

CHAPTER 2018-112

House Bill No. 7027

An act relating to the Florida Statutes; amending ss. 20.2551, 101.5614, 122.34, 201.02, 394.907, 395.602, 395.603, and 395.604, F.S., to conform to the directive of the Legislature in section 9 of chapter 2012-116, Laws of Florida, codified as section 11.242(5)(j), Florida Statutes, to prepare a reviser's bill to omit all statutes and laws, or parts thereof, which grant duplicative, redundant, or unused rulemaking authority; amending ss. 101.6952, 102.141, and 102.166, F.S., to conform cross-references; providing an effective date.

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

Section 1. Paragraph (b) of subsection (2) of section 20.2551, Florida Statutes, is amended to read:

20.2551 Citizen support organizations; use of property; audit; public records; partnerships.—

(2) USE OF PROPERTY.—

(b) The department may prescribe ~~by rule~~ any condition with which a citizen support organization shall comply in order to use fixed property or facilities of the department.

Section 2. Subsection (2) of section 101.5614, Florida Statutes, is amended to read:

101.5614 Canvass of returns.—

~~(2) The Department of State shall, in accordance with s. 101.015, adopt rules that provide safeguards for the counting of votes at a precinct and at a central or regional location.~~

Section 3. Paragraph (c) of subsection (1) of section 122.34, Florida Statutes, is amended to read:

122.34 Special provisions for certain sheriffs and full-time deputy sheriffs.—

(1)

~~(c) The department shall make such rules as are necessary for the effective administration of the intent of this section.~~

Section 4. Paragraph (c) of subsection (10) of section 201.02, Florida Statutes, is amended to read:

201.02 Tax on deeds and other instruments relating to real property or interests in real property.—

(10)

~~(e) The department may adopt rules to administer the method for reporting tax due under this subsection.~~

Section 5. Subsection (8) of section 394.907, Florida Statutes, is amended to read:

394.907 Community mental health centers; quality assurance programs.

~~(8) The department, in consultation with the agency, shall adopt rules to carry out this section.~~

Section 6. Subsection (4) of section 395.602, Florida Statutes, is amended to read:

395.602 Rural hospitals.—

~~(4) RULEMAKING AUTHORITY. The department may adopt all necessary rules pertaining to the standards of care applicable to rural hospital swing beds and the criteria whereby swing bed stays of longer than 30 days shall be authorized. The latter length of stay criteria shall include, but not be limited to, the medical needs of the patient, the county of residence of the patient and patient’s family, patient preference, proximity to relatives and friends, and distance to available nursing home beds, if any.~~

Section 7. Subsection (1) of section 395.603, Florida Statutes, is amended to read:

395.603 Deactivation of general hospital beds; rural hospital impact statement.—

~~(1) The agency shall establish, by rule, a process by which a rural hospital, as defined in s. 395.602, that seeks licensure as a rural primary care hospital or as an emergency care hospital, or becomes a certified rural health clinic as defined in Pub. L. No. 95-210, or becomes a primary care program such as a county health department, community health center, or other similar outpatient program that provides preventive and curative services, may deactivate general hospital beds. Rural primary care hospitals and emergency care hospitals shall maintain the number of actively licensed general hospital beds necessary for the facility to be certified for Medicare reimbursement. Hospitals that discontinue inpatient care to become rural health care clinics or primary care programs shall deactivate all licensed general hospital beds. All hospitals, clinics, and programs with inactive beds shall provide 24-hour emergency medical care by staffing an emergency room. Providers with inactive beds shall be subject to the criteria in s. 395.1041. The agency shall specify in rule requirements for making 24-hour emergency care available. Inactive general hospital beds shall be included in~~

the acute care bed inventory, maintained by the agency for certificate-of-need purposes, for 10 years from the date of deactivation of the beds. After 10 years have elapsed, inactive beds shall be excluded from the inventory. The agency shall, at the request of the licensee, reactivate the inactive general beds upon a showing by the licensee that licensure requirements for the inactive general beds are met.

Section 8. Subsection (3) of section 395.604, Florida Statutes, is amended to read:

395.604 Other rural hospital programs.—

~~(3) The agency may adopt licensure rules for rural primary care hospitals and essential access community hospitals. Such rules must conform to s. 395.1055.~~

Section 9. Paragraph (b) of subsection (3) of section 101.6952, Florida Statutes, is amended to read:

101.6952 Vote-by-mail ballots for absent uniformed services and overseas voters.—

(3)

(b) A federal write-in absentee ballot may not be canvassed until 7 p.m. on the day of the election. A federal write-in absentee ballot from an overseas voter in a presidential preference primary or general election may not be canvassed until the conclusion of the 10-day period specified in subsection (5). Each federal write-in absentee ballot received by 7 p.m. on the day of the election shall be canvassed pursuant to ss. 101.5614(4) ~~101.5614(5)~~ and 101.68, unless the elector’s official vote-by-mail ballot is received by 7 p.m. on election day. Each federal write-in absentee ballot from an overseas voter in a presidential preference primary or general election received by 10 days after the date of the election shall be canvassed pursuant to ss. 101.5614(4) ~~101.5614(5)~~ and 101.68, unless the overseas voter’s official vote-by-mail ballot is received by 10 days after the date of the election. If the elector’s official vote-by-mail ballot is received by 7 p.m. on election day, or, for an overseas voter in a presidential preference primary or general election, no later than 10 days after the date of the election, the federal write-in absentee ballot is invalid and the official vote-by-mail ballot shall be canvassed. The time shall be regulated by the customary time in standard use in the county seat of the locality.

Section 10. Paragraph (a) of subsection (4) and paragraph (a) of subsection (7) of section 102.141, Florida Statutes, are amended to read:

102.141 County canvassing board; duties.—

(4)(a) The supervisor of elections shall upload into the county’s election management system by 7 p.m. on the day before the election the results of all early voting and vote-by-mail ballots that have been canvassed and

tabulated by the end of the early voting period. Pursuant to ss. 101.5614(8) ~~101.5614(9)~~, 101.657, and 101.68(2), the tabulation of votes cast or the results of such uploads may not be made public before the close of the polls on election day.

(7) If the unofficial returns reflect that a candidate for any office was defeated or eliminated by one-half of a percent or less of the votes cast for such office, that a candidate for retention to a judicial office was retained or not retained by one-half of a percent or less of the votes cast on the question of retention, or that a measure appearing on the ballot was approved or rejected by one-half of a percent or less of the votes cast on such measure, a recount shall be ordered of the votes cast with respect to such office or measure. The Secretary of State is responsible for ordering recounts in federal, state, and multicounty races. The county canvassing board or the local board responsible for certifying the election is responsible for ordering recounts in all other races. A recount need not be ordered with respect to the returns for any office, however, if the candidate or candidates defeated or eliminated from contention for such office by one-half of a percent or less of the votes cast for such office request in writing that a recount not be made.

(a) Each canvassing board responsible for conducting a recount shall put each marksense ballot through automatic tabulating equipment and determine whether the returns correctly reflect the votes cast. If any marksense ballot is physically damaged so that it cannot be properly counted by the automatic tabulating equipment during the recount, a true duplicate shall be made of the damaged ballot pursuant to the procedures in s. 101.5614(4) ~~101.5614(5)~~. Immediately before the start of the recount, a test of the tabulating equipment shall be conducted as provided in s. 101.5612. If the test indicates no error, the recount tabulation of the ballots cast shall be presumed correct and such votes shall be canvassed accordingly. If an error is detected, the cause therefor shall be ascertained and corrected and the recount repeated, as necessary. The canvassing board shall immediately report the error, along with the cause of the error and the corrective measures being taken, to the Department of State. No later than 11 days after the election, the canvassing board shall file a separate incident report with the Department of State, detailing the resolution of the matter and identifying any measures that will avoid a future recurrence of the error.

Section 11. Paragraph (b) of subsection (5) of section 102.166, Florida Statutes, is amended to read:

102.166 Manual recounts of overvotes and undervotes.—

(5) Procedures for a manual recount are as follows:

(b) Each duplicate ballot prepared pursuant to s. 101.5614(4) ~~101.5614(5)~~ or s. 102.141(7) shall be compared with the original ballot to ensure the correctness of the duplicate.

Reviser’s note.—Amends or repeals provisions of the Florida Statutes pursuant to the directive of the Legislature in s. 9, ch. 2012-116, Laws of Florida, codified as s. 11.242(5)(j), Florida Statutes, to prepare a reviser’s bill to omit all statutes and laws, or parts thereof, which grant duplicative, redundant, or unused rulemaking authority.

Section 12. This act shall take effect on the 60th day after adjournment sine die of the session of the Legislature in which enacted.

Approved by the Governor March 23, 2018.

Filed in Office Secretary of State March 23, 2018.