

1 A reviser's bill to be entitled
2 An act relating to the Florida Statutes; amending ss.
3 27.7045, 39.0134, 39.701, 55.203, 101.56065,
4 110.12302, 112.0455, 112.362, 119.0712, 153.74,
5 159.02, 161.091, 163.3177, 166.271, 189.031, 200.001,
6 200.065, 200.068, 200.141, 212.08, 213.0532, 218.39,
7 220.63, 238.05, 255.041, 255.254, 259.032, 272.135,
8 288.012, 311.12, 316.3025, 333.07, 336.71, 343.1003,
9 366.95, 373.236, 373.4149, 373.41492, 379.3751,
10 380.510, 383.402, 395.1012, 400.0065, 400.0070,
11 400.0081, 400.0087, 400.022, 400.141, 403.5363,
12 408.301, 409.978, 415.113, 456.074, 458.3265,
13 459.0137, 468.503, 468.509, 468.513, 468.514, 468.515,
14 468.518, 480.041, 480.043, 497.159, 546.10, 553.74,
15 559.55, 559.555, 560.141, 561.42, 561.57, 605.0410,
16 610.1201, 617.01301, 618.221, 624.5105, 625.012,
17 631.152, 631.737, 641.225, 719.108, 742.14, 752.001,
18 765.105, 765.2038, 787.29, 893.138, 944.4731, 945.215,
19 1001.65, 1002.3105, 1003.21, 1003.5716, 1012.22, and
20 1012.341, F.S.; reenacting and amending s. 1008.22,
21 F.S; and repealing ss. 200.185 and 624.35, F.S.;
22 deleting provisions that have expired, have become
23 obsolete, have had their effect, have served their
24 purpose, or have been impliedly repealed or
25 superseded; replacing incorrect cross-references and
26 citations; correcting grammatical, typographical, and

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27 like errors; removing inconsistencies, redundancies,
28 and unnecessary repetition in the statutes; improving
29 the clarity of the statutes and facilitating their
30 correct interpretation; and confirming the restoration
31 of provisions unintentionally omitted from
32 republication in the acts of the Legislature during
33 the amendatory process; providing an effective date.
34

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

37 Section 1. Section 27.7045, Florida Statutes, is amended
38 to read:

39 27.7045 Capital case proceedings; constitutionally
40 deficient representation.—Notwithstanding any other ~~another~~
41 provision of law, an attorney employed by the state or appointed
42 pursuant to s. 27.711 may not represent a person charged with a
43 capital offense at trial or on direct appeal or a person
44 sentenced to death in a postconviction proceeding if, in two
45 separate instances, a court, in a capital postconviction
46 proceeding, determined that such attorney provided
47 constitutionally deficient representation and relief was granted
48 as a result. This prohibition on representation shall be for a
49 period of 5 years, which commences at the time relief is granted
50 after the highest court having jurisdiction to review the
51 deficient representation determination has issued its final
52 order affirming the second such determination.

53 Reviser's note.—Amended to improve clarity.

54 Section 2. Paragraph (c) of subsection (2) of section
55 39.0134, Florida Statutes, is amended to read:

56 39.0134 Appointed counsel; compensation.—

57 (2)

58 (c) The clerk of the court shall transfer monthly all
59 attorney's fees and costs collected under this subsection to the
60 Department of Revenue for deposit into the Indigent Civil
61 Defense Trust Fund, to be used as appropriated by the
62 Legislature and consistent with s. 27.5111 ~~27.511~~.

63 Reviser's note.—Amended to conform to the fact that the Indigent
64 Civil Defense Trust Fund is created in s. 27.5111; the
65 trust fund is not referenced in s. 27.511.

66 Section 3. Paragraph (b) of subsection (3) of section
67 39.701, Florida Statutes, is amended to read:

68 39.701 Judicial review.—

69 (3) REVIEW HEARINGS FOR CHILDREN 17 YEARS OF AGE.—

70 (b) At the first judicial review hearing held subsequent
71 to the child's 17th birthday, the department shall provide the
72 court with an updated case plan that includes specific
73 information related to the independent living skills that the
74 child has acquired since the child's 13th birthday, or since the
75 date the child came into foster care, whichever came later.

76 1. For any child who ~~that~~ may meet the requirements for
77 appointment of a guardian pursuant to chapter 744, or a guardian
78 advocate pursuant to s. 393.12, the updated case plan must be

79 developed in a face-to-face conference with the child, if
80 appropriate; the child's attorney; any court-appointed guardian
81 ad litem; the temporary custodian of the child; and the parent,
82 if the parent's rights have not been terminated.

83 2. At the judicial review hearing, if the court determines
84 pursuant to chapter 744 that there is a good faith basis to
85 believe that the child qualifies for appointment of a guardian
86 advocate, limited guardian, or plenary guardian for the child
87 and that no less restrictive decisionmaking assistance will meet
88 the child's needs:

89 a. The department shall complete a multidisciplinary
90 report which must include, but is not limited to, a psychosocial
91 evaluation and educational report if such a report has not been
92 completed within the previous 2 years.

93 b. The department shall identify one or more individuals
94 who are willing to serve as the guardian advocate pursuant to s.
95 393.12 or as the plenary or limited guardian pursuant to chapter
96 744. Any other interested parties or participants may make
97 efforts to identify such a guardian advocate, limited guardian,
98 or plenary guardian. The child's biological or adoptive family
99 members, including the child's parents if the parents' rights
100 have not been terminated, may not be considered for service as
101 the plenary or limited guardian unless the court enters a
102 written order finding that such an appointment is in the child's
103 best interests.

104 c. Proceedings may be initiated within 180 days after the

105 child's 17th birthday for the appointment of a guardian
 106 advocate, plenary guardian, or limited guardian for the child in
 107 a separate proceeding in the court division with jurisdiction
 108 over guardianship matters and pursuant to chapter 744. The
 109 Legislature encourages the use of pro bono representation to
 110 initiate proceedings under this section.

111 3. In the event another interested party or participant
 112 initiates proceedings for the appointment of a guardian
 113 advocate, plenary guardian, or limited guardian for the child,
 114 the department shall provide all necessary documentation and
 115 information to the petitioner to complete a petition under s.
 116 393.12 or chapter 744 within 45 days after the first judicial
 117 review hearing after the child's 17th birthday.

118 4. Any proceedings seeking appointment of a guardian
 119 advocate or a determination of incapacity and the appointment of
 120 a guardian must be conducted in a separate proceeding in the
 121 court division with jurisdiction over guardianship matters and
 122 pursuant to chapter 744.

123 Reviser's note.—Amended to confirm the editorial substitution of
 124 the word "who" for the word "that" to conform to context.

125 Section 4. Paragraph (h) of subsection (1) of section
 126 55.203, Florida Statutes, is repealed.

127 Reviser's note.—The referenced paragraph is repealed to delete a
 128 provision that has served its purpose. The paragraph
 129 requires an original judgment lien certificate for a lien
 130 acquired by delivery of a writ of execution to a sheriff

131 prior to October 1, 2001, to include an affidavit by the
132 judgment creditor attesting that the person or entity
133 possesses any documentary evidence of the date of delivery
134 of the writ, and a statement of that date or a
135 certification by the sheriff of the date as provided in s.
136 30.17(4). Section 30.17 was repealed by s. 5, ch. 2005-2,
137 Laws of Florida.

138 Section 5. Paragraph (a) of subsection (2) of section
139 101.56065, Florida Statutes, is amended to read:

140 101.56065 Voting system defects; disclosure;
141 investigations; penalties.—

142 (2) (a) ~~No later than December 31, 2013, and, thereafter,~~
143 On January 1 of every odd-numbered year, each vendor shall file
144 a written disclosure with the department identifying any known
145 defect in the voting system or the fact that there is no known
146 defect, the effect of any defect on the operation and use of the
147 approved voting system, and any known corrective measures to
148 cure a defect, including, but not limited to, advisories and
149 bulletins issued to system users.

150 Reviser's note.—Amended to delete language that has served its
151 purpose.

152 Section 6. Section 110.12302, Florida Statutes, is amended
153 to read:

154 110.12302 Costing options for plan designs required for
155 contract solicitation; best value recommendations.—For the state
156 group insurance program, the Department of Management Services

157 shall require costing options for both fully insured and self-
 158 insured plan designs, or some combination thereof, as part of
 159 the department's solicitation for health maintenance
 160 organization contracts. ~~Prior to contracting, the department~~
 161 ~~shall recommend to the Legislature, no later than February 1,~~
 162 ~~2011, the best value to the State group insurance program~~
 163 ~~relating to health maintenance organizations.~~

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

165 Section 7. Paragraph (e) of subsection (10) of section
 166 112.0455, Florida Statutes, is amended to read:

167 112.0455 Drug-Free Workplace Act.—

168 (10) EMPLOYER PROTECTION.—

169 (e) Nothing in this section shall be construed to operate
 170 retroactively, ~~and nothing in this section shall abrogate the~~
 171 ~~right of an employer under state law to conduct drug tests prior~~
 172 ~~to January 1, 1990. A drug test conducted by an employer prior~~
 173 ~~to January 1, 1990, is not subject to this section.~~

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

175 Section 8. Subsection (3) of section 112.362, Florida
 176 Statutes, is amended to read:

177 112.362 Recomputation of retirement benefits.—

178 (3) A member of any state-supported retirement system who
 179 has already retired under a retirement plan or system which does
 180 not require its members to participate in social security
 181 pursuant to a modification of the federal-state social security
 182 agreement as authorized by the provisions of chapter 650, who is

183 over 65 years of age, and who has not less than 10 years of
184 creditable service, or the surviving spouse or beneficiary of
185 said member who, if living, would be over 65 years of age, upon
186 application to the administrator, may have his or her present
187 monthly retirement benefits recomputed and receive a monthly
188 retirement allowance equal to \$10 multiplied by the total number
189 of years of creditable service. Effective July 1, 1978, this
190 minimum monthly benefit shall be equal to \$10.50 multiplied by
191 the total number of years of creditable service, and thereafter
192 said minimum monthly benefit shall be recomputed as provided in
193 paragraph (5) (a). This adjustment shall be made in accordance
194 with subsection (2). No retirement benefits shall be reduced
195 under this computation. Retirees receiving additional benefits
196 under the provisions of this subsection shall also receive the
197 cost-of-living adjustments provided by the appropriate state-
198 supported retirement system for the fiscal year beginning July
199 1, 1977, and for each fiscal year thereafter. The minimum
200 monthly benefit provided by this subsection ~~paragraph~~ shall not
201 apply to any member or the beneficiary of any member who retires
202 after June 30, 1978.

203 Reviser's note.—Amended to conform to context and to the fact
204 that subsection (3) did not have paragraphs when it was
205 added by s. 1, ch. 78-364, Laws of Florida, nor does it
206 have paragraphs currently.

207 Section 9. Paragraph (c) of subsection (2) of section
208 119.0712, Florida Statutes, is amended to read:

209 119.0712 Executive branch agency-specific exemptions from
210 inspection or copying of public records.—

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

212 (c) E-mail addresses collected by the Department of
213 Highway Safety and Motor Vehicles pursuant to s. 319.40(3), s.
214 320.95(2), or s. 322.08(9) ~~322.08(8)~~ are exempt from s.
215 119.07(1) and s. 24(a), Art. I of the State Constitution. This
216 exemption applies retroactively. This paragraph is subject to
217 the Open Government Sunset Review Act in accordance with s.
218 119.15 and shall stand repealed on October 2, 2020, unless
219 reviewed and saved from repeal through reenactment by the
220 Legislature.

221 Reviser's note.—Amended to conform to the redesignation of
222 subsections in s. 322.08 by s. 14, ch. 2015-163, Laws of
223 Florida.

224 Section 10. Subsection (2) of section 153.74, Florida
225 Statutes, is amended to read:

226 153.74 Issuance of certificates of indebtedness based on
227 assessments for assessable improvements.—

228 (2) The district may also issue assessment bonds or other
229 obligations payable from a special fund into which such
230 certificates of indebtedness referred to in the preceding
231 subsection may be deposited; or, if such certificates of
232 indebtedness have not been issued, the district may assign to
233 such special fund for the benefit of the holders of such
234 assessment bonds or other obligations, or to a trustee for such

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235 | bondholders, the assessment liens provided for in s. 153.73(11)
236 | ~~153.73(10)~~, unless such certificates of indebtedness or
237 | assessment liens have been theretofore pledged for any bonds or
238 | other obligations authorized hereunder. In the event of the
239 | creation of such special fund and the issuance of such
240 | assessment bonds or other obligations, the proceeds of such
241 | certificates of indebtedness or assessment liens deposited
242 | therein shall be used only for the payment of the assessment
243 | bonds or other obligations issued as provided in this section.
244 | The district is hereby authorized to covenant with the holders
245 | of such assessment bonds or other obligations that it will
246 | diligently and faithfully enforce and collect all the special
247 | assessments and interest and penalties thereon for which such
248 | certificates of indebtedness or assessment liens have been
249 | deposited in or assigned to such fund, and to foreclose such
250 | assessment liens so assigned to such special fund or represented
251 | by the certificates of indebtedness deposited in said special
252 | fund, after such assessment liens have become delinquent and
253 | deposit the proceeds derived from such foreclosure, including
254 | interest and penalties, in such special fund, and to further
255 | make any other necessary covenants deemed necessary or advisable
256 | in order to properly secure the holders of such assessment bonds
257 | or other obligations.

258 | Reviser's note.—Amended to correct an apparent error. Section
259 | 153.73(10) does not reference assessment liens; s.
260 | 153.73(11) (c) provides that all assessments constitute a

261 lien on the property assessed.

262 Section 11. Subsection (16) of section 159.02, Florida
263 Statutes, is amended to read:

264 159.02 Definitions.—As used in this part, the following
265 words and terms shall have the following meanings, unless some
266 other meaning is plainly intended:

267 (16) The term "utilities services taxes" shall mean taxes
268 levied and collected on the purchase or sale of utilities
269 services pursuant to ~~ss. 167.431 and 167.45~~ or any other law.
270 Reviser's note.—Amended to delete references to ss. 167.431 and
271 167.45, which were repealed by s. 5, ch. 73-129, Laws of
272 Florida.

273 Section 12. Subsection (1) of section 161.091, Florida
274 Statutes, is amended to read:

275 161.091 Beach management; funding; repair and maintenance
276 strategy.—

277 (1) Subject to such appropriations as the Legislature may
278 make therefor from time to time, disbursements from the Land
279 Acquisition Trust Fund may be made by the department in order to
280 carry out the proper state responsibilities in a comprehensive,
281 long-range, statewide beach management plan for erosion control;
282 beach preservation, restoration, and nourishment; ~~and~~ storm and
283 hurricane protection; and other activities authorized for
284 beaches and shores pursuant to s. 28, Art. X of the State
285 Constitution. Legislative intent in appropriating such funds is
286 for the implementation of those projects that contribute most

287 significantly to addressing the state's beach erosion problems.
 288 Reviser's note.—Amended to confirm the editorial deletion of the
 289 word "and."

290 Section 13. Paragraph (a) of subsection (6) of section
 291 163.3177, Florida Statutes, is amended to read:

292 163.3177 Required and optional elements of comprehensive
 293 plan; studies and surveys.—

294 (6) In addition to the requirements of subsections (1)-
 295 (5), the comprehensive plan shall include the following
 296 elements:

297 (a) A future land use plan element designating proposed
 298 future general distribution, location, and extent of the uses of
 299 land for residential uses, commercial uses, industry,
 300 agriculture, recreation, conservation, education, public
 301 facilities, and other categories of the public and private uses
 302 of land. The approximate acreage and the general range of
 303 density or intensity of use shall be provided for the gross land
 304 area included in each existing land use category. The element
 305 shall establish the long-term end toward which land use programs
 306 and activities are ultimately directed.

307 1. Each future land use category must be defined in terms
 308 of uses included, and must include standards to be followed in
 309 the control and distribution of population densities and
 310 building and structure intensities. The proposed distribution,
 311 location, and extent of the various categories of land use shall
 312 be shown on a land use map or map series which shall be

313 supplemented by goals, policies, and measurable objectives.

314 2. The future land use plan and plan amendments shall be
315 based upon surveys, studies, and data regarding the area, as
316 applicable, including:

317 a. The amount of land required to accommodate anticipated
318 growth.

319 b. The projected permanent and seasonal population of the
320 area.

321 c. The character of undeveloped land.

322 d. The availability of water supplies, public facilities,
323 and services.

324 e. The need for redevelopment, including the renewal of
325 blighted areas and the elimination of nonconforming uses which
326 are inconsistent with the character of the community.

327 f. The compatibility of uses on lands adjacent to or
328 closely proximate to military installations.

329 g. The compatibility of uses on lands adjacent to an
330 airport as defined in s. 330.35 and consistent with s. 333.02.

331 h. The discouragement of urban sprawl.

332 i. The need for job creation, capital investment, and
333 economic development that will strengthen and diversify the
334 community's economy.

335 j. The need to modify land uses and development patterns
336 within antiquated subdivisions.

337 3. The future land use plan element shall include criteria
338 to be used to:

339 a. Achieve the compatibility of lands adjacent or closely
 340 proximate to military installations, considering factors
 341 identified in s. 163.3175(5).

342 b. Achieve the compatibility of lands adjacent to an
 343 airport as defined in s. 330.35 and consistent with s. 333.02.

344 c. Encourage preservation of recreational and commercial
 345 working waterfronts for water-dependent uses in coastal
 346 communities.

347 d. Encourage the location of schools proximate to urban
 348 residential areas to the extent possible.

349 e. Coordinate future land uses with the topography and
 350 soil conditions, and the availability of facilities and
 351 services.

352 f. Ensure the protection of natural and historic
 353 resources.

354 g. Provide for the compatibility of adjacent land uses.

355 h. Provide guidelines for the implementation of mixed-use
 356 development including the types of uses allowed, the percentage
 357 distribution among the mix of uses, or other standards, and the
 358 density and intensity of each use.

359 4. The amount of land designated for future planned uses
 360 shall provide a balance of uses that foster vibrant, viable
 361 communities and economic development opportunities and address
 362 outdated development patterns, such as antiquated subdivisions.
 363 The amount of land designated for future land uses should allow
 364 the operation of real estate markets to provide adequate choices

365 for permanent and seasonal residents and business and may not be
366 limited solely by the projected population. The element shall
367 accommodate at least the minimum amount of land required to
368 accommodate the medium projections as published by the Office of
369 Economic and Demographic Research for at least a 10-year
370 planning period unless otherwise limited under s. 380.05,
371 including related rules of the Administration Commission.

372 5. The future land use plan of a county may designate
373 areas for possible future municipal incorporation.

374 6. The land use maps or map series shall generally
375 identify and depict historic district boundaries and shall
376 designate historically significant properties meriting
377 protection.

378 7. The future land use element must clearly identify the
379 land use categories in which public schools are an allowable
380 use. When delineating the land use categories in which public
381 schools are an allowable use, a local government shall include
382 in the categories sufficient land proximate to residential
383 development to meet the projected needs for schools in
384 coordination with public school boards and may establish
385 differing criteria for schools of different type or size. Each
386 local government shall include lands contiguous to existing
387 school sites, to the maximum extent possible, within the land
388 use categories in which public schools are an allowable use.

389 8. Future land use map amendments shall be based upon the
390 following analyses:

391 a. An analysis of the availability of facilities and
392 services.

393 b. An analysis of the suitability of the plan amendment
394 for its proposed use considering the character of the
395 undeveloped land, soils, topography, natural resources, and
396 historic resources on site.

397 c. An analysis of the minimum amount of land needed to
398 achieve the goals and requirements of this section.

399 9. The future land use element and any amendment to the
400 future land use element shall discourage the proliferation of
401 urban sprawl.

402 a. The primary indicators that a plan or plan amendment
403 does not discourage the proliferation of urban sprawl are listed
404 below. The evaluation of the presence of these indicators shall
405 consist of an analysis of the plan or plan amendment within the
406 context of features and characteristics unique to each locality
407 in order to determine whether the plan or plan amendment:

408 (I) Promotes, allows, or designates for development
409 substantial areas of the jurisdiction to develop as low-
410 intensity, low-density, or single-use development or uses.

411 (II) Promotes, allows, or designates significant amounts
412 of urban development to occur in rural areas at substantial
413 distances from existing urban areas while not using undeveloped
414 lands that are available and suitable for development.

415 (III) Promotes, allows, or designates urban development in
416 radial, strip, isolated, or ribbon patterns generally emanating

417 from existing urban developments.

418 (IV) Fails to adequately protect and conserve natural
419 resources, such as wetlands, floodplains, native vegetation,
420 environmentally sensitive areas, natural groundwater aquifer
421 recharge areas, lakes, rivers, shorelines, beaches, bays,
422 estuarine systems, and other significant natural systems.

423 (V) Fails to adequately protect adjacent agricultural
424 areas and activities, including silviculture, active
425 agricultural and silvicultural activities, passive agricultural
426 activities, and dormant, unique, and prime farmlands and soils.

427 (VI) Fails to maximize use of existing public facilities
428 and services.

429 (VII) Fails to maximize use of future public facilities
430 and services.

431 (VIII) Allows for land use patterns or timing which
432 disproportionately increase the cost in time, money, and energy
433 of providing and maintaining facilities and services, including
434 roads, potable water, sanitary sewer, stormwater management, law
435 enforcement, education, health care, fire and emergency
436 response, and general government.

437 (IX) Fails to provide a clear separation between rural and
438 urban uses.

439 (X) Discourages or inhibits infill development or the
440 redevelopment of existing neighborhoods and communities.

441 (XI) Fails to encourage a functional mix of uses.

442 (XII) Results in poor accessibility among linked or

443 related land uses.

444 (XIII) Results in the loss of significant amounts of
445 functional open space.

446 b. The future land use element or plan amendment shall be
447 determined to discourage the proliferation of urban sprawl if it
448 incorporates a development pattern or urban form that achieves
449 four or more of the following:

450 (I) Directs or locates economic growth and associated land
451 development to geographic areas of the community in a manner
452 that does not have an adverse impact on and protects natural
453 resources and ecosystems.

454 (II) Promotes the efficient and cost-effective provision
455 or extension of public infrastructure and services.

456 (III) Promotes walkable and connected communities and
457 provides for compact development and a mix of uses at densities
458 and intensities that will support a range of housing choices and
459 a multimodal transportation system, including pedestrian,
460 bicycle, and transit, if available.

461 (IV) Promotes conservation of water and energy.

462 (V) Preserves agricultural areas and activities, including
463 silviculture, and dormant, unique, and prime farmlands and
464 soils.

465 (VI) Preserves open space and natural lands and provides
466 for public open space and recreation needs.

467 (VII) Creates a balance of land uses based upon demands of
468 the residential population for the nonresidential needs of an

469 area.

470 (VIII) Provides uses, densities, and intensities of use
 471 and urban form that would remediate an existing or planned
 472 development pattern in the vicinity that constitutes sprawl or
 473 if it provides for an innovative development pattern such as
 474 transit-oriented developments or new towns as defined in s.
 475 163.3164.

476 10. The future land use element shall include a future
 477 land use map or map series.

478 a. The proposed distribution, extent, and location of the
 479 following uses shall be shown on the future land use map or map
 480 series:

481 (I) Residential.

482 (II) Commercial.

483 (III) Industrial.

484 (IV) Agricultural.

485 (V) Recreational.

486 (VI) Conservation.

487 (VII) Educational.

488 (VIII) Public.

489 b. The following areas shall also be shown on the future
 490 land use map or map series, if applicable:

491 (I) Historic district boundaries and designated
 492 historically significant properties.

493 (II) Transportation concurrency management area boundaries
 494 or transportation concurrency exception area boundaries.

495 (III) Multimodal transportation district boundaries.

496 (IV) Mixed-use categories.

497 c. The following natural resources or conditions shall be
498 shown on the future land use map or map series, if applicable:

499 (I) Existing and planned public potable waterwells, cones
500 of influence, and wellhead protection areas.

501 (II) Beaches and shores, including estuarine systems.

502 (III) Rivers, bays, lakes, floodplains, and harbors.

503 (IV) Wetlands.

504 (V) Minerals and soils.

505 (VI) Coastal high hazard areas.

506 ~~11. Local governments required to update or amend their~~
507 ~~comprehensive plan to include criteria and address compatibility~~
508 ~~of lands adjacent or closely proximate to existing military~~
509 ~~installations, or lands adjacent to an airport as defined in s.~~
510 ~~330.35 and consistent with s. 333.02, in their future land use~~
511 ~~plan element shall transmit the update or amendment to the state~~
512 ~~land planning agency by June 30, 2012.~~

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

514 Section 14. Subsection (1) of section 166.271, Florida
515 Statutes, is amended to read:

516 166.271 Surcharge on municipal facility parking fees.—

517 (1) The governing authority of any municipality with a
518 resident population of 200,000 or more, more than 20 percent of
519 the real property of which is exempt from ad valorem taxes, and
520 which is located in a county with a population of more than

521 500,000 may impose and collect, subject to referendum approval
 522 by voters in the municipality, a discretionary per vehicle
 523 surcharge of up to 15 percent of the amount charged for the
 524 sale, lease, or rental of space at parking facilities within the
 525 municipality which are open for use to the general public and
 526 which are not airports, seaports, county administration
 527 buildings, or other projects as defined under ss. 125.011 and
 528 125.015, ~~provided that this surcharge shall not take effect~~
 529 ~~while any surcharge imposed pursuant to former s. 218.503(6)(a),~~
 530 ~~is in effect.~~

531 Reviser's note.—Amended to delete obsolete language. The
 532 surcharge imposed under former s. 218.503(6) expired
 533 pursuant to its own terms, effective June 30, 2006;
 534 confirmed by s. 6, ch. 2007-6, Laws of Florida, a reviser's
 535 bill.

536 Section 15. Subsection (2) of section 189.031, Florida
 537 Statutes, is amended to read:

538 189.031 Legislative intent for the creation of independent
 539 special districts; special act prohibitions; model elements and
 540 other requirements; local general-purpose government/Governor
 541 and Cabinet creation authorizations.—

542 (2) SPECIAL ACTS PROHIBITED.—Pursuant to s. 11(a)(21),
 543 Art. III of the State Constitution, the Legislature hereby
 544 prohibits special laws or general laws of local application
 545 which:

546 (a) Create independent special districts that do not, at a

547 minimum, conform to the minimum requirements in subsection (3);

548 (b) Exempt independent special district elections from the
549 appropriate requirements in s. 189.04;

550 (c) Exempt an independent special district from the
551 requirements for bond referenda in s. 189.042;

552 (d) Exempt an independent special district from the
553 reporting, notice, or public meetings requirements of s.
554 189.015, s. 189.016, s. 189.051, or s. 189.08; or

555 (e) Create an independent special district for which a
556 statement has not been submitted to the Legislature that
557 documents the following:

558 1. The purpose of the proposed district;

559 2. The authority of the proposed district;

560 3. An explanation of why the district is the best
561 alternative; and

562 4. A resolution or official statement of the governing
563 body or an appropriate administrator of the local jurisdiction
564 within which the proposed district is located stating that the
565 creation of the proposed district is consistent with the
566 approved local government plans of the local governing body and
567 that the local government has no objection to the creation of
568 the proposed district.

569 Reviser's note.—Amended to improve clarity.

570 Section 16. Paragraphs (l) and (m) of subsection (8) of
571 section 200.001, Florida Statutes, are amended to read:

572 200.001 Millages; definitions and general provisions.—

573 (8)
 574 (1) "Maximum total county ad valorem taxes levied" means
 575 the total taxes levied by a county, municipal service taxing
 576 units of that county, and special districts dependent to that
 577 county at their individual maximum millages, calculated pursuant
 578 to s. 200.065(5) (a) for fiscal years 2009-2010 and thereafter
 579 ~~and pursuant to s. 200.185 for fiscal years 2007-2008 and 2008-~~
 580 ~~2009.~~

581 (m) "Maximum total municipal ad valorem taxes levied"
 582 means the total taxes levied by a municipality and special
 583 districts dependent to that municipality at their individual
 584 maximum millages, calculated pursuant to s. 200.065(5) (b) for
 585 fiscal years 2009-2010 and thereafter ~~and by s. 200.185 for~~
 586 ~~fiscal years 2007-2008 and 2008-2009.~~

587 Reviser's note.—Amended to delete obsolete language and to
 588 conform to the repeal of s. 200.185 by this act.

589 Section 17. Paragraph (b) of subsection (5) and paragraphs
 590 (d) and (e) of subsection (13) of section 200.065, Florida
 591 Statutes, are amended to read:

592 200.065 Method of fixing millage.—

593 (5) In each fiscal year:

594 (b) The millage rate of a county or municipality,
 595 municipal service taxing unit of that county, and any special
 596 district dependent to that county or municipality may exceed the
 597 maximum millage rate calculated pursuant to this subsection if
 598 the total county ad valorem taxes levied or total municipal ad

599 | valorem taxes levied do not exceed the maximum total county ad
600 | valorem taxes levied or maximum total municipal ad valorem taxes
601 | levied respectively. Voted millage and taxes levied by a
602 | municipality or independent special district that has levied ad
603 | valorem taxes for less than 5 years are not subject to this
604 | limitation. The millage rate of a county authorized to levy a
605 | county public hospital surtax under s. 212.055 may exceed the
606 | maximum millage rate calculated pursuant to this subsection to
607 | the extent necessary to account for the revenues required to be
608 | contributed to the county public hospital. Total taxes levied
609 | may exceed the maximum calculated pursuant to subsection (6) as
610 | a result of an increase in taxable value above that certified in
611 | subsection (1) if such increase is less than the percentage
612 | amounts contained in subsection (6) or if the administrative
613 | adjustment cannot be made because the value adjustment board is
614 | still in session at the time the tax roll is extended;
615 | otherwise, millage rates subject to this subsection ~~or s.~~
616 | ~~200.185~~ may be reduced so that total taxes levied do not exceed
617 | the maximum.

618 |
619 | Any unit of government operating under a home rule charter
620 | adopted pursuant to ss. 10, 11, and 24, Art. VIII of the State
621 | Constitution of 1885, as preserved by s. 6(e), Art. VIII of the
622 | State Constitution of 1968, which is granted the authority in
623 | the State Constitution to exercise all the powers conferred now
624 | or hereafter by general law upon municipalities and which

625 exercises such powers in the unincorporated area shall be
626 recognized as a municipality under this subsection. For a
627 downtown development authority established before the effective
628 date of the 1968 State Constitution which has a millage that
629 must be approved by a municipality, the governing body of that
630 municipality shall be considered the governing body of the
631 downtown development authority for purposes of this subsection.

632 (13)

633 (d) If any county or municipality, dependent special
634 district of such county or municipality, or municipal service
635 taxing unit of such county is in violation of subsection (5) ~~or~~
636 ~~s. 200.185~~ because total county or municipal ad valorem taxes
637 exceeded the maximum total county or municipal ad valorem taxes,
638 respectively, that county or municipality shall forfeit the
639 distribution of local government half-cent sales tax revenues
640 during the 12 months following a determination of noncompliance
641 by the Department of Revenue as described in s. 218.63(3) and
642 this subsection. If the executive director of the Department of
643 Revenue determines that any county or municipality, dependent
644 special district of such county or municipality, or municipal
645 service taxing unit of such county is in violation of subsection
646 (5) ~~or s. 200.185~~, the Department of Revenue and the county or
647 municipality, dependent special district of such county or
648 municipality, or municipal service taxing unit of such county
649 shall follow the procedures set forth in this paragraph or
650 paragraph (e). During the pendency of any procedure under

651 paragraph (e) or any administrative or judicial action to
652 challenge any action taken under this subsection, the tax
653 collector shall hold in escrow any revenues collected by the
654 noncomplying county or municipality, dependent special district
655 of such county or municipality, or municipal service taxing unit
656 of such county in excess of the amount allowed by subsection (5)
657 ~~or s. 200.185~~, as determined by the executive director. Such
658 revenues shall be held in escrow until the process required by
659 paragraph (e) is completed and approved by the department. The
660 department shall direct the tax collector to so hold such funds.
661 If the county or municipality, dependent special district of
662 such county or municipality, or municipal service taxing unit of
663 such county remedies the noncompliance, any moneys collected in
664 excess of the new levy or in excess of the amount allowed by
665 subsection (5) ~~or s. 200.185~~ shall be held in reserve until the
666 subsequent fiscal year and shall then be used to reduce ad
667 valorem taxes otherwise necessary. If the county or
668 municipality, dependent special district of such county or
669 municipality, or municipal service taxing unit of such county
670 does not remedy the noncompliance, the provisions of s. 218.63
671 shall apply.

672 (e) The following procedures shall be followed when the
673 executive director notifies any county or municipality,
674 dependent special district of such county or municipality, or
675 municipal service taxing unit of such county that he or she has
676 determined that such taxing authority is in violation of

677 subsection (5) ~~or s. 200.185~~:

678 1. Within 30 days after the deadline for certification of
 679 compliance required by s. 200.068, the executive director shall
 680 notify any such county or municipality, dependent special
 681 district of such county or municipality, or municipal service
 682 taxing unit of such county of his or her determination regarding
 683 subsection (5) ~~or s. 200.185~~ and that such taxing authority is
 684 subject to subparagraph 2.

685 2. Any taxing authority so noticed by the executive
 686 director shall repeat the hearing and notice process required by
 687 paragraph (2) (d), except that:

688 a. The advertisement shall appear within 15 days after
 689 notice from the executive director.

690 b. The advertisement, in addition to meeting the
 691 requirements of subsection (3), must contain the following
 692 statement in boldfaced type immediately after the heading:

693
 694 THE PREVIOUS NOTICE PLACED BY THE ...(name of taxing
 695 authority)... HAS BEEN DETERMINED BY THE DEPARTMENT OF REVENUE
 696 TO BE IN VIOLATION OF THE LAW, NECESSITATING THIS SECOND NOTICE.
 697

698 c. The millage newly adopted at such hearing shall not be
 699 forwarded to the tax collector or property appraiser and may not
 700 exceed the rate previously adopted or the amount allowed by
 701 subsection (5) ~~or s. 200.185~~. Each taxing authority provided
 702 notice pursuant to this paragraph shall recertify compliance

703 with this chapter as provided in this section within 15 days
704 after the adoption of a millage at such hearing.

705 d. The determination of the executive director shall be
706 superseded if the executive director determines that the county
707 or municipality, dependent special district of such county or
708 municipality, or municipal service taxing unit of such county
709 has remedied the noncompliance. Such noncompliance shall be
710 determined to be remedied if any such taxing authority provided
711 notice by the executive director pursuant to this paragraph
712 adopts a new millage that does not exceed the maximum millage
713 allowed for such taxing authority under paragraph (5) (a) ~~or s.~~
714 ~~200.185(1)-(5)~~, or if any such county or municipality, dependent
715 special district of such county or municipality, or municipal
716 service taxing unit of such county adopts a lower millage
717 sufficient to reduce the total taxes levied such that total
718 taxes levied do not exceed the maximum as provided in paragraph
719 (5) (b) ~~or s. 200.185(8)~~.

720 e. If any such county or municipality, dependent special
721 district of such county or municipality, or municipal service
722 taxing unit of such county has not remedied the noncompliance or
723 recertified compliance with this chapter as provided in this
724 paragraph, and the executive director determines that the
725 noncompliance has not been remedied or compliance has not been
726 recertified, the county or municipality shall forfeit the
727 distribution of local government half-cent sales tax revenues
728 during the 12 months following a determination of noncompliance

729 by the Department of Revenue as described in s. 218.63(2) and
 730 (3) and this subsection.

731 f. The determination of the executive director is not
 732 subject to chapter 120.

733 Reviser's note.—Amended to conform to the repeal of s. 200.185
 734 by this act.

735 Section 18. Section 200.068, Florida Statutes, is amended
 736 to read:

737 200.068 Certification of compliance with this chapter.—Not
 738 later than 30 days following adoption of an ordinance or
 739 resolution establishing a property tax levy, each taxing
 740 authority shall certify compliance with the provisions of this
 741 chapter to the Department of Revenue. In addition to a statement
 742 of compliance, such certification shall include a copy of the
 743 ordinance or resolution so adopted; a copy of the certification
 744 of value showing rolled-back millage and proposed millage rates,
 745 as provided to the property appraiser pursuant to s. 200.065(1)
 746 and (2)(b); maximum millage rates calculated pursuant to s.
 747 200.065(5), ~~s. 200.185, or s. 200.186~~, together with values and
 748 calculations upon which the maximum millage rates are based; and
 749 a certified copy of the advertisement, as published pursuant to
 750 s. 200.065(3). In certifying compliance, the governing body of
 751 the county shall also include a certified copy of the notice
 752 required under s. 194.037. However, if the value adjustment
 753 board completes its hearings after the deadline for
 754 certification under this section, the county shall submit such

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755 copy to the department not later than 30 days following
756 completion of such hearings.

757 Reviser's note.—Amended to conform to the repeal of s. 200.185
758 by this act and to delete a reference to s. 200.186, which
759 was created by s. 28, ch. 2007-321, Laws of Florida,
760 effective contingent upon a constitutional amendment which
761 did pass but for which the ballot language was ruled
762 unconstitutional; s. 200.186 did not become effective.

763 Section 19. Section 200.141, Florida Statutes, is amended
764 to read:

765 200.141 Millage following consolidation of city and county
766 functions.—Those cities or counties which now or hereafter
767 provide both municipal and county services as authorized under
768 ss. 9-11 and 24 of Art. VIII of the State Constitution of 1885,
769 as preserved by s. (6)(e), Art. VIII of the State Constitution
770 of 1968, shall have the right to levy for county, district and
771 municipal purposes a millage up to 20 mills on the dollar of
772 assessed valuation under this section. For each increase in the
773 county millage above 10 mills which is attributable to an
774 assumption of municipal services by a county having home rule,
775 or for each increase in the municipal millage above 10 mills
776 which is attributable to an assumption of county services by a
777 city having home rule, there shall be a decrease in the millage
778 levied by each and every municipality which has a service or
779 services assumed by the county, or by the county which has a
780 service or services assumed by the city. Such decrease shall be

781 equal to the cost of that service or services assumed, so that
 782 an amount equal to that cost shall be eliminated from the budget
 783 of the county or city giving up the performance of such service
 784 or services.

785 Reviser's note.—Amended to conform to the citation style used at
 786 other provisions in the Florida Statutes citing to ss. 9-11
 787 and 24 of Art. VIII of the State Constitution of 1885,
 788 which were preserved by s. (6) (e), Art. VIII of the State
 789 Constitution of 1968.

790 Section 20. Section 200.185, Florida Statutes, is
 791 repealed.

792 Reviser's note.—The cited section, which relates to maximum
 793 millage rates for the 2007-2008 and 2008-2009 fiscal years,
 794 is repealed to delete a provision that has served its
 795 purpose.

796 Section 21. Paragraph (o) of subsection (5) of section
 797 212.08, Florida Statutes, is amended to read:

798 212.08 Sales, rental, use, consumption, distribution, and
 799 storage tax; specified exemptions.—The sale at retail, the
 800 rental, the use, the consumption, the distribution, and the
 801 storage to be used or consumed in this state of the following
 802 are hereby specifically exempt from the tax imposed by this
 803 chapter.

804 (5) EXEMPTIONS; ACCOUNT OF USE.—

805 (o) Building materials in redevelopment projects.—

806 1. As used in this paragraph, the term:

807 a. "Building materials" means tangible personal property
 808 that becomes a component part of a housing project or a mixed-
 809 use project.

810 b. "Housing project" means the conversion of an existing
 811 manufacturing or industrial building to a housing unit which is
 812 in an urban high-crime area, an enterprise zone, an empowerment
 813 zone, a Front Porch Florida Community, a designated brownfield
 814 site for which a rehabilitation agreement with the Department of
 815 Environmental Protection or a local government delegated by the
 816 Department of Environmental Protection has been executed under
 817 s. 376.80 and any abutting real property parcel within a
 818 brownfield area, or an urban infill area; and in which the
 819 developer agrees to set aside at least 20 percent of the housing
 820 units in the project for low-income and moderate-income persons
 821 or the construction in a designated brownfield area of
 822 affordable housing for persons described in s. 420.0004(9),
 823 (11), (12), or (17) or in s. 159.603(7).

824 c. "Mixed-use project" means the conversion of an existing
 825 manufacturing or industrial building to mixed-use units that
 826 include artists' studios, art and entertainment services, or
 827 other compatible uses. A mixed-use project must be located in an
 828 urban high-crime area, an enterprise zone, an empowerment zone,
 829 a Front Porch Florida Community, a designated brownfield site
 830 for which a rehabilitation agreement with the Department of
 831 Environmental Protection or a local government delegated by the
 832 Department of Environmental Protection has been executed under

833 s. 376.80 and any abutting real property parcel within a
834 brownfield area, or an urban infill area; and the developer must
835 agree to set aside at least 20 percent of the square footage of
836 the project for low-income and moderate-income housing.

837 d. "Substantially completed" has the same meaning as
838 provided in s. 192.042(1).

839 2. Building materials used in the construction of a
840 housing project or mixed-use project are exempt from the tax
841 imposed by this chapter upon an affirmative showing to the
842 satisfaction of the department that the requirements of this
843 paragraph have been met. This exemption inures to the owner
844 through a refund of previously paid taxes. To receive this
845 refund, the owner must file an application under oath with the
846 department which includes:

847 a. The name and address of the owner.

848 b. The address and assessment roll parcel number of the
849 project for which a refund is sought.

850 c. A copy of the building permit issued for the project.

851 d. A certification by the local building code inspector
852 that the project is substantially completed.

853 e. A sworn statement, under penalty of perjury, from the
854 general contractor licensed in this state with whom the owner
855 contracted to construct the project, which statement lists the
856 building materials used in the construction of the project and
857 the actual cost thereof, and the amount of sales tax paid on
858 these materials. If a general contractor was not used, the owner

859 shall provide this information in a sworn statement, under
860 penalty of perjury. Copies of invoices evidencing payment of
861 sales tax must be attached to the sworn statement.

862 3. An application for a refund under this paragraph must
863 be submitted to the department within 6 months after the date
864 the project is deemed to be substantially completed by the local
865 building code inspector. Within 30 working days after receipt of
866 the application, the department shall determine if it meets the
867 requirements of this paragraph. A refund approved pursuant to
868 this paragraph shall be made within 30 days after formal
869 approval of the application by the department.

870 4. The department shall establish by rule an application
871 form and criteria for establishing eligibility for exemption
872 under this paragraph.

873 5. The exemption shall apply to purchases of materials on
874 or after July 1, 2000.

875 Reviser's note.—Amended to confirm the editorial insertion of
876 the word "Florida" to conform to the full title of
877 communities receiving grants through the Front Porch
878 Florida Initiative.

879 Section 22. Subsection (8) of section 213.0532, Florida
880 Statutes, is amended to read:

881 213.0532 Information-sharing agreements with financial
882 institutions.—

883 (8) Any financial records obtained pursuant to this
884 section may be disclosed only for the purpose of, and to the

885 extent necessary for, administration and enforcement of ~~to~~
 886 ~~administer and enforce~~ the tax laws of this state.

887 Reviser's note.—Amended to improve sentence construction.

888 Section 23. Paragraph (b) of subsection (5) of section
 889 218.39, Florida Statutes, is amended to read:

890 218.39 Annual financial audit reports.—

891 (5) At the conclusion of the audit, the auditor shall
 892 discuss with the chair of the governing body of the local
 893 governmental entity or the chair's designee, the elected
 894 official of each county agency or the elected official's
 895 designee, the chair of the district school board or the chair's
 896 designee, the chair of the board of the charter school or the
 897 chair's designee, or the chair of the board of the charter
 898 technical career center or the chair's designee, as appropriate,
 899 all of the auditor's comments that will be included in the audit
 900 report. If the officer is not available to discuss the auditor's
 901 comments, their discussion is presumed when the comments are
 902 delivered in writing to his or her office. The auditor shall
 903 notify each member of the governing body of a local governmental
 904 entity, district school board, charter school, or charter
 905 technical career center for which:

906 (b) A fund balance deficit in total or a deficit for that
 907 portion of a fund balance not classified as restricted,
 908 committed, or nonspendable, or a total or unrestricted net
 909 assets deficit, as reported on the fund financial statements of
 910 entities required to report under governmental financial

911 reporting standards or on the basic financial statements of
 912 entities required to report under not-for-profit financial
 913 reporting standards, for which sufficient resources of the local
 914 governmental entity, charter school, charter technical career
 915 center, or district school board, as reported on the fund
 916 financial statements, are not available to cover the deficit.
 917 Resources available to cover reported deficits include fund
 918 balance or net assets that are not otherwise restricted by
 919 federal, state, or local laws, bond covenants, contractual
 920 agreements, or other legal constraints. Property, plant, and
 921 equipment, the disposal of which would impair the ability of a
 922 local governmental entity, charter school, charter technical
 923 career center, or district school board to carry out its
 924 functions, are not considered resources available to cover
 925 reported deficits.

926 Reviser's note.—Amended to facilitate correct understanding.

927 Section 24. Subsection (1) of section 220.63, Florida
 928 Statutes, is amended to read:

929 220.63 Franchise tax imposed on banks and savings
 930 associations.—

931 (1) A franchise tax measured by net income is hereby
 932 imposed on every bank and savings association for each taxable
 933 year commencing on or after January 1, 1973, ~~and for each~~
 934 ~~taxable year which begins before and ends after January 1, 1973.~~
 935 ~~The franchise tax base of any bank for a taxable year which~~
 936 ~~begins before and ends after January 1, 1972, shall be prorated~~

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937 ~~in the manner prescribed for the proration of net income under~~
938 ~~s. 220.12(2).~~

939 Reviser's note.—Amended to delete an obsolete provision and
940 conform to the repeal of s. 220.12(2) by s. 14, ch. 90-203,
941 Laws of Florida.

942 Section 25. Paragraph (c) of subsection (3) of section
943 238.05, Florida Statutes, is amended to read:

944 238.05 Membership.—

945 (3) Except as otherwise provided in s. 238.07(9),
946 membership of any person in the retirement system will cease if
947 he or she is continuously unemployed as a teacher for a period
948 of more than 5 consecutive years, or upon the withdrawal by the
949 member of his or her accumulated contributions as provided in s.
950 238.07(13), or upon retirement, or upon death; provided that the
951 adjustments prescribed below are to be made for persons who
952 enter the Armed Forces of the United States during a period of
953 war or national emergency and for persons who are granted leaves
954 of absence. Any member of the retirement system who within 1
955 year before the time of entering the Armed Forces of the United
956 States was a teacher, as defined in s. 238.01, or was engaged in
957 other public educational work within the state, and member of
958 the Teachers' Retirement System at the time of induction, or who
959 has been or is granted leave of absence, shall be permitted to
960 elect to continue his or her membership in the Teachers'
961 Retirement System; and membership service shall be allowed for
962 the period covered by service in the Armed Forces of the United

963 States or by leave of absence under the following conditions:

964 ~~(c) Any person who served in the Armed Forces of the~~
 965 ~~United States in World War I, or who served as a registered~~
 966 ~~nurse or nurse's aide in service connected with the Armed Forces~~
 967 ~~of the United States during the period of World War I, and who~~
 968 ~~is now a member of the Teachers' Retirement System and who, at~~
 969 ~~or before the time of entering the Armed Forces or the service~~
 970 ~~of the care and nursing of members of the Armed Forces of the~~
 971 ~~United States, was a teacher as defined in s. 238.01 is entitled~~
 972 ~~to prior service and out-of-state prior service credit in the~~
 973 ~~Teachers' Retirement System for his or her period of such~~
 974 ~~service.~~

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

976 Section 26. Section 255.041, Florida Statutes, is amended
 977 to read:

978 255.041 Separate specifications for building contracts.—
 979 Every officer, board, department, or commission ~~or commissions~~
 980 charged with the duty of preparing specifications or awarding or
 981 entering into contract for the erection, construction, or
 982 altering of buildings for the state, when the entire cost of
 983 such work shall exceed \$10,000, may have prepared separate
 984 specifications for each of the following branches of work to be
 985 performed:

- 986 (1) Heating and ventilating and accessories.
- 987 (2) Plumbing and gas fitting and accessories.
- 988 (3) Electrical installations.

989 (4) Air-conditioning, for the purpose of comfort cooling
 990 by the lowering of temperature, and accessories.

991
 992 All such specifications may be so drawn as to permit separate
 993 and independent bidding upon each of the classes of work
 994 enumerated in the above subdivisions. All contracts hereafter
 995 awarded by the state or a department, board, commissioner, or
 996 officer thereof, for the erection, construction or alteration of
 997 buildings, or any part thereof, may award the respective work
 998 specified in the above subdivisions separately to responsible
 999 and reliable persons, firms or corporations regularly engaged in
 1000 their respective line of work; provided, however, that all or
 1001 any part of the work specified in the above subdivisions may be
 1002 awarded to the same contractor.

1003 Reviser's note.—Amended to improve clarity.

1004 Section 27. Subsection (2) of section 255.254, Florida
 1005 Statutes, is amended to read:

1006 255.254 No facility constructed or leased without life-
 1007 cycle costs.—

1008 (2) ~~On and after January 1, 1979,~~ No state agency shall
 1009 initiate construction or have construction initiated, prior to
 1010 approval thereof by the department, on a facility or self-
 1011 contained unit of any facility, the design and construction of
 1012 which incorporates or contemplates the use of an energy system
 1013 other than a solar energy system when the life-cycle costs
 1014 analysis prepared by the department has determined that a solar

1015 energy system is the most cost-efficient energy system for the
 1016 facility or unit.

1017 Reviser's note.—Amended to delete an obsolete provision.

1018 Section 28. Paragraph (b) of subsection (9) of section
 1019 259.032, Florida Statutes, is amended to read:

1020 259.032 Conservation and recreation lands.—

1021 (9)

1022 (b) An amount of not less than 1.5 percent of the
 1023 cumulative total of funds ever deposited into the former Florida
 1024 Preservation 2000 Trust Fund and the Florida Forever Trust Fund
 1025 shall be made available for the purposes of management,
 1026 maintenance, and capital improvements, and for associated
 1027 contractual services, for conservation and recreation lands
 1028 acquired with funds deposited into the Land Acquisition Trust
 1029 Fund pursuant to s. 28(a), Art. X of the State Constitution or
 1030 pursuant to former s. 259.032, Florida Statutes 2014, former s.
 1031 259.101, Florida Statutes 2014, s. 259.105, s. 259.1052, or
 1032 previous programs for the acquisition of lands for conservation
 1033 and recreation, including state forests, to which title is
 1034 vested in the board of trustees and other conservation and
 1035 recreation lands managed by a state agency. Each agency with
 1036 management responsibilities shall annually request from the
 1037 Legislature funds sufficient to fulfill such responsibilities to
 1038 implement individual management plans. For the purposes of this
 1039 paragraph, capital improvements shall include, but need not be
 1040 limited to, perimeter fencing, signs, firelanes, access roads

1041 and trails, and minimal public accommodations, such as primitive
 1042 campsites, garbage receptacles, and toilets. Any equipment
 1043 purchased with funds provided pursuant to this paragraph may be
 1044 used for the purposes described in this paragraph on any
 1045 conservation and recreation lands managed by a state agency. The
 1046 funding requirement created in this paragraph is subject to an
 1047 annual evaluation by the Legislature to ensure that such
 1048 requirement does not impact the respective trust fund in a
 1049 manner that would prevent the trust fund from meeting other
 1050 minimum requirements.

1051 Reviser's note.—Amended to conform to the termination of the
 1052 Florida Preservation 2000 Trust Fund pursuant to s. 1, ch.
 1053 2015-229, Laws of Florida, and the repeal of s. 375.045,
 1054 which created the trust fund, by s. 52, ch. 2015-229.
 1055 Section 29. Paragraph (d) of subsection (2) of section
 1056 272.135, Florida Statutes, is amended to read:

1057 272.135 Florida Historic Capitol Museum Director.—

1058 (2) The director shall:

1059 (d) Propose a strategic plan to the President of the
 1060 Senate and the Speaker of the House of Representatives by May 1
 1061 of each year in which a general election is held and ~~shall~~
 1062 propose an annual operating plan.

1063 Reviser's note.—Amended to confirm the editorial deletion of the
 1064 word "shall."

1065 Section 30. Subsection (4) of section 288.012, Florida
 1066 Statutes, is amended to read:

1067 288.012 State of Florida international offices; state
 1068 protocol officer; protocol manual.—The Legislature finds that
 1069 the expansion of international trade and tourism is vital to the
 1070 overall health and growth of the economy of this state. This
 1071 expansion is hampered by the lack of technical and business
 1072 assistance, financial assistance, and information services for
 1073 businesses in this state. The Legislature finds that these
 1074 businesses could be assisted by providing these services at
 1075 State of Florida international offices. The Legislature further
 1076 finds that the accessibility and provision of services at these
 1077 offices can be enhanced through cooperative agreements or
 1078 strategic alliances between private businesses and state, local,
 1079 and international governmental entities.

1080 (4) The Department of Economic Opportunity, in connection
 1081 with the establishment, operation, and management of any of its
 1082 offices located in another country, is exempt from the
 1083 provisions of ss. 255.21, 255.25, and 255.254 relating to
 1084 leasing of buildings; ss. 283.33 and 283.35 relating to bids for
 1085 printing; ss. 287.001-287.20 relating to purchasing and motor
 1086 vehicles; and ss. 282.003-282.00515 ~~282.003-282.0056~~ and
 1087 282.702-282.7101 relating to communications, and from all
 1088 statutory provisions relating to state employment.

1089 (a) The department may exercise such exemptions only upon
 1090 prior approval of the Governor.

1091 (b) If approval for an exemption under this section is
 1092 granted as an integral part of a plan of operation for a

1093 specified international office, such action shall constitute
 1094 continuing authority for the department to exercise the
 1095 exemption, but only in the context and upon the terms originally
 1096 granted. Any modification of the approved plan of operation with
 1097 respect to an exemption contained therein must be resubmitted to
 1098 the Governor for his or her approval. An approval granted to
 1099 exercise an exemption in any other context shall be restricted
 1100 to the specific instance for which the exemption is to be
 1101 exercised.

1102 (c) As used in this subsection, the term "plan of
 1103 operation" means the plan developed pursuant to subsection (2).

1104 (d) Upon final action by the Governor with respect to a
 1105 request to exercise the exemption authorized in this subsection,
 1106 the department shall report such action, along with the original
 1107 request and any modifications thereto, to the President of the
 1108 Senate and the Speaker of the House of Representatives within 30
 1109 days.

1110 Reviser's note.—Amended to conform to the repeal of s. 282.0056
 1111 by s. 12, ch. 2014-221, Laws of Florida.

1112 Section 31. Paragraph (b) of subsection (4) of section
 1113 311.12, Florida Statutes, is amended to read:

1114 311.12 Seaport security.—

1115 (4) ACCESS TO SECURE AND RESTRICTED AREAS.—

1116 (b) A seaport may not charge a fee for the administration
 1117 or production of any access control credential that requires or
 1118 is associated with a fingerprint-based background check, in

1119 addition to the fee for the federal TWIC. Beginning July 1,
 1120 2013, a seaport may not charge a fee for a seaport-specific
 1121 access credential issued in addition to the federal TWIC, except
 1122 under the following circumstances:

1123 1. The individual seeking to gain secured access is a new
 1124 hire as defined under 33 C.F.R. part ~~s.~~ 105; or

1125 2. The individual has lost or misplaced his or her federal
 1126 TWIC.

1127 Reviser's note.—Amended to facilitate correct interpretation.

1128 There is no 33 C.F.R. s. 105; there is a 33 C.F.R. part
 1129 105, which relates to security of maritime facilities.

1130 Section 32. Subsection (5) of section 316.3025, Florida
 1131 Statutes, is amended to read:

1132 316.3025 Penalties.—

1133 (5) Whenever any person or motor carrier as defined in
 1134 chapter 320 violates the provisions of this section and becomes
 1135 indebted to the state because of such violation and refuses to
 1136 pay the appropriate penalty, in addition to the provisions of s.
 1137 316.3026, such penalty becomes a lien upon the property
 1138 including the motor vehicles of such person or motor carrier and
 1139 such property may be seized and foreclosed by the state in a
 1140 civil action in any court of this state. It shall be presumed
 1141 that the owner of the motor vehicle is liable for the sum, and
 1142 the vehicle may be detained or impounded until the penalty is
 1143 paid.

1144 Reviser's note.—Amended to improve clarity.

1145 Section 33. Paragraph (c) of subsection (3) of section
 1146 333.07, Florida Statutes, is amended to read:

1147 333.07 Permits and variances.—

1148 (3) OBSTRUCTION MARKING AND LIGHTING.—

1149 ~~(c) Existing structures not in compliance on October 1,~~
 1150 ~~1988, shall be required to comply whenever the existing marking~~
 1151 ~~requires refurbishment, whenever the existing lighting requires~~
 1152 ~~replacement, or within 5 years of October 1, 1988, whichever~~
 1153 ~~occurs first.~~

1154 Reviser's note.—Amended to delete an obsolete provision.

1155 Section 34. Subsection (2) of section 336.71, Florida
 1156 Statutes, is amended to read:

1157 336.71 Public-private cooperation in construction of
 1158 county roads.—

1159 (2) The notice for the public hearing provided for in
 1160 subsection (1) must be published at least 14 days before the
 1161 date of the public meeting at which the governing board takes
 1162 final action. The notice must identify the project and, the
 1163 estimated cost of the project, and specify that the purpose for
 1164 the public meeting is to consider whether it is in the public's
 1165 best interest to accept the proposal and enter into an agreement
 1166 pursuant thereto. The determination of cost savings pursuant to
 1167 paragraph (1) (e) must be supported by a professional engineer's
 1168 cost estimate made available to the public at least 14 days
 1169 before the public meeting and placed in the record for that
 1170 meeting.

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1171 Reviser's note.—Amended to improve clarity.

1172 Section 35. Subsection (13) of section 343.1003, Florida
1173 Statutes, is amended to read:

1174 343.1003 Northeast Florida Regional Transportation
1175 Commission.—

1176 (13) There shall be no liability on the part of, and no
1177 cause of action may arise against, any member for any action
1178 taken in the performance of his or her duties under this part.
1179 Reviser's note.—Amended to improve clarity.

1180 Section 36. Paragraph (e) of subsection (1) of section
1181 366.95, Florida Statutes, is amended to read:

1182 366.95 Financing for certain nuclear generating asset
1183 retirement or abandonment costs.—

1184 (1) DEFINITIONS.—As used in this section, the term:

1185 (e) "Financing costs" means:

1186 1. Interest and acquisition, defeasance, or redemption
1187 premiums payable on nuclear asset-recovery bonds;

1188 2. Any payment required under an ancillary agreement and
1189 any amount required to fund or replenish a reserve account or
1190 other accounts established under the terms of any indenture,
1191 ancillary agreement, or other financing documents pertaining to
1192 nuclear asset-recovery bonds;

1193 3. Any other cost related to issuing, supporting,
1194 repaying, refunding, and servicing nuclear asset-recovery bonds,
1195 including, but not limited to, servicing fees, accounting and
1196 auditing fees, trustee fees, legal fees, consulting fees,

1197 financial adviser fees, administrative fees, placement and
 1198 underwriting fees, capitalized interest, rating agency fees,
 1199 stock exchange listing and compliance fees, security
 1200 registration fees, filing fees, information technology
 1201 programming costs, and any other costs necessary to otherwise
 1202 ensure the timely payment of nuclear asset-recovery bonds or
 1203 other amounts or charges payable in connection with the bonds,
 1204 including costs related to obtaining the financing order;

1205 4. Any taxes and license fees imposed on the revenues
 1206 generated from the collection of the nuclear asset-recovery
 1207 charge;

1208 5. Any state and local taxes, franchise fees, gross
 1209 receipts taxes, and other taxes or similar charges, including,
 1210 but not limited to, regulatory assessment fees, in any such case
 1211 whether paid, payable, or accrued; and

1212 6. Any costs incurred by the commission for any outside
 1213 consultants or counsel pursuant to subparagraph (2)(c)2.

1214 Reviser's note.—Amended to improve clarity and facilitate
 1215 correct interpretation.

1216 Section 37. Subsection (8) of section 373.236, Florida
 1217 Statutes, is amended to read:

1218 373.236 Duration of permits; compliance reports.—

1219 (8) A water management district may issue a permit to an
 1220 applicant, as set forth in s. 163.3245(13), for the same period
 1221 of time as the applicant's approved master development order if
 1222 the master development order was issued under s. 380.06(21) by a

1223 county which, at the time the order was issued, was designated
 1224 as a rural area of opportunity under s. 288.0656, was not
 1225 located in an area encompassed by a regional water supply plan
 1226 as set forth in s. 373.709(1), and was not located within the
 1227 basin management action plan of a first magnitude spring. In
 1228 reviewing the permit application and determining the permit
 1229 duration, the water management district shall apply s.
 1230 163.3245(4)(b).

1231 Reviser's note.—Amended to confirm the editorial insertion of
 1232 the word "was" to improve clarity.

1233 Section 38. Subsections (4) and (5) of section 373.4149,
 1234 Florida Statutes, are amended to read:

1235 373.4149 Miami-Dade County Lake Belt Plan.—

1236 (4) The identification of the Miami-Dade County Lake Belt
 1237 Area shall not preempt local land use jurisdiction, planning, or
 1238 regulatory authority in regard to the use of land by private
 1239 land owners. When amending local comprehensive plans, or
 1240 implementing zoning regulations, development regulations, or
 1241 other local regulations, Miami-Dade County shall strongly
 1242 consider limestone mining activities and ancillary operations,
 1243 such as lake excavation, including use of explosives, rock
 1244 processing, cement, concrete and asphalt products manufacturing,
 1245 and ancillary activities, within the rock mining supported and
 1246 allowable areas of the Miami-Dade County Lake Belt Plan adopted
 1247 by subsection (1); provided, however, that limerock mining
 1248 activities are consistent with wellfield protection. Rezonings,

1249 amendments to local zoning and subdivision regulations, and
 1250 amendments to local comprehensive plans concerning properties
 1251 that are located within 1 mile of the Miami-Dade County Lake
 1252 Belt Area shall be compatible with limestone mining activities.
 1253 No rezonings, variances, amendments to local zoning and
 1254 subdivision regulations which would result in an increase in
 1255 residential density, or amendments to local comprehensive plans
 1256 for any residential purpose may be approved for any property
 1257 located in sections 35 and 36 and the east one-half of sections
 1258 24 and 25, Township 53 South, Range 39 East until such time as
 1259 there is no active mining within 2 miles of the property. This
 1260 section does not preclude residential development that complies
 1261 with current regulations.

1262 (5) The secretary of the Department of Environmental
 1263 Protection, the executive director of the Department of Economic
 1264 Opportunity, the secretary of the Department of Transportation,
 1265 the Commissioner of Agriculture, the executive director of the
 1266 Fish and Wildlife Conservation Commission, and the executive
 1267 director of the South Florida Water Management District may
 1268 enter into agreements with landowners, developers, businesses,
 1269 industries, individuals, and governmental agencies as necessary
 1270 to effectuate the Miami-Dade County Lake Belt Plan and the
 1271 provisions of this section.

1272 Reviser's note.—Amended to conform to context and to the full
 1273 names of the Miami-Dade County Lake Belt Area and the
 1274 Miami-Dade County Lake Belt Plan.

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1275 Section 39. Subsection (7) of section 373.41492, Florida
 1276 Statutes, is amended to read:

1277 373.41492 Miami-Dade County Lake Belt Mitigation Plan;
 1278 mitigation for mining activities within the Miami-Dade County
 1279 Lake Belt.—

1280 (7) Payment of the mitigation fee imposed by this section
 1281 satisfies the mitigation requirements imposed under ss. 373.403-
 1282 373.439 and any applicable county ordinance for loss of the
 1283 value and functions from mining of the wetlands identified as
 1284 rock mining supported and allowable areas of the Miami-Dade
 1285 County Lake Belt Plan adopted by s. 373.4149(1). In addition, it
 1286 is the intent of the Legislature that the payment of the
 1287 mitigation fee imposed by this section satisfy all federal
 1288 mitigation requirements for the wetlands mined.

1289 Reviser's note.—Amended to conform to context and to the full
 1290 name of the Miami-Dade County Lake Belt Plan.

1291 Section 40. Paragraph (g) of subsection (1) of section
 1292 379.3751, Florida Statutes, is amended to read:

1293 379.3751 Taking and possession of alligators; trapping
 1294 licenses; fees.—

1295 (1)

1296 (g) A person engaged in the taking of alligators under any
 1297 permit issued by the commission which authorizes the taking ~~take~~
 1298 of alligators is not required to possess a management area
 1299 permit under s. 379.354(8).

1300 Reviser's note.—Amended to confirm the editorial substitution of

1301 the word "taking" for the word "take" to improve clarity.

1302 Section 41. Paragraph (b) of subsection (7) of section
 1303 380.510, Florida Statutes, is amended to read:

1304 380.510 Conditions of grants and loans.—

1305 (7) Any funds received by the trust pursuant to s.
 1306 259.105(3)(c) or s. 375.041 shall be held separate and apart
 1307 from any other funds held by the trust and used for the land
 1308 acquisition purposes of this part.

1309 (b) All deeds or leases with respect to any real property
 1310 acquired with funds received by the trust from the former
 1311 Preservation 2000 Trust Fund, the Florida Forever Trust Fund, or
 1312 the Land Acquisition Trust Fund must contain such covenants and
 1313 restrictions as are sufficient to ensure that the use of such
 1314 real property at all times complies with s. 375.051 and s. 9,
 1315 Art. XII of the State Constitution. Each deed or lease with
 1316 respect to any real property acquired with funds received by the
 1317 trust from the Florida Forever Trust Fund before July 1, 2015,
 1318 must contain covenants and restrictions sufficient to ensure
 1319 that the use of such real property at all times complies with s.
 1320 11(e), Art. VII of the State Constitution. Each deed or lease
 1321 with respect to any real property acquired with funds received
 1322 by the trust from the Florida Forever Trust Fund after July 1,
 1323 2015, must contain covenants and restrictions sufficient to
 1324 ensure that the use of such real property at all times complies
 1325 with s. 28, Art. X of the State Constitution. Each deed or lease
 1326 must contain a reversion, conveyance, or termination clause that

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1327 vests title in the Board of Trustees of the Internal Improvement
1328 Trust Fund if any of the covenants or restrictions are violated
1329 by the titleholder or leaseholder or by some third party with
1330 the knowledge of the titleholder or leaseholder.

1331 Reviser's note.—Amended to conform to the termination of the
1332 Florida Preservation 2000 Trust Fund pursuant to s. 1, ch.
1333 2015-229, Laws of Florida, and the repeal of s. 375.045,
1334 which created the trust fund, by s. 52, ch. 2015-229.

1335 Section 42. Paragraph (g) of subsection (5) of section
1336 383.402, Florida Statutes, is amended to read:

1337 383.402 Child abuse death review; State Child Abuse Death
1338 Review Committee; local child abuse death review committees.—

1339 (5) ACCESS TO AND USE OF RECORDS.—

1340 (g) A person who has attended a meeting of the state
1341 committee or a local committee or who has otherwise participated
1342 in activities authorized by this section may not be permitted or
1343 required to testify in any civil, criminal, or administrative
1344 proceeding as to any records or information produced or
1345 presented to a committee during meetings or other activities
1346 authorized by this section. However, this paragraph ~~subsection~~
1347 does not prevent any person who testifies before the committee
1348 or who is a member of the committee from testifying as to
1349 matters otherwise within his or her knowledge. An organization,
1350 institution, committee member, or other person who furnishes
1351 information, data, reports, or records to the state committee or
1352 a local committee is not liable for damages to any person and is

1353 not subject to any other civil, criminal, or administrative
 1354 recourse. This paragraph ~~subsection~~ does not apply to any person
 1355 who admits to committing a crime.

1356 Reviser's note.—Amended to confirm the editorial substitution of
 1357 the word "paragraph" for the word "subsection" to conform
 1358 to the redesignation of subsection (14) as paragraph (5)(g)
 1359 by s. 4, ch. 2015-79, Laws of Florida.

1360 Section 43. Subsection (1) of section 395.1012, Florida
 1361 Statutes, is amended to read:

1362 395.1012 Patient safety.—

1363 (1) Each licensed facility must adopt a patient safety
 1364 plan. A plan adopted to implement the requirements of 42 C.F.R.
 1365 s. part 482.21 shall be deemed to comply with this requirement.

1366 Reviser's note.—Amended to facilitate correct interpretation.

1367 There is no 42 C.F.R. part 482.21; there is a 42 C.F.R. s.
 1368 482.21, which requires a program for quality improvement
 1369 and patient safety.

1370 Section 44. Paragraph (d) of subsection (1) of section
 1371 400.0065, Florida Statutes, is amended to read:

1372 400.0065 State Long-Term Care Ombudsman Program; duties
 1373 and responsibilities.—

1374 (1) The purpose of the State Long-Term Care Ombudsman
 1375 Program is to:

1376 (d) Ensure that residents have regular and timely access
 1377 to the services provided through the State Long-Term Care
 1378 Ombudsman Program and that residents and complainants receive

1379 | timely responses from representatives of the State Long-Term
 1380 | Care Ombudsman Program to their complaints.

1381 | Reviser's note.—Amended to confirm the editorial insertion of
 1382 | the word "Ombudsman" to conform to the name of the program
 1383 | established in s. 400.0063.

1384 | Section 45. Paragraph (a) of subsection (3) of section
 1385 | 400.0070, Florida Statutes, is amended to read:

1386 | 400.0070 Conflicts of interest.—

1387 | (3) The department, in consultation with the state
 1388 | ombudsman, shall define by rule:

1389 | (a) Situations that constitute a conflict of interest
 1390 | which could materially affect the objectivity or capacity of an
 1391 | individual to serve as a representative of the State Long-Term
 1392 | Care Ombudsman Program while carrying out the purposes of the
 1393 | State Long-Term Care Ombudsman Program as specified in this
 1394 | part.

1395 | Reviser's note.—Amended to confirm the editorial insertion of
 1396 | the word "Ombudsman" to conform to the name of the program
 1397 | established in s. 400.0063.

1398 | Section 46. Subsection (1) of section 400.0081, Florida
 1399 | Statutes, is amended to read:

1400 | 400.0081 Access to facilities, residents, and records.—

1401 | (1) A long-term care facility shall provide
 1402 | representatives of the State Long-Term Care Ombudsman Program
 1403 | with access to:

1404 | (a) The long-term care facility and its residents.

1405 (b) Where appropriate, medical and social records of a
 1406 resident for review if:

1407 1. The representative of the State Long-Term Care
 1408 Ombudsman Program has the permission of the resident or the
 1409 legal representative of the resident; or

1410 2. The resident is unable to consent to the review and
 1411 does not have a legal representative.

1412 (c) Medical and social records of a resident as necessary
 1413 to investigate a complaint, if:

1414 1. A legal representative or guardian of the resident
 1415 refuses to give permission;

1416 2. The representative of the State Long-Term Care
 1417 Ombudsman Program has reasonable cause to believe that the legal
 1418 representative or guardian is not acting in the best interests
 1419 of the resident; and

1420 3. The representative of the State Long-Term Care
 1421 Ombudsman Program obtains the approval of the state ombudsman.

1422 (d) ~~Access to~~ Administrative records, policies, and
 1423 documents to which residents or the general public have access.

1424 (e) Upon request, copies of all licensing and
 1425 certification records maintained by the state with respect to a
 1426 long-term care facility.

1427 Reviser's note.—The introductory paragraph to subsection (1) is
 1428 amended to confirm the editorial insertion of the word
 1429 "Ombudsman" to conform to the name of the program
 1430 established in s. 400.0063. Paragraph (1)(d) is amended to

1431 confirm the editorial deletion of the words "Access to" to
 1432 improve clarity.

1433 Section 47. Paragraph (c) of subsection (3) of section
 1434 400.0087, Florida Statutes, is amended to read:

1435 400.0087 Department oversight; funding.—

1436 (3) The department is responsible for ensuring that the
 1437 State Long-Term Care Ombudsman Program:

1438 (c) Provides appropriate training to representatives of
 1439 the State Long-Term Care Ombudsman Program ~~Office~~.

1440 Reviser's note.—Amended to substitute the term "State Long-Term
 1441 Care Ombudsman Program" for the term "State Long-Term Care
 1442 Ombudsman Office" to conform to context and revisions to
 1443 this material by ch. 2015-31, Laws of Florida.

1444 Section 48. Subsection (2) of section 400.022, Florida
 1445 Statutes, is amended to read:

1446 400.022 Residents' rights.—

1447 (2) The licensee for each nursing home shall orally inform
 1448 the resident of the resident's rights and provide a copy of the
 1449 statement required by subsection (1) to each resident or the
 1450 resident's legal representative at or before the resident's
 1451 admission to a facility. The licensee shall provide a copy of
 1452 the resident's rights to each staff member of the facility. Each
 1453 such licensee shall prepare a written plan and provide
 1454 appropriate staff training to implement the provisions of this
 1455 section. The written statement of rights must include a
 1456 statement that a resident may file a complaint with the agency

1457 or state or local ombudsman council. The statement must be in
 1458 boldfaced type and include the telephone number and e-mail
 1459 address of the State Long-Term Care Ombudsman Program and the
 1460 telephone numbers of the local ombudsman council and the Elder
 1461 Abuse Hotline operated by the Department of Children and
 1462 Families.

1463 Reviser's note.—Amended to confirm the editorial insertion of
 1464 the word "and" and to insert the word "telephone" to
 1465 improve clarity.

1466 Section 49. Paragraph (d) of subsection (1) of section
 1467 400.141, Florida Statutes, is amended to read:

1468 400.141 Administration and management of nursing home
 1469 facilities.—

1470 (1) Every licensed facility shall comply with all
 1471 applicable standards and rules of the agency and shall:

1472 (d) Provide for resident use of a community pharmacy as
 1473 specified in s. 400.022(1)(q). Any other law to the contrary
 1474 notwithstanding, a registered pharmacist licensed in Florida,
 1475 that is under contract with a facility licensed under this
 1476 chapter or chapter 429, shall repackage a nursing facility
 1477 resident's bulk prescription medication which has been packaged
 1478 by another pharmacist licensed in any state in the United States
 1479 into a unit dose system compatible with the system used by the
 1480 nursing facility, if the pharmacist is requested to offer such
 1481 service. In order to be eligible for the repackaging, a resident
 1482 or the resident's spouse must receive prescription medication

1483 benefits provided through a former employer as part of his or
 1484 her retirement benefits, a qualified pension plan as specified
 1485 in s. 4972 of the Internal Revenue Code, a federal retirement
 1486 program as specified under 5 C.F.R. part ~~s.~~ 831, or a long-term
 1487 care policy as defined in s. 627.9404(1). A pharmacist who
 1488 correctly repackages and relabels the medication and the nursing
 1489 facility which correctly administers such repackaged medication
 1490 under this paragraph may not be held liable in any civil or
 1491 administrative action arising from the repackaging. In order to
 1492 be eligible for the repackaging, a nursing facility resident for
 1493 whom the medication is to be repackaged shall sign an informed
 1494 consent form provided by the facility which includes an
 1495 explanation of the repackaging process and which notifies the
 1496 resident of the immunities from liability provided in this
 1497 paragraph. A pharmacist who repackages and relabels prescription
 1498 medications, as authorized under this paragraph, may charge a
 1499 reasonable fee for costs resulting from the implementation of
 1500 this provision.

1501 Reviser's note.—Amended to facilitate correct interpretation.

1502 There is no 5 C.F.R. s. 831; there is a 5 C.F.R. part 831,
 1503 which relates to retirement.

1504 Section 50. Paragraph (b) of subsection (1) of section
 1505 403.5363, Florida Statutes, is amended to read:

1506 403.5363 Public notices; requirements.—

1507 (1)

1508 (b) Public notices that must be published under this

1509 section include:

1510 1. The notice of the filing of an application, which must
1511 include a description of the proceedings required by this act.
1512 The notice must describe the provisions of s. 403.531(1) and (2)
1513 and give the date by which notice of intent to be a party or a
1514 petition to intervene in accordance with s. 403.527(2) must be
1515 filed. This notice must be published no more than 21 days after
1516 the application is filed. The notice shall, at a minimum, be
1517 one-half page in size in a standard size newspaper or a full
1518 page in a tabloid size newspaper. The notice must include a map
1519 generally depicting all transmission corridors proper for
1520 certification.

1521 2. The notice of the certification hearing and any public
1522 hearing held under s. 403.527(4). The notice must include the
1523 date by which a person wishing to appear as a party must file
1524 the notice to do so. The notice of the originally scheduled
1525 certification hearing must be published at least 65 days before
1526 the date set for the certification hearing. The notice shall
1527 meet the size and map requirements set forth in subparagraph 1.

1528 3. The notice of the cancellation of the certification
1529 hearing under s. 403.527(6), if applicable. The notice must be
1530 published at least 3 days before the date of the originally
1531 scheduled certification hearing. The notice shall, at a minimum,
1532 be one-fourth page in size in a standard size newspaper or one-
1533 half page in a tabloid size newspaper. The notice shall not
1534 require a map to be included.

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1535 4. The notice of the deferment of the certification
1536 hearing due to the acceptance of an alternate corridor under s.
1537 403.5271(1)(b)2. ~~403.5272(1)(b)2.~~ The notice must be published
1538 at least 7 days before the date of the originally scheduled
1539 certification hearing. The notice shall, at a minimum, be one-
1540 eighth page in size in a standard size newspaper or one-fourth
1541 page in a tabloid size newspaper. The notice shall not require a
1542 map to be included.

1543 5. If the notice of the rescheduled certification hearing
1544 required of an alternate proponent under s. 403.5271(1)(c) is
1545 not timely published or does not meet the notice requirements
1546 such that an alternate corridor is withdrawn under the
1547 provisions of s. 403.5271(1)(c), the notice of the rescheduled
1548 hearing and any local hearings shall be provided by the
1549 applicant at least 30 days prior to the rescheduled
1550 certification hearing.

1551 6. The notice of the filing of a proposal to modify the
1552 certification submitted under s. 403.5315, if the department
1553 determines that the modification would require relocation or
1554 expansion of the transmission line right-of-way or a certified
1555 substation.

1556 Reviser's note.—Amended to conform to context and facilitate
1557 correct interpretation. Section 403.5272(1)(b)2. does not
1558 exist; s. 403.5271(1)(b)2. relates to certification
1559 hearings for alternate corridors.
1560 Section 51. Section 408.301, Florida Statutes, is amended

1561 to read:

1562 408.301 Legislative findings.—The Legislature has found
 1563 that access to quality, affordable, health care for all
 1564 Floridians is an important goal for the state. The Legislature
 1565 recognizes that there are Floridians with special health care
 1566 and social needs which require particular attention. The people
 1567 served by the Department of Children and Families, the Agency
 1568 for Persons with Disabilities, the Department of Health, and the
 1569 Department of Elderly Affairs are examples of citizens with
 1570 special needs. The Legislature further recognizes that the
 1571 Medicaid program is an intricate part of the service delivery
 1572 system for the special needs citizens. However, the Agency for
 1573 Health Care Administration is not a service provider and does
 1574 not develop or direct programs for the special needs citizens.
 1575 Therefore, it is the intent of the Legislature that the Agency
 1576 for Health Care Administration work closely with the Department
 1577 of Children and Families, the Agency for Persons with
 1578 Disabilities, the Department of Health, and the Department of
 1579 Elderly Affairs in developing plans for assuring access to all
 1580 Floridians in order to assure that the needs of special needs
 1581 citizens are met.

1582 Reviser's note.—Amended to insert the word "needs" to conform to
 1583 context and facilitate correct interpretation.

1584 Section 52. Subsection (2) of section 409.978, Florida
 1585 Statutes, is amended to read:

1586 409.978 Long-term care managed care program.—

1587 (2) The agency shall make payments for long-term care,
 1588 including home and community-based services, using a managed
 1589 care model. Unless otherwise specified, ss. 409.961-409.969
 1590 ~~409.961-409.97~~ apply to the long-term care managed care program.
 1591 Reviser's note.—Amended to conform to the repeal of s. 409.97 by
 1592 s. 11, ch. 2015-225, Laws of Florida.

1593 Section 53. Section 415.113, Florida Statutes, is amended
 1594 to read:

1595 415.113 Statutory construction; treatment by spiritual
 1596 means.—Nothing in ss. 415.101-415.1115 ~~415.101-415.112~~ shall be
 1597 construed to mean a person is abused, neglected, or in need of
 1598 emergency or protective services for the sole reason that the
 1599 person relies upon and is, therefore, being furnished treatment
 1600 by spiritual means through prayer alone in accordance with the
 1601 tenets and practices of a well-recognized church or religious
 1602 denomination or organization; nor shall anything in such
 1603 sections be construed to authorize, permit, or require any
 1604 medical care or treatment in contravention of the stated or
 1605 implied objection of such person. Such construction does not:

- 1606 (1) Eliminate the requirement that such a case be reported
- 1607 to the department;
- 1608 (2) Prevent the department from investigating such a case;
- 1609 or
- 1610 (3) Preclude a court from ordering, when the health of the
- 1611 individual requires it, the provision of medical services by a
- 1612 licensed physician or treatment by a duly accredited

1613 practitioner who relies solely on spiritual means for healing in
 1614 accordance with the tenets and practices of a well-recognized
 1615 church or religious denomination or organization.

1616 Reviser's note.—Amended to conform to the repeal of s. 415.112
 1617 by s. 31, ch. 2015-4, Laws of Florida.

1618 Section 54. Paragraph (1) of subsection (5) of section
 1619 456.074, Florida Statutes, is amended to read:

1620 456.074 Certain health care practitioners; immediate
 1621 suspension of license.—

1622 (5) The department shall issue an emergency order
 1623 suspending the license of a massage therapist or establishment
 1624 as defined in chapter 480 upon receipt of information that the
 1625 massage therapist, a person with an ownership interest in the
 1626 establishment, or, for a corporation that has more than \$250,000
 1627 of business assets in this state, the owner, officer, or
 1628 individual directly involved in the management of the
 1629 establishment has been convicted or found guilty of, or has
 1630 entered a plea of guilty or nolo contendere to, regardless of
 1631 adjudication, a felony offense under any of the following
 1632 provisions of state law or a similar provision in another
 1633 jurisdiction:

1634 (1) Section 796.07(4)(a) ~~3.796.07(4)(e)~~, relating to a
 1635 felony of the third degree for a third or subsequent violation
 1636 of s. 796.07, relating to prohibiting prostitution and related
 1637 acts.

1638 Reviser's note.—Amended to conform to the redesignation of s.

1639 796.07(4)(c) as s. 796.07(4)(a)3. by s. 1, ch. 2015-145,
 1640 Laws of Florida.

1641 Section 55. Paragraph (a) of subsection (1) of section
 1642 458.3265, Florida Statutes, is amended to read:

1643 458.3265 Pain-management clinics.—

1644 (1) REGISTRATION.—

1645 (a)1. As used in this section, the term:

1646 a. "Board eligible" means successful completion of an
 1647 anesthesia, physical medicine and rehabilitation, rheumatology,
 1648 or neurology residency program approved by the Accreditation
 1649 Council for Graduate Medical Education or the American
 1650 Osteopathic Association for a period of 6 years from successful
 1651 completion of such residency program.

1652 b. "Chronic nonmalignant pain" means pain unrelated to
 1653 cancer which persists beyond the usual course of disease or the
 1654 injury that is the cause of the pain or more than 90 days after
 1655 surgery.

1656 c. "Pain-management clinic" or "clinic" means any publicly
 1657 or privately owned facility:

1658 (I) That advertises in any medium for any type of pain-
 1659 management services; or

1660 (II) Where in any month a majority of patients are
 1661 prescribed opioids, benzodiazepines, barbiturates, or
 1662 carisoprodol for the treatment of chronic nonmalignant pain.

1663 2. Each pain-management clinic must register with the
 1664 department unless:

- 1665 a. That clinic is licensed as a facility pursuant to
 1666 chapter 395;
- 1667 b. The majority of the physicians who provide services in
 1668 the clinic primarily provide surgical services;
- 1669 c. The clinic is owned by a publicly held corporation
 1670 whose shares are traded on a national exchange or on the over-
 1671 the-counter market and whose total assets at the end of the
 1672 corporation's most recent fiscal quarter exceeded \$50 million;
- 1673 d. The clinic is affiliated with an accredited medical
 1674 school at which training is provided for medical students,
 1675 residents, or fellows;
- 1676 e. The clinic does not prescribe controlled substances for
 1677 the treatment of pain;
- 1678 f. The clinic is owned by a corporate entity exempt from
 1679 federal taxation under 26 U.S.C. s. 501(c)(3);
- 1680 g. The clinic is wholly owned and operated by one or more
 1681 board-eligible or board-certified anesthesiologists,
 1682 physiatrists, rheumatologists, or neurologists; or
- 1683 h. The clinic is wholly owned and operated by a physician
 1684 multispecialty practice where one or more board-eligible or
 1685 board-certified medical specialists, who have also completed
 1686 fellowships in pain medicine approved by the Accreditation
 1687 Council for Graduate Medical Education, ~~or~~ or who are also board-
 1688 certified in pain medicine by the American Board of Pain
 1689 Medicine or a board approved by the American Board of Medical
 1690 Specialties, the American Association of Physician Specialists,

1691 or the American Osteopathic Association, and perform
 1692 interventional pain procedures of the type routinely billed
 1693 using surgical codes.

1694 Reviser's note.—Amended to facilitate correct interpretation and
 1695 improve clarity.

1696 Section 56. Paragraph (a) of subsection (1) of section
 1697 459.0137, Florida Statutes, is amended to read:

1698 459.0137 Pain-management clinics.—

1699 (1) REGISTRATION.—

1700 (a)1. As used in this section, the term:

1701 a. "Board eligible" means successful completion of an
 1702 anesthesia, physical medicine and rehabilitation, rheumatology,
 1703 or neurology residency program approved by the Accreditation
 1704 Council for Graduate Medical Education or the American
 1705 Osteopathic Association for a period of 6 years from successful
 1706 completion of such residency program.

1707 b. "Chronic nonmalignant pain" means pain unrelated to
 1708 cancer which persists beyond the usual course of disease or the
 1709 injury that is the cause of the pain or more than 90 days after
 1710 surgery.

1711 c. "Pain-management clinic" or "clinic" means any publicly
 1712 or privately owned facility:

1713 (I) That advertises in any medium for any type of pain-
 1714 management services; or

1715 (II) Where in any month a majority of patients are
 1716 prescribed opioids, benzodiazepines, barbiturates, or

1717 carisoprodol for the treatment of chronic nonmalignant pain.
 1718 2. Each pain-management clinic must register with the
 1719 department unless:
 1720 a. That clinic is licensed as a facility pursuant to
 1721 chapter 395;
 1722 b. The majority of the physicians who provide services in
 1723 the clinic primarily provide surgical services;
 1724 c. The clinic is owned by a publicly held corporation
 1725 whose shares are traded on a national exchange or on the over-
 1726 the-counter market and whose total assets at the end of the
 1727 corporation's most recent fiscal quarter exceeded \$50 million;
 1728 d. The clinic is affiliated with an accredited medical
 1729 school at which training is provided for medical students,
 1730 residents, or fellows;
 1731 e. The clinic does not prescribe controlled substances for
 1732 the treatment of pain;
 1733 f. The clinic is owned by a corporate entity exempt from
 1734 federal taxation under 26 U.S.C. s. 501(c)(3);
 1735 g. The clinic is wholly owned and operated by one or more
 1736 board-eligible or board-certified anesthesiologists,
 1737 physiatrists, rheumatologists, or neurologists; or
 1738 h. The clinic is wholly owned and operated by a physician
 1739 multispecialty practice where one or more board-eligible or
 1740 board-certified medical specialists, who have also completed
 1741 fellowships in pain medicine approved by the Accreditation
 1742 Council for Graduate Medical Education or the American

1743 Osteopathic Association~~7~~ or who are also board-certified in pain
 1744 medicine by the American Board of Pain Medicine or a board
 1745 approved by the American Board of Medical Specialties, the
 1746 American Association of Physician Specialists, or the American
 1747 Osteopathic Association, and perform interventional pain
 1748 procedures of the type routinely billed using surgical codes.
 1749 Reviser's note.—Amended to facilitate correct interpretation and
 1750 improve clarity.

1751 Section 57. Subsections (1), (2), and (3) of section
 1752 468.503, Florida Statutes, are amended and reordered to read:

1753 468.503 Definitions.—As used in this part:

1754 (1)~~(2)~~ "Board" means the Board of Medicine.

1755 (2)~~(3)~~ "Commission" means the Commission on Dietetic
 1756 Registration, the credentialing agency of the Academy of
 1757 Nutrition and Dietetics.

1758 (3)~~(1)~~ "Department" means the Department of Health
 1759 ~~"Agency" means the Agency for Health Care Administration.~~

1760 Reviser's note.—The definition of "department" as the
 1761 "Department of Health" was substituted by the editors for a
 1762 definition of "agency" as the "Agency for Health Care
 1763 Administration" to conform to the fact that s.
 1764 20.43(3)(g)17. provides that Dietetics and Nutrition
 1765 Practice, as provided under part X of chapter 468, is under
 1766 the Division of Medical Quality Assurance of the Department
 1767 of Health. Section 8, ch. 96-403, Laws of Florida, enacted
 1768 s. 20.43, and provided for department oversight of

1769 Dietetics and Nutrition Practice, effective July 1, 1997.
 1770 Some references to the Agency for Health Care
 1771 Administration were never conformed.

1772 Section 58. Subsections (1), (2), and (4) of section
 1773 468.509, Florida Statutes, are amended to read:

1774 468.509 Dietitian/nutritionist; requirements for
 1775 licensure.—

1776 (1) Any person desiring to be licensed as a
 1777 dietitian/nutritionist shall apply to the department ~~agency~~ to
 1778 take the licensure examination.

1779 (2) The department ~~agency~~ shall examine any applicant who
 1780 the board certifies has completed the application form and
 1781 remitted the application and examination fees specified in s.
 1782 468.508 and who:

1783 (a)1. Possesses a baccalaureate or postbaccalaureate
 1784 degree with a major course of study in human nutrition, food and
 1785 nutrition, dietetics, or food management, or an equivalent major
 1786 course of study, from a school or program accredited, at the
 1787 time of the applicant's graduation, by the appropriate
 1788 accrediting agency recognized by the Commission on Recognition
 1789 of Postsecondary Accreditation and the United States Department
 1790 of Education; and

1791 2. Has completed a preprofessional experience component of
 1792 not less than 900 hours or has education or experience
 1793 determined to be equivalent by the board; or

1794 (b)1. Has an academic degree, from a foreign country, that

1795 has been validated by an accrediting agency approved by the
 1796 United States Department of Education as equivalent to the
 1797 baccalaureate or postbaccalaureate degree conferred by a
 1798 regionally accredited college or university in the United
 1799 States;

1800 2. Has completed a major course of study in human
 1801 nutrition, food and nutrition, dietetics, or food management;
 1802 and

1803 3. Has completed a preprofessional experience component of
 1804 not less than 900 hours or has education or experience
 1805 determined to be equivalent by the board.

1806 (4) The department ~~agency~~ shall license as a
 1807 dietitian/nutritionist any applicant who has remitted the
 1808 initial licensure fee and has passed the examination in
 1809 accordance with this section.

1810 Reviser's note.—The word "department" was substituted for the
 1811 word "agency" by the editors to conform to the fact that s.
 1812 20.43(3)(g)17. provides that Dietetics and Nutrition
 1813 Practice, as provided under part X of chapter 468, is under
 1814 the Division of Medical Quality Assurance of the Department
 1815 of Health. Section 8, ch. 96-403, Laws of Florida, enacted
 1816 s. 20.43, and provided for department oversight of
 1817 Dietetics and Nutrition Practice, effective July 1, 1997.
 1818 Some references to the Agency for Health Care
 1819 Administration were never conformed.
 1820 Section 59. Subsections (1) and (3) of section 468.513,

1821 Florida Statutes, are amended to read:

1822 468.513 Dietitian/nutritionist; licensure by endorsement.—

1823 (1) The department ~~agency~~ shall issue a license to
 1824 practice dietetics and nutrition by endorsement to any applicant
 1825 who the board certifies as qualified, upon receipt of a
 1826 completed application and the fee specified in s. 468.508.

1827 (3) The department ~~agency~~ shall not issue a license by
 1828 endorsement under this section to any applicant who is under
 1829 investigation in any jurisdiction for any act which would
 1830 constitute a violation of this part or chapter 456 until such
 1831 time as the investigation is complete and disciplinary
 1832 proceedings have been terminated.

1833 Reviser's note.—The word "department" was substituted for the
 1834 word "agency" by the editors to conform to the fact that s.
 1835 20.43(3)(g)17. provides that Dietetics and Nutrition
 1836 Practice, as provided under part X of chapter 468, is under
 1837 the Division of Medical Quality Assurance of the Department
 1838 of Health. Section 8, ch. 96-403, Laws of Florida, enacted
 1839 s. 20.43, and provided for department oversight of
 1840 Dietetics and Nutrition Practice, effective July 1, 1997.
 1841 Some references to the Agency for Health Care
 1842 Administration were never conformed.

1843 Section 60. Section 468.514, Florida Statutes, is amended
 1844 to read:

1845 468.514 Renewal of license.—

1846 (1) The department ~~agency~~ shall renew a license under this

1847 part upon receipt of the renewal application, fee, and proof of
 1848 the successful completion of continuing education requirements
 1849 as determined by the board.

1850 (2) The department ~~agency~~ shall adopt rules establishing a
 1851 procedure for the biennial renewal of licenses under this part.

1852 Reviser's note.—The word "department" was substituted for the
 1853 word "agency" by the editors to conform to the fact that s.
 1854 20.43(3)(g)17. provides that Dietetics and Nutrition
 1855 Practice, as provided under part X of chapter 468, is under
 1856 the Division of Medical Quality Assurance of the Department
 1857 of Health. Section 8, ch. 96-403, Laws of Florida, enacted
 1858 s. 20.43, and provided for department oversight of
 1859 Dietetics and Nutrition Practice, effective July 1, 1997.
 1860 Some references to the Agency for Health Care
 1861 Administration were never conformed.

1862 Section 61. Subsection (2) of section 468.515, Florida
 1863 Statutes, is amended to read:

1864 468.515 Inactive status.—

1865 (2) The department ~~agency~~ shall reactivate a license under
 1866 this part upon receipt of the reactivation application, fee, and
 1867 proof of the successful completion of continuing education
 1868 prescribed by the board.

1869 Reviser's note.—The word "department" was substituted for the
 1870 word "agency" by the editors to conform to the fact that s.
 1871 20.43(3)(g)17. provides that Dietetics and Nutrition
 1872 Practice, as provided under part X of chapter 468, is under

1873 the Division of Medical Quality Assurance of the Department
 1874 of Health. Section 8, ch. 96-403, Laws of Florida, enacted
 1875 s. 20.43, and provided for department oversight of
 1876 Dietetics and Nutrition Practice, effective July 1, 1997.
 1877 Some references to the Agency for Health Care
 1878 Administration were never conformed.

1879 Section 62. Paragraph (a) of subsection (1) and subsection
 1880 (3) of section 468.518, Florida Statutes, are amended to read:

1881 468.518 Grounds for disciplinary action.—

1882 (1) The following acts constitute grounds for denial of a
 1883 license or disciplinary action, as specified in s. 456.072(2):

1884 (a) Violating any provision of this part, any board or
 1885 department ~~agency~~ rule adopted pursuant thereto, or any lawful
 1886 order of the board or department ~~agency~~ previously entered in a
 1887 disciplinary hearing held pursuant to this part, or failing to
 1888 comply with a lawfully issued subpoena of the department ~~agency~~.

1889 The provisions of this paragraph also apply to any order or
 1890 subpoena previously issued by the Department of Health during
 1891 its period of regulatory control over this part.

1892 (3) The department ~~agency~~ shall reissue the license of a
 1893 disciplined dietitian/nutritionist or nutrition counselor upon
 1894 certification by the board that the disciplined
 1895 dietitian/nutritionist or nutrition counselor has complied with
 1896 all of the terms and conditions set forth in the final order.

1897 Reviser's note.—The word "department" was substituted for the
 1898 word "agency" by the editors to conform to the fact that s.

1899 20.43(3)(g)17. provides that Dietetics and Nutrition
 1900 Practice, as provided under part X of chapter 468, is under
 1901 the Division of Medical Quality Assurance of the Department
 1902 of Health. Section 8, ch. 96-403, Laws of Florida, enacted
 1903 s. 20.43, and provided for department oversight of
 1904 Dietetics and Nutrition Practice, effective July 1, 1997.
 1905 Some references to the Agency for Health Care
 1906 Administration were never conformed.

1907 Section 63. Paragraph (1) of subsection (7) of section
 1908 480.041, Florida Statutes, is amended to read:

1909 480.041 Massage therapists; qualifications; licensure;
 1910 endorsement.—

1911 (7) The board shall deny an application for a new or
 1912 renewal license if an applicant has been convicted or found
 1913 guilty of, or enters a plea of guilty or nolo contendere to,
 1914 regardless of adjudication, a felony offense under any of the
 1915 following provisions of state law or a similar provision in
 1916 another jurisdiction:

1917 (1) Section 796.07(4)(a)3. ~~796.07(4)(c)~~, relating to a
 1918 felony of the third degree for a third or subsequent violation
 1919 of s. 796.07, relating to prohibiting prostitution and related
 1920 acts.

1921 Reviser's note.—Amended to conform to the redesignation of s.
 1922 796.07(4)(c) as s. 796.07(4)(a)3. by s. 1, ch. 2015-145,
 1923 Laws of Florida.

1924 Section 64. Paragraph (1) of subsection (8) of section

1925 480.043, Florida Statutes, is amended to read:

1926 480.043 Massage establishments; requisites; licensure;
1927 inspection.—

1928 (8) The department shall deny an application for a new or
1929 renewal license if a person with an ownership interest in the
1930 establishment or, for a corporation that has more than \$250,000
1931 of business assets in this state, the owner, officer, or
1932 individual directly involved in the management of the
1933 establishment has been convicted or found guilty of, or entered
1934 a plea of guilty or nolo contendere to, regardless of
1935 adjudication, a felony offense under any of the following
1936 provisions of state law or a similar provision in another
1937 jurisdiction:

1938 (1) Section 796.07(4)(a)3. ~~796.07(4)(e)~~, relating to a
1939 felony of the third degree for a third or subsequent violation
1940 of s. 796.07, relating to prohibiting prostitution and related
1941 acts.

1942 Reviser's note.—Amended to conform to the redesignation of s.
1943 796.07(4)(c) as s. 796.07(4)(a)3. by s. 1, ch. 2015-145,
1944 Laws of Florida.

1945 Section 65. Subsection (3) of section 497.159, Florida
1946 Statutes, is amended to read:

1947 497.159 Crimes.—

1948 (3) Any person who willfully obstructs the department or
1949 its examiner in any examination or investigation authorized by
1950 this chapter commits a misdemeanor of the second degree ~~and is,~~

1951 ~~in addition to any disciplinary action under this chapter,~~
 1952 punishable as provided in s. 775.082 or s. 775.083, in addition
 1953 to any disciplinary action under this chapter. The initiation of
 1954 action in any court by or on behalf of any licensee to terminate
 1955 or limit any examination or investigation under this chapter
 1956 shall not constitute a violation under this subsection.

1957 Reviser's note.—Amended to facilitate correct interpretation and
 1958 improve clarity.

1959 Section 66. Paragraph (a) of subsection (6) of section
 1960 546.10, Florida Statutes, is amended to read:

1961 546.10 Amusement games or machines.—

1962 (6) (a) A Type B amusement game or machine may only be
 1963 operated at:

1964 1. A facility as defined in s. 721.05(17) that is under
 1965 the control of a timeshare plan.~~†~~

1966 2. A public lodging establishment or public food service
 1967 establishment licensed pursuant to chapter 509.~~†~~

1968 3. The following premises, if the owner or operator of the
 1969 premises has a current license issued by the Department of
 1970 Business and Professional Regulation pursuant to chapter 509,
 1971 chapter 561, chapter 562, chapter 563, chapter 564, chapter 565,
 1972 chapter 567, or chapter 568:

1973 a. An arcade amusement center;

1974 b. A bowling center, as defined in s. 849.141; or

1975 c. A truck stop.

1976 Reviser's note.—Amended to improve punctuation.

1977 Section 67. Paragraph (q) of subsection (1) of section
 1978 553.74, Florida Statutes, is amended to read:

1979 553.74 Florida Building Commission.—

1980 (1) The Florida Building Commission is created and located
 1981 within the Department of Business and Professional Regulation
 1982 for administrative purposes. Members are appointed by the
 1983 Governor subject to confirmation by the Senate. The commission
 1984 is composed of 27 members, consisting of the following:

1985 (q) One member of the building products manufacturing
 1986 industry who is authorized to do business in this state and is
 1987 actively engaged in the industry. The Florida Building Material
 1988 Association, the Florida Concrete and Products ~~Product~~
 1989 Association, and the Fenestration Manufacturers Association are
 1990 encouraged to recommend a list of candidates for consideration.
 1991 Reviser's note.—Amended to conform to the correct name of the
 1992 Florida Concrete and Products Association.

1993 Section 68. Paragraph (b) of subsection (7) of section
 1994 559.55, Florida Statutes, is amended to read:

1995 559.55 Definitions.—The following terms shall, unless the
 1996 context otherwise indicates, have the following meanings for the
 1997 purpose of this part:

1998 (7) "Debt collector" means any person who uses any
 1999 instrumentality of commerce within this state, whether initiated
 2000 from within or outside this state, in any business the principal
 2001 purpose of which is the collection of debts, or who regularly
 2002 collects or attempts to collect, directly or indirectly, debts

2003 owed or due or asserted to be owed or due another. The term
 2004 "debt collector" includes any creditor who, in the process of
 2005 collecting her or his own debts, uses any name other than her or
 2006 his own which would indicate that a third person is collecting
 2007 or attempting to collect such debts. The term does not include:

2008 (b) Any person while acting as a debt collector for
 2009 another person, both of whom are related by common ownership or
 2010 affiliated by corporate control, if the person is acting as a
 2011 debt collector for persons to whom it is so related or
 2012 affiliated and if the principal business of such persons is not
 2013 the collection of debts;

2014 Reviser's note.—Amended to confirm the editorial insertion of
 2015 the word "is."

2016 Section 69. Subsection (7) of section 559.555, Florida
 2017 Statutes, is amended to read:

2018 559.555 Registration of consumer collection agencies;
 2019 procedure.—

2020 ~~(7) A consumer collection agency registrant whose initial~~
 2021 ~~registration was approved and issued by the office pursuant to~~
 2022 ~~this section before October 1, 2014, and who seeks renewal of~~
 2023 ~~the registration must submit fingerprints for each control~~
 2024 ~~person for live scan processing as described in paragraph~~
 2025 ~~(2)(c). The fingerprints must be submitted before renewing a~~
 2026 ~~registration that is scheduled to expire on December 31, 2014.~~

2027 Reviser's note.—Amended to delete an obsolete provision.

2028 Section 70. Paragraph (c) of subsection (1) of section

2029 560.141, Florida Statutes, is amended to read:

2030 560.141 License application.—

2031 (1) To apply for a license as a money services business
2032 under this chapter, the applicant must submit:

2033 (c) Fingerprints for each person listed in subparagraph
2034 (a)3. for live-scan processing in accordance with rules adopted
2035 by the commission.

2036 1. The fingerprints may be submitted through a third-party
2037 vendor authorized by the Department of Law Enforcement to
2038 provide live-scan fingerprinting.

2039 2. The Department of Law Enforcement must conduct the
2040 state criminal history background check, and a federal criminal
2041 history background check must be conducted through the Federal
2042 Bureau of Investigation.

2043 3. All fingerprints submitted to the Department of Law
2044 Enforcement must be submitted electronically and entered into
2045 the statewide automated fingerprint identification system
2046 established in s. 943.05(2)(b) and available for use in
2047 accordance with s. 943.05(2)(g) and (h). The office shall pay an
2048 annual fee to the Department of Law Enforcement to participate
2049 in the system and shall inform the Department of Law Enforcement
2050 of any person whose fingerprints no longer must be retained.

2051 4. The costs of fingerprint processing, including the cost
2052 of retaining the fingerprints, shall be borne by the person
2053 subject to the background check.

2054 5. The office shall review the results of the state and

2055 federal criminal history background checks and determine whether
 2056 the applicant meets licensure requirements.

2057 6. For purposes of this paragraph, fingerprints are not
 2058 required to be submitted if the applicant is a publicly traded
 2059 corporation or is exempted from this chapter under s.
 2060 560.104(1). The term "publicly traded" means a stock is
 2061 currently traded on a national securities exchange registered
 2062 with the federal Securities and Exchange Commission or traded on
 2063 an exchange in a country other than the United States regulated
 2064 by a regulator equivalent to the Securities and Exchange
 2065 Commission and the disclosure and reporting requirements of such
 2066 regulator are substantially similar to those of the commission.

2067 ~~7. Licensees initially approved before October 1, 2013,~~
 2068 ~~who are seeking renewal must submit fingerprints for each person~~
 2069 ~~listed in subparagraph (a)3. for live-scan processing pursuant~~
 2070 ~~to this paragraph. Such fingerprints must be submitted before~~
 2071 ~~renewing a license that is scheduled to expire between April 30,~~
 2072 ~~2014, and December 31, 2015.~~

2073 Reviser's note.—Amended to delete an obsolete provision.

2074 Section 71. Paragraph (a) of subsection (13) of section
 2075 561.42, Florida Statutes, is amended to read:

2076 561.42 Tied house evil; financial aid and assistance to
 2077 vendor by manufacturer, distributor, importer, primary American
 2078 source of supply, brand owner or registrant, or any broker,
 2079 sales agent, or sales person thereof, prohibited; procedure for
 2080 enforcement; exception.—

2081 (13) A licensee under the Beverage Law may not possess or
 2082 use, in physical or electronic format, any type of malt beverage
 2083 coupon or malt beverage cross-merchandising coupon in this
 2084 state, where:

2085 (a) The coupon is produced, sponsored, or furnished,
 2086 whether directly or indirectly, by an alcoholic ~~alcohol~~ beverage
 2087 manufacturer, distributor, importer, brand owner, or brand
 2088 registrant or any broker, sales agent, or sales person thereof;
 2089 and

2090 Reviser's note.—Amended to conform to context and facilitate
 2091 correct interpretation.

2092 Section 72. Subsection (4) of section 561.57, Florida
 2093 Statutes, is amended to read:

2094 561.57 Deliveries by licensees.—

2095 (4) Nothing contained in this section shall prohibit
 2096 deliveries by the licensee from his or her permitted storage
 2097 area or deliveries by a distributor from the manufacturer to his
 2098 or her licensed premises; nor shall a pool buying agent be
 2099 prohibited from transporting pool purchases to the licensed
 2100 premises of his or her members with the licensee's owned or
 2101 leased vehicles, ~~and in such cases,~~. In addition, a licensed
 2102 salesperson of wine and spirits is authorized to deliver
 2103 alcoholic beverages in his or her vehicle on behalf of the
 2104 distributor.

2105 Reviser's note.—Amended to confirm the editorial deletion of the
 2106 phrase ", and in such cases," to conform to the striking of

2107 | the remaining words of the sentence by s. 5, ch. 2015-12,
 2108 | Laws of Florida.

2109 | Section 73. Paragraph (b) of subsection (2) of section
 2110 | 605.0410, Florida Statutes, is amended to read:

2111 | 605.0410 Records to be kept; rights of member, manager,
 2112 | and person dissociated to information.—

2113 | (2) In a member-managed limited liability company, the
 2114 | following rules apply:

2115 | (b) The company shall furnish to each member:

2116 | 1. Without demand, any information concerning the
 2117 | company's activities, affairs, financial condition, and other
 2118 | circumstances that is known to ~~that~~ the company ~~knows~~ and is
 2119 | material to the proper exercise of the member's rights and
 2120 | duties under the operating agreement or this chapter, except to
 2121 | the extent the company can establish that it reasonably believes
 2122 | the member already knows the information; and

2123 | 2. On demand, other information concerning the company's
 2124 | activities, affairs, financial condition, and other
 2125 | circumstances, except to the extent the demand or information
 2126 | demanded is unreasonable or otherwise improper under the
 2127 | circumstances.

2128 | Reviser's note.—Amended to improve clarity and to facilitate
 2129 | correct interpretation.

2130 | Section 74. Section 610.1201, Florida Statutes, is amended
 2131 | to read:

2132 | 610.1201 Severability.—If any provision of ss. 610.102-

2133 610.118 ~~610.102-610.119~~ or the application thereof to any person
 2134 or circumstance is held invalid, such invalidity shall not
 2135 affect other provisions or application of ss. 610.102-610.118
 2136 ~~610.102-610.119~~ which can be given effect without the invalid
 2137 provision or application, and to this end the provisions of ss.
 2138 610.102-610.118 ~~610.102-610.119~~ are severable.

2139 Reviser's note.—Amended to conform to the repeal of s. 610.119
 2140 by s. 1, ch. 2014-90, Laws of Florida.

2141 Section 75. Subsection (3) of section 617.01301, Florida
 2142 Statutes, is amended to read:

2143 617.01301 Powers of Department of State.—

2144 (3) The Department of State may, based upon its findings
 2145 hereunder or as provided in s. 213.053(15) ~~213.053(13)~~, bring an
 2146 action in circuit court to collect any penalties, fees, or taxes
 2147 determined to be due and owing the state and to compel any
 2148 filing, qualification, or registration required by law. In
 2149 connection with such proceeding the department may, without
 2150 prior approval by the court, file a lis pendens against any
 2151 property owned by the corporation and may further certify any
 2152 findings to the Department of Legal Affairs for the initiation
 2153 of any action permitted pursuant to s. 617.0503 which the
 2154 Department of Legal Affairs may deem appropriate.

2155 Reviser's note.—Amended to conform to the fact that s.
 2156 213.053(15), not s. 2130.053(13), references the Department
 2157 of State and to conform to similar provisions in ss.
 2158 605.1104 and 607.0130.

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2016

2159 Section 76. Section 618.221, Florida Statutes, is amended
2160 to read:

2161 618.221 Conversion into a corporation for profit.—Any
2162 association incorporated under or that has adopted the
2163 provisions of this chapter, may, by a majority vote of its
2164 stockholders or members be brought under part I of chapter 607,
2165 as a corporation for profit by surrendering all right to carry
2166 on its business under this chapter, and the privileges and
2167 immunities incident thereto. It shall make out in duplicate a
2168 statement signed and sworn to by its directors to the effect
2169 that the association has, by a majority vote of its stockholders
2170 or members, decided to surrender all rights, powers, and
2171 privileges as a nonprofit cooperative marketing association
2172 under this chapter and to do business under and be bound by part
2173 I of chapter 607, as a corporation for profit and has authorized
2174 all changes accordingly. Articles of incorporation shall be
2175 delivered to the Department of State for filing as required
2176 under part I of chapter 607, except that they shall be signed by
2177 the members of the then board of directors. The filing fees and
2178 taxes shall be as provided under part I of chapter 607. Such
2179 articles of incorporation shall adequately protect and preserve
2180 the relative rights of the stockholders or members of the
2181 association so converting into a corporation for profit;
2182 provided that no rights or obligations due any stockholder or
2183 member of such association or any other person, firm, or
2184 corporation which have ~~has~~ not been waived or satisfied shall be

2185 | impaired by such conversion into a corporation for profit as
 2186 | herein authorized.

2187 | Reviser's note.—Amended to improve clarity and facilitate
 2188 | correct interpretation.

2189 | Section 77. Section 624.35, Florida Statutes, is repealed.

2190 | Reviser's note.—Repealed to delete a provision that has served
 2191 | its purpose. Section 624.35 is the short title for the
 2192 | "Medicaid and Public Assistance Fraud Strike Force,"
 2193 | consisting of ss. 624.35, 624.351, and 624.352. Sections
 2194 | 624.351 and 624.352 were repealed by ss. 21, 22, ch. 2015-
 2195 | 3, Laws of Florida.

2196 | Section 78. Paragraph (d) of subsection (2) of section
 2197 | 624.5105, Florida Statutes, is amended to read:

2198 | 624.5105 Community contribution tax credit; authorization;
 2199 | limitations; eligibility and application requirements;
 2200 | administration; definitions; expiration.—

2201 | (2) ELIGIBILITY REQUIREMENTS.—

2202 | (d) The project shall be located in an area that was
 2203 | designated as an enterprise zone pursuant to chapter 290 as of
 2204 | May 1, 2015, or a Front Porch Florida Community. Any project
 2205 | designed to provide housing opportunities for persons with
 2206 | special needs as defined in s. 420.0004 or to construct or
 2207 | rehabilitate housing for low-income or very-low-income
 2208 | households as defined in s. 420.9071(19) and (28) is exempt from
 2209 | the area requirement of this paragraph.

2210 | Reviser's note.—Amended to confirm the editorial insertion of

2211 the word "Florida" to conform to the full title of
 2212 communities receiving grants through the Front Porch
 2213 Florida Initiative.

2214 Section 79. Paragraph (b) of subsection (15) of section
 2215 625.012, Florida Statutes, is amended to read:

2216 625.012 "Assets" defined.—In any determination of the
 2217 financial condition of an insurer, there shall be allowed as
 2218 "assets" only such assets as are owned by the insurer and which
 2219 consist of:

2220 (15)

2221 (b) Assessments levied as monthly installments pursuant to
 2222 s. 631.57(3)(e)3. ~~631.57(3)(e)1.e.~~ that are paid after policy
 2223 surcharges are collected so that the recognition of assets is
 2224 based on actual premium written offset by the obligation to the
 2225 Florida Insurance Guaranty Association.

2226 Reviser's note.—Amended to conform to the redesignation of s.

2227 631.57(3)(e)1.c. as s. 631.57(3)(e)3. by s. 2, ch. 2015-65,
 2228 Laws of Florida.

2229 Section 80. Subsection (2) of section 631.152, Florida
 2230 Statutes, is amended to read:

2231 631.152 Conduct of delinquency proceeding; foreign
 2232 insurers.—

2233 (2) The domiciliary receiver for the purpose of
 2234 liquidating an insurer domiciled in a reciprocal state shall be
 2235 vested by operation of law with the title to all of the property
 2236 (except statutory deposits, special statutory deposits, and

2237 | property located in this state subject to a security interest),
 2238 | contracts, and rights of action, and all of the books and
 2239 | records of the insurer located in this state, and it shall have
 2240 | the immediate right to recover balances due from local agents
 2241 | and to obtain possession of any books and records of the insurer
 2242 | found in this state. It shall also be entitled to recover the
 2243 | property subject to a security interest, statutory deposits, and
 2244 | special statutory deposits of the insurer located in this state,
 2245 | except that upon the appointment of an ancillary receiver in
 2246 | this state, the ancillary receiver shall during the ancillary
 2247 | receivership proceeding have the sole right to recover such
 2248 | other assets. The ancillary receiver shall, as soon as
 2249 | practicable, liquidate from their respective securities those
 2250 | special deposit claims and secured claims which are proved and
 2251 | allowed in the ancillary proceeding in this state, and shall pay
 2252 | the necessary expenses of the proceeding. ~~All remaining assets~~
 2253 | It shall promptly transfer all remaining assets to the
 2254 | domiciliary receiver. Subject to the foregoing provisions, the
 2255 | ancillary receiver and its agents shall have the same powers and
 2256 | be subject to the same duties with respect to the administration
 2257 | of such assets as a receiver of an insurer domiciled in this
 2258 | state.
 2259 | Reviser's note.—Amended to improve clarity and facilitate
 2260 | correct interpretation.
 2261 | Section 81. Section 631.737, Florida Statutes, is amended
 2262 | to read:

2263 631.737 Rescission and review generally.—The association
 2264 shall review claims and matters regarding covered policies based
 2265 upon the record available to it on and after the date of
 2266 liquidation. Notwithstanding any other provision of this part,
 2267 in order to allow for orderly claims administration by the
 2268 association, entry of a liquidation order by a court of
 2269 competent jurisdiction tolls for 1 year any rescission or
 2270 noncontestable period allowed by the contract, by the policy, or
 2271 by law. The association's obligation is to pay any valid
 2272 insurance policy or contract claims, if warranted, after its
 2273 independent de novo review of the policies, contracts, and
 2274 claims presented to it, whether domestic or foreign, following a
 2275 rehabilitation or a liquidation.

2276 Reviser's note.—Amended to improve clarity and facilitate
 2277 correct interpretation.

2278 Section 82. Subsection (2) of section 641.225, Florida
 2279 Statutes, is amended to read:

2280 641.225 Surplus requirements.—

2281 (2) The office shall not issue a certificate of authority~~7~~
 2282 ~~except as provided in subsection (3),~~ unless the health
 2283 maintenance organization has a minimum surplus in an amount
 2284 which is the greater of:

2285 (a) Ten percent of their total liabilities based on their
 2286 startup projection as set forth in this part;

2287 (b) Two percent of their total projected premiums based on
 2288 their startup projection as set forth in this part; or

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2289 (c) \$1,500,000, plus all startup losses, excluding
2290 profits, projected to be incurred on their startup projection
2291 until the projection reflects statutory net profits for 12
2292 consecutive months.

2293 Reviser's note.—Amended to conform to the repeal of s.
2294 641.225(3) by s. 31, ch. 2015-3, Laws of Florida.
2295 Section 83. Subsection (3) of section 719.108, Florida
2296 Statutes, is amended to read:

2297 719.108 Rents and assessments; liability; lien and
2298 priority; interest; collection; cooperative ownership.—

2299 (3) Rents and assessments, and installments on them, not
2300 paid when due bear interest at the rate provided in the
2301 cooperative documents from the date due until paid. This rate
2302 may not exceed the rate allowed by law and, if a rate is not
2303 provided in the cooperative documents, accrues at 18 percent per
2304 annum. If the cooperative documents or bylaws so provide, the
2305 association may charge an administrative late fee in addition to
2306 such interest, not to exceed the greater of \$25 or 5 percent of
2307 each installment of the assessment for each delinquent
2308 installment that the payment is late. Any payment received by an
2309 association must be applied first to any interest accrued by the
2310 association, then to any administrative late fee, then to any
2311 costs and reasonable attorney fees incurred in collection, and
2312 then to the delinquent assessment. The foregoing applies
2313 notwithstanding s. 673.3111, any purported accord and
2314 satisfaction, or any restrictive endorsement, designation, or

2315 instruction placed on or accompanying a payment. The preceding
 2316 sentence ~~of~~ is intended to clarify existing law. A late fee is
 2317 not subject to chapter 687 or s. 719.303(4).

2318 Reviser's note.—Amended to confirm the editorial deletion of the
 2319 word "of."

2320 Section 84. Section 742.14, Florida Statutes, is amended
 2321 to read:

2322 742.14 Donation of eggs, sperm, or preembryos.—The donor
 2323 of any egg, sperm, or preembryo, other than the commissioning
 2324 couple or a father who has executed a preplanned adoption
 2325 agreement under s. 63.213 ~~63.212~~, shall relinquish all maternal
 2326 or paternal rights and obligations with respect to the donation
 2327 or the resulting children. Only reasonable compensation directly
 2328 related to the donation of eggs, sperm, and preembryos shall be
 2329 permitted.

2330 Reviser's note.—Amended to conform to the deletion of material
 2331 relating to entry into a preplanned adoption arrangement
 2332 from s. 63.212 by s. 35, ch. 2003-58, Laws of Florida, and
 2333 creation of s. 63.213 relating to preplanned adoption
 2334 agreements by s. 36 of that act.

2335 Section 85. Subsection (3) of section 752.001, Florida
 2336 Statutes, is amended to read:

2337 752.001 Definitions.—As used in this chapter, the term:
 2338 (3) "Persistent vegetative state" has the same meaning as
 2339 provided in s. 765.101(15) ~~765.101(12)~~.

2340 Reviser's note.—Amended to conform to the redesignation of s.

2341 765.101(12) as s. 765.101(15) by s. 2, ch. 2015-153, Laws
 2342 of Florida.

2343 Section 86. Subsection (2) of section 765.105, Florida
 2344 Statutes, is amended to read:

2345 765.105 Review of surrogate or proxy's decision.—

2346 (2) This section does not apply to a patient who is not
 2347 incapacitated and who has designated a surrogate who has
 2348 immediate authority to make health care decisions or ~~and~~ receive
 2349 health information, or both, on behalf of the patient.

2350 Reviser's note.—Amended to confirm the editorial substitution of
 2351 the word "or" for the word "and" to conform to context and
 2352 facilitate correct interpretation.

2353 Section 87. Section 765.2038, Florida Statutes, is amended
 2354 to read:

2355 765.2038 Designation of health care surrogate for a minor;
 2356 suggested form.—A written designation of a health care surrogate
 2357 for a minor executed pursuant to this chapter may, but need not,
 2358 ~~be~~ be in the following form:

2360 DESIGNATION OF HEALTH CARE SURROGATE
 2361 FOR MINOR

2362
 2363 I/We, ... (name/names) ..., the [...] natural guardian(s) as
 2364 defined in s. 744.301(1), Florida Statutes; [...] legal
 2365 custodian(s); [...] legal guardian(s) [check one] of the
 2366 following minor(s):

2367
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.....;
.....;
.....,

pursuant to s. 765.2035, Florida Statutes, designate the following person to act as my/our surrogate for health care decisions for such minor(s) in the event that I/we am/are not able or reasonably available to provide consent for medical treatment and surgical and diagnostic procedures:

Name: ...(name) ...
Address: ...(address) ...
Zip Code: ...(zip code) ...
Phone: ...(telephone) ...

If my/our designated health care surrogate for a minor is not willing, able, or reasonably available to perform his or her duties, I/we designate the following person as my/our alternate health care surrogate for a minor:

Name: ...(name) ...
Address: ...(address) ...
Zip Code: ...(zip code) ...
Phone: ...(telephone) ...

2393 I/We authorize and request all physicians, hospitals, or
 2394 other providers of medical services to follow the instructions
 2395 of my/our surrogate or alternate surrogate, as the case may be,
 2396 at any time and under any circumstances whatsoever, with regard
 2397 to medical treatment and surgical and diagnostic procedures for
 2398 a minor, provided the medical care and treatment of any minor is
 2399 on the advice of a licensed physician.

2400
 2401 I/We fully understand that this designation will permit
 2402 my/our designee to make health care decisions for a minor and to
 2403 provide, withhold, or withdraw consent on my/our behalf, to
 2404 apply for public benefits to defray the cost of health care, and
 2405 to authorize the admission or transfer of a minor to or from a
 2406 health care facility.

2407
 2408 I/We will notify and send a copy of this document to the
 2409 following person(s) other than my/our surrogate, so that they
 2410 may know the identity of my/our surrogate:

2411
 2412 Name: ... (name) ...

2413 Name: ... (name) ...
 2414

2415 Signed: ... (signature) ...

2416 Date: ... (date) ...

2417
 2418 WITNESSES:

2419 1. ...(witness)...

2420 2. ...(witness)...

2421 Reviser's note.—Amended to confirm the editorial substitution of
 2422 the word "not" for the word "to" to conform to context and
 2423 facilitate correct interpretation.

2424 Section 88. Paragraph (b) of subsection (3) of section
 2425 787.29, Florida Statutes, is amended to read:

2426 787.29 Human trafficking public awareness signs.—

2427 (3) The employer at each of the following establishments
 2428 shall display a public awareness sign developed under subsection
 2429 (4) in a conspicuous location that is clearly visible to the
 2430 public and employees of the establishment:

2431 (b) A business or establishment that offers massage or
 2432 bodywork services for compensation that is not owned by a health
 2433 care practitioner ~~profession~~ regulated pursuant to chapter 456
 2434 and defined in s. 456.001.

2435 Reviser's note.—Amended to improve clarity and facilitate
 2436 correct interpretation.

2437 Section 89. Paragraph (c) of subsection (3) of section
 2438 893.138, Florida Statutes, is amended to read:

2439 893.138 Local administrative action to abate drug-related,
 2440 prostitution-related, or stolen-property-related public
 2441 nuisances and criminal gang activity.—

2442 (3) Any pain-management clinic, as described in s.
 2443 458.3265 or s. 459.0137, which has been used on more than two
 2444 occasions within a 6-month period as the site of a violation of:

2445 (c) Section 812.014, relating to ~~dealing in~~ theft;
 2446
 2447 may be declared to be a public nuisance, and such nuisance may
 2448 be abated pursuant to the procedures provided in this section.
 2449 Reviser's note.—Amended to conform to context.

2450 Section 90. Paragraph (b) of subsection (2) of section
 2451 944.4731, Florida Statutes, is amended to read:
 2452 944.4731 Addiction-Recovery Supervision Program.—
 2453 (2)
 2454 (b) An offender released under addiction-recovery
 2455 supervision shall be subject to specified terms and conditions,
 2456 including payment of the costs of supervision under s. 948.09
 2457 and any other court-ordered payments, such as child support and
 2458 restitution. If an offender has received a term of probation or
 2459 community control to be served after release from incarceration,
 2460 the period of probation or community control may not be
 2461 substituted for addiction-recovery supervision and shall follow
 2462 the term of addiction-recovery supervision. A panel of not fewer
 2463 than two ~~parole~~ commissioners shall establish the terms and
 2464 conditions of supervision, and the terms and conditions must be
 2465 included in the supervision order. In setting the terms and
 2466 conditions of supervision, the commission shall weigh heavily
 2467 the program requirements, including, but not limited to, work at
 2468 paid employment while participating in treatment and traveling
 2469 restrictions. The commission shall also determine whether an
 2470 offender violates the terms and conditions of supervision and

2471 whether a violation warrants revocation of addiction-recovery
 2472 supervision pursuant to s. 947.141. The commission shall review
 2473 the offender's record for the purpose of establishing the terms
 2474 and conditions of supervision. The commission may impose any
 2475 special conditions it considers warranted from its review of the
 2476 record. The length of supervision may not exceed the maximum
 2477 penalty imposed by the court.

2478 Reviser's note.—Amended to conform to the renaming of the
 2479 Florida Parole Commission as the Florida Commission on
 2480 Offender Review by s. 4, ch. 2014-191, Laws of Florida.
 2481 Section 91. Paragraph (a) of subsection (1) of section
 2482 945.215, Florida Statutes, is amended to read:

2483 945.215 Inmate welfare and employee benefit trust funds.—

2484 (1) INMATE PURCHASES; DEPARTMENT OF CORRECTIONS.—

2485 (a) ~~From~~ The net proceeds from operating inmate canteens,
 2486 vending machines used primarily by inmates and visitors, hobby
 2487 shops, and other such facilities must be deposited in the
 2488 General Revenue Fund; however, funds necessary to purchase items
 2489 for resale at inmate canteens and vending machines must be
 2490 deposited into local bank accounts designated by the department.

2491 Reviser's note.—Amended to improve clarity and facilitate
 2492 correct interpretation.

2493 Section 92. Subsection (20) of section 1001.65, Florida
 2494 Statutes, is amended to read:

2495 1001.65 Florida College System institution presidents;
 2496 powers and duties.—The president is the chief executive officer

2497 of the Florida College System institution, shall be corporate
 2498 secretary of the Florida College System institution board of
 2499 trustees, and is responsible for the operation and
 2500 administration of the Florida College System institution. Each
 2501 Florida College System institution president shall:

2502 ~~(20) Establish a committee to consider requests for~~
 2503 ~~waivers from the provisions of s. 1008.29 and approve or~~
 2504 ~~disapprove the committee's recommendations.~~

2505 Reviser's note.—Amended to delete an obsolete provision and
 2506 conform to the repeal of s. 1008.29 by s. 21, ch. 2009-59,
 2507 Laws of Florida.

2508 Section 93. Subsection (5) of section 1002.3105, Florida
 2509 Statutes, is amended to read:

2510 1002.3105 Academically Challenging Curriculum to Enhance
 2511 Learning (ACCEL) options.—

2512 (5) AWARD OF A STANDARD HIGH SCHOOL DIPLOMA.—A student who
 2513 meets the applicable grade 9 cohort graduation requirements of
 2514 s. 1003.4282 (3) (a)-(e) or s. 1003.4282 (9) (a) 1.-5.

2515 ~~1003.4282 (10) (a) 1.-5., (b) 1.-5., (c) 1.-5., or (d) 1.-5.,~~ earns
 2516 three credits in electives, and earns a cumulative grade point
 2517 average (GPA) of 2.0 on a 4.0 scale shall be awarded a standard
 2518 high school diploma in a form prescribed by the State Board of
 2519 Education.

2520 Reviser's note.— Amended to conform to the redesignation of s.
 2521 1003.4282 (10) as s. 1003.4282 (9) by the editors to conform
 2522 to the repeal of s. 1003.4282 (5) by s. 4, ch. 2015-6, Laws

2523 of Florida.

2524 Section 94. Paragraph (e) of subsection (1) of section

2525 1003.21, Florida Statutes, is amended to read:

2526 1003.21 School attendance.—

2527 (1)

2528 (e) Consistent with rules adopted by the State Board of

2529 Education, children with disabilities who have attained the age

2530 of 3 years shall be eligible for admission to public special

2531 education programs and for related services. Children with

2532 disabilities younger than 3 years of age who are deaf or hard of

2533 hearing, and visually impaired, and dual sensory impaired, and

2534 orthopedically impaired, or other health impaired or who have

2535 experienced traumatic brain injury, and ~~who~~ have autism spectrum

2536 disorder, have established conditions, or ~~who~~ exhibit

2537 developmental delays or intellectual disabilities may be

2538 eligible for special programs and may receive services in

2539 accordance with rules of the State Board of Education. Rules for

2540 the identification of established conditions for children birth

2541 through 2 years of age and developmental delays for children

2542 birth through 5 years of age must be adopted by the State Board

2543 of Education.

2544 Reviser's note.—Amended to improve clarity.

2545 Section 95. Paragraph (b) of subsection (2) of section

2546 1003.5716, Florida Statutes, is amended to read:

2547 1003.5716 Transition to postsecondary education and career

2548 opportunities.—All students with disabilities who are 3 years of

2549 age to 21 years of age have the right to a free, appropriate
 2550 public education. As used in this section, the term "IEP" means
 2551 individual education plan.

2552 (2) Beginning not later than the first IEP to be in effect
 2553 when the student attains the age of 16, or younger if determined
 2554 appropriate by the parent and the IEP team, the IEP must include
 2555 the following statements that must be updated annually:

2556 (b) A statement of intent to receive a standard high
 2557 school diploma before the student attains the age of 22 and a
 2558 description of how the student will fully meet the requirements
 2559 in s. 1003.4282, including, but not limited to, a portfolio
 2560 pursuant to s. 1003.4282(10)(b) ~~1003.4282(11)(b)~~ which meets the
 2561 criteria specified in State Board of Education rule. The IEP
 2562 must also specify the outcomes and additional benefits expected
 2563 by the parent and the IEP team at the time of the student's
 2564 graduation.

2565 Reviser's note.—Amended to conform to the redesignation of s.
 2566 1003.4282(11) as s. 1003.4282(10) by the editors to conform
 2567 to the repeal of s. 1003.4282(5) by s. 4, ch. 2015-6, Laws
 2568 of Florida.

2569 Section 96. Subsection (1) of section 1008.22, Florida
 2570 Statutes, is reenacted, and paragraph (d) of subsection (7) of
 2571 that section is amended, to read:

2572 1008.22 Student assessment program for public schools.—

2573 (1) PURPOSE.—The primary purpose of the student assessment
 2574 program is to provide student academic achievement and learning

2575 gains data to students, parents, teachers, school
2576 administrators, and school district staff. This data is to be
2577 used by districts to improve instruction; by students, parents,
2578 and teachers to guide learning objectives; by education
2579 researchers to assess national and international education
2580 comparison data; and by the public to assess the cost benefit of
2581 the expenditure of taxpayer dollars. The program must be
2582 designed to:

2583 (a) Assess the achievement level and annual learning gains
2584 of each student in English Language Arts and mathematics and the
2585 achievement level in all other subjects assessed.

2586 (b) Provide data for making decisions regarding school
2587 accountability, recognition, and improvement of operations and
2588 management, including schools operating for the purpose of
2589 providing educational services to youth in Department of
2590 Juvenile Justice programs.

2591 (c) Identify the educational strengths and needs of
2592 students and the readiness of students to be promoted to the
2593 next grade level or to graduate from high school.

2594 (d) Assess how well educational goals and curricular
2595 standards are met at the school, district, state, national, and
2596 international levels.

2597 (e) Provide information to aid in the evaluation and
2598 development of educational programs and policies.

2599 (f) When available, provide instructional personnel with
2600 information on student achievement of standards and benchmarks

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2601 in order to improve instruction.

2602 (7) ASSESSMENT SCHEDULES AND REPORTING OF RESULTS.—

2603 (d) A school district may not schedule more than 5 percent
2604 of a student's total school hours in a school year to administer
2605 statewide, standardized assessments and district-required local
2606 assessments. The district must secure written consent from a
2607 student's parent before administering district-required local
2608 assessments that, after applicable statewide, standardized
2609 assessments are scheduled, exceed the 5 percent test
2610 administration limit for that student under this paragraph. The
2611 5 percent test administration limit for a student under this
2612 paragraph may be exceeded as needed to provide test
2613 accommodations that are required by an IEP or are appropriate
2614 for an English language learner who is currently receiving
2615 services in a program operated in accordance with an approved
2616 English language learner district plan pursuant to s. 1003.56.
2617 Notwithstanding this paragraph, a student may choose within a
2618 school year to take an examination or assessment adopted by
2619 State Board of Education rule pursuant to this section and ss.
2620 1007.27, 1008.30, and 1008.44.

2621 Reviser's note.—Section 7, ch. 2015-6, Laws of Florida,
2622 purported to amend subsection (1) but did not publish
2623 paragraphs (a)-(e). Absent affirmative evidence of
2624 legislative intent to repeal the omitted paragraphs,
2625 subsection (1) is reenacted to confirm the omission was not
2626 intended. Paragraph (7) (d) is amended to confirm the

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2627 | editorial insertion of the word "assessments" to conform to
2628 | context.

2629 | Section 97. Paragraph (c) of subsection (1) of section
2630 | 1012.22, Florida Statutes, is amended to read:

2631 | 1012.22 Public school personnel; powers and duties of the
2632 | district school board.—The district school board shall:

2633 | (1) Designate positions to be filled, prescribe
2634 | qualifications for those positions, and provide for the
2635 | appointment, compensation, promotion, suspension, and dismissal
2636 | of employees as follows, subject to the requirements of this
2637 | chapter:

2638 | (c) Compensation and salary schedules.—

2639 | 1. Definitions.—As used in this paragraph:

2640 | a. "Adjustment" means an addition to the base salary
2641 | schedule that is not a bonus and becomes part of the employee's
2642 | permanent base salary and shall be considered compensation under
2643 | s. 121.021(22).

2644 | b. "Grandfathered salary schedule" means the salary
2645 | schedule or schedules adopted by a district school board before
2646 | July 1, 2014, pursuant to subparagraph 4.

2647 | c. "Instructional personnel" means instructional personnel
2648 | as defined in s. 1012.01(2)(a)-(d), excluding substitute
2649 | teachers.

2650 | d. "Performance salary schedule" means the salary schedule
2651 | or schedules adopted by a district school board pursuant to
2652 | subparagraph 5.

2653 e. "Salary schedule" means the schedule or schedules used
2654 to provide the base salary for district school board personnel.

2655 f. "School administrator" means a school administrator as
2656 defined in s. 1012.01(3)(c).

2657 g. "Supplement" means an annual addition to the base
2658 salary for the term of the negotiated supplement as long as the
2659 employee continues his or her employment for the purpose of the
2660 supplement. A supplement does not become part of the employee's
2661 continuing base salary but shall be considered compensation
2662 under s. 121.021(22).

2663 2. Cost-of-living adjustment.—A district school board may
2664 provide a cost-of-living salary adjustment if the adjustment:

2665 a. Does not discriminate among comparable classes of
2666 employees based upon the salary schedule under which they are
2667 compensated.

2668 b. Does not exceed 50 percent of the annual adjustment
2669 provided to instructional personnel rated as effective.

2670 3. Advanced degrees.—A district school board may not use
2671 advanced degrees in setting a salary schedule for instructional
2672 personnel or school administrators hired on or after July 1,
2673 2011, unless the advanced degree is held in the individual's
2674 area of certification and is only a salary supplement.

2675 4. Grandfathered salary schedule.—

2676 a. The district school board shall adopt a salary schedule
2677 or salary schedules to be used as the basis for paying all
2678 school employees hired before July 1, 2014. Instructional

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2679 personnel on annual contract as of July 1, 2014, shall be placed
2680 on the performance salary schedule adopted under subparagraph 5.
2681 Instructional personnel on continuing contract or professional
2682 service contract may opt into the performance salary schedule if
2683 the employee relinquishes such contract and agrees to be
2684 employed on an annual contract under s. 1012.335. Such an
2685 employee shall be placed on the performance salary schedule and
2686 may not return to continuing contract or professional service
2687 contract status. Any employee who opts into the performance
2688 salary schedule may not return to the grandfathered salary
2689 schedule.

2690 b. In determining the grandfathered salary schedule for
2691 instructional personnel, a district school board must base a
2692 portion of each employee's compensation upon performance
2693 demonstrated under s. 1012.34 and shall provide differentiated
2694 pay for both instructional personnel and school administrators
2695 based upon district-determined factors, including, but not
2696 limited to, additional responsibilities, school demographics,
2697 critical shortage areas, and level of job performance
2698 difficulties.

2699 5. Performance salary schedule.—By July 1, 2014, the
2700 district school board shall adopt a performance salary schedule
2701 that provides annual salary adjustments for instructional
2702 personnel and school administrators based upon performance
2703 determined under s. 1012.34. Employees hired on or after July 1,
2704 2014, or employees who choose to move from the grandfathered

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2705 salary schedule to the performance salary schedule shall be
2706 compensated pursuant to the performance salary schedule once
2707 they have received the appropriate performance evaluation for
2708 this purpose. ~~However, a classroom teacher whose performance~~
2709 ~~evaluation utilizes student learning growth measures established~~
2710 ~~under s. 1012.34(7)(c) shall remain under the grandfathered~~
2711 ~~salary schedule until his or her teaching assignment changes to~~
2712 ~~a subject for which there is an assessment or the school~~
2713 ~~district establishes equally appropriate measures of student~~
2714 ~~learning growth as defined under s. 1012.34 and rules of the~~
2715 ~~State Board of Education.~~

2716 a. Base salary.—The base salary shall be established as
2717 follows:

2718 (I) The base salary for instructional personnel or school
2719 administrators who opt into the performance salary schedule
2720 shall be the salary paid in the prior year, including
2721 adjustments only.

2722 (II) Beginning July 1, 2014, instructional personnel or
2723 school administrators new to the district, returning to the
2724 district after a break in service without an authorized leave of
2725 absence, or appointed for the first time to a position in the
2726 district in the capacity of instructional personnel or school
2727 administrator shall be placed on the performance salary
2728 schedule.

2729 b. Salary adjustments.—Salary adjustments for highly
2730 effective or effective performance shall be established as

2731 follows:

2732 (I) The annual salary adjustment under the performance
 2733 salary schedule for an employee rated as highly effective must
 2734 be greater than the highest annual salary adjustment available
 2735 to an employee of the same classification through any other
 2736 salary schedule adopted by the district.

2737 (II) The annual salary adjustment under the performance
 2738 salary schedule for an employee rated as effective must be equal
 2739 to at least 50 percent and no more than 75 percent of the annual
 2740 adjustment provided for a highly effective employee of the same
 2741 classification.

2742 (III) The performance salary schedule shall not provide an
 2743 annual salary adjustment for an employee who receives a rating
 2744 other than highly effective or effective for the year.

2745 c. Salary supplements.—In addition to the salary
 2746 adjustments, each district school board shall provide for salary
 2747 supplements for activities that must include, but are not
 2748 limited to:

2749 (I) Assignment to a Title I eligible school.

2750 (II) Assignment to a school that earned a grade of "F" or
 2751 three consecutive grades of "D" pursuant to s. 1008.34 such that
 2752 the supplement remains in force for at least 1 year following
 2753 improved performance in that school.

2754 (III) Certification and teaching in critical teacher
 2755 shortage areas. Statewide critical teacher shortage areas shall
 2756 be identified by the State Board of Education under s. 1012.07.

2757 However, the district school board may identify other areas of
 2758 critical shortage within the school district for purposes of
 2759 this sub-sub-subparagraph and may remove areas identified by the
 2760 state board which do not apply within the school district.

2761 (IV) Assignment of additional academic responsibilities.

2762
 2763 If budget constraints in any given year limit a district school
 2764 board's ability to fully fund all adopted salary schedules, the
 2765 performance salary schedule shall not be reduced on the basis of
 2766 total cost or the value of individual awards in a manner that is
 2767 proportionally greater than reductions to any other salary
 2768 schedules adopted by the district.

2769 Reviser's note.—Amended to conform to the repeal of s.

2770 1012.34(7)(e) by s. 12, ch. 2015-6, Laws of Florida.

2771 Section 98. Subsection (2) of section 1012.341, Florida
 2772 Statutes, is amended to read:

2773 1012.341 Exemption from performance evaluation system and
 2774 compensation and salary schedule requirements.—

2775 (2) ~~By October 1, 2014, and~~ By October 1 annually
 2776 ~~thereafter~~, the superintendent of Hillsborough County School
 2777 District shall attest, in writing, to the Commissioner of
 2778 Education that:

2779 (a) The instructional personnel and school administrator
 2780 evaluation systems base at least 40 percent of an employee's
 2781 performance evaluation upon student performance and that student
 2782 performance is the single greatest component of an employee's

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2783 evaluation.

2784 (b) The instructional personnel and school administrator
2785 evaluation systems adopt the Commissioner of Education's student
2786 learning growth formula for statewide assessments as provided
2787 under s. 1012.34(7).

2788 (c) The school district's instructional personnel and
2789 school administrator compensation system awards salary increases
2790 based upon sustained student performance.

2791 (d) The school district's contract system awards
2792 instructional personnel and school administrators based upon
2793 student performance and removes ineffective employees.

2794

2795 This section is repealed August 1, 2017, unless reviewed and
2796 reenacted by the Legislature.

2797 Reviser's note.—Amended to delete an obsolete provision.

2798 Section 99. This act shall take effect on the 60th day
2799 after adjournment sine die of the session of the Legislature in
2800 which enacted.