

CHAPTER 2022-4

Senate Bill No. 848

An act relating to the Florida Statutes; amending ss. 28.2221, 39.00146, 50.0211, 95.361, 97.0575, 102.072, 110.117, 110.12303, 171.203, 189.0695, 193.4517, 265.2865, 282.318, 282.319, 288.106, 288.8014, 290.0475, 316.5501, 319.141, 319.1414, 319.25, 322.032, 322.18, 337.11, 337.401, 350.0605, 366.02, 366.032, 366.04, 366.96, 373.016, 373.0465, 373.701, 373.707, 379.2311, 380.0933, 390.011, 395.002, 395.701, 397.410, 402.62, 403.064, 403.086, 409.905, 413.271, 420.602, 445.007, 468.505, 480.033, 553.791, 604.73, 624.105, 624.51057, 626.9541, 633.202, 660.46, 736.1008, 736.1411, 738.602, 765.101, 768.1382, 768.381, 812.014, 812.015, 823.14, 849.086, 870.01, 948.16, 1001.03, 1001.10, 1001.42, 1002.33, 1002.37, 1002.421, 1002.82, 1003.4203, 1003.4282, 1003.5716, 1004.015, 1004.097, 1006.60, 1008.25, 1008.30, 1008.31, 1008.365, 1011.62, 1011.802, and 1012.976, 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that have expired, have become obsolete, have had their effect, have served their purpose, or have been impliedly repealed or superseded; replacing incorrect cross-references and citations; correcting grammatical, typographical, and like errors; removing inconsistencies, redundancies, and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; and improving the clarity of the statutes and facilitating their correct interpretation; providing an effective date.

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

Section 1. Paragraph (c) of subsection (5) of section 28.2221, Florida Statutes, is amended to read:

28.2221 Electronic access to official records.—

(5)

(c) Notice of the right of any affected party to request removal of information or records pursuant to this subsection must be conspicuously and clearly displayed by the county recorder on the publicly available Internet website on which images or copies of the county's public records are placed and in the office of each county recorder. Such notice must contain appropriate instructions for making the removal request in person, by mail, or by electronic transmission. The notice must state, in substantially similar form, that any person has a right to request that a county recorder remove from a publicly available Internet website information made exempt from inspection or copying under s. 119.071 or an image or copy of a public record, including an official record, if that image or copy is of a military discharge; death certificate; or a court file, record, or paper relating to matters or cases governed by the Florida Rules of Family Law, the Florida Rules of Juvenile Procedure, or the Florida Probate Rules. The notice must state that information removed as exempt under s. 119.071 will not be removed from the Official Records as described in s. 28.222(2). Such request must be

made in writing and delivered in person, by mail, or by electronic transmission to the county recorder. The request must identify the Official Records book and page number, instrument number, or clerk's file number for any information or document to be removed. For requests for removal from a person claiming a public records exemption pursuant to s. 119.071, the request must be written; be notarized; state under oath the statutory basis for removal of the information, image, or copy that is restricted from general public display on the county recorder's publicly available Internet website; and confirm the individual's eligibility for exempt status. A party making a false attestation is subject to the penalty of perjury under s. 837.012. A fee may not be charged for the removal of a document pursuant to such request.

Reviser's note.—Amended to confirm an editorial insertion to improve clarity.

Section 2. Paragraph (h) of subsection (2) of section 39.00146, Florida Statutes, is amended to read:

39.00146 Case record face sheet.—

(2) The case record of every child under the supervision or in the custody of the department or the department's authorized agents, including community-based care lead agencies and their subcontracted providers, must include a face sheet containing relevant information about the child and his or her case, including at least all of the following:

(h) If the child has any siblings and they are not placed in the same out-of-home placement, the reasons the children are not in joint placement and the reasonable efforts that the department or appropriate lead agency will make to provide frequent visitation or other ongoing interaction between the siblings, unless the court determines that the interaction would be contrary to a sibling's safety or well-being in accordance with s. 39.4024.

Reviser's note.—Amended to confirm an editorial insertion to improve clarity.

Section 3. Paragraph (b) of subsection (1) and paragraph (d) of subsection (4) of section 50.0211, Florida Statutes, are amended to read:

50.0211 Internet website publication.—

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

(b) "Governmental agency notice" includes any of the following notices required by law to be published in a newspaper:

1. Notices related to special or local legal legislation pursuant to s. 11.02.
2. Educational unit notices pursuant to s. 120.81.

3. Retirement system notices pursuant to s. 121.0511.
4. Notices related to inclusion of positions in the Senior Management Service Class of the Florida Retirement System pursuant to s. 121.055.
5. Notices proposing the enactment of county ordinances pursuant to s. 125.66.
6. Code enforcement notices published pursuant to s. 162.12.
7. Notices proposing the enactment of municipal ordinances pursuant to s. 166.041.
8. Special district meeting notices pursuant to s. 189.015.
9. Establishment and termination notices for community development districts pursuant to ss. 190.005 and 190.046, respectively.
10. Disclosures of tax impact by value adjustment boards pursuant to s. 194.037.
11. Advertisements of real or personal property with delinquent taxes pursuant to s. 197.402.
12. Advertisements of hearing notices, millage rates, and budgets pursuant to s. 200.065.
13. Turnpike project notices pursuant to s. 338.223.
14. Public-private partnership notices pursuant to ss. 348.0308 and 348.7605.
15. Notices of prime recharge area designations for the Floridan and Biscayne aquifers pursuant to s. 373.0397.
16. Water management district notices pursuant to s. 373.146.
17. Hazardous waste disposal notices pursuant to s. 403.722.
18. Forfeiture notices pursuant to ss. 849.38 and 932.704.

(4)

(d) The Florida Press Association shall seek to ensure that minority populations throughout the state have equitable access to legal notices posted on the statewide legal notice website located at: www.floridapublicnotices.com. The Florida Press Association shall publish a report listing all newspapers that have placed notices on www.floridapublicnotices.com in the preceding calendar quarter. The report must specifically identify which criteria under s. 50.011(1)(c)1.-3. ~~that~~ each newspaper satisfied. Each quarterly report must also include the number of unique visitors to the statewide legal notice website during that quarter and the number of legal

notices that were published during that quarter by Internet-only publication or by publication in a print newspaper and on the statewide website. At a minimum, the reports for the 4 preceding calendar quarters shall be available on the website.

Reviser's note.—Paragraph (1)(b) is amended to conform to the fact that referenced s. 11.02 relates to notice of special or local legislation or certain relief acts. Paragraph (4)(d) is amended to confirm an editorial deletion to improve clarity.

Section 4. Subsection (2) of section 95.361, Florida Statutes, is amended to read:

95.361 Roads presumed to be dedicated.—

(2) In those instances where a road has been constructed by a nongovernmental entity, or where the road was not constructed by the entity currently maintaining or repairing it, or where it cannot be determined who constructed the road, and when such road has been regularly maintained or repaired for the immediate past 7 years by a county, a municipality, or the Department of Transportation, whether jointly or severally, such road shall be deemed to be dedicated to the public to the extent of the width that actually has been maintained or repaired for the prescribed period, whether or not the road has been formally established as a public highway. This subsection shall not apply to an electric utility, as defined in s. ~~366.02(4)~~ 366.02(2). The dedication shall vest all rights, title, easement, and appurtenances in and to the road in:

- (a) The county, if it is a county road;
- (b) The municipality, if it is a municipal street or road; or
- (c) The state, if it is a road in the State Highway System or State Park Road System,

whether or not there is a record of conveyance, dedication, or appropriation to the public use.

Reviser's note.—Amended to conform to the reordering of definitions in s. 366.02 by this act.

Section 5. Paragraph (a) of subsection (3) of section 97.0575, Florida Statutes, is amended to read:

97.0575 Third-party voter registrations.—

(3)(a) A third-party voter registration organization that collects voter registration applications serves as a fiduciary to the applicant, ensuring that any voter registration application entrusted to the organization, irrespective of party affiliation, race, ethnicity, or gender, must be promptly delivered to the division or the supervisor of elections in the county in which the

applicant resides within 14 days after the application was completed by the applicant, but not after registration closes for the next ensuing election. A third-party voter registration organization must notify the applicant at the time the application is collected that the organization might not deliver the application to the division or the supervisor of elections in the county in which the applicant resides in less than 14 days or before registration closes for the next ensuing election and must advise the applicant that he or she may deliver the application in person or by mail. The third-party voter registration organization must also inform the applicant how to register online with the division and how to determine whether the application has been delivered. If a voter registration application collected by any third-party voter registration organization is not promptly delivered to the division or supervisor of elections in the county in which the applicant resides, the third-party voter registration organization is liable for the following fines:

1. A fine in the amount of \$50 for each application received by the division or the supervisor of elections in the county in which the applicant resides more than 14 days after the applicant delivered the completed voter registration application to the third-party voter registration organization or any person, entity, or agent acting on its behalf. A fine in the amount of \$250 for each application received if the third-party voter registration organization or person, entity, or agency acting on its behalf acted willfully.

2. A fine in the amount of \$100 for each application collected by a third-party voter registration organization or any person, entity, or agent acting on its behalf, before book closing for any given election for federal or state office and received by the division or the supervisor of elections in the county in which the applicant resides after the book-closing deadline for such election. A fine in the amount of \$500 for each application received if the third-party registration organization or person, entity, or agency acting on its behalf acted willfully.

3. A fine in the amount of \$500 for each application collected by a third-party voter registration organization or any person, entity, or agent acting on its behalf, which is not submitted to the division or supervisor of elections in the county in which the applicant resides. A fine in the amount of \$1,000 for any application not submitted if the third-party voter registration organization or person, entity, or agency acting on its behalf acted willfully.

The aggregate fine pursuant to this paragraph which may be assessed against a third-party voter registration organization, including affiliate organizations, for violations committed in a calendar year is \$1,000.

Reviser's note.—Amended to confirm an editorial insertion to improve clarity.

Section 6. Section 102.072, Florida Statutes, is amended to read:

102.072 Vote-by-mail count reporting.—Beginning at 7 p.m. on election day, the supervisor must, at least once every hour while actively counting, post on his or her website the number of vote-by-mail ballots that have been received and the number of vote-by-mail ballots that remain uncounted.

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

Section 7. Subsection (1) of section 110.117, Florida Statutes, is amended to read:

110.117 Paid holidays.—

(1) The following holidays shall be paid holidays observed by all state branches and agencies:

- (a) New Year's Day.
- (b) Birthday of Martin Luther King, Jr., third Monday in January.
- (c) Memorial Day.
- (d) Independence Day.
- (e) Labor Day.
- (f) Veterans' Day, November 11.
- (g) Thanksgiving Day.
- (h) Friday after Thanksgiving.
- (i) Christmas Day.

~~(j) If any of these holidays falls on Saturday, the preceding Friday shall be observed as a holiday. If any of these holidays falls on Sunday, the following Monday shall be observed as a holiday.~~

If any of these holidays falls on Saturday, the preceding Friday shall be observed as a holiday. If any of these holidays falls on Sunday, the following Monday shall be observed as a holiday.

Reviser's note.—Amended to conform to context. Paragraph (j) is not a listed holiday and is applicable to the list of holidays in paragraphs (a)-(i).

Section 8. Paragraph (e) of subsection (3) of section 110.12303, Florida Statutes, is amended to read:

110.12303 State group insurance program; additional benefits; price transparency program; reporting.—

(3) The department shall contract with an entity that provides enrollees with online information on the cost and quality of health care services and providers, allows an enrollee to shop for health care services and providers, and rewards the enrollee by sharing savings generated by the enrollee's choice of services or providers. The contract shall require the entity to:

~~(e) On or before January 1 of 2019, 2020, and 2021, the department shall report to the Governor, the President of the Senate, and the Speaker of the House of Representatives on the participation level, amount paid to enrollees, and cost savings to both the enrollees and the state resulting from the implementation of this subsection.~~

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

Section 9. Paragraph (d) of subsection (6) of section 171.203, Florida Statutes, is amended to read:

171.203 Interlocal service boundary agreement.—The governing body of a county and one or more municipalities or independent special districts within the county may enter into an interlocal service boundary agreement under this part. The governing bodies of a county, a municipality, or an independent special district may develop a process for reaching an interlocal service boundary agreement which provides for public participation in a manner that meets or exceeds the requirements of subsection (13), or the governing bodies may use the process established in this section.

(6) An interlocal service boundary agreement may address any issue concerning service delivery, fiscal responsibilities, or boundary adjustment. The agreement may include, but need not be limited to, provisions that:

(d) Address other services and infrastructure not currently provided by an electric utility as defined by s. ~~366.02(4)~~ 366.02(2) or a natural gas transmission company as defined by s. 368.103(4). However, this paragraph does not affect any territorial agreement between electrical utilities or public utilities under chapter 366 or affect the determination of a territorial dispute by the Public Service Commission under s. 366.04.

Reviser's note.—Amended to conform to the reordering of definitions in s. 366.02 by this act.

Section 10. Paragraph (f) of subsection (1) of section 189.0695, Florida Statutes, is amended to read:

189.0695 Independent special districts; performance reviews.—

(1) For purposes of this section, the term “performance review” means an evaluation of an independent special district and its programs, activities, and functions. The term includes research and analysis of the following:

(f) The extent to which the special district's goals and objectives have been achieved, including whether the goals and objectives are clearly stated,

are measurable, adequately address the statutory purpose of the special district, provide sufficient direction for the district's programs and activities, and may be achieved within the district's adopted budget.

Reviser's note.—Amended to confirm an editorial insertion to improve clarity.

Section 11. Paragraphs (a) and (b) of subsection (1) of section 193.4517, Florida Statutes, are amended to read:

193.4517 Assessment of agricultural equipment rendered unable to be used due to Hurricane Michael.—

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

(a) "Farm" has the same meaning as provided in s. 823.14(3)(c) ~~823.14(3)(b)~~.

(b) "Farm operation" has the same meaning as provided in s. 823.14(3)(d) ~~823.14(3)(e)~~.

Reviser's note.—Amended to conform to the reordering of definitions in s. 823.14(3) by this act.

Section 12. Subsection (6) of section 265.2865, Florida Statutes, is amended to read:

265.2865 Florida Artists Hall of Fame.—

(6) The Division of Arts and Culture of the Department of State shall adopt rules necessary to carry out the purposes of this section, including, but not limited to, procedures for accepting nominations to, making recommendations for, and selecting members of the Florida Artists Hall of Fame and providing travel expenses for such recipients. Notwithstanding s. 112.061, the Secretary of State may approve first-class travel accommodations for recipients of the Florida Artists Hall of Fame award and their representatives for health or security purposes.

Reviser's note.—Amended to confirm an editorial insertion to improve clarity.

Section 13. Paragraph (h) of subsection (4) of section 282.318, Florida Statutes, is amended to read:

282.318 Cybersecurity.—

(4) Each state agency head shall, at a minimum:

(h) Ensure that the cybersecurity requirements in ~~both~~ the written specifications for the solicitation, contracts, and service-level agreement of information technology and information technology resources and services meet or exceed the applicable state and federal laws, regulations, and

standards for cybersecurity, including the National Institute of Standards and Technology Cybersecurity Framework. Service-level agreements must identify service provider and state agency responsibilities for privacy and security, protection of government data, personnel background screening, and security deliverables with associated frequencies.

Reviser's note.—Amended to confirm an editorial deletion to facilitate correct interpretation.

Section 14. Paragraph (j) of subsection (4) of section 282.319, Florida Statutes, is amended to read:

282.319 Florida Cybersecurity Advisory Council.—

(4) The council shall be comprised of the following members:

(j) Three representatives from critical infrastructure sectors, one of whom ~~which~~ must be from a water treatment facility, appointed by the Governor.

Reviser's note.—Amended to confirm an editorial substitution to conform to context.

Section 15. Paragraph (q) of subsection (2) of section 288.106, Florida Statutes, is amended to read:

288.106 Tax refund program for qualified target industry businesses.

(2) DEFINITIONS.—As used in this section:

(q) "Target industry business" means a corporate headquarters business or any business that is engaged in one of the target industries identified pursuant to the following criteria developed by the department in consultation with Enterprise Florida, Inc.:

1. Future growth.—Industry forecasts should indicate strong expectation for future growth in both employment and output, according to the most recent available data. Special consideration should be given to businesses that export goods to, or provide services in, international markets and businesses that replace domestic and international imports of goods or services.

2. Stability.—The industry should not be subject to periodic layoffs, whether due to seasonality or sensitivity to volatile economic variables such as weather. The industry should also be relatively resistant to recession, so that the demand for products of this industry is not typically subject to decline during an economic downturn.

3. High wage.—The industry should pay relatively high wages compared to statewide or area averages.

4. Market and resource independent.—The location of industry businesses should not be dependent on Florida markets or resources as indicated by industry analysis, except for businesses in the renewable energy industry.

5. Industrial base diversification and strengthening.—The industry should contribute toward expanding or diversifying the state's or area's economic base, as indicated by analysis of employment and output shares compared to national and regional trends. Special consideration should be given to industries that strengthen regional economies by adding value to basic products or building regional industrial clusters as indicated by industry analysis. Special consideration should also be given to the development of strong industrial clusters that include defense and homeland security businesses.

6. Positive economic impact.—The industry is expected to have strong positive economic impacts on or benefits to the state or regional economies. Special consideration should be given to industries that facilitate the development of the state as a hub for domestic and global trade and logistics.

The term does not include any business engaged in retail industry activities; any electrical utility company as defined in s. ~~366.02(4)~~ ~~366.02(2)~~; any phosphate or other solid minerals severance, mining, or processing operation; any oil or gas exploration or production operation; or any business subject to regulation by the Division of Hotels and Restaurants of the Department of Business and Professional Regulation. Any business within NAICS code 5611 or 5614, office administrative services and business support services, respectively, may be considered a target industry business only after the local governing body and Enterprise Florida, Inc., make a determination that the community where the business may locate has conditions affecting the fiscal and economic viability of the local community or area, including but not limited to, factors such as low per capita income, high unemployment, high underemployment, and a lack of year-round stable employment opportunities, and such conditions may be improved by the location of such a business to the community. By January 1 of every 3rd year, beginning January 1, 2011, the department, in consultation with Enterprise Florida, Inc., economic development organizations, the State University System, local governments, employee and employer organizations, market analysts, and economists, shall review and, as appropriate, revise the list of such target industries and submit the list to the Governor, the President of the Senate, and the Speaker of the House of Representatives.

Reviser's note.—Amended to conform to the reordering of definitions in s. 366.02 by this act.

Section 16. Subsection (8) of section 288.8014, Florida Statutes, is amended to read:

288.8014 Triumph Gulf Coast, Inc.; organization; board of directors.—

(8) The Secretary of Economic Opportunity, or his or her designee, the Secretary of the Department of Environmental Protection, or his or her designee, and the chair of the Committee of 8 Disproportionally Affected Counties, or his or her designee, shall be available to consult with the board of directors and may be requested to attend meetings of the board of directors. These individuals shall not be permitted to vote on any matter before the board.

Reviser's note.—Amended to provide consistent terminology. “Secretary of Environmental Protection” is Florida Statutes preferred style.

Section 17. Subsection (5) of section 290.0475, Florida Statutes, is amended to read:

290.0475 Rejection of grant applications; penalties for failure to meet application conditions.—Applications are ineligible for funding if any of the following circumstances arise:

(5) The applicant has an open community development block grant, except as provided in s. 290.046(2)(a)-(c) ~~290.046(2)(b) and (e)~~ and department rules;

Reviser's note.—Amended to conform to the redesignation of s. 290.046(2)(b) and (c) as s. 290.046(2)(a)-(c) by s. 5, ch. 2021-25, Laws of Florida.

Section 18. Paragraph (a) of subsection (1) of section 316.5501, Florida Statutes, is amended to read:

316.5501 Permitting program for combination truck tractor, semitrailer, and trailer combination coupled as a single unit subject to certain requirements.—

(1) By no later than January 1, 2020, the Department of Transportation in conjunction with the Department of Highway Safety and Motor Vehicles shall develop a permitting program that, notwithstanding any other provision of law except conflicting federal law and applicable provisions of s. 316.550, prescribes the operation of any combination of truck tractor, semitrailer, and trailer combination coupled together so as to operate as a single unit in which the semitrailer and the trailer unit may each be up to 48 feet in length, but not less than 28 feet in length, if such truck tractor, semitrailer, and trailer combination is:

(a) Being used for the primary purpose of transporting farm products as defined in s. 823.14(3)(e) ~~823.14(3)(d)~~ on a prescribed route within the boundary of the Everglades Agricultural Area as described in s. 373.4592(15);

Reviser's note.—Amended to conform to the reordering of definitions in s. 823.14(3) by this act.

Section 19. Subsection (10) of section 319.141, Florida Statutes, is amended to read:

319.141 Rebuilt motor vehicle inspection program.—

~~(10) On or before July 1, 2021, the department shall submit a written report to the President of the Senate and the Speaker of the House of Representatives evaluating the effectiveness of the program and whether to expand the program to other counties.~~

Reviser's note.—Amended to delete an obsolete provision; the referenced report was submitted July 1, 2021.

Section 20. Subsection (3) of section 319.1414, Florida Statutes, is amended to read:

319.1414 Department-authorized private rebuilt inspection providers; investigations; examinations; proceedings; subpoenas and other process; witnesses; oaths; rules.—

(3) If a person refuses to testify; to produce books, papers, documents, or records; or to otherwise obey a subpoena or subpoena duces tecum issued under subsection (2), the department may petition a court of competent jurisdiction in the county where the person's residence or principal place of business is located, upon which the court must issue an order requiring such person to obey the subpoena or show cause for failing to obey the subpoena. Unless the person shows sufficient cause for failing to obey the subpoena, the court shall direct the person to obey the subpoena. Failure to comply with such order is contempt of court.

Reviser's note.—Amended to confirm an editorial insertion to improve clarity.

Section 21. Subsection (5) of section 319.25, Florida Statutes, is amended to read:

319.25 Cancellation of certificates; investigations; examinations; proceedings; subpoenas and other process; witnesses; oaths; rules.—

(5) If a person refuses to testify; to produce books, papers, documents, or records; or to otherwise obey the subpoena or subpoena duces tecum issued under subsection (4), the department may petition a court of competent jurisdiction in the county where the person's residence or principal place of business is located, upon which the court must issue an order requiring such person to obey the subpoena or show cause for failing to obey the subpoena. Unless the person shows sufficient cause for failing to obey the subpoena, the court must direct the person to obey the subpoena. Failure to comply with such order is contempt of court.

Reviser's note.—Amended to confirm an editorial insertion to improve clarity.

Section 22. Paragraph (b) of subsection (3) of section 322.032, Florida Statutes, is amended to read:

322.032 Digital proof of driver license or identification card.—

(3)

(b)1. Notwithstanding ss. 322.14, 322.141, and 322.142, and any other law prescribing the design for, or information required to be displayed on, a driver license, a digital proof of driver license may comprise a limited profile that includes only information necessary to conduct a specific transaction on the electronic credentialing system.

2. Notwithstanding ss. 322.051 and 322.141, and any other law prescribing the design for, or information required to be displayed on, an identification card, a digital proof of identification card may comprise a limited profile that includes only information necessary to conduct a specific transaction on the electronic credentialing system.

Reviser's note.—Amended to confirm an editorial insertion to improve sentence structure.

Section 23. Paragraph (f) of subsection (2) of section 322.18, Florida Statutes, is amended to read:

322.18 Original applications, licenses, and renewals; expiration of licenses; delinquent licenses.—

(2) Each applicant who is entitled to the issuance of a driver license, as provided in this section, shall be issued a driver license, as follows:

(f) Notwithstanding any other provision of this chapter, an applicant applying for an original issuance of a commercial driver license as defined in s. 322.01(7) shall be issued a driver license that expires at midnight 8 years after the licensee's last birthday prior to issuance of the license.

Reviser's note.—Amended to improve clarity.

Section 24. Subsection (15) of section 337.11, Florida Statutes, is amended to read:

337.11 Contracting authority of department; bids; emergency repairs, supplemental agreements, and change orders; combined design and construction contracts; progress payments; records; requirements of vehicle registration.—

(15) When the department determines that it is in the best interest of the public, the department may enter into a contract with an electric utility as defined in s. ~~366.02(4)~~ 366.02(2) for the construction or maintenance of lighting on poles owned by the electric utility and located within a road right-of-way without competitive bidding. In any contract entered into without

competition, the individuals taking part in the evaluation or award process shall attest in writing that they are independent of, and have no conflict of interest in, the entities evaluated and selected.

Reviser's note.—Amended to conform to the reordering of definitions in s. 366.02 by this act.

Section 25. Paragraph (a) of subsection (1) of section 337.401, Florida Statutes, is amended to read:

337.401 Use of right-of-way for utilities subject to regulation; permit; fees.—

(1)(a) The department and local governmental entities, referred to in this section and in ss. 337.402, 337.403, and 337.404 as the “authority,” that have jurisdiction and control of public roads or publicly owned rail corridors are authorized to prescribe and enforce reasonable rules or regulations with reference to the placing and maintaining across, on, or within the right-of-way limits of any road or publicly owned rail corridors under their respective jurisdictions any electric transmission, voice, telegraph, data, or other communications services lines or wireless facilities; pole lines; poles; railways; ditches; sewers; water, heat, or gas mains; pipelines; fences; gasoline tanks and pumps; or other structures referred to in this section and in ss. 337.402, 337.403, and 337.404 as the “utility.” The department may enter into a permit-delegation agreement with a governmental entity if issuance of a permit is based on requirements that the department finds will ensure the safety and integrity of facilities of the Department of Transportation; however, the permit-delegation agreement does not apply to facilities of electric utilities as defined in s. 366.02(4) ~~366.02(2)~~.

Reviser's note.—Amended to conform to the reordering of definitions in s. 366.02 by this act.

Section 26. Subsection (3) of section 350.0605, Florida Statutes, is amended to read:

350.0605 Former commissioners and employees; representation of clients before commission.—

(3) For a period of 2 years following termination of service on the commission, a former member may not accept employment by or compensation from a business entity which, directly or indirectly, owns or controls a public utility regulated by the commission, from a public utility regulated by the commission, from a business entity which, directly or indirectly, is an affiliate or subsidiary of a public utility regulated by the commission or is an actual business competitor of a local exchange company or public utility regulated by the commission and is otherwise exempt from regulation by the commission under ss. 364.02(13) and 366.02(8) ~~366.02(1)~~, or from a business entity or trade association that has been a party to a commission proceeding within the 2 years preceding the member's termination of service on the

commission. This subsection applies only to members of the Florida Public Service Commission who are appointed or reappointed after May 10, 1993.

Reviser's note.—Amended to conform to the reordering of definitions in s. 366.02 by this act.

Section 27. Section 366.02, Florida Statutes, is reordered and amended to read:

366.02 Definitions.—As used in this chapter:

(1)~~(4)~~ “Attaching entity” means a person that is a local exchange carrier, a public utility, a communications services provider, a broadband service provider, or a cable television operator that owns or controls pole attachments.

(2)~~(3)~~ “Commission” means the Florida Public Service Commission.

(3)~~(5)~~ “Communications services provider” means an entity providing communications services as defined in s. 202.11(1).

(4)~~(2)~~ “Electric utility” means any municipal electric utility, investor-owned electric utility, or rural electric cooperative which owns, maintains, or operates an electric generation, transmission, or distribution system within the state.

(5)~~(6)~~ “Pole” means a pole used for electric distribution service, street-lights, communications services, local exchange services, or cable television services which is owned in whole or in part by a pole owner. The term does not include a pole used solely to support wireless communications service facilities or a pole with no electrical facilities attached.

(6)~~(7)~~ “Pole attachment” means any attachment by a public utility, local exchange carrier communications services provider, broadband provider, or cable television operator to a pole, duct, conduit, or right-of-way owned or controlled by a pole owner.

(7)~~(8)~~ “Pole owner” means a local exchange carrier, a public utility, a communications services provider, or a cable television operator that owns a pole.

(8)~~(1)~~ “Public utility” means every person, corporation, partnership, association, or other legal entity and their lessees, trustees, or receivers supplying electricity or gas (natural, manufactured, or similar gaseous substance) to or for the public within this state; but the term “public utility” does not include either a cooperative now or hereafter organized and existing under the Rural Electric Cooperative Law of the state; a municipality or any agency thereof; any dependent or independent special natural gas district; any natural gas transmission pipeline company making only sales or transportation delivery of natural gas at wholesale and to direct industrial consumers; any entity selling or arranging for sales of natural gas which

neither owns nor operates natural gas transmission or distribution facilities within the state; or a person supplying liquefied petroleum gas, in either liquid or gaseous form, irrespective of the method of distribution or delivery, or owning or operating facilities beyond the outlet of a meter through which natural gas is supplied for compression and delivery into motor vehicle fuel tanks or other transportation containers, unless such person also supplies electricity or manufactured or natural gas.

(9) “Redundant pole” means a pole owned or controlled by a pole owner which is:

(a) Near or adjacent to a new pole that is intended to replace the old pole from which some or all of the pole attachments have not been removed and transferred to the new pole;

(b) Left standing after the pole owner has relocated its facilities to underground but on which pole attachments of other attaching entities remain; or

(c) Left standing after a pole owner’s attachments have been removed from that route or location to accommodate a new route or design for the delivery of service.

Reviser’s note.—Amended to place the definitions of the section in alphabetical order.

Section 28. Subsection (1) of section 366.032, Florida Statutes, is amended to read:

366.032 Preemption over utility service restrictions.—

(1) A municipality, county, special district, or other political subdivision of the state may not enact or enforce a resolution, ordinance, rule, code, or policy or take any action that restricts or prohibits or has the effect of restricting or prohibiting the types or fuel sources of energy production which may be used, delivered, converted, or supplied by the following entities to serve customers that such entities are authorized to serve:

(a) A public utility or an electric utility as defined in this chapter;

(b) An entity formed under s. 163.01 that generates, sells, or transmits electrical energy;

(c) A natural gas utility as defined in s. 366.04(3)(c);

(d) A natural gas transmission company as defined in s. 368.103; or

(e) A Category I liquefied petroleum gas dealer or Category II liquefied petroleum gas dispenser or Category III liquefied petroleum gas cylinder exchange operator as defined in s. 527.01.

Reviser's note.—Amended to confirm an editorial insertion to improve clarity.

Section 29. Paragraph (b) of subsection (9) of section 366.04, Florida Statutes, is amended to read:

366.04 Jurisdiction of commission.—

(9)

(b) The commission shall adopt rules to administer and implement this subsection. The rules must be proposed for adoption no later than April 1, 2022, and must address at least the following:

1. Mandatory pole inspections, including repair or replacement;

2. Vegetation management requirements for poles owned by providers of communications services; and

~~3.2.~~ Monetary penalties to be imposed upon any communications services provider that fails to comply with any such rule of the commission. Monetary penalties imposed by the commission must be consistent with s. 366.095.

Reviser's note.—Amended to confirm editorial changes to move a portion of subparagraph 1. to a new subparagraph 2. and redesignate present subparagraph 2. as subparagraph 3., since the material appears to be a list, and to provide clarity.

Section 30. Paragraph (a) of subsection (2) of section 366.96, Florida Statutes, is amended to read:

366.96 Storm protection plan cost recovery.—

(2) As used in this section, the term:

(a) “Public utility” or “utility” has the same meaning as set forth in s. ~~366.02(8)~~ ~~366.02(1)~~, except that it does not include a gas utility.

Reviser's note.—Amended to conform to the reordering of definitions in s. 366.02 by this act.

Section 31. Paragraph (a) of subsection (4) of section 373.016, Florida Statutes, is amended to read:

373.016 Declaration of policy.—

(4)(a) Because water constitutes a public resource benefiting the entire state, it is the policy of the Legislature that the waters in the state be managed on a state and regional basis. Consistent with this directive, the Legislature recognizes the need to allocate water throughout the state so as to meet all reasonable-beneficial uses. However, the Legislature

acknowledges that such allocations have in the past adversely affected the water resources of certain areas in this state. To protect such water resources and to meet the current and future needs of those areas with abundant water, the Legislature directs the department and the water management districts to encourage the use of water from sources nearest the area of use or application whenever practicable. Such sources shall include all naturally occurring water sources and all alternative water sources, including, but not limited to, desalination, conservation, reuse of nonpotable reclaimed water and stormwater, and aquifer storage and recovery. Reuse of potable reclaimed water and stormwater shall not be subject to the evaluation described in s. 373.223(3)(a)-(g). However, this directive to encourage the use of water, whenever practicable, from sources nearest the area of use or application shall not apply to the transport and direct and indirect use of water within the area encompassed by the Central and Southern Florida Flood Control Project, nor shall it apply anywhere in the state to the transport and use of water supplied exclusively for bottled water as defined in s. 500.03(1)(d), nor shall it apply to the transport and use of reclaimed water for electrical power production by an electric utility as defined in s. 366.02(4) ~~366.02(2)~~.

Reviser's note.—Amended to conform to the reordering of definitions in s. 366.02 by this act.

Section 32. Paragraph (d) of subsection (2) of section 373.0465, Florida Statutes, is amended to read:

373.0465 Central Florida Water Initiative.—

(2)

(d) The department, in consultation with the St. Johns River Water Management District, the South Florida Water Management District, the Southwest Florida Water Management District, and the Department of Agriculture and Consumer Services, shall adopt uniform rules for application within the Central Florida Water Initiative Area that include:

1. A single, uniform definition of the term “harmful to the water resources” consistent with the term’s usage in s. 373.219;
2. A single method for calculating residential per capita water use;
3. A single process for permit reviews;
4. A single, consistent process, as appropriate, to set minimum flows and minimum water levels and water reservations;
5. A goal for residential per capita water use for each consumptive use permit;
6. An annual conservation goal for each consumptive use permit consistent with the regional water supply plan;

7. A drought allocation for supplemental irrigation for agricultural uses which is based on a 2-in-10-year rainfall condition or, if the applicant so requests, is based on a 5-in-10-year rainfall condition alone or combined with the 2-in-10-year rainfall condition. The applicable water management district may also condition, for information only purposes, consumptive use permits to advise permittees that their annual use of water should be less than the drought allocation in all years except for the drought condition that is the basis for the allocation or a more severe drought; and

8. A process for the applicable water management district to annually examine an agricultural user's 5-year moving average supplemental irrigation water use against the annual supplemental irrigation needs in the 5-in-10-year rainfall condition beginning no earlier than 5 years following the effective date of the rules adopted under this section. If this annual examination indicates that the agricultural user's 5-year moving average use exceeds that needed in such rainfall condition for reasons other than prolonged periods of below average rainfall, the water management district may modify the agricultural user's permit to include an annual supplemental irrigation allocation based on both the amount of supplemental irrigation required during a 2-in-10-year rainfall condition and the amount of supplemental irrigation required during a 5-in-10-year rainfall condition as provided in rules adopted pursuant to this section. In such case, the supplemental irrigation allocation based on the 5-in-10-year rainfall condition shall be valid for only 5 years unless the agricultural user's 5-year moving average use continues to exceed the amount of supplemental irrigation needed during a 5-in-10-year rainfall condition for reasons other than prolonged periods of drought.

Subparagraphs 7. and 8. may not be construed to limit the ability of the department or a water management district to establish different supplemental irrigation requirements as part of an existing or future recovery or prevention strategy adopted pursuant to s. 373.0363, s. 373.042, or s. 373.0421. The uniform rules must include existing recovery strategies within the Central Florida Water Initiative Area adopted before July 1, 2016. The department may grant variances to the uniform rules if there are unique circumstances or hydrogeological factors that make application of the uniform rules unrealistic or impractical.

Reviser's note.—Amended to confirm an editorial insertion to improve clarity.

Section 33. Paragraph (a) of subsection (2) of section 373.701, Florida Statutes, is amended to read:

373.701 Declaration of policy.—It is declared to be the policy of the Legislature:

(2)(a) Because water constitutes a public resource benefiting the entire state, it is the policy of the Legislature that the waters in the state be managed on a state and regional basis. Consistent with this directive, the

Legislature recognizes the need to allocate water throughout the state so as to meet all reasonable-beneficial uses. However, the Legislature acknowledges that such allocations have in the past adversely affected the water resources of certain areas in this state. To protect such water resources and to meet the current and future needs of those areas with abundant water, the Legislature directs the department and the water management districts to encourage the use of water from sources nearest the area of use or application whenever practicable. Such sources shall include all naturally occurring water sources and all alternative water sources, including, but not limited to, desalination, conservation, reuse of nonpotable reclaimed water and stormwater, and aquifer storage and recovery. Reuse of potable reclaimed water and stormwater shall not be subject to the evaluation described in s. 373.223(3)(a)-(g). However, this directive to encourage the use of water, whenever practicable, from sources nearest the area of use or application shall not apply to the transport and direct and indirect use of water within the area encompassed by the Central and Southern Florida Flood Control Project, nor shall it apply anywhere in the state to the transport and use of water supplied exclusively for bottled water as defined in s. 500.03(1)(d), nor shall it apply to the transport and use of reclaimed water for electrical power production by an electric utility as defined in s. ~~366.02(4)~~ 366.02(2).

Reviser's note.—Amended to conform to the reordering of definitions in s. 366.02 by this act.

Section 34. Paragraph (a) of subsection (9) of section 373.707, Florida Statutes, is amended to read:

373.707 Alternative water supply development.—

(9) Funding assistance provided by the water management districts for a water reuse system may include the following conditions for that project if a water management district determines that such conditions will encourage water use efficiency:

(a) Metering of reclaimed water use for residential irrigation, agricultural irrigation, industrial uses, except for electric utilities as defined in s. ~~366.02(4)~~ 366.02(2), landscape irrigation, golf course irrigation, irrigation of other public access areas, commercial and institutional uses such as toilet flushing, and transfers to other reclaimed water utilities;

Reviser's note.—Amended to conform to the reordering of definitions in s. 366.02 by this act.

Section 35. Paragraph (d) of subsection (2) of section 379.2311, Florida Statutes, is amended to read:

379.2311 Nonnative animal management.—

(2) The Legislature finds that priority invasive species continue to expand their range and to decimate the fauna and flora of the Everglades

and other natural areas and ecosystems in the southern and central parts of the state at an accelerating rate. Therefore, the commission shall establish a pilot program to mitigate the impact of priority invasive species on the public lands or waters of this state.

~~(d) The commission shall submit a report of findings and recommendations regarding its implementation of the pilot program to the Governor, the President of the Senate, and the Speaker of the House of Representatives by January 1, 2021.~~

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

Section 36. Paragraph (g) of subsection (2) of section 380.0933, Florida Statutes, is amended to read:

380.0933 Florida Flood Hub for Applied Research and Innovation.—

(2) The hub shall, at a minimum:

(g) Assist in the development of training and in the development of a workforce in the state that is knowledgeable about flood and sea level rise research, prediction, and adaptation and mitigation strategies.

Reviser’s note.—Amended to confirm an editorial insertion to improve clarity.

Section 37. Subsection (7) of section 390.011, Florida Statutes, is amended to read:

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

(7) “Hospital” means a facility as defined in s. 395.002(12) ~~395.002(13)~~ and licensed under chapter 395 and part II of chapter 408.

Reviser’s note.—Amended to conform to the reordering of definitions in s. 395.002 by this act.

Section 38. Subsections (10) through (13) of section 395.002, Florida Statutes, are reordered and amended, and subsection (28) of that section is amended, to read:

395.002 Definitions.—As used in this chapter:

~~(10)(11)~~ “General hospital” means any facility which meets the provisions of subsection (12) ~~subsection (13)~~ and which regularly makes its facilities and services available to the general population.

~~(11)(12)~~ “Governmental unit” means the state or any county, municipality, or other political subdivision, or any department, division, board, or other agency of any of the foregoing.

~~(12)(13)~~ “Hospital” means any establishment that:

(a) Offers services more intensive than those required for room, board, personal services, and general nursing care, and offers facilities and beds for use beyond 24 hours by individuals requiring diagnosis, treatment, or care for illness, injury, deformity, infirmity, abnormality, disease, or pregnancy; and

(b) Regularly makes available at least clinical laboratory services, diagnostic X-ray services, and treatment facilities for surgery or obstetrical care, or other definitive medical treatment of similar extent, except that a critical access hospital, as defined in s. 408.07, shall not be required to make available treatment facilities for surgery, obstetrical care, or similar services as long as it maintains its critical access hospital designation and shall be required to make such facilities available only if it ceases to be designated as a critical access hospital.

However, the provisions of this chapter do not apply to any institution conducted by or for the adherents of any well-recognized church or religious denomination that depends exclusively upon prayer or spiritual means to heal, care for, or treat any person. For purposes of local zoning matters, the term “hospital” includes a medical office building located on the same premises as a hospital facility, provided the land on which the medical office building is constructed is zoned for use as a hospital; provided the premises were zoned for hospital purposes on January 1, 1992.

~~(13)~~(10) “Hospital-based off-campus emergency department” means a facility that:

- (a) Provides emergency services and care;
- (b) Is owned and operated by a licensed hospital and operates under the license of the hospital; and
- (c) Is located on separate premises from the hospital.

(28) “Specialty hospital” means any facility which meets the provisions of subsection (12) ~~subsection (13)~~, and which regularly makes available either:

- (a) The range of medical services offered by general hospitals but restricted to a defined age or gender group of the population;
- (b) A restricted range of services appropriate to the diagnosis, care, and treatment of patients with specific categories of medical or psychiatric illnesses or disorders; or
- (c) Intensive residential treatment programs for children and adolescents as defined in subsection (16).

Reviser’s note.—Amended to place the definitions in subsections (10) through (13) in alphabetical order and to conform cross-references.

Section 39. Paragraph (c) of subsection (1) of section 395.701, Florida Statutes, is amended to read:

395.701 Annual assessments on net operating revenues for inpatient and outpatient services to fund public medical assistance; administrative fines for failure to pay assessments when due; exemption.—

(1) For the purposes of this section, the term:

(c) “Hospital” means a health care institution as defined in s. 395.002(12) ~~395.002(13)~~, but does not include any hospital operated by a state agency.

Reviser’s note.—Amended to conform to the reordering of definitions in s. 395.002 by this act.

Section 40. Subsections (3) and (4) of section 397.410, Florida Statutes, are amended to read:

397.410 Licensure requirements; minimum standards; rules.—

~~(3) By October 1, 2017, the department shall publish a notice of development of rulemaking, and by January 1, 2018, the department shall publish a notice of proposed rule pursuant to s. 120.54(3)(a) to implement the provisions of this section.~~

~~(4) The department shall provide a report to the Governor, the President of the Senate, and the Speaker of the House of Representatives by December 1, 2020, concerning the appropriateness of service component licensure requirements as those requirements apply to the qualifications of personnel providing direct clinical treatment. The report shall include, but not be limited to, the requirements established in rule, the number and nature of complaints received regarding personnel providing direct clinical treatment and about the qualifications of the individuals subject to the complaints, and the precipitating cause, number, and types of licensure actions taken by the department regarding such personnel.~~

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

Section 41. Paragraph (d) of subsection (4) of section 402.62, Florida Statutes, is amended to read:

402.62 Strong Families Tax Credit.—

(4) RESPONSIBILITIES OF THE DEPARTMENT.—The Department of Children and Families shall do all of the following:

(d) Compel the return of funds that are provided to an eligible charitable organization that fails to comply with the requirements of this section. Eligible charitable organizations that are subject to return of funds are ineligible to receive funding under this section for a period of 10 years after final agency action to compel the return of funding.

Reviser's note.—Amended to confirm an editorial insertion to improve clarity.

Section 42. Subsection (16) of section 403.064, Florida Statutes, is amended to read:

403.064 Reuse of reclaimed water.—

(16) Utilities implementing reuse projects are encouraged, except in the case of use by electric utilities as defined in s. ~~366.02(4)~~ 366.02(2), to meter use of reclaimed water by all end users and to charge for the use of reclaimed water based on the actual volume used when such metering and charges can be shown to encourage water conservation. Metering and the use of volume-based rates are effective water management tools for the following reuse activities: residential irrigation, agricultural irrigation, industrial uses, landscape irrigation, irrigation of other public access areas, commercial and institutional uses such as toilet flushing, and transfers to other reclaimed water utilities. Each domestic wastewater utility that provides reclaimed water for the reuse activities listed in this section shall include a summary of its metering and rate structure as part of its annual reuse report to the department.

Reviser's note.—Amended to conform to the reordering of definitions in s. 366.02 by this act.

Section 43. Paragraph (d) of subsection (1) and subsection (10) of section 403.086, Florida Statutes, are amended to read:

403.086 Sewage disposal facilities; advanced and secondary waste treatment.—

(1)

~~(d) By December 31, 2020, the department, in consultation with the water management districts and sewage disposal facilities, shall submit to the Governor, the President of the Senate, and the Speaker of the House of Representatives a progress report on the status of upgrades made by each facility to meet the advanced waste treatment requirements under paragraph (c). The report must include a list of sewage disposal facilities required to upgrade to advanced waste treatment, the preliminary cost estimates for the upgrades, and a projected timeline of the dates by which the upgrades will begin and be completed and the date by which operations of the upgraded facility will begin.~~

(10) The Legislature finds that the discharge of domestic wastewater through ocean outfalls wastes valuable water supplies that should be reclaimed for beneficial purposes to meet public and natural systems demands. The Legislature also finds that discharge of domestic wastewater through ocean outfalls compromises the coastal environment, quality of life, and local economies that depend on those resources. The Legislature declares that more stringent treatment and management requirements

for such domestic wastewater and the subsequent, timely elimination of ocean outfalls as a primary means of domestic wastewater discharge are in the public interest.

(a) The construction of new ocean outfalls for domestic wastewater discharge and the expansion of existing ocean outfalls for this purpose, along with associated pumping and piping systems, are prohibited. Each domestic wastewater ocean outfall shall be limited to the discharge capacity specified in the department permit authorizing the outfall in effect on July 1, 2008, which discharge capacity shall not be increased. Maintenance of existing, department-authorized domestic wastewater ocean outfalls and associated pumping and piping systems is allowed, subject to the requirements of this section. The department is directed to work with the United States Environmental Protection Agency to ensure that the requirements of this subsection are implemented consistently for all domestic wastewater facilities in the state which discharge through ocean outfalls.

(b) The discharge of domestic wastewater through ocean outfalls must meet advanced wastewater treatment and management requirements by December 31, 2018. For purposes of this subsection, the term “advanced wastewater treatment and management requirements” means the advanced waste treatment requirements set forth in subsection (4), a reduction in outfall baseline loadings of total nitrogen and total phosphorus which is equivalent to that which would be achieved by the advanced waste treatment requirements in subsection (4), or a reduction in cumulative outfall loadings of total nitrogen and total phosphorus occurring between December 31, 2008, and December 31, 2025, which is equivalent to that which would be achieved if the advanced waste treatment requirements in subsection (4) were fully implemented beginning December 31, 2018, and continued through December 31, 2025. The department shall establish the average baseline loadings of total nitrogen and total phosphorus for each outfall using monitoring data available for calendar years 2003 through 2007 and establish required loading reductions based on this baseline. The baseline loadings and required loading reductions of total nitrogen and total phosphorus shall be expressed as an average annual daily loading value. The advanced wastewater treatment and management requirements of this paragraph are deemed met for any domestic wastewater facility discharging through an ocean outfall on July 1, 2008, which has installed by December 31, 2018, a fully operational reuse system comprising 100 percent of the facility’s baseline flow on an annual basis for reuse activities authorized by the department.

(c)1. Each utility that had a permit for a domestic wastewater facility that discharged through an ocean outfall on July 1, 2008, must install, or cause to be installed, a functioning reuse system within the utility’s service area or, by contract with another utility, within Miami-Dade County, Broward County, or Palm Beach County by December 31, 2025. For purposes of this subsection, a “functioning reuse system” means an environmentally, economically, and technically feasible system that provides a minimum of 60 percent of a facility’s baseline flow on an annual basis for irrigation of public

access areas, residential properties, or agricultural crops; aquifer recharge; groundwater recharge; industrial cooling; or other acceptable reuse purposes authorized by the department. For purposes of this subsection, the term “baseline flow” means the annual average flow of domestic wastewater discharging through the facility’s ocean outfall, as determined by the department, using monitoring data available for calendar years 2003 through 2007.

2. Flows diverted from facilities to other facilities that provide 100-percent reuse of the diverted flows before December 31, 2025, are considered to contribute to meeting the reuse requirement. For utilities operating more than one outfall, the reuse requirement may be apportioned between the facilities served by the outfalls, including flows diverted to other facilities for 100-percent reuse before December 31, 2025. Utilities that shared a common ocean outfall for the discharge of domestic wastewater on July 1, 2008, regardless of which utility operates the ocean outfall, are individually responsible for meeting the reuse requirement and may enter into binding agreements to share or transfer such responsibility among the utilities. If treatment in addition to the advanced wastewater treatment and management requirements described in paragraph (b) is needed to support a functioning reuse system, the treatment must be fully operational by December 31, 2025.

3. If a facility that discharges through an ocean outfall contracts with another utility to install a functioning reuse system, the department must approve any apportionment of the reuse generated from the new or expanded reuse system that is intended to satisfy all or a portion of the reuse requirements pursuant to subparagraph 1. If a contract is between two utilities that have reuse requirements pursuant to subparagraph 1., the reuse apportioned to each utility’s requirement may not exceed the total reuse generated by the new or expanded reuse system. A utility shall provide the department a copy of any contract with another utility that reflects an agreement between the utilities which is subject to the requirements of this subparagraph.

(d) The discharge of domestic wastewater through ocean outfalls is prohibited after December 31, 2025, except as a backup discharge that is part of a functioning reuse system or other wastewater management system authorized by the department. Except as otherwise provided in this subsection, a backup discharge may occur only during periods of reduced demand for reclaimed water in the reuse system, such as periods of wet weather, or as the result of peak flows from other wastewater management systems, and must comply with the advanced wastewater treatment and management requirements of paragraph (b). Peak flow backup discharges from other wastewater management systems may not cumulatively exceed 5 percent of a facility’s baseline flow, measured as a 5-year rolling average, and are subject to applicable secondary waste treatment and water-quality-based effluent limitations specified in department rules. If peak flow backup discharges are in compliance with the effluent limitations, the discharges

are deemed to meet the advanced wastewater treatment and management requirements of this subsection.

~~(c) The holder of a department permit authorizing the discharge of domestic wastewater through an ocean outfall as of July 1, 2008, shall submit the following to the secretary of the department:~~

~~1. A detailed plan to meet the requirements of this subsection, including the identification of the technical, environmental, and economic feasibility of various reuse options; the identification of each land acquisition and facility necessary to provide for reuse of the domestic wastewater; an analysis of the costs to meet the requirements, including the level of treatment necessary to satisfy state water quality requirements and local water quality considerations and a cost comparison of reuse using flows from ocean outfalls and flows from other domestic wastewater sources; and a financing plan for meeting the requirements, including identifying any actions necessary to implement the financing plan, such as bond issuance or other borrowing, assessments, rate increases, fees, other charges, or other financing mechanisms. The plan must evaluate reuse demand in the context of future regional water supply demands, the availability of traditional water supplies, the need for development of alternative water supplies, the degree to which various reuse options offset potable water supplies, and other factors considered in the Lower East Coast Regional Water Supply Plan of the South Florida Water Management District. The plan must include a detailed schedule for the completion of all necessary actions and be accompanied by supporting data and other documentation. The plan must be submitted by July 1, 2013.~~

~~2. By July 1, 2016, an update of the plan required in subparagraph 1. documenting any refinements or changes in the costs, actions, or financing necessary to eliminate the ocean outfall discharge in accordance with this subsection or a written statement that the plan is current and accurate.~~

~~(e)(f) By December 31, 2009, and by December 31 every 5 years thereafter, the holder of a department permit authorizing the discharge of domestic wastewater through an ocean outfall shall submit to the secretary of the department a report summarizing the actions accomplished to date and the actions remaining and proposed to meet the requirements of this subsection, including progress toward meeting the specific deadlines set forth in paragraphs (b) through (d) paragraphs (b) through (e). The report shall include the detailed schedule for and status of the evaluation of reuse and disposal options, preparation of preliminary design reports, preparation and submittal of permit applications, construction initiation, construction progress milestones, construction completion, initiation of operation, and continuing operation and maintenance.~~

~~(f)(g) By July 1, 2010, and by July 1 every 5 years thereafter, the department shall submit a report to the Governor, the President of the Senate, and the Speaker of the House of Representatives on the implementation of this subsection. In the report, the department shall summarize~~

progress to date, including the increased amount of reclaimed water provided and potable water offsets achieved, and identify any obstacles to continued progress, including all instances of substantial noncompliance.

(g)(h) The renewal of each permit that authorizes the discharge of domestic wastewater through an ocean outfall as of July 1, 2008, must be accompanied by an order in accordance with s. 403.088(2)(e) and (f) which establishes an enforceable compliance schedule consistent with the requirements of this subsection.

(h)(i) An entity that diverts wastewater flow from a receiving facility that discharges domestic wastewater through an ocean outfall must meet the reuse requirement of paragraph (c). Reuse by the diverting entity of the diverted flows shall be credited to the diverting entity. The diverted flow shall also be correspondingly deducted from the receiving facility's baseline flow from which the required reuse is calculated pursuant to paragraph (c), and the receiving facility's reuse requirement shall be recalculated accordingly.

~~The department, the South Florida Water Management District, and the affected utilities must consider the information in the detailed plan in paragraph (e) for the purpose of adjusting, as necessary, the reuse requirements of this subsection. The department shall submit a report to the Legislature by February 15, 2015, containing recommendations for any changes necessary to the requirements of this subsection.~~

Reviser's note.—Amended to delete obsolete provisions and to correct a cross-reference to conform.

Section 44. Subsection (8) of section 409.905, Florida Statutes, is amended to read:

409.905 Mandatory Medicaid services.—The agency may make payments for the following services, which are required of the state by Title XIX of the Social Security Act, furnished by Medicaid providers to recipients who are determined to be eligible on the dates on which the services were provided. Any service under this section shall be provided only when medically necessary and in accordance with state and federal law. Mandatory services rendered by providers in mobile units to Medicaid recipients may be restricted by the agency. Nothing in this section shall be construed to prevent or limit the agency from adjusting fees, reimbursement rates, lengths of stay, number of visits, number of services, or any other adjustments necessary to comply with the availability of moneys and any limitations or directions provided for in the General Appropriations Act or chapter 216.

(8) NURSING FACILITY SERVICES.—The agency shall pay for 24-hour-a-day nursing and rehabilitative services for a recipient in a nursing facility licensed under part II of chapter 400 or in a rural hospital, as defined in s. 395.602, or in a Medicare certified skilled nursing facility operated by a

hospital, as defined by s. ~~395.002(10)~~ 395.002(11), that is licensed under part I of chapter 395, and in accordance with provisions set forth in s. 409.908(2)(a), which services are ordered by and provided under the direction of a licensed physician. However, if a nursing facility has been destroyed or otherwise made uninhabitable by natural disaster or other emergency and another nursing facility is not available, the agency must pay for similar services temporarily in a hospital licensed under part I of chapter 395 provided federal funding is approved and available. The agency shall pay only for bed-hold days if the facility has an occupancy rate of 95 percent or greater. The agency is authorized to seek any federal waivers to implement this policy.

Reviser’s note.—Amended to conform to the reordering of definitions in s. 395.002 by this act.

Section 45. Paragraph (a) of subsection (1) and paragraph (b) of subsection (2) of section 413.271, Florida Statutes, are amended to read:

413.271 Florida Coordinating Council for the Deaf and Hard of Hearing.

(1) For purposes of this section, the term:

(a) “Communication access real-time ~~realtime~~ translation” means the instant translation of the spoken word into English text using information technology in which the text appears on a computer monitor or other display.

For purposes of this section, individuals with any level of loss of hearing provided in the definitions in this subsection are included in references to deaf or hard of hearing individuals.

(2)

(b) The coordinating council shall be composed of 17 members. The appointment of members not representing agencies shall be made by the Governor. The appointment of members representing organizations shall be made by the Governor in consultation with those organizations. The membership shall be as follows:

1. Two members representing the Florida Association of the Deaf.
2. Two members representing the Florida Association of Self Help for Hard of Hearing People.
3. A member representing the Association of Late-Deafened Adults.
4. An individual who is deaf and blind.
5. A parent of an individual who is deaf.
6. A member representing the Deaf Service Center Association.

7. A member representing the Florida Registry of Interpreters for the Deaf.
8. A member representing the Florida Alexander Graham Bell Association for the Deaf and Hard of Hearing.
9. A communication access ~~real-time~~ realtime translator.
10. An audiologist licensed under part I of chapter 468.
11. A hearing aid specialist licensed under part II of chapter 484.
12. The Secretary of Children and Families or his or her designee.
13. The State Surgeon General or his or her designee.
14. The Commissioner of Education or his or her designee.
15. The Secretary of Elderly Affairs or his or her designee.

If any organization from which a representative is to be drawn ceases to exist, a representative of a similar organization shall be named to the coordinating council. The Governor shall make appointments to the coordinating council and may remove any member for cause. Each member shall be appointed to a term of 4 years. Any vacancy on the coordinating council shall be filled in the same manner as the original appointment, and any member appointed to fill a vacancy occurring because of death, resignation, or ineligibility for membership shall serve only for the unexpired term of the member's predecessor. Prior to serving on the coordinating council, all appointees must attend orientation training that shall address, at a minimum, the provisions of this section; the programs operated by the coordinating council; the role and functions of the coordinating council; the current budget for the coordinating council; the results of the most recent formal audit of the coordinating council; and the requirements of the state's public records law, the code of ethics, the Administrative Procedure Act, and other laws relating to public officials, including conflict-of-interest laws.

Reviser's note.—Amended to conform to usage in the Florida Statutes.

Section 46. Subsection (1) of section 420.602, Florida Statutes, is amended to read:

420.602 Definitions.—As used in this part, the following terms shall have the following meanings, unless the context otherwise requires:

- (1) "Adjusted for family size" means adjusted in a manner which results in an income eligibility level which is lower for households with fewer than four people, or higher for households with more than four people, than the base income eligibility level determined as provided in subsection (8)

~~subsection (9), subsection (9) subsection (10), or subsection (11) subsection (12)~~, based upon a formula as established by rule of the corporation.

Reviser's note.—Amended to confirm the editorial substitution of cross-references to conform to the repeal of former subsection (7) by s. 46, ch. 2021-25, Laws of Florida.

Section 47. Paragraph (a) of subsection (2) and paragraphs (a) and (b) of subsection (11) of section 445.007, Florida Statutes, are amended to read:

445.007 Local workforce development boards.—

(2)(a) The local workforce development board shall elect a chair from among the representatives described in Pub. L. No. 113-128, Title I, s. 107(b)(2)(A) to serve for a term of no more than 2 years who ~~and~~ may not serve more than two terms as chair. Members of a local workforce development board shall serve staggered terms and may not serve for more than 8 consecutive years, unless such member is a representative of a governmental entity. Service in a term of office which commenced before July 1, 2021, does not count toward the 8-year limitation.

(11)(a) To increase transparency and accountability, a local workforce development board must comply with the requirements of this section before contracting with a member of the local board; a relative, as defined in s. 112.3143(1)(c), of a local board member; an organization or individual represented on the local board; or ~~of~~ an employee of the local board. Such contracts may not be executed before or without the prior approval of the department. Such contracts, as well as documentation demonstrating adherence to this section as specified by the department, must be submitted to the department for review and approval. Such a contract must be approved by a two-thirds vote of the local board, a quorum having been established; all conflicts of interest must be disclosed before the vote in a manner that is consistent with the procedures outlined in s. 112.3143(4); and any member who may benefit from the contract, or whose organization or relative may benefit from the contract, must abstain from the vote. A contract subject to the requirements of this subsection may not be included on a consent agenda.

(b) A contract under \$10,000 between a local board; a relative, as defined in s. 112.3143(1)(c), of a local board member; or ~~of~~ an employee of the local board is not required to have the prior approval of the department, but must be approved by a two-thirds vote of the local board, a quorum having been established, and must be reported to the department and the state board within 30 days after approval.

Reviser's note.—Paragraph (2)(a) is amended to confirm an editorial substitution to improve clarity. Paragraphs (11)(a) and (b) are amended to confirm editorial deletions to improve clarity.

Section 48. Paragraph (1) of subsection (1) of section 468.505, Florida Statutes, is amended to read:

468.505 Exemptions; exceptions.—

(1) Nothing in this part may be construed as prohibiting or restricting the practice, services, or activities of:

(1) A person employed by a nursing facility exempt from licensing under s. ~~395.002(12)~~ ~~395.002(13)~~, or a person exempt from licensing under s. 464.022.

Reviser's note.—Amended to conform to the reordering of definitions in s. 395.002 by this act.

Section 49. Subsection (9) of section 480.033, Florida Statutes, is amended to read:

480.033 Definitions.—As used in this act:

(9) “Licensure” means the procedure by which a person, hereinafter referred to as a “practitioner,” applies to the board for approval to practice massage therapy or to operate an establishment.

Reviser's note.—Amended to conform to ch. 2021-143, Laws of Florida, which substituted references to massage therapy practice for references to massage practice.

Section 50. Paragraphs (g), (h), and (i) of subsection (1) of section 553.791, Florida Statutes, are reordered and amended to read:

553.791 Alternative plans review and inspection.—

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

~~(g)~~~~(h)~~ “Electronic signature” means any letters, characters, or symbols manifested by electronic or similar means which are executed or adopted by a party with an intent to authenticate a writing or record.

~~(h)~~~~(i)~~ “Electronic transmission” or “submitted electronically” means any form or process of communication not directly involving the physical transfer of paper or another tangible medium which is suitable for the retention, retrieval, and reproduction of information by the recipient and is retrievable in paper form by the receipt through an automated process. All notices provided for in this section may be transmitted electronically and shall have the same legal effect as if physically posted or mailed.

~~(i)~~~~(g)~~ “Electronically posted” means providing notices of decisions, results, or records, including inspection records, through the use of a website or other form of electronic communication used to transmit or display information.

Reviser's note.—Amended to place the definitions in paragraphs (g) though (i) in alphabetical order.

Section 51. Paragraph (c) of subsection (5) of section 604.73, Florida Statutes, is amended to read:

604.73 Urban agriculture pilot projects; local regulation of urban agriculture.—

(5) LOCAL REGULATION.—Notwithstanding s. 604.50, s. 823.14, or any other law to the contrary, urban agriculture is subject to applicable municipal regulations if:

(c) Before the reenactment of the regulations under paragraph (b), the municipality designates existing farm operations, as defined in s. ~~823.14(3)(d)~~ ~~823.14(3)(b)~~, within its jurisdiction as legally nonconforming.

Reviser's note.—Amended to conform to the reordering of definitions in s. 823.14(3) by this act.

Section 52. Section 624.105, Florida Statutes, is amended to read:

624.105 Waiver of customer liability.—Any regulated company as defined in s. 350.111, any electric utility as defined in s. ~~366.02(4)~~ ~~366.02(2)~~, any utility as defined in s. 367.021(12) or s. 367.022(2) and (7), and any provider of communications services as defined in s. 202.11(1) may charge for and include an optional waiver of liability provision in their customer contracts under which the entity agrees to waive all or a portion of the customer's liability for service from the entity for a defined period in the event of the customer's call to active military service, death, disability, involuntary unemployment, qualification for family leave, or similar qualifying event or condition. Such provisions may not be effective in the customer's contract with the entity unless affirmatively elected by the customer. No such provision shall constitute insurance so long as the provision is a contract between the entity and its customer.

Reviser's note.—Amended to conform to the reordering of definitions in s. 366.02 by this act.

Section 53. Subsection (1) of section 624.51057, Florida Statutes, is amended to read:

624.51057 Credit for contributions to eligible charitable organizations.

(1) For taxable years beginning on or after January 1, 2022, there is allowed a credit of 100 percent of an eligible contribution made to an eligible charitable organization under s. 402.62 against any tax due for a taxable year under s. 624.509(1) after deducting from such tax deductions for assessments made pursuant to s. 440.51; credits for taxes paid under ss. 175.101 and 185.08; credits for income taxes paid under chapter 220; and the credit allowed under s. 624.509(5), as such credit is limited by s. 624.509(6).

An eligible contribution must be made to an eligible charitable organization on or before the date the taxpayer is required to file a return pursuant to ss. 624.509 and 624.5092. An insurer claiming a credit against premium tax liability under this section is not required to pay any additional retaliatory tax levied under s. 624.5091 as a result of claiming such credit. Section 624.5091 does not limit such credit in any manner.

Reviser's note.—Amended to confirm an editorial insertion to improve clarity.

Section 54. Paragraph (i) of subsection (1) of section 626.9541, Florida Statutes, is amended to read:

626.9541 Unfair methods of competition and unfair or deceptive acts or practices defined.—

(1) UNFAIR METHODS OF COMPETITION AND UNFAIR OR DECEPTIVE ACTS.—The following are defined as unfair methods of competition and unfair or deceptive acts or practices:

(i) *Unfair claim settlement practices.*—

1. Attempting to settle claims on the basis of an application, when serving as a binder or intended to become a part of the policy, or any other material document which was altered without notice to, or knowledge or consent of, the insured;

2. A material misrepresentation made to an insured or any other person having an interest in the proceeds payable under such contract or policy, for the purpose and with the intent of effecting settlement of such claims, loss, or damage under such contract or policy on less favorable terms than those provided in, and contemplated by, such contract or policy; ~~or~~

3. Committing or performing with such frequency as to indicate a general business practice any of the following:

a. Failing to adopt and implement standards for the proper investigation of claims;

b. Misrepresenting pertinent facts or insurance policy provisions relating to coverages at issue;

c. Failing to acknowledge and act promptly upon communications with respect to claims;

d. Denying claims without conducting reasonable investigations based upon available information;

e. Failing to affirm or deny full or partial coverage of claims, and, as to partial coverage, the dollar amount or extent of coverage, or failing to provide a written statement that the claim is being investigated, upon the

written request of the insured within 30 days after proof-of-loss statements have been completed;

f. Failing to promptly provide a reasonable explanation in writing to the insured of the basis in the insurance policy, in relation to the facts or applicable law, for denial of a claim or for the offer of a compromise settlement;

g. Failing to promptly notify the insured of any additional information necessary for the processing of a claim; ~~or~~

h. Failing to clearly explain the nature of the requested information and the reasons why such information is necessary; or

i. Failing to pay personal injury protection insurance claims within the time periods required by s. 627.736(4)(b). The office may order the insurer to pay restitution to a policyholder, medical provider, or other claimant, including interest at a rate consistent with the amount set forth in s. 55.03(1), for the time period within which an insurer fails to pay claims as required by law. Restitution is in addition to any other penalties allowed by law, including, but not limited to, the suspension of the insurer's certificate of authority; or

4. Failing to pay undisputed amounts of partial or full benefits owed under first-party property insurance policies within 90 days after an insurer receives notice of a residential property insurance claim, determines the amounts of partial or full benefits, and agrees to coverage, unless payment of the undisputed benefits is prevented by an act of God, prevented by the impossibility of performance, or due to actions by the insured or claimant that constitute fraud, lack of cooperation, or intentional misrepresentation regarding the claim for which benefits are owed.

Reviser's note.—Amended to correct punctuation sequences.

Section 55. Paragraph (b) of subsection (16) of section 633.202, Florida Statutes, is amended to read:

633.202 Florida Fire Prevention Code.—

(16)

(b) Notwithstanding any other provision of law:

1. A nonresidential farm building in which the occupancy is limited by the property owner to no more than 35 persons is exempt from the Florida Fire Prevention Code, including the national codes and Life Safety Code incorporated by reference.

2. An agricultural pole barn is exempt from the Florida Fire Prevention Code, including the national codes and the Life Safety Code incorporated by reference.

3. Except for an agricultural pole barn, a structure on a farm, as defined in s. ~~823.14(3)(c)~~ ~~823.14(3)(b)~~, which is used by an owner for agritourism activity, as defined in s. 570.86, for which the owner receives consideration must be classified in one of the following classes:

a. Class 1: A nonresidential farm building that is used by the owner 12 or fewer times per year for agritourism activity with up to 100 persons occupying the structure at one time. A structure in this class is subject to annual inspection for classification by the local authority having jurisdiction. This class is not subject to the Florida Fire Prevention Code but is subject to rules adopted by the State Fire Marshal pursuant to this section.

b. Class 2: A nonresidential farm building that is used by the owner for agritourism activity with up to 300 persons occupying the structure at one time. A structure in this class is subject to annual inspection for classification by the local authority having jurisdiction. This class is not subject to the Florida Fire Prevention Code but is subject to rules adopted by the State Fire Marshal pursuant to this section.

c. Class 3: A structure or facility that is used primarily for housing, sheltering, or otherwise accommodating members of the general public. A structure or facility in this class is subject to annual inspection for classification by the local authority having jurisdiction. This class is subject to the Florida Fire Prevention Code.

Reviser's note.—Amended to conform to the reordering of definitions in s. 823.14(3) by this act.

Section 56. Paragraph (e) of subsection (1) of section 660.46, Florida Statutes, is amended to read:

660.46 Substitution of fiduciaries.—

(1) The provisions of this section shall apply to the transfer of fiduciary accounts by substitution, and for those purposes these provisions shall constitute alternative procedures to those provided or required by any other provisions of law relating to the transfer of fiduciary accounts or the substitution of persons acting or who are to act in a fiduciary capacity. In this section, and only for its purposes, the term:

(e) "Trust disclosure document" has the meaning ascribed in s. ~~736.1008(4)(c)~~ ~~736.1008(4)(a)~~.

Reviser's note.—Amended to conform to the reordering of definitions in s. 736.1008 by this act.

Section 57. Subsection (4) of section 736.1008, Florida Statutes, is reordered and amended to read:

736.1008 Limitations on proceedings against trustees.—

(4) As used in this section, the term:

~~(a)~~(e) “Limitation notice” means a written statement of the trustee or a trust director that an action by a beneficiary for breach of trust based on any matter adequately disclosed in a trust disclosure document may be barred unless the action is commenced within 6 months after receipt of the trust disclosure document or receipt of a limitation notice that applies to that trust disclosure document, whichever is later. A limitation notice may but is not required to be in the following form: “An action for breach of trust based on matters disclosed in a trust accounting or other written report of the trustee or a trust director may be subject to a 6-month statute of limitations from the receipt of the trust accounting or other written report. If you have questions, please consult your attorney.”

(b) “Trust accounting” means an accounting that adequately discloses the information required by and that substantially complies with the standards set forth in s. 736.08135.

~~(c)~~(a) “Trust disclosure document” means a trust accounting or any other written report of the trustee or a trust director. A trust disclosure document adequately discloses a matter if the document provides sufficient information so that a beneficiary knows of a claim or reasonably should have inquired into the existence of a claim with respect to that matter.

Reviser’s note.—Amended to place the definitions in subsection (4) in alphabetical order.

Section 58. Paragraph (a) of subsection (1) and paragraph (a) of subsection (2) of section 736.1411, Florida Statutes, are amended to read:

736.1411 No duty to monitor, inform, or advise.—

(1) Notwithstanding s. 736.1409(1), relating to the duty of a directed trustee to take reasonable action when directed and to the release of liability for such action, unless the terms of a trust provide otherwise:

(a) A trustee does not have a duty to:

1. Monitor a trust director; or
2. Inform or give advice to a settlor, beneficiary, trustee, or trust director concerning an instance in which the trustee might have acted differently from ~~than~~ the trust director.

(2) Notwithstanding s. 736.1408(1), relating to the fiduciary duty of a trust director, unless the terms of a trust provide otherwise:

(a) A trust director does not have a duty to:

1. Monitor a trustee or another trust director; or

2. Inform or give advice to a settlor, beneficiary, trustee, or another trust director concerning an instance in which the trust director might have acted differently from ~~than~~ a trustee or another trust director.

Reviser's note.—Amended to confirm an editorial substitution to conform to context.

Section 59. Paragraph (a) of subsection (2) of section 738.602, Florida Statutes, is amended to read:

738.602 Payments from deferred compensation plans, annuities, and retirement plans or accounts.—

(2)(a) For a fund that is a separate account, income of the fund shall be determined:

1. As if the fund were a trust subject to the provisions of ss. 738.401-738.706; or

2. As a unitrust amount calculated by multiplying the fair market value of the fund as of the first day of the first accounting period and, thereafter, as of the last day of the accounting period that immediately precedes the accounting period during which a payment is received by the percentage determined in accordance with s. 738.1041(2)(b)2.a. The fiduciary shall determine such percentage as of the first month that the fiduciary's election to treat the income of the fund as a unitrust amount becomes effective. For purposes of this subparagraph, "fair market value" means the fair market value of the assets held in the fund as of the applicable valuation date determined as provided in this subparagraph. The fiduciary is not liable for good faith reliance upon any valuation supplied by the person or persons in possession of the fund. If the fiduciary makes or terminates an election under this subparagraph, the fiduciary shall make such disclosure in a trust disclosure document that satisfies the requirements of s. 736.1008(4)(c) ~~736.1008(4)(a)~~.

Reviser's note.—Amended to conform to the reordering of definitions in s. 736.1008 by this act.

Section 60. Subsection (2) of section 765.101, Florida Statutes, is amended to read:

765.101 Definitions.—As used in this chapter:

(2) "Attending physician" means the physician who has primary responsibility for the treatment and care of the patient while the patient receives such treatment or care in a hospital as defined in s. 395.002(12) ~~395.002(13)~~.

Reviser's note.—Amended to conform to the reordering of definitions in s. 395.002 by this act.

Section 61. Paragraph (e) of subsection (1) of section 768.1382, Florida Statutes, is amended to read:

768.1382 Streetlights, security lights, and other similar illumination; limitation on liability.—

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

(e) “Streetlight provider” means the state or any of the state’s officers, agencies, or instrumentalities, any political subdivision as defined in s. 1.01, any public utility as defined in s. 366.02(8) ~~366.02(1)~~, or any electric utility as defined in s. 366.02(4) ~~366.02(2)~~.

Reviser’s note.—Amended to conform to the reordering of definitions in s. 366.02 by this act.

Section 62. Paragraph (b) of subsection (1) of section 768.381, Florida Statutes, is amended to read:

768.381 COVID-19-related claims against health care providers.—

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

(b) “COVID-19” means the novel coronavirus identified as SARS-CoV-2 ~~SARS-zc-2~~; any disease caused by SARS-CoV-2, its viral fragments, or a virus mutating therefrom; and all conditions associated with the disease which are caused by SARS-CoV-2, its viral fragments, or a virus mutating therefrom.

Reviser’s note.—Amended to confirm a correction by the editors of an input error during production of the 2021 Florida Statutes.

Section 63. Paragraph (b) of subsection (2) of section 812.014, Florida Statutes, is amended to read:

812.014 Theft.—

(2)

(b)1. If the property stolen is valued at \$20,000 or more, but less than \$100,000;

2. If the property stolen is cargo valued at less than \$50,000 that has entered the stream of interstate or intrastate commerce from the shipper’s loading platform to the consignee’s receiving dock;

3. If the property stolen is emergency medical equipment, valued at \$300 or more, that is taken from a facility licensed under chapter 395 or from an aircraft or vehicle permitted under chapter 401; or

4. If the property stolen is law enforcement equipment, valued at \$300 or more, that is taken from an authorized emergency vehicle, as defined in s. 316.003,

the offender commits grand theft in the second degree, punishable as a felony of the second degree, as provided in s. 775.082, s. 775.083, or s. 775.084. Emergency medical equipment means mechanical or electronic apparatus used to provide emergency services and care as defined in s. 395.002(9) or to treat medical emergencies. Law enforcement equipment means any property, device, or apparatus used by any law enforcement officer as defined in s. 943.10 in the officer's official business. However, if the property is stolen during a riot or an aggravated riot prohibited under s. 870.01 and the perpetration of the theft is facilitated by conditions arising from the riot; or within a county that is subject to a state of emergency declared by the Governor under chapter 252, the theft is committed after the declaration of emergency is made, and the perpetration of the theft is facilitated by conditions arising from the emergency, the theft is a felony of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. As used in this paragraph, the term "conditions arising from the riot" means civil unrest, power outages, curfews, or a reduction in the presence of or response time for first responders or homeland security personnel and the term "conditions arising from the emergency" means civil unrest, power outages, curfews, voluntary or mandatory evacuations, or a reduction in the presence of or response time for first responders or homeland security personnel. A person arrested for committing a theft during a riot or an aggravated riot or within a county that is subject to a state of emergency may not be released until the person appears before a committing magistrate at a first appearance hearing. For purposes of sentencing under chapter 921, a felony offense that is reclassified under this paragraph is ranked one level above the ranking under s. 921.0022 or s. 921.0023 of the offense committed.

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

Section 64. Paragraph (g) of subsection (1) of section 812.015, Florida Statutes, is amended to read:

812.015 Retail and farm theft; transit fare evasion; mandatory fine; alternative punishment; detention and arrest; exemption from liability for false arrest; resisting arrest; penalties.—

(1) As used in this section:

(g) "Farm theft" means the unlawful taking possession of any items that are grown or produced on land owned, rented, or leased by another person. The term includes the unlawful taking possession of equipment and associated materials used to grow or produce farm products as defined in s. ~~823.14(3)(e)~~ 823.14(3)(d).

Reviser's note.—Amended to conform to the reordering of definitions in s. 823.14(3) by this act

Section 65. Subsection (3) of section 823.14, Florida Statutes, is reordered and amended to read:

823.14 Florida Right to Farm Act.—

(3) DEFINITIONS.—As used in this section:

(a) “Agritourism activity” has the same meaning as provided in s. 570.86.

(b)(e) “Established date of operation” means the date the farm operation commenced. For an agritourism activity, the term “established date of operation” means the date the specific agritourism activity commenced. If the farm operation is subsequently expanded within the original boundaries of the farm land, the established date of operation of the expansion shall also be considered as the date the original farm operation commenced. If the land boundaries of the farm are subsequently expanded, the established date of operation for each expansion is deemed to be a separate and independent established date of operation. The expanded operation shall not divest the farm operation of a previous established date of operation.

(c)(b) “Farm” means the land, buildings, support facilities, machinery, and other appurtenances used in the production of farm or aquaculture products.

(d)(e) “Farm operation” means all conditions or activities by the owner, lessee, agent, independent contractor, or supplier which occur on a farm in connection with the production of farm, honeybee, or apiculture products or in connection with complementary agritourism activities. These conditions and activities include, but are not limited to, the marketing of farm products at roadside stands or farm markets; the operation of machinery and irrigation pumps; the generation of noise, odors, dust, fumes, and particle emissions; ground or aerial seeding and spraying; the placement and operation of an apiary; the application of chemical fertilizers, conditioners, insecticides, pesticides, and herbicides; agritourism activities; and the employment and use of labor.

(e)(d) “Farm product” means any plant, as defined in s. 581.011, or animal or insect useful to humans and includes, but is not limited to, any product derived therefrom.

(f) “Nuisance” means any interference with reasonable use and enjoyment of land, including, but not limited to, noise, smoke, odors, dust, fumes, particle emissions, or vibration. The term also includes all claims that meet the requirements of this definition, regardless of whether the plaintiff designates those claims as brought in nuisance, negligence, trespass, personal injury, strict liability, or other tort.

Reviser's note.—Amended to place the definitions in subsection (3) in alphabetical order.

Section 66. Paragraph (c) of subsection (5) of section 849.086, Florida Statutes, is amended to read:

849.086 Cardrooms authorized.—

(5) LICENSE REQUIRED; APPLICATION; FEES.—No person may operate a cardroom in this state unless such person holds a valid cardroom license issued pursuant to this section.

(c) Notwithstanding any other provision of law, a pari-mutuel permitholder, other than a permitholder issued a permit pursuant to s. 550.3345, may not be issued a license for the operation of a cardroom if the permitholder did not hold an operating license for the conduct of pari-mutuel wagering for fiscal year 2020-2021. In order for an initial cardroom license to be issued to a thoroughbred permitholder issued a permit pursuant to s. 550.3345, the applicant must have requested, as part of its pari-mutuel annual license application, to conduct at least a full schedule of live racing. In order for a cardroom license to be renewed by a thoroughbred permitholder, the applicant must have requested, as part of its pari-mutuel annual license application, to conduct at least 90 percent of the total number of live performances conducted by such permitholder during either the state fiscal year in which its initial cardroom license was issued or the state fiscal year immediately prior thereto if the permitholder ran at least a full schedule of live racing or games in the prior year.

Reviser's note.—Amended to confirm an editorial insertion to improve clarity.

Section 67. Subsection (3) of section 870.01, Florida Statutes, is amended to read:

870.01 Affrays and riots.—

(3) A person commits aggravated rioting if, in the course of committing a riot, he or she:

- (a) Participates with 25 or more other persons;
- (b) Causes great bodily harm to a person not participating in the riot;
- (c) Causes property damage in excess of \$5,000;
- (d) Displays, uses, threatens to use, or attempts to use a deadly weapon;
or
- (e) By force, or threat of force, endangers the safe movement of a vehicle traveling on a public street, highway, or road.

A person who commits aggravated ~~aggravating~~ rioting commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Reviser's note.—Amended to confirm an editorial substitution to conform to context. Chapter 2021-6, Laws of Florida, introduced the crime of aggravated rioting to the statutes, and all instances in the law except this one use the word “aggravated.”

Section 68. Paragraph (a) of subsection (2) of section 948.16, Florida Statutes, is amended to read:

948.16 Misdemeanor pretrial substance abuse education and treatment intervention program; misdemeanor pretrial veterans' treatment intervention program; misdemeanor pretrial mental health court program.—

(2)(a) A veteran or a servicemember, as defined in s. 394.47891(2)(d) or (c), respectively, who is otherwise qualified to participate in a veterans treatment court program under s. 394.47891, and is charged with a misdemeanor is eligible for admission into a misdemeanor veterans treatment court program, for a period based on the program's requirements and the treatment plan for the offender, pursuant to the requirements of s. 394.47891(4) and (8).

Reviser's note.—Amended to confirm an editorial deletion to eliminate redundancy.

Section 69. Subsection (10) of section 1001.03, Florida Statutes, is amended to read:

1001.03 Specific powers of State Board of Education.—

(10) COMMON PLACEMENT TESTING FOR PUBLIC POSTSECONDARY EDUCATION.—The State Board of Education, in conjunction with the Board of Governors, shall develop and implement a common placement test to assess the basic communication and computation ~~and communication~~ skills of students who intend to enter a degree program at any Florida College System institution or state university.

Reviser's note.—Amended to conform to ch. 2021-162, Laws of Florida, which substituted the words “communication and computation” for the words “computation and communication” as those words relate to education.

Section 70. Subsection (1) of section 1001.10, Florida Statutes, is amended to read:

1001.10 Commissioner of Education; general powers and duties.—

(1) The Commissioner of Education is the chief educational officer of the state and the sole custodian of the educational data warehouse, and is

responsible for giving full assistance to the State Board of Education in enforcing compliance with the mission and goals of the Early Learning-20 ~~Early Learning~~ education system, except for the State University System.

Reviser's note.—Amended to confirm the editorial substitution of the term “Early Learning-20” for the term “Early Learning” to correct a drafting error and conform to amendments by ch. 2021-10, Laws of Florida.

Section 71. Subsection (7) of section 1001.42, Florida Statutes, is amended to read:

1001.42 Powers and duties of district school board.—The district school board, acting as a board, shall exercise all powers and perform all duties listed below:

(7) PROHIBITION FROM EMPLOYMENT.—Prohibit educational support employees, instructional personnel, and administrative personnel, as defined in s. 1012.01, from employment in any position that requires direct contact with students if the employees or personnel are ineligible for such employment under s. 1012.315 or have been terminated or have resigned in lieu of termination for sexual misconduct with a student. If the prohibited conduct occurs while employed, the district school board must report the employees or personnel and the disqualifying circumstances to the department for inclusion on the disqualification list maintained by the department pursuant to s. 1001.10(4)(b). An elected or appointed school board official forfeits his or her salary for 1 year if:

(a) The school board official knowingly signs and transmits to any state official a report of alleged misconduct by educational support employees, instructional personnel, or administrative personnel which the school board official knows to be false or incorrect; or

(b) The school board official knowingly fails to adopt policies that require:

1. Educational support employees, instructional personnel, and administrative personnel to report alleged misconduct by other educational support employees, instructional personnel, and administrative personnel;

2. The district school superintendent to report misconduct by educational support employees, instructional personnel, or school administrators that would result in disqualification from educator certification or employment as provided in s. 1012.315 to the law enforcement agencies with jurisdiction over the conduct; or

3. The investigation of all reports of alleged misconduct by educational support employees, instructional personnel, and administrative personnel, if the misconduct affects the health, safety, or welfare of a student, regardless of whether the person resigned or was terminated before the conclusion of the investigation. The policies must require the district school

superintendent to notify the department of the result of the investigation and whether the misconduct warranted termination, regardless of whether the person resigned or was terminated before the conclusion of the investigation.

Reviser's note.—Amended to confirm editorial insertions to improve clarity.

Section 72. Paragraph (g) of subsection (12) of section 1002.33, Florida Statutes, is amended to read:

1002.33 Charter schools.—

(12) EMPLOYEES OF CHARTER SCHOOLS.—

(g)1. A charter school shall employ or contract with employees who have undergone background screening as provided in s. 1012.32. Members of the governing board of the charter school shall also undergo background screening in a manner similar to that provided in s. 1012.32. An individual may not be employed as an employee or contract personnel of a charter school or serve as a member of a charter school governing board if the individual is on the disqualification list maintained by the department pursuant to s. 1001.10(4)(b).

2. A charter school shall prohibit educational support employees, instructional personnel, and school administrators, as defined in s. 1012.01, from employment in any position that requires direct contact with students if the employees, personnel, or administrators are ineligible for such employment under s. 1012.315 or have been terminated or have resigned in lieu of termination for sexual misconduct with a student. If the prohibited conduct occurs while employed, a charter school must report the individual and the disqualifying circumstances to the department for inclusion on the disqualification list maintained pursuant to s. 1001.10(4)(b).

3. The governing board of a charter school shall adopt policies establishing standards of ethical conduct for educational support employees, instructional personnel, and school administrators. The policies must require all educational support employees, instructional personnel, and school administrators, as defined in s. 1012.01, to complete training on the standards; establish the duty of educational support employees, instructional personnel, and school administrators to report, and procedures for reporting, alleged misconduct that affects the health, safety, or welfare of a student; and include an explanation of the liability protections provided under ss. 39.203 and 768.095. A charter school, or any of its employees, may not enter into a confidentiality agreement regarding terminated or dismissed educational support employees, instructional personnel, or school administrators, or employees, personnel, or administrators who resign in lieu of termination, based in whole or in part on misconduct that affects the health, safety, or welfare of a student, and may not provide employees, personnel, or administrators with employment references or discuss the

employees', personnel's, or administrators' performance with prospective employers in another educational setting, without disclosing the employees', personnel's, or administrators' misconduct. Any part of an agreement or contract that has the purpose or effect of concealing misconduct by educational support employees, instructional personnel, or school administrators which affects the health, safety, or welfare of a student is void, is contrary to public policy, and may not be enforced.

4. Before employing an individual in any position that requires direct contact with students, a charter school shall conduct employment history checks of each individual through use of the educator screening tools described in s. 1001.10(5), and document the findings. If unable to contact a previous employer, the charter school must document efforts to contact the employer.

5. The sponsor of a charter school that knowingly fails to comply with this paragraph shall terminate the charter under subsection (8).

Reviser's note.—Amended to confirm an editorial insertion to improve clarity.

Section 73. Paragraph (f) of subsection (3) of section 1002.37, Florida Statutes, is amended to read:

1002.37 The Florida Virtual School.—

(3) Funding for the Florida Virtual School shall be provided as follows:

(f) The Florida Virtual School shall receive state funds for operating purposes as provided in the General Appropriations Act. The calculation to determine the amount of state funds includes: the sum of the base Florida Education Finance Program funding, the state-funded discretionary contribution and a per-full-time equivalent share of the discretionary millage compression supplement, the exceptional student education guaranteed allocation, the instructional materials allocation, the ~~evidence-based research-based~~ reading instruction allocation, the mental health assistance allocation, and the teacher salary increase allocation. For the purpose of calculating the state-funded discretionary contribution, multiply the maximum allowable nonvoted discretionary millage for operations pursuant to s. 1011.71(1) and (3) by the value of 96 percent of the current year's taxable value for school purposes for the state; divide the result by the total full-time equivalent membership of the state; and multiply the result by the full-time equivalent membership of the school. Funds may not be provided for the purpose of fulfilling the class size requirements in ss. 1003.03 and 1011.685.

Reviser's note.—Amended to conform to ch. 2021-9, Laws of Florida, which renamed the "research-based reading instruction allocation" as the "evidence-based reading instruction allocation."

Section 74. Paragraph (r) of subsection (1) of section 1002.421, Florida Statutes, is amended to read:

1002.421 State school choice scholarship program accountability and oversight.—

(1) PRIVATE SCHOOL ELIGIBILITY AND OBLIGATIONS.—A private school participating in an educational scholarship program established pursuant to this chapter must be a private school as defined in s. 1002.01(2) in this state, be registered, and be in compliance with all requirements of this section in addition to private school requirements outlined in s. 1002.42, specific requirements identified within respective scholarship program laws, and other provisions of Florida law that apply to private schools, and must:

(r) Prohibit education support employees, instructional personnel, and school administrators from employment in any position that requires direct contact with students if the personnel or administrators are ineligible for such employment pursuant to this section or s. 1012.315, or have been terminated or have resigned in lieu of termination for sexual misconduct with a student. If the prohibited conduct occurs subsequent to employment, the private school must report the person and the disqualifying circumstances to the department for inclusion on the disqualification list maintained pursuant to s. 1001.10(4)(b).

The department shall suspend the payment of funds to a private school that knowingly fails to comply with this subsection, and shall prohibit the school from enrolling new scholarship students, for 1 fiscal year and until the school complies. If a private school fails to meet the requirements of this subsection or has consecutive years of material exceptions listed in the report required under paragraph (q), the commissioner may determine that the private school is ineligible to participate in a scholarship program.

Reviser's note.—Amended to confirm an editorial insertion to improve clarity.

Section 75. Paragraph (a) of subsection (3) of section 1002.82, Florida Statutes, is amended to read:

1002.82 Department of Education; powers and duties.—

(3)(a) The department shall adopt performance standards and outcome measures for early learning coalitions that, at a minimum, include the development of objective and statistically valid customer service surveys by a state university or of other independent researcher with specific expertise in customer service survey development. The survey shall be deployed beginning in fiscal year 2022-2023 and be distributed to:

1. Customers who use the services in s. 1002.92 upon the completion of a referral inquiry.
2. Parents, annually, at the time of eligibility determination.

3. Child care providers that participate in the school readiness program or the Voluntary Prekindergarten Education Program at the time of execution of the statewide provider contract.

4. Board members required under s. 1002.83.

Reviser's note.—Amended to confirm an editorial substitution to conform to context.

Section 76. Paragraph (c) of subsection (3) of section 1003.4203, Florida Statutes, is amended to read:

1003.4203 Digital materials, CAPE Digital Tool certificates, and technical assistance.—

(3) CAPE DIGITAL TOOL CERTIFICATES.—The department shall identify, in the CAPE Industry Certification Funding List under ss. 1003.492 and 1008.44, CAPE Digital Tool certificates that indicate a student's digital skills. The department shall notify each school district when the certificates are available. The certificates shall be made available to all public elementary and middle grades students.

(c) The Legislature intends that by July 1, 2018, on an annual basis, at least 75 percent of public middle grades students earn at least one CAPE Digital Tool certificate.

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

Section 77. Paragraph (d) of subsection (3) of section 1003.4282, Florida Statutes, is amended to read:

1003.4282 Requirements for a standard high school diploma.—

(3) STANDARD HIGH SCHOOL DIPLOMA; COURSE AND ASSESSMENT REQUIREMENTS.—

(d) *Three credits in social studies.*—A student must earn one credit in United States History; one credit in World History; one-half credit in economics; and one-half credit in United States Government, which must include a comparative discussion of political ideologies, such as communism and totalitarianism, that conflict with the principles of freedom and democracy essential to the founding principles of the United States. The United States History EOC assessment constitutes 30 percent of the student's final course grade. Beginning with the 2021-2022 school year, students taking the United States Government course are required to take the assessment of civic literacy identified by the State Board of Education pursuant to s. 1007.25(5) ~~1007.25(4)~~. Students earning a passing score on the assessment are exempt from the postsecondary civic literacy assessment required by s. 1007.25(5) ~~1007.25(4)~~.

Reviser's note.—Amended to conform to the fact that s. 1007.25(5) relates to demonstration of competency in civic literacy; s. 1007.25(4) relates to the identified digital credential regarding competency in general education courses.

Section 78. Paragraph (a) 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 enters high school, attains the age of 14, or when determined appropriate by the parent and the IEP team, whichever occurs first, the IEP must include the following statements that must be updated annually:

(a) A statement of intent to pursue a standard high school diploma and a Scholar or Merit designation, pursuant to s. 1003.4285, as determined by the parent.

1. The statement must document discussion of the process for a student with a disability who meets the requirements for a standard high school diploma to defer the receipt of such diploma pursuant to s. 1003.4282(9)(c) ~~1003.4282(10)(e)~~.

2. For the IEP in effect at the beginning of the school year the student is expected to graduate, the statement must include a signed statement by the parent, the guardian, or the student, if the student has reached the age of majority and rights have transferred to the student, that he or she understands the process for deferment and identifying if the student will defer the receipt of his or her standard high school diploma.

Reviser's note.—Amended to conform to the redesignation of s. 1003.4282(10)(c) as s. 1003.4282(9)(c) necessitated by the repeal of former s. 1003.4282(9) by s. 12, ch. 2021-52, Laws of Florida.

Section 79. Subsection (6) of section 1004.015, Florida Statutes, is amended to read:

1004.015 Florida Talent Development Council.—

(6) The council shall coordinate, facilitate, and communicate statewide efforts to meet supply and demand needs for the state's health care workforce. Annually, beginning December 1, 2021, the council shall report on the implementation of this subsection and any other relevant information on the Florida Talent ~~Development~~ Developmental Council's web page located on the Department of Economic Opportunity's website. To support the efforts of the council, the Board of Governors and the State Board of Education shall:

(a) Conduct a statistically valid biennial data-driven gap analysis of the supply and demand of the health care workforce. Demand must align with the Labor Market Estimating Conference created in s. 216.136.

(b) Provide 10-year trend information on nursing education programs subject to the requirements of s. 464.019. The Department of Health, the Board of Governors, the State Board of Education, the Commission for Independent Education, the Independent Colleges and Universities of Florida, and postsecondary institutions participating in a state grant program under s. 1009.89 or s. 1009.891, shall provide data on:

1. The number and type of programs and student slots available.
2. The number of student applications submitted, the number of qualified student applicants, and the number of students accepted.
3. The number of program graduates.
4. Program retention rates of students tracked from program entry to graduation.
5. Graduate passage rates on and the number of times each graduate took the National Council of State Boards of Nursing Licensing Examination.
6. The number of graduates who become employed as practical or professional nurses in the state.
7. The educational advancement of nurses through career pathways by comparing their initial degree to the highest degree they obtained for the preceding 10 years.

(c) Develop a survey for use by the Department of Health, the Commission for Independent Education, the Independent Colleges and Universities of Florida, and postsecondary institutions participating in a state grant program under s. 1009.89 or s. 1009.891, to collect data required under paragraph (b). The survey must include, but is not limited to, a student's age, gender, race, ethnicity, veteran status, wage, employer information, loan debt, and retirement expectations.

Reviser's note.—Amended to confirm an editorial substitution to conform to the correct name of the council as referenced in s. 1004.015, which creates it.

Section 80. Paragraph (g) of subsection (3) of section 1004.097, Florida Statutes, is amended to read:

1004.097 Free expression on campus.—

(3) RIGHT TO FREE-SPEECH ACTIVITIES.—

(g) Notwithstanding s. 934.03 and subject to the protections provided in the Family Educational Rights and Privacy Act of 1974, 20 U.S.C. s. 1232g, and ss. 1002.22 and 1002.225, a student may record video or audio of class lectures for his or her ~~their~~ own personal educational use, in connection with a complaint to the public institution of higher education where the recording was made, or as evidence in, or in preparation for, a criminal or civil proceeding. A recorded lecture may not be published without the consent of the lecturer.

Reviser's note.—Amended to conform to the immediately preceding context.

Section 81. Paragraphs (a) and (f) of subsection (3) of section 1006.60, Florida Statutes, are amended to read:

1006.60 Codes of conduct; disciplinary measures; rules or regulations.

(3) The codes of conduct shall be published on the Florida College System institution's or state university's website, protect the rights of all students, and, at minimum, provide the following due process protections to students and student organizations:

(a) The right to timely written notice. The code must require that the institution or university provide a student or student organization with timely written notice of the student's or student organization's alleged violation of the code of conduct. The notice must include sufficient detail and be provided with sufficient time to prepare for any disciplinary proceeding.

1. The written notice must include the allegations to be investigated; the citation to the specific provision of the code of conduct at issue; the process to be used in determining whether a violation has occurred and associated rights; and the date, time, and location of the disciplinary proceeding.

2. The written notice is considered timely if it is provided at least 7 business days before the disciplinary proceeding and may be provided by delivery to the student's institutional e-mail address and, if the student is under 18 years of age, to the student's parent or to the student organization's e-mail address.

3. At least 5 business days before the disciplinary proceeding, the institution or university must provide the student or student organization with:

a. A listing of all known witnesses who ~~that~~ have provided, or will provide, information against the student or student organization.

b. All known information relating to the allegation, including inculpatory and exculpatory information.

(f) The right to an advisor or advocate who may not serve in any other role, including as an investigator, decider of fact, hearing officer, or member of a committee or panel convened to hear or decide the charge, or any appeal.

Reviser's note.—Paragraph (a) is amended to confirm an editorial substitution to conform to context. Paragraph (f) is amended to improve clarity and correct sentence structure.

Section 82. Paragraphs (b), (d), and (e) of subsection (5) and paragraph (c) of subsection (8) of section 1008.25, Florida Statutes, are amended to read:

1008.25 Public school student progression; student support; screening and progress monitoring; reporting requirements.—

(5) READING DEFICIENCY AND PARENTAL NOTIFICATION.—

(b) A Voluntary Prekindergarten Education Program student who exhibits a substantial deficiency in early literacy skills in accordance with the standards under s. 1002.67(1)(a) and based upon the results of the administration of the final coordinated screening and progress monitoring under s. 1008.2125 shall be referred to the local school district and may be eligible to receive intensive reading interventions before participating in kindergarten. Such intensive reading interventions shall be paid for using funds from the district's evidence-based ~~research-based~~ reading instruction allocation in accordance with s. 1011.62(8) ~~1011.62(9)~~.

(d) The parent of any student who exhibits a substantial deficiency in reading, as described in paragraph (a), must be notified in writing of the following:

1. That his or her child has been identified as having a substantial deficiency in reading, including a description and explanation, in terms understandable to the parent, of the exact nature of the student's difficulty in learning and lack of achievement in reading.

2. A description of the current services that are provided to the child.

3. A description of the proposed intensive interventions and supports that will be provided to the child that are designed to remediate the identified area of reading deficiency.

4. That if the child's reading deficiency is not remediated by the end of grade 3, the child must be retained unless he or she is exempt from mandatory retention for good cause.

5. Strategies, including multisensory strategies, through a read-at-home plan the parent can use in helping his or her child succeed in reading. The read-at-home plan must provide access to the resources identified in paragraph (e) ~~paragraph (d)~~.

6. That the statewide, standardized English Language Arts assessment is not the sole determiner of promotion and that additional evaluations, portfolio reviews, and assessments are available to the child to assist parents and the school district in knowing when a child is reading at or above grade level and ready for grade promotion.

7. The district's specific criteria and policies for a portfolio as provided in subparagraph (6)(b)4. and the evidence required for a student to demonstrate mastery of Florida's academic standards for English Language Arts. A school must immediately begin collecting evidence for a portfolio when a student in grade 3 is identified as being at risk of retention or upon the request of the parent, whichever occurs first.

8. The district's specific criteria and policies for midyear promotion. Midyear promotion means promotion of a retained student at any time during the year of retention once the student has demonstrated ability to read at grade level.

9. Information about the student's eligibility for the New Worlds Reading Initiative under s. 1003.485 and information on parent training modules and other reading engagement resources available through the initiative.

After initial notification, the school shall apprise the parent at least monthly of the student's progress in response to the intensive interventions and supports. Such communications must be in writing and must explain any additional interventions or supports that will be implemented to accelerate the student's progress if the interventions and supports already being implemented have not resulted in improvement.

(e) The Department of Education shall compile resources that each school district must incorporate into a read-at-home plan provided to the parent of a student who is identified as having a substantial reading deficiency pursuant to paragraph (d) ~~paragraph (e)~~. The resources must be made available in an electronic format that is accessible online and must include the following:

1. Developmentally appropriate, evidence-based strategies and programming, including links to video training modules and opportunities to sign up for at-home reading tips delivered periodically via text and e-mail, which a parent can use to help improve his or her child's literacy skills.

2. An overview of the types of assessments used to identify reading deficiencies and what those assessments measure or do not measure, the frequency with which the assessments are administered, and the requirements for interventions and supports that districts must provide to students who do not make adequate academic progress.

3. An overview of the process for initiating and conducting evaluations for exceptional education eligibility. The overview must include an

explanation that a diagnosis of a medical condition alone is not sufficient to establish exceptional education eligibility but may be used to document how that condition relates to the student's eligibility determination and may be disclosed in an eligible student's individual education plan when necessary to inform school personnel responsible for implementing the plan.

4. Characteristics of conditions associated with learning disorders, including dyslexia, dysgraphia, dyscalculia, and developmental aphasia.

5. A list of resources that support informed parent involvement in decisionmaking processes for students who have difficulty in learning.

Upon the request of a parent, resources meeting the requirements of this paragraph must be provided to the parent in a hardcopy format.

(8) COORDINATED SCREENING AND PROGRESS MONITORING SYSTEM.—

(c) A Voluntary Prekindergarten Education Program student who is at risk of being identified as having a substantial deficiency in early literacy skills, based upon results under this subsection, must be referred to the school district in which he or she resides and may be eligible to receive early literacy instruction and interventions after program completion and before participating in kindergarten. Such instruction and interventions may be paid for using funds from the school district's evidence-based reading instruction allocation in accordance with s. 1011.62(8) ~~1011.62(9)~~.

Reviser's note.—Paragraph (5)(b) is amended to conform to s. 18, ch. 2021-9, Laws of Florida, which renamed the "research-based reading instruction allocation" as the "evidence-based research instruction allocation," and to correct a cross-reference to conform to the deletion of former s. 1011.62(8) by s. 3, ch. 2021-44. Paragraphs (5)(d) and (e) are amended to correct cross-references to conform to the addition of a new paragraph (b) by s. 66, ch. 2021-10, Laws of Florida. Paragraph (8)(c) is amended to correct a cross-reference to conform to the deletion of former s. 1011.62(8) by s. 3, ch. 2021-44.

Section 83. Paragraph (b) of subsection (3) of section 1008.30, Florida Statutes, is amended to read:

1008.30 Assessing college-level communication and computation skills for public postsecondary education.—

(3) The rules adopted under subsection (2) must specify the following:

(b) A student who is assessed for readiness for college-level ~~computation and communication and computation~~ and whose assessment results indicate a need for developmental education must be advised of all the developmental education options offered at the institution and, after advisement, may enroll in the developmental education option of his or her choice.

Reviser's note.—Amended to conform to ch. 2021-162, Laws of Florida, which substituted the words “communication and computation” for references to the words “computation and communication” as those words relate to education.

Section 84. Paragraph (c) of subsection (1) of section 1008.31, Florida Statutes, is amended to read:

1008.31 Florida's Early Learning-20 education performance accountability system; legislative intent; mission, goals, and systemwide measures; data quality improvements.—

(1) LEGISLATIVE INTENT.—It is the intent of the Legislature that:

(c) The Early Learning-20 ~~K-20~~ education performance accountability system comply with the requirements of the “No Child Left Behind Act of 2001,” Pub. L. No. 107-110, and the Individuals with Disabilities Education Act (IDEA).

Reviser's note.—Amended to conform to s. 67, ch. 2021-10, Laws of Florida, and to provide consistent terminology with the rest of this section.

Section 85. Paragraph (c) of subsection (5) of section 1008.365, Florida Statutes, is amended to read:

1008.365 Reading Achievement Initiative for Scholastic Excellence Act.

(5) The department shall provide progress monitoring data to regional support teams regarding the implementation of supports. Such supports must include:

(c) Evaluating a school's improvement plan for alignment with the school district's K-12 comprehensive reading plan under s. 1011.62(8)(d) ~~1011.62(9)(d)~~ and the school district's allocation of resources as required by s. 1008.25(3)(a). If the regional support team determines that the school district's reading plan does not address the school's need to improve student outcomes, the regional literacy support director, the district school superintendent, or his or her designee, and the director of the Just Read, Florida! Office shall convene a meeting to rectify the deficiencies of the reading plan.

Reviser's note.—Amended to conform to the redesignation of s. 1011.62(9) as s. 1011.62(8) by s. 3, ch. 2021-44, Laws of Florida.

Section 86. Paragraph (b) of subsection (14) and paragraph (a) of subsection (15) of section 1011.62, Florida Statutes, are amended to read:

1011.62 Funds for operation of schools.—If the annual allocation from the Florida Education Finance Program to each district for operation of schools is not determined in the annual appropriations act or the substantive

bill implementing the annual appropriations act, it shall be determined as follows:

(14) **MENTAL HEALTH ASSISTANCE ALLOCATION.**—The mental health assistance allocation is created to provide funding to assist school districts in establishing or expanding school-based mental health care; train educators and other school staff in detecting and responding to mental health issues; and connect children, youth, and families who may experience behavioral health issues with appropriate services. These funds shall be allocated annually in the General Appropriations Act or other law to each eligible school district. Each school district shall receive a minimum of \$100,000, with the remaining balance allocated based on each school district's proportionate share of the state's total unweighted full-time equivalent student enrollment. Charter schools that submit a plan separate from the school district are entitled to a proportionate share of district funding. The allocated funds may not supplant funds that are provided for this purpose from other operating funds and may not be used to increase salaries or provide bonuses. School districts are encouraged to maximize third-party health insurance benefits and Medicaid claiming for services, where appropriate.

(b) The plans required under paragraph (a) must be focused on a multitiered system of supports to deliver evidence-based mental health care assessment, diagnosis, intervention, treatment, and recovery services to students with one or more mental health or co-occurring substance abuse diagnoses and to students at high risk of such diagnoses. The provision of these services must be coordinated with a student's primary mental health care provider and with other mental health providers involved in the student's care. At a minimum, the plans must include the following elements:

1. Direct employment of school-based mental health services providers to expand and enhance school-based student services and to reduce the ratio of students to staff in order to better align with nationally recommended ratio models. These providers include, but are not limited to, certified school counselors, school psychologists, school social workers, and other licensed mental health professionals. The plan also must identify strategies to increase the amount of time that school-based student services personnel spend providing direct services to students, which may include the review and revision of district staffing resource allocations based on school or student mental health assistance needs.

2. Contracts or interagency agreements with one or more local community behavioral health providers or providers of Community Action Team services to provide a behavioral health staff presence and services at district schools. Services may include, but are not limited to, mental health screenings and assessments, individual counseling, family counseling, group counseling, psychiatric or psychological services, trauma-informed care, mobile crisis services, and behavior modification. These behavioral

health services may be provided on or off the school campus and may be supplemented by telehealth.

3. Policies and procedures, including contracts with service providers, which will ensure that students who are referred to a school-based or community-based mental health service provider for mental health screening for the identification of mental health concerns and ensure that the assessment of students at risk for mental health disorders occurs within 15 days of referral. School-based mental health services must be initiated within 15 days after identification and assessment, and support by community-based mental health service providers for students who are referred for community-based mental health services must be initiated within 30 days after the school or district makes a referral.

4. Strategies or programs to reduce the likelihood of at-risk students developing social, emotional, or behavioral health problems, depression, anxiety disorders, suicidal tendencies, or substance use disorders.

5. Strategies to improve the early identification of social, emotional, or behavioral problems or substance use disorders, to improve the provision of early intervention services, and to assist students in dealing with trauma and violence.

6. Procedures to assist a mental health services provider or a behavioral health provider as described in subparagraph 1. or subparagraph 2., respectively, or a school resource officer or school safety officer who has completed mental health crisis intervention training in attempting to verbally de-escalate a student's crisis situation before initiating an involuntary examination pursuant to s. 394.463. Such procedures must include strategies to de-escalate a crisis situation for a student with a developmental disability as that term is defined in s. 393.063.

7. Policies of the school district which must require that in a student crisis situation, school or law enforcement personnel must make a reasonable attempt to contact a mental health professional who may initiate an involuntary examination pursuant to s. 394.463, unless the child poses an imminent danger to themselves or others, before initiating an involuntary examination pursuant to s. 394.463. Such contact may be in person or using telehealth as defined in s. 456.47. The mental health professional may be available to the school district either by contracts or interagency agreements with the managing entity, one or more local community behavioral health providers, or the local mobile response team or be a direct or contracted school district employee.

(15) FUNDING COMPRESSION AND HOLD HARMLESS ALLOCATION.—The Legislature may provide an annual funding compression and hold harmless allocation in the General Appropriations Act. The allocation is created to provide additional funding to school districts if the school district's total funds per FTE in the prior year were less than the statewide average or if the school district's district cost differential in the current year is less than

the prior year. The total allocation shall be distributed to eligible school districts as follows:

(a) Using the most recent prior year FEFP calculation for each eligible school district, subtract the total school district funds per FTE from the state average funds per FTE, not including any adjustments made pursuant to ~~paragraph (17)(b) paragraph (19)(b)~~. The resulting funds per FTE difference, or a portion thereof, as designated in the General Appropriations Act, shall then be multiplied by the school district's total unweighted FTE.

This subsection expires July 1, 2022.

Reviser's note.—Paragraph (14)(b) is amended to improve clarity and conform to context. Paragraph (15)(a) is amended to confirm an editorial substitution to conform to the deletion of former subsections (8) and (11) by s. 3, ch. 2021-44, Laws of Florida.

Section 87. Paragraph (a) of subsection (3) of section 1011.802, Florida Statutes, is amended to read:

1011.802 Florida Pathways to Career Opportunities Grant Program.—

(3)(a) The department shall award grants for preapprenticeship or apprenticeship programs with demonstrated regional demand that:

1. Address a critical statewide or regional shortage as identified by the Labor Market Estimating Conference created in s. 216.136 and that are industry sectors not adequately represented throughout the state, such as health care;

2. Address a critical statewide or regional shortage as identified by the Labor Market Estimating Conference created in s. 216.136; or

3. Expand existing programs that exceed the median completion rate and employment rate 1 year after completion of similar programs in the region, or the state if there are no similar programs in the region.

Reviser's note.—Amended to confirm an editorial deletion to improve sentence structure.

Section 88. Subsection (3) of section 1012.976, Florida Statutes, is amended to read:

1012.976 Remuneration of state university employees; limitations.—

(3) EXCEPTIONS.—This section does not prohibit any party from providing cash or cash-equivalent compensation from funds that are not appropriated state funds to a state university employee in excess of the limit in subsection (2). If a party is unable or unwilling to fulfill an obligation to provide cash or cash-equivalent compensation to a state university employee as permitted under this subsection, appropriated state funds may not be

used to fulfill such obligation. This section does not apply to university teaching faculty in instructional programs classified as Computer Information Sciences and Support Services; Engineering; Engineering Technologies and Engineering-Related Fields; Florida Mental Health Institute; Health Professions and Related Programs; Homeland Security, Law Enforcement, Firefighting, and Related Fields; Mathematics; Nursing; or Physical Sciences; or to medical school faculty or staff.

Reviser’s note.—Amended to confirm editorial insertions to improve clarity and sentence structure.

Section 89. 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, 2022.

Filed in Office Secretary of State February 24, 2022.