

1 A reviser's bill to be entitled
 2 An act relating to the Florida Statutes; amending ss.
 3 20.2551, 101.5614, 122.34, 201.02, 394.907, 395.602,
 4 395.603, and 395.604, F.S., to conform to the
 5 directive of the Legislature in section 9 of chapter
 6 2012-116, Laws of Florida, codified as section
 7 11.242(5)(j), Florida Statutes, to prepare a reviser's
 8 bill to omit all statutes and laws, or parts thereof,
 9 which grant duplicative, redundant, or unused
 10 rulemaking authority; amending ss. 101.6952, 102.141,
 11 and 102.166, F.S., to conform cross-references;
 12 providing an effective date.

13
 14 Be It Enacted by the Legislature of the State of Florida:

15
 16 Section 1. Paragraph (b) of subsection (2) of section
 17 20.2551, Florida Statutes, is amended to read:

18 20.2551 Citizen support organizations; use of property;
 19 audit; public records; partnerships.—

20 (2) USE OF PROPERTY.—

21 (b) The department may prescribe ~~by rule~~ any condition
 22 with which a citizen support organization shall comply in order
 23 to use fixed property or facilities of the department.

24 Section 2. Subsection (2) of section 101.5614, Florida
 25 Statutes, is amended to read:

26 101.5614 Canvass of returns.—

27 ~~(2) The Department of State shall, in accordance with s.~~
 28 ~~101.015, adopt rules that provide safeguards for the counting of~~
 29 ~~votes at a precinct and at a central or regional location.~~

30 Section 3. Paragraph (c) of subsection (1) of section
 31 122.34, Florida Statutes, is amended to read:

32 122.34 Special provisions for certain sheriffs and full-
 33 time deputy sheriffs.—

34 (1)

35 ~~(c) The department shall make such rules as are necessary~~
 36 ~~for the effective administration of the intent of this section.~~

37 Section 4. Paragraph (c) of subsection (10) of section
 38 201.02, Florida Statutes, is amended to read:

39 201.02 Tax on deeds and other instruments relating to real
 40 property or interests in real property.—

41 (10)

42 ~~(c) The department may adopt rules to administer the~~
 43 ~~method for reporting tax due under this subsection.~~

44 Section 5. Subsection (8) of section 394.907, Florida
 45 Statutes, is amended to read:

46 394.907 Community mental health centers; quality assurance
 47 programs.—

48 ~~(8) The department, in consultation with the agency, shall~~
 49 ~~adopt rules to carry out this section.~~

50 Section 6. Subsection (4) of section 395.602, Florida

51 Statutes, is amended to read:

52 395.602 Rural hospitals.—

53 ~~(4) RULEMAKING AUTHORITY. The department may adopt all~~
 54 ~~necessary rules pertaining to the standards of care applicable~~
 55 ~~to rural hospital swing beds and the criteria whereby swing bed~~
 56 ~~stays of longer than 30 days shall be authorized. The latter~~
 57 ~~length of stay criteria shall include, but not be limited to,~~
 58 ~~the medical needs of the patient, the county of residence of the~~
 59 ~~patient and patient's family, patient preference, proximity to~~
 60 ~~relatives and friends, and distance to available nursing home~~
 61 ~~beds, if any.~~

62 Section 7. Subsection (1) of section 395.603, Florida
 63 Statutes, is amended to read:

64 395.603 Deactivation of general hospital beds; rural
 65 hospital impact statement.—

66 (1) ~~The agency shall establish, by rule, a process by~~
 67 ~~which a rural hospital, as defined in s. 395.602, that seeks~~
 68 ~~licensure as a rural primary care hospital or as an emergency~~
 69 ~~care hospital, or becomes a certified rural health clinic as~~
 70 ~~defined in Pub. L. No. 95-210, or becomes a primary care program~~
 71 ~~such as a county health department, community health center, or~~
 72 ~~other similar outpatient program that provides preventive and~~
 73 ~~curative services, may deactivate general hospital beds. Rural~~
 74 ~~primary care hospitals and emergency care hospitals shall~~
 75 ~~maintain the number of actively licensed general hospital beds~~

76 necessary for the facility to be certified for Medicare
 77 reimbursement. Hospitals that discontinue inpatient care to
 78 become rural health care clinics or primary care programs shall
 79 deactivate all licensed general hospital beds. All hospitals,
 80 clinics, and programs with inactive beds shall provide 24-hour
 81 emergency medical care by staffing an emergency room. Providers
 82 with inactive beds shall be subject to the criteria in s.
 83 395.1041. ~~The agency shall specify in rule requirements for~~
 84 ~~making 24-hour emergency care available.~~ Inactive general
 85 hospital beds shall be included in the acute care bed inventory,
 86 maintained by the agency for certificate-of-need purposes, for
 87 10 years from the date of deactivation of the beds. After 10
 88 years have elapsed, inactive beds shall be excluded from the
 89 inventory. The agency shall, at the request of the licensee,
 90 reactivate the inactive general beds upon a showing by the
 91 licensee that licensure requirements for the inactive general
 92 beds are met.

93 Section 8. Subsection (3) of section 395.604, Florida
 94 Statutes, is amended to read:

95 395.604 Other rural hospital programs.—

96 ~~(3) The agency may adopt licensure rules for rural primary~~
 97 ~~care hospitals and essential access community hospitals. Such~~
 98 ~~rules must conform to s. 395.1055.~~

99 Section 9. Paragraph (b) of subsection (3) of section
 100 101.6952, Florida Statutes, is amended to read:

101 101.6952 Vote-by-mail ballots for absent uniformed
 102 services and overseas voters.—
 103 (3)
 104 (b) A federal write-in absentee ballot may not be
 105 canvassed until 7 p.m. on the day of the election. A federal
 106 write-in absentee ballot from an overseas voter in a
 107 presidential preference primary or general election may not be
 108 canvassed until the conclusion of the 10-day period specified in
 109 subsection (5). Each federal write-in absentee ballot received
 110 by 7 p.m. on the day of the election shall be canvassed pursuant
 111 to ss. 101.5614(4) ~~101.5614(5)~~ and 101.68, unless the elector's
 112 official vote-by-mail ballot is received by 7 p.m. on election
 113 day. Each federal write-in absentee ballot from an overseas
 114 voter in a presidential preference primary or general election
 115 received by 10 days after the date of the election shall be
 116 canvassed pursuant to ss. 101.5614(4) ~~101.5614(5)~~ and 101.68,
 117 unless the overseas voter's official vote-by-mail ballot is
 118 received by 10 days after the date of the election. If the
 119 elector's official vote-by-mail ballot is received by 7 p.m. on
 120 election day, or, for an overseas voter in a presidential
 121 preference primary or general election, no later than 10 days
 122 after the date of the election, the federal write-in absentee
 123 ballot is invalid and the official vote-by-mail ballot shall be
 124 canvassed. The time shall be regulated by the customary time in
 125 standard use in the county seat of the locality.

126 Section 10. Paragraph (a) of subsection (4) and paragraph
 127 (a) of subsection (7) of section 102.141, Florida Statutes, are
 128 amended to read:

129 102.141 County canvassing board; duties.—

130 (4) (a) The supervisor of elections shall upload into the
 131 county's election management system by 7 p.m. on the day before
 132 the election the results of all early voting and vote-by-mail
 133 ballots that have been canvassed and tabulated by the end of the
 134 early voting period. Pursuant to ss. 101.5614(8) ~~101.5614(9)~~,
 135 101.657, and 101.68(2), the tabulation of votes cast or the
 136 results of such uploads may not be made public before the close
 137 of the polls on election day.

138 (7) If the unofficial returns reflect that a candidate for
 139 any office was defeated or eliminated by one-half of a percent
 140 or less of the votes cast for such office, that a candidate for
 141 retention to a judicial office was retained or not retained by
 142 one-half of a percent or less of the votes cast on the question
 143 of retention, or that a measure appearing on the ballot was
 144 approved or rejected by one-half of a percent or less of the
 145 votes cast on such measure, a recount shall be ordered of the
 146 votes cast with respect to such office or measure. The Secretary
 147 of State is responsible for ordering recounts in federal, state,
 148 and multicounty races. The county canvassing board or the local
 149 board responsible for certifying the election is responsible for
 150 ordering recounts in all other races. A recount need not be

151 ordered with respect to the returns for any office, however, if
152 the candidate or candidates defeated or eliminated from
153 contention for such office by one-half of a percent or less of
154 the votes cast for such office request in writing that a recount
155 not be made.

156 (a) Each canvassing board responsible for conducting a
157 recount shall put each marksense ballot through automatic
158 tabulating equipment and determine whether the returns correctly
159 reflect the votes cast. If any marksense ballot is physically
160 damaged so that it cannot be properly counted by the automatic
161 tabulating equipment during the recount, a true duplicate shall
162 be made of the damaged ballot pursuant to the procedures in s.
163 101.5614(4) ~~101.5614(5)~~. Immediately before the start of the
164 recount, a test of the tabulating equipment shall be conducted
165 as provided in s. 101.5612. If the test indicates no error, the
166 recount tabulation of the ballots cast shall be presumed correct
167 and such votes shall be canvassed accordingly. If an error is
168 detected, the cause therefor shall be ascertained and corrected
169 and the recount repeated, as necessary. The canvassing board
170 shall immediately report the error, along with the cause of the
171 error and the corrective measures being taken, to the Department
172 of State. No later than 11 days after the election, the
173 canvassing board shall file a separate incident report with the
174 Department of State, detailing the resolution of the matter and
175 identifying any measures that will avoid a future recurrence of

176 the error.

177 Section 11. Paragraph (b) of subsection (5) of section
 178 102.166, Florida Statutes, is amended to read:

179 102.166 Manual recounts of overvotes and undervotes.—

180 (5) Procedures for a manual recount are as follows:

181 (b) Each duplicate ballot prepared pursuant to s.

182 101.5614(4) ~~101.5614(5)~~ or s. 102.141(7) shall be compared with
 183 the original ballot to ensure the correctness of the duplicate.

184 Reviser's note.—Amends or repeals provisions of
 185 the Florida Statutes pursuant to the directive of the
 186 Legislature in s. 9, ch. 2012-116, Laws of Florida,
 187 codified as s. 11.242(5)(j), Florida Statutes, to prepare a
 188 reviser's bill to omit all statutes and laws, or parts
 189 thereof, which grant duplicative, redundant, or unused
 190 rulemaking authority.

191 Section 12. This act shall take effect on the 60th day
 192 after adjournment sine die of the session of the Legislature in
 193 which enacted.