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HB 7027

2018 Legislature

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:

ENROLLED

HB 7027

2018 Legislature

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

ENROLLED

HB 7027

2018 Legislature

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~~

ENROLLED

HB 7027

2018 Legislature

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:

ENROLLED

HB 7027

2018 Legislature

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.

ENROLLED

HB 7027

2018 Legislature

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

ENROLLED

HB 7027

2018 Legislature

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

ENROLLED

HB 7027

2018 Legislature

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.