

## CHAPTER 2013-18

### Senate Bill No. 994

An act relating to the Florida Statutes; amending ss. 17.28, 23.1231, 43.291, 110.118, 112.361, 119.0712, 120.65, 201.165, 202.37, 207.021, 207.0281, 212.097, 212.098, 215.61, 238.03, 258.0165, 288.1045, 288.108, 288.706, 288.816, 316.0747, 316.525, 317.0005, 320.0657, 320.0848, 322.161, 324.0221, 339.2817, 339.55, 376.121, 376.317, 379.245, 380.0666, 391.304, 391.305, 393.0641, 395.0185, 395.605, 397.99, 397.998, 400.063, 400.176, 400.801, 402.22, 402.3025, 402.81, 403.7191, 409.2576, 409.2578, 409.441, 409.9101, 411.224, 414.158, 414.1585, 414.35, 415.1105, 420.5091, 430.708, 430.902, 443.1312, 443.1313, 455.2255, 456.053, 472.017, 489.146, 496.414, 497.381, 501.0583, 509.036, 548.024, 559.10, 561.41, 578.26, 582.055, 601.74, 601.76, 607.193, 624.487, 627.096, 627.212, 627.917, 633.445, 641.316, 655.922, 658.995, 668.704, 713.78, 713.785, 744.7021, 744.713, 766.304, 865.09, 943.0543, 943.0544, 944.095, 945.73, 946.525, 949.08, 985.66, 1011.48, 1011.51, 1011.765, 1012.467, and 1012.965, F.S.; and repealing ss. 112.358, 199.1851, 220.1501, 328.44, 328.50, 403.0861, 409.14511, 409.2675, 411.205, 553.897, 563.04, 564.04, 601.75, 601.77, 601.78, 627.793, 634.289, 663.319, and 984.05, F.S.; to conform to the directive of the Legislature in section 9 of chapter 2012-116, Laws of Florida, to prepare a reviser's bill to omit all statutes and laws, or parts thereof, which grant duplicative, redundant, or unused rulemaking authority; amending ss. 213.053, 400.518, 556.116, 564.06, and 601.80, F.S.; to conform to the changes made in this act; providing an effective date.

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

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

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

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

23.1231 Florida Mutual Aid Plan; powers and duties.—

(3) The department may:

~~(c) Draft rules for mutual aid agreements;~~

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

## 43.291 Judicial nominating commissions.—

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

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

## 110.118 Administrative leave for certain athletic competition.—

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

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

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

## 112.361 Additional and updated supplemental retirement benefits.—

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

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

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

## (2) DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES.

~~(d) The department may adopt rules to carry out the purposes of this subsection and the federal Driver's Privacy Protection Act of 1994, 18 U.S.C. ss. 2721 et seq. Rules adopted by the department may provide for the payment of applicable fees and, prior to the disclosure of personal information pursuant to this subsection or the federal Driver's Privacy Protection Act of 1994, 18 U.S.C. ss. 2721 et seq., may require the meeting of conditions by the requesting person for the purposes of obtaining reasonable assurance concerning the identity of such requesting person, and, to the extent required, assurance that the use will be only as authorized or that the consent of the person who is the subject of the personal information has been obtained. Such conditions may include, but need not be limited to, the making and filing of a written application in such form and containing such information and certification requirements as the department requires.~~

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

## 120.65 Administrative law judges.—

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

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

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

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

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

Section 9. Section 199.1851, Florida Statutes, is repealed.

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

201.165 Credit for tax paid to other states.—

(1) For a tax imposed by any section of this chapter, a credit against the specific tax imposed by that section is allowed in an amount equal to a like tax lawfully imposed and paid on the same document or instrument in another state, territory of the United States, or the District of Columbia. For purposes of this subsection, “like tax” means an excise tax on documents that is in substance identical to the tax imposed by this chapter on the same document. The credit may not exceed the tax imposed by this chapter on the document. Proof of entitlement to such a credit must be provided to the department. ~~The department may adopt rules to implement this credit and designate forms that establish what proof is required.~~

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

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

(1)

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

1. Prior to the exercise of such authority, and for purposes of determining whether a dealer operates solely within one county, a local government may presume such localized operation if the dealer reports sales in a single

county. Upon notice by the local government to the department of an intent to audit a dealer, the department shall notify the local government within 60 days if the department has issued a notice of intent to audit the dealer, or it shall notify the dealer of the local government's request to audit.

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

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

4. Local governments conducting audits shall be bound by department rules and technical assistance advisements issued during the course of an audit conducted pursuant to this paragraph. Local governments conducting communications services tax audits pursuant to this subparagraph, or taxpayers being audited pursuant to this subparagraph, may request and the department may issue technical assistance advisements pursuant to s. 213.22 regarding a pending audit issue. When the department is requested to issue a technical assistance advisement hereunder, it shall notify the affected local government or taxpayer of the request.

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

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

7. No fee or any portion of a fee for audits conducted on behalf of a municipality or county pursuant to this paragraph shall be based upon the

amount assessed or collected as a result of the audit, and no determination based upon an audit conducted in violation of this prohibition shall be valid.

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

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

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

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

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

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

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

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

207.0281 Registration; cooperative reciprocal agreements between states.—

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

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

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

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

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

212.098 Rural Job Tax Credit Program.—

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

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

215.61 State system of public education capital outlay bonds.—

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

Section 17. Section 220.1501, Florida Statutes, is repealed.

Section 18. Subsection (1) of section 238.03, Florida Statutes, is amended to read:

238.03 Administration.—

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

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

258.0165 Defibrillators in state parks.—

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

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

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

(6) ADMINISTRATION.—

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

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

288.108 High-impact business.—

~~(7) RULEMAKING. The department may adopt rules necessary to carry out the provisions of this section.~~

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

288.706 Florida Minority Business Loan Mobilization Program.—

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

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

288.816 Intergovernmental relations.—

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

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

(b) Maintain and systematically update a current and accurate list of all such foreign governmental officials, consuls, or consulates.

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

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

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

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

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

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

(i) Notify all newly arrived foreign governmental officials of the services offered by the state protocol officer.

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

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

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

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

316.525 Requirements for vehicles hauling loads.—

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

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

317.0005 Rules, Forms, and notices.—



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

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

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

320.0657 Permanent registration; fleet license plates.—

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

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

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

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

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

322.161 High-risk drivers; restricted licenses.—

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

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

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

(1)(a) Each insurer that has issued a policy providing personal injury protection coverage or property damage liability coverage shall report the renewal, cancellation, or nonrenewal thereof to the department within 45 days after the effective date of each renewal, cancellation, or nonrenewal. Upon the issuance of a policy providing personal injury protection coverage or property damage liability coverage to a named insured not previously insured by the insurer during that calendar year, the insurer shall report the issuance of the new policy to the department within 30 days. The report shall be in the form and format and contain any information required by the department and must be provided in a format that is compatible with the data processing capabilities of the department. ~~The department may adopt rules regarding the form and documentation required. Failure by an insurer~~

to file proper reports with the department as required by this subsection ~~or rules adopted with respect to the requirements of this subsection~~ constitutes a violation of the Florida Insurance Code. These records shall be used by the department only for enforcement and regulatory purposes, including the generation by the department of data regarding compliance by owners of motor vehicles with the requirements for financial responsibility coverage.

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

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

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

339.2817 County Incentive Grant Program.—

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

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

339.55 State-funded infrastructure bank.—

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

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

376.121 Liability for damage to natural resources.—The Legislature finds that extensive damage to the state's natural resources is the likely result of a pollutant discharge and that it is essential that the state adequately assess and recover the cost of such damage from responsible parties. It is the state's goal to recover the costs of restoration from the responsible parties and to restore damaged natural resources to their pre-discharge condition. In many instances, however, restoration is not technically feasible. In such instances, the state has the responsibility to its citizens to recover the cost of all damage to natural resources. To ensure that the public does not bear a substantial loss as a result of the destruction of natural resources, the procedures set out in this section shall be used to assess the cost of damage to such resources. Natural resources include coastal waters, wetlands, estuaries, tidal flats, beaches, lands adjoining the seacoasts of the state, and all living things except human beings. The Legislature recognizes the difficulty historically encountered in calculating the value of damaged natural resources. The value of certain qualities of the state's natural resources is not readily quantifiable, yet the resources and their qualities have an intrinsic value to the residents of the state, and any damage to natural resources and their qualities should not be dismissed as nonrecoverable merely because of the difficulty in quantifying their value. In order to avoid unnecessary speculation and expenditure of limited resources

to determine these values, the Legislature hereby establishes a schedule for compensation for damage to the state's natural resources and the quality of said resources. As an alternative to the compensation schedule described in subsections (4), (5), (6), and (9), the department, when no responsible party is identified, when a responsible party opts out of the formula pursuant to paragraph (10)(a), or when the department conducts a cooperative damage assessment with federal agencies, may use methods of calculating natural resources damages in accordance with federal rules implementing the Oil Pollution Act of 1990, as amended.

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

(b) The characteristics of the pollutant discharged. The toxicity, dispersibility, solubility, and persistence characteristics of a pollutant as affects the severity of the effects on the receiving environment, living things, and recreational and aesthetic resources. Pollutants have varying propensities to injure natural resources based upon their potential exposure and effects. Exposure to natural resources is determined by the dispersibility and degradability of the pollutant. Effects to natural resources result from mechanical injury and toxicity and include physical contamination, smothering, feeding prevention, immobilization, respiratory distress, direct mortality, lost recruitment of larvae and juveniles killed, changes in the food web, and chronic effects of sublethal levels of contaminants in tissues or the environment. For purposes of the compensation schedule, pollutants have been ranked for their propensity to cause injury to natural resources based upon a combination of their acute toxicity, mechanical injury, degradability, and dispersibility characteristics on a 1-to-3 relative scale with Category 1 containing the pollutants with the greatest propensity to cause injury to natural resources. The following pollutants are categorized:

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

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

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

Section 36. Subsection (5) of section 376.317, Florida Statutes, is amended to read:

376.317 Superseded laws; state preemption.—

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

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

379.245 Spiny lobster reports by dealers during closed season required.

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

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

380.0666 Powers of land authority.—The land authority shall have all the powers necessary or convenient to carry out and effectuate the purposes and provisions of this act, including the following powers, which are in addition to all other powers granted by other provisions of this act:

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

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

391.304 Program coordination.—

(1) The Department of Health shall:

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

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

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

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

- (1) Standards governing the eligibility for program services and the requirements of the population to be served.
- (2) Criteria for determining an infant’s or a toddler’s need for developmental evaluation and intervention program services.
- (3) Minimum developmental evaluation and intervention and support services.
- (4) Program staff requirements and personnel qualifications.
- (5) Reporting and program evaluation procedures.

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

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

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

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

395.0185 Rebates prohibited; penalties.—

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

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

- (a) A fine not to exceed \$1,000.
- (b) If applicable, a recommendation by the agency to the appropriate licensing board that disciplinary action be taken.

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

395.605 Emergency care hospitals.—

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

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

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

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

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

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

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

1. Chemical examinations of urine by stick or tablet methods, or both (including urine ketones).
2. Microscopic examinations of urine sediment.
3. Hemoglobin or hematocrit.
4. Blood sugar.
5. Gram stain.
6. Examination of stool specimens for occult blood.
7. Pregnancy tests.
8. Primary culturing for transmittal to a certified laboratory.
9. Sediment rate, CBC.

(9) The agency may use specific diagnosis-related groups, ICD-9 codes, or similar patient illness-severity classification schemes to define the scope of inpatient care in emergency care hospitals in lieu of the 96-hour inpatient

care limitation. The methodology used for determining the scope of inpatient care permitted in emergency care hospitals shall be included in rule.

Section 44. Subsection (5) of section 397.99, Florida Statutes, is amended to read:

397.99 School substance abuse prevention partnership grants.—

~~(5) The department shall establish rules as necessary to implement this section.~~

Section 45. Subsection (6) of section 397.998, Florida Statutes, is amended to read:

397.998 Drug-free communities support match grants.—

~~(6) RULES.—The department is authorized to adopt rules specifically to address procedures necessary to administer the drug-free communities match grants as provided in this section.~~

Section 46. Subsection (4) of section 400.063, Florida Statutes, is amended to read:

400.063 Resident protection.—

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

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

400.176 Rebates prohibited; penalties.—

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

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

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

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

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

400.801 Homes for special services.—

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

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

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

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

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

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

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

(1) PUBLIC SCHOOLS.—

~~(c) The State Board of Education shall adopt rules to implement this subsection, including standards for programs in subparagraphs (a)2. and 3., which recognize the vulnerability of children under 5 years of age and make special provisions to ensure their health and safety. Such rules shall include, but not be limited to, facilities, personnel staffing and qualifications, transportation, and health and safety practices. In preparing such rules, the Commissioner of Education shall review the standards already existing in the state and the recommendations of appropriate professional and accreditation agencies.~~

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



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

402.81 Pharmaceutical expense assistance.—

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

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

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

Section 52. Section 403.0861, Florida Statutes, is repealed.

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

403.7191 Toxics in packaging.—

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

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

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

409.2576 State Directory of New Hires.—

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

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

409.2578 Access to employment information; administrative fine.—

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

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

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

409.441 Runaway youth programs and centers.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

414.35 Emergency relief.—

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

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

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

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

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

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

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

415.1105 Training programs.—

~~(1) The department shall develop rules governing preservice and inservice training for adult protective investigation staff and, within available resources, shall provide appropriate preservice and inservice training for adult protective investigation to such staff.~~

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

420.5091 HOPE Program.—

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

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

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

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

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

430.902 Multiservice senior center.—

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

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

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

(6) GROUP EMPLOYMENT RECORDS.—Two or more employers that become reimbursing employers under subsection (2) and s. 443.121(3) may file a joint application with the tax collection service provider for the establishment of a group employment record for the purpose of sharing the cost of benefits paid that are attributable to service in the employ of the employers. Each application must identify and authorize a group representative to act as the group's agent for the purposes of this subsection. Upon its approval of the application, the tax collection service provider shall establish a group employment record for the employers which is effective at the beginning of the calendar year in which the service provider receives the application and shall notify the group's representative of the effective date of the employment record. Each group employment record remains in effect until terminated and must remain in effect at least 2 calendar years before it may be terminated. A group employment record may be terminated by the tax collection service provider on its own motion or upon application by the group. Upon establishment of a group employment record, the amount of benefits payable by each member of the group for a calendar quarter is a proportionate share of the total benefits paid during the quarter which are attributable to service performed in the employ of all members of the group in the same ratio as the total wages paid for service in employment by the member during the quarter, as compared to the total wages paid during the quarter for service performed in the employ of all members of the group. ~~The state agency providing tax collection services may adopt rules prescribing applications and procedures for establishing, maintaining, and terminating group employment records authorized by this subsection; for adding of new members to, and withdrawal of active members from, group employment records; and for determining the amounts that are payable under this subsection by members of the group and the time and manner of those payments.~~

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

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

(3) CHANGE OF ELECTION.—Upon electing to be a reimbursing or contributing employer under this section, a public employer may not change this election for at least 2 calendar years. This subsection does not prevent a public employer subject to this subsection from changing its election after completing 2 calendar years under another financing method if the new election is timely filed. ~~The state agency providing reemployment assistance tax collection services may adopt rules prescribing procedures for changing methods of reporting.~~

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

## 455.2255 Classification of disciplinary actions.—

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

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

## 456.053 Financial arrangements between referring health care providers and providers of health care services.—

(5) PROHIBITED REFERRALS AND CLAIMS FOR PAYMENT.—~~Ex-~~cept as provided in this section:

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

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

a. Whose shares are traded on a national exchange or on the over-the-counter market; and

b. Whose total assets at the end of the corporation's most recent fiscal quarter exceeded \$50 million; or

2. With respect to an entity other than a publicly held corporation described in subparagraph 1., and a referring provider's investment interest in such entity, each of the following requirements are met:

a. No more than 50 percent of the value of the investment interests are held by investors who are in a position to make referrals to the entity.

b. The terms under which an investment interest is offered to an investor who is in a position to make referrals to the entity are no different from the terms offered to investors who are not in a position to make such referrals.

c. The terms under which an investment interest is offered to an investor who is in a position to make referrals to the entity are not related to the previous or expected volume of referrals from that investor to the entity.

d. There is no requirement that an investor make referrals or be in a position to make referrals to the entity as a condition for becoming or remaining an investor.

3. With respect to either such entity or publicly held corporation:

a. The entity or corporation does not loan funds to or guarantee a loan for an investor who is in a position to make referrals to the entity or corporation if the investor uses any part of such loan to obtain the investment interest.

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

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

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

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

472.017 Renewal of license.—

(1) The department shall renew a license upon receipt of the renewal application and fee, upon proof of compliance with the continuing education requirement of s. 472.018, and, if a demonstration of competency is required by law or rule, upon certification by the board that the licensee has satisfactorily demonstrated his or her competence in surveying and mapping.

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

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

489.146 Privatization of services.—Notwithstanding any other provision of this part relating to the review of licensure applications, issuance of licenses and renewals, collection of revenues, fees, and fines, service of documents, publications, and printing, and other ministerial functions of the

department relating to the regulation of contractors, the department shall make all reasonable efforts to contract with one or more private entities for provision of such services, when such services can be provided in a more efficient manner by private entities. The department or the board shall retain final authority for licensure decisions and rulemaking, including all appeals or other legal action resulting from such licensure decisions or rulemaking. ~~The department and the board shall adopt rules to implement the provisions of this section.~~

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

496.414 Duties of commercial co-venturers.—

~~(2) If determined to be essential to protect the public from fraudulent or deceptive advertising, the department may, in accordance with chapter 120, adopt rules requiring disclosure in advertising for a charitable or sponsor sales promotion of information relating to the portion or amount that will benefit the charitable organization or sponsor or the charitable purpose or sponsor purpose.~~

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

497.381 Solicitation of goods or services.—

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

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

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

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

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

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

509.036 Public food service inspector standardization.—



~~(3) The division and its agent shall adopt rules in accordance with the provisions of chapter 120 to provide for disciplinary action in cases of inspector negligence. An inspector may be subject to suspension or dismissal for cause as set forth in s. 110.227.~~

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

548.024 Background investigation of applicants for licensure.—

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

(2) If the commission requires a background criminal history investigation of any applicant, it shall require the applicant to submit to the department a fingerprint card for this purpose. The fingerprint card shall be forwarded to the Division of Criminal Justice Information Systems within the Department of Law Enforcement and the Federal Bureau of Investigation for purposes of processing the fingerprint card to determine if the applicant has a criminal history record. The information obtained by the processing of the fingerprint card by the Department of Law Enforcement and the Federal Bureau of Investigation shall be sent to the department for the purpose of determining if the applicant is statutorily qualified for licensure.

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

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

559.10 Definition; “budget planning.”—

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

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

561.41 Maintenance and designation of principal office by manufacturers, distributors, importers, and exporters.—Each licensed manufacturer, distributor, and importer and each registered exporter must have within this state an office designated as its principal office within this state and may maintain branch offices within or without this state. The principal and branch offices of each manufacturer, distributor, and importer within this state must, during regular defined business hours, be kept open for the inspection of authorized employees of the division. Each registered exporter must provide access to authorized employees of the division to all business

premises, inventories, and records, including all records of transporters, warehouses, and exporters required by the Federal Government, for the purpose of conducting semiannual audits and inventories. ~~The division may adopt rules to carry out the purposes of this section.~~

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

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

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

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

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

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

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

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

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

601.74 ~~Adoption of rules; Fees for licensing and analysis of processing materials.—~~The Department of Agriculture may adopt rules and set fees with respect to the licensing and analysis of materials and composition used on or in the packing of citrus fruits. ~~Such rules may include fees for permitting dyes and coloring matter.~~ Fees shall be not less than \$30 nor more than \$100 for each manufacturer applying to the Department of Agriculture. All such license fees collected under this section shall be paid monthly by the Department of Agriculture into the State Treasury to the credit of the General Inspection Trust Fund and shall be appropriated and made available for defraying the expenses incurred in the administration of this law.

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

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

601.76 Manufacturer to furnish formula and other information.—~~The Department of Agriculture may adopt rules with respect to requirements for information that must be furnished by manufacturers of coloring matter for use on citrus fruit. Such information may include product formulas. Any~~

formula required to be filed with the Department of Agriculture shall be deemed a trade secret as defined in s. 812.081, is confidential and exempt from s. 119.07(1), and shall only be divulged to the Department of Agriculture or to its duly authorized representatives or upon orders of a court of competent jurisdiction when necessary in the enforcement of this law. A person who receives such a formula from the Department of Agriculture under this section shall maintain the confidentiality of the formula.

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

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

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

607.193 Supplemental corporate fee.—

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

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

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

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

627.096 Workers' Compensation Rating Bureau.—

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

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

627.212 Workplace safety program surcharge.—The office shall approve a rating plan for workers' compensation coverage insurance that provides for carriers voluntarily to impose a surcharge of no more than 10 percent on the premium of a policyholder or fund member if that policyholder or fund

member has been identified by the department as having been required to implement a safety program and having failed to establish or maintain, either in whole or in part, a safety program. ~~The department shall adopt rules prescribing the criteria for the employee safety programs.~~

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

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

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

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

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

633.445 State Fire Marshal Scholarship Grant Program.—

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

Section 99. Section 634.289, Florida Statutes, is repealed.

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

641.316 Fiscal intermediary services.—

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

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

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

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

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

658.995 Credit Card Bank Act.—

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

Section 103. Section 663.319, Florida Statutes, is repealed.

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

668.704 Remedies.—

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

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

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

(11)

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

(13)

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

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

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

(7)

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

(8)

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

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

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

~~(4) The Department of Elderly Affairs has authority to adopt rules pursuant to ss. 120.536(1) and 120.54 to carry out the provisions of this section.~~

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

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

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

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

766.304 Administrative law judge to determine claims.—The administrative law judge shall hear and determine all claims filed pursuant to ss. 766.301-766.316 and shall exercise the full power and authority granted to her or him in chapter 120, as necessary, to carry out the purposes of such sections. The administrative law judge has exclusive jurisdiction to determine whether a claim filed under this act is compensable. No civil action may be brought until the determinations under s. 766.309 have been made by the administrative law judge. If the administrative law judge determines that the claimant is entitled to compensation from the association, or if the claimant accepts an award issued under s. 766.31, no civil action may be brought or continued in violation of the exclusiveness of remedy provisions of s. 766.303. If it is determined that a claim filed under this act is not compensable, neither the doctrine of collateral estoppel nor res judicata shall prohibit the claimant from pursuing any and all civil remedies available under common law and statutory law. The findings of fact and conclusions of law of the administrative law judge shall not be admissible in any subsequent proceeding; however, the sworn testimony of any person and the exhibits introduced into evidence in the administrative case are admissible as impeachment in any subsequent civil action only against a party to the administrative proceeding, subject to the Rules of Evidence. An award may not be made or paid under ss. 766.301-766.316 if the claimant recovers under a settlement or a final judgment is entered in a civil action. ~~The division may adopt rules to promote the efficient administration of, and to minimize the cost associated with, the prosecution of claims.~~

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

865.09 Fictitious name registration.—

(10) POWERS OF DEPARTMENT.—The Department of State is granted the power reasonably necessary to enable it to administer this section efficiently, to perform the duties herein imposed upon it, ~~and to adopt~~

~~reasonable rules necessary to carry out its duties and functions under this section.~~

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

943.0543 National Crime Prevention and Privacy Compact; ratification and implementation.—

(3) The executive director of the department, or the director’s designee, is the state’s compact officer and shall administer the compact within the state. The department may ~~adopt rules and~~ establish procedures for the cooperative exchange of criminal history records between the state and Federal Government for use in noncriminal justice cases.

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

943.0544 Criminal justice information network and information management.—

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

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

944.095 Siting of additional correctional facilities; procedure.—

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

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

945.73 Inmate training program operation.—

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

Section 115. Subsection (5) of section 946.525, Florida Statutes, is amended to read:

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

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

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

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

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

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

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

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

(6) SCHOLARSHIPS AND STIPENDS.—

~~(a) By rule, The department shall establish criteria to award scholarships or stipends to qualified juvenile justice personnel who are residents of the state who want to pursue a bachelor's or associate in arts degree in juvenile justice or a related field. The department shall handle the administration of the scholarship or stipend. The Department of Education shall handle the notes issued for the payment of the scholarships or stipends. All scholarship and stipend awards shall be paid from the Juvenile Justice Training Trust Fund upon vouchers approved by the Department of Education and properly certified by the Chief Financial Officer. Prior to the award of a scholarship or stipend, the juvenile justice employee must agree in writing to practice her or his profession in juvenile justice or a related field for 1 month for each month of grant or to repay the full amount of the scholarship or stipend together with interest at the rate of 5 percent per annum over a period not to exceed 10 years. Repayment shall be made payable to the state for deposit into the Juvenile Justice Training Trust Fund.~~

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

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

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

1011.48 Establishment of educational research centers for child development.—



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

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

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

1011.51 Independent postsecondary endowment grants.—

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

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

1011.765 Florida Academic Improvement Trust Fund matching grants.

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

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

(b) Donations, state matching funds, or proceeds from endowments established pursuant to this section shall be used at the discretion of the public school district education foundation or the Florida School for the Deaf and the Blind for academic achievement within the school district or school, and shall not be expended for the construction of facilities or for the support of interscholastic athletics. No public school district education foundation or the Florida School for the Deaf and the Blind shall accept or purchase

facilities for which the state will be asked for operating funds unless the Legislature has granted prior approval for such acquisition.

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

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

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

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

1012.965 Payment of costs of civil action against employees.—

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

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

213.053 Confidentiality and information sharing.—

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

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

Disclosure of information under this subsection shall be pursuant to a written agreement between the executive director and the agency. Such agencies, governmental or nongovernmental, shall be bound by the same requirements of confidentiality as the Department of Revenue. Breach of confidentiality is a misdemeanor of the first degree, punishable as provided by s. 775.082 or s. 775.083.

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

400.518 Prohibited referrals to home health agencies.—

(3)

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

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

556.116 High-priority subsurface installations; special procedures.—

(3)

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

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

564.06 Excise taxes on wines and beverages.—

(5)

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

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

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

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

Section 129. 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.