

1                   A reviser's bill to be entitled  
2           An act relating to the Florida Statutes; amending ss.  
3           11.45, 17.20, 20.60, 27.5112, 27.7081, 28.22205,  
4           39.701, 104.0616, 106.011, 106.0703, 110.131, 112.19,  
5           112.191, 112.1915, 112.3215, 112.324, 117.05, 120.74,  
6           120.81, 122.01, 122.22, 122.28, 163.3187, 163.3246,  
7           196.075, 206.414, 206.606, 215.618, 215.89, 243.52,  
8           253.034, 253.66, 255.60, 259.037, 259.105, 265.601,  
9           265.603, 285.18, 287.064, 287.135, 288.001, 288.11621,  
10          288.7015, 288.9918, 290.00726, 290.00727, 290.00728,  
11          290.00729, 290.00731, 290.0074, 316.305, 318.14,  
12          318.1451, 319.21, 319.30, 322.12, 322.143, 322.21,  
13          322.292, 326.004, 334.065, 339.135, 366.04, 366.11,  
14          366.80, 366.81, 366.82, 366.83, 366.94, 373.036,  
15          373.0363, 373.4145, 373.4592, 373.59, 375.313,  
16          376.011, 376.3078, 379.333, 379.3511, 381.911,  
17          382.009, 383.16, 383.17, 383.18, 383.19, 391.025,  
18          394.9084, 400.471, 400.960, 401.27, 403.061, 403.804,  
19          403.9338, 409.1451, 409.907, 409.9082, 409.981,  
20          411.203, 420.5087, 420.622, 429.14, 430.207, 443.091,  
21          443.1216, 443.131, 443.141, 445.007, 455.2274,  
22          456.001, 456.056, 458.3115, 464.0196, 475.617,  
23          497.005, 499.001, 499.0121, 509.302, 513.1115, 553.79,  
24          553.80, 562.45, 565.03, 570.964, 590.02, 605.0109,  
25          605.04092, 605.0711, 605.0714, 605.0904, 605.0905,  
26          605.0907, 605.0912, 605.1006, 605.1033, 605.1041,

27 605.1103, 610.108, 610.119, 617.0601, 620.8503,  
 28 624.91, 627.351, 627.3518, 627.642, 627.6515,  
 29 627.6562, 627.657, 627.6686, 633.102, 633.216,  
 30 633.316, 633.408, 634.283, 641.31098, 658.27, 658.995,  
 31 713.78, 871.015, 893.055, 893.1495, 943.0585, 943.059,  
 32 945.091, 951.23, 1002.20, 1002.34, 1002.41, 1002.45,  
 33 1002.83, 1002.84, 1002.89, 1003.49, 1003.52, 1006.15,  
 34 1006.282, 1006.73, 1008.44, 1011.61, 1011.80, and  
 35 1013.12, F.S.; reenacting ss. 323.002 and 718.301,  
 36 F.S.; reenacting and amending s. 1009.22, F.S.; and  
 37 repealing ss. 408.914, 408.915, 408.916, and 420.151,  
 38 F.S.; deleting provisions that have expired, have  
 39 become obsolete, have had their effect, have served  
 40 their purpose, or have been impliedly repealed or  
 41 superseded; replacing incorrect cross-references and  
 42 citations; correcting grammatical, typographical, and  
 43 like errors; removing inconsistencies, redundancies,  
 44 and unnecessary repetition in the statutes; improving  
 45 the clarity of the statutes and facilitating their  
 46 correct interpretation; and confirming the restoration  
 47 of provisions unintentionally omitted from  
 48 republication in the acts of the Legislature during  
 49 the amendatory process; providing an effective date.

51 Be It Enacted by the Legislature of the State of Florida:  
 52

53 Section 1. Paragraph (i) of subsection (7) of section  
 54 11.45, Florida Statutes, is amended to read:

55 11.45 Definitions; duties; authorities; reports; rules.—

56 (7) AUDITOR GENERAL REPORTING REQUIREMENTS.—

57 (i) ~~Beginning in 2012,~~ The Auditor General shall annually  
 58 transmit by July 15, to the President of the Senate, the Speaker  
 59 of the House of Representatives, and the Department of Financial  
 60 Services, a list of all school districts, charter schools,  
 61 charter technical career centers, Florida College System  
 62 institutions, state universities, and water management districts  
 63 that have failed to comply with the transparency requirements as  
 64 identified in the audit reports reviewed pursuant to paragraph  
 65 (b) and those conducted pursuant to subsection (2).

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

67 Section 2. Subsections (4) and (5) of section 17.20,  
 68 Florida Statutes, are amended to read:

69 17.20 Assignment of claims for collection.—

70 (4) ~~Beginning October 1, 2010, and~~ Each October 1  
 71 ~~thereafter,~~ each agency shall submit a report to the President  
 72 of the Senate, the Speaker of the House of Representatives, and  
 73 the Chief Financial Officer which includes:

74 (a) A detailed list and total of all accounts that were  
 75 referred for collection and the status of such accounts,  
 76 including the date referred, any amounts collected, and the  
 77 total that remains uncollected.

78 (b) A list and total of all delinquent accounts that were

79 not referred to a collection agency, the reasons for not  
 80 referring those accounts, and the actions taken by the agency to  
 81 collect.

82 (c) A list of all accounts or claims, including a  
 83 description and the total amount of each account or claim, which  
 84 were written off or waived by the agency for any reason during  
 85 the prior fiscal year, the reason for being written off, and  
 86 whether any of those accounts continue to be pursued by a  
 87 collection agent.

88 (5) ~~Beginning December 1, 2010, and~~ Each December 1  
 89 ~~thereafter,~~ the Chief Financial Officer shall provide to the  
 90 Governor, the President of the Senate, and the Speaker of the  
 91 House of Representatives a report that details the following  
 92 information for any contracted collection agent:

93 (a) The amount of claims referred for collection by each  
 94 agency, cumulatively and annually.

95 (b) The number of accounts by age and amount.

96 (c) A listing of those agencies that failed to report  
 97 known claims to the Chief Financial Officer in a timely manner  
 98 as prescribed in subsection (3).

99 (d) The total amount of claims collected, cumulatively and  
 100 annually.

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

102 Section 3. Paragraph (c) of subsection (5) of section  
 103 20.60, Florida Statutes, is amended to read:

104 20.60 Department of Economic Opportunity; creation; powers

105 and duties.—

106 (5) The divisions within the department have specific  
107 responsibilities to achieve the duties, responsibilities, and  
108 goals of the department. Specifically:

109 (c) The Division of Workforce Services shall:

110 1. Prepare and submit a unified budget request for  
111 workforce development in accordance with chapter 216 for, and in  
112 conjunction with, Workforce Florida, Inc., and its board.

113 2. Ensure that the state appropriately administers federal  
114 and state workforce funding by administering plans and policies  
115 of Workforce Florida, Inc., under contract with Workforce  
116 Florida, Inc. The operating budget and midyear amendments  
117 thereto must be part of such contract.

118 a. All program and fiscal instructions to regional  
119 workforce boards shall emanate from the Department of Economic  
120 Opportunity pursuant to plans and policies of Workforce Florida,  
121 Inc., which shall be responsible for all policy directions to  
122 the regional workforce boards.

123 b. Unless otherwise provided by agreement with Workforce  
124 Florida, Inc., administrative and personnel policies of the  
125 Department of Economic Opportunity shall apply.

126 3. Implement the state's reemployment assistance program.  
127 The Department of Economic Opportunity shall ensure that the  
128 state appropriately administers the reemployment assistance  
129 program pursuant to state and federal law.

130 4. Assist in developing the 5-year statewide strategic

131 plan required by this section.

132 Reviser's note.—The word "development" was inserted to conform  
 133 to the language which was derived from s. 20.50(2)(b),  
 134 Florida Statutes 2010, in the 2011 reorganization bill.

135 Section 4. Subsection (3) of section 27.5112, Florida  
 136 Statutes, is amended to read:

137 27.5112 Electronic filing and receipt of court documents.—

138 ~~(3) The Florida Public Defender Association shall file a~~  
 139 ~~report with the President of the Senate and the Speaker of the~~  
 140 ~~House of Representatives by March 1, 2012, describing the~~  
 141 ~~progress that each office of the public defender has made to use~~  
 142 ~~the Florida Courts E-Portal or, if the case type is not approved~~  
 143 ~~for the Florida Courts E-Portal, separate clerks' offices~~  
 144 ~~portals for purposes of electronic filing and documenting~~  
 145 ~~receipt of court documents. For any office of the public~~  
 146 ~~defender that has not fully implemented an electronic filing and~~  
 147 ~~receipt system by March 1, 2012, the report must also include a~~  
 148 ~~description of the additional activities that are needed to~~  
 149 ~~complete the system for that office and the projected time~~  
 150 ~~necessary to complete the additional activities.~~

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

152 Section 5. Paragraph (e) of subsection (6) of section  
 153 27.7081, Florida Statutes, is amended to read:

154 27.7081 Capital postconviction public records production.—

155 (6) ACTION UPON RECEIPT OF NOTICE OF MANDATE.—

156 (e) Within 90 days after receipt of written notification

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157 of the mandate from the Attorney General, each additional person  
158 or agency identified pursuant to paragraph (5) (b) or paragraph  
159 (5) (c) shall copy, index, and deliver to the records repository  
160 all public records which were produced during the prosecution of  
161 the case. The person or agency shall bear the costs. The person  
162 or agency shall provide written notification to the Attorney  
163 General of compliance with this paragraph ~~subdivision~~ and shall  
164 certify, to the best of the person or agency's knowledge and  
165 belief, all such public records in the possession of the person  
166 or agency have been copied, indexed, and delivered to the  
167 records repository.

168 Reviser's note.—Amended to confirm the editorial substitution of  
169 the word "paragraph" for the word "subdivision" to improve  
170 clarity.

171 Section 6. Section 28.22205, Florida Statutes, is amended  
172 to read:

173 28.22205 Electronic filing process.—Each clerk of court  
174 shall implement an electronic filing process. The purpose of the  
175 electronic filing process is to reduce judicial costs in the  
176 office of the clerk and the judiciary, increase timeliness in  
177 the processing of cases, and provide the judiciary with case-  
178 related information to allow for improved judicial case  
179 management. The Legislature requests that, no later than July 1,  
180 2009, the Supreme Court set statewide standards for electronic  
181 filing to be used by the clerks of court to implement electronic  
182 filing. The standards should specify the required information

183 for the duties of the clerks of court and the judiciary for case  
 184 management. The clerks of court shall begin implementation no  
 185 later than October 1, 2009. ~~The Florida Clerks of Court~~  
 186 ~~Operations Corporation shall report to the President of the~~  
 187 ~~Senate and the Speaker of the House of Representatives by March~~  
 188 ~~1, 2010, on the status of implementing electronic filing. The~~  
 189 ~~report shall include the detailed status of each clerk office's~~  
 190 ~~implementation of an electronic filing process, and for those~~  
 191 ~~clerks who have not fully implemented electronic filing by March~~  
 192 ~~1, 2010, a description of the additional steps needed and a~~  
 193 ~~projected timeline for full implementation.~~ Revenues provided to  
 194 counties and the clerk of court under s. 28.24(12)(e) for  
 195 information technology may also be used to implement electronic  
 196 filing processes.

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

198 Section 7. Paragraph (c) of subsection (3) of section  
 199 39.701, Florida Statutes, is amended to read:

200 39.701 Judicial review.—

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

202 (c) If the court finds at the judicial review hearing that  
 203 the department has not met ~~with~~ its obligations to the child as  
 204 stated in the written case plan or in the provision of  
 205 independent living services, the court may issue an order  
 206 directing the department to show cause as to why it has not done  
 207 so. If the department cannot justify its noncompliance, the  
 208 court may give the department 30 days within which to comply. If



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209 the department fails to comply within 30 days, the court may  
 210 hold the department in contempt.

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

213 Section 8. Subsection (2) of section 104.0616, Florida  
 214 Statutes, is amended to read:

215 104.0616 Absentee ballots and voting; violations.—

216 (2) Any person who provides or offers to provide, and any  
 217 person who accepts, a pecuniary or other benefit in exchange for  
 218 distributing, ordering, requesting, collecting, delivering, or  
 219 otherwise physically possessing more than two absentee ballots  
 220 per election in addition to his or her own ballot or a ballot  
 221 belonging to an immediate family member, except as provided in  
 222 ss. 101.6105-101.694 ~~101.6105-101.695~~, commits a misdemeanor of  
 223 the first degree, punishable as provided in s. 775.082, s.  
 224 775.083, or s. 775.084.

225 Reviser's note.—Amended to conform to the transfer of s. 101.695  
 226 to s. 97.065 by s. 42, ch. 65-380, Laws of Florida, and the  
 227 further transfer of s. 97.065 to s. 101.665 by s. 17, ch.  
 228 94-224, Laws of Florida.

229 Section 9. Subsection (15) of section 106.011, Florida  
 230 Statutes, is amended to read:

231 106.011 Definitions.—As used in this chapter, the  
 232 following terms have the following meanings unless the context  
 233 clearly indicates otherwise:

234 (15) "Political advertisement" means a paid expression in

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235 a communications medium ~~media~~ prescribed in subsection (4),  
236 whether radio, television, newspaper, magazine, periodical,  
237 campaign literature, direct mail, or display or by means other  
238 than the spoken word in direct conversation, which expressly  
239 advocates the election or defeat of a candidate or the approval  
240 or rejection of an issue. However, political advertisement does  
241 not include:

242 (a) A statement by an organization, in existence before  
243 the time during which a candidate qualifies or an issue is  
244 placed on the ballot for that election, in support of or  
245 opposition to a candidate or issue, in that organization's  
246 newsletter, which newsletter is distributed only to the members  
247 of that organization.

248 (b) Editorial endorsements by a newspaper, a radio or  
249 television station, or any other recognized news medium.  
250 Reviser's note.—Amended to confirm the editorial substitution of  
251 the word "medium" for the word "media" to conform to  
252 context.

253 Section 10. Paragraph (a) of subsection (2) of section  
254 106.0703, Florida Statutes, is amended to read:

255 106.0703 Electioneering communications organizations;  
256 reporting requirements; certification and filing; penalties.—

257 (2) (a) Except as provided in s. 106.0705, the reports  
258 required of an electioneering communications organization shall  
259 be filed with the filing officer not later than 5 p.m. of the  
260 day designated. However, any report postmarked by the United

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261 States Postal Service no later than midnight of the day  
262 designated is deemed to have been filed in a timely manner. Any  
263 report received by the filing officer within 5 days after the  
264 designated due date that was delivered by the United States  
265 Postal Service is ~~be~~ deemed timely filed unless it has a  
266 postmark that indicates that the report was mailed after the  
267 designated due date. A certificate of mailing obtained from and  
268 dated by the United States Postal Service at the time of  
269 mailing, or a receipt from an established courier company, which  
270 bears a date on or before the date on which the report is due,  
271 suffices as proof of mailing in a timely manner. Reports other  
272 than daily reports must contain information on all previously  
273 unreported contributions received and expenditures made as of  
274 the preceding Friday, except that the report filed on the Friday  
275 immediately preceding the election must contain information on  
276 all previously unreported contributions received and  
277 expenditures made as of the day preceding the designated due  
278 date; daily reports must contain information on all previously  
279 unreported contributions received as of the preceding day. All  
280 such reports are open to public inspection.

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

283 Section 11. Subsection (4) of section 110.131, Florida  
284 Statutes, is amended to read:

285 110.131 Other-personal-services employment.—

286 (4) ~~Beginning August 15, 2012,~~ and Each August 15

287 ~~thereafter~~, each agency employing an individual in other-  
 288 personal-services employment shall submit a report to the  
 289 Executive Office of the Governor and to the chairs of the  
 290 legislative appropriations committees containing the following  
 291 information for the previous fiscal year ending June 30, ~~2012,~~  
 292 ~~and each June 30 thereafter:~~

293 (a) The total number of individuals serving in other-  
 294 personal-services employment.

295 (b) The type of employment, average pay, and total number  
 296 of hours worked for each individual serving in other-personal-  
 297 services employment.

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

299 Section 12. Subsection (3) of section 112.19, Florida  
 300 Statutes, as amended by section 1 of chapter 2002-191, Laws of  
 301 Florida, as amended by section 14 of chapter 2004-357, Laws of  
 302 Florida, as reenacted by section 5 of chapter 2005-100, Laws of  
 303 Florida, is amended to read:

304 112.19 Law enforcement, correctional, and correctional  
 305 probation officers; death benefits.—

306 (3) If a law enforcement, correctional, or correctional  
 307 probation officer is accidentally killed as specified in  
 308 paragraph (2) (b) on or after June 22, 1990, or unlawfully and  
 309 intentionally killed as specified in paragraph (2) (c) on or  
 310 after July 1, 1980, the state shall waive certain educational  
 311 expenses that the child or spouse of the deceased officer incurs  
 312 while obtaining a career certificate, an undergraduate

313 education, or a postgraduate education. The amount waived by the  
 314 state shall be an amount equal to the cost of tuition and  
 315 matriculation and registration fees for a total of 120 credit  
 316 hours. The child or spouse may attend a state career center, a  
 317 Florida College System institution ~~state community college~~, or a  
 318 state university. The child or spouse may attend any or all of  
 319 the institutions specified in this subsection, on either a full-  
 320 time or part-time basis. The benefits provided to a child under  
 321 this subsection shall continue until the child's 25th birthday.  
 322 The benefits provided to a spouse under this subsection must  
 323 commence within 5 years after the death occurs, and entitlement  
 324 thereto shall continue until the 10th anniversary of that death.

325 (a) Upon failure of any child or spouse benefited by the  
 326 provisions of this subsection to comply with the ordinary and  
 327 minimum requirements of the institution attended, both as to  
 328 discipline and scholarship, the benefits shall be withdrawn as  
 329 to the child or spouse and no further moneys may be expended for  
 330 the child's or spouse's benefits so long as such failure or  
 331 delinquency continues.

332 (b) Only a student in good standing in his or her  
 333 respective institution may receive the benefits thereof.

334 (c) A child or spouse receiving benefits under this  
 335 subsection must be enrolled according to the customary rules and  
 336 requirements of the institution attended.

337 Reviser's note.—Amended to conform a reference to a state  
 338 community college to changes in chs. 2008-52 and 2009-228,

339           Laws of Florida, transitioning references from community  
340           colleges to Florida College System institutions.

341           Section 13. Subsection (3) of section 112.19, Florida  
342 Statutes, as amended by section 1 of chapter 2002-232, Laws of  
343 Florida, as amended by section 9 of chapter 2003-1, Laws of  
344 Florida, as amended by section 15 of chapter 2004-357, Laws of  
345 Florida, as reenacted by section 6 of chapter 2005-100, Laws of  
346 Florida, is amended to read:

347           112.19 Law enforcement, correctional, and correctional  
348 probation officers; death benefits.—

349           (3) If a law enforcement, correctional, or correctional  
350 probation officer is accidentally killed as specified in  
351 paragraph (2) (b) on or after June 22, 1990, or unlawfully and  
352 intentionally killed as specified in paragraph (2) (c) on or  
353 after July 1, 1980, the state shall waive certain educational  
354 expenses that children of the deceased officer incur while  
355 obtaining a career certificate, an undergraduate education, or a  
356 graduate or postbaccalaureate professional degree. The amount  
357 waived by the state shall be an amount equal to the cost of  
358 tuition, matriculation, and other statutorily authorized fees  
359 for a total of 120 credit hours for a career certificate or an  
360 undergraduate education. For a child pursuing a graduate or  
361 postbaccalaureate professional degree, the amount waived shall  
362 equal the cost of matriculation and other statutorily authorized  
363 fees incurred while the child continues to fulfill the  
364 professional requirements associated with the graduate or

365 postbaccalaureate professional degree program, and eligibility  
366 continues until the child's 29th birthday. The child may attend  
367 a state career center, a Florida College System institution  
368 ~~state community college~~, or a state university. The child may  
369 attend any or all of the institutions specified in this  
370 subsection, on either a full-time or part-time basis. For a  
371 child pursuing a career certificate or an undergraduate  
372 education, the benefits provided under this subsection shall  
373 continue to the child until the child's 25th birthday. To be  
374 eligible for the benefits provided under this subsection for  
375 enrollment in a graduate or postbaccalaureate professional  
376 degree program, the child must be a state resident, as defined  
377 in s. 1009.21, at the time of enrollment.

378 (a) Upon failure of any child benefited by the provisions  
379 of this section to comply with the ordinary and minimum  
380 requirements of the institution attended, both as to discipline  
381 and scholarship, the benefits shall be withdrawn as to the child  
382 and no further moneys may be expended for the child's benefits  
383 so long as such failure or delinquency continues.

384 (b) Only a student in good standing in his or her  
385 respective institution may receive the benefits thereof.

386 (c) A child receiving benefits under this section must be  
387 enrolled according to the customary rules and requirements of  
388 the institution attended.

389 Reviser's note.—Amended to conform a reference to a state  
390 community college to changes in chs. 2008-52 and 2009-228,

391           Laws of Florida, transitioning references from community  
 392           colleges to Florida College System institutions.

393           Section 14. Subsection (3) of section 112.191, Florida  
 394 Statutes, as amended by section 2 of chapter 2002-191, Laws of  
 395 Florida, as amended by section 16 of chapter 2004-357, Laws of  
 396 Florida, is amended to read:

397           112.191 Firefighters; death benefits.—

398           (3) If a firefighter is accidentally killed as specified  
 399 in paragraph (2)(b) on or after June 22, 1990, or unlawfully and  
 400 intentionally killed as specified in paragraph (2)(c), on or  
 401 after July 1, 1980, the state shall waive certain educational  
 402 expenses that the child or spouse of the deceased firefighter  
 403 incurs while obtaining a career certificate, an undergraduate  
 404 education, or a postgraduate education. The amount waived by the  
 405 state shall be an amount equal to the cost of tuition and  
 406 matriculation and registration fees for a total of 120 credit  
 407 hours. The child or spouse may attend a state career center, a  
 408 Florida College System institution ~~state community college~~, or a  
 409 state university. The child or spouse may attend any or all of  
 410 the institutions specified in this subsection, on either a full-  
 411 time or part-time basis. The benefits provided to a child under  
 412 this subsection shall continue until the child's 25th birthday.  
 413 The benefits provided to a spouse under this subsection must  
 414 commence within 5 years after the death occurs, and entitlement  
 415 thereto shall continue until the 10th anniversary of that death.

416           (a) Upon failure of any child or spouse benefited by the



417 provisions of this subsection to comply with the ordinary and  
 418 minimum requirements of the institution attended, both as to  
 419 discipline and scholarship, the benefits thereof shall be  
 420 withdrawn as to the child or spouse and no further moneys  
 421 expended for the child's or spouse's benefits so long as such  
 422 failure or delinquency continues.

423 (b) Only students in good standing in their respective  
 424 institutions shall receive the benefits thereof.

425 (c) A child or spouse receiving benefits under this  
 426 subsection must be enrolled according to the customary rules and  
 427 requirements of the institution attended.

428 Reviser's note.—Amended to conform a reference to a state  
 429 community college to changes in chs. 2008-52 and 2009-228,  
 430 Laws of Florida, transitioning references from community  
 431 colleges to Florida College System institutions.

432 Section 15. Subsection (3) of section 112.191, Florida  
 433 Statutes, as amended by section 2 of chapter 2002-232, Laws of  
 434 Florida, as amended by section 10 of chapter 2003-1, Laws of  
 435 Florida, as amended by section 17 of chapter 2004-357, Laws of  
 436 Florida, is amended to read:

437 112.191 Firefighters; death benefits.—

438 (3) If a firefighter is accidentally killed as specified  
 439 in paragraph (2)(b) on or after June 22, 1990, or unlawfully and  
 440 intentionally killed as specified in paragraph (2)(c), on or  
 441 after July 1, 1980, the state shall waive certain educational  
 442 expenses that children of the deceased firefighter incur while

443 obtaining a career certificate, an undergraduate education, or a  
444 graduate or postbaccalaureate professional degree. The amount  
445 waived by the state shall be an amount equal to the cost of  
446 tuition, matriculation, and other statutorily authorized fees  
447 for a total of 120 credit hours for a career certificate or an  
448 undergraduate education. For a child pursuing a graduate or  
449 postbaccalaureate professional degree, the amount waived shall  
450 equal the cost of matriculation and other statutorily authorized  
451 fees incurred while the child continues to fulfill the  
452 professional requirements associated with the graduate or  
453 postbaccalaureate professional degree program, and eligibility  
454 continues until the child's 29th birthday. The child may attend  
455 a state career center, a Florida College System institution  
456 ~~state community college~~, or a state university. The child may  
457 attend any or all of the institutions specified in this  
458 subsection, on either a full-time or part-time basis. For a  
459 child pursuing a career certificate or an undergraduate  
460 education, the benefits provided under this subsection shall  
461 continue to such a child until the child's 25th birthday. To be  
462 eligible for the benefits provided under this subsection for  
463 enrollment in a graduate or postbaccalaureate professional  
464 degree program, the child must be a state resident, as defined  
465 in s. 1009.21, at the time of enrollment.

466 (a) Upon failure of any child benefited by the provisions  
467 of this section to comply with the ordinary and minimum  
468 requirements of the institution attended, both as to discipline

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469 and scholarship, the benefits thereof shall be withdrawn as to  
470 the child and no further moneys expended for the child's  
471 benefits so long as such failure or delinquency continues.

472 (b) Only students in good standing in their respective  
473 institutions shall receive the benefits thereof.

474 (c) All children receiving benefits under this section  
475 shall be enrolled according to the customary rules and  
476 requirements of the institution attended.

477 Reviser's note.—Amended to conform a reference to a state  
478 community college to changes in chs. 2008-52 and 2009-228,  
479 Laws of Florida, transitioning references from community  
480 colleges to Florida College System institutions.

481 Section 16. Paragraph (d) of subsection (3) of section  
482 112.1915, Florida Statutes, is amended to read:

483 112.1915 Teachers and school administrators; death  
484 benefits.—Any other provision of law to the contrary  
485 notwithstanding:

486 (3) If a teacher or school administrator dies under the  
487 conditions in subsection (2), benefits shall be provided as  
488 follows:

489 (d) Waiver of certain educational expenses which children  
490 of the deceased teacher or school administrator incur while  
491 obtaining a career certificate or an undergraduate education  
492 shall be according to conditions set forth in this paragraph.  
493 The amount waived by the state shall be an amount equal to the  
494 cost of tuition and matriculation and registration fees for a

495 total of 120 credit hours at a university. The child may attend  
496 a state career center, a Florida College System institution  
497 ~~state community college~~, or a state university. The child may  
498 attend any or all of the institutions specified in this  
499 paragraph, on either a full-time or part-time basis. The  
500 benefits provided under this paragraph shall continue to the  
501 child until the child's 25th birthday.

502 1. Upon failure of any child benefited by the provisions  
503 of this paragraph to comply with the ordinary and minimum  
504 requirements of the institution attended, both as to discipline  
505 and scholarship, the benefits shall be withdrawn as to the child  
506 and no further moneys may be expended for the child's benefits  
507 so long as such failure or delinquency continues.

508 2. A student who becomes eligible for benefits under the  
509 provisions of this paragraph while enrolled in an institution  
510 must be in good standing with the institution to receive the  
511 benefits provided herein.

512 3. A child receiving benefits under this paragraph must be  
513 enrolled according to the customary rules and requirements of  
514 the institution attended.

515 Reviser's note.—Amended to conform a reference to a state  
516 community college to changes in chs. 2008-52 and 2009-228,  
517 Laws of Florida, transitioning references from community  
518 colleges to Florida College System institutions.

519 Section 17. Subsection (10) of section 112.3215, Florida  
520 Statutes, is amended to read:

521 112.3215 Lobbying before the executive branch or the  
 522 Constitution Revision Commission; registration and reporting;  
 523 investigation by commission.—

524 (10) If the Governor and Cabinet find that a violation  
 525 occurred, the Governor and Cabinet ~~it~~ may reprimand the  
 526 violator, censure the violator, or prohibit the violator from  
 527 lobbying all agencies for a period not to exceed 2 years. If the  
 528 violator is a lobbying firm, lobbyist, or principal, the  
 529 Governor and Cabinet may also assess a fine of not more than  
 530 \$5,000 to be deposited in the Executive Branch Lobby  
 531 Registration Trust Fund.

532 Reviser's note.—Amended to confirm the editorial substitution of  
 533 the words "the Governor and Cabinet" for the word "it" to  
 534 improve clarity.

535 Section 18. Paragraph (a) of subsection (1) of section  
 536 112.324, Florida Statutes, is amended to read:

537 112.324 Procedures on complaints of violations and  
 538 referrals; public records and meeting exemptions.—

539 (1) The commission shall investigate an alleged violation  
 540 of this part or other alleged breach of the public trust within  
 541 the jurisdiction of the commission as provided in s. 8(f), Art.  
 542 II of the State Constitution:

543 (a) Upon a written complaint executed on a form prescribed  
 544 by the commission and signed under oath or ~~of~~ affirmation by any  
 545 person; or

546

547 Within 5 days after receipt of a complaint by the commission or  
 548 a determination by at least six members of the commission that  
 549 the referral received is deemed sufficient, a copy shall be  
 550 transmitted to the alleged violator.

551 Reviser's note.—Amended to confirm the editorial substitution of  
 552 the word "or" for the word "of" to conform to context.

553 Section 19. Paragraph (b) of subsection (3) of section  
 554 117.05, Florida Statutes, is amended to read:

555 117.05 Use of notary commission; unlawful use; notary fee;  
 556 seal; duties; employer liability; name change; advertising;  
 557 photocopies; penalties.—

558 (3)

559 ~~(b) Any notary public whose term of appointment extends~~  
 560 ~~beyond January 1, 1992, is required to use a rubber stamp type~~  
 561 ~~notary public seal on paper documents only upon reappointment on~~  
 562 ~~or after January 1, 1992.~~

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

564 Section 20. Subsections (2), (3), and (4) of section  
 565 120.74, Florida Statutes, are amended to read:

566 120.74 Agency review, revision, and report.—

567 (2) ~~Beginning October 1, 1997, and~~ By October 1 of every  
 568 other year ~~thereafter~~, the head of each agency shall file a  
 569 report with the President of the Senate, the Speaker of the  
 570 House of Representatives, and the committee, with a copy to each  
 571 appropriate standing committee of the Legislature, which  
 572 certifies that the agency has complied with the requirements of

573 this section. The report must specify any changes made to its  
574 rules as a result of the review and, when appropriate, recommend  
575 statutory changes that will promote efficiency, reduce  
576 paperwork, or decrease costs to government and the private  
577 sector. The report must specifically address the economic impact  
578 of the rules on small business. The report must identify the  
579 types of cases or disputes in which the agency is involved which  
580 should be conducted under the summary hearing process described  
581 in s. 120.574.

582 (3) ~~Beginning in 2012, and~~ No later than July 1 of each  
583 year, each agency shall file with the President of the Senate,  
584 the Speaker of the House of Representatives, and the committee a  
585 regulatory plan identifying and describing each rule the agency  
586 proposes to adopt for the 12-month period beginning on the July  
587 1 reporting date and ending on the subsequent June 30, excluding  
588 emergency rules.

589 (4) ~~For the year 2011, the certification required in~~  
590 ~~subsection (2) may omit any information included in the reports~~  
591 ~~provided under s. 120.745.~~ Reporting under subsections (1) and  
592 (2) shall be suspended for the year 2013, but required reporting  
593 under those subsections shall resume in 2015 and biennially  
594 thereafter.

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

596 Section 21. Paragraph (c) of subsection (1) of section  
597 120.81, Florida Statutes, is amended to read:

598 120.81 Exceptions and special requirements; general

599 areas.—

600 (1) EDUCATIONAL UNITS.—

601 (c) Notwithstanding s. 120.52(16), any tests, test scoring  
 602 criteria, or testing procedures relating to student assessment  
 603 which are developed or administered by the Department of  
 604 Education pursuant to s. 1003.428, ~~s. 1003.429~~, s. 1003.438, s.  
 605 1008.22, or s. 1008.25, or any other statewide educational tests  
 606 required by law, are not rules.

607 Reviser's note.—Amended to conform to the repeal of s. 1003.429  
 608 by s. 20, ch. 2013-27, Laws of Florida.

609 Section 22. Paragraph (a) of subsection (4) of section  
 610 122.01, Florida Statutes, is amended to read:

611 122.01 State and County Officers and Employees' Retirement  
 612 System; consolidation; divisions.—

613 (4) (a) The State and County Officers and Employees'  
 614 Retirement System shall be deemed to be divided into two  
 615 divisions to be designated division A and division B.

616 1. Division A of this system shall consist of those  
 617 members of the system who were employed prior to July 1, 1963,  
 618 who did not elect to become members of division B; and ss.  
 619 122.01-122.12 ~~122.01-122.13~~, 122.15, 122.16, 122.18 to 122.20,  
 620 inclusive and ss. 122.34 to 122.35, inclusive shall control with  
 621 respect to division A and membership therein.

622 2. Division B of this system, established for the purposes  
 623 and within the contemplation of s. 218(d) (6) of the federal  
 624 Social Security Act [42 U.S.C.A. s. 418(d) (6)] for the purpose



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625 of affording to the members of said division B the opportunity  
626 to obtain federal social security coverage, shall consist of  
627 those members of the system who elected to or were required to  
628 become members of division B, as hereinafter provided, and ss.  
629 122.21-122.24, 122.26 to 122.321 shall control with respect to  
630 division B and membership therein.

631 Reviser's note.—Amended to conform to the repeal of s. 122.13 by  
632 s. 12, ch. 2004-234, Laws of Florida.

633 Section 23. Section 122.22, Florida Statutes, is amended  
634 to read:

635 122.22 Applicable law.—Sections 122.01-122.12 ~~122.01-~~  
636 ~~122.13~~, 122.15, 122.16, 122.18 to 122.20, inclusive, in relation  
637 to administration of division B and to duties, rights,  
638 privileges and benefits of members of this division under this  
639 system, shall apply to said division B and membership therein,  
640 except to the extent that the provisions of ss. 122.21-122.24,  
641 122.26 to 122.321, inclusive, may be at variance or in conflict  
642 therewith.

643 Reviser's note.—Amended to conform to the repeal of s. 122.13 by  
644 s. 12, ch. 2004-234, Laws of Florida.

645 Section 24. Section 122.28, Florida Statutes, is amended  
646 to read:

647 122.28 Benefits.—The relevant provisions of ss. 122.01-  
648 122.12 ~~122.01-122.13~~, 122.15, 122.16, 122.18 to 122.20,  
649 inclusive, fixing or relating to eligibility for retirement,  
650 retirement compensation, and other benefits payable to members

651 or for the account of members of this system in relation to  
652 members in division A hereof, shall apply with equal force and  
653 effect to members of division B, with the following exceptions:

654 (1) For the period of service of the member prior to the  
655 effective date of his or her social security coverage hereunder,  
656 retirement benefits shall be computed on average final  
657 compensation at the rate of 2 percent for each year of service  
658 rendered prior to such effective date and as provided in s.  
659 122.08. For the period of membership in division B the member's  
660 retirement compensation shall be computed on average final  
661 compensation at the rate of 1.5 percent for each year of service  
662 rendered after the effective date of said social security  
663 coverage.

664 (2) Members of division B retiring under the disability  
665 provisions of this chapter shall receive not less than 20  
666 percent of their average final compensation.

667 (3) For those persons who become members of the retirement  
668 system on or after July 1, 1963, the amount of such retirement  
669 compensation shall not exceed that amount which when added to  
670 the member's estimated annual primary insurance amount under  
671 social security coverage equals 80 percent of his or her average  
672 final compensation. The estimated annual primary insurance  
673 amount of the member shall be determined by the administrator on  
674 the basis of the social security coverage in effect on the  
675 member's retirement date, assuming that payment of such primary  
676 insurance amount shall commence at the later of the member's

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677 65th birthday or actual age of retirement, and that the member  
678 earned his or her average final compensation in each year  
679 between the date of retirement and his or her 65th birthday for  
680 those members retiring prior to age 65.  
681 Reviser's note.—Amended to conform to the repeal of s. 122.13 by  
682 s. 12, ch. 2004-234, Laws of Florida.  
683 Section 25. Subsection (3) of section 163.3187, Florida  
684 Statutes, is amended to read:  
685 163.3187 Process for adoption of small-scale comprehensive  
686 plan amendment.—  
687 (3) If the small scale development amendment involves a  
688 site within a rural area of critical economic concern as defined  
689 under s. 288.0656(2)(d) for the duration of such designation,  
690 the 10-acre limit listed in subsection (1) shall be increased by  
691 100 percent to 20 acres. The local government approving the  
692 small scale plan amendment shall certify to the state land  
693 planning agency ~~Office of Tourism, Trade, and Economic~~  
694 ~~Development~~ that the plan amendment furthers the economic  
695 objectives set forth in the executive order issued under s.  
696 288.0656(7), and the property subject to the plan amendment  
697 shall undergo public review to ensure that all concurrency  
698 requirements and federal, state, and local environmental permit  
699 requirements are met.  
700 Reviser's note.—Amended to conform to the repeal of s. 14.2015,  
701 which created the Office of Tourism, Trade, and Economic  
702 Development, by s. 477, ch. 2011-142, Laws of Florida, and

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703 the transfer of the duties of that office to the Department  
704 of Economic Opportunity by s. 4, ch. 2011-142. Section  
705 163.3164, the definitions section for this material,  
706 defines "state land planning agency" as the Department of  
707 Economic Opportunity.

708 Section 26. Subsection (12) of section 163.3246, Florida  
709 Statutes, is amended to read:

710 163.3246 Local government comprehensive planning  
711 certification program.—

712 (12) A local government's certification shall be reviewed  
713 by the local government and the state land planning agency as  
714 part of the evaluation and appraisal process pursuant to s.  
715 163.3191. Within 1 year after the deadline for the local  
716 government to update its comprehensive plan based on the  
717 evaluation and appraisal ~~report~~, the state land planning agency  
718 shall renew or revoke the certification. The local government's  
719 failure to timely adopt necessary amendments to update its  
720 comprehensive plan based on an evaluation and appraisal, which  
721 are found to be in compliance by the state land planning agency,  
722 shall be cause for revoking the certification agreement. The  
723 state land planning agency's decision to renew or revoke shall  
724 be considered agency action subject to challenge under s.  
725 120.569.

726 Reviser's note.—Amended to delete an obsolete provision. The  
727 evaluation and report requirement was deleted from s.  
728 163.3191 by s. 20, ch. 2011-139, Laws of Florida; s.

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729 163.3191 continues to reference evaluation and appraisal.

730 Section 27. Subsection (2) of section 196.075, Florida  
 731 Statutes, is amended to read:

732 196.075 Additional homestead exemption for persons 65 and  
 733 older.—

734 (2) In accordance with s. 6(d), Art. VII of the State  
 735 Constitution, the board of county commissioners of any county or  
 736 the governing authority of any municipality may adopt an  
 737 ordinance to allow either or both of the following ~~an~~ additional  
 738 homestead exemptions:

739 (a) Up to \$50,000 for any person who has the legal or  
 740 equitable title to real estate and maintains thereon the  
 741 permanent residence of the owner, who has attained age 65, and  
 742 whose household income does not exceed \$20,000; or

743 (b) The amount of the assessed value of the property for  
 744 any person who has the legal or equitable title to real estate  
 745 with a just value less than \$250,000 and has maintained thereon  
 746 the permanent residence of the owner for at least 25 years, who  
 747 has attained age 65, and whose household income does not exceed  
 748 the income limitation prescribed in paragraph (a), as calculated  
 749 in subsection (3).

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

752 Section 28. Paragraph (b) of subsection (1) of section  
 753 206.414, Florida Statutes, is amended to read:

754 206.414 Collection of certain taxes; prohibited credits

755 and refunds.—

756 (1) Notwithstanding s. 206.41, which requires the  
 757 collection of taxes due when motor fuel is removed through the  
 758 terminal loading rack, the taxes imposed by s. 206.41(1)(d),  
 759 (e), and (f) shall be collected in the following manner:

760 (b) The minimum tax imposed by s. 206.41(1)(d), (e), and  
 761 (f) shall be collected in the same manner as the taxes imposed  
 762 under s. 206.41(1)(a), (b), and (c) ~~206.41(a), (b), and (c)~~; at  
 763 the point of removal through the terminal loading rack; or as  
 764 provided in paragraph (c). All taxes collected, refunded, or  
 765 credited shall be distributed based on the current applied  
 766 period.

767 Reviser's note.—Amended to substitute a reference to s.

768 206.41(1)(a), (b), and (c) for a reference to s. 206.41(a),  
 769 (b), and (c) to conform to the complete citation of the  
 770 provisions in s. 206.41 providing for the imposition of  
 771 specified motor fuel taxes.

772 Section 29. Paragraph (d) of subsection (1) of section  
 773 206.606, Florida Statutes, is amended to read:

774 206.606 Distribution of certain proceeds.—

775 (1) Moneys collected pursuant to ss. 206.41(1)(g) and  
 776 206.87(1)(e) shall be deposited in the Fuel Tax Collection Trust  
 777 Fund. Such moneys, after deducting the service charges imposed  
 778 by s. 215.20, the refunds granted pursuant to s. 206.41, and the  
 779 administrative costs incurred by the department in collecting,  
 780 administering, enforcing, and distributing the tax, which

781 administrative costs may not exceed 2 percent of collections,  
 782 shall be distributed monthly to the State Transportation Trust  
 783 Fund, except that:

784 (d) \$13.4 million in fiscal year 2007-2008 and each fiscal  
 785 year thereafter ~~A portion~~ of the moneys attributable to the sale  
 786 of motor and diesel fuel at marinas shall be transferred from  
 787 the Fuel Tax Collection Trust Fund to the Marine Resources  
 788 Conservation Trust Fund in the Fish and Wildlife Conservation  
 789 Commission ~~as follows:~~

- 790 1. ~~\$2.5 million in fiscal year 2003-2004;~~
- 791 2. ~~\$5.0 million in fiscal year 2004-2005;~~
- 792 3. ~~\$8.5 million in fiscal year 2005-2006;~~
- 793 4. ~~\$10.9 million in fiscal year 2006-2007; and~~
- 794 5. ~~\$13.4 million in fiscal year 2007-2008 and each fiscal~~  
 795 ~~year thereafter.~~

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

797 Section 30. Paragraph (c) of subsection (1) of section  
 798 215.618, Florida Statutes, is amended to read:

799 215.618 Bonds for acquisition and improvement of land,  
 800 water areas, and related property interests and resources.—

801 (1)

802 ~~(c) By February 1, 2010, the Legislature shall complete an~~  
 803 ~~analysis of potential revenue sources for the Florida Forever~~  
 804 ~~program.~~

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

806 Section 31. Paragraph (a) of subsection (3) of section

807 215.89, Florida Statutes, is amended to read:

808 215.89 Charts of account.—

809 (3) REPORTING STRUCTURE.—

810 ~~(a) Beginning October 1, 2011, the Chief Financial Officer~~  
 811 ~~shall conduct workshops with state agencies, local governments,~~  
 812 ~~educational entities, and entities of higher education to gather~~  
 813 ~~information pertaining to uniform statewide reporting~~  
 814 ~~requirements to be used to develop charts of account by the~~  
 815 ~~Chief Financial Officer. A draft proposed charts of account~~  
 816 ~~shall be provided by July 1, 2013, to the state agencies, local~~  
 817 ~~governments, educational entities, and entities of higher~~  
 818 ~~education.~~

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

820 Section 32. Subsection (6) of section 243.52, Florida  
 821 Statutes, is amended to read:

822 243.52 Definitions.—As used in ss. 243.50-243.77, the  
 823 term:

824 (6) "Institution of higher education" means an independent  
 825 nonprofit college or university which is located in and  
 826 chartered by the state; which is accredited by the Commission on  
 827 Colleges of the Southern Association of Colleges and Schools;  
 828 which grants baccalaureate degrees; and which is not a state  
 829 university or Florida College System institution ~~state community~~  
 830 ~~college.~~

831 Reviser's note.—Amended to conform a reference to a state  
 832 community college to changes in chs. 2008-52 and 2009-228,



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833           Laws of Florida, transitioning references from community  
834           colleges to Florida College System institutions.

835           Section 33. Paragraph (a) of subsection (8) and  
836           subsections (10) and (13) of section 253.034, Florida Statutes,  
837           are amended to read:

838           253.034 State-owned lands; uses.—

839           (8) (a) The Legislature recognizes the value of the state's  
840           conservation lands as water recharge areas and air filters ~~and,~~  
841           ~~in an effort to better understand the scientific underpinnings~~  
842           ~~of carbon sequestration, carbon capture, and greenhouse gas~~  
843           ~~mitigation, to inform policymakers and decisionmakers, and to~~  
844           ~~provide the infrastructure for landowners, the Division of State~~  
845           ~~Lands shall contract with an organization experienced and~~  
846           ~~specialized in carbon sinks and emission budgets to conduct an~~  
847           ~~inventory of all lands that were acquired pursuant to~~  
848           ~~Preservation 2000 and Florida Forever and that were titled in~~  
849           ~~the name of the Board of Trustees of the Internal Improvement~~  
850           ~~Trust Fund. The inventory shall determine the value of carbon~~  
851           ~~capture and carbon sequestration. Such inventory shall consider~~  
852           ~~potential carbon offset values of changes in land management~~  
853           ~~practices, including, but not limited to, replanting of trees,~~  
854           ~~routine prescribed burns, and land use conversion. Such an~~  
855           ~~inventory shall be completed and presented to the board of~~  
856           ~~trustees by July 1, 2009.~~

857           (10) The following additional uses of conservation lands  
858           acquired pursuant to the Florida Forever program and other

859 state-funded conservation land purchase programs shall be  
 860 authorized, upon a finding by the board of trustees, if they  
 861 meet the criteria specified in paragraphs (a)-(e): water  
 862 resource development projects, water supply development  
 863 projects, stormwater management projects, linear facilities, and  
 864 sustainable agriculture and forestry. Such additional uses are  
 865 authorized where:

866 (a) Not inconsistent with the management plan for such  
 867 lands;

868 (b) Compatible with the natural ecosystem and resource  
 869 values of such lands;

870 (c) The proposed use is appropriately located on such  
 871 lands and where due consideration is given to the use of other  
 872 available lands;

873 (d) The using entity reasonably compensates the  
 874 titleholder for such use based upon an appropriate measure of  
 875 value; and

876 (e) The use is consistent with the public interest.  
 877

878 A decision by the board of trustees pursuant to this section  
 879 shall be given a presumption of correctness. Moneys received  
 880 from the use of state lands pursuant to this section shall be  
 881 returned to the lead managing entity in accordance with the  
 882 provisions of s. 259.032(11)(c) ~~259.032(11)(d)~~.

883 ~~(13) By February 1, 2010, the commission shall submit a~~  
 884 ~~report to the President of the Senate and the Speaker of the~~

885 ~~House of Representatives on the efficacy of using state-owned~~  
 886 ~~lands to protect, manage, or restore habitat for native or~~  
 887 ~~imperiled species. This subsection expires July 1, 2014.~~

888 Reviser's note.—Paragraph (8) (a) and subsection (13) are amended  
 889 to delete obsolete provisions. Subsection (10) is amended  
 890 to conform to the redesignation of s. 259.032(11) (d) as s.  
 891 259.032(11) (c) as a result of the repeal of former s.  
 892 259.032(11) (c) by s. 36, ch. 2013-15, Laws of Florida.  
 893 Section 34. Subsection (1) of section 253.66, Florida  
 894 Statutes, is amended to read:

895 253.66 Change in bulkhead lines, Pinellas County.—  
 896 (1) As soon as a county bulkhead line as provided in s.  
 897 253.1221 ~~253.122~~ has been fixed by the water and navigation  
 898 control authority of Pinellas County around the mainland of the  
 899 county and the offshore islands therein, and the bulkhead line  
 900 has been formally approved by the Board of Trustees of the  
 901 Internal Improvement Trust Fund of the state, all in accordance  
 902 with the provisions of s. 253.1221 ~~253.122~~, no further change in  
 903 said bulkhead line shall be made notwithstanding the provisions  
 904 of s. 253.1221 ~~253.122~~.

905 Reviser's note.—Amended to confirm the editorial substitution of  
 906 a reference to s. 253.1221 for a reference to s. 253.122,  
 907 which was repealed by s. 26, ch. 75-22, Laws of Florida.  
 908 Section 253.1221 deals with the reestablishment of bulkhead  
 909 lines that were previously established by s. 253.122.  
 910 Section 35. Subsection (2) of section 255.60, Florida

911 Statutes, is amended to read:

912       255.60 Special contracts with charitable or not-for-profit  
 913 organizations.—The state, the governing body of any political  
 914 subdivision of the state, or a public-private partnership is  
 915 authorized, but not required, to contract for public service  
 916 work with a not-for-profit organization or charitable youth  
 917 organization, notwithstanding competitive sealed bid procedures  
 918 required under this chapter, chapter 287, or any municipal or  
 919 county charter, upon compliance with this section.

920       (2) The contract, if approved by authorized agency  
 921 personnel of the state, ~~or~~ the governing body of a political  
 922 subdivision, or the public-private partnership, as appropriate,  
 923 must provide at a minimum that:

924       (a) For youth organizations, labor shall be performed  
 925 exclusively by at-risk youth and their direct supervisors; and  
 926 shall not be subject to subcontracting.

927       (b) For the preservation, maintenance, and improvement of  
 928 park land, the property must be at least 20 acres with  
 929 contiguous public facilities that are capable of seating at  
 930 least 5,000 people in a permanent structure.

931       (c) For public education buildings, the building must be  
 932 at least 90,000 square feet.

933       (d) Payment must be production-based.

934       (e) The contract will terminate should the contractor or  
 935 supplier no longer qualify under subsection (1).

936       (f) The supplier or contractor has instituted a drug-free

937 workplace program substantially in compliance with the  
 938 provisions of s. 287.087.

939 (g) The contractor or supplier agrees to be subject to  
 940 review and audit at the discretion of the Auditor General in  
 941 order to ensure that the contractor or supplier has complied  
 942 with this section.

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

945 Section 36. Paragraph (b) of subsection (3) of section  
 946 259.037, Florida Statutes, is amended to read:

947 259.037 Land Management Uniform Accounting Council.—

948 (3)

949 (b) Each reporting agency shall also:

950 1. Include a report of the available public use  
 951 opportunities for each management unit of state land, the total  
 952 management cost for public access and public use, and the cost  
 953 associated with each use option.

954 2. List the acres of land requiring minimal management  
 955 effort, moderate management effort, and significant management  
 956 effort pursuant to former s. 259.032(11)(c). For each category  
 957 created in paragraph (a), the reporting agency shall include the  
 958 amount of funds requested, the amount of funds received, and the  
 959 amount of funds expended for land management.

960 3. List acres managed and cost of management for each  
 961 park, preserve, forest, reserve, or management area.

962 4. List acres managed, cost of management, and lead

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963 manager for each state lands management unit for which secondary  
964 management activities were provided.

965 5. Include a report of the estimated calculable financial  
966 benefits to the public for the ecosystem services provided by  
967 conservation lands, based on the best readily available  
968 information or science that provides a standard measurement  
969 methodology to be consistently applied by the land managing  
970 agencies. Such information may include, but need not be limited  
971 to, the value of natural lands for protecting the quality and  
972 quantity of drinking water through natural water filtration and  
973 recharge, contributions to protecting and improving air quality,  
974 benefits to agriculture through increased soil productivity and  
975 preservation of biodiversity, and savings to property and lives  
976 through flood control.

977 Reviser's note.—Amended to conform to the repeal of s.

978 259.032(11)(c) by s. 36, ch. 2013-15, Laws of Florida.

979 Section 37. Paragraph (a) of subsection (2) of section  
980 259.105, Florida Statutes, is amended to read:

981 259.105 The Florida Forever Act.—

982 (2)(a) The Legislature finds and declares that:

983 1. Land acquisition programs have provided tremendous  
984 financial resources for purchasing environmentally significant  
985 lands to protect those lands from imminent development or  
986 alteration, thereby ensuring present and future generations'  
987 access to important waterways, open spaces, and recreation and  
988 conservation lands.

989           2. The continued alteration and development of Florida's  
990 natural and rural areas to accommodate the state's growing  
991 population have contributed to the degradation of water  
992 resources, the fragmentation and destruction of wildlife  
993 habitats, the loss of outdoor recreation space, and the  
994 diminishment of wetlands, forests, working landscapes, and  
995 coastal open space.

996           3. The potential development of Florida's remaining  
997 natural areas and escalation of land values require government  
998 efforts to restore, bring under public protection, or acquire  
999 lands and water areas to preserve the state's essential  
1000 ecological functions and invaluable quality of life.

1001           4. It is essential to protect the state's ecosystems by  
1002 promoting a more efficient use of land, to ensure opportunities  
1003 for viable agricultural activities on working lands, and to  
1004 promote vital rural and urban communities that support and  
1005 produce development patterns consistent with natural resource  
1006 protection.

1007           5. Florida's groundwater, surface waters, and springs are  
1008 under tremendous pressure due to population growth and economic  
1009 expansion and require special protection and restoration  
1010 efforts, including the protection of uplands and springsheds  
1011 that provide vital recharge to aquifer systems and are critical  
1012 to the protection of water quality and water quantity of the  
1013 aquifers and springs. To ensure that sufficient quantities of  
1014 water are available to meet the current and future needs of the

1015 natural systems and citizens of the state, and assist in  
1016 achieving the planning goals of the department and the water  
1017 management districts, water resource development projects on  
1018 public lands, where compatible with the resource values of and  
1019 management objectives for the lands, are appropriate.

1020 6. The needs of urban, suburban, and small communities in  
1021 Florida for high-quality outdoor recreational opportunities,  
1022 greenways, trails, and open space have not been fully met by  
1023 previous acquisition programs. Through such programs as the  
1024 Florida Communities Trust and the Florida Recreation Development  
1025 Assistance Program, the state shall place additional emphasis on  
1026 acquiring, protecting, preserving, and restoring open space,  
1027 ecological greenways, and recreation properties within urban,  
1028 suburban, and rural areas where pristine natural communities or  
1029 water bodies no longer exist because of the proximity of  
1030 developed property.

1031 7. Many of Florida's unique ecosystems, such as the  
1032 Florida Everglades, are facing ecological collapse due to  
1033 Florida's burgeoning population growth and other economic  
1034 activities. To preserve these valuable ecosystems for future  
1035 generations, essential parcels of land must be acquired to  
1036 facilitate ecosystem restoration.

1037 8. Access to public lands to support a broad range of  
1038 outdoor recreational opportunities and the development of  
1039 necessary infrastructure, where compatible with the resource  
1040 values of and management objectives for such lands, promotes an



1041 appreciation for Florida's natural assets and improves the  
1042 quality of life.

1043 9. Acquisition of lands, in fee simple, less-than-fee  
1044 interest, or other techniques shall be based on a comprehensive  
1045 science-based assessment of Florida's natural resources which  
1046 targets essential conservation lands by prioritizing all current  
1047 and future acquisitions based on a uniform set of data and  
1048 planned so as to protect the integrity and function of  
1049 ecological systems and working landscapes, and provide multiple  
1050 benefits, including preservation of fish and wildlife habitat,  
1051 recreation space for urban and rural areas, and the restoration  
1052 of natural water storage, flow, and recharge.

1053 10. The state has embraced performance-based program  
1054 budgeting as a tool to evaluate the achievements of publicly  
1055 funded agencies, build in accountability, and reward those  
1056 agencies which are able to consistently achieve quantifiable  
1057 goals. While previous and existing state environmental programs  
1058 have achieved varying degrees of success, few of these programs  
1059 can be evaluated as to the extent of their achievements,  
1060 primarily because performance measures, standards, outcomes, and  
1061 goals were not established at the outset. Therefore, the Florida  
1062 Forever program shall be developed and implemented in the  
1063 context of measurable state goals and objectives.

1064 11. The state must play a major role in the recovery and  
1065 management of its imperiled species through the acquisition,  
1066 restoration, enhancement, and management of ecosystems that can

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1067 support the major life functions of such species. It is the  
1068 intent of the Legislature to support local, state, and federal  
1069 programs that result in net benefit to imperiled species habitat  
1070 by providing public and private land owners meaningful  
1071 incentives for acquiring, restoring, managing, and repopulating  
1072 habitats for imperiled species. It is the further intent of the  
1073 Legislature that public lands, both existing and to be acquired,  
1074 identified by the lead land managing agency, in consultation  
1075 with the Florida Fish and Wildlife Conservation Commission for  
1076 animals or the Department of Agriculture and Consumer Services  
1077 for plants, as habitat or potentially restorable habitat for  
1078 imperiled species, be restored, enhanced, managed, and  
1079 repopulated as habitat for such species to advance the goals and  
1080 objectives of imperiled species management consistent with the  
1081 purposes for which such lands are acquired without restricting  
1082 other uses identified in the management plan. It is also the  
1083 intent of the Legislature that of the proceeds distributed  
1084 pursuant to subsection (3), additional consideration be given to  
1085 acquisitions that achieve a combination of conservation goals,  
1086 including the restoration, enhancement, management, or  
1087 repopulation of habitat for imperiled species. The Acquisition  
1088 and Restoration Council, in addition to the criteria in  
1089 subsection (9), shall give weight to projects that include  
1090 acquisition, restoration, management, or repopulation of habitat  
1091 for imperiled species. The term "imperiled species" as used in  
1092 this chapter and chapter 253, means plants and animals that are

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1093 federally listed under the Endangered Species Act, or state-  
1094 listed by the Fish and Wildlife Conservation Commission or the  
1095 Department of Agriculture and Consumer Services.

1096 a. As part of the state's role, all state lands that have  
1097 imperiled species habitat shall include as a consideration in  
1098 management plan development the restoration, enhancement,  
1099 management, and repopulation of such habitats. In addition, the  
1100 lead land managing agency of such state lands may use fees  
1101 received from public or private entities for projects to offset  
1102 adverse impacts to imperiled species or their habitat in order  
1103 to restore, enhance, manage, repopulate, or acquire land and to  
1104 implement land management plans developed under s. 253.034 or a  
1105 land management prospectus developed and implemented under this  
1106 chapter. Such fees shall be deposited into a foundation or fund  
1107 created by each land management agency under s. 379.223, s.  
1108 589.012, or s. 259.032(11)(c) ~~259.032(11)(d)~~, to be used solely  
1109 to restore, manage, enhance, repopulate, or acquire imperiled  
1110 species habitat.

1111 b. Where habitat or potentially restorable habitat for  
1112 imperiled species is located on state lands, the Fish and  
1113 Wildlife Conservation Commission and the Department of  
1114 Agriculture and Consumer Services shall be included on any  
1115 advisory group required under chapter 253, and the short-term  
1116 and long-term management goals required under chapter 253 must  
1117 advance the goals and objectives of imperiled species management  
1118 consistent with the purposes for which the land was acquired

1119 without restricting other uses identified in the management  
 1120 plan.

1121 12. There is a need to change the focus and direction of  
 1122 the state's major land acquisition programs and to extend  
 1123 funding and bonding capabilities, so that future generations may  
 1124 enjoy the natural resources of this state.

1125 Reviser's note.—Amended to conform to the redesignation of s.

1126 259.032(11)(d) as s. 259.032(11)(c) as a result of the  
 1127 repeal of former s. 259.032(11)(c) by s. 36, ch. 2013-15,  
 1128 Laws of Florida.

1129 Section 38. Section 265.601, Florida Statutes, is amended  
 1130 to read:

1131 265.601 Cultural Endowment Program; short title.—Sections  
 1132 265.601-265.606 ~~265.601-265.607~~ may be cited as the "Cultural  
 1133 Endowment Program."

1134 Reviser's note.—Amended to conform to the repeal of s. 265.607  
 1135 by s. 141, ch. 2001-266, Laws of Florida.

1136 Section 39. Section 265.603, Florida Statutes, is amended  
 1137 to read:

1138 265.603 Definitions relating to Cultural Endowment  
 1139 Program.—The following terms and phrases when used in ss.  
 1140 265.601-265.606 ~~265.601-265.607~~ shall have the meaning ascribed  
 1141 to them in this section, except where the context clearly  
 1142 indicates a different meaning:

- 1143 (1) "Department" means the Department of State.
- 1144 (2) "Division" means the Division of Cultural Affairs of

1145 the Department of State.

1146 (3) "Cultural" means the disciplines of dance, music,  
 1147 theater, visual arts, literature, media arts, interdisciplinary  
 1148 and multidisciplinary, and programs of museums.

1149 (4) "Secretary" means the Secretary of State.

1150 (5) "Sponsoring organization" means a cultural  
 1151 organization which:

1152 (a) Is designated as not for profit pursuant to s.  
 1153 501(c)(3) or (4) of the Internal Revenue Code of 1954;

1154 (b) Is described in, and allowed to receive contributions  
 1155 pursuant to, the provisions of s. 170 of the Internal Revenue  
 1156 Code of 1954;

1157 (c) Is a corporation not for profit incorporated pursuant  
 1158 to chapter 617; and

1159 (d) Is primarily and directly responsible for conducting,  
 1160 creating, producing, presenting, staging, or sponsoring a  
 1161 cultural exhibit, performance, or event. This provision includes  
 1162 museums owned and operated by political subdivisions of the  
 1163 state, except those constituted pursuant to s. 1004.67.

1164 Reviser's note.—Amended to conform to the repeal of s. 265.607

1165 by s. 141, ch. 2001-266, Laws of Florida.

1166 Section 40. Subsection (3) of section 285.18, Florida  
 1167 Statutes, is amended to read:

1168 285.18 Tribal council as governing body; powers and  
 1169 duties.—

1170 (3) The law enforcement agencies of the Seminole Tribe of

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1171 Florida and the Miccosukee Tribe of Indians of Florida shall  
1172 have the authority of "criminal justice agencies" as defined in  
1173 s. 943.045(11)(e) ~~945.045(11)(e)~~ and shall have the specific  
1174 authority to negotiate agreements with the Department of Law  
1175 Enforcement, the United States Department of Justice, and other  
1176 federal law enforcement agencies for access to criminal history  
1177 records for the purpose of conducting ongoing criminal  
1178 investigations and for the following governmental purposes:

1179 (a) Background investigations, which are required for  
1180 employment by a tribal education program, tribal Head Start  
1181 program, or tribal day care program as may be required by state  
1182 or federal law.

1183 (b) Background investigations, which are required for  
1184 employment by tribal law enforcement agencies.

1185 (c) Background investigations, which are required for  
1186 employment by a tribal government.

1187 (d) Background investigations with respect to all  
1188 employees, primary management officials, and all persons having  
1189 a financial interest in a class II Indian tribal gaming  
1190 enterprise to ensure eligibility as provided in the Indian  
1191 Gaming Regulatory Act, 25 U.S.C. ss. 2701 et al.

1192  
1193 With regard to those investigations authorized in paragraphs  
1194 (a), (c), and (d), each such individual shall file a complete  
1195 set of his or her fingerprints that have been taken by an  
1196 authorized law enforcement officer, which set of fingerprints

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1197 shall be submitted to the Department of Law Enforcement for  
1198 state processing and to the Federal Bureau of Investigation for  
1199 federal processing. The cost of processing shall be borne by the  
1200 applicant.

1201 Reviser's note.—Amended to correct an apparent typographical  
1202 error. Section 945.045 was transferred to s. 946.001 in  
1203 1983 and repealed by s. 27, ch. 85-288, Laws of Florida.  
1204 Section 14, ch. 2013-116, Laws of Florida, amended s.  
1205 943.045, including redesignating subsection (10) as  
1206 subsection (11); that subsection defines "criminal justice  
1207 agency" and contains paragraphs, including paragraph (e).  
1208 Section 37, ch. 2013-116, revised the reference in s.  
1209 285.18 from "s. 943.045(10) (e)" to "s. 945.045(11) (e)" in  
1210 an attempt to conform the changes in s. 14, ch. 2013-116.  
1211 Section 41. Subsection (1) of section 287.064, Florida  
1212 Statutes, is amended to read:

1213 287.064 Consolidated financing of deferred-payment  
1214 purchases.—

1215 (1) The Division of Bond Finance of the State Board of  
1216 Administration and the Chief Financial Officer shall plan and  
1217 coordinate deferred-payment purchases made by or on behalf of  
1218 the state or its agencies or by or on behalf of state  
1219 universities or Florida College System institutions ~~state~~  
1220 ~~community colleges~~ participating under this section pursuant to  
1221 s. 1001.706(7) or s. 1001.64(26), respectively. The Division of  
1222 Bond Finance shall negotiate and the Chief Financial Officer

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1223 shall execute agreements and contracts to establish master  
1224 equipment financing agreements for consolidated financing of  
1225 deferred-payment, installment sale, or lease purchases with a  
1226 financial institution or a consortium of financial institutions.  
1227 As used in this act, the term "deferred-payment" includes  
1228 installment sale and lease-purchase.

1229 (a) The period during which equipment may be acquired  
1230 under any one master equipment financing agreement shall be  
1231 limited to not more than 3 years.

1232 (b) Repayment of the whole or a part of the funds drawn  
1233 pursuant to the master equipment financing agreement may  
1234 continue beyond the period established pursuant to paragraph  
1235 (a).

1236 (c) The interest rate component of any master equipment  
1237 financing agreement shall be deemed to comply with the interest  
1238 rate limitation imposed in s. 287.063 so long as the interest  
1239 rate component of every interagency, state university, or  
1240 community college agreement entered into under such master  
1241 equipment financing agreement complies with the interest rate  
1242 limitation imposed in s. 287.063. Such interest rate limitation  
1243 does not apply when the payment obligation under the master  
1244 equipment financing agreement is rated by a nationally  
1245 recognized rating service in any one of the three highest  
1246 classifications, which rating services and classifications are  
1247 determined pursuant to rules adopted by the Chief Financial  
1248 Officer.



1249 Reviser's note.—Amended to conform a reference to state  
 1250 community colleges to changes in chs. 2008-52 and 2009-228,  
 1251 Laws of Florida, transitioning references from community  
 1252 colleges to Florida College System institutions.

1253 Section 42. Subsection (8) of section 287.135, Florida  
 1254 Statutes, is amended to read:

1255 287.135 Prohibition against contracting with scrutinized  
 1256 companies.—

1257 ~~(8) The department shall submit to the Attorney General of~~  
 1258 ~~the United States a written notice:~~

1259 ~~(a) Describing this section within 30 days after July 1,~~  
 1260 ~~2011.~~

1261 ~~(b) Within 30 days after July 1, 2012, apprising the~~  
 1262 ~~Attorney General of the United States of the inclusion of~~  
 1263 ~~companies with business operations in Cuba or Syria within the~~  
 1264 ~~provisions of this section.~~

1265 Reviser's note.—Amended to delete an obsolete provision.

1266 Section 43. Subsection (2) of section 288.001, Florida  
 1267 Statutes, is amended to read:

1268 288.001 The Florida Small Business Development Center  
 1269 Network—

1270 (2) DEFINITIONS.—As used in this section, the term:

1271 (a) "Board of Governors" means ~~is~~ the Board of Governors  
 1272 of the State University System.

1273 (b) "Host institution" means ~~is~~ the university designated  
 1274 by the Board of Governors to be the recipient organization in

1275 accordance with 13 C.F.R. s. 130.200.  
 1276 Reviser's note.—Amended to confirm the editorial substitution of  
 1277 the word "means" for the word "is" to conform to context.  
 1278 Section 44. Paragraph (b) of subsection (7) of section  
 1279 288.11621, Florida Statutes, is amended to read:  
 1280 288.11621 Spring training baseball franchises.—  
 1281 (7) STRATEGIC PLANNING.—  
 1282 ~~(b) The department shall submit a copy of the strategic~~  
 1283 ~~plan to the Governor, the President of the Senate, and the~~  
 1284 ~~Speaker of the House of Representatives by December 31, 2010.~~  
 1285 Reviser's note.—Amended to delete an obsolete provision.  
 1286 Section 45. Subsection (1) of section 288.7015, Florida  
 1287 Statutes, is amended to read:  
 1288 288.7015 Appointment of rules ombudsman; duties.—The  
 1289 Governor shall appoint a rules ombudsman, as defined in s.  
 1290 288.703, in the Executive Office of the Governor, for  
 1291 considering the impact of agency rules on the state's citizens  
 1292 and businesses. In carrying out duties as provided by law, the  
 1293 ombudsman shall consult with Enterprise Florida, Inc., at which  
 1294 point the department may recommend to improve the regulatory  
 1295 environment of this state. The duties of the rules ombudsman are  
 1296 to:  
 1297 (1) Carry out the responsibility provided in s.  
 1298 120.54(3)(b) ~~120.54(2)~~, with respect to small businesses.  
 1299 Reviser's note.—Amended to correct an apparent error and to  
 1300 conform to context. Section 120.54(2) relates to rule

1301 development; s. 120.54(3)(b) references responsibility in  
 1302 relation to small businesses.

1303 Section 46. Subsection (1) of section 288.9918, Florida  
 1304 Statutes, is amended to read:

1305 288.9918 Annual reporting by a community development  
 1306 entity.—

1307 (1) A community development entity that has issued a  
 1308 qualified investment shall submit an annual report to the  
 1309 department by January 31 after the end of each year which  
 1310 includes a credit allowance date. The report shall include  
 1311 information on investments made in the preceding calendar year  
 1312 to include but not be limited to the following:

1313 (a) The identity of the types of industries, identified by  
 1314 the North American Industry Classification System Code, in which  
 1315 qualified low-income community investments were made.

1316 (b) The names of the counties in which the qualified  
 1317 active low-income businesses are located which received  
 1318 qualified low-income community investments.

1319 (c) The number of jobs created and retained by qualified  
 1320 active low-income community businesses receiving qualified low-  
 1321 income community investments, including verification that the  
 1322 average wages paid meet or exceed 115 percent of the federal  
 1323 poverty income guidelines for a family of four.

1324 (d) A description of the relationships that the entity has  
 1325 established with community-based organizations and local  
 1326 community development offices and organizations and a summary of

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1327 the outcomes resulting from those relationships.

1328 (e) Other information and documentation required by the  
1329 department to verify continued certification as a qualified  
1330 community development entity under 26 U.S.C. s. 45D.

1331 Reviser's note.—Amended to confirm the editorial insertion of  
1332 the word "be" to improve clarity.

1333 Section 47. Section 290.00726, Florida Statutes, is  
1334 amended to read:

1335 290.00726 Enterprise zone designation for Martin County.—  
1336 Martin County may apply to the department for designation of one  
1337 enterprise zone for an area within Martin County, which zone  
1338 shall encompass an area of up to 10 square miles consisting of  
1339 land within the primary urban services boundary and focusing on  
1340 Indiantown, but excluding property owned by Florida Power and  
1341 Light to the west, two areas to the north designated as estate  
1342 residential, and the county-owned Timer Powers Recreational  
1343 Area. Within the designated enterprise zone, Martin County shall  
1344 exempt residential condominiums from benefiting from state  
1345 enterprise zone incentives, unless prohibited by law. ~~The~~  
1346 ~~application must have been submitted by December 31, 2011, and~~  
1347 ~~must comply with the requirements of s. 290.0055.~~

1348 Notwithstanding s. 290.0065 limiting the total number of  
1349 enterprise zones designated and the number of enterprise zones  
1350 within a population category, the department may designate one  
1351 enterprise zone under this section. The department shall  
1352 establish the initial effective date of the enterprise zone

1353 designated under this section.

1354 Reviser's note.—Amended to delete an obsolete provision.

1355 Section 48. Section 290.00727, Florida Statutes, is  
 1356 amended to read:

1357 290.00727 Enterprise zone designation for the City of Palm  
 1358 Bay.—The City of Palm Bay may apply to the department for  
 1359 designation of one enterprise zone for an area within the  
 1360 northeast portion of the city, which zone shall encompass an  
 1361 area of up to 5 square miles. ~~The application must have been~~  
 1362 ~~submitted by December 31, 2011, and must comply with the~~  
 1363 ~~requirements of s. 290.0055.~~ Notwithstanding s. 290.0065  
 1364 limiting the total number of enterprise zones designated and the  
 1365 number of enterprise zones within a population category, the  
 1366 department may designate one enterprise zone under this section.  
 1367 The department shall establish the initial effective date of the  
 1368 enterprise zone designated under this section.

1369 Reviser's note.—Amended to delete an obsolete provision.

1370 Section 49. Section 290.00728, Florida Statutes, is  
 1371 amended to read:

1372 290.00728 Enterprise zone designation for Lake County.—  
 1373 Lake County may apply to the department for designation of one  
 1374 enterprise zone, which zone shall encompass an area of up to 10  
 1375 square miles within Lake County. ~~The application must have been~~  
 1376 ~~submitted by December 31, 2011, and must comply with the~~  
 1377 ~~requirements of s. 290.0055.~~ Notwithstanding s. 290.0065  
 1378 limiting the total number of enterprise zones designated and the

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1379 number of enterprise zones within a population category, the  
 1380 department may designate one enterprise zone under this section.  
 1381 The department shall establish the initial effective date of the  
 1382 enterprise zone designated under this section.

1383 Reviser's note.—Amended to delete an obsolete provision.

1384 Section 50. Section 290.00729, Florida Statutes, is  
 1385 amended to read:

1386 290.00729 Enterprise zone designation for Charlotte  
 1387 County.—Charlotte County may apply to the Department of Economic  
 1388 Opportunity for designation of one enterprise zone encompassing  
 1389 an area not to exceed 20 square miles within Charlotte County.  
 1390 ~~The application must be submitted by December 31, 2012, and must~~  
 1391 ~~comply with the requirements in s. 290.0055.~~ Notwithstanding s.  
 1392 290.0065 limiting the total number of enterprise zones  
 1393 designated and the number of enterprise zones within a  
 1394 population category, the department may designate one enterprise  
 1395 zone under this section. The department shall establish the  
 1396 initial effective date of the enterprise zone designated under  
 1397 this section.

1398 Reviser's note.—Amended to delete an obsolete provision.

1399 Section 51. Section 290.00731, Florida Statutes, is  
 1400 amended to read:

1401 290.00731 Enterprise zone designation for Citrus County.—  
 1402 Citrus County may apply to the department for designation of one  
 1403 enterprise zone for an area within Citrus County. ~~The~~  
 1404 ~~application must be submitted by December 31, 2012, and must~~

1405 ~~comply with the requirements of s. 290.0055.~~ Notwithstanding s.  
 1406 290.0065 limiting the total number of enterprise zones  
 1407 designated and the number of enterprise zones within a  
 1408 population category, the department may designate one enterprise  
 1409 zone under this section. The department shall establish the  
 1410 initial effective date of the enterprise zone designated under  
 1411 this section.

1412 Reviser's note.—Amended to delete an obsolete provision.

1413 Section 52. Section 290.0074, Florida Statutes, is amended  
 1414 to read:

1415 290.0074 Enterprise zone designation for Sumter County.—  
 1416 Sumter County may apply to the department for designation of one  
 1417 enterprise zone encompassing an area not to exceed 10 square  
 1418 miles. ~~The application must be submitted by December 31, 2005.~~  
 1419 Notwithstanding the provisions of s. 290.0065 limiting the total  
 1420 number of enterprise zones designated and the number of  
 1421 enterprise zones within a population category, the department  
 1422 may designate one enterprise zone under this section. The  
 1423 department shall establish the initial effective date of the  
 1424 enterprise zone designated pursuant to this section.

1425 Reviser's note.—Amended to delete an obsolete provision.

1426 Section 53. Paragraph (a) of subsection (3) of section  
 1427 316.305, Florida Statutes, is amended to read:

1428 316.305 Wireless communications devices; prohibition.—

1429 (3) (a) A person may not operate a motor vehicle while  
 1430 manually typing or entering multiple letters, numbers, symbols,

1431 or other characters into a wireless communications device or  
 1432 while sending or reading data on ~~in~~ such a device for the  
 1433 purpose of nonvoice interpersonal communication, including, but  
 1434 not limited to, communication methods known as texting, e-  
 1435 mailing, and instant messaging. As used in this section, the  
 1436 term "wireless communications device" means any handheld device  
 1437 used or capable of being used in a handheld manner, that is  
 1438 designed or intended to receive or transmit text or character-  
 1439 based messages, access or store data, or connect to the Internet  
 1440 or any communications service as defined in s. 812.15 and that  
 1441 allows text communications. For the purposes of this paragraph,  
 1442 a motor vehicle that is stationary is not being operated and is  
 1443 not subject to the prohibition in this paragraph.

1444 Reviser's note.—Amended to confirm the editorial substitution of  
 1445 the word "on" for the word "in."

1446 Section 54. Subsection (12) of section 318.14, Florida  
 1447 Statutes, is amended to read:

1448 318.14 Noncriminal traffic infractions; exception;  
 1449 procedures.—

1450 (12) Any person cited for a violation of s. 316.1001 may,  
 1451 in lieu of making an election as set forth in subsection (4) ~~or~~  
 1452 ~~s. 318.18(7)~~, elect to pay a fine of \$25, or such other amount  
 1453 as imposed by the governmental entity owning the applicable toll  
 1454 facility, plus the amount of the unpaid toll that is shown on  
 1455 the traffic citation directly to the governmental entity that  
 1456 issued the citation, or on whose behalf the citation was issued,



1457 within 30 days after the date of issuance of the citation. Any  
 1458 person cited for a violation of s. 316.1001 who does not elect  
 1459 to pay the fine imposed by the governmental entity owning the  
 1460 applicable toll facility plus the amount of the unpaid toll that  
 1461 is shown on the traffic citation directly to the governmental  
 1462 entity that issued the citation, or on whose behalf the citation  
 1463 was issued, as described in this subsection shall have an  
 1464 additional 45 days after the date of the issuance of the  
 1465 citation in which to request a court hearing or to pay the civil  
 1466 penalty and delinquent fee, if applicable, as provided in s.  
 1467 318.18(7), either by mail or in person, in accordance with  
 1468 subsection (4).

1469 Reviser's note.—Amended to conform to the deletion of language  
 1470 pertaining to making an election from s. 318.18(7) by s.  
 1471 21, ch. 2007-196, Laws of Florida.

1472 Section 55. Paragraph (h) of subsection (6) of section  
 1473 318.1451, Florida Statutes, is amended to read:

1474 318.1451 Driver improvement schools.—

1475 (6) The department shall adopt rules establishing and  
 1476 maintaining policies and procedures to implement the  
 1477 requirements of this section. These policies and procedures may  
 1478 include, but shall not be limited to, the following:

1479 (h) *Miscellaneous requirements.*—The department shall  
 1480 require that all course providers:

1481 1. Disclose all fees associated with courses offered by  
 1482 the provider and associated driver improvement schools and not

1483 charge any fees that are not disclosed during registration.

1484 2. Provide proof of ownership, copyright, or written  
 1485 permission from the course owner to use the course in this  
 1486 state.

1487 3. Ensure that any course that is offered in a classroom  
 1488 setting, by the provider or a school authorized by the provider  
 1489 to teach the course, is offered ~~the course~~ at locations that are  
 1490 free from distractions and reasonably accessible to most  
 1491 applicants.

1492 4. Issue a certificate to persons who successfully  
 1493 complete the course.

1494 Reviser's note.—Amended to confirm the editorial deletion of the  
 1495 words "the course" to improve clarity.

1496 Section 56. Paragraph (a) of subsection (3) of section  
 1497 319.21, Florida Statutes, is amended to read:

1498 319.21 Necessity of manufacturer's statement of origin and  
 1499 certificate of title.—

1500 (3) Except as provided in s. 320.27(7), no person shall  
 1501 sell or otherwise dispose of a motor vehicle or mobile home  
 1502 without delivering to the purchaser or transferee thereof a  
 1503 certificate of title with such assignment thereon as may be  
 1504 necessary to show title in the name of the purchaser. No person  
 1505 shall purchase or otherwise acquire or bring into the state a  
 1506 motor vehicle or mobile home, except for a surviving spouse as  
 1507 provided by s. 319.28 or except for temporary use, unless such  
 1508 person obtains a certificate of title for it in his or her name

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1509 in accordance with the provisions of this chapter. However, any  
1510 licensed dealer may, in lieu of having a certificate of title  
1511 issued in the dealer's name, reassign any existing certificate  
1512 of title, except as provided in s. 319.225. It shall not be  
1513 necessary for any licensed dealer to obtain a certificate of  
1514 title on any new motor vehicle or new mobile home which he or  
1515 she is selling or which he or she acquires for sale if the  
1516 dealer obtains a manufacturer's statement of origin as provided  
1517 in subsection (1); however, the dealer shall attach the  
1518 manufacturer's statement of origin to the separate application  
1519 for initial certificate of title which is made by the purchaser  
1520 and certify on the face of such application that the vehicle is  
1521 a new motor vehicle or new mobile home and shall also disclose  
1522 the name and address of the manufacturer, distributor, or other  
1523 person from whom the dealer acquired such motor vehicle or  
1524 mobile home. In no event shall a manufacturer's statement of  
1525 origin be issued or reissued to any distributor, licensed  
1526 dealer, or other person for the purpose of updating any motor  
1527 vehicle or mobile home for sale. As used in this subsection, the  
1528 term "updating" means:

1529 (a) Modification of the motor vehicle or mobile home in  
1530 such a manner that it resembles in appearance the current year's  
1531 model ~~as defined in s. 319.14(3);~~

1532 Reviser's note.—Amended to conform to the deletion of the  
1533 definition of "current year's model" from s. 319.14(3) by  
1534 s. 3, ch. 89-333, Laws of Florida.

1535 Section 57. Paragraph (a) of subsection (7) of section  
 1536 319.30, Florida Statutes, is amended to read:

1537 319.30 Definitions; dismantling, destruction, change of  
 1538 identity of motor vehicle or mobile home; salvage.—

1539 (7) (a) In the event of a purchase by a secondary metals  
 1540 recycler, that has been issued a certificate of registration  
 1541 number, of:

1542 1. Materials, prepared materials, or parts from any seller  
 1543 for purposes other than the processing of such materials,  
 1544 prepared materials, or parts, the purchaser shall obtain such  
 1545 documentation as may be required by this section and shall  
 1546 record the seller's name and address, date of purchase, and the  
 1547 personal identification card number of the person delivering  
 1548 such items.

1549 2. Parts or prepared materials from any seller for  
 1550 purposes of the processing of such parts or prepared materials,  
 1551 the purchaser shall record the seller's name and address and  
 1552 date of purchase and, in the event of a purchase transaction  
 1553 consisting primarily of parts or prepared materials, the  
 1554 personal identification card number of the person delivering  
 1555 such items.

1556 3. Materials from another secondary metals recycler for  
 1557 purposes of the processing of such materials, the purchaser  
 1558 shall record the seller's name and address and date of purchase.

1559 4.a. Motor vehicles, recreational vehicles, mobile homes,  
 1560 or derelict motor vehicles from other than a secondary metals

1561 recycler for purposes of the processing of such motor vehicles,  
 1562 recreational vehicles, mobile homes, or derelict motor vehicles,  
 1563 the purchaser shall make the required notification to the  
 1564 National Motor Vehicle Title Information System and record the  
 1565 date of purchase and the name, address, and personal  
 1566 identification card number of the person selling such items and  
 1567 shall obtain the following documentation from the seller with  
 1568 respect to each item purchased:

1569 (I) A valid certificate of title issued in the name of the  
 1570 seller or properly endorsed, as required in s. 319.22, over to  
 1571 the seller;

1572 (II) A valid salvage certificate of title issued in the  
 1573 name of the seller or properly endorsed, as required in s.  
 1574 319.22, over to the seller;

1575 (III) A valid certificate of destruction issued in the  
 1576 name of the seller or properly endorsed over to the seller; or

1577 (IV) A valid derelict motor vehicle certificate obtained  
 1578 from the department by a licensed salvage motor vehicle dealer  
 1579 and properly reassigned to the secondary metals recycler.

1580 b. If a valid certificate of title, salvage certificate of  
 1581 title, certificate of destruction, or derelict motor vehicle  
 1582 certificate is not available and the motor vehicle or mobile  
 1583 home is a derelict motor vehicle, a derelict motor vehicle  
 1584 certificate application shall be completed by the seller or  
 1585 owner of the motor vehicle or mobile home, the seller's or  
 1586 owner's authorized transporter, and the registered secondary

1587 metals recycler at the time of sale, transport, or delivery to  
1588 the registered secondary metals recycler to obtain a derelict  
1589 motor vehicle certificate from the department. The derelict  
1590 motor vehicle certificate application must be accompanied by a  
1591 legible copy of the seller's or owner's valid Florida driver  
1592 license or Florida identification card, or a valid driver  
1593 license or identification card from another state. If the seller  
1594 is not the owner of record of the vehicle being sold, the  
1595 recycler shall, at the time of sale, ensure that a smudge-free  
1596 right thumbprint, or other digit if the seller has no right  
1597 thumb, of the seller is imprinted upon the derelict motor  
1598 vehicle certificate application and that the legible copy of the  
1599 seller's driver license or identification card is affixed to the  
1600 application and transmitted to the department. The derelict  
1601 motor vehicle certificate shall be used by the owner, the  
1602 owner's authorized transporter, and the registered secondary  
1603 metals recycler. The registered secondary metals recycler shall  
1604 make the required notification of the derelict motor vehicle to  
1605 the National Motor Vehicle Title Information System and shall  
1606 secure the derelict motor vehicle for 3 full business days,  
1607 excluding weekends and holidays, if there is no active lien or a  
1608 lien of 3 years or more on the department's records before  
1609 destroying or dismantling the derelict motor vehicle and shall  
1610 follow all reporting procedures established by the department,  
1611 including electronic notification to the department or delivery  
1612 of the original derelict motor vehicle certificate application

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1613 to an agent of the department within 24 hours after receiving  
1614 the derelict motor vehicle. If there is an active lien of less  
1615 than 3 years on the derelict motor vehicle, the registered  
1616 secondary metals recycler shall secure the derelict motor  
1617 vehicle for 10 days. The department shall notify the lienholder  
1618 of the application for a derelict motor vehicle certificate and  
1619 shall notify the lienholder of its intention to remove the lien.  
1620 Ten days after receipt of the motor vehicle derelict  
1621 application, the department may remove the lien from its records  
1622 if a written statement protesting removal of the lien is not  
1623 received by the department from the lienholder within the 10-day  
1624 period. However, if the lienholder files with the department and  
1625 the registered secondary metals recycler within the 10-day  
1626 period a written statement that the lien is still outstanding,  
1627 the department shall not remove the lien and shall place an  
1628 administrative hold on the record for 30 days to allow the  
1629 lienholder to apply for title to the vehicle or a repossession  
1630 certificate under s. 319.28. The registered secondary metals  
1631 recycler must secure the derelict motor vehicle until the  
1632 department's administrative stop is removed, the lienholder  
1633 submits a lien satisfaction, or the lienholder takes possession  
1634 of the vehicle.

1635 c. Any person who knowingly violates this subparagraph by  
1636 selling, transporting, delivering, purchasing, or receiving a  
1637 motor vehicle, recreational motor vehicle, mobile home, or  
1638 derelict motor vehicle without obtaining a certificate of title,

1639 salvage certificate of title, certificate of destruction, or  
 1640 derelict motor vehicle certificate; enters false or fictitious  
 1641 information on a derelict motor vehicle certificate application;  
 1642 does not complete the derelict motor vehicle certificate  
 1643 application as required or does not make the required  
 1644 notification to the department; does not make the required  
 1645 notification to the National Motor Vehicle Title Information  
 1646 System; does not obtain a legible copy of the seller's or  
 1647 owner's driver license or identification card when required; or  
 1648 destroys or dismantles a derelict motor vehicle without waiting  
 1649 the required time as set forth in sub-subparagraph b. commits a  
 1650 felony of the third degree, punishable as provided in s.  
 1651 775.082, s. 775.083, or s. 775.084.

1652 5. Major parts from other than a secondary metals recycler  
 1653 for purposes of the processing of such major parts, the  
 1654 purchaser shall record the seller's name, address, date of  
 1655 purchase, and the personal identification card number of the  
 1656 person delivering such items, as well as the vehicle  
 1657 identification number, if available, of each major part  
 1658 purchased.

1659 Reviser's note.—Amended to confirm the editorial insertion of  
 1660 the words "System and" to conform to context.

1661 Section 58. Subsection (1) and paragraph (b) of subsection  
 1662 (4) of section 322.12, Florida Statutes, are amended to read:

1663 322.12 Examination of applicants.—

1664 (1) It is the intent of the Legislature that every



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1665 applicant for an original driver's license in this state be  
1666 required to pass an examination pursuant to this section.  
1667 However, the department may waive the knowledge, endorsement,  
1668 and skills tests for an applicant who is otherwise qualified and  
1669 who surrenders a valid driver's license from another state or a  
1670 province of Canada, or a valid driver's license issued by the  
1671 United States Armed Forces, if the driver applies for a Florida  
1672 license of an equal or lesser classification. Any applicant who  
1673 fails to pass the initial knowledge test incurs a \$10 fee for  
1674 each subsequent test, to be deposited into the Highway Safety  
1675 Operating Trust Fund. Any applicant who fails to pass the  
1676 initial skills test incurs a \$20 fee for each subsequent test,  
1677 to be deposited into the Highway Safety Operating Trust Fund. A  
1678 person who seeks to retain a hazardous-materials endorsement,  
1679 pursuant to s. 322.57(1)(e) ~~322.57(1)(d)~~, must pass the  
1680 hazardous-materials test, upon surrendering his or her  
1681 commercial driver's license, if the person has not taken and  
1682 passed the hazardous-materials test within 2 years before  
1683 applying for a commercial driver's license in this state.

1684 (4) The examination for an applicant for a commercial  
1685 driver's license shall include a test of the applicant's  
1686 eyesight given by a driver's license examiner designated by the  
1687 department or by a licensed ophthalmologist, optometrist, or  
1688 physician and a test of the applicant's hearing given by a  
1689 driver's license examiner or a licensed physician. The  
1690 examination shall also include a test of the applicant's ability

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1691 to read and understand highway signs regulating, warning, and  
1692 directing traffic; his or her knowledge of the traffic laws of  
1693 this state pertaining to the class of motor vehicle which he or  
1694 she is applying to be licensed to operate, including laws  
1695 regulating driving under the influence of alcohol or controlled  
1696 substances, driving with an unlawful blood-alcohol level, and  
1697 driving while intoxicated; his or her knowledge of the effects  
1698 of alcohol and controlled substances and the dangers of driving  
1699 a motor vehicle after having consumed alcohol or controlled  
1700 substances; and his or her knowledge of any special skills,  
1701 requirements, or precautions necessary for the safe operation of  
1702 the class of vehicle which he or she is applying to be licensed  
1703 to operate. In addition, the examination shall include an actual  
1704 demonstration of the applicant's ability to exercise ordinary  
1705 and reasonable control in the safe operation of a motor vehicle  
1706 or combination of vehicles of the type covered by the license  
1707 classification which the applicant is seeking, including an  
1708 examination of the applicant's ability to perform an inspection  
1709 of his or her vehicle.

1710 (b) A person who seeks to retain a hazardous-materials  
1711 endorsement must, upon renewal, pass the test for such  
1712 endorsement as specified in s. 322.57(1)(e) ~~322.57(1)(d)~~, if the  
1713 person has not taken and passed the hazardous-materials test  
1714 within 2 years preceding his or her application for a commercial  
1715 driver's license in this state.

1716 Reviser's note.—Amended to conform to the redesignation of s.

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1717 322.57(1)(d) as s. 322.57(1)(e) by s. 90, ch. 2005-164,  
 1718 Laws of Florida.

1719 Section 59. Subsection (9) of section 322.143, Florida  
 1720 Statutes, is amended to read:

1721 322.143 Use of a driver license or identification card.—

1722 (9) This section does not apply to a financial institution  
 1723 as defined in s. 655.005(1)(i) ~~655.005(i)~~.

1724 Reviser's note.—Amended to confirm the editorial substitution of  
 1725 a reference to s. 655.005(1)(i) for a reference to s.  
 1726 655.005(i) to conform to the complete citation for the  
 1727 provision in s. 655.005 that defines "financial  
 1728 institution."

1729 Section 60. Paragraph (h) of subsection (1) of section  
 1730 322.21, Florida Statutes, is amended to read:

1731 322.21 License fees; procedure for handling and collecting  
 1732 fees.—

1733 (1) Except as otherwise provided herein, the fee for:

1734 (h) A hazardous-materials endorsement, as required by s.  
 1735 322.57(1)(e) ~~322.57(1)(d)~~, shall be set by the department by  
 1736 rule and must reflect the cost of the required criminal history  
 1737 check, including the cost of the state and federal fingerprint  
 1738 check, and the cost to the department of providing and issuing  
 1739 the license. The fee shall not exceed \$100. This fee shall be  
 1740 deposited in the Highway Safety Operating Trust Fund. The  
 1741 department may adopt rules to administer this section.

1742 Reviser's note.—Amended to conform to the redesignation of s.

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1743 322.57(1)(d) as s. 322.57(1)(e) by s. 90, ch. 2005-164,  
 1744 Laws of Florida.

1745 Section 61. Paragraph (a) of subsection (2) of section  
 1746 322.292, Florida Statutes, is amended to read:

1747 322.292 DUI programs supervision; powers and duties of the  
 1748 department.—

1749 (2) The department shall adopt rules to implement its  
 1750 supervisory authority over DUI programs in accordance with the  
 1751 procedures of chapter 120, including the establishment of  
 1752 uniform standards of operation for DUI programs and the method  
 1753 for setting and approving fees, as follows:

1754 (a) Adopt rules for statutorily required education,  
 1755 evaluation, and supervision of DUI offenders. ~~Such rules~~  
 1756 ~~previously adopted by the Traffic Court Review Committee of the~~  
 1757 ~~Supreme Court of Florida shall remain in effect unless modified~~  
 1758 ~~by the department.~~

1759 Reviser's note.—Amended to conform to the deletion of this  
 1760 sentence by s. 9, ch. 99-234, Laws of Florida; s. 322.292  
 1761 was also amended by s. 294, ch. 99-248, Laws of Florida,  
 1762 and the word "rules" was substituted for the term "minimum  
 1763 standards" throughout the section, including in the  
 1764 sentence repealed by s. 9, ch. 99-234.

1765 Section 62. Subsection (2) of section 323.002, Florida  
 1766 Statutes, is reenacted to read:

1767 323.002 County and municipal wrecker operator systems;  
 1768 penalties for operation outside of system.—

1769 (2) In any county or municipality that operates a wrecker  
 1770 operator system:

1771 (a) It is unlawful for an unauthorized wrecker operator or  
 1772 its employees or agents to monitor police radio for  
 1773 communications between patrol field units and the dispatcher in  
 1774 order to determine the location of a wrecked or disabled vehicle  
 1775 for the purpose of driving by the scene of such vehicle in a  
 1776 manner described in paragraph (b) or paragraph (c). Any person  
 1777 who violates this paragraph commits a noncriminal violation,  
 1778 punishable as provided in s. 775.083.

1779 (b) It is unlawful for an unauthorized wrecker operator to  
 1780 drive by the scene of a wrecked or disabled vehicle before the  
 1781 arrival of an authorized wrecker operator, initiate contact with  
 1782 the owner or operator of such vehicle by soliciting or offering  
 1783 towing services, and tow such vehicle. Any person who violates  
 1784 this paragraph commits a misdemeanor of the second degree,  
 1785 punishable as provided in s. 775.082 or s. 775.083.

1786 (c) When an unauthorized wrecker operator drives by the  
 1787 scene of a wrecked or disabled vehicle and the owner or operator  
 1788 initiates contact by signaling the wrecker operator to stop and  
 1789 provide towing services, the unauthorized wrecker operator must  
 1790 disclose in writing to the owner or operator of the vehicle his  
 1791 or her full name and driver license number, that he or she is  
 1792 not the authorized wrecker operator who has been designated as  
 1793 part of the wrecker operator system, that the motor vehicle is  
 1794 not being towed for the owner's or operator's insurance company

1795 or lienholder, whether he or she has in effect an insurance  
 1796 policy providing at least \$300,000 of liability insurance and at  
 1797 least \$50,000 of on-hook cargo insurance, and the maximum  
 1798 charges for towing and storage which will apply before the  
 1799 vehicle is connected to the towing apparatus. Any person who  
 1800 violates this paragraph commits a misdemeanor of the second  
 1801 degree, punishable as provided in s. 775.082 or s. 775.083.

1802 (d) At the scene of a wrecked or disabled vehicle, it is  
 1803 unlawful for a wrecker operator to falsely identify himself or  
 1804 herself as being part of the wrecker operator system. Any person  
 1805 who violates this paragraph is guilty of a misdemeanor of the  
 1806 first degree, punishable as provided in s. 775.082 or s.  
 1807 775.083.

1808 Reviser's note.—Section 65, ch. 2013-160, Laws of Florida,  
 1809 purported to amend subsection (2) but did not publish  
 1810 paragraph (d). Absent affirmative evidence of legislative  
 1811 intent to repeal it, subsection (2) is reenacted to confirm  
 1812 that the omission was not intended.

1813 Section 63. Subsection (8) of section 326.004, Florida  
 1814 Statutes, is amended to read:

1815 326.004 Licensing.—

1816 (8) A person may not be licensed as a broker unless he or  
 1817 she has been a salesperson for at least 2 consecutive years, and  
 1818 may not be licensed as a broker ~~after October 1, 1990,~~ unless he  
 1819 or she has been licensed as a salesperson for at least 2  
 1820 consecutive years.

1821 Reviser's note.—Amended to delete an obsolete provision.  
 1822       Section 64. Subsection (3) of section 334.065, Florida  
 1823 Statutes, is amended to read:  
 1824       334.065 Center for Urban Transportation Research.—  
 1825       (3) An advisory board shall be created to periodically and  
 1826 objectively review and advise the center concerning its research  
 1827 program. Except for projects mandated by law, state-funded base  
 1828 projects shall not be undertaken without approval of the  
 1829 advisory board. The membership of the board shall consist of  
 1830 nine experts in transportation-related areas, including the  
 1831 secretaries of the Florida Departments of Transportation, ~~Community Affairs,~~  
 1832 ~~Community Affairs,~~ and Environmental Protection, the executive  
 1833 director of the Department of Economic Opportunity, or their  
 1834 designees, and a member of the Florida Transportation  
 1835 Commission. The nomination of the remaining members of the board  
 1836 shall be made to the President of the University of South  
 1837 Florida by the College of Engineering at the University of South  
 1838 Florida, and the appointment of these members must be reviewed  
 1839 and approved by the Florida Transportation Commission and  
 1840 confirmed by the Board of Governors.  
 1841 Reviser's note.—Amended to substitute a reference to the  
 1842 executive director of the Department of Economic  
 1843 Opportunity for a reference to the secretary of the  
 1844 Department of Community Affairs. The Department of  
 1845 Community Affairs was abolished by s. 3, ch. 2011-142, Laws  
 1846 of Florida, and functions of the department relating to

1847 community planning were transferred to the Department of  
 1848 Economic Opportunity.

1849 Section 65. Paragraph (f) of subsection (7) of section  
 1850 339.135, Florida Statutes, is amended to read:

1851 339.135 Work program; legislative budget request;  
 1852 definitions; preparation, adoption, execution, and amendment.—

1853 (7) AMENDMENT OF THE ADOPTED WORK PROGRAM.—

1854 (f) The department may authorize the investment of the  
 1855 earnings accrued and collected upon the investment of the  
 1856 minimum balance of funds required to be maintained in the State  
 1857 Transportation Trust Fund pursuant to paragraph (6) (b) former  
 1858 ~~paragraph (b)~~.

1859 Reviser's note.—Amended to conform to the repeal of paragraph  
 1860 (7) (b) by s. 5, ch. 2012-6, Laws of Florida. Minimum  
 1861 balances are referenced in paragraph (6) (b).

1862 Section 66. Paragraph (e) of subsection (7) of section  
 1863 366.04, Florida Statutes, is amended to read:

1864 366.04 Jurisdiction of commission.—

1865 (7)

1866 ~~(e) If a majority of the affected municipal electric~~  
 1867 ~~utility's retail electric customers vote in favor of creating a~~  
 1868 ~~separate electric utility authority, the affected municipal~~  
 1869 ~~electric utility shall, no later than January 15, 2009, provide~~  
 1870 ~~to each member of the Legislature whose district includes any~~  
 1871 ~~portion of the electric service territory of the affected~~  
 1872 ~~municipal electric utility a proposed charter that transfers~~



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1873 ~~operations of its electric, water, and sewer utility businesses~~  
 1874 ~~to a duly created authority, the governing board of which shall~~  
 1875 ~~proportionally represent the number of county and city~~  
 1876 ~~ratepayers of the electric utility.~~

1877 Reviser's note.—Amended to delete a provision that has served  
 1878 its purpose.

1879 Section 67. Subsection (1) of section 366.11, Florida  
 1880 Statutes, is amended to read:

1881 366.11 Certain exemptions.—

1882 (1) No provision of this chapter shall apply in any  
 1883 manner, other than as specified in ss. 366.04, 366.05(7) and  
 1884 (8), 366.051, 366.055, 366.093, 366.095, 366.14, 366.80-366.83  
 1885 ~~366.80-366.85~~, and 366.91, to utilities owned and operated by  
 1886 municipalities, whether within or without any municipality, or  
 1887 by cooperatives organized and existing under the Rural Electric  
 1888 Cooperative Law of the state, or to the sale of electricity,  
 1889 manufactured gas, or natural gas at wholesale by any public  
 1890 utility to, and the purchase by, any municipality or cooperative  
 1891 under and pursuant to any contracts now in effect or which may  
 1892 be entered into in the future, when such municipality or  
 1893 cooperative is engaged in the sale and distribution of  
 1894 electricity or manufactured or natural gas, or to the rates  
 1895 provided for in such contracts.

1896 Reviser's note.—Amended to conform to the repeal of s. 366.84 by  
 1897 s. 14, ch. 95-372, Laws of Florida; the repeal was  
 1898 confirmed by s. 7, ch. 97-94, Laws of Florida; and the

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1899 repeal of s. 366.85 by s. 2, ch. 2012-67, Laws of Florida.  
 1900 Section 68. Section 366.80, Florida Statutes, is amended  
 1901 to read:

1902 366.80 Short title.—Sections 366.80-366.83 ~~366.80-366.85~~  
 1903 and 403.519 shall be known and may be cited as the "Florida  
 1904 Energy Efficiency and Conservation Act."

1905 Reviser's note.—Amended to conform to the repeal of s. 366.84 by  
 1906 s. 14, ch. 95-372, Laws of Florida; the repeal was  
 1907 confirmed by s. 7, ch. 97-94, Laws of Florida; and the  
 1908 repeal of s. 366.85 by s. 2, ch. 2012-67, Laws of Florida.

1909 Section 69. Section 366.81, Florida Statutes, is amended  
 1910 to read:

1911 366.81 Legislative findings and intent.—The Legislature  
 1912 finds and declares that it is critical to utilize the most  
 1913 efficient and cost-effective demand-side renewable energy  
 1914 systems and conservation systems in order to protect the health,  
 1915 prosperity, and general welfare of the state and its citizens.  
 1916 Reduction in, and control of, the growth rates of electric  
 1917 consumption and of weather-sensitive peak demand are of  
 1918 particular importance. The Legislature further finds that the  
 1919 Florida Public Service Commission is the appropriate agency to  
 1920 adopt goals and approve plans related to the promotion of  
 1921 demand-side renewable energy systems and the conservation of  
 1922 electric energy and natural gas usage. The Legislature directs  
 1923 the commission to develop and adopt overall goals and authorizes  
 1924 the commission to require each utility to develop plans and

1925 implement programs for increasing energy efficiency and  
 1926 conservation and demand-side renewable energy systems within its  
 1927 service area, subject to the approval of the commission. Since  
 1928 solutions to our energy problems are complex, the Legislature  
 1929 intends that the use of solar energy, renewable energy sources,  
 1930 highly efficient systems, cogeneration, and load-control systems  
 1931 be encouraged. Accordingly, in exercising its jurisdiction, the  
 1932 commission shall not approve any rate or rate structure which  
 1933 discriminates against any class of customers on account of the  
 1934 use of such facilities, systems, or devices. This expression of  
 1935 legislative intent shall not be construed to preclude  
 1936 experimental rates, rate structures, or programs. The  
 1937 Legislature further finds and declares that ss. 366.80-366.83  
 1938 ~~366.80-366.85~~ and 403.519 are to be liberally construed in order  
 1939 to meet the complex problems of reducing and controlling the  
 1940 growth rates of electric consumption and reducing the growth  
 1941 rates of weather-sensitive peak demand; increasing the overall  
 1942 efficiency and cost-effectiveness of electricity and natural gas  
 1943 production and use; encouraging further development of demand-  
 1944 side renewable energy systems; and conserving expensive  
 1945 resources, particularly petroleum fuels.  
 1946 Reviser's note.—Amended to conform to the repeal of s. 366.84 by  
 1947 s. 14, ch. 95-372, Laws of Florida; the repeal was  
 1948 confirmed by s. 7, ch. 97-94, Laws of Florida; and the  
 1949 repeal of s. 366.85 by s. 2, ch. 2012-67, Laws of Florida.  
 1950 Section 70. Subsections (1) and (10) of section 366.82,

1951 Florida Statutes, are amended to read:  
 1952           366.82 Definition; goals; plans; programs; annual reports;  
 1953 energy audits.—  
 1954           (1) For the purposes of ss. 366.80-366.83 ~~366.80-366.85~~  
 1955 and 403.519:  
 1956           (a) "Utility" means any person or entity of whatever form  
 1957 which provides electricity or natural gas at retail to the  
 1958 public, specifically including municipalities or  
 1959 instrumentalities thereof and cooperatives organized under the  
 1960 Rural Electric Cooperative Law and specifically excluding any  
 1961 municipality or instrumentality thereof, any cooperative  
 1962 organized under the Rural Electric Cooperative Law, or any other  
 1963 person or entity providing natural gas at retail to the public  
 1964 whose annual sales volume is less than 100 million therms or any  
 1965 municipality or instrumentality thereof and any cooperative  
 1966 organized under the Rural Electric Cooperative Law providing  
 1967 electricity at retail to the public whose annual sales as of  
 1968 July 1, 1993, to end-use customers is less than 2,000 gigawatt  
 1969 hours.  
 1970           (b) "Demand-side renewable energy" means a system located  
 1971 on a customer's premises generating thermal or electric energy  
 1972 using Florida renewable energy resources and primarily intended  
 1973 to offset all or part of the customer's electricity requirements  
 1974 provided such system does not exceed 2 megawatts.  
 1975           (10) The commission shall require periodic reports from  
 1976 each utility and shall provide the Legislature and the Governor

1977 with an annual report by March 1 of the goals it has adopted and  
 1978 its progress toward meeting those goals. The commission shall  
 1979 also consider the performance of each utility pursuant to ss.  
 1980 366.80-366.83 ~~366.80-366.85~~ and 403.519 when establishing rates  
 1981 for those utilities over which the commission has ratesetting  
 1982 authority.

1983 Reviser's note.—Amended to conform to the repeal of s. 366.84 by  
 1984 s. 14, ch. 95-372, Laws of Florida; the repeal was  
 1985 confirmed by s. 7, ch. 97-94, Laws of Florida; and the  
 1986 repeal of s. 366.85 by s. 2, ch. 2012-67, Laws of Florida.  
 1987 Section 71. Section 366.83, Florida Statutes, is amended  
 1988 to read:

1989 366.83 Certain laws not applicable; saving clause.—No  
 1990 utility shall be held liable for the acts or omissions of any  
 1991 person in implementing or attempting to implement those measures  
 1992 found cost-effective by, or recommended as a result of, an  
 1993 energy audit. The findings and recommendations of an energy  
 1994 audit shall not be construed to be a warranty or guarantee of  
 1995 any kind, nor shall such findings or recommendations subject the  
 1996 utility to liability of any kind. Nothing in ss. 366.80-366.83  
 1997 ~~366.80-366.85~~ and 403.519 shall preempt or affect litigation  
 1998 pending on June 5, 1980, nor shall ss. 366.80-366.83 ~~366.80-~~  
 1999 ~~366.86~~ and 403.519 preempt federal law unless such preemption is  
 2000 expressly authorized by federal statute.

2001 Reviser's note.—Amended to conform to the repeal of s. 366.84 by  
 2002 s. 14, ch. 95-372, Laws of Florida; the repeal was

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2003 confirmed by s. 7, ch. 97-94, Laws of Florida; and the  
 2004 repeal of s. 366.85 by s. 2, ch. 2012-67, Laws of Florida,  
 2005 and the transfer of s. 366.86 to s. 403.519 in 1980.

2006 Section 72. Subsection (4) of section 366.94, Florida  
 2007 Statutes, is amended to read:

2008 366.94 Electric vehicle charging stations.—

2009 ~~(4) The Public Service Commission is directed to conduct a~~  
 2010 ~~study of the potential effects of public charging stations and~~  
 2011 ~~privately owned electric vehicle charging on both energy~~  
 2012 ~~consumption and the impact on the electric grid in the state.~~

2013 ~~The Public Service Commission shall also investigate the~~  
 2014 ~~feasibility of using off-grid solar photovoltaic power as a~~  
 2015 ~~source of electricity for the electric vehicle charging~~  
 2016 ~~stations. The commission shall submit the results of the study~~  
 2017 ~~to the President of the Senate, the Speaker of the House of~~  
 2018 ~~Representatives, and the Executive Office of the Governor by~~  
 2019 ~~December 31, 2012.~~

2020 Reviser's note.—Amended to delete a provision that has served  
 2021 its purpose.

2022 Section 73. Paragraph (b) of subsection (2) of section  
 2023 373.036, Florida Statutes, is amended to read:

2024 373.036 Florida water plan; district water management  
 2025 plans.—

2026 (2) DISTRICT WATER MANAGEMENT PLANS.—

2027 (b) The district water management plan shall include, but  
 2028 not be limited to:

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2029 1. The scientific methodologies for establishing minimum  
 2030 flows and levels under s. 373.042, and all established minimum  
 2031 flows and levels.

2032 2. Identification of one or more water supply planning  
 2033 regions that singly or together encompass the entire district.

2034 3. Technical data and information prepared under s.  
 2035 373.711.

2036 4. A districtwide water supply assessment, ~~to be completed~~  
 2037 ~~no later than July 1, 1998,~~ which determines for each water  
 2038 supply planning region:

2039 a. Existing legal uses, reasonably anticipated future  
 2040 needs, and existing and reasonably anticipated sources of water  
 2041 and conservation efforts; and

2042 b. Whether existing and reasonably anticipated sources of  
 2043 water and conservation efforts are adequate to supply water for  
 2044 all existing legal uses and reasonably anticipated future needs  
 2045 and to sustain the water resources and related natural systems.

2046 5. Any completed regional water supply plans.

2047 Reviser's note.—Amended to delete language that has served its  
 2048 purpose.

2049 Section 74. Subsection (6) of section 373.0363, Florida  
 2050 Statutes, is amended to read:

2051 373.0363 Southern Water Use Caution Area Recovery  
 2052 Strategy.—

2053 ~~(6) The district shall submit the West Central Florida~~  
 2054 ~~Water Restoration Action Plan developed pursuant to subsection~~

2055 ~~(4) to the President of the Senate and the Speaker of the House~~  
 2056 ~~of Representatives prior to the 2010 regular legislative session~~  
 2057 ~~for review. If the Legislature takes no action on the plan~~  
 2058 ~~during the 2010 regular legislative session, the plan shall be~~  
 2059 ~~deemed approved.~~

2060 Reviser's note.—Amended to delete a provision that has served  
 2061 its purpose.

2062 Section 75. Subsections (2), (8), and (9) of section  
 2063 373.4145, Florida Statutes, are amended to read:

2064 373.4145 Part IV permitting program within the  
 2065 geographical jurisdiction of the Northwest Florida Water  
 2066 Management District.—

2067 ~~(2) The department may implement chapter 40A-4, Florida~~  
 2068 ~~Administrative Code, in effect prior to July 1, 1994, pursuant~~  
 2069 ~~to an interagency agreement with the Northwest Florida Water~~  
 2070 ~~Management District adopted under s. 373.046(4).~~

2071 ~~(8) Within the geographical jurisdiction of the Northwest~~  
 2072 ~~Florida Water Management District, the methodology for~~  
 2073 ~~determining the landward extent of surface waters of the state~~  
 2074 ~~under chapter 403 in effect prior to the effective date of the~~  
 2075 ~~methodology ratified in s. 373.4211 shall apply to:~~

2076 ~~(a) Activities permitted under the rules adopted pursuant~~  
 2077 ~~to ss. 403.91-403.929, 1984 Supplement to the Florida Statutes~~  
 2078 ~~1983, as amended, or that were exempted from regulation under~~  
 2079 ~~such rules, prior to July 1, 1994, and that were permitted under~~  
 2080 ~~chapter 62-25, Florida Administrative Code, or exempt from~~



2081 ~~chapter 62-25, Florida Administrative Code, prior to July 1,~~  
 2082 ~~1994, provided:~~

2083 ~~1. An activity authorized by such permits is conducted in~~  
 2084 ~~accordance with the plans, terms, and conditions of such~~  
 2085 ~~permits.~~

2086 ~~2. An activity exempted from the permitting requirements~~  
 2087 ~~of the rules adopted pursuant to ss. 403.91-403.929, 1984~~  
 2088 ~~Supplement to the Florida Statutes 1983, as amended, or chapter~~  
 2089 ~~62-25, Florida Administrative Code, is:~~

2090 ~~a. Commenced prior to July 1, 1994, and completed by July~~  
 2091 ~~1, 1999;~~

2092 ~~b. Conducted in accordance with a plan depicting the~~  
 2093 ~~activity that has been submitted to and approved for~~  
 2094 ~~construction by the department, the appropriate local~~  
 2095 ~~government, the United States Army Corps of Engineers, or the~~  
 2096 ~~Northwest Florida Water Management District; and~~

2097 ~~e. Conducted in accordance with the terms of the~~  
 2098 ~~exemption.~~

2099 ~~(b) An activity within the boundaries of a valid~~  
 2100 ~~jurisdictional declaratory statement issued pursuant to s.~~  
 2101 ~~403.914, 1984 Supplement to the Florida Statutes 1983, as~~  
 2102 ~~amended, or the rules adopted thereunder, in response to a~~  
 2103 ~~petition received prior to June 1, 1994.~~

2104 ~~(c) Any modification of a permitted or exempt activity as~~  
 2105 ~~described in paragraph (a) that does not constitute a~~  
 2106 ~~substantial modification or that lessens the environmental~~

2107 ~~impact of such permitted or exempt activity. For the purposes of~~  
 2108 ~~this section, a substantial modification is one that is~~  
 2109 ~~reasonably expected to lead to substantially different~~  
 2110 ~~environmental impacts.~~

2111 ~~(d) Applications for activities permitted under the rules~~  
 2112 ~~adopted pursuant to ss. 403.91-403.929, 1984 Supplement to the~~  
 2113 ~~1983 Florida Statutes, as amended, that were pending on June 15,~~  
 2114 ~~1994, unless the application elects to have applied the~~  
 2115 ~~delineation methodology ratified in s. 373.4211.~~

2116 ~~(9) Subsections (2) and (8) are repealed on the effective~~  
 2117 ~~date of the rules adopted under subsection (1).~~

2118 Reviser's note.—Amended to delete repealed provisions; the rules  
 2119 required to be adopted by s. 373.4145(1) have been adopted,  
 2120 and the repeal of subsections (2) and (8) by subsection (9)  
 2121 has taken effect.

2122 Section 76. Paragraph (a) of subsection (3) of section  
 2123 373.4592, Florida Statutes, is amended to read:

2124 373.4592 Everglades improvement and management.—

2125 (3) EVERGLADES LONG-TERM PLAN.—

2126 (a) The Legislature finds that the Everglades Program  
 2127 required by this section establishes more extensive and  
 2128 comprehensive requirements for surface water improvement and  
 2129 management within the Everglades than the SWIM plan requirements  
 2130 provided in ss. 373.451 and 373.453 ~~373.451-373.456~~. In order to  
 2131 avoid duplicative requirements, and in order to conserve the  
 2132 resources available to the district, the SWIM plan requirements

2133 of those sections shall not apply to the Everglades Protection  
 2134 Area and the EAA during the term of the Everglades Program, and  
 2135 the district will neither propose, nor take final agency action  
 2136 on, any Everglades SWIM plan for those areas until the  
 2137 Everglades Program is fully implemented. Funds under s.  
 2138 259.101(3)(b) may be used for acquisition of lands necessary to  
 2139 implement the Everglades Construction Project, to the extent  
 2140 these funds are identified in the Statement of Principles of  
 2141 July 1993. The district's actions in implementing the Everglades  
 2142 Construction Project relating to the responsibilities of the EAA  
 2143 and C-139 Basin for funding and water quality compliance in the  
 2144 EAA and the Everglades Protection Area shall be governed by this  
 2145 section. Other strategies or activities in the March 1992  
 2146 Everglades SWIM plan may be implemented if otherwise authorized  
 2147 by law.

2148 Reviser's note.—Amended to conform to the repeal of ss. 373.455  
 2149 and 373.456 by s. 7, ch. 2003-265, Laws of Florida.

2150 Section 77. Paragraphs (a), (b), and (c) of subsection (8)  
 2151 of section 373.59, Florida Statutes, are amended to read:

2152 373.59 Water Management Lands Trust Fund.—

2153 (8) Moneys from the Water Management Lands Trust Fund  
 2154 shall be allocated as follows:

2155 (a) ~~Through the 2008-2009 fiscal year, thirty percent to~~  
 2156 ~~the South Florida Water Management District.~~ Beginning with the  
 2157 2009-2010 fiscal year, thirty percent shall be used first to pay  
 2158 debt service on bonds issued before February 1, 2009, by the

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2159 South Florida Water Management District which are secured by  
2160 revenues provided by this section or to fund debt service  
2161 reserve funds, rebate obligations, or other amounts payable with  
2162 respect to such bonds, then to transfer \$3,000,000 to the credit  
2163 of the General Revenue Fund in each fiscal year, and lastly to  
2164 distribute the remainder to the South Florida Water Management  
2165 District.

2166 (b) ~~Through the 2008-2009 fiscal year, twenty-five percent~~  
2167 ~~to the Southwest Florida Water Management District.~~ Beginning  
2168 with the 2009-2010 fiscal year, twenty-five percent shall be  
2169 used first to transfer \$2,500,000 to the credit of the General  
2170 Revenue Fund in each fiscal year and then to distribute the  
2171 remainder to the Southwest Florida Water Management District.

2172 (c) ~~Through the 2008-2009 fiscal year, twenty-five percent~~  
2173 ~~to the St. Johns River Water Management District.~~ Beginning with  
2174 the 2009-2010 fiscal year, twenty-five percent shall be used  
2175 first to pay debt service on bonds issued before February 1,  
2176 2009, by the St. Johns River Water Management District which are  
2177 secured by revenues provided by this section or to fund debt  
2178 service reserve funds, rebate obligations, or other amounts  
2179 payable with respect to such bonds, then to transfer \$2,500,000  
2180 to the credit of the General Revenue Fund in each fiscal year,  
2181 and to distribute the remainder to the St. Johns River Water  
2182 Management District.

2183 Reviser's note.—Amended to delete obsolete provisions.

2184 Section 78. Subsection (2) of section 375.313, Florida

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2185 Statutes, is amended to read:

2186       375.313 Commission powers and duties.—The commission  
2187 shall:

2188       (2) Adopt and promulgate such reasonable rules as deemed  
2189 necessary to administer the provisions of ss. 375.311-375.314  
2190 ~~375.311-375.315~~, except that, before any such rules are adopted,  
2191 the commission shall obtain the consent and agreement, in  
2192 writing, of the owner, in the case of privately owned lands, or  
2193 the owner or primary custodian, in the case of publicly owned  
2194 lands.

2195 Reviser's note.—Amended to conform to the repeal of s. 375.315  
2196 by s. 69, ch. 2002-295, Laws of Florida.

2197       Section 79. Section 376.011, Florida Statutes, is amended  
2198 to read:

2199       376.011 Pollutant Discharge Prevention and Control Act;  
2200 short title.—Sections 376.011-376.21 ~~376.011-376.165, 376.19-~~  
2201 ~~376.21~~ shall be known as the "Pollutant Discharge Prevention and  
2202 Control Act."

2203 Reviser's note.—Amended to conform to the repeal of s. 376.17 by  
2204 s. 85, ch. 2010-102, Laws of Florida, s. 376.18 by s. 83,  
2205 ch. 83-310, Laws of Florida, and s. 376.185 by s. 4, ch.  
2206 2000-211, Laws of Florida.

2207       Section 80. Subsections (4) and (10) of section 376.3078,  
2208 Florida Statutes, are amended to read:

2209       376.3078 Drycleaning facility restoration; funds; uses;  
2210 liability; recovery of expenditures.—

2211 (4) REHABILITATION CRITERIA.—It is the intent of the  
 2212 Legislature to protect the health of all people under actual  
 2213 circumstances of exposure. ~~By July 1, 1999,~~ The secretary of the  
 2214 department shall establish criteria by rule for the purpose of  
 2215 determining, on a site-specific basis, the rehabilitation  
 2216 program tasks that comprise a site rehabilitation program,  
 2217 including a voluntary site rehabilitation program, and the level  
 2218 at which a rehabilitation program task and a site rehabilitation  
 2219 program may be deemed completed. In establishing the rule, the  
 2220 department shall incorporate, to the maximum extent feasible,  
 2221 risk-based corrective action principles to achieve protection of  
 2222 human health and safety and the environment in a cost-effective  
 2223 manner as provided in this subsection. The rule shall also  
 2224 include protocols for the use of natural attenuation and the  
 2225 issuance of "no further action" letters. The criteria for  
 2226 determining what constitutes a rehabilitation program task or  
 2227 completion of a site rehabilitation program task or site  
 2228 rehabilitation program, including a voluntary site  
 2229 rehabilitation program, must:

2230 (a) Consider the current exposure and potential risk of  
 2231 exposure to humans and the environment, including multiple  
 2232 pathways of exposure. The physical, chemical, and biological  
 2233 characteristics of each contaminant must be considered in order  
 2234 to determine the feasibility of risk-based corrective action  
 2235 assessment.

2236 (b) Establish the point of compliance at the source of the

2237 | contamination. However, the department is authorized to  
2238 | temporarily move the point of compliance to the boundary of the  
2239 | property, or to the edge of the plume when the plume is within  
2240 | the property boundary, while cleanup, including cleanup through  
2241 | natural attenuation processes in conjunction with appropriate  
2242 | monitoring, is proceeding. The department also is authorized,  
2243 | pursuant to criteria provided for in this section, to  
2244 | temporarily extend the point of compliance beyond the property  
2245 | boundary with appropriate monitoring, if such extension is  
2246 | needed to facilitate natural attenuation or to address the  
2247 | current conditions of the plume, provided human health, public  
2248 | safety, and the environment are protected. When temporarily  
2249 | extending the point of compliance beyond the property boundary,  
2250 | it cannot be extended further than the lateral extent of the  
2251 | plume at the time of execution of the voluntary cleanup  
2252 | agreement, if known, or the lateral extent of the plume as  
2253 | defined at the time of site assessment. Temporary extension of  
2254 | the point of compliance beyond the property boundary, as  
2255 | provided in this paragraph, must include actual notice by the  
2256 | person responsible for site rehabilitation to local governments  
2257 | and the owners of any property into which the point of  
2258 | compliance is allowed to extend and constructive notice to  
2259 | residents and business tenants of the property into which the  
2260 | point of compliance is allowed to extend. Persons receiving  
2261 | notice pursuant to this paragraph shall have the opportunity to  
2262 | comment within 30 days of receipt of the notice.

2263 (c) Ensure that the site-specific cleanup goal is that all  
2264 sites contaminated with drycleaning solvents ultimately achieve  
2265 the applicable cleanup target levels provided in this section.  
2266 In the circumstances provided below, and after constructive  
2267 notice and opportunity to comment within 30 days from receipt of  
2268 the notice to local government, to owners of any property into  
2269 which the point of compliance is allowed to extend, and to  
2270 residents on any property into which the point of compliance is  
2271 allowed to extend, the department may allow concentrations of  
2272 contaminants to temporarily exceed the applicable cleanup target  
2273 levels while cleanup, including cleanup through natural  
2274 attenuation processes in conjunction with appropriate  
2275 monitoring, is proceeding, if human health, public safety, and  
2276 the environment are protected.

2277 (d) Allow the use of institutional or engineering controls  
2278 at sites contaminated with drycleaning solvents, where  
2279 appropriate, to eliminate or control the potential exposure to  
2280 contaminants of humans or the environment. The use of controls  
2281 must be preapproved by the department and only after  
2282 constructive notice and opportunity to comment within 30 days  
2283 from receipt of notice is provided to local governments, to  
2284 owners of any property into which the point of compliance is  
2285 allowed to extend, and to residents on any property into which  
2286 the point of compliance is allowed to extend. When institutional  
2287 or engineering controls are implemented to control exposure, the  
2288 removal of the controls must have prior department approval and



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2289 must be accompanied by the resumption of active cleanup, or  
2290 other approved controls, unless cleanup target levels under this  
2291 section have been achieved.

2292 (e) Consider the additive effects of contaminants. The  
2293 synergistic and antagonistic effects shall also be considered  
2294 when the scientific data become available.

2295 (f) Take into consideration individual site  
2296 characteristics, which shall include, but not be limited to, the  
2297 current and projected use of the affected groundwater and  
2298 surface water in the vicinity of the site, current and projected  
2299 land uses of the area affected by the contamination, the exposed  
2300 population, the degree and extent of contamination, the rate of  
2301 contaminant migration, the apparent or potential rate of  
2302 contaminant degradation through natural attenuation processes,  
2303 the location of the plume, and the potential for further  
2304 migration in relation to site property boundaries.

2305 (g) Apply state water quality standards as follows:

2306 1. Cleanup target levels for each contaminant found in  
2307 groundwater shall be the applicable state water quality  
2308 standards. Where such standards do not exist, the cleanup target  
2309 levels for groundwater shall be based on the minimum criteria  
2310 specified in department rule. The department shall consider the  
2311 following, as appropriate, in establishing the applicable  
2312 minimum criteria: calculations using a lifetime cancer risk  
2313 level of 1.0E-6; a hazard index of 1 or less; the best  
2314 achievable detection limit; the naturally occurring background

2315 concentration; or nuisance, organoleptic, and aesthetic  
2316 considerations.

2317 2. Where surface waters are exposed to contaminated  
2318 groundwater, the cleanup target levels for the contaminants  
2319 shall be based on the lower of the groundwater or surface water  
2320 standards as established by department rule. The point of  
2321 measuring compliance with the surface water standards shall be  
2322 in the groundwater immediately adjacent to the surface water  
2323 body.

2324 3. The department may set alternative cleanup target  
2325 levels based upon the person responsible for site rehabilitation  
2326 demonstrating, using site-specific modeling and risk assessment  
2327 studies, that human health, public safety, and the environment  
2328 are protected to the same degree as provided in subparagraphs 1.  
2329 and 2. Where a state water quality standard is applicable, a  
2330 deviation may not result in the application of cleanup target  
2331 levels more stringent than the standard. In determining whether  
2332 it is appropriate to establish alternative cleanup target levels  
2333 at a site, the department must consider the effectiveness of  
2334 source removal that has been completed at the site and the  
2335 practical likelihood of the use of low yield or poor quality  
2336 groundwater, the use of groundwater near marine surface water  
2337 bodies, the current and projected use of the affected  
2338 groundwater in the vicinity of the site, or the use of  
2339 groundwater in the immediate vicinity of the contaminated area,  
2340 where it has been demonstrated that the groundwater

2341 contamination is not migrating away from such localized source,  
2342 provided human health, public safety, and the environment are  
2343 protected.

2344 (h) Provide for the department to issue a "no further  
2345 action order," with conditions where appropriate, when  
2346 alternative cleanup target levels established pursuant to  
2347 subparagraph (g)3. have been achieved, or when the person  
2348 responsible for site rehabilitation can demonstrate that the  
2349 cleanup target level is unachievable within available  
2350 technologies. Prior to issuing such an order, the department  
2351 shall consider the feasibility of an alternative site  
2352 rehabilitation technology in the area.

2353 (i) Establish appropriate cleanup target levels for soils.

2354 1. In establishing soil cleanup target levels for human  
2355 exposure to each contaminant found in soils from the land  
2356 surface to 2 feet below land surface, the department shall  
2357 consider the following, as appropriate: calculations using a  
2358 lifetime cancer risk level of 1.0E-6; a hazard index of 1 or  
2359 less; the best achievable detection limit; or the naturally  
2360 occurring background concentration. Institutional controls or  
2361 other methods shall be used to prevent human exposure to  
2362 contaminated soils more than 2 feet below the land surface. Any  
2363 removal of such institutional controls shall require such  
2364 contaminated soils to be remediated.

2365 2. Leachability-based soil target levels shall be based on  
2366 protection of the groundwater cleanup target levels or the

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2367 alternate cleanup target levels for groundwater established  
2368 pursuant to this paragraph, as appropriate. Source removal and  
2369 other cost-effective alternatives that are technologically  
2370 feasible shall be considered in achieving the leachability soil  
2371 target levels established by the department. The leachability  
2372 goals shall not be applicable if the department determines,  
2373 based upon individual site characteristics, that contaminants  
2374 will not leach into the groundwater at levels which pose a  
2375 threat to human health, public safety, and the environment.

2376 3. Using risk-based corrective action principles, the  
2377 department shall approve alternative cleanup target levels based  
2378 upon the person responsible for site rehabilitation  
2379 demonstrating, using site-specific modeling and risk assessment  
2380 studies, that human health, public safety, and the environment  
2381 are protected.

2382  
2383 The department shall require source removal, as a risk reduction  
2384 measure, if warranted and cost-effective. Once source removal at  
2385 a site is complete, the department shall reevaluate the site to  
2386 determine the degree of active cleanup needed to continue.

2387 Further, the department shall determine if the reevaluated site  
2388 qualifies for monitoring only or if no further action is  
2389 required to rehabilitate the site. If additional site  
2390 rehabilitation is necessary to reach "no further action" status,  
2391 the department is encouraged to utilize natural attenuation and  
2392 monitoring where site conditions warrant.

2393 (10) INSURANCE REQUIREMENTS.—The owner or operator of an  
 2394 operating drycleaning facility or wholesale supply facility  
 2395 shall, ~~by January 1, 1999,~~ have purchased third-party liability  
 2396 insurance for \$1 million of coverage for each operating  
 2397 facility. The owner or operator shall maintain such insurance  
 2398 while operating as a drycleaning facility or wholesale supply  
 2399 facility and provide proof of such insurance to the department  
 2400 upon registration renewal each year thereafter. Such requirement  
 2401 applies only if such insurance becomes available to the owner or  
 2402 operator at a reasonable rate and covers liability for  
 2403 contamination subsequent to the effective date of the policy and  
 2404 prior to the effective date, retroactive to the commencement of  
 2405 operations at the drycleaning facility or wholesale supply  
 2406 facility. Such insurance may be offered in group coverage  
 2407 policies with a minimum coverage of \$1 million for each member  
 2408 of the group per year. For the purposes of this subsection,  
 2409 reasonable rate means the rate developed based on exposure to  
 2410 loss and underwriting and administrative costs as determined by  
 2411 the Office of Insurance Regulation of the Financial Services  
 2412 Commission, in consultation with representatives of the  
 2413 drycleaning industry.

2414 Reviser's note.—Amended to delete obsolete provisions.

2415 Section 81. Subsection (1) of section 379.333, Florida  
 2416 Statutes, is amended to read:

2417 379.333 Arrest by officers of the commission;  
 2418 recognizance; cash bond; citation.—

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2419 (1) In all cases of arrest by officers of the commission,  
2420 the person arrested shall be delivered forthwith by such officer  
2421 to the sheriff of the county, or the officer shall obtain from  
2422 such person arrested a recognizance or, if deemed necessary, a  
2423 cash bond or other sufficient security conditioned for her or  
2424 his appearance before the proper tribunal of such county to  
2425 answer the charge for which the person has been arrested.

2426 Reviser's note.—Amended to confirm the editorial insertion of  
2427 the words "the officer" to facilitate correct  
2428 interpretation.

2429 Section 82. Subsection (3) of section 379.3511, Florida  
2430 Statutes, is amended to read:

2431 379.3511 Appointment of subagents for the sale of hunting,  
2432 fishing, and trapping licenses and permits.—

2433 (3) All social security numbers that are provided pursuant  
2434 to s. 379.352 ~~ss. 379.352 and 379.354~~ and are contained in  
2435 records of any subagent appointed under this section are  
2436 confidential as provided in those sections.

2437 Reviser's note.—Amended to conform to the fact that s. 379.352  
2438 references social security numbers; s. 379.354 does not.

2439 Section 16, ch. 2002-46, Laws of Florida, dropped the  
2440 social security requirement from s. 372.57, which was  
2441 transferred to s. 379.354 by s. 139, ch. 2008-247, Laws of  
2442 Florida.

2443 Section 83. Paragraph (f) of subsection (3) of section  
2444 381.911, Florida Statutes, is amended to read:

2445           381.911 Prostate Cancer Awareness Program.—

2446           (3) The University of Florida Prostate Disease Center

2447           (UFPDC) shall establish the UFPDC Prostate Cancer Advisory

2448           Council and lead the advisory council in developing and

2449           implementing strategies to improve outreach and education and

2450           thereby reduce the number of patients who develop prostate

2451           cancer.

2452           (f) The advisory council shall:

2453           1. Present prostate-cancer-related policy recommendations

2454           to the Department of Health and other appropriate governmental

2455           entities.

2456           2. Assess the accuracy of prostate cancer information

2457           disseminated to the public.

2458           3. Develop effective communication channels among all

2459           private and public entities in the state involved in prostate

2460           cancer education, research, treatment, and patient advocacy.

2461           4. Plan, develop, and implement activities designed to

2462           heighten awareness and educate residents of the state,

2463           especially those in underserved areas, regarding the importance

2464           of prostate cancer awareness.

2465           5. Disseminate information about recent progress in

2466           prostate cancer research and the availability of clinical

2467           trials.

2468           6. Minimize health disparities through outreach and

2469           education.

2470           7. Communicate best practices principles to physicians

2471 involved in the care of patients with prostate cancer.

2472 8. Establish a communication platform for patients and  
2473 their advocates.

2474 9. Solicit private grants or philanthropic funding to  
2475 conduct an annual prostate cancer symposium that brings  
2476 physicians, researchers, community leaders, prostate cancer  
2477 survivors, and prostate cancer advocates together to highlight  
2478 recent advances in prostate cancer research, clinical trials,  
2479 and best practices used for the prevention of prostate cancer  
2480 and to promote strategies for successful rural and urban  
2481 outreach, community education, and increased awareness.

2482 10. Submit and present an annual report to the Governor,  
2483 the President of the Senate, the Speaker of the House of  
2484 Representatives, and the State Surgeon General by ~~January 15,~~  
2485 ~~2012, and by~~ January 15 of each ~~following~~ year, which contains  
2486 recommendations for legislative changes necessary to decrease  
2487 the incidence of prostate cancer, decrease racial and ethnic  
2488 disparities among persons diagnosed with prostate cancer, and  
2489 promote increased community education and awareness regarding  
2490 this disease.

2491 Reviser's note.—Amended to delete an obsolete provision.

2492 Section 84. Subsection (4) of section 382.009, Florida  
2493 Statutes, is amended to read:

2494 382.009 Recognition of brain death under certain  
2495 circumstances.—

2496 (4) No recovery shall be allowed nor shall criminal



2497 proceedings be instituted in any court in this state against a  
 2498 physician or licensed medical facility that makes a  
 2499 determination of death in accordance with this section or which  
 2500 acts in reliance thereon, if such determination is made in  
 2501 accordance with the accepted standard of care for such physician  
 2502 or facility set forth in s. 766.102 ~~768.45~~. Except for a  
 2503 diagnosis of brain death, the standard set forth in this section  
 2504 is not the exclusive standard for determining death or for the  
 2505 withdrawal of life support systems.

2506 Reviser's note.—Amended to confirm the editorial substitution of  
 2507 a reference to s. 766.102 for a reference to s. 768.45.  
 2508 Section 768.45 was transferred to s. 766.102 by the reviser  
 2509 incident to compiling the 1988 Supplement to the Florida  
 2510 Statutes 1987.

2511 Section 85. Section 383.16, Florida Statutes, is amended  
 2512 to read:

2513 383.16 Definitions; ss. 383.15-383.19 ~~383.15-383.21~~.—As  
 2514 used in ss. 383.15-383.19 ~~383.15-383.21~~, the term:

- 2515 (1) "Department" means the Department of Health.
- 2516 (2) "Regional perinatal intensive care center" or "center"  
 2517 means a unit designated by the department, located within a  
 2518 hospital, and specifically designed to provide a full range of  
 2519 health services to its patients.
- 2520 (3) "Patient" means a woman who is experiencing a high-  
 2521 risk pregnancy and who has been declared financially and  
 2522 medically eligible or a newborn infant who needs intensive care

2523 and who is declared financially and medically eligible.  
 2524 Reviser's note.—Amended to conform to the repeal of s. 383.21 by  
 2525 s. 98, ch. 2010-102, Laws of Florida.

2526 Section 86. Section 383.17, Florida Statutes, is amended  
 2527 to read:

2528 383.17 Regional perinatal intensive care centers program;  
 2529 authority.—The department may contract with health care  
 2530 providers in establishing and maintaining centers in accordance  
 2531 with ss. 383.15-383.19 ~~383.15-383.21~~. The cost of administering  
 2532 the regional perinatal intensive care centers program shall be  
 2533 paid by the department from funds appropriated for this purpose.

2534 Reviser's note.—Amended to conform to the repeal of s. 383.21 by  
 2535 s. 98, ch. 2010-102, Laws of Florida.

2536 Section 87. Section 383.18, Florida Statutes, is amended  
 2537 to read:

2538 383.18 Contracts; conditions.—Participation in the  
 2539 regional perinatal intensive care centers program under ss.  
 2540 383.15-383.19 ~~383.15-383.21~~ is contingent upon the department  
 2541 entering into a contract with a provider. The contract shall  
 2542 provide that patients will receive services from the center and  
 2543 that parents or guardians of patients who participate in the  
 2544 program and who are in compliance with Medicaid eligibility  
 2545 requirements as determined by the department are not  
 2546 additionally charged for treatment and care which has been  
 2547 contracted for by the department. Financial eligibility for the  
 2548 program is based on the Medicaid income guidelines for pregnant

2549 women and for children under 1 year of age. Funding shall be  
 2550 provided in accordance with ss. 383.19 and 409.908.  
 2551 Reviser's note.—Amended to conform to the repeal of s. 383.21 by  
 2552 s. 98, ch. 2010-102, Laws of Florida.  
 2553 Section 88. Subsections (5) and (6) of section 383.19,  
 2554 Florida Statutes, are amended to read:  
 2555 383.19 Standards; funding; ineligibility.—  
 2556 (5) A private, for-profit hospital that does not accept  
 2557 county, state, or federal funds or indigent patients is not  
 2558 eligible to participate under ss. 383.15-383.19 ~~383.15-383.21~~.  
 2559 (6) Each hospital that contracts with the department to  
 2560 provide services under the terms of ss. 383.15-383.19 ~~383.15-~~  
 2561 ~~383.21~~ shall prepare and submit to the department an annual  
 2562 report that includes, but is not limited to, the number of  
 2563 clients served and the costs of services in the center. The  
 2564 department shall annually conduct a programmatic and financial  
 2565 evaluation of each center.  
 2566 Reviser's note.—Amended to conform to the repeal of s. 383.21 by  
 2567 s. 98, ch. 2010-102, Laws of Florida.  
 2568 Section 89. Paragraph (b) of subsection (1) of section  
 2569 391.025, Florida Statutes, is amended to read:  
 2570 391.025 Applicability and scope.—  
 2571 (1) The Children's Medical Services program consists of  
 2572 the following components:  
 2573 (b) The regional perinatal intensive care centers program  
 2574 established in ss. 383.15-383.19 ~~383.15-383.21~~.

2575 Reviser's note.—Amended to conform to the repeal of s. 383.21 by  
 2576 s. 98, ch. 2010-102, Laws of Florida.

2577 Section 90. Subsection (9) of section 394.9084, Florida  
 2578 Statutes, is amended to read:

2579 394.9084 Florida Self-Directed Care program.—

2580 ~~(9) By December 31, 2009, the Office of Program Policy~~  
 2581 ~~Analysis and Government Accountability shall evaluate the~~  
 2582 ~~effectiveness of the Florida Self-Directed Care program. The~~  
 2583 ~~evaluation shall include an assessment of participant choice and~~  
 2584 ~~access to services, cost savings, coordination and quality of~~  
 2585 ~~care, adherence to principles of self-directed care, barriers to~~  
 2586 ~~implementation, progress toward expansion of the program~~  
 2587 ~~statewide, and recommendations for improvement in the program.~~

2588 Reviser's note.—Amended to delete a provision that has served  
 2589 its purpose.

2590 Section 91. Subsection (11) of section 400.471, Florida  
 2591 Statutes, as created by section 5 of chapter 2009-223, Laws of  
 2592 Florida, and as created as subsection (10) by section 5 of  
 2593 chapter 2009-193, Laws of Florida, is repealed.

2594 Reviser's note.—The cited subsection, which provides that an  
 2595 initial or change of ownership license for a home health  
 2596 agency in counties meeting specified requirements for  
 2597 opening a new home health agency may not be issued until  
 2598 July 1, 2010, is obsolete.

2599 Section 92. Paragraph (a) of subsection (7) of section  
 2600 400.960, Florida Statutes, is amended to read:

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2601 400.960 Definitions.—As used in this part, the term:

2602 (7) "Restraint" means a physical device, method, or drug  
2603 used to control behavior.

2604 (a) A physical restraint is any manual method or physical  
2605 or mechanical device, material, or equipment attached or  
2606 adjacent to the individual's body so that he or she cannot  
2607 easily remove the restraint and which restricts freedom of  
2608 movement or normal access to the individual's body ~~one's body~~.

2609 Reviser's note.—Amended to conform to context and improve  
2610 clarity.

2611 Section 93. Paragraph (g) of subsection (4) and subsection  
2612 (8) of section 401.27, Florida Statutes, are amended to read:

2613 401.27 Personnel; standards and certification.—

2614 (4) An applicant for certification or recertification as  
2615 an emergency medical technician or paramedic must:

2616 (g) Submit a completed application to the department,  
2617 which application documents compliance with paragraphs (a), (b),  
2618 (c), (e), (f), and this paragraph ~~(g)~~, and, if applicable,  
2619 paragraph (d). The application must be submitted so as to be  
2620 received by the department at least 30 calendar days before the  
2621 next regularly scheduled examination for which the applicant  
2622 desires to be scheduled.

2623 (8) Each emergency medical technician certificate and each  
2624 paramedic certificate will expire automatically and may be  
2625 renewed if the holder meets the qualifications for renewal as  
2626 established by the department. A certificate that is not renewed

2627 at the end of the 2-year period will automatically revert to an  
 2628 inactive status for a period not to exceed 180 days. Such  
 2629 certificate may be reactivated and renewed within the 180 days  
 2630 if the certificateholder meets all other qualifications for  
 2631 renewal and pays a \$25 late fee. Reactivation shall be in a  
 2632 manner and on forms prescribed by department rule. ~~The holder of~~  
 2633 ~~a certificate that expired on December 1, 1996, has until~~  
 2634 ~~September 30, 1997, to reactivate the certificate in accordance~~  
 2635 ~~with this subsection.~~

2636 Reviser's note.—Paragraph (4) (g) is amended to conform to  
 2637 Florida Statutes cite style. Subsection (8) is amended to  
 2638 delete an obsolete provision.

2639 Section 94. Paragraph (a) of subsection (24) of section  
 2640 403.061, Florida Statutes, is amended to read:

2641 403.061 Department; powers and duties.—The department  
 2642 shall have the power and the duty to control and prohibit  
 2643 pollution of air and water in accordance with the law and rules  
 2644 adopted and promulgated by it and, for this purpose, to:

2645 (24) (a) Establish a permit system to provide for spoil  
 2646 site approval, as may be requested and required by local  
 2647 governmental agencies as defined in s. 403.1835(2) (c)  
 2648 ~~403.1822(3)~~, or mosquito control districts as defined in s.  
 2649 388.011(5), to facilitate these agencies in providing spoil  
 2650 sites for the deposit of spoil from maintenance dredging of  
 2651 navigation channels, port harbors, turning basins, and harbor  
 2652 berths, as part of a federal project, when the agency is acting

2653 as sponsor of a contemplated dredge and fill operation involving  
 2654 an established navigation channel, harbor, turning basin, or  
 2655 harbor berth. A spoil site approval granted to the agency shall  
 2656 be granted for a period of 10 to 25 years when such site is not  
 2657 inconsistent with an adopted local governmental comprehensive  
 2658 plan and the requirements of this chapter. The department shall  
 2659 periodically review each permit to determine compliance with the  
 2660 terms and conditions of the permit. Such review shall be  
 2661 conducted at least once every 10 years.

2662  
 2663 The department shall implement such programs in conjunction with  
 2664 its other powers and duties and shall place special emphasis on  
 2665 reducing and eliminating contamination that presents a threat to  
 2666 humans, animals or plants, or to the environment.

2667 Reviser's note.—Amended to conform to the repeal of s. 403.1822  
 2668 by s. 18, ch. 2001-270, Laws of Florida. The term "local  
 2669 government agencies" was added to s. 403.1835(2)(a), by  
 2670 s.15, 2001-270, Laws of Florida, in response to the repeal  
 2671 of s. 403.1822. The section was further amended by s. 40,  
 2672 ch. 2010-205, Laws of Florida, which reordered the  
 2673 paragraphs so that the definition currently appears at  
 2674 paragraph (2)(c).

2675 Section 95. Subsection (1) of section 403.804, Florida  
 2676 Statutes, is amended to read:

2677 403.804 Environmental Regulation Commission; powers and  
 2678 duties.—

2679 (1) Except as provided in subsection (2) and s. 120.54(4),  
 2680 the commission, pursuant to s. 403.805(1), shall exercise the  
 2681 standard-setting authority of the department under this chapter;  
 2682 part II of chapter 373 ~~376~~; and ss. 373.309(1)(e), 373.414(4)  
 2683 and (10), 373.4145(1)(a), 373.421(1), and 373.4592(4)(d)4. and  
 2684 (e). The commission, in exercising its authority, shall consider  
 2685 scientific and technical validity, economic impacts, and  
 2686 relative risks and benefits to the public and the environment.  
 2687 The commission shall not establish department policies,  
 2688 priorities, plans, or directives. The commission may adopt  
 2689 procedural rules governing the conduct of its meetings and  
 2690 hearings.

2691 Reviser's note.—Amended to correct an apparent typographical  
 2692 error. The referenced part II of chapter 376 does not  
 2693 exist.

2694 Section 96. Paragraph (b) of subsection (1) of section  
 2695 403.9338, Florida Statutes, is amended to read:

2696 403.9338 Training.—

2697 (1) The department, in cooperation with the Institute of  
 2698 Food and Agricultural Sciences, shall:

2699 (b) Approve training and testing programs that are  
 2700 equivalent to or more comprehensive than the training provided  
 2701 by the department under paragraph (a). Such programs must be  
 2702 reviewed and reapproved by the department if significant changes  
 2703 are made. ~~Currently approved programs must be reapproved by July~~  
 2704 ~~1, 2010.~~



2705 Reviser's note.—Amended to delete an obsolete provision.

2706 Section 97. Section 408.914, Florida Statutes, is  
 2707 repealed.

2708 Reviser's note.—Section 408.914 is repealed to remove a  
 2709 provision that has served its purpose. The section required  
 2710 that the Agency for Health Care Administration, in  
 2711 consultation with the steering committee established in s.  
 2712 408.916, phase in the Comprehensive Health and Human  
 2713 Services Eligibility Access System. The authorization for  
 2714 the steering committee ended on June 30, 2004.

2715 Section 98. Section 408.915, Florida Statutes, is  
 2716 repealed.

2717 Reviser's note.—Section 408.915 is repealed to remove a  
 2718 provision that has served its purpose. The section required  
 2719 that the Agency for Health Care Administration, in  
 2720 consultation with the steering committee established in s.  
 2721 408.916, develop and implement a pilot program to integrate  
 2722 the determination of eligibility for health care services  
 2723 with information and referral services. The authorization  
 2724 for the steering committee ended on June 30, 2004.

2725 Section 99. Section 408.916, Florida Statutes, is  
 2726 repealed.

2727 Reviser's note.—Section 408.916 is repealed to remove a  
 2728 provision that has served its purpose. The section created  
 2729 a steering committee to guide the implementation of the  
 2730 pilot project in s. 408.915. The authorization for the

2731 committee ended on June 30, 2004, and its activities were  
 2732 to be completed by that date.

2733 Section 100. Paragraph (a) of subsection (2) and  
 2734 subsection (7) of section 409.1451, Florida Statutes, are  
 2735 amended to read:

2736 409.1451 The Road-to-Independence Program.—

2737 (2) POSTSECONDARY EDUCATION SERVICES AND SUPPORT.—

2738 (a) A young adult is eligible for services and support  
 2739 under this subsection if he or she:

2740 1. Was living in licensed care on his or her 18th birthday  
 2741 or is currently living in licensed care; or was at least 16  
 2742 years of age and was adopted from foster care or placed with a  
 2743 court-approved dependency guardian after spending at least 6  
 2744 months in licensed care within the 12 months immediately  
 2745 preceding such placement or adoption;

2746 2. Spent at least 6 months in licensed care before  
 2747 reaching his or her 18th birthday;

2748 3. Earned a standard high school diploma or its equivalent  
 2749 pursuant to s. 1003.428, s. 1003.4281, former s. 1003.429, s.  
 2750 1003.435, or s. 1003.438;

2751 4. Has been admitted for enrollment as a full-time student  
 2752 or its equivalent in an eligible postsecondary educational  
 2753 institution as provided in s. 1009.533. For purposes of this  
 2754 section, the term "full-time" means 9 credit hours or the  
 2755 vocational school equivalent. A student may enroll part-time if  
 2756 he or she has a recognized disability or is faced with another

2757 challenge or circumstance that would prevent full-time  
 2758 attendance. A student needing to enroll part-time for any reason  
 2759 other than having a recognized disability must get approval from  
 2760 his or her academic advisor;

2761 5. Has reached 18 years of age but is not yet 23 years of  
 2762 age;

2763 6. Has applied, with assistance from the young adult's  
 2764 caregiver and the community-based lead agency, for any other  
 2765 grants and scholarships for which he or she may qualify;

2766 7. Submitted a Free Application for Federal Student Aid  
 2767 which is complete and error free; and

2768 8. Signed an agreement to allow the department and the  
 2769 community-based care lead agency access to school records.

2770 (7) INDEPENDENT LIVING SERVICES ADVISORY COUNCIL.—The  
 2771 secretary shall establish the Independent Living Services  
 2772 Advisory Council for the purpose of reviewing and making  
 2773 recommendations concerning the implementation and operation of  
 2774 the provisions of s. 39.6251 ~~39.6015~~ and the Road-to-  
 2775 Independence Program. The advisory council shall function as  
 2776 specified in this subsection until the Legislature determines  
 2777 that the advisory council can no longer provide a valuable  
 2778 contribution to the department's efforts to achieve the goals of  
 2779 the services designed to enable a young adult to live  
 2780 independently.

2781 (a) The advisory council shall assess the implementation  
 2782 and operation of the Road-to-Independence Program and advise the

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2783 department on actions that would improve the ability of these  
2784 Road-to-Independence Program services to meet the established  
2785 goals. The advisory council shall keep the department informed  
2786 of problems being experienced with the services, barriers to the  
2787 effective and efficient integration of services and support  
2788 across systems, and successes that the system of services has  
2789 achieved. The department shall consider, but is not required to  
2790 implement, the recommendations of the advisory council.

2791 (b) The advisory council shall report to the secretary on  
2792 the status of the implementation of the Road-to-Independence  
2793 Program, efforts to publicize the availability of the Road-to-  
2794 Independence Program, the success of the services, problems  
2795 identified, recommendations for department or legislative  
2796 action, and the department's implementation of the  
2797 recommendations contained in the Independent Living Services  
2798 Integration Workgroup Report submitted to the appropriate  
2799 substantive committees of the Legislature by December 31, 2013.  
2800 The department shall submit a report by December 31 of each year  
2801 to the Governor, the President of the Senate, and the Speaker of  
2802 the House of Representatives which includes a summary of the  
2803 factors reported on by the council and identifies the  
2804 recommendations of the advisory council and either describes the  
2805 department's actions to implement the recommendations or  
2806 provides the department's rationale for not implementing the  
2807 recommendations.

2808 (c) Members of the advisory council shall be appointed by

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2809 the secretary of the department. The membership of the advisory  
2810 council must include, at a minimum, representatives from the  
2811 headquarters and regional offices of the Department of Children  
2812 and Families, community-based care lead agencies, the Department  
2813 of Juvenile Justice, the Department of Economic Opportunity, the  
2814 Department of Education, the Agency for Health Care  
2815 Administration, the State Youth Advisory Board, Workforce  
2816 Florida, Inc., the Statewide Guardian Ad Litem Office, foster  
2817 parents, recipients of services and funding through the Road-to-  
2818 Independence Program, and advocates for children in care. The  
2819 secretary shall determine the length of the term to be served by  
2820 each member appointed to the advisory council, which may not  
2821 exceed 4 years.

2822 (d) The department shall provide administrative support to  
2823 the Independent Living Services Advisory Council to accomplish  
2824 its assigned tasks. The advisory council shall be afforded  
2825 access to all appropriate data from the department, each  
2826 community-based care lead agency, and other relevant agencies in  
2827 order to accomplish the tasks set forth in this section. The  
2828 data collected may not include any information that would  
2829 identify a specific child or young adult.

2830 (e) The advisory council report required under paragraph  
2831 (b) must include an analysis of the system of independent living  
2832 transition services for young adults who reach 18 years of age  
2833 while in foster care before completing high school or its  
2834 equivalent and recommendations for department or legislative

2835 action. The council shall assess and report on the most  
 2836 effective method of assisting these young adults to complete  
 2837 high school or its equivalent by examining the practices of  
 2838 other states.

2839 Reviser's note.—Paragraph (2) (a) is amended to conform to the  
 2840 repeal of s. 1003.429, by s. 20, ch. 2013-27, Laws of  
 2841 Florida. Subsection (7) is amended to correct an apparent  
 2842 error. Section 39.6015 does not exist. The intended  
 2843 reference is to s. 39.6251 which relates to continuing care  
 2844 of young adults.

2845 Section 101. Paragraph (b) of subsection (5) of section  
 2846 409.907, Florida Statutes, is amended to read:

2847 409.907 Medicaid provider agreements.—The agency may make  
 2848 payments for medical assistance and related services rendered to  
 2849 Medicaid recipients only to an individual or entity who has a  
 2850 provider agreement in effect with the agency, who is performing  
 2851 services or supplying goods in accordance with federal, state,  
 2852 and local law, and who agrees that no person shall, on the  
 2853 grounds of handicap, race, color, or national origin, or for any  
 2854 other reason, be subjected to discrimination under any program  
 2855 or activity for which the provider receives payment from the  
 2856 agency.

2857 (5) The agency:

2858 (b) Is prohibited from demanding repayment from the  
 2859 provider in any instance in which the Medicaid overpayment is  
 2860 attributable to agency error ~~of the department~~ in the

2861 determination of eligibility of a recipient.  
 2862 Reviser's note.—Amended to conform to context. Paragraph (5) (b)  
 2863 was amended by s. 5, ch. 96-417, Laws of Florida, which  
 2864 used the words "error of the department." The paragraph was  
 2865 also amended by s. 2, ch. 96-387, Laws of Florida, which  
 2866 used the words "agency error"; ch. 96-387 conformed  
 2867 provisions in the Florida Statutes to the transfer of  
 2868 responsibilities from the Department of Health and  
 2869 Rehabilitative Services to the Agency for Health Care  
 2870 Administration. Paragraph (5) (b) is amended here to resolve  
 2871 the conflict based on context. The section contains  
 2872 numerous references to the agency and no other references  
 2873 to the department.

2874 Section 102. Subsection (2) and paragraph (d) of  
 2875 subsection (3) of section 409.9082, Florida Statutes, are  
 2876 amended to read:

2877 409.9082 Quality assessment on nursing home facility  
 2878 providers; exemptions; purpose; federal approval required;  
 2879 remedies.—

2880 (2) ~~Effective April 1, 2009,~~ A quality assessment is  
 2881 imposed upon each nursing home facility. The aggregated amount  
 2882 of assessments for all nursing home facilities in a given year  
 2883 shall be an amount not exceeding the maximum percentage allowed  
 2884 under federal law of the total aggregate net patient service  
 2885 revenue of assessed facilities. The agency shall calculate the  
 2886 quality assessment rate annually on a per-resident-day basis,

2887 exclusive of those resident days funded by the Medicare program,  
 2888 as reported by the facilities. The per-resident-day assessment  
 2889 rate must be uniform except as prescribed in subsection (3).  
 2890 Each facility shall report monthly to the agency its total  
 2891 number of resident days, exclusive of Medicare Part A resident  
 2892 days, and remit an amount equal to the assessment rate times the  
 2893 reported number of days. The agency shall collect, and each  
 2894 facility shall pay, the quality assessment each month. The  
 2895 agency shall collect the assessment from nursing home facility  
 2896 providers by the 15th day of the next succeeding calendar month.  
 2897 The agency shall notify providers of the quality assessment and  
 2898 provide a standardized form to complete and submit with  
 2899 payments. The collection of the nursing home facility quality  
 2900 assessment shall commence no sooner than 5 days after the  
 2901 agency's initial payment of the Medicaid rates containing the  
 2902 elements prescribed in subsection (4). Nursing home facilities  
 2903 may not create a separate line-item charge for the purpose of  
 2904 passing the assessment through to residents.

2905 (3)

2906 (d) ~~Effective July 1, 2011,~~ The agency may exempt from the  
 2907 quality assessment or apply a lower quality assessment rate to a  
 2908 qualified public, nonstate-owned or operated nursing home  
 2909 facility whose total annual indigent census days are greater  
 2910 than 20 percent of the facility's total annual census days.

2911 Reviser's note.—Amended to delete obsolete provisions.

2912 Section 103. Subsection (2) of section 409.981, Florida



2913 Statutes, is amended to read:

2914 409.981 Eligible long-term care plans.—

2915 (2) ELIGIBLE PLAN SELECTION.—The agency shall select  
 2916 eligible plans through the procurement process described in s.  
 2917 409.966. ~~The agency shall provide notice of invitations to~~  
 2918 ~~negotiate by July 1, 2012.~~ The agency shall procure:

2919 (a) Two plans for Region 1. At least one plan must be a  
 2920 provider service network if any provider service networks submit  
 2921 a responsive bid.

2922 (b) Two plans for Region 2. At least one plan must be a  
 2923 provider service network if any provider service networks submit  
 2924 a responsive bid.

2925 (c) At least three plans and up to five plans for Region  
 2926 3. At least one plan must be a provider service network if any  
 2927 provider service networks submit a responsive bid.

2928 (d) At least three plans and up to five plans for Region  
 2929 4. At least one plan must be a provider service network if any  
 2930 provider service network submits a responsive bid.

2931 (e) At least two plans and up to four plans for Region 5.  
 2932 At least one plan must be a provider service network if any  
 2933 provider service networks submit a responsive bid.

2934 (f) At least four plans and up to seven plans for Region  
 2935 6. At least one plan must be a provider service network if any  
 2936 provider service networks submit a responsive bid.

2937 (g) At least three plans and up to six plans for Region 7.  
 2938 At least one plan must be a provider service network if any

2939 provider service networks submit a responsive bid.

2940 (h) At least two plans and up to four plans for Region 8.  
 2941 At least one plan must be a provider service network if any  
 2942 provider service networks submit a responsive bid.

2943 (i) At least two plans and up to four plans for Region 9.  
 2944 At least one plan must be a provider service network if any  
 2945 provider service networks submit a responsive bid.

2946 (j) At least two plans and up to four plans for Region 10.  
 2947 At least one plan must be a provider service network if any  
 2948 provider service networks submit a responsive bid.

2949 (k) At least five plans and up to 10 plans for Region 11.  
 2950 At least one plan must be a provider service network if any  
 2951 provider service networks submit a responsive bid.

2952  
 2953 If no provider service network submits a responsive bid in a  
 2954 region other than Region 1 or Region 2, the agency shall procure  
 2955 no more than one less than the maximum number of eligible plans  
 2956 permitted in that region. Within 12 months after the initial  
 2957 invitation to negotiate, the agency shall attempt to procure a  
 2958 provider service network. The agency shall notice another  
 2959 invitation to negotiate only with provider service networks in  
 2960 regions where no provider service network has been selected.

2961 Reviser's note.—Amended to delete an obsolete provision.

2962 Section 104. Paragraph (d) of subsection (9) of section  
 2963 411.203, Florida Statutes, is amended to read:

2964 411.203 Continuum of comprehensive services.—The

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2965 Department of Education and the Department of Health shall  
2966 utilize the continuum of prevention and early assistance  
2967 services for high-risk pregnant women and for high-risk and  
2968 handicapped children and their families, as outlined in this  
2969 section, as a basis for the intraagency and interagency program  
2970 coordination, monitoring, and analysis required in this chapter.  
2971 The continuum shall be the guide for the comprehensive statewide  
2972 approach for services for high-risk pregnant women and for high-  
2973 risk and handicapped children and their families, and may be  
2974 expanded or reduced as necessary for the enhancement of those  
2975 services. Expansion or reduction of the continuum shall be  
2976 determined by intraagency or interagency findings and agreement,  
2977 whichever is applicable. Implementation of the continuum shall  
2978 be based upon applicable eligibility criteria, availability of  
2979 resources, and interagency prioritization when programs impact  
2980 both agencies, or upon single agency prioritization when  
2981 programs impact only one agency. The continuum shall include,  
2982 but not be limited to:

2983 (9) MANAGEMENT SYSTEMS AND PROCEDURES.—

2984 (d) Information sharing system among the Department of  
2985 Health ~~and Rehabilitative Services~~, the Department of Education,  
2986 local education agencies, and other appropriate entities, on  
2987 children eligible for services. Information may be shared when  
2988 parental or guardian permission has been given for release.

2989 Reviser's note.—Amended to substitute a reference to the

2990 Department of Health for a reference to the Department of

2991 Health and Rehabilitative Services to conform to context.  
 2992 Section 6, ch. 96-403, Laws of Florida, transferred all  
 2993 duties of the Department of Health and Rehabilitative  
 2994 Services relating to public health to the Department of  
 2995 Health as created by s. 8, ch. 96-403.

2996 Section 105. Section 420.151, Florida Statutes, is  
 2997 repealed.

2998 Reviser's note.—The cited section stipulated that the first  
 2999 meeting of the Housing Development Corporation would be  
 3000 called by a notice by incorporators and set an agenda for  
 3001 the meeting. The section was created by s. 1, ch. 72-172,  
 3002 Laws of Florida, and has not been amended since its  
 3003 creation.

3004 Section 106. Paragraph (c) of subsection (6) of section  
 3005 420.5087, Florida Statutes, is amended to read:

3006 420.5087 State Apartment Incentive Loan Program.—There is  
 3007 hereby created the State Apartment Incentive Loan Program for  
 3008 the purpose of providing first, second, or other subordinated  
 3009 mortgage loans or loan guarantees to sponsors, including for-  
 3010 profit, nonprofit, and public entities, to provide housing  
 3011 affordable to very-low-income persons.

3012 (6) On all state apartment incentive loans, except loans  
 3013 made to housing communities for the elderly to provide for  
 3014 lifesafety, building preservation, health, sanitation, or  
 3015 security-related repairs or improvements, the following  
 3016 provisions shall apply:

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3017 (c) The corporation shall provide by rule for the  
3018 establishment of a review committee for the competitive  
3019 evaluation and selection of applications submitted in this  
3020 program, including, but not limited to, the following criteria:

3021 1. Tenant income and demographic targeting objectives of  
3022 the corporation.

3023 2. Targeting objectives of the corporation which will  
3024 ensure an equitable distribution of loans between rural and  
3025 urban areas.

3026 3. Sponsor's agreement to reserve the units for persons or  
3027 families who have incomes below 50 percent of the state or local  
3028 median income, whichever is higher, for a time period that  
3029 exceeds the minimum required by federal law or ~~the~~ this part.

3030 4. Sponsor's agreement to reserve more than:

3031 a. Twenty percent of the units in the project for persons  
3032 or families who have incomes that do not exceed 50 percent of  
3033 the state or local median income, whichever is higher; or

3034 b. Forty percent of the units in the project for persons  
3035 or families who have incomes that do not exceed 60 percent of  
3036 the state or local median income, whichever is higher, without  
3037 requiring a greater amount of the loans as provided in this  
3038 section.

3039 5. Provision for tenant counseling.

3040 6. Sponsor's agreement to accept rental assistance  
3041 certificates or vouchers as payment for rent.

3042 7. Projects requiring the least amount of a state

3043 apartment incentive loan compared to overall project cost,  
 3044 except that the share of the loan attributable to units serving  
 3045 extremely-low-income persons must be excluded from this  
 3046 requirement.

3047 8. Local government contributions and local government  
 3048 comprehensive planning and activities that promote affordable  
 3049 housing.

3050 9. Project feasibility.

3051 10. Economic viability of the project.

3052 11. Commitment of first mortgage financing.

3053 12. Sponsor's prior experience.

3054 13. Sponsor's ability to proceed with construction.

3055 14. Projects that directly implement or assist welfare-to-  
 3056 work transitioning.

3057 15. Projects that reserve units for extremely-low-income  
 3058 persons.

3059 16. Projects that include green building principles,  
 3060 storm-resistant construction, or other elements that reduce  
 3061 long-term costs relating to maintenance, utilities, or  
 3062 insurance.

3063 17. Job-creation rate of the developer and general  
 3064 contractor, as provided in s. 420.507(47).

3065 Reviser's note.—Amended to confirm the editorial deletion of the  
 3066 word "the" following the word "or."

3067 Section 107. Subsection (9) of section 420.622, Florida  
 3068 Statutes, is amended to read:

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3069 420.622 State Office on Homelessness; Council on  
 3070 Homelessness.—

3071 (9) The council shall, by June 30 of each year, ~~beginning~~  
 3072 ~~in 2010,~~ provide to the Governor, the Legislature, and the  
 3073 Secretary of Children and Family Services a report summarizing  
 3074 the extent of homelessness in the state and the council's  
 3075 recommendations for reducing homelessness in this state.  
 3076 Reviser's note.—Amended to delete an obsolete provision.

3077 Section 108. Subsection (5) of section 429.14, Florida  
 3078 Statutes, is amended to read:

3079 429.14 Administrative penalties.—

3080 (5) An action taken by the agency to suspend, deny, or  
 3081 revoke a facility's license under this part or part II of  
 3082 chapter 408, in which the agency claims that the facility owner  
 3083 or an employee of the facility has threatened the health,  
 3084 safety, or welfare of a resident of the facility, shall be heard  
 3085 by the Division of Administrative Hearings of the Department of  
 3086 Management Services within 120 days after receipt of the  
 3087 facility's request for a hearing, unless that time limitation is  
 3088 waived by both parties. The administrative law judge must render  
 3089 a decision within 30 days after receipt of a proposed  
 3090 recommended order.

3091 Reviser's note.—Amended to insert the word "shall" following the  
 3092 word "facility" to facilitate correct interpretation and  
 3093 improve clarity.

3094 Section 109. Section 430.207, Florida Statutes, is amended

3095 to read:  
 3096 430.207 Confidentiality of information.—Information about  
 3097 functionally impaired elderly persons who receive services under  
 3098 ss. 430.201-430.2053 and 430.902 ~~430.201-430.206~~ which is  
 3099 received through files, reports, inspections, or otherwise, by  
 3100 the department or by authorized departmental employees, by  
 3101 persons who volunteer services, or by persons who provide  
 3102 services to functionally impaired elderly persons under ss.  
 3103 430.201-430.2053 and 430.902 ~~430.201-430.206~~ through contracts  
 3104 with the department is confidential and exempt from the  
 3105 provisions of s. 119.07(1). Such information may not be  
 3106 disclosed publicly in such a manner as to identify a  
 3107 functionally impaired elderly person, unless that person or his  
 3108 or her legal guardian provides written consent.

3109 Reviser's note.—Amended to conform to the transfer of s. 430.206  
 3110 to s. 430.902 by s. 2 , ch. 2005-223, Laws of Florida.

3111 Section 110. Paragraph (c) of subsection (1) of section  
 3112 443.091, Florida Statutes, is amended to read:

3113 443.091 Benefit eligibility conditions.—

3114 (1) An unemployed individual is eligible to receive  
 3115 benefits for any week only if the Department of Economic  
 3116 Opportunity finds that:

3117 (c) To make continued claims for benefits, she or he is  
 3118 reporting to the department in accordance with this paragraph  
 3119 and department rules, and participating in an initial skills  
 3120 review, as directed by the department. Department rules may not



3121 conflict with s. 443.111(1)(b), which requires that each  
3122 claimant continue to report regardless of any pending appeal  
3123 relating to her or his eligibility or disqualification for  
3124 benefits.

3125 1. For each week of unemployment claimed, each report  
3126 must, at a minimum, include the name, address, and telephone  
3127 number of each prospective employer contacted, or the date the  
3128 claimant reported to a one-stop career center, pursuant to  
3129 paragraph (d).

3130 2. The administrator or operator of the initial skills  
3131 review shall notify the department when the individual completes  
3132 the initial skills review and report the results of the review  
3133 to the regional workforce board or the one-stop career center as  
3134 directed by the workforce board. The department shall prescribe  
3135 a numeric score on the initial skills review that demonstrates a  
3136 minimal proficiency in workforce skills. The department,  
3137 workforce board, or one-stop career center shall use the initial  
3138 skills review to develop a plan for referring individuals to  
3139 training and employment opportunities. The failure of the  
3140 individual to comply with this requirement will result in the  
3141 individual being determined ineligible for benefits for the week  
3142 in which the noncompliance occurred and for any subsequent week  
3143 of unemployment until the requirement is satisfied. However,  
3144 this requirement does not apply if the individual is exempt from  
3145 the work registration requirement as set forth in paragraph (b).

3146 3. Any individual who falls below the minimal proficiency

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3147 score prescribed by the department in subparagraph 2. on the  
3148 initial skills review shall be offered training opportunities  
3149 and encouraged to participate in such training at no cost to the  
3150 individual in order to improve his or her workforce skills to  
3151 the minimal proficiency level.

3152 4. The department shall coordinate with Workforce Florida,  
3153 Inc., the workforce boards, and the one-stop career centers to  
3154 identify, develop, and utilize best practices for improving the  
3155 skills of individuals who choose to participate in training  
3156 opportunities and who have a minimal proficiency score below the  
3157 score prescribed in subparagraph 2.

3158 ~~5. The department, in coordination with Workforce Florida,~~  
3159 ~~Inc., the workforce boards, and the one-stop career centers,~~  
3160 ~~shall evaluate the use, effectiveness, and costs associated with~~  
3161 ~~the training prescribed in subparagraph 3. and report its~~  
3162 ~~findings and recommendations for training and the use of best~~  
3163 ~~practices to the Governor, the President of the Senate, and the~~  
3164 ~~Speaker of the House of Representatives by January 1, 2013.~~

3165 Reviser's note.—Amended to delete a provision that has served  
3166 its purpose.

3167 Section 111. Paragraph (a) of subsection (1) of section  
3168 443.1216, Florida Statutes, is amended to read:

3169 443.1216 Employment.—Employment, as defined in s. 443.036,  
3170 is subject to this chapter under the following conditions:

3171 (1) (a) The employment subject to this chapter includes a  
3172 service performed, including a service performed in interstate

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3173 commerce, by:

3174 1. An officer of a corporation.

3175 2. An individual who, under the usual common-law rules  
3176 applicable in determining the employer-employee relationship, is  
3177 an employee. However, whenever a client, as defined in s.  
3178 443.036(18), which would otherwise be designated as an employing  
3179 unit has contracted with an employee leasing company to supply  
3180 it with workers, those workers are considered employees of the  
3181 employee leasing company. An employee leasing company may lease  
3182 corporate officers of the client to the client and other workers  
3183 to the client, except as prohibited by regulations of the  
3184 Internal Revenue Service. Employees of an employee leasing  
3185 company must be reported under the employee leasing company's  
3186 tax identification number and contribution rate for work  
3187 performed for the employee leasing company.

3188 a. However, except for the internal employees of an  
3189 employee leasing company, each employee leasing company may make  
3190 a separate one-time election to report and pay contributions  
3191 under the tax identification number and contribution rate for  
3192 each client of the employee leasing company. Under the client  
3193 method, an employee leasing company choosing this option must  
3194 assign leased employees to the client company that is leasing  
3195 the employees. The client method is solely a method to report  
3196 and pay unemployment contributions, and, whichever method is  
3197 chosen, such election may not impact any other aspect of state  
3198 law. An employee leasing company that elects the client method

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3199 must pay contributions at the rates assigned to each client  
3200 company.

3201 (I) The election applies to all of the employee leasing  
3202 company's current and future clients.

3203 (II) The employee leasing company must notify the  
3204 Department of Revenue of its election by July 1, 2012, and such  
3205 election applies to reports and contributions for the first  
3206 quarter of the following calendar year. The notification must  
3207 include:

3208 (A) A list of each client company and the unemployment  
3209 account number or, if one has not yet been issued, the federal  
3210 employment identification number, as established by the employee  
3211 leasing company upon the election to file by client method;

3212 (B) A list of each client company's current and previous  
3213 employees and their respective social security numbers for the  
3214 prior 3 state fiscal years or, if the client company has not  
3215 been a client for the prior 3 state fiscal years, such portion  
3216 of the prior 3 state fiscal years that the client company has  
3217 been a client must be supplied;

3218 (C) The wage data and benefit charges associated with each  
3219 client company for the prior 3 state fiscal years or, if the  
3220 client company has not been a client for the prior 3 state  
3221 fiscal years, such portion of the prior 3 state fiscal years  
3222 that the client company has been a client must be supplied. If  
3223 the client company's employment record is chargeable with  
3224 benefits for less than 8 calendar quarters while being a client

3225 of the employee leasing company, the client company must pay  
3226 contributions at the initial rate of 2.7 percent; and

3227 (D) The wage data and benefit charges for the prior 3  
3228 state fiscal years that cannot be associated with a client  
3229 company must be reported and charged to the employee leasing  
3230 company.

3231 (III) Subsequent to choosing the client method, the  
3232 employee leasing company may not change its reporting method.

3233 (IV) The employee leasing company shall file a Florida  
3234 Department of Revenue Employer's Quarterly Report for each  
3235 client company by approved electronic means, and pay all  
3236 contributions by approved electronic means.

3237 (V) For the purposes of calculating experience rates when  
3238 the client method is chosen, each client's own benefit charges  
3239 and wage data experience while with the employee leasing company  
3240 determines each client's tax rate where the client has been a  
3241 client of the employee leasing company for at least 8 calendar  
3242 quarters before the election. The client company shall continue  
3243 to report the nonleased employees under its tax rate.

3244 (VI) The election is binding on each client of the  
3245 employee leasing company for as long as a written agreement is  
3246 in effect between the client and the employee leasing company  
3247 pursuant to s. 468.525(3)(a). If the relationship between the  
3248 employee leasing company and the client terminates, the client  
3249 retains the wage and benefit history experienced under the  
3250 employee leasing company.

3251 (VII) Notwithstanding which election method the employee  
3252 leasing company chooses, the applicable client company is an  
3253 employing unit for purposes of s. 443.071. The employee leasing  
3254 company or any of its officers or agents are liable for any  
3255 violation of s. 443.071 engaged in by such persons or entities.  
3256 The applicable client company or any of its officers or agents  
3257 are liable for any violation of s. 443.071 engaged in by such  
3258 persons or entities. The employee leasing company or its  
3259 applicable client company is not liable for any violation of s.  
3260 443.071 engaged in by the other party or by the other party's  
3261 officers or agents.

3262 (VIII) If an employee leasing company fails to select the  
3263 client method of reporting not later than July 1, 2012, the  
3264 entity is required to report under the employee leasing  
3265 company's tax identification number and contribution rate.

3266 (IX) After an employee leasing company is licensed  
3267 pursuant to part XI of chapter 468, each newly licensed entity  
3268 has 30 days after the date the license is granted to notify the  
3269 tax collection service provider in writing of their selection of  
3270 the client method. A newly licensed employee leasing company  
3271 that fails to timely select reporting pursuant to the client  
3272 method of reporting must report under the employee leasing  
3273 company's tax identification number and contribution rate.

3274 (X) Irrespective of the election, each transfer of trade  
3275 or business, including workforce, or a portion thereof, between  
3276 employee leasing companies is subject to the provisions of s.

3277 443.131(3)(g) if, at the time of the transfer, there is common  
 3278 ownership, management, or control between the entities.

3279 b. In addition to any other report required to be filed by  
 3280 law, an employee leasing company shall submit a report to the  
 3281 Labor Market Statistics Center within the Department of Economic  
 3282 Opportunity which includes each client establishment and each  
 3283 establishment of the leasing company, or as otherwise directed  
 3284 by the department. The report must include the following  
 3285 information for each establishment:

- 3286 (I) The trade or establishment name;
- 3287 (II) The former reemployment assistance account number, if  
 3288 available;
- 3289 (III) The former federal employer's identification number,  
 3290 if available;
- 3291 (IV) The industry code recognized and published by the  
 3292 United States Office of Management and Budget, if available;
- 3293 (V) A description of the client's primary business  
 3294 activity in order to verify or assign an industry code;
- 3295 (VI) The address of the physical location;
- 3296 (VII) The number of full-time and part-time employees who  
 3297 worked during, or received pay that was subject to reemployment  
 3298 assistance taxes for, the pay period including the 12th of the  
 3299 month for each month of the quarter;
- 3300 (VIII) The total wages subject to reemployment assistance  
 3301 taxes paid during the calendar quarter;
- 3302 (IX) An internal identification code to uniquely identify

3303 each establishment of each client;

3304 (X) The month and year that the client entered into the

3305 contract for services; and

3306 (XI) The month and year that the client terminated the

3307 contract for services.

3308 c. The report must be submitted electronically or in a

3309 manner otherwise prescribed by the Department of Economic

3310 Opportunity in the format specified by the Bureau of Labor

3311 Statistics of the United States Department of Labor for its

3312 Multiple Worksite Report for Professional Employer

3313 Organizations. The report must be provided quarterly to the

3314 Labor Market Statistics Center within the department, or as

3315 otherwise directed by the department, and must be filed by the

3316 last day of the month immediately after the end of the calendar

3317 quarter. The information required in sub-sub-subparagraphs b. (X)

3318 and (XI) need be provided only in the quarter in which the

3319 contract to which it relates was entered into or terminated. The

3320 sum of the employment data and the sum of the wage data in this

3321 report must match the employment and wages reported in the

3322 reemployment assistance quarterly tax and wage report. ~~A report~~

3323 ~~is not required for any calendar quarter preceding the third~~

3324 ~~calendar quarter of 2010.~~

3325 d. The department shall adopt rules as necessary to

3326 administer this subparagraph, and may administer, collect,

3327 enforce, and waive the penalty imposed by s. 443.141(1)(b) for

3328 the report required by this subparagraph.



3329 e. For the purposes of this subparagraph, the term  
3330 "establishment" means any location where business is conducted  
3331 or where services or industrial operations are performed.

3332 3. An individual other than an individual who is an  
3333 employee under subparagraph 1. or subparagraph 2., who performs  
3334 services for remuneration for any person:

3335 a. As an agent-driver or commission-driver engaged in  
3336 distributing meat products, vegetable products, fruit products,  
3337 bakery products, beverages other than milk, or laundry or  
3338 drycleaning services for his or her principal.

3339 b. As a traveling or city salesperson engaged on a full-  
3340 time basis in the solicitation on behalf of, and the  
3341 transmission to, his or her principal of orders from  
3342 wholesalers, retailers, contractors, or operators of hotels,  
3343 restaurants, or other similar establishments for merchandise for  
3344 resale or supplies for use in the business operations. This sub-  
3345 subparagraph does not apply to an agent-driver or a commission-  
3346 driver and does not apply to sideline sales activities performed  
3347 on behalf of a person other than the salesperson's principal.

3348 4. The services described in subparagraph 3. are  
3349 employment subject to this chapter only if:

3350 a. The contract of service contemplates that substantially  
3351 all of the services are to be performed personally by the  
3352 individual;

3353 b. The individual does not have a substantial investment  
3354 in facilities used in connection with the services, other than

3355 facilities used for transportation; and

3356 c. The services are not in the nature of a single  
 3357 transaction that is not part of a continuing relationship with  
 3358 the person for whom the services are performed.

3359 Reviser's note.—Amended to delete an obsolete provision.

3360 Section 112. Paragraph (g) of subsection (3) and paragraph  
 3361 (d) of subsection (5) of section 443.131, Florida Statutes, are  
 3362 amended to read:

3363 443.131 Contributions.—

3364 (3) VARIATION OF CONTRIBUTION RATES BASED ON BENEFIT  
 3365 EXPERIENCE.—

3366 (g) *Transfer of unemployment experience upon transfer or*  
 3367 *acquisition of a business.*—Notwithstanding any other provision  
 3368 of law, upon transfer or acquisition of a business, the  
 3369 following conditions apply to the assignment of rates and to  
 3370 transfers of unemployment experience:

3371 1.a. If an employer transfers its trade or business, or a  
 3372 portion thereof, to another employer and, at the time of the  
 3373 transfer, there is any common ownership, management, or control  
 3374 of the two employers, the unemployment experience attributable  
 3375 to the transferred trade or business shall be transferred to the  
 3376 employer to whom the business is so transferred. The rates of  
 3377 both employers shall be recalculated and made effective as of  
 3378 the beginning of the calendar quarter immediately following the  
 3379 date of the transfer of the trade or business unless the  
 3380 transfer occurred on the first day of a calendar quarter, in

3381 which case the rate shall be recalculated as of that date.

3382       b. If, following a transfer of experience under sub-  
3383 subparagraph a., the department or the tax collection service  
3384 provider determines that a substantial purpose of the transfer  
3385 of trade or business was to obtain a reduced liability for  
3386 contributions, the experience rating account of the employers  
3387 involved shall be combined into a single account and a single  
3388 rate assigned to the account.

3389       2. Whenever a person ~~who~~ is not an employer under this  
3390 chapter at the time it acquires the trade or business of an  
3391 employer, the unemployment experience of the acquired business  
3392 shall not be transferred to the person if the department or the  
3393 tax collection service provider finds that such person acquired  
3394 the business solely or primarily for the purpose of obtaining a  
3395 lower rate of contributions. Instead, such person shall be  
3396 assigned the new employer rate under paragraph (2) (a). In  
3397 determining whether the business was acquired solely or  
3398 primarily for the purpose of obtaining a lower rate of  
3399 contributions, the tax collection service provider shall  
3400 consider, but not be limited to, the following factors:

3401       a. Whether the person continued the business enterprise of  
3402 the acquired business;

3403       b. How long such business enterprise was continued; or

3404       c. Whether a substantial number of new employees was hired  
3405 for performance of duties unrelated to the business activity  
3406 conducted before the acquisition.

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3407           3. If a person knowingly violates or attempts to violate  
3408 subparagraph 1. or subparagraph 2. or any other provision of  
3409 this chapter related to determining the assignment of a  
3410 contribution rate, or if a person knowingly advises another  
3411 person to violate the law, the person shall be subject to the  
3412 following penalties:

3413           a. If the person is an employer, the employer shall be  
3414 assigned the highest rate assignable under this chapter for the  
3415 rate year during which such violation or attempted violation  
3416 occurred and for the 3 rate years immediately following this  
3417 rate year. However, if the person's business is already at the  
3418 highest rate for any year, or if the amount of increase in the  
3419 person's rate would be less than 2 percent for such year, then a  
3420 penalty rate of contribution of 2 percent of taxable wages shall  
3421 be imposed for such year and the following 3 rate years.

3422           b. If the person is not an employer, such person shall be  
3423 subject to a civil money penalty of not more than \$5,000. The  
3424 procedures for the assessment of a penalty shall be in  
3425 accordance with the procedures set forth in s. 443.141(2), and  
3426 the provisions of s. 443.141(3) shall apply to the collection of  
3427 the penalty. Any such penalty shall be deposited in the penalty  
3428 and interest account established under s. 443.211(2).

3429           4. For purposes of this paragraph, the term:

3430           a. "Knowingly" means having actual knowledge of or acting  
3431 with deliberate ignorance or reckless disregard for the  
3432 prohibition involved.

3433           b. "Violates or attempts to violate" includes, but is not  
 3434 limited to, intent to evade, misrepresent, or willfully  
 3435 nondisclose.

3436           5. In addition to the penalty imposed by subparagraph 3.,  
 3437 any person who violates this paragraph commits a felony of the  
 3438 third degree, punishable as provided in s. 775.082, s. 775.083,  
 3439 or s. 775.084.

3440           6. The department and the tax collection service provider  
 3441 shall establish procedures to identify the transfer or  
 3442 acquisition of a business for the purposes of this paragraph and  
 3443 shall adopt any rules necessary to administer this paragraph.

3444           7. For purposes of this paragraph:

3445           a. "Person" has the meaning given to the term by s.  
 3446 7701(a)(1) of the Internal Revenue Code of 1986.

3447           b. "Trade or business" shall include the employer's  
 3448 workforce.

3449           8. This paragraph shall be interpreted and applied in such  
 3450 a manner as to meet the minimum requirements contained in any  
 3451 guidance or regulations issued by the United States Department  
 3452 of Labor.

3453           (5) ~~ADDITIONAL RATE FOR INTEREST ON FEDERAL ADVANCES.—~~

3454           (d) The tax collection service provider shall make a  
 3455 separate collection of such assessment, which may be collected  
 3456 at the time of employer contributions and subject to the same  
 3457 penalties for failure to file a report, imposition of the  
 3458 standard rate pursuant to paragraph (3)(h), and interest if the

3459 assessment is not received on or before June 30. ~~Section~~  
 3460 ~~443.141(1) (d) and (e) does not apply to this separately~~  
 3461 ~~collected assessment.~~ The tax collection service provider shall  
 3462 maintain those funds in the tax collection service provider's  
 3463 Audit and Warrant Clearing Trust Fund until the provider is  
 3464 directed by the Governor or the Governor's designee to make the  
 3465 interest payment to the Federal Government. Assessments on  
 3466 deposit must be available to pay the interest on advances  
 3467 received from the Federal Government under 42 U.S.C. s. 1321.  
 3468 Assessments on deposit may be invested and any interest earned  
 3469 shall be part of the balance available to pay the interest on  
 3470 advances received from the Federal Government under 42 U.S.C. s.  
 3471 1321.

3472 Reviser's note.—Paragraph (3) (g) is amended to delete the word  
 3473 "who" to improve clarity. Paragraph (5) (d) is amended to  
 3474 delete an obsolete provision; referenced paragraphs (d) and  
 3475 (e) of s. 443.141(1) are repealed by this act.

3476 Section 113. Paragraphs (d) and (e) of subsection (1) of  
 3477 section 443.141, Florida Statutes, are amended to read:

3478 443.141 Collection of contributions and reimbursements.—

3479 (1) PAST DUE CONTRIBUTIONS AND REIMBURSEMENTS; DELINQUENT,  
 3480 ERRONEOUS, INCOMPLETE, OR INSUFFICIENT REPORTS.—

3481 ~~(d) *Payments for 2010 Contributions.*—For an annual~~  
 3482 ~~administrative fee not to exceed \$5, a contributing employer may~~  
 3483 ~~pay its quarterly contributions due for wages paid in the first~~  
 3484 ~~three quarters of 2010 in equal installments if those~~

3485 ~~contributions are paid as follows:~~

3486 ~~1. For contributions due for wages paid in the first~~  
3487 ~~quarter of 2010, one-fourth of the contributions due must be~~  
3488 ~~paid on or before April 30, 2010, one-fourth must be paid on or~~  
3489 ~~before July 31, 2010, one-fourth must be paid on or before~~  
3490 ~~October 31, 2010, and the remaining one-fourth must be paid on~~  
3491 ~~or before December 31, 2010.~~

3492 ~~2. In addition to the payments specified in subparagraph~~  
3493 ~~1., for contributions due for wages paid in the second quarter~~  
3494 ~~of 2010, one-third of the contributions due must be paid on or~~  
3495 ~~before July 31, 2010, one-third must be paid on or before~~  
3496 ~~October 31, 2010, and the remaining one-third must be paid on or~~  
3497 ~~before December 31, 2010.~~

3498 ~~3. In addition to the payments specified in subparagraphs~~  
3499 ~~1. and 2., for contributions due for wages paid in the third~~  
3500 ~~quarter of 2010, one-half of the contributions due must be paid~~  
3501 ~~on or before October 31, 2010, and the remaining one-half must~~  
3502 ~~be paid on or before December 31, 2010.~~

3503 ~~4. The annual administrative fee not to exceed \$5 for the~~  
3504 ~~election to pay under the installment method shall be collected~~  
3505 ~~at the time the employer makes the first installment payment.~~  
3506 ~~The \$5 fee shall be segregated from the payment and shall be~~  
3507 ~~deposited in the Operating Trust Fund within the Department of~~  
3508 ~~Revenue.~~

3509 ~~5. Interest does not accrue on any contribution that~~  
3510 ~~becomes due for wages paid in the first three quarters of 2010~~

3511 ~~if the employer pays the contribution in accordance with~~  
3512 ~~subparagraphs 1.-4. Interest and fees continue to accrue on~~  
3513 ~~prior delinquent contributions and commence accruing on all~~  
3514 ~~contributions due for wages paid in the first three quarters of~~  
3515 ~~2010 which are not paid in accordance with subparagraphs 1.-3.~~  
3516 ~~Penalties may be assessed in accordance with this chapter. The~~  
3517 ~~contributions due for wages paid in the fourth quarter of 2010~~  
3518 ~~are not affected by this paragraph and are due and payable in~~  
3519 ~~accordance with this chapter.~~

3520 ~~(c) *Payments for 2011 Contributions.* For an annual~~  
3521 ~~administrative fee not to exceed \$5, a contributing employer may~~  
3522 ~~pay its quarterly contributions due for wages paid in the first~~  
3523 ~~three quarters of 2011 in equal installments if those~~  
3524 ~~contributions are paid as follows:~~

3525 ~~1. For contributions due for wages paid in the first~~  
3526 ~~quarter of 2011, one-fourth of the contributions due must be~~  
3527 ~~paid on or before April 30, 2011, one-fourth must be paid on or~~  
3528 ~~before July 31, 2011, one-fourth must be paid on or before~~  
3529 ~~October 31, 2011, and the remaining one-fourth must be paid on~~  
3530 ~~or before December 31, 2011.~~

3531 ~~2. In addition to the payments specified in subparagraph~~  
3532 ~~1., for contributions due for wages paid in the second quarter~~  
3533 ~~of 2011, one-third of the contributions due must be paid on or~~  
3534 ~~before July 31, 2011, one-third must be paid on or before~~  
3535 ~~October 31, 2011, and the remaining one-third must be paid on or~~  
3536 ~~before December 31, 2011.~~



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3537 ~~3. In addition to the payments specified in subparagraphs~~  
3538 ~~1. and 2., for contributions due for wages paid in the third~~  
3539 ~~quarter of 2011, one-half of the contributions due must be paid~~  
3540 ~~on or before October 31, 2011, and the remaining one-half must~~  
3541 ~~be paid on or before December 31, 2011.~~

3542 ~~4. The annual administrative fee not to exceed \$5 for the~~  
3543 ~~election to pay under the installment method shall be collected~~  
3544 ~~at the time the employer makes the first installment payment.~~  
3545 ~~The \$5 fee shall be segregated from the payment and shall be~~  
3546 ~~deposited in the Operating Trust Fund within the Department of~~  
3547 ~~Revenue.~~

3548 ~~5. Interest does not accrue on any contribution that~~  
3549 ~~becomes due for wages paid in the first three quarters of 2011~~  
3550 ~~if the employer pays the contribution in accordance with~~  
3551 ~~subparagraphs 1.-4. Interest and fees continue to accrue on~~  
3552 ~~prior delinquent contributions and commence accruing on all~~  
3553 ~~contributions due for wages paid in the first three quarters of~~  
3554 ~~2011 which are not paid in accordance with subparagraphs 1.-3.~~  
3555 ~~Penalties may be assessed in accordance with this chapter. The~~  
3556 ~~contributions due for wages paid in the fourth quarter of 2011~~  
3557 ~~are not affected by this paragraph and are due and payable in~~  
3558 ~~accordance with this chapter.~~

3559 Reviser's note.—Amended to delete provisions that have served  
3560 their purpose.

3561 Section 114. Subsection (13) of section 445.007, Florida  
3562 Statutes, is amended to read:

3563 445.007 Regional workforce boards.—  
 3564 ~~(13) Workforce Florida, Inc., shall evaluate the means to~~  
 3565 ~~establish a single, statewide workforce system brand for the~~  
 3566 ~~state and shall submit its recommendations to the Governor by~~  
 3567 ~~November 1, 2012.~~

3568 Reviser's note.—Amended to delete a provision that has served  
 3569 its purpose.

3570 Section 115. Section 455.2274, Florida Statutes, is  
 3571 amended to read:

3572 455.2274 Criminal proceedings against licensees;  
 3573 appearances by department representatives.—A representative of  
 3574 the department may voluntarily appear in a criminal proceeding  
 3575 brought against a person licensed by the department to practice  
 3576 a profession regulated by the state. The department's  
 3577 representative is authorized to furnish pertinent information,  
 3578 make recommendations regarding specific conditions of probation,  
 3579 and provide other assistance to the court necessary to promote  
 3580 justice or protect the public. The court may order a  
 3581 representative of the department to appear in a criminal  
 3582 proceeding if the crime charged is substantially related to the  
 3583 qualifications, functions, or duties of a licensee ~~license~~  
 3584 regulated by the department.

3585 Reviser's note.—Amended to confirm the editorial substitution of  
 3586 the word "licensee" for the word "license" to conform to  
 3587 context.

3588 Section 116. Subsection (1) of section 456.001, Florida

3589 Statutes, is amended to read:

3590 456.001 Definitions.—As used in this chapter, the term:

3591 (1) "Board" means any board or commission, or other  
 3592 statutorily created entity to the extent such entity is  
 3593 authorized to exercise regulatory or rulemaking functions,  
 3594 within the department, except that, for ss. 456.003-456.018,  
 3595 456.022, 456.023, 456.025-456.033 ~~456.025-456.034~~, and 456.039-  
 3596 456.082, "board" means only a board, or other statutorily  
 3597 created entity to the extent such entity is authorized to  
 3598 exercise regulatory or rulemaking functions, within the Division  
 3599 of Medical Quality Assurance.

3600 Reviser's note.—Amended to conform to the repeal of s. 456.034  
 3601 by s. 1, ch. 2012-115, Laws of Florida.

3602 Section 117. Subsection (3) of section 456.056, Florida  
 3603 Statutes, is amended to read:

3604 456.056 Treatment of Medicare beneficiaries; refusal,  
 3605 emergencies, consulting physicians.—

3606 (3) If treatment is provided to a beneficiary for an  
 3607 emergency medical condition as defined in s. 395.002(8)(a)  
 3608 ~~395.0142(2)(c)~~, the physician must accept Medicare assignment  
 3609 provided that the requirement to accept Medicare assignment for  
 3610 an emergency medical condition shall not apply to treatment  
 3611 rendered after the patient is stabilized, or the treatment is  
 3612 unrelated to the original emergency medical condition. For the  
 3613 purpose of this subsection "stabilized" is defined to mean with  
 3614 respect to an emergency medical condition, that no material

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3615 deterioration of the condition is likely within reasonable  
3616 medical probability.

3617 Reviser's note.—Section 395.0142, which defined "emergency  
3618 medical condition," was amended and transferred to s.  
3619 395.1041 by s. 24, ch. 92-289, Laws of Florida, and the  
3620 definition of "emergency medical condition" was deleted.  
3621 The definition was added to s. 395.002 by s. 3, ch. 92-289.  
3622 Section 118. Paragraph (a) of subsection (1) of section  
3623 458.3115, Florida Statutes, is amended to read:

3624 458.3115 Restricted license; certain foreign-licensed  
3625 physicians; examination; restrictions on practice; full  
3626 licensure.—

3627 (1) (a) Notwithstanding any other provision of law, the  
3628 department shall provide procedures under which certain  
3629 physicians who are or were foreign-licensed and have practiced  
3630 medicine no less than 2 years may take the USMLE or an  
3631 examination developed by the department, in consultation with  
3632 the board, to qualify for a restricted license to practice  
3633 medicine in this state. The department-developed examination  
3634 shall test the same areas of medical knowledge as the Federation  
3635 of State Medical Boards of the United States, Inc. (FLEX)  
3636 previously administered by the Florida Board of Medicine to  
3637 grant medical licensure in Florida. ~~The department-developed  
3638 examination must be made available no later than December 31,  
3639 1998, to a physician who qualifies for licensure.~~ A person who  
3640 is eligible to take and elects to take the department-developed

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3641 examination, who has previously passed part 1 or part 2 of the  
3642 previously administered FLEX shall not be required to retake or  
3643 pass the equivalent parts of the department-developed  
3644 examination, and may sit for the department-developed  
3645 examination five times within 5 years.

3646 Reviser's note.—Amended to delete an obsolete provision.

3647 Section 119. Paragraph (e) of subsection (1) of section  
3648 464.0196, Florida Statutes, is amended to read:

3649 464.0196 Florida Center for Nursing; board of directors.—

3650 (1) The Florida Center for Nursing shall be governed by a  
3651 policy-setting board of directors. The board shall consist of 16  
3652 members, with a simple majority of the board being nurses  
3653 representative of various practice areas. Other members shall  
3654 include representatives of other health care professions,  
3655 business and industry, health care providers, and consumers. The  
3656 members of the board shall be appointed by the Governor as  
3657 follows:

3658 (e) Three nurse educators recommended by the State Board  
3659 of Education, one of whom must be a director of a nursing  
3660 program at a Florida College System institution ~~state community~~  
3661 ~~college~~.

3662 Reviser's note.—Amended to conform a reference to "state  
3663 community college" to changes in chs. 2008-52 and 2009-228,  
3664 Laws of Florida, transitioning references to community  
3665 colleges to Florida College System institutions.

3666 Section 120. Subsections (2) and (3) of section 475.617,

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3667 Florida Statutes, are amended to read:

3668 475.617 Education and experience requirements.—

3669 (2) To be certified as a residential appraiser, an  
3670 applicant must present satisfactory evidence to the board that  
3671 she or he has met the minimum education and experience  
3672 requirements prescribed by rule of the board. The board shall  
3673 prescribe by rule education and experience requirements that  
3674 meet or exceed the following real property appraiser  
3675 qualification criteria adopted on December 9, 2011, by the  
3676 Appraiser Appraisal ~~Appraisal~~ Qualifications Board of the Appraisal  
3677 Foundation:

3678 (a) Has at least 2,500 hours of experience obtained over a  
3679 24-month period in real property appraisal as defined by rule.

3680 (b) Has successfully completed at least 200 classroom  
3681 hours, inclusive of examination, of approved qualifying  
3682 education courses in subjects related to real estate appraisal,  
3683 which must include a 15-hour National Uniform Standards of  
3684 Professional Appraisal Practice course, or its equivalent, as  
3685 established by rule of the board, from a nationally recognized  
3686 or state-recognized appraisal organization, career center,  
3687 accredited community college, college, or university, state or  
3688 federal agency or commission, or proprietary real estate school  
3689 that holds a permit pursuant to s. 475.451. All qualifying  
3690 education courses may be completed through in-person classroom  
3691 instruction or distance learning. A classroom hour is defined as  
3692 50 minutes out of each 60-minute segment. Past courses may be

3693 approved by the board and substituted on an hour-for-hour basis.

3694 (3) To be certified as a general appraiser, an applicant  
 3695 must present evidence satisfactory to the board that she or he  
 3696 has met the minimum education and experience requirements  
 3697 prescribed by rule of the board. The board shall prescribe  
 3698 education and experience requirements that meet or exceed the  
 3699 following real property appraiser qualification criteria adopted  
 3700 on December 9, 2011, by the Appraiser ~~Appraisal~~ Qualifications  
 3701 Board of the Appraisal Foundation:

3702 (a) Has at least 3,000 hours of experience obtained over a  
 3703 30-month period in real property appraisal as defined by rule.

3704 (b) Has successfully completed at least 300 classroom  
 3705 hours, inclusive of examination, of approved qualifying  
 3706 education courses in subjects related to real estate appraisal,  
 3707 which must include a 15-hour National Uniform Standards of  
 3708 Professional Appraisal Practice course, or its equivalent, as  
 3709 established by rule of the board, from a nationally recognized  
 3710 or state-recognized appraisal organization, career center,  
 3711 accredited community college, college, or university, state or  
 3712 federal agency or commission, or proprietary real estate school  
 3713 that holds a permit pursuant to s. 475.451. All qualifying  
 3714 education courses may be completed through in-person classroom  
 3715 instruction or distance learning. A classroom hour is defined as  
 3716 50 minutes out of each 60-minute segment. Past courses may be  
 3717 approved by the board and substituted on an hour-for-hour basis.  
 3718 Reviser's note.—Amended to confirm the editorial substitution of

3719 the word "Appraiser" for the word "Appraisal" to conform to  
 3720 the official title of the board.

3721 Section 121. Paragraph (b) of subsection (39) of section  
 3722 497.005, Florida Statutes, is amended to read:

3723 497.005 Definitions.—As used in this chapter, the term:

3724 (39) "Legally authorized person" means, in the priority  
 3725 listed:

3726 (b) The person designated by the decedent as authorized to  
 3727 direct disposition pursuant to Pub. L. No. 109-163, s. 564, as  
 3728 listed on the decedent's United States Department of Defense  
 3729 Record of Emergency Data, DD Form 93, or its successor form, if  
 3730 the decedent died while ~~serv~~ing in military service as described  
 3731 in 10 U.S.C. s. 1481(a)(1)-(8) in any branch of the United  
 3732 States Armed Forces, United States Reserve Forces, or National  
 3733 Guard;

3734  
 3735 In addition, the term may include, if no family member exists or  
 3736 is available, the guardian of the dead person at the time of  
 3737 death; the personal representative of the deceased; the attorney  
 3738 in fact of the dead person at the time of death; the health  
 3739 surrogate of the dead person at the time of death; a public  
 3740 health officer; the medical examiner, county commission, or  
 3741 administrator acting under part II of chapter 406 or other  
 3742 public administrator; a representative of a nursing home or  
 3743 other health care institution in charge of final disposition; or  
 3744 a friend or other person not listed in this subsection who is



3745 willing to assume the responsibility as the legally authorized  
 3746 person. Where there is a person in any priority class listed in  
 3747 this subsection, the funeral establishment shall rely upon the  
 3748 authorization of any one legally authorized person of that class  
 3749 if that person represents that she or he is not aware of any  
 3750 objection to the cremation of the deceased's human remains by  
 3751 others in the same class of the person making the representation  
 3752 or of any person in a higher priority class.

3753 Reviser's note.—Amended to delete the word "serving" and to  
 3754 insert the word "in" to provide clarity.

3755 Section 122. Section 499.001, Florida Statutes, is amended  
 3756 to read:

3757 499.001 Florida Drug and Cosmetic Act; short title.—  
 3758 Sections 499.001-499.067 ~~499.001-499.081~~ may be cited as the  
 3759 "Florida Drug and Cosmetic Act."

3760 Reviser's note.—Amended to conform to the repeal of s. 499.068  
 3761 by s. 51, ch. 92-69, Laws of Florida, and the transfer of  
 3762 ss. 499.069, 499.0691, 499.07, 499.071, and 499.081 to  
 3763 locations within ss. 499.001-499.067 by ch. 2008-207, Laws  
 3764 of Florida.

3765 Section 123. Paragraph (d) of subsection (15) of section  
 3766 499.0121, Florida Statutes, is amended to read:

3767 499.0121 Storage and handling of prescription drugs;  
 3768 recordkeeping.—The department shall adopt rules to implement  
 3769 this section as necessary to protect the public health, safety,  
 3770 and welfare. Such rules shall include, but not be limited to,

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3771 requirements for the storage and handling of prescription drugs  
3772 and for the establishment and maintenance of prescription drug  
3773 distribution records.

3774 (15) DUE DILIGENCE OF PURCHASERS.—

3775 ~~(d) The department shall assess national data from the~~  
3776 ~~Automation of Reports and Consolidated Orders System of the~~  
3777 ~~federal Drug Enforcement Administration, excluding Florida data,~~  
3778 ~~and identify the national average of grams of hydrocodone,~~  
3779 ~~morphine, oxycodone, and methadone distributed per pharmacy~~  
3780 ~~registrant per month in the most recent year for which data is~~  
3781 ~~available. The department shall report the average for each of~~  
3782 ~~these drugs to the Governor, the President of the Senate, and~~  
3783 ~~the Speaker of the House of Representatives by November 1, 2011.~~  
3784 ~~The department shall assess the data reported pursuant to~~  
3785 ~~subsection (14) and identify the statewide average of grams of~~  
3786 ~~each benzodiazepine distributed per community pharmacy per~~  
3787 ~~month. The department shall report the average for each~~  
3788 ~~benzodiazepine to the Governor, the President of the Senate, and~~  
3789 ~~the Speaker of the House of Representatives by November 1, 2011.~~  
3790 Reviser's note.—Amended to delete an obsolete provision.

3791 Section 124. Paragraph (b) of subsection (1) of section  
3792 509.302, Florida Statutes, is amended to read:

3793 509.302 Hospitality Education Program.—

3794 (1)

3795 (b) The program may affiliate with Florida State  
3796 University, Florida International University, and the University

3797 of Central Florida. The program may also affiliate with any  
 3798 other member of the State University System or Florida ~~Community~~  
 3799 College System, or with any privately funded college or  
 3800 university, which offers a program of hospitality administration  
 3801 and management.

3802 Reviser's note.—Amended to substitute a reference to the Florida  
 3803 College System for a reference to the Florida Community  
 3804 College System to conform to s. 2, ch. 2008-52, Laws of  
 3805 Florida, which enacted s. 1001.60, creating the Florida  
 3806 College System.

3807 Section 125. Subsection (3) of section 513.1115, Florida  
 3808 Statutes, is amended to read:

3809 513.1115 Placement of recreational vehicles on lots in  
 3810 permitted parks.—

3811 (3) This section does not limit the regulation of the  
 3812 uniform firesafety standards established under s. 633.206  
 3813 ~~633.022~~.

3814 Reviser's note.—Amended to conform to the redesignation of s.  
 3815 633.022 as s. 633.206 by s. 23, ch. 2013-183, Laws of  
 3816 Florida.

3817 Section 126. Paragraph (b) of subsection (17) of section  
 3818 553.79, Florida Statutes, is amended to read:

3819 553.79 Permits; applications; issuance; inspections.—

3820 (17)

3821 (b) This subsection does not apply to a building permit  
 3822 sought for:

3823 1. A substantial improvement as defined in s. 161.54 or as  
 3824 defined in the Florida Building Code.

3825 2. A change of occupancy as defined in the Florida  
 3826 Building Code.

3827 3. A conversion from residential to nonresidential or  
 3828 mixed use pursuant to s. 553.507(3) ~~553.507(2)(a)~~ or as defined  
 3829 in the Florida Building Code.

3830 4. A historic building as defined in the Florida Building  
 3831 Code.

3832 Reviser's note.—Amended to conform to the repeal of s.

3833 553.507(2)(a), and the creation of s. 553.507(3), relating  
 3834 to similar subject matter, by s. 27, ch. 2011-222, Laws of  
 3835 Florida.

3836 Section 127. Paragraph (e) of subsection (1) and  
 3837 subsection (6) of section 553.80, Florida Statutes, are amended  
 3838 to read:

3839 553.80 Enforcement.—

3840 (1) Except as provided in paragraphs (a)-(g), each local  
 3841 government and each legally constituted enforcement district  
 3842 with statutory authority shall regulate building construction  
 3843 and, where authorized in the state agency's enabling  
 3844 legislation, each state agency shall enforce the Florida  
 3845 Building Code required by this part on all public or private  
 3846 buildings, structures, and facilities, unless such  
 3847 responsibility has been delegated to another unit of government  
 3848 pursuant to s. 553.79(9).

3849 (e) Construction regulations governing public schools,  
3850 state universities, and Florida College System institutions  
3851 ~~community colleges~~ shall be enforced as provided in subsection  
3852 (6).

3853

3854 The governing bodies of local governments may provide a schedule  
3855 of fees, as authorized by s. 125.56(2) or s. 166.222 and this  
3856 section, for the enforcement of the provisions of this part.  
3857 Such fees shall be used solely for carrying out the local  
3858 government's responsibilities in enforcing the Florida Building  
3859 Code. The authority of state enforcing agencies to set fees for  
3860 enforcement shall be derived from authority existing on July 1,  
3861 1998. However, nothing contained in this subsection shall  
3862 operate to limit such agencies from adjusting their fee schedule  
3863 in conformance with existing authority.

3864 (6) Notwithstanding any other law, state universities,  
3865 Florida College System institutions ~~community colleges~~, and  
3866 public school districts shall be subject to enforcement of the  
3867 Florida Building Code under this part.

3868 (a)1. State universities, Florida College System  
3869 institutions ~~state community colleges~~, or public school  
3870 districts shall conduct plan review and construction inspections  
3871 to enforce building code compliance for their building projects  
3872 that are subject to the Florida Building Code. These entities  
3873 must use personnel or contract providers appropriately certified  
3874 under part XII of chapter 468 to perform the plan reviews and

3875 inspections required by the code. Under these arrangements, the  
 3876 entities are not subject to local government permitting  
 3877 requirements, plans review, and inspection fees. State  
 3878 universities, Florida College System institutions ~~state~~  
 3879 ~~community colleges~~, and public school districts are liable and  
 3880 responsible for all of their buildings, structures, and  
 3881 facilities. This paragraph does not limit the authority of the  
 3882 county, municipality, or code enforcement district to ensure  
 3883 that buildings, structures, and facilities owned by these  
 3884 entities comply with the Florida Building Code or to limit the  
 3885 authority and responsibility of the fire official to conduct  
 3886 firesafety inspections under chapter 633.

3887         2. In order to enforce building code compliance  
 3888 independent of a county or municipality, a state university,  
 3889 Florida College System institution ~~community college~~, or public  
 3890 school district may create a board of adjustment and appeal to  
 3891 which a substantially affected party may appeal an  
 3892 interpretation of the Florida Building Code which relates to a  
 3893 specific project. The decisions of this board, or, in its  
 3894 absence, the decision of the building code administrator, may be  
 3895 reviewed under s. 553.775.

3896         (b) If a state university, Florida College System  
 3897 institution ~~state community college~~, or public school district  
 3898 elects to use a local government's code enforcement offices:

3899             1. Fees charged by counties and municipalities for  
 3900 enforcement of the Florida Building Code on buildings,

3901 structures, and facilities of state universities, state  
 3902 colleges, and public school districts may not be more than the  
 3903 actual labor and administrative costs incurred for plans review  
 3904 and inspections to ensure compliance with the code.

3905 2. Counties and municipalities shall expedite building  
 3906 construction permitting, building plans review, and inspections  
 3907 of projects of state universities, Florida College System  
 3908 institutions ~~state community colleges~~, and public school  
 3909 districts that are subject to the Florida Building Code  
 3910 according to guidelines established by the Florida Building  
 3911 Commission.

3912 3. A party substantially affected by an interpretation of  
 3913 the Florida Building Code by the local government's code  
 3914 enforcement offices may appeal the interpretation to the local  
 3915 government's board of adjustment and appeal or to the commission  
 3916 under s. 553.775 if no local board exists. The decision of a  
 3917 local board is reviewable in accordance with s. 553.775.

3918 (c) The Florida Building Commission and code enforcement  
 3919 jurisdictions shall consider balancing code criteria and  
 3920 enforcement to unique functions, where they occur, of research  
 3921 institutions by application of performance criteria in lieu of  
 3922 prescriptive criteria.

3923 (d) School boards, Florida College System institution  
 3924 ~~community college~~ boards, and state universities may use annual  
 3925 facility maintenance permits to facilitate routine maintenance,  
 3926 emergency repairs, building refurbishment, and minor renovations

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3927 of systems or equipment. The amount expended for maintenance  
3928 projects may not exceed \$200,000 per project. A facility  
3929 maintenance permit is valid for 1 year. A detailed log of  
3930 alterations and inspections must be maintained and annually  
3931 submitted to the building official. The building official  
3932 retains the right to make inspections at the facility site as he  
3933 or she considers necessary. Code compliance must be provided  
3934 upon notification by the building official. If a pattern of code  
3935 violations is found, the building official may withhold the  
3936 issuance of future annual facility maintenance permits.

3937  
3938 This part may not be construed to authorize counties,  
3939 municipalities, or code enforcement districts to conduct any  
3940 permitting, plans review, or inspections not covered by the  
3941 Florida Building Code. Any actions by counties or municipalities  
3942 not in compliance with this part may be appealed to the Florida  
3943 Building Commission. The commission, upon a determination that  
3944 actions not in compliance with this part have delayed permitting  
3945 or construction, may suspend the authority of a county,  
3946 municipality, or code enforcement district to enforce the  
3947 Florida Building Code on the buildings, structures, or  
3948 facilities of a state university, Florida College System  
3949 institution ~~state community college~~, or public school district  
3950 and provide for code enforcement at the expense of the state  
3951 university, Florida College System institution ~~state community~~  
3952 ~~college~~, or public school district.



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3953 Reviser's note.—Amended to conform references to community  
3954 colleges to changes in chs. 2008-52 and 2009-228, Laws of  
3955 Florida, transitioning references from community colleges  
3956 to Florida College System institutions.

3957 Section 128. Subsection (1) of section 562.45, Florida  
3958 Statutes, is amended to read:

3959 562.45 Penalties for violating Beverage Law; local  
3960 ordinances; prohibiting regulation of certain activities or  
3961 business transactions; requiring nondiscriminatory treatment;  
3962 providing exceptions.—

3963 (1) Any person willfully and knowingly making any false  
3964 entries in any records required under the Beverage Law or  
3965 willfully violating any of the provisions of the Beverage Law,  
3966 concerning the excise tax herein provided for shall be guilty of  
3967 a felony of the third degree, punishable as provided in s.  
3968 775.082, s. 775.083, or s. 775.084. It is unlawful for any  
3969 person to violate any provision of the Beverage Law, and any  
3970 person who violates any provision of the Beverage Law for which  
3971 no penalty has been provided shall be guilty of a misdemeanor of  
3972 the second degree, punishable as provided in s. 775.082 or s.  
3973 775.083; provided, that any person who shall have been convicted  
3974 of a violation of any provision of the Beverage Law and shall  
3975 thereafter be convicted of a further violation of the Beverage  
3976 Law, shall, upon conviction of said further offense, be guilty  
3977 of a felony of the third degree, punishable as provided in s.  
3978 775.082, s. 775.083, or s. 775.084.

3979 Reviser's note.—Amended to insert the words "any person who  
 3980 violates" to conform to context.

3981 Section 129. Subsection (5) of section 565.03, Florida  
 3982 Statutes, is amended to read:

3983 565.03 License fees; manufacturers, distributors, brokers,  
 3984 sales agents, and importers of alcoholic beverages; vendor  
 3985 licenses and fees; craft distilleries.—

3986 (5) A craft distillery making sales under paragraph (2)(c)  
 3987 is responsible for submitting any excise taxes on beverages  
 3988 ~~beverages excise taxes~~ under the Beverage Law in its monthly  
 3989 report to the division with any tax payments due to the state.

3990 Reviser's note.—Amended to confirm the editorial substitution of  
 3991 the words "excise taxes on beverages" for the words  
 3992 "beverages excise taxes."

3993 Section 130. Subsection (3) of section 570.964, Florida  
 3994 Statutes, is amended to read:

3995 570.964 Posting and notification.—

3996 (3) Failure to comply with the requirements of this  
 3997 section ~~subsection~~ prevents an agritourism operator, his or her  
 3998 employer or employee, or the owner of the underlying land on  
 3999 which the agritourism occurs from invoking the privileges of  
 4000 immunity provided by this section.

4001 Reviser's note.—Amended to correct an apparent error. No  
 4002 specific requirements are found in subsection (3); they are  
 4003 found elsewhere in the section.

4004 Section 131. Subsection (3) of section 590.02, Florida

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4005 Statutes, is amended to read:

4006           590.02 Florida Forest Service; powers, authority, and  
4007 duties; liability; building structures; Florida Center for  
4008 Wildfire and Forest Resources Management Training.—

4009           (3) Employees of the Florida Forest Service and of  
4010 federal, state, and local agencies, and all other persons and  
4011 entities that are under contract or agreement with the Florida  
4012 Forest Service to assist in firefighting operations as well as  
4013 those entities, called upon by the Florida Forest Service to  
4014 assist in firefighting may, in the performance of their duties,  
4015 set counterfires, remove fences and other obstacles, dig  
4016 trenches, cut firelines, use water from public and private  
4017 sources, and carry on all other customary activities in the  
4018 fighting of wildfires without incurring liability to any person  
4019 or entity. The manner in which the Florida Forest Service  
4020 monitors a smoldering wildfire or smoldering prescribed fire or  
4021 fights any wildfire are planning level activities for which  
4022 sovereign immunity applies and is not waived.

4023 Reviser's note.—Amended to confirm the editorial insertion of  
4024 the word "or" to improve clarity.

4025           Section 132. Section 605.0109, Florida Statutes, is  
4026 amended to read:

4027           605.0109 Powers.—A limited liability company has the  
4028 powers, rights, and privileges granted by this chapter, by any  
4029 other law, or by its operating agreement to do all things  
4030 necessary or convenient to carry out its activities and affairs,

- 4031 including the power to do all of the following:
- 4032       (1) Sue, be sued, and defend in its name.
- 4033       (2) Purchase, receive, lease, or otherwise acquire, own,  
 4034 hold, improve, use, and otherwise deal with real or personal  
 4035 property or any legal or equitable interest in property,  
 4036 wherever located.
- 4037       (3) Sell, convey, mortgage, grant a security interest in,  
 4038 lease, exchange, and otherwise encumber or dispose of all or a  
 4039 part of its property.
- 4040       (4) Purchase, receive, subscribe for, or otherwise  
 4041 acquire, own, hold, vote, use, sell, mortgage, lend, grant a  
 4042 security interest in, or otherwise dispose of and deal in and  
 4043 with, shares or other interests in or obligations of another  
 4044 entity.
- 4045       (5) Make contracts or guarantees or incur liabilities;  
 4046 borrow money; issue notes, bonds, or other obligations, which  
 4047 may be convertible into or include the option to purchase other  
 4048 securities of the limited liability company; or make contracts  
 4049 of guaranty and suretyship which are necessary or convenient to  
 4050 the conduct, promotion, or attainment of the purposes,  
 4051 activities, and affairs of the limited liability company.
- 4052       (6) Lend money, invest or reinvest its funds, and receive  
 4053 and hold real or personal property as security for repayment.
- 4054       (7) Conduct its business, locate offices, and exercise the  
 4055 powers granted by this chapter within or without this state.
- 4056       (8) Select managers and appoint officers, directors,

4057 employees, and agents of the limited liability company, define  
 4058 their duties, fix their compensation, and lend them money and  
 4059 credit.

4060 (9) Make donations for the public welfare or for  
 4061 charitable, scientific, or educational purposes.

4062 (10) Pay pensions and establish pension plans, pension  
 4063 trusts, profit-sharing plans, bonus plans, option plans, and  
 4064 benefit or incentive plans for any or all of its current or  
 4065 former managers, members, officers, agents, and employees.

4066 (11) Be a promoter, incorporator, shareholder, partner,  
 4067 member, associate, or manager of a corporation, partnership,  
 4068 joint venture, trust, or other entity.

4069 (12) Make payments or donations or conduct any other act  
 4070 not inconsistent with applicable law which furthers the business  
 4071 of the limited liability company.

4072 (13) Enter into interest rate, basis, currency, hedge or  
 4073 other swap agreements, or cap, floor, put, call, option,  
 4074 exchange or collar agreements, derivative agreements, or similar  
 4075 agreements.

4076 (14) Grant, hold, or exercise a power of attorney,  
 4077 including an irrevocable power of attorney.

4078 Reviser's note.—Amended to confirm the editorial insertion of  
 4079 the word "by" to conform to context.

4080 Section 133. Subsection (5) of section 605.04092, Florida  
 4081 Statutes, is amended to read:

4082 605.04092 Conflict of interest transactions.—

4083 (5) The presence of or a vote cast by a manager or member  
 4084 with an interest in the transaction does not affect the validity  
 4085 of an action taken under paragraph (4) (a) if the transaction is  
 4086 otherwise authorized, approved, or ratified as provided in  
 4087 subsection (4) ~~that subsection~~, but the presence or vote of the  
 4088 manager or member may be counted for purposes of determining  
 4089 whether the transaction is approved under other sections of this  
 4090 chapter.

4091 Reviser's note.—Amended to confirm the editorial substitution of  
 4092 the reference to subsection (4) for the phrase "that  
 4093 subsection" to provide clarity.

4094 Section 134. Subsection (14) of section 605.0711, Florida  
 4095 Statutes, is amended to read:

4096 605.0711 Known claims against dissolved limited liability  
 4097 company.—

4098 (14) As used in this section and s. 605.0712 ~~605.0710~~, the  
 4099 term "successor entity" includes a trust, receivership, or other  
 4100 legal entity governed by the laws of this state to which the  
 4101 remaining assets and liabilities of a dissolved limited  
 4102 liability company are transferred and which exists solely for  
 4103 the purposes of prosecuting and defending suits by or against  
 4104 the dissolved limited liability company, thereby enabling the  
 4105 dissolved limited liability company to settle and close the  
 4106 activities and affairs of the dissolved limited liability  
 4107 company, to dispose of and convey the property of the dissolved  
 4108 limited liability company, to discharge the liabilities of the

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4109 dissolved limited liability company, and to distribute to the  
4110 dissolved limited liability company's members or transferees any  
4111 remaining assets, but not for the purpose of continuing the  
4112 activities and affairs for which the dissolved limited liability  
4113 company was organized.

4114 Reviser's note.—Amended to substitute a reference to s. 605.0712  
4115 for a reference to s. 605.0710. The term "successor entity"  
4116 is not used in s. 605.0710; the term is used in s.  
4117 605.0712.

4118 Section 135. Paragraph (d) of subsection (1) of section  
4119 605.0714, Florida Statutes, is amended to read:

4120 605.0714 Administrative dissolution.—

4121 (1) The department may dissolve a limited liability  
4122 company administratively if the company does not:

4123 (d) Deliver for filing a statement of a change under s.  
4124 605.0114 within 30 days after a change has occurred in the name  
4125 or address of the agent unless, within 30 days after the change  
4126 occurred:

4127 1. The agent filed a statement of change under s.  
4128 605.0116; or

4129 2. The change was made in accordance with s. 605.0114(4).

4130 Reviser's note.—Amended to confirm the editorial insertion of  
4131 the word "in" to improve clarity.

4132 Section 136. Subsection (7) of section 605.0904, Florida  
4133 Statutes, is amended to read:

4134 605.0904 Effect of failure to have certificate of

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4135 authority.—

4136 (7) A foreign limited liability company that transacts  
4137 business in this state without obtaining a certificate of  
4138 authority is liable to this state for the years or parts thereof  
4139 during which it transacted business in this state without  
4140 obtaining a certificate of authority in an amount equal to all  
4141 fees and penalties that would have been imposed by this chapter  
4142 upon the foreign limited liability company had it duly applied  
4143 for and received a certificate of authority to transact business  
4144 in this state as required under this chapter. In addition to the  
4145 payments thus prescribed, the foreign limited liability company  
4146 is liable for a civil penalty of at least \$500 but not more than  
4147 \$1,000 for each year or part thereof during which it transacts  
4148 business in this state without a certificate of authority. The  
4149 department may collect all penalties due under this subsection.  
4150 Reviser's note.—Amended to confirm the editorial insertion of  
4151 the word "of" to conform to context.

4152 Section 137. Subsection (2) of section 605.0905, Florida  
4153 Statutes, is amended to read:

4154 605.0905 Activities not constituting transacting  
4155 business.—

4156 (2) The list of activities in subsection (1) is not an  
4157 exhaustive list of activities that do not constitute transacting  
4158 business within the meaning of s. 605.0902(1).

4159 Reviser's note.—Amended to confirm the editorial insertion of  
4160 the words "do not" to conform to context.



4161 Section 138. Paragraph (c) of subsection (2) of section  
 4162 605.0907, Florida Statutes, is amended to read:

4163 605.0907 Amendment to certificate of authority.—

4164 (2) The amendment must be filed within 30 days after the  
 4165 occurrence of a change described in subsection (1), must be  
 4166 signed by an authorized representative of the foreign limited  
 4167 liability company, and must state the following:

4168 (c) The date the foreign limited liability company was  
 4169 authorized to transact business in this state.

4170 Reviser's note.—Amended to confirm the editorial insertion of  
 4171 the word "in" to improve clarity.

4172 Section 139. Subsection (1) of section 605.0912, Florida  
 4173 Statutes, is amended to read:

4174 605.0912 Withdrawal on dissolution, merger, or conversion  
 4175 to nonfiling entity.—

4176 (1) A registered foreign limited liability company that  
 4177 has dissolved and completed winding up, has merged into a  
 4178 foreign entity that is not registered in this state, or has  
 4179 converted to a domestic or foreign entity that is not organized,  
 4180 incorporated, registered or otherwise formed through the public  
 4181 filing of a record, shall deliver a notice of withdrawal of  
 4182 certificate of authority to the department for filing in  
 4183 accordance with s. 605.0910.

4184 Reviser's note.—Amended to confirm the editorial insertion of  
 4185 the word "has" to conform to context.

4186 Section 140. Paragraph (a) of subsection (4) of section

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4187 605.1006, Florida Statutes, is amended to read:

4188 605.1006 Appraisal rights.—

4189 (4) Notwithstanding subsection (1), the availability of  
 4190 appraisal rights must be limited in accordance with the  
 4191 following provisions:

4192 (a) Appraisal rights are not available for holders of a  
 4193 membership interest ~~interests~~ that is ~~are~~:

4194 1. A covered security under s. 18(b)(1)(A) or (B) of the  
 4195 Securities Act of 1933, as amended;

4196 2. Traded in an organized market and part of a class or  
 4197 series that has at least 2,000 members or other holders and a  
 4198 market value of at least \$20 million, exclusive of the value of  
 4199 such class or series of membership interests held by the limited  
 4200 liability company's subsidiaries, senior executives, managers,  
 4201 and beneficial members owning more than 10 percent of such class  
 4202 or series of membership interests; or

4203 3. Issued by an open-end management investment company  
 4204 registered with the Securities and Exchange Commission under the  
 4205 Investment Company Act of 1940 and subject to being redeemed at  
 4206 the option of the holder at net asset value.

4207 Reviser's note.—Amended to correct subject-verb agreement.

4208 Section 141. Subsection (5) of section 605.1033, Florida  
 4209 Statutes, is amended to read:

4210 605.1033 Approval of interest exchange.—

4211 (5) All members of each domestic limited liability company  
 4212 that is a party to the interest exchange ~~and~~ who have a right to

4213 | vote upon the interest exchange must be given written notice of  
 4214 | any meeting with respect to the approval of a plan of interest  
 4215 | exchange as provided in subsection (1) not less than 10 days and  
 4216 | not more than 60 days before the date of the meeting at which  
 4217 | the plan of interest exchange is submitted for approval by the  
 4218 | members of such limited liability company. The notification  
 4219 | required under this subsection may be waived in writing by the  
 4220 | person entitled to such notification.

4221 | Reviser's note.—Amended to confirm the editorial deletion of the  
 4222 | word "and" to improve clarity and to conform to similar  
 4223 | language in s. 605.1023, as created by s. 2, ch. 2013-180,  
 4224 | Laws of Florida.

4225 | Section 142. Subsection (3) of section 605.1041, Florida  
 4226 | Statutes, is amended to read:

4227 | 605.1041 Conversion authorized.—

4228 | (3) By complying with the provisions of this section and  
 4229 | ss. 605.1042-605.1046 ~~605.1042-608.1046~~ which are applicable to  
 4230 | foreign entities, a foreign entity may become a domestic limited  
 4231 | liability company if the conversion is authorized by the law of  
 4232 | the foreign entity's jurisdiction of formation.

4233 | Reviser's note.—Amended to substitute a reference to ss.

4234 | 605.1042-605.1046 for a reference to ss. 605.1042-608.1046  
 4235 | to conform to context. Section 608.1046 does not exist.

4236 | Section 143. Subsection (2) of section 605.1103, Florida  
 4237 | Statutes, is amended to read:

4238 | 605.1103 Tax exemption on income of certain limited

4239 liability companies.—

4240 (2) For purposes of taxation under chapter 220, a limited  
 4241 liability company formed in this state or a foreign limited  
 4242 liability company with a certificate of authority to transact  
 4243 business in this state shall be classified as a partnership or a  
 4244 limited liability company that has only one member shall be  
 4245 disregarded as an entity separate from its owner for federal  
 4246 income tax purposes, unless classified otherwise for federal  
 4247 income tax purposes, in which case the limited liability company  
 4248 shall be classified identically to its classification for  
 4249 federal income tax purposes. For purposes of taxation under  
 4250 chapter 220, a member or a transferee of a member of a limited  
 4251 liability company formed in this state or a foreign limited  
 4252 liability company with a certificate of authority to transact  
 4253 business in this state shall be treated as a resident or  
 4254 nonresident partner unless classified otherwise for federal  
 4255 income tax purposes, in which case the member or transferee of a  
 4256 member has the same status as the member or transferee of a  
 4257 member ~~has~~ for federal income tax purposes.

4258 Reviser's note.—Amended to confirm the editorial deletion of the  
 4259 word "has" to improve clarity.

4260 Section 144. Subsection (2) of section 610.108, Florida  
 4261 Statutes, is amended to read:

4262 610.108 Customer service standards.—

4263 (2) ~~Any municipality or county that, as of January 1,~~  
 4264 ~~2007, has an office or department dedicated to responding to~~

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4265 ~~cable or video service customer complaints may continue to~~  
 4266 ~~respond to such complaints until July 1, 2009. Beginning July 1,~~  
 4267 ~~2009,~~ The Department of Agriculture and Consumer Services shall  
 4268 have the sole authority to respond to all cable or video service  
 4269 customer complaints. This provision does not permit the  
 4270 municipality, county, or department to impose customer service  
 4271 standards inconsistent with the requirements in 47 C.F.R. s.  
 4272 76.309(c).

4273 Reviser's note.—Amended to delete an obsolete provision.

4274 Section 145. Section 610.119, Florida Statutes, is amended  
 4275 to read:

4276 610.119 Report ~~Reports~~ to the Legislature.—

4277 ~~(1)~~ The Office of Program Policy Analysis and Government  
 4278 Accountability shall submit to the President of the Senate, the  
 4279 Speaker of the House of Representatives, and the majority and  
 4280 minority leaders of the Senate and House of Representatives, by  
 4281 ~~December 1, 2009,~~ and December 1, 2014, a report on the status  
 4282 of competition in the cable and video service industry,  
 4283 including, by each municipality and county, the number of cable  
 4284 and video service providers, the number of cable and video  
 4285 subscribers served, the number of areas served by fewer than two  
 4286 cable or video service providers, the trend in cable and video  
 4287 service prices, and the identification of any patterns of  
 4288 service as they impact demographic and income groups.

4289 ~~(2) By January 15, 2008, the Department of Agriculture and~~  
 4290 ~~Consumer Services shall make recommendations to the President of~~

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4291 ~~the Senate, the Speaker of the House of Representatives, and the~~  
4292 ~~majority and minority leaders of the Senate and House of~~  
4293 ~~Representatives regarding the workload and staffing requirements~~  
4294 ~~associated with consumer complaints related to video and cable~~  
4295 ~~certificateholders. The Department of State shall provide to the~~  
4296 ~~Department of Agriculture and Consumer Services, for inclusion~~  
4297 ~~in the report, the workload requirements for processing the~~  
4298 ~~certificates of franchise authority. In addition, the Department~~  
4299 ~~of State shall provide the number of applications filed for~~  
4300 ~~cable and video certificates of franchise authority and the~~  
4301 ~~number of amendments received to original applications for~~  
4302 ~~franchise certificate authority.~~

4303 Reviser's note.—Amended to delete obsolete provisions.

4304 Section 146. Paragraph (b) of subsection (1) of section  
4305 617.0601, Florida Statutes, is amended to read:

4306 617.0601 Members, generally.—

4307 (1)

4308 (b) The articles of incorporation or bylaws of any  
4309 corporation not for profit that maintains chapters or affiliates  
4310 may grant representatives of such chapters or affiliates the  
4311 right to vote in conjunction with the board of directors of the  
4312 corporation notwithstanding applicable quorum or voting  
4313 requirements of this chapter if the corporation is registered  
4314 with the Department of Agriculture and Consumer Services  
4315 pursuant to ss. 496.401-496.424, the Solicitation of  
4316 Contributions Act.

4317 Reviser's note.—Amended to substitute a reference to the  
 4318 Department of Agriculture and Consumer Services for a  
 4319 reference to the department to provide clarity. Section  
 4320 617.01401(6) defines "department," as used in chapter 617,  
 4321 as the Department of State; corporations registered  
 4322 pursuant to ss. 496.401-496.424, the Solicitation of  
 4323 Contributions Act, must register with the Department of  
 4324 Agriculture and Consumer Services.  
 4325 Section 147. Paragraph (c) of subsection (2) of section  
 4326 620.8503, Florida Statutes, is amended to read:  
 4327 620.8503 Transfer of partner's transferable interest.—  
 4328 (2) A transferee of a partner's transferable interest in  
 4329 the partnership has a right:  
 4330 (c) To seek, under s. 620.8801(6) ~~620.839(6)~~, a judicial  
 4331 determination that it is equitable to wind up the partnership  
 4332 business.  
 4333 Reviser's note.—Amended to correct an apparent error and  
 4334 facilitate correct interpretation. Section 620.8503,  
 4335 including the reference to s. 620.839(6) in paragraph  
 4336 (2)(c), was created by s. 13, ch. 95-242, Laws of Florida.  
 4337 Section 620.839 does not exist; the correct reference seems  
 4338 to be s. 620.8801(6), which relates to judicial  
 4339 determinations equitable to wind up partnership businesses.  
 4340 Section 148. Paragraph (b) of subsection (5) of section  
 4341 624.91, Florida Statutes, is amended to read:  
 4342 624.91 The Florida Healthy Kids Corporation Act.—

- 4343 (5) CORPORATION AUTHORIZATION, DUTIES, POWERS.—
- 4344 (b) The Florida Healthy Kids Corporation shall:
- 4345 1. Arrange for the collection of any family, local
- 4346 contributions, or employer payment or premium, in an amount to
- 4347 be determined by the board of directors, to provide for payment
- 4348 of premiums for comprehensive insurance coverage and for the
- 4349 actual or estimated administrative expenses.
- 4350 2. Arrange for the collection of any voluntary
- 4351 contributions to provide for payment of Florida Kidcare program
- 4352 premiums for children who are not eligible for medical
- 4353 assistance under Title XIX or Title XXI of the Social Security
- 4354 Act.
- 4355 3. Subject to the provisions of s. 409.8134, accept
- 4356 voluntary supplemental local match contributions that comply
- 4357 with the requirements of Title XXI of the Social Security Act
- 4358 for the purpose of providing additional Florida Kidcare coverage
- 4359 in contributing counties under Title XXI.
- 4360 4. Establish the administrative and accounting procedures
- 4361 for the operation of the corporation.
- 4362 5. Establish, with consultation from appropriate
- 4363 professional organizations, standards for preventive health
- 4364 services and providers and comprehensive insurance benefits
- 4365 appropriate to children, provided that such standards for rural
- 4366 areas shall not limit primary care providers to board-certified
- 4367 pediatricians.
- 4368 6. Determine eligibility for children seeking to



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4369 participate in the Title XXI-funded components of the Florida  
4370 Kidcare program consistent with the requirements specified in s.  
4371 409.814, as well as the non-Title-XXI-eligible children as  
4372 provided in subsection (3).

4373 7. Establish procedures under which providers of local  
4374 match to, applicants to and participants in the program may have  
4375 grievances reviewed by an impartial body and reported to the  
4376 board of directors of the corporation.

4377 8. Establish participation criteria and, if appropriate,  
4378 contract with an authorized insurer, health maintenance  
4379 organization, or third-party administrator to provide  
4380 administrative services to the corporation.

4381 9. Establish enrollment criteria that include penalties or  
4382 waiting periods of 30 days for reinstatement of coverage upon  
4383 voluntary cancellation for nonpayment of family premiums.

4384 10. Contract with authorized insurers or any provider of  
4385 health care services, meeting standards established by the  
4386 corporation, for the provision of comprehensive insurance  
4387 coverage to participants. Such standards shall include criteria  
4388 under which the corporation may contract with more than one  
4389 provider of health care services in program sites. Health plans  
4390 shall be selected through a competitive bid process. The Florida  
4391 Healthy Kids Corporation shall purchase goods and services in  
4392 the most cost-effective manner consistent with the delivery of  
4393 quality medical care. The maximum administrative cost for a  
4394 Florida Healthy Kids Corporation contract shall be 15 percent.

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4395 For health care contracts, the minimum medical loss ratio for a  
4396 Florida Healthy Kids Corporation contract shall be 85 percent.  
4397 For dental contracts, the remaining compensation to be paid to  
4398 the authorized insurer or provider under a Florida Healthy Kids  
4399 Corporation contract shall be no less than an amount which is 85  
4400 percent of premium; to the extent any contract provision does  
4401 not provide for this minimum compensation, this section shall  
4402 prevail. The health plan selection criteria and scoring system,  
4403 and the scoring results, shall be available upon request for  
4404 inspection after the bids have been awarded.

4405 11. Establish disenrollment criteria in the event local  
4406 matching funds are insufficient to cover enrollments.

4407 12. Develop and implement a plan to publicize the Florida  
4408 Kidcare program, the eligibility requirements of the program,  
4409 and the procedures for enrollment in the program and to maintain  
4410 public awareness of the corporation and the program.

4411 13. Secure staff necessary to properly administer the  
4412 corporation. Staff costs shall be funded from state and local  
4413 matching funds and such other private or public funds as become  
4414 available. The board of directors shall determine the number of  
4415 staff members necessary to administer the corporation.

4416 14. In consultation with the partner agencies, provide a  
4417 report on the Florida Kidcare program annually to the Governor,  
4418 the Chief Financial Officer, the Commissioner of Education, the  
4419 President of the Senate, the Speaker of the House of  
4420 Representatives, and the Minority Leaders of the Senate and the

4421 House of Representatives.

4422 15. Provide information on a quarterly basis to the  
 4423 Legislature and the Governor which compares the costs and  
 4424 utilization of the full-pay enrolled population and the Title  
 4425 XXI-subsidized enrolled population in the Florida Kidcare  
 4426 program. The information, at a minimum, must include:

4427 a. The monthly enrollment and expenditure for full-pay  
 4428 enrollees in the Medikids and Florida Healthy Kids programs  
 4429 compared to the Title XXI-subsidized enrolled population; and

4430 b. The costs and utilization by service of the full-pay  
 4431 enrollees in the Medikids and Florida Healthy Kids programs and  
 4432 the Title XXI-subsidized enrolled population.

4433  
 4434 ~~By February 1, 2010, the Florida Healthy Kids Corporation shall~~  
 4435 ~~provide a study to the Legislature and the Governor on premium~~  
 4436 ~~impacts to the subsidized portion of the program from the~~  
 4437 ~~inclusion of the full-pay program, which shall include~~  
 4438 ~~recommendations on how to eliminate or mitigate possible impacts~~  
 4439 ~~to the subsidized premiums.~~

4440 16. Establish benefit packages that conform to the  
 4441 provisions of the Florida Kidcare program, as created in ss.  
 4442 409.810-409.821.

4443 Reviser's note.—Amended to delete an obsolete provision.

4444 Section 149. Paragraph (c) of subsection (6) of section  
 4445 627.351, Florida Statutes, is amended to read:

4446 627.351 Insurance risk apportionment plans.—

4447 (6) CITIZENS PROPERTY INSURANCE CORPORATION.—  
 4448 (c) The corporation's plan of operation:  
 4449 1. Must provide for adoption of residential property and  
 4450 casualty insurance policy forms and commercial residential and  
 4451 nonresidential property insurance forms, which must be approved  
 4452 by the office before use. The corporation shall adopt the  
 4453 following policy forms:  
 4454 a. Standard personal lines policy forms that are  
 4455 comprehensive multiperil policies providing full coverage of a  
 4456 residential property equivalent to the coverage provided in the  
 4457 private insurance market under an HO-3, HO-4, or HO-6 policy.  
 4458 b. Basic personal lines policy forms that are policies  
 4459 similar to an HO-8 policy or a dwelling fire policy that provide  
 4460 coverage meeting the requirements of the secondary mortgage  
 4461 market, but which is more limited than the coverage under a  
 4462 standard policy.  
 4463 c. Commercial lines residential and nonresidential policy  
 4464 forms that are generally similar to the basic perils of full  
 4465 coverage obtainable for commercial residential structures and  
 4466 commercial nonresidential structures in the admitted voluntary  
 4467 market.  
 4468 d. Personal lines and commercial lines residential  
 4469 property insurance forms that cover the peril of wind only. The  
 4470 forms are applicable only to residential properties located in  
 4471 areas eligible for coverage under the coastal account referred  
 4472 to in sub-subparagraph (b)2.a.

4473 e. Commercial lines nonresidential property insurance  
4474 forms that cover the peril of wind only. The forms are  
4475 applicable only to nonresidential properties located in areas  
4476 eligible for coverage under the coastal account referred to in  
4477 sub-subparagraph (b)2.a.

4478 f. The corporation may adopt variations of the policy  
4479 forms listed in sub-subparagraphs a.-e. which contain more  
4480 restrictive coverage.

4481 g. Effective January 1, 2013, the corporation shall offer  
4482 a basic personal lines policy similar to an HO-8 policy with  
4483 dwelling repair based on common construction materials and  
4484 methods.

4485 2. Must provide that the corporation adopt a program in  
4486 which the corporation and authorized insurers enter into quota  
4487 share primary insurance agreements for hurricane coverage, as  
4488 defined in s. 627.4025(2)(a), for eligible risks, and adopt  
4489 property insurance forms for eligible risks which cover the  
4490 peril of wind only.

4491 a. As used in this subsection, the term:

4492 (I) "Quota share primary insurance" means an arrangement  
4493 in which the primary hurricane coverage of an eligible risk is  
4494 provided in specified percentages by the corporation and an  
4495 authorized insurer. The corporation and authorized insurer are  
4496 each solely responsible for a specified percentage of hurricane  
4497 coverage of an eligible risk as set forth in a quota share  
4498 primary insurance agreement between the corporation and an

4499 authorized insurer and the insurance contract. The  
4500 responsibility of the corporation or authorized insurer to pay  
4501 its specified percentage of hurricane losses of an eligible  
4502 risk, as set forth in the agreement, may not be altered by the  
4503 inability of the other party to pay its specified percentage of  
4504 losses. Eligible risks that are provided hurricane coverage  
4505 through a quota share primary insurance arrangement must be  
4506 provided policy forms that set forth the obligations of the  
4507 corporation and authorized insurer under the arrangement,  
4508 clearly specify the percentages of quota share primary insurance  
4509 provided by the corporation and authorized insurer, and  
4510 conspicuously and clearly state that the authorized insurer and  
4511 the corporation may not be held responsible beyond their  
4512 specified percentage of coverage of hurricane losses.

4513 (II) "Eligible risks" means personal lines residential and  
4514 commercial lines residential risks that meet the underwriting  
4515 criteria of the corporation and are located in areas that were  
4516 eligible for coverage by the Florida Windstorm Underwriting  
4517 Association on January 1, 2002.

4518 b. The corporation may enter into quota share primary  
4519 insurance agreements with authorized insurers at corporation  
4520 coverage levels of 90 percent and 50 percent.

4521 c. If the corporation determines that additional coverage  
4522 levels are necessary to maximize participation in quota share  
4523 primary insurance agreements by authorized insurers, the  
4524 corporation may establish additional coverage levels. However,

4525 the corporation's quota share primary insurance coverage level  
4526 may not exceed 90 percent.

4527 d. Any quota share primary insurance agreement entered  
4528 into between an authorized insurer and the corporation must  
4529 provide for a uniform specified percentage of coverage of  
4530 hurricane losses, by county or territory as set forth by the  
4531 corporation board, for all eligible risks of the authorized  
4532 insurer covered under the agreement.

4533 e. Any quota share primary insurance agreement entered  
4534 into between an authorized insurer and the corporation is  
4535 subject to review and approval by the office. However, such  
4536 agreement shall be authorized only as to insurance contracts  
4537 entered into between an authorized insurer and an insured who is  
4538 already insured by the corporation for wind coverage.

4539 f. For all eligible risks covered under quota share  
4540 primary insurance agreements, the exposure and coverage levels  
4541 for both the corporation and authorized insurers shall be  
4542 reported by the corporation to the Florida Hurricane Catastrophe  
4543 Fund. For all policies of eligible risks covered under such  
4544 agreements, the corporation and the authorized insurer must  
4545 maintain complete and accurate records for the purpose of  
4546 exposure and loss reimbursement audits as required by fund  
4547 rules. The corporation and the authorized insurer shall each  
4548 maintain duplicate copies of policy declaration pages and  
4549 supporting claims documents.

4550 g. The corporation board shall establish in its plan of

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4551 operation standards for quota share agreements which ensure that  
4552 there is no discriminatory application among insurers as to the  
4553 terms of the agreements, pricing of the agreements, incentive  
4554 provisions if any, and consideration paid for servicing policies  
4555 or adjusting claims.

4556 h. The quota share primary insurance agreement between the  
4557 corporation and an authorized insurer must set forth the  
4558 specific terms under which coverage is provided, including, but  
4559 not limited to, the sale and servicing of policies issued under  
4560 the agreement by the insurance agent of the authorized insurer  
4561 producing the business, the reporting of information concerning  
4562 eligible risks, the payment of premium to the corporation, and  
4563 arrangements for the adjustment and payment of hurricane claims  
4564 incurred on eligible risks by the claims adjuster and personnel  
4565 of the authorized insurer. Entering into a quota sharing  
4566 insurance agreement between the corporation and an authorized  
4567 insurer is voluntary and at the discretion of the authorized  
4568 insurer.

4569 ~~3.a.~~ May provide that the corporation may employ or  
4570 otherwise contract with individuals or other entities to provide  
4571 administrative or professional services that may be appropriate  
4572 to effectuate the plan. The corporation may borrow funds by  
4573 issuing bonds or by incurring other indebtedness, and shall have  
4574 other powers reasonably necessary to effectuate the requirements  
4575 of this subsection, including, without limitation, the power to  
4576 issue bonds and incur other indebtedness in order to refinance



4577 outstanding bonds or other indebtedness. The corporation may  
 4578 seek judicial validation of its bonds or other indebtedness  
 4579 under chapter 75. The corporation may issue bonds or incur other  
 4580 indebtedness, or have bonds issued on its behalf by a unit of  
 4581 local government pursuant to subparagraph (q)2. in the absence  
 4582 of a hurricane or other weather-related event, upon a  
 4583 determination by the corporation, subject to approval by the  
 4584 office, that such action would enable it to efficiently meet the  
 4585 financial obligations of the corporation and that such  
 4586 financings are reasonably necessary to effectuate the  
 4587 requirements of this subsection. The corporation may take all  
 4588 actions needed to facilitate tax-free status for such bonds or  
 4589 indebtedness, including formation of trusts or other affiliated  
 4590 entities. The corporation may pledge assessments, projected  
 4591 recoveries from the Florida Hurricane Catastrophe Fund, other  
 4592 reinsurance recoverables, policyholder surcharges and other  
 4593 surcharges, and other funds available to the corporation as  
 4594 security for bonds or other indebtedness. In recognition of s.  
 4595 10, Art. I of the State Constitution, prohibiting the impairment  
 4596 of obligations of contracts, it is the intent of the Legislature  
 4597 that no action be taken whose purpose is to impair any bond  
 4598 indenture or financing agreement or any revenue source committed  
 4599 by contract to such bond or other indebtedness.

4600 ~~b. To ensure that the corporation is operating in an~~  
 4601 ~~efficient and economic manner while providing quality service to~~  
 4602 ~~policyholders, applicants, and agents, the board shall~~

4603 ~~commission an independent third-party consultant having~~  
4604 ~~expertise in insurance company management or insurance company~~  
4605 ~~management consulting to prepare a report and make~~  
4606 ~~recommendations on the relative costs and benefits of~~  
4607 ~~outsourcing various policy issuance and service functions to~~  
4608 ~~private servicing carriers or entities performing similar~~  
4609 ~~functions in the private market for a fee, rather than~~  
4610 ~~performing such functions in-house. In making such~~  
4611 ~~recommendations, the consultant shall consider how other~~  
4612 ~~residual markets, both in this state and around the country,~~  
4613 ~~outsource appropriate functions or use servicing carriers to~~  
4614 ~~better match expenses with revenues that fluctuate based on a~~  
4615 ~~widely varying policy count. The report must be completed by~~  
4616 ~~July 1, 2012. Upon receiving the report, the board shall develop~~  
4617 ~~a plan to implement the report and submit the plan for review,~~  
4618 ~~modification, and approval to the Financial Services Commission.~~  
4619 ~~Upon the commission's approval of the plan, the board shall~~  
4620 ~~begin implementing the plan by January 1, 2013.~~

4621       4. Must require that the corporation operate subject to  
4622 the supervision and approval of a board of governors consisting  
4623 of nine individuals who are residents of this state and who are  
4624 from different geographical areas of the state, one of whom is  
4625 appointed by the Governor and serves solely to advocate on  
4626 behalf of the consumer. The appointment of a consumer  
4627 representative by the Governor is in addition to the  
4628 appointments authorized under sub-subparagraph a.

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4629 a. The Governor, the Chief Financial Officer, the  
4630 President of the Senate, and the Speaker of the House of  
4631 Representatives shall each appoint two members of the board. At  
4632 least one of the two members appointed by each appointing  
4633 officer must have demonstrated expertise in insurance and be  
4634 deemed to be within the scope of the exemption provided in s.  
4635 112.313(7)(b). The Chief Financial Officer shall designate one  
4636 of the appointees as chair. All board members serve at the  
4637 pleasure of the appointing officer. All members of the board are  
4638 subject to removal at will by the officers who appointed them.  
4639 All board members, including the chair, must be appointed to  
4640 serve for 3-year terms beginning annually on a date designated  
4641 by the plan. However, for the first term beginning on or after  
4642 July 1, 2009, each appointing officer shall appoint one member  
4643 of the board for a 2-year term and one member for a 3-year term.  
4644 A board vacancy shall be filled for the unexpired term by the  
4645 appointing officer. The Chief Financial Officer shall appoint a  
4646 technical advisory group to provide information and advice to  
4647 the board in connection with the board's duties under this  
4648 subsection. The executive director and senior managers of the  
4649 corporation shall be engaged by the board and serve at the  
4650 pleasure of the board. Any executive director appointed on or  
4651 after July 1, 2006, is subject to confirmation by the Senate.  
4652 The executive director is responsible for employing other staff  
4653 as the corporation may require, subject to review and  
4654 concurrence by the board.

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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4655           b. The board shall create a Market Accountability Advisory  
4656 Committee to assist the corporation in developing awareness of  
4657 its rates and its customer and agent service levels in  
4658 relationship to the voluntary market insurers writing similar  
4659 coverage.

4660           (I) The members of the advisory committee consist of the  
4661 following 11 persons, one of whom must be elected chair by the  
4662 members of the committee: four representatives, one appointed by  
4663 the Florida Association of Insurance Agents, one by the Florida  
4664 Association of Insurance and Financial Advisors, one by the  
4665 Professional Insurance Agents of Florida, and one by the Latin  
4666 American Association of Insurance Agencies; three  
4667 representatives appointed by the insurers with the three highest  
4668 voluntary market share of residential property insurance  
4669 business in the state; one representative from the Office of  
4670 Insurance Regulation; one consumer appointed by the board who is  
4671 insured by the corporation at the time of appointment to the  
4672 committee; one representative appointed by the Florida  
4673 Association of Realtors; and one representative appointed by the  
4674 Florida Bankers Association. All members shall be appointed to  
4675 3-year terms and may serve for consecutive terms.

4676           (II) The committee shall report to the corporation at each  
4677 board meeting on insurance market issues which may include rates  
4678 and rate competition with the voluntary market; service,  
4679 including policy issuance, claims processing, and general  
4680 responsiveness to policyholders, applicants, and agents; and

4681 matters relating to depopulation.

4682         5. Must provide a procedure for determining the  
4683 eligibility of a risk for coverage, as follows:

4684         a. Subject to s. 627.3517, with respect to personal lines  
4685 residential risks, if the risk is offered coverage from an  
4686 authorized insurer at the insurer's approved rate under a  
4687 standard policy including wind coverage or, if consistent with  
4688 the insurer's underwriting rules as filed with the office, a  
4689 basic policy including wind coverage, for a new application to  
4690 the corporation for coverage, the risk is not eligible for any  
4691 policy issued by the corporation unless the premium for coverage  
4692 from the authorized insurer is more than 15 percent greater than  
4693 the premium for comparable coverage from the corporation.  
4694 Whenever an offer of coverage for a personal lines residential  
4695 risk is received for a policyholder of the corporation at  
4696 renewal from an authorized insurer, if the offer is equal to or  
4697 less than the corporation's renewal premium for comparable  
4698 coverage, the risk is not eligible for coverage with the  
4699 corporation. If the risk is not able to obtain such offer, the  
4700 risk is eligible for a standard policy including wind coverage  
4701 or a basic policy including wind coverage issued by the  
4702 corporation; however, if the risk could not be insured under a  
4703 standard policy including wind coverage regardless of market  
4704 conditions, the risk is eligible for a basic policy including  
4705 wind coverage unless rejected under subparagraph 8. However, a  
4706 policyholder removed from the corporation through an assumption

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4707 agreement remains eligible for coverage from the corporation  
4708 until the end of the assumption period. The corporation shall  
4709 determine the type of policy to be provided on the basis of  
4710 objective standards specified in the underwriting manual and  
4711 based on generally accepted underwriting practices.

4712 (I) If the risk accepts an offer of coverage through the  
4713 market assistance plan or through a mechanism established by the  
4714 corporation other than a plan established by s. 627.3518, before  
4715 a policy is issued to the risk by the corporation or during the  
4716 first 30 days of coverage by the corporation, and the producing  
4717 agent who submitted the application to the plan or to the  
4718 corporation is not currently appointed by the insurer, the  
4719 insurer shall:

4720 (A) Pay to the producing agent of record of the policy for  
4721 the first year, an amount that is the greater of the insurer's  
4722 usual and customary commission for the type of policy written or  
4723 a fee equal to the usual and customary commission of the  
4724 corporation; or

4725 (B) Offer to allow the producing agent of record of the  
4726 policy to continue servicing the policy for at least 1 year and  
4727 offer to pay the agent the greater of the insurer's or the  
4728 corporation's usual and customary commission for the type of  
4729 policy written.

4730  
4731 If the producing agent is unwilling or unable to accept  
4732 appointment, the new insurer shall pay the agent in accordance

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4733 with sub-sub-sub-subparagraph (A).

4734 (II) If the corporation enters into a contractual  
4735 agreement for a take-out plan, the producing agent of record of  
4736 the corporation policy is entitled to retain any unearned  
4737 commission on the policy, and the insurer shall:

4738 (A) Pay to the producing agent of record, for the first  
4739 year, an amount that is the greater of the insurer's usual and  
4740 customary commission for the type of policy written or a fee  
4741 equal to the usual and customary commission of the corporation;  
4742 or

4743 (B) Offer to allow the producing agent of record to  
4744 continue servicing the policy for at least 1 year and offer to  
4745 pay the agent the greater of the insurer's or the corporation's  
4746 usual and customary commission for the type of policy written.

4747  
4748 If the producing agent is unwilling or unable to accept  
4749 appointment, the new insurer shall pay the agent in accordance  
4750 with sub-sub-sub-subparagraph (A).

4751 b. With respect to commercial lines residential risks, for  
4752 a new application to the corporation for coverage, if the risk  
4753 is offered coverage under a policy including wind coverage from  
4754 an authorized insurer at its approved rate, the risk is not  
4755 eligible for a policy issued by the corporation unless the  
4756 premium for coverage from the authorized insurer is more than 15  
4757 percent greater than the premium for comparable coverage from  
4758 the corporation. Whenever an offer of coverage for a commercial

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4759 lines residential risk is received for a policyholder of the  
4760 corporation at renewal from an authorized insurer, if the offer  
4761 is equal to or less than the corporation's renewal premium for  
4762 comparable coverage, the risk is not eligible for coverage with  
4763 the corporation. If the risk is not able to obtain any such  
4764 offer, the risk is eligible for a policy including wind coverage  
4765 issued by the corporation. However, a policyholder removed from  
4766 the corporation through an assumption agreement remains eligible  
4767 for coverage from the corporation until the end of the  
4768 assumption period.

4769 (I) If the risk accepts an offer of coverage through the  
4770 market assistance plan or through a mechanism established by the  
4771 corporation other than a plan established by s. 627.3518, before  
4772 a policy is issued to the risk by the corporation or during the  
4773 first 30 days of coverage by the corporation, and the producing  
4774 agent who submitted the application to the plan or the  
4775 corporation is not currently appointed by the insurer, the  
4776 insurer shall:

4777 (A) Pay to the producing agent of record of the policy,  
4778 for the first year, an amount that is the greater of the  
4779 insurer's usual and customary commission for the type of policy  
4780 written or a fee equal to the usual and customary commission of  
4781 the corporation; or

4782 (B) Offer to allow the producing agent of record of the  
4783 policy to continue servicing the policy for at least 1 year and  
4784 offer to pay the agent the greater of the insurer's or the



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4785 corporation's usual and customary commission for the type of  
4786 policy written.

4787

4788 If the producing agent is unwilling or unable to accept  
4789 appointment, the new insurer shall pay the agent in accordance  
4790 with sub-sub-sub-subparagraph (A).

4791 (II) If the corporation enters into a contractual  
4792 agreement for a take-out plan, the producing agent of record of  
4793 the corporation policy is entitled to retain any unearned  
4794 commission on the policy, and the insurer shall:

4795 (A) Pay to the producing agent of record, for the first  
4796 year, an amount that is the greater of the insurer's usual and  
4797 customary commission for the type of policy written or a fee  
4798 equal to the usual and customary commission of the corporation;  
4799 or

4800 (B) Offer to allow the producing agent of record to  
4801 continue servicing the policy for at least 1 year and offer to  
4802 pay the agent the greater of the insurer's or the corporation's  
4803 usual and customary commission for the type of policy written.

4804

4805 If the producing agent is unwilling or unable to accept  
4806 appointment, the new insurer shall pay the agent in accordance  
4807 with sub-sub-sub-subparagraph (A).

4808 c. For purposes of determining comparable coverage under  
4809 sub-subparagraphs a. and b., the comparison must be based on  
4810 those forms and coverages that are reasonably comparable. The

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4811 corporation may rely on a determination of comparable coverage  
4812 and premium made by the producing agent who submits the  
4813 application to the corporation, made in the agent's capacity as  
4814 the corporation's agent. A comparison may be made solely of the  
4815 premium with respect to the main building or structure only on  
4816 the following basis: the same coverage A or other building  
4817 limits; the same percentage hurricane deductible that applies on  
4818 an annual basis or that applies to each hurricane for commercial  
4819 residential property; the same percentage of ordinance and law  
4820 coverage, if the same limit is offered by both the corporation  
4821 and the authorized insurer; the same mitigation credits, to the  
4822 extent the same types of credits are offered both by the  
4823 corporation and the authorized insurer; the same method for loss  
4824 payment, such as replacement cost or actual cash value, if the  
4825 same method is offered both by the corporation and the  
4826 authorized insurer in accordance with underwriting rules; and  
4827 any other form or coverage that is reasonably comparable as  
4828 determined by the board. If an application is submitted to the  
4829 corporation for wind-only coverage in the coastal account, the  
4830 premium for the corporation's wind-only policy plus the premium  
4831 for the ex-wind policy that is offered by an authorized insurer  
4832 to the applicant must be compared to the premium for multiperil  
4833 coverage offered by an authorized insurer, subject to the  
4834 standards for comparison specified in this subparagraph. If the  
4835 corporation or the applicant requests from the authorized  
4836 insurer a breakdown of the premium of the offer by types of

4837 coverage so that a comparison may be made by the corporation or  
 4838 its agent and the authorized insurer refuses or is unable to  
 4839 provide such information, the corporation may treat the offer as  
 4840 not being an offer of coverage from an authorized insurer at the  
 4841 insurer's approved rate.

4842         6. Must include rules for classifications of risks and  
 4843 rates.

4844         7. Must provide that if premium and investment income for  
 4845 an account attributable to a particular calendar year are in  
 4846 excess of projected losses and expenses for the account  
 4847 attributable to that year, such excess shall be held in surplus  
 4848 in the account. Such surplus must be available to defray  
 4849 deficits in that account as to future years and used for that  
 4850 purpose before assessing assessable insurers and assessable  
 4851 insureds as to any calendar year.

4852         8. Must provide objective criteria and procedures to be  
 4853 uniformly applied to all applicants in determining whether an  
 4854 individual risk is so hazardous as to be uninsurable. In making  
 4855 this determination and in establishing the criteria and  
 4856 procedures, the following must be considered:

4857             a. Whether the likelihood of a loss for the individual  
 4858 risk is substantially higher than for other risks of the same  
 4859 class; and

4860             b. Whether the uncertainty associated with the individual  
 4861 risk is such that an appropriate premium cannot be determined.

4862

4863 The acceptance or rejection of a risk by the corporation shall  
4864 be construed as the private placement of insurance, and the  
4865 provisions of chapter 120 do not apply.

4866 9. Must provide that the corporation make its best efforts  
4867 to procure catastrophe reinsurance at reasonable rates, to cover  
4868 its projected 100-year probable maximum loss as determined by  
4869 the board of governors.

4870 10. The policies issued by the corporation must provide  
4871 that if the corporation or the market assistance plan obtains an  
4872 offer from an authorized insurer to cover the risk at its  
4873 approved rates, the risk is no longer eligible for renewal  
4874 through the corporation, except as otherwise provided in this  
4875 subsection.

4876 11. Corporation policies and applications must include a  
4877 notice that the corporation policy could, under this section, be  
4878 replaced with a policy issued by an authorized insurer which  
4879 does not provide coverage identical to the coverage provided by  
4880 the corporation. The notice must also specify that acceptance of  
4881 corporation coverage creates a conclusive presumption that the  
4882 applicant or policyholder is aware of this potential.

4883 12. May establish, subject to approval by the office,  
4884 different eligibility requirements and operational procedures  
4885 for any line or type of coverage for any specified county or  
4886 area if the board determines that such changes are justified due  
4887 to the voluntary market being sufficiently stable and  
4888 competitive in such area or for such line or type of coverage

4889 and that consumers who, in good faith, are unable to obtain  
4890 insurance through the voluntary market through ordinary methods  
4891 continue to have access to coverage from the corporation. If  
4892 coverage is sought in connection with a real property transfer,  
4893 the requirements and procedures may not provide an effective  
4894 date of coverage later than the date of the closing of the  
4895 transfer as established by the transferor, the transferee, and,  
4896 if applicable, the lender.

4897       13. Must provide that, with respect to the coastal  
4898 account, any assessable insurer with a surplus as to  
4899 policyholders of \$25 million or less writing 25 percent or more  
4900 of its total countrywide property insurance premiums in this  
4901 state may petition the office, within the first 90 days of each  
4902 calendar year, to qualify as a limited apportionment company. A  
4903 regular assessment levied by the corporation on a limited  
4904 apportionment company for a deficit incurred by the corporation  
4905 for the coastal account may be paid to the corporation on a  
4906 monthly basis as the assessments are collected by the limited  
4907 apportionment company from its insureds, but a limited  
4908 apportionment company must begin collecting the regular  
4909 assessments not later than 90 days after the regular assessments  
4910 are levied by the corporation, and the regular assessments must  
4911 be paid in full within 15 months after being levied by the  
4912 corporation. A limited apportionment company shall collect from  
4913 its policyholders any emergency assessment imposed under sub-  
4914 subparagraph (b)3.d. The plan must provide that, if the office

4915 determines that any regular assessment will result in an  
4916 impairment of the surplus of a limited apportionment company,  
4917 the office may direct that all or part of such assessment be  
4918 deferred as provided in subparagraph (q)4. However, an emergency  
4919 assessment to be collected from policyholders under sub-  
4920 subparagraph (b)3.d. may not be limited or deferred.

4921 14. Must provide that the corporation appoint as its  
4922 licensed agents only those agents who also hold an appointment  
4923 as defined in s. 626.015(3) with an insurer who at the time of  
4924 the agent's initial appointment by the corporation is authorized  
4925 to write and is actually writing personal lines residential  
4926 property coverage, commercial residential property coverage, or  
4927 commercial nonresidential property coverage within the state.

4928 15. Must provide a premium payment plan option to its  
4929 policyholders which, at a minimum, allows for quarterly and  
4930 semiannual payment of premiums. A monthly payment plan may, but  
4931 is not required to, be offered.

4932 16. Must limit coverage on mobile homes or manufactured  
4933 homes built before 1994 to actual cash value of the dwelling  
4934 rather than replacement costs of the dwelling.

4935 17. Must provide coverage for manufactured or mobile home  
4936 dwellings. Such coverage must also include the following  
4937 attached structures:

4938 a. Screened enclosures that are aluminum framed or  
4939 screened enclosures that are not covered by the same or  
4940 substantially the same materials as those of the primary

4941 dwelling;

4942       b. Carports that are aluminum or carports that are not  
4943 covered by the same or substantially the same materials as those  
4944 of the primary dwelling; and

4945       c. Patios that have a roof covering that is constructed of  
4946 materials that are not the same or substantially the same  
4947 materials as those of the primary dwelling.

4948  
4949 The corporation shall make available a policy for mobile homes  
4950 or manufactured homes for a minimum insured value of at least  
4951 \$3,000.

4952       18. May provide such limits of coverage as the board  
4953 determines, consistent with the requirements of this subsection.

4954       19. May require commercial property to meet specified  
4955 hurricane mitigation construction features as a condition of  
4956 eligibility for coverage.

4957       20. Must provide that new or renewal policies issued by  
4958 the corporation on or after January 1, 2012, which cover  
4959 sinkhole loss do not include coverage for any loss to  
4960 appurtenant structures, driveways, sidewalks, decks, or patios  
4961 that are directly or indirectly caused by sinkhole activity. The  
4962 corporation shall exclude such coverage using a notice of  
4963 coverage change, which may be included with the policy renewal,  
4964 and not by issuance of a notice of nonrenewal of the excluded  
4965 coverage upon renewal of the current policy.

4966       21. As of January 1, 2012, must require that the agent

4967 obtain from an applicant for coverage from the corporation an  
 4968 acknowledgment signed by the applicant, which includes, at a  
 4969 minimum, the following statement:

4970  
 4971 ACKNOWLEDGMENT OF POTENTIAL SURCHARGE  
 4972 AND ASSESSMENT LIABILITY:  
 4973

4974 1. AS A POLICYHOLDER OF CITIZENS PROPERTY INSURANCE  
 4975 CORPORATION, I UNDERSTAND THAT IF THE CORPORATION SUSTAINS A  
 4976 DEFICIT AS A RESULT OF HURRICANE LOSSES OR FOR ANY OTHER REASON,  
 4977 MY POLICY COULD BE SUBJECT TO SURCHARGES, WHICH WILL BE DUE AND  
 4978 PAYABLE UPON RENEWAL, CANCELLATION, OR TERMINATION OF THE  
 4979 POLICY, AND THAT THE SURCHARGES COULD BE AS HIGH AS 45 PERCENT  
 4980 OF MY PREMIUM, OR A DIFFERENT AMOUNT AS IMPOSED BY THE FLORIDA  
 4981 LEGISLATURE.

4982 2. I UNDERSTAND THAT I CAN AVOID THE CITIZENS POLICYHOLDER  
 4983 SURCHARGE, WHICH COULD BE AS HIGH AS 45 PERCENT OF MY PREMIUM,  
 4984 BY OBTAINING COVERAGE FROM A PRIVATE MARKET INSURER AND THAT TO  
 4985 BE ELIGIBLE FOR COVERAGE BY CITIZENS, I MUST FIRST TRY TO OBTAIN  
 4986 PRIVATE MARKET COVERAGE BEFORE APPLYING FOR OR RENEWING COVERAGE  
 4987 WITH CITIZENS. I UNDERSTAND THAT PRIVATE MARKET INSURANCE RATES  
 4988 ARE REGULATED AND APPROVED BY THE STATE.

4989 3. I UNDERSTAND THAT I MAY BE SUBJECT TO EMERGENCY  
 4990 ASSESSMENTS TO THE SAME EXTENT AS POLICYHOLDERS OF OTHER  
 4991 INSURANCE COMPANIES, OR A DIFFERENT AMOUNT AS IMPOSED BY THE  
 4992 FLORIDA LEGISLATURE.



4993 4. I ALSO UNDERSTAND THAT CITIZENS PROPERTY INSURANCE  
 4994 CORPORATION IS NOT SUPPORTED BY THE FULL FAITH AND CREDIT OF THE  
 4995 STATE OF FLORIDA.

4996 a. The corporation shall maintain, in electronic format or  
 4997 otherwise, a copy of the applicant's signed acknowledgment and  
 4998 provide a copy of the statement to the policyholder as part of  
 4999 the first renewal after the effective date of this subparagraph.

5000 b. The signed acknowledgment form creates a conclusive  
 5001 presumption that the policyholder understood and accepted his or  
 5002 her potential surcharge and assessment liability as a  
 5003 policyholder of the corporation.

5004 Reviser's note.—Subparagraph (6)(c)3. is amended to delete an  
 5005 obsolete provision. Sub-subparagraph (6)(c)4.a. is amended  
 5006 to confirm the editorial insertion of the word "be" to  
 5007 improve clarity.

5008 Section 150. Subsection (5) of section 627.3518, Florida  
 5009 Statutes, is amended to read:

5010 627.3518 Citizens Property Insurance Corporation  
 5011 policyholder eligibility clearinghouse program.—The purpose of  
 5012 this section is to provide a framework for the corporation to  
 5013 implement a clearinghouse program by January 1, 2014.

5014 (5) Notwithstanding s. 627.3517, any applicant for new  
 5015 coverage from the corporation is not eligible for coverage from  
 5016 the corporation if provided an offer of coverage from an  
 5017 authorized insurer through the program at a premium that is at  
 5018 or below the eligibility threshold established in s.

5019 627.351(6)(c)5.a. Whenever an offer of coverage for a personal  
5020 lines risk is received for a policyholder of the corporation at  
5021 renewal from an authorized insurer through the program, if the  
5022 offer is equal to or less than the corporation's renewal premium  
5023 for comparable coverage, the risk is not eligible for coverage  
5024 with the corporation. In the event an offer of coverage for a  
5025 new applicant is received from an authorized insurer through the  
5026 program, and the premium offered exceeds the eligibility  
5027 threshold contained in s. 627.351(6)(c)5.a., the applicant or  
5028 insured may elect to accept such coverage, or may elect to  
5029 accept or continue coverage with the corporation. In the event  
5030 an offer of coverage for a personal lines risk is received from  
5031 an authorized insurer at renewal through the program, and the  
5032 premium offered is more than the corporation's renewal premium  
5033 for comparable coverage, the insured may elect to accept such  
5034 coverage, or may elect to accept or continue coverage with the  
5035 corporation. Section 627.351(6)(c)5.a.(I) does not apply to an  
5036 offer of coverage from an authorized insurer obtained through  
5037 the program. An applicant for coverage from the corporation who  
5038 was ~~previously~~ declared ineligible for coverage at renewal by  
5039 the corporation in the previous 36 months due to an offer of  
5040 coverage pursuant to this subsection shall be considered a  
5041 renewal under this section if the corporation determines that  
5042 the authorized insurer making the offer of coverage pursuant to  
5043 this subsection continues to insure the applicant and increased  
5044 the rate on the policy in excess of the increase allowed for the

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5045 corporation under s. 627.351(6)(n)6.  
5046 Reviser's note.—Amended to confirm the editorial deletion of the  
5047 word "previously" to eliminate redundancy.  
5048 Section 151. Subsection (3) of section 627.642, Florida  
5049 Statutes, is amended to read:  
5050 627.642 Outline of coverage.—  
5051 (3) In addition to the outline of coverage, a policy as  
5052 specified in s. 627.6699(3)(1) ~~627.6699(3)(k)~~ must be  
5053 accompanied by an identification card that contains, at a  
5054 minimum:  
5055 (a) The name of the organization issuing the policy or the  
5056 name of the organization administering the policy, whichever  
5057 applies.  
5058 (b) The name of the contract holder.  
5059 (c) The type of plan only if the plan is filed in the  
5060 state, an indication that the plan is self-funded, or the name  
5061 of the network.  
5062 (d) The member identification number, contract number, and  
5063 policy or group number, if applicable.  
5064 (e) A contact phone number or electronic address for  
5065 authorizations and admission certifications.  
5066 (f) A phone number or electronic address whereby the  
5067 covered person or hospital, physician, or other person rendering  
5068 services covered by the policy may obtain benefits verification  
5069 and information in order to estimate patient financial  
5070 responsibility, in compliance with privacy rules under the

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5071 Health Insurance Portability and Accountability Act.

5072 (g) The national plan identifier, in accordance with the  
5073 compliance date set forth by the federal Department of Health  
5074 and Human Services.

5075  
5076 The identification card must present the information in a  
5077 readily identifiable manner or, alternatively, the information  
5078 may be embedded on the card and available through magnetic  
5079 stripe or smart card. The information may also be provided  
5080 through other electronic technology.

5081 Reviser's note.—Amended to conform to the redesignation of s.  
5082 627.6699(3)(k) as s. 627.6699(3)(l) by s. 23, ch. 2013-101,  
5083 Laws of Florida.

5084 Section 152. Paragraph (d) of subsection (2) of section  
5085 627.6515, Florida Statutes, is amended to read:

5086 627.6515 Out-of-state groups.—

5087 (2) Except as otherwise provided in this part, this part  
5088 does not apply to a group health insurance policy issued or  
5089 delivered outside this state under which a resident of this  
5090 state is provided coverage if:

5091 (d) Applications for certificates of coverage offered to  
5092 residents of this state must contain, in contrasting color and  
5093 not less than 12-point type, the following statement on the same  
5094 page as the applicant's signature:

5095  
5096 "This policy is primarily governed by the laws of

5097           ...insert state where the master policy is ~~if~~  
 5098           filed.... As a result, all of the rating laws  
 5099           applicable to policies filed in this state do not  
 5100           apply to this coverage, which may result in increases  
 5101           in your premium at renewal that would not be  
 5102           permissible under a Florida-approved policy. Any  
 5103           purchase of individual health insurance should be  
 5104           considered carefully, as future medical conditions may  
 5105           make it impossible to qualify for another individual  
 5106           health policy. For information concerning individual  
 5107           health coverage under a Florida-approved policy,  
 5108           consult your agent or the Florida Department of  
 5109           Financial Services."

5110  
 5111           This paragraph applies only to group certificates providing  
 5112           health insurance coverage which require individualized  
 5113           underwriting to determine coverage eligibility for an individual  
 5114           or premium rates to be charged to an individual except for the  
 5115           following:

5116           1. Policies issued to provide coverage to groups of  
 5117           persons all of whom are in the same or functionally related  
 5118           licensed professions, and providing coverage only to such  
 5119           licensed professionals, their employees, or their dependents;

5120           2. Policies providing coverage to small employers as  
 5121           defined by s. 627.6699. Such policies shall be subject to, and  
 5122           governed by, the provisions of s. 627.6699;

5123 3. Policies issued to a bona fide association, as defined  
 5124 by s. 627.6571(5), provided that there is a person or board  
 5125 acting as a fiduciary for the benefit of the members, and such  
 5126 association is not owned, controlled by, or otherwise associated  
 5127 with the insurance company; or

5128 4. Any accidental death, accidental death and  
 5129 dismemberment, accident-only, vision-only, dental-only, hospital  
 5130 indemnity-only, hospital accident-only, cancer, specified  
 5131 disease, Medicare supplement, products that supplement Medicare,  
 5132 long-term care, or disability income insurance, or similar  
 5133 supplemental plans provided under a separate policy,  
 5134 certificate, or contract of insurance, which cannot duplicate  
 5135 coverage under an underlying health plan, coinsurance, or  
 5136 deductibles or coverage issued as a supplement to workers'  
 5137 compensation or similar insurance, or automobile medical-payment  
 5138 insurance.

5139 Reviser's note.—Amended to confirm the editorial substitution of  
 5140 the word "is" for the word "if" to provide clarity.

5141 Section 153. Subsection (5) of section 627.6562, Florida  
 5142 Statutes, is amended to read:

5143 627.6562 Dependent coverage.—

5144 ~~(5) (a) Until April 1, 2009, the parent of a child who~~  
 5145 ~~qualifies for coverage under subsection (2) but whose coverage~~  
 5146 ~~as a dependent child under the parent's plan terminated under~~  
 5147 ~~the terms of the plan before October 1, 2008, may make a written~~  
 5148 ~~election to reinstate coverage, without proof of insurability,~~

5149 ~~under that plan as a dependent child pursuant to this section.~~

5150 ~~(b) The covered person's plan may require the payment of a~~  
 5151 ~~premium by the covered person or dependent child, as~~  
 5152 ~~appropriate, subject to the approval of the Office of Insurance~~  
 5153 ~~Regulation, for any period of coverage relating to a dependent's~~  
 5154 ~~written election for coverage pursuant to paragraph (a).~~

5155 ~~(c) Notice regarding the reinstatement of coverage for a~~  
 5156 ~~dependent child as provided under this subsection must be~~  
 5157 ~~provided to a covered person in the certificate of coverage~~  
 5158 ~~prepared for covered persons by the insurer or by the covered~~  
 5159 ~~person's employer. Such notice may be given through the group~~  
 5160 ~~policyholder.~~

5161 Reviser's note.—Amended to delete an obsolete provision.

5162 Section 154. Subsection (2) of section 627.657, Florida  
 5163 Statutes, is amended to read:

5164 627.657 Provisions of group health insurance policies.—

5165 (2) The medical policy as specified in s. 627.6699(3)(1)  
 5166 ~~627.6699(3)(k)~~ must be accompanied by an identification card  
 5167 that contains, at a minimum:

5168 (a) The name of the organization issuing the policy or  
 5169 name of the organization administering the policy, whichever  
 5170 applies.

5171 (b) The name of the certificateholder.

5172 (c) The type of plan only if the plan is filed in the  
 5173 state, an indication that the plan is self-funded, or the name  
 5174 of the network.

5175 (d) The member identification number, contract number, and  
 5176 policy or group number, if applicable.

5177 (e) A contact phone number or electronic address for  
 5178 authorizations and admission certifications.

5179 (f) A phone number or electronic address whereby the  
 5180 covered person or hospital, physician, or other person rendering  
 5181 services covered by the policy may obtain benefits verification  
 5182 and information in order to estimate patient financial  
 5183 responsibility, in compliance with privacy rules under the  
 5184 Health Insurance Portability and Accountability Act.

5185 (g) The national plan identifier, in accordance with the  
 5186 compliance date set forth by the federal Department of Health  
 5187 and Human Services.

5188  
 5189 The identification card must present the information in a  
 5190 readily identifiable manner or, alternatively, the information  
 5191 may be embedded on the card and available through magnetic  
 5192 stripe or smart card. The information may also be provided  
 5193 through other electronic technology.

5194 Reviser's note.—Amended to conform to the redesignation of s.  
 5195 627.6699(3)(k) as s. 627.6699(3)(l) by s. 23, ch. 2013-101,  
 5196 Laws of Florida.

5197 Section 155. Subsection (8) of section 627.6686, Florida  
 5198 Statutes, is amended to read:

5199 627.6686 Coverage for individuals with autism spectrum  
 5200 disorder required; exception.—



5201 (8) ~~Beginning January 1, 2011,~~ The maximum benefit under  
 5202 paragraph (4) (b) shall be adjusted annually on January 1 of each  
 5203 calendar year to reflect any change from the previous year in  
 5204 the medical component of the then current Consumer Price Index  
 5205 for All Urban Consumers, published by the Bureau of Labor  
 5206 Statistics of the United States Department of Labor.

5207 Reviser's note.—Amended to delete an obsolete provision.

5208 Section 156. Subsection (28) of section 633.102, Florida  
 5209 Statutes, is amended to read:

5210 633.102 Definitions.—As used in this chapter, the term:

5211 ~~(28) "Special state firesafety inspector" means an~~  
 5212 ~~individual officially assigned to the duties of conducting~~  
 5213 ~~firesafety inspections required by law on behalf of or by an~~  
 5214 ~~agency of the state having authority for inspections other than~~  
 5215 ~~the division.~~

5216 Reviser's note.—Amended to delete an obsolete provision. Section

5217 633.216(3) provides that the classification of special  
 5218 state firesafety inspector is abolished effective July 1,  
 5219 2013, and all special state firesafety inspector  
 5220 certifications expire at midnight June 30, 2013.

5221 Section 157. Subsection (3) of section 633.216, Florida  
 5222 Statutes, is amended to read:

5223 633.216 Inspection of buildings and equipment; orders;  
 5224 firesafety inspection training requirements; certification;  
 5225 disciplinary action.—The State Fire Marshal and her or his  
 5226 agents or persons authorized to enforce laws and rules of the

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5227 State Fire Marshal shall, at any reasonable hour, when the State  
5228 Fire Marshal has reasonable cause to believe that a violation of  
5229 this chapter or s. 509.215, or a rule adopted thereunder, or a  
5230 minimum firesafety code adopted by the State Fire Marshal or a  
5231 local authority, may exist, inspect any and all buildings and  
5232 structures which are subject to the requirements of this chapter  
5233 or s. 509.215 and rules adopted thereunder. The authority to  
5234 inspect shall extend to all equipment, vehicles, and chemicals  
5235 which are located on or within the premises of any such building  
5236 or structure.

5237 ~~(3)(a)1. Effective July 1, 2013, the classification of~~  
5238 ~~special state firesafety inspector is abolished, and all special~~  
5239 ~~state firesafety inspector certifications expire at midnight~~  
5240 ~~June 30, 2013.~~

5241 ~~2. Any person who is a special state firesafety inspector~~  
5242 ~~on June 30, 2013, and who has failed to comply with paragraph~~  
5243 ~~(b) or paragraph (c) may not perform any firesafety inspection~~  
5244 ~~required by law.~~

5245 ~~3. A special state firesafety inspector certificate may~~  
5246 ~~not be issued after June 30, 2011.~~

5247 ~~(b)1. Any person who is a special state firesafety~~  
5248 ~~inspector on July 1, 2011, and who has at least 5 years of~~  
5249 ~~experience as a special state firesafety inspector as of July 1,~~  
5250 ~~2011, may take the firesafety inspection examination as provided~~  
5251 ~~in paragraph (2) (a) for firesafety inspectors before July 1,~~  
5252 ~~2013, to be certified as a firesafety inspector under this~~

5253 ~~section.~~

5254 ~~2. Upon passing the examination, the person shall be~~  
5255 ~~certified as a firesafety inspector as provided in this section.~~

5256 ~~3. A person who fails to become certified must comply with~~  
5257 ~~paragraph (c) to be certified as a firesafety inspector under~~  
5258 ~~this section.~~

5259 ~~(c)1. To be certified as a firesafety inspector under this~~  
5260 ~~section, a person who:~~

5261 ~~a. Is a special state firesafety inspector on July 1,~~  
5262 ~~2011, and who does not have 5 years of experience as a special~~  
5263 ~~state firesafety inspector as of July 1, 2011; or~~

5264 ~~b. Has 5 years of experience as a special state firesafety~~  
5265 ~~inspector but has failed the examination taken as provided in~~  
5266 ~~paragraph (2) (a),~~

5267  
5268 ~~must take an additional 80 hours of the courses described in~~  
5269 ~~paragraph (2) (b).~~

5270 ~~2. After successfully completing the courses described in~~  
5271 ~~this paragraph, such person may take the firesafety inspection~~  
5272 ~~examination as provided in paragraph (2) (a), if such examination~~  
5273 ~~is taken before July 1, 2013.~~

5274 ~~3. Upon passing the examination, the person shall be~~  
5275 ~~certified as a firesafety inspector as provided in this section.~~

5276 ~~4. A person who fails the course of study or the~~  
5277 ~~examination described in this paragraph may not perform any~~  
5278 ~~firesafety inspection required by law on or after July 1, 2013.~~

5279 Reviser's note.—Amended to delete an obsolete provision.  
 5280       Section 158. Subsection (1) of section 633.316, Florida  
 5281 Statutes, is amended to read:  
 5282       633.316 Fire suppression system contractors; disciplinary  
 5283 action.—  
 5284       (1) The violation of any provision of this chapter or any  
 5285 rule ~~adopted and~~ adopted pursuant hereto or the failure or  
 5286 refusal to comply with any notice or order to correct a  
 5287 violation or any cease and desist order by a person who  
 5288 possesses a license or permit issued pursuant to s. 633.304 is  
 5289 cause for denial, nonrenewal, revocation, or suspension of such  
 5290 license or permit by the State Fire Marshal after such officer  
 5291 has determined that the person committed such violation. An  
 5292 order of suspension must state the period of such suspension,  
 5293 which period may not be in excess of 2 years from the date of  
 5294 such order. An order of revocation may be entered for a period  
 5295 not exceeding 5 years. Such orders shall effect suspension or  
 5296 revocation of all licenses or permits issued by the division to  
 5297 the person, and during such period a license or permit may not  
 5298 be issued by the division to such person. During the suspension  
 5299 or revocation of any license or permit, the former licensee or  
 5300 permittee may not engage in or attempt or profess to engage in  
 5301 any transaction or business for which a license or permit is  
 5302 required under this chapter or directly or indirectly own,  
 5303 control, or be employed in any manner by any firm, business, or  
 5304 corporation for which a license or permit under this chapter is

5305 required. If, during the period between the beginning of  
 5306 proceedings and the entry of an order of suspension or  
 5307 revocation by the State Fire Marshal, a new license or permit  
 5308 has been issued by the division to the person so charged, the  
 5309 order of suspension or revocation shall operate to suspend or  
 5310 revoke such new license or permit held by such person.

5311 Reviser's note.—Amended to confirm the editorial deletion of the  
 5312 words "adopted and" to improve clarity.

5313 Section 159. Paragraph (a) of subsection (4) of section  
 5314 633.408, Florida Statutes, is amended to read:

5315 633.408 Firefighter and volunteer firefighter training and  
 5316 certification.—

5317 (4) The division shall issue a firefighter certificate of  
 5318 compliance to an individual who does all of the following:

5319 (a) Satisfactorily completes the Minimum Standards Course  
 5320 or ~~who~~ has satisfactorily completed training for firefighters in  
 5321 another state which has been determined by the division to be at  
 5322 least the equivalent of the training required for the Minimum  
 5323 Standards Course.

5324 Reviser's note.—Amended to confirm the editorial deletion of the  
 5325 word "who."

5326 Section 160. Section 634.283, Florida Statutes, is amended  
 5327 to read:

5328 634.283 Power of department and office to examine and  
 5329 investigate.—The department and office may, within their  
 5330 respective regulatory jurisdictions, examine and investigate the

5331 | affairs of every person involved in the business of motor  
 5332 | vehicle service agreements in this state in order to determine  
 5333 | whether such person has been or is engaged in any unfair method  
 5334 | of competition or in any unfair or deceptive act or practice  
 5335 | prohibited by s. 634.2815, and each shall have the powers and  
 5336 | duties specified in ss. 634.284-634.288 ~~634.284-634.289~~ in  
 5337 | connection therewith.

5338 | Reviser's note.—Amended to conform to the repeal of s. 634.289  
 5339 | by s. 99, ch. 2013-18, Laws of Florida.

5340 | Section 161. Subsection (8) of section 641.31098, Florida  
 5341 | Statutes, is amended to read:

5342 | 641.31098 Coverage for individuals with developmental  
 5343 | disabilities.—

5344 | (8) ~~Beginning January 1, 2011,~~ The maximum benefit under  
 5345 | paragraph (4) (b) shall be adjusted annually on January 1 of each  
 5346 | calendar year to reflect any change from the previous year in  
 5347 | the medical component of the then current Consumer Price Index  
 5348 | for All Urban Consumers, published by the Bureau of Labor  
 5349 | Statistics of the United States Department of Labor.

5350 | Reviser's note.—Amended to delete an obsolete provision.

5351 | Section 162. Subsection (1) and paragraphs (b), (c), and  
 5352 | (d) of subsection (5) of section 658.27, Florida Statutes, are  
 5353 | amended to read:

5354 | 658.27 Control of bank or trust company; definitions and  
 5355 | related provisions.—

5356 | (1) In ss. 658.27-658.285 ~~658.27-658.29~~, unless the

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5357 context clearly requires otherwise:

5358 (a) "Bank holding company" means any business organization  
5359 which has or acquires control over any bank or trust company or  
5360 over any business organization that is or becomes a bank holding  
5361 company by virtue of ss. 658.27-658.285 ~~658.27-658.29~~.

5362 (b) "Business organization" means a corporation,  
5363 association, partnership, or business trust and includes any  
5364 similar organization (including a trust company and including a  
5365 bank, whether or not authorized to engage in trust business, but  
5366 only if such bank is, or by virtue of ss. 658.27-658.285 ~~658.27-~~  
5367 ~~658.29~~ becomes, a bank holding company), whether created,  
5368 organized, or existing under the laws of the United States; this  
5369 state or any other state of the United States; or any other  
5370 country, government, or jurisdiction. "Business organization"  
5371 does not include any corporation the majority of the shares of  
5372 which are owned by the United States or by this state. "Business  
5373 organization" also includes any other trust, unless by its terms  
5374 it must terminate within 25 years or not later than 21 years and  
5375 10 months after the death of individuals living on the effective  
5376 date of the trust, unless the office determines, after notice  
5377 and opportunity for hearing, that a purpose for the creation of  
5378 such trust was the evasion of the provisions of ss. 658.27-  
5379 658.285 ~~658.27-658.29~~.

5380 (c) "Edge Act corporation" means a corporation organized  
5381 and existing under the provisions of s. 25(a) of the Federal  
5382 Reserve Act, 12 U.S.C. ss. 611-632.

5383 (d) "Subsidiary," with respect to a specified bank, trust  
 5384 company, or bank holding company, means:

5385 1. Any business organization 25 percent or more of the  
 5386 voting shares of which, excluding shares owned by the United  
 5387 States or by any business organization wholly owned by the  
 5388 United States, are directly or indirectly owned or controlled by  
 5389 such bank, trust company, or bank holding company or are held by  
 5390 such bank, trust company, or bank holding company with power to  
 5391 vote;

5392 2. Any business organization the election of a majority of  
 5393 the directors of which is controlled in any manner by such bank,  
 5394 trust company, or bank holding company; or

5395 3. Any business organization with respect to the  
 5396 management or policies of which such bank, trust company, or  
 5397 bank holding company has the power, directly or indirectly, to  
 5398 exercise a controlling influence, as determined by the office  
 5399 after notice and opportunity for hearing.

5400 (e) "Successor," with respect to a specified bank holding  
 5401 company, means any business organization which acquires directly  
 5402 or indirectly from the bank holding company shares of any bank  
 5403 or trust company, when and if the relationship between such  
 5404 business organization and the bank holding company is such that  
 5405 the transaction effects no substantial change in the control of  
 5406 the bank or trust company or beneficial ownership of such shares  
 5407 of such bank or trust company. The commission may, by rule,  
 5408 further define the term "successor" to the extent necessary to



5409 prevent evasion of the purposes of ss. 658.27-658.285 ~~658.27-~~  
 5410 ~~658.29~~. For the purposes of ss. 658.27-658.285 ~~658.27-658.29~~,  
 5411 any successor to a bank holding company shall be deemed to have  
 5412 been a bank holding company from the date on which the  
 5413 predecessor business organization became a bank holding company.

5414 (5) Notwithstanding any other provision of this section,  
 5415 no bank and no business organization shall be deemed to own or  
 5416 control voting shares or assets of another bank or another  
 5417 business organization if:

5418 (b) The shares are acquired in connection with the  
 5419 underwriting of securities by a business organization, in good  
 5420 faith and without any intent or purpose to evade the purposes of  
 5421 ss. 658.27-658.285 ~~658.27-658.29~~, and if such shares are held  
 5422 only for such period of time, not exceeding 3 months from date  
 5423 of acquisition, as will permit the sale thereof on a reasonable  
 5424 basis; however, upon application by the underwriting business  
 5425 organization, and after notice and opportunity for hearing, if  
 5426 the office finds that the sale of such shares within that period  
 5427 of time would create an unreasonable hardship on the  
 5428 underwriting business organization, that there is no intent or  
 5429 purpose to evade the purposes of ss. 658.27-658.285 ~~658.27-~~  
 5430 ~~658.29~~ by the continued ownership or control of such shares by  
 5431 such underwriting business organization, and that an extension  
 5432 of such period of time would not be detrimental to the public  
 5433 interest, the office is authorized to extend, from time to time,  
 5434 for not more than 1 month at a time, the 3-month period, but the

5435 aggregate of such extensions shall not exceed 3 months;

5436 (c) Control of voting rights of such shares is acquired in  
5437 good faith, and without any purpose or intent to evade the  
5438 purposes of ss. 658.27-658.285 ~~658.27-658.29~~, in the course of  
5439 participating in a proxy solicitation by a business organization  
5440 formed in good faith, and without any purpose or intent to evade  
5441 the purposes of ss. 658.27-658.285 ~~658.27-658.29~~, for the sole  
5442 purpose of participating in such proxy solicitation, and such  
5443 control of voting rights terminates immediately upon the  
5444 conclusion of the sole purpose for which such business  
5445 organization was formed; or

5446 (d) The ownership or control of such shares or assets is  
5447 acquired in securing or collecting a debt previously contracted  
5448 in good faith, unless the office, after notice and opportunity  
5449 for hearing, finds that a purpose of any part of any transaction  
5450 was an evasion of the purposes of ss. 658.27-658.285 ~~658.27-~~  
5451 ~~658.29~~ and if the ownership or control of such shares or assets  
5452 is held only for such reasonable period of time, not exceeding 2  
5453 years after the date of acquisition, as will permit the  
5454 divestiture thereof on a reasonable basis. Upon application by  
5455 the bank or business organization which acquired such ownership  
5456 or control in accordance with the preceding provisions of this  
5457 paragraph, and after notice and opportunity for hearing, if the  
5458 office finds that the bank or business organization has made  
5459 reasonable and good faith efforts to divest itself of such  
5460 ownership or control on a reasonable basis within the 2-year

5461 period but has been unable to do so, that immediate divestiture  
 5462 of such ownership or control would create an unreasonable  
 5463 hardship on such bank or business organization, that  
 5464 continuation of such ownership or control involves no purpose or  
 5465 intent to evade the purposes of ss. 658.27-658.285 ~~658.27-~~  
 5466 ~~658.29~~, and that an extension of the 2-year period would not be  
 5467 detrimental to the public interest, the office is authorized to  
 5468 extend, from time to time and for not more than 1 year at a  
 5469 time, the 2-year period, but the aggregate of all such  
 5470 extensions shall not exceed 3 years.

5471 Reviser's note.—Amended to conform to the repeal of s. 658.29 by  
 5472 s. 15, ch. 96-168, Laws of Florida.

5473 Section 163. Subsection (7) of section 658.995, Florida  
 5474 Statutes, is amended to read:

5475 658.995 Credit Card Bank Act.—

5476 (7) A credit card bank shall not be considered a "bank"  
 5477 for the purposes of ss. 658.27-658.2953 ~~658.27-658.296~~.

5478 Reviser's note.—Amended to conform to the repeal of s. 658.296  
 5479 by s. 25, ch. 2011-194, Laws of Florida.

5480 Section 164. Paragraph (d) of subsection (4) and paragraph  
 5481 (a) of subsection (13) of section 713.78, Florida Statutes, are  
 5482 amended to read:

5483 713.78 Liens for recovering, towing, or storing vehicles  
 5484 and vessels.—

5485 (4)

5486 (d) If attempts to locate the name and address of the

5487 owner or lienholder prove unsuccessful, the towing-storage  
 5488 operator shall, after 7 working days, excluding Saturday and  
 5489 Sunday, of the initial tow or storage, notify the public agency  
 5490 of jurisdiction where the vehicle or vessel is stored in writing  
 5491 by certified mail or acknowledged hand delivery that the towing-  
 5492 storage company has been unable to locate the name and address  
 5493 of the owner or lienholder and a physical search of the vehicle  
 5494 or vessel has disclosed no ownership information and a good  
 5495 faith effort has been made, including records checks of the  
 5496 Department of Highway Safety and Motor Vehicles database and the  
 5497 National Motor Vehicle Title Information System or an equivalent  
 5498 commercially available system ~~databases~~. For purposes of this  
 5499 paragraph and subsection (9), "good faith effort" means that the  
 5500 following checks have been performed by the company to establish  
 5501 prior state of registration and for title:

5502 1. Check of the Department of Highway Safety and Motor  
 5503 Vehicles database for the owner and any lienholder.

5504 2. Check of the electronic National Motor Vehicle Title  
 5505 Information System or an equivalent commercially available  
 5506 system to determine the state of registration when there is not  
 5507 a current registration record for the vehicle on file with the  
 5508 Department of Highway Safety and Motor Vehicles.

5509 3. Check of vehicle or vessel for any type of tag, tag  
 5510 record, temporary tag, or regular tag.

5511 4. Check of law enforcement report for tag number or other  
 5512 information identifying the vehicle or vessel, if the vehicle or

5513 vessel was towed at the request of a law enforcement officer.

5514 5. Check of trip sheet or tow ticket of tow truck operator  
5515 to see if a tag was on vehicle or vessel at beginning of tow, if  
5516 private tow.

5517 6. If there is no address of the owner on the impound  
5518 report, check of law enforcement report to see if an out-of-  
5519 state address is indicated from driver license information.

5520 7. Check of vehicle or vessel for inspection sticker or  
5521 other stickers and decals that may indicate a state of possible  
5522 registration.

5523 8. Check of the interior of the vehicle or vessel for any  
5524 papers that may be in the glove box, trunk, or other areas for a  
5525 state of registration.

5526 9. Check of vehicle for vehicle identification number.

5527 10. Check of vessel for vessel registration number.

5528 11. Check of vessel hull for a hull identification number  
5529 which should be carved, burned, stamped, embossed, or otherwise  
5530 permanently affixed to the outboard side of the transom or, if  
5531 there is no transom, to the outmost seaboard side at the end of  
5532 the hull that bears the rudder or other steering mechanism.

5533 (13) (a) Upon receipt by the Department of Highway Safety  
5534 and Motor Vehicles of written notice from a wrecker operator who  
5535 claims a wrecker operator's lien under paragraph ~~(2) (c) or~~  
5536 ~~paragraph~~ (2) (d) for recovery, towing, or storage of an  
5537 abandoned vehicle or vessel upon instructions from any law  
5538 enforcement agency, for which a certificate of destruction has

5539 | been issued under subsection (11) and the vehicle has been  
 5540 | reported to the National Motor Vehicle Title Information System,  
 5541 | the department shall place the name of the registered owner of  
 5542 | that vehicle or vessel on the list of those persons who may not  
 5543 | be issued a license plate or revalidation sticker for any motor  
 5544 | vehicle under s. 320.03(8). If the vehicle or vessel is owned  
 5545 | jointly by more than one person, the name of each registered  
 5546 | owner shall be placed on the list. The notice of wrecker  
 5547 | operator's lien shall be submitted on forms provided by the  
 5548 | department, which must include:

5549 |       1. The name, address, and telephone number of the wrecker  
 5550 | operator.

5551 |       2. The name of the registered owner of the vehicle or  
 5552 | vessel and the address to which the wrecker operator provided  
 5553 | notice of the lien to the registered owner under subsection (4).

5554 |       3. A general description of the vehicle or vessel,  
 5555 | including its color, make, model, body style, and year.

5556 |       4. The vehicle identification number (VIN); registration  
 5557 | license plate number, state, and year; validation decal number,  
 5558 | state, and year; vessel registration number; hull identification  
 5559 | number; or other identification number, as applicable.

5560 |       5. The name of the person or the corresponding law  
 5561 | enforcement agency that requested that the vehicle or vessel be  
 5562 | recovered, towed, or stored.

5563 |       6. The amount of the wrecker operator's lien, not to  
 5564 | exceed the amount allowed by paragraph (b).

5565 Reviser's note.—Paragraph (4) (d) is amended to confirm the  
 5566 editorial insertion of the word "database" and editorial  
 5567 deletion of the word "databases" to improve clarity.  
 5568 Paragraph (13) (a) is amended to conform to the deletion of  
 5569 referenced paragraph (2) (d) by s. 3, ch. 2005-137, Laws of  
 5570 Florida, and the subsequent redesignation of referenced  
 5571 paragraph (2) (c) as paragraph (2) (d) by s. 75, ch. 2013-  
 5572 160, Laws of Florida.

5573 Section 165. Subsection (1) of section 718.301, Florida  
 5574 Statutes, is reenacted to read:

5575 718.301 Transfer of association control; claims of defect  
 5576 by association.—

5577 (1) If unit owners other than the developer own 15 percent  
 5578 or more of the units in a condominium that will be operated  
 5579 ultimately by an association, the unit owners other than the  
 5580 developer are entitled to elect at least one-third of the  
 5581 members of the board of administration of the association. Unit  
 5582 owners other than the developer are entitled to elect at least a  
 5583 majority of the members of the board of administration of an  
 5584 association, upon the first to occur of any of the following  
 5585 events:

5586 (a) Three years after 50 percent of the units that will be  
 5587 operated ultimately by the association have been conveyed to  
 5588 purchasers;

5589 (b) Three months after 90 percent of the units that will  
 5590 be operated ultimately by the association have been conveyed to

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5591 purchasers;

5592 (c) When all the units that will be operated ultimately by  
5593 the association have been completed, some of them have been  
5594 conveyed to purchasers, and none of the others are being offered  
5595 for sale by the developer in the ordinary course of business;

5596 (d) When some of the units have been conveyed to  
5597 purchasers and none of the others are being constructed or  
5598 offered for sale by the developer in the ordinary course of  
5599 business;

5600 (e) When the developer files a petition seeking protection  
5601 in bankruptcy;

5602 (f) When a receiver for the developer is appointed by a  
5603 circuit court and is not discharged within 30 days after such  
5604 appointment, unless the court determines within 30 days after  
5605 appointment of the receiver that transfer of control would be  
5606 detrimental to the association or its members; or

5607 (g) Seven years after the date of the recording of the  
5608 certificate of a surveyor and mapper pursuant to s.  
5609 718.104(4)(e) or the recording of an instrument that transfers  
5610 title to a unit in the condominium which is not accompanied by a  
5611 recorded assignment of developer rights in favor of the grantee  
5612 of such unit, whichever occurs first; or, in the case of an  
5613 association that may ultimately operate more than one  
5614 condominium, 7 years after the date of the recording of the  
5615 certificate of a surveyor and mapper pursuant to s.  
5616 718.104(4)(e) or the recording of an instrument that transfers



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5617 title to a unit which is not accompanied by a recorded  
5618 assignment of developer rights in favor of the grantee of such  
5619 unit, whichever occurs first, for the first condominium it  
5620 operates; or, in the case of an association operating a phase  
5621 condominium created pursuant to s. 718.403, 7 years after the  
5622 date of the recording of the certificate of a surveyor and  
5623 mapper pursuant to s. 718.104(4)(e) or the recording of an  
5624 instrument that transfers title to a unit which is not  
5625 accompanied by a recorded assignment of developer rights in  
5626 favor of the grantee of such unit, whichever occurs first.

5627  
5628 The developer is entitled to elect at least one member of the  
5629 board of administration of an association as long as the  
5630 developer holds for sale in the ordinary course of business at  
5631 least 5 percent, in condominiums with fewer than 500 units, and  
5632 2 percent, in condominiums with more than 500 units, of the  
5633 units in a condominium operated by the association. After the  
5634 developer relinquishes control of the association, the developer  
5635 may exercise the right to vote any developer-owned units in the  
5636 same manner as any other unit owner except for purposes of  
5637 reacquiring control of the association or selecting the majority  
5638 members of the board of administration.

5639 Reviser's note.—Reenacted to confirm restoration by the editors  
5640 of the flush left language at the end of subsection (1). A  
5641 drafting error in s. 7, ch. 2013-122, Laws of Florida,  
5642 placed the flush left material of subsection (1) at the end

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5643 of paragraph (g); the intent was for it to remain flush  
 5644 left text at the end of subsection (1).

5645 Section 166. Paragraph (a) of subsection (1) of section  
 5646 871.015, Florida Statutes, is amended to read:

5647 871.015 Unlawful protests.—

5648 (1) As used in this section, the term:

5649 (a) "Funeral or burial" means a service or ceremony  
 5650 offered or provided in connection with the final disposition,  
 5651 memorialization, interment ~~internment~~, entombment, or inurnment  
 5652 of human remains or cremated human remains.

5653 Reviser's note.—Amended to confirm the editorial substitution of  
 5654 the word "interment" for the word "internment" to conform  
 5655 to context.

5656 Section 167. Subsection (8) of section 893.055, Florida  
 5657 Statutes, is amended to read:

5658 893.055 Prescription drug monitoring program.—

5659 (8) To assist in fulfilling program responsibilities,  
 5660 performance measures shall be reported annually to the Governor,  
 5661 the President of the Senate, and the Speaker of the House of  
 5662 Representatives by the department each December 1, ~~beginning in~~  
 5663 ~~2011~~. Data that does not contain patient, physician, health care  
 5664 practitioner, prescriber, or dispenser identifying information  
 5665 may be requested during the year by department employees so that  
 5666 the department may undertake public health care and safety  
 5667 initiatives that take advantage of observed trends. Performance  
 5668 measures may include, but are not limited to, efforts to achieve

5669 the following outcomes:

5670 (a) Reduction of the rate of inappropriate use of  
 5671 prescription drugs through department education and safety  
 5672 efforts.

5673 (b) Reduction of the quantity of pharmaceutical controlled  
 5674 substances obtained by individuals attempting to engage in fraud  
 5675 and deceit.

5676 (c) Increased coordination among partners participating in  
 5677 the prescription drug monitoring program.

5678 (d) Involvement of stakeholders in achieving improved  
 5679 patient health care and safety and reduction of prescription  
 5680 drug abuse and prescription drug diversion.

5681 Reviser's note.—Amended to delete an obsolete provision.

5682 Section 168. Paragraph (a) of subsection (5) of section  
 5683 893.1495, Florida Statutes, is amended to read:

5684 893.1495 Retail sale of ephedrine and related compounds.—

5685 (5) (a) Any person purchasing, receiving, or otherwise  
 5686 acquiring any nonprescription compound, mixture, or preparation  
 5687 containing any detectable quantity of ephedrine or related  
 5688 compounds must:

5689 1. Be at least 18 years of age.

5690 2. Produce a government-issued photo identification  
 5691 showing his or her name, date of birth, address, and photo  
 5692 identification number or an alternative form of identification  
 5693 acceptable under ~~federal regulation~~ 8 C.F.R. s.

5694 274a.2(b) (1) (v) (A) and (B).

5695           3. Sign his or her name on a record of the purchase,  
 5696 either on paper or on an electronic signature capture device.  
 5697 Reviser's note.—Amended to delete the words "federal regulation"  
 5698 to provide clarity.

5699           Section 169. Paragraph (c) of subsection (4) of section  
 5700 943.0585, Florida Statutes, is amended to read:

5701           943.0585 Court-ordered expunction of criminal history  
 5702 records.—The courts of this state have jurisdiction over their  
 5703 own procedures, including the maintenance, expunction, and  
 5704 correction of judicial records containing criminal history  
 5705 information to the extent such procedures are not inconsistent  
 5706 with the conditions, responsibilities, and duties established by  
 5707 this section. Any court of competent jurisdiction may order a  
 5708 criminal justice agency to expunge the criminal history record  
 5709 of a minor or an adult who complies with the requirements of  
 5710 this section. The court shall not order a criminal justice  
 5711 agency to expunge a criminal history record until the person  
 5712 seeking to expunge a criminal history record has applied for and  
 5713 received a certificate of eligibility for expunction pursuant to  
 5714 subsection (2). A criminal history record that relates to a  
 5715 violation of s. 393.135, s. 394.4593, s. 787.025, chapter 794,  
 5716 s. 796.03, s. 800.04, s. 810.14, s. 817.034, s. 825.1025, s.  
 5717 827.071, chapter 839, s. 847.0133, s. 847.0135, s. 847.0145, s.  
 5718 893.135, s. 916.1075, a violation enumerated in s. 907.041, or  
 5719 any violation specified as a predicate offense for registration  
 5720 as a sexual predator pursuant to s. 775.21, without regard to

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5721 whether that offense alone is sufficient to require such  
5722 registration, or for registration as a sexual offender pursuant  
5723 to s. 943.0435, may not be expunged, without regard to whether  
5724 adjudication was withheld, if the defendant was found guilty of  
5725 or pled guilty or nolo contendere to the offense, or if the  
5726 defendant, as a minor, was found to have committed, or pled  
5727 guilty or nolo contendere to committing, the offense as a  
5728 delinquent act. The court may only order expunction of a  
5729 criminal history record pertaining to one arrest or one incident  
5730 of alleged criminal activity, except as provided in this  
5731 section. The court may, at its sole discretion, order the  
5732 expunction of a criminal history record pertaining to more than  
5733 one arrest if the additional arrests directly relate to the  
5734 original arrest. If the court intends to order the expunction of  
5735 records pertaining to such additional arrests, such intent must  
5736 be specified in the order. A criminal justice agency may not  
5737 expunge any record pertaining to such additional arrests if the  
5738 order to expunge does not articulate the intention of the court  
5739 to expunge a record pertaining to more than one arrest. This  
5740 section does not prevent the court from ordering the expunction  
5741 of only a portion of a criminal history record pertaining to one  
5742 arrest or one incident of alleged criminal activity.  
5743 Notwithstanding any law to the contrary, a criminal justice  
5744 agency may comply with laws, court orders, and official requests  
5745 of other jurisdictions relating to expunction, correction, or  
5746 confidential handling of criminal history records or information

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5747 derived therefrom. This section does not confer any right to the  
5748 expunction of any criminal history record, and any request for  
5749 expunction of a criminal history record may be denied at the  
5750 sole discretion of the court.

5751 (4) EFFECT OF CRIMINAL HISTORY RECORD EXPUNCTION.—Any  
5752 criminal history record of a minor or an adult which is ordered  
5753 expunged by a court of competent jurisdiction pursuant to this  
5754 section must be physically destroyed or obliterated by any  
5755 criminal justice agency having custody of such record; except  
5756 that any criminal history record in the custody of the  
5757 department must be retained in all cases. A criminal history  
5758 record ordered expunged that is retained by the department is  
5759 confidential and exempt from the provisions of s. 119.07(1) and  
5760 s. 24(a), Art. I of the State Constitution and not available to  
5761 any person or entity except upon order of a court of competent  
5762 jurisdiction. A criminal justice agency may retain a notation  
5763 indicating compliance with an order to expunge.

5764 (c) Information relating to the existence of an expunged  
5765 criminal history record which is provided in accordance with  
5766 paragraph (a) is confidential and exempt from the provisions of  
5767 s. 119.07(1) and s. 24(a), Art. I of the State Constitution,  
5768 except that the department shall disclose the existence of a  
5769 criminal history record ordered expunged to the entities set  
5770 forth in subparagraphs (a)1., 4., 5., and 6. ~~(a)1., 4., 5., 6.,~~  
5771 ~~and 7.~~ for their respective licensing, access authorization, and  
5772 employment purposes, and to criminal justice agencies for their

5773 respective criminal justice purposes. It is unlawful for any  
 5774 employee of an entity set forth in subparagraph (a)1.,  
 5775 subparagraph (a)4., subparagraph (a)5., or subparagraph (a)6.~~7~~  
 5776 ~~or subparagraph (a)7.~~ to disclose information relating to the  
 5777 existence of an expunged criminal history record of a person  
 5778 seeking employment, access authorization, or licensure with such  
 5779 entity or contractor, except to the person to whom the criminal  
 5780 history record relates or to persons having direct  
 5781 responsibility for employment, access authorization, or  
 5782 licensure decisions. Any person who violates this paragraph  
 5783 commits a misdemeanor of the first degree, punishable as  
 5784 provided in s. 775.082 or s. 775.083.

5785 Reviser's note.—Amended to conform to the repeal of subparagraph  
 5786 (4) (a)7. by s. 25, ch. 2013-116, Laws of Florida.

5787 Section 170. Subsection (4) of section 943.059, Florida  
 5788 Statutes, is amended to read:

5789 943.059 Court-ordered sealing of criminal history  
 5790 records.—The courts of this state shall continue to have  
 5791 jurisdiction over their own procedures, including the  
 5792 maintenance, sealing, and correction of judicial records  
 5793 containing criminal history information to the extent such  
 5794 procedures are not inconsistent with the conditions,  
 5795 responsibilities, and duties established by this section. Any  
 5796 court of competent jurisdiction may order a criminal justice  
 5797 agency to seal the criminal history record of a minor or an  
 5798 adult who complies with the requirements of this section. The

5799 court shall not order a criminal justice agency to seal a  
5800 criminal history record until the person seeking to seal a  
5801 criminal history record has applied for and received a  
5802 certificate of eligibility for sealing pursuant to subsection  
5803 (2). A criminal history record that relates to a violation of s.  
5804 393.135, s. 394.4593, s. 787.025, chapter 794, s. 796.03, s.  
5805 800.04, s. 810.14, s. 817.034, s. 825.1025, s. 827.071, chapter  
5806 839, s. 847.0133, s. 847.0135, s. 847.0145, s. 893.135, s.  
5807 916.1075, a violation enumerated in s. 907.041, or any violation  
5808 specified as a predicate offense for registration as a sexual  
5809 predator pursuant to s. 775.21, without regard to whether that  
5810 offense alone is sufficient to require such registration, or for  
5811 registration as a sexual offender pursuant to s. 943.0435, may  
5812 not be sealed, without regard to whether adjudication was  
5813 withheld, if the defendant was found guilty of or pled guilty or  
5814 nolo contendere to the offense, or if the defendant, as a minor,  
5815 was found to have committed or pled guilty or nolo contendere to  
5816 committing the offense as a delinquent act. The court may only  
5817 order sealing of a criminal history record pertaining to one  
5818 arrest or one incident of alleged criminal activity, except as  
5819 provided in this section. The court may, at its sole discretion,  
5820 order the sealing of a criminal history record pertaining to  
5821 more than one arrest if the additional arrests directly relate  
5822 to the original arrest. If the court intends to order the  
5823 sealing of records pertaining to such additional arrests, such  
5824 intent must be specified in the order. A criminal justice agency



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5825 may not seal any record pertaining to such additional arrests if  
5826 the order to seal does not articulate the intention of the court  
5827 to seal records pertaining to more than one arrest. This section  
5828 does not prevent the court from ordering the sealing of only a  
5829 portion of a criminal history record pertaining to one arrest or  
5830 one incident of alleged criminal activity. Notwithstanding any  
5831 law to the contrary, a criminal justice agency may comply with  
5832 laws, court orders, and official requests of other jurisdictions  
5833 relating to sealing, correction, or confidential handling of  
5834 criminal history records or information derived therefrom. This  
5835 section does not confer any right to the sealing of any criminal  
5836 history record, and any request for sealing a criminal history  
5837 record may be denied at the sole discretion of the court.

5838 (4) EFFECT OF CRIMINAL HISTORY RECORD SEALING.—A criminal  
5839 history record of a minor or an adult which is ordered sealed by  
5840 a court of competent jurisdiction pursuant to this section is  
5841 confidential and exempt from the provisions of s. 119.07(1) and  
5842 s. 24(a), Art. I of the State Constitution and is available only  
5843 to the person who is the subject of the record, to the subject's  
5844 attorney, to criminal justice agencies for their respective  
5845 criminal justice purposes, which include conducting a criminal  
5846 history background check for approval of firearms purchases or  
5847 transfers as authorized by state or federal law, to judges in  
5848 the state courts system for the purpose of assisting them in  
5849 their case-related decisionmaking responsibilities, as set forth  
5850 in s. 943.053(5), or to those entities set forth in

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5851 subparagraphs (a)1., 4., 5., and 6. ~~(a)1., 4., 5., 6., and 8.~~  
5852 for their respective licensing, access authorization, and  
5853 employment purposes.

5854 (a) The subject of a criminal history record sealed under  
5855 this section or under other provisions of law, including former  
5856 s. 893.14, former s. 901.33, and former s. 943.058, may lawfully  
5857 deny or fail to acknowledge the arrests covered by the sealed  
5858 record, except when the subject of the record:

- 5859 1. Is a candidate for employment with a criminal justice  
5860 agency;
- 5861 2. Is a defendant in a criminal prosecution;
- 5862 3. Concurrently or subsequently petitions for relief under  
5863 this section, s. 943.0583, or s. 943.0585;
- 5864 4. Is a candidate for admission to The Florida Bar;
- 5865 5. Is seeking to be employed or licensed by or to contract  
5866 with the Department of Children and Families, the Division of  
5867 Vocational Rehabilitation within the Department of Education,  
5868 the Agency for Health Care Administration, the Agency for  
5869 Persons with Disabilities, the Department of Health, the  
5870 Department of Elderly Affairs, or the Department of Juvenile  
5871 Justice or to be employed or used by such contractor or licensee  
5872 in a sensitive position having direct contact with children, the  
5873 disabled, or the elderly;
- 5874 6. Is seeking to be employed or licensed by the Department  
5875 of Education, any district school board, any university  
5876 laboratory school, any charter school, any private or parochial

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5877 school, or any local governmental entity that licenses child  
5878 care facilities; or

5879 7. Is attempting to purchase a firearm from a licensed  
5880 importer, licensed manufacturer, or licensed dealer and is  
5881 subject to a criminal history check under state or federal law.

5882 (b) Subject to the exceptions in paragraph (a), a person  
5883 who has been granted a sealing under this section, former s.  
5884 893.14, former s. 901.33, or former s. 943.058 may not be held  
5885 under any provision of law of this state to commit perjury or to  
5886 be otherwise liable for giving a false statement by reason of  
5887 such person's failure to recite or acknowledge a sealed criminal  
5888 history record.

5889 (c) Information relating to the existence of a sealed  
5890 criminal record provided in accordance with the provisions of  
5891 paragraph (a) is confidential and exempt from the provisions of  
5892 s. 119.07(1) and s. 24(a), Art. I of the State Constitution,  
5893 except that the department shall disclose the sealed criminal  
5894 history record to the entities set forth in subparagraphs (a)1.,  
5895 4., 5., and 6. ~~(a)1., 4., 5., 6., and 8.~~ for their respective  
5896 licensing, access authorization, and employment purposes. It is  
5897 unlawful for any employee of an entity set forth in subparagraph  
5898 (a)1., subparagraph (a)4., subparagraph (a)5., or subparagraph  
5899 (a)6., ~~or subparagraph (a)8.~~ to disclose information relating to  
5900 the existence of a sealed criminal history record of a person  
5901 seeking employment, access authorization, or licensure with such  
5902 entity or contractor, except to the person to whom the criminal

5903 history record relates or to persons having direct  
 5904 responsibility for employment, access authorization, or  
 5905 licensure decisions. Any person who violates the provisions of  
 5906 this paragraph commits a misdemeanor of the first degree,  
 5907 punishable as provided in s. 775.082 or s. 775.083.

5908 Reviser's note.—Amended to conform to the repeal of subparagraph  
 5909 (4)(a)8. by s. 26, ch. 2013-116, Laws of Florida.

5910 Section 171. Subsection (5) of section 945.091, Florida  
 5911 Statutes, is amended to read:

5912 945.091 Extension of the limits of confinement;  
 5913 restitution by employed inmates.—

5914 (5) The provisions of this section shall not be deemed to  
 5915 authorize any inmate who has been convicted of any murder,  
 5916 manslaughter, sexual battery, robbery, arson, aggravated  
 5917 assault, aggravated battery, kidnapping, escape, breaking and  
 5918 entering with intent to commit a felony, or aircraft piracy, or  
 5919 any attempt to commit the aforementioned crimes, to attend any  
 5920 classes at any Florida College System institution ~~state~~  
 5921 ~~community college~~ or any university which is a part of the State  
 5922 University System.

5923 Reviser's note.—Amended to conform a reference to a state  
 5924 community college to changes in chs. 2008-52 and 2009-228,  
 5925 Laws of Florida, transitioning references from community  
 5926 colleges to Florida College System institutions.

5927 Section 172. Subsection (11) of section 951.23, Florida  
 5928 Statutes, is amended to read:

5929 951.23 County and municipal detention facilities;  
 5930 definitions; administration; standards and requirements.—

5931 (11) GANG STATUS OF INMATES.—A county or municipal  
 5932 detention facility may designate an individual to be responsible  
 5933 for assessing whether each current inmate is a criminal gang  
 5934 member or associate using the criteria in s. 874.03. The  
 5935 individual should at least once biweekly transmit information on  
 5936 inmates believed to be a criminal gang members ~~member~~ or  
 5937 associates ~~associate~~ to the arresting law enforcement agency.

5938 Reviser's note.—Amended to provide clarity and facilitate  
 5939 correct interpretation.

5940 Section 173. Paragraph (a) of subsection (21) of section  
 5941 1002.20, Florida Statutes, is amended to read:

5942 1002.20 K-12 student and parent rights.—Parents of public  
 5943 school students must receive accurate and timely information  
 5944 regarding their child's academic progress and must be informed  
 5945 of ways they can help their child to succeed in school. K-12  
 5946 students and their parents are afforded numerous statutory  
 5947 rights including, but not limited to, the following:

5948 (21) PARENTAL INPUT AND MEETINGS.—

5949 (a) *Meetings with school district personnel.*—Parents of  
 5950 public school students may be accompanied by another adult of  
 5951 their choice at any meeting with school district personnel.  
 5952 School district personnel may not object to the attendance of  
 5953 such adult or discourage or attempt to discourage, through any  
 5954 action, statement, or other means, parents from inviting another

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5955 person of their choice to attend any meeting. Such prohibited  
5956 actions include, but are not limited to, attempted or actual  
5957 coercion or harassment of parents or students or retaliation or  
5958 threats of consequences to parents or students.

5959 1. Such meetings include, but ~~not~~ are not limited to,  
5960 meetings related to: the eligibility for exceptional student  
5961 education or related services; the development of an individual  
5962 family support plan (IFSP); the development of an individual  
5963 education plan (IEP); the development of a 504 accommodation  
5964 plan issued under s. 504 of the Rehabilitation Act of 1973; the  
5965 transition of a student from early intervention services to  
5966 other services; the development of postsecondary goals for a  
5967 student and the transition services needed to reach those goals;  
5968 and other issues that may affect a student's educational  
5969 environment, discipline, or placement.

5970 2. The parents and school district personnel attending the  
5971 meeting shall sign a document at the meeting's conclusion which  
5972 states whether any school district personnel have prohibited,  
5973 discouraged, or attempted to discourage the parents from  
5974 inviting a person of their choice to the meeting.

5975 Reviser's note.—Amended to confirm the editorial deletion of the  
5976 word "not."

5977 Section 174. Paragraph (g) of subsection (4) of section  
5978 1002.34, Florida Statutes, is amended to read:

5979 1002.34 Charter technical career centers.—

5980 (4) CHARTER.—A sponsor may designate centers as provided

5981 in this section. An application to establish a center may be  
5982 submitted by a sponsor or another organization that is  
5983 determined, by rule of the State Board of Education, to be  
5984 appropriate. However, an independent school is not eligible for  
5985 status as a center. The charter must be signed by the governing  
5986 body of the center and the sponsor and must be approved by the  
5987 district school board and Florida College System institution  
5988 board of trustees in whose geographic region the facility is  
5989 located. If a charter technical career center is established by  
5990 the conversion to charter status of a public technical center  
5991 formerly governed by a district school board, the charter status  
5992 of that center takes precedence in any question of governance.  
5993 The governance of the center or of any program within the center  
5994 remains with its board of directors unless the board agrees to a  
5995 change in governance or its charter is revoked as provided in  
5996 subsection (15). Such a conversion charter technical career  
5997 center is not affected by a change in the governance of public  
5998 technical centers or of programs within other centers that are  
5999 or have been governed by district school boards. A charter  
6000 technical career center, or any program within such a center,  
6001 that was governed by a district school board and transferred to  
6002 a Florida College System institution prior to the effective date  
6003 of this act is not affected by this provision. An applicant who  
6004 wishes to establish a center must submit to the district school  
6005 board or Florida College System institution board of trustees,  
6006 or a consortium of one or more of each, an application on a form

6007 developed by the Department of Education which includes:  
 6008 (g) A method for determining whether a student has  
 6009 satisfied the requirements for graduation specified in s.  
 6010 1003.428 ~~or s. 1003.429~~ and for completion of a postsecondary  
 6011 certificate or degree.  
 6012  
 6013 Students at a center must meet the same testing and academic  
 6014 performance standards as those established by law and rule for  
 6015 students at public schools and public technical centers. The  
 6016 students must also meet any additional assessment indicators  
 6017 that are included within the charter approved by the district  
 6018 school board or Florida College System institution board of  
 6019 trustees.  
 6020 Reviser's note.—Amended to conform to the repeal of s. 1003.429  
 6021 by s. 20, ch. 2013-27, Laws of Florida.  
 6022 Section 175. Subsection (5) of section 1002.41, Florida  
 6023 Statutes, is amended to read:  
 6024 1002.41 Home education programs.—  
 6025 (5) Home education students may participate in the Bright  
 6026 Futures Scholarship Program in accordance with the provisions of  
 6027 ss. 1009.53-1009.538 ~~1009.53-1009.539~~.  
 6028 Reviser's note.—Amended to conform to the repeal of s. 1009.539  
 6029 by s. 1, ch. 2003-89, Laws of Florida.  
 6030 Section 176. Paragraph (e) of subsection (1) of section  
 6031 1002.45, Florida Statutes, is amended to read:  
 6032 1002.45 Virtual instruction programs.—



6033 (1) PROGRAM.—

6034 (e) Each school district shall:

6035 1. Provide to the department by ~~October 1, 2011, and by~~

6036 each October 1 ~~thereafter~~, a copy of each contract and the

6037 amounts paid per unweighted full-time equivalent student for

6038 services procured pursuant to subparagraphs (c)1. and 2.

6039 2. Expend the difference in funds provided for a student

6040 participating in the school district virtual instruction program

6041 pursuant to subsection (7) and the price paid for contracted

6042 services procured pursuant to subparagraphs (c)1. and 2. for the

6043 district's local instructional improvement system pursuant to s.

6044 1006.281 or other technological tools that are required to

6045 access electronic and digital instructional materials.

6046 3. At the end of each fiscal year, but no later than

6047 September 1, report to the department an itemized list of the

6048 technological tools purchased with these funds.

6049 Reviser's note.—Amended to delete an obsolete provision.

6050 Section 177. Subsection (12) of section 1002.83, Florida

6051 Statutes, is amended to read:

6052 1002.83 Early learning coalitions.—

6053 (12) State, federal, and local matching funds provided to

6054 the early learning coalitions may not be used directly or

6055 indirectly to pay for meals, food, or beverages for coalition

6056 members, coalition employees, or ~~for~~ subcontractor employees.

6057 Preapproved, reasonable, and necessary per diem allowances and

6058 travel expenses may be reimbursed. Such reimbursement shall be

6059 at the standard travel reimbursement rates established in s.  
 6060 112.061 and must comply with applicable federal and state  
 6061 requirements.

6062 Reviser's note.—Amended to confirm the editorial deletion of the  
 6063 word "for" to improve clarity.

6064 Section 178. Subsection (20) of section 1002.84, Florida  
 6065 Statutes, is amended to read:

6066 1002.84 Early learning coalitions; school readiness powers  
 6067 and duties.—Each early learning coalition shall:

6068 (20) To increase transparency and accountability, comply  
 6069 with the requirements of this section before contracting with a  
 6070 member of the coalition or a relative, as defined in s.  
 6071 112.3143(1)(c) ~~112.3143(1)(b)~~, of a coalition member or of an  
 6072 employee of the coalition. Such contracts may not be executed  
 6073 without the approval of the office. Such contracts, as well as  
 6074 documentation demonstrating adherence to this section by the  
 6075 coalition, must be approved by a two-thirds vote of the  
 6076 coalition, a quorum having been established; all conflicts of  
 6077 interest must be disclosed before the vote; and any member who  
 6078 may benefit from the contract, or whose relative may benefit  
 6079 from the contract, must abstain from the vote. A contract under  
 6080 \$25,000 between an early learning coalition and a member of that  
 6081 coalition or between a relative, as defined in s. 112.3143(1)(c)  
 6082 ~~112.3143(1)(b)~~, of a coalition member or of an employee of the  
 6083 coalition is not required to have the prior approval of the  
 6084 office but must be approved by a two-thirds vote of the

6085 coalition, a quorum having been established, and must be  
 6086 reported to the office within 30 days after approval. If a  
 6087 contract cannot be approved by the office, a review of the  
 6088 decision to disapprove the contract may be requested by the  
 6089 early learning coalition or other parties to the disapproved  
 6090 contract.

6091 Reviser's note.—Amended to conform to the redesignation of s.  
 6092 112.3143(1) (b) as s. 112.3143(1) (c) by s. 6, ch. 2013-36,  
 6093 Laws of Florida.

6094 Section 179. Subsection (7) of section 1002.89, Florida  
 6095 Statutes, is amended to read:

6096 1002.89 School readiness program; funding.—

6097 (7) Funds appropriated for the school readiness program  
 6098 may not be expended for the purchase or improvement of land; for  
 6099 the purchase, construction, or permanent improvement of any  
 6100 building or facility; or for the purchase of buses. However,  
 6101 funds may be expended for minor remodeling and upgrading of  
 6102 child care facilities to ensure that providers meet state and  
 6103 local child care standards, including applicable health and  
 6104 safety requirements.

6105 Reviser's note.—Amended to confirm the editorial insertion of  
 6106 the word "of" to improve clarity.

6107 Section 180. Subsection (1) of section 1003.49, Florida  
 6108 Statutes, is amended to read:

6109 1003.49 Graduation and promotion requirements for publicly  
 6110 operated schools.—

6111 (1) Each state or local public agency, including the  
 6112 Department of Children and Family Services, the Department of  
 6113 Corrections, the boards of trustees of universities and Florida  
 6114 College System institutions, and the Board of Trustees of the  
 6115 Florida School for the Deaf and the Blind, which agency is  
 6116 authorized to operate educational programs for students at any  
 6117 level of grades kindergarten through 12 shall be subject to all  
 6118 applicable requirements of ss. 1003.428, ~~1003.429~~, 1008.23, and  
 6119 1008.25. Within the content of these cited statutes each such  
 6120 state or local public agency or entity shall be considered a  
 6121 "district school board."

6122 Reviser's note.—Amended to conform to the repeal of s. 1003.429  
 6123 by s. 20, ch. 2013-27, Laws of Florida.

6124 Section 181. Paragraph (a) of subsection (12) of section  
 6125 1003.52, Florida Statutes, is amended to read:

6126 1003.52 Educational services in Department of Juvenile  
 6127 Justice programs.—

6128 (12)(a) Funding for eligible students enrolled in juvenile  
 6129 justice education programs shall be provided through the Florida  
 6130 Education Finance Program as provided in s. 1011.62 and the  
 6131 General Appropriations Act. Funding shall include, at a minimum:

6132 1. Weighted program funding or the basic amount for  
 6133 current operation multiplied by the district cost differential  
 6134 as provided in s. 1011.62(1)(t) ~~1011.62(1)(s)~~ and (2);

6135 2. The supplemental allocation for juvenile justice  
 6136 education as provided in s. 1011.62(10);

6137           3. A proportionate share of the district's exceptional  
6138 student education guaranteed allocation, the supplemental  
6139 academic instruction allocation, and the instructional materials  
6140 allocation;

6141           4. An amount equivalent to the proportionate share of the  
6142 state average potential discretionary local effort for  
6143 operations, which shall be determined as follows:

6144           a. If the district levies the maximum discretionary local  
6145 effort and the district's discretionary local effort per FTE is  
6146 less than the state average potential discretionary local effort  
6147 per FTE, the proportionate share shall include both the  
6148 discretionary local effort and the compression supplement per  
6149 FTE. If the district's discretionary local effort per FTE is  
6150 greater than the state average per FTE, the proportionate share  
6151 shall be equal to the state average; or

6152           b. If the district does not levy the maximum discretionary  
6153 local effort and the district's actual discretionary local  
6154 effort per FTE is less than the state average potential  
6155 discretionary local effort per FTE, the proportionate share  
6156 shall be equal to the district's actual discretionary local  
6157 effort per FTE. If the district's actual discretionary local  
6158 effort per FTE is greater than the state average per FTE, the  
6159 proportionate share shall be equal to the state average  
6160 potential local effort per FTE; and

6161           5. A proportionate share of the district's proration to  
6162 funds available, if necessary.

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6163 Reviser's note.—Amended to conform to the redesignation of s.  
6164 1011.62(1)(s) as s. 1011.62(1)(t) by s. 39, ch. 2013-27,  
6165 Laws of Florida.  
6166 Section 182. Paragraph (a) of subsection (3) of section  
6167 1006.15, Florida Statutes, is amended to read:  
6168 1006.15 Student standards for participation in  
6169 interscholastic and intrascholastic extracurricular student  
6170 activities; regulation.—  
6171 (3)(a) To be eligible to participate in interscholastic  
6172 extracurricular student activities, a student must:  
6173 1. Maintain a grade point average of 2.0 or above on a 4.0  
6174 scale, or its equivalent, in the previous semester or a  
6175 cumulative grade point average of 2.0 or above on a 4.0 scale,  
6176 or its equivalent, in the courses required by s. 1003.428 ~~or s.~~  
6177 ~~1003.429~~.  
6178 2. Execute and fulfill the requirements of an academic  
6179 performance contract between the student, the district school  
6180 board, the appropriate governing association, and the student's  
6181 parents, if the student's cumulative grade point average falls  
6182 below 2.0, or its equivalent, on a 4.0 scale in the courses  
6183 required by s. 1003.428 ~~or s. 1003.429~~. At a minimum, the  
6184 contract must require that the student attend summer school, or  
6185 its graded equivalent, between grades 9 and 10 or grades 10 and  
6186 11, as necessary.  
6187 3. Have a cumulative grade point average of 2.0 or above  
6188 on a 4.0 scale, or its equivalent, in the courses required by s.

6189 1003.428 ~~or s. 1003.429~~ during his or her junior or senior year.

6190 4. Maintain satisfactory conduct, including adherence to  
 6191 appropriate dress and other codes of student conduct policies  
 6192 described in s. 1006.07(2). If a student is convicted of, or is  
 6193 found to have committed, a felony or a delinquent act that would  
 6194 have been a felony if committed by an adult, regardless of  
 6195 whether adjudication is withheld, the student's participation in  
 6196 interscholastic extracurricular activities is contingent upon  
 6197 established and published district school board policy.

6198 Reviser's note.—Amended to conform to the repeal of s. 1003.429  
 6199 by s. 20, ch. 2013-27, Laws of Florida.

6200 Section 183. Subsections (4) and (5) of section 1006.282,  
 6201 Florida Statutes, are amended to read:

6202 1006.282 Pilot program for the transition to electronic  
 6203 and digital instructional materials.—

6204 (4) By August 1 of each year, ~~beginning in 2011,~~ the  
 6205 school board must report to the Department of Education the  
 6206 school or schools in its district which have been designated as  
 6207 pilot program schools. The department shall publish the list of  
 6208 pilot program schools on the department's Internet website. The  
 6209 report must include:

6210 (a) The name of the pilot program school, the contact  
 6211 person and contact person information, and the grade or grades  
 6212 and associated course or courses included in the pilot program  
 6213 school.

6214 (b) A description of the type of technological tool or

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6215 tools that will be used to access the electronic or digital  
6216 instructional materials included in the pilot program school,  
6217 whether district-owned or student-owned.

6218 (c) The projected costs and funding sources, which must  
6219 include cost savings or cost avoidances, associated with the  
6220 pilot program.

6221 (5) By September 1 of each year, ~~beginning in 2012,~~ each  
6222 school board that has a designated pilot program school shall  
6223 provide to the Department of Education, the Executive Office of  
6224 the Governor, and the chairs of the appropriations committees of  
6225 the Senate and the House of Representatives a review of the  
6226 pilot program schools which must include, but need not be  
6227 limited to:

6228 (a) Successful practices;

6229 (b) The average amount of online Internet time needed by a  
6230 student to access and use the school's electronic or digital  
6231 instructional materials;

6232 (c) Lessons learned;

6233 (d) The level of investment and cost-effectiveness; and

6234 (e) Impacts on student performance.

6235 Reviser's note.—Amended to delete obsolete provisions.

6236 Section 184. Paragraph (b) of subsection (5) of section  
6237 1006.73, Florida Statutes, is amended to read:

6238 1006.73 Florida Virtual Campus.—

6239 (5) The Florida Virtual Campus shall:

6240 (b) Develop and manage a statewide Internet-based catalog



6241 of distance learning courses, degree programs, and resources  
6242 offered by public postsecondary education institutions which is  
6243 intended to assist in the coordination and collaboration of  
6244 articulation and access pursuant to parts II and III of chapter  
6245 1007. The campus shall establish operational guidelines and  
6246 procedures for the catalog which must:

6247 1. Require participating institutions to provide  
6248 information concerning the distance learning course or degree  
6249 program to include course number and classification of  
6250 instructional programs number and information on the  
6251 availability of the course or degree program; the type of  
6252 required technology; any prerequisite course or technology  
6253 competency or skill; the availability of academic support  
6254 services and financial aid resources; and course costs, fees,  
6255 and payment policies.

6256 2. Require that distance learning courses and degree  
6257 programs meet applicable accreditation standards and criteria.

6258 3. Require that, at a minimum, the catalog is reviewed at  
6259 the start of each academic semester to ensure that distance  
6260 learning courses and degree programs comply with all operational  
6261 guidelines and procedures.

6262 4. Define and describe the catalog's search and retrieval  
6263 options that, at a minimum, will allow users to search by  
6264 academic term or course start date; institution, multiple  
6265 institutions, or all institutions; and course or program  
6266 delivery method, course type, course availability, subject or

6267 discipline, and course number or classification of instructional  
 6268 programs number.

6269 5. Use an Internet-based analytic tool that allows for the  
 6270 collection and analysis of data, including, but not limited to:

6271 a. The number and type of students who use the catalog to  
 6272 search for distance learning courses and degree programs.

6273 b. The number and type of requests for information on  
 6274 distance learning courses and degree programs that are not  
 6275 listed in the catalog.

6276 c. A summary of specific requests by course type or course  
 6277 number, delivery method, offering institution, and semester.

6278 6. Periodically obtain and analyze data from the Florida  
 6279 College System and the State University System concerning:

6280 a. Costs of distance learning courses and degree programs.

6281 b. Completion, graduation, and retention rates of students  
 6282 enrolled in distance learning courses ~~course~~ and degree  
 6283 programs.

6284 c. Distance learning course completion.

6285 Reviser's note.—Amended to confirm the editorial substitution of  
 6286 the word "courses" for the word "course" to improve  
 6287 clarity.

6288 Section 185. Subsection (2) of section 1008.44, Florida  
 6289 Statutes, is amended to read:

6290 1008.44 Industry certifications; Industry Certification  
 6291 Funding List and Postsecondary Industry Certification Funding  
 6292 List.—

6293 (2) The State Board of Education shall approve, at least  
 6294 annually, the Postsecondary Industry Certification Funding List  
 6295 pursuant to this section. The commissioner shall recommend, at  
 6296 least annually, the Postsecondary Industry Certification Funding  
 6297 List to the State Board of Education and may at any time  
 6298 recommend adding certifications. The Chancellor of the State  
 6299 University System, the Chancellor of the Florida College System,  
 6300 and the Chancellor of Career and Adult Education shall work with  
 6301 local workforce boards, other postsecondary institutions,  
 6302 businesses, and industry to identify, create, and recommend to  
 6303 the commissioner industry certifications to be placed on the  
 6304 funding list. The list shall be used to determine annual  
 6305 performance funding distributions to school districts or Florida  
 6306 College System institutions as specified in ss. 1011.80 and  
 6307 1011.81, respectively. The chancellors shall review results of  
 6308 the economic security report of employment and earning outcomes  
 6309 produced annually pursuant to s. 445.07 ~~445.007~~ when determining  
 6310 recommended certifications for the list, as well as other  
 6311 reports and indicators available regarding certification needs.  
 6312 Reviser's note.—Amended to correct a reference to conform to  
 6313 context. Section 445.07 relates to the economic security  
 6314 report of employment and earning outcomes. Section 445.007  
 6315 relates to regional workforce boards.  
 6316 Section 186. Subsection (3) of section 1009.22, Florida  
 6317 Statutes, is reenacted and amended to read:  
 6318 1009.22 Workforce education postsecondary student fees.—

6319 (3) (a) Except as otherwise provided by law, fees for  
6320 students who are nonresidents for tuition purposes must offset  
6321 the full cost of instruction. Residency of students shall be  
6322 determined as required in s. 1009.21. Fee-nonexempt students  
6323 enrolled in applied academics for adult education instruction  
6324 shall be charged fees equal to the fees charged for adult  
6325 general education programs. Each Florida College System  
6326 institution that conducts developmental education and applied  
6327 academics for adult education instruction in the same class  
6328 section may charge a single fee for both types of instruction.

6329 (b) Fees for continuing workforce education shall be  
6330 locally determined by the district school board or Florida  
6331 College System institution board. Expenditures for the  
6332 continuing workforce education program provided by the Florida  
6333 College System institution or school district must be fully  
6334 supported by fees. Enrollments in continuing workforce education  
6335 courses may not be counted for purposes of funding full-time  
6336 equivalent enrollment.

6337 (c) ~~Effective July 1, 2011,~~ For programs leading to a  
6338 career certificate or an applied technology diploma, the  
6339 standard tuition shall be \$2.22 per contact hour for residents  
6340 and nonresidents and the out-of-state fee shall be \$6.66 per  
6341 contact hour. For adult general education programs, a block  
6342 tuition of \$45 per half year or \$30 per term shall be assessed  
6343 for residents and nonresidents, and the out-of-state fee shall  
6344 be \$135 per half year or \$90 per term. Each district school

6345 board and Florida College System institution board of trustees  
6346 shall adopt policies and procedures for the collection of and  
6347 accounting for the expenditure of the block tuition. All funds  
6348 received from the block tuition shall be used only for adult  
6349 general education programs. Students enrolled in adult general  
6350 education programs may not be assessed the fees authorized in  
6351 subsection (5), subsection (6), or subsection (7).

6352 (d) ~~Beginning with the 2008-2009 fiscal year and each year~~  
6353 ~~thereafter,~~ The tuition and the out-of-state fee per contact  
6354 hour shall increase at the beginning of each fall semester at a  
6355 rate equal to inflation, unless otherwise provided in the  
6356 General Appropriations Act. The Office of Economic and  
6357 Demographic Research shall report the rate of inflation to the  
6358 President of the Senate, the Speaker of the House of  
6359 Representatives, the Governor, and the State Board of Education  
6360 each year prior to March 1. For purposes of this paragraph, the  
6361 rate of inflation shall be defined as the rate of the 12-month  
6362 percentage change in the Consumer Price Index for All Urban  
6363 Consumers, U.S. City Average, All Items, or successor reports as  
6364 reported by the United States Department of Labor, Bureau of  
6365 Labor Statistics, or its successor for December of the previous  
6366 year. In the event the percentage change is negative, the  
6367 tuition and out-of-state fee shall remain at the same level as  
6368 the prior fiscal year.

6369 (e) Each district school board and each Florida College  
6370 System institution board of trustees may adopt tuition and out-

6371 of-state fees that may vary no more than 5 percent below and 5  
 6372 percent above the combined total of the standard tuition and  
 6373 out-of-state fees established in paragraph (c).

6374 ~~(f) The maximum increase in resident tuition for any~~  
 6375 ~~school district or Florida College System institution during the~~  
 6376 ~~2007-2008 fiscal year shall be 5 percent over the tuition~~  
 6377 ~~charged during the 2006-2007 fiscal year.~~

6378 (f) ~~(g)~~ The State Board of Education may adopt, by rule,  
 6379 the definitions and procedures that district school boards and  
 6380 Florida College System institution boards of trustees shall use  
 6381 in the calculation of cost borne by students.

6382 Reviser's note.—Section 54, ch. 2013-27, Laws of Florida,  
 6383 purported to amend subsection (3) but did not publish  
 6384 paragraphs (b)-(g). Absent affirmative evidence of  
 6385 legislative intent to repeal paragraphs (b)-(g), subsection  
 6386 (3) is reenacted to confirm that the omission was not  
 6387 intended. Paragraphs (c), (d), and (f) are amended to  
 6388 delete obsolete provisions.

6389 Section 187. Subsection (1) of section 1011.61, Florida  
 6390 Statutes, is amended to read:

6391 1011.61 Definitions.—Notwithstanding the provisions of s.  
 6392 1000.21, the following terms are defined as follows for the  
 6393 purposes of the Florida Education Finance Program:

6394 (1) A "full-time equivalent student" in each program of  
 6395 the district is defined in terms of full-time students and part-  
 6396 time students as follows:

6397 (a) A "full-time student" is one student on the membership  
6398 roll of one school program or a combination of school programs  
6399 listed in s. 1011.62(1)(c) for the school year or the equivalent  
6400 for:

6401 1. Instruction in a standard school, comprising not less  
6402 than 900 net hours for a student in or at the grade level of 4  
6403 through 12, or not less than 720 net hours for a student in or  
6404 at the grade level of kindergarten through grade 3 or in an  
6405 authorized prekindergarten exceptional program;

6406 2. Instruction in a double-session school or a school  
6407 utilizing an experimental school calendar approved by the  
6408 Department of Education, comprising not less than the equivalent  
6409 of 810 net hours in grades 4 through 12 or not less than 630 net  
6410 hours in kindergarten through grade 3; or

6411 3. Instruction comprising the appropriate number of net  
6412 hours set forth in subparagraph 1. or subparagraph 2. for  
6413 students who, within the past year, have moved with their  
6414 parents for the purpose of engaging in the farm labor or fish  
6415 industries, if a plan furnishing such an extended school day or  
6416 week, or a combination thereof, has been approved by the  
6417 commissioner. Such plan may be approved to accommodate the needs  
6418 of migrant students only or may serve all students in schools  
6419 having a high percentage of migrant students. The plan described  
6420 in this subparagraph is optional for any school district and is  
6421 not mandated by the state.

6422 (b) A "part-time student" is a student on the active

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6423 membership roll of a school program or combination of school  
6424 programs listed in s. 1011.62(1)(c) who is less than a full-time  
6425 student.

6426 (c)1. A "full-time equivalent student" is:

6427 a. A full-time student in any one of the programs listed  
6428 in s. 1011.62(1)(c); or

6429 b. A combination of full-time or part-time students in any  
6430 one of the programs listed in s. 1011.62(1)(c) which is the  
6431 equivalent of one full-time student based on the following  
6432 calculations:

6433 (I) A full-time student in a combination of programs  
6434 listed in s. 1011.62(1)(c) shall be a fraction of a full-time  
6435 equivalent membership in each special program equal to the  
6436 number of net hours per school year for which he or she is a  
6437 member, divided by the appropriate number of hours set forth in  
6438 subparagraph (a)1. or subparagraph (a)2. The difference between  
6439 that fraction or sum of fractions and the maximum value as set  
6440 forth in subsection (4) for each full-time student is presumed  
6441 to be the balance of the student's time not spent in a special  
6442 program and shall be recorded as time in the appropriate basic  
6443 program.

6444 (II) A prekindergarten student with a disability shall  
6445 meet the requirements specified for kindergarten students.

6446 (III) A full-time equivalent student for students in  
6447 kindergarten through grade 12 in a full-time virtual instruction  
6448 program under s. 1002.45 or a virtual charter school under s.



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6449 1002.33 shall consist of six full-credit completions or the  
6450 prescribed level of content that counts toward promotion to the  
6451 next grade in programs listed in s. 1011.62(1)(c). Credit  
6452 completions may be a combination of full-credit courses or half-  
6453 credit courses. Beginning in the 2016-2017 fiscal year, the  
6454 reported full-time equivalent students and associated funding of  
6455 students enrolled in courses requiring passage of an end-of-  
6456 course assessment under s. 1003.4282 to earn a standard high  
6457 school diploma shall be adjusted if the student does not pass  
6458 the end-of-course assessment. However, no adjustment shall be  
6459 made for a student who enrolls in a segmented remedial course  
6460 delivered online.

6461 (IV) A full-time equivalent student for students in  
6462 kindergarten through grade 12 in a part-time virtual instruction  
6463 program under s. 1002.45 shall consist of six full-credit  
6464 completions in programs listed in s. 1011.62(1)(c)1. and 3.  
6465 Credit completions may be a combination of full-credit courses  
6466 or half-credit courses. Beginning in the 2016-2017 fiscal year,  
6467 the reported full-time equivalent students and associated  
6468 funding of students enrolled in courses requiring passage of an  
6469 end-of-course assessment under s. 1003.4282 to earn a standard  
6470 high school diploma shall be adjusted if the student does not  
6471 pass the end-of-course assessment. However, no adjustment shall  
6472 be made for a student who enrolls in a segmented remedial course  
6473 delivered online.

6474 (V) A Florida Virtual School full-time equivalent student

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6475 shall consist of six full-credit completions or the prescribed  
6476 level of content that counts toward promotion to the next grade  
6477 in the programs listed in s. 1011.62(1)(c)1. and 3. for students  
6478 participating in kindergarten through grade 12 part-time virtual  
6479 instruction and the programs listed in s. 1011.62(1)(c) for  
6480 students participating in kindergarten through grade 12 full-  
6481 time virtual instruction. Credit completions may be a  
6482 combination of full-credit courses or half-credit courses.  
6483 Beginning in the 2016-2017 fiscal year, the reported full-time  
6484 equivalent students and associated funding of students enrolled  
6485 in courses requiring passage of an end-of-course assessment  
6486 under s. 1003.4282 to earn a standard high school diploma shall  
6487 be adjusted if the student does not pass the end-of-course  
6488 assessment. However, no adjustment shall be made for a student  
6489 who enrolls in a segmented remedial course delivered online.

6490 (VI) Each successfully completed full-credit course earned  
6491 through an online course delivered by a district other than the  
6492 one in which the student resides shall be calculated as 1/6 FTE.

6493 (VII) A full-time equivalent student for courses requiring  
6494 passage of a statewide, standardized end-of-course assessment  
6495 under s. 1003.4282 to earn a standard high school diploma shall  
6496 be defined and reported based on the number of instructional  
6497 hours as provided in this subsection until the 2016-2017 fiscal  
6498 year. Beginning in the 2016-2017 fiscal year, the FTE for the  
6499 course shall be assessment-based and shall be equal to 1/6 FTE.  
6500 The reported FTE shall be adjusted if the student does not pass

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6501 the end-of-course assessment. However, no adjustment shall be  
6502 made for a student who enrolls in a segmented remedial course  
6503 delivered online.

6504 (VIII) For students enrolled in a school district as a  
6505 full-time student, the district may report 1/6 FTE for each  
6506 student who passes a statewide, standardized end-of-course  
6507 assessment without being enrolled in the corresponding course.

6508 2. A student in membership in a program scheduled for more  
6509 or less than 180 school days or the equivalent on an hourly  
6510 basis as specified by rules of the State Board of Education is a  
6511 fraction of a full-time equivalent membership equal to the  
6512 number of instructional hours in membership divided by the  
6513 appropriate number of hours set forth in subparagraph (a)1.;

6514 however, for the purposes of this subparagraph, membership in  
6515 programs scheduled for more than 180 days is limited to students  
6516 enrolled in:

6517 a. Juvenile justice education programs.

6518 b. The Florida Virtual School.

6519 c. Virtual instruction programs and virtual charter  
6520 schools for the purpose of course completion and credit recovery  
6521 pursuant to ss. 1002.45 and 1003.498. Course completion applies  
6522 only to a student who is reported during the second or third  
6523 membership surveys and who does not complete a virtual education  
6524 course by the end of the regular school year. The course must be  
6525 completed no later than the deadline for amending the final  
6526 student enrollment survey for that year. Credit recovery applies

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6527 only to a student who has unsuccessfully completed a traditional  
6528 or virtual education course during the regular school year and  
6529 must re-take the course in order to be eligible to graduate with  
6530 the student's class.

6531 ~~3. The department shall determine and implement an~~  
6532 ~~equitable method of equivalent funding for experimental schools~~  
6533 ~~and for schools operating under emergency conditions, which~~  
6534 ~~schools have been approved by the department to operate for less~~  
6535 ~~than the minimum school day.~~

6536  
6537 The full-time equivalent student enrollment calculated under  
6538 this subsection is subject to the requirements in subsection  
6539 (4).

6540  
6541 The department shall determine and implement an equitable method  
6542 of equivalent funding for experimental schools and for schools  
6543 operating under emergency conditions, which schools have been  
6544 approved by the department to operate for less than the minimum  
6545 school day.

6546 Reviser's note.—Amended to correct an editorial error. The flush  
6547 left language at the end of subsection (1) was redesignated  
6548 as subparagraph (1)(c)3. by s. 18, ch. 2013-45, Laws of  
6549 Florida, and it appeared there in the 2013 edition of the  
6550 Florida Statutes but was erroneously repeated at the end of  
6551 the subsection.

6552 Section 188. Subsection (10) of section 1011.80, Florida

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6553 Statutes, is amended to read:

6554 1011.80 Funds for operation of workforce education  
6555 programs.—

6556 (10) A high school student dually enrolled under s.  
6557 1007.271 in a workforce education program operated by a Florida  
6558 College System institution or school district career center  
6559 generates the amount calculated for workforce education funding,  
6560 including any payment of performance funding, and the  
6561 proportional share of full-time equivalent enrollment generated  
6562 through the Florida Education Finance Program for the student's  
6563 enrollment in a high school. If a high school student is dually  
6564 enrolled in a Florida College System institution program,  
6565 including a program conducted at a high school, the Florida  
6566 College System institution earns the funds generated for  
6567 workforce education funding, and the school district earns the  
6568 proportional share of full-time equivalent funding from the  
6569 Florida Education Finance Program. If a student is dually  
6570 enrolled in a career center operated by the same district as the  
6571 district in which the student attends high school, that district  
6572 earns the funds generated for workforce education funding and  
6573 also earns the proportional share of full-time equivalent  
6574 funding from the Florida Education Finance Program. If a student  
6575 is dually enrolled in a workforce education program provided by  
6576 a career center operated by a different school district, the  
6577 funds must be divided between the two school districts  
6578 proportionally from the two funding sources. A student may not

6579 be reported for funding in a dual enrollment workforce education  
 6580 program unless the student has completed the basic skills  
 6581 assessment pursuant to s. 1004.91. A student who is coenrolled  
 6582 in a K-12 education program and an adult education program may  
 6583 be reported for purposes of funding in an adult education  
 6584 program. If a student is coenrolled in core curricula courses  
 6585 for credit recovery or dropout prevention purposes and does not  
 6586 have a pattern of excessive absenteeism or habitual truancy or a  
 6587 history of disruptive behavior in school, the student may be  
 6588 reported for funding for up to two courses per year. Such a  
 6589 student is exempt from the payment of the block tuition for  
 6590 adult general education programs provided in s. 1009.22(3)(c)  
 6591 ~~1009.22(3)(d)~~. The Department of Education shall develop a list  
 6592 of courses to be designated as core curricula courses for the  
 6593 purposes of coenrollment.

6594 Reviser's note.—Amended to correct a reference to conform to  
 6595 context. An amendment by s. 58, ch. 2013-27, Laws of  
 6596 Florida, added the reference to s. 1009.22(3)(d); material  
 6597 concerning payment of block tuition for adult general  
 6598 education programs is in s. 1009.22(3)(c).

6599 Section 189. Subsection (8) of section 1013.12, Florida  
 6600 Statutes, is amended to read:

6601 1013.12 Casualty, safety, sanitation, and firesafety  
 6602 standards and inspection of property.—

6603 (8) ADDITIONAL STANDARDS.—In addition to any other rules  
 6604 adopted under this section or s. 633.206 ~~633.022~~, the State Fire

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6605 Marshal in consultation with the Department of Education shall  
6606 adopt and administer rules prescribing the following standards  
6607 for the safety and health of occupants of educational and  
6608 ancillary plants:

6609 (a) The designation of serious life-safety hazards,  
6610 including, but not limited to, nonfunctional fire alarm systems,  
6611 nonfunctional fire sprinkler systems, doors with padlocks or  
6612 other locks or devices that preclude egress at any time,  
6613 inadequate exits, hazardous electrical system conditions,  
6614 potential structural failure, and storage conditions that create  
6615 a fire hazard.

6616 (b) The proper placement of functional smoke and heat  
6617 detectors and accessible, unexpired fire extinguishers.

6618 (c) The maintenance of fire doors without doorstops or  
6619 wedges improperly holding them open.

6620 Reviser's note.—Amended to conform to the transfer of s. 633.022  
6621 to s. 633.206 by s. 23, ch. 2013-183, Laws of Florida.

6622 Section 190. This act shall take effect on the 60th day  
6623 after adjournment sine die of the session of the Legislature in  
6624 which enacted.