

By Senator Mayfield

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1 A reviser's bill to be entitled
 2 An act relating to the Florida Statutes; amending ss.
 3 16.56, 20.435, 20.60, 39.101, 39.4085, 112.215,
 4 112.313, 121.091, 125.0104, 163.11, 163.3202,
 5 163.32051, 173.04, 196.101, 212.08, 215.681, 220.199,
 6 288.012, 288.095, 288.107, 296.44, 298.301, 322.27,
 7 330.41, 365.172, 373.228, 373.583, 376.323, 380.0553,
 8 380.0933, 381.986, 397.335, 403.865, 409.1678,
 9 409.996, 413.801, 415.1103, 420.5096, 445.003, 456.42,
 10 480.041, 497.260, 501.2042, 553.865, 560.103, 565.04,
 11 571.265, 585.01, 626.321, 626.602, 627.06292, 627.351,
 12 627.410, 628.8015, 692.201, 720.305, 744.21031,
 13 766.315, 768.38, 768.381, 790.013, 810.098, 849.38,
 14 933.40, 961.06, 1000.21, 1001.42, 1002.01, 1002.20,
 15 1002.351, 1002.394, 1002.395, 1002.44, 1002.82,
 16 1003.02, 1003.4201, 1003.46, 1004.615, 1004.648,
 17 1006.07, 1006.28, 1008.25, 1009.21, 1009.286, 1009.30,
 18 1009.895, 1012.71, 1012.993, and 1013.64, F.S.;
 19 reenacting and amending s. 1011.62, F.S.; and
 20 reenacting ss. 348.0304, 394.9086, and 893.055, F.S.;
 21 deleting provisions that have expired, have become
 22 obsolete, have had their effect, have served their
 23 purpose, or have been impliedly repealed or
 24 superseded; replacing incorrect cross-references and
 25 citations; correcting grammatical, typographical, and
 26 like errors; removing inconsistencies, redundancies,
 27 and unnecessary repetition in the statutes; and
 28 improving the clarity of the statutes and facilitating
 29 their correct interpretation; providing an effective

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30 date.

31
32 Be It Enacted by the Legislature of the State of Florida:

33
34 Section 1. Paragraphs (c) and (d) of subsection (1) of
35 section 16.56, Florida Statutes, are amended to read:

36 16.56 Office of Statewide Prosecution.—

37 (1) There is created in the Department of Legal Affairs an
38 Office of Statewide Prosecution. The office shall be a separate
39 “budget entity” as that term is defined in chapter 216. The
40 office may:

41 (c) Investigate and prosecute any crime involving:

42 1. Voting in an election in which a candidate for a federal
43 or state office is on the ballot;

44 2. Voting in an election in which a referendum, an
45 initiative, or an issue is on the ballot;

46 3. The petition activities of a candidate for a federal or
47 state office;

48 4. The petition activities for a referendum, an initiative,
49 or an issue; or

50 5. Voter registration;

51
52 or any attempt, solicitation, or conspiracy to commit any of the
53 crimes specifically enumerated above. The office shall have such
54 power only when any such offense is occurring, or has occurred,
55 in two or more judicial circuits as part of a related
56 transaction, or when any such offense is affecting, or has
57 affected, two or more judicial circuits. Informations or
58 indictments charging such offenses must contain general

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59 allegations stating the judicial circuits and counties in which
60 crimes are alleged to have occurred or the judicial circuits and
61 counties alleged to have been affected by such crimes ~~in which~~
62 ~~crimes are alleged to have affected.~~

63 (d) Upon request, cooperate with and assist state attorneys
64 and state and local law enforcement officials in their efforts
65 against organized crime ~~crimes~~.

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

67 Section 2. Paragraph (a) of subsection (7) of section
68 20.435, Florida Statutes, is amended to read:

69 20.435 Department of Health; trust funds.—The following
70 trust funds shall be administered by the Department of Health:

71 (7) BIOMEDICAL RESEARCH TRUST FUND.—

72 (a) Funds to be credited to the trust fund shall consist of
73 funds appropriated by the Legislature. Funds shall be used for
74 the purposes of the James and Esther King Biomedical Research
75 Program;7 the Casey DeSantis Cancer Research Program;and7 the
76 William G. "Bill" Bankhead, Jr., and David Coley Cancer Research
77 Program as specified in ss. 215.5602, 381.915, and 381.922,
78 respectively; and other cancer research initiatives as
79 appropriated by the Legislature. The trust fund is exempt from
80 the service charges imposed by s. 215.20.

81 Reviser's note.—Amended to confirm an editorial reinsertion and
82 an editorial insertion to facilitate correct
83 interpretation.

84 Section 3. Paragraph (b) of subsection (9) of section
85 20.60, Florida Statutes, is amended to read:

86 20.60 Department of Commerce; creation; powers and duties.—

87 (9) The secretary shall:

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88 (b) Serve as the manager for the state with respect to
89 contracts with Space Florida and all applicable direct-support
90 organizations. To accomplish the provisions of this section and
91 applicable provisions of chapters 288 and 331, and
92 notwithstanding the provisions of part I of chapter 287, the
93 secretary shall enter into specific contracts with Space Florida
94 and appropriate direct-support organizations. Such contracts may
95 be for multiyear terms and must include specific performance
96 measures for each year. For purposes of this section, the
97 Institute for Commercialization of Florida Technology is not an
98 appropriate direct-support organization.

99 Reviser's note.—Amended to confirm editorial insertions to
100 facilitate correct interpretation.

101 Section 4. Paragraph (f) of subsection (3) of section
102 39.101, Florida Statutes, is amended to read:

103 39.101 Central abuse hotline.—The central abuse hotline is
104 the first step in the safety assessment and investigation
105 process.

106 (3) COLLECTION OF INFORMATION AND DATA.—The department
107 shall:

108 (f)1. Collect and analyze child-on-child sexual abuse
109 reports and include such information in the aggregate
110 statistical reports.

111 2. Collect and analyze, in separate statistical reports,
112 those reports of child abuse, sexual abuse, and juvenile sexual
113 abuse which are reported from or which occurred on or at:

- 114 a. School premises;
115 b. School transportation;
116 c. School-sponsored off-campus events;

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117 d. A school readiness program provider determined to be
118 eligible under s. 1002.88;

119 e. A private prekindergarten provider or a public school
120 prekindergarten provider, as those terms are defined in s.
121 1002.51(7) and (8), respectively;

122 f. A public K-12 school as described in s. 1000.04;

123 g. A private school as defined in s. 1002.01;

124 h. A Florida College System institution or a state
125 university, as those terms are defined in s. 1000.21(5) and (9)
126 ~~1000.21(5) and (8)~~, respectively; or

127 i. A school, as defined in s. 1005.02.

128 Reviser's note.—Amended to conform to the reordering of
129 definitions in s. 1000.21 by this act.

130 Section 5. Paragraph (b) of subsection (4) of section
131 39.4085, Florida Statutes, is amended to read:

132 39.4085 Goals for dependent children; responsibilities;
133 education; Office of the Children's Ombudsman.—

134 (4) The Office of the Children's Ombudsman is established
135 within the department. To the extent permitted by available
136 resources, the office shall, at a minimum:

137 (b) Be a resource to identify and explain relevant policies
138 ~~policies~~ or procedures to children, young adults, and their
139 caregivers.

140 Reviser's note.—Amended to confirm an editorial substitution to
141 conform to context and facilitate correct interpretation.

142 Section 6. Subsection (2) of section 112.215, Florida
143 Statutes, is amended to read:

144 112.215 Government employees; deferred compensation
145 program.—

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146 (2) For the purposes of this section, the term "government
147 employee" means any person employed, whether appointed, elected,
148 or under contract, by the state or any governmental unit of the
149 state, including, but not limited to, any state agency; any
150 county, municipality, or other political subdivision of the
151 state; any special district or water management district, as the
152 terms are defined in s. 189.012; any state university or Florida
153 College System institution, as the terms are defined in s.
154 1000.21(9) and (5) ~~1000.21(6) and (3)~~, respectively; or any
155 constitutional county officer under s. 1(d), Art. VIII of the
156 State Constitution for which compensation or statutory fees are
157 paid.

158 Reviser's note.—Amended to confirm an editorial substitution to
159 conform to the reordering of definitions in s. 1000.21 by
160 s. 136, ch. 2023-8, Laws of Florida, and to conform to the
161 further reordering of definitions in s. 1000.21 by this
162 act.

163 Section 7. Paragraph (a) of subsection (7) of section
164 112.313, Florida Statutes, is amended to read:

165 112.313 Standards of conduct for public officers, employees
166 of agencies, and local government attorneys.—

167 (7) CONFLICTING EMPLOYMENT OR CONTRACTUAL RELATIONSHIP.—

168 (a) No public officer or employee of an agency shall have
169 or hold any employment or contractual relationship with any
170 business entity or any agency which is subject to the regulation
171 of, or is doing business with, an agency of which he or she is
172 an officer or employee, excluding those organizations and their
173 officers who, when acting in their official capacity, enter into
174 or negotiate a collective bargaining contract with the state or

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175 any municipality, county, or other political subdivision of the
176 state; nor shall an officer or employee of an agency have or
177 hold any employment or contractual relationship that will create
178 a continuing or frequently recurring conflict between his or her
179 private interests and the performance of his or her public
180 duties or that would impede the full and faithful discharge of
181 his or her public duties.

182 1. When the agency referred to is that certain kind of
183 special tax district created by general or special law and is
184 limited specifically to constructing, maintaining, managing, and
185 financing improvements in the land area over which the agency
186 has jurisdiction, or when the agency has been organized pursuant
187 to chapter 298, then employment with, or entering into a
188 contractual relationship with, such business entity by a public
189 officer or employee of such agency is not prohibited by this
190 subsection or ~~be~~ deemed a conflict per se. However, conduct by
191 such officer or employee that is prohibited by, or otherwise
192 frustrates the intent of, this section, including conduct that
193 violates subsections (6) and (8), is deemed a conflict of
194 interest in violation of the standards of conduct set forth by
195 this section.

196 2. When the agency referred to is a legislative body and
197 the regulatory power over the business entity resides in another
198 agency, or when the regulatory power which the legislative body
199 exercises over the business entity or agency is strictly through
200 the enactment of laws or ordinances, then employment or a
201 contractual relationship with such business entity by a public
202 officer or employee of a legislative body shall not be
203 prohibited by this subsection or be deemed a conflict.

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204 Reviser's note.—Amended to confirm an editorial deletion to
205 improve clarity.

206 Section 8. Paragraph (a) of subsection (3) of section
207 121.091, Florida Statutes, is amended to read:

208 121.091 Benefits payable under the system.—Benefits may not
209 be paid under this section unless the member has terminated
210 employment as provided in s. 121.021(39) (a) or begun
211 participation in the Deferred Retirement Option Program as
212 provided in subsection (13), and a proper application has been
213 filed in the manner prescribed by the department. The department
214 may cancel an application for retirement benefits when the
215 member or beneficiary fails to timely provide the information
216 and documents required by this chapter and the department's
217 rules. The department shall adopt rules establishing procedures
218 for application for retirement benefits and for the cancellation
219 of such application when the required information or documents
220 are not received.

221 (3) EARLY RETIREMENT BENEFIT.—Upon retirement on his or her
222 early retirement date, the member shall receive an immediate
223 monthly benefit that shall begin to accrue on the first day of
224 the month of the retirement date and be payable on the last day
225 of that month and each month thereafter during his or her
226 lifetime. Such benefit shall be calculated as follows:

227 (a) For a member initially enrolled:

228 1. Before July 1, 2011, the amount of each monthly payment
229 shall be computed in the same manner as for a normal retirement
230 benefit, in accordance with subsection (1), but shall be based
231 on the member's average monthly compensation and creditable
232 service as of the member's early retirement date. The benefit so

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233 computed shall be reduced by five-twelfths of 1 percent for each
234 complete month by which the early retirement date precedes the
235 normal retirement date of age 62 for a member of the Regular
236 Class, Senior Management Service Class, or the Elected Officers'
237 Class, and age 55 for a member of the Special Risk Class, or age
238 52 if a special risk member has completed 25 years of creditable
239 service in accordance with s. 121.021(29)(b)3.

240 2. On or after July 1, 2011, the amount of each monthly
241 payment shall be computed in the same manner as for a normal
242 retirement benefit, in accordance with subsection (1), but shall
243 be based on the member's average monthly compensation and
244 creditable service as of the member's early retirement date. The
245 benefit so computed shall be reduced by five-twelfths of 1
246 percent for each complete month by which the early retirement
247 date precedes the normal retirement date of age 65 for a member
248 of the Regular Class, Senior Management Service Class, or the
249 Elected Officers' Class, and age 55 for a member of the Special
250 Risk Class, or age 52 if a special risk member has completed 25
251 years of creditable service in accordance with s.

252 121.021(29)(b)3. ~~121.091(29)(b)3.~~

253 Reviser's note.—Amended to correct a cross-reference. Section
254 121.091(29)(b)3. does not exist; s. 121.021(29)(b)3.
255 references the age and years of creditable service for a
256 special risk member in the Special Risk Class.

257 Section 9. Paragraphs (c), (d), and (e) of subsection (4)
258 of section 125.0104, Florida Statutes, are amended to read:

259 125.0104 Tourist development tax; procedure for levying;
260 authorized uses; referendum; enforcement.—

261 (4) ORDINANCE LEVY TAX; PROCEDURE.—

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262 (c) Before a referendum to enact or renew ~~of~~ the ordinance
263 levying and imposing the tax, the county tourist development
264 council shall prepare and submit to the governing board of the
265 county for its approval a plan for tourist development. The plan
266 shall set forth the anticipated net tourist development tax
267 revenue to be derived by the county for the 24 months following
268 the levy of the tax; the tax district in which the enactment or
269 renewal of the ordinance levying and imposing the tourist
270 development tax is proposed; and a list, in the order of
271 priority, of the proposed uses of the tax revenue by specific
272 project or special use as the same are authorized under
273 subsection (5). The plan shall include the approximate cost or
274 expense allocation for each specific project or special use.

275 (d) The governing board of the county shall adopt the
276 county plan for tourist development as part of the ordinance
277 levying the tax. After enactment or renewal of the ordinance
278 levying and imposing the tax, the plan for ~~of~~ tourist
279 development may not be substantially amended except by ordinance
280 enacted by an affirmative vote of a majority plus one additional
281 member of the governing board.

282 (e) The governing board of each county which levies and
283 imposes a tourist development tax under this section shall
284 appoint an advisory council to be known as the "... (name of
285 county)... Tourist Development Council." The council shall be
286 established by ordinance and composed of nine members who shall
287 be appointed by the governing board. The chair of the governing
288 board of the county or any other member of the governing board
289 as designated by the chair shall serve on the council. Two
290 members of the council shall be elected municipal officials, at

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291 least one of whom shall be from the most populous municipality
292 in the county or subcounty special taxing district in which the
293 tax is levied. Six members of the council shall be persons who
294 are involved in the tourist industry and who have demonstrated
295 an interest in tourist development, of which members, not less
296 than three nor more than four shall be owners or operators of
297 motels, hotels, recreational vehicle parks, or other tourist
298 accommodations in the county and subject to the tax. All members
299 of the council shall be electors of the county. The governing
300 board of the county shall have the option of designating the
301 chair of the council or allowing the council to elect a chair.
302 The chair shall be appointed or elected annually and may be
303 reelected or reappointed. The members of the council shall serve
304 for staggered terms of 4 years. The terms of office of the
305 original members shall be prescribed in the resolution required
306 under paragraph (b). The council shall meet at least once each
307 quarter and, from time to time, shall make recommendations to
308 the county governing board for the effective operation of the
309 special projects or for uses of the tourist development tax
310 revenue and perform such other duties as may be prescribed by
311 county ordinance or resolution. The council shall continuously
312 review expenditures of revenues from the tourist development
313 trust fund and shall receive, at least quarterly, expenditure
314 reports from the county governing board or its designee.
315 Expenditures which the council believes to be unauthorized shall
316 be reported to the county governing board and the Department of
317 Revenue. The governing board and the department shall review the
318 findings of the council and take appropriate administrative or
319 judicial action to ensure compliance with this section. ~~The~~

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320 ~~changes in the composition of the membership of the tourist~~
321 ~~development council mandated by chapter 86-4, Laws of Florida,~~
322 ~~and this act shall not cause the interruption of the current~~
323 ~~term of any person who is a member of a council on October 1,~~
324 ~~1996.~~

325 Reviser's note.—Paragraph (4) (c) is amended to confirm an
326 editorial deletion to improve clarity. Paragraph (4) (d) is
327 amended to confirm an editorial substitution to conform to
328 context. Paragraph (4) (e) is amended to delete obsolete
329 language.

330 Section 10. Subsection (7) of section 163.11, Florida
331 Statutes, is amended to read:

332 163.11 Biscayne Bay Commission.—

333 (7) The commission shall submit a semiannual report
334 describing the accomplishments of the commission and each member
335 agency, as well as the status of each pending task, to the Miami
336 City Commission, the Miami-Dade County Board of County
337 Commissioners, the Mayor of Miami, the Mayor of Miami-Dade
338 County, the Governor, and the chair of the Miami-Dade County
339 Legislative Delegation. ~~The first report shall be submitted by~~
340 ~~January 15, 2022.~~ The report shall also be made available on the
341 Department of Environmental Protection's website and Miami-Dade
342 County's website.

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

344 Section 11. Subsection (6) of section 163.3202, Florida
345 Statutes, is amended to read:

346 163.3202 Land development regulations.—

347 (6) Land development regulations relating to any
348 characteristic of development other than use, or intensity or

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349 density of use, do not apply to Florida College System
350 institutions as defined in s. 1000.21(5) ~~1000.21(3)~~.

351 Reviser's note.—Amended to confirm an editorial substitution to
352 conform to the reordering of definitions in s. 1000.21 by
353 s. 136, ch. 2023-8, Laws of Florida.

354 Section 12. Subsection (6) of section 163.32051, Florida
355 Statutes, is amended to read:

356 163.32051 Floating solar facilities.—

357 ~~(6) The Office of Energy within the Department of
358 Agriculture and Consumer Services shall develop and submit
359 recommendations to the Legislature by December 31, 2022, to
360 provide a regulatory framework to private and public sector
361 entities that implement floating solar facilities.~~

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

363 Section 13. Subsection (3) of section 173.04, Florida
364 Statutes, is amended to read:

365 173.04 Procedure for bringing foreclosure suit; certificate
366 of attorney as to notice of suit; jurisdiction obtained by
367 publication of notice of suit; form of notice.—

368 (3) Jurisdiction of any of said lands and of all parties
369 interested therein or having any lien thereon shall be obtained
370 by publication of a notice to be issued as of course by the
371 clerk of the circuit court in which such bill is filed on the
372 request of complainant, once each week for not less than 2
373 consecutive weeks, directed to all persons and corporations
374 interested in or having any lien or claim upon any of the lands
375 described in said notice and said bill. Such notice shall
376 describe the lands involved and the respective principal amounts
377 sought to be recovered in such suit for taxes, tax certificates

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378 and special assessments on such respective parcels of land, and
379 requiring all such parties to appear and defend said suit on or
380 before the day specified in said notice, which shall be not less
381 than 4 weeks after the date of the first publication of such
382 notice. Said notice may be in substantially the following form,
383 with blanks appropriately filled in:

384
385 ... (Name City or Town) ...

386 Complainant,

387
388 vs. IN THE CIRCUIT COURT FOR
389 COUNTY, FLORIDA.

390 Certain lands upon
391 which ... (~~here~~ insert... IN CHANCERY.

392 ...the word "taxes~~7~~"...
393 ...or the words "special...
394 ...assessments" or both,...
395 ...as the case may be)...

396 are delinquent,
397 Defendant.

398
399 NOTICE

400
401 To all persons and corporations interested in or having any lien
402 or claim upon any of the lands described herein:

403 You are hereby notified that ... (name city or town) ... has
404 filed its bill of complaint in the above named court to
405 foreclose delinquent ~~....~~ ... (~~here~~ insert the words "tax liens,"
406 "tax certificates," or "special assessments," as the case may

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407 be) ... with interest and penalties, upon the parcels of land set
 408 forth in the following schedule, the aggregate amount of such
 409 ~~....~~ ... (~~here~~ insert the words "tax liens," "tax certificates,"
 410 or "special assessments," as the case may be) ... interest and
 411 penalties, against said respective parcels of land, as set forth
 412 in said bill of complaint, being set opposite such parcels in
 413 the following schedule, to wit:

414
 415 DESCRIPTION OF LANDS
 416

417 Amount of ~~....~~ ... (~~here~~ insert the word "taxes," or the
 418 words "special assessments" or both, as the case may be)

419 In addition to the amounts set opposite each parcel of land
 420 in the foregoing schedule, interest and penalties, as provided
 421 by law, on such delinquent taxes and special assessments,
 422 together with a proportionate part of the costs and expenses of
 423 this suit, are sought to be enforced and foreclosed in this
 424 suit.

425 You are hereby notified to appear and make your defenses to
 426 said bill of complaint on or before the day of, and if
 427 you fail to do so on or before said date the bill will be taken
 428 as confessed by you and you will be barred from thereafter
 429 contesting said suit, and said respective parcels of land will
 430 be sold by decree of said court for nonpayment of said taxes and
 431 assessment liens and interest and penalties thereon and the
 432 costs of this suit.

433 IN WITNESS WHEREOF, I have hereunto set my hand and affixed
 434 the official seal of said court, this day of

435 ... (Clerk of said court) ...

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436 By ... (Deputy clerk)...

437

438 Reviser's note.—Amended to conform to general style in forms and
 439 to improve punctuation.

440 Section 14. Subsection (5) of section 196.101, Florida
 441 Statutes, is amended to read:

442 196.101 Exemption for totally and permanently disabled
 443 persons.—

444 (5) The physician's certification shall read as follows:

445

446 PHYSICIAN'S CERTIFICATION OF
 447 TOTAL AND PERMANENT DISABILITY

448

449 I, ... (name of physician)..., a physician licensed pursuant to
 450 chapter 458 or chapter 459, Florida Statutes, hereby certify Mr.
 451 Mrs. Miss Ms. (name of totally and
 452 permanently disabled person)..., social security number, is
 453 totally and permanently disabled as of January 1, ... (year)...,
 454 due to the following mental or physical condition(s):

455

456 Quadriplegia

457 Paraplegia

458 Hemiplegia

459 Other total and permanent disability requiring use of
 460 a wheelchair for mobility

461 Legal Blindness

462

463 It is my professional belief that the above-named condition(s)
 464 render Mr. Mrs. Miss Ms. (name of totally

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465 and permanently disabled person)... totally and permanently
466 disabled, and that the foregoing statements are true, correct,
467 and complete to the best of my knowledge and professional
468 belief.

469
470 Signature
471 Address (print)
472 Date
473 Florida Board of Medicine or Osteopathic Medicine license number
474
475 Issued on

476
477 NOTICE TO TAXPAYER: Each Florida resident applying for a total
478 and permanent disability exemption must present to the county
479 property appraiser, on or before March 1 of each year, a copy of
480 this form or a letter from the United States Department of
481 Veterans Affairs or its predecessor. Each form is to be
482 completed by a licensed Florida physician.

483
484 NOTICE TO TAXPAYER AND PHYSICIAN: Section 196.131(2), Florida
485 Statutes, provides that any person who shall knowingly and
486 willfully give false information for the purpose of claiming
487 homestead exemption shall be guilty of a misdemeanor of the
488 first degree, punishable by a term of imprisonment not exceeding
489 1 year or a fine not exceeding \$5,000, or both.

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

491 Section 15. Paragraph (m) of subsection (5) of section
492 212.08, Florida Statutes, is amended to read:

493 212.08 Sales, rental, use, consumption, distribution, and

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494 storage tax; specified exemptions.—The sale at retail, the
495 rental, the use, the consumption, the distribution, and the
496 storage to be used or consumed in this state of the following
497 are hereby specifically exempt from the tax imposed by this
498 chapter.

499 (5) EXEMPTIONS; ACCOUNT OF USE.—

500 (m) *Educational materials purchased by certain child care*
501 *facilities.*—Educational materials, such as glue, paper, paints,
502 crayons, unique craft items, scissors, books, and educational
503 toys, purchased by a child care facility that meets the
504 standards delineated in s. 402.305, is licensed under s.
505 402.308, holds a current Gold Seal Quality Care designation
506 pursuant to s. 1002.945, and provides basic health insurance to
507 all employees are exempt from the taxes imposed by this chapter.
508 For purposes of this paragraph, the term “basic health
509 insurance” shall be defined and promulgated in rules developed
510 jointly by the Department of Education, the Agency for Health
511 Care Administration, and the Financial Services Commission.
512 Reviser’s note.—Amended to confirm an editorial insertion to
513 improve clarity.

514 Section 16. Paragraph (d) of subsection (1) of section
515 215.681, Florida Statutes, is amended to read:

516 215.681 ESG bonds; prohibitions.—

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

518 (d) “Issuer” means the division, acting on behalf of any
519 entity; any local government, educational entity, or entity of
520 higher education as defined in s. 215.89(2)(c), (d), and (e),
521 respectively, or other political subdivision granted the power
522 to issue bonds; or any public body corporate and politic

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523 authorized or created by general or special law and granted the
524 power to issue bonds, including, but not limited to, a water and
525 sewer district created under chapter 153, a health facilities
526 authority as defined in s. 154.205, an industrial development
527 authority created under chapter 159, a housing financing
528 authority as defined in s. 159.603(3), a research and
529 development authority as defined in s. 159.702(1)(c), a legal or
530 administrative entity created by interlocal agreement pursuant
531 to s. 163.01(7), a community redevelopment agency as defined in
532 s. 163.340(1), a regional transportation authority created under
533 chapter 163, a community development district as defined in s.
534 190.003, an educational facilities authority as defined in s.
535 243.52(1), the Higher Educational Facilities Financing Authority
536 created under s. 243.53, the Florida Development Finance
537 Corporation created under s. 288.9604, a port district or port
538 authority as defined in s. 315.02(1) and (2), respectively, the
539 South Florida Regional Transportation Authority created under s.
540 343.53, the Central Florida Regional Transportation Authority
541 created under s. 343.63, ~~the Tampa Bay Area Regional Transit~~
542 ~~Authority created under s. 343.92~~, the Greater Miami Expressway
543 Agency created under s. 348.0304, the Tampa-Hillsborough County
544 Expressway Authority created under s. 348.52, the Central
545 Florida Expressway Authority created under s. 348.753, the
546 Jacksonville Transportation Authority created under s. 349.03,
547 and the Florida Housing Finance Corporation created under s.
548 420.504.

549 Reviser's note.—Amended to insert a word to improve clarity, and
550 to conform to the fact that part III, chapter 343, the
551 Tampa Bay Area Regional Transit Authority Act, was repealed

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552 by s. 1, ch. 2023-143, Laws of Florida, and the authority
553 was dissolved effective June 30, 2024, by s. 2, ch. 2023-
554 143.

555 Section 17. Paragraph (b) of subsection (1) of section
556 220.199, Florida Statutes, is amended to read:

557 220.199 Residential graywater system tax credit.—

558 (1) For purposes of this section, the term:

559 (b) "Graywater" has the same meaning as in s.

560 381.0065(2)(g) ~~381.0065(2)(f)~~.

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

562 381.0065(2)(f) as s. 381.0065(2)(g) by s. 11, ch. 2023-169,
563 Laws of Florida.

564 Section 18. Paragraph (d) of subsection (6) of section
565 288.012, Florida Statutes, is amended to read:

566 288.012 State of Florida international offices; direct-
567 support organization.—The Legislature finds that the expansion
568 of international trade and tourism is vital to the overall
569 health and growth of the economy of this state. This expansion
570 is hampered by the lack of technical and business assistance,
571 financial assistance, and information services for businesses in
572 this state. The Legislature finds that these businesses could be
573 assisted by providing these services at State of Florida
574 international offices. The Legislature further finds that the
575 accessibility and provision of services at these offices can be
576 enhanced through cooperative agreements or strategic alliances
577 between private businesses and state, local, and international
578 governmental entities.

579 (6)

580 (d) The senior managers and members of the board of

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581 directors of the organization ~~of the organization~~ are subject to
 582 ss. 112.313(1)-(8), (10), (12), and (15); 112.3135; and
 583 112.3143(2). For purposes of applying ss. 112.313(1)-(8), (10),
 584 (12), and (15); 112.3135; and 112.3143(2) to activities of the
 585 president and staff, those persons shall be considered public
 586 officers or employees and the corporation shall be considered
 587 their agency. The exemption set forth in s. 112.313(12) for
 588 advisory boards applies to the members of board of directors.
 589 Further, each member of the board of directors who is not
 590 otherwise required to file financial disclosures pursuant to s.
 591 8, Art. II of the State Constitution or s. 112.3144, shall file
 592 disclosure of financial interests pursuant to s. 112.3145.
 593 Reviser's note.—Amended to confirm an editorial deletion to
 594 eliminate repetition.

595 Section 19. Paragraph (c) of subsection (3) of section
 596 288.095, Florida Statutes, is amended to read:

597 288.095 Economic Development Trust Fund.—

598 (3)

599 (c) Moneys in the Economic Development Incentives Account
 600 may be used only to pay tax refunds and make other payments
 601 authorized under s. 288.107 or in agreements authorized under
 602 former s. 288.106. The department shall report within 10 days
 603 after the end of each quarter to the Office of Policy and Budget
 604 in the Executive Officer of the Governor, the chair of the
 605 Senate Appropriations Committee or its successor, and the chair
 606 of the House of Representatives Appropriations Committee or its
 607 successor regarding the status of payments made for all economic
 608 development programs administered by the department under this
 609 chapter, including ss. 288.107 and 288.108 and former s. 288.

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610 288.106 ~~and 288.108~~.

611 Reviser's note.—Amended to correct cross-references. The
612 reference to former ss. 288.106 and 288.108 was added by s.
613 44, ch. 2023-173, Laws of Florida. Section 288.106 was
614 repealed by s. 47, ch. 2023-173; s. 288.108 was amended by
615 s. 49, ch. 2023-173, and was not repealed.

616 Section 20. Paragraph (b) of subsection (5) of section
617 288.107, Florida Statutes, is amended to read:

618 288.107 Brownfield redevelopment bonus refunds.—

619 (5) ADMINISTRATION.—

620 (b) To facilitate the process of monitoring and auditing
621 applications made under this program, the department may provide
622 a list of businesses to the Department of Revenue, to the
623 Department of Environmental Protection, or to any local
624 government authority. The department may request the assistance
625 of those entities with respect to monitoring the payment of the
626 taxes listed in paragraph (4) (c) ~~(3) (e)~~.

627 Reviser's note.—Amended to correct a cross-reference. Paragraph
628 (3) (c) does not exist; paragraph (4) (c) contains a list of
629 taxes.

630 Section 21. Subsection (4) of section 296.44, Florida
631 Statutes, is amended to read:

632 296.44 Definitions.—As used in this part, the term:

633 (4) "Operator" means the person designated to have and who
634 has the general administrative charge of an adult day health
635 care facility or adult day care center. The administrator of a
636 veterans' nursing home under s. 296.34 or the administrator of
637 the Veterans' Domiciliary Home of Florida under s. 296.04 may
638 serve as the operator if the adult day health care facility or

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639 adult day care center is collocated at an existing veterans'
640 nursing home or the Veterans' Domiciliary Home of Florida or is
641 a freestanding facility.

642 Reviser's note.—Amended to confirm an editorial insertion to
643 improve clarity.

644 Section 22. Subsections (2) and (6) of section 298.301,
645 Florida Statutes, are amended to read:

646 298.301 District water control plan adoption; district
647 boundary modification; plan amendment; notice forms; objections;
648 hearings; assessments.—

649 (2) Before adopting a water control plan or plan amendment,
650 the board of supervisors must adopt a resolution to consider
651 adoption of the proposed plan or plan amendment. As soon as the
652 resolution proposing the adoption or amendment of the district's
653 water control plan has been filed with the district secretary,
654 the board of supervisors shall give notice of a public hearing
655 on the proposed plan or plan amendment by causing publication to
656 be made once a week for 3 consecutive weeks in a newspaper of
657 general circulation published in each county in which lands and
658 other property described in the resolution are situated. The
659 notice must be in substantially the following form:

660
661 Notice of Hearing

662
663 To the owners and all persons interested in the lands
664 corporate, and other property in and adjacent to the ... (name of
665 district)... District.

666 You are notified that the ... (name of district)... District
667 has filed in the office of the secretary of the district a

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668 resolution to consider approval of a water control plan or an
669 amendment to the current water control plan to provide ...~~(here~~
670 insert a summary of the proposed water control plan or plan
671 amendment).... On or before its scheduled meeting of ...(date
672 and time)... at the district's offices located at ...(list
673 address of offices)... written objections to the proposed plan
674 or plan amendment may be filed at the district's offices. A
675 public hearing on the proposed plan or plan amendment will be
676 conducted at the scheduled meeting, and written objections will
677 be considered at that time. At the conclusion of the hearing,
678 the board of supervisors may determine to proceed with the
679 process for approval of the proposed plan or plan amendment and
680 direct the district engineer to prepare an engineer's report
681 identifying any property to be taken, determining benefits and
682 damages, and estimating the cost of implementing the
683 improvements associated with the proposed plan or plan
684 amendment. A final hearing on approval of the proposed plan or
685 plan amendment and engineer's report shall be duly noticed and
686 held at a regularly scheduled board of supervisors meeting at
687 least 25 days but no later than 60 days after the last scheduled
688 publication of the notice of filing of the engineer's report
689 with the secretary of the district.

690
691 Date of first publication:, ...(year)...
692
693 (Chair or President, Board of Supervisors)
694 County, Florida

695 (6) Upon the filing of the engineer's report, the board of
696 supervisors shall give notice thereof by arranging the

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697 publication of the notice of filing of the engineer's report
 698 together with a geographical depiction of the district once a
 699 week for 2 consecutive weeks in a newspaper of general
 700 circulation in each county in the district. A location map or
 701 legal description of the land shall constitute a geographical
 702 depiction. The notice must be substantially as follows:

703
 704 Notice of Filing Engineer's Report for
 705 District
 706

707 Notice is given to all persons interested in the following
 708 described land and property in County (or Counties),
 709 Florida, viz.: ...~~(Here~~ Describe land and property)... included
 710 within the district that the engineer hereto
 711 appointed to determine benefits and damages to the property and
 712 lands situated in the district and to determine the estimated
 713 cost of construction required by the water control plan, within
 714 or without the limits of the district, under the proposed water
 715 control plan or plan amendment, filed her or his report in the
 716 office of the secretary of the district, located at ...(list
 717 address of district offices)..., on the day of
 718, ...(year)..., and you may examine the report and
 719 file written objections with the secretary of the district to
 720 all, or any part thereof, on or before ...(enter date 20 days
 721 after the last scheduled publication of this notice, which date
 722 must be before the date of the final hearing)... The report
 723 recommends ...(describe benefits and damages)... A final
 724 hearing to consider approval of the report and proposed water
 725 control plan or plan amendment shall be held ...(time, place,

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726 and date at least 25 days but no later than 60 days after the
727 last scheduled publication of this notice)....

728

729 Date of first publication:, ...(year)...

730

731 (Chair or President, Board of Supervisors)

732 County, Florida

733

734 Reviser's note.—Amended to conform to general style in forms.

735 Section 23. Paragraph (d) of subsection (3) of section
736 322.27, Florida Statutes, is amended to read:

737 322.27 Authority of department to suspend or revoke driver
738 license or identification card.—

739 (3) There is established a point system for evaluation of
740 convictions of violations of motor vehicle laws or ordinances,
741 and violations of applicable provisions of s. 403.413(6) (b) when
742 such violations involve the use of motor vehicles, for the
743 determination of the continuing qualification of any person to
744 operate a motor vehicle. The department is authorized to suspend
745 the license of any person upon showing of its records or other
746 good and sufficient evidence that the licensee has been
747 convicted of violation of motor vehicle laws or ordinances, or
748 applicable provisions of s. 403.413(6) (b), amounting to 12 or
749 more points as determined by the point system. The suspension
750 shall be for a period of not more than 1 year.

751 (d) The point system shall have as its basic element a
752 graduated scale of points assigning relative values to
753 convictions of the following violations:

754 1. Reckless driving, willful and wanton—4 points.

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- 755 2. Leaving the scene of a crash resulting in property
756 damage of more than \$50—6 points.
- 757 3. Unlawful speed, or unlawful use of a wireless
758 communications device, resulting in a crash—6 points.
- 759 4. Passing a stopped school bus:
- 760 a. Not causing or resulting in serious bodily injury to or
761 death of another—4 points.
- 762 b. Causing or resulting in serious bodily injury to or
763 death of another—6 points.
- 764 c. Points may not be imposed for a violation of passing a
765 stopped school bus as provided in s. 316.172(1)(a) or (b) when
766 enforced by a school bus infraction detection system pursuant s.
767 316.173. In addition, a violation of s. 316.172(1)(a) or (b)
768 when enforced by a school bus infraction detection system
769 pursuant to s. 316.173 may not be used for purposes of setting
770 motor vehicle insurance rates.
- 771 5. Unlawful speed:
- 772 a. Not in excess of 15 miles per hour of lawful or posted
773 speed—3 points.
- 774 b. In excess of 15 miles per hour of lawful or posted
775 speed—4 points.
- 776 c. Points may not be imposed for a violation of unlawful
777 speed as provided in s. 316.1895 or s. 316.183 when enforced by
778 a traffic infraction enforcement officer pursuant to s.
779 316.1896. In addition, a violation of s. 316.1895 or s. 316.183
780 when enforced by a traffic infraction enforcement officer
781 pursuant to s. 316.1896 may not be used for purposes of setting
782 motor vehicle insurance rates.
- 783 6. A violation of a traffic control signal device as

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784 provided in s. 316.074(1) or s. 316.075(1)(c)1.—4 points.
785 However, points may not be imposed for a violation of s.
786 316.074(1) or s. 316.075(1)(c)1. when a driver has failed to
787 stop at a traffic signal and when enforced by a traffic
788 infraction enforcement officer. In addition, a violation of s.
789 316.074(1) or s. 316.075(1)(c)1. when a driver has failed to
790 stop at a traffic signal and when enforced by a traffic
791 infraction enforcement officer may not be used for purposes of
792 setting motor vehicle insurance rates.

793 7. All other moving violations (including parking on a
794 highway outside the limits of a municipality)—3 points. However,
795 points may not be imposed for a violation of s. 316.0741 or s.
796 316.2065(11); and points may be imposed for a violation of s.
797 316.1001 only when imposed by the court after a hearing pursuant
798 to s. 318.14(5).

799 8. Any moving violation covered in this paragraph,
800 excluding unlawful speed and unlawful use of a wireless
801 communications device, resulting in a crash—4 points.

802 9. Any conviction under s. 403.413(6)(b)—3 points.

803 10. Any conviction under s. 316.0775(2)—4 points.

804 11. A moving violation covered in this paragraph which is
805 committed in conjunction with the unlawful use of a wireless
806 communications device within a school safety zone—2 points, in
807 addition to the points assigned for the moving violation.

808 Reviser's note.—Amended to confirm an editorial insertion to
809 improve clarity.

810 Section 24. Paragraph (a) of subsection (2) of section
811 330.41, Florida Statutes, is amended to read:

812 330.41 Unmanned Aircraft Systems Act.—

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813 (2) DEFINITIONS.—As used in this act, the term:

814 (a) "Critical infrastructure facility" means any of the
815 following, if completely enclosed by a fence or other physical
816 barrier that is obviously designed to exclude intruders, or if
817 clearly marked with a sign or signs which indicate that entry is
818 forbidden and which are posted on the property in a manner
819 reasonably likely to come to the attention of intruders:

820 1. A power generation or transmission facility, substation,
821 switching station, or electrical control center.

822 2. A chemical or rubber manufacturing or storage facility.

823 3. A water intake structure, water treatment facility,
824 wastewater treatment plant, or pump station.

825 4. A mining facility.

826 5. A natural gas or compressed gas compressor station,
827 storage facility, or natural gas or compressed gas pipeline.

828 6. A liquid natural gas or propane gas terminal or storage
829 facility.

830 7. Any portion of an aboveground oil or gas pipeline.

831 8. A refinery.

832 9. A gas processing plant, including a plant used in the
833 processing, treatment, or fractionation of natural gas.

834 10. A wireless communications facility, including the
835 tower, antennae, support structures, and all associated ground-
836 based equipment.

837 11. A seaport as listed in s. 311.09(1), which need not be
838 completely enclosed by a fence or other physical barrier and
839 need not be marked with a sign or signs indicating that entry is
840 forbidden.

841 12. An inland port or other facility or group of facilities

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842 serving as a point of intermodal transfer of freight in a
843 specific area physically separated from a seaport.

844 13. An airport as defined in s. 330.27.

845 14. A spaceport territory as defined in s. 331.303(19)
846 ~~331.303(18)~~.

847 15. A military installation as defined in 10 U.S.C. s.
848 2801(c)(4) and an armory as defined in s. 250.01.

849 16. A dam as defined in s. 373.403(1) or other structures,
850 such as locks, floodgates, or dikes, which are designed to
851 maintain or control the level of navigable waterways.

852 17. A state correctional institution as defined in s.
853 944.02 or a private correctional facility authorized under
854 chapter 957.

855 18. A secure detention center or facility as defined in s.
856 985.03, or a nonsecure residential facility, a high-risk
857 residential facility, or a maximum-risk residential facility as
858 those terms are described in s. 985.03(44).

859 19. A county detention facility as defined in s. 951.23.

860 20. A critical infrastructure facility as defined in s.
861 692.201.

862 Reviser's note.—Amended to conform to the reordering of
863 definitions in s. 331.303 by s. 69, ch. 2023-8, Laws of
864 Florida.

865 Section 25. Subsection (3) of section 348.0304, Florida
866 Statutes, is reenacted to read:

867 348.0304 Greater Miami Expressway Agency.—

868 (3) (a) The governing body of the agency shall consist of
869 nine voting members. Except for the district secretary of the
870 department, each member must be a permanent resident of a county

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871 served by the agency and may not hold, or have held in the
872 previous 2 years, elected or appointed office in such county,
873 except that this paragraph does not apply to any initial
874 appointment under paragraph (b) or to any member who previously
875 served on the governing body of the former Greater Miami
876 Expressway Agency. Each member may only serve two terms of 4
877 years each, except that there is no restriction on the term of
878 the department's district secretary. Four members, each of whom
879 must be a permanent resident of Miami-Dade County, shall be
880 appointed by the Governor, subject to confirmation by the Senate
881 at the next regular session of the Legislature. Refusal or
882 failure of the Senate to confirm an appointment shall create a
883 vacancy. Appointments made by the Governor and board of county
884 commissioners of Miami-Dade County shall reflect the state's
885 interests in the transportation sector and represent the intent,
886 duties, and purpose of the Greater Miami Expressway Agency, and
887 have at least 3 years of professional experience in one or more
888 of the following areas: finance; land use planning; tolling
889 industry; or transportation engineering. Two members, who must
890 be residents of an unincorporated portion of the geographic area
891 described in subsection (1) and residing within 15 miles of an
892 area with the highest amount of agency toll roads, shall be
893 appointed by the board of county commissioners of Miami-Dade
894 County. Two members, who must be residents of incorporated
895 municipalities within a county served by the agency, shall be
896 appointed by the metropolitan planning organization for a county
897 served by the agency. The district secretary of the department
898 serving in the district that contains Miami-Dade County shall
899 serve as an ex officio voting member of the governing body.

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900 (b) Initial appointments to the governing body of the
901 agency shall be made by July 31, 2019. For the initial
902 appointments:

903 1. The Governor shall appoint one member for a term of 1
904 year, one member for a term of 2 years, one member for a term of
905 3 years, and one member for a term of 4 years.

906 2. The board of county commissioners of Miami-Dade County
907 shall appoint one member for a term of 1 year and one member for
908 a term of 3 years.

909 3. The metropolitan planning organization of Miami-Dade
910 County shall appoint one member for a term of 2 years and one
911 member for a term of 4 years.

912 (c) Persons who, on or after July 1, 2009, were members of
913 the governing body or employees of the former Miami-Dade County
914 Expressway Authority may not be appointed members of the
915 governing body of the agency. This paragraph does not apply to
916 appointments to the governing body of the agency made by the
917 Governor or to the district secretary of the department serving
918 in an ex officio role pursuant to paragraph (a).

919 Reviser's note.—Section 23, ch. 2023-70, Laws of Florida,
920 purported to amend subsection (2), redesignated as
921 subsection (3), without publishing paragraph (c). Absent
922 affirmative evidence of legislative intent to repeal it,
923 subsection (3) is reenacted here to confirm that the
924 omission was not intended.

925 Section 26. Paragraphs (aa) and (cc) of subsection (3) of
926 section 365.172, Florida Statutes, are amended to read:

927 365.172 Emergency communications.—

928 (3) DEFINITIONS.—Only as used in this section and ss.

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929 365.171, 365.173, 365.174, and 365.177, the term:

930 (aa) "Public safety answering point," "PSAP," or "answering
931 point" means the public safety agency that receives incoming 911
932 requests for assistance and dispatches appropriate public safety
933 agencies to respond to the requests in accordance with the
934 statewide emergency communications ~~state E911~~ plan.

935 (cc) "Service identifier" means the service number, access
936 line, or other unique identifier assigned to a subscriber and
937 established by the Federal Communications Commission for
938 purposes of routing calls whereby the subscriber has access to
939 the emergency communications ~~E911~~ system.

940 Reviser's note.—Paragraph (3)(aa) is amended to conform to the
941 redesignation of the statewide emergency communications
942 number E911 system plan as the statewide emergency
943 communications plan by s. 5, ch. 2023-55, Laws of Florida.
944 Paragraph (3)(cc) is amended to conform to the
945 redesignation of the E911 system to the emergency
946 communications system by s. 5, ch. 2023-55.

947 Section 27. Subsection (4) of section 373.228, Florida
948 Statutes, is amended to read:

949 373.228 Landscape irrigation design.—

950 (4) The water management districts shall work with the
951 Florida Nursery, Growers and Landscape Association, the Florida
952 Native Plant Society, the Florida Chapter of the American
953 Society of Landscape Architects, the Florida Irrigation Society,
954 the Department of Agriculture and Consumer Services, the
955 Institute of Food and Agricultural Sciences, the Department of
956 Environmental Protection, the Department of Transportation, the
957 Florida League of Cities, the Florida Association of Counties,

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958 and the Florida Association of Community Developers to develop
 959 landscape irrigation and Florida-friendly landscaping design
 960 standards for new construction which incorporate a landscape
 961 irrigation system and develop scientifically based model
 962 guidelines for urban, commercial, and residential landscape
 963 irrigation, including drip irrigation, for plants, trees, sod,
 964 and other landscaping. The standards shall be based on the
 965 irrigation code defined in the Florida Building Code, Plumbing
 966 Volume, Appendix F. Local governments shall use the standards
 967 and guidelines when developing landscape irrigation and Florida-
 968 friendly landscaping ordinances. ~~By January 1, 2011, the~~
 969 ~~agencies and entities specified in this subsection shall review~~
 970 ~~the standards and guidelines to determine whether new research~~
 971 ~~findings require a change or modification of the standards and~~
 972 ~~guidelines.~~

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

974 Section 28. Subsection (2) of section 373.583, Florida
 975 Statutes, is amended to read:

976 373.583 Registration of bonds.—

977 (2) Such statement stamped, printed or written upon any
 978 such bond may be in substantially the following form:

979
 980 ... (Date, giving month, year and day.) ...

981 This bond is to be registered pursuant to the statutes in
 982 such case made and provided in the name of ... ~~(here~~ insert name
 983 of owner) ..., and the interest and principal thereof are
 984 hereafter payable to such owner.

985 ... (Treasurer) ...

986 Reviser's note.—Amended to conform to general style in forms.

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987 Section 29. Section 376.323, Florida Statutes, is amended
988 to read:

989 376.323 Registration.—All tanks shall be registered ~~no~~
990 ~~later than July 1, 1992~~. Registrations shall be renewed
991 annually. Registration fees shall not exceed \$2,500 per
992 facility. The department shall issue to the tank owner or
993 operator one registration placard per facility, covering all
994 tanks at that facility which have been properly registered, as
995 evidence of the completion of the registration requirement. The
996 department shall develop by rule a fee schedule sufficient to
997 cover the costs associated with registration, inspection,
998 surveillance, and other activities associated with ss. 376.320-
999 376.326. Revenues from such fees collected shall be deposited
1000 into the Water Quality Assurance Trust Fund, and shall be used
1001 to implement the provisions of ss. 376.320-376.326.

1002 Reviser's note.—Amended to delete obsolete language.

1003 Section 30. Paragraph (b) of subsection (2) of section
1004 380.0553, Florida Statutes, is amended to read:

1005 380.0553 Brevard Barrier Island Area; protection and
1006 designation as area of critical state concern.—

1007 (2) LEGISLATIVE FINDINGS.—The Legislature finds that the
1008 designation of the Brevard Barrier Island Area as an area of
1009 critical state concern is necessary for the following reasons:

1010 (b) The beaches of the region are among the most important
1011 nesting grounds for threatened and endangered sea turtles in the
1012 Western Hemisphere, ~~and~~ the beach running the length of the
1013 southern barrier island of Brevard County is home to the largest
1014 nesting aggregation of loggerhead sea turtles in the world, and
1015 the management decisions made in the region have global impacts

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1016 for the species.

1017 Reviser's note.—Amended to confirm an editorial deletion to
1018 improve clarity.

1019 Section 31. Subsection (5) of section 380.0933, Florida
1020 Statutes, is amended to read:

1021 380.0933 Florida Flood Hub for Applied Research and
1022 Innovation.—

1023 (5) By July 1 of each year, ~~2022, and each July 1~~
1024 ~~thereafter~~, the hub shall provide an annual comprehensive report
1025 to the Governor, the President of the Senate, and the Speaker of
1026 the House of Representatives that outlines its clearly defined
1027 goals and its efforts and progress on reaching such goals.

1028 Reviser's note.—Amended to delete obsolete language.

1029 Section 32. Paragraph (a) of subsection (3) of section
1030 381.986, Florida Statutes, is amended to read:

1031 381.986 Medical use of marijuana.—

1032 (3) QUALIFIED PHYSICIANS AND MEDICAL DIRECTORS.—

1033 (a) Before being approved as a qualified physician and
1034 before each license renewal, a physician must successfully
1035 complete a 2-hour course and subsequent examination offered by
1036 the Florida Medical Association or the Florida Osteopathic
1037 Medical Association which encompass the requirements of this
1038 section and any rules adopted hereunder. The course and
1039 examination must be administered at least annually and may be
1040 offered in a distance learning format, including an electronic,
1041 online format that is available upon request. The price of the
1042 course may not exceed \$500. ~~A physician who has met the~~
1043 ~~physician education requirements of former s. 381.986(4),~~
1044 ~~Florida Statutes 2016, before June 23, 2017, shall be deemed to~~

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1045 ~~be in compliance with this paragraph from June 23, 2017, until~~
1046 ~~90 days after the course and examination required by this~~
1047 ~~paragraph become available.~~

1048 Reviser's note.—Amended to delete obsolete language.

1049 Section 33. Subsection (3) of section 394.9086, Florida
1050 Statutes, is reenacted to read:

1051 394.9086 Commission on Mental Health and Substance Use
1052 Disorder.—

1053 (3) MEMBERSHIP; TERM LIMITS; MEETINGS.—

1054 (a) The commission shall be composed of 20 members as
1055 follows:

1056 1. A member of the Senate, appointed by the President of
1057 the Senate.

1058 2. A member of the House of Representatives, appointed by
1059 the Speaker of the House of Representatives.

1060 3. The Secretary of Children and Families or his or her
1061 designee.

1062 4. The Secretary of the Agency for Health Care
1063 Administration or his or her designee.

1064 5. A person living with a mental health disorder, appointed
1065 by the President of the Senate.

1066 6. A family member of a consumer of publicly funded mental
1067 health services, appointed by the President of the Senate.

1068 7. A representative of the Louis de la Parte Florida Mental
1069 Health Institute within the University of South Florida,
1070 appointed by the President of the Senate.

1071 8. A representative of a county school district, appointed
1072 by the President of the Senate.

1073 9. A representative of mental health courts, appointed by

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1074 the Governor.

1075 10. A representative of a treatment facility, as defined in
1076 s. 394.455, appointed by the Speaker of the House of
1077 Representatives.

1078 11. A representative of a managing entity, as defined in s.
1079 394.9082(2), appointed by the Speaker of the House of
1080 Representatives.

1081 12. A representative of a community substance use disorder
1082 provider, appointed by the Speaker of the House of
1083 Representatives.

1084 13. A psychiatrist licensed under chapter 458 or chapter
1085 459 practicing within the mental health delivery system,
1086 appointed by the Speaker of the House of Representatives.

1087 14. A psychologist licensed under chapter 490 practicing
1088 within the mental health delivery system, appointed by the
1089 Governor.

1090 15. A mental health professional licensed under chapter
1091 491, appointed by the Governor.

1092 16. An emergency room physician, appointed by the Governor.

1093 17. A representative from the field of law enforcement,
1094 appointed by the Governor.

1095 18. A representative from the criminal justice system,
1096 appointed by the Governor.

1097 19. A representative of a child welfare agency involved in
1098 the delivery of behavioral health services, appointed by the
1099 Governor.

1100 20. A representative of the statewide Florida 211 Network
1101 as described in s. 408.918, appointed by the Governor.

1102 (b) The Governor shall appoint the chair from the members

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1103 of the commission. Appointments to the commission must be made
1104 by August 1, 2021. Members shall be appointed to serve at the
1105 pleasure of the officer who appointed the member. A vacancy on
1106 the commission shall be filled in the same manner as the
1107 original appointment.

1108 (c) The commission shall convene no later than September 1,
1109 2021. The commission shall meet quarterly or upon the call of
1110 the chair. The commission may hold its meetings in person at
1111 locations throughout the state or via teleconference or other
1112 electronic means.

1113 (d) Members of the commission are entitled to receive
1114 reimbursement for per diem and travel expenses pursuant to s.
1115 112.061.

1116 (e) Notwithstanding any other law, the commission may
1117 request and shall be provided with access to any information or
1118 records, including exempt and confidential information or
1119 records, which are necessary for the commission to carry out its
1120 duties. Information or records obtained by the commission which
1121 are otherwise exempt or confidential and exempt shall retain
1122 such exempt or confidential and exempt status, and the
1123 commission may not disclose such information or records.

1124 Reviser's note.—Section 3, ch. 2023-252, Laws of Florida,
1125 purported to amend subsection (3) but did not publish
1126 paragraphs (b)-(e). Absent affirmative evidence of
1127 legislative intent to repeal them, subsection (3) is
1128 reenacted to confirm that the omission was not intended.

1129 Section 34. Paragraph (i) of subsection (4) of section
1130 397.335, Florida Statutes, is amended to read:

1131 397.335 Statewide Council on Opioid Abatement.—

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1132 (4) DUTIES.—

1133 (i) By each December 1, ~~2023, and annually thereafter~~, the
1134 council shall provide and publish an annual report. The report
1135 shall contain information on how settlement moneys were spent
1136 the previous fiscal year by the state, each of the managing
1137 entities, and each of the counties and municipalities. The
1138 report shall also contain recommendations to the Governor, the
1139 Legislature, and local governments for how moneys should be
1140 prioritized and spent in the coming fiscal year to respond to
1141 the opioid epidemic.

1142 Reviser's note.—Amended to delete obsolete language and improve
1143 clarity.

1144 Section 35. Paragraph (b) of subsection (1) of section
1145 403.865, Florida Statutes, is amended to read:

1146 403.865 Water and wastewater facility personnel;
1147 legislative purpose.—

1148 (1) The Legislature finds that:

1149 (b) Water and wastewater facility personnel are essential
1150 first responders. As used in this section, the term "water and
1151 wastewater facility personnel" means any employee of a
1152 governmental authority as defined in s. 367.021; a utility as
1153 defined in s. 367.021; a state, municipal, or county sewerage
1154 system as defined in s. 403.031(14) ~~403.031(9)~~; or a public
1155 water system as defined in s. 403.852(2).

1156 Reviser's note.—Amended to conform to the redesignation of s.

1157 403.031(9) as s. 403.031(14) by s. 13, ch. 2023-169, Laws
1158 of Florida.

1159 Section 36. Paragraph (a) of subsection (3) of section
1160 409.1678, Florida Statutes, is amended to read:

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1161 409.1678 Specialized residential options for children who
1162 are victims of commercial sexual exploitation.—

1163 (3) SERVICES WITHIN A RESIDENTIAL TREATMENT CENTER OR
1164 HOSPITAL.—Residential treatment centers licensed under s.
1165 394.875, and hospitals licensed under chapter 395 that provide
1166 residential mental health treatment, shall provide specialized
1167 treatment for commercially sexually exploited children in the
1168 custody of the department who are placed in these facilities
1169 pursuant to s. 39.407(6), s. 394.4625, or s. 394.467.

1170 (a) The specialized treatment must meet the requirements of
1171 subparagraphs (2)(c)1., 3., 6., and 8. ~~(2)(e)1., 3., 6., and 7.,~~
1172 paragraph (2)(d), and the department's treatment standards
1173 adopted pursuant to this section. However, a residential
1174 treatment center or hospital may prioritize the delivery of
1175 certain services among those required under paragraph (2)(d) to
1176 meet the specific treatment needs of the child.

1177 Reviser's note.—Amended to conform to the redesignation of
1178 subparagraph (2)(c)7. as subparagraph (2)(c)8. by s. 3, ch.
1179 2023-85, Laws of Florida.

1180 Section 37. Subsections (25) and (26) of section 409.996,
1181 Florida Statutes, are amended to read:

1182 409.996 Duties of the Department of Children and Families.—
1183 The department shall contract for the delivery, administration,
1184 or management of care for children in the child protection and
1185 child welfare system. In doing so, the department retains
1186 responsibility for the quality of contracted services and
1187 programs and shall ensure that, at a minimum, services are
1188 delivered in accordance with applicable federal and state
1189 statutes and regulations and the performance standards and

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1190 metrics specified in the strategic plan created under s.
1191 20.19(1).

1192 (25) The department shall develop, in collaboration with
1193 the Florida Institute for Child Welfare, lead agencies, service
1194 providers, current and former foster children placed in
1195 residential group care, and other community stakeholders, a
1196 statewide accountability system for residential group care
1197 providers based on measurable quality standards.

1198 (a) The accountability system must:

1199 1. Promote high quality in services and accommodations,
1200 differentiating between shift and family-style models and
1201 programs and services for children with specialized or
1202 extraordinary needs, such as pregnant teens and children with
1203 Department of Juvenile Justice involvement.

1204 2. Include a quality measurement system with domains and
1205 clearly defined levels of quality. The system must measure the
1206 level of quality for each domain, using criteria that
1207 residential group care providers must meet in order to achieve
1208 each level of quality. Domains may include, but are not limited
1209 to, admissions, service planning, treatment planning, living
1210 environment, and program and service requirements. The system
1211 may also consider outcomes 6 months and 12 months after a child
1212 leaves the provider's care. However, the system may not assign a
1213 single summary rating to residential group care providers.

1214 3. Consider the level of availability of trauma-informed
1215 care and mental health and physical health services, providers'
1216 engagement with the schools children in their care attend, and
1217 opportunities for children's involvement in extracurricular
1218 activities.

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1219 (b) After development and implementation of the
1220 accountability system in accordance with paragraph (a), the
1221 department and each lead agency shall use the information from
1222 the accountability system to promote enhanced quality in
1223 residential group care within their respective areas of
1224 responsibility. Such promotion may include, but is not limited
1225 to, the use of incentives and ongoing contract monitoring
1226 efforts.

1227 (c) The department shall submit a report to the Governor,
1228 the President of the Senate, and the Speaker of the House of
1229 Representatives by October 1 of each year. The report must, at a
1230 minimum, include an update on the development of a statewide
1231 accountability system for residential group care providers and a
1232 plan for department oversight and implementation of the
1233 statewide accountability system. After implementation of the
1234 statewide accountability system, the report must also include a
1235 description of the system, including measures and any tools
1236 developed, a description of how the information is being used by
1237 the department and lead agencies, an assessment of placement of
1238 children in residential group care using data from the
1239 accountability system measures, and recommendations to further
1240 improve quality in residential group care.

1241 ~~(d) The accountability system must be implemented by July~~
1242 ~~1, 2022.~~

1243 (d) ~~(e)~~ Nothing in this subsection impairs the department's
1244 licensure authority under s. 409.175.

1245 (e) ~~(f)~~ The department may adopt rules to administer this
1246 subsection.

1247 (26) In collaboration with lead agencies, service

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1248 providers, and other community stakeholders, the department
1249 shall develop a statewide accountability system based on
1250 measurable quality standards. ~~The accountability system must be~~
1251 ~~implemented by July 1, 2021.~~

1252 (a) The accountability system must:

1253 1. Assess the overall health of the child welfare system,
1254 by circuit, using grading criteria established by the
1255 department.

1256 2. Include a quality measurement system with domains and
1257 clearly defined levels of quality. The system must measure the
1258 performance standards for child protective investigators, lead
1259 agencies, and children's legal services throughout the system of
1260 care, using criteria established by the department, and, at a
1261 minimum, address applicable federal- and state-mandated metrics.

1262 3. Align with the principles of the results-oriented
1263 accountability program established under s. 409.997.

1264 (b) After the development and implementation of the
1265 accountability system under this subsection, the department and
1266 each lead agency shall use the information from the
1267 accountability system to promote enhanced quality service
1268 delivery within their respective areas of responsibility.

1269 (c) By December 1 of each year, the department shall submit
1270 a report on the overall health of the child welfare system to
1271 the Governor, the President of the Senate, and the Speaker of
1272 the House of Representatives.

1273 (d) The department may adopt rules to implement this
1274 subsection.

1275 Reviser's note.—Amended to delete obsolete language.

1276 Section 38. Subsection (9) of section 413.801, Florida

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1277 Statutes, is amended to read:

1278 413.801 Florida Unique Abilities Partner Program.—

1279 (9) REPORT.—

1280 ~~(a) By January 1, 2017, the department shall provide a~~
1281 ~~report to the President of the Senate and the Speaker of the~~
1282 ~~House of Representatives on the status of the implementation of~~
1283 ~~this section, including the adoption of rules, development of~~
1284 ~~the logo, and development of application procedures.~~

1285 ~~(b) Beginning in 2017 and each year thereafter, The~~
1286 department's annual report required under s. 20.60 must describe
1287 in detail the progress and use of the program. At a minimum, the
1288 report must include, for the most recent year: the number of
1289 applications and nominations received; the number of nominations
1290 accepted and declined; the number of designations awarded;
1291 annual certifications; the use of information provided under
1292 subsection (8); and any other information deemed necessary to
1293 evaluate the program.

1294 Reviser's note.—Amended to delete obsolete language.

1295 Section 39. Paragraph (a) of subsection (10) of section
1296 415.1103, Florida Statutes, is amended to read:

1297 415.1103 Elder and vulnerable adult abuse fatality review
1298 teams.—

1299 (10) (a) 1. Any information that is exempt or confidential
1300 and exempt from s. 119.07(1) and s. 24(a), Art. I of the State
1301 Constitution and is obtained by an elder ~~abuse~~ or vulnerable
1302 adult abuse fatality review team while executing its duties
1303 under this section retains its exempt or confidential and exempt
1304 status when held by the review team.

1305 2. Any information contained in a record created by a

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1306 review team pursuant to this section which reveals the identity
1307 of a victim of abuse, exploitation, or neglect or the identity
1308 of persons responsible for the welfare of a victim is
1309 confidential and exempt from s. 119.07(1) and s. 24(a), Art. I
1310 of the State Constitution.

1311 3. Any information that is maintained as exempt or
1312 confidential and exempt within this chapter retains its exempt
1313 or confidential and exempt status when held by a review team.

1314 Reviser's note.—Amended to confirm an editorial deletion to
1315 conform to the majority of references to the elder or
1316 vulnerable adult abuse fatality review teams in this
1317 section.

1318 Section 40. Subsection (3) of section 420.5096, Florida
1319 Statutes, is amended to read:

1320 420.5096 Florida Hometown Hero Program.—

1321 (3) For loans made available pursuant to s.
1322 420.507(23)(a)1. or 2., the corporation may underwrite and make
1323 those mortgage loans through the program to persons or families
1324 who have household incomes that do not exceed 150 percent of the
1325 state median income or local median income, whichever is
1326 greater. A borrower must be seeking to purchase a home as a
1327 primary residence; must be a first-time homebuyer and a Florida
1328 resident; and must be employed full-time by a Florida-based
1329 employer. The borrower must provide documentation of full-time
1330 employment, or full-time status for self-employed individuals,
1331 of 35 hours or more per week. The requirement to be a first-time
1332 homebuyer does not apply to a borrower who is an active duty
1333 servicemember of a branch of the armed forces or the Florida
1334 National Guard, as defined in s. 250.01, or a veteran.

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1335 Reviser's note.—Amended to confirm editorial insertions to
1336 improve clarity.

1337 Section 41. Paragraph (b) of subsection (7) of section
1338 445.003, Florida Statutes, is amended to read:

1339 445.003 Implementation of the federal Workforce Innovation
1340 and Opportunity Act.—

1341 (7) DUTIES OF THE DEPARTMENT.—The department shall adopt
1342 rules to implement the requirements of this chapter, including:

1343 (b) Initial and subsequent eligibility criteria, based on
1344 input from the state board, local workforce development boards,
1345 the Department of Education, and other stakeholders, for the
1346 Workforce Innovation and Opportunity Act eligible training
1347 provider list. This list directs training resources to programs
1348 leading to employment in high-demand and high-priority
1349 occupations that provide economic security, particularly those
1350 occupations facing a shortage of skilled workers. A training
1351 provider who offers training to obtain a credential on the
1352 Master Credentials List under s. 445.004(4)(h) may not be
1353 included on a state or local eligible training provider list if
1354 the provider fails to submit the required information or fails
1355 to meet initial or subsequent eligibility criteria. Subsequent
1356 eligibility criteria must use the performance and outcome
1357 measures defined and reported under s. 1008.40, to determine
1358 whether each program offered by a training provider is qualified
1359 to remain on the list. The Department of Economic Opportunity
1360 and the Department of Education shall establish the minimum
1361 criteria a training provider must achieve for completion,
1362 earnings, and employment rates of eligible participants. A
1363 provider must meet at least two of the minimum criteria for

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1364 subsequent eligibility. The minimum program criteria may not
1365 exceed the threshold below ~~at~~ which more than 20 percent of all
1366 eligible training providers in the state would fall ~~below~~.
1367 Reviser's note.—Amended to improve clarity.

1368 Section 42. Subsection (3) of section 456.42, Florida
1369 Statutes, is amended to read:

1370 456.42 Written prescriptions for medicinal drugs.—

1371 (3) A health care practitioner licensed by law to prescribe
1372 a medicinal drug who maintains a system of electronic health
1373 records as defined in s. 408.051(2)(c) ~~408.051(2)(a)~~, or who
1374 prescribes medicinal drugs as an owner, an employee, or a
1375 contractor of a licensed health care facility or practice that
1376 maintains such a system and who is prescribing in his or her
1377 capacity as such an owner, an employee, or a contractor, may
1378 only electronically transmit prescriptions for such drugs. This
1379 requirement applies to such a health care practitioner upon
1380 renewal of the health care practitioner's license or by July 1,
1381 2021, whichever is earlier, but does not apply if:

1382 (a) The practitioner and the dispenser are the same entity;

1383 (b) The prescription cannot be transmitted electronically
1384 under the most recently implemented version of the National
1385 Council for Prescription Drug Programs SCRIPT Standard;

1386 (c) The practitioner has been issued a waiver by the
1387 department, not to exceed 1 year in duration, from the
1388 requirement to use electronic prescribing due to demonstrated
1389 economic hardship, technological limitations that are not
1390 reasonably within the control of the practitioner, or another
1391 exceptional circumstance demonstrated by the practitioner;

1392 (d) The practitioner reasonably determines that it would be

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1393 impractical for the patient in question to obtain a medicinal
1394 drug prescribed by electronic prescription in a timely manner
1395 and such delay would adversely impact the patient's medical
1396 condition;

1397 (e) The practitioner is prescribing a drug under a research
1398 protocol;

1399 (f) The prescription is for a drug for which the federal
1400 Food and Drug Administration requires the prescription to
1401 contain elements that may not be included in electronic
1402 prescribing;

1403 (g) The prescription is issued to an individual receiving
1404 hospice care or who is a resident of a nursing home facility; or

1405 (h) The practitioner determines that it is in the best
1406 interest of the patient, or the patient determines that it is in
1407 his or her own best interest, to compare prescription drug
1408 prices among area pharmacies. The practitioner must document
1409 such determination in the patient's medical record.

1410

1411 The department, in consultation with the Board of Medicine, the
1412 Board of Osteopathic Medicine, the Board of Podiatric Medicine,
1413 the Board of Dentistry, the Board of Nursing, and the Board of
1414 Optometry, may adopt rules to implement this subsection.

1415 Reviser's note.—Amended to correct a cross-reference to conform
1416 to the redesignation of s. 408.051(2)(a) as s.

1417 408.051(2)(c) by s. 9, ch. 2023-33, Laws of Florida.

1418 Section 43. Subsection (6) of section 480.041, Florida
1419 Statutes, is amended to read:

1420 480.041 Massage therapists; qualifications; licensure;
1421 endorsement.—

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1422 ~~(6) Massage therapists who were issued a license before~~
 1423 ~~July 1, 2014, must submit to the background screening~~
 1424 ~~requirements of s. 456.0135 by January 31, 2015.~~

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

1426 Section 44. Paragraph (i) of subsection (1) of section
 1427 497.260, Florida Statutes, is amended to read:

1428 497.260 Cemeteries; exemption; investigation and
 1429 mediation.—

1430 (1) The provisions of this chapter relating to cemeteries
 1431 and all rules adopted pursuant thereto shall apply to all
 1432 cemeteries except for:

1433 (i) A columbarium consisting of 5 acres or less which is
 1434 located on the main campus of a state university as defined in
 1435 s. 1000.21(9) ~~1000.21(8)~~. The university or university direct-
 1436 support organization, as defined in s. 1004.28(1), which
 1437 establishes the columbarium shall ensure that the columbarium is
 1438 constructed and perpetually kept and maintained in a manner
 1439 consistent with subsection (2) and the intent of this chapter.

1440 Reviser's note.—Amended to conform to the reordering of
 1441 definitions in s. 1000.21 by this act.

1442 Section 45. Section 501.2042, Florida Statutes, is amended
 1443 to read:

1444 501.2042 Unlawful acts and practices by online crowd-
 1445 funding campaigns.—

1446 (1) As used in this section, the term:

1447 (a) "Crowd-funding campaign" means an online fundraising
 1448 initiative that is intended to receive monetary donations from
 1449 donors and is created by an organizer in the interest of a
 1450 beneficiary.

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1451 (b) "Crowd-funding platform" means an entity doing business
1452 in this state which provides an online medium for the creation
1453 and facilitation of a crowd-funding campaign.

1454 (c) "Disaster" has the same meaning as in s. 252.34(2).

1455 (d) "Organizer" means a person who:

1456 1. Resides or is domiciled in this state; and

1457 2. Has an account on a crowd-funding platform and has
1458 created a crowd-funding campaign either as a beneficiary or on
1459 behalf of a beneficiary, regardless of whether the beneficiary
1460 or the crowd-funding campaign has received donations.

1461 (2)~~a.~~ For crowd-funding campaigns related to and arising
1462 out of a declared disaster, a crowd-funding platform must:

1463 (a)~~(I)~~ Collect and retain, for 1 year after the date of the
1464 declared disaster, the name, e-mail address, phone number, and
1465 state of residence of the organizer.

1466 (b)~~(II)~~ Require the organizer to indicate, on the crowd-
1467 funding campaign, the state in which they are located.

1468 (c)~~(III)~~ Cooperate with any investigation by or in
1469 partnership with law enforcement.

1470 (d)~~(IV)~~ Clearly display and direct donors to fundraisers
1471 that comply with the crowd-funding platform's terms of service.

1472 (3)~~b.~~ When an organizer arranges a crowd-funding campaign
1473 related to and arising out of a declared disaster, the organizer
1474 must attest that:

1475 (a)~~(I)~~ All information provided in connection with a crowd-
1476 funding campaign is accurate, complete, and not likely to
1477 deceive users.

1478 (b)~~(II)~~ All donations contributed to the crowd-funding
1479 campaign will be used solely as described in the materials the

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1480 organizer posts or provides on the crowd-funding platform.

1481 Reviser's note.—Amended to redesignate subunits to improve the

1482 structure of the section. Section 501.2042, as added by s.

1483 3, ch. 2023-130, Laws of Florida, contained a subsection

1484 (1) but no subsection (2). Paragraph (1)(c) is amended to

1485 confirm an editorial insertion to improve clarity.

1486 Section 46. Paragraphs (g) and (i) of subsection (3) and

1487 paragraphs (c) and (d) of subsection (12) of section 553.865,

1488 Florida Statutes, are amended to read:

1489 553.865 Private spaces.—

1490 (3) As used in this section, the term:

1491 (g) "K-12 educational institution or facility" means:

1492 1. A school as defined in s. 1003.01(17) ~~1003.01(2)~~

1493 operated under the control of a district school board as defined

1494 in s. 1003.01(7) ~~1003.01(1)~~;

1495 2. The Florida School for the Deaf and the Blind as

1496 described in ss. 1000.04(4) and 1002.36;

1497 3. A developmental research (laboratory) school established

1498 pursuant to s. 1002.32(2);

1499 4. A charter school authorized under s. 1002.33; or

1500 5. A private school as defined in s. 1002.01(3) ~~1002.01(2)~~.

1501 (i) "Postsecondary educational institution or facility"

1502 means:

1503 1. A state university as defined in s. 1000.21(9)

1504 ~~1000.21(6)~~;

1505 2. A Florida College System institution as defined in s.

1506 1000.21(5) ~~1000.21(3)~~;

1507 3. A school district career center as described in s.

1508 1001.44(3);

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1509 4. A college or university licensed by the Commission for
1510 Independent Education pursuant to s. 1005.31(1)(a); or
1511 5. An institution not under the jurisdiction or purview of
1512 the commission as identified in s. 1005.06(1)(b)-(f).
1513 (12) A covered entity that is:
1514 (c) A K-12 educational institution or facility, Florida
1515 College System institution as defined in s. 1000.21(5)
1516 ~~1000.21(3)~~, or a school district career center as described in
1517 s. 1001.44(3) shall submit documentation to the State Board of
1518 Education regarding compliance with subsections (4) and (5), as
1519 applicable, within 1 year after being established or, if such
1520 institution, facility, or center was established before July 1,
1521 2023, no later than April 1, 2024.
1522 (d) A state university as defined in s. 1000.21(9)
1523 ~~1000.21(6)~~ shall submit documentation to the Board of Governors
1524 regarding compliance with subsections (4) and (5), as
1525 applicable, within 1 year after being established or, if such
1526 institution was established before July 1, 2023, no later than
1527 April 1, 2024.
1528 Reviser's note.—Subparagraph (3)(g)1. is amended to conform to
1529 the reordering of definitions in s. 1003.01 by s. 148, ch.
1530 2023-8, Laws of Florida. Subparagraph (3)(g)5. is amended
1531 to conform to the redesignation of s. 1002.01(2) as s.
1532 1002.01(3) by s. 4, ch. 2023-16, Laws of Florida.
1533 Subparagraph (3)(i)2. and paragraph (12)(c) are amended to
1534 conform to the reordering of definitions in s. 1000.21 by
1535 s. 148, ch. 2023-8. Subparagraph (3)(i)1. and paragraph
1536 (12)(d) are amended to conform to the reordering of
1537 definitions in s. 1000.21 by s. 136, ch. 2023-8, and the

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1538 further reordering of definitions in s. 1000.21 by this
1539 act.

1540 Section 47. Paragraph (d) of subsection (10) of section
1541 560.103, Florida Statutes, is amended to read:

1542 560.103 Definitions.—As used in this chapter, the term:
1543 (10) "Control person" means, with respect to a money
1544 services business, any of the following:

1545 (d) A shareholder in whose name shares are registered in
1546 the records of a corporation for profit, whether incorporated
1547 under the laws of this state or organized under the laws of any
1548 other jurisdiction and existing in that legal form, who owns 25
1549 percent or more of a class of the company's equity securities.
1550 Reviser's note.—Amended to confirm an editorial insertion to
1551 improve clarity.

1552 Section 48. Subsection (1) of section 565.04, Florida
1553 Statutes, is amended to read:

1554 565.04 Package store restrictions.—

1555 (1) Vendors licensed under s. 565.02(1)(a) shall not in
1556 said place of business sell, offer, or expose for sale any
1557 merchandise other than such beverages, and such places of
1558 business shall be devoted exclusively to such sales; provided,
1559 however, that such vendors shall be permitted to sell bitters;
1560 grenadine; nonalcoholic mixer-type beverages, ~~not to include~~
1561 fruit juices produced outside this state; ~~fruit juices~~
1562 produced in this state; home bar and party supplies and
1563 equipment, ~~including but not limited to glassware and party-~~
1564 type foods; ~~miniatures of no alcoholic content;~~ nicotine
1565 products; and tobacco products. Such places of business shall
1566 have no openings permitting direct access to any other building

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1567 or room, except to a private office or storage room of the place
1568 of business from which patrons are excluded.

1569 Reviser's note.—Amended to improve clarity.

1570 Section 49. Subsection (2) of section 571.265, Florida
1571 Statutes, is amended to read:

1572 571.265 Promotion of Florida thoroughbred breeding and of
1573 thoroughbred racing at Florida thoroughbred tracks; distribution
1574 of funds.—

1575 (2) Funds deposited into the Florida Agricultural
1576 Promotional Campaign Trust Fund pursuant to s. 212.20(6)(d)6.f.
1577 ~~212.20(6)(d)6.h.~~ shall be used by the department to encourage
1578 the agricultural activity of breeding thoroughbred racehorses in
1579 this state and to enhance thoroughbred racing conducted at
1580 thoroughbred tracks in this state as provided in this section.
1581 If the funds made available under this section are not fully
1582 used in any one fiscal year, any unused amounts shall be carried
1583 forward in the trust fund into future fiscal years and made
1584 available for distribution as provided in this section.

1585 Reviser's note.—Amended to conform to the redesignation of s.

1586 212.20(6)(d)6.h., added by s. 25, ch. 2023-157, Laws of
1587 Florida, as s. 212.20(6)(d)6.f. to conform to the
1588 redesignation of existing sub-subparagraphs by s. 17, ch.
1589 2023-173, Laws of Florida.

1590 Section 50. Subsections (17), (18), and (19) of section
1591 585.01, Florida Statutes, are amended to read:

1592 585.01 Definitions.—In construing this part, where the
1593 context permits, the word, phrase, or term:

1594 ~~(17) "Technical council" means the Animal Industry~~
1595 ~~Technical Council.~~

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1596 (17)~~(18)~~ "Transmissible," "communicable," "contagious," and
1597 "infectious" all refer to diseases which are readily transferred
1598 between or among animals in a group or to susceptible animals in
1599 proximity to diseased animals. Such transference may be directly
1600 from one animal to another, by contact with objects contaminated
1601 by disease-causing agents, or by insect (vector) transmission of
1602 disease-causing agents from diseased animals into susceptible
1603 animals or humans.

1604 (18)~~(19)~~ "Violative levels" means levels above the
1605 tolerances established by the United States Food and Drug
1606 Administration or the United States Environmental Protection
1607 Agency, as adopted by department rule.
1608 Reviser's note.—Subsection (17) is deleted to conform to the
1609 repeal of s. 585.008, which created the Animal Industry
1610 Technical Council, by s. 27, ch. 2023-154, Laws of Florida.
1611 Subsections (18) and (19) are amended to conform to the
1612 deletion of subsection (17).

1613 Section 51. Paragraph (i) of subsection (1) of section
1614 626.321, Florida Statutes, is amended to read:

1615 626.321 Limited licenses and registration.—

1616 (1) The department shall issue to a qualified applicant a
1617 license as agent authorized to transact a limited class of
1618 business in any of the following categories of limited lines
1619 insurance:

1620 (i) *Preneed funeral agreement insurance*.—Limited license
1621 for insurance covering only prearranged funeral, cremation, or
1622 cemetery agreements, or any combination thereof, funded by
1623 insurance and offered in connection with an establishment that
1624 holds a preneed license pursuant to s. 497.452. Such license may

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1625 be issued without examination only to an individual who has
 1626 filed with the department an application for a license in a form
 1627 and manner prescribed by the department, who currently holds a
 1628 valid preneed sales agent license pursuant to s. 497.466, who
 1629 has paid the applicable fees for a license as prescribed in s.
 1630 624.501, who has been appointed under s. 626.112, and who has
 1631 paid the prescribed appointment fee under s. 624.501.

1632 Reviser's note.—Amended to confirm editorial insertions to
 1633 improve clarity.

1634 Section 52. Subsection (4) of section 626.602, Florida
 1635 Statutes, is amended to read:

1636 626.602 Insurance agency and adjusting firm names;
 1637 disapproval.—The department may disapprove the use of any true
 1638 or fictitious name, other than the bona fide natural name of an
 1639 individual, by any insurance agency or adjusting firm on any of
 1640 the following grounds:

1641 (4) The name contains the word "Medicare" or "Medicaid."
 1642 ~~Licenses for agencies with names containing either of these~~
 1643 ~~words automatically expire on July 1, 2023, unless these words~~
 1644 ~~are removed from the name.~~

1645 Reviser's note.—Amended to delete obsolete language.

1646 Section 53. Subsection (3) of section 627.06292, Florida
 1647 Statutes, is amended to read:

1648 627.06292 Reports of hurricane loss data and associated
 1649 exposure data; public records exemption.—

1650 (3) Each year, on October 1, ~~2011, and on each October 1~~
 1651 ~~thereafter,~~ the Florida International University center that
 1652 develops, maintains, and updates the public model for hurricane
 1653 loss projections shall publish a report summarizing loss data

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1654 and associated exposure data collected from residential property
1655 insurers and licensed rating and advisory organizations. The
1656 Florida International University center shall submit the report
1657 annually, on or before October 1, to the Governor, the President
1658 of the Senate, and the Speaker of the House of Representatives.

1659 (a) Such report must include a summary of the data supplied
1660 by residential property insurers and licensed rating and
1661 advisory organizations from September 1 of the prior year to
1662 August 31 of the current year, and must include the following
1663 information:

- 1664 1. The total amount of insurance written by county.
- 1665 2. The number of property insurance policies by county.
- 1666 3. The number of property insurance policies by county and
1667 by construction type.
- 1668 4. The number of property insurance policies by county and
1669 by decade of construction.
- 1670 5. The number of property insurance policies by county and
1671 by deductible amount.
- 1672 6. The number of property insurance policies by county and
1673 by wind mitigation features when the information is supplied by
1674 the residential property insurer or licensed rating and advisory
1675 organization.
- 1676 7. The total amount of hurricane losses by county and by
1677 decade of construction.
- 1678 8. The total amount of hurricane losses by county and by
1679 deductible amount.
- 1680 9. The total amount of hurricane losses by county and by
1681 wind mitigation features when the information is supplied by the
1682 residential property insurer or licensed rating and advisory

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1683 organization.

1684 (b) Separate compilations of the data obtained shall be
1685 presented in order to use the public model for calculating rate
1686 indications and to update, validate, or calibrate the public
1687 model. Additional detail and a description of the operation and
1688 maintenance of the public model may be included in the report.

1689 (c) The report may not contain any information that
1690 identifies a specific insurer or policyholder.

1691 Reviser's note.—Amended to delete obsolete language.

1692 Section 54. Paragraphs (b) and (ii) of subsection (6) of
1693 section 627.351, Florida Statutes, are amended to read:

1694 627.351 Insurance risk apportionment plans.—

1695 (6) CITIZENS PROPERTY INSURANCE CORPORATION.—

1696 (b)1. All insurers authorized to write one or more subject
1697 lines of business in this state are subject to assessment by the
1698 corporation and, for the purposes of this subsection, are
1699 referred to collectively as "assessable insurers." Insurers
1700 writing one or more subject lines of business in this state
1701 pursuant to part VIII of chapter 626 are not assessable
1702 insurers; however, insureds who procure one or more subject
1703 lines of business in this state pursuant to part VIII of chapter
1704 626 are subject to assessment by the corporation and are
1705 referred to collectively as "assessable insureds." An insurer's
1706 assessment liability begins on the first day of the calendar
1707 year following the year in which the insurer was issued a
1708 certificate of authority to transact insurance for subject lines
1709 of business in this state and terminates 1 year after the end of
1710 the first calendar year during which the insurer no longer holds
1711 a certificate of authority to transact insurance for subject

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1712 lines of business in this state.

1713 2.a. All revenues, assets, liabilities, losses, and
1714 expenses of the corporation shall be divided into three separate
1715 accounts as follows:

1716 (I) A personal lines account for personal residential
1717 policies issued by the corporation which provides comprehensive,
1718 multiperil coverage on risks that are not located in areas
1719 eligible for coverage by the Florida Windstorm Underwriting
1720 Association as those areas were defined on January 1, 2002, and
1721 for policies that do not provide coverage for the peril of wind
1722 on risks that are located in such areas;

1723 (II) A commercial lines account for commercial residential
1724 and commercial nonresidential policies issued by the corporation
1725 which provides coverage for basic property perils on risks that
1726 are not located in areas eligible for coverage by the Florida
1727 Windstorm Underwriting Association as those areas were defined
1728 on January 1, 2002, and for policies that do not provide
1729 coverage for the peril of wind on risks that are located in such
1730 areas; and

1731 (III) A coastal account for personal residential policies
1732 and commercial residential and commercial nonresidential
1733 property policies issued by the corporation which provides
1734 coverage for the peril of wind on risks that are located in
1735 areas eligible for coverage by the Florida Windstorm
1736 Underwriting Association as those areas were defined on January
1737 1, 2002. The corporation may offer policies that provide
1738 multiperil coverage and shall offer policies that provide
1739 coverage only for the peril of wind for risks located in areas
1740 eligible for coverage in the coastal account. Effective July 1,

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1741 2014, the corporation shall cease offering new commercial
1742 residential policies providing multiperil coverage and shall
1743 instead continue to offer commercial residential wind-only
1744 policies, and may offer commercial residential policies
1745 excluding wind. The corporation may, however, continue to renew
1746 a commercial residential multiperil policy on a building that is
1747 insured by the corporation on June 30, 2014, under a multiperil
1748 policy. In issuing multiperil coverage, the corporation may use
1749 its approved policy forms and rates for the personal lines
1750 account. An applicant or insured who is eligible to purchase a
1751 multiperil policy from the corporation may purchase a multiperil
1752 policy from an authorized insurer without prejudice to the
1753 applicant's or insured's eligibility to prospectively purchase a
1754 policy that provides coverage only for the peril of wind from
1755 the corporation. An applicant or insured who is eligible for a
1756 corporation policy that provides coverage only for the peril of
1757 wind may elect to purchase or retain such policy and also
1758 purchase or retain coverage excluding wind from an authorized
1759 insurer without prejudice to the applicant's or insured's
1760 eligibility to prospectively purchase a policy that provides
1761 multiperil coverage from the corporation. It is the goal of the
1762 Legislature that there be an overall average savings of 10
1763 percent or more for a policyholder who currently has a wind-only
1764 policy with the corporation, and an ex-wind policy with a
1765 voluntary insurer or the corporation, and who obtains a
1766 multiperil policy from the corporation. It is the intent of the
1767 Legislature that the offer of multiperil coverage in the coastal
1768 account be made and implemented in a manner that does not
1769 adversely affect the tax-exempt status of the corporation or

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1770 creditworthiness of or security for currently outstanding
1771 financing obligations or credit facilities of the coastal
1772 account, the personal lines account, or the commercial lines
1773 account. The coastal account must also include quota share
1774 primary insurance under subparagraph (c)2. The area eligible for
1775 coverage under the coastal account also includes the area within
1776 Port Canaveral, which is bordered on the south by the City of
1777 Cape Canaveral, bordered on the west by the Banana River, and
1778 bordered on the north by Federal Government property.

1779 b. The three separate accounts must be maintained as long
1780 as financing obligations entered into by the Florida Windstorm
1781 Underwriting Association or Residential Property and Casualty
1782 Joint Underwriting Association are outstanding, in accordance
1783 with the terms of the corresponding financing documents. If no
1784 such financing obligations remain outstanding or if the
1785 financing documents allow for combining of accounts, the
1786 corporation may consolidate the three separate accounts into a
1787 new account, to be known as the Citizens account, for all
1788 revenues, assets, liabilities, losses, and expenses of the
1789 corporation. The Citizens account, if established by the
1790 corporation, is authorized to provide coverage to the same
1791 extent as provided under each of the three separate accounts.
1792 The authority to provide coverage under the Citizens account is
1793 set forth in subparagraph 4. Consistent with this subparagraph
1794 and prudent investment policies that minimize the cost of
1795 carrying debt, the board shall exercise its best efforts to
1796 retire existing debt or obtain the approval of necessary parties
1797 to amend the terms of existing debt, so as to structure the most
1798 efficient plan for consolidating the three separate accounts

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1799 into a single account. Once the accounts are combined into one
1800 account, this subparagraph and subparagraph 3. shall be replaced
1801 in their entirety by subparagraphs 4. and 5.

1802 c. Creditors of the Residential Property and Casualty Joint
1803 Underwriting Association and the accounts specified in sub-sub-
1804 subparagraphs a.(I) and (II) may have a claim against, and
1805 recourse to, those accounts and no claim against, or recourse
1806 to, the account referred to in sub-sub-subparagraph a.(III).
1807 Creditors of the Florida Windstorm Underwriting Association have
1808 a claim against, and recourse to, the account referred to in
1809 sub-sub-subparagraph a.(III) and no claim against, or recourse
1810 to, the accounts referred to in sub-sub-subparagraphs a.(I) and
1811 (II).

1812 d. Revenues, assets, liabilities, losses, and expenses not
1813 attributable to particular accounts shall be prorated among the
1814 accounts.

1815 e. The Legislature finds that the revenues of the
1816 corporation are revenues that are necessary to meet the
1817 requirements set forth in documents authorizing the issuance of
1818 bonds under this subsection.

1819 f. The income of the corporation may not inure to the
1820 benefit of any private person.

1821 3. With respect to a deficit in an account:

1822 a. After accounting for the Citizens policyholder surcharge
1823 imposed under sub-subparagraph j. ~~sub-subparagraph i.~~, if the
1824 remaining projected deficit incurred in the coastal account in a
1825 particular calendar year:

1826 (I) Is not greater than 2 percent of the aggregate
1827 statewide direct written premium for the subject lines of

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1828 business for the prior calendar year, the entire deficit shall
1829 be recovered through regular assessments of assessable insurers
1830 under paragraph (q) and assessable insureds.

1831 (II) Exceeds 2 percent of the aggregate statewide direct
1832 written premium for the subject lines of business for the prior
1833 calendar year, the corporation shall levy regular assessments on
1834 assessable insurers under paragraph (q) and on assessable
1835 insureds in an amount equal to the greater of 2 percent of the
1836 projected deficit or 2 percent of the aggregate statewide direct
1837 written premium for the subject lines of business for the prior
1838 calendar year. Any remaining projected deficit shall be
1839 recovered through emergency assessments under sub-subparagraph
1840 e.

1841 b. Each assessable insurer's share of the amount being
1842 assessed under sub-subparagraph a. must be in the proportion
1843 that the assessable insurer's direct written premium for the
1844 subject lines of business for the year preceding the assessment
1845 bears to the aggregate statewide direct written premium for the
1846 subject lines of business for that year. The assessment
1847 percentage applicable to each assessable insured is the ratio of
1848 the amount being assessed under sub-subparagraph a. to the
1849 aggregate statewide direct written premium for the subject lines
1850 of business for the prior year. Assessments levied by the
1851 corporation on assessable insurers under sub-subparagraph a.
1852 must be paid as required by the corporation's plan of operation
1853 and paragraph (q). Assessments levied by the corporation on
1854 assessable insureds under sub-subparagraph a. shall be collected
1855 by the surplus lines agent at the time the surplus lines agent
1856 collects the surplus lines tax required by s. 626.932, and paid

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1857 to the Florida Surplus Lines Service Office at the time the
1858 surplus lines agent pays the surplus lines tax to that office.
1859 Upon receipt of regular assessments from surplus lines agents,
1860 the Florida Surplus Lines Service Office shall transfer the
1861 assessments directly to the corporation as determined by the
1862 corporation.

1863 c. The corporation may not levy regular assessments under
1864 paragraph (q) pursuant to sub-subparagraph a. or sub-
1865 subparagraph b. if the three separate accounts in sub-sub-
1866 subparagraphs 2.a.(I)-(III) have been consolidated into the
1867 Citizens account pursuant to sub-subparagraph 2.b. However, the
1868 outstanding balance of any regular assessment levied by the
1869 corporation before establishment of the Citizens account remains
1870 payable to the corporation.

1871 d. After accounting for the Citizens policyholder surcharge
1872 imposed under sub-subparagraph j., the remaining projected
1873 deficits in the personal lines account and in the commercial
1874 lines account in a particular calendar year shall be recovered
1875 through emergency assessments under sub-subparagraph e.

1876 e. Upon a determination by the board of governors that a
1877 projected deficit in an account exceeds the amount that is
1878 expected to be recovered through regular assessments under sub-
1879 subparagraph a., plus the amount that is expected to be
1880 recovered through surcharges under sub-subparagraph j., the
1881 board, after verification by the office, shall levy emergency
1882 assessments for as many years as necessary to cover the
1883 deficits, to be collected by assessable insurers and the
1884 corporation and collected from assessable insureds upon issuance
1885 or renewal of policies for subject lines of business, excluding

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1886 National Flood Insurance policies. The amount collected in a
1887 particular year must be a uniform percentage of that year's
1888 direct written premium for subject lines of business and all
1889 accounts of the corporation, excluding National Flood Insurance
1890 Program policy premiums, as annually determined by the board and
1891 verified by the office. The office shall verify the arithmetic
1892 calculations involved in the board's determination within 30
1893 days after receipt of the information on which the determination
1894 was based. The office shall notify assessable insurers and the
1895 Florida Surplus Lines Service Office of the date on which
1896 assessable insurers shall begin to collect and assessable
1897 insureds shall begin to pay such assessment. The date must be at
1898 least 90 days after the date the corporation levies emergency
1899 assessments pursuant to this sub-subparagraph. Notwithstanding
1900 any other provision of law, the corporation and each assessable
1901 insurer that writes subject lines of business shall collect
1902 emergency assessments from its policyholders without such
1903 obligation being affected by any credit, limitation, exemption,
1904 or deferment. Emergency assessments levied by the corporation on
1905 assessable insureds shall be collected by the surplus lines
1906 agent at the time the surplus lines agent collects the surplus
1907 lines tax required by s. 626.932 and paid to the Florida Surplus
1908 Lines Service Office at the time the surplus lines agent pays
1909 the surplus lines tax to that office. The emergency assessments
1910 collected shall be transferred directly to the corporation on a
1911 periodic basis as determined by the corporation and held by the
1912 corporation solely in the applicable account. The aggregate
1913 amount of emergency assessments levied for an account in any
1914 calendar year may be less than but may not exceed the greater of

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1915 10 percent of the amount needed to cover the deficit, plus
1916 interest, fees, commissions, required reserves, and other costs
1917 associated with financing the original deficit, or 10 percent of
1918 the aggregate statewide direct written premium for subject lines
1919 of business and all accounts of the corporation for the prior
1920 year, plus interest, fees, commissions, required reserves, and
1921 other costs associated with financing the deficit.

1922 f. The corporation may pledge the proceeds of assessments,
1923 projected recoveries from the Florida Hurricane Catastrophe
1924 Fund, other insurance and reinsurance recoverables, policyholder
1925 surcharges and other surcharges, and other funds available to
1926 the corporation as the source of revenue for and to secure bonds
1927 issued under paragraph (q), bonds or other indebtedness issued
1928 under subparagraph (c)3., or lines of credit or other financing
1929 mechanisms issued or created under this subsection, or to retire
1930 any other debt incurred as a result of deficits or events giving
1931 rise to deficits, or in any other way that the board determines
1932 will efficiently recover such deficits. The purpose of the lines
1933 of credit or other financing mechanisms is to provide additional
1934 resources to assist the corporation in covering claims and
1935 expenses attributable to a catastrophe. As used in this
1936 subsection, the term "assessments" includes regular assessments
1937 under sub-subparagraph a. or subparagraph (q)1. and emergency
1938 assessments under sub-subparagraph e. Emergency assessments
1939 collected under sub-subparagraph e. are not part of an insurer's
1940 rates, are not premium, and are not subject to premium tax,
1941 fees, or commissions; however, failure to pay the emergency
1942 assessment shall be treated as failure to pay premium. The
1943 emergency assessments shall continue as long as any bonds issued

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1944 or other indebtedness incurred with respect to a deficit for
1945 which the assessment was imposed remain outstanding, unless
1946 adequate provision has been made for the payment of such bonds
1947 or other indebtedness pursuant to the documents governing such
1948 bonds or indebtedness.

1949 g. As used in this subsection for purposes of any deficit
1950 incurred on or after January 25, 2007, the term "subject lines
1951 of business" means insurance written by assessable insurers or
1952 procured by assessable insureds for all property and casualty
1953 lines of business in this state, but not including workers'
1954 compensation or medical malpractice. As used in this sub-
1955 subparagraph, the term "property and casualty lines of business"
1956 includes all lines of business identified on Form 2, Exhibit of
1957 Premiums and Losses, in the annual statement required of
1958 authorized insurers under s. 624.424 and any rule adopted under
1959 this section, except for those lines identified as accident and
1960 health insurance and except for policies written under the
1961 National Flood Insurance Program or the Federal Crop Insurance
1962 Program. For purposes of this sub-subparagraph, the term
1963 "workers' compensation" includes both workers' compensation
1964 insurance and excess workers' compensation insurance.

1965 h. The Florida Surplus Lines Service Office shall determine
1966 annually the aggregate statewide written premium in subject
1967 lines of business procured by assessable insureds and report
1968 that information to the corporation in a form and at a time the
1969 corporation specifies to ensure that the corporation can meet
1970 the requirements of this subsection and the corporation's
1971 financing obligations.

1972 i. The Florida Surplus Lines Service Office shall verify

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1973 the proper application by surplus lines agents of assessment
1974 percentages for regular assessments and emergency assessments
1975 levied under this subparagraph on assessable insureds and assist
1976 the corporation in ensuring the accurate, timely collection and
1977 payment of assessments by surplus lines agents as required by
1978 the corporation.

1979 j. Upon determination by the board of governors that an
1980 account has a projected deficit, the board shall levy a Citizens
1981 policyholder surcharge against all policyholders of the
1982 corporation.

1983 (I) The surcharge shall be levied as a uniform percentage
1984 of the premium for the policy of up to 15 percent of such
1985 premium, which funds shall be used to offset the deficit.

1986 (II) The surcharge is payable upon cancellation or
1987 termination of the policy, upon renewal of the policy, or upon
1988 issuance of a new policy by the corporation within the first 12
1989 months after the date of the levy or the period of time
1990 necessary to fully collect the surcharge amount.

1991 (III) The corporation may not levy any regular assessments
1992 under paragraph (q) pursuant to sub-subparagraph a. or sub-
1993 subparagraph b. with respect to a particular year's deficit
1994 until the corporation has first levied the full amount of the
1995 surcharge authorized by this sub-subparagraph.

1996 (IV) The surcharge is not considered premium and is not
1997 subject to commissions, fees, or premium taxes. However, failure
1998 to pay the surcharge shall be treated as failure to pay premium.

1999 k. If the amount of any assessments or surcharges collected
2000 from corporation policyholders, assessable insurers or their
2001 policyholders, or assessable insureds exceeds the amount of the

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2002 deficits, such excess amounts shall be remitted to and retained
2003 by the corporation in a reserve to be used by the corporation,
2004 as determined by the board of governors and approved by the
2005 office, to pay claims or reduce any past, present, or future
2006 plan-year deficits or to reduce outstanding debt.

2007 4. The Citizens account, if established by the corporation
2008 pursuant to sub-subparagraph 2.b., is authorized to provide:

2009 a. Personal residential policies that provide
2010 comprehensive, multiperil coverage on risks that are not located
2011 in areas eligible for coverage by the Florida Windstorm
2012 Underwriting Association, as those areas were defined on January
2013 1, 2002, and for policies that do not provide coverage for the
2014 peril of wind on risks that are located in such areas;

2015 b. Commercial residential and commercial nonresidential
2016 policies that provide coverage for basic property perils on
2017 risks that are not located in areas eligible for coverage by the
2018 Florida Windstorm Underwriting Association, as those areas were
2019 defined on January 1, 2002, and for policies that do not provide
2020 coverage for the peril of wind on risks that are located in such
2021 areas; and

2022 c. Personal residential policies and commercial residential
2023 and commercial nonresidential property policies that provide
2024 coverage for the peril of wind on risks that are located in
2025 areas eligible for coverage by the Florida Windstorm
2026 Underwriting Association, as those areas were defined on January
2027 1, 2002. The corporation may offer policies that provide
2028 multiperil coverage and shall offer policies that provide
2029 coverage only for the peril of wind for risks located in areas
2030 eligible for coverage by the Florida Windstorm Underwriting

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2031 Association, as those areas were defined on January 1, 2002. The
2032 corporation may not offer new commercial residential policies
2033 providing multiperil coverage, but shall continue to offer
2034 commercial residential wind-only policies, and may offer
2035 commercial residential policies excluding wind. However, the
2036 corporation may continue to renew a commercial residential
2037 multiperil policy on a building that was insured by the
2038 corporation on June 30, 2014, under a multiperil policy. In
2039 issuing multiperil coverage under this sub-subparagraph, the
2040 corporation may use its approved policy forms and rates for
2041 risks located in areas not eligible for coverage by the Florida
2042 Windstorm Underwriting Association as those areas were defined
2043 on January 1, 2002, and for policies that do not provide
2044 coverage for the peril of wind on risks that are located in such
2045 areas. An applicant or insured who is eligible to purchase a
2046 multiperil policy from the corporation may purchase a multiperil
2047 policy from an authorized insurer without prejudice to the
2048 applicant's or insured's eligibility to prospectively purchase a
2049 policy that provides coverage only for the peril of wind from
2050 the corporation. An applicant or insured who is eligible for a
2051 corporation policy that provides coverage only for the peril of
2052 wind may elect to purchase or retain such policy and also
2053 purchase or retain coverage excluding wind from an authorized
2054 insurer without prejudice to the applicant's or insured's
2055 eligibility to prospectively purchase a policy that provides
2056 multiperil coverage from the corporation. The following
2057 policies, which provide coverage only for the peril of wind,
2058 must also include quota share primary insurance under
2059 subparagraph (c)2.: Personal residential policies and commercial

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2060 residential and commercial nonresidential property policies that
2061 provide coverage for the peril of wind on risks that are located
2062 in areas eligible for coverage by the Florida Windstorm
2063 Underwriting Association, as those areas were defined on January
2064 1, 2002; policies that provide multiperil coverage, if offered
2065 by the corporation, and policies that provide coverage only for
2066 the peril of wind for risks located in areas eligible for
2067 coverage by the Florida Windstorm Underwriting Association, as
2068 those areas were defined on January 1, 2002; commercial
2069 residential wind-only policies; commercial residential policies
2070 excluding wind, if offered by the corporation; and commercial
2071 residential multiperil policies on a building that was insured
2072 by the corporation on June 30, 2014. The area eligible for
2073 coverage with the corporation under this sub-subparagraph
2074 includes the area within Port Canaveral, which is bordered on
2075 the south by the City of Cape Canaveral, bordered on the west by
2076 the Banana River, and bordered on the north by Federal
2077 Government property.

2078 5. With respect to a deficit in the Citizens account:

2079 a. Upon a determination by the board of governors that the
2080 Citizens account has a projected deficit, the board shall levy a
2081 Citizens policyholder surcharge against all policyholders of the
2082 corporation.

2083 (I) The surcharge shall be levied as a uniform percentage
2084 of the premium for the policy of up to 15 percent of such
2085 premium, which funds shall be used to offset the deficit.

2086 (II) The surcharge is payable upon cancellation or
2087 termination of the policy, upon renewal of the policy, or upon
2088 issuance of a new policy by the corporation within the first 12

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2089 months after the date of the levy or the period of time
2090 necessary to fully collect the surcharge amount.

2091 (III) The surcharge is not considered premium and is not
2092 subject to commissions, fees, or premium taxes. However, failure
2093 to pay the surcharge shall be treated as failure to pay premium.

2094 b. After accounting for the Citizens policyholder surcharge
2095 imposed under sub-subparagraph a., the remaining projected
2096 deficit incurred in the Citizens account in a particular
2097 calendar year shall be recovered through emergency assessments
2098 under sub-subparagraph c.

2099 c. Upon a determination by the board of governors that a
2100 projected deficit in the Citizens account exceeds the amount
2101 that is expected to be recovered through surcharges under sub-
2102 subparagraph a., the board, after verification by the office,
2103 shall levy emergency assessments for as many years as necessary
2104 to cover the deficits, to be collected by assessable insurers
2105 and the corporation and collected from assessable insureds upon
2106 issuance or renewal of policies for subject lines of business,
2107 excluding National Flood Insurance Program policies. The amount
2108 collected in a particular year must be a uniform percentage of
2109 that year's direct written premium for subject lines of business
2110 and the Citizens account, National Flood Insurance Program
2111 policy premiums, as annually determined by the board and
2112 verified by the office. The office shall verify the arithmetic
2113 calculations involved in the board's determination within 30
2114 days after receipt of the information on which the determination
2115 was based. The office shall notify assessable insurers and the
2116 Florida Surplus Lines Service Office of the date on which
2117 assessable insurers shall begin to collect and assessable

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2118 insureds shall begin to pay such assessment. The date must be at
2119 least 90 days after the date the corporation levies emergency
2120 assessments pursuant to this sub-subparagraph. Notwithstanding
2121 any other law, the corporation and each assessable insurer that
2122 writes subject lines of business shall collect emergency
2123 assessments from its policyholders without such obligation being
2124 affected by any credit, limitation, exemption, or deferment.
2125 Emergency assessments levied by the corporation on assessable
2126 insureds shall be collected by the surplus lines agent at the
2127 time the surplus lines agent collects the surplus lines tax
2128 required by s. 626.932 and paid to the Florida Surplus Lines
2129 Service Office at the time the surplus lines agent pays the
2130 surplus lines tax to that office. The emergency assessments
2131 collected shall be transferred directly to the corporation on a
2132 periodic basis as determined by the corporation and held by the
2133 corporation solely in the Citizens account. The aggregate amount
2134 of emergency assessments levied for the Citizens account in any
2135 calendar year may be less than, but may not exceed the greater
2136 of, 10 percent of the amount needed to cover the deficit, plus
2137 interest, fees, commissions, required reserves, and other costs
2138 associated with financing the original deficit or 10 percent of
2139 the aggregate statewide direct written premium for subject lines
2140 of business and the Citizens accounts for the prior year, plus
2141 interest, fees, commissions, required reserves, and other costs
2142 associated with financing the deficit.

2143 d. The corporation may pledge the proceeds of assessments,
2144 projected recoveries from the Florida Hurricane Catastrophe
2145 Fund, other insurance and reinsurance recoverables, policyholder
2146 surcharges and other surcharges, and other funds available to

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2147 the corporation as the source of revenue for and to secure bonds
2148 issued under paragraph (q), bonds or other indebtedness issued
2149 under subparagraph (c)3., or lines of credit or other financing
2150 mechanisms issued or created under this subsection; or to retire
2151 any other debt incurred as a result of deficits or events giving
2152 rise to deficits, or in any other way that the board determines
2153 will efficiently recover such deficits. The purpose of the lines
2154 of credit or other financing mechanisms is to provide additional
2155 resources to assist the corporation in covering claims and
2156 expenses attributable to a catastrophe. As used in this
2157 subsection, the term "assessments" includes emergency
2158 assessments under sub-subparagraph c. Emergency assessments
2159 collected under sub-subparagraph c. are not part of an insurer's
2160 rates, are not premium, and are not subject to premium tax,
2161 fees, or commissions; however, failure to pay the emergency
2162 assessment shall be treated as failure to pay premium. The
2163 emergency assessments shall continue as long as any bonds issued
2164 or other indebtedness incurred with respect to a deficit for
2165 which the assessment was imposed remain outstanding, unless
2166 adequate provision has been made for the payment of such bonds
2167 or other indebtedness pursuant to the documents governing such
2168 bonds or indebtedness.

2169 e. As used in this subsection and for purposes of any
2170 deficit incurred on or after January 25, 2007, the term "subject
2171 lines of business" means insurance written by assessable
2172 insurers or procured by assessable insureds for all property and
2173 casualty lines of business in this state, but not including
2174 workers' compensation or medical malpractice. As used in this
2175 sub-subparagraph, the term "property and casualty lines of

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2176 business" includes all lines of business identified on Form 2,
2177 Exhibit of Premiums and Losses, in the annual statement required
2178 of authorized insurers under s. 624.424 and any rule adopted
2179 under this section, except for those lines identified as
2180 accident and health insurance and except for policies written
2181 under the National Flood Insurance Program or the Federal Crop
2182 Insurance Program. For purposes of this sub-subparagraph, the
2183 term "workers' compensation" includes both workers' compensation
2184 insurance and excess workers' compensation insurance.

2185 f. The Florida Surplus Lines Service Office shall annually
2186 determine the aggregate statewide written premium in subject
2187 lines of business procured by assessable insureds and report
2188 that information to the corporation in a form and at a time the
2189 corporation specifies to ensure that the corporation can meet
2190 the requirements of this subsection and the corporation's
2191 financing obligations.

2192 g. The Florida Surplus Lines Service Office shall verify
2193 the proper application by surplus lines agents of assessment
2194 percentages for emergency assessments levied under this
2195 subparagraph on assessable insureds and assist the corporation
2196 in ensuring the accurate, timely collection and payment of
2197 assessments by surplus lines agents as required by the
2198 corporation.

2199 h. If the amount of any assessments or surcharges collected
2200 from corporation policyholders, assessable insurers or their
2201 policyholders, or assessable insureds exceeds the amount of the
2202 deficits, such excess amounts shall be remitted to and retained
2203 by the corporation in a reserve to be used by the corporation,
2204 as determined by the board of governors and approved by the

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2205 office, to pay claims or reduce any past, present, or future
2206 plan-year deficits or to reduce outstanding debt.

2207 (ii) The corporation shall revise the programs adopted
2208 pursuant to sub-subparagraph (q)3.a. for personal lines
2209 residential policies to maximize policyholder options and
2210 encourage increased participation by insurers and agents. After
2211 January 1, 2017, a policy may not be taken out of the
2212 corporation unless the provisions of this paragraph are met.

2213 1. The corporation must publish a periodic schedule of
2214 cycles during which an insurer may identify, and notify the
2215 corporation of, policies that the insurer is requesting to take
2216 out. A request must include a description of the coverage
2217 offered and an estimated premium and must be submitted to the
2218 corporation in a form and manner prescribed by the corporation.

2219 2. The corporation must maintain and make available to the
2220 agent of record a consolidated list of all insurers requesting
2221 to take out a policy. The list must include a description of the
2222 coverage offered and the estimated premium for each take-out
2223 request.

2224 3. If a policyholder receives a take-out offer from an
2225 authorized insurer, the risk is no longer eligible for coverage
2226 with the corporation unless the premium for coverage from the
2227 authorized insurer is more than 20 percent greater than the
2228 renewal premium for comparable coverage from the corporation
2229 pursuant to sub-subparagraph (c)5.c. This subparagraph applies
2230 to take-out offers that are part of an application to
2231 participate in depopulation submitted to the office on or after
2232 January 1, 2023.

2233 4. The corporation must provide written notice to the

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2234 policyholder and the agent of record regarding all insurers
2235 requesting to take out the policy. The notice must be in a
2236 format prescribed by the corporation and include, for each take-
2237 out offer:

2238 a. The amount of the estimated premium;

2239 b. A description of the coverage; and

2240 c. A comparison of the estimated premium and coverage
2241 offered by the insurer to the estimated premium and coverage
2242 provided by the corporation.

2243 Reviser's note.—Sub-subparagraph (6)(b)3.a. is amended to
2244 confirm an editorial substitution to conform to the
2245 redesignation of sub-subparagraphs by s. 8, ch. 2022-271,
2246 Laws of Florida. Subparagraph (6)(ii)3. is amended to
2247 confirm an editorial insertion to improve clarity.

2248 Section 55. Subsection (4) of section 627.410, Florida
2249 Statutes, is amended to read:

2250 627.410 Filing, approval of forms.—

2251 (4) The office may, by order, exempt from the requirements
2252 of this section for so long as it deems proper any insurance
2253 document or form or type thereof as specified in such order, to
2254 which, in its opinion, this section may not practicably be
2255 applied, or the filing and approval of which are, in its
2256 opinion, not desirable or necessary for the protection of the
2257 public. The office may not exempt from the requirements of this
2258 section the insurance documents or forms of any insurer, against
2259 whom the office enters a final order determining that such
2260 insurer violated any provision of this code, for a period of 36
2261 months after the date of such order, and such insurance
2262 documents or forms may not be deemed approved under subsection

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2263 (2).

2264 Reviser's note.—Amended to improve clarity.

2265 Section 56. Paragraph (c) of subsection (2) and paragraph
2266 (b) of subsection (3) of section 628.8015, Florida Statutes, are
2267 amended to read:

2268 628.8015 Own-risk and solvency assessment; corporate
2269 governance annual disclosure.—

2270 (2) OWN-RISK AND SOLVENCY ASSESSMENT.—

2271 (c) *ORSA summary report*.—

2272 1.a. A domestic insurer or insurer member of an insurance
2273 group of which the office is the lead state, as determined by
2274 the procedures in the most recent National Association of
2275 Insurance Commissioners Financial Analysis Handbook, shall:

2276 (I) Submit an ORSA summary report to the office once every
2277 calendar year.

2278 (II) Notify the office of its proposed annual submission
2279 date by December 1, 2016. ~~The initial ORSA summary report must
2280 be submitted by December 31, 2017.~~

2281 b. An insurer not required to submit an ORSA summary report
2282 pursuant to sub-subparagraph a. shall:

2283 (I) Submit an ORSA summary report at the request of the
2284 office, but not more than once per calendar year.

2285 (II) Notify the office of the proposed submission date
2286 within 30 days after the request of the office.

2287 2. An insurer may comply with sub-subparagraph 1.a. or sub-
2288 subparagraph 1.b. by providing the most recent and substantially
2289 similar ORSA summary report submitted by the insurer, or another
2290 member of an insurance group of which the insurer is a member,
2291 to the chief insurance regulatory official of another state or

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2292 the supervisor or regulator of a foreign jurisdiction. For
2293 purposes of this subparagraph, a "substantially similar" ORSA
2294 summary report is one that contains information comparable to
2295 the information described in the ORSA guidance manual as
2296 determined by the commissioner of the office. If the report is
2297 in a language other than English, it must be accompanied by an
2298 English translation.

2299 3. The chief risk officer or chief executive officer of the
2300 insurer or insurance group responsible for overseeing the
2301 enterprise risk management process must sign the ORSA summary
2302 report attesting that, to the best of his or her knowledge and
2303 belief, the insurer or insurance group applied the enterprise
2304 risk management process described in the ORSA summary report and
2305 provided a copy of the report to the board of directors or the
2306 appropriate board committee.

2307 4. The ORSA summary report must be prepared in accordance
2308 with the ORSA guidance manual. Documentation and supporting
2309 information must be maintained by the insurer and made available
2310 upon examination pursuant to s. 624.316 or upon the request of
2311 the office.

2312 5. The ORSA summary report must include a brief description
2313 of material changes and updates since the prior year report.

2314 6. The office's review of the ORSA summary report must be
2315 conducted, and any additional requests for information must be
2316 made, using procedures similar to those used in the analysis and
2317 examination of multistate or global insurers and insurance
2318 groups.

2319 (3) CORPORATE GOVERNANCE ANNUAL DISCLOSURE.—

2320 (b) *Disclosure requirement.*—

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2321 1.a. An insurer, or insurer member of an insurance group,
2322 of which the office is the lead state regulator, as determined
2323 by the procedures in the most recent National Association of
2324 Insurance Commissioners Financial Analysis Handbook, shall
2325 submit a corporate governance annual disclosure to the office by
2326 June 1 of each calendar year. ~~The initial corporate governance
2327 annual disclosure must be submitted by December 31, 2018.~~

2328 b. An insurer or insurance group not required to submit a
2329 corporate governance annual disclosure under sub-subparagraph a.
2330 shall do so at the request of the office, but not more than once
2331 per calendar year. The insurer or insurance group shall notify
2332 the office of the proposed submission date within 30 days after
2333 the request of the office.

2334 ~~e. Before December 31, 2018, the office may require an
2335 insurer or insurance group to provide a corporate governance
2336 annual disclosure:~~

2337 ~~(I) Based on unique circumstances, including, but not
2338 limited to, the type and volume of business written, the
2339 ownership and organizational structure, federal agency requests,
2340 and international supervisor requests;~~

2341 ~~(II) If the insurer has risk-based capital for a company
2342 action level event pursuant to s. 624.4085(3), meets one or more
2343 of the standards of an insurer deemed to be in hazardous
2344 financial condition under s. 624.805, or exhibits qualities of
2345 an insurer in hazardous financial condition as determined by the
2346 office;~~

2347 ~~(III) If the insurer is the member of an insurer group of
2348 which the office acts as the lead state regulator as determined
2349 by the procedures in the most recent National Association of~~

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2350 ~~Insurance Commissioners Financial Analysis Handbook; or~~

2351 ~~(IV) If the office determines that it is in the best~~
2352 ~~interest of the state.~~

2353 2. The chief executive officer or corporate secretary of
2354 the insurer or the insurance group must sign the corporate
2355 governance annual disclosure attesting that, to the best of his
2356 or her knowledge and belief, the insurer has implemented the
2357 corporate governance practices and provided a copy of the
2358 disclosure to the board of directors or the appropriate board
2359 committee.

2360 3.a. Depending on the structure of its system of corporate
2361 governance, the insurer or insurance group may provide corporate
2362 governance information at one of the following levels:

2363 (I) The ultimate controlling parent level;

2364 (II) An intermediate holding company level; or

2365 (III) The individual legal entity level.

2366 b. The insurer or insurance group may make the corporate
2367 governance annual disclosure at:

2368 (I) The level used to determine the risk appetite of the
2369 insurer or insurance group;

2370 (II) The level at which the earnings, capital, liquidity,
2371 operations, and reputation of the insurer are collectively
2372 overseen and the supervision of those factors is coordinated and
2373 exercised; or

2374 (III) The level at which legal liability for failure of
2375 general corporate governance duties would be placed.

2376

2377 An insurer or insurance group must indicate the level of
2378 reporting used and explain any subsequent changes in the

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2379 reporting level.

2380 4. The review of the corporate governance annual disclosure
2381 and any additional requests for information shall be made
2382 through the lead state as determined by the procedures in the
2383 most recent National Association of Insurance Commissioners
2384 Financial Analysis Handbook.

2385 5. An insurer or insurance group may comply with this
2386 paragraph by cross-referencing other existing relevant and
2387 applicable documents, including, but not limited to, the ORSA
2388 summary report, Holding Company Form B or F filings, Securities
2389 and Exchange Commission proxy statements, or foreign regulatory
2390 reporting requirements, if the documents contain information
2391 substantially similar to the information described in paragraph
2392 (c). The insurer or insurance group shall clearly identify and
2393 reference the specific location of the relevant and applicable
2394 information within the corporate governance annual disclosure
2395 and attach the referenced document if it has not already been
2396 filed with, or made available to, the office.

2397 6. Each year following the initial filing of the corporate
2398 governance annual disclosure, the insurer or insurance group
2399 shall file an amended version of the previously filed corporate
2400 governance annual disclosure indicating changes that have been
2401 made. If changes have not been made in the previously filed
2402 disclosure, the insurer or insurance group should so indicate.
2403 Reviser's note.—Amended to delete obsolete language.

2404 Section 57. Paragraphs (c) and (i) of subsection (2) of
2405 section 692.201, Florida Statutes, are amended to read:

2406 692.201 Definitions.—As used in this part, the term:

2407 (2) "Critical infrastructure facility" means any of the

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2408 following, if it employs measures such as fences, barriers, or
2409 guard posts that are designed to exclude unauthorized persons:

2410 (c) An electrical power plant as defined in s. 403.031(4)
2411 ~~403.031(20)~~.

2412 (i) A spaceport territory as defined in s. 331.303(19)
2413 ~~331.303(18)~~.

2414 Reviser's note.—Paragraph (2)(c) is amended to conform to the
2415 redesignation of s. 403.031(20) as s. 403.031(4) by s. 13,
2416 ch. 2023-169, Laws of Florida. Paragraph (2)(i) is amended
2417 to conform to the redesignation of s. 331.303(18) as s.
2418 331.303(19) by s. 69, ch. 2023-8, Laws of Florida.

2419 Section 58. Subsection (1) of section 720.305, Florida
2420 Statutes, is amended to read:

2421 720.305 Obligations of members; remedies at law or in
2422 equity; levy of fines and suspension of use rights.—

2423 (1) Each member and the member's tenants, guests, and
2424 invitees, and each association, are governed by, and must comply
2425 with, this chapter, the governing documents of the community,
2426 and the rules of the association. Actions at law or in equity,
2427 or both, to redress alleged failure or refusal to comply with
2428 these provisions may be brought by the association or by any
2429 member against:

2430 (a) The association;

2431 (b) A member;

2432 (c) Any director or officer of an association who willfully
2433 and knowingly fails to comply with these provisions; and

2434 (d) Any tenants, guests, or invitees occupying a parcel or
2435 using the common areas.

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2437 The prevailing party in any such litigation is entitled to
 2438 recover reasonable attorney fees and costs ~~as provided in~~
 2439 ~~paragraph (2) (e)~~. A member prevailing in an action between the
 2440 association and the member under this section, in addition to
 2441 recovering his or her reasonable attorney fees, may recover
 2442 additional amounts as determined by the court to be necessary to
 2443 reimburse the member for his or her share of assessments levied
 2444 by the association to fund its expenses of the litigation. This
 2445 relief does not exclude other remedies provided by law. This
 2446 section does not deprive any person of any other available right
 2447 or remedy.

2448 Reviser's note.—Amended to correct a scrivener's error. Attorney
 2449 fees and costs are not referenced in paragraph (2) (e).

2450 Section 59. Paragraph (c) of subsection (1) of section
 2451 744.21031, Florida Statutes, is amended to read:

2452 744.21031 Public records exemption.—

2453 (1) For purposes of this section, the term:

2454 (c) "Telephone numbers" has the same meaning as provided in
 2455 s. 119.071(4) (d) 1.c. ~~119.071(4) (d) 1.b.~~

2456 Reviser's note.—Amended to correct a cross-reference. Section
 2457 119.071(4) (d) 1.b. was redesignated as s. 119.071(4) (d) 1.c.
 2458 by s. 1, ch. 2023-131, Laws of Florida.

2459 Section 60. Subsections (7) and (8) of section 766.315,
 2460 Florida Statutes, are amended to read:

2461 766.315 Florida Birth-Related Neurological Injury
 2462 Compensation Association; board of directors; notice of
 2463 meetings; report.—

2464 (7) The association shall publish a report on its website
 2465 by January 1 of each year, ~~2022~~, and ~~every January 1 thereafter~~.

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2466 The report shall include:

2467 (a) The names and terms of each board member and executive
2468 staff member.

2469 (b) The amount of compensation paid to each association
2470 employee.

2471 (c) A summary of reimbursement disputes and resolutions.

2472 (d) A list of expenditures for attorney fees and lobbying
2473 fees.

2474 (e) Other expenses to oppose each plan claim. Any personal
2475 identifying information of the parent, legal guardian, or child
2476 involved in the claim must be removed from this list.

2477 (8) By ~~On or before~~ November 1 of, ~~2021,~~ and by each year
2478 ~~November 1 thereafter,~~ the association shall submit a report to
2479 the Governor, the President of the Senate, the Speaker of the
2480 House of Representatives, and the Chief Financial Officer. The
2481 report must include:

2482 (a) The number of petitions filed for compensation with the
2483 division, the number of claimants awarded compensation, the
2484 number of claimants denied compensation, and the reasons for the
2485 denial of compensation.

2486 (b) The number and dollar amount of paid and denied
2487 compensation for expenses by category and the reasons for any
2488 denied compensation for expenses by category.

2489 (c) The average turnaround time for paying or denying
2490 compensation for expenses.

2491 (d) Legislative recommendations to improve the program.

2492 (e) A summary of any pending or resolved litigation during
2493 the year which affects the plan.

2494 (f) The amount of compensation paid to each association

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2495 employee or member of the board of directors.

2496 ~~(g) For the initial report due on or before November 1,~~
2497 ~~2021, an actuarial report conducted by an independent actuary~~
2498 ~~which provides an analysis of the estimated costs of~~
2499 ~~implementing the following changes to the plan:~~

2500 ~~1. Reducing the minimum birth weight eligibility for a~~
2501 ~~participant in the plan from 2,500 grams to 2,000 grams.~~

2502 ~~2. Revising the eligibility for participation in the plan~~
2503 ~~by providing that an infant must be permanently and~~
2504 ~~substantially mentally or physically impaired, rather than~~
2505 ~~permanently and substantially mentally and physically impaired.~~

2506 ~~3. Increasing the annual special benefit or quality of life~~
2507 ~~benefit from \$500 to \$2,500 per calendar year.~~

2508 Reviser's note.—Amended to delete obsolete language.

2509 Section 61. Paragraph (e) of subsection (2) of section
2510 768.38, Florida Statutes, is amended to read:

2511 768.38 Liability protections for COVID-19-related claims.—

2512 (2) As used in this section, the term:

2513 (e) "Health care provider" means:

2514 1. A provider as defined in s. 408.803.

2515 2. A clinical laboratory providing services in this state
2516 or services to health care providers in this state, if the
2517 clinical laboratory is certified by the Centers for Medicare and
2518 Medicaid Services under the federal Clinical Laboratory
2519 Improvement Amendments and the federal rules adopted thereunder.

2520 3. A federally qualified health center as defined in 42
2521 U.S.C. s. 1396d(1)(2)(B), as that definition exists on the
2522 effective date of this act.

2523 4. Any site providing health care services which was

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2524 established for the purpose of responding to the COVID-19
2525 pandemic pursuant to any federal or state order, declaration, or
2526 waiver.

2527 5. A health care practitioner as defined in s. 456.001.

2528 6. A health care professional licensed under part IV of
2529 chapter 468.

2530 7. A home health aide as defined in s. 400.462(17)
2531 ~~400.462(15)~~.

2532 8. A provider licensed under chapter 394 or chapter 397 and
2533 its clinical and nonclinical staff providing inpatient or
2534 outpatient services.

2535 9. A continuing care facility licensed under chapter 651.

2536 10. A pharmacy permitted under chapter 465.

2537 Reviser's note.—Amended to correct a cross-reference to conform
2538 to the redesignation of s. 400.462(15) as s. 400.462(14) by
2539 s. 25, ch. 2021-51, Laws of Florida, and the further
2540 redesignation of s. 400.462(14) as s. 400.462(17) by s. 1,
2541 ch. 2023-183, Laws of Florida.

2542 Section 62. Paragraph (f) of subsection (1) of section
2543 768.381, Florida Statutes, is amended to read:

2544 768.381 COVID-19-related claims against health care
2545 providers.—

2546 (1) DEFINITIONS.—As used in this section, the term:

2547 (f) "Health care provider" means any of the following:

2548 1. A provider as defined in s. 408.803.

2549 2. A clinical laboratory providing services in this state
2550 or services to health care providers in this state, if the
2551 clinical laboratory is certified by the Centers for Medicare and
2552 Medicaid Services under the federal Clinical Laboratory

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2553 Improvement Amendments and the federal rules adopted thereunder.

2554 3. A federally qualified health center as defined in 42
2555 U.S.C. s. 1396d(1)(2)(B), as that definition existed on the
2556 effective date of this act.

2557 4. Any site providing health care services which was
2558 established for the purpose of responding to the COVID-19
2559 pandemic pursuant to any federal or state order, declaration, or
2560 waiver.

2561 5. A health care practitioner as defined in s. 456.001.

2562 6. A health care professional licensed under part IV of
2563 chapter 468.

2564 7. A home health aide as defined in s. 400.462(17)
2565 ~~400.462(15)~~.

2566 8. A provider licensed under chapter 394 or chapter 397 and
2567 its clinical and nonclinical staff providing inpatient or
2568 outpatient services.

2569 9. A continuing care facility licensed under chapter 651.

2570 10. A pharmacy permitted under chapter 465.

2571 Reviser's note.—Amended to correct a cross-reference to conform
2572 to the redesignation of s. 400.462(15) as s. 400.462(14) by
2573 s. 25, ch. 2021-51, Laws of Florida, and the further
2574 redesignation of s. 400.462(14) as s. 400.462(17) by s. 1,
2575 ch. 2023-183, Laws of Florida.

2576 Section 63. Subsection (1) of section 790.013, Florida
2577 Statutes, is amended to read:

2578 790.013 Carrying of concealed weapons or concealed firearms
2579 without a license.—A person who carries a concealed weapon or
2580 concealed firearm without a license as authorized under s.
2581 790.01(1)(b):

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2582 (1)~~(a)~~ Must carry valid identification at all times when he
2583 or she is in actual possession of a concealed weapon or
2584 concealed firearm and must display such identification upon
2585 demand by a law enforcement officer.

2586 ~~(b)~~ A violation of this subsection is a noncriminal
2587 violation punishable by a \$25 fine, payable to the clerk of the
2588 court.

2589 Reviser's note.—Amended to improve the structure of the section
2590 and conform to context.

2591 Section 64. Subsection (2) of section 810.098, Florida
2592 Statutes, is amended to read:

2593 810.098 Trespass for the purpose of threatening or
2594 intimidating another person.—

2595 (2) As used in this section, the terms "Florida College
2596 System institution" and "state university" have the same
2597 meanings as in s. 1000.21(5) and (9) ~~1000.21(3) and (6)~~,
2598 respectively.

2599 Reviser's note.—Amended to conform to the reordering of
2600 definitions in s. 1000.21 by s. 136, ch. 2023-8, Laws of
2601 Florida, and the further reordering of definitions in s.
2602 1000.21 by this act.

2603 Section 65. Subsection (3) of section 849.38, Florida
2604 Statutes, is amended to read:

2605 849.38 Proceedings for forfeiture; notice of seizure and
2606 order to show cause.—

2607 (3) The said citation may be in, or substantially in, the
2608 following form:

2609
2610 IN THE CIRCUIT COURT OF THE JUDICIAL CIRCUIT, IN AND FOR

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2611 COUNTY, FLORIDA.

2612 IN RE FORFEITURE OF THE FOLLOWING DESCRIBED PROPERTY:

2613 ...(~~Here~~ Describe property)...

2614 THE STATE OF FLORIDA TO:

2615

2616 ALL PERSONS, FIRMS AND CORPORATIONS OWNING, HAVING OR
 2617 CLAIMING AN INTEREST IN OR LIEN ON THE ABOVE DESCRIBED PROPERTY.

2618

2619 YOU AND EACH OF YOU are hereby notified that the above
 2620 described property has been seized, under and by virtue of
 2621 chapter, Laws of Florida, and is now in the possession of
 2622 the sheriff of this county, and you, and each of you, are hereby
 2623 further notified that a petition, under said chapter, has been
 2624 filed in the Circuit Court of the Judicial Circuit, in and
 2625 for County, Florida, seeking the forfeiture of the said
 2626 property, and you are hereby directed and required to file your
 2627 claim, if any you have, and show cause, on or before,
 2628 ...(year)..., if not personally served with process herein, and
 2629 within 20 days from personal service if personally served with
 2630 process herein, why the said property should not be forfeited
 2631 pursuant to said chapter, Laws of Florida, 1955. Should you
 2632 fail to file claim as herein directed judgment will be entered
 2633 herein against you in due course. Persons not personally served
 2634 with process may obtain a copy of the petition for forfeiture
 2635 filed herein from the undersigned clerk of court.

2636 WITNESS my hand and the seal of the above mentioned court,
 2637 at Florida, this, ...(year)....

2638 (COURT SEAL)

2639 ...(Clerk of the above-mentioned Court.)...

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2640 By ... (Deputy Clerk) ...

2641

2642 Reviser's note.—Amended to conform to general style in forms.

2643 Section 66. Paragraph (f) of subsection (1) of section

2644 893.055, Florida Statutes, is reenacted to read:

2645 893.055 Prescription drug monitoring program.—

2646 (1) As used in this section, the term:

2647 (f) "Electronic health recordkeeping system" means an
2648 electronic or computer-based information system used by health
2649 care practitioners or providers to create, collect, store,
2650 manipulate, exchange, or make available personal health
2651 information for the delivery of patient care.

2652 Reviser's note.—Paragraph (1) (f) was created by s. 1, ch. 2019-

2653 70, Laws of Florida, and s. 1, ch. 2019-127, Laws of

2654 Florida. Section 3, ch. 2019-127, as amended by s. 25, ch.

2655 2021-131, Laws of Florida, provided for the repeal of

2656 paragraph (1) (f) on June 30, 2023. The paragraph is

2657 relevant to the material added to s. 893.055 by s. 1, ch.

2658 2019-70, concerning reciprocal agreements or contracts with

2659 other jurisdictions, which continues in existence, as well

2660 as the text added by s. 1, ch. 2019-127, which relates to a

2661 unique identifier for each patient in the system and

2662 requests for information from the prescription drug

2663 monitoring program in litigation. Paragraph (1) (f) is

2664 reenacted to confirm the intent to keep the language in s.

2665 893.055.

2666 Section 67. Paragraph (b) of subsection (1) of section

2667 933.40, Florida Statutes, is amended to read:

2668 933.40 Agriculture warrants.—

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2669 (1) As used in this section:

2670 (b) "Animal pest" means any biological or chemical residue
2671 as defined in s. 585.01(4), pathogenic organism or virulent
2672 organism as defined in s. 585.01(15), or any transmissible,
2673 communicable, contagious, or infectious disease as described in
2674 s. 585.01(17) ~~585.01(18)~~.

2675 Reviser's note.—Amended to conform to the deletion of s.

2676 585.01(17) by this act.

2677 Section 68. Paragraph (b) of subsection (1) of section
2678 961.06, Florida Statutes, is amended to read:

2679 961.06 Compensation for wrongful incarceration.—

2680 (1) Except as otherwise provided in this act and subject to
2681 the limitations and procedures prescribed in this section, a
2682 person who is found to be entitled to compensation under the
2683 provisions of this act is entitled to:

2684 (b) A waiver of tuition and fees for up to 120 hours of
2685 instruction at any career center established under s. 1001.44,
2686 any Florida College System institution as defined in s.
2687 1000.21(5), or any state university as defined in s. 1000.21(9)
2688 ~~1000.21(8)~~, if the wrongfully incarcerated person meets and
2689 maintains the regular admission requirements of such career
2690 center, Florida College System institution, or state university;
2691 remains registered at such educational institution; and makes
2692 satisfactory academic progress as defined by the educational
2693 institution in which the claimant is enrolled;

2694

2695 The total compensation awarded under paragraphs (a), (c), and
2696 (d) may not exceed \$2 million. No further award for attorney's
2697 fees, lobbying fees, costs, or other similar expenses shall be

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2698 made by the state.

2699 Reviser's note.—Amended to conform to the reordering of

2700 definitions in s. 1000.21 by this act.

2701 Section 69. Subsections (7), (8), and (9) of section

2702 1000.21, Florida Statutes, are reordered and amended to read:

2703 1000.21 Systemwide definitions.—As used in the Florida

2704 Early Learning-20 Education Code:

2705 (8)~~(7)~~ "State academic standards" means the state's public

2706 K-12 curricular standards adopted under s. 1003.41.

2707 (9)~~(8)~~ "State university," except as otherwise specifically

2708 provided, includes the following institutions and any branch

2709 campuses, centers, or other affiliates of the institution:

2710 (a) The University of Florida.

2711 (b) The Florida State University.

2712 (c) The Florida Agricultural and Mechanical University.

2713 (d) The University of South Florida.

2714 (e) The Florida Atlantic University.

2715 (f) The University of West Florida.

2716 (g) The University of Central Florida.

2717 (h) The University of North Florida.

2718 (i) The Florida International University.

2719 (j) The Florida Gulf Coast University.

2720 (k) New College of Florida.

2721 (l) The Florida Polytechnic University.

2722 (7)~~(9)~~ "Sex" means the classification of a person as either

2723 female or male based on the organization of the body of such

2724 person for a specific reproductive role, as indicated by the

2725 person's sex chromosomes, naturally occurring sex hormones, and

2726 internal and external genitalia present at birth.

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2727 Reviser's note.—Amended to place the definitions of the section
2728 in alphabetical order.

2729 Section 70. Paragraph (c) of subsection (8) of section
2730 1001.42, Florida Statutes, is amended to read:

2731 1001.42 Powers and duties of district school board.—The
2732 district school board, acting as a board, shall exercise all
2733 powers and perform all duties listed below:

2734 (8) STUDENT WELFARE.—

2735 (c)1. In accordance with the rights of parents enumerated
2736 in ss. 1002.20 and 1014.04, adopt procedures for notifying a
2737 student's parent if there is a change in the student's services
2738 or monitoring related to the student's mental, emotional, or
2739 physical health or well-being and the school's ability to
2740 provide a safe and supportive learning environment for the
2741 student. The procedures must reinforce the fundamental right of
2742 parents to make decisions regarding the upbringing and control
2743 of their children by requiring school district personnel to
2744 encourage a student to discuss issues relating to his or her
2745 well-being with his or her parent or to facilitate discussion of
2746 the issue with the parent. The procedures may not prohibit
2747 parents from accessing any of their student's education and
2748 health records created, maintained, or used by the school
2749 district, as required by s. 1002.22(2).

2750 2. A school district may not adopt procedures or student
2751 support forms that prohibit school district personnel from
2752 notifying a parent about his or her student's mental, emotional,
2753 or physical health or well-being, or a change in related
2754 services or monitoring, or that encourage or have the effect of
2755 encouraging a student to withhold from a parent such

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2756 information. School district personnel may not discourage or
2757 prohibit parental notification of and involvement in critical
2758 decisions affecting a student's mental, emotional, or physical
2759 health or well-being. This subparagraph does not prohibit a
2760 school district from adopting procedures that permit school
2761 personnel to withhold such information from a parent if a
2762 reasonably prudent person would believe that disclosure would
2763 result in abuse, abandonment, or neglect, as those terms are
2764 defined in s. 39.01.

2765 3. Classroom instruction by school personnel or third
2766 parties on sexual orientation or gender identity may not occur
2767 in prekindergarten through grade 8, except when required by ss.
2768 1003.42 (2) (o) 3. ~~1003.42 (2) (n) 3.~~ and 1003.46. If such instruction
2769 is provided in grades 9 through 12, the instruction must be age-
2770 appropriate or developmentally appropriate for students in
2771 accordance with state standards. This subparagraph applies to
2772 charter schools.

2773 4. Student support services training developed or provided
2774 by a school district to school district personnel must adhere to
2775 student services guidelines, standards, and frameworks
2776 established by the Department of Education.

2777 5. At the beginning of the school year, each school
2778 district shall notify parents of each health care service
2779 offered at their student's school and the option to withhold
2780 consent or decline any specific service in accordance with s.
2781 1014.06. Parental consent to a health care service does not
2782 waive the parent's right to access his or her student's
2783 educational or health records or to be notified about a change
2784 in his or her student's services or monitoring as provided by

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2785 this paragraph.

2786 6. Before administering a student well-being questionnaire
2787 or health screening form to a student in kindergarten through
2788 grade 3, the school district must provide the questionnaire or
2789 health screening form to the parent and obtain the permission of
2790 the parent.

2791 7. Each school district shall adopt procedures for a parent
2792 to notify the principal, or his or her designee, regarding
2793 concerns under this paragraph at his or her student's school and
2794 the process for resolving those concerns within 7 calendar days
2795 after notification by the parent.

2796 a. At a minimum, the procedures must require that within 30
2797 days after notification by the parent that the concern remains
2798 unresolved, the school district must either resolve the concern
2799 or provide a statement of the reasons for not resolving the
2800 concern.

2801 b. If a concern is not resolved by the school district, a
2802 parent may:

2803 (I) Request the Commissioner of Education to appoint a
2804 special magistrate who is a member of The Florida Bar in good
2805 standing and who has at least 5 years' experience in
2806 administrative law. The special magistrate shall determine facts
2807 relating to the dispute over the school district procedure or
2808 practice, consider information provided by the school district,
2809 and render a recommended decision for resolution to the State
2810 Board of Education within 30 days after receipt of the request
2811 by the parent. The State Board of Education must approve or
2812 reject the recommended decision at its next regularly scheduled
2813 meeting that is more than 7 calendar days and no more than 30

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2814 days after the date the recommended decision is transmitted. The
 2815 costs of the special magistrate shall be borne by the school
 2816 district. The State Board of Education shall adopt rules,
 2817 including forms, necessary to implement this subparagraph.

2818 (II) Bring an action against the school district to obtain
 2819 a declaratory judgment that the school district procedure or
 2820 practice violates this paragraph and seek injunctive relief. A
 2821 court may award damages and shall award reasonable attorney fees
 2822 and court costs to a parent who receives declaratory or
 2823 injunctive relief.

2824 c. Each school district shall adopt and post on its website
 2825 policies to notify parents of the procedures required under this
 2826 subparagraph.

2827 d. Nothing contained in this subparagraph shall be
 2828 construed to abridge or alter rights of action or remedies in
 2829 equity already existing under the common law or general law.
 2830 Reviser's note.—Amended to conform to the redesignation of
 2831 paragraphs in s. 1003.42(2) by s. 6, ch. 2023-39, Laws of
 2832 Florida.

2833 Section 71. Subsection (2) of section 1002.01, Florida
 2834 Statutes, is amended to read:

2835 1002.01 Definitions.—

2836 (2) A "personalized education program" means the
 2837 sequentially progressive instruction of a student directed by
 2838 his or her parent to satisfy the attendance requirements of ss.
 2839 1003.01(16) ~~1003.01(13)~~ and 1003.21(1) while registered with an
 2840 eligible nonprofit scholarship-funding organization pursuant to
 2841 s. 1002.395. A personalized education student shall be provided
 2842 the same flexibility and opportunities as provided in s.

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2843 1002.41(3)-(12).

2844 Reviser's note.—Amended to confirm an editorial substitution to
2845 conform to the redesignation of subsections in s. 1003.01
2846 by s. 148, ch. 2023-8, Laws of Florida.

2847 Section 72. Paragraph (a) of subsection (6) of section
2848 1002.20, Florida Statutes, is amended to read:

2849 1002.20 K-12 student and parent rights.—Parents of public
2850 school students must receive accurate and timely information
2851 regarding their child's academic progress and must be informed
2852 of ways they can help their child to succeed in school. K-12
2853 students and their parents are afforded numerous statutory
2854 rights including, but not limited to, the following:

2855 (6) EDUCATIONAL CHOICE.—

2856 (a) *Public educational school choices*.—Parents of public
2857 school students may seek any public educational school choice
2858 options that are applicable and available to students throughout
2859 the state. These options may include controlled open enrollment,
2860 single-gender programs, lab schools, virtual instruction
2861 programs, charter schools, charter technical career centers,
2862 magnet schools, alternative schools, special programs, auditory-
2863 oral education programs, advanced placement, dual enrollment,
2864 International Baccalaureate, International General Certificate
2865 of Secondary Education (pre-AICE), CAPE digital tools, CAPE
2866 industry certifications, early college programs, Advanced
2867 International Certificate of Education, early admissions, credit
2868 by examination or demonstration of competency, the New World
2869 School of the Arts, the Florida School for the Deaf and the
2870 Blind, and the Florida Virtual School. These options may also
2871 include the public educational choice option ~~options~~ of the

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2872 ~~Opportunity Scholarship Program and the McKay Scholarships for~~
2873 ~~Students with Disabilities Program.~~

2874 Reviser's note.—Amended to conform to the repeal of s. 1002.39,
2875 which established the John M. McKay Scholarships for
2876 Students with Disabilities Program, by s. 9, ch. 2023-9,
2877 Laws of Florida.

2878 Section 73. Paragraph (e) of subsection (3) and paragraph
2879 (b) of subsection (8) of section 1002.351, Florida Statutes, are
2880 amended to read:

2881 1002.351 The Florida School for Competitive Academics.—

2882 (3) BOARD OF TRUSTEES.—

2883 (e) The board of trustees has the full power and authority
2884 to:

2885 1. Adopt rules pursuant to ss. 120.536(1) and 120.54 to
2886 implement provisions of law relating to operation of the Florida
2887 School for Competitive Academics. Such rules must be submitted
2888 to the State Board of Education for approval or disapproval.
2889 After a rule is approved by the State Board of Education, the
2890 rule must be filed immediately with the Department of State. The
2891 board of trustees shall act at all times in conjunction with the
2892 rules of the State Board of Education.

2893 2. Appoint a principal, administrators, teachers, and other
2894 employees.

2895 3. Remove principals, administrators, teachers, and other
2896 employees at the board's discretion.

2897 4. Determine eligibility of students and procedures for
2898 admission.

2899 5. Provide for the proper keeping of accounts and records
2900 and for budgeting of funds.

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2901 6. Receive gifts, donations, and bequests of money or
 2902 property, real or personal, tangible or intangible, from any
 2903 person, firm, corporation, or other legal entity for the use and
 2904 benefit of the school.

2905 7. Recommend to the Legislature that ~~for~~ the school ~~to~~
 2906 become a residential public school.

2907 8. Do and perform every other matter or thing requisite to
 2908 the proper management, maintenance, support, and control of the
 2909 school at the highest efficiency economically possible.

2910 (8) EXEMPTION FROM STATUTES.—

2911 (b) Additionally, the Florida School for Competitive
 2912 Academics shall be in compliance with the following statutes:

2913 1. Section 286.011, relating to public meetings and
 2914 records, public inspection, and criminal and civil penalties.

2915 2. Chapter 119, relating to public records.

2916 3. Section 1006.12, relating to safe-school officers.

2917 4. Section 1006.07(7), relating to threat management
 2918 ~~assessment~~ teams.

2919 5. Section 1006.07(9), relating to school environmental
 2920 safety incident reporting.

2921 6. Section 1006.07(10), relating to reporting of
 2922 involuntary examinations.

2923 7. Section 1006.1493, relating to the Florida Safe Schools
 2924 Assessment Tool.

2925 8. Section 1006.07(6)(d), relating to adopting active
 2926 assailant response plans.

2927 9. Section 943.082(4)(b), relating to the mobile suspicious
 2928 activity reporting tool.

2929 10. Section 1012.584, relating to youth mental health

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2930 awareness and assistance training.

2931 11. Section 1003.4282, relating to requirements for a
2932 standard high school diploma.

2933 12. Section 1003.03(1), relating to class size maximums.

2934 13.a. Section 1011.61, relating to instructional hours
2935 requirements.

2936 b. Notwithstanding sub-subparagraph a., the school may
2937 provide instruction that exceeds the minimum time requirements
2938 for the purposes of offering a summer program.

2939 Reviser's note.—Paragraph (3)(e) is amended to improve clarity.

2940 Paragraph (8)(b) is amended to confirm an editorial
2941 substitution to conform to s. 23, ch. 2023-18, Laws of
2942 Florida, which amended s. 1006.07(7) to change the term
2943 "threat assessment team" to the term "threat management
2944 team."

2945 Section 74. Paragraph (a) of subsection (4) and paragraph
2946 (a) of subsection (12) of section 1002.394, Florida Statutes,
2947 are amended to read:

2948 1002.394 The Family Empowerment Scholarship Program.—

2949 (4) AUTHORIZED USES OF PROGRAM FUNDS.—

2950 (a) Program funds awarded to a student determined eligible
2951 pursuant to paragraph (3)(a) may be used for:

2952 1. Tuition and fees at an eligible private school.

2953 2. Transportation to a Florida public school in which a
2954 student is enrolled and that is different from the school to
2955 which the student was assigned or to a lab school as defined in
2956 s. 1002.32.

2957 3. Instructional materials, including digital materials and
2958 Internet resources.

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2959 4. Curriculum as defined in subsection (2).

2960 5. Tuition and fees associated with full-time or part-time
2961 enrollment in an eligible postsecondary educational institution
2962 or a program offered by the postsecondary educational
2963 institution, unless the program is subject to s. 1009.25 or
2964 reimbursed pursuant to s. 1009.30; an approved preapprenticeship
2965 program as defined in s. 446.021(5) which is not subject to s.
2966 1009.25 and complies with all applicable requirements of the
2967 department pursuant to chapter 1005; a private tutoring program
2968 authorized under s. 1002.43; a virtual program offered by a
2969 department-approved private online provider that meets the
2970 provider qualifications specified in s. 1002.45(2)(a); the
2971 Florida Virtual School as a private paying student; or an
2972 approved online course offered pursuant to s. 1003.499 or s.
2973 1004.0961.

2974 6. Fees for nationally standardized, norm-referenced
2975 achievement tests, Advanced Placement Examinations, industry
2976 certification examinations, assessments related to postsecondary
2977 education, or other assessments.

2978 7. Contracted services provided by a public school or
2979 school district, including classes. A student who receives
2980 contracted services under this subparagraph is not considered
2981 enrolled in a public school for eligibility purposes as
2982 specified in subsection (6) but rather attending a public school
2983 on a part-time basis as authorized under s. 1002.44.

2984 8. Tuition and fees for part-time tutoring services or fees
2985 for services provided by a choice navigator. Such services must
2986 be provided by a person who holds a valid Florida educator's
2987 certificate pursuant to s. 1012.56, a person who holds an

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2988 adjunct teaching certificate pursuant to s. 1012.57, a person
2989 who has a bachelor's degree or a graduate degree in the subject
2990 area in which instruction is given, a person who has
2991 demonstrated a mastery of subject area knowledge pursuant to s.
2992 1012.56(5), or a person certified by a nationally or
2993 internationally recognized research-based training program as
2994 approved by the department. As used in this subparagraph, the
2995 term "part-time tutoring services" does not qualify as regular
2996 school attendance as defined in s. 1003.01(16)(e)
2997 ~~1003.01(13)(e)~~.

2998 (12) SCHOLARSHIP FUNDING AND PAYMENT.—

2999 (a)1. Scholarships for students determined eligible
3000 pursuant to paragraph (3) (a) may be funded once all scholarships
3001 have been funded in accordance with s. 1002.395(6)(1)2. The
3002 calculated scholarship amount for a participating student
3003 determined eligible pursuant to paragraph (3) (a) shall be based
3004 upon the grade level and school district in which the student
3005 was assigned as 100 percent of the funds per unweighted full-
3006 time equivalent in the Florida Education Finance Program for a
3007 student in the basic program established pursuant to s.
3008 1011.62(1)(c)1., plus a per-full-time equivalent share of funds
3009 for the categorical programs established in s. 1011.62(5),
3010 (7) (a), and (16), as funded in the General Appropriations Act.

3011 2. A scholarship of \$750 or an amount equal to the school
3012 district expenditure per student riding a school bus, as
3013 determined by the department, whichever is greater, may be
3014 awarded to an eligible student who is enrolled in a Florida
3015 public school that is different from the school to which the
3016 student was assigned or in a lab school as defined in s. 1002.32

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3017 if the school district does not provide the student with
3018 transportation to the school.

3019 3. The organization must provide the department with the
3020 documentation necessary to verify the student's participation.
3021 Upon receiving the documentation, the department shall transfer,
3022 beginning August 1, from state funds only, the amount calculated
3023 pursuant to subparagraph 1. ~~subparagraph 2.~~ to the organization
3024 for quarterly disbursement to parents of participating students
3025 each school year in which the scholarship is in force. For a
3026 student exiting a Department of Juvenile Justice commitment
3027 program who chooses to participate in the scholarship program,
3028 the amount of the Family Empowerment Scholarship calculated
3029 pursuant to subparagraph 1. ~~subparagraph 2.~~ must be transferred
3030 from the school district in which the student last attended a
3031 public school before commitment to the Department of Juvenile
3032 Justice. When a student enters the scholarship program, the
3033 organization must receive all documentation required for the
3034 student's participation, including the private school's and the
3035 student's fee schedules, at least 30 days before the first
3036 quarterly scholarship payment is made for the student.

3037 4. The initial payment shall be made after the
3038 organization's verification of admission acceptance, and
3039 subsequent payments shall be made upon verification of continued
3040 enrollment and attendance at the private school. Payment must be
3041 by funds transfer or any other means of payment that the
3042 department deems to be commercially viable or cost-effective. An
3043 organization shall ensure that the parent has approved a funds
3044 transfer before any scholarship funds are deposited.

3045 5. An organization may not transfer any funds to an account

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3046 of a student determined eligible pursuant to paragraph (3) (a)
3047 which has a balance in excess of \$24,000.
3048 Reviser's note.—Paragraph (4) (a) is amended to confirm an
3049 editorial substitution to conform to the redesignation of
3050 subsections in s. 1003.01 by s. 148, ch. 2023-8, Laws of
3051 Florida. Paragraph (12) (a) is amended to correct a cross-
3052 reference. The amendment by s. 5, ch. 2023-16, Laws of
3053 Florida, redesignated subparagraphs within paragraph (a)
3054 but did not revise references to subparagraph 2. The
3055 material found in subparagraph 2., as that reference
3056 existed prior to the amendment by s. 5, ch. 2023-16, is now
3057 contained in subparagraph 1.

3058 Section 75. Paragraphs (d) and (e) of subsection (6) of
3059 section 1002.395, Florida Statutes, are amended to read:

3060 1002.395 Florida Tax Credit Scholarship Program.—

3061 (6) OBLIGATIONS OF ELIGIBLE NONPROFIT SCHOLARSHIP-FUNDING
3062 ORGANIZATIONS.—An eligible nonprofit scholarship-funding
3063 organization:

3064 (d)1. For the 2023-2024 school year, may fund no more than
3065 20,000 scholarships for students who are enrolled pursuant to
3066 paragraph (7) (b). The number of scholarships funded for such
3067 students may increase by 40,000 in each subsequent school year.
3068 This subparagraph is repealed July 1, 2027.

3069 2. Must establish and maintain separate empowerment
3070 accounts from eligible contributions for each eligible student.
3071 For each account, the organization must maintain a record of
3072 accrued interest retained in the student's account. The
3073 organization must verify that scholarship funds are used for:

3074 a. Tuition and fees for full-time or part-time enrollment

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3075 in an eligible private school.

3076 b. Transportation to a Florida public school in which a
3077 student is enrolled and that is different from the school to
3078 which the student was assigned or to a lab school as defined in
3079 s. 1002.32.

3080 c. Instructional materials, including digital materials and
3081 Internet resources.

3082 d. Curriculum as defined in s. 1002.394(2).

3083 e. Tuition and fees associated with full-time or part-time
3084 enrollment in a home education instructional program; an
3085 eligible postsecondary educational institution or a program
3086 offered by the postsecondary educational institution, unless the
3087 program is subject to s. 1009.25 or reimbursed pursuant to s.
3088 1009.30; an approved preapprenticeship program as defined in s.
3089 446.021(5) which is not subject to s. 1009.25 and complies with
3090 all applicable requirements of the Department of Education
3091 pursuant to chapter 1005; a private tutoring program authorized
3092 under s. 1002.43; a virtual program offered by a department-
3093 approved private online provider that meets the provider
3094 qualifications specified in s. 1002.45(2)(a); the Florida
3095 Virtual School as a private paying student; or an approved
3096 online course offered pursuant to s. 1003.499 or s. 1004.0961.

3097 f. Fees for nationally standardized, norm-referenced
3098 achievement tests, Advanced Placement Examinations, industry
3099 certification examinations, assessments related to postsecondary
3100 education, or other assessments.

3101 g. Contracted services provided by a public school or
3102 school district, including classes. A student who receives
3103 contracted services under this sub-subparagraph is not

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3104 considered enrolled in a public school for eligibility purposes
3105 as specified in subsection (11) but rather attending a public
3106 school on a part-time basis as authorized under s. 1002.44.

3107 h. Tuition and fees for part-time tutoring services or fees
3108 for services provided by a choice navigator. Such services must
3109 be provided by a person who holds a valid Florida educator's
3110 certificate pursuant to s. 1012.56, a person who holds an
3111 adjunct teaching certificate pursuant to s. 1012.57, a person
3112 who has a bachelor's degree or a graduate degree in the subject
3113 area in which instruction is given, a person who has
3114 demonstrated a mastery of subject area knowledge pursuant to s.
3115 1012.56(5), or a person certified by a nationally or
3116 internationally recognized research-based training program as
3117 approved by the Department of Education. As used in this
3118 paragraph, the term "part-time tutoring services" does not
3119 qualify as regular school attendance as defined in s.
3120 1003.01(16)(e) ~~1003.01(13)(e)~~.

3121 (e) For students determined eligible pursuant to paragraph
3122 (7) (b), must:

3123 1. Maintain a signed agreement from the parent which
3124 constitutes compliance with the attendance requirements under
3125 ss. 1003.01(16) ~~1003.01(13)~~ and 1003.21(1).

3126 2. Receive eligible student test scores and, beginning with
3127 the 2027-2028 school year, by August 15, annually report test
3128 scores for students pursuant to paragraph (7) (b) to a state
3129 university pursuant to paragraph (9) (f).

3130 3. Provide parents with information, guidance, and support
3131 to create and annually update a student learning plan for their
3132 student. The organization must maintain the plan and allow

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3133 parents to electronically submit, access, and revise the plan
3134 continuously.

3135 4. Upon submission by the parent of an annual student
3136 learning plan, fund a scholarship for a student determined
3137 eligible.

3138

3139 Information and documentation provided to the Department of
3140 Education and the Auditor General relating to the identity of a
3141 taxpayer that provides an eligible contribution under this
3142 section shall remain confidential at all times in accordance
3143 with s. 213.053.

3144 Reviser's note.—Amended to confirm editorial substitutions to
3145 conform to the redesignation of subsections in s. 1003.01
3146 by s. 148, ch. 2023-8, Laws of Florida.

3147 Section 76. Subsections (1) and (3) of section 1002.44,
3148 Florida Statutes, are amended to read:

3149 1002.44 Part-time public school enrollment.—

3150 (1) Any public school in this state, including a charter
3151 school, may enroll a student who meets the regular school
3152 attendance criteria in s. 1003.01(16)(b)-(f) ~~1003.01(13)(b)-(f)~~
3153 on a part-time basis, subject to space and availability
3154 according to the school's capacity determined pursuant to s.
3155 1002.31(2)(b).

3156 (3) A student attending a public school on a part-time
3157 basis pursuant to this section is not considered to be in
3158 regular attendance at a public school as defined in s.
3159 1003.01(16)(a) ~~1003.01(13)(a)~~.

3160 Reviser's note.—Amended to confirm editorial substitutions to
3161 conform to the redesignation of subsections in s. 1003.01

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3162 by s. 148, ch. 2023-8, Laws of Florida.

3163 Section 77. Paragraphs (o), (p), and (q) of subsection (2)
3164 of section 1002.82, Florida Statutes, are amended to read:

3165 1002.82 Department of Education; powers and duties.—

3166 (2) The department shall:

3167 (o) ~~No later than July 1, 2019,~~ Develop a differential
3168 payment program based on the quality measures adopted by the
3169 department under paragraph (n). The differential payment may not
3170 exceed a total of 15 percent for each care level and unit of
3171 child care for a child care provider. No more than 5 percent of
3172 the 15 percent total differential may be provided to providers
3173 who submit valid and reliable data to the statewide information
3174 system in the domains of language and executive functioning
3175 using a child assessment identified pursuant to paragraph (k).
3176 Providers below the minimum program assessment score adopted for
3177 contracting purposes are ineligible for such payment.

3178 (p) ~~No later than July 1, 2022,~~ Develop and adopt
3179 requirements for the implementation of a program designed to
3180 make available contracted slots to serve children at the
3181 greatest risk of school failure as determined by such children
3182 being located in an area that has been designated as a poverty
3183 area tract according to the latest census data. The contracted
3184 slot program may also be used to increase the availability of
3185 child care capacity based on the assessment under s.
3186 1002.85(2)(i).

3187 (q) Establish a single statewide information system that
3188 each coalition must use for the purposes of managing the single
3189 point of entry, tracking children's progress, coordinating
3190 services among stakeholders, determining eligibility of

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3191 children, tracking child attendance, and streamlining
3192 administrative processes for providers and early learning
3193 coalitions. ~~By July 1, 2019,~~ The system, subject to ss. 1002.72
3194 and 1002.97, shall:

3195 1. Allow a parent to find early learning programs online,
3196 including the performance profile under s. 1002.92(3)(a) which
3197 must be integrated into the online portal under s. 1001.10(10).

3198 2. Allow a parent to monitor the development of his or her
3199 child as the child moves among programs within the state.

3200 3. Enable analysis at the state, regional, and local level
3201 to measure child growth over time, program impact, and quality
3202 improvement and investment decisions.

3203 Reviser's note.—Amended to delete obsolete language.

3204 Section 78. Paragraph (i) of subsection (1) of section
3205 1003.02, Florida Statutes, is amended to read:

3206 1003.02 District school board operation and control of
3207 public K-12 education within the school district.—As provided in
3208 part II of chapter 1001, district school boards are
3209 constitutionally and statutorily charged with the operation and
3210 control of public K-12 education within their school districts.
3211 The district school boards must establish, organize, and operate
3212 their public K-12 schools and educational programs, employees,
3213 and facilities. Their responsibilities include staff
3214 development, public K-12 school student education including
3215 education for exceptional students and students in juvenile
3216 justice programs, special programs, adult education programs,
3217 and career education programs. Additionally, district school
3218 boards must:

3219 (1) Provide for the proper accounting for all students of

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3220 school age, for the attendance and control of students at
3221 school, and for proper attention to health, safety, and other
3222 matters relating to the welfare of students in the following
3223 areas:

3224 (i) *Notification of acceleration, academic, and career*
3225 *planning options.*—At the beginning of each school year, notify
3226 students in or entering high school and the students' parents,
3227 in a language that is understandable to students and parents, of
3228 the opportunity and benefits of advanced placement,
3229 International Baccalaureate, Advanced International Certificate
3230 of Education, and dual enrollment courses; career and
3231 professional academies; career-themed courses; the career and
3232 technical education pathway to earn a standard high school
3233 diploma under s. 1003.4282(10); work-based learning
3234 opportunities, including internships and apprenticeship and
3235 preapprenticeship programs; foundational and soft-skill
3236 credentialing programs under s. 445.06; Florida Virtual School
3237 courses; and options for early graduation under s. 1003.4281,
3238 and provide those students and parents with guidance on
3239 accessing and using Florida's online career planning and work-
3240 based learning coordination system and the contact information
3241 of a certified school counselor who can advise students and
3242 parents on those options.

3243 Reviser's note.—Amended to confirm an editorial reinsertion to
3244 improve clarity and facilitate correct interpretation.

3245 Section 79. Paragraph (a) of subsection (2) of section
3246 1003.4201, Florida Statutes, is amended to read:

3247 1003.4201 Comprehensive system of reading instruction.—Each
3248 school district must implement a system of comprehensive reading

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3249 instruction for students enrolled in prekindergarten through
3250 grade 12 and certain students who exhibit a substantial
3251 deficiency in early literacy.

3252 (2) (a) Components of the reading instruction plan may
3253 include the following:

3254 1. Additional time per day of evidence-based intensive
3255 reading instruction for kindergarten through grade 12 students,
3256 which may be delivered during or outside of the regular school
3257 day.

3258 2. Highly qualified reading coaches, who must be endorsed
3259 in reading, to specifically support classroom teachers in making
3260 instructional decisions based on progress monitoring data
3261 collected pursuant to s. 1008.25(9) ~~1008.25(8)~~ and improve
3262 classroom teacher delivery of effective reading instruction,
3263 reading intervention, and reading in the content areas based on
3264 student need.

3265 3. Professional development to help instructional personnel
3266 and certified prekindergarten teachers funded in the Florida
3267 Education Finance Program earn a certification, a credential, an
3268 endorsement, or an advanced degree in scientifically researched
3269 and evidence-based reading instruction.

3270 4. Summer reading camps, using only classroom teachers or
3271 other district personnel who possess a micro-credential as
3272 specified in s. 1003.485 or are certified or endorsed in reading
3273 consistent with s. 1008.25(8)(b)3. ~~1008.25(7)(b)3.~~, for all
3274 students in kindergarten through grade 5 exhibiting a reading
3275 deficiency as determined by district and state assessments.

3276 5. Incentives for instructional personnel and certified
3277 prekindergarten teachers funded in the Florida Education Finance

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3278 Program who possess a reading certification or endorsement or
3279 micro-credential as specified in s. 1003.485 and provide
3280 educational support to improve student literacy.

3281 6. Tutoring in reading.

3282 Reviser's note.—Amended to correct cross-references to conform
3283 to the redesignation of subsections in s. 1008.25 by s. 15,
3284 ch. 2023-108, Laws of Florida.

3285 Section 80. Paragraph (a) of subsection (2) of section
3286 1003.46, Florida Statutes, is amended to read:

3287 1003.46 Health education; instruction in acquired immune
3288 deficiency syndrome.—

3289 (2) Throughout instruction in acquired immune deficiency
3290 syndrome, sexually transmitted diseases, or health education,
3291 when such instruction and course material contains instruction
3292 in human sexuality, a school shall:

3293 (a) Classify males and females as provided in s. 1000.21(7)
3294 ~~1000.21(9)~~ and teach that biological males impregnate biological
3295 females by fertilizing the female egg with male sperm; that the
3296 female then gestates the offspring; and that these reproductive
3297 roles are binary, stable, and unchangeable.

3298
3299 The Department of Education must approve any materials used for
3300 instruction under this subsection.

3301 Reviser's note.—Amended to conform to the reordering of
3302 definitions in s. 1000.21 by this act.

3303 Section 81. Paragraphs (a) and (b) of subsection (9) and
3304 subsection (10) of section 1004.615, Florida Statutes, are
3305 amended to read:

3306 1004.615 Florida Institute for Child Welfare.—

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3307 (9) By October 1 of each year, the institute shall provide
3308 a written report to the Governor, the President of the Senate,
3309 and the Speaker of the House of Representatives which outlines
3310 its activities in the preceding year, reports significant
3311 research findings, as well as results of other programs, and
3312 provides specific recommendations for improving child protection
3313 and child welfare services.

3314 ~~(a) The institute shall include an evaluation of the~~
3315 ~~results of the educational and training requirements for child~~
3316 ~~protection and child welfare personnel established under this~~
3317 ~~act in its report due October 1, 2017.~~

3318 ~~(b) The institute shall include an evaluation of the~~
3319 ~~effects of the other provisions of this act and recommendations~~
3320 ~~for improvements in child protection and child welfare services~~
3321 ~~in its report due October 1, 2018.~~

3322 (10) The institute shall submit a report with
3323 recommendations for improving the state's child welfare system.
3324 The report shall address topics including, but not limited to,
3325 enhancing working relationships between the entities involved in
3326 the child protection and child welfare system, identification of
3327 and replication of best practices, reducing paperwork,
3328 increasing the retention of child protective investigators and
3329 case managers, and caring for medically complex children within
3330 the child welfare system, with the goal of allowing the child to
3331 remain in the least restrictive and most nurturing environment.
3332 ~~The institute shall submit an interim report by February 1,~~
3333 ~~2015, and final report by October 1, 2015, to the Governor, the~~
3334 ~~President of the Senate, and the Speaker of the House of~~
3335 ~~Representatives.~~

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3336 Reviser's note.—Amended to delete obsolete language.

3337 Section 82. Subsection (3) of section 1004.648, Florida
3338 Statutes, is amended to read:

3339 1004.648 Florida Energy Systems Consortium.—

3340 (3) The consortium shall consist of the state universities
3341 as identified under s. 1000.21(9) ~~1000.21(8)~~.

3342 Reviser's note.—Amended to conform to the reordering of
3343 definitions in s. 1000.21 by this act.

3344 Section 83. Paragraph (d) of subsection (2), paragraphs (c)
3345 and (e) of subsection (4), and paragraph (b) of subsection (7)
3346 of section 1006.07, Florida Statutes, are amended to read:

3347 1006.07 District school board duties relating to student
3348 discipline and school safety.—The district school board shall
3349 provide for the proper accounting for all students, for the
3350 attendance and control of students at school, and for proper
3351 attention to health, safety, and other matters relating to the
3352 welfare of students, including:

3353 (2) CODE OF STUDENT CONDUCT.—Adopt a code of student
3354 conduct for elementary schools and a code of student conduct for
3355 middle and high schools and distribute the appropriate code to
3356 all teachers, school personnel, students, and parents, at the
3357 beginning of every school year. Each code shall be organized and
3358 written in language that is understandable to students and
3359 parents and shall be discussed at the beginning of every school
3360 year in student classes, school advisory council meetings, and
3361 parent and teacher association or organization meetings. Each
3362 code shall be based on the rules governing student conduct and
3363 discipline adopted by the district school board and shall be
3364 made available in the student handbook or similar publication.

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3365 Each code shall include, but is not limited to:

3366 (d)1. An explanation of the responsibilities of each
3367 student with regard to appropriate dress, respect for self and
3368 others, and the role that appropriate dress and respect for self
3369 and others has on an orderly learning environment. Each district
3370 school board shall adopt a dress code policy that prohibits a
3371 student, while on the grounds of a public school during the
3372 regular school day, from wearing clothing that exposes underwear
3373 or body parts in an indecent or vulgar manner or that disrupts
3374 the orderly learning environment.

3375 2. Any student who violates the dress code policy described
3376 in subparagraph 1. is subject to the following disciplinary
3377 actions:

3378 a. For a first offense, a student shall be given a verbal
3379 warning and the school principal shall call the student's parent
3380 or guardian.

3381 b. For a second offense, the student is ineligible to
3382 participate in any extracurricular activity for a period of time
3383 not to exceed 5 days and the school principal shall meet with
3384 the student's parent or guardian.

3385 c. For a third or subsequent offense, a student shall
3386 receive an in-school suspension pursuant to s. 1003.01(13) for a
3387 period not to exceed 3 days, the student is ineligible to
3388 participate in any extracurricular activity for a period not to
3389 exceed 30 days, and the school principal shall call the
3390 student's parent or guardian and send the parent or guardian a
3391 written letter regarding the student's in-school suspension and
3392 ineligibility to participate in extracurricular activities.

3393 (4) EMERGENCY DRILLS; EMERGENCY PROCEDURES.—

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3394 (c) ~~Beginning with the 2021-2022 school year,~~ Each public
3395 school, including charter schools, shall implement a mobile
3396 panic alert system capable of connecting diverse emergency
3397 services technologies to ensure real-time coordination between
3398 multiple first responder agencies. Such system, known as
3399 "Alyssa's Alert," must integrate with local public safety
3400 answering point infrastructure to transmit 911 calls and mobile
3401 activations.

3402 ~~(e) For the 2020-2021 fiscal year and subject to the~~
3403 ~~appropriation of funds in the General Appropriations Act for~~
3404 ~~this purpose, the department shall issue a competitive~~
3405 ~~solicitation to contract for a mobile panic alert system that~~
3406 ~~may be used by each school district. The department shall~~
3407 ~~consult with the Marjory Stoneman Douglas High School Public~~
3408 ~~Safety Commission, the Department of Law Enforcement, and the~~
3409 ~~Division of Emergency Management in the development of the~~
3410 ~~competitive solicitation for the mobile panic alert system.~~

3411 (7) THREAT MANAGEMENT TEAMS.—Each district school board and
3412 charter school governing board shall establish a threat
3413 management team at each school whose duties include the
3414 coordination of resources and assessment and intervention with
3415 students whose behavior may pose a threat to the safety of the
3416 school, school staff, or students.

3417 (b) A threat management team shall include persons with
3418 expertise in counseling, instruction, school administration, and
3419 law enforcement. All members of the threat management team must
3420 be involved in the threat assessment and threat management
3421 process and final decisionmaking. At least one member of the
3422 threat management team must have personal familiarity with the

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3423 individual who is the subject of the threat assessment. If no
3424 member of the threat management team has such familiarity, a
3425 member of the ~~an~~ instructional personnel or administrative
3426 personnel, as those terms are defined in s. 1012.01(2) and (3),
3427 who is personally familiar with the individual who is the
3428 subject of the threat assessment must consult with the threat
3429 management team for the purpose of assessing the threat. The
3430 instructional or administrative personnel who provides such
3431 consultation shall not participate in the decisionmaking
3432 process.

3433 Reviser's note.—Subparagraph (2)(d)2. is amended to conform to
3434 language in subparagraph (2)(d)1. Paragraphs (4)(c) and (e)
3435 are amended to delete obsolete language. Paragraph (7)(b)
3436 is amended to confirm an editorial substitution to improve
3437 clarity.

3438 Section 84. Paragraphs (a) and (d) of subsection (2) of
3439 section 1006.28, Florida Statutes, are amended to read:

3440 1006.28 Duties of district school board, district school
3441 superintendent; and school principal regarding K-12
3442 instructional materials.—

3443 (2) DISTRICT SCHOOL BOARD.—The district school board has
3444 the constitutional duty and responsibility to select and provide
3445 adequate instructional materials for all students in accordance
3446 with the requirements of this part. The district school board
3447 also has the following specific duties and responsibilities:

3448 (a) *Courses of study; adoption.*—Adopt courses of study,
3449 including instructional materials, for use in the schools of the
3450 district.

3451 1. Each district school board is responsible for the

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3452 content of all instructional materials and any other materials
3453 used in a classroom, made available in a school or classroom
3454 library, or included on a reading list, whether adopted and
3455 purchased from the state-adopted instructional materials list,
3456 adopted and purchased through a district instructional materials
3457 program under s. 1006.283, or otherwise purchased or made
3458 available.

3459 2. Each district school board must adopt a policy regarding
3460 an objection by a parent or a resident of the county to the use
3461 of a specific material, which clearly describes a process to
3462 handle all objections and provides for resolution. The objection
3463 form, as prescribed by State Board of Education rule, and the
3464 district school board's process must be easy to read and
3465 understand and be easily accessible on the homepage of the
3466 school district's website. The objection form must also identify
3467 the school district point of contact and contact information for
3468 the submission of an objection. The process must provide the
3469 parent or resident the opportunity to proffer evidence to the
3470 district school board that:

3471 a. An instructional material does not meet the criteria of
3472 s. 1006.31(2) or s. 1006.40(3)(c) ~~1006.40(3)(d)~~ if it was
3473 selected for use in a course or otherwise made available to
3474 students in the school district but was not subject to the
3475 public notice, review, comment, and hearing procedures under s.
3476 1006.283(2)(b)8., 9., and 11.

3477 b. Any material used in a classroom, made available in a
3478 school or classroom library, or included on a reading list
3479 contains content which:

3480 (I) Is pornographic or prohibited under s. 847.012;

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3481 (II) Depicts or describes sexual conduct as defined in s.
3482 847.001(19), unless such material is for a course required by s.
3483 1003.46 or s. 1003.42(2)(o)1.g. or 3. 1003.42(2)(n)1.g., ~~or s.~~
3484 ~~1003.42(2)(n)3.,~~ or identified by State Board of Education rule;

3485 (III) Is not suited to student needs and their ability to
3486 comprehend the material presented; or

3487 (IV) Is inappropriate for the grade level and age group for
3488 which the material is used.

3489

3490 Any material that is subject to an objection on the basis of
3491 sub-sub-subparagraph b.(I) or sub-sub-subparagraph b.(II) must
3492 be removed within 5 school days of receipt of the objection and
3493 remain unavailable to students of that school until the
3494 objection is resolved. Parents shall have the right to read
3495 passages from any material that is subject to an objection. If
3496 the school board denies a parent the right to read passages due
3497 to content that meets the requirements under sub-sub-
3498 subparagraph b.(I), the school district shall discontinue the
3499 use of the material. If the district school board finds that any
3500 material meets the requirements under sub-subparagraph a. or
3501 that any other material contains prohibited content under sub-
3502 sub-subparagraph b.(I), the school district shall discontinue
3503 use of the material. If the district school board finds that any
3504 other material contains prohibited content under sub-sub-
3505 subparagraphs b.(II)-(IV), the school district shall discontinue
3506 use of the material for any grade level or age group for which
3507 such use is inappropriate or unsuitable.

3508 3. Each district school board must establish a process by
3509 which the parent of a public school student or a resident of the

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3510 county may contest the district school board's adoption of a
3511 specific instructional material. The parent or resident must
3512 file a petition, on a form provided by the school board, within
3513 30 calendar days after the adoption of the instructional
3514 material by the school board. The school board must make the
3515 form available to the public and publish the form on the school
3516 district's website. The form must be signed by the parent or
3517 resident, include the required contact information, and state
3518 the objection to the instructional material based on the
3519 criteria of s. 1006.31(2) or s. 1006.40(3)(c) ~~1006.40(3)(d)~~.
3520 Within 30 days after the 30-day period has expired, the school
3521 board must, for all petitions timely received, conduct at least
3522 one open public hearing before an unbiased and qualified hearing
3523 officer. The hearing officer may not be an employee or agent of
3524 the school district. The hearing is not subject to the
3525 provisions of chapter 120; however, the hearing must provide
3526 sufficient procedural protections to allow each petitioner an
3527 adequate and fair opportunity to be heard and present evidence
3528 to the hearing officer. The school board's decision after
3529 convening a hearing is final and not subject to further petition
3530 or review.

3531 4. Meetings of committees convened for the purpose of
3532 ranking, eliminating, or selecting instructional materials for
3533 recommendation to the district school board must be noticed and
3534 open to the public in accordance with s. 286.011. Any committees
3535 convened for such purposes must include parents of students who
3536 will have access to such materials.

3537 5. Meetings of committees convened for the purpose of
3538 resolving an objection by a parent or resident to specific

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3539 materials must be noticed and open to the public in accordance
3540 with s. 286.011. Any committees convened for such purposes must
3541 include parents of students who will have access to such
3542 materials.

3543 6. If a parent disagrees with the determination made by the
3544 district school board on the objection to the use of a specific
3545 material, a parent may request the Commissioner of Education to
3546 appoint a special magistrate who is a member of The Florida Bar
3547 in good standing and who has at least 5 years' experience in
3548 administrative law. The special magistrate shall determine facts
3549 relating to the school district's determination, consider
3550 information provided by the parent and the school district, and
3551 render a recommended decision for resolution to the State Board
3552 of Education within 30 days after receipt of the request by the
3553 parent. The State Board of Education must approve or reject the
3554 recommended decision at its next regularly scheduled meeting
3555 that is more than 7 calendar days and no more than 30 days after
3556 the date the recommended decision is transmitted. The costs of
3557 the special magistrate shall be borne by the school district.
3558 The State Board of Education shall adopt rules, including forms,
3559 necessary to implement this subparagraph.

3560 (d) *School library media services; establishment and*
3561 *maintenance.*—Establish and maintain a program of school library
3562 media services for all public schools in the district, including
3563 school library media centers, or school library media centers
3564 open to the public, and, in addition such traveling or
3565 circulating libraries as may be needed for the proper operation
3566 of the district school system. Beginning January 1, 2023, school
3567 librarians, media specialists, and other personnel involved in

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3568 the selection of school district library materials must complete
3569 the training program developed pursuant to s. 1006.29(6) before
3570 reviewing and selecting age-appropriate materials and library
3571 resources. Upon written request, a school district shall provide
3572 access to any material or book specified in the request that is
3573 maintained in a district school system library and is available
3574 for review.

3575 1. Each book made available to students through a school
3576 district library media center or included in a recommended or
3577 assigned school or grade-level reading list must be selected by
3578 a school district employee who holds a valid educational media
3579 specialist certificate, regardless of whether the book is
3580 purchased, donated, or otherwise made available to students.

3581 2. Each district school board shall adopt procedures for
3582 developing library media center collections and post the
3583 procedures on the website for each school within the district.
3584 The procedures must:

3585 a. Require that book selections meet the criteria in s.
3586 1006.40(3)(c) ~~1006.40(3)(d)~~.

3587 b. Require consultation of reputable, professionally
3588 recognized reviewing periodicals and school community
3589 stakeholders.

3590 c. Provide for library media center collections, including
3591 classroom libraries, based on reader interest, support of state
3592 academic standards and aligned curriculum, and the academic
3593 needs of students and faculty.

3594 d. Provide for the regular removal or discontinuance of
3595 books based on, at a minimum, physical condition, rate of recent
3596 circulation, alignment to state academic standards and relevancy

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3597 to curriculum, out-of-date content, and required removal
3598 pursuant to subparagraph (a)2.

3599 3. Each elementary school must publish on its website, in a
3600 searchable format prescribed by the department, a list of all
3601 materials maintained and accessible in the school library media
3602 center or a classroom library or required as part of a school or
3603 grade-level reading list.

3604 4. Each district school board shall adopt and publish on
3605 its website the process for a parent to limit his or her
3606 student's access to materials in the school or classroom
3607 library.

3608 Reviser's note.—Amended to correct cross-references to conform
3609 to the redesignation of s. 1006.40(3)(d) as s.

3610 1006.40(3)(c) by s. 32, ch. 2023-245, Laws of Florida.

3611 Paragraph (a) is further amended to correct cross-
3612 references to conform to the redesignation of s.

3613 1003.42(2)(n) as s. 1003.42(2)(o) by s. 6, ch. 2023-39,
3614 Laws of Florida, and to conform to Florida Statutes
3615 citation style.

3616 Section 85. Paragraph (d) of subsection (5) and paragraph
3617 (c) of subsection (6) of section 1008.25, Florida Statutes, are
3618 amended to read:

3619 1008.25 Public school student progression; student support;
3620 coordinated screening and progress monitoring; reporting
3621 requirements.—

3622 (5) READING DEFICIENCY AND PARENTAL NOTIFICATION.—

3623 (d) The parent of any student who exhibits a substantial
3624 deficiency in reading, as described in paragraph (a), must be
3625 notified in writing of the following:

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3626 1. That his or her child has been identified as having a
3627 substantial deficiency in reading, including a description and
3628 explanation, in terms understandable to the parent, of the exact
3629 nature of the student's difficulty in learning and lack of
3630 achievement in reading.

3631 2. A description of the current services that are provided
3632 to the child.

3633 3. A description of the proposed intensive interventions
3634 and supports that will be provided to the child that are
3635 designed to remediate the identified area of reading deficiency.

3636 4. That if the child's reading deficiency is not remediated
3637 by the end of grade 3, the child must be retained unless he or
3638 she is exempt from mandatory retention for good cause.

3639 5. Strategies, including multisensory strategies and
3640 programming, through a read-at-home plan the parent can use in
3641 helping his or her child succeed in reading. The read-at-home
3642 plan must provide access to the resources identified in
3643 paragraph (e) ~~(f)~~.

3644 6. That the statewide, standardized English Language Arts
3645 assessment is not the sole determiner of promotion and that
3646 additional evaluations, portfolio reviews, and assessments are
3647 available to the child to assist parents and the school district
3648 in knowing when a child is reading at or above grade level and
3649 ready for grade promotion.

3650 7. The district's specific criteria and policies for a
3651 portfolio as provided in subparagraph (7)(b)4. and the evidence
3652 required for a student to demonstrate mastery of Florida's
3653 academic standards for English Language Arts. A school must
3654 immediately begin collecting evidence for a portfolio when a

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3655 student in grade 3 is identified as being at risk of retention
3656 or upon the request of the parent, whichever occurs first.

3657 8. The district's specific criteria and policies for
3658 midyear promotion. Midyear promotion means promotion of a
3659 retained student at any time during the year of retention once
3660 the student has demonstrated ability to read at grade level.

3661 9. Information about the student's eligibility for the New
3662 Worlds Reading Initiative under s. 1003.485 and the New Worlds
3663 Scholarship Accounts under s. 1002.411 and information on parent
3664 training modules and other reading engagement resources
3665 available through the initiative.

3666
3667 After initial notification, the school shall apprise the parent
3668 at least monthly of the student's progress in response to the
3669 intensive interventions and supports. Such communications must
3670 be in writing and must explain any additional interventions or
3671 supports that will be implemented to accelerate the student's
3672 progress if the interventions and supports already being
3673 implemented have not resulted in improvement.

3674 (6) MATHEMATICS DEFICIENCY AND PARENTAL NOTIFICATION.—

3675 (c) The parent of a student who exhibits a substantial
3676 deficiency in mathematics, as described in paragraph (a), must
3677 be notified in writing of the following:

3678 1. That his or her child has been identified as having a
3679 substantial deficiency in mathematics, including a description
3680 and explanation, in terms understandable to the parent, of the
3681 exact nature of the student's difficulty in learning and lack of
3682 achievement in mathematics.

3683 2. A description of the current services that are provided

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3684 to the child.

3685 3. A description of the proposed intensive interventions
3686 and supports that will be provided to the child that are
3687 designed to remediate the identified area of mathematics
3688 deficiency.

3689 4. Strategies, including multisensory strategies and
3690 programming, through a home-based plan the parent can use in
3691 helping his or her child succeed in mathematics. The home-based
3692 plan must provide access to the resources identified in
3693 paragraph (d) ~~(e)~~.

3694

3695 After the initial notification, the school shall apprise the
3696 parent at least monthly of the student's progress in response to
3697 the intensive interventions and supports. Such communications
3698 must be in writing and must explain any additional interventions
3699 or supports that will be implemented to accelerate the student's
3700 progress if the interventions and supports already being
3701 implemented have not resulted in improvement.

3702 Reviser's note.—Paragraph (5) (d) is amended to correct a cross-
3703 reference to conform to the fact that paragraph (f) does
3704 not exist; paragraph (e) provides a list of resources to be
3705 incorporated into a home-based plan for use by the parent
3706 of a student identified as having a substantial reading
3707 deficiency. Paragraph (6) (c) is amended to correct a cross-
3708 reference to conform to the fact that paragraph (e) does
3709 not exist; paragraph (d) provides a list of resources to be
3710 incorporated into a home-based plan for use by the parent
3711 of a student identified as having a substantial mathematics
3712 deficiency.

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3713 Section 86. Paragraph (c) of subsection (1) of section
3714 1009.21, Florida Statutes, is amended to read:

3715 1009.21 Determination of resident status for tuition
3716 purposes.—Students shall be classified as residents or
3717 nonresidents for the purpose of assessing tuition in
3718 postsecondary educational programs offered by charter technical
3719 career centers or career centers operated by school districts,
3720 in Florida College System institutions, and in state
3721 universities.

3722 (1) As used in this section, the term:

3723 (c) "Institution of higher education" means any charter
3724 technical career center as defined in s. 1002.34, career center
3725 operated by a school district as defined in s. 1001.44, Florida
3726 College System institution as defined in s. 1000.21(5), or state
3727 university as defined in s. 1000.21(9) ~~1000.21(8)~~.

3728 Reviser's note.—Amended to conform to the reordering of
3729 definitions in s. 1000.21 by this act.

3730 Section 87. Subsection (6) of section 1009.286, Florida
3731 Statutes, is amended to read:

3732 1009.286 Additional student payment for hours exceeding
3733 baccalaureate degree program completion requirements at state
3734 universities.—

3735 (6) For purposes of this section, the term "state
3736 university" includes the institutions identified in s.
3737 1000.21(9) ~~1000.21(8)~~ and the term "Florida College System
3738 institution" includes the institutions identified in s.
3739 1000.21(5).

3740 Reviser's note.—Amended to conform to the reordering of
3741 definitions in s. 1000.21 by this act.

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3742 Section 88. Paragraph (b) of subsection (3) of section
3743 1009.30, Florida Statutes, is amended to read:

3744 1009.30 Dual Enrollment Scholarship Program.—

3745 (3)

3746 (b) The program shall reimburse institutions for tuition
3747 and related instructional materials costs for dual enrollment
3748 courses taken by public school, private school, home education
3749 program ~~secondary students~~, or personalized education program
3750 secondary students during the summer term.

3751 Reviser's note.—Amended to confirm an editorial deletion to
3752 improve clarity.

3753 Section 89. Paragraph (c) of subsection (2) and paragraph
3754 (b) of subsection (5) of section 1009.895, Florida Statutes, are
3755 amended to read:

3756 1009.895 Open Door Grant Program.—

3757 (2) ELIGIBILITY.—In order to be eligible for the program, a
3758 student must:

3759 (c) Be enrolled at a school district postsecondary
3760 technical career center under s. 1001.44, a Florida College
3761 System institution under s. 1000.21(5) ~~1000.21(3)~~, or a charter
3762 technical career center under s. 1002.34.

3763
3764 An institution may not impose additional criteria to determine a
3765 student's eligibility to receive a grant under this section.

3766 (5) INSTITUTIONAL REPORTING.—Each institution shall report
3767 to the department by the established date:

3768 (b) ~~Submit a report with~~ Data from the previous fiscal year
3769 on program completion and credential attainment by students
3770 participating in the grant program that, at a minimum, includes:

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3771 1. A list of the programs offered.

3772 2. The number of students who enrolled in the programs.

3773 3. The number of students who completed the programs.

3774 4. The number of students who attained workforce

3775 credentials, categorized by credential name and relevant

3776 occupation, after completing training programs.

3777 Reviser's note.—Paragraph (2)(c) is amended to conform to the

3778 reordering of definitions in s. 1000.21 by s. 136, ch.

3779 2023-8, Laws of Florida. Paragraph (5)(b) is amended to

3780 confirm an editorial deletion to improve clarity.

3781 Section 90. Subsection (13) of section 1011.62, Florida

3782 Statutes, is amended, and subsection (15) of that section is

3783 reenacted, to read:

3784 1011.62 Funds for operation of schools.—If the annual

3785 allocation from the Florida Education Finance Program to each

3786 district for operation of schools is not determined in the

3787 annual appropriations act or the substantive bill implementing

3788 the annual appropriations act, it shall be determined as

3789 follows:

3790 (13) MENTAL HEALTH ASSISTANCE ALLOCATION.—The mental health

3791 assistance allocation is created to provide funding to assist

3792 school districts in implementing ~~their implementation of~~ their

3793 school-based mental health assistance program pursuant to s.

3794 1006.041. These funds shall be allocated annually in the General

3795 Appropriations Act or other law to each eligible school

3796 district. Each school district shall receive a minimum of

3797 \$100,000, with the remaining balance allocated based on each

3798 school district's proportionate share of the state's total

3799 unweighted full-time equivalent student enrollment.

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3800 (15) TOTAL ALLOCATION OF STATE FUNDS TO EACH DISTRICT FOR
3801 CURRENT OPERATION.—The total annual state allocation to each
3802 district for current operation for the Florida Education Finance
3803 Program shall be distributed periodically in the manner
3804 prescribed in the General Appropriations Act.

3805 (a) If the funds appropriated for current operation of the
3806 Florida Education Finance Program, including funds appropriated
3807 pursuant to subsection (18), are not sufficient to pay the state
3808 requirement in full, the department shall prorate the available
3809 state funds to each district in the following manner:

3810 1. Determine the percentage of proration by dividing the
3811 sum of the total amount for current operation, as provided in
3812 this paragraph for all districts collectively, and the total
3813 district required local effort into the sum of the state funds
3814 available for current operation and the total district required
3815 local effort.

3816 2. Multiply the percentage so determined by the sum of the
3817 total amount for current operation as provided in this paragraph
3818 and the required local effort for each individual district.

3819 3. From the product of such multiplication, subtract the
3820 required local effort of each district; and the remainder shall
3821 be the amount of state funds allocated to the district for
3822 current operation. However, no calculation subsequent to the
3823 appropriation shall result in negative state funds for any
3824 district.

3825 (b) The amount thus obtained shall be the net annual
3826 allocation to each school district. However, if it is determined
3827 that any school district received an under allocation or over
3828 allocation for any prior year because of an arithmetical error,

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3829 assessment roll change required by final judicial decision,
3830 full-time equivalent student membership error, or any allocation
3831 error revealed in an audit report, the allocation to that
3832 district shall be appropriately adjusted. An under allocation in
3833 a prior year caused by a school district's error may not be the
3834 basis for a positive allocation adjustment for the current year.
3835 Beginning with the 2011-2012 fiscal year, if a special program
3836 cost factor is less than the basic program cost factor, an audit
3837 adjustment may not result in the reclassification of the special
3838 program FTE to the basic program FTE. If the Department of
3839 Education audit adjustment recommendation is based upon
3840 controverted findings of fact, the Commissioner of Education is
3841 authorized to establish the amount of the adjustment based on
3842 the best interests of the state.

3843 (c) The amount thus obtained shall represent the net annual
3844 state allocation to each district; however, notwithstanding any
3845 of the provisions herein, each district shall be guaranteed a
3846 minimum level of funding in the amount and manner prescribed in
3847 the General Appropriations Act.

3848 Reviser's note.—Subsection (13) is amended to confirm an
3849 editorial substitution to improve clarity. Section 41, ch.
3850 2023-245, Laws of Florida, purported to amend subsection
3851 (15), but did not publish paragraphs (b) and (c). Absent
3852 affirmative evidence of legislative intent to repeal them,
3853 subsection (15) is reenacted to confirm that the omission
3854 was not intended.

3855 Section 91. Subsection (2) of section 1012.71, Florida
3856 Statutes, is amended to read:

3857 1012.71 The Florida Teachers Classroom Supply Assistance

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3858 Program.—

3859 (2) The amount of funds per classroom teacher for the
3860 Florida Teachers Classroom Supply Assistance Program shall be
3861 specified in the General Appropriations Act. Classroom teachers
3862 shall use the funds to purchase, on behalf of the school
3863 district or charter school, classroom materials and supplies for
3864 the public school students assigned to them, and the funds may
3865 not be used to purchase equipment. The funds shall be used to
3866 supplement the materials and supplies otherwise available to
3867 classroom teachers.

3868 Reviser's note.—Amended to confirm editorial insertions to
3869 improve clarity and sentence structure.

3870 Section 92. Section 1012.993, Florida Statutes, is amended
3871 to read:

3872 1012.993 Interstate Teacher Mobility Compact.—The Governor
3873 is authorized and directed to execute the Interstate Teacher
3874 Mobility Compact on behalf of this state with any other state or
3875 states legally joining therein in the form substantially as
3876 follows:

3877
3878 ARTICLE I

3879 PURPOSE

3880
3881 The purpose of this compact is to facilitate the mobility
3882 of teachers across the member states with the goal of supporting
3883 teachers through a new pathway to licensure. Through this
3884 compact, the member states seek to establish a collective
3885 regulatory framework which expedites and enhances the ability of
3886 teachers from a variety of backgrounds to move across state

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3887 lines. This compact is intended to achieve the following
3888 objectives and should be interpreted accordingly. The member
3889 states hereby ratify the same intentions by subscribing hereto:

3890 (1) Create a streamlined pathway to licensure mobility for
3891 teachers;

3892 (2) Support the relocation of eligible military spouses;

3893 (3) Facilitate and enhance the exchange of licensure,
3894 investigative, and disciplinary information between the member
3895 states;

3896 (4) Enhance the power of state and district level education
3897 officials to hire qualified, competent teachers by removing
3898 barriers to the employment of out-of-state teachers;

3899 (5) Support the retention of teachers in the profession by
3900 removing barriers to relicensure in a new state; and

3901 (6) Maintain state sovereignty in the regulation of the
3902 teaching profession.

3903

3904 ARTICLE II

3905 DEFINITIONS

3906

3907 As used in this compact, and except as otherwise provided,
3908 the following definitions shall govern the terms herein:

3909 (1) "Active military member" means any person with a full-
3910 time duty status in the uniformed armed services of the United
3911 States, including members of the National Guard and Reserve.

3912 (2) "Adverse action" means any limitation or restriction
3913 imposed by a member state's licensing authority, including the
3914 revocation, suspension, reprimand, probation, or limitation on
3915 the licensee's ability to work as a teacher.

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3916 (3) "Bylaws" means the bylaws established by the
3917 commission.

3918 (4) "Career and technical education" means a current, valid
3919 authorization issued by a member state's licensing authority
3920 allowing an individual to serve as a teacher in K-12 public
3921 educational settings in a specific career and technical
3922 education area.

3923 (5) "Commissioner" means the delegate of a member state.

3924 (6) "Eligible license" means a license to engage in the
3925 teaching profession which requires at least a bachelor's degree
3926 and the completion of a state-approved program for teacher
3927 licensure.

3928 (7) "Eligible military spouse" means the spouse of any
3929 individual in full-time duty status in the active uniformed
3930 service of the United States, including members of the National
3931 Guard and Reserve on active duty moving as a result of military
3932 mission or military career progression requirements, or are on
3933 their terminal move as a result of separation or retirement,
3934 including surviving spouses of deceased military members.

3935 (8) "Executive committee" means a group of commissioners
3936 elected or appointed to act on behalf of, and within the powers
3937 granted to them by, the commission as provided herein.

3938 (9) "Licensing authority" means an official, agency, board,
3939 or other entity of a state that is responsible for the licensing
3940 and regulation of teachers authorized to teach in K-12 public
3941 educational settings.

3942 (10) "Member state" means any state that has adopted this
3943 compact, including all agencies and officials of such a state.

3944 (11) "Receiving state" means any state where a teacher has

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3945 applied for licensure under this compact.

3946 (12) "Rule" means any regulation adopted by the commission
3947 under this compact which shall have the force of law in each
3948 member state.

3949 (13) "State" means a state, territory, or possession of the
3950 United States and the District of Columbia.

3951 (14) "State practice laws" means a member state's laws,
3952 rules, and regulations that govern the teaching profession,
3953 define the scope of such profession, and create the method and
3954 grounds for imposing discipline.

3955 (15) "Teacher" means an individual who currently holds an
3956 authorization from a member state which forms the basis for
3957 employment in the K-12 public schools of the state to provide
3958 instruction in a specific subject area, grade level, or student
3959 population.

3960 (16) "Unencumbered license" means a current, valid
3961 authorization issued by a member state's licensing authority
3962 allowing an individual to serve as a teacher in K-12 public
3963 education settings. An unencumbered license is not a restricted,
3964 probationary, provisional, substitute, or temporary credential.

3966 ARTICLE III

3967 LICENSURE UNDER THE COMPACT

3968
3969 (1) Licensure under this compact pertains only to the
3970 initial grant of a license by the receiving state. Nothing
3971 herein applies to any subsequent or ongoing compliance
3972 requirements that a receiving state might require for teachers.

3973 (2) Each member state shall, in accordance with rules of

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3974 the commission, define, compile, and update, as necessary, a
3975 list of eligible licenses and career and technical education
3976 licenses that the member state is willing to consider for
3977 equivalency under this compact and provide the list to the
3978 commission. The list shall include those licenses that a
3979 receiving state is willing to grant teachers from other member
3980 states, pending a determination of equivalency by the receiving
3981 state's licensing authority.

3982 (3) Upon the receipt of an application for licensure by a
3983 teacher holding an unencumbered license, the receiving state
3984 shall determine which of the receiving state's eligible licenses
3985 the teacher is qualified to hold and shall grant such a license
3986 or licenses to the applicant. Such a determination shall be made
3987 in the sole discretion of the receiving state's licensing
3988 authority and may include a determination that the applicant is
3989 not eligible for any of the receiving state's licenses. For all
3990 teachers who hold an unencumbered license, the receiving state
3991 shall grant one or more unencumbered licenses that, in the
3992 receiving state's sole discretion, are equivalent to the license
3993 held by the teacher in any other member state.

3994 (4) For active duty military members and eligible military
3995 spouses who hold a license that is not unencumbered, the
3996 receiving state shall grant an equivalent license or licenses
3997 that, in the receiving state's sole discretion, is equivalent to
3998 the license or licenses held by the teacher in any other member
3999 state, except where the receiving state does not have an
4000 equivalent license.

4001 (5) For a teacher holding an unencumbered career and
4002 technical education license, the receiving state shall grant an

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4003 unencumbered license equivalent to the career and technical
4004 education license held by the applying teacher and issued by
4005 another member state, as determined by the receiving state in
4006 its sole discretion, except where a career and technical
4007 education teacher does not hold a bachelor's degree and the
4008 receiving state requires a bachelor's degree for licenses to
4009 teach career and technical education. A receiving state may
4010 require career and technical education teachers to meet state
4011 industry recognized requirements, if required by law in the
4012 receiving state.

ARTICLE IV

LICENSURE NOT UNDER THE COMPACT

4017 (1) Except as provided in Article III, nothing in this
4018 compact shall be construed to limit or inhibit the power of a
4019 member state to regulate licensure or endorsements overseen by
4020 the member state's licensing authority.

4021 (2) When a teacher is required to renew a license received
4022 pursuant to this compact, the state granting such a license may
4023 require the teacher to complete state-specific requirements as a
4024 condition of licensure renewal or advancement in that state.

4025 (3) For purposes of determining compensation, a receiving
4026 state may require additional information from teachers receiving
4027 a license under the provisions of this compact.

4028 (4) Nothing in this compact shall be construed to limit the
4029 power of a member state to control and maintain ownership of its
4030 information pertaining to teachers or limit the application of a
4031 member state's laws or regulations governing the ownership, use,

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4032 or dissemination of information pertaining ~~pertain~~ to teachers.

4033 (5) Nothing in this compact shall be construed to
4034 invalidate or alter any existing agreement or other cooperative
4035 arrangement which a member state may already be a party to or
4036 limit the ability of a member state to participate in any future
4037 agreement or other cooperative arrangement to:

4038 (a) Award teaching licenses or other benefits based on
4039 additional professional credentials, including, but not limited
4040 to, the National Board Certification;

4041 (b) Participate in the exchange of names of teachers whose
4042 license has been subject to an adverse action by a member state;
4043 or

4044 (c) Participate in any agreement or cooperative arrangement
4045 with a nonmember state.

4047 ARTICLE V

4048 TEACHER QUALIFICATIONS AND REQUIREMENTS

4049 FOR LICENSURE UNDER THE COMPACT

4050
4051 (1) Except as provided for active military members or
4052 eligible military spouses under subsection (4) of Article III, a
4053 teacher may only be eligible to receive a license under this
4054 compact where that teacher holds an unencumbered license in a
4055 member state.

4056 (2) A teacher eligible to receive a license under this
4057 compact shall, unless otherwise provided herein:

4058 (a) Upon their application to receive a license under this
4059 compact, undergo a criminal background check in the receiving
4060 state in accordance with the laws and regulations of the

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4061 receiving state; and

4062 (b) Provide the receiving state with information in
4063 addition to the information required for licensure for the
4064 purposes of determining compensation, if applicable.

4065
4066 ARTICLE VI

4067 DISCIPLINE AND ADVERSE ACTIONS

4068
4069 Nothing in this compact shall be deemed or construed to
4070 limit the authority of a member state to investigate or impose
4071 disciplinary measures on teachers according to the state
4072 practice laws thereof.

4073
4074 ARTICLE VII

4075 ESTABLISHMENT OF THE INTERSTATE
4076 TEACHER MOBILITY COMPACT COMMISSION

4077
4078 (1) The interstate compact member states hereby create and
4079 establish a joint public agency known as the Interstate Teacher
4080 Mobility Compact Commission:

4081 (a) The commission is a joint interstate governmental
4082 agency comprised of states that have enacted the Interstate
4083 Teacher Mobility Compact.

4084 (b) Nothing in this compact shall be construed to be a
4085 waiver of sovereign immunity.

4086 (2) (a) Each member state shall have and be limited to one
4087 delegate to the commission, who shall be given the title of
4088 commissioner.

4089 (b) The commissioner shall be the primary administrative

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4090 officer of the state licensing authority or their designee.

4091 (c) Any commissioner may be removed or suspended from
4092 office as provided by the law of the state from which the
4093 commissioner is appointed.

4094 (d) The member state shall fill any vacancy occurring in
4095 the commission within 90 days.

4096 (e) Each commissioner shall be entitled ~~entitled~~ to one vote
4097 about the adoption of rules and creation of bylaws and shall
4098 otherwise have an opportunity to participate in the business and
4099 affairs of the commission. A commissioner shall vote in person
4100 or by such other means as provided in the bylaws. The bylaws may
4101 provide for commissioners' participation in meetings by
4102 telephone or other means of communication.

4103 (f) The commission shall meet at least once during each
4104 calendar year. Additional meetings shall be held as set forth in
4105 the bylaws.

4106 (g) The commission shall establish by rule a term of office
4107 for commissioners.

4108 (3) The commission shall have the following powers and
4109 duties:

4110 (a) Establish a code of ethics for the commission.

4111 (b) Establish a fiscal year of the commission.

4112 (c) Establish bylaws for the commission.

4113 (d) Maintain its financial records in accordance with the
4114 bylaws of the commission.

4115 (e) Meet and take such actions as are consistent with the
4116 provisions of this compact, the bylaws, and rules of the
4117 commission.

4118 (f) Adopt uniform rules to implement and administer this

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4119 compact. The rules shall have the force and effect of law and
4120 shall be binding in all member states. In the event the
4121 commission exercises its rulemaking authority in a manner that
4122 is beyond the scope of the purposes of this compact, or the
4123 powers granted hereunder, then such an action by the commission
4124 shall be invalid and have no force and effect of law.

4125 (g) Bring and prosecute legal proceedings or actions in the
4126 name of the commission, provided that the standing of any member
4127 state licensing authority to sue or be sued under applicable law
4128 shall not be affected.

4129 (h) Purchase and maintain insurance and bonds.

4130 (i) Borrow, accept, or contract for services of personnel,
4131 including, but not limited to, employees of a member state or an
4132 associated nongovernmental organization that is open to
4133 membership by all states.

4134 (j) Hire employees, elect or appoint officers, fix
4135 compensation, define duties, grant such individuals appropriate
4136 authority to carry out the purposes of this compact, and
4137 establish the commission's personnel policies and programs
4138 relating to conflicts of interest, qualifications of personnel,
4139 and other related personnel matters.

4140 (k) Lease, purchase, accept appropriate gifts or donations
4141 of, or otherwise own, hold, improve, or use, any property, real,
4142 personal or mixed, provided that at all times the commission
4143 shall avoid any appearance of impropriety.

4144 (l) Sell, convey, mortgage, pledge, lease, exchange,
4145 abandon, or otherwise dispose of any property real, personal or
4146 mixed.

4147 (m) Establish a budget and make expenditures.

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4148 (n) Borrow money.

4149 (o) Appoint committees, including standing committees
4150 composed of members and such other interested persons as may be
4151 designated in this interstate compact, rules, or bylaws.

4152 (p) Provide and receive information from, and cooperate
4153 with, law enforcement agencies.

4154 (q) Establish and elect an executive committee.

4155 (r) Establish and develop a charter for an executive
4156 information governance committee to advise on facilitating the
4157 exchange of information, the use of information, data privacy,
4158 and technical support needs, and provide reports as needed.

4159 (s) Perform such other functions as may be necessary or
4160 appropriate to achieve the purposes of this compact consistent
4161 with the state regulation of teacher licensure.

4162 (t) Determine whether a state's adopted language is
4163 materially different from the model compact language such that
4164 the state would not qualify for participation in the compact.

4165 (4) (a) The executive committee shall have the power to act
4166 on behalf of the commission according to the terms of this
4167 compact.

4168 (b) The executive committee shall be composed of eight
4169 voting members as follows:

4170 1. The chair of the commission.

4171 2. The vice chair ~~vicechair~~ of the commission.

4172 3. The treasurer of the commission.

4173 4. Five members who are elected by the commission from the
4174 current membership as follows:

4175 a. Four voting members representing geographic regions in
4176 accordance with commission rules.

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4177 b. One at-large voting member in accordance with commission
4178 rules.

4179 (c) The commission may add or remove members of the
4180 executive committee as provided in commission rules.

4181 (d) The executive committee shall meet at least once
4182 annually.

4183 (e) The executive committee shall have the following duties
4184 and responsibilities:

4185 1. Recommend to the entire commission changes to the rules
4186 or bylaws, changes to the compact legislation, fees paid by
4187 interstate compact member states such as annual dues, and any
4188 compact fee charged by the member states on behalf of the
4189 commission.

4190 2. Ensure commission administration services are
4191 appropriately provided, contractual or otherwise.

4192 3. Prepare and recommend the budget.

4193 4. Maintain financial records on behalf of the commission.

4194 5. Monitor compliance of member states and provide reports
4195 to the commission.

4196 6. Perform other duties as provided in the rules or bylaws.

4197 (5) (a) All meetings of the commission shall be open to the
4198 public, and public notice of meetings shall be given in
4199 accordance with commission bylaws.

4200 (b) The commission shall keep minutes of commission
4201 meetings and shall provide a full and accurate summary of
4202 actions taken ~~take~~, and the reasons thereof, including a
4203 description of the views expressed. All documents considered in
4204 connection with an action shall be identified in such minutes.

4205 (6) (a) The commission shall pay, or provide for the payment

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4206 of, the reasonable expenses of its establishment, organization,
4207 and ongoing activities.

4208 (b) The commission may accept all appropriate donations and
4209 grants of money, equipment, supplies, materials, and services,
4210 and receive, utilize, and dispose of the same, provided that at
4211 all times the commission shall avoid any appearance of
4212 impropriety or conflicts of interest.

4213 (c) The commission may levy on and collect an annual
4214 assessment from each member state or impose fees on other
4215 parties to cover the cost of the operations and activities of
4216 the commission, in accordance with the rules of the commission.

4217 (d) The commission shall not incur obligations of any kind
4218 prior to securing the funds adequate to meet the same; nor shall
4219 the commission pledge the credit of any of the member states,
4220 except by and with the authority of the member state.

4221 (e) The commission shall keep accurate accounts of all
4222 receipts and disbursements. The receipts and disbursements of
4223 the commission shall be subject to all accounting procedures
4224 established under the commission bylaws. All receipts and
4225 disbursements of funds of the commission shall be reviewed
4226 annually in accordance with commission bylaws, and a report of
4227 the review shall be included in and become part of the annual
4228 report of the commission.

4229 (7) (a) The members, officers, executive director,
4230 employees, and representatives of the commission shall be immune
4231 from suit and liability, either personally or in their official
4232 capacity, for any claim for damage to or loss of property or
4233 personal injury or other civil liability caused by or arising
4234 out of any actual or alleged act, error, or omission that

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4235 occurred or that the person against whom the claim is made had a
4236 reasonable basis for believing occurred within the scope of
4237 commission employment, duties, or responsibilities. Nothing in
4238 this paragraph shall be construed to protect any such person
4239 from suit or liability for any damage, loss, injury, or
4240 liability caused by the intentional, willful, or wanton
4241 misconduct of that person.

4242 (b) The commission shall defend any member, officer,
4243 executive director, employee, or representative of the
4244 commission in any civil action seeking to impose liability
4245 arising out of any actual or alleged act, error, or omission
4246 that occurred within the scope of commission employment, duties,
4247 or responsibilities, or that the person against whom the claim
4248 is made had a reasonable basis for believing occurred within the
4249 scope of commission employment, duties, or responsibilities.
4250 Nothing in this paragraph shall be construed to prohibit that
4251 person from retaining his or her own counsel and provided
4252 ~~provide~~ further that the actual or alleged act, error, or
4253 omission did not result from the person's intentional, willful,
4254 or wanton misconduct.

4255 (c) The commission shall indemnify and hold harmless any
4256 member, officer, executive director, employee, or representative
4257 of the commission for the amount of any settlement or judgment
4258 obtained against that person arising out of any actual or
4259 alleged act, error, or omission that occurred within the scope
4260 of commission employment, duties, or responsibilities, or that
4261 such person had a reasonable basis for believing occurred within
4262 the scope of commission employment, duties, or responsibilities,
4263 provided the actual or alleged act, error, or omission did not

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4264 result from the intentional, willful, or wanton misconduct of
4265 that person.

4266

4267 ARTICLE VIII

4268 RULEMAKING

4269

4270 (1) The commission shall exercise its rulemaking powers
4271 pursuant to the criteria set forth in this compact and the rules
4272 adopted thereunder. Rules and amendments shall become binding as
4273 of the date specified in each rule or amendment.

4274 (2) The commission shall adopt reasonable rules to achieve
4275 the intent and purpose of this compact. In the event the
4276 commission exercises its rulemaking authority in a manner that
4277 is beyond the purpose and intent of this compact, or the powers
4278 granted hereunder, then such action by the commission shall be
4279 invalid and have no force and effect of law in the member
4280 states.

4281 (3) If a majority of the legislatures of the member states
4282 rejects a rule, by enactment of a statute or resolution in the
4283 same manner used to adopt this compact within 4 years of the
4284 date of the adoption of the rule, then such rule shall have no
4285 further force and effect in any member state.

4286 (4) Rules or amendments to the rules shall be adopted or
4287 ratified at a regular or special meeting of the commission in
4288 accordance with the commission's rules and bylaws.

4289 (5) Upon a determination that an emergency exists, the
4290 commission may consider and adopt an emergency rule with 48
4291 hours' notice, with opportunity for comment, provided the usual
4292 rulemaking procedures shall be retroactively applied to the rule

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4293 as soon as reasonably possible, in no event ~~even~~ later than 90
 4294 days after the effective date of the rule. For the purposes of
 4295 this subsection, an emergency rule is one that must be adopted
 4296 immediately to:

4297 (a) Meet an imminent threat to the public health, safety,
 4298 or welfare;

4299 (b) Prevent a loss of commission or member state funds;

4300 (c) Meet a deadline for the adoption of an administrative
 4301 rule that is established by federal law or rule; or

4302 (d) Protect the public health or safety.

4303

4304

ARTICLE IX

4305

FACILITATING THE EXCHANGE

4306

OF INFORMATION

4307

4308 (1) The commission shall provide for facilitating the
 4309 exchange of information to administer and implement the
 4310 provisions of this compact in accordance with the rules of the
 4311 commission, consistent with generally accepted data protection
 4312 principles.

4313 (2) Nothing in this compact shall be deemed or construed to
 4314 alter, limit, or inhibit the power of a member state to control
 4315 and maintain ownership of its licensee information or alter,
 4316 limit, or inhibit the laws or regulations governing licensee
 4317 information in member states.

4318

4319

ARTICLE X

4320

OVERSIGHT, DISPUTE RESOLUTION,

4321

AND ENFORCEMENT

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4322

4323 (1) (a) The executive and judicial branches of state
4324 government in each member state shall enforce this compact and
4325 take all actions necessary and appropriate to effectuate this
4326 compact's purpose and intent. The provisions of this compact
4327 shall have standing as statutory law.

4328 (b) Venue is proper and judicial proceedings by or against
4329 the commission shall be brought solely and exclusively in a
4330 court of competent jurisdiction where the principal office of
4331 the commission is located. The commission may waive venue and
4332 jurisdictional defenses to the extent it adopts or consents to
4333 participate in alternative dispute resolution proceedings.
4334 Nothing herein shall affect or limit the selection or propriety
4335 of venue in any action against a licensee for professional
4336 malpractice, misconduct, or any such similar matter.

4337 (c) All courts and all administrative agencies shall take
4338 judicial notice of this compact, the rules of the commission,
4339 and any information provided to a member state pursuant thereto
4340 in any judicial or quasi-judicial proceeding in a member state
4341 pertaining to the subject matter of this compact, or which may
4342 affect the powers, responsibilities, or actions of the
4343 commission.

4344 (d) The commission shall be entitled to receive service of
4345 process in any proceeding regarding the enforcement or
4346 interpretation of this compact and shall have standing to
4347 intervene in such a proceeding for all purposes. Failure to
4348 provide the commission service of process shall render a
4349 judgment or an order void as to the commission, this compact, or
4350 adopted rules.

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4351 (2) (a) If the commission determines that a member state has
4352 defaulted in the performance of its obligations or
4353 responsibilities under this compact or the adopted rules, the
4354 commission shall:

4355 1. Provide written notice to the defaulting state and other
4356 member states of the nature of the default, the proposed means
4357 of curing the default, and any other action to be taken by the
4358 commission; and

4359 2. Provide remedial training and specific technical
4360 assistance regarding the default.

4361 (b) If a state in default fails to cure the default, the
4362 defaulting state may be terminated from this compact upon an
4363 affirmative vote of a majority of the commissioners of the
4364 member states, and all rights, privileges, and benefits
4365 conferred on that state by this compact may be terminated on the
4366 effective date of termination. A cure of the default does not
4367 relieve the offending state of obligations or liabilities
4368 incurred during the period of default.

4369 (c) Termination of membership in the compact shall be
4370 imposed only after all other means of securing compliance have
4371 been exhausted. Notice of intent to suspend or terminate shall
4372 be given by the commission to the Governor, the Majority and
4373 Minority Leaders of the State Legislature, and the state
4374 licensing authority of the ~~of the~~ defaulting state and to each
4375 of the member states.

4376 (d) A state that has been terminated is responsible for all
4377 assessments, obligations, and liabilities incurred through the
4378 effective date of termination, including obligations that extend
4379 beyond the effective date of termination.

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4380 (e) The commission shall not bear any costs related to a
4381 state that is found to be in default or that has been terminated
4382 from this compact unless agreed upon in writing between the
4383 commission and the defaulting state.

4384 (f) Nothing in this compact shall be construed to be a
4385 waiver of sovereign immunity.

4386 (g) The defaulting state may appeal the action of the
4387 commission by petitioning the United States District Court for
4388 the District of Columbia or the federal district where the
4389 commission has its principal offices. The prevailing party shall
4390 be awarded all costs of such litigation, including reasonable
4391 attorney fees.

4392 (h)1. Upon the request of a member state, the commission
4393 shall attempt to resolve disputes related to this compact that
4394 arise among member states and between member and nonmember
4395 states.

4396 2. The commission shall adopt a rule providing for both
4397 binding and nonbinding alternative dispute resolution for
4398 disputes as appropriate.

4399 (i)1. The commission, in the reasonable exercise of its
4400 discretion, shall enforce the provisions and rules of this
4401 compact.

4402 2. By a majority vote, the commission may initiate legal
4403 action in the United States District Court for the District of
4404 Columbia or the federal district where the commission has its
4405 principal offices against a member state in default to enforce
4406 compliance with the provisions of this compact and its adopted
4407 rules and bylaws. The relief sought may include both injunctive
4408 relief and damages. In the event judicial enforcement is

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4409 necessary, the prevailing party shall be awarded all costs of
4410 such litigation, including reasonable attorney fees. The
4411 remedies herein shall not be the exclusive remedies of the
4412 commission. The commission may pursue any other remedies
4413 available under federal or state law.

ARTICLE XI

EFFECTUATION, WITHDRAWAL, AND AMENDMENT

4418 (1) This compact shall come into effect on the date on
4419 which the compact statute is enacted into law in the tenth
4420 member state.

4421 (a) On or after the effective date of this compact, the
4422 commission shall convene and review the enactment of each of the
4423 charter member states to determine if the statute enacted by
4424 such charter member state is materially different from the model
4425 compact statute.

4426 (b) A charter member state whose enactment is found to be
4427 materially different from the model compact statute shall be
4428 entitled ~~entitled~~ to the default process set forth in Article X.

4429 (c) Member states enacting the compact subsequent to the
4430 charter member states shall be subject to the process set forth
4431 in Article VII(3)(t) ~~Article VII(X)(a)~~ to determine if their
4432 enactments are materially different from the model compact
4433 statute and whether they qualify for participation in the
4434 compact.

4435 (2) If any member state is later found to be in default, or
4436 is terminated or withdraws from the compact, the commission
4437 ~~commissioner~~ shall remain in existence and the compact shall

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4438 remain in effect even if the number of member states should be
4439 less than 10.

4440 (3) Any state that joins this compact after the
4441 commission's initial adoption of the rules and bylaws shall be
4442 subject to the rules and bylaws as they exist on the date on
4443 which this compact becomes law in that state. Any rule that has
4444 been previously adopted by the commission shall have the full
4445 force and effect of law on the day this compact becomes law in
4446 that state, as the rules and bylaws may be amended as provided
4447 in this compact.

4448 (4) Any member state may withdraw from this compact by
4449 enacting a statute repealing the same.

4450 (a) A member state's withdrawal shall not take effect until
4451 6 months after the enactment of the repealing statute.

4452 (b) Withdrawal shall not affect the continuing requirement
4453 of the withdrawing state's licensing authority to comply with
4454 the investigative and adverse action reporting requirements of
4455 this act prior to the effective date of the withdrawal.

4456 (5) This compact may be amended by member states. No
4457 amendment to this compact shall become effective and binding
4458 upon any member state until it is enacted into the laws of all
4459 member states.

4460

4461 ARTICLE XII

4462 CONSTRUCTION AND SEVERABILITY

4463

4464 This compact shall be liberally construed to effectuate the
4465 purpose thereof. The provisions of this compact shall be
4466 severable, and if any phrase, clause, sentence, or provision of

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4467 this compact is declared to be contrary to the constitution of
4468 any member state or a state seeking membership in this compact
4469 or the United States Constitution or the applicability thereof
4470 to any other government, agency, person, or circumstance is held
4471 invalid, the validity of the remainder of this compact and the
4472 applicability thereof to any government, agency, person, or
4473 circumstance shall not be affected ~~effected~~. If this compact
4474 shall be held contrary to the constitution of any member state,
4475 this compact shall remain in full force and effect as to the
4476 remaining member states and in full force and effect as to the
4477 member state affected as to all severable matters.

ARTICLE XIII

CONSISTENT EFFECT AND
CONFLICT WITH OTHER STATE LAWS

4483 (1) Nothing herein shall prevent or inhibit the enforcement
4484 of any other law of a member state that is not inconsistent with
4485 this compact.

4486 (2) Any laws, statutes, regulations, or other legal
4487 requirements in a member state in conflict with this compact are
4488 superseded to the extent of the conflict.

4489 (3) All permissible agreements between the commission and
4490 the member states are binding in accordance with their terms.
4491 Reviser's note.—Amended to conform to context, to confirm
4492 editorial substitutions to improve clarity and facilitate
4493 correct interpretation, to confirm an editorial deletion to
4494 eliminate a repetition of words, and to correct a cross-
4495 reference to conform to the fact that the provision for the

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4496 duty of the commission to determine whether a state's
4497 adopted language is materially different from the model
4498 compact such that the state would not qualify for
4499 participation in the compact, is found in Article VII(3)(t)
4500 of the compact as passed by the Florida Legislature,
4501 codified as s. 1012.993.

4502 Section 93. Paragraph (a) of subsection (2) of section
4503 1013.64, Florida Statutes, is amended to read:

4504 1013.64 Funds for comprehensive educational plant needs;
4505 construction cost maximums for school district capital
4506 projects.—Allocations from the Public Education Capital Outlay
4507 and Debt Service Trust Fund to the various boards for capital
4508 outlay projects shall be determined as follows:

4509 (2) (a) The department shall establish, as a part of the
4510 Public Education Capital Outlay and Debt Service Trust Fund, a
4511 separate account, in an amount determined by the Legislature, to
4512 be known as the "Special Facility Construction Account." The
4513 Special Facility Construction Account shall be used to provide
4514 necessary construction funds to school districts which have
4515 urgent construction needs but which lack sufficient resources at
4516 present, and cannot reasonably anticipate sufficient resources
4517 within the period of the next 3 years, for these purposes from
4518 currently authorized sources of capital outlay revenue. A school
4519 district requesting funding from the Special Facility
4520 Construction Account shall submit one specific construction
4521 project, not to exceed one complete educational plant, to the
4522 Special Facility Construction Committee. A district may not
4523 receive funding for more than one approved project in any 3-year
4524 period or while any portion of the district's participation

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4525 requirement is outstanding. The first year of the 3-year period
4526 shall be the first year a district receives an appropriation.
4527 ~~During the 2019-2020 school year, a school district that~~
4528 ~~sustained hurricane damage in the 2018-2019 school year may~~
4529 ~~request funding from the Special Facility Construction Account~~
4530 ~~for a new project before the completion of the district's~~
4531 ~~participation requirement for an outstanding project.~~ The
4532 department shall encourage a construction program that reduces
4533 the average size of schools in the district. The request must
4534 meet the following criteria to be considered by the committee:

- 4535 1. The project must be deemed a critical need and must be
4536 recommended for funding by the Special Facility Construction
4537 Committee. Before developing construction plans for the proposed
4538 facility, the district school board must request a
4539 preapplication review by the Special Facility Construction
4540 Committee or a project review subcommittee convened by the chair
4541 of the committee to include two representatives of the
4542 department and two staff members from school districts not
4543 eligible to participate in the program. A school district may
4544 request a preapplication review at any time; however, if the
4545 district school board seeks inclusion in the department's next
4546 annual capital outlay legislative budget request, the
4547 preapplication review request must be made before February 1.
4548 Within 90 days after receiving the preapplication review
4549 request, the committee or subcommittee must meet in the school
4550 district to review the project proposal and existing facilities.
4551 To determine whether the proposed project is a critical need,
4552 the committee or subcommittee shall consider, at a minimum, the
4553 capacity of all existing facilities within the district as

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4554 determined by the Florida Inventory of School Houses; the
4555 district's pattern of student growth; the district's existing
4556 and projected capital outlay full-time equivalent student
4557 enrollment as determined by the demographic, revenue, and
4558 education estimating conferences established in s. 216.136; the
4559 district's existing satisfactory student stations; the use of
4560 all existing district property and facilities; grade level
4561 configurations; and any other information that may affect the
4562 need for the proposed project.

4563 2. The construction project must be recommended in the most
4564 recent survey or survey amendment cooperatively prepared by the
4565 district and the department, and approved by the department
4566 under the rules of the State Board of Education. If a district
4567 employs a consultant in the preparation of a survey or survey
4568 amendment, the consultant may not be employed by or receive
4569 compensation from a third party that designs or constructs a
4570 project recommended by the survey.

4571 3. The construction project must appear on the district's
4572 approved project priority list under the rules of the State
4573 Board of Education.

4574 4. The district must have selected and had approved a site
4575 for the construction project in compliance with s. 1013.36 and
4576 the rules of the State Board of Education.

4577 5. The district shall have developed a district school
4578 board adopted list of facilities that do not exceed the norm for
4579 net square feet occupancy requirements under the State
4580 Requirements for Educational Facilities, using all possible
4581 programmatic combinations for multiple use of space to obtain
4582 maximum daily use of all spaces within the facility under

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4583 consideration.

4584 6. Upon construction, the total cost per student station,
4585 including change orders, must not exceed the cost per student
4586 station as provided in subsection (6) unless approved by the
4587 Special Facility Construction Committee. At the discretion of
4588 the committee, costs that exceed the cost per student station
4589 for special facilities may include legal and administrative
4590 fees, the cost of site improvements or related offsite
4591 improvements, the cost of complying with public shelter and
4592 hurricane hardening requirements, cost overruns created by a
4593 disaster as defined in s. 252.34(2), costs of security
4594 enhancements approved by the school safety specialist, and
4595 unforeseeable circumstances beyond the district's control.

4596 7. There shall be an agreement signed by the district
4597 school board stating that it will advertise for bids within 30
4598 days of receipt of its encumbrance authorization from the
4599 department.

4600 8. For construction projects for which Special Facilities
4601 Construction Account funding is sought before the 2019-2020
4602 fiscal year, the district shall, at the time of the request and
4603 for a continuing period necessary to meet the district's
4604 participation requirement, levy the maximum millage against its
4605 nonexempt assessed property value as allowed in s. 1011.71(2) or
4606 shall raise an equivalent amount of revenue from the school
4607 capital outlay surtax authorized under s. 212.055(6). Beginning
4608 with construction projects for which Special Facilities
4609 Construction Account funding is sought in the 2019-2020 fiscal
4610 year, the district shall, for a minimum of 3 years before
4611 submitting the request and for a continuing period necessary to

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4612 meet its participation requirement, levy the maximum millage
4613 against the district's nonexempt assessed property value as
4614 authorized under s. 1011.71(2) or shall raise an equivalent
4615 amount of revenue from the school capital outlay surtax
4616 authorized under s. 212.055(6). Any district with a new or
4617 active project, funded under the provisions of this subsection,
4618 shall be required to budget no more than the value of 1 mill per
4619 year to the project until the district's participation
4620 requirement relating to the local discretionary capital
4621 improvement millage or the equivalent amount of revenue from the
4622 school capital outlay surtax is satisfied.

4623 9. If a contract has not been signed 90 days after the
4624 advertising of bids, the funding for the specific project shall
4625 revert to the Special Facility New Construction Account to be
4626 reallocated to other projects on the list. However, an
4627 additional 90 days may be granted by the commissioner.

4628 10. The department shall certify the inability of the
4629 district to fund the survey-recommended project over a
4630 continuous 3-year period using projected capital outlay revenue
4631 derived from s. 9(d), Art. XII of the State Constitution, as
4632 amended, paragraph (3)(a) of this section, and s. 1011.71(2).

4633 11. The district shall have on file with the department an
4634 adopted resolution acknowledging its commitment to satisfy its
4635 participation requirement, which is equivalent to all
4636 unencumbered and future revenue acquired from s. 9(d), Art. XII
4637 of the State Constitution, as amended, paragraph (3)(a) of this
4638 section, and s. 1011.71(2), in the year of the initial
4639 appropriation and for the 2 years immediately following the
4640 initial appropriation.

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4641 12. Phase I plans must be approved by the district school
4642 board as being in compliance with the building and life safety
4643 codes before June 1 of the year the application is made.

4644 Reviser's note.—Amended to delete obsolete language.

4645 Section 94. This act shall take effect on the 60th day
4646 after adjournment sine die of the session of the Legislature in
4647 which enacted.