

CHAPTER 2013-15

Committee Substitute for Senate Bill No. 690

An act relating to the Florida Statutes; amending ss. 11.45, 20.15, 20.28, 39.001, 39.0139, 39.201, 40.011, 61.1825, 63.082, 63.2325, 97.0585, 112.63, 120.54, 120.745, 121.055, 121.085, 121.091, 159.823, 163.3246, 163.340, 189.4042, 190.046, 211.02, 215.5601, 215.97, 218.32, 252.385, 252.939, 252.940, 252.941, 252.942, 253.034, 255.2575, 259.032, 282.201, 288.1254, 288.71025, 288.980, 295.07, 311.101, 316.0083, 316.640, 320.20, 322.142, 322.2615, 339.135, 339.2825, 341.840, 343.805, 343.91, 344.17, 348.752, 349.02, 373.227, 373.250, 373.536, 376.3071, 379.2433, 379.3581, 380.0662, 381.004, 381.00593, 381.0065, 381.0101, 391.026, 400.172, 400.915, 400.9905, 403.086, 403.511, 403.9416, 414.295, 420.503, 420.5087, 430.205, 430.80, 430.81, 443.091, 443.111, 443.171, 466.007, 475.6235, 489.118, 499.01, 500.09, 538.23, 553.98, 570.451, 580.036, 586.10, 601.03, 601.15, 601.61, 601.9910, 610.109, 624.402, 626.2815, 626.8734, 626.9362, 626.989, 626.9895, 627.3511, 641.312, 651.118, 817.234, 877.101, 921.0022, 945.355, 948.08, 948.16, 960.003, 985.03, 1003.43, 1003.52, 1006.062, 1006.20, 1006.282, 1009.67, 1009.971, and 1013.231, F.S.; reenacting and amending s. 339.0805, F.S.; reenacting s. 322.21, F.S.; and repealing ss. 202.38 and 252.945, F.S., deleting provisions that have expired, have become obsolete, have had their effect, have served their purpose, or have been impliedly repealed or superseded; replacing incorrect cross-references and citations; correcting grammatical, typographical, and like errors; removing inconsistencies, redundancies, and unnecessary repetition in the statutes; improving the clarity of the statutes and facilitating their correct interpretation; and confirming the restoration of provisions unintentionally omitted from republication in the acts of the Legislature during the amendatory process; providing an effective date.

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

Section 1. Subsection (1) of section 11.45, Florida Statutes, is amended to read:

11.45 Definitions; duties; authorities; reports; rules.—

(1) DEFINITIONS.—As used in ss. ~~11.40-11.51~~ 11.40-11.511, the term:

(a) “Audit” means a financial audit, operational audit, or performance audit.

(b) “County agency” means a board of county commissioners or other legislative and governing body of a county, however styled, including that of a consolidated or metropolitan government, a clerk of the circuit court, a separate or ex officio clerk of the county court, a sheriff, a property appraiser,

a tax collector, a supervisor of elections, or any other officer in whom any portion of the fiscal duties of the above are under law separately placed.

(c) “Financial audit” means an examination of financial statements in order to express an opinion on the fairness with which they are presented in conformity with generally accepted accounting principles and an examination to determine whether operations are properly conducted in accordance with legal and regulatory requirements. Financial audits must be conducted in accordance with auditing standards generally accepted in the United States and government auditing standards as adopted by the Board of Accountancy. When applicable, the scope of financial audits shall encompass the additional activities necessary to establish compliance with the Single Audit Act Amendments of 1996, 31 U.S.C. ss. 7501-7507, and other applicable federal law.

(d) “Governmental entity” means a state agency, a county agency, or any other entity, however styled, that independently exercises any type of state or local governmental function.

(e) “Local governmental entity” means a county agency, municipality, or special district as defined in s. 189.403, but does not include any housing authority established under chapter 421.

(f) “Management letter” means a statement of the auditor’s comments and recommendations.

(g) “Operational audit” means an audit whose purpose is to evaluate management’s performance in establishing and maintaining internal controls, including controls designed to prevent and detect fraud, waste, and abuse, and in administering assigned responsibilities in accordance with applicable laws, administrative rules, contracts, grant agreements, and other guidelines. Operational audits must be conducted in accordance with government auditing standards. Such audits examine internal controls that are designed and placed in operation to promote and encourage the achievement of management’s control objectives in the categories of compliance, economic and efficient operations, reliability of financial records and reports, and safeguarding of assets, and identify weaknesses in those internal controls.

(h) “Performance audit” means an examination of a program, activity, or function of a governmental entity, conducted in accordance with applicable government auditing standards or auditing and evaluation standards of other appropriate authoritative bodies. The term includes an examination of issues related to:

1. Economy, efficiency, or effectiveness of the program.
2. Structure or design of the program to accomplish its goals and objectives.

- 3. Adequacy of the program to meet the needs identified by the Legislature or governing body.
- 4. Alternative methods of providing program services or products.
- 5. Goals, objectives, and performance measures used by the agency to monitor and report program accomplishments.
- 6. The accuracy or adequacy of public documents, reports, or requests prepared under the program by state agencies.
- 7. Compliance of the program with appropriate policies, rules, or laws.
- 8. Any other issues related to governmental entities as directed by the Legislative Auditing Committee.

(i) "Political subdivision" means a separate agency or unit of local government created or established by law and includes, but is not limited to, the following and the officers thereof: authority, board, branch, bureau, city, commission, consolidated government, county, department, district, institution, metropolitan government, municipality, office, officer, public corporation, town, or village.

(j) "State agency" means a separate agency or unit of state government created or established by law and includes, but is not limited to, the following and the officers thereof: authority, board, branch, bureau, commission, department, division, institution, office, officer, or public corporation, as the case may be, except any such agency or unit within the legislative branch of state government other than the Florida Public Service Commission.

Reviser's note.—Section 11.511 was repealed by s. 1, ch. 2011-34, Laws of Florida.

Section 2. Subsection (7) of section 20.15, Florida Statutes, is amended to read:

20.15 Department of Education.—There is created a Department of Education.

(7) BOARDS.—Notwithstanding anything contained in law to the contrary, all members of the Florida College System institution ~~community~~ college boards of trustees must be appointed according to chapter 1001.

Reviser's note.—Amended to conform a reference to community college boards of trustees to changes in chapters 2008-52 and 2009-228, Laws of Florida, transitioning references to community colleges to Florida College System institutions.

Section 3. Section 20.28, Florida Statutes, is amended to read:

20.28 State Board of Administration.—The State Board of Administration, continued by s. 4 9, Art. IV XII of the State Constitution, retains all of its powers, duties, and functions as prescribed by law.

Reviser's note.—Section 4(e), Art. IV of the State Constitution of 1968 provides that the governor, chief financial officer, and attorney general constitute the state board of administration, as successor to the state board of administration established pursuant to s. 16, Art. IX of the Constitution of 1885.

Section 4. Subsection (12) of section 39.001, Florida Statutes, is amended to read:

39.001 Purposes and intent; personnel standards and screening.—

~~(12) EVALUATION.—By February 1, 2009, the Legislature shall evaluate the office and determine whether it should continue to be housed in the Executive Office of the Governor or transferred to a state agency.~~

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

Section 5. Paragraph (b) of subsection (4) of section 39.0139, Florida Statutes, is amended to read:

39.0139 Visitation or other contact; restrictions.—

(4) HEARINGS.—A person who meets any of the criteria set forth in paragraph (3)(a) who seeks to begin or resume contact with the child victim shall have the right to an evidentiary hearing to determine whether contact is appropriate.

(b) At the hearing, the court may receive and rely upon any relevant and material evidence submitted to the extent of its probative value, including written and oral reports or recommendations from the child protection ~~protective~~ team, the child's therapist, the child's guardian ad litem, or the child's attorney ad litem, even if these reports, recommendations, and evidence may not be admissible under the rules of evidence.

Reviser's note.—Amended to conform to s. 39.303, which relates to child protection teams.

Section 6. Paragraph (j) of subsection (2) of section 39.201, Florida Statutes, is amended to read:

39.201 Mandatory reports of child abuse, abandonment, or neglect; mandatory reports of death; central abuse hotline.—

(2)

(j)1. The department shall update the web form used for reporting child abuse, abandonment, or neglect to:

a. Include qualifying questions in order to obtain necessary information required to assess need and a response.

b. Indicate which fields are required to submit the report.

c. Allow a reporter to save his or her report and return to it at a later time.

2. The report shall be made available to the counselors in its entirety as needed to update the Florida Safe Families Network or other similar systems.

Reviser’s note.—Amended to confirm insertion of the word “at” by the editors.

Section 7. Subsection (5) of section 40.011, Florida Statutes, is amended to read:

40.011 Jury lists.—

(5) Using the source name lists described in subsections (2) and (3), a clerk of court may generate juror candidate lists as necessary to ensure a valid and consistent juror selection process.

(a) The initial juror candidate list is derived from the name sources and shall be the master list from which prospective jurors are drawn for summons.

(b) The final juror candidate list shall contain a list of those persons, drawn from the initial candidate list as prescribed in this chapter, who are to be summoned as a pool for possible juror service.

Reviser’s note.—Amended to confirm insertion of the word “in” by the editors.

Section 8. Paragraph (a) of subsection (3) of section 61.1825, Florida Statutes, is amended to read:

61.1825 State Case Registry.—

(3)(a) For the purpose of this section, a family violence indicator must be placed on a record when:

1. A party executes a sworn statement requesting that a family violence indicator be placed on that party’s record which states that the party has reason to believe that release of information to the Federal Case Registry may result in physical or emotional harm to the party or the child; or

2. A temporary or final injunction for protection against domestic violence has been granted pursuant to s. 741.30(6), an injunction for protection against domestic violence has been issued by a court of a foreign state pursuant to s. 741.315, or a temporary or final injunction for protection against repeat violence has been granted pursuant to s. 784.046; or

3. The department has received information on a Title IV-D case from the Domestic, Dating, Sexual, Violence and Repeat Violence Injunction State-wide Verification System, established pursuant to s. 784.046(8)(b), that a court has granted a party a domestic violence or repeat violence injunction.

Reviser's note.—Amended to conform to the complete name of the verification system required by s. 784.046(8)(b).

Section 9. Paragraph (h) of subsection (7) of section 63.082, Florida Statutes, is amended to read:

63.082 Execution of consent to adoption or affidavit of nonpaternity; family social and medical history; revocation of consent.—

(7) If a person is seeking to revoke consent for a child older than 6 months of age:

(h) If the consent of one parent is set aside or revoked in accordance with this chapter, any other consents executed by the other parent or a third party whose consent is required for the adoption of the child may not be used by the parent ~~whose who~~ consent was revoked or set aside to terminate or diminish the rights of the other parent or third party whose consent was required for the adoption of the child.

Reviser's note.—Amended to confirm substitution of the word “whose” for the word “who” by the editors.

Section 10. Section 63.2325, Florida Statutes, is amended to read:

63.2325 Conditions for invalidation of a consent to adoption or affidavit of nonpaternity.—Notwithstanding the requirements of this chapter, a failure to meet any of those requirements does not constitute grounds for invalidation of a consent to adoption or revocation of an affidavit of nonpaternity unless the extent and circumstances of such a failure result in a material failure of fundamental fairness in the administration of due process, or the failure constitutes or contributes to fraud or duress in obtaining a consent to adoption or affidavit of nonpaternity.

Reviser's note.—Amended to confirm reinsertion of the word “of” by the editors for clarity. Section 26, ch. 2012-81, Laws of Florida, inserted “revocation” and struck “withdrawal of.”

Section 11. Subsection (3) of section 97.0585, Florida Statutes, is amended to read:

97.0585 Public records exemption; information regarding voters and voter registration; confidentiality.—

(3) The names, addresses, and telephone numbers of persons who are victims of stalking or aggravated stalking are exempt from s. 119.07(1) ~~119.071(1)~~ and s. 24(a), Art. I of the State Constitution in the same manner

that the names, addresses, and telephone numbers of participants in the Address Confidentiality Program for Victims of Domestic Violence which are held by the Attorney General under s. 741.465 are exempt from disclosure, provided that the victim files a sworn statement of stalking with the Office of the Attorney General and otherwise complies with the procedures in ss. 741.401-741.409.

Reviser's note.—Amended to correct an apparent error. Section 119.07(1) requires custodians of public records to permit inspection and copying thereof. Section 119.071(1) provides exemptions from public records requirements for specified records of governmental agencies.

Section 12. Paragraph (d) of subsection (4) of section 112.63, Florida Statutes, is amended to read:

112.63 Actuarial reports and statements of actuarial impact; review.—

(4) Upon receipt, pursuant to subsection (2), of an actuarial report, or, pursuant to subsection (3), of a statement of actuarial impact, the Department of Management Services shall acknowledge such receipt, but shall only review and comment on each retirement system's or plan's actuarial valuations at least on a triennial basis.

(d) In the case of an affected special district, the Department of Management Services shall also notify the Department of Economic Opportunity. Upon receipt of notification, the Department of Economic Opportunity shall proceed pursuant to s. 189.421.

1. Failure of a special district to provide a required report or statement, to make appropriate adjustments, or to provide additional material information after the procedures specified in s. 189.421(1) are exhausted shall be deemed final action by the special district.

2. The Department of Management Services may notify the Department of Economic Opportunity ~~Community Affairs~~ of those special districts that failed to come into compliance. Upon receipt of notification, the Department of Economic Opportunity ~~Community Affairs~~ shall proceed pursuant to s. 189.421(4).

Reviser's note.—Amended to confirm substitution by the editors of a reference to the Department of Economic Opportunity for a reference to the Department of Community Affairs; s. 20.18, which created the Department of Community Affairs, was repealed by s. 478, ch. 2011-142, Laws of Florida. For purposes of chapter 189, relating to special districts, the term "department" was revised to mean the Department of Economic Opportunity instead of the Department of Community Affairs pursuant to the amendment to s. 189.403(4) by s. 64, ch. 2011-142.

Section 13. Paragraph (b) of subsection (3) of section 120.54, Florida Statutes, is amended to read:

120.54 Rulemaking.—

(3) ADOPTION PROCEDURES.—

(b) *Special matters to be considered in rule adoption.*—

1. Statement of estimated regulatory costs.—Before the adoption, amendment, or repeal of any rule other than an emergency rule, an agency is encouraged to prepare a statement of estimated regulatory costs of the proposed rule, as provided by s. 120.541. However, an agency must prepare a statement of estimated regulatory costs of the proposed rule, as provided by s. 120.541, if:

a. The proposed rule will have an adverse impact on small business; or

b. The proposed rule is likely to directly or indirectly increase regulatory costs in excess of \$200,000 in the aggregate in this state within 1 year after the implementation of the rule.

2. Small businesses, small counties, and small cities.—

a. Each agency, before the adoption, amendment, or repeal of a rule, shall consider the impact of the rule on small businesses as defined by s. 288.703 and the impact of the rule on small counties or small cities as defined by s. 120.52. Whenever practicable, an agency shall tier its rules to reduce disproportionate impacts on small businesses, small counties, or small cities to avoid regulating small businesses, small counties, or small cities that do not contribute significantly to the problem the rule is designed to address. An agency may define “small business” to include businesses employing more than 200 persons, may define “small county” to include those with populations of more than 75,000, and may define “small city” to include those with populations of more than 10,000, if it finds that such a definition is necessary to adapt a rule to the needs and problems of small businesses, small counties, or small cities. The agency shall consider each of the following methods for reducing the impact of the proposed rule on small businesses, small counties, and small cities, or any combination of these entities:

(I) Establishing less stringent compliance or reporting requirements in the rule.

(II) Establishing less stringent schedules or deadlines in the rule for compliance or reporting requirements.

(III) Consolidating or simplifying the rule’s compliance or reporting requirements.

(IV) Establishing performance standards or best management practices to replace design or operational standards in the rule.

(V) Exempting small businesses, small counties, or small cities from any or all requirements of the rule.

b.(I) If the agency determines that the proposed action will affect small businesses as defined by the agency as provided in sub-subparagraph a., the agency shall send written notice of the rule to the rules ombudsman in the Executive Office of the Governor at least 28 days before the intended action.

(II) Each agency shall adopt those regulatory alternatives offered by the rules ombudsman in the Executive Office of the Governor and provided to the agency no later than 21 days after the rules ombudsman's council's receipt of the written notice of the rule which it finds are feasible and consistent with the stated objectives of the proposed rule and which would reduce the impact on small businesses. When regulatory alternatives are offered by the rules ombudsman in the Executive Office of the Governor, the 90-day period for filing the rule in subparagraph (e)2. is extended for a period of 21 days.

(III) If an agency does not adopt all alternatives offered pursuant to this sub-subparagraph, it shall, before rule adoption or amendment and pursuant to subparagraph (d)1., file a detailed written statement with the committee explaining the reasons for failure to adopt such alternatives. Within 3 working days after the filing of such notice, the agency shall send a copy of such notice to the rules ombudsman in the Executive Office of the Governor.

Reviser's note.—Amended to conform to the reassignment by ch. 2012-27, Laws of Florida, of duties of the Small Business Regulatory Advisory Council to the rules ombudsman in the Executive Office of the Governor. Section 5, ch. 2012-27, repealed s. 288.7001, which created the council.

Section 14. Paragraph (a) of subsection (5) of section 120.745, Florida Statutes, is amended to read:

120.745 Legislative review of agency rules in effect on or before November 16, 2010.—

(5) COMPLIANCE ECONOMIC REVIEW OF RULES AND REQUIRED REPORT.—Each agency shall perform a compliance economic review and report for all rules, including separate reviews of subparts, listed under Group 1 “Group 1 rules” or Group 2 “Group 2 rules” pursuant to subparagraph (2)(g)3. Group 1 rules shall be reviewed and reported on in 2012, and Group 2 rules shall be reviewed and reported on in 2013.

(a) No later than May 1, each agency shall:

1. Complete a compliance economic review for each entire rule or subpart in the appropriate group.

2. File the written certification of the agency head with the committee verifying the completion of each compliance economic review required for the respective year. The certification shall be dated and published as an

addendum to the report required in subsection (3). The duty to certify completion of the required compliance economic reviews is the responsibility solely of the agency head as defined in s. 120.52(3) and may not be delegated to any other person. If the defined agency head is a collegial body, the written certification must be prepared by the chair or equivalent presiding officer of that body.

3. Publish a copy of the compliance economic review, directions on how and when interested parties may submit lower cost regulatory alternatives to the agency, and the date the notice is published in the manner provided in subsection (7).

4. Publish notice of the publications required in subparagraphs 2. and 3. in the manner provided in subsection (7).

5. Submit each compliance economic review to the rules ombudsman in the Executive Office of the Governor for the rules ombudsman's its review.

Reviser's note.—Amended to confirm substitution of the words “the ombudsman's” for the word “its” by the editors. As created by s. 5, ch. 2011-225, Laws of Florida, s. 120.745(5)(a)5. referenced the Small Business Regulatory Advisory Council, and the word “its” referred back to that reference. Chapter 2012-27, Laws of Florida, reassigned duties of the Small Business Regulatory Advisory Council to the rules ombudsman in the Executive Office of the Governor. Section 3, ch. 2012-27, substituted a reference to the rules ombudsman for a reference to the council but left the referencing word “its.” Section 5, ch. 2012-27, repealed s. 288.7001, which created the council.

Section 15. Paragraph (d) of subsection (6) of section 121.055, Florida Statutes, is amended to read:

121.055 Senior Management Service Class.—There is hereby established a separate class of membership within the Florida Retirement System to be known as the “Senior Management Service Class,” which shall become effective February 1, 1987.

(6)

(d) *Contributions.*—

1.a. Through June 30, 2001, each employer shall contribute on behalf of each member of the Senior Management Service Optional Annuity Program an amount equal to the normal cost portion of the employer retirement contribution which would be required if the member were a Senior Management Service Class member of the Florida Retirement System Pension Plan, plus the portion of the contribution rate required in s. 112.363(8) that would otherwise be assigned to the Retiree Health Insurance Subsidy Trust Fund.

b. Effective July 1, 2001, through June 30, 2011, each employer shall contribute on behalf of each member of the optional annuity program an amount equal to 12.49 percent of the employee's gross monthly compensation.

c. Effective July 1, 2011, through June 30, 2012, each member of the optional annuity program shall contribute an amount equal to the employee contribution required under s. 121.71(3). The employer shall contribute on behalf of such employee an amount equal to the difference between 12.49 percent of the employee's gross monthly compensation and the amount equal to the employee's required contribution based on the employee's gross monthly compensation.

d. Effective July 1, 2012, each member of the optional annuity program shall contribute an amount equal to the employee contribution required under s. 121.71 ~~121.73~~. The employer shall contribute on behalf of such employee an amount equal to the difference between 9.27 percent of the employee's gross monthly compensation and the amount equal to the employee's required contribution based on the employee's gross monthly compensation.

e. The department shall deduct an amount approved by the Legislature to provide for the administration of this program. Payment of the contributions, including contributions made by the employee, shall be made by the employer to the department, which shall forward the contributions to the designated company or companies contracting for payment of benefits for the member under the program.

2. Each employer shall contribute on behalf of each member of the Senior Management Service Optional Annuity Program an amount equal to the unfunded actuarial accrued liability portion of the employer contribution which would be required for members of the Senior Management Service Class in the Florida Retirement System. This contribution shall be paid to the department for transfer to the Florida Retirement System Trust Fund.

3. An Optional Annuity Program Trust Fund shall be established in the State Treasury and administered by the department to make payments to provider companies on behalf of the optional annuity program members, and to transfer the unfunded liability portion of the state optional annuity program contributions to the Florida Retirement System Trust Fund.

4. Contributions required for social security by each employer and employee, in the amount required for social security coverage as now or hereafter may be provided by the federal Social Security Act shall be maintained for each member of the Senior Management Service retirement program and are in addition to the retirement contributions specified in this paragraph.

5. Each member of the optional annuity program may contribute by way of salary reduction or deduction a percentage amount of the employee's gross

compensation not to exceed the percentage amount contributed by the employer to the optional annuity program. Payment of the employee's contributions shall be made by the employer to the department, which shall forward the contributions to the designated company or companies contracting for payment of benefits for the member under the program.

Reviser's note.—Amended to conform to context. Section 121.71(3) relates to employee contributions. Section 121.73 relates to allocations from the Florida Retirement System Contributions Clearing Trust Fund for disability coverage for members in the investment plan.

Section 16. Section 121.085, Florida Statutes, is amended to read:

121.085 Creditable service.—The following provision ~~provisions~~ shall apply to creditable service as defined in s. 121.021(17): no creditable service which remained unclaimed at retirement may be claimed or purchased after a retirement benefit payment has been cashed or deposited.

Reviser's note.—Amended to confirm substitution of the word “provision” for the word “provisions” by the editors to conform to context; s. 36, ch. 2012-116, Laws of Florida, repealed subsection (1), leaving only one provision in the section.

Section 17. Paragraph (b) of subsection (9) of section 121.091, Florida Statutes, is amended to read:

121.091 Benefits payable under the system.—Benefits may not be paid under this section unless the member has terminated employment as provided in s. 121.021(39)(a) or begun participation in the Deferred Retirement Option Program as provided in subsection (13), and a proper application has been filed in the manner prescribed by the department. The department may cancel an application for retirement benefits when the member or beneficiary fails to timely provide the information and documents required by this chapter and the department's rules. The department shall adopt rules establishing procedures for application for retirement benefits and for the cancellation of such application when the required information or documents are not received.

(9) EMPLOYMENT AFTER RETIREMENT; LIMITATION.—

(b) Any person whose retirement is effective before July 1, 2010, or whose participation in the Deferred Retirement Option Program terminates before July 1, 2010, except under the disability retirement provisions of subsection (4) or as provided in s. 121.053, may be reemployed by an employer that participates in a state-administered retirement system and receive retirement benefits and compensation from that employer, except that the person may not be reemployed by an employer participating in the Florida Retirement System before meeting the definition of termination in s. 121.021 and may not receive both a salary from the employer and retirement benefits for 12 calendar months immediately subsequent to the date of

retirement. However, a DROP participant shall continue employment and receive a salary during the period of participation in the Deferred Retirement Option Program, as provided in subsection (13).

1. A retiree who violates such reemployment limitation before completion of the 12-month limitation period must give timely notice of this fact in writing to the employer and to the Division of Retirement or the state board and shall have his or her retirement benefits suspended for the months employed or the balance of the 12-month limitation period as required in sub-subparagraphs b. and c. A retiree employed in violation of this paragraph and an employer who employs or appoints such person are jointly and severally liable for reimbursement to the retirement trust fund, including the Florida Retirement System Trust Fund and the Public Employee Optional Retirement Program Trust Fund, from which the benefits were paid. The employer must have a written statement from the retiree that he or she is not retired from a state-administered retirement system. Retirement benefits shall remain suspended until repayment has been made. Benefits suspended beyond the reemployment limitation shall apply toward repayment of benefits received in violation of the reemployment limitation.

a. A district school board may reemploy a retiree as a substitute or hourly teacher, education paraprofessional, transportation assistant, bus driver, or food service worker on a noncontractual basis after he or she has been retired for 1 calendar month. A district school board may reemploy a retiree as instructional personnel, as defined in s. 1012.01(2)(a), on an annual contractual basis after he or she has been retired for 1 calendar month. Any member who is reemployed within 1 calendar month after retirement shall void his or her application for retirement benefits. District school boards reemploying such teachers, education paraprofessionals, transportation assistants, bus drivers, or food service workers are subject to the retirement contribution required by subparagraph 2.

b. A Florida College System institution ~~community college~~ board of trustees may reemploy a retiree as an adjunct instructor or as a participant in a phased retirement program within the Florida ~~Community~~ College System, after he or she has been retired for 1 calendar month. A member who is reemployed within 1 calendar month after retirement shall void his or her application for retirement benefits. Boards of trustees reemploying such instructors are subject to the retirement contribution required in subparagraph 2. A retiree may be reemployed as an adjunct instructor for no more than 780 hours during the first 12 months of retirement. A retiree reemployed for more than 780 hours during the first 12 months of retirement must give timely notice in writing to the employer and to the Division of Retirement or the state board of the date he or she will exceed the limitation. The division shall suspend his or her retirement benefits for the remainder of the 12 months of retirement. Any retiree employed in violation of this sub-subparagraph and any employer who employs or appoints such person without notifying the division to suspend retirement benefits are jointly and severally liable for any benefits paid during the reemployment limitation period. The employer must have a written statement from the retiree that he

or she is not retired from a state-administered retirement system. Any retirement benefits received by the retiree while reemployed in excess of 780 hours during the first 12 months of retirement must be repaid to the Florida Retirement System Trust Fund, and retirement benefits shall remain suspended until repayment is made. Benefits suspended beyond the end of the retiree's first 12 months of retirement shall apply toward repayment of benefits received in violation of the 780-hour reemployment limitation.

c. The State University System may reemploy a retiree as an adjunct faculty member or as a participant in a phased retirement program within the State University System after the retiree has been retired for 1 calendar month. A member who is reemployed within 1 calendar month after retirement shall void his or her application for retirement benefits. The State University System is subject to the retired contribution required in subparagraph 2., as appropriate. A retiree may be reemployed as an adjunct faculty member or a participant in a phased retirement program for no more than 780 hours during the first 12 months of his or her retirement. A retiree reemployed for more than 780 hours during the first 12 months of retirement must give timely notice in writing to the employer and to the Division of Retirement or the state board of the date he or she will exceed the limitation. The division shall suspend his or her retirement benefits for the remainder of the 12 months. Any retiree employed in violation of this sub-subparagraph and any employer who employs or appoints such person without notifying the division to suspend retirement benefits are jointly and severally liable for any benefits paid during the reemployment limitation period. The employer must have a written statement from the retiree that he or she is not retired from a state-administered retirement system. Any retirement benefits received by the retiree while reemployed in excess of 780 hours during the first 12 months of retirement must be repaid to the Florida Retirement System Trust Fund, and retirement benefits shall remain suspended until repayment is made. Benefits suspended beyond the end of the retiree's first 12 months of retirement shall apply toward repayment of benefits received in violation of the 780-hour reemployment limitation.

d. The Board of Trustees of the Florida School for the Deaf and the Blind may reemploy a retiree as a substitute teacher, substitute residential instructor, or substitute nurse on a noncontractual basis after he or she has been retired for 1 calendar month. Any member who is reemployed within 1 calendar month after retirement shall void his or her application for retirement benefits. The Board of Trustees of the Florida School for the Deaf and the Blind reemploying such teachers, residential instructors, or nurses is subject to the retirement contribution required by subparagraph 2.

e. A developmental research school may reemploy a retiree as a substitute or hourly teacher or an education paraprofessional as defined in s. 1012.01(2) on a noncontractual basis after he or she has been retired for 1 calendar month. A developmental research school may reemploy a retiree as instructional personnel, as defined in s. 1012.01(2)(a), on an annual contractual basis after he or she has been retired for 1 calendar month after retirement. Any member who is reemployed within 1 calendar month voids

his or her application for retirement benefits. A developmental research school that reemploys retired teachers and education paraprofessionals is subject to the retirement contribution required by subparagraph 2.

f. A charter school may reemploy a retiree as a substitute or hourly teacher on a noncontractual basis after he or she has been retired for 1 calendar month. A charter school may reemploy a retired member as instructional personnel, as defined in s. 1012.01(2)(a), on an annual contractual basis after he or she has been retired for 1 calendar month after retirement. Any member who is reemployed within 1 calendar month voids his or her application for retirement benefits. A charter school that reemploys such teachers is subject to the retirement contribution required by subparagraph 2.

2. The employment of a retiree or DROP participant of a state-administered retirement system does not affect the average final compensation or years of creditable service of the retiree or DROP participant. Before July 1, 1991, upon employment of any person, other than an elected officer as provided in s. 121.053, who is retired under a state-administered retirement program, the employer shall pay retirement contributions in an amount equal to the unfunded actuarial liability portion of the employer contribution which would be required for regular members of the Florida Retirement System. Effective July 1, 1991, contributions shall be made as provided in s. 121.122 for retirees who have renewed membership or, as provided in subsection (13), for DROP participants.

3. Any person who is holding an elective public office which is covered by the Florida Retirement System and who is concurrently employed in nonelected covered employment may elect to retire while continuing employment in the elective public office if he or she terminates his or her nonelected covered employment. Such person shall receive his or her retirement benefits in addition to the compensation of the elective office without regard to the time limitations otherwise provided in this subsection. A person who seeks to exercise the provisions of this subparagraph as they existed before May 3, 1984, may not be deemed to be retired under those provisions, unless such person is eligible to retire under this subparagraph, as amended by chapter 84-11, Laws of Florida.

Reviser's note.—Amended to conform a reference to “community college board of trustees” to changes in chapters 2008-52 and 2009-228, Laws of Florida, transitioning references to community colleges to Florida College System institutions. Also amended to substitute a reference to the Florida College System for a reference to the Florida Community College System to conform to s. 2, ch. 2008-52, which enacted s. 1001.60, creating the Florida College System.

Section 18. Subsection (7) of section 159.823, Florida Statutes, is amended to read:

159.823 Definitions.—As used in this act, the following words and terms shall have the following meanings, unless some other meaning is plainly intended:

(7) “State Board of Administration” means the State Board of Administration created by and referred to in s. 4 9, Art. IV XH, of the State Constitution.

Reviser’s note.—Section 4(e), Art. IV of the State Constitution of 1968 provides that the governor, chief financial officer, and attorney general constitute the state board of administration, as successor to the state board of administration established pursuant to s. 16, Art. IX of the Constitution of 1885.

Section 19. Subsections (1), (4), (5), (6), and (7), paragraph (a) of subsection (9), and subsections (12) and (13) of section 163.3246, Florida Statutes, are amended to read:

163.3246 Local government comprehensive planning certification program.—

(1) There is created the Local Government Comprehensive Planning Certification Program to be administered by the state land planning agency. The purpose of the program is to create a certification process for local governments who identify a geographic area for certification within which they commit to directing growth and who, because of a demonstrated record of effectively adopting, implementing, and enforcing its comprehensive plan, the level of technical planning experience exhibited by the local government, and a commitment to implement exemplary planning practices, require less state and regional oversight of the comprehensive plan amendment process. The purpose of the certification area is to designate areas that are contiguous, compact, and appropriate for urban growth and development within a 10-year planning timeframe. Municipalities and counties are encouraged to jointly establish the certification area, and subsequently enter into joint certification agreement with the state land planning agency department.

(4) A local government or group of local governments seeking certification of all or part of a jurisdiction or jurisdictions must submit an application to the state land planning agency department which demonstrates that the area sought to be certified meets the criteria of subsections (2) and (5). The application shall include copies of the applicable local government comprehensive plan, land development regulations, interlocal agreements, and other relevant information supporting the eligibility criteria for designation. Upon receipt of a complete application, the state land planning agency department must provide the local government with an initial response to the application within 90 days after receipt of the application.

(5) If the local government meets the eligibility criteria of subsection (2), the state land planning agency department shall certify all or part of a local

government by written agreement, which shall be considered final agency action subject to challenge under s. 120.569. The agreement must include the following components:

(a) The basis for certification.

(b) The boundary of the certification area, which encompasses areas that are contiguous, compact, appropriate for urban growth and development, and in which public infrastructure is existing or planned within a 10-year planning timeframe. The certification area is required to include sufficient land to accommodate projected population growth, housing demand, including choice in housing types and affordability, job growth and employment, appropriate densities and intensities of use to be achieved in new development and redevelopment, existing or planned infrastructure, including transportation and central water and sewer facilities. The certification area must be adopted as part of the local government’s comprehensive plan.

(c) A demonstration that the capital improvements plan governing the certified area is updated annually.

(d) A visioning plan or a schedule for the development of a visioning plan.

(e) A description of baseline conditions related to the evaluation criteria in paragraph (g) in the certified area.

(f) A work program setting forth specific planning strategies and projects that will be undertaken to achieve improvement in the baseline conditions as measured by the criteria identified in paragraph (g).

(g) Criteria to evaluate the effectiveness of the certification process in achieving the community-development goals for the certification area including:

1. Measuring the compactness of growth, expressed as the ratio between population growth and land consumed;
2. Increasing residential density and intensities of use;
3. Measuring and reducing vehicle miles traveled and increasing the interconnectedness of the street system, pedestrian access, and mass transit;
4. Measuring the balance between the location of jobs and housing;
5. Improving the housing mix within the certification area, including the provision of mixed-use neighborhoods, affordable housing, and the creation of an affordable housing program if such a program is not already in place;
6. Promoting mixed-use developments as an alternative to single-purpose centers;
7. Promoting clustered development having dedicated open space;

8. Linking commercial, educational, and recreational uses directly to residential growth;

9. Reducing per capita water and energy consumption;

10. Prioritizing environmental features to be protected and adopting measures or programs to protect identified features;

11. Reducing hurricane shelter deficits and evacuation times and implementing the adopted mitigation strategies; and

12. Improving coordination between the local government and school board.

(h) A commitment to change any land development regulations that restrict compact development and adopt alternative design codes that encourage desirable densities and intensities of use and patterns of compact development identified in the agreement.

(i) A plan for increasing public participation in comprehensive planning and land use decisionmaking which includes outreach to neighborhood and civic associations through community planning initiatives.

(j) A demonstration that the intergovernmental coordination element of the local government's comprehensive plan includes joint processes for coordination between the school board and local government pursuant to s. 163.3177(6)(h)2. and other requirements of law.

(k) A method of addressing the extrajurisdictional effects of development within the certified area which is integrated by amendment into the intergovernmental coordination element of the local government comprehensive plan.

(l) A requirement for the annual reporting to the state land planning agency ~~department~~ of plan amendments adopted during the year, and the progress of the local government in meeting the terms and conditions of the certification agreement. Prior to the deadline for the annual report, the local government must hold a public hearing soliciting public input on the progress of the local government in satisfying the terms of the certification agreement.

(m) An expiration date that is no later than 10 years after execution of the agreement.

(6) The state land planning agency ~~department~~ may enter up to eight new certification agreements each fiscal year. The state land planning agency ~~department~~ shall adopt procedural rules governing the application and review of local government requests for certification. Such procedural rules may establish a phased schedule for review of local government requests for certification.

(7) The state land planning agency ~~department~~ shall revoke the local government's certification if it determines that the local government is not substantially complying with the terms of the agreement.

(9)(a) Upon certification all comprehensive plan amendments associated with the area certified must be adopted and reviewed in the manner described in s. 163.3184(5)-(11), such that state and regional agency review is eliminated. Plan amendments that qualify as small scale development amendments may follow the small scale review process in s. 163.3187. The state land planning agency ~~department~~ may not issue any objections, recommendations, and comments report on proposed plan amendments or a notice of intent on adopted plan amendments; however, affected persons, as defined by s. 163.3184(1)(a), may file a petition for administrative review pursuant to the requirements of s. 163.3184(5) to challenge the compliance of an adopted plan amendment.

(12) A local government's certification shall be reviewed by the local government and the state land planning agency ~~department~~ as part of the evaluation and appraisal process pursuant to s. 163.3191. Within 1 year after the deadline for the local government to update its comprehensive plan based on the evaluation and appraisal report, the state land planning agency ~~department~~ shall renew or revoke the certification. The local government's failure to timely adopt necessary amendments to update its comprehensive plan based on an evaluation and appraisal, which are found to be in compliance by the state land planning agency ~~department~~, shall be cause for revoking the certification agreement. The state land planning agency's ~~department's~~ decision to renew or revoke shall be considered agency action subject to challenge under s. 120.569.

(13) The state land planning agency ~~department~~ shall, by July 1 of each odd-numbered year, submit to the Governor, the President of the Senate, and the Speaker of the House of Representatives a report listing certified local governments, evaluating the effectiveness of the certification, and including any recommendations for legislative actions.

Reviser's note.—Amended to conform to the repeal by s. 478, ch. 2011-142, Laws of Florida, of s. 20.18, which created the Department of Community Affairs.

Section 20. Subsection (2) of section 163.340, Florida Statutes, is amended to read:

163.340 Definitions.—The following terms, wherever used or referred to in this part, have the following meanings:

(2) "Public body" means the state or any county, municipality, authority, special district as defined in s. 165.031(7) ~~165.031(5)~~, or other public body of the state, except a school district.

Reviser’s note.—Amended to conform to the redesignation of s. 165.031(5) as s. 165.031(7) by s. 1, ch. 2012-121, Laws of Florida.

Section 21. Paragraph (c) of subsection (6) of section 189.4042, Florida Statutes, is amended to read:

189.4042 Merger and dissolution procedures.—

(6) INVOLUNTARY MERGER OF INDEPENDENT SPECIAL DISTRICTS.—

(c) *Inactive independent special districts.*—An independent special district that meets any criteria for being declared inactive, or that has already been declared inactive, pursuant to s. 189.4044 may be merged by special act without a referendum.

Reviser’s note.—Amended to conform to context.

Section 22. Paragraph (f) of subsection (1) of section 190.046, Florida Statutes, is amended to read:

190.046 Termination, contraction, or expansion of district.—

(1) A landowner or the board may petition to contract or expand the boundaries of a community development district in the following manner:

(f) Petitions to amend the boundaries of the district that exceed the amount of land specified in paragraph (e) shall be processed in accordance with s. 190.005, and the petition shall include only the elements set forth in s. 190.005(1)(a)1. and 5.-8. and the consent required by paragraph (g). However, the resulting administrative rule or ordinance may only amend the boundaries of the district and may not establish a new district or cause a new 6-year or 10-year period to begin pursuant to s. 190.006(3)(a)2. The filing fee for such petitions shall be as set forth in s. 190.005(1)(b) ~~and (2)~~, as applicable.

Reviser’s note.—Amended to conform to the fact that there is no reference to a fee in s. 190.005(2).

Section 23. Section 202.38, Florida Statutes, is repealed.

Reviser’s note.—The repealed provision, which authorizes dealers who have paid specified taxes on telecommunications services billed prior to October 1, 2001, which are no longer subject to the tax as a result of chapter 2000-260, Laws of Florida, to take a credit or obtain a refund of taxes imposed under chapter 202 on unpaid balances due on worthless accounts within 12 months following the last day of the calendar year for which the bad debt was charged off on the taxpayer’s federal income tax return, is obsolete.

Section 24. Paragraph (b) of subsection (1) of section 211.02, Florida Statutes, is amended to read:

211.02 Oil production tax; basis and rate of tax; tertiary oil and mature field recovery oil.—An excise tax is hereby levied upon every person who severs oil in the state for sale, transport, storage, profit, or commercial use. Except as otherwise provided in this part, the tax is levied on the basis of the entire production of oil in this state, including any royalty interest. Such tax shall accrue at the time the oil is severed and shall be a lien on production regardless of the place of sale, to whom sold, or by whom used, and regardless of the fact that delivery of the oil may be made outside the state.

(1) The amount of tax shall be measured by the value of the oil produced and saved or sold during a month. The value of oil shall be taxed at the following rates:

(b) Tertiary oil and mature field recovery oil:

1. One percent of the gross value of oil on the value of oil \$60 dollars and below;

2. Seven percent of the gross value of oil on the value of oil above \$60 and below \$80; and

3. Nine percent of the gross value of oil on the value of oil \$80 and above.

Reviser's note.—Amended to confirm deletion of the word “dollars” by the editors to conform to Florida Statutes style.

Section 25. Paragraph (a) of subsection (2) of section 215.5601, Florida Statutes, is amended to read:

215.5601 Lawton Chiles Endowment Fund.—

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

(a) “Board” means the State Board of Administration established by s. 16, Art. IX of the State Constitution of 1885 and incorporated into s. 4 9(e), Art. IV ~~XII~~ of the State Constitution of 1968.

Reviser's note.—Section 4(e), Art. IV of the State Constitution of 1968 provides that the governor, chief financial officer, and attorney general constitute the state board of administration, as successor to the state board of administration established pursuant to s. 16, Art. IX of the Constitution of 1885.

Section 26. Paragraph (j) of subsection (2) and paragraph (o) of subsection (8) of section 215.97, Florida Statutes, are amended to read:

215.97 Florida Single Audit Act.—

(2) Definitions; as used in this section, the term:

(j) “Local governmental entity” means a county as a whole, municipality, or special district or any other entity excluding a district school board, charter school, Florida College System institution ~~community college~~, or public university, however styled, which independently exercises any type of governmental function within the state.

(8) Each recipient or subrecipient of state financial assistance shall comply with the following:

(o) A contract involving the State University System or the Florida ~~Community~~ College System funded by state financial assistance may be in the form of:

1. A fixed-price contract that entitles the provider to receive full compensation for the fixed contract amount upon completion of all contract deliverables;

2. A fixed-rate-per-unit contract that entitles the provider to receive compensation for each contract deliverable provided;

3. A cost-reimbursable contract that entitles the provider to receive compensation for actual allowable costs incurred in performing contract deliverables; or

4. A combination of the contract forms described in subparagraphs 1., 2., and 3.

Reviser’s note.—Paragraph (2)(j) is amended to conform to changes in chapters 2008-52 and 2009-228, Laws of Florida, transitioning references from community colleges to Florida College System institutions. Paragraph (8)(o) is amended to substitute a reference to the Florida College System for a reference to the Florida Community College System to conform to s. 2, ch. 2008-52, which enacted s. 1001.60, creating the Florida College System.

Section 27. Paragraph (f) of subsection (1) of section 218.32, Florida Statutes, is amended to read:

218.32 Annual financial reports; local governmental entities.—

(1)

(f) If the department does not receive a completed annual financial report from a local governmental entity within the required period, it shall notify the Legislative Auditing Committee and the Special District Information Program of the Department of Economic Opportunity ~~Community Affairs~~ of the entity’s failure to comply with the reporting requirements.

Reviser’s note—Amended to confirm substitution of a reference to the Department of Economic Opportunity for a reference to the Department of Community Affairs by the editors. Section 65, ch. 2011-142,

Laws of Florida, transferred the Special District Information Program to the Department of Economic Opportunity from the Department of Community Affairs.

Section 28. Paragraph (c) of subsection (4) of section 252.385, Florida Statutes, is amended to read:

252.385 Public shelter space.—

(4)

(c) The Department of Management Services shall, in consultation with local and state emergency management agencies, assess Department of Management Services facilities to identify the extent to which each facility has public hurricane evacuation shelter space. The Department of Management Services shall submit proposed facility retrofit projects that incorporate hurricane protection enhancements to the division ~~department~~ for assessment and inclusion in the annual report prepared in accordance with subsection (3).

Reviser's note.—Amended to conform to s. 98, ch. 2011-142, Laws of Florida, which revised the definition of the term “division” for purposes of part I of chapter 252 from the Division of Emergency Management of the Department of Community Affairs to the Division of Emergency Management within the Executive Office of the Governor. Section 478, ch. 2011-142, repealed s. 20.18, which created the Department of Community Affairs.

Section 29. Subsections (1), (2), and (4) of section 252.939, Florida Statutes, are amended to read:

252.939 Fees.—

(1)(a) Any owner or operator of a specified stationary source in the state which must submit a Risk Management Plan to the United States Environmental Protection Agency under s. 112(r)(7) shall pay an annual registration fee for each specified stationary source to the division ~~department~~. The annual registration fee is due to the division ~~department~~ upon initial submission of a stationary source's Risk Management Plan to the United States Environmental Protection Agency, and every April 1 thereafter.

(b) Prior individual written notice shall be provided by United States mail by the division ~~department~~ to owners or operators of specified stationary sources in the state subject to the requirements under s. 112(r)(7) to submit Risk Management Plans and corresponding state registration fees. This notice must include the requirements of the state fee schedule and must be mailed at least 90 days before the due date for the specified stationary source's initial registration and Risk Management Plan submission year and at least 30 days before the registration fee due date for subsequent years.

(c) The division ~~department~~ shall establish a fee schedule by rule for the specified stationary sources, upon the advice and consent of the commission. The annual registration fee must be based on a stationary source's highest program level, as determined under the federal implementing regulations for s. 112(r)(7) and may not exceed the following:

1. Program 1 Stationary Sources \$100. Multiple Program 1 stationary sources which are under common ownership and which have the same single chemical process, shall pay a full fee for the first stationary source location and a 50 percent fee for subsequent locations with no owner of such multiple stationary sources paying more than \$1,000. To be eligible for this multiple stationary source fee provision, one single fee payment must be submitted by the owner of the eligible multiple stationary source locations with a listing of the multiple stationary source locations and the single chemical process.

2. Program 2 Stationary Sources \$200. Multiple Program 2 stationary sources which are under common ownership and which have the same single chemical process, shall pay a full fee for the first three stationary source locations and a 50 percent fee for subsequent locations with no owner of such multiple stationary sources paying more than \$2,000. Multiple Program 2 stationary sources which are under common ownership and which are classified under one of the following Standard Industrial Classification group numbers 01, 02, or 07 shall pay a full fee, not to exceed \$100 for the first stationary source location and a 50 percent fee for subsequent locations with no owner of such multiple stationary sources paying more than \$800. To be eligible for these multiple stationary source fee provisions, one single fee payment must be submitted by the owner of the eligible multiple stationary source locations with a listing of the multiple stationary source locations and the chemical process.

3. Program 3 Stationary Sources \$1,000.

(d) Annual registration fees under this section are not required until after the division ~~department~~ receives final delegation approval from the United States Environmental Protection Agency to administer the s. 112(r)(7) Accidental Release Prevention Program for the specified stationary sources.

(2) The division ~~department~~ shall establish by rule late fees, not to exceed 10 percent per month of the annual registration fee owed, and not to exceed a total of 50 percent, for failure to timely submit an annual registration fee. A late fee may not be assessed against a stationary source during the initial registration and submission year if 90 day's prior written notice was not provided to that stationary source.

(4) If the Legislature directs the division ~~department~~ to seek authority to implement and enforce s. 112(r)(7) of the Clean Air Act for additional stationary sources, the division ~~department~~ shall, with the advice of the commission, review and suggest revisions, if necessary and appropriate, to the fees specified in this section.

Reviser's note.— Amended to conform to s. 112, ch. 2011-142, Laws of Florida, which replaced the definition of the term “department” referencing the Department of Community Affairs in s. 252.936 with the term “division” referencing the Division of Emergency Management within the Executive Office of the Governor for purposes of part IV of chapter 252.

Section 30. Subsections (1), (3), and (4) of section 252.940, Florida Statutes, are amended to read:

252.940 Enforcement; procedure; remedies.—

(1) The division ~~department~~ has the following enforcement authority and remedies for specified stationary sources available to it for violations of this part as specified in s. 252.941:

(a) To institute a civil action in a court of competent jurisdiction in order to seek injunctive relief to immediately restrain or enjoin any person from engaging in any activity in violation of this part which is presenting an imminent and substantial endangerment to the public health or welfare or the environment; and to seek injunctive relief to enforce compliance with this part or any rule, regulation, program requirement, or order implementing this part.

(b) To institute a civil action in a court of competent jurisdiction to impose and to recover a civil penalty for each violation, as specified in s. 252.941(1), in an amount of not more than \$10,000 per offense. However, the court may receive evidence in mitigation. Each day during any portion of which such violation occurs constitutes a separate offense.

(c) To seek criminal remedies, including fines, for violations as specified in s. 252.941(2).

(d) Failure to comply with the fee provisions under s. 252.939 is not a violation under s. 252.941. Section 252.939(2) is the sole remedy for fee provisions in s. 252.939, except that the division ~~department~~ may enforce a final order entered under that section pursuant to s. 120.69.

(3) For the purposes of this section, the division ~~department~~ may offer and accept the use of emergency planning, training, and response-related Supplemental Environmental Projects, consistent with the guidelines established by the United States Environmental Protection Agency.

(4) The authorities and remedies provided under this section shall not take effect until after such time as the division ~~department~~ has received final delegation approval from the United States Environmental Protection Agency to administer the s. 112(r)(7) Accidental Release Prevention Program for specified stationary sources.

Reviser's note.— Amended to conform to s. 112, ch. 2011-142, Laws of Florida, which replaced the definition of the term “department”

referencing the Department of Community Affairs in s. 252.936 with the term “division” referencing the Division of Emergency Management within the Executive Office of the Governor for purposes of part IV of chapter 252.

Section 31. Paragraphs (a) and (c) of subsection (1) and subsection (4) of section 252.941, Florida Statutes, are amended to read:

252.941 Prohibitions, violations, penalties, intent.—

(1) It is a violation of this part, and it is prohibited for any person to:

(a) Fail to make any submittal required by this part or by rule or regulation implementing this part, or to violate or fail to comply with any rule, regulation, order, plan, or certification adopted or issued by the division ~~department~~ pursuant to its lawful authority under this part, other than fees under s. 252.939.

(c) Fail to report to the appropriate representative of the division ~~department~~, as established by division ~~department~~ rule, within 1 working day of discovery of an accidental release of a regulated substance from the stationary source, if the owner or operator is required to report the release to the United States Environmental Protection Agency under s. 112(r)(6).

(4) The prohibitions and violations provided under this section shall take effect after such time as the division ~~department~~ has received final delegation approval from the United States Environmental Protection Agency to administer the s. 112(r)(7) Accidental Release Prevention Program for specified stationary sources.

Reviser’s note.— Amended to conform to s. 112, ch. 2011-142, Laws of Florida, which replaced the definition of the term “department” referencing the Department of Community Affairs in s. 252.936 with the term “division” referencing the Division of Emergency Management within the Executive Office of the Governor for purposes of part IV of chapter 252.

Section 32. Paragraphs (a) and (c) of subsection (1), paragraphs (b), (c), and (d) of subsection (3), and subsections (4), (6), and (7) of section 252.942, Florida Statutes, are amended to read:

252.942 Inspections and audits.—

(1)(a) Any duly authorized representative of the division ~~department~~ may at any reasonable time enter to inspect and audit, in order to ascertain compliance with this part or rules adopted to implement this part, any specified stationary source subject to the requirements of s. 112(r)(7), except a building that is used exclusively for a private residence.

(c) A person may not refuse reasonable entry or access to any authorized representative of the division ~~department~~ who requests entry for purposes of

inspection and who presents appropriate credentials; nor shall any person obstruct, hamper, or interfere with such inspection.

(3)

(b) When a proper affidavit is made, the judge may issue an inspection warrant if:

1. It appears that the properties to be inspected may be connected with or contain evidence of the violation of any of the provisions of this part or any rule properly promulgated thereunder; or

2. The inspection sought is an integral part of a larger scheme of systematic routine inspections that are necessary to, and consistent with, the continuing efforts of the division ~~department~~ to ensure compliance with the provisions of this part and any rules adopted thereunder.

(c) The judge shall, before issuing the warrant, have the application for the warrant duly sworn to and subscribed by a representative of the division ~~department~~; and he or she may receive further testimony from witnesses, supporting affidavits, or depositions in writing to support the application. The affidavit and further proof must set forth the facts tending to establish the grounds specified in paragraph (b) or the reasons for believing that such grounds exist.

(d) Upon examination of the application and proofs submitted and if satisfied that cause exists for issuing the inspection warrant, the judge shall issue a warrant, signed by him or her with the name of his or her office, to any division ~~department~~ representative, which warrant will authorize the representative to inspect the property described in the warrant.

(4) The division ~~department~~ shall periodically audit Risk Management Plans submitted by owners or operators of stationary sources subject to s. 112(r)(7) and require revisions of such plans when necessary to ensure compliance with this part. The audit and revision requirements must substantially comply with federal regulations implementing s. 112(r)(7). The division ~~department~~ shall develop, with the advice and consent of the commission, an annual audit work plan which identifies specified stationary sources or audits based on the program resources available. Stationary sources will be prioritized for audits based on factors which include, but are not limited to, stationary source location and proximity to population centers, chemical characteristics and inventories, stationary source accident history, process accident history, compliance or inspection by allied agency programs, and the results of stationary sources' self-audits.

(6) Following an audit or inspection, the division ~~department~~ shall issue the owner or operator a written preliminary determination of any necessary revisions to the stationary source Risk Management Plan to ensure that the plan meets the requirements of this part and rules adopted to implement this part. The preliminary determination must include an explanation of the

basis for the revisions, reflecting industry standards and guidelines to the extent that such standards and guidelines are applicable, and must include a timetable for their implementation.

(7) The division ~~department~~ shall provide reasonable notice of its intent to conduct an onsite inspection or audit of a specified stationary source. Inspections or audits may be conducted without notice in response to an accidental release or to protect the public health, safety, and welfare.

Reviser's note.— Amended to conform to s. 112, ch. 2011-142, Laws of Florida, which replaced the definition of the term “department” referencing the Department of Community Affairs in s. 252.936 with the term “division” referencing the Division of Emergency Management within the Executive Office of the Governor for purposes of part IV of chapter 252.

Section 33. Section 252.945, Florida Statutes, is repealed.

Reviser's note.— The cited section, which authorized advancement of a startup loan from the hazardous materials account in the Operating Trust Fund to support initial implementation of part IV of chapter 252, beginning October 1, 2001, to be repaid by 2006, is obsolete.

Section 34. Paragraph (c) of subsection (2), paragraph (b) of subsection (6), and subsection (15) of section 253.034, Florida Statutes, are amended to read:

253.034 State-owned lands; uses.—

(2) As used in this section, the following phrases have the following meanings:

(c) “Conservation lands” means lands that are currently managed for conservation, outdoor resource-based recreation, or archaeological or historic preservation, except those lands that were acquired solely to facilitate the acquisition of other conservation lands. Lands acquired for uses other than conservation, outdoor resource-based recreation, or archaeological or historic preservation shall not be designated conservation lands except as otherwise authorized under this section. These lands shall include, but not be limited to, the following: correction and detention facilities, military installations and facilities, state office buildings, maintenance yards, state university or Florida College System institution ~~state community college~~ campuses, agricultural field stations or offices, tower sites, law enforcement and license facilities, laboratories, hospitals, clinics, and other sites that possess no significant natural or historical resources. However, lands acquired solely to facilitate the acquisition of other conservation lands, and for which the land management plan has not yet been completed or updated, may be evaluated by the Board of Trustees of the Internal Improvement Trust Fund on a case-by-case basis to determine if they will be designated conservation lands.

Lands acquired by the state as a gift, through donation, or by any other conveyance for which no consideration was paid, and which are not managed for conservation, outdoor resource-based recreation, or archaeological or historic preservation under a land management plan approved by the board of trustees are not conservation lands.

(6) The Board of Trustees of the Internal Improvement Trust Fund shall determine which lands, the title to which is vested in the board, may be surplused. For conservation lands, the board shall make a determination that the lands are no longer needed for conservation purposes and may dispose of them by an affirmative vote of at least three members. In the case of a land exchange involving the disposition of conservation lands, the board must determine by an affirmative vote of at least three members that the exchange will result in a net positive conservation benefit. For all other lands, the board shall make a determination that the lands are no longer needed and may dispose of them by an affirmative vote of at least three members.

(b) For any lands purchased by the state on or after July 1, 1999, a determination shall be made by the board prior to acquisition as to those parcels that shall be designated as having been acquired for conservation purposes. No lands acquired for use by the Department of Corrections, the Department of Management Services for use as state offices, the Department of Transportation, except those specifically managed for conservation or recreation purposes, or the State University System or the Florida Community College System shall be designated as having been purchased for conservation purposes.

(15) Before a building or parcel of land is offered for lease, sublease, or sale to a local or federal unit of government or a private party, it shall first be offered for lease to state agencies, state universities, and Florida College System institutions ~~community colleges~~, with priority consideration given to state universities and Florida College System institutions ~~community colleges~~. A state university or Florida College System institution ~~community college~~ must submit a plan for review and approval by the Board of Trustees of the Internal Improvement Trust Fund regarding the intended use of the building or parcel of land before approval of a lease.

Reviser's note.—Paragraph (2)(c) and subsection (15) are amended to conform references to community colleges to changes in chapters 2008-52 and 2009-228, Laws of Florida, transitioning references from community colleges to Florida College System institutions. Paragraph (6)(b) is amended to substitute a reference to the Florida College System for a reference to the Florida Community College System to conform to s. 2, ch. 2008-52, which enacted s. 1001.60, creating the Florida College System.

Section 35. Subsections (2) and (3) of section 255.2575, Florida Statutes, are amended to read:

255.2575 Energy-efficient and sustainable buildings.—

(2) All county, municipal, school district, water management district, state university, Florida College System institution ~~community college~~, and state court buildings shall be constructed to comply with a sustainable building rating system or a national model green building code. This section applies to all county, municipal, school district, water management district, state university, Florida College System institution ~~community college~~, and state court buildings the architectural plans of which are commenced after July 1, 2008.

(3) St. Petersburg College may work with the Florida ~~Community College~~ System and may consult with the University of Florida to provide training and educational opportunities that will ensure that green building rating system certifying agents (accredited professionals who possess a knowledge and understanding of green building processes, practices, and principles) are available to work with the entities specified in subsection (2) as they construct public buildings to meet green building rating system standards. St. Petersburg College may work with the construction industry to develop an online continuing education curriculum for use statewide by builders constructing energy-efficient and sustainable public sector buildings and students interested in the college's Green/Sustainability Track in its Management and Organization Leadership area of study. The curriculum developed may be offered by St. Petersburg College or in cooperation with other programs at other Florida College System institutions ~~community colleges~~.

Reviser's note.—Subsections (2) and (3) are amended to conform references to community colleges to changes in chapters 2008-52 and 2009-228, Laws of Florida, transitioning references from community colleges to Florida College System institutions. Subsection (3) is also amended to substitute a reference to the Florida College System for a reference to the Florida Community College System to conform to s. 2, ch. 2008-52, which enacted s. 1001.60, creating the Florida College System.

Section 36. Paragraph (c) of subsection (11) of section 259.032, Florida Statutes, is amended to read:

259.032 Conservation and Recreation Lands Trust Fund; purpose.—

(11)

~~(c) The Land Management Uniform Accounting Council shall prepare and deliver a report on the methodology and formula for allocating land management funds to the Acquisition and Restoration Council. The Acquisition and Restoration Council shall review, modify as appropriate, and submit the report to the Board of Trustees of the Internal Improvement Trust Fund. The board of trustees shall review, modify as appropriate, and submit the report to the President of the Senate and the Speaker of the~~

House of Representatives no later than December 31, 2008, which provides an interim management formula and a long-term management formula, and the methodologies used to develop the formulas, which shall be used to allocate land management funds provided for in paragraph (b) for interim and long-term management of all lands managed pursuant to this chapter and for associated contractual services. The methodology and formula for interim management shall be based on the estimated land acquisitions for the fiscal year in which the interim funds will be expended. The methodology and formula for long-term management shall recognize, but not be limited to, the following:

1. ~~The assignment of management intensity associated with managed habitats and natural communities and the related management activities to achieve land management goals provided in s. 253.034(5) and subsection (10).~~

a. ~~The acres of land that require minimal effort for resource preservation or restoration.~~

b. ~~The acres of land that require moderate effort for resource preservation or restoration.~~

e. ~~The acres of land that require significant effort for resource preservation or restoration.~~

2. ~~The assignment of management intensity associated with public access, including, but not limited to:~~

a. ~~The acres of land that are open to the public but offer no more than minimally developed facilities;~~

b. ~~The acres of land that have a high degree of public use and offer highly developed facilities; and~~

e. ~~The acres of land that are sites that have historic significance, unique natural features, or a very high degree of public use.~~

3. ~~The acres of land that have a secondary manager contributing to the overall management effort.~~

4. ~~The anticipated revenues generated from management of the lands.~~

5. ~~The impacts of, and needs created or addressed by, multiple-use management strategies.~~

6. ~~The acres of land that have infestations of nonnative or invasive plants, animals, or fish.~~

In evaluating the management funding needs of lands based on the above categories, the lead land managing agencies shall include in their considerations the impacts of, and needs created or addressed by, multiple-use

management strategies. The funding formulas for interim and long-term management proposed by the agencies shall be reviewed by the Legislature during the 2009 regular legislative session. The Legislature may reject, modify, or take no action relative to the proposed funding formulas. If no action is taken, the funding formulas shall be used in the allocation and distribution of funds provided in paragraph (b).

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

Section 37. Paragraph (d) of subsection (4) of section 282.201, Florida Statutes, is amended to read:

282.201 State data center system; agency duties and limitations.—A state data center system that includes all primary data centers, other nonprimary data centers, and computing facilities, and that provides an enterprise information technology service as defined in s. 282.0041, is established.

(4) SCHEDULE FOR CONSOLIDATIONS OF AGENCY DATA CENTERS.—

(d) By July 1, 2012, the Department of Highway Safety and Motor Vehicles' Office of Commercial Vehicle Enforcement ~~Motor Carrier Compliance~~ shall be consolidated into the Northwood Shared Resource Center.

Reviser's note.—Amended to conform to the renaming of the office by s. 1, ch. 2012-181, Laws of Florida.

Section 38. Paragraphs (g) and (i) of subsection (1) of section 288.1254, Florida Statutes, are amended to read:

288.1254 Entertainment industry financial incentive program.—

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

(g) "Production" means a theatrical or direct-to-video motion picture; a made-for-television motion picture; visual effects or digital animation sequences produced in conjunction with a motion picture; a commercial; a music video; an industrial or educational film; an infomercial; a documentary film; a television pilot program; a presentation for a television pilot program; a television series, including, but not limited to, a drama, a reality show, a comedy, a soap opera, a telenovela, a game show, an awards show, or a miniseries production; or a digital media project by the entertainment industry. One season of a television series is considered one production. The term does not include a weather or market program; a sporting event or a sporting event broadcast; a gala; a production that solicits funds; a home shopping program; a political program; a political documentary; political advertising; a gambling-related project or production; a concert production; ~~or~~ a local, regional, or Internet-distributed-only news show or current-events show; a sports news or sports recap show; a pornographic production; or any production deemed obscene under chapter 847. A production may be

produced on or by film, tape, or otherwise by means of a motion picture camera; electronic camera or device; tape device; computer; any combination of the foregoing; or any other means, method, or device.

(i) “Qualified expenditures” means production expenditures incurred in this state by a qualified production for:

1. Goods purchased or leased from, or services, including, but not limited to, insurance costs and bonding, payroll services, and legal fees, which are provided by, a vendor or supplier in this state that is registered with the Department of State or the Department of Revenue, has a physical location in this state, and employs one or more legal residents of this state. This does not include rebilled goods or services provided by an in-state company from out-of-state vendors or suppliers. When services are provided by the vendor or supplier include personal services or labor, only personal services or labor provided by residents of this state, evidenced by the required documentation of residency in this state, qualify.

2. Payments to legal residents of this state in the form of salary, wages, or other compensation up to a maximum of \$400,000 per resident unless otherwise specified in subsection (4). A completed declaration of residency in this state must accompany the documentation submitted to the office for reimbursement.

For a qualified production involving an event, such as an awards show, the term does not include expenditures solely associated with the event itself and not directly required by the production. The term does not include expenditures incurred before certification, with the exception of those incurred for a commercial, a music video, or the pickup of additional episodes of a high-impact television series within a single season. Under no circumstances may the qualified production include in the calculation for qualified expenditures the original purchase price for equipment or other tangible property that is later sold or transferred by the qualified production for consideration. In such cases, the qualified expenditure is the net of the original purchase price minus the consideration received upon sale or transfer.

Reviser’s note.—Paragraph (g) is amended to confirm deletion of the word “or” by the editors. Paragraph (i) is amended to provide clarity.

Section 39. Subsection (2) of section 288.71025, Florida Statutes, is amended to read:

288.71025 Prohibited acts; penalties.—

(2) In addition to any other penalties or remedies provided under law, the department office may bring a civil action in any court of competent jurisdiction against any person for a knowing or willful violation of this section. Upon an adverse adjudication, the court may impose a civil penalty

of up to \$500 and payment of court costs and reasonable attorney's fees incurred by the plaintiff.

Reviser's note.—Amended to conform to the repeal of s. 14.2015, which created the Office of Tourism, Trade, and Economic Opportunity, by s. 477, ch. 2011-142, Laws of Florida, and the transfer of duties of the office to the Department of Economic Opportunity by s. 4, ch. 2011-142.

Section 40. Paragraph (b) of subsection (1) of section 288.980, Florida Statutes, is amended to read:

288.980 Military base retention; legislative intent; grants program.—

(1)

(b) The Florida Defense Alliance, an organization within Enterprise Florida, Inc., is designated as the organization to ensure that Florida, its resident military bases and missions, and its military host communities are in competitive positions as the United States continues its defense realignment and downsizing. The defense alliance shall serve as an overall advisory body for defense-related activity of Enterprise Florida, Inc. The Florida Defense Alliance may receive funding from appropriations made for that purpose administered by the department.

Reviser's note.—Amended to confirm insertion of the word "Inc.," by the editors to conform to the full name of Enterprise Florida, Inc.

Section 41. Paragraph (a) of subsection (4) of section 295.07, Florida Statutes, is amended to read:

295.07 Preference in appointment and retention.—

(4) The following positions are exempt from this section:

(a) Those positions that are exempt from the state Career Service System under s. 110.205(2); however, all positions under the University Support Personnel System of the State University System as well as all Career Service System positions under the Florida ~~Community~~ College System and the School for the Deaf and the Blind, or the equivalent of such positions at state universities, Florida College System institutions ~~community colleges~~, or the School for the Deaf and the Blind, are included.

Reviser's note.—Amended to substitute a reference to the Florida College System for a reference to the Florida Community College System to conform to s. 2, ch. 2008-52, Laws of Florida, which enacted s. 1001.60, creating the Florida College System, and to conform a reference to community colleges to changes in chapters 2008-52 and 2009-228, Laws of Florida, transitioning references from community colleges to Florida College System institutions.

Section 42. Subsection (7) of section 311.101, Florida Statutes, is amended to read:

311.101 Intermodal Logistics Center Infrastructure Support Program.

(7) Beginning in fiscal year 2012-2013, up to \$5 million per year shall be made available from the State Transportation Trust Fund for the program. The Department of Transportation shall include projects proposed to be funded under this section in the tentative work program developed pursuant to ss. 339.135(4).

Reviser’s note.—Amended to confirm substitution of the word “to” for the word “so” by the editors.

Section 43. Paragraph (d) of subsection (1) of section 316.0083, Florida Statutes, is amended to read:

316.0083 Mark Wandall Traffic Safety Program; administration; report.

(1)

(d)1. The owner of the motor vehicle involved in the violation is responsible and liable for paying the uniform traffic citation issued for a violation of s. 316.074(1) or s. 316.075(1)(c)1. when the driver failed to stop at a traffic signal, unless the owner can establish that:

a. The motor vehicle passed through the intersection in order to yield right-of-way to an emergency vehicle or as part of a funeral procession;

b. The motor vehicle passed through the intersection at the direction of a law enforcement officer;

c. The motor vehicle was, at the time of the violation, in the care, custody, or control of another person;

d. A uniform traffic citation was issued by a law enforcement officer to the driver of the motor vehicle for the alleged violation of s. 316.074(1) or s. 316.075(1)(c)1; or

e. The motor vehicle’s owner was deceased on or before the date that the uniform ~~uniformed~~ traffic citation was issued, as established by an affidavit submitted by the representative of the motor vehicle owner’s estate or other designated person or family member.

2. In order to establish such facts, the owner of the motor vehicle shall, within 30 days after the date of issuance of the traffic citation, furnish to the appropriate governmental entity an affidavit setting forth detailed information supporting an exemption as provided in this paragraph.

a. An affidavit supporting an exemption under sub-subparagraph 1.c. must include the name, address, date of birth, and, if known, the driver license number of the person who leased, rented, or otherwise had care,

custody, or control of the motor vehicle at the time of the alleged violation. If the vehicle was stolen at the time of the alleged offense, the affidavit must include the police report indicating that the vehicle was stolen.

b. If a traffic citation for a violation of s. 316.074(1) or s. 316.075(1)(c)1. was issued at the location of the violation by a law enforcement officer, the affidavit must include the serial number of the uniform traffic citation.

c. If the motor vehicle's owner to whom a traffic citation has been issued is deceased, the affidavit must include a certified copy of the owner's death certificate showing that the date of death occurred on or before the issuance of the uniform traffic citation and one of the following:

(I) A bill of sale or other document showing that the deceased owner's motor vehicle was sold or transferred after his or her death, but on or before the date of the alleged violation.

(II) Documentary proof that the registered license plate belonging to the deceased owner's vehicle was returned to the department or any branch office or authorized agent of the department, but on or before the date of the alleged violation.

(III) A copy of a police report showing that the deceased owner's registered license plate or motor vehicle was stolen after the owner's death, but on or before the date of the alleged violation.

Upon receipt of the affidavit and documentation required under this sub-subparagraph, the governmental entity must dismiss the citation and provide proof of such dismissal to the person that submitted the affidavit.

3. Upon receipt of an affidavit, the person designated as having care, custody, and control of the motor vehicle at the time of the violation may be issued a traffic citation for a violation of s. 316.074(1) or s. 316.075(1)(c)1. when the driver failed to stop at a traffic signal. The affidavit is admissible in a proceeding pursuant to this section for the purpose of providing proof that the person identified in the affidavit was in actual care, custody, or control of the motor vehicle. The owner of a leased vehicle for which a traffic citation is issued for a violation of s. 316.074(1) or s. 316.075(1)(c)1. when the driver failed to stop at a traffic signal is not responsible for paying the traffic citation and is not required to submit an affidavit as specified in this subsection if the motor vehicle involved in the violation is registered in the name of the lessee of such motor vehicle.

4. The submission of a false affidavit is a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

Reviser's note.—Amended to confirm substitution of the word “uniform” for the word “uniformed” by the editors to conform to context.

Section 44. Paragraph (a) of subsection (1) and subsection (8) of section 316.640, Florida Statutes, are amended to read:

316.640 Enforcement.—The enforcement of the traffic laws of this state is vested as follows:

(1) STATE.—

(a)1.a. The Division of Florida Highway Patrol of the Department of Highway Safety and Motor Vehicles; the Division of Law Enforcement of the Fish and Wildlife Conservation Commission; and the agents, inspectors, and officers of the Department of Law Enforcement each have authority to enforce all of the traffic laws of this state on all the streets and highways thereof and elsewhere throughout the state wherever the public has a right to travel by motor vehicle.

b. University police officers may enforce all of the traffic laws of this state when violations occur on or within 1,000 feet of any property or facilities that are under the guidance, supervision, regulation, or control of a state university, a direct-support organization of such state university, or any other organization controlled by the state university or a direct-support organization of the state university, or when such violations occur within a specified jurisdictional area as agreed upon in a mutual aid agreement entered into with a law enforcement agency pursuant to s. 23.1225(1). Traffic laws may also be enforced off-campus when hot pursuit originates on or within 1,000 feet of any such property or facilities, or as agreed upon in accordance with the mutual aid agreement.

c. Florida College System institution ~~Community college~~ police officers may enforce all the traffic laws of this state only when such violations occur on any property or facilities that are under the guidance, supervision, regulation, or control of the Florida ~~community~~ College System.

d. Police officers employed by an airport authority may enforce all of the traffic laws of this state only when such violations occur on any property or facilities that are owned or operated by an airport authority.

(I) An airport authority may employ as a parking enforcement specialist any individual who successfully completes a training program established and approved by the Criminal Justice Standards and Training Commission for parking enforcement specialists but who does not otherwise meet the uniform minimum standards established by the commission for law enforcement officers or auxiliary or part-time officers under s. 943.12. This sub-sub-subparagraph may not be construed to permit the carrying of firearms or other weapons, nor shall such parking enforcement specialist have arrest authority.

(II) A parking enforcement specialist employed by an airport authority may enforce all state, county, and municipal laws and ordinances governing parking only when such violations are on property or facilities owned or operated by the airport authority employing the specialist, by appropriate state, county, or municipal traffic citation.

e. The Office of Agricultural Law Enforcement of the Department of Agriculture and Consumer Services may enforce traffic laws of this state.

f. School safety officers may enforce all of the traffic laws of this state when such violations occur on or about any property or facilities that are under the guidance, supervision, regulation, or control of the district school board.

2. An agency of the state as described in subparagraph 1. is prohibited from establishing a traffic citation quota. A violation of this subparagraph is not subject to the penalties provided in chapter 318.

3. Any disciplinary action taken or performance evaluation conducted by an agency of the state as described in subparagraph 1. of a law enforcement officer's traffic enforcement activity must be in accordance with written work-performance standards. Such standards must be approved by the agency and any collective bargaining unit representing such law enforcement officer. A violation of this subparagraph is not subject to the penalties provided in chapter 318.

4. The Division of the Florida Highway Patrol may employ as a traffic accident investigation officer any individual who successfully completes instruction in traffic accident investigation and court presentation through the Selective Traffic Enforcement Program as approved by the Criminal Justice Standards and Training Commission and funded through the National Highway Traffic Safety Administration or a similar program approved by the commission, but who does not necessarily meet the uniform minimum standards established by the commission for law enforcement officers or auxiliary law enforcement officers under chapter 943. Any such traffic accident investigation officer who makes an investigation at the scene of a traffic accident may issue traffic citations, based upon personal investigation, when he or she has reasonable and probable grounds to believe that a person who was involved in the accident committed an offense under this chapter, chapter 319, chapter 320, or chapter 322 in connection with the accident. This subparagraph does not permit the officer to carry firearms or other weapons, and such an officer does not have authority to make arrests.

(8) **TRAFFIC ENFORCEMENT AGENCY.**—Any agency or governmental entity designated in subsection (1), subsection (2), or subsection (3), including a university, a Florida College System institution ~~community college~~, a school board, or an airport authority, is a traffic enforcement agency for purposes of s. 316.650.

Reviser's note.—Paragraph (1)(a) and subsection (8) are amended to conform references to community colleges to changes in chapters 2008-52 and 2009-228, Laws of Florida, transitioning references from community colleges to Florida College System institutions. Paragraph (1)(a) is also amended to substitute a reference to the Florida College System for a reference to the community college system to conform to

s. 2, ch. 2008-52, which enacted s. 1001.60, creating the Florida College System.

Section 45. Paragraph (b) of subsection (4) of section 320.20, Florida Statutes, is amended to read:

320.20 Disposition of license tax moneys.—The revenue derived from the registration of motor vehicles, including any delinquent fees and excluding those revenues collected and distributed under the provisions of s. 320.081, must be distributed monthly, as collected, as follows:

(4) Notwithstanding any other provision of law except subsections (1), (2), and (3), \$10 million shall be deposited annually into the State Transportation Trust Fund solely for the purposes of funding the Florida Seaport Transportation and Economic Development Program as provided in chapter 311 and for funding seaport intermodal access projects of statewide significance as provided in s. 341.053. Such revenues shall be distributed to any port listed in s. 311.09(1), to be used for funding projects as follows:

(b) For seaport intermodal access projects as described in s. ~~341.053(6)~~ 341.053(5) which are identified in the 5-year Florida Seaport Mission Plan as provided in s. 311.09(3). Funding for such projects shall be on a matching basis as mutually determined by the Florida Seaport Transportation and Economic Development Council and the Department of Transportation if a minimum of 25 percent of total project funds come from any port funds, local funds, private funds, or specifically earmarked federal funds.

Such revenues may be assigned, pledged, or set aside as a trust for the payment of principal or interest on bonds, tax anticipation certificates, or other form of indebtedness issued by an individual port or appropriate local government having jurisdiction thereof, or collectively by interlocal agreement among any of the ports, or used to purchase credit support to permit such borrowings. However, such debt is not a general obligation of the state. This state covenants with holders of such revenue bonds or other instruments of indebtedness issued hereunder that it will not repeal or impair or amend this subsection in any manner that will materially and adversely affect the rights of holders so long as bonds authorized by this subsection are outstanding. Any revenues that are not pledged to the repayment of bonds as authorized by this section may be used for purposes authorized under the Florida Seaport Transportation and Economic Development Program. This revenue source is in addition to any amounts provided for and appropriated in accordance with s. 311.07 and subsection (3). The Florida Seaport Transportation and Economic Development Council shall approve distribution of funds to ports for projects that have been approved pursuant to s. 311.09(5)-(8), or for seaport intermodal access projects identified in the 5-year Florida Seaport Mission Plan as provided in s. 311.09(3) and mutually agreed upon by the Florida Seaport Transportation and Economic Development Council and the Department of Transportation. All contracts for actual construction of projects authorized by this subsection must include a provision encouraging employment of participants in the welfare transition

program. The goal for such employment is 25 percent of all new employees employed specifically for the project, unless the Department of Transportation and the Florida Seaport Transportation and Economic Development Council demonstrate that such a requirement would severely hamper the successful completion of the project. In such an instance, Workforce Florida, Inc., shall establish an appropriate percentage of employees who are participants in the welfare transition program. The council and the Department of Transportation may perform such acts as are required to facilitate and implement the provisions of this subsection. To better enable the ports to cooperate to their mutual advantage, the governing body of each port may exercise powers provided to municipalities or counties in s. 163.01(7)(d) subject to the provisions of chapter 311 and special acts, if any, pertaining to a port. The use of funds provided pursuant to this subsection is limited to eligible projects listed in this subsection. The revenues available under this subsection may not be pledged to the payment of any bonds other than the Florida Ports Financing Commission Series 1996 and Series 1999 Bonds currently outstanding; however, such revenues may be pledged to secure payment of refunding bonds to refinance the Florida Ports Financing Commission Series 1996 and Series 1999 Bonds. Refunding bonds secured by revenues available under this subsection may not be issued with a final maturity later than the final maturity of the Florida Ports Financing Commission Series 1996 and Series 1999 Bonds or which provide for higher debt service in any year than is currently payable on such bonds. Any revenue bonds or other indebtedness issued after July 1, 2000, other than refunding bonds shall be issued by the Division of Bond Finance at the request of the Department of Transportation pursuant to the State Bond Act.

Reviser's note.—Amended to conform to s. 50, ch. 97-278, Laws of Florida, and s. 10, ch. 97-280, Laws of Florida, which enacted s. 320.20(4)(b), including the reference to s. 341.053(5); s. 341.053(5) was redesignated as subsection (6) by s. 47, ch. 99-385, Laws of Florida.

Section 46. Subsection (4) of section 322.142, Florida Statutes, is amended to read:

322.142 Color photographic or digital imaged licenses.—

(4) The department may maintain a film negative or print file. The department shall maintain a record of the digital image and signature of the licensees, together with other data required by the department for identification and retrieval. Reproductions from the file or digital record are exempt from the provisions of s. 119.07(1) and shall be made and issued only for departmental administrative purposes; for the issuance of duplicate licenses; in response to law enforcement agency requests; to the Department of Business and Professional Regulation pursuant to an interagency agreement for the purpose of accessing digital images for reproduction of licenses issued by the Department of Business and Professional Regulation; to the Department of State pursuant to an interagency agreement to facilitate determinations of eligibility of voter registration applicants and registered voters in accordance with ss. 98.045 and 98.075; to the

Department of Revenue pursuant to an interagency agreement for use in establishing paternity and establishing, modifying, or enforcing support obligations in Title IV-D cases; to the Department of Children and Family Services pursuant to an interagency agreement to conduct protective investigations under part III of chapter 39 and chapter 415; to the Department of Children and Family Services pursuant to an interagency agreement specifying the number of employees in each of that department's regions to be granted access to the records for use as verification of identity to expedite the determination of eligibility for public assistance and for use in public assistance fraud investigations; to the Department of Financial Services pursuant to an interagency agreement to facilitate the location of owners of unclaimed property, the validation of unclaimed property claims, and the identification of fraudulent or false claims; or to district medical examiners pursuant to an interagency agreement for the purpose of identifying a deceased individual, determining cause of death, and notifying next of kin of any investigations, including autopsies and other laboratory examinations, authorized in s. 406.11 ~~406.011~~.

Reviser's note.—Amended to correct an apparent error. Section 406.011 does not exist. Section 406.11 relates to examinations, investigations, and autopsies by medical examiners to determine cause of death of deceased humans.

Section 47. Subsections (8) and (9) of section 322.21, Florida Statutes, are reenacted to read:

322.21 License fees; procedure for handling and collecting fees.—

(8) Any person who applies for reinstatement following the suspension or revocation of the person's driver's license must pay a service fee of \$45 following a suspension, and \$75 following a revocation, which is in addition to the fee for a license. Any person who applies for reinstatement of a commercial driver's license following the disqualification of the person's privilege to operate a commercial motor vehicle shall pay a service fee of \$75, which is in addition to the fee for a license. The department shall collect all of these fees at the time of reinstatement. The department shall issue proper receipts for such fees and shall promptly transmit all funds received by it as follows:

(a) Of the \$45 fee received from a licensee for reinstatement following a suspension, the department shall deposit \$15 in the General Revenue Fund and \$30 in the Highway Safety Operating Trust Fund.

(b) Of the \$75 fee received from a licensee for reinstatement following a revocation or disqualification, the department shall deposit \$35 in the General Revenue Fund and \$40 in the Highway Safety Operating Trust Fund.

If the revocation or suspension of the driver's license was for a violation of s. 316.193, or for refusal to submit to a lawful breath, blood, or urine test, an

additional fee of \$130 must be charged. However, only one \$130 fee may be collected from one person convicted of violations arising out of the same incident. The department shall collect the \$130 fee and deposit the fee into the Highway Safety Operating Trust Fund at the time of reinstatement of the person's driver's license, but the fee may not be collected if the suspension or revocation is overturned. If the revocation or suspension of the driver's license was for a conviction for a violation of s. 817.234(8) or (9) or s. 817.505, an additional fee of \$180 is imposed for each offense. The department shall collect and deposit the additional fee into the Highway Safety Operating Trust Fund at the time of reinstatement of the person's driver's license.

(9) An applicant:

(a) Requesting a review authorized in s. 322.222, s. 322.2615, s. 322.2616, s. 322.27, or s. 322.64 must pay a filing fee of \$25 to be deposited into the Highway Safety Operating Trust Fund.

(b) Petitioning the department for a hearing authorized in s. 322.271 must pay a filing fee of \$12 to be deposited into the Highway Safety Operating Trust Fund.

Reviser's note.—Reenacted to confirm restoration by the editors of the paragraph at the end of subsection (8). The flush left paragraph was created as part of subsection (8) by s. 4, ch. 2003-410, Laws of Florida. Section 36, ch. 2009-71, Laws of Florida, amended s. 322.21, inserting a new subsection (9) before the flush left paragraph at the end of subsection (8). Subsection (9) relates to payment of filing fees; subsection (8), including the flush left paragraph, relates to reinstatement fees following license suspension or revocation.

Section 48. Subsection (2) of section 322.2615, Florida Statutes, is amended to read:

322.2615 Suspension of license; right to review.—

(2) Except as provided in paragraph (1)(a), the law enforcement officer shall forward to the department, within 5 days after issuing the notice of suspension, the driver's license; an affidavit stating the officer's grounds for belief that the person was driving or in actual physical control of a motor vehicle while under the influence of alcoholic beverages or chemical or controlled substances; the results of any breath or blood test or an affidavit stating that a breath, blood, or urine test was requested by a law enforcement officer or correctional officer and that the person refused to submit; the officer's description of the person's field sobriety test, if any; and the notice of suspension. The failure of the officer to submit materials within the 5-day period specified in this subsection and in subsection (1) does not affect the department's ability to consider any evidence submitted at or prior to the hearing. The officer may also submit a copy of the crash report and a copy of a videotape of the field sobriety test or the attempt to administer such test. Materials submitted to the department by a law enforcement agency or

correctional agency shall be considered self-authenticating and shall be in the record for consideration by the hearing officer. Notwithstanding s. ~~316.066(4)~~ ~~316.066(5)~~, the crash report shall be considered by the hearing officer.

Reviser's note.—Amended to substitute a reference to s. 316.066(4) for a reference to s. 316.066(5). Section 7, ch. 2011-66, Laws of Florida, renumbered subsection (5) as subsection (4).

Section 49. Subsection (3) of section 339.0805, Florida Statutes, is reenacted, and paragraph (d) of that subsection is amended to read:

339.0805 Funds to be expended with certified disadvantaged business enterprises; construction management development program; bond guarantee program.—It is the policy of the state to meaningfully assist socially and economically disadvantaged business enterprises through a program that will provide for the development of skills through construction and business management training, as well as by providing contracting opportunities and financial assistance in the form of bond guarantees, to primarily remedy the effects of past economic disparity.

(3) The head of the department may expend up to 6 percent of the funds specified in subsection (1) which are designated to be expended on small business firms owned and controlled by socially and economically disadvantaged individuals to conduct, by contract or otherwise, a construction management development program. Participation in the program will be limited to those firms which are certified under the provisions of subsection (1) by the department or the federal Small Business Administration or to any firm which meets the definition of a small business in 49 C.F.R. s. 26.65. The program shall consist of classroom instruction and on-the-job instruction. To the extent feasible, the registration fee shall be set to cover the cost of instruction and overhead. Salary may not be paid to any participant.

(a) Classroom instruction will consist of, but is not limited to, project planning methods for identifying personnel, equipment, and financial resource needs; bookkeeping; state bidding and bonding requirements; state and federal tax requirements; and strategies for obtaining loans, bonding, and joint venture agreements.

(b) On-the-job instruction will consist of, but is not limited to, setting up the job site; cash-flow methods; project scheduling; quantity takeoffs; estimating; reading plans and specifications; department procedures on billing and payments; quality assessment and control methods; and bid preparation methods.

(c) Contractors who have demonstrated satisfactory project performance, as defined by the department, can be exempted from the provisions of paragraphs (a) and (b) and be validated as meeting the minimum curriculum standards of proficiency, in the same manner as participants who

successfully complete the construction management development program only if they intend to apply for funds provided for in subsection (4).

(d) The department shall develop, under contract with the State University System, the ~~Florida community~~ College System, a school district in behalf of its career center, or a private consulting firm, a curriculum for instruction in the courses that will lead to a certification of proficiency in the construction management development program.

Reviser's note.—Section 52, ch. 2012-174, Laws of Florida, purported to amend subsection (3) but did not publish paragraphs (a)-(d). Absent affirmative evidence of legislative intent to repeal paragraphs (a)-(d), subsection (3) is reenacted to confirm that the omission was not intended. Paragraph (3)(d) is amended to substitute a reference to the Florida College System for a reference to the Florida Community College System to conform to s. 2, ch. 2008-52, Laws of Florida, which enacted s. 1001.60, creating the Florida College System.

Section 50. Paragraphs (b), (c), (d), (e), and (f) of subsection (7) of section 339.135, Florida Statutes, are amended to read:

339.135 Work program; legislative budget request; definitions; preparation, adoption, execution, and amendment.—

(7) AMENDMENT OF THE ADOPTED WORK PROGRAM.—

(b) The department may not transfer any funds for any project or project phase between department districts. However, a district secretary may agree to a loan of funds to another district, if:

1. The funds are used solely to maximize the use or amount of funds available to the state;

2. The loan agreement is executed in writing and is signed by the district secretaries of the respective districts;

3. Repayment of the loan is to be made within 3 years after the date on which the agreement was entered into; and

4. The adopted work program of the district loaning the funds would not be substantially impaired if the loan were made, according to the district secretary.

The loan constitutes an amendment to the adopted work program and is subject to the procedures specified in paragraph (c) ~~(e)~~.

(c) The department may amend the adopted work program to transfer fixed capital outlay appropriations for projects within the same appropriations category or between appropriations categories, including the following amendments which shall be subject to the procedures in paragraph (d) ~~(f)~~:

1. Any amendment which deletes any project or project phase estimated to cost over \$150,000;
2. Any amendment which adds a project estimated to cost over \$500,000 in funds appropriated by the Legislature;
3. Any amendment which advances or defers to another fiscal year, a right-of-way phase, a construction phase, or a public transportation project phase estimated to cost over \$1.5 million in funds appropriated by the Legislature, except an amendment advancing a phase by 1 year to the current fiscal year or deferring a phase for a period of 90 days or less; or
4. Any amendment which advances or defers to another fiscal year, any preliminary engineering phase or design phase estimated to cost over \$500,000 in funds appropriated by the Legislature, except an amendment advancing a phase by 1 year to the current fiscal year or deferring a phase for a period of 90 days or less.

Beginning July 1, 2013, the department shall index the budget amendment threshold amounts established in this paragraph to the Consumer Price Index or similar inflation indicators. Threshold adjustments for inflation under this paragraph may be made no more frequently than once a year. Adjustments for inflation are subject to the notice and review procedures contained in s. 216.177.

(d)1. Whenever the department proposes any amendment to the adopted work program, as defined in subparagraph (c)1. ~~(e)1.~~ or subparagraph (c)3. ~~(e)3.~~, which deletes or defers a construction phase on a capacity project, it shall notify each county affected by the amendment and each municipality within the county. The notification shall be issued in writing to the chief elected official of each affected county, each municipality within the county, and the chair of each affected metropolitan planning organization. Each affected county and each municipality in the county is encouraged to coordinate with each other in order to determine how the amendment affects local concurrency management and regional transportation planning efforts. Each affected county, and each municipality within the county, shall have 14 days to provide written comments to the department regarding how the amendment will affect its respective concurrency management systems, including whether any development permits were issued contingent upon the capacity improvement, if applicable. After receipt of written comments from the affected local governments, the department shall include any written comments submitted by such local governments in its preparation of the proposed amendment.

2. Following the 14-day comment period in subparagraph 1., if applicable, whenever the department proposes any amendment to the adopted work program, which amendment is defined in subparagraph (c)1. ~~(e)1.~~, subparagraph (c)2. ~~(e)2.~~, subparagraph (c)3. ~~(e)3.~~, or subparagraph (c)4. ~~(e)4.~~, it shall submit the proposed amendment to the Governor for approval and shall immediately notify the chairs of the legislative appropriations

committees, the chairs of the legislative transportation committees, and each member of the Legislature who represents a district affected by the proposed amendment. It shall also notify each metropolitan planning organization affected by the proposed amendment, and each unit of local government affected by the proposed amendment, unless it provided to each the notification required by subparagraph 1. Such proposed amendment shall provide a complete justification of the need for the proposed amendment.

3. The Governor may not approve a proposed amendment until 14 days following the notification required in subparagraph 2.

4. If either of the chairs of the legislative appropriations committees or the President of the Senate or the Speaker of the House of Representatives objects in writing to a proposed amendment within 14 days following notification and specifies the reasons for such objection, the Governor shall disapprove the proposed amendment.

(e) Notwithstanding paragraphs (d) (f) and (g) (i) and ss. 216.177(2) and 216.351, the secretary may request the Executive Office of the Governor to amend the adopted work program when an emergency exists, as defined in s. 252.34, and the emergency relates to the repair or rehabilitation of any state transportation facility. The Executive Office of the Governor may approve the amendment to the adopted work program and amend that portion of the department's approved budget if a delay incident to the notification requirements in paragraph (d) (f) would be detrimental to the interests of the state. However, the department shall immediately notify the parties specified in paragraph (d) (f) and provide such parties written justification for the emergency action within 7 days after approval by the Executive Office of the Governor of the amendment to the adopted work program and the department's budget. The adopted work program may not be amended under this subsection without certification by the comptroller of the department that there are sufficient funds available pursuant to the 36-month cash forecast and applicable statutes.

(f) The department may authorize the investment of the earnings accrued and collected upon the investment of the minimum balance of funds required to be maintained in the State Transportation Trust Fund pursuant to former paragraph (b).

Reviser's note.—Amended to conform to the repeal of s. 339.135(7)(a) and (b) by s. 5, ch. 2012-6, Laws of Florida.

Section 51. Subsection (2) of section 339.2825, Florida Statutes, is amended to read:

339.2825 Approval of contractor-financed projects.—

(2) If the department receives an unsolicited proposal pursuant to s. 334.30 to advance a project programmed in the adopted 5-year work program or in the 10-year Strategic Intermodal Plan using funds provided by public-

private partnerships or private entities to be reimbursed from department funds for the project as programmed in the adopted work program, the department shall provide a summary of the proposed project to the Executive Office of the Governor, the chair of each legislative appropriations committee, the President of the Senate, and the Speaker of the House of Representatives before the department advertises receipt of the proposal as provided in s. 334.30. The summary must include a description of any anticipated commitments by the department for the years outside the adopted work program, a description of any anticipated impacts on the department's overall debt load, and sufficient information to demonstrate that the project will not cause the department to exceed the overall debt limitation provided in s. ~~339.139~~ 339.14. The department may not accept the unsolicited proposal, advertise receipt of the unsolicited proposal, or solicit other proposals for the same project purpose without the approval of the Executive Office of the Governor. If the chair of either legislative appropriations committee, the President of the Senate, or the Speaker of the House of Representatives objects to the proposed project in writing within 14 days after receipt of the summary, the Executive Office of the Governor may not approve the proposed project.

Reviser's note.—Amended to correct an apparent error. Section 339.14 was transferred to s. 336.50 in 1957 and repealed in 1984. Section 339.139 relates to overall debt limitation.

Section 52. Paragraph (a) of subsection (3) of section 341.840, Florida Statutes, is amended to read:

341.840 Tax exemption.—

(3)(a) Purchases or leases of tangible personal property or real property by the enterprise, excluding agents of the enterprise, are exempt from taxes imposed by chapter 212 as provided in s. 212.08(6). Purchases or leases of tangible personal property that is incorporated into the high-speed rail system as a component part thereof, as determined by the enterprise, by agents of the enterprise or the owner of the high-speed rail system are exempt from sales or use taxes imposed by chapter 212. Leases, rentals, or licenses to use real property granted to agents of the enterprise or the owner of the high-speed rail system are exempt from taxes imposed by s. 212.031 if the real property becomes part of such system. The exemptions granted in this subsection do not apply to sales, leases, or licenses by the enterprise, agents of the enterprise authority, or the owner of the high-speed rail system.

Reviser's note.—Amended to conform to the replacement of the Florida High-Speed Rail Authority with the Florida Rail Enterprise by ch. 2009-271, Laws of Florida, and the repeal by s. 12, ch. 2009-271, of s. 341.821, which created and established the authority.

Section 53. Subsection (8) of section 343.805, Florida Statutes, is amended to read:

343.805 Definitions.—As used in this part, the term:

(8) “State Board of Administration” means the body corporate existing under the provisions of s. 4 9, Art. IV XII of the State Constitution, or any successor thereto.

Terms importing singular number include the plural number in each case and vice versa, and terms importing persons include firms and corporations.

Reviser’s note.—Section 4(e), Art. IV of the State Constitution of 1968 provides that the governor, chief financial officer, and attorney general constitute the state board of administration, as successor to the state board of administration established pursuant to s. 16, Art. IX of the Constitution of 1885.

Section 54. Paragraph (1) of subsection (1) of section 343.91, Florida Statutes, is amended to read:

343.91 Definitions.—

(1) As used in this part, the term:

(1) “State Board of Administration” means the body corporate existing under the provisions of s. 4 9, Art. IV XII of the State Constitution, or any successor thereto.

Reviser’s note.—Section 4(e), Art. IV of the State Constitution of 1968 provides that the governor, chief financial officer, and attorney general constitute the state board of administration, as successor to the state board of administration established pursuant to s. 16, Art. IX of the Constitution of 1885.

Section 55. Section 344.17, Florida Statutes, is amended to read:

344.17 Depositories and investments.—All moneys received by the Chief Financial Officer as treasurer of the State Board of Administration, a body corporate under s. 4 9, Art. IV XII of the State Constitution, shall be deposited by the treasurer in a solvent bank or banks, to be approved and accepted for such purposes by the board. In making such deposits, he or she shall follow the method for the deposit of state funds. Each bank receiving any portion of such funds shall be required to deposit with such treasurer satisfactory bonds or treasury certificates of the United States; bonds of the several states; special tax school district bonds; bonds of any municipality eligible to secure state deposits as provided by law; bonds of any county or special road and bridge district of this state entitled to participate under the provisions of s. 16, Art. IX of the State Constitution of 1885, as adopted by the 1968 revised constitution, and of s. 9, Art. XII of that revision; bonds issued under the provisions of s. 18, Art. XII of the State Constitution of 1885, as adopted by s. 9, Art. XII of the 1968 revised constitution; or bonds, notes, or certificates issued by the Florida State Improvement Commission or its successors, the Florida Development Commission and the Division of Bond

Finance of the State Board of Administration, which contain a pledge of the 80-percent surplus 2-cent constitutional gasoline tax accruing under s. 16, Art. IX of the State Constitution of 1885, as adopted by the 1968 revised constitution, and under s. 9, Art. XII of that revision, which shall be equal to the amount deposited with such bank. Such security shall be in the possession of such treasurer; or the treasurer is authorized to accept, in lieu of the actual depositing with him or her of such security, trust or safekeeping receipts issued by any Federal Reserve Bank, or member bank thereof, or by any bank incorporated under the laws of the United States; provided the member bank or bank incorporated under the laws of the United States has been previously approved and accepted for such purposes by the State Board of Administration and the trust or safekeeping receipts are in substantially the same form as that which the Chief Financial Officer is authorized to accept in lieu of securities given to cover deposits of state funds.

Reviser's note.—Section 4(e), Art. IV of the State Constitution of 1968 provides that the governor, chief financial officer, and attorney general constitute the state board of administration, as successor to the state board of administration established pursuant to s. 16, Art. IX of the Constitution of 1885.

Section 56. Subsection (14) of section 348.752, Florida Statutes, is amended to read:

348.752 Definitions.—The following terms, whenever used or referred to in this law, shall have the following meanings, except in those instances where the context clearly indicates otherwise:

(14) The term “State Board of Administration” means the body corporate existing under the provisions of s. 4 9, Art. IV XII of the State Constitution, or any successor thereto.

Reviser's note.—Section 4(e), Art. IV of the State Constitution of 1968 provides that the governor, chief financial officer, and attorney general constitute the state board of administration, as successor to the state board of administration established pursuant to s. 16, Art. IX of the Constitution of 1885.

Section 57. Paragraph (h) of subsection (1) of section 349.02, Florida Statutes, is amended to read:

349.02 Definitions.—

(1) Except in those instances where the context clearly indicates otherwise, whenever used or referred to in this chapter, the following terms shall have the following meanings:

(h) “State Board of Administration” means the body corporate existing under the provisions of s. 4 9, Art. IV XII of the State Constitution or any successor thereto.

Reviser's note.—Section 4(e), Art. IV of the State Constitution of 1968 provides that the governor, chief financial officer, and attorney general constitute the state board of administration, as successor to the state board of administration established pursuant to s. 16, Art. IX of the Constitution of 1885.

Section 58. Subsection (5) of section 373.227, Florida Statutes, is amended to read:

373.227 Water conservation; legislative findings; legislative intent; objectives; comprehensive statewide water conservation program requirements.—

~~(5) By December 1, 2005, the department shall submit a written report to the President of the Senate, the Speaker of the House of Representatives, and the appropriate substantive committees of the Senate and the House of Representatives on the progress made in implementing the comprehensive statewide water conservation program for public water supply required by this section. The report must include any statutory changes and funding requests necessary for the continued development and implementation of the program.~~

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

Section 59. Paragraph (a) of subsection (5) of section 373.250, Florida Statutes, is amended to read:

373.250 Reuse of reclaimed water.—

(5)(a) No later than October 1, 2012, the department shall initiate rulemaking to adopt revisions to the water resource implementation rule, as defined in s. ~~373.019(25)~~ 373.019(23), which shall include:

1. Criteria for the use of a proposed impact offset derived from the use of reclaimed water when a water management district evaluates an application for a consumptive use permit. As used in this subparagraph, the term “impact offset” means the use of reclaimed water to reduce or eliminate a harmful impact that has occurred or would otherwise occur as a result of other surface water or groundwater withdrawals.

2. Criteria for the use of substitution credits where a water management district has adopted rules establishing withdrawal limits from a specified water resource within a defined geographic area. As used in this subparagraph, the term “substitution credit” means the use of reclaimed water to replace all or a portion of an existing permitted use of resource-limited surface water or groundwater, allowing a different user or use to initiate a withdrawal or increase its withdrawal from the same resource-limited surface water or groundwater source provided that the withdrawal creates no net adverse impact on the limited water resource or creates a net positive impact if required by water management district rule as part of a strategy to protect or recover a water resource.

Reviser's note.—Amended to conform to the redesignation of s. 373.019(23) as s. 373.019(25) by s. 1, ch. 2012-150, Laws of Florida.

Section 60. Paragraph (d) of subsection (4) and paragraph (a) of subsection (6) of section 373.536, Florida Statutes, are amended to read:

373.536 District budget and hearing thereon.—

(4) BUDGET CONTROLS; FINANCIAL INFORMATION.—

(d) In the event of a disaster or of an emergency arising to prevent or avert the same, the governing board is not be limited by the budget but may expend funds available for the disaster or emergency or as may be procured for such purpose. In such an event, the governing board shall notify the Executive Office of the Governor and the Legislative Budget Commission as soon as practical, but within 30 days after the governing board's action.

(6) FINAL BUDGET; ANNUAL AUDIT; CAPITAL IMPROVEMENTS PLAN; WATER RESOURCE DEVELOPMENT WORK PROGRAM.—

(a) Each district must, by the date specified for each item, furnish copies of the following documents to the Governor, the President of the Senate, the Speaker of the House of Representatives, the chairs of all legislative committees and subcommittees having substantive or fiscal jurisdiction over the districts, as determined by the President of the Senate or the Speaker of the House of Representatives as applicable, the secretary of the department, and the governing board of each county in which the district has jurisdiction or derives any funds for the operations of the district:

1. The adopted budget, to be furnished within 10 days after its adoption.
2. A financial audit of its accounts and records, to be furnished within 10 days after its acceptance by the governing board. The audit must be conducted in accordance with s. 11.45 and the rules adopted thereunder. In addition to the entities named above, the district must provide a copy of the audit to the Auditor General within 10 days after its acceptance by the governing board.
3. A 5-year capital improvements plan, to be included in the consolidated annual report required by s. 373.036(7). The plan must include expected sources of revenue for planned improvements and must be prepared in a manner comparable to the fixed capital outlay format set forth in s. 216.043.
4. A 5-year water resource development work program to be furnished within 30 days after the adoption of the final budget. The program must describe the district's implementation strategy and funding plan for the water resource, water supply, and alternative water supply development components of each approved regional water supply plan developed or revised under s. 373.709. The work program must address all the elements of the water resource development component in the district's approved regional water supply plans and must identify ~~which~~ projects in the work

program which will provide water; explain how each water resource, water supply, and alternative water supply development project will produce additional water available for consumptive uses; estimate the quantity of water to be produced by each project; and provide an assessment of the contribution of the district's regional water supply plans in providing sufficient water needed to timely meet the water supply needs of existing and future reasonable-beneficial uses for a 1-in-10-year drought event.

Reviser's note.—Paragraph (4)(d) is amended to confirm deletion by the editors of the word “be” following the word “not.” Paragraph (6)(a) is amended to confirm deletion by the editors of the word “which” following the word “identify.”

Section 61. Paragraph (a) of subsection (11) of section 376.3071, Florida Statutes, is amended to read:

376.3071 Inland Protection Trust Fund; creation; purposes; funding.—

(11) SITE CLEANUP.—

(a) *Voluntary cleanup.*—This section shall does not prohibit a person from conducting site rehabilitation either through his or her own personnel or through responsible response action contractors or subcontractors when such person is not seeking site rehabilitation funding from the fund. Such voluntary cleanups must meet all applicable environmental standards.

Reviser's note.—Amended to confirm deletion by the editors of the word “shall” preceding the word “does.”

Section 62. Subsections (2) and (3) of section 379.2433, Florida Statutes, are amended to read:

379.2433 Enhanced manatee protection study.—

~~(2)(a) As part of the enhanced manatee protection study, the Legislature intends that the commission shall contract with Mote Marine Laboratory to conduct a manatee habitat and submerged aquatic vegetation assessment that specifically considers:~~

~~1. Manatee populations that congregate in the warm water discharge sites at power plants in the state and the potential risks for disease resulting from increased congregation of manatees at these sites;~~

~~2. Development of research, monitoring, and submerged aquatic vegetation restoration priorities for manatee habitat in and near the warm water discharge sites at power plants in the state; and~~

~~3. The potential impacts on manatees and manatee habitat if power plants that provide warm water discharge sites where manatees congregate are closed, including how closure will affect the size and health of submerged aquatic vegetation areas.~~

~~(b) The Mote Marine Laboratory must submit an interim report on the manatee habitat and submerged aquatic vegetation assessment to the Governor, the Legislature, and the commission by September 1, 2006. The interim report must detail the progress of the assessment. The final report, due to the Governor, the Legislature, and the commission by January 1, 2007, must detail the results of the assessment and include recommendations for protection of manatee habitat in warm water discharge sites at power plants in the state.~~

~~(c) The commission shall ensure that funds allocated to implement the manatee habitat and submerged aquatic vegetation assessment are expended in a manner that is consistent with the requirements of this subsection. The commission may require an annual audit of the expenditures made by Mote Marine Laboratory. Copies of any audit requested under this subsection must be provided to the appropriate substantive and appropriations committees of the Senate and the House of Representatives as they become available.~~

~~(3) As part of the enhanced manatee protection study, the Legislature intends that the commission must conduct a signage and boat speed assessment to evaluate the effectiveness of manatee protection signs and sign placement and to assess boat speeds. The commission shall evaluate existing data on manatee mortality before and after existing manatee protection zones were established, boater compliance and comprehension of regulatory signs and buoys, changes in boating traffic patterns, and manatee distribution and behavior. The commission shall also provide recommendations on innovative marker designs that are in compliance with the federal aids to navigation system. The signage and boat speed assessment must address:~~

~~(a) The effectiveness of signs and buoys to warn boaters of manatee slow-speed zones, with a goal of developing federally approved standards for marking manatee protection zones;~~

~~(b) A determination of where buoys may be used in place of pilings for boating safety purposes; and~~

~~(c) An evaluation of higher speed travel corridors in manatee zones to determine the most effective speed to balance safe boating, recreational use, vessel operating characteristics, and manatee protection.~~

~~The commission shall complete its signage and boat speed assessment by January 1, 2007, and must submit a report of its findings to the Governor, the President of the Senate, and the Speaker of the House of Representatives by February 1, 2007. The report must detail the results of the assessment and identify specific recommendations for developing state and local policies relating to the appropriate placement of signs, including innovative markers, in manatee slow-speed zones.~~

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

Section 63. Paragraph (b) of subsection (2) of section 379.3581, Florida Statutes, is amended to read:

379.3581 Hunter safety course; requirements; penalty.—

(2)

(b) A person born on or after June 1, 1975, who has not successfully completed a hunter safety course may apply to the commission for a special authorization to hunt under supervision. The special authorization for supervised hunting shall be designated on any license or permit required under this chapter for a person to take game or fur-bearing animals. A person issued a license with a special authorization to hunt under supervision must hunt under the supervision of, and in the presence of, a person 21 years of ~~or~~ or age or older who is licensed to hunt pursuant to s. 379.354 or who is exempt from licensing requirements or eligible for a free license pursuant to s. 379.353.

Reviser's note.—Amended to confirm substitution of the word “of” for the word “or” by the editors.

Section 64. Subsection (8) of section 380.0662, Florida Statutes, is amended to read:

380.0662 Definitions.—As used in this act, unless the context indicates a different meaning or intent:

(8) “State Board of Administration” means the State Board of Administration created by and referred to in s. 4 ~~9~~, Art. IV ~~XII~~ of the State Constitution.

Reviser's note.—Section 4(e), Art. IV of the State Constitution of 1968 provides that the governor, chief financial officer, and attorney general constitute the state board of administration, as successor to the state board of administration established pursuant to s. 16, Art. IX of the Constitution of 1885.

Section 65. Paragraph (h) of subsection (2) of section 381.004, Florida Statutes, is amended to read:

381.004 HIV testing.—

(2) HUMAN IMMUNODEFICIENCY VIRUS TESTING; INFORMED CONSENT; RESULTS; COUNSELING; CONFIDENTIALITY.—

(h) Notwithstanding the provisions of paragraph (a), informed consent is not required:

1. When testing for sexually transmissible diseases is required by state or federal law, or by rule including the following situations:

- a. HIV testing pursuant to s. 796.08 of persons convicted of prostitution or of procuring another to commit prostitution.
 - b. HIV testing of inmates pursuant to s. 945.355 prior to their release from prison by reason of parole, accumulation of gain-time credits, or expiration of sentence.
 - c. Testing for HIV by a medical examiner in accordance with s. 406.11.
 - d. HIV testing of pregnant women pursuant to s. 384.31.
2. Those exceptions provided for blood, plasma, organs, skin, semen, or other human tissue pursuant to s. 381.0041.
 3. For the performance of an HIV-related test by licensed medical personnel in bona fide medical emergencies when the test results are necessary for medical diagnostic purposes to provide appropriate emergency care or treatment to the person being tested and the patient is unable to consent, as supported by documentation in the medical record. Notification of test results in accordance with paragraph (c) is required.
 4. For the performance of an HIV-related test by licensed medical personnel for medical diagnosis of acute illness where, in the opinion of the attending physician, obtaining informed consent would be detrimental to the patient, as supported by documentation in the medical record, and the test results are necessary for medical diagnostic purposes to provide appropriate care or treatment to the person being tested. Notification of test results in accordance with paragraph (c) is required if it would not be detrimental to the patient. This subparagraph does not authorize the routine testing of patients for HIV infection without informed consent.
 5. When HIV testing is performed as part of an autopsy for which consent was obtained pursuant to s. 872.04.
 6. For the performance of an HIV test upon a defendant pursuant to the victim's request in a prosecution for any type of sexual battery where a blood sample is taken from the defendant voluntarily, pursuant to court order for any purpose, or pursuant to the provisions of s. 775.0877, s. 951.27, or s. 960.003; however, the results of any HIV test performed shall be disclosed solely to the victim and the defendant, except as provided in ss. 775.0877, 951.27, and 960.003.
 7. When an HIV test is mandated by court order.
 8. For epidemiological research pursuant to s. ~~381.0031~~ 381.0032, for research consistent with institutional review boards created by 45 C.F.R. part 46, or for the performance of an HIV-related test for the purpose of research, if the testing is performed in a manner by which the identity of the test subject is not known and may not be retrieved by the researcher.

9. When human tissue is collected lawfully without the consent of the donor for corneal removal as authorized by s. 765.5185 or enucleation of the eyes as authorized by s. 765.519.

10. For the performance of an HIV test upon an individual who comes into contact with medical personnel in such a way that a significant exposure has occurred during the course of employment or within the scope of practice and where a blood sample is available that was taken from that individual voluntarily by medical personnel for other purposes. The term “medical personnel” includes a licensed or certified health care professional; an employee of a health care professional or health care facility; employees of a laboratory licensed under chapter 483; personnel of a blood bank or plasma center; a medical student or other student who is receiving training as a health care professional at a health care facility; and a paramedic or emergency medical technician certified by the department to perform life-support procedures under s. 401.23.

a. Prior to performance of an HIV test on a voluntarily obtained blood sample, the individual from whom the blood was obtained shall be requested to consent to the performance of the test and to the release of the results. If consent cannot be obtained within the time necessary to perform the HIV test and begin prophylactic treatment of the exposed medical personnel, all information concerning the performance of an HIV test and any HIV test result shall be documented only in the medical personnel’s record unless the individual gives written consent to entering this information on the individual’s medical record.

b. Reasonable attempts to locate the individual and to obtain consent shall be made, and all attempts must be documented. If the individual cannot be found or is incapable of providing consent, an HIV test may be conducted on the available blood sample. If the individual does not voluntarily consent to the performance of an HIV test, the individual shall be informed that an HIV test will be performed, and counseling shall be furnished as provided in this section. However, HIV testing shall be conducted only after appropriate medical personnel under the supervision of a licensed physician documents, in the medical record of the medical personnel, that there has been a significant exposure and that, in accordance with the written protocols based on the National Centers for Disease Control and Prevention guidelines on HIV postexposure prophylaxis and in the physician’s medical judgment, the information is medically necessary to determine the course of treatment for the medical personnel.

c. Costs of any HIV test of a blood sample performed with or without the consent of the individual, as provided in this subparagraph, shall be borne by the medical personnel or the employer of the medical personnel. However, costs of testing or treatment not directly related to the initial HIV tests or costs of subsequent testing or treatment may not be borne by the medical personnel or the employer of the medical personnel.

d. In order to utilize the provisions of this subparagraph, the medical personnel must either be tested for HIV pursuant to this section or provide the results of an HIV test taken within 6 months prior to the significant exposure if such test results are negative.

e. A person who receives the results of an HIV test pursuant to this subparagraph shall maintain the confidentiality of the information received and of the persons tested. Such confidential information is exempt from s. 119.07(1).

f. If the source of the exposure will not voluntarily submit to HIV testing and a blood sample is not available, the medical personnel or the employer of such person acting on behalf of the employee may seek a court order directing the source of the exposure to submit to HIV testing. A sworn statement by a physician licensed under chapter 458 or chapter 459 that a significant exposure has occurred and that, in the physician's medical judgment, testing is medically necessary to determine the course of treatment constitutes probable cause for the issuance of an order by the court. The results of the test shall be released to the source of the exposure and to the person who experienced the exposure.

11. For the performance of an HIV test upon an individual who comes into contact with medical personnel in such a way that a significant exposure has occurred during the course of employment or within the scope of practice of the medical personnel while the medical personnel provides emergency medical treatment to the individual; or notwithstanding s. 384.287, an individual who comes into contact with nonmedical personnel in such a way that a significant exposure has occurred while the nonmedical personnel provides emergency medical assistance during a medical emergency. For the purposes of this subparagraph, a medical emergency means an emergency medical condition outside of a hospital or health care facility that provides physician care. The test may be performed only during the course of treatment for the medical emergency.

a. An individual who is capable of providing consent shall be requested to consent to an HIV test prior to the testing. If consent cannot be obtained within the time necessary to perform the HIV test and begin prophylactic treatment of the exposed medical personnel and nonmedical personnel, all information concerning the performance of an HIV test and its result, shall be documented only in the medical personnel's or nonmedical personnel's record unless the individual gives written consent to entering this information on the individual's medical record.

b. HIV testing shall be conducted only after appropriate medical personnel under the supervision of a licensed physician documents, in the medical record of the medical personnel or nonmedical personnel, that there has been a significant exposure and that, in accordance with the written protocols based on the National Centers for Disease Control and Prevention guidelines on HIV postexposure prophylaxis and in the physician's medical

judgment, the information is medically necessary to determine the course of treatment for the medical personnel or nonmedical personnel.

c. Costs of any HIV test performed with or without the consent of the individual, as provided in this subparagraph, shall be borne by the medical personnel or the employer of the medical personnel or nonmedical personnel. However, costs of testing or treatment not directly related to the initial HIV tests or costs of subsequent testing or treatment may not be borne by the medical personnel or the employer of the medical personnel or nonmedical personnel.

d. In order to utilize the provisions of this subparagraph, the medical personnel or nonmedical personnel shall be tested for HIV pursuant to this section or shall provide the results of an HIV test taken within 6 months prior to the significant exposure if such test results are negative.

e. A person who receives the results of an HIV test pursuant to this subparagraph shall maintain the confidentiality of the information received and of the persons tested. Such confidential information is exempt from s. 119.07(1).

f. If the source of the exposure will not voluntarily submit to HIV testing and a blood sample was not obtained during treatment for the medical emergency, the medical personnel, the employer of the medical personnel acting on behalf of the employee, or the nonmedical personnel may seek a court order directing the source of the exposure to submit to HIV testing. A sworn statement by a physician licensed under chapter 458 or chapter 459 that a significant exposure has occurred and that, in the physician's medical judgment, testing is medically necessary to determine the course of treatment constitutes probable cause for the issuance of an order by the court. The results of the test shall be released to the source of the exposure and to the person who experienced the exposure.

12. For the performance of an HIV test by the medical examiner or attending physician upon an individual who expired or could not be resuscitated while receiving emergency medical assistance or care and who was the source of a significant exposure to medical or nonmedical personnel providing such assistance or care.

a. HIV testing may be conducted only after appropriate medical personnel under the supervision of a licensed physician documents in the medical record of the medical personnel or nonmedical personnel that there has been a significant exposure and that, in accordance with the written protocols based on the National Centers for Disease Control and Prevention guidelines on HIV postexposure prophylaxis and in the physician's medical judgment, the information is medically necessary to determine the course of treatment for the medical personnel or nonmedical personnel.

b. Costs of any HIV test performed under this subparagraph may not be charged to the deceased or to the family of the deceased person.

c. For the provisions of this subparagraph to be applicable, the medical personnel or nonmedical personnel must be tested for HIV under this section or must provide the results of an HIV test taken within 6 months before the significant exposure if such test results are negative.

d. A person who receives the results of an HIV test pursuant to this subparagraph shall comply with paragraph (e).

13. For the performance of an HIV-related test medically indicated by licensed medical personnel for medical diagnosis of a hospitalized infant as necessary to provide appropriate care and treatment of the infant when, after a reasonable attempt, a parent cannot be contacted to provide consent. The medical records of the infant shall reflect the reason consent of the parent was not initially obtained. Test results shall be provided to the parent when the parent is located.

14. For the performance of HIV testing conducted to monitor the clinical progress of a patient previously diagnosed to be HIV positive.

15. For the performance of repeated HIV testing conducted to monitor possible conversion from a significant exposure.

Reviser's note.—Amended to conform to the repeal of s. 381.0032 by s. 17, ch. 2012-184, Laws of Florida. Language relating to epidemiological research was added to s. 381.0031 by s. 15, ch. 2012-184.

Section 66. Paragraph (a) of subsection (7) of section 381.00593, Florida Statutes, is amended to read:

381.00593 Public school volunteer health care practitioner program.—

(7)(a) The Department of Health shall have the responsibility to supervise the program and perform periodic program reviews as provided in s. 381.0056(3) ~~381.0056(4)~~.

Reviser's note.—Amended to conform to the redesignation of s. 381.0056(4) as s. 381.0056(3) by s. 27, ch. 2012-184, Laws of Florida.

Section 67. Paragraph (w) of subsection (4) of section 381.0065, Florida Statutes, is amended to read:

381.0065 Onsite sewage treatment and disposal systems; regulation.—

(4) PERMITS; INSTALLATION; AND CONDITIONS.—A person may not construct, repair, modify, abandon, or operate an onsite sewage treatment and disposal system without first obtaining a permit approved by the department. The department may issue permits to carry out this section, but shall not make the issuance of such permits contingent upon prior approval by the Department of Environmental Protection, except that the issuance of a permit for work seaward of the coastal construction control line established under s. 161.053 shall be contingent upon receipt of any

required coastal construction control line permit from the Department of Environmental Protection. A construction permit is valid for 18 months from the issuance date and may be extended by the department for one 90-day period under rules adopted by the department. A repair permit is valid for 90 days from the date of issuance. An operating permit must be obtained prior to the use of any aerobic treatment unit or if the establishment generates commercial waste. Buildings or establishments that use an aerobic treatment unit or generate commercial waste shall be inspected by the department at least annually to assure compliance with the terms of the operating permit. The operating permit for a commercial wastewater system is valid for 1 year from the date of issuance and must be renewed annually. The operating permit for an aerobic treatment unit is valid for 2 years from the date of issuance and must be renewed every 2 years. If all information pertaining to the siting, location, and installation conditions or repair of an onsite sewage treatment and disposal system remains the same, a construction or repair permit for the onsite sewage treatment and disposal system may be transferred to another person, if the transferee files, within 60 days after the transfer of ownership, an amended application providing all corrected information and proof of ownership of the property. There is no fee associated with the processing of this supplemental information. A person may not contract to construct, modify, alter, repair, service, abandon, or maintain any portion of an onsite sewage treatment and disposal system without being registered under part III of chapter 489. A property owner who personally performs construction, maintenance, or repairs to a system serving his or her own owner-occupied single-family residence is exempt from registration requirements for performing such construction, maintenance, or repairs on that residence, but is subject to all permitting requirements. A municipality or political subdivision of the state may not issue a building or plumbing permit for any building that requires the use of an onsite sewage treatment and disposal system unless the owner or builder has received a construction permit for such system from the department. A building or structure may not be occupied and a municipality, political subdivision, or any state or federal agency may not authorize occupancy until the department approves the final installation of the onsite sewage treatment and disposal system. A municipality or political subdivision of the state may not approve any change in occupancy or tenancy of a building that uses an onsite sewage treatment and disposal system until the department has reviewed the use of the system with the proposed change, approved the change, and amended the operating permit.

(w) Any permit issued and approved by the department for the installation, modification, or repair of an onsite sewage treatment and disposal system shall transfer with the title to the property in a real estate transaction. A title may not be encumbered at the time of transfer by new permit requirements by a governmental entity for an onsite sewage treatment and disposal system which differ from the permitting requirements in effect at the time the system was permitted, modified, or repaired. An inspection of a system may not be mandated by a governmental entity at the point of sale in a real estate transaction. This paragraph does not affect a

septic tank phase-out deferral program implemented by a consolidated government as defined in s. 9, Art. VIII of the State Constitution (1885).

Reviser’s note.—Amended to conform to the fact that s. 9, Art. VIII of the State Constitution of 1885 relates to Jacksonville’s consolidated government; the 1968 Constitution does not contain a s. 9, Art. VIII.

Section 68. Paragraph (a) of subsection (3) of section 381.0101, Florida Statutes, is amended to read:

381.0101 Environmental health professionals.—

(3) ENVIRONMENTAL HEALTH PROFESSIONALS ADVISORY BOARD.—The State Health Officer shall appoint an advisory board to assist the department in the promulgation of rules for certification, testing, establishing standards, and seeking enforcement actions against certified professionals.

(a) The board shall be comprised of the State Surgeon General or his or her designee, one individual who will be certified under this section, one individual not employed in a governmental capacity who will or does employ a certified environmental health professional, one individual whose business is or will be evaluated by a certified environmental health professional, and a citizen of the state who neither employs nor is routinely evaluated by a person certified under this section.

Reviser’s note.—Amended to confirm insertion of the word “and” by the editors to improve clarity.

Section 69. Subsection (2) of section 391.026, Florida Statutes, is amended to read:

391.026 Powers and duties of the department.—The department shall have the following powers, duties, and responsibilities:

(2) To provide services to abused and neglected children through child protection ~~protective~~ teams pursuant to s. 39.303.

Reviser’s note.—Amended to confirm substitution of the word “protection” for the word “protective” by the editors to conform to s. 39.303, which relates to child protection teams.

Section 70. Paragraph (b) of subsection (2) of section 400.172, Florida Statutes, is amended to read:

400.172 Respite care provided in nursing home facilities.—

(2) A person admitted under the respite care program shall:

(b) Be covered by the residents’ rights specified in s. 400.022(1)(a)-(o) and (r)-(t). Funds or property of the resident are not to be considered trust funds

subject to the requirements of s. 400.022(1)(h) until the resident has been in the facility for more than 14 consecutive days.

Reviser's note.—Amended to confirm insertion of the word “to” by the editors.

Section 71. Subsection (1) of section 400.915, Florida Statutes, is amended to read:

400.915 Construction and renovation; requirements.—The requirements for the construction or renovation of a PPEC center shall comply with:

(1) The provisions of chapter 553, which pertain to building construction standards, including plumbing, electrical code, glass, manufactured buildings, and accessibility for the physically disabled;

Reviser's note.—Amended to insert the word “and” to improve clarity.

Section 72. Paragraph (b) of subsection (4) of section 400.9905, Florida Statutes, is amended to read:

400.9905 Definitions.—

(4) “Clinic” means an entity where health care services are provided to individuals and which tenders charges for reimbursement for such services, including a mobile clinic and a portable equipment provider. As used in this part, the term does not include and the licensure requirements of this part do not apply to:

(b) Entities that own, directly or indirectly, entities licensed or registered by the state pursuant to chapter 395; entities that own, directly or indirectly, entities licensed or registered by the state and providing only health care services within the scope of services authorized pursuant to their respective licenses under ss. 383.30-383.335, chapter 390, chapter 394, chapter 397, this chapter except part X, chapter 429, chapter 463, chapter 465, chapter 466, chapter 478, part I of chapter 483, chapter 484, or chapter 651; end-stage renal disease providers authorized under 42 C.F.R. part 405, subpart U; providers certified under 42 C.F.R. part 485, subpart B or subpart H; or any entity that provides neonatal or pediatric hospital-based health care services by licensed practitioners solely within a hospital licensed under chapter 395.

Notwithstanding this subsection, an entity shall be deemed a clinic and must be licensed under this part in order to receive reimbursement under the Florida Motor Vehicle No-Fault Law, ss. 627.730-627.7405, unless exempted under s. 627.736(5)(h).

Reviser's note.—Amended to confirm insertion of the word “or” by the editors.

Section 73. Paragraph (h) of subsection (9) of section 403.086, Florida Statutes, is amended to read:

403.086 Sewage disposal facilities; advanced and secondary waste treatment.—

(9) The Legislature finds that the discharge of domestic wastewater through ocean outfalls wastes valuable water supplies that should be reclaimed for beneficial purposes to meet public and natural systems demands. The Legislature also finds that discharge of domestic wastewater through ocean outfalls compromises the coastal environment, quality of life, and local economies that depend on those resources. The Legislature declares that more stringent treatment and management requirements for such domestic wastewater and the subsequent, timely elimination of ocean outfalls as a primary means of domestic wastewater discharge are in the public interest.

~~(h) By February 1, 2012, the department shall submit a report to the Governor and Legislature detailing the results and recommendations from phases 1 through 3 of its ongoing study on reclaimed water use.~~

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

Section 74. Subsection (3) of section 403.511, Florida Statutes, is amended to read:

403.511 Effect of certification.—

(3) The certification and any order on land use and zoning issued under this act shall be in lieu of any license, permit, certificate, or similar document required by any state, regional, or local agency pursuant to, but not limited to, chapter 125, chapter 161, chapter 163, chapter 166, chapter 186, chapter 253, chapter 298, chapter 373, chapter 376, chapter 379, chapter 380, chapter 381, ~~chapter 387~~, chapter 403, except for permits issued pursuant to any federally delegated or approved permit program and except as provided in chapter 404 or the Florida Transportation Code, or 33 U.S.C. s. 1341.

Reviser's note.—Amended to delete a reference to chapter 387, which was repealed by s. 125, ch. 97-237, Laws of Florida.

Section 75. Subsection (3) of section 403.9416, Florida Statutes, is amended to read:

403.9416 Effect of certification.—

(3) The certification shall be in lieu of any license, permit, certificate, or similar document required by any agency pursuant to, but not limited to, chapter 125, chapter 161, chapter 163, chapter 166, chapter 186, chapter 253, chapter 258, chapter 298, chapter 373, chapter 376, chapter 377, chapter 379, chapter 380, chapter 381, ~~chapter 387~~, chapter 403, the Florida Transportation Code, or 33 U.S.C. s. 1341. On certification, any license, easement, or other interest in state lands, except those the title to which is vested in the Board of Trustees of the Internal Improvement Trust Fund or a water management district created pursuant to chapter 373, shall be issued by the

appropriate agency as a ministerial act. The applicant shall be required to seek any necessary interest in state lands the title to which is vested in the Board of Trustees of the Internal Improvement Trust Fund from the board of trustees or from the governing board of the water management district before, during, or after the certification proceeding, and certification may be made contingent upon issuance of the appropriate interest in realty. However, neither the applicant nor any party to the certification proceeding may directly or indirectly raise or relitigate any matter which was or could have been an issue in the certification proceeding in any proceeding before the Board of Trustees of the Internal Improvement Trust Fund wherein the applicant is seeking a necessary interest in state lands, but the information presented in the certification proceeding shall be available for review by the board of trustees and its staff.

Reviser's note.—Amended to delete a reference to chapter 387, which was repealed by s. 125, ch. 97-237, Laws of Florida.

Section 76. Paragraph (a) of subsection (1) of section 414.295, Florida Statutes, is amended to read:

414.295 Temporary cash assistance programs; public records exemption.

(1) Personal identifying information of a temporary cash assistance program participant, a participant's family, or a participant's family or household member, except for information identifying a parent who does not live in the same home as the child, held by the department, the Office of Early Learning, Workforce Florida, Inc., the Department of Health, the Department of Revenue, the Department of Education, or a regional workforce board or local committee created pursuant to s. 445.007 is confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution. Such confidential and exempt information may be released for purposes directly connected with:

(a) The administration of the temporary assistance for needy families plan under Title IV-A of the Social Security Act, as amended, by the department, the Office ~~Division~~ of Early Learning, Workforce Florida, Inc., the Department of Military Affairs, the Department of Health, the Department of Revenue, the Department of Education, a regional workforce board or local committee created pursuant to s. 445.007, or a school district.

Reviser's note.—Amended to confirm substitution of the word "Office" for the word "Division" by the editors to conform to the correct name of the office.

Section 77. Subsection (40) of section 420.503, Florida Statutes, is amended to read:

420.503 Definitions.—As used in this part, the term:

(40) “State Board of Administration” means the State Board of Administration created by and referred to in s. 4 9, Art. IV XH of the State Constitution.

Reviser’s note.—Section 4(e), Art. IV of the State Constitution of 1968 provides that the governor, chief financial officer, and attorney general constitute the state board of administration, as successor to the state board of administration established pursuant to s. 16, Art. IX of the Constitution of 1885.

Section 78. Paragraph (a) of subsection (10) of section 420.5087, Florida Statutes, is amended to read:

420.5087 State Apartment Incentive Loan Program.—There is hereby created the State Apartment Incentive Loan Program for the purpose of providing first, second, or other subordinated mortgage loans or loan guarantees to sponsors, including for-profit, nonprofit, and public entities, to provide housing affordable to very-low-income persons.

(10) Funding under this subsection shall be to preserve existing projects having financing guaranteed under the Florida Affordable Housing Guarantee Program pursuant to s. 420.5092.

(a) A project shall be given priority for funding if:

1. It was approved by the corporation board in calendar year 2011 to provide additional units for extremely-low-income persons as defined in s. 420.0004;

2. The Florida Affordable Housing Guarantee Program mortgage note was executed and recorded not later than September 30, 2003;

3. It commits to provide additional units for extremely-low-income persons; and

4. The shareholders, members, or partners of the project owner have funded deficits in an amount that is not less than 20 percent of the State Apartment Incentive Loan not later than closing of any financing made under this subsection.

Reviser’s note.—Amended to confirm insertion of the words “Florida Affordable Housing” by the editors to conform to the full name of the program.

Section 79. Subsection (6) of section 430.205, Florida Statutes, is amended to read:

430.205 Community care service system.—

(6) Notwithstanding other requirements of this chapter, the Department of Elderly Affairs and the Agency for Health Care Administration shall develop an integrated long-term-care delivery system.

(a) The duties of the integrated system shall include organizing and administering service delivery for the elderly, obtaining contracts for services with providers in each service area, monitoring the quality of services provided, determining levels of need and disability for payment purposes, and other activities determined by the department and the agency in order to operate an integrated system.

~~(b) During the 2004-2005 state fiscal year:~~

~~1. The agency and the department shall reimburse providers for case management services on a capitated basis and develop uniform standards for case management within the Aged and Disabled Adult Medicaid waiver program. The coordination of acute and chronic medical services for individuals may be included in the capitated rate for case management services. The agency, in consultation with the department, shall adopt any rules necessary to comply with or administer these requirements.~~

~~2. The Legislature finds that preservation of the historic aging network of lead agencies is essential to the well-being of Florida's elderly population. The Legislature finds that the Florida aging network constitutes a system of essential community providers which should be nurtured and assisted to develop systems of operations which allow the gradual assumption of responsibility and financial risk for managing a client through the entire continuum of long-term care services within the area the lead agency is currently serving, and which allow lead agency providers to develop managed systems of service delivery. The department, in consultation with the agency, shall therefore:~~

~~a. Develop a demonstration project in which existing community care for the elderly lead agencies are assisted in transferring their business model and the service delivery system within their current community care service area to enable assumption, over a period of time, of full risk as a community diversion pilot project contractor providing long-term care services in the areas of operation. The department, in consultation with the agency and the Department of Children and Family Services, shall develop an implementation plan for no more than three lead agencies by October 31, 2004.~~

~~b. In the demonstration area, a community care for the elderly lead agency shall be initially reimbursed on a prepaid or fixed-sum basis for all home and community-based services provided under the long-term care community diversion pilot project. By the end of the third year of operation, the lead agency shall be reimbursed on a prepaid or fixed-sum basis for all services under the long-term care community diversion pilot project.~~

~~c. During the first year of operation, the department, in consultation with the agency, may place providers at risk to provide nursing home services for~~

~~the enrolled individuals who are participating in the demonstration project. During the 3-year development period, the agency and the department may limit the level of custodial nursing home risk that the administering entities assume. Under risk-sharing arrangements, during the first 3 years of operation, the department, in consultation with the agency, may reimburse the administering entity for the cost of providing nursing home care for Medicaid-eligible participants who have been permanently placed and remain in a nursing home for more than 1 year, or may disenroll such participants from the demonstration project.~~

~~d. The agency, in consultation with the department, shall develop reimbursement rates based on the federally approved, actuarially certified rate methodology for the long-term care community diversion pilot project.~~

~~e. The department, in consultation with the agency, shall ensure that the entity or entities receiving prepaid or fixed-sum reimbursement are assisted in developing internal management and financial control systems necessary to manage the risk associated with providing services under a prepaid or fixed-sum rate system.~~

~~f. If the department and the agency share risk of custodial nursing home placement, payment rates during the first 3 years of operation shall be set at not more than 100 percent of the costs to the agency and the department of providing equivalent services to the population within the area of the pilot project for the year prior to the year in which the pilot project is implemented, adjusted forward to account for inflation and policy changes in the Medicaid program.~~

~~g. Community care for the elderly lead agencies that have operated for a period of at least 20 years, which provide Medicare-certified services to elders, and which have developed a system of service provision by health care volunteers shall be given priority in the selection of the pilot project if they meet the minimum requirements specified in the competitive procurement.~~

~~h. The agency and the department shall adopt rules necessary to comply with or administer these requirements, effect and implement interagency agreements between the agency and the department, and comply with federal requirements.~~

~~i. The department and the agency shall seek federal waivers necessary to implement the requirements of this section.~~

~~j. The Department of Elderly Affairs shall conduct or contract for an evaluation of the demonstration project. The department shall submit the evaluation to the Governor and the Legislature by January 1, 2007. The evaluation must address the effectiveness of the pilot project in providing a comprehensive system of appropriate and high-quality, long-term care services to elders in the least restrictive setting and make recommendations on expanding the project to other parts of the state. This subparagraph is subject to an appropriation by the Legislature.~~

~~3.—The agency, in consultation with the department, shall work with the fiscal agent for the Medicaid program to develop a service utilization reporting system that operates through the fiscal agent for the capitated plans.~~

~~(c) During the 2005-2006 state fiscal year:~~

~~1.—The agency, in consultation with the department, shall monitor the newly integrated programs and report on the progress of those programs to the Governor, the President of the Senate, and the Speaker of the House of Representatives by June 30, 2006. The report must include an initial evaluation of the programs in their early stages following the evaluation plan developed by the department, in consultation with the agency and the selected contractor.~~

~~2.—The department shall monitor the pilot projects for resource centers on aging and report on the progress of those projects to the Governor, the President of the Senate, and the Speaker of the House of Representatives by June 30, 2006. The report must include an evaluation of the implementation process in its early stages.~~

~~3.—The department, in consultation with the agency, shall integrate the database systems for the Comprehensive Assessment and Review for Long-Term Care Services (CARES) program and the Client Information and Referral Tracking System (CIRTS) into a single operating assessment information system by June 30, 2006.~~

~~(d) During the 2006-2007 state fiscal year:~~

~~1.—The agency, in consultation with the department, shall evaluate the Alzheimer's Disease waiver program and the Adult Day Health Care waiver program to assess whether providing limited intensive services through these waiver programs produces better outcomes for individuals than providing those services through the fee-for-service or capitated programs that provide a larger array of services.~~

~~2.—The agency, in consultation with the department, shall begin discussions with the federal Centers for Medicare and Medicaid Services regarding the inclusion of Medicare into the integrated long-term care system. By December 31, 2006, the agency shall provide to the Governor, the President of the Senate, and the Speaker of the House of Representatives a plan for including Medicare in the integrated long-term care system.~~

Section 80. Paragraph (g) of subsection (3) of section 430.80, Florida Statutes, is amended to read:

430.80 Implementation of a teaching nursing home pilot project.—

(3) To be designated as a teaching nursing home, a nursing home licensee must, at a minimum:

(g) Maintain insurance coverage pursuant to s. 400.141(1)(q) ~~400.141(1)(s)~~ or proof of financial responsibility in a minimum amount of \$750,000. Such proof of financial responsibility may include:

1. Maintaining an escrow account consisting of cash or assets eligible for deposit in accordance with s. 625.52; or

2. Obtaining and maintaining pursuant to chapter 675 an unexpired, irrevocable, nontransferable and nonassignable letter of credit issued by any bank or savings association organized and existing under the laws of this state or any bank or savings association organized under the laws of the United States that has its principal place of business in this state or has a branch office which is authorized to receive deposits in this state. The letter of credit shall be used to satisfy the obligation of the facility to the claimant upon presentment of a final judgment indicating liability and awarding damages to be paid by the facility or upon presentment of a settlement agreement signed by all parties to the agreement when such final judgment or settlement is a result of a liability claim against the facility.

Reviser's note.—Amended to conform to the redesignation of s. 400.141(1)(s) as s. 400.141(1)(q) by s. 6, ch. 2012-160, Laws of Florida.

Section 81. Paragraph (h) of subsection (2) of section 430.81, Florida Statutes, is amended to read:

430.81 Implementation of a teaching agency for home and community-based care.—

(2) The Department of Elderly Affairs may designate a home health agency as a teaching agency for home and community-based care if the home health agency:

(h) Maintains insurance coverage pursuant to s. 400.141(1)(q) ~~400.141(1)(s)~~ or proof of financial responsibility in a minimum amount of \$750,000. Such proof of financial responsibility may include:

1. Maintaining an escrow account consisting of cash or assets eligible for deposit in accordance with s. 625.52; or

2. Obtaining and maintaining, pursuant to chapter 675, an unexpired, irrevocable, nontransferable, and nonassignable letter of credit issued by any bank or savings association authorized to do business in this state. This letter of credit shall be used to satisfy the obligation of the agency to the claimant upon presentation of a final judgment indicating liability and awarding damages to be paid by the facility or upon presentment of a settlement agreement signed by all parties to the agreement when such final judgment or settlement is a result of a liability claim against the agency.

Reviser's note.—Amended to conform to the redesignation of s. 400.141(1)(s) as s. 400.141(1)(q) by s. 6, ch. 2012-160, Laws of Florida.

Section 82. Paragraph (c) of subsection (1) of section 443.091, Florida Statutes, is amended to read:

443.091 Benefit eligibility conditions.—

(1) An unemployed individual is eligible to receive benefits for any week only if the Department of Economic Opportunity finds that:

(c) To make continued claims for benefits, she or he is reporting to the department in accordance with this paragraph and department rules, and participating in an initial skills review, as directed by the department. Department rules may not conflict with s. 443.111(1)(b), which requires that each claimant continue to report regardless of any pending appeal relating to her or his eligibility or disqualification for benefits.

1. For each week of unemployment claimed, each report must, at a minimum, include the name, address, and telephone number of each prospective employer contacted, or the date the claimant reported to a one-stop career center, pursuant to paragraph (d).

2. The administrator or operator of the initial skills review shall notify the department when the individual completes the initial skills review and report the results of the review to the regional workforce board or the one-stop career center as directed by the workforce board. The department shall prescribe a numeric score on the initial skills review that demonstrates a minimal proficiency in workforce skills. The department, workforce board, or one-stop career center shall use the initial skills review to develop a plan for referring individuals to training and employment opportunities. The failure of the individual to comply with this requirement will result in the individual being determined ineligible for benefits for the week in which the noncompliance occurred and for any subsequent week of unemployment until the requirement is satisfied. However, this requirement does not apply if the individual is able to affirmatively attest to being unable to complete such review due to illiteracy or a language impediment or is exempt from the work registration requirement as set forth in paragraph (b).

3. Any individual who ~~that~~ falls below the minimal proficiency score prescribed by the department in subparagraph 2. on the initial skills review shall be offered training opportunities and encouraged to participate in such training at no cost to the individual in order to improve his or her workforce skills to the minimal proficiency level.

4. The department shall coordinate with Workforce Florida, Inc., the workforce boards, and the one-stop career centers to identify, develop, and utilize best practices for improving the skills of individuals who choose to participate in training opportunities and who have a minimal proficiency score below the score prescribed in subparagraph 2.

5. The department, in coordination with Workforce Florida, Inc., the workforce boards, and the one-stop career centers, shall evaluate the use,

effectiveness, and costs associated with the training prescribed in subparagraph 3. and report its findings and recommendations for training and the use of best practices to the Governor, the President of the Senate, and the Speaker of the House of Representatives by January 1, 2013.

Reviser's note.—Amended to confirm substitution of the word “who” for the word “that” by the editors.

Section 83. Paragraph (b) of subsection (1) of section 443.111, Florida Statutes, is amended to read:

443.111 Payment of benefits.—

(1) MANNER OF PAYMENT.—Benefits are payable from the fund in accordance with rules adopted by the Department of Economic Opportunity, subject to the following requirements:

(b) As required under s. 443.091(1), each claimant must report at least biweekly to receive reemployment assistance benefits and to attest to the fact that she or he is able and available for work, has not refused suitable work, is seeking work and has met the requirements of s. ~~443.091(1)(d)~~ 443.091(d), and, if she or he has worked, to report earnings from that work. Each claimant must continue to report regardless of any appeal or pending appeal relating to her or his eligibility or disqualification for benefits.

Reviser's note.—Amended to confirm substitution by the editors of a reference to s. 443.091(1)(d) for a reference to s. 443.091(d) to conform to the complete citation for the paragraph.

Section 84. Subsection (10) of section 443.171, Florida Statutes, is amended to read:

443.171 Department of Economic Opportunity and commission; powers and duties; records and reports; proceedings; state-federal cooperation.—

(10) EVIDENCE OF MAILING.—A mailing date on any notice, determination, decision, order, or other document mailed by the ~~department~~ Agency for Workforce Innovation or its tax collection service provider pursuant to this chapter creates a rebuttable presumption that such notice, determination, order, or other document was mailed on the date indicated.

Reviser's note.—Amended to confirm substitution by the editors of a reference to the department for a reference to the Agency for Workforce Innovation to conform to the transfer of the duties of the Agency for Workforce Innovation relating to s. 443.171 to the Department of Economic Opportunity by s. 374, ch. 2011-142, Laws of Florida.

Section 85. Paragraph (c) of subsection (2) of section 466.007, Florida Statutes, is amended to read:

466.007 Examination of dental hygienists.—

(2) An applicant is entitled to take the examinations required in this section to practice dental hygiene in this state if the applicant:

(c)1. In the case of a graduate of a dental hygiene college or school under subparagraph (2)(b)1.:

a. Has successfully completed the National Board of Dental Hygiene examination at any time before the date of application;

b. Has been certified by the American Dental Association Joint Commission on National Dental Examinations at any time before the date of application;

c. Effective January 1, 1997, has completed coursework that is comparable to an associate in science degree;

d. Has not been disciplined by a board, except for citation offenses or minor violations; and

e. Has not been convicted of or pled nolo contendere to, regardless of adjudication, any felony or misdemeanor related to the practice of a health care profession.

2. In the case of a graduate of a dental college or school under subparagraph (2)(b)2.:

a. Has successfully completed the National Board Dental Hygiene Examination or the National Board Dental Examination;

b. Has not been disciplined by a board, except for citation offenses or minor violations; and

c. Has not been convicted of or pled nolo contendere to, regardless of adjudication, any felony or misdemeanor related to the practice of a health care profession.

Reviser's note.—Amended to confirm insertion of the word “Has” by the editors.

Section 86. Subsection (1) of section 475.6235, Florida Statutes, is amended to read:

475.6235 Registration of appraisal management companies required; exemptions.—

(1) A person may not engage, or offer to engage, in appraisal management services for compensation in this state, or advertise or represent herself or himself as an appraisal management company, unless the person is registered with the department as an appraisal management company under

this section. However, an employee of an appraisal management company is not required to obtain a separate registration.

Reviser’s note.—Amended to confirm insertion of the word “or” by the editors.

Section 87. Subsection (1) of section 489.118, Florida Statutes, is amended to read:

489.118 Certification of registered contractors; grandfathering provisions.—The board shall, upon receipt of a completed application and appropriate fee, issue a certificate in the appropriate category to any contractor registered under this part who makes application to the board and can show that he or she meets each of the following requirements:

- (1) Currently holds a valid registered local license in one of the contractor categories defined in s. ~~489.105(3)(a)-(p)~~ 489.105(a)-(q).

Applicants wishing to obtain a certificate pursuant to this section must make application by November 1, 2015.

Reviser’s note.—Amended to confirm substitution by the editors of a reference to s. 489.105(3)(a)-(p) for a reference to s. 489.105(3)(a)-(q), which was substituted for the original reference to s. 489.105(3)(a)-(p) by s. 6, ch. 2012-211, Laws of Florida, to add paragraph (q) relating to glass and glazing contractors; paragraph (q) defining the term “glass and glazing contractor” was repealed by s. 9, ch. 2012-13, Laws of Florida, and s. 15, ch. 2012-72, Laws of Florida.

Section 88. Paragraph (d) of subsection (4) of section 499.01, Florida Statutes, is amended to read:

499.01 Permits.—

(4)

(d) Persons receiving prescription drugs from a source claimed to be exempt from permitting requirements under this subsection shall maintain on file:

- 1. A record of the FDA establishment registration number, if any;
- 2. The resident state prescription drug wholesale distribution license, permit, or registration number; and
- 3. A copy of the most recent resident state or FDA inspection report, for all distributors and establishments from whom they purchase or receive prescription drugs under this subsection.

Reviser’s note.—Amended to confirm insertion of the word “from” by the editors.

Section 89. Subsection (3) of section 500.09, Florida Statutes, is amended to read:

500.09 Rulemaking; analytical work.—

(3) The department may adopt rules necessary for the efficient enforcement of this chapter. Such rules must be consistent with those adopted under the federal act in regard to food and, to this end, the department may adopt by reference those rules and the current edition of the model Food Code issued by the Food and Drug Administration and Public Health Service of the United States Department of Health and Human Services, when applicable and practicable.

Reviser's note.—Amended to confirm insertion of the words “the department” by the editors.

Section 90. Paragraph (a) of subsection (1) of section 538.23, Florida Statutes, is amended to read:

538.23 Violations and penalties.—

(1)(a) Except as provided in paragraph (b), a secondary metals recycler who knowingly and intentionally:

1. Violates s. 538.20 or s. 538.21;
2. Engages in a pattern of failing to keep records required by s. 538.19;
3. Violates s. 538.26(2) ~~538.26(4)~~; or
4. Violates s. 538.235,

commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Reviser's note.—Amended to conform to the redesignation of s. 538.26(4) as s. 538.26(2) by s. 8, ch. 2012-179, Laws of Florida.

Section 91. Subsection (1) of section 553.98, Florida Statutes, is amended to read:

553.98 Development of building codes for radon-resistant buildings; funding; rules for radon-resistant passive construction standards; ordinances.—

(1) The Department of Business and Professional Regulation ~~department~~ shall be provided funds for activities incidental to the development and implementation of the building codes for radon-resistant buildings and for such other building code-related activities as directed by the Legislature.

Reviser's note.—Amended to conform to the transfer of responsibility for building codes from the Department of Community Affairs to the

Department of Business and Professional Regulation by s. 413, ch 2011-142, Laws of Florida.

Section 92. Subsection (2) of section 570.451, Florida Statutes, is amended to read:

570.451 Agricultural Feed, Seed, and Fertilizer Advisory Council.—

(2) The council is composed of the following 15 members appointed by the commissioner:

(a) One representative of the department.

(b) One representative of the dean for extension of the Institute of Food and Agricultural Sciences at the University of Florida.

(c) One representative each from the state's beef cattle, poultry, aquaculture, field crops, citrus, vegetable, and dairy production industries.

(d) Two representatives each from the state's fertilizer, seed, and commercial feed industries.

Each member shall be appointed for a term of not to exceed 4 years and shall serve until his or her successor is appointed.

Reviser's note.—Amended to confirm deletion of the word “of” by the editors.

Section 93. Paragraph (g) of subsection (2) of section 580.036, Florida Statutes, is amended to read:

580.036 Powers and duties.—

(2) The department is authorized to adopt rules pursuant to ss. 120.536(1) and 120.54 to enforce the provisions of this chapter. These rules shall be consistent with the rules and standards of the United States Food and Drug Administration and the United States Department of Agriculture, when applicable, and shall include:

(g) Establishing standards for the sale, use, and distribution of commercial feed or feedstuff to ensure usage that is consistent with animal safety and well-being and, to the extent that meat, poultry, and other animal products for human consumption may be affected by commercial feed or feedstuff, to ensure that these products are safe for human consumption. ~~Such standards, if adopted, must be developed in consultation with the Commercial Feed Technical Council created under s. 580.151.~~

Reviser's note.—Amended to conform to the repeal of s. 580.151, which created the Commercial Feed Technical Council, by s. 32, ch. 2012-190, Laws of Florida.

Section 94. Paragraph (f) of subsection (3) of section 586.10, Florida Statutes, is amended to read:

586.10 Powers and duties of department; preemption of local government ordinances.—

(3) The department may:

(f) Inspect or cause to be inspected all apiaries in the state at such intervals as it may deem best and ~~to~~ keep a complete, accurate, and current list of all inspected apiaries to include the:

1. Name of the apiary.
2. Name of the owner of the apiary.
3. Mailing address of the apiary owner.
4. Location of the apiary.
5. Number of hives in the apiary.
6. Pest problems associated with the apiary.
7. Brands used by beekeepers where applicable.

Reviser's note.—Amended to confirm deletion of the word “to” by the editors.

Section 95. Paragraph (a) of subsection (15) of section 601.03, Florida Statutes, is amended to read:

601.03 Definitions.—As used in this chapter, the term:

(15) “Concentrated products” means:

(a) Frozen citrus fruit juice ~~frozen~~ that has a concentration that exceeds 20 degrees Brix and is kept at a sufficiently freezing temperature to ensure preservation of the product; or

Reviser's note.—Amended to confirm deletion of the word “frozen” by the editors.

Section 96. Paragraph (b) of subsection (2) of section 601.15, Florida Statutes, is amended to read:

601.15 Advertising campaign; methods of conducting; assessments; emergency reserve fund; citrus research.—

(2) The department shall plan and conduct campaigns for commodity advertising, publicity, and sales promotion, and may conduct campaigns to encourage noncommodity advertising, to increase the consumption of citrus

fruits and may contract for any such advertising, publicity, and sales promotion service. To accomplish such purpose, the department shall:

(b) Decide upon some distinctive and suggestive trade name and to promote its use in all ways to advertise Florida citrus fruit.

Reviser's note.—Amended to confirm deletion of the word “to” by the editors.

Section 97. Subsection (4) of section 601.61, Florida Statutes, is amended to read:

601.61 Bond requirements of citrus fruit dealers.—

(4) The Department of Citrus or the Department of Agriculture, or any officer or employee designated by the Department of Citrus or the Department of Agriculture, is authorized to inspect such accounts and records of any citrus fruit dealer as may be deemed necessary to determine whether a bond that has been delivered to the Department of Agriculture is in the amount required by this section or whether a previously licensed nonbonded dealer should be required to furnish bond. If any such citrus fruit dealer refuses to permit such inspection, the Department of Agriculture may publish the facts and circumstances and by order suspend the license of the offender until permission to make such inspection is given. Upon a finding by the Department of Agriculture that any citrus fruit dealer has dealt or probably will deal with more fruit during the season than shown by the application, the Department of Agriculture may order such bond increased to such an amount as will meet the requirements set forth in the rules adopted by the Department of Citrus for determining the amount of such bonds. Upon failure to file such increased bond within the time fixed by the Department of Agriculture, the Department of Agriculture may publish the facts and circumstances and by order suspend the license of such citrus fruit dealer until such bond is increased as ordered.

Reviser's note.—Amended to confirm reinsertion of the word “to” by the editors to provide clarity; the words “is authorized” were added and the words “shall have the right to” preceding the word “inspect” were deleted by s. 48, ch. 2012-182, Laws of Florida.

Section 98. Paragraph (d) of subsection (1) of section 601.9910, Florida Statutes, is amended to read:

601.9910 Legislative findings of fact; strict enforcement of maturity standard in public interest.—

(1) FINDINGS.—

(d) The Legislature finds and determines and so declares that the enforcement of the maturity standards, authorized by this chapter and set forth in department rule, will not result in preventing any grower from marketing her or his fruit at some time during the marketing season,

whenever nature has removed the raw, immature flavor, and if there is a delay in such marketing, it will result in higher prices for the entire season, bringing additional millions of dollars to the state's growers of and resulting in benefit to all growers, including the grower or growers who were delayed a short time in the shipment of their fruit.

Reviser's note.—Amended to confirm deletion of the word “of” by the editors.

Section 99. Subsection (11) of section 610.109, Florida Statutes, is amended to read:

610.109 Public, educational, and governmental access channels.—

~~(11) A municipality or county that has activated at least one public, educational, or governmental access channel pursuant to this section may require cable or video service providers to remit public, educational, and governmental support contributions in an amount equal to a lump-sum or recurring per-subscriber funding obligation to support public, educational, and governmental access channels, or other related costs as provided for in the incumbent's franchise that exists prior to July 1, 2007, until the expiration date of the incumbent cable or video service provider's franchise agreement. Any prospective lump-sum payment shall be made on an equivalent per-subscriber basis calculated as follows: the amount of prospective funding obligations divided by the number of subscribers being served by the incumbent cable or video service provider at the time of payment, divided by the number of months remaining in the incumbent cable or video service provider's franchise equals the monthly per-subscriber amount to be paid by the certificateholder. The obligations set forth in this subsection apply until the earlier of the expiration date of the incumbent cable or video service provider's franchise agreement or July 1, 2012. For purposes of this subsection, an incumbent cable or video service provider is the service provider serving the largest number of subscribers as of July 1, 2007.~~

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

Section 100. Paragraph (a) of subsection (9) of section 624.402, Florida Statutes, is amended to read:

624.402 Exceptions, certificate of authority required.—A certificate of authority shall not be required of an insurer with respect to:

(9)(a) Life insurance policies or annuity contracts may be solicited, sold, or issued in this state by an insurer domiciled outside the United States, covering only persons who, at the time of issuance are nonresidents of the United States, provided that:

1. The insurer is currently an authorized insurer in his or her country of domicile as to the kind or kinds of insurance proposed to be offered and must have been such an insurer for not fewer than the immediately preceding 3

years, or must be the wholly owned subsidiary of such authorized insurer or must be the wholly owned subsidiary of an already eligible authorized insurer as to the kind or kinds of insurance proposed for a period of not fewer than the immediately preceding 3 years. However, the office may waive the 3-year requirement if the insurer has operated successfully for a period of at least the immediately preceding year and has capital and surplus of not less than \$25 million.

2. Before the office may grant eligibility, the requesting insurer furnishes the office with a duly authenticated copy of its current annual financial statement, in English, and with all monetary values therein expressed in United States dollars, at an exchange rate then-current and shown in the statement, in the case of statements originally made in the currencies of other countries, and with such additional information relative to the insurer as the office may request.

3. The insurer has and maintains surplus as to policyholders of not less than \$15 million. Any such surplus as to policyholders shall be represented by investments consisting of eligible investments for like funds of like domestic insurers under part II of chapter 625; however, any such surplus as to policyholders may be represented by investments permitted by the domestic regulator of such alien insurance company if such investments are substantially similar in terms of quality, liquidity, and security to eligible investments for like funds of like domestic insurers under part II of chapter 625.

4. The insurer has a ~~o~~ good reputation as to providing service to its policyholders and the payment of losses and claims.

5. To maintain eligibility, the insurer furnishes the office within the time period specified in s. 624.424(1), a duly authenticated copy of its current annual and quarterly financial statements, in English, and with all monetary values therein expressed in United States dollars, at an exchange rate then-current and shown in the statement, in the case of statements originally made in the currencies of other countries, and with such additional information relative to the insurer as the office may request.

6. An insurer receiving eligibility under this subsection agrees to make its books and records pertaining to its operations in this state available for inspection during normal business hours upon request of the office.

7. The insurer notifies the applicant in clear and conspicuous language:

a. The date of organization of the insurer.

b. The identity of and rating assigned by each recognized insurance company rating organization that has rated the insurer or, if applicable, that the insurer is unrated.

c. That the insurer does not hold a certificate of authority issued in this state and that the office does not exercise regulatory oversight over the insurer.

d. The identity and address of the regulatory authority exercising oversight of the insurer. This paragraph does not impose upon the office any duty or responsibility to determine the actual financial condition or claims practices of any unauthorized insurer, and the status of eligibility, if granted by the office, indicates only that the insurer appears to be financially sound and to have satisfactory claims practices and that the office has no credible evidence to the contrary.

Reviser's note.—Amended to confirm substitution of the word “a” for the word “of” by the editors to improve clarity.

Section 101. Paragraph (h) of subsection (3) of section 626.2815, Florida Statutes, is amended to read:

626.2815 Continuing education requirements.—

(3) Each licensee subject to this section must, except as set forth in paragraphs (b), (c), (d), and (f), complete a minimum of 24 hours of continuing education courses every 2 years in basic or higher-level courses prescribed by this section or in other courses approved by the department.

(h) An individual teaching an approved course of instruction or lecturing at any approved seminar and attending the entire course or seminar qualifies for the same number of classroom hours as would be granted to a person taking and successfully completing such course or seminar. Credit is limited to the number of hours actually taught unless a person attends the entire course or seminar. An individual who is an official of or employed by a governmental entity in this state and serves as a professor, instructor, or in another ~~other~~ position or office, the duties and responsibilities of which are determined by the department to require monitoring and review of insurance laws or insurance regulations and practices, is exempt from this section.

Reviser's note.—Amended to confirm substitution of the words “in another” for the word “other” by the editors to improve clarity.

Section 102. Paragraph (h) of subsection (3) of section 626.2815, Florida Statutes, as amended by section 11 of chapter 2012-209, effective October 1, 2014, is amended to read:

(3) Each licensee except a title insurance agent must complete a 5-hour update course every 2 years which is specific to the license held by the licensee. The course must be developed and offered by providers and approved by the department. The content of the course must address all lines of insurance for which examination and licensure are required and include the following subject areas: insurance law updates, ethics for insurance professionals, disciplinary trends and case studies, industry trends, premium discounts, determining suitability of products and services,

and other similar insurance-related topics the department determines are relevant to legally and ethically carrying out the responsibilities of the license granted. A licensee who holds multiple insurance licenses must complete an update course that is specific to at least one of the licenses held. Except as otherwise specified, any remaining required hours of continuing education are elective and may consist of any continuing education course approved by the department under this section.

(h) An individual teaching an approved course of instruction or lecturing at any approved seminar and attending the entire course or seminar qualifies for the same number of classroom hours as would be granted to a person taking and successfully completing such course or seminar. Credit is limited to the number of hours actually taught unless a person attends the entire course or seminar. An individual who is an official of or employed by a governmental entity in this state and serves as a professor, instructor, or in another ~~other~~ position or office, the duties and responsibilities of which are determined by the department to require monitoring and review of insurance laws or insurance regulations and practices, is exempt from this section.

Reviser's note.—Amended to confirm substitution of the words “in another” for the word “other” by the editors to improve clarity.

Section 103. Paragraph (c) of subsection (1) of section 626.8734, Florida Statutes, is amended to read:

626.8734 Nonresident all-lines adjuster license qualifications.—

(1) The department shall issue a license to an applicant for a nonresident all-lines adjuster license upon determining that the applicant has paid the applicable license fees required under s. 624.501 and:

(c) Is licensed as an all-lines adjuster and is self appointed, or appointed and employed by an independent adjusting firm or other independent adjuster, or is an employee of an insurer admitted to do business in this state, a wholly owned subsidiary of an insurer admitted to do business in this state, or other insurers under the common control or ownership of such insurers. Applicants licensed as nonresident all-lines adjusters under this section must be appointed as an independent adjuster or company employee adjuster in accordance with ss. 626.112 and 626.451. Appointment fees as specified in s. 624.501 must be paid to the department in advance. The appointment of a nonresident independent adjuster continues in force until suspended, revoked, or otherwise terminated, but is subject to biennial renewal or continuation by the licensee in accordance with s. 626.381 for licensees in general.

Reviser's note.—Amended to confirm insertion of the word “do” by the editors.

Section 104. Subsection (7) of section 626.9362, Florida Statutes, is amended to read:

626.9362 Cooperative reciprocal agreement authorized for collection and allocation of certain nonadmitted insurance taxes.—

~~(7) Following the negotiation and execution of any cooperative reciprocal agreement entered into by the Department of Financial Services and the Office of Insurance Regulation with another state or group of states, the department shall prepare and submit a report to the President of the Senate and the Speaker of the House of Representatives by January 1, 2012. In addition to describing in detail the terms of any agreement entered into with another state or group of states pursuant to this section, the report must include, but need not be limited to:~~

~~(a) The actual and projected collections and allocation of nonadmitted insurance premium taxes for multistate risk of each state participating in the agreement;~~

~~(b) A detailed description of the administrative structure supporting any agreement, including any clearinghouse created by an agreement and the fees charged to support administration of the agreement;~~

~~(c) The insurance tax rates of any state participating in the agreement; and~~

~~(d) The status of any other cooperative reciprocal agreements established throughout the country, including a state-by-state listing of passed or pending legislation responding to changes made by the federal Nonadmitted and Reinsurance Reform Act of 2010.~~

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

Section 105. Subsection (9) of section 626.989, Florida Statutes, is amended to read:

626.989 Investigation by department or Division of Insurance Fraud; compliance; immunity; confidential information; reports to division; division investigator's power of arrest.—

(9) In recognition of the complementary roles of investigating instances of workers' compensation fraud and enforcing compliance with the workers' compensation coverage requirements under chapter 440, the Department of Financial Services shall prepare and submit a joint performance report to the President of the Senate and the Speaker of the House of Representatives by ~~November 1, 2003, and then~~ by January 1 of each year. The annual report must include, but need not be limited to:

(a) The total number of initial referrals received, cases opened, cases presented for prosecution, cases closed, and convictions resulting from cases presented for prosecution by the Bureau of Workers' Compensation Insurance Fraud by type of workers' compensation fraud and circuit.

(b) The number of referrals received from insurers and the Division of Workers' Compensation and the outcome of those referrals.

(c) The number of investigations undertaken by the Bureau of Workers' Compensation Insurance Fraud which were not the result of a referral from an insurer or the Division of Workers' Compensation.

(d) The number of investigations that resulted in a referral to a regulatory agency and the disposition of those referrals.

(e) The number and reasons provided by local prosecutors or the statewide prosecutor for declining prosecution of a case presented by the Bureau of Workers' Compensation Insurance Fraud by circuit.

(f) The total number of employees assigned to the Bureau of Workers' Compensation Insurance Fraud and the Division of Workers' Compensation Bureau of Compliance delineated by location of staff assigned; and the number and location of employees assigned to the Bureau of Workers' Compensation Insurance Fraud who were assigned to work other types of fraud cases.

(g) The average caseload and turnaround time by type of case for each investigator and division compliance employee.

(h) The training provided during the year to workers' compensation fraud investigators and the division's compliance employees.

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

Section 106. Paragraph (a) of subsection (4) of section 626.9895, Florida Statutes, is amended to read:

626.9895 Motor vehicle insurance fraud direct-support organization.—

(4) BOARD OF DIRECTORS.—

(a) The board of directors of the organization shall consist of the following 11 members:

1. The Chief Financial Officer, or designee, who shall serve as chair.
2. Two state attorneys, one of whom shall be appointed by the Chief Financial Officer and one of whom shall be appointed by the Attorney General.
3. Two representatives of motor vehicle insurers appointed by the Chief Financial Officer.
4. Two representatives of local law enforcement agencies, one of whom shall be appointed by the Chief Financial Officer and one of whom shall be appointed by the Attorney General.

5. Two representatives of the types of health care providers who regularly make claims for benefits under ss. 627.730-627.7405, one of whom shall be appointed by the President of the Senate and one of whom shall be appointed by the Speaker of the House of Representatives. The appointees may not represent the same type of health care provider.

6. A private attorney ~~who that~~ has experience in representing claimants in actions for benefits under ss. 627.730-627.7405, who shall be appointed by the President of the Senate.

7. A private attorney who has experience in representing insurers in actions for benefits under ss. 627.730-627.7405, who shall be appointed by the Speaker of the House of Representatives.

Reviser's note.—Amended to confirm substitution of the word “who” for the word “that” by the editors.

Section 107. Paragraphs (b) and (c) of subsection (3) and paragraphs (d), (e), and (f) of subsection (6) of section 627.3511, Florida Statutes, are amended to read:

627.3511 Depopulation of Citizens Property Insurance Corporation.—

(3) EXEMPTION FROM DEFICIT ASSESSMENTS.—

(b) An insurer that first wrote personal lines residential property coverage in this state on or after July 1, 1994, is exempt from regular deficit assessments imposed pursuant to s. 627.351(6)(b)3.a., but not emergency assessments collected from policyholders pursuant to s. 627.351(6)(b)3.d. ~~627.351(6)(b)3.e.~~, of the Citizens Property Insurance Corporation until the earlier of the following:

1. The end of the calendar year in which it first wrote 0.5 percent or more of the statewide aggregate direct written premium for any line of residential property coverage; or

2. December 31, 1997, or December 31 of the third year in which it wrote such coverage in this state, whichever is later.

(c) Other than an insurer that is exempt under paragraph (b), an insurer that in any calendar year increases its total structure exposure subject to wind coverage by 25 percent or more over its exposure for the preceding calendar year is, with respect to that year, exempt from deficit assessments imposed pursuant to s. 627.351(6)(b)3.a., but not emergency assessments collected from policyholders pursuant to s. 627.351(6)(b)3.d. ~~627.351(6)(b)3.e.~~, of the Citizens Property Insurance Corporation attributable to such increase in exposure.

(6) COMMERCIAL RESIDENTIAL TAKE-OUT PLANS.—

(d) The calculation of an insurer's regular assessment liability under s. 627.351(6)(b)3.a., but not emergency assessments collected from policyholders pursuant to s. ~~627.351(6)(b)3.d.~~ ~~627.351(6)(b)3.e.~~, shall, with respect to commercial residential policies removed from the corporation under an approved take-out plan, exclude such removed policies for the succeeding 3 years, as follows:

1. In the first year following removal of the policies, the policies are excluded from the calculation to the extent of 100 percent.
2. In the second year following removal of the policies, the policies are excluded from the calculation to the extent of 75 percent.
3. In the third year following removal of the policies, the policies are excluded from the calculation to the extent of 50 percent.

(e) An insurer that first wrote commercial residential property coverage in this state on or after June 1, 1996, is exempt from regular assessments under s. 627.351(6)(b)3.a., but not emergency assessments collected from policyholders pursuant to s. ~~627.351(6)(b)3.d.~~ ~~627.351(6)(b)3.e.~~, with respect to commercial residential policies until the earlier of:

1. The end of the calendar year in which such insurer first wrote 0.5 percent or more of the statewide aggregate direct written premium for commercial residential property coverage; or
2. December 31 of the third year in which such insurer wrote commercial residential property coverage in this state.

(f) An insurer that is not otherwise exempt from regular assessments under s. 627.351(6)(b)3.a. with respect to commercial residential policies is, for any calendar year in which such insurer increased its total commercial residential hurricane exposure by 25 percent or more over its exposure for the preceding calendar year, exempt from regular assessments under s. 627.351(6)(b)3.a., but not emergency assessments collected from policyholders pursuant to s. ~~627.351(6)(b)3.d.~~ ~~627.351(6)(b)3.e.~~, attributable to such increased exposure.

Reviser's note.—Amended to conform to the redesignation of s. 627.351(6)(b)3.c. as s. 627.351(6)(b)3.d. by s. 1, ch. 2012-80, Laws of Florida.

Section 108. Section 641.312, Florida Statutes, is amended to read:

641.312 Scope.—The Office of Insurance Regulation may adopt rules to administer the provisions of the National Association of Insurance Commissioners' Uniform Health Carrier External Review Model Act, issued by the National Association of Insurance Commissioners and dated April 2010. This section does not apply to a health maintenance contract that is subject to the subscriber assistance program under s. 408.7056 or to the types of benefits or

coverages provided under s. ~~627.6561(5)(b)-(e)~~ ~~625.6561(5)(b)-(e)~~ issued in any market.

Reviser's note.—Amended to substitute a reference to s. 627.6561(5)(b)-(e) for a reference to s. 625.6561(5)(b)-(e). Section 627.6561(5)(b)-(e) references creditable coverages. Section 625.6561 does not exist.

Section 109. Subsection (13) of section 651.118, Florida Statutes, is amended to read:

651.118 Agency for Health Care Administration; certificates of need; sheltered beds; community beds.—

(13) Residents, as defined in this chapter, are not considered new admissions for the purpose of s. ~~400.141(1)(n)1.~~ ~~400.141(1)(o)1.d.~~

Reviser's note.—Amended to conform to the redesignation of s. 400.141(1)(o)1.d as s. 400.141(1)(n)1. by s. 6, ch. 2012-160, Laws of Florida.

Section 110. Paragraph (c) of subsection (7) of section 817.234, Florida Statutes, is amended to read:

817.234 False and fraudulent insurance claims.—

(7)

(c) An insurer, or any person acting at the direction of or on behalf of an insurer, may not change an opinion in a mental or physical report prepared under s. ~~627.736(7)~~ ~~627.736(8)~~ or direct the physician preparing the report to change such opinion; however, this provision does not preclude the insurer from calling to the attention of the physician errors of fact in the report based upon information in the claim file. Any person who violates this paragraph commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Reviser's note.—Amended to substitute a reference to s. 627.736(7) for a reference to s. 627.736(8). Section 627.736(7) references mental and physical examination and related reports; subsection (8) relates to attorney fees.

Section 111. Subsection (5) of section 877.101, Florida Statutes, is amended to read:

877.101 Escrow business by unauthorized persons; use of name.—

(5) Any person who willfully violates this section commits a misdemeanor of the first degree, punishable as provided in s. 775.082, or s. 775.083, ~~or~~ ~~s.~~ ~~775.084.~~

Reviser's note.—Amended to delete an erroneous reference. Section 775.084 does not relate to misdemeanors; it relates to violent career

criminals, habitual felony offenders, and habitual violent felony offenders.

Section 112. Paragraph (b) of subsection (3) of section 921.0022, Florida Statutes, is amended to read:

921.0022 Criminal Punishment Code; offense severity ranking chart.—

(3) OFFENSE SEVERITY RANKING CHART

(b) LEVEL 2

Florida Statute	Felony Degree	Description
379.2431 (1)(e)3.	3rd	Possession of 11 or fewer marine turtle eggs in violation of the Marine Turtle Protection Act.
379.2431 (1)(e)4.	3rd	Possession of more than 11 marine turtle eggs in violation of the Marine Turtle Protection Act.
403.413(6)(c) 403.413(5)(e)	3rd	Dumps waste litter exceeding 500 lbs. in weight or 100 cubic feet in volume or any quantity for commercial purposes, or hazardous waste.
517.07(2)	3rd	Failure to furnish a prospectus meeting requirements.
590.28(1)	3rd	Intentional burning of lands.
784.05(3)	3rd	Storing or leaving a loaded firearm within reach of minor who uses it to inflict injury or death.
787.04(1)	3rd	In violation of court order, take, entice, etc., minor beyond state limits.
806.13(1)(b)3.	3rd	Criminal mischief; damage \$1,000 or more to public communication or any other public service.
810.061(2)	3rd	Impairing or impeding telephone or power to a dwelling; facilitating or furthering burglary.
810.09(2)(e)	3rd	Trespassing on posted commercial horticulture property.
812.014(2)(c)1.	3rd	Grand theft, 3rd degree; \$300 or more but less than \$5,000.

Florida Statute	Felony Degree	Description
812.014(2)(d)	3rd	Grand theft, 3rd degree; \$100 or more but less than \$300, taken from unenclosed curtilage of dwelling.
812.015(7)	3rd	Possession, use, or attempted use of an antishoplifting or inventory control device countermeasure.
817.234(1)(a)2.	3rd	False statement in support of insurance claim.
817.481(3)(a)	3rd	Obtain credit or purchase with false, expired, counterfeit, etc., credit card, value over \$300.
817.52(3)	3rd	Failure to redeliver hired vehicle.
817.54	3rd	With intent to defraud, obtain mortgage note, etc., by false representation.
817.60(5)	3rd	Dealing in credit cards of another.
817.60(6)(a)	3rd	Forgery; purchase goods, services with false card.
817.61	3rd	Fraudulent use of credit cards over \$100 or more within 6 months.
826.04	3rd	Knowingly marries or has sexual intercourse with person to whom related.
831.01	3rd	Forgery.
831.02	3rd	Uttering forged instrument; utters or publishes alteration with intent to defraud.
831.07	3rd	Forging bank bills, checks, drafts, or promissory notes.
831.08	3rd	Possessing 10 or more forged notes, bills, checks, or drafts.
831.09	3rd	Uttering forged notes, bills, checks, drafts, or promissory notes.
831.11	3rd	Bringing into the state forged bank bills, checks, drafts, or notes.
832.05(3)(a)	3rd	Cashing or depositing item with intent to defraud.

Florida Statute	Felony Degree	Description
843.08	3rd	Falsely impersonating an officer.
893.13(2)(a)2.	3rd	Purchase of any s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) drugs other than cannabis.
893.147(2)	3rd	Manufacture or delivery of drug paraphernalia.

Reviser’s note.—Amended to correct an apparent error. Section 1, ch. 90-76, Laws of Florida, redesignated s. 403.413(5)(c), relating to dumping litter exceeding 500 pounds in weight or 100 cubic feet in volume or any quantity for commercial purposes or hazardous waste, as subsection (6)(c); s. 403.413(5) does not contain paragraphs.

Section 113. Subsections (2) and (4) of section 945.355, Florida Statutes, are amended to read:

945.355 HIV testing of inmates prior to release.—

(2) If an inmate’s HIV status is unknown to the department, the department shall, pursuant to s. ~~381.004(2)~~ 381.004(3), perform an HIV test on the inmate not less than 60 days prior to the inmate’s presumptive release date from prison by reason of parole, accumulation of gain-time credits, or expiration of sentence. An inmate who is known to the department to be HIV positive or who has been tested within the previous year and does not request retesting need not be tested under this section but is subject to subsections (4) and (5). However, an inmate who is released due to an emergency is exempt from the provisions of this section.

(4) Pursuant to ss. ~~381.004(2)~~ 381.004(3) and 945.10, the department shall notify the Department of Health and the county health department where the inmate plans to reside regarding an inmate who is known to be HIV positive or has received an HIV positive test result under this section prior to the release of that inmate.

Reviser’s note.—Amended to conform to the redesignation of s. 381.004(3) as s. 381.004(2) by s. 21, ch. 2012-184, Laws of Florida.

Section 114. Paragraph (b) of subsection (7) of section 948.08, Florida Statutes, is amended to read:

948.08 Pretrial intervention program.—

(7)

(b) While enrolled in a pretrial intervention program authorized by this subsection, the participant shall be subject to a coordinated strategy

developed by a veterans' treatment intervention team. The coordinated strategy should be modeled after the therapeutic jurisprudence principles and key components in s. 397.334(4), with treatment specific to the needs of servicemembers and veterans. The coordinated strategy may include a protocol of sanctions that may be imposed upon the participant for noncompliance with program rules. The protocol of sanctions may include, but need not be limited to, placement in a treatment program offered by a licensed service provider or in a jail-based treatment program or serving a period of incarceration within the time limits established for contempt of court. The coordinated strategy must be provided in writing to the participant before the participant agrees to enter into a pretrial veterans' treatment intervention program or other pretrial intervention program. Any person whose charges are dismissed after successful completion of the pretrial veterans' treatment intervention program, if otherwise eligible, may have his or her arrest record of ~~to~~ the dismissed charges expunged under s. 943.0585.

Reviser's note.—Amended to confirm substitution of the word “of” for the word “to” by the editors to conform to context.

Section 115. Paragraph (b) of subsection (2) of section 948.16, Florida Statutes, is amended to read:

948.16 Misdemeanor pretrial substance abuse education and treatment intervention program; misdemeanor pretrial veterans' treatment intervention program.—

(2)

(b) While enrolled in a pretrial intervention program authorized by this section, the participant shall be subject to a coordinated strategy developed by a veterans' treatment intervention team. The coordinated strategy should be modeled after the therapeutic jurisprudence principles and key components in s. 397.334(4), with treatment specific to the needs of veterans and servicemembers. The coordinated strategy may include a protocol of sanctions that may be imposed upon the participant for noncompliance with program rules. The protocol of sanctions may include, but need not be limited to, placement in a treatment program offered by a licensed service provider or in a jail-based treatment program or serving a period of incarceration within the time limits established for contempt of court. The coordinated strategy must be provided in writing to the participant before the participant agrees to enter into a misdemeanor pretrial veterans' treatment intervention program or other pretrial intervention program. Any person whose charges are dismissed after successful completion of the misdemeanor pretrial veterans' treatment intervention program, if otherwise eligible, may have his or her arrest record of ~~to~~ the dismissed charges expunged under s. 943.0585.

Reviser's note.—Amended to confirm substitution of the word “of” for the word “to” by the editors to conform to context.

Section 116. Paragraph (a) of subsection (5) of section 960.003, Florida Statutes, is amended to read:

960.003 Hepatitis and HIV testing for persons charged with or alleged by petition for delinquency to have committed certain offenses; disclosure of results to victims.—

(5) EXCEPTIONS.— Subsections (2) and (4) do not apply if:

(a) The person charged with or convicted of or alleged by petition for delinquency to have committed or been adjudicated delinquent for an offense described in subsection (2) has undergone hepatitis and HIV testing voluntarily or pursuant to procedures established in s. ~~381.004(3)(h)6.~~ 381.004(2)(h)6. or s. 951.27, or any other applicable law or rule providing for hepatitis and HIV testing of criminal defendants, inmates, or juvenile offenders, subsequent to his or her arrest, conviction, or delinquency adjudication for the offense for which he or she was charged or alleged by petition for delinquency to have committed; and

Reviser's note.—Amended to conform to the redesignation of s. 381.004(3)(h)6. as s. 381.004(2)(h)6. by s. 21, ch. 2012-184, Laws of Florida.

Section 117. Subsection (37) of section 985.03, Florida Statutes, is amended to read:

985.03 Definitions.—As used in this chapter, the term:

(37) “Mother-infant program” means a residential program designed to serve the needs of juvenile mothers or expectant juvenile mothers who are committed as delinquents, which is operated or contracted by the department. A mother-infant program facility must be licensed as a child care facility under s. 402.308 and must provide the services and support necessary to enable each juvenile mother committed to the facility to provide for the needs of her infants who, upon agreement of the mother, may accompany her ~~them~~ in the program.

Reviser's note.—Amended to confirm substitution of the word “her” for the word “them” by the editors to conform to context.

Section 118. Subsection (1) of section 1003.43, Florida Statutes, is amended to read:

1003.43 General requirements for high school graduation.—

(1) Graduation requires successful completion of either a minimum of 24 academic credits in grades 9 through 12 or an International Baccalaureate curriculum. The 24 credits shall be distributed as follows:

(a) Four credits in English, with major concentration in composition and literature.

(b) Three credits in mathematics. Effective for students entering the 9th grade in the 1997-1998 school year and thereafter, one of these credits must be Algebra I, a series of courses equivalent to Algebra I, or a higher-level mathematics course.

(c) Three credits in science, two of which must have a laboratory component. Agriscience Foundations I, the core course in secondary Agriscience and Natural Resources programs, counts as one of the science credits.

(d) One credit in American history.

(e) One credit in world history, including a comparative study of the history, doctrines, and objectives of all major political systems.

(f) One-half credit in economics, including a comparative study of the history, doctrines, and objectives of all major economic systems. The Florida Council on Economic Education shall provide technical assistance to the department and district school boards in developing curriculum materials for the study of economics.

(g) One-half credit in American government, including study of the Constitution of the United States. For students entering the 9th grade in the 1997-1998 school year and thereafter, the study of Florida government, including study of the State Constitution, the three branches of state government, and municipal and county government, shall be included as part of the required study of American government.

(h)1. One credit in practical arts career education or exploratory career education. Any career education course as defined in s. 1003.01 may be taken to satisfy the high school graduation requirement for one credit in practical arts or exploratory career education provided in this subparagraph;

2. One credit in performing fine arts to be selected from music, dance, drama, painting, or sculpture. A course in any art form, in addition to painting or sculpture, that requires manual dexterity, or a course in speech and debate, may be taken to satisfy the high school graduation requirement for one credit in performing arts pursuant to this subparagraph; or

3. One-half credit each in practical arts career education or exploratory career education and performing fine arts, as defined in this paragraph.

Such credit for practical arts career education or exploratory career education or for performing fine arts shall be made available in the 9th grade, and students shall be scheduled into a 9th grade course as a priority.

(i) One-half credit in life management skills to include consumer education, positive emotional development, marriage and relationship skill-based education, nutrition, parenting skills, prevention of human immunodeficiency virus infection and acquired immune deficiency syndrome and other sexually transmissible diseases, benefits of sexual abstinence and

consequences of teenage pregnancy, information and instruction on breast cancer detection and breast self-examination, cardiopulmonary resuscitation, drug education, and the hazards of smoking.

(j) One credit in physical education to include assessment, improvement, and maintenance of personal fitness. Participation in an interscholastic sport at the junior varsity or varsity level, for two full seasons, shall satisfy the one-credit requirement in physical education if the student passes a competency test on personal fitness with a score of “C” or better. The competency test on personal fitness must be developed by the Department of Education. A district school board may not require that the one credit in physical education be taken during the 9th grade year. Completion of one semester with a grade of “C” or better in a marching band class, in a physical activity class that requires participation in marching band activities as an extracurricular activity, or in a Reserve Officer Training Corps (R.O.T.C.) class a significant component of which is drills shall satisfy a one-half credit requirement in physical education. This one-half credit may not be used to satisfy the personal fitness requirement or the requirement for adaptive physical education under an individual educational plan (IEP) or 504 plan.

(k) Eight and one-half elective credits.

District school boards may award a maximum of one-half credit in social studies and one-half elective credit for student completion of nonpaid voluntary community or school service work. Students choosing this option must complete a minimum of 75 hours of service in order to earn the one-half credit in either category of instruction. Credit may not be earned for service provided as a result of court action. District school boards that approve the award of credit for student volunteer service shall develop guidelines regarding the award of the credit, and school principals are responsible for approving specific volunteer activities. A course designated in the Course Code Directory as grade 9 through grade 12 that is taken below the 9th grade may be used to satisfy high school graduation requirements or Florida Academic Scholars award requirements as specified in a district school board’s student progression plan. A student shall be granted credit toward meeting the requirements of this subsection for equivalent courses, as identified pursuant to s. 1007.271(9) ~~1007.271(6)~~, taken through dual enrollment.

Reviser’s note.—Amended to conform to the redesignation of s. 1007.271(6) as s. 1007.271(9) by s. 20, ch. 2012-191, Laws of Florida.

Section 119. Paragraph (a) of subsection (12) of section 1003.52, Florida Statutes, is amended to read:

1003.52 Educational services in Department of Juvenile Justice programs.—

(12)(a) Funding for eligible students enrolled in juvenile justice education programs shall be provided through the Florida Education Finance

Program as provided in s. 1011.62 and the General Appropriations Act. Funding shall include, at a minimum:

1. Weighted program funding or the basic amount for current operation multiplied by the district cost differential as provided in s. 1011.62(1)(s) ~~1011.62(1)(r)~~ and (2);
2. The supplemental allocation for juvenile justice education as provided in s. 1011.62(10);
3. A proportionate share of the district's exceptional student education guaranteed allocation, the supplemental academic instruction allocation, and the instructional materials allocation;
4. An amount equivalent to the proportionate share of the state average potential discretionary local effort for operations, which shall be determined as follows:
 - a. If the district levies the maximum discretionary local effort and the district's discretionary local effort per FTE is less than the state average potential discretionary local effort per FTE, the proportionate share shall include both the discretionary local effort and the compression supplement per FTE. If the district's discretionary local effort per FTE is greater than the state average per FTE, the proportionate share shall be equal to the state average; or
 - b. If the district does not levy the maximum discretionary local effort and the district's actual discretionary local effort per FTE is less than the state average potential discretionary local effort per FTE, the proportionate share shall be equal to the district's actual discretionary local effort per FTE. If the district's actual discretionary local effort per FTE is greater than the state average per FTE, the proportionate share shall be equal to the state average potential local effort per FTE; and
5. A proportionate share of the district's proration to funds available, if necessary.

Reviser's note.—Amended to conform to the redesignation of s. 1011.62(1)(r) as s. 1011.62(1)(s) by s. 28, ch. 2012-191, Laws of Florida.

Section 120. Subsection (6) of section 1006.062, Florida Statutes, is amended to read:

1006.062 Administration of medication and provision of medical services by district school board personnel.—

(6) Each district school board shall establish emergency procedures in accordance with s. 381.0056(4) ~~381.0056(5)~~ for life-threatening emergencies.

Reviser's note.—Amended to conform to the redesignation of s. 381.0056(5) as s. 381.0056(4) by s. 27, ch. 2012-184, Laws of Florida.

Section 121. Paragraphs (j), (k), (l), and (m) of subsection (2) and subsection (3) of section 1006.20, Florida Statutes, are amended to read:

1006.20 Athletics in public K-12 schools.—

(2) ADOPTION OF BYLAWS, POLICIES, OR GUIDELINES.—

(j) The FHSAA ~~organization~~ shall adopt guidelines to educate athletic coaches, officials, administrators, and student athletes and their parents of the nature and risk of concussion and head injury.

(k) The FHSAA ~~organization~~ shall adopt bylaws or policies that require the parent of a student who is participating in interscholastic athletic competition or who is a candidate for an interscholastic athletic team to sign and return an informed consent that explains the nature and risk of concussion and head injury, including the risk of continuing to play after concussion or head injury, each year before participating in interscholastic athletic competition or engaging in any practice, tryout, workout, or other physical activity associated with the student's candidacy for an interscholastic athletic team.

(l) The FHSAA ~~organization~~ shall adopt bylaws or policies that require each student athlete who is suspected of sustaining a concussion or head injury in a practice or competition to be immediately removed from the activity. A student athlete who has been removed from an activity may not return to practice or competition until the student submits to the school a written medical clearance to return stating that the student athlete no longer exhibits signs, symptoms, or behaviors consistent with a concussion or other head injury. Medical clearance must be authorized by the appropriate health care practitioner trained in the diagnosis, evaluation, and management of concussions as defined by the Sports Medicine Advisory Committee of the Florida High School Athletic Association.

(m) The FHSAA ~~organization~~ shall adopt bylaws for the establishment and duties of a sports medicine advisory committee composed of the following members:

1. Eight physicians licensed under chapter 458 or chapter 459 with at least one member licensed under chapter 459.
2. One chiropractor licensed under chapter 460.
3. One podiatrist licensed under chapter 461.
4. One dentist licensed under chapter 466.
5. Three athletic trainers licensed under part XIII of chapter 468.
6. One member who is a current or retired head coach of a high school in the state.

(3) GOVERNING STRUCTURE OF THE FHSAA ORGANIZATION.—

(a) The FHSAA shall operate as a representative democracy in which the sovereign authority is within its member schools. Except as provided in this section, the FHSAA shall govern its affairs through its bylaws.

(b) Each member school, on its annual application for membership, shall name its official representative to the FHSAA. This representative must be either the school principal or his or her designee. That designee must either be an assistant principal or athletic director housed within that same school.

(c) The FHSAA's membership shall be divided along existing county lines into four contiguous and compact administrative regions, each containing an equal or nearly equal number of member schools to ensure equitable representation on the FHSAA's board of directors, representative assembly, and appeals committees.

Reviser's note.—Amended to conform to s. 2, ch. 2012-188, Laws of Florida, which changed the word “organization” to “FHSAA” and used that terminology in newly added subunits. Section 1006.20 was also amended by s. 2, ch. 2012-167, Laws of Florida, and that law added four new paragraphs to subsection (2) using the word “organization” that should now be to “FHSAA.” The amendment to subsection (3) updates the one instance of the word “organization” in existing text that was missed in the update by s. 2, ch. 2012-188.

Section 122. Paragraph (a) of subsection (3) of section 1006.282, Florida Statutes, is amended to read:

1006.282 Pilot program for the transition to electronic and digital instructional materials.—

(3) A school designated as a pilot program school by the school board is exempt from:

(a) Section ~~1006.40(2)~~ ~~1006.40(2)(a)~~, if the school provides comprehensive electronic or digital instructional materials to all students; and

Reviser's note.—Amended to conform to s. 31, ch. 2011-55, Laws of Florida, which deleted all of s. 1006.40(2)(b) and a portion of s. 1006(2)(a); the remaining portion of paragraph (a) now constitutes all of s. 1006.40(2).

Section 123. Subsection (3) of section 1009.67, Florida Statutes, is amended to read:

1009.67 Nursing scholarship program.—

(3) A scholarship may be awarded for no more than 2 years, in an amount not to exceed \$8,000 per year. However, registered nurses pursuing a graduate degree for a faculty position or to practice as an advanced registered

nurse practitioner may receive up to \$12,000 per year. These amounts shall be adjusted by the amount of increase or decrease in the Consumer Price Index for All Urban Consumers published by the United States Department of Commerce.

Reviser's note.—Amended to confirm insertion of the word “All” by the editors to conform to the full name of the Consumer Price Index for All Urban Consumers.

Section 124. Subsection (2) of section 1009.971, Florida Statutes, is amended to read:

1009.971 Florida Prepaid College Board.—

(2) FLORIDA PREPAID COLLEGE BOARD; MEMBERSHIP.—The board shall consist of seven members to be composed of the Attorney General, the Chief Financial Officer, the Chancellor of the State University System, the Chancellor ~~Deputy Commissioner~~ of the Division of Florida Community Colleges, and three members appointed by the Governor and subject to confirmation by the Senate. Each member appointed by the Governor shall possess knowledge, skill, and experience in the areas of accounting, actuary, risk management, or investment management. Each member of the board not appointed by the Governor may name a designee to serve on the board on behalf of the member; however, any designee so named shall meet the qualifications required of gubernatorial appointees to the board. Members appointed by the Governor shall serve terms of 3 years. Any person appointed to fill a vacancy on the board shall be appointed in a like manner and shall serve for only the unexpired term. Any member shall be eligible for reappointment and shall serve until a successor qualifies. Members of the board shall serve without compensation but shall be reimbursed for per diem and travel in accordance with s. 112.061. Each member of the board shall file a full and public disclosure of his or her financial interests pursuant to s. 8, Art. II of the State Constitution and corresponding statute.

Reviser's note.—Amended to substitute a reference to the Division of Florida Colleges for the Division of Community Colleges within the Department of Education to conform to the renaming of the division by s. 1, ch. 2009-228, Laws of Florida. Section 20.15(4) provides that directors of divisions within the department may be designated as “Deputy Commissioner” or “Chancellor.” The department uses the chancellor designation.

Section 125. Subsection (3) of section 1013.231, Florida Statutes, is amended to read:

1013.231 Florida College System institution and university energy consumption; 10-percent reduction goal.—

~~(3) Each Florida College System institution and state university shall submit a report to the Governor, the Speaker of the House of Representatives, and the President of the Senate by January 1, 2011, describing how they have met or plan to meet the 10-percent energy consumption reduction goal.~~

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

Section 126. This act shall take effect on the 60th day after adjournment sine die of the session of the Legislature in which enacted.

Approved by the Governor April 10, 2013.

Filed in Office Secretary of State April 10, 2013.