

1                   A reviser's bill to be entitled  
2           An act relating to the Florida Statutes; amending ss.  
3           17.28, 23.1231, 43.291, 110.118, 112.361, 119.0712,  
4           120.65, 201.165, 202.37, 207.021, 207.0281, 212.097,  
5           212.098, 215.61, 238.03, 258.0165, 288.1045, 288.108,  
6           288.706, 288.816, 316.0747, 316.525, 317.0005,  
7           320.0657, 320.0848, 322.161, 324.0221, 339.2817,  
8           339.55, 376.121, 376.317, 379.245, 380.0666, 391.304,  
9           391.305, 393.0641, 395.0185, 395.605, 397.99, 397.998,  
10          400.063, 400.176, 400.801, 402.22, 402.3025, 402.81,  
11          403.7191, 409.2576, 409.2578, 409.441, 409.9101,  
12          411.224, 414.158, 414.1585, 414.35, 415.1105,  
13          420.5091, 430.708, 430.902, 443.1312, 443.1313,  
14          455.2255, 456.053, 472.017, 489.146, 496.414, 497.381,  
15          501.0583, 509.036, 548.024, 559.10, 561.41, 578.26,  
16          582.055, 601.74, 601.76, 607.193, 624.487, 627.096,  
17          627.212, 627.917, 633.445, 641.316, 655.922, 658.995,  
18          668.704, 713.78, 713.785, 744.7021, 744.713, 766.304,  
19          865.09, 943.0543, 943.0544, 944.095, 945.73, 946.525,  
20          949.08, 985.66, 1011.48, 1011.51, 1011.765, 1012.467,  
21          and 1012.965, F.S.; and repealing ss. 112.358,  
22          199.1851, 220.1501, 328.44, 328.50, 403.0861,  
23          409.14511, 409.2675, 411.205, 553.897, 563.04, 564.04,  
24          601.75, 601.77, 601.78, 627.793, 634.289, 663.319, and  
25          984.05, F.S.; to conform to the directive of the  
26          Legislature in section 9 of chapter 2012-116, Laws of  
27          Florida, to prepare a reviser's bill to omit all  
28          statutes and laws, or parts thereof, which grant

29 duplicative, redundant, or unused rulemaking  
 30 authority; amending ss. 213.053, 400.518, 556.116,  
 31 564.06, and 601.80, F.S.; to conform to the changes  
 32 made in this act; providing an effective date.

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

35  
 36 Section 1. Section 17.28, Florida Statutes, is amended to  
 37 read:

38 17.28 Chief Financial Officer may authorize biweekly  
 39 salary payments.—The Chief Financial Officer may permit biweekly  
 40 salary payments to personnel upon written request by a specific  
 41 state agency. ~~The Chief Financial Officer shall adopt reasonable~~  
 42 ~~rules to carry out the intent of this section.~~

43 Section 2. Paragraph (c) of subsection (3) of section  
 44 23.1231, Florida Statutes, is amended to read:

45 23.1231 Florida Mutual Aid Plan; powers and duties.—

46 (3) The department may:

47 ~~(c) Draft rules for mutual aid agreements;~~

48 Section 3. Subsection (7) of section 43.291, Florida  
 49 Statutes, is amended to read:

50 43.291 Judicial nominating commissions.—

51 (7) The Executive Office of the Governor shall provide all  
 52 administrative support for each judicial nominating commission.

53 ~~The Executive Office of the Governor shall adopt rules necessary~~  
 54 ~~to administer this section.~~

55 Section 4. Subsection (3) of section 110.118, Florida  
 56 Statutes, is amended to read:

57 | 110.118 Administrative leave for certain athletic  
58 | competition.—

59 | ~~(3) The department may adopt any rule necessary to carry~~  
60 | ~~out the purposes of this section.~~

61 | Section 5. Section 112.358, Florida Statutes, is repealed.

62 | Section 6. Subsection (8) of section 112.361, Florida  
63 | Statutes, is amended to read:

64 | 112.361 Additional and updated supplemental retirement  
65 | benefits.—

66 | ~~(8) ADMINISTRATION OF SYSTEM. The department shall make~~  
67 | ~~such rules as are necessary for the effective and efficient~~  
68 | ~~administration of this section, and the cost to pay the expenses~~  
69 | ~~of such administration is hereby appropriated out of the~~  
70 | ~~appropriate fund pursuant to subsection (7).~~

71 | Section 7. Paragraph (d) of subsection (2) of section  
72 | 119.0712, Florida Statutes, is amended to read:

73 | 119.0712 Executive branch agency-specific exemptions from  
74 | inspection or copying of public records.—

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

76 | ~~(d) The department may adopt rules to carry out the~~  
77 | ~~purposes of this subsection and the federal Driver's Privacy~~  
78 | ~~Protection Act of 1994, 18 U.S.C. ss. 2721 et seq. Rules adopted~~  
79 | ~~by the department may provide for the payment of applicable fees~~  
80 | ~~and, prior to the disclosure of personal information pursuant to~~  
81 | ~~this subsection or the federal Driver's Privacy Protection Act~~  
82 | ~~of 1994, 18 U.S.C. ss. 2721 et seq., may require the meeting of~~  
83 | ~~conditions by the requesting person for the purposes of~~  
84 | ~~obtaining reasonable assurance concerning the identity of such~~

85 | ~~requesting person, and, to the extent required, assurance that~~  
 86 | ~~the use will be only as authorized or that the consent of the~~  
 87 | ~~person who is the subject of the personal information has been~~  
 88 | ~~obtained. Such conditions may include, but need not be limited~~  
 89 | ~~to, the making and filing of a written application in such form~~  
 90 | ~~and containing such information and certification requirements~~  
 91 | ~~as the department requires.~~

92 | Section 8. Subsections (6) and (8) of section 120.65,  
 93 | Florida Statutes, are amended to read:

94 | 120.65 Administrative law judges.—

95 | ~~(6) By rule, the division may establish:~~

96 | ~~(a) Further qualifications for administrative law judges~~  
 97 | ~~and shall establish procedures by which candidates will be~~  
 98 | ~~considered for employment or contract.~~

99 | ~~(b) The manner in which public notice will be given of~~  
 100 | ~~vacancies in the staff of administrative law judges.~~

101 | ~~(c) Procedures for the assignment of administrative law~~  
 102 | ~~judges.~~

103 | ~~(8) The division shall have the authority to adopt~~  
 104 | ~~reasonable rules to carry out the provisions of this act.~~

105 | Section 9. Section 199.1851, Florida Statutes, is  
 106 | repealed.

107 | Section 10. Subsection (1) of section 201.165, Florida  
 108 | Statutes, is amended to read:

109 | 201.165 Credit for tax paid to other states.—

110 | (1) For a tax imposed by any section of this chapter, a  
 111 | credit against the specific tax imposed by that section is  
 112 | allowed in an amount equal to a like tax lawfully imposed and

113 | paid on the same document or instrument in another state,  
 114 | territory of the United States, or the District of Columbia. For  
 115 | purposes of this subsection, "like tax" means an excise tax on  
 116 | documents that is in substance identical to the tax imposed by  
 117 | this chapter on the same document. The credit may not exceed the  
 118 | tax imposed by this chapter on the document. Proof of  
 119 | entitlement to such a credit must be provided to the department.  
 120 | ~~The department may adopt rules to implement this credit and~~  
 121 | ~~designate forms that establish what proof is required.~~

122 |       Section 11. Paragraph (c) of subsection (1) of section  
 123 | 202.37, Florida Statutes, is amended to read:

124 |       202.37 Special rules for administration of local  
 125 | communications services tax.—

126 |       (1)

127 |       (c) Notwithstanding any other provision of law to the  
 128 | contrary, if a dealer of communications services provides  
 129 | communications services solely within a single county, that  
 130 | county or any municipality located therein may perform an audit  
 131 | of such dealer with respect to communications services provided  
 132 | by such dealer within such county, including both the state and  
 133 | local components of the communications services tax imposed and  
 134 | any other tax administered pursuant to this chapter.

135 |       1. Prior to the exercise of such authority, and for  
 136 | purposes of determining whether a dealer operates solely within  
 137 | one county, a local government may presume such localized  
 138 | operation if the dealer reports sales in a single county. Upon  
 139 | notice by the local government to the department of an intent to  
 140 | audit a dealer, the department shall notify the local government

141 within 60 days if the department has issued a notice of intent  
142 to audit the dealer, or it shall notify the dealer of the local  
143 government's request to audit.

144 2. The dealer may, within 30 days, rebut the single-  
145 county-operation presumption by providing evidence to the  
146 department that it provides communication services in more than  
147 one county in the state or that it is part of an affiliated  
148 group members of which provide communications services in more  
149 than one county in the state. An affiliated group is defined as  
150 one or more chains of includable corporations or partnerships  
151 connected through ownership with a common parent corporation or  
152 other partnership which is an includable corporation or  
153 partnership when the common parent corporation or partnership  
154 has ownership in at least one other includable corporation or  
155 partnership which generally satisfies the requirements of  
156 Internal Revenue Code s. 267 or Internal Revenue Code s. 707. If  
157 a dealer or a member of an affiliated group provides  
158 communications services in more than one county in the state,  
159 the department will notify the local government that no audit  
160 may be performed.

161 3. If, during the course of an audit conducted pursuant to  
162 this paragraph, a local government determines that a dealer  
163 provided communications services in more than one county during  
164 the period under audit, the local government shall terminate the  
165 audit and notify the department of its findings.

166 4. Local governments conducting audits shall be bound by  
167 department rules and technical assistance advisements issued  
168 during the course of an audit conducted pursuant to this

169 paragraph. Local governments conducting communications services  
 170 tax audits pursuant to this subparagraph, or taxpayers being  
 171 audited pursuant to this subparagraph, may request and the  
 172 department may issue technical assistance advisements pursuant  
 173 to s. 213.22 regarding a pending audit issue. When the  
 174 department is requested to issue a technical assistance  
 175 advisement hereunder, it shall notify the affected local  
 176 government or taxpayer of the request.

177 5. Any audit performed hereunder shall obligate the local  
 178 government to extend situsing work performed during such audit  
 179 to include all addresses within the county. Such audit results  
 180 shall be performed on behalf of and computed for each local  
 181 government and unincorporated county area inside the subject  
 182 county, and they shall be bound thereby.

183 6. The review, protest, and collection of amounts due as  
 184 the results of an audit performed hereunder shall be the  
 185 responsibility of the local jurisdiction and shall be governed  
 186 by s. 166.234 to the extent not inconsistent with this chapter.

187 7. No fee or any portion of a fee for audits conducted on  
 188 behalf of a municipality or county pursuant to this paragraph  
 189 shall be based upon the amount assessed or collected as a result  
 190 of the audit, and no determination based upon an audit conducted  
 191 in violation of this prohibition shall be valid.

192 8. All audits performed pursuant to this paragraph shall  
 193 be in accordance with standards promulgated by the American  
 194 Institute of Certified Public Accountants, the Institute of  
 195 Internal Auditors, or the Comptroller General of the United  
 196 States insofar as those standards are not inconsistent with

197 rules of the Department of Revenue.

198 9. Results of audits performed pursuant to this paragraph  
 199 shall be valid for all jurisdictions within the subject county.  
 200 The assessment, review, and collection of any amounts ultimately  
 201 determined to be due as the result of such an audit will be the  
 202 responsibility of the auditing jurisdiction, and any such  
 203 collections from the dealer shall be remitted to the Department  
 204 of Revenue along with appropriate instructions for distribution  
 205 of such amounts. No entity subject to audit hereunder can be  
 206 audited by any local jurisdiction for compliance with this  
 207 chapter more frequently than once every 3 years.

208 ~~10. The department may adopt rules for the notification~~  
 209 ~~and determination processes established in this paragraph as~~  
 210 ~~well as for the information to be provided by a local government~~  
 211 ~~conducting an audit.~~

212 Section 12. Subsection (1) of section 207.021, Florida  
 213 Statutes, is amended to read:

214 207.021 Informal conferences; settlement or compromise of  
 215 taxes, penalties, or interest.—

216 (1) (a) The department may establish ~~adopt rules for~~  
 217 ~~establishing~~ informal conferences for the resolution of disputes  
 218 arising from the assessment of taxes, penalties, or interest or  
 219 the denial of refunds under chapter 120.

220 (b) During any proceeding arising under this section, the  
 221 motor carrier has the right to be represented and to record all  
 222 procedures at the motor carrier's expense.

223 Section 13. Subsection (6) of section 207.0281, Florida  
 224 Statutes, is amended to read:



225 |           207.0281 Registration; cooperative reciprocal agreements  
226 | between states.—

227 |       ~~(6) The department may adopt rules for the administration~~  
228 | ~~and enforcement of the agreements.~~

229 |           Section 14. Subsection (16) of section 212.097, Florida  
230 | Statutes, is amended to read:

231 |           212.097 Urban High-Crime Area Job Tax Credit Program.—

232 |       ~~(16) The Department of Revenue shall adopt rules governing~~  
233 | ~~the manner and form of applications for credit and may establish~~  
234 | ~~guidelines concerning the requisites for an affirmative showing~~  
235 | ~~of qualification for the credit under this section.~~

236 |           Section 15. Subsection (12) of section 212.098, Florida  
237 | Statutes, is amended to read:

238 |           212.098 Rural Job Tax Credit Program.—

239 |       ~~(12) The department shall adopt rules governing the manner~~  
240 | ~~and form of applications for credit and may establish guidelines~~  
241 | ~~as to the requisites for an affirmative showing of qualification~~  
242 | ~~for the credit under this section.~~

243 |           Section 16. Subsection (5) of section 215.61, Florida  
244 | Statutes, is amended to read:

245 |           215.61 State system of public education capital outlay  
246 | bonds.—

247 |       ~~(5) The State Board of Education shall have the power to~~  
248 | ~~make and enforce all rules and regulations necessary to the full~~  
249 | ~~exercise of the powers herein granted.~~

250 |           Section 17. Section 220.1501, Florida Statutes, is  
251 | repealed.

252 |           Section 18. Subsection (1) of section 238.03, Florida

253 Statutes, is amended to read:

254 238.03 Administration.—

255 (1) The general administration and the responsibility for  
 256 the proper operation of the retirement system and for making  
 257 effective the provisions of this chapter are vested in the  
 258 Department of Management Services. ~~Subject to the limitation of  
 259 this chapter, the department shall, from time to time, establish  
 260 rules and regulations for the administration and transaction of  
 261 the business of the retirement system and shall perform such  
 262 other functions as are required for the execution of this  
 263 chapter.~~

264 Section 19. Subsection (5) of section 258.0165, Florida  
 265 Statutes, is amended to read:

266 258.0165 Defibrillators in state parks.—

267 ~~(5) The Division of Recreation and Parks may adopt rules  
 268 pursuant to ss. 120.536(1) and 120.54 to implement the  
 269 provisions of this section.~~

270 Section 20. Paragraph (a) of subsection (6) of section  
 271 288.1045, Florida Statutes, is amended to read:

272 288.1045 Qualified defense contractor and space flight  
 273 business tax refund program.—

274 (6) ADMINISTRATION.—

275 ~~(a) The department may adopt rules pursuant to chapter 120  
 276 for the administration of this section.~~

277 Section 21. Subsection (7) of section 288.108, Florida  
 278 Statutes, is amended to read:

279 288.108 High-impact business.—

280 ~~(7) RULEMAKING. The department may adopt rules necessary~~

281 ~~to carry out the provisions of this section.~~

282 Section 22. Subsection (10) of section 288.706, Florida  
 283 Statutes, is amended to read:

284 288.706 Florida Minority Business Loan Mobilization  
 285 Program.—

286 ~~(10) The Department of Management Services may adopt rules~~  
 287 ~~to implement the provisions of this section.~~

288 Section 23. Subsection (2) of section 288.816, Florida  
 289 Statutes, is amended to read:

290 288.816 Intergovernmental relations.—

291 (2) The state protocol officer shall be responsible for  
 292 all consular relations between the state and all foreign  
 293 governments doing business in Florida. The state protocol  
 294 officer shall monitor United States laws and directives to  
 295 ensure that all federal treaties regarding foreign privileges  
 296 and immunities are properly observed. The state protocol officer  
 297 ~~shall promulgate rules which shall:~~

298 (a) Establish a viable system of registration for foreign  
 299 government officials residing or having jurisdiction in the  
 300 state. Emphasis shall be placed on maintaining active  
 301 communication between the state protocol officer and the United  
 302 States Department of State in order to be currently informed  
 303 regarding foreign governmental personnel stationed in, or with  
 304 official responsibilities for, Florida. Active dialogue shall  
 305 also be maintained with foreign countries which historically  
 306 have had dealings with Florida in order to keep them informed of  
 307 the proper procedure for registering with the state.

308 (b) Maintain and systematically update a current and

309 accurate list of all such foreign governmental officials,  
 310 consuls, or consulates.

311 (c) Issue certificates to such foreign governmental  
 312 officials after verification pursuant to proper investigations  
 313 through United States Department of State sources and the  
 314 appropriate foreign government.

315 (d) Verify entitlement to sales and use tax exemptions  
 316 pursuant to United States Department of State guidelines and  
 317 identification methods.

318 (e) Verify entitlement to issuance of special motor  
 319 vehicle license plates by the Department of Highway Safety and  
 320 Motor Vehicles to honorary consuls or such other officials  
 321 representing foreign governments who are not entitled to  
 322 issuance of special Consul Corps license plates by the United  
 323 States Government.

324 (f) Establish a system of communication to provide all  
 325 state and local law enforcement agencies with information  
 326 regarding proper procedures relating to the arrest or  
 327 incarceration of a foreign citizen.

328 (g) Request the Department of Law Enforcement to provide  
 329 transportation and protection services when necessary pursuant  
 330 to s. 943.68.

331 (h) Coordinate, when necessary, special activities between  
 332 foreign governments and Florida state and local governments.  
 333 These may include Consular Corps Day, Consular Corps  
 334 conferences, and various other social, cultural, or educational  
 335 activities.

336 (i) Notify all newly arrived foreign governmental

337 officials of the services offered by the state protocol officer.

338 Section 24. Subsection (2) of section 316.0747, Florida  
 339 Statutes, is amended to read:

340 316.0747 Sale or purchase of traffic control devices by  
 341 nongovernmental entities; prohibitions.—

342 (2) Nongovernmental entities to which the general public  
 343 is invited to travel shall install and maintain uniform traffic  
 344 control devices at appropriate locations pursuant to the  
 345 standards set forth by the Manual on Uniform Traffic Control  
 346 Devices as adopted by the Department of Transportation pursuant  
 347 to s. 316.0745. Businesses the parking lots of which do not  
 348 provide intersecting lanes of traffic and businesses having  
 349 fewer than 25 parking spaces are exempt from the provisions of  
 350 this subsection. ~~The Department of Transportation shall adopt~~  
 351 ~~rules to implement this section.~~

352 Section 25. Subsection (2) of section 316.525, Florida  
 353 Statutes, is amended to read:

354 316.525 Requirements for vehicles hauling loads.—

355 ~~(2) The Department of Transportation shall promulgate~~  
 356 ~~rules with respect to the type and suitability of nylon~~  
 357 ~~strapping to be used in compliance with this section.~~

358 Section 26. Section 317.0005, Florida Statutes, is amended  
 359 to read:

360 317.0005 Rules, Forms, and notices.—

361 ~~(1) The department may adopt rules pursuant to ss.~~  
 362 ~~120.536(1) and 120.54, which pertain to off-highway vehicle~~  
 363 ~~titling, in order to implement the provisions of this chapter~~  
 364 ~~conferring duties upon it.~~

365       ~~(2)~~ The department shall prescribe and provide suitable  
 366 forms for applications and other notices and forms necessary to  
 367 administer the provisions of this chapter.

368       Section 27. Subsection (5) of section 320.0657, Florida  
 369 Statutes, is amended to read:

370       320.0657 Permanent registration; fleet license plates.—

371       ~~(5) The department may adopt rules to comply with this~~  
 372 ~~section.~~

373       Section 28. Subsection (12) of section 320.0848, Florida  
 374 Statutes, is amended to read:

375       320.0848 Persons who have disabilities; issuance of  
 376 disabled parking permits; temporary permits; permits for certain  
 377 providers of transportation services to persons who have  
 378 disabilities.—

379       ~~(12) The Department of Highway Safety and Motor Vehicles~~  
 380 ~~shall adopt rules to administer this section.~~

381       Section 29. Subsection (3) of section 322.161, Florida  
 382 Statutes, is amended to read:

383       322.161 High-risk drivers; restricted licenses.—

384       ~~(3) The department shall adopt rules to carry out the~~  
 385 ~~purposes of this section.~~

386       Section 30. Paragraph (a) of subsection (1) of section  
 387 324.0221, Florida Statutes, is amended to read:

388       324.0221 Reports by insurers to the department; suspension  
 389 of driver's license and vehicle registrations; reinstatement.—

390       (1) (a) Each insurer that has issued a policy providing  
 391 personal injury protection coverage or property damage liability  
 392 coverage shall report the renewal, cancellation, or nonrenewal

393 | thereof to the department within 45 days after the effective  
 394 | date of each renewal, cancellation, or nonrenewal. Upon the  
 395 | issuance of a policy providing personal injury protection  
 396 | coverage or property damage liability coverage to a named  
 397 | insured not previously insured by the insurer during that  
 398 | calendar year, the insurer shall report the issuance of the new  
 399 | policy to the department within 30 days. The report shall be in  
 400 | the form and format and contain any information required by the  
 401 | department and must be provided in a format that is compatible  
 402 | with the data processing capabilities of the department. ~~The~~  
 403 | ~~department may adopt rules regarding the form and documentation~~  
 404 | ~~required.~~ Failure by an insurer to file proper reports with the  
 405 | department as required by this subsection ~~or rules adopted with~~  
 406 | ~~respect to the requirements of this subsection~~ constitutes a  
 407 | violation of the Florida Insurance Code. These records shall be  
 408 | used by the department only for enforcement and regulatory  
 409 | purposes, including the generation by the department of data  
 410 | regarding compliance by owners of motor vehicles with the  
 411 | requirements for financial responsibility coverage.

412 |       Section 31. Section 328.44, Florida Statutes, is repealed.

413 |       Section 32. Section 328.50, Florida Statutes, is repealed.

414 |       Section 33. Subsection (5) of section 339.2817, Florida  
 415 | Statutes, is amended to read:

416 |       339.2817 County Incentive Grant Program.—

417 |       ~~(5) The department is authorized to adopt rules to~~  
 418 | ~~administer the County Incentive Grant Program.~~

419 |       Section 34. Subsection (9) of section 339.55, Florida  
 420 | Statutes, is amended to read:

421 339.55 State-funded infrastructure bank.—

422 ~~(9) The department is authorized to adopt rules to~~  
 423 ~~implement the state-funded infrastructure bank.~~

424 Section 35. Paragraph (b) of subsection (2) and subsection  
 425 (14) of section 376.121, Florida Statutes, are amended to read:

426 376.121 Liability for damage to natural resources.—The  
 427 Legislature finds that extensive damage to the state's natural  
 428 resources is the likely result of a pollutant discharge and that  
 429 it is essential that the state adequately assess and recover the  
 430 cost of such damage from responsible parties. It is the state's  
 431 goal to recover the costs of restoration from the responsible  
 432 parties and to restore damaged natural resources to their  
 433 pre-discharge condition. In many instances, however, restoration  
 434 is not technically feasible. In such instances, the state has  
 435 the responsibility to its citizens to recover the cost of all  
 436 damage to natural resources. To ensure that the public does not  
 437 bear a substantial loss as a result of the destruction of  
 438 natural resources, the procedures set out in this section shall  
 439 be used to assess the cost of damage to such resources. Natural  
 440 resources include coastal waters, wetlands, estuaries, tidal  
 441 flats, beaches, lands adjoining the seacoasts of the state, and  
 442 all living things except human beings. The Legislature  
 443 recognizes the difficulty historically encountered in  
 444 calculating the value of damaged natural resources. The value of  
 445 certain qualities of the state's natural resources is not  
 446 readily quantifiable, yet the resources and their qualities have  
 447 an intrinsic value to the residents of the state, and any damage  
 448 to natural resources and their qualities should not be dismissed



449 as nonrecoverable merely because of the difficulty in  
 450 quantifying their value. In order to avoid unnecessary  
 451 speculation and expenditure of limited resources to determine  
 452 these values, the Legislature hereby establishes a schedule for  
 453 compensation for damage to the state's natural resources and the  
 454 quality of said resources. As an alternative to the compensation  
 455 schedule described in subsections (4), (5), (6), and (9), the  
 456 department, when no responsible party is identified, when a  
 457 responsible party opts out of the formula pursuant to paragraph  
 458 (10) (a), or when the department conducts a cooperative damage  
 459 assessment with federal agencies, may use methods of calculating  
 460 natural resources damages in accordance with federal rules  
 461 implementing the Oil Pollution Act of 1990, as amended.

462 (2) The compensation schedule for damage to natural  
 463 resources is based upon the cost of restoration and the loss of  
 464 ecological, consumptive, intrinsic, recreational, scientific,  
 465 economic, aesthetic, and educational values of such injured or  
 466 destroyed resources. The compensation schedule takes into  
 467 account:

468 (b) The characteristics of the pollutant discharged. The  
 469 toxicity, dispersibility, solubility, and persistence  
 470 characteristics of a pollutant as affects the severity of the  
 471 effects on the receiving environment, living things, and  
 472 recreational and aesthetic resources. Pollutants have varying  
 473 propensities to injure natural resources based upon their  
 474 potential exposure and effects. Exposure to natural resources is  
 475 determined by the dispersibility and degradability of the  
 476 pollutant. Effects to natural resources result from mechanical

477 injury and toxicity and include physical contamination,  
 478 smothering, feeding prevention, immobilization, respiratory  
 479 distress, direct mortality, lost recruitment of larvae and  
 480 juveniles killed, changes in the food web, and chronic effects  
 481 of sublethal levels of contaminants in tissues or the  
 482 environment. For purposes of the compensation schedule,  
 483 pollutants have been ranked for their propensity to cause injury  
 484 to natural resources based upon a combination of their acute  
 485 toxicity, mechanical injury, degradability, and dispersibility  
 486 characteristics on a 1-to-3 relative scale with Category 1  
 487 containing the pollutants with the greatest propensity to cause  
 488 injury to natural resources. The following pollutants are  
 489 categorized:

- 490 1. Category 1: bunker and residual fuel.
- 491 2. Category 2: waste oils, crude oil, lubricating oil,  
 492 asphalt, and tars.
- 493 3. Category 3: hydraulic fluids, numbers 1 and 2 diesel  
 494 fuels, heating oil, jet aviation fuels, motor gasoline,  
 495 including aviation gasoline, kerosene, stationary turbine fuels,  
 496 ammonia and its derivatives, and chlorine and its derivatives.

497  
 498 ~~The department shall adopt rules establishing the pollutant~~  
 499 ~~category of pesticides and other pollutants as defined in s.~~  
 500 ~~376.031 and not listed in this paragraph.~~

501 ~~(14) The department shall adopt rules necessary or~~  
 502 ~~convenient for carrying out the duties, obligations, powers, and~~  
 503 ~~responsibilities set forth in this section.~~

504 Section 36. Subsection (5) of section 376.317, Florida

505 Statutes, is amended to read:

506 376.317 Superseded laws; state preemption.—

507 (5) The department is authorized to ~~adopt rules that~~  
 508 permit any county government to establish, in accordance with s.  
 509 403.182, a program regulating underground storage tanks, which  
 510 program is more stringent or extensive than that established by  
 511 any state law or rule regulating underground storage tanks. The  
 512 department shall approve or deny a request by a county for  
 513 approval of an ordinance establishing such a program according  
 514 to the procedures and time limits of s. 120.60. ~~When adopting~~  
 515 ~~the rules,~~ The department shall consider local conditions that  
 516 warrant such more stringent or extensive regulation of  
 517 underground storage tanks, including, but not limited to, the  
 518 proximity of the county to a sole or single-source aquifer, the  
 519 potential threat to the public water supply because of the  
 520 proximity of underground storage tanks to public wells or  
 521 groundwater, or the detection of petroleum products in public or  
 522 private water supplies.

523 Section 37. Subsection (6) of section 379.245, Florida  
 524 Statutes, is amended to read:

525 379.245 Spiny lobster reports by dealers during closed  
 526 season required.—

527 ~~(6) The Fish and Wildlife Conservation Commission may~~  
 528 ~~adopt rules incorporating by reference such forms as are~~  
 529 ~~necessary to administer this section.~~

530 Section 38. Subsection (9) of section 380.0666, Florida  
 531 Statutes, is amended to read:

532 380.0666 Powers of land authority.—The land authority

533 shall have all the powers necessary or convenient to carry out  
 534 and effectuate the purposes and provisions of this act,  
 535 including the following powers, which are in addition to all  
 536 other powers granted by other provisions of this act:

537 ~~(9) To make rules pursuant to the provisions of chapter~~  
 538 ~~120 necessary to carry out the purposes of this act and to~~  
 539 ~~exercise any power granted in this act.~~

540 Section 39. Subsection (1) of section 391.304, Florida  
 541 Statutes, is amended to read:

542 391.304 Program coordination.—

543 (1) The Department of Health shall:

544 (a) develop a plan for statewide implementation of the  
 545 developmental evaluation and intervention program.

546 (b) Develop ~~rules,~~ procedures, and contracts to implement  
 547 the developmental evaluation and intervention program.

548 Section 40. Section 391.305, Florida Statutes, is amended  
 549 to read:

550 391.305 Program standards; ~~rules.~~—The Department of Health  
 551 shall ~~adopt rules for the administration of the developmental~~  
 552 ~~evaluation and intervention program. The rules shall specify~~  
 553 standards for the development and operation of the program,  
 554 including, but not limited to:

555 (1) Standards governing the eligibility for program  
 556 services and the requirements of the population to be served.

557 (2) Criteria for determining an infant's or a toddler's  
 558 need for developmental evaluation and intervention program  
 559 services.

560 (3) Minimum developmental evaluation and intervention and

561 support services.

562 (4) Program staff requirements and personnel  
563 qualifications.

564 (5) Reporting and program evaluation procedures.

565 Section 41. Subsection (5) of section 393.0641, Florida  
566 Statutes, is amended to read:

567 393.0641 Program for the prevention and treatment of  
568 severe self-injurious behavior.—

569 (5) The agency may license this program ~~and adopt rules to~~  
570 ~~administer the program.~~

571 Section 42. Section 395.0185, Florida Statutes, is amended  
572 to read:

573 395.0185 Rebates prohibited; penalties.—

574 (1) It is unlawful for any person to pay or receive any  
575 commission, bonus, kickback, or rebate or engage in any split-  
576 fee arrangement, in any form whatsoever, with any physician,  
577 surgeon, organization, or person, either directly or indirectly,  
578 for patients referred to a licensed facility.

579 (2) The agency shall enforce ~~adopt rules which assess~~  
580 ~~administrative penalties for acts prohibited in~~ subsection (1).  
581 ~~In the case of an entity licensed by the agency, such penalties~~  
582 ~~may include any disciplinary action available to the agency~~  
583 ~~under the appropriate licensing laws.~~ In the case of an entity  
584 not licensed by the agency, administrative ~~such~~ penalties may  
585 include:

586 (a) A fine not to exceed \$1,000.

587 (b) If applicable, a recommendation by the agency to the  
588 appropriate licensing board that disciplinary action be taken.

589 Section 43. Subsections (8) and (9) of section 395.605,  
 590 Florida Statutes, are amended to read:

591 395.605 Emergency care hospitals.—

592 ~~(8) The agency shall adopt rules for facility licensure~~  
 593 ~~that conform to s. 395.1055. Rules shall include the following~~  
 594 ~~provisions:~~

595 (a) Emergency care hospitals shall have agreements with  
 596 other hospitals, skilled nursing facilities, home health  
 597 agencies, and with providers of diagnostic-imaging and  
 598 laboratory services that are not provided on site but are needed  
 599 by patients.

600 (b) All patients shall be under the care of a physician or  
 601 under the care of a nurse practitioner or physician assistant  
 602 supervised by a physician.

603 (c) A physician, nurse practitioner, or physician  
 604 assistant shall be on duty at all times, or a physician shall be  
 605 on call and available within 30 minutes at all times.

606 (d) All compounding, packaging, and dispensing of drugs  
 607 and biologicals shall be under the supervision of a pharmacist.

608 (e) Diagnostic radiologic services and clinical laboratory  
 609 services shall be maintained at the facility or shall be  
 610 available to meet the needs of its patients.

611 (f) Clinical laboratory services provided by the facility  
 612 shall, at a minimum, include:

- 613 1. Chemical examinations of urine by stick or tablet  
 614 methods, or both (including urine ketones).
- 615 2. Microscopic examinations of urine sediment.
- 616 3. Hemoglobin or hematocrit.

617 4. Blood sugar.  
 618 5. Gram stain.  
 619 6. Examination of stool specimens for occult blood.  
 620 7. Pregnancy tests.  
 621 8. Primary culturing for transmittal to a certified  
 622 laboratory.  
 623 9. Sediment rate, CBC.  
 624 (9) The agency may use specific diagnosis-related groups,  
 625 ICD-9 codes, or similar patient illness-severity classification  
 626 schemes to define the scope of inpatient care in emergency care  
 627 hospitals in lieu of the 96-hour inpatient care limitation. ~~The~~  
 628 ~~methodology used for determining the scope of inpatient care~~  
 629 ~~permitted in emergency care hospitals shall be included in rule.~~  
 630 Section 44. Subsection (5) of section 397.99, Florida  
 631 Statutes, is amended to read:  
 632 397.99 School substance abuse prevention partnership  
 633 grants.—  
 634 ~~(5) The department shall establish rules as necessary to~~  
 635 ~~implement this section.~~  
 636 Section 45. Subsection (6) of section 397.998, Florida  
 637 Statutes, is amended to read:  
 638 397.998 Drug-free communities support match grants.—  
 639 ~~(6) RULES. The department is authorized to adopt rules~~  
 640 ~~specifically to address procedures necessary to administer the~~  
 641 ~~drug-free communities match grants as provided in this section.~~  
 642 Section 46. Subsection (4) of section 400.063, Florida  
 643 Statutes, is amended to read:  
 644 400.063 Resident protection.—

645 ~~(4) The agency is authorized to adopt rules necessary to~~  
 646 ~~implement this section.~~

647 Section 47. Section 400.176, Florida Statutes, is amended  
 648 to read:

649 400.176 Rebates prohibited; penalties.—

650 (1) It is unlawful for any person to pay or receive any  
 651 commission, bonus, kickback, or rebate or engage in any split-  
 652 fee arrangement in any form whatsoever with any physician,  
 653 surgeon, organization, agency, or person, either directly or  
 654 indirectly, for residents referred to a nursing home licensed  
 655 under this part.

656 (2) The agency shall enforce ~~adopt rules which assess~~  
 657 ~~administrative penalties for acts prohibited by~~ subsection (1).  
 658 ~~In the case of an entity licensed by the agency, such penalties~~  
 659 ~~may include any disciplinary action available to the agency~~  
 660 ~~under the appropriate licensing laws.~~ In the case of an entity  
 661 not licensed by the agency, administrative ~~such~~ penalties may  
 662 include:

- 663 (a) A fine not to exceed \$5,000; and
- 664 (b) If applicable, a recommendation by the agency to the  
 665 appropriate licensing board that disciplinary action be taken.

666 Section 48. Subsection (4) of section 400.801, Florida  
 667 Statutes, is amended to read:

668 400.801 Homes for special services.—

669 ~~(4) The agency may adopt rules for implementing and~~  
 670 ~~enforcing this section and part II of chapter 408.~~

671 Section 49. Subsections (5) and (6) of section 402.22,  
 672 Florida Statutes, are amended to read:



673 402.22 Education program for students who reside in  
 674 residential care facilities operated by the Department of  
 675 Children and Family Services or the Agency for Persons with  
 676 Disabilities.—

677 (5) Instructional and special educational services that  
 678 are provided to clients with mental illness or developmental  
 679 disabilities of the department's or agency's residential care  
 680 facilities by local school districts shall not be less than 180  
 681 days or 900 hours; however, the 900 hours may be distributed  
 682 over a 12-month period, ~~unless otherwise stated in rules~~  
 683 ~~developed by the State Board of Education, with the concurrence~~  
 684 ~~of the department or agency and adopted pursuant to subsection~~  
 685 ~~(6).~~

686 ~~(6) The State Board of Education, the Department of~~  
 687 ~~Children and Family Services, and the Agency for Persons with~~  
 688 ~~Disabilities may adopt rules to assist in the orderly transfer~~  
 689 ~~of the instruction of students from department or agency~~  
 690 ~~residential care facilities to the district school system or to~~  
 691 ~~the public education agency and which shall assist in~~  
 692 ~~implementing the specific intent as stated in this act.~~

693 Section 50. Paragraph (c) of subsection (1) and subsection  
 694 (3) of section 402.3025, Florida Statutes, are amended to read:

695 402.3025 Public and nonpublic schools.—For the purposes of  
 696 ss. 402.301-402.319, the following shall apply:

697 (1) PUBLIC SCHOOLS.—

698 ~~(c) The State Board of Education shall adopt rules to~~  
 699 ~~implement this subsection, including standards for programs in~~  
 700 ~~subparagraphs (a)2. and 3., which recognize the vulnerability of~~

701 ~~children under 5 years of age and make special provisions to~~  
 702 ~~ensure their health and safety. Such rules shall include, but~~  
 703 ~~not be limited to, facilities, personnel staffing and~~  
 704 ~~qualifications, transportation, and health and safety practices.~~  
 705 ~~In preparing such rules, the Commissioner of Education shall~~  
 706 ~~review the standards already existing in the state and the~~  
 707 ~~recommendations of appropriate professional and accreditation~~  
 708 ~~agencies.~~

709 (3) INSPECTION FEE.—The department shall establish ~~by rule~~  
 710 a fee for inspection activities performed pursuant to this  
 711 section, in an amount sufficient to cover costs. However, the  
 712 amount of such fee for the inspection of a school shall not  
 713 exceed the fee imposed for child care licensure pursuant to s.  
 714 402.315.

715 Section 51. Subsection (4) of section 402.81, Florida  
 716 Statutes, is amended to read:

717 402.81 Pharmaceutical expense assistance.—

718 (4) ADMINISTRATION.—The pharmaceutical expense assistance  
 719 program shall be administered by the agency, in collaboration  
 720 with the Department of Elderly Affairs and the Department of  
 721 Children and Family Services.

722 ~~(a) The agency may adopt rules pursuant to ss. 120.536(1)~~  
 723 ~~and 120.54 to implement the provisions of this section.~~

724 ~~(b)~~ By January 1 of each year, the agency shall report to  
 725 the Legislature on the operation of the program. The report  
 726 shall include information on the number of individuals served,  
 727 use rates, and expenditures under the program.

728 Section 52. Section 403.0861, Florida Statutes, is

729 repealed.

730 Section 53. Subsection (8) of section 403.7191, Florida  
731 Statutes, is amended to read:

732 403.7191 Toxics in packaging.—

733 ~~(8) RULES.—The department is authorized to adopt rules to~~  
734 ~~implement the provisions of this section.~~

735 Section 54. Section 409.14511, Florida Statutes, is  
736 repealed.

737 Section 55. Subsection (10) of section 409.2576, Florida  
738 Statutes, is amended to read:

739 409.2576 State Directory of New Hires.—

740 ~~(10) RULEMAKING AUTHORITY.—The Department of Revenue shall~~  
741 ~~have the authority to adopt rules to implement this section.~~

742 Section 56. Subsection (4) of section 409.2578, Florida  
743 Statutes, is amended to read:

744 409.2578 Access to employment information; administrative  
745 fine.—

746 ~~(4) The Title IV-D agency has the authority to adopt rules~~  
747 ~~and procedures to implement this section.~~

748 Section 57. Section 409.2675, Florida Statutes, is  
749 repealed.

750 Section 58. Subsection (3) of section 409.441, Florida  
751 Statutes, is amended to read:

752 409.441 Runaway youth programs and centers.—

753 (3) CRITERIA FOR LICENSING OF CENTERS; STANDARD SERVICES.—

754 ~~(a) No later than September 1, 1984, the department shall~~  
755 ~~adopt rules pertaining to uniform licensing criteria for runaway~~  
756 ~~youth centers.~~

757 ~~(b)~~ The department shall establish standard services for  
 758 runaway youth centers which can be monitored and evaluated, and  
 759 the establishment of these services shall be a prerequisite to  
 760 receiving state funds. Such services shall include, but are not  
 761 limited to:

762 (a)1. Programs for outreach and prevention for troubled  
 763 youths and runaway youths and their families.

764 (b)2. Early intervention counseling services for troubled  
 765 youths and runaway youths and their families, with 24-hour  
 766 access geared toward crisis or time-of-need intervention.

767 (c)3. Temporary or short-term shelter, food, and clothing.

768 (d)4. Uniform and confidential intake and records systems.

769 (e)5. Provision for aftercare including individual and  
 770 family counseling services.

771 (f)6. Programs for advocacy for client population and  
 772 community support.

773 (g)7. Provisions for case management and referral from  
 774 service to service.

775 Section 59. Subsection (11) of section 409.9101, Florida  
 776 Statutes, is amended to read:

777 409.9101 Recovery for payments made on behalf of Medicaid-  
 778 eligible persons.—

779 ~~(11) The agency is authorized to adopt rules to implement~~  
 780 ~~the provisions of this section.~~

781 Section 60. Section 411.205, Florida Statutes, is  
 782 repealed.

783 Section 61. Subsection (10) of section 411.224, Florida  
 784 Statutes, is amended to read:

785 411.224 Family support planning process.—The Legislature  
 786 establishes a family support planning process to be used by the  
 787 Department of Children and Family Services as the service  
 788 planning process for targeted individuals, children, and  
 789 families under its purview.

790 ~~(10) The Department of Children and Family Services, the~~  
 791 ~~Department of Health, and the Department of Education shall~~  
 792 ~~adopt rules necessary to implement this act.~~

793 Section 62. Subsection (4) of section 414.158, Florida  
 794 Statutes, is amended to read:

795 414.158 Diversion program to prevent or reduce child abuse  
 796 and neglect.—

797 (4) The department, in consultation with Healthy Families  
 798 Florida, may establish additional requirements related to  
 799 services or one-time payments, and the department is authorized  
 800 to adopt rules relating to maximum amounts of such one-time  
 801 payments.

802 Section 63. Subsection (4) of section 414.1585, Florida  
 803 Statutes, is amended to read:

804 414.1585 Diversion program for families at risk of welfare  
 805 dependency due to substance abuse or mental illness.—

806 (4) ~~The department is authorized to adopt rules governing~~  
 807 ~~the administration of this section and~~ may establish additional  
 808 criteria related to services, client need, or one-time payments.  
 809 The department may establish maximum amounts of one-time  
 810 payments ~~in rule.~~

811 Section 64. Section 414.35, Florida Statutes, is amended  
 812 to read:

813 414.35 Emergency relief.—

814 ~~(1) The department shall adopt rules for the~~  
 815 ~~administration of emergency assistance programs delegated to the~~  
 816 ~~department either by executive order in accordance with the~~  
 817 ~~Disaster Relief Act of 1974 or pursuant to the Food and~~  
 818 ~~Nutrition Act of 2008.~~

819 ~~(2) In promulgating the rules required in this section,~~  
 820 ~~the department shall give particular consideration to the~~  
 821 ~~prevention of fraud in emergency assistance programs. Such rules~~  
 822 ~~shall, at a minimum, provide for:~~

823 ~~(a) Verification of an applicant's identity and address.~~

824 ~~(b) Determination of an applicant's need for assistance~~  
 825 ~~and verification of an applicant's need in accordance with~~  
 826 ~~appropriate federal law and regulations.~~

827 ~~(c) The timely and adequate dissemination of accurate~~  
 828 ~~certification information to local emergency management~~  
 829 ~~agencies.~~

830 ~~(3)~~ In administering emergency food assistance and other  
 831 emergency assistance programs, the department shall cooperate  
 832 fully with the United States Government and with other  
 833 departments, instrumentalities, and agencies of this state.

834 Section 65. Subsection (1) of section 415.1105, Florida  
 835 Statutes, is amended to read:

836 415.1105 Training programs.—

837 (1) The department shall ~~develop rules governing~~  
 838 ~~preservice and inservice training for adult protective~~  
 839 ~~investigation staff and, within available resources, shall~~  
 840 provide appropriate preservice and inservice training for adult

841 protective investigation ~~to such~~ staff.

842 Section 66. Subsection (1) of section 420.5091, Florida  
843 Statutes, is amended to read:

844 420.5091 HOPE Program.—

845 (1) The corporation may ~~adopt rules to~~ implement the HOPE  
846 Program, created by the 1990 National Affordable Housing Act, to  
847 make loans and grants, foreclose on any mortgage or security  
848 interest, or commence any legal action to protect the interest  
849 of the corporation and recover the amount of the unpaid  
850 principal, accrued interest, and fees. The corporation may  
851 acquire real and personal property or any interest in the  
852 property if that acquisition is necessary to protect any loan;  
853 sell, transfer, and convey any such property to a buyer without  
854 regard to the provisions of chapters 253 and 270; and, if that  
855 sale, transfer, or conveyance cannot be effected within a  
856 reasonable time, lease such property for occupancy by eligible  
857 persons. All sums recovered from the sale, transfer, conveyance,  
858 or lease of such property shall be deposited into the HOME  
859 Investment Partnership Fund.

860 Section 67. Subsection (3) of section 430.708, Florida  
861 Statutes, is amended to read:

862 430.708 Certificate of need.—To ensure that Medicaid  
863 community diversion pilot projects result in a reduction in the  
864 projected average monthly nursing home caseload, the agency  
865 shall, in accordance with the provisions of s. 408.034(5):

866 ~~(3) Adopt rules to reduce the number of beds in Medicaid-~~  
867 ~~participating nursing homes eligible for Medicaid, through a~~  
868 ~~Medicaid selective contracting process or some other appropriate~~

869 ~~method.~~

870 Section 68. Subsection (4) of section 430.902, Florida  
 871 Statutes, is amended to read:

872 430.902 Multiservice senior center.—

873 ~~(4) The department may adopt rules to implement the~~  
 874 ~~provisions of this section.~~

875 Section 69. Subsection (6) of section 443.1312, Florida  
 876 Statutes, is amended to read:

877 443.1312 Reimbursements; nonprofit organizations.—Benefits  
 878 paid to employees of nonprofit organizations shall be financed  
 879 in accordance with this section.

880 (6) GROUP EMPLOYMENT RECORDS.—Two or more employers that  
 881 become reimbursing employers under subsection (2) and s.  
 882 443.121(3) may file a joint application with the tax collection  
 883 service provider for the establishment of a group employment  
 884 record for the purpose of sharing the cost of benefits paid that  
 885 are attributable to service in the employ of the employers. Each  
 886 application must identify and authorize a group representative  
 887 to act as the group's agent for the purposes of this subsection.  
 888 Upon its approval of the application, the tax collection service  
 889 provider shall establish a group employment record for the  
 890 employers which is effective at the beginning of the calendar  
 891 year in which the service provider receives the application and  
 892 shall notify the group's representative of the effective date of  
 893 the employment record. Each group employment record remains in  
 894 effect until terminated and must remain in effect at least 2  
 895 calendar years before it may be terminated. A group employment  
 896 record may be terminated by the tax collection service provider



897 on its own motion or upon application by the group. Upon  
 898 establishment of a group employment record, the amount of  
 899 benefits payable by each member of the group for a calendar  
 900 quarter is a proportionate share of the total benefits paid  
 901 during the quarter which are attributable to service performed  
 902 in the employ of all members of the group in the same ratio as  
 903 the total wages paid for service in employment by the member  
 904 during the quarter, as compared to the total wages paid during  
 905 the quarter for service performed in the employ of all members  
 906 of the group. ~~The state agency providing tax collection services~~  
 907 ~~may adopt rules prescribing applications and procedures for~~  
 908 ~~establishing, maintaining, and terminating group employment~~  
 909 ~~records authorized by this subsection; for adding of new members~~  
 910 ~~to, and withdrawal of active members from, group employment~~  
 911 ~~records; and for determining the amounts that are payable under~~  
 912 ~~this subsection by members of the group and the time and manner~~  
 913 ~~of those payments.~~

914 Section 70. Subsection (3) of section 443.1313, Florida  
 915 Statutes, is amended to read:

916 443.1313 Public employers; reimbursements; election to pay  
 917 contributions.—Benefits paid to employees of a public employer,  
 918 as defined in s. 443.036, based on service described in s.  
 919 443.1216(2) shall be financed in accordance with this section.

920 (3) CHANGE OF ELECTION.—Upon electing to be a reimbursing  
 921 or contributing employer under this section, a public employer  
 922 may not change this election for at least 2 calendar years. This  
 923 subsection does not prevent a public employer subject to this  
 924 subsection from changing its election after completing 2

925 calendar years under another financing method if the new  
 926 election is timely filed. ~~The state agency providing~~  
 927 ~~reemployment assistance tax collection services may adopt rules~~  
 928 ~~prescribing procedures for changing methods of reporting.~~

929 Section 71. Subsection (2) of section 455.2255, Florida  
 930 Statutes, is amended to read:

931 455.2255 Classification of disciplinary actions.—

932 (2) The department may establish a schedule classifying  
 933 violations according to the severity of the violation. After the  
 934 expiration of set periods of time, the department may provide  
 935 for such disciplinary records to become inactive, according to  
 936 their classification. After the disciplinary record has become  
 937 inactive, the department may clear the violation from the  
 938 disciplinary record and the subject person or business may  
 939 lawfully deny or fail to acknowledge such disciplinary actions.  
 940 ~~The department may adopt rules to implement this subsection.~~

941 Section 72. Paragraphs (b) and (g) of subsection (5) of  
 942 section 456.053, Florida Statutes, are amended to read:

943 456.053 Financial arrangements between referring health  
 944 care providers and providers of health care services.—

945 (5) PROHIBITED REFERRALS AND CLAIMS FOR PAYMENT.—Except as  
 946 provided in this section:

947 (b) A health care provider may not refer a patient for the  
 948 provision of any other health care item or service to an entity  
 949 in which the health care provider is an investor unless:

950 1. The provider's investment interest is in registered  
 951 securities purchased on a national exchange or over-the-counter  
 952 market and issued by a publicly held corporation:

953           a. Whose shares are traded on a national exchange or on  
 954 the over-the-counter market; and

955           b. Whose total assets at the end of the corporation's most  
 956 recent fiscal quarter exceeded \$50 million; or

957           2. With respect to an entity other than a publicly held  
 958 corporation described in subparagraph 1., and a referring  
 959 provider's investment interest in such entity, each of the  
 960 following requirements are met:

961           a. No more than 50 percent of the value of the investment  
 962 interests are held by investors who are in a position to make  
 963 referrals to the entity.

964           b. The terms under which an investment interest is offered  
 965 to an investor who is in a position to make referrals to the  
 966 entity are no different from the terms offered to investors who  
 967 are not in a position to make such referrals.

968           c. The terms under which an investment interest is offered  
 969 to an investor who is in a position to make referrals to the  
 970 entity are not related to the previous or expected volume of  
 971 referrals from that investor to the entity.

972           d. There is no requirement that an investor make referrals  
 973 or be in a position to make referrals to the entity as a  
 974 condition for becoming or remaining an investor.

975           3. With respect to either such entity or publicly held  
 976 corporation:

977           a. The entity or corporation does not loan funds to or  
 978 guarantee a loan for an investor who is in a position to make  
 979 referrals to the entity or corporation if the investor uses any  
 980 part of such loan to obtain the investment interest.

981           b. The amount distributed to an investor representing a  
 982 return on the investment interest is directly proportional to  
 983 the amount of the capital investment, including the fair market  
 984 value of any preoperational services rendered, invested in the  
 985 entity or corporation by that investor.

986           4. Each board and, in the case of hospitals, the Agency  
 987 for Health Care Administration, shall encourage the use by  
 988 licensees of the declaratory statement procedure to determine  
 989 the applicability of this section or any rule adopted pursuant  
 990 to this section as it applies solely to the licensee. Boards  
 991 shall submit to the Agency for Health Care Administration the  
 992 name of any entity in which a provider investment interest has  
 993 been approved pursuant to this section, ~~and the Agency for~~  
 994 ~~Health Care Administration shall adopt rules providing for~~  
 995 ~~periodic quality assurance and utilization review of such~~  
 996 ~~entities.~~

997           (g) A violation of this section by a health care provider  
 998 shall constitute grounds for disciplinary action to be taken by  
 999 the applicable board pursuant to s. 458.331(2), s. 459.015(2),  
 1000 s. 460.413(2), s. 461.013(2), s. 463.016(2), or s. 466.028(2).  
 1001 Any hospital licensed under chapter 395 found in violation of  
 1002 this section shall be subject to ~~the rules adopted by the Agency~~  
 1003 ~~for Health Care Administration pursuant to s. 395.0185(2).~~

1004           Section 73. Section 472.017, Florida Statutes, is amended  
 1005 to read:

1006           472.017 Renewal of license.—

1007           ~~(1)~~ The department shall renew a license upon receipt of  
 1008 the renewal application and fee, upon proof of compliance with

1009 the continuing education requirement of s. 472.018, and, if a  
 1010 demonstration of competency is required by law or rule, upon  
 1011 certification by the board that the licensee has satisfactorily  
 1012 demonstrated his or her competence in surveying and mapping.

1013 ~~(2) The department shall adopt rules establishing a~~  
 1014 ~~procedure for the biennial renewal of licenses.~~

1015 Section 74. Section 489.146, Florida Statutes, is amended  
 1016 to read:

1017 489.146 Privatization of services.—Notwithstanding any  
 1018 other provision of this part relating to the review of licensure  
 1019 applications, issuance of licenses and renewals, collection of  
 1020 revenues, fees, and fines, service of documents, publications,  
 1021 and printing, and other ministerial functions of the department  
 1022 relating to the regulation of contractors, the department shall  
 1023 make all reasonable efforts to contract with one or more private  
 1024 entities for provision of such services, when such services can  
 1025 be provided in a more efficient manner by private entities. The  
 1026 department or the board shall retain final authority for  
 1027 licensure decisions and rulemaking, including all appeals or  
 1028 other legal action resulting from such licensure decisions or  
 1029 rulemaking. ~~The department and the board shall adopt rules to~~  
 1030 ~~implement the provisions of this section.~~

1031 Section 75. Subsection (2) of section 496.414, Florida  
 1032 Statutes, is amended to read:

1033 496.414 Duties of commercial co-venturers.—

1034 ~~(2) If determined to be essential to protect the public~~  
 1035 ~~from fraudulent or deceptive advertising, the department may, in~~  
 1036 ~~accordance with chapter 120, adopt rules requiring disclosure in~~

1037 ~~advertising for a charitable or sponsor sales promotion of~~  
 1038 ~~information relating to the portion or amount that will benefit~~  
 1039 ~~the charitable organization or sponsor or the charitable purpose~~  
 1040 ~~or sponsor purpose.~~

1041 Section 76. Subsections (1) and (3) of section 497.381,  
 1042 Florida Statutes, are amended to read:

1043 497.381 Solicitation of goods or services.—

1044 ~~(1) The licensing authority shall adopt rules regulating~~  
 1045 ~~the solicitation of goods or services by licensees.~~

1046 (2)~~(3)~~ The licensing authority shall regulate such  
 1047 solicitation which comprises an uninvited invasion of personal  
 1048 privacy. It is the express finding of the Legislature that the  
 1049 public has a high expectation of privacy in one's personal  
 1050 residence, and the licensing authority ~~by rule~~ may restrict the  
 1051 hours or otherwise regulate such solicitation in the personal  
 1052 residence of a person unless the solicitation has been  
 1053 previously and expressly requested by the person solicited.

1054 Section 77. Subsection (4) of section 501.0583, Florida  
 1055 Statutes, is amended to read:

1056 501.0583 Selling, delivering, bartering, furnishing, or  
 1057 giving weight-loss pills to persons under age 18; penalties;  
 1058 defense.—

1059 ~~(4) The Department of Agriculture and Consumer Services is~~  
 1060 ~~authorized to adopt rules to implement this section.~~

1061 Section 78. Subsection (3) of section 509.036, Florida  
 1062 Statutes, is amended to read:

1063 509.036 Public food service inspector standardization.—

1064 (3) ~~The division and its agent shall adopt rules in~~

1065 | ~~accordance with the provisions of chapter 120 to provide for~~  
 1066 | ~~disciplinary action in cases of inspector negligence. An~~  
 1067 | inspector may be subject to suspension or dismissal for cause as  
 1068 | set forth in s. 110.227.

1069 | Section 79. Section 548.024, Florida Statutes, is amended  
 1070 | to read:

1071 | 548.024 Background investigation of applicants for  
 1072 | licensure.—

1073 | ~~(1) The commission is authorized to adopt rules pursuant~~  
 1074 | ~~to ss. 120.536(1) and 120.54 which provide for background~~  
 1075 | ~~investigations of applicants for licensure under this chapter~~  
 1076 | ~~for the purpose of ensuring the accuracy of the information~~  
 1077 | ~~provided in the application; ensuring that there are no active~~  
 1078 | ~~or pending criminal or civil indictments against the applicant,~~  
 1079 | ~~and ensuring satisfaction of all other requirements of this~~  
 1080 | ~~chapter. The background investigation may include, but is not~~  
 1081 | ~~limited to, the criminal and financial history of the applicant.~~

1082 | ~~(2)~~ If the commission requires a background criminal  
 1083 | history investigation of any applicant, it shall require the  
 1084 | applicant to submit to the department a fingerprint card for  
 1085 | this purpose. The fingerprint card shall be forwarded to the  
 1086 | Division of Criminal Justice Information Systems within the  
 1087 | Department of Law Enforcement and the Federal Bureau of  
 1088 | Investigation for purposes of processing the fingerprint card to  
 1089 | determine if the applicant has a criminal history record. The  
 1090 | information obtained by the processing of the fingerprint card  
 1091 | by the Department of Law Enforcement and the Federal Bureau of  
 1092 | Investigation shall be sent to the department for the purpose of

1093 determining if the applicant is statutorily qualified for  
 1094 licensure.

1095 Section 80. Section 553.897, Florida Statutes, is  
 1096 repealed.

1097 Section 81. Subsection (3) of section 559.10, Florida  
 1098 Statutes, is amended to read:

1099 559.10 Definition; "budget planning."—

1100 ~~(3) The Financial Services Commission may adopt rules as~~  
 1101 ~~necessary to implement and enforce this part.~~

1102 Section 82. Section 561.41, Florida Statutes, is amended  
 1103 to read:

1104 561.41 Maintenance and designation of principal office by  
 1105 manufacturers, distributors, importers, and exporters.—Each  
 1106 licensed manufacturer, distributor, and importer and each  
 1107 registered exporter must have within this state an office  
 1108 designated as its principal office within this state and may  
 1109 maintain branch offices within or without this state. The  
 1110 principal and branch offices of each manufacturer, distributor,  
 1111 and importer within this state must, during regular defined  
 1112 business hours, be kept open for the inspection of authorized  
 1113 employees of the division. Each registered exporter must provide  
 1114 access to authorized employees of the division to all business  
 1115 premises, inventories, and records, including all records of  
 1116 transporters, warehouses, and exporters required by the Federal  
 1117 Government, for the purpose of conducting semiannual audits and  
 1118 inventories. ~~The division may adopt rules to carry out the~~  
 1119 ~~purposes of this section.~~

1120 Section 83. Section 563.04, Florida Statutes, is repealed.



1121           Section 84. Section 564.04, Florida Statutes, is repealed.

1122           Section 85. Subsection (4) of section 578.26, Florida  
1123 Statutes, is amended to read:

1124           578.26 Complaint, investigation, hearings, findings, and  
1125 recommendation prerequisite to legal action.—

1126           (4) The department shall provide administrative support  
1127 for the seed investigation and conciliation council ~~and shall~~  
1128 ~~adopt rules to govern investigations and hearings. A copy of the~~  
1129 ~~rules shall be mailed to each party, upon receipt of a complaint~~  
1130 ~~by the department.~~

1131           Section 86. Subsection (2) of section 582.055, Florida  
1132 Statutes, is amended to read:

1133           582.055 Powers and duties of the Department of Agriculture  
1134 and Consumer Services; ~~rules.~~—

1135           ~~(2) The department is authorized to adopt rules to~~  
1136 ~~implement, make specific, and interpret the provisions of this~~  
1137 ~~chapter.~~

1138           Section 87. Section 601.74, Florida Statutes, is amended  
1139 to read:

1140           601.74 ~~Adoption of rules;~~ Fees for licensing and analysis  
1141 of processing materials.—The Department of Agriculture may ~~adopt~~  
1142 ~~rules and~~ set fees with respect to the licensing and analysis of  
1143 materials and composition used on or in the packing of citrus  
1144 fruits. ~~Such rules may include fees for permitting dyes and~~  
1145 ~~coloring matter.~~ Fees shall be not less than \$30 nor more than  
1146 \$100 for each manufacturer applying to the Department of  
1147 Agriculture. All such license fees collected under this section  
1148 shall be paid monthly by the Department of Agriculture into the

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1149 State Treasury to the credit of the General Inspection Trust  
 1150 Fund and shall be appropriated and made available for defraying  
 1151 the expenses incurred in the administration of this law.

1152 Section 88. Section 601.75, Florida Statutes, is repealed.

1153 Section 89. Section 601.76, Florida Statutes, is amended  
 1154 to read:

1155 601.76 Manufacturer to furnish formula and other  
 1156 information. ~~The Department of Agriculture may adopt rules with~~  
 1157 ~~respect to requirements for information that must be furnished~~  
 1158 ~~by manufacturers of coloring matter for use on citrus fruit.~~  
 1159 ~~Such information may include product formulas.~~ Any formula  
 1160 required to be filed with the Department of Agriculture shall be  
 1161 deemed a trade secret as defined in s. 812.081, is confidential  
 1162 and exempt from s. 119.07(1), and shall only be divulged to the  
 1163 Department of Agriculture or to its duly authorized  
 1164 representatives or upon orders of a court of competent  
 1165 jurisdiction when necessary in the enforcement of this law. A  
 1166 person who receives such a formula from the Department of  
 1167 Agriculture under this section shall maintain the  
 1168 confidentiality of the formula.

1169 Section 90. Section 601.77, Florida Statutes, is repealed.

1170 Section 91. Section 601.78, Florida Statutes, is repealed.

1171 Section 92. Subsection (3) of section 607.193, Florida  
 1172 Statutes, is amended to read:

1173 607.193 Supplemental corporate fee.—

1174 ~~(3) The Department of State shall adopt rules and~~  
 1175 ~~prescribe forms necessary to carry out the purposes of this~~  
 1176 ~~section.~~

1177 Section 93. Section 624.487, Florida Statutes, is amended  
 1178 to read:

1179 624.487 Enforcement of specified insurance provisions ~~+~~  
 1180 ~~adoption of rules.~~—The office may enforce, with respect to group  
 1181 self-insurance funds established or operated under s. 624.4621,  
 1182 the provisions of s. 624.316, s. 624.424, s. 625.091, or s.  
 1183 625.305 as they relate to workers' compensation insurers, ~~and~~  
 1184 ~~the commission may adopt rules to implement the enforcement~~  
 1185 ~~authority granted by this section.~~

1186 Section 94. Subsection (1) of section 627.096, Florida  
 1187 Statutes, is amended to read:

1188 627.096 Workers' Compensation Rating Bureau.—

1189 (1) There is created within the office a Workers'  
 1190 Compensation Rating Bureau, which shall make an investigation  
 1191 and study of all insurers authorized to issue workers'  
 1192 compensation and employer's liability coverage in this state.  
 1193 Such bureau shall study the data, statistics, schedules, or  
 1194 other information as it may deem necessary to assist and advise  
 1195 the office in its review of filings made by or on behalf of  
 1196 workers' compensation and employer's liability insurers. ~~The~~  
 1197 ~~commission may adopt rules requiring all workers' compensation~~  
 1198 ~~and employer's liability insurers to submit to the rating bureau~~  
 1199 ~~any data, statistics, schedules, and other information deemed~~  
 1200 ~~necessary to the rating bureau's study and advisement.~~

1201 Section 95. Section 627.212, Florida Statutes, is amended  
 1202 to read:

1203 627.212 Workplace safety program surcharge.—The office  
 1204 shall approve a rating plan for workers' compensation coverage

1205 insurance that provides for carriers voluntarily to impose a  
 1206 surcharge of no more than 10 percent on the premium of a  
 1207 policyholder or fund member if that policyholder or fund member  
 1208 has been identified by the department as having been required to  
 1209 implement a safety program and having failed to establish or  
 1210 maintain, either in whole or in part, a safety program. ~~The~~  
 1211 ~~department shall adopt rules prescribing the criteria for the~~  
 1212 ~~employee safety programs.~~

1213 Section 96. Section 627.793, Florida Statutes, is  
 1214 repealed.

1215 Section 97. Subsection (3) of section 627.917, Florida  
 1216 Statutes, is amended to read:

1217 627.917 Uniform risk classification reporting system for  
 1218 motor vehicle insurance.—

1219 ~~(3) The commission may adopt rules to require each insurer~~  
 1220 ~~to report its loss and expense experience by classification, in~~  
 1221 ~~such detail and as often as may be necessary to aid the office~~  
 1222 ~~in determining the reasonableness of rates, the validity of loss~~  
 1223 ~~projections, and the validity of the risk classification system.~~

1224 Section 98. Subsection (8) of section 633.445, Florida  
 1225 Statutes, is amended to read:

1226 633.445 State Fire Marshal Scholarship Grant Program.—

1227 ~~(8) The department may adopt rules to implement this~~  
 1228 ~~section, including rules detailing the eligibility standards and~~  
 1229 ~~an approval rating system which are based on financial need,~~  
 1230 ~~need for additional certified firefighters from the applicant's~~  
 1231 ~~community, and the applicant's employment record.~~

1232 Section 99. Section 634.289, Florida Statutes, is

1233 repealed.

1234 Section 100. Subsection (7) of section 641.316, Florida  
1235 Statutes, is amended to read:

1236 641.316 Fiscal intermediary services.—

1237 ~~(7) The commission shall adopt rules necessary to~~  
1238 ~~administer this section.~~

1239 Section 101. Subsection (6) of section 655.922, Florida  
1240 Statutes, is amended to read:

1241 655.922 Banking business by unauthorized persons; use of  
1242 name.—

1243 ~~(6) The commission shall adopt rules to administer this~~  
1244 ~~section.~~

1245 Section 102. Subsection (6) of section 658.995, Florida  
1246 Statutes, is amended to read:

1247 658.995 Credit Card Bank Act.—

1248 ~~(6) The commission may adopt rules implementing the~~  
1249 ~~provisions of this section.~~

1250 Section 103. Section 663.319, Florida Statutes, is  
1251 repealed.

1252 Section 104. Subsection (12) of section 668.704, Florida  
1253 Statutes, is amended to read:

1254 668.704 Remedies.—

1255 ~~(12) The Department of Legal Affairs may adopt rules~~  
1256 ~~pursuant to ss. 120.536(1) and 120.54 to implement the~~  
1257 ~~provisions of this part.~~

1258 Section 105. Paragraph (c) of subsection (11) and  
1259 paragraph (g) of subsection (13) of section 713.78, Florida  
1260 Statutes, are amended to read:

1261 713.78 Liens for recovering, towing, or storing vehicles  
 1262 and vessels.—

1263 (11)

1264 ~~(c) The Department of Highway Safety and Motor Vehicles~~  
 1265 ~~may adopt such rules as it deems necessary or proper for the~~  
 1266 ~~administration of this subsection.~~

1267 (13)

1268 ~~(g) The Department of Highway Safety and Motor Vehicles~~  
 1269 ~~may adopt rules pursuant to ss. 120.536(1) and 120.54 to~~  
 1270 ~~implement this subsection.~~

1271 Section 106. Paragraph (c) of subsection (7) and paragraph  
 1272 (f) of subsection (8) of section 713.785, Florida Statutes, are  
 1273 amended to read:

1274 713.785 Liens for recovering, towing, or storing mobile  
 1275 homes.—

1276 (7)

1277 ~~(c) The Department of Highway Safety and Motor Vehicles~~  
 1278 ~~may adopt rules to administer this subsection.~~

1279 (8)

1280 ~~(f) The Department of Highway Safety and Motor Vehicles~~  
 1281 ~~may adopt rules to administer this subsection.~~

1282 Section 107. Subsection (4) of section 744.7021, Florida  
 1283 Statutes, is amended to read:

1284 744.7021 Statewide Public Guardianship Office.—There is  
 1285 hereby created the Statewide Public Guardianship Office within  
 1286 the Department of Elderly Affairs.

1287 ~~(4) The Department of Elderly Affairs has authority to~~  
 1288 ~~adopt rules pursuant to ss. 120.536(1) and 120.54 to carry out~~

1289 ~~the provisions of this section.~~

1290 Section 108. Subsection (7) of section 744.713, Florida  
 1291 Statutes, is amended to read:

1292 744.713 Program administration; duties of the Statewide  
 1293 Public Guardianship Office.—The Statewide Public Guardianship  
 1294 Office shall administer the grant program. The office shall:

1295 ~~(7) Adopt rules as necessary to administer the grant~~  
 1296 ~~program and this act.~~

1297 Section 109. Section 766.304, Florida Statutes, is amended  
 1298 to read:

1299 766.304 Administrative law judge to determine claims.—The  
 1300 administrative law judge shall hear and determine all claims  
 1301 filed pursuant to ss. 766.301-766.316 and shall exercise the  
 1302 full power and authority granted to her or him in chapter 120,  
 1303 as necessary, to carry out the purposes of such sections. The  
 1304 administrative law judge has exclusive jurisdiction to determine  
 1305 whether a claim filed under this act is compensable. No civil  
 1306 action may be brought until the determinations under s. 766.309  
 1307 have been made by the administrative law judge. If the  
 1308 administrative law judge determines that the claimant is  
 1309 entitled to compensation from the association, or if the  
 1310 claimant accepts an award issued under s. 766.31, no civil  
 1311 action may be brought or continued in violation of the  
 1312 exclusiveness of remedy provisions of s. 766.303. If it is  
 1313 determined that a claim filed under this act is not compensable,  
 1314 neither the doctrine of collateral estoppel nor res judicata  
 1315 shall prohibit the claimant from pursuing any and all civil  
 1316 remedies available under common law and statutory law. The

1317 findings of fact and conclusions of law of the administrative  
 1318 law judge shall not be admissible in any subsequent proceeding;  
 1319 however, the sworn testimony of any person and the exhibits  
 1320 introduced into evidence in the administrative case are  
 1321 admissible as impeachment in any subsequent civil action only  
 1322 against a party to the administrative proceeding, subject to the  
 1323 Rules of Evidence. An award may not be made or paid under ss.  
 1324 766.301-766.316 if the claimant recovers under a settlement or a  
 1325 final judgment is entered in a civil action. ~~The division may~~  
 1326 ~~adopt rules to promote the efficient administration of, and to~~  
 1327 ~~minimize the cost associated with, the prosecution of claims.~~

1328 Section 110. Subsection (10) of section 865.09, Florida  
 1329 Statutes, is amended to read:

1330 865.09 Fictitious name registration.-

1331 (10) POWERS OF DEPARTMENT.-The Department of State is  
 1332 granted the power reasonably necessary to enable it to  
 1333 administer this section efficiently, to perform the duties  
 1334 herein imposed upon it, ~~and to adopt reasonable rules necessary~~  
 1335 ~~to carry out its duties and functions under this section.~~

1336 Section 111. Subsection (3) of section 943.0543, Florida  
 1337 Statutes, is amended to read:

1338 943.0543 National Crime Prevention and Privacy Compact;  
 1339 ratification and implementation.-

1340 (3) The executive director of the department, or the  
 1341 director's designee, is the state's compact officer and shall  
 1342 administer the compact within the state. The department may  
 1343 ~~adopt rules and~~ establish procedures for the cooperative  
 1344 exchange of criminal history records between the state and



1345 Federal Government for use in noncriminal justice cases.

1346 Section 112. Subsection (6) of section 943.0544, Florida  
 1347 Statutes, is amended to read:

1348 943.0544 Criminal justice information network and  
 1349 information management.—

1350 (6) ~~The department may adopt rules to administer this~~  
 1351 ~~section.~~ Except as otherwise specified in this section, this  
 1352 section does not alter or limit the powers and duties of the  
 1353 department established under this chapter.

1354 Section 113. Subsection (8) of section 944.095, Florida  
 1355 Statutes, is amended to read:

1356 944.095 Siting of additional correctional facilities;  
 1357 procedure.—

1358 ~~(8) The Governor and Cabinet may adopt rules of procedure~~  
 1359 ~~to govern these proceedings in accordance with the provisions of~~  
 1360 ~~s. 120.54.~~

1361 Section 114. Subsection (2) of section 945.73, Florida  
 1362 Statutes, is amended to read:

1363 945.73 Inmate training program operation.—

1364 (2) ~~The department shall adopt rules establishing criteria~~  
 1365 ~~for placement in the training program and providing the~~  
 1366 ~~requirements for successful completion of the program.~~ Only  
 1367 inmates eligible for control release pursuant to s. 947.146  
 1368 shall be permitted to participate in the training program. ~~The~~  
 1369 ~~rules shall further define the structured disciplinary program~~  
 1370 ~~and allow for restrictions on general inmate population~~  
 1371 ~~privileges.~~

1372 Section 115. Subsection (5) of section 946.525, Florida

1373 Statutes, is amended to read:

1374 946.525 Participation by the corporation in the state  
1375 group health insurance and prescription drug programs.—

1376 ~~(5) The Department of Management Services may adopt rules~~  
1377 ~~necessary to administer this section.~~

1378 Section 116. Subsection (1) of section 949.08, Florida  
1379 Statutes, is amended to read:

1380 949.08 Department of Corrections may expend funds to enact  
1381 ~~rules and regulations~~ relating to compacts; limitation on  
1382 assessments.—

1383 (1) The Department of Corrections may ~~adopt rules and~~  
1384 expend funds as necessary to carry out the terms, conditions,  
1385 and intents of a compact entered into by the state pursuant to  
1386 s. 949.07.

1387 Section 117. Section 984.05, Florida Statutes, is  
1388 repealed.

1389 Section 118. Subsections (6) and (7) of section 985.66,  
1390 Florida Statutes, are amended to read:

1391 985.66 Juvenile justice training academies; staff  
1392 development and training; Juvenile Justice Training Trust Fund.—

1393 (6) SCHOLARSHIPS AND STIPENDS.—

1394 ~~(a) By rule,~~ The department shall establish criteria to  
1395 award scholarships or stipends to qualified juvenile justice  
1396 personnel who are residents of the state who want to pursue a  
1397 bachelor's or associate in arts degree in juvenile justice or a  
1398 related field. The department shall handle the administration of  
1399 the scholarship or stipend. The Department of Education shall  
1400 handle the notes issued for the payment of the scholarships or

1401 stipends. All scholarship and stipend awards shall be paid from  
 1402 the Juvenile Justice Training Trust Fund upon vouchers approved  
 1403 by the Department of Education and properly certified by the  
 1404 Chief Financial Officer. Prior to the award of a scholarship or  
 1405 stipend, the juvenile justice employee must agree in writing to  
 1406 practice her or his profession in juvenile justice or a related  
 1407 field for 1 month for each month of grant or to repay the full  
 1408 amount of the scholarship or stipend together with interest at  
 1409 the rate of 5 percent per annum over a period not to exceed 10  
 1410 years. Repayment shall be made payable to the state for deposit  
 1411 into the Juvenile Justice Training Trust Fund.

1412 ~~(b) The department may establish the scholarship program~~  
 1413 ~~by rule.~~

1414 ~~(7) ADOPTION OF RULES. The department shall adopt rules as~~  
 1415 ~~necessary to carry out the provisions of this section.~~

1416 Section 119. Subsections (4) and (5) of section 1011.48,  
 1417 Florida Statutes, are amended to read:

1418 1011.48 Establishment of educational research centers for  
 1419 child development.—

1420 ~~(4) The Board of Governors may adopt rules for the~~  
 1421 ~~establishment, operation, and supervision of educational~~  
 1422 ~~research centers for child development. Such rules shall~~  
 1423 ~~include, but need not be limited to: a defined method of~~  
 1424 ~~establishment of and participation in the operation of centers~~  
 1425 ~~by the appropriate student government associations; guidelines~~  
 1426 ~~for the establishment of an intern program in each center; and~~  
 1427 ~~guidelines for the receipt and monitoring of funds from grants~~  
 1428 ~~and other sources of funds consistent with existing laws.~~

1429           ~~(5)~~ Each educational research center for child development  
 1430 shall be funded by a portion of the Capital Improvement Trust  
 1431 Fund fee established by the Board of Governors pursuant to s.  
 1432 1009.24(8). Each university that establishes a center shall  
 1433 receive a portion of such fees collected from the students  
 1434 enrolled at that university, usable only at that university,  
 1435 equal to 22.5 cents per student per credit hour taken per term,  
 1436 based on the summer term and fall and spring semesters. This  
 1437 allocation shall be used by the university only for the  
 1438 establishment and operation of a center as provided by this  
 1439 section ~~and rules adopted hereunder~~. Said allocation may be made  
 1440 only after all bond obligations required to be paid from such  
 1441 fees have been met.

1442           Section 120. Subsection (7) of section 1011.51, Florida  
 1443 Statutes, is amended to read:

1444           1011.51 Independent postsecondary endowment grants.—

1445           ~~(7) The State Board of Education shall adopt rules  
 1446 necessary to implement this section.~~

1447           Section 121. Subsection (1) of section 1011.765, Florida  
 1448 Statutes, is amended to read:

1449           1011.765 Florida Academic Improvement Trust Fund matching  
 1450 grants.—

1451           (1) MATCHING GRANTS.—The Florida Academic Improvement  
 1452 Trust Fund shall be utilized to provide matching grants to the  
 1453 Florida School for the Deaf and the Blind Endowment Fund and to  
 1454 any public school district education foundation that meets the  
 1455 requirements of this section and is recognized by the local  
 1456 school district as its designated K-12 education foundation.

1457           ~~(a) The State Board of Education shall adopt rules for the~~  
 1458 ~~administration, submission, documentation, evaluation, and~~  
 1459 ~~approval of requests for matching funds and for maintaining~~  
 1460 ~~accountability for matching funds.~~

1461           ~~(b)~~ Donations, state matching funds, or proceeds from  
 1462 endowments established pursuant to this section shall be used at  
 1463 the discretion of the public school district education  
 1464 foundation or the Florida School for the Deaf and the Blind for  
 1465 academic achievement within the school district or school, and  
 1466 shall not be expended for the construction of facilities or for  
 1467 the support of interscholastic athletics. No public school  
 1468 district education foundation or the Florida School for the Deaf  
 1469 and the Blind shall accept or purchase facilities for which the  
 1470 state will be asked for operating funds unless the Legislature  
 1471 has granted prior approval for such acquisition.

1472           Section 122. Paragraph (a) of subsection (7) of section  
 1473 1012.467, Florida Statutes, is amended to read:

1474           1012.467 Noninstructional contractors who are permitted  
 1475 access to school grounds when students are present; background  
 1476 screening requirements.—

1477           (7) (a) The Department of Law Enforcement shall implement a  
 1478 system that allows for the results of a criminal history check  
 1479 provided to a school district to be shared with other school  
 1480 districts through a secure Internet website or other secure  
 1481 electronic means. ~~The Department of Law Enforcement may adopt~~  
 1482 ~~rules under ss. 120.536(1) and 120.54 to implement this~~  
 1483 ~~paragraph.~~ School districts must accept reciprocity of level 2  
 1484 screenings for Florida High School Athletic Association

1485 officials.

1486 Section 123. Subsection (2) of section 1012.965, Florida  
 1487 Statutes, is amended to read:

1488 1012.965 Payment of costs of civil action against  
 1489 employees.—

1490 (2) All faculty physicians employed by a university board  
 1491 of trustees who are subject to the requirements of s. 456.013  
 1492 shall complete their risk management continuing education on  
 1493 issues specific to academic medicine. Such continuing education  
 1494 shall include instruction for the supervision of resident  
 1495 physicians as required by the Accreditation Council for Graduate  
 1496 Medical Education. ~~The boards described in s. 456.013 shall~~  
 1497 ~~adopt rules to implement the provisions of this subsection.~~

1498 Section 124. Paragraph (z) of subsection (8) of section  
 1499 213.053, Florida Statutes, is amended to read:

1500 213.053 Confidentiality and information sharing.—

1501 (8) Notwithstanding any other provision of this section,  
 1502 the department may provide:

1503 (z) Information relative to s. 215.61(5) ~~215.61(6)~~ to the  
 1504 State Board of Education, the Division of Bond Finance, and the  
 1505 Office of Economic and Demographic Research.

1506  
 1507 Disclosure of information under this subsection shall be  
 1508 pursuant to a written agreement between the executive director  
 1509 and the agency. Such agencies, governmental or nongovernmental,  
 1510 shall be bound by the same requirements of confidentiality as  
 1511 the Department of Revenue. Breach of confidentiality is a  
 1512 misdemeanor of the first degree, punishable as provided by s.

1513 775.082 or s. 775.083.

1514 Section 125. Paragraph (b) of subsection (3) of section  
1515 400.518, Florida Statutes, is amended to read:

1516 400.518 Prohibited referrals to home health agencies.—  
1517 (3)

1518 (b) A physician who violates this section is subject to  
1519 disciplinary action by the appropriate board under s. 458.331(2)  
1520 or s. 459.015(2). A hospital or ambulatory surgical center that  
1521 violates this section is subject to ~~the rules adopted by the~~  
1522 ~~agency under~~ s. 395.0185(2).

1523 Section 126. Paragraph (b) of subsection (3) of section  
1524 556.116, Florida Statutes, is amended to read:

1525 556.116 High-priority subsurface installations; special  
1526 procedures.—  
1527 (3)

1528 (b) Upon receipt of an allegation that an incident has  
1529 occurred, the system shall transmit an incident report to the  
1530 division and contract with the division so that the division may  
1531 conduct a hearing to determine whether an incident has occurred,  
1532 and, if so, whether a violation of s. 556.107(1)(a) was a  
1533 proximate cause of the incident. The contract for services to be  
1534 performed by the division must include provisions for the system  
1535 to reimburse the division for any costs incurred by the division  
1536 for court reporters, transcript preparation, travel, facility  
1537 rental, and other customary hearing costs, in the manner set  
1538 forth in s. 120.65(9) ~~120.65(11)~~.

1539 Section 127. Paragraph (b) of subsection (5) of section  
1540 564.06, Florida Statutes, is amended to read:

1541 564.06 Excise taxes on wines and beverages.—

1542 (5)

1543 (b) All products however derived, distilled, mixed, or  
 1544 fermented and which contain less than 6 percent alcohol by  
 1545 volume which are taxed under this chapter shall be available for  
 1546 purchase and sale as provided in ss. 563.02 and, ~~564.02, and~~  
 1547 ~~564.04~~ by any licensee holding a valid license to sell alcoholic  
 1548 beverages for consumption either on or off premises, and nothing  
 1549 contained in chapter 562, chapter 563, chapter 565, or this  
 1550 chapter shall be construed to prevent such sales.

1551 Section 128. Section 601.80, Florida Statutes, is amended  
 1552 to read:

1553 601.80 Unlawful to use uncertified coloring matter.—It is  
 1554 unlawful for any person to use on oranges or citrus hybrids any  
 1555 coloring matter which has not first received the approval of the  
 1556 Department of Agriculture as provided ~~by rule adopted~~ under s.  
 1557 601.76.

1558 Reviser's note.—Amends or repeals provisions of the Florida  
 1559 Statutes pursuant to the directive of the Legislature in s.  
 1560 9, ch. 2012-116, Laws of Florida, to prepare a reviser's  
 1561 bill to omit all statutes and laws, or parts thereof, which  
 1562 grant duplicative, redundant, or unused rulemaking  
 1563 authority.

1564 Section 129. This act shall take effect on the 60th day  
 1565 after adjournment sine die of the session of the Legislature in  
 1566 which enacted.