



# Journal of the Senate

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## CALL TO ORDER

The Senate was called to order by President Negrón at 10:00 a.m. A quorum present—38:

Mr. President	Gainer	Rader
Baxley	Galvano	Rodriguez
Bean	Garcia	Rouson
Benacquisto	Gibson	Simmons
Book	Grimsley	Simpson
Bracy	Hukill	Stargel
Bradley	Hutson	Steube
Brandes	Lee	Stewart
Braynon	Mayfield	Taddeo
Broxson	Montford	Thurston
Campbell	Passidomo	Torres
Farmer	Perry	Young
Flores	Powell	

## PRAYER

The following prayer was offered by Reverend Kyle Peddie, Corinth Baptist Church, Hosford:

Heavenly Father, we come to you this beautiful spring morning to pause and give thanks to the giver of life, the king of kings, the Lord of lords, creator, and savior. We pause to give thanks for the day that you have made, and we will rejoice and be glad in it. I ask, Father, that you would bless this day as our Florida Senate convenes and continues to do the work for the people of Florida. It has indeed been a great session, and as it ever draws near to the end, I would humbly ask you to continue to impart wisdom and discernment to the Senators in this great chamber. They, and we, need your great wisdom here today. The responsibility and honor to serve is daunting, and we need your help.

Many have served here in the past and have established a tradition of integrity and statesmanship that continues with the ones serving today. May the attitude of everyone in public service—from the Governor to the volunteer firefighter in the smallest community—be that of truly loving our neighbors as we love ourselves. I would ask you to bless each and every Senator’s family, marriage, children, and extended family while they are away from home serving in this chamber today. May your hedge of protection be upon them. As they work today and for the rest of

the session, may your will be done. We believe in the risen Lord, the finished work of the cross, and John 14:6 says you, “Are the way, the truth, and the life.” Bless all Senators today, bless Senate President Negrón as he leads, and bless my Senator, Senator Montford. In Jesus’ name I pray. Amen.

## PLEDGE

Senate Pages, Jonah Bidwell of Wewahatchka; Koda Robillard, nephew of Senator Flores, of Pittsboro, NC; and Meghan Pehacek of Pensacola, led the Senate in the Pledge of Allegiance to the flag of the United States of America.

## DOCTOR OF THE DAY

The President recognized Dr. Colleen Bell of Jacksonville, sponsored by Senator Bean, as the doctor of the day. Dr. Bell specializes in psychiatry.

## ADOPTION OF RESOLUTIONS

At the request of Senator Campbell—

By Senator Campbell—

**SR 1836**—A resolution recognizing the Village of El Portal on the occasion of the 81st anniversary of its incorporation.

WHEREAS, the Village of El Portal was incorporated in 1937 and now boasts a population of more than 2,500 in an area of approximately 0.6 square miles, and

WHEREAS, the Village of El Portal is home to Indian Mound, the first archeological site in Miami-Dade County to be preserved, which is located on the northern bank of the Little River, just south of Village Hall, and

WHEREAS, the ancient Tequesta Indian Mound was designated a United States Bicentennial Historic Site and as a public park in the 1920s, and

WHEREAS, the Village of El Portal Council is led by Mayor Claudia V. Cubillos and Vice Mayor Omarr C. Nickerson, and residents are represented by councilpersons Werner Dreher, Harold E. Mathis, Jr., and Vimari Roman, and the Interim Village Manager is Christia Alou, NOW, THEREFORE,

*Be It Resolved by the Senate of the State of Florida:*

That the Village of El Portal is recognized on the occasion of the 81st anniversary of its incorporation.

—was introduced, read, and adopted by publication.

At the request of Senator Campbell—

By Senator Campbell—

**SR 1838**—A resolution recognizing the Village of Biscayne Park on the occasion of the 87th anniversary of its incorporation under the name Town of Biscayne Park.

WHEREAS, what was then known as the Town of Biscayne Park was incorporated on December 31, 1931, by a vote of its 113 residents, and

WHEREAS, in February 1933, the federal Works Progress Administration began construction of a log cabin in the Town of Biscayne Park which was turned over to the town at a special ceremony on January 24, 1935, and which is now a prized symbol, and

WHEREAS, on June 16, 1933, a state charter was granted changing the name of the community to the Village of Biscayne Park, and

WHEREAS, the Village of Biscayne Park is led by Mayor Tracy Truppman and Vice Mayor Jenny Johnson-Sardella and residents are represented on the Village of Biscayne Park Commission by Harvey Bilt, Roxanna Ross, and William Tudor, and the Village Manager is Krishan T. Manners, NOW, THEREFORE,

*Be It Resolved by the Senate of the State of Florida:*

That the Village of Biscayne Park is recognized on the occasion of the 87th anniversary of its incorporation under the name Town of Biscayne Park.

—was introduced, read, and adopted by publication.

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At the request of Senator Campbell—

By Senator Campbell—

**SR 1840**—A resolution recognizing the Town of Bay Harbor Islands on the occasion of the 71st anniversary of its incorporation.

WHEREAS, the Town of Bay Harbor Islands grew out of the vision of Shepard Broad, who came to America from Pinsk, Belarus, in 1920 when he was just 14 years of age, and

WHEREAS, after receiving a degree from New York Law School, Mr. Broad practiced law school in New York until 1940, when he and his wife Ruth moved to South Florida, and

WHEREAS, in 1945, the Broads acquired two low-lying, undeveloped swamp islands off 96th Street on Miami Beach, which he filled and on which he began constructing residences, and

WHEREAS, in 1947, the Town of Bay Harbor Islands was incorporated and in 1953 was officially authorized by the Florida Legislature, and

WHEREAS, Mr. Broad was elected the first mayor of the Town of Bay Harbor Islands and served 26 consecutive years until his retirement from office in 1973, and he died at his home on November 6, 2001, and

WHEREAS, the Town of Bay Harbor Islands is led by Mayor Jordan W. Leonard, Vice Mayor Stephanie Bruder, and council members Joshua D. Fuller, Kelly Reid, Isaac Salver, Elizabeth Tricoche, and Robert Yaffe, and the Town Manager is Ronald J. Wasson, NOW, THEREFORE,

*Be It Resolved by the Senate of the State of Florida:*

That the Town of Bay Harbor Islands is recognized on the occasion of the 71st anniversary of its incorporation.

—was introduced, read, and adopted by publication.

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At the request of Senator Campbell—

By Senator Campbell—

**SR 1842**—A resolution recognizing the Village of Bal Harbour on the occasion of the 72nd anniversary of its founding.

WHEREAS, the vision for the paradise known as the Village of Bal Harbour began in 1929 when a Detroit-based real estate development corporation, headed by industrialist Robert C. Graham, purchased raw land and began the task of crafting a new community, and

WHEREAS, on August 14, 1946, the Village of Bal Harbour was incorporated as Bay Harbour, but the name was changed to better reflect its location on both Biscayne Bay and the Atlantic Ocean, and

WHEREAS, despite early resistance from locals, real estate developer Stanley Whitman developed an open-air mall, Bal Harbour Shops, which today is recognized as the industry leader and an ultimate destination for upscale shoppers seeking luxury merchandise offered by Cartier, Bulgari, Louis Vuitton, Prada, and Sergio Rossi, and

WHEREAS, the Village of Bal Harbour is known as a model community and is an internationally renowned destination, and

WHEREAS, the Village of Bal Harbour is led by Mayor Gabriel Groisman, Assistant Mayor Seth E. Salver, and council members David Albaum, Patricia Cohen, and Jeffrey Freimark, and the Village Manager is Jorge M. Gonzalez, NOW, THEREFORE,

*Be It Resolved by the Senate of the State of Florida:*

That the Village of Bal Harbour is recognized on the occasion of the 72nd anniversary of its founding.

—was introduced, read, and adopted by publication.

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At the request of Senator Campbell—

By Senator Campbell—

**SR 1844**—A resolution recognizing the City of Aventura on the occasion of the 23rd anniversary of its incorporation.

WHEREAS, in 1995, the City of Aventura became a new city under its own government in Miami-Dade County, and

WHEREAS, the City of Aventura is home to the luxury resort Turnberry Isle and to the Aventura Mall, one of the largest indoor retail emporiums in the United States, and

WHEREAS, the City of Aventura Police Department has grown to include 37 civilian and 83 sworn personnel and has earned an outstanding reputation as a key component in making Aventura a “City of Excellence” for citizens and visitors alike, and

WHEREAS, the City of Aventura is led by Mayor Enid Weisman, City Manager Eric M. Soroka and commissioners Linda Marks, Denise Landman, Howard Weinberg, Robert Shelley, Gladys Mezrahi, and Marc Narotsky, NOW, THEREFORE,

*Be It Resolved by the Senate of the State of Florida:*

That the City of Aventura is recognized on the occasion of the 23rd anniversary of its incorporation.

—was introduced, read, and adopted by publication.

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At the request of Senator Hukill—

By Senator Hukill—

**SR 1942**—A resolution recognizing April 2018 as “Financial Literacy Month” in Florida.

WHEREAS, in a letter to Thomas Jefferson dated August 25, 1787, John Adams recognized the need for the citizens of this nation to improve their financial literacy, writing, “All the perplexities, confusions, and distresses in America arise not from defects in their Constitution or Confederation, not from a want of honor or virtue, so much as from downright ignorance of the nature of coin, credit, and circulation,” and

WHEREAS, in 1914, the United States Congress passed the Smith-Lever Act, which created a system of cooperative extension services to provide learning experiences that would assist people in developing skills, including financial skills, which they could employ at home, on the farm, and in their communities, and

WHEREAS, in 1919, Junior Achievement, a nonprofit youth organization, was founded to work with local businesses and organizations to deliver financial literacy, entrepreneurship, and work-readiness education to school children in grades K through 12 with the goal of providing them the skills necessary to succeed in a global economy, and

WHEREAS, the Junior Achievement curriculum covers topics, including spending money within a budget, saving and investing wisely, using credit cautiously, money-management skills, taxation, debt management, and future financial planning, and

WHEREAS, in 1995, William E. Odom, former chairman and CEO of Ford Motor Credit Corporation, developed the concept that led to the formation of the Jump\$tart Coalition, a nonprofit coalition of national organizations whose goal is to advance financial literacy standards for pre-kindergarten through college-age students, and

WHEREAS, the Jump\$tart Coalition promotes lifelong financial decisionmaking skills for students through guidelines outlined in its “National Standards in K-12 Personal Finance Education,” which includes sections entitled “Spending and Saving,” “Credit and Debt,” “Employment and Income,” “Investing,” “Risk Management and Insurance,” and “Financial Decisionmaking,” and

WHEREAS, the Financial Literacy and Education Commission was established under the Fair and Accurate Credit Transactions Act of 2003 to improve financial literacy and to develop a national strategy for financial education, and created the website [www.mymoney.gov](http://www.mymoney.gov), where consumers can learn about earning, saving and investing, protection of personal finances, spending, and borrowing, and

WHEREAS, in 2008, President George W. Bush signed an executive order creating the President’s Advisory Council on Financial Literacy, which was succeeded by the President’s Advisory Council on Financial Capability under President Barack Obama, to recommend steps that could be taken to enhance financial literacy in the United States, and

WHEREAS, in 2010, the League of Southeastern Credit Unions and Affiliates identified financial literacy education as one of its missions and began its participation in programs like the National Endowment for Financial Education’s High School Financial Planning Program and Biz Kid\$, where free courses on financial education are offered across the Southeast to teachers, students, and adults, and

WHEREAS, in 2016, 43 percent of adults polled gave themselves a grade of “C,” “D,” or “F” on their knowledge of personal finance, and 80 percent acknowledged that they could benefit from additional advice and answers to everyday financial questions from a professional, and

WHEREAS, in September 2016, the Consumer Financial Protection Bureau unveiled a resource for financial educators entitled “Building Blocks to Help Youth Achieve Financial Capability,” to help financial education policy and program leaders more effectively deliver financial education to America’s youth by enhancing their ability to manage financial resources, to understand and apply financial knowledge, and to develop and implement a financial plan and successfully accomplish their financial goals, and

WHEREAS, today, American consumers owe \$13 trillion in debt, including \$900.5 billion in credit card debt, \$8.74 trillion in mortgages, and \$1.4 trillion in student loan debt, and

WHEREAS, when polled, 75 percent of college students who use credit said they were unaware of late payment charges, and

WHEREAS, today, nearly half of all households in major American cities are financially vulnerable, lacking the financial resources to cover basic expenses for 3 months in the event of an emergency, such as job loss or a health crisis, and

WHEREAS, today, nearly one in four American adults admits that he or she does not pay his or her bills on time, and

WHEREAS, 43 states require some form of financial literacy content to be taught in high schools, while 25 states require that a personal financial literacy course be offered and 22 states require that students take a personal financial literacy course, and students from states with required financial education courses have higher credit scores, and

WHEREAS, National Financial Literacy Month is recognized each April in an effort to highlight the importance of financial literacy, to encourage Americans to establish and maintain healthy financial habits, and to remind them of the need to teach students how to be financially savvy, thereby empowering them to be economically successful throughout their lives, NOW, THEREFORE,

*Be It Resolved by the Senate of the State of Florida:*

That April 2018 is recognized as “Financial Literacy Month” in Florida, and all Floridians are urged to appreciate the importance of financial literacy in their everyday lives and the value of ensuring that financial literacy education is available to students.

—was introduced, read, and adopted by publication.

## SPECIAL PRESENTATION

On behalf of the entire Senate, Senator Simpson presented Senator Flores with family passes to LEGOLAND.

**Senator Simpson:** Thank you, Mr. President. We have a gift for our President Pro Tempore, Senator Flores, today. I wanted to make sure that when we have such a diverse body as we do—and we celebrate that diversity—I’m pretty certain that most of the folks that live in Trilby may not think that Miami actually is in the State of Florida. The people in Miami certainly do not know where Trilby is. We have a great President Pro Tempore this year, a great family person. She loves her family. We have tried to pick a gift that would honor her and them. With Senator Stargel’s help, we have family passes for four, two adults and two children, to LEGOLAND for one year. This is also for the theme park and the water park. We wanted to award you this today and thank you for all your hard work for the State of Florida.

By direction of the President, the rules were waived and the Senate proceeded to—

## SPECIAL ORDER CALENDAR

**SB 1562**—A bill to be entitled An act relating to elder abuse; amending s. 825.101, F.S.; defining terms; creating s. 825.1035, F.S.; creating a cause of action for an injunction for protection against the exploitation of a vulnerable adult; providing for standing to bring a cause of action for an injunction; providing that an injunction may be sought regardless of any other action that may be pending between specified parties; specifying that the right to petition for an injunction is not affected by a person temporarily or permanently vacating a residence or household to avoid exploitation; providing a list of persons who may seek an injunction; providing that parties to an injunction may not be required to be represented by an attorney; specifying that the petitioner is liable for actual damages under certain circumstances; providing for the submission of evidence to the court; providing for venue; providing that exploitation already having occurred is not required as a prerequisite for filing for or issuance of an injunction; requiring that a petition be filed in certain proceedings under ch. 744, F.S.; prohibiting the clerk of the circuit court from assessing a filing fee under certain circumstances; authorizing the clerk of the circuit court to request a reimbursement for such petitions, subject to the appropriation of funds for that purpose; requiring the clerk of the circuit court to pay from such reimbursement any fee not exceeding \$20 that a law enforcement agency requests; prohibiting the court from requiring a bond for the entry of the injunction; requiring a sworn petition to contain certain allegations and statements; requiring the court to set a hearing at a certain time; requiring the respondent to be personally served with certain documents prior to the hearing; requiring the clerk of the circuit court to assist the petitioner in filing an injunction or petition by providing certain forms and instructions; requiring the clerk of the court to ensure the petitioner’s privacy; requiring the clerk of the court to provide the petitioners with certified copies of the injunction order; requiring that the clerks of the court and appropriate staff receive certain training; requiring that the clerk of the circuit court make available certain informational brochures and create and distribute a specified brochure containing specified information to the petitioner at the time of filing for an injunction; authorizing the court to grant a temporary injunction ex parte under certain circumstances; prohibiting the use of evidence other than verified pleadings or affidavits in an ex parte hearing; providing an exception; requiring the court to follow certain procedures when issuing an order denying a petition for an ex parte injunction; prohibiting an ex parte temporary injunction from having a duration longer than a specified number of days; requiring that a full hearing be set for a date no later than the date the temporary injunction expires; authorizing the court to grant a continuance of the hearing for

good cause; authorizing the court to grant specified relief under certain circumstances; providing factors that a court must consider when determining whether petitioners have reasonable cause; requiring that the court allow certain advocates to be present under certain circumstances; requiring that the terms of certain injunctions remain in effect until modified or dissolved; authorizing either party to move at any time to modify or dissolve an injunction; requiring that a temporary or final judgment on an injunction meet certain requirements; specifying that granting separate orders of protection to opposing parties is not legally sufficient for certain purposes; requiring that certain proceedings be recorded; providing requirements and options for service of process; authorizing the court to waive the service of process requirement for a financial institution; requiring that the clerk of the circuit court deliver a certified copy of certain orders meeting certain criteria to the parties under certain circumstances; providing options for noting the service was effective; requiring that the clerk of the circuit court place a written certification in the court file and notify the sheriff under certain circumstances; authorizing the clerk of the circuit court to serve certain respondents by certified mail; requiring that the clerk of the circuit court, law enforcement officers, and sheriffs follow certain procedures within a certain timeframe after an injunction has been issued or an injunction becomes ineffective; requiring the clerk of the circuit court to provide copies of certain petitions and orders to the adult protective services program; requiring the adult protective services program to treat petitions in a certain manner; requiring the adult protective services program to submit to the court the results of any previous investigations relating to the vulnerable adult within a specified timeframe; providing options for enforcing and prosecuting a violation of an injunction; requiring that the clerk of the circuit collect any assessment or fine ordered by the court and transfer it to the Department of Revenue for deposit into the General Revenue fund on a monthly basis; requiring that a respondent held in custody after an arrest for violating an injunction be brought before the court as expeditiously as possible; providing construction; creating s. 825.1036, F.S.; requiring that a clerk of the circuit court assist the petitioner in preparing an affidavit or direct the petitioner to a certain office, under certain circumstances; requiring the clerk of the circuit court or the office assisting the petitioner to immediately forward the affidavit to certain people and places depending on certain circumstances; requiring a law enforcement agency to complete its investigation and forward the affidavit along with a report of any information obtained through its investigation to the state attorney within a specified timeframe; requiring the state attorney to determine how it will proceed within a specified timeframe; authorizing the court to immediately issue an order of appointment of the state attorney in certain circumstances; requiring the court to immediately notify the state attorney that the court is proceeding to enforce the violation through a ruling of criminal contempt if the court does not issue an order of appointment; providing a penalty for a willful violation of an injunction; providing an exception; providing for how an injunction may be violated; providing that a person with two or more prior convictions for violation of an injunction or foreign protection order against the same victim who commits a subsequent violation against the same victim commits a third degree felony; defining conviction; authorizing the court to award economic damages to a person who suffers an injury or loss as a result of a violation of an injunction; amending s. 901.15, F.S.; conforming provisions to changes made by the act; providing an effective date.

—was read the second time by title.

#### SENATOR BENACQUISTO PRESIDING

Pending further consideration of **SB 1562**, pursuant to Rule 3.11(3), there being no objection, **CS for CS for CS for HB 1059** was withdrawn from the Committees on Children, Families, and Elder Affairs; Appropriations; and Rules.

On motion by Senator Passidomo—

**CS for CS for CS for HB 1059**—A bill to be entitled An act relating to exploitation of a vulnerable adult; amending s. 825.101, F.S.; defining terms; creating s. 825.1035, F.S.; creating a cause of action for an injunction for protection against the exploitation of a vulnerable adult; providing for standing to bring a cause of action for an injunction; providing that an injunction may be sought regardless of any other action that may be pending between specified parties; specifying that the right to petition for an injunction is not affected by a person tem-

porarily or permanently vacating a residence or household to avoid exploitation; providing that parties to an injunction may not be required to be represented by an attorney; providing for venue; providing that exploitation already having occurred is not required as a prerequisite for filing for or issuance of an injunction; requiring that a petition be filed in certain proceedings under ch. 744, F.S.; requiring that certain proceedings be recorded; requiring a sworn petition to contain certain allegations and statements; requiring the court to set a hearing within a certain time; requiring the clerk of the circuit court to assist the petitioner in filing an injunction or petition by providing certain forms and instructions; requiring the clerk of the court to ensure the petitioner's privacy; requiring the clerk of the court to provide the petitioner with certified copies of the injunction order; requiring that the clerks of the court and appropriate staff receive certain training; requiring that the clerk of the circuit court make available certain informational brochures and create and distribute a specified brochure containing specified information to the petitioner at the time of filing for an injunction; prohibiting the clerk of the circuit court from assessing an initial filing fee; authorizing the clerk of the circuit court to request a reimbursement for such petitions, subject to the appropriation of funds for that purpose; requiring the clerk of the circuit court to pay from such reimbursement certain fees to a law enforcement agency; authorizing the court to grant a temporary injunction ex parte under certain circumstances; prohibiting the use of evidence other than verified pleadings or affidavits in an ex parte hearing; providing an exception; authorizing the court to grant specified relief under certain circumstances; requiring the court to follow certain procedures when issuing an order denying a petition for an ex parte injunction; prohibiting an ex parte temporary injunction from having a duration longer than a specified number of days; requiring that a full hearing be set for a date no later than the date the temporary injunction expires; authorizing the court to grant a continuance of the hearing for good cause; providing factors that a court must consider when determining whether petitioners have reasonable cause; requiring the respondent to be personally served with certain documents before the hearing; providing for the relief a court may grant after a final hearing on a petition; requiring that the court allow certain advocates to be present under certain circumstances; requiring that the terms of certain injunctions remain in effect until modified or dissolved; requiring that a temporary or final judgment on an injunction meet certain requirements; providing requirements and options for service of process; authorizing the court to waive the service of process requirement for a financial institution; requiring that the clerk of the circuit court deliver a certified copy of certain orders meeting certain criteria to the parties under certain circumstances; providing options for noting the service was effective; requiring form of process upon a financial institution; requiring that the clerk of the circuit court place a written certification in the court file and notify the sheriff under certain circumstances; authorizing the clerk of the circuit court to serve certain respondents by certified mail; requiring that the clerk of the circuit court, law enforcement officers, and sheriffs follow certain procedures within a certain timeframe after an injunction has been issued or an injunction becomes ineffective; requiring the clerk of the circuit court to provide copies of certain petitions and orders to the adult protective services program; requiring the adult protective services program to treat petitions in a certain manner; requiring the adult protective services program to submit to the court the results of any previous investigations relating to the vulnerable adult within a specified timeframe; providing options for enforcing and prosecuting a violation of an injunction; requiring that the clerk of the circuit court collect any assessment or fine; providing for deposit of funds; requiring that a respondent held in custody after an arrest for violating an injunction be brought before the court as expeditiously as possible; specifying that the petitioner is liable for actual damages under certain circumstances; authorizing either party to move at any time to modify or dissolve an injunction; providing construction; creating s. 825.1036, F.S.; requiring that a clerk of the circuit court assist the petitioner in preparing an affidavit or direct the petitioner to a certain office, under certain circumstances; requiring the clerk of the circuit court or the office assisting the petitioner to immediately forward the affidavit to certain people and places depending on certain circumstances; requiring a law enforcement agency to complete its investigation and forward the affidavit along with a report of any information obtained through its investigation to the state attorney within a specified timeframe; requiring the state attorney to determine how it will proceed within a specified timeframe; authorizing the court to immediately issue an order of appointment of the state attorney in certain circumstances; requiring the court to immediately notify the state attorney that the court is proceeding to en-

force the violation through a ruling of criminal contempt if the court does not issue an order of appointment; providing a penalty for a willful violation of an injunction; providing an exception; providing for how an injunction may be violated; providing that a person with two or more prior convictions for violation of an injunction or foreign protection order against the same victim who commits a subsequent violation against the same victim commits a third degree felony; defining the term "conviction"; authorizing the court to award economic damages to a person who suffers an injury or loss as a result of a violation of an injunction; limiting liability of a financial institution related to an injunction freezing assets or a credit line; amending s. 901.15, F.S.; conforming provisions to changes made by the act; amending s. 415.107, F.S.; granting the court access to records in protective injunction proceedings; providing an effective date.

—a companion measure, was substituted for **SB 1562** and read the second time by title.

Senator Hukill moved the following amendment which was adopted:

**Amendment 1 (300062)**—Delete lines 302-836 and insert:

*SUSPICION TO THE CENTRAL ABUSE HOTLINE. I HAVE REPORTED THE ALLEGATIONS IN THIS PETITION TO THE CENTRAL ABUSE HOTLINE.*

*I HAVE READ EACH STATEMENT MADE IN THIS PETITION AND EACH SUCH STATEMENT IS TRUE AND CORRECT. I UNDERSTAND THAT THE STATEMENTS MADE IN THIS PETITION ARE BEING MADE UNDER PENALTY OF PERJURY PUNISHABLE AS PROVIDED IN SECTION 837.02, FLORIDA STATUTES.*

(c) *Upon the filing of the petition, the court shall schedule a hearing on the petition on the earliest possible date.*

(4) *CLERK'S DUTIES, RESPONSIBILITIES, AND CHARGES.—*

(a) *The clerk of the circuit court shall assist the petitioner in filing an injunction for protection against exploitation of a vulnerable adult and any petition alleging a violation thereof.*

(b) *The clerk of the circuit court shall provide simplified petition forms for the injunction for protection against exploitation of a vulnerable adult, and any modifications thereto, and for the enforcement thereof, and instructions for completion of such forms.*

(c) *The clerk of the circuit court shall, to the extent practicable, ensure the petitioner's privacy while completing such forms.*

(d) *The clerk of the circuit court shall provide the petitioner with two certified copies of the petition for an injunction without charge, and shall inform the petitioner of the steps necessary for service of process and enforcement.*

(e) *If an injunction is entered, the clerk of the circuit court shall provide, without charge, the petitioner with certified copies of an order of injunction that may be served upon any person holding property, upon any financial institution holding property or accounts, or upon any financial institution with an open line of credit that is subject to the freeze, and shall inform the petitioner of the service of process and enforcement.*

(f) *The clerk of the circuit court and appropriate staff in each county shall receive training in the effective assistance of petitioners as provided or approved by the Florida Association of Court Clerks.*

(g) *The clerk of the circuit court in each county shall produce an informational brochure and provide it to the petitioner at the time of filing for an injunction for protection against exploitation of a vulnerable adult. The brochure must include information about the exploitation of vulnerable adults and the effect of providing false information to the court. The clerk of the circuit court in each county shall also make available informational brochures on the exploitation of vulnerable adults to local senior centers, local aging and disability resource centers, or appropriate state or federal agencies.*

(h) *The clerk of the circuit court shall provide a copy of all petitions filed pursuant to this section and all orders entered on such petitions to the adult protective services program. Within 72 hours after receipt of*

*such orders or petitions, the adult protective services program shall submit to the court overseeing proceedings on the petition the results of any relevant investigations relating to the vulnerable adult.*

(i) *Notwithstanding any other provision of law, the clerk of the circuit court may not assess an initial filing fee or service charge for petitions filed under this section. However, subject to legislative appropriation, the clerk of the circuit court may, on a quarterly basis, submit a certified request for reimbursement to the Office of the State Courts Administrator for the processing of such petitions, at the rate of \$40 per petition. The request for reimbursement must be submitted in the form and manner prescribed by the office. From each reimbursement received, the clerk of the circuit court shall pay any law enforcement agency serving the injunction for protection against exploitation of a vulnerable adult the fee requested by the law enforcement agency, to not exceed \$20.*

(5) *TEMPORARY INJUNCTION; SERVICE; HEARING.—*

(a)1. *The court may grant a temporary injunction ex parte, pending a full hearing, and may grant such relief as the court deems proper if the court finds that:*

a. *An immediate and present danger of exploitation of the vulnerable adult exists.*

b. *There is a likelihood of irreparable harm and nonavailability of an adequate remedy at law.*

c. *There is a substantial likelihood of success on the merits.*

d. *The threatened injury to the vulnerable adult outweighs possible harm to the respondent.*

e. *Granting a temporary injunction will not disserve the public interest.*

f. *Such injunction provides for the vulnerable adult's physical or financial safety.*

2. *Such relief the court deems proper may include, but is not limited to, injunctions doing any of the following:*

a. *Restraining the respondent from committing any acts of exploitation against the vulnerable adult.*

b. *Awarding to the vulnerable adult the temporary exclusive use and possession of the dwelling that the vulnerable adult and the respondent share, or barring the respondent from the residence of the vulnerable adult. The court shall confirm the availability of any required services or alternative caregivers that may be necessary to ensure the vulnerable adult's safety.*

c. *Freezing any assets of the vulnerable adult in any depository or financial institution whether titled solely in the vulnerable adult's name, solely in the respondent's name, jointly with the respondent, in guardianship, in trust, or in a Totten trust, provided that:*

(I) *Assets held by a guardian for the vulnerable adult may be frozen only by an order entered by the court overseeing the guardianship proceeding.*

(II) *Assets held by a trust may be frozen only by an order of the court if all the trustees of the trust are served with process and are given reasonable notice before any hearing on the petition.*

(III) *Assets held solely in the name of the respondent may only be frozen on an ex parte basis if the petition and affidavit demonstrate to the court probable cause that such assets are traceable to the unlawful exploitation of the vulnerable adult, that such assets are likely to be returned to the vulnerable adult after a final evidentiary hearing, and that no other adequate remedy at law is reasonably available.*

d. *Freezing any line of credit of the vulnerable adult at any depository or financial institution whether listed solely in the vulnerable adult's name or jointly with the respondent.*

(I) *Lines of credit held by a guardian for the vulnerable adult may be frozen only by an order entered by the court overseeing the guardianship proceeding.*

(II) *Lines of credit held by a trust may be frozen only by an order of the court if all the trustees of the trust are served with process and are given reasonable notice before any hearing on the petition.*

*e. Prohibiting the respondent from having direct or indirect contact with the vulnerable adult.*

*f. Providing directives to law enforcement agencies.*

*g. If the court has ordered an asset and credit freeze, ordering that specified living expenses of the vulnerable adult continue to be paid.*

*h. Ordering any financial institution holding assets of the vulnerable adult to pay the clerk of the circuit court from unencumbered assets of the vulnerable adult, if any, a fee of \$75 if the assets of the petitioner are between \$1,500 and \$5,000 or a fee of \$200 if the assets are in excess of \$5,000. The court may rely on the estimate of the value of the assets in the petition when assessing the fee. The fee shall be taxed as costs against the respondent if the court enters an injunction.*

*(b) Except as provided in s. 90.204, in a hearing ex parte for the purpose of obtaining an ex parte temporary injunction, only verified pleadings or affidavits may be used as evidence unless the respondent appears at the hearing or has received reasonable notice of the hearing. A petition under this section shall be considered a family case for purposes of s. 90.204(4).*

*(c) A denial of a petition for an ex parte injunction must be by written order and must note the legal grounds for denial. When the only ground for denial is failure to demonstrate appearance of an immediate and present danger of exploitation of a vulnerable adult, the court must set a full hearing on the petition for injunction at the earliest possible date. Nothing in this paragraph affects a petitioner's right to promptly amend any petition consistent with court rules.*

*(d) An ex parte temporary injunction may be effective for a fixed period not to exceed 15 days. A full hearing, as provided by this section, must be set for a date no later than the date when the temporary injunction ceases to be effective. The court may grant a continuance of the hearing, before or during the hearing, for good cause shown by any party, which good cause may include a continuance to obtain service of process. An ex parte injunction is not extended beyond the initial 15 days as a result of a continuance.*

**(6) REASONABLE CAUSE.**—*In determining whether a petitioner has reasonable cause to believe that the vulnerable adult is, or is in imminent danger of becoming, a victim of exploitation, the court shall consider and evaluate all relevant factors, including, but not limited to, any of the following:*

*(a) The existence of a verifiable order of protection issued previously or from another jurisdiction.*

*(b) Any history of exploitation by the respondent upon the vulnerable adult in the petition or any other vulnerable adult.*

*(c) Any history of the vulnerable adult being previously exploited or unduly influenced.*

*(d) The capacity of the vulnerable adult to make decisions related to his or her finances and property.*

*(e) Susceptibility of the vulnerable adult to undue influence.*

*(f) Any criminal history of the respondent or previous probable cause findings by the adult protective services program, if known.*

**(7) NOTICE OF PETITION AND INJUNCTION.**—

*(a) The respondent shall be personally served, pursuant to chapter 48, with a copy of the petition, notice of hearing, and temporary injunction, if any, before the final hearing.*

*(b) If the petitioner is acting in a representative capacity, the vulnerable adult shall also be served with a copy of the petition, notice of hearing, and temporary injunction, if any, before the final hearing.*

*(c) If any assets or lines of credit are ordered to be frozen, the depository or financial institution must be served as provided in s. 655.0201.*

**(8) FINAL HEARING ON PETITION.**—

*(a)1. The court may grant such relief as the court deems proper when, upon notice and hearing, it appears to the court that:*

*a. The vulnerable adult is the victim of exploitation or that the vulnerable adult is in imminent danger of becoming a victim of exploitation.*

*b. There is a likelihood of irreparable harm and nonavailability of an adequate remedy at law.*

*c. The threatened injury to the vulnerable adult outweighs possible harm to the respondent.*

*d. Where the injunction freezes assets of the respondent, the court finds probable cause that exploitation has occurred, the freeze only affects the proceeds of such exploitation, and there is a substantial likelihood that such assets will be ordered to be returned to the vulnerable adult.*

*e. The relief provides for the vulnerable adult's physical or financial safety.*

*2. Such relief may include, but need not be limited to, injunctions doing any of the following:*

*a. Continuing the temporary injunction in part or in whole.*

*b. Restraining the respondent from committing any acts of exploitation.*

*c. Awarding to the vulnerable adult the exclusive use and possession of the dwelling that the vulnerable adult and the respondent share or excluding the respondent from the residence of the vulnerable adult. The court shall confirm the availability of any required services or alternative caregivers that may be necessary to ensure the vulnerable adult's safety.*

*d. Ordering the respondent to participate in treatment, intervention, or counseling services to be paid for by the respondent.*

*e. Directing that assets under temporary freeze by injunction be returned to the vulnerable adult, or directing that those assets remain frozen until ownership can be determined; and directing that the temporary freeze on any line of credit be lifted.*

*f. Where the court has found that the respondent has engaged in exploitation of the vulnerable adult, entering a final cost judgment against the respondent and in favor of the petitioner for all taxable costs, and entering a final cost judgment against the respondent and in favor of the clerk of the circuit court for all the clerk's filing fees and service charges that were waived by operation of this section.*

*g. Ordering such other relief as the court deems necessary for the protection of a victim of exploitation, including injunctions or directives to law enforcement agencies, as provided in this section.*

*(b) The court must allow an advocate from a state attorney's office, a law enforcement agency, or the adult protective services program to be present with the petitioner or the respondent during any court proceedings or hearings related to the injunction, provided the petitioner or the respondent has made such a request and the advocate is able to be present.*

*(c) The terms of an injunction restraining the respondent as provided in paragraph (a) remain in effect until the injunction is modified or dissolved.*

**(9) PROVISIONS REQUIRED IN ANY TEMPORARY OR PERMANENT INJUNCTION.**—*A temporary or final judgment on an injunction must, on its face, indicate:*

*(a) That the injunction is valid and enforceable in all counties of this state.*

(b) That law enforcement officers may use their arrest powers under s. 901.15(6) to enforce the terms of the injunction.

(c) That the court had jurisdiction over the parties and subject matter under state law and that reasonable notice and opportunity to be heard were given to the person against whom the order was sought, in a manner that was sufficient to protect that person's right to due process.

(d) If any assets or lines of credit are ordered to be frozen, the date that the depository or financial institution was served with the injunction as provided in s. 655.0201.

(e) The date the respondent was served with the petition for injunction.

(10) TRANSMITTAL TO SHERIFF; SERVICE.—

(a)1.a. The clerk of the circuit court shall furnish a copy of the petition, the financial affidavit, the notice of hearing, and any temporary injunction to the sheriff or a law enforcement agency of the county in which the respondent resides or can be found, who shall serve it upon the respondent as soon thereafter as possible on any day of the week and at any time of the day or night. At the request of the sheriff, the clerk of the circuit court may transmit a facsimile copy of an injunction that has been certified by the clerk of the circuit court pursuant to subparagraph 4., and this facsimile copy may be served in the same manner as a certified copy. The clerk of the circuit court shall also furnish to the sheriff such information on the respondent's physical description and location as is required by the Department of Law Enforcement to comply with the verification procedures set forth in sub-subparagraph b.

b. Upon receiving a facsimile copy, the sheriff must verify receipt with the clerk of the circuit court before attempting to serve it upon the respondent. If the sheriff is in possession of an injunction that has been certified by the clerk of the circuit court, the sheriff may transmit a facsimile copy of that injunction to a law enforcement officer who shall serve it in the same manner as a certified copy.

c. Notwithstanding any other provision of law, the chief judge of each judicial circuit, in consultation with the appropriate sheriff, may authorize a law enforcement agency within the jurisdiction to effect service. A law enforcement agency performing service pursuant to this section shall use service and verification procedures consistent with those of the sheriff.

2.a. Except where the vulnerable adult is the petitioner, the clerk of the circuit court shall furnish a copy of the petition, the financial affidavit, the notice of hearing, and any temporary injunction to the sheriff or a law enforcement agency of the county in which the vulnerable adult resides or can be found, who shall serve it upon the vulnerable adult as soon thereafter as possible on any day of the week and at any time of the day or night. At the request of the sheriff, the clerk of the circuit court may transmit a facsimile copy of an injunction that has been certified by the clerk of the circuit court pursuant to subparagraph 4., and this facsimile copy may be served in the same manner as a certified copy. The clerk of the circuit court shall also furnish to the sheriff such information on the vulnerable adult's physical description and location as is required by the Department of Law Enforcement to comply with the verification procedures set forth in sub-subparagraph b.

b. Upon receiving a facsimile copy, the sheriff must verify receipt with the clerk of the circuit court before attempting to serve it upon the vulnerable adult. If the sheriff is in possession of an injunction that has been certified by the clerk of the circuit court, the sheriff may transmit a facsimile copy of that injunction to a law enforcement officer, who shall serve it in the same manner as a certified copy.

c. Notwithstanding any other provision of law, the chief judge of each judicial circuit, in consultation with the appropriate sheriff, may authorize a law enforcement agency within the jurisdiction of the circuit to effect service. A law enforcement agency performing service pursuant to this section shall use service and verification procedures consistent with those of the sheriff.

3. When an injunction for protection against exploitation of a vulnerable adult is issued, if the petitioner requests that a law enforcement agency assist the vulnerable adult, the court may order that an officer from the appropriate law enforcement agency accompany the vulnerable

adult and assist in the service or execution of the injunction, including returning possession of a dwelling or residence to the vulnerable adult. A law enforcement officer shall accept a copy of an injunction, certified by the clerk of the circuit court pursuant to subparagraph 4., from the petitioner and immediately serve it upon a respondent who has been located but not yet served. The law enforcement agency must also serve any injunction freezing assets on a financial institution where assets subject to dissipation are held, or where a credit line may be exploited. Service upon the depository or financial institution must be served as provided in s. 655.0201.

4. The clerk of the circuit court shall certify a copy of all orders issued, changed, continued, extended, or vacated subsequent to the original service of the original petition, notice of hearing, or temporary injunction and deliver the certified copy to the parties at the time of the entry of the order. The parties may acknowledge receipt of a certified order in writing on the face of the original order. If a party fails or refuses to acknowledge the receipt of a certified copy of an order, the clerk of the circuit court must note on the original petition that service was effected. If delivery at the hearing during which an order is issued is not possible, the clerk of the circuit court shall mail certified copies of the order to the parties at their respective last known mailing addresses; except that service upon a depository or financial institution must be served as provided in s. 655.0201. Service by mail is complete upon mailing. When an order is served pursuant to this subparagraph the clerk of the circuit court shall notify the sheriff of the service and prepare a written certification to be placed in the court file specifying the time, date, and method of service.

5. If the respondent has been previously served with the temporary injunction and has failed to appear at the initial hearing on the temporary injunction, any subsequent petition for an injunction seeking an extension of time may be served on the respondent by the clerk of the court by certified mail in lieu of personal service by a law enforcement officer.

(b)1. Within 24 hours after the court issues an injunction for protection against exploitation of a vulnerable adult or changes, continues, extends, or vacates such an injunction, the clerk of the circuit court must forward a certified copy of the order to the sheriff with jurisdiction over the residence of the petitioner for service in accordance with this subsection.

2. Within 24 hours after service of an injunction for protection against exploitation of a vulnerable adult upon a respondent, the law enforcement officer who served the injunction must forward the written proof of service to the sheriff with jurisdiction over the residence of the petitioner.

3. Within 24 hours after the sheriff receives a certified copy of the injunction for protection against exploitation of a vulnerable adult, the sheriff must make information related to the injunction available to this state's law enforcement agencies by electronically transmitting such information to the Department of Law Enforcement.

4. Within 24 hours after the sheriff or other law enforcement officer has made service upon the respondent and the sheriff has been so notified, the sheriff must make information relating to the service available to other law enforcement agencies by electronically transmitting such information to the Department of Law Enforcement.

5. Within 24 hours after an injunction for protection against exploitation of a vulnerable adult is terminated or otherwise rendered no longer effective by ruling of the court, the clerk of the circuit court must notify the sheriff receiving original notification of the injunction as provided in subparagraph 1. The sheriff shall, within 24 hours after receiving such notification from the clerk of the circuit court, notify the Department of Law Enforcement of such court action.

(11) ENFORCEMENT.—

(a) As to the respondent, the court may enforce a violation of an injunction for protection against exploitation of a vulnerable adult through a civil or criminal contempt proceeding, and the state attorney may prosecute it as a criminal violation under s. 825.1036. Any assessment or fine ordered by the court enforcing such injunction shall be collected by the clerk of the circuit court and transferred on a monthly basis to the Department of Revenue for deposit in the Domestic Violence Trust Fund.

(b) *If the respondent is arrested by a law enforcement officer under s. 901.15(6) or for a violation of s. 825.1036, the respondent must be held in custody until he or she is brought before the court, which must occur as expeditiously as possible, for the purpose of enforcing the injunction for protection against exploitation of a vulnerable adult and for admittance to bail in accordance with chapter 903 and the applicable rules of criminal procedure, pending a hearing.*

(12) **JUDGMENT FOR DAMAGES.**—*Actual damages may be assessed against the petitioner in a proceeding under this section if the court finds that the petition lacks substantial fact or legal support.*

(13) **MODIFICATION OR DISSOLUTION OF INJUNCTION.**—*The petitioner, respondent, or vulnerable adult may move at any time to modify or dissolve the injunction in part or in whole. No specific allegations are required for modification or dissolution of the injunction, which may be granted in addition to other civil or criminal penalties. The court shall promptly hear a motion to modify or dissolve an injunction.*

(14) **LIMITATION.**—*Nothing in this section may affect title to real property.*

Section 3. Section 825.1036, Florida Statutes, is created to read:

**825.1036 Violation of an injunction for protection against exploitation of a vulnerable adult.**—

(1) *In the event of a violation of an injunction for protection against exploitation of a vulnerable adult when the person who violated such injunction has not been arrested, the petitioner may contact the clerk of the circuit court of the county in which the violation is alleged to have occurred. The clerk of the circuit court shall assist the petitioner in the preparation of an affidavit in support of the violation or direct the petitioner to the office operated by the court within the circuit which has been designated by the chief judge of the judicial circuit as the central intake point for injunction violations and where the petitioner can receive assistance in the preparation of the affidavit in support of the violation.*

(2) *The affidavit shall be immediately forwarded by the clerk of the circuit court or the office assisting the petitioner to the state attorney of the circuit and to the court or judge as the chief judge of the circuit determines to be the recipient of affidavits of violation. If the affidavit alleges that a crime has been committed, the clerk of the circuit court or the office assisting the petitioner shall also forward a copy of the affidavit to the appropriate law enforcement agency for investigation. Within 20 days after receipt of the affidavit, the local law enforcement agency shall complete its investigation and forward the affidavit and a report containing the agency's findings to the state attorney. The state attorney shall determine within 30 business days whether its office will proceed to file criminal charges, prepare a motion for an order to show cause as to why the respondent should not be held in criminal contempt, prepare both as alternative findings, or file notice that the case remains under investigation or is pending subject to another action.*

(3) *If, based on its familiarity with the case, the court has knowledge that the vulnerable adult is in immediate danger if the court fails to act before the decision of the state attorney to prosecute, it should immediately issue an order of appointment of the state attorney to file a motion for an order to show cause as to why the respondent should not be held in contempt. If the court does not issue an order of appointment of the state attorney, it shall immediately notify the state attorney that the court is proceeding to enforce the violation through a ruling of criminal contempt.*

(4)(a) *Except as provided in paragraph (b), a person who willfully violates an injunction for protection against exploitation of a vulnerable adult commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083. A person may violate such injunction by:*

1. *Refusing to vacate the dwelling shared with the vulnerable adult;*
2. *Going to or being within 500 feet of the vulnerable adult's residence;*
3. *Exploiting or unduly influencing the vulnerable adult;*

4. *Committing any other violation of the injunction through an intentional unlawful threat, word, or act to do violence to the vulnerable adult;*

5. *Telephoning, contacting, or otherwise communicating with the vulnerable adult directly or indirectly, unless the injunction specifically allows indirect contact through a third party;*

6. *Knowingly and intentionally coming within 100 feet of the vulnerable adult's motor vehicle, regardless of whether that vehicle is occupied; or*

7. *Defacing or destroying the vulnerable adult's personal property.*

(b) *A person who has two or more prior convictions for violation of an injunction or foreign protection order against the same victim, and who subsequently commits a violation of any injunction or foreign protection order against the same victim, commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. For purposes of this paragraph, the term "conviction" means a determination of guilt which is the result of a plea or a trial, regardless of whether adjudication is withheld or a plea of nolo contendere is entered.*

(5) *A vulnerable adult who suffers an injury or loss as a result of a violation of an injunction for protection against exploitation of a vulnerable adult may be awarded economic damages and attorney fees and costs for enforcement of such injunction.*

(6) *A financial institution holding assets or having issued a line of credit ordered to be frozen under s. 825.1035 is not considered a party to the action and is not liable for damages or penalty by reason of any action or inaction made in accordance with s. 825.1035. No private cause of action may be brought against a financial institution for any action or inaction made pursuant to an injunction or any other court order entered pursuant to s. 825.1035, unless such action was a knowing and intentional violation of the injunction.*

Section 4. Subsection (6) of section 901.15, Florida Statutes, is amended to read:

**901.15** When arrest by officer without warrant is lawful.—*A law enforcement officer may arrest a person without a warrant when:*

(6) *There is probable cause to believe that the person has committed a criminal act according to s. 790.233 or according to s. 741.31, ~~or~~ s. 784.047, or s. 825.1036 which violates an injunction for protection entered pursuant to s. 741.30, ~~or~~ s. 784.046, or s. 825.1035 or a foreign protection order accorded full faith and credit pursuant to s. 741.315, over the objection of the petitioner, if necessary.*

Section 5. Paragraph (e) of subsection (3) of section 415.107, Florida Statutes, is amended to read:

**415.107** Confidentiality of reports and records.—

(3) *Access to all records, excluding the name of the reporter which shall be released only as provided in subsection (6), shall be granted only to the following persons, officials, and agencies:*

(e) *A court, pursuant to s. 825.1035(4)(h); or by*

Pursuant to Rule 4.19, **CS for CS for CS for HB 1059**, as amended, was placed on the calendar of Bills on Third Reading.

**CS for CS for SB 1622**—*A bill to be entitled An act relating to lands used for governmental purposes; amending s. 253.025, F.S.; providing conditions under which specified appraisal standards are required for acquisition of military installation buffer lands; authorizing such lands to be leased or conveyed for less than appraised value to military installations; authorizing such lands to be leased for less than appraised value to agricultural or silvicultural operations; providing requirements for such leasing and conveyance; authorizing the use of certain funding sources for the immediate acquisition of lands that prevent or satisfy private property rights claims within areas of critical state concern; authorizing the board of trustees to waive or modify certain procedures or competitive bidding requirements; providing procedures for estimating the value of such lands under certain conditions; amending s. 259.045, F.S.; requiring the Department of Environmental Protection to*



make certain recommendations to the board regarding the acquisition of certain lands to prevent or satisfy private property rights claims within areas of critical state concern; providing procedures for estimating the value of such lands under certain conditions; amending s. 288.980, F.S.; requiring the Department of Economic Opportunity to annually request a list from military installations regarding base buffering encroachment lands before a specified date; requiring the department to submit such list to the Florida Defense Support Task Force; requiring the Task Force to review such list annually and provide its recommendations to the department by a specified date; requiring the department to submit such list annually to the Board of Trustees of the Internal Improvement Trust Fund; authorizing the board to acquire such land, subject to certain conditions; specifying requirements for such list; revising the definition of the term “nonconservation lands”; amending s. 380.0666, F.S.; revising the powers of land authorities; authorizing land authorities to contribute tourist impact tax revenues to counties for the construction, redevelopment, and preservation of certain affordable housing; providing an effective date.

—was read the second time by title.

Pending further consideration of **CS for CS for SB 1622**, pursuant to Rule 3.11(3), there being no objection, **CS for CS for HB 1173** was withdrawn from the Committees on Environmental Preservation and Conservation; Military and Veterans Affairs, Space, and Domestic Security; and Appropriations.

On motion by Senator Flores—

**CS for CS for HB 1173**—A bill to be entitled An act relating to lands used for governmental purposes; amending s. 253.025, F.S.; providing conditions under which specified appraisal standards are required for the acquisition of lands for the purpose of buffering military installations against encroachment; authorizing such lands to be leased or conveyed for less than appraised value to military installations; providing requirements for such leasing and conveyance; authorizing the use of certain funding sources for the immediate acquisition of lands that prevent or satisfy private property rights claims within areas of critical state concern; providing procedures for estimating the value of such lands under certain conditions; amending s. 259.045, F.S.; authorizing the Department of Environmental Protection to acquire conservation and recreation lands to prevent or satisfy private property rights claims within areas of critical state concern; providing procedures for estimating the value of such lands under certain conditions; amending s. 259.105, F.S.; including natural disaster and flood mitigation as criteria for assessing certain projects and land acquisitions under the Florida Forever Act; amending s. 288.980, F.S.; directing the Department of Economic Opportunity and the Florida Defense Support Task Force to provide an annual list of land acquisitions for the purpose of buffering military installations against encroachment; providing requirements for the annual list; revising the definition of the term “nonconservation lands”; amending s. 380.0555, F.S.; revising the legislative intent of the Apalachicola Bay Area Protection Act; amending s. 380.0666, F.S.; authorizing land authorities to contribute tourist impact tax revenues to counties to pay for project costs relating to the construction, redevelopment, and preservation of certain affordable housing; amending s. 380.508, F.S.; requiring that urban greenways and open space projects undertaken, coordinated, or funded by the Florida Communities Trust meet certain criteria; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 1622** and read the second time by title.

Senator Flores moved the following amendment which was adopted:

**Amendment 1 (483474) (with title amendment)**—Delete everything after the enacting clause and insert:

Section 1. Subsection (23) of section 253.025, Florida Statutes, is renumbered as subsection (25), subsections (21) and (22) of that section are amended, and new subsections (23) and (24) are added to that section, to read:

253.025 Acquisition of state lands.—

(21)(a) The board of trustees may acquire, pursuant to s. 288.980(2)(b), nonconservation lands from the annual list submitted by

the Department of Economic Opportunity for the purpose of buffering a military installation against encroachment.

(b) *If federal partnership funds are available before the military installation buffer land is acquired, the Division of State Lands shall apply yellow book appraisal standards and must disclose the appraised value to the seller.*

(c) *Following acquisition of the military installation buffer land, the board of trustees is authorized, in accordance with the installation’s procedures, the laws of this state, and the terms of the management and monitoring agreement provided in s. 288.980(2)(b), to:*

1. *Convey the land at less than appraised value to the military installation;*

2. *Lease the land at less than appraised or market value to the military installation; or*

3. *Lease the land at rates determined by competitive bid, which may be less than appraised or market value, to private entities to conduct agricultural or silvicultural operations under terms requiring approval of the military installation and that must implement the best management practices applicable to such operations as adopted by the Department of Agriculture and Consumer Services.*

(d) *A conveyance at less than appraised value must state that the land will revert to the board of trustees if the land is not used for its intended purposes as a military installation buffer or if the military installation closes.*

(22) The board of trustees, by an affirmative vote of at least three members, may direct the Department of Environmental Protection to purchase lands on an immediate basis using up to 15 percent of the funds allocated to the department pursuant to s. 259.105 for the acquisition of lands that:

(a) Are listed or placed at auction by the Federal Government as part of the Resolution Trust Corporation sale of lands from failed savings and loan associations;

(b) Are listed or placed at auction by the Federal Government as part of the Federal Deposit Insurance Corporation sale of lands from failed banks; ~~or~~

(c) Will be developed or otherwise lost to potential public ownership, or for which federal matching funds will be lost, by the time the land can be purchased under the program within which the land is listed for acquisition; or

(d) *Will prevent or satisfy private property rights claims resulting from limitations imposed by the designation of an area of critical state concern pursuant to chapter 380.*

~~For such acquisitions, the board of trustees may waive or modify all procedures required for land acquisition pursuant to this chapter and all competitive bid procedures required pursuant to chapters 255 and 287. Lands acquired pursuant to this subsection must, at the time of purchase, be on one of the acquisition lists established pursuant to chapter 259, or be essential for water resource development, protection, or restoration, or a significant portion of the lands must contain natural communities or plant or animal species that are listed by the Florida Natural Areas Inventory as critically imperiled, imperiled, or rare, or as excellent quality occurrences of natural communities.~~

(23) *The board of trustees, by an affirmative vote of at least three members, may direct the division to purchase lands on an immediate basis that will prevent or satisfy private property rights claims resulting from limitations imposed by the designation of an area of critical state concern pursuant to chapter 380.*

(24) *For acquisitions directed pursuant to subsection (22) or subsection (23):*

(a) *The board of trustees may waive or modify all procedures required for land acquisition pursuant to this chapter and all competitive bid procedures required pursuant to chapters 255 and 287; and*

(b) If a parcel is estimated to be worth \$500,000 or less and the director of the Division of State Lands finds that the cost of an outside appraisal is not justified, a comparable sales analysis, an appraisal prepared by the division, or other reasonably prudent procedure may be used by the division to estimate the value of the land, provided the public interest is reasonably protected.

Section 2. Subsection (6) of section 259.045, Florida Statutes, is amended to read:

259.045 Purchase of lands in areas of critical state concern; recommendations by department and land authorities.—Within 45 days after the Administration Commission designates an area as an area of critical state concern under s. 380.05, and annually thereafter, the Department of Environmental Protection shall consider the recommendations of the state land planning agency pursuant to s. 380.05(1)(a) relating to purchase of lands within an area of critical state concern or lands outside an area of critical state concern that directly impact an area of critical state concern, which may include lands used to preserve and protect water supply, and shall make recommendations to the board with respect to the purchase of the fee or any lesser interest in any such lands that are:

(6) Lands used to prevent or satisfy private property rights claims resulting from limitations imposed by the designation of an area of critical state concern if the acquisition of such lands fulfills a public purpose listed in s. 259.032(2) or if the parcel is wholly or partially, at the time of acquisition, on one of the board's approved acquisition lists established pursuant to this chapter. For the purposes of this subsection, if a parcel is estimated to be worth \$500,000 or less and the director of the Division of State Lands finds that the cost of an outside appraisal is not justified, a comparable sales analysis, an appraisal prepared by the Division of State Lands, or other reasonably prudent procedures may be used by the Division of State Lands to estimate the value of the parcel, provided the public's interest is reasonably protected.

The department, a local government, a special district, or a land authority within an area of critical state concern may make recommendations with respect to additional purchases which were not included in the state land planning agency recommendations.

Section 3. Paragraph (i) is added to subsection (4) of section 259.105, Florida Statutes, to read:

259.105 The Florida Forever Act.—

(4) It is the intent of the Legislature that projects or acquisitions funded pursuant to paragraphs (3)(a) and (b) contribute to the achievement of the following goals, which shall be evaluated in accordance with specific criteria and numeric performance measures developed pursuant to s. 259.035(4):

(i) Mitigate the effects of natural disasters and floods in developed areas, as measured by:

1. The number of acres acquired within a 100-year floodplain or a coastal high hazard area;
2. The number of acres acquired or developed to serve dual functions as:
  - a. Flow ways or temporary water storage areas during flooding or high water events, not including permanent reservoirs; and
  - b. Greenways or open spaces available to the public for recreation;
3. The number of acres that protect existing open spaces and natural buffer areas within a floodplain that also serve as natural flow ways or natural temporary water storage areas; and
4. The percentage of the land acquired within the project boundary that creates additional open spaces, natural buffer areas, and greenways within a floodplain, while precluding rebuilding in areas that repeatedly flood.

Florida Forever projects and acquisitions funded pursuant to paragraph (3)(c) shall be measured by goals developed by rule by the Florida Communities Trust Governing Board created in s. 380.504.

Section 4. Paragraphs (b) and (c) of subsection (2) of section 288.980, Florida Statutes, are amended to read:

288.980 Military base retention; legislative intent; grants program.—

(2)

(b)1. The department shall annually request military installations in the state to provide the department with a list of base buffering encroachment lands for fee simple or less-than-fee simple acquisitions before October 1.

2. The department shall submit the list of base buffering encroachment lands to the Florida Defense Support Task Force, created in s. 288.987.

3. The Florida Defense Support Task Force shall, annually by December 1, review the list of base buffering encroachment lands submitted by the military installations and provide its recommendations for ranking the lands for acquisition to the department.

4. The department shall annually submit the list of base buffering encroachment lands provided by the Florida Defense Support Task Force to the Board of Trustees of the Internal Improvement Trust Fund, which may acquire the lands pursuant to s. 253.025. At a minimum, the annual list must contain for each recommended land acquisition:

a. A legal description of the land and its property identification number;

b. A detailed map of the land; and

c. A management and monitoring agreement to ensure the land serves a base buffering purpose. ~~The department may annually submit a list to the Board of Trustees of the Internal Improvement Trust Fund of nonconservation lands to acquire, subject to a specific appropriation, through fee simple purchase or through perpetual, less than fee interest purchase, for the purpose of buffering a military installation against encroachment. The Board of Trustees of the Internal Improvement Trust Fund shall also consider the recommendations of the Florida Defense Support Task Force, created in s. 288.987, when selecting nonconservation lands to purchase for the purpose of securing and protecting a military installation against encroachment. This paragraph does not preclude the acquisition of such lands by local governments through fee simple purchase or through perpetual, less than fee interest purchase, for the purpose of buffering a military installation against encroachment.~~

(c) As used in this subsection, the term "nonconservation lands" means lands acquired for uses other than conservation, outdoor resource-based recreation, or archaeological or historic preservation ~~not~~ subject to acquisition by the Florida Forever Program.

Section 5. Paragraphs (h) and (i) are added to subsection (2) of section 380.0555, Florida Statutes, to read:

380.0555 Apalachicola Bay Area; protection and designation as area of critical state concern.—

(2) LEGISLATIVE INTENT.—It is hereby declared that the intent of the Legislature is:

(h) To provide affordable housing in close proximity to places of employment in the Apalachicola Bay Area.

(i) To protect and improve the water quality of the Apalachicola Bay Area through federal, state, and local funding of water quality improvement projects, including the construction and operation of wastewater management facilities that meet state requirements.

Section 6. Subsection (3) of section 380.0666, Florida Statutes, is amended to read:

380.0666 Powers of land authority.—The land authority shall have all the powers necessary or convenient to carry out and effectuate the purposes and provisions of this act, including the following powers, which are in addition to all other powers granted by other provisions of this act:

(3)(a) To acquire and dispose of real and personal property or any interest therein when such acquisition is necessary or appropriate to protect the natural environment, provide public access or public recreational facilities, preserve wildlife habitat areas, provide affordable housing to families whose income does not exceed 160 percent of the median family income for the area, prevent or satisfy private property rights claims resulting from limitations imposed by the designation of an area of critical state concern, or provide access to management of acquired lands; to acquire interests in land by means of land exchanges; to contribute tourist impact tax revenues received pursuant to s. 125.0108 to the county in which it is located and its most populous municipality or the housing authority of such county or municipality, at the request of the county commission or the commission or council of such municipality, for the construction, redevelopment, or preservation of affordable housing in an area of critical state concern within such municipality or any other area of the county; to contribute funds to the Department of Environmental Protection for the purchase of lands by the department; and to enter into all alternatives to the acquisition of fee interests in land, including, but not limited to, the acquisition of easements, development rights, life estates, leases, and leaseback arrangements. However, the land authority shall make an acquisition or contribution only if:

1.(a) Such acquisition or contribution is consistent with land development regulations and local comprehensive plans adopted and approved pursuant to this chapter;

2.(b) The property acquired is within an area designated as an area of critical state concern at the time of acquisition or is within an area that was designated as an area of critical state concern for at least 20 consecutive years before ~~prior to~~ removal of the designation;

3.(c) The property to be acquired has not been selected for purchase through another local, regional, state, or federal public land acquisition program. Such restriction ~~does shall~~ not apply if the land authority cooperates with the other public land acquisition programs which listed the lands for acquisition, to coordinate the acquisition and disposition of such lands. In such cases, the land authority may enter into contractual or other agreements to acquire lands jointly or for eventual resale to other public land acquisition programs; and

4.(d) The acquisition or contribution is not used to improve public transportation facilities or otherwise increase road capacity to reduce hurricane evacuation clearance times.

(b) To use revenues received pursuant to s. 125.0108 to pay costs related to affordable housing projects, including:

1. The cost of acquiring real property and any buildings thereon, including payments for contracts to purchase properties;

2. The cost of site preparation, demolition, environmental remediation that is not reimbursed by another governmental funding program, and development;

3. Professional fees in connection with the planning, design, and construction of the project, such as those of architects, engineers, attorneys, and accountants;

4. The cost of studies, surveys, and plans;

5. The cost of the construction, rehabilitation, and equipping of the project, excluding permit and impact fees and mitigation requirements;

6. The cost of on-site land improvements, such as landscaping, parking, and ingress and egress, excluding permit and impact fees and mitigation requirements; and

7. The cost of offsite access roads, except those required to meet hurricane evacuation clearance times.

Section 7. Paragraph (f) of subsection (4) of section 380.508, Florida Statutes, is redesignated as paragraph (g), and a new paragraph (f) is added to that subsection, to read:

380.508 Projects; development, review, and approval.—

(4) Projects or activities which the trust undertakes, coordinates, or funds in any manner shall comply with the following guidelines:

(f) The purpose of urban greenways and open space projects shall be to provide recreational opportunities, promote community interaction, and connect communities. Urban greenways and open space projects may also serve dual functions as flow ways or temporary water storage areas, not including permanent reservoirs, to mitigate natural disasters and floods in developed areas.

Project costs may include costs of providing parks, open space, public access sites, scenic easements, and other areas and facilities serving the public where such features are part of a project plan approved according to this part. In undertaking or coordinating projects or activities authorized by this part, the trust shall, when appropriate, use and promote the use of creative land acquisition methods, including the acquisition of less than fee interest through, among other methods, conservation easements, transfer of development rights, leases, and leaseback arrangements. The trust shall assist local governments in the use of sound alternative methods of financing for funding projects and activities authorized under this part. Any funds over and above eligible project costs, which remain after completion of a project approved according to this part, shall be transmitted to the state and deposited into the Florida Forever Trust Fund.

Section 8. Paragraph (d) of subsection (3) of section 380.510, Florida Statutes, is amended to read:

380.510 Conditions of grants and loans.—

(3) In the case of a grant or loan for land acquisition, agreements shall provide all of the following:

(d) If any essential term or condition of a grant or loan is violated, title to all interest in real property acquired with state funds shall be conveyed or revert to the Board of Trustees of the Internal Improvement Trust Fund. The trust shall treat such property in accordance with s. 380.508(4)(g) ~~s. 380.508(4)(f)~~.

Any deed or other instrument of conveyance whereby a nonprofit organization or local government acquires real property under this section shall set forth the interest of the state. The trust shall keep at least one copy of any such instrument and shall provide at least one copy to the Board of Trustees of the Internal Improvement Trust Fund.

Section 9. This act shall take effect upon becoming a law.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to lands used for governmental purposes; amending s. 253.025, F.S.; providing conditions under which specified appraisal standards are required, and such appraisal be provided to the seller, for the acquisition of lands for the purpose of buffering military installations against encroachment; authorizing such lands to be leased or conveyed for less than appraised value to military installations; providing requirements for such leasing and conveyance; authorizing the use of certain funding sources for the immediate acquisition of lands that prevent or satisfy private property rights claims within areas of critical state concern; authorizing the board of trustees to waive certain procedures for land acquisition for such lands; providing procedures for estimating the value of such lands under certain conditions; amending s. 259.045, F.S.; authorizing the Department of Environmental Protection to acquire certain conservation and recreation lands to prevent or satisfy private property rights claims within areas of critical state concern; providing procedures for estimating the value of such lands under certain conditions; amending s. 259.105, F.S.; including natural disaster and flood mitigation as criteria for assessing certain projects and land acquisitions under the Florida Forever Act; amending s. 288.980, F.S.; requiring the Department of Economic Opportunity to annually request state military installations to provide a certain list before a specified date; requiring the department to submit such list to the Florida Defense Support Task Force; requiring the task force to annually review such list and provide certain recommendations by a specified date; requiring the department to annually submit a certain list to the Board of Trustees of the Internal Improvement Trust Fund, for certain purposes; providing requirements for the annual list; revising the definition of the term “nonconservation lands”; amending s. 380.0555, F.S.; revising the legislative intent of the Apalachicola Bay Area Protection Act; amending s. 380.0666, F.S.; authorizing land authorities to contribute tourist impact tax revenues to counties to pay for

project costs relating to the construction, redevelopment, and preservation of certain affordable housing; amending s. 380.508, F.S.; requiring that urban greenways and open space projects undertaken, coordinated, or funded by the Florida Communities Trust meet certain criteria; amending s. 380.510, F.S.; conforming a cross-reference; providing an effective date.

Pursuant to Rule 4.19, **CS for CS for HB 1173**, as amended, was placed on the calendar of Bills on Third Reading.

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**CS for CS for CS for SB 1880**—A bill to be entitled An act relating to public records and public meetings; creating s. 627.352, F.S.; providing an exemption from public records requirements for certain records held by the Citizens Property Insurance Corporation which identify detection, investigation, or response practices for suspected or confirmed information technology security incidents; creating an exemption from public records requirements for certain portions of risk assessments, evaluations, audits, and other reports of the corporation's information technology security program; creating an exemption from public meetings requirements for portions of public meetings which would reveal such data and information; providing an exemption from public records requirements for a specified period for the recording and transcript of a closed meeting; authorizing disclosure of confidential and exempt information to certain agencies and officers; providing for future legislative review and repeal; providing a statement of public necessity; providing retroactive application; providing a directive to the Division of Law Revision and Information; providing an effective date.

—was read the second time by title.

Pending further consideration of **CS for CS for CS for SB 1880**, pursuant to Rule 3.11(3), there being no objection, **CS for CS for HB 1127** was withdrawn from the Committees on Banking and Insurance; Governmental Oversight and Accountability; and Rules.

On motion by Senator Broxson—

**CS for CS for HB 1127**—A bill to be entitled An act relating to public records and public meetings; creating s. 627.352, F.S.; providing an exemption from public records requirements for certain records held by the Citizens Property Insurance Corporation which identify detection, investigation, or response practices for suspected or confirmed information technology security incidents; creating an exemption from public records requirements for certain portions of risk assessments, evaluations, audits, and other reports of the corporation's information technology security program; creating an exemption from public meetings requirements for portions of public meetings which would reveal such data and information; providing an exemption from public records requirements for a specified period for the recording and transcript of a closed meeting; authorizing disclosure of confidential and exempt information to certain agencies and officers; providing for future legislative review and repeal; providing a statement of public necessity; providing retroactive application; providing an effective date.

—a companion measure, was substituted for **CS for CS for CS for SB 1880** and read the second time by title.

Pursuant to Rule 4.19, **CS for CS for HB 1127** was placed on the calendar of Bills on Third Reading.

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**CS for SB 290**—A bill to be entitled An act relating to motor vehicle registration applications; amending s. 320.02, F.S.; requiring the application form for motor vehicle registration to include language to indicate an applicant is deaf or hard of hearing; requiring such information to be included in certain databases; requiring the application form for motor vehicle registration to include language permitting a certain voluntary contribution to be quarterly distributed by the Department of Highway Safety and Motor Vehicles to Preserve Vision Florida, instead of to Prevent Blindness Florida; conforming a provision to changes made by the act; amending s. 320.27, F.S.; conforming a cross-reference; providing an effective date.

—was read the second time by title.

Pending further consideration of **CS for SB 290**, pursuant to Rule 3.11(3), there being no objection, **CS for HB 135** was withdrawn from

the Committees on Transportation; Appropriations Subcommittee on Transportation, Tourism, and Economic Development; and Appropriations.

On motion by Senator Rouson—

**CS for HB 135**—A bill to be entitled An act relating to motor vehicle registration applications; amending s. 320.02, F.S.; requiring the application for motor vehicle registration to include language indicating an applicant is deaf or hard of hearing; requiring such information to be included in certain databases; providing for distribution of a voluntary contribution to Preserve Vision Florida; amending s. 320.27, F.S.; conforming a cross-reference; providing an effective date.

—a companion measure, was substituted for **CS for SB 290** and read the second time by title.

Pursuant to Rule 4.19, **CS for HB 135** was placed on the calendar of Bills on Third Reading.

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**SB 404**—A bill to be entitled An act relating to state symbols; amending s. 15.0386, F.S.; abrogating the scheduled repeal of the state saltwater reptile designation; amending s. 15.0526, F.S.; abrogating the scheduled repeal of the state horse designation; creating s. 15.0527, F.S.; designating the Florida Cracker Cattle as the official state heritage cattle breed; providing an effective date.

—was read the second time by title.

Pending further consideration of **SB 404**, pursuant to Rule 3.11(3), there being no objection, **HB 155** was withdrawn from the Committees on Governmental Oversight and Accountability; and Rules.

On motion by Senator Grimsley—

**HB 155**—A bill to be entitled An act relating to state symbols; amending s. 15.0386, F.S.; abrogating the scheduled repeal of the state saltwater reptile designation; amending s. 15.0526, F.S.; abrogating the scheduled repeal of the state horse designation; creating s. 15.0527, F.S.; designating the Florida Cracker Cattle as the official state heritage cattle breed; providing an effective date.

—a companion measure, was substituted for **SB 404** and read the second time by title.

Pursuant to Rule 4.19, **HB 155** was placed on the calendar of Bills on Third Reading.

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**CS for SB 876**—A bill to be entitled An act relating to alarm verification; amending s. 489.529, F.S.; revising requirements for alarm verification to include additional methods by which an alarm monitoring company may verify a residential or commercial intrusion/burglary alarm signal and to require that two attempts be made to verify an alarm signal; providing an effective date.

—was read the second time by title.

Pending further consideration of **CS for SB 876**, pursuant to Rule 3.11(3), there being no objection, **CS for HB 539** was withdrawn from the Committees on Regulated Industries; Community Affairs; and Rules.

On motion by Senator Bean—

**CS for HB 539**—A bill to be entitled An act relating to alarm confirmation; amending s. 489.529, F.S.; revising requirements for alarm confirmation to include additional methods by which an alarm monitoring company may confirm a residential or commercial intrusion/burglary alarm signal and to require that two attempts be made to confirm an alarm signal; providing an effective date.

—a companion measure, was substituted for **CS for SB 876** and read the second time by title.

Pursuant to Rule 4.19, **CS for HB 539** was placed on the calendar of Bills on Third Reading.

Consideration of **CS for SB 8** was deferred.

**CS for SB 906**—A bill to be entitled An act relating to public records; amending s. 119.071, F.S.; providing an exemption from public records requirements for building plans, blueprints, schematic drawings, and diagrams held by an agency which depict the internal layout or structural elements of certain health care facilities; providing for future legislative review and repeal of the exemption; providing a statement of public necessity; providing an effective date.

—was read the second time by title.

Pending further consideration of **CS for SB 906**, pursuant to Rule 3.11(3), there being no objection, **CS for CS for HB 551** was withdrawn from the Committees on Health Policy; Governmental Oversight and Accountability; and Rules.

On motion by Senator Young—

**CS for CS for HB 551**—A bill to be entitled An act relating to public records; amending s. 119.071, F.S.; providing an exemption from public records requirements for building plans, blueprints, schematic drawings, diagrams, and other construction documents received and held by certain agencies which depict the internal layout or structural elements of certain health care facilities; providing for future legislative review and repeal of the exemption; providing a statement of public necessity; providing an effective date.

—a companion measure, was substituted for **CS for SB 906** and read the second time by title.

Pursuant to Rule 4.19, **CS for CS for HB 551** was placed on the calendar of Bills on Third Reading.

**CS for CS for SB 1598**—A bill to be entitled An act relating to deployed parent custody and visitation; repealing s. 61.13002, F.S., relating to temporary time-sharing modification and child support modification due to military service; creating part IV of ch. 61, F.S., entitled “Uniform Deployed Parents Custody and Visitation Act”; providing definitions; providing remedies for noncompliance; authorizing a court to issue certain custodial orders only under certain jurisdiction; providing notice requirements; providing requirements for proceeding for custodial responsibility of a child of a servicemember; providing requirements for agreement forms, termination, modification, power of attorney, and filing; providing requirements for temporary orders of custodial responsibility; authorizing electronic testimony in a proceeding for temporary custody; providing for the effect of any prior judicial order or agreement; authorizing a court to grant caretaking authority or limited contact to a nonparent under certain conditions; providing for the termination of a grant of authority; providing requirements for an order of temporary custody; authorizing a court to enter a temporary order for child support under certain circumstances; authorizing a court to modify or terminate a temporary grant of custodial responsibility; providing procedures for termination of a temporary custodial responsibility agreement; providing for visitation; providing construction; providing applicability; providing an effective date.

—was read the second time by title.

Pending further consideration of **CS for CS for SB 1598**, pursuant to Rule 3.11(3), there being no objection, **CS for CS for HB 1217** was withdrawn from the Committees on Judiciary; Military and Veterans Affairs, Space, and Domestic Security; and Rules.

On motion by Senator Passidomo—

**CS for CS for HB 1217**—A bill to be entitled An act relating to deployed parent custody and visitation; creating part IV of ch. 61, F.S., entitled “Uniform Deployed Parents Custody and Visitation Act”; providing definitions; providing remedies for noncompliance; authorizing a court to issue certain custodial orders only under certain jurisdiction; providing notice requirements; providing requirements for a proceeding for custodial responsibility of a child of a servicemember; providing requirements for agreement forms, termination, modification, power of attorney, and filing; providing requirements for temporary orders granting custodial responsibility; authorizing telephonic, electronic,

and web-based appearance, testimony, and evidence in a proceeding for temporary custody; requiring certain witnesses to be sworn in by specified officers; providing for the effect of any prior judicial order or agreement; authorizing a court to grant temporary caretaking authority or limited contact to certain nonparents under certain conditions; providing for the termination of a grant of authority; providing requirements for a temporary custody order; authorizing a court to enter a temporary order for child support and modify or terminate a temporary grant of custodial responsibility under certain circumstances; providing procedures for terminating a temporary custodial responsibility agreement; providing for visitation before such termination; providing construction; providing applicability; repealing s. 61.13002, F.S., relating to temporary time-sharing modification and child support modification due to military service; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 1598** and read the second time by title.

Pursuant to Rule 4.19, **CS for CS for HB 1217** was placed on the calendar of Bills on Third Reading.

**CS for SB 266**—A bill to be entitled An act relating to covenants and restrictions; creating s. 712.001, F.S.; providing a short title; amending s. 712.01, F.S.; defining and redefining terms; amending s. 712.05, F.S.; revising the notice filing requirements for a person claiming an interest in land and other rights; authorizing a property owners’ association to preserve and protect certain covenants or restrictions from extinguishment, subject to specified requirements; providing that a failure in indexing does not affect the validity of the notice; extending the length of time certain covenants or restrictions are preserved; deleting a provision requiring a two-thirds vote by members of an incorporated homeowners’ association to file certain notices; providing that a property owners’ association or clerk of the circuit court is not required to provide certain additional notice for a specified notice that is filed; conforming provisions to changes made by the act; amending s. 712.06, F.S.; exempting a specified summary notice and amendment from certain notice content requirements; revising the contents required to be specified by certain notices; conforming provisions to changes made by the act; amending s. 712.11, F.S.; conforming provisions to changes made by the act; creating s. 712.12, F.S.; defining terms; authorizing the parcel owners of a community not subject to a homeowners’ association to use specified procedures to revive certain covenants or restrictions, subject to certain exceptions and requirements; authorizing a parcel owner to commence an action by a specified date under certain circumstances for a judicial determination that the covenants or restrictions did not govern that parcel as of a specified date and that any revitalization of such covenants or restrictions as to that parcel would unconstitutionally deprive the parcel owner of rights or property; providing applicability; amending s. 720.303, F.S.; requiring a board to take up certain provisions relating to notice filings at the first board meeting; creating s. 720.3032, F.S.; requiring any property owners’ association desiring to preserve covenants from potential termination after a specified period by certain operation to record in the official records of each county in which the community is located a notice subject to certain requirements; providing a document form for recording by an association to preserve certain covenants or restrictions; requiring a copy of the filed notice to be sent to all members; requiring the original signed notice to be recorded with the clerk of the circuit court or other recorder; amending ss. 702.09 and 702.10, F.S.; conforming provisions to changes made by the act; amending s. 712.095, F.S.; conforming a cross-reference; amending ss. 720.403, 720.404, 720.405, and 720.407, F.S.; conforming provisions to changes made by the act; providing an effective date.

—was read the second time by title.

Pending further consideration of **CS for SB 266**, pursuant to Rule 3.11(3), there being no objection, **HB 617** was withdrawn from the Committees on Community Affairs; Judiciary; and Rules.

On motion by Senator Passidomo—

**HB 617**—A bill to be entitled An act relating to covenants and restrictions; creating s. 712.001, F.S.; providing a short title; amending s. 712.01, F.S.; defining and redefining terms; amending s. 712.05, F.S.; revising the notice filing requirements for a person claiming an interest in land and other rights; authorizing a property owners’ association to

preserve and protect certain covenants or restrictions from extinguishment, subject to specified requirements; providing that a failure in indexing does not affect the validity of the notice; extending the length of time certain covenants or restrictions are preserved; deleting a provision requiring a two-thirds vote by members of an incorporated homeowners' association to file certain notices; providing that a property owners' association or clerk of the circuit court is not required to provide certain additional notice for a specified notice that is filed; conforming provisions to changes made by the act; amending s. 712.06, F.S.; exempting a specified summary notice and amendment from certain notice content requirements; revising the contents required to be specified by certain notices; conforming provisions to changes made by the act; amending s. 712.11, F.S.; conforming provisions to changes made by the act; creating s. 712.12, F.S.; defining terms; authorizing the parcel owners of a community not subject to a homeowners' association to use specified procedures to revive certain covenants or restrictions, subject to certain exceptions and requirements; authorizing a parcel owner to commence an action by a specified date under certain circumstances for a judicial determination that the covenants or restrictions did not govern that parcel as of a specified date and that any revitalization of such covenants or restrictions as to that parcel would unconstitutionally deprive the parcel owner of rights or property; providing applicability; amending s. 720.303, F.S.; requiring a board to take up certain provisions relating to notice filings at the first board meeting; creating s. 720.3032, F.S.; requiring any property owners' association desiring to preserve covenants from potential termination after a specified period by certain operation to record in the official records of each county in which the community is located a notice subject to certain requirements; providing a document form for recording by an association to preserve certain covenants or restrictions; requiring a copy of the filed notice to be sent to all members; requiring the original signed notice to be recorded with the clerk of the circuit court or other recorder; amending ss. 702.09 and 702.10, F.S.; conforming provisions to changes made by the act; amending s. 712.095, F.S.; conforming a cross-reference; amending ss. 720.403, 720.404, 720.405, and 720.407, F.S.; conforming provisions to changes made by the act; providing an effective date.

—a companion measure, was substituted for **CS for SB 266** and read the second time by title.

Pursuant to Rule 4.19, **HB 617** was placed on the calendar of Bills on Third Reading.

**CS for SB 776**—A bill to be entitled An act relating to theft; amending s. 812.014, F.S.; increasing the fine for the theft of a commercially farmed animal or a bee colony of a registered beekeeper; reenacting s. 932.701(2)(a), F.S., relating to the definition of the term “contraband article,” to incorporate the amendment made to s. 812.014, F.S., in a reference thereto; providing an effective date.

—was read the second time by title.

Pending further consideration of **CS for SB 776**, pursuant to Rule 3.11(3), there being no objection, **HB 491** was withdrawn from the Committees on Criminal Justice; Agriculture; and Rules.

On motion by Senator Grimsley—

**HB 491**—A bill to be entitled An act relating to theft; amending s. 812.014, F.S.; increasing the fine for the theft of a commercially farmed animal or a bee colony of a registered beekeeper; reenacting s. 932.701(1)(a), F.S., relating to the definition of the term “contraband article,” to incorporate the amendment made to s. 812.014, F.S., in a reference thereto; providing an effective date.

—a companion measure, was substituted for **CS for SB 776** and read the second time by title.

Pursuant to Rule 4.19, **HB 491** was placed on the calendar of Bills on Third Reading.

**CS for CS for SB 918**—A bill to be entitled An act relating to clerks of the court; repealing s. 43.19, F.S., relating to the disposition of certain money paid into a court which is unclaimed; amending s. 45.031, F.S.; revising the time periods within which certain persons must file claims

for certain unclaimed surplus funds; amending s. 45.032, F.S.; deleting provisions defining and specifying the powers of a “surplus trustee”; specifying procedures for the clerk to use in handling surpluses that remain unclaimed; specifying the entities eligible for the surplus once the funds have been remitted to the Department of Financial Services; conforming provisions to changes made by the act; amending s. 45.033, F.S.; conforming a provision to changes made by the act; repealing s. 45.034, F.S., relating to qualifications and appointment of a surplus trustee in foreclosure actions; amending s. 45.035, F.S.; revising service charges that a clerk may receive and deduct from surplus amounts; amending s. 318.1451, F.S.; requiring all driver improvement course providers to transmit, within a specified timeframe, the individual completion certificate and citation number through the Florida Courts E-Filing Portal governed by the Florida Courts E-Filing Authority to the clerk of the circuit court in the county where the citation was issued; amending s. 717.113, F.S.; providing that certain funds remaining after a judicial sale and held in a court registry are not payable or distributable and are not subject to certain reporting requirements; amending ss. 717.124, 717.138, and 717.1401, F.S.; conforming cross-references; providing an effective date.

—was read the second time by title.

Pending further consideration of **CS for CS for SB 918**, pursuant to Rule 3.11(3), there being no objection, **CS for CS for HB 1361** was withdrawn from the Committees on Transportation; Judiciary; and Rules.

On motion by Senator Grimsley—

**CS for CS for HB 1361**—A bill to be entitled An act relating to clerks of court; repealing s. 43.19, F.S., relating to the disposition of certain money paid into a court which is unclaimed; amending s. 45.031, F.S.; revising the time periods within which certain persons must file claims for certain unclaimed surplus funds; amending s. 45.032, F.S.; deleting provisions defining and specifying the powers of a “surplus trustee”; authorizing specified entities to claim surplus funds that remain after a judicial sale; specifying procedures for those entities to receive such funds; specifying procedures for the clerk to use in handling surpluses that remain unclaimed; specifying the entities eligible for the surplus once the funds have been remitted to the Department of Financial Services; conforming provisions to changes made by the act; amending s. 45.033, F.S.; conforming a provision to changes made by the act; repealing s. 45.034, F.S., relating to qualifications and appointment of a surplus trustee in foreclosure actions; amending s. 45.035, F.S.; revising service charges that a clerk may receive and deduct from surplus amounts; amending s. 318.1451, F.S.; requiring a driver improvement course provider to transmit, within a specified time period, the individual completion certificate and citation number through the Florida Courts E-Filing Portal to the clerk of the circuit court in the county where the citation was issued; amending s. 717.113, F.S.; exempting certain funds remaining after a judicial sale and held in a court registry from becoming payable or distributable and subject to certain reporting requirements; amending ss. 717.124, 717.138, and 717.1401, F.S.; conforming cross-references; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 918** and read the second time by title.

Pursuant to Rule 4.19, **CS for CS for HB 1361** was placed on the calendar of Bills on Third Reading.

**CS for SB 1460**—A bill to be entitled An act relating to the Joint Task Force on State Agency Law Enforcement Communications; amending s. 282.709, F.S.; providing that a representative of the Florida Sheriffs Association shall be an appointed member of the Joint Task Force on State Agency Law Enforcement Communications; providing that the sheriff's office that employs the representative must pay the per diem and travel expenses incurred by the representative; providing an effective date.

—was read the second time by title.

Pending further consideration of **CS for SB 1460**, pursuant to Rule 3.11(3), there being no objection, **CS for HB 1177** was withdrawn from the Committees on Criminal Justice; and Rules.

On motion by Senator Montford—

**CS for HB 1177**—A bill to be entitled An act relating to the Joint Task Force on State Agency Law Enforcement Communications; amending s. 282.709, F.S.; providing that a representative of the Florida Sheriffs Association shall be an appointed member of the Joint Task Force on State Agency Law Enforcement Communications; providing that the sheriff's office that employs the representative must pay the per diem and travel expenses incurred by the representative; providing an effective date.

—a companion measure, was substituted for **CS for SB 1460** and read the second time by title.

Pursuant to Rule 4.19, **CS for HB 1177** was placed on the calendar of Bills on Third Reading.

**SB 938**—A bill to be entitled An act relating to the Department of Corrections' direct-support organization; amending s. 944.802, F.S.; abrogating the scheduled repeal of provisions governing a direct-support organization that is permitted use of fixed properties and facilities of the state correctional system by the Department of Corrections; providing an effective date.

—was read the second time by title.

Pending further consideration of **SB 938**, pursuant to Rule 3.11(3), there being no objection, **HB 6059** was withdrawn from the Committees on Criminal Justice; Appropriations Subcommittee on Criminal and Civil Justice; and Appropriations.

On motion by Senator Bracy—

**HB 6059**—A bill to be entitled An act relating to the Department of Corrections' direct-support organization; amending s. 944.802, F.S.; abrogating the scheduled repeal of provisions governing a direct-support organization that is permitted use of fixed properties and facilities of the state correctional system by the Department of Corrections; providing an effective date.

—a companion measure, was substituted for **SB 938** and read the second time by title.

Pursuant to Rule 4.19, **HB 6059** was placed on the calendar of Bills on Third Reading.

**CS for SB 1364**—A bill to be entitled An act relating to public records; amending s. 119.071, F.S.; providing an exemption from public records requirements to certain identifying and location information of current or former directors, managers, supervisors, nurses, and clinical employees of substance abuse service providers that are licensed under part II of ch. 397, F.S., and the spouses and children thereof; providing for retroactive applicability; providing for future legislative review and repeal of the exemption; providing a statement of public necessity; providing an effective date.

—was read the second time by title.

Pending further consideration of **CS for SB 1364**, pursuant to Rule 3.11(3), there being no objection, **CS for HB 1055** was withdrawn from the Committees on Health Policy; Governmental Oversight and Accountability; and Rules.

On motion by Senator Rader—

**CS for HB 1055**—A bill to be entitled An act relating to public records; amending s. 119.071, F.S.; providing an exemption from public records requirements for certain identifying and location information of current or former directors, managers, supervisors, nurses, and clinical employees of an addiction treatment facility, and the spouses and children thereof; providing a definition; providing for future legislative review and repeal of the exemption; requiring such personnel to submit a specified written request to a custodial agency to maintain the exempt status of such information in certain circumstances; providing for retroactive application; providing a statement of public necessity; providing an effective date.

—a companion measure, was substituted for **CS for SB 1364** and read the second time by title.

Pursuant to Rule 4.19, **CS for HB 1055** was placed on the calendar of Bills on Third Reading.

**SB 950**—A bill to be entitled An act relating to state employment; repealing s. 110.181, F.S., relating to the Florida State Employees' Charitable Campaign; creating s. 110.182, F.S.; prohibiting an organization, an entity, or a person from intentionally soliciting state employees for fundraising or business purposes within specified areas during specified times; providing exceptions; providing an effective date.

—was read the second time by title.

Pending further consideration of **SB 950**, pursuant to Rule 3.11(3), there being no objection, **HB 651** was withdrawn from the Committees on Governmental Oversight and Accountability; Appropriations Subcommittee on General Government; and Appropriations.

On motion by Senator Mayfield—

**HB 651**—A bill to be entitled An act relating to state employment; repealing s. 110.181, F.S., relating to Florida State Employees' Charitable Campaign; creating s. 110.182, F.S.; prohibiting an organization, entity, or person from intentionally soliciting state employees for fundraising or business purposes within specified areas during specified times; providing exceptions; providing an effective date.

—a companion measure, was substituted for **SB 950** and read the second time by title.

Pursuant to Rule 4.19, **HB 651** was placed on the calendar of Bills on Third Reading.

**SB 1302**—A bill to be entitled An act relating to consumer report security freezes; amending s. 501.005, F.S.; deleting the authorization for consumer reporting agencies to charge specified fees to consumers electing to place, remove, or temporarily lift a security freeze on their consumer reports; amending s. 501.0051, F.S.; deleting the authorization for consumer reporting agencies to charge a specified fee to representatives of protected consumers electing to place a security freeze on such consumer's consumer reports; deleting the authorization for consumer reporting agencies to charge a specified fee to protected consumers or representatives of protected consumers who elect to remove a security freeze on such consumer's consumer reports; providing an effective date.

—was read the second time by title.

Pending further consideration of **SB 1302**, pursuant to Rule 3.11(3), there being no objection, **HB 953** was withdrawn from the Committees on Banking and Insurance; Commerce and Tourism; and Rules.

On motion by Senator Brandes—

**HB 953**—A bill to be entitled An act relating to consumer report security freezes; amending s. 501.005, F.S.; prohibiting a consumer reporting agency from charging any fee to a consumer for placing, removing, or temporarily lifting a security freeze on his or her consumer report; amending s. 501.0051, F.S.; prohibiting a consumer reporting agency from charging any fee to the representative of a protected consumer for placing, removing, or temporarily lifting a security freeze on the protected consumer's consumer report; providing an effective date.

—a companion measure, was substituted for **SB 1302** and read the second time by title.

Pursuant to Rule 4.19, **HB 953** was placed on the calendar of Bills on Third Reading.

On motion by Senator Brandes—

**CS for SB 1042**—A bill to be entitled An act relating to notaries public; providing directives to the Division of Law Revision and In-

formation; amending s. 117.01, F.S.; revising provisions relating to use of the office of notary public; amending s. 117.021, F.S.; requiring electronic signatures to include access protection; prohibiting a person from requiring a notary public to perform a notarial act with certain technology; requiring the Department of State, in collaboration with the Agency for State Technology, to adopt rules for certain purposes; amending s. 117.05, F.S.; revising limitations on notary fees to conform to changes made by the act; providing for inclusion of certain information in a jurat or notarial certificate; providing for compliance with online notarization requirements; providing for notarial certification of a printed electronic record; revising statutory forms for jurats and notarial certifications; amending s. 117.107, F.S.; providing applicability; revising prohibited acts; creating s. 117.201, F.S.; providing definitions; creating s. 117.209, F.S.; authorizing online notarizations; providing an exception; creating s. 117.215, F.S.; specifying the application of other laws in relation to online notarizations; creating s. 117.225, F.S.; specifying registration and qualification requirements for online notaries public; creating s. 117.235, F.S.; authorizing the performance of certain notarial acts; creating s. 117.245, F.S.; requiring a notary public to keep an electronic journal of online notarizations; specifying the information that must be included for each online notarization; requiring an online notary public to take certain steps regarding the maintenance and security of the electronic journal; creating s. 117.255, F.S.; specifying requirements for the use of electronic journals, signatures, and seals; requiring a notary public to provide notification of the theft, vandalism, or loss of an electronic journal, signature, or seal; authorizing an online notary public to make copies of electronic journal entries and to provide access to related recordings under certain circumstances; authorizing an online notary public to charge a fee for making and delivering such copies; creating s. 117.265, F.S.; prescribing online notarization procedures; specifying the manner by which an online notary public must verify the identity of a principal or a witness; requiring an online notary public to take certain measures as to the security of technology used; specifying that an electronic notarial certificate must identify the performance of an online notarization; specifying that noncompliance does not impair the validity of a notarial act or the notarized electronic record; providing construction; creating s. 117.275, F.S.; providing fees for online notarizations; creating s. 117.285, F.S.; specifying the manner by which an online notary public may supervise the witnessing of electronic records of online notarizations; creating s. 117.295, F.S.; providing standards for electronic and online notarizations; authorizing the Department of State, in collaboration with the Agency for State Technology, to adopt certain rules; creating s. 117.305, F.S.; superseding certain provisions of federal law regulating electronic signatures; amending s. 28.222, F.S.; requiring the clerk of the circuit court to record certain instruments; amending s. 95.231, F.S.; providing a limitation period for certain recorded instruments; amending s. 689.01, F.S.; providing for witnessing of documents in connection with real estate conveyances; providing for validation of certain recorded documents; amending s. 694.08, F.S.; providing for validation of certain recorded documents; amending s. 695.03, F.S.; providing and revising requirements for making acknowledgments, proofs, and other documents; amending ss. 695.04 and 695.05, F.S.; conforming provisions to changes made by the act; amending s. 695.28, F.S.; providing for validity of recorded documents; conforming provisions to changes made by the act; providing an effective date.

—was read the second time by title.

Senator Brandes moved the following amendment:

**Amendment 1 (343146) (with title amendment)**—Delete everything after the enacting clause and insert:

Section 1. *The Division of Law Revision and Information is directed to:*

(1) *Create part I of chapter 117, Florida Statutes, consisting of ss. 117.01-117.108, Florida Statutes, to be entitled "General Provisions."*

(2) *Create part II of chapter 117, Florida Statutes, consisting of ss. 117.201-117.305, Florida Statutes, to be entitled "Online Notarizations."*

Section 2. Subsection (1) of section 117.01, Florida Statutes, is amended to read:

117.01 Appointment, application, suspension, revocation, application fee, bond, and oath.—

(1) The Governor may appoint as many notaries public as he or she deems necessary, each of whom ~~must shall~~ be at least 18 years of age and a legal resident of ~~this the~~ state. A permanent resident alien may apply and be appointed and shall file with his or her application a recorded Declaration of Domicile. The residence required for appointment must be maintained throughout the term of appointment. A ~~notary public~~ ~~Notaries public~~ shall be appointed for 4 years and ~~may only shall~~ use and exercise the office of notary public ~~if he or she is~~ within the boundaries of this state. An applicant must be able to read, write, and understand the English language.

Section 3. Present subsections (4) and (5) of section 117.021, Florida Statutes, are renumbered as subsections (5) and (6), respectively, a new subsection (4) and subsection (7) are added to that section, and subsection (2) of that section is amended, to read:

117.021 Electronic notarization.—

(2) In performing an electronic notarial act, a notary public shall use an electronic signature that is:

(a) Unique to the notary public;

(b) Capable of independent verification;

(c) Retained under the notary public's sole control *and includes access protection through the use of passwords or codes under control of the notary public*; and

(d) Attached to or logically associated with the electronic document in a manner that any subsequent alteration to the electronic document displays evidence of the alteration.

(4) *A person may not require a notary public to perform a notarial act with respect to an electronic record with a form of technology that the notary public has not selected to use.*

(7) *The Department of State, in collaboration with the Agency for State Technology, shall adopt rules establishing standards for tamper-evident technologies that will indicate any alteration or change to an electronic record after completion of an electronic notarial act and shall publish a list of technologies that satisfy those standards and are approved for use in electronic notarizations, effective January 1, 2019. All electronic notarizations performed on or after January 1, 2019, must comply with the adopted standards and use an approved technology.*

Section 4. Subsection (1), paragraph (a) of subsection (2), subsections (4) and (5), paragraph (a) of subsection (12), and subsections (13) and (14) of section 117.05, Florida Statutes, are amended, and paragraph (c) is added to subsection (12) of that section, to read:

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

(1) A ~~No~~ person ~~may not shall~~ obtain or use a notary public commission in other than his or her legal name, and it is unlawful for a notary public to notarize his or her own signature. Any person applying for a notary public commission must submit proof of identity to the Department of State ~~if so requested~~. Any person who violates ~~the provisions of this subsection commits is guilty of~~ a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(2)(a) The fee of a notary public may not exceed \$10 for any one notarial act, except as provided in s. 117.045 or s. 117.275.

(4) When notarizing a signature, a notary public shall complete a jurat or notarial certificate in substantially the same form as those found in subsection (13). The jurat or certificate of acknowledgment shall contain the following elements:

(a) The venue stating the location *of the notary public at the time of the notarization* in the format, "State of Florida, County of ....."

(b) The type of notarial act performed, an oath or an acknowledgment, evidenced by the words "sworn" or "acknowledged."

(c) That the signer personally appeared before the notary public at the time of the notarization *either by physical presence or by means of*



audio-video communication technology as authorized under part II of this chapter.

- (d) The exact date of the notarial act.
- (e) The name of the person whose signature is being notarized. It is presumed, absent such specific notation by the notary public, that notarization is to all signatures.
- (f) The specific type of identification the notary public is relying upon in identifying the signer, either based on personal knowledge or satisfactory evidence specified in subsection (5).
- (g) The *notary public's* ~~notary's~~ official signature.
- (h) The *notary public's* ~~notary's~~ name, typed, printed, or stamped below the signature.
- (i) The *notary public's* ~~notary's~~ official seal affixed below or to either side of the *notary public's* ~~notary's~~ signature.

(5) A notary public may not notarize a signature on a document unless he or she personally knows, or has satisfactory evidence, that the person whose signature is to be notarized is the individual who is described in and who is executing the instrument. A notary public shall certify in the certificate of acknowledgment or jurat the type of identification, either based on personal knowledge or other form of identification, upon which the notary public is relying. *In the case of an online notarization, the online notary public shall comply with the requirements set forth in part II of this chapter.*

- (a) For purposes of this subsection, *the term* “personally knows” means having an acquaintance, derived from association with the individual, which establishes the individual’s identity with at least a reasonable certainty.
- (b) For the purposes of this subsection, *the term* “satisfactory evidence” means the absence of any information, evidence, or other circumstances which would lead a reasonable person to believe that the person whose signature is to be notarized is not the person he or she claims to be and any one of the following:
  1. The sworn written statement of one credible witness personally known to the notary public or the sworn written statement of two credible witnesses whose identities are proven to the notary public upon the presentation of satisfactory evidence that each of the following is true:
    - a. That the person whose signature is to be notarized is the person named in the document;
    - b. That the person whose signature is to be notarized is personally known to the witnesses;
    - c. That it is the reasonable belief of the witnesses that the circumstances of the person whose signature is to be notarized are such that it would be very difficult or impossible for that person to obtain another acceptable form of identification;
    - d. That it is the reasonable belief of the witnesses that the person whose signature is to be notarized does not possess any of the identification documents specified in subparagraph 2.; and
    - e. That the witnesses do not have a financial interest in nor are parties to the underlying transaction; or
  2. Reasonable reliance on the presentation to the notary public of any one of the following forms of identification, if the document is current or has been issued within the past 5 years and bears a serial or other identifying number:
    - a. A Florida identification card or driver license issued by the public agency authorized to issue driver licenses;
    - b. A passport issued by the Department of State of the United States;

- c. A passport issued by a foreign government if the document is stamped by the United States Bureau of Citizenship and Immigration Services;
- d. A driver license or an identification card issued by a public agency authorized to issue driver licenses in a state other than Florida, a territory of the United States, or Canada or Mexico;
- e. An identification card issued by any branch of the armed forces of the United States;
- f. A veteran health identification card issued by the United States Department of Veterans Affairs;
- g. An inmate identification card issued on or after January 1, 1991, by the Florida Department of Corrections for an inmate who is in the custody of the department;
- h. An inmate identification card issued by the United States Department of Justice, Bureau of Prisons, for an inmate who is in the custody of the department;
- i. A sworn, written statement from a sworn law enforcement officer that the forms of identification for an inmate in an institution of confinement were confiscated upon confinement and that the person named in the document is the person whose signature is to be notarized; or
- j. An identification card issued by the United States Bureau of Citizenship and Immigration Services.

(12)(a) A notary public may supervise the making of a *copy of a tangible or an electronic record or the printing of an electronic record, photocopy of an original document* and attest to the trueness of the copy or of the printout, provided the document is neither a vital record in this state, another state, a territory of the United States, or another country, nor a public record, if a copy can be made by the custodian of the public record.

(c) *A notary public must use a certificate in substantially the following form in notarizing a copy of a tangible or an electronic record or a printout of an electronic record:*

**STATE OF FLORIDA**

COUNTY OF .....

*On this .... day of .....,*           (year)          , I attest that the preceding or attached document is a true, exact, complete, and unaltered           (copy of a tangible or an electronic record presented to me by the document's custodian)           or a           (printout made by me from such record)          . If a printout, I further attest that at the time of printing, no security features, if any, present on the electronic record, indicated that the record had been altered since execution.

\_\_\_\_\_ (Signature of Notary Public — State of Florida)

\_\_\_\_\_ (Print, Type, or Stamp Commissioned Name of Notary Public)

(13) The following notarial certificates are sufficient for the purposes indicated, if completed with the information required by this chapter. The specification of forms under this subsection does not preclude the use of other forms.

- (a) For an oath or affirmation:

**STATE OF FLORIDA**

COUNTY OF .....

Sworn to (or affirmed) and subscribed before me *by means of*  *physical presence* or  *online notarization*, this .... day of .....,           (year)          , by           (name of person making statement)          .

\_\_\_\_\_ (Signature of Notary Public - State of Florida)

\_\_\_\_\_ (Print, Type, or Stamp Commissioned Name of Notary Public)

Personally Known ..... OR Produced Identification .....  
 Type of Identification Produced.....

(b) For an acknowledgment in an individual capacity:

STATE OF FLORIDA

COUNTY OF .....

The foregoing instrument was acknowledged before me by means of [] physical presence or [] online notarization, this .... day of ....., \_\_\_\_\_ (year), by \_\_\_\_\_ (name of person acknowledging) .

\_\_\_\_\_  
(Signature of Notary Public - State of Florida)

\_\_\_\_\_  
(Print, Type, or Stamp Commissioned Name of Notary Public)

Personally Known ..... OR Produced Identification .....

Type of Identification Produced. ....

(c) For an acknowledgment in a representative capacity:

STATE OF FLORIDA

COUNTY OF .....

The foregoing instrument was acknowledged before me by means of [] physical presence or [] online notarization, this .... day of ....., \_\_\_\_\_ (year), by \_\_\_\_\_ (name of person) AS \_\_\_\_\_ (type of authority, . . . e.g. officer, trustee, attorney in fact) for \_\_\_\_\_ (name of party on behalf of whom instrument was executed) .

\_\_\_\_\_  
(Signature of Notary Public - State of Florida)

\_\_\_\_\_  
(Print, Type, or Stamp Commissioned Name of Notary Public)

Personally Known ..... OR Produced Identification .....

Type of Identification Produced. ....

(14) A notary public must make reasonable accommodations to provide notarial services to persons with disabilities.

(a) A notary public may notarize the signature of a person who is blind after the notary public has read the entire instrument to that person.

(b) A notary public may notarize the signature of a person who signs with a mark if:

- 1. The document signing is witnessed by two disinterested persons;
2. The notary public prints the person's first name at the beginning of the designated signature line and the person's last name at the end of the designated signature line; and
3. The notary public prints the words "his (or her) mark" below the person's signature mark.

(c) The following notarial certificates are sufficient for the purpose of notarizing for a person who signs with a mark:

1. For an oath or affirmation:

\_\_\_\_\_  
(First Name) \_\_\_\_\_ (Last Name)

\_\_\_\_\_  
His (or Her) Mark

STATE OF FLORIDA

COUNTY OF .....

Sworn to and subscribed before me by means of [] physical presence or [] online notarization, this .... day of ....., \_\_\_\_\_ (year), by \_\_\_\_\_ (name of person making statement), who signed with a mark in the presence of these witnesses:

\_\_\_\_\_  
(Signature of Notary Public - State of Florida)

\_\_\_\_\_  
(Print, Type, or Stamp Commissioned Name of Notary Public)

Personally Known ..... OR Produced Identification .....

Type of Identification Produced. ....

2. For an acknowledgment in an individual capacity:

\_\_\_\_\_  
(First Name) \_\_\_\_\_ (Last Name)

\_\_\_\_\_  
His (or Her) Mark

STATE OF FLORIDA

COUNTY OF .....

The foregoing instrument was acknowledged before me by means of [] physical appearance or [] online notarization, this .... day of ....., \_\_\_\_\_ (year), by \_\_\_\_\_ (name of person acknowledging), who signed with a mark in the presence of these witnesses:

\_\_\_\_\_  
(Signature of Notary Public - State of Florida)

\_\_\_\_\_  
(Print, Type, or Stamp Commissioned Name of Notary Public)

Personally Known ..... OR Produced Identification .....

Type of Identification Produced. ....

(d) A notary public may sign the name of a person whose signature is to be notarized when that person is physically unable to sign or make a signature mark on a document if:

- 1. The person with a disability directs the notary public to sign in his or her presence, either by verbal, written, or other means;
2. The document signing is witnessed by two disinterested persons; and
3. The notary public writes below the signature the following statement: "Signature affixed by notary, pursuant to s. 117.05(14), Florida Statutes," and states the circumstances and the means by which the notary public was directed to sign of the signing in the notarial certificate.

The notary public must maintain the proof of direction and authorization to sign on behalf of the person with a disability for 10 years from the date of the notarial act.

(e) The following notarial certificates are sufficient for the purpose of notarizing for a person with a disability who directs the notary public to sign his or her name:

1. For an oath or affirmation:

STATE OF FLORIDA

COUNTY OF .....

Sworn to (or affirmed) before me by means of [] physical presence or [] online notarization, this .... day of ....., \_\_\_\_\_ (year), by \_\_\_\_\_ (name of person making statement), and subscribed by \_\_\_\_\_ (name of notary) at the direction of and in the presence of \_\_\_\_\_ (name of person making statement) by \_\_\_\_\_ (written, verbal, or other means), and in the presence of these witnesses:

\_\_\_\_\_  
(Signature of Notary Public - State of Florida)

\_\_\_\_\_  
(Print, Type, or Stamp Commissioned Name of Notary Public)

Personally Known ..... OR Produced Identification .....

Type of Identification Produced. ....

2. For an acknowledgment in an individual capacity:

STATE OF FLORIDA

COUNTY OF .....

The foregoing instrument was acknowledged before me by means of [] physical presence or [] online notarization, this .... day of ....., \_\_\_\_\_ (year), by \_\_\_\_\_ (name of person acknowledging) and subscribed by \_\_\_\_\_

(name of notary) at the direction of ~~and in the presence of~~ (name of person acknowledging), and in the presence of these witnesses:

(Signature of Notary Public - State of Florida)

(Print, Type, or Stamp Commissioned Name of Notary Public)

Personally Known ..... OR Produced Identification .....

Type of Identification Produced. . . . .

Section 5. Subsections (2) and (9) of section 117.107, Florida Statutes, are amended to read:

117.107 Prohibited acts.—

(2) A notary public may not sign notarial certificates using a facsimile signature stamp unless the notary public has a physical disability that limits or prohibits his or her ability to make a written signature and unless the notary public has first submitted written notice to the Department of State with an exemplar of the facsimile signature stamp. This subsection does not apply to or prohibit the use of an electronic signature and seal by a notary public who is registered as an online notary public to perform an electronic or online notarization in accordance with this chapter.

(9) A notary public may not notarize a signature on a document if the person whose signature is being notarized does not appear before the notary public either by means of physical presence or by means of audio-video communication technology as authorized under part II of this chapter is not in the presence of the notary public at the time the signature is notarized. Any notary public who violates this subsection is guilty of a civil infraction, punishable by penalty not exceeding \$5,000, and such violation constitutes malfeasance and misfeasance in the conduct of official duties. It is no defense to the civil infraction specified in this subsection that the notary public acted without intent to defraud. A notary public who violates this subsection with the intent to defraud is guilty of violating s. 117.105.

Section 6. Section 117.201, Florida Statutes, is created to read:

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

(1) “Appear before,” “before,” “appear personally before,” or “in the presence of” mean:

(a) In the same physical location as another person and close enough to see, hear, communicate with, and exchange credentials with that person; or

(b) In a different physical location from another person, but able to see, hear, and communicate with the person by means of audio-video communication technology.

(2) “Audio-video communication technology” means technology in compliance with this chapter which enables real-time, two-way communication using electronic means in which participants are able to see, hear, and communicate with one another.

(3) “Credential analysis” means a process or service, in compliance with this chapter, in which a third party affirms the validity of a government-issued identification credential and data thereon through review of public or proprietary data sources.

(4) “Errors and omissions insurance” means a type of insurance that provides coverage for potential errors or omissions in or relating to the notarial act and is maintained, as applicable, by the online notary public or a provider of software services used to directly facilitate the performance of the online notarial act.

(5) “Government-issued identification credential” means any approved credential for verifying identity under s. 117.05(5)(b)2.

(6) “Identity proofing” means a process or service in compliance with this chapter in which a third party affirms the identity of an individual through use of public or proprietary data sources, which may include by means of knowledge-based authentication or biometric verification.

(7) “Knowledge-based authentication” means a form of identity proofing based on a set of questions which pertain to an individual and are formulated from public or proprietary data sources.

(8) “Online notarization” means the performance of an electronic notarization by means of audio-video communication technology in compliance with this chapter.

(9) “Online notary public” means a notary public who has registered with the Executive Office of the Governor and the Department of State to perform online notarizations under this part, a civil-law notary appointed under chapter 118, or a commissioner of deeds appointed under part IV of chapter 721.

(10) “Principal” means an individual whose electronic signature is acknowledged, witnessed, or attested to in an online notarization or who takes an oath or affirmation from the online notary public.

(11) “Remote presentation” means transmission of an image of a government-issued identification credential that is of sufficient quality to enable the online notary public to identify the individual seeking the notary’s services and to perform credential analysis through audio-video communication technology.

Except where the context otherwise requires, any term defined in s. 668.50 has the same meaning when used in this part.

Section 7. Section 117.209, Florida Statutes, is created to read:

117.209 Authority to perform online notarizations.—

(1) An online notary public may perform any of the functions authorized under part I of this chapter as an online notarization, excluding solemnizing the rites of matrimony.

(2) If a notarial act requires a principal to appear before or in the presence of the online notary public, the principal may appear before the online notary public by means of audio-video communication technology that meets the requirements of this chapter and any rules adopted by the Department of State under s. 117.295.

(3) An online notary public may perform an online notarization as authorized under this part, regardless of the physical location of the principal at the time of the notarial act, provided the notary public, other than a civil-law notary or a commissioner of deeds, is physically located in this state while performing the online notarization.

(4) The validity of an online notarization performed by an online notary public registered in this state shall be determined by applicable laws of this state regardless of the physical location of the principal at the time of the notarial act.

Section 8. Section 117.215, Florida Statutes, is created to read:

117.215 Relation to other laws.—

(1) If a provision of law requires a notary public or other authorized official of this state to notarize a signature or a statement, to take an acknowledgement of an instrument, or to administer an oath or affirmation so that a document may be sworn, affirmed, made under oath, or subject to penalty of perjury, an online notarization performed in accordance with the provisions of this part and any rules adopted hereunder satisfies such requirement.

(2) If a provision of law requires a signature or an act to be witnessed, compliance with the online electronic witnessing standards prescribed in s. 117.285 and any rules adopted thereunder satisfies that requirement.

Section 9. Section 117.225, Florida Statutes, is created to read:

117.225 Registration; qualifications.—A notary public, a civil-law notary appointed under chapter 118, or a commissioner of deeds appointed under part IV of chapter 721 may complete registration as an online notary public with the Executive Office of the Governor and the Department of State by:

(1) Holding a current commission as a notary public under part I of this chapter and submitting a copy of such commission with his or her registration.

(2) Certifying that the notary public, civil-law notary, or commissioner of deeds registering as an online notary public has completed a classroom or online course covering the duties, obligations, and technology requirements for serving as an online notary public.

(3) Paying an online notary public commission fee in the amount of \$10, as required by s. 113.01.

(4) Submitting a registration as an online notary public to the Executive Office of the Governor and the Department of State, signed and sworn to by the registrant.

(5) Confirming in a statement that the audio-video communication and identity proofing technologies the registrant intends to use in performing online notarizations satisfy the requirements of this chapter.

(6) Providing evidence satisfactory to the Executive Office of the Governor and the Department of State that the registrant has obtained a bond, payable to any individual harmed as a result of a breach of duty by the registrant acting in his or her official capacity as an online notary public, conditioned for the due discharge of the office, in the minimum amount of \$25,000 and on such terms as are specified by rule by the Department of State as reasonably necessary to protect the public. The bond shall be approved and filed with the Department of State and executed by a surety company duly authorized to transact business in this state. Compliance by an online notary public with this requirement shall satisfy the requirement of obtaining a bond under s. 117.01(7).

(7) Providing evidence satisfactory to the Executive Office of the Governor and the Department of State that the registrant acting in his or her capacity as an online notary public is covered by an errors and omissions insurance policy from an insurer authorized to transact business in this state, in the minimum amount of \$25,000 and on such terms as are specified by rule by the Department of State as reasonably necessary to protect the public.

Section 10. Section 117.235, Florida Statutes, is created to read:

117.235 Performance of notarial acts.—

(1) An online notary public is subject to part I of this chapter to the same extent as a notary public appointed and commissioned only under that part, including the provisions of s. 117.021 relating to electronic notarizations.

(2) An online notary public may perform notarial acts as provided by part I of this chapter in addition to performing online notarizations as authorized and pursuant to the provisions of this part.

Section 11. Section 117.245, Florida Statutes, is created to read:

117.245 Electronic journal of online notarizations.—

(1) An online notary public shall keep a secure electronic journal of electronic records notarized by the online notary public. For each online notarization, the electronic journal entry must contain all of the following:

- (a) The date and time of the notarization.
- (b) The type of notarial act.
- (c) The type, the title, or a description of the electronic record or proceeding.
- (d) The printed name and address of each principal involved in the transaction or proceeding.
- (e) Evidence of identity of each principal involved in the transaction or proceeding in any of the following forms:
  1. A statement that the person is personally known to the online notary public.

2. A notation of the type of government-issued identification credential provided to the online notary public.

3. A copy of the government-issued identification credential provided.

4. A copy of any other identification credential or information provided.

(f) An indication that the principal satisfactorily passed the identity proofing.

(g) An indication that the government-issued identification credential satisfied the credential analysis.

(h) The fee, if any, charged for the notarization.

(2) The online notary public shall retain a copy of the recording of the audio-video communication in which:

(a) The principal and any witnesses appeared before the notary public.

(b) The identity of each was confirmed.

(c) Electronic records were signed by the principal and any witnesses.

(d) The notarial act was performed.

(3) The online notary public shall take reasonable steps to:

(a) Ensure the integrity, security, and authenticity of online notarizations.

(b) Maintain a backup record of the electronic journal required by subsection (1).

(c) Protect the electronic journal, the backup record, and any other records received by the online notary public from unauthorized access or use.

(4) The electronic journal required under subsection (1) and the recordings of audio-video communications required under subsection (2) shall be maintained for at least 10 years after the date of the notarial act. The Executive Office of the Governor maintains jurisdiction over the electronic journal and audio-video communication recordings to investigate notarial misconduct for a period of 10 years after the date of the notarial act. The online notary public, a guardian of an incapacitated online notary public, or the personal representative of a deceased online notary public, may, by contract with a secure repository in accordance with any rules established under this chapter, delegate to the repository the online notary public's duty to retain the required recordings of audio-video communications.

(5) An omitted or incomplete entry in the electronic journal does not impair the validity of the notarial act or of the electronic record which was notarized, but may be introduced as evidence to establish violations of this chapter as an indication of possible fraud, forgery, or impersonation or for other evidentiary purposes.

Section 12. Section 117.255, Florida Statutes, is created to read:

117.255 Use of electronic journal, signature, and seal.—An online notary public shall:

(1) Take reasonable steps to ensure that any registered device used to create an electronic signature is current and has not been revoked or terminated by the issuing or registering authority of the device.

(2) Keep the electronic journal, electronic signature, and electronic seal secure and under his or her sole control, which includes access protection using passwords or codes under control of the online notary public. The online notary public may not allow another person to use the online notary public's electronic journal, electronic signature, or electronic seal.

(3) Only use an electronic signature for performing online notarization.

(4) Attach or logically associate the electronic signature and seal to the electronic notarial certificate of an electronic record in a manner that is capable of independent verification using tamper-evident technology that renders any subsequent change or modification to the electronic record evident.

(5) Within 7 days, notify an appropriate law enforcement agency and the Department of State of theft or vandalism of the electronic journal, electronic signature, or electronic seal. An online notary public shall within 7 days notify the Department of State of the loss or use by another person of the online notary public's electronic journal, electronic signature, or electronic seal.

(6) Make electronic copies, upon request, of the pertinent entries in the electronic journal and provide access to the related audio-video communication recordings to the parties to the electronic records notarized, and to the title agent, settlement agent, or title insurer who engaged the online notary with regard to a real estate transaction. The online notary public may charge a fee not to exceed \$20 per transaction record for making and delivering electronic copies of a given series of related electronic records, except if required by the Executive Office of the Governor or the Department of State to submit copies pursuant to a notary misconduct investigation. If the online notary public does charge a fee, the online notary public shall disclose the amount of such fee to the requester before making the electronic copies.

Section 13. Section 117.265, Florida Statutes, is created to read:

117.265 Online notarization procedures.—

(1) An online notary public physically located in this state may perform an online notarization that meets the requirements of this part regardless of whether the principal or any witnesses are physically located in this state at the time of the online notarization. A civil-law notary or a commissioner of deeds registered as an online notary public may perform an online notarization while physically located outside of this state. An online notarial act performed in accordance with this chapter is deemed to have been performed within this state and is governed by the applicable laws of this state.

(2) In performing an online notarization, an online notary public shall confirm the identity of a principal and any witness appearing online, at the time that the signature is taken, by using audio-video communication technology and processes that meet the requirements of this part and of any rules adopted hereunder and record the entire two-way audio-video conference session between the notary public and the principal and any subscribing witnesses. A principal may not act in the capacity of a witness for his or her own signature in an online notarization.

(3) In performing an online notarization of a principal not located within this state, an online notary public must confirm that the principal desires for the notarial act to be performed by a Florida notary public and under the general law of this state.

(4) An online notary public shall confirm the identity of the principal or any witness by:

- (a) Personal knowledge of each such individual; or
- (b) All of the following, as the same may be refined or supplemented in rules adopted pursuant to s. 117.295:
  1. Remote presentation of a government-issued identification credential by each individual;
  2. Credential analysis of each government-issued identification credential; and
  3. Identity proofing of each individual in the form of knowledge-based authentication or another method of identity proofing that conforms to the standards of this chapter.

If the online notary public is unable to satisfy subparagraphs (b)1.-3., or if the databases consulted for identity proofing do not contain sufficient information to permit authentication, the online notary public may not perform the online notarization.

(5) The online notary public shall take reasonable steps to ensure that the audio-video communication technology used in an online notarization is secure from unauthorized interception.

(6) The electronic notarial certificate for an online notarization must include a notation that the notarization is an online notarization.

(7) Except where otherwise expressly provided in this part, the provisions of part I of this chapter apply to an online notarization and an online notary public.

(8) Any failure to comply with the online notarization procedures set forth in this section does not impair the validity of the notarial act or the electronic record that was notarized, but may be introduced as evidence to establish violations of this chapter or as an indication of possible fraud, forgery, or impersonation or for other evidentiary purposes. This subsection may not be construed to alter the duty of an online notary public to comply with this chapter and any rules adopted hereunder.

Section 14. Section 117.275, Florida Statutes, is created to read:

117.275 Fees for online notarization.—An online notary public or the employer of such online notary public may charge a fee, not to exceed \$25, for performing an online notarization in addition to any other fees authorized under part I of this chapter. Fees for services other than notarial acts are not governed by this section.

Section 15. Section 117.285, Florida Statutes, is created to read:

117.285 Supervising the witnessing of electronic records.—An online notary public may supervise the witnessing of electronic records by the same audio-video communication technology used for online notarization, as follows:

- (1) The identity of the witness must be verified in the same manner as the identity of the principal.
- (2) The witness may physically be present with the principal or remote from the principal provided the witness and principal are using audio-video communication technology.
- (3) The witness is present in either physical proximity to the principal or through audio-video communication technology at the time the principal affixes the electronic signature and hears the principal make a statement to the effect that the principal has signed the electronic record.

Section 16. Section 117.295, Florida Statutes, is created to read:

117.295 Standards for electronic and online notarization; rulemaking authority.—

(1) The Legislature intends that the standards applicable to electronic notarization under s. 117.021 and for online notarization under this part reflect future improvements in technology and in methods of assuring the identity of principals and the security of an electronic record. The Department of State may approve companies that meet the minimum standards for online notarizations as described in subsection (2). The Department of State may, at its discretion, periodically review approved companies to ensure ongoing compliance with the minimum standards for online notarization. The Department of State may adopt rules and standards necessary to implement the requirements of this chapter and such other rules and standards as may be required to facilitate the integrity, security, and reliability of online notarization, including education requirements for online notaries public; the required terms of bonds and errors and omissions insurance, but not including the amounts of such policies; standards regarding identity proofing, credential analysis, unauthorized interception, remote presentation, tamper-evident technology, audio-video communication technology, and retention of the electronic journal and copies of audio-video communications recordings in a secure repository; and may publish lists of technologies that satisfy the standards and are approved for use in online notarizations.

(2) Companies that offer online notarization services must meet the following minimum standards:

- (a) Use of identity proofing by means of knowledge-based authentication which must have, at a minimum, the following security characteristics:

1. *The principal must be presented with five or more questions with a minimum of five possible answer choices per question.*

2. *Each question must be drawn from a third-party provider of public and proprietary data sources and be identifiable to the principal's social security number or other identification information, or the principal's identity and historical events records.*

3. *Responses to all questions must be made within a 2-minute time constraint.*

4. *The principal must answer a minimum of 80 percent of the questions correctly.*

5. *The principal may be offered one additional attempt in the event of a failed attempt.*

6. *During the second attempt, the principal may not be presented with more than three questions from the prior attempt.*

(b) *Use of credential analysis that must confirm that the credential is valid and matches the signer's claimed identity using one or more automated software or hardware processes which scan the credential, including its format features, data, barcodes, or other security elements.*

(c) *A company is deemed to have satisfied tamper-evident technology requirements by use of technology that renders any subsequent change or modification to the electronic record evident.*

(d) *Use of audio-video communication technology in completing online notarizations which must meet the following requirements:*

1. *The signal transmission must be reasonably secure from interception, access, or viewing by anyone other than the participants communicating.*

2. *The technology must provide sufficient audio clarity and video resolution to enable the notary to communicate with the principal and to confirm the identity of the principal using identification methods described in s. 117.265.*

(e) *A company which provides software services that facilitate performance of online notarial acts by online notaries public as provided for in this part shall maintain errors and omissions insurance coverage in a total amount of at least \$250,000 in the annual aggregate with respect to potential errors or omissions in or relating to such software services.*

*An online notary public is not responsible for the security of the systems used by the principal or others to access the online notarization session.*

Section 17. Section 117.305, Florida Statutes, is created to read:

117.305 *Relation to federal law.—This part supersedes the Electronic Signatures in Global and National Commerce Act as authorized under 15 U.S.C. s. 7001 et seq., but does not modify, limit, or supersede s. 101(c) of that act, 15 U.S.C. s. 7001(c), or authorize the electronic delivery of the notices described in 15 U.S.C. s. 7003(b).*

Section 18. Present paragraph (h) of subsection (3) of section 28.222, Florida Statutes, is redesignated as paragraph (i), and a new paragraph (h) is added to that subsection, to read:

28.222 Clerk to be county recorder.—

(3) The clerk of the circuit court shall record the following kinds of instruments presented to him or her for recording, upon payment of the service charges prescribed by law:

(h) *Copies of any instruments originally created and executed using an electronic signature, as defined in s. 695.27, and certified to be a true and correct paper printout by a notary public in accordance with chapter 117, if the county recorder is not prepared to accept electronic documents for recording electronically.*

Section 19. Subsection (1) of section 95.231, Florida Statutes, is amended to read:

95.231 Limitations where deed or will on record.—

(1) Five years after the recording of an instrument required to be executed in accordance with s. 689.01; 5 years after the recording of a power of attorney accompanying and used for an instrument required to be executed in accordance with s. 689.01; or 5 years after the probate of a will purporting to convey real property, from which it appears that the person owning the property attempted to convey, affect, or devise it, the instrument, power of attorney, or will shall be held to have its purported effect to convey, affect, or devise, the title to the real property of the person signing the instrument, as if there had been no lack of seal or seals, witness or witnesses, defect in, *failure of, or absence of* acknowledgment or relinquishment of dower, in the absence of fraud, adverse possession, or pending litigation. The instrument is admissible in evidence. A power of attorney validated under this subsection shall be valid only for the purpose of effectuating the instrument with which it was recorded.

Section 20. Section 689.01, Florida Statutes, is amended to read:

689.01 How real estate conveyed.—

(1) No estate or interest of freehold, or for a term of more than 1 year, or any uncertain interest of, in or out of any messuages, lands, tenements or hereditaments shall be created, made, granted, transferred or released in any other manner than by instrument in writing, signed in the presence of two subscribing witnesses by the party creating, making, granting, conveying, transferring or releasing such estate, interest, or term of more than 1 year, or by the party's lawfully authorized agent, unless by will and testament, or other testamentary appointment, duly made according to law; and no estate or interest, either of freehold, or of term of more than 1 year, or any uncertain interest of, in, to, or out of any messuages, lands, tenements or hereditaments, shall be assigned or surrendered unless it be by instrument signed in the presence of two subscribing witnesses by the party so assigning or surrendering, or by the party's lawfully authorized agent, or by the act and operation of law. No seal shall be necessary to give validity to any instrument executed in conformity with this section. Corporations may execute any and all conveyances in accordance with the provisions of this section or ss. 692.01 and 692.02.

(2) *For purposes of this chapter:*

(a) *Any requirement that an instrument be signed in the presence of two subscribing witnesses may be satisfied by witnesses being present and electronically signing by means of audio-video communication technology that meets the requirements of part II of chapter 117 and any rules adopted thereunder.*

(b) *The act of witnessing an electronic signature is satisfied if a witness is present either in physical proximity to the principal or by audio-video communication technology at the time the principal affixes his or her electronic signature and hears the principal make a statement acknowledging that the principal has signed the electronic record.*

(3) *All acts of witnessing heretofore made or taken pursuant to subsection (2) are validated and, upon recording, may not be denied to have provided constructive notice based on any alleged failure to have strictly complied with this section, as currently or previously in effect, or the laws governing notarization of instruments, including online notarization, in this state.*

Section 21. Section 694.08, Florida Statutes, is amended to read:

694.08 Certain instruments validated, notwithstanding lack of seals or witnesses, or defect in acknowledgment, etc.—

(1) Whenever any power of attorney has been executed and delivered, or any conveyance has been executed and delivered to any grantee by the person owning the land therein described, or conveying the same in an official or representative capacity, and has, for a period of 7 years or more been spread upon the records of the county wherein the land therein described has been or was at the time situated, and one or more subsequent conveyances of said land or parts thereof have been made, executed, delivered and recorded by parties claiming under such instrument or instruments, and such power of attorney or conveyance, or the public record thereof, shows upon its face a clear purpose and intent of the person executing the same to authorize the conveyance of said land or to convey the said land, the same shall be taken and held by all the courts of this state, in the absence of any showing of fraud, adverse

possession, or pending litigation, to have authorized the conveyance of, or to have conveyed, the fee simple title, or any interest therein, of the person signing such instruments, or the person in behalf of whom the same was conveyed by a person in an official or representative capacity, to the land therein described as effectively as if there had been no defect in, failure of, or absence of the acknowledgment or the certificate of acknowledgment, if acknowledged, or the relinquishment of dower, and as if there had been no lack of the word “as” preceding the title of the person conveying in an official or representative capacity, of any seal or seals, or of any witness or witnesses, and shall likewise be taken and held by all the courts of this state to have been duly recorded so as to be admissible in evidence;

(2) Provided, however, that this section shall not apply to any conveyance the validity of which shall be contested or have been contested by suit commenced heretofore or within 1 year of the effective date of this law.

Section 22. Section 695.03, Florida Statutes, is amended to read:

695.03 Acknowledgment and proof; validation of certain acknowledgments; legalization or authentication before foreign officials.—To entitle any instrument concerning real property to be recorded, the execution must be acknowledged by the party executing it, proved by a subscribing witness to it, or legalized or authenticated by a civil-law notary or notary public who affixes her or his official seal, before the officers and in the following form and manner following:

(1) WITHIN THIS STATE.—An acknowledgment or a proof made within this state may be made before a judge, clerk, or deputy clerk of any court; a United States commissioner or magistrate; or any a notary public or civil-law notary of this state, and the certificate of acknowledgment or proof must be under the seal of the court or officer, as the case may be. *If the acknowledgment or proof is made before a notary public who does not affix a seal, it is sufficient for the notary public to type, print, or write by hand on the instrument, “I am a Notary Public of the State of \_\_\_\_\_(state)\_\_\_\_\_, and my commission expires \_\_\_\_\_(date)\_\_\_\_\_.”* ~~All affidavits and acknowledgments heretofore made or taken in this manner are hereby validated.~~

(2) ~~OUTSIDE WITHOUT THIS STATE BUT WITHIN THE UNITED STATES.~~—An acknowledgment or a proof made ~~outside out~~ of this state but within the United States may be made before a civil-law notary of this state or a commissioner of deeds appointed by the Governor of this state; a judge or clerk of any court of the United States or of any state, territory, or district; a United States commissioner or magistrate; or any a notary public, justice of the peace, master in chancery, or registrar or recorder of deeds of any state, territory, or district having a seal, and the certificate of acknowledgment or proof must be under the seal of the court or officer, as the case may be. If the acknowledgment or proof is made before a notary public who does not affix a seal, it is sufficient for the notary public to type, print, or write by hand on the instrument, “I am a Notary Public of the State of \_\_\_\_\_(state)\_\_\_\_\_, and my commission expires on \_\_\_\_\_(date)\_\_\_\_\_.”

(3) ~~OUTSIDE OF THE UNITED STATES OR WITHIN FOREIGN COUNTRIES.~~—~~An if the~~ acknowledgment, an affidavit, an oath, a legalization, an authentication, or a proof made ~~outside outside the United States or is made~~ in a foreign country, ~~it~~ may be made before a commissioner of deeds appointed by the Governor of this state to act in such country; before any a notary public of such foreign country or a civil-law notary of this state or of such foreign country who has an official seal; before an ambassador, envoy extraordinary, minister plenipotentiary, minister, commissioner, charge d'affaires, consul general, consul, vice consul, consular agent, or other diplomatic or consular officer of the United States appointed to reside in such country; or before a military or naval officer authorized by 10 U.S.C. s. 1044a the Laws or Articles of War of the United States to perform the duties of notary public, and the certificate of acknowledgment, legalization, authentication, or proof must be under the seal of the officer. A certificate legalizing or authenticating the signature of a person executing an instrument concerning real property and to which a civil-law notary or notary public of that country has affixed her or his official seal is sufficient as an acknowledgment. For the purposes of this section, the term “civil-law notary” means a civil-law notary as defined in chapter 118 or an official of a foreign country who has an official seal and who is authorized to make legal or lawful the execution of any document in that jurisdiction, in which jurisdiction the affixing of her or his official seal is deemed proof of the

execution of the document or deed in full compliance with the laws of that jurisdiction.

(4) COMPLIANCE AND VALIDATION.—*The affixing of the official seal or the electronic equivalent thereof under s. 117.021 or other applicable law, including part II of chapter 117, conclusively establishes that the acknowledgement or proof was made in full compliance with the laws of this state or, as applicable, the laws of the other state, or of the foreign country governing notarial acts. All affidavits, oaths, acknowledgments, legalizations, authentications, or proofs made or taken in any manner as set forth in subsections (1), (2), and (3) are validated and upon recording may not be denied to have provided constructive notice based on any alleged failure to have strictly complied with this section, as currently or previously in effect, or the laws governing notarization of instruments.*

~~All affidavits, legalizations, authentications, and acknowledgments heretofore made or taken in the manner set forth above are hereby validated.~~

Section 23. Section 695.04, Florida Statutes, is amended to read:

695.04 Requirements of certificate.—The certificate of the officer before whom the acknowledgment or proof is taken, except for a certificate legalizing or authenticating the signature of a person executing an instrument concerning real property pursuant to s. 695.03(3), shall contain and set forth substantially the matter required to be done or proved to make such acknowledgment or proof effectual *as set forth in s. 117.05.*

Section 24. Section 695.05, Florida Statutes, is amended to read:

695.05 Certain defects cured as to acknowledgments and witnesses.—All deeds, conveyances, bills of sale, mortgages or other transfers of real or personal property within the limits of this state, heretofore or hereafter made and received bona fide and upon good consideration by any corporation, and acknowledged for record by ~~before~~ some officer, stockholder or other person interested in the corporation, grantee, or mortgagee as a notary public or other officer authorized to take acknowledgments of instruments for record within this state, shall be held, deemed and taken as valid as if acknowledged by the proper notary public or other officer authorized to take acknowledgments of instruments for record in this state not so interested in said corporation, grantee or mortgagee; and said instrument whenever recorded shall be deemed notice to all persons; provided, however, that this section shall not apply to any instrument heretofore made, the validity of which shall be contested by suit commenced within 1 year of the effective date of this law.

Section 25. Section 695.28, Florida Statutes, is amended to read:

695.28 Validity of recorded electronic documents.—

(1) A document that is otherwise entitled to be recorded and that was or is submitted to the clerk of the court or county recorder by electronic or other means and accepted for recordation is deemed validly recorded and provides notice to all persons notwithstanding:

(a) That the document was received and accepted for recordation before the Department of State adopted standards implementing s. 695.27; ~~or~~

(b) Any defects in, deviations from, or the inability to demonstrate strict compliance with any statute, rule, or procedure relating to electronic signatures, electronic witnesses, electronic notarization, or online notarization, or for submitting or recording ~~to submit or record~~ an electronic document in effect at the time the electronic document was executed or was submitted for recording;

(c) That the document was signed, witnessed, or notarized electronically or that witnessing or notarization may have been done outside the physical presence of the notary public or principal; or

(d) That the document recorded was a certified printout of a document to which one or more electronic signatures have been affixed.

(2) This section does not alter the duty of the clerk or recorder to comply with s. 28.222, s. 695.27, or any rules adopted pursuant to those sections ~~that section~~.

(3) *This section does not preclude a challenge to the validity or enforceability of an instrument or electronic record based upon fraud, forgery, impersonation, duress, undue influence, minority, illegality, unconscionability, or any other basis not in the nature of those matters described in subsection (1).*

Section 26. Subsection (1) of section 709.2202, Florida Statutes, is amended to read:

709.2202 Authority that requires separate signed enumeration.—

(1) Notwithstanding s. 709.2201, an agent may exercise the following authority *in this subsection* only if the principal signed or initialed next to each specific enumeration of the authority, the exercise of the authority is consistent with the agent's duties under s. 709.2114, *the power of attorney was witnessed and notarized in person without the use of online witnessing of electronic records pursuant to s. 117.285 or online notarization under part II of chapter 117*, and the exercise is not otherwise prohibited by another agreement or instrument. *A power of attorney or any authority granted therein to an agent, including where such authority is witnessed and notarized online through the use of online witnessing of electronic records pursuant to s. 117.285 or online notarization under part II of chapter 117, is not affected by this section except that a power of attorney or other authority notarized and witnessed is not effective to grant powers pursuant to the following:*

- (a) Create an inter vivos trust;
- (b) With respect to a trust created by or on behalf of the principal, amend, modify, revoke, or terminate the trust, but only if the trust instrument explicitly provides for amendment, modification, revocation, or termination by the settlor's agent;
- (c) Make a gift, subject to subsection (4);
- (d) Create or change rights of survivorship;
- (e) Create or change a beneficiary designation;
- (f) Waive the principal's right to be a beneficiary of a joint and survivor annuity, including a survivor benefit under a retirement plan; or
- (g) Disclaim property and powers of appointment.

Section 27. Effective July 1, 2019, subsection (40) of section 731.201, Florida Statutes, is amended to read:

731.201 General definitions.—Subject to additional definitions in subsequent chapters that are applicable to specific chapters or parts, and unless the context otherwise requires, in this code, in s. 409.9101, and in chapters 736, 738, 739, and 744, the term:

(40) "Will" means an instrument, including a codicil, executed by a person in the manner prescribed by this code, which disposes of the person's property on or after his or her death and includes an instrument which merely appoints a personal representative or revokes or revises another will. *The term includes an electronic will as defined in s. 732.521.*

Section 28. Effective July 1, 2019, section 732.506, Florida Statutes, is amended to read:

732.506 Revocation by act.—A will or codicil, *other than an electronic will*, is revoked by the testator, or some other person in the testator's presence and at the testator's direction, by burning, tearing, canceling, defacing, obliterating, or destroying it with the intent, and for the purpose, of revocation.

Section 29. Effective July 1, 2019, section 732.521, Florida Statutes, is created to read:

732.521 Definitions.—As used in ss. 732.521-732.525, the term:

(1) "Audio-video communication technology" has the same meaning as provided in s. 117.201.

(2) "Electronic signature" means an electronic mark visibly manifested in a record as a signature and executed or adopted by a person with the intent to sign the record.

(3) "Electronic will" means an instrument, including a codicil, executed with an electronic signature by a person in the manner prescribed by this code, which disposes of the person's property on or after his or her death and includes an instrument which merely appoints a personal representative or revokes or revises another will.

(4) "Online notary public" has the same meaning as provided in s. 117.201.

(5) "Online notarization" has the same meaning as provided in s. 117.201.

Section 30. Effective July 1, 2019, section 732.522, Florida Statutes, is created to read:

732.522 Method and place of execution.—For purposes of the execution or filing of an electronic will, the acknowledgment of an electronic will by the testator and the affidavits of witnesses under s. 732.503, or any other instrument under the Florida Probate Code or the Florida Probate Rules:

(1) Any requirement that an instrument be signed may be satisfied by an electronic signature.

(2) Any requirement that individuals sign an instrument in the presence of one another may be satisfied by witnesses being present and electronically signing by means of audio-video communication technology that meets the requirements of part II of chapter 117 and any rules adopted thereunder.

(3) The act of witnessing an electronic signature is satisfied if:

(a) An individual is present either in physical proximity to the signer or by audio-video communication technology at the time the signer affixes his or her electronic signature and hears the signer make a statement acknowledging that the signer has signed the electronic record; and

(b) The individuals are supervised in accordance with s. 117.285 and, in the case of an electronic will, the testator provides, to the satisfaction of the online notary public during the online notarization, verbal answers to all of the following questions:

1. Are you over the age of 18?
2. Are you of sound mind?
3. Are you signing this will voluntarily?
4. Are you under the influence of any drugs or alcohol that impairs your ability to make decisions?
5. Has anyone forced or influenced you to include anything in this will which you do not wish to include?
6. Did anyone assist you in accessing this video conference? If so, who?

(c) The execution of an electronic will of a testator who is a vulnerable adult, as defined in s. 415.102, may not be witnessed by means of audio-video communication technology. The contestant of the electronic will has the burden of proving that the testator was a vulnerable adult at the time of executing the electronic will.

(4) An instrument that is signed electronically is deemed to be executed in this state if the instrument states that the person creating the instrument intends to execute and understands that he or she is executing the instrument in, and pursuant to the laws of, this state.

Section 31. Effective July 1, 2019, section 732.524, Florida Statutes, is created to read:

732.524 Self-proof of electronic will.—An electronic will is self-proved if the acknowledgment of the electronic will by the testator and the affidavits of the witnesses are made in accordance with s. 732.503



and are part of the electronic record containing the electronic will, or are attached to, or are logically associated with, the electronic will.

Section 32. Effective July 1, 2019, section 732.525, Florida Statutes, is created to read:

*732.525 Probate.—*

(1) *An electronic will that is filed electronically with the clerk of the court through the Florida Courts E-Filing Portal is deemed to have been deposited with the clerk as an original of the electronic will.*

(2) *A paper copy of an electronic will which is certified by a notary public to be a true and correct copy of the electronic will may be offered for and admitted to probate and shall constitute an original of the electronic will.*

Section 33. Except as otherwise expressly provided in this act, this act shall take effect January 1, 2019.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to notaries public; providing directives to the Division of Law Revision and Information; amending s. 117.01, F.S.; revising provisions relating to use of the office of notary public; amending s. 117.021, F.S.; requiring electronic signatures to include access protection; prohibiting a person from requiring a notary public to perform a notarial act with certain technology; requiring the Department of State, in collaboration with the Agency for State Technology, to adopt rules for certain purposes; amending s. 117.05, F.S.; revising limitations on notary fees to conform to changes made by the act; providing for inclusion of certain information in a jurat or notarial certificate; providing for compliance with online notarization requirements; providing for notarial certification of a printed electronic record; revising statutory forms for jurats and notarial certificates; amending s. 117.107, F.S.; providing applicability; revising prohibited acts; creating s. 117.201, F.S.; providing definitions; creating s. 117.209, F.S.; authorizing online notarizations; providing an exception; creating s. 117.215, F.S.; specifying the application of other laws in relation to online notarizations; creating s. 117.225, F.S.; specifying registration and qualification requirements for online notaries public; creating s. 117.235, F.S.; authorizing the performance of certain notarial acts; creating s. 117.245, F.S.; requiring a notary public to keep an electronic journal of online notarizations and certain audio-video communication recordings; specifying the information that must be included for each online notarization; requiring an online notary public to take certain steps regarding the maintenance and security of the electronic journal; specifying that the Executive Office of the Governor maintains jurisdiction for a specified period of time for purposes of investigating notarial misconduct; providing for construction; creating s. 117.255, F.S.; specifying requirements for the use of electronic journals, signatures, and seals; requiring an online notary public to provide notification of the theft, vandalism, or loss of an electronic journal, signature, or seal; authorizing an online notary public to make copies of electronic journal entries and to provide access to related recordings under certain circumstances; authorizing an online notary public to charge a fee for making and delivering such copies; providing an exception; creating s. 117.265, F.S.; prescribing online notarization procedures; specifying the manner by which an online notary public must verify the identity of a principal or a witness; requiring an online notary public to take certain measures as to the security of technology used; specifying that an electronic notarial certificate must identify the performance of an online notarization; specifying that noncompliance does not impair the validity of a notarial act or the notarized electronic record; providing for construction; creating s. 117.275, F.S.; providing fees for online notarizations; creating s. 117.285, F.S.; specifying the manner by which an online notary public may supervise the witnessing of electronic records of online notarizations; creating s. 117.295, F.S.; providing standards for electronic and online notarizations; authorizing the Department of State to approve and periodically review companies that offer online notarization services; authorizing the department to adopt certain rules; prescribing minimum standards for companies that offer online notarization services; creating s. 117.305, F.S.; superseding certain provisions of federal law regulating electronic signatures; amending s. 28.222, F.S.; requiring the clerk of the circuit court to record certain instruments; amending s. 95.231, F.S.; providing a limitation period for certain recorded instruments; amending s. 689.01, F.S.; providing for

witnessing of documents in connection with real estate conveyances; providing for validation of certain recorded documents; amending s. 694.08, F.S.; providing for validation of certain recorded documents; amending s. 695.03, F.S.; providing and revising requirements for making acknowledgments, proofs, and other documents; amending ss. 695.04 and 695.05, F.S.; conforming provisions to changes made by the act; amending s. 695.28, F.S.; providing for validity of recorded documents; conforming provisions to changes made by the act; amending s. 709.2202, F.S.; specifying that certain authority granted through a power of attorney requiring separate signed enumeration may not be executed by online notarization or witnessed electronically; amending s. 731.201, F.S.; redefining the term “will” to conform to changes made by the act; amending s. 732.506, F.S.; exempting electronic wills from provisions governing the revocation of wills and codicils; creating s. 732.521, F.S.; providing definitions; creating s. 732.522, F.S.; prescribing the manner by which an electronic will must be executed; creating s. 732.524, F.S.; specifying requirements for the self-proof of an electronic will; creating s. 732.525, F.S.; specifying conditions by which an electronic will is deemed to be an original will; providing effective dates.

Pursuant to Rule 7.1, there being no objection, consideration of the following late-filed amendments was allowed:

Senator Brandes moved the following amendments to **Amendment 1 (343146)** which were adopted:

**Amendment 1A (233988) (with title amendment)**—Delete lines 1144-1170 and insert:

purpose, of revocation. *An electronic will or codicil is revoked by the testator, or some other person in the testator’s presence and at the testator’s direction, by deleting, canceling, rendering unreadable, or obliterating the electronic will or codicil, with the intent, and for the purpose, of revocation, as proved by clear and convincing evidence.*

Section 29. Effective July 1, 2019, section 740.10, Florida Statutes, is created to read:

*740.10 Relation to wills.—No act taken pursuant to this chapter is valid to affect the obligation of a person to deposit a will of a decedent as required under s. 732.901.*

Section 30. Effective July 1, 2019, section 732.521, Florida Statutes, is created to read:

*732.521 Definitions.—As used in ss. 732.521-732.525, the term:*

(1) *“Audio-video communication technology” has the same meaning as provided in s. 117.201.*

(2) *“Electronic signature” means an electronic mark visibly manifested in a record as a signature and executed or adopted by a person with the intent to sign the record.*

(3) *“Electronic will” means an instrument, including a codicil, executed with an electronic signature by a person in the manner prescribed by this code, which disposes of the person’s property on or after his or her death and includes an instrument which merely appoints a personal representative or revokes or revises another will.*

(4) *“Online notarization” has the same meaning as provided in s. 117.201.*

(5) *“Online notary public” has the same meaning as provided in s. 117.201.*

Section 31. Effective July 1, 2019, section 732.522, Florida Statutes, is created to read:

*732.522 Method and place of execution.—For purposes of the execution or filing of an electronic will, the acknowledgment of an electronic will by the testator and the affidavits of witnesses under s. 732.503, or any other instrument under the Florida Probate Code:*

And the title is amended as follows:

Delete line 1332 and insert: revocation of wills and codicils; prescribing the manner by which an electronic will or codicil may be revoked; creating s. 740.10, F.S.; specifying that any act taken pursuant to

ch. 740, F.S., does not affect the requirement that a will be deposited within a certain timeframe; creating s. 732.521,

**Amendment 1B (586412)**—Delete lines 436-606 and insert:

(9) “Online notary public” means a notary public commissioned under part I of this chapter, a civil-law notary appointed under chapter 118, or a commissioner of deeds appointed under part IV of chapter 721, who has registered with the Executive Office of the Governor and the Department of State to perform online notarizations under this part.

(10) “Principal” means an individual whose electronic signature is acknowledged, witnessed, or attested to in an online notarization or who takes an oath or affirmation from the online notary public.

(11) “Remote presentation” means transmission of an image of a government-issued identification credential that is of sufficient quality to enable the online notary public to identify the individual seeking the notary’s services and to perform credential analysis through audio-video communication technology.

Except where the context otherwise requires, any term defined in s. 668.50 has the same meaning when used in this part.

Section 7. Section 117.209, Florida Statutes, is created to read:

117.209 Authority to perform online notarizations.—

(1) An online notary public may perform any of the functions authorized under part I of this chapter as an online notarization, excluding solemnizing the rites of matrimony.

(2) If a notarial act requires a principal to appear before or in the presence of the online notary public, the principal may appear before the online notary public by means of audio-video communication technology that meets the requirements of this chapter and any rules adopted by the Department of State under s. 117.295.

(3) An online notary public may perform an online notarization as authorized under this part, regardless of the physical location of the principal at the time of the notarial act, provided the notary public, other than a civil-law notary or a commissioner of deeds, is physically located in this state while performing the online notarization.

(4) The validity of an online notarization performed by an online notary public registered in this state shall be determined by applicable laws of this state regardless of the physical location of the principal at the time of the notarial act.

Section 8. Section 117.215, Florida Statutes, is created to read:

117.215 Relation to other laws.—

(1) If a provision of law requires a notary public or other authorized official of this state to notarize a signature or a statement, to take an acknowledgement of an instrument, or to administer an oath or affirmation so that a document may be sworn, affirmed, made under oath, or subject to penalty of perjury, an online notarization performed in accordance with the provisions of this part and any rules adopted hereunder satisfies such requirement.

(2) If a provision of law requires a signature or an act to be witnessed, compliance with the online electronic witnessing standards prescribed in s. 117.285 and any rules adopted thereunder satisfies that requirement.

Section 9. Section 117.225, Florida Statutes, is created to read:

117.225 Registration; qualifications.—A notary public, a civil-law notary appointed under chapter 118, or a commissioner of deeds appointed under part IV of chapter 721 may complete registration as an online notary public with the Executive Office of the Governor and the Department of State by:

(1) Holding a current commission as a notary public under part I of this chapter, an appointment as a civil-law notary under chapter 118, or an appointment as a commissioner of deeds under part IV of chapter 721, and submitting a copy of such commission or proof of such appointment with his or her registration.

(2) Certifying that the notary public, civil-law notary, or commissioner of deeds registering as an online notary public has completed a classroom or online course covering the duties, obligations, and technology requirements for serving as an online notary public.

(3) Paying an online notary public commission fee in the amount of \$10, as required by s. 113.01.

(4) Submitting a registration as an online notary public to the Executive Office of the Governor and the Department of State, signed and sworn to by the registrant.

(5) Confirming in a statement that the audio-video communication and identity proofing technologies the registrant intends to use in performing online notarizations satisfy the requirements of this chapter.

(6) Providing evidence satisfactory to the Executive Office of the Governor and the Department of State that the registrant has obtained a bond, payable to any individual harmed as a result of a breach of duty by the registrant acting in his or her official capacity as an online notary public, conditioned for the due discharge of the office, in the minimum amount of \$25,000 and on such terms as are specified by rule by the Department of State as reasonably necessary to protect the public. The bond shall be approved and filed with the Department of State and executed by a surety company duly authorized to transact business in this state. Compliance by an online notary public with this requirement shall satisfy the requirement of obtaining a bond under s. 117.01(7).

(7) Providing evidence satisfactory to the Executive Office of the Governor and the Department of State that the registrant acting in his or her capacity as an online notary public is covered by an errors and omissions insurance policy from an insurer authorized to transact business in this state, in the minimum amount of \$25,000 and on such terms as are specified by rule by the Department of State as reasonably necessary to protect the public.

Section 10. Section 117.235, Florida Statutes, is created to read:

117.235 Performance of notarial acts.—

(1) An online notary public is subject to part I of this chapter to the same extent as a notary public appointed and commissioned only under that part, including the provisions of s. 117.021 relating to electronic notarizations.

(2) An online notary public may perform notarial acts as provided by part I of this chapter in addition to performing online notarizations as authorized and pursuant to the provisions of this part.

Section 11. Section 117.245, Florida Statutes, is created to read:

117.245 Electronic journal of online notarizations.—

(1) An online notary public shall keep a secure electronic journal of electronic records notarized by the online notary public. For each online notarization, the electronic journal entry must contain all of the following:

(a) The date and time of the notarization.

(b) The type of notarial act.

(c) The type, the title, or a description of the electronic record or proceeding.

(d) The printed name and address of each principal involved in the transaction or proceeding.

(e) Evidence of identity of each principal involved in the transaction or proceeding in any of the following forms:

1. A statement that the person is personally known to the online notary public.

2. A notation of the type of government-issued identification credential provided to the online notary public.

3. A copy of the government-issued identification credential provided.

4. A copy of any other identification credential or information provided.

(f) An indication that the principal satisfactorily passed the identity proofing.

(g) An indication that the government-issued identification credential satisfied the credential analysis.

(h) The fee, if any, charged for the notarization.

(2) The online notary public shall retain a copy of the recording of the audio-video communication in which:

(a) The principal and any witnesses appeared before the notary public.

(b) The identity of each was confirmed.

(c) Electronic records were signed by the principal and any witnesses.

(d) The notarial act was performed.

(3) The online notary public shall take reasonable steps to:

(a) Ensure the integrity, security, and authenticity of online notarizations.

(b) Maintain a backup record of the electronic journal required by subsection (1).

(c) Protect the electronic journal, the backup record, and any other records received by the online notary public from unauthorized access or use.

(4) The electronic journal required under subsection (1) and the recordings of audio-video communications required under subsection (2) shall be maintained for at least 10 years after the date of the notarial act. The Executive Office of the Governor maintains jurisdiction over the electronic journal and audio-video communication recordings to investigate notarial misconduct for a period of 10 years after the date of the notarial act. The online notary public, a guardian of an incapacitated online notary public, or the personal representative of a deceased online notary public, may, by contract with a secure repository in accordance with any rules established under this chapter, delegate to the repository the online notary public's duty to retain the electronic journal and the required recordings of audio-video communications.

**Amendment 1C (551806)**—Between lines 1198 and 1199 insert:

7. Where are you? Name everyone you know in the room with you.

**Amendment 1 (343146)**, as amended, was adopted.

Pursuant to Rule 4.19, **CS for SB 1042**, as amended, was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Brandes—

**CS for CS for CS for SB 1256**—A bill to be entitled An act relating to security of communications; amending s. 934.01, F.S.; revising and providing legislative findings; amending s. 934.02, F.S.; redefining the term “oral communication”; defining the terms “microphone-enabled household device” and “portable electronic communication device”; amending s. 934.21, F.S.; revising the exceptions to conduct that constitute unlawful access to stored communications; conforming a provision to changes made by the act; amending s. 934.23, F.S.; defining the term “investigative or law enforcement officer” and specifying that an exception to such definition is that in any criminal investigation a law enforcement agency must request a prosecutor obtain a subpoena for information obtainable by a subpoena; requiring a warrant for any content of a stored communications; deleting provisions relating to obtaining content of stored communications, with required subscriber notice, by obtaining a court order for disclosure or using a subpoena; deleting provisions relating to any electronic communication held or maintained in a remote computing service; deleting a provision on not providing notice applicable to a subpoena for basic subscriber information; repealing s. 934.24, F.S.; deleting provisions relating to

backup protection for content of stored communication; deleting provisions authorizing a subscriber to seek a court order to quash such subpoena or vacate such court order for disclosure; amending 934.25, F.S., deleting provisions relating to delaying subscriber notice when such notice is required for obtaining contents of stored communications pursuant to a court order for disclosure or subpoena; deleting references to subscriber notice or delay of such notice in provisions relating to nondisclosure of a warrant, court order, or subpoena for stored communications; defining the term “adverse result”; creating s. 934.255, F.S.; defining the terms “adverse result,” “child,” “investigative or law enforcement officer,” “sexual abuse of child,” and “supervisory official”; specifying an exception to the definition of the term “investigative or law enforcement officer” is that in any criminal investigation a law enforcement agency must request a prosecutor obtain a subpoena for information obtainable by a subpoena; authorizing an investigative or law enforcement officer conducting an investigation into specified matters to subpoena certain persons or entities for the production of records, documents, or other tangible things and testimony; authorizing an investigative or law enforcement officer conducting an investigation into specified matters to subpoena certain person or entities for subscriber or customer information relevant to stored communications; specifying requirements for the issuance of a subpoena; authorizing a subpoenaed person to petition a court for an order modifying or setting aside a prohibition on disclosure; authorizing, under certain circumstances, an investigative or law enforcement officer to retain subpoenaed records, documents, or other tangible objects; prohibiting the disclosure of a subpoena for a specified period if the disclosure might result in an adverse result; providing exceptions; requiring an investigative or law enforcement officer to maintain a true copy of a written certification required for nondisclosure; authorizing an investigative or law enforcement officer to apply to a court for an order prohibiting certain entities from notifying any person of the existence of a subpoena under certain circumstances; authorizing an investigative or law enforcement officer to petition a court to compel compliance with a subpoena; authorizing a court to punish a person who does not comply with a subpoena as indirect criminal contempt; providing criminal penalties; precluding a cause of action against certain entities or persons for providing information, facilities, or assistance in accordance with terms of a subpoena; providing for preservation of evidence pending issuance of legal process; providing that certain entities or persons shall be held harmless from any claim and civil liability resulting from disclosure of specified information; providing for reasonable compensation for reasonable expenses incurred in providing assistance; requiring that a subpoenaed witness be paid certain fees and mileage; amending s. 934.42, F.S.; authorizing an investigative or law enforcement officer to apply to a judge of competent jurisdiction for a warrant, rather than an order, authorizing the acquisition of cellular-site location data, precise global positioning satellite location data, or historical global positioning satellite location data; requiring an application for a warrant to include a statement of a reasonable period of time that a mobile tracking device may be used, not to exceed a specified limit; authorizing a court to grant extensions that do not individually exceed a specified limit, for good cause; deleting a provision requiring a certification to be included in the application for an order; requiring the warrant to command the officer to complete an installation authorized by the warrant within a certain timeframe; providing requirements for the return of the warrant to the judge and service of a copy of the warrant on the person who was tracked or whose property was tracked; authorizing a court, for good cause, to postpone the notice requirement for a specified time period; requiring that the standards established by Florida courts for the installation, use, or monitoring of mobile tracking devices apply to the installation, use, or monitoring of certain devices; redefining the term “tracking device”; authorizing any investigative or law enforcement officer who is specially designated by certain persons and who makes specified determinations to install or use a mobile tracking device under certain circumstances; providing requirements for the installation and use of such mobile tracking devices; amending s. 934.26, F.S.; conforming a provision to changes made by the act; providing an effective date.

—was read the second time by title.

Senator Brandes moved the following amendment:

**Amendment 1 (739040) (with title amendment)**—Delete lines 160-730 and insert:

(5) To safeguard the privacy of innocent persons, the Legislature recognizes that the subjective expectation of privacy in real-time cell-site location data, real-time precise global positioning system location data, and historical precise global positioning system location data that society is now prepared to accept is objectively reasonable. As such, the law enforcement collection of the precise location of a person, cellular phone, or portable electronic communication device without the consent of the person or owner of the cellular phone or portable electronic communication device should be allowed only when authorized by a warrant issued by a court of competent jurisdiction and should remain under the control and supervision of the authorizing court.

(6) The Legislature recognizes that the use of portable electronic communication devices is growing at a rapidly increasing rate. These devices can store, and encourage the storing of, an almost limitless amount of personal and private information. Often linked to the Internet, these devices are commonly used to access personal and business information and databases in computers and servers that can be located anywhere in the world. The user of a portable electronic communication device has a reasonable and justifiable expectation of privacy in the information that these devices contain.

(7) The Legislature recognizes that the use of household electronic devices, including microphone-enabled household devices, is growing at a rapidly increasing rate. These devices often contain microphones that listen for and respond to environmental cues. These household devices are generally connected to and communicate through the Internet, resulting in the storage of and accessibility to daily household information in a device itself or in a remote computing service. Persons should not have to choose between using household technological enhancements and conveniences or preserving the right to privacy in one's home.

Section 2. Subsection (2) of section 934.02, Florida Statutes, is amended, and subsections (27) and (28) are added to that section, to read:

934.02 Definitions.—As used in this chapter:

(2) “Oral communication” means any oral communication uttered by a person exhibiting an expectation that such communication is not subject to interception under circumstances justifying such expectation, including the use of a microphone-enabled household device, and does not mean any public oral communication uttered at a public meeting or any electronic communication.

(27) “Microphone-enabled household device” means a device, sensor, or other physical object within a residence:

(a) Capable of connecting to the Internet, directly or indirectly, or to another connected device;

(b) Capable of creating, receiving, accessing, processing, or storing electronic data or communications;

(c) Which communicates with, by any means, another entity or individual; and

(d) Which contains a microphone designed to listen for and respond to environmental cues.

(28) “Portable electronic communication device” means an object capable of being easily transported or conveyed by a person which is capable of creating, receiving, accessing, or storing electronic data or communications and which communicates with, by any means, another device, entity, or individual.

Section 3. Section 934.21, Florida Statutes, is amended to read:

934.21 Unlawful access to stored communications; penalties.—

(1) Except as provided in subsection (3), whoever:

(a) Intentionally accesses without authorization a facility through which an electronic communication service is provided, or

(b) Intentionally exceeds an authorization to access such facility,

and thereby obtains, alters, or prevents authorized access to a wire or electronic communication while it is in electronic storage in such system shall be punished as provided in subsection (2).

(2) The punishment for an offense under subsection (1) is as follows:

(a) If the offense is committed for purposes of commercial advantage, malicious destruction or damage, or private commercial gain, the person is:

1. In the case of a first offense under this subsection, ~~commits guilty~~ of a misdemeanor of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 934.41.

2. In the case of any subsequent offense under this subsection, ~~commits guilty~~ of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, s. 775.084, or s. 934.41.

(b) In any other case, the person ~~commits is guilty~~ of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

(3) Subsection (1) does not apply with respect to conduct authorized:

(a) By the person or entity providing a wire, oral, or electronic communications service, including through cellular phones, portable electronic communication devices, or microphone-enabled household devices;

(b) By a user of a wire, oral, or electronic communications service, including through cellular phones, portable electronic communication devices, or microphone-enabled household devices, with respect to a communication of or intended for that user; ~~or~~

(c) In s. 934.09 ~~or~~; s. 934.23; ~~or s. 934.24~~

(d) In chapter 933; or

(e) For accessing for a legitimate business purpose information that is not personally identifiable or that has been collected in a way that prevents identification of the user of the device.

Section 4. Section 934.42, Florida Statutes, is amended to read:

934.42 Mobile tracking device and location tracking authorization.—

(1) As used in this section:

(a) “Mobile tracking device” means an electronic or mechanical device which permits the tracking of the movement of a person or object.

(b) “Real-time location tracking” means:

1. Installation and use of a mobile tracking device on the object to be tracked;

2. Acquisition of real-time cell-site location data; or

3. Acquisition of real-time precise global positioning system location data.

(c) “Historical location data” means the acquisition of historical precise global positioning system location data in the possession of a provider.

(2)(1) An investigative or law enforcement officer may make application to a judge of competent jurisdiction for a warrant ~~an order~~ authorizing or approving real-time location tracking ~~the installation and use of a mobile tracking device~~ or the acquisition of historical location data in the possession of the provider.

(3)(2) An application under subsection (2) (1) of this section must include:

(a) A statement of the identity of the applicant and the identity of the law enforcement agency conducting the investigation.

(b) A statement setting forth a reasonable period of time that the mobile tracking device may be used or the location data may be obtained in real-time, not to exceed 45 days from the date the warrant is issued.

The court may, for good cause, grant one or more extensions for a reasonable period of time, not to exceed 45 days each. When seeking historical location data, the applicant must specify a data range for the data sought ~~certification by the applicant that the information likely to be obtained is relevant to an ongoing criminal investigation being conducted by the investigating agency.~~

(c) A statement of the offense to which the information likely to be obtained relates.

(d) A statement *as to* whether it may be necessary to use and monitor the mobile tracking device outside the jurisdiction of the court from which authorization is being sought.

~~(4)(2)~~ Upon application made as provided under subsection ~~(3)(2)~~, the court, if it finds *probable cause* ~~that the certification and finds that the statements required by subsection (3)(2) have been made in the application, shall grant a warrant~~ ~~enter an ex parte order~~ authorizing ~~real-time location tracking the installation and use of a mobile tracking device or the acquisition of historical location data.~~ Such ~~warrant order~~ may authorize the use of the *mobile tracking* device within the jurisdiction of the court and outside that jurisdiction but within the State of Florida if the *mobile tracking* device is installed within the jurisdiction of the court. *The warrant must command the officer to complete any installation authorized by the warrant within a specified period of time not to exceed 10 calendar days.*

~~(5)(4)~~ A court may not require greater specificity or additional information beyond that which is required by *law* and this section as a requisite for issuing a ~~warrant~~ ~~an order~~.

(6) *Within 10 days after the time period specified in paragraph (3)(b) has ended, the officer executing a warrant must return the warrant to the issuing judge. When the warrant is authorizing historical location data, the officer executing the warrant must return the warrant to the issuing judge within 10 days after receipt of the records. The officer may do so by reliable electronic means.*

(7) *Within 10 days after the time period specified in paragraph (3)(b) has ended, the officer executing a warrant must serve a copy of the warrant on the person who, or whose property, was tracked. When the warrant is authorizing historical location data, the officer executing the warrant must serve a copy of the warrant on the person whose data was obtained within 10 days after receipt of the records. Service may be accomplished by delivering a copy to the person who, or whose property, was tracked or data obtained or by leaving a copy at the person's residence or usual place of abode with an individual of suitable age and discretion who resides at that location and by mailing a copy to the person's last known address. Upon a showing of good cause to a court of competent jurisdiction, the court may grant one or more postponements of this notice for a period of 90 days each.*

~~(8)(5)~~ The standards established by *Florida courts* and the United States Supreme Court for the installation, *use, or* ~~and~~ monitoring of mobile tracking devices and the acquisition of location data shall apply to the installation, *use, or monitoring* ~~and use~~ of any device and the acquisition of location data as authorized by this section.

~~(6)~~ ~~As used in this section, a "tracking device" means an electronic or mechanical device which permits the tracking of the movement of a person or object.~~

(9)(a) *Notwithstanding any other provision of this chapter, any investigative or law enforcement officer specially designated by the Governor, the Attorney General, the statewide prosecutor, or a state attorney acting pursuant to this chapter who reasonably determines that:*

1. *An emergency exists which:*
  - a. *Involves immediate danger of death or serious physical injury to any person or the danger of escape of a prisoner; and*
  - b. *Requires the installation or use of a mobile tracking device before a warrant authorizing such installation or use can, with due diligence, be obtained; and*
2. *There are grounds upon which a warrant could be issued under this chapter to authorize such installation or use,*

*may install or use a mobile tracking device if, within 48 hours after the installation or use has occurred or begins to occur, a warrant approving the installation or use is issued in accordance with this section.*

(b) *In the absence of an authorizing warrant, such installation or use must immediately terminate when the information sought is obtained, when the application for the warrant is denied, or when 48 hours have lapsed since the installation or use of the mobile tracking device began, whichever is earlier.*

And the title is amended as follows:

Delete lines 2-120 and insert: An act relating to the search of the content, information, and communications of cellular phones, portable electronic communication devices, and microphone-enabled household devices; amending s. 934.01, F.S.; revising and providing legislative findings; amending s. 934.02, F.S.; redefining the term "oral communication"; defining the terms "microphone-enabled household device" and "portable electronic communication device"; amending s. 934.21, F.S.; revising the exceptions to conduct that constitute unlawful access to stored communications; conforming a provision to changes made by the act; amending s. 934.42, F.S.; defining the terms "mobile tracking device," "real-time location tracking," and "historical location data"; authorizing an investigative or law enforcement officer to apply to a judge of competent jurisdiction for a warrant, rather than an order, authorizing real-time location tracking or acquisition of historical location data; requiring an application for a warrant to include a statement of a reasonable period of time that the mobile tracking device may be used or the location data may be obtained in real-time, not to exceed a specified limit; authorizing a court to grant extensions that do not individually exceed a specified limit, for good cause; deleting a provision requiring a certification to be included in the application for an order; providing that the court, if it finds probable cause and finds the required statements in the application, must grant a warrant; specifying the warrant may authorize real-time location tracking or acquisition of historical location data; providing the warrant may authorize the use of the mobile tracking device as specified; requiring the warrant to command the officer to complete any installation authorized by the warrant within a certain timeframe; providing requirements for the return of the warrant to the judge and service of a copy of the warrant on the person who was tracked or whose property was tracked; specifying how a warrant authorizing historical location data must be returned and served; authorizing a court, for good cause, to postpone the notice requirement for a specified time period; deleting the definition of "tracking device"; requiring that the standards established by Florida courts for the installation, use, or monitoring of mobile tracking devices and the acquisition of location data apply to the installation, use, or monitoring of any devices and the acquisition of location data as authorized; authorizing any investigative or law enforcement officer who is specially designated by certain persons and who makes specified determinations to install or use a mobile tracking device under certain circumstances; providing requirements for the installation and use of such mobile tracking devices; providing an effective date.

Pursuant to Rule 7.1, there being no objection, consideration of the following late-filed amendment was allowed:

Senator Brandes moved the following amendment to **Amendment 1 (739040)** which was adopted:

**Amendment 1A (834904) (with title amendment)**—Delete lines 210-224 and insert:

b. *Requires real-time location tracking before a warrant authorizing such tracking can, with due diligence, be obtained; and*

2. *There are grounds upon which a warrant could be issued under this chapter to authorize such tracking,*

*may engage in real-time location tracking if, within 48 hours after the tracking has occurred or begins to occur, a warrant approving the tracking is issued in accordance with this section.*

(b) *In the absence of an authorizing warrant, such tracking must immediately terminate when the information sought is obtained, when the application for the warrant is denied, or when 48 hours have lapsed since the tracking began,*

And the title is amended as follows:

Delete lines 257-285 and insert: to be included in the application; providing that the court, if it finds probable cause and finds the required statements in the application, must grant a warrant; specifying the warrant may authorize real-time location tracking or acquisition of historical location data; providing the warrant may authorize the use of the mobile tracking device as specified; requiring the warrant to command the officer to complete any installation authorized by the warrant within a certain timeframe; providing requirements for the return of the warrant to the judge and service of a copy of the warrant on the person who was tracked or whose property was tracked; specifying how a warrant authorizing historical location data must be returned and served; authorizing a court, for good cause, to postpone the notice requirement for a specified time period; deleting the definition of "tracking device"; requiring that the standards established by Florida courts for the installation, use, or monitoring of mobile tracking devices and the acquisition of location data apply to the installation, use, or monitoring of any devices and the acquisition of location data as authorized; authorizing any investigative or law enforcement officer who is specially designated by certain persons and who makes specified determinations to engage in real-time location tracking if a warrant is later obtained as specified; provides requirements for engaging in real-time location tracking; specifying when real-time location tracking must terminate;

**Amendment 1 (739040)**, as amended, was adopted.

Pursuant to Rule 4.19, **CS for CS for CS for SB 1256**, as amended, was ordered engrossed and then placed on the calendar of Bills on Third Reading.

**CS for SB 1212**—A bill to be entitled An act relating to public records; amending s. 119.071, F.S.; providing an exemption from public records requirements for certain identifying and location information of current or former directors, managers, supervisors, and clinical employees of child advocacy centers that meet certain standards and requirements, members of a child protection team, and the spouses and children thereof; providing for retroactive application; providing for future legislative review and repeal of the exemption; providing a statement of public necessity; providing an effective date.

—was read the second time by title.

Pending further consideration of **CS for SB 1212**, pursuant to Rule 3.11(3), there being no objection, **CS for HB 417** was withdrawn from the Committees on Children, Families, and Elder Affairs; Governmental Oversight and Accountability; and Rules.

On motion by Senator Book—

**CS for HB 417**—A bill to be entitled An act relating to public records; amending s. 119.071, F.S.; providing an exemption from public records requirements for certain identifying and location information of child advocacy center personnel or child protection team members, and their spouses and children; providing for retroactive application; providing for future legislative review and repeal of the exemption; providing a statement of public necessity; providing an effective date.

—a companion measure, was substituted for **CS for SB 1212** and read the second time by title.

Pursuant to Rule 7.1, there being no objection, consideration of the following late-filed amendment was allowed:

Senator Book moved the following amendment which was adopted:

**Amendment 1 (931918) (with title amendment)**—Delete lines 275-345 and insert:

*that meets the standards of s. 39.3035(1) and fulfills the screening requirement of s. 39.3035(2), and the members of a child protection team as described in s. 39.303 whose duties include supporting the investigation of child abuse or sexual abuse, child abandonment, child neglect, and child exploitation or to provide services as part of a multidisciplinary case review team; the names, home addresses, telephone numbers, photographs, dates of birth, and places of employment of the spouses and children of such personnel and members; and the names and locations of schools and day care facilities attended by the children of such personnel*

*and members are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution. This sub-subparagraph is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2023, unless reviewed and saved from repeal through re-enactment by the Legislature.*

3. An agency that is the custodian of the information specified in subparagraph 2. and that is not the employer of the officer, employee, justice, judge, or other person specified in subparagraph 2. shall maintain the exempt status of that information only if the officer, employee, justice, judge, other person, or employing agency of the designated employee submits a written request for maintenance of the exemption to the custodial agency.

4. The exemptions in this paragraph apply to information held by an agency before, on, or after the effective date of the exemption.

Section 2. (1) *The Legislature finds that it is a public necessity that the following identifying and location information be exempt from s. 119.07(1), Florida Statutes, and s. 24(a), Article I of the State Constitution:*

(a) *The home addresses, telephone numbers, dates of birth, and photographs of current or former directors, managers, supervisors, and clinical employees of a child advocacy center that meets the standards of s. 39.3035(1), Florida Statutes, and fulfills the screening requirement of s. 39.3035(2), Florida Statutes.*

(b) *The home addresses, telephone numbers, dates of birth, and photographs of current or former members of a child protection team as described in s. 39.303, Florida Statutes, whose duties include supporting the investigation of child abuse, or sexual abuse, child abandonment, child neglect, or child exploitation or to provide services as part of a multidisciplinary case review team.*

(c) *The names, home addresses, telephone numbers, photographs, dates of birth, and places of employment of the spouses and children of personnel and members identified in paragraphs (a) and (b).*

(d) *The names and locations of schools and day care facilities attended by the children of such personnel and members.*

(2) *The Legislature finds that the release of such identifying and location information may place current or former directors, managers, supervisors, and clinical employees of a child advocacy center that meets the standards of s. 39.3035(1), Florida Statutes, and fulfills the screening requirement of s. 39.3035(2), Florida Statutes, and the members of a child protection team as described in s. 39.303, Florida Statutes, whose duties include supporting the investigation of child abuse, or sexual abuse, child abandonment, child neglect, or child exploitation or to provide services as part of a multidisciplinary case review team, and the family members of such personnel, in danger of physical and emotional harm from hostile persons who may react inappropriately and violently to actions taken by such directors, managers, supervisors, or clinical employees of a child advocacy center or a member of a child protection team. These personnel and members provide services that are necessary and appropriate for abused, abandoned, neglected, and exploited children. In addition, these personnel and members provide valuable and supportive services to the state's most vulnerable residents. Despite the value of such services, some persons may become hostile toward these personnel and members and may pose a threat to them indefinitely. The harm that may result from the release of*

And the title is amended as follows:

Delete lines 5-7 and insert: location information of current or former directors, managers, supervisors, and clinical employees of child advocacy centers that meet certain standards and requirements, members of a child protection team, and the spouses and children thereof; providing for retroactive

Pursuant to Rule 4.19, **CS for HB 417**, as amended, was placed on the calendar of Bills on Third Reading.

**CS for SB 1252**—A bill to be entitled An act relating to distributing pharmaceutical drugs and devices; amending s. 465.027, F.S.; revising

an exception to pharmacy regulations for certain manufacturers and distributors of dialysis drugs or supplies; providing an effective date.

—was read the second time by title.

Pending further consideration of **CS for SB 1252**, pursuant to Rule 3.11(3), there being no objection, **HB 513** was withdrawn from the Committees on Health Policy; Regulated Industries; and Rules.

On motion by Senator Passidomo—

**HB 513**—A bill to be entitled An act relating to distributing pharmaceutical drugs and devices; amending s. 465.027, F.S.; revising an exception to pharmacy regulations for certain manufacturers and distributors of dialysis drugs or supplies; providing an effective date.

—a companion measure, was substituted for **CS for SB 1252** and read the second time by title.

Pursuant to Rule 4.19, **HB 513** was placed on the calendar of Bills on Third Reading.

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Consideration of **CS for SB 662** was deferred.

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**CS for CS for SB 470**—A bill to be entitled An act relating to law enforcement and correctional officers; amending s. 943.10, F.S.; defining the term “special operations forces”; amending s. 943.13, F.S.; authorizing a full-time, part-time, or auxiliary correctional officer to be employed at 18 years of age; exempting former special operations forces members who meet certain requirements from the Criminal Justice Standards and Training Commission-approved basic recruit training program; amending s. 943.131, F.S.; requiring an employing agency, training center, or criminal justice selection center to verify and document that special operations forces applicants meet certain requirements if the applicants seek an exemption from a basic recruit training program approved by the commission; requiring the employing agency, training center, or criminal justice selection center to submit the documentation to the commission; creating s. 944.145, F.S.; prohibiting a correctional officer who is under 19 years of age from supervising inmates; authorizing a correctional officer who is under 19 years of age to perform all other tasks performed by a full-time, part-time, or auxiliary correctional officer; reenacting ss. 943.1395(3) and 943.17296, F.S., relating to certification for employment or appointment as an officer and training in identifying and investigating elder abuse and neglect, respectively, to incorporate the amendment made to s. 943.13, F.S., in references thereto; reenacting ss. 626.989(7), 943.133(1) and (6), and 943.1395(3), (9), and (10), F.S., relating to investigations by the Division of Investigative and Forensic Services, the responsibilities of certain employing entities, and certification for certain employment or appointment, respectively, to incorporate the amendment made to s. 943.131, F.S., in references thereto; providing an effective date.

—was read the second time by title.

Pending further consideration of **CS for CS for SB 470**, pursuant to Rule 3.11(3), there being no objection, **CS for HB 333** was withdrawn from the Committees on Military and Veterans Affairs, Space, and Domestic Security; Appropriations Subcommittee on Criminal and Civil Justice; and Appropriations.

On motion by Senator Stargel—

**CS for HB 333**—A bill to be entitled An act relating to minimum officer qualifications; amending s. 943.10, F.S.; defining the term “special operations forces”; amending s. 943.13, F.S.; exempting certain applicants from completing a basic recruit training program approved by the Criminal Justice Standards and Training Commission under specified conditions; amending s. 943.131, F.S.; requiring an employing agency, training center, or criminal justice selection center to verify and document that certain applicants have served in the special operations forces for a minimum period and completed certain training if they seek an exemption from the commission-approved basic recruit training program; requiring the employing agency, training center, or selection center to submit the documentation to the commission; reenacting ss. 626.989(7), 943.133(1) and (6), and 943.1395(3), (9), and (10), F.S., relating to investigations by the Division of Investigative and Forensic

Services, the responsibilities of certain employing entities, and certification for certain employment or appointment, respectively, to incorporate changes made by the act; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 470** and read the second time by title.

Pursuant to Rule 4.19, **CS for HB 333** was placed on the calendar of Bills on Third Reading.

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Consideration of **CS for CS for SB 590**, **CS for CS for SB 1360**, and **CS for SB 1316** was deferred.

## BILLS ON THIRD READING

**CS for SB 610**—A bill to be entitled An act relating to business filings; amending s. 605.0209, F.S.; authorizing certain persons to correct filed records that contain certain information; providing that a statement of correction filed for certain reasons is not subject to a Department of State fee if delivered within a certain timeframe; amending s. 605.0210, F.S.; requiring the department to send a notice of the filing of a record through e-mail or send a copy of the document to the mailing address of the entity or its representative; providing notice requirements for the department if the record changes an entity’s e-mail or mailing address; amending s. 607.0124 F.S.; authorizing a domestic or foreign corporation to correct certain documents if they contain false, misleading, or fraudulent information; providing that articles of correction filed for certain reasons are not subject to any department fee if delivered within a certain timeframe; amending s. 607.0125, F.S.; requiring the department to send a notice of the filing of a record through e-mail or send a copy of the document to the mailing address of the entity or its representative; providing notice requirements for the department if the record changes the entity’s e-mail or mailing address; amending s. 617.0124, F.S.; authorizing a domestic or foreign corporation to correct certain documents if they contain false, misleading, or fraudulent information; providing that articles of correction filed for certain reasons are not subject to any department fee if delivered within a certain timeframe; amending s. 617.0125, F.S.; requiring the department to send a notice of the filing of a record through e-mail or send a copy of the document to the mailing address of the domestic or foreign corporation or its representative; providing notice requirements for the department if the record changes the domestic or foreign corporation’s e-mail or mailing address; amending s. 620.1206, F.S.; requiring the department to send a notice of the filing of a record through e-mail or send a copy of the document to the mailing address of the limited partnership, foreign limited partnership, or its registered agent; providing notice requirements for the department if the record changes the limited partnership’s or foreign limited partnership’s e-mail or mailing address; amending s. 620.1207, F.S.; authorizing a limited partnership or foreign limited partnership to correct certain documents if they contain misleading or fraudulent information; providing that a statement of correction filed for certain reasons is not subject to any department fee if delivered within a certain timeframe; amending s. 620.8105, F.S.; requiring the department to send a notice of the filing of a document through e-mail or send a copy of the document to the mailing address of the partnership, limited liability partnership, or its agent; providing notice requirements for the department if the record changes the partnership’s or limited liability partnership’s e-mail or mailing address; creating s. 620.81054, F.S.; authorizing a partnership or limited liability partnership to correct a document filed by the department within a certain timeframe and under certain circumstances; providing guidelines for correcting a document; providing construction; providing that articles of correction filed for certain reasons are not subject to a department fee if delivered within a certain timeframe; amending ss. 620.1201, 620.1202, 620.1203, 620.1812, and 620.2108, F.S.; conforming provisions to changes made by the act; providing an effective date.

—was read the third time by title.

Pending further consideration of **CS for SB 610**, pursuant to Rule 3.11(3), there being no objection, **CS for HB 661** was withdrawn from the Committees on Commerce and Tourism; Appropriations Sub-

committee on Transportation, Tourism, and Economic Development; and Appropriations.

On motion by Senator Young, by two-thirds vote—

CS for HB 661—A bill to be entitled An act relating to business filings; amending s. 605.0209, F.S.; authorizing certain persons to correct filed records that contain certain information; providing that a statement of correction filed for certain reasons is not subject to a Department of State fee if delivered within a certain timeframe; amending s. 605.0210, F.S.; requiring the department to send a notice of the filing of a record by electronic mail or send a copy of the document to the mailing address of the company or foreign limited liability company or its representative; providing notice requirements for the department if the record changes the company's electronic mail or mailing address; amending s. 607.0124; authorizing a domestic or foreign corporation to correct certain documents that contain certain information; providing that articles of correction filed for certain reasons are not subject to a department fee if delivered within a certain timeframe; amending s. 607.0125, F.S.; requiring the department to send a notice of the filing of a record by electronic mail or send a copy of the document to the mailing address of the domestic or foreign corporation or its representative; providing notice requirements for the department if the record changes the corporation's electronic mail or mailing address; amending s. 617.0124, F.S.; authorizing a domestic or foreign corporation to correct certain documents that contain certain information; providing that articles of correction filed for certain reasons are not subject to a department fee if delivered within a certain timeframe; amending s. 617.0125, F.S.; requiring the department to send a notice of the filing of a record by electronic mail or send a copy of the document to the mailing address of the domestic or foreign corporation or its representative; providing notice requirements for the department if the record changes the domestic or foreign corporation's electronic mail or mailing address; amending s. 620.1206, F.S.; requiring the department to send a notice of the filing of a record by electronic mail or send a copy of the document to the mailing address of the limited partnership, foreign limited partnership, or its registered agent; providing notice requirements for the department if the record changes the limited partnership's or foreign limited partnership's electronic mail or mailing address; amending s. 620.1207, F.S.; authorizing a limited partnership or foreign limited partnership to correct certain documents that contain certain information; providing that a statement of correction filed for certain reasons is not subject to a department fee if delivered within a certain timeframe; amending s. 620.8105, F.S.; requiring the department to send a notice of the filing of a document by electronic mail or send a copy of the document to the mailing address of the partnership, limited liability partnership, or its agent; providing notice requirements for the department if the record changes the partnership's or limited liability partnership's electronic mail or mailing address; creating s. 620.81054, F.S.; authorizing a partnership or limited liability partnership to correct a filed document within a certain timeframe and under certain circumstances; providing guidelines for correcting a document; providing construction; providing that articles of correction filed for certain reasons are not subject to a department fee if delivered within a certain timeframe; amending ss. 620.1201, 620.1202, 620.1203, 620.1812, and 620.2108, F.S.; conforming provisions to changes made by the act; providing an effective date.

—a companion measure, was substituted for CS for SB 610 and read the second time by title.

On motion by Senator Young, by two-thirds vote, CS for HB 661 was read the third time by title, passed, and certified to the House. The vote on passage was:

Yeas—29

- |             |          |           |
|-------------|----------|-----------|
| Baxley      | Campbell | Hukill    |
| Bean        | Farmer   | Hutson    |
| Benacquisto | Flores   | Mayfield  |
| Bracy       | Gainer   | Passidomo |
| Bradley     | Galvano  | Perry     |
| Braynon     | Gibson   | Rodriguez |
| Broxson     | Grimley  | Rouson    |

- |         |          |        |
|---------|----------|--------|
| Simmons | Steube   | Torres |
| Simpson | Taddeo   | Young  |
| Stargel | Thurston |        |

Nays—2

- |       |         |
|-------|---------|
| Rader | Stewart |
|-------|---------|

Vote after roll call:

Yea—Book, Brandes, Montford, Powell

Nay to Yea—Rader, Stewart

CS for CS for CS for SB 1876—A bill to be entitled An act relating to trauma services; amending ss. 318.14, 318.18, and 318.21, F.S.; requiring that moneys received from specified penalties be allocated to certain trauma centers by a calculation that uses the Agency for Health Care Administration's hospital discharge data; amending s. 395.4001, F.S.; defining and redefining terms; conforming a cross-reference; amending s. 395.402, F.S.; revising legislative intent; revising the trauma service areas and provisions relating to the number and location of trauma centers; prohibiting the Department of Health from designating an existing Level II trauma center as a new pediatric trauma center or from designating an existing Level II trauma center as a Level I trauma center in a trauma service area that already has an existing Level I or pediatric trauma center; apportioning trauma centers within each trauma service area; requiring the department to establish the Florida Trauma System Advisory Council by a specified date; authorizing the council to submit certain recommendations to the department; providing for the membership of the council; requiring the council to meet no later than a specified date and to meet at least quarterly; amending s. 395.4025, F.S.; conforming provisions to changes made by the act; requiring the department to periodically prepare an analysis of the state trauma system using the agency's hospital discharge data and specified population data; specifying contents of the report; requiring the department to make available all data, formulas, methodologies, calculations, and risk adjustment tools used in preparing the data in the report; requiring the department to notify each acute care general hospital and local and regional trauma agency in a trauma service area that has an identified need for an additional trauma center that the department is accepting letters of intent; prohibiting the department from accepting a letter of intent and from approving an application for a trauma center if there is not statutory capacity for an additional trauma center; revising the department's review process for hospitals seeking designation as a trauma center; authorizing the department to approve certain applications for designation as a trauma center if specified requirements are met; providing that a hospital applicant that meets such requirements must be ready to operate in compliance with specified trauma standards by a specified date; deleting a provision authorizing the department to grant a hospital applicant an extension of time to meet certain standards and requirements; requiring the department to select one or more hospitals for approval to prepare to operate as a trauma center; providing selection requirements; prohibiting an applicant from operating as a provisional trauma center until the department has completed its review process and approved the application; requiring a specified review team to make onsite visits to newly operational trauma centers within a certain timeframe; requiring the department, based on recommendations from the review team, to designate a trauma center that is in compliance with specified requirements; deleting the date by which the department must select trauma centers; providing that only certain hospitals may protest a decision made by the department; providing that certain trauma centers that were verified by the department or determined by the department to be in substantial compliance with specified standards before specified dates are deemed to have met application and operational requirements; requiring the department to designate a certain provisionally approved Level II trauma center as a trauma center if certain criteria are met; prohibiting such designated trauma center from being required to cease trauma operations unless the department or a court determines that it has failed to meet certain standards; providing construction; amending ss. 395.403 and 395.4036, F.S.; conforming provisions to changes made by the act; amending s. 395.404, F.S.; requiring trauma centers to participate in the National Trauma Data Bank; requiring trauma centers and acute care hospitals to report trauma patient transfer and outcome data to the department; deleting provisions re-



lating to the department review of trauma registry data; amending ss. 395.401, 408.036, and 409.975, F.S.; conforming cross-references; requiring the department to work with the Office of Program Policy Analysis and Government Accountability to study the department's licensure requirements, rules, regulations, standards, and guidelines for pediatric trauma services and compare them to those of the American College of Surgeons; requiring the office to submit a report of the findings of the study to the Governor, Legislature, and advisory council by a specified date; providing for the expiration of provisions relating to the study; providing for invalidity; providing an effective date.

—was read the third time by title.

Pending further consideration of **CS for CS for CS for SB 1876**, pursuant to Rule 3.11(3), there being no objection, **CS for CS for HB 1165** was withdrawn from the Committees on Health Policy; Appropriations Subcommittee on Health and Human Services; Appropriations; and Rules.

On motion by Senator Young, by two-thirds vote—

**CS for CS for HB 1165**—A bill to be entitled An act relating to trauma services; amending ss. 318.14, 318.18, and 318.21, F.S.; requiring that moneys received from specified penalties be allocated to certain trauma centers by a calculation that uses the Agency for Health Care Administration's hospital discharge data; amending s. 395.4001, F.S.; revising the definition of the term "trauma caseload volume"; defining the term "high-risk patient"; conforming cross-references; amending s. 395.402, F.S.; revising legislative intent; revising trauma service areas and the number and location of trauma centers; prohibiting the Department of Health from designating an existing Level II trauma center as a new pediatric trauma center or from designating an existing Level II trauma center as a Level I trauma center in a trauma service area that already has an existing Level I or pediatric trauma center; apportioning trauma centers within each trauma service area; requiring the department to establish the Florida Trauma System Advisory Council by a specified date; authorizing the council to submit certain recommendations to the department; providing for the membership of the council; requiring the council to meet no later than a specified date and to meet at least quarterly; amending s. 395.4025, F.S.; conforming provisions to changes made by the act; requiring the department to periodically prepare an analysis of the state trauma system using the agency's hospital discharge data and specified population data; specifying contents of the report; requiring the department to make available all data, formulas, methodologies, and risk adjustment tools used in analyzing the data in the report; requiring the department to notify each acute care general hospital and local and regional trauma agency in a trauma service area that has an identified need for an additional trauma center that the department is accepting letters of intent; prohibiting the department from accepting a letter of intent and from approving an application for a trauma center if there is not statutory capacity for an additional trauma center; revising the department's review process for hospitals seeking designation as a trauma center; authorizing the department to approve certain applications for designation as a trauma center if specified requirements are met; providing that a hospital applicant that meets such requirements must be ready to operate in compliance with specified trauma standards by a specified date; deleting a provision authorizing the department to grant a hospital applicant an extension time to meet certain standards and requirements; requiring the department to select one or more hospitals for approval to prepare to operate as a trauma center; providing selection requirements; prohibiting an applicant from operating as a trauma center until the department has completed its review process and approved the application; requiring a specified review team to make onsite visits to newly operational trauma centers within a certain timeframe; requiring the department, based on recommendations from the review team, to designate a trauma center that is in compliance with specified requirements; deleting the date by which the department must select trauma centers; providing that only certain hospitals may protest a decision made by the department; providing that certain trauma centers that were verified by the department or determined by the department to be in substantial compliance with specified standards before specified dates are deemed to have met application and operational requirements; requiring the department to designate a certain provisionally approved Level II trauma center as a trauma center if certain criteria are met; prohibiting such designated trauma center from being required to cease trauma operations unless the department or a court determines that it has failed to meet certain

standards; providing construction; amending ss. 395.403 and 395.4036, F.S.; conforming provisions to changes made by the act; amending s. 395.404, F.S.; requiring trauma centers to participate in the National Trauma Data Bank; requiring trauma centers and acute care hospitals to report trauma patient transfer and outcome data to the department; deleting provisions relating to the department review of trauma registry data; amending ss. 395.401, 408.036, and 409.975, F.S.; conforming cross-references; providing for invalidity; requiring the Florida Trauma Center Advisory Council to conduct a study evaluating the laws, rules, regulations, standards, and guidelines for the designation of pediatric trauma centers as compared to those of a national trauma center accreditation body; requiring the council to submit a report of the findings and recommendations of the study to the Governor and Legislature by a specified date; requiring the department to provide assistance to the council; providing for expiration of the study; providing for invalidity; providing an effective date.

—a companion measure, was substituted for **CS for CS for CS for SB 1876** and read the second time by title.

On motion by Senator Young, by two-thirds vote, **CS for CS for HB 1165** was read the third time by title, passed, and certified to the House. The vote on passage was:

Yeas—34

Baxley	Galvano	Rouson
Bean	Gibson	Simmons
Benacquisto	Grimsley	Simpson
Book	Hukill	Stargel
Bradley	Hutson	Steube
Brandes	Lee	Stewart
Braynon	Mayfield	Taddeo
Broxson	Passidomo	Thurston
Campbell	Perry	Torres
Farmer	Powell	Young
Flores	Rader	
Gainer	Rodriguez	

Nays—None

Vote after roll call:

Yea—Montford

**HB 281**—A bill to be entitled An act relating to incarcerated parents; creating s. 39.6021, F.S.; requiring the Department of Children and Families to obtain specified information from a facility where a parent is incarcerated under certain circumstances; providing an exception; requiring that a parent who is incarcerated be included in case planning and provided with a copy of the case plan; providing requirements for case plans; specifying that the incarcerated parent is responsible for complying with facility procedures and policies to access services or maintain contact with his or her children as provided in the case plan; requiring the parties to the case plan to move to amend the case plan if a parent becomes incarcerated after a case plan has been developed and the parent's incarceration has an impact on permanency for the child; requiring that the case plan include certain information if the incarcerated parent is released before it expires; requiring the department to include certain information in the case plan if the incarcerated parent does not participate in its preparation; providing construction; providing an effective date.

—was read the third time by title.

On motion by Senator Bean, **HB 281** was passed and certified to the House. The vote on passage was:

Yeas—36

Baxley	Bradley	Farmer
Bean	Brandes	Flores
Benacquisto	Braynon	Gainer
Book	Broxson	Galvano
Bracy	Campbell	Gibson

Grimsley	Perry	Stargel
Hukill	Powell	Steube
Hutson	Rader	Stewart
Lee	Rodriguez	Taddeo
Mayfield	Rouson	Thurston
Montford	Simmons	Torres
Passidomo	Simpson	Young

Nays—None

**HB 6033**—A bill to be entitled An act relating to Volunteer Florida, Inc.; amending s. 14.29, F.S.; abrogating the future repeal date of the not for profit direct-support organization established by the Florida Commission on Community Service; providing an effective date.

—was read the third time by title.

On motion by Senator Baxley, **HB 6033** was passed and certified to the House. The vote on passage was:

Yeas—35

Baxley	Gainer	Rodriguez
Bean	Galvano	Rouson
Benacquisto	Gibson	Simmons
Book	Grimsley	Simpson
Bracy	Hukill	Stargel
Bradley	Hutson	Steube
Brandes	Mayfield	Stewart
Braynon	Montford	Taddeo
Broxson	Passidomo	Thurston
Campbell	Perry	Torres
Farmer	Powell	Young
Flores	Rader	

Nays—None

## RECESS

On motion by Senator Braynon, the Senate recessed at 11:19 a.m. to reconvene at 2:00 p.m., or upon call of the President.

## AFTERNOON SESSION

The Senate was called to order by Senator Benacquisto at 2:00 p.m. A quorum present—35:

Baxley	Gainer	Rader
Bean	Galvano	Rodriguez
Benacquisto	Gibson	Rouson
Book	Grimsley	Simmons
Bracy	Hukill	Stargel
Bradley	Hutson	Steube
Brandes	Lee	Stewart
Braynon	Mayfield	Taddeo
Broxson	Montford	Thurston
Campbell	Passidomo	Torres
Farmer	Perry	Young
Flores	Powell	

## BILLS ON THIRD READING, continued

**HB 639**—A bill to be entitled An act relating to equitable distribution of marital assets and liabilities; amending s. 61.075, F.S.; redefining the term “marital assets and liabilities” for purposes of equitable distribution in dissolution of marriage actions; providing that the term includes the paydown of principal of notes and mortgages secured by nonmarital real property and certain passive appreciation in such property under certain circumstances; providing formulas and guidelines for determining the amount of such passive appreciation; authorizing the court to require security and interest when installment payments are

ordered in the division of assets; providing applicability; providing an effective date.

—was read the third time by title.

On motion by Senator Passidomo, **HB 639** was passed and certified to the House. The vote on passage was:

Yeas—31

Baxley	Gainer	Rodriguez
Benacquisto	Galvano	Simmons
Book	Gibson	Stargel
Bracy	Grimsley	Steube
Bradley	Hukill	Stewart
Brandes	Hutson	Taddeo
Braynon	Mayfield	Thurston
Broxson	Montford	Torres
Campbell	Passidomo	Young
Farmer	Powell	
Flores	Rader	

Nays—None

Vote after roll call:

Yea—Bean, Perry, Rouson

Consideration of **CS for HB 365** was deferred.

**HB 1013**—A bill to be entitled An act relating to daylight saving time; providing a short title; providing legislative intent regarding the State of Florida and its political subdivisions observing daylight saving time year-round under certain conditions; providing an effective date.

—was read the third time by title.

On motion by Senator Steube, **HB 1013** was passed and certified to the House. The vote on passage was:

Yeas—33

Baxley	Gainer	Rader
Benacquisto	Galvano	Rodriguez
Book	Gibson	Rouson
Bracy	Grimsley	Simmons
Bradley	Hukill	Stargel
Brandes	Hutson	Steube
Braynon	Lee	Stewart
Broxson	Mayfield	Taddeo
Campbell	Montford	Thurston
Farmer	Passidomo	Torres
Flores	Perry	Young

Nays—2

Bean Powell

**CS for HB 1187**—A bill to be entitled An act relating to guardianship; amending s. 744.2104, F.S.; requiring certain medical, financial, or mental health records or financial audits that are necessary as part of an investigation of a guardian as a result of a complaint filed for certain purposes with a designee of the Office of Public and Professional Guardians to be provided to the Office of Public and Professional Guardians upon that office’s request; amending s. 744.368, F.S.; authorizing the clerk of the court to conduct audits and cause the initial and annual guardianship reports to be audited under certain circumstances; requiring the clerk to advise the court of the results of any such audit; prohibiting any fee or cost incurred by the guardian in responding to the review or audit from being paid or reimbursed by the ward’s assets if there is a finding of wrongdoing by the court; amending s. 744.3701, F.S.; authorizing the clerk to disclose confidential information

to the Department of Children and Families or law enforcement agencies for certain purposes as provided by court order; amending s. 744.444, F.S.; authorizing certain guardians of property to provide confidential information about a ward which is related to an investigation arising under specified provisions to a clerk or to an Office of Public and Professional Guardians investigator conducting such an investigation; providing that any such clerk or Office of Public and Professional Guardians investigator has a duty to maintain the confidentiality of such information; providing an effective date.

—was read the third time by title.

On motion by Senator Passidomo, **CS for HB 1187** was passed and certified to the House. The vote on passage was:

Yeas—34

Bean	Galvano	Rodriguez
Benacquisto	Gibson	Rouson
Book	Grimsley	Simmons
Bracy	Hukill	Simpson
Bradley	Hutson	Stargel
Brandes	Lee	Steube
Braynon	Mayfield	Stewart
Broxson	Montford	Taddeo
Campbell	Passidomo	Thurston
Farmer	Perry	Torres
Flores	Powell	
Gainer	Rader	

Nays—1

Baxley

Vote after roll call:

Yea—Young

**CS for CS for HB 591**—A bill to be entitled An act relating to missing persons; amending s. 683.231, F.S.; making technical changes; abrogating the scheduled repeal of provisions governing the citizen support organization for Florida Missing Children’s Day; amending s. 937.041, F.S.; expanding a project for missing persons with special needs to all centers for autism and related disabilities at state universities; revising requirements for personal devices used in the project; providing an effective date.

—was read the third time by title.

On motion by Senator Perry, **CS for CS for HB 591** was passed and certified to the House. The vote on passage was:

Yeas—37

Baxley	Galvano	Rodriguez
Bean	Garcia	Rouson
Benacquisto	Gibson	Simmons
Book	Grimsley	Simpson
Bracy	Hukill	Stargel
Bradley	Hutson	Steube
Brandes	Lee	Stewart
Braynon	Mayfield	Taddeo
Broxson	Montford	Thurston
Campbell	Passidomo	Torres
Farmer	Perry	Young
Flores	Powell	
Gainer	Rader	

Nays—None

**HB 1437**—A bill to be entitled An act relating to employment services for persons with disabilities; creating ss. 413.015 and 413.209, F.S.; specifying that participants in certain disabled persons’ work experi-

ence activities are considered state employees for workers’ compensation purposes; providing an effective date.

—was read the third time by title.

On motion by Senator Baxley, **HB 1437** was passed and certified to the House. The vote on passage was:

Yeas—37

Baxley	Galvano	Rodriguez
Bean	Garcia	Rouson
Benacquisto	Gibson	Simmons
Book	Grimsley	Simpson
Bracy	Hukill	Stargel
Bradley	Hutson	Steube
Brandes	Lee	Stewart
Braynon	Mayfield	Taddeo
Broxson	Montford	Thurston
Campbell	Passidomo	Torres
Farmer	Perry	Young
Flores	Powell	
Gainer	Rader	

Nays—None

**CS for HB 631**—A bill to be entitled An act relating to the possession of real property; amending s. 66.021, F.S.; authorizing a person with a superior right to possession of real property to recover possession by ejectment; declaring that circuit courts have exclusive jurisdiction; providing that a plaintiff is not required to provide any presuit notice or demand to a defendant; requiring that copies of instruments be attached to a complaint or answer under certain circumstances; requiring a statement to list certain details; providing for construction; amending s. 82.01, F.S.; redefining the terms “unlawful entry” and “forcible entry”; defining the terms “real property,” “record titleholder,” and “unlawful detention”; amending s. 82.02, F.S.; exempting possession of real property under part II of ch. 83, F.S., and under chs. 513 and 723, F.S.; amending s. 82.03, F.S.; providing that a person entitled to possession of real property has a cause of action to regain possession from another person who obtained possession of real property by forcible entry, unlawful entry, or unlawful detainer; providing that a person entitled to possession is not required to give a defendant presuit notice; requiring the court to award the plaintiff extra damages if a defendant acted in a willful and knowingly wrongful manner; authorizing bifurcation of actions for possession and damages; requiring that an action be brought by summary procedure; requiring the court to advance the cause on the calendar; renumbering and amending s. 82.045, F.S.; conforming provisions to changes made by the act; amending s. 82.04, F.S.; requiring that the court determine the right of possession and damages; prohibiting the court from determining question of title unless necessary; amending s. 82.05, F.S.; requiring that the summons and complaint be attached to the real property after two unsuccessful attempts to serve a defendant; requiring a plaintiff to provide the clerk of the court with prestamped envelopes and additional copies of the summons and complaint if the defendant is served by attaching the summons and complaint to the real property; requiring the clerk to immediately mail copies of the summons and complaint and note the fact of mailing in the docket; specifying that service is effective on the date of posting or mailing; requiring that 5 days elapse after the date of service before the entry of a judgment; amending s. 82.091, F.S.; providing requirements after a judgment is entered for the plaintiff or the defendant; amending s. 82.101, F.S.; adding quiet title to the types of future actions for which a judgment is not conclusive as to certain facts; providing that the judgment may be superseded by a subsequent judgment; creating s. 163.035, F.S.; prohibiting a local government from enacting or enforcing an ordinance or rule based on the customary use of property; providing an exception; repealing s. 82.061, F.S., relating to service of process; repealing s. 82.071, F.S., relating to evidence at trial as to damages; repealing s. 82.081, F.S., relating to trial verdict forms; providing an effective date.

—as amended March 5, was read the third time by title.

On motion by Senator Passidomo, **CS for HB 631**, as amended, was passed and certified to the House. The vote on passage was:

Yeas—29

Baxley	Gibson	Simmons
Bean	Grimsley	Simpson
Benacquisto	Lee	Stargel
Book	Mayfield	Steube
Bradley	Montford	Stewart
Brandes	Passidomo	Taddeo
Braynon	Perry	Thurston
Broxson	Powell	Torres
Flores	Rader	Young
Galvano	Rouson	

Nays—7

Bracy	Gainer	Rodriguez
Campbell	Hukill	
Farmer	Hutson	

**CS for HB 1267**—A bill to be entitled An act relating to telephone solicitation; creating s. 365.176, F.S.; providing a short title; defining terms; authorizing telecommunication providers to block certain calls; prohibiting the blocking of certain calls; authorizing telecommunication providers to rely upon caller identification service information to determine originating numbers for the purpose of blocking such calls; providing an effective date.

—was read the third time by title.

On motion by Senator Grimsley, **CS for HB 1267** was passed and certified to the House. The vote on passage was:

Yeas—37

Baxley	Galvano	Rodriguez
Bean	Garcia	Rouson
Benacquisto	Gibson	Simmons
Book	Grimsley	Simpson
Bracy	Hukill	Stargel
Bradley	Hutson	Steube
Brandes	Lee	Stewart
Braynon	Mayfield	Taddeo
Broxson	Montford	Thurston
Campbell	Passidomo	Torres
Farmer	Perry	Young
Flores	Powell	
Gainer	Rader	

Nays—None

**CS for HB 361**—A bill to be entitled An act relating to persons authorized to visit juvenile facilities; creating s. 985.6885, F.S.; authorizing specified persons to visit, during certain hours, all facilities housing juveniles which are operated or overseen by the Department of Juvenile Justice or a county; authorizing such persons to visit the juvenile facilities outside of certain hours pursuant to department rules; prohibiting the department from unreasonably withholding permission for visits to such facilities by certain persons; requiring the department to adopt rules; providing an effective date.

—was read the third time by title.

On motion by Senator Brandes, **CS for HB 361** was passed and certified to the House. The vote on passage was:

Yeas—37

Baxley	Book	Brandes
Bean	Bracy	Braynon
Benacquisto	Bradley	Broxson

Campbell	Lee	Simpson
Farmer	Mayfield	Stargel
Flores	Montford	Steube
Gainer	Passidomo	Stewart
Galvano	Perry	Taddeo
Garcia	Powell	Thurston
Gibson	Rader	Torres
Grimsley	Rodriguez	Young
Hukill	Rouson	
Hutson	Simmons	

Nays—None

**HB 1285**—A bill to be entitled An act relating to the Florida Business Corporation Act; amending s. 607.512, F.S.; authorizing the omission of certain confidential information from an annual benefit report of a social purpose corporation; amending s. 607.612, F.S.; authorizing the omission of certain confidential information from an annual benefit report of a benefit corporation; amending s. 658.23, F.S.; authorizing the modification of form articles of incorporation to include provisions required for a social purpose or benefit corporation; amending s. 658.30, F.S.; providing that certain provisions of the act extend to financial institutions in certain circumstances; authorizing stockholders, directors, and committees of financial institutions to hold meetings as authorized by the act; amending s. 658.36, F.S.; authorizing a financial institution to approve special stock offering plans notwithstanding provisions of the act; providing an effective date.

—as amended March 5, was read the third time by title.

On motion by Senator Thurston, **HB 1285**, as amended, was passed and certified to the House. The vote on passage was:

Yeas—37

Baxley	Galvano	Rodriguez
Bean	Garcia	Rouson
Benacquisto	Gibson	Simmons
Book	Grimsley	Simpson
Bracy	Hukill	Stargel
Bradley	Hutson	Steube
Brandes	Lee	Stewart
Braynon	Mayfield	Taddeo
Broxson	Montford	Thurston
Campbell	Passidomo	Torres
Farmer	Perry	Young
Flores	Powell	
Gainer	Rader	

Nays—None

Consideration of **CS for SB 502**, **CS for HB 55**, and **CS for SB 1048** was deferred.

**SPECIAL GUESTS**

Senator Taddeo introduced her daughter, Sofia Taddeo Goldstein, who was present in the gallery.

**MOTIONS**

On motion by Senator Braynon, the rules were waived and all bills temporarily postponed and remaining on the Special Order Calendar this day were retained on the Special Order Calendar.

**MOTIONS RELATING TO COMMITTEE REFERENCE**

On motion by Senator Braynon, by two-thirds vote, **SB 1050** was withdrawn from the Committees on Appropriations Subcommittee on

Transportation, Tourism, and Economic Development; and Appropriations; **SB 554** was withdrawn from the Committees on Transportation; Appropriations Subcommittee on Transportation, Tourism, and Economic Development; and Appropriations; **CS for SB 1504** was withdrawn from the Committee on Appropriations; and **CS for CS for SB 904**, **CS for CS for SB 1418**, **CS for SB 1594**, and **CS for CS for SB 1576** were withdrawn from the Committee on Rules.

## REPORTS OF COMMITTEES

Pursuant to Rule 4.17(1), the Rules Chair, Majority Leader, and Minority Leader submit the following bills to be placed on the Special Order Calendar for Tuesday, March 6, 2018: SB 1562, CS for CS for SB 1622, CS for CS for CS for SB 1880, CS for SB 290, SB 404, CS for SB 876, CS for SB 8, CS for SB 906, CS for CS for SB 1598, CS for SB 266, CS for SB 776, CS for CS for SB 918, CS for SB 1460, SB 938, CS for SB 1364, SB 950, SB 1302, CS for SB 1042, CS for CS for CS for SB 1256, CS for SB 1212, CS for SB 1252, CS for SB 662, CS for CS for SB 470.

Respectfully submitted,  
*Lizbeth Benacquisto*, Rules Chair  
*Wilton Simpson*, Majority Leader  
*Oscar Braynon II*, Minority Leader

The Committee on Appropriations recommends committee substitutes for the following: CS for SB 1104; CS for SB 1396

**The bills with committee substitute attached were placed on the Calendar.**

## COMMITTEE SUBSTITUTES

### FIRST READING

By the Committees on Appropriations; and Transportation; and Senator Brandes—

**CS for CS for SB 1104**—A bill to be entitled An act relating to transportation; amending s. 20.23, F.S.; requiring the Department of Transportation to consist of a central office that establishes policies and procedures and districts that carry out projects as authorized or required under the policies and procedures of the central office; deleting the requirement that the Secretary of Transportation be appointed from among three persons nominated by the Florida Transportation Commission; amending s. 316.003, F.S.; adding, deleting, and revising definitions; amending s. 316.008, F.S.; authorizing a mobile carrier to be operated on sidewalks and crosswalks within a county or municipality when such use is permissible under federal law; providing construction; amending s. 316.0895, F.S.; providing construction; deleting a provision relating to prohibitions on certain vehicles following other vehicles within 300 feet; repealing s. 316.0896, F.S., relating to the assistive truck platooning technology pilot project; creating s. 316.0897, F.S.; authorizing a platoon to be operated on a roadway in this state after an operator takes specified actions; requiring the Department of Transportation to adopt rules for the issuance of permits for the operation of platoons, subject to certain requirements; providing for the future repeal of this section; amending s. 316.2071, F.S.; authorizing a mobile carrier to operate on sidewalks and crosswalks; providing that a mobile carrier operating on a sidewalk or crosswalk has all the rights and duties applicable to a pedestrian under the same circumstances, except that the mobile carrier must not unreasonably interfere with pedestrians or traffic and must yield the right-of-way to pedestrians on the sidewalk or crosswalk; specifying requirements for a mobile carrier; prohibiting a mobile carrier from taking specified actions; amending s. 316.302, F.S.; revising regulations to which owners and drivers of commercial motor vehicles are subject; delaying the requirement for electronic logging devices and support documents for certain intrastate motor carriers; deleting a limitation on a civil penalty for falsification of certain time records; deleting a requirement that a motor carrier maintain certain documentation of driving times; providing an exemption from specified provisions for a person who operates a commercial motor vehicle having a certain gross vehicle weight, gross vehicle weight rating, and gross combined weight rating; deleting the exemption from such provisions for a person transporting petroleum products; amending s. 316.303, F.S.; conforming a provision to changes made by

the act; amending s. 316.85, F.S.; authorizing the Florida Turnpike Enterprise to fund, construct, and operate test facilities for the advancement of autonomous and connected innovative transportation technology solutions for specified purposes; amending s. 319.141, F.S.; redefining the term “rebuilt inspection services”; deleting obsolete language; requiring the Department of Highway Safety and Motor Vehicles to ensure that an applicant of the pilot rebuilt motor vehicle inspection program meets basic criteria designed to protect the public before the applicant is renewed; revising requirements for the applicant; requiring the operator of a facility to annually make certain attestations; prohibiting a program participant from conducting an inspection of a vehicle rebuilt before its purchase by the current applicant; requiring that such vehicles be inspected by the department; requiring any applicant that fails an initial rebuilt inspection to have that vehicle reinspected only by the department or the facility that conducted the original inspection; prohibiting any person or business authorized by the department to train, certify, or recertify operators and inspectors of private rebuilt motor vehicle inspection facilities from certifying or recertifying themselves or any of their employees; requiring the department to conduct an onsite facility inspection at least twice a year; requiring a current operator to give the department certain notice of a transfer before any transfer of a rebuilt inspection facility; requiring a transferee to meet certain eligibility requirements and execute a new memorandum of understanding with the department before operating the facility; extending the date for future repeal of this section; requiring the department to submit a certain written report to the Legislature on or before a specified date; amending s. 319.32, F.S.; prohibiting the department and the tax collector from charging any fee or service charge, except for the expedited title fee, if applicable, for a certificate of title issued for a motor vehicle to transfer the title from a deceased owner to a surviving parent or any surviving child, if the parent or child is a resident of this state, the vehicle is titled in this state before the transfer, and the parent or child applies for the title transfer within a specified period after the death of the owner; amending s. 320.01, F.S.; revising definitions; amending s. 320.02, F.S.; requiring the application form for motor vehicle registration and renewal of registration to include language permitting a voluntary contribution of a specified amount per applicant to aid in Alzheimer’s and other related dementia research; requiring such contributions to be distributed to the Alzheimer’s Association, Inc., for the purpose of supporting research conducted in this state; providing that a mobile carrier is not required to satisfy specified registration and insurance requirements; amending s. 320.03, F.S.; preempting to the state jurisdiction over the electronic filing system for use by authorized electronic filing system agents to process title transactions, derelict motor vehicle certificates, and certain certificates of destruction for derelict and salvage motor vehicles; authorizing an entity that, in the normal course of its business, processes title transactions, derelict motor vehicle certificates, or certain certificates of destruction for derelict or salvage motor vehicles and meets all established requirements, to be an authorized electronic filing system agent; prohibiting such an entity from being precluded from participating in the electronic filing system in any county; deleting provisions requiring the department to adopt certain rules to replace specified program standards; authorizing the department to adopt certain rules; amending s. 320.06, F.S.; requiring a vehicle that has an apportioned registration to be issued, before a specified date, an annual license plate and a cab card denoting the declared gross vehicle weight; providing requirements, beginning on a specified date, for license plates, cab cards, and validation stickers for vehicles registered in accordance with the International Registration Plan; providing a specified fee for initial and renewed validation stickers; requiring the fee to be deposited into the Highway Safety Operating Trust Fund; authorizing a damaged or worn license plate to be replaced at no charge under certain circumstances; providing an exception to the design of dealer license plates for specialty license plates; amending s. 320.0605, F.S.; requiring that the department-authorized paper or electronic registration certificate or an official copy and a true copy or an electronic copy of rental or lease documentation issued for a motor vehicle or issued for a replacement vehicle in the same registration period be in the possession of the operator thereof or be carried in the vehicle for which issued and be exhibited upon demand of any authorized law enforcement officer or any agent of the department; specifying that the act of presenting to a law enforcement officer or agent of the department an electronic device displaying an electronic copy of rental or lease documentation does not constitute consent for the officer or agent to access any information on the device other than the displayed rental or lease documentation; requiring the person who presents the device to the officer or agent to

assume the liability for any resulting damage to the device; providing that rental or lease documentation that includes the date and time of rental is sufficient to satisfy a specified requirement; amending s. 320.0607, F.S.; providing an exemption, beginning on a specified date, from a certain fee for vehicles registered under the International Registration Plan; amending s. 320.0657, F.S.; providing an exception to the design of fleet license plates for specialty license plates; authorizing fleet companies to purchase specialty license plates in lieu of the standard fleet license plates for additional specified fees; requiring fleet companies to be responsible for all costs associated with the specialty license plate; amending s. 320.08, F.S.; authorizing dealers to purchase specialty license plates in lieu of the standard graphic dealer license plates for additional specified fees; requiring dealers to be responsible for all costs associated with the specialty license plate; amending s. 320.08056, F.S.; allowing the department to authorize dealer and fleet specialty license plates; authorizing a dealer or fleet company to purchase specialty license plates to be used on dealer and fleet vehicles with the permission of the sponsoring specialty license plate organization; requiring a dealer or fleet specialty license plate to include specified letters on the right side of the license plate; requiring dealer and fleet specialty license plates to be ordered directly through the department; amending s. 320.131, F.S.; authorizing, beginning on a specified date, the department to partner with a county tax collector to conduct a Fleet Vehicle Temporary Tag pilot program, subject to certain requirements; providing for future repeal; amending s. 320.95, F.S.; authorizing the department to authorize the format of an electronic certificate of registration in addition to printing a paper registration certificate; authorizing the operator to present for inspection an electronic device displaying a department-issued electronic certificate or registration issued under certain circumstances; providing that such presentation does not constitute consent for inspection of any information on the device other than the displayed certificate of registration; providing that the person who presents the device to the officer assumes the liability for any resulting damage to the device; amending s. 322.01, F.S.; providing definitions; amending s. 322.032, F.S.; directing the department to implement protocols for issuing an optional electronic credential and procure a related technology solution; providing requirements for qualified entities; requiring the department to maintain certain protocols and national standards; requiring the department to timely review and approve all electronic credential provider requests for authorized access to certain interfaces that meet the agency's requirements; providing requirements for an electronic credential provider and the electronic credential and verification solution; requiring the department to procure electronic credential providers and a credential service provider; requiring the department to enter into specified agreements with electronic credential providers; requiring a report to the Legislature and the Governor; requiring that the department provide electronic credential providers access to a standardized digital transaction process that has specified capabilities; requiring that certain revenue be deposited into the Motor Vehicle License Clearing Trust Fund for distribution; authorizing the department to assess a competitive market rate fee structure; prohibiting certain fees; requiring that an electronic credential be in a format that allows certain entities to verify the authenticity of such electronic credential and to validate certain privileges; providing that presenting an electronic device displaying an electronic credential does not constitute consent for a law enforcement officer to access any other information on such device; providing for the assumption of liability; amending s. 322.059, F.S.; conforming a provision to changes made by the act; amending s. 322.09, F.S.; providing that a caregiver of a minor who is under a specified age and is in foster care does not assume any obligation or become liable for any damages caused by the negligence or willful misconduct of the minor by reason of having signed the minor's application for a learner's driver license; requiring a caseworker to notify the caregiver of his or her intent to sign and verify such application before signing the application; amending s. 322.143, F.S.; revising a definition; amending s. 322.15, F.S.; conforming a provision to changes made by the act; amending s. 322.38, F.S.; prohibiting a person from renting a motor vehicle to another until he or she has verified that the driver license of the person to whom the vehicle is rented is unexpired; deleting the requirement that a person renting a motor vehicle to another keep a record of the date when the license of the person to whom the vehicle is rented was issued; specifying that a rental car company is deemed to have met specified requirements when the rental car company requires the renter to verify that he or she is duly licensed and that the license is unexpired if the rental car company rents a motor vehicle to a person through certain digital, electronic, or other means; specifying when such

verification may occur; amending s. 322.61, F.S.; conforming a cross-reference; amending s. 324.021, F.S.; revising the definition of the term "motor vehicle"; amending s. 324.031, F.S.; authorizing the owner or operator of a taxicab, limousine, jitney, or any other for-hire passenger transportation vehicle to prove financial responsibility by providing satisfactory evidence of holding a motor vehicle liability policy that is provided by an insurer that is authorized to do business in this state and a member of the Florida Insurance Guaranty Association or an eligible nonadmitted insurer that has a certain financial strength rating by a rating agency acceptable to the Office of Insurance Regulation of the Financial Services Commission; amending s. 324.032, F.S.; decreasing the minimum amount of taxicabs, limousines, jitneys, or any other for-hire passenger transportation vehicles that an owner or a lessee operates in order to be able to provide financial responsibility by complying with specified provisions, subject to certain requirements; amending s. 338.166, F.S.; revising provisions relating to express lane toll amounts charged according to average travel speed; providing that an express lane segment is the distance between the customer's point of entry to the first available exit; providing that additional segments are defined by the distance between subsequent exits; amending s. 338.2216, F.S.; revising provisions relating to express lane toll amounts charged according to level of service; providing that an express lane segment is the distance between the customer's point of entry to the first available exit; providing that additional segments are defined by the distance between subsequent exits; deleting a provision requiring a customer to be charged the general toll lane toll amount plus an amount set by department rule under certain circumstances; creating s. 334.352, F.S.; prohibiting a local governmental entity from preventing motor vehicle access to a transportation facility or transportation corridor under certain circumstances; amending s. 655.960, F.S.; conforming a cross-reference; amending s. 812.014, F.S.; providing a criminal penalty for an offender committing grand theft who uses a device to interfere with a global positioning or similar system; providing effective dates.

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By the Committees on Appropriations; and Judiciary; and Senators Steube and Brandes—

**CS for CS for SB 1396**—A bill to be entitled An act relating to the judicial branch; creating s. 25.025, F.S.; authorizing certain Supreme Court Justices to have an appropriate facility in their district of residence designated as their official headquarters; providing that an official headquarters may serve only as a justice's private chambers; providing that such justices are eligible for a certain subsistence allowance and reimbursement for certain transportation expenses; requiring that such allowance and reimbursement be made to the extent appropriated funds are available, as determined by the Chief Justice; requiring the Chief Justice to coordinate with certain persons in implementing designations of official headquarters; providing that a county is not required to provide space for a justice in a county courthouse; authorizing counties to enter into agreements with the Supreme Court for the use of county courthouse space; prohibiting the Supreme Court from using state funds to lease space in a facility to allow a justice to establish an official headquarters; amending s. 26.031, F.S.; adding judges to the Ninth Judicial Circuit Court; amending s. 29.008, F.S.; providing applicability and construction; amending s. 30.15, F.S.; requiring sheriffs to provide security for trial court facilities; requiring sheriffs to coordinate with a certain the chief judge on security matters for trial court facilities and to retain operational control over how they provide security for such facilities; specifying that the chief judge has certain decision-making authority as part of his or her administrative supervision responsibility; specifying that sheriffs and their deputies, employees, and contractors are officers of the court when providing security for trial court facilities; amending s. 34.01, F.S.; increasing the limit of the amount in controversy in certain actions at law under which the county court has original jurisdiction of such actions; providing for adjustments to the limit at specified intervals due to inflation or deflation; specifying filing fees, services charges, and a requirement for the clerk of court's remittal of such fees in actions in which the amount in controversy exceeds a specified amount; amending s. 34.022, F.S.; adding judges to certain county courts; amending s. 105.031, F.S.; requiring the appropriate qualifying officer to refund the qualifying fee to an unopposed candidate for the office of circuit court judge or county court judge by a specified date; providing effective dates.

## MESSAGES FROM THE HOUSE OF REPRESENTATIVES

### FIRST READING

The Honorable Joe Negron, President

I am directed to inform the Senate that the House of Representatives has passed CS/HB 63, as amended, and requests the concurrence of the Senate.

*Portia Palmer, Clerk*

By PreK-12 Quality Subcommittee and Representative(s) Edwards-Walpole, Rodrigues, Cortes, J., Cruz, Davis, Donalds, Drake, Duran, Good, Gruters, Hardemon, Harrell, Jenne, Jones, Lee, Magar, Mariano, Mercado, Newton, Perez, Plasencia, Raschein, Silvers, Sullivan, Watson, C., Willhite—

**CS for HB 63**—A bill to be entitled An act relating to students with disabilities in public schools; amending s. 1003.573, F.S., relating to the seclusion and restraint of students with disabilities; providing definitions; providing requirements for the use of restraint; prohibiting specified physical restraint techniques; providing requirements for the use of exclusionary and nonexclusionary time; providing requirements for school districts to report and publish training procedures; providing for student-centered followup; providing requirements for documenting, reporting, and monitoring the use of restraint and seclusion; revising school district policies and procedures relating to restraint and seclusion; amending s. 1012.582, F.S.; requiring continuing education and inservice training for teaching students with emotional or behavioral disabilities; conforming provisions; providing an effective date.

—was referred to the Committees on Education; Health Policy; and Rules.

The Honorable Joe Negron, President

I am directed to inform the Senate that the House of Representatives has passed CS/CS/HB 465, as amended, and requests the concurrence of the Senate.

*Portia Palmer, Clerk*

By Commerce Committee, Insurance & Banking Subcommittee and Representative(s) Santiago—

**CS for CS for HB 465**—A bill to be entitled An act relating to insurance; amending s. 625.151, F.S.; providing an exception from valuation rules for stocks in subsidiaries for certain foreign insurers under certain conditions; amending s. 625.325, F.S.; exempting foreign insurers from investment requirements relating to subsidiaries and corporations under certain conditions; amending s. 626.221, F.S.; providing an exception from an examination requirement for an all-lines adjuster license applicant with a specified designation; repealing s. 626.918(2)(a), F.S., relating to eligibility of certain surplus lines insurers; amending s. 626.9651, F.S.; revising requirements for rules adopted by the Department of Financial Services and the Financial Services Commission relating to the privacy of certain consumer information; amending s. 627.416, F.S.; revising requirements for execution of insurance policies; amending s. 627.43141, F.S.; revising the requirements for notice of change in policy terms; amending s. 627.7015, F.S.; authorizing insurers to participate in mediations requested by third parties; revising terminology; amending s. 627.728, F.S.; providing requirements for sufficient proof of notice for certain motor vehicle insurance notices; amending s. 628.4615, F.S.; revising the definition of the term "specialty insurer" to include viatical settlement providers; providing requirements and procedures for a person seeking to rebut a presumption of control in a specialty insurer; amending s. 628.8015, F.S.; revising the type of documents that are not admissible in evidence in a private civil action; amending s. 629.401, F.S.; revising reserve requirements for reciprocal insurers; amending s. 634.121, F.S.; providing definitions; providing that provisions relating to the delivery of insurance policy documents by insurers to policyholders apply to certain motor vehicle service agreements provided by motor vehicle service agreement companies; deleting specified methods

for the delivery of such documents; amending s. 641.3107, F.S.; providing definitions; providing that provisions relating to the delivery of insurance policy documents by insurers to policyholders apply to delivery of such documents by health maintenance organizations to subscribers; providing effective dates.

—was referred to the Committees on Banking and Insurance; Judiciary; and Appropriations.

The Honorable Joe Negron, President

I am directed to inform the Senate that the House of Representatives has passed CS/CS/CS/CS/HB 469 and requests the concurrence of the Senate.

*Portia Palmer, Clerk*

By Judiciary Committee, Government Accountability Committee, Careers & Competition Subcommittee, Natural Resources & Public Lands Subcommittee and Representative(s) Harrison—

**CS for CS for CS for CS for HB 469**—A bill to be entitled An act relating to the salvage of pleasure vessels; creating s. 559.9602, F.S.; providing scope and applicability; providing definitions; requiring salvors of pleasure vessels to provide specified written notice; providing an exception; providing remedies; specifying that such remedies are in addition to others provided by law; providing an effective date.

—was referred to the Committees on Commerce and Tourism; Transportation; and Rules.

The Honorable Joe Negron, President

I am directed to inform the Senate that the House of Representatives has passed CS/HB 495, as amended, and requests the concurrence of the Senate.

*Portia Palmer, Clerk*

By Education Committee and Representative(s) Diaz, M., Bileca—

**CS for HB 495**—A bill to be entitled An act relating to education; amending s. 1002.33, F.S.; revising the criteria for denying high-performing charter school system applications; revising the requirements for the term of a charter; revising provisions for the modification of a charter; revising the student populations for which a charter school is authorized to limit the enrollment process; revising the process for resolving contractual disputes; amending s. 1002.331, F.S.; revising the criteria for designation as a high-performing charter school; revising the calculation used to determine facility capacity for such charter schools; revising the number of schools that may be established by a high-performing charter school; amending s. 1002.333, F.S.; providing for certain funds for the Schools of Hope Program to be carried forward for a specified number of years; amending s. 1007.2616, F.S.; providing a definition; providing requirements for specified instruction relating to computer science; requiring certain computer science courses to be included in the Course Code Directory and published on the Department of Education's website by a specified date; requiring the Florida Virtual School to offer certain computer science courses; requiring school districts to provide access to computer science courses offered by the Florida Virtual school or by other means under certain circumstances; providing funds for school districts to provide professional development for classroom teachers; providing Department of Education responsibilities for the distribution of such funds; requiring high school students to be provided opportunities to take certain courses to certain meet graduation requirements; providing funds for bonuses for certain classroom teachers; requiring, rather than authorizing, the State Board of Education to adopt rules; amending s. 1011.62, F.S.; renaming the "supplemental academic instruction categorical fund" as the "supplemental academic instruction allocation"; requiring certain school districts to use the allocation for specified purposes; deleting an obsolete date; deleting a provision authorizing the Florida State University School to expend specified funds for certain purposes; revising provisions for the transfer of categorical funds; amending s. 1011.6202, F.S.; renaming the "Principal Autonomy Pilot Program" as the "Principal Autonomy Program"; providing that any school district may apply to

participate in the program; providing that a school shall retain its exemption from specified laws under specified circumstances; requiring a designated leadership team at a participating school to complete a certain turnaround program; deleting a provision providing a specified amount of funds to a participating school district that completes the turnaround program; authorizing certain principals to manage additional schools as part of a district innovation academy or zone; providing requirements for such zones; authorizing the principal to allocate resources and personnel between the schools; deleting reporting requirements; providing for funding; revising the principal eligibility criteria for a salary supplement through the program; amending s. 1011.69, F.S.; authorizing certain high schools to receive Title I funds; providing that a school district may withhold Title I funds for specified purposes; authorizing certain schools to use Title I funds for specified purposes; providing an exception for specified funds; amending s. 1011.71, F.S.; prohibiting a school district from withholding charter school administrative fees under certain circumstances; creating s. 1011.79, F.S.; requiring the Department of Education to issue a competitive solicitation for a review of the Florida Price Level Index methodology; requiring subsequent reviews every 10 years; requiring the department to provide the results of all reviews to the Legislature and the Executive Office of the Governor; amending s. 1012.2315, F.S.; requiring school districts to negotiate a memorandum of understanding with certified collective bargaining units to address certain personnel issues; amending s. 1012.28, F.S.; conforming a provision to changes made by the act; amending s. 1012.32, F.S.; requiring a district school board to reimburse certain costs if it fails to notify a charter school of the eligibility status of certain persons; amending s. 1013.28, F.S.; requiring school districts to provide charter schools access to certain property on the same basis as public schools; prohibiting certain actions by a charter school without the written permission of the school district; amending s. 1013.385, F.S.; providing additional exceptions to certain building code regulations for school districts; amending s. 1013.62, F.S.; revising requirements for charter school capital outlay funding; requiring each district to certify certain information to the department by October 1 each year; conforming provisions to changes made by the act; providing effective dates.

—was referred to the Committees on Education; Appropriations Subcommittee on Pre-K - 12 Education; and Appropriations.

The Honorable Joe Negron, President

I am directed to inform the Senate that the House of Representatives has passed CS/HB 609, as amended, and requests the concurrence of the Senate.

*Portia Palmer, Clerk*

By Public Integrity & Ethics Committee and Representative(s) Davis, Pritchett—

**CS for HB 609**—A bill to be entitled An act relating to vote-by-mail ballots; amending s. 101.69, F.S.; authorizing a supervisor of elections to accept an elector's voted vote-by-mail ballot at an early voting site in the county where the elector is registered to vote during the site's hours of operation; requiring the Division of Elections to adopt rules; providing an effective date.

—was referred to the Committees on Ethics and Elections; and Rules.

The Honorable Joe Negron, President

I am directed to inform the Senate that the House of Representatives has passed CS/CS/CS/HB 815, as amended, and requests the concurrence of the Senate.

*Portia Palmer, Clerk*

By Government Accountability Committee, Public Integrity & Ethics Committee, Local, Federal & Veterans Affairs Subcommittee and Representative(s) Avila, La Rosa—

**CS for CS for CS for HB 815**—A bill to be entitled An act relating to county and municipal public officer transparency; amending s. 112.061, F.S.; requiring that requests for travel authorization by county or mu-

nicipal public officers be approved by the governing body of the county or municipality at a regularly scheduled meeting; specifying requirements for such requests; requiring that approved travel be posted on the county's or municipality's website for a specified period; providing exceptions; requiring a county, county constitutional officer, or municipality to adopt a travel policy; requiring a county, county constitutional officer, or municipality to include travel expenses as a separate budget item; amending s. 166.021, F.S.; providing that the governing body of a municipality or an agency thereof which provides a per diem and travel policy must comply with and is not exempt from specified provisions; providing an effective date.

—was referred to the Committees on Ethics and Elections; Community Affairs; and Rules.

The Honorable Joe Negron, President

I am directed to inform the Senate that the House of Representatives has passed CS/CS/HB 837 and requests the concurrence of the Senate.

*Portia Palmer, Clerk*

By Government Accountability Committee, Natural Resources & Public Lands Subcommittee and Representative(s) Edwards-Walpole, Jacobs, Lee—

**CS for CS for HB 837**—A bill to be entitled An act relating to domestic wastewater collection system assessment and maintenance; creating s. 403.1839, F.S.; providing definitions; providing legislative findings; establishing the blue star collection system assessment and maintenance program and providing its purpose; requiring the Department of Environmental Protection to adopt rules and review and approve program applications for certification; specifying the documentation utilities must submit to qualify for certification; providing for certification expiration and renewal; requiring the department to publish an annual list of certified blue star utilities; requiring the department to allow public and private, nonprofit utilities to participate in the Clean Water State Revolving Fund Program under certain conditions; authorizing the department to reduce penalties for sanitary sewer overflows at certified utilities and for investments in certain assessment and maintenance activities; amending s. 403.067, F.S.; creating a presumption of compliance for certain total maximum daily load requirements for certified utilities; amending s. 403.087, F.S.; requiring the department to issue extended operating permits to certified utilities under certain conditions; amending s. 403.161, F.S.; authorizing the department to reduce penalties based on certain system investments for permitted facilities; amending s. 403.1838, F.S.; authorizing additional recipients and uses of Small Community Sewer Construction grants; providing an effective date.

—was referred to the Committees on Environmental Preservation and Conservation; Communications, Energy, and Public Utilities; Appropriations; and Rules.

The Honorable Joe Negron, President

I am directed to inform the Senate that the House of Representatives has passed CS/HB 985 and requests the concurrence of the Senate.

*Portia Palmer, Clerk*

By Health & Human Services Committee and Representative(s) Gonzalez—

**CS for HB 985**—A bill to be entitled An act relating to involuntary commitment; amending s. 393.11, F.S.; requiring the Agency for Persons with Disabilities to provide certain notice of eligibility determinations; requiring the court to conduct annual hearings on the continued need for involuntary placement in residential services; revising duties of the court in hearings for involuntary admission; requiring the court to pay reasonable fees for the evaluation and testimony given by members of the examining committee; deleting a provision requiring such fees to be paid from each county's general revenue fund; providing for participation of a guardian or guardian advocate in placement determinations; amending s. 916.301, F.S.; revising provisions relating to court appointment of certain qualified experts to evaluate a defendant's



mental condition; allowing the court to determine reasonable fees for experts; amending s. 916.3012, F.S.; revising provisions governing acceptable recommended training for a defendant determined incompetent to proceed; amending s. 916.302, F.S.; requiring the court to hold a competency hearing within a specified timeframe when a defendant is competent to proceed; providing for referral of dually diagnosed defendants to the Department of Children and Families or the agency for placement in a facility; providing for transferring a defendant between the department and the agency under certain circumstances; amending s. 916.3025, F.S.; providing for the court to retain jurisdiction over certain defendants found nonrestorable to competency; amending s. 916.303, F.S.; revising provisions governing the dismissal of charges against a defendant found to be incompetent to proceed and who does not have a guardian or guardian advocate; amending s. 916.304, F.S.; providing a limitation on conditional release for community-based competency training for a defendant who is incompetent to proceed; providing an effective date.

—was referred to the Committees on Children, Families, and Elder Affairs; Appropriations Subcommittee on Health and Human Services; and Appropriations.

The Honorable Joe Negron, President

I am directed to inform the Senate that the House of Representatives has passed CS/CS/CS/HB 1041 and requests the concurrence of the Senate.

*Portia Palmer, Clerk*

By Judiciary Committee, Commerce Committee, Careers & Competency Subcommittee and Representative(s) Plakon, Ahern—

**CS for CS for CS for HB 1041**—A bill to be entitled An act relating to professional regulation; amending s. 326.004, F.S.; deleting the requirement for a yacht broker to maintain a separate license for each branch office; deleting the requirement for the division to establish a fee; amending s. 447.02, F.S.; conforming provisions; repealing s. 447.04, F.S., relating to licensure and permit requirements for business agents; repealing s. 447.041, F.S., relating to hearings for persons or labor organizations denied licensure as a business agent; repealing s. 447.045, F.S., relating to confidential information obtained during the application process; repealing s. 447.06, F.S., relating to required registration of labor organizations; amending s. 447.09, F.S.; deleting certain prohibited actions relating to the right of franchise of a member of a labor organization; repealing s. 447.12, F.S., relating to registration fees; repealing s. 447.16, F.S., relating to applicability; amending s. 447.305, F.S.; deleting a provision that requires notification of registrations and renewals to the department; amending s. 455.213, F.S.; conforming a cross-reference; requiring the board to use a specified process for the review of an applicant's criminal record to determine the applicant's eligibility for certain licenses; prohibiting the conviction of a crime before a specified date from being grounds for the denial of certain licenses; defining the term "conviction"; authorizing a person to apply for a license before his or her lawful release from confinement or supervision; prohibiting additional fees for an applicant confined or under supervision; prohibiting the board from basing a denial of a license application solely on the applicant's current confinement or supervision; authorizing the board to stay the issuance of an approved license under certain circumstances; requiring the board to verify an applicant's release with the Department of Corrections; providing requirements for the appearance of certain applicants at certain meetings; requiring the board to provide a list on its website specifying how certain crimes affect an applicant's eligibility for licensure; amending s. 464.203, F.S.; prohibiting the conviction of a crime before a specified date from being grounds for the denial of a certification under certain circumstances; prohibiting the conviction of a crime before a specified date from being grounds for the failure of a background screening; defining the term "conviction"; authorizing a person to apply for certification before his or her lawful release from confinement or supervision; prohibiting additional fees for an applicant confined or under supervision; prohibiting the board from basing the denial of a certification solely on the applicant's current confinement or supervision; authorizing the board to stay the issuance of an approved certificate under certain circumstances; requiring the board to verify an applicant's release with the Department of Corrections; providing requirements for the appearance of certain applicants at certain meetings; requiring the board provide a list on its

website specifying how certain crimes may affect an applicant's eligibility for certification; amending s. 400.211, F.S.; conforming a cross-reference; amending s. 469.006, F.S.; revising licensure requirements for asbestos abatement consulting or contracting as a partnership, corporation, business trust, or other legal entity; amending s. 469.009, F.S.; conforming provisions; requiring the Florida Engineering Management Corporation to develop a plan by a date certain for returning regulatory authority over engineers to the Department of Business and Professional Regulation; providing plan requirements; requiring that the plan be submitted to the Legislature by a specified date; amending s. 11.45, F.S.; conforming provisions to changes made by the act; amending s. 471.0035, F.S.; conforming a cross-reference; amending s. 471.005, F.S.; conforming provisions to changes made by the act; amending ss. 471.011, 471.015, 471.017, 471.021, 471.023, and 471.033, F.S.; conforming provisions to changes made by the act; repealing s. 471.038, F.S., relating to the Florida Engineers Management Corporation Act; repealing s. 471.0385, F.S., relating to the effect of a court action finding the Florida Engineering Management Corporation unconstitutional or in violation of antitrust laws; providing for the transfer of certain rules, duties, balances, funds, and functions of the Florida Engineering Management Corporation to the Department of Business and Professional Regulation by a type two transfer; amending s. 476.034, F.S.; defining the terms "restricted barber" and "restricted barbering"; amending s. 476.114, F.S.; revising training requirements for licensure as a barber; providing requirements for licensure by examination as a restricted barber; amending s. 476.144, F.S.; requiring the department to license an applicant who the board certifies is qualified to practice restricted barbering; amending s. 477.013, F.S.; revising and providing definitions; repealing s. 477.0132, F.S., relating to registration for hair braiding, hair wrapping, and body wrapping; amending s. 477.0135, F.S.; providing that licensure or registration is not required for persons whose occupation or practice is confined solely to hair braiding, hair wrapping, body wrapping, nail polishing, and makeup application; amending s. 477.019, F.S.; conforming provisions; amending s. 477.0201, F.S.; providing requirements for registration as a nail specialist, facial specialist, or full specialist; amending ss. 477.026, 477.0265, and 477.029, F.S.; conforming provisions; amending s. 481.203, F.S.; revising definitions; amending s. 481.219, F.S.; revising the process by which a business organization obtains the requisite license to perform architectural services or interior design; requiring that a licensee or an applicant apply to qualify a business organization to practice architecture or interior design; providing application requirements; authorizing the Board of Architecture and Interior Design to deny an application under certain circumstances; providing notice requirements; prohibiting a business organization from engaging in certain practices until it is qualified by a qualifying agent; authorizing the executive director or the chair of the board to authorize a temporary qualifying agent for a specified timeframe under certain circumstances; requiring the board to allow an applicant to qualify one or more business organizations or to operate using a fictitious name under certain circumstances; deleting a requirement for the administration of disciplinary action against a corporation, limited liability company, or partnership; conforming provisions to changes made by the act; amending s. 481.221, F.S.; requiring a business organization to include the license number of a certain registered architect or interior designer in any advertising; providing an exception; conforming provisions to changes made by the act; amending s. 481.229, F.S.; conforming provisions to changes made by the act; amending s. 481.303, F.S.; revising definitions; amending ss. 481.311 and 481.317, F.S.; conforming provisions; amending s. 481.319, F.S.; deleting the requirement for a certificate of authorization; authorizing landscape architects to practice through a corporation or partnership; amending s. 481.321, F.S.; revising requirements related to the display of a certificate number; amending s. 481.329, F.S.; conforming a cross-reference; amending s. 287.055, F.S.; conforming a provision; amending s. 489.553, F.S.; requiring the board to use a specified process for the review of an applicant's criminal record to determine the applicant's eligibility for certain licenses; prohibiting the conviction of a crime before a specified date from being grounds for the denial of certain licenses; defining the term "conviction"; authorizing a person to apply for a license before his or her lawful release from confinement or supervision; prohibiting additional fees for an applicant confined or under supervision; prohibiting the board from basing a denial of a license application solely on the applicant's current confinement or supervision; authorizing the board to stay the issuance of an approved license under certain circumstances; requiring the board to verify an applicant's release with the Department of Corrections; providing requirements for the appearance of certain

applicants at certain meetings; requiring the board to provide a list on its website specifying how certain crimes affect an applicant's eligibility for licensure; amending s. 492.104, F.S.; making conforming and technical changes; amending s. 492.111, F.S.; deleting the requirements for a certificate of authorization for a professional geologist; amending ss. 492.113 and 492.115, F.S.; conforming provisions; amending s. 548.003, F.S.; deleting the requirement that the Florida State Boxing Commission adopt rules relating to a knockdown timekeeper; amending s. 548.017, F.S.; deleting the licensure requirement for a timekeeper or announcer; providing effective dates.

—was referred to the Committees on Regulated Industries; Commerce and Tourism; Appropriations; and Rules.

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The Honorable Joe Negron, President

I am directed to inform the Senate that the House of Representatives has passed CS/HB 1049 and requests the concurrence of the Senate.

*Portia Palmer, Clerk*

By Government Accountability Committee and Representative(s) Sullivan, Fischer—

**CS for HB 1049**—A bill to be entitled An act relating to poll workers; amending s. 102.014, F.S.; prohibiting certain organizations from placing certain signage or paraphernalia in specified locations; amending s. 102.021, F.S.; prohibiting a supervisor of elections from paying an organization in lieu of a poll worker; amending s. 102.031, F.S.; prohibiting certain poll workers from wearing certain items in specified locations during specified times; providing an effective date.

—was referred to the Committees on Ethics and Elections; Community Affairs; and Rules.

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The Honorable Joe Negron, President

I am directed to inform the Senate that the House of Representatives has passed CS/HB 1065, as amended, and requests the concurrence of the Senate.

*Portia Palmer, Clerk*

By Criminal Justice Subcommittee and Representative(s) Eagle, Jones, Ahern, Davis, Hardemon, Harrell, Jacquet—

**CS for HB 1065**—A bill to be entitled An act relating to expunction of criminal history records; amending s. 943.0585, F.S.; providing that a person receiving a judgment of acquittal or not guilty verdict is eligible to have his or her criminal record expunged; amending s. 943.059, F.S.; revising the circumstances under which the Department of Law Enforcement must issue a certificate of eligibility for the sealing of a criminal history record; providing an effective date.

—was referred to the Committees on Criminal Justice; Judiciary; and Rules.

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The Honorable Joe Negron, President

I am directed to inform the Senate that the House of Representatives has passed CS/CS/HB 1149, as amended, and requests the concurrence of the Senate.

*Portia Palmer, Clerk*

By Government Accountability Committee, Natural Resources & Public Lands Subcommittee and Representative(s) Payne, Edwards-Walpole, Jacobs—

**CS for CS for HB 1149**—A bill to be entitled An act relating to environmental regulation; amending s. 373.250, F.S.; deleting an obsolete provision; providing examples of reclaimed water use that may create an impact offset; revising the required provisions of the water resource implementation rule; amending s. 373.413, F.S.; directing the Department of Environmental Protection and water management districts to reissue the construction phase of an expired environmental

resource permit under certain conditions; providing requirements for requesting reissuance of such permit; authorizing the department, in coordination with the water management districts, to adopt rules; amending s. 403.064, F.S.; encouraging the development of aquifer recharge for reuse implementation; requiring the department and water management districts to develop and enter into a memorandum of agreement providing for a coordinated review of any reclaimed water project requiring a reclaimed water facility permit, an underground injection control permit, and a consumptive use permit; specifying the required provisions of such memorandum; specifying the date by which the memorandum must be developed and executed; amending s. 403.706, F.S.; requiring counties and municipalities to address contamination of recyclable material in specified contracts; prohibiting counties and municipalities from requiring the collection or transport of contaminated recyclable material by residential recycling collectors; defining the term "residential recycling collector"; specifying required contract provisions in residential recycling collector and materials recovery facility contracts with counties and municipalities; providing applicability; amending s. 403.813, F.S.; prohibiting a local government from requiring further department verification for certain projects; revising the types of dock and pier replacements and repairs that are exempt from such verification and certain permitting requirements; amending s. 373.4135, F.S.; providing an exemption from certain requirements for mitigation areas created by a local government under a permit issued before a specified date and for certain mitigation banks; amending s. 373.4598, F.S.; revising requirements related to the operation of water storage and use for Phase I and Phase II of the C-51 reservoir project if state funds are appropriated for such phases; authorizing the South Florida Water Management District to enter into certain capacity allocation agreements and to request a waiver for repayment of certain loans; authorizing the Department of Environmental Protection to waive such loan repayment under certain conditions; providing that the district is not responsible for repayment of such loans; creating s. 403.1839, F.S.; providing definitions; providing legislative findings; establishing the blue star collection system assessment and maintenance program and providing its purpose; requiring the Department of Environmental Protection to adopt rules and review and approve program applications for certification; specifying the documentation utilities must submit to qualify for certification; providing for certification expiration and renewal; requiring the department to publish an annual list of certified blue star utilities; requiring the department to allow public and private, nonprofit utilities to participate in the Clean Water State Revolving Fund Program under certain conditions; authorizing the department to reduce penalties for sanitary sewer overflows at certified utilities and for investments in certain assessment and maintenance activities; amending s. 403.067, F.S.; creating a presumption of compliance for certain total maximum daily load requirements for certified utilities; amending s. 403.087, F.S.; requiring the department to issue extended operating permits to certified utilities under certain conditions; amending s. 403.161, F.S.; authorizing the department to reduce penalties based on certain system investments for permitted facilities; amending s. 403.1838, F.S.; authorizing additional recipients and uses of Small Community Sewer Construction grants; providing an effective date.

—was referred to the Committees on Environmental Preservation and Conservation; Community Affairs; and Appropriations.

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The Honorable Joe Negron, President

I am directed to inform the Senate that the House of Representatives has passed CS/CS/HB 1211 and requests the concurrence of the Senate.

*Portia Palmer, Clerk*

By Commerce Committee, Careers & Competition Subcommittee and Representative(s) Abruzzo, Jenne, La Rosa, Raschein—

**CS for CS for HB 1211**—A bill to be entitled An act relating to airboat regulation; providing a short title; amending s. 327.391, F.S.; requiring a commercial airboat operator to have specified documents onboard the airboat while carrying passengers for hire; providing an exception; providing a penalty; directing the Fish and Wildlife Conservation Commission to adopt rules by a specified date; providing an effective date.

—was referred to the Committees on Environmental Preservation and Conservation; Appropriations Subcommittee on the Environment and Natural Resources; and Appropriations.

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The Honorable Joe Negron, President

I am directed to inform the Senate that the House of Representatives has passed CS/HB 1301 and requests the concurrence of the Senate.

*Portia Palmer, Clerk*

By Justice Appropriations Subcommittee and Representative(s) Fitzenhagen, Hager—

**CS for HB 1301**—A bill to be entitled An act relating to sexual offenders and predators; amending s. 775.21, F.S.; reducing the aggregate and consecutive number of days used to determine residency for purposes of sexual predator or sexual offender registration; providing for a mandatory minimum sentence of community control with electronic monitoring for certain offenses committed by sexual predators if the court does not impose a prison sentence; amending s. 943.0435, F.S.; providing for a mandatory minimum sentence of community control with electronic monitoring for certain offenses committed by sexual offenders if the court does not impose a prison sentence; providing an effective date.

—was referred to the Committees on Criminal Justice; Appropriations; and Rules.

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The Honorable Joe Negron, President

I am directed to inform the Senate that the House of Representatives has passed CS/HB 1317 by the required constitutional two-thirds vote of the members voting and requests concurrence of the Senate.

*Portia Palmer, Clerk*

By Oversight, Transparency & Administration Subcommittee and Representative(s) Jacobs—

**CS for HB 1317**—A bill to be entitled An act relating to public records; amending s. 406.135, F.S.; revising the definition of the term "medical examiner"; providing that a legal guardian shall have access, under certain circumstances, to a photograph or video or audio recording of an autopsy held by a medical examiner; providing that a legal guardian shall be given reasonable notice of, a copy of, and reasonable notice of an opportunity to be present and heard at any hearing on a petition to view or make a copy of such photograph or recording under certain circumstances; providing an exemption from public records requirements for a specified time after a medical examiner has completed an autopsy report; providing for future legislative review and repeal of the exemption; providing criminal penalties for any custodian of an autopsy report or a certain record who willfully and knowingly violates specified provisions; providing retroactive applicability; providing a statement of public necessity; providing an effective date.

—was referred to the Committees on Health Policy; Governmental Oversight and Accountability; and Rules.

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The Honorable Joe Negron, President

I am directed to inform the Senate that the House of Representatives has passed CS/CS/HB 1383 and requests the concurrence of the Senate.

*Portia Palmer, Clerk*

By Government Accountability Committee, Ways & Means Committee and Representative(s) Latvala—

**CS for CS for HB 1383**—A bill to be entitled An act relating to tax deed sales; amending s. 197.502, F.S.; requiring a tax certificateholder to pay specified costs required to bring the property on which taxes are delinquent to sale; requiring the tax collector to cancel a tax deed application if certain costs are not paid within a specified period for certain purposes; revising procedures for applying for, recording, and releasing tax deed applications; revising the entities that must be notified before

the sale of the property; revising provisions to require property information reports for certain purposes; prohibiting a tax collector from accepting or paying for a property information report under certain circumstances; amending s. 197.522, F.S.; authorizing a clerk to rely on addresses provided by the tax collector for specified purposes; amending s. 197.582, F.S.; revising procedures for the disbursement of surplus funds by clerks; providing forms for use in noticing and claiming surplus funds; specifying methods for delivering claims to the clerk's office; providing deadlines for filing claims; providing procedures to be used by clerks in determining disbursement of surplus funds; authorizing a tax deed recipient to pay specified liens; specifying procedures to be used by the tax clerk if surplus funds are not claimed; providing an effective date.

—was referred to the Committees on Community Affairs; and Appropriations Subcommittee on Finance and Tax.

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The Honorable Joe Negron, President

I am directed to inform the Senate that the House of Representatives has passed CS/HB 1401 and requests the concurrence of the Senate.

*Portia Palmer, Clerk*

By Criminal Justice Subcommittee and Representative(s) Altman—

**CS for HB 1401**—A bill to be entitled An act relating to judgments in criminal cases; amending s. 812.014, F.S.; providing for electronic records of judgments; amending s. 921.241, F.S.; providing for electronic records of judgments; providing definitions; providing forms; providing for collection of fingerprints; amending s. 921.242, F.S.; providing for electronic records of judgments; providing an effective date.

—was referred to the Committees on Criminal Justice; Judiciary; and Rules.

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The Honorable Joe Negron, President

I am directed to inform the Senate that the House of Representatives has passed CS/CS/HB 1435 and requests the concurrence of the Senate.

*Portia Palmer, Clerk*

By Health Care Appropriations Subcommittee, Children, Families & Seniors Subcommittee and Representative(s) Perez, Geller, Jenne, Killebrew, Lee, Olszewski, Peters, Williams—

**CS for CS for HB 1435**—A bill to be entitled An act relating to child welfare; creating s. 39.4015, F.S.; providing legislative findings and intent; providing definitions; requiring the Department of Children and Families, in collaboration with sheriffs' offices that conduct child protective investigations and community-based care lead agencies, to develop a statewide family-finding program; providing strategies to engage relatives and fictive kin; providing for the department and community-based care lead agencies to use diligent efforts in family finding; providing that certain actions do not constitute family finding; authorizing the department to adopt rules; amending s. 39.402, F.S.; requiring the court to request that parents consent to providing access to additional records; creating s. 39.5086, F.S.; providing the purpose and service components of a kinship navigator program; providing definitions; authorizing each community-based care lead agency to establish a kinship navigator program, subject to available resources; authorizing the department to adopt rules; amending s. 39.521, F.S.; conforming provisions to changes made by the act; amending s. 39.6012, F.S.; revising the types of records that must be attached to a case plan and updated throughout the judicial review process; amending s. 39.604, F.S.; revising enrollment and attendance requirements for children under protective supervision or out-of-home care enrolled in an early education or child care program; providing requirements and procedures for maintaining the educational stability of a child during the child's placement in out-of-home care or subsequent changes in out-of-home placement; requiring that a child's transition from an early education or child care program be pursuant to a plan that meets certain requirements; providing an effective date.

—was referred to the Committees on Children, Families, and Elder Affairs; Judiciary; Appropriations Subcommittee on Health and Human Services; and Appropriations.

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The Honorable Joe Negron, President

I am directed to inform the Senate that the House of Representatives has passed HB 7039 and requests the concurrence of the Senate.

*Portia Palmer, Clerk*

By Criminal Justice Subcommittee and Representative(s) Spano, Williams—

**HB 7039**—A bill to be entitled An act relating to human trafficking; amending s. 787.06, F.S.; providing a mandatory minimum sentence for certain human trafficking offenses; amending s. 847.001, F.S.; expanding the definition of the term "adult theater"; amending s. 943.0583, F.S.; prohibiting the assessment of certain fees and costs to victims of human trafficking seeking criminal records expungement; reenacting ss. 402.82(4)(b), 450.021(5), and 450.045(3)(a), F.S., relating to electronic benefits transfer program; minimum age, general; and proof of identity and age, posting of notices; respectively, to incorporate the amendments made by the act; reenacting ss. 943.0582(5), 943.0585(4)(a), 943.059(4)(a), and 961.06(1), F.S., relating to prearrest, postarrest, or teen court diversion program expunction; court-ordered expunction of criminal history records; court-ordered sealing of criminal history records; and compensation for wrongful incarceration; respectively, to incorporate the amendments made by the act; providing an effective date.

—was referred to the Committees on Criminal Justice; Appropriations Subcommittee on Criminal and Civil Justice; and Appropriations.

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The Honorable Joe Negron, President

I am directed to inform the Senate that the House of Representatives has passed CS/HB 7065 and requests the concurrence of the Senate.

*Portia Palmer, Clerk*

By Health & Human Services Committee, Children, Families & Seniors Subcommittee and Representative(s) Harrell—

**CS for HB 7065**—A bill to be entitled An act relating to child welfare; amending s. 39.01, F.S.; revising and providing definitions; amending s. 39.521, F.S.; authorizing the court to make certain determinations regarding placement of a child with a guardian; conforming a cross-reference; amending s. 39.5085, F.S.; authorizing the department to recover financial assistance provided to nonrelative caregivers under certain circumstances; terminating the Relative Caregiver Program on a specified date; providing for continuance of benefits to current participants; amending s. 39.6221, F.S.; providing an additional condition for court placement of a child in permanent guardianship; creating s. 39.6225, F.S.; requiring the department to establish and operate a Guardianship Assistance Program to provide guardianship assistance payments to certain guardians beginning on a specified date; providing definitions; providing eligibility requirements; authorizing guardians to receive such payments for certain siblings; requiring the department to annually redetermine eligibility; providing conditions for termination of benefits; requiring the department to provide guardianship non-recurring payments for certain expenses; authorizing the use of certain state and federal funds to operate the program; providing that children receiving assistance under the program are eligible for Medicaid coverage until they reach a certain age; requiring case plans to include certain information; requiring the department to adopt rules; amending s. 39.6251, F.S.; requiring the case manager for a young adult in foster care to consult the young adult when updating case or the transition plans and arrangements; deleting a provision authorizing case management reviews to be conducted by telephone under certain circumstances; amending s. 409.145, F.S.; revising rates for room and board reimbursement of certain family foster homes; revising provisions relating to supplemental payments by community-based care lead agencies; amending s. 409.166, F.S.; providing definitions; providing conditions for the department to provide adoption assistance payments to adoptive parents of certain children; providing that children and young

adults receiving benefits through the adoption assistance program are ineligible for specified other benefits and services; providing additional conditions for eligibility for adoption assistance; amending s. 409.175, F.S.; revising and providing definitions; requiring a guardian to apply for a license with the department to be eligible for the program; classifying family foster homes by licensure type; exempting certain household members from specified fingerprinting requirements; authorizing the department to adopt rules relating to certain summer camps; deleting references to preservice training requirements for emergency shelter parents; providing inservice training requirements for certain foster parents; amending ss. 39.302, 39.6012, 394.495, 409.1676, and 960.065, F.S.; conforming cross-references; providing an effective date.

—was referred to the Committees on Children, Families, and Elder Affairs; Appropriations Subcommittee on Health and Human Services; and Appropriations.

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The Honorable Joe Negron, President

I am directed to inform the Senate that the House of Representatives has passed HB 7067 and requests the concurrence of the Senate.

*Portia Palmer, Clerk*

By Tourism & Gaming Control Subcommittee and Representative(s) La Rosa—

**HB 7067**—A bill to be entitled An act relating to gaming; amending s. 285.710, F.S.; authorizing and directing the Governor, in cooperation with the Seminole Tribe of Florida, to execute a new compact in the form provided; signifying the Legislature's approval and ratification of such compact that does not materially alter from the approved form; providing terms and conditions for the gaming compact; providing definitions; authorizing the Tribe to operate covered games on its lands in accordance with the compact and at specified facilities; prohibiting specified games; providing requirements for resolution of patron disputes involving gaming, tort claims, and employee disputes; providing requirements for regulation and enforcement of the compact; requiring the state to conduct random inspections of tribal facilities; authorizing the state to conduct an independent audit; requiring the Tribe and commission to comply with specified licensing and hearing requirements; requiring the Tribe to make specified revenue share payments to the state, with reductions authorized under certain circumstances; requiring the Tribe to pay an annual oversight assessment and annual donation to the Florida Council on Compulsive Gaming; providing for dispute resolution between the Tribe and the state; providing an effective date and termination of the compact; providing for execution of the compact; amending s. 285.712, F.S.; requiring the Governor to provide a copy of the executed compact to specified parties and direct the Secretary of State to forward a copy to the Secretary of the Interior; amending s. 550.054, F.S.; requiring the Division of Pari-Mutuel Wagering to revoke a permit to conduct pari-mutuel wagering for a permit holder that fails to make specified payments or obtain an operating license; prohibiting the issuance of new permits; deleting provisions related to the conversion of permits; repealing s. 550.0555, F.S., relating to relocation of a greyhound dogracing permit within the same county; repealing s. 550.0745, F.S., relating to conversion of a pari-mutuel permit to a summer jai alai permit; amending ss. 550.09512 and 550.09515, F.S.; requiring the division to revoke the permit of a harness horse or thoroughbred racing permit holder, respectively, who does not pay tax on handle for a specified period of time; deleting provisions relating to the reissuance of escheated permits; amending s. 550.3345, F.S.; revising provisions relating to a limited thoroughbred racing permit previously converted from a quarter horse racing permit; amending s. 551.102, F.S.; revising the definition of the term "eligible facility"; amending s. 551.104, F.S.; prohibiting the division from issuing a license to conduct or authorizing slot machine gaming after a specified date; amending s. 849.086, F.S.; revising definitions; prohibiting specified cardroom games; authorizing the division to revoke a cardroom license after a certain date for specified actions; correcting a cross-reference; amending s. 849.16, F.S.; revising the definition of the term "slot machine or device"; providing action by the division construed to constitute permission by the state to conduct certain cardroom games is not state action; providing an effective date.

—was referred to the Committee on Appropriations.

The Honorable Joe Negron, President

I am directed to inform the Senate that the House of Representatives has passed HB 7075 and requests the concurrence of the Senate.

*Portia Palmer, Clerk*

By Oversight, Transparency & Administration Subcommittee and Representative(s) McClure—

**HB 7075**—A bill to be entitled An act relating to a review under the Open Government Sunset Review Act; amending s. 560.312, F.S., relating to an exemption from public record requirements for certain payment instrument transaction information held by the Office of Financial Regulation; extending the repeal date; providing that the Office of Financial Regulation may release certain information in the aggregate; providing an effective date.

—was referred to the Committees on Governmental Oversight and Accountability; and Rules.

The Honorable Joe Negron, President

I am directed to inform the Senate that the House of Representatives has passed CS/HB 7087, as amended, and requests the concurrence of the Senate.

*Portia Palmer, Clerk*

By Appropriations Committee, Ways & Means Committee and Representative(s) Renner—

**CS for HB 7087**—A bill to be entitled An act relating to taxation; amending s. 28.241, F.S.; providing for a distribution of certain filing fees; specifying that filing fees for trial and appellate proceedings must be deposited into the State Courts Revenue Trust Fund; amending s. 159.621, F.S.; providing an exemption from the excise tax on certain documents notes and mortgages that are part of a loan made by or on behalf of a housing financing authority; providing requirements for exemption; providing exceptions to the exemption; creating s. 193.0237, F.S.; providing definitions; providing for the valuation of land upon which a multiple parcel building is located; providing procedures and requirements for the allocation of land value by the property appraiser; specifying the effect of a forced sale on the provisions of a record instrument of a parcel in a multiple parcel building; providing applicability; creating s. 193.4516, F.S.; providing a valuation reduction for tangible personal property owned and operated by a citrus fruit packing or processing facility; providing applicability; defining the term "citrus" for purposes of the reduction; providing retroactive applicability; amending s. 194.011, F.S.; specifying that the right of a condominium, cooperative, or homeowners' association to petition a value adjustment board regarding an ad valorem tax assessment on behalf of some or all unit or parcel owners includes the right to represent unit or parcel owners in all related proceedings; amending s. 194.032, F.S.; authorizing value adjustment boards to meet to hear appeals pertaining to specified tax abatements; amending s. 194.181, F.S.; specifying that specified associations may be a party to an action contesting the assessment of ad valorem taxes; amending s. 196.173, F.S.; revising the military operations that qualify certain servicemembers for an additional ad valorem tax exemption; amending s. 196.24, F.S.; authorizing certain unremarried spouses of deceased disabled ex-servicemembers to claim ad valorem tax exemptions; creating s. 197.318, F.S.; providing for the abatement of ad valorem taxes for residential improvements damaged or destroyed by certain hurricanes; providing definitions; providing procedures and requirements for filing applications; providing reporting requirements; providing retroactive applicability; amending s. 197.3631, F.S.; providing for the levy and allocation of non-ad valorem special assessments on parcels in a multiple parcel building; amending s. 197.572, F.S.; providing for the continued applicability of certain easements that support improvements that may be constructed above certain conservation land; amending s. 197.573, F.S.; protecting from tax sale certain covenants that provide specified liens against property for assessments accruing after issuance of certain deeds and titles; amending s. 201.02, F.S.; defining the term "homestead property"; providing a documentary stamp tax exemption for certain transfers of homestead property between spouses; creating s. 210.205, F.S.; requiring certain recipients of cigarette tax distributions to report information regarding the expenditure of such distributions; amending s.

212.031, F.S.; reducing the tax levied on rental or license fees charged for the use of real property; amending s. 212.055, F.S.; revising the definition of "public facilities" for purposes of the local government infrastructure surtax; amending ss. 212.08, 220.183, and 624.5105, F.S.; revising the total amount of community contribution tax credits that may be granted for certain projects that provide housing opportunities for certain persons; creating s. 212.099, F.S.; establishing the Florida Sales Tax Credit Scholarship Program; providing definitions; authorizing certain persons to elect to direct certain state sales and use tax revenues to be transferred to a nonprofit scholarship-organization for the Florida Tax Credit Scholarship Program; providing procedures and requirements for filing applications; providing nonprofit scholarship-funding organization obligations; providing limits on the amount of tax credits; requiring the Department of Revenue to disregard certain tax credits for specified purposes; requiring the Department of Revenue to adopt rules to administer the program; amending s. 212.12, F.S.; directing the department to make available the tax amounts and brackets for the tax imposed under s. 212.031; amending s. 212.1831, F.S.; modifying the calculation of the dealer's collection allowance under s. 212.12 to include certain contributions to eligible nonprofit scholarship-funding organizations; creating s. 212.205, F.S.; requiring certain recipients of sales tax distributions to report information related to expenditure of those distributions; amending s. 213.053, F.S.; providing definitions; authorizing the Department of Revenue to provide a list of certain taxpayers to certain nonprofit scholarship-funding organizations; creating s. 218.131, F.S.; requiring the Legislature to appropriate moneys to fiscally constrained counties and taxing jurisdictions within such counties that experience a reduction in ad valorem tax revenue as a result of tax abatements related to specified hurricanes; providing a method for distributing such moneys; creating s. 218.135, F.S.; requiring the Legislature to appropriate funds to offset reductions in ad valorem taxes as a result of reductions in the value of certain packing and processing equipment; providing a method for distributing such moneys; providing an appropriation; amending s. 220.13, F.S.; providing an exception to the additions to the calculation of adjusted taxable income for corporate income tax purposes; amending s. 220.1845, F.S.; increasing the total amount of contaminated site rehabilitation tax credits for 1 year; amending s. 220.1875, F.S.; providing a deadline for an eligible contribution to be made to an eligible nonprofit scholarship-funding organization; determining compliance with the requirement to pay tentative taxes under ss. 220.222 and 220.32 for tax credits under s. 1002.395; amending s. 318.14, F.S.; requiring a specified reduction of a civil penalty under certain circumstances; deleting the requirement that a specified percentage of the civil penalty be deposited in the State Courts Revenue Trust Fund; amending s. 318.15, F.S.; requiring a person to pay the clerk of the court the amount of a reduction under certain circumstances; amending s. 376.30781, F.S.; increasing the total amount of tax credits for the rehabilitation of drycleaning-solvent-contaminated sites and brownfield sites in designated brownfield areas for 1 year; amending s. 718.111, F.S.; providing how a condominium association may protest ad valorem valuation of some or all of the units of the association; amending s. 741.01, F.S.; providing a certain fee paid to the clerk of the circuit court for the issuance of a marriage license is deposited into the State Courts Revenue Trust Fund; amending s. 1002.395, F.S.; providing an application deadline for certain tax credits related to nonprofit scholarship-funding organizations; extending the carry forward period for unused tax credits from 5 years to 10 years; providing applicability of the carried forward tax credit for purposes of certain taxes; removing the requirement for a taxpayer to apply to the department for approval of a carry forward tax credit; providing sales tax exemptions for the retail sale of certain clothing, school supplies, personal computers, and personal computer-related accessories during a specified timeframe; providing exceptions; authorizing certain dealers to opt out of participating in such tax exemption; providing requirements for such dealers; authorizing the Department of Revenue to adopt emergency rules; providing an appropriation; providing a sales tax exemption for specified disaster preparedness supplies during specified timeframes; authorizing the Department of Revenue to adopt emergency rules; providing applicability; providing a sales tax exemption for certain generators used in nursing homes and assisted living facilities during a specified timeframe; providing procedures and requirements for filing applications; providing penalties; providing a sales tax exemption for certain fencing materials during a specified timeframe; providing definitions; providing procedures and requirements for filing applications; providing penalties; authorizing the Department of Revenue to adopt emergency rules; providing retroactive applicability; providing a sales tax exemption for certain building materials used to

repair nonresidential farm buildings during a specified timeframe; providing definitions; providing procedures and requirements for filing applications; providing penalties; authorizing the Department of Revenue to adopt emergency rules; providing retroactive applicability; providing an exemption from taxes on fuel for certain agricultural uses; providing definitions; providing procedures and requirements for filing applications; providing penalties; authorizing the Department of Revenue to adopt emergency rules; providing retroactive applicability; amending s. 193.155, F.S.; providing that owners of homestead property that was significantly damaged or destroyed as a result of a named tropical storm or hurricane may elect to have such property deemed abandoned if the owner establishes a new homestead property by a specified date; amending s. 163.01, F.S.; providing the tax treatment of property located within or outside the jurisdiction of specified legal entities created under the Florida Interlocal Cooperation Act of 1969; amending s. 206.052, F.S.; exempting certain terminal suppliers from paying the motor fuel tax under specified circumstances; creating chapter 451, F.S.; providing definitions; specifying that certain contractors under specified conditions are to be treated as independent contractors under state and local laws and regulations; providing retroactive applicability; providing exceptions; authorizing the Department of Revenue to adopt emergency rules; providing construction; providing retroactive applicability; providing an appropriation; providing effective dates.

—was referred to the Committee on Appropriations.

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The Honorable Joe Negron, President

I am directed to inform the Senate that the House of Representatives has passed HB 7095 and requests the concurrence of the Senate.

*Portia Palmer, Clerk*

By Government Accountability Committee and Representative(s) McClain—

**HB 7095**—A bill to be entitled An act relating to a review under the Open Government Sunset Review Act; amending s. 119.0713, F.S., which provides an exemption from public records requirements for proprietary confidential business information held by a local government electric utility; conforming a cross-reference; removing the scheduled repeal of the exemption; providing an effective date.

—was referred to the Committees on Governmental Oversight and Accountability; and Rules.

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The Honorable Joe Negron, President

I am directed to inform the Senate that the House of Representatives has passed HB 7097 and requests the concurrence of the Senate.

*Portia Palmer, Clerk*

By Government Accountability Committee and Representative(s) Santiago—

**HB 7097**—A bill to be entitled An act relating to a review under the Open Government Sunset Review Act; amending s. 627.3518, F.S., which provides an exemption from public records requirements for certain proprietary business information provided by insurers to the Citizens Property Insurance Corporation policyholder eligibility clearinghouse; conforming a cross-reference; removing the scheduled repeal of the exemption; providing an effective date.

—was referred to the Committees on Governmental Oversight and Accountability; and Rules.

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## RETURNING MESSAGES — FINAL ACTION

The Honorable Joe Negron, President

I am directed to inform the Senate that the House of Representatives has passed CS/CS/CS/SB 268 by the required constitutional two-thirds vote of the members voting.

*Portia Palmer, Clerk*

The bill contained in the foregoing message was ordered enrolled.

## ENROLLING REPORTS

CS for SB 4 has been enrolled, signed by the required constitutional officers, and presented to the Governor on March 6, 2018.

*Debbie Brown, Secretary*

## CORRECTION AND APPROVAL OF JOURNAL

The Journal of March 5 was corrected and approved.

## CO-INTRODUCERS

Senator Young—CS for SB 90

## ADJOURNMENT

On motion by Senator Braynon, the Senate adjourned at 2:19 p.m. for the purpose of holding committee meetings and conducting other Senate business to reconvene at 12:00 noon, Wednesday, March 7 or upon call of the President.

# JOURNAL OF THE SENATE

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March 6, 2018

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