

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

HB 7077

2013

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

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

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

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

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

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

46 | (3) The department may:
 47 | ~~(c) Draft rules for mutual aid agreements;~~

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

50 | 43.291 Judicial nominating commissions.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

94 | 120.65 Administrative law judges.—

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

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

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

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

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

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

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

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

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

HB 7077

2013

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

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

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

126 | (1)

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

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

HB 7077

2013

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

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

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

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

HB 7077

2013

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

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

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

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

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

HB 7077

2013

197 rules of the Department of Revenue.

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

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

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

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

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

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

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

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

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

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

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

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

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

238 | 212.098 Rural Job Tax Credit Program.—

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

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

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

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

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

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

253 Statutes, is amended to read:

254 238.03 Administration.—

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

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

266 258.0165 Defibrillators in state parks.—

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

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

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

274 (6) ADMINISTRATION.—

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

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

279 288.108 High-impact business.—

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

HB 7077

2013

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

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

284 288.706 Florida Minority Business Loan Mobilization
 285 Program.—

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

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

290 288.816 Intergovernmental relations.—

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

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

308 (b) Maintain and systematically update a current and

HB 7077

2013

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

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

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

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

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

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

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

336 (i) Notify all newly arrived foreign governmental

HB 7077

2013

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

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

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

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

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

354 316.525 Requirements for vehicles hauling loads.—

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

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

360 317.0005 Rules, Forms, and notices.—

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

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

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

370 320.0657 Permanent registration; fleet license plates.—

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

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

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

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

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

383 322.161 High-risk drivers; restricted licenses.—

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

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

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

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

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

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

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

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

416 | 339.2817 County Incentive Grant Program.—

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

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

421 339.55 State-funded infrastructure bank.—

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

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

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

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

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

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

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

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

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

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

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

HB 7077

2013

505 Statutes, is amended to read:

506 376.317 Superseded laws; state preemption.—

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

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

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

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

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

532 380.0666 Powers of land authority.—The land authority

HB 7077

2013

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

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

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

542 391.304 Program coordination.—

543 (1) The Department of Health shall:

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

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

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

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

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

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

560 (3) Minimum developmental evaluation and intervention and

561 support services.

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

564 (5) Reporting and program evaluation procedures.

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

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

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

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

573 395.0185 Rebates prohibited; penalties.—

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

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

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

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

HB 7077

2013

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

591 395.605 Emergency care hospitals.—

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

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

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

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

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

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

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

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

HB 7077

2013

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

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

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

649 400.176 Rebates prohibited; penalties.—

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

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

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

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

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

668 400.801 Homes for special services.—

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

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

HB 7077

2013

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

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

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

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

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

697 (1) PUBLIC SCHOOLS.—

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

HB 7077

2013

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

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

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

717 402.81 Pharmaceutical expense assistance.—

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

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

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

728 Section 52. Section 403.0861, Florida Statutes, is

729 repealed.

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

732 403.7191 Toxics in packaging.—

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

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

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

739 409.2576 State Directory of New Hires.—

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

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

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

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

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

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

752 409.441 Runaway youth programs and centers.—

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

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

HB 7077

2013

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

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

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

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

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

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

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

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

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

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

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

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

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

HB 7077

2013

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

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

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

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

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

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

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

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

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

HB 7077

2013

813 414.35 Emergency relief.—

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

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

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

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

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

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

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

836 415.1105 Training programs.—

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

HB 7077

2013

841 protective investigation ~~to such~~ staff.

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

844 420.5091 HOPE Program.—

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

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

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

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

869 ~~method.~~

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

872 430.902 Multiservice senior center.—

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

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

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

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

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

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

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

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

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

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

931 | 455.2255 Classification of disciplinary actions.—

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

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

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

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

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

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

HB 7077

2013

- 953 a. Whose shares are traded on a national exchange or on
954 the over-the-counter market; and
- 955 b. Whose total assets at the end of the corporation's most
956 recent fiscal quarter exceeded \$50 million; or
- 957 2. With respect to an entity other than a publicly held
958 corporation described in subparagraph 1., and a referring
959 provider's investment interest in such entity, each of the
960 following requirements are met:
- 961 a. No more than 50 percent of the value of the investment
962 interests are held by investors who are in a position to make
963 referrals to the entity.
- 964 b. The terms under which an investment interest is offered
965 to an investor who is in a position to make referrals to the
966 entity are no different from the terms offered to investors who
967 are not in a position to make such referrals.
- 968 c. The terms under which an investment interest is offered
969 to an investor who is in a position to make referrals to the
970 entity are not related to the previous or expected volume of
971 referrals from that investor to the entity.
- 972 d. There is no requirement that an investor make referrals
973 or be in a position to make referrals to the entity as a
974 condition for becoming or remaining an investor.
- 975 3. With respect to either such entity or publicly held
976 corporation:
- 977 a. The entity or corporation does not loan funds to or
978 guarantee a loan for an investor who is in a position to make
979 referrals to the entity or corporation if the investor uses any
980 part of such loan to obtain the investment interest.

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

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

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

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

1006 472.017 Renewal of license.—

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

HB 7077

2013

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

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

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

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

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

1033 496.414 Duties of commercial co-venturers.—

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

HB 7077

2013

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

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

1043 497.381 Solicitation of goods or services.—

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

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

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

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

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

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

1063 509.036 Public food service inspector standardization.—

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

HB 7077

2013

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

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

1071 548.024 Background investigation of applicants for
1072 licensure.—

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

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

HB 7077

2013

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

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

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

1099 559.10 Definition; "budget planning."—

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

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

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

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

HB 7077

2013

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

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

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

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

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

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

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

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

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

HB 7077

2013

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

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

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

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

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

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

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

1173 607.193 Supplemental corporate fee.—

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

HB 7077

2013

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

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

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

1188 627.096 Workers' Compensation Rating Bureau.—

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

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

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

HB 7077

2013

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

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

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

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

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

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

1226 633.445 State Fire Marshal Scholarship Grant Program.—

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

1232 Section 99. Section 634.289, Florida Statutes, is

1233 | repealed.

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

1236 | 641.316 Fiscal intermediary services.—

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

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

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

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

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

1247 | 658.995 Credit Card Bank Act.—

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

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

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

1254 | 668.704 Remedies.—

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

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

HB 7077

2013

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

1263 (11)

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

1267 (13)

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

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

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

1276 (7)

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

1279 (8)

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

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

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

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

1289 | ~~the provisions of this section.~~

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

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

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

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

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

HB 7077

2013

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

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

1330 865.09 Fictitious name registration.-

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

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

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

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

HB 7077

2013

1345 Federal Government for use in noncriminal justice cases.

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

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

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

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

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

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

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

1363 945.73 Inmate training program operation.—

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

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

HB 7077

2013

1373 Statutes, is amended to read:

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

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

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

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

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

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

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

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

1393 (6) SCHOLARSHIPS AND STIPENDS.—

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

HB 7077

2013

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

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

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

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

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

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

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

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

1444 1011.51 Independent postsecondary endowment grants.—

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

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

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

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

HB 7077

2013

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

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

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

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

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

HB 7077

2013

1485 officials.

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

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

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

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

1500 213.053 Confidentiality and information sharing.—

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

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

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

HB 7077

2013

1513 775.082 or s. 775.083.

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

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

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

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

1525 556.116 High-priority subsurface installations; special
1526 procedures.—

1527 (3)

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

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

HB 7077

2013

1541 564.06 Excise taxes on wines and beverages.—

1542 (5)

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

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

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

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

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