CHAPTER 2016-10

Committee Substitute for Senate Bill No. 1038

An act relating to the Florida Statutes; amending ss. 27.7045, 39.0134, 39.701, 55.203, 101.56065, 110.12302, 112.0455, 112.362, 119.0712, 153.74, 159.02, 161.091, 163.3177, 166.271, 189.031, 200.001, 200.065, 200.068, 200.141, 212.08, 213.0532, 218.39, 220.63, 238.05, 255.041, 255.254, 259.032, 272.135, 288.012, 311.12, 316.3025, 333.07, 336.71, 343.1003, 366.95, 373.236, 373.4149, 373.41492, 379.3751, 380.510, 383.402, 395.1012, 400.0065, 400.0070, 400.0081, 400.0087, 400.022, 400.141, 403.5363, 408.301, 409.978, 415.113, 456.074, 458.3265, 459.0137, 468.503, 468.509, 468.513, 468.514, 468.515, 468.518, 480.041, 480.043, 497.159, 546.10, 553.74, 559.55, 559.555, 561.42, 561.57, 605.0410, 610.1201, 617.01301, 618.221, 624.5105, 625.012, 631.152, 631.737, 641.225, 719.108, 742.14, 752.001, 765.105, 765.2038, 787.29, 893.138, 944.4731, 945.215, 1001.65, 1002.3105, 1003.21, 1003.5716, 1012.22, and 1012.341, F.S.; reenacting and amending s. 1008.22, F.S; and repealing ss. 200.185 and 624.35, F.S.; deleting provisions that have expired, have become obsolete, have had their effect, have served their purpose, or have been impliedly repealed or superseded; replacing incorrect cross-references and citations; correcting grammatical, typographical, and like errors; removing inconsistencies, redundancies, and unnecessary repetition in the statutes; improving the clarity of the statutes and facilitating their correct interpretation; and confirming the restoration of provisions unintentionally omitted from republication in the acts of the Legislature during the amendatory process; providing an effective date.

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

Section 1. Section 27.7045, Florida Statutes, is amended to read:

27.7045 Capital case proceedings; constitutionally deficient representation.—Notwithstanding <u>any other</u> ~~another~~ provision of law, an attorney employed by the state or appointed pursuant to s. 27.711 may not represent a person charged with a capital offense at trial or on direct appeal or a person sentenced to death in a postconviction proceeding if, in two separate instances, a court, in a capital postconviction proceeding, determined that such attorney provided constitutionally deficient representation and relief was granted as a result. This prohibition on representation shall be for a period of 5 years, which commences at the time relief is granted after the highest court having jurisdiction to review the deficient representation determination has issued its final order affirming the second such determination.

Reviser's note.—Amended to improve clarity.

Section 2. Paragraph (c) of subsection (2) of section 39.0134, Florida Statutes, is amended to read:

39.0134 Appointed counsel; compensation.—

(2)

(c) The clerk of the court shall transfer monthly all attorney's fees and costs collected under this subsection to the Department of Revenue for deposit into the Indigent Civil Defense Trust Fund, to be used as appropriated by the Legislature and consistent with s. 27.5111 ~~27.511~~.

Reviser's note.—Amended to conform to the fact that the Indigent Civil Defense Trust Fund is created in s. 27.5111; the trust fund is not referenced in s. 27.511.

Section 3. Paragraph (b) of subsection (3) of section 39.701, Florida Statutes, is amended to read:

39.701 Judicial review.—

(3) REVIEW HEARINGS FOR CHILDREN 17 YEARS OF AGE.—

(b) At the first judicial review hearing held subsequent to the child's 17th birthday, the department shall provide the court with an updated case plan that includes specific information related to the independent living skills that the child has acquired since the child's 13th birthday, or since the date the child came into foster care, whichever came later.

1. For any child who ~~that~~ may meet the requirements for appointment of a guardian pursuant to chapter 744, or a guardian advocate pursuant to s. 393.12, the updated case plan must be developed in a face-to-face conference with the child, if appropriate; the child's attorney; any court-appointed guardian ad litem; the temporary custodian of the child; and the parent, if the parent's rights have not been terminated.

2. At the judicial review hearing, if the court determines pursuant to chapter 744 that there is a good faith basis to believe that the child qualifies for appointment of a guardian advocate, limited guardian, or plenary guardian for the child and that no less restrictive decisionmaking assistance will meet the child's needs:

a. The department shall complete a multidisciplinary report which must include, but is not limited to, a psychosocial evaluation and educational report if such a report has not been completed within the previous 2 years.

b. The department shall identify one or more individuals who are willing to serve as the guardian advocate pursuant to s. 393.12 or as the plenary or limited guardian pursuant to chapter 744. Any other interested parties or participants may make efforts to identify such a guardian advocate, limited guardian, or plenary guardian. The child's biological or adoptive family

members, including the child's parents if the parents' rights have not been terminated, may not be considered for service as the plenary or limited guardian unless the court enters a written order finding that such an appointment is in the child's best interests.

c. Proceedings may be initiated within 180 days after the child's 17th birthday for the appointment of a guardian advocate, plenary guardian, or limited guardian for the child in a separate proceeding in the court division with jurisdiction over guardianship matters and pursuant to chapter 744. The Legislature encourages the use of pro bono representation to initiate proceedings under this section.

3. In the event another interested party or participant initiates proceedings for the appointment of a guardian advocate, plenary guardian, or limited guardian for the child, the department shall provide all necessary documentation and information to the petitioner to complete a petition under s. 393.12 or chapter 744 within 45 days after the first judicial review hearing after the child's 17th birthday.

4. Any proceedings seeking appointment of a guardian advocate or a determination of incapacity and the appointment of a guardian must be conducted in a separate proceeding in the court division with jurisdiction over guardianship matters and pursuant to chapter 744.

Reviser's note.—Amended to confirm the editorial substitution of the word "who" for the word "that" to conform to context.

Section 4. Paragraph (h) of subsection (1) of section 55.203, Florida Statutes, is repealed.

Reviser's note.—The referenced paragraph is repealed to delete a provision that has served its purpose. The paragraph requires an original judgment lien certificate for a lien acquired by delivery of a writ of execution to a sheriff prior to October 1, 2001, to include an affidavit by the judgment creditor attesting that the person or entity possesses any documentary evidence of the date of delivery of the writ, and a statement of that date or a certification by the sheriff of the date as provided in s. 30.17(4). Section 30.17 was repealed by s. 5, ch. 2005-2, Laws of Florida.

Section 5. Paragraph (a) of subsection (2) of section 101.56065, Florida Statutes, is amended to read:

101.56065 Voting system defects; disclosure; investigations; penalties.

(2)(a) ~~No later than December 31, 2013, and, thereafter,~~ On January 1 of every odd-numbered year, each vendor shall file a written disclosure with the department identifying any known defect in the voting system or the fact that there is no known defect, the effect of any defect on the operation and use of the approved voting system, and any known corrective measures to

cure a defect, including, but not limited to, advisories and bulletins issued to system users.

Reviser's note.—Amended to delete language that has served its purpose.

Section 6. Section 110.12302, Florida Statutes, is amended to read:

110.12302 Costing options for plan designs required for contract solicitation; best value recommendations.—For the state group insurance program, the Department of Management Services shall require costing options for both fully insured and self-insured plan designs, or some combination thereof, as part of the department's solicitation for health maintenance organization contracts. ~~Prior to contracting, the department shall recommend to the Legislature, no later than February 1, 2011, the best value to the State group insurance program relating to health maintenance organizations.~~

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

Section 7. Paragraph (e) of subsection (10) of section 112.0455, Florida Statutes, is amended to read:

112.0455 Drug-Free Workplace Act.—

(10) EMPLOYER PROTECTION.—

(e) Nothing in this section shall be construed to operate retroactively~~, and nothing in this section shall abrogate the right of an employer under state law to conduct drug tests prior to January 1, 1990. A drug test conducted by an employer prior to January 1, 1990, is not subject to this section~~.

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

Section 8. Subsection (3) of section 112.362, Florida Statutes, is amended to read:

112.362 Recomputation of retirement benefits.—

(3) A member of any state-supported retirement system who has already retired under a retirement plan or system which does not require its members to participate in social security pursuant to a modification of the federal-state social security agreement as authorized by the provisions of chapter 650, who is over 65 years of age, and who has not less than 10 years of creditable service, or the surviving spouse or beneficiary of said member who, if living, would be over 65 years of age, upon application to the administrator, may have his or her present monthly retirement benefits recomputed and receive a monthly retirement allowance equal to $10 multiplied by the total number of years of creditable service. Effective July 1, 1978, this minimum monthly benefit shall be equal to $10.50 multiplied by

the total number of years of creditable service, and thereafter said minimum monthly benefit shall be recomputed as provided in paragraph (5)(a). This adjustment shall be made in accordance with subsection (2). No retirement benefits shall be reduced under this computation. Retirees receiving additional benefits under the provisions of this subsection shall also receive the cost-of-living adjustments provided by the appropriate state-supported retirement system for the fiscal year beginning July 1, 1977, and for each fiscal year thereafter. The minimum monthly benefit provided by this subsection ~~paragraph~~ shall not apply to any member or the beneficiary of any member who retires after June 30, 1978.

Reviser's note.—Amended to conform to context and to the fact that subsection (3) did not have paragraphs when it was added by s. 1, ch. 78-364, Laws of Florida, nor does it have paragraphs currently.

Section 9. Paragraph (c) of subsection (2) of section 119.0712, Florida Statutes, is amended to read:

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

(2) DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES.

(c) E-mail addresses collected by the Department of Highway Safety and Motor Vehicles pursuant to s. 319.40(3), s. 320.95(2), or s. 322.08(9) ~~322.08(8)~~ are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution. This exemption applies retroactively. This paragraph is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2020, unless reviewed and saved from repeal through reenactment by the Legislature.

Reviser's note.—Amended to conform to the redesignation of subsections in s. 322.08 by s. 14, ch. 2015-163, Laws of Florida.

Section 10. Subsection (2) of section 153.74, Florida Statutes, is amended to read:

153.74 Issuance of certificates of indebtedness based on assessments for assessable improvements.—

(2) The district may also issue assessment bonds or other obligations payable from a special fund into which such certificates of indebtedness referred to in the preceding subsection may be deposited; or, if such certificates of indebtedness have not been issued, the district may assign to such special fund for the benefit of the holders of such assessment bonds or other obligations, or to a trustee for such bondholders, the assessment liens provided for in s. 153.73(11) ~~153.73(10)~~, unless such certificates of indebtedness or assessment liens have been theretofore pledged for any bonds or other obligations authorized hereunder. In the event of the creation of such special fund and the issuance of such assessment bonds or other obligations, the proceeds of such certificates of indebtedness or assessment

liens deposited therein shall be used only for the payment of the assessment bonds or other obligations issued as provided in this section. The district is hereby authorized to covenant with the holders of such assessment bonds or other obligations that it will diligently and faithfully enforce and collect all the special assessments and interest and penalties thereon for which such certificates of indebtedness or assessment liens have been deposited in or assigned to such fund, and to foreclose such assessment liens so assigned to such special fund or represented by the certificates of indebtedness deposited in said special fund, after such assessment liens have become delinquent and deposit the proceeds derived from such foreclosure, including interest and penalties, in such special fund, and to further make any other necessary covenants deemed necessary or advisable in order to properly secure the holders of such assessment bonds or other obligations.

Reviser's note.—Amended to correct an apparent error. Section 153.73(10) does not reference assessment liens; s. 153.73(11)(c) provides that all assessments constitute a lien on the property assessed.

Section 11. Subsection (16) of section 159.02, Florida Statutes, is amended to read:

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

(16) The term "utilities services taxes" shall mean taxes levied and collected on the purchase or sale of utilities services pursuant to ~~ss. 167.431 and 167.45 or~~ any ~~other~~ law.

Reviser's note.—Amended to delete references to ss. 167.431 and 167.45, which were repealed by s. 5, ch. 73-129, Laws of Florida.

Section 12. Subsection (1) of section 161.091, Florida Statutes, is amended to read:

161.091 Beach management; funding; repair and maintenance strategy.

(1) Subject to such appropriations as the Legislature may make therefor from time to time, disbursements from the Land Acquisition Trust Fund may be made by the department in order to carry out the proper state responsibilities in a comprehensive, long-range, statewide beach management plan for erosion control; beach preservation, restoration, and nourishment; ~~and~~ storm and hurricane protection; and other activities authorized for beaches and shores pursuant to s. 28, Art. X of the State Constitution. Legislative intent in appropriating such funds is for the implementation of those projects that contribute most significantly to addressing the state's beach erosion problems.

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

Section 13. Paragraph (a) of subsection (6) of section 163.3177, Florida Statutes, is amended to read:

163.3177 Required and optional elements of comprehensive plan; studies and surveys.—

(6) In addition to the requirements of subsections (1)-(5), the comprehensive plan shall include the following elements:

(a) A future land use plan element designating proposed future general distribution, location, and extent of the uses of land for residential uses, commercial uses, industry, agriculture, recreation, conservation, education, public facilities, and other categories of the public and private uses of land. The approximate acreage and the general range of density or intensity of use shall be provided for the gross land area included in each existing land use category. The element shall establish the long-term end toward which land use programs and activities are ultimately directed.

1. Each future land use category must be defined in terms of uses included, and must include standards to be followed in the control and distribution of population densities and building and structure intensities. The proposed distribution, location, and extent of the various categories of land use shall be shown on a land use map or map series which shall be supplemented by goals, policies, and measurable objectives.

2. The future land use plan and plan amendments shall be based upon surveys, studies, and data regarding the area, as applicable, including:

a. The amount of land required to accommodate anticipated growth.

b. The projected permanent and seasonal population of the area.

c. The character of undeveloped land.

d. The availability of water supplies, public facilities, and services.

e. The need for redevelopment, including the renewal of blighted areas and the elimination of nonconforming uses which are inconsistent with the character of the community.

f. The compatibility of uses on lands adjacent to or closely proximate to military installations.

g. The compatibility of uses on lands adjacent to an airport as defined in s. 330.35 and consistent with s. 333.02.

h. The discouragement of urban sprawl.

i. The need for job creation, capital investment, and economic development that will strengthen and diversify the community's economy.

j. The need to modify land uses and development patterns within antiquated subdivisions.

3. The future land use plan element shall include criteria to be used to:

a. Achieve the compatibility of lands adjacent or closely proximate to military installations, considering factors identified in s. 163.3175(5).

b. Achieve the compatibility of lands adjacent to an airport as defined in s. 330.35 and consistent with s. 333.02.

c. Encourage preservation of recreational and commercial working waterfronts for water-dependent uses in coastal communities.

d. Encourage the location of schools proximate to urban residential areas to the extent possible.

e. Coordinate future land uses with the topography and soil conditions, and the availability of facilities and services.

f. Ensure the protection of natural and historic resources.

g. Provide for the compatibility of adjacent land uses.

h. Provide guidelines for the implementation of mixed-use development including the types of uses allowed, the percentage distribution among the mix of uses, or other standards, and the density and intensity of each use.

4. The amount of land designated for future planned uses shall provide a balance of uses that foster vibrant, viable communities and economic development opportunities and address outdated development patterns, such as antiquated subdivisions. The amount of land designated for future land uses should allow the operation of real estate markets to provide adequate choices for permanent and seasonal residents and business and may not be limited solely by the projected population. The element shall accommodate at least the minimum amount of land required to accommodate the medium projections as published by the Office of Economic and Demographic Research for at least a 10-year planning period unless otherwise limited under s. 380.05, including related rules of the Administration Commission.

5. The future land use plan of a county may designate areas for possible future municipal incorporation.

6. The land use maps or map series shall generally identify and depict historic district boundaries and shall designate historically significant properties meriting protection.

7. The future land use element must clearly identify the land use categories in which public schools are an allowable use. When delineating the land use categories in which public schools are an allowable use, a local

government shall include in the categories sufficient land proximate to residential development to meet the projected needs for schools in coordination with public school boards and may establish differing criteria for schools of different type or size. Each local government shall include lands contiguous to existing school sites, to the maximum extent possible, within the land use categories in which public schools are an allowable use.

8. Future land use map amendments shall be based upon the following analyses:

a. An analysis of the availability of facilities and services.

b. An analysis of the suitability of the plan amendment for its proposed use considering the character of the undeveloped land, soils, topography, natural resources, and historic resources on site.

c. An analysis of the minimum amount of land needed to achieve the goals and requirements of this section.

9. The future land use element and any amendment to the future land use element shall discourage the proliferation of urban sprawl.

a. The primary indicators that a plan or plan amendment does not discourage the proliferation of urban sprawl are listed below. The evaluation of the presence of these indicators shall consist of an analysis of the plan or plan amendment within the context of features and characteristics unique to each locality in order to determine whether the plan or plan amendment:

(I) Promotes, allows, or designates for development substantial areas of the jurisdiction to develop as low-intensity, low-density, or single-use development or uses.

(II) Promotes, allows, or designates significant amounts of urban development to occur in rural areas at substantial distances from existing urban areas while not using undeveloped lands that are available and suitable for development.

(III) Promotes, allows, or designates urban development in radial, strip, isolated, or ribbon patterns generally emanating from existing urban developments.

(IV) Fails to adequately protect and conserve natural resources, such as wetlands, floodplains, native vegetation, environmentally sensitive areas, natural groundwater aquifer recharge areas, lakes, rivers, shorelines, beaches, bays, estuarine systems, and other significant natural systems.

(V) Fails to adequately protect adjacent agricultural areas and activities, including silviculture, active agricultural and silvicultural activities, passive agricultural activities, and dormant, unique, and prime farmlands and soils.

(VI) Fails to maximize use of existing public facilities and services.

(VII) Fails to maximize use of future public facilities and services.

(VIII) Allows for land use patterns or timing which disproportionately increase the cost in time, money, and energy of providing and maintaining facilities and services, including roads, potable water, sanitary sewer, stormwater management, law enforcement, education, health care, fire and emergency response, and general government.

(IX) Fails to provide a clear separation between rural and urban uses.

(X) Discourages or inhibits infill development or the redevelopment of existing neighborhoods and communities.

(XI) Fails to encourage a functional mix of uses.

(XII) Results in poor accessibility among linked or related land uses.

(XIII) Results in the loss of significant amounts of functional open space.

b. The future land use element or plan amendment shall be determined to discourage the proliferation of urban sprawl if it incorporates a development pattern or urban form that achieves four or more of the following:

(I) Directs or locates economic growth and associated land development to geographic areas of the community in a manner that does not have an adverse impact on and protects natural resources and ecosystems.

(II) Promotes the efficient and cost-effective provision or extension of public infrastructure and services.

(III) Promotes walkable and connected communities and provides for compact development and a mix of uses at densities and intensities that will support a range of housing choices and a multimodal transportation system, including pedestrian, bicycle, and transit, if available.

(IV) Promotes conservation of water and energy.

(V) Preserves agricultural areas and activities, including silviculture, and dormant, unique, and prime farmlands and soils.

(VI) Preserves open space and natural lands and provides for public open space and recreation needs.

(VII) Creates a balance of land uses based upon demands of the residential population for the nonresidential needs of an area.

(VIII) Provides uses, densities, and intensities of use and urban form that would remediate an existing or planned development pattern in the vicinity that constitutes sprawl or if it provides for an innovative

development pattern such as transit-oriented developments or new towns as defined in s. 163.3164.

10. The future land use element shall include a future land use map or map series.

a. The proposed distribution, extent, and location of the following uses shall be shown on the future land use map or map series:

(I) Residential.

(II) Commercial.

(III) Industrial.

(IV) Agricultural.

(V) Recreational.

(VI) Conservation.

(VII) Educational.

(VIII) Public.

b. The following areas shall also be shown on the future land use map or map series, if applicable:

(I) Historic district boundaries and designated historically significant properties.

(II) Transportation concurrency management area boundaries or transportation concurrency exception area boundaries.

(III) Multimodal transportation district boundaries.

(IV) Mixed-use categories.

c. The following natural resources or conditions shall be shown on the future land use map or map series, if applicable:

(I) Existing and planned public potable waterwells, cones of influence, and wellhead protection areas.

(II) Beaches and shores, including estuarine systems.

(III) Rivers, bays, lakes, floodplains, and harbors.

(IV) Wetlands.

(V) Minerals and soils.

(VI) Coastal high hazard areas.

~~11. Local governments required to update or amend their comprehensive plan to include criteria and address compatibility of lands adjacent or closely proximate to existing military installations, or lands adjacent to an airport as defined in s. 330.35 and consistent with s. 333.02, in their future land use plan element shall transmit the update or amendment to the state land planning agency by June 30, 2012.~~

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

Section 14. Subsection (1) of section 166.271, Florida Statutes, is amended to read:

166.271 Surcharge on municipal facility parking fees.—

(1) The governing authority of any municipality with a resident population of 200,000 or more, more than 20 percent of the real property of which is exempt from ad valorem taxes, and which is located in a county with a population of more than 500,000 may impose and collect, subject to referendum approval by voters in the municipality, a discretionary per vehicle surcharge of up to 15 percent of the amount charged for the sale, lease, or rental of space at parking facilities within the municipality which are open for use to the general public and which are not airports, seaports, county administration buildings, or other projects as defined under ss. 125.011 and 125.015~~, provided that this surcharge shall not take effect while any surcharge imposed pursuant to former s. 218.503(6)(a), is in effect~~.

Reviser's note.—Amended to delete obsolete language. The surcharge imposed under former s. 218.503(6) expired pursuant to its own terms, effective June 30, 2006; confirmed by s. 6, ch. 2007-6, Laws of Florida, a reviser's bill.

Section 15. Subsection (2) of section 189.031, Florida Statutes, is amended to read:

189.031 Legislative intent for the creation of independent special districts; special act prohibitions; model elements and other requirements; local general-purpose government/Governor and Cabinet creation authorizations.—

(2) SPECIAL ACTS PROHIBITED.—Pursuant to s. 11(a)(21), Art. III of the State Constitution, the Legislature hereby prohibits special laws or general laws of local application which:

(a) Create independent special districts that do not, at a minimum, conform to the minimum requirements in subsection (3);

(b) Exempt independent special district elections from the appropriate requirements in s. 189.04;

(c) Exempt an independent special district from the requirements for bond referenda in s. 189.042;

(d) Exempt an independent special district from the reporting, notice, or public meetings requirements of s. 189.015, s. 189.016, s. 189.051, or s. 189.08; or

(e) Create an independent special district for which a statement has not been submitted to the Legislature that documents the following:

1. The purpose of the proposed district;

2. The authority of the proposed district;

3. An explanation of why the district is the best alternative; and

4. A resolution or official statement of the governing body or an appropriate administrator of the local jurisdiction within which the proposed district is located stating that the creation of the proposed district is consistent with the approved local government plans of the local governing body and that the local government has no objection to the creation of the proposed district.

Reviser's note.—Amended to improve clarity.

Section 16. Paragraphs (l) and (m) of subsection (8) of section 200.001, Florida Statutes, are amended to read:

200.001 Millages; definitions and general provisions.—

(8)

(l) "Maximum total county ad valorem taxes levied" means the total taxes levied by a county, municipal service taxing units of that county, and special districts dependent to that county at their individual maximum millages, calculated pursuant to s. 200.065(5)(a) for fiscal years 2009-2010 and thereafter ~~and pursuant to s. 200.185 for fiscal years 2007-2008 and 2008-2009~~.

(m) "Maximum total municipal ad valorem taxes levied" means the total taxes levied by a municipality and special districts dependent to that municipality at their individual maximum millages, calculated pursuant to s. 200.065(5)(b) for fiscal years 2009-2010 and thereafter ~~and by s. 200.185 for fiscal years 2007-2008 and 2008-2009~~.

Reviser's note.—Amended to delete obsolete language and to conform to the repeal of s. 200.185 by this act.

Section 17. 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~~ 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~~ 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~~, 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~~, 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~~ 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~~:

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~~ 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~~.

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 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)~~.

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 conform to the repeal of s. 200.185 by this act.

Section 18. Section 200.068, Florida Statutes, is amended to read:

200.068 Certification of compliance with this chapter.—Not later than 30 days following adoption of an ordinance or resolution establishing a property tax levy, each taxing authority shall certify compliance with the provisions of this chapter to the Department of Revenue. In addition to a statement of compliance, such certification shall include a copy of the ordinance or resolution so adopted; a copy of the certification of value showing rolled-back millage and proposed millage rates, as provided to the property appraiser pursuant to s. 200.065(1) and (2)(b); maximum millage rates calculated pursuant to s. 200.065(5)~~, s. 200.185, or s. 200.186~~, together with values and calculations upon which the maximum millage rates are based; and a certified copy of the advertisement, as published pursuant to s. 200.065(3). In certifying compliance, the governing body of the county shall also include a certified copy of the notice required under s. 194.037. However, if the value adjustment board completes its hearings after the deadline for certification under this section, the county shall submit such

copy to the department not later than 30 days following completion of such hearings.

Reviser's note.—Amended to conform to the repeal of s. 200.185 by this act and to delete a reference to s. 200.186, which was created by s. 28, ch. 2007-321, Laws of Florida, effective contingent upon a constitutional amendment which did pass but for which the ballot language was ruled unconstitutional; s. 200.186 did not become effective.

Section 19. Section 200.141, Florida Statutes, is amended to read:

200.141 Millage following consolidation of city and county functions.—Those cities or counties which now or hereafter provide both municipal and county services as authorized under ss. 9-11 and 24 of Art. VIII of the State Constitution of 1885, as preserved by s. (6)(e), Art. VIII of the State Constitution of 1968, shall have the right to levy for county, district and municipal purposes a millage up to 20 mills on the dollar of assessed valuation under this section. For each increase in the county millage above 10 mills which is attributable to an assumption of municipal services by a county having home rule, or for each increase in the municipal millage above 10 mills which is attributable to an assumption of county services by a city having home rule, there shall be a decrease in the millage levied by each and every municipality which has a service or services assumed by the county, or by the county which has a service or services assumed by the city. Such decrease shall be equal to the cost of that service or services assumed, so that an amount equal to that cost shall be eliminated from the budget of the county or city giving up the performance of such service or services.

Reviser's note.—Amended to conform to the citation style used at other provisions in the Florida Statutes citing to ss. 9-11 and 24 of Art. VIII of the State Constitution of 1885, which were preserved by s. (6)(e), Art. VIII of the State Constitution of 1968.

Section 20. Section 200.185, Florida Statutes, is repealed.

Reviser's note.—The cited section, which relates to maximum millage rates for the 2007-2008 and 2008-2009 fiscal years, is repealed to delete a provision that has served its purpose.

Section 21. Paragraph (o) of subsection (5) of section 212.08, Florida Statutes, is amended to read:

212.08 Sales, rental, use, consumption, distribution, and storage tax; specified exemptions.—The sale at retail, the rental, the use, the consumption, the distribution, and the storage to be used or consumed in this state of the following are hereby specifically exempt from the tax imposed by this chapter.

(5) EXEMPTIONS; ACCOUNT OF USE.—

(o) *Building materials in redevelopment projects.*—

1. As used in this paragraph, the term:

a. "Building materials" means tangible personal property that becomes a component part of a housing project or a mixed-use project.

b. "Housing project" means the conversion of an existing manufacturing or industrial building to a housing unit which is in an urban high-crime area, an enterprise zone, an empowerment zone, a Front Porch Florida Community, a designated brownfield site for which a rehabilitation agreement with the Department of Environmental Protection or a local government delegated by the Department of Environmental Protection has been executed under s. 376.80 and any abutting real property parcel within a brownfield area, or an urban infill area; and in which the developer agrees to set aside at least 20 percent of the housing units in the project for low-income and moderate-income persons or the construction in a designated brownfield area of affordable housing for persons described in s. 420.0004(9), (11), (12), or (17) or in s. 159.603(7).

c. "Mixed-use project" means the conversion of an existing manufacturing or industrial building to mixed-use units that include artists' studios, art and entertainment services, or other compatible uses. A mixed-use project must be located in an urban high-crime area, an enterprise zone, an empowerment zone, a Front Porch Florida Community, a designated brownfield site for which a rehabilitation agreement with the Department of Environmental Protection or a local government delegated by the Department of Environmental Protection has been executed under s. 376.80 and any abutting real property parcel within a brownfield area, or an urban infill area; and the developer must agree to set aside at least 20 percent of the square footage of the project for low-income and moderate-income housing.

d. "Substantially completed" has the same meaning as provided in s. 192.042(1).

2. Building materials used in the construction of a housing project or mixed-use project are exempt from the tax imposed by this chapter upon an affirmative showing to the satisfaction of the department that the requirements of this paragraph have been met. This exemption inures to the owner through a refund of previously paid taxes. To receive this refund, the owner must file an application under oath with the department which includes:

a. The name and address of the owner.

b. The address and assessment roll parcel number of the project for which a refund is sought.

c. A copy of the building permit issued for the project.

d. A certification by the local building code inspector that the project is substantially completed.

e. A sworn statement, under penalty of perjury, from the general contractor licensed in this state with whom the owner contracted to construct the project, which statement lists the building materials used in the construction of the project and the actual cost thereof, and the amount of sales tax paid on these materials. If a general contractor was not used, the owner shall provide this information in a sworn statement, under penalty of perjury. Copies of invoices evidencing payment of sales tax must be attached to the sworn statement.

3. An application for a refund under this paragraph must be submitted to the department within 6 months after the date the project is deemed to be substantially completed by the local building code inspector. Within 30 working days after receipt of the application, the department shall determine if it meets the requirements of this paragraph. A refund approved pursuant to this paragraph shall be made within 30 days after formal approval of the application by the department.

4. The department shall establish by rule an application form and criteria for establishing eligibility for exemption under this paragraph.

5. The exemption shall apply to purchases of materials on or after July 1, 2000.

Reviser's note.—Amended to confirm the editorial insertion of the word "Florida" to conform to the full title of communities receiving grants through the Front Porch Florida Initiative.

Section 22. Subsection (8) of section 213.0532, Florida Statutes, is amended to read:

213.0532 Information-sharing agreements with financial institutions.

(8) Any financial records obtained pursuant to this section may be disclosed only for the purpose of, and to the extent necessary <u>for, administration and enforcement of</u> ~~to administer and enforce~~ the tax laws of this state.

Reviser's note.—Amended to improve sentence construction.

Section 23. Paragraph (b) of subsection (5) of section 218.39, Florida Statutes, is amended to read:

218.39 Annual financial audit reports.—

(5) At the conclusion of the audit, the auditor shall discuss with the chair of the governing body of the local governmental entity or the chair's designee, the elected official of each county agency or the elected official's designee, the chair of the district school board or the chair's designee, the chair of the board of the charter school or the chair's designee, or the chair of the board of the charter technical career center or the chair's designee, as appropriate, all of the auditor's comments that will be included in the audit

report. If the officer is not available to discuss the auditor's comments, their discussion is presumed when the comments are delivered in writing to his or her office. The auditor shall notify each member of the governing body of a local governmental entity, district school board, charter school, or charter technical career center for which:

(b) A fund balance deficit in total or a deficit for that portion of a fund balance not classified as restricted, committed, or nonspendable, or a total or unrestricted net assets deficit, as reported on the fund financial statements of entities required to report under governmental financial reporting standards or on the basic financial statements of entities required to report under not-for-profit financial reporting standards, for which sufficient resources of the local governmental entity, charter school, charter technical career center, or district school board, as reported on the fund financial statements, are not available to cover the deficit. Resources available to cover reported deficits include fund balance or net assets that are not otherwise restricted by federal, state, or local laws, bond covenants, contractual agreements, or other legal constraints. Property, plant, and equipment, the disposal of which would impair the ability of a local governmental entity, charter school, charter technical career center, or district school board to carry out its functions, are not considered resources available to cover reported deficits.

Reviser's note.—Amended to facilitate correct understanding.

Section 24. Subsection (1) of section 220.63, Florida Statutes, is amended to read:

220.63 Franchise tax imposed on banks and savings associations.—

(1) A franchise tax measured by net income is hereby imposed on every bank and savings association for each taxable year commencing on or after January 1, 1973~~, and for each taxable year which begins before and ends after January 1, 1973~~. ~~The franchise tax base of any bank for a taxable year which begins before and ends after January 1, 1972, shall be prorated in the manner prescribed for the proration of net income under s. 220.12(2).~~

Reviser's note.—Amended to delete an obsolete provision and conform to the repeal of s. 220.12(2) by s. 14, ch. 90-203, Laws of Florida.

Section 25. Paragraph (c) of subsection (3) of section 238.05, Florida Statutes, is amended to read:

238.05 Membership.—

(3) Except as otherwise provided in s. 238.07(9), membership of any person in the retirement system will cease if he or she is continuously unemployed as a teacher for a period of more than 5 consecutive years, or upon the withdrawal by the member of his or her accumulated contributions as provided in s. 238.07(13), or upon retirement, or upon death; provided that the adjustments prescribed below are to be made for persons who enter

the Armed Forces of the United States during a period of war or national emergency and for persons who are granted leaves of absence. Any member of the retirement system who within 1 year before the time of entering the Armed Forces of the United States was a teacher, as defined in s. 238.01, or was engaged in other public educational work within the state, and member of the Teachers' Retirement System at the time of induction, or who has been or is granted leave of absence, shall be permitted to elect to continue his or her membership in the Teachers' Retirement System; and membership service shall be allowed for the period covered by service in the Armed Forces of the United States or by leave of absence under the following conditions:

~~(c) Any person who served in the Armed Forces of the United States in World War I, or who served as a registered nurse or nurse's aide in service connected with the Armed Forces of the United States during the period of World War I, and who is now a member of the Teachers' Retirement System and who, at or before the time of entering the Armed Forces or the service of the care and nursing of members of the Armed Forces of the United States, was a teacher as defined in s. 238.01 is entitled to prior service and out-of-state prior service credit in the Teachers' Retirement System for his or her period of such service.~~

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

Section 26. Section 255.041, Florida Statutes, is amended to read:

255.041 Separate specifications for building contracts.—Every officer, board, department, or commission ~~or commissions~~ charged with the duty of preparing specifications or awarding or entering into contract for the erection, construction, or altering of buildings for the state, when the entire cost of such work shall exceed $10,000, may have prepared separate specifications for each of the following branches of work to be performed:

(1) Heating and ventilating and accessories.

(2) Plumbing and gas fitting and accessories.

(3) Electrical installations.

(4) Air-conditioning, for the purpose of comfort cooling by the lowering of temperature, and accessories.

All such specifications may be so drawn as to permit separate and independent bidding upon each of the classes of work enumerated in the above subdivisions. All contracts hereafter awarded by the state or a department, board, commissioner, or officer thereof, for the erection, construction or alteration of buildings, or any part thereof, may award the respective work specified in the above subdivisions separately to responsible and reliable persons, firms or corporations regularly engaged in their respective line of work; provided, however, that all or any part of the work specified in the above subdivisions may be awarded to the same contractor.

Reviser's note.—Amended to improve clarity.

Section 27. Subsection (2) of section 255.254, Florida Statutes, is amended to read:

255.254 No facility constructed or leased without life-cycle costs.—

(2) ~~On and after January 1, 1979,~~ No state agency shall initiate construction or have construction initiated, prior to approval thereof by the department, on a facility or self-contained unit of any facility, the design and construction of which incorporates or contemplates the use of an energy system other than a solar energy system when the life-cycle costs analysis prepared by the department has determined that a solar energy system is the most cost-efficient energy system for the facility or unit.

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

Section 28. Paragraph (b) of subsection (9) of section 259.032, Florida Statutes, is amended to read:

259.032 Conservation and recreation lands.—

(9)

(b) An amount of not less than 1.5 percent of the cumulative total of funds ever deposited into the former Florida Preservation 2000 Trust Fund and the Florida Forever Trust Fund shall be made available for the purposes of management, maintenance, and capital improvements, and for associated contractual services, for conservation and recreation lands acquired with funds deposited into the Land Acquisition Trust Fund pursuant to s. 28(a), Art. X of the State Constitution or pursuant to former s. 259.032, Florida Statutes 2014, former s. 259.101, Florida Statutes 2014, s. 259.105, s. 259.1052, or previous programs for the acquisition of lands for conservation and recreation, including state forests, to which title is vested in the board of trustees and other conservation and recreation lands managed by a state agency. Each agency with management responsibilities shall annually request from the Legislature funds sufficient to fulfill such responsibilities to implement individual management plans. For the purposes of this paragraph, capital improvements shall include, but need not be limited to, perimeter fencing, signs, firelanes, access roads and trails, and minimal public accommodations, such as primitive campsites, garbage receptacles, and toilets. Any equipment purchased with funds provided pursuant to this paragraph may be used for the purposes described in this paragraph on any conservation and recreation lands managed by a state agency. The funding requirement created in this paragraph is subject to an annual evaluation by the Legislature to ensure that such requirement does not impact the respective trust fund in a manner that would prevent the trust fund from meeting other minimum requirements.

Reviser's note.—Amended to conform to the termination of the Florida Preservation 2000 Trust Fund pursuant to s. 1, ch. 2015-229, Laws of

Florida, and the repeal of s. 375.045, which created the trust fund, by s. 52, ch. 2015-229.

Section 29. Paragraph (d) of subsection (2) of section 272.135, Florida Statutes, is amended to read:

272.135 Florida Historic Capitol Museum Director.—

(2) The director shall:

(d) Propose a strategic plan to the President of the Senate and the Speaker of the House of Representatives by May 1 of each year in which a general election is held and ~~shall~~ propose an annual operating plan.

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

Section 30. Subsection (4) of section 288.012, Florida Statutes, is amended to read:

288.012 State of Florida international offices; state protocol officer; protocol manual.—The Legislature finds that the expansion of international trade and tourism is vital to the overall health and growth of the economy of this state. This expansion is hampered by the lack of technical and business assistance, financial assistance, and information services for businesses in this state. The Legislature finds that these businesses could be assisted by providing these services at State of Florida international offices. The Legislature further finds that the accessibility and provision of services at these offices can be enhanced through cooperative agreements or strategic alliances between private businesses and state, local, and international governmental entities.

(4) The Department of Economic Opportunity, in connection with the establishment, operation, and management of any of its offices located in another country, is exempt from the provisions of ss. 255.21, 255.25, and 255.254 relating to leasing of buildings; ss. 283.33 and 283.35 relating to bids for printing; ss. 287.001-287.20 relating to purchasing and motor vehicles; and ss. 282.003-282.00515 ~~282.003-282.0056~~ and 282.702-282.7101 relating to communications, and from all statutory provisions relating to state employment.

(a) The department may exercise such exemptions only upon prior approval of the Governor.

(b) If approval for an exemption under this section is granted as an integral part of a plan of operation for a specified international office, such action shall constitute continuing authority for the department to exercise the exemption, but only in the context and upon the terms originally granted. Any modification of the approved plan of operation with respect to an exemption contained therein must be resubmitted to the Governor for his or her approval. An approval granted to exercise an exemption in any other

context shall be restricted to the specific instance for which the exemption is to be exercised.

(c) As used in this subsection, the term "plan of operation" means the plan developed pursuant to subsection (2).

(d) Upon final action by the Governor with respect to a request to exercise the exemption authorized in this subsection, the department shall report such action, along with the original request and any modifications thereto, to the President of the Senate and the Speaker of the House of Representatives within 30 days.

Reviser's note.—Amended to conform to the repeal of s. 282.0056 by s. 12, ch. 2014-221, Laws of Florida.

Section 31. Paragraph (b) of subsection (4) of section 311.12, Florida Statutes, is amended to read:

311.12 Seaport security.—

(4) ACCESS TO SECURE AND RESTRICTED AREAS.—

(b) A seaport may not charge a fee for the administration or production of any access control credential that requires or is associated with a fingerprint-based background check, in addition to the fee for the federal TWIC. Beginning July 1, 2013, a seaport may not charge a fee for a seaport-specific access credential issued in addition to the federal TWIC, except under the following circumstances:

1. The individual seeking to gain secured access is a new hire as defined under 33 C.F.R. part ~~s.~~ 105; or

2. The individual has lost or misplaced his or her federal TWIC.

Reviser's note.—Amended to facilitate correct interpretation. There is no 33 C.F.R. s. 105; there is a 33 C.F.R. part 105, which relates to security of maritime facilities.

Section 32. Subsection (5) of section 316.3025, Florida Statutes, is amended to read:

316.3025 Penalties.—

(5) Whenever any person or motor carrier as defined in chapter 320 violates the provisions of this section and becomes indebted to the state because of such violation and refuses to pay the appropriate penalty, in addition to the provisions of s. 316.3026, such penalty becomes a lien upon the property including the motor vehicles of such person or motor carrier and such property may be seized and foreclosed by the state in a civil action in any court of this state. It shall be presumed that the owner of the motor

vehicle is liable for the sum, and the vehicle may be detained or impounded until the penalty is paid.

Reviser's note.—Amended to improve clarity.

Section 33. Paragraph (c) of subsection (3) of section 333.07, Florida Statutes, is amended to read:

333.07 Permits and variances.—

(3) OBSTRUCTION MARKING AND LIGHTING.—

~~(c) Existing structures not in compliance on October 1, 1988, shall be required to comply whenever the existing marking requires refurbishment, whenever the existing lighting requires replacement, or within 5 years of October 1, 1988, whichever occurs first.~~

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

Section 34. Subsection (2) of section 336.71, Florida Statutes, is amended to read:

336.71 Public-private cooperation in construction of county roads.—

(2) The notice for the public hearing provided for in subsection (1) must be published at least 14 days before the date of the public meeting at which the governing board takes final action. The notice must identify the project and~~,~~ the estimated cost of the project~~,~~ and specify that the purpose for the public meeting is to consider whether it is in the public's best interest to accept the proposal and enter into an agreement pursuant thereto. The determination of cost savings pursuant to paragraph (1)(e) must be supported by a professional engineer's cost estimate made available to the public at least 14 days before the public meeting and placed in the record for that meeting.

Reviser's note.—Amended to improve clarity.

Section 35. Subsection (13) of section 343.1003, Florida Statutes, is amended to read:

343.1003 Northeast Florida Regional Transportation Commission.—

(13) There shall be no liability on the part of, and no cause of action may arise against, any member for any action taken in the performance of his or her duties under this part.

Reviser's note.—Amended to improve clarity.

Section 36. Paragraph (e) of subsection (1) of section 366.95, Florida Statutes, is amended to read:

366.95 Financing for certain nuclear generating asset retirement or abandonment costs.—

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

(e) "Financing costs" means:

1. Interest and acquisition, defeasance, or redemption premiums payable on nuclear asset-recovery bonds;

2. Any payment required under an ancillary agreement and any amount required to fund or replenish a reserve account or other accounts established under the terms of any indenture, ancillary agreement, or other financing documents pertaining to nuclear asset-recovery bonds;

3. Any other cost related to issuing, supporting, repaying, refunding, and servicing nuclear asset-recovery bonds, including, but not limited to, servicing fees, accounting and auditing fees, trustee fees, legal fees, consulting fees, financial adviser fees, administrative fees, placement and underwriting fees, capitalized interest, rating agency fees, stock exchange listing and compliance fees, security registration fees, filing fees, information technology programming costs, and any other costs necessary to otherwise ensure the timely payment of nuclear asset-recovery bonds or other amounts or charges payable in connection with the bonds, including costs related to obtaining the financing order;

4. Any taxes and license fees imposed on the revenues generated from the collection of the nuclear asset-recovery charge;

5. Any state and local taxes, franchise <u>fees</u>, gross receipts <u>taxes</u>, and other taxes or similar charges, including, but not limited to, regulatory assessment fees, in any such case whether paid, payable, or accrued; and

6. Any costs incurred by the commission for any outside consultants or counsel pursuant to subparagraph (2)(c)2.

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

Section 37. Subsection (8) of section 373.236, Florida Statutes, is amended to read:

373.236 Duration of permits; compliance reports.—

(8) A water management district may issue a permit to an applicant, as set forth in s. 163.3245(13), for the same period of time as the applicant's approved master development order if the master development order was issued under s. 380.06(21) by a county which, at the time the order <u>was</u> issued, was designated as a rural area of opportunity under s. 288.0656, was not located in an area encompassed by a regional water supply plan as set forth in s. 373.709(1), and was not located within the basin management

action plan of a first magnitude spring. In reviewing the permit application and determining the permit duration, the water management district shall apply s. 163.3245(4)(b).

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

Section 38. Subsections (4) and (5) of section 373.4149, Florida Statutes, are amended to read:

373.4149 Miami-Dade County Lake Belt Plan.—

(4) The identification of the Miami-Dade County Lake Belt Area shall not preempt local land use jurisdiction, planning, or regulatory authority in regard to the use of land by private land owners. When amending local comprehensive plans, or implementing zoning regulations, development regulations, or other local regulations, Miami-Dade County shall strongly consider limestone mining activities and ancillary operations, such as lake excavation, including use of explosives, rock processing, cement, concrete and asphalt products manufacturing, and ancillary activities, within the rock mining supported and allowable areas of the Miami-Dade County Lake Belt Plan adopted by subsection (1); provided, however, that limerock mining activities are consistent with wellfield protection. Rezonings, amendments to local zoning and subdivision regulations, and amendments to local comprehensive plans concerning properties that are located within 1 mile of the Miami-Dade County Lake Belt Area shall be compatible with limestone mining activities. No rezonings, variances, amendments to local zoning and subdivision regulations which would result in an increase in residential density, or amendments to local comprehensive plans for any residential purpose may be approved for any property located in sections 35 and 36 and the east one-half of sections 24 and 25, Township 53 South, Range 39 East until such time as there is no active mining within 2 miles of the property. This section does not preclude residential development that complies with current regulations.

(5) The secretary of the Department of Environmental Protection, the executive director of the Department of Economic Opportunity, the secretary of the Department of Transportation, the Commissioner of Agriculture, the executive director of the Fish and Wildlife Conservation Commission, and the executive director of the South Florida Water Management District may enter into agreements with landowners, developers, businesses, industries, individuals, and governmental agencies as necessary to effectuate the Miami-Dade County Lake Belt Plan and the provisions of this section.

Reviser's note.—Amended to conform to context and to the full names of the Miami-Dade County Lake Belt Area and the Miami-Dade County Lake Belt Plan.

Section 39. Subsection (7) of section 373.41492, Florida Statutes, is amended to read:

373.41492 Miami-Dade County Lake Belt Mitigation Plan; mitigation for mining activities within the Miami-Dade County Lake Belt.—

(7) Payment of the mitigation fee imposed by this section satisfies the mitigation requirements imposed under ss. 373.403-373.439 and any applicable county ordinance for loss of the value and functions from mining of the wetlands identified as rock mining supported and allowable areas of the Miami-Dade County Lake Belt Plan adopted by s. 373.4149(1). In addition, it is the intent of the Legislature that the payment of the mitigation fee imposed by this section satisfy all federal mitigation requirements for the wetlands mined.

Reviser's note.—Amended to conform to context and to the full name of the Miami-Dade County Lake Belt Plan.

Section 40. Paragraph (g) of subsection (1) of section 379.3751, Florida Statutes, is amended to read:

379.3751 Taking and possession of alligators; trapping licenses; fees.—

(1)

(g) A person engaged in the taking of alligators under any permit issued by the commission which authorizes the taking ~~take~~ of alligators is not required to possess a management area permit under s. 379.354(8).

Reviser's note.—Amended to confirm the editorial substitution of the word "taking" for the word "take" to improve clarity.

Section 41. Paragraph (b) of subsection (7) of section 380.510, Florida Statutes, is amended to read:

380.510 Conditions of grants and loans.—

(7) Any funds received by the trust pursuant to s. 259.105(3)(c) or s. 375.041 shall be held separate and apart from any other funds held by the trust and used for the land acquisition purposes of this part.

(b) All deeds or leases with respect to any real property acquired with funds received by the trust from the former Preservation 2000 Trust Fund, the Florida Forever Trust Fund, or the Land Acquisition Trust Fund must contain such covenants and restrictions as are sufficient to ensure that the use of such real property at all times complies with s. 375.051 and s. 9, Art. XII of the State Constitution. Each deed or lease with respect to any real property acquired with funds received by the trust from the Florida Forever Trust Fund before July 1, 2015, must contain covenants and restrictions sufficient to ensure that the use of such real property at all times complies with s. 11(e), Art. VII of the State Constitution. Each deed or lease with respect to any real property acquired with funds received by the trust from the Florida Forever Trust Fund after July 1, 2015, must contain covenants and restrictions sufficient to ensure that the use of such real property at all

times complies with s. 28, Art. X of the State Constitution. Each deed or lease must contain a reversion, conveyance, or termination clause that vests title in the Board of Trustees of the Internal Improvement Trust Fund if any of the covenants or restrictions are violated by the titleholder or leaseholder or by some third party with the knowledge of the titleholder or leaseholder.

Reviser's note.—Amended to conform to the termination of the Florida Preservation 2000 Trust Fund pursuant to s. 1, ch. 2015-229, Laws of Florida, and the repeal of s. 375.045, which created the trust fund, by s. 52, ch. 2015-229.

Section 42. Paragraph (g) of subsection (5) of section 383.402, Florida Statutes, is amended to read:

383.402 Child abuse death review; State Child Abuse Death Review Committee; local child abuse death review committees.—

(5) ACCESS TO AND USE OF RECORDS.—

(g) A person who has attended a meeting of the state committee or a local committee or who has otherwise participated in activities authorized by this section may not be permitted or required to testify in any civil, criminal, or administrative proceeding as to any records or information produced or presented to a committee during meetings or other activities authorized by this section. However, this paragraph ~~subsection~~ does not prevent any person who testifies before the committee or who is a member of the committee from testifying as to matters otherwise within his or her knowledge. An organization, institution, committee member, or other person who furnishes information, data, reports, or records to the state committee or a local committee is not liable for damages to any person and is not subject to any other civil, criminal, or administrative recourse. This paragraph ~~subsection~~ does not apply to any person who admits to committing a crime.

Reviser's note.—Amended to confirm the editorial substitution of the word "paragraph" for the word "subsection" to conform to the redesignation of subsection (14) as paragraph (5)(g) by s. 4, ch. 2015-79, Laws of Florida.

Section 43. Subsection (1) of section 395.1012, Florida Statutes, is amended to read:

395.1012 Patient safety.—

(1) Each licensed facility must adopt a patient safety plan. A plan adopted to implement the requirements of 42 C.F.R. s. ~~part~~ 482.21 shall be deemed to comply with this requirement.

Reviser's note.—Amended to facilitate correct interpretation. There is no 42 C.F.R. part 482.21; there is a 42 C.F.R. s. 482.21, which requires a program for quality improvement and patient safety.

Section 44. Paragraph (d) of subsection (1) of section 400.0065, Florida Statutes, is amended to read:

400.0065 State Long-Term Care Ombudsman Program; duties and responsibilities.—

(1) The purpose of the State Long-Term Care Ombudsman Program is to:

(d) Ensure that residents have regular and timely access to the services provided through the State Long-Term Care Ombudsman Program and that residents and complainants receive timely responses from representatives of the State Long-Term Care Ombudsman Program to their complaints.

Reviser's note.—Amended to confirm the editorial insertion of the word "Ombudsman" to conform to the name of the program established in s. 400.0063.

Section 45. Paragraph (a) of subsection (3) of section 400.0070, Florida Statutes, is amended to read:

400.0070 Conflicts of interest.—

(3) The department, in consultation with the state ombudsman, shall define by rule:

(a) Situations that constitute a conflict of interest which could materially affect the objectivity or capacity of an individual to serve as a representative of the State Long-Term Care Ombudsman Program while carrying out the purposes of the State Long-Term Care Ombudsman Program as specified in this part.

Reviser's note.—Amended to confirm the editorial insertion of the word "Ombudsman" to conform to the name of the program established in s. 400.0063.

Section 46. Subsection (1) of section 400.0081, Florida Statutes, is amended to read:

400.0081 Access to facilities, residents, and records.—

(1) A long-term care facility shall provide representatives of the State Long-Term Care Ombudsman Program with access to:

(a) The long-term care facility and its residents.

(b) Where appropriate, medical and social records of a resident for review if:

1. The representative of the State Long-Term Care Ombudsman Program has the permission of the resident or the legal representative of the resident; or

2. The resident is unable to consent to the review and does not have a legal representative.

(c) Medical and social records of a resident as necessary to investigate a complaint, if:

1. A legal representative or guardian of the resident refuses to give permission;

2. The representative of the State Long-Term Care Ombudsman Program has reasonable cause to believe that the legal representative or guardian is not acting in the best interests of the resident; and

3. The representative of the State Long-Term Care Ombudsman Program obtains the approval of the state ombudsman.

(d) ~~Access to~~ Administrative records, policies, and documents to which residents or the general public have access.

(e) Upon request, copies of all licensing and certification records maintained by the state with respect to a long-term care facility.

Reviser's note.—The introductory paragraph to subsection (1) is amended to confirm the editorial insertion of the word "Ombudsman" to conform to the name of the program established in s. 400.0063. Paragraph (1)(d) is amended to confirm the editorial deletion of the words "Access to" to improve clarity.

Section 47. Paragraph (c) of subsection (3) of section 400.0087, Florida Statutes, is amended to read:

400.0087 Department oversight; funding.—

(3) The department is responsible for ensuring that the State Long-Term Care Ombudsman Program:

(c) Provides appropriate training to representatives of the State Long-Term Care Ombudsman Program ~~Office~~.

Reviser's note.—Amended to substitute the term "State Long-Term Care Ombudsman Program" for the term "State Long-Term Care Ombudsman Office" to conform to context and revisions to this material by ch. 2015-31, Laws of Florida.

Section 48. Subsection (2) of section 400.022, Florida Statutes, is amended to read:

400.022 Residents' rights.—

(2) The licensee for each nursing home shall orally inform the resident of the resident's rights and provide a copy of the statement required by subsection (1) to each resident or the resident's legal representative at or

before the resident's admission to a facility. The licensee shall provide a copy of the resident's rights to each staff member of the facility. Each such licensee shall prepare a written plan and provide appropriate staff training to implement the provisions of this section. The written statement of rights must include a statement that a resident may file a complaint with the agency or state or local ombudsman council. The statement must be in boldfaced type and include the telephone number and e-mail address of the State Long-Term Care Ombudsman Program and the telephone numbers of the local ombudsman council and the Elder Abuse Hotline operated by the Department of Children and Families.

Reviser's note.—Amended to confirm the editorial insertion of the word "and" and to insert the word "telephone" to improve clarity.

Section 49. Paragraph (d) of subsection (1) of section 400.141, Florida Statutes, is amended to read:

400.141 Administration and management of nursing home facilities.—

(1) Every licensed facility shall comply with all applicable standards and rules of the agency and shall:

(d) Provide for resident use of a community pharmacy as specified in s. 400.022(1)(q). Any other law to the contrary notwithstanding, a registered pharmacist licensed in Florida, that is under contract with a facility licensed under this chapter or chapter 429, shall repackage a nursing facility resident's bulk prescription medication which has been packaged by another pharmacist licensed in any state in the United States into a unit dose system compatible with the system used by the nursing facility, if the pharmacist is requested to offer such service. In order to be eligible for the repackaging, a resident or the resident's spouse must receive prescription medication benefits provided through a former employer as part of his or her retirement benefits, a qualified pension plan as specified in s. 4972 of the Internal Revenue Code, a federal retirement program as specified under 5 C.F.R. part ~~s.~~ 831, or a long-term care policy as defined in s. 627.9404(1). A pharmacist who correctly repackages and relabels the medication and the nursing facility which correctly administers such repackaged medication under this paragraph may not be held liable in any civil or administrative action arising from the repackaging. In order to be eligible for the repackaging, a nursing facility resident for whom the medication is to be repackaged shall sign an informed consent form provided by the facility which includes an explanation of the repackaging process and which notifies the resident of the immunities from liability provided in this paragraph. A pharmacist who repackages and relabels prescription medications, as authorized under this paragraph, may charge a reasonable fee for costs resulting from the implementation of this provision.

Reviser's note.—Amended to facilitate correct interpretation. There is no 5 C.F.R. s. 831; there is a 5 C.F.R. part 831, which relates to retirement.

Section 50. Paragraph (b) of subsection (1) of section 403.5363, Florida Statutes, is amended to read:

403.5363 Public notices; requirements.—

(1)

(b) Public notices that must be published under this section include:

1. The notice of the filing of an application, which must include a description of the proceedings required by this act. The notice must describe the provisions of s. 403.531(1) and (2) and give the date by which notice of intent to be a party or a petition to intervene in accordance with s. 403.527(2) must be filed. This notice must be published no more than 21 days after the application is filed. The notice shall, at a minimum, be one-half page in size in a standard size newspaper or a full page in a tabloid size newspaper. The notice must include a map generally depicting all transmission corridors proper for certification.

2. The notice of the certification hearing and any public hearing held under s. 403.527(4). The notice must include the date by which a person wishing to appear as a party must file the notice to do so. The notice of the originally scheduled certification hearing must be published at least 65 days before the date set for the certification hearing. The notice shall meet the size and map requirements set forth in subparagraph 1.

3. The notice of the cancellation of the certification hearing under s. 403.527(6), if applicable. The notice must be published at least 3 days before the date of the originally scheduled certification hearing. The notice shall, at a minimum, be one-fourth page in size in a standard size newspaper or one-half page in a tabloid size newspaper. The notice shall not require a map to be included.

4. The notice of the deferment of the certification hearing due to the acceptance of an alternate corridor under s. 403.5271(1)(b)2. ~~403.5272(1)(b)2.~~ The notice must be published at least 7 days before the date of the originally scheduled certification hearing. The notice shall, at a minimum, be one-eighth page in size in a standard size newspaper or one-fourth page in a tabloid size newspaper. The notice shall not require a map to be included.

5. If the notice of the rescheduled certification hearing required of an alternate proponent under s. 403.5271(1)(c) is not timely published or does not meet the notice requirements such that an alternate corridor is withdrawn under the provisions of s. 403.5271(1)(c), the notice of the rescheduled hearing and any local hearings shall be provided by the applicant at least 30 days prior to the rescheduled certification hearing.

6. The notice of the filing of a proposal to modify the certification submitted under s. 403.5315, if the department determines that the modification would require relocation or expansion of the transmission line right-of-way or a certified substation.

Reviser's note.—Amended to conform to context and facilitate correct interpretation. Section 403.5272(1)(b)2. does not exist; s. 403.5271(1)(b)2. relates to certification hearings for alternate corridors.

Section 51. Section 408.301, Florida Statutes, is amended to read:

408.301 Legislative findings.—The Legislature has found that access to quality, affordable, health care for all Floridians is an important goal for the state. The Legislature recognizes that there are Floridians with special health care and social needs which require particular attention. The people served by the Department of Children and Families, the Agency for Persons with Disabilities, the Department of Health, and the Department of Elderly Affairs are examples of citizens with special needs. The Legislature further recognizes that the Medicaid program is an intricate part of the service delivery system for the special needs citizens. However, the Agency for Health Care Administration is not a service provider and does not develop or direct programs for the special needs citizens. Therefore, it is the intent of the Legislature that the Agency for Health Care Administration work closely with the Department of Children and Families, the Agency for Persons with Disabilities, the Department of Health, and the Department of Elderly Affairs in developing plans for assuring access to all Floridians in order to assure that the needs of special <u>needs</u> citizens are met.

Reviser's note.—Amended to insert the word "needs" to conform to context and facilitate correct interpretation.

Section 52. Subsection (2) of section 409.978, Florida Statutes, is amended to read:

409.978 Long-term care managed care program.—

(2) The agency shall make payments for long-term care, including home and community-based services, using a managed care model. Unless otherwise specified, ss. <u>409.961-409.969</u> ~~409.961-409.97~~ apply to the long-term care managed care program.

Reviser's note.—Amended to conform to the repeal of s. 409.97 by s. 11, ch. 2015-225, Laws of Florida.

Section 53. Section 415.113, Florida Statutes, is amended to read:

415.113 Statutory construction; treatment by spiritual means.—Nothing in ss. <u>415.101-415.1115</u> ~~415.101-415.112~~ shall be construed to mean a person is abused, neglected, or in need of emergency or protective services for the sole reason that the person relies upon and is, therefore, being furnished treatment by spiritual means through prayer alone in accordance with the tenets and practices of a well-recognized church or religious denomination or organization; nor shall anything in such sections be construed to authorize, permit, or require any medical care or treatment in contravention of the stated or implied objection of such person. Such construction does not:

(1) Eliminate the requirement that such a case be reported to the department;

(2) Prevent the department from investigating such a case; or

(3) Preclude a court from ordering, when the health of the individual requires it, the provision of medical services by a licensed physician or treatment by a duly accredited practitioner who relies solely on spiritual means for healing in accordance with the tenets and practices of a well-recognized church or religious denomination or organization.

Reviser's note.—Amended to conform to the repeal of s. 415.112 by s. 31, ch. 2015-4, Laws of Florida.

Section 54. Paragraph (l) of subsection (5) of section 456.074, Florida Statutes, is 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:

(l) Section 796.07(4)(a)3.~~796.07(4)(c)~~, relating to a felony of the third degree for a third or subsequent violation of s. 796.07, relating to prohibiting prostitution and related acts.

Reviser's note.—Amended to conform to the redesignation of s. 796.07(4)(c) as s. 796.07(4)(a)3. by s. 1, ch. 2015-145, Laws of Florida.

Section 55. Paragraph (a) of subsection (1) of section 458.3265, Florida Statutes, is amended to read:

458.3265 Pain-management clinics.—

(1) REGISTRATION.—

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

a. "Board eligible" means successful completion of an anesthesia, physical medicine and rehabilitation, rheumatology, or neurology residency program approved by the Accreditation Council for Graduate Medical

Education or the American Osteopathic Association for a period of 6 years from successful completion of such residency program.

b. "Chronic nonmalignant pain" means pain unrelated to cancer which persists beyond the usual course of disease or the injury that is the cause of the pain or more than 90 days after surgery.

c. "Pain-management clinic" or "clinic" means any publicly or privately owned facility:

(I) That advertises in any medium for any type of pain-management services; or

(II) Where in any month a majority of patients are prescribed opioids, benzodiazepines, barbiturates, or carisoprodol for the treatment of chronic nonmalignant pain.

2. Each pain-management clinic must register with the department unless:

a. That clinic is licensed as a facility pursuant to chapter 395;

b. The majority of the physicians who provide services in the clinic primarily provide surgical services;

c. The clinic is owned by a publicly held corporation whose shares are traded on a national exchange or on the over-the-counter market and whose total assets at the end of the corporation's most recent fiscal quarter exceeded $50 million;

d. The clinic is affiliated with an accredited medical school at which training is provided for medical students, residents, or fellows;

e. The clinic does not prescribe controlled substances for the treatment of pain;

f. The clinic is owned by a corporate entity exempt from federal taxation under 26 U.S.C. s. 501(c)(3);

g. The clinic is wholly owned and operated by one or more board-eligible or board-certified anesthesiologists, physiatrists, rheumatologists, or neurologists; or

h. The clinic is wholly owned and operated by a physician multispecialty practice where one or more board-eligible or board-certified medical specialists, who have also completed fellowships in pain medicine approved by the Accreditation Council for Graduate Medical Education, or who are also board-certified in pain medicine by the American Board of Pain Medicine or a board approved by the American Board of Medical Specialties, the American Association of Physician Specialists, or the American

Osteopathic Association, ~~and~~ perform interventional pain procedures of the type routinely billed using surgical codes.

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

Section 56. Paragraph (a) of subsection (1) of section 459.0137, Florida Statutes, is amended to read:

459.0137 Pain-management clinics.—

(1) REGISTRATION.—

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

a. "Board eligible" means successful completion of an anesthesia, physical medicine and rehabilitation, rheumatology, or neurology residency program approved by the Accreditation Council for Graduate Medical Education or the American Osteopathic Association for a period of 6 years from successful completion of such residency program.

b. "Chronic nonmalignant pain" means pain unrelated to cancer which persists beyond the usual course of disease or the injury that is the cause of the pain or more than 90 days after surgery.

c. "Pain-management clinic" or "clinic" means any publicly or privately owned facility:

(I) That advertises in any medium for any type of pain-management services; or

(II) Where in any month a majority of patients are prescribed opioids, benzodiazepines, barbiturates, or carisoprodol for the treatment of chronic nonmalignant pain.

2. Each pain-management clinic must register with the department unless:

a. That clinic is licensed as a facility pursuant to chapter 395;

b. The majority of the physicians who provide services in the clinic primarily provide surgical services;

c. The clinic is owned by a publicly held corporation whose shares are traded on a national exchange or on the over-the-counter market and whose total assets at the end of the corporation's most recent fiscal quarter exceeded $50 million;

d. The clinic is affiliated with an accredited medical school at which training is provided for medical students, residents, or fellows;

e. The clinic does not prescribe controlled substances for the treatment of pain;

f. The clinic is owned by a corporate entity exempt from federal taxation under 26 U.S.C. s. 501(c)(3);

g. The clinic is wholly owned and operated by one or more board-eligible or board-certified anesthesiologists, physiatrists, rheumatologists, or neurologists; or

h. The clinic is wholly owned and operated by a physician multispecialty practice where one or more board-eligible or board-certified medical specialists, who have also completed fellowships in pain medicine approved by the Accreditation Council for Graduate Medical Education or the American Osteopathic Association, or who are also board-certified in pain medicine by the American Board of Pain Medicine or a board approved by the American Board of Medical Specialties, the American Association of Physician Specialists, or the American Osteopathic Association, and perform interventional pain procedures of the type routinely billed using surgical codes.

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

Section 57. Subsections (1), (2), and (3) of section 468.503, Florida Statutes, are amended and reordered to read:

468.503 Definitions.—As used in this part:

(1)(2) "Board" means the Board of Medicine.

(2)(3) "Commission" means the Commission on Dietetic Registration, the credentialing agency of the Academy of Nutrition and Dietetics.

(3)(1) "Department" means the Department of Health "Agency" means the Agency for Health Care Administration.

Reviser's note.—The definition of "department" as the "Department of Health" was substituted by the editors for a definition of "agency" as the "Agency for Health Care Administration" to conform to the fact that s. 20.43(3)(g)17. provides that Dietetics and Nutrition Practice, as provided under part X of chapter 468, is under the Division of Medical Quality Assurance of the Department of Health. Section 8, ch. 96-403, Laws of Florida, enacted s. 20.43, and provided for department oversight of Dietetics and Nutrition Practice, effective July 1, 1997. Some references to the Agency for Health Care Administration were never conformed.

Section 58. Subsections (1), (2), and (4) of section 468.509, Florida Statutes, are amended to read:

468.509 Dietitian/nutritionist; requirements for licensure.—

(1) Any person desiring to be licensed as a dietitian/nutritionist shall apply to the department ~~agency~~ to take the licensure examination.

(2) The department ~~agency~~ shall examine any applicant who the board certifies has completed the application form and remitted the application and examination fees specified in s. 468.508 and who:

(a)1. Possesses a baccalaureate or postbaccalaureate degree with a major course of study in human nutrition, food and nutrition, dietetics, or food management, or an equivalent major course of study, from a school or program accredited, at the time of the applicant's graduation, by the appropriate accrediting agency recognized by the Commission on Recognition of Postsecondary Accreditation and the United States Department of Education; and

2. Has completed a preprofessional experience component of not less than 900 hours or has education or experience determined to be equivalent by the board; or

(b)1. Has an academic degree, from a foreign country, that has been validated by an accrediting agency approved by the United States Department of Education as equivalent to the baccalaureate or postbaccalaureate degree conferred by a regionally accredited college or university in the United States;

2. Has completed a major course of study in human nutrition, food and nutrition, dietetics, or food management; and

3. Has completed a preprofessional experience component of not less than 900 hours or has education or experience determined to be equivalent by the board.

(4) The department ~~agency~~ shall license as a dietitian/nutritionist any applicant who has remitted the initial licensure fee and has passed the examination in accordance with this section.

Reviser's note.—The word "department" was substituted for the word "agency" by the editors to conform to the fact that s. 20.43(3)(g)17. provides that Dietetics and Nutrition Practice, as provided under part X of chapter 468, is under the Division of Medical Quality Assurance of the Department of Health. Section 8, ch. 96-403, Laws of Florida, enacted s. 20.43, and provided for department oversight of Dietetics and Nutrition Practice, effective July 1, 1997. Some references to the Agency for Health Care Administration were never conformed.

Section 59. Subsections (1) and (3) of section 468.513, Florida Statutes, are amended to read:

468.513 Dietitian/nutritionist; licensure by endorsement.—

(1) The department ~~agency~~ shall issue a license to practice dietetics and nutrition by endorsement to any applicant who the board certifies as qualified, upon receipt of a completed application and the fee specified in s. 468.508.

(3) The department ~~agency~~ shall not issue a license by endorsement under this section to any applicant who is under investigation in any jurisdiction for any act which would constitute a violation of this part or chapter 456 until such time as the investigation is complete and disciplinary proceedings have been terminated.

Reviser's note.—The word "department" was substituted for the word "agency" by the editors to conform to the fact that s. 20.43(3)(g)17. provides that Dietetics and Nutrition Practice, as provided under part X of chapter 468, is under the Division of Medical Quality Assurance of the Department of Health. Section 8, ch. 96-403, Laws of Florida, enacted s. 20.43, and provided for department oversight of Dietetics and Nutrition Practice, effective July 1, 1997. Some references to the Agency for Health Care Administration were never conformed.

Section 60. Section 468.514, Florida Statutes, is amended to read:

468.514 Renewal of license.—

(1) The department ~~agency~~ shall renew a license under this part upon receipt of the renewal application, fee, and proof of the successful completion of continuing education requirements as determined by the board.

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

Reviser's note.—The word "department" was substituted for the word "agency" by the editors to conform to the fact that s. 20.43(3)(g)17. provides that Dietetics and Nutrition Practice, as provided under part X of chapter 468, is under the Division of Medical Quality Assurance of the Department of Health. Section 8, ch. 96-403, Laws of Florida, enacted s. 20.43, and provided for department oversight of Dietetics and Nutrition Practice, effective July 1, 1997. Some references to the Agency for Health Care Administration were never conformed.

Section 61. Subsection (2) of section 468.515, Florida Statutes, is amended to read:

468.515 Inactive status.—

(2) The department ~~agency~~ shall reactivate a license under this part upon receipt of the reactivation application, fee, and proof of the successful completion of continuing education prescribed by the board.

Reviser's note.—The word "department" was substituted for the word "agency" by the editors to conform to the fact that s. 20.43(3)(g)17.

provides that Dietetics and Nutrition Practice, as provided under part X of chapter 468, is under the Division of Medical Quality Assurance of the Department of Health. Section 8, ch. 96-403, Laws of Florida, enacted s. 20.43, and provided for department oversight of Dietetics and Nutrition Practice, effective July 1, 1997. Some references to the Agency for Health Care Administration were never conformed.

Section 62. Paragraph (a) of subsection (1) and subsection (3) of section 468.518, Florida Statutes, are amended to read:

468.518 Grounds for disciplinary action.—

(1) The following acts constitute grounds for denial of a license or disciplinary action, as specified in s. 456.072(2):

(a) Violating any provision of this part, any board or department ~~agency~~ rule adopted pursuant thereto, or any lawful order of the board or department ~~agency~~ previously entered in a disciplinary hearing held pursuant to this part, or failing to comply with a lawfully issued subpoena of the department ~~agency~~. The provisions of this paragraph also apply to any order or subpoena previously issued by the Department of Health during its period of regulatory control over this part.

(3) The department ~~agency~~ shall reissue the license of a disciplined dietitian/nutritionist or nutrition counselor upon certification by the board that the disciplined dietitian/nutritionist or nutrition counselor has complied with all of the terms and conditions set forth in the final order.

Reviser's note.—The word "department" was substituted for the word "agency" by the editors to conform to the fact that s. 20.43(3)(g)17. provides that Dietetics and Nutrition Practice, as provided under part X of chapter 468, is under the Division of Medical Quality Assurance of the Department of Health. Section 8, ch. 96-403, Laws of Florida, enacted s. 20.43, and provided for department oversight of Dietetics and Nutrition Practice, effective July 1, 1997. Some references to the Agency for Health Care Administration were never conformed.

Section 63. Paragraph (l) of subsection (7) of section 480.041, Florida Statutes, is 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:

(l) Section 796.07(4)(a)3. ~~796.07(4)(c)~~, relating to a felony of the third degree for a third or subsequent violation of s. 796.07, relating to prohibiting prostitution and related acts.

Reviser's note.—Amended to conform to the redesignation of s. 796.07(4)(c) as s. 796.07(4)(a)3. by s. 1, ch. 2015-145, Laws of Florida.

Section 64. Paragraph (l) of subsection (8) of section 480.043, Florida Statutes, is 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:

(l) Section 796.07(4)(a)3. ~~796.07(4)(c)~~, relating to a felony of the third degree for a third or subsequent violation of s. 796.07, relating to prohibiting prostitution and related acts.

Reviser's note.—Amended to conform to the redesignation of s. 796.07(4)(c) as s. 796.07(4)(a)3. by s. 1, ch. 2015-145, Laws of Florida.

Section 65. Subsection (3) of section 497.159, Florida Statutes, is amended to read:

497.159 Crimes.—

(3) Any person who willfully obstructs the department or its examiner in any examination or investigation authorized by this chapter commits a misdemeanor of the second degree ~~and is, in addition to any disciplinary action under this chapter,~~ punishable as provided in s. 775.082 or s. 775.083, in addition to any disciplinary action under this chapter. The initiation of action in any court by or on behalf of any licensee to terminate or limit any examination or investigation under this chapter shall not constitute a violation under this subsection.

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

Section 66. Paragraph (a) of subsection (6) of section 546.10, Florida Statutes, is amended to read:

546.10 Amusement games or machines.—

(6)(a) A Type B amusement game or machine may only be operated at:

1. A facility as defined in s. 721.05(17) that is under the control of a timeshare plan.~~;~~

2. A public lodging establishment or public food service establishment licensed pursuant to chapter 509.~~;~~

3. The following premises, if the owner or operator of the premises has a current license issued by the Department of Business and Professional Regulation pursuant to chapter 509, chapter 561, chapter 562, chapter 563, chapter 564, chapter 565, chapter 567, or chapter 568:

a. An arcade amusement center;

b. A bowling center, as defined in s. 849.141; or

c. A truck stop.

Reviser's note.—Amended to improve punctuation.

Section 67. Paragraph (q) of subsection (1) of section 553.74, Florida Statutes, is amended to read:

553.74 Florida Building Commission.—

(1) The Florida Building Commission is created and located within the Department of Business and Professional Regulation for administrative purposes. Members are appointed by the Governor subject to confirmation by the Senate. The commission is composed of 27 members, consisting of the following:

(q) One member of the building products manufacturing industry who is authorized to do business in this state and is actively engaged in the industry. The Florida Building Material Association, the Florida Concrete and Products ~~Product~~ Association, and the Fenestration Manufacturers Association are encouraged to recommend a list of candidates for consideration.

Reviser's note.—Amended to conform to the correct name of the Florida Concrete and Products Association.

Section 68. Paragraph (b) of subsection (7) of section 559.55, Florida Statutes, is amended to read:

559.55 Definitions.—The following terms shall, unless the context otherwise indicates, have the following meanings for the purpose of this part:

(7) "Debt collector" means any person who uses any instrumentality of commerce within this state, whether initiated from within or outside this state, in any business the principal purpose of which is the collection of debts, or who regularly collects or attempts to collect, directly or indirectly, debts owed or due or asserted to be owed or due another. The term "debt collector" includes any creditor who, in the process of collecting her or his own debts, uses any name other than her or his own which would indicate

that a third person is collecting or attempting to collect such debts. The term does not include:

(b) Any person while acting as a debt collector for another person, both of whom are related by common ownership or affiliated by corporate control, if the person is acting as a debt collector for persons to whom it is so related or affiliated and if the principal business of such persons is not the collection of debts;

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

Section 69. Subsection (7) of section 559.555, Florida Statutes, is amended to read:

559.555 Registration of consumer collection agencies; procedure.—

~~(7) A consumer collection agency registrant whose initial registration was approved and issued by the office pursuant to this section before October 1, 2014, and who seeks renewal of the registration must submit fingerprints for each control person for live-scan processing as described in paragraph (2)(c). The fingerprints must be submitted before renewing a registration that is scheduled to expire on December 31, 2014.~~

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

Section 70. Paragraph (a) of subsection (13) of section 561.42, Florida Statutes, is amended to read:

561.42 Tied house evil; financial aid and assistance to vendor by manufacturer, distributor, importer, primary American source of supply, brand owner or registrant, or any broker, sales agent, or sales person thereof, prohibited; procedure for enforcement; exception.—

(13) A licensee under the Beverage Law may not possess or use, in physical or electronic format, any type of malt beverage coupon or malt beverage cross-merchandising coupon in this state, where:

(a) The coupon is produced, sponsored, or furnished, whether directly or indirectly, by an alcoholic ~~alcohol~~ beverage manufacturer, distributor, importer, brand owner, or brand registrant or any broker, sales agent, or sales person thereof; and

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

Section 71. Subsection (4) of section 561.57, Florida Statutes, is amended to read:

561.57 Deliveries by licensees.—

(4) Nothing contained in this section shall prohibit deliveries by the licensee from his or her permitted storage area or deliveries by a distributor from the manufacturer to his or her licensed premises; nor shall a pool buying agent be prohibited from transporting pool purchases to the licensed premises of his or her members with the licensee's owned or leased vehicles~~, and in such cases,~~. In addition, a licensed salesperson of wine and spirits is authorized to deliver alcoholic beverages in his or her vehicle on behalf of the distributor.

Reviser's note.—Amended to confirm the editorial deletion of the phrase ", and in such cases," to conform to the striking of the remaining words of the sentence by s. 5, ch. 2015-12, Laws of Florida.

Section 72. Paragraph (b) of subsection (2) of section 605.0410, Florida Statutes, is amended to read:

605.0410 Records to be kept; rights of member, manager, and person dissociated to information.—

(2) In a member-managed limited liability company, the following rules apply:

(b) The company shall furnish to each member:

1. Without demand, any information concerning the company's activities, affairs, financial condition, and other circumstances that is known to ~~that~~ the company ~~knows~~ and is material to the proper exercise of the member's rights and duties under the operating agreement or this chapter, except to the extent the company can establish that it reasonably believes the member already knows the information; and

2. On demand, other information concerning the company's activities, affairs, financial condition, and other circumstances, except to the extent the demand or information demanded is unreasonable or otherwise improper under the circumstances.

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

Section 73. Section 610.1201, Florida Statutes, is amended to read:

610.1201 Severability.—If any provision of ss. 610.102-610.118 ~~610.102-610.119~~ or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or application of ss. 610.102-610.118 ~~610.102-610.119~~ which can be given effect without the invalid provision or application, and to this end the provisions of ss. 610.102-610.118 ~~610.102-610.119~~ are severable.

Reviser's note.—Amended to conform to the repeal of s. 610.119 by s. 1, ch. 2014-90, Laws of Florida.

Section 74. Subsection (3) of section 617.01301, Florida Statutes, is amended to read:

617.01301 Powers of Department of State.—

(3) The Department of State may, based upon its findings hereunder or as provided in s. 213.053(15) ~~213.053(13)~~, bring an action in circuit court to collect any penalties, fees, or taxes determined to be due and owing the state and to compel any filing, qualification, or registration required by law. In connection with such proceeding the department may, without prior approval by the court, file a lis pendens against any property owned by the corporation and may further certify any findings to the Department of Legal Affairs for the initiation of any action permitted pursuant to s. 617.0503 which the Department of Legal Affairs may deem appropriate.

Reviser's note.—Amended to conform to the fact that s. 213.053(15), not s. 2130.053(13), references the Department of State and to conform to similar provisions in ss. 605.1104 and 607.0130.

Section 75. Section 618.221, Florida Statutes, is amended to read:

618.221 Conversion into a corporation for profit.—Any association incorporated under or that has adopted the provisions of this chapter, may, by a majority vote of its stockholders or members be brought under part I of chapter 607, as a corporation for profit by surrendering all right to carry on its business under this chapter, and the privileges and immunities incident thereto. It shall make out in duplicate a statement signed and sworn to by its directors to the effect that the association has, by a majority vote of its stockholders or members, decided to surrender all rights, powers, and privileges as a nonprofit cooperative marketing association under this chapter and to do business under and be bound by part I of chapter 607, as a corporation for profit and has authorized all changes accordingly. Articles of incorporation shall be delivered to the Department of State for filing as required under part I of chapter 607, except that they shall be signed by the members of the then board of directors. The filing fees and taxes shall be as provided under part I of chapter 607. Such articles of incorporation shall adequately protect and preserve the relative rights of the stockholders or members of the association so converting into a corporation for profit; provided that no rights or obligations due any stockholder or member of such association or any other person, firm, or corporation which have ~~has~~ not been waived or satisfied shall be impaired by such conversion into a corporation for profit as herein authorized.

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

Section 76. Section 624.35, Florida Statutes, is repealed.

Reviser's note.—Repealed to delete a provision that has served its purpose. Section 624.35 is the short title for the "Medicaid and Public

Assistance Fraud Strike Force," consisting of ss. 624.35, 624.351, and 624.352. Sections 624.351 and 624.352 were repealed by ss. 21, 22, ch. 2015-3, Laws of Florida.

Section 77. Paragraph (d) of subsection (2) of section 624.5105, Florida Statutes, is amended to read:

624.5105 Community contribution tax credit; authorization; limitations; eligibility and application requirements; administration; definitions; expiration.—

(2) ELIGIBILITY REQUIREMENTS.—

(d) The project shall be located in an area that was designated as an enterprise zone pursuant to chapter 290 as of May 1, 2015, or a Front Porch Florida Community. Any project designed to provide housing opportunities for persons with special needs as defined in s. 420.0004 or to construct or rehabilitate housing for low-income or very-low-income households as defined in s. 420.9071(19) and (28) is exempt from the area requirement of this paragraph.

Reviser's note.—Amended to confirm the editorial insertion of the word "Florida" to conform to the full title of communities receiving grants through the Front Porch Florida Initiative.

Section 78. Paragraph (b) of subsection (15) of section 625.012, Florida Statutes, is amended to read:

625.012 "Assets" defined.—In any determination of the financial condition of an insurer, there shall be allowed as "assets" only such assets as are owned by the insurer and which consist of:

(15)

(b) Assessments levied as monthly installments pursuant to s. 631.57(3)(e)3. ~~631.57(3)(e)1.c.~~ that are paid after policy surcharges are collected so that the recognition of assets is based on actual premium written offset by the obligation to the Florida Insurance Guaranty Association.

Reviser's note.—Amended to conform to the redesignation of s. 631.57(3)(e)1.c. as s. 631.57(3)(e)3. by s. 2, ch. 2015-65, Laws of Florida.

Section 79. Subsection (2) of section 631.152, Florida Statutes, is amended to read:

631.152 Conduct of delinquency proceeding; foreign insurers.—

(2) The domiciliary receiver for the purpose of liquidating an insurer domiciled in a reciprocal state shall be vested by operation of law with the title to all of the property (except statutory deposits, special statutory

deposits, and property located in this state subject to a security interest), contracts, and rights of action, and all of the books and records of the insurer located in this state, and it shall have the immediate right to recover balances due from local agents and to obtain possession of any books and records of the insurer found in this state. It shall also be entitled to recover the property subject to a security interest, statutory deposits, and special statutory deposits of the insurer located in this state, except that upon the appointment of an ancillary receiver in this state, the ancillary receiver shall during the ancillary receivership proceeding have the sole right to recover such other assets. The ancillary receiver shall, as soon as practicable, liquidate from their respective securities those special deposit claims and secured claims which are proved and allowed in the ancillary proceeding in this state, and shall pay the necessary expenses of the proceeding. ~~All remaining assets~~ It shall promptly transfer all remaining assets to the domiciliary receiver. Subject to the foregoing provisions, the ancillary receiver and its agents shall have the same powers and be subject to the same duties with respect to the administration of such assets as a receiver of an insurer domiciled in this state.

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

Section 80. Section 631.737, Florida Statutes, is amended to read:

631.737 Rescission and review generally.—The association shall review claims and matters regarding covered policies based upon the record available to it on and after the date of liquidation. Notwithstanding any other provision of this part, in order to allow for orderly claims administration by the association, entry of a liquidation order by a court of competent jurisdiction tolls for 1 year any rescission or noncontestable period allowed by the contract, by the policy, or by law. The association's obligation is to pay any valid insurance policy or contract claims, if warranted, after its independent de novo review of the policies, contracts, and claims presented to it, whether domestic or foreign, following a rehabilitation or a liquidation.

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

Section 81. Subsection (2) of section 641.225, Florida Statutes, is amended to read:

641.225 Surplus requirements.—

(2) The office shall not issue a certificate of authority~~, except as provided in subsection (3),~~ unless the health maintenance organization has a minimum surplus in an amount which is the greater of:

(a) Ten percent of their total liabilities based on their startup projection as set forth in this part;

(b) Two percent of their total projected premiums based on their startup projection as set forth in this part; or

(c) $1,500,000, plus all startup losses, excluding profits, projected to be incurred on their startup projection until the projection reflects statutory net profits for 12 consecutive months.

Reviser's note.—Amended to conform to the repeal of s. 641.225(3) by s. 31, ch. 2015-3, Laws of Florida.

Section 82. Subsection (3) of section 719.108, Florida Statutes, is amended to read:

719.108 Rents and assessments; liability; lien and priority; interest; collection; cooperative ownership.—

(3) Rents and assessments, and installments on them, not paid when due bear interest at the rate provided in the cooperative documents from the date due until paid. This rate may not exceed the rate allowed by law and, if a rate is not provided in the cooperative documents, accrues at 18 percent per annum. If the cooperative documents or bylaws so provide, the association may charge an administrative late fee in addition to such interest, not to exceed the greater of $25 or 5 percent of each installment of the assessment for each delinquent installment that the payment is late. Any payment received by an association must be applied first to any interest accrued by the association, then to any administrative late fee, then to any costs and reasonable attorney fees incurred in collection, and then to the delinquent assessment. The foregoing applies notwithstanding s. 673.3111, any purported accord and satisfaction, or any restrictive endorsement, designation, or instruction placed on or accompanying a payment. The preceding sentence ~~of~~ is intended to clarify existing law. A late fee is not subject to chapter 687 or s. 719.303(4).

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

Section 83. Section 742.14, Florida Statutes, is amended to read:

742.14 Donation of eggs, sperm, or preembryos.—The donor of any egg, sperm, or preembryo, other than the commissioning couple or a father who has executed a preplanned adoption agreement under s. 63.213 ~~63.212~~, shall relinquish all maternal or paternal rights and obligations with respect to the donation or the resulting children. Only reasonable compensation directly related to the donation of eggs, sperm, and preembryos shall be permitted.

Reviser's note.—Amended to conform to the deletion of material relating to entry into a preplanned adoption arrangement from s. 63.212 by s. 35, ch. 2003-58, Laws of Florida, and creation of s. 63.213 relating to preplanned adoption agreements by s. 36 of that act.

Section 84. Subsection (3) of section 752.001, Florida Statutes, is amended to read:

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

(3) "Persistent vegetative state" has the same meaning as provided in s. 765.101(15) ~~765.101(12)~~.

Reviser's note.—Amended to conform to the redesignation of s. 765.101(12) as s. 765.101(15) by s. 2, ch. 2015-153, Laws of Florida.

Section 85. Subsection (2) of section 765.105, Florida Statutes, is amended to read:

765.105 Review of surrogate or proxy's decision.—

(2) This section does not apply to a patient who is not incapacitated and who has designated a surrogate who has immediate authority to make health care decisions or ~~and~~ receive health information, or both, on behalf of the patient.

Reviser's note.—Amended to confirm the editorial substitution of the word "or" for the word "and" to conform to context and facilitate correct interpretation.

Section 86. Section 765.2038, Florida Statutes, is amended to read:

765.2038 Designation of health care surrogate for a minor; suggested form.—A written designation of a health care surrogate for a minor executed pursuant to this chapter may, but need not, ~~to~~ be~~,~~ in the following form:

DESIGNATION OF HEALTH CARE SURROGATE
FOR MINOR

I/We, …(name/names)…, the [.....] natural guardian(s) as defined in s. 744.301(1), Florida Statutes; [.....] legal custodian(s); [.....] legal guardian(s) [check one] of the following minor(s):

.....;

.....;

.....,

pursuant to s. 765.2035, Florida Statutes, designate the following person to act as my/our surrogate for health care decisions for such minor(s) in the event that I/we am/are not able or reasonably available to provide consent for medical treatment and surgical and diagnostic procedures:

Name: …(name)…

Address: …(address)…

Zip Code: …(zip code)…

Phone: …(telephone)…

If my/our designated health care surrogate for a minor is not willing, able, or reasonably available to perform his or her duties, I/we designate the following person as my/our alternate health care surrogate for a minor:

Name: …(name)…

Address: …(address)…

Zip Code: …(zip code)…

Phone: …(telephone)…

I/We authorize and request all physicians, hospitals, or other providers of medical services to follow the instructions of my/our surrogate or alternate surrogate, as the case may be, at any time and under any circumstances whatsoever, with regard to medical treatment and surgical and diagnostic procedures for a minor, provided the medical care and treatment of any minor is on the advice of a licensed physician.

I/We fully understand that this designation will permit my/our designee to make health care decisions for a minor and to provide, withhold, or withdraw consent on my/our behalf, to apply for public benefits to defray the cost of health care, and to authorize the admission or transfer of a minor to or from a health care facility.

I/We will notify and send a copy of this document to the following person(s) other than my/our surrogate, so that they may know the identity of my/our surrogate:

Name: …(name)…

Name: …(name)…

Signed: …(signature)…

Date: …(date)…

WITNESSES:

1. …(witness)…

2. …(witness)…

Reviser's note.—Amended to confirm the editorial substitution of the word "not" for the word "to" to conform to context and facilitate correct interpretation.

Section 87. Paragraph (b) of subsection (3) of section 787.29, Florida Statutes, is amended to read:

787.29 Human trafficking public awareness signs.—

(3) The employer at each of the following establishments shall display a public awareness sign developed under subsection (4) in a conspicuous location that is clearly visible to the public and employees of the establishment:

(b) A business or establishment that offers massage or bodywork services for compensation that is not owned by a health care practitioner ~~profession~~ regulated pursuant to chapter 456 and defined in s. 456.001.

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

Section 88. Paragraph (c) of subsection (3) of section 893.138, Florida Statutes, is amended to read:

893.138 Local administrative action to abate drug-related, prostitution-related, or stolen-property-related public nuisances and criminal gang activity.—

(3) Any pain-management clinic, as described in s. 458.3265 or s. 459.0137, which has been used on more than two occasions within a 6-month period as the site of a violation of:

(c) Section 812.014, relating to ~~dealing in~~ theft;

may be declared to be a public nuisance, and such nuisance may be abated pursuant to the procedures provided in this section.

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

Section 89. Paragraph (b) of subsection (2) of section 944.4731, Florida Statutes, is amended to read:

944.4731 Addiction-Recovery Supervision Program.—

(2)

(b) An offender released under addiction-recovery supervision shall be subject to specified terms and conditions, including payment of the costs of supervision under s. 948.09 and any other court-ordered payments, such as child support and restitution. If an offender has received a term of probation or community control to be served after release from incarceration, the period of probation or community control may not be substituted for addiction-recovery supervision and shall follow the term of addiction-recovery supervision. A panel of not fewer than two ~~parole~~ commissioners shall establish the terms and conditions of supervision, and the terms and conditions must be included in the supervision order. In setting the terms and conditions of supervision, the commission shall weigh heavily the program requirements, including, but not limited to, work at paid employment while participating in treatment and traveling restrictions. The commission shall also determine whether an offender violates the terms and conditions of supervision and whether a violation warrants revocation of addiction-recovery supervision pursuant to s. 947.141. The commission shall review the offender's record for the purpose of establishing the terms and conditions of supervision. The commission may impose any special conditions it considers warranted from its review of the record. The length of supervision may not exceed the maximum penalty imposed by the court.

Reviser's note.—Amended to conform to the renaming of the Florida Parole Commission as the Florida Commission on Offender Review by s. 4, ch. 2014-191, Laws of Florida.

Section 90. Paragraph (a) of subsection (1) of section 945.215, Florida Statutes, is amended to read:

945.215 Inmate welfare and employee benefit trust funds.—

(1) INMATE PURCHASES; DEPARTMENT OF CORRECTIONS.—

(a) ~~From~~ The net proceeds from operating inmate canteens, vending machines used primarily by inmates and visitors, hobby shops, and other such facilities must be deposited in the General Revenue Fund; however, funds necessary to purchase items for resale at inmate canteens and vending machines must be deposited into local bank accounts designated by the department.

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

Section 91. Subsection (20) of section 1001.65, Florida Statutes, is amended to read:

1001.65 Florida College System institution presidents; powers and duties.—The president is the chief executive officer of the Florida College System institution, shall be corporate secretary of the Florida College System institution board of trustees, and is responsible for the operation and

administration of the Florida College System institution. Each Florida College System institution president shall:

~~(20) Establish a committee to consider requests for waivers from the provisions of s. 1008.29 and approve or disapprove the committee's recommendations.~~

Reviser's note.—Amended to delete an obsolete provision and conform to the repeal of s. 1008.29 by s. 21, ch. 2009-59, Laws of Florida.

Section 92. Subsection (5) of section 1002.3105, Florida Statutes, is amended to read:

1002.3105 Academically Challenging Curriculum to Enhance Learning (ACCEL) options.—

(5) AWARD OF A STANDARD HIGH SCHOOL DIPLOMA.—A student who meets the applicable grade 9 cohort graduation requirements of s. 1003.4282(3)(a)-(e) or s. 1003.4282(9)(a)1.-5. ~~1003.4282(10)(a)1.-5.~~, (b)1.-5., (c)1.-5., or (d)1.-5., earns three credits in electives, and earns a cumulative grade point average (GPA) of 2.0 on a 4.0 scale shall be awarded a standard high school diploma in a form prescribed by the State Board of Education.

Reviser's note.—Amended to conform to the redesignation of s. 1003.4282(10) as s. 1003.4282(9) by the editors to conform to the repeal of s. 1003.4282(5) by s. 4, ch. 2015-6, Laws of Florida.

Section 93. Paragraph (e) of subsection (1) of section 1003.21, Florida Statutes, is amended to read:

1003.21 School attendance.—

(1)

(e) Consistent with rules adopted by the State Board of Education, children with disabilities who have attained the age of 3 years shall be eligible for admission to public special education programs and for related services. Children with disabilities younger than 3 years of age who are deaf or hard of hearing~~,~~; visually impaired~~,~~; dual sensory impaired~~,~~; orthopedically impaired, or~~;~~ other health impaired or~~;~~ who have experienced traumatic brain injury~~,~~; ~~who~~ have autism spectrum disorder, have~~;~~ established conditions, or ~~who~~ exhibit developmental delays or intellectual disabilities may be eligible for special programs and may receive services in accordance with rules of the State Board of Education. Rules for the identification of established conditions for children birth through 2 years of age and developmental delays for children birth through 5 years of age must be adopted by the State Board of Education.

Reviser's note.—Amended to improve clarity.

Section 94. 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. 1003.4282, including, but not limited to, a portfolio pursuant to s. 1003.4282(10)(b) ~~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 redesignation of s. 1003.4282(11) as s. 1003.4282(10) by the editors to conform to the repeal of s. 1003.4282(5) by s. 4, ch. 2015-6, Laws of Florida.

Section 95. Subsection (1) of section 1008.22, Florida Statutes, is reenacted, and paragraph (d) of subsection (7) of that section is amended, to read:

1008.22 Student assessment program for public schools.—

(1) PURPOSE.—The primary purpose of the student assessment program is to provide student academic achievement and learning gains data to students, parents, teachers, school administrators, and school district staff. This data is to be used by districts to improve instruction; by students, parents, and teachers to guide learning objectives; by education researchers to assess national and international education comparison data; and by the public to assess the cost benefit of the expenditure of taxpayer dollars. The program must be designed to:

(a) Assess the achievement level and annual learning gains of each student in English Language Arts and mathematics and the achievement level in all other subjects assessed.

(b) Provide data for making decisions regarding school accountability, recognition, and improvement of operations and management, including schools operating for the purpose of providing educational services to youth in Department of Juvenile Justice programs.

(c) Identify the educational strengths and needs of students and the readiness of students to be promoted to the next grade level or to graduate from high school.

(d) Assess how well educational goals and curricular standards are met at the school, district, state, national, and international levels.

(e) Provide information to aid in the evaluation and development of educational programs and policies.

(f) When available, provide instructional personnel with information on student achievement of standards and benchmarks in order to improve instruction.

(7) ASSESSMENT SCHEDULES AND REPORTING OF RESULTS.—

(d) A school district may not schedule more than 5 percent of a student's total school hours in a school year to administer statewide, standardized assessments and district-required local assessments. The district must secure written consent from a student's parent before administering district-required local assessments that, after applicable statewide, standardized assessments are scheduled, exceed the 5 percent test administration limit for that student under this paragraph. The 5 percent test administration limit for a student under this paragraph may be exceeded as needed to provide test accommodations that are required by an IEP or are appropriate for an English language learner who is currently receiving services in a program operated in accordance with an approved English language learner district plan pursuant to s. 1003.56. Notwithstanding this paragraph, a student may choose within a school year to take an examination or assessment adopted by State Board of Education rule pursuant to this section and ss. 1007.27, 1008.30, and 1008.44.

Reviser's note.—Section 7, ch. 2015-6, Laws of Florida, purported to amend subsection (1) but did not publish paragraphs (a)-(e). Absent affirmative evidence of legislative intent to repeal the omitted paragraphs, subsection (1) is reenacted to confirm the omission was not intended. Paragraph (7)(d) is amended to confirm the editorial insertion of the word "assessments" to conform to context.

Section 96. Paragraph (c) of subsection (1) of section 1012.22, Florida Statutes, is amended to read:

1012.22 Public school personnel; powers and duties of the district school board.—The district school board shall:

(1) Designate positions to be filled, prescribe qualifications for those positions, and provide for the appointment, compensation, promotion, suspension, and dismissal of employees as follows, subject to the requirements of this chapter:

(c) *Compensation and salary schedules.*—

1. Definitions.—As used in this paragraph:

a. "Adjustment" means an addition to the base salary schedule that is not a bonus and becomes part of the employee's permanent base salary and shall be considered compensation under s. 121.021(22).

b. "Grandfathered salary schedule" means the salary schedule or schedules adopted by a district school board before July 1, 2014, pursuant to subparagraph 4.

c. "Instructional personnel" means instructional personnel as defined in s. 1012.01(2)(a)-(d), excluding substitute teachers.

d. "Performance salary schedule" means the salary schedule or schedules adopted by a district school board pursuant to subparagraph 5.

e. "Salary schedule" means the schedule or schedules used to provide the base salary for district school board personnel.

f. "School administrator" means a school administrator as defined in s. 1012.01(3)(c).

g. "Supplement" means an annual addition to the base salary for the term of the negotiated supplement as long as the employee continues his or her employment for the purpose of the supplement. A supplement does not become part of the employee's continuing base salary but shall be considered compensation under s. 121.021(22).

2. Cost-of-living adjustment.—A district school board may provide a cost-of-living salary adjustment if the adjustment:

a. Does not discriminate among comparable classes of employees based upon the salary schedule under which they are compensated.

b. Does not exceed 50 percent of the annual adjustment provided to instructional personnel rated as effective.

3. Advanced degrees.—A district school board may not use advanced degrees in setting a salary schedule for instructional personnel or school administrators hired on or after July 1, 2011, unless the advanced degree is held in the individual's area of certification and is only a salary supplement.

4. Grandfathered salary schedule.—

a. The district school board shall adopt a salary schedule or salary schedules to be used as the basis for paying all school employees hired before July 1, 2014. Instructional personnel on annual contract as of July 1, 2014, shall be placed on the performance salary schedule adopted under subparagraph 5. Instructional personnel on continuing contract or professional service contract may opt into the performance salary schedule if the employee relinquishes such contract and agrees to be employed on an annual

contract under s. 1012.335. Such an employee shall be placed on the performance salary schedule and may not return to continuing contract or professional service contract status. Any employee who opts into the performance salary schedule may not return to the grandfathered salary schedule.

b. In determining the grandfathered salary schedule for instructional personnel, a district school board must base a portion of each employee's compensation upon performance demonstrated under s. 1012.34 and shall provide differentiated pay for both instructional personnel and school administrators based upon district-determined factors, including, but not limited to, additional responsibilities, school demographics, critical shortage areas, and level of job performance difficulties.

5. Performance salary schedule.—By July 1, 2014, the district school board shall adopt a performance salary schedule that provides annual salary adjustments for instructional personnel and school administrators based upon performance determined under s. 1012.34. Employees hired on or after July 1, 2014, or employees who choose to move from the grandfathered salary schedule to the performance salary schedule shall be compensated pursuant to the performance salary schedule once they have received the appropriate performance evaluation for this purpose. ~~However, a classroom teacher whose performance evaluation utilizes student learning growth measures established under s. 1012.34(7)(c) shall remain under the grandfathered salary schedule until his or her teaching assignment changes to a subject for which there is an assessment or the school district establishes equally appropriate measures of student learning growth as defined under s. 1012.34 and rules of the State Board of Education.~~

a. Base salary.—The base salary shall be established as follows:

(I) The base salary for instructional personnel or school administrators who opt into the performance salary schedule shall be the salary paid in the prior year, including adjustments only.

(II) Beginning July 1, 2014, instructional personnel or school administrators new to the district, returning to the district after a break in service without an authorized leave of absence, or appointed for the first time to a position in the district in the capacity of instructional personnel or school administrator shall be placed on the performance salary schedule.

b. Salary adjustments.—Salary adjustments for highly effective or effective performance shall be established as follows:

(I) The annual salary adjustment under the performance salary schedule for an employee rated as highly effective must be greater than the highest annual salary adjustment available to an employee of the same classification through any other salary schedule adopted by the district.

(II) The annual salary adjustment under the performance salary schedule for an employee rated as effective must be equal to at least 50 percent and no more than 75 percent of the annual adjustment provided for a highly effective employee of the same classification.

(III) The performance salary schedule shall not provide an annual salary adjustment for an employee who receives a rating other than highly effective or effective for the year.

c. Salary supplements.—In addition to the salary adjustments, each district school board shall provide for salary supplements for activities that must include, but are not limited to:

(I) Assignment to a Title I eligible school.

(II) Assignment to a school that earned a grade of "F" or three consecutive grades of "D" pursuant to s. 1008.34 such that the supplement remains in force for at least 1 year following improved performance in that school.

(III) Certification and teaching in critical teacher shortage areas. Statewide critical teacher shortage areas shall be identified by the State Board of Education under s. 1012.07. However, the district school board may identify other areas of critical shortage within the school district for purposes of this sub-sub-subparagraph and may remove areas identified by the state board which do not apply within the school district.

(IV) Assignment of additional academic responsibilities.

If budget constraints in any given year limit a district school board's ability to fully fund all adopted salary schedules, the performance salary schedule shall not be reduced on the basis of total cost or the value of individual awards in a manner that is proportionally greater than reductions to any other salary schedules adopted by the district.

Reviser's note.—Amended to conform to the repeal of s. 1012.34(7)(e) by s. 12, ch. 2015-6, Laws of Florida.

Section 97. Subsection (2) of section 1012.341, Florida Statutes, is amended to read:

1012.341 Exemption from performance evaluation system and compensation and salary schedule requirements.—

(2) ~~By October 1, 2014, and~~ By October 1 annually ~~thereafter~~, the superintendent of Hillsborough County School District shall attest, in writing, to the Commissioner of Education that:

(a) The instructional personnel and school administrator evaluation systems base at least 40 percent of an employee's performance evaluation

upon student performance and that student performance is the single greatest component of an employee's evaluation.

(b) The instructional personnel and school administrator evaluation systems adopt the Commissioner of Education's student learning growth formula for statewide assessments as provided under s. 1012.34(7).

(c) The school district's instructional personnel and school administrator compensation system awards salary increases based upon sustained student performance.

(d) The school district's contract system awards instructional personnel and school administrators based upon student performance and removes ineffective employees.

This section is repealed August 1, 2017, unless reviewed and reenacted by the Legislature.

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

Section 98. 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 February 24, 2016.

Filed in Office Secretary of State February 24, 2016.