

## CHAPTER 2015-4

### Senate Bill No. 706

An act relating to the Florida Statutes; amending ss. 257.171, 257.193, 257.43, 394.4789, 394.495, 394.496, 394.497, 397.406, 397.407, 397.427, 397.471, 397.901, 397.96, 400.147, 401.113, 401.252, 401.34, 402.04, 402.47, 403.414, 403.7061, 403.763, 403.871, 403.873, 403.874, 403.876, 403.942, 406.11, 409.2598, 409.9102, 420.526, 420.527, 429.44, 467.0125, 467.013, 467.019, 468.1165, 468.307, 468.3851, 468.3852, 468.404, 468.435, 468.532, 468.8312, 468.8317, 468.8412, 476.214, 477.022, 479.07, 481.205, 502.121, and 509.035, F.S., and repealing s. 415.112, F.S., to conform to the directive of the Legislature in section 9 of chapter 2012-116, Laws of Florida, codified as section 11.242(5)(j), Florida Statutes, to prepare a reviser's bill to omit all statutes and laws, or parts thereof, which grant duplicative, redundant, or unused rulemaking authority; providing an effective date.

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

Section 1. Section 257.171, Florida Statutes, is amended to read:

257.171 Multicounty libraries.—Units of local government may establish a multicounty library. ~~The Division of Library and Information Services may establish operating standards and rules under which a multicounty library is eligible to receive state moneys.~~ For a multicounty library, a local government may pay moneys in advance in lump sum from its public funds for the provision of library services only.

Section 2. Subsection (5) of section 257.193, Florida Statutes, is amended to read:

257.193 Community Libraries in Caring Program.—

~~(5) The Department of State may adopt rules to administer this section.~~

Section 3. Paragraph (b) of subsection (2) of section 257.43, Florida Statutes, is amended to read:

257.43 Citizen support organization; use of state administrative services and property; audit.—

(2) USE OF ADMINISTRATIVE SERVICES AND PROPERTY.—

~~(b) The division may prescribe by rule any condition with which a citizen support organization shall comply in order to use division administrative services, property, or facilities.~~

Section 4. Section 394.4789, Florida Statutes, is amended to read:

394.4789 Establishment of referral process and eligibility determination.

(1) ~~The department shall adopt by rule a referral process which shall provide each participating specialty psychiatric hospital with a system for accepting into the hospital's care indigent mentally ill persons referred by the department. It is the intent of the Legislature that a hospital which seeks payment under s. 394.4788 shall accept referrals from the department. However, a hospital shall have the right to refuse the admission of a patient due to lack of functional bed space or lack of services appropriate to a patient's specific treatment and no hospital shall be required to accept referrals if the costs for treating the referred patient are no longer reimbursable because the hospital has reached the level of contribution made to the PMATF in the previous fiscal year. Furthermore, a hospital that does not seek compensation for indigent mentally ill patients under the provisions of this act shall not be obliged to accept department referrals, notwithstanding any agreements it may have entered into with the department. The right of refusal in this subsection shall not affect a hospital's requirement to provide emergency care pursuant to s. 395.1041 or other statutory requirements related to the provision of emergency care.~~

(2) The department shall adopt by rule a patient eligibility form and shall be responsible for eligibility determination. However, The department may contract with participating psychiatric hospitals for eligibility determination. The eligibility form shall provide the mechanism for determining a patient's eligibility according to the requirements of s. 394.4788(1).

(a) A specialty psychiatric hospital shall be eligible for reimbursement only when an eligibility form has been completed for each indigent mentally ill person for whom reimbursement is sought.

(b) As part of eligibility determination, every effort shall be made by the hospital to determine if any third party insurance coverage is available.

Section 5. Subsection (3) of section 394.495, Florida Statutes, is amended to read:

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

(3) Assessments must be performed by:

(a) A professional as defined in s. 394.455(2), (4), (21), (23), or (24);

(b) A professional licensed under chapter 491; or

(c) A person who is under the direct supervision of a professional as defined in s. 394.455(2), (4), (21), (23), or (24) or a professional licensed under chapter 491.

The department shall adopt by rule statewide standards for mental health assessments, which must be based on current relevant professional and accreditation standards.

Section 6. Subsection (5) of section 394.496, Florida Statutes, is amended to read:

394.496 Service planning.—

~~(5) The department shall adopt by rule criteria for determining when a child or adolescent who receives mental health services under ss. 394.490-394.497 must have an individualized services plan.~~

Section 7. Subsection (2) of section 394.497, Florida Statutes, is amended to read:

394.497 Case management services.—

~~(2) The department shall adopt by rule criteria that define the target population who shall be assigned case managers.~~ The department shall develop standards for case management services and procedures for appointing case managers. It is the intent of the Legislature that case management services not be duplicated or fragmented and that such services promote the continuity and stability of a case manager assigned to a child or adolescent and his or her family.

Section 8. Section 397.406, Florida Statutes, is amended to read:

397.406 Licensure and regulation of government-operated substance abuse programs.—Substance abuse programs operated directly or under contract by the department, the Department of Corrections, the Department of Juvenile Justice, any other state agency, or any local correctional agency or authority, which programs constitute any service provider licensable components as defined in this chapter, are subject to licensure and regulation in accordance with rules jointly developed by the department and the state or local agency operating the program. The department has authority to exempt ~~promulgate rules exempting~~ such government-operated programs from specific licensure provisions of this part, including, but not limited to, licensure fees and personnel background checks, and to enforce the regulatory requirements governing such programs.

Section 9. Subsections (1), (5), and (7) of section 397.407, Florida Statutes, are amended to read:

397.407 Licensure process; fees.—

(1) The department shall establish by rule the licensure process to include fees and categories of licenses ~~and~~. The rule must prescribe a fee range that is based, at least in part, on the number and complexity of programs listed in s. 397.311(18) which are operated by a licensee. The fees from the licensure of service components are sufficient to cover at least 50

percent of the costs of regulating the service components. The department shall specify ~~by rule~~ a fee range for public and privately funded licensed service providers. Fees for privately funded licensed service providers must exceed the fees for publicly funded licensed service providers. ~~During adoption of the rule governing the licensure process and fees, the department shall carefully consider the potential adverse impact on small, not-for-profit service providers.~~

(5) The department may issue probationary, regular, and interim licenses. ~~After adopting the rule governing the licensure process and fees,~~ The department shall issue one license for each service component that is operated by a service provider and defined ~~in rule~~ pursuant to s. 397.311(18). The license is valid only for the specific service components listed for each specific location identified on the license. The licensed service provider shall apply for a new license at least 60 days before the addition of any service components or 30 days before the relocation of any of its service sites. Provision of service components or delivery of services at a location not identified on the license may be considered an unlicensed operation that authorizes the department to seek an injunction against operation as provided in s. 397.401, in addition to other sanctions authorized by s. 397.415. Probationary and regular licenses may be issued only after all required information has been submitted. A license may not be transferred. As used in this subsection, the term “transfer” includes, but is not limited to, the transfer of a majority of the ownership interest in the licensed entity or transfer of responsibilities under the license to another entity by contractual arrangement.

(7) A regular license may be issued to:

- (a) A new applicant at the end of the probationary period.
- (b) A licensed applicant that holds a regular license and is seeking renewal.
- (c) An applicant for a service component operating under an interim license upon successful satisfaction of the requirements for a regular license.

In order to be issued a regular license, the applicant must be in compliance with statutory and regulatory requirements. ~~Standards and timeframes for the issuance of a regular license must be established by rule.~~ An application for renewal of a regular license must be submitted to the department at least 60 days before the license expires.

Section 10. Paragraph (b) of subsection (2) and subsections (3) and (8) of section 397.427, Florida Statutes, are amended to read:

397.427 Medication-assisted treatment service providers; rehabilitation program; needs assessment and provision of services; persons authorized to issue takeout medication; unlawful operation; penalty.—

(2) The department shall determine the need for establishing providers of medication-assisted treatment services for opiate addiction.

~~(b) The department shall prescribe by rule the types of medication-assisted treatment services for opiate addiction for which it is necessary to conduct annual assessments of need. If needs assessment is required, the department shall annually conduct the assessment and publish a statement of findings which identifies each substate entity’s need.~~

~~(3) The department shall adopt rules necessary to administer this section, including, but not limited to, rules prescribing criteria and procedures for:~~

~~(a) Determining the need for additional medication-assisted treatment services for opiate addiction.~~

~~(b) Selecting providers for medication-assisted treatment services for opiate addiction when the number of responses to a publication of need exceeds the determined need.~~

~~(c) Administering any federally required rules, regulations, or procedures.~~

~~(8) The department shall adopt rules necessary to administer medication-assisted treatment services, including, but not limited to, rules prescribing criteria and procedures for:~~

~~(a) Determining the need for medication-assisted treatment services within the publicly funded system.~~

~~(b) Selecting medication-assisted service providers within the publicly funded system.~~

~~(c) Administering any federally required rules, regulations, or procedures related to the provision of medication-assisted treatment.~~

Section 11. Section 397.471, Florida Statutes, is amended to read:

397.471 Service provider facility standards.—

(1) Each service provider must ensure:

(1)(a) Sufficient numbers and types of qualified personnel on duty and available to provide necessary and adequate safety and care.

(2)(b) Adequate space for each individual served within a residential facility.

(3)(e) Adequate infection control, housekeeping, and sanitation.

(4)(d) Adequate disaster planning policies and procedures.

~~(2) The State Fire Marshal shall, in cooperation with the department, establish and enforce minimum firesafety standards, which standards must be included in the rules adopted by the department.~~

Section 12. Subsection (4) of section 397.901, Florida Statutes, is amended to read:

397.901 Prototype juvenile addictions receiving facilities.—

~~(4) The department shall adopt rules necessary to implement this section. The rules must be written by the department's Substance Abuse Program Office and must specify criteria for staffing and services delineated for the provision of graduated levels of care from nonintensive to environmentally secure for the handling of aggressive and difficult-to-manage behavior and the prevention of elopement.~~

Section 13. Subsection (5) of section 397.96, Florida Statutes, is amended to read:

397.96 Case management for complex substance abuse cases.—

~~(5) The department shall establish by rule standards to coordinate case management activities from various referral points, in order to minimize fragmentation and duplication and promote stability of case managers assigned to a child and family. In the attempt to minimize duplication, it is the intent of the Legislature that a child have no more than one case manager.~~

Section 14. Subsection (12) of section 400.147, Florida Statutes, is amended to read:

400.147 Internal risk management and quality assurance program.—

~~(12) The agency may adopt rules to administer this section.~~

Section 15. Subsection (3) of section 401.113, Florida Statutes, is amended to read:

401.113 Department; powers and duties.—

~~(3) The department shall adopt rules to administer this section.~~

Section 16. Subsection (4) of section 401.252, Florida Statutes, is amended to read:

401.252 Interfacility transfer.—

~~(4) The department shall adopt and enforce rules to carry out this section, including rules for permitting, equipping, and staffing transport ambulances and that govern the medical direction under which interfacility transfers take place.~~

Section 17. Subsections (5) and (6) of section 401.34, Florida Statutes, are amended to read:

401.34 Fees.—

(5) The department may provide same-day grading of the examination for an applicant for emergency medical technician or paramedic certification. ~~The department must provide procedures for implementing same-day grading in its rules.~~

(6) The department may ~~by rule~~ offer walk-in eligibility determination and examination to applicants for emergency medical technician or paramedic certification who pay to the department a nonrefundable fee to be set by the department not to exceed \$65. The fee is in addition to the certification fee and examination fee. The department must establish locations and times for eligibility determination and examination.

Section 18. Section 402.04, Florida Statutes, is amended to read:

402.04 Award of scholarships and stipends; disbursement of funds; administration.—The award of scholarships or stipends provided for herein shall be made by the Department of Children and Families, hereinafter referred to as the department. The department shall handle the administration of the scholarship or stipend and the Department of Education shall, for and on behalf of the department, handle the notes issued for the payment of the scholarships or stipends provided for herein and the collection of same. ~~The department shall prescribe regulations governing the payment of scholarships or stipends to the school, college, or university for the benefit of the scholarship or stipend holders.~~ All scholarship awards, expenses and costs of administration shall be paid from moneys appropriated by the Legislature and shall be paid upon vouchers approved by the department and properly certified by the Chief Financial Officer.

Section 19. Subsection (3) of section 402.47, Florida Statutes, is amended to read:

402.47 Foster grandparent and retired senior volunteer services to high-risk and handicapped children.—

~~(3) The department may adopt rules necessary to implement the provisions of this section.~~

Section 20. Subsection (3) of section 403.414, Florida Statutes, is amended to read:

403.414 Environmental award program.—

~~(3) The department shall adopt rules to govern administration of the program.~~ An agency, municipality, county, or other governmental unit; a private organization, institution, or industry; the communications media; or an individual may submit a nomination for an award to the department at

any time. A nomination must be submitted on a form adopted by the department and must include information required by the department to consider that nomination.

Section 21. Subsection (2) of section 403.7061, Florida Statutes, is amended to read:

403.7061 Requirements for review of new waste-to-energy facility capacity by the Department of Environmental Protection.—

(2) Notwithstanding any other provisions of state law, the department shall not issue a construction permit or certification to build a waste-to-energy facility or expand an existing waste-to-energy facility unless the facility meets the requirements set forth in subsection (3). Any construction permit issued by the department between January 1, 1993, and May 12, 1993, which does not address these new requirements is invalid. These new requirements do not apply to the issuance of permits or permit modifications to retrofit existing facilities with new or improved pollution control equipment to comply with state or federal law. ~~The department may initiate rulemaking to incorporate the criteria in subsection (3) into its permit review process.~~

Section 22. Subsection (4) of section 403.763, Florida Statutes, is amended to read:

403.763 Grants to local governments.—

~~(4) The department shall initiate rules on or before January 1, 1989, necessary to carry out the purposes of this section.~~

Section 23. Section 403.871, Florida Statutes, is amended to read:

403.871 Fees.—The department shall, ~~by rule,~~ establish fees to be paid by persons seeking licensure or license renewal to cover the entire cost to the department of administering ss. 403.865-403.876, including, but not limited to, the costs associated with application review and examination, reexamination, licensing and renewal, renewal of an inactive license, reactivation of an inactive license, recordmaking, and recordkeeping, and the costs of ensuring compliance with ss. 403.865-403.876. The fees for license application and license renewal shall be nonrefundable. The department shall establish fees adequate to administer and implement ss. 403.865-403.876.

(1) The application fee may not exceed \$100 and is not refundable.

(2) The renewal fee may not exceed \$100 and is not refundable.

(3) All fees collected under this section must be deposited into the Water Quality Assurance Trust Fund. The fees shall be used exclusively to implement the provisions of ss. 403.865-403.876.



Section 24. Subsection (2) of section 403.873, Florida Statutes, is amended to read:

403.873 Renewal of license.—

(2) The department shall adopt ~~rules establishing~~ a procedure for the biennial renewal of licenses, including the requirements for continuing education.

Section 25. Subsection (2) of section 403.874, Florida Statutes, is amended to read:

403.874 Inactive status.—

(2) The department shall adopt ~~rules relating to licenses that have become inactive and for the reactivation of inactive licenses, and~~ procedures for null and void licenses and how to obtain a new license after a license has become null and void.

Section 26. Subsection (1) of section 403.876, Florida Statutes, is amended to read:

403.876 Grounds for disciplinary action.—

(1) The department shall establish, ~~by rule,~~ the grounds for taking disciplinary action, including suspending or revoking a valid license, placing a licensee on probation, refusing to issue a license, refusing to renew a license, or refusing to reactivate a license, and the imposition of an administrative fine, not to exceed \$1,000 per count or offense. The fines collected under this section shall be deposited into the Water Quality Assurance Trust Fund.

Section 27. Subsection (3) of section 403.942, Florida Statutes, is amended to read:

403.942 Superseded laws, regulations, and certification power.—

(3) ~~The board shall have the power to adopt reasonable procedural rules to carry out its duties under ss. 403.9401-403.9425 and to give effect to the legislative intent that this act provide an efficient, centrally coordinated, one-stop licensing process.~~

Section 28. Subsection (3) of section 406.11, Florida Statutes, is amended to read:

406.11 Examinations, investigations, and autopsies.—

(3) ~~The Medical Examiners Commission may adopt rules incorporating by reference parameters or guidelines of practice or standards of conduct relating to examinations, investigations, or autopsies performed by medical examiners.~~

Section 29. Subsection (8) of section 409.2598, Florida Statutes, is amended to read:

409.2598 License suspension proceeding to enforce support order.—

~~(8) RULEMAKING AUTHORITY. The Department of Revenue may adopt rules to implement and enforce the requirements of this section.~~

Section 30. Subsections (3) and (4) of section 409.9102, Florida Statutes, are amended to read:

409.9102 A qualified state Long-Term Care Insurance Partnership Program in Florida.—The Agency for Health Care Administration, in consultation with the Office of Insurance Regulation and the Department of Children and Families, is directed to establish a qualified state Long-Term Care Insurance Partnership Program in Florida, in compliance with the requirements of s. 1917(b) of the Social Security Act, as amended.

~~(3) The Agency for Health Care Administration is authorized to amend the Medicaid state plan and adopt rules pursuant to ss. 120.536(1) and 120.54 to implement this section.~~

~~(4) The Department of Children and Families, when determining eligibility for Medicaid long-term care services for an individual who is the beneficiary of an approved long-term care partnership program policy, shall reduce the total countable assets of the individual by an amount equal to the insurance benefit payments that are made to or on behalf of the individual. The department is authorized to adopt rules pursuant to ss. 120.536(1) and 120.54 to implement this subsection.~~

Section 31. Section 415.112, Florida Statutes, is repealed.

Section 32. Subsections (3) and (6) of section 420.526, Florida Statutes, are amended to read:

420.526 Predevelopment Loan Program; loans and grants authorized; activities eligible for support.—

~~(3) The corporation shall establish rules for the equitable distribution of the funds in a manner that meets the need and demand for housing for the target population. Funds shall be made available under the program on a first-come, first-served basis, unless otherwise established by corporation rule. Sponsors of farmworker housing, if any, shall receive first priority under this program.~~

~~(6) Terms and conditions of housing predevelopment loan agreements shall be established by rule and shall include:~~

~~(a) Provision for interest, which shall be set at between 0 and 3 percent per year, as established by the corporation.~~

(b) Provision of a schedule for the repayment of principal and interest for a term not to exceed 3 years or initiation of permanent financing, whichever event occurs first. However, the corporation may extend the term of a loan for an additional period if extraordinary circumstances exist and if such extension would not jeopardize the corporation's security interest.

(c) Provision of reasonable security for the housing predevelopment loan to ensure the repayment of the principal and any interest accrued within the term specified.

(d) Provisions to ensure that the land acquired will be used for the development of housing and related services for the target population.

(e) Provisions to ensure, to the extent possible, that any accrued savings in cost due to the availability of these funds will be passed on to the target population in the form of lower land prices. The corporation shall ensure that such savings in land prices shall be passed on in the form of lower prices or rents for dwellings constructed on such land.

(f) Provisions to ensure that any land acquired through assistance under ss. 420.521-420.529 for housing for the target population shall not be disposed of or alienated in a manner that violates Title VII of the 1968 Civil Rights Act, which specifically prohibits discrimination based on race, sex, color, religion, or national origin or that violates other applicable federal or state laws.

Section 33. Section 420.527, Florida Statutes, is amended to read:

420.527 Application procedure.—

(1) ~~Applications shall be submitted to the corporation in a form that it establishes by rule.~~

(2) ~~By rule,~~ The corporation shall establish the criteria for determining threshold compliance with corporation objectives. Final decisions regarding funding shall be approved by the corporation board. The corporation board shall determine the tentative loan or grant amount available to each program participant. The actual loan or grant amount shall be determined pursuant to rule specifying credit underwriting procedures.

~~(2)(3)~~ The criteria to be used to determine threshold compliance shall include, but are not limited to, the following:

(a) Income target objectives of the corporation.

(b) Sponsor's agreement to reserve more than the minimum number of units for low-income households and very-low-income households.

(c) Projects requiring the least amount of predevelopment funds compared to total predevelopment costs.

- (d) Sponsor's prior experience.
- (e) Commitments of other financing.
- (f) Sponsor's ability to proceed.
- (g) Project's consistency with the local government comprehensive plan.

Section 34. Subsection (3) of section 429.44, Florida Statutes, is amended to read:

429.44 Construction and renovation; requirements.—

~~(3)—The department may adopt rules to establish procedures and specify the documentation necessary to implement this section.~~

Section 35. Paragraph (b) of subsection (1) of section 467.0125, Florida Statutes, is amended to read:

467.0125 Licensure by endorsement.—

(1) The department shall issue a license by endorsement to practice midwifery to an applicant who, upon applying to the department, demonstrates to the department that she or he:

(b) Has completed a 4-month prelicensure course conducted by an approved program and has submitted documentation to the department of successful completion. ~~The department shall determine by rule the content of the prelicensure course.~~

Section 36. Subsection (1) of section 467.013, Florida Statutes, is amended to read:

467.013 Inactive status.—A licensee may request that his or her license be placed in an inactive status by making application to the department and paying a fee.

(1) An inactive license may be renewed for one additional biennium upon application to the department and payment of the applicable biennium renewal fee. The department shall establish ~~by rule~~ procedures and fees for applying to place a license on inactive status, renewing an inactive license, and reactivating an inactive license. The fee for any of these procedures may not exceed the biennial renewal fee established by the department.

Section 37. Subsections (4) and (6) of section 467.019, Florida Statutes, are amended to read:

467.019 Records and reports.—

(4) ~~The department shall adopt rules requiring that~~ A midwife shall keep a record of each patient served. Such record must document, but need not be limited to, each consultation, referral, transport, transfer of care, and

emergency care rendered by the midwife and must include all subsequent updates and copy of the birth certificate. These records shall be kept on file for a minimum of 5 years following the date of the last entry in the records.

(6) ~~The department shall adopt rules to provide for maintaining Patient records of a deceased midwife or a midwife who terminates or relocates a private practice~~ shall be maintained pursuant to department requirements.

Section 38. Section 468.1165, Florida Statutes, is amended to read:

468.1165 Professional employment experience requirement.—Every applicant for licensure as a speech-language pathologist must demonstrate, prior to licensure, a minimum of 9 months of full-time professional employment, or the equivalent in part-time professional employment. Each applicant for licensure as an audiologist must demonstrate, prior to licensure, a minimum of 11 months of full-time professional employment, or the equivalent in part-time professional employment. ~~The board, by rule, shall establish standards for obtaining and verifying the required professional employment experience.~~

Section 39. Subsection (1) of section 468.307, Florida Statutes, is amended to read:

468.307 Certificate; issuance; display.—

(1) The department shall issue a certificate to each candidate who has met the requirements of ss. 468.304 and 468.306 or has qualified under s. 468.3065. The department may ~~by rule~~ establish a subcategory of a certificate issued under this part limiting the certificateholder to a specific procedure or specific type of equipment. The first regular certificate issued to a new certificateholder expires on the last day of the certificateholder's birth month and shall be valid for at least 12 months but no more than 24 months. However, if the new certificateholder already holds a regular, active certificate in a different category under this part, the new certificate shall be combined with and expire on the same date as the existing certificate.

Section 40. Subsection (2) of section 468.3851, Florida Statutes, is amended to read:

468.3851 Renewal of license.—

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

Section 41. Section 468.3852, Florida Statutes, is amended to read:

468.3852 Reactivation of license; fee.—The board shall prescribe ~~by rule~~ a fee not to exceed \$250 for the reactivation of an inactive license. The fee shall be in addition to the current biennial renewal fee.

Section 42. Subsection (1) of section 468.404, Florida Statutes, is amended to read:

468.404 License; fees; renewals.—

(1) The department ~~by rule~~ shall establish biennial fees for initial licensing, renewal of license, and reinstatement of license, none of which fees shall exceed \$400. The department may ~~by rule~~ establish a delinquency fee of no more than \$50. The fees shall be adequate to proportionately fund the expenses of the department which are allocated to the regulation of talent agencies and shall be based on the department's estimate of the revenue required to administer this part.

Section 43. Subsections (1) and (2) of section 468.435, Florida Statutes, are amended to read:

468.435 Fees; establishment; disposition.—

(1) The council shall, ~~by rule~~, establish fees for the described purposes and within the ranges specified in this section:

- (a) Application fee: not less than \$25, or more than \$50.
- (b) Examination fee: not less than \$25, or more than \$100.
- (c) Initial license fee: not less than \$25, or more than \$100.
- (d) Renewal of license fee: not less than \$25, or more than \$100.
- (e) Delinquent license fee: not less than \$25, or more than \$50.
- (f) Inactive license fee: not less than \$10, or more than \$25.

(2) Until the council establishes ~~adopts rules establishing~~ fees under subsection (1), the lower amount in each range shall apply.

Section 44. Subsection (4) of section 468.532, Florida Statutes, is amended to read:

468.532 Discipline.—

(4) The board shall specify ~~by rule~~ the penalties for any violation of this part.

Section 45. Subsection (1) of section 468.8312, Florida Statutes, is amended to read:

468.8312 Fees.—

(1) The department, ~~by rule~~, may establish fees to be paid for applications, examination, reexamination, licensing and renewal, inactive status application and reactivation of inactive licenses, recordkeeping, and

applications for providers of continuing education. The department may also establish by rule a delinquency fee. Fees shall be based on department estimates of the revenue required to implement the provisions of this part. All fees shall be remitted with the appropriate application, examination, or license.

Section 46. Subsection (2) of section 468.8317, Florida Statutes, is amended to read:

468.8317 Inactive license.—

(2) A license that becomes inactive may be reactivated upon application to the department. ~~The department may prescribe by rule continuing education requirements as a condition of reactivating a license. The rules may not require more than one renewal cycle of continuing education to reactivate a license.~~

Section 47. Subsection (1) of section 468.8412, Florida Statutes, is amended to read:

468.8412 Fees.—

(1) The department, ~~by rule,~~ may establish fees to be paid for application, examination, reexamination, licensing and renewal, inactive status application and reactivation of inactive licenses, and application for providers of continuing education. The department may also establish by rule a delinquency fee. Fees shall be based on department estimates of the revenue required to implement the provisions of this part. All fees shall be remitted with the application, examination, reexamination, licensing and renewal, inactive status application and reactivation of inactive licenses, and application for providers of continuing education.

Section 48. Subsection (2) of section 476.214, Florida Statutes, is amended to read:

476.214 Grounds for suspending, revoking, or refusing to grant license or certificate.—

~~(2) The board shall adopt rules relating to the suspension or revocation of licenses or certificates of registration under this section pursuant to the provisions of chapter 120.~~

Section 49. Subsections (1) and (4) of section 477.022, Florida Statutes, are amended to read:

477.022 Examinations.—

(1) ~~The board shall specify by rule the general areas of competency to be covered by examinations for the licensing under this chapter of cosmetologists. The rules shall include the relative weight assigned in grading each area, the grading criteria to be used by the examiner, and the score necessary~~

~~to achieve a passing grade.~~ The board shall ensure that examinations adequately measure both an applicant's competency and her or his knowledge of related statutory requirements. Professional testing services may be utilized to formulate the examinations. The board may, ~~by rule,~~ offer a written clinical examination or a performance examination, or both, in addition to a written theory examination.

~~(4) The board shall adopt rules providing for reexamination of applicants who have failed the examinations.~~

Section 50. Paragraph (c) of subsection (3), paragraph (b) of subsection (5), paragraph (a) of subsection (8), and subsection (10) of section 479.07, Florida Statutes, are amended to read:

479.07 Sign permits.—

(3)

(c) The annual permit fee for each sign facing shall be established by the department ~~by rule~~ in an amount sufficient to offset the total cost to the department for the program, but may not be greater than \$100. The first-year fee may be prorated by payment of an amount equal to one-fourth of the annual fee for each remaining whole quarter or partial quarter of the permit year. Applications received after the end of the third quarter of the permit year must include fees for the last quarter of the current year and fees for the succeeding year.

(5)

(b) If a permit tag is lost, stolen, or destroyed, the permittee to whom the tag was issued must apply to the department for a replacement tag. The department shall establish ~~adopt a rule establishing~~ a service fee for replacement tags in an amount that will recover the actual cost of providing the replacement tag. Upon receipt of the application accompanied by the service fee, the department shall issue a replacement permit tag.

(8)(a) In order to reduce peak workloads, the department may provide ~~adopt rules providing~~ for staggered expiration dates for licenses and permits. Unless otherwise provided for by rule, All licenses and permits expire annually on January 15. All license and permit renewal fees are required to be submitted to the department by no later than the expiration date. At least 105 days before the expiration date of licenses and permits, the department shall send to each permittee a notice of fees due for all licenses and permits that were issued to him or her before the date of the notice. Such notice must list the permits and the permit fees due for each sign facing. The permittee shall, no later than 45 days before the expiration date, advise the department of any additions, deletions, or errors contained in the notice. Permit tags that are not renewed shall be returned to the department for cancellation by the expiration date. Permits that are not renewed or are canceled shall be certified in writing at that time as canceled or not renewed by the permittee,



and permit tags for such permits shall be returned to the department or shall be accounted for by the permittee in writing, which writing shall be submitted with the renewal fee payment or the cancellation certification. However, failure of a permittee to submit a permit cancellation does not affect the nonrenewal of a permit. Before cancellation of a permit, the permittee shall provide written notice to all persons or entities having a right to advertise on the sign that the permittee intends to cancel the permit.

(10) Commercial or industrial zoning that is not comprehensively enacted or that is enacted primarily to permit signs may not be recognized as commercial or industrial zoning for purposes of this provision, and permits may not be issued for signs in such areas. ~~The department shall adopt rules that provide criteria to determine whether such zoning is comprehensively enacted or enacted primarily to permit signs.~~

Section 51. Subsection (4) of section 481.205, Florida Statutes, is amended to read:

481.205 Board of Architecture and Interior Design.—

(4) The board may establish ~~by rule~~ minimum procedures, documentation, and other requirements for indicating evidence of the exercise of responsible supervising control by a person licensed under this part in connection with work performed both inside and outside the licensee's office.

Section 52. Subsection (1) of section 502.121, Florida Statutes, is amended to read:

502.121 Future dairy farms and milk and frozen dessert plants.—

(1) All future construction or extensive alteration of milk houses, milking barns, stables, parlors, transfer stations, and milk and frozen dessert plants regulated under this chapter must meet certain minimum specifications and requirements which the department shall establish ~~by rule~~.

Section 53. Subsection (4) of section 509.035, Florida Statutes, is amended to read:

509.035 Immediate closure due to severe public health threat.—The division shall, upon proper finding, immediately issue an order to close an establishment licensed under this chapter in the instance of a severe and immediate public health or safety or welfare threat as follows:

~~(4) The division may further adopt rules for issuing emergency orders after business hours and on weekends and holidays in order to ensure the timely closure of an establishment under this section.~~

Reviser's note.—Amends or repeals provisions of the Florida Statutes pursuant to the directive of the Legislature in s. 9, ch. 2012-116, Laws of Florida, codified as s. 11.242(5)(j), Florida Statutes, to prepare a

reviser's bill to omit all statutes and laws, or parts thereof, which grant duplicative, redundant, or unused rulemaking authority.

Section 54. 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.