

## CHAPTER 2015-2

### Senate Bill No. 702

An act relating to the Florida Statutes; amending ss. 11.45, 11.9336, 20.255, 27.366, 28.22205, 39.307, 39.524, 40.32, 61.13016, 112.31455, 163.32466, 189.074, 200.065, 212.0606, 285.18, 287.0595, 288.9934, 288.9936, 298.01, 316.545, 322.058, 327.391, 337.403, 339.041, 339.135, 339.2818, 348.753, 348.7546, 365.172, 373.223, 376.3072, 377.6015, 379.2495, 380.06, 381.78, 394.494, 394.495, 394.913, 397.333, 397.754, 397.92, 400.022, 403.067, 408.036, 408.061, 409.1678, 409.906, 409.966, 409.986, 409.987, 456.039, 456.074, 479.03, 479.16, 480.041, 480.043, 482.161, 487.2031, 499.84, 499.91, 499.92, 514.0115, 538.03, 570.07, 570.482, 597.020, 605.0712, 605.0805, 624.523, 625.1212, 626.0428, 627.062, 627.745, 627.797, 662.121, 662.122, 662.1225, 662.130, 662.141, 662.146, 662.147, 680.528, 721.13, 775.0862, 775.21, 775.25, 784.078, 787.02, 787.06, 921.1402, 940.031, 943.0435, 944.275, 960.03, 960.065, 961.06, 985.0301, 985.265, 1002.395, 1003.4203, 1003.4282, 1003.493, 1003.4935, 1003.51, 1003.5716, 1005.33, 1007.271, 1008.22, 1008.25, 1008.34, 1008.44, 1011.80, 1011.81, 1011.905, 1013.738, F.S.; reenacting and amending s. 409.1451, F.S.; reenacting ss. 288.001, 430.502, 509.032, 539.001, and 718.116, 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that have expired, have become obsolete, have had their effect, have served their purpose, or have been impliedly repealed or superseded; replacing incorrect cross-references and citations; correcting grammatical, typographical, and like errors; removing inconsistencies, redundancies, and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 effective dates.

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

Section 1. Paragraph (p) of subsection (3) of section 11.45, Florida Statutes, is amended to read:

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

(3) **AUTHORITY FOR AUDITS AND OTHER ENGAGEMENTS.**—The Auditor General may, pursuant to his or her own authority, or at the direction of the Legislative Auditing Committee, conduct audits or other engagements as determined appropriate by the Auditor General of:

~~(p) The Florida Special Disability Trust Fund Financing Corporation created pursuant to s. 440.49.~~

Reviser's note.—Amended to conform to the repeal of s. 440.49(14), which created the Florida Special Disability Trust Fund Financing Corporation, by s. 30, ch. 2001-89, Laws of Florida.

Section 2. Section 11.9336, Florida Statutes, is amended to read:

11.9336 Oath.—Each delegate and alternate delegate shall, before exercising any function of the position, execute an oath in the state and in writing that the delegate or alternate ~~alternative~~ delegate will:

(1) Support the Constitution of the United States and the State Constitution.

(2) Faithfully abide by and execute any instructions to delegates and alternate delegates adopted by the Legislature.

(3) Otherwise faithfully discharge the duties of a delegate or alternate delegate.

Reviser's note.—Amended to confirm the editorial substitution of the word “alternate” for the word “alternative” to conform to context.

Section 3. Subsection (1) of section 20.255, Florida Statutes, is amended to read:

20.255 Department of Environmental Protection.—There is created a Department of Environmental Protection.

(1) The head of the Department of Environmental Protection shall be a secretary, who shall be appointed by the Governor, with the concurrence of three ~~or more~~ members of the Cabinet. The secretary shall be confirmed by the Florida Senate. The secretary shall serve at the pleasure of the Governor.

Reviser's note.—Amended to conform to the current text of s. 4, Art. IV of the Florida Constitution, which provides that the cabinet is composed of an attorney general, a chief financial officer, and a commissioner of agriculture.

Section 4. Section 27.366, Florida Statutes, is amended to read:

27.366 Legislative intent and policy in cases meeting criteria of s. 775.087(2) and (3).—It is the intent of the Legislature that convicted criminal offenders who meet the criteria in s. 775.087(2) and (3) be sentenced to the minimum mandatory prison terms provided therein ~~herein~~. It is the intent of the Legislature to establish zero tolerance of criminals who use, threaten to use, or avail themselves of firearms in order to commit crimes and thereby demonstrate their lack of value for human life. It is also the intent of the Legislature that prosecutors should appropriately exercise their discretion in those cases in which the offenders' possession of the firearm is incidental to the commission of a crime and not used in furtherance of the crime, used in order to commit the crime, or used in preparation to commit the crime. For every case in which the offender meets the criteria in this act and does not receive the mandatory minimum prison sentence, the state attorney must explain the sentencing deviation in writing and place such explanation in the case file maintained by the state attorney.

Reviser’s note.—Amended to conform to context and improve clarity.

Section 5. Section 28.22205, Florida Statutes, is amended to read:

28.22205 Electronic filing process.—Each clerk of court shall implement an electronic filing process. The purpose of the electronic filing process is to reduce judicial costs in the office of the clerk and the judiciary, increase timeliness in the processing of cases, and provide the judiciary with case-related information to allow for improved judicial case management. The Legislature requests that, no later than July 1, 2009, the Supreme Court set statewide standards for electronic filing to be used by the clerks of court to implement electronic filing. The standards should specify the required information for the duties of the clerks of court and the judiciary for case management. ~~The clerks of court shall begin implementation no later than October 1, 2009.~~ Revenues provided to counties and the clerk of court under s. 28.24(12)(e) for information technology may also be used to implement electronic filing processes.

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

Section 6. Paragraph (c) of subsection (1) of section 39.307, Florida Statutes, is amended to read:

39.307 Reports of child-on-child sexual abuse.—

(1) Upon receiving a report alleging juvenile sexual abuse or inappropriate sexual behavior as defined in s. 39.01, the department shall assist the family, child, and caregiver in receiving appropriate services to address the allegations of the report.

(c) The department shall monitor the occurrence of child sexual abuse and the provision of services to children involved in child sexual abuse or juvenile sexual abuse, or who have displayed inappropriate sexual behavior.

Reviser’s note.—Amended to confirm the editorial insertion of the word “or” to improve clarity.

Section 7. Subsection (1) of section 39.524, Florida Statutes, is amended to read:

39.524 Safe-harbor placement.—

(1) Except as provided in s. 39.407 or s. 985.801, a dependent child 6 years of age or older who has been found to be a victim of sexual exploitation as defined in s. 39.01(69)(g) ~~39.01(68)(g)~~ must be assessed for placement in a safe house or safe foster home as provided in s. 409.1678 using the initial screening and assessment instruments provided in s. 409.1754(1). If such placement is determined to be appropriate for the child as a result of this assessment, the child may be placed in a safe house or safe foster home, if one is available. However, the child may be placed in another setting, if the other setting is more appropriate to the child’s needs or if a safe house or safe foster

home is unavailable, as long as the child’s behaviors are managed so as not to endanger other children served in that setting.

Reviser’s note.—Amended to confirm the editorial substitution of a reference to s. 39.01(69)(g) for a reference to s. 39.01(68)(g). Sexual exploitation of a child is defined in s. 39.01(69)(g). “Secretary” is defined in s. 39.01(68), which has no paragraphs.

Section 8. Subsection (2) of section 40.32, Florida Statutes, is amended to read:

40.32 Clerks to disburse money; payments to jurors and witnesses.—

(2) The payment of jurors and the payment of expenses for meals and lodging for jurors under the provisions of this chapter are court-related functions that the clerk of the court shall fund from filing fees, service charges, court costs, and fines ~~as part of the maximum annual budget under ss. 28.35 and 28.36.~~

Reviser’s note.—Amended to conform to the deletion of a reference to “maximum annual budgets under ss. 28.35 and 28.36.” The references to “maximum annual budget” were deleted from these sections by ss. 3, 4, ch. 2009-204, Laws of Florida.

Section 9. Paragraph (c) of subsection (1) of section 61.13016, Florida Statutes, is amended to read:

61.13016 Suspension of driver licenses and motor vehicle registrations.

(1) The driver license and motor vehicle registration of a support obligor who is delinquent in payment or who has failed to comply with subpoenas or a similar order to appear or show cause relating to paternity or support proceedings may be suspended. When an obligor is 15 days delinquent making a payment in support or failure to comply with a subpoena, order to appear, order to show cause, or similar order in IV-D cases, the Title IV-D agency may provide notice to the obligor of the delinquency or failure to comply with a subpoena, order to appear, order to show cause, or similar order and the intent to suspend by regular United States mail that is posted to the obligor’s last address of record with the Department of Highway Safety and Motor Vehicles. When an obligor is 15 days delinquent in making a payment in support in non-IV-D cases, and upon the request of the obligee, the depository or the clerk of the court must provide notice to the obligor of the delinquency and the intent to suspend by regular United States mail that is posted to the obligor’s last address of record with the Department of Highway Safety and Motor Vehicles. In either case, the notice must state:

(c) That notification will be given to the Department of Highway Safety and Motor Vehicles to suspend the obligor’s driver license and motor vehicle registration unless, within 20 days after the date that the notice is mailed, the obligor:

- 1.a. Pays the delinquency in full and any other costs and fees accrued between the date of the notice and the date the delinquency is paid;
  - b. Enters into a written agreement for payment with the obligee in non-IV-D cases or with the Title IV-D agency in IV-D cases; or in IV-D cases, complies with a subpoena or order to appear, order to show cause, or a similar order;
  - c. Files a petition with the circuit court to contest the delinquency action;
  - d. Demonstrates that he or she receives reemployment assistance or unemployment compensation pursuant to chapter 443;
  - e. Demonstrates that he or she is disabled and incapable of self-support or that he or she receives benefits under the federal Supplemental Security Income program or Social Security Disability Insurance program programs;
  - f. Demonstrates that he or she receives temporary cash assistance pursuant to chapter 414; or
  - g. Demonstrates that he or she is making payments in accordance with a confirmed bankruptcy plan under chapter 11, chapter 12, or chapter 13 of the United States Bankruptcy Code, 11 U.S.C. ss. 101 et seq.; and
2. Pays any applicable delinquency fees.

If an obligor in a non-IV-D case enters into a written agreement for payment before the expiration of the 20-day period, the obligor must provide a copy of the signed written agreement to the depository or the clerk of the court. If an obligor seeks to satisfy sub-subparagraph 1.d., sub-subparagraph 1.e., sub-subparagraph 1.f., or sub-subparagraph 1.g. before expiration of the 20-day period, the obligor must provide the applicable documentation or proof to the depository or the clerk of the court.

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

Section 10. Subsections (1) and (2) of section 112.31455, Florida Statutes, are amended to read:

112.31455 Collection methods for unpaid automatic fines for failure to timely file disclosure of financial interests.—

(1) Before referring any unpaid fine accrued pursuant to s. 112.3144(5) or s. ~~112.3145(7)~~ ~~112.3145(6)~~ to the Department of Financial Services, the commission shall attempt to determine whether the individual owing such a fine is a current public officer or current public employee. If so, the commission may notify the Chief Financial Officer or the governing body of the appropriate county, municipality, or special district of the total amount of any fine owed to the commission by such individual.

(a) After receipt and verification of the notice from the commission, the Chief Financial Officer or the governing body of the county, municipality, or special district shall begin withholding the lesser of 10 percent or the maximum amount allowed under federal law from any salary-related payment. The withheld payments shall be remitted to the commission until the fine is satisfied.

(b) The Chief Financial Officer or the governing body of the county, municipality, or special district may retain an amount of each withheld payment, as provided in s. 77.0305, to cover the administrative costs incurred under this section.

(2) If the commission determines that the individual who is the subject of an unpaid fine accrued pursuant to s. 112.3144(5) or s. 112.3145(7) ~~112.3145(6)~~ is no longer a public officer or public employee or if the commission is unable to determine whether the individual is a current public officer or public employee, the commission may, 6 months after the order becomes final, seek garnishment of any wages to satisfy the amount of the fine, or any unpaid portion thereof, pursuant to chapter 77. Upon recording the order imposing the fine with the clerk of the circuit court, the order shall be deemed a judgment for purposes of garnishment pursuant to chapter 77.

Reviser's note.—Amended to conform to the redesignation of s. 112.3145(6) as s. 112.3145(7) by s. 4, ch. 2014-183, Laws of Florida.

Section 11. Section 163.32466, Florida Statutes, is amended to read:

163.32466 Readoption by ordinance of plan amendments adopted pursuant to former s. 163.32465, subject to local referendum.—A comprehensive plan amendment adopted pursuant to former s. 163.32465 subject to voter referendum by local charter, and found in compliance before June 2, 2011, may be readopted by ordinance, shall become effective upon approval by the local government, and is not subject to review or challenge pursuant to the provisions of former s. 163.32465 or s. 163.3184.

Reviser's note.—Amended to conform to the repeal of s. 163.32465 by s. 30, ch. 2011-139, Laws of Florida.

Section 12. Subsection (13) of section 189.074, Florida Statutes, is amended to read:

189.074 Voluntary merger of independent special districts.—Two or more contiguous independent special districts created by special act which have similar functions and elected governing bodies may elect to merge into a single independent district through the act of merging the component independent special districts.

(13) DETERMINATION OF RIGHTS.—If any right, title, interest, or claim arises out of a merger or by reason thereof which is not determinable by reference to this section ~~subsection~~, the joint merger plan or elector-initiated

merger plan, as appropriate, or otherwise under the laws of this state, the governing body of the merged independent district may provide therefor in a manner conforming to law.

Reviser’s note.—Amended to substitute the word “section” for the word “subsection”; the “subsection” reference predated the transfer of s. 189.4042(5) to s. 189.074 by s. 21, ch. 2014-22, Laws of Florida.

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

200.065 Method of fixing millage.—

(5) In each fiscal year:

(b) The millage rate of a county or municipality, municipal service taxing unit of that county, and any special district dependent to that county or municipality may exceed the maximum millage rate calculated pursuant to this subsection if the total county ad valorem taxes levied or total municipal ad valorem taxes levied do not exceed the maximum total county ad valorem taxes levied or maximum total municipal ad valorem taxes levied respectively. Voted millage and taxes levied by a municipality or independent special district that has levied ad valorem taxes for less than 5 years are not subject to this limitation. The millage rate of a county authorized to levy a county public hospital surtax under s. 212.055 may exceed the maximum millage rate calculated pursuant to this subsection to the extent necessary to account for the revenues required to be contributed to the county public hospital. Total taxes levied may exceed the maximum calculated pursuant to subsection (6) as a result of an increase in taxable value above that certified in subsection (1) if such increase is less than the percentage amounts contained in subsection (6) or if the administrative adjustment cannot be made because the value adjustment board is still in session at the time the tax roll is extended; otherwise, millage rates subject to this subsection or s. 200.185, ~~or s. 200.186~~ may be reduced so that total taxes levied do not exceed the maximum.

Any unit of government operating under a home rule charter adopted pursuant to ss. 10, 11, and 24, Art. VIII of the State Constitution of 1885, as preserved by s. 6(e), Art. VIII of the State Constitution of 1968, which is granted the authority in the State Constitution to exercise all the powers conferred now or hereafter by general law upon municipalities and which exercises such powers in the unincorporated area shall be recognized as a municipality under this subsection. For a downtown development authority established before the effective date of the 1968 State Constitution which has a millage that must be approved by a municipality, the governing body of that municipality shall be considered the governing body of the downtown development authority for purposes of this subsection.

(13)

(d) If any county or municipality, dependent special district of such county or municipality, or municipal service taxing unit of such county is in violation of subsection (5) or ~~;~~ s. 200.185, ~~or s. 200.186~~ because total county or municipal ad valorem taxes exceeded the maximum total county or municipal ad valorem taxes, respectively, that county or municipality shall forfeit the distribution of local government half-cent sales tax revenues during the 12 months following a determination of noncompliance by the Department of Revenue as described in s. 218.63(3) and this subsection. If the executive director of the Department of Revenue determines that any county or municipality, dependent special district of such county or municipality, or municipal service taxing unit of such county is in violation of subsection (5) or ~~;~~ s. 200.185, ~~or s. 200.186~~, the Department of Revenue and the county or municipality, dependent special district of such county or municipality, or municipal service taxing unit of such county shall follow the procedures set forth in this paragraph or paragraph (e). During the pendency of any procedure under paragraph (e) or any administrative or judicial action to challenge any action taken under this subsection, the tax collector shall hold in escrow any revenues collected by the noncomplying county or municipality, dependent special district of such county or municipality, or municipal service taxing unit of such county in excess of the amount allowed by subsection (5) or ~~;~~ s. 200.185, ~~or s. 200.186~~, as determined by the executive director. Such revenues shall be held in escrow until the process required by paragraph (e) is completed and approved by the department. The department shall direct the tax collector to so hold such funds. If the county or municipality, dependent special district of such county or municipality, or municipal service taxing unit of such county remedies the noncompliance, any moneys collected in excess of the new levy or in excess of the amount allowed by subsection (5) or ~~;~~ s. 200.185, ~~or s. 200.186~~ shall be held in reserve until the subsequent fiscal year and shall then be used to reduce ad valorem taxes otherwise necessary. If the county or municipality, dependent special district of such county or municipality, or municipal service taxing unit of such county does not remedy the noncompliance, the provisions of s. 218.63 shall apply.

(e) The following procedures shall be followed when the executive director notifies any county or municipality, dependent special district of such county or municipality, or municipal service taxing unit of such county that he or she has determined that such taxing authority is in violation of subsection (5) or ~~;~~ s. 200.185, ~~or s. 200.186~~:

1. Within 30 days after the deadline for certification of compliance required by s. 200.068, the executive director shall notify any such county or municipality, dependent special district of such county or municipality, or municipal service taxing unit of such county of his or her determination regarding subsection (5) or ~~;~~ s. 200.185, ~~or s. 200.186~~ and that such taxing authority is subject to subparagraph 2.

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

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

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

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

c. The millage newly adopted at such hearing shall not be forwarded to the tax collector or property appraiser and may not exceed the rate previously adopted or the amount allowed by subsection (5) or s. 200.185; ~~or s. 200.186~~. Each taxing authority provided notice pursuant to this paragraph shall recertify compliance with this chapter as provided in this section within 15 days after the adoption of a millage at such hearing.

d. The determination of the executive director shall be superseded if the executive director determines that the county or municipality, dependent special district of such county or municipality, or municipal service taxing unit of such county has remedied the noncompliance. Such noncompliance shall be determined to be remedied if any such taxing authority provided notice by the executive director pursuant to this paragraph adopts a new millage that does not exceed the maximum millage allowed for such taxing authority under paragraph (5)(a) or s. 200.185(1)-(5); ~~or s. 200.186(1)~~, or if any such county or municipality, dependent special district of such county or municipality, or municipal service taxing unit of such county adopts a lower millage sufficient to reduce the total taxes levied such that total taxes levied do not exceed the maximum as provided in paragraph (5)(b) or s. 200.185(8); ~~or s. 200.186(3)~~.

e. If any such county or municipality, dependent special district of such county or municipality, or municipal service taxing unit of such county has not remedied the noncompliance or recertified compliance with this chapter as provided in this paragraph, and the executive director determines that the noncompliance has not been remedied or compliance has not been recertified, the county or municipality shall forfeit the distribution of local government half-cent sales tax revenues during the 12 months following a determination of noncompliance by the Department of Revenue as described in s. 218.63(2) and (3) and this subsection.

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

Reviser's note.—Amended to delete references to s. 200.186, which was created by s. 28, ch. 2007-321, Laws of Florida, in 2007 Special Session B and appeared with a contingency note. The contingency did not

occur; the joint resolution for a constitutional amendment passed, but the ballot language was ruled unconstitutional. The referenced s. 200.186 did not become effective.

Section 14. Subsection (1) of section 212.0606, Florida Statutes, is amended to read:

212.0606 Rental car surcharge.—

(1) Except as provided in subsection (2), a surcharge of \$2 per day or any part of a day is imposed upon the lease or rental of a motor vehicle licensed for hire and designed to carry fewer less than nine passengers regardless of whether the motor vehicle is licensed in this state. The surcharge applies to only the first 30 days of the term of a lease or rental. The surcharge is subject to all applicable taxes imposed by this chapter.

Reviser's note.—Amended to facilitate correct understanding and improve clarity.

Section 15. Paragraph (d) of subsection (3) of section 285.18, Florida Statutes, is amended to read:

285.18 Tribal council as governing body; powers and duties.—

(3) The law enforcement agencies of the Seminole Tribe of Florida and the Miccosukee Tribe of Indians of Florida shall have the authority of “criminal justice agencies” as defined in s. 943.045(11)(e) and shall have the specific authority to negotiate agreements with the Department of Law Enforcement, the United States Department of Justice, and other federal law enforcement agencies for access to criminal history records for the purpose of conducting ongoing criminal investigations and for the following governmental purposes:

(d) Background investigations with respect to all employees, primary management officials, and all persons having a financial interest in a class II Indian tribal gaming enterprise to ensure eligibility as provided in the Indian Gaming Regulatory Act, 25 U.S.C. ss. 2701 et seq al.

With regard to those investigations authorized in paragraphs (a), (c), and (d), each such individual shall file a complete set of his or her fingerprints that have been taken by an authorized law enforcement officer, which set of fingerprints shall be submitted to the Department of Law Enforcement for state processing and to the Federal Bureau of Investigation for federal processing. The cost of processing shall be borne by the applicant.

Reviser's note.—Amended to improve clarity and facilitate correct understanding.

Section 16. Paragraph (a) of subsection (1) of section 287.0595, Florida Statutes, is amended to read:

287.0595 Pollution response action contracts; department rules.—

(1) The Department of Environmental Protection shall establish, by adopting administrative rules as provided in chapter 120:

(a) Procedures for determining the qualifications of responsible potential vendors prior to advertisement for and receipt of bids, proposals, or replies for pollution response action contracts, including procedures for the rejection of unqualified vendors. Response actions are those activities described in s. ~~376.301(37)~~ 376.301(39).

Reviser’s note.—Amended to conform to the redesignation of s. 376.301(39) as s. 376.301(37) by the editors to conform to the repeal of s. 376.301(4) and (30) by s. 5, ch. 2014-151, Laws of Florida.

Section 17. Subsection (2) of section 288.001, Florida Statutes, is reenacted to read:

288.001 The Florida Small Business Development Center Network.—

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

(a) “Board of Governors” means the Board of Governors of the State University System.

(b) “Host institution” means the university designated by the Board of Governors to be the recipient organization in accordance with 13 C.F.R. s. 130.200.

(c) “Network” means the Florida Small Business Development Center Network.

Reviser’s note.—Section 43, ch. 2014-17, Laws of Florida, purported to amend subsection (2) but did not publish paragraph (c). Absent affirmative evidence of legislative intent to repeal it, subsection (2) is reenacted to confirm that the omission was not intended.

Section 18. Paragraph (a) of subsection (7) of section 288.9934, Florida Statutes, is amended to read:

288.9934 Microfinance Loan Program.—

(7) CONTRACT TERMINATION.—

(a) The loan administrator’s contract with the department may be terminated by the department, and the loan administrator required to immediately return all state funds awarded, including any interest, fees, and costs it would otherwise be entitled to retain pursuant to subsection (5) for that fiscal year, upon a finding by the department that:

1. The loan administrator has, within the previous 5 years, participated in a state-funded economic development program in this or any other state

and was found to have failed to comply with the requirements of that program;

2. The loan administrator is currently in material noncompliance with any statute, rule, or program administered by the department;

3. The loan administrator or any member of its board of directors, officers, partners, managers, or shareholders has pled no contest to or been found guilty, regardless of whether adjudication was withheld, of any felony or any misdemeanor involving fraud, misrepresentation, or dishonesty;

4. The loan administrator failed to meet or agree to the terms of the contract with the department or failed to meet this part; or

5. The department finds that the loan administrator provided fraudulent or misleading information to the department.

Reviser's note.—Amended to confirm the editorial insertion of the word “to” to improve clarity.

Section 19. Subsection (2) of section 288.9936, Florida Statutes, is amended to read:

288.9936 Annual report of the Microfinance Loan Program.—

(2) The department shall submit the report provided to the department from Enterprise Florida, Inc., pursuant to s. 288.9935(8) ~~288.9935(7)~~ for inclusion in the department's annual report required under s. 20.60(10).

Reviser's note.—Amended to correct an apparent error and facilitate correct interpretation. The referenced report is in s. 288.9935(8).

Section 20. Section 298.01, Florida Statutes, is amended to read:

298.01 Formation of water control district.—It is the legislative intent that those water control districts established prior to July 1, 1980, pursuant to the process formerly contained in this section ~~ss. 298.01, and former ss. 298.02, and 298.03~~, may continue to operate as outlined in this chapter. However, on and after that date, no water control district may be created except pursuant to s. 125.01 or a special act of the Legislature. Upon formation of a water control district by a special act of the Legislature, the circuit court of the county in which a majority of the land within the district is located shall thereafter maintain and have original and exclusive jurisdiction, coextensive with the boundaries and limits of the water control district without regard to county lines, for all purposes of this chapter.

Reviser's note.—Amended to conform to Florida Statutes cite style and to the repeal of ss. 298.02 and 298.03 by s. 7, ch. 80-281, Laws of Florida.

Section 21. Paragraph (d) of subsection (3) of section 316.545, Florida Statutes, is amended to read:

316.545 Weight and load unlawful; special fuel and motor fuel tax enforcement; inspection; penalty; review.—

(3)

(d) A vehicle operating on the highways of this state from a nonmember International Registration Plan jurisdiction ~~nonmember International Registration Plan jurisdictions~~ which is not in compliance with s. 316.605 is subject to the penalties provided in this section.

Reviser’s note.—Amended to confirm the editorial substitution of the words “a nonmember International Registration Plan jurisdiction” for the words “nonmember International Registration Plan jurisdictions” to improve clarity.

Section 22. Paragraph (f) of subsection (2) of section 322.058, Florida Statutes, is amended to read:

322.058 Suspension of driving privilege due to support delinquency; reinstatement.—

(2) The department must reinstate the driving privilege and allow registration of a motor vehicle when the Title IV-D agency in IV-D cases or the depository or the clerk of the court in non-IV-D cases provides to the department an affidavit stating that:

(f) The person is disabled and incapable of self-support or receives benefits under the federal Supplemental Security Income program or Social Security Disability Insurance program ~~programs~~;

Reviser’s note.—Amended to improve clarity and to facilitate correct interpretation.

Section 23. Subsection (1) of section 327.391, Florida Statutes, is amended to read:

327.391 Airboats regulated.—

(1) The exhaust of every internal combustion engine used on any airboat operated on the waters of this state shall be provided with an automotive-style factory muffler, underwater exhaust, or other manufactured device capable of adequately muffling the sound of the exhaust of the engine as described in s. ~~327.02(27)~~ 327.02(25). The use of cutouts or flex pipe as the sole source of muffling is prohibited, except as provided in subsection (4). Any person who violates this subsection commits a noncriminal infraction punishable as provided in s. 327.73(1).

Reviser's note.—Amended to correct an apparent error. “Muffler” is defined in s. 327.02(27); s. 327.02(25) defines “moored ballooning.”

Section 24. Paragraph (h) of subsection (1) of section 337.403, Florida Statutes, is amended to read:

337.403 Interference caused by utility; expenses.—

(1) If a utility that is placed upon, under, over, or along any public road or publicly owned rail corridor is found by the authority to be unreasonably interfering in any way with the convenient, safe, or continuous use, or the maintenance, improvement, extension, or expansion, of such public road or publicly owned rail corridor, the utility owner shall, upon 30 days' written notice to the utility or its agent by the authority, initiate the work necessary to alleviate the interference at its own expense except as provided in paragraphs (a)-(i). The work must be completed within such reasonable time as stated in the notice or such time as agreed to by the authority and the utility owner.

(h) If a municipally owned utility or county-owned utility is located in a rural area of opportunity ~~critical-economic-concern~~, as defined in s. 288.0656(2), and the department determines that the utility is unable, and will not be able within the next 10 years, to pay for the cost of utility work necessitated by a department project on the State Highway System, the department may pay, in whole or in part, the cost of such utility work performed by the department or its contractor.

Reviser's note.—Amended to conform to provisions in ch. 2014-218, Laws of Florida, which changed references from “rural areas of critical economic concern” to “rural areas of opportunity” with the exception of three sections of the Florida Statutes.

Section 25. Subsection (6) of section 339.041, Florida Statutes, is amended to read:

339.041 Factoring of revenues from leases for wireless communication facilities.—

(6) Subject to annual appropriation, the investors shall collect the lease payments on a schedule and in a manner established in the agreements entered into by the department and the investors pursuant to this section. The agreements may provide for lease payments to be made directly to investors by lessees if the lease agreements entered into by the department and the lessees pursuant to s. 365.172(13)(f) ~~s. 365.172(12)(f)~~ allow direct payment.

Reviser's note.—Amended to conform to the redesignation of s. 365.172(12)(f) as s. 365.172(13)(f) by s. 1, ch. 2014-196, Laws of Florida.

Section 26. Paragraph (c) of subsection (5) of section 339.135, Florida Statutes, is amended to read:

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

(5) ADOPTION OF THE WORK PROGRAM.—

(c) Notwithstanding paragraph (a), and for the 2014-2015 fiscal year only, the department may use appropriated funds to pay the costs of strategic and regionally significant transportation projects as provided in paragraph (4)(j) ~~paragraph (4)(i)~~. Funds specifically appropriated for this purpose may not reduce, delete, or defer any existing projects funded as of July 1, 2014, in the department's 5-year work program. This paragraph expires July 1, 2015.

Reviser's note.—Amended to conform to the editorial redesignation of paragraph (4)(i), as created by s. 47, ch. 2014-53, Laws of Florida, as paragraph (4)(j) to conform to the addition of a different paragraph (4)(i) by s. 41, ch. 2014-53.

Section 27. Subsection (7) of section 339.2818, Florida Statutes, is amended to read:

339.2818 Small County Outreach Program.—

(7) Subject to a specific appropriation in addition to funds annually appropriated for projects under this section, a municipality within a rural area of opportunity ~~critical economic concern~~ or a rural area of opportunity ~~critical economic concern~~ community designated under s. 288.0656(7)(a) may compete for the additional project funding using the criteria listed in subsection (4) at up to 100 percent of project costs, excluding capacity improvement projects.

Reviser's note.—Amended to conform to provisions in ch. 2014-218, Laws of Florida, which changed references from "rural areas of critical economic concern" to "rural areas of opportunity" with the exception of three sections of the Florida Statutes.

Section 28. Paragraph (a) of subsection (2) of section 348.753, Florida Statutes, is amended to read:

348.753 Central Florida Expressway Authority.—

(2)(a) Immediately on ~~upon~~ June 20, 2014, the Central Florida Expressway Authority shall assume the governance and control of the Orlando-Orange County Expressway Authority System, including its assets, personnel, contracts, obligations, liabilities, facilities, and tangible and intangible property. Any rights in such property, and other legal rights of the authority, are transferred to the Central Florida Expressway Authority. The Central Florida Expressway Authority shall immediately succeed to and assume the

powers, responsibilities, and obligations of the Orlando-Orange County Expressway Authority.

Reviser's note.—Amended to substitute the word “on” for the word “upon” to improve clarity. As created by s. 3, ch. 2014-171, Laws of Florida, paragraph (2)(a) began with the words “Immediately upon the effective date of this act.” Section 21, ch. 2014-171, directed the Division of Law Revision and Information to substitute the date for the new language “the effective date of this act.”

Section 29. Subsection (1) of section 348.7546, Florida Statutes, is amended to read:

348.7546 Wekiva Parkway, construction authorized; financing.—

(1) The Central Florida Expressway Authority may exercise its condemnation powers and to construct, finance, operate, own, and maintain those portions of the Wekiva Parkway which are identified by agreement between the authority and the department and which are included as part of the authority's long-range capital improvement plan. The “Wekiva Parkway” means any limited access highway or expressway constructed between State Road 429 and Interstate 4 specifically incorporating the corridor alignment recommended by Recommendation 2 of the Wekiva River Basin Area Task Force final report dated January 15, 2003, and the recommendations of the SR 429 Working Group which were adopted January 16, 2004. This project may be financed with any funds available to the authority for such purpose or revenue bonds issued by the authority under s. 11, Art. VII of the State Constitution and s. 348.755(1)(b). This section does not invalidate the exercise by the authority of its condemnation powers or the acquisition of any property for the Wekiva Parkway before July 1, 2012.

Reviser's note.—Amended to confirm the editorial deletion of the word “to” preceding the word “construct.”

Section 30. Paragraph (c) of subsection (13) of section 365.172, Florida Statutes, is amended to read:

365.172 Emergency communications number “E911.”—

(13) FACILITATING E911 SERVICE IMPLEMENTATION.—To balance the public need for reliable E911 services through reliable wireless systems and the public interest served by governmental zoning and land development regulations and notwithstanding any other law or local ordinance to the contrary, the following standards shall apply to a local government's actions, as a regulatory body, in the regulation of the placement, construction, or modification of a wireless communications facility. This subsection shall not, however, be construed to waive or alter the provisions of s. 286.011 or s. 286.0115. For the purposes of this subsection only, “local government” shall mean any municipality or county and any agency of a municipality or county only. The term “local government” does

not, however, include any airport, as defined by s. 330.27(2), even if it is owned or controlled by or through a municipality, county, or agency of a municipality or county. Further, notwithstanding anything in this section to the contrary, this subsection does not apply to or control a local government's actions as a property or structure owner in the use of any property or structure owned by such entity for the placement, construction, or modification of wireless communications facilities. In the use of property or structures owned by the local government, however, a local government may not use its regulatory authority so as to avoid compliance with, or in a manner that does not advance, the provisions of this subsection.

(c) Local governments may not require wireless providers to provide evidence of a wireless communications facility's compliance with federal regulations, except evidence of compliance with applicable Federal Aviation Administration requirements under 14 C.F.R. part 77 ~~14 C.F.R. s. 77~~, as amended, and evidence of proper Federal Communications Commission licensure, or other evidence of Federal Communications Commission authorized spectrum use, but may request the Federal Communications Commission to provide information as to a wireless provider's compliance with federal regulations, as authorized by federal law.

Reviser's note.—Amended to facilitate correct interpretation. There is no 14 C.F.R. s. 77; there is a 14 C.F.R. part 77.

Section 31. Subsection (5) of section 373.223, Florida Statutes, is amended to read:

373.223 Conditions for a permit.—

(5) In evaluating an application for consumptive use of water which proposes the use of an alternative water supply project as described in the regional water supply plan and provides reasonable assurances of the applicant's capability to design, construct, operate, and maintain the project, the governing board or department shall presume that the alternative water supply use is consistent with the public interest under paragraph (1)(c). However, where the governing board identifies the need for a multijurisdictional water supply entity or regional water supply authority to develop the alternative water supply project pursuant to s. 373.709(2)(a)2., the presumption shall be accorded only to that use proposed by such entity or authority. This subsection does not affect ~~effect~~ evaluation of the use pursuant to the provisions of paragraphs (1)(a) and (b), subsections (2) and (3), and ss. 373.2295 and 373.233.

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

Section 32. Paragraph (a) of subsection (2) of section 376.3072, Florida Statutes, is amended to read:

376.3072 Florida Petroleum Liability and Restoration Insurance Program.—

(2)(a) An owner or operator of a petroleum storage system may become an insured in the restoration insurance program at a facility if:

1. A site at which an incident has occurred is eligible for restoration if the insured is a participant in the third-party liability insurance program or otherwise meets applicable financial responsibility requirements. After July 1, 1993, the insured must also provide the required excess insurance coverage or self-insurance for restoration to achieve the financial responsibility requirements of 40 C.F.R. s. 280.97, subpart H, not covered by paragraph (d).

2. A site which had a discharge reported before January 1, 1989, for which notice was given pursuant to s. 376.3071(10) and which is ineligible for the third-party liability insurance program solely due to that discharge is eligible for participation in the restoration program for an incident occurring on or after January 1, 1989, pursuant to subsection (3). Restoration funding for an eligible contaminated site will be provided without participation in the third-party liability insurance program until the site is restored as required by the department or until the department determines that the site does not require restoration.

3. Notwithstanding paragraph (b), a site where an application is filed with the department before January 1, 1995, where the owner is a small business under s. 288.703(6), a Florida College System institution ~~state community college~~ with less than 2,500 FTE, a religious institution as defined by s. 212.08(7)(m), a charitable institution as defined by s. 212.08(7)(p), or a county or municipality with a population of less than 50,000, is eligible for up to \$400,000 of eligible restoration costs, less a deductible of \$10,000 for small businesses, eligible Florida College System institutions ~~community colleges~~, and religious or charitable institutions, and \$30,000 for eligible counties and municipalities, if:

a. Except as provided in sub-subparagraph e., the facility was in compliance with department rules at the time of the discharge.

b. The owner or operator has, upon discovery of a discharge, promptly reported the discharge to the department, and drained and removed the system from service, if necessary.

c. The owner or operator has not intentionally caused or concealed a discharge or disabled leak detection equipment.

d. The owner or operator proceeds to complete initial remedial action as specified in department rules.

e. The owner or operator, if required and if it has not already done so, applies for third-party liability coverage for the facility within 30 days after receipt of an eligibility order issued by the department pursuant to this subparagraph.

However, the department may consider in-kind services from eligible counties and municipalities in lieu of the \$30,000 deductible. The cost of conducting initial remedial action as defined by department rules is an eligible restoration cost pursuant to this subparagraph.

4.a. By January 1, 1997, facilities at sites with existing contamination must have methods of release detection to be eligible for restoration insurance coverage for new discharges subject to department rules for secondary containment. Annual storage system testing, in conjunction with inventory control, shall be considered to be a method of release detection until the later of December 22, 1998, or 10 years after the date of installation or the last upgrade. Other methods of release detection for storage tanks which meet such requirement are:

(I) Interstitial monitoring of tank and integral piping secondary containment systems;

(II) Automatic tank gauging systems; or

(III) A statistical inventory reconciliation system with a tank test every 3 years.

b. For pressurized integral piping systems, the owner or operator must use:

(I) An automatic in-line leak detector with flow restriction meeting the requirements of department rules used in conjunction with an annual tightness or pressure test; or

(II) An automatic in-line leak detector with electronic flow shut-off meeting the requirements of department rules.

c. For suction integral piping systems, the owner or operator must use:

(I) A single check valve installed directly below the suction pump if there are no other valves between the dispenser and the tank; or

(II) An annual tightness test or other approved test.

d. Owners of facilities with existing contamination that install internal release detection systems pursuant to sub-subparagraph a. shall permanently close their external groundwater and vapor monitoring wells pursuant to department rules by December 31, 1998. Upon installation of the internal release detection system, such wells must be secured and taken out of service until permanent closure.

e. Facilities with vapor levels of contamination meeting the requirements of or below the concentrations specified in the performance standards for release detection methods specified in department rules may continue to use vapor monitoring wells for release detection.

f. The department may approve other methods of release detection for storage tanks and integral piping which have at least the same capability to detect a new release as the methods specified in this subparagraph.

Sites meeting the criteria of this subsection for which a site rehabilitation completion order was issued before June 1, 2008, do not qualify for the 2008 increase in site rehabilitation funding assistance and are bound by the pre-June 1, 2008, limits. Sites meeting the criteria of this subsection for which a site rehabilitation completion order was not issued before June 1, 2008, regardless of whether they have previously transitioned to nonstate-funded cleanup status, may continue state-funded cleanup pursuant to s. 376.3071(6) until a site rehabilitation completion order is issued or the increased site rehabilitation funding assistance limit is reached, whichever occurs first.

Reviser's note.—Amended to conform references to state community colleges to changes in chs. 2008-52 and 2009-228, Laws of Florida, transitioning references from community colleges to Florida College System institutions.

Section 33. Paragraph (e) of subsection (2) of section 377.6015, Florida Statutes, is amended to read:

377.6015 Department of Agriculture and Consumer Services; powers and duties.—

(2) The department shall:

(e) Administer the provisions of the Florida Energy and Climate Protection Act pursuant to ss. 377.801-377.804 ~~377.801-377.807~~.

Reviser's note.—Amended to conform to the repeal of ss. 377.806 and 377.807 by s. 9, ch. 2014-154, Laws of Florida, and to conform to context. Section 377.801 cites ss. 377.801-377.804 as the Florida Energy and Climate Protection Act; s. 377.805, requiring development of an energy efficiency and conservation clearinghouse, was transferred from s. 570.0741 to s. 377.805 by s. 64, ch. 2014-150, Laws of Florida, and is not technically part of the Florida Energy and Climate Protection Act.

Section 34. Subsection (4) of section 379.2495, Florida Statutes, is amended to read:

379.2495 Florida Ships-2-Reefs Program; matching grant requirements.

(4) To demonstrate that a local government or nonprofit corporation meets the required criteria, the local government or nonprofit corporation must submit formal agreements, written pledges, memoranda of understanding, financing arrangements, or other documents demonstrating that nonstate matching funds are available for securing and placing the vessel prior to submission of an application. Matching grant funds shall be released

only upon documentation that meets all the criteria established in rules adopted by the commission pursuant to subsection (5).

Reviser’s note.—Amended to conform to the repeal of former subsection (5) by s. 2, ch. 2014-21, Laws of Florida.

Section 35. Paragraph (b) of subsection (29) of section 380.06, Florida Statutes, is amended to read:

380.06 Developments of regional impact.—

(29) EXEMPTIONS FOR DENSE URBAN LAND AREAS.—

(b) If a municipality that does not qualify as a dense urban land area pursuant to paragraph (a) designates any of the following areas in its comprehensive plan, any proposed development within the designated area is exempt from the development-of-regional-impact process:

1. Urban infill as defined in s. 163.3164;
2. Community redevelopment areas as defined in s. 163.340;
3. Downtown revitalization areas as defined in s. 163.3164;
4. Urban infill and redevelopment under s. 163.2517; or
5. Urban service areas as defined in s. 163.3164 or areas within a designated urban service boundary under s. 163.3177(14), Florida Statutes (2010).

Reviser’s note.—Amended to conform to the repeal of s. 163.3177(14) by s. 12, ch. 2011-139, Laws of Florida, and to conform to a similar cross-reference in paragraph (24)(l) of this section.

Section 36. Subsection (5) of section 381.78, Florida Statutes, is amended to read:

381.78 Advisory council on brain and spinal cord injuries.—

(5) Members of the advisory council are entitled to reimbursement for per diem and travel expenses for required attendance at council meetings in accordance with s. 112.061. Reasonable expenses for personal assistance services and interpreters needed by members during required attendance at council meetings shall be reimbursed. A member may not receive any compensation for performing duties specified in, or arising out of, her or his duties as a council member under ss. 381.739-381.79 ~~this part~~, except as otherwise specified in ss. 381.739-381.79 ~~this part~~.

Reviser’s note.—Amended to conform to the fact that chapter 381 is not divided into parts and to conform to context. An amendment to subsection (7) of this section by s. 8, ch. 2010-161, Laws of Florida, substituted a reference to ss. 381.739-381.79 for a reference to “this

part;” ss. 381.739-381.79 constitute the Charlie Mack Overstreet Brain or Spinal Cord Injuries Act.

Section 37. Subsection (2) of section 394.494, Florida Statutes, is amended to read:

394.494 General performance outcomes for the child and adolescent mental health treatment and support system.—

(2) Annually, pursuant to former s. 216.0166, the department shall develop more specific performance outcomes and performance measures to assess the performance of the child and adolescent mental health treatment and support system in achieving the intent of this section.

Reviser’s note.—Amended to conform to the repeal of s. 216.0166 by s. 61, ch. 2000-371, Laws of Florida.

Section 38. Paragraph (p) of subsection (4) of section 394.495, Florida Statutes, is amended to read:

394.495 Child and adolescent mental health system of care; programs and services.—

(4) The array of services may include, but is not limited to:

(p) Trauma-informed services for children who have suffered sexual exploitation as defined in s. ~~39.01(69)(g)~~ ~~39.01(67)(g)~~.

Reviser’s note.—Amended to confirm the editorial substitution of a reference to s. 39.01(69)(g) for a reference to s. 39.01(67)(g) to conform to the renumbering of subunits within s. 39.01 by s. 3, ch. 2014-224, Laws of Florida.

Section 39. Paragraph (e) of subsection (3) of section 394.913, Florida Statutes, is amended to read:

394.913 Notice to state attorney and multidisciplinary team of release of sexually violent predator; establishing multidisciplinary teams; information to be provided to multidisciplinary teams.—

(3)

(e) The multidisciplinary team may consult with law enforcement agencies and victim advocate groups during the assessment and evaluation process. A clinical evaluation of the person may be conducted. A second clinical evaluation must be conducted if a member of the multidisciplinary team questions the conclusion of the first clinical evaluation. All members of the multidisciplinary team shall review, at a minimum, the information provided in subsection (2) and any clinical evaluation before making a recommendation pursuant to paragraph (g) ~~paragraph (f)~~.

Reviser's note.—Amended to confirm the editorial substitution of a reference to paragraph (g) for a reference to paragraph (f), as referenced in the amendment by s. 3, ch. 2014-2, Laws of Florida. Paragraph (f) was redesignated as paragraph (g) in the compilation of the text pursuant to incorporating amendments made by s. 2, ch. 2014-3, Laws of Florida.

Section 40. Paragraph (c) of subsection (3) of section 397.333, Florida Statutes, is amended to read:

397.333 Statewide Drug Policy Advisory Council.—

(3) The advisory council shall:

(c) Review various substance abuse programs and recommend, where needed, measures that are sufficient to determine program outcomes. The council shall review different methodologies for evaluating programs and determine whether programs within different agencies have common outcomes. The methodologies shall be consistent with those established under former s. 216.0166.

Reviser's note.—Amended to conform to the repeal of s. 216.0166 by s. 61, ch. 2000-371, Laws of Florida.

Section 41. Subsection (6) of section 397.754, Florida Statutes, is amended to read:

397.754 Duties and responsibilities of the Department of Corrections. The Department of Corrections shall:

(6) In cooperation with other agencies, actively seek to enhance resources for the provision of treatment services for inmates and to develop partnerships with other state agencies, including but not limited to the Departments of Children and Families, Education, Economic Opportunity Community Affairs, and Law Enforcement.

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

Section 42. Subsection (2) of section 397.92, Florida Statutes, is amended to read:

397.92 Children's substance abuse services system; goals.—

(2) Pursuant to former s. 216.0166, the department shall annually develop performance outcomes and performance measures to assess the performance of the children's substance abuse services system in achieving the intent of this section.

Reviser's note.—Amended to conform to the repeal of s. 216.0166 by s. 61, ch. 2000-371, Laws of Florida.

Section 43. Paragraph (v) of subsection (1) of section 400.022, Florida Statutes, is amended to read:

400.022 Residents' rights.—

(1) All licensees of nursing home facilities shall adopt and make public a statement of the rights and responsibilities of the residents of such facilities and shall treat such residents in accordance with the provisions of that statement. The statement shall assure each resident the following:

(v) For residents of Medicaid or Medicare certified facilities, the right to challenge a decision by the facility to discharge or transfer the resident, as required under Title 42 C.F.R. s. 483.12 ~~part 483.13~~.

Reviser's note.—Amended to conform to the fact that there is no part 483.13 in the Code of Federal Regulations; 42 C.F.R. s. 483.12 relates to admission, transfer, and discharge rights; 42 C.F.R. s. 483.13 relates to resident behavior and facility practices.

Section 44. Paragraph (c) of subsection (7) of section 403.067, Florida Statutes, is amended to read:

403.067 Establishment and implementation of total maximum daily loads.—

(7) DEVELOPMENT OF BASIN MANAGEMENT PLANS AND IMPLEMENTATION OF TOTAL MAXIMUM DAILY LOADS.—

(c) *Best management practices.*—

1. The department, in cooperation with the water management districts and other interested parties, as appropriate, may develop suitable interim measures, best management practices, or other measures necessary to achieve the level of pollution reduction established by the department for nonagricultural nonpoint pollutant sources in allocations developed pursuant to subsection (6) and this subsection. These practices and measures may be adopted by rule by the department and the water management districts and, where adopted by rule, shall be implemented by those parties responsible for nonagricultural nonpoint source pollution.

2. The Department of Agriculture and Consumer Services may develop and adopt by rule pursuant to ss. 120.536(1) and 120.54 suitable interim measures, best management practices, or other measures necessary to achieve the level of pollution reduction established by the department for agricultural pollutant sources in allocations developed pursuant to subsection (6) and this subsection or for programs implemented pursuant to paragraph (12)(b) ~~paragraph (13)(b)~~. These practices and measures may be implemented by those parties responsible for agricultural pollutant sources

and the department, the water management districts, and the Department of Agriculture and Consumer Services shall assist with implementation. In the process of developing and adopting rules for interim measures, best management practices, or other measures, the Department of Agriculture and Consumer Services shall consult with the department, the Department of Health, the water management districts, representatives from affected farming groups, and environmental group representatives. Such rules must also incorporate provisions for a notice of intent to implement the practices and a system to assure the implementation of the practices, including recordkeeping requirements.

3. Where interim measures, best management practices, or other measures are adopted by rule, the effectiveness of such practices in achieving the levels of pollution reduction established in allocations developed by the department pursuant to subsection (6) and this subsection or in programs implemented pursuant to paragraph (12)(b) ~~paragraph (13)(b)~~ must be verified at representative sites by the department. The department shall use best professional judgment in making the initial verification that the best management practices are reasonably expected to be effective and, where applicable, must notify the appropriate water management district or the Department of Agriculture and Consumer Services of its initial verification before the adoption of a rule proposed pursuant to this paragraph. Implementation, in accordance with rules adopted under this paragraph, of practices that have been initially verified to be effective, or verified to be effective by monitoring at representative sites, by the department, shall provide a presumption of compliance with state water quality standards and release from the provisions of s. 376.307(5) for those pollutants addressed by the practices, and the department is not authorized to institute proceedings against the owner of the source of pollution to recover costs or damages associated with the contamination of surface water or groundwater caused by those pollutants. Research projects funded by the department, a water management district, or the Department of Agriculture and Consumer Services to develop or demonstrate interim measures or best management practices shall be granted a presumption of compliance with state water quality standards and a release from the provisions of s. 376.307(5). The presumption of compliance and release is limited to the research site and only for those pollutants addressed by the interim measures or best management practices. Eligibility for the presumption of compliance and release is limited to research projects on sites where the owner or operator of the research site and the department, a water management district, or the Department of Agriculture and Consumer Services have entered into a contract or other agreement that, at a minimum, specifies the research objectives, the cost-share responsibilities of the parties, and a schedule that details the beginning and ending dates of the project.

4. Where water quality problems are demonstrated, despite the appropriate implementation, operation, and maintenance of best management practices and other measures required by rules adopted under this paragraph, the department, a water management district, or the

Department of Agriculture and Consumer Services, in consultation with the department, shall institute a reevaluation of the best management practice or other measure. Should the reevaluation determine that the best management practice or other measure requires modification, the department, a water management district, or the Department of Agriculture and Consumer Services, as appropriate, shall revise the rule to require implementation of the modified practice within a reasonable time period as specified in the rule.

5. Agricultural records relating to processes or methods of production, costs of production, profits, or other financial information held by the Department of Agriculture and Consumer Services pursuant to subparagraphs 3. and 4. or pursuant to any rule adopted pursuant to subparagraph 2. are confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution. Upon request, records made confidential and exempt pursuant to this subparagraph shall be released to the department or any water management district provided that the confidentiality specified by this subparagraph for such records is maintained.

6. The provisions of subparagraphs 1. and 2. do not preclude the department or water management district from requiring compliance with water quality standards or with current best management practice requirements set forth in any applicable regulatory program authorized by law for the purpose of protecting water quality. Additionally, subparagraphs 1. and 2. are applicable only to the extent that they do not conflict with any rules adopted by the department that are necessary to maintain a federally delegated or approved program.

Reviser's note.—Amended to conform to the redesignation of paragraph (13)(b) as paragraph (12)(b) by s. 2, ch. 2013-146, Laws of Florida.

Section 45. Subsection (1) of section 408.036, Florida Statutes, is amended to read:

408.036 Projects subject to review; exemptions.—

(1) **APPLICABILITY.**—Unless exempt under subsection (3), all health-care-related projects, as described in ~~paragraphs (a)-(f)~~ paragraphs (a)-(g), are subject to review and must file an application for a certificate of need with the agency. The agency is exclusively responsible for determining whether a health-care-related project is subject to review under ss. 408.031-408.045.

(a) The addition of beds in community nursing homes or intermediate care facilities for the developmentally disabled by new construction or alteration.

(b) The new construction or establishment of additional health care facilities, including a replacement health care facility when the proposed project site is not located on the same site as or within 1 mile of the existing health care facility, if the number of beds in each licensed bed category will not increase.

(c) The conversion from one type of health care facility to another, including the conversion from a general hospital, a specialty hospital, or a long-term care hospital.

(d) The establishment of a hospice or hospice inpatient facility, except as provided in s. 408.043.

(e) An increase in the number of beds for comprehensive rehabilitation.

(f) The establishment of tertiary health services, including inpatient comprehensive rehabilitation services.

Reviser's note.—Amended to confirm the editorial substitution of a reference to paragraphs (a)-(f) for a reference to paragraphs (a)-(g) to conform to the repeal of paragraph (1)(g) by s. 19, ch. 2010-4, Laws of Florida.

Section 46. Subsection (8) of section 408.061, Florida Statutes, is amended to read:

408.061 Data collection; uniform systems of financial reporting; information relating to physician charges; confidential information; immunity.—

(8) The identity of any health care provider, health care facility, or health insurer who submits any data which is proprietary business information to the agency pursuant to the provisions of this section shall remain confidential and exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution. As used in this section, "proprietary business information" shall include, but not be limited to, information relating to specific provider contract reimbursement information; information relating to security measures, systems, or procedures; and information concerning bids or other contractual data, the disclosure of which would impair efforts to contract for goods or services on favorable terms or would injure the affected entity's ability to compete in the marketplace. Notwithstanding the provisions of this subsection, any information obtained ~~or generated pursuant to the provisions of former s. 407.61~~, either by the former Health Care Cost Containment Board or by the Agency for Health Care Administration upon transfer to that agency of the duties and functions of the former Health Care Cost Containment Board, is not confidential and exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution. Such proprietary business information may be used in published analyses and reports or otherwise made available for public disclosure in such manner as to preserve the confidentiality of the identity of the provider. This exemption shall not limit the use of any information used in conjunction with investigation or enforcement purposes under the provisions of s. 456.073.

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

Section 47. Subsection (2) of section 409.1451, Florida Statutes, as amended by section 4 of chapter 2014-39, Laws of Florida, and as amended

by section 25 of chapter 2014-184, Laws of Florida, effective July 1, 2015, is reenacted and amended to read:

409.1451 The Road-to-Independence Program.—

(2) POSTSECONDARY EDUCATION SERVICES AND SUPPORT.—

(a) A young adult is eligible for services and support under this subsection if he or she:

1. Was living in licensed care on his or her 18th birthday or is currently living in licensed care; or was at least 16 years of age and was adopted from foster care or placed with a court-approved dependency guardian after spending at least 6 months in licensed care within the 12 months immediately preceding such placement or adoption;

2. Spent at least 6 months in licensed care before reaching his or her 18th birthday;

3. Earned a standard high school diploma pursuant to s. 1002.3105(5), s. 1003.4281, or s. 1003.4282, or its equivalent pursuant to s. 1003.435 ~~a special diploma pursuant to~~;

4. Has been admitted for enrollment as a full-time student or its equivalent in an eligible postsecondary educational institution as provided in s. 1009.533. For purposes of this section, the term “full-time” means 9 credit hours or the vocational school equivalent. A student may enroll part-time if he or she has a recognized disability or is faced with another challenge or circumstance that would prevent full-time attendance. A student needing to enroll part-time for any reason other than having a recognized disability must get approval from his or her academic advisor;

5. Has reached 18 years of age but is not yet 23 years of age;

6. Has applied, with assistance from the young adult’s caregiver and the community-based lead agency, for any other grants and scholarships for which he or she may qualify;

7. Submitted a Free Application for Federal Student Aid which is complete and error free; and

8. Signed an agreement to allow the department and the community-based care lead agency access to school records.

(b) The amount of the financial assistance shall be as follows:

1. For a young adult who does not remain in foster care and is attending a postsecondary school as provided in s. 1009.533, the amount is \$1,256 monthly.

2. For a young adult who remains in foster care, is attending a postsecondary school, as provided in s. 1009.533, and continues to reside

in a licensed foster home, the amount is the established room and board rate for foster parents. This takes the place of the payment provided for in s. 409.145(4).

3. For a young adult who remains in foster care, but temporarily resides away from a licensed foster home for purposes of attending a postsecondary school as provided in s. 1009.533, the amount is \$1,256 monthly. This takes the place of the payment provided for in s. 409.145(4).

4. For a young adult who remains in foster care, is attending a postsecondary school as provided in s. 1009.533, and continues to reside in a licensed group home, the amount is negotiated between the community-based care lead agency and the licensed group home provider.

5. For a young adult who remains in foster care, but temporarily resides away from a licensed group home for purposes of attending a postsecondary school as provided in s. 1009.533, the amount is \$1,256 monthly. This takes the place of a negotiated room and board rate.

6. The amount of the award may be disregarded for purposes of determining the eligibility for, or the amount of, any other federal or federally supported assistance.

7. A young adult is eligible to receive financial assistance during the months when enrolled in a postsecondary educational institution.

(c) Payment of financial assistance for a young adult who:

1. Has chosen not to remain in foster care and is attending a postsecondary school as provided in s. 1009.533, shall be made to the community-based care lead agency in order to secure housing and utilities, with the balance being paid directly to the young adult until such time the lead agency and the young adult determine that the young adult can successfully manage the full amount of the assistance.

2. Has remained in foster care under s. 39.6251 and who is attending postsecondary school as provided in s. 1009.533, shall be made directly to the foster parent or group home provider.

3. Community-based care lead agencies or other contracted providers are prohibited from charging a fee associated with administering the Road-to-Independence payments.

(d)1. The department must advertise the availability of the stipend and must provide notification of the criteria and application procedures for the stipend to children and young adults leaving, or who were formerly in, foster care; caregivers; case managers; guidance and family services counselors; principals or other relevant school administrators; and guardians ad litem.

2. If the award recipient transfers from one eligible institution to another and continues to meet eligibility requirements, the award shall be transferred with the recipient.

3. The department, or an agency under contract with the department, shall evaluate each Road-to-Independence award for renewal eligibility on an annual basis. In order to be eligible for a renewal award for the subsequent year, the young adult must:

a. Be enrolled for or have completed the number of hours, or the equivalent, to be considered a full-time student under subparagraph (a)4., unless the young adult qualifies for an exception under subparagraph (a)4.

b. Maintain standards of academic progress as defined by the education institution, except that if the young adult's progress is insufficient to renew the award at any time during the eligibility period, the young adult may continue to be enrolled for additional terms while attempting to restore eligibility as long as progress towards the required level is maintained.

4. Funds may be terminated during the interim between an award and the evaluation for a renewal award if the department, or an agency under contract with the department, determines that the award recipient is no longer enrolled in an educational institution as described in subparagraph (a)4. or is no longer a resident of this state.

5. The department, or an agency under contract with the department, shall notify a recipient who is terminated and inform the recipient of his or her right to appeal.

6. An award recipient who does not qualify for a renewal award or who chooses not to renew the award may apply for reinstatement. An application for reinstatement must be made before the young adult reaches 23 years of age. In order to be eligible for reinstatement, the young adult must meet the eligibility criteria and the criteria for award renewal for the program.

Reviser's note.—Section 25, ch. 2014-184, Laws of Florida, purported to amend subsection (2), effective July 1, 2015, but did not publish paragraphs (b)-(d). Absent affirmative evidence of legislative intent to repeal paragraphs (b)-(d), subsection (2) is reenacted to confirm that the omission was not intended. Subparagraph (2)(a)3. is amended to confirm the editorial deletion of the words "a special diploma pursuant to," added by s. 4, ch. 2014-39, Laws of Florida, following the word "or" and preceding a cite to s. 1003.438, which word and cite were deleted by s. 25, ch. 2014-184.

Section 48. Paragraph (c) of subsection (1) of section 409.1678, Florida Statutes, is amended to read:

409.1678 Specialized residential options for children who are victims of sexual exploitation.—

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

(c) “Sexually exploited child” means a child who has suffered sexual exploitation as defined in s. ~~39.01(69)(g)~~ ~~39.01(68)(g)~~ and is ineligible for relief and benefits under the federal Trafficking Victims Protection Act, 22 U.S.C. ss. 7101 et seq.

Reviser’s note.—Amended to confirm the editorial substitution of a reference to s. 39.01(69)(g) for a reference to s. 39.01(68)(g) added by s. 56, ch. 2014-224, Laws of Florida. Sexual exploitation of a child is defined in s. 39.01(69)(g). “Secretary” is defined in s. 39.01(68), which has no paragraphs.

Section 49. Paragraph (d) of subsection (13) of section 409.906, Florida Statutes, is amended to read:

409.906 Optional Medicaid services.—Subject to specific appropriations, the agency may make payments for services which are optional to the state under Title XIX of the Social Security Act and are furnished by Medicaid providers to recipients who are determined to be eligible on the dates on which the services were provided. Any optional service that is provided shall be provided only when medically necessary and in accordance with state and federal law. Optional services rendered by providers in mobile units to Medicaid recipients may be restricted or prohibited by the agency. Nothing in this section shall be construed to prevent or limit the agency from adjusting fees, reimbursement rates, lengths of stay, number of visits, or number of services, or making any other adjustments necessary to comply with the availability of moneys and any limitations or directions provided for in the General Appropriations Act or chapter 216. If necessary to safeguard the state’s systems of providing services to elderly and disabled persons and subject to the notice and review provisions of s. 216.177, the Governor may direct the Agency for Health Care Administration to amend the Medicaid state plan to delete the optional Medicaid service known as “Intermediate Care Facilities for the Developmentally Disabled.” Optional services may include:

(13) HOME AND COMMUNITY-BASED SERVICES.—

(d) The agency shall request federal approval to develop a system to require payment of premiums or other cost sharing by the parents of a child who is being served by a waiver under this subsection if the adjusted household income is greater than 100 percent of the federal poverty level. The amount of the premium or cost sharing shall be calculated using a sliding scale based on the size of the family, the amount of the parent’s adjusted gross income, and the federal poverty guidelines. The premium and cost-sharing system developed by the agency shall not adversely affect federal funding to the state. After the agency receives federal approval, the Department of Children and Families may collect income information from parents of children who will be affected by this paragraph. ~~The agency shall prepare a report to include the estimated operational cost of~~

~~implementing the premium and cost-sharing system and the estimated revenues to be collected from parents of children in the waiver program. The report shall be delivered to the President of the Senate and the Speaker of the House of Representatives by June 30, 2012.~~

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

Section 50. Subsection (2) of section 409.966, Florida Statutes, is amended to read:

409.966 Eligible plans; selection.—

(2) **ELIGIBLE PLAN SELECTION.**—The agency shall select a limited number of eligible plans to participate in the Medicaid program using invitations to negotiate in accordance with s. ~~287.057(1)(c)~~ 287.057(3)(a). At least 90 days before issuing an invitation to negotiate, the agency shall compile and publish a databook consisting of a comprehensive set of utilization and spending data for the 3 most recent contract years consistent with the rate-setting periods for all Medicaid recipients by region or county. The source of the data in the report must include both historic fee-for-service claims and validated data from the Medicaid Encounter Data System. The report must be available in electronic form and delineate utilization use by age, gender, eligibility group, geographic area, and aggregate clinical risk score. Separate and simultaneous procurements shall be conducted in each of the following regions:

(a) Region 1, which consists of Escambia, Okaloosa, Santa Rosa, and Walton Counties.

(b) Region 2, which consists of Bay, Calhoun, Franklin, Gadsden, Gulf, Holmes, Jackson, Jefferson, Leon, Liberty, Madison, Taylor, Wakulla, and Washington Counties.

(c) Region 3, which consists of Alachua, Bradford, Citrus, Columbia, Dixie, Gilchrist, Hamilton, Hernando, Lafayette, Lake, Levy, Marion, Putnam, Sumter, Suwannee, and Union Counties.

(d) Region 4, which consists of Baker, Clay, Duval, Flagler, Nassau, St. Johns, and Volusia Counties.

(e) Region 5, which consists of Pasco and Pinellas Counties.

(f) Region 6, which consists of Hardee, Highlands, Hillsborough, Manatee, and Polk Counties.

(g) Region 7, which consists of Brevard, Orange, Osceola, and Seminole Counties.

(h) Region 8, which consists of Charlotte, Collier, DeSoto, Glades, Hendry, Lee, and Sarasota Counties.

- (i) Region 9, which consists of Indian River, Martin, Okeechobee, Palm Beach, and St. Lucie Counties.
- (j) Region 10, which consists of Broward County.
- (k) Region 11, which consists of Miami-Dade and Monroe Counties.

Reviser's note.—Amended to conform to context. Section 287.057(1)(c) relates to invitation to negotiate; s. 287.057(3)(a) provides an exception to receiving competitive sealed bids, competitive sealed proposals, or competitive sealed replies when purchase price exceeds a specified threshold.

Section 51. Paragraph (a) of subsection (3) of section 409.986, Florida Statutes, is amended to read:

409.986 Legislative findings and intent; child protection and child welfare outcomes; definitions.—

(3) DEFINITIONS.—As used in this part, except as otherwise provided, the term:

(a) “Care” means services of any kind which are designed to facilitate a child remaining safely in his or her own home, returning safely to his or her own home if he or she is removed from the home, or obtaining an alternative permanent home if he or she cannot remain at home or be returned home. The term includes, but is not ~~be~~ limited to, prevention, diversion, and related services.

Reviser's note.—Amended to confirm the editorial deletion of the word “be.”

Section 52. Paragraph (b) of subsection (4) of section 409.987, Florida Statutes, is amended to read:

409.987 Lead agency procurement.—

(4) In order to serve as a lead agency, an entity must:

(b) Be governed by a board of directors or a board committee composed of board members. The membership of the board of directors or board committee must be described in the bylaws or articles of incorporation of each lead agency, which must provide that at least 75 percent of the membership of the board of directors or board committee must consist of persons residing in this state, and at least 51 percent of the state residents on the board of directors must reside within the service area of the lead agency. However, for procurements of lead agency contracts initiated on or after July 1, 2014:

1. At least 75 percent of the membership of the board of directors must consist of persons residing in this state, and at least 51 percent of the

membership of the board of directors must consist of persons residing within the service area of the lead agency. If a board committee governs the lead agency, 100 percent of its membership must consist of persons residing within the service area of the lead agency.

2. The powers of the board of directors or board committee include, but are not limited to, approving the lead agency's budget and setting the lead agency's operational policy and procedures. A board of directors must additionally have the power to hire the lead agency's executive director, unless a board committee governs the lead agency, in which case the board committee must have the power to confirm the selection of the lead agency's executive director.

Reviser's note.—Amended to confirm the editorial insertion of the word “but.”

Section 53. Subsection (1) of section 430.502, Florida Statutes, is reenacted to read:

430.502 Alzheimer's disease; memory disorder clinics and day care and respite care programs.—

(1) There is established:

(a) A memory disorder clinic at each of the three medical schools in this state;

(b) A memory disorder clinic at a major private nonprofit research-oriented teaching hospital, and may fund a memory disorder clinic at any of the other affiliated teaching hospitals;

(c) A memory disorder clinic at the Mayo Clinic in Jacksonville;

(d) A memory disorder clinic at the West Florida Regional Medical Center;

(e) A memory disorder clinic operated by Health First in Brevard County;

(f) A memory disorder clinic at the Orlando Regional Healthcare System, Inc.;

(g) A memory disorder center located in a public hospital that is operated by an independent special hospital taxing district that governs multiple hospitals and is located in a county with a population greater than 800,000 persons;

(h) A memory disorder clinic at St. Mary's Medical Center in Palm Beach County;

(i) A memory disorder clinic at Tallahassee Memorial Healthcare;

(j) A memory disorder clinic at Lee Memorial Hospital created by chapter 63-1552, Laws of Florida, as amended;

(k) A memory disorder clinic at Sarasota Memorial Hospital in Sarasota County;

(l) A memory disorder clinic at Morton Plant Hospital, Clearwater, in Pinellas County; and

(m) A memory disorder clinic at Florida Atlantic University, Boca Raton, in Palm Beach County,

for the purpose of conducting research and training in a diagnostic and therapeutic setting for persons suffering from Alzheimer’s disease and related memory disorders. However, memory disorder clinics funded as of June 30, 1995, shall not receive decreased funding due solely to subsequent additions of memory disorder clinics in this subsection.

Reviser’s note.—Section 4, ch. 2014-163, Laws of Florida, amended paragraph (1)(e) but did not publish the flush left language at the end of the subsection. Absent affirmative evidence of legislative intent to repeal it, subsection (1) is reenacted to confirm that the omission was not intended.

Section 54. Paragraph (a) of subsection (4) of section 456.039, Florida Statutes, is amended to read:

456.039 Designated health care professionals; information required for licensure.—

(4)(a) An applicant for initial licensure must submit a set of fingerprints to the Department of Health in accordance with s. 458.311, ~~s. 458.3115~~, ~~s. 458.3124~~, ~~s. 458.313~~, s. 459.0055, s. 460.406, or s. 461.006.

Reviser’s note.—Amended to facilitate correct interpretation; ss. 458.3115, 458.3124, and 458.313 do not reference the submission of fingerprints.

Section 55. Paragraphs (h) and (i) of subsection (5) of section 456.074, Florida Statutes, are amended to read:

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

(5) The department shall issue an emergency order suspending the license of a massage therapist or establishment as defined in chapter 480 upon receipt of information that the massage therapist, a person with an ownership interest in the establishment, or, for a corporation that has more than \$250,000 of business assets in this state, the owner, officer, or individual directly involved in the management of the establishment has been convicted or found guilty of, or has entered a plea of guilty or nolo

contendere to, regardless of adjudication, a felony offense under any of the following provisions of state law or a similar provision in another jurisdiction:

(h) ~~Former s. Section~~ 796.03, relating to procuring a person under the age of 18 for prostitution.

(i) ~~Former s. Section~~ 796.035, relating to the selling or buying of minors into prostitution.

Reviser's note.—Amended to conform to the repeal of ss. 796.03 and 796.035 by s. 10, ch. 2014-160, Laws of Florida.

Section 56. Section 479.03, Florida Statutes, is amended to read:

479.03 Jurisdiction of the Department of Transportation; entry upon privately owned lands.—The territory under the jurisdiction of the department for the purpose of this chapter includes all the state. Employees, agents, or independent contractors working for the department, in the performance of their functions and duties under the provisions of this chapter, may enter into and upon any land upon which a sign is displayed, is proposed to be erected, or is being erected and make such inspections, surveys, and removals as may be relevant. Upon written notice to the landowner, operator, or person in charge of any ~~an~~ intervening privately owned land that the removal of an illegal outdoor advertising sign is necessary and has been authorized by a final order or results from an uncontested notice to the sign owner, the department may enter upon any intervening privately owned lands for the purposes of effectuating removal of illegal signs. The department may enter intervening privately owned lands only in circumstances where it has determined that other legal or economically feasible means of entry to the sign site are not reasonably available. Except as otherwise provided by this chapter, the department is responsible for the repair or replacement in a like manner for any physical damage or destruction of private property, other than the sign, incidental to the department's entry upon such intervening privately owned lands.

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

Section 57. Subsection (16) of section 479.16, Florida Statutes, as amended by section 18 of chapter 2014-215, Laws of Florida, and section 39 of chapter 2014-223, Laws of Florida, is amended to read:

479.16 Signs for which permits are not required.—The following signs are exempt from the requirement that a permit for a sign be obtained under this chapter but are required to comply with s. 479.11(4)-(8), and the provisions of subsections (15)-(19) may not be implemented or continued if the Federal Government notifies the department that implementation or continuation will adversely affect the allocation of federal funds to the department:

(16) Signs placed by a local tourist-oriented business located within a rural area of opportunity ~~critical economic concern~~ as defined in s. 288.0656(2) which are:

- (a) Not more than 8 square feet in size or more than 4 feet in height;
- (b) Located only in rural areas on a facility that does not meet the definition of a limited access facility, as defined in s. 334.03;
- (c) Located within 2 miles of the business location and at least 500 feet apart;
- (d) Located only in two directions leading to the business; and
- (e) Not located within the road right-of-way.

A business placing such signs must be at least 4 miles from any other business using this exemption and may not participate in any other directional signage program by the department.

If the exemptions in subsections (15)-(19) are not implemented or continued due to notification from the Federal Government that the allocation of federal funds to the department will be adversely impacted, the department shall provide notice to the sign owner that the sign must be removed within 30 days after receipt of the notice. If the sign is not removed within 30 days after receipt of the notice by the sign owner, the department may remove the sign, and the costs incurred in connection with the sign removal shall be assessed against and collected from the sign owner.

Reviser's note.—Amended to conform to the fact that the term “rural area of critical economic concern” was changed to “rural area of opportunity” in s. 288.0656 by s. 33, ch. 2014-218, Laws of Florida.

Section 58. Subsection (15) of section 479.16, Florida Statutes, as amended by section 11 of chapter 2014-169, Laws of Florida, is amended to read:

479.16 Signs for which permits are not required.—Signs placed on benches, transit shelters, modular news racks, street light poles, public pay telephones, and waste disposal receptacles within the right-of-way, as provided under s. 337.408, are exempt from this chapter. The following signs are exempt from the requirement that a permit be obtained under this chapter but must comply with s. 479.11(4)-(8):

(15) Signs placed by a local tourist-oriented business located within a rural area of opportunity ~~critical economic concern~~ as defined in s. 288.0656(2) which are:

- (a) Not more than 8 square feet in size or not more than 4 feet in height;

- (b) Located only in rural areas on a facility that does not meet the definition of a limited access facility as defined by department rule;
- (c) Located within 2 miles of the business location and at least 500 feet apart;
- (d) Located only in two directions leading to the business; and
- (e) Not located within the road right-of-way.

A business placing such signs must be at least 4 miles from any other business using this exemption and may not participate in any other directional signage program by the department.

The exemptions in subsections (14)-(18) may not be implemented or continued if the Federal Government notifies the department that implementation or continuation will adversely impact the allocation of federal funds to the department. If the exemptions in subsections (14)-(18) are not implemented or continued due to notification from the Federal Government that the allocation of federal funds to the department will be adversely impacted, the department shall provide notice to the sign owner that the sign must be removed within 30 days. If the sign is not removed within 30 days after receipt of the notice by the sign owner, the department may remove the sign, and the costs incurred in connection with the sign removal shall be assessed against and collected from the sign owner.

Reviser's note.—Amended to conform to the fact that the term “rural area of critical economic concern” was changed to “rural area of opportunity” in s. 288.0656 by s. 33, ch. 2014-218, Laws of Florida.

Section 59. Paragraphs (h) and (i) of subsection (7) of section 480.041, Florida Statutes, are amended to read:

480.041 Massage therapists; qualifications; licensure; endorsement.—

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

- (h) ~~Former s. Section 796.03~~, relating to procuring a person under the age of 18 for prostitution.
- (i) ~~Former s. Section 796.035~~, relating to the selling or buying of minors into prostitution.

Reviser's note.—Amended to conform to the repeal of ss. 796.03 and 796.035 by s. 10, ch. 2014-160, Laws of Florida.

Section 60. Paragraphs (h) and (i) of subsection (8) of section 480.043, Florida Statutes, are amended to read:

480.043 Massage establishments; requisites; licensure; inspection.—

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

(h) ~~Former s. Section~~ 796.03, relating to procuring a person under the age of 18 for prostitution.

(i) ~~Former s. Section~~ 796.035, relating to selling or buying of minors into prostitution.

Reviser's note.—Amended to conform to the repeal of ss. 796.03 and 796.035 by s. 10, ch. 2014-160, Laws of Florida.

Section 61. Paragraph (a) of subsection (7) of section 482.161, Florida Statutes, is amended to read:

482.161 Disciplinary grounds and actions; reinstatement.—

(7) The department, pursuant to chapter 120, in addition to or in lieu of any other remedy provided by state or local law, may impose an administrative fine in the Class II category pursuant to s. 570.971 for a violation of this chapter or of the rules adopted pursuant to this chapter. In determining the amount of fine to be levied for a violation, the following factors shall be considered:

(a) The severity of the violation, including the probability that the death, or serious harm to the health or safety, of any person will result or has resulted; the severity of the actual or potential harm; and the extent to which this chapter or of the rules adopted pursuant to this chapter were violated;

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

Section 62. Subsection (7) of section 487.2031, Florida Statutes, is amended to read:

487.2031 Definitions.—For the purposes of this part, the term:

(7) "Retaliatory action" means an action, such as dismissal, demotion, harassment, blacklisting with other employers, reducing pay or work hours, or taking away company housing, that is taken by any agricultural employer

against a worker who exercises any right under the provisions of the United States Environmental Protection Agency Worker Protection Standard, 40 C.F.R. s. 170.7(b) ~~40 C.F.R. s. 1707(b)~~, or this part.

Reviser's note.—Amended to conform to context and facilitate correct interpretation; 40 C.F.R. s. 170.7(b) references retaliatory actions, and 40 C.F.R. s. 1707 does not exist.

Section 63. Paragraph (f) of subsection (1) of section 499.84, Florida Statutes, is amended to read:

499.84 Minimum requirements for the storage and handling of medical gases.—

(1) A facility where a medical gas is received, stored, warehoused, handled, held, offered, marketed, displayed, or transported, to avoid any negative effect on the identity, strength, quality, or purity of the medical gas, must:

(f) Be located in a commercial location and not in a personal dwelling or residence location, ~~except for that~~ a personal dwelling location used for on-call delivery of oxygen USP for home care use if the person providing on-call delivery is employed by or acting under a written contract with an entity that holds a medical oxygen retailer permit;

Reviser's note.—Amended to confirm the editorial substitution of the word "for" for the word "that" to facilitate correct interpretation.

Section 64. Subsection (6) of section 499.91, Florida Statutes, is amended to read:

499.91 Prohibited acts.—A person may not perform or cause the performance of, or aid and abet in, any of the following acts:

(6) The knowing and willful sale or transfer of a medical gas to a recipient who is not legally authorized to receive a medical gas, except that a violation does not exist if a permitted wholesale distributor provides oxygen to a permitted medical oxygen retail establishment that is out of compliance with the notice of location change requirements of s. 499.833(3)(a) ~~499.834~~, provided that the wholesale distributor with knowledge of the violation notifies the department of the transaction by the next business day.

Reviser's note.—Amended to correct a cross-reference. Section 499.833(3)(a) references the change of location notification requirement; s. 499.834 references minimum qualifications for a permit.

Section 65. Paragraph (c) of subsection (1) of section 499.92, Florida Statutes, is amended to read:

499.92 Criminal acts.—

(1) A person commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, if he or she:

(c) Knowingly engages in the wholesale distribution of, or sells, barter, brokers, or transfers, a medical gas to a person not legally authorized to purchase or receive medical gas in the jurisdiction in which the person receives the medical gas. A permitted wholesale distributor that provides oxygen to a permitted medical oxygen retail establishment that is out of compliance with only the change of location notice requirement under s. ~~499.833(3)(a)~~ ~~499.834~~ does not commit a violation of this paragraph if the wholesale distributor notifies the department of the transaction no later than the next business day; or

Reviser's note.—Amended to correct a cross-reference. Section 499.833(3)(a) references the change of location notification requirement; s. 499.834 references minimum qualifications for a permit.

Section 66. Subsection (2) of section 509.032, Florida Statutes, is reenacted to read:

509.032 Duties.—

(2) INSPECTION OF PREMISES.—

(a) The division has jurisdiction and is responsible for all inspections required by this chapter. The division is responsible for quality assurance. The division shall inspect each licensed public lodging establishment at least biannually, except for transient and nontransient apartments, which shall be inspected at least annually. Each establishment licensed by the division shall be inspected at such other times as the division determines is necessary to ensure the public's health, safety, and welfare. The division shall, by no later than July 1, 2014, adopt by rule a risk-based inspection frequency for each licensed public food service establishment. The rule must require at least one, but not more than four, routine inspections that must be performed annually, and may include guidelines that consider the inspection and compliance history of a public food service establishment, the type of food and food preparation, and the type of service. The division shall annually reassess the inspection frequency of all licensed public food service establishments. Public lodging units classified as vacation rentals or timeshare projects are not subject to this requirement but shall be made available to the division upon request. If, during the inspection of a public lodging establishment classified for renting to transient or nontransient tenants, an inspector identifies vulnerable adults who appear to be victims of neglect, as defined in s. 415.102, or, in the case of a building that is not equipped with automatic sprinkler systems, tenants or clients who may be unable to self-preserve in an emergency, the division shall convene meetings with the following agencies as appropriate to the individual situation: the Department of Health, the Department of Elderly Affairs, the area agency on aging, the local fire marshal, the landlord and affected tenants and clients, and other relevant organizations, to develop a plan that improves the prospects for

safety of affected residents and, if necessary, identifies alternative living arrangements such as facilities licensed under part II of chapter 400 or under chapter 429.

(b) For purposes of performing required inspections and the enforcement of this chapter, the division has the right of entry and access to public lodging establishments and public food service establishments at any reasonable time.

(c) Public food service establishment inspections shall be conducted to enforce provisions of this part and to educate, inform, and promote cooperation between the division and the establishment.

(d) The division shall adopt and enforce sanitation rules consistent with law to ensure the protection of the public from food-borne illness in those establishments licensed under this chapter. These rules shall provide the standards and requirements for obtaining, storing, preparing, processing, serving, or displaying food in public food service establishments, approving public food service establishment facility plans, conducting necessary public food service establishment inspections for compliance with sanitation regulations, cooperating and coordinating with the Department of Health in epidemiological investigations, and initiating enforcement actions, and for other such responsibilities deemed necessary by the division. The division may not establish by rule any regulation governing the design, construction, erection, alteration, modification, repair, or demolition of any public lodging or public food service establishment. It is the intent of the Legislature to preempt that function to the Florida Building Commission and the State Fire Marshal through adoption and maintenance of the Florida Building Code and the Florida Fire Prevention Code. The division shall provide technical assistance to the commission in updating the construction standards of the Florida Building Code which govern public lodging and public food service establishments. Further, the division shall enforce the provisions of the Florida Building Code which apply to public lodging and public food service establishments in conducting any inspections authorized by this part. The division, or its agent, shall notify the local firesafety authority or the State Fire Marshal of any readily observable violation of a rule adopted under chapter 633 which relates to public lodging establishments or public food establishments, and the identification of such violation does not require any firesafety inspection certification.

(e)1. Relating to facility plan approvals, the division may establish, by rule, fees for conducting plan reviews and may grant variances from construction standards in hardship cases, which variances may be less restrictive than the provisions specified in this section or the rules adopted under this section. A variance may not be granted pursuant to this section until the division is satisfied that:

- a. The variance shall not adversely affect the health of the public.
- b. No reasonable alternative to the required construction exists.

c. The hardship was not caused intentionally by the action of the applicant.

2. The division's advisory council shall review applications for variances and recommend agency action. The division shall make arrangements to expedite emergency requests for variances, to ensure that such requests are acted upon within 30 days of receipt.

3. The division shall establish, by rule, a fee for the cost of the variance process. Such fee shall not exceed \$150 for routine variance requests and \$300 for emergency variance requests.

(f) In conducting inspections of establishments licensed under this chapter, the division shall determine if each coin-operated amusement machine that is operated on the premises of a licensed establishment is properly registered with the Department of Revenue. Each month the division shall report to the Department of Revenue the sales tax registration number of the operator of any licensed establishment that has on location a coin-operated amusement machine and that does not have an identifying certificate conspicuously displayed as required by s. 212.05(1)(h).

(g) In inspecting public food service establishments, the department shall provide each inspected establishment with the food-recovery brochure developed under s. 595.420.

Reviser's note.—Section 2, ch. 2014-133, Laws of Florida, amended paragraph (2)(a) but inadvertently failed to incorporate the amendment made to the paragraph by s. 1, ch. 2013-147, Laws of Florida, which became effective on July 1, 2014. Since there was no intent to set aside the amendment by s. 1, ch. 2013-147, subsection (2) is reenacted to confirm that the omission was not intended.

Section 67. Subsection (5) of section 514.0115, Florida Statutes, is amended to read:

514.0115 Exemptions from supervision or regulation; variances.—

(5) The department may grant variances from any rule adopted under this chapter pursuant to procedures adopted by department rule. The department may also grant, pursuant to procedures adopted by department rule, variances from the provisions of the Florida Building Code specifically pertaining to public swimming pools and bathing places when requested by the pool owner or the pool owner's ~~their~~ representative to relieve hardship in cases involving deviations from the Florida Building Code provisions, when it is shown that the hardship was not caused intentionally by the action of the applicant, where no reasonable alternative exists, and the health and safety of the pool patrons is not at risk.

Reviser's note.—Amended to conform to the immediately preceding context.

Section 68. Paragraph (h) of subsection (2) of section 538.03, Florida Statutes, is amended to read:

538.03 Definitions; applicability.—

(2) This chapter does not apply to:

(h) Any person who sells household personal property as an agent for the property owner or the property owner's ~~their~~ representative pursuant to a written agreement at that person's residence.

Reviser's note.—Amended to conform to the immediately preceding context.

Section 69. Subsection (8) of section 539.001, Florida Statutes, is reenacted to read:

539.001 The Florida Pawnbroking Act.—

(8) PAWNBROKER TRANSACTION FORM.—

(a) At the time the pawnbroker enters into any pawn or purchase transaction, the pawnbroker shall complete a pawnbroker transaction form for such transaction, including an indication of whether the transaction is a pawn or a purchase, and the pledgor or seller shall sign such completed form. The agency must approve the design and format of the pawnbroker transaction form, which must be 8 ½ inches x 11 inches in size and elicit the information required under this section. In completing the pawnbroker transaction form, the pawnbroker shall record the following information, which must be typed or written indelibly and legibly in English.

(b) The front of the pawnbroker transaction form must include:

1. The name and address of the pawnshop.
2. A complete and accurate description of the pledged goods or purchased goods, including the following information, if applicable:
  - a. Brand name.
  - b. Model number.
  - c. Manufacturer's serial number.
  - d. Size.
  - e. Color, as apparent to the untrained eye.
  - f. Precious metal type, weight, and content, if known.
  - g. Gemstone description, including the number of stones.

- h. In the case of firearms, the type of action, caliber or gauge, number of barrels, barrel length, and finish.
- i. Any other unique identifying marks, numbers, names, or letters.

Notwithstanding sub-subparagraphs a.-i., in the case of multiple items of a similar nature delivered together in one transaction which do not bear serial or model numbers and which do not include precious metal or gemstones, such as musical or video recordings, books, and hand tools, the description of the items is adequate if it contains the quantity of items and a description of the type of items delivered.

3. The name, address, home telephone number, place of employment, date of birth, physical description, and right thumbprint of the pledgor or seller.

4. The date and time of the transaction.

5. The type of identification accepted from the pledgor or seller, including the issuing agency and the identification number.

6. In the case of a pawn:

a. The amount of money advanced, which must be designated as the amount financed;

b. The maturity date of the pawn, which must be 30 days after the date of the pawn;

c. The default date of the pawn and the amount due on the default date;

d. The total pawn service charge payable on the maturity date, which must be designated as the finance charge;

e. The amount financed plus the finance charge that must be paid to redeem the pledged goods on the maturity date, which must be designated as the total of payments;

f. The annual percentage rate, computed according to the regulations adopted by the Federal Reserve Board under the federal Truth in Lending Act; and

g. The front or back of the pawnbroker transaction form must include a statement that:

(I) Any personal property pledged to a pawnbroker within this state which is not redeemed within 30 days following the maturity date of the pawn, if the 30th day is not a business day, then the following business day, is automatically forfeited to the pawnbroker, and absolute right, title, and interest in and to the property vests in and is deemed conveyed to the pawnbroker by operation of law, and no further notice is necessary;

(II) The pledgor is not obligated to redeem the pledged goods; and

(III) If the pawnbroker transaction form is lost, destroyed, or stolen, the pledgor must immediately advise the issuing pawnbroker in writing by certified or registered mail, return receipt requested, or in person evidenced by a signed receipt.

(IV) A pawn may be extended upon mutual agreement of the parties.

7. In the case of a purchase, the amount of money paid for the goods or the monetary value assigned to the goods in connection with the transaction.

8. A statement that the pledgor or seller of the item represents and warrants that it is not stolen, that it has no liens or encumbrances against it, and that the pledgor or seller is the rightful owner of the goods and has the right to enter into the transaction. Any person who knowingly gives false verification of ownership or gives a false or altered identification and who receives money from a pawnbroker for goods sold or pledged commits:

a. If the value of the money received is less than \$300, a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

b. If the value of the money received is \$300 or more, a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(c) A pawnbroker transaction form must provide a space for the imprint of the right thumbprint of the pledgor or seller and a blank line for the signature of the pledgor or seller.

(d) At the time of the pawn or purchase transaction, the pawnbroker shall deliver to the pledgor or seller an exact copy of the completed pawnbroker transaction form.

Reviser's note.—Section 17, ch. 2014-147, Laws of Florida, purported to amend paragraphs (4)(a), (7)(b) and (d), and (8)(b) but did not publish paragraph (8)(b). Absent affirmative evidence of legislative intent to repeal it, subsection (8) is reenacted to confirm that the omission was not intended.

Section 70. Subsection (43) of section 570.07, Florida Statutes, is amended to read:

570.07 Department of Agriculture and Consumer Services; functions, powers, and duties.—The department shall have and exercise the following functions, powers, and duties:

(43) In cooperation with the Institute of Food and Agricultural Sciences at the University of Florida and the College of Agriculture and Food Sciences at the Florida Agricultural and Mechanical University, to annually provide to the State Board of Education and the Department of Education information and industry certifications for farm occupations to be considered

for placement on the CAPE Industry Certification Funding List and the CAPE Postsecondary Industry Certification Funding List pursuant to s. 1008.44. Information and industry certifications provided by the department must be based upon the best available data.

Reviser’s note.—Amended to insert the word “CAPE” to conform to the complete names of the funding lists in s. 1008.44 as amended by s. 12, ch. 2014-184, Laws of Florida.

Section 71. Subsection (2) of section 570.482, Florida Statutes, is amended to read:

570.482 Citrus Inspection Trust Fund.—

(2) Funds to be credited to and uses of the trust fund shall be administered in accordance with ss. ~~570.481~~, 573.118, 581.091, 601.28, 601.281, and 601.59, and 603.011.

Reviser’s note.—Amended to conform to the redesignation of s. 570.481 as s. 603.011 by s. 90, ch. 2014-150, Laws of Florida.

Section 72. Paragraph (c) of subsection (1) of section 597.020, Florida Statutes, is amended to read:

597.020 Shellfish processors; regulation.—

(1) The department may:

(c) License or certify, for a fee determined by rule, facilities used for processing oysters, clams, mussels, scallops, and crabs, and may levy an administrative fine in the Class I category pursuant to s. 570.971 for each violation, for each day the violation exists, or to suspend or revoke such licenses or certificates upon satisfactory evidence of a violation of rules adopted pursuant to this section, and to seize and destroy any adulterated or misbranded shellfish products as defined by rule.

Reviser’s note.—Amended to confirm the editorial deletions of the word “to” to improve clarity.

Section 73. Subsection (3) of section 605.0712, Florida Statutes, is amended to read:

605.0712 Other claims against a dissolved limited liability company.—

(3) A claim that is not barred by this section, s. 605.0711 ~~608.0711~~, or another statute limiting actions, may be enforced:

(a) Against a dissolved limited liability company, to the extent of its undistributed assets; and

(b) Except as otherwise provided in s. 605.0713, if assets of the limited liability company have been distributed after dissolution, against a member

or transferee to the extent of that person's proportionate share of the claim or of the company's assets distributed to the member or transferee after dissolution, whichever is less, but a person's total liability for all claims under this subsection may not exceed the total amount of assets distributed to the person after dissolution.

Reviser's note.—Amended to correct an apparent error and conform to the fact that chapter 608, the Florida Limited Liability Company Act, repealed by s. 5, ch. 2013-180, Laws of Florida, did not contain a s. 608.0711. Section 2, ch. 2013-180, created the Florida Revised Limited Liability Company Act; s. 605.0711 contains language relating to barred claims.

Section 74. Subsection (2) of section 605.0805, Florida Statutes, is amended to read:

605.0805 Proceeds and expenses.—

(2) If a derivative action under s. 605.0802 ~~608.0802~~ is successful in whole or in part, the court may award the plaintiff reasonable expenses, including reasonable attorney fees and costs, from the recovery of the limited liability company.

Reviser's note.—Amended to correct an apparent error and conform to the fact that chapter 608, the Florida Limited Liability Company Act, repealed by s. 5, ch. 2013-180, Laws of Florida, did not contain a s. 608.0802. Section 2, ch. 2013-180, created the Florida Revised Limited Liability Company Act; s. 605.0802 contains language relating to derivative actions.

Section 75. Paragraph (e) of subsection (1) of section 624.523, Florida Statutes, is amended to read:

624.523 Insurance Regulatory Trust Fund.—

(1) There is created in the State Treasury a trust fund designated "Insurance Regulatory Trust Fund" to which shall be credited all payments received on account of the following items:

(e) All payments received on account of items provided for under respective provisions of s. 624.501, as follows:

1. Subsection (1) (certificate of authority of insurer).
2. Subsection (2) (charter documents of insurer).
3. Subsection (3) (annual license tax of insurer).
4. Subsection (4) (annual statement of insurer).
5. Subsection (5) (application fee for insurance representatives).

6. The “appointment fee” portion of any appointment provided for under paragraphs (6)(a) and (b) (insurance representatives, property, marine, casualty and surety insurance, and agents).

7. Paragraph (6)(c) (nonresident agents).

8. Paragraph (6)(d) (service representatives).

9. The “appointment fee” portion of any appointment provided for under paragraph (7)(a) (life insurance agents, original appointment, and renewal or continuation of appointment).

10. Paragraph (7)(b) (nonresident agent license).

11. The “appointment fee” portion of any appointment provided for under paragraph (8)(a) (health insurance agents, agent’s appointment, and renewal or continuation fee).

12. Paragraph (8)(b) (nonresident agent appointment).

13. The “appointment fee” portion of any appointment provided for under subsections (9) and (10) (limited licenses and fraternal benefit society agents).

~~14. Subsection (11) (vending machines).~~

~~14.15.~~ Subsection (11) ~~(12)~~ (surplus lines agent).

~~15.16.~~ Subsection (12) ~~(13)~~ (adjusters’ appointment).

~~16.17.~~ Subsection (13) ~~(14)~~ (examination fee).

~~17.18.~~ Subsection (14) ~~(15)~~ (temporary license and appointment as agent or adjuster).

~~18.19.~~ Subsection (15) ~~(16)~~ (reissuance, reinstatement, etc.).

~~19.20.~~ Subsection (16) ~~(17)~~ (additional license continuation fees).

~~20.21.~~ Subsection (17) ~~(18)~~ (filing application for permit to form insurer).

~~21.22.~~ Subsection (18) ~~(19)~~ (license fee of rating organization).

~~22.23.~~ Subsection (19) ~~(20)~~ (miscellaneous services).

~~23.24.~~ Subsection (20) ~~(21)~~ (insurance agencies).

Reviser’s note.—Amended to conform to the repeal of s. 624.501(11) by s. 2, ch. 2001-142, Laws of Florida.

Section 76. Paragraph (g) of subsection (5) of section 625.1212, Florida Statutes, is amended to read:

625.1212 Valuation of policies and contracts issued on or after the operative date of the valuation manual.—

(5) MINIMUM STANDARD OF VALUATION.—

(g) An insurer that adopted a standard of valuation producing greater aggregate reserves than those calculated according to the minimum standard provided under this section may, with the approval of the office, adopt a lower standard of valuation, but such standard may not be lower than the minimum provided in this subsection. For purposes of this subsection, holding additional reserves previously determined by an appointed actuary to be necessary to render the opinion required by subsection (4) ~~(3)~~ may not be deemed to be the adoption of a higher standard of valuation.

Reviser's note.—Amended to correct an apparent error and facilitate correct interpretation. The requirement that each insurer must annually submit the opinion of a qualified actuary is found in subsection (4). Subsection (3) contains information on reserve valuations.

Section 77. Subsection (3) of section 626.0428, Florida Statutes, is amended to read:

626.0428 Agency personnel powers, duties, and limitations.—

(3) An employee or an authorized representative located at a designated branch of an agent or agency may not initiate contact with any person for the purpose of soliciting insurance unless licensed and appointed as an agent or customer representative. As to title insurance, an employee of an agent or agency may not initiate contact with any individual proposed insured for the purpose of soliciting title insurance unless licensed as a title insurance agent or exempt from such licensure pursuant to s. 626.8417(4) and (5).

Reviser's note.—Amended to conform to the redesignation of s. 626.8417(4), which contained paragraphs (a), (b), and (c), as s. 626.8417(4), (5), and (6), respectively, by s. 7, ch. 2014-112, Laws of Florida, and to conform to context. Former paragraphs (4)(a) and (b), now subsections (4) and (5), contained exemptions; paragraph (4)(c), now subsection (6), did not.

Section 78. Paragraph (d) of subsection (3) of section 627.062, Florida Statutes, is amended to read:

627.062 Rate standards.—

(3)

(d)1. The following categories or kinds of insurance and types of commercial lines risks are not subject to paragraph (2)(a) or paragraph (2)(f):

- a. Excess or umbrella.
  - b. Surety and fidelity.
  - c. Boiler and machinery and leakage and fire extinguishing equipment.
  - d. Errors and omissions.
  - e. Directors and officers, employment practices, fiduciary liability, and management liability.
  - f. Intellectual property and patent infringement liability.
  - g. Advertising injury and Internet liability insurance.
  - h. Property risks rated under a highly protected risks rating plan.
  - i. General liability.
  - j. Nonresidential property, except for collateral protection insurance as defined in s. 624.6085.
  - k. Nonresidential multiperil.
  - l. Excess property.
  - m. Burglary and theft.
  - n. Medical malpractice for a facility that is not a hospital licensed under chapter 395, a nursing home licensed under part II of chapter 400, or an assisted living facility licensed under part I of chapter 429.
  - o. Medical malpractice for a health care practitioner who is not a dentist licensed under chapter 466, a physician licensed under chapter 458, an osteopathic physician licensed under chapter 459, a chiropractic physician licensed under chapter 460, a podiatric physician licensed under chapter 461, a pharmacist licensed under chapter 465, or a pharmacy technician registered under chapter 465.
  - p. Any other commercial lines categories or kinds of insurance or types of commercial lines risks that the office determines should not be subject to paragraph (2)(a) or paragraph (2)(f) because of the existence of a competitive market for such insurance or; similarity of such insurance to other categories or kinds of insurance not subject to paragraph (2)(a) or paragraph (2)(f), or to improve the general operational efficiency of the office.
2. Insurers or rating organizations shall establish and use rates, rating schedules, or rating manuals to allow the insurer a reasonable rate of return on insurance and risks described in subparagraph 1. which are written in this state.

3. An insurer shall notify the office of any changes to rates for insurance and risks described in subparagraph 1. within 30 days after the effective date of the change. The notice must include the name of the insurer, the type or kind of insurance subject to rate change, and the average statewide percentage change in rates. Actuarial data with regard to rates for such risks must be maintained by the insurer for 2 years after the effective date of changes to those rates and are subject to examination by the office. The office may require the insurer to incur the costs associated with an examination. Upon examination, the office, in accordance with generally accepted and reasonable actuarial techniques, shall consider the rate factors in paragraphs (2)(b), (c), and (d) and the standards in paragraph (2)(e) to determine if the rate is excessive, inadequate, or unfairly discriminatory.

4. A rating organization shall notify the office of any changes to loss cost for insurance and risks described in subparagraph 1. within 30 days after the effective date of the change. The notice must include the name of the rating organization, the type or kind of insurance subject to a loss cost change, loss costs during the immediately preceding year for the type or kind of insurance subject to the loss cost change, and the average statewide percentage change in loss cost. Actuarial data with regard to changes to loss cost for risks not subject to paragraph (2)(a) or paragraph (2)(f) must be maintained by the rating organization for 2 years after the effective date of the change and are subject to examination by the office. The office may require the rating organization to incur the costs associated with an examination. Upon examination, the office, in accordance with generally accepted and reasonable actuarial techniques, shall consider the rate factors in paragraphs (2)(b)-(d) and the standards in paragraph (2)(e) to determine if the rate is excessive, inadequate, or unfairly discriminatory.

Reviser's note.—Amended to improve clarity.

Section 79. Paragraph (e) of subsection (4) of section 627.745, Florida Statutes, is amended to read:

627.745 Mediation of claims.—

(4) The department shall deny an application, or suspend or revoke its approval, of a mediator to serve in such capacity if the department finds that one or more of the following grounds exist:

(e) Violation of any provision of this code or of a lawful order or rule of the department, violation of the Florida Rules for ~~of~~ Certified and Court-Appointed Mediators, or aiding, instructing, or encouraging another party in committing such a violation.

The department may adopt rules to administer this subsection.

Reviser's note.—Amended to confirm the editorial substitution of the word “for” for the word “of” to conform to the correct name of the Florida Rules for Certified and Court-Appointed Mediators.

Section 80. Subsection (1) of section 627.797, Florida Statutes, is amended to read:

627.797 Exempt agent list.—

(1) Every insurer shall file with the department a list containing the name and address of each appointed agent who is exempt from licensure under s. 626.8417(4) and (5) and who issues or countersigns binders, commitments, title insurance policies, or guarantees of title.

Reviser's note.—Amended to conform to the redesignation of s. 626.8417(4), which contained paragraphs (a), (b), and (c), as s. 626.8417(4), (5), and (6), respectively, by s. 7, ch. 2014-112, Laws of Florida, and to conform to context. Former paragraphs (4)(a) and (b), now subsections (4) and (5), contained exemptions; paragraph (4)(c), now subsection (6), did not.

Section 81. Effective October 1, 2015, paragraph (c) of subsection (10) of section 662.121, Florida Statutes, is amended to read:

662.121 Application for licensed family trust company; fees.—An applicant seeking to operate as a licensed family trust company must file an application with the office on forms prescribed by the office, accompanied by a nonrefundable \$10,000 application fee to be deposited into the Financial Institutions' Regulatory Trust Fund pursuant to s. 655.049 for the purpose of administering this chapter. The application must contain or be accompanied by:

(10) A statement signed by the applicant, or by the individual signing on behalf of the proposed licensed family trust company, under penalty of perjury, affirming that the following statements are true:

(c) No director, officer, manager, or member acting in a managerial capacity has been convicted of, or pled guilty or nolo contendere, regardless of whether adjudication of guilt is entered by the court, to a violation of the financial institutions codes, including s. 655.50, chapter 896, or similar state or federal law or related rule, or to a crime involving fraud, misrepresentation, or moral turpitude.

Reviser's note.—Amended to confirm the editorial insertion of the word "or."

Section 82. Effective October 1, 2015, subsection (3) of section 662.122, Florida Statutes, is amended to read:

662.122 Registration of a family trust company or a foreign licensed family trust company.—

(3) The registration application required under this section for a family trust company or ~~and~~ a foreign licensed family trust company must be accompanied by a nonrefundable registration fee of \$5,000.

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

Section 83. Effective October 1, 2015, subsection (1) of section 662.1225, Florida Statutes, is amended to read:

662.1225 Requirements for a family trust company, licensed family trust company, or ~~and~~ foreign licensed family trust company.—

(1) A family trust company or ~~and~~ a licensed family trust company shall maintain:

(a) A principal office physically located in this state where original or true copies of all records and accounts of the family trust company or licensed family trust company may be accessed and made readily available for examination by the office in accordance with this chapter. A family trust company or licensed family trust company may also maintain one or more branch offices within or outside of this state.

(b) A registered agent who has an office in this state at the street address of the registered agent.

(c) All applicable state and local business licenses, charters, and permits.

(d) A deposit account with a state-chartered or national financial institution that has a principal or branch office in this state.

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

Section 84. Effective October 1, 2015, subsection (1) of section 662.130, Florida Statutes, is amended to read:

662.130 Powers of family trust companies, licensed family trust companies, and foreign licensed family trust companies.—

(1) A family trust company or ~~and~~ a licensed family trust company may, for its eligible members and individuals:

(a) Act as a sole or copersonal representative, executor, or curator for probate estates being administered in a state or jurisdiction other than this state.

(b) Act as an attorney in fact or agent under a power of attorney, other than a power of attorney governed by chapter 709.

(c) Except as provided in s. 662.131, act within or outside this state as a sole fiduciary or cofiduciary, including acting as a trustee, advisory agent, assignee, assignee for the benefit of creditors, authenticating agent, bailee, bond or indenture trustee, conservator, conversion agent, custodian, escrow agent, fiscal or paying agent, financial advisor, guardian, investment advisor or manager, managing agent, purchase agent, receiver, registrar,

safekeeping or subscription agent, transfer agent, except for public companies, warrant agent, or similar capacities generally performed by corporate trustees, and in so acting possess, purchase, sell, invest, reinvest, safekeep, or otherwise manage or administer the real or personal property of eligible members and individuals.

(d) Exercise the powers of a corporation or limited liability company incorporated or organized under the laws of this state, or qualified to transact business as a foreign corporation or limited liability company under the laws of this state, which are reasonably necessary to enable it to fully exercise, in accordance with commonly accepted customs and usages, a power conferred under this chapter.

(e) Delegate duties and powers, including investment functions under s. 518.112, in accordance with the powers granted to a trustee under chapter 736 or other applicable law, and retain agents, attorneys, accountants, investment advisers, or other individuals or entities to advise or assist the family trust company, licensed family trust company, or foreign licensed family trust company in the exercise of its powers and duties under this chapter and chapter 736. Such exercise of power may include, but is not limited to, retaining a bank trust department, or a public trust company, other than another family trust company, licensed family trust company, or foreign licensed family trust company.

(f) Perform all acts necessary for exercising the powers enumerated in this section or authorized by this chapter and other applicable laws of this state.

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

Section 85. Effective October 1, 2015, subsection (1) of section 662.141, Florida Statutes, is amended to read:

662.141 Examination, investigations, and fees.—The office may conduct an examination or investigation of a family trust company, licensed family trust company, or foreign licensed family trust company at any time it deems necessary to determine whether a family trust company, licensed family trust company, foreign licensed family trust company, or family trust company-affiliated person has violated or is about to violate any provision of this chapter or rules adopted by the commission pursuant to this chapter, or any applicable provision of the financial institution codes or rules adopted by the commission pursuant to such codes.

(1) The office shall conduct an examination of a licensed family trust company, family trust company, or ~~and~~ foreign licensed family trust company at least once every 18 months.

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

Section 86. Effective October 1, 2015, subsection (1) of section 662.146, Florida Statutes, is amended to read:

662.146 Confidentiality of books and records.—

(1) The books and records of a family trust company, licensed family trust company, or ~~and~~ foreign licensed family trust company are confidential and shall be made available for inspection and examination only:

(a) To the office or its authorized representative;

(b) To any person authorized to act for the company;

(c) As compelled by a court, pursuant to a subpoena issued pursuant to the Florida Rules of Civil Procedure, the Florida Rules of Criminal Procedure, or the Federal Rules of Civil Procedure or pursuant to a subpoena issued in accordance with state or federal law. Before the production of the books and records of a family trust company, licensed family trust company, or foreign licensed family trust company, the party seeking production must reimburse the company for the reasonable costs and fees incurred in compliance with the production. If the parties disagree regarding the amount of reimbursement, the party seeking the records may request the court having jurisdiction to set the amount of reimbursement;

(d) Pursuant to a subpoena, to any federal or state law enforcement or prosecutorial instrumentality authorized to investigate suspected criminal activity;

(e) As authorized by the board of directors, if in corporate form, or the managers, if in limited liability company form; or

(f) As provided in subsection (2).

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

Section 87. Effective October 1, 2015, subsection (1) of section 662.147, Florida Statutes, is amended to read:

662.147 Records relating to the office examination; limited restrictions on public access.—

(1) A family trust company, licensed family trust company, or ~~and~~ foreign licensed family trust company shall keep at the office it is required to maintain pursuant to s. 662.1225 full and complete records of the names and residences of all the shareholders or members of the trust company and the number of shares or membership units held by each, as applicable, as well as the ownership percentage of each shareholder or member, as the case may be. The records are subject to the inspection of all the shareholders or members of the trust company, and the officers authorized to assess taxes under state authority, during the normal business hours of the trust

company. A current list of shareholders or members shall be made available to the office’s examiners for their inspection and, upon the request of the office, shall be submitted to the office.

Reviser’s note.—Amended to conform to context and facilitate correct interpretation.

Section 88. Subsection (1) of section 680.528, Florida Statutes, is amended to read:

680.528 Lessor’s damages for nonacceptance or repudiation.—

(1) Except as otherwise provided with respect to damages liquidated in the lease agreement (s. 680.504) or otherwise determined pursuant to agreement of the parties (ss. 671.102(2) and 680.503 ~~580.503~~), if a lessor elects to retain the goods or a lessor elects to dispose of the goods and the disposition is by lease agreement that for any reason does not qualify for treatment under s. 680.527(2), or is by sale or otherwise, the lessor may recover from the lessee as damages a default of the type described in s. 680.523(1) or (3)(a), or if agreed, for other default of the lessee:

(a) Accrued and unpaid rent as of the date of default if the lessee has never taken possession of the goods, or, if the lessee has taken possession of the goods, as of the date the lessor repossesses the goods or an earlier date on which the lessee makes a tender of the goods to the lessor.

(b) The present value as of the date determined under paragraph (a) of the total rent for the then remaining lease term of the original lease agreement minus the present value as of the same date of the market rent at the place where the goods were located on that date computed for the same lease term.

(c) Any incidental damages allowed under s. 680.53, less expenses saved in consequence of the lessee’s default.

Reviser’s note.—Amended to correct an erroneous reference. Section 580.503 does not exist; s. 680.503 relates to modification or impairment of rights and remedies relating to lease agreements.

Section 89. Subsection (6) of section 718.116, Florida Statutes, is reenacted to read:

718.116 Assessments; liability; lien and priority; interest; collection.—

(6)(a) The association may bring an action in its name to foreclose a lien for assessments in the manner a mortgage of real property is foreclosed and may also bring an action to recover a money judgment for the unpaid assessments without waiving any claim of lien. The association is entitled to recover its reasonable attorney’s fees incurred in either a lien foreclosure action or an action to recover a money judgment for unpaid assessments.

(b) No foreclosure judgment may be entered until at least 30 days after the association gives written notice to the unit owner of its intention to foreclose its lien to collect the unpaid assessments. The notice must be in substantially the following form:

#### DELINQUENT ASSESSMENT

This letter is to inform you a Claim of Lien has been filed against your property because you have not paid the ...(type of assessment)... assessment to ...(name of association)... The association intends to foreclose the lien and collect the unpaid amount within 30 days of this letter being provided to you.

You owe the interest accruing from ...(month/year)... to the present. As of the date of this letter, the total amount due with interest is \$..... All costs of any action and interest from this day forward will also be charged to your account.

Any questions concerning this matter should be directed to ...(insert name, addresses, and telephone numbers of association representative)  
....

If this notice is not given at least 30 days before the foreclosure action is filed, and if the unpaid assessments, including those coming due after the claim of lien is recorded, are paid before the entry of a final judgment of foreclosure, the association shall not recover attorney's fees or costs. The notice must be given by delivery of a copy of it to the unit owner or by certified or registered mail, return receipt requested, addressed to the unit owner at his or her last known address; and, upon such mailing, the notice shall be deemed to have been given, and the court shall proceed with the foreclosure action and may award attorney's fees and costs as permitted by law. The notice requirements of this subsection are satisfied if the unit owner records a notice of contest of lien as provided in subsection (5). The notice requirements of this subsection do not apply if an action to foreclose a mortgage on the condominium unit is pending before any court; if the rights of the association would be affected by such foreclosure; and if actual, constructive, or substitute service of process has been made on the unit owner.

(c) If the unit owner remains in possession of the unit after a foreclosure judgment has been entered, the court, in its discretion, may require the unit owner to pay a reasonable rental for the unit. If the unit is rented or leased during the pendency of the foreclosure action, the association is entitled to the appointment of a receiver to collect the rent. The expenses of the receiver shall be paid by the party which does not prevail in the foreclosure action.

(d) The association has the power to purchase the condominium parcel at the foreclosure sale and to hold, lease, mortgage, or convey it.

Reviser's note.—Section 3, ch. 2014-146, Laws of Florida, purported to amend subsection (6) but did not publish paragraphs (c) and (d). Absent affirmative evidence of legislative intent to repeal them, subsection (6) is reenacted to confirm that the omission was not intended.

Section 90. Subsection (4) of section 721.13, Florida Statutes, is amended to read:

721.13 Management.—

(4) The managing entity shall maintain among its records and provide to the division upon request a complete list of the names and addresses of all purchasers and owners of timeshare units in the timeshare plan. The managing entity shall update this list no less frequently than quarterly. Pursuant to paragraph (3)(d), the managing entity may not publish this owner's list or provide a copy of it to any purchaser or to any third party other than the division. However, the managing entity shall mail to those persons listed on the owner's list materials provided by any purchaser, upon the written request of that purchaser, if the purpose of the mailing is to advance legitimate owners' association business, such as a proxy solicitation for any purpose, including the recall of one or more board members elected by the owners or the discharge of the manager or management firm. The use of any proxies solicited in this manner must comply with the provisions of the timeshare instrument and this chapter. A mailing requested for the purpose of advancing legitimate owners' association business shall occur within 30 days after receipt of a request from a purchaser. The board of administration of the owners' association shall be responsible for determining the appropriateness of any mailing requested pursuant to this subsection. The purchaser who requests the mailing must reimburse the owners' association in advance for the owners' association's actual costs in performing the mailing. It shall be a violation of this chapter and, if applicable, of part VIII of chapter 468, for the board of administration or the manager or management firm to refuse to mail any material requested by the purchaser to be mailed, provided the sole purpose of the materials is to advance legitimate owners' association business. If the purpose of the mailing is a proxy solicitation to recall one or more board members elected by the owners or to discharge the manager or management firm and the managing entity does not mail the materials within 30 days after receipt of a request from a purchaser, the circuit court in the county where the timeshare plan is located may, upon application from the requesting purchaser, summarily order the mailing of the materials solely related to the recall of one or more board members elected by the owners or the discharge of the manager or management firm. The court shall dispose of an application on an expedited basis. In the event of such an order, the court may order the managing entity to pay the purchaser's costs, including attorney's fees reasonably incurred to enforce the purchaser's rights, unless the managing entity can prove it refused the mailing in good faith because of a reasonable basis for doubt about the legitimacy of the mailing.

Reviser's note.—Amended to correct an apparent error and facilitate correct interpretation. This section was amended by s. 20 of Committee Substitute for Committee Substitute for House Bill 593, which became ch. 2000-302, Laws of Florida. Committee Substitute for Senate Bill 908, a similar bill that did not pass during the 2000 Regular Session, also amended this section. Both bills struck the phrase “initiate a mailing” after the word “shall,” but only Committee Substitute for Senate Bill 908 added the word “mail” to replace the phrase. That change was not carried over to Committee Substitute for Committee Substitute for House Bill 593, which became ch. 2000-302.

Section 91. Paragraph (b) of subsection (1) and subsection (2) of section 775.0862, Florida Statutes, are amended to read:

775.0862 Sexual offenses against students by authority figures; reclassification.—

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

(b) “School” has the same meaning as provided in s. 1003.01 and includes a private school as defined in s. 1002.01, a voluntary prekindergarten education program as described in s. 1002.53(3), early learning programs, a public school as described in s. 402.3025(1), the Florida School for the Deaf and the Blind, and the Florida Virtual School established under s. 1002.37; ~~and a K-8 Virtual School established under s. 1002.415.~~ The term does not include facilities dedicated exclusively to the education of adults.

(2) The felony degree of a violation of an offense listed in s. 943.0435(1)(a) 1.a., unless the offense is a violation of s. ~~794.011(4)(e)7.~~ 794.011(4)(g) or s. 810.145(8)(a)2., shall be reclassified as provided in this section if the offense is committed by an authority figure of a school against a student of the school.

Reviser's note.—Paragraph (1)(b) is amended to conform to the repeal of s. 1002.415 by s. 29, ch. 2014-39, Laws of Florida. Subsection (2) is amended to conform to the redesignation of s. 794.011(4)(g) as s. 794.011(4)(e)7. by s. 3, ch. 2014-4, Laws of Florida.

Section 92. Paragraph (d) of subsection (10) of section 775.21, Florida Statutes, is amended to read:

775.21 The Florida Sexual Predators Act.—

(10) PENALTIES.—

(d) A sexual predator who commits any act or omission in violation of this section may be prosecuted for the act or omission in the county in which the act or omission was committed, in the county of the last registered address of the sexual predator, in the county in which the conviction occurred for the offense or offenses that meet the criteria for designating a person as a sexual predator, in the county where the sexual predator was released from incarceration, or in the county of the intended address of the sexual predator

as reported by the predator prior to his or her release from incarceration. In addition, a sexual predator may be prosecuted for any such act or omission in the county in which he or she was designated a sexual predator.

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

Section 93. Section 775.25, Florida Statutes, is amended to read:

775.25 Prosecutions for acts or omissions.—A sexual predator or sexual offender who commits any act or omission in violation of s. 775.21, s. 943.0435, s. 944.605, s. 944.606, s. 944.607, or former s. 947.177 may be prosecuted for the act or omission in the county in which the act or omission was committed, in the county of the last registered address of the sexual predator or sexual offender, in the county in which the conviction occurred for the offense or offenses that meet the criteria for designating a person as a sexual predator or sexual offender, in the county where the sexual predator or sexual offender was released from incarceration, or in the county of the intended address of the sexual predator or sexual offender as reported by the predator or offender prior to his or her release from incarceration. In addition, a sexual predator may be prosecuted for any such act or omission in the county in which he or she was designated a sexual predator.

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

Section 94. Subsection (1) of section 784.078, Florida Statutes, is amended to read:

784.078 Battery of facility employee by throwing, tossing, or expelling certain fluids or materials.—

(1) As used in this section, the term “facility” means a state correctional institution defined in s. ~~944.02(8)~~ 944.02(6); a private correctional facility defined in s. 944.710 or under chapter 957; a county, municipal, or regional jail or other detention facility of local government under chapter 950 or chapter 951; or a secure facility operated and maintained by the Department of Corrections or the Department of Juvenile Justice.

Reviser’s note.—Amended to correct an erroneous reference. Section 944.02(8) defines “state correctional institution;” s. 944.02(6) defines “prisoner.”

Section 95. Paragraph (a) of subsection (3) of section 787.02, Florida Statutes, is amended to read:

787.02 False imprisonment; false imprisonment of child under age 13, aggravating circumstances.—

(3)(a) A person who commits the offense of false imprisonment upon a child under the age of 13 and who, in the course of committing the offense, commits any offense enumerated in subparagraphs 1.-5., commits a felony of

the first degree, punishable by imprisonment for a term of years not exceeding life or as provided in s. 775.082, s. 775.083, or s. 775.084.

1. Aggravated child abuse, as defined in s. 827.03;
2. Sexual battery, as defined in chapter 794, against the child;
3. Lewd or lascivious battery, lewd or lascivious molestation, lewd or lascivious conduct, or lewd or lascivious exhibition, in violation of s. 800.04 or s. 847.0135(5);
4. A violation of former s. 796.03 or s. 796.04, relating to prostitution, upon the child;
5. Exploitation of the child or allowing the child to be exploited, in violation of s. 450.151; or
6. A violation of s. 787.06(3)(g) ~~878.06(3)(g)~~ relating to human trafficking.

Reviser's note.—Amended to correct an apparent typographical error and conform to context. Section 20, ch. 2014-160, Laws of Florida, added subparagraph 6. with the cross-reference to s. 878.06(3)(g); s. 878.06 does not exist. Section 19, ch. 2014-160, amended s. 787.01(3)(a) to add a subparagraph 6., with similar language and context as subparagraph 6. in this section, relating to human trafficking with a cross-reference to s. 787.06(3)(g); s. 787.06 relates to human trafficking.

Section 96. Paragraph (g) of subsection (3) of section 787.06, Florida Statutes, is amended to read:

787.06 Human trafficking.—

(3) Any person who knowingly, or in reckless disregard of the facts, engages in human trafficking, or attempts to engage in human trafficking, or benefits financially by receiving anything of value from participation in a venture that has subjected a person to human trafficking:

(g) For commercial sexual activity in which any child under the age of 18, or in which any person who is mentally defective or mentally incapacitated as those terms are defined in s. 794.011(1), is involved commits a life felony, punishable as provided in s. ~~775.082(3)(a)6.~~ ~~775.082(3)(a)5.~~, s. 775.083, or s. 775.084.

For each instance of human trafficking of any individual under this subsection, a separate crime is committed and a separate punishment is authorized.

Reviser's note.—Amended to conform to the editorial substitution of a reference to s. 775.082(3)(a)6. for a reference to s. 775.082(3)(a)5. Section 1, ch. 2014-220, Laws of Florida, and s. 8, ch. 2014-160, Laws

of Florida, added new subparagraph 5. language to paragraph (a); the added language by the two acts was different in substance, and the subparagraph 5. added by s. 8, ch. 2014-160, which is the same law that added the reference to s. 775.082(3)(a)5. here, was redesignated as subparagraph 6. by the editors.

Section 97. Paragraph (g) of subsection (6) of section 921.1402, Florida Statutes, is amended to read:

921.1402 Review of sentences for persons convicted of specified offenses committed while under the age of 18 years.—

(6) Upon receiving an application from an eligible juvenile offender, the court of original sentencing jurisdiction shall hold a sentence review hearing to determine whether the juvenile offender's sentence should be modified. When determining if it is appropriate to modify the juvenile offender's sentence, the court shall consider any factor it deems appropriate, including all of the following:

(g) Whether the juvenile offender has successfully obtained a high school equivalency diploma ~~general educational development certificate~~ or completed another educational, technical, work, vocational, or self-rehabilitation program, if such a program is available.

Reviser's note.—Amended to conform to the fact that the term “general educational development certificate” was changed to “high school equivalency diploma” in existing Florida Statutes text by ch. 2014-20, Laws of Florida, pursuant to s. 38, ch. 2013-51, Laws of Florida.

Section 98. Subsection (2) of section 940.031, Florida Statutes, is amended to read:

940.031 Clemency counsel when sentence of death imposed.—

(2) The appointed attorney shall be compensated by the board, not to exceed \$10,000, for attorney fees and costs incurred in representing the person for relief by executive clemency, with compensation to be paid out of the General Revenue Fund from funds budgeted to the Florida Parole Commission on Offender Review.

Reviser's note.—Amended to conform to the renaming of the Parole Commission as the Florida Commission on Offender Review by ch. 2014-191, Laws of Florida.

Section 99. Paragraph (b) of subsection (9) of section 943.0435, Florida Statutes, is amended to read:

943.0435 Sexual offenders required to register with the department; penalty.—

(9)

(b) A sexual offender who commits any act or omission in violation of this section may be prosecuted for the act or omission in the county in which the act or omission was committed, in the county of the last registered address of the sexual offender, in the county in which the conviction occurred for the offense or offenses that meet the criteria for designating a person as a sexual offender, in the county where the sexual offender was released from incarceration, or in the county of the intended address of the sexual offender as reported by the offender prior to his or her release from incarceration.

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

Section 100. Paragraph (b) of subsection (4) of section 944.275, Florida Statutes, is amended to read:

944.275 Gain-time.—

(4)

(b) For each month in which an inmate works diligently, participates in training, uses time constructively, or otherwise engages in positive activities, the department may grant incentive gain-time in accordance with this paragraph. The rate of incentive gain-time in effect on the date the inmate committed the offense which resulted in his or her incarceration shall be the inmate's rate of eligibility to earn incentive gain-time throughout the period of incarceration and shall not be altered by a subsequent change in the severity level of the offense for which the inmate was sentenced.

1. For sentences imposed for offenses committed prior to January 1, 1994, up to 20 days of incentive gain-time may be granted. If granted, such gain-time shall be credited and applied monthly.

2. For sentences imposed for offenses committed on or after January 1, 1994, and before October 1, 1995:

a. For offenses ranked in offense severity levels 1 through 7, under former s. 921.0012 or former s. 921.0013, up to 25 days of incentive gain-time may be granted. If granted, such gain-time shall be credited and applied monthly.

b. For offenses ranked in offense severity levels 8, 9, and 10, under former s. 921.0012 or former s. 921.0013, up to 20 days of incentive gain-time may be granted. If granted, such gain-time shall be credited and applied monthly.

3. For sentences imposed for offenses committed on or after October 1, 1995, the department may grant up to 10 days per month of incentive gain-time, except that no prisoner is eligible to earn any type of gain-time in an amount that would cause a sentence to expire, end, or terminate, or that would result in a prisoner's release, prior to serving a minimum of 85 percent of the sentence imposed. For purposes of this subparagraph, credits awarded by the court for time physically incarcerated shall be credited toward satisfaction of 85 percent of the sentence imposed. Except as provided by this

section, a prisoner shall not accumulate further gain-time awards at any point when the tentative release date is the same as that date at which the prisoner will have served 85 percent of the sentence imposed. State prisoners sentenced to life imprisonment shall be incarcerated for the rest of their natural lives, unless granted pardon or clemency.

Reviser's note.—Amended to provide clarity and facilitate correct interpretation. Sections 921.0012 and 921.0013 were repealed by s. 21, ch. 2009-20, Laws of Florida.

Section 101. Paragraph (b) of subsection (3) of section 960.03, Florida Statutes, is amended to read:

960.03 Definitions; ss. 960.01-960.28.—As used in ss. 960.01-960.28, unless the context otherwise requires, the term:

(3) "Crime" means:

(b) A violation of s. 316.193, s. 316.027(2) ~~316.027(1)~~, s. 327.35(1), s. 782.071(1)(b), or s. 860.13(1)(a) which results in physical injury or death; however, an act involving the operation of a motor vehicle, boat, or aircraft which results in injury or death does not constitute a crime for the purpose of this chapter unless the injury or death was intentionally inflicted through the use of the vehicle, boat, or aircraft.

Reviser's note.—Amended to conform to the redesignation of s. 316.027(1) as s. 316.027(2) by s. 2, ch. 2014-225, Laws of Florida.

Section 102. Subsection (5) of section 960.065, Florida Statutes, is amended to read:

960.065 Eligibility for awards.—

(5) A person is not ineligible for an award pursuant to paragraph (2)(a), paragraph (2)(b), or paragraph (2)(c) if that person is a victim of sexual exploitation of a child as defined in s. 39.01(69)(g) ~~39.01(68)(g)~~.

Reviser's note.—Amended to confirm the editorial substitution of a reference to s. 39.01(69)(g) for a reference to s. 39.01(68)(g). Sexual exploitation of a child is defined in s. 39.01(69)(g). "Secretary" is defined in s. 39.01(68), which has no paragraphs.

Section 103. Paragraph (b) of subsection (1) of section 961.06, Florida Statutes, is amended to read:

961.06 Compensation for wrongful incarceration.—

(1) Except as otherwise provided in this act and subject to the limitations and procedures prescribed in this section, a person who is found to be entitled to compensation under the provisions of this act is entitled to:

(b) A waiver of tuition and fees for up to 120 hours of instruction at any career center established under s. 1001.44, any Florida College System institution ~~community college~~ as defined in s. 1000.21(3), or any state university as defined in s. 1000.21(6), if the wrongfully incarcerated person meets and maintains the regular admission requirements of such career center, Florida College System institution ~~community college~~, or state university; remains registered at such educational institution; and makes satisfactory academic progress as defined by the educational institution in which the claimant is enrolled;

The total compensation awarded under paragraphs (a), (c), and (d) may not exceed \$2 million. No further award for attorney’s fees, lobbying fees, costs, or other similar expenses shall be made by the state.

Reviser’s note.—Amended to conform to context. Referenced s. 1000.21(3) defines “Florida College System institution,” not “community college.” Chapters 2008-52 and 2009-228, Laws of Florida, transitioned references from community colleges to Florida College System institutions.

Section 104. Paragraph (a) of subsection (5) of section 985.0301, Florida Statutes, is amended to read:

985.0301 Jurisdiction.—

(5)(a) Notwithstanding s. 743.07, and except as provided in paragraph (b), when the jurisdiction of any child who is alleged to have committed a delinquent act or violation of law is obtained, the court shall retain jurisdiction to dispose of a case, unless relinquished by its order, until the child reaches 19 years of age, with the same power over the child which the court had before the child became an adult.

Reviser’s note.—Amended to confirm the editorial insertion of the word “of.”

Section 105. Subsection (5) of section 985.265, Florida Statutes, is amended to read:

985.265 Detention transfer and release; education; adult jails.—

(5) The court shall order the delivery of a child to a jail or other facility intended or used for the detention of adults:

(a) When the child has been transferred or indicted for criminal prosecution as an adult under part X, except that the court may not order or allow a child alleged to have committed a misdemeanor who is being transferred for criminal prosecution pursuant to either s. 985.556 or s. 985.557 to be detained or held in a jail or other facility intended or used for the detention of adults; however, such child may be held temporarily in a detention facility; or

(b) When a child taken into custody in this state is wanted by another jurisdiction for prosecution as an adult.

The child shall be housed separately from adult inmates to prohibit a child from having regular contact with incarcerated adults, including trusties ~~trustees~~. “Regular contact” means sight and sound contact. Separation of children from adults shall permit no more than haphazard or accidental contact. The receiving jail or other facility shall contain a separate section for children and shall have an adequate staff to supervise and monitor the child’s activities at all times. Supervision and monitoring of children includes physical observation and documented checks by jail or receiving facility supervisory personnel at intervals not to exceed 10 minutes. This subsection does not prohibit placing two or more children in the same cell. Under no circumstances shall a child be placed in the same cell with an adult.

Reviser’s note.—Amended to confirm the editorial substitution of the word “trusties” for the word “trustees” to conform to context.

Section 106. Paragraph (h) of subsection (2) of section 1002.395, Florida Statutes, is amended to read:

1002.395 Florida Tax Credit Scholarship Program.—

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

(h) “Household income” has the same meaning as the term “income” as is defined in the Income Eligibility Guidelines for free and reduced price meals under the National School Lunch Program in 7 C.F.R. part 210 as published in the Federal Register by the United States Department of Agriculture.

Reviser’s note.—Amended to confirm the editorial substitution of the word “as” for the word “is.”

Section 107. Paragraph (b) of subsection (8) of section 1003.4203, Florida Statutes, is amended to read:

1003.4203 Digital materials, CAPE Digital Tool certificates, and technical assistance.—

(8) PARTNERSHIPS.—

(b) Third-party assessment providers and career and professional academy curricula providers are encouraged to provide annual training to staff of the Department of Education, staff of school district offices, instructional staff of public schools, including charter schools, and other appropriate administrative staff through face-to-face training models; through online, video conferencing training models; and through state, regional, or conference presentations.

Reviser’s note.—Amended to confirm the editorial insertion of the word “through” to improve clarity.

Section 108. Paragraph (c) of subsection (10) of section 1003.4282, Florida Statutes, is amended to read:

1003.4282 Requirements for a standard high school diploma.—

(10) COHORT TRANSITION TO NEW GRADUATION REQUIREMENTS.—The requirements of this section, in addition to applying to students entering grade 9 in the 2013-2014 school year and thereafter, shall also apply to students entering grade 9 before the 2013-2014 school year, except as otherwise provided in this subsection.

(c) A student entering grade 9 in the 2011-2012 school year must earn:

1. Four credits in English/ELA. A student must pass the statewide, standardized grade 10 Reading assessment, or earn a concordant score, in order to graduate with a standard high school diploma.

2. Four credits in mathematics, which must include Algebra I and Geometry. A student who takes Algebra I after the 2010-2011 school year must pass the statewide, standardized Algebra I EOC assessment, or earn a comparative score, in order to earn a standard high school diploma. A student who takes Algebra I or Geometry after the 2010-2011 school year must take the statewide, standardized EOC assessment but is not required to pass the Algebra I or Geometry EOC assessment in order to earn course credit. A student's performance on the Algebra I or Geometry EOC assessment is not required to constitute 30 percent of the student's final course grade. A student who earns an industry certification for which there is a statewide college credit articulation agreement approved by the State Board of Education may substitute the certification for one mathematics credit. Substitution may occur for up to two mathematics credits, except for Algebra I and Geometry.

3. Three credits in science, two of which must have a laboratory component. One of the science credits must be Biology I. A student who takes Biology I after the 2010-2011 school year must take the statewide, standardized Biology I EOC assessment but is not required to pass the assessment in order to earn course credit. A student's performance on the assessment is not required to constitute 30 percent of the student's final course grade. A student who earns an industry certification for which there is a statewide college credit articulation agreement approved by the State Board of Education may substitute the certification for one science credit, except for Biology I.

4. Three credits in social studies of which one credit in World History, one credit in United States History, one-half credit in United States Government, and one-half credit in economics are required. A student who takes United States History after the 2011-2012 school year ~~student~~ must take the statewide, standardized United States History EOC assessment, but the student's performance on the assessment is not required to constitute 30 percent of the student's final course grade.

5. One credit in fine or performing arts, speech and debate, or practical arts as provided in paragraph (3)(e).
6. One credit in physical education as provided in paragraph (3)(f).
7. Eight credits in electives.
8. One online course as provided in subsection (4).

Reviser's note.—Amended to confirm the editorial deletion of the word “student.”

Section 109. Paragraph (b) of subsection (1) of section 1003.493, Florida Statutes, is amended to read:

1003.493 Career and professional academies and career-themed courses.

(1)

(b) A “career-themed course” is a course, or a course in a series of courses, that leads to an industry certification identified in the CAPE Industry Certification Funding List pursuant to rules adopted by the State Board of Education. Career-themed courses have industry-specific curriculum aligned directly to priority workforce needs established by the regional workforce board or the Department of Economic Opportunity. School districts shall offer at least two career-themed courses, and each secondary school is encouraged to offer at least one career-themed course. The Florida Virtual School is encouraged to develop and offer rigorous career-themed courses as appropriate. Students completing a career-themed course must be provided opportunities to earn postsecondary credit if the credit for the career-themed course can be articulated to a postsecondary institution approved to operate in the state.

Reviser's note.—Amended to conform to the complete name of the CAPE Industry Certification Funding List authorized by s. 1008.44; s. 1008.44 was amended by s. 12, ch. 2014-184, Laws of Florida, to add the word “CAPE” to the name of the Industry Certification Funding List.

Section 110. Paragraph (a) of subsection (2) of section 1003.4935, Florida Statutes, is amended to read:

1003.4935 Middle grades career and professional academy courses and career-themed courses.—

(2) Each middle grades career and professional academy or career-themed course must be aligned with at least one high school career and professional academy or career-themed course offered in the district and maintain partnerships with local business and industry and economic development boards. Middle grades career and professional academies and career-themed courses must:

(a) Lead to careers in occupations designated as high-skill, high-wage, and high-demand in the CAPE Industry Certification Funding List approved under rules adopted by the State Board of Education;

Reviser's note.—Amended to conform to the complete name of the CAPE Industry Certification Funding List authorized by s. 1008.44; s. 1008.44 was amended by s. 12, ch. 2014-184, Laws of Florida, to add the word “CAPE” to the name of the Industry Certification Funding List.

Section 111. Paragraph (j) of subsection (2) of section 1003.51, Florida Statutes, is amended to read:

1003.51 Other public educational services.—

(2) The State Board of Education shall adopt rules articulating expectations for effective education programs for students in Department of Juvenile Justice programs, including, but not limited to, education programs in juvenile justice prevention, day treatment, residential, and detention programs. The rule shall establish policies and standards for education programs for students in Department of Juvenile Justice programs and shall include the following:

(j) Qualifications of instructional staff, procedures for the selection of instructional staff, and procedures for consistent instruction and qualified staff year round. Qualifications shall include those for instructors of CAPE courses, standardized across the state, and shall be based on state certification, local school district approval, and industry-recognized certifications as identified on the CAPE Industry Certification Funding List. Procedures for the use of noncertified instructional personnel who possess expert knowledge or experience in their fields of instruction shall be established.

Reviser's note.—Amended to conform to the complete name of the CAPE Industry Certification Funding List authorized by s. 1008.44; s. 1008.44 was amended by s. 12, ch. 2014-184, Laws of Florida, to add the word “CAPE” to the name of the Industry Certification Funding List.

Section 112. Paragraph (b) of subsection (2) of section 1003.5716, Florida Statutes, is amended to read:

1003.5716 Transition to postsecondary education and career opportunities.—All students with disabilities who are 3 years of age to 21 years of age have the right to a free, appropriate public education. As used in this section, the term “IEP” means individual education plan.

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

(b) A statement of intent to receive a standard high school diploma before the student attains the age of 22 and a description of how the student will fully meet the requirements in ~~s. 1003.428~~ or s. 1003.4282, as applicable, including, but not limited to, a portfolio pursuant to s. 1003.4282(11)(b) which meets the criteria specified in State Board of Education rule. The IEP must also specify the outcomes and additional benefits expected by the parent and the IEP team at the time of the student's graduation.

Reviser's note.—Amended to conform to the repeal of s. 1003.428 by s. 38, ch. 2014-39, Laws of Florida.

Section 113. Subsection (3) of section 1005.33, Florida Statutes, is amended to read:

1005.33 License period and renewal.—

~~(3) On the effective date of this act, an institution that, in 2002, held the status of "Permission to Operate" under s. 246.093, Florida Statutes 2001, has 90 days to seek and obtain licensure from the commission. Ninety days after this act takes effect, that status no longer authorizes an institution to operate in Florida.~~

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

Section 114. Subsection (11) of section 1007.271, Florida Statutes, is amended to read:

1007.271 Dual enrollment programs.—

(11) Career early admission is a form of career dual enrollment through which eligible secondary students enroll full time in a career center or a Florida College System institution in postsecondary programs leading to industry certifications, as listed in the CAPE Postsecondary Industry Certification Funding List pursuant to s. 1008.44, which are creditable toward the high school diploma and the certificate or associate degree. Participation in the career early admission program is limited to students who have completed a minimum of 4 semesters of full-time secondary enrollment, including studies undertaken in the ninth grade. Students enrolled pursuant to this section are exempt from the payment of registration, tuition, and laboratory fees.

Reviser's note.—Amended to conform to the complete name of the CAPE Postsecondary Industry Certification Funding List authorized by s. 1008.44; s. 1008.44 was amended by s. 12, ch. 2014-184, Laws of Florida, to add the word "CAPE" to the name of the Postsecondary Industry Certification Funding List.

Section 115. Paragraph (b) of subsection (3) of section 1008.22, Florida Statutes, is amended to read:

1008.22 Student assessment program for public schools.—

(3) STATEWIDE, STANDARDIZED ASSESSMENT PROGRAM.—The Commissioner of Education shall design and implement a statewide, standardized assessment program aligned to the core curricular content established in the Next Generation Sunshine State Standards. The commissioner also must develop or select and implement a common battery of assessment tools that will be used in all juvenile justice education programs in the state. These tools must accurately measure the core curricular content established in the Next Generation Sunshine State Standards. Participation in the assessment program is mandatory for all school districts and all students attending public schools, including adult students seeking a standard high school diploma under s. 1003.4282 and students in Department of Juvenile Justice education programs, except as otherwise provided by law. If a student does not participate in the assessment program, the school district must notify the student's parent and provide the parent with information regarding the implications of such nonparticipation. The statewide, standardized assessment program shall be designed and implemented as follows:

(b) *End-of-course (EOC) assessments.*—EOC assessments must be statewide, standardized, and developed or approved by the Department of Education as follows:

1. Statewide, standardized EOC assessments in mathematics shall be administered according to this subparagraph. Beginning with the 2010-2011 school year, all students enrolled in Algebra I must take the Algebra I EOC assessment. Except as otherwise provided in paragraph (c), beginning with students entering grade 9 in the 2011-2012 school year, a student who is enrolled in Algebra I must earn a passing score on the Algebra I EOC assessment or attain a comparative score as authorized under subsection (8) in order to earn a standard high school diploma. In order to earn a standard high school diploma, a student who has not earned a passing score on the Algebra I EOC assessment must earn a passing score on the assessment retake or a comparative score as authorized under subsection (8). Beginning with the 2011-2012 school year, all students enrolled in Geometry must take the Geometry EOC assessment. Middle grades students enrolled in Algebra I, Geometry, or Biology I must take the statewide, standardized EOC assessment for those courses and shall not take the corresponding subject and grade-level statewide, standardized assessment. When a statewide, standardized EOC assessment in Algebra II is administered, all students enrolled in Algebra II must take the EOC assessment. Pursuant to the commissioner's implementation schedule, student performance on the Algebra II EOC assessment constitutes 30 percent of a student's final course grade.

2. Statewide, standardized EOC assessments in science shall be administered according to this subparagraph. Beginning with the 2011-2012 school year, all students enrolled in Biology I must take the Biology I EOC assessment. Beginning with students entering grade 9 in the 2013-2014 school year, performance on the Biology I EOC assessment constitutes 30 percent of the student's final course grade.

3. Beginning with the 2013-2014 school year, each student's performance on the statewide, standardized middle grades Civics EOC assessment constitutes 30 percent of the student's final course grade in civics education.

4. The commissioner may select one or more nationally developed comprehensive examinations, which may include examinations for a College Board Advanced Placement course, International Baccalaureate course, or Advanced International Certificate of Education course, or industry-approved examinations to earn national industry certifications identified in the CAPE Industry Certification Funding List, for use as EOC assessments under this paragraph if the commissioner determines that the content knowledge and skills assessed by the examinations meet or exceed the grade-level expectations for the core curricular content established for the course in the Next Generation Sunshine State Standards. Use of any such examination as an EOC assessment must be approved by the state board in rule.

5. Contingent upon funding provided in the General Appropriations Act, including the appropriation of funds received through federal grants, the commissioner may establish an implementation schedule for the development and administration of additional statewide, standardized EOC assessments that must be approved by the state board in rule. If approved by the state board, student performance on such assessments constitutes 30 percent of a student's final course grade.

6. All statewide, standardized EOC assessments must be administered online except as otherwise provided in paragraph (c).

Reviser's note.—Amended to conform to the complete name of the CAPE Industry Certification Funding List authorized by s. 1008.44; s. 1008.44 was amended by s. 12, ch. 2014-184, Laws of Florida, to add the word "CAPE" to the name of the Industry Certification Funding List.

Section 116. Paragraph (b) of subsection (6) of section 1008.25, Florida Statutes, is amended to read:

1008.25 Public school student progression; remedial instruction; reporting requirements.—

(6) ELIMINATION OF SOCIAL PROMOTION.—

(b) The district school board may only exempt students from mandatory retention, as provided in paragraph (5)(b), for good cause. A student who is promoted to grade 4 with a good cause exemption shall be provided intensive reading instruction and intervention that include specialized diagnostic information and specific reading strategies to meet the needs of each student so promoted. The school district shall assist schools and teachers with the implementation of reading strategies for students promoted with a good cause exemption which research has shown to be successful in improving

reading among students ~~who that~~ have reading difficulties. Good cause exemptions are limited to the following:

1. Limited English proficient students who have had less than 2 years of instruction in an English for Speakers of Other Languages program.
2. Students with disabilities whose individual education plan indicates that participation in the statewide assessment program is not appropriate, consistent with the requirements of s. 1008.212.
3. Students who demonstrate an acceptable level of performance on an alternative standardized reading or English Language Arts assessment approved by the State Board of Education.
4. A student who demonstrates through a student portfolio that he or she is performing at least at Level 2 on the statewide, standardized Reading assessment or, upon implementation, the English Language Arts assessment.
5. Students with disabilities who take the statewide, standardized Reading assessment or, upon implementation, the English Language Arts assessment and who have an individual education plan or a Section 504 plan that reflects that the student has received intensive remediation in reading or English Language Arts for more than 2 years but still demonstrates a deficiency and was previously retained in kindergarten, grade 1, grade 2, or grade 3.
6. Students who have received intensive reading intervention for 2 or more years but still demonstrate a deficiency in reading and who were previously retained in kindergarten, grade 1, grade 2, or grade 3 for a total of 2 years. A student may not be retained more than once in grade 3.
7. Students who have received intensive remediation in reading or English Language Arts for 2 or more years but still demonstrate a deficiency and who were previously retained in kindergarten, grade 1, grade 2, or grade 3 for a total of 2 years. Intensive instruction for students so promoted must include an altered instructional day that includes specialized diagnostic information and specific reading strategies for each student. The district school board shall assist schools and teachers to implement reading strategies that research has shown to be successful in improving reading among low-performing readers.

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

Section 117. Paragraphs (b) and (d) of subsection (3) of section 1008.34, Florida Statutes, are amended to read:

1008.34 School grading system; school report cards; district grade.—

(3) DESIGNATION OF SCHOOL GRADES.—

(b)1. Beginning with the 2014-2015 school year, a school's grade shall be based on the following components, each worth 100 points:

a. The percentage of eligible students passing statewide, standardized assessments in English Language Arts under s. 1008.22(3).

b. The percentage of eligible students passing statewide, standardized assessments in mathematics under s. 1008.22(3).

c. The percentage of eligible students passing statewide, standardized assessments in science under s. 1008.22(3).

d. The percentage of eligible students passing statewide, standardized assessments in social studies under s. 1008.22(3).

e. The percentage of eligible students who make Learning Gains in English Language Arts as measured by statewide, standardized assessments administered under s. 1008.22(3).

f. The percentage of eligible students who make Learning Gains in mathematics as measured by statewide, standardized assessments administered under s. 1008.22(3).

g. The percentage of eligible students in the lowest 25 percent in English Language Arts, as identified by prior year performance on statewide, standardized assessments, who make Learning Gains as measured by statewide, standardized English Language Arts assessments administered under s. 1008.22(3).

h. The percentage of eligible students in the lowest 25 percent in mathematics, as identified by prior year performance on statewide, standardized assessments, who make Learning Gains as measured by statewide, standardized mathematics assessments administered under s. 1008.22(3).

i. For schools comprised of middle grades 6 through 8 or grades 7 and 8, the percentage of eligible students passing high school level statewide, standardized end-of-course assessments or attaining national industry certifications identified in the CAPE Industry Certification Funding List pursuant to rules adopted by the State Board of Education.

In calculating Learning Gains for the components listed in sub-subparagraphs e.-h., the State Board of Education shall require that learning growth toward achievement levels 3, 4, and 5 is demonstrated by students who scored below each of those levels in the prior year. In calculating the components in sub-subparagraphs a.-d., the state board shall include the performance of English language learners only if they have been enrolled in a school in the United States for more than 2 years.

2. For a school comprised of grades 9, 10, 11, and 12, or grades 10, 11, and 12, the school's grade shall also be based on the following components, each worth 100 points:

a. The 4-year high school graduation rate of the school as defined by state board rule.

b. The percentage of students who were eligible to earn college and career credit through College Board Advanced Placement examinations, International Baccalaureate examinations, dual enrollment courses, or Advanced International Certificate of Education examinations; or who, at any time during high school, earned national industry certification identified in the CAPE Industry Certification Funding List, pursuant to rules adopted by the state board.

(d) The performance of students attending alternative schools and students designated as hospital or homebound shall be factored into a school grade as follows:

1. The student performance data for eligible students attending alternative schools that provide dropout prevention and academic intervention services pursuant to s. 1003.53 shall be included in the calculation of the home school's grade. The term "eligible students" in this subparagraph does not include students attending an alternative school who are subject to district school board policies for expulsion for repeated or serious offenses, who are in dropout retrieval programs serving students who have officially been designated as dropouts, or who are in programs operated or contracted by the Department of Juvenile Justice. As used in this subparagraph and ~~s. 1008.341~~, the term "home school" means the school to which the student would be assigned if the student were not assigned to an alternative school. If an alternative school chooses to be graded under this section, student performance data for eligible students identified in this subparagraph shall not be included in the home school's grade but shall be included only in the calculation of the alternative school's grade. A school district that fails to assign statewide, standardized end-of-course assessment scores of each of its students to his or her home school or to the alternative school that receives a grade shall forfeit Florida School Recognition Program funds for one fiscal year. School districts must require collaboration between the home school and the alternative school in order to promote student success. This collaboration must include an annual discussion between the principal of the alternative school and the principal of each student's home school concerning the most appropriate school assignment of the student.

2. Student performance data for students designated as hospital or homebound shall be assigned to their home school for the purposes of school grades. As used in this subparagraph, the term "home school" means the school to which a student would be assigned if the student were not assigned to a hospital or homebound program.

Reviser's note.—Paragraph (3)(b) amended to conform to the complete name of the CAPE Industry Certification Funding List authorized in s. 1008.44; s. 1008.44 was amended by s. 12, ch. 2014-184, Laws of Florida, to add the word "CAPE" to the name of the Industry Certification Funding List. Paragraph (3)(d) amended to conform to

the fact that references to “home school” were deleted from s. 1008.341 by s. 7, ch. 2014-23, Laws of Florida.

Section 118. Paragraph (c) of subsection (4) of section 1008.44, Florida Statutes, is amended to read:

1008.44 CAPE Industry Certification Funding List and CAPE Postsecondary Industry Certification Funding List.—

(4)

(c) The Articulation Coordinating Committee shall review statewide articulation agreement proposals for industry certifications and make recommendations to the State Board of Education for approval. After an industry certification is adopted by the State Board of Education for inclusion on the CAPE Industry Certification Funding List, the Chancellor of Career and Adult Education, within 90 days, must provide to the Articulation Coordinating Committee recommendations for articulation of postsecondary credit for related degrees for the approved certifications.

Reviser’s note.—Amended to conform to the complete name of the CAPE Industry Certification Funding List, as amended elsewhere in this section by s. 12, ch. 2014-184, Laws of Florida.

Section 119. Paragraph (b) of subsection (6) of section 1011.80, Florida Statutes, is amended to read:

1011.80 Funds for operation of workforce education programs.—

(6)

(b) Performance funding for industry certifications for school district workforce education programs is contingent upon specific appropriation in the General Appropriations Act and shall be determined as follows:

1. Occupational areas for which industry certifications may be earned, as established in the General Appropriations Act, are eligible for performance funding. Priority shall be given to the occupational areas emphasized in state, national, or corporate grants provided to Florida educational institutions.

2. The Chancellor of Career and Adult Education shall identify the industry certifications eligible for funding on the CAPE Postsecondary Industry Certification Funding List approved by the State Board of Education pursuant to s. 1008.44, based on the occupational areas specified in the General Appropriations Act.

3. Each school district shall be provided \$1,000 for each industry certification earned by a workforce education student. The maximum amount of funding appropriated for performance funding pursuant to this

paragraph shall be limited to \$15 million annually. If funds are insufficient to fully fund the calculated total award, such funds shall be prorated.

Reviser's note.—Amended to conform to the complete name of the CAPE Postsecondary Industry Certification Funding List authorized in s. 1008.44; s. 1008.44 was amended by s. 12, ch. 2014-184, Laws of Florida, to add the word “CAPE” to the name of the Postsecondary Industry Certification Funding List.

Section 120. Paragraph (b) of subsection (2) of section 1011.81, Florida Statutes, is amended to read:

1011.81 Florida College System Program Fund.—

(2) Performance funding for industry certifications for Florida College System institutions is contingent upon specific appropriation in the General Appropriations Act and shall be determined as follows:

(b) The Chancellor of the Florida College System shall identify the industry certifications eligible for funding on the CAPE Postsecondary Industry Certification Funding List approved by the State Board of Education pursuant to s. 1008.44, based on the occupational areas specified in the General Appropriations Act.

Reviser's note.—Amended to conform to the complete name of the CAPE Postsecondary Industry Certification Funding List authorized in s. 1008.44; s. 1008.44 was amended by s. 12, ch. 2014-184, Laws of Florida, to add the word “CAPE” to the name of the Postsecondary Industry Certification Funding List.

Section 121. Paragraph (b) of subsection (1) of section 1011.905, Florida Statutes, is amended to read:

1011.905 Performance funding for state universities.—

(1) State performance funds for the State University System shall be based on indicators of system and institutional attainment of performance expectations. For the 2012-2013 through at least the 2016-2017 fiscal year, the Board of Governors shall review and rank each state university that applies for performance funding, as provided in the General Appropriations Act, based on the following formula:

(b) Twenty-five percent of a state university's score shall be based on the percentage of graduates who have earned baccalaureate degrees in the programs in paragraph (a) and who have earned industry certifications identified on the CAPE Postsecondary Industry Certification Funding List approved by the State Board of Education pursuant to s. 1008.44 in a related field from a Florida College System institution or state university prior to graduation.

Reviser’s note.—Amended to conform to the complete name of the CAPE Postsecondary Industry Certification Funding List authorized by s. 1008.44; s. 1008.44 was amended by s. 12, ch. 2014-184, Laws of Florida, to add the word “CAPE” to the name of the Postsecondary Industry Certification Funding List.

Section 122. Paragraph (a) of subsection (2) of section 1013.738, Florida Statutes, is amended to read:

1013.738 High Growth District Capital Outlay Assistance Grant Program.—

(2) In order to qualify for a grant, a school district must meet the following criteria:

(a) The district must have levied the full 1.5 ~~2~~ mills of nonvoted discretionary capital outlay millage authorized in s. 1011.71(2) for each of the past 4 fiscal years.

Reviser’s note.—Amended to conform to context and facilitate correct interpretation. Section 1011.71(2) provides a maximum of 1.5 mills that the school board may levy.

Section 123. Except as otherwise provided in this act, 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 March 19, 2015.

Filed in Office Secretary of State March 19, 2015.