

1 A reviser's bill to be entitled
2 An act relating to the Florida Statutes; amending ss.
3 20.058, 20.2551, 39.01, 39.302, 39.3065, 39.521,
4 39.6012, 45.035, 70.001, 215.555, 215.985, 220.03,
5 220.183, 252.355, 253.0341, 258.3991, 288.9619,
6 324.021, 364.336, 365.179, 373.41492, 379.2426,
7 381.925, 393.066, 400.462, 400.962, 401.45, 402.402,
8 403.726, 409.165, 409.973, 420.628, 420.9071,
9 420.9072, 420.9075, 420.9076, 429.02, 456.053,
10 481.203, 552.30, 556.102, 624.307, 624.5105, 625.091,
11 627.6387, 627.6648, 631.54, 641.31076, 647.02, 647.05,
12 723.079, 784.046, 943.059, 960.28, 1004.6499, 1007.33,
13 1009.24, 1009.50, 1009.51, 1009.52, 1009.65, 1009.986,
14 and 1011.62, F.S.; reenacting s. 408.036, F.S.;
15 deleting provisions that have expired, have become
16 obsolete, have had their effect, have served their
17 purpose, or have been impliedly repealed or
18 superseded; replacing incorrect cross-references and
19 citations; correcting grammatical, typographical, and
20 like errors; removing inconsistencies, redundancies,
21 and unnecessary repetition in the statutes; improving
22 the clarity of the statutes and facilitating their
23 correct interpretation; and revising a statutory
24 provision to conform to a directive of the
25 Legislature; providing an effective date.

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

Section 1. Subsection (5) of section 20.058, Florida Statutes, is amended to read:

20.058 Citizen support and direct-support organizations.—

(5) A law creating, or authorizing the creation of, a citizen support organization or a direct-support organization must state that the creation of or authorization for the organization is repealed on October 1 of the 5th year after enactment, unless reviewed and saved from repeal through reenactment by the Legislature. ~~Citizen support organizations and direct support organizations in existence on July 1, 2014, must be reviewed by the Legislature by July 1, 2019.~~

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

Section 2. Subsection (6) of section 20.2551, Florida Statutes, is amended to read:

20.2551 Citizen support organizations; use of property; audit; public records; partnerships.—

~~(6) REPORT. By December 1, 2019, the department shall submit a report to the President of the Senate and the Speaker of the House of Representatives which examines the financial transparency, accountability, and ethics of its citizen support organizations. The report must:~~

~~(a) Include audits for the most recent 3 fiscal years for~~

51 ~~its citizen support organizations that are subject to audit~~
52 ~~requirements under s. 215.981. An audit conducted after March 1,~~
53 ~~2019, must be conducted in accordance with government auditing~~
54 ~~standards.~~

55 ~~(b) Demonstrate that its citizen support organizations~~
56 ~~within the Office of Resilience and Coastal Protection, as of~~
57 ~~November 1, 2018, are in compliance with s. 20.058 and this~~
58 ~~section.~~

59 ~~(c) Identify any citizen support organization under~~
60 ~~paragraph (a) or paragraph (b) that is not in compliance with s.~~
61 ~~20.058 and this section and describe whether the department has~~
62 ~~terminated a contract with such organization.~~

63 ~~(d) Demonstrate how the contracts between the department~~
64 ~~and its citizen support organizations have been revised to~~
65 ~~comply with all relevant provisions of law.~~

66 Reviser's note.—Amended to delete an obsolete provision. The
67 Citizen Support Organizations Direct-Service Organizations
68 2019 Audit Report was submitted by the Division of
69 Recreation and Parks, Office of Resilience and Coastal
70 Protection, Florida Department of Environmental Regulation
71 on December 1, 2019.

72 Section 3. Subsections (8) through (38) of section 39.01,
73 Florida Statutes, are redesignated as subsections (7) through
74 (37), respectively, and present subsections (5), (6), and (7) of
75 that section are reordered and amended, to read:

76 39.01 Definitions.—When used in this chapter, unless the
77 context otherwise requires:

78 (6)~~(5)~~ "Adult" means any natural person other than a
79 child.

80 (5)~~(6)~~ "Adoption" means the act of creating the legal
81 relationship between parent and child where it did not exist,
82 thereby declaring the child to be legally the child of the
83 adoptive parents and their heir at law, and entitled to all the
84 rights and privileges and subject to all the obligations of a
85 child born to the adoptive parents in lawful wedlock.

86 (38)~~(7)~~ "Juvenile sexual abuse" means any sexual behavior
87 by a child which occurs without consent, without equality, or as
88 a result of coercion. For purposes of this subsection, the
89 following definitions apply:

90 (a) "Coercion" means the exploitation of authority or the
91 use of bribes, threats of force, or intimidation to gain
92 cooperation or compliance.

93 (b)~~(e)~~ "Consent" means an agreement, including all of the
94 following:

95 1. Understanding what is proposed based on age, maturity,
96 developmental level, functioning, and experience.

97 2. Knowledge of societal standards for what is being
98 proposed.

99 3. Awareness of potential consequences and alternatives.

100 4. Assumption that agreement or disagreement will be

101 | accepted equally.

102 | 5. Voluntary decision.

103 | 6. Mental competence.

104 | (c)~~(b)~~ "Equality" means two participants operating with
 105 | the same level of power in a relationship, neither being
 106 | controlled nor coerced by the other.

107 |

108 | Juvenile sexual behavior ranges from noncontact sexual behavior
 109 | such as making obscene phone calls, exhibitionism, voyeurism,
 110 | and the showing or taking of lewd photographs to varying degrees
 111 | of direct sexual contact, such as frottage, fondling, digital
 112 | penetration, rape, fellatio, sodomy, and various other sexually
 113 | aggressive acts.

114 | Reviser's note.—Amended to conform with the alphabetical
 115 | ordering of the defined terms elsewhere in the section.

116 | Section 4. Subsection (1) of section 39.302, Florida
 117 | Statutes, is amended to read:

118 | 39.302 Protective investigations of institutional child
 119 | abuse, abandonment, or neglect.—

120 | (1) The department shall conduct a child protective
 121 | investigation of each report of institutional child abuse,
 122 | abandonment, or neglect. Upon receipt of a report that alleges
 123 | that an employee or agent of the department, or any other entity
 124 | or person covered by s. 39.01(36) or (54) ~~39.01(37) or (54)~~,
 125 | acting in an official capacity, has committed an act of child

126 | abuse, abandonment, or neglect, the department shall initiate a
127 | child protective investigation within the timeframe established
128 | under s. 39.201(5) and notify the appropriate state attorney,
129 | law enforcement agency, and licensing agency, which shall
130 | immediately conduct a joint investigation, unless independent
131 | investigations are more feasible. When conducting investigations
132 | or having face-to-face interviews with the child, investigation
133 | visits shall be unannounced unless it is determined by the
134 | department or its agent that unannounced visits threaten the
135 | safety of the child. If a facility is exempt from licensing, the
136 | department shall inform the owner or operator of the facility of
137 | the report. Each agency conducting a joint investigation is
138 | entitled to full access to the information gathered by the
139 | department in the course of the investigation. A protective
140 | investigation must include an interview with the child's parent
141 | or legal guardian. The department shall make a full written
142 | report to the state attorney within 3 working days after making
143 | the oral report. A criminal investigation shall be coordinated,
144 | whenever possible, with the child protective investigation of
145 | the department. Any interested person who has information
146 | regarding the offenses described in this subsection may forward
147 | a statement to the state attorney as to whether prosecution is
148 | warranted and appropriate. Within 15 days after the completion
149 | of the investigation, the state attorney shall report the
150 | findings to the department and shall include in the report a

151 determination of whether or not prosecution is justified and
152 appropriate in view of the circumstances of the specific case.
153 Reviser's note.—Amended to conform to the reordering of
154 subsections in s. 39.01 by this act.

155 Section 5. Paragraph (f) of subsection (3) of section
156 39.3065, Florida Statutes, is amended to read:

157 39.3065 Sheriffs of certain counties to provide child
158 protective investigative services; procedures; funding.—

159 (3)

160 (f) The department shall produce an annual report
161 regarding, at a minimum, performance quality, outcome-measure
162 attainment, and cost efficiency of the services provided by all
163 sheriffs providing child protective investigative services. The
164 annual report shall include data and information on both the
165 sheriffs' and the department's performance of protective
166 investigations. The department shall submit the annual report to
167 the President of the Senate, the Speaker of the House of
168 Representatives, and ~~to~~ the Governor no later than November 1 of
169 each year the sheriffs are receiving general appropriations to
170 provide child protective investigations.

171 Reviser's note.—Amended to confirm the editorial deletion of the
172 word "to."

173 Section 6. Paragraph (c) of subsection (1) of section
174 39.521, Florida Statutes, is amended to read:

175 39.521 Disposition hearings; powers of disposition.—

176 (1) A disposition hearing shall be conducted by the court,
177 if the court finds that the facts alleged in the petition for
178 dependency were proven in the adjudicatory hearing, or if the
179 parents or legal custodians have consented to the finding of
180 dependency or admitted the allegations in the petition, have
181 failed to appear for the arraignment hearing after proper
182 notice, or have not been located despite a diligent search
183 having been conducted.

184 (c) When any child is adjudicated by a court to be
185 dependent, the court having jurisdiction of the child has the
186 power by order to:

187 1. Require the parent and, when appropriate, the legal
188 guardian or the child to participate in treatment and services
189 identified as necessary. The court may require the person who
190 has custody or who is requesting custody of the child to submit
191 to a mental health or substance abuse disorder assessment or
192 evaluation. The order may be made only upon good cause shown and
193 pursuant to notice and procedural requirements provided under
194 the Florida Rules of Juvenile Procedure. The mental health
195 assessment or evaluation must be administered by a qualified
196 professional as defined in s. 39.01, and the substance abuse
197 assessment or evaluation must be administered by a qualified
198 professional as defined in s. 397.311. The court may also
199 require such person to participate in and comply with treatment
200 and services identified as necessary, including, when

201 appropriate and available, participation in and compliance with
202 a mental health court program established under chapter 394 or a
203 treatment-based drug court program established under s. 397.334.
204 Adjudication of a child as dependent based upon evidence of harm
205 as defined in s. 39.01(34)(g) ~~39.01(35)(g)~~ demonstrates good
206 cause, and the court shall require the parent whose actions
207 caused the harm to submit to a substance abuse disorder
208 assessment or evaluation and to participate and comply with
209 treatment and services identified in the assessment or
210 evaluation as being necessary. In addition to supervision by the
211 department, the court, including the mental health court program
212 or the treatment-based drug court program, may oversee the
213 progress and compliance with treatment by a person who has
214 custody or is requesting custody of the child. The court may
215 impose appropriate available sanctions for noncompliance upon a
216 person who has custody or is requesting custody of the child or
217 make a finding of noncompliance for consideration in determining
218 whether an alternative placement of the child is in the child's
219 best interests. Any order entered under this subparagraph may be
220 made only upon good cause shown. This subparagraph does not
221 authorize placement of a child with a person seeking custody of
222 the child, other than the child's parent or legal custodian, who
223 requires mental health or substance abuse disorder treatment.

224 2. Require, if the court deems necessary, the parties to
225 participate in dependency mediation.

226 3. Require placement of the child either under the
227 protective supervision of an authorized agent of the department
228 in the home of one or both of the child's parents or in the home
229 of a relative of the child or another adult approved by the
230 court, or in the custody of the department. Protective
231 supervision continues until the court terminates it or until the
232 child reaches the age of 18, whichever date is first. Protective
233 supervision shall be terminated by the court whenever the court
234 determines that permanency has been achieved for the child,
235 whether with a parent, another relative, or a legal custodian,
236 and that protective supervision is no longer needed. The
237 termination of supervision may be with or without retaining
238 jurisdiction, at the court's discretion, and shall in either
239 case be considered a permanency option for the child. The order
240 terminating supervision by the department must set forth the
241 powers of the custodian of the child and include the powers
242 ordinarily granted to a guardian of the person of a minor unless
243 otherwise specified. Upon the court's termination of supervision
244 by the department, further judicial reviews are not required if
245 permanency has been established for the child.

246 4. Determine whether the child has a strong attachment to
247 the prospective permanent guardian and whether such guardian has
248 a strong commitment to permanently caring for the child.

249 Reviser's note.—Amended to conform to the reordering of
250 subsections in s. 39.01 by this act.

251 Section 7. Paragraph (c) of subsection (1) of section
 252 39.6012, Florida Statutes, is amended to read:

253 39.6012 Case plan tasks; services.—

254 (1) The services to be provided to the parent and the
 255 tasks that must be completed are subject to the following:

256 (c) If there is evidence of harm as defined in s.
 257 39.01(34)(g) ~~39.01(35)(g)~~, the case plan must include as a
 258 required task for the parent whose actions caused the harm that
 259 the parent submit to a substance abuse disorder assessment or
 260 evaluation and participate and comply with treatment and
 261 services identified in the assessment or evaluation as being
 262 necessary.

263 Reviser's note.—Amended to conform to the reordering of
 264 subsections in s. 39.01 by this act.

265 Section 8. Section 45.035, Florida Statutes, is amended to
 266 read:

267 45.035 Clerk's fees.—In addition to other fees or service
 268 charges authorized by law, the clerk shall receive service
 269 charges related to the judicial sales procedure set forth in ss.
 270 45.031-45.033 ~~45.031-45.034~~ and this section:

271 (1) The clerk shall receive a service charge of \$70, from
 272 which the clerk shall remit \$10 to the Department of Revenue for
 273 deposit into the General Revenue Fund, for services in making,
 274 recording, and certifying the sale and title, which service
 275 charge shall be assessed as costs and shall be advanced by the

276 | plaintiff before the sale.

277 | (2) If there is a surplus resulting from the sale, the
278 | clerk may receive the following service charges, which shall be
279 | deducted from the surplus:

280 | (a) The clerk may withhold the sum of \$28 from the surplus
281 | which may only be used for purposes of educating the public as
282 | to the rights of homeowners regarding foreclosure proceedings.

283 | (b) The clerk is entitled to a service charge of \$15 for
284 | each disbursement of surplus proceeds, from which the clerk
285 | shall remit \$5 to the Department of Revenue for deposit into the
286 | General Revenue Fund.

287 | (3) If the sale is conducted by electronic means, as
288 | provided in s. 45.031(10), the clerk shall receive an additional
289 | service charge not to exceed \$70 for services in conducting or
290 | contracting for the electronic sale, which service charge shall
291 | be assessed as costs and paid when filing for an electronic sale
292 | date. If the clerk requires advance electronic deposits to
293 | secure the right to bid, such deposits shall not be subject to
294 | the fee under s. 28.24(10). The portion of an advance deposit
295 | from a winning bidder required by s. 45.031(3) shall, upon
296 | acceptance of the winning bid, be subject to the fee under s.
297 | 28.24(10).

298 | Reviser's note.—Amended to conform to the repeal of s. 45.034 by
299 | s. 3, ch. 2020-3, Laws of Florida.

300 | Section 9. Paragraph (c) of subsection (4) of section

301 70.001, Florida Statutes, is amended to read:

302 70.001 Private property rights protection.—

303 (4)

304 (c) During the 90-day-notice period or the 150-day-notice
 305 period, unless extended by agreement of the parties, the
 306 governmental entity shall make a written settlement offer to
 307 effectuate:

308 1. An adjustment of land development or permit standards
 309 or other provisions controlling the development or use of land.

310 2. Increases or modifications in the density, intensity,
 311 or use of areas of development.

312 3. The transfer of development ~~developmental~~ rights.

313 4. Land swaps or exchanges.

314 5. Mitigation, including payments in lieu of onsite
 315 mitigation.

316 6. Location on the least sensitive portion of the
 317 property.

318 7. Conditioning the amount of development or use
 319 permitted.

320 8. A requirement that issues be addressed on a more
 321 comprehensive basis than a single proposed use or development.

322 9. Issuance of the development order, a variance, special
 323 exception, or other extraordinary relief.

324 10. Purchase of the real property, or an interest therein,
 325 by an appropriate governmental entity or payment of

326 compensation.

327 11. No changes to the action of the governmental entity.

328

329 If the property owner accepts a settlement offer, either before
 330 or after filing an action, the governmental entity may implement
 331 the settlement offer by appropriate development agreement; by
 332 issuing a variance, special exception, or other extraordinary
 333 relief; or by other appropriate method, subject to paragraph
 334 (d).

335 Reviser's note.—Amended to conform to general usage in statutory
 336 provisions referencing development rights.

337 Section 10. Paragraph (b) of subsection (16) of section
 338 215.555, Florida Statutes, is amended to read:

339 215.555 Florida Hurricane Catastrophe Fund.—

340 (16) FACILITATION OF INSURERS' PRIVATE CONTRACT
 341 NEGOTIATIONS BEFORE THE START OF THE HURRICANE SEASON.—

342 (b) The board shall adopt the reimbursement contract for a
 343 particular contract year by February 1 of the immediately
 344 preceding contract year. ~~However, the reimbursement contract~~
 345 ~~shall be adopted as soon as possible in advance of the 2010-2011~~
 346 ~~contract year.~~

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

348 Section 11. Subsection (7) of section 215.985, Florida
 349 Statutes, is amended to read:

350 215.985 Transparency in government spending.—

351 (7) By November 1 of each year, ~~2013, and annually~~
 352 ~~thereafter~~, the committee shall recommend to the President of
 353 the Senate and the Speaker of the House of Representatives:

354 (a) Additional information to be added to a website, such
 355 as whether to expand the scope of the information provided to
 356 include state universities, Florida College System institutions,
 357 school districts, charter schools, charter technical career
 358 centers, local government units, and other governmental
 359 entities.

360 (b) A schedule for adding information to the website by
 361 type of information and governmental entity, including
 362 timeframes and development entity.

363 (c) A format for collecting and displaying the additional
 364 information.

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

366 Section 12. Paragraph (t) of subsection (1) of section
 367 220.03, Florida Statutes, is amended to read:

368 220.03 Definitions.—

369 (1) SPECIFIC TERMS.—When used in this code, and when not
 370 otherwise distinctly expressed or manifestly incompatible with
 371 the intent thereof, the following terms shall have the following
 372 meanings:

373 (t) "Project" means any activity undertaken by an eligible
 374 sponsor, as defined in s. 220.183(2)(c), which is designed to
 375 construct, improve, or substantially rehabilitate housing that

376 is affordable to low-income or very-low-income households as
377 defined in s. 420.9071(20) and (30) ~~420.9071(19) and (28)~~;
378 designed to provide housing opportunities for persons with
379 special needs as defined in s. 420.0004; designed to provide
380 commercial, industrial, or public resources and facilities; or
381 designed to improve entrepreneurial and job-development
382 opportunities for low-income persons. A project may be the
383 investment necessary to increase access to high-speed broadband
384 capability in a rural community that had an enterprise zone
385 designated pursuant to chapter 290 as of May 1, 2015, including
386 projects that result in improvements to communications assets
387 that are owned by a business. A project may include the
388 provision of museum educational programs and materials that are
389 directly related to any project approved between January 1,
390 1996, and December 31, 1999, and located in an area that was in
391 an enterprise zone designated pursuant to s. 290.0065 as of May
392 1, 2015. This paragraph does not preclude projects that propose
393 to construct or rehabilitate low-income or very-low-income
394 housing on scattered sites or housing opportunities for persons
395 with special needs as defined in s. 420.0004. With respect to
396 housing, contributions may be used to pay the following eligible
397 project-related activities:

- 398 1. Project development, impact, and management fees for
399 special needs, low-income, or very-low-income housing projects;
- 400 2. Down payment and closing costs for eligible persons, as

401 defined in s. 420.9071(20) and (30) ~~420.9071(19) and (28)~~;

402 3. Administrative costs, including housing counseling and
403 marketing fees, not to exceed 10 percent of the community
404 contribution, directly related to special needs, low-income, or
405 very-low-income projects; and

406 4. Removal of liens recorded against residential property
407 by municipal, county, or special-district local governments when
408 satisfaction of the lien is a necessary precedent to the
409 transfer of the property to an eligible person, as defined in s.
410 420.9071(20) and (30) ~~420.9071(19) and (28)~~, for the purpose of
411 promoting home ownership. Contributions for lien removal must be
412 received from a nonrelated third party.

413 Reviser's note.—Amended to conform to the reordering of
414 definitions in s. 420.9071 by this act.

415 Section 13. Paragraphs (b) and (d) of subsection (2) of
416 section 220.183, Florida Statutes, are amended to read:

417 220.183 Community contribution tax credit.—

418 (2) ELIGIBILITY REQUIREMENTS.—

419 (b)1. All community contributions must be reserved
420 exclusively for use in projects as defined in s. 220.03(1)(t).

421 2. If, during the first 10 business days of the state
422 fiscal year, eligible tax credit applications for projects that
423 provide housing opportunities for persons with special needs as
424 defined in s. 420.0004 or homeownership opportunities for low-
425 income or very-low-income households as defined in s.

426 | 420.9071(20) and (30) ~~420.9071(19) and (28)~~ are received for
427 | less than the annual tax credits available for those projects,
428 | the Department of Economic Opportunity shall grant tax credits
429 | for those applications and shall grant remaining tax credits on
430 | a first-come, first-served basis for any subsequent eligible
431 | applications received before the end of the state fiscal year.
432 | If, during the first 10 business days of the state fiscal year,
433 | eligible tax credit applications for projects that provide
434 | housing opportunities for persons with special needs as defined
435 | in s. 420.0004 or homeownership opportunities for low-income or
436 | very-low-income households as defined in s. 420.9071(20) and
437 | (30) ~~420.9071(19) and (28)~~ are received for more than the annual
438 | tax credits available for those projects, the Department of
439 | Economic Opportunity shall grant the tax credits for those
440 | applications as follows:

441 | a. If tax credit applications submitted for approved
442 | projects of an eligible sponsor do not exceed \$200,000 in total,
443 | the credit shall be granted in full if the tax credit
444 | applications are approved.

445 | b. If tax credit applications submitted for approved
446 | projects of an eligible sponsor exceed \$200,000 in total, the
447 | amount of tax credits granted under sub-subparagraph a. shall be
448 | subtracted from the amount of available tax credits, and the
449 | remaining credits shall be granted to each approved tax credit
450 | application on a pro rata basis.

451 3. If, during the first 10 business days of the state
452 fiscal year, eligible tax credit applications for projects other
453 than those that provide housing opportunities for persons with
454 special needs as defined in s. 420.0004 or homeownership
455 opportunities for low-income or very-low-income households as
456 defined in s. 420.9071(20) and (30) ~~420.9071(19) and (28)~~ are
457 received for less than the annual tax credits available for
458 those projects, the Department of Economic Opportunity shall
459 grant tax credits for those applications and shall grant
460 remaining tax credits on a first-come, first-served basis for
461 any subsequent eligible applications received before the end of
462 the state fiscal year. If, during the first 10 business days of
463 the state fiscal year, eligible tax credit applications for
464 projects other than those that provide housing opportunities for
465 persons with special needs as defined in s. 420.0004 or
466 homeownership opportunities for low-income or very-low-income
467 households as defined in s. 420.9071(20) and (30) ~~420.9071(19)~~
468 ~~and (28)~~ are received for more than the annual tax credits
469 available for those projects, the Department of Economic
470 Opportunity shall grant the tax credits for those applications
471 on a pro rata basis.

472 (d) The project shall be located in an area that was
473 designated as an enterprise zone pursuant to chapter 290 as of
474 May 1, 2015, or a Front Porch Florida Community. Any project
475 designed to construct or rehabilitate housing for low-income or

476 very-low-income households as defined in s. 420.9071(20) and
477 (30) ~~420.9071(19)~~ and ~~(28)~~ or provide housing opportunities for
478 persons with special needs as defined in s. 420.0004 is exempt
479 from the area requirement of this paragraph. This section does
480 not preclude projects that propose to construct or rehabilitate
481 housing for low-income or very-low-income households on
482 scattered sites or provide housing opportunities for persons
483 with special needs. Any project designed to provide increased
484 access to high-speed broadband capabilities which includes
485 coverage of a rural enterprise zone may locate the project's
486 infrastructure in any area of a rural county.

487 Reviser's note.—Amended to conform to the reordering of
488 definitions in s. 420.9071 by this act.

489 Section 14. Subsection (2) of section 252.355, Florida
490 Statutes, is amended to read:

491 252.355 Registry of persons with special needs; notice;
492 registration program.—

493 (2) In order to ensure that all persons with special needs
494 may register, the division shall develop and maintain a special
495 needs shelter registration program. ~~The registration program~~
496 ~~must be developed by January 1, 2015, and fully implemented by~~
497 ~~March 1, 2015.~~

498 (a) The registration program shall include, at a minimum,
499 a uniform electronic registration form and a database for
500 uploading and storing submitted registration forms that may be

501 accessed by the appropriate local emergency management agency.
502 The link to the registration form shall be easily accessible on
503 each local emergency management agency's website. Upon receipt
504 of a paper registration form, the local emergency management
505 agency shall enter the person's registration information into
506 the database.

507 (b) To assist in identifying persons with special needs,
508 home health agencies, hospices, nurse registries, home medical
509 equipment providers, the Department of Children and Families,
510 the Department of Health, the Agency for Health Care
511 Administration, the Department of Education, the Agency for
512 Persons with Disabilities, the Department of Elderly Affairs,
513 and memory disorder clinics shall, and any physician licensed
514 under chapter 458 or chapter 459 and any pharmacy licensed under
515 chapter 465 may, annually provide registration information to
516 all of their special needs clients or their caregivers. The
517 division shall develop a brochure that provides information
518 regarding special needs shelter registration procedures. The
519 brochure must be easily accessible on the division's website.
520 All appropriate agencies and community-based service providers,
521 including aging and disability resource centers, memory disorder
522 clinics, home health care providers, hospices, nurse registries,
523 and home medical equipment providers, shall, and any physician
524 licensed under chapter 458 or chapter 459 may, assist emergency
525 management agencies by annually registering persons with special

526 needs for special needs shelters, collecting registration
527 information for persons with special needs as part of the
528 program intake process, and establishing programs to educate
529 clients about the registration process and disaster preparedness
530 safety procedures. A client of a state-funded or federally
531 funded service program who has a physical, mental, or cognitive
532 impairment or sensory disability and who needs assistance in
533 evacuating, or when in a shelter, must register as a person with
534 special needs. The registration program shall give persons with
535 special needs the option of preauthorizing emergency response
536 personnel to enter their homes during search and rescue
537 operations if necessary to ensure their safety and welfare
538 following disasters.

539 (c) The division shall be the designated lead agency
540 responsible for community education and outreach to the public,
541 including special needs clients, regarding registration and
542 special needs shelters and general information regarding shelter
543 stays.

544 (d) On or before May 31 of each year, each electric
545 utility in the state shall annually notify residential customers
546 in its service area of the availability of the registration
547 program available through their local emergency management
548 agency by:

549 1. An initial notification upon the activation of new
550 residential service with the electric utility, followed by one

HB 7027

2021

551 annual notification between January 1 and May 31; or
552 2. Two separate annual notifications between January 1 and
553 May 31.

554
555 The notification may be made by any available means, including,
556 but not limited to, written, electronic, or verbal notification,
557 and may be made concurrently with any other notification to
558 residential customers required by law or rule.

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

560 Section 15. Subsection (8) of section 253.0341, Florida
561 Statutes, is amended to read:

562 253.0341 Surplus of state-owned lands.—

563 (8) The sale price of lands determined to be surplus
564 pursuant to this section and s. 253.82 shall be determined by
565 the Division of State Lands, which shall consider an appraisal
566 of the property or, if the estimated value of the land is
567 \$500,000 or less, a comparable sales analysis or a broker's
568 opinion of value. The value must be based on the highest and
569 best use of the property, considering all applicable development
570 ~~developmental~~ rights, to ensure the maximum benefit and use to
571 the state as provided in s. 253.03(7)(a). The division may
572 require a second appraisal. The individual or entity that
573 requests to purchase the surplus parcel shall pay all costs
574 associated with determining the property's value, if any. As
575 used in this subsection, the term "highest and best use" means

576 the reasonable, probable, and legal use of vacant land or an
577 improved property which is physically possible, appropriately
578 supported, financially feasible, and results in the highest
579 value.

580 (a) A written valuation of land determined to be surplus
581 pursuant to this section and s. 253.82, and related documents
582 used to form the valuation or which pertain to the valuation,
583 are confidential and exempt from s. 119.07(1) and s. 24(a), Art.
584 I of the State Constitution.

585 1. The exemption expires 2 weeks before the contract or
586 agreement regarding the purchase, exchange, or disposal of the
587 surplus land is first considered for approval by the board of
588 trustees.

589 2. Before expiration of the exemption, the Division of
590 State Lands may disclose confidential and exempt appraisals,
591 valuations, or valuation information regarding surplus land:

592 a. During negotiations for the sale or exchange of the
593 land;

594 b. During the marketing effort or bidding process
595 associated with the sale, disposal, or exchange of the land to
596 facilitate closure of such effort or process;

597 c. When the passage of time has made the conclusions of
598 value invalid; or

599 d. When negotiations or marketing efforts concerning the
600 land are concluded.

601 (b) A unit of government that acquires title to lands
 602 pursuant to this section for less than appraised value may not
 603 sell or transfer title to all or any portion of the lands to any
 604 private owner for 10 years. A unit of government seeking to
 605 transfer or sell lands pursuant to this paragraph must first
 606 allow the board of trustees to reacquire such lands for the
 607 price at which the board of trustees sold such lands.

608 Reviser's note.—Amended to conform to general usage in statutory
 609 provisions referencing development rights.

610 Section 16. Subsection (1) of section 258.3991, Florida
 611 Statutes, is amended to read:

612 258.3991 Nature Coast Aquatic Preserve.—

613 (1) DESIGNATION.—The area described in subsection (2)
 614 which lies within Citrus, Hernando, and Pasco Counties is
 615 designated by the Legislature for inclusion in the aquatic
 616 preserve system under the Florida Aquatic Preserve Act of 1975
 617 and as an Outstanding Florida Water pursuant to s. 403.061(28)
 618 ~~403.061(27)~~ and shall be known as the "Nature Coast Aquatic
 619 Preserve." It is the intent of the Legislature that the Nature
 620 Coast Aquatic Preserve be preserved in an essentially natural
 621 condition so that its biological and aesthetic values may endure
 622 for the enjoyment of future generations. This section may not be
 623 construed to impose additional permitting requirements for
 624 county or state projects under the Resources and Ecosystems
 625 Sustainability, Tourist Opportunities, and Revived Economies of

HB 7027

2021

626 the Gulf Coast Act of 2012 (RESTORE Act) that are funded
627 pursuant to 33 U.S.C. s. 1321(t)(3).

628 Reviser's note.—Amended to conform to the redesignation of
629 subsections in s. 403.061 by s. 10, ch. 2020-150, Laws of
630 Florida; s. 403.061(28) relates to Outstanding Florida
631 Waters.

632 Section 17. Section 288.9619, Florida Statutes, is amended
633 to read:

634 288.9619 Conflicts of interest.—If any director has a
635 direct or indirect interest associated with any party to an
636 application on which the corporation has taken or will take
637 action in exercising its power for the issuance of revenue bonds
638 or other evidences of indebtedness, such interest must be
639 publicly disclosed to the corporation and set forth in the
640 minutes of the corporation. The director who ~~that~~ has such
641 interest may not participate in any action by the corporation
642 with respect to such party and application.

643 Reviser's note.—Amended to confirm the editorial substitution of
644 the word "who" for the word "that" to conform to context.

645 Section 18. Paragraph (c) of subsection (9) of section
646 324.021, Florida Statutes, is amended to read:

647 324.021 Definitions; minimum insurance required.—The
648 following words and phrases when used in this chapter shall, for
649 the purpose of this chapter, have the meanings respectively
650 ascribed to them in this section, except in those instances

651 where the context clearly indicates a different meaning:

652 (9) OWNER; OWNER/LESSOR.—

653 (c) *Application.*—

654 1. The limits on liability in subparagraphs (b)2. and 3.
655 do not apply to an owner of motor vehicles that are used for
656 commercial activity in the owner's ordinary course of business,
657 other than a rental company that rents or leases motor vehicles.
658 For purposes of this paragraph, the term "rental company"
659 includes only an entity that is engaged in the business of
660 renting or leasing motor vehicles to the general public and that
661 rents or leases a majority of its motor vehicles to persons with
662 no direct or indirect affiliation with the rental company. The
663 term "rental company" also includes:

664 a. A related rental or leasing company that is a
665 subsidiary of the same parent company as that of the renting or
666 leasing company that rented or leased the vehicle.

667 b. The holder of a motor vehicle title or an equity
668 interest in a motor vehicle title if the title or equity
669 interest is held pursuant to or to facilitate an asset-backed
670 securitization of a fleet of motor vehicles used solely in the
671 business of renting or leasing motor vehicles to the general
672 public and under the dominion and control of a rental company,
673 as described in this subparagraph, in the operation of such
674 rental company's business.

675 2. Furthermore, with respect to commercial motor vehicles

676 as defined in s. 627.732, the limits on liability in
677 subparagraphs (b)2. and 3. do not apply if, at the time of the
678 incident, the commercial motor vehicle is being used in the
679 transportation of materials found to be hazardous for the
680 purposes of the Hazardous Materials Transportation Authorization
681 Act of 1994, as amended, 49 U.S.C. ss. 5101 et seq., and that is
682 required pursuant to such act to carry placards warning others
683 of the hazardous cargo, unless at the time of lease or rental
684 either:

685 a. The lessee indicates in writing that the vehicle will
686 not be used to transport materials found to be hazardous for the
687 purposes of the Hazardous Materials Transportation Authorization
688 Act of 1994, as amended, 49 U.S.C. ss. 5101 et seq.; or

689 b. The lessee or other operator of the commercial motor
690 vehicle has in effect insurance with limits of at least
691 \$5,000,000 combined property damage and bodily injury liability.

692 3.a. A motor vehicle dealer, or a motor vehicle dealer's
693 leasing or rental affiliate, that provides a temporary
694 replacement vehicle at no charge or at a reasonable daily charge
695 to a service customer whose vehicle is being held for repair,
696 service, or adjustment by the motor vehicle dealer is immune
697 from any cause of action and is not liable, vicariously or
698 directly, under general law solely by reason of being the owner
699 of the temporary replacement vehicle for harm to persons or
700 property that arises out of the use, or operation, of the

701 temporary replacement vehicle by any person during the period
702 the temporary replacement vehicle has been entrusted to the
703 motor vehicle dealer's service customer if there is no
704 negligence or criminal wrongdoing on the part of the motor
705 vehicle owner, or its leasing or rental affiliate.

706 b. For purposes of this section, and notwithstanding any
707 other provision of general law, a motor vehicle dealer, or a
708 motor vehicle dealer's leasing or rental affiliate, that gives
709 possession, control, or use of a temporary replacement vehicle
710 to a motor vehicle dealer's service customer may not be adjudged
711 liable in a civil proceeding absent negligence or criminal
712 wrongdoing on the part of the motor vehicle dealer, or the motor
713 vehicle dealer's leasing or rental affiliate, if the motor
714 vehicle dealer or the motor vehicle dealer's leasing or rental
715 affiliate executes a written rental or use agreement and obtains
716 from the person receiving the temporary replacement vehicle a
717 copy of the person's driver license and insurance information
718 reflecting at least the minimum motor vehicle insurance coverage
719 required in the state. Any subsequent determination that the
720 driver license or insurance information provided to the motor
721 vehicle dealer, or the motor vehicle dealer's leasing or rental
722 affiliate, was in any way false, fraudulent, misleading,
723 nonexistent, canceled, not in effect, or invalid does not alter
724 or diminish the protections provided by this section, unless the
725 motor vehicle dealer, or the motor vehicle dealer's leasing or

HB 7027

2021

726 rental affiliate, had actual knowledge thereof at the time
727 possession of the temporary replacement vehicle was provided.

728 c. For purposes of this subparagraph, the term "service
729 customer" does not include an agent or a principal of a motor
730 vehicle dealer or a motor vehicle dealer's leasing or rental
731 affiliate, and does not include an employee of a motor vehicle
732 dealer or a motor vehicle dealer's leasing or rental affiliate
733 unless the employee was provided a temporary replacement
734 vehicle:

735 (I) While the employee's personal vehicle was being held
736 for repair, service, or adjustment by the motor vehicle dealer;

737 (II) In the same manner as other customers who are
738 provided a temporary replacement vehicle while the customer's
739 vehicle is being held for repair, service, or adjustment; and

740 (III) The employee was not acting within the course and
741 scope of his or her ~~their~~ employment.

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

744 Section 19. Subsection (3) of section 364.336, Florida
745 Statutes, is amended to read:

746 364.336 Regulatory assessment fees.—

747 (3) By January 15 of each year, ~~2012, and annually~~
748 ~~thereafter~~, the commission must report to the Governor, the
749 President of the Senate, and the Speaker of the House of
750 Representatives, providing a detailed description of its efforts

751 to reduce the regulatory assessment fee for telecommunications
752 companies, including a detailed description of the regulatory
753 activities that are no longer required; the commensurate
754 reduction in costs associated with this reduction in regulation;
755 the regulatory activities that continue to be required under
756 this chapter; and the costs associated with those regulatory
757 activities.

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

759 Section 20. Subsection (6) of section 365.179, Florida
760 Statutes, is amended to read:

761 365.179 Direct radio communication between 911 public
762 safety answering points and first responders.—

763 ~~(6) By January 1, 2020, each sheriff shall provide to the~~
764 ~~Department of Law Enforcement:~~

765 ~~(a) A copy of each interlocal agreement made between the~~
766 ~~primary first responder agencies within his or her county~~
767 ~~pursuant to this section; and~~

768 ~~(b) Written certification that all PSAPs in his or her~~
769 ~~county are in compliance with this section.~~

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

771 Section 21. Paragraphs (b) and (c) of subsection (3) of
772 section 373.41492, Florida Statutes, are amended to read:

773 373.41492 Miami-Dade County Lake Belt Mitigation Plan;
774 mitigation for mining activities within the Miami-Dade County
775 Lake Belt.—

776 (3) The mitigation fee and the water treatment plant
777 upgrade fee imposed by this section must be reported to the
778 Department of Revenue. Payment of the mitigation and the water
779 treatment plant upgrade fees must be accompanied by a form
780 prescribed by the Department of Revenue.

781 (b) The proceeds of the water treatment plant upgrade fee,
782 less administrative costs ~~and less 2 cents per ton transferred~~
783 ~~pursuant to paragraph (c)~~, must be transferred by the Department
784 of Revenue to a trust fund established by Miami-Dade County, for
785 the sole purpose authorized by paragraph (6) (a).

786 ~~(c) Until December 1, 2016, or until funding for the study~~
787 ~~is complete, whichever comes earlier, 2 cents per ton, not to~~
788 ~~exceed \$300,000, shall be transferred by the Department of~~
789 ~~Revenue to the State Fire Marshal to be used to fund the study~~
790 ~~required under s. 552.30 to review the established statewide~~
791 ~~ground vibration limits for construction materials mining~~
792 ~~activities and to review any legitimate claims paid for damages~~
793 ~~caused by such mining activities. Any amount not used to fund~~
794 ~~the study shall be transferred to the trust fund established by~~
795 ~~Miami Dade County, for the sole purpose authorized by paragraph~~
796 ~~(6) (a).~~

797 Reviser's note.—Amended to conform to the repeal of s. 552.30(3)
798 relating to the referenced study by this act; the final
799 study was submitted to the Division of State Fire Marshal
800 in July 2018.

HB 7027

2021

801 Section 22. Paragraph (a) of subsection (4) of section
802 379.2426, Florida Statutes, is amended to read:

803 379.2426 Regulation of shark fins; penalties.—

804 (4) The prohibitions under subsection (3) do not apply to
805 any of the following:

806 (a) The sale of shark fins by any commercial fisher
807 ~~fisherman~~ who harvested sharks from a vessel holding a valid
808 federal shark fishing permit on January 1, 2020.

809 Reviser's note.—Amended to conform to usage in the Florida
810 Statutes and to the directive of the Legislature to remove
811 gender-specific references from the Florida Statutes by s.
812 1, ch. 93-199, Laws of Florida.

813 Section 23. Subsection (9) of section 381.925, Florida
814 Statutes, is amended to read:

815 381.925 Cancer Center of Excellence Award.—

816 (9) The State Surgeon General shall report to the
817 President of the Senate and the Speaker of the House of
818 Representatives ~~by January 31, 2014, the status of implementing~~
819 ~~the Cancer Center of Excellence Award program, and by December~~
820 ~~15 of each year annually thereafter,~~ the number of applications
821 received, the number of award recipients by application cycle, a
822 list of award recipients, and recommendations to strengthen the
823 Cancer Center of Excellence Award program.

824 Reviser's note.—Amended to delete obsolete language. The Cancer
825 Center of Excellence Award Implementation Report was

826 submitted by the State Surgeon General on January 31, 2014.

827 Section 24. Effective July 1, 2021, subsection (2) of
828 section 393.066, Florida Statutes, as amended by section 2 of
829 chapter 2020-71, Laws of Florida, effective July 1, 2021, is
830 amended to read:

831 393.066 Community services and treatment.—

832 (2) Necessary services shall be purchased, rather than
833 provided directly by the agency, when the purchase of services
834 is more cost-efficient than providing them directly. All
835 purchased services must be approved by the agency. As a
836 condition of payment and before billing, persons or entities
837 under contract with the agency to provide services shall use
838 agency data management systems to document service provision to
839 clients and shall use such systems to bill for services.
840 Contracted persons and entities shall meet the minimum hardware
841 and software technical requirements established by the agency
842 for the use of such systems. Such persons or entities shall also
843 meet any requirements established by the agency for training and
844 professional development of staff providing direct services to
845 clients.

846 Reviser's note.—Amended, effective July 1, 2021, as amended by
847 s. 2, ch. 2020-71, Laws of Florida, effective July 1, 2021,
848 to confirm the editorial insertion of the word "and" to
849 improve clarity.

850 Section 25. Subsections (14), (15), (16), and (18) of

851 section 400.462, Florida Statutes, are reordered and amended to
852 read:

853 400.462 Definitions.—As used in this part, the term:

854 (14)~~(15)~~ "Home health aide" means a person who is trained
855 or qualified, as provided by rule, and who provides hands-on
856 personal care, performs simple procedures as an extension of
857 therapy or nursing services, assists in ambulation or exercises,
858 assists in administering medications as permitted in rule and
859 for which the person has received training established by the
860 agency under this part, or performs tasks delegated to him or
861 her under chapter 464.

862 (15)~~(14)~~ "Home health services" means health and medical
863 services and medical supplies furnished to an individual in the
864 individual's home or place of residence. The term includes the
865 following:

866 (a) Nursing care.

867 (b) Physical, occupational, respiratory, or speech
868 therapy.

869 (c) Home health aide services.

870 (d) Dietetics and nutrition practice and nutrition
871 counseling.

872 (e) Medical supplies, restricted to drugs and biologicals
873 prescribed by a physician.

874 (16)~~(18)~~ "Home infusion therapy" means the administration
875 of intravenous pharmacological or nutritional products to a

876 | patient in his or her home.

877 | (18)~~(16)~~ "Homemaker" means a person who performs household
 878 | chores that include housekeeping, meal planning and preparation,
 879 | shopping assistance, and routine household activities for an
 880 | elderly, handicapped, or convalescent individual. A homemaker
 881 | may not provide hands-on personal care to a client.

882 | Reviser's note.—Amended to conform with the alphabetical
 883 | ordering of the defined terms elsewhere in the section.

884 | Section 26. Effective July 1, 2021, subsection (6) of
 885 | section 400.962, Florida Statutes, is amended to read:

886 | 400.962 License required; license application.—

887 | (6) An applicant that has been granted a certificate-of-
 888 | need exemption under s. 408.036(3)(n) ~~408.036(3)(e)~~ must also
 889 | demonstrate and maintain compliance with the following criteria:

890 | (a) The total number of beds per home within the facility
 891 | may not exceed eight, with each resident having his or her own
 892 | bedroom and bathroom. Each eight-bed home must be colocated on
 893 | the same property with two other eight-bed homes and must serve
 894 | individuals with severe maladaptive behaviors and co-occurring
 895 | psychiatric diagnoses.

896 | (b) A minimum of 16 beds within the facility must be
 897 | designated for individuals with severe maladaptive behaviors who
 898 | have been assessed using the Agency for Persons with
 899 | Disabilities' Global Behavioral Service Need Matrix with a score
 900 | of at least Level 4 and up to Level 6, or assessed using the

901 criteria deemed appropriate by the Agency for Health Care
902 Administration regarding the need for a specialized placement in
903 an intermediate care facility for the developmentally disabled.
904 For home and community-based Medicaid waiver clients under
905 chapter 393, the Agency for Persons with Disabilities shall
906 offer choice counseling to clients regarding appropriate
907 residential placement based on the needs of the individual.

908 (c) The applicant has not had a facility license denied,
909 revoked, or suspended within the 36 months preceding the request
910 for exemption.

911 (d) The applicant must have at least 10 years of
912 experience serving individuals with severe maladaptive behaviors
913 in the state.

914 (e) The applicant must implement a state-approved staff
915 training curriculum and monitoring requirements specific to the
916 individuals whose behaviors require higher intensity, frequency,
917 and duration of services.

918 (f) The applicant must make available medical and nursing
919 services 24 hours per day, 7 days per week.

920 (g) The applicant must demonstrate a history of using
921 interventions that are least restrictive and that follow a
922 behavioral hierarchy.

923 (h) The applicant must maintain a policy prohibiting the
924 use of mechanical restraints.

925 Reviser's note.—Amended effective July 1, 2021, to conform to

926 the repeal of current paragraph (3)(1) by s. 14, ch. 2019-
 927 136, Laws of Florida, effective July 1, 2021.

928 Section 27. Subsection (4) of section 401.45, Florida
 929 Statutes, is amended to read:

930 401.45 Denial of emergency treatment; civil liability.—

931 (4) Any licensee or emergency medical technician or
 932 paramedic who in good faith provides emergency medical care or
 933 treatment within the scope of ~~their~~ employment and pursuant to
 934 oral or written instructions of a medical director shall be
 935 deemed to be providing emergency medical care or treatment for
 936 the purposes of s. 768.13(2)(b).

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

939 Section 28. Subsection (1) of section 402.402, Florida
 940 Statutes, is amended to read:

941 402.402 Child protection and child welfare personnel;
 942 attorneys employed by the department.—

943 (1) CHILD PROTECTIVE INVESTIGATION PROFESSIONAL STAFF
 944 REQUIREMENTS.—The department is responsible for recruitment of
 945 qualified professional staff to serve as child protective
 946 investigators and child protective investigation supervisors.
 947 The department shall make every effort to recruit and hire
 948 persons qualified by their education and experience to perform
 949 social work functions. The department's efforts shall be guided
 950 by the goal that at least half of all child protective

951 | investigators and supervisors will have a bachelor's degree or a
952 | master's degree in social work from a college or university
953 | social work program accredited by the Council on Social Work
954 | Education. The department, in collaboration with the lead
955 | agencies, subcontracted provider organizations, the Florida
956 | Institute for Child Welfare created pursuant to s. 1004.615, and
957 | other partners in the child welfare system, shall develop a
958 | protocol for screening candidates for child protective positions
959 | which reflects the preferences specified in paragraphs (a)-(c)
960 | ~~paragraphs (a)-(f)~~. The following persons shall be given
961 | preference in the recruitment of qualified professional staff,
962 | but the preferences serve only as guidance and do not limit the
963 | department's discretion to select the best available candidates:
964 | (a) Individuals with baccalaureate degrees in social work
965 | and child protective investigation supervisors with master's
966 | degrees in social work from a college or university social work
967 | program accredited by the Council on Social Work Education.
968 | (b) Individuals with baccalaureate or master's degrees in
969 | psychology, sociology, counseling, special education, education,
970 | human development, child development, family development,
971 | marriage and family therapy, and nursing.
972 | (c) Individuals with baccalaureate degrees who have a
973 | combination of directly relevant work and volunteer experience,
974 | preferably in a public service field related to children's
975 | services, demonstrating critical thinking skills, formal

976 assessment processes, communication skills, problem solving, and
977 empathy; a commitment to helping children and families; a
978 capacity to work as part of a team; an interest in continuous
979 development of skills and knowledge; and personal strength and
980 resilience to manage competing demands and handle workplace
981 stresses.

982 Reviser's note.—Amended to confirm the editorial substitution of
983 a reference to paragraphs (a)-(c) for a reference to
984 paragraphs (a)-(f). Amendment 292200 to C.S. for S.B. 1666,
985 2014 Regular Session, combined the subjects of paragraphs
986 (d)-(f) relating to preference in recruitment of child
987 protective investigation professional staff in paragraph
988 (c) but failed to update the cross-reference in the
989 introductory paragraph of subsection (1). Committee
990 Substitute for S.B. 1666 became ch. 2014-224, Laws of
991 Florida.

992 Section 29. Subsection (3) of section 403.726, Florida
993 Statutes, is amended to read:

994 403.726 Abatement of imminent hazard caused by hazardous
995 substance.—

996 (3) An imminent hazard exists if any hazardous substance
997 creates an immediate and substantial danger to human health,
998 safety, or welfare or to the environment. The department may
999 institute action in its own name, using the procedures and
1000 remedies of s. 403.121 or s. 403.131, to abate an imminent

1001 hazard. However, the department is authorized to recover a civil
1002 penalty of not more than \$37,500 for each day of continued
1003 violation. Whenever serious harm to human health, safety, and
1004 welfare; the environment; or private or public property may
1005 occur before completion of an administrative hearing or other
1006 formal proceeding that ~~which~~ might be initiated to abate the
1007 risk of serious harm, the department may obtain, ex parte, an
1008 injunction without paying filing and service fees before the
1009 filing and service of process.

1010 Reviser's note.—Amended to confirm the editorial deletion of the
1011 word "which" to correct an apparent error.

1012 Section 30. Effective July 1, 2021, subsection (2) and
1013 paragraphs (l) and (m) of subsection (3) of section 408.036,
1014 Florida Statutes, as amended by s. 14, ch. 2019-136, Laws of
1015 Florida, effective July 1, 2021, are reenacted to read:

1016 408.036 Projects subject to review; exemptions.—

1017 (2) PROJECTS SUBJECT TO EXPEDITED REVIEW.—Unless exempt
1018 pursuant to subsection (3), the following projects are subject
1019 to expedited review:

1020 (a) Transfer of a certificate of need.

1021 (b) Replacement of a nursing home, if the proposed project
1022 site is within a 30-mile radius of the replaced nursing home. If
1023 the proposed project site is outside the subdistrict where the
1024 replaced nursing home is located, the prior 6-month occupancy
1025 rate for licensed community nursing homes in the proposed

1026 | subdistrict must be at least 85 percent in accordance with the
 1027 | agency's most recently published inventory.

1028 | (c) Replacement of a nursing home within the same
 1029 | district, if the proposed project site is outside a 30-mile
 1030 | radius of the replaced nursing home but within the same
 1031 | subdistrict or a geographically contiguous subdistrict. If the
 1032 | proposed project site is in the geographically contiguous
 1033 | subdistrict, the prior 6-month occupancy rate for licensed
 1034 | community nursing homes for that subdistrict must be at least 85
 1035 | percent in accordance with the agency's most recently published
 1036 | inventory.

1037 | (d) Relocation of a portion of a nursing home's licensed
 1038 | beds to another facility or to establish a new facility within
 1039 | the same district or within a geographically contiguous
 1040 | district, if the relocation is within a 30-mile radius of the
 1041 | existing facility and the total number of nursing home beds in
 1042 | the state does not increase.

1043 | (e) New construction of a community nursing home in a
 1044 | retirement community as further provided in this paragraph.

1045 | 1. Expedited review under this paragraph is available if
 1046 | all of the following criteria are met:

1047 | a. The residential use area of the retirement community is
 1048 | deed-restricted as housing for older persons as defined in s.
 1049 | 760.29(4)(b).

1050 | b. The retirement community is located in a county in

1051 which 25 percent or more of its population is age 65 and older.

1052 c. The retirement community is located in a county that
1053 has a rate of no more than 16.1 beds per 1,000 persons age 65
1054 years or older. The rate shall be determined by using the
1055 current number of licensed and approved community nursing home
1056 beds in the county per the agency's most recent published
1057 inventory.

1058 d. The retirement community has a population of at least
1059 8,000 residents within the county, based on a population data
1060 source accepted by the agency.

1061 e. The number of proposed community nursing home beds in
1062 an application does not exceed the projected bed need after
1063 applying the rate of 16.1 beds per 1,000 persons aged 65 years
1064 and older projected for the county 3 years into the future using
1065 the estimates adopted by the agency reduced by the agency's most
1066 recently published inventory of licensed and approved community
1067 nursing home beds in the county.

1068 2. No more than 120 community nursing home beds shall be
1069 approved for a qualified retirement community under each request
1070 for expedited review. Subsequent requests for expedited review
1071 under this process may not be made until 2 years after
1072 construction of the facility has commenced or 1 year after the
1073 beds approved through the initial request are licensed,
1074 whichever occurs first.

1075 3. The total number of community nursing home beds which

1076 | may be approved for any single deed-restricted community
1077 | pursuant to this paragraph may not exceed 240, regardless of
1078 | whether the retirement community is located in more than one
1079 | qualifying county.

1080 | 4. Each nursing home facility approved under this
1081 | paragraph must be dually certified for participation in the
1082 | Medicare and Medicaid programs.

1083 | 5. Each nursing home facility approved under this
1084 | paragraph must be at least 1 mile, as measured over publicly
1085 | owned roadways, from an existing approved and licensed community
1086 | nursing home.

1087 | 6. A retirement community requesting expedited review
1088 | under this paragraph shall submit a written request to the
1089 | agency for expedited review. The request must include the number
1090 | of beds to be added and provide evidence of compliance with the
1091 | criteria specified in subparagraph 1.

1092 | 7. After verifying that the retirement community meets the
1093 | criteria for expedited review specified in subparagraph 1., the
1094 | agency shall publicly notice in the Florida Administrative
1095 | Register that a request for an expedited review has been
1096 | submitted by a qualifying retirement community and that the
1097 | qualifying retirement community intends to make land available
1098 | for the construction and operation of a community nursing home.
1099 | The agency's notice must identify where potential applicants can
1100 | obtain information describing the sales price of, or terms of

1101 the land lease for, the property on which the project will be
1102 located and the requirements established by the retirement
1103 community. The agency notice must also specify the deadline for
1104 submission of the certificate-of-need application, which may not
1105 be earlier than the 91st day or later than the 125th day after
1106 the date the notice appears in the Florida Administrative
1107 Register.

1108 8. The qualified retirement community shall make land
1109 available to applicants it deems to have met its requirements
1110 for the construction and operation of a community nursing home
1111 but may sell or lease the land only to the applicant that is
1112 issued a certificate of need by the agency under this paragraph.

1113 a. A certificate-of-need application submitted under this
1114 paragraph must identify the intended site for the project within
1115 the retirement community and the anticipated costs for the
1116 project based on that site. The application must also include
1117 written evidence that the retirement community has determined
1118 that both the provider submitting the application and the
1119 project satisfy its requirements for the project.

1120 b. If the retirement community determines that more than
1121 one provider satisfies its requirements for the project, it may
1122 notify the agency of the provider it prefers.

1123 9. The agency shall review each submitted application. If
1124 multiple applications are submitted for a project published
1125 pursuant to subparagraph 7., the agency shall review the

1126 competing applications.

1127

1128 The agency shall develop rules to implement the expedited review
1129 process, including time schedule, application content that may
1130 be reduced from the full requirements of s. 408.037(1), and
1131 application processing.

1132 (3) EXEMPTIONS.—Upon request, the following projects are
1133 subject to exemption from subsection (1):

1134 (1) For beds in state developmental disabilities centers
1135 as defined in s. 393.063.

1136 (m) For the establishment of a health care facility or
1137 project that meets all of the following criteria:

1138 1. The applicant was previously licensed within the past
1139 21 days as a health care facility or provider that is subject to
1140 subsection (1).

1141 2. The applicant failed to submit a renewal application
1142 and the license expired on or after January 1, 2015.

1143 3. The applicant does not have a license denial or
1144 revocation action pending with the agency at the time of the
1145 request.

1146 4. The applicant's request is for the same service type,
1147 district, service area, and site for which the applicant was
1148 previously licensed.

1149 5. The applicant's request, if applicable, includes the
1150 same number and type of beds as were previously licensed.

1151 6. The applicant agrees to the same conditions that were
1152 previously imposed on the certificate of need or on an exemption
1153 related to the applicant's previously licensed health care
1154 facility or project.

1155 7. The applicant applies for initial licensure as required
1156 under s. 408.806 within 21 days after the agency approves the
1157 exemption request. If the applicant fails to apply in a timely
1158 manner, the exemption expires on the 22nd day following the
1159 agency's approval of the exemption.

1160 Reviser's note.—Section 14, ch. 2019-136, Laws of Florida,
1161 purported to amend subsection (2), effective July 1, 2021,
1162 but did not publish paragraphs (b)-(e). Absent affirmative
1163 evidence of legislative intent to repeal paragraphs (b)-
1164 (e), subsection (2) is reenacted to confirm the omission
1165 was not intended. Paragraphs (3)(1) and (m) are
1166 redesignated from paragraphs (3)(m) and (n) to conform to
1167 the repeal of paragraph (3)(1), as amended by s. 14, ch.
1168 2019-136, effective July 1, 2021; the paragraphs were
1169 erroneously referenced as if they were in subsection (1) by
1170 Amendment 485034 to C.S. for H.B. 21, 2019 Regular Session,
1171 which became ch. 2019-136.

1172 Section 31. Paragraph (g) of subsection (4) of section
1173 409.165, Florida Statutes, is amended to read:

1174 409.165 Alternate care for children.—

1175 (4) With the written consent of parents, custodians, or

HB 7027

2021

1176 guardians, or in accordance with those provisions in chapter 39
1177 that relate to dependent children, the department, under rules
1178 properly adopted, may place a child:

1179 (g) In a subsidized independent living situation, ~~subject~~
1180 ~~to the provisions of s. 409.1451(4)(c),~~

1181
1182 under such conditions as are determined to be for the best
1183 interests or the welfare of the child. Any child placed in an
1184 institution or in a family home by the department or its agency
1185 may be removed by the department or its agency, and such other
1186 disposition may be made as is for the best interest of the
1187 child, including transfer of the child to another institution,
1188 another home, or the home of the child. Expenditure of funds
1189 appropriated for out-of-home care can be used to meet the needs
1190 of a child in the child's own home or the home of a relative if
1191 the child can be safely served in the child's own home or that
1192 of a relative if placement can be avoided by the expenditure of
1193 such funds, and if the expenditure of such funds in this manner
1194 is equal to or less than the cost of out-of-home placement.

1195 Reviser's note.—Amended to conform to the substantial rewording
1196 of s. 409.1451 by s. 8, ch. 2013-178, Laws of Florida; the
1197 section no longer contains text that equates to material
1198 formerly in s. 409.1451(4)(c).

1199 Section 32. Subsection (5) of section 409.973, Florida
1200 Statutes, is amended to read:

HB 7027

2021

1201 409.973 Benefits.—

1202 (5) PROVISION OF DENTAL SERVICES.—

1203 (a) ~~The Office of Program Policy Analysis and Government~~
1204 ~~Accountability shall provide a comprehensive report on the~~
1205 ~~provision of dental services under this part to the Governor,~~
1206 ~~the President of the Senate, and the Speaker of the House of~~
1207 ~~Representatives by December 1, 2016. The Office of Program~~
1208 ~~Policy Analysis and Government Accountability is authorized to~~
1209 ~~contract with an independent third party to assist in the~~
1210 ~~preparation of the report required by this paragraph.~~

1211 ~~1. The report must examine the effectiveness of medical~~
1212 ~~managed care plans in increasing patient access to dental care,~~
1213 ~~improving dental health, achieving satisfactory outcomes for~~
1214 ~~Medicaid recipients and the dental provider community, providing~~
1215 ~~outreach to Medicaid recipients, and delivering value and~~
1216 ~~transparency to the state's taxpayers regarding the dollars~~
1217 ~~intended for, and spent on, actual dental services.~~
1218 ~~Additionally, the report must examine, by plan and in the~~
1219 ~~aggregate, the historical trends of rates paid to dental~~
1220 ~~providers and to dental plan subcontractors, dental provider~~
1221 ~~participation in plan networks, and provider willingness to~~
1222 ~~treat Medicaid recipients. The report must also compare current~~
1223 ~~and historical efforts and trends and the experiences of other~~
1224 ~~states in delivering dental services, increasing patient access~~
1225 ~~to dental care, and improving dental health.~~

1226 ~~2.~~ The Legislature may use the findings of the Office of
1227 Program Policy Analysis and Government Accountability's report
1228 no. 16-07, December 2016, ~~this report~~ in setting the scope of
1229 minimum benefits set forth in this section for future
1230 procurements of eligible plans as described in s. 409.966.
1231 Specifically, the decision to include dental services as a
1232 minimum benefit under this section, or to provide Medicaid
1233 recipients with dental benefits separate from the Medicaid
1234 managed medical assistance program described in this part, may
1235 take into consideration the data and findings of the report.

1236 (b) In the event the Legislature takes no action before
1237 July 1, 2017, with respect to the report findings required under
1238 paragraph (a) subparagraph (a)2., the agency shall implement a
1239 statewide Medicaid prepaid dental health program for children
1240 and adults with a choice of at least two licensed dental managed
1241 care providers who must have substantial experience in providing
1242 dental care to Medicaid enrollees and children eligible for
1243 medical assistance under Title XXI of the Social Security Act
1244 and who meet all agency standards and requirements. To qualify
1245 as a provider under the prepaid dental health program, the
1246 entity must be licensed as a prepaid limited health service
1247 organization under part I of chapter 636 or as a health
1248 maintenance organization under part I of chapter 641. The
1249 contracts for program providers shall be awarded through a
1250 competitive procurement process. Beginning with the contract

1251 procurement process initiated during the 2023 calendar year, the
1252 contracts must be for 6 years and may not be renewed; however,
1253 the agency may extend the term of a plan contract to cover
1254 delays during a transition to a new plan provider. The agency
1255 shall include in the contracts a medical loss ratio provision
1256 consistent with s. 409.967(4). The agency is authorized to seek
1257 any necessary state plan amendment or federal waiver to commence
1258 enrollment in the Medicaid prepaid dental health program no
1259 later than March 1, 2019. The agency shall extend until December
1260 31, 2024, the term of existing plan contracts awarded pursuant
1261 to the invitation to negotiate published in October 2017.

1262 Reviser's note.—Amended to conform the fact that the referenced
1263 report was completed and submitted.

1264 Section 33. Subsection (2) of section 420.628, Florida
1265 Statutes, is amended to read:

1266 420.628 Affordable housing for children and young adults
1267 leaving foster care; legislative findings and intent.—

1268 (2) Young adults who leave the child welfare system meet
1269 the definition of eligible persons under ss. 420.503(17) and
1270 420.9071(11) ~~420.9071(10)~~ for affordable housing, and are
1271 encouraged to participate in federal, state, and local
1272 affordable housing programs. Students deemed to be eligible
1273 occupants under 26 U.S.C. s. 42(i)(3)(D) shall be considered
1274 eligible persons for purposes of all projects funded under this
1275 chapter.

1276 Reviser's note.—Amended to conform to the reordering of
1277 definitions in s. 420.9071 by this act.

1278 Section 34. Section 420.9071, Florida Statutes, is
1279 reordered and amended to read:

1280 420.9071 Definitions.—As used in ss. 420.907-420.9079, the
1281 term:

1282 (1) "Adjusted for family size" means adjusted in a manner
1283 that results in an income eligibility level that is lower for
1284 households having fewer than four people, or higher for
1285 households having more than four people, than the base income
1286 eligibility determined as provided in subsection (20) ~~(19)~~,
1287 subsection (21) ~~(20)~~, or subsection (30) ~~(28)~~, based upon a
1288 formula established by the United States Department of Housing
1289 and Urban Development.

1290 (2) "Affordable" means that monthly rents or monthly
1291 mortgage payments including taxes and insurance do not exceed 30
1292 percent of that amount which represents the percentage of the
1293 median annual gross income for the households as indicated in
1294 subsection (20) ~~(19)~~, subsection (21) ~~(20)~~, or subsection (30)
1295 ~~(28)~~. However, it is not the intent to limit an individual
1296 household's ability to devote more than 30 percent of its income
1297 for housing, and housing for which a household devotes more than
1298 30 percent of its income shall be deemed affordable if the first
1299 institutional mortgage lender is satisfied that the household
1300 can afford mortgage payments in excess of the 30 percent

1301 benchmark. The term also includes housing provided by a not-for-
1302 profit corporation that derives at least 75 percent of its
1303 annual revenues from contracts or services provided to a state
1304 or federal agency for low-income persons and low-income
1305 households; that provides supportive housing for persons who
1306 suffer from mental health issues, substance abuse, or domestic
1307 violence; and that provides on-premises social and community
1308 support services relating to job training, life skills training,
1309 alcohol and substance abuse disorders, child care, and client
1310 case management.

1311 (3) "Affordable housing advisory committee" means the
1312 committee appointed by the governing body of a county or
1313 eligible municipality for the purpose of recommending specific
1314 initiatives and incentives to encourage or facilitate affordable
1315 housing as provided in s. 420.9076.

1316 (4) "Annual gross income" means annual income as defined
1317 under the Section 8 housing assistance payments programs in 24
1318 C.F.R. part 5; annual income as reported under the census long
1319 form for the recent available decennial census; or adjusted
1320 gross income as defined for purposes of reporting under Internal
1321 Revenue Service Form 1040 for individual federal annual income
1322 tax purposes or as defined by standard practices used in the
1323 lending industry as detailed in the local housing assistance
1324 plan and approved by the corporation. Counties and eligible
1325 municipalities shall calculate income by annualizing verified

1326 sources of income for the household as the amount of income to
1327 be received in a household during the 12 months following the
1328 effective date of the determination.

1329 (5)~~(29)~~ "Assisted housing" or "assisted housing
1330 development" means a rental housing development, including
1331 rental housing in a mixed-use development, that received or
1332 currently receives funding from any federal or state housing
1333 program.

1334 (6)~~(5)~~ "Award" means a loan, grant, or subsidy funded
1335 wholly or partially by the local housing assistance trust fund.

1336 (7)~~(6)~~ "Community-based organization" means a nonprofit
1337 organization that has among its purposes the provision of
1338 affordable housing to persons who have special needs or have
1339 very low income, low income, or moderate income within a
1340 designated area, which may include a municipality, a county, or
1341 more than one municipality or county, and maintains, through a
1342 minimum of one-third representation on the organization's
1343 governing board, accountability to housing program beneficiaries
1344 and residents of the designated area.

1345 (8)~~(7)~~ "Corporation" means the Florida Housing Finance
1346 Corporation.

1347 (9)~~(8)~~ "Eligible housing" means any real and personal
1348 property located within the county or the eligible municipality
1349 which is designed and intended for the primary purpose of
1350 providing decent, safe, and sanitary residential units that are

1351 designed to meet the standards of the Florida Building Code or
1352 previous building codes adopted under chapter 553, or
1353 manufactured housing constructed after June 1994 and installed
1354 in accordance with the installation standards for mobile or
1355 manufactured homes contained in rules of the Department of
1356 Highway Safety and Motor Vehicles, for home ownership or rental
1357 for eligible persons as designated by each county or eligible
1358 municipality participating in the State Housing Initiatives
1359 Partnership Program.

1360 (10)~~(9)~~ "Eligible municipality" means a municipality that
1361 is eligible for federal community development block grant
1362 entitlement moneys as an entitlement community identified in 24
1363 C.F.R. s. 570, subpart D, Entitlement Grants, or a
1364 nonentitlement municipality that is receiving local housing
1365 distribution funds under an interlocal agreement that provides
1366 for possession and administrative control of funds to be
1367 transferred to the nonentitlement municipality. An eligible
1368 municipality that defers its participation in community
1369 development block grants does not affect its eligibility for
1370 participation in the State Housing Initiatives Partnership
1371 Program.

1372 (11)~~(10)~~ "Eligible person" or "eligible household" means
1373 one or more natural persons or a family determined by the county
1374 or eligible municipality to be of very low income, low income,
1375 or moderate income according to the income limits adjusted to

1376 family size published annually by the United States Department
1377 of Housing and Urban Development based upon the annual gross
1378 income of the household.

1379 (12)~~(11)~~ "Eligible sponsor" means a person or a private or
1380 public for-profit or not-for-profit entity that applies for an
1381 award under the local housing assistance plan for the purpose of
1382 providing eligible housing for eligible persons.

1383 (13)~~(12)~~ "Grant" means an award from the local housing
1384 assistance trust fund to an eligible sponsor or eligible person
1385 to partially assist in the construction, rehabilitation, or
1386 financing of eligible housing or to provide the cost of tenant
1387 or ownership qualifications without requirement for repayment as
1388 long as the condition of award is maintained.

1389 (14)~~(13)~~ "Loan" means an award from the local housing
1390 assistance trust fund to an eligible sponsor or eligible person
1391 to partially finance the acquisition, construction, or
1392 rehabilitation of eligible housing with requirement for
1393 repayment or provision for forgiveness of repayment if the
1394 condition of the award is maintained.

1395 (15)~~(14)~~ "Local housing assistance plan" means a concise
1396 description of the local housing assistance strategies and local
1397 housing incentive strategies adopted by local government
1398 resolution with an explanation of the way in which the program
1399 meets the requirements of ss. 420.907-420.9079 and corporation
1400 rule.

1401 (16)~~(15)~~ "Local housing assistance strategies" means the
1402 housing construction, rehabilitation, repair, or finance program
1403 implemented by a participating county or eligible municipality
1404 with the local housing distribution or other funds deposited
1405 into the local housing assistance trust fund.

1406 (17) "Local housing distributions" means the proceeds of
1407 the taxes collected under chapter 201 deposited into the Local
1408 Government Housing Trust Fund and distributed to counties and
1409 eligible municipalities participating in the State Housing
1410 Initiatives Partnership Program pursuant to s. 420.9073.

1411 (18)~~(16)~~ "Local housing incentive strategies" means local
1412 regulatory reform or incentive programs to encourage or
1413 facilitate affordable housing production, which include at a
1414 minimum, assurance that permits for affordable housing projects
1415 are expedited to a greater degree than other projects, as
1416 provided in s. 163.3177(6)(f)3.; an ongoing process for review
1417 of local policies, ordinances, regulations, and plan provisions
1418 that increase the cost of housing prior to their adoption; and a
1419 schedule for implementing the incentive strategies. Local
1420 housing incentive strategies may also include other regulatory
1421 reforms, such as those enumerated in s. 420.9076 or those
1422 recommended by the affordable housing advisory committee in its
1423 triennial evaluation of the implementation of affordable housing
1424 incentives, and adopted by the local governing body.

1425 (19)~~(18)~~ "Local housing partnership" means the

1426 implementation of the local housing assistance plan in a manner
1427 that involves the applicable county or eligible municipality,
1428 lending institutions, housing builders and developers, real
1429 estate professionals, advocates for low-income persons,
1430 community-based housing and service organizations, and providers
1431 of professional services relating to affordable housing. The
1432 term includes initiatives to provide support services for
1433 housing program beneficiaries such as training to prepare
1434 persons for the responsibility of homeownership, counseling of
1435 tenants, and the establishing of support services such as day
1436 care, health care, and transportation.

1437 (20)~~(19)~~ "Low-income person" or "low-income household"
1438 means one or more natural persons or a family that has a total
1439 annual gross household income that does not exceed 80 percent of
1440 the median annual income adjusted for family size for households
1441 within the metropolitan statistical area, the county, or the
1442 nonmetropolitan median for the state, whichever amount is
1443 greatest. With respect to rental units, the low-income
1444 household's annual income at the time of initial occupancy may
1445 not exceed 80 percent of the area's median income adjusted for
1446 family size. While occupying the rental unit, a low-income
1447 household's annual income may increase to an amount not to
1448 exceed 140 percent of 80 percent of the area's median income
1449 adjusted for family size.

1450 (21)~~(20)~~ "Moderate-income person" or "moderate-income

1451 household" means one or more natural persons or a family that
1452 has a total annual gross household income that does not exceed
1453 120 percent of the median annual income adjusted for family size
1454 for households within the metropolitan statistical area, the
1455 county, or the nonmetropolitan median for the state, whichever
1456 is greatest. With respect to rental units, the moderate-income
1457 household's annual income at the time of initial occupancy may
1458 not exceed 120 percent of the area's median income adjusted for
1459 family size. While occupying the rental unit, a moderate-income
1460 household's annual income may increase to an amount not to
1461 exceed 140 percent of 120 percent of the area's median income
1462 adjusted for family size.

1463 (22)~~(21)~~ "Personal property" means major appliances,
1464 including a freestanding refrigerator or stove, to be identified
1465 on the encumbering documents.

1466 (23)~~(22)~~ "Plan amendment" means the addition or deletion
1467 of a local housing assistance strategy or local housing
1468 incentive strategy. Plan amendments must at all times maintain
1469 consistency with program requirements and must be submitted to
1470 the corporation for review pursuant to s. 420.9072(3). Technical
1471 or clarifying revisions may not be considered plan amendments
1472 but must be transmitted to the corporation for purposes of
1473 notification.

1474 (24)~~(23)~~ "Population" means the latest official state
1475 estimate of population certified pursuant to s. 186.901 prior to

1476 the beginning of the state fiscal year.

1477 (25)~~(30)~~ "Preservation" means actions taken to keep rents
1478 in existing assisted housing affordable for extremely-low-
1479 income, very-low-income, low-income, and moderate-income
1480 households while ensuring that the property stays in good
1481 physical and financial condition for an extended period.

1482 (26)~~(24)~~ "Program income" means the proceeds derived from
1483 interest earned on or investment of the local housing
1484 distribution and other funds deposited into the local housing
1485 assistance trust fund, proceeds from loan repayments, recycled
1486 funds, and all other income derived from use of funds deposited
1487 in the local housing assistance trust fund. It does not include
1488 recaptured funds as defined in subsection (27) ~~(25)~~.

1489 (27)~~(25)~~ "Recaptured funds" means funds that are recouped
1490 by a county or eligible municipality in accordance with the
1491 recapture provisions of its local housing assistance plan
1492 pursuant to s. 420.9075(5)(j) from eligible persons or eligible
1493 sponsors, which funds were not used for assistance to an
1494 eligible household for an eligible activity, when there is a
1495 default on the terms of a grant award or loan award.

1496 (28)~~(26)~~ "Rent subsidies" means ongoing monthly rental
1497 assistance.

1498 (29)~~(27)~~ "Sales price" or "value" means, in the case of
1499 acquisition of an existing or newly constructed unit, the amount
1500 on the executed sales contract. For eligible persons who are

HB 7027

2021

1501 building a unit on land that they own, the sales price is
1502 determined by an appraisal performed by a state-certified
1503 appraiser. The appraisal must include the value of the land and
1504 the improvements using the after-construction value of the
1505 property and must be dated within 12 months of the date
1506 construction is to commence. The sales price of any unit must
1507 include the value of the land in order to qualify as eligible
1508 housing as defined in subsection (9) ~~(8)~~. In the case of
1509 rehabilitation or emergency repair of an existing unit that does
1510 not create additional living space, sales price or value means
1511 the value of the real property, as determined by an appraisal
1512 performed by a state-certified appraiser and dated within 12
1513 months of the date construction is to commence or the assessed
1514 value of the real property as determined by the county property
1515 appraiser. In the case of rehabilitation of an existing unit
1516 that includes the addition of new living space, sales price or
1517 value means the value of the real property, as determined by an
1518 appraisal performed by a state-certified appraiser and dated
1519 within 12 months of the date construction is to commence or the
1520 assessed value of the real property as determined by the county
1521 property appraiser, plus the cost of the improvements in either
1522 case.

1523 (30) ~~(28)~~ "Very-low-income person" or "very-low-income
1524 household" means one or more natural persons or a family that
1525 has a total annual gross household income that does not exceed

1526 50 percent of the median annual income adjusted for family size
 1527 for households within the metropolitan statistical area, the
 1528 county, or the nonmetropolitan median for the state, whichever
 1529 is greatest. With respect to rental units, the very-low-income
 1530 household's annual income at the time of initial occupancy may
 1531 not exceed 50 percent of the area's median income adjusted for
 1532 family size. While occupying the rental unit, a very-low-income
 1533 household's annual income may increase to an amount not to
 1534 exceed 140 percent of 50 percent of the area's median income
 1535 adjusted for family size.

1536 Reviser's note.—Amended to conform with the alphabetic ordering
 1537 of the defined terms elsewhere in the section, and to
 1538 conform internal cross-references to the reordering.

1539 Section 35. Subsection (2) of section 420.9072, Florida
 1540 Statutes, is amended to read:

1541 420.9072 State Housing Initiatives Partnership Program.—
 1542 The State Housing Initiatives Partnership Program is created for
 1543 the purpose of providing funds to counties and eligible
 1544 municipalities as an incentive for the creation of local housing
 1545 partnerships, to expand production of and preserve affordable
 1546 housing, to further the housing element of the local government
 1547 comprehensive plan specific to affordable housing, and to
 1548 increase housing-related employment.

1549 (2) (a) To be eligible to receive funds under the program,
 1550 a county or eligible municipality must:

1551 1. Submit to the corporation its local housing assistance
1552 plan describing the local housing assistance strategies
1553 established pursuant to s. 420.9075;

1554 2. Within 12 months after adopting the local housing
1555 assistance plan, amend the plan to incorporate the local housing
1556 incentive strategies defined in s. 420.9071(18) ~~420.9071(16)~~ and
1557 described in s. 420.9076; and

1558 3. Within 24 months after adopting the amended local
1559 housing assistance plan to incorporate the local housing
1560 incentive strategies, amend its land development regulations or
1561 establish local policies and procedures, as necessary, to
1562 implement the local housing incentive strategies adopted by the
1563 local governing body. A county or an eligible municipality that
1564 has adopted a housing incentive strategy pursuant to s. 420.9076
1565 before the effective date of this act shall review the status of
1566 implementation of the plan according to its adopted schedule for
1567 implementation and report its findings in the annual report
1568 required by s. 420.9075(10). If, as a result of the review, a
1569 county or an eligible municipality determines that the
1570 implementation is complete and in accordance with its schedule,
1571 no further action is necessary. If a county or an eligible
1572 municipality determines that implementation according to its
1573 schedule is not complete, it must amend its land development
1574 regulations or establish local policies and procedures, as
1575 necessary, to implement the housing incentive plan within 12

1576 months after the effective date of this act, or if extenuating
1577 circumstances prevent implementation within 12 months, pursuant
1578 to s. 420.9075(13), enter into an extension agreement with the
1579 corporation.

1580 (b) A county or an eligible municipality seeking approval
1581 to receive its share of the local housing distribution must
1582 adopt an ordinance containing the following provisions:

1583 1. Creation of a local housing assistance trust fund as
1584 described in s. 420.9075(6).

1585 2. Adoption by resolution of a local housing assistance
1586 plan as defined in s. 420.9071(15) ~~420.9071(14)~~ to be
1587 implemented through a local housing partnership as defined in s.
1588 420.9071(19) ~~420.9071(18)~~.

1589 3. Designation of the responsibility for the
1590 administration of the local housing assistance plan. Such
1591 ordinance may also provide for the contracting of all or part of
1592 the administrative or other functions of the program to a third
1593 person or entity.

1594 4. Creation of the affordable housing advisory committee
1595 as provided in s. 420.9076.

1596

1597 The ordinance must not take effect until at least 30 days after
1598 the date of formal adoption. Ordinances in effect prior to the
1599 effective date of amendments to this section shall be amended as
1600 needed to conform to new provisions.

1601 Reviser's note.—Amended to conform to the reordering of
 1602 definitions in s. 420.9071 by this act.
 1603 Section 36. Paragraph (n) of subsection (5) of section
 1604 420.9075, Florida Statutes, is amended to read:
 1605 420.9075 Local housing assistance plans; partnerships.—
 1606 (5) The following criteria apply to awards made to
 1607 eligible sponsors or eligible persons for the purpose of
 1608 providing eligible housing:
 1609 (n) Funds from the local housing distribution not used to
 1610 meet the criteria established in paragraph (a) or paragraph (c)
 1611 or not used for the administration of a local housing assistance
 1612 plan must be used for housing production and finance activities,
 1613 including, but not limited to, financing preconstruction
 1614 activities or the purchase of existing units, providing rental
 1615 housing, and providing home ownership training to prospective
 1616 home buyers and owners of homes assisted through the local
 1617 housing assistance plan.
 1618 1. Notwithstanding the provisions of paragraphs (a) and
 1619 (c), program income as defined in s. 420.9071(26) ~~420.9071(24)~~
 1620 may also be used to fund activities described in this paragraph.
 1621 2. When preconstruction due-diligence activities conducted
 1622 as part of a preservation strategy show that preservation of the
 1623 units is not feasible and will not result in the production of
 1624 an eligible unit, such costs shall be deemed a program expense
 1625 rather than an administrative expense if such program expenses

1626 do not exceed 3 percent of the annual local housing
 1627 distribution.

1628 3. If both an award under the local housing assistance
 1629 plan and federal low-income housing tax credits are used to
 1630 assist a project and there is a conflict between the criteria
 1631 prescribed in this subsection and the requirements of s. 42 of
 1632 the Internal Revenue Code of 1986, as amended, the county or
 1633 eligible municipality may resolve the conflict by giving
 1634 precedence to the requirements of s. 42 of the Internal Revenue
 1635 Code of 1986, as amended, in lieu of following the criteria
 1636 prescribed in this subsection with the exception of paragraphs
 1637 (a) and (g) of this subsection.

1638 4. Each county and each eligible municipality may award
 1639 funds as a grant for construction, rehabilitation, or repair as
 1640 part of disaster recovery or emergency repairs or to remedy
 1641 accessibility or health and safety deficiencies. Any other
 1642 grants must be approved as part of the local housing assistance
 1643 plan.

1644 Reviser's note.—Amended to conform to the reordering of
 1645 definitions in s. 420.9071 by this act.

1646 Section 37. Subsections (1) and (6) of section 420.9076,
 1647 Florida Statutes, are amended to read:

1648 420.9076 Adoption of affordable housing incentive
 1649 strategies; committees.—

1650 (1) Each county or eligible municipality participating in

1651 the State Housing Initiatives Partnership Program, including a
 1652 municipality receiving program funds through the county, or an
 1653 eligible municipality must, within 12 months after the original
 1654 adoption of the local housing assistance plan, amend the plan to
 1655 include local housing incentive strategies as defined in s.
 1656 420.9071(18) ~~420.9071(16)~~.

1657 (6) Within 90 days after the date of receipt of the
 1658 evaluation and local housing incentive strategies
 1659 recommendations from the advisory committee, the governing body
 1660 of the appointing local government shall adopt an amendment to
 1661 its local housing assistance plan to incorporate the local
 1662 housing incentive strategies it will implement within its
 1663 jurisdiction. The amendment must include, at a minimum, the
 1664 local housing incentive strategies required under s.
 1665 420.9071(18) ~~420.9071(16)~~. The local government must consider
 1666 the strategies specified in paragraphs (4) (a)-(k) as recommended
 1667 by the advisory committee.

1668 Reviser's note.—Amended to conform to the reordering of
 1669 definitions in s. 420.9071 by this act.

1670 Section 38. Subsections (6) and (7) of section 429.02,
 1671 Florida Statutes, are reordered and amended to read:

1672 429.02 Definitions.—When used in this part, the term:
 1673 (7) ~~(6)~~ "Chemical restraint" means a pharmacologic drug
 1674 that physically limits, restricts, or deprives an individual of
 1675 movement or mobility, and is used for discipline or convenience

HB 7027

2021

1676 and not required for the treatment of medical symptoms.

1677 (6)~~(7)~~ "Assistive device" means any device designed or
1678 adapted to help a resident perform an action, a task, an
1679 activity of daily living, or a transfer; prevent a fall; or
1680 recover from a fall. The term does not include a total body lift
1681 or a motorized sit-to-stand lift, with the exception of a chair
1682 lift or recliner lift that a resident is able to operate
1683 independently.

1684 Reviser's note.—Amended to conform with the alphabetic ordering
1685 of the defined terms elsewhere in the section.

1686 Section 39. Paragraphs (o) and (p) of subsection (3) of
1687 section 456.053, Florida Statutes, are reordered and amended, to
1688 read:

1689 456.053 Financial arrangements between referring health
1690 care providers and providers of health care services.—

1691 (3) DEFINITIONS.—For the purpose of this section, the
1692 word, phrase, or term:

1693 (p)~~(o)~~ "Referral" means any referral of a patient by a
1694 health care provider for health care services, including,
1695 without limitation:

1696 1. The forwarding of a patient by a health care provider
1697 to another health care provider or to an entity which provides
1698 or supplies designated health services or any other health care
1699 item or service; or

1700 2. The request or establishment of a plan of care by a

1701 health care provider, which includes the provision of designated
1702 health services or other health care item or service.

1703 3. The following orders, recommendations, or plans of care
1704 shall not constitute a referral by a health care provider:

1705 a. By a radiologist for diagnostic-imaging services.

1706 b. By a physician specializing in the provision of
1707 radiation therapy services for such services.

1708 c. By a medical oncologist for drugs and solutions to be
1709 prepared and administered intravenously to such oncologist's
1710 patient, as well as for the supplies and equipment used in
1711 connection therewith to treat such patient for cancer and the
1712 complications thereof.

1713 d. By a cardiologist for cardiac catheterization services.

1714 e. By a pathologist for diagnostic clinical laboratory
1715 tests and pathological examination services, if furnished by or
1716 under the supervision of such pathologist pursuant to a
1717 consultation requested by another physician.

1718 f. By a health care provider who is the sole provider or
1719 member of a group practice for designated health services or
1720 other health care items or services that are prescribed or
1721 provided solely for such referring health care provider's or
1722 group practice's own patients, and that are provided or
1723 performed by or under the direct supervision of such referring
1724 health care provider or group practice; provided, however, a
1725 physician licensed pursuant to chapter 458, chapter 459, chapter

1726 460, or chapter 461 or an advanced practice registered nurse
1727 registered under s. 464.0123 may refer a patient to a sole
1728 provider or group practice for diagnostic imaging services,
1729 excluding radiation therapy services, for which the sole
1730 provider or group practice billed both the technical and the
1731 professional fee for or on behalf of the patient, if the
1732 referring physician or advanced practice registered nurse
1733 registered under s. 464.0123 has no investment interest in the
1734 practice. The diagnostic imaging service referred to a group
1735 practice or sole provider must be a diagnostic imaging service
1736 normally provided within the scope of practice to the patients
1737 of the group practice or sole provider. The group practice or
1738 sole provider may accept no more than 15 percent of their
1739 patients receiving diagnostic imaging services from outside
1740 referrals, excluding radiation therapy services. However, the 15
1741 percent limitation of this sub-subparagraph and the requirements
1742 of subparagraph (4) (a)2. do not apply to a group practice entity
1743 that owns an accountable care organization or an entity
1744 operating under an advanced alternative payment model according
1745 to federal regulations if such entity provides diagnostic
1746 imaging services and has more than 30,000 patients enrolled per
1747 year.

1748 g. By a health care provider for services provided by an
1749 ambulatory surgical center licensed under chapter 395.

1750 h. By a urologist for lithotripsy services.

1751 i. By a dentist for dental services performed by an
 1752 employee of or health care provider who is an independent
 1753 contractor with the dentist or group practice of which the
 1754 dentist is a member.

1755 j. By a physician for infusion therapy services to a
 1756 patient of that physician or a member of that physician's group
 1757 practice.

1758 k. By a nephrologist for renal dialysis services and
 1759 supplies, except laboratory services.

1760 l. By a health care provider whose principal professional
 1761 practice consists of treating patients in their private
 1762 residences for services to be rendered in such private
 1763 residences, except for services rendered by a home health agency
 1764 licensed under chapter 400. For purposes of this sub-
 1765 subparagraph, the term "private residences" includes patients'
 1766 private homes, independent living centers, and assisted living
 1767 facilities, but does not include skilled nursing facilities.

1768 m. By a health care provider for sleep-related testing.

1769 (o) ~~(p)~~ "Present in the office suite" means that the
 1770 physician is actually physically present; provided, however,
 1771 that the health care provider is considered physically present
 1772 during brief unexpected absences as well as during routine
 1773 absences of a short duration if the absences occur during time
 1774 periods in which the health care provider is otherwise scheduled
 1775 and ordinarily expected to be present and the absences do not

HB 7027

2021

1776 conflict with any other requirement in the Medicare program for
1777 a particular level of health care provider supervision.

1778 Reviser's note.—Amended to conform with the alphabetic ordering
1779 of the defined terms elsewhere in the section.

1780 Section 40. Subsection (16) of section 481.203, Florida
1781 Statutes, is amended to read:

1782 481.203 Definitions.—As used in this part, the term:

1783 (16) "Townhouse" ~~means~~ is a single-family dwelling unit
1784 not exceeding three stories in height which is constructed in a
1785 series or group of attached units with property lines separating
1786 such units. Each townhouse shall be considered a separate
1787 building and shall be separated from adjoining townhouses by the
1788 use of separate exterior walls meeting the requirements for zero
1789 clearance from property lines as required by the type of
1790 construction and fire protection requirements; or shall be
1791 separated by a party wall; or may be separated by a single wall
1792 meeting the following requirements:

1793 (a) Such wall shall provide not less than 2 hours of fire
1794 resistance. Plumbing, piping, ducts, or electrical or other
1795 building services shall not be installed within or through the
1796 2-hour wall unless such materials and methods of penetration
1797 have been tested in accordance with the Standard Building Code.

1798 (b) Such wall shall extend from the foundation to the
1799 underside of the roof sheathing, and the underside of the roof
1800 shall have at least 1 hour of fire resistance for a width not

HB 7027

2021

1801 less than 4 feet on each side of the wall.

1802 (c) Each dwelling unit sharing such wall shall be designed
1803 and constructed to maintain its structural integrity independent
1804 of the unit on the opposite side of the wall.

1805 Reviser's note.—Amended to conform to context.

1806 Section 41. Subsection (3) of section 552.30, Florida
1807 Statutes, is amended to read:

1808 552.30 Construction materials mining activities.—

1809 ~~(3) The State Fire Marshal is directed to conduct or~~
1810 ~~contract for a study to review whether the established statewide~~
1811 ~~ground vibration limits for construction materials mining~~
1812 ~~activities are still appropriate and to review any legitimate~~
1813 ~~claims paid for damages caused by such mining activities. The~~
1814 ~~study must include a review of measured vibration amplitudes and~~
1815 ~~frequencies, structure responses, theoretical analyses of~~
1816 ~~material strength and strains, and assessments of home damages.~~

1817 ~~(a) The study shall be funded using the specified portion~~
1818 ~~of revenues received from the water treatment plant upgrade fee~~
1819 ~~pursuant to s. 373.41492.~~

1820 ~~(b) The State Fire Marshal shall submit a report to the~~
1821 ~~Governor, the President of the Senate, and the Speaker of the~~
1822 ~~House of Representatives by December 1, 2016, which contains the~~
1823 ~~findings of the study and any recommendations.~~

1824 Reviser's note.—Amended to delete an obsolete provision. The
1825 final study was submitted to the Division of State Fire

1826 Marshal in July 2018.

1827 Section 42. Subsection (8) of section 556.102, Florida
 1828 Statutes, is amended to read:

1829 556.102 Definitions.—As used in this act:

1830 (8) "High-priority subsurface installation" means an
 1831 underground gas transmission or gas distribution pipeline, or an
 1832 underground pipeline used to transport gasoline, jet fuel, or
 1833 any other refined petroleum product or hazardous or highly
 1834 volatile liquid, such as anhydrous ammonia or carbon dioxide, if
 1835 the pipeline is deemed to be critical by the operator of the
 1836 pipeline and is identified as a high-priority subsurface
 1837 installation to an excavator who has provided a notice of intent
 1838 to excavate under ~~to~~ s. 556.105(1), or would have been
 1839 identified as a high-priority subsurface installation except for
 1840 the excavator's failure to give proper notice of intent to
 1841 excavate.

1842 Reviser's note.—Amended to confirm the editorial deletion of the
 1843 word "to" to improve clarity.

1844 Section 43. Subsection (6) of section 624.307, Florida
 1845 Statutes, is amended to read:

1846 624.307 General powers; duties.—

1847 (6) The department and office may each employ actuaries
 1848 who shall be at-will employees and who shall serve at the
 1849 pleasure of the Chief Financial Officer, in the case of
 1850 department employees, or at the pleasure of the director of the

1851 office, in the case of office employees. Actuaries employed
1852 pursuant to this paragraph shall be members of the Society of
1853 Actuaries or the Casualty Actuarial Society and shall be exempt
1854 from the Career Service System established under chapter 110.
1855 The salaries of the actuaries employed pursuant to this
1856 paragraph ~~shall be set in accordance with s. 216.251(2)(a)5. and~~
1857 shall be set at levels which are commensurate with salary levels
1858 paid to actuaries by the insurance industry.

1859 Reviser's note.—Amended to conform to the fact that s.

1860 216.251(2)(a)5. was redesignated as s. 216.251(2)(a)6. by
1861 s. 67, ch. 92-142, Laws of Florida, and subsequently
1862 repealed by s. 36, ch. 2005-152, Laws of Florida.

1863 Section 44. Paragraphs (d) and (e) of subsection (2) of
1864 section 624.5105, Florida Statutes, are amended to read:

1865 624.5105 Community contribution tax credit; authorization;
1866 limitations; eligibility and application requirements;
1867 administration; definitions; expiration.—

1868 (2) ELIGIBILITY REQUIREMENTS.—

1869 (d) The project shall be located in an area that was
1870 designated as an enterprise zone pursuant to chapter 290 as of
1871 May 1, 2015, or a Front Porch Florida Community. Any project
1872 designed to provide housing opportunities for persons with
1873 special needs as defined in s. 420.0004 or to construct or
1874 rehabilitate housing for low-income or very-low-income
1875 households as defined in s. 420.9071(20) and (30) ~~420.9071(19)~~

1876 | ~~and (28)~~ is exempt from the area requirement of this paragraph.
 1877 | (e)1. If, during the first 10 business days of the state
 1878 | fiscal year, eligible tax credit applications for projects that
 1879 | provide housing opportunities for persons with special needs as
 1880 | defined in s. 420.0004 or homeownership opportunities for low-
 1881 | income or very-low-income households as defined in s.
 1882 | 420.9071(20) and (30) ~~420.9071(19) and (28)~~ are received for
 1883 | less than the annual tax credits available for those projects,
 1884 | the Department of Economic Opportunity shall grant tax credits
 1885 | for those applications and shall grant remaining tax credits on
 1886 | a first-come, first-served basis for any subsequent eligible
 1887 | applications received before the end of the state fiscal year.
 1888 | If, during the first 10 business days of the state fiscal year,
 1889 | eligible tax credit applications for projects that provide
 1890 | housing opportunities for persons with special needs as defined
 1891 | in s. 420.0004 or homeownership opportunities for low-income or
 1892 | very-low-income households as defined in s. 420.9071(20) and
 1893 | (30) ~~420.9071(19) and (28)~~ are received for more than the annual
 1894 | tax credits available for those projects, the Department of
 1895 | Economic Opportunity shall grant the tax credits for those
 1896 | applications as follows:
 1897 | a. If tax credit applications submitted for approved
 1898 | projects of an eligible sponsor do not exceed \$200,000 in total,
 1899 | the credits shall be granted in full if the tax credit
 1900 | applications are approved.

1901 b. If tax credit applications submitted for approved
 1902 projects of an eligible sponsor exceed \$200,000 in total, the
 1903 amount of tax credits granted under sub-subparagraph a. shall be
 1904 subtracted from the amount of available tax credits, and the
 1905 remaining credits shall be granted to each approved tax credit
 1906 application on a pro rata basis.

1907 2. If, during the first 10 business days of the state
 1908 fiscal year, eligible tax credit applications for projects other
 1909 than those that provide housing opportunities for persons with
 1910 special needs as defined in s. 420.0004 or homeownership
 1911 opportunities for low-income or very-low-income households as
 1912 defined in s. 420.9071(20) and (30) ~~420.9071(19) and (28)~~ are
 1913 received for less than the annual tax credits available for
 1914 those projects, the Department of Economic Opportunity shall
 1915 grant tax credits for those applications and shall grant
 1916 remaining tax credits on a first-come, first-served basis for
 1917 any subsequent eligible applications received before the end of
 1918 the state fiscal year. If, during the first 10 business days of
 1919 the state fiscal year, eligible tax credit applications for
 1920 projects other than those that provide housing opportunities for
 1921 persons with special needs as defined in s. 420.0004 or
 1922 homeownership opportunities for low-income or very-low-income
 1923 households as defined in s. 420.9071(20) and (30) ~~420.9071(19)~~
 1924 ~~and (28)~~ are received for more than the annual tax credits
 1925 available for those projects, the Department of Economic

1926 Opportunity shall grant the tax credits for those applications
 1927 on a pro rata basis.

1928 Reviser's note.—Amended to conform to the reordering of
 1929 definitions in s. 420.9071 by this act.

1930 Section 45. Section 625.091, Florida Statutes, is amended
 1931 to read:

1932 625.091 Losses and loss adjustment expense reserves;
 1933 liability insurance and workers' compensation insurance.—The
 1934 reserve liabilities recorded in the insurer's annual statement
 1935 and financial statements for unpaid ~~u~~ losses and loss adjustment
 1936 expenses shall be the estimated value of its claims when
 1937 ultimately settled and shall be computed as follows:

1938 (1) For all liability and workers' compensation claims,
 1939 the statement and statutory reserves and loss adjustment
 1940 expenses shall be in accordance with the form of the annual
 1941 statement as required in s. 624.424, and shall include the
 1942 computed, determined, or estimated value of the unpaid reported
 1943 claims and loss adjustment expenses, allocated and unallocated,
 1944 and a provision for loss and loss adjustment expenses, allocated
 1945 and unallocated, that are incurred but not reported. For claims
 1946 under liability policies, the reserve for reported claims shall
 1947 not be less than \$1,000 for each outstanding liability suit.

1948 (2) (a) Workers' compensation tabular reserves and long-
 1949 term disability claims including death claims may be reserved at
 1950 the present value at 4 percent interest of the determined and

1951 the estimated future payments.

1952 (b) If workers' compensation reserves are discounted in
1953 accordance with paragraph (a), discounted loss and loss expense
1954 reserves shall be used in the computation of excess statutory
1955 reserves over statement reserves.

1956 (3) Structured settlements may be used to reduce reserves
1957 if:

1958 (a) There is the purchase of an annuity by the insurer to
1959 fund future payments that are fixed or determined by settlement
1960 provisions or statutes wherein the claimant is the payee, the
1961 transaction may be treated as a paid claim and the reserve taken
1962 down accordingly. The appropriate disclosure of the contingent
1963 liability for such amount must be disclosed in notes to the
1964 financial statements of the annual statement; or

1965 (b) The insurer assigns the obligation to make periodic
1966 payments to a third party and obtains a full and complete
1967 release from the claimant, the claim may be treated as a paid
1968 claim without additional disclosure.

1969 (4) (a) Accounting credit for anticipated recoveries from
1970 the Special Disability Trust Fund may only be taken in the
1971 determination of loss reserves and may not be reflected on the
1972 financial statements in any manner other than that allowed
1973 pursuant to this subsection.

1974 (b) An insurer may only take accounting credit for
1975 anticipated recoveries from the Special Disability Trust Fund

1976 | for each proof of claim which the fund has reviewed, determined
 1977 | to be a valid claim and so notified the carrier, and extended a
 1978 | payment offer; or a reimbursement request audited and approved
 1979 | for payment or paid by the fund.

1980 | (c)1. Each insurer shall separately identify anticipated
 1981 | recoveries from the Special Disability Trust Fund on the annual
 1982 | statement required to be filed pursuant to s. 624.424.

1983 | 2. For all financial statements filed with the office,
 1984 | each insurer shall disclose in the notes to the financial
 1985 | statements of any financial statement required to be filed
 1986 | pursuant to s. 624.424 any credit in loss reserves taken for
 1987 | anticipated recoveries from the Special Disability Trust Fund.
 1988 | That disclosure shall include:

1989 | a. The amount of credit taken by the insurer in the
 1990 | determination of its loss reserves for the prior calendar year
 1991 | and the current reporting period on a year-to-date basis.

1992 | b. The amount of payments received by the insurer from the
 1993 | Special Disability Trust Fund during the prior calendar year and
 1994 | the year-to-date recoveries for the current year.

1995 | c. The amount the insurer was assessed by the Special
 1996 | Disability Trust Fund during the prior calendar year and during
 1997 | the current calendar year.

1998 | Reviser's note.—Amended to confirm the editorial substitution of
 1999 | the word "unpaid" for the letter "u" to correct a drafting
 2000 | error.

2001 Section 46. Paragraph (e) of subsection (2) of section
 2002 627.6387, Florida Statutes, is amended to read:
 2003 627.6387 Shared savings incentive program.—
 2004 (2) As used in this section, the term:
 2005 (e) "Shoppable health care service" means a lower-cost,
 2006 high-quality nonemergency health care service for which a shared
 2007 savings incentive is available for insureds under a health
 2008 insurer's shared savings incentive program. Shoppable health
 2009 care services may be provided within or outside this state and
 2010 include, but are not limited to:
 2011 1. Clinical laboratory services.
 2012 2. Infusion therapy.
 2013 3. Inpatient and outpatient surgical procedures.
 2014 4. Obstetrical and gynecological services.
 2015 5. Inpatient and outpatient nonsurgical diagnostic tests
 2016 and procedures.
 2017 6. Physical and occupational therapy services.
 2018 7. Radiology and imaging services.
 2019 8. Prescription drugs.
 2020 9. Services provided through telehealth.
 2021 10. Any additional services published by the Agency for
 2022 Health Care Administration that have the most significant price
 2023 variation pursuant to s. 408.05(3)(m) ~~408.05(3)(1)~~.
 2024 Reviser's note.—Amended to confirm the editorial substitution of
 2025 the reference to s. 408.05(3)(m) for a reference to s.

2026 408.05(3)(1) as added by s. 52, ch. 2020-156, Laws of
 2027 Florida, to conform to the redesignation of paragraphs
 2028 within subsection (3) by s. 3, ch. 2020-134, Laws of
 2029 Florida.

2030 Section 47. Paragraph (e) of subsection (2) of section
 2031 627.6648, Florida Statutes, is amended to read:

2032 627.6648 Shared savings incentive program.—

2033 (2) As used in this section, the term:

2034 (e) "Shoppable health care service" means a lower-cost,
 2035 high-quality nonemergency health care service for which a shared
 2036 savings incentive is available for insureds under a health
 2037 insurer's shared savings incentive program. Shoppable health
 2038 care services may be provided within or outside this state and
 2039 include, but are not limited to:

- 2040 1. Clinical laboratory services.
- 2041 2. Infusion therapy.
- 2042 3. Inpatient and outpatient surgical procedures.
- 2043 4. Obstetrical and gynecological services.
- 2044 5. Inpatient and outpatient nonsurgical diagnostic tests
 2045 and procedures.
- 2046 6. Physical and occupational therapy services.
- 2047 7. Radiology and imaging services.
- 2048 8. Prescription drugs.
- 2049 9. Services provided through telehealth.
- 2050 10. Any additional services published by the Agency for

2051 Health Care Administration that have the most significant price
 2052 variation pursuant to s. 408.05(3)(m) ~~408.05(3)(1)~~.
 2053 Reviser's note.—Amended to confirm the editorial substitution of
 2054 the reference to s. 408.05(3)(m) for a reference to s.
 2055 408.05(3)(1) as added by s. 52, ch. 2020-156, Laws of
 2056 Florida, to conform to the redesignation of paragraphs
 2057 within subsection (3) by s. 3, ch. 2020-134, Laws of
 2058 Florida.

2059 Section 48. Subsections (5) through (8) of section 631.54,
 2060 Florida Statutes, are renumbered as subsections (6) through (9),
 2061 respectively, and present subsection (9) is amended to read:
 2062 631.54 Definitions.—As used in this part:
 2063 (5) ~~(9)~~ "Direct written premiums" means direct gross
 2064 premiums written in this state on insurance policies to which
 2065 this part applies, less return premiums thereon on such direct
 2066 business. The term does not include premiums on contracts
 2067 between insurers or reinsurers.

2068 Reviser's note.—Amended to conform with the alphabetic ordering
 2069 of the defined terms elsewhere in the section.

2070 Section 49. Paragraph (e) of subsection (2) of section
 2071 641.31076, Florida Statutes, is amended to read:
 2072 641.31076 Shared savings incentive program.—
 2073 (2) As used in this section, the term:
 2074 (e) "Shoppable health care service" means a lower-cost,
 2075 high-quality nonemergency health care service for which a shared

2076 savings incentive is available for subscribers under a health
 2077 maintenance organization's shared savings incentive program.
 2078 Shoppable health care services may be provided within or outside
 2079 this state and include, but are not limited to:

- 2080 1. Clinical laboratory services.
- 2081 2. Infusion therapy.
- 2082 3. Inpatient and outpatient surgical procedures.
- 2083 4. Obstetrical and gynecological services.
- 2084 5. Inpatient and outpatient nonsurgical diagnostic tests
 2085 and procedures.
- 2086 6. Physical and occupational therapy services.
- 2087 7. Radiology and imaging services.
- 2088 8. Prescription drugs.
- 2089 9. Services provided through telehealth.
- 2090 10. Any additional services published by the Agency for
 2091 Health Care Administration that have the most significant price
 2092 variation pursuant to s. 408.05(3)(m) ~~408.05(3)(1)~~.

2093 Reviser's note.—Amended to confirm the editorial substitution of
 2094 a reference to s. 408.05(3)(m) for a reference to s.
 2095 408.05(3)(1) to conform to the redesignation of s.
 2096 408.05(3)(1) as added by s. 52, ch. 2020-156, Laws of
 2097 Florida, to conform to the redesignation of paragraphs
 2098 within subsection (3) by s. 3, ch. 2020-134, Laws of
 2099 Florida.

2100 Section 50. Paragraph (c) of subsection (9) of section

2101 647.02, Florida Statutes, is amended to read:

2102 647.02 Definitions.—As used in this chapter, the term:

2103 (9) "Travel administrator" means a person who directly or
2104 indirectly underwrites policies for; collects charges,
2105 collateral, or premiums from; or adjusts or settles claims made
2106 by residents of this state in connection with travel insurance,
2107 except that a person is not considered a travel administrator if
2108 the person is:

2109 (c) A travel retailer, as defined in s. 626.321(1)(c)2.,
2110 offering and disseminating travel insurance and registered under
2111 the license of a limited lines travel insurance producer in
2112 accordance with s. 626.321(1)(c);

2113 Reviser's note.—Amended to confirm the editorial insertion of
2114 the word "in" to improve clarity.

2115 Section 51. Paragraph (a) of subsection (3) of section
2116 647.05, Florida Statutes, is amended to read:

2117 647.05 Sales practices.—

2118 (3) If a consumer's destination jurisdiction requires
2119 insurance coverage, it is not an unfair trade practice to
2120 require that the consumer choose between the following options
2121 as a condition of purchasing a trip or travel package:

2122 (a) Purchasing the coverage required by the destination
2123 jurisdiction through the travel retailer, as defined in s.
2124 626.321(1)(c)2., or limited lines travel insurance producer
2125 supplying the trip or travel package; or

2126 Reviser's note.—Amended to confirm the editorial insertion of
 2127 the word "in" to improve clarity.

2128 Section 52. Paragraph (h) of subsection (4) of section
 2129 723.079, Florida Statutes, is amended to read:

2130 723.079 Powers and duties of homeowners' association.—

2131 (4) The association shall maintain the following items,
 2132 when applicable, which constitute the official records of the
 2133 association:

2134 (h) The financial and accounting records of the
 2135 association, kept according to good accounting practices. All
 2136 financial and accounting records must be maintained within this
 2137 state for ~~a~~ at least 5 years. The financial and accounting
 2138 records must include:

- 2139 1. Accurate, itemized, and detailed records of all
 2140 receipts and expenditures.
- 2141 2. A current account and a periodic statement of the
 2142 account for each member, designating the name and current
 2143 address of each member who is obligated to pay dues or
 2144 assessments, the due date and amount of each assessment or other
 2145 charge against the member, the date and amount of each payment
 2146 on the account, and the balance due.
- 2147 3. All tax returns, financial statements, and financial
 2148 reports of the association.
- 2149 4. Any other records that identify, measure, record, or
 2150 communicate financial information.

2151 Reviser's note.—Amended to confirm the editorial deletion of the
 2152 word "a" to improve clarity.

2153 Section 53. Paragraph (a) of subsection (4) of section
 2154 784.046, Florida Statutes, is amended to read:

2155 784.046 Action by victim of repeat violence, sexual
 2156 violence, or dating violence for protective injunction; dating
 2157 violence investigations, notice to victims, and reporting;
 2158 pretrial release violations; public records exemption.—

2159 (4) (a) The sworn petition shall allege the incidents of
 2160 repeat violence, sexual violence, or dating violence and shall
 2161 include the specific facts and circumstances that form the basis
 2162 upon which relief is sought. With respect to a minor child who
 2163 is living at home, the parent or legal guardian seeking the
 2164 protective injunction on behalf of the minor child must:

2165 1. Have been an eyewitness to, or have direct physical
 2166 evidence or affidavits from eyewitnesses of, the specific facts
 2167 and circumstances that form the basis upon which relief is
 2168 sought, if the party against whom the protective injunction is
 2169 sought is also a parent, stepparent, or legal guardian of the
 2170 minor child; or

2171 2. Have reasonable cause to believe that the minor child
 2172 is a victim of repeat violence, sexual violence, or dating
 2173 violence to form the basis upon which relief is sought, if the
 2174 party against whom the protective injunction is sought is a
 2175 person other than a parent, stepparent, or legal guardian of the

2176 | minor child.

2177 | Reviser's note.—Amended to correct an editorial error made

2178 | during the compilation of the 2005 Florida Statutes.

2179 | Section 54. Paragraph (b) of subsection (1) of section

2180 | 943.059, Florida Statutes, is amended to read:

2181 | 943.059 Court-ordered sealing of criminal history

2182 | records.—

2183 | (1) ELIGIBILITY.—A person is eligible to petition a court

2184 | to seal a criminal history record when:

2185 | (b) The person has never, before the date the application

2186 | for a certificate of eligibility is filed, been adjudicated

2187 | guilty in this state of a criminal offense, or been adjudicated

2188 | delinquent in this state for committing any felony or any of the

2189 | following misdemeanor offenses, unless the record of such

2190 | adjudication of delinquency has been expunged pursuant to s.

2191 | 943.0515:

2192 | 1. Assault, as defined in s. 784.011;

2193 | 2. Battery, as defined in s. 784.03;

2194 | 3. Assault on a law enforcement officer, a firefighter, or

2195 | other specified officers, as defined in s. 784.07(2)(a);

2196 | 4. Carrying a concealed weapon, as defined in s.

2197 | 790.01(1);

2198 | 5. Open carrying of a weapon, as defined in s. 790.053;

2199 | 6. Unlawful possession or discharge of a weapon or firearm

2200 | at a school-sponsored event or on school property, as defined in

- 2201 s. 790.115;
- 2202 7. Unlawful use of destructive devices or bombs, as
- 2203 defined in s. 790.1615(1);
- 2204 8. Unlawful possession of a firearm by a minor, as defined
- 2205 in s. 790.22(5);
- 2206 9. Exposure of sexual organs, as defined in s. 800.03;
- 2207 10. Arson, as defined in s. 806.031(1);
- 2208 11. Petit theft, as defined in s. 812.014(3);
- 2209 12. Neglect of a child, as defined in s. 827.03(1)(e); or
- 2210 13. Cruelty to animals, as defined in s. 828.12(1)
- 2211 ~~828.12(10)~~.

2212 Reviser's note.—Amended to correct an erroneous cross-reference.

2213 Section 828.12 does not contain a subsection (10);

2214 subsection (1) describes cruelty to animals.

2215 Section 55. Subsection (2) of section 960.28, Florida

2216 Statutes, is amended to read:

2217 960.28 Payment for victims' initial forensic physical

2218 examinations.—

2219 (2) The Crime Victims' Services Office of the department

2220 shall pay for medical expenses connected with an initial

2221 forensic physical examination of a victim of sexual battery as

2222 defined in chapter 794 or a lewd or lascivious offense as

2223 defined in chapter 800. Such payment shall be made regardless of

2224 whether the victim is covered by health or disability insurance

2225 and whether the victim participates in the criminal justice

2226 | system or cooperates with law enforcement. The payment shall be
 2227 | made only out of moneys allocated to the Crime Victims' Services
 2228 | Office for the purposes of this section, and the payment may not
 2229 | exceed \$1,000 with respect to any violation. The department
 2230 | shall develop and maintain separate protocols for the initial
 2231 | forensic physical examination of adults and children. Payment
 2232 | under this section is limited to medical expenses connected with
 2233 | the initial forensic physical examination, and payment may be
 2234 | made to a medical provider using an examiner qualified under
 2235 | part I of chapter 464, excluding s. 464.003(15) ~~464.003(14)~~;
 2236 | chapter 458; or chapter 459. Payment made to the medical
 2237 | provider by the department shall be considered by the provider
 2238 | as payment in full for the initial forensic physical examination
 2239 | associated with the collection of evidence. The victim may not
 2240 | be required to pay, directly or indirectly, the cost of an
 2241 | initial forensic physical examination performed in accordance
 2242 | with this section.

2243 | Reviser's note.—Amended to conform to the redesignation of s.
 2244 | 464.003(14) as s. 464.003(15) by s. 22, ch. 2020-9, Laws of
 2245 | Florida.

2246 | Section 56. Paragraph (c) of subsection (2) of section
 2247 | 1004.6499, Florida Statutes, is amended to read:

2248 | 1004.6499 Florida Institute of Politics.—

2249 | (2) The goals of the institute are to:

2250 | (c) Nurture a greater awareness of and passion for public

2251 service and politics.

2252 Reviser's note.—Amended to confirm the editorial insertion of

2253 the word "of" to improve clarity.

2254 Section 57. Subsection (4) of section 1007.33, Florida

2255 Statutes, is amended to read:

2256 1007.33 Site-determined baccalaureate degree access.—

2257 (4) A Florida College System institution may:

2258 (a) Offer specified baccalaureate degree programs through

2259 formal agreements between the Florida College System institution

2260 and other regionally accredited postsecondary educational

2261 institutions pursuant to s. 1007.22.

2262 (b) Offer baccalaureate degree programs that were

2263 authorized by law prior to July 1, 2009.

2264 (c) ~~Beginning July 1, 2009,~~ Establish a first or

2265 subsequent baccalaureate degree program for purposes of meeting

2266 district, regional, or statewide workforce needs if approved by

2267 the State Board of Education under this section.

2268

2269 ~~Beginning July 1, 2009,~~ The Board of Trustees of St. Petersburg

2270 College is authorized to establish one or more bachelor of

2271 applied science degree programs based on an analysis of

2272 workforce needs in Pinellas, Pasco, and Hernando Counties and

2273 other counties approved by the Department of Education. For each

2274 program selected, St. Petersburg College must offer a related

2275 associate in science or associate in applied science degree

2276 program, and the baccalaureate degree level program must be
2277 designed to articulate fully with at least one associate in
2278 science degree program. The college is encouraged to develop
2279 articulation agreements for enrollment of graduates of related
2280 associate in applied science degree programs. The Board of
2281 Trustees of St. Petersburg College is authorized to establish
2282 additional baccalaureate degree programs if it determines a
2283 program is warranted and feasible based on each of the factors
2284 in paragraph (5) (d). ~~However, the Board of Trustees of St.~~
2285 ~~Petersburg College may not establish any new baccalaureate~~
2286 ~~degree programs from March 31, 2014, through May 31, 2015.~~ Prior
2287 to developing or proposing a new baccalaureate degree program,
2288 St. Petersburg College shall engage in need, demand, and impact
2289 discussions with the state university in its service district
2290 and other local and regional, accredited postsecondary providers
2291 in its region. Documentation, data, and other information from
2292 inter-institutional discussions regarding program need, demand,
2293 and impact shall be provided to the college's board of trustees
2294 to inform the program approval process. Employment at St.
2295 Petersburg College is governed by the same laws that govern
2296 Florida College System institutions, except that upper-division
2297 faculty are eligible for continuing contracts upon the
2298 completion of the fifth year of teaching. Employee records for
2299 all personnel shall be maintained as required by s. 1012.81.
2300 Reviser's note.—Amended to delete obsolete language.

HB 7027

2021

2301 Section 58. Paragraph (b) of subsection (16) of section
2302 1009.24, Florida Statutes, is amended to read:

2303 1009.24 State university student fees.—

2304 (16) Each university board of trustees may establish a
2305 tuition differential for undergraduate courses upon receipt of
2306 approval from the Board of Governors. However, beginning July 1,
2307 2014, the Board of Governors may only approve the establishment
2308 of or an increase in tuition differential for a state research
2309 university designated as a preeminent state research university
2310 pursuant to s. 1001.7065(3). The tuition differential shall
2311 promote improvements in the quality of undergraduate education
2312 and shall provide financial aid to undergraduate students who
2313 exhibit financial need.

2314 (b) Each tuition differential is subject to the following
2315 conditions:

2316 1. The tuition differential may be assessed on one or more
2317 undergraduate courses or on all undergraduate courses at a state
2318 university.

2319 2. The tuition differential may vary by course or courses,
2320 by campus or center location, and by institution. Each
2321 university board of trustees shall strive to maintain and
2322 increase enrollment in degree programs related to math, science,
2323 high technology, and other state or regional high-need fields
2324 when establishing tuition differentials by course.

2325 3. For each state university that is designated as a

2326 preeminent state research university by the Board of Governors,
2327 pursuant to s. 1001.7065, the aggregate sum of tuition and the
2328 tuition differential may be increased by no more than 6 percent
2329 of the total charged for the aggregate sum of these fees in the
2330 preceding fiscal year. The tuition differential may be increased
2331 if the university meets or exceeds performance standard targets
2332 for that university established annually by the Board of
2333 Governors for the following performance standards, amounting to
2334 no more than a 2-percent increase in the tuition differential
2335 for each performance standard:

2336 a. An increase in the 4-year graduation rate for full-
2337 time, first-time-in-college students, as reported annually to
2338 the Integrated Postsecondary Education Data System.

2339 b. An increase in the total annual research expenditures.

2340 c. An increase in the total patents awarded by the United
2341 States Patent and Trademark Office for the most recent years.

2342 4. The aggregate sum of undergraduate tuition and fees per
2343 credit hour, including the tuition differential, may not exceed
2344 the national average of undergraduate tuition and fees at 4-year
2345 degree-granting public postsecondary educational institutions.

2346 5. Beneficiaries having prepaid tuition contracts pursuant
2347 to s. 1009.98(2)(b) which were in effect on July 1, 2007, and
2348 which remain in effect, are exempt from the payment of the
2349 tuition differential.

2350 6. The tuition differential may not be charged to any

2351 student who was in attendance at the university before July 1,
2352 2007, and who maintains continuous enrollment.

2353 7. The tuition differential may be waived by the
2354 university for students who meet the eligibility requirements
2355 for the Florida Public Student Assistance Grant Program
2356 established in s. 1009.50.

2357 8. Subject to approval by the Board of Governors, the
2358 tuition differential authorized pursuant to this subsection may
2359 take effect with the 2009 fall term.

2360 Reviser's note.—Amended to confirm the editorial insertion of
2361 the word "Program" to conform to the full name of the
2362 program.

2363 Section 59. Paragraph (a) of subsection (4) of section
2364 1009.50, Florida Statutes, is amended to read:

2365 1009.50 Florida Public Student Assistance Grant Program;
2366 eligibility for grants.—

2367 (4) (a) The funds appropriated for the Florida Public
2368 Student Assistance Grant Program shall be distributed to
2369 eligible institutions in accordance with a formula approved by
2370 the State Board of Education. The formula must consider at least
2371 the prior year's distribution of funds, the number of eligible
2372 applicants who did not receive awards, the standardization of
2373 the expected family contribution, and provisions for unused
2374 funds. The formula must account for changes in the number of
2375 eligible students across all student assistance grant programs

2376 established pursuant to this section and ss. 1009.505, 1009.51,
 2377 and 1009.52.

2378 Reviser's note.—Amended to confirm the editorial insertion of
 2379 the word "Program" to conform to the full name of the
 2380 program.

2381 Section 60. Paragraph (a) of subsection (4) of section
 2382 1009.51, Florida Statutes, is amended to read:

2383 1009.51 Florida Private Student Assistance Grant Program;
 2384 eligibility for grants.—

2385 (4) (a) The funds appropriated for the Florida Private
 2386 Student Assistance Grant Program shall be distributed to
 2387 eligible institutions in accordance with a formula approved by
 2388 the State Board of Education. The formula must consider at least
 2389 the prior year's distribution of funds, the number of eligible
 2390 applicants who did not receive awards, the standardization of
 2391 the expected family contribution, and provisions for unused
 2392 funds. The formula must account for changes in the number of
 2393 eligible students across all student assistance grant programs
 2394 established pursuant to this section and ss. 1009.50, 1009.505,
 2395 and 1009.52.

2396 Reviser's note.—Amended to confirm the editorial insertion of
 2397 the word "Program" to conform to the full name of the
 2398 program.

2399 Section 61. Paragraph (a) of subsection (4) of section
 2400 1009.52, Florida Statutes, is amended to read:

2401 1009.52 Florida Postsecondary Student Assistance Grant
 2402 Program; eligibility for grants.—

2403 (4) (a) The funds appropriated for the Florida
 2404 Postsecondary Student Assistance Grant Program shall be
 2405 distributed to eligible institutions in accordance with a
 2406 formula approved by the State Board of Education. The formula
 2407 must consider at least the prior year's distribution of funds,
 2408 the number of eligible applicants who did not receive awards,
 2409 the standardization of the expected family contribution, and
 2410 provisions for unused funds. The formula must account for
 2411 changes in the number of eligible students across all student
 2412 assistance grant programs established pursuant to this section
 2413 and ss. 1009.50, 1009.505, and 1009.51.

2414 Reviser's note.—Amended to confirm the editorial insertion of
 2415 the word "Program" to conform to the full name of the
 2416 program.

2417 Section 62. Paragraph (a) of subsection (1) of section
 2418 1009.65, Florida Statutes, is amended to read:

2419 1009.65 Medical Education Reimbursement and Loan Repayment
 2420 Program.—

2421 (1) To encourage qualified medical professionals to
 2422 practice in underserved locations where there are shortages of
 2423 such personnel, there is established the Medical Education
 2424 Reimbursement and Loan Repayment Program. The function of the
 2425 program is to make payments that offset loans and educational

HB 7027

2021

2426 expenses incurred by students for studies leading to a medical
2427 or nursing degree, medical or nursing licensure, or advanced
2428 practice registered nurse licensure or physician assistant
2429 licensure. The following licensed or certified health care
2430 professionals are eligible to participate in this program:

2431 (a) Medical doctors with primary care specialties, doctors
2432 of osteopathic medicine with primary care specialties, physician
2433 assistants, licensed practical nurses and registered nurses, and
2434 advanced practice registered nurses with primary care
2435 specialties such as certified nurse midwives. Primary care
2436 medical specialties for physicians include obstetrics,
2437 gynecology, general and family practice, internal medicine,
2438 pediatrics, and other specialties which may be identified by the
2439 Department of Health. From the funds available, the Department
2440 of Health shall make payments as follows:

2441 1. Up to \$4,000 per year for licensed practical nurses and
2442 registered nurses, up to \$10,000 per year for advanced practice
2443 registered nurses and physician assistants, and up to \$20,000
2444 per year for physicians. Penalties for noncompliance shall be
2445 the same as those in the National Health Services Corps Loan
2446 Repayment Program. Educational expenses include costs for
2447 tuition, matriculation, registration, books, laboratory and
2448 other fees, other educational costs, and reasonable living
2449 expenses as determined by the Department of Health.

2450 2. All payments are contingent on continued proof of

HB 7027

2021

2451 primary care practice in an area defined in s. 395.602(2)(b), or
2452 an underserved area designated by the Department of Health,
2453 provided the practitioner accepts Medicaid reimbursement if
2454 eligible for such reimbursement. Correctional facilities, state
2455 hospitals, and other state institutions that employ medical
2456 personnel shall be designated by the Department of Health as
2457 underserved locations. Locations with high incidences of infant
2458 mortality, high morbidity, or low Medicaid participation by
2459 health care professionals may be designated as underserved.

2460 Reviser's note.—Amended to confirm the editorial reinsertion of
2461 the word "and" to correct a scrivener's error in Committee
2462 Substitute for Committee Substitute for H.B. 607, as second
2463 engrossed; Committee Substitute for Committee Substitute
2464 for H.B. 607 became ch. 2020-9, Laws of Florida.

2465 Section 63. Paragraph (a) of subsection (9) of section
2466 1009.986, Florida Statutes, is amended to read:

2467 1009.986 Florida ABLE program.—

2468 (9) REPORTS.—

2469 ~~(a) On or before November 1, 2015, Florida ABLE, Inc.,~~
2470 ~~shall prepare a report on the status of the establishment of the~~
2471 ~~Florida ABLE program by Florida ABLE, Inc. The report must also~~
2472 ~~include, if warranted, recommendations for statutory changes to~~
2473 ~~enhance the effectiveness and efficiency of the program. Florida~~
2474 ~~ABLE, Inc., shall submit copies of the report to the Governor,~~
2475 ~~the President of the Senate, and the Speaker of the House of~~

2476 ~~Representatives.~~

2477 Reviser's note.—Amended to delete an obsolete provision.

2478 Section 64. Paragraph (b) of subsection (8) and paragraphs
2479 (a) and (c) of subsection (17) of section 1011.62, Florida
2480 Statutes, are amended to read:

2481 1011.62 Funds for operation of schools.—If the annual
2482 allocation from the Florida Education Finance Program to each
2483 district for operation of schools is not determined in the
2484 annual appropriations act or the substantive bill implementing
2485 the annual appropriations act, it shall be determined as
2486 follows:

2487 (8) DECLINE IN FULL-TIME EQUIVALENT STUDENTS.—

2488 (b) The allocation authorized in ~~this~~ paragraph (a) is
2489 suspended for the 2020-2021 fiscal year and does not apply
2490 during such fiscal year. This paragraph expires July 1, 2021.

2491 (17) FUNDING COMPRESSION AND HOLD HARMLESS ALLOCATION.—The
2492 Legislature may provide an annual funding compression and hold
2493 harmless allocation in the General Appropriations Act. The
2494 allocation is created to provide additional funding to school
2495 districts if the school district's total funds per FTE in the
2496 prior year were less than the statewide average or if the school
2497 district's district cost differential in the current year is
2498 less than the prior year. The total allocation shall be
2499 distributed to eligible school districts as follows:

2500 (a) Using the most recent prior year FEFP calculation for

2501 each eligible school district, subtract the total school
2502 district funds per FTE from the state average funds per FTE, not
2503 including any adjustments made pursuant to paragraph (19) (b)
2504 ~~(18) (b)~~. The resulting funds per FTE difference, or a portion
2505 thereof, as designated in the General Appropriations Act, shall
2506 then be multiplied by the school district's total unweighted
2507 FTE.

2508 (c) Add the amounts calculated in paragraphs (a) ~~(b)~~ and
2509 (b) ~~(e)~~ and if the amount is greater than the amount included in
2510 the General Appropriations Act, the allocation shall be prorated
2511 to the appropriation amount based on each participating school
2512 district's share. This subsection expires July 1, 2021.

2513 Reviser's note.—Paragraph (8) (b) is amended to confirm the
2514 editorial deletion of the word "this" to provide clarity.
2515 Paragraph (17) (a) is amended to confirm the editorial
2516 substitution of a reference to paragraph (19) (b) for a
2517 reference to paragraph (18) (b) to conform to the
2518 redesignation of subsections by s. 15, ch. 2019-23, Laws of
2519 Florida. Paragraph (17) (c) is amended to confirm the
2520 editorial substitution of a reference to paragraphs (a) and
2521 (b) for a reference to paragraphs (b) and (c) to conform to
2522 the redesignation of paragraphs by the editors.

2523 Section 65. Except as otherwise expressly provided in this
2524 act, this act shall take effect on the 60th day after
2525 adjournment sine die of the session of the Legislature in which

HB 7027

2021

2526 | enacted.