

CHAPTER 2019-4

Senate Bill No. 6

An act relating to the Florida Statutes; repealing ss. 16.616, 196.102(14), 220.192, 311.07(3)(d), 316.0898, 319.141, 377.24075, 932.7055(4)(d), 960.002, 961.055, 961.056, 985.6865(4)(a), 1008.46(1)(b), and 1011.71(2)(k), F.S., and amending ss. 741.30, 784.046, and 1004.085 F.S., to delete provisions which have become inoperative by noncurrent repeal or expiration and, pursuant to s. 11.242(5)(b) and (i), F.S., may be omitted from the 2019 Florida Statutes only through a reviser's bill duly enacted by the Legislature; amending s. 16.615, F.S., to conform a cross-reference; providing an effective date.

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

Section 1. Section 16.616, Florida Statutes, is repealed.

Reviser's note.—The cited section, which relates to a direct-support organization, was repealed pursuant to its own terms, effective October 1, 2018.

Section 2. Subsection (14) of section 196.102, Florida Statutes, is repealed.

Reviser's note.—The cited subsection, which relates to emergency rule adoption, expired pursuant to its own terms, effective August 30, 2018.

Section 3. Section 220.192, Florida Statutes, is repealed.

Reviser's note.—The cited section, which relates to a renewable energy technologies investment tax credit; authorized use of the credit in tax years beginning January 1, 2013, and ending December 31, 2016, after which the credit expired; and an authorized carry-forward of unused credit, expired December 31, 2018, pursuant to subsection (2) of the section.

Section 4. Paragraph (d) of subsection (3) of section 311.07, Florida Statutes, is repealed.

Reviser's note.—The cited paragraph, which creates an exemption from specified matching funds and eligibility requirements for projects funded through a specific appropriation of the 2017-2018 General Appropriations Act, expired pursuant to its own terms, effective July 1, 2018.

Section 5. Section 316.0898, Florida Statutes, is repealed.

Reviser's note.—The cited section, which relates to the Florida Smart City Challenge Grant Program, expired pursuant to its own terms, effective July 1, 2018.

Section 6. Section 319.141, Florida Statutes, is repealed.

Reviser's note.—The cited section, which relates to a pilot rebuilt motor vehicle inspection program, was repealed pursuant to its own terms, effective July 1, 2018.

Section 7. Section 377.24075, Florida Statutes, is repealed.

Reviser's bill.—The cited section, which provides for an exemption from open government requirements for certain proprietary business information held by the Department of Environmental Protection concerning applications for natural gas storage facility permits, was repealed pursuant to its own terms, effective October 2, 2018.

Section 8. Paragraph (c) of subsection (8) of section 741.30, Florida Statutes, is amended to read:

741.30 Domestic violence; injunction; powers and duties of court and clerk; petition; notice and hearing; temporary injunction; issuance of injunction; statewide verification system; enforcement; public records exemption.—

(8)

(c)1. Within 24 hours after the court issues an injunction for protection against domestic violence or changes, continues, extends, or vacates an injunction for protection against domestic violence, the clerk of the court must forward a certified copy of the injunction for service to the sheriff with jurisdiction over the residence of the petitioner. The injunction must be served in accordance with this subsection.

2. Within 24 hours after service of process of an injunction for protection against domestic violence upon a respondent, the law enforcement officer must forward the written proof of service of process to the sheriff with jurisdiction over the residence of the petitioner.

3. Within 24 hours after the sheriff receives a certified copy of the injunction for protection against domestic violence, the sheriff must make information relating to the injunction available to other law enforcement agencies by electronically transmitting such information to the department.

4. Within 24 hours after the sheriff or other law enforcement officer has made service upon the respondent and the sheriff has been so notified, the sheriff must make information relating to the service available to other law enforcement agencies by electronically transmitting such information to the department.

5.a. Subject to available funding, the Florida Association of Court Clerks and Comptrollers shall develop an automated process by which a petitioner may request notification of service of the injunction for protection against domestic violence and other court actions related to the injunction for protection. The automated notice shall be made within 12 hours after the sheriff or other law enforcement officer serves the injunction upon the respondent. The notification must include, at a minimum, the date, time, and location where the injunction for protection against domestic violence was served. When a petitioner makes a request for notification, the clerk must apprise the petitioner of her or his right to request in writing that the information specified in sub-subparagraph b. be held exempt from public records requirements for 5 years. The Florida Association of Court Clerks and Comptrollers may apply for any available grants to fund the development of the automated process.

~~b. Upon implementation of the automated process, information held by clerks and law enforcement agencies in conjunction with the automated process developed under sub-subparagraph a. which reveals the home or employment telephone number, cellular telephone number, home or employment address, electronic mail address, or other electronic means of identification of a petitioner requesting notification of service of an injunction for protection against domestic violence and other court actions related to the injunction for protection is exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution, upon written request by the petitioner. Such information shall cease to be exempt 5 years after the receipt of the written request. Any state or federal agency that is authorized to have access to such documents by any provision of law shall be granted such access in the furtherance of such agency's statutory duties, notwithstanding this sub-subparagraph. This sub-subparagraph is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2018, unless reviewed and saved from repeal through reenactment by the Legislature.~~

6. Within 24 hours after an injunction for protection against domestic violence is vacated, terminated, or otherwise rendered no longer effective by ruling of the court, the clerk of the court must notify the sheriff receiving original notification of the injunction as provided in subparagraph 2. That agency shall, within 24 hours after receiving such notification from the clerk of the court, notify the department of such action of the court.

Reviser's note.—Amended to conform to the repeal of sub-subparagraph 5.b. by its own terms, effective October 2, 2018, and to redesignate sub-subparagraph 5.a. as subparagraph 5. and amend it to conform.

Section 9. Paragraph (c) of subsection (8) of section 784.046, Florida Statutes, is amended to read:

784.046 Action by victim of repeat violence, sexual violence, or dating violence for protective injunction; dating violence investigations, notice to victims, and reporting; pretrial release violations; public records exemption.

(8)

(c)1. Within 24 hours after the court issues an injunction for protection against repeat violence, sexual violence, or dating violence or changes or vacates an injunction for protection against repeat violence, sexual violence, or dating violence, the clerk of the court must forward a copy of the injunction to the sheriff with jurisdiction over the residence of the petitioner.

2. Within 24 hours after service of process of an injunction for protection against repeat violence, sexual violence, or dating violence upon a respondent, the law enforcement officer must forward the written proof of service of process to the sheriff with jurisdiction over the residence of the petitioner.

3. Within 24 hours after the sheriff receives a certified copy of the injunction for protection against repeat violence, sexual violence, or dating violence, the sheriff must make information relating to the injunction available to other law enforcement agencies by electronically transmitting such information to the department.

4. Within 24 hours after the sheriff or other law enforcement officer has made service upon the respondent and the sheriff has been so notified, the sheriff must make information relating to the service available to other law enforcement agencies by electronically transmitting such information to the department.

5.a. Subject to available funding, the Florida Association of Court Clerks and Comptrollers shall develop an automated process by which a petitioner may request notification of service of the injunction for protection against repeat violence, sexual violence, or dating violence and other court actions related to the injunction for protection. The automated notice shall be made within 12 hours after the sheriff or other law enforcement officer serves the injunction upon the respondent. The notification must include, at a minimum, the date, time, and location where the injunction for protection against repeat violence, sexual violence, or dating violence was served. ~~When a petitioner makes a request for notification, the clerk must apprise the petitioner of her or his right to request in writing that the information specified in sub-subparagraph b. be held exempt from public records requirements for 5 years.~~ The Florida Association of Court Clerks and Comptrollers may apply for any available grants to fund the development of the automated process.

~~b. Upon implementation of the automated process, information held by clerks and law enforcement agencies in conjunction with the automated process developed under sub-subparagraph a. which reveals the home or employment telephone number, cellular telephone number, home or employment address, electronic mail address, or other electronic means of identification of a petitioner requesting notification of service of an injunction for protection against repeat violence, sexual violence, or dating violence and other court actions related to the injunction for protection is~~

~~exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution, upon written request by the petitioner. Such information shall cease to be exempt 5 years after the receipt of the written request. Any state or federal agency that is authorized to have access to such documents by any provision of law shall be granted such access in the furtherance of such agency's statutory duties, notwithstanding this sub-subparagraph. This sub-subparagraph is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2018, unless reviewed and saved from repeal through reenactment by the Legislature.~~

6. Within 24 hours after an injunction for protection against repeat violence, sexual violence, or dating violence is lifted, terminated, or otherwise rendered no longer effective by ruling of the court, the clerk of the court must notify the sheriff or local law enforcement agency receiving original notification of the injunction as provided in subparagraph 2. That agency shall, within 24 hours after receiving such notification from the clerk of the court, notify the department of such action of the court.

Reviser's note.— Amended to conform to the repeal of sub-subparagraph 5.b. by its own terms, effective October 2, 2018, and to redesignate sub-subparagraph 5.a. as subparagraph 5. and amend it to conform.

Section 10. Paragraph (d) of subsection (4) of section 932.7055, Florida Statutes, is repealed.

Reviser's note.—The cited paragraph, which relates to expenditure of funds in a special law enforcement trust fund established by the governing body of a municipality to reimburse the general fund for certain advances, for the 2017-2018 fiscal year only, expired pursuant to its own terms, effective July 1, 2018.

Section 11. Section 960.002, Florida Statutes, is repealed.

Reviser's note.—The cited section, which relates to a direct-support organization to assist victims of adult and juvenile crime, was repealed pursuant to its own terms, effective October 1, 2018.

Section 12. Section 961.055, Florida Statutes, is repealed.

Reviser's note.—The cited section, which relates to an exemption from application by nolle prosequi for compensation for a wrongfully incarcerated person, was repealed pursuant to its own terms, effective July 1, 2018.

Section 13. Section 961.056, Florida Statutes, is repealed.

Reviser's note.—The cited section, which relates to alternative application for compensation for a wrongfully incarcerated person, was repealed pursuant to its own terms, effective July 1, 2018.

Section 14. Paragraph (a) of subsection (4) of section 985.6865, Florida Statutes, is repealed.

Reviser's note.—The cited paragraph, which relates to payment of the percentage share of costs for juvenile detention by non-fiscally constrained counties for the 2016-2017 fiscal year, expired pursuant to its own terms, effective June 30, 2017.

Section 15. Subsections (4), (6), and (8) of section 1004.085, Florida Statutes, are amended to read:

1004.085 Textbook and instructional materials affordability.—

~~(4) Each Florida College System institution and state university board of trustees shall, each semester, examine the cost of textbooks and instructional materials by course and course section for all general education courses offered at the institution to identify any variance in the cost of textbooks and instructional materials among different sections of the same course and the percentage of textbooks and instructional materials that remain in use for more than one term. Courses that have a wide variance in costs among sections or that have frequent changes in textbook and instructional materials selections shall be identified and a list of such courses sent to the appropriate academic department chair for review. This subsection is repealed July 1, 2018, unless reviewed and saved from repeal through reenactment by the Legislature.~~

~~(5)(6)~~ Each Florida College System institution and state university shall post prominently in the course registration system and on its website, as early as is feasible, but at least 45 days before the first day of class for each term, a hyperlink to lists of required and recommended textbooks and instructional materials for at least 95 percent of all courses and course sections offered at the institution during the upcoming term. The lists must include the International Standard Book Number (ISBN) for each required and recommended textbook and instructional material or other identifying information, which must include, at a minimum, all of the following: the title, all authors listed, publishers, edition number, copyright date, published date, and other relevant information necessary to identify the specific textbooks or instructional materials required and recommended for each course. The State Board of Education and the Board of Governors shall include in the policies, procedures, and guidelines adopted under subsection ~~(6)~~ ~~(7)~~ certain limited exceptions to this notification requirement for classes added after the notification deadline.

~~(7)(8)~~ The board of trustees of each Florida College System institution and state university shall report, by September 30 of each year, beginning in 2016, to the Chancellor of the Florida College System or the Chancellor of the State University System, as applicable, the textbook and instructional materials selection process for ~~general education courses with a wide cost variance identified pursuant to subsection (4) and high-enrollment courses;~~ specific initiatives of the institution designed to reduce the costs of textbooks

and instructional materials; policies implemented in accordance with subsection (5) (6); the number of courses and course sections that were not able to meet the textbook and instructional materials posting deadline for the previous academic year; and any additional information determined by the chancellors. By November 1 of each year, beginning in 2016, each chancellor shall provide a summary of the information provided by institutions to the State Board of Education and the Board of Governors, as applicable.

Reviser’s note.—Subsection (4), which relates to examination of cost of textbooks and instructional materials for general education courses by Florida College System institution and state university boards of trustees, was repealed pursuant to its own terms, effective July 1, 2018. Subsections (6) and (8) are amended to conform to the repeal of subsection (4) by this act.

Section 16. Paragraph (b) of subsection (1) of section 1008.46, Florida Statutes, is repealed.

Reviser’s note.—The cited paragraph, which relates to submittal of an annual accountability report by March 15, 2018, for the 2017-2018 fiscal year only, expired pursuant to its own terms, effective July 1, 2018.

Section 17. Paragraph (k) of subsection (2) of section 1011.71, Florida Statutes, is repealed.

Reviser’s note.—The cited paragraph, which relates to payout of specified sick leave and annual leave accrued as a purpose for tax levy, expired pursuant to its own terms, effective July 1, 2018.

Section 18. Paragraph (e) of subsection (4) of section 16.615, Florida Statutes, is amended to read:

16.615 Council on the Social Status of Black Men and Boys.—

(4)

~~(e) The council shall monitor outcomes of the direct support organization created pursuant to s. 16.616.~~

Reviser’s note.—Amended to conform to the repeal of s. 16.616 by this act to ratify the repeal of that section by its own terms.

Section 19. This act shall take effect on the 60th day after adjournment sine die of the session of the Legislature in which enacted.

Approved by the Governor April 3, 2019.

Filed in Office Secretary of State April 3, 2019.