

## CHAPTER 2021-52

### Senate Bill No. 310

An act relating to the Florida Statutes; repealing ss. 119.071(5)(k), 216.181(11)(e), 267.0618, 311.101(7), 339.2818(8), 464.012(8), 466.00673, 1002.394(15), and 1003.4282(9), F.S., and amending ss. 316.306, 381.986, and 383.14, 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 2021 Florida Statutes only through a reviser's bill duly enacted by the Legislature; amending ss. 1002.3105 and 1003.5716, F.S., to conform to the repeal of s. 1003.4282(9), F.S., by this act; providing an effective date.

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

Section 1. Paragraph (k) of subsection (5) of section 119.071, Florida Statutes, is repealed.

Reviser's note.—The cited paragraph, which relates to an exemption from s. 119.07(1) and s. 24(a), Art. I of the State Constitution, for identification and location information held by an agency if a servicemember submits a specified request and statement to the agency, expired pursuant to its own terms, effective October 2, 2020.

Section 2. Paragraph (e) of subsection (11) of section 216.181, Florida Statutes, is repealed.

Reviser's note.—The cited paragraph, which provides that, for the 2019-2020 fiscal year only, the Legislative Budget Commission may increase the amounts appropriated to the Department of Environmental Protection for fixed capital outlay projects using funds provided from a specified environmental mitigation trust, expired pursuant to its own terms, effective July 1, 2020.

Section 3. Section 267.0618, Florida Statutes, is repealed.

Reviser's note.—The cited section, which relates to the Women's Suffrage Centennial Commission, expired pursuant to its own terms, effective December 31, 2020.

Section 4. Subsection (7) of section 311.101, Florida Statutes, is repealed.

Reviser's note.—The cited subsection, which relates to at least \$5 million per year being made available from the State Transportation Trust Fund for the Intermodal Logistics Center Infrastructure Support Program, expired pursuant to its own terms, effective July 1, 2020.

Section 5. Paragraph (a) of subsection (3) of section 316.306, Florida Statutes, is amended to read:

316.306 School and work zones; prohibition on the use of a wireless communications device in a handheld manner.—

(3)(a)1. A person may not operate a motor vehicle while using a wireless communications device in a handheld manner in a designated school crossing, school zone, or work zone area as defined in s. 316.003(105). This subparagraph shall only be applicable to work zone areas if construction personnel are present or are operating equipment on the road or immediately adjacent to the work zone area. For the purposes of this paragraph, a motor vehicle that is stationary is not being operated and is not subject to the prohibition in this paragraph.

~~2.a.—During the period from October 1, 2019, through December 31, 2019, a law enforcement officer may stop motor vehicles to issue verbal or written warnings to persons who are in violation of subparagraph 1. for the purposes of informing and educating such persons of this section. This subparagraph shall stand repealed on October 1, 2020.~~

~~b.~~ Effective January 1, 2020, a law enforcement officer may stop motor vehicles and issue citations to persons who are driving while using a wireless communications device in a handheld manner in violation of subparagraph 1.

Reviser's note.—Amended to conform to the repeal of sub-subparagraph 2.a. pursuant to its own terms, effective October 1, 2020.

Section 6. Subsection (8) of section 339.2818, Florida Statutes, is repealed.

Reviser's note.—The cited subsection, which provides that a county or a municipality within a county designated in Federal Emergency Management Agency disaster declaration DR-4399 may compete for additional project funding, expired pursuant to its own terms, effective July 1, 2020.

Section 7. Paragraph (a) of subsection (8) of section 381.986, Florida Statutes, is amended to read:

381.986 Medical use of marijuana.—

(8) MEDICAL MARIJUANA TREATMENT CENTERS.—

(a) The department shall license medical marijuana treatment centers to ensure reasonable statewide accessibility and availability as necessary for qualified patients registered in the medical marijuana use registry and who are issued a physician certification under this section.

1. As soon as practicable, but no later than July 3, 2017, the department shall license as a medical marijuana treatment center any entity that holds an active, unrestricted license to cultivate, process, transport, and dispense low-THC cannabis, medical cannabis, and cannabis delivery devices, under former s. 381.986, Florida Statutes 2016, before July 1, 2017, and which meets the requirements of this section. In addition to the authority granted under this section, these entities are authorized to dispense low-THC cannabis, medical cannabis, and cannabis delivery devices ordered pursuant to former s. 381.986, Florida Statutes 2016, which were entered into the compassionate use registry before July 1, 2017, and are authorized to begin dispensing marijuana under this section on July 3, 2017. The department may grant variances from the representations made in such an entity's original application for approval under former s. 381.986, Florida Statutes 2014, pursuant to paragraph (e).

2. The department shall license as medical marijuana treatment centers 10 applicants that meet the requirements of this section, under the following parameters:

a. As soon as practicable, but no later than August 1, 2017, the department shall license any applicant whose application was reviewed, evaluated, and scored by the department and which was denied a dispensing organization license by the department under former s. 381.986, Florida Statutes 2014; which had one or more administrative or judicial challenges pending as of January 1, 2017, or had a final ranking within one point of the highest final ranking in its region under former s. 381.986, Florida Statutes 2014; which meets the requirements of this section; and which provides documentation to the department that it has the existing infrastructure and technical and technological ability to begin cultivating marijuana within 30 days after registration as a medical marijuana treatment center.

b. As soon as practicable, the department shall license one applicant that is a recognized class member of *Pigford v. Glickman*, 185 F.R.D. 82 (D.D.C. 1999), or *In Re Black Farmers Litig.*, 856 F. Supp. 2d 1 (D.D.C. 2011). An applicant licensed under this sub-subparagraph is exempt from the requirement of subparagraph (b)2.

c. As soon as practicable, but no later than October 3, 2017, the department shall license applicants that meet the requirements of this section in sufficient numbers to result in 10 total licenses issued under this subparagraph, while accounting for the number of licenses issued under sub-subparagraphs a. and b.

3. For up to two of the licenses issued under subparagraph 2., the department shall give preference to applicants that demonstrate in their applications that they own one or more facilities that are, or were, used for the canning, concentrating, or otherwise processing of citrus fruit or citrus molasses and will use or convert the facility or facilities for the processing of marijuana.

4. Within 6 months after the registration of 100,000 active qualified patients in the medical marijuana use registry, the department shall license four additional medical marijuana treatment centers that meet the requirements of this section. Thereafter, the department shall license four medical marijuana treatment centers within 6 months after the registration of each additional 100,000 active qualified patients in the medical marijuana use registry that meet the requirements of this section.

5.— Dispensing facilities are subject to the following requirements:

~~a.— A medical marijuana treatment center may not establish or operate more than a statewide maximum of 25 dispensing facilities, unless the medical marijuana use registry reaches a total of 100,000 active registered qualified patients. When the medical marijuana use registry reaches 100,000 active registered qualified patients, and then upon each further instance of the total active registered qualified patients increasing by 100,000, the statewide maximum number of dispensing facilities that each licensed medical marijuana treatment center may establish and operate increases by five.~~

~~b.— A medical marijuana treatment center may not establish more than the maximum number of dispensing facilities allowed in each of the Northwest, Northeast, Central, Southwest, and Southeast Regions. The department shall determine a medical marijuana treatment center's maximum number of dispensing facilities allowed in each region by calculating the percentage of the total statewide population contained within that region and multiplying that percentage by the medical marijuana treatment center's statewide maximum number of dispensing facilities established under sub-subparagraph a., rounded to the nearest whole number. The department shall ensure that such rounding does not cause a medical marijuana treatment center's total number of statewide dispensing facilities to exceed its statewide maximum. The department shall initially calculate the maximum number of dispensing facilities allowed in each region for each medical marijuana treatment center using county population estimates from the Florida Estimates of Population 2016, as published by the Office of Economic and Demographic Research, and shall perform recalculations following the official release of county population data resulting from each United States Decennial Census. For the purposes of this subparagraph:~~

~~(I) The Northwest Region consists of Bay, Calhoun, Escambia, Franklin, Gadsden, Gulf, Holmes, Jackson, Jefferson, Leon, Liberty, Madison, Okaloosa, Santa Rosa, Taylor, Wakulla, Walton, and Washington Counties.~~

~~(II) The Northeast Region consists of Alachua, Baker, Bradford, Clay, Columbia, Dixie, Duval, Flagler, Gilchrist, Hamilton, Lafayette, Levy, Marion, Nassau, Putnam, St. Johns, Suwannee, and Union Counties.~~

(III) ~~The Central Region consists of Brevard, Citrus, Hardee, Hernando, Indian River, Lake, Orange, Osceola, Pasco, Pinellas, Polk, Seminole, St. Lucie, Sumter, and Volusia Counties.~~

(IV) ~~The Southwest Region consists of Charlotte, Collier, DeSoto, Glades, Hendry, Highlands, Hillsborough, Lee, Manatee, Okeechobee, and Sarasota Counties.~~

(V) ~~The Southeast Region consists of Broward, Miami-Dade, Martin, Monroe, and Palm Beach Counties.~~

~~e. If a medical marijuana treatment center establishes a number of dispensing facilities within a region that is less than the number allowed for that region under sub-subparagraph b., the medical marijuana treatment center may sell one or more of its unused dispensing facility slots to other licensed medical marijuana treatment centers. For each dispensing facility slot that a medical marijuana treatment center sells, that medical marijuana treatment center's statewide maximum number of dispensing facilities, as determined under sub-subparagraph a., is reduced by one. The statewide maximum number of dispensing facilities for a medical marijuana treatment center that purchases an unused dispensing facility slot is increased by one per slot purchased. Additionally, the sale of a dispensing facility slot shall reduce the seller's regional maximum and increase the purchaser's regional maximum number of dispensing facilities, as determined in sub-subparagraph b., by one for that region. For any slot purchased under this sub-subparagraph, the regional restriction applied to that slot's location under sub-subparagraph b. before the purchase shall remain in effect following the purchase. A medical marijuana treatment center that sells or purchases a dispensing facility slot must notify the department within 3 days of sale.~~

~~d. This subparagraph shall expire on April 1, 2020.~~

If this subparagraph or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this act which can be given effect without the invalid provision or application, and to this end, the provisions of this subparagraph are severable.

Reviser's note.—Amended to conform to the repeal of subparagraph 5. pursuant to its own terms, effective April 1, 2020.

Section 8. Paragraph (a) of subsection (2) of section 383.14, Florida Statutes, is amended to read:

383.14 Screening for metabolic disorders, other hereditary and congenital disorders, and environmental risk factors.—

(2) RULES.—

(a) After consultation with the Genetics and Newborn Screening Advisory Council, the department shall adopt and enforce rules requiring that every newborn in this state shall:

1. Before becoming 1 week of age, be subjected to a test for phenylketonuria;

2. Be tested for any condition included on the federal Recommended Uniform Screening Panel which the council advises the department should be included under the state's screening program. After the council recommends that a condition be included, the department shall submit a legislative budget request to seek an appropriation to add testing of the condition to the newborn screening program. The department shall expand statewide screening of newborns to include screening for such conditions within 18 months after the council renders such advice, if a test approved by the United States Food and Drug Administration or a test offered by an alternative vendor is available. If such a test is not available within 18 months after the council makes its recommendation, the department shall implement such screening as soon as a test offered by the United States Food and Drug Administration or by an alternative vendor is available; and

3. At the appropriate age, be tested for such other metabolic diseases and hereditary or congenital disorders as the department may deem necessary from time to time; ~~and~~

~~4. Notwithstanding subparagraph 2., be screened for spinal muscular atrophy following integration of such a test into the newborn screening testing panel. The department shall implement such screening using a test offered by the United States Food and Drug Administration or by an alternative vendor as soon as practicable after July 1, 2019, but no later than May 3, 2020. This subparagraph expires July 1, 2020.~~

Reviser's note.—Amended to conform to the expiration of subparagraph 4. pursuant to its own terms, effective July 1, 2020.

Section 9. Subsection (8) of section 464.012, Florida Statutes, is repealed.

Reviser's note.—The cited subsection, which relates to a transition timeline and process for advanced registered nurse practitioners or clinical nurse specialists to convert a certificate in good standing to a license that becomes effective on October 1, 2018, to practice as an advanced practice registered nurse, expired pursuant to its own terms, effective October 1, 2020.

Section 10. Section 466.00673, Florida Statutes, is repealed.

Reviser's note.—The cited section, which relates to the repeal of ss. 466.0067-466.00673, relating to health access dental licenses, was repealed pursuant to its own terms, effective January 1, 2020; the

remaining sections in the range of repealed sections were revived by ch. 2020-47, Laws of Florida.

Section 11. Subsection (15) of section 1002.394, Florida Statutes, is repealed.

Reviser’s note.—The cited subsection, which relates to the implementation schedule for the Family Empowerment Scholarship Program for the 2019-2020 school year, expired pursuant to its own terms, effective June 30, 2020.

Section 12. Subsection (9) of section 1003.4282, Florida Statutes, is repealed.

Reviser’s note.—The cited subsection, which relates to cohort transition to new graduation requirements, was repealed pursuant to its own terms, effective July 1, 2020.

Section 13. 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., (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 repeal of s. 1003.4282(9) by this act.

Section 14. 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(9)(b)~~ ~~1003.4282(10)(b)~~ which meets the

criteria specified in State Board of Education rule. The IEP must also specify the outcomes and additional benefits expected by the parent and the IEP team at the time of the student’s graduation.

Reviser’s note.—Amended to conform to the repeal of s. 1003.4282(9) by this act.

Section 15. 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 June 4, 2021.

Filed in Office Secretary of State June 4, 2021.