

1 A bill to be entitled

2 An act relating to the Florida Statutes; amending ss.  
3 102.031, 106.24, 120.595, 190.046, 212.08, 215.555,  
4 215.619, 215.985, 253.034, 288.9936, 316.003, 316.545,  
5 316.613, 320.08, 322.121, 373.042, 373.414, 373.4592,  
6 373.707, 376.3071, 393.18, 393.501, 394.461, 400.925,  
7 402.3025, 409.9201, 413.207, 413.402, 440.185,  
8 459.022, 491.0046, 497.458, 499.015, 499.036, 499.83,  
9 553.79, 571.24, 625.111, 627.0629, 627.42392,  
10 627.6562, 627.7074, 633.216, 655.960, 744.20041,  
11 790.065, 832.07, 893.0356, 893.13, 921.0022, 932.7055,  
12 1002.385, 1003.42, 1006.195, 1012.796, and 1013.40,  
13 F.S.; deleting provisions that have expired, have  
14 become obsolete, have had their effect, have served  
15 their purpose, or have been impliedly repealed or  
16 superseded; replacing incorrect cross-references and  
17 citations; correcting grammatical, typographical, and  
18 like errors; removing inconsistencies, redundancies,  
19 and unnecessary repetition in the statutes; and  
20 improving the clarity of the statutes and facilitating  
21 their correct interpretation; providing an effective  
22 date.

23  
24 Be It Enacted by the Legislature of the State of Florida:  
25

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26 Section 1. Paragraph (d) of subsection (4) of section  
 27 102.031, Florida Statutes, is amended to read:

28 102.031 Maintenance of good order at polls; authorities;  
 29 persons allowed in polling rooms and early voting areas;  
 30 unlawful solicitation of voters.—

31 (4)

32 (d) Except as provided in paragraph (a), the supervisor  
 33 may not designate a no-solicitation zone or otherwise restrict  
 34 access to any person, political committee, ~~committee of~~  
 35 ~~continuous existence~~, candidate, or other group or organization  
 36 for the purposes of soliciting voters. This paragraph applies to  
 37 any public or private property used as a polling place or early  
 38 voting site.

39 Reviser's note.—Amended to conform to the deletion of committees  
 40 of continuous existence in ch. 2013-37, Laws of Florida.

41 Section 2. Subsection (6) of section 106.24, Florida  
 42 Statutes, is amended to read:

43 106.24 Florida Elections Commission; membership; powers;  
 44 duties.—

45 (6) There is established in the State Treasury an  
 46 Elections Commission Trust Fund to be used by the Florida  
 47 Elections Commission in order to carry out its duties pursuant  
 48 to ss. 106.24-106.28. The trust fund may also be used by the  
 49 Secretary of State, pursuant to his or her authority under s.  
 50 97.012(15) ~~97.012(14)~~, to provide rewards for information

51 leading to criminal convictions related to voter registration  
52 fraud, voter fraud, and vote scams.  
53 Reviser's note.—Amended to correct a cross-reference. Section 1,  
54 ch. 2005-277, Laws of Florida, created a new s. 97.012(14)  
55 relating to fraud; s. 69 of that same law amended s.  
56 106.24(6) to conform a cross-reference to the addition of  
57 the new s. 97.012(14). Section 1, ch. 2005-278, Laws of  
58 Florida, also created a new s. 97.012(14) relating to  
59 enforcement of the performance of duties or compliance of  
60 rules with respect to chapters 97 through 102 and 105, and  
61 that law did not amend s. 106.24. The new s. 97.012(14)  
62 added by s. 1, ch. 2005-277, was redesignated as s.  
63 97.012(15), and the cross-reference added by that law in s.  
64 106.24 was never updated to reflect the redesignation.  
65 Section 3. Paragraph (a) of subsection (4) of section  
66 120.595, Florida Statutes, is amended to read:  
67 120.595 Attorney's fees.—  
68 (4) CHALLENGES TO AGENCY ACTION PURSUANT TO SECTION  
69 120.56(4).—  
70 (a) If the appellate court or administrative law judge  
71 determines that all or part of an agency statement violates s.  
72 120.54(1)(a), or that the agency must immediately discontinue  
73 reliance on the statement and any substantially similar  
74 statement pursuant to s. 120.56(4)(f) ~~120.56(4)(e)~~, a judgment  
75 or order shall be entered against the agency for reasonable

76 | costs and reasonable attorney's fees, unless the agency  
 77 | demonstrates that the statement is required by the Federal  
 78 | Government to implement or retain a delegated or approved  
 79 | program or to meet a condition to receipt of federal funds.  
 80 | Reviser's note.—Amended to conform to the redesignation of s.  
 81 | 120.56(4) (e) as s. 120.56(4) (f) by s. 3, ch. 2016-116, Laws  
 82 | of Florida.  
 83 | Section 4. Paragraph (a) of subsection (4) of section  
 84 | 190.046, Florida Statutes, is amended to read:  
 85 | 190.046 Termination, contraction, or expansion of  
 86 | district.—  
 87 | (4) (a) To achieve economies of scale, reduce costs to  
 88 | affected district residents and businesses in areas with  
 89 | multiple existing districts, and encourage the merger of  
 90 | multiple districts, up to five districts that were established  
 91 | by the same local general-purpose government and whose board  
 92 | memberships are composed entirely of qualified electors may  
 93 | merge into one surviving district through adoption of an  
 94 | ordinance by the local general-purpose government,  
 95 | notwithstanding the acreage limitations otherwise set forth for  
 96 | the establishment of a district in this chapter. The filing of a  
 97 | petition by the majority of the members of each ~~of the~~ district  
 98 | board of supervisors seeking to merge constitutes consent of the  
 99 | landowners within each applicable district.  
 100 | Reviser's note.—Amended to confirm the editorial deletion of the

101 words "of the."

102 Section 5. Paragraph (p) of subsection (5) of section  
103 212.08, Florida Statutes, is amended to read:

104 212.08 Sales, rental, use, consumption, distribution, and  
105 storage tax; specified exemptions.—The sale at retail, the  
106 rental, the use, the consumption, the distribution, and the  
107 storage to be used or consumed in this state of the following  
108 are hereby specifically exempt from the tax imposed by this  
109 chapter.

110 (5) EXEMPTIONS; ACCOUNT OF USE.—

111 (p) Community contribution tax credit for donations.—

112 1. Authorization.—Persons who are registered with the  
113 department under s. 212.18 to collect or remit sales or use tax  
114 and who make donations to eligible sponsors are eligible for tax  
115 credits against their state sales and use tax liabilities as  
116 provided in this paragraph:

117 a. The credit shall be computed as 50 percent of the  
118 person's approved annual community contribution.

119 b. The credit shall be granted as a refund against state  
120 sales and use taxes reported on returns and remitted in the 12  
121 months preceding the date of application to the department for  
122 the credit as required in sub-subparagraph 3.c. If the annual  
123 credit is not fully used through such refund because of  
124 insufficient tax payments during the applicable 12-month period,  
125 the unused amount may be included in an application for a refund

126 made pursuant to sub-subparagraph 3.c. in subsequent years  
127 against the total tax payments made for such year. Carryover  
128 credits may be applied for a 3-year period without regard to any  
129 time limitation that would otherwise apply under s. 215.26.

130 c. A person may not receive more than \$200,000 in annual  
131 tax credits for all approved community contributions made in any  
132 one year.

133 d. All proposals for the granting of the tax credit  
134 require the prior approval of the Department of Economic  
135 Opportunity.

136 e. The total amount of tax credits which may be granted  
137 for all programs approved under this paragraph, s. 220.183, and  
138 s. 624.5105 is \$18.4 million in the 2015-2016 fiscal year, \$21.4  
139 million in the 2016-2017 fiscal year, and \$21.4 million in the  
140 2017-2018 fiscal year for projects that provide housing  
141 opportunities for persons with special needs or homeownership  
142 opportunities for low-income households or very-low-income  
143 households and \$3.5 million annually for all other projects. As  
144 used in this paragraph, the term "person with special needs" has  
145 the same meaning as in s. 420.0004 and the terms "low-income  
146 person," "low-income household," "very-low-income person," and  
147 "very-low-income household" have the same meanings as in s.  
148 420.9071.

149 f. A person who is eligible to receive the credit provided  
150 in this paragraph, s. 220.183, or s. 624.5105 may receive the

151 credit only under one section of the person's choice.

152 2. Eligibility requirements.—

153 a. A community contribution by a person must be in the  
154 following form:

155 (I) Cash or other liquid assets;

156 (II) Real property, including 100 percent ownership of a  
157 real property holding company;

158 (III) Goods or inventory; or

159 (IV) Other physical resources identified by the Department  
160 of Economic Opportunity.

161

162 For purposes of this sub-subparagraph ~~subparagraph~~, the term  
163 "real property holding company" means a Florida entity, such as  
164 a Florida limited liability company, that is wholly owned by the  
165 person; is the sole owner of real property, as defined in s.  
166 192.001(12), located in the state; is disregarded as an entity  
167 for federal income tax purposes pursuant to 26 C.F.R. s.  
168 301.7701-3(b)(1)(ii); and at the time of contribution to an  
169 eligible sponsor, has no material assets other than the real  
170 property and any other property that qualifies as a community  
171 contribution.

172 b. All community contributions must be reserved  
173 exclusively for use in a project. As used in this sub-  
174 subparagraph, the term "project" means activity undertaken by an  
175 eligible sponsor which is designed to construct, improve, or

176 substantially rehabilitate housing that is affordable to low-  
177 income households or very-low-income households; designed to  
178 provide housing opportunities for persons with special needs;  
179 designed to provide commercial, industrial, or public resources  
180 and facilities; or designed to improve entrepreneurial and job-  
181 development opportunities for low-income persons. A project may  
182 be the investment necessary to increase access to high-speed  
183 broadband capability in a rural community that had an enterprise  
184 zone designated pursuant to chapter 290 as of May 1, 2015,  
185 including projects that result in improvements to communications  
186 assets that are owned by a business. A project may include the  
187 provision of museum educational programs and materials that are  
188 directly related to a project approved between January 1, 1996,  
189 and December 31, 1999, and located in an area which was in an  
190 enterprise zone designated pursuant to s. 290.0065 as of May 1,  
191 2015. This paragraph does not preclude projects that propose to  
192 construct or rehabilitate housing for low-income households or  
193 very-low-income households on scattered sites or housing  
194 opportunities for persons with special needs. With respect to  
195 housing, contributions may be used to pay the following eligible  
196 special needs, low-income, and very-low-income housing-related  
197 activities:

198 (I) Project development impact and management fees for  
199 special needs, low-income, or very-low-income housing projects;

200 (II) Down payment and closing costs for persons with



201 special needs, low-income persons, and very-low-income persons;

202 (III) Administrative costs, including housing counseling  
 203 and marketing fees, not to exceed 10 percent of the community  
 204 contribution, directly related to special needs, low-income, or  
 205 very-low-income projects; and

206 (IV) Removal of liens recorded against residential  
 207 property by municipal, county, or special district local  
 208 governments if satisfaction of the lien is a necessary precedent  
 209 to the transfer of the property to a low-income person or very-  
 210 low-income person for the purpose of promoting home ownership.  
 211 Contributions for lien removal must be received from a  
 212 nonrelated third party.

213 c. The project must be undertaken by an "eligible  
 214 sponsor," which includes:

215 (I) A community action program;

216 (II) A nonprofit community-based development organization  
 217 whose mission is the provision of housing for persons with  
 218 special needs, low-income households, or very-low-income  
 219 households or increasing entrepreneurial and job-development  
 220 opportunities for low-income persons;

221 (III) A neighborhood housing services corporation;

222 (IV) A local housing authority created under chapter 421;

223 (V) A community redevelopment agency created under s.  
 224 163.356;

225 (VI) A historic preservation district agency or

226 organization;

227 (VII) A local workforce development board;

228 (VIII) A direct-support organization as provided in s.

229 1009.983;

230 (IX) An enterprise zone development agency created under

231 s. 290.0056;

232 (X) A community-based organization incorporated under

233 chapter 617 which is recognized as educational, charitable, or

234 scientific pursuant to s. 501(c)(3) of the Internal Revenue Code

235 and whose bylaws and articles of incorporation include

236 affordable housing, economic development, or community

237 development as the primary mission of the corporation;

238 (XI) Units of local government;

239 (XII) Units of state government; or

240 (XIII) Any other agency that the Department of Economic

241 Opportunity designates by rule.

242

243 A contributing person may not have a financial interest in the

244 eligible sponsor.

245 d. The project must be located in an area which was in an

246 enterprise zone designated pursuant to chapter 290 as of May 1,

247 2015, or a Front Porch Florida Community, unless the project

248 increases access to high-speed broadband capability in a rural

249 community that had an enterprise zone designated pursuant to

250 chapter 290 as of May 1, 2015, but is physically located outside

251 the designated rural zone boundaries. Any project designed to  
252 construct or rehabilitate housing for low-income households or  
253 very-low-income households or housing opportunities for persons  
254 with special needs is exempt from the area requirement of this  
255 sub-subparagraph.

256 e.(I) If, during the first 10 business days of the state  
257 fiscal year, eligible tax credit applications for projects that  
258 provide housing opportunities for persons with special needs or  
259 homeownership opportunities for low-income households or very-  
260 low-income households are received for less than the annual tax  
261 credits available for those projects, the Department of Economic  
262 Opportunity shall grant tax credits for those applications and  
263 grant remaining tax credits on a first-come, first-served basis  
264 for subsequent eligible applications received before the end of  
265 the state fiscal year. If, during the first 10 business days of  
266 the state fiscal year, eligible tax credit applications for  
267 projects that provide housing opportunities for persons with  
268 special needs or homeownership opportunities for low-income  
269 households or very-low-income households are received for more  
270 than the annual tax credits available for those projects, the  
271 Department of Economic Opportunity shall grant the tax credits  
272 for those applications as follows:

273 (A) If tax credit applications submitted for approved  
274 projects of an eligible sponsor do not exceed \$200,000 in total,  
275 the credits shall be granted in full if the tax credit

276 applications are approved.

277 (B) If tax credit applications submitted for approved  
 278 projects of an eligible sponsor exceed \$200,000 in total, the  
 279 amount of tax credits granted pursuant to sub-sub-sub-  
 280 subparagraph (A) shall be subtracted from the amount of  
 281 available tax credits, and the remaining credits shall be  
 282 granted to each approved tax credit application on a pro rata  
 283 basis.

284 (II) If, during the first 10 business days of the state  
 285 fiscal year, eligible tax credit applications for projects other  
 286 than those that provide housing opportunities for persons with  
 287 special needs or homeownership opportunities for low-income  
 288 households or very-low-income households are received for less  
 289 than the annual tax credits available for those projects, the  
 290 Department of Economic Opportunity shall grant tax credits for  
 291 those applications and shall grant remaining tax credits on a  
 292 first-come, first-served basis for subsequent eligible  
 293 applications received before the end of the state fiscal year.  
 294 If, during the first 10 business days of the state fiscal year,  
 295 eligible tax credit applications for projects other than those  
 296 that provide housing opportunities for persons with special  
 297 needs or homeownership opportunities for low-income households  
 298 or very-low-income households are received for more than the  
 299 annual tax credits available for those projects, the Department  
 300 of Economic Opportunity shall grant the tax credits for those

301 applications on a pro rata basis.

302 3. Application requirements.—

303 a. An eligible sponsor seeking to participate in this  
304 program must submit a proposal to the Department of Economic  
305 Opportunity which sets forth the name of the sponsor, a  
306 description of the project, and the area in which the project is  
307 located, together with such supporting information as is  
308 prescribed by rule. The proposal must also contain a resolution  
309 from the local governmental unit in which the project is located  
310 certifying that the project is consistent with local plans and  
311 regulations.

312 b. A person seeking to participate in this program must  
313 submit an application for tax credit to the Department of  
314 Economic Opportunity which sets forth the name of the sponsor, a  
315 description of the project, and the type, value, and purpose of  
316 the contribution. The sponsor shall verify, in writing, the  
317 terms of the application and indicate its receipt of the  
318 contribution, and such verification must accompany the  
319 application for tax credit. The person must submit a separate  
320 tax credit application to the Department of Economic Opportunity  
321 for each individual contribution that it makes to each  
322 individual project.

323 c. A person who has received notification from the  
324 Department of Economic Opportunity that a tax credit has been  
325 approved must apply to the department to receive the refund.

326 Application must be made on the form prescribed for claiming  
327 refunds of sales and use taxes and be accompanied by a copy of  
328 the notification. A person may submit only one application for  
329 refund to the department within a 12-month period.

330 4. Administration.—

331 a. The Department of Economic Opportunity may adopt rules  
332 necessary to administer this paragraph, including rules for the  
333 approval or disapproval of proposals by a person.

334 b. The decision of the Department of Economic Opportunity  
335 must be in writing, and, if approved, the notification shall  
336 state the maximum credit allowable to the person. Upon approval,  
337 the Department of Economic Opportunity shall transmit a copy of  
338 the decision to the department.

339 c. The Department of Economic Opportunity shall  
340 periodically monitor all projects in a manner consistent with  
341 available resources to ensure that resources are used in  
342 accordance with this paragraph; however, each project must be  
343 reviewed at least once every 2 years.

344 d. The Department of Economic Opportunity shall, in  
345 consultation with the statewide and regional housing and  
346 financial intermediaries, market the availability of the  
347 community contribution tax credit program to community-based  
348 organizations.

349 5. Expiration.—This paragraph expires June 30, 2018;  
350 however, any accrued credit carryover that is unused on that

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351 date may be used until the expiration of the 3-year carryover  
352 period for such credit.

353 Reviser's note.—Amended to conform to context. Section  
354 212.08(5)(p)2.a., specifically, uses the term "real  
355 property holding company." The term does not appear  
356 elsewhere in s. 212.08(5)(p)2.

357 Section 6. Subsection (16) of section 215.555, Florida  
358 Statutes, is repealed.

359 Reviser's note.—Amended to repeal an obsolete provision. The  
360 cited subsection relates to a temporary increase in  
361 coverage limit options from the Florida Hurricane  
362 Catastrophe Fund applicable only to the 2007, 2008, 2009,  
363 2010, 2011, 2012, and 2013 hurricane seasons.

364 Section 7. Subsection (2) of section 215.619, Florida  
365 Statutes, is amended to read:

366 215.619 Bonds for Everglades restoration.—

367 (2) The state covenants with the holders of Everglades  
368 restoration bonds that it will not take any action that will  
369 materially and adversely affect the rights of the holders so  
370 long as the bonds are outstanding, including, but not limited  
371 to, a reduction in the portion of documentary stamp taxes  
372 distributable under s. 201.15 ~~205.15~~ for payment of debt service  
373 on Florida Forever bonds or Everglades restoration bonds.

374 Reviser's note.—Amended to correct a cross-reference. Section  
375 205.15 was repealed by s. 2, ch. 67-433, Laws of Florida;

376 s. 201.15 deals with distribution of taxes collected,  
 377 including documentary stamp taxes.

378 Section 8. Paragraph (a) of subsection (2) of section  
 379 215.985, Florida Statutes, is amended to read:

380 215.985 Transparency in government spending.—

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

382 (a) "Committee" means the Legislative Auditing Committee  
 383 ~~created in s. 11.40.~~

384 Reviser's note.—Amended to conform to the fact that s. 11.40 was  
 385 amended by s. 12, ch. 2011-34, Laws of Florida, to remove  
 386 the language that provided for the creation of the  
 387 Legislative Auditing Committee.

388 Section 9. Paragraph (c) of subsection (9) of section  
 389 253.034, Florida Statutes, is amended to read:

390 253.034 State-owned lands; uses.—

391 (9) The following additional uses of conservation lands  
 392 acquired pursuant to the Florida Forever program and other  
 393 state-funded conservation land purchase programs shall be  
 394 authorized, upon a finding by the board of trustees, if they  
 395 meet the criteria specified in paragraphs (a)-(e): water  
 396 resource development projects, water supply development  
 397 projects, stormwater management projects, linear facilities, and  
 398 sustainable agriculture and forestry. Such additional uses are  
 399 authorized if:

400 (c) The use is appropriately located on such lands and ~~if~~



401 due consideration is given to the use of other available lands;

402

403 A decision by the board of trustees pursuant to this section  
 404 shall be given a presumption of correctness. Moneys received  
 405 from the use of state lands pursuant to this section shall be  
 406 returned to the lead managing entity in accordance with s.  
 407 259.032 (9) (c).

408 Reviser's note.—Amended to confirm the editorial deletion of the  
 409 word "if."

410 Section 10. Subsection (4) of section 288.9936, Florida  
 411 Statutes, is amended to read:

412 288.9936 Annual report of the Microfinance Loan Program.—

413 ~~(4) The Office of Program Policy Analysis and Government~~  
 414 ~~Accountability shall conduct a study to evaluate the~~  
 415 ~~effectiveness and the Office of Economic and Demographic~~  
 416 ~~Research shall conduct a study to evaluate the return on~~  
 417 ~~investment of the State Small Business Credit Initiative~~  
 418 ~~operated in this state pursuant to 12 U.S.C. ss. 5701 et seq.~~  
 419 ~~The offices shall each submit a report to the President of the~~  
 420 ~~Senate and the Speaker of the House of Representatives by~~  
 421 ~~January 1, 2015.~~

422 Reviser's note.—Amended to delete a provision that has served  
 423 its purpose. Office of Program Policy Analysis and  
 424 Government Accountability Report No. 15-02 and the Office  
 425 of Economic and Demographic Research's "Evaluation of the

426 State Small Business Credit Initiative" were submitted and  
 427 appear online.

428 Section 11. Subsection (55) of section 316.003, Florida  
 429 Statutes, is amended to read:

430 316.003 Definitions.—The following words and phrases, when  
 431 used in this chapter, shall have the meanings respectively  
 432 ascribed to them in this section, except where the context  
 433 otherwise requires:

434 (55) PRIVATE ROAD OR DRIVEWAY.—Except as otherwise  
 435 provided in paragraph (77) (b) ~~(75) (b)~~, any privately owned way  
 436 or place used for vehicular travel by the owner and those having  
 437 express or implied permission from the owner, but not by other  
 438 persons.

439 Reviser's note.—Amended to confirm the editorial substitution of  
 440 a reference to paragraph (77) (b) for a reference to  
 441 paragraph (75) (b) to conform to the renumbering of subunits  
 442 by s. 5, ch. 2016-239, Laws of Florida, and the addition of  
 443 subunits by s. 1, ch. 2016-115, Laws of Florida, and s. 3,  
 444 ch. 2016-181, Laws of Florida.

445 Section 12. Paragraph (b) of subsection (2) of section  
 446 316.545, Florida Statutes, is amended to read:

447 316.545 Weight and load unlawful; special fuel and motor  
 448 fuel tax enforcement; inspection; penalty; review.—

449 (2)

450 (b) The officer or inspector shall inspect the license

451 | plate or registration certificate of the commercial vehicle to  
452 | determine whether its gross weight is in compliance with the  
453 | declared gross vehicle weight. If its gross weight exceeds the  
454 | declared weight, the penalty shall be 5 cents per pound on the  
455 | difference between such weights. In those cases when the  
456 | commercial vehicle is being operated over the highways of the  
457 | state with an expired registration or with no registration from  
458 | this or any other jurisdiction or is not registered under the  
459 | applicable provisions of chapter 320, the penalty herein shall  
460 | apply on the basis of 5 cents per pound on that scaled weight  
461 | which exceeds 35,000 pounds on laden truck tractor-semitrailer  
462 | combinations or tandem trailer truck combinations, 10,000 pounds  
463 | on laden straight trucks or straight truck-trailer combinations,  
464 | or 10,000 pounds on any unladen commercial motor vehicle. A  
465 | driver of a commercial motor vehicle entering the state at a  
466 | designated port-of-entry location, as defined in s. 316.003(54)  
467 | ~~316.003(94)~~, or operating on designated routes to a port-of-  
468 | entry location, who obtains a temporary registration permit  
469 | shall be assessed a penalty limited to the difference between  
470 | its gross weight and the declared gross vehicle weight at 5  
471 | cents per pound. If the license plate or registration has not  
472 | been expired for more than 90 days, the penalty imposed under  
473 | this paragraph may not exceed \$1,000. In the case of special  
474 | mobile equipment, which qualifies for the license tax provided  
475 | for in s. 320.08(5)(b), being operated on the highways of the

476 state with an expired registration or otherwise not properly  
477 registered under the applicable provisions of chapter 320, a  
478 penalty of \$75 shall apply in addition to any other penalty  
479 which may apply in accordance with this chapter. A vehicle found  
480 in violation of this section may be detained until the owner or  
481 operator produces evidence that the vehicle has been properly  
482 registered. Any costs incurred by the retention of the vehicle  
483 shall be the sole responsibility of the owner. A person who has  
484 been assessed a penalty pursuant to this paragraph for failure  
485 to have a valid vehicle registration certificate pursuant to the  
486 provisions of chapter 320 is not subject to the delinquent fee  
487 authorized in s. 320.07 if such person obtains a valid  
488 registration certificate within 10 working days after such  
489 penalty was assessed.

490 Reviser's note.—Amended to confirm the editorial substitution of  
491 a reference to s. 316.003(54) for a reference to s.  
492 316.003(94) to conform to the renumbering of subunits  
493 within s. 316.003 by s. 5, ch. 2016-239, Laws of Florida,  
494 and the addition of subunits by s. 1, ch. 2016-115, Laws of  
495 Florida, and s. 3, ch. 2016-181, Laws of Florida.

496 Section 13. Paragraph (a) of subsection (2) of section  
497 316.613, Florida Statutes, is amended to read:

498 316.613 Child restraint requirements.—

499 (2) As used in this section, the term "motor vehicle"  
500 means a motor vehicle as defined in s. 316.003 that is operated

501 on the roadways, streets, and highways of the state. The term  
 502 does not include:

503 (a) A school bus as defined in s. 316.003(68) ~~316.003(66)~~.  
 504 Reviser's note.—Amended to confirm the editorial substitution of  
 505 a reference to s. 316.003(68) for a reference to s.  
 506 316.003(66) to conform to the renumbering of subunits  
 507 within s. 316.003 by s. 5, ch. 2016-239, Laws of Florida,  
 508 and the addition of subunits by s. 1, ch. 2016-115, Laws of  
 509 Florida, and s. 3, ch. 2016-181, Laws of Florida.

510 Section 14. Section 320.08, Florida Statutes, is amended  
 511 to read:

512 320.08 License taxes.—Except as otherwise provided herein,  
 513 there are hereby levied and imposed annual license taxes for the  
 514 operation of motor vehicles, mopeds, motorized bicycles as  
 515 defined in s. 316.003(3) ~~316.003(2)~~, tri-vehicles as defined in  
 516 s. 316.003, and mobile homes as defined in s. 320.01, which  
 517 shall be paid to and collected by the department or its agent  
 518 upon the registration or renewal of registration of the  
 519 following:

- 520 (1) MOTORCYCLES AND MOPEDS.—
- 521 (a) Any motorcycle: \$10 flat.
- 522 (b) Any moped: \$5 flat.
- 523 (c) Upon registration of a motorcycle, motor-driven cycle,  
 524 or moped, in addition to the license taxes specified in this  
 525 subsection, a nonrefundable motorcycle safety education fee in

526 | the amount of \$2.50 shall be paid. The proceeds of such  
 527 | additional fee shall be deposited in the Highway Safety  
 528 | Operating Trust Fund to fund a motorcycle driver improvement  
 529 | program implemented pursuant to s. 322.025, the Florida  
 530 | Motorcycle Safety Education Program established in s. 322.0255,  
 531 | or the general operations of the department.

532 | (d) An ancient or antique motorcycle: \$7.50 flat, of which  
 533 | \$2.50 shall be deposited into the General Revenue Fund.

534 | (2) AUTOMOBILES OR TRI-VEHICLES FOR PRIVATE USE.—

535 | (a) An ancient or antique automobile, as defined in s.  
 536 | 320.086, or a street rod, as defined in s. 320.0863: \$7.50 flat.

537 | (b) Net weight of less than 2,500 pounds: \$14.50 flat.

538 | (c) Net weight of 2,500 pounds or more, but less than  
 539 | 3,500 pounds: \$22.50 flat.

540 | (d) Net weight of 3,500 pounds or more: \$32.50 flat.

541 | (3) TRUCKS.—

542 | (a) Net weight of less than 2,000 pounds: \$14.50 flat.

543 | (b) Net weight of 2,000 pounds or more, but not more than  
 544 | 3,000 pounds: \$22.50 flat.

545 | (c) Net weight more than 3,000 pounds, but not more than  
 546 | 5,000 pounds: \$32.50 flat.

547 | (d) A truck defined as a "goat," or other vehicle if used  
 548 | in the field by a farmer or in the woods for the purpose of  
 549 | harvesting a crop, including naval stores, during such  
 550 | harvesting operations, and which is not principally operated

551 upon the roads of the state: \$7.50 flat. The term "goat" means a  
 552 motor vehicle designed, constructed, and used principally for  
 553 the transportation of citrus fruit within citrus groves or for  
 554 the transportation of crops on farms, and which can also be used  
 555 for hauling associated equipment or supplies, including required  
 556 sanitary equipment, and the towing of farm trailers.

557 (e) An ancient or antique truck, as defined in s. 320.086:  
 558 \$7.50 flat.

559 (4) HEAVY TRUCKS, TRUCK TRACTORS, FEES ACCORDING TO GROSS  
 560 VEHICLE WEIGHT.—

561 (a) Gross vehicle weight of 5,001 pounds or more, but less  
 562 than 6,000 pounds: \$60.75 flat, of which \$15.75 shall be  
 563 deposited into the General Revenue Fund.

564 (b) Gross vehicle weight of 6,000 pounds or more, but less  
 565 than 8,000 pounds: \$87.75 flat, of which \$22.75 shall be  
 566 deposited into the General Revenue Fund.

567 (c) Gross vehicle weight of 8,000 pounds or more, but less  
 568 than 10,000 pounds: \$103 flat, of which \$27 shall be deposited  
 569 into the General Revenue Fund.

570 (d) Gross vehicle weight of 10,000 pounds or more, but  
 571 less than 15,000 pounds: \$118 flat, of which \$31 shall be  
 572 deposited into the General Revenue Fund.

573 (e) Gross vehicle weight of 15,000 pounds or more, but  
 574 less than 20,000 pounds: \$177 flat, of which \$46 shall be  
 575 deposited into the General Revenue Fund.

576 (f) Gross vehicle weight of 20,000 pounds or more, but  
577 less than 26,001 pounds: \$251 flat, of which \$65 shall be  
578 deposited into the General Revenue Fund.

579 (g) Gross vehicle weight of 26,001 pounds or more, but  
580 less than 35,000: \$324 flat, of which \$84 shall be deposited  
581 into the General Revenue Fund.

582 (h) Gross vehicle weight of 35,000 pounds or more, but  
583 less than 44,000 pounds: \$405 flat, of which \$105 shall be  
584 deposited into the General Revenue Fund.

585 (i) Gross vehicle weight of 44,000 pounds or more, but  
586 less than 55,000 pounds: \$773 flat, of which \$201 shall be  
587 deposited into the General Revenue Fund.

588 (j) Gross vehicle weight of 55,000 pounds or more, but  
589 less than 62,000 pounds: \$916 flat, of which \$238 shall be  
590 deposited into the General Revenue Fund.

591 (k) Gross vehicle weight of 62,000 pounds or more, but  
592 less than 72,000 pounds: \$1,080 flat, of which \$280 shall be  
593 deposited into the General Revenue Fund.

594 (l) Gross vehicle weight of 72,000 pounds or more: \$1,322  
595 flat, of which \$343 shall be deposited into the General Revenue  
596 Fund.

597 (m) Notwithstanding the declared gross vehicle weight, a  
598 truck tractor used within a 150-mile radius of its home address  
599 is eligible for a license plate for a fee of \$324 flat if:

600 1. The truck tractor is used exclusively for hauling



601 forestry products; or

602 2. The truck tractor is used primarily for the hauling of  
 603 forestry products, and is also used for the hauling of  
 604 associated forestry harvesting equipment used by the owner of  
 605 the truck tractor.

606  
 607 Of the fee imposed by this paragraph, \$84 shall be deposited  
 608 into the General Revenue Fund.

609 (n) A truck tractor or heavy truck, not operated as a for-  
 610 hire vehicle, which is engaged exclusively in transporting raw,  
 611 unprocessed, and nonmanufactured agricultural or horticultural  
 612 products within a 150-mile radius of its home address, is  
 613 eligible for a restricted license plate for a fee of:

614 1. If such vehicle's declared gross vehicle weight is less  
 615 than 44,000 pounds, \$87.75 flat, of which \$22.75 shall be  
 616 deposited into the General Revenue Fund.

617 2. If such vehicle's declared gross vehicle weight is  
 618 44,000 pounds or more and such vehicle only transports from the  
 619 point of production to the point of primary manufacture; to the  
 620 point of assembling the same; or to a shipping point of a rail,  
 621 water, or motor transportation company, \$324 flat, of which \$84  
 622 shall be deposited into the General Revenue Fund.

623  
 624 Such not-for-hire truck tractors and heavy trucks used  
 625 exclusively in transporting raw, unprocessed, and

626 nonmanufactured agricultural or horticultural products may be  
 627 incidentally used to haul farm implements and fertilizers  
 628 delivered direct to the growers. The department may require any  
 629 documentation deemed necessary to determine eligibility prior to  
 630 issuance of this license plate. For the purpose of this  
 631 paragraph, "not-for-hire" means the owner of the motor vehicle  
 632 must also be the owner of the raw, unprocessed, and  
 633 nonmanufactured agricultural or horticultural product, or the  
 634 user of the farm implements and fertilizer being delivered.

635 (5) SEMITRAILERS, FEES ACCORDING TO GROSS VEHICLE WEIGHT;  
 636 SCHOOL BUSES; SPECIAL PURPOSE VEHICLES.—

637 (a)1. A semitrailer drawn by a GVW truck tractor by means  
 638 of a fifth-wheel arrangement: \$13.50 flat per registration year  
 639 or any part thereof, of which \$3.50 shall be deposited into the  
 640 General Revenue Fund.

641 2. A semitrailer drawn by a GVW truck tractor by means of  
 642 a fifth-wheel arrangement: \$68 flat per permanent registration,  
 643 of which \$18 shall be deposited into the General Revenue Fund.

644 (b) A motor vehicle equipped with machinery and designed  
 645 for the exclusive purpose of well drilling, excavation,  
 646 construction, spraying, or similar activity, and which is not  
 647 designed or used to transport loads other than the machinery  
 648 described above over public roads: \$44 flat, of which \$11.50  
 649 shall be deposited into the General Revenue Fund.

650 (c) A school bus used exclusively to transport pupils to

651 and from school or school or church activities or functions  
 652 within their own county: \$41 flat, of which \$11 shall be  
 653 deposited into the General Revenue Fund.

654 (d) A wrecker, as defined in s. 320.01, which is used to  
 655 tow a vessel as defined in s. 327.02, a disabled, abandoned,  
 656 stolen-recovered, or impounded motor vehicle as defined in s.  
 657 320.01, or a replacement motor vehicle as defined in s. 320.01:  
 658 \$41 flat, of which \$11 shall be deposited into the General  
 659 Revenue Fund.

660 (e) A wrecker that is used to tow any nondisabled motor  
 661 vehicle, a vessel, or any other cargo unless used as defined in  
 662 paragraph (d), as follows:

663 1. Gross vehicle weight of 10,000 pounds or more, but less  
 664 than 15,000 pounds: \$118 flat, of which \$31 shall be deposited  
 665 into the General Revenue Fund.

666 2. Gross vehicle weight of 15,000 pounds or more, but less  
 667 than 20,000 pounds: \$177 flat, of which \$46 shall be deposited  
 668 into the General Revenue Fund.

669 3. Gross vehicle weight of 20,000 pounds or more, but less  
 670 than 26,000 pounds: \$251 flat, of which \$65 shall be deposited  
 671 into the General Revenue Fund.

672 4. Gross vehicle weight of 26,000 pounds or more, but less  
 673 than 35,000 pounds: \$324 flat, of which \$84 shall be deposited  
 674 into the General Revenue Fund.

675 5. Gross vehicle weight of 35,000 pounds or more, but less

676 than 44,000 pounds: \$405 flat, of which \$105 shall be deposited  
677 into the General Revenue Fund.

678 6. Gross vehicle weight of 44,000 pounds or more, but less  
679 than 55,000 pounds: \$772 flat, of which \$200 shall be deposited  
680 into the General Revenue Fund.

681 7. Gross vehicle weight of 55,000 pounds or more, but less  
682 than 62,000 pounds: \$915 flat, of which \$237 shall be deposited  
683 into the General Revenue Fund.

684 8. Gross vehicle weight of 62,000 pounds or more, but less  
685 than 72,000 pounds: \$1,080 flat, of which \$280 shall be  
686 deposited into the General Revenue Fund.

687 9. Gross vehicle weight of 72,000 pounds or more: \$1,322  
688 flat, of which \$343 shall be deposited into the General Revenue  
689 Fund.

690 (f) A hearse or ambulance: \$40.50 flat, of which \$10.50  
691 shall be deposited into the General Revenue Fund.

692 (6) MOTOR VEHICLES FOR HIRE.—

693 (a) Under nine passengers: \$17 flat, of which \$4.50 shall  
694 be deposited into the General Revenue Fund; plus \$1.50 per cwt,  
695 of which 50 cents shall be deposited into the General Revenue  
696 Fund.

697 (b) Nine passengers and over: \$17 flat, of which \$4.50  
698 shall be deposited into the General Revenue Fund; plus \$2 per  
699 cwt, of which 50 cents shall be deposited into the General  
700 Revenue Fund.

701 (7) TRAILERS FOR PRIVATE USE.—

702 (a) Any trailer weighing 500 pounds or less: \$6.75 flat  
 703 per year or any part thereof, of which \$1.75 shall be deposited  
 704 into the General Revenue Fund.

705 (b) Net weight over 500 pounds: \$3.50 flat, of which \$1  
 706 shall be deposited into the General Revenue Fund; plus \$1 per  
 707 cwt, of which 25 cents shall be deposited into the General  
 708 Revenue Fund.

709 (8) TRAILERS FOR HIRE.—

710 (a) Net weight under 2,000 pounds: \$3.50 flat, of which \$1  
 711 shall be deposited into the General Revenue Fund; plus \$1.50 per  
 712 cwt, of which 50 cents shall be deposited into the General  
 713 Revenue Fund.

714 (b) Net weight 2,000 pounds or more: \$13.50 flat, of which  
 715 \$3.50 shall be deposited into the General Revenue Fund; plus  
 716 \$1.50 per cwt, of which 50 cents shall be deposited into the  
 717 General Revenue Fund.

718 (9) RECREATIONAL VEHICLE-TYPE UNITS.—

719 (a) A travel trailer or fifth-wheel trailer, as defined by  
 720 s. 320.01(1)(b), that does not exceed 35 feet in length: \$27  
 721 flat, of which \$7 shall be deposited into the General Revenue  
 722 Fund.

723 (b) A camping trailer, as defined by s. 320.01(1)(b)2.:  
 724 \$13.50 flat, of which \$3.50 shall be deposited into the General  
 725 Revenue Fund.

726 (c) A motor home, as defined by s. 320.01(1)(b)4.:

727 1. Net weight of less than 4,500 pounds: \$27 flat, of

728 which \$7 shall be deposited into the General Revenue Fund.

729 2. Net weight of 4,500 pounds or more: \$47.25 flat, of

730 which \$12.25 shall be deposited into the General Revenue Fund.

731 (d) A truck camper as defined by s. 320.01(1)(b)3.:

732 1. Net weight of less than 4,500 pounds: \$27 flat, of

733 which \$7 shall be deposited into the General Revenue Fund.

734 2. Net weight of 4,500 pounds or more: \$47.25 flat, of

735 which \$12.25 shall be deposited into the General Revenue Fund.

736 (e) A private motor coach as defined by s. 320.01(1)(b)5.:

737 1. Net weight of less than 4,500 pounds: \$27 flat, of

738 which \$7 shall be deposited into the General Revenue Fund.

739 2. Net weight of 4,500 pounds or more: \$47.25 flat, of

740 which \$12.25 shall be deposited into the General Revenue Fund.

741 (10) PARK TRAILERS; TRAVEL TRAILERS; FIFTH-WHEEL TRAILERS;

742 35 FEET TO 40 FEET.—

743 (a) Park trailers.—Any park trailer, as defined in s.

744 320.01(1)(b)7.: \$25 flat.

745 (b) A travel trailer or fifth-wheel trailer, as defined in

746 s. 320.01(1)(b), that exceeds 35 feet: \$25 flat.

747 (11) MOBILE HOMES.—

748 (a) A mobile home not exceeding 35 feet in length: \$20

749 flat.

750 (b) A mobile home over 35 feet in length, but not

751 | exceeding 40 feet: \$25 flat.

752 |       (c) A mobile home over 40 feet in length, but not  
753 | exceeding 45 feet: \$30 flat.

754 |       (d) A mobile home over 45 feet in length, but not  
755 | exceeding 50 feet: \$35 flat.

756 |       (e) A mobile home over 50 feet in length, but not  
757 | exceeding 55 feet: \$40 flat.

758 |       (f) A mobile home over 55 feet in length, but not  
759 | exceeding 60 feet: \$45 flat.

760 |       (g) A mobile home over 60 feet in length, but not  
761 | exceeding 65 feet: \$50 flat.

762 |       (h) A mobile home over 65 feet in length: \$80 flat.

763 |       (12) DEALER AND MANUFACTURER LICENSE PLATES.—A franchised  
764 | motor vehicle dealer, independent motor vehicle dealer, marine  
765 | boat trailer dealer, or mobile home dealer and manufacturer  
766 | license plate: \$17 flat, of which \$4.50 shall be deposited into  
767 | the General Revenue Fund.

768 |       (13) EXEMPT OR OFFICIAL LICENSE PLATES.—Any exempt or  
769 | official license plate: \$4 flat, of which \$1 shall be deposited  
770 | into the General Revenue Fund.

771 |       (14) LOCALLY OPERATED MOTOR VEHICLES FOR HIRE.—A motor  
772 | vehicle for hire operated wholly within a city or within 25  
773 | miles thereof: \$17 flat, of which \$4.50 shall be deposited into  
774 | the General Revenue Fund; plus \$2 per cwt, of which 50 cents  
775 | shall be deposited into the General Revenue Fund.

776 (15) TRANSPORTER.—Any transporter license plate issued to  
777 a transporter pursuant to s. 320.133: \$101.25 flat, of which  
778 \$26.25 shall be deposited into the General Revenue Fund.  
779 Reviser's note.—Amended to conform to the redesignation of s.  
780 316.003(2) as s. 316.003(3) to conform to the reordering of  
781 subunits by s. 5, ch. 2016-239, Laws of Florida.  
782 Section 15. Paragraph (b) of subsection (2) of section  
783 322.121, Florida Statutes, is amended to read:  
784 322.121 Periodic reexamination of all drivers.—  
785 (2) For each licensee whose driving record does not show  
786 any revocations, disqualifications, or suspensions for the  
787 preceding 7 years or any convictions for the preceding 3 years  
788 except for convictions of the following nonmoving violations:  
789 (b) Failure to renew a motor vehicle or mobile home  
790 registration that has been expired for 6 4 months or less  
791 pursuant to s. 320.07(3) (a);  
792  
793 the department shall cause such licensee's license to be  
794 prominently marked with the notation "Safe Driver."  
795 Reviser's note.—Amended to conform to the fact that s. 7, ch.  
796 97-300, Laws of Florida, amended s. 320.07(3) (a) to change  
797 the expiration period from 4 months or less to 6 months or  
798 less.  
799 Section 16. Subsection (7) of section 373.042, Florida  
800 Statutes, is amended to read:



801           373.042 Minimum flows and minimum water levels.—  
 802           (7) If a petition for administrative hearing is filed  
 803 under chapter 120 challenging the establishment of a minimum  
 804 flow or minimum water level, the report of an independent  
 805 scientific peer review conducted under subsection (6) ~~(5)~~ is  
 806 admissible as evidence in the final hearing, and the  
 807 administrative law judge must render the order within 120 days  
 808 after the filing of the petition. The time limit for rendering  
 809 the order shall not be extended except by agreement of all the  
 810 parties. To the extent that the parties agree to the findings of  
 811 the peer review, they may stipulate that those findings be  
 812 incorporated as findings of fact in the final order.  
 813 Reviser's note.—Amended to correct a cross-reference. Subsection  
 814           (5) relates to provision of technical information and staff  
 815 support and rulemaking; subsection (6) references  
 816 independent scientific peer review.  
 817 Section 17. Paragraph (d) of subsection (19) of section  
 818 373.414, Florida Statutes, is amended to read:  
 819           373.414 Additional criteria for activities in surface  
 820 waters and wetlands.—  
 821           (19)  
 822           (d) Nothing provided in this subsection supersedes or  
 823 modifies the financial responsibility requirements of s. 378.208  
 824 ~~378.209~~.  
 825 Reviser's note.—Amended to correct a cross-reference. Section

826 378.209 relates to timing of reclamation; s. 378.208  
 827 relates to financial responsibility.

828 Section 18. Paragraph (d) of subsection (3) and paragraph  
 829 (e) of subsection (4) of section 373.4592, Florida Statutes, are  
 830 amended to read:

831 373.4592 Everglades improvement and management.—

832 (3) EVERGLADES LONG-TERM PLAN.—

833 ~~(d) The Legislature intends that a review of this act at~~  
 834 ~~least 10 years after implementation of the Long-Term Plan is~~  
 835 ~~appropriate and necessary to the public interest. The review is~~  
 836 ~~the best way to ensure that the Everglades Protection Area is~~  
 837 ~~achieving state water quality standards, including phosphorus~~  
 838 ~~reduction, and the Long-Term Plan is using the best technology~~  
 839 ~~available.~~

840 (4) EVERGLADES PROGRAM.—

841 (e) Evaluation of water quality standards.—

842 1. The department and the district shall employ all means  
 843 practicable to complete by December 31, 1998, any additional  
 844 research necessary to:

845 a. Numerically interpret for phosphorus the Class III  
 846 narrative nutrient criterion necessary to meet water quality  
 847 standards in the Everglades Protection Area; and

848 b. Evaluate existing water quality standards applicable to  
 849 the Everglades Protection Area and EAA canals.

850 2. In no case shall such phosphorus criterion allow waters

851 in the Everglades Protection Area to be altered so as to cause  
852 an imbalance in the natural populations of aquatic flora or  
853 fauna. The phosphorus criterion shall be 10 parts per billion  
854 (ppb) in the Everglades Protection Area in the event the  
855 department does not adopt by rule such criterion by December 31,  
856 2003. However, in the event the department fails to adopt a  
857 phosphorus criterion on or before December 31, 2002, any person  
858 whose substantial interests would be affected by the rulemaking  
859 shall have the right, on or before February 28, 2003, to  
860 petition for a writ of mandamus to compel the department to  
861 adopt by rule such criterion. Venue for the mandamus action must  
862 be Leon County. The court may stay implementation of the 10  
863 parts per billion (ppb) criterion during the pendency of the  
864 mandamus proceeding upon a demonstration by the petitioner of  
865 irreparable harm in the absence of such relief. The department's  
866 phosphorus criterion, whenever adopted, shall supersede the 10  
867 parts per billion (ppb) criterion otherwise established by this  
868 section, but shall not be lower than the natural conditions of  
869 the Everglades Protection Area and shall take into account  
870 spatial and temporal variability. The department's rule adopting  
871 a phosphorus criterion may include moderating provisions during  
872 the implementation of the initial phase of the Long-Term Plan  
873 authorizing discharges based upon BAPRT providing net  
874 improvement to impacted areas. Discharges to unimpacted areas  
875 may also be authorized by moderating provisions, which shall

876 require BAPRT, and which must be based upon a determination by  
877 the department that the environmental benefits of the discharge  
878 clearly outweigh potential adverse impacts and otherwise comply  
879 with antidegradation requirements. Moderating provisions  
880 authorized by this section shall not extend beyond December 2016  
881 unless further authorized by the Legislature ~~pursuant to~~  
882 ~~paragraph (3)(d)~~.

883 3. The department shall use the best available information  
884 to define relationships between waters discharged to, and the  
885 resulting water quality in, the Everglades Protection Area. The  
886 department or the district shall use these relationships to  
887 establish discharge limits in permits for discharges into the  
888 EAA canals and the Everglades Protection Area necessary to  
889 prevent an imbalance in the natural populations of aquatic flora  
890 or fauna in the Everglades Protection Area, and to provide a net  
891 improvement in the areas already impacted. During the  
892 implementation of the initial phase of the Long-Term Plan,  
893 permits issued by the department shall be based on BAPRT and  
894 shall include technology-based effluent limitations consistent  
895 with the Long-Term Plan. Compliance with the phosphorus  
896 criterion shall be based upon a long-term geometric mean of  
897 concentration levels to be measured at sampling stations  
898 recognized from the research to be reasonably representative of  
899 receiving waters in the Everglades Protection Area, and so  
900 located so as to assure that the Everglades Protection Area is

901 not altered so as to cause an imbalance in natural populations  
902 of aquatic flora and fauna and to assure a net improvement in  
903 the areas already impacted. For the Everglades National Park and  
904 the Arthur R. Marshall Loxahatchee National Wildlife Refuge, the  
905 method for measuring compliance with the phosphorus criterion  
906 shall be in a manner consistent with Appendices A and B,  
907 respectively, of the settlement agreement dated July 26, 1991,  
908 entered in case No. 88-1886-Civ-Hoeveler, United States District  
909 Court for the Southern District of Florida, that recognizes and  
910 provides for incorporation of relevant research.

911 4. The department's evaluation of any other water quality  
912 standards must include the department's antidegradation  
913 standards and EAA canal classifications. In recognition of the  
914 special nature of the conveyance canals of the EAA, as a  
915 component of the classification process, the department is  
916 directed to formally recognize by rulemaking existing actual  
917 beneficial uses of the conveyance canals in the EAA. This shall  
918 include recognition of the Class III designated uses of  
919 recreation, propagation and maintenance of a healthy, well-  
920 balanced population of fish and wildlife, the integrated water  
921 management purposes for which the Central and Southern Florida  
922 Flood Control Project was constructed, flood control, conveyance  
923 of water to and from Lake Okeechobee for urban and agricultural  
924 water supply, Everglades hydroperiod restoration, conveyance of  
925 water to the STAs, and navigation.

926 Reviser's note.—Paragraph (3) (d) is amended to delete a  
 927 provision that has served its purpose. Section 1, ch. 2013-  
 928 59, Laws of Florida, amended s. 373.4592, the Everglades  
 929 Forever Act, based on results of the review 10 years after  
 930 the long-term plan was implemented per substantive  
 931 committee staff. Paragraph (4) (e) is amended to delete a  
 932 reference to paragraph (3) (d).

933 Section 19. Paragraph (a) of subsection (6) of section  
 934 373.707, Florida Statutes, is amended to read:

935 373.707 Alternative water supply development.—

936 (6) (a) If state funds are provided through specific  
 937 appropriation or pursuant to the Water Protection and  
 938 Sustainability Program, such funds serve to supplement existing  
 939 water management district or basin board funding for alternative  
 940 water supply development assistance and should not result in a  
 941 reduction of such funding. For each project identified in the  
 942 annual funding plans prepared pursuant to s. 373.536(6) (a)4.,  
 943 the water management districts shall include in the annual  
 944 tentative and adopted budget submittals required under this  
 945 chapter the amount of funds allocated for water resource  
 946 development that supports alternative water supply development  
 947 and the funds allocated for alternative water supply projects.  
 948 It shall be the goal of each water management district and basin  
 949 boards that the combined funds allocated annually for these  
 950 purposes be, at a minimum, the equivalent of 100 percent of the

951 state funding provided to the water management district for  
 952 alternative water supply development. If this goal is not  
 953 achieved, the water management district shall provide in the  
 954 budget submittal an explanation of the reasons or constraints  
 955 that prevent this goal from being met and, an explanation of how  
 956 the goal will be met in future years, and affirmation of match  
 957 is required during the budget review process as established  
 958 under s. 373.536(5). The Suwannee River Water Management  
 959 District and the Northwest Florida Water Management District  
 960 shall not be required to meet the match requirements of this  
 961 paragraph; however, they shall try to achieve the match  
 962 requirement to the greatest extent practicable.

963 Reviser's note.—Amended to facilitate correct interpretation.

964 Section 20. Paragraph (b) of subsection (12) of section  
 965 376.3071, Florida Statutes, is amended to read:

966 376.3071 Inland Protection Trust Fund; creation; purposes;  
 967 funding.—

968 (12) SITE CLEANUP.—

969 (b) Low-scored site initiative.—Notwithstanding  
 970 subsections (5) and (6), a site with a priority ranking score of  
 971 29 points or less may voluntarily participate in the low-scored  
 972 site initiative regardless of whether the site is eligible for  
 973 state restoration funding.

974 1. To participate in the low-scored site initiative, the  
 975 property owner, or a responsible party who provides evidence of

976 authorization from the property owner, must submit a "No Further  
 977 Action" proposal and affirmatively demonstrate that the  
 978 conditions imposed under subparagraph 4. are met.

979 2. Upon affirmative demonstration that the conditions  
 980 imposed under subparagraph 4. are met, the department shall  
 981 issue a site rehabilitation completion order incorporating the  
 982 "No Further Action" proposal submitted by the property owner or  
 983 the responsible party, who must provide evidence of  
 984 authorization from the property owner. If no contamination is  
 985 detected, the department may issue a site rehabilitation  
 986 completion order.

987 3. Sites that are eligible for state restoration funding  
 988 may receive payment of costs for the low-scored site initiative  
 989 as follows:

990 a. A property owner, or a responsible party who provides  
 991 evidence of authorization from the property owner, may submit an  
 992 assessment and limited remediation plan designed to  
 993 affirmatively demonstrate that the site meets the conditions  
 994 imposed under subparagraph 4. Notwithstanding the priority  
 995 ranking score of the site, the department may approve the cost  
 996 of the assessment and limited remediation, including up to 12  
 997 months of groundwater monitoring and 12 months of limited  
 998 remediation activities in one or more task assignments or  
 999 modifications thereof, not to exceed the threshold amount  
 1000 provided in s. 287.017 for CATEGORY TWO, for each site where the



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1001 department has determined that the assessment and limited  
1002 remediation, if applicable, will likely result in a  
1003 determination of "No Further Action." The department may not pay  
1004 the costs associated with the establishment of institutional or  
1005 engineering controls other than the costs associated with a  
1006 professional land survey or a specific purpose survey, if such  
1007 is needed, and the costs associated with obtaining a title  
1008 report and paying recording fees.

1009       b. After the approval of initial site assessment results  
1010 provided pursuant to state funding under sub-subparagraph a.,  
1011 the department may approve an additional amount not to exceed  
1012 the threshold amount provided in s. 287.017 for CATEGORY TWO for  
1013 limited remediation needed to achieve a determination of "No  
1014 Further Action."

1015       c. The assessment and limited remediation work shall be  
1016 completed no later than 15 months after the department  
1017 authorizes the start of a state-funded, low-score site  
1018 initiative task. If groundwater monitoring is required after the  
1019 assessment and limited remediation in order to satisfy the  
1020 conditions under subparagraph 4., the department may authorize  
1021 an additional 12 months to complete the monitoring.

1022       d. No more than \$15 million for the low-scored site  
1023 initiative may be encumbered from the fund in any fiscal year.  
1024 Funds shall be made available on a first-come, first-served  
1025 basis and shall be limited to 10 sites in each fiscal year for

1026 | each property owner or each responsible party who provides  
1027 | evidence of authorization from the property owner.

1028 |       e. Program deductibles, copayments, and the limited  
1029 | contamination assessment report requirements under paragraph  
1030 | (13) (d) do not apply to expenditures under this paragraph.

1031 |       4. The department shall issue an order incorporating the  
1032 | "No Further Action" proposal submitted by a property owner or a  
1033 | responsible party who provides evidence of authorization from  
1034 | the property owner upon affirmative demonstration that all of  
1035 | the following conditions are met:

1036 |       a. Soil saturated with petroleum or petroleum products, or  
1037 | soil that causes a total corrected hydrocarbon measurement of  
1038 | 500 parts per million or higher for the Gasoline Analytical  
1039 | Group or 50 parts per million or higher for the Kerosene  
1040 | Analytical Group, as defined by department rule, does not exist  
1041 | onsite as a result of a release of petroleum products.

1042 |       b. A minimum of 12 months of groundwater monitoring  
1043 | indicates that the plume is shrinking or stable.

1044 |       c. The release of petroleum products at the site does not  
1045 | adversely affect adjacent surface waters, including their  
1046 | effects on human health and the environment.

1047 |       d. The area containing the petroleum products' chemicals  
1048 | of concern:

1049 |       (I) Is confined to the source property boundaries of the  
1050 | real property on which the discharge originated, unless the

1051 property owner has requested or authorized a more limited area  
 1052 in the "No Further Action" proposal submitted under this  
 1053 subsection; or

1054 (II) Has migrated from the source property onto or beneath  
 1055 a transportation facility as defined in s. 334.03(30) for which  
 1056 the department has approved, and the governmental entity owning  
 1057 the transportation facility has agreed to institutional controls  
 1058 as defined in s. 376.301(22) ~~376.301(21)~~. This sub-sub-  
 1059 subparagraph does not, however, impose any legal liability on  
 1060 the transportation facility owner, obligate such owner to engage  
 1061 in remediation, or waive such owner's right to recover costs for  
 1062 damages.

1063 e. The groundwater contamination containing the petroleum  
 1064 products' chemicals of concern is not a threat to any permitted  
 1065 potable water supply well.

1066 f. Soils onsite found between land surface and 2 feet  
 1067 below land surface which are subject to human exposure meet the  
 1068 soil cleanup target levels established in subparagraph (5)(b)9.,  
 1069 or human exposure is limited by appropriate institutional or  
 1070 engineering controls.

1071  
 1072 Issuance of a site rehabilitation completion order under this  
 1073 paragraph acknowledges that minimal contamination exists onsite  
 1074 and that such contamination is not a threat to the public  
 1075 health, safety, or welfare; water resources; or the environment.

1076 Pursuant to subsection (4), the issuance of the site  
 1077 rehabilitation completion order, with or without conditions,  
 1078 does not alter eligibility for state-funded rehabilitation that  
 1079 would otherwise be applicable under this section.

1080 Reviser's note.—Amended to confirm the editorial insertion of  
 1081 the word "in" and the editorial substitution of a reference  
 1082 to s. 376.301(22) for a reference to s. 376.301(21) to  
 1083 conform to the redesignation of subunits by s. 1, ch. 2016-  
 1084 184, Laws of Florida.

1085 Section 21. Paragraph (c) of subsection (1) of section  
 1086 393.18, Florida Statutes, is amended to read:

1087 393.18 Comprehensive transitional education program.—A  
 1088 comprehensive transitional education program serves individuals  
 1089 who have developmental disabilities, severe maladaptive  
 1090 behaviors, severe maladaptive behaviors and co-occurring complex  
 1091 medical conditions, or a dual diagnosis of developmental  
 1092 disability and mental illness. Services provided by the program  
 1093 must be temporary in nature and delivered in a manner designed  
 1094 to achieve the primary goal of incorporating the principles of  
 1095 self-determination and person-centered planning to transition  
 1096 individuals to the most appropriate, least restrictive community  
 1097 living option of their choice which is not operated as a  
 1098 comprehensive transitional education program. The supervisor of  
 1099 the clinical director of the program licensee must hold a  
 1100 doctorate degree with a primary focus in behavior analysis from

1101 an accredited university, be a certified behavior analyst  
 1102 pursuant to s. 393.17, and have at least 1 year of experience in  
 1103 providing behavior analysis services for individuals in  
 1104 developmental disabilities. The staff must include behavior  
 1105 analysts and teachers, as appropriate, who must be available to  
 1106 provide services in each component center or unit of the  
 1107 program. A behavior analyst must be certified pursuant to s.  
 1108 393.17.

1109 (1) Comprehensive transitional education programs must  
 1110 include the following components:

1111 (c) Transition.—This component provides educational  
 1112 programs and any support services, training, and care that are  
 1113 needed to avoid regression to more restrictive environments  
 1114 while preparing individuals ~~them~~ for more independent living.  
 1115 Continuous-shift staff are ~~be~~ required for this component.

1116 Reviser's note.—Amended to improve clarity and to confirm the  
 1117 editorial deletion of the word "be."

1118 Section 22. Subsection (2) of section 393.501, Florida  
 1119 Statutes, is amended to read:

1120 393.501 Rulemaking.—

1121 (2) Such rules must address the number of facilities on a  
 1122 single lot or on adjacent lots, except that there is no  
 1123 restriction on the number of facilities designated as community  
 1124 residential homes located within a planned residential community  
 1125 as those terms are defined in s. 419.001(1). ~~In adopting rules,~~

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1126 ~~an alternative living center and an independent living education~~  
1127 ~~center, as described in s. 393.18, are subject to s. 419.001,~~  
1128 ~~except that such centers are exempt from the 1,000-foot-radius~~  
1129 ~~requirement of s. 419.001(2) if:~~

1130 ~~(a) The centers are located on a site zoned in a manner~~  
1131 ~~that permits all the components of a comprehensive transitional~~  
1132 ~~education center to be located on the site; or~~

1133 ~~(b) There are no more than three such centers within a~~  
1134 ~~radius of 1,000 feet.~~

1135 Reviser's note.—Amended to delete obsolete language. Section  
1136 393.18(1)(d) and (e), which related to alternative living  
1137 centers and independent living education centers,  
1138 respectively, were deleted by s. 10, ch. 2016-140, Laws of  
1139 Florida.

1140 Section 23. Paragraph (c) of subsection (4) of section  
1141 394.461, Florida Statutes, is amended to read:

1142 394.461 Designation of receiving and treatment facilities  
1143 and receiving systems.—The department is authorized to designate  
1144 and monitor receiving facilities, treatment facilities, and  
1145 receiving systems and may suspend or withdraw such designation  
1146 for failure to comply with this part and rules adopted under  
1147 this part. Unless designated by the department, facilities are  
1148 not permitted to hold or treat involuntary patients under this  
1149 part.

1150 (4) REPORTING REQUIREMENTS.—

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1151 (c) The data required under this subsection shall be  
1152 submitted to the department no later than 90 days following the  
1153 end of the facility's fiscal year. ~~A facility designated as a~~  
1154 ~~public receiving or treatment facility shall submit its initial~~  
1155 ~~report for the 6-month period ending June 30, 2008.~~

1156 Reviser's note.—Amended to delete obsolete language.

1157 Section 24. Subsection (6) of section 400.925, Florida  
1158 Statutes, is amended to read:

1159 400.925 Definitions.—As used in this part, the term:

1160 (6) "Home medical equipment" includes any product as  
1161 defined by the Food and ~~Federal~~ Drug Administration's Federal  
1162 Food, Drug, and Cosmetic ~~Drugs, Devices and Cosmetics~~ Act, any  
1163 products reimbursed under the Medicare Part B Durable Medical  
1164 Equipment benefits, or any products reimbursed under the Florida  
1165 Medicaid durable medical equipment program. Home medical  
1166 equipment includes oxygen and related respiratory equipment;  
1167 manual, motorized, or customized wheelchairs and related seating  
1168 and positioning, but does not include prosthetics or orthotics  
1169 or any splints, braces, or aids custom fabricated by a licensed  
1170 health care practitioner; motorized scooters; personal transfer  
1171 systems; and specialty beds, for use by a person with a medical  
1172 need.

1173 Reviser's note.—Amended to correct an apparent error. There is  
1174 no Federal Drug Administration; the Food and Drug  
1175 Administration enforces the Federal Food, Drug, and

1176 |           Cosmetic Act. Also amended to conform to the short title of  
1177 |           the act at 21 U.S.C. s. 301.

1178 |           Section 25. Paragraph (d) of subsection (2) of section  
1179 | 402.3025, Florida Statutes, is amended to read:

1180 |           402.3025 Public and nonpublic schools.—For the purposes of  
1181 | ss. 402.301-402.319, the following shall apply:

1182 |           (2) NONPUBLIC SCHOOLS.—

1183 |           (d)1. Programs for children who are at least 3 years of  
1184 | age, but under 5 years of age, which are not licensed under ss.  
1185 | 402.301-402.319 shall substantially comply with the minimum  
1186 | child care standards promulgated pursuant to ss. 402.305-  
1187 | 402.3055 ~~402.305-402.3057~~.

1188 |           2. The department or local licensing agency shall enforce  
1189 | compliance with such standards, where possible, to eliminate or  
1190 | minimize duplicative inspections or visits by staff enforcing  
1191 | the minimum child care standards and staff enforcing other  
1192 | standards under the jurisdiction of the department.

1193 |           3. The department or local licensing agency may commence  
1194 | and maintain all proper and necessary actions and proceedings  
1195 | for any or all of the following purposes:

1196 |           a. To protect the health, sanitation, safety, and well-  
1197 | being of all children under care.

1198 |           b. To enforce its rules and regulations.

1199 |           c. To use corrective action plans, whenever possible, to  
1200 | attain compliance prior to the use of more restrictive



1201 enforcement measures.

1202 d. To make application for injunction to the proper  
 1203 circuit court, and the judge of that court shall have  
 1204 jurisdiction upon hearing and for cause shown to grant a  
 1205 temporary or permanent injunction, or both, restraining any  
 1206 person from violating or continuing to violate any of the  
 1207 provisions of ss. 402.301-402.319. Any violation of this section  
 1208 or of the standards applied under ss. 402.305-402.3055 ~~402.305-~~  
 1209 ~~402.3057~~ which threatens harm to any child in the school's  
 1210 programs for children who are at least 3 years of age, but are  
 1211 under 5 years of age, or repeated violations of this section or  
 1212 the standards under ss. 402.305-402.3055 ~~402.305-402.3057~~, shall  
 1213 be grounds to seek an injunction to close a program in a school.

1214 e. To impose an administrative fine, not to exceed \$100,  
 1215 for each violation of the minimum child care standards  
 1216 promulgated pursuant to ss. 402.305-402.3055 ~~402.305-402.3057~~.

1217 4. It is a misdemeanor of the first degree, punishable as  
 1218 provided in s. 775.082 or s. 775.083, for any person willfully,  
 1219 knowingly, or intentionally to:

1220 a. Fail, by false statement, misrepresentation,  
 1221 impersonation, or other fraudulent means, to disclose in any  
 1222 required written documentation for exclusion from licensure  
 1223 pursuant to this section a material fact used in making a  
 1224 determination as to such exclusion; or

1225 b. Use information from the criminal records obtained

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1226 | under s. 402.305 or s. 402.3055 for any purpose other than  
1227 | screening that person for employment as specified in those  
1228 | sections or release such information to any other person for any  
1229 | purpose other than screening for employment as specified in  
1230 | those sections.

1231 |         5. It is a felony of the third degree, punishable as  
1232 | provided in s. 775.082, s. 775.083, or s. 775.084, for any  
1233 | person willfully, knowingly, or intentionally to use information  
1234 | from the juvenile records of any person obtained under s.  
1235 | 402.305 or s. 402.3055 for any purpose other than screening for  
1236 | employment as specified in those sections or to release  
1237 | information from such records to any other person for any  
1238 | purpose other than screening for employment as specified in  
1239 | those sections.

1240 | Reviser's note.—Amended to correct a cross-reference. Section

1241 |         402.3057 was repealed by s. 11, ch. 2016-238, Laws of  
1242 | Florida; s. 402.3055 is now the last section in the range.

1243 |         Section 26. Paragraph (a) of subsection (1) of section

1244 | 409.9201, Florida Statutes, is amended to read:

1245 |         409.9201 Medicaid fraud.—

1246 |         (1) As used in this section, the term:

1247 |         (a) "Prescription drug" means any drug, including, but not  
1248 | limited to, finished dosage forms or active ingredients that are  
1249 | subject to, defined in, or described in s. 503(b) of the Federal  
1250 | Food, Drug, and Cosmetic Act or in s. 465.003(8), s. 499.003(17)

1251 ~~499.003(47)~~, s. 499.007(13), or s. 499.82(10).

1252

1253 The value of individual items of the legend drugs or goods or  
 1254 services involved in distinct transactions committed during a  
 1255 single scheme or course of conduct, whether involving a single  
 1256 person or several persons, may be aggregated when determining  
 1257 the punishment for the offense.

1258 Reviser's note.—Amended to correct an apparent error. Section  
 1259 499.003(47) defines "veterinary prescription drug"; s.  
 1260 499.003(17) defines "drug."

1261 Section 27. Paragraph (h) of subsection (2) of section  
 1262 413.207, Florida Statutes, is amended to read:

1263 413.207 Division of Vocational Rehabilitation; quality  
 1264 assurance; performance improvement plan.—

1265 (2) No later than October 1, 2016, the division shall  
 1266 develop and implement a performance improvement plan designed to  
 1267 achieve the following goals:

1268 (h) Increase the percentage of participants who, during a  
 1269 program year, are in an education or training program that leads  
 1270 to a recognized postsecondary credential or to employment and  
 1271 who are achieving a measurable gain of skill, including  
 1272 documented academic, technical, or occupational gains or other  
 1273 forms of progress toward a postsecondary credential or  
 1274 employment.

1275 Reviser's note.—Amended to confirm the editorial insertion of

1276 | the word "or" to improve clarity.

1277 | Section 28. Subsection (6) of section 413.402, Florida  
 1278 | Statutes, is amended to read:

1279 | 413.402 James Patrick Memorial Work Incentive Personal  
 1280 | Attendant Services and Employment Assistance Program.—The  
 1281 | Florida Endowment Foundation for Vocational Rehabilitation shall  
 1282 | maintain an agreement with the Florida Association of Centers  
 1283 | for Independent Living to administer the James Patrick Memorial  
 1284 | Work Incentive Personal Attendant Services and Employment  
 1285 | Assistance Program and shall remit sufficient funds monthly to  
 1286 | meet the requirements of subsection (5).

1287 | (6) The James Patrick Memorial Work Incentive Personal  
 1288 | Attendant Services and Employment Assistance Program Oversight  
 1289 | Council is created adjunct to the Department of Education for  
 1290 | the purpose of providing program recommendations, recommending  
 1291 | the maximum monthly reimbursement available to program  
 1292 | participants, advising the Florida Association of Centers for  
 1293 | Independent Living on policies and procedures, and recommending  
 1294 | the program's annual operating budget for activities of the  
 1295 | association associated with operations, administration, and  
 1296 | oversight. The oversight council shall also advise on and  
 1297 | recommend the schedule of eligible services for which program  
 1298 | participants may be reimbursed subject to the requirements and  
 1299 | limitations of paragraph (3) (c) which, at a minimum, must  
 1300 | include personal care attendant services. The oversight council

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1301 shall advise and make its recommendations under this section to  
1302 the board of directors of the association. The oversight council  
1303 is not subject to the control of or direction by the department,  
1304 and the department is not ~~be~~ responsible for providing staff  
1305 support or paying any expenses incurred by the oversight council  
1306 in the performance of its duties.

1307 (a) The oversight council consists of the following  
1308 members:

- 1309 1. The director of the division or his or her designee;
- 1310 2. A human resources professional or an individual who has  
1311 significant experience managing and operating a business based  
1312 in this state, recommended by the Florida Chamber of Commerce  
1313 and appointed by the Governor;
- 1314 3. A financial management professional, appointed by the  
1315 Governor;
- 1316 4. A program participant, appointed by the Secretary of  
1317 Health or his or her designee;
- 1318 5. The director of the advisory council on brain and  
1319 spinal cord injuries or his or her designee;
- 1320 6. The director of the Florida Endowment Foundation for  
1321 Vocational Rehabilitation or his or her designee; and
- 1322 7. The director of the Florida Association of Centers for  
1323 Independent Living or his or her designee.

1324 (b) The appointed members shall serve for a term  
1325 concurrent with the term of the official who made the

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1326 appointment and shall serve at the pleasure of such official.  
1327 Reviser's note.—Amended to confirm the editorial deletion of the  
1328 word "be."

1329 Section 29. Subsections (5), (7), and (8) and paragraph  
1330 (c) of subsection (10) of section 440.185, Florida Statutes, are  
1331 amended to read:

1332 440.185 Notice of injury or death; reports; penalties for  
1333 violations.—

1334 (5) In the absence of a stipulation by the parties,  
1335 reports provided for in subsection (2), subsection (3) ~~(4)~~, or  
1336 subsection (4) ~~(5)~~ shall not be evidence of any fact stated in  
1337 such report in any proceeding relating thereto, except for  
1338 medical reports which, if otherwise qualified, may be admitted  
1339 at the discretion of the judge of compensation claims.

1340 (7) When a claimant, employer, or carrier has the right,  
1341 or is required, to mail a report or notice with required copies  
1342 within the times prescribed in subsection (2), subsection (3)  
1343 ~~(4)~~, or subsection (4) ~~(5)~~, such mailing will be completed and  
1344 in compliance with this section if it is postmarked and mailed  
1345 prepaid to the appropriate recipient prior to the expiration of  
1346 the time periods prescribed in this section.

1347 (8) Any employer or carrier who fails or refuses to timely  
1348 send any form, report, or notice required by this section shall  
1349 be subject to an administrative fine by the department not to  
1350 exceed \$500 for each such failure or refusal. However, any

1351 employer who fails to notify the carrier of an injury on the  
 1352 prescribed form or by letter within the 7 days required in  
 1353 subsection (2) shall be liable for the administrative fine,  
 1354 which shall be paid by the employer and not the carrier. Failure  
 1355 by the employer to meet its obligations under subsection (2)  
 1356 shall not relieve the carrier from liability for the  
 1357 administrative fine if it fails to comply with subsections (3)  
 1358 ~~(4)~~ and (4) ~~(5)~~.

1359 (10) Upon receiving notice of an injury from an employee  
 1360 under subsection (1), the employer or carrier shall provide the  
 1361 employee with a written notice, in the form and manner  
 1362 determined by the department by rule, of the availability of  
 1363 services from the Employee Assistance and Ombudsman Office. The  
 1364 substance of the notice to the employee shall include:

1365 (c) A statement that the informational brochure referred  
 1366 to in subsection (3) ~~(4)~~ will be mailed to the employee within 3  
 1367 days after the carrier receives notice of the injury.

1368 Reviser's note.—Amended to conform to the redesignation of  
 1369 subsections as a result of the repeal of former subsection  
 1370 (3) by s. 5, ch. 2016-56, Laws of Florida.

1371 Section 30. Paragraph (e) of subsection (4) of section  
 1372 459.022, Florida Statutes, is amended to read:

1373 459.022 Physician assistants.—

1374 (4) PERFORMANCE OF PHYSICIAN ASSISTANTS.—

1375 (e) A supervising physician may delegate to a fully

1376 licensed physician assistant the authority to prescribe or  
1377 dispense any medication used in the supervising physician's  
1378 practice unless such medication is listed on the formulary  
1379 created pursuant to s. 458.347. A fully licensed physician  
1380 assistant may only prescribe or dispense such medication under  
1381 the following circumstances:

1382 1. A physician assistant must clearly identify to the  
1383 patient that she or he is a physician assistant and must inform  
1384 the patient that the patient has the right to see the physician  
1385 before a prescription is prescribed or dispensed by the  
1386 physician assistant.

1387 2. The supervising physician must notify the department of  
1388 her or his intent to delegate, on a department-approved form,  
1389 before delegating such authority and of any change in  
1390 prescriptive privileges of the physician assistant. Authority to  
1391 dispense may be delegated only by a supervising physician who is  
1392 registered as a dispensing practitioner in compliance with s.  
1393 465.0276.

1394 3. The physician assistant must complete a minimum of 10  
1395 continuing medical education hours in the specialty practice in  
1396 which the physician assistant has prescriptive privileges with  
1397 each licensure renewal.

1398 4. The department may issue a prescriber number to the  
1399 physician assistant granting authority for the prescribing of  
1400 medicinal drugs authorized within this paragraph upon completion



1401 of the requirements of this paragraph. The physician assistant  
 1402 is not ~~be~~ required to independently register pursuant to s.  
 1403 465.0276.

1404 5. The prescription may be in paper or electronic form but  
 1405 must comply with ss. 456.0392(1) and 456.42(1) and chapter 499  
 1406 and must contain, in addition to the supervising physician's  
 1407 name, address, and telephone number, the physician assistant's  
 1408 prescriber number. Unless it is a drug or drug sample dispensed  
 1409 by the physician assistant, the prescription must be filled in a  
 1410 pharmacy permitted under chapter 465, and must be dispensed in  
 1411 that pharmacy by a pharmacist licensed under chapter 465. The  
 1412 inclusion of the prescriber number creates a presumption that  
 1413 the physician assistant is authorized to prescribe the medicinal  
 1414 drug and the prescription is valid.

1415 6. The physician assistant must note the prescription or  
 1416 dispensing of medication in the appropriate medical record.  
 1417 Reviser's note.—Amended to confirm the editorial deletion of the  
 1418 word "be."

1419 Section 31. Paragraph (c) of subsection (2) of section  
 1420 491.0046, Florida Statutes, is amended to read:

1421 491.0046 Provisional license; requirements.—

1422 (2) The department shall issue a provisional clinical  
 1423 social worker license, provisional marriage and family therapist  
 1424 license, or provisional mental health counselor license to each  
 1425 applicant who the board certifies has:

1426 (c) Has met the following minimum coursework requirements:  
 1427 1. For clinical social work, a minimum of 15 semester  
 1428 hours or 22 quarter hours of the coursework required by s.  
 1429 491.005(1)(b)2.b.

1430 2. For marriage and family therapy, 10 of the courses  
 1431 required by s. 491.005(3)(b)1.a.-c., as determined by the board,  
 1432 and at least 6 semester hours or 9 quarter hours of the course  
 1433 credits must have been completed in the area of marriage and  
 1434 family systems, theories, or techniques.

1435 3. For mental health counseling, a minimum of seven of the  
 1436 courses required under s. 491.005(4)(b)1.a.-c. ~~491.005(b)1.a.-e.~~  
 1437 Reviser's note.—Amended to confirm the editorial substitution of  
 1438 a reference to s. 491.005(4)(b)1.a.-c. for a reference to  
 1439 s. 491.005(b)1.a.-c. to provide the complete cite to  
 1440 material relating to mental health counseling courses.

1441 Section 32. Subsection (4) of section 497.458, Florida  
 1442 Statutes, is amended to read:

1443 497.458 Disposition of proceeds received on contracts.—

1444 (4) The licensing authority may adopt rules exempting from  
 1445 the prohibition of paragraph (1)(h) ~~(1)(g)~~, pursuant to criteria  
 1446 established in such rule, the investment of trust funds in  
 1447 investments, such as widely and publicly traded stocks and  
 1448 bonds, notwithstanding that the licensee, its principals, or  
 1449 persons related by blood or marriage to the licensee or its  
 1450 principals have an interest by investment in the same entity,

1451 where neither the licensee, its principals, or persons related  
 1452 by blood or marriage to the licensee or its principals have the  
 1453 ability to control the entity invested in, and it would be in  
 1454 the interest of the preneed contract holders whose contracts are  
 1455 secured by the trust funds to allow the investment.

1456 Reviser's note.—Amended to confirm the editorial substitution of  
 1457 a reference to paragraph (1)(h) for a reference to  
 1458 paragraph (1)(g). An early version of C.S. for C.S. for  
 1459 S.B. 854, which became ch. 2016-172, Laws of Florida,  
 1460 deleted paragraph (1)(b) and changed this reference to  
 1461 reflect the deletion. A later amendment restored paragraph  
 1462 (1)(b) but did not remove the change to the reference.

1463 Section 33. Paragraphs (b), (c), and (d) of subsection (9)  
 1464 of section 499.015, Florida Statutes, are amended to read:

1465 499.015 Registration of drugs, devices, and cosmetics;  
 1466 issuance of certificates of free sale.—

1467 (9) However, the manufacturer must submit evidence of such  
 1468 registration, listing, or approval with its initial application  
 1469 for a permit to do business in this state, as required in s.  
 1470 499.01 and any changes to such information previously submitted  
 1471 at the time of renewal of the permit. Evidence of approval,  
 1472 listing, and registration by the federal Food and Drug  
 1473 Administration must include:

1474 (b) For Class III devices, a Food and ~~Federal~~ Drug  
 1475 Administration premarket approval number;

1476 (c) For a manufacturer who subcontracts with a  
 1477 manufacturer of medical devices to manufacture components of  
 1478 such devices, a Food and ~~Federal~~ Drug Administration  
 1479 registration number; or

1480 (d) For a manufacturer of medical devices whose devices  
 1481 are exempt from premarket approval by the Food and ~~Federal~~ Drug  
 1482 Administration, a Food and ~~Federal~~ Drug Administration  
 1483 registration number.

1484 Reviser's note.—Amended to correct an apparent error. There is  
 1485 no Federal Drug Administration; the Food and Drug  
 1486 Administration enforces the Federal Food, Drug, and  
 1487 Cosmetic Act.

1488 Section 34. Paragraph (a) of subsection (1) and paragraph  
 1489 (c) of subsection (5) of section 499.036, Florida Statutes, are  
 1490 amended to read:

1491 499.036 Restrictions on sale of dextromethorphan.—

1492 (1) As used in this section, the term:

1493 (a) "Finished drug product" means a drug legally marketed  
 1494 under the Federal Food, Drug, and Cosmetic Act that is in  
 1495 finished dosage form. For purposes of this paragraph, the term  
 1496 "drug" has the same meaning as provided in s. 499.003(17)  
 1497 ~~499.003(18)~~.

1498 (5) A civil citation issued to a manufacturer,  
 1499 distributor, or retailer pursuant to this section shall be  
 1500 provided to the manager on duty at the time the citation is

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1501 issued. If a manager is not available, a local law enforcement  
1502 officer shall attempt to contact the manager to issue the  
1503 citation. If the local law enforcement officer is unsuccessful  
1504 in contacting the manager, he or she may leave a copy of the  
1505 citation with an employee 18 years of age or older and mail a  
1506 copy of the citation by certified mail to the owner's business  
1507 address, as filed with the Department of State, or he or she may  
1508 return to issue the citation at a later time. The civil citation  
1509 shall provide:

1510 (c) The name of the employee or representative who ~~that~~  
1511 completed the sale.

1512 Reviser's note.—Paragraph (1) (a) is amended to confirm the  
1513 editorial substitution of a reference to s. 499.003(17) for  
1514 a reference to s. 499.003(18) to conform to the  
1515 redesignation of subunits of s. 499.003 by s. 2, ch. 2016-  
1516 212, Laws of Florida. Paragraph (5) (c) is amended to  
1517 improve clarity.

1518 Section 35. Subsection (6) of section 499.83, Florida  
1519 Statutes, is amended to read:

1520 499.83 Permits.—

1521 (6) A hospice licensed by the Agency for Health Care  
1522 Administration pursuant to part IV of chapter 400 is not  
1523 required to obtain a medical oxygen retail establishment permit  
1524 to purchase on behalf of and sell medical oxygen to its hospice  
1525 patients if the hospice contracts for the purchase and delivery

1526 of medical oxygen from an establishment permitted pursuant to  
 1527 this part. Sale and delivery to patients by hospices pursuant to  
 1528 this subsection must be based upon ~~on~~ a prescription or an order  
 1529 from a practitioner authorized by law to prescribe medical  
 1530 oxygen. For sales to hospices pursuant to this subsection, the  
 1531 medical gas wholesale distributor or the medical gas  
 1532 manufacturer selling medical oxygen to a hospice shall reflect  
 1533 on its invoice the hospice license number provided by the Agency  
 1534 for Health Care Administration and shall maintain such record  
 1535 pursuant to s. 499.89. Both the hospice and the medical oxygen  
 1536 retailer delivering medical oxygen to the patient must maintain  
 1537 a copy of a valid order or prescription for medical oxygen in  
 1538 accordance with s. 499.89 and department rule, which copy must  
 1539 be readily available for inspection.

1540 Reviser's note.—Amended to confirm the editorial deletion of the  
 1541 word "on."

1542 Section 36. Subsection (1) of section 553.79, Florida  
 1543 Statutes, as amended by sections 19 and 39 of chapter 2016-129,  
 1544 Laws of Florida, effective October 1, 2017, is amended to read:

1545 553.79 Permits; applications; issuance; inspections.—

1546 (1) (a) After the effective date of the Florida Building  
 1547 Code adopted as herein provided, it shall be unlawful for any  
 1548 person, firm, corporation, or governmental entity to construct,  
 1549 erect, alter, modify, repair, or demolish any building within  
 1550 this state without first obtaining a permit therefor from the

1551 appropriate enforcing agency or from such persons as may, by  
1552 appropriate resolution or regulation of the authorized state or  
1553 local enforcing agency, be delegated authority to issue such  
1554 permits, upon the payment of such reasonable fees adopted by the  
1555 enforcing agency. The enforcing agency is empowered to revoke  
1556 any such permit upon a determination by the agency that the  
1557 construction, erection, alteration, modification, repair, or  
1558 demolition of the building for which the permit was issued is in  
1559 violation of, or not in conformity with, the provisions of the  
1560 Florida Building Code. Whenever a permit required under this  
1561 section is denied or revoked because the plan, or the  
1562 construction, erection, alteration, modification, repair, or  
1563 demolition of a building, is found by the local enforcing agency  
1564 to be not in compliance with the Florida Building Code, the  
1565 local enforcing agency shall identify the specific plan or  
1566 project features that do not comply with the applicable codes,  
1567 identify the specific code chapters and sections upon which the  
1568 finding is based, and provide this information to the permit  
1569 applicant. A plans reviewer or building code administrator who  
1570 is responsible for issuing a denial, revocation, or modification  
1571 request but fails to provide to the permit applicant a reason  
1572 for denying, revoking, or requesting a modification, based on  
1573 compliance with the Florida Building Code or local ordinance, is  
1574 subject to disciplinary action against his or her license  
1575 pursuant to s. 468.621(1)(i) ~~468.621(1)(j)~~. Installation,

1576 replacement, removal, or metering of any load management control  
1577 device is exempt from and shall not be subject to the permit  
1578 process and fees otherwise required by this section.

1579 (b) A local enforcement agency shall post each type of  
1580 building permit application on its website. Completed  
1581 applications must be able to be submitted electronically to the  
1582 appropriate building department. Accepted methods of electronic  
1583 submission include, but are not limited to, e-mail submission of  
1584 applications in portable document format or submission of  
1585 applications through an electronic fill-in form available on the  
1586 building department's website or through a third-party  
1587 submission management software. Payments, attachments, or  
1588 drawings required as part of the permit application may be  
1589 submitted in person in a nonelectronic format, at the discretion  
1590 of the building official.

1591 Reviser's note.—Amended to correct an erroneous cross-reference.

1592 Section 468.621(1)(j) references insurance requirements; s.  
1593 468.621(1)(i) references failing to lawfully execute  
1594 specified duties and responsibilities.

1595 Section 37. Section 571.24, Florida Statutes, is amended  
1596 to read:

1597 571.24 Purpose; duties of the department.—The purpose of  
1598 this part is to authorize the department to establish and  
1599 coordinate the Florida Agricultural Promotional Campaign. The  
1600 Legislature intends for the Florida Agricultural Promotional



1601 Campaign to serve as a marketing program to promote Florida  
 1602 agricultural commodities, value-added products, and  
 1603 agricultural-related businesses and not as a food safety or  
 1604 traceability program. The duties of the department shall  
 1605 include, but are not limited to:

1606 (1) Developing logos and authorizing the use of logos as  
 1607 provided by rule.

1608 (2) Registering participants.

1609 (3) Assessing and collecting fees.

1610 (4) Collecting rental receipts for industry promotions.

1611 (5) Developing in-kind advertising programs.

1612 (6) Contracting with media representatives for the purpose  
 1613 of dispersing promotional materials.

1614 (7) Assisting the representative of the department who  
 1615 serves on the Florida Agricultural Promotional Campaign Advisory  
 1616 Council.

1617 (8) Adopting rules pursuant to ss. 120.536(1) and 120.54  
 1618 to implement the provisions of this part.

1619 (9) Enforcing and administering the provisions of this  
 1620 part, including measures ensuring that only Florida agricultural  
 1621 or agricultural based products are marketed under the "Fresh  
 1622 From Florida" or "From Florida" logos or other logos of the  
 1623 Florida Agricultural Promotional Campaign.

1624 Reviser's note.—Amended to confirm the editorial insertion of  
 1625 the word "as" to improve clarity.

1626 Section 38. Paragraph (c) of subsection (1) of section  
 1627 625.111, Florida Statutes, is amended to read:

1628 625.111 Title insurance reserve.—In addition to an  
 1629 adequate reserve as to outstanding losses relating to known  
 1630 claims as required under s. 625.041, a domestic title insurer  
 1631 shall establish, segregate, and maintain a guaranty fund or  
 1632 unearned premium reserve as provided in this section. The sums  
 1633 to be reserved for unearned premiums on title guarantees and  
 1634 policies shall be considered and constitute unearned portions of  
 1635 the original premiums and shall be charged as a reserve  
 1636 liability of the insurer in determining its financial condition.  
 1637 Such reserved funds shall be withdrawn from the use of the  
 1638 insurer for its general purposes, impressed with a trust in  
 1639 favor of the holders of title guarantees and policies, and held  
 1640 available for reinsurance of the title guarantees and policies  
 1641 in the event of the insolvency of the insurer. This section does  
 1642 not preclude the insurer from investing such reserve in  
 1643 investments authorized by law, and the income from such  
 1644 investments shall be included in the general income of the  
 1645 insurer and may be used by such insurer for any lawful purpose.

1646 (1) For an unearned premium reserve established on or  
 1647 after July 1, 1999, such reserve must be in an amount at least  
 1648 equal to the sum of paragraphs (a), (b), and (d) for title  
 1649 insurers holding less than \$50 million in surplus as to  
 1650 policyholders as of the previous year end and the sum of

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1651 paragraphs (c) and (d) for title insurers holding \$50 million or  
1652 more in surplus as to policyholders as of the previous year end  
1653 or title insurers that are members of an insurance holding  
1654 company system holding \$1 billion or more in surplus as to  
1655 policyholders and a superior, excellent, exceptional, or  
1656 equivalent financial strength rating by a rating agency  
1657 acceptable to the office:

1658 (c) On or after January 1, 2014, for title insurers  
1659 holding \$50 million or more in surplus as to policyholders as of  
1660 the previous year end or title insurers that are members of an  
1661 insurance holding company system holding \$1 billion or more in  
1662 surplus as to policyholders and a superior, excellent,  
1663 exceptional, or equivalent financial strength rating by a rating  
1664 agency acceptable to the office, a minimum of 6.5 percent of the  
1665 total of the following:

- 1666 1. Direct premiums written; and
- 1667 2. Premiums for reinsurance assumed, plus other income,  
1668 less premiums for reinsurance ceded as displayed in Schedule P  
1669 of the title insurer's most recent annual statement filed with  
1670 the office with such reserve being subsequently released as  
1671 provided in subsection (2). Title insurers with less than \$50  
1672 million in surplus as to policyholders and that are not members  
1673 of an insurance holding company system with \$1 billion or more  
1674 in surplus as to policyholders and a superior, excellent,  
1675 exceptional, or equivalent financial strength rating by a rating

1676 agency acceptable to the office must continue to record unearned  
 1677 premium reserve in accordance with paragraph (b).

1678 Reviser's note.—Amended to confirm the editorial insertion of  
 1679 the word "that" to improve clarity.

1680 Section 39. Subsection (5) of section 627.0629, Florida  
 1681 Statutes, is amended to read:

1682 627.0629 Residential property insurance; rate filings.—

1683 (5) In order to provide an appropriate transition period,  
 1684 an insurer may implement an approved rate filing for residential  
 1685 property insurance over a period of years. Such insurer must  
 1686 provide an informational notice to the office setting out its  
 1687 schedule for implementation of the phased-in rate filing. ~~The~~  
 1688 ~~insurer may include in its rate the actual cost of private~~  
 1689 ~~market reinsurance that corresponds to available coverage of the~~  
 1690 ~~Temporary Increase in Coverage Limits, TICL, from the Florida~~  
 1691 ~~Hurricane Catastrophe Fund. The insurer may also include the~~  
 1692 ~~cost of reinsurance to replace the TICL reduction implemented~~  
 1693 ~~pursuant to s. 215.555(16) (d) 9. However, this cost for~~  
 1694 ~~reinsurance may not include any expense or profit load or result~~  
 1695 ~~in a total annual base rate increase in excess of 10 percent.~~

1696 Reviser's note.—Amended to delete obsolete provisions relating  
 1697 to temporary increase in coverage limits options from the  
 1698 Florida Hurricane Catastrophe Fund provided in s.  
 1699 215.555(16), which is repealed by this act.

1700 Section 40. Subsection (1) of section 627.42392, Florida

1701 Statutes, is amended to read:

1702 627.42392 Prior authorization.—

1703 (1) As used in this section, the term "health insurer"  
 1704 means an authorized insurer offering health insurance as defined  
 1705 in s. 624.603, a managed care plan as defined in s. 409.962(10)  
 1706 ~~409.962(9)~~, or a health maintenance organization as defined in  
 1707 s. 641.19(12).

1708 Reviser's note.—Amended to conform to the redesignation of s.  
 1709 409.962(9) as s. 409.962(10) by s. 1, ch. 2016-147, Laws of  
 1710 Florida.

1711 Section 41. Paragraph (a) of subsection (3) of section  
 1712 627.6562, Florida Statutes, is amended to read:

1713 627.6562 Dependent coverage.—

1714 (3) If, pursuant to subsection (2), a child is provided  
 1715 coverage under the parent's policy after the end of the calendar  
 1716 year in which the child reaches age 25 and coverage for the  
 1717 child is subsequently terminated, the child is not eligible to  
 1718 be covered under the parent's policy unless the child was  
 1719 continuously covered by other creditable coverage without a gap  
 1720 in coverage of more than 63 days.

1721 (a) For the purposes of this subsection, the term  
 1722 "creditable coverage" means, with respect to an individual,  
 1723 coverage of the individual under any of the following:

1724 1. A group health plan, as defined in s. 2791 of the  
 1725 Public Health Service Act.

- 1726           2. Health insurance coverage consisting of medical care  
 1727 provided directly through insurance or reimbursement or  
 1728 otherwise, and including terms and services paid for as medical  
 1729 care, under any hospital or medical service policy or  
 1730 certificate, hospital or medical service plan contract, or  
 1731 health maintenance contract offered by a health insurance  
 1732 issuer.
- 1733           3. Part A or Part B of Title XVIII of the Social Security  
 1734 Act.
- 1735           4. Title XIX of the Social Security Act, other than  
 1736 coverage consisting solely of benefits under s. 1928.
- 1737           5. Title 10 U.S.C. chapter 55.
- 1738           6. A medical care program of the Indian Health Service or  
 1739 of a tribal organization.
- 1740           7. A ~~The Florida Comprehensive Health Association or~~  
 1741 ~~another~~ state health benefit risk pool.
- 1742           8. A health plan offered under 5 U.S.C. chapter 89.
- 1743           9. A public health plan as defined by rules adopted by the  
 1744 commission. To the greatest extent possible, such rules must be  
 1745 consistent with regulations adopted by the United States  
 1746 Department of Health and Human Services.
- 1747           10. A health benefit plan under s. 5(e) of the Peace Corps  
 1748 Act, 22 U.S.C. s. 2504(e).
- 1749 Reviser's note.—Amended to conform to the repeal of s. 627.6488,  
 1750 which created the Florida Comprehensive Health Association,

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1751 by s. 20, ch. 2013-101, Laws of Florida, effective October  
1752 1, 2015; confirmed by s. 13, ch. 2016-11, Laws of Florida,  
1753 a reviser's bill.

1754 Section 42. Subsection (8) of section 627.7074, Florida  
1755 Statutes, is amended to read:

1756 627.7074 Alternative procedure for resolution of disputed  
1757 sinkhole insurance claims.—

1758 (8) For policyholders not represented by an attorney, a  
1759 consumer affairs specialist of the department or an employee  
1760 designated as the primary contact for consumers on issues  
1761 relating to sinkholes under s. 624.307(10)(a)5. ~~20.121~~ shall be  
1762 available for consultation to the extent that he or she may  
1763 lawfully do so.

1764 Reviser's note.—Amended to conform to the repeal of s.

1765 20.121(2)(h) by s. 3, ch. 2016-165, Laws of Florida; s.  
1766 20.121(2)(h)1.e. authorized the Division of Consumer  
1767 Services to designate an employee of the division as  
1768 primary contact for consumers on issues relating to  
1769 sinkholes. Section 5, ch. 2016-165, added s. 624.307(10),  
1770 including substantially similar language relating to  
1771 division designation of an employee as primary contact  
1772 relating to sinkhole issues, at s. 624.307(10)(a)5.

1773 Section 43. Subsection (2) of section 633.216, Florida  
1774 Statutes, is amended to read:

1775 633.216 Inspection of buildings and equipment; orders;

1776 firesafety inspection training requirements; certification;  
1777 disciplinary action.—The State Fire Marshal and her or his  
1778 agents or persons authorized to enforce laws and rules of the  
1779 State Fire Marshal shall, at any reasonable hour, when the State  
1780 Fire Marshal has reasonable cause to believe that a violation of  
1781 this chapter or s. 509.215, or a rule adopted thereunder, or a  
1782 minimum firesafety code adopted by the State Fire Marshal or a  
1783 local authority, may exist, inspect any and all buildings and  
1784 structures which are subject to the requirements of this chapter  
1785 or s. 509.215 and rules adopted thereunder. The authority to  
1786 inspect shall extend to all equipment, vehicles, and chemicals  
1787 which are located on or within the premises of any such building  
1788 or structure.

1789 (2) Except as provided in s. 633.312(2), every firesafety  
1790 inspection conducted pursuant to state or local firesafety  
1791 requirements shall be by a person certified as having met the  
1792 inspection training requirements set by the State Fire Marshal.  
1793 Such person shall meet the requirements of s. 633.412(1)-(4)  
1794 ~~633.412(1)(a)-(d)~~, and:

1795 (a) Have satisfactorily completed the firesafety inspector  
1796 certification examination as prescribed by division rule; and

1797 (b)1. Have satisfactorily completed, as determined by  
1798 division rule, a firesafety inspector training program of at  
1799 least 200 hours established by the department and administered  
1800 by education or training providers approved by the department



1801 for the purpose of providing basic certification training for  
 1802 firesafety inspectors; or

1803 2. Have received training in another state which is  
 1804 determined by the division to be at least equivalent to that  
 1805 required by the department for approved firesafety inspector  
 1806 education and training programs in this state.

1807 Reviser's note.—Amended to conform to the redesignation of s.  
 1808 633.412(1)(a)-(d) as s. 633.412(1)-(4) to conform to the  
 1809 repeal of subsection (2) of s. 633.412 by s. 24, ch. 2016-  
 1810 132, Laws of Florida.

1811 Section 44. Subsection (1) of section 655.960, Florida  
 1812 Statutes, is amended to read:

1813 655.960 Definitions; ss. 655.960-655.965.—As used in this  
 1814 section and ss. 655.961-655.965, unless the context otherwise  
 1815 requires:

1816 (1) "Access area" means any paved walkway or sidewalk  
 1817 which is within 50 feet of any automated teller machine. The  
 1818 term does not include any street or highway open to the use of  
 1819 the public, as defined in s. 316.003(77)(a) or (b)  
 1820 ~~316.003(76)(a) or (b)~~, including any adjacent sidewalk, as  
 1821 defined in s. 316.003.

1822 Reviser's note.—Amended to confirm the editorial substitution of  
 1823 a reference to s. 316.003(77)(a) or (b) for a reference to  
 1824 s. 316.003(76)(a) or (b) to conform to the renumbering of  
 1825 subunits by s. 5, ch. 2016-239, Laws of Florida, and the

1826 addition of subunits by s. 1, ch. 2016-115, Laws of  
 1827 Florida, and s. 3, ch. 2016-181, Laws of Florida.  
 1828 Section 45. Paragraph (q) of subsection (1) of section  
 1829 744.20041, Florida Statutes, is amended to read:  
 1830 744.20041 Grounds for discipline; penalties; enforcement.—  
 1831 (1) The following acts by a professional guardian shall  
 1832 constitute grounds for which the disciplinary actions specified  
 1833 in subsection (2) may be taken:  
 1834 (q) Failing to post and maintain a blanket fiduciary bond  
 1835 pursuant to s. 744.2003 ~~744.1085~~.  
 1836 Reviser's note.—Amended to conform to the transfer of s.  
 1837 744.1085 to s. 744.2003 by s. 10, ch. 2016-40, Laws of  
 1838 Florida.  
 1839 Section 46. Paragraph (a) of subsection (2) of section  
 1840 790.065, Florida Statutes, is amended to read:  
 1841 790.065 Sale and delivery of firearms.—  
 1842 (2) Upon receipt of a request for a criminal history  
 1843 record check, the Department of Law Enforcement shall, during  
 1844 the licensee's call or by return call, forthwith:  
 1845 (a) Review any records available to determine if the  
 1846 potential buyer or transferee:  
 1847 1. Has been convicted of a felony and is prohibited from  
 1848 receipt or possession of a firearm pursuant to s. 790.23;  
 1849 2. Has been convicted of a misdemeanor crime of domestic  
 1850 violence, and therefore is prohibited from purchasing a firearm;

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1851           3. Has had adjudication of guilt withheld or imposition of  
1852 sentence suspended on any felony or misdemeanor crime of  
1853 domestic violence unless 3 years have elapsed since probation or  
1854 any other conditions set by the court have been fulfilled or  
1855 expunction has occurred; or

1856           4. Has been adjudicated mentally defective or has been  
1857 committed to a mental institution by a court or as provided in  
1858 sub-sub-subparagraph b.(II), and as a result is prohibited by  
1859 state or federal law from purchasing a firearm.

1860           a. As used in this subparagraph, "adjudicated mentally  
1861 defective" means a determination by a court that a person, as a  
1862 result of marked subnormal intelligence, or mental illness,  
1863 incompetency, condition, or disease, is a danger to himself or  
1864 herself or to others or lacks the mental capacity to contract or  
1865 manage his or her own affairs. The phrase includes a judicial  
1866 finding of incapacity under s. 744.331(6)(a), an acquittal by  
1867 reason of insanity of a person charged with a criminal offense,  
1868 and a judicial finding that a criminal defendant is not  
1869 competent to stand trial.

1870           b. As used in this subparagraph, "committed to a mental  
1871 institution" means:

1872           (I) Involuntary commitment, commitment for mental  
1873 defectiveness or mental illness, and commitment for substance  
1874 abuse. The phrase includes involuntary inpatient placement as  
1875 defined in s. 394.467, involuntary outpatient placement as

1876 defined in s. 394.4655, involuntary assessment and stabilization  
 1877 under s. 397.6818, and involuntary substance abuse treatment  
 1878 under s. 397.6957, but does not include a person in a mental  
 1879 institution for observation or discharged from a mental  
 1880 institution based upon the initial review by the physician or a  
 1881 voluntary admission to a mental institution; or

1882 (II) Notwithstanding sub-sub-subparagraph (I), voluntary  
 1883 admission to a mental institution for outpatient or inpatient  
 1884 treatment of a person who had an involuntary examination under  
 1885 s. 394.463, where each of the following conditions have been  
 1886 met:

1887 (A) An examining physician found that the person is an  
 1888 imminent danger to himself or herself or others.

1889 (B) The examining physician certified that if the person  
 1890 did not agree to voluntary treatment, a petition for involuntary  
 1891 outpatient or inpatient treatment would have been filed under s.  
 1892 394.463(2)(g)4. ~~394.463(2)(i)4.~~, or the examining physician  
 1893 certified that a petition was filed and the person subsequently  
 1894 agreed to voluntary treatment prior to a court hearing on the  
 1895 petition.

1896 (C) Before agreeing to voluntary treatment, the person  
 1897 received written notice of that finding and certification, and  
 1898 written notice that as a result of such finding, he or she may  
 1899 be prohibited from purchasing a firearm, and may not be eligible  
 1900 to apply for or retain a concealed weapon or firearms license

1901 | under s. 790.06 and the person acknowledged such notice in  
 1902 | writing, in substantially the following form:

1903 |  
 1904 | "I understand that the doctor who examined me believes I am a  
 1905 | danger to myself or to others. I understand that if I do not  
 1906 | agree to voluntary treatment, a petition will be filed in court  
 1907 | to require me to receive involuntary treatment. I understand  
 1908 | that if that petition is filed, I have the right to contest it.  
 1909 | In the event a petition has been filed, I understand that I can  
 1910 | subsequently agree to voluntary treatment prior to a court  
 1911 | hearing. I understand that by agreeing to voluntary treatment in  
 1912 | either of these situations, I may be prohibited from buying  
 1913 | firearms and from applying for or retaining a concealed weapons  
 1914 | or firearms license until I apply for and receive relief from  
 1915 | that restriction under Florida law."

1916 |  
 1917 | (D) A judge or a magistrate has, pursuant to sub-sub-  
 1918 | subparagraph c.(II), reviewed the record of the finding,  
 1919 | certification, notice, and written acknowledgment classifying  
 1920 | the person as an imminent danger to himself or herself or  
 1921 | others, and ordered that such record be submitted to the  
 1922 | department.

1923 | c. In order to check for these conditions, the department  
 1924 | shall compile and maintain an automated database of persons who  
 1925 | are prohibited from purchasing a firearm based on court records

1926 | of adjudications of mental defectiveness or commitments to  
 1927 | mental institutions.

1928 |       (I) Except as provided in sub-sub-subparagraph (II),  
 1929 | clerks of court shall submit these records to the department  
 1930 | within 1 month after the rendition of the adjudication or  
 1931 | commitment. Reports shall be submitted in an automated format.  
 1932 | The reports must, at a minimum, include the name, along with any  
 1933 | known alias or former name, the sex, and the date of birth of  
 1934 | the subject.

1935 |       (II) For persons committed to a mental institution  
 1936 | pursuant to sub-sub-subparagraph b.(II), within 24 hours after  
 1937 | the person's agreement to voluntary admission, a record of the  
 1938 | finding, certification, notice, and written acknowledgment must  
 1939 | be filed by the administrator of the receiving or treatment  
 1940 | facility, as defined in s. 394.455, with the clerk of the court  
 1941 | for the county in which the involuntary examination under s.  
 1942 | 394.463 occurred. No fee shall be charged for the filing under  
 1943 | this sub-sub-subparagraph. The clerk must present the records to  
 1944 | a judge or magistrate within 24 hours after receipt of the  
 1945 | records. A judge or magistrate is required and has the lawful  
 1946 | authority to review the records ex parte and, if the judge or  
 1947 | magistrate determines that the record supports the classifying  
 1948 | of the person as an imminent danger to himself or herself or  
 1949 | others, to order that the record be submitted to the department.  
 1950 | If a judge or magistrate orders the submittal of the record to

1951 the department, the record must be submitted to the department  
1952 within 24 hours.

1953 d. A person who has been adjudicated mentally defective or  
1954 committed to a mental institution, as those terms are defined in  
1955 this paragraph, may petition the court that made the  
1956 adjudication or commitment, or the court that ordered that the  
1957 record be submitted to the department pursuant to sub-sub-  
1958 subparagraph c.(II), for relief from the firearm disabilities  
1959 imposed by such adjudication or commitment. A copy of the  
1960 petition shall be served on the state attorney for the county in  
1961 which the person was adjudicated or committed. The state  
1962 attorney may object to and present evidence relevant to the  
1963 relief sought by the petition. The hearing on the petition may  
1964 be open or closed as the petitioner may choose. The petitioner  
1965 may present evidence and subpoena witnesses to appear at the  
1966 hearing on the petition. The petitioner may confront and cross-  
1967 examine witnesses called by the state attorney. A record of the  
1968 hearing shall be made by a certified court reporter or by court-  
1969 approved electronic means. The court shall make written findings  
1970 of fact and conclusions of law on the issues before it and issue  
1971 a final order. The court shall grant the relief requested in the  
1972 petition if the court finds, based on the evidence presented  
1973 with respect to the petitioner's reputation, the petitioner's  
1974 mental health record and, if applicable, criminal history  
1975 record, the circumstances surrounding the firearm disability,

1976 | and any other evidence in the record, that the petitioner will  
 1977 | not be likely to act in a manner that is dangerous to public  
 1978 | safety and that granting the relief would not be contrary to the  
 1979 | public interest. If the final order denies relief, the  
 1980 | petitioner may not petition again for relief from firearm  
 1981 | disabilities until 1 year after the date of the final order. The  
 1982 | petitioner may seek judicial review of a final order denying  
 1983 | relief in the district court of appeal having jurisdiction over  
 1984 | the court that issued the order. The review shall be conducted  
 1985 | de novo. Relief from a firearm disability granted under this  
 1986 | sub-subparagraph has no effect on the loss of civil rights,  
 1987 | including firearm rights, for any reason other than the  
 1988 | particular adjudication of mental defectiveness or commitment to  
 1989 | a mental institution from which relief is granted.

1990 |       e. Upon receipt of proper notice of relief from firearm  
 1991 | disabilities granted under sub-subparagraph d., the department  
 1992 | shall delete any mental health record of the person granted  
 1993 | relief from the automated database of persons who are prohibited  
 1994 | from purchasing a firearm based on court records of  
 1995 | adjudications of mental defectiveness or commitments to mental  
 1996 | institutions.

1997 |       f. The department is authorized to disclose data collected  
 1998 | pursuant to this subparagraph to agencies of the Federal  
 1999 | Government and other states for use exclusively in determining  
 2000 | the lawfulness of a firearm sale or transfer. The department is



2001 also authorized to disclose this data to the Department of  
 2002 Agriculture and Consumer Services for purposes of determining  
 2003 eligibility for issuance of a concealed weapons or concealed  
 2004 firearms license and for determining whether a basis exists for  
 2005 revoking or suspending a previously issued license pursuant to  
 2006 s. 790.06(10). When a potential buyer or transferee appeals a  
 2007 nonapproval based on these records, the clerks of court and  
 2008 mental institutions shall, upon request by the department,  
 2009 provide information to help determine whether the potential  
 2010 buyer or transferee is the same person as the subject of the  
 2011 record. Photographs and any other data that could confirm or  
 2012 negate identity must be made available to the department for  
 2013 such purposes, notwithstanding any other provision of state law  
 2014 to the contrary. Any such information that is made confidential  
 2015 or exempt from disclosure by law shall retain such confidential  
 2016 or exempt status when transferred to the department.

2017 Reviser's note.—Amended to conform to the repeal of s.

2018 394.463(2)(i)4. by s. 88, ch. 2016-241, Laws of Florida,  
 2019 and the creation of substantially similar language at s.  
 2020 394.463(2)(g)4. by the same law section.

2021 Section 47. Paragraph (a) of subsection (1) of section  
 2022 832.07, Florida Statutes, is amended to read:

2023 832.07 Prima facie evidence of intent; identity.—

2024 (1) INTENT.—

2025 (a) In any prosecution or action under this chapter, the

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2026 making, drawing, uttering, or delivery of a check, draft, or  
2027 order, payment of which is refused by the drawee because of lack  
2028 of funds or credit, shall be prima facie evidence of intent to  
2029 defraud or knowledge of insufficient funds in, or credit with,  
2030 such bank, banking institution, trust company, or other  
2031 depository, unless such maker or drawer, or someone for him or  
2032 her, shall have paid the holder thereof the amount due thereon,  
2033 together with a service charge not to exceed the service fees  
2034 authorized under s. 832.08(5) or an amount of up to 5 percent of  
2035 the face amount of the check, whichever is greater, within 15  
2036 days after written notice has been sent to the address printed  
2037 on the check or given at the time of issuance that such check,  
2038 draft, or order has not been paid to the holder thereof, and  
2039 bank fees incurred by the holder. In the event of legal action  
2040 for recovery, the maker or drawer may be additionally liable for  
2041 court costs and reasonable attorney's fees. Notice mailed by  
2042 certified or registered mail, evidenced by return receipt, or by  
2043 first-class mail, evidenced by an affidavit of service of mail,  
2044 to the address printed on the check or given at the time of  
2045 issuance shall be deemed sufficient and equivalent to notice  
2046 having been received by the maker or drawer, whether such notice  
2047 shall be returned undelivered or not. The form of such notice  
2048 shall be substantially as follows:

2049  
2050 "You are hereby notified that a check, numbered . . . ., in

2051 the face amount of \$...., issued by you on ...(date)..., drawn  
 2052 upon ...(name of bank)..., and payable to ....., has been  
 2053 dishonored. Pursuant to Florida law, you have 15 days from the  
 2054 date of this notice to tender payment of the full amount of such  
 2055 check plus a service charge of \$25, if the face value does not  
 2056 exceed \$50, \$30, if the face value exceeds \$50 but does not  
 2057 exceed \$300, \$40, if the face value exceeds \$300, or an amount  
 2058 of up to 5 percent of the face amount of the check, whichever is  
 2059 greater, the total amount due being \$.... and .... cents. Unless  
 2060 this amount is paid in full within the time specified above, the  
 2061 holder of such check may turn over the dishonored check and all  
 2062 other available information relating to this incident to the  
 2063 state attorney for criminal prosecution. You may be additionally  
 2064 liable in a civil action for triple the amount of the check, but  
 2065 in no case less than \$50, together with the amount of the check,  
 2066 a service charge, court costs, reasonable attorney fees, and  
 2067 incurred bank fees, as provided in s. 68.065, Florida Statutes."

2069 Subsequent persons receiving a check, draft, or order from the  
 2070 original payee or a successor endorsee have the same rights that  
 2071 the original payee has against the maker of the instrument,  
 2072 provided such subsequent persons give notice in a substantially  
 2073 similar form to that provided above. Subsequent persons  
 2074 providing such notice shall be immune from civil liability for  
 2075 the giving of such notice and for proceeding under the forms of

2076 such notice, so long as the maker of the instrument has the same  
 2077 defenses against these subsequent persons as against the  
 2078 original payee. However, the remedies available under this  
 2079 section may be exercised only by one party in interest.

2080 Reviser's note.—Amended to conform to the Florida Statutes  
 2081 citation style for forms.

2082 Section 48. Subsection (5) of section 893.0356, Florida  
 2083 Statutes, is amended to read:

2084 893.0356 Control of new substances; findings of fact;  
 2085 "controlled substance analog" defined.—

2086 (5) A controlled substance analog shall, for purposes of  
 2087 drug abuse prevention and control, be treated as the highest  
 2088 scheduled controlled substance of which it is a controlled  
 2089 substance analog ~~to~~ in s. 893.03.

2090 Reviser's note.—Amended to confirm the editorial deletion of the  
 2091 word "to."

2092 Section 49. Subsections (3) and (4) of section 893.13,  
 2093 Florida Statutes, are amended to read:

2094 893.13 Prohibited acts; penalties.—

2095 (3) A person who delivers, without consideration, 20 grams  
 2096 or less of cannabis, as defined in this chapter, commits a  
 2097 misdemeanor of the first degree, punishable as provided in s.  
 2098 775.082 or s. 775.083. As used in this subsection ~~paragraph~~, the  
 2099 term "cannabis" does not include the resin extracted from the  
 2100 plants of the genus Cannabis or any compound manufacture, salt,

2101 derivative, mixture, or preparation of such resin.

2102 (4) Except as authorized by this chapter, a person 18  
 2103 years of age or older may not deliver any controlled substance  
 2104 to a person younger than 18 years of age, use or hire a person  
 2105 younger than 18 years of age as an agent or employee in the sale  
 2106 or delivery of such a substance, or use such person to assist in  
 2107 avoiding detection or apprehension for a violation of this  
 2108 chapter. A person who violates this subsection ~~paragraph~~ with  
 2109 respect to:

2110 (a) A controlled substance named or described in s.  
 2111 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4.  
 2112 commits a felony of the first degree, punishable as provided in  
 2113 s. 775.082, s. 775.083, or s. 775.084.

2114 (b) A controlled substance named or described in s.  
 2115 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6.,  
 2116 (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) commits a felony of  
 2117 the second degree, punishable as provided in s. 775.082, s.  
 2118 775.083, or s. 775.084.

2119 (c) Any other controlled substance, except as lawfully  
 2120 sold, manufactured, or delivered, commits a felony of the third  
 2121 degree, punishable as provided in s. 775.082, s. 775.083, or s.  
 2122 775.084.

2123  
 2124 Imposition of sentence may not be suspended or deferred, and the  
 2125 person so convicted may not be placed on probation.

2126 Reviser's note.—Subsection (3) is amended to conform to context  
 2127 and to the fact that subsection (3) does not contain  
 2128 paragraphs. Subsection (4) is amended to conform to  
 2129 context; the amendment to subsection (4) by s. 5, ch. 2016-  
 2130 105, Laws of Florida, substituted the word "paragraph" for  
 2131 the word "provision," but the introductory material is  
 2132 applicable to the entire subsection.

2133 Section 50. Paragraphs (c) and (h) of subsection (3) of  
 2134 section 921.0022, Florida Statutes, are amended to read:

2135 921.0022 Criminal Punishment Code; offense severity  
 2136 ranking chart.—

2137 (3) OFFENSE SEVERITY RANKING CHART

2138 (c) LEVEL 3

2139

Florida Statute	Felony Degree	Description
119.10 (2) (b)	3rd	Unlawful use of confidential information from police reports.
316.066 (3) (b) - (d)	3rd	Unlawfully obtaining or using confidential crash reports.
316.193 (2) (b)	3rd	Felony DUI, 3rd

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2143	316.1935 (2)	3rd	conviction.
2144	319.30 (4)	3rd	Fleeing or attempting to elude law enforcement officer in patrol vehicle with siren and lights activated.
2145	319.33 (1) (a)	3rd	Alter or forge any certificate of title to a motor vehicle or mobile home.
2146	319.33 (1) (c)	3rd	Procure or pass title on stolen vehicle.
2147	319.33 (4)	3rd	With intent to defraud, possess, sell, etc., a blank, forged, or unlawfully obtained title or registration.
2148			

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2149	327.35 (2) (b)	3rd	Felony BUI.
2150	328.05 (2)	3rd	Possess, sell, or counterfeit fictitious, stolen, or fraudulent titles or bills of sale of vessels.
2151	328.07 (4)	3rd	Manufacture, exchange, or possess vessel with counterfeit or wrong ID number.
2152	376.302 (5)	3rd	Fraud related to reimbursement for cleanup expenses under the Inland Protection Trust Fund.
	379.2431 (1) (e) 5.	3rd	Taking, disturbing, mutilating, destroying, causing to be destroyed, transferring, selling, offering to sell, molesting, or harassing marine turtles, marine turtle eggs, or marine turtle nests in violation of the Marine Turtle Protection Act.



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2153	<p><u>379.2431</u>  <u>(1) (e) 7</u>  <del>379.2431</del>  <del>(1) (e) 6.</del></p>	3rd	<p>Soliciting to commit or          conspiring to commit a          violation of the Marine          Turtle Protection Act.</p>
2154	<p>400.9935 (4) (a)          or (b)</p>	3rd	<p>Operating a clinic, or          offering services          requiring licensure,          without a license.</p>
2155	<p>400.9935 (4) (e)</p>	3rd	<p>Filing a false license          application or other          required information or          failing to report          information.</p>
2156	<p>440.1051 (3)</p>	3rd	<p>False report of workers'          compensation fraud or          retaliation for making such          a report.</p>
2157	<p>501.001 (2) (b)</p>	2nd	<p>Tampers with a consumer          product or the container using          materially false/misleading</p>

2158			information.
	624.401 (4) (a)	3rd	Transacting insurance without a certificate of authority.
2159			
	624.401 (4) (b) 1.	3rd	Transacting insurance without a certificate of authority; premium collected less than \$20,000.
2160			
	626.902 (1) (a) & (b)	3rd	Representing an unauthorized insurer.
2161			
	697.08	3rd	Equity skimming.
2162			
	790.15 (3)	3rd	Person directs another to discharge firearm from a vehicle.
2163			
	806.10 (1)	3rd	Maliciously injure, destroy, or interfere with vehicles or equipment used in firefighting.
2164			

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2165	806.10 (2)	3rd	Interferes with or assaults firefighter in performance of duty.
2166	810.09 (2) (c)	3rd	Trespass on property other than structure or conveyance armed with firearm or dangerous weapon.
2167	812.014 (2) (c) 2.	3rd	Grand theft; \$5,000 or more but less than \$10,000.
2168	812.0145 (2) (c)	3rd	Theft from person 65 years of age or older; \$300 or more but less than \$10,000.
2169	815.04 (5) (b)	2nd	Computer offense devised to defraud or obtain property.
	817.034 (4) (a) 3.	3rd	Engages in scheme to

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2170	817.233	3rd	defraud (Florida Communications Fraud Act), property valued at less than \$20,000.
2171	817.234 (8) (b) & (c)	3rd	Burning to defraud insurer.
2172	817.234 (11) (a)	3rd	Unlawful solicitation of persons involved in motor vehicle accidents.
2173	817.236	3rd	Insurance fraud; property value less than \$20,000.
2174	817.2361	3rd	Filing a false motor vehicle insurance application.
2175	817.413 (2)	3rd	Creating, marketing, or presenting a false or fraudulent motor vehicle insurance card.
			Sale of used

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2176			goods as new.
2177	817.505 (4)	3rd	Patient brokering.
2178	828.12 (2)	3rd	Tortures any animal with intent to inflict intense pain, serious physical injury, or death.
2179	831.28 (2) (a)	3rd	Counterfeiting a payment instrument with intent to defraud or possessing a counterfeit payment instrument.
2180	831.29	2nd	Possession of instruments for counterfeiting driver licenses or identification cards.
2181	838.021 (3) (b)	3rd	Threatens unlawful harm to public servant.
	843.19	3rd	Injure, disable, or kill

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2182	860.15 (3)	3rd	police dog or horse. Overcharging for repairs and parts.
2183	870.01 (2)	3rd	Riot; inciting or encouraging.
2184	893.13 (1) (a) 2.	3rd	Sell, manufacture, or deliver cannabis (or other s. 893.03(1) (c), (2) (c)1., (2) (c)2., (2) (c)3., (2) (c)5., (2) (c)6., (2) (c)7., (2) (c)8., (2) (c)9., (3), or (4) drugs).
2185	893.13 (1) (d) 2.	2nd	Sell, manufacture, or deliver s. 893.03(1) (c), (2) (c)1., (2) (c)2., (2) (c)3., (2) (c)5., (2) (c)6., (2) (c)7., (2) (c)8., (2) (c)9., (3), or (4) drugs within 1,000 feet of university.

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2186	893.13 (1) (f) 2.	2nd	Sell, manufacture, or deliver s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) drugs within 1,000 feet of public housing facility.
2187	893.13 (4) (c)	3rd	Use or hire of minor; deliver to minor other controlled substances.
2188	893.13 (6) (a)	3rd	Possession of any controlled substance other than felony possession of cannabis.
2189	893.13 (7) (a) 8.	3rd	Withhold information from practitioner regarding previous receipt of or prescription for a controlled substance.

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2190	893.13 (7) (a) 9.	3rd	Obtain or attempt to obtain controlled substance by fraud, forgery, misrepresentation, etc.
2191	893.13 (7) (a) 10.	3rd	Affix false or forged label to package of controlled substance.
2192	893.13 (7) (a) 11.	3rd	Furnish false or fraudulent material information on any document or record required by chapter 893.
2193	893.13 (8) (a) 1.	3rd	Knowingly assist a patient, other person, or owner of an animal in obtaining a controlled substance through deceptive, untrue, or fraudulent representations in or related to the practitioner's practice.



2194 | 893.13 (8) (a) 2. | 3rd | Employ a trick or scheme in  
the practitioner's practice  
to assist a patient, other  
person, or owner of an  
animal in obtaining a  
controlled substance.

2195 | 893.13 (8) (a) 3. | 3rd | Knowingly write a  
prescription for a  
controlled substance for  
a fictitious person.

2196 | 893.13 (8) (a) 4. | 3rd | Write a prescription for a  
controlled substance for a  
patient, other person, or  
an animal if the sole  
purpose of writing the  
prescription is a monetary  
benefit for the  
practitioner.

2197 | 918.13 (1) (a) | 3rd | Alter, destroy, or conceal  
investigation evidence.

2198

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2199	944.47 (1) (a) 1. & 2.	3rd	Introduce contraband to correctional facility.
2200	944.47 (1) (c)	2nd	Possess contraband while upon the grounds of a correctional institution.
2201	985.721	3rd	Escapes from a juvenile facility (secure detention or residential commitment facility).
2202	(h) LEVEL 8		
2203			
2204	Florida Statute	Felony Degree	Description
2205	316.193 (3) (c) 3.a.	2nd	DUI manslaughter.
2206	316.1935 (4) (b)	1st	Aggravated fleeing or attempted eluding with serious bodily injury or death.

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2207	327.35 (3) (c) 3.	2nd	Vessel BUI manslaughter.
2208	<u>499.0051 (6)</u> — <del>499.0051 (7)</del>	1st	Knowing trafficking in contraband prescription drugs.
2209	<u>499.0051 (7)</u> — <del>499.0051 (8)</del>	1st	Knowing forgery of prescription labels or prescription drug labels.
2210	560.123 (8) (b) 2.	2nd	Failure to report currency or payment instruments totaling or exceeding \$20,000, but less than \$100,000 by money transmitter.
2211	560.125 (5) (b)	2nd	Money transmitter business by unauthorized person, currency or payment instruments totaling or exceeding \$20,000, but less than \$100,000.
	655.50 (10) (b) 2.	2nd	Failure to report

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2212	777.03 (2) (a)	1st	financial transactions totaling or exceeding \$20,000, but less than \$100,000 by financial institutions.
2213	782.04 (4)	2nd	Accessory after the fact, capital felony.
2214	782.051 (2)	1st	Killing of human without design when engaged in act or attempt of any felony other than arson, sexual battery, robbery, burglary, kidnapping, aggravated fleeing or eluding with serious bodily injury or death, aircraft piracy, or unlawfully discharging bomb.
			Attempted felony murder while perpetrating or attempting to perpetrate a felony not enumerated in s. 782.04 (3).

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2215	782.071 (1) (b)	1st	Committing vehicular homicide and failing to render aid or give information.
2216	782.072 (2)	1st	Committing vessel homicide and failing to render aid or give information.
2217	787.06 (3) (a) 1.	1st	Human trafficking for labor and services of a child.
2218	787.06 (3) (b)	1st	Human trafficking using coercion for commercial sexual activity of an adult.
2219	787.06 (3) (c) 2.	1st	Human trafficking using coercion for labor and services of an unauthorized alien adult.
2220	787.06 (3) (e) 1.	1st	Human trafficking for

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2221	787.06(3)(f)2.	1st	labor and services by the transfer or transport of a child from outside Florida to within the state.
2222	790.161(3)	1st	Human trafficking using coercion for commercial sexual activity by the transfer or transport of any adult from outside Florida to within the state.
2223	794.011(5)(a)	1st	Discharging a destructive device which results in bodily harm or property damage.
			Sexual battery; victim 12 years of age or older but younger than 18 years; offender 18 years or older;

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2224	794.011 (5) (b)	2nd	offender does not use physical force likely to cause serious injury.
2225	794.011 (5) (c)	2nd	Sexual battery; victim and offender 18 years of age or older; offender does not use physical force likely to cause serious injury.
2226	794.011 (5) (d)	1st	Sexual battery; victim 12 years of age or older; offender younger than 18 years; offender does not use physical force likely to cause injury.
			Sexual battery; victim

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2227	794.08 (3)	2nd	<p>12 years of age or older; offender does not use physical force likely to cause serious injury; prior conviction for specified sex offense.</p> <p>Female genital mutilation, removal of a victim younger than 18 years of age from this state.</p>
2228	800.04 (4) (b)	2nd	Lewd or lascivious battery.
2229	800.04 (4) (c)	1st	<p>Lewd or lascivious battery; offender 18 years of age or older; prior conviction for specified sex offense.</p>
2230	806.01 (1)	1st	<p>Maliciously damage dwelling or structure by fire or explosive, believing person</p>



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2231			in structure.
2231	810.02 (2) (a)	1st, PBL	Burglary with assault or battery.
2232	810.02 (2) (b)	1st, PBL	Burglary; armed with explosives or dangerous weapon.
2233	810.02 (2) (c)	1st	Burglary of a dwelling or structure causing structural damage or \$1,000 or more property damage.
2234	812.014 (2) (a) 2.	1st	Property stolen; cargo valued at \$50,000 or more, grand theft in 1st degree.
2235	812.13 (2) (b)	1st	Robbery with a weapon.
2236			

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2237	812.135 (2) (c)	1st	Home-invasion robbery, no firearm, deadly weapon, or other weapon.
2238	817.535 (2) (b)	2nd	Filing false lien or other unauthorized document; second or subsequent offense.
2239	817.535 (3) (a)	2nd	Filing false lien or other unauthorized document; property owner is a public officer or employee.
2240	817.535 (4) (a) 1.	2nd	Filing false lien or other unauthorized document; defendant is incarcerated or under supervision.
	817.535 (5) (a)	2nd	Filing false lien or other unauthorized document; owner of the property incurs financial loss as a

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2241	817.568 (6)	2nd	<p>result of the false instrument.</p> <p>Fraudulent use of personal identification information of an individual under the age of 18.</p>
2242	817.611 (2) (c)	1st	<p>Traffic in or possess 50 or more counterfeit credit cards or related documents.</p>
2243	825.102 (2)	1st	<p>Aggravated abuse of an elderly person or disabled adult.</p>
2244	825.1025 (2)	2nd	<p>Lewd or lascivious battery upon an elderly person or disabled adult.</p>
2245	825.103 (3) (a)	1st	<p>Exploiting an elderly person or disabled adult and property is valued at \$50,000 or</p>

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2246			more.
	837.02 (2)	2nd	Perjury in official proceedings relating to prosecution of a capital felony.
2247			
	837.021 (2)	2nd	Making contradictory statements in official proceedings relating to prosecution of a capital felony.
2248			
	860.121 (2) (c)	1st	Shooting at or throwing any object in path of railroad vehicle resulting in great bodily harm.
2249			
	860.16	1st	Aircraft piracy.
2250			
	893.13 (1) (b)	1st	Sell or deliver in excess of 10 grams of any substance specified in s. 893.03(1) (a) or (b).

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2251	893.13 (2) (b)	1st	Purchase in excess of 10 grams of any substance specified in s. 893.03(1) (a) or (b).
2252	893.13 (6) (c)	1st	Possess in excess of 10 grams of any substance specified in s. 893.03(1) (a) or (b).
2253	893.135 (1) (a) 2.	1st	Trafficking in cannabis, more than 2,000 lbs., less than 10,000 lbs.
2254	893.135 (1) (b) 1.b.	1st	Trafficking in cocaine, more than 200 grams, less than 400 grams.
2255	893.135 (1) (c) 1.b.	1st	Trafficking in illegal drugs, more than 14 grams, less than 28 grams.
2256	893.135	1st	Trafficking in hydrocodone,

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2257	(1) (c) 2.c.		50 grams or more, less than 200 grams.
	893.135	1st	Trafficking in oxycodone,
	(1) (c) 3.c.		25 grams or more, less than 100 grams.
2258			
	893.135	1st	Trafficking in phencyclidine,
	(1) (d) 1.b.		more than 200 grams, less than 400 grams.
2259			
	893.135	1st	Trafficking in methaqualone,
	(1) (e) 1.b.		more than 5 kilograms, less than 25 kilograms.
2260			
	893.135	1st	Trafficking in amphetamine,
	(1) (f) 1.b.		more than 28 grams, less than 200 grams.
2261			
	893.135	1st	Trafficking in flunitrazepam,
	(1) (g) 1.b.		14 grams or more, less than 28 grams.
2262			
	893.135	1st	Trafficking in gamma-
	(1) (h) 1.b.		hydroxybutyric acid (GHB), 5

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2263	893.135 (1) (j) 1.b.	1st	kilograms or more, less than 10 kilograms. Trafficking in 1,4-Butanediol, 5 kilograms or more, less than 10 kilograms.
2264	893.135 (1) (k) 2.b.	1st	Trafficking in Phenethylamines, 200 grams or more, less than 400 grams.
2265	893.1351 (3)	1st	Possession of a place used to manufacture controlled substance when minor is present or resides there.
2266	895.03 (1)	1st	Use or invest proceeds derived from pattern of racketeering activity.
2267	895.03 (2)	1st	Acquire or maintain through racketeering activity any interest in or control of any enterprise or real property.

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2268 | 895.03 (3) | 1st | Conduct or participate in any  
 | | | enterprise through pattern of  
 | | | racketeering activity.

2269 | 896.101 (5) (b) | 2nd | Money laundering,  
 | | | financial transactions  
 | | | totaling or exceeding  
 | | | \$20,000, but less than  
 | | | \$100,000.

2270 | 896.104 (4) (a) 2. | 2nd | Structuring transactions  
 | | | to evade reporting or  
 | | | registration  
 | | | requirements, financial  
 | | | transactions totaling or  
 | | | exceeding \$20,000 but  
 | | | less than \$100,000.

2271 |  
 2272 | Reviser's note.—Paragraph (3) (c) is amended to conform to the  
 2273 | redesignation of s. 379.2431(1) (e) 6. as s. 379.2431(1) (e) 7.  
 2274 | by s. 4, ch. 2016-107, Laws of Florida. Paragraph (3) (h) is  
 2275 | amended to conform to the redesignation of subunits in s.  
 2276 | 499.0051 by s. 4, ch. 2016-212, Laws of Florida.  
 2277 | Section 51. Paragraph (c) of subsection (5) of section



2278 | 932.7055, Florida Statutes, is amended to read:  
 2279 |       932.7055 Disposition of liens and forfeited property.—  
 2280 |       (5)  
 2281 |       (c) An agency or organization, other than the seizing  
 2282 | agency, that wishes to receive such funds shall apply to the  
 2283 | sheriff or chief of police for an appropriation and its  
 2284 | application shall be accompanied by a written certification that  
 2285 | the moneys will be used for an authorized purpose. Such requests  
 2286 | for expenditures shall include a statement describing  
 2287 | anticipated recurring costs for the agency for subsequent fiscal  
 2288 | years. An agency or organization that receives money pursuant to  
 2289 | this subsection shall provide an accounting for such moneys and  
 2290 | shall furnish the same reports as an agency of the county or  
 2291 | municipality that receives public funds. Such funds may be  
 2292 | expended in accordance with the following procedures:  
 2293 |       1. Such funds may be used only for school resource  
 2294 | officer, crime prevention, safe neighborhood, drug abuse  
 2295 | education, or drug prevention programs or such other law  
 2296 | enforcement purposes as the board of county commissioners or  
 2297 | governing body of the municipality deems appropriate.  
 2298 |       2. Such funds shall not be a source of revenue to meet  
 2299 | normal operating needs of the law enforcement agency.  
 2300 |       3. Any local law enforcement agency that acquires at least  
 2301 | \$15,000 pursuant to the Florida Contraband Forfeiture Act within  
 2302 | a fiscal year must expend or donate no less than 25 percent of

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2303 such proceeds for the support or operation of any drug  
2304 treatment, drug abuse education, drug prevention, crime  
2305 prevention, safe neighborhood, or school resource officer  
2306 program or programs. The local law enforcement agency has the  
2307 discretion to determine which program or programs will receive  
2308 the designated proceeds.

2309  
2310 Notwithstanding the drug abuse education, drug treatment, drug  
2311 prevention, crime prevention, safe neighborhood, or school  
2312 resource officer minimum expenditures or donations, the sheriff  
2313 and the board of county commissioners or the chief of police and  
2314 the governing body of the municipality may agree to expend or  
2315 donate such funds over a period of years if the expenditure or  
2316 donation of such minimum amount in any given fiscal year would  
2317 exceed the needs of the county or municipality for such program  
2318 or programs. The minimum requirement for expenditure or donation  
2319 of forfeiture proceeds established in subparagraph 3. ~~this~~  
2320 ~~subparagraph~~ does not preclude expenditures or donations in  
2321 excess of that amount.

2322 Reviser's note.—Amended to correct an apparent error. The  
2323 reference to "this subparagraph" was added to the flush  
2324 left language at the end of paragraph (c) by s. 4, ch.  
2325 2016-79, Laws of Florida; subparagraph (c)3. specifically  
2326 contains a minimum requirement for expenditure or donation.  
2327 Section 52. Paragraph (a) of subsection (14) of section

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2328 | 1002.385, Florida Statutes, is amended to read:

2329 |       1002.385 The Gardiner Scholarship.—

2330 |       (14) OBLIGATIONS OF THE AUDITOR GENERAL.—

2331 |       (a) The Auditor General shall conduct an annual  
 2332 | operational audit of accounts and records of each organization  
 2333 | that participates in the program. As part of this audit, the  
 2334 | Auditor General shall verify, at a minimum, the total number  
 2335 | ~~amount~~ of students served and the eligibility of reimbursements  
 2336 | made by the organization and transmit that information to the  
 2337 | department. The Auditor General shall provide the commissioner  
 2338 | with a copy of each annual operational audit performed pursuant  
 2339 | to this subsection within 10 days after the audit is finalized.  
 2340 | Reviser's note.—Amended to improve clarity.

2341 |       Section 53. Subsection (2) of section 1003.42, Florida  
 2342 | Statutes, is amended to read:

2343 |       1003.42 Required instruction.—

2344 |       (2) Members of the instructional staff of the public  
 2345 | schools, subject to the rules of the State Board of Education  
 2346 | and the district school board, shall teach efficiently and  
 2347 | faithfully, using the books and materials required that meet the  
 2348 | highest standards for professionalism and historical ~~historie~~  
 2349 | accuracy, following the prescribed courses of study, and  
 2350 | employing approved methods of instruction, the following:

2351 |       (a) The history and content of the Declaration of  
 2352 | Independence, including national sovereignty, natural law, self-

2353 evident truth, equality of all persons, limited government,  
 2354 popular sovereignty, and inalienable rights of life, liberty,  
 2355 and property, and how they form the philosophical foundation of  
 2356 our government.

2357 (b) The history, meaning, significance, and effect of the  
 2358 provisions of the Constitution of the United States and  
 2359 amendments thereto, with emphasis on each of the 10 amendments  
 2360 that make up the Bill of Rights and how the constitution  
 2361 provides the structure of our government.

2362 (c) The arguments in support of adopting our republican  
 2363 form of government, as they are embodied in the most important  
 2364 of the Federalist Papers.

2365 (d) Flag education, including proper flag display and flag  
 2366 salute.

2367 (e) The elements of civil government, including the  
 2368 primary functions of and interrelationships between the Federal  
 2369 Government, the state, and its counties, municipalities, school  
 2370 districts, and special districts.

2371 (f) The history of the United States, including the period  
 2372 of discovery, early colonies, the War for Independence, the  
 2373 Civil War, the expansion of the United States to its present  
 2374 boundaries, the world wars, and the civil rights movement to the  
 2375 present. American history shall be viewed as factual, not as  
 2376 constructed, shall be viewed as knowable, teachable, and  
 2377 testable, and shall be defined as the creation of a new nation

2378 based largely on the universal principles stated in the  
2379 Declaration of Independence.

2380 (g) The history of the Holocaust (1933-1945), the  
2381 systematic, planned annihilation of European Jews and other  
2382 groups by Nazi Germany, a watershed event in the history of  
2383 humanity, to be taught in a manner that leads to an  
2384 investigation of human behavior, an understanding of the  
2385 ramifications of prejudice, racism, and stereotyping, and an  
2386 examination of what it means to be a responsible and respectful  
2387 person, for the purposes of encouraging tolerance of diversity  
2388 in a pluralistic society and for nurturing and protecting  
2389 democratic values and institutions.

2390 (h) The history of African Americans, including the  
2391 history of African peoples before the political conflicts that  
2392 led to the development of slavery, the passage to America, the  
2393 enslavement experience, abolition, and the contributions of  
2394 African Americans to society. Instructional materials shall  
2395 include the contributions of African Americans to American  
2396 society.

2397 (i) The elementary principles of agriculture.

2398 (j) The true effects of all alcoholic and intoxicating  
2399 liquors and beverages and narcotics upon the human body and  
2400 mind.

2401 (k) Kindness to animals.

2402 (l) The history of the state.

- 2403 (m) The conservation of natural resources.
- 2404 (n) Comprehensive health education that addresses concepts  
 2405 of community health; consumer health; environmental health;  
 2406 family life, including an awareness of the benefits of sexual  
 2407 abstinence as the expected standard and the consequences of  
 2408 teenage pregnancy; mental and emotional health; injury  
 2409 prevention and safety; Internet safety; nutrition; personal  
 2410 health; prevention and control of disease; and substance use and  
 2411 abuse. The health education curriculum for students in grades 7  
 2412 through 12 shall include a teen dating violence and abuse  
 2413 component that includes, but is not limited to, the definition  
 2414 of dating violence and abuse, the warning signs of dating  
 2415 violence and abusive behavior, the characteristics of healthy  
 2416 relationships, measures to prevent and stop dating violence and  
 2417 abuse, and community resources available to victims of dating  
 2418 violence and abuse.
- 2419 (o) Such additional materials, subjects, courses, or  
 2420 fields in such grades as are prescribed by law or by rules of  
 2421 the State Board of Education and the district school board in  
 2422 fulfilling the requirements of law.
- 2423 (p) The study of Hispanic contributions to the United  
 2424 States.
- 2425 (q) The study of women's contributions to the United  
 2426 States.
- 2427 (r) The nature and importance of free enterprise to the

2428 United States economy.

2429 (s) A character-development program in the elementary  
2430 schools, similar to Character First or Character Counts, which  
2431 is secular in nature. Beginning in school year 2004-2005, the  
2432 character-development program shall be required in kindergarten  
2433 through grade 12. Each district school board shall develop or  
2434 adopt a curriculum for the character-development program that  
2435 shall be submitted to the department for approval. The  
2436 character-development curriculum shall stress the qualities of  
2437 patriotism; responsibility; citizenship; kindness; respect for  
2438 authority, life, liberty, and personal property; honesty;  
2439 charity; self-control; racial, ethnic, and religious tolerance;  
2440 and cooperation. The character-development curriculum for grades  
2441 9 through 12 shall, at a minimum, include instruction on  
2442 developing leadership skills, interpersonal skills, organization  
2443 skills, and research skills; creating a resume; developing and  
2444 practicing the skills necessary for employment interviews;  
2445 conflict resolution, workplace ethics, and workplace law;  
2446 managing stress and expectations; and developing skills that  
2447 enable students to become more resilient and self-motivated.

2448 (t) In order to encourage patriotism, the sacrifices that  
2449 veterans have made in serving our country and protecting  
2450 democratic values worldwide. Such instruction must occur on or  
2451 before Veterans' Day and Memorial Day. Members of the  
2452 instructional staff are encouraged to use the assistance of

2453 local veterans when practicable.

2454

2455 The State Board of Education is encouraged to adopt standards  
2456 and pursue assessment of the requirements of this subsection.

2457 Reviser's note.—Amended to improve clarity.

2458 Section 54. Paragraph (a) of subsection (2) of section  
2459 1006.195, Florida Statutes, is amended to read:

2460 1006.195 District school board, charter school authority  
2461 and responsibility to establish student eligibility regarding  
2462 participation in interscholastic and intrascholastic  
2463 extracurricular activities.—Notwithstanding any provision to the  
2464 contrary in ss. 1006.15, 1006.18, and 1006.20, regarding student  
2465 eligibility to participate in interscholastic and  
2466 intrascholastic extracurricular activities:

2467 (2) (a) The Florida High School Athletic Association  
2468 (FHSAA) continues to retain jurisdiction over the following  
2469 provisions in s. 1006.20, which may not be implemented in a  
2470 manner contrary to this section: membership in the FHSAA;  
2471 recruiting prohibitions and violations; student medical  
2472 evaluations; investigations; ~~and~~ sanctions for coaches; school  
2473 eligibility and forfeiture of contests; student concussions or  
2474 head injuries; the sports medical advisory committee; and the  
2475 general operational provisions of the FHSAA.

2476 Reviser's note.—Amended to improve clarity.

2477 Section 55. Paragraph (d) of subsection (7) of section



2478 1012.796, Florida Statutes, is amended to read:

2479 1012.796 Complaints against teachers and administrators;  
 2480 procedure; penalties.—

2481 (7) A panel of the commission shall enter a final order  
 2482 either dismissing the complaint or imposing one or more of the  
 2483 following penalties:

2484 (d) Placement of the teacher, administrator, or supervisor  
 2485 on probation for a period of time and subject to such conditions  
 2486 as the commission may specify, including requiring the certified  
 2487 teacher, administrator, or supervisor to complete additional  
 2488 appropriate college courses or work with another certified  
 2489 educator, with the administrative costs of monitoring the  
 2490 probation assessed to the educator placed on probation. An  
 2491 educator who has been placed on probation shall, at a minimum:

2492 1. Immediately notify the investigative office in the  
 2493 Department of Education upon employment or termination of  
 2494 employment in the state in any public or private position  
 2495 requiring a Florida educator's certificate.

2496 2. Have his or her immediate supervisor submit annual  
 2497 performance reports to the investigative office in the  
 2498 Department of Education.

2499 3. Pay to the commission within the first 6 months of each  
 2500 probation year the administrative costs of monitoring probation  
 2501 assessed to the educator.

2502 4. Violate no law and ~~shall~~ fully comply with all district

2503 school board policies, school rules, and State Board of  
 2504 Education rules.

2505 5. Satisfactorily perform his or her assigned duties in a  
 2506 competent, professional manner.

2507 6. Bear all costs of complying with the terms of a final  
 2508 order entered by the commission.

2509  
 2510 The penalties imposed under this subsection are in addition to,  
 2511 and not in lieu of, the penalties required for a third  
 2512 recruiting offense pursuant to s. 1006.20(2)(b).

2513 Reviser's note.—Amended to improve clarity.

2514 Section 56. Subsection (4) of section 1013.40, Florida  
 2515 Statutes, is amended to read:

2516 1013.40 Planning and construction of Florida College  
 2517 System institution facilities; property acquisition.—

2518 (4) The campus of a Florida College System institution  
 2519 within a municipality designated as an area of critical state  
 2520 concern, as defined in s. 380.05, and having a comprehensive  
 2521 plan and land development regulations containing a building  
 2522 permit allocation system that limits annual growth, may  
 2523 construct dormitories for up to 300 beds for Florida College  
 2524 System institution students. Such dormitories are exempt from  
 2525 the building permit allocation system and may be constructed up  
 2526 to 45 feet in height if the dormitories are otherwise consistent  
 2527 with the comprehensive plan, the Florida College System

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2528 institution has a hurricane evacuation plan that requires all  
2529 dormitory occupants to be evacuated 48 hours in advance of  
2530 tropical force winds, and transportation is provided for  
2531 dormitory occupants during an evacuation. State funds and  
2532 tuition and fee revenues may not be used for construction, debt  
2533 service payments, maintenance, or operation of such dormitories.  
2534 Additional dormitory beds constructed after July 1, 2016, may  
2535 not be financed through the issuance of bonds ~~a bond~~.

2536 Reviser's note.—Amended to improve clarity.

2537 Section 57. Except as otherwise provided by this act, this  
2538 act shall take effect on the 60th day after adjournment sine die  
2539 of the session of the Legislature in which enacted.