, for
 1175 violations as specified in s. 252.941(2).

1176 (d) Failure to comply with the fee provisions under s.

1177 252.939 is not a violation under s. 252.941. Section 252.939(2)
 1178 is the sole remedy for fee provisions in s. 252.939, except that
 1179 the division ~~department~~ may enforce a final order entered under
 1180 that section pursuant to s. 120.69.

1181 (3) For the purposes of this section, the division
 1182 ~~department~~ may offer and accept the use of emergency planning,
 1183 training, and response-related Supplemental Environmental
 1184 Projects, consistent with the guidelines established by the
 1185 United States Environmental Protection Agency.

1186 (4) The authorities and remedies provided under this
 1187 section shall not take effect until after such time as the
 1188 division ~~department~~ has received final delegation approval from
 1189 the United States Environmental Protection Agency to administer
 1190 the s. 112(r)(7) Accidental Release Prevention Program for
 1191 specified stationary sources.

1192 Reviser's note.— Amended to conform to s. 112, ch. 2011-142,
 1193 Laws of Florida, which replaced the definition of the term
 1194 "department" referencing the Department of Community
 1195 Affairs in s. 252.936 with the term "division" referencing
 1196 the Division of Emergency Management within the Executive
 1197 Office of the Governor for purposes of part IV of chapter
 1198 252.

1199 Section 31. Paragraphs (a) and (c) of subsection (1) and
 1200 subsection (4) of section 252.941, Florida Statutes, are amended
 1201 to read:

1202 252.941 Prohibitions, violations, penalties, intent.—

1203 (1) It is a violation of this part, and it is prohibited
 1204 for any person to:

1205 (a) Fail to make any submittal required by this part or by
 1206 rule or regulation implementing this part, or to violate or fail
 1207 to comply with any rule, regulation, order, plan, or
 1208 certification adopted or issued by the division ~~department~~
 1209 pursuant to its lawful authority under this part, other than
 1210 fees under s. 252.939.

1211 (c) Fail to report to the appropriate representative of
 1212 the division ~~department~~, as established by division ~~department~~
 1213 rule, within 1 working day of discovery of an accidental release
 1214 of a regulated substance from the stationary source, if the
 1215 owner or operator is required to report the release to the
 1216 United States Environmental Protection Agency under s.
 1217 112(r)(6).

1218 (4) The prohibitions and violations provided under this
 1219 section shall take effect after such time as the division
 1220 ~~department~~ has received final delegation approval from the
 1221 United States Environmental Protection Agency to administer the
 1222 s. 112(r)(7) Accidental Release Prevention Program for specified
 1223 stationary sources.

1224 Reviser's note.— Amended to conform to s. 112, ch. 2011-142,
 1225 Laws of Florida, which replaced the definition of the term
 1226 "department" referencing the Department of Community
 1227 Affairs in s. 252.936 with the term "division" referencing
 1228 the Division of Emergency Management within the Executive
 1229 Office of the Governor for purposes of part IV of chapter
 1230 252.

1231 Section 32. Paragraphs (a) and (c) of subsection (1),
 1232 paragraphs (b), (c), and (d) of subsection (3), and subsections

1233 (4), (6), and (7) of section 252.942, Florida Statutes, are
 1234 amended to read:

1235 252.942 Inspections and audits.—

1236 (1) (a) Any duly authorized representative of the division
 1237 ~~department~~ may at any reasonable time enter to inspect and
 1238 audit, in order to ascertain compliance with this part or rules
 1239 adopted to implement this part, any specified stationary source
 1240 subject to the requirements of s. 112(r) (7), except a building
 1241 that is used exclusively for a private residence.

1242 (c) A person may not refuse reasonable entry or access to
 1243 any authorized representative of the division ~~department~~ who
 1244 requests entry for purposes of inspection and who presents
 1245 appropriate credentials; nor shall any person obstruct, hamper,
 1246 or interfere with such inspection.

1247 (3)

1248 (b) When a proper affidavit is made, the judge may issue
 1249 an inspection warrant if:

1250 1. It appears that the properties to be inspected may be
 1251 connected with or contain evidence of the violation of any of
 1252 the provisions of this part or any rule properly promulgated
 1253 thereunder; or

1254 2. The inspection sought is an integral part of a larger
 1255 scheme of systematic routine inspections that are necessary to,
 1256 and consistent with, the continuing efforts of the division
 1257 ~~department~~ to ensure compliance with the provisions of this part
 1258 and any rules adopted thereunder.

1259 (c) The judge shall, before issuing the warrant, have the
 1260 application for the warrant duly sworn to and subscribed by a

1261 representative of the division ~~department~~; and he or she may
 1262 receive further testimony from witnesses, supporting affidavits,
 1263 or depositions in writing to support the application. The
 1264 affidavit and further proof must set forth the facts tending to
 1265 establish the grounds specified in paragraph (b) or the reasons
 1266 for believing that such grounds exist.

1267 (d) Upon examination of the application and proofs
 1268 submitted and if satisfied that cause exists for issuing the
 1269 inspection warrant, the judge shall issue a warrant, signed by
 1270 him or her with the name of his or her office, to any division
 1271 ~~department~~ representative, which warrant will authorize the
 1272 representative to inspect the property described in the warrant.

1273 (4) The division ~~department~~ shall periodically audit Risk
 1274 Management Plans submitted by owners or operators of stationary
 1275 sources subject to s. 112(r) (7) and require revisions of such
 1276 plans when necessary to ensure compliance with this part. The
 1277 audit and revision requirements must substantially comply with
 1278 federal regulations implementing s. 112(r) (7). The division
 1279 ~~department~~ shall develop, with the advice and consent of the
 1280 commission, an annual audit work plan which identifies specified
 1281 stationary sources or audits based on the program resources
 1282 available. Stationary sources will be prioritized for audits
 1283 based on factors which include, but are not limited to,
 1284 stationary source location and proximity to population centers,
 1285 chemical characteristics and inventories, stationary source
 1286 accident history, process accident history, compliance or
 1287 inspection by allied agency programs, and the results of
 1288 stationary sources' self-audits.

1289 (6) Following an audit or inspection, the division
 1290 ~~department~~ shall issue the owner or operator a written
 1291 preliminary determination of any necessary revisions to the
 1292 stationary source Risk Management Plan to ensure that the plan
 1293 meets the requirements of this part and rules adopted to
 1294 implement this part. The preliminary determination must include
 1295 an explanation of the basis for the revisions, reflecting
 1296 industry standards and guidelines to the extent that such
 1297 standards and guidelines are applicable, and must include a
 1298 timetable for their implementation.

1299 (7) The division ~~department~~ shall provide reasonable
 1300 notice of its intent to conduct an onsite inspection or audit of
 1301 a specified stationary source. Inspections or audits may be
 1302 conducted without notice in response to an accidental release or
 1303 to protect the public health, safety, and welfare.

1304 Reviser's note.— Amended to conform to s. 112, ch. 2011-142,
 1305 Laws of Florida, which replaced the definition of the term
 1306 "department" referencing the Department of Community
 1307 Affairs in s. 252.936 with the term "division" referencing
 1308 the Division of Emergency Management within the Executive
 1309 Office of the Governor for purposes of part IV of chapter
 1310 252.

1311 Section 33. Section 252.945, Florida Statutes, is
 1312 repealed.

1313 Reviser's note.— The cited section, which authorized advancement
 1314 of a startup loan from the hazardous materials account in
 1315 the Operating Trust Fund to support initial implementation
 1316 of part IV of chapter 252, beginning October 1, 2001, to be

1317 repaid by 2006, is obsolete.

1318 Section 34. Paragraph (c) of subsection (2), paragraph (b)
 1319 of subsection (6), and subsection (15) of section 253.034,
 1320 Florida Statutes, are amended to read:

1321 253.034 State-owned lands; uses.—

1322 (2) As used in this section, the following phrases have
 1323 the following meanings:

1324 (c) "Conservation lands" means lands that are currently
 1325 managed for conservation, outdoor resource-based recreation, or
 1326 archaeological or historic preservation, except those lands that
 1327 were acquired solely to facilitate the acquisition of other
 1328 conservation lands. Lands acquired for uses other than
 1329 conservation, outdoor resource-based recreation, or
 1330 archaeological or historic preservation shall not be designated
 1331 conservation lands except as otherwise authorized under this
 1332 section. These lands shall include, but not be limited to, the
 1333 following: correction and detention facilities, military
 1334 installations and facilities, state office buildings,
 1335 maintenance yards, state university or Florida College System
 1336 institution ~~state-community college~~ campuses, agricultural field
 1337 stations or offices, tower sites, law enforcement and license
 1338 facilities, laboratories, hospitals, clinics, and other sites
 1339 that possess no significant natural or historical resources.
 1340 However, lands acquired solely to facilitate the acquisition of
 1341 other conservation lands, and for which the land management plan
 1342 has not yet been completed or updated, may be evaluated by the
 1343 Board of Trustees of the Internal Improvement Trust Fund on a
 1344 case-by-case basis to determine if they will be designated

1345 | conservation lands.

1346 |

1347 | Lands acquired by the state as a gift, through donation, or by
 1348 | any other conveyance for which no consideration was paid, and
 1349 | which are not managed for conservation, outdoor resource-based
 1350 | recreation, or archaeological or historic preservation under a
 1351 | land management plan approved by the board of trustees are not
 1352 | conservation lands.

1353 | (6) The Board of Trustees of the Internal Improvement
 1354 | Trust Fund shall determine which lands, the title to which is
 1355 | vested in the board, may be surplused. For conservation lands,
 1356 | the board shall make a determination that the lands are no
 1357 | longer needed for conservation purposes and may dispose of them
 1358 | by an affirmative vote of at least three members. In the case of
 1359 | a land exchange involving the disposition of conservation lands,
 1360 | the board must determine by an affirmative vote of at least
 1361 | three members that the exchange will result in a net positive
 1362 | conservation benefit. For all other lands, the board shall make
 1363 | a determination that the lands are no longer needed and may
 1364 | dispose of them by an affirmative vote of at least three
 1365 | members.

1366 | (b) For any lands purchased by the state on or after July
 1367 | 1, 1999, a determination shall be made by the board prior to
 1368 | acquisition as to those parcels that shall be designated as
 1369 | having been acquired for conservation purposes. No lands
 1370 | acquired for use by the Department of Corrections, the
 1371 | Department of Management Services for use as state offices, the
 1372 | Department of Transportation, except those specifically managed

PCB RCC 13-02

2013

1373 | for conservation or recreation purposes, or the State University
 1374 | System or the Florida ~~Community~~ College System shall be
 1375 | designated as having been purchased for conservation purposes.

1376 | (15) Before a building or parcel of land is offered for
 1377 | lease, sublease, or sale to a local or federal unit of
 1378 | government or a private party, it shall first be offered for
 1379 | lease to state agencies, state universities, and Florida College
 1380 | System institutions ~~community colleges~~, with priority
 1381 | consideration given to state universities and Florida College
 1382 | System institutions ~~community colleges~~. A state university or
 1383 | Florida College System institution ~~community college~~ must submit
 1384 | a plan for review and approval by the Board of Trustees of the
 1385 | Internal Improvement Trust Fund regarding the intended use of
 1386 | the building or parcel of land before approval of a lease.

1387 | Reviser's note.—Paragraph (2)(c) and subsection (15) are amended
 1388 | to conform references to community colleges to changes in
 1389 | chapters 2008-52 and 2009-228, Laws of Florida,
 1390 | transitioning references from community colleges to Florida
 1391 | College System institutions. Paragraph (6)(b) is amended to
 1392 | substitute a reference to the Florida College System for a
 1393 | reference to the Florida Community College System to
 1394 | conform to s. 2, ch. 2008-52, which enacted s. 1001.60,
 1395 | creating the Florida College System.

1396 | Section 35. Subsections (2) and (3) of section 255.2575,
 1397 | Florida Statutes, are amended to read:

1398 | 255.2575 Energy-efficient and sustainable buildings.—

1399 | (2) All county, municipal, school district, water
 1400 | management district, state university, Florida College System

PCB RCC 13-02

2013

1401 institution ~~community college~~, and state court buildings shall
 1402 be constructed to comply with a sustainable building rating
 1403 system or a national model green building code. This section
 1404 applies to all county, municipal, school district, water
 1405 management district, state university, Florida College System
 1406 institution ~~community college~~, and state court buildings the
 1407 architectural plans of which are commenced after July 1, 2008.

1408 (3) St. Petersburg College may work with the Florida
 1409 ~~Community~~ College System and may consult with the University of
 1410 Florida to provide training and educational opportunities that
 1411 will ensure that green building rating system certifying agents
 1412 (accredited professionals who possess a knowledge and
 1413 understanding of green building processes, practices, and
 1414 principles) are available to work with the entities specified in
 1415 subsection (2) as they construct public buildings to meet green
 1416 building rating system standards. St. Petersburg College may
 1417 work with the construction industry to develop an online
 1418 continuing education curriculum for use statewide by builders
 1419 constructing energy-efficient and sustainable public sector
 1420 buildings and students interested in the college's
 1421 Green/Sustainability Track in its Management and Organization
 1422 Leadership area of study. The curriculum developed may be
 1423 offered by St. Petersburg College or in cooperation with other
 1424 programs at other Florida College System institutions ~~community~~
 1425 ~~colleges~~.

1426 Reviser's note.—Subsections (2) and (3) are amended to conform
 1427 references to community colleges to changes in chapters
 1428 2008-52 and 2009-228, Laws of Florida, transitioning

1429 references from community colleges to Florida College
 1430 System institutions. Subsection (3) is also amended to
 1431 substitute a reference to the Florida College System for a
 1432 reference to the Florida Community College System to
 1433 conform to s. 2, ch. 2008-52, which enacted s. 1001.60,
 1434 creating the Florida College System.

1435 Section 36. Paragraph (c) of subsection (11) of section
 1436 259.032, Florida Statutes, is amended to read:

1437 259.032 Conservation and Recreation Lands Trust Fund;
 1438 purpose.-

1439 (11)

1440 ~~(c) The Land Management Uniform Accounting Council shall~~
 1441 ~~prepare and deliver a report on the methodology and formula for~~
 1442 ~~allocating land management funds to the Acquisition and~~
 1443 ~~Restoration Council. The Acquisition and Restoration Council~~
 1444 ~~shall review, modify as appropriate, and submit the report to~~
 1445 ~~the Board of Trustees of the Internal Improvement Trust Fund.~~
 1446 ~~The board of trustees shall review, modify as appropriate, and~~
 1447 ~~submit the report to the President of the Senate and the Speaker~~
 1448 ~~of the House of Representatives no later than December 31, 2008,~~
 1449 ~~which provides an interim management formula and a long-term~~
 1450 ~~management formula, and the methodologies used to develop the~~
 1451 ~~formulas, which shall be used to allocate land management funds~~
 1452 ~~provided for in paragraph (b) for interim and long-term~~
 1453 ~~management of all lands managed pursuant to this chapter and for~~
 1454 ~~associated contractual services. The methodology and formula for~~
 1455 ~~interim management shall be based on the estimated land~~
 1456 ~~acquisitions for the fiscal year in which the interim funds will~~

1457 | ~~be expended. The methodology and formula for long-term~~
 1458 | ~~management shall recognize, but not be limited to, the~~
 1459 | ~~following:~~

1460 | ~~1. The assignment of management intensity associated with~~
 1461 | ~~managed habitats and natural communities and the related~~
 1462 | ~~management activities to achieve land management goals provided~~
 1463 | ~~in s. 253.034(5) and subsection (10).~~

1464 | ~~a. The acres of land that require minimal effort for~~
 1465 | ~~resource preservation or restoration.~~

1466 | ~~b. The acres of land that require moderate effort for~~
 1467 | ~~resource preservation or restoration.~~

1468 | ~~c. The acres of land that require significant effort for~~
 1469 | ~~resource preservation or restoration.~~

1470 | ~~2. The assignment of management intensity associated with~~
 1471 | ~~public access, including, but not limited to:~~

1472 | ~~a. The acres of land that are open to the public but offer~~
 1473 | ~~no more than minimally developed facilities;~~

1474 | ~~b. The acres of land that have a high degree of public use~~
 1475 | ~~and offer highly developed facilities; and~~

1476 | ~~c. The acres of land that are sites that have historic~~
 1477 | ~~significance, unique natural features, or a very high degree of~~
 1478 | ~~public use.~~

1479 | ~~3. The acres of land that have a secondary manager~~
 1480 | ~~contributing to the overall management effort.~~

1481 | ~~4. The anticipated revenues generated from management of~~
 1482 | ~~the lands.~~

1483 | ~~5. The impacts of, and needs created or addressed by,~~
 1484 | ~~multiple-use management strategies.~~

1485 ~~6. The acres of land that have infestations of nonnative~~
 1486 ~~or invasive plants, animals, or fish.~~

1487
 1488 ~~In evaluating the management funding needs of lands based on the~~
 1489 ~~above categories, the lead land managing agencies shall include~~
 1490 ~~in their considerations the impacts of, and needs created or~~
 1491 ~~addressed by, multiple-use management strategies. The funding~~
 1492 ~~formulas for interim and long term management proposed by the~~
 1493 ~~agencies shall be reviewed by the Legislature during the 2009~~
 1494 ~~regular legislative session. The Legislature may reject, modify,~~
 1495 ~~or take no action relative to the proposed funding formulas. If~~
 1496 ~~no action is taken, the funding formulas shall be used in the~~
 1497 ~~allocation and distribution of funds provided in paragraph (b).~~
 1498 Reviser's note.—Amended to delete an obsolete provision.

1499 Section 37. Paragraph (d) of subsection (4) of section
 1500 282.201, Florida Statutes, is amended to read:

1501 282.201 State data center system; agency duties and
 1502 limitations.—A state data center system that includes all
 1503 primary data centers, other nonprimary data centers, and
 1504 computing facilities, and that provides an enterprise
 1505 information technology service as defined in s. 282.0041, is
 1506 established.

1507 (4) SCHEDULE FOR CONSOLIDATIONS OF AGENCY DATA CENTERS.—

1508 (d) By July 1, 2012, the Department of Highway Safety and
 1509 Motor Vehicles' Office of Commercial Vehicle Enforcement ~~Motor~~
 1510 ~~Carrier Compliance~~ shall be consolidated into the Northwood
 1511 Shared Resource Center.

1512 Reviser's note.—Amended to conform to the renaming of the office

1513 by s. 1, ch. 2012-181, Laws of Florida.
 1514 Section 38. Paragraphs (g) and (i) of subsection (1) of
 1515 section 288.1254, Florida Statutes, are amended to read:
 1516 288.1254 Entertainment industry financial incentive
 1517 program.—
 1518 (1) DEFINITIONS.—As used in this section, the term:
 1519 (g) "Production" means a theatrical or direct-to-video
 1520 motion picture; a made-for-television motion picture; visual
 1521 effects or digital animation sequences produced in conjunction
 1522 with a motion picture; a commercial; a music video; an
 1523 industrial or educational film; an infomercial; a documentary
 1524 film; a television pilot program; a presentation for a
 1525 television pilot program; a television series, including, but
 1526 not limited to, a drama, a reality show, a comedy, a soap opera,
 1527 a telenovela, a game show, an awards show, or a miniseries
 1528 production; or a digital media project by the entertainment
 1529 industry. One season of a television series is considered one
 1530 production. The term does not include a weather or market
 1531 program; a sporting event or a sporting event broadcast; a gala;
 1532 a production that solicits funds; a home shopping program; a
 1533 political program; a political documentary; political
 1534 advertising; a gambling-related project or production; a concert
 1535 production; ~~or~~ a local, regional, or Internet-distributed-only
 1536 news show or current-events show; a sports news or sports recap
 1537 show; a pornographic production; or any production deemed
 1538 obscene under chapter 847. A production may be produced on or by
 1539 film, tape, or otherwise by means of a motion picture camera;
 1540 electronic camera or device; tape device; computer; any

1541 combination of the foregoing; or any other means, method, or
 1542 device.

1543 (i) "Qualified expenditures" means production expenditures
 1544 incurred in this state by a qualified production for:

1545 1. Goods purchased or leased from, or services, including,
 1546 but not limited to, insurance costs and bonding, payroll
 1547 services, and legal fees, which are provided by, a vendor or
 1548 supplier in this state that is registered with the Department of
 1549 State or the Department of Revenue, has a physical location in
 1550 this state, and employs one or more legal residents of this
 1551 state. This does not include rebilled goods or services provided
 1552 by an in-state company from out-of-state vendors or suppliers.
 1553 When services ~~are~~ provided by the vendor or supplier include
 1554 personal services or labor, only personal services or labor
 1555 provided by residents of this state, evidenced by the required
 1556 documentation of residency in this state, qualify.

1557 2. Payments to legal residents of this state in the form
 1558 of salary, wages, or other compensation up to a maximum of
 1559 \$400,000 per resident unless otherwise specified in subsection
 1560 (4). A completed declaration of residency in this state must
 1561 accompany the documentation submitted to the office for
 1562 reimbursement.

1563
 1564 For a qualified production involving an event, such as an awards
 1565 show, the term does not include expenditures solely associated
 1566 with the event itself and not directly required by the
 1567 production. The term does not include expenditures incurred
 1568 before certification, with the exception of those incurred for a

1569 commercial, a music video, or the pickup of additional episodes
 1570 of a high-impact television series within a single season. Under
 1571 no circumstances may the qualified production include in the
 1572 calculation for qualified expenditures the original purchase
 1573 price for equipment or other tangible property that is later
 1574 sold or transferred by the qualified production for
 1575 consideration. In such cases, the qualified expenditure is the
 1576 net of the original purchase price minus the consideration
 1577 received upon sale or transfer.

1578 Reviser's note.—Paragraph (g) is amended to confirm deletion of
 1579 the word "or" by the editors. Paragraph (i) is amended to
 1580 provide clarity.

1581 Section 39. Subsection (2) of section 288.71025, Florida
 1582 Statutes, is amended to read:

1583 288.71025 Prohibited acts; penalties.—

1584 (2) In addition to any other penalties or remedies
 1585 provided under law, the department ~~office~~ may bring a civil
 1586 action in any court of competent jurisdiction against any person
 1587 for a knowing or willful violation of this section. Upon an
 1588 adverse adjudication, the court may impose a civil penalty of up
 1589 to \$500 and payment of court costs and reasonable attorney's
 1590 fees incurred by the plaintiff.

1591 Reviser's note.—Amended to conform to the repeal of s. 14.2015,
 1592 which created the Office of Tourism, Trade, and Economic
 1593 Opportunity, by s. 477, ch. 2011-142, Laws of Florida, and
 1594 the transfer of duties of the office to the Department of
 1595 Economic Opportunity by s. 4, ch. 2011-142.

1596 Section 40. Paragraph (b) of subsection (1) of section

1597 288.980, Florida Statutes, is amended to read:

1598 288.980 Military base retention; legislative intent;
1599 grants program.—

1600 (1)

1601 (b) The Florida Defense Alliance, an organization within
1602 Enterprise Florida, Inc., is designated as the organization to
1603 ensure that Florida, its resident military bases and missions,
1604 and its military host communities are in competitive positions
1605 as the United States continues its defense realignment and
1606 downsizing. The defense alliance shall serve as an overall
1607 advisory body for defense-related activity of Enterprise
1608 Florida, Inc. The Florida Defense Alliance may receive funding
1609 from appropriations made for that purpose administered by the
1610 department.

1611 Reviser's note.—Amended to confirm insertion of the word "Inc.,"
1612 by the editors to conform to the full name of Enterprise
1613 Florida, Inc.

1614 Section 41. Paragraph (a) of subsection (4) of section
1615 295.07, Florida Statutes, is amended to read:

1616 295.07 Preference in appointment and retention.—

1617 (4) The following positions are exempt from this section:

1618 (a) Those positions that are exempt from the state Career
1619 Service System under s. 110.205(2); however, all positions under
1620 the University Support Personnel System of the State University
1621 System as well as all Career Service System positions under the
1622 Florida ~~Community~~ College System and the School for the Deaf and
1623 the Blind, or the equivalent of such positions at state
1624 universities, Florida College System institutions ~~community~~

1625 | ~~colleges~~, or the School for the Deaf and the Blind, are
 1626 | included.

1627 | Reviser's note.—Amended to substitute a reference to the Florida
 1628 | College System for a reference to the Florida Community
 1629 | College System to conform to s. 2, ch. 2008-52, Laws of
 1630 | Florida, which enacted s. 1001.60, creating the Florida
 1631 | College System, and to conform a reference to community
 1632 | colleges to changes in chapters 2008-52 and 2009-228, Laws
 1633 | of Florida, transitioning references from community
 1634 | colleges to Florida College System institutions.

1635 | Section 42. Subsection (7) of section 311.101, Florida
 1636 | Statutes, is amended to read:

1637 | 311.101 Intermodal Logistics Center Infrastructure Support
 1638 | Program.—

1639 | (7) Beginning in fiscal year 2012-2013, up to \$5 million
 1640 | per year shall be made available from the State Transportation
 1641 | Trust Fund for the program. The Department of Transportation
 1642 | shall include projects proposed to be funded under this section
 1643 | in the tentative work program developed pursuant to ~~so~~ s.
 1644 | 339.135(4).

1645 | Reviser's note.—Amended to confirm substitution of the word "to"
 1646 | for the word "so" by the editors.

1647 | Section 43. Paragraph (d) of subsection (1) of section
 1648 | 316.0083, Florida Statutes, is amended to read:

1649 | 316.0083 Mark Wandall Traffic Safety Program;
 1650 | administration; report.—

1651 | (1)

1652 | (d)1. The owner of the motor vehicle involved in the

1653 violation is responsible and liable for paying the uniform
 1654 traffic citation issued for a violation of s. 316.074(1) or s.
 1655 316.075(1)(c)1. when the driver failed to stop at a traffic
 1656 signal, unless the owner can establish that:

1657 a. The motor vehicle passed through the intersection in
 1658 order to yield right-of-way to an emergency vehicle or as part
 1659 of a funeral procession;

1660 b. The motor vehicle passed through the intersection at
 1661 the direction of a law enforcement officer;

1662 c. The motor vehicle was, at the time of the violation, in
 1663 the care, custody, or control of another person;

1664 d. A uniform traffic citation was issued by a law
 1665 enforcement officer to the driver of the motor vehicle for the
 1666 alleged violation of s. 316.074(1) or s. 316.075(1)(c)1; or

1667 e. The motor vehicle's owner was deceased on or before the
 1668 date that the uniform ~~uniformed~~ traffic citation was issued, as
 1669 established by an affidavit submitted by the representative of
 1670 the motor vehicle owner's estate or other designated person or
 1671 family member.

1672 2. In order to establish such facts, the owner of the
 1673 motor vehicle shall, within 30 days after the date of issuance
 1674 of the traffic citation, furnish to the appropriate governmental
 1675 entity an affidavit setting forth detailed information
 1676 supporting an exemption as provided in this paragraph.

1677 a. An affidavit supporting an exemption under sub-
 1678 subparagraph 1.c. must include the name, address, date of birth,
 1679 and, if known, the driver license number of the person who
 1680 leased, rented, or otherwise had care, custody, or control of

1681 the motor vehicle at the time of the alleged violation. If the
 1682 vehicle was stolen at the time of the alleged offense, the
 1683 affidavit must include the police report indicating that the
 1684 vehicle was stolen.

1685 b. If a traffic citation for a violation of s. 316.074(1)
 1686 or s. 316.075(1)(c)1. was issued at the location of the
 1687 violation by a law enforcement officer, the affidavit must
 1688 include the serial number of the uniform traffic citation.

1689 c. If the motor vehicle's owner to whom a traffic citation
 1690 has been issued is deceased, the affidavit must include a
 1691 certified copy of the owner's death certificate showing that the
 1692 date of death occurred on or before the issuance of the uniform
 1693 traffic citation and one of the following:

1694 (I) A bill of sale or other document showing that the
 1695 deceased owner's motor vehicle was sold or transferred after his
 1696 or her death, but on or before the date of the alleged
 1697 violation.

1698 (II) Documentary proof that the registered license plate
 1699 belonging to the deceased owner's vehicle was returned to the
 1700 department or any branch office or authorized agent of the
 1701 department, but on or before the date of the alleged violation.

1702 (III) A copy of a police report showing that the deceased
 1703 owner's registered license plate or motor vehicle was stolen
 1704 after the owner's death, but on or before the date of the
 1705 alleged violation.

1706
 1707 Upon receipt of the affidavit and documentation required under
 1708 this sub-subparagraph, the governmental entity must dismiss the

1709 citation and provide proof of such dismissal to the person that
 1710 submitted the affidavit.

1711 3. Upon receipt of an affidavit, the person designated as
 1712 having care, custody, and control of the motor vehicle at the
 1713 time of the violation may be issued a traffic citation for a
 1714 violation of s. 316.074(1) or s. 316.075(1)(c)1. when the driver
 1715 failed to stop at a traffic signal. The affidavit is admissible
 1716 in a proceeding pursuant to this section for the purpose of
 1717 providing proof that the person identified in the affidavit was
 1718 in actual care, custody, or control of the motor vehicle. The
 1719 owner of a leased vehicle for which a traffic citation is issued
 1720 for a violation of s. 316.074(1) or s. 316.075(1)(c)1. when the
 1721 driver failed to stop at a traffic signal is not responsible for
 1722 paying the traffic citation and is not required to submit an
 1723 affidavit as specified in this subsection if the motor vehicle
 1724 involved in the violation is registered in the name of the
 1725 lessee of such motor vehicle.

1726 4. The submission of a false affidavit is a misdemeanor of
 1727 the second degree, punishable as provided in s. 775.082 or s.
 1728 775.083.

1729 Reviser's note.—Amended to confirm substitution of the word
 1730 "uniform" for the word "uniformed" by the editors to
 1731 conform to context.

1732 Section 44. Paragraph (a) of subsection (1) and subsection
 1733 (8) of section 316.640, Florida Statutes, are amended to read:

1734 316.640 Enforcement.—The enforcement of the traffic laws
 1735 of this state is vested as follows:

1736 (1) STATE.—

1737 (a)1.a. The Division of Florida Highway Patrol of the
 1738 Department of Highway Safety and Motor Vehicles; the Division of
 1739 Law Enforcement of the Fish and Wildlife Conservation
 1740 Commission; and the agents, inspectors, and officers of the
 1741 Department of Law Enforcement each have authority to enforce all
 1742 of the traffic laws of this state on all the streets and
 1743 highways thereof and elsewhere throughout the state wherever the
 1744 public has a right to travel by motor vehicle.

1745 b. University police officers may enforce all of the
 1746 traffic laws of this state when violations occur on or within
 1747 1,000 feet of any property or facilities that are under the
 1748 guidance, supervision, regulation, or control of a state
 1749 university, a direct-support organization of such state
 1750 university, or any other organization controlled by the state
 1751 university or a direct-support organization of the state
 1752 university, or when such violations occur within a specified
 1753 jurisdictional area as agreed upon in a mutual aid agreement
 1754 entered into with a law enforcement agency pursuant to s.
 1755 23.1225(1). Traffic laws may also be enforced off-campus when
 1756 hot pursuit originates on or within 1,000 feet of any such
 1757 property or facilities, or as agreed upon in accordance with the
 1758 mutual aid agreement.

1759 c. Florida College System institution ~~Community college~~
 1760 police officers may enforce all the traffic laws of this state
 1761 only when such violations occur on any property or facilities
 1762 that are under the guidance, supervision, regulation, or control
 1763 of the Florida ~~community~~ College System.

1764 d. Police officers employed by an airport authority may

1765 enforce all of the traffic laws of this state only when such
 1766 violations occur on any property or facilities that are owned or
 1767 operated by an airport authority.

1768 (I) An airport authority may employ as a parking
 1769 enforcement specialist any individual who successfully completes
 1770 a training program established and approved by the Criminal
 1771 Justice Standards and Training Commission for parking
 1772 enforcement specialists but who does not otherwise meet the
 1773 uniform minimum standards established by the commission for law
 1774 enforcement officers or auxiliary or part-time officers under s.
 1775 943.12. This sub-sub-subparagraph may not be construed to permit
 1776 the carrying of firearms or other weapons, nor shall such
 1777 parking enforcement specialist have arrest authority.

1778 (II) A parking enforcement specialist employed by an
 1779 airport authority may enforce all state, county, and municipal
 1780 laws and ordinances governing parking only when such violations
 1781 are on property or facilities owned or operated by the airport
 1782 authority employing the specialist, by appropriate state,
 1783 county, or municipal traffic citation.

1784 e. The Office of Agricultural Law Enforcement of the
 1785 Department of Agriculture and Consumer Services may enforce
 1786 traffic laws of this state.

1787 f. School safety officers may enforce all of the traffic
 1788 laws of this state when such violations occur on or about any
 1789 property or facilities that are under the guidance, supervision,
 1790 regulation, or control of the district school board.

1791 2. An agency of the state as described in subparagraph 1.
 1792 is prohibited from establishing a traffic citation quota. A

1793 violation of this subparagraph is not subject to the penalties
 1794 provided in chapter 318.

1795 3. Any disciplinary action taken or performance evaluation
 1796 conducted by an agency of the state as described in subparagraph
 1797 1. of a law enforcement officer's traffic enforcement activity
 1798 must be in accordance with written work-performance standards.
 1799 Such standards must be approved by the agency and any collective
 1800 bargaining unit representing such law enforcement officer. A
 1801 violation of this subparagraph is not subject to the penalties
 1802 provided in chapter 318.

1803 4. The Division of the Florida Highway Patrol may employ
 1804 as a traffic accident investigation officer any individual who
 1805 successfully completes instruction in traffic accident
 1806 investigation and court presentation through the Selective
 1807 Traffic Enforcement Program as approved by the Criminal Justice
 1808 Standards and Training Commission and funded through the
 1809 National Highway Traffic Safety Administration or a similar
 1810 program approved by the commission, but who does not necessarily
 1811 meet the uniform minimum standards established by the commission
 1812 for law enforcement officers or auxiliary law enforcement
 1813 officers under chapter 943. Any such traffic accident
 1814 investigation officer who makes an investigation at the scene of
 1815 a traffic accident may issue traffic citations, based upon
 1816 personal investigation, when he or she has reasonable and
 1817 probable grounds to believe that a person who was involved in
 1818 the accident committed an offense under this chapter, chapter
 1819 319, chapter 320, or chapter 322 in connection with the
 1820 accident. This subparagraph does not permit the officer to carry

1821 firearms or other weapons, and such an officer does not have
 1822 authority to make arrests.

1823 (8) TRAFFIC ENFORCEMENT AGENCY.—Any agency or governmental
 1824 entity designated in subsection (1), subsection (2), or
 1825 subsection (3), including a university, a Florida College System
 1826 institution ~~community college~~, a school board, or an airport
 1827 authority, is a traffic enforcement agency for purposes of s.
 1828 316.650.

1829 Reviser's note.—Paragraph (1)(a) and subsection (8) are amended
 1830 to conform references to community colleges to changes in
 1831 chapters 2008-52 and 2009-228, Laws of Florida,
 1832 transitioning references from community colleges to Florida
 1833 College System institutions. Paragraph (1)(a) is also
 1834 amended to substitute a reference to the Florida College
 1835 System for a reference to the community college system to
 1836 conform to s. 2, ch. 2008-52, which enacted s. 1001.60,
 1837 creating the Florida College System.

1838 Section 45. Paragraph (b) of subsection (4) of section
 1839 320.20, Florida Statutes, is amended to read:

1840 320.20 Disposition of license tax moneys.—The revenue
 1841 derived from the registration of motor vehicles, including any
 1842 delinquent fees and excluding those revenues collected and
 1843 distributed under the provisions of s. 320.081, must be
 1844 distributed monthly, as collected, as follows:

1845 (4) Notwithstanding any other provision of law except
 1846 subsections (1), (2), and (3), \$10 million shall be deposited
 1847 annually into the State Transportation Trust Fund solely for the
 1848 purposes of funding the Florida Seaport Transportation and

PCB RCC 13-02

2013

1849 Economic Development Program as provided in chapter 311 and for
 1850 funding seaport intermodal access projects of statewide
 1851 significance as provided in s. 341.053. Such revenues shall be
 1852 distributed to any port listed in s. 311.09(1), to be used for
 1853 funding projects as follows:

1854 (b) For seaport intermodal access projects as described in
 1855 s. 341.053(6) ~~341.053(5)~~ which are identified in the 5-year
 1856 Florida Seaport Mission Plan as provided in s. 311.09(3).
 1857 Funding for such projects shall be on a matching basis as
 1858 mutually determined by the Florida Seaport Transportation and
 1859 Economic Development Council and the Department of
 1860 Transportation if a minimum of 25 percent of total project funds
 1861 come from any port funds, local funds, private funds, or
 1862 specifically earmarked federal funds.

1863
 1864 Such revenues may be assigned, pledged, or set aside as a trust
 1865 for the payment of principal or interest on bonds, tax
 1866 anticipation certificates, or other form of indebtedness issued
 1867 by an individual port or appropriate local government having
 1868 jurisdiction thereof, or collectively by interlocal agreement
 1869 among any of the ports, or used to purchase credit support to
 1870 permit such borrowings. However, such debt is not a general
 1871 obligation of the state. This state covenants with holders of
 1872 such revenue bonds or other instruments of indebtedness issued
 1873 hereunder that it will not repeal or impair or amend this
 1874 subsection in any manner that will materially and adversely
 1875 affect the rights of holders so long as bonds authorized by this
 1876 subsection are outstanding. Any revenues that are not pledged to

PCB RCC 13-02

2013

1877 the repayment of bonds as authorized by this section may be used
 1878 for purposes authorized under the Florida Seaport Transportation
 1879 and Economic Development Program. This revenue source is in
 1880 addition to any amounts provided for and appropriated in
 1881 accordance with s. 311.07 and subsection (3). The Florida
 1882 Seaport Transportation and Economic Development Council shall
 1883 approve distribution of funds to ports for projects that have
 1884 been approved pursuant to s. 311.09(5)-(8), or for seaport
 1885 intermodal access projects identified in the 5-year Florida
 1886 Seaport Mission Plan as provided in s. 311.09(3) and mutually
 1887 agreed upon by the Florida Seaport Transportation and Economic
 1888 Development Council and the Department of Transportation. All
 1889 contracts for actual construction of projects authorized by this
 1890 subsection must include a provision encouraging employment of
 1891 participants in the welfare transition program. The goal for
 1892 such employment is 25 percent of all new employees employed
 1893 specifically for the project, unless the Department of
 1894 Transportation and the Florida Seaport Transportation and
 1895 Economic Development Council demonstrate that such a requirement
 1896 would severely hamper the successful completion of the project.
 1897 In such an instance, Workforce Florida, Inc., shall establish an
 1898 appropriate percentage of employees who are participants in the
 1899 welfare transition program. The council and the Department of
 1900 Transportation may perform such acts as are required to
 1901 facilitate and implement the provisions of this subsection. To
 1902 better enable the ports to cooperate to their mutual advantage,
 1903 the governing body of each port may exercise powers provided to
 1904 municipalities or counties in s. 163.01(7)(d) subject to the

1905 provisions of chapter 311 and special acts, if any, pertaining
 1906 to a port. The use of funds provided pursuant to this subsection
 1907 is limited to eligible projects listed in this subsection. The
 1908 revenues available under this subsection may not be pledged to
 1909 the payment of any bonds other than the Florida Ports Financing
 1910 Commission Series 1996 and Series 1999 Bonds currently
 1911 outstanding; however, such revenues may be pledged to secure
 1912 payment of refunding bonds to refinance the Florida Ports
 1913 Financing Commission Series 1996 and Series 1999 Bonds.
 1914 Refunding bonds secured by revenues available under this
 1915 subsection may not be issued with a final maturity later than
 1916 the final maturity of the Florida Ports Financing Commission
 1917 Series 1996 and Series 1999 Bonds or which provide for higher
 1918 debt service in any year than is currently payable on such
 1919 bonds. Any revenue bonds or other indebtedness issued after July
 1920 1, 2000, other than refunding bonds shall be issued by the
 1921 Division of Bond Finance at the request of the Department of
 1922 Transportation pursuant to the State Bond Act.
 1923 Reviser's note.—Amended to conform to s. 50, ch. 97-278, Laws of
 1924 Florida, and s. 10, ch. 97-280, Laws of Florida, which
 1925 enacted s. 320.20(4)(b), including the reference to s.
 1926 341.053(5); s. 341.053(5) was redesignated as subsection
 1927 (6) by s. 47, ch. 99-385, Laws of Florida.
 1928 Section 46. Subsection (4) of section 322.142, Florida
 1929 Statutes, is amended to read:
 1930 322.142 Color photographic or digital imaged licenses.—
 1931 (4) The department may maintain a film negative or print
 1932 file. The department shall maintain a record of the digital

PCB RCC 13-02

2013

1933 image and signature of the licensees, together with other data
 1934 required by the department for identification and retrieval.
 1935 Reproductions from the file or digital record are exempt from
 1936 the provisions of s. 119.07(1) and shall be made and issued only
 1937 for departmental administrative purposes; for the issuance of
 1938 duplicate licenses; in response to law enforcement agency
 1939 requests; to the Department of Business and Professional
 1940 Regulation pursuant to an interagency agreement for the purpose
 1941 of accessing digital images for reproduction of licenses issued
 1942 by the Department of Business and Professional Regulation; to
 1943 the Department of State pursuant to an interagency agreement to
 1944 facilitate determinations of eligibility of voter registration
 1945 applicants and registered voters in accordance with ss. 98.045
 1946 and 98.075; to the Department of Revenue pursuant to an
 1947 interagency agreement for use in establishing paternity and
 1948 establishing, modifying, or enforcing support obligations in
 1949 Title IV-D cases; to the Department of Children and Family
 1950 Services pursuant to an interagency agreement to conduct
 1951 protective investigations under part III of chapter 39 and
 1952 chapter 415; to the Department of Children and Family Services
 1953 pursuant to an interagency agreement specifying the number of
 1954 employees in each of that department's regions to be granted
 1955 access to the records for use as verification of identity to
 1956 expedite the determination of eligibility for public assistance
 1957 and for use in public assistance fraud investigations; to the
 1958 Department of Financial Services pursuant to an interagency
 1959 agreement to facilitate the location of owners of unclaimed
 1960 property, the validation of unclaimed property claims, and the

1961 identification of fraudulent or false claims; or to district
 1962 medical examiners pursuant to an interagency agreement for the
 1963 purpose of identifying a deceased individual, determining cause
 1964 of death, and notifying next of kin of any investigations,
 1965 including autopsies and other laboratory examinations,
 1966 authorized in s. 406.11 ~~406.011~~.

1967 Reviser's note.—Amended to correct an apparent error. Section
 1968 406.011 does not exist. Section 406.11 relates to
 1969 examinations, investigations, and autopsies by medical
 1970 examiners to determine cause of death of deceased humans.
 1971 Section 47. Subsections (8) and (9) of section 322.21,
 1972 Florida Statutes, are reenacted to read:

1973 322.21 License fees; procedure for handling and collecting
 1974 fees.—

1975 (8) Any person who applies for reinstatement following the
 1976 suspension or revocation of the person's driver's license must
 1977 pay a service fee of \$45 following a suspension, and \$75
 1978 following a revocation, which is in addition to the fee for a
 1979 license. Any person who applies for reinstatement of a
 1980 commercial driver's license following the disqualification of
 1981 the person's privilege to operate a commercial motor vehicle
 1982 shall pay a service fee of \$75, which is in addition to the fee
 1983 for a license. The department shall collect all of these fees at
 1984 the time of reinstatement. The department shall issue proper
 1985 receipts for such fees and shall promptly transmit all funds
 1986 received by it as follows:

1987 (a) Of the \$45 fee received from a licensee for
 1988 reinstatement following a suspension, the department shall

1989 deposit \$15 in the General Revenue Fund and \$30 in the Highway
 1990 Safety Operating Trust Fund.

1991 (b) Of the \$75 fee received from a licensee for
 1992 reinstatement following a revocation or disqualification, the
 1993 department shall deposit \$35 in the General Revenue Fund and \$40
 1994 in the Highway Safety Operating Trust Fund.

1995
 1996 If the revocation or suspension of the driver's license was for
 1997 a violation of s. 316.193, or for refusal to submit to a lawful
 1998 breath, blood, or urine test, an additional fee of \$130 must be
 1999 charged. However, only one \$130 fee may be collected from one
 2000 person convicted of violations arising out of the same incident.
 2001 The department shall collect the \$130 fee and deposit the fee
 2002 into the Highway Safety Operating Trust Fund at the time of
 2003 reinstatement of the person's driver's license, but the fee may
 2004 not be collected if the suspension or revocation is overturned.
 2005 If the revocation or suspension of the driver's license was for
 2006 a conviction for a violation of s. 817.234(8) or (9) or s.
 2007 817.505, an additional fee of \$180 is imposed for each offense.
 2008 The department shall collect and deposit the additional fee into
 2009 the Highway Safety Operating Trust Fund at the time of
 2010 reinstatement of the person's driver's license.

2011 (9) An applicant:

2012 (a) Requesting a review authorized in s. 322.222, s.
 2013 322.2615, s. 322.2616, s. 322.27, or s. 322.64 must pay a filing
 2014 fee of \$25 to be deposited into the Highway Safety Operating
 2015 Trust Fund.

2016 (b) Petitioning the department for a hearing authorized in

2017 s. 322.271 must pay a filing fee of \$12 to be deposited into the
 2018 Highway Safety Operating Trust Fund.

2019 Reviser's note.—Reenacted to confirm restoration by the editors
 2020 of the paragraph at the end of subsection (8). The flush
 2021 left paragraph was created as part of subsection (8) by s.
 2022 4, ch. 2003-410, Laws of Florida. Section 36, ch. 2009-71,
 2023 Laws of Florida, amended s. 322.21, inserting a new
 2024 subsection (9) before the flush left paragraph at the end
 2025 of subsection (8). Subsection (9) relates to payment of
 2026 filing fees; subsection (8), including the flush left
 2027 paragraph, relates to reinstatement fees following license
 2028 suspension or revocation.

2029 Section 48. Subsection (2) of section 322.2615, Florida
 2030 Statutes, is amended to read:

2031 322.2615 Suspension of license; right to review.—

2032 (2) Except as provided in paragraph (1)(a), the law
 2033 enforcement officer shall forward to the department, within 5
 2034 days after issuing the notice of suspension, the driver's
 2035 license; an affidavit stating the officer's grounds for belief
 2036 that the person was driving or in actual physical control of a
 2037 motor vehicle while under the influence of alcoholic beverages
 2038 or chemical or controlled substances; the results of any breath
 2039 or blood test or an affidavit stating that a breath, blood, or
 2040 urine test was requested by a law enforcement officer or
 2041 correctional officer and that the person refused to submit; the
 2042 officer's description of the person's field sobriety test, if
 2043 any; and the notice of suspension. The failure of the officer to
 2044 submit materials within the 5-day period specified in this

PCB RCC 13-02

2013

2045 subsection and in subsection (1) does not affect the
 2046 department's ability to consider any evidence submitted at or
 2047 prior to the hearing. The officer may also submit a copy of the
 2048 crash report and a copy of a videotape of the field sobriety
 2049 test or the attempt to administer such test. Materials submitted
 2050 to the department by a law enforcement agency or correctional
 2051 agency shall be considered self-authenticating and shall be in
 2052 the record for consideration by the hearing officer.

2053 Notwithstanding s. 316.066(4) ~~316.066(5)~~, the crash report shall
 2054 be considered by the hearing officer.

2055 Reviser's note.—Amended to substitute a reference to s.
 2056 316.066(4) for a reference to s. 316.066(5). Section 7, ch.
 2057 2011-66, Laws of Florida, renumbered subsection (5) as
 2058 subsection (4).

2059 Section 49. Subsection (3) of section 339.0805, Florida
 2060 Statutes, is reenacted, and paragraph (d) of that subsection is
 2061 amended to read:

2062 339.0805 Funds to be expended with certified disadvantaged
 2063 business enterprises; construction management development
 2064 program; bond guarantee program.—It is the policy of the state
 2065 to meaningfully assist socially and economically disadvantaged
 2066 business enterprises through a program that will provide for the
 2067 development of skills through construction and business
 2068 management training, as well as by providing contracting
 2069 opportunities and financial assistance in the form of bond
 2070 guarantees, to primarily remedy the effects of past economic
 2071 disparity.

2072 (3) The head of the department may expend up to 6 percent

2073 of the funds specified in subsection (1) which are designated to
 2074 be expended on small business firms owned and controlled by
 2075 socially and economically disadvantaged individuals to conduct,
 2076 by contract or otherwise, a construction management development
 2077 program. Participation in the program will be limited to those
 2078 firms which are certified under the provisions of subsection (1)
 2079 by the department or the federal Small Business Administration
 2080 or to any firm which meets the definition of a small business in
 2081 49 C.F.R. s. 26.65. The program shall consist of classroom
 2082 instruction and on-the-job instruction. To the extent feasible,
 2083 the registration fee shall be set to cover the cost of
 2084 instruction and overhead. Salary may not be paid to any
 2085 participant.

2086 (a) Classroom instruction will consist of, but is not
 2087 limited to, project planning methods for identifying personnel,
 2088 equipment, and financial resource needs; bookkeeping; state
 2089 bidding and bonding requirements; state and federal tax
 2090 requirements; and strategies for obtaining loans, bonding, and
 2091 joint venture agreements.

2092 (b) On-the-job instruction will consist of, but is not
 2093 limited to, setting up the job site; cash-flow methods; project
 2094 scheduling; quantity takeoffs; estimating; reading plans and
 2095 specifications; department procedures on billing and payments;
 2096 quality assessment and control methods; and bid preparation
 2097 methods.

2098 (c) Contractors who have demonstrated satisfactory project
 2099 performance, as defined by the department, can be exempted from
 2100 the provisions of paragraphs (a) and (b) and be validated as

2101 meeting the minimum curriculum standards of proficiency, in the
 2102 same manner as participants who successfully complete the
 2103 construction management development program only if they intend
 2104 to apply for funds provided for in subsection (4).

2105 (d) The department shall develop, under contract with the
 2106 State University System, the Florida ~~community~~ College System, a
 2107 school district in behalf of its career center, or a private
 2108 consulting firm, a curriculum for instruction in the courses
 2109 that will lead to a certification of proficiency in the
 2110 construction management development program.

2111 Reviser's note.—Section 52, ch. 2012-174, Laws of Florida,
 2112 purported to amend subsection (3) but did not publish
 2113 paragraphs (a)-(d). Absent affirmative evidence of
 2114 legislative intent to repeal paragraphs (a)-(d), subsection
 2115 (3) is reenacted to confirm that the omission was not
 2116 intended. Paragraph (3)(d) is amended to substitute a
 2117 reference to the Florida College System for a reference to
 2118 the Florida Community College System to conform to s. 2,
 2119 ch. 2008-52, Laws of Florida, which enacted s. 1001.60,
 2120 creating the Florida College System.

2121 Section 50. Paragraphs (b), (c), (d), (e), and (f) of
 2122 subsection (7) of section 339.135, Florida Statutes, are amended
 2123 to read:

2124 339.135 Work program; legislative budget request;
 2125 definitions; preparation, adoption, execution, and amendment.—

2126 (7) AMENDMENT OF THE ADOPTED WORK PROGRAM.—

2127 (b) The department may not transfer any funds for any
 2128 project or project phase between department districts. However,

2129 a district secretary may agree to a loan of funds to another
 2130 district, if:

2131 1. The funds are used solely to maximize the use or amount
 2132 of funds available to the state;

2133 2. The loan agreement is executed in writing and is signed
 2134 by the district secretaries of the respective districts;

2135 3. Repayment of the loan is to be made within 3 years
 2136 after the date on which the agreement was entered into; and

2137 4. The adopted work program of the district loaning the
 2138 funds would not be substantially impaired if the loan were made,
 2139 according to the district secretary.

2140
 2141 The loan constitutes an amendment to the adopted work program
 2142 and is subject to the procedures specified in paragraph (c) ~~(e)~~.

2143 (c) The department may amend the adopted work program to
 2144 transfer fixed capital outlay appropriations for projects within
 2145 the same appropriations category or between appropriations
 2146 categories, including the following amendments which shall be
 2147 subject to the procedures in paragraph (d) ~~(f)~~:

2148 1. Any amendment which deletes any project or project
 2149 phase estimated to cost over \$150,000;

2150 2. Any amendment which adds a project estimated to cost
 2151 over \$500,000 in funds appropriated by the Legislature;

2152 3. Any amendment which advances or defers to another
 2153 fiscal year, a right-of-way phase, a construction phase, or a
 2154 public transportation project phase estimated to cost over \$1.5
 2155 million in funds appropriated by the Legislature, except an
 2156 amendment advancing a phase by 1 year to the current fiscal year

2157 or deferring a phase for a period of 90 days or less; or
 2158 4. Any amendment which advances or defers to another
 2159 fiscal year, any preliminary engineering phase or design phase
 2160 estimated to cost over \$500,000 in funds appropriated by the
 2161 Legislature, except an amendment advancing a phase by 1 year to
 2162 the current fiscal year or deferring a phase for a period of 90
 2163 days or less.

2164
 2165 Beginning July 1, 2013, the department shall index the budget
 2166 amendment threshold amounts established in this paragraph to the
 2167 Consumer Price Index or similar inflation indicators. Threshold
 2168 adjustments for inflation under this paragraph may be made no
 2169 more frequently than once a year. Adjustments for inflation are
 2170 subject to the notice and review procedures contained in s.
 2171 216.177.

2172 (d)1. Whenever the department proposes any amendment to
 2173 the adopted work program, as defined in subparagraph (c)1. ~~(e)1.~~
 2174 or subparagraph (c)3. ~~(e)3.~~, which deletes or defers a
 2175 construction phase on a capacity project, it shall notify each
 2176 county affected by the amendment and each municipality within
 2177 the county. The notification shall be issued in writing to the
 2178 chief elected official of each affected county, each
 2179 municipality within the county, and the chair of each affected
 2180 metropolitan planning organization. Each affected county and
 2181 each municipality in the county is encouraged to coordinate with
 2182 each other in order to determine how the amendment affects local
 2183 concurrency management and regional transportation planning
 2184 efforts. Each affected county, and each municipality within the

2185 county, shall have 14 days to provide written comments to the
 2186 department regarding how the amendment will affect its
 2187 respective concurrency management systems, including whether any
 2188 development permits were issued contingent upon the capacity
 2189 improvement, if applicable. After receipt of written comments
 2190 from the affected local governments, the department shall
 2191 include any written comments submitted by such local governments
 2192 in its preparation of the proposed amendment.

2193 2. Following the 14-day comment period in subparagraph 1.,
 2194 if applicable, whenever the department proposes any amendment to
 2195 the adopted work program, which amendment is defined in
 2196 subparagraph (c)1. ~~(e)1.~~, subparagraph (c)2. ~~(e)2.~~, subparagraph
 2197 (c)3. ~~(e)3.~~, or subparagraph (c)4. ~~(e)4.~~, it shall submit the
 2198 proposed amendment to the Governor for approval and shall
 2199 immediately notify the chairs of the legislative appropriations
 2200 committees, the chairs of the legislative transportation
 2201 committees, and each member of the Legislature who represents a
 2202 district affected by the proposed amendment. It shall also
 2203 notify each metropolitan planning organization affected by the
 2204 proposed amendment, and each unit of local government affected
 2205 by the proposed amendment, unless it provided to each the
 2206 notification required by subparagraph 1. Such proposed amendment
 2207 shall provide a complete justification of the need for the
 2208 proposed amendment.

2209 3. The Governor may not approve a proposed amendment until
 2210 14 days following the notification required in subparagraph 2.

2211 4. If either of the chairs of the legislative
 2212 appropriations committees or the President of the Senate or the

2213 Speaker of the House of Representatives objects in writing to a
 2214 proposed amendment within 14 days following notification and
 2215 specifies the reasons for such objection, the Governor shall
 2216 disapprove the proposed amendment.

2217 (e) Notwithstanding paragraphs (d) ~~(f)~~ and (g) ~~(i)~~ and ss.
 2218 216.177(2) and 216.351, the secretary may request the Executive
 2219 Office of the Governor to amend the adopted work program when an
 2220 emergency exists, as defined in s. 252.34, and the emergency
 2221 relates to the repair or rehabilitation of any state
 2222 transportation facility. The Executive Office of the Governor
 2223 may approve the amendment to the adopted work program and amend
 2224 that portion of the department's approved budget if a delay
 2225 incident to the notification requirements in paragraph (d) ~~(f)~~
 2226 would be detrimental to the interests of the state. However, the
 2227 department shall immediately notify the parties specified in
 2228 paragraph (d) ~~(f)~~ and provide such parties written justification
 2229 for the emergency action within 7 days after approval by the
 2230 Executive Office of the Governor of the amendment to the adopted
 2231 work program and the department's budget. The adopted work
 2232 program may not be amended under this subsection without
 2233 certification by the comptroller of the department that there
 2234 are sufficient funds available pursuant to the 36-month cash
 2235 forecast and applicable statutes.

2236 (f) The department may authorize the investment of the
 2237 earnings accrued and collected upon the investment of the
 2238 minimum balance of funds required to be maintained in the State
 2239 Transportation Trust Fund pursuant to former paragraph (b).
 2240 Reviser's note.—Amended to conform to the repeal of s.

2241 339.135(7)(a) and (b) by s. 5, ch. 2012-6, Laws of Florida.
 2242 Section 51. Subsection (2) of section 339.2825, Florida
 2243 Statutes, is amended to read:
 2244 339.2825 Approval of contractor-financed projects.—
 2245 (2) If the department receives an unsolicited proposal
 2246 pursuant to s. 334.30 to advance a project programmed in the
 2247 adopted 5-year work program or in the 10-year Strategic
 2248 Intermodal Plan using funds provided by public-private
 2249 partnerships or private entities to be reimbursed from
 2250 department funds for the project as programmed in the adopted
 2251 work program, the department shall provide a summary of the
 2252 proposed project to the Executive Office of the Governor, the
 2253 chair of each legislative appropriations committee, the
 2254 President of the Senate, and the Speaker of the House of
 2255 Representatives before the department advertises receipt of the
 2256 proposal as provided in s. 334.30. The summary must include a
 2257 description of any anticipated commitments by the department for
 2258 the years outside the adopted work program, a description of any
 2259 anticipated impacts on the department's overall debt load, and
 2260 sufficient information to demonstrate that the project will not
 2261 cause the department to exceed the overall debt limitation
 2262 provided in s. 339.139 ~~339.14~~. The department may not accept the
 2263 unsolicited proposal, advertise receipt of the unsolicited
 2264 proposal, or solicit other proposals for the same project
 2265 purpose without the approval of the Executive Office of the
 2266 Governor. If the chair of either legislative appropriations
 2267 committee, the President of the Senate, or the Speaker of the
 2268 House of Representatives objects to the proposed project in

2269 writing within 14 days after receipt of the summary, the
 2270 Executive Office of the Governor may not approve the proposed
 2271 project.

2272 Reviser's note.—Amended to correct an apparent error. Section
 2273 339.14 was transferred to s. 336.50 in 1957 and repealed in
 2274 1984. Section 339.139 relates to overall debt limitation.
 2275 Section 52. Paragraph (a) of subsection (3) of section
 2276 341.840, Florida Statutes, is amended to read:

2277 341.840 Tax exemption.—

2278 (3) (a) Purchases or leases of tangible personal property
 2279 or real property by the enterprise, excluding agents of the
 2280 enterprise, are exempt from taxes imposed by chapter 212 as
 2281 provided in s. 212.08(6). Purchases or leases of tangible
 2282 personal property that is incorporated into the high-speed rail
 2283 system as a component part thereof, as determined by the
 2284 enterprise, by agents of the enterprise or the owner of the
 2285 high-speed rail system are exempt from sales or use taxes
 2286 imposed by chapter 212. Leases, rentals, or licenses to use real
 2287 property granted to agents of the enterprise or the owner of the
 2288 high-speed rail system are exempt from taxes imposed by s.
 2289 212.031 if the real property becomes part of such system. The
 2290 exemptions granted in this subsection do not apply to sales,
 2291 leases, or licenses by the enterprise, agents of the enterprise
 2292 authority, or the owner of the high-speed rail system.

2293 Reviser's note.—Amended to conform to the replacement of the
 2294 Florida High-Speed Rail Authority with the Florida Rail
 2295 Enterprise by ch. 2009-271, Laws of Florida, and the repeal
 2296 by s. 12, ch. 2009-271, of s. 341.821, which created and

2297 | established the authority.

2298 | Section 53. Subsection (8) of section 343.805, Florida
 2299 | Statutes, is amended to read:

2300 | 343.805 Definitions.—As used in this part, the term:

2301 | (8) "State Board of Administration" means the body
 2302 | corporate existing under the provisions of s. 4 9, Art. IV ~~XII~~
 2303 | of the State Constitution, or any successor thereto.

2304 |

2305 | Terms importing singular number include the plural number in
 2306 | each case and vice versa, and terms importing persons include
 2307 | firms and corporations.

2308 | Reviser's note.—Section 4(e), Art. IV of the State Constitution
 2309 | of 1968 provides that the governor, chief financial
 2310 | officer, and attorney general constitute the state board of
 2311 | administration, as successor to the state board of
 2312 | administration established pursuant to s. 16, Art. IX of
 2313 | the Constitution of 1885.

2314 | Section 54. Paragraph (1) of subsection (1) of section
 2315 | 343.91, Florida Statutes, is amended to read:

2316 | 343.91 Definitions.—

2317 | (1) As used in this part, the term:

2318 | (1) "State Board of Administration" means the body
 2319 | corporate existing under the provisions of s. 4 9, Art. IV ~~XII~~
 2320 | of the State Constitution, or any successor thereto.

2321 | Reviser's note.—Section 4(e), Art. IV of the State Constitution
 2322 | of 1968 provides that the governor, chief financial
 2323 | officer, and attorney general constitute the state board of
 2324 | administration, as successor to the state board of

2325 administration established pursuant to s. 16, Art. IX of
 2326 the Constitution of 1885.
 2327 Section 55. Section 344.17, Florida Statutes, is amended
 2328 to read:
 2329 344.17 Depositories and investments.—All moneys received
 2330 by the Chief Financial Officer as treasurer of the State Board
 2331 of Administration, a body corporate under s. 4 9, Art. IV ~~XII~~ of
 2332 the State Constitution, shall be deposited by the treasurer in a
 2333 solvent bank or banks, to be approved and accepted for such
 2334 purposes by the board. In making such deposits, he or she shall
 2335 follow the method for the deposit of state funds. Each bank
 2336 receiving any portion of such funds shall be required to deposit
 2337 with such treasurer satisfactory bonds or treasury certificates
 2338 of the United States; bonds of the several states; special tax
 2339 school district bonds; bonds of any municipality eligible to
 2340 secure state deposits as provided by law; bonds of any county or
 2341 special road and bridge district of this state entitled to
 2342 participate under the provisions of s. 16, Art. IX of the State
 2343 Constitution of 1885, as adopted by the 1968 revised
 2344 constitution, and of s. 9, Art. XII of that revision; bonds
 2345 issued under the provisions of s. 18, Art. XII of the State
 2346 Constitution of 1885, as adopted by s. 9, Art. XII of the 1968
 2347 revised constitution; or bonds, notes, or certificates issued by
 2348 the Florida State Improvement Commission or its successors, the
 2349 Florida Development Commission and the Division of Bond Finance
 2350 of the State Board of Administration, which contain a pledge of
 2351 the 80-percent surplus 2-cent constitutional gasoline tax
 2352 accruing under s. 16, Art. IX of the State Constitution of 1885,

2353 as adopted by the 1968 revised constitution, and under s. 9,
 2354 Art. XII of that revision, which shall be equal to the amount
 2355 deposited with such bank. Such security shall be in the
 2356 possession of such treasurer; or the treasurer is authorized to
 2357 accept, in lieu of the actual depositing with him or her of such
 2358 security, trust or safekeeping receipts issued by any Federal
 2359 Reserve Bank, or member bank thereof, or by any bank
 2360 incorporated under the laws of the United States; provided the
 2361 member bank or bank incorporated under the laws of the United
 2362 States has been previously approved and accepted for such
 2363 purposes by the State Board of Administration and the trust or
 2364 safekeeping receipts are in substantially the same form as that
 2365 which the Chief Financial Officer is authorized to accept in
 2366 lieu of securities given to cover deposits of state funds.

2367 Reviser's note.—Section 4(e), Art. IV of the State Constitution
 2368 of 1968 provides that the governor, chief financial
 2369 officer, and attorney general constitute the state board of
 2370 administration, as successor to the state board of
 2371 administration established pursuant to s. 16, Art. IX of
 2372 the Constitution of 1885.

2373 Section 56. Subsection (14) of section 348.752, Florida
 2374 Statutes, is amended to read:

2375 348.752 Definitions.—The following terms, whenever used or
 2376 referred to in this law, shall have the following meanings,
 2377 except in those instances where the context clearly indicates
 2378 otherwise:

2379 (14) The term "State Board of Administration" means the
 2380 body corporate existing under the provisions of s. 4 9, Art. IV

2381 ~~XII~~ of the State Constitution, or any successor thereto.
 2382 Reviser's note.—Section 4(e), Art. IV of the State Constitution
 2383 of 1968 provides that the governor, chief financial
 2384 officer, and attorney general constitute the state board of
 2385 administration, as successor to the state board of
 2386 administration established pursuant to s. 16, Art. IX of
 2387 the Constitution of 1885.

2388 Section 57. Paragraph (h) of subsection (1) of section
 2389 349.02, Florida Statutes, is amended to read:

2390 349.02 Definitions.—

2391 (1) Except in those instances where the context clearly
 2392 indicates otherwise, whenever used or referred to in this
 2393 chapter, the following terms shall have the following meanings:

2394 (h) "State Board of Administration" means the body
 2395 corporate existing under the provisions of s. 49, Art. IV ~~XII~~
 2396 of the State Constitution or any successor thereto.

2397 Reviser's note.—Section 4(e), Art. IV of the State Constitution
 2398 of 1968 provides that the governor, chief financial
 2399 officer, and attorney general constitute the state board of
 2400 administration, as successor to the state board of
 2401 administration established pursuant to s. 16, Art. IX of
 2402 the Constitution of 1885.

2403 Section 58. Subsection (5) of section 373.227, Florida
 2404 Statutes, is amended to read:

2405 373.227 Water conservation; legislative findings;
 2406 legislative intent; objectives; comprehensive statewide water
 2407 conservation program requirements.—

2408 ~~(5) By December 1, 2005, the department shall submit a~~

2409 | ~~written report to the President of the Senate, the Speaker of~~
 2410 | ~~the House of Representatives, and the appropriate substantive~~
 2411 | ~~committees of the Senate and the House of Representatives on the~~
 2412 | ~~progress made in implementing the comprehensive statewide water~~
 2413 | ~~conservation program for public water supply required by this~~
 2414 | ~~section. The report must include any statutory changes and~~
 2415 | ~~funding requests necessary for the continued development and~~
 2416 | ~~implementation of the program.~~

2417 | Reviser's note.—Amended to delete an obsolete provision.

2418 | Section 59. Paragraph (a) of subsection (5) of section
 2419 | 373.250, Florida Statutes, is amended to read:

2420 | 373.250 Reuse of reclaimed water.—

2421 | (5) (a) No later than October 1, 2012, the department shall
 2422 | initiate rulemaking to adopt revisions to the water resource
 2423 | implementation rule, as defined in s. 373.019(25) ~~373.019(23)~~,
 2424 | which shall include:

2425 | 1. Criteria for the use of a proposed impact offset
 2426 | derived from the use of reclaimed water when a water management
 2427 | district evaluates an application for a consumptive use permit.
 2428 | As used in this subparagraph, the term "impact offset" means the
 2429 | use of reclaimed water to reduce or eliminate a harmful impact
 2430 | that has occurred or would otherwise occur as a result of other
 2431 | surface water or groundwater withdrawals.

2432 | 2. Criteria for the use of substitution credits where a
 2433 | water management district has adopted rules establishing
 2434 | withdrawal limits from a specified water resource within a
 2435 | defined geographic area. As used in this subparagraph, the term
 2436 | "substitution credit" means the use of reclaimed water to

2437 | replace all or a portion of an existing permitted use of
 2438 | resource-limited surface water or groundwater, allowing a
 2439 | different user or use to initiate a withdrawal or increase its
 2440 | withdrawal from the same resource-limited surface water or
 2441 | groundwater source provided that the withdrawal creates no net
 2442 | adverse impact on the limited water resource or creates a net
 2443 | positive impact if required by water management district rule as
 2444 | part of a strategy to protect or recover a water resource.

2445 | Reviser's note.—Amended to conform to the redesignation of s.
 2446 | 373.019(23) as s. 373.019(25) by s. 1, ch. 2012-150, Laws
 2447 | of Florida.

2448 | Section 60. Paragraph (d) of subsection (4) and paragraph
 2449 | (a) of subsection (6) of section 373.536, Florida Statutes, are
 2450 | amended to read:

2451 | 373.536 District budget and hearing thereon.—

2452 | (4) BUDGET CONTROLS; FINANCIAL INFORMATION.—

2453 | (d) In the event of a disaster or of an emergency arising
 2454 | to prevent or avert the same, the governing board is not ~~be~~
 2455 | limited by the budget but may expend funds available for the
 2456 | disaster or emergency or as may be procured for such purpose. In
 2457 | such an event, the governing board shall notify the Executive
 2458 | Office of the Governor and the Legislative Budget Commission as
 2459 | soon as practical, but within 30 days after the governing
 2460 | board's action.

2461 | (6) FINAL BUDGET; ANNUAL AUDIT; CAPITAL IMPROVEMENTS PLAN;
 2462 | WATER RESOURCE DEVELOPMENT WORK PROGRAM.—

2463 | (a) Each district must, by the date specified for each
 2464 | item, furnish copies of the following documents to the Governor,

2465 | the President of the Senate, the Speaker of the House of
 2466 | Representatives, the chairs of all legislative committees and
 2467 | subcommittees having substantive or fiscal jurisdiction over the
 2468 | districts, as determined by the President of the Senate or the
 2469 | Speaker of the House of Representatives as applicable, the
 2470 | secretary of the department, and the governing board of each
 2471 | county in which the district has jurisdiction or derives any
 2472 | funds for the operations of the district:

2473 | 1. The adopted budget, to be furnished within 10 days
 2474 | after its adoption.

2475 | 2. A financial audit of its accounts and records, to be
 2476 | furnished within 10 days after its acceptance by the governing
 2477 | board. The audit must be conducted in accordance with s. 11.45
 2478 | and the rules adopted thereunder. In addition to the entities
 2479 | named above, the district must provide a copy of the audit to
 2480 | the Auditor General within 10 days after its acceptance by the
 2481 | governing board.

2482 | 3. A 5-year capital improvements plan, to be included in
 2483 | the consolidated annual report required by s. 373.036(7). The
 2484 | plan must include expected sources of revenue for planned
 2485 | improvements and must be prepared in a manner comparable to the
 2486 | fixed capital outlay format set forth in s. 216.043.

2487 | 4. A 5-year water resource development work program to be
 2488 | furnished within 30 days after the adoption of the final budget.
 2489 | The program must describe the district's implementation strategy
 2490 | and funding plan for the water resource, water supply, and
 2491 | alternative water supply development components of each approved
 2492 | regional water supply plan developed or revised under s.

2493 373.709. The work program must address all the elements of the
 2494 water resource development component in the district's approved
 2495 regional water supply plans and must identify ~~which~~ projects in
 2496 the work program which will provide water; explain how each
 2497 water resource, water supply, and alternative water supply
 2498 development project will produce additional water available for
 2499 consumptive uses; estimate the quantity of water to be produced
 2500 by each project; and provide an assessment of the contribution
 2501 of the district's regional water supply plans in providing
 2502 sufficient water needed to timely meet the water supply needs of
 2503 existing and future reasonable-beneficial uses for a 1-in-10-
 2504 year drought event.

2505 Reviser's note.—Paragraph (4) (d) is amended to confirm deletion
 2506 by the editors of the word "be" following the word "not."

2507 Paragraph (6) (a) is amended to confirm deletion by the
 2508 editors of the word "which" following the word "identify."

2509 Section 61. Paragraph (a) of subsection (11) of section
 2510 376.3071, Florida Statutes, is amended to read:

2511 376.3071 Inland Protection Trust Fund; creation; purposes;
 2512 funding.—

2513 (11) SITE CLEANUP.—

2514 (a) Voluntary cleanup.—This section ~~shall~~ does not
 2515 prohibit a person from conducting site rehabilitation either
 2516 through his or her own personnel or through responsible response
 2517 action contractors or subcontractors when such person is not
 2518 seeking site rehabilitation funding from the fund. Such
 2519 voluntary cleanups must meet all applicable environmental
 2520 standards.

2521 Reviser's note.—Amended to confirm deletion by the editors of
 2522 the word "shall" preceding the word "does."
 2523 Section 62. Subsections (2) and (3) of section 379.2433,
 2524 Florida Statutes, are amended to read:
 2525 379.2433 Enhanced manatee protection study.—
 2526 ~~(2) (a) As part of the enhanced manatee protection study,~~
 2527 ~~the Legislature intends that the commission shall contract with~~
 2528 ~~Mote Marine Laboratory to conduct a manatee habitat and~~
 2529 ~~submerged aquatic vegetation assessment that specifically~~
 2530 ~~considers:~~
 2531 1. ~~Manatee populations that congregate in the warm water~~
 2532 ~~discharge sites at power plants in the state and the potential~~
 2533 ~~risks for disease resulting from increased congregation of~~
 2534 ~~manatees at these sites;~~
 2535 2. ~~Development of research, monitoring, and submerged~~
 2536 ~~aquatic vegetation restoration priorities for manatee habitat in~~
 2537 ~~and near the warm water discharge sites at power plants in the~~
 2538 ~~state; and~~
 2539 3. ~~The potential impacts on manatees and manatee habitat~~
 2540 ~~if power plants that provide warm water discharge sites where~~
 2541 ~~manatees congregate are closed, including how closure will~~
 2542 ~~affect the size and health of submerged aquatic vegetation~~
 2543 ~~areas.~~
 2544 ~~(b) The Mote Marine Laboratory must submit an interim~~
 2545 ~~report on the manatee habitat and submerged aquatic vegetation~~
 2546 ~~assessment to the Governor, the Legislature, and the commission~~
 2547 ~~by September 1, 2006. The interim report must detail the~~
 2548 ~~progress of the assessment. The final report, due to the~~

2549 ~~Governor, the Legislature, and the commission by January 1,~~
 2550 ~~2007, must detail the results of the assessment and include~~
 2551 ~~recommendations for protection of manatee habitat in warm water~~
 2552 ~~discharge sites at power plants in the state.~~

2553 ~~(c) The commission shall ensure that funds allocated to~~
 2554 ~~implement the manatee habitat and submerged aquatic vegetation~~
 2555 ~~assessment are expended in a manner that is consistent with the~~
 2556 ~~requirements of this subsection. The commission may require an~~
 2557 ~~annual audit of the expenditures made by Mote Marine Laboratory.~~
 2558 ~~Copies of any audit requested under this subsection must be~~
 2559 ~~provided to the appropriate substantive and appropriations~~
 2560 ~~committees of the Senate and the House of Representatives as~~
 2561 ~~they become available.~~

2562 ~~(3) As part of the enhanced manatee protection study, the~~
 2563 ~~Legislature intends that the commission must conduct a signage~~
 2564 ~~and boat speed assessment to evaluate the effectiveness of~~
 2565 ~~manatee protection signs and sign placement and to assess boat~~
 2566 ~~speeds. The commission shall evaluate existing data on manatee~~
 2567 ~~mortality before and after existing manatee protection zones~~
 2568 ~~were established, boater compliance and comprehension of~~
 2569 ~~regulatory signs and buoys, changes in boating traffic patterns,~~
 2570 ~~and manatee distribution and behavior. The commission shall also~~
 2571 ~~provide recommendations on innovative marker designs that are in~~
 2572 ~~compliance with the federal aids to navigation system. The~~
 2573 ~~signage and boat speed assessment must address:~~

2574 ~~(a) The effectiveness of signs and buoys to warn boaters~~
 2575 ~~of manatee slow-speed zones, with a goal of developing federally~~
 2576 ~~approved standards for marking manatee protection zones;~~

2577 ~~(b) A determination of where buoys may be used in place of~~
 2578 ~~pilings for boating safety purposes; and~~

2579 ~~(c) An evaluation of higher speed travel corridors in~~
 2580 ~~manatee zones to determine the most effective speed to balance~~
 2581 ~~safe boating, recreational use, vessel operating~~
 2582 ~~characteristics, and manatee protection.~~

2583
 2584 ~~The commission shall complete its signage and boat speed~~
 2585 ~~assessment by January 1, 2007, and must submit a report of its~~
 2586 ~~findings to the Governor, the President of the Senate, and the~~
 2587 ~~Speaker of the House of Representatives by February 1, 2007. The~~
 2588 ~~report must detail the results of the assessment and identify~~
 2589 ~~specific recommendations for developing state and local policies~~
 2590 ~~relating to the appropriate placement of signs, including~~
 2591 ~~innovative markers, in manatee slow speed zones.~~

2592 Reviser's note.—Amended to delete obsolete provisions.

2593 Section 63. Paragraph (b) of subsection (2) of section
 2594 379.3581, Florida Statutes, is amended to read:

2595 379.3581 Hunter safety course; requirements; penalty.—

2596 (2)

2597 (b) A person born on or after June 1, 1975, who has not
 2598 successfully completed a hunter safety course may apply to the
 2599 commission for a special authorization to hunt under
 2600 supervision. The special authorization for supervised hunting
 2601 shall be designated on any license or permit required under this
 2602 chapter for a person to take game or fur-bearing animals. A
 2603 person issued a license with a special authorization to hunt
 2604 under supervision must hunt under the supervision of, and in the

2605 presence of, a person 21 years of ~~or~~ age or older who is
 2606 licensed to hunt pursuant to s. 379.354 or who is exempt from
 2607 licensing requirements or eligible for a free license pursuant
 2608 to s. 379.353.

2609 Reviser's note.—Amended to confirm substitution of the word "of"
 2610 for the word "or" by the editors.

2611 Section 64. Subsection (8) of section 380.0662, Florida
 2612 Statutes, is amended to read:

2613 380.0662 Definitions.—As used in this act, unless the
 2614 context indicates a different meaning or intent:

2615 (8) "State Board of Administration" means the State Board
 2616 of Administration created by and referred to in s. 4 9, Art. IV
 2617 ~~XII~~ of the State Constitution.

2618 Reviser's note.—Section 4(e), Art. IV of the State Constitution
 2619 of 1968 provides that the governor, chief financial
 2620 officer, and attorney general constitute the state board of
 2621 administration, as successor to the state board of
 2622 administration established pursuant to s. 16, Art. IX of
 2623 the Constitution of 1885.

2624 Section 65. Paragraph (h) of subsection (2) of section
 2625 381.004, Florida Statutes, is amended to read:

2626 381.004 HIV testing.—

2627 (2) HUMAN IMMUNODEFICIENCY VIRUS TESTING; INFORMED
 2628 CONSENT; RESULTS; COUNSELING; CONFIDENTIALITY.—

2629 (h) Notwithstanding the provisions of paragraph (a),
 2630 informed consent is not required:

2631 1. When testing for sexually transmissible diseases is
 2632 required by state or federal law, or by rule including the

2633 following situations:

2634 a. HIV testing pursuant to s. 796.08 of persons convicted

2635 of prostitution or of procuring another to commit prostitution.

2636 b. HIV testing of inmates pursuant to s. 945.355 prior to

2637 their release from prison by reason of parole, accumulation of

2638 gain-time credits, or expiration of sentence.

2639 c. Testing for HIV by a medical examiner in accordance

2640 with s. 406.11.

2641 d. HIV testing of pregnant women pursuant to s. 384.31.

2642 2. Those exceptions provided for blood, plasma, organs,

2643 skin, semen, or other human tissue pursuant to s. 381.0041.

2644 3. For the performance of an HIV-related test by licensed

2645 medical personnel in bona fide medical emergencies when the test

2646 results are necessary for medical diagnostic purposes to provide

2647 appropriate emergency care or treatment to the person being

2648 tested and the patient is unable to consent, as supported by

2649 documentation in the medical record. Notification of test

2650 results in accordance with paragraph (c) is required.

2651 4. For the performance of an HIV-related test by licensed

2652 medical personnel for medical diagnosis of acute illness where,

2653 in the opinion of the attending physician, obtaining informed

2654 consent would be detrimental to the patient, as supported by

2655 documentation in the medical record, and the test results are

2656 necessary for medical diagnostic purposes to provide appropriate

2657 care or treatment to the person being tested. Notification of

2658 test results in accordance with paragraph (c) is required if it

2659 would not be detrimental to the patient. This subparagraph does

2660 not authorize the routine testing of patients for HIV infection

2661 without informed consent.

2662 5. When HIV testing is performed as part of an autopsy for
2663 which consent was obtained pursuant to s. 872.04.

2664 6. For the performance of an HIV test upon a defendant
2665 pursuant to the victim's request in a prosecution for any type
2666 of sexual battery where a blood sample is taken from the
2667 defendant voluntarily, pursuant to court order for any purpose,
2668 or pursuant to the provisions of s. 775.0877, s. 951.27, or s.
2669 960.003; however, the results of any HIV test performed shall be
2670 disclosed solely to the victim and the defendant, except as
2671 provided in ss. 775.0877, 951.27, and 960.003.

2672 7. When an HIV test is mandated by court order.

2673 8. For epidemiological research pursuant to s. 381.0031
2674 ~~381.0032~~, for research consistent with institutional review
2675 boards created by 45 C.F.R. part 46, or for the performance of
2676 an HIV-related test for the purpose of research, if the testing
2677 is performed in a manner by which the identity of the test
2678 subject is not known and may not be retrieved by the researcher.

2679 9. When human tissue is collected lawfully without the
2680 consent of the donor for corneal removal as authorized by s.
2681 765.5185 or enucleation of the eyes as authorized by s. 765.519.

2682 10. For the performance of an HIV test upon an individual
2683 who comes into contact with medical personnel in such a way that
2684 a significant exposure has occurred during the course of
2685 employment or within the scope of practice and where a blood
2686 sample is available that was taken from that individual
2687 voluntarily by medical personnel for other purposes. The term
2688 "medical personnel" includes a licensed or certified health care

2689 professional; an employee of a health care professional or
 2690 health care facility; employees of a laboratory licensed under
 2691 chapter 483; personnel of a blood bank or plasma center; a
 2692 medical student or other student who is receiving training as a
 2693 health care professional at a health care facility; and a
 2694 paramedic or emergency medical technician certified by the
 2695 department to perform life-support procedures under s. 401.23.

2696 a. Prior to performance of an HIV test on a voluntarily
 2697 obtained blood sample, the individual from whom the blood was
 2698 obtained shall be requested to consent to the performance of the
 2699 test and to the release of the results. If consent cannot be
 2700 obtained within the time necessary to perform the HIV test and
 2701 begin prophylactic treatment of the exposed medical personnel,
 2702 all information concerning the performance of an HIV test and
 2703 any HIV test result shall be documented only in the medical
 2704 personnel's record unless the individual gives written consent
 2705 to entering this information on the individual's medical record.

2706 b. Reasonable attempts to locate the individual and to
 2707 obtain consent shall be made, and all attempts must be
 2708 documented. If the individual cannot be found or is incapable of
 2709 providing consent, an HIV test may be conducted on the available
 2710 blood sample. If the individual does not voluntarily consent to
 2711 the performance of an HIV test, the individual shall be informed
 2712 that an HIV test will be performed, and counseling shall be
 2713 furnished as provided in this section. However, HIV testing
 2714 shall be conducted only after appropriate medical personnel
 2715 under the supervision of a licensed physician documents, in the
 2716 medical record of the medical personnel, that there has been a

2717 significant exposure and that, in accordance with the written
 2718 protocols based on the National Centers for Disease Control and
 2719 Prevention guidelines on HIV postexposure prophylaxis and in the
 2720 physician's medical judgment, the information is medically
 2721 necessary to determine the course of treatment for the medical
 2722 personnel.

2723 c. Costs of any HIV test of a blood sample performed with
 2724 or without the consent of the individual, as provided in this
 2725 subparagraph, shall be borne by the medical personnel or the
 2726 employer of the medical personnel. However, costs of testing or
 2727 treatment not directly related to the initial HIV tests or costs
 2728 of subsequent testing or treatment may not be borne by the
 2729 medical personnel or the employer of the medical personnel.

2730 d. In order to utilize the provisions of this
 2731 subparagraph, the medical personnel must either be tested for
 2732 HIV pursuant to this section or provide the results of an HIV
 2733 test taken within 6 months prior to the significant exposure if
 2734 such test results are negative.

2735 e. A person who receives the results of an HIV test
 2736 pursuant to this subparagraph shall maintain the confidentiality
 2737 of the information received and of the persons tested. Such
 2738 confidential information is exempt from s. 119.07(1).

2739 f. If the source of the exposure will not voluntarily
 2740 submit to HIV testing and a blood sample is not available, the
 2741 medical personnel or the employer of such person acting on
 2742 behalf of the employee may seek a court order directing the
 2743 source of the exposure to submit to HIV testing. A sworn
 2744 statement by a physician licensed under chapter 458 or chapter

PCB RCC 13-02

2013

2745 459 that a significant exposure has occurred and that, in the
2746 physician's medical judgment, testing is medically necessary to
2747 determine the course of treatment constitutes probable cause for
2748 the issuance of an order by the court. The results of the test
2749 shall be released to the source of the exposure and to the
2750 person who experienced the exposure.

2751 11. For the performance of an HIV test upon an individual
2752 who comes into contact with medical personnel in such a way that
2753 a significant exposure has occurred during the course of
2754 employment or within the scope of practice of the medical
2755 personnel while the medical personnel provides emergency medical
2756 treatment to the individual; or notwithstanding s. 384.287, an
2757 individual who comes into contact with nonmedical personnel in
2758 such a way that a significant exposure has occurred while the
2759 nonmedical personnel provides emergency medical assistance
2760 during a medical emergency. For the purposes of this
2761 subparagraph, a medical emergency means an emergency medical
2762 condition outside of a hospital or health care facility that
2763 provides physician care. The test may be performed only during
2764 the course of treatment for the medical emergency.

2765 a. An individual who is capable of providing consent shall
2766 be requested to consent to an HIV test prior to the testing. If
2767 consent cannot be obtained within the time necessary to perform
2768 the HIV test and begin prophylactic treatment of the exposed
2769 medical personnel and nonmedical personnel, all information
2770 concerning the performance of an HIV test and its result, shall
2771 be documented only in the medical personnel's or nonmedical
2772 personnel's record unless the individual gives written consent

2773 to entering this information on the individual's medical record.

2774 b. HIV testing shall be conducted only after appropriate
 2775 medical personnel under the supervision of a licensed physician
 2776 documents, in the medical record of the medical personnel or
 2777 nonmedical personnel, that there has been a significant exposure
 2778 and that, in accordance with the written protocols based on the
 2779 National Centers for Disease Control and Prevention guidelines
 2780 on HIV postexposure prophylaxis and in the physician's medical
 2781 judgment, the information is medically necessary to determine
 2782 the course of treatment for the medical personnel or nonmedical
 2783 personnel.

2784 c. Costs of any HIV test performed with or without the
 2785 consent of the individual, as provided in this subparagraph,
 2786 shall be borne by the medical personnel or the employer of the
 2787 medical personnel or nonmedical personnel. However, costs of
 2788 testing or treatment not directly related to the initial HIV
 2789 tests or costs of subsequent testing or treatment may not be
 2790 borne by the medical personnel or the employer of the medical
 2791 personnel or nonmedical personnel.

2792 d. In order to utilize the provisions of this
 2793 subparagraph, the medical personnel or nonmedical personnel
 2794 shall be tested for HIV pursuant to this section or shall
 2795 provide the results of an HIV test taken within 6 months prior
 2796 to the significant exposure if such test results are negative.

2797 e. A person who receives the results of an HIV test
 2798 pursuant to this subparagraph shall maintain the confidentiality
 2799 of the information received and of the persons tested. Such
 2800 confidential information is exempt from s. 119.07(1).

PCB RCC 13-02

2013

2801 f. If the source of the exposure will not voluntarily
2802 submit to HIV testing and a blood sample was not obtained during
2803 treatment for the medical emergency, the medical personnel, the
2804 employer of the medical personnel acting on behalf of the
2805 employee, or the nonmedical personnel may seek a court order
2806 directing the source of the exposure to submit to HIV testing. A
2807 sworn statement by a physician licensed under chapter 458 or
2808 chapter 459 that a significant exposure has occurred and that,
2809 in the physician's medical judgment, testing is medically
2810 necessary to determine the course of treatment constitutes
2811 probable cause for the issuance of an order by the court. The
2812 results of the test shall be released to the source of the
2813 exposure and to the person who experienced the exposure.

2814 12. For the performance of an HIV test by the medical
2815 examiner or attending physician upon an individual who expired
2816 or could not be resuscitated while receiving emergency medical
2817 assistance or care and who was the source of a significant
2818 exposure to medical or nonmedical personnel providing such
2819 assistance or care.

2820 a. HIV testing may be conducted only after appropriate
2821 medical personnel under the supervision of a licensed physician
2822 documents in the medical record of the medical personnel or
2823 nonmedical personnel that there has been a significant exposure
2824 and that, in accordance with the written protocols based on the
2825 National Centers for Disease Control and Prevention guidelines
2826 on HIV postexposure prophylaxis and in the physician's medical
2827 judgment, the information is medically necessary to determine
2828 the course of treatment for the medical personnel or nonmedical

2829 personnel.

2830 b. Costs of any HIV test performed under this subparagraph
2831 may not be charged to the deceased or to the family of the
2832 deceased person.

2833 c. For the provisions of this subparagraph to be
2834 applicable, the medical personnel or nonmedical personnel must
2835 be tested for HIV under this section or must provide the results
2836 of an HIV test taken within 6 months before the significant
2837 exposure if such test results are negative.

2838 d. A person who receives the results of an HIV test
2839 pursuant to this subparagraph shall comply with paragraph (e).

2840 13. For the performance of an HIV-related test medically
2841 indicated by licensed medical personnel for medical diagnosis of
2842 a hospitalized infant as necessary to provide appropriate care
2843 and treatment of the infant when, after a reasonable attempt, a
2844 parent cannot be contacted to provide consent. The medical
2845 records of the infant shall reflect the reason consent of the
2846 parent was not initially obtained. Test results shall be
2847 provided to the parent when the parent is located.

2848 14. For the performance of HIV testing conducted to
2849 monitor the clinical progress of a patient previously diagnosed
2850 to be HIV positive.

2851 15. For the performance of repeated HIV testing conducted
2852 to monitor possible conversion from a significant exposure.

2853 Reviser's note.—Amended to conform to the repeal of s. 381.0032
2854 by s. 17, ch. 2012-184, Laws of Florida. Language relating
2855 to epidemiological research was added to s. 381.0031 by s.
2856 15, ch. 2012-184.

PCB RCC 13-02

2013

2857 Section 66. Paragraph (a) of subsection (7) of section
 2858 381.00593, Florida Statutes, is amended to read:

2859 381.00593 Public school volunteer health care practitioner
 2860 program.—

2861 (7) (a) The Department of Health shall have the
 2862 responsibility to supervise the program and perform periodic
 2863 program reviews as provided in s. 381.0056(3) ~~381.0056(4)~~.

2864 Reviser's note.—Amended to conform to the redesignation of s.

2865 381.0056(4) as s. 381.0056(3) by s. 27, ch. 2012-184, Laws
 2866 of Florida.

2867 Section 67. Paragraph (w) of subsection (4) of section
 2868 381.0065, Florida Statutes, is amended to read:

2869 381.0065 Onsite sewage treatment and disposal systems;
 2870 regulation.—

2871 (4) PERMITS; INSTALLATION; AND CONDITIONS.—A person may
 2872 not construct, repair, modify, abandon, or operate an onsite
 2873 sewage treatment and disposal system without first obtaining a
 2874 permit approved by the department. The department may issue
 2875 permits to carry out this section, but shall not make the
 2876 issuance of such permits contingent upon prior approval by the
 2877 Department of Environmental Protection, except that the issuance
 2878 of a permit for work seaward of the coastal construction control
 2879 line established under s. 161.053 shall be contingent upon
 2880 receipt of any required coastal construction control line permit
 2881 from the Department of Environmental Protection. A construction
 2882 permit is valid for 18 months from the issuance date and may be
 2883 extended by the department for one 90-day period under rules
 2884 adopted by the department. A repair permit is valid for 90 days

PCB RCC 13-02

2013

2885 | from the date of issuance. An operating permit must be obtained
2886 | prior to the use of any aerobic treatment unit or if the
2887 | establishment generates commercial waste. Buildings or
2888 | establishments that use an aerobic treatment unit or generate
2889 | commercial waste shall be inspected by the department at least
2890 | annually to assure compliance with the terms of the operating
2891 | permit. The operating permit for a commercial wastewater system
2892 | is valid for 1 year from the date of issuance and must be
2893 | renewed annually. The operating permit for an aerobic treatment
2894 | unit is valid for 2 years from the date of issuance and must be
2895 | renewed every 2 years. If all information pertaining to the
2896 | siting, location, and installation conditions or repair of an
2897 | onsite sewage treatment and disposal system remains the same, a
2898 | construction or repair permit for the onsite sewage treatment
2899 | and disposal system may be transferred to another person, if the
2900 | transferee files, within 60 days after the transfer of
2901 | ownership, an amended application providing all corrected
2902 | information and proof of ownership of the property. There is no
2903 | fee associated with the processing of this supplemental
2904 | information. A person may not contract to construct, modify,
2905 | alter, repair, service, abandon, or maintain any portion of an
2906 | onsite sewage treatment and disposal system without being
2907 | registered under part III of chapter 489. A property owner who
2908 | personally performs construction, maintenance, or repairs to a
2909 | system serving his or her own owner-occupied single-family
2910 | residence is exempt from registration requirements for
2911 | performing such construction, maintenance, or repairs on that
2912 | residence, but is subject to all permitting requirements. A

PCB RCC 13-02

2013

2913 | municipality or political subdivision of the state may not issue
 2914 | a building or plumbing permit for any building that requires the
 2915 | use of an onsite sewage treatment and disposal system unless the
 2916 | owner or builder has received a construction permit for such
 2917 | system from the department. A building or structure may not be
 2918 | occupied and a municipality, political subdivision, or any state
 2919 | or federal agency may not authorize occupancy until the
 2920 | department approves the final installation of the onsite sewage
 2921 | treatment and disposal system. A municipality or political
 2922 | subdivision of the state may not approve any change in occupancy
 2923 | or tenancy of a building that uses an onsite sewage treatment
 2924 | and disposal system until the department has reviewed the use of
 2925 | the system with the proposed change, approved the change, and
 2926 | amended the operating permit.

2927 | (w) Any permit issued and approved by the department for
 2928 | the installation, modification, or repair of an onsite sewage
 2929 | treatment and disposal system shall transfer with the title to
 2930 | the property in a real estate transaction. A title may not be
 2931 | encumbered at the time of transfer by new permit requirements by
 2932 | a governmental entity for an onsite sewage treatment and
 2933 | disposal system which differ from the permitting requirements in
 2934 | effect at the time the system was permitted, modified, or
 2935 | repaired. An inspection of a system may not be mandated by a
 2936 | governmental entity at the point of sale in a real estate
 2937 | transaction. This paragraph does not affect a septic tank phase-
 2938 | out deferral program implemented by a consolidated government as
 2939 | defined in s. 9, Art. VIII of the State Constitution (1885).
 2940 | Reviser's note.—Amended to conform to the fact that s. 9, Art.

2941 VIII of the State Constitution of 1885 relates to
 2942 Jacksonville's consolidated government; the 1968
 2943 Constitution does not contain a s. 9, Art. VIII.

2944 Section 68. Paragraph (a) of subsection (3) of section
 2945 381.0101, Florida Statutes, is amended to read:

2946 381.0101 Environmental health professionals.—

2947 (3) ENVIRONMENTAL HEALTH PROFESSIONALS ADVISORY BOARD.—The
 2948 State Health Officer shall appoint an advisory board to assist
 2949 the department in the promulgation of rules for certification,
 2950 testing, establishing standards, and seeking enforcement actions
 2951 against certified professionals.

2952 (a) The board shall be comprised of the State Surgeon
 2953 General or his or her designee, one individual who will be
 2954 certified under this section, one individual not employed in a
 2955 governmental capacity who will or does employ a certified
 2956 environmental health professional, one individual whose business
 2957 is or will be evaluated by a certified environmental health
 2958 professional, and a citizen of the state who neither employs nor
 2959 is routinely evaluated by a person certified under this section.

2960 Reviser's note.—Amended to confirm insertion of the word "and"
 2961 by the editors to improve clarity.

2962 Section 69. Subsection (2) of section 391.026, Florida
 2963 Statutes, is amended to read:

2964 391.026 Powers and duties of the department.—The
 2965 department shall have the following powers, duties, and
 2966 responsibilities:

2967 (2) To provide services to abused and neglected children
 2968 through child protection ~~protective~~ teams pursuant to s. 39.303.

2969 Reviser's note.—Amended to confirm substitution of the word
 2970 "protection" for the word "protective" by the editors to
 2971 conform to s. 39.303, which relates to child protection
 2972 teams.

2973 Section 70. Paragraph (b) of subsection (2) of section
 2974 400.172, Florida Statutes, is amended to read:

2975 400.172 Respite care provided in nursing home facilities.—

2976 (2) A person admitted under the respite care program
 2977 shall:

2978 (b) Be covered by the residents' rights specified in s.
 2979 400.022(1)(a)-(o) and (r)-(t). Funds or property of the resident
 2980 are not to be considered trust funds subject to the requirements
 2981 of s. 400.022(1)(h) until the resident has been in the facility
 2982 for more than 14 consecutive days.

2983 Reviser's note.—Amended to confirm insertion of the word "to" by
 2984 the editors.

2985 Section 71. Subsection (1) of section 400.915, Florida
 2986 Statutes, is amended to read:

2987 400.915 Construction and renovation; requirements.—The
 2988 requirements for the construction or renovation of a PPEC center
 2989 shall comply with:

2990 (1) The provisions of chapter 553, which pertain to
 2991 building construction standards, including plumbing, electrical
 2992 code, glass, manufactured buildings, and accessibility for the
 2993 physically disabled;

2994 Reviser's note.—Amended to insert the word "and" to improve
 2995 clarity.

2996 Section 72. Paragraph (b) of subsection (4) of section

PCB RCC 13-02

2013

2997 400.9905, Florida Statutes, is amended to read:
 2998 400.9905 Definitions.—
 2999 (4) "Clinic" means an entity where health care services
 3000 are provided to individuals and which tenders charges for
 3001 reimbursement for such services, including a mobile clinic and a
 3002 portable equipment provider. As used in this part, the term does
 3003 not include and the licensure requirements of this part do not
 3004 apply to:
 3005 (b) Entities that own, directly or indirectly, entities
 3006 licensed or registered by the state pursuant to chapter 395;
 3007 entities that own, directly or indirectly, entities licensed or
 3008 registered by the state and providing only health care services
 3009 within the scope of services authorized pursuant to their
 3010 respective licenses under ss. 383.30-383.335, chapter 390,
 3011 chapter 394, chapter 397, this chapter except part X, chapter
 3012 429, chapter 463, chapter 465, chapter 466, chapter 478, part I
 3013 of chapter 483, chapter 484, or chapter 651; end-stage renal
 3014 disease providers authorized under 42 C.F.R. part 405, subpart
 3015 U; providers certified under 42 C.F.R. part 485, subpart B or
 3016 subpart H; or any entity that provides neonatal or pediatric
 3017 hospital-based health care services by licensed practitioners
 3018 solely within a hospital licensed under chapter 395.
 3019
 3020 Notwithstanding this subsection, an entity shall be deemed a
 3021 clinic and must be licensed under this part in order to receive
 3022 reimbursement under the Florida Motor Vehicle No-Fault Law, ss.
 3023 627.730-627.7405, unless exempted under s. 627.736(5)(h).
 3024 Reviser's note.—Amended to confirm insertion of the word "or" by

3025 the editors.

3026 Section 73. Paragraph (h) of subsection (9) of section
3027 403.086, Florida Statutes, is amended to read:

3028 403.086 Sewage disposal facilities; advanced and secondary
3029 waste treatment.—

3030 (9) The Legislature finds that the discharge of domestic
3031 wastewater through ocean outfalls wastes valuable water supplies
3032 that should be reclaimed for beneficial purposes to meet public
3033 and natural systems demands. The Legislature also finds that
3034 discharge of domestic wastewater through ocean outfalls
3035 compromises the coastal environment, quality of life, and local
3036 economies that depend on those resources. The Legislature
3037 declares that more stringent treatment and management
3038 requirements for such domestic wastewater and the subsequent,
3039 timely elimination of ocean outfalls as a primary means of
3040 domestic wastewater discharge are in the public interest.

3041 ~~(h) By February 1, 2012, the department shall submit a~~
3042 ~~report to the Governor and Legislature detailing the results and~~
3043 ~~recommendations from phases 1 through 3 of its ongoing study on~~
3044 ~~reclaimed water use.~~

3045 Reviser's note.—Amended to delete an obsolete provision.

3046 Section 74. Subsection (3) of section 403.511, Florida
3047 Statutes, is amended to read:

3048 403.511 Effect of certification.—

3049 (3) The certification and any order on land use and zoning
3050 issued under this act shall be in lieu of any license, permit,
3051 certificate, or similar document required by any state,
3052 regional, or local agency pursuant to, but not limited to,

PCB RCC 13-02

2013

3053 chapter 125, chapter 161, chapter 163, chapter 166, chapter 186,
 3054 chapter 253, chapter 298, chapter 373, chapter 376, chapter 379,
 3055 chapter 380, chapter 381, ~~chapter 387~~, chapter 403, except for
 3056 permits issued pursuant to any federally delegated or approved
 3057 permit program and except as provided in chapter 404 or the
 3058 Florida Transportation Code, or 33 U.S.C. s. 1341.

3059 Reviser's note.—Amended to delete a reference to chapter 387,
 3060 which was repealed by s. 125, ch. 97-237, Laws of Florida.

3061 Section 75. Subsection (3) of section 403.9416, Florida
 3062 Statutes, is amended to read:

3063 403.9416 Effect of certification.—

3064 (3) The certification shall be in lieu of any license,
 3065 permit, certificate, or similar document required by any agency
 3066 pursuant to, but not limited to, chapter 125, chapter 161,
 3067 chapter 163, chapter 166, chapter 186, chapter 253, chapter 258,
 3068 chapter 298, chapter 373, chapter 376, chapter 377, chapter 379,
 3069 chapter 380, chapter 381, ~~chapter 387~~, chapter 403, the Florida
 3070 Transportation Code, or 33 U.S.C. s. 1341. On certification, any
 3071 license, easement, or other interest in state lands, except
 3072 those the title to which is vested in the Board of Trustees of
 3073 the Internal Improvement Trust Fund or a water management
 3074 district created pursuant to chapter 373, shall be issued by the
 3075 appropriate agency as a ministerial act. The applicant shall be
 3076 required to seek any necessary interest in state lands the title
 3077 to which is vested in the Board of Trustees of the Internal
 3078 Improvement Trust Fund from the board of trustees or from the
 3079 governing board of the water management district before, during,
 3080 or after the certification proceeding, and certification may be

3081 made contingent upon issuance of the appropriate interest in
 3082 realty. However, neither the applicant nor any party to the
 3083 certification proceeding may directly or indirectly raise or
 3084 relitigate any matter which was or could have been an issue in
 3085 the certification proceeding in any proceeding before the Board
 3086 of Trustees of the Internal Improvement Trust Fund wherein the
 3087 applicant is seeking a necessary interest in state lands, but
 3088 the information presented in the certification proceeding shall
 3089 be available for review by the board of trustees and its staff.
 3090 Reviser's note.—Amended to delete a reference to chapter 387,
 3091 which was repealed by s. 125, ch. 97-237, Laws of Florida.
 3092 Section 76. Paragraph (a) of subsection (1) of section
 3093 414.295, Florida Statutes, is amended to read:
 3094 414.295 Temporary cash assistance programs; public records
 3095 exemption.—
 3096 (1) Personal identifying information of a temporary cash
 3097 assistance program participant, a participant's family, or a
 3098 participant's family or household member, except for information
 3099 identifying a parent who does not live in the same home as the
 3100 child, held by the department, the Office of Early Learning,
 3101 Workforce Florida, Inc., the Department of Health, the
 3102 Department of Revenue, the Department of Education, or a
 3103 regional workforce board or local committee created pursuant to
 3104 s. 445.007 is confidential and exempt from s. 119.07(1) and s.
 3105 24(a), Art. I of the State Constitution. Such confidential and
 3106 exempt information may be released for purposes directly
 3107 connected with:
 3108 (a) The administration of the temporary assistance for

3109 | needy families plan under Title IV-A of the Social Security Act,
 3110 | as amended, by the department, the Office ~~Division~~ of Early
 3111 | Learning, Workforce Florida, Inc., the Department of Military
 3112 | Affairs, the Department of Health, the Department of Revenue,
 3113 | the Department of Education, a regional workforce board or local
 3114 | committee created pursuant to s. 445.007, or a school district.
 3115 | Reviser's note.—Amended to confirm substitution of the word
 3116 | "Office" for the word "Division" by the editors to conform
 3117 | to the correct name of the office.

3118 | Section 77. Subsection (40) of section 420.503, Florida
 3119 | Statutes, is amended to read:

3120 | 420.503 Definitions.—As used in this part, the term:

3121 | (40) "State Board of Administration" means the State Board
 3122 | of Administration created by and referred to in s. 4 9, Art. IV
 3123 | ~~XXI~~ of the State Constitution.

3124 | Reviser's note.—Section 4(e), Art. IV of the State Constitution
 3125 | of 1968 provides that the governor, chief financial
 3126 | officer, and attorney general constitute the state board of
 3127 | administration, as successor to the state board of
 3128 | administration established pursuant to s. 16, Art. IX of
 3129 | the Constitution of 1885.

3130 | Section 78. Paragraph (a) of subsection (10) of section
 3131 | 420.5087, Florida Statutes, is amended to read:

3132 | 420.5087 State Apartment Incentive Loan Program.—There is
 3133 | hereby created the State Apartment Incentive Loan Program for
 3134 | the purpose of providing first, second, or other subordinated
 3135 | mortgage loans or loan guarantees to sponsors, including for-
 3136 | profit, nonprofit, and public entities, to provide housing

3137 affordable to very-low-income persons.

3138 (10) Funding under this subsection shall be to preserve
 3139 existing projects having financing guaranteed under the Florida
 3140 Affordable Housing Guarantee Program pursuant to s. 420.5092.

3141 (a) A project shall be given priority for funding if:

3142 1. It was approved by the corporation board in calendar
 3143 year 2011 to provide additional units for extremely-low-income
 3144 persons as defined in s. 420.0004;

3145 2. The Florida Affordable Housing Guarantee Program
 3146 mortgage note was executed and recorded not later than September
 3147 30, 2003;

3148 3. It commits to provide additional units for extremely-
 3149 low-income persons; and

3150 4. The shareholders, members, or partners of the project
 3151 owner have funded deficits in an amount that is not less than 20
 3152 percent of the State Apartment Incentive Loan not later than
 3153 closing of any financing made under this subsection.

3154 Reviser's note.—Amended to confirm insertion of the words

3155 "Florida Affordable Housing" by the editors to conform to
 3156 the full name of the program.

3157 Section 79. Subsection (6) of section 430.205, Florida
 3158 Statutes, is amended to read:

3159 430.205 Community care service system.—

3160 (6) Notwithstanding other requirements of this chapter,
 3161 the Department of Elderly Affairs and the Agency for Health Care
 3162 Administration shall develop an integrated long-term-care
 3163 delivery system.

3164 ~~(a)~~ The duties of the integrated system shall include

3165 organizing and administering service delivery for the elderly,
 3166 obtaining contracts for services with providers in each service
 3167 area, monitoring the quality of services provided, determining
 3168 levels of need and disability for payment purposes, and other
 3169 activities determined by the department and the agency in order
 3170 to operate an integrated system.

3171 ~~(b) During the 2004-2005 state fiscal year:~~

3172 ~~1. The agency and the department shall reimburse providers~~
 3173 ~~for case management services on a capitated basis and develop~~
 3174 ~~uniform standards for case management within the Aged and~~
 3175 ~~Disabled Adult Medicaid waiver program. The coordination of~~
 3176 ~~acute and chronic medical services for individuals may be~~
 3177 ~~included in the capitated rate for case management services. The~~
 3178 ~~agency, in consultation with the department, shall adopt any~~
 3179 ~~rules necessary to comply with or administer these requirements.~~

3180 ~~2. The Legislature finds that preservation of the historic~~
 3181 ~~aging network of lead agencies is essential to the well-being of~~
 3182 ~~Florida's elderly population. The Legislature finds that the~~
 3183 ~~Florida aging network constitutes a system of essential~~
 3184 ~~community providers which should be nurtured and assisted to~~
 3185 ~~develop systems of operations which allow the gradual assumption~~
 3186 ~~of responsibility and financial risk for managing a client~~
 3187 ~~through the entire continuum of long-term care services within~~
 3188 ~~the area the lead agency is currently serving, and which allow~~
 3189 ~~lead agency providers to develop managed systems of service~~
 3190 ~~delivery. The department, in consultation with the agency, shall~~
 3191 ~~therefore:~~

3192 ~~a. Develop a demonstration project in which existing~~

3193 ~~community care for the elderly lead agencies are assisted in~~
 3194 ~~transferring their business model and the service delivery~~
 3195 ~~system within their current community care service area to~~
 3196 ~~enable assumption, over a period of time, of full risk as a~~
 3197 ~~community diversion pilot project contractor providing long-term~~
 3198 ~~care services in the areas of operation. The department, in~~
 3199 ~~consultation with the agency and the Department of Children and~~
 3200 ~~Family Services, shall develop an implementation plan for no~~
 3201 ~~more than three lead agencies by October 31, 2004.~~

3202 ~~b. In the demonstration area, a community care for the~~
 3203 ~~elderly lead agency shall be initially reimbursed on a prepaid~~
 3204 ~~or fixed-sum basis for all home and community-based services~~
 3205 ~~provided under the long-term care community diversion pilot~~
 3206 ~~project. By the end of the third year of operation, the lead~~
 3207 ~~agency shall be reimbursed on a prepaid or fixed-sum basis for~~
 3208 ~~all services under the long-term care community diversion pilot~~
 3209 ~~project.~~

3210 ~~e. During the first year of operation, the department, in~~
 3211 ~~consultation with the agency, may place providers at risk to~~
 3212 ~~provide nursing home services for the enrolled individuals who~~
 3213 ~~are participating in the demonstration project. During the 3-~~
 3214 ~~year development period, the agency and the department may limit~~
 3215 ~~the level of custodial nursing home risk that the administering~~
 3216 ~~entities assume. Under risk-sharing arrangements, during the~~
 3217 ~~first 3 years of operation, the department, in consultation with~~
 3218 ~~the agency, may reimburse the administering entity for the cost~~
 3219 ~~of providing nursing home care for Medicaid-eligible~~
 3220 ~~participants who have been permanently placed and remain in a~~

3221 ~~nursing home for more than 1 year, or may disenroll such~~
 3222 ~~participants from the demonstration project.~~

3223 ~~d. The agency, in consultation with the department, shall~~
 3224 ~~develop reimbursement rates based on the federally approved,~~
 3225 ~~actuarially certified rate methodology for the long-term care~~
 3226 ~~community diversion pilot project.~~

3227 ~~e. The department, in consultation with the agency, shall~~
 3228 ~~ensure that the entity or entities receiving prepaid or fixed-~~
 3229 ~~sum reimbursement are assisted in developing internal management~~
 3230 ~~and financial control systems necessary to manage the risk~~
 3231 ~~associated with providing services under a prepaid or fixed-sum~~
 3232 ~~rate system.~~

3233 ~~f. If the department and the agency share risk of~~
 3234 ~~custodial nursing home placement, payment rates during the first~~
 3235 ~~3 years of operation shall be set at not more than 100 percent~~
 3236 ~~of the costs to the agency and the department of providing~~
 3237 ~~equivalent services to the population within the area of the~~
 3238 ~~pilot project for the year prior to the year in which the pilot~~
 3239 ~~project is implemented, adjusted forward to account for~~
 3240 ~~inflation and policy changes in the Medicaid program.~~

3241 ~~g. Community care for the elderly lead agencies that have~~
 3242 ~~operated for a period of at least 20 years, which provide~~
 3243 ~~Medicare-certified services to elders, and which have developed~~
 3244 ~~a system of service provision by health care volunteers shall be~~
 3245 ~~given priority in the selection of the pilot project if they~~
 3246 ~~meet the minimum requirements specified in the competitive~~
 3247 ~~procurement.~~

3248 ~~h. The agency and the department shall adopt rules~~

3249 ~~necessary to comply with or administer these requirements,~~
 3250 ~~effect and implement interagency agreements between the agency~~
 3251 ~~and the department, and comply with federal requirements.~~

3252 ~~i. The department and the agency shall seek federal~~
 3253 ~~waivers necessary to implement the requirements of this section.~~

3254 ~~j. The Department of Elderly Affairs shall conduct or~~
 3255 ~~contract for an evaluation of the demonstration project. The~~
 3256 ~~department shall submit the evaluation to the Governor and the~~
 3257 ~~Legislature by January 1, 2007. The evaluation must address the~~
 3258 ~~effectiveness of the pilot project in providing a comprehensive~~
 3259 ~~system of appropriate and high quality, long term care services~~
 3260 ~~to elders in the least restrictive setting and make~~
 3261 ~~recommendations on expanding the project to other parts of the~~
 3262 ~~state. This subparagraph is subject to an appropriation by the~~
 3263 ~~Legislature.~~

3264 ~~3. The agency, in consultation with the department, shall~~
 3265 ~~work with the fiscal agent for the Medicaid program to develop a~~
 3266 ~~service utilization reporting system that operates through the~~
 3267 ~~fiscal agent for the capitated plans.~~

3268 ~~(c) During the 2005-2006 state fiscal year:~~

3269 ~~1. The agency, in consultation with the department, shall~~
 3270 ~~monitor the newly integrated programs and report on the progress~~
 3271 ~~of those programs to the Governor, the President of the Senate,~~
 3272 ~~and the Speaker of the House of Representatives by June 30,~~
 3273 ~~2006. The report must include an initial evaluation of the~~
 3274 ~~programs in their early stages following the evaluation plan~~
 3275 ~~developed by the department, in consultation with the agency and~~
 3276 ~~the selected contractor.~~

3277 2.— ~~The department shall monitor the pilot projects for~~
 3278 ~~resource centers on aging and report on the progress of those~~
 3279 ~~projects to the Governor, the President of the Senate, and the~~
 3280 ~~Speaker of the House of Representatives by June 30, 2006. The~~
 3281 ~~report must include an evaluation of the implementation process~~
 3282 ~~in its early stages.~~

3283 3.— ~~The department, in consultation with the agency, shall~~
 3284 ~~integrate the database systems for the Comprehensive Assessment~~
 3285 ~~and Review for Long-Term Care Services (CARES) program and the~~
 3286 ~~Client Information and Referral Tracking System (CIRTS) into a~~
 3287 ~~single operating assessment information system by June 30, 2006.~~

3288 ~~(d) During the 2006-2007 state fiscal year:~~

3289 1.— ~~The agency, in consultation with the department, shall~~
 3290 ~~evaluate the Alzheimer's Disease waiver program and the Adult~~
 3291 ~~Day Health Care waiver program to assess whether providing~~
 3292 ~~limited intensive services through these waiver programs~~
 3293 ~~produces better outcomes for individuals than providing those~~
 3294 ~~services through the fee-for-service or capitated programs that~~
 3295 ~~provide a larger array of services.~~

3296 2.— ~~The agency, in consultation with the department, shall~~
 3297 ~~begin discussions with the federal Centers for Medicare and~~
 3298 ~~Medicaid Services regarding the inclusion of Medicare into the~~
 3299 ~~integrated long-term care system. By December 31, 2006, the~~
 3300 ~~agency shall provide to the Governor, the President of the~~
 3301 ~~Senate, and the Speaker of the House of Representatives a plan~~
 3302 ~~for including Medicare in the integrated long-term care system.~~
 3303 ~~Reviser's note.—Amended to delete obsolete provisions.~~

3304 Section 80. Paragraph (g) of subsection (3) of section

PCB RCC 13-02

2013

3305 430.80, Florida Statutes, is amended to read:

3306 430.80 Implementation of a teaching nursing home pilot
3307 project.—

3308 (3) To be designated as a teaching nursing home, a nursing
3309 home licensee must, at a minimum:

3310 (g) Maintain insurance coverage pursuant to s. 400.141
3311 (1)(q) ~~400.141(1)(s)~~ or proof of financial responsibility in a
3312 minimum amount of \$750,000. Such proof of financial
3313 responsibility may include:

3314 1. Maintaining an escrow account consisting of cash or
3315 assets eligible for deposit in accordance with s. 625.52; or

3316 2. Obtaining and maintaining pursuant to chapter 675 an
3317 unexpired, irrevocable, nontransferable and nonassignable letter
3318 of credit issued by any bank or savings association organized
3319 and existing under the laws of this state or any bank or savings
3320 association organized under the laws of the United States that
3321 has its principal place of business in this state or has a
3322 branch office which is authorized to receive deposits in this
3323 state. The letter of credit shall be used to satisfy the
3324 obligation of the facility to the claimant upon presentment of a
3325 final judgment indicating liability and awarding damages to be
3326 paid by the facility or upon presentment of a settlement
3327 agreement signed by all parties to the agreement when such final
3328 judgment or settlement is a result of a liability claim against
3329 the facility.

3330 Reviser's note.—Amended to conform to the redesignation of s.
3331 400.141(1)(s) as s. 400.141(1)(q) by s. 6, ch. 2012-160,
3332 Laws of Florida.

3333 Section 81. Paragraph (h) of subsection (2) of section
 3334 430.81, Florida Statutes, is amended to read:

3335 430.81 Implementation of a teaching agency for home and
 3336 community-based care.—

3337 (2) The Department of Elderly Affairs may designate a home
 3338 health agency as a teaching agency for home and community-based
 3339 care if the home health agency:

3340 (h) Maintains insurance coverage pursuant to s.
 3341 400.141(1)(q) ~~400.141(1)(s)~~ or proof of financial responsibility
 3342 in a minimum amount of \$750,000. Such proof of financial
 3343 responsibility may include:

3344 1. Maintaining an escrow account consisting of cash or
 3345 assets eligible for deposit in accordance with s. 625.52; or

3346 2. Obtaining and maintaining, pursuant to chapter 675, an
 3347 unexpired, irrevocable, nontransferable, and nonassignable
 3348 letter of credit issued by any bank or savings association
 3349 authorized to do business in this state. This letter of credit
 3350 shall be used to satisfy the obligation of the agency to the
 3351 claimant upon presentation of a final judgment indicating
 3352 liability and awarding damages to be paid by the facility or
 3353 upon presentment of a settlement agreement signed by all parties
 3354 to the agreement when such final judgment or settlement is a
 3355 result of a liability claim against the agency.

3356 Reviser's note.—Amended to conform to the redesignation of s.
 3357 400.141(1)(s) as s. 400.141(1)(q) by s. 6, ch. 2012-160,
 3358 Laws of Florida.

3359 Section 82. Paragraph (c) of subsection (1) of section
 3360 443.091, Florida Statutes, is amended to read:

3361 443.091 Benefit eligibility conditions.—

3362 (1) An unemployed individual is eligible to receive
 3363 benefits for any week only if the Department of Economic
 3364 Opportunity finds that:

3365 (c) To make continued claims for benefits, she or he is
 3366 reporting to the department in accordance with this paragraph
 3367 and department rules, and participating in an initial skills
 3368 review, as directed by the department. Department rules may not
 3369 conflict with s. 443.111(1)(b), which requires that each
 3370 claimant continue to report regardless of any pending appeal
 3371 relating to her or his eligibility or disqualification for
 3372 benefits.

3373 1. For each week of unemployment claimed, each report
 3374 must, at a minimum, include the name, address, and telephone
 3375 number of each prospective employer contacted, or the date the
 3376 claimant reported to a one-stop career center, pursuant to
 3377 paragraph (d).

3378 2. The administrator or operator of the initial skills
 3379 review shall notify the department when the individual completes
 3380 the initial skills review and report the results of the review
 3381 to the regional workforce board or the one-stop career center as
 3382 directed by the workforce board. The department shall prescribe
 3383 a numeric score on the initial skills review that demonstrates a
 3384 minimal proficiency in workforce skills. The department,
 3385 workforce board, or one-stop career center shall use the initial
 3386 skills review to develop a plan for referring individuals to
 3387 training and employment opportunities. The failure of the
 3388 individual to comply with this requirement will result in the

PCB RCC 13-02

2013

3389 individual being determined ineligible for benefits for the week
3390 in which the noncompliance occurred and for any subsequent week
3391 of unemployment until the requirement is satisfied. However,
3392 this requirement does not apply if the individual is able to
3393 affirmatively attest to being unable to complete such review due
3394 to illiteracy or a language impediment or is exempt from the
3395 work registration requirement as set forth in paragraph (b).

3396 3. Any individual who ~~that~~ falls below the minimal
3397 proficiency score prescribed by the department in subparagraph
3398 2. on the initial skills review shall be offered training
3399 opportunities and encouraged to participate in such training at
3400 no cost to the individual in order to improve his or her
3401 workforce skills to the minimal proficiency level.

3402 4. The department shall coordinate with Workforce Florida,
3403 Inc., the workforce boards, and the one-stop career centers to
3404 identify, develop, and utilize best practices for improving the
3405 skills of individuals who choose to participate in training
3406 opportunities and who have a minimal proficiency score below the
3407 score prescribed in subparagraph 2.

3408 5. The department, in coordination with Workforce Florida,
3409 Inc., the workforce boards, and the one-stop career centers,
3410 shall evaluate the use, effectiveness, and costs associated with
3411 the training prescribed in subparagraph 3. and report its
3412 findings and recommendations for training and the use of best
3413 practices to the Governor, the President of the Senate, and the
3414 Speaker of the House of Representatives by January 1, 2013.

3415 Reviser's note.—Amended to confirm substitution of the word
3416 "who" for the word "that" by the editors.

3417 Section 83. Paragraph (b) of subsection (1) of section
 3418 443.111, Florida Statutes, is amended to read:

3419 443.111 Payment of benefits.—

3420 (1) MANNER OF PAYMENT.—Benefits are payable from the fund
 3421 in accordance with rules adopted by the Department of Economic
 3422 Opportunity, subject to the following requirements:

3423 (b) As required under s. 443.091(1), each claimant must
 3424 report at least biweekly to receive reemployment assistance
 3425 benefits and to attest to the fact that she or he is able and
 3426 available for work, has not refused suitable work, is seeking
 3427 work and has met the requirements of s. 443.091(1)(d)
 3428 ~~443.091(d)~~, and, if she or he has worked, to report earnings
 3429 from that work. Each claimant must continue to report regardless
 3430 of any appeal or pending appeal relating to her or his
 3431 eligibility or disqualification for benefits.

3432 Reviser's note.—Amended to confirm substitution by the editors
 3433 of a reference to s. 443.091(1)(d) for a reference to s.
 3434 443.091(d) to conform to the complete citation for the
 3435 paragraph.

3436 Section 84. Subsection (10) of section 443.171, Florida
 3437 Statutes, is amended to read:

3438 443.171 Department of Economic Opportunity and commission;
 3439 powers and duties; records and reports; proceedings; state-
 3440 federal cooperation.—

3441 (10) EVIDENCE OF MAILING.—A mailing date on any notice,
 3442 determination, decision, order, or other document mailed by the
 3443 department ~~Agency for Workforce Innovation~~ or its tax collection
 3444 service provider pursuant to this chapter creates a rebuttable

3445 | presumption that such notice, determination, order, or other
 3446 | document was mailed on the date indicated.
 3447 | Reviser's note.—Amended to confirm substitution by the editors
 3448 | of a reference to the department for a reference to the
 3449 | Agency for Workforce Innovation to conform to the transfer
 3450 | of the duties of the Agency for Workforce Innovation
 3451 | relating to s. 443.171 to the Department of Economic
 3452 | Opportunity by s. 374, ch. 2011-142, Laws of Florida.
 3453 | Section 85. Paragraph (c) of subsection (2) of section
 3454 | 466.007, Florida Statutes, is amended to read:
 3455 | 466.007 Examination of dental hygienists.—
 3456 | (2) An applicant is entitled to take the examinations
 3457 | required in this section to practice dental hygiene in this
 3458 | state if the applicant:
 3459 | (c)1. In the case of a graduate of a dental hygiene
 3460 | college or school under subparagraph (2)(b)1.:
 3461 | a. Has successfully completed the National Board of Dental
 3462 | Hygiene examination at any time before the date of application;
 3463 | b. Has been certified by the American Dental Association
 3464 | Joint Commission on National Dental Examinations at any time
 3465 | before the date of application;
 3466 | c. Effective January 1, 1997, has completed coursework
 3467 | that is comparable to an associate in science degree;
 3468 | d. Has not been disciplined by a board, except for
 3469 | citation offenses or minor violations; and
 3470 | e. Has not been convicted of or pled nolo contendere to,
 3471 | regardless of adjudication, any felony or misdemeanor related to
 3472 | the practice of a health care profession.

3473 2. In the case of a graduate of a dental college or school
 3474 under subparagraph (2) (b)2.:

3475 a. Has successfully completed the National Board Dental
 3476 Hygiene Examination or the National Board Dental Examination;

3477 b. Has not been disciplined by a board, except for
 3478 citation offenses or minor violations; and

3479 c. Has not been convicted of or pled nolo contendere to,
 3480 regardless of adjudication, any felony or misdemeanor related to
 3481 the practice of a health care profession.

3482 Reviser's note.—Amended to confirm insertion of the word "Has"
 3483 by the editors.

3484 Section 86. Subsection (1) of section 475.6235, Florida
 3485 Statutes, is amended to read:

3486 475.6235 Registration of appraisal management companies
 3487 required; exemptions.—

3488 (1) A person may not engage, or offer to engage, in
 3489 appraisal management services for compensation in this state, or
 3490 advertise or represent herself or himself as an appraisal
 3491 management company, unless the person is registered with the
 3492 department as an appraisal management company under this
 3493 section. However, an employee of an appraisal management company
 3494 is not required to obtain a separate registration.

3495 Reviser's note.—Amended to confirm insertion of the word "or" by
 3496 the editors.

3497 Section 87. Subsection (1) of section 489.118, Florida
 3498 Statutes, is amended to read:

3499 489.118 Certification of registered contractors;
 3500 grandfathering provisions.—The board shall, upon receipt of a

3501 completed application and appropriate fee, issue a certificate
 3502 in the appropriate category to any contractor registered under
 3503 this part who makes application to the board and can show that
 3504 he or she meets each of the following requirements:

3505 (1) Currently holds a valid registered local license in
 3506 one of the contractor categories defined in s. 489.105(3)(a)-(p)
 3507 ~~489.105(a)-(q)~~.

3508
 3509 Applicants wishing to obtain a certificate pursuant to this
 3510 section must make application by November 1, 2015.

3511 Reviser's note.—Amended to confirm substitution by the editors
 3512 of a reference to s. 489.105(3)(a)-(p) for a reference to
 3513 s. 489.105(3)(a)-(q), which was substituted for the
 3514 original reference to s. 489.105(3)(a)-(p) by s. 6, ch.
 3515 2012-211, Laws of Florida, to add paragraph (q) relating to
 3516 glass and glazing contractors; paragraph (q) defining the
 3517 term "glass and glazing contractor" was repealed by s. 9,
 3518 ch. 2012-13, Laws of Florida, and s. 15, ch. 2012-72, Laws
 3519 of Florida.

3520 Section 88. Paragraph (d) of subsection (4) of section
 3521 499.01, Florida Statutes, is amended to read:

3522 499.01 Permits.—

3523 (4)

3524 (d) Persons receiving prescription drugs from a source
 3525 claimed to be exempt from permitting requirements under this
 3526 subsection shall maintain on file:

3527 1. A record of the FDA establishment registration number,
 3528 if any;

3529 2. The resident state prescription drug wholesale
 3530 distribution license, permit, or registration number; and
 3531 3. A copy of the most recent resident state or FDA
 3532 inspection report, for all distributors and establishments from
 3533 whom they purchase or receive prescription drugs under this
 3534 subsection.
 3535 Reviser's note.—Amended to confirm insertion of the word "from"
 3536 by the editors.
 3537 Section 89. Subsection (3) of section 500.09, Florida
 3538 Statutes, is amended to read:
 3539 500.09 Rulemaking; analytical work.—
 3540 (3) The department may adopt rules necessary for the
 3541 efficient enforcement of this chapter. Such rules must be
 3542 consistent with those adopted under the federal act in regard to
 3543 food and, to this end, the department may adopt by reference
 3544 those rules and the current edition of the model Food Code
 3545 issued by the Food and Drug Administration and Public Health
 3546 Service of the United States Department of Health and Human
 3547 Services, when applicable and practicable.
 3548 Reviser's note.—Amended to confirm insertion of the words "the
 3549 department" by the editors.
 3550 Section 90. Paragraph (a) of subsection (1) of section
 3551 538.23, Florida Statutes, is amended to read:
 3552 538.23 Violations and penalties.—
 3553 (1) (a) Except as provided in paragraph (b), a secondary
 3554 metals recycler who knowingly and intentionally:
 3555 1. Violates s. 538.20 or s. 538.21;
 3556 2. Engages in a pattern of failing to keep records

3557 required by s. 538.19;
 3558 3. Violates s. 538.26(2) ~~538.26(4)~~; or
 3559 4. Violates s. 538.235,
 3560
 3561 commits a felony of the third degree, punishable as provided in
 3562 s. 775.082, s. 775.083, or s. 775.084.

3563 Reviser's note.—Amended to conform to the redesignation of s.
 3564 538.26(4) as s. 538.26(2) by s. 8, ch. 2012-179, Laws of
 3565 Florida.

3566 Section 91. Subsection (1) of section 553.98, Florida
 3567 Statutes, is amended to read:

3568 553.98 Development of building codes for radon-resistant
 3569 buildings; funding; rules for radon-resistant passive
 3570 construction standards; ordinances.—

3571 (1) The Department of Business and Professional Regulation
 3572 ~~department~~ shall be provided funds for activities incidental to
 3573 the development and implementation of the building codes for
 3574 radon-resistant buildings and for such other building code-
 3575 related activities as directed by the Legislature.

3576 Reviser's note.—Amended to conform to the transfer of
 3577 responsibility for building codes from the Department of
 3578 Community Affairs to the Department of Business and
 3579 Professional Regulation by s. 413, ch 2011-142, Laws of
 3580 Florida.

3581 Section 92. Subsection (2) of section 570.451, Florida
 3582 Statutes, is amended to read:

3583 570.451 Agricultural Feed, Seed, and Fertilizer Advisory
 3584 Council.—

3585 (2) The council is composed of the following 15 members
 3586 appointed by the commissioner:

3587 (a) One representative of the department.

3588 (b) One representative of the dean for extension of the
 3589 Institute of Food and Agricultural Sciences at the University of
 3590 Florida.

3591 (c) One representative each from the state's beef cattle,
 3592 poultry, aquaculture, field crops, citrus, vegetable, and dairy
 3593 production industries.

3594 (d) Two representatives each from the state's fertilizer,
 3595 seed, and commercial feed industries.

3596

3597 Each member shall be appointed for a term ~~of~~ not to exceed 4
 3598 years and shall serve until his or her successor is appointed.
 3599 Reviser's note.—Amended to confirm deletion of the word "of" by
 3600 the editors.

3601 Section 93. Paragraph (g) of subsection (2) of section
 3602 580.036, Florida Statutes, is amended to read:

3603 580.036 Powers and duties.—

3604 (2) The department is authorized to adopt rules pursuant
 3605 to ss. 120.536(1) and 120.54 to enforce the provisions of this
 3606 chapter. These rules shall be consistent with the rules and
 3607 standards of the United States Food and Drug Administration and
 3608 the United States Department of Agriculture, when applicable,
 3609 and shall include:

3610 (g) Establishing standards for the sale, use, and
 3611 distribution of commercial feed or feedstuff to ensure usage
 3612 that is consistent with animal safety and well-being and, to the

3613 extent that meat, poultry, and other animal products for human
 3614 consumption may be affected by commercial feed or feedstuff, to
 3615 ensure that these products are safe for human consumption. ~~Such~~
 3616 ~~standards, if adopted, must be developed in consultation with~~
 3617 ~~the Commercial Feed Technical Council created under s. 580.151.~~

3618 Reviser's note.—Amended to conform to the repeal of s. 580.151,
 3619 which created the Commercial Feed Technical Council, by s.
 3620 32, ch. 2012-190, Laws of Florida.

3621 Section 94. Paragraph (f) of subsection (3) of section
 3622 586.10, Florida Statutes, is amended to read:

3623 586.10 Powers and duties of department; preemption of
 3624 local government ordinances.—

3625 (3) The department may:

3626 (f) Inspect or cause to be inspected all apiaries in the
 3627 state at such intervals as it may deem best and ~~to~~ keep a
 3628 complete, accurate, and current list of all inspected apiaries
 3629 to include the:

- 3630 1. Name of the apiary.
- 3631 2. Name of the owner of the apiary.
- 3632 3. Mailing address of the apiary owner.
- 3633 4. Location of the apiary.
- 3634 5. Number of hives in the apiary.
- 3635 6. Pest problems associated with the apiary.
- 3636 7. Brands used by beekeepers where applicable.

3637 Reviser's note.—Amended to confirm deletion of the word "to" by
 3638 the editors.

3639 Section 95. Paragraph (a) of subsection (15) of section
 3640 601.03, Florida Statutes, is amended to read:

3641 601.03 Definitions.—As used in this chapter, the term:

3642 (15) "Concentrated products" means:

3643 (a) Frozen citrus fruit juice ~~frozen~~ that has a
 3644 concentration that exceeds 20 degrees Brix and is kept at a
 3645 sufficiently freezing temperature to ensure preservation of the
 3646 product; or

3647 Reviser's note.—Amended to confirm deletion of the word "frozen"
 3648 by the editors.

3649 Section 96. Paragraph (b) of subsection (2) of section
 3650 601.15, Florida Statutes, is amended to read:

3651 601.15 Advertising campaign; methods of conducting;
 3652 assessments; emergency reserve fund; citrus research.—

3653 (2) The department shall plan and conduct campaigns for
 3654 commodity advertising, publicity, and sales promotion, and may
 3655 conduct campaigns to encourage noncommodity advertising, to
 3656 increase the consumption of citrus fruits and may contract for
 3657 any such advertising, publicity, and sales promotion service. To
 3658 accomplish such purpose, the department shall:

3659 (b) Decide upon some distinctive and suggestive trade name
 3660 and ~~to~~ promote its use in all ways to advertise Florida citrus
 3661 fruit.

3662 Reviser's note.—Amended to confirm deletion of the word "to" by
 3663 the editors.

3664 Section 97. Subsection (4) of section 601.61, Florida
 3665 Statutes, is amended to read:

3666 601.61 Bond requirements of citrus fruit dealers.—

3667 (4) The Department of Citrus or the Department of
 3668 Agriculture, or any officer or employee designated by the

PCB RCC 13-02

2013

3669 Department of Citrus or the Department of Agriculture, is
 3670 authorized to inspect such accounts and records of any citrus
 3671 fruit dealer as may be deemed necessary to determine whether a
 3672 bond that has been delivered to the Department of Agriculture is
 3673 in the amount required by this section or whether a previously
 3674 licensed nonbonded dealer should be required to furnish bond. If
 3675 any such citrus fruit dealer refuses to permit such inspection,
 3676 the Department of Agriculture may publish the facts and
 3677 circumstances and by order suspend the license of the offender
 3678 until permission to make such inspection is given. Upon a
 3679 finding by the Department of Agriculture that any citrus fruit
 3680 dealer has dealt or probably will deal with more fruit during
 3681 the season than shown by the application, the Department of
 3682 Agriculture may order such bond increased to such an amount as
 3683 will meet the requirements set forth in the rules adopted by the
 3684 Department of Citrus for determining the amount of such bonds.
 3685 Upon failure to file such increased bond within the time fixed
 3686 by the Department of Agriculture, the Department of Agriculture
 3687 may publish the facts and circumstances and by order suspend the
 3688 license of such citrus fruit dealer until such bond is increased
 3689 as ordered.

3690 Reviser's note.—Amended to confirm reinsertion of the word "to"
 3691 by the editors to provide clarity; the words "is
 3692 authorized" were added and the words "shall have the right
 3693 to" preceding the word "inspect" were deleted by s. 48, ch.
 3694 2012-182, Laws of Florida.
 3695 Section 98. Paragraph (d) of subsection (1) of section
 3696 601.9910, Florida Statutes, is amended to read:

3697 601.9910 Legislative findings of fact; strict enforcement
 3698 of maturity standard in public interest.—

3699 (1) FINDINGS.—

3700 (d) The Legislature finds and determines and so declares
 3701 that the enforcement of the maturity standards, authorized by
 3702 this chapter and set forth in department rule, will not result
 3703 in preventing any grower from marketing her or his fruit at some
 3704 time during the marketing season, whenever nature has removed
 3705 the raw, immature flavor, and if there is a delay in such
 3706 marketing, it will result in higher prices for the entire
 3707 season, bringing additional millions of dollars to the state's
 3708 growers ~~of~~ and resulting in benefit to all growers, including
 3709 the grower or growers who were delayed a short time in the
 3710 shipment of their fruit.

3711 Reviser's note.—Amended to confirm deletion of the word "of" by
 3712 the editors.

3713 Section 99. Subsection (11) of section 610.109, Florida
 3714 Statutes, is amended to read:

3715 610.109 Public, educational, and governmental access
 3716 channels.—

3717 ~~(11) A municipality or county that has activated at least~~
 3718 ~~one public, educational, or governmental access channel pursuant~~
 3719 ~~to this section may require cable or video service providers to~~
 3720 ~~remit public, educational, and governmental support~~
 3721 ~~contributions in an amount equal to a lump-sum or recurring per-~~
 3722 ~~subscriber funding obligation to support public, educational,~~
 3723 ~~and governmental access channels, or other related costs as~~
 3724 ~~provided for in the incumbent's franchise that exists prior to~~

3725 ~~July 1, 2007, until the expiration date of the incumbent cable~~
 3726 ~~or video service provider's franchise agreement. Any prospective~~
 3727 ~~lump-sum payment shall be made on an equivalent per-subscriber~~
 3728 ~~basis calculated as follows: the amount of prospective funding~~
 3729 ~~obligations divided by the number of subscribers being served by~~
 3730 ~~the incumbent cable or video service provider at the time of~~
 3731 ~~payment, divided by the number of months remaining in the~~
 3732 ~~incumbent cable or video service provider's franchise equals the~~
 3733 ~~monthly per-subscriber amount to be paid by the~~
 3734 ~~certificateholder. The obligations set forth in this subsection~~
 3735 ~~apply until the earlier of the expiration date of the incumbent~~
 3736 ~~cable or video service provider's franchise agreement or July 1,~~
 3737 ~~2012. For purposes of this subsection, an incumbent cable or~~
 3738 ~~video service provider is the service provider serving the~~
 3739 ~~largest number of subscribers as of July 1, 2007.~~

3740 Reviser's note.—Amended to delete an obsolete provision.

3741 Section 100. Paragraph (a) of subsection (9) of section
 3742 624.402, Florida Statutes, is amended to read:

3743 624.402 Exceptions, certificate of authority required.—A
 3744 certificate of authority shall not be required of an insurer
 3745 with respect to:

3746 (9) (a) Life insurance policies or annuity contracts may be
 3747 solicited, sold, or issued in this state by an insurer domiciled
 3748 outside the United States, covering only persons who, at the
 3749 time of issuance are nonresidents of the United States, provided
 3750 that:

3751 1. The insurer is currently an authorized insurer in his
 3752 or her country of domicile as to the kind or kinds of insurance

PCB RCC 13-02

2013

3753 proposed to be offered and must have been such an insurer for
3754 not fewer than the immediately preceding 3 years, or must be the
3755 wholly owned subsidiary of such authorized insurer or must be
3756 the wholly owned subsidiary of an already eligible authorized
3757 insurer as to the kind or kinds of insurance proposed for a
3758 period of not fewer than the immediately preceding 3 years.
3759 However, the office may waive the 3-year requirement if the
3760 insurer has operated successfully for a period of at least the
3761 immediately preceding year and has capital and surplus of not
3762 less than \$25 million.

3763 2. Before the office may grant eligibility, the requesting
3764 insurer furnishes the office with a duly authenticated copy of
3765 its current annual financial statement, in English, and with all
3766 monetary values therein expressed in United States dollars, at
3767 an exchange rate then-current and shown in the statement, in the
3768 case of statements originally made in the currencies of other
3769 countries, and with such additional information relative to the
3770 insurer as the office may request.

3771 3. The insurer has and maintains surplus as to
3772 policyholders of not less than \$15 million. Any such surplus as
3773 to policyholders shall be represented by investments consisting
3774 of eligible investments for like funds of like domestic insurers
3775 under part II of chapter 625; however, any such surplus as to
3776 policyholders may be represented by investments permitted by the
3777 domestic regulator of such alien insurance company if such
3778 investments are substantially similar in terms of quality,
3779 liquidity, and security to eligible investments for like funds
3780 of like domestic insurers under part II of chapter 625.

3781 4. The insurer has a ~~of~~ good reputation as to providing
 3782 service to its policyholders and the payment of losses and
 3783 claims.

3784 5. To maintain eligibility, the insurer furnishes the
 3785 office within the time period specified in s. 624.424(1), a duly
 3786 authenticated copy of its current annual and quarterly financial
 3787 statements, in English, and with all monetary values therein
 3788 expressed in United States dollars, at an exchange rate then-
 3789 current and shown in the statement, in the case of statements
 3790 originally made in the currencies of other countries, and with
 3791 such additional information relative to the insurer as the
 3792 office may request.

3793 6. An insurer receiving eligibility under this subsection
 3794 agrees to make its books and records pertaining to its
 3795 operations in this state available for inspection during normal
 3796 business hours upon request of the office.

3797 7. The insurer notifies the applicant in clear and
 3798 conspicuous language:

3799 a. The date of organization of the insurer.

3800 b. The identity of and rating assigned by each recognized
 3801 insurance company rating organization that has rated the insurer
 3802 or, if applicable, that the insurer is unrated.

3803 c. That the insurer does not hold a certificate of
 3804 authority issued in this state and that the office does not
 3805 exercise regulatory oversight over the insurer.

3806 d. The identity and address of the regulatory authority
 3807 exercising oversight of the insurer. This paragraph does not
 3808 impose upon the office any duty or responsibility to determine

3809 the actual financial condition or claims practices of any
 3810 unauthorized insurer, and the status of eligibility, if granted
 3811 by the office, indicates only that the insurer appears to be
 3812 financially sound and to have satisfactory claims practices and
 3813 that the office has no credible evidence to the contrary.

3814 Reviser's note.—Amended to confirm substitution of the word "a"
 3815 for the word "of" by the editors to improve clarity.

3816 Section 101. Paragraph (h) of subsection (3) of section
 3817 626.2815, Florida Statutes, is amended to read:

3818 626.2815 Continuing education requirements.—

3819 (3) Each licensee subject to this section must, except as
 3820 set forth in paragraphs (b), (c), (d), and (f), complete a
 3821 minimum of 24 hours of continuing education courses every 2
 3822 years in basic or higher-level courses prescribed by this
 3823 section or in other courses approved by the department.

3824 (h) An individual teaching an approved course of
 3825 instruction or lecturing at any approved seminar and attending
 3826 the entire course or seminar qualifies for the same number of
 3827 classroom hours as would be granted to a person taking and
 3828 successfully completing such course or seminar. Credit is
 3829 limited to the number of hours actually taught unless a person
 3830 attends the entire course or seminar. An individual who is an
 3831 official of or employed by a governmental entity in this state
 3832 and serves as a professor, instructor, or in another ~~other~~
 3833 position or office, the duties and responsibilities of which are
 3834 determined by the department to require monitoring and review of
 3835 insurance laws or insurance regulations and practices, is exempt
 3836 from this section.

3837 Reviser's note.—Amended to confirm substitution of the words "in
 3838 another" for the word "other" by the editors to improve
 3839 clarity.

3840 Section 102. Paragraph (h) of subsection (3) of section
 3841 626.2815, Florida Statutes, as amended by section 11 of chapter
 3842 2012-209, effective October 1, 2014, is amended to read:

3843 (3) Each licensee except a title insurance agent must
 3844 complete a 5-hour update course every 2 years which is specific
 3845 to the license held by the licensee. The course must be
 3846 developed and offered by providers and approved by the
 3847 department. The content of the course must address all lines of
 3848 insurance for which examination and licensure are required and
 3849 include the following subject areas: insurance law updates,
 3850 ethics for insurance professionals, disciplinary trends and case
 3851 studies, industry trends, premium discounts, determining
 3852 suitability of products and services, and other similar
 3853 insurance-related topics the department determines are relevant
 3854 to legally and ethically carrying out the responsibilities of
 3855 the license granted. A licensee who holds multiple insurance
 3856 licenses must complete an update course that is specific to at
 3857 least one of the licenses held. Except as otherwise specified,
 3858 any remaining required hours of continuing education are
 3859 elective and may consist of any continuing education course
 3860 approved by the department under this section.

3861 (h) An individual teaching an approved course of
 3862 instruction or lecturing at any approved seminar and attending
 3863 the entire course or seminar qualifies for the same number of
 3864 classroom hours as would be granted to a person taking and

3865 | successfully completing such course or seminar. Credit is
 3866 | limited to the number of hours actually taught unless a person
 3867 | attends the entire course or seminar. An individual who is an
 3868 | official of or employed by a governmental entity in this state
 3869 | and serves as a professor, instructor, or in another ~~other~~
 3870 | position or office, the duties and responsibilities of which are
 3871 | determined by the department to require monitoring and review of
 3872 | insurance laws or insurance regulations and practices, is exempt
 3873 | from this section.

3874 | Reviser's note.—Amended to confirm substitution of the words "in
 3875 | another" for the word "other" by the editors to improve
 3876 | clarity.

3877 | Section 103. Paragraph (c) of subsection (1) of section
 3878 | 626.8734, Florida Statutes, is amended to read:

3879 | 626.8734 Nonresident all-lines adjuster license
 3880 | qualifications.—

3881 | (1) The department shall issue a license to an applicant
 3882 | for a nonresident all-lines adjuster license upon determining
 3883 | that the applicant has paid the applicable license fees required
 3884 | under s. 624.501 and:

3885 | (c) Is licensed as an all-lines adjuster and is self
 3886 | appointed, or appointed and employed by an independent adjusting
 3887 | firm or other independent adjuster, or is an employee of an
 3888 | insurer admitted to do business in this state, a wholly owned
 3889 | subsidiary of an insurer admitted to do business in this state,
 3890 | or other insurers under the common control or ownership of such
 3891 | insurers. Applicants licensed as nonresident all-lines adjusters
 3892 | under this section must be appointed as an independent adjuster

PCB RCC 13-02

2013

3893 or company employee adjuster in accordance with ss. 626.112 and
 3894 626.451. Appointment fees as specified in s. 624.501 must be
 3895 paid to the department in advance. The appointment of a
 3896 nonresident independent adjuster continues in force until
 3897 suspended, revoked, or otherwise terminated, but is subject to
 3898 biennial renewal or continuation by the licensee in accordance
 3899 with s. 626.381 for licensees in general.

3900 Reviser's note.—Amended to confirm insertion of the word "do" by
 3901 the editors.

3902 Section 104. Subsection (7) of section 626.9362, Florida
 3903 Statutes, is amended to read:

3904 626.9362 Cooperative reciprocal agreement authorized for
 3905 collection and allocation of certain nonadmitted insurance
 3906 taxes.—

3907 ~~(7) Following the negotiation and execution of any~~
 3908 ~~cooperative reciprocal agreement entered into by the Department~~
 3909 ~~of Financial Services and the Office of Insurance Regulation~~
 3910 ~~with another state or group of states, the department shall~~
 3911 ~~prepare and submit a report to the President of the Senate and~~
 3912 ~~the Speaker of the House of Representatives by January 1, 2012.~~
 3913 ~~In addition to describing in detail the terms of any agreement~~
 3914 ~~entered into with another state or group of states pursuant to~~
 3915 ~~this section, the report must include, but need not be limited~~
 3916 ~~to:~~

3917 ~~(a) The actual and projected collections and allocation of~~
 3918 ~~nonadmitted insurance premium taxes for multistate risk of each~~
 3919 ~~state participating in the agreement;~~

3920 ~~(b) A detailed description of the administrative structure~~

3921 ~~supporting any agreement, including any clearinghouse created by~~
 3922 ~~an agreement and the fees charged to support administration of~~
 3923 ~~the agreement;~~

3924 ~~(c) The insurance tax rates of any state participating in~~
 3925 ~~the agreement; and~~

3926 ~~(d) The status of any other cooperative reciprocal~~
 3927 ~~agreements established throughout the country, including a~~
 3928 ~~state-by-state listing of passed or pending legislation~~
 3929 ~~responding to changes made by the federal Nonadmitted and~~
 3930 ~~Reinsurance Reform Act of 2010.~~

3931 Reviser's note.—Amended to delete an obsolete provision.

3932 Section 105. Subsection (9) of section 626.989, Florida
 3933 Statutes, is amended to read:

3934 626.989 Investigation by department or Division of
 3935 Insurance Fraud; compliance; immunity; confidential information;
 3936 reports to division; division investigator's power of arrest.—

3937 (9) In recognition of the complementary roles of
 3938 investigating instances of workers' compensation fraud and
 3939 enforcing compliance with the workers' compensation coverage
 3940 requirements under chapter 440, the Department of Financial
 3941 Services shall prepare and submit a joint performance report to
 3942 the President of the Senate and the Speaker of the House of
 3943 Representatives ~~by November 1, 2003, and then~~ by January 1 of
 3944 each year. The annual report must include, but need not be
 3945 limited to:

3946 (a) The total number of initial referrals received, cases
 3947 opened, cases presented for prosecution, cases closed, and
 3948 convictions resulting from cases presented for prosecution by

3949 | the Bureau of Workers' Compensation Insurance Fraud by type of
 3950 | workers' compensation fraud and circuit.

3951 | (b) The number of referrals received from insurers and the
 3952 | Division of Workers' Compensation and the outcome of those
 3953 | referrals.

3954 | (c) The number of investigations undertaken by the Bureau
 3955 | of Workers' Compensation Insurance Fraud which were not the
 3956 | result of a referral from an insurer or the Division of Workers'
 3957 | Compensation.

3958 | (d) The number of investigations that resulted in a
 3959 | referral to a regulatory agency and the disposition of those
 3960 | referrals.

3961 | (e) The number and reasons provided by local prosecutors
 3962 | or the statewide prosecutor for declining prosecution of a case
 3963 | presented by the Bureau of Workers' Compensation Insurance Fraud
 3964 | by circuit.

3965 | (f) The total number of employees assigned to the Bureau
 3966 | of Workers' Compensation Insurance Fraud and the Division of
 3967 | Workers' Compensation Bureau of Compliance delineated by
 3968 | location of staff assigned; and the number and location of
 3969 | employees assigned to the Bureau of Workers' Compensation
 3970 | Insurance Fraud who were assigned to work other types of fraud
 3971 | cases.

3972 | (g) The average caseload and turnaround time by type of
 3973 | case for each investigator and division compliance employee.

3974 | (h) The training provided during the year to workers'
 3975 | compensation fraud investigators and the division's compliance
 3976 | employees.

3977 Reviser's note.—Amended to delete an obsolete provision.
 3978 Section 106. Paragraph (a) of subsection (4) of section
 3979 626.9895, Florida Statutes, is amended to read:
 3980 626.9895 Motor vehicle insurance fraud direct-support
 3981 organization.—
 3982 (4) BOARD OF DIRECTORS.—
 3983 (a) The board of directors of the organization shall
 3984 consist of the following 11 members:
 3985 1. The Chief Financial Officer, or designee, who shall
 3986 serve as chair.
 3987 2. Two state attorneys, one of whom shall be appointed by
 3988 the Chief Financial Officer and one of whom shall be appointed
 3989 by the Attorney General.
 3990 3. Two representatives of motor vehicle insurers appointed
 3991 by the Chief Financial Officer.
 3992 4. Two representatives of local law enforcement agencies,
 3993 one of whom shall be appointed by the Chief Financial Officer
 3994 and one of whom shall be appointed by the Attorney General.
 3995 5. Two representatives of the types of health care
 3996 providers who regularly make claims for benefits under ss.
 3997 627.730-627.7405, one of whom shall be appointed by the
 3998 President of the Senate and one of whom shall be appointed by
 3999 the Speaker of the House of Representatives. The appointees may
 4000 not represent the same type of health care provider.
 4001 6. A private attorney who ~~that~~ has experience in
 4002 representing claimants in actions for benefits under ss.
 4003 627.730-627.7405, who shall be appointed by the President of the
 4004 Senate.

4005 7. A private attorney who has experience in representing
 4006 insurers in actions for benefits under ss. 627.730-627.7405, who
 4007 shall be appointed by the Speaker of the House of
 4008 Representatives.

4009 Reviser's note.—Amended to confirm substitution of the word
 4010 "who" for the word "that" by the editors.

4011 Section 107. Paragraphs (b) and (c) of subsection (3) and
 4012 paragraphs (d), (e), and (f) of subsection (6) of section
 4013 627.3511, Florida Statutes, are amended to read:

4014 627.3511 Depopulation of Citizens Property Insurance
 4015 Corporation.—

4016 (3) EXEMPTION FROM DEFICIT ASSESSMENTS.—

4017 (b) An insurer that first wrote personal lines residential
 4018 property coverage in this state on or after July 1, 1994, is
 4019 exempt from regular deficit assessments imposed pursuant to s.
 4020 627.351(6)(b)3.a., but not emergency assessments collected from
 4021 policyholders pursuant to s. 627.351(6)(b)3.d.

4022 ~~627.351(6)(b)3.e.~~, of the Citizens Property Insurance
 4023 Corporation until the earlier of the following:

4024 1. The end of the calendar year in which it first wrote
 4025 0.5 percent or more of the statewide aggregate direct written
 4026 premium for any line of residential property coverage; or

4027 2. December 31, 1997, or December 31 of the third year in
 4028 which it wrote such coverage in this state, whichever is later.

4029 (c) Other than an insurer that is exempt under paragraph
 4030 (b), an insurer that in any calendar year increases its total
 4031 structure exposure subject to wind coverage by 25 percent or
 4032 more over its exposure for the preceding calendar year is, with

4033 | respect to that year, exempt from deficit assessments imposed
 4034 | pursuant to s. 627.351(6)(b)3.a., but not emergency assessments
 4035 | collected from policyholders pursuant to s. 627.351(6)(b)3.d.
 4036 | ~~627.351(6)(b)3.e.~~, of the Citizens Property Insurance
 4037 | Corporation attributable to such increase in exposure.

4038 | (6) COMMERCIAL RESIDENTIAL TAKE-OUT PLANS.—

4039 | (d) The calculation of an insurer's regular assessment
 4040 | liability under s. 627.351(6)(b)3.a., but not emergency
 4041 | assessments collected from policyholders pursuant to s.
 4042 | 627.351(6)(b)3.d. ~~627.351(6)(b)3.e.~~, shall, with respect to
 4043 | commercial residential policies removed from the corporation
 4044 | under an approved take-out plan, exclude such removed policies
 4045 | for the succeeding 3 years, as follows:

4046 | 1. In the first year following removal of the policies,
 4047 | the policies are excluded from the calculation to the extent of
 4048 | 100 percent.

4049 | 2. In the second year following removal of the policies,
 4050 | the policies are excluded from the calculation to the extent of
 4051 | 75 percent.

4052 | 3. In the third year following removal of the policies,
 4053 | the policies are excluded from the calculation to the extent of
 4054 | 50 percent.

4055 | (e) An insurer that first wrote commercial residential
 4056 | property coverage in this state on or after June 1, 1996, is
 4057 | exempt from regular assessments under s. 627.351(6)(b)3.a., but
 4058 | not emergency assessments collected from policyholders pursuant
 4059 | to s. 627.351(6)(b)3.d. ~~627.351(6)(b)3.e.~~, with respect to
 4060 | commercial residential policies until the earlier of:

4061 1. The end of the calendar year in which such insurer
 4062 first wrote 0.5 percent or more of the statewide aggregate
 4063 direct written premium for commercial residential property
 4064 coverage; or

4065 2. December 31 of the third year in which such insurer
 4066 wrote commercial residential property coverage in this state.

4067 (f) An insurer that is not otherwise exempt from regular
 4068 assessments under s. 627.351(6)(b)3.a. with respect to
 4069 commercial residential policies is, for any calendar year in
 4070 which such insurer increased its total commercial residential
 4071 hurricane exposure by 25 percent or more over its exposure for
 4072 the preceding calendar year, exempt from regular assessments
 4073 under s. 627.351(6)(b)3.a., but not emergency assessments
 4074 collected from policyholders pursuant to s. 627.351(6)(b)3.d.
 4075 ~~627.351(6)(b)3.e.~~, attributable to such increased exposure.

4076 Reviser's note.—Amended to conform to the redesignation of s.
 4077 627.351(6)(b)3.c. as s. 627.351(6)(b)3.d. by s. 1, ch.
 4078 2012-80, Laws of Florida.

4079 Section 108. Section 641.312, Florida Statutes, is amended
 4080 to read:

4081 641.312 Scope.—The Office of Insurance Regulation may
 4082 adopt rules to administer the provisions of the National
 4083 Association of Insurance Commissioners' Uniform Health Carrier
 4084 External Review Model Act, issued by the National Association of
 4085 Insurance Commissioners and dated April 2010. This section does
 4086 not apply to a health maintenance contract that is subject to
 4087 the subscriber assistance program under s. 408.7056 or to the
 4088 types of benefits or coverages provided under s. 627.6561(5)(b)-

4089 | (e) ~~625.6561(5)(b)-(e)~~ issued in any market.
 4090 | Reviser's note.—Amended to substitute a reference to s.
 4091 | 627.6561(5)(b)-(e) for a reference to s. 625.6561(5)(b)-
 4092 | (e). Section 627.6561(5)(b)-(e) references creditable
 4093 | coverages. Section 625.6561 does not exist.
 4094 | Section 109. Subsection (13) of section 651.118, Florida
 4095 | Statutes, is amended to read:
 4096 | 651.118 Agency for Health Care Administration;
 4097 | certificates of need; sheltered beds; community beds.—
 4098 | (13) Residents, as defined in this chapter, are not
 4099 | considered new admissions for the purpose of s. 400.141(1)(n)1.
 4100 | ~~400.141(1)(o)1.d.~~
 4101 | Reviser's note.—Amended to conform to the redesignation of s.
 4102 | 400.141(1)(o)1.d as s. 400.141(1)(n)1. by s. 6, ch. 2012-
 4103 | 160, Laws of Florida.
 4104 | Section 110. Paragraph (c) of subsection (7) of section
 4105 | 817.234, Florida Statutes, is amended to read:
 4106 | 817.234 False and fraudulent insurance claims.—
 4107 | (7)
 4108 | (c) An insurer, or any person acting at the direction of
 4109 | or on behalf of an insurer, may not change an opinion in a
 4110 | mental or physical report prepared under s. 627.736(7)
 4111 | ~~627.736(8)~~ or direct the physician preparing the report to
 4112 | change such opinion; however, this provision does not preclude
 4113 | the insurer from calling to the attention of the physician
 4114 | errors of fact in the report based upon information in the claim
 4115 | file. Any person who violates this paragraph commits a felony of
 4116 | the third degree, punishable as provided in s. 775.082, s.

4117 775.083, or s. 775.084.
 4118 Reviser's note.—Amended to substitute a reference to s.
 4119 627.736(7) for a reference to s. 627.736(8). Section
 4120 627.736(7) references mental and physical examination and
 4121 related reports; subsection (8) relates to attorney fees.
 4122 Section 111. Subsection (5) of section 877.101, Florida
 4123 Statutes, is amended to read:
 4124 877.101 Escrow business by unauthorized persons; use of
 4125 name.—
 4126 (5) Any person who willfully violates this section commits
 4127 a misdemeanor of the first degree, punishable as provided in s.
 4128 ~~775.082, or~~ s. 775.083, ~~or s. 775.084.~~

4129 Reviser's note.—Amended to delete an erroneous reference.
 4130 Section 775.084 does not relate to misdemeanors; it relates
 4131 to violent career criminals, habitual felony offenders, and
 4132 habitual violent felony offenders.

4133 Section 112. Paragraph (b) of subsection (3) of section
 4134 921.0022, Florida Statutes, is amended to read:
 4135 921.0022 Criminal Punishment Code; offense severity
 4136 ranking chart.—

4137 (3) OFFENSE SEVERITY RANKING CHART
 4138 (b) LEVEL 2

4139

Florida Statute	Felony Degree	Description
379.2431 (1)(e)3.	3rd	Possession of 11 or fewer marine turtle eggs in violation of the Marine Turtle

PCB RCC 13-02

2013

Protection Act.

4141

379.2431 3rd Possession of more than 11 marine turtle
(1) (e) 4. eggs in violation of the Marine Turtle
Protection Act.

4142

403.413 (6) (c) 3rd Dumps waste litter exceeding 500 lbs. in
~~403.413 (5) (e)~~ weight or 100 cubic feet in volume or
any quantity for commercial purposes, or
hazardous waste.

4143

517.07 (2) 3rd Failure to furnish a prospectus meeting
requirements.

4144

590.28 (1) 3rd Intentional burning of lands.

4145

784.05 (3) 3rd Storing or leaving a loaded firearm
within reach of minor who uses it to
inflict injury or death.

4146

787.04 (1) 3rd In violation of court order, take,
entice, etc., minor beyond state limits.

4147

806.13 (1) (b) 3. 3rd Criminal mischief; damage \$1,000 or more
to public communication or any other
public service.

4148

810.061 (2) 3rd Impairing or impeding telephone or power

PCB RCC 13-02

2013

			to a dwelling; facilitating or furthering burglary.
4149	810.09(2)(e)	3rd	Trespassing on posted commercial horticulture property.
4150	812.014(2)(c)1.	3rd	Grand theft, 3rd degree; \$300 or more but less than \$5,000.
4151	812.014(2)(d)	3rd	Grand theft, 3rd degree; \$100 or more but less than \$300, taken from unenclosed curtilage of dwelling.
4152	812.015(7)	3rd	Possession, use, or attempted use of an antishoplifting or inventory control device countermeasure.
4153	817.234(1)(a)2.	3rd	False statement in support of insurance claim.
4154	817.481(3)(a)	3rd	Obtain credit or purchase with false, expired, counterfeit, etc., credit card, value over \$300.
4155	817.52(3)	3rd	Failure to redeliver hired vehicle.
4156	817.54	3rd	With intent to defraud, obtain mortgage note, etc., by false representation.

PCB RCC 13-02

2013

4157	817.60 (5)	3rd	Dealing in credit cards of another.
4158	817.60 (6) (a)	3rd	Forgery; purchase goods, services with false card.
4159	817.61	3rd	Fraudulent use of credit cards over \$100 or more within 6 months.
4160	826.04	3rd	Knowingly marries or has sexual intercourse with person to whom related.
4161	831.01	3rd	Forgery.
4162	831.02	3rd	Uttering forged instrument; utters or publishes alteration with intent to defraud.
4163	831.07	3rd	Forging bank bills, checks, drafts, or promissory notes.
4164	831.08	3rd	Possessing 10 or more forged notes, bills, checks, or drafts.
4165	831.09	3rd	Uttering forged notes, bills, checks, drafts, or promissory notes.
4166	831.11	3rd	Bringing into the state forged bank

bills, checks, drafts, or notes.

4167

832.05 (3) (a) 3rd Cashing or depositing item with intent to defraud.

4168

843.08 3rd Falsely impersonating an officer.

4169

893.13 (2) (a) 2. 3rd Purchase of any s. 893.03 (1) (c), (2) (c) 1., (2) (c) 2., (2) (c) 3., (2) (c) 5., (2) (c) 6., (2) (c) 7., (2) (c) 8., (2) (c) 9., (3), or (4) drugs other than cannabis.

4170

893.147 (2) 3rd Manufacture or delivery of drug paraphernalia.

4171

4172 Reviser's note.—Amended to correct an apparent error. Section 1,
4173 ch. 90-76, Laws of Florida, redesignated s. 403.413 (5) (c),
4174 relating to dumping litter exceeding 500 pounds in weight
4175 or 100 cubic feet in volume or any quantity for commercial
4176 purposes or hazardous waste, as subsection (6) (c); s.
4177 403.413 (5) does not contain paragraphs.

4178 Section 113. Subsections (2) and (4) of section 945.355,
4179 Florida Statutes, are amended to read:

4180 945.355 HIV testing of inmates prior to release.—

4181 (2) If an inmate's HIV status is unknown to the
4182 department, the department shall, pursuant to s. 381.004 (2)
4183 ~~381.004 (3)~~, perform an HIV test on the inmate not less than 60
4184 days prior to the inmate's presumptive release date from prison

4185 | by reason of parole, accumulation of gain-time credits, or
 4186 | expiration of sentence. An inmate who is known to the department
 4187 | to be HIV positive or who has been tested within the previous
 4188 | year and does not request retesting need not be tested under
 4189 | this section but is subject to subsections (4) and (5). However,
 4190 | an inmate who is released due to an emergency is exempt from the
 4191 | provisions of this section.

4192 | (4) Pursuant to ss. 381.004(2) ~~381.004(3)~~ and 945.10, the
 4193 | department shall notify the Department of Health and the county
 4194 | health department where the inmate plans to reside regarding an
 4195 | inmate who is known to be HIV positive or has received an HIV
 4196 | positive test result under this section prior to the release of
 4197 | that inmate.

4198 | Reviser's note.—Amended to conform to the redesignation of s.
 4199 | 381.004(3) as s. 381.004(2) by s. 21, ch. 2012-184, Laws of
 4200 | Florida.

4201 | Section 114. Paragraph (b) of subsection (7) of section
 4202 | 948.08, Florida Statutes, is amended to read:

4203 | 948.08 Pretrial intervention program.—

4204 | (7)

4205 | (b) While enrolled in a pretrial intervention program
 4206 | authorized by this subsection, the participant shall be subject
 4207 | to a coordinated strategy developed by a veterans' treatment
 4208 | intervention team. The coordinated strategy should be modeled
 4209 | after the therapeutic jurisprudence principles and key
 4210 | components in s. 397.334(4), with treatment specific to the
 4211 | needs of servicemembers and veterans. The coordinated strategy
 4212 | may include a protocol of sanctions that may be imposed upon the

4213 participant for noncompliance with program rules. The protocol
 4214 of sanctions may include, but need not be limited to, placement
 4215 in a treatment program offered by a licensed service provider or
 4216 in a jail-based treatment program or serving a period of
 4217 incarceration within the time limits established for contempt of
 4218 court. The coordinated strategy must be provided in writing to
 4219 the participant before the participant agrees to enter into a
 4220 pretrial veterans' treatment intervention program or other
 4221 pretrial intervention program. Any person whose charges are
 4222 dismissed after successful completion of the pretrial veterans'
 4223 treatment intervention program, if otherwise eligible, may have
 4224 his or her arrest record of ~~to~~ the dismissed charges expunged
 4225 under s. 943.0585.

4226 Reviser's note.—Amended to confirm substitution of the word "of"
 4227 for the word "to" by the editors to conform to context.

4228 Section 115. Paragraph (b) of subsection (2) of section
 4229 948.16, Florida Statutes, is amended to read:

4230 948.16 Misdemeanor pretrial substance abuse education and
 4231 treatment intervention program; misdemeanor pretrial veterans'
 4232 treatment intervention program.—

4233 (2)

4234 (b) While enrolled in a pretrial intervention program
 4235 authorized by this section, the participant shall be subject to
 4236 a coordinated strategy developed by a veterans' treatment
 4237 intervention team. The coordinated strategy should be modeled
 4238 after the therapeutic jurisprudence principles and key
 4239 components in s. 397.334(4), with treatment specific to the
 4240 needs of veterans and servicemembers. The coordinated strategy

4241 | may include a protocol of sanctions that may be imposed upon the
 4242 | participant for noncompliance with program rules. The protocol
 4243 | of sanctions may include, but need not be limited to, placement
 4244 | in a treatment program offered by a licensed service provider or
 4245 | in a jail-based treatment program or serving a period of
 4246 | incarceration within the time limits established for contempt of
 4247 | court. The coordinated strategy must be provided in writing to
 4248 | the participant before the participant agrees to enter into a
 4249 | misdemeanor pretrial veterans' treatment intervention program or
 4250 | other pretrial intervention program. Any person whose charges
 4251 | are dismissed after successful completion of the misdemeanor
 4252 | pretrial veterans' treatment intervention program, if otherwise
 4253 | eligible, may have his or her arrest record of ~~to~~ the dismissed
 4254 | charges expunged under s. 943.0585.

4255 | Reviser's note.—Amended to confirm substitution of the word "of"
 4256 | for the word "to" by the editors to conform to context.

4257 | Section 116. Paragraph (a) of subsection (5) of section
 4258 | 960.003, Florida Statutes, is amended to read:

4259 | 960.003 Hepatitis and HIV testing for persons charged with
 4260 | or alleged by petition for delinquency to have committed certain
 4261 | offenses; disclosure of results to victims.—

4262 | (5) EXCEPTIONS.— Subsections (2) and (4) do not apply if:

4263 | (a) The person charged with or convicted of or alleged by
 4264 | petition for delinquency to have committed or been adjudicated
 4265 | delinquent for an offense described in subsection (2) has
 4266 | undergone hepatitis and HIV testing voluntarily or pursuant to
 4267 | procedures established in s. 381.004(2)(h)6. ~~381.004(3)(h)6.~~ or
 4268 | s. 951.27, or any other applicable law or rule providing for

4269 hepatitis and HIV testing of criminal defendants, inmates, or
 4270 juvenile offenders, subsequent to his or her arrest, conviction,
 4271 or delinquency adjudication for the offense for which he or she
 4272 was charged or alleged by petition for delinquency to have
 4273 committed; and

4274 Reviser's note.—Amended to conform to the redesignation of s.
 4275 381.004(3)(h)6. as s. 381.004(2)(h)6. by s. 21, ch. 2012-
 4276 184, Laws of Florida.

4277 Section 117. Subsection (37) of section 985.03, Florida
 4278 Statutes, is amended to read:

4279 985.03 Definitions.—As used in this chapter, the term:

4280 (37) "Mother-infant program" means a residential program
 4281 designed to serve the needs of juvenile mothers or expectant
 4282 juvenile mothers who are committed as delinquents, which is
 4283 operated or contracted by the department. A mother-infant
 4284 program facility must be licensed as a child care facility under
 4285 s. 402.308 and must provide the services and support necessary
 4286 to enable each juvenile mother committed to the facility to
 4287 provide for the needs of her infants who, upon agreement of the
 4288 mother, may accompany her ~~them~~ in the program.

4289 Reviser's note.—Amended to confirm substitution of the word
 4290 "her" for the word "them" by the editors to conform to
 4291 context.

4292 Section 118. Subsection (1) of section 1003.43, Florida
 4293 Statutes, is amended to read:

4294 1003.43 General requirements for high school graduation.—

4295 (1) Graduation requires successful completion of either a
 4296 minimum of 24 academic credits in grades 9 through 12 or an

4297 International Baccalaureate curriculum. The 24 credits shall be
 4298 distributed as follows:

4299 (a) Four credits in English, with major concentration in
 4300 composition and literature.

4301 (b) Three credits in mathematics. Effective for students
 4302 entering the 9th grade in the 1997-1998 school year and
 4303 thereafter, one of these credits must be Algebra I, a series of
 4304 courses equivalent to Algebra I, or a higher-level mathematics
 4305 course.

4306 (c) Three credits in science, two of which must have a
 4307 laboratory component. Agriscience Foundations I, the core course
 4308 in secondary Agriscience and Natural Resources programs, counts
 4309 as one of the science credits.

4310 (d) One credit in American history.

4311 (e) One credit in world history, including a comparative
 4312 study of the history, doctrines, and objectives of all major
 4313 political systems.

4314 (f) One-half credit in economics, including a comparative
 4315 study of the history, doctrines, and objectives of all major
 4316 economic systems. The Florida Council on Economic Education
 4317 shall provide technical assistance to the department and
 4318 district school boards in developing curriculum materials for
 4319 the study of economics.

4320 (g) One-half credit in American government, including
 4321 study of the Constitution of the United States. For students
 4322 entering the 9th grade in the 1997-1998 school year and
 4323 thereafter, the study of Florida government, including study of
 4324 the State Constitution, the three branches of state government,

4325 | and municipal and county government, shall be included as part
 4326 | of the required study of American government.

4327 | (h)1. One credit in practical arts career education or
 4328 | exploratory career education. Any career education course as
 4329 | defined in s. 1003.01 may be taken to satisfy the high school
 4330 | graduation requirement for one credit in practical arts or
 4331 | exploratory career education provided in this subparagraph;

4332 | 2. One credit in performing fine arts to be selected from
 4333 | music, dance, drama, painting, or sculpture. A course in any art
 4334 | form, in addition to painting or sculpture, that requires manual
 4335 | dexterity, or a course in speech and debate, may be taken to
 4336 | satisfy the high school graduation requirement for one credit in
 4337 | performing arts pursuant to this subparagraph; or

4338 | 3. One-half credit each in practical arts career education
 4339 | or exploratory career education and performing fine arts, as
 4340 | defined in this paragraph.

4341 |
 4342 | Such credit for practical arts career education or exploratory
 4343 | career education or for performing fine arts shall be made
 4344 | available in the 9th grade, and students shall be scheduled into
 4345 | a 9th grade course as a priority.

4346 | (i) One-half credit in life management skills to include
 4347 | consumer education, positive emotional development, marriage and
 4348 | relationship skill-based education, nutrition, parenting skills,
 4349 | prevention of human immunodeficiency virus infection and
 4350 | acquired immune deficiency syndrome and other sexually
 4351 | transmissible diseases, benefits of sexual abstinence and
 4352 | consequences of teenage pregnancy, information and instruction

4353 on breast cancer detection and breast self-examination,
 4354 cardiopulmonary resuscitation, drug education, and the hazards
 4355 of smoking.

4356 (j) One credit in physical education to include
 4357 assessment, improvement, and maintenance of personal fitness.
 4358 Participation in an interscholastic sport at the junior varsity
 4359 or varsity level, for two full seasons, shall satisfy the one-
 4360 credit requirement in physical education if the student passes a
 4361 competency test on personal fitness with a score of "C" or
 4362 better. The competency test on personal fitness must be
 4363 developed by the Department of Education. A district school
 4364 board may not require that the one credit in physical education
 4365 be taken during the 9th grade year. Completion of one semester
 4366 with a grade of "C" or better in a marching band class, in a
 4367 physical activity class that requires participation in marching
 4368 band activities as an extracurricular activity, or in a Reserve
 4369 Officer Training Corps (R.O.T.C.) class a significant component
 4370 of which is drills shall satisfy a one-half credit requirement
 4371 in physical education. This one-half credit may not be used to
 4372 satisfy the personal fitness requirement or the requirement for
 4373 adaptive physical education under an individual educational plan
 4374 (IEP) or 504 plan.

4375 (k) Eight and one-half elective credits.

4376
 4377 District school boards may award a maximum of one-half credit in
 4378 social studies and one-half elective credit for student
 4379 completion of nonpaid voluntary community or school service
 4380 work. Students choosing this option must complete a minimum of

4381 75 hours of service in order to earn the one-half credit in
 4382 either category of instruction. Credit may not be earned for
 4383 service provided as a result of court action. District school
 4384 boards that approve the award of credit for student volunteer
 4385 service shall develop guidelines regarding the award of the
 4386 credit, and school principals are responsible for approving
 4387 specific volunteer activities. A course designated in the Course
 4388 Code Directory as grade 9 through grade 12 that is taken below
 4389 the 9th grade may be used to satisfy high school graduation
 4390 requirements or Florida Academic Scholars award requirements as
 4391 specified in a district school board's student progression plan.
 4392 A student shall be granted credit toward meeting the
 4393 requirements of this subsection for equivalent courses, as
 4394 identified pursuant to s. 1007.271(9) ~~1007.271(6)~~, taken through
 4395 dual enrollment.

4396 Reviser's note.—Amended to conform to the redesignation of s.
 4397 1007.271(6) as s. 1007.271(9) by s. 20, ch. 2012-191, Laws
 4398 of Florida.

4399 Section 119. Paragraph (a) of subsection (12) of section
 4400 1003.52, Florida Statutes, is amended to read:

4401 1003.52 Educational services in Department of Juvenile
 4402 Justice programs.—

4403 (12) (a) Funding for eligible students enrolled in juvenile
 4404 justice education programs shall be provided through the Florida
 4405 Education Finance Program as provided in s. 1011.62 and the
 4406 General Appropriations Act. Funding shall include, at a minimum:

4407 1. Weighted program funding or the basic amount for
 4408 current operation multiplied by the district cost differential

4409 as provided in s. 1011.62(1)(s) ~~1011.62(1)(r)~~ and (2);

4410 2. The supplemental allocation for juvenile justice
4411 education as provided in s. 1011.62(10);

4412 3. A proportionate share of the district's exceptional
4413 student education guaranteed allocation, the supplemental
4414 academic instruction allocation, and the instructional materials
4415 allocation;

4416 4. An amount equivalent to the proportionate share of the
4417 state average potential discretionary local effort for
4418 operations, which shall be determined as follows:

4419 a. If the district levies the maximum discretionary local
4420 effort and the district's discretionary local effort per FTE is
4421 less than the state average potential discretionary local effort
4422 per FTE, the proportionate share shall include both the
4423 discretionary local effort and the compression supplement per
4424 FTE. If the district's discretionary local effort per FTE is
4425 greater than the state average per FTE, the proportionate share
4426 shall be equal to the state average; or

4427 b. If the district does not levy the maximum discretionary
4428 local effort and the district's actual discretionary local
4429 effort per FTE is less than the state average potential
4430 discretionary local effort per FTE, the proportionate share
4431 shall be equal to the district's actual discretionary local
4432 effort per FTE. If the district's actual discretionary local
4433 effort per FTE is greater than the state average per FTE, the
4434 proportionate share shall be equal to the state average
4435 potential local effort per FTE; and

4436 5. A proportionate share of the district's proration to

4437 funds available, if necessary.

4438 Reviser's note.—Amended to conform to the redesignation of s.

4439 1011.62(1)(r) as s. 1011.62(1)(s) by s. 28, ch. 2012-191,

4440 Laws of Florida.

4441 Section 120. Subsection (6) of section 1006.062, Florida

4442 Statutes, is amended to read:

4443 1006.062 Administration of medication and provision of

4444 medical services by district school board personnel.—

4445 (6) Each district school board shall establish emergency

4446 procedures in accordance with s. 381.0056(4) ~~381.0056(5)~~ for

4447 life-threatening emergencies.

4448 Reviser's note.—Amended to conform to the redesignation of s.

4449 381.0056(5) as s. 381.0056(4) by s. 27, ch. 2012-184, Laws

4450 of Florida.

4451 Section 121. Paragraphs (j), (k), (l), and (m) of

4452 subsection (2) and subsection (3) of section 1006.20, Florida

4453 Statutes, are amended to read:

4454 1006.20 Athletics in public K-12 schools.—

4455 (2) ADOPTION OF BYLAWS, POLICIES, OR GUIDELINES.—

4456 (j) The FHSAA ~~organization~~ shall adopt guidelines to

4457 educate athletic coaches, officials, administrators, and student

4458 athletes and their parents of the nature and risk of concussion

4459 and head injury.

4460 (k) The FHSAA ~~organization~~ shall adopt bylaws or policies

4461 that require the parent of a student who is participating in

4462 interscholastic athletic competition or who is a candidate for

4463 an interscholastic athletic team to sign and return an informed

4464 consent that explains the nature and risk of concussion and head

4465 injury, including the risk of continuing to play after
 4466 concussion or head injury, each year before participating in
 4467 interscholastic athletic competition or engaging in any
 4468 practice, tryout, workout, or other physical activity associated
 4469 with the student's candidacy for an interscholastic athletic
 4470 team.

4471 (1) The FHSAA ~~organization~~ shall adopt bylaws or policies
 4472 that require each student athlete who is suspected of sustaining
 4473 a concussion or head injury in a practice or competition to be
 4474 immediately removed from the activity. A student athlete who has
 4475 been removed from an activity may not return to practice or
 4476 competition until the student submits to the school a written
 4477 medical clearance to return stating that the student athlete no
 4478 longer exhibits signs, symptoms, or behaviors consistent with a
 4479 concussion or other head injury. Medical clearance must be
 4480 authorized by the appropriate health care practitioner trained
 4481 in the diagnosis, evaluation, and management of concussions as
 4482 defined by the Sports Medicine Advisory Committee of the Florida
 4483 High School Athletic Association.

4484 (m) The FHSAA ~~organization~~ shall adopt bylaws for the
 4485 establishment and duties of a sports medicine advisory committee
 4486 composed of the following members:

- 4487 1. Eight physicians licensed under chapter 458 or chapter
- 4488 459 with at least one member licensed under chapter 459.
- 4489 2. One chiropractor licensed under chapter 460.
- 4490 3. One podiatrist licensed under chapter 461.
- 4491 4. One dentist licensed under chapter 466.
- 4492 5. Three athletic trainers licensed under part XIII of

4493 chapter 468.

4494 6. One member who is a current or retired head coach of a
4495 high school in the state.

4496 (3) GOVERNING STRUCTURE OF THE FHSAA ~~ORGANIZATION~~.—

4497 (a) The FHSAA shall operate as a representative democracy
4498 in which the sovereign authority is within its member schools.
4499 Except as provided in this section, the FHSAA shall govern its
4500 affairs through its bylaws.

4501 (b) Each member school, on its annual application for
4502 membership, shall name its official representative to the FHSAA.
4503 This representative must be either the school principal or his
4504 or her designee. That designee must either be an assistant
4505 principal or athletic director housed within that same school.

4506 (c) The FHSAA's membership shall be divided along existing
4507 county lines into four contiguous and compact administrative
4508 regions, each containing an equal or nearly equal number of
4509 member schools to ensure equitable representation on the FHSAA's
4510 board of directors, representative assembly, and appeals
4511 committees.

4512 Reviser's note.—Amended to conform to s. 2, ch. 2012-188, Laws
4513 of Florida, which changed the word "organization" to
4514 "FHSAA" and used that terminology in newly added subunits.
4515 Section 1006.20 was also amended by s. 2, ch. 2012-167,
4516 Laws of Florida, and that law added four new paragraphs to
4517 subsection (2) using the word "organization" that should
4518 now be to "FHSAA." The amendment to subsection (3) updates
4519 the one instance of the word "organization" in existing
4520 text that was missed in the update by s. 2, ch. 2012-188.

4521 Section 122. Paragraph (a) of subsection (3) of section
 4522 1006.282, Florida Statutes, is amended to read:

4523 1006.282 Pilot program for the transition to electronic
 4524 and digital instructional materials.—

4525 (3) A school designated as a pilot program school by the
 4526 school board is exempt from:

4527 (a) Section 1006.40(2) ~~1006.40(2)(a)~~, if the school
 4528 provides comprehensive electronic or digital instructional
 4529 materials to all students; and

4530 Reviser's note.—Amended to conform to s. 31, ch. 2011-55, Laws
 4531 of Florida, which deleted all of s. 1006.40(2)(b) and a
 4532 portion of s. 1006(2)(a); the remaining portion of
 4533 paragraph (a) now constitutes all of s. 1006.40(2).

4534 Section 123. Subsection (3) of section 1009.67, Florida
 4535 Statutes, is amended to read:

4536 1009.67 Nursing scholarship program.—

4537 (3) A scholarship may be awarded for no more than 2 years,
 4538 in an amount not to exceed \$8,000 per year. However, registered
 4539 nurses pursuing a graduate degree for a faculty position or to
 4540 practice as an advanced registered nurse practitioner may
 4541 receive up to \$12,000 per year. These amounts shall be adjusted
 4542 by the amount of increase or decrease in the Consumer Price
 4543 Index for All Urban Consumers published by the United States
 4544 Department of Commerce.

4545 Reviser's note.—Amended to confirm insertion of the word "All"
 4546 by the editors to conform to the full name of the Consumer
 4547 Price Index for All Urban Consumers.

4548 Section 124. Subsection (2) of section 1009.971, Florida

4549 Statutes, is amended to read:

4550 1009.971 Florida Prepaid College Board.—

4551 (2) FLORIDA PREPAID COLLEGE BOARD; MEMBERSHIP.—The board
 4552 shall consist of seven members to be composed of the Attorney
 4553 General, the Chief Financial Officer, the Chancellor of the
 4554 State University System, the Chancellor ~~Deputy Commissioner~~ of
 4555 the Division of Florida ~~Community~~ Colleges, and three members
 4556 appointed by the Governor and subject to confirmation by the
 4557 Senate. Each member appointed by the Governor shall possess
 4558 knowledge, skill, and experience in the areas of accounting,
 4559 actuary, risk management, or investment management. Each member
 4560 of the board not appointed by the Governor may name a designee
 4561 to serve on the board on behalf of the member; however, any
 4562 designee so named shall meet the qualifications required of
 4563 gubernatorial appointees to the board. Members appointed by the
 4564 Governor shall serve terms of 3 years. Any person appointed to
 4565 fill a vacancy on the board shall be appointed in a like manner
 4566 and shall serve for only the unexpired term. Any member shall be
 4567 eligible for reappointment and shall serve until a successor
 4568 qualifies. Members of the board shall serve without compensation
 4569 but shall be reimbursed for per diem and travel in accordance
 4570 with s. 112.061. Each member of the board shall file a full and
 4571 public disclosure of his or her financial interests pursuant to
 4572 s. 8, Art. II of the State Constitution and corresponding
 4573 statute.

4574 Reviser's note.—Amended to substitute a reference to the
 4575 Division of Florida Colleges for the Division of Community
 4576 Colleges within the Department of Education to conform to

4577 the renaming of the division by s. 1, ch. 2009-228, Laws of
 4578 Florida. Section 20.15(4) provides that directors of
 4579 divisions within the department may be designated as
 4580 "Deputy Commissioner" or "Chancellor." The department uses
 4581 the chancellor designation.

4582 Section 125. Subsection (3) of section 1013.231, Florida
 4583 Statutes, is amended to read:

4584 1013.231 Florida College System institution and university
 4585 energy consumption; 10-percent reduction goal.—

4586 ~~(3) Each Florida College System institution and state~~
 4587 ~~university shall submit a report to the Governor, the Speaker of~~
 4588 ~~the House of Representatives, and the President of the Senate by~~
 4589 ~~January 1, 2011, describing how they have met or plan to meet~~
 4590 ~~the 10-percent energy consumption reduction goal.~~

4591 Reviser's note.—Amended to delete an obsolete provision.

4592 Section 126. This act shall take effect on the 60th day
 4593 after adjournment sine die of the session of the Legislature in
 4594 which enacted.