



**RULEMAKING OVERSIGHT
&
REPEAL
SUBCOMMITTEE
MEETING**

**Thursday, February 7, 2013
9:00 a.m. – 10:00 a.m.**

306 House Office Building

Meeting Packet

Will Weatherford
Speaker

John Tobia
Chair

Committee Meeting Notice

HOUSE OF REPRESENTATIVES

Rulemaking Oversight & Repeal Subcommittee

Start Date and Time: Thursday, February 07, 2013 09:00 am
End Date and Time: Thursday, February 07, 2013 10:00 am
Location: 306 HOB
Duration: 1.00 hrs

Workshop on the following:

PCB RCC 13-06 - Florida Statutes Reviser's Bill (Rulemaking Repeals)

The PCB listed above will originate in the House Rules & Calendar Committee after this workshop is conducted. This Subcommittee is conducting a workshop because the proposed revisers bill was drafted under a 2012 mandate to remove unnecessary rulemaking provisions.

NOTICE FINALIZED on 01/31/2013 16:00 by Powell.Sonja

FLORIDA HOUSE OF REPRESENTATIVES
Rules & Calendar Committee
Rulemaking Oversight & Repeal Subcommittee

Will Weatherford
Speaker

John Tobia
Chair

AGENDA

Thursday, February 7, 2013

9:00 a.m. – 10:00 a.m.

Room 306 House Office Building

- **Opening Remarks by Chair Tobia**
- **Roll Call by Sonja Powell, CAA**
- **Announcements**
 - **All those wishing to address the committee please fill out and submit the provided Appearance Record.**
 - **Please make sure all electronic devices are turned off or are on silent mode.**
- **Workshop**
 - **PCB RCC 13-06—Florida Statutes Reviser’s Bill (Rulemaking Repeals)**
- **Closing Remarks**
- **Meeting Adjourned**

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: PCB RCC 13-06 Draft A Repeal of Unused, Unnecessary, or Redundant Rulemaking Authority

Authority

SPONSOR(S):

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

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

[DRAFT ANALYSIS FOR WORKSHOP PURPOSES ONLY]

SUMMARY ANALYSIS

Beginning in 2012, section 11.242(5)(j), F.S., directs the Office of Legislative Services to include duplicative, redundant, or unused statutory rulemaking authority among its proposed repeals in revisers bill recommendations. The purpose of this directive is not to diminish the authority of executive branch agencies to adopt administrative rules necessary to implement their statutory responsibilities but to remove unnecessary text from the statutes.

This revisers bill removes such rule authorizing provisions through revision of existing statutes or repeal of unnecessary provisions. The bill also makes conforming changes to correct cross-references.

Pursuant to House Rule 12.3(3), a reviser's bill cannot be amended except to delete one or more bill sections.

The effective date of the bill is the 60th day after adjournment sine die.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

1. *Statutory Delegation of Authority to Make Rules*

A rule is an agency statement of general applicability which interprets, implements, or prescribes law or policy, including the procedure and practice requirements of an agency, as well as certain types of forms.¹ Rulemaking authority is delegated by the Legislature² by law authorizing an agency to “adopt, develop, establish, or otherwise create”³ a rule. Agencies do not have discretion whether to engage in rulemaking.⁴ To adopt a rule an agency must have an express grant of authority to implement a specific law by rulemaking.⁵ The grant of rulemaking authority itself need not be detailed.⁶ The particular statute being interpreted or implemented through rulemaking must provide specific standards and guidelines to preclude the administrative agency from exercising unbridled discretion in creating policy or applying the law.⁷ A delegation of authority to an administrative agency by a law that is vague, uncertain, or so broad as to give no notice of what actions would violate the law, could be ruled unconstitutional because it allows the agency to state what the law is.⁸ The Legislature must provide minimal standards and guidelines in the law creating a program to provide for its proper administration by the assigned executive agency. The Legislature may delegate rule-making authority to agencies but not the authority to determine what the law should be.⁹

Legislation creating new programs or modifying existing ones may include an additional grant of authority for the responsible agency to create rules for administering the statute. Such language can be redundant of a broader grant of authority for the agency to adopt rules implementing the full statutory chapter or part and often is never used to support subsequent rulemaking because the existing authority is legally sufficient.

Other grants of rulemaking authority are superfluous because the substantive legislation provides sufficient guidance and detail for the agency to implement the program requirements without any additional rulemaking. Such grants of rulemaking authority remain in statutes unused because they serve no practical purpose.

2. *Annual Review of Rulemaking Authority*

In 2012 the Legislature amended the statutory revision program by directing the Office of Legislative Services (OLS), through the process of duly enacted reviser’s bills, to omit duplicative, redundant, or unused grants of rulemaking authority from inclusion in the statutes. Rulemaking authority is deemed unused if the provision has been in effect for more than 5 years without being relied upon to adopt rules.¹⁰

This PCB is the first reviser’s bill implementing the additional function of rulemaking oversight. In preparing the bill OLS, together with the respective staffs of the Joint Administrative Procedures

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

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

³ Section 120.52(17), F.S.

⁴ Section 120.54(1)(a), F.S.

⁵ Section 120.52(8) & s. 120.536(1), F.S.

⁶ *Save the Manatee Club, Inc.*, supra at 599.

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

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

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

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

Committee (JAPC) and the House Rulemaking & Regulation Subcommittee (the predecessor of the present Rulemaking Oversight & Repeal Subcommittee) developed a list of statutory grants of rulemaking authority that initially appeared to meet the requirements for omission. This summary then was submitted for review and comment by the staff of other substantive House committees, which in turn consulted with the various administrative agencies affected by the proposed revisions. Adhering to the recommendations received from the other substantive committees, the Subcommittee staff helped to develop the final list of sections OLS included in the bill.

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

B. SECTION DIRECTORY:

Section 1 amends s. 17.28, F.S., to remove text granting duplicative, redundant, or unused rulemaking authority. This statute authorizes the Chief Financial Officer to permit biweekly salary payments on the written request of a state agency and to adopt rules to implement the section. Despite a long practice of permitting bi-weekly salary payments for numerous agencies without using rulemaking,¹¹ the Department of Financial Services (DFS) prefers to retain this authority in the belief that it is the only authority specific to allowing such payment schedules. Because s. 17.29, F.S., provides authority sufficient to adopt any rules necessary to permit bi-weekly salary payments, and because DFS currently implements bi-weekly payments without the need for any rule, the rulemaking authority in s. 17.28, F.S., is redundant and unnecessary.

Sections 2, 4-9, 11, 13-17, 19-22, 25-29, 31-34, 37, 44-46, 48, 50-61, 64, 67, 68, 73, 75-78, 80-82, 84, 85, 87, 89, 91-93, 97-109, 114, 116, 118, 120-122, 125, and 127-129 repeal specific statutes, subsections, paragraphs, or subparagraphs granting duplicative, redundant, or unused rulemaking authority, with conforming changes.

Sections 3, 10, 12, 18, 23, 24, 30, 35, 36, 39-43, 47, 49, 62, 63, 65, 66, 69-72, 74, 79, 83, 86, 88, 90, 94-96, 110-113, 115, 117, 119, 123, 124, 126, 130, and 131 amend specific statutes, subsections, or paragraphs to remove text granting duplicative, redundant, or unused rulemaking authority, with conforming changes.

Section 38 repeals s. 380.0666(9), F.S., to remove unnecessary and unused rulemaking authority from the powers of the Monroe County Land Authority. The Authority has never used rulemaking during its 26-year existence. Thus the unused rulemaking authority has proven unnecessary.

Sections 132-136 conform existing statutes to amendments in the bill.

Section 137 provides for an effective date.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

Please see FISCAL COMMENTS in Part II, Section D.

2. Expenditures:

Please see FISCAL COMMENTS in Part II, Section D.

¹¹ The section was enacted in 1967. Ch. 67-425, s. 1, Laws of Florida.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

Please see FISCAL COMMENTS in Part II, Section D.

2. Expenditures:

Please see FISCAL COMMENTS in Part II, Section D.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

Please see FISCAL COMMENTS in Part II, Section D.

D. FISCAL COMMENTS:

This reviser's bill is a technical, non-substantive bill. The bill has no fiscal impact on state or local governments or on the private sector.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

N/A

2. Other:

N/A

B. RULE-MAKING AUTHORITY:

This reviser's bill removes unnecessary grants of rulemaking authority from the statutes but does not substantively affect the necessary rulemaking authority of any agency.

C. DRAFTING ISSUES OR OTHER COMMENTS:

At line 22, the title of PCB RCC 13-06 Draft A contains an incorrect reference s. 1013.42, F.S., a statute that is not included in the text of Draft A. This reference should be deleted.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

PCB RCC 13-06 Draft A

ORIGINAL

YEAR

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, 497.160,
 15 497.381, 501.0583, 509.036, 548.024, 559.10, 561.41,
 16 578.26, 582.055, 601.74, 601.76, 607.193, 624.487,
 17 627.096, 627.212, 627.917, 633.445, 641.316, 655.922,
 18 658.995, 668.704, 713.78, 713.785, 744.7021, 744.713,
 19 766.304, 865.09, 943.0543, 943.0544, 944.095, 945.73,
 20 946.525, 949.08, 985.66, 1001.26, 1002.32, 1003.433,
 21 1004.435, 1004.45, 1007.35, 1009.85, 1011.48, 1011.51,
 22 1011.765, 1012.467, 1012.965, and 1013.42, F.S.; and
 23 repealing ss. 112.358, 199.1851, 220.1501, 328.44,
 24 328.50, 403.0861, 409.14511, 409.2675, 411.205,
 25 553.897, 563.04, 564.04, 601.75, 601.77, 601.78,
 26 627.793, 634.289, 663.319, and 984.05, F.S.; to
 27 conform to the directive of the Legislature in section
 28 9 of chapter 2012-116, Laws of Florida, to prepare a

PCB RCC 13-06 Draft A

ORIGINAL

YEAR

29 reviser's bill to omit all statutes and laws, or parts
 30 thereof, which grant duplicative, redundant, or unused
 31 rulemaking authority; amending ss. 213.053, 400.518,
 32 556.116, 564.06, and 601.80, F.S.; to conform to the
 33 changes made in this act; providing an effective
 34 date.; providing an effective date.

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

37
 38 Section 1. Section 17.28, Florida Statutes, is amended to
 39 read:

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

45 Section 2. Paragraph (c) of subsection (3) of section
 46 23.1231, Florida Statutes, is amended to read:

47 23.1231 Florida Mutual Aid Plan; powers and duties.—
 48 (3) The department may:

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

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

52 43.291 Judicial nominating commissions.—

53 (7) The Executive Office of the Governor shall provide all
 54 administrative support for each judicial nominating commission.
 55 ~~The Executive Office of the Governor shall adopt rules necessary~~
 56 ~~to administer this section.~~

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

59 110.118 Administrative leave for certain athletic
 60 competition.-

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

63 Section 5. Section 112.358, Florida Statutes, is repealed.

64 Section 6. Subsection (8) of section 112.361, Florida
 65 Statutes, is amended to read:

66 112.361 Additional and updated supplemental retirement
 67 benefits.-

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

73 Section 7. Paragraph (d) of subsection (2) of section
 74 119.0712, Florida Statutes, is amended to read:

75 119.0712 Executive branch agency-specific exemptions from
 76 inspection or copying of public records.-

77 (2) DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES.-

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

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

94 Section 8. Subsections (6) and (8) of section 120.65,
 95 Florida Statutes, are amended to read:

96 120.65 Administrative law judges.-

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

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

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

103 ~~(c) Procedures for the assignment of administrative law~~
 104 ~~judges.~~

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

107 Section 9. Section 199.1851, Florida Statutes, is
 108 repealed.

109 Section 10. Subsection (1) of section 201.165, Florida
 110 Statutes, is amended to read:

111 201.165 Credit for tax paid to other states.-

112 (1) For a tax imposed by any section of this chapter, a

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

124 Section 11. Paragraph (c) of subsection (1) of section
 125 202.37, Florida Statutes, is amended to read:

126 202.37 Special rules for administration of local
 127 communications services tax.—

128 (1)

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

137 1. Prior to the exercise of such authority, and for
 138 purposes of determining whether a dealer operates solely within
 139 one county, a local government may presume such localized
 140 operation if the dealer reports sales in a single county. Upon

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

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

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

168 4. Local governments conducting audits shall be bound by

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

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

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

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

194 8. All audits performed pursuant to this paragraph shall
 195 be in accordance with standards promulgated by the American
 196 Institute of Certified Public Accountants, the Institute of

197 Internal Auditors, or the Comptroller General of the United
 198 States insofar as those standards are not inconsistent with
 199 rules of the Department of Revenue.

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

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

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

216 207.021 Informal conferences; settlement or compromise of
 217 taxes, penalties, or interest.-

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

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

PCB RCC 13-06 Draft A

ORIGINAL

YEAR

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

227 207.0281 Registration; cooperative reciprocal agreements
 228 between states.—

229 ~~(6) The department may adopt rules for the administration~~
 230 ~~and enforcement of the agreements.~~

231 Section 14. Subsection (16) of section 212.097, Florida
 232 Statutes, is amended to read:

233 212.097 Urban High-Crime Area Job Tax Credit Program.—

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

238 Section 15. Subsection (12) of section 212.098, Florida
 239 Statutes, is amended to read:

240 212.098 Rural Job Tax Credit Program.—

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

245 Section 16. Subsection (5) of section 215.61, Florida
 246 Statutes, is amended to read:

247 215.61 State system of public education capital outlay
 248 bonds.—

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

252 Section 17. Section 220.1501, Florida Statutes, is

253 | repealed.

254 | Section 18. Subsection (1) of section 238.03, Florida
 255 | Statutes, is amended to read:

256 | 238.03 Administration.—

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

266 | Section 19. Subsection (5) of section 258.0165, Florida
 267 | Statutes, is amended to read:

268 | 258.0165 Defibrillators in state parks.—

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

272 | Section 20. Paragraph (a) of subsection (6) of section
 273 | 288.1045, Florida Statutes, is amended to read:

274 | 288.1045 Qualified defense contractor and space flight
 275 | business tax refund program.—

276 | (6) ADMINISTRATION.—

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

279 | Section 21. Subsection (7) of section 288.108, Florida
 280 | Statutes, is amended to read:

PCB RCC 13-06 Draft A

ORIGINAL

YEAR

281 288.108 High-impact business.—

282 ~~(7) RULEMAKING. The department may adopt rules necessary~~
 283 ~~to carry out the provisions of this section.~~

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

286 288.706 Florida Minority Business Loan Mobilization
 287 Program.—

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

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

292 288.816 Intergovernmental relations.—

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

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

309 the proper procedure for registering with the state.

310 (b) Maintain and systematically update a current and
 311 accurate list of all such foreign governmental officials,
 312 consuls, or consulates.

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

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

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

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

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

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

PCB RCC 13-06 Draft A

ORIGINAL

YEAR

337 activities.

338 (i) Notify all newly arrived foreign governmental
339 officials of the services offered by the state protocol officer.

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

342 316.0747 Sale or purchase of traffic control devices by
343 nongovernmental entities; prohibitions.—

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

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

356 316.525 Requirements for vehicles hauling loads.—

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

360 Section 26. Section 317.0005, Florida Statutes, is amended
361 to read:

362 317.0005 Rules, Forms, and notices.—

363 ~~(1) The department may adopt rules pursuant to ss.~~
364 ~~120.536(1) and 120.54, which pertain to off-highway vehicle~~

365 ~~titling, in order to implement the provisions of this chapter~~
 366 ~~conferring duties upon it.~~

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

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

372 320.0657 Permanent registration; fleet license plates.-

373 ~~(5)~~ The department may adopt rules to comply with this
 374 section.

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

377 320.0848 Persons who have disabilities; issuance of
 378 disabled parking permits; temporary permits; permits for certain
 379 providers of transportation services to persons who have
 380 disabilities.-

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

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

385 322.161 High-risk drivers; restricted licenses.-

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

388 Section 30. Paragraph (a) of subsection (1) of section
 389 324.0221, Florida Statutes, is amended to read:

390 324.0221 Reports by insurers to the department; suspension
 391 of driver's license and vehicle registrations; reinstatement.-

392 (1) (a) Each insurer that has issued a policy providing

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

414 Section 31. Section 328.44, Florida Statutes, is repealed.

415 Section 32. Section 328.50, Florida Statutes, is repealed.

416 Section 33. Subsection (5) of section 339.2817, Florida
 417 Statutes, is amended to read:

418 339.2817 County Incentive Grant Program.—

419 ~~(5) The department is authorized to adopt rules to~~
 420 ~~administer the County Incentive Grant Program.~~

421 Section 34. Subsection (9) of section 339.55, Florida
 422 Statutes, is amended to read:

423 339.55 State-funded infrastructure bank.—

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

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

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

449 an intrinsic value to the residents of the state, and any damage
 450 to natural resources and their qualities should not be dismissed
 451 as nonrecoverable merely because of the difficulty in
 452 quantifying their value. In order to avoid unnecessary
 453 speculation and expenditure of limited resources to determine
 454 these values, the Legislature hereby establishes a schedule for
 455 compensation for damage to the state's natural resources and the
 456 quality of said resources. As an alternative to the compensation
 457 schedule described in subsections (4), (5), (6), and (9), the
 458 department, when no responsible party is identified, when a
 459 responsible party opts out of the formula pursuant to paragraph
 460 (10)(a), or when the department conducts a cooperative damage
 461 assessment with federal agencies, may use methods of calculating
 462 natural resources damages in accordance with federal rules
 463 implementing the Oil Pollution Act of 1990, as amended.

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

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

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

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

500 ~~The department shall adopt rules establishing the pollutant~~
 501 ~~category of pesticides and other pollutants as defined in s.~~
 502 ~~376.031 and not listed in this paragraph.~~

503 ~~(14) The department shall adopt rules necessary or~~
 504 ~~convenient for carrying out the duties, obligations, powers, and~~

PCB RCC 13-06 Draft A

ORIGINAL

YEAR

505 ~~responsibilities set forth in this section.~~

506 Section 36. Subsection (5) of section 376.317, Florida
507 Statutes, is amended to read:

508 376.317 Superseded laws; state preemption.—

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

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

527 379.245 Spiny lobster reports by dealers during closed
528 season required.—

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

532 Section 38. Subsection (9) of section 380.0666, Florida

PCB RCC 13-06 Draft A

ORIGINAL

YEAR

533 Statutes, is amended to read:

534 380.0666 Powers of land authority.—The land authority
 535 shall have all the powers necessary or convenient to carry out
 536 and effectuate the purposes and provisions of this act,
 537 including the following powers, which are in addition to all
 538 other powers granted by other provisions of this act:

539 ~~(9) To make rules pursuant to the provisions of chapter~~
 540 ~~120 necessary to carry out the purposes of this act and to~~
 541 ~~exercise any power granted in this act.~~

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

544 391.304 Program coordination.—

545 (1) The Department of Health shall:

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

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

550 Section 40. Section 391.305, Florida Statutes, is amended
 551 to read:

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

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

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

PCB RCC 13-06 Draft A

ORIGINAL

YEAR

561 services.

562 (3) Minimum developmental evaluation and intervention and
563 support services.

564 (4) Program staff requirements and personnel
565 qualifications.

566 (5) Reporting and program evaluation procedures.

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

569 393.0641 Program for the prevention and treatment of
570 severe self-injurious behavior.—

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

573 Section 42. Section 395.0185, Florida Statutes, is amended
574 to read:

575 395.0185 Rebates prohibited; penalties.—

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

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

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

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

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

593 395.605 Emergency care hospitals.-

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

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

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

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

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

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

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

615 1. Chemical examinations of urine by stick or tablet
 616 methods, or both (including urine ketones).

PCB RCC 13-06 Draft A

ORIGINAL

YEAR

- 617 2. Microscopic examinations of urine sediment.
- 618 3. Hemoglobin or hematocrit.
- 619 4. Blood sugar.
- 620 5. Gram stain.
- 621 6. Examination of stool specimens for occult blood.
- 622 7. Pregnancy tests.
- 623 8. Primary culturing for transmittal to a certified
- 624 laboratory.
- 625 9. Sediment rate, CBC.

626 (9) The agency may use specific diagnosis-related groups,
 627 ICD-9 codes, or similar patient illness-severity classification
 628 schemes to define the scope of inpatient care in emergency care
 629 hospitals in lieu of the 96-hour inpatient care limitation. ~~The~~
 630 ~~methodology used for determining the scope of inpatient care~~
 631 ~~permitted in emergency care hospitals shall be included in rule.~~

632 Section 44. Subsection (5) of section 397.99, Florida
 633 Statutes, is amended to read:

634 397.99 School substance abuse prevention partnership
 635 grants.—

636 ~~(5) The department shall establish rules as necessary to~~
 637 ~~implement this section.~~

638 Section 45. Subsection (6) of section 397.998, Florida
 639 Statutes, is amended to read:

640 397.998 Drug-free communities support match grants.—

641 ~~(6) RULES. The department is authorized to adopt rules~~
 642 ~~specifically to address procedures necessary to administer the~~
 643 ~~drug-free communities match grants as provided in this section.~~

644 Section 46. Subsection (4) of section 400.063, Florida

PCB RCC 13-06 Draft A

ORIGINAL

YEAR

645 Statutes, is amended to read:

646 400.063 Resident protection.-

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

649 Section 47. Section 400.176, Florida Statutes, is amended
 650 to read:

651 400.176 Rebates prohibited; penalties.-

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

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

665 (a) A fine not to exceed \$5,000; and

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

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

670 400.801 Homes for special services.-

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

PCB RCC 13-06 Draft A

ORIGINAL

YEAR

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

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

679 (5) Instructional and special educational services that
680 are provided to clients with mental illness or developmental
681 disabilities of the department's or agency's residential care
682 facilities by local school districts shall not be less than 180
683 days or 900 hours; however, the 900 hours may be distributed
684 over a 12-month period, ~~unless otherwise stated in rules~~
685 ~~developed by the State Board of Education, with the concurrence~~
686 ~~of the department or agency and adopted pursuant to subsection~~
687 ~~(6).~~

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

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

697 402.3025 Public and nonpublic schools.—For the purposes of
698 ss. 402.301-402.319, the following shall apply:

699 (1) PUBLIC SCHOOLS.—

700 ~~(c) The State Board of Education shall adopt rules to~~

701 ~~implement this subsection, including standards for programs in~~
 702 ~~subparagraphs (a)2. and 3., which recognize the vulnerability of~~
 703 ~~children under 5 years of age and make special provisions to~~
 704 ~~ensure their health and safety. Such rules shall include, but~~
 705 ~~not be limited to, facilities, personnel staffing and~~
 706 ~~qualifications, transportation, and health and safety practices.~~
 707 ~~In preparing such rules, the Commissioner of Education shall~~
 708 ~~review the standards already existing in the state and the~~
 709 ~~recommendations of appropriate professional and accreditation~~
 710 ~~agencies.~~

711 (3) INSPECTION FEE.—The department shall establish ~~by rule~~
 712 a fee for inspection activities performed pursuant to this
 713 section, in an amount sufficient to cover costs. However, the
 714 amount of such fee for the inspection of a school shall not
 715 exceed the fee imposed for child care licensure pursuant to s.
 716 402.315.

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

719 402.81 Pharmaceutical expense assistance.—

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

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

726 ~~(b)~~ By January 1 of each year, the agency shall report to
 727 the Legislature on the operation of the program. The report
 728 shall include information on the number of individuals served,

729 use rates, and expenditures under the program.

730 Section 52. Section 403.0861, Florida Statutes, is
 731 repealed.

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

734 403.7191 Toxics in packaging.—

735 ~~(8) RULES. The department is authorized to adopt rules to~~
 736 ~~implement the provisions of this section.~~

737 Section 54. Section 409.14511, Florida Statutes, is
 738 repealed.

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

741 409.2576 State Directory of New Hires.—

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

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

746 409.2578 Access to employment information; administrative
 747 fine.—

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

750 Section 57. Section 409.2675, Florida Statutes, is
 751 repealed.

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

754 409.441 Runaway youth programs and centers.—

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

756 ~~(a) No later than September 1, 1984, the department shall~~

757 ~~adopt rules pertaining to uniform licensing criteria for runaway~~
 758 ~~youth centers.~~

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

764 (a)1. Programs for outreach and prevention for troubled
 765 youths and runaway youths and their families.

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

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

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

771 (e)5. Provision for aftercare including individual and
 772 family counseling services.

773 (f)6. Programs for advocacy for client population and
 774 community support.

775 (g)7. Provisions for case management and referral from
 776 service to service.

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

779 409.9101 Recovery for payments made on behalf of Medicaid-
 780 eligible persons.—

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

783 Section 60. Section 411.205, Florida Statutes, is
 784 repealed.

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

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

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

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

797 414.158 Diversion program to prevent or reduce child abuse
 798 and neglect.—

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

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

806 414.1585 Diversion program for families at risk of welfare
 807 dependency due to substance abuse or mental illness.—

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

813 Section 64. Section 414.35, Florida Statutes, is amended
 814 to read:

815 414.35 Emergency relief.—

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

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

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

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

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

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

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

838 415.1105 Training programs.—

839 (1) The department shall ~~develop rules governing~~
 840 ~~preservice and inservice training for adult protective~~

PCB RCC 13-06 Draft A

ORIGINAL

YEAR

841 ~~investigation staff and~~, within available resources, shall
 842 provide appropriate preservice and inservice training for adult
 843 protective investigation ~~to such~~ staff.

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

846 420.5091 HOPE Program.—

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

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

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

868 ~~(3) Adopt rules to reduce the number of beds in Medicaid-~~

869 ~~participating nursing homes eligible for Medicaid, through a~~
 870 ~~Medicaid-selective contracting process or some other appropriate~~
 871 ~~method.~~

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

874 430.902 Multiservice senior center.—

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

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

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

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

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

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

918 443.1313 Public employers; reimbursements; election to pay
 919 contributions.—Benefits paid to employees of a public employer,
 920 as defined in s. 443.036, based on service described in s.
 921 443.1216(2) shall be financed in accordance with this section.

922 (3) CHANGE OF ELECTION.—Upon electing to be a reimbursing
 923 or contributing employer under this section, a public employer
 924 may not change this election for at least 2 calendar years. This

925 subsection does not prevent a public employer subject to this
 926 subsection from changing its election after completing 2
 927 calendar years under another financing method if the new
 928 election is timely filed. ~~The state agency providing~~
 929 ~~reemployment assistance tax collection services may adopt rules~~
 930 ~~prescribing procedures for changing methods of reporting.~~

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

933 455.2255 Classification of disciplinary actions.—

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

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

945 456.053 Financial arrangements between referring health
 946 care providers and providers of health care services.—

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

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

952 1. The provider's investment interest is in registered

953 securities purchased on a national exchange or over-the-counter
 954 market and issued by a publicly held corporation:

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

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

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

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

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

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

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

977 3. With respect to either such entity or publicly held
 978 corporation:

979 a. The entity or corporation does not loan funds to or
 980 guarantee a loan for an investor who is in a position to make

PCB RCC 13-06 Draft A

ORIGINAL

YEAR

981 referrals to the entity or corporation if the investor uses any
 982 part of such loan to obtain the investment interest.

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

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

999 (g) A violation of this section by a health care provider
 1000 shall constitute grounds for disciplinary action to be taken by
 1001 the applicable board pursuant to s. 458.331(2), s. 459.015(2),
 1002 s. 460.413(2), s. 461.013(2), s. 463.016(2), or s. 466.028(2).
 1003 Any hospital licensed under chapter 395 found in violation of
 1004 this section shall be subject to ~~the rules adopted by the Agency~~
 1005 ~~for Health Care Administration pursuant to s. 395.0185(2).~~

1006 Section 73. Section 472.017, Florida Statutes, is amended
 1007 to read:

1008 472.017 Renewal of license.—

PCB RCC 13-06 Draft A

ORIGINAL

YEAR

1009 ~~(1)~~ The department shall renew a license upon receipt of
 1010 the renewal application and fee, upon proof of compliance with
 1011 the continuing education requirement of s. 472.018, and, if a
 1012 demonstration of competency is required by law or rule, upon
 1013 certification by the board that the licensee has satisfactorily
 1014 demonstrated his or her competence in surveying and mapping.

1015 ~~(2) The department shall adopt rules establishing a~~
 1016 ~~procedure for the biennial renewal of licenses.~~

1017 Section 74. Section 489.146, Florida Statutes, is amended
 1018 to read:

1019 489.146 Privatization of services.—Notwithstanding any
 1020 other provision of this part relating to the review of licensure
 1021 applications, issuance of licenses and renewals, collection of
 1022 revenues, fees, and fines, service of documents, publications,
 1023 and printing, and other ministerial functions of the department
 1024 relating to the regulation of contractors, the department shall
 1025 make all reasonable efforts to contract with one or more private
 1026 entities for provision of such services, when such services can
 1027 be provided in a more efficient manner by private entities. The
 1028 department or the board shall retain final authority for
 1029 licensure decisions and rulemaking, including all appeals or
 1030 other legal action resulting from such licensure decisions or
 1031 rulemaking. ~~The department and the board shall adopt rules to~~
 1032 ~~implement the provisions of this section.~~

1033 Section 75. Subsection (2) of section 496.414, Florida
 1034 Statutes, is amended to read:

1035 496.414 Duties of commercial co-venturers.—

1036 ~~(2) If determined to be essential to protect the public~~

1037 ~~from fraudulent or deceptive advertising, the department may, in~~
 1038 ~~accordance with chapter 120, adopt rules requiring disclosure in~~
 1039 ~~advertising for a charitable or sponsor sales promotion of~~
 1040 ~~information relating to the portion or amount that will benefit~~
 1041 ~~the charitable organization or sponsor or the charitable purpose~~
 1042 ~~or sponsor purpose.~~

1043 Section 76. Subsection (3) of section 497.160, Florida
 1044 Statutes, is amended to read:

1045 497.160 Receivership proceedings.—

1046 ~~(3) The department may adopt rules for the implementation~~
 1047 ~~of this section.~~

1048 Section 77. Subsections (1) and (3) of section 497.381,
 1049 Florida Statutes, are amended to read:

1050 497.381 Solicitation of goods or services.—

1051 ~~(1) The licensing authority shall adopt rules regulating~~
 1052 ~~the solicitation of goods or services by licensees.~~

1053 (2)~~(3)~~ The licensing authority shall regulate such
 1054 solicitation which comprises an uninvited invasion of personal
 1055 privacy. It is the express finding of the Legislature that the
 1056 public has a high expectation of privacy in one's personal
 1057 residence, and the licensing authority ~~by rule~~ may restrict the
 1058 hours or otherwise regulate such solicitation in the personal
 1059 residence of a person unless the solicitation has been
 1060 previously and expressly requested by the person solicited.

1061 Section 78. Subsection (4) of section 501.0583, Florida
 1062 Statutes, is amended to read:

1063 501.0583 Selling, delivering, bartering, furnishing, or
 1064 giving weight-loss pills to persons under age 18; penalties;

1065 defense.-

1066 ~~(4) The Department of Agriculture and Consumer Services is~~
 1067 ~~authorized to adopt rules to implement this section.~~

1068 Section 79. Subsection (3) of section 509.036, Florida
 1069 Statutes, is amended to read:

1070 509.036 Public food service inspector standardization.-

1071 ~~(3) The division and its agent shall adopt rules in~~
 1072 ~~accordance with the provisions of chapter 120 to provide for~~
 1073 ~~disciplinary action in cases of inspector negligence. An~~
 1074 ~~inspector may be subject to suspension or dismissal for cause as~~
 1075 ~~set forth in s. 110.227.~~

1076 Section 80. Section 548.024, Florida Statutes, is amended
 1077 to read:

1078 548.024 Background investigation of applicants for
 1079 licensure.-

1080 ~~(1) The commission is authorized to adopt rules pursuant~~
 1081 ~~to ss. 120.536(1) and 120.54 which provide for background~~
 1082 ~~investigations of applicants for licensure under this chapter~~
 1083 ~~for the purpose of ensuring the accuracy of the information~~
 1084 ~~provided in the application; ensuring that there are no active~~
 1085 ~~or pending criminal or civil indictments against the applicant;~~
 1086 ~~and ensuring satisfaction of all other requirements of this~~
 1087 ~~chapter. The background investigation may include, but is not~~
 1088 ~~limited to, the criminal and financial history of the applicant.~~

1089 ~~(2) If the commission requires a background criminal~~
 1090 ~~history investigation of any applicant, it shall require the~~
 1091 ~~applicant to submit to the department a fingerprint card for~~
 1092 ~~this purpose. The fingerprint card shall be forwarded to the~~

PCB RCC 13-06 Draft A

ORIGINAL

YEAR

1093 | Division of Criminal Justice Information Systems within the
 1094 | Department of Law Enforcement and the Federal Bureau of
 1095 | Investigation for purposes of processing the fingerprint card to
 1096 | determine if the applicant has a criminal history record. The
 1097 | information obtained by the processing of the fingerprint card
 1098 | by the Department of Law Enforcement and the Federal Bureau of
 1099 | Investigation shall be sent to the department for the purpose of
 1100 | determining if the applicant is statutorily qualified for
 1101 | licensure.

1102 | Section 81. Section 553.897, Florida Statutes, is
 1103 | repealed.

1104 | Section 82. Subsection (3) of section 559.10, Florida
 1105 | Statutes, is amended to read:

1106 | 559.10 Definition; "budget planning."—

1107 | ~~(3) The Financial Services Commission may adopt rules as~~
 1108 | ~~necessary to implement and enforce this part.~~

1109 | Section 83. Section 561.41, Florida Statutes, is amended
 1110 | to read:

1111 | 561.41 Maintenance and designation of principal office by
 1112 | manufacturers, distributors, importers, and exporters.—Each
 1113 | licensed manufacturer, distributor, and importer and each
 1114 | registered exporter must have within this state an office
 1115 | designated as its principal office within this state and may
 1116 | maintain branch offices within or without this state. The
 1117 | principal and branch offices of each manufacturer, distributor,
 1118 | and importer within this state must, during regular defined
 1119 | business hours, be kept open for the inspection of authorized
 1120 | employees of the division. Each registered exporter must provide

PCB RCC 13-06 Draft A

ORIGINAL

YEAR

1121 access to authorized employees of the division to all business
 1122 premises, inventories, and records, including all records of
 1123 transporters, warehouses, and exporters required by the Federal
 1124 Government, for the purpose of conducting semiannual audits and
 1125 inventories. ~~The division may adopt rules to carry out the~~
 1126 ~~purposes of this section.~~

1127 Section 84. Section 563.04, Florida Statutes, is repealed.

1128 Section 85. Section 564.04, Florida Statutes, is repealed.

1129 Section 86. Subsection (4) of section 578.26, Florida
 1130 Statutes, is amended to read:

1131 578.26 Complaint, investigation, hearings, findings, and
 1132 recommendation prerequisite to legal action.-

1133 (4) The department shall provide administrative support
 1134 for the seed investigation and conciliation council ~~and shall~~
 1135 ~~adopt rules to govern investigations and hearings. A copy of the~~
 1136 ~~rules shall be mailed to each party, upon receipt of a complaint~~
 1137 ~~by the department.~~

1138 Section 87. Subsection (2) of section 582.055, Florida
 1139 Statutes, is amended to read:

1140 582.055 Powers and duties of the Department of Agriculture
 1141 and Consumer Services; ~~rules.-~~

1142 ~~(2) The department is authorized to adopt rules to~~
 1143 ~~implement, make specific, and interpret the provisions of this~~
 1144 ~~chapter.~~

1145 Section 88. Section 601.74, Florida Statutes, is amended
 1146 to read:

1147 601.74 ~~Adoption of rules;~~ Fees for licensing and analysis
 1148 of processing materials.-The Department of Agriculture may ~~adopt~~

PCB RCC 13-06 Draft A

ORIGINAL

YEAR

1149 ~~rules and~~ set fees with respect to the licensing and analysis of
 1150 materials and composition used on or in the packing of citrus
 1151 fruits. ~~Such rules may include fees for permitting dyes and~~
 1152 ~~coloring matter.~~ Fees shall be not less than \$30 nor more than
 1153 \$100 for each manufacturer applying to the Department of
 1154 Agriculture. All such license fees collected under this section
 1155 shall be paid monthly by the Department of Agriculture into the
 1156 State Treasury to the credit of the General Inspection Trust
 1157 Fund and shall be appropriated and made available for defraying
 1158 the expenses incurred in the administration of this law.

1159 Section 89. Section 601.75, Florida Statutes, is repealed.

1160 Section 90. Section 601.76, Florida Statutes, is amended
 1161 to read:

1162 601.76 Manufacturer to furnish formula and other
 1163 information. ~~The Department of Agriculture may adopt rules with~~
 1164 ~~respect to requirements for information that must be furnished~~
 1165 ~~by manufacturers of coloring matter for use on citrus fruit.~~
 1166 ~~Such information may include product formulas.~~ Any formula
 1167 required to be filed with the Department of Agriculture shall be
 1168 deemed a trade secret as defined in s. 812.081, is confidential
 1169 and exempt from s. 119.07(1), and shall only be divulged to the
 1170 Department of Agriculture or to its duly authorized
 1171 representatives or upon orders of a court of competent
 1172 jurisdiction when necessary in the enforcement of this law. A
 1173 person who receives such a formula from the Department of
 1174 Agriculture under this section shall maintain the
 1175 confidentiality of the formula.

1176 Section 91. Section 601.77, Florida Statutes, is repealed.

1177 Section 92. Section 601.78, Florida Statutes, is repealed.

1178 Section 93. Subsection (3) of section 607.193, Florida
1179 Statutes, is amended to read:

1180 607.193 Supplemental corporate fee.—

1181 ~~(3) The Department of State shall adopt rules and~~
1182 ~~prescribe forms necessary to carry out the purposes of this~~
1183 ~~section.~~

1184 Section 94. Section 624.487, Florida Statutes, is amended
1185 to read:

1186 624.487 Enforcement of specified insurance provisions ~~+~~
1187 ~~adoption of rules.~~—The office may enforce, with respect to group
1188 self-insurance funds established or operated under s. 624.4621,
1189 the provisions of s. 624.316, s. 624.424, s. 625.091, or s.
1190 625.305 as they relate to workers' compensation insurers, ~~and~~
1191 ~~the commission may adopt rules to implement the enforcement~~
1192 ~~authority granted by this section.~~

1193 Section 95. Subsection (1) of section 627.096, Florida
1194 Statutes, is amended to read:

1195 627.096 Workers' Compensation Rating Bureau.—

1196 (1) There is created within the office a Workers'
1197 Compensation Rating Bureau, which shall make an investigation
1198 and study of all insurers authorized to issue workers'
1199 compensation and employer's liability coverage in this state.
1200 Such bureau shall study the data, statistics, schedules, or
1201 other information as it may deem necessary to assist and advise
1202 the office in its review of filings made by or on behalf of
1203 workers' compensation and employer's liability insurers. ~~The~~
1204 ~~commission may adopt rules requiring all workers' compensation~~

1205 ~~and employer's liability insurers to submit to the rating bureau~~
 1206 ~~any data, statistics, schedules, and other information deemed~~
 1207 ~~necessary to the rating bureau's study and advisement.~~

1208 Section 96. Section 627.212, Florida Statutes, is amended
 1209 to read:

1210 627.212 Workplace safety program surcharge.—The office
 1211 shall approve a rating plan for workers' compensation coverage
 1212 insurance that provides for carriers voluntarily to impose a
 1213 surcharge of no more than 10 percent on the premium of a
 1214 policyholder or fund member if that policyholder or fund member
 1215 has been identified by the department as having been required to
 1216 implement a safety program and having failed to establish or
 1217 maintain, either in whole or in part, a safety program. ~~The~~
 1218 ~~department shall adopt rules prescribing the criteria for the~~
 1219 ~~employee safety programs.~~

1220 Section 97. Section 627.793, Florida Statutes, is
 1221 repealed.

1222 Section 98. Subsection (3) of section 627.917, Florida
 1223 Statutes, is amended to read:

1224 627.917 Uniform risk classification reporting system for
 1225 motor vehicle insurance.—

1226 ~~(3) The commission may adopt rules to require each insurer~~
 1227 ~~to report its loss and expense experience by classification, in~~
 1228 ~~such detail and as often as may be necessary to aid the office~~
 1229 ~~in determining the reasonableness of rates, the validity of loss~~
 1230 ~~projections, and the validity of the risk classification system.~~

1231 Section 99. Subsection (8) of section 633.445, Florida
 1232 Statutes, is amended to read:

PCB RCC 13-06 Draft A

ORIGINAL

YEAR

1233 633.445 State Fire Marshal Scholarship Grant Program.-
 1234 ~~(8) The department may adopt rules to implement this~~
 1235 ~~section, including rules detailing the eligibility standards and~~
 1236 ~~an approval rating system which are based on financial need,~~
 1237 ~~need for additional certified firefighters from the applicant's~~
 1238 ~~community, and the applicant's employment record.~~

1239 Section 100. Section 634.289, Florida Statutes, is
 1240 repealed.

1241 Section 101. Subsection (7) of section 641.316, Florida
 1242 Statutes, is amended to read:

1243 641.316 Fiscal intermediary services.-

1244 ~~(7) The commission shall adopt rules necessary to~~
 1245 ~~administer this section.~~

1246 Section 102. Subsection (6) of section 655.922, Florida
 1247 Statutes, is amended to read:

1248 655.922 Banking business by unauthorized persons; use of
 1249 name.-

1250 ~~(6) The commission shall adopt rules to administer this~~
 1251 ~~section.~~

1252 Section 103. Subsection (6) of section 658.995, Florida
 1253 Statutes, is amended to read:

1254 658.995 Credit Card Bank Act.-

1255 ~~(6) The commission may adopt rules implementing the~~
 1256 ~~provisions of this section.~~

1257 Section 104. Section 663.319, Florida Statutes, is
 1258 repealed.

1259 Section 105. Subsection (12) of section 668.704, Florida
 1260 Statutes, is amended to read:

PCB RCC 13-06 Draft A

ORIGINAL

YEAR

1261 668.704 Remedies.—

1262 ~~(12) The Department of Legal Affairs may adopt rules~~
 1263 ~~pursuant to ss. 120.536(1) and 120.54 to implement the~~
 1264 ~~provisions of this part.~~

1265 Section 106. Paragraph (c) of subsection (11) and
 1266 paragraph (g) of subsection (13) of section 713.78, Florida
 1267 Statutes, are amended to read:

1268 713.78 Liens for recovering, towing, or storing vehicles
 1269 and vessels.—

1270 (11)

1271 ~~(c) The Department of Highway Safety and Motor Vehicles~~
 1272 ~~may adopt such rules as it deems necessary or proper for the~~
 1273 ~~administration of this subsection.~~

1274 (13)

1275 ~~(g) The Department of Highway Safety and Motor Vehicles~~
 1276 ~~may adopt rules pursuant to ss. 120.536(1) and 120.54 to~~
 1277 ~~implement this subsection.~~

1278 Section 107. Paragraph (c) of subsection (7) and paragraph
 1279 (f) of subsection (8) of section 713.785, Florida Statutes, are
 1280 amended to read:

1281 713.785 Liens for recovering, towing, or storing mobile
 1282 homes.—

1283 (7)

1284 ~~(c) The Department of Highway Safety and Motor Vehicles~~
 1285 ~~may adopt rules to administer this subsection.~~

1286 (8)

1287 ~~(f) The Department of Highway Safety and Motor Vehicles~~
 1288 ~~may adopt rules to administer this subsection.~~

1289 Section 108. Subsection (4) of section 744.7021, Florida
 1290 Statutes, is amended to read:

1291 744.7021 Statewide Public Guardianship Office.—There is
 1292 hereby created the Statewide Public Guardianship Office within
 1293 the Department of Elderly Affairs.

1294 ~~(4) The Department of Elderly Affairs has authority to~~
 1295 ~~adopt rules pursuant to ss. 120.536(1) and 120.54 to carry out~~
 1296 ~~the provisions of this section.~~

1297 Section 109. Subsection (7) of section 744.713, Florida
 1298 Statutes, is amended to read:

1299 744.713 Program administration; duties of the Statewide
 1300 Public Guardianship Office.—The Statewide Public Guardianship
 1301 Office shall administer the grant program. The office shall:

1302 ~~(7) Adopt rules as necessary to administer the grant~~
 1303 ~~program and this act.~~

1304 Section 110. Section 766.304, Florida Statutes, is amended
 1305 to read:

1306 766.304 Administrative law judge to determine claims.—The
 1307 administrative law judge shall hear and determine all claims
 1308 filed pursuant to ss. 766.301-766.316 and shall exercise the
 1309 full power and authority granted to her or him in chapter 120,
 1310 as necessary, to carry out the purposes of such sections. The
 1311 administrative law judge has exclusive jurisdiction to determine
 1312 whether a claim filed under this act is compensable. No civil
 1313 action may be brought until the determinations under s. 766.309
 1314 have been made by the administrative law judge. If the
 1315 administrative law judge determines that the claimant is
 1316 entitled to compensation from the association, or if the

PCB RCC 13-06 Draft A

ORIGINAL

YEAR

1317 claimant accepts an award issued under s. 766.31, no civil
 1318 action may be brought or continued in violation of the
 1319 exclusiveness of remedy provisions of s. 766.303. If it is
 1320 determined that a claim filed under this act is not compensable,
 1321 neither the doctrine of collateral estoppel nor res judicata
 1322 shall prohibit the claimant from pursuing any and all civil
 1323 remedies available under common law and statutory law. The
 1324 findings of fact and conclusions of law of the administrative
 1325 law judge shall not be admissible in any subsequent proceeding;
 1326 however, the sworn testimony of any person and the exhibits
 1327 introduced into evidence in the administrative case are
 1328 admissible as impeachment in any subsequent civil action only
 1329 against a party to the administrative proceeding, subject to the
 1330 Rules of Evidence. An award may not be made or paid under ss.
 1331 766.301-766.316 if the claimant recovers under a settlement or a
 1332 final judgment is entered in a civil action. ~~The division may~~
 1333 ~~adopt rules to promote the efficient administration of, and to~~
 1334 ~~minimize the cost associated with, the prosecution of claims.~~

1335 Section 111. Subsection (10) of section 865.09, Florida
 1336 Statutes, is amended to read:

1337 865.09 Fictitious name registration.—

1338 (10) POWERS OF DEPARTMENT.—The Department of State is
 1339 granted the power reasonably necessary to enable it to
 1340 administer this section efficiently, to perform the duties
 1341 herein imposed upon it, ~~and to adopt reasonable rules necessary~~
 1342 ~~to carry out its duties and functions under this section.~~

1343 Section 112. Subsection (3) of section 943.0543, Florida
 1344 Statutes, is amended to read:

1345 943.0543 National Crime Prevention and Privacy Compact;
 1346 ratification and implementation.—

1347 (3) The executive director of the department, or the
 1348 director's designee, is the state's compact officer and shall
 1349 administer the compact within the state. The department may
 1350 ~~adopt rules and~~ establish procedures for the cooperative
 1351 exchange of criminal history records between the state and
 1352 Federal Government for use in noncriminal justice cases.

1353 Section 113. Subsection (6) of section 943.0544, Florida
 1354 Statutes, is amended to read:

1355 943.0544 Criminal justice information network and
 1356 information management.—

1357 ~~(6) The department may adopt rules to administer this~~
 1358 ~~section.~~ Except as otherwise specified in this section, this
 1359 section does not alter or limit the powers and duties of the
 1360 department established under this chapter.

1361 Section 114. Subsection (8) of section 944.095, Florida
 1362 Statutes, is amended to read:

1363 944.095 Siting of additional correctional facilities;
 1364 procedure.—

1365 ~~(8) The Governor and Cabinet may adopt rules of procedure~~
 1366 ~~to govern these proceedings in accordance with the provisions of~~
 1367 ~~s. 120.54.~~

1368 Section 115. Subsection (2) of section 945.73, Florida
 1369 Statutes, is amended to read:

1370 945.73 Inmate training program operation.—

1371 ~~(2) The department shall adopt rules establishing criteria~~
 1372 ~~for placement in the training program and providing the~~

PCB RCC 13-06 Draft A

ORIGINAL

YEAR

1373 ~~requirements for successful completion of the program. Only~~
 1374 inmates eligible for control release pursuant to s. 947.146
 1375 shall be permitted to participate in the training program. ~~The~~
 1376 ~~rules shall further define the structured disciplinary program~~
 1377 ~~and allow for restrictions on general inmate population~~
 1378 ~~privileges.~~

1379 Section 116. Subsection (5) of section 946.525, Florida
 1380 Statutes, is amended to read:

1381 946.525 Participation by the corporation in the state
 1382 group health insurance and prescription drug programs.-

1383 ~~(5) The Department of Management Services may adopt rules~~
 1384 ~~necessary to administer this section.~~

1385 Section 117. Subsection (1) of section 949.08, Florida
 1386 Statutes, is amended to read:

1387 949.08 Department of Corrections may expend funds to enact
 1388 ~~rules and regulations~~ relating to compacts; limitation on
 1389 assessments.-

1390 (1) The Department of Corrections may ~~adopt rules and~~
 1391 expend funds as necessary to carry out the terms, conditions,
 1392 and intents of a compact entered into by the state pursuant to
 1393 s. 949.07.

1394 Section 118. Section 984.05, Florida Statutes, is
 1395 repealed.

1396 Section 119. Subsections (6) and (7) of section 985.66,
 1397 Florida Statutes, are amended to read:

1398 985.66 Juvenile justice training academies; staff
 1399 development and training; Juvenile Justice Training Trust Fund.-

1400 (6) SCHOLARSHIPS AND STIPENDS.-

1401 ~~(a) By rule,~~ The department shall establish criteria to
 1402 award scholarships or stipends to qualified juvenile justice
 1403 personnel who are residents of the state who want to pursue a
 1404 bachelor's or associate in arts degree in juvenile justice or a
 1405 related field. The department shall handle the administration of
 1406 the scholarship or stipend. The Department of Education shall
 1407 handle the notes issued for the payment of the scholarships or
 1408 stipends. All scholarship and stipend awards shall be paid from
 1409 the Juvenile Justice Training Trust Fund upon vouchers approved
 1410 by the Department of Education and properly certified by the
 1411 Chief Financial Officer. Prior to the award of a scholarship or
 1412 stipend, the juvenile justice employee must agree in writing to
 1413 practice her or his profession in juvenile justice or a related
 1414 field for 1 month for each month of grant or to repay the full
 1415 amount of the scholarship or stipend together with interest at
 1416 the rate of 5 percent per annum over a period not to exceed 10
 1417 years. Repayment shall be made payable to the state for deposit
 1418 into the Juvenile Justice Training Trust Fund.

1419 ~~(b) The department may establish the scholarship program~~
 1420 ~~by rule.~~

1421 ~~(7) ADOPTION OF RULES. The department shall adopt rules as~~
 1422 ~~necessary to carry out the provisions of this section.~~

1423 Section 120. Subsection (3) of section 1001.26, Florida
 1424 Statutes, is amended to read:

1425 1001.26 Public broadcasting program system.—

1426 ~~(3) The State Board of Education shall adopt rules for the~~
 1427 ~~proper enforcement and carrying out of these provisions.~~

1428 Section 121. Subsection (10) of section 1002.32, Florida

PCB RCC 13-06 Draft A

ORIGINAL

YEAR

1429 Statutes, is amended to read:

1430 1002.32 Developmental research (laboratory) schools.-

1431 ~~(10) IMPLEMENTATION. The State Board of Education shall~~
 1432 ~~adopt rules necessary to facilitate the implementation of this~~
 1433 ~~section.~~

1434 Section 122. Subsection (5) of section 1003.433, Florida
 1435 Statutes, is amended to read:

1436 1003.433 Learning opportunities for out-of-state and out-
 1437 of-country transfer students and students needing additional
 1438 instruction to meet high school graduation requirements.-

1439 ~~(5) The State Board of Education may adopt rules pursuant~~
 1440 ~~to ss. 120.536(1) and 120.54 to administer this section.~~

1441 Section 123. Paragraphs (c) and (d) of subsection (5) of
 1442 section 1004.435, Florida Statutes, are amended to read:

1443 1004.435 Cancer control and research.-

1444 (5) RESPONSIBILITIES OF THE BOARD OF GOVERNORS, THE H. LEE
 1445 MOFFITT CANCER CENTER AND RESEARCH INSTITUTE, INC., AND THE
 1446 STATE SURGEON GENERAL.-

1447 ~~(c) The Board of Governors or the State Surgeon General,~~
 1448 ~~after consultation with the council, may adopt rules necessary~~
 1449 ~~for the implementation of this section.~~

1450 ~~(d) The State Surgeon General, after consultation with the~~
 1451 ~~council, shall make rules specifying to what extent and on what~~
 1452 ~~terms and conditions cancer patients of the state may receive~~
 1453 ~~financial aid for the diagnosis and treatment of cancer in any~~
 1454 ~~hospital or clinic selected. The department may furnish to~~
 1455 ~~citizens of this state who are afflicted with cancer financial~~
 1456 ~~aid to the extent of the appropriation provided for that purpose~~

PCB RCC 13-06 Draft A

ORIGINAL

YEAR

1457 in a manner which in its opinion will afford the greatest
 1458 benefit to those afflicted and may make arrangements with
 1459 hospitals, laboratories, or clinics to afford proper care and
 1460 treatment for cancer patients in this state.

1461 Section 124. Paragraph (g) of subsection (2) of section
 1462 1004.45, Florida Statutes, is amended to read:

1463 1004.45 Ringling Center for Cultural Arts.—

1464 (2)

1465 (g) The university, in consultation with the direct-
 1466 support organization, shall establish policies ~~and may adopt~~
 1467 ~~rules~~ for the sale or exchange of works of art.

1468 Section 125. Subsection (10) of section 1007.35, Florida
 1469 Statutes, is amended to read:

1470 1007.35 Florida Partnership for Minority and
 1471 Underrepresented Student Achievement.—

1472 ~~(10) The State Board of Education may adopt rules to~~
 1473 ~~administer this section.~~

1474 Section 126. Section 1009.85, Florida Statutes, is amended
 1475 to read:

1476 1009.85 Participation in guaranteed student loan program.—

1477 ~~The State Board of Education shall adopt rules necessary for~~
 1478 ~~participation in the guaranteed student loan program, as~~
 1479 ~~provided by the Higher Education Act of 1965 (20 U.S.C. ss. 1071~~
 1480 ~~et seq.), as amended or as may be amended. The intent of this~~
 1481 act is to authorize student loans when this state, through the
 1482 Department of Education, has become an eligible lender under the
 1483 provisions of the applicable federal laws providing for the
 1484 guarantee of loans to students and the partial payment of

PCB RCC 13-06 Draft A

ORIGINAL

YEAR

1485 interest on such loans by the United States Government.

1486 Section 127. Subsections (4) and (5) of section 1011.48,
1487 Florida Statutes, are amended to read:

1488 1011.48 Establishment of educational research centers for
1489 child development.-

1490 (4) ~~The Board of Governors may adopt rules for the~~
1491 ~~establishment, operation, and supervision of educational~~
1492 ~~research centers for child development. Such rules shall~~
1493 ~~include, but need not be limited to: a defined method of~~
1494 ~~establishment of and participation in the operation of centers~~
1495 ~~by the appropriate student government associations; guidelines~~
1496 ~~for the establishment of an intern program in each center; and~~
1497 ~~guidelines for the receipt and monitoring of funds from grants~~
1498 ~~and other sources of funds consistent with existing laws.~~

1499 (5) Each educational research center for child development
1500 shall be funded by a portion of the Capital Improvement Trust
1501 Fund fee established by the Board of Governors pursuant to s.
1502 1009.24(8). Each university that establishes a center shall
1503 receive a portion of such fees collected from the students
1504 enrolled at that university, usable only at that university,
1505 equal to 22.5 cents per student per credit hour taken per term,
1506 based on the summer term and fall and spring semesters. This
1507 allocation shall be used by the university only for the
1508 establishment and operation of a center as provided by this
1509 section ~~and rules adopted hereunder~~. Said allocation may be made
1510 only after all bond obligations required to be paid from such
1511 fees have been met.

1512 Section 128. Subsection (7) of section 1011.51, Florida

PCB RCC 13-06 Draft A

ORIGINAL

YEAR

1513 Statutes, is amended to read:

1514 1011.51 Independent postsecondary endowment grants.—

1515 ~~(7) The State Board of Education shall adopt rules~~

1516 ~~necessary to implement this section.~~

1517 Section 129. Subsection (1) of section 1011.765, Florida

1518 Statutes, is amended to read:

1519 1011.765 Florida Academic Improvement Trust Fund matching

1520 grants.—

1521 (1) MATCHING GRANTS.—The Florida Academic Improvement

1522 Trust Fund shall be utilized to provide matching grants to the

1523 Florida School for the Deaf and the Blind Endowment Fund and to

1524 any public school district education foundation that meets the

1525 requirements of this section and is recognized by the local

1526 school district as its designated K-12 education foundation.

1527 ~~(a) The State Board of Education shall adopt rules for the~~

1528 ~~administration, submission, documentation, evaluation, and~~

1529 ~~approval of requests for matching funds and for maintaining~~

1530 ~~accountability for matching funds.~~

1531 ~~(b)~~ Donations, state matching funds, or proceeds from

1532 endowments established pursuant to this section shall be used at

1533 the discretion of the public school district education

1534 foundation or the Florida School for the Deaf and the Blind for

1535 academic achievement within the school district or school, and

1536 shall not be expended for the construction of facilities or for

1537 the support of interscholastic athletics. No public school

1538 district education foundation or the Florida School for the Deaf

1539 and the Blind shall accept or purchase facilities for which the

1540 state will be asked for operating funds unless the Legislature

PCB RCC 13-06 Draft A

ORIGINAL

YEAR

1541 | has granted prior approval for such acquisition.

1542 | Section 130. Paragraph (a) of subsection (7) of section
1543 | 1012.467, Florida Statutes, is amended to read:

1544 | 1012.467 Noninstructional contractors who are permitted
1545 | access to school grounds when students are present; background
1546 | screening requirements.—

1547 | (7)(a) The Department of Law Enforcement shall implement a
1548 | system that allows for the results of a criminal history check
1549 | provided to a school district to be shared with other school
1550 | districts through a secure Internet website or other secure
1551 | electronic means. ~~The Department of Law Enforcement may adopt~~
1552 | ~~rules under ss. 120.536(1) and 120.54 to implement this~~
1553 | ~~paragraph.~~ School districts must accept reciprocity of level 2
1554 | screenings for Florida High School Athletic Association
1555 | officials.

1556 | Section 131. Subsection (2) of section 1012.965, Florida
1557 | Statutes, is amended to read:

1558 | 1012.965 Payment of costs of civil action against
1559 | employees.—

1560 | (2) All faculty physicians employed by a university board
1561 | of trustees who are subject to the requirements of s. 456.013
1562 | shall complete their risk management continuing education on
1563 | issues specific to academic medicine. Such continuing education
1564 | shall include instruction for the supervision of resident
1565 | physicians as required by the Accreditation Council for Graduate
1566 | Medical Education. ~~The boards described in s. 456.013 shall~~
1567 | ~~adopt rules to implement the provisions of this subsection.~~

1568 | Section 132. Paragraph (z) of subsection (8) of section

PCB RCC 13-06 Draft A

ORIGINAL

YEAR

1569 213.053, Florida Statutes, is amended to read:
 1570 213.053 Confidentiality and information sharing.—
 1571 (8) Notwithstanding any other provision of this section,
 1572 the department may provide:
 1573 (z) Information relative to s. 215.61(5) ~~215.61(6)~~ to the
 1574 State Board of Education, the Division of Bond Finance, and the
 1575 Office of Economic and Demographic Research.

1576
 1577 Disclosure of information under this subsection shall be
 1578 pursuant to a written agreement between the executive director
 1579 and the agency. Such agencies, governmental or nongovernmental,
 1580 shall be bound by the same requirements of confidentiality as
 1581 the Department of Revenue. Breach of confidentiality is a
 1582 misdemeanor of the first degree, punishable as provided by s.
 1583 775.082 or s. 775.083.

1584 Section 133. Paragraph (b) of subsection (3) of section
 1585 400.518, Florida Statutes, is amended to read:

1586 400.518 Prohibited referrals to home health agencies.—

1587 (3)

1588 (b) A physician who violates this section is subject to
 1589 disciplinary action by the appropriate board under s. 458.331(2)
 1590 or s. 459.015(2). A hospital or ambulatory surgical center that
 1591 violates this section is subject to ~~the rules adopted by the~~
 1592 ~~agency under~~ s. 395.0185(2).

1593 Section 134. Paragraph (b) of subsection (3) of section
 1594 556.116, Florida Statutes, is amended to read:

1595 556.116 High-priority subsurface installations; special
 1596 procedures.—

PCB RCC 13-06 Draft A

ORIGINAL

YEAR

1597 (3)

1598 (b) Upon receipt of an allegation that an incident has
 1599 occurred, the system shall transmit an incident report to the
 1600 division and contract with the division so that the division may
 1601 conduct a hearing to determine whether an incident has occurred,
 1602 and, if so, whether a violation of s. 556.107(1)(a) was a
 1603 proximate cause of the incident. The contract for services to be
 1604 performed by the division must include provisions for the system
 1605 to reimburse the division for any costs incurred by the division
 1606 for court reporters, transcript preparation, travel, facility
 1607 rental, and other customary hearing costs, in the manner set
 1608 forth in s. 120.65(9) ~~120.65(11)~~.

1609 Section 135. Paragraph (b) of subsection (5) of section
 1610 564.06, Florida Statutes, is amended to read:

1611 564.06 Excise taxes on wines and beverages.—

1612 (5)

1613 (b) All products however derived, distilled, mixed, or
 1614 fermented and which contain less than 6 percent alcohol by
 1615 volume which are taxed under this chapter shall be available for
 1616 purchase and sale as provided in ss. 563.02 and, 564.02, ~~and~~
 1617 ~~564.04~~ by any licensee holding a valid license to sell alcoholic
 1618 beverages for consumption either on or off premises, and nothing
 1619 contained in chapter 562, chapter 563, chapter 565, or this
 1620 chapter shall be construed to prevent such sales.

1621 Section 136. Section 601.80, Florida Statutes, is amended
 1622 to read:

1623 601.80 Unlawful to use uncertified coloring matter.—It is
 1624 unlawful for any person to use on oranges or citrus hybrids any

PCB RCC 13-06 Draft A

ORIGINAL

YEAR

1625 coloring matter which has not first received the approval of the
 1626 Department of Agriculture as provided ~~by rule adopted~~ under s.
 1627 601.76.

1628 Reviser's note.—Amends or repeals provisions of the Florida
 1629 Statutes pursuant to the directive of the Legislature in s.
 1630 9, ch. 2012-116, Laws of Florida, to prepare a reviser's
 1631 bill to omit all statutes and laws, or parts thereof, which
 1632 grant duplicative, redundant, or unused rulemaking
 1633 authority.

1634 Section 137. This act shall take effect on the 60th day
 1635 after adjournment sine die of the session of the Legislature in
 1636 which enacted.