

Amendment No.

CHAMBER ACTION

Senate

House

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1 Representative Eskamani offered the following:

2

3 **Amendment**

4 Remove lines 770-1160 and insert:

5 affiliations; or

6 3. The use of any rating, scoring, analysis, tabulation,
7 or action that considers a social credit score based on factors
8 including, but not limited to:

9 a. The person's political opinions, speech, or
10 affiliations.

11 b. The person's religious beliefs, religious exercise, or
12 religious affiliations.

13 c. The person's lawful ownership of a firearm.

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14 d. The person's engagement in the lawful manufacture,
15 distribution, sale, purchase, or use of firearms or ammunition.

16 e. The person's engagement in the exploration, production,
17 utilization, transportation, sale, or manufacture of fossil
18 fuel-based energy, timber, mining, or agriculture.

19 f. The person's support of the state or Federal Government
20 in combatting illegal immigration, drug trafficking, or human
21 trafficking.

22 g. The person's engagement with, facilitation of,
23 employment by, support of, business relationship with,
24 representation of, or advocacy for any person described in this
25 subparagraph.

26 h. The person's failure to meet or commit to meet, or
27 expected failure to meet, any of the following as long as such
28 person is in compliance with applicable state or federal law:

29 (I) Environmental standards, including emissions
30 standards, benchmarks, requirements, or disclosures;

31 (II) Social governance standards, benchmarks, or
32 requirements, including, but not limited to, environmental or
33 social justice;

34 (III) Corporate board or company employment composition
35 standards, benchmarks, requirements, or disclosures based on
36 characteristics protected under the Florida Civil Rights Act of
37 1992; or

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38 (IV) Policies or procedures requiring or encouraging
39 employee participation in social justice programming, including,
40 but not limited to, diversity, equity, or inclusion training.

41 Section 15. Section 280.025, Florida Statutes, is created
42 to read:

43 280.025 Attestation required.-

44 (1) Beginning July 1, 2023, the following entities must
45 attest, under penalty of perjury, on a form prescribed by the
46 Chief Financial Officer, whether the entity is in compliance
47 with s. 280.02(26)(e) and (f):

48 (a) A bank, savings bank, or savings association, upon
49 application or reapplication for designation as a qualified
50 public depository.

51 (b) A qualified public depository, upon filing the report
52 required by s. 280.16(1)(d).

53 (2) If an application or reapplication for designation as
54 a qualified public depository is pending on July 1, 2023, the
55 bank, savings bank, or savings association must file the
56 attestation required under subsection (1) before being
57 designated or redesignated a qualified public depository.

58 Section 16. Paragraph (d) of subsection (13) and
59 subsection (17) of section 280.05, Florida Statutes, are amended
60 to read:

61 280.05 Powers and duties of the Chief Financial Officer.-
62 In fulfilling the requirements of this act, the Chief Financial

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63 Officer has the power to take the following actions he or she
64 deems necessary to protect the integrity of the public deposits
65 program:

66 (13) Require the filing of the following reports, which
67 the Chief Financial Officer shall process as provided:

68 (d)1. Any related documents, reports, records, or other
69 information deemed necessary by the Chief Financial Officer in
70 order to ascertain compliance with this chapter, including, but
71 not limited to, verifying the attestation required under s.
72 280.025.

73 2. If the Chief Financial Officer determines that the
74 attestation required under s. 280.025 is materially false, he or
75 she must report such determination to the Attorney General, who
76 may bring a civil or administrative action for damages,
77 injunctive relief, and such other relief as may be appropriate.
78 If such action is successful, the Attorney General is entitled
79 to reasonable attorney fees and costs.

80 3. As related to federally chartered financial
81 institutions, this paragraph may not be construed to create a
82 power exceeding the visitorial powers of the Chief Financial
83 Officer allowed under federal law.

84 (17) Suspend or disqualify or disqualify after suspension
85 any qualified public depository that has violated ~~any of the~~
86 ~~provisions of~~ this chapter or ~~of~~ rules adopted hereunder or that

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87 no longer meets the definition of a qualified public depository
88 under s. 280.02.

89 (a) Any qualified public depository that is suspended or
90 disqualified pursuant to this subsection is subject to the
91 provisions of s. 280.11(2) governing withdrawal from the public
92 deposits program and return of pledged collateral. Any
93 suspension shall not exceed a period of 6 months. Any qualified
94 public depository which has been disqualified may not reapply
95 for qualification until after the expiration of 1 year from the
96 date of the final order of disqualification or the final
97 disposition of any appeal taken therefrom.

98 (b) In lieu of suspension or disqualification, impose an
99 administrative penalty upon the qualified public depository as
100 provided in s. 280.054.

101 (c) If the Chief Financial Officer has reason to believe
102 that any qualified public depository or any other financial
103 institution holding public deposits is or has been violating ~~any~~
104 ~~of the provisions of~~ this chapter or ~~of~~ rules adopted hereunder
105 or no longer meets the definition of a qualified public
106 depository under s. 280.02, he or she may issue to the qualified
107 public depository or other financial institution an order to
108 cease and desist from the violation or to correct the condition
109 giving rise to or resulting from the violation. If any qualified
110 public depository or other financial institution violates a
111 cease-and-desist or corrective order, the Chief Financial

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112 Officer may impose an administrative penalty upon the qualified
113 public depository or other financial institution as provided in
114 s. 280.054 or s. 280.055. In addition to the administrative
115 penalty, the Chief Financial Officer may suspend or disqualify
116 any qualified public depository for violation of any order
117 issued pursuant to this paragraph.

118 Section 17. Subsections (14) and (15) are added to section
119 280.051, Florida Statutes, to read:

120 280.051 Grounds for suspension or disqualification of a
121 qualified public depository.—A qualified public depository may
122 be suspended or disqualified or both if the Chief Financial
123 Officer determines that the qualified public depository has:

124 (14) Failed to file the attestation required under s.
125 280.025.

126 (15) No longer meets the definition of a qualified public
127 depository under s. 280.02.

128 Section 18. Paragraph (b) of subsection (1) of section
129 280.054, Florida Statutes, is amended to read:

130 280.054 Administrative penalty in lieu of suspension or
131 disqualification.—

132 (1) If the Chief Financial Officer finds that one or more
133 grounds exist for the suspension or disqualification of a
134 qualified public depository, the Chief Financial Officer may, in
135 lieu of suspension or disqualification, impose an administrative
136 penalty upon the qualified public depository.

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137 (b) With respect to any knowing and willful violation of a
138 lawful order or rule, the Chief Financial Officer may impose a
139 penalty upon the qualified public depository in an amount not
140 exceeding \$1,000 for each violation. If restitution is due, the
141 qualified public depository shall make restitution upon the
142 order of the Chief Financial Officer and shall pay interest on
143 such amount at the legal rate. Each day a violation continues
144 constitutes a separate violation. Failure to timely file the
145 attestation required under s. 280.025 is deemed a knowing and
146 willful violation.

147 Section 19. Paragraphs (e) and (f) of subsection (1) of
148 section 280.055, Florida Statutes, are amended, and paragraph
149 (g) is added to that subsection, to read:

150 280.055 Cease and desist order; corrective order;
151 administrative penalty.—

152 (1) The Chief Financial Officer may issue a cease and
153 desist order and a corrective order upon determining that:

154 (e) A qualified public depository or a custodian has not
155 furnished to the Chief Financial Officer, when the Chief
156 Financial Officer requested, a power of attorney or bond power
157 or bond assignment form required by the bond agent or bond
158 trustee for each issue of registered certificated securities
159 pledged and registered in the name, or nominee name, of the
160 qualified public depository or custodian; ~~or~~

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161 (f) A qualified public depository; a bank, savings
162 association, or other financial institution; or a custodian has
163 committed any other violation of this chapter or any rule
164 adopted pursuant to this chapter that the Chief Financial
165 Officer determines may be remedied by a cease and desist order
166 or corrective order; or

167 (g) A qualified public depository no longer meets the
168 definition of a qualified public depository under s. 280.02.

169 Section 20. Section 287.05701, Florida Statutes, is
170 created to read:

171 287.05701 Prohibition against considering social,
172 political, or ideological interests in government contracting.-

173 (1) As used in this section, the term "awarding body"
174 means:

175 (a) For state contracts, an agency or the department.

176 (b) For local government contracts, the governing body of
177 a county, a municipality, a special district, or any other
178 political subdivision of the state.

179 (2)(a) An awarding body may not request documentation of
180 or consider a vendor's social, political, or ideological
181 interests when determining if the vendor is a responsible
182 vendor.

183 (b) An awarding body may not give preference to a vendor
184 based on the vendor's social, political, or ideological
185 interests.

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186 (3) Beginning July 1, 2023, any solicitation for the
187 procurement of commodities or contractual services by an
188 awarding body must include a provision notifying vendors of the
189 provisions of this section.

190 Section 21. Section 516.037, Florida Statutes, is created
191 to read:

192 516.037 Unsafe and unsound practices.—

193 (1) Licensees must make determinations about the provision
194 or denial of services based on an analysis of risk factors
195 unique to each current or prospective customer and may not
196 engage in an unsafe and unsound practice as provided in
197 subsection (2). This subsection does not restrict a licensee
198 that claims a religious purpose from making such determinations
199 based on the current or prospective customer's religious
200 beliefs, religious exercise, or religious affiliations.

201 (2) It is an unsafe and unsound practice for a licensee to
202 deny or cancel its services to a person, or to otherwise
203 discriminate against a person in making available such services
204 or in the terms or conditions of such services, on the basis of:

205 (a) The person's political opinions, speech, or
206 affiliations;

207 (b) Except as provided in subsection (1), the person's
208 religious beliefs, religious exercise, or religious
209 affiliations; or

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210 (c) The use of any rating, scoring, analysis, tabulation,
211 or action that considers a social credit score based on factors
212 including, but not limited to:

213 1. The person's political opinions, speech, or
214 affiliations.

215 2. The person's religious beliefs, religious exercise, or
216 religious affiliations.

217 3. The person's lawful ownership of a firearm.

218 4. The person's engagement in the lawful manufacture,
219 distribution, sale, purchase, or use of firearms or ammunition.

220 5. The person's engagement in the exploration, production,
221 utilization, transportation, sale, or manufacture of fossil
222 fuel-based energy, timber, mining, or agriculture.

223 6. The person's support of the state or Federal Government
224 in combatting illegal immigration, drug trafficking, or human
225 trafficking.

226 7. The person's engagement with, facilitation of,
227 employment by, support of, business relationship with,
228 representation of, or advocacy for any person described in this
229 paragraph.

230 8. The person's failure to meet or commit to meet, or
231 expected failure to meet, any of the following as long as such
232 person is in compliance with applicable state or federal law:

233 a. Environmental standards, including emissions standards,
234 benchmarks, requirements, or disclosures;

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235 b. Social governance standards, benchmarks, or
236 requirements, including, but not limited to, environmental or
237 social justice;

238 c. Corporate board or company employment composition
239 standards, benchmarks, requirements, or disclosures based on
240 characteristics protected under the Florida Civil Rights Act of
241 1992; or

242 d. Policies or procedures requiring or encouraging
243 employee participation in social justice programming, including,
244 but not limited to, diversity, equity, or inclusion training.

245 (3) Beginning July 1, 2023, and upon application for a
246 license or license renewal, applicants and licensees must
247 attest, under penalty of perjury, on a form prescribed by the
248 commission whether the applicant or licensee is acting in
249 compliance with subsections (1) and (2).

250 (4) In addition to any sanctions and penalties under this
251 chapter, a failure to comply with subsection (1) or engaging in
252 a practice described in subsection (2) constitutes a violation
253 of the Florida Deceptive and Unfair Trade Practices Act under
254 part II of chapter 501. Notwithstanding s. 501.211, violations
255 must be enforced only by the enforcing authority, as defined in
256 s. 501.203(2), and subject the violator to the sanctions and
257 penalties provided for in that part. If such action is
258 successful, the enforcing authority is entitled to reasonable
259 attorney fees and costs.

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260 Section 22. Section 560.1115, Florida Statutes, is created
261 to read:

262 560.1115 Unsafe and unsound practices.-

263 (1) Licensees must make determinations about the provision
264 or denial of services based on an analysis of risk factors
265 unique to each current or prospective customer and may not
266 engage in an unsafe and unsound practice as provided in
267 subsection (2). This subsection does not restrict a licensee
268 that claims a religious purpose from making such determinations
269 based on the current or prospective customer's religious
270 beliefs, religious exercise, or religious affiliations.

271 (2) It is an unsafe and unsound practice for a licensee to
272 deny or cancel its services to a person, or to otherwise
273 discriminate against a person in making available such services
274 or in the terms or conditions of such services, on the basis of:

275 (a) The person's political opinions, speech, or
276 affiliations;

277 (b) Except as provided in subsection (1), the person's
278 religious beliefs, religious exercise, or religious
279 affiliations; or

280 (c) The use of any rating, scoring, analysis, tabulation,
281 or action that considers a social credit score based on factors
282 including, but not limited to:

283 1. The person's political opinions, speech, or
284 affiliations.

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285 2. The person's religious beliefs, religious exercise, or
286 religious affiliations.

287 3. The person's lawful ownership of a firearm.

288 4. The person's engagement in the lawful manufacture,
289 distribution, sale, purchase, or use of firearms or ammunition.

290 5. The person's engagement in the exploration, production,
291 utilization, transportation, sale, or manufacture of fossil
292 fuel-based energy, timber, mining, or agriculture.

293 6. The person's support of the state or Federal Government
294 in combatting illegal immigration, drug trafficking, or human
295 trafficking.

296 7. The person's engagement with, facilitation of,
297 employment by, support of, business relationship with,
298 representation of, or advocacy for any person described in this
299 paragraph.

300 8. The person's failure to meet or commit to meet, or
301 expected failure to meet, any of the following as long as such
302 person is in compliance with applicable state or federal law:

303 a. Environmental standards, including emissions standards,
304 benchmarks, requirements, or disclosures;

305 b. Social governance standards, benchmarks, or
306 requirements, including, but not limited to, environmental or
307 social justice;

308 c. Corporate board or company employment composition
309 standards, benchmarks, requirements, or disclosures based on

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310 characteristics protected under the Florida Civil Rights Act of
311 1992; or

312 d. Policies or procedures requiring or encouraging
313 employee participation in social justice programming, including,
314 but not limited to, diversity, equity, or inclusion training.

315 (3) Beginning July 1, 2023, and upon application for a
316 license or license renewal, applicants and licensees, as
317 applicable, must attest, under penalty of perjury, on a form
318 prescribed by the commission whether the applicant or licensee
319 is acting in compliance with subsections (1) and (2).

320 (4) In addition to any sanctions and penalties under this
321 chapter, a failure to comply with subsection (1) or engaging in
322 a practice described in subsection (2) constitutes a violation
323 of the Florida Deceptive and Unfair Trade Practices Act under
324 part II of chapter 501. Notwithstanding s. 501.211, violations
325 must be enforced only by the enforcing authority, as defined in
326 s. 501.203(2), and subject the violator to the sanctions and
327 penalties provided for in that part. If such action is
328 successful, the enforcing authority is entitled to reasonable
329 attorney fees and costs.

330 Section 23. Paragraph (h) of subsection (1) of section
331 560.114, Florida Statutes, is amended to read:

332 560.114 Disciplinary actions; penalties.—

333 (1) The following actions by a money services business,
334 authorized vendor, or affiliated party constitute grounds for

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335 the issuance of a cease and desist order; the issuance of a
336 removal order; the denial, suspension, or revocation of a
337 license; or taking any other action within the authority of the
338 office pursuant to this chapter:

339 (h) Engaging in an act prohibited under s. 560.111 or s.
340 560.1115.

341 Section 24. Paragraph (y) of subsection (1) of section
342 655.005, Florida Statutes, is amended to read:

343 655.005 Definitions.—

344 (1) As used in the financial institutions codes, unless
345 the context otherwise requires, the term:

346 (y) "Unsafe or unsound practice" or "unsafe and unsound
347 practice" means:

348 1. Any practice or conduct found by the office to be
349 contrary to generally accepted standards applicable to a
350 financial institution, or a violation of any prior agreement in
351 writing or order of a state or federal regulatory agency, which
352 practice, conduct, or violation creates the likelihood of loss,
353 insolvency, or dissipation of assets or otherwise prejudices the
354 interest of the financial institution or its depositors or
355 members. In making this determination, the office must consider
356 the size and condition of the financial institution, the gravity
357 of the violation, and the prior conduct of the person or
358 institution involved; or

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359 2. Failure to comply with s. 655.0323(1), or engaging in a
360 practice described in s. 655.0323(2).

361 Section 25. Section 655.0323, Florida Statutes, is created
362 to read:

363 655.0323 Unsafe and unsound practices.-

364 (1) Financial institutions must make determinations about
365 the provision or denial of services based on an analysis of risk
366 factors unique to each current or prospective customer or member
367 and may not engage in an unsafe and unsound practice as provided
368 in subsection (2). This subsection does not restrict a financial
369 institution that claims a religious purpose from making such
370 determinations based on the current or prospective customer's or
371 member's religious beliefs, religious exercise, or religious
372 affiliations.

373 (2) It is an unsafe and unsound practice for a financial
374 institution to deny or cancel its services to a person, or to
375 otherwise discriminate against a person in making available such
376 services or in the terms or conditions of such services, on the
377 basis of:

378 (a) The person's political opinions, speech, or
379 affiliations;

380 (b) Except as provided in subsection (1), the person's
381 religious beliefs, religious exercise, or religious
382 affiliations; or

383 (c) The use of any rating, scoring, analysis, tabulation,

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