# Journal of the Senate

**Number 25—Regular Session** **Thursday, May 4, 2017**

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## CALL TO ORDER

The Senate was called to order by President Negron at 10:00 a.m. A quorum present—35:

| | | |
|---|---|---|
| Mr. President | Farmer | Powell |
| Baxley | Flores | Rader |
| Bean | Gainer | Rodriguez |
| Benacquisto | Garcia | Rouson |
| Book | Gibson | Simmons |
| Bracy | Grimsley | Simpson |
| Bradley | Hutson | Stargel |
| Brandes | Latvala | Steube |
| Braynon | Mayfield | Stewart |
| Broxson | Montford | Thurston |
| Campbell | Passidomo | Torres |
| Clemens | Perry | |

Excused: Senator Hukill

## PRAYER

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

Heavenly Father, we come before you this day acknowledging you as the great "I AM" and not as the great "I was." You, indeed, are our creator and the sustainer of our lives, and we humbly come before you this morning to ask for your great wisdom and discernment upon our state Senate as they meet today.

The men and women in this great chamber today have a great task before them for the next few days. There is so much to wrap up before going back to their families and constituents. I pray in these final days of session for the absolute best work to be done by this group of leaders.

I know there are times of disagreement and debate and we are told in your word that, "Iron sharpens iron," but we ask for unity among each person here today that is divine and only comes from you. I pray for each person's marriage, their children, grandchildren, and their homes for protection while they are here carrying out the duties and responsibilities they are charged with as our elected leadership. I pray for the same in the House Chamber, and I pray for Governor Scott as the days draw near to close this session. I pray for your guidance for all the state workers behind the scenes here today who, without their efforts, session would be much more difficult and less efficient.

Lord, at the end of the day, all the work means nothing if we don't acknowledge you, so great God and Father, on this National Day of Prayer, thanks for being patient with us when we are not very patient with others. Thanks for being loving when we are not very loving to others. Give us the capacity to truly love others as we love ourselves. May that truly be the foundation to what is done in this chamber today. Thank you for our lives and, most of all, thank you for the cross.

Be with Senate President Joe Negron today as he leads, and thank you for my Senator, Bill Montford; he is my friend. Thank you, Jesus, for being our friend. In Jesus' name I pray. Amen.

## PLEDGE

Senate Pages, Ashton Hasner of Jupiter, and Laiken Kinsey of Tallahassee, led the Senate in the Pledge of Allegiance to the flag of the United States of America.

## DOCTOR OF THE DAY

The President recognized Dr. Jason Pirozzolo of Winter Garden, sponsored by Senator Young, as the doctor of the day. Dr. Pirozzolo specializes in sports medicine.

## ADOPTION OF RESOLUTIONS

At the request of Senator Mayfield—

By Senator Mayfield—

**SR 1836**—A resolution recognizing May 13, 2017, as "Living Kidney Donors Day" in Florida and commending the heroic Floridians who have selflessly saved lives by donating a kidney as a living kidney donor.

WHEREAS, 4,458 dialysis patients in Florida and 97,913 kidney patients nationwide are waiting for a kidney transplant, and

WHEREAS, 400 Floridians and 4,732 persons nationwide die each year while waiting for a kidney transplant, and

WHEREAS, 200 Floridians are removed from the waiting list each year due to advanced illness caused by the life-threatening wait for a deceased donor's kidney, and

WHEREAS, this year, approximately 400 Floridians will receive a transplant, but more than 800 new names are expected to be added to the waiting list, and

WHEREAS, our nation's organ shortage dictates the ill-fated destiny of these kidney patients, and their only hope of survival lies in reaching the top of the list before it is too late, and

WHEREAS, living kidney donation (LKD) can end this life-threatening wait, and

WHEREAS, most healthy people do not realize that they can impact someone's life by donating one of their two kidneys to a person in need, and

WHEREAS, although a living donor needs to be healthy enough to qualify for LKD, he or she does not have to be blood-related to, or even blood-type compatible with, the recipient, and

WHEREAS, the majority of those who donate go on to live full, healthy, and vibrant lives, and

WHEREAS, to date, living kidney donors have successfully improved outcomes for more than 139,000 kidney transplant recipients, and

WHEREAS, the National Kidney Foundation of Florida is committed to increasing awareness by recognizing living kidney donors who give kidney patients hope for a better tomorrow, and

WHEREAS, while LKD is not for everyone and there are risks, those who participate lead the way in this remarkable life-saving opportunity, and

WHEREAS, LKD is currently the best and most cost-effective treatment for end-stage renal disease, NOW, THEREFORE,

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

That May 13, 2017, is recognized as "Living Kidney Donors Day" in Florida and that the Senate commends the heroic Floridians who have selflessly donated a kidney and shared and saved lives as living kidney donors.

—was introduced, read, and adopted by publication.

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

## SPECIAL ORDER CALENDAR

Consideration of **CS for SB 202** was deferred.

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**CS for SB 204**—A bill to be entitled An act relating to limitations on actions other than for the recovery of real property; amending s. 95.11, F.S.; specifying the date of completion for specified contracts; providing applicability; reenacting s. 627.441(2), F.S., relating to commercial general liability policy coverage to contractors for completed operations, to incorporate the amendment made by the act to s. 95.11, F.S., in a reference thereto; providing an effective date.

—was read the second time by title.

Pending further consideration of **CS for SB 204**, pursuant to Rule 3.11(3), there being no objection, **CS for CS for HB 377** was withdrawn from the Committees on Judiciary; Regulated Industries; and Rules.

On motion by Senator Passidomo—

**CS for CS for HB 377**—A bill to be entitled An act relating to limitations on actions other than for the recovery of real property; amending s. 95.11, F.S.; specifying the date of completion for specified contracts; providing for applicability; reenacting s. 627.441(2), F.S., relating to commercial general liability policy coverage to contractors for completed operations, to incorporate the amendment made by the act to s. 95.11, F.S., in a reference thereto; providing an effective date.

—a companion measure, was substituted for **CS for SB 204** and read the second time by title.

Pursuant to Rule 4.19, **CS for CS for HB 377** was placed on the calendar of Bills on Third Reading.

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**SB 248**—A bill to be entitled An act relating to public records; amending s. 119.071, F.S.; providing an exemption from public records requirements for the personal identifying and location information of certain nonsworn investigative personnel of the Office of Financial Regulation and the names and personal identifying and location information of the spouses and children of such personnel; providing for future review and repeal of the exemption; providing a statement of public necessity; providing an effective date.

—was read the second time by title.

Pending further consideration of **SB 248**, pursuant to Rule 3.11(3), there being no objection, **HB 243** was withdrawn from the Committees on Banking and Insurance; Governmental Oversight and Accountability; and Rules.

On motion by Senator Broxson—

**HB 243**—A bill to be entitled An act relating to public records; amending s. 119.071, F.S.; providing an exemption from public records requirements for the personal identifying and location information of certain nonsworn investigative personnel of the Office of Financial Regulation and the names and personal identifying and location information of the spouses and children of such personnel; providing for future review and repeal of the exemption; providing a statement of public necessity; providing an effective date.

—a companion measure, was substituted for **SB 248** and read the second time by title.

Pursuant to Rule 4.19, **HB 243** was placed on the calendar of Bills on Third Reading.

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**CS for CS for CS for SB 466**—A bill to be entitled An act relating to motor vehicle warranty repairs and recall repairs; amending s. 320.64, F.S.; prohibiting a manufacturer, factory branch, distributor, or importer from denying a claim of a motor vehicle dealer, reducing compensation to a motor vehicle dealer, or processing a chargeback to a motor vehicle dealer because of specified circumstances; creating s. 320.6407, F.S.; requiring a manufacturer, factory branch, distributor, or importer to compensate a motor vehicle dealer for a used motor vehicle under specified circumstances; providing retroactive applicability; specifying the purpose of a certain written statement; requiring the manufacturer, factory branch, distributor, or importer to pay the compensation within a specified timeframe after the motor vehicle dealer's application for payment; requiring such applications to be submitted monthly, as necessary, through the manufacturer's, factory branch's, distributor's, or importer's warranty application system or certain other system or process; providing for calculation of the amount of compensation; providing applicability; reenacting s. 320.6992, F.S., relating to applicability of specified provisions to systems of distribution of motor vehicles in this state, to incorporate s. 320.6407, F.S., as created by the act, in references thereto; providing an effective date.

—was read the second time by title.

Pending further consideration of **CS for CS for CS for SB 466**, pursuant to Rule 3.11(3), there being no objection, **CS for CS for HB 775** was withdrawn from the Committees on Transportation; Commerce and Tourism; and Rules.

On motion by Senator Hutson—

**CS for CS for HB 775**—A bill to be entitled An act relating to motor vehicle warranty repairs and recall repairs; amending s. 320.64, F.S.; prohibiting a manufacturer, factory branch, distributor, or importer from denying a claim of a motor vehicle dealer, reducing compensation to a motor vehicle dealer, or processing a chargeback to a motor vehicle dealer because of specified circumstances; creating s. 320.6407, F.S.; requiring a manufacturer, factory branch, distributor, or importer to compensate a motor vehicle dealer for a used motor vehicle under specified circumstances; requiring the manufacturer, factory branch, distributor, or importer to pay the compensation within a specified timeframe after the motor vehicle dealer's application for payment; requiring such application to be made through the manufacturer's, factory branch's, distributor's, or importer's warranty application system or certain other system or process; providing for calculation of the amount of compensation; reenacting s. 320.6992, F.S., relating to applicability of specified provisions to systems of distribution of motor vehicles in this state, to incorporate s. 320.6407, F.S., as created by the act, in references thereto; providing an effective date.

—a companion measure, was substituted for **CS for CS for CS for SB 466** and read the second time by title.

Pursuant to Rule 4.19, **CS for CS for HB 775** was placed on the calendar of Bills on Third Reading.

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**CS for SB 772**—A bill to be entitled An act relating to assistive technology devices; amending s. 1003.575, F.S.; revising provisions relating to the accessibility and use of assistive technology devices by persons with disabilities; providing an effective date.

—was read the second time by title.

Pending further consideration of **CS for SB 772**, pursuant to Rule 3.11(3), there being no objection, **HB 371** was withdrawn from the Committees on Education; Appropriations Subcommittee on Pre-K - 12 Education; and Appropriations.

On motion by Senator Rouson—

**HB 371**—A bill to be entitled An act relating to assistive technology devices; amending s. 1003.575, F.S.; revising provisions relating to the accessibility and use of assistive technology devices by persons with disabilities; providing an effective date.

—a companion measure, was substituted for **CS for SB 772** and read the second time by title.

**SENATOR FLORES PRESIDING**

Pursuant to Rule 4.19, **HB 371** was placed on the calendar of Bills on Third Reading.

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**CS for CS for SB 784**—A bill to be entitled An act relating to motor vehicles; amending s. 316.003, F.S.; defining the term "autocycle"; redefining the term "motorcycle"; conforming a cross- reference; amending s. 316.193, F.S.; authorizing a court to order placement of an ignition interlock device as a condition of probation, subject to certain requirements; authorizing the court to withhold adjudication if a person convicted of a certain offense voluntarily places, or if the court orders placement of, an ignition interlock device, under certain circumstances; providing that failure of the person to comply with the full terms of the order requiring placement of an ignition interlock device may result in the court ordering an adjudication of guilt; defining the term "conviction"; amending s. 316.1937, F.S.; requiring a court that imposes the use of an ignition interlock device to provide certain discounts on the monthly leasing fee for the device, if the person documents that he or she meets certain income requirements; waiving costs associated with installation and removal of the device in certain circumstances; amending ss. 316.2397 and 316.2398, F.S.; prohibiting vehicles or equipment from showing or displaying red and white lights while being driven or moved; authorizing firefighters to use or display red and white lights under certain circumstances; authorizing active volunteer firefighters to display red and white warning signals under certain circumstances; amending s. 316.302, F.S.; revising provisions relating to federal regulations to which owners and drivers of commercial motor vehicles are subject; delaying the requirement for electronic logging devices for intrastate motor carriers; terminating the maximum amount of a civil penalty for falsification of information on certain time records; deleting the requirement that a motor carrier maintain documentation of a driver's driving times throughout a duty period if the driver is not released from duty within a specified period; providing an exemption from specified rules and regulations for a person who operates a commercial motor vehicle with a declared gross vehicle weight, gross vehicle weight rating, and gross combined weight rating of less than a specified amount under certain circumstances; amending s. 316.3025, F.S.; conforming provisions to changes made by the act; amending s. 316.614, F.S.; redefining the term "motor vehicle"; prohibiting a person from operating an autocycle unless certain safety belt or child restraint device requirements are met; amending s. 316.85, F.S.; authorizing a person who possesses a valid driver license to engage autonomous technology to operate an autonomous vehicle under a specified circumstance; authorizing a person who does not possess a valid driver license to engage autonomous technology to operate an autonomous vehicle in autonomous mode under certain circumstances; creating s. 316.851, F.S.; requiring an autonomous vehicle used by a transportation network company to be covered by automobile insurance, subject to certain requirements; requiring an autonomous vehicle used to provide a transportation service to carry in the vehicle proof of coverage satisfying certain requirements at all times while operating in autonomous mode; amending s. 318.1215, F.S.; authorizing a board of county commissioners to require, by ordinance, that the clerk of the court collect an additional specified fee with each criminal, rather than each civil, traffic penalty; amending s. 318.18, F.S.; changing the term "construction zone" to "work zone" as it relates to enhanced penalties for unlawful speed; amending s. 320.01, F.S.; redefining the terms "apportionable vehicle" and "motorcycle"; amending s. 320.02, F.S.; requiring an application form for motor vehicle registration to include language authorizing a voluntary contribution to be distributed to Preserve Vision Florida, rather than to Prevent Blindness Florida; amending s. 320.03, F.S.; requiring tax collectors to provide motor vehicle registration services to residents of other counties; providing that jurisdiction over the electronic filing system for use by authorized electronic filing system agents to process title transactions, derelict motor vehicle certificates, and certificates of destruction for derelict and salvage motor vehicles is preempted to the state; authorizing an entity that, in the normal course of its business, processes title transactions, derelict motor vehicle certificates, or certificates of destruction for derelict or salvage motor vehicles to be an authorized electronic filing system agent; authorizing the department to adopt rules to administer specified provisions; amending s. 320.06, F.S.; providing for future repeal of issuance of a certain annual license plate and cab card to a vehicle that has an apportioned registration; providing requirements, beginning on a specified date, for license plates, cab cards, and validation stickers for vehicles registered in accordance with the International Registration Plan; authorizing a worn or damaged license plate to be replaced at no charge under certain circumstances; providing an exception to the design of dealer license plates for specialty license plates; amending s. 320.0605, F.S.; authorizing presentation of electronic documentation of certain information to a law enforcement officer or agent of the department; providing construction; providing liability; revising information required in such documentation; amending s. 320.0607, F.S.; providing an exemption, beginning on a specified date, of a certain fee for vehicles registered under the International Registration Plan; amending s. 320.0657, F.S.; providing an exception to the design of fleet license plates for specialty license plates; authorizing fleet companies to purchase specialty license plates in lieu of the standard fleet license plates for additional specified fees; requiring fleet companies to be responsible for all costs associated with the specialty license plate; amending s. 320.08, F.S.; requiring a truck tractor used within this state to be eligible for a license plate for a specified fee under certain circumstances; requiring a truck tractor or heavy truck, not operated as a for-hire vehicle, which is engaged exclusively in transporting raw, unprocessed, and nonmanufactured agricultural or horticultural products within this state to be eligible for a restricted license for a certain fee; authorizing dealers to purchase specialty license plates in lieu of the standard graphic dealer license plates for additional specified fees; requiring dealers to be responsible for all costs associated with the specialty license plate; conforming cross-references; amending s. 320.08056, F.S.; allowing the department to authorize dealer and fleet specialty license plates; authorizing a dealer or fleet company to purchase specialty license plates to be used on dealer and fleet vehicles with the permission of the sponsoring specialty license plate organization; requiring a dealer or fleet specialty license plate to include specified letters on the right side of the license plate; requiring dealer and fleet specialty license plates to be ordered directly through the department; deleting the American Red Cross, Donate Organs-Pass It On, St. Johns River, and Hispanic Achievers license plates; establishing an annual use fee for certain specialty license plates; conforming cross-references; amending s. 320.08058, F.S.; deleting the American Red Cross, Donate Organs-Pass It On, St. Johns River, and Hispanic Achievers license plates; revising the distribution of proceeds for the Fallen Law Enforcement Officers License Plate; requiring the Department of Highway Safety and Motor Vehicles to develop certain specialty license plates; providing for distribution and use of fees collected from the sale of the plates; amending s. 320.08068, F.S.; requiring The Able Trust to distribute a specified percentage of annual use fees from motorcycle specialty license plates to Preserve Vision Florida, rather than to Prevent Blindness Florida; amending s. 320.086, F.S.; providing that, for purposes of this section, a trailer is considered a motor vehicle; creating s. 320.0875, F.S.; providing for a motorcycle special license plate to be issued to a recipient of the Purple Heart; providing requirements for the plate; amending s. 320.089, F.S.; providing for a special license plate to be issued to a recipient of the Bronze Star; making technical changes; amending s. 320.133, F.S.; defining the term "transporter license plate eligible business"; providing that a person is

not eligible to purchase or renew a transporter license plate unless he or she provides certain proof that his or her business is a transporter license plate eligible business; providing application and insurance requirements for qualification as a transporter license plate eligible business; authorizing the department to issue a transporter license plate to an applicant who is not a licensed dealer and is qualified as a transporter license plate eligible business, under certain circumstances; providing that a transporter license plate is valid only for use on an unregistered motor vehicle in the possession of the transporter, subject to certain requirements; providing a criminal penalty for a person who sells or unlawfully possesses, distributes, or brokers a transporter license plate to be attached to any vehicle; providing that transporter license plates are subject to cancellation by the department; providing a criminal penalty and disqualification from transporter license plate usage for a person who knowingly and willfully sells or unlawfully possesses, distributes, or brokers a transporter license plate to avoid registering a vehicle requiring registration, subject to certain requirements; providing recordkeeping requirements for a transporter license plate eligible business; providing a criminal penalty, cancellation of transporter license plates, and disqualification from future issuance of the plates for a violation of such recordkeeping requirements; requiring a transporter license plate issued under this section to be accompanied by registration and proof of insurance when attached to a motor vehicle; providing a criminal penalty and removal of the license plate for a person who fails to provide such documentation; providing an exemption to persons who contract with dealers and auctions to transport motor vehicles; conforming provisions to changes made by the act; providing that an initial registration or renewal issued under this section is valid for a specified period; requiring a license plate attached to a motor vehicle in violation of specified provisions to be removed by a law enforcement officer and surrendered to the department by the law enforcement agency for cancellation; amending s. 320.27, F.S.; revising the definitions of "motor vehicle dealer" and "motor vehicle broker"; requiring any person acting in violation of specified licensing requirements to be deemed to have committed an unfair and deceptive trade practice in violation of specified provisions; making technical changes; amending s. 321.25, F.S.; providing for reimbursement to the department of tuition and other course expenses for certain training under certain circumstances; defining the term "other course expenses"; authorizing the department to institute a civil action under certain circumstances; authorizing the department to waive a person's requirement of reimbursement when the person terminates employment due to hardship or extenuating circumstances; amending s. 322.01, F.S.; conforming provisions to changes made by the act; amending s. 322.03, F.S.; authorizing a person to operate an autocycle without a motorcycle endorsement; amending s. 322.032, F.S.; requiring the department, in collaboration with the Agency for State Technology, to establish and implement certain protocols and standards related to digital proofs of driver licenses and to procure an application programming interface for a specified purpose; conforming a provision to changes made by the act; providing construction relating to a person's presentation of an electronic device displaying a digital proof of driver license to a law enforcement officer; amending s. 322.051, F.S.; revising eligibility for a "D" designation on an identification card to include posttraumatic stress disorder or traumatic brain injury; amending s. 322.08, F.S.; requiring an application form for an original, renewal, or replacement driver license or identification card to include language authorizing a voluntary contribution to Preserve Vision Florida, rather than to Prevent Blindness Florida; amending s. 322.091, F.S.; requiring the department to make available, upon request, a report to each school district of certain information for each student whose driving privileges have been suspended under this section; amending s. 322.12, F.S.; requiring the tax collector to retain specified fees if a subsequent knowledge or skills test is administered by the tax collector; exempting the operation of an autocycle from certain examination requirements for licenses to operate motorcycles; amending s. 322.135, F.S.; requiring tax collectors to provide driver license services to residents of all counties; amending s. 322.17, F.S.; providing for replacement of a stolen identification card at no charge, subject to certain requirements; amending s. 322.21, F.S.; deleting obsolete provisions; deleting a fee for certain specialty driver licenses or identification cards; providing disposition of specified fees for reinstatement of a driver license following a suspension, revocation, or disqualification when the reinstatement is processed by the department or the tax collector; requiring an applicant who submits an application for a renewal or replacement driver license or identification card to the department using a convenience service to be provided with an option for expedited shipping, subject to certain requirements; requiring a fee to be charged for the expedited shipping option, subject to certain requirements; providing for disposition of such fee; amending s. 322.61, F.S.; adding violations for texting or using a handheld mobile telephone while driving a commercial motor vehicle as specified offenses that, in certain circumstances, result in disqualification from operating a commercial motor vehicle for a specified period; amending s. 324.031, F.S.; revising insurer requirements for a motor vehicle liability policy held by the owner or operator of a taxicab, limousine, jitney, or any other for-hire passenger transportation vehicle; revising certain excess insurance minimum limits for an operator or owner of any other vehicle proving his or her financial responsibility by furnishing a certain certificate of self-insurance showing a deposit of cash; amending s. 531.37, F.S.; revising the definition of the term "weights and measures"; amending s. 531.61, F.S.; deleting a provision exempting certain taximeters from specified permit requirements; amending s. 531.63, F.S.; deleting a provision prohibiting the annual permit fees for taximeters from exceeding $50; amending s. 877.27, F.S.; prohibiting a person from using a device prohibited by the Federal Communications Commission which would cause interference with the legal use of a global positioning system to track vehicles; amending ss. 212.05, 316.303, 316.545, 316.613, and 655.960, F.S.; conforming cross-references; providing applicability of certain changes made by the act; providing effective dates, one of which is contingent.

—was read the second time by title.

Pending further consideration of **CS for CS for SB 784**, pursuant to Rule 3.11(3), there being no objection, **CS for CS for CS for HB 545** was withdrawn from the Committees on Transportation; and Appropriations.

On motion by Senator Gainer—

**CS for CS for CS for HB 545**—A bill to be entitled An act relating to the Department of Highway Safety and Motor Vehicles; amending s. 316.003, F.S.; defining the term "autocycle"; revising the definition of the term "motorcycle"; conforming a cross-reference; amending s. 316.2397, F.S.; prohibiting vehicles or equipment from showing or displaying red and white lights while being driven or moved; authorizing firefighters to use or display red and white lights under certain circumstances; revising requirements for use of amber lights; amending s. 316.2398, F.S.; authorizing firefighters to use or display red and white lights under certain circumstances; amending s. 316.302, F.S.; revising provisions relating to federal regulations to which owners and drivers of commercial motor vehicles are subject; delaying the requirement for electronic logging devices for certain intrastate motor carriers; deleting a limitation on a civil penalty for falsification of certain time records; deleting a requirement that a motor carrier maintain certain documentation of driving times; providing an exemption from specified provisions for a person who operates a commercial motor vehicle with a gross vehicle weight, gross vehicle weight rating, and gross combined weight rating of less than a specified amount; amending s. 316.3025, F.S.; conforming provisions to changes made by the act; amending s. 316.614, F.S.; prohibiting a person from operating an autocycle unless certain safety belt or child restraint device requirements are met; amending s. 318.18, F.S.; changing the term "construction zone" to "work zone" as it relates to enhanced penalties for unlawful speed; amending s. 320.01, F.S.; revising the definitions of the terms "apportionable vehicle" and "motorcycle"; amending s. 320.02, F.S.; requiring an application form for motor vehicle registration to include language authorizing a voluntary contribution to be distributed to Preserve Vision Florida rather than Prevent Blindness Florida; amending s. 320.03, F.S.; authorizing electronic filing of certain documents; revising rulemaking authority; amending s. 320.06, F.S.; providing for future repeal of issuance of a certain annual license plate and cab card to a vehicle that has an apportioned registration; revising information required to appear on the cab card; providing requirements for license plates, cab cards, and validation stickers for vehicles registered in accordance with the International Registration Plan beginning on a specified date; authorizing a damaged or worn license plate to be replaced at no charge under certain circumstances; providing an exception to the design of dealer license plates for specialty license plates; amending s. 320.0605, F.S.; authorizing presentation of electronic documentation of certain information to a law enforcement officer or agent of the department; providing construction; providing for liability; revising information re-

quired in such documentation; amending s. 320.0607, F.S.; providing an exemption, beginning on a specified date, from a certain fee for vehicles registered under the International Registration Plan; amending s. 320.0655, F.S.; requiring state-owned motor vehicles to be marked in a certain manner; providing an exception; amending s. 320.0657, F.S.; providing an exception to the design of fleet license plates for specialty license plates; authorizing fleet companies to purchase specialty license plates in lieu of the standard fleet license plates for additional specified fees; requiring fleet companies to be responsible for all costs associated with the specialty license plate; amending s. 320.08, F.S.; conforming a cross-reference; revising provisions regarding eligibility for certain agricultural license plates; authorizing dealers to purchase specialty license plates in lieu of the standard graphic dealer license plates for additional specified fees; requiring dealers to be responsible for all costs associated with the specialty license plate; amending s. 320.08056, F.S.; allowing the department to authorize dealer and fleet specialty license plates; authorizing a dealer or fleet company to purchase specialty license plates to be used on dealer and fleet vehicles with the permission of the sponsoring specialty license plate organization; requiring a dealer or fleet specialty license plate to include specified letters on the right side of the license plate; requiring dealer and fleet specialty license plates to be ordered directly through the department; amending s. 320.08068, F.S.; requiring distribution of a specified percentage of motorcycle specialty license plate annual use fees to Preserve Vision Florida rather than Prevent Blindness Florida; creating s. 320.0875, F.S.; providing for a special motorcycle license plate to be issued to a recipient of the Purple Heart; providing requirements for the plate; amending s. 320.089, F.S.; providing for a special license plate to be issued to a recipient of the Bronze Star; amending s. 320.133, F.S.; defining the term "transporter license plate eligible business"; revising requirements for the issuance, use, and display of a transporter license plate; providing criminal penalties; providing for disqualification from issuance; providing recordkeeping requirements; providing conditions for cancellation and removal of such plates; amending s. 320.27, F.S.; revising the definitions of the terms "motor vehicle dealer" and "motor vehicle broker"; revising provisions relating to licensing requirements; amending s. 321.25, F.S.; providing for reimbursement to the department of tuition and other course expenses for certain training under certain circumstances; authorizing the department to institute a civil action; providing an exception; amending s. 322.01, F.S.; conforming provisions to changes made by the act; amending s. 322.03, F.S.; authorizing operation of an autocycle without a motorcycle endorsement; amending s. 322.051, F.S.; revising eligibility for a "D" designation on an identification card; amending s. 322.08, F.S.; requiring an application form for an original, renewal, or replacement driver license or identification card to include language authorizing a voluntary contribution to Preserve Vision Florida rather than Prevent Blindness Florida; amending s. 322.091, F.S.; revising reporting requirements relating to students whose driving privileges have been suspended; amending s. 322.12, F.S.; revising the allocation of fees from certain driver license examinations; exempting the operation of an autocycle from certain examination requirements for licenses to operate motorcycles; amending s. 322.161, F.S.; providing a short title; revising the period of time in which certain licensees may accumulate points before being issued a restricted driver license by the department; requiring restricted licensees to attend a driver improvement course approved by the department; providing for extension of the restriction period under certain circumstances; amending s. 322.17, F.S.; providing for replacement of a stolen identification card at no charge; amending s. 322.21, F.S.; deleting obsolete provisions; deleting a fee for certain specialty driver licenses or identification cards; revising fee distributions for certain driver license reinstatement services performed by tax collectors; providing for expedited service of a renewal or replacement driver license or identification card; providing for fee disposition; amending s. 322.61, F.S.; providing penalties for texting or using a handheld mobile telephone while operating a commercial motor vehicle; amending s. 324.031, F.S.; revising requirements for an owner or operator of certain motor vehicles to prove financial responsibility for damages in the event of a crash arising out of the use of the motor vehicle; amending s. 715.07, F.S.; revising provisions for release of a towed vehicle or vessel; amending s. 812.014, F.S.; providing a criminal penalty for an offender committing grand theft who uses a device to interfere with a global positioning or similar system; amending ss. 212.05, 316.303, 316.545, 316.613, and 655.960, F.S.; conforming cross-references; providing applicability of certain changes made by the act; providing effective dates.

—a companion measure, was substituted for **CS for CS for SB 784** and read the second time by title.

Senator Gainer moved the following amendment:

**Amendment 1 (183848) (with title amendment)**—Delete everything after the enacting clause and insert:

Section 1. Present subsections (2) through (97) of section 316.003, Florida Statutes, are redesignated as subsections (3) through (98), respectively, a new subsection (2) is added to that section, and present subsections (41) and (55) of that section are amended, to read:

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

*(2) AUTOCYCLE.—A three-wheel motorcycle that has two wheels in the front and one wheel in the back, is equipped with a roll cage or roll hoops, safety belts for each occupant, antilock brakes, a steering wheel, and seating that does not require the operator to straddle or sit astride it and is manufactured by a National Highway Traffic Safety Administration registered manufacturer in accordance with the applicable federal motorcycle safety standards under 49 C.F.R. part 571.*

*(42)*~~(41)~~ MOTORCYCLE.—Any motor vehicle *that has* ~~having~~ a seat or saddle for the use of the rider *which is* ~~and~~ designed to travel on not more than three wheels in contact with the ground, *including an autocycle. The term does not include a tractor, a moped, or a vehicle in which the operator is enclosed by a cabin unless the vehicle meets the requirements set forth by the National Highway Traffic Safety Administration for a motorcycle* ~~but excluding a tractor or a moped~~.

*(56)*~~(55)~~ PRIVATE ROAD OR DRIVEWAY.—Except as otherwise provided in paragraph *(78)(b)* ~~(77)(b)~~, any privately owned way or place used for vehicular travel by the owner and those having express or implied permission from the owner, but not by other persons.

Section 2. Subsection (2) of section 316.193, Florida Statutes, is amended to read:

316.193 Driving under the influence; penalties.—

(2)

(a) Except as provided in paragraph (b), subsection (3), or subsection (4), any person who is convicted of a violation of subsection (1) shall be punished:

1. By a fine of:

a. Not less than $500 or more than $1,000 for a first conviction.

b. Not less than $1,000 or more than $2,000 for a second conviction; and

2. By imprisonment for:

a. Not more than 6 months for a first conviction.

b. Not more than 9 months for a second conviction.

3. For a second conviction, by mandatory placement for a period of at least 1 year, at the convicted person's sole expense, of an ignition interlock device approved by the department in accordance with s. 316.1938 upon all vehicles that are individually or jointly leased or owned and routinely operated by the convicted person, when the convicted person qualifies for a permanent or restricted license. The installation of such device may not occur before July 1, 2003.

(b)1. Any person who is convicted of a third violation of this section for an offense that occurs within 10 years after a prior conviction for a violation of this section commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. In addition, the court shall order the mandatory placement for a period of not less than 2 years, at the convicted person's sole expense, of an ignition interlock

device approved by the department in accordance with s. 316.1938 upon all vehicles that are individually or jointly leased or owned and routinely operated by the convicted person, when the convicted person qualifies for a permanent or restricted license. The installation of such device may not occur before July 1, 2003.

2. Any person who is convicted of a third violation of this section for an offense that occurs more than 10 years after the date of a prior conviction for a violation of this section shall be punished by a fine of not less than $2,000 or more than $5,000 and by imprisonment for not more than 12 months. In addition, the court shall order the mandatory placement for a period of at least 2 years, at the convicted person's sole expense, of an ignition interlock device approved by the department in accordance with s. 316.1938 upon all vehicles that are individually or jointly leased or owned and routinely operated by the convicted person, when the convicted person qualifies for a permanent or restricted license. The installation of such device may not occur before July 1, 2003.

3. Any person who is convicted of a fourth or subsequent violation of this section, regardless of when any prior conviction for a violation of this section occurred, commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. However, the fine imposed for such fourth or subsequent violation may be not less than $2,000.

(c) In addition to the penalties in paragraph (a), *as a condition of probation,* the court may order placement, at the convicted person's sole expense, of an ignition interlock device approved by the department in accordance with s. 316.1938 for at least 6 continuous months upon all vehicles that are ~~individually or jointly leased or owned and~~ routinely operated by the convicted person ~~if, at the time of the offense, the person had a blood alcohol level or breath alcohol level of .08 or higher~~. *If the convicted person is convicted of a first offense misdemeanor of the second degree and has not caused injury to, or the death of, a person or damage to property and such person voluntarily places, or if the court orders placement of, an interlock device under this subsection, the court, upon proper showing that the person has received counseling, treatment, rehabilitation or is enrolled in a substance abuse course pursuant to subsection (5), may withhold adjudication if the person does not have a prior withholding of adjudication or adjudication of guilt for any other offense. Failure of the person to comply with the full terms of the order of placement of the ignition interlock device may result in, among other penalties, the court ordering an adjudication of guilt.*

*For purposes of this subsection, the term "conviction" means a determination of guilt which is the result of a plea or a trial, regardless of whether adjudication is withheld or a plea of nolo contendere is entered.*

Section 3. Subsection (2) of section 316.1937, Florida Statutes, is amended to read:

316.1937 Ignition interlock devices, requiring; unlawful acts.—

(2) If the court imposes the use of an ignition interlock device, the court shall:

(a) Stipulate on the record the requirement for, and the period of, the use of a certified ignition interlock device.

(b) Order that the records of the department reflect such requirement.

(c) Order that an ignition interlock device be installed, as the court may determine necessary, on any vehicle owned or operated by the person.

(d) *If the person claims inability to pay, provide the following discounts on the monthly leasing fee:*

*1. If a person's family income is at or below 100 percent of the federal poverty level as documented by written order of the court, the regular monthly leasing fee charged to all customers by the interlock provider shall be discounted by 50 percent.*

*2. If a person's family income is at or below 149 percent of the federal poverty level as documented by written order of the court, the regular monthly leasing fee charged to all customers by the interlock provider shall be discounted by 25 percent.*

*Persons who qualify for a reduced leasing fee as provided in this paragraph are not required to pay the costs of installation or removal of the device.* ~~Determine the person's ability to pay for installation of the device if the person claims inability to pay. If the court determines that the person is unable to pay for installation of the device, the court may order that any portion of a fine paid by the person for a violation of s. 316.193 shall be allocated to defray the costs of installing the device.~~

(e) Require proof of installation of the device and periodic reporting to the department for verification of the operation of the device in the person's vehicle.

Section 4. Subsections (1) and (3) of section 316.2397, Florida Statutes, are amended to read:

316.2397 Certain lights prohibited; exceptions.—

(1) *A* ~~No~~ person *may not* ~~shall~~ drive or move or cause to be moved any vehicle or equipment upon any highway within this state with *a* ~~any~~ lamp or device thereon showing or displaying a red*, red and white,* or blue light visible from directly in front thereof except for certain vehicles ~~hereinafter~~ provided *in this section*.

(3) Vehicles of the fire department and fire patrol, including vehicles of volunteer firefighters as permitted under s. 316.2398, *may show or display red, or red and white, lights.* Vehicles of medical staff physicians or technicians of medical facilities licensed by the state as authorized under s. 316.2398, ambulances as authorized under this chapter, and buses and taxicabs as authorized under s. 316.2399 may show or display red lights. Vehicles of the fire department, fire patrol, police vehicles, and such ambulances and emergency vehicles of municipal and county departments, public service corporations operated by private corporations, the Fish and Wildlife Conservation Commission, the Department of Environmental Protection, the Department of Transportation, the Department of Agriculture and Consumer Services, and the Department of Corrections as are designated or authorized by their respective department or the chief of police of an incorporated city or any sheriff of any county may operate emergency lights and sirens in an emergency. Wreckers, mosquito control fog and spray vehicles, and emergency vehicles of governmental departments or public service corporations may show or display amber lights when in actual operation or when a hazard exists provided they are not used going to and from the scene of operation or hazard without specific authorization of a law enforcement officer or law enforcement agency. Wreckers*, flatbed, car carriers, or rollbacks registered as wreckers pursuant to s. 320.08(5)(d) or (e)* must use amber rotating or flashing lights while performing recoveries and loading on the roadside day or night, and may use such lights while towing a vehicle on wheel lifts, slings, ~~or~~ under reach*, flatbeds, car carriers, or rollbacks* if the operator of the wrecker deems such lights necessary. ~~A flatbed, car carrier, or rollback may not use amber rotating or flashing lights when hauling a vehicle on the bed unless it creates a hazard to other motorists because of protruding objects.~~ Further, escort vehicles may show or display amber lights when in the actual process of escorting overdimensioned equipment, material, or buildings as authorized by law. Vehicles owned or leased by private security agencies may show or display green and amber lights, with either color being no greater than 50 percent of the lights displayed, while the security personnel are engaged in security duties on private or public property.

Section 5. Section 316.2398, Florida Statutes, is amended to read:

316.2398 Display or use of red*, or red and white,* warning signals; motor vehicles of volunteer firefighters or medical staff.—

(1) A privately owned vehicle belonging to an active firefighter member of a regularly organized volunteer firefighting company or association, while en route to the fire station for the purpose of proceeding to the scene of a fire or other emergency or while en route to the scene of a fire or other emergency in the line of duty as an active firefighter member of a regularly organized firefighting company or association, *may display or use red, or red and white, warning signals.* ~~or~~ A privately owned vehicle belonging to a medical staff physician or technician of a medical facility licensed by the state, while responding to an emergency in the line of duty, may display or use red warning signals*. Warning signals must be* visible from the front and from the rear of such vehicle, subject to the following restrictions and conditions:

(a) *Red, or red and white,* ~~No more than two red~~ warning signals may be displayed *as determined by the responding agency in order to maintain public safety and the safety of the responding vehicle occupants*.

(b) No inscription of any kind may appear across the face of the lens of the red*, or red and white,* warning signal.

(c) In order for an active volunteer firefighter to display such red*, or red and white,* warning signals on his or her vehicle, the volunteer firefighter must first secure a written permit from the chief executive officers of the firefighting organization to use the red*, or red and white,* warning signals, and this permit must be carried by the volunteer firefighter at all times while the red*, or red and white,* warning signals are displayed.

(2) *A* ~~It is unlawful for any~~ person who is not an active firefighter member of a regularly organized volunteer firefighting company or association or a physician or technician of the medical staff of a medical facility licensed by the state *may not* ~~to~~ display on any motor vehicle owned by him or her, at any time, any red*, or red and white,* warning signals as described in subsection (1).

(3) ~~It is unlawful for~~ An active volunteer firefighter *may not* ~~to~~ operate any red*, or red and white,* warning signals as authorized in subsection (1), except while en route to the fire station for the purpose of proceeding to the scene of a fire or other emergency, or while at or en route to the scene of a fire or other emergency, in the line of duty.

(4) ~~It is unlawful for~~ A physician or technician of the medical staff of a medical facility *may not* ~~to~~ operate any red warning signals as authorized in subsection (1), except when responding to an emergency in the line of duty.

(5) A violation of this section is a nonmoving violation, punishable as provided in chapter 318. In addition, *a* ~~any~~ volunteer firefighter *who violates this section* shall be dismissed from membership in the firefighting organization by the chief executive officers thereof.

Section 6. Subsection (1) and paragraphs (a), (c), (d), and (f) of subsection (2) of section 316.302, Florida Statutes, are amended to read:

316.302 Commercial motor vehicles; safety regulations; transporters and shippers of hazardous materials; enforcement.—

(1) *Except as otherwise provided in subsection (3):*

(a) All owners and drivers of commercial motor vehicles that are operated on the public highways of this state while engaged in interstate commerce are subject to the rules and regulations contained in 49 C.F.R. parts 382, 385, and 390-397.

(b) Except as otherwise provided in this section, all owners or drivers of commercial motor vehicles that are engaged in intrastate commerce are subject to the rules and regulations contained in 49 C.F.R. parts 382, 383, 385, and 390-397~~, with the exception of 49 C.F.R. s. 390.5 as it relates to the definition of bus,~~ as such rules and regulations existed on December 31, *2016* ~~2012~~.

(c) The emergency exceptions provided by 49 C.F.R. s. 392.82 also apply to communications by utility drivers and utility contractor drivers during a Level 1 activation of the State Emergency Operations Center, as provided in the Florida Comprehensive Emergency Management plan, or during a state of emergency declared by executive order or proclamation of the Governor.

(d) Except as provided in ~~s. 316.215(5), and except as provided in~~ s. 316.228 for rear overhang lighting and flagging requirements for intrastate operations, the requirements of this section supersede all other safety requirements of this chapter for commercial motor vehicles.

*(e) The requirement for electronic logging devices and hours of service support documents will not go into effect for motor carriers engaged in intrastate commerce until December 31, 2018.*

(2)(a) A person who operates a commercial motor vehicle solely in intrastate commerce not transporting any hazardous material in amounts that require placarding pursuant to 49 C.F.R. part 172 need not comply with 49 C.F.R. ss. 391.11(b)(1) and *395.3* ~~395.3(a) and (b)~~.

(c) Except as provided in 49 C.F.R. s. 395.1, a person who operates a commercial motor vehicle solely in intrastate commerce not transporting any hazardous material in amounts that require placarding pursuant to 49 C.F.R. part 172 may not drive after having been on duty more than 70 hours in any period of 7 consecutive days or more than 80 hours in any period of 8 consecutive days if the motor carrier operates every day of the week. Thirty-four consecutive hours off duty shall constitute the end of any such period of 7 or 8 consecutive days. This weekly limit does not apply to a person who operates a commercial motor vehicle solely within this state while transporting, during harvest periods, any unprocessed agricultural products or unprocessed food or fiber that is subject to seasonal harvesting from place of harvest to the first place of processing or storage or from place of harvest directly to market or while transporting livestock, livestock feed, or farm supplies directly related to growing or harvesting agricultural products. Upon request of the Department of Highway Safety and Motor Vehicles, motor carriers shall furnish time records or other written verification to that department so that the Department of Highway Safety and Motor Vehicles can determine compliance with this subsection. These time records must be furnished to the Department of Highway Safety and Motor Vehicles within 2 days after receipt of that department's request. Falsification of such information is subject to a civil penalty ~~not to exceed $100~~. ~~The provisions of~~ This paragraph *does* ~~do~~ not apply to operators of farm labor vehicles operated during a state of emergency declared by the Governor or operated pursuant to s. 570.07(21)~~,~~ and *does* ~~do~~ not apply to drivers of utility service vehicles as defined in 49 C.F.R. s. 395.2.

(d) A person who operates a commercial motor vehicle solely in intrastate commerce not transporting any hazardous material in amounts that require placarding pursuant to 49 C.F.R. part 172 within a 150 air-mile radius of the location where the vehicle is based need not comply with 49 C.F.R. s. 395.8~~,~~ if the requirements of 49 C.F.R. s. *395.1(e)(1)(ii), (e)(1)(iii)(A) and (C),* ~~395.1(e)(1)(iii)~~ and *(e)(1)*(v) are met. ~~If a driver is not released from duty within 12 hours after the driver arrives for duty, the motor carrier must maintain documentation of the driver's driving times throughout the duty period.~~

(f) A person who operates a commercial motor vehicle having a ~~declared~~ gross vehicle weight*, gross vehicle weight rating, and gross combined weight rating* of less than 26,001 pounds solely in intrastate commerce and who is not transporting hazardous materials in amounts that require placarding pursuant to 49 C.F.R. part 172~~, or who is transporting petroleum products as defined in s. 376.301,~~ is exempt from subsection (1). However, such person must comply with 49 C.F.R. parts 382, 392, and 393~~,~~ and with 49 C.F.R. ss. 396.3(a)(1) and 396.9.

Section 7. Paragraph (a) of subsection (6) of section 316.3025, Florida Statutes, is amended to read:

316.3025 Penalties.—

(6)(a) A driver who violates 49 C.F.R. s. 392.80, which prohibits texting while operating a commercial motor vehicle, or 49 C.F.R. s. 392.82, which prohibits using a handheld mobile telephone while operating a commercial motor vehicle, may be assessed a civil penalty ~~and commercial driver license disqualification~~ as follows:

1. First violation: $500.

2. Second violation: $1,000 ~~and a 60-day commercial driver license disqualification pursuant to 49 C.F.R. part 383~~.

3. Third and subsequent violations: $2,750 ~~and a 120-day commercial driver license disqualification pursuant to 49 C.F.R. part 383~~.

Section 8. Paragraph (a) of subsection (3) and subsections (4) and (5) of section 316.614, Florida Statutes, are amended to read:

316.614 Safety belt usage.—

(3) As used in this section:

(a) "Motor vehicle" means a motor vehicle as defined in s. 316.003 which is operated on the roadways, streets, and highways of this state. The term does not include:

1. A school bus.

2. A bus used for the transportation of persons for compensation.

3. A farm tractor or implement of husbandry.

4. A truck having a gross vehicle weight rating of more than 26,000 pounds.

5. A motorcycle*, excluding an autocycle for purposes of subsections (4) and (5)*, moped, or bicycle.

(4) It is unlawful for any person:

(a) To operate a motor vehicle *or an autocycle* in this state unless each passenger and the operator of the vehicle under the age of 18 years are restrained by a safety belt or by a child restraint device pursuant to s. 316.613, if applicable; or

(b) To operate a motor vehicle *or an autocycle* in this state unless the person is restrained by a safety belt.

(5) It is unlawful for any person 18 years of age or older to be a passenger in the front seat of a motor vehicle *or an autocycle* unless such person is restrained by a safety belt when the vehicle is in motion.

Section 9. Subsection (1) of section 316.85, Florida Statutes, is amended to read:

316.85 Autonomous vehicles; operation.—

(1) A person who possesses a valid driver license may operate an autonomous vehicle*, or may engage autonomous technology to operate an autonomous vehicle,* in autonomous mode on roads in this state if the vehicle is equipped with autonomous technology, as defined in s. 316.003. *A person who does not possess a valid driver license may engage autonomous technology to operate an autonomous vehicle in autonomous mode only if the vehicle is equipped with autonomous technology, as defined in s. 316.003, and if the vehicle has no capability or means by which the person inside the vehicle is able to take control of the vehicle's operation or to disengage the autonomous technology, regardless of where the person is seated within the vehicle.*

Section 10. Effective upon the same date that SB 340 or similar legislation takes effect, if such legislation is adopted in the 2017 Regular Session or any extension thereof and becomes a law, section 316.851, Florida Statutes, is created to read:

*316.851 Autonomous vehicles; providing prearranged rides.—*

*(1) An autonomous vehicle used by a transportation network company to provide a prearranged ride must be covered by automobile insurance as required by s. 627.748, regardless of whether a human operator is physically present within the vehicle when the ride occurs. When an autonomous vehicle is logged on to a digital network but is not engaged in a prearranged ride, the autonomous vehicle must maintain insurance coverage as defined in s. 627.748(7)(b).*

*(2) An autonomous vehicle used to provide a transportation service shall carry in the vehicle proof of coverage satisfying the requirements of this section at all times while operating in autonomous mode.*

Section 11. Paragraph (d) of subsection (3) of section 318.18, Florida Statutes, is amended to read:

318.18 Amount of penalties.—The penalties required for a noncriminal disposition pursuant to s. 318.14 or a criminal offense listed in s. 318.17 are as follows:

(3)

(d) *Notwithstanding paragraph (b),* a person cited for exceeding the speed limit in a posted *work* ~~construction~~ zone, which posting must include notification of the speed limit and the doubling of fines, shall pay a fine double the amount listed in paragraph (b). The fine shall be doubled for *work* ~~construction~~ zone violations only if *work* ~~construction~~ personnel are present or operating equipment on the road or immediately adjacent to the road ~~under construction~~.

Section 12. Subsections (24) and (26) of section 320.01, Florida Statutes, are amended to read:

320.01 Definitions, general.—As used in the Florida Statutes, except as otherwise provided, the term:

(24) "Apportionable vehicle" means any vehicle, except recreational vehicles, vehicles displaying restricted plates, city pickup and delivery vehicles, ~~buses used in transportation of chartered parties,~~ and government-owned vehicles, which is used or intended for use in two or more member jurisdictions that allocate or proportionally register vehicles and which is used for the transportation of persons for hire or is designed, used, or maintained primarily for the transportation of property and:

(a) Is a power unit having a gross vehicle weight in excess of 26,000 pounds;

(b) Is a power unit having three or more axles, regardless of weight; or

(c) Is used in combination, when the weight of such combination exceeds 26,000 pounds gross vehicle weight.

Vehicles, or combinations thereof, having a gross vehicle weight of 26,000 pounds or less and two-axle vehicles may be proportionally registered.

(26) "Motorcycle" means any motor vehicle having a seat or saddle for the use of the rider and designed to travel on not more than three wheels in contact with the ground, *including an autocycle. The term does not include a tractor, a moped, or* ~~excluding~~ a vehicle in which the operator is enclosed by a cabin unless *the vehicle* ~~it~~ meets the requirements set forth by the National Highway Traffic Safety Administration for a motorcycle. ~~The term "motorcycle" does not include a tractor or a moped.~~

Section 13. Paragraph (a) of subsection (15) of section 320.02, Florida Statutes, is amended to read:

320.02 Registration required; application for registration; forms.—

(15)(a) The application form for motor vehicle registration *must* ~~shall~~ include language permitting the voluntary contribution of $1 per applicant, to be quarterly distributed by the department to *Preserve Vision* ~~Prevent Blindness~~ Florida, a not-for-profit organization, to prevent blindness and preserve the sight of the residents of this state. A statement providing an explanation of the purpose of the funds shall be included with the application form. Prior to the department distributing the funds collected pursuant to this paragraph, *Preserve Vision* ~~Prevent Blindness~~ Florida must submit a report to the department that identifies how such funds were used during the preceding year.

For the purpose of applying the service charge provided in s. 215.20, contributions received under this subsection are not income of a revenue nature.

Section 14. Subsection (1) of section 320.03, Florida Statutes, is amended to read:

320.03 Registration; duties of tax collectors; International Registration Plan.—

(1)*(a)* The tax collectors in the several counties of the state, as authorized agents of the department, shall issue registration certificates, registration license plates, validation stickers, and mobile home stickers to applicants, and shall provide to applicants for each the option to register emergency contact information and the option to be contacted with information about state and federal benefits available as a result of military service, subject to the requirements of law, in accordance with rules of the department. *Each tax collector shall provide the same motor vehicle registration services in office to residents of other counties that it provides for residents of its home county.*

*(b)* Any person, firm, or corporation representing itself, through advertising or naming of the business, to be an authorized agent of the department shall be deemed guilty of an unfair and deceptive trade practice as defined in part II of chapter 501. No such person, firm, or corporation shall use either the state or county name as a part of their business name when such use can reasonably be interpreted as an official state or county office.

Section 15. Effective July 1, 2018, subsection (10) of section 320.03, Florida Statutes, is amended to read:

320.03 Registration; duties of tax collectors; International Registration Plan.—

(10)*(a)* Jurisdiction over the electronic filing system for use by authorized electronic filing system agents to electronically title or register motor vehicles, vessels, mobile homes, or off-highway vehicles; *process title transactions, derelict motor vehicle certificates, and certificates of destruction for derelict and salvage motor vehicles pursuant to s. 319.30(2), (3), (7), and (8);* issue or transfer registration license plates or decals; electronically transfer fees due for the title and registration process; and perform inquiries for title, registration, and lienholder verification and certification of service providers is expressly preempted to the state, and the department shall have regulatory authority over the system. The electronic filing system shall be available for use statewide and applied uniformly throughout the state. An entity that, in the normal course of its business, sells products that must be titled or registered~~,~~ provides title and registration services on behalf of its consumers*; or processes title transactions, derelict motor vehicle certificates, or certificates of destruction for derelict or salvage motor vehicles pursuant to s. 319.30(2), (3), (7), and (8);* and meets all established requirements may be an authorized electronic filing system agent and shall not be precluded from participating in the electronic filing system in any county. Upon request from a qualified entity, the tax collector shall appoint the entity as an authorized electronic filing system agent for that county. ~~The department shall adopt rules in accordance with chapter 120 to replace the December 10, 2009, program standards and to administer the provisions of this section, including, but not limited to, establishing participation requirements, certification of service providers, electronic filing system requirements, and enforcement authority for noncompliance. The December 10, 2009, program standards, excluding any standards which conflict with this subsection, shall remain in effect until the rules are adopted.~~ An authorized electronic filing *system* agent may charge a fee to the customer for use of the electronic filing system.

*(b) The department shall adopt rules to administer this subsection, including, but not limited to, rules establishing participation requirements, certification of service providers, electronic filing system requirements, disclosures, and enforcement authority for noncompliance.*

Section 16. Paragraph (b) of subsection (1) and paragraph (a) of subsection (3) of section 320.06, Florida Statutes, are amended to read:

320.06 Registration certificates, license plates, and validation stickers generally.—

(1)

(b)1. Registration license plates bearing a graphic symbol and the alphanumeric system of identification shall be issued for a 10-year period. At the end of the 10-year period, upon renewal, the plate shall be replaced. The department shall extend the scheduled license plate replacement date from a 6-year period to a 10-year period. The fee for such replacement is $28, $2.80 of which shall be paid each year before the plate is replaced, to be credited toward the next $28 replacement fee. The fees shall be deposited into the Highway Safety Operating Trust Fund. A credit or refund may not be given for any prior years' payments of the prorated replacement fee if the plate is replaced or surrendered before the end of the 10-year period, except that a credit may be given if a registrant is required by the department to replace a license plate under s. 320.08056(8)(a). With each license plate, a validation sticker shall be issued showing the owner's birth month, license plate number, and the year of expiration or the appropriate renewal period if the owner is not a natural person. The validation sticker shall be placed on the upper right corner of the license plate. The license plate and validation sticker shall be issued based on the applicant's appropriate renewal period. The registration period is 12 months, the extended registration period is 24 months, and all expirations occur based on the applicant's appropriate registration period.

*2.* A vehicle that has an apportioned registration shall be issued an annual license plate and a cab card *denoting* ~~that denote~~ the declared gross vehicle weight ~~for each apportioned jurisdiction in which the vehicle is authorized to operate~~. *This subparagraph expires October 1, 2018.*

*3. Beginning October 1, 2018, a vehicle registered in accordance with the International Registration Plan which has an apportioned registration shall be issued a license plate for a 5-year period, an annual cab card denoting the declared gross vehicle weight, and an annual validation sticker showing the month and year of expiration. The validation sticker shall be placed in the center of the license plate. The license plate and validation sticker shall be issued based on the applicant's appropriate renewal period. The registration period is 12 months. The fee for an original and a renewed validation sticker is $28. This fee shall be deposited into the Highway Safety Operating Trust Fund. If the license plate is damaged or worn, it may be replaced at no charge by applying to the department and surrendering the current license plate.*

*4.*~~2.~~ In order to retain the efficient administration of the taxes and fees imposed by this chapter, the 80-cent fee increase in the replacement fee imposed by chapter 2009-71, Laws of Florida, is negated as provided in s. 320.0804.

(3)(a) Registration license plates must be made of metal specially treated with a retroreflection material, as specified by the department. The registration license plate is designed to increase nighttime visibility and legibility and must be at least 6 inches wide and not less than 12 inches in length, unless a plate with reduced dimensions is deemed necessary by the department to accommodate motorcycles, mopeds, or similar smaller vehicles. Validation stickers must also be treated with a retroreflection material, must be of such size as specified by the department, and must adhere to the license plate. The registration license plate must be imprinted with a combination of bold letters and numerals or numerals, not to exceed seven digits, to identify the registration license plate number. The license plate must be imprinted with the word "Florida" at the top and the name of the county in which it is sold, the state motto, or the words "Sunshine State" at the bottom. Apportioned license plates must have the word "Apportioned" at the bottom and license plates issued for vehicles taxed under s. 320.08(3)(d), (4)(m) or (n), (5)(b) or (c), or (14) must have the word "Restricted" at the bottom. License plates issued for vehicles taxed under s. 320.08(12) must be imprinted with the word "Florida" at the top and the word "Dealer" at the bottom *unless the license plate is a specialty license plate as authorized in s. 320.08056*. Manufacturer license plates issued for vehicles taxed under s. 320.08(12) must be imprinted with the word "Florida" at the top and the word "Manufacturer" at the bottom. License plates issued for vehicles taxed under s. 320.08(5)(d) or (e) must be imprinted with the word "Wrecker" at the bottom. Any county may, upon majority vote of the county commission, elect to have the county name removed from the license plates sold in that county. The state motto or the words "Sunshine State" shall be printed in lieu thereof. A license plate issued for a vehicle taxed under s. 320.08(6) may not be assigned a registration license number, or be issued with any other distinctive character or designation, that distinguishes the motor vehicle as a for-hire motor vehicle.

Section 17. Section 320.0605, Florida Statutes, is amended to read:

320.0605 Certificate of registration; possession required; exception.—

(1)*(a)* The registration certificate or an official copy thereof, a true copy *or electronic copy* of rental or lease documentation issued for a motor vehicle or issued for a replacement vehicle in the same registration period, a temporary receipt printed upon self-initiated electronic renewal of a registration via the Internet, or a cab card issued for a vehicle registered under the International Registration Plan shall, at all times while the vehicle is being used or operated on the roads of this state, be in the possession of the operator thereof or be carried in the vehicle for which issued and shall be exhibited upon demand of any authorized law enforcement officer or any agent of the department, except for a vehicle registered under s. 320.0657. ~~The provisions of~~ This section *does* ~~do~~ not apply during the first 30 days after purchase of a replacement vehicle. A violation of this section is a noncriminal traffic infraction, punishable as a nonmoving violation as provided in chapter 318.

*(b)1. The act of presenting to a law enforcement officer or agent of the department an electronic device displaying an electronic copy of rental or lease documentation does not constitute consent for the officer or agent to access any information on the device other than the displayed rental or lease documentation.*

*2. The person who presents the device to the officer or agent assumes the liability for any resulting damage to the device.*

(2) Rental or lease documentation that is sufficient to satisfy the requirement in subsection (1) includes the following:

(a) Date ~~of rental~~ and time of ~~exit from~~ rental ~~facility~~;

(b) Rental station identification;

(c) Rental agreement number;

(d) Rental vehicle identification number;

(e) Rental vehicle license plate number and state of registration;

(f) Vehicle's make, model, and color;

(g) Vehicle's mileage; and

(h) Authorized renter's name.

Section 18. Subsection (5) of section 320.0607, Florida Statutes, is amended to read:

320.0607 Replacement license plates, validation decal, or mobile home sticker.—

(5) Upon the issuance of an original license plate, the applicant shall pay a fee of $28 to be deposited in the Highway Safety Operating Trust Fund. *Beginning October 1, 2018, this subsection does not apply to a vehicle registered under the International Registration Plan.*

Section 19. Paragraph (b) of subsection (2) of section 320.0657, Florida Statutes, is amended to read:

320.0657 Permanent registration; fleet license plates.—

(2)

(b) The plates, which shall be of a distinctive color, shall have the word "Fleet" appearing at the bottom and the word "Florida" appearing at the top *unless the license plate is a specialty license plate as authorized in s. 320.08056*. The plates shall conform in all respects to the provisions of this chapter, except as specified herein. *For additional fees as set forth in s. 320.08056, fleet companies may purchase specialty license plates in lieu of the standard fleet license plates. Fleet companies shall be responsible for all costs associated with the specialty license plate, including all annual use fees, processing fees, fees associated with switching license plate types, and any other applicable fees.*

Section 20. Section 320.08, Florida Statutes, is amended to read:

320.08 License taxes.—Except as otherwise provided herein, there are hereby levied and imposed annual license taxes for the operation of motor vehicles, mopeds, motorized bicycles as defined in *s. 316.003(4)* ~~s. 316.003(2)~~, tri-vehicles as defined in s. 316.003, and mobile homes as defined in s. 320.01, which shall be paid to and collected by the department or its agent upon the registration or renewal of registration of the following:

(1) MOTORCYCLES AND MOPEDS.—

(a) Any motorcycle: $10 flat.

(b) Any moped: $5 flat.

(c) Upon registration of a motorcycle, motor-driven cycle, or moped, in addition to the license taxes specified in this subsection, a nonrefundable motorcycle safety education fee in the amount of $2.50 shall be paid. The proceeds of such additional fee shall be deposited in the Highway Safety Operating Trust Fund to fund a motorcycle driver improvement program implemented pursuant to s. 322.025, the Florida Motorcycle Safety Education Program established in s. 322.0255, or the general operations of the department.

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

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

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

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

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

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

(3) TRUCKS.—

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

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

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

(d) A truck defined as a "goat," or other vehicle if used in the field by a farmer or in the woods for the purpose of harvesting a crop, including naval stores, during such harvesting operations, and which is not principally operated upon the roads of the state: $7.50 flat. The term "goat" means a motor vehicle designed, constructed, and used principally for the transportation of citrus fruit within citrus groves or for the transportation of crops on farms, and which can also be used for hauling associated equipment or supplies, including required sanitary equipment, and the towing of farm trailers.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(m) Notwithstanding the declared gross vehicle weight, a truck tractor used within *this state* ~~a 150 mile radius of its home address~~ is eligible for a license plate for a fee of $324 flat if:

1. The truck tractor is used exclusively for hauling forestry products; or

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

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

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

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

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

Such not-for-hire truck tractors and heavy trucks used exclusively in transporting raw, unprocessed, and nonmanufactured agricultural or horticultural products may be incidentally used to haul farm implements and fertilizers delivered direct to the growers. The department may require any documentation deemed necessary to determine eligibility prior to issuance of this license plate. For the purpose of this paragraph, "not-for-hire" means the owner of the motor vehicle must also be the owner of the raw, unprocessed, and nonmanufactured agricultural or horticultural product, or the user of the farm implements and fertilizer being delivered.

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

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

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

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

(c) A school bus used exclusively to transport pupils to and from school or school or church activities or functions within their own county: $41 flat, of which $11 shall be deposited into the General Revenue Fund.

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

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

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

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

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

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

5. Gross vehicle weight of 35,000 pounds or more, but less than 44,000 pounds: $405 flat, of which $105 shall be deposited into the General Revenue Fund.

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

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

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

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

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

(6) MOTOR VEHICLES FOR HIRE.—

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

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

(7) TRAILERS FOR PRIVATE USE.—

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

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

(8) TRAILERS FOR HIRE.—

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

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

(9) RECREATIONAL VEHICLE-TYPE UNITS.—

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

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

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

1. Net weight of less than 4,500 pounds: $27 flat, of which $7 shall be deposited into the General Revenue Fund.

2. Net weight of 4,500 pounds or more: $47.25 flat, of which $12.25 shall be deposited into the General Revenue Fund.

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

1. Net weight of less than 4,500 pounds: $27 flat, of which $7 shall be deposited into the General Revenue Fund.

2. Net weight of 4,500 pounds or more: $47.25 flat, of which $12.25 shall be deposited into the General Revenue Fund.

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

1. Net weight of less than 4,500 pounds: $27 flat, of which $7 shall be deposited into the General Revenue Fund.

2. Net weight of 4,500 pounds or more: $47.25 flat, of which $12.25 shall be deposited into the General Revenue Fund.

(10) PARK TRAILERS; TRAVEL TRAILERS; FIFTH-WHEEL TRAILERS; 35 FEET TO 40 FEET.—

(a) Park trailers.—Any park trailer, as defined in s. 320.01(1)(b)7.: $25 flat.

(b) A travel trailer or fifth-wheel trailer, as defined in s. 320.01(1)(b), that exceeds 35 feet: $25 flat.

(11) MOBILE HOMES.—

(a) A mobile home not exceeding 35 feet in length: $20 flat.

(b) A mobile home over 35 feet in length, but not exceeding 40 feet: $25 flat.

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

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

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

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

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

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

(12) DEALER AND MANUFACTURER LICENSE PLATES.—A franchised motor vehicle dealer, independent motor vehicle dealer, marine boat trailer dealer, or mobile home dealer and manufacturer license plate: $17 flat, of which $4.50 shall be deposited into the General Revenue Fund. *For additional fees as set forth in s. 320.08056, dealers may purchase specialty license plates in lieu of the standard graphic dealer license plates. Dealers shall be responsible for all costs associated with the specialty license plate, including all annual use fees, processing fees, fees associated with switching license plate types, and any other applicable fees.*

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

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

(15) TRANSPORTER.—Any transporter license plate issued to a transporter pursuant to s. 320.133: $101.25 flat, of which $26.25 shall be deposited into the General Revenue Fund.

Section 21. Subsection (2) and paragraphs (ee), (eee), (qqq), and (rrr) of subsection (4) of section 320.08056, Florida Statutes, are amended, paragraphs (bbbb) through (gggg) are added to that subsection, and paragraph (a) of subsection (10) of that section is amended, to read:

320.08056 Specialty license plates.—

(2)*(a)* The department shall issue a specialty license plate to the owner or lessee of any motor vehicle, except a vehicle registered under the International Registration Plan, a commercial truck required to display two license plates pursuant to s. 320.0706, or a truck tractor, upon request and payment of the appropriate license tax and fees.

*(b) The department may authorize dealer and fleet specialty license plates. With the permission of the sponsoring specialty license plate organization, a dealer or fleet company may purchase specialty license plates to be used on dealer and fleet vehicles.*

*(c) Notwithstanding s. 320.08058, a dealer or fleet specialty license plate shall include the letters "DLR" or "FLT" on the right side of the license plate. Dealer and fleet specialty license plates must be ordered directly through the department.*

(4) The following license plate annual use fees shall be collected for the appropriate specialty license plates:

~~(ee) American Red Cross license plate, $25.~~

~~(eee) Donate Organs Pass It On license plate, $25.~~

~~(qqq) St. Johns River license plate, $25.~~

~~(rrr) Hispanic Achievers license plate, $25.~~

*(bbbb) Ducks Unlimited license plate, $25.*

*(cccc) Play Ball license plate, $25.*

*(dddd) America the Beautiful license plate, $25.*

*(eeee) Protect Pollinators license plate, $25.*

*(ffff) Florida Native license plate, $25.*

*(gggg) Donate Life Florida license plate, $25.*

(10)(a) A specialty license plate annual use fee collected and distributed under this chapter, or any interest earned from those fees, may not be used for commercial or for-profit activities nor for general or administrative expenses, except as authorized by s. 320.08058 or to pay the cost of the audit or report required by s. 320.08062(1). The fees and any interest earned from the fees may be expended only for use in this state unless the annual use fee is derived from the sale of United States Armed Forces and veterans-related specialty license plates pursuant to paragraphs (4)(d), (bb), *(kk), (iii), and (uuu)* ~~(ll), (kkk), and (yyy)~~ and s. 320.0891.

Section 22. Subsections (31), (57), (69), (70), and paragraph (b) of present subsection (80) of section 320.08058, Florida Statutes, are amended, and new subsections (80) through (85) are added to that section, to read:

320.08058 Specialty license plates.—

~~(31) AMERICAN RED CROSS LICENSE PLATES.~~

~~(a) Notwithstanding the provisions of s. 320.08053, the department shall develop an American Red Cross license plate as provided in this section. The word "Florida" must appear at the top of the plate, and the words "American Red Cross" must appear at the bottom of the plate.~~

~~(b) The department shall retain all revenues from the sale of such plates until all startup costs for developing and issuing the plates have been recovered. Thereafter, 50 percent of the annual use fees shall be distributed to the American Red Cross Chapter of Central Florida, with statistics on sales of license plates, which are tabulated by county. The American Red Cross Chapter of Central Florida must distribute to each of the chapters in this state the moneys received from sales in the counties covered by the respective chapters, which moneys must be used for education and disaster relief in Florida. Fifty percent of the annual~~

~~use fees shall be distributed proportionately to the three statewide approved poison control centers for purposes of combating bioterrorism and other poison-related purposes.~~

~~(57) DONATE ORGANS PASS IT ON LICENSE PLATES.—~~

~~(a) The department shall develop a Donate Organs Pass It On license plate as provided in this section. The word "Florida" must appear at the top of the plate, and the words "Donate Organs Pass It On" must appear at the bottom of the plate.~~

~~(b) The annual use fees shall be distributed to Transplant Foundation, Inc., and shall use up to 10 percent of the proceeds from the annual use fee for marketing and administrative costs that are directly associated with the management and distribution of the proceeds. The remaining proceeds shall be used to provide statewide grants for patient services, including preoperative, rehabilitative, and housing assistance; organ donor education and awareness programs; and statewide medical research.~~

~~(69) ST. JOHNS RIVER LICENSE PLATES.—~~

~~(a) The department shall develop a St. Johns River license plate as provided in this section. The St. Johns River license plates must bear the colors and design approved by the department. The word "Florida" must appear at the top of the plate, and the words "St. Johns River" must appear at the bottom of the plate.~~

~~(b) The requirements of s. 320.08053 must be met prior to the issuance of the plate. Thereafter, the license plate annual use fees shall be distributed to the St. Johns River Alliance, Inc., a s. 501(c)(3) nonprofit organization, which shall administer the fees as follows:~~

~~1. The St. Johns River Alliance, Inc., shall retain the first $60,000 of the annual use fees as direct reimbursement for administrative costs, startup costs, and costs incurred in the development and approval process. Thereafter, up to 10 percent of the annual use fee revenue may be used for administrative costs directly associated with education programs, conservation, research, and grant administration of the organization, and up to 10 percent may be used for promotion and marketing of the specialty license plate.~~

~~2. At least 30 percent of the fees shall be available for competitive grants for targeted community based or county based research or projects for which state funding is limited or not currently available. The remaining 50 percent shall be directed toward community outreach and access programs. The competitive grants shall be administered and approved by the board of directors of the St. Johns River Alliance, Inc. A grant advisory committee shall be composed of six members chosen by the St. Johns River Alliance board members.~~

~~3. Any remaining funds shall be distributed with the approval of and accountability to the board of directors of the St. Johns River Alliance, Inc., and shall be used to support activities contributing to education, outreach, and springs conservation.~~

~~4. Effective July 1, 2014, the St. Johns River license plate will shift into the presale voucher phase, as provided in s. 320.08053(2)(b). The St. Johns River Alliance, Inc., shall have 24 months to record a minimum of 1,000 sales of the license plates. Sales include existing active plates and vouchers sold subsequent to July 1, 2014. During the voucher period, new plates may not be issued, but existing plates may be renewed. If, at the conclusion of the 24-month presale period, the requirement of a minimum of 1,000 sales has been met, the department shall resume normal distribution of the St. Johns River specialty plate. If, after 24 months, the minimum of 1,000 sales has not been met, the department shall discontinue the development and issuance of the plate. This subparagraph is repealed June 30, 2016.~~

~~(70) HISPANIC ACHIEVERS LICENSE PLATES.—~~

~~(a) Notwithstanding the requirements of s. 320.08053, the department shall develop a Hispanic Achievers license plate as provided in this section. The plate must bear the colors and design approved by the department. The word "Florida" must appear at the top of the plate, and the words "Hispanic Achievers" must appear at the bottom of the plate.~~

~~(b) The proceeds from the license plate annual use fee shall be distributed to National Hispanic Corporate Achievers, Inc., a nonprofit corporation under s. 501(c)(3) of the Internal Revenue Code, to fund grants to nonprofit organizations to operate programs and provide scholarships and for marketing the Hispanic Achievers license plate. National Hispanic Corporate Achievers, Inc., shall establish a Hispanic Achievers Grant Council that shall provide recommendations for statewide grants from available Hispanic Achievers license plate proceeds to nonprofit organizations for programs and scholarships for Hispanic and minority Floridians. National Hispanic Corporate Achievers, Inc., shall also establish a Hispanic Achievers License Plate Fund. Moneys in the fund shall be used by the grant council as provided in this paragraph. All funds received under this subsection must be used in this state.~~

~~(c) National Hispanic Corporate Achievers, Inc., may retain all proceeds from the annual use fee until documented startup costs for developing and establishing the plate have been recovered. Thereafter, the proceeds from the annual use fee shall be used as follows:~~

~~1. Up to 5 percent of the proceeds may be used for the cost of administration of the Hispanic Achievers License Plate Fund, the Hispanic Achievers Grant Council, and related matters.~~

~~2. Funds may be used as necessary for annual audit or compliance affidavit costs.~~

~~3. Up to 20 percent of the proceeds may be used to market and promote the Hispanic Achievers license plate.~~

~~4. Twenty five percent of the proceeds shall be used by the Hispanic Corporate Achievers, Inc., located in Seminole County, for grants.~~

~~5. The remaining proceeds shall be available to the Hispanic Achievers Grant Council to award grants for services, programs, or scholarships for Hispanic and minority individuals and organizations throughout Florida. All grant recipients must provide to the Hispanic Achievers Grant Council an annual program and financial report regarding the use of grant funds. Such reports must be available to the public.~~

~~(d) Effective July 1, 2014, the Hispanic Achievers license plate will shift into the presale voucher phase, as provided in s. 320.08053(2)(b). National Hispanic Corporate Achievers, Inc., shall have 24 months to record a minimum of 1,000 sales. Sales include existing active plates and vouchers sold subsequent to July 1, 2014. During the voucher period, new plates may not be issued, but existing plates may be renewed. If, at the conclusion of the 24-month presale period, the requirement of a minimum of 1,000 sales has been met, the department shall resume normal distribution of the Hispanic Achievers license plate. If, after 24 months, the minimum of 1,000 sales has not been met, the department shall discontinue the Hispanic Achievers license plate. This subsection is repealed June 30, 2016.~~

*(76)*~~(80)~~ FALLEN LAW ENFORCEMENT OFFICERS LICENSE PLATES.—

(b) The annual use fees shall be distributed to the Police and Kids Foundation, Inc., which may use *up to* ~~a maximum of~~ 10 percent of the proceeds *for marketing* ~~to promote and market~~ the plate. *All remaining proceeds shall be distributed to and used by the Police and Kids Foundation, Inc., for its operations, activities, programs, and projects* ~~The remainder of the proceeds shall be used by the Police and Kids Foundation, Inc., to invest and reinvest, and the interest earnings shall be used for the operation of the Police and Kids Foundation, Inc~~.

*(80) DUCKS UNLIMITED LICENSE PLATES.—*

*(a) The department shall develop a Ducks Unlimited license plate as provided in this section and s. 320.08053. Ducks Unlimited license plates must bear the colors and design approved by the department. The word "Florida" must appear at the top of the plate, and the words "Conserving Florida Wetlands" must appear at the bottom of the plate.*

*(b) The annual use fees from the sale of the plate shall be distributed to Ducks Unlimited, Inc., a nonprofit corporation under s. 501(c)(3) of the Internal Revenue Code, to be used as follows:*

*1. Up to 5 percent may be used for administrative costs and marketing of the plate.*

*2. A minimum of 95 percent shall be used in this state to support the mission and efforts of Ducks Unlimited, Inc., for the conservation, restoration, and management of Florida wetlands and associated habitats for the benefit of waterfowl, other wildlife, and people.*

*(81) PLAY BALL LICENSE PLATES.—*

*(a) The department shall develop a Play Ball license plate as provided in this section and s. 320.08053. Play Ball license plates must bear the colors and design approved by the department. The word "Florida" must appear at the top of the plate, and the words "Play Ball" must appear at the bottom of the plate.*

*(b) The license plate annual use fees shall be distributed to American Dream Baseball, Inc., which may retain all proceeds from the annual use fees until the startup costs for developing and issuing the license plates have been recovered. Thereafter, American Dream Baseball, Inc., may use the proceeds as follows:*

*1. A maximum of 15 percent may be used for administrative costs of the organization associated with implementing the programs funded by proceeds derived from sales of the specialty license plate.*

*2. A maximum of 10 percent may be used for promotion and marketing costs of the license plate.*

*3. The remainder shall be used to fund the activities, programs, and projects of American Dream Baseball, Inc.*

*(82) AMERICA THE BEAUTIFUL LICENSE PLATES.—*

*(a) The department shall develop an America The Beautiful license plate as provided in this section and s. 320.08053. The word "Florida" must appear at the top of the plate, and the words "America The Beautiful" must appear on the plate.*

*(b) The annual use fees from the plate shall be distributed to the America the Beautiful Fund as follows: 10 percent to offset its administrative, marketing and promotion costs, and the remaining 85 percent for projects and programs teaching character, leadership, and service to Florida youth; provision of wellbeing and assistance in the military community; outdoor education advancing self-sufficiency; wildlife conservation including imperiled and managed species; the maintenance of historic or culturally important sites, buildings, structures, or objects, and the development and modification of playgrounds, recreational areas, or other outdoor amenities, including disability access.*

*(83) PROTECT POLLINATORS LICENSE PLATES.—*

*(a) The department shall develop a Protect Pollinators license plate as provided in this section and s. 320.08053. The word "Florida" must appear at the top of the plate, and the words "Protect Pollinators" must appear at the bottom of the plate.*

*(b) The annual use fees from the sale of the plate shall be distributed to the Florida Wildflower Foundation Inc., which:*

*1. May use a maximum of 10 percent of the proceeds to market, promote, and administer the Protect Pollinators plate.*

*2. Shall use the remainder of the proceeds to establish pollinator wildflower habitats, fund pollinator education and research programs, and promote awareness of pollinators, including butterflies, native bees and honeybees, hummingbirds, bats, and hundreds of other insects and animal pollinator species, and their importance to Florida agricultural success and the security of the food supply.*

*(84) FLORIDA NATIVE LICENSE PLATES.—*

*(a) The department shall develop a Florida Native license plate as provided in this section and s. 320.08053. The word "Florida" must appear at the top of the plate, and the word "Native" must appear at the bottom of the plate. The plate must contain a camouflage background including leaves, flowers, or fronds of a minimum of 12 different Florida native plants.*

*(b)1. The department shall retain all annual use fees from the sale of the plate until all startup costs for developing and issuing the plate have been recovered.*

*2. Thereafter, the annual use fees from the sale of the plate shall be distributed to Florida Native Plant Society, a Florida nonprofit corporation, which may use a maximum of 10 percent of such fees for administrative costs and a maximum of 20 percent to market and promote the plate. The balance of the fees shall be used by Florida Native Plant Society, to fulfill the mission of the Florida Native Plant Society, where a minimum of 25 percent is dedicated to maintaining, improving, and restoring public native species, hunting and fishing habitats, and 25 percent is used to promote the cultivation of Florida's agricultural products through the preservation of native noncrop plants to provide habitats for pollinators and natural enemies to plant pests, and to provide pollen and nectar and undisturbed habitats for bee nesting throughout the growing season.*

*(85) DONATE LIFE FLORIDA LICENSE PLATES.—*

*(a) The department shall develop a Donate Life Florida license plate as provided in this section and s. 320.08053. The plate must bear the colors and design approved by the department. The word "Florida" must appear at the top of the plate, and the words "Donors Save Lives" must appear at the bottom of the plate.*

*(b) The annual use fees from the sale of the plate shall be distributed to Donate Life Florida, which may use up to 10 percent of the proceeds for marketing and administrative costs. The remaining proceeds of the annual use fees shall be used by the Donate Life Florida to educate Florida residents on the importance of organ, tissue and eye donation and for the continued maintenance of the Joshua Abbott Organ and Tissue Donor Registry.*

Section 23. Paragraph (b) of subsection (4) of section 320.08068, Florida Statutes, is amended to read:

320.08068 Motorcycle specialty license plates.—

(4) A license plate annual use fee of $20 shall be collected for each motorcycle specialty license plate. Annual use fees shall be distributed to The Able Trust as custodial agent. The Able Trust may retain a maximum of 10 percent of the proceeds from the sale of the license plate for administrative costs. The Able Trust shall distribute the remaining funds as follows:

(b) Twenty percent to *Preserve Vision* ~~Prevent Blindness~~ Florida.

Section 24. Section 320.0875, Florida Statutes, is created to read:

*320.0875 Purple Heart motorcycle special license plate.—*

*(1) Upon application to the department and payment of the license tax for the motorcycle as provided in s. 320.08, a resident of this state who owns or leases a motorcycle that is not used for hire or commercial use shall be issued a Purple Heart motorcycle special license plate if he or she provides documentation acceptable to the department that he or she is a recipient of the Purple Heart medal.*

*(2) The Purple Heart motorcycle special license plate shall be stamped with the words "Combat-wounded Veteran" followed by the serial number of the license plate. The Purple Heart motorcycle special license plate may have the term "Purple Heart" stamped on the plate and the likeness of the Purple Heart medal appearing on the plate.*

Section 25. Paragraph (a) of subsection (1) of section 320.089, Florida Statutes, is amended to read:

320.089 ~~Veterans of the United States Armed Forces; members of National Guard; survivors of Pearl Harbor; Purple Heart medal recipients; active or retired United States Armed Forces reservists; Combat Infantry Badge, Combat Medical Badge, or Combat Action Badge recipients; Combat Action Ribbon recipients; Air Force Combat Action Medal recipients; Distinguished Flying Cross recipients; former prisoners of war; Korean War Veterans; Vietnam War Veterans; Operation Desert Shield Veterans; Operation Desert Storm Veterans; Operation Enduring Freedom Veterans; Operation Iraqi Freedom Veterans; Women Veterans; World War II Veterans; and Navy Submariners;~~ Special license plates *for military servicemembers, veterans, and Pearl Harbor survivors*~~; fee~~.—

(1)(a) *Upon application to the department and payment of the license tax for the vehicle as provided in s. 320.08, a resident of this state who*

*owns or leases* ~~Each owner or lessee of~~ an automobile or truck for private use or recreational vehicle as specified in s. 320.08(9)(c) or (d), which is not used for hire or commercial use, *shall be issued a license plate pursuant to the following if the applicant provides the department with proof he or she meets the qualifications listed in this section for the applicable license plate:*

*1. A person released or discharged from any branch* ~~who is a resident of the state and a veteran~~ of the United States Armed Forces *shall be issued a license plate stamped with the words "Veteran" or "Woman Veteran" followed by the serial number of the license plate.*~~, a Woman Veteran,~~

*2.* A World War II Veteran *shall be issued a license plate stamped with the words "WWII Veteran" followed by the serial number of the license plate.*~~,~~

*3.* A Navy Submariner *shall be issued a license plate stamped with the words "Navy Submariner" followed by the serial number of the license plate.*~~,~~

*4.* An active or retired member of the Florida National Guard *shall be issued a license plate stamped with the words "National Guard" followed by the serial number of the license plate.*

*5. A member of the Pearl Harbor Survivors Association or other person on active military duty in Pearl Harbor on December 7, 1941, shall be issued a license plate stamped with the words "Pearl Harbor Survivor" followed by the serial number of the license plate.*~~, a survivor of the attack on Pearl Harbor,~~

*6.* A recipient of the Purple Heart medal *shall be issued a license plate stamped with the words "Combat-wounded Veteran" followed by the serial number of the license plate. The Purple Heart plate may have the words "Purple Heart" stamped on the plate and the likeness of the Purple Heart medal appearing on the plate.*~~,~~

*7.* An active or retired member of any branch of the United States Armed Forces Reserve *shall be issued a license plate stamped with the words "U.S. Reserve" followed by the serial number of the license plate.*

*8. A member of the Combat Infantrymen's Association, Inc.*, or a recipient of the Combat Infantry Badge, Combat Medical Badge, Combat Action Badge, Combat Action Ribbon, *or* Air Force Combat Action Medal *shall be issued a license plate stamped with the words "Combat Infantry Badge," "Combat Medical Badge," "Combat Action Badge," "Combat Action Ribbon," or "Air Force Combat Action Medal," as appropriate, and a likeness of the related campaign badge, ribbon, or medal, followed by the serial number of the license plate.*

*9. A recipient of the*~~, or~~ Distinguished Flying Cross *shall be issued a license plate stamped with the words "Distinguished Flying Cross" and a likeness of the Distinguished Flying Cross followed by the serial number of the license plate.*

*10. A recipient of the Bronze Star shall be issued a license plate stamped with the words "Bronze Star" and a likeness of the Bronze Star followed by the serial number of the license plate*~~, upon application to the department, accompanied by proof of release or discharge from any branch of the United States Armed Forces, proof of active membership or retired status in the Florida National Guard, proof of membership in the Pearl Harbor Survivors Association or proof of active military duty in Pearl Harbor on December 7, 1941, proof of being a Purple Heart medal recipient, proof of active or retired membership in any branch of the United States Armed Forces Reserve, or proof of membership in the Combat Infantrymen's Association, Inc., proof of being a recipient of the Combat Infantry Badge, Combat Medical Badge, Combat Action Badge, Combat Action Ribbon, Air Force Combat Action Medal, or Distinguished Flying Cross, and upon payment of the license tax for the vehicle as provided in s. 320.08, shall be issued a license plate as provided by s. 320.06 which, in lieu of the serial numbers prescribed by s. 320.06, is stamped with the words "Veteran," "Woman Veteran," "WWII Veteran," "Navy Submariner," "National Guard," "Pearl Harbor Survivor," "Combat-wounded veteran," "U.S. Reserve," "Combat Infantry Badge," "Combat Medical Badge," "Combat Action Badge," "Combat Action Ribbon," "Air Force Combat Action Medal," or "Distinguished Flying Cross," as appropriate, and a likeness of the related campaign medal or badge, followed by the serial number of the license plate. Additionally, the Purple Heart plate may have the words "Purple Heart" stamped on the plate and the likeness of the Purple Heart medal appearing on the plate~~.

Section 26. Section 320.133, Florida Statutes, is amended to read:

320.133 Transporter license plates.—

*(1) As used in this section, the term "transporter license plate eligible business" means a business that is engaged in the limited operation of an unregistered motor vehicle, or a repossessor that contracts with lending institutions to repossess or recover motor vehicles or mobile homes.*

*(2) A person is not eligible to purchase or renew a transporter license plate unless he or she provides proof satisfactory to the department that his or her business is a transporter license plate eligible business.*

*(3) The application for qualification as a transporter license plate eligible business must be in such form as is prescribed by the department and must contain the legal name of the person or persons applying for the license plate, the name of the business, and the principal or principals of the business. The application must describe the exact physical location of the place of business within the state. This location must be available at all reasonable hours for inspection of the transporter license plate records by the department or any law enforcement agency. The application must contain proof of a garage liability insurance policy, or a business automobile policy, in the amount of at least $100,000. The certificate of insurance must indicate the number of transporter license plates reported to the insurance company. Such coverage shall be maintained for the entire registration period. Upon seeking initial qualification, the applicant must provide documentation proving that the business is registered with the Division of Corporations of the Department of State to conduct business in this state. The business must indicate how it meets the qualification as a transporter license plate eligible business by describing in detail the business processes that require the use of a transporter license plate.*

*(4)(a)*~~(1)~~ The department *may* ~~is authorized to~~ issue a transporter license plate to *an* ~~any~~ applicant who *is not a licensed dealer and who is qualified as a transporter license plate eligible business*~~, incidental to the conduct of his or her business, engages in the transporting of motor vehicles which are not currently registered to any owner and which do not have license plates,~~ upon payment of the license tax imposed by s. 320.08(15) for each *transporter* ~~such~~ license plate and upon proof of ~~liability~~ insurance *as described in subsection (3)* ~~coverage in the amount of $100,000 or more~~. *The proof of insurance must indicate the number of transporter license plates reported to the insurance company, which shall be the maximum number of transporter license plates issued to the applicant.* ~~Such~~ A transporter license plate is valid *only* for use on *an unregistered* ~~any~~ motor vehicle in the possession of the transporter while the motor vehicle is being transported in the course of the transporter's business *and must not be attached to any vehicle owned by the transporter or his or her business for which registration would otherwise be required. A person who sells or unlawfully possesses, distributes, or brokers a transporter license plate to be attached to any vehicle commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083. Any and all transporter license plates issued are subject to cancellation by the department.*

*(b) A person who knowingly and willfully sells or unlawfully possesses, distributes, or brokers a transporter license plate to avoid registering a vehicle requiring registration pursuant to this chapter or chapter 319 commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083, and is disqualified from transporter license plate usage. All transporter license plates issued to the person's business shall be canceled and must be returned to the department immediately upon disqualification. The transporter license plate is subject to removal as provided in subsection (9), and any and all transporter plates issued are subject to cancellation by the department.*

*(5) A transporter license plate eligible business issued a transporter license plate must maintain for 2 years, at its location, records of each use of each transporter license plate and evidence that the plate was used as required by this chapter. Such records must be open to inspection by the department or its agents or any law enforcement officer during reasonable business hours. A person who fails to maintain true and accurate records of any transporter license plate usage or comply with this subsection commits a misdemeanor of the second degree, punishable as*

*provided in s. 775.082 or s. 775.083, may be subject to cancellation of any and all transporter license plates issued, and is automatically disqualified from future transporter license plate issuance.*

*(6) When attached to a motor vehicle, a transporter license plate issued under this section must be accompanied by the registration issued for the transporter license plate by the department and proof of insurance as described in subsection (3). A person who operates a motor vehicle with a transporter license plate attached who fails to provide the documentation listed in this subsection commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083, and the transporter license plate is subject to removal as provided in subsection (9). This subsection does not apply to a person who contracts with dealers and auctions to transport motor vehicles.*

*(7)*~~(2)~~ A *transporter* license *plate* issued pursuant to subsection *(4)* ~~(1)~~ must be in a distinctive color approved by the department*,* and the word "transporter" must appear on the face of the license plate in place of the county name.

*(8)*~~(3)~~ *An initial registration or renewal* ~~A license plate~~ issued under this section is valid for ~~a period of~~ 12 months, beginning January 1 and ending December 31. *A* ~~No~~ refund of the license tax imposed may *not* be provided for any unexpired portion of a license period.

*(9) A transporter license plate attached to a motor vehicle in violation of subsection (4) or subsection (6) must be immediately removed by a law enforcement officer from the motor vehicle to which it was attached and surrendered to the department by the law enforcement agency for cancellation.*

Section 27. Subsections (1) and (2) of section 320.27, Florida Statutes, are amended to read:

320.27 Motor vehicle dealers.—

(1) DEFINITIONS.—The following words, terms, and phrases when used in this section have the meanings respectively ascribed to them in this subsection, except where the context clearly indicates a different meaning:

(a) "Department" means the Department of Highway Safety and Motor Vehicles.

(b) "Motor vehicle" means any motor vehicle of the type and kind required to be registered and titled under chapter 319 and this chapter, except a recreational vehicle, moped, motorcycle powered by a motor with a displacement of 50 cubic centimeters or less, or mobile home.

(c) "Motor vehicle dealer" means any person engaged in the business of buying, selling, or dealing in motor vehicles or offering or displaying motor vehicles for sale at wholesale or retail, or who may service and repair motor vehicles pursuant to an agreement as defined in s. 320.60(1). Any person who buys, sells, or deals in three or more motor vehicles in any 12-month period or who offers or displays for sale three or more motor vehicles in any 12-month period shall be prima facie presumed to be *a motor vehicle dealer. Any person who engages in possessing, storing, or displaying motor vehicles for retail sale; advertising motor vehicles for retail sale; negotiating with consumers regarding the terms of sale for a motor vehicle; providing test drives of motor vehicles offered for sale; or delivering or arranging for the delivery of a motor vehicle in conjunction with the sale of such motor vehicle is deemed to be dealing in motor vehicles* ~~engaged in such business~~. The terms "selling" and "sale" include lease-purchase transactions. A motor vehicle dealer may, at retail or wholesale, sell a recreational vehicle as described in s. 320.01(1)(b)1.-6. and 8., acquired in exchange for the sale of a motor vehicle, provided such acquisition is incidental to the principal business of being a motor vehicle dealer. However, a motor vehicle dealer may not buy a recreational vehicle for the purpose of resale unless licensed as a recreational vehicle dealer pursuant to s. 320.771. A motor vehicle dealer may apply for a certificate of title to a motor vehicle required to be registered under s. 320.08(2)(b), (c), and (d), using a manufacturer's statement of origin as permitted by s. 319.23(1), only if such dealer is authorized by a franchised agreement as defined in s. 320.60(1), to buy, sell, or deal in such vehicle and is authorized by such agreement to perform delivery and preparation obligations and warranty defect adjustments on the motor vehicle; provided this limitation shall not apply to recreational vehicles, van conversions, or any other motor vehicle manufactured on a truck chassis. The transfer of a motor vehicle by a dealer not meeting these qualifications shall be titled as a used vehicle. The classifications of motor vehicle dealers are defined as follows:

1. "Franchised motor vehicle dealer" means any person who engages in the business of repairing, servicing, buying, selling, or dealing in motor vehicles pursuant to an agreement as defined in s. 320.60(1).

2. "Independent motor vehicle dealer" means any person other than a franchised or wholesale motor vehicle dealer who engages in the business of buying, selling, or dealing in motor vehicles, and who may service and repair motor vehicles.

3. "Wholesale motor vehicle dealer" means any person who engages exclusively in the business of buying, selling, or dealing in motor vehicles at wholesale or with motor vehicle auctions. Such person shall be licensed to do business in this state, shall not sell or auction a vehicle to any person who is not a licensed dealer, and shall not have the privilege of the use of dealer license plates. Any person who buys, sells, or deals in motor vehicles at wholesale or with motor vehicle auctions on behalf of a licensed motor vehicle dealer and as a bona fide employee of such licensed motor vehicle dealer is not required to be licensed as a wholesale motor vehicle dealer. In such cases it shall be prima facie presumed that a bona fide employer-employee relationship exists. A wholesale motor vehicle dealer shall be exempt from the display provisions of this section but shall maintain an office wherein records are kept in order that those records may be inspected.

4. "Motor vehicle auction" means any person offering motor vehicles or recreational vehicles for sale to the highest bidder where buyers are licensed motor vehicle dealers. Such person shall not sell a vehicle to anyone other than a licensed motor vehicle dealer.

5. "Salvage motor vehicle dealer" means any person who engages in the business of acquiring salvaged or wrecked motor vehicles for the purpose of reselling them and their parts.

*Notwithstanding anything in this subsection to the contrary,* the term "motor vehicle dealer" does not include persons not engaged in the purchase or sale of motor vehicles as a business who are disposing of vehicles acquired for their own use or for use in their business or acquired by foreclosure or by operation of law, provided such vehicles are acquired and sold in good faith and not for the purpose of avoiding the provisions of this law; persons engaged in the business of manufacturing, selling, or offering or displaying for sale at wholesale or retail no more than 25 trailers in a 12-month period; public officers while performing their official duties; receivers; trustees, administrators, executors, guardians, or other persons appointed by, or acting under the judgment or order of, any court; banks, finance companies, or other loan agencies that acquire motor vehicles as an incident to their regular business; motor vehicle brokers; *persons whose sole dealing in motor vehicles is owning a publication in which, or hosting a website on which, licensed motor vehicle dealers display vehicles for sale;* and motor vehicle rental and leasing companies that sell motor vehicles to motor vehicle dealers licensed under this section. Vehicles owned under circumstances described in this paragraph may be disposed of at retail, wholesale, or auction, unless otherwise restricted. A manufacturer of fire trucks, ambulances, or school buses may sell such vehicles directly to governmental agencies or to persons who contract to perform or provide firefighting, ambulance, or school transportation services exclusively to governmental agencies without processing such sales through dealers if such fire trucks, ambulances, school buses, or similar vehicles are not presently available through motor vehicle dealers licensed by the department.

(d) "Motor vehicle broker" means any person engaged in the business of*, or who holds himself or herself out through solicitation, advertisement, or who otherwise holds himself or herself out as being in the business of,* ~~offering to procure or procuring motor vehicles for~~ *assisting* the general public *in purchasing or leasing a motor vehicle from a licensed motor vehicle dealer*, ~~or who holds himself or herself out through solicitation, advertisement, or otherwise as one who offers to procure or procures motor vehicles for the general public,~~ and who does not *deal in motor vehicles as provided in paragraph (1)(c)* ~~store, display, or take ownership of any vehicles for the purpose of selling such vehicles~~. *Any advertisement or solicitation by a motor vehicle broker must include a*

*statement that the broker is receiving a fee and must clearly state that the person is not a licensed motor vehicle dealer.*

(e) "Person" means any natural person, firm, partnership, association, or corporation.

(f) "Bona fide employee" means a person who is employed by a licensed motor vehicle dealer and receives annually an Internal Revenue Service Form W-2, or an independent contractor who has a written contract with a licensed motor vehicle dealer and receives annually an Internal Revenue Service Form 1099, for the purpose of acting in the capacity of or conducting motor vehicle sales transactions as a motor vehicle dealer.

(2) LICENSE REQUIRED.—No person shall engage in business as, serve in the capacity of, or act as a motor vehicle dealer in this state without first obtaining a license therefor in the appropriate classification as provided in this section. With the exception of transactions with motor vehicle auctions, no person other than a licensed motor vehicle dealer may advertise for sale any motor vehicle belonging to another party unless as a direct result of a bona fide legal proceeding, court order, settlement of an estate, or by operation of law. However, owners of motor vehicles titled in their names may advertise and offer vehicles for sale on their own behalf. It shall be unlawful for a licensed motor vehicle dealer to allow any person other than a bona fide employee to use the motor vehicle dealer license for the purpose of acting in the capacity of or conducting motor vehicle sales transactions as a motor vehicle dealer. Any person *acting* ~~selling or offering a motor vehicle for sale~~ in violation of the licensing requirements of this subsection, or who misrepresents to any person its relationship with any manufacturer, importer, or distributor, in addition to the penalties provided herein, *is* ~~shall be~~ deemed *to have committed* ~~guilty of~~ an unfair and deceptive trade practice *in violation of* ~~as defined in~~ part II of chapter 501 and *is* ~~shall be~~ subject to ~~the provisions of~~ subsections (8) and (9).

Section 28. Section 321.25, Florida Statutes, is amended to read:

321.25 Training provided at patrol schools*; reimbursement of tuition and other course expenses*.—

*(1)* The Department of Highway Safety and Motor Vehicles *may* ~~is authorized to~~ provide for the training of law enforcement officials and individuals in matters relating to the duties, functions, and powers of the Florida Highway Patrol in the schools established by the department for the training of highway patrol candidates and officers. The Department of Highway Safety and Motor Vehicles *may* ~~is authorized to~~ charge a fee for providing the training authorized by this section. The fee shall be charged to persons attending the training. The fee shall be based on the Department of Highway Safety and Motor Vehicles' costs for providing the training, and such costs may include, but are not limited to, tuition, lodging, and meals. Revenues from the fees shall be used to offset the Department of Highway Safety and Motor Vehicles' costs for providing the training. The cost of training local enforcement officers shall be paid for by their respective offices, counties*,* or municipalities, as the case may be. Such cost shall be deemed a proper county or municipal expense or a proper expenditure of the office of sheriff.

*(2) Notwithstanding s. 943.16, a person who attends training under subsection (1) at the expense of the Department of Highway Safety and Motor Vehicles must remain in the employment or appointment of the Florida Highway Patrol for at least 3 years. Once employed, if the person fails to remain employed by the Florida Highway Patrol for at least 3 years from the first date of employment, the person must pay the cost of tuition and other course expenses to the Department of Highway Safety and Motor Vehicles. As used in this section, the term "other course expenses" may include the cost of meals and lodging.*

*(3) The Department of Highway Safety and Motor Vehicles may institute a civil action to collect the cost of tuition and other course expenses if it is not reimbursed pursuant to subsection (2), provided that the Florida Highway Patrol gave written notification to the person of the 3-year employment commitment during the employment screening process and the person returned signed acknowledgment of receipt of such notification.*

*(4) Notwithstanding any other provision of this section, the Department of Highway Safety and Motor Vehicles may waive a person's requirement of reimbursement in part or in full when the person terminates employment due to hardship or extenuating circumstances.*

Section 29. Subsection (4) of section 322.01, Florida Statutes, is amended to read:

322.01 Definitions.—As used in this chapter:

(4) "Authorized emergency vehicle" means a vehicle that is equipped with extraordinary audible and visual warning devices, that is authorized by s. 316.2397 to display red*, red and white,* or blue lights, and that is on call to respond to emergencies. The term includes, but is not limited to, ambulances, law enforcement vehicles, fire trucks, and other rescue vehicles. The term does not include wreckers, utility trucks, or other vehicles that are used only incidentally for emergency purposes.

Section 30. Subsection (4) of section 322.03, Florida Statutes, is amended to read:

322.03 Drivers must be licensed; penalties.—

(4) A person may not operate a motorcycle unless he or she holds a driver license that authorizes such operation, subject to the appropriate restrictions and endorsements. *A person may operate an autocycle without a motorcycle endorsement.*

Section 31. Subsections (1) and (2) of section 322.032, Florida Statutes, are amended to read

322.032 Digital proof of driver license.—

(1) The department*, in collaboration with the Agency for State Technology,* shall *establish and implement* ~~begin to review and prepare for the development of a~~ secure and uniform *protocols and standards* ~~system~~ for issuing an optional digital proof of driver license *and shall procure any application programming interface necessary to enable a private entity to securely manufacture a digital proof of driver license*. The department may contract with one or more private entities to develop a digital proof of driver license system.

(2)*(a) A* ~~The~~ digital proof of driver license ~~developed by the department or by an entity contracted by the department~~ must be in such a format as to allow law enforcement to verify the authenticity of the digital proof of driver license. The department may adopt rules to ensure valid authentication of *a* digital *proof of* driver *license* ~~licenses~~ by law enforcement.

*(b) The act of presenting to a law enforcement officer an electronic device displaying a digital proof of driver license does not constitute consent for the officer to access any information on the device other than the digital proof of driver license.*

*(c) A person who presents such device to the officer assumes liability for any resulting damage to the device.*

Section 32. Paragraph (e) of subsection (8) of section 322.051, Florida Statutes, is amended to read:

322.051 Identification cards.—

(8)

(e)1. Upon request by a person who has *posttraumatic stress disorder, a traumatic brain injury, or* a developmental disability, or by a parent or guardian of a child or ward who has *posttraumatic stress disorder, a traumatic brain injury, or* a developmental disability, the department shall issue an identification card exhibiting a capital "D" for the person, child, or ward if the person or the parent or guardian of the child or ward submits:

a. Payment of an additional $1 fee; and

b. Proof acceptable to the department of a diagnosis by a licensed physician of a developmental disability as defined in s. 393.063*, posttraumatic stress disorder, or traumatic brain injury*.

2. The department shall deposit the additional $1 fee into the Agency for Persons with Disabilities Operations and Maintenance Trust Fund under s. 20.1971(2).

3. A replacement identification card that includes the designation may be issued without payment of the fee required under s. 322.21(1)(f).

4. The department shall develop rules to facilitate the issuance, requirements, and oversight of *posttraumatic stress disorder, traumatic brain injury, and* developmental disability identification cards under this section.

Section 33. Paragraph (m) of subsection (8) of section 322.08, Florida Statutes, is amended to read:

322.08 Application for license; requirements for license and identification card forms.—

(8) The application form for an original, renewal, or replacement driver license or identification card must include language permitting the following:

(m) A voluntary contribution of $1 per applicant, which shall be distributed to *Preserve Vision* ~~Prevent Blindness~~ Florida, a not-for-profit organization, to prevent blindness and preserve the sight of the residents of this state.

A statement providing an explanation of the purpose of the trust funds shall also be included. For the purpose of applying the service charge provided under s. 215.20, contributions received under paragraphs (b)-(t) are not income of a revenue nature.

Section 34. Subsection (5) of section 322.091, Florida Statutes, is amended to read:

322.091 Attendance requirements.—

(5) REPORTING AND ACCOUNTABILITY.—The department shall *make available, upon request, a* report ~~quarterly~~ to each school district *of* the legal name, sex, date of birth, and social security number of each student whose driving privileges have been suspended under this section.

Section 35. Subsections (1) and (5) of section 322.12, Florida Statutes, are amended to read:

322.12 Examination of applicants.—

(1) It is the intent of the Legislature that every applicant for an original driver license in this state be required to pass an examination pursuant to this section. However, the department may waive the knowledge, endorsement, and skills tests for an applicant who is otherwise qualified and who surrenders a valid driver license from another state or a province of Canada, or a valid driver license issued by the United States Armed Forces, if the driver applies for a Florida license of an equal or lesser classification. *An* ~~Any~~ applicant who fails to pass the initial knowledge test incurs a $10 fee for each subsequent test, to be deposited into the Highway Safety Operating Trust Fund*; however, if a subsequent test is administered by the tax collector, the tax collector shall retain the $10 fee, less the General Revenue Service Charge set forth in s. 215.20(1). An* ~~Any~~ applicant who fails to pass the initial skills test incurs a $20 fee for each subsequent test, to be deposited into the Highway Safety Operating Trust Fund*; however, if a subsequent test is administered by the tax collector, the tax collector shall retain the $20 fee, less the General Revenue Service Charge set forth in s. 215.20(1)*. A person who seeks to retain a hazardous-materials endorsement, pursuant to s. 322.57(1)(e), must pass the hazardous-materials test, upon surrendering his or her commercial driver license, if the person has not taken and passed the hazardous-materials test within 2 years before applying for a commercial driver license in this state.

(5)(a) The department shall formulate a separate examination for applicants for licenses to operate motorcycles. Any applicant for a driver license who wishes to operate a motorcycle, and who is otherwise qualified, must successfully complete such an examination, which is in addition to the examination administered under subsection (3). The examination must test the applicant's knowledge of the operation of a motorcycle and of any traffic laws specifically relating thereto and must include an actual demonstration of his or her ability to exercise ordinary and reasonable control in the operation of a motorcycle. Any applicant who fails to pass the initial knowledge examination will incur a $5 fee for each subsequent examination, to be deposited into the Highway Safety Operating Trust Fund. Any applicant who fails to pass the initial skills examination will incur a $10 fee for each subsequent examination, to be deposited into the Highway Safety Operating Trust Fund. In the formulation of the examination, the department shall consider the use of the Motorcycle Operator Skills Test and the Motorcycle in Traffic Test offered by the Motorcycle Safety Foundation. The department shall indicate on the license of any person who successfully completes the examination that the licensee is authorized to operate a motorcycle. If the applicant wishes to be licensed to operate a motorcycle only, he or she need not take the skill or road test required under subsection (3) for the operation of a motor vehicle, and the department shall indicate such a limitation on his or her license as a restriction. Every first-time applicant for licensure to operate a motorcycle must provide proof of completion of a motorcycle safety course, as provided for in s. 322.0255, before the applicant may be licensed to operate a motorcycle.

(b) The department may exempt any applicant from the examination provided in this subsection if the applicant presents a certificate showing successful completion of a course approved by the department, which course includes a similar examination of the knowledge and skill of the applicant in the operation of a motorcycle.

*(c) This subsection does not apply to the operation of an autocycle.*

Section 36. Paragraph (d) is added to subsection (1) of section 322.135, Florida Statutes, to read:

322.135 Driver license agents.—

(1) The department shall, upon application, authorize by interagency agreement any or all of the tax collectors who are constitutional officers under s. 1(d), Art. VIII of the State Constitution in the several counties of the state, subject to the requirements of law, in accordance with rules of the department, to serve as its agent for the provision of specified driver license services.

*(d) Each tax collector shall provide the same driver license services in office to residents of other counties that it provides for residents of its home county.*

Section 37. Paragraph (b) of subsection (1) of section 322.17, Florida Statutes, is amended to read:

322.17 Replacement licenses*, identification cards,* and permits.—

(1)

(b) In the event that an instruction permit*,* ~~or~~ driver license*, or identification card* issued under ~~the provisions of~~ this chapter is stolen, the person to whom the same was issued may, at no charge, obtain a replacement upon furnishing proof satisfactory to the department that such permit*,* ~~or~~ license*, or identification card* was stolen and further furnishing the *person's* full name, date of birth, sex, residence and mailing address, proof of birth satisfactory to the department, and proof of identity satisfactory to the department.

Section 38. Paragraphs (e) and (i) of subsection (1) and subsection (8) of section 322.21, Florida Statutes, are amended, and subsection (10) is added to that section, to read:

322.21 License fees; procedure for handling and collecting fees.—

(1) Except as otherwise provided herein, the fee for:

(e) A replacement driver license issued pursuant to s. 322.17 is $25. Of this amount*,* $7 shall be deposited into the Highway Safety Operating Trust Fund and $18 shall be deposited into the General Revenue Fund. ~~Beginning July 1, 2015, or upon completion of the transition of driver license issuance services,~~ If the replacement driver license is issued by the tax collector, the tax collector shall retain the $7 that would otherwise be deposited into the Highway Safety Operating Trust Fund and the remaining revenues shall be deposited into the General Revenue Fund.

~~(i) The specialty driver license or identification card issued pursuant to s. 322.1415 is $25, which is in addition to other fees required in this section. The fee shall be distributed as follows:~~

~~1. Fifty percent shall be distributed as provided in s. 320.08058 to the appropriate state or independent university, professional sports team, or branch of the United States Armed Forces.~~

~~2. Fifty percent shall be distributed to the department for costs directly related to the specialty driver license and identification card program and to defray the costs associated with production enhancements and distribution.~~

(8) *A* ~~Any~~ person who applies for reinstatement following the suspension or revocation of the person's driver license must pay a service fee of $45 following a suspension, and $75 following a revocation, which is in addition to the fee for a license. *A* ~~Any~~ person who applies for reinstatement of a commercial driver license following the disqualification of the person's privilege to operate a commercial motor vehicle shall pay a service fee of $75, which is in addition to the fee for a license. The department shall collect all of these fees at the time of reinstatement. The department shall issue proper receipts for such fees and shall promptly transmit all funds received by it as follows:

(a) Of the $45 fee received from a licensee for reinstatement following a suspension*:*

*1. If the reinstatement is processed by the department*, the department shall deposit $15 in the General Revenue Fund and $30 in the Highway Safety Operating Trust Fund.

*2. If the reinstatement is processed by the tax collector, $15, less the General Revenue Service Charge set forth in s. 215.20(1), shall be retained by the tax collector, $15 shall be deposited into the Highway Safety Operating Trust Fund, and $15 shall be deposited into the General Revenue Fund.*

(b) Of the $75 fee received from a licensee for reinstatement following a revocation or disqualification*:*

*1. If the reinstatement is processed by the department*, the department shall deposit $35 in the General Revenue Fund and $40 in the Highway Safety Operating Trust Fund.

*2. If the reinstatement is processed by the tax collector, $20, less the General Revenue Service Charge set forth in s. 215.20(1), shall be retained by the tax collector, $20 shall be deposited into the Highway Safety Operating Trust Fund, and $35 shall be deposited into the General Revenue Fund.*

If the revocation or suspension of the driver license was for a violation of s. 316.193, or for refusal to submit to a lawful breath, blood, or urine test, an additional fee of $130 must be charged. However, only one $130 fee may be collected from one person convicted of violations arising out of the same incident. The department shall collect the $130 fee and deposit the fee into the Highway Safety Operating Trust Fund at the time of reinstatement of the person's driver license, but the fee may not be collected if the suspension or revocation is overturned. If the revocation or suspension of the driver license was for a conviction for a violation of s. 817.234(8) or (9) or s. 817.505, an additional fee of $180 is imposed for each offense. The department shall collect and deposit the additional fee into the Highway Safety Operating Trust Fund at the time of reinstatement of the person's driver license.

*(10) An applicant who submits an application for a renewal or replacement driver license or identification card to the department using a convenience service shall be provided with an option for expedited shipping whereby the department, at the applicant's request, shall issue the license or identification card within 5 working days after receipt of the application and ship the license or card using an expedited mail service. A fee shall be charged for the expedited shipping option, not to exceed the cost of the expedited mail service, which is in addition to fees imposed by s. 322.051, this section, or the convenience service. Fees collected for the expedited shipping option shall be deposited into the Highway Safety Operating Trust Fund.*

Section 39. Subsection (1) of section 322.61, Florida Statutes, is amended, and subsection (2) of that section is reenacted, to read:

322.61 Disqualification from operating a commercial motor vehicle.—

(1) A person who, for offenses occurring within a 3-year period, is convicted of two of the following serious traffic violations*,* or any combination thereof, arising in separate incidents committed in a commercial motor vehicle shall, in addition to any other applicable penalties, be disqualified from operating a commercial motor vehicle for a period of 60 days. A holder of a commercial driver license or commercial learner's permit who, for offenses occurring within a 3-year period, is convicted of two of the following serious traffic violations, or any combination thereof, arising in separate incidents committed in a noncommercial motor vehicle shall, in addition to any other applicable penalties, be disqualified from operating a commercial motor vehicle for a period of 60 days if such convictions result in the suspension, revocation, or cancellation of the licenseholder's driving privilege:

(a) A violation of any state or local law relating to motor vehicle traffic control, other than a parking violation, arising in connection with a crash resulting in death;

(b) Reckless driving, as defined in s. 316.192;

(c) Unlawful speed of 15 miles per hour or more above the posted speed limit;

(d) Improper lane change, as defined in s. 316.085;

(e) Following too closely, as defined in s. 316.0895;

*(f) Texting while driving a commercial motor vehicle, as prohibited by 49 C.F.R. 392.80;*

*(g) Using a handheld mobile telephone while driving a commercial motor vehicle, as prohibited by 49 C.F.R. 392.82;*

*(h)*~~(f)~~ Driving a commercial vehicle without obtaining a commercial driver license;

*(i)*~~(g)~~ Driving a commercial vehicle without the proper class of commercial driver license or commercial learner's permit or without the proper endorsement; or

*(j)*~~(h)~~ Driving a commercial vehicle without a commercial driver license or commercial learner's permit in possession, as required by s. 322.03.

(2)(a) Any person who, for offenses occurring within a 3-year period, is convicted of three serious traffic violations specified in subsection (1) or any combination thereof, arising in separate incidents committed in a commercial motor vehicle shall, in addition to any other applicable penalties, including but not limited to the penalty provided in subsection (1), be disqualified from operating a commercial motor vehicle for a period of 120 days.

(b) A holder of a commercial driver license or commercial learner's permit who, for offenses occurring within a 3-year period, is convicted of three serious traffic violations specified in subsection (1) or any combination thereof arising in separate incidents committed in a noncommercial motor vehicle shall, in addition to any other applicable penalties, including, but not limited to, the penalty provided in subsection (1), be disqualified from operating a commercial motor vehicle for a period of 120 days if such convictions result in the suspension, revocation, or cancellation of the licenseholder's driving privilege.

Section 40. Section 324.031, Florida Statutes, is amended to read:

324.031 Manner of proving financial responsibility.—The owner or operator of a taxicab, limousine, jitney, or any other for-hire passenger transportation vehicle may prove financial responsibility by providing satisfactory evidence of holding a motor vehicle liability policy as defined in s. 324.021(8) or s. 324.151, which policy is *provided by an insurer authorized to do business in this state* ~~issued by an insurance carrier~~ which is a member of the Florida Insurance Guaranty Association *or is an eligible nonadmitted insurer that has a superior, excellent, exceptional, or equivalent financial strength rating by a rating agency acceptable to the Office of Insurance Regulation of the Financial Services Commission*. The operator or owner of any other vehicle may prove his or her financial responsibility by:

(1) Furnishing satisfactory evidence of holding a motor vehicle liability policy as defined in ss. 324.021(8) and 324.151;

(2) Furnishing a certificate of self-insurance showing a deposit of cash in accordance with s. 324.161; or

(3) Furnishing a certificate of self-insurance issued by the department in accordance with s. 324.171.

Any person, including any firm, partnership, association, corporation, or other person, other than a natural person, electing to use the method of proof specified in subsection (2) shall furnish a certificate of deposit equal to the number of vehicles owned times $30,000, to a maximum of $120,000; in addition, any such person, other than a natural person, shall maintain insurance providing coverage in excess of limits of $10,000/20,000/10,000 or $30,000 combined single limits, and such excess insurance shall provide minimum limits of $125,000/250,000/50,000 or $300,000 combined single limits. These increased limits shall not affect the requirements for proving financial responsibility under s. 324.032(1).

Section 41. Paragraph (a) of subsection (2) of section 715.07, Florida Statutes, is amended, and paragraph (b) of subsection (5) of that section is republished, to read:

715.07 Vehicles or vessels parked on private property; towing.—

(2) The owner or lessee of real property, or any person authorized by the owner or lessee, which person may be the designated representative of the condominium association if the real property is a condominium, may cause any vehicle or vessel parked on such property without her or his permission to be removed by a person regularly engaged in the business of towing vehicles or vessels, without liability for the costs of removal, transportation, or storage or damages caused by such removal, transportation, or storage, under any of the following circumstances:

(a) The towing or removal of any vehicle or vessel from private property without the consent of the registered owner or other legally authorized person in control of that vehicle or vessel is subject to strict compliance with the following conditions and restrictions:

1.a. Any towed or removed vehicle or vessel must be stored at a site within a 10-mile radius of the point of removal in any county of 500,000 population or more, and within a 15-mile radius of the point of removal in any county of less than 500,000 population. That site must be open for the purpose of redemption of vehicles on any day that the person or firm towing such vehicle or vessel is open for towing purposes, from 8:00 a.m. to 6:00 p.m., and, when closed, shall have prominently posted a sign indicating a telephone number where the operator of the site can be reached at all times. Upon receipt of a telephoned request to open the site to redeem a vehicle or vessel, the operator shall return to the site within 1 hour or she or he will be in violation of this section.

b. If no towing business providing such service is located within the area of towing limitations set forth in sub-subparagraph a., the following limitations apply: any towed or removed vehicle or vessel must be stored at a site within a 20-mile radius of the point of removal in any county of 500,000 population or more, and within a 30-mile radius of the point of removal in any county of less than 500,000 population.

2. The person or firm towing or removing the vehicle or vessel shall, within 30 minutes after completion of such towing or removal, notify the municipal police department or, in an unincorporated area, the sheriff, of such towing or removal, the storage site, the time the vehicle or vessel was towed or removed, and the make, model, color, and license plate number of the vehicle or description and registration number of the vessel and shall obtain the name of the person at that department to whom such information was reported and note that name on the trip record.

3. A person in the process of towing or removing a vehicle or vessel from the premises or parking lot in which the vehicle or vessel is not lawfully parked must stop when a person seeks the return of the vehicle or vessel. The vehicle or vessel must be returned upon the payment of a reasonable service fee of not more than one-half of the posted rate for the towing or removal service as provided in subparagraph 6. The vehicle or vessel may be towed or removed if, after a reasonable opportunity, the owner or legally authorized person in control of the vehicle or vessel is unable to pay the service fee. If the vehicle or vessel is redeemed, a detailed signed receipt must be given to the person redeeming the vehicle or vessel.

4. A person may not pay or accept money or other valuable consideration for the privilege of towing or removing vehicles or vessels from a particular location.

5. Except for property appurtenant to and obviously a part of a single-family residence, and except for instances when notice is personally given to the owner or other legally authorized person in control of the vehicle or vessel that the area in which that vehicle or vessel is parked is reserved or otherwise unavailable for unauthorized vehicles or vessels and that the vehicle or vessel is subject to being removed at the owner's or operator's expense, any property owner or lessee, or person authorized by the property owner or lessee, prior to towing or removing any vehicle or vessel from private property without the consent of the owner or other legally authorized person in control of that vehicle or vessel, must post a notice meeting the following requirements:

a. The notice must be prominently placed at each driveway access or curb cut allowing vehicular access to the property, within 5 feet from the public right-of-way line. If there are no curbs or access barriers, the signs must be posted not less than one sign for each 25 feet of lot frontage.

b. The notice must clearly indicate, in not less than 2-inch high, light-reflective letters on a contrasting background, that unauthorized vehicles will be towed away at the owner's expense. The words "tow-away zone" must be included on the sign in not less than 4-inch high letters.

c. The notice must also provide the name and current telephone number of the person or firm towing or removing the vehicles or vessels.

d. The sign structure containing the required notices must be permanently installed with the words "tow-away zone" not less than 3 feet and not more than 6 feet above ground level and must be continuously maintained on the property for not less than 24 hours prior to the towing or removal of any vehicles or vessels.

e. The local government may require permitting and inspection of these signs prior to any towing or removal of vehicles or vessels being authorized.

f. A business with 20 or fewer parking spaces satisfies the notice requirements of this subparagraph by prominently displaying a sign stating "Reserved Parking for Customers Only Unauthorized Vehicles or Vessels Will be Towed Away At the Owner's Expense" in not less than 4-inch high, light-reflective letters on a contrasting background.

g. A property owner towing or removing vessels from real property must post notice, consistent with the requirements in sub-subparagraphs a.-f., which apply to vehicles, that unauthorized vehicles or vessels will be towed away at the owner's expense.

A business owner or lessee may authorize the removal of a vehicle or vessel by a towing company when the vehicle or vessel is parked in such a manner that restricts the normal operation of business; and if a vehicle or vessel parked on a public right-of-way obstructs access to a private driveway the owner, lessee, or agent may have the vehicle or vessel removed by a towing company upon signing an order that the vehicle or vessel be removed without a posted tow-away zone sign.

6. Any person or firm that tows or removes vehicles or vessels and proposes to require an owner, operator, or person in control of a vehicle or vessel to pay the costs of towing and storage prior to redemption of the vehicle or vessel must file and keep on record with the local law enforcement agency a complete copy of the current rates to be charged for such services and post at the storage site an identical rate schedule and any written contracts with property owners, lessees, or persons in control of property which authorize such person or firm to remove vehicles or vessels as provided in this section.

7. Any person or firm towing or removing any vehicles or vessels from private property without the consent of the owner or other legally authorized person in control of the vehicles or vessels shall, on any trucks, wreckers as defined in s. 713.78(1)(c), or other vehicles used in the towing or removal, have the name, address, and telephone number of the company performing such service clearly printed in contrasting colors on the driver and passenger sides of the vehicle. The name shall

be in at least 3-inch permanently affixed letters, and the address and telephone number shall be in at least 1-inch permanently affixed letters.

8. Vehicle entry for the purpose of removing the vehicle or vessel shall be allowed with reasonable care on the part of the person or firm towing the vehicle or vessel. Such person or firm shall be liable for any damage occasioned to the vehicle or vessel if such entry is not in accordance with the standard of reasonable care.

9. When a vehicle or vessel has been towed or removed pursuant to this section, it must be released to its owner or *a person in custody or control of the vehicle or vessel, which includes, but is not limited to, a person in possession of the keys to the vehicle or vessel or a person in possession of a signed letter from the owner,* ~~custodian~~ within *1* ~~one~~ hour after requested. *The release of the vehicle does not require an original signed letter. Facsimiles, e-mails, or other electronic transmissions must be accepted as forms of authorization to release a vehicle or vessel. Proof of ownership is not required as a means to release a vehicle or vessel. A* ~~Any~~ vehicle or vessel owner or *a person in custody or control of the vehicle or vessel* ~~agent~~ shall have the right to inspect the vehicle or vessel before accepting its return, and no release or waiver of any kind which would release the person or firm towing the vehicle or vessel from liability for damages noted by the owner or other legally authorized person at the time of the redemption may be required from any vehicle or vessel owner~~, custodian,~~ or *person in custody or control of the vehicle or vessel* ~~agent~~ as a condition of release of the vehicle or vessel to its owner *or person in custody or control of the vehicle or vessel*. A detailed, signed receipt showing the legal name of the company or person towing or removing the vehicle or vessel must be given to the person paying towing or storage charges at the time of payment, whether requested or not.

(5)

(b) Any person who violates subparagraph (2)(a)1., subparagraph (2)(a)3., subparagraph (2)(a)4., subparagraph (2)(a)7., or subparagraph (2)(a)9. commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 42. Paragraph (a) of subsection (2) of section 812.014, Florida Statutes, is amended to read:

812.014 Theft.—

(2)(a)1. If the property stolen is valued at $100,000 or more or is a semitrailer that was deployed by a law enforcement officer; or

2. If the property stolen is cargo valued at $50,000 or more that has entered the stream of interstate or intrastate commerce from the shipper's loading platform to the consignee's receiving dock; or

3. If the offender commits any grand theft and:

a. In the course of committing the offense the offender uses a motor vehicle as an instrumentality, other than merely as a getaway vehicle, to assist in committing the offense and thereby damages the real property of another; ~~or~~

b. In the course of committing the offense the offender causes damage to the real or personal property of another in excess of $1,000*; or*

*c. In the course of committing the offense the offender uses any type of device to defeat, block, disable, jam, or interfere with a global positioning system or similar system designed to identify the location of the cargo or the vehicle or trailer carrying the cargo*,

the offender commits grand theft in the first degree, punishable as a felony of the first degree, as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 43. Paragraph (c) of subsection (1) of section 212.05, Florida Statutes, is amended to read:

212.05 Sales, storage, use tax.—It is hereby declared to be the legislative intent that every person is exercising a taxable privilege who engages in the business of selling tangible personal property at retail in this state, including the business of making mail order sales, or who rents or furnishes any of the things or services taxable under this chapter, or who stores for use or consumption in this state any item or article of tangible personal property as defined herein and who leases or rents such property within the state.

(1) For the exercise of such privilege, a tax is levied on each taxable transaction or incident, which tax is due and payable as follows:

(c) At the rate of 6 percent of the gross proceeds derived from the lease or rental of tangible personal property, as defined herein; however, the following special provisions apply to the lease or rental of motor vehicles:

1. When a motor vehicle is leased or rented for a period of less than 12 months:

a. If the motor vehicle is rented in Florida, the entire amount of such rental is taxable, even if the vehicle is dropped off in another state.

b. If the motor vehicle is rented in another state and dropped off in Florida, the rental is exempt from Florida tax.

2. Except as provided in subparagraph 3., for the lease or rental of a motor vehicle for a period of not less than 12 months, sales tax is due on the lease or rental payments if the vehicle is registered in this state; provided, however, that no tax shall be due if the taxpayer documents use of the motor vehicle outside this state and tax is being paid on the lease or rental payments in another state.

3. The tax imposed by this chapter does not apply to the lease or rental of a commercial motor vehicle as defined in *s. 316.003(13)(a)* ~~s. 316.003(12)(a)~~ to one lessee or rentee for a period of not less than 12 months when tax was paid on the purchase price of such vehicle by the lessor. To the extent tax was paid with respect to the purchase of such vehicle in another state, territory of the United States, or the District of Columbia, the Florida tax payable shall be reduced in accordance with the provisions of s. 212.06(7). This subparagraph shall only be available when the lease or rental of such property is an established business or part of an established business or the same is incidental or germane to such business.

Section 44. Subsection (1) of section 316.303, Florida Statutes, is amended to read:

316.303 Television receivers.—

(1) No motor vehicle may be operated on the highways of this state if the vehicle is actively displaying moving television broadcast or prerecorded video entertainment content that is visible from the driver's seat while the vehicle is in motion, unless the vehicle is equipped with autonomous technology, as defined in *s. 316.003(3)* ~~s. 316.003(2)~~, and is being operated in autonomous mode, as provided in s. 316.85(2).

Section 45. Paragraph (b) of subsection (2) of section 316.545, Florida Statutes, is amended to read:

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

(2)

(b) The officer or inspector shall inspect the license plate or registration certificate of the commercial vehicle to determine whether its gross weight is in compliance with the declared gross vehicle weight. If its gross weight exceeds the declared weight, the penalty shall be 5 cents per pound on the difference between such weights. In those cases when the commercial vehicle is being operated over the highways of the state with an expired registration or with no registration from this or any other jurisdiction or is not registered under the applicable provisions of chapter 320, the penalty herein shall apply on the basis of 5 cents per pound on that scaled weight which exceeds 35,000 pounds on laden truck tractor-semitrailer combinations or tandem trailer truck combinations, 10,000 pounds on laden straight trucks or straight truck-trailer combinations, or 10,000 pounds on any unladen commercial motor vehicle. A driver of a commercial motor vehicle entering the state at a designated port-of-entry location, as defined in *s. 316.003* ~~s. 316.003(54)~~, or operating on designated routes to a port-of-entry location, who obtains a temporary registration permit shall be assessed a penalty limited to the difference between its gross weight and the declared gross vehicle weight at 5 cents per pound. If the license plate or

registration has not been expired for more than 90 days, the penalty imposed under this paragraph may not exceed $1,000. In the case of special mobile equipment, which qualifies for the license tax provided for in s. 320.08(5)(b), being operated on the highways of the state with an expired registration or otherwise not properly registered under the applicable provisions of chapter 320, a penalty of $75 shall apply in addition to any other penalty which may apply in accordance with this chapter. A vehicle found in violation of this section may be detained until the owner or operator produces evidence that the vehicle has been properly registered. Any costs incurred by the retention of the vehicle shall be the sole responsibility of the owner. A person who has been assessed a penalty pursuant to this paragraph for failure to have a valid vehicle registration certificate pursuant to the provisions of chapter 320 is not subject to the delinquent fee authorized in s. 320.07 if such person obtains a valid registration certificate within 10 working days after such penalty was assessed.

Section 46. Paragraph (a) of subsection (2) of section 316.613, Florida Statutes, is amended to read:

316.613 Child restraint requirements.—

(2) As used in this section, the term "motor vehicle" means a motor vehicle as defined in s. 316.003 that is operated on the roadways, streets, and highways of the state. The term does not include:

(a) A school bus as defined in *s. 316.003* ~~s. 316.003(68)~~.

Section 47. Subsection (1) of section 655.960, Florida Statutes, is amended to read:

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

(1) "Access area" means any paved walkway or sidewalk which is within 50 feet of any automated teller machine. The term does not include any street or highway open to the use of the public, as defined in *s. 316.003(78)(a) or (b)* ~~s. 316.003(77)(a) or (b)~~, including any adjacent sidewalk, as defined in s. 316.003.

Section 48. *The amendments made by this act to s. 318.18, Florida Statutes, shall apply upon the adoption by rule of uniform traffic citation forms. The Department of Highway Safety and Motor Vehicles shall notify the Division of Law Revision and Information upon the adoption of such forms.*

Section 49. Except as otherwise provided in this act, this act shall take effect October 1, 2017.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to motor vehicles; amending s. 316.003, F.S.; defining the term "autocycle"; redefining the term "motorcycle"; conforming a cross- reference; amending s. 316.193, F.S.; authorizing a court to order placement of an ignition interlock device as a condition of probation, subject to certain requirements; authorizing the court to withhold adjudication if a person convicted of a certain offense voluntarily places, or if the court orders placement of, an ignition interlock device, under certain circumstances; providing that failure of the person to comply with the full terms of the order requiring placement of an ignition interlock device may result in the court ordering an adjudication of guilt; defining the term "conviction"; amending s. 316.1937, F.S.; requiring a court that imposes the use of an ignition interlock device to provide certain discounts on the monthly leasing fee for the device, if the person documents that he or she meets certain income requirements; waiving costs associated with installation and removal of the device in certain circumstances; amending ss. 316.2397 and 316.2398, F.S.; prohibiting vehicles or equipment from showing or displaying red and white lights while being driven or moved; authorizing firefighters to use or display red and white lights under certain circumstances; authorizing active volunteer firefighters to display red and white warning signals under certain circumstances; amending s. 316.302, F.S.; revising provisions relating to federal regulations to which owners and drivers of commercial motor vehicles are subject; delaying the requirement for electronic logging devices and hours of service support documents for intrastate motor carriers; terminating the maximum amount of a civil penalty for falsification of information on certain time records; deleting the requirement that a motor carrier maintain documentation of a driver's driving times throughout a duty period if the driver is not released from duty within a specified period; providing an exemption from specified rules and regulations for a person who operates a commercial motor vehicle with a declared gross vehicle weight, gross vehicle weight rating, and gross combined weight rating of less than a specified amount under certain circumstances; amending s. 316.3025, F.S.; conforming provisions to changes made by the act; amending s. 316.614, F.S.; redefining the term "motor vehicle"; prohibiting a person from operating an autocycle unless certain safety belt or child restraint device requirements are met; amending s. 316.85, F.S.; authorizing a person who possesses a valid driver license to engage autonomous technology to operate an autonomous vehicle under a specified circumstance; authorizing a person who does not possess a valid driver license to engage autonomous technology to operate an autonomous vehicle in autonomous mode under certain circumstances; creating s. 316.851, F.S.; requiring an autonomous vehicle used by a transportation network company to be covered by automobile insurance, subject to certain requirements; requiring an autonomous vehicle used to provide a transportation service to carry in the vehicle proof of coverage satisfying certain requirements at all times while operating in autonomous mode; amending s. 318.18, F.S.; changing the term "construction zone" to "work zone" as it relates to enhanced penalties for unlawful speed; amending s. 320.01, F.S.; redefining the terms "apportionable vehicle" and "motorcycle"; amending s. 320.02, F.S.; requiring an application form for motor vehicle registration to include language authorizing a voluntary contribution to be distributed to Preserve Vision Florida, rather than to Prevent Blindness Florida; amending s. 320.03, F.S.; requiring tax collectors to provide motor vehicle registration services to residents of other counties; providing that jurisdiction over the electronic filing system for use by authorized electronic filing system agents to process title transactions, derelict motor vehicle certificates, and certificates of destruction for derelict and salvage motor vehicles is preempted to the state; authorizing an entity that, in the normal course of its business, processes title transactions, derelict motor vehicle certificates, or certificates of destruction for derelict or salvage motor vehicles to be an authorized electronic filing system agent; authorizing the department to adopt rules to administer specified provisions; amending s. 320.06, F.S.; providing for future repeal of issuance of a certain annual license plate and cab card to a vehicle that has an apportioned registration; providing requirements, beginning on a specified date, for license plates, cab cards, and validation stickers for vehicles registered in accordance with the International Registration Plan; authorizing a worn or damaged license plate to be replaced at no charge under certain circumstances; providing an exception to the design of dealer license plates for specialty license plates; amending s. 320.0605, F.S.; authorizing presentation of electronic documentation of certain information to a law enforcement officer or agent of the department; providing construction; providing liability; revising information required in such documentation; amending s. 320.0607, F.S.; providing an exemption, beginning on a specified date, of a certain fee for vehicles registered under the International Registration Plan; amending s. 320.0657, F.S.; providing an exception to the design of fleet license plates for specialty license plates; authorizing fleet companies to purchase specialty license plates in lieu of the standard fleet license plates for additional specified fees; requiring fleet companies to be responsible for all costs associated with the specialty license plate; amending s. 320.08, F.S.; requiring a truck tractor used within this state to be eligible for a license plate for a specified fee under certain circumstances; requiring a truck tractor or heavy truck, not operated as a for-hire vehicle, which is engaged exclusively in transporting raw, unprocessed, and nonmanufactured agricultural or horticultural products within this state to be eligible for a restricted license for a certain fee; authorizing dealers to purchase specialty license plates in lieu of the standard graphic dealer license plates for additional specified fees; requiring dealers to be responsible for all costs associated with the specialty license plate; conforming cross-references; amending s. 320.08056, F.S.; allowing the department to authorize dealer and fleet specialty license plates; authorizing a dealer or fleet company to purchase specialty license plates to be used on dealer and fleet vehicles with the permission of the sponsoring specialty license plate organization; requiring a dealer or fleet specialty license plate to include specified letters on the right side of the license plate; requiring dealer and fleet specialty license plates to be ordered directly through the department; deleting the American Red Cross, Donate Organs-Pass It On, St. Johns River, and Hispanic Achievers license plates; establishing an annual use fee for certain specialty license plates; conforming cross-references; amending s. 320.08058, F.S.;

deleting the American Red Cross, Donate Organs-Pass It On, St. Johns River, and Hispanic Achievers license plates; revising the distribution of proceeds for the Fallen Law Enforcement Officers License Plate; requiring the Department of Highway Safety and Motor Vehicles to develop certain specialty license plates; providing for distribution and use of fees collected from the sale of the plates; amending s. 320.08068, F.S.; requiring The Able Trust to distribute a specified percentage of annual use fees from motorcycle specialty license plates to Preserve Vision Florida, rather than to Prevent Blindness Florida; creating s. 320.0875, F.S.; providing for a motorcycle special license plate to be issued to a recipient of the Purple Heart; providing requirements for the plate; amending s. 320.089, F.S.; providing for a special license plate to be issued to a recipient of the Bronze Star; making technical changes; amending s. 320.133, F.S.; defining the term "transporter license plate eligible business"; providing that a person is not eligible to purchase or renew a transporter license plate unless he or she provides certain proof that his or her business is a transporter license plate eligible business; providing application and insurance requirements for qualification as a transporter license plate eligible business; authorizing the department to issue a transporter license plate to an applicant who is not a licensed dealer and is qualified as a transporter license plate eligible business, under certain circumstances; providing that a transporter license plate is valid only for use on an unregistered motor vehicle in the possession of the transporter, subject to certain requirements; providing a criminal penalty for a person who sells or unlawfully possesses, distributes, or brokers a transporter license plate to be attached to any vehicle; providing that transporter license plates are subject to cancellation by the department; providing a criminal penalty and disqualification from transporter license plate usage for a person who knowingly and willfully sells or unlawfully possesses, distributes, or brokers a transporter license plate to avoid registering a vehicle requiring registration, subject to certain requirements; providing recordkeeping requirements for a transporter license plate eligible business; providing a criminal penalty, cancellation of transporter license plates, and disqualification from future issuance of the plates for a violation of such recordkeeping requirements; requiring a transporter license plate issued under this section to be accompanied by registration and proof of insurance when attached to a motor vehicle; providing a criminal penalty and removal of the license plate for a person who fails to provide such documentation; providing an exemption to persons who contract with dealers and auctions to transport motor vehicles; conforming provisions to changes made by the act; providing that an initial registration or renewal issued under this section is valid for a specified period; requiring a license plate attached to a motor vehicle in violation of specified provisions to be removed by a law enforcement officer and surrendered to the department by the law enforcement agency for cancellation; amending s. 320.27, F.S.; revising the definitions of "motor vehicle dealer" and "motor vehicle broker"; requiring any person acting in violation of specified licensing requirements to be deemed to have committed an unfair and deceptive trade practice in violation of specified provisions; making technical changes; amending s. 321.25, F.S.; providing for reimbursement to the department of tuition and other course expenses for certain training under certain circumstances; defining the term "other course expenses"; authorizing the department to institute a civil action under certain circumstances; authorizing the department to waive a person's requirement of reimbursement when the person terminates employment due to hardship or extenuating circumstances; amending s. 322.01, F.S.; conforming provisions to changes made by the act; amending s. 322.03, F.S.; authorizing a person to operate an autocycle without a motorcycle endorsement; amending s. 322.032, F.S.; requiring the department, in collaboration with the Agency for State Technology, to establish and implement certain protocols and standards related to digital proofs of driver licenses and to procure an application programming interface for a specified purpose; conforming a provision to changes made by the act; providing construction relating to a person's presentation of an electronic device displaying a digital proof of driver license to a law enforcement officer; amending s. 322.051, F.S.; revising eligibility for a "D" designation on an identification card to include posttraumatic stress disorder or traumatic brain injury; amending s. 322.08, F.S.; requiring an application form for an original, renewal, or replacement driver license or identification card to include language authorizing a voluntary contribution to Preserve Vision Florida, rather than to Prevent Blindness Florida; amending s. 322.091, F.S.; requiring the department to make available, upon request, a report to each school district of certain information for each student whose driving privileges have been suspended under this section; amending s. 322.12, F.S.; requiring the tax collector to retain specified fees if a subsequent knowledge or skills test is administered by the tax collector; exempting the operation of an autocycle from certain examination requirements for licenses to operate motorcycles; amending s. 322.135, F.S.; requiring tax collectors to provide driver license services to residents of all counties; amending s. 322.17, F.S.; providing for replacement of a stolen identification card at no charge, subject to certain requirements; amending s. 322.21, F.S.; deleting obsolete provisions; deleting a fee for certain specialty driver licenses or identification cards; providing disposition of specified fees for reinstatement of a driver license following a suspension, revocation, or disqualification when the reinstatement is processed by the department or the tax collector; requiring an applicant who submits an application for a renewal or replacement driver license or identification card to the department using a convenience service to be provided with an option for expedited shipping, subject to certain requirements; requiring a fee to be charged for the expedited shipping option, subject to certain requirements; providing for disposition of such fee; amending s. 322.61, F.S.; adding violations for texting or using a handheld mobile telephone while driving a commercial motor vehicle as specified offenses that, in certain circumstances, result in disqualification from operating a commercial motor vehicle for a specified period; amending s. 324.031, F.S.; revising insurer requirements for a motor vehicle liability policy held by the owner or operator of a taxicab, limousine, jitney, or any other for-hire passenger transportation vehicle; amending s. 715.07, F.S.; revising provisions for release of a towed vehicle or vessel; amending s. 812.014, F.S.; providing a criminal penalty for an offender committing grand theft who uses a device to interfere with a global positioning or similar system; amending ss. 212.05, 316.303, 316.545, 316.613, and 655.960, F.S.; conforming cross-references; providing applicability of certain changes made by the act; providing effective dates, one of which is contingent.

Senator Bracy moved the following amendment to **Amendment 1 (183848)** which was adopted:

**Amendment 1A (289728) (with title amendment)**—Delete lines 487-510.

And the title is amended as follows:

Delete lines 2521-2522.

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**SPECIAL GUESTS**

Senator Flores recognized Lieutenant Governor Carlos Lopez-Cantera who was present in the chamber.

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Senator Lee moved the following amendment to **Amendment 1 (183848)** which was adopted:

**Amendment 1B (688110) (with title amendment)**—Between lines 555 and 556 insert:

Section 16. Paragraph (d) is added to subsection (1) of section 320.04, Florida Statutes, to read:

320.04 Registration service charge.—

(1)

*(d) For the convenience of citizens, a tax collector or a county commission in a charter county with an appointed tax collector has the authority to enter into a contract with a license plate agent for the operation of a branch office to issue and renew license tag registrations and issue motor vehicle titles. Each location shall be considered a separate license plate agent for purposes of the contract between the department, the tax collector or county commission, and the license plate agent. Each license plate agent must secure a surety bond in the amount of $250,000 to cover losses to the department in the event of theft, fraud, or noncompliance with applicable laws, rules, or established procedures governing professional services to be performed by the license plate agent under the contract. Alternatively, in lieu of a surety bond, the license plate agent may secure an insurance policy in the amount of $250,000. The insurance policy must name the department as a certificateholder and an additional insured for the entire length of the contract. The insurance policy must cover losses to the department in the event of theft, fraud, or noncompliance with applicable laws, rules, or established procedures*

*governing professional services to be performed by the license plate agent under the contract. At the discretion of the tax collector or the county commission, the license plate agent may charge a convenience fee if the tax collector does not reduce such services at any other tax collector branch office. All nonstatutory fees charged must be separately disclosed to the customer. The contracted license plate agent shall pay to the department annually an amount sufficient to defray each license plate agent's pro rata share of the department's costs, including computer hardware and software, directly related to the issuance and renewal of license tag registrations and motor vehicle titles. These funds shall be deposited into the Highway Safety Operating Trust Fund in the Department of Highway Safety and Motor Vehicles. A license plate agent shall supervise its employees and agents and establish and enforce written procedures designed to prevent and detect violations of law, rule, and department policies and procedures.*

And the title is amended as follows:

Delete line 2534 and insert: rules to administer specified provisions; amending s. 320.04, F.S.; authorizing certain tax collectors or county commissions to enter into a contract with a license plate agent for the operation of a branch office to issue and renew license tag registrations and issue motor vehicle titles; providing that each location must be considered a separate license plate agent for purposes of a certain contract; requiring each license plate agent to secure a surety bond or an insurance policy, subject to certain requirements; authorizing the license plate agent to charge a convenience fee under certain circumstances; requiring all nonstatutory fees charged to be separately disclosed to the customer; requiring the contracted license plate agent to annually pay to the department an amount sufficient to defray each license plate agent's pro rata share of certain costs of the department; requiring such costs to be deposited into a specified trust fund; requiring a license plate agent to supervise its employees and agents and establish and enforce certain written procedures; amending s.

Senator Brandes moved the following amendments to **Amendment 1 (183848)** which were adopted:

**Amendment 1C (397304) (with title amendment)**—Delete lines 1904-1916.

And the title is amended as follows:

Delete lines 2698-2701 and insert: operate motorcycles; amending s. 322.17, F.S.; providing for replacement of a stolen

**Amendment 1D (347410) (with title amendment)**—Between lines 2439 and 2440 insert:

Section 49. Effective October 1, 2020, paragraph (a) of subsection (8) of section 320.08056, Florida Statutes, is amended to read:

320.08056 Specialty license plates.—

(8)(a) The department must discontinue the issuance of an approved specialty license plate if the number of valid specialty plate registrations falls below *2,500* ~~1,000 plates~~ for at least 12 consecutive months. A warning letter shall be mailed to the sponsoring organization following the first month in which the total number of valid specialty plate registrations is below *2,500* ~~1,000 plates~~. This paragraph does not apply to collegiate license plates established under s. 320.08058(3)*, license plates of institutions in and entities of the State University System, specialty license plates that have statutory eligibility limitations for purchase, or Florida Professional Sports Team License plates established under s. 320.08058(9)*.

Section 50. Subsection (10) is added to section 320.131, Florida Statutes, to read:

320.131 Temporary tags.—

*(10) Beginning October 1, 2017, the department may partner with a county tax collector to conduct a Fleet Vehicle Temporary Tag pilot program to provide temporary tags to fleet companies to allow them to operate fleet vehicles awaiting a permanent registration and title.*

*(a) The department shall establish a memorandum of understanding that allows a maximum of three companies to participate in the pilot program to receive multiple temporary tags for company fleet vehicles.*

*(b) To participate in the program a fleet company must have a minimum of 3,500 fleet vehicles registered in this state that qualify to be registered as fleet vehicles pursuant to s. 320.0657.*

*(c) The department may issue up to 50 temporary tags at a time to an eligible fleet company, if requested by such company.*

*(d) The temporary tags are for exclusive use for a vehicle purchased for the company's fleet, and may not be used on any other vehicle.*

*(e) Each temporary plate may be used by only one vehicle and each vehicle may only use one temporary plate.*

*(f) Upon issuance of the vehicle's permanent license plate and registration, the temporary tag becomes invalid and must be removed from the vehicle and destroyed.*

*(g) Upon a finding by the department that a temporary tag has been misused by a fleet company under this program, the department may terminate the memorandum of understanding with the company, invalidate all temporary tags issued to the company under this program, and require such company to return any unused temporary tags.*

*(h) This subsection is repealed on October 1, 2019, unless saved from repeal through reenactment by the Legislature.*

Section 51. Subsection (2) of section 324.032, Florida Statutes, is amended to read:

324.032 Manner of proving financial responsibility; for-hire passenger transportation vehicles.—Notwithstanding the provisions of s. 324.031:

(2) An owner or a lessee who is required to maintain insurance under s. 324.021(9)(b) and who operates at least *150* ~~300~~ taxicabs, limousines, jitneys, or any other for-hire passenger transportation vehicles may provide financial responsibility by complying with the provisions of s. 324.171, such compliance to be demonstrated by maintaining at its principal place of business an audited financial statement, prepared in accordance with generally accepted accounting principles, and providing to the department a certification issued by a certified public accountant that the applicant's net worth is at least equal to the requirements of s. 324.171 as determined by the Office of Insurance Regulation of the Financial Services Commission, including claims liabilities in an amount certified as adequate by a Fellow of the Casualty Actuarial Society.

Upon request by the department, the applicant must provide the department at the applicant's principal place of business in this state access to the applicant's underlying financial information and financial statements that provide the basis of the certified public accountant's certification. The applicant shall reimburse the requesting department for all reasonable costs incurred by it in reviewing the supporting information. The maximum amount of self-insurance permissible under this subsection is $300,000 and must be stated on a per-occurrence basis, and the applicant shall maintain adequate excess insurance issued by an authorized or eligible insurer licensed or approved by the Office of Insurance Regulation. All risks self-insured shall remain with the owner or lessee providing it, and the risks are not transferable to any other person, unless a policy complying with subsection (1) is obtained.

And the title is amended as follows:

Between lines 2735 and 2736 insert: amending s. 320.08056, F.S.; revising provisions for discontinuing issuance of a specialty license plate; providing applicability; amending s. 320.131, F.S.; creating a Fleet Vehicle Temporary Tag pilot program, subject to certain requirements; amending s. 324.032, F.S.; decreasing the amount of taxicabs, limousines, jitneys, or any other for-hire passenger transportation

vehicles which an owner or a lessee operates to be able to provide certain financial responsibility;

Senator Lee moved the following amendment to **Amendment 1 (183848)**:

**Amendment 1E (200270) (with title amendment)**—Between lines 2439 and 2440 insert:

Section 49. Effective upon the same date that SB 340 or similar legislation takes effect, if such legislation is adopted in the 2017 Regular Session or any extension thereof and becomes a law, section 627.749, Florida Statutes, is created to read:

*627.749 Transportation network companies; preemption.—*

*(1) In addition to the requirements under s. 627.748(15), a county, municipality, special district, airport authority, port authority, or other local governmental entity or subdivision may not:*

*(a) Enter into an agreement that gives one or more transportation network companies, as defined in s. 627.748(1), the exclusive right to operate within the local governmental entity's jurisdiction; or*

*(b) Enter into an agreement that provides disparate treatment to one or more transportation network companies, as defined in s. 627.748(1), within the local governmental entity's jurisdiction.*

*(2) Subsection (1) does not apply to contracts existing on July 1, 2017, and does not apply if the county, municipality, special district, airport authority, port authority, or other local governmental entity or subdivision enters into such agreement after a competitive solicitation process.*

And the title is amended as follows:

Delete line 2736 and insert: creating s. 627.749, F.S.; prohibiting a county, municipality, special district, airport authority, port authority, or other local governmental entity or subdivision from taking specified actions relating to transportation network companies; providing applicability; providing effective dates, two of which are contingent.

On motion by Senator Gainer, further consideration of **CS for CS for CS for HB 545** with pending **Amendment 1 (183848)** and **Amendment 1E (200270)** was deferred.

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**SB 888**—A bill to be entitled An act relating to prescription drug price transparency; amending s. 408.062, F.S.; requiring the Agency for Health Care Administration to collect data on the retail prices charged by pharmacies for the 300 most frequently prescribed medicines; requiring the agency to update its website monthly; providing an effective date.

—was read the second time by title.

Pending further consideration of **SB 888**, pursuant to Rule 3.11(3), there being no objection, **HB 589** was withdrawn from the Committees on Health Policy; Appropriations Subcommittee on Health and Human Services; and Appropriations.

On motion by Senator Bean—

**HB 589**—A bill to be entitled An act relating to prescription drug price transparency; amending s. 408.062, F.S.; requiring the Agency for Health Care Administration to collect data on the retail prices charged by pharmacies for the 300 most frequently prescribed medicines; requiring the agency to update its website monthly; providing an effective date.

—a companion measure, was substituted for **SB 888** and read the second time by title.

Pursuant to Rule 4.19, **HB 589** was placed on the calendar of Bills on Third Reading.

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Consideration of **CS for CS for SB 1468**, **CS for CS for HB 23**, and **CS for CS for SB 926** was deferred.

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**CS for CS for SB 1312**—A bill to be entitled An act relating to construction; amending s. 377.705, F.S.; revising legislative findings and intent; authorizing solar energy systems manufactured or sold in the state to be certified by professional engineers; amending s. 489.103, F.S.; revising an exemption from construction contracting regulation for certain public utilities; deleting responsibility of the Construction Industry Licensing Board to define the term "incidental to their business" for certain purposes; amending s. 553.721, F.S.; requiring the Department of Business and Professional Regulation to provide certain funds allocated to the University of Florida M. E. Rinker, Sr., School of Construction Management for specified purposes; providing an appropriation; amending s. 553.73, F.S.; requiring the Florida Building Commission to use certain entities and codes for updates to the Florida Building Code; revising voting requirements for a technical advisory committee to make a favorable recommendation to the commission; providing that certain technical amendments to the Florida Building Code which are adopted by a local government are not rendered void when the code is updated; specifying that such amendments are subject to review or modification if carried forward into the next edition of the code; requiring the commission to update the Florida Building Code through a review of the most current updates of specified codes; requiring the commission to adopt specified provisions from certain codes; deleting provisions limiting how long an amendment or modification is effective; deleting a provision requiring certain amendments or modifications to be carried forward into the next edition of the code, subject to certain conditions; deleting certain requirements for the resubmission of expired amendments; deleting a provision prohibiting a proposed amendment from being included in the code if it has been addressed in the international code; conforming provisions to changes made by the act; prohibiting the commission from adopting certain provisions into the Florida Building Code; amending s. 553.76, F.S.; requiring the commission to adopt the Florida Building Code, and amendments thereto, by a minimum percentage of votes; amending s. 553.79, F.S.; prohibiting certain counties and municipalities from adopting or enforcing certain building permits or other development order requirements; providing construction; providing for preemption of certain local laws and regulations; providing for retroactive applicability; providing an exemption; amending s. 553.791, F.S.; providing legislative intent; requiring local jurisdictions to reduce certain permit fees; amending s. 553.80, F.S.; prohibiting local enforcement agencies, independent districts, and special districts from charging certain fees; creating s. 553.9081, F.S.; requiring the Florida Building Commission to amend certain provisions of the Florida Building Code; amending s. 633.208, F.S.; prohibiting a county, municipality, special taxing district, public utility, or private utility from requiring a separate water connection or charging a specified water or sewage rate under certain conditions; prohibiting a local government from requiring a permit for painting a residence; requiring the Department of Education to develop a plan for specified purposes; requiring the department to provide the plan to the Construction Industry Workforce Task Force by a specified date; requiring CareerSource Florida, Inc., to develop a plan for specified purposes; requiring CareerSource Florida, Inc., to provide the plan to the Construction Industry Workforce Task Force by a specified date; requiring the Florida Building Commission to amend specified provisions of the Florida Building Code related to door components; providing an effective date.

—was read the second time by title.

Pending further consideration of **CS for CS for SB 1312**, pursuant to Rule 3.11(3), there being no objection, **CS for CS for HB 1021** was withdrawn from the Committees on Communications, Energy, and Public Utilities; Community Affairs; Appropriations; and Rules.

On motion by Senator Perry—

**CS for CS for HB 1021**—A bill to be entitled An act relating to construction; amending s. 377.705, F.S.; revising legislative findings and intent; authorizing solar energy systems manufactured or sold in the state to be certified by professional engineers; amending s. 471.033, F.S.; prohibiting professional engineers from contracting with customers without disclosing whether they maintain certain insurance; amending s. 489.103, F.S.; revising an exemption from construction contracting regulation for certain public utilities; deleting responsibility of the Construction Industry Licensing Board to define the term "incidental to their business" for certain purposes; amending s. 553.79, F.S.; prohibiting a political subdivision from adopting or enforcing certain building permits or other development order requirement; provid-

ing construction; providing for preemption of certain local laws and regulations; providing for retroactive applicability; amending s. 553.791, F.S.; requiring local jurisdictions to reduce certain permit fees; amending s. 553.80, F.S.; prohibiting local enforcement agencies, independent districts, and special districts from charging certain fees; creating s. 553.9081, F.S.; requiring the Florida Building Commission to amend certain provisions of the Florida Building Code; amending s. 633.208, F.S.; prohibiting a county, municipality, special taxing district, public utility, or private utility from requiring a separate water connection or charging a specified water or sewage rate under certain conditions; prohibiting a local government from requiring a permit for painting a residence; requiring the Department of Education to develop a plan for specified purposes; requiring Department of Education to provide the plan to the Construction Industry Workforce Task Force by a specified date; requiring CareerSource Florida, Inc. to develop a plan for specified purposes; requiring CareerSource Florida, Inc. to provide the plan to the Construction Industry Workforce Taskforce by a specified date; requiring the Florida Building Commission to amend specified provisions of the Florida Building Code related to door components; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 1312** and read the second time by title.

Pursuant to Rule 7.1(1), there being no objection, consideration of the following late-filed amendment was allowed:

Senator Perry moved the following amendment:

**Amendment 1 (416182) (with title amendment)**—Delete lines 112-319 and insert:

Section 2. Subsection (5) of section 489.103, Florida Statutes, is amended to read:

489.103 Exemptions.—This part does not apply to:

(5) Public utilities, including *municipal gas utilities and* special gas districts as defined in chapter 189, telecommunications companies as defined in s. 364.02(13), and natural gas transmission companies as defined in s. 368.103(4), on construction, maintenance, and development work performed by their employees~~, which work, including, but not limited to, work on bridges, roads, streets, highways, or railroads, is incidental to their business. The board shall define, by rule, the term "incidental to their business" for purposes of this subsection~~.

Section 3. Subsection (20) is added to section 553.79, Florida Statutes, to read:

553.79 Permits; applications; issuance; inspections.—

*(20)(a) A political subdivision of this state may not adopt or enforce any ordinance or impose any building permit or other development order requirement that:*

*1. Contains any building, construction, or aesthetic requirement or condition that conflicts with or impairs corporate trademarks, service marks, trade dress, logos, color patterns, design scheme insignia, image standards, or other features of corporate branding identity on real property or improvements thereon used in activities conducted under chapter 526 or in carrying out business activities defined as a franchise by Federal Trade Commission regulations in 16 C.F.R. ss. 436.1, et. seq.; or*

*2. Imposes any requirement on the design, construction or location of signage advertising the retail price of gasoline in accordance with the requirements of ss. 526.111 and 526.121 which prevents the signage from being clearly visible and legible to drivers of approaching motor vehicles from a vantage point on any lane of traffic in either direction on a roadway abutting the gas station premises and meets height, width, and spacing standards for Series C, D, or E signs, as applicable, published in the latest edition of Standard Alphabets for Highway Signs published by the United States Department of Commerce, Bureau of Public Roads, Office of Highway Safety.*

*(b) This subsection does not affect any requirement for design and construction in the Florida Building Code.*

*(c) All such ordinances and requirements are hereby preempted and superseded by general law. This subsection shall apply retroactively.*

*(d) This subsection does not apply to property located in a designated historic district.*

Section 4. Subsection (2) of section 553.791, Florida Statutes, is amended to read:

553.791 Alternative plans review and inspection.—

(2)*(a)* Notwithstanding any other law or local government ordinance or local policy, the fee owner of a building or structure, or the fee owner's contractor upon written authorization from the fee owner, may choose to use a private provider to provide building code inspection services with regard to such building or structure and may make payment directly to the private provider for the provision of such services. All such services shall be the subject of a written contract between the private provider, or the private provider's firm, and the fee owner or the fee owner's contractor, upon written authorization of the fee owner. The fee owner may elect to use a private provider to provide plans review or required building inspections, or both. However, if the fee owner or the fee owner's contractor uses a private provider to provide plans review, the local building official, in his or her discretion and pursuant to duly adopted policies of the local enforcement agency, may require the fee owner or the fee owner's contractor to use a private provider to also provide required building inspections.

*(b) It is the intent of the Legislature that owners and contractors not be required to pay extra costs related to building permitting requirements when hiring a private provider for plans review and building inspections. A local jurisdiction must calculate the cost savings to the local enforcement agency, based on a fee owner or contractor hiring a private provider to perform plans reviews and building inspections in lieu of the local building official, and reduce the permit fees accordingly.*

Section 5. Paragraph (d) of subsection (7) of section 553.80, Florida Statutes, is amended to read:

553.80 Enforcement.—

(7) The governing bodies of local governments may provide a schedule of reasonable fees, as authorized by s. 125.56(2) or s. 166.222 and this section, for enforcing this part. These fees, and any fines or investment earnings related to the fees, shall be used solely for carrying out the local government's responsibilities in enforcing the Florida Building Code. When providing a schedule of reasonable fees, the total estimated annual revenue derived from fees, and the fines and investment earnings related to the fees, may not exceed the total estimated annual costs of allowable activities. Any unexpended balances shall be carried forward to future years for allowable activities or shall be refunded at the discretion of the local government. The basis for a fee structure for allowable activities shall relate to the level of service provided by the local government and shall include consideration for refunding fees due to reduced services based on services provided as prescribed by s. 553.791, but not provided by the local government. Fees charged shall be consistently applied.

(d) The local enforcement agency*, independent district, or special district* may not require *at any time, including at the time of application for a permit,* the payment of any additional fees, charges, or expenses associated with:

1. Providing proof of licensure pursuant to chapter 489;

2. Recording or filing a license issued pursuant to this chapter; or

3. Providing, recording, or filing evidence of workers' compensation insurance coverage as required by chapter 440.

Section 6. Subsection (3) of section 553.73, Florida Statutes, is amended, paragraph (d) is added to subsection (4) of that section, subsections (7) and (8) and paragraphs (a) and (b) of subsection (9) of that section are amended, and subsection (20) is added to that section, to read:

553.73 Florida Building Code.—

(3) The commission shall use the International Codes published by the International Code Council, the National Electric Code (NFPA 70), or other nationally adopted model codes and standards *for updates to* ~~needed to develop the base code in Florida to form the foundation for~~ the Florida Building Code. The ~~Florida Building~~ commission may approve technical amendments to the code *as provided in*~~, subject to~~ subsections (8) and (9), ~~after the amendments have been~~ subject to *all of* the following conditions:

(a) The proposed amendment *must have* ~~has~~ been published on the commission's website for a minimum of 45 days and all the associated documentation *must have* ~~has~~ been made available to any interested party before ~~any~~ consideration by a technical advisory committee.~~;~~

(b) In order for a technical advisory committee to make a favorable recommendation to the commission, the proposal must receive a *two-thirds* ~~three-fourths~~ vote of the members present at the ~~technical advisory committee~~ meeting. ~~and~~ At least half of the regular members must be present in order to conduct a meeting.~~;~~

(c) After *the* technical advisory committee *has considered and recommended* ~~consideration and a recommendation for~~ approval of any proposed amendment, the proposal must be published on the commission's website for at least 45 days before ~~any~~ consideration by the commission.~~; and~~

(d) A proposal may be modified by the commission based on public testimony and evidence from a public hearing held in accordance with chapter 120.

The commission shall incorporate within ~~sections of~~ the Florida Building Code provisions *that* ~~which~~ address regional and local concerns and variations. The commission shall make every effort to minimize conflicts between the Florida Building Code, the Florida Fire Prevention Code, and the Life Safety Code.

(4)

*(d) A technical amendment to the Florida Building Code related to water conservation practices or design criteria adopted by a local government pursuant to this subsection is not rendered void when the code is updated if the technical amendment is necessary to protect or provide for more efficient use of water resources as provided in s. 373.621. However, any such technical amendment carried forward into the next edition of the code pursuant to this paragraph is subject to review or modification as provided in this part.*

(7)(a) The commission~~, by rule adopted pursuant to ss. 120.536(1) and 120.54,~~ shall *adopt an updated* ~~update the~~ Florida Building Code every 3 years *through review of*~~. When updating the Florida Building Code, the commission shall select~~ the most current *updates* ~~version~~ of the International Building Code, the International Fuel Gas Code, *International Existing Building Code,* the International Mechanical Code, the International Plumbing Code, and the International Residential Code, all of which are *copyrighted and published by* ~~adopted~~ by the International Code Council, and the National Electrical Code, which is *copyrighted and published* ~~adopted~~ by the National Fire Protection Association*. At a minimum, the commission shall adopt any updates to such codes or any other code necessary to maintain eligibility for federal funding and discounts from the National Flood Insurance Program, the Federal Emergency Management Agency, and the United States Department of Housing and Urban Development*~~, to form the foundation codes of the updated Florida Building Code, if the version has been adopted by the applicable model code entity~~. The commission shall *also review and adopt updates based on* ~~select the most current version of~~ the International Energy Conservation Code (IECC) ~~as a foundation code~~; however, ~~the IECC shall be modified by~~ the commission *shall* ~~to~~ maintain the efficiencies of the Florida Energy Efficiency Code for Building Construction adopted and amended pursuant to s. 553.901. *The commission shall adopt updated codes by rule.*

(b) Codes regarding noise contour lines shall be reviewed annually, and the most current federal guidelines shall be adopted.

(c) The commission may *adopt as a technical amendment to the Florida Building Code* ~~modify~~ any portion of the ~~foundation~~ codes *identified in paragraph (a), but* only as needed to accommodate the specific needs of this state. Standards or criteria *adopted from these* ~~referenced by the~~ codes shall be incorporated by reference *to the specific provisions adopted*. If a referenced standard or criterion requires amplification or modification to be appropriate for use in this state, only the amplification or modification shall be set forth in the Florida Building Code. The commission may approve technical amendments to the updated Florida Building Code after the amendments have been subject to the conditions set forth in paragraphs (3)(a)-(d). Amendments *that* ~~to the foundation codes which~~ are adopted in accordance with this subsection shall be clearly marked in printed versions of the Florida Building Code so that the fact that the provisions are ~~Florida-specific~~ amendments ~~to the foundation codes~~ is readily apparent.

(d) The commission shall further consider the commission's own interpretations, declaratory statements, appellate decisions, and approved statewide and local technical amendments and shall incorporate such interpretations, statements, decisions, and amendments into the updated Florida Building Code only to the extent that they are needed to ~~modify the foundation codes to~~ accommodate the specific needs of the state. A change made by an institute or standards organization to any standard or criterion that is adopted by reference in the Florida Building Code does not become effective statewide until it has been adopted by the commission. Furthermore, the edition of the Florida Building Code which is in effect on the date of application for any permit authorized by the code governs the permitted work for the life of the permit and any extension granted to the permit.

(e) A rule updating the Florida Building Code in accordance with this subsection shall take effect no sooner than 6 months after publication of the updated code. Any amendment to the Florida Building Code which is adopted upon a finding by the commission that the amendment is necessary to protect the public from immediate threat of harm takes effect immediately.

(f) Provisions of the *Florida Building Code* ~~foundation codes~~, including those contained in referenced standards and criteria, relating to wind resistance or the prevention of water intrusion may not be modified to diminish those construction requirements; however, the commission may, subject to conditions in this subsection, modify the provisions to enhance those construction requirements.

~~(g) Amendments or modifications to the foundation code pursuant to this subsection shall remain effective only until the effective date of a new edition of the Florida Building Code every third year. Amendments or modifications related to state agency regulations which are adopted and integrated into an edition of the Florida Building Code shall be carried forward into the next edition of the code, subject to modification as provided in this part. Amendments or modifications related to the wind resistance design of buildings and structures within the high velocity hurricane zone of Miami-Dade and Broward Counties which are adopted to an edition of the Florida Building Code do not expire and shall be carried forward into the next edition of the code, subject to review or modification as provided in this part. If amendments that expire pursuant to this paragraph are resubmitted through the Florida Building commission code adoption process, the amendments must specifically address whether:~~

~~1. The provisions contained in the proposed amendment are addressed in the applicable international code.~~

~~2. The amendment demonstrates by evidence or data that the geographical jurisdiction of Florida exhibits a need to strengthen the foundation code beyond the needs or regional variations addressed by the foundation code, and why the proposed amendment applies to this state.~~

~~3. The proposed amendment was submitted or attempted to be included in the foundation codes to avoid resubmission to the Florida Building Code amendment process.~~

~~If the proposed amendment has been addressed in the international code in a substantially equivalent manner, the Florida Building commission may not include the proposed amendment in the foundation Code.~~

(8) Notwithstanding ~~the provisions of~~ subsection (3) or subsection (7), the commission may address issues identified in this subsection by amending the code pursuant ~~only~~ to the rule adoption procedures ~~contained~~ in chapter 120. ~~Provisions of~~ *Updates to* the Florida Building

Code, including *provisions* ~~those~~ contained in referenced standards and criteria *which relate*~~, relating~~ to wind resistance or the prevention of water intrusion*,* may not be amended pursuant to this subsection to diminish those *standards* ~~construction requirements~~; however, the commission may~~, subject to conditions in this subsection,~~ amend *the Florida Building Code* ~~the provisions~~ to enhance *such standards* ~~those construction requirements~~. Following the approval of any amendments to the Florida Building Code by the commission and publication of the amendments on the commission's website, authorities having jurisdiction to enforce the Florida Building Code may enforce the amendments. The commission may approve amendments that are needed to address:

(a) Conflicts within the updated code;

(b) Conflicts between the updated code and the Florida Fire Prevention Code adopted pursuant to chapter 633;

(c) Unintended results from the integration of previously adopted ~~Florida specific~~ amendments with the model code;

(d) Equivalency of standards;

(e) Changes to or inconsistencies with federal or state law; or

(f) Adoption of an updated edition of the National Electrical Code if the commission finds that delay of implementing the updated edition causes undue hardship to stakeholders or otherwise threatens the public health, safety, and welfare.

(9)(a) The commission may approve technical amendments to the Florida Building Code once each year for statewide or regional application upon a finding that the amendment:

1. Is needed in order to accommodate the specific needs of this state.

2. Has a reasonable and substantial connection with the health, safety, and welfare of the general public.

3. Strengthens or improves the Florida Building Code, or in the case of innovation or new technology, will provide equivalent or better products or methods or systems of construction.

4. Does not discriminate against materials, products, methods, or systems of construction of demonstrated capabilities.

5. Does not degrade the effectiveness of the Florida Building Code.

The Florida Building Commission may approve technical amendments to the code once each year to incorporate into the Florida Building Code its own interpretations of the code which are embodied in its opinions, final orders, declaratory statements, and interpretations of hearing officer panels under s. 553.775(3)(c), but only to the extent that the incorporation of interpretations is needed to modify the *code* ~~foundation codes~~ to accommodate the specific needs of this state. Amendments approved under this paragraph shall be adopted by rule after the amendments have been subjected to subsection (3).

(b) A proposed amendment must include a fiscal impact statement that documents the costs and benefits of the proposed amendment. Criteria for the fiscal impact statement shall be established by rule by the commission and shall include the impact to local government relative to enforcement, the impact to property and building owners, and the impact to industry, relative to the cost of compliance. The amendment must demonstrate by evidence or data that the state's geographical jurisdiction exhibits a need to strengthen the ~~foundation~~ code beyond the needs or regional variations addressed by the ~~foundation~~ code and why the proposed amendment applies to this state.

*(20) The Florida Building Commission may not:*

*(a) Adopt the 2016 version of the American Society of Heating, Refrigerating and Air-Conditioning Engineers Standard 9.4.1.1(g).*

*(b) Adopt any provision that requires a door located in the opening between a garage and a single-family residence to be equipped with a self-closing device.*

Section 7. Subsection (2) of section 553.76, Florida Statutes, is amended to read:

553.76 General powers of the commission.—The commission is authorized to:

(2) Issue memoranda of procedure for its internal management and control. The commission may adopt rules related to its consensus-based decisionmaking process, including, but not limited to, super majority voting requirements ~~for commission actions relating to the adoption of the Florida Building Code or amendments to the code~~. *However, the commission must adopt the Florida Building Code, and amendments thereto, by at least a two-thirds vote of the members present at a meeting.*

Section 8. Section 553.9081, Florida Statutes, is created to read:

*553.9081 Florida Building Code; required amendments.—The Florida Building Commission shall amend the Florida Building Code-Energy Conservation to:*

*(1)(a) Eliminate duplicative commissioning reporting requirements for HVAC and electrical systems; and*

*(b) Authorize commissioning reports to be provided by a licensed design professional, electrical engineer, or mechanical engineer.*

*(2) Prohibit the adoption of American Society of Heating, Refrigerating and Air-Conditioning Engineers Standard 9.4.1.1(g).*

Section 9. Subsection (8) of section 633.208, Florida Statutes, is amended to read:

633.208 Minimum firesafety standards.—

(8)*(a)* The provisions of the Life Safety Code, as contained in the Florida Fire Prevention Code, do not apply to one-family and two-family dwellings. However, fire sprinkler protection may be permitted by local government in lieu of other fire protection-related development requirements for such structures. While local governments may adopt fire sprinkler requirements for *one-family* ~~one-~~ and two-family dwellings under this subsection, it is the intent of the Legislature that the economic consequences of the fire sprinkler mandate on home owners be studied before the enactment of such a requirement. After the effective date of this act, any local government that desires to adopt a fire sprinkler requirement on *one-family* ~~one-~~ or two-family dwellings must prepare an economic cost and benefit report that analyzes the application of fire sprinklers to *one-family* ~~one-~~ or two-family dwellings or any proposed residential subdivision. The report must consider the tradeoffs and specific cost savings and benefits of fire sprinklers for future owners of property. The report must include an assessment of the cost savings from any reduced or eliminated impact fees if applicable, the reduction in special fire district tax, insurance fees, and other taxes or fees imposed, and the waiver of certain infrastructure requirements including the reduction of roadway widths, the reduction of water line sizes, increased fire hydrant spacing, increased dead-end roadway length, and a reduction in cul-de-sac sizes relative to the costs from fire sprinkling. A failure to prepare an economic report shall result in the invalidation of the fire sprinkler requirement to any *one-family* ~~one-~~ or two-family dwelling or any proposed subdivision. In addition, a local jurisdiction or utility may not charge any additional fee, above what is charged to a non-fire sprinklered dwelling, on the basis that a *one-family* ~~one-~~ or two-family dwelling unit is protected by a fire sprinkler system.

*(b)1. A county, municipality, special taxing district, public utility, or private utility may not require an impact fee or payment for a separate water connection for a one-family or two-family dwelling fire sprinkler system if the capacity required is hydraulically available at the property line. The accountholder of the one-family or two-family dwelling must notify the county, municipality, special district, public utility, or private utility of the installation of the separate water connection in the applicable permit. The separate water connection may only be used for one-family or two-family dwelling fire sprinkler systems and if used for other purposes, full base and volume charges may be applied.*

*2. A county, municipality, special district, public utility, or private utility may not charge a water or sewer rate to a one-family or two-family dwelling that requires a larger water meter solely due to the installation of fire sprinklers above that which is charged to a one-family and two-family dwelling with a base meter. If the installation of fire sprinklers in a one-family or two-family dwelling requires the installation of a larger water meter, only the difference in actual cost between the base water*

*meter and the larger water meter may be charged by the water utility provider.*

Section 10. *A local government may not require an owner of a residence to obtain a permit to paint such residence, regardless of whether the residence is owned by a limited liability company.*

Section 11. *The Department of Education, in conjunction with the Department of Economic Opportunity, shall develop a plan to implement the recommendations of the Construction Industry Workforce Task Force Report dated January 20, 2017. The Department of Education shall provide the plan to the Construction Industry Workforce Task Force on or before July 1, 2018.*

Section 12. *CareerSource Florida, Inc., shall develop and submit a plan to the Construction Industry Workforce Taskforce of the potential opportunities for training programs to implement the recommendations of the Construction Industry Workforce Taskforce Report dated January 20, 2017, using existing federal funds awarded to the corporation and using the previous statewide Florida ReBuilds program as an implementation model for such programs. CareerSource Florida, Inc., shall provide the plan to the Construction Industry Workforce Taskforce on or before July 1, 2018.*

Section 13. *The Florida Building Commission shall adopt an amendment to the Florida Building Code-Residential, relating to Door Components, to provide that, relating to substitution of door components, such components must either:*

*(1) Comply with ANSI/WMA 100; or*

*(2) Be evaluated by an approved product evaluation entity, certification agency, testing laboratory, or engineer and may be interchangeable in exterior door assemblies if the components provide equal or greater structural performance as demonstrated by accepted engineering practices.*

Section 14. Present subsection (5) of section 489.516, Florida Statutes, is renumbered as subsection (6), and a new subsection (5) is added to that section, to read:

489.516 Qualifications to practice; restrictions; prerequisites.—

*(5) This part does not prevent any certified electrical or alarm system contractor from acting as a prime contractor when the majority of the work to be performed under the contract is within the scope of his or her license or from subcontracting to other licensed contractors any remaining work that is part of the project contracted.*

And the title is amended as follows:

Delete lines 6-43 and insert: engineers; amending s. 489.103, F.S.; revising an exemption from construction contracting regulation for certain public utilities; deleting responsibility of the Construction Industry Licensing Board to define the term "incidental to their business" for certain purposes; amending s. 553.79, F.S.; prohibiting a political subdivision from adopting or enforcing certain building permits or other development order requirement; providing construction; providing for preemption of certain local laws and regulations; providing for retroactive applicability; providing an exception; amending s. 553.791, F.S.; requiring local jurisdictions to reduce certain permit fees; amending s. 553.80, F.S.; prohibiting local enforcement agencies, independent districts, and special districts from charging certain fees; amending s. 553.73, F.S.; revising requirements for updating the Florida Building Code; providing that certain amendments to the Florida Building Code are not void under certain circumstances; providing that certain technical amendments are subject to review or modification; requiring the commission to adopt and update the Florida Building Code through certain review rather than by rule; revising requirements relating to the codes used to update the Florida Building Code; specifying minimum requirements for updates to the Florida Building Code; authorizing the commission to adopt as a technical amendment any portion of specified codes; conforming provisions to changes made by the act; prohibiting the Florida Building Commission from adopting certain code provisions or standards; amending s. 553.76, F.S.; authorizing the commission to adopt the Florida Building Code and amendments thereto by a specified number of votes; creating s. 553.9081, F.S.; requiring the Florida Building Commission to amend certain provisions of the Florida Building Code; amending s. 633.208, F.S.; prohibiting a county, municipality, special taxing district, public utility, or private utility from requiring a separate water connection or charging a specified water or sewage rate under certain conditions; prohibiting a local government from requiring a permit for painting a residence; requiring the Department of Education to develop a plan for specified purposes; requiring Department of Education to provide the plan to the Construction Industry Workforce Task Force by a specified date; requiring CareerSource Florida, Inc., to develop a plan for specified purposes; requiring CareerSource Florida, Inc., to provide the plan to the Construction Industry Workforce Taskforce by a specified date; requiring the Florida Building Commission to amend specified provisions of the Florida Building Code related to door components; amending s. 489.516, F.S.; specifying that certain provisions do not prevent a certified electrical or alarm system contractor from acting as a prime contractor under certain circumstances; providing an effective

Pursuant to Rule 7.1(1), there being no objection, consideration of the following late-filed amendment was allowed:

Senator Brandes moved the following amendment to **Amendment 1 (416182)** which was adopted:

**Amendment 1A (213876) (with title amendment)**—Delete lines 51-80 and insert:

Section 4. Section 468.603, Florida Statutes, is reordered and amended to read:

468.603 Definitions.—As used in this part:

*(2)*~~(1)~~ "Building code administrator" or "building official" means any of those employees of municipal or county governments*, or any person contracted,* with building construction regulation responsibilities who are charged with the responsibility for direct regulatory administration or supervision of plan review, enforcement, or inspection of building construction, erection, repair, addition, remodeling, demolition, or alteration projects that require permitting indicating compliance with building, plumbing, mechanical, electrical, gas, fire prevention, energy, accessibility, and other construction codes as required by state law or municipal or county ordinance. This term is synonymous with "building official" as used in the ~~administrative chapter of the Standard Building Code and the South~~ Florida Building Code. One person employed *or contracted* by each municipal or county government as a building code administrator or building official and who is so certified under this part may be authorized to perform any plan review or inspection for which certification is required by this part*, including performing any plan review or inspection as a currently designated standard certified building official under an interagency service agreement with a jurisdiction having a population of 50,000 or less*.

*(4)*~~(2)~~ "Building code inspector" means any of those employees of local governments or state agencies*, or any person contracted,* with building construction regulation responsibilities who themselves conduct inspections of building construction, erection, repair, addition, or alteration projects that require permitting indicating compliance with building, plumbing, mechanical, electrical, gas, fire prevention, energy, accessibility, and other construction codes as required by state law or municipal or county ordinance.

*(1)*~~(3)~~ "Board" means the Florida Building Code Administrators and Inspectors Board.

*(7)*~~(4)~~ "Department" means the Department of Business and Professional Regulation.

*(6)*~~(5)~~ "Certificate" means a certificate of qualification issued by the department as provided in this part.

*(5)*~~(6)~~ "Categories of building code inspectors" include the following:

(a) "Building inspector" means a person who is qualified to inspect and determine that buildings and structures are constructed in accordance with the provisions of the governing building codes and state accessibility laws.

(b) "Coastal construction inspector" means a person who is qualified to inspect and determine that buildings and structures are constructed

to resist near-hurricane and hurricane velocity winds in accordance with the provisions of the governing building code.

(c) "Commercial electrical inspector" means a person who is qualified to inspect and determine the electrical safety of commercial buildings and structures by inspecting for compliance with the provisions of the National Electrical Code.

*(h)*~~(d)~~ "Residential electrical inspector" means a person who is qualified to inspect and determine the electrical safety of one and two family dwellings and accessory structures by inspecting for compliance with the applicable provisions of the governing electrical code.

(e) "Mechanical inspector" means a person who is qualified to inspect and determine that the mechanical installations and systems for buildings and structures are in compliance with the provisions of the governing mechanical code.

*(g)*~~(f)~~ "Plumbing inspector" means a person who is qualified to inspect and determine that the plumbing installations and systems for buildings and structures are in compliance with the provisions of the governing plumbing code.

*(f)*~~(g)~~ "One and two family dwelling inspector" means a person who is qualified to inspect and determine that one and two family dwellings and accessory structures are constructed in accordance with the provisions of the governing building, plumbing, mechanical, accessibility, and electrical codes.

*(d)*~~(h)~~ "Electrical inspector" means a person who is qualified to inspect and determine the electrical safety of commercial and residential buildings and accessory structures by inspecting for compliance with the provisions of the National Electrical Code.

*(8)*~~(7)~~ "Plans examiner" means a person who is qualified to determine that plans submitted for purposes of obtaining building and other permits comply with the applicable building, plumbing, mechanical, electrical, gas, fire prevention, energy, accessibility, and other applicable construction codes. *The term includes a residential plans examiner who is qualified to determine that plans submitted for purposes of obtaining building and other permits comply with the applicable residential building, plumbing, mechanical, electrical, gas, energy, accessibility, and other applicable construction codes.* Categories of plans examiners include:

(a) Building plans examiner.

(b) Plumbing plans examiner.

(c) Mechanical plans examiner.

(d) Electrical plans examiner.

*(3)*~~(8)~~ "Building code enforcement official" or "enforcement official" means a licensed building code administrator, building code inspector, or plans examiner.

Section 5. Paragraph (c) of subsection (2), paragraphs (a) and (d) of subsection (7), and subsection (10) of section 468.609, Florida Statutes, are amended to read:

468.609 Administration of this part; standards for certification; additional categories of certification.—

(2) A person may take the examination for certification as a building code inspector or plans examiner pursuant to this part if the person:

(c) Meets eligibility requirements according to one of the following criteria:

1. Demonstrates 5 years' combined experience in the field of construction or a related field, building code inspection, or plans review corresponding to the certification category sought;

2. Demonstrates a combination of postsecondary education in the field of construction or a related field and experience which totals 4 years, with at least 1 year of such total being experience in construction, building code inspection, or plans review;

3. Demonstrates a combination of technical education in the field of construction or a related field and experience which totals 4 years, with at least 1 year of such total being experience in construction, building code inspection, or plans review;

4. Currently holds a standard certificate issued by the board or a firesafety inspector license issued pursuant to chapter 633, has a minimum of 3 years' verifiable full-time experience in inspection or plan review, and has satisfactorily completed a building code inspector or plans examiner training program that provides at least 100 hours but not more than 200 hours of cross-training in the certification category sought. The board shall establish by rule criteria for the development and implementation of the training programs. The board shall accept all classroom training offered by an approved provider if the content substantially meets the intent of the classroom component of the training program;

5. Demonstrates a combination of the completion of an approved training program in the field of building code inspection or plan review and a minimum of 2 years' experience in the field of building code inspection, plan review, fire code inspections and fire plans review of new buildings as a firesafety inspector certified under s. 633.216, or construction. The approved training portion of this requirement shall include proof of satisfactory completion of a training program that provides at least 200 hours but not more than 300 hours of cross-training that is approved by the board in the chosen category of building code inspection or plan review in the certification category sought with at least 20 hours but not more than 30 hours of instruction in state laws, rules, and ethics relating to professional standards of practice, duties, and responsibilities of a certificateholder. The board shall coordinate with the Building Officials Association of Florida, Inc., to establish by rule the development and implementation of the training program. However, the board shall accept all classroom training offered by an approved provider if the content substantially meets the intent of the classroom component of the training program; ~~or~~

6. Currently holds a standard certificate issued by the board or a firesafety inspector license issued pursuant to chapter 633 and:

a. Has at least 5 years' verifiable full-time experience as an inspector or plans examiner in a standard certification category currently held or has a minimum of 5 years' verifiable full-time experience as a firesafety inspector licensed pursuant to chapter 633.

b. Has satisfactorily completed a building code inspector or plans examiner classroom training course or program that provides at least 200 but not more than 300 hours in the certification category sought, except for one-family and two-family dwelling training programs, which must provide at least 500 but not more than 800 hours of training as prescribed by the board. The board shall establish by rule criteria for the development and implementation of classroom training courses and programs in each certification category*; or*

*7.a. Has completed a 4-year internship certification program as a building code inspector or plans examiner while employed full-time by a municipality, county, or other governmental jurisdiction, under the direct supervision of a certified building official. Proof of graduation with a related vocational degree or college degree or of verifiable work experience may be exchanged for the internship experience requirement year-for-year, but may reduce the requirement to no less than 1 year.*

*b. Has passed an examination administered by the International Code Council in the certification category sought. Such examination must be passed before beginning the internship certification program.*

*c. Has passed the principles and practice examination before completing the internship certification program.*

*d. Has passed a board-approved 40-hour code training course in the certification category sought before completing the internship certification program.*

*e. Has obtained a favorable recommendation from the supervising building official after completion of the internship certification program.*

(7)(a) The board shall provide for the issuance of provisional certificates valid for 1 year, as specified by board rule, to any ~~newly employed or promoted~~ building code inspector or plans examiner who

meets the eligibility requirements described in subsection (2) and any newly employed or promoted building code administrator who meets the eligibility requirements described in subsection (3). The provisional license may be renewed by the board for just cause; however, a provisional license is not valid for longer than 3 years.

(d) A ~~newly employed or hired~~ person may perform the duties of a plans examiner or building code inspector for 120 days if a provisional certificate application has been submitted if such person is under the direct supervision of a certified building code administrator who holds a standard certification and who has found such person qualified for a provisional certificate. Direct supervision and the determination of qualifications may also be provided by a building code administrator who holds a limited or provisional certificate in a county having a population of fewer than 75,000 and in a municipality located within such county.

(10)*(a)* The board may by rule create categories of certification in addition to those defined in s. *468.603(5) and (8)* ~~468.603(6) and (7)~~. Such certification categories shall not be mandatory and shall not act to diminish the scope of any certificate created by statute.

*(b) The board shall by rule establish:*

*1. Reciprocity of certification with any other state that requires an examination administered by the International Code Council.*

*2. That an applicant for certification as a building code inspector or plans examiner may apply for a provisional certificate valid for the duration of the internship period.*

*3. That partial completion of an internship program may be transferred between jurisdictions on a form prescribed by the board.*

*4. That an applicant may apply for a standard certificate on a form prescribed by the board upon successful completion of an internship certification program.*

*5. That an applicant may apply for a standard certificate at least 30 days and no more than 60 days before completing the internship certification program.*

*6. That a building code inspector or plans examiner who has standard certification may seek an additional certification in another category by completing an additional nonconcurrent 1-year internship program in the certification category sought and passing an examination administered by the International Code Council and a board-approved 40-hour code training course.*

Section 6. Subsection (3) of section 468.617, Florida Statutes, is amended to read:

468.617 Joint building code inspection department; other arrangements.—

(3) Nothing in this part shall prohibit any county or municipal government, school board, community college board, state university, or state agency from entering into any contract with any person or entity for the provision of *building code administrator, building official, or* building code inspection services regulated under this part, and notwithstanding any other statutory provision, such county or municipal governments may enter into contracts.

Section 7. Paragraphs (d) and (i) of subsection (1) and subsection (2) of section 553.791, Florida Statutes, are amended to read:

553.791 Alternative plans review and inspection.—

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

(d) "Building code inspection services" means those services described in s. *468.603(5) and (8)* ~~468.603(6) and (7)~~ involving the review of building plans to determine compliance with applicable codes and those inspections required by law of each phase of construction for which permitting by a local enforcement agency is required to determine compliance with applicable codes.

(i) "Private provider" means a person licensed as *a building code administrator under part XII of chapter 468, as* an engineer under chapter 471*,* or as an architect under chapter 481. For purposes of performing inspections under this section for additions and alterations that are limited to 1,000 square feet or less to residential buildings, the term "private provider" also includes a person who holds a standard certificate under part XII of chapter 468.

(2)*(a)* Notwithstanding any other law or local government ordinance or local policy, the fee owner of a building or structure, or the fee owner's contractor upon written authorization from the fee owner, may choose to use a private provider to provide building code inspection services with regard to such building or structure and may make payment directly to the private provider for the provision of such services. All such services shall be the subject of a written contract between the private provider, or the private provider's firm, and the fee owner or the fee owner's contractor, upon written authorization of the fee owner. The fee owner may elect to use a private provider to provide plans review or required building inspections, or both. However, if the fee owner or the fee owner's contractor uses a private provider to provide plans review, the local building official, in his or her discretion and pursuant to duly adopted policies of the local enforcement agency, may require the fee owner or the fee owner's contractor to use a private provider to also provide required building inspections.

*(b) It is the intent of the Legislature that owners and contractors not be required to pay extra costs related to building permitting requirements when hiring a private provider for plans review and building inspections. A local jurisdiction must calculate the cost savings to the local enforcement agency, based on a fee owner or contractor hiring a private provider to perform plans reviews and building inspections in lieu of the local building official, and reduce the permit fees accordingly.*

Section 8. Section 471.045, Florida Statutes, is amended to read:

471.045 Professional engineers performing building code inspector duties.—Notwithstanding any other provision of law, a person who is currently licensed under this chapter to practice as a professional engineer may provide building code inspection services described in s. *468.603(5) and (8)* ~~468.603(6) and (7)~~ to a local government or state agency upon its request, without being certified by the Florida Building Code Administrators and Inspectors Board under part XII of chapter 468. When performing these building code inspection services, the professional engineer is subject to the disciplinary guidelines of this chapter and s. 468.621(1)(c)-(h). Any complaint processing, investigation, and discipline that arise out of a professional engineer's performing building code inspection services shall be conducted by the Board of Professional Engineers rather than the Florida Building Code Administrators and Inspectors Board. A professional engineer may not perform plans review as an employee of a local government upon any job that the professional engineer or the professional engineer's company designed.

Section 9. Section 481.222, Florida Statutes, is amended to read:

481.222 Architects performing building code inspection services.—Notwithstanding any other provision of law, a person who is currently licensed to practice as an architect under this part may provide building code inspection services described in s. *468.603(5) and (8)* ~~468.603(6) and (7)~~ to a local government or state agency upon its request, without being certified by the Florida Building Code Administrators and Inspectors Board under part XII of chapter 468. With respect to the performance of such building code inspection services, the architect is subject to the disciplinary guidelines of this part and s. 468.621(1)(c)-(h). Any complaint processing, investigation, and discipline that arise out of an architect's performance of building code inspection services shall be conducted by the Board of Architecture and Interior Design rather than the Florida Building Code Administrators and Inspectors Board. An architect may not perform plans review as an employee of a local government upon any job that the architect or the architect's company designed.

And the title is amended as follows:

Delete lines 484-485 and insert: exception; amending s. 468.603, F.S.; revising definitions; amending s. 468.609, F.S.; revising eligibility requirements for the examination for certification as a building code inspector or plans examiner to include an internship certification program; removing an eligibility condition from provisions related to provisional certificates; requiring the Florida Building Code Adminis-

trators and Inspectors Board to establish rules; amending s. 468.617, F.S.; authorizing specified entities to contract for the provision of building code administrator and building official services; amending s. 553.791, F.S.; conforming provisions to changes made by the act; revising a definition; requiring local jurisdictions to reduce certain permit fees; amending ss. 471.045 and 481.222, F.S.; conforming cross-references; amending

**Amendment 1 (416182)**, as amended, was adopted.

Pursuant to Rule 4.19, **CS for CS for HB 1021**, as amended, was placed on the calendar of Bills on Third Reading.

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On motion by Senator Rouson—

**CS for CS for HB 23**—A bill to be entitled An act relating to public assistance; amending s. 414.065, F.S.; revising penalties for noncompliance with work requirements for temporary cash assistance; limiting the receipt of child-only benefits during periods of noncompliance with work requirements; providing applicability of work requirements before expiration of the minimum penalty period; requiring the Department of Children and Families to refer sanctioned participants to appropriate free and low-cost community services, including food banks; amending s. 445.024, F.S.; requiring the Department of Economic Opportunity, in cooperation with CareerSource Florida, Inc., and the Department of Children and Families, to develop and implement a work plan agreement for participants in the temporary cash assistance program; requiring the plan to identify expectations, sanctions, and penalties for noncompliance with work requirements; amending s. 402.82, F.S.; prohibiting the use of an electronic benefits transfer card at specified locations; requiring the Department of Children and Families to impose a replacement fee for electronic benefits transfer cards under certain circumstances; amending s. 39.5085, F.S.; revising eligibility guidelines for the Relative Caregiver Program with respect to relative and nonrelative caregivers; amending ss. 414.14 and 414.175, F.S.; authorizing changes to public assistance policy and federal food assistance waivers to conform to federal law and simplify administration unless such changes increase program eligibility standards; creating s. 414.315, F.S.; requiring the Department of Children and Families to seek federal approval to establish food assistance program resource eligibility standards for all initial applications and recertifications; providing that such standards are subject to changes in federal regulations governing resource eligibility; requiring the department to obtain legislative authorization before seeking federal waivers to expand resource and income eligibility for food assistance; creating s. 414.393, F.S.; requiring the department, upon federal approval, to implement an asset verification service to verify eligibility for food assistance; amending s. 445.004, F.S.; requiring CareerSource Florida, Inc., to include certain data relating to the performance outcomes of local workforce development boards and associated pilot programs in an annual report to the Governor and Legislature; providing legislative findings; providing definitions; requiring CareerSource Florida, Inc., to contract with a vendor to develop a pilot program to increase employment among certain persons receiving temporary cash assistance by a specified date; providing criteria for selecting a vendor; providing criteria for selecting local workforce boards to conduct the pilot program; requiring CareerSource Florida, Inc., to submit a comprehensive report on the outcome of the pilot program to the Governor and Legislature by a specified date; providing an appropriation; providing an effective date.

—was read the second time by title.

The Committee on Appropriations recommended the following amendment which was moved by Senator Powell and adopted:

**Amendment 1 (968490) (with title amendment)**—Delete everything after the enacting clause and insert:

Section 1. Paragraph (c) is added to subsection (7) of section 445.004, Florida Statutes, to read:

445.004 CareerSource Florida, Inc.; creation; purpose; membership; duties and powers.—

(7) By December 1 of each year, CareerSource Florida, Inc., shall submit to the Governor, the President of the Senate, the Speaker of the House of Representatives, the Senate Minority Leader, and the House Minority Leader a complete and detailed annual report setting forth:

*(c) For each local workforce development board, participant statistics and employment outcomes, by program, for individuals subject to mandatory work requirements due to receipt of temporary cash assistance or food assistance under chapter 414, including:*

*1. Individuals served.*

*2. Services received.*

*3. Activities in which individuals participated.*

*4. Types of employment secured.*

*5. Individuals securing employment but remaining in each program.*

*6. Individuals exiting programs due to employment.*

*7. Employment status at 3 months, 6 months, and 12 months after exiting the program, for the past 3 years.*

Section 2. Present subsections (3) through (7) of section 445.024, Florida Statutes, are renumbered as subsections (4) through (8), respectively, and a new subsection (3) is added to that section, to read:

445.024 Work requirements.—

*(3) WORK PLAN AGREEMENT.—For each individual who is not otherwise exempt from work activity requirements, but before a participant may receive temporary cash assistance, the Department of Economic Opportunity, in cooperation with CareerSource Florida, Inc., and the Department of Children and Families, must:*

*(a) Inform the participant, in plain language, and require the participant to assent to, in writing:*

*1. What is expected of the participant to continue to receive temporary cash assistance benefits.*

*2. Under what circumstances the participant would be sanctioned for noncompliance.*

*3. Potential penalties for noncompliance with the work requirements in s. 414.065, including how long benefits would not be available to the participant.*

*(b) Work with the participant to develop strategies to assist the participant in overcoming obstacles to compliance with the work activity requirements.*

Section 3. Present subsection (4) of section 402.82, Florida Statutes, is renumbered as subsection (5), and a new subsection (4) is added to that section, to read:

402.82 Electronic benefits transfer program.—

*(4) The department shall impose a fee for the fifth and each subsequent request for a replacement electronic benefits transfer card made by a participant within a 12-month period. The fee must be equal to the cost of replacing the electronic benefits transfer card. The fee may be deducted from the participant's benefits. The department may waive the replacement fee upon a showing of good cause, such as the malfunction of the card or extreme financial hardship.*

Section 4. Paragraph (a) of subsection (1) and paragraph (a) of subsection (2) of section 39.5085, Florida Statutes, are amended to read:

39.5085 Relative Caregiver Program.—

(1) It is the intent of the Legislature in enacting this section to:

(a) Provide for the establishment of procedures and protocols that serve to advance the continued safety of children by acknowledging the valued resource uniquely available through grandparents, relatives of children, and specified nonrelatives of children pursuant to *sub-subparagraph (2)(a)1.c.* ~~subparagraph (2)(a)3.~~

(2)(a) The Department of Children and Families shall establish, ~~and~~ operate, *and implement* the Relative Caregiver Program ~~pursuant to eligibility guidelines established in this section as further implemented~~ by rule of the department.

*1.* The Relative Caregiver Program shall, within the limits of available funding, provide financial assistance to:

*a.*~~1.~~ Relatives who are within the fifth degree by blood or marriage to the parent or stepparent of a child and who are caring full-time for that dependent child in the role of substitute parent as a result of a court's determination of child abuse, neglect, or abandonment and subsequent placement with the relative under this chapter.

*b.*~~2.~~ Relatives who are within the fifth degree by blood or marriage to the parent or stepparent of a child and who are caring full-time for that dependent child, and a dependent half-brother or half-sister of that dependent child, in the role of substitute parent as a result of a court's determination of child abuse, neglect, or abandonment and subsequent placement with the relative under this chapter.

*c.*~~3.~~ Nonrelatives who are willing to assume custody and care of a dependent child in the role of substitute parent as a result of a court's determination of child abuse, neglect, or abandonment and subsequent placement with the nonrelative caregiver under this chapter. The court must find that a proposed placement under this subparagraph is in the best interest of the child.

*2. The relative or nonrelative caregiver may not receive a Relative Caregiver Program payment if the parent or stepparent of the child resides in the home. However, a relative or nonrelative may receive the payment for a minor parent who is in his or her care and for the minor parent's child, if both the minor parent and the child have been adjudicated dependent and meet all other eligibility requirements. If the caregiver is currently receiving the payment, the payment must be terminated no later than the first day of the following month after the parent or stepparent moves into the home. Before the payment is terminated, the caregiver must be given 10 days' notice of adverse action.*

The placement may be court-ordered temporary legal custody to the relative or nonrelative under protective supervision of the department pursuant to s. 39.521(1)(b)3., or court-ordered placement in the home of a relative or nonrelative as a permanency option under s. 39.6221 or s. 39.6231 or under former s. 39.622 if the placement was made before July 1, 2006. The Relative Caregiver Program shall offer financial assistance to caregivers who would be unable to serve in that capacity without the caregiver payment because of financial burden, thus exposing the child to the trauma of placement in a shelter or in foster care.

Section 5. *(1) The Office of Program Policy Analysis and Government Accountability shall conduct a study of each local workforce development board to determine what barriers exist which prevent participants in the Supplemental Nutrition Assistance Program and the Temporary Assistance for Needy Families cash assistance program from complying with the work requirements in the respective programs. The study must include detailed data and analysis of the reasons why applicants and recipients do not comply with the work requirements, the reasons that noncompliant applicants and recipients identify as barriers to compliance, and what assistance was offered to the participants to come into compliance. The study must also include a listing of the specific reasons for the sanctions applied, separated into categories with the number of participants who received each sanction. For example:*

*(a) Failure to attend a scheduled meeting—10 people sanctioned;*

*(b) Failure to complete required documents—5 people sanctioned; or*

*(c) Failure to comply with child support requirements, with specifics on what the requirement was.*

*(2) The legislative intent for requesting this independent study is to gain an in-depth understanding of the barriers that may exist for people trying to participate in the workforce, through reviewing the specific reasons participants are sanctioned on a region by region basis.*

*(3) The Office of Program Policy Analysis and Government Accountability shall submit a report with its findings and recommendations to the Governor, the President of the Senate, the Speaker of the House of Representatives, and the Minority Leaders of the Senate and the House of Representatives by November 1, 2017.*

Section 6. *TANF Reemployment Pilot Program.—*

*(1) The Legislature finds that there is an important state interest in assisting Temporary Assistance for Needy Families (TANF) recipients in finding and securing stable and productive employment and that reemployment programs have the potential to benefit such recipients and their families and to alleviate the financial strain on the state economy.*

*(2) The TANF Reemployment Pilot Program is created in Pinellas County and shall be administered by the Pinellas Opportunity Council, Inc.*

*(3) The purpose of the pilot program is to assist TANF recipients in developing return-to-work plans with the goal of reemployment.*

Section 7. *For the 2017-2018 fiscal year, the sum of $150,000 in nonrecurring funds from the General Revenue Fund and $150,000 in nonrecurring funds from the Federal Grants Trust Fund are appropriated for the TANF Reemployment Pilot Program.*

Section 8. This act shall take effect July 1, 2017.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to public assistance; amending s. 445.004, F.S.; requiring CareerSource Florida, Inc., to submit a detailed annual report on certain information for individuals subject to mandatory work requirements who receive temporary cash or food assistance; amending s. 445.024, F.S.; requiring the Department of Economic Opportunity, in cooperation with CareerSource Florida, Inc., and the Department of Children and Families, to develop and implement a work plan agreement for participants in the temporary cash assistance program; requiring the plan to identify expectations, sanctions, and penalties for noncompliance with work requirements; amending s. 402.82, F.S.; requiring the Department of Children and Families to impose a replacement fee for electronic benefits transfer cards under certain circumstances; amending s. 39.5085, F.S.; revising eligibility guidelines for the Relative Caregiver Program with respect to relative and nonrelative caregivers; requiring the Office of Program Policy Analysis and Government Accountability (OPPAGA) to conduct a study; providing study requirements; providing legislative intent; requiring OPPAGA to submit a report by a certain date to the Governor and the Legislature; providing legislative findings; creating the TANF Reemployment Pilot Program in Pinellas County; providing for the administration of the program; providing the purpose and goal of the program; providing an appropriation; providing an effective date.

Pursuant to Rule 4.19, **CS for CS for HB 23**, as amended, was placed on the calendar of Bills on Third Reading.

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**CS for CS for SB 1370**—A bill to be entitled An act relating to warnings for lottery games; amending s. 24.107, F.S.; requiring every advertisement or promotion of lottery games to include a specified warning; providing requirements for the warning; amending s. 24.111, F.S.; requiring contracts entered into between the Department of the Lottery and a vendor of lottery tickets to include a provision that requires the vendor to place or print a specified warning on all lottery tickets; providing requirements for the warning; providing an effective date.

—was read the second time by title.

Pending further consideration of **CS for CS for SB 1370**, pursuant to Rule 3.11(3), there being no objection, **CS for CS for HB 937** was withdrawn from the Committees on Regulated Industries; Judiciary; and Rules.

On motion by Senator Perry—

**CS for CS for HB 937**—A bill to be entitled An act relating to warnings for lottery games; amending s. 24.107, F.S.; requiring the Department of the Lottery to provide a specified warning in advertisements or promotions of lottery games; amending s. 24.111, F.S.; requiring contracts entered into between the department and a vendor of

lottery tickets to include a provision that requires the vendor to place or print a specified warning on all lottery tickets; specifying requirements for specified warning; amending s. 24.112, F.S.; requiring contracts entered into between the department and a retailer of lottery tickets to include a provision that requires the retailer to prominently display a sign, provided by the department, with a specified warning at the point of sale; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 1370** and read the second time by title.

Pursuant to Rule 4.19, **CS for CS for HB 937** was placed on the calendar of Bills on Third Reading.

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**MOMENT OF SILENCE**

At the request of Senator Rodriguez, the Senate observed a moment of silence in honor of the victims during the Venezuelan protest.

## RECESS

**THE PRESIDENT PRESIDING**

On motion by Senator Benacquisto, the Senate recessed at 11:28 a.m. to reconvene at 1:30 p.m., or upon call of the President.

## AFTERNOON SESSION

The Senate was called to order by the President at 1:30 p.m. A quorum present—36:

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

## LOCAL BILL CALENDAR

**MOTION**

On motion by Senator Benacquisto, the rules were waived and **CS for HB 259**, **HB 531**, **HB 533**, **HB 647**, **CS for HB 737**, **CS for HB 759**, **HB 891**, **HB 905**, **CS for HB 921**, **CS for HB 951**, **CS for HB 1025**, **CS for CS for HB 1075**, **HB 1089**, **CS for HB 1135**, **HB 1147**, **HB 1149**, **CS for HB 1151**, **HB 1153**, **CS for HB 1291**, **HB 1293**, **HB 1295**, **HB 1297**, **HB 1311**, **HB 1313**, **CS for HB 1315**, **HB 1317**, **CS for CS for HB 1333**, **CS for HB 1363**, **HB 1401**, **HB 1437**, and **HB 1439** on the Local Bill Calendar were withdrawn from the Committee on Rules, read a second and third time by title, and passed this day.

**CS for HB 259**—A bill to be entitled An act relating to Martin County; creating the Village of Indiantown; providing a charter; providing legislative intent; providing for a council-manager form of government; providing boundaries; providing municipal powers; providing for a village council and composition thereof; providing for eligibility, terms, duties, compensation, and reimbursement of expenses of council members; providing for a mayor and vice mayor; providing scheduling requirements of council meetings; prohibiting interference with village employees; providing for filling of vacancies and forfeiture of office; providing for the appointment of a village manager and village attorney and the qualifications, removal, powers, and duties thereof; providing for the establishment of village departments, agencies, personnel, and boards; providing for an annual independent audit; providing that the state is not liable for financial shortfalls of the village; providing for nonpartisan elections and matters relating thereto; providing for the recall of council members; providing for initiative and referenda; providing for a code of ethics; providing for future amendments to the charter; providing for severability; providing a village transition schedule and procedures for the first election; providing for first-year expenses; providing for adoption of comprehensive plans and land development regulations; providing for accelerated entitlement to state-shared revenues; providing for entitlement to all local revenue sources allowed by general law; providing for the sharing of communications services tax revenues; providing for receipt and distribution of local option gas tax revenues; providing for waiver of specified eligibility provisions; requiring a referendum; providing effective dates.

—was read the second time by title. On motion by Senator Benacquisto, by two-thirds vote, **CS for HB 259** was read the third time by title, passed, and certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

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**HB 531**—A bill to be entitled An act relating to the Solid Waste Authority of Palm Beach County, Palm Beach County; amending ch. 2001-331, Laws of Florida; increasing the time period for granting or extending a franchise, contract, or permit; providing an effective date.

—was read the second time by title. On motion by Senator Powell, by two-thirds vote, **HB 531** was read the third time by title, passed, and certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

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**HB 533**—A bill to be entitled An act relating to the City of Tampa, Hillsborough County; authorizing the City of Tampa to enter into a supplemental contract with certain firefighters and police officers to comply with ch. 2015-39, Laws of Florida, by providing for the establishment of an unfunded defined contribution plan component; authorizing the board of trustees to adopt rules implementing the defined contribution plan component in the event it becomes funded; confirming in part the City of Tampa Firefighters and Police Officers Pension Contract; providing for severability; providing an effective date.

—was read the second time by title. On motion by Senator Lee, by two-thirds vote, **HB 533** was read the third time by title, passed, and certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

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**HB 647**—A bill to be entitled An act relating to the Hillsborough County Public Transportation Commission; prohibiting the commission from incurring additional obligations or indebtedness; requiring the commission to wind down its affairs, liquidate its assets, and satisfy its obligations and indebtedness by a specified date; repealing chs. 98-451, 2001-299, 2007-297, 2008-290, 2010-265, 2010-272, and 2012-247, Laws of Florida; dissolving the commission; amending ch. 2000-445, Laws of Florida, as amended; correcting a cross reference; providing effective dates.

—was read the second time by title. On motion by Senator Lee, by two-thirds vote, **HB 647** was read the third time by title, passed, and certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

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**CS for HB 737**—A bill to be entitled An act relating to the Port of Palm Beach District, Palm Beach County; codifying, amending, reenacting, and repealing special acts relating to the district; repealing chs. 74-570, 75-468, 81-459, 87-523, 90-462, 95-467, and 99-457, Laws of Florida; deleting obsolete language; redesignating the trade zones established by the district as foreign trade zones and authorizing such foreign trade zones to maintain trade operations outside of the boundaries of the district; providing an effective date.

—was read the second time by title. On motion by Senator Powell, by two-thirds vote, **CS for HB 737** was read the third time by title, passed, and certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

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**CS for HB 759**—A bill to be entitled An act relating to the City of Gainesville, Alachua County; amending ch. 12760, Laws of Florida (1927), as amended by ch. 90-394, Laws of Florida, relating to the city's charter; repealing section 3.06 of the city's charter, relating to the appointment, qualifications, powers, and duties of the general manager for utilities of Gainesville Regional Utilities; creating the Gainesville Regional Utilities Authority and establishing it as the governing board of Gainesville Regional Utilities; providing definitions; specifying the powers and duties of the authority; specifying the composition of the authority and the selection and removal, terms, compensation, organization, and liability of its members; specifying certain management and personnel for the authority; specifying applicability to certain city ordinances, policies, rates, fees, assessments, charges, rules, regulations, budgets, and contracts; requiring the authority to develop and review an ethics policy and code of conduct; providing a ballot statement; requiring a referendum; providing an effective date.

—was read the second time by title. On motion by Senator Perry, by two-thirds vote, **CS for HB 759** was read the third time by title, passed, and certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

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**HB 891**—A bill to be entitled An act relating to the Carrabelle Port and Airport Authority, Franklin County; repealing chs. 80-471 and 86-464, Laws of Florida; abolishing the district; transferring assets and liabilities of the district; providing an effective date.

—was read the second time by title. On motion by Senator Montford, by two-thirds vote, **HB 891** was read the third time by title, passed, and certified to the House. The vote on passage was:

Yeas—38

| | | |
|---|---|---|
| Mr. President | Broxson | Grimsley |
| Baxley | Campbell | Hutson |
| Bean | Clemens | Latvala |
| Benacquisto | Farmer | Lee |
| Book | Flores | Mayfield |
| Bracy | Gainer | Montford |
| Bradley | Galvano | Passidomo |
| Brandes | Garcia | Perry |
| Braynon | Gibson | Powell |

| | | |
|---|---|---|
| Rader | Simpson | Thurston |
| Rodriguez | Stargel | Torres |
| Rouson | Steube | Young |
| Simmons | Stewart | |

Nays—None

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**HB 905**—A bill to be entitled An act relating to the Barefoot Bay Recreation District, Brevard County; authorizing an amendment to the district charter, subject to approval by a vote of the electors of the district, to impose term limits for members of the board of trustees; providing an exception to general law; providing an effective date.

—was read the second time by title. On motion by Senator Mayfield, by two-thirds vote, **HB 905** was read the third time by title, passed, and certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

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**CS for HB 921**—A bill to be entitled An act relating to Fellsmere Drainage District, Indian River County; codifying the district's charter pursuant to s. 189.019, Florida Statutes; providing legislative intent; amending, codifying, reenacting, and repealing special acts relating to the district; repealing chs. 8877 (1921), 11555 (1925), 12023 (1927), 14719 (1931), 16998 (1935), 28418 (1953), 61-1414, and 69-1161, Laws of Florida, relating to the Fellsmere Drainage District; changing the name of the district to the Fellsmere Water Control District; removing the 99-year term limitation of the district originally provided by court decree; amending the boundaries of the district; providing an effective date.

—was read the second time by title. On motion by Senator Mayfield, by two-thirds vote, **CS for HB 921** was read the third time by title, passed, and certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

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**CS for HB 951**—A bill to be entitled An act relating to the City of Key West, Monroe County; amending ch. 69-1911, Laws of Florida, as amended; providing for board members to be elected by all voters within the utility board's territory; revising residency requirements to allow for representation throughout the board's territory; changing the requirements of the organizational meeting; expanding authorized advertising vehicles; revising piggyback contract provisions; providing an effective date.

—was read the second time by title. On motion by Senator Flores, by two-thirds vote, **CS for HB 951** was read the third time by title, passed, and certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

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**CS for HB 1025**—A bill to be entitled An act relating to the Firefighters' Relief and Pension Fund of the City of Pensacola, Escambia County; amending chapter 21483, Laws of Florida (1941), as amended; correcting and updating terminology and dates; prohibiting certain participants from receiving a cost-of-living increase in benefits while they are participants in the Deferred Retirement Option Plan; revising and providing definitions; providing the maximum number of hours per plan year of annual overtime pay for certain firefighters; providing severability; providing an effective date.

—was read the second time by title. On motion by Senator Broxson, by two-thirds vote, **CS for HB 1025** was read the third time by title, passed, and certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

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**CS for CS for HB 1075**—A bill to be entitled An act relating to Nassau County; creating the East Nassau Stewardship District; providing a short title; providing legislative findings and intent; providing definitions; stating legislative policy regarding creation of the district; establishing compliance with minimum requirements in s. 189.031(3), F.S., for creation of an independent special district; providing for creation and establishment of the district; establishing the legal boundaries of the district; providing for the jurisdiction and charter of the district; providing for a governing board and establishing membership criteria and election procedures; providing for board members' terms of office; providing for board meetings; providing for administrative duties of the board; providing a method for transition of the board from landowner

control to control by the resident electors of the district; providing for a district manager and district personnel; providing for a district treasurer, selection of a public depository, and district budgets and financial reports; providing for the general powers of the district; providing for the special powers of the district to plan, finance, and provide community infrastructure and services within the district; providing for bonds; providing for borrowing; providing for future ad valorem taxation; providing for special assessments; providing for issuance of certificates of indebtedness; providing for tax liens; providing for competitive procurement; providing for fees and charges; providing for amendment to charter; providing for required notices to purchasers of residential units within the district; defining district public property; providing severability; providing for a referendum; providing an effective date.

—was read the second time by title. On motion by Senator Bean, by two-thirds vote, **CS for CS for HB 1075** was read the third time by title, passed, and certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

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**HB 1089**—A bill to be entitled An act relating to the Ocean Highway and Port Authority, Nassau County; amending ch. 2005-293, Laws of Florida; updating authority powers consistent with ch. 311, Florida Statutes; deleting obsolete language; providing an effective date.

—was read the second time by title. On motion by Senator Bean, by two-thirds vote, **HB 1089** was read the third time by title, passed, and certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

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**CS for HB 1135**—A bill to be entitled An act relating to the West Palm Beach Police Pension Fund of the City of West Palm Beach, Palm Beach County; amending chapter 24981 (1947), Laws of Florida, as amended; revising definitions; revising trustee terms; clarifying powers of the board of trustees; adding provision for physical for determining preexisting conditions; adding procedure for returning withdrawn contributions upon rehire or reinstatement to employment; adding normal retirement age for retirement based on years of service; deleting obsolete retirement calculations; clarifying survivor language for normal form of benefit; adding 10-year certain benefit to optional forms; adding a death benefit provision to the DROP account; clarifying the retiree's option to elect an optional form at the time of retirement; adding an actuarial equivalent calculation for survivor benefits paid to a spouse other than the one to whom the retiree was married at the time of retirement; deleting the section actuarial assumptions; clarifying the purchase of service is limited to 5 years; providing an effective date.

—was read the second time by title. On motion by Senator Powell, by two-thirds vote, **CS for HB 1135** was read the third time by title, passed, and certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

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**HB 1147**—A bill to be entitled An act relating to the Central Broward Water Control District, Broward County; amending ch. 98-501, Laws of Florida, as amended; revising the manner in which the commission must act; providing an effective date.

—was read the second time by title. On motion by Senator Farmer, by two-thirds vote, **HB 1147** was read the third time by title, passed, and certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

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**HB 1149**—A bill to be entitled An act relating to the North Springs Improvement District, Broward County; amending chapter 2005-341, Laws of Florida, as amended; extending and enlarging the boundaries of the district; providing an effective date.

—was read the second time by title. On motion by Senator Farmer, by two-thirds vote, **HB 1149** was read the third time by title, passed, and certified to the House. The vote on passage was:

Yeas—38

| | | |
|---|---|---|
| Mr. President | Bracy | Campbell |
| Baxley | Bradley | Clemens |
| Bean | Brandes | Farmer |
| Benacquisto | Braynon | Flores |
| Book | Broxson | Gainer |

| | | |
|---|---|---|
| Galvano | Montford | Simpson |
| Garcia | Passidomo | Stargel |
| Gibson | Perry | Steube |
| Grimsley | Powell | Stewart |
| Hutson | Rader | Thurston |
| Latvala | Rodriguez | Torres |
| Lee | Rouson | Young |
| Mayfield | Simmons | |

Nays—None

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**CS for HB 1151**—A bill to be entitled An act relating to the Lehigh Acres Fire Control and Rescue District and the Alva Fire Protection and Rescue Service District, Lee County; amending ch. 2000-406, Laws of Florida; amending the geographic boundaries of the Lehigh Acres Fire Control and Rescue District; ch. 2000-455, Laws of Florida, amending the geographic boundaries of Alva Fire Protection and Rescue Service District; providing construction; providing that the act shall take precedence over any conflicting law to the extent of such conflict; providing an effective date.

—was read the second time by title. On motion by Senator Passidomo, by two-thirds vote, **CS for HB 1151** was read the third time by title, passed, and certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

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**HB 1153**—A bill to be entitled An act relating to Broward County; providing legislative findings; providing for an alternate means to measure permitted sign height on interstate highways within Broward County; providing for the Florida Department of Transportation to promulgate rules; providing an effective date.

—was read the second time by title. On motion by Senator Farmer, by two-thirds vote, **HB 1153** was read the third time by title, passed, and certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

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**CS for HB 1291**—A bill to be entitled An act relating to the City of Jacksonville, Duval County; providing exceptions to general law; providing that a business licensed to sell alcoholic beverages for consumption on premises may sell such beverages for consumption off premises during certain events when such business is located within a certain district; requiring an application fee; providing that the city council shall specify a time period for certain events; providing definitions; providing an effective date.

—was read the second time by title. On motion by Senator Bean, by two-thirds vote, **CS for HB 1291** was read the third time by title, passed, and certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

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**HB 1293**—A bill to be entitled An act relating to the City of Jacksonville, Duval County; amending ch. 87-471, Laws of Florida, as amended; establishing special zones in Jacksonville; providing exceptions for space and seating requirements for liquor licenses for restaurants in the zones; providing an effective date.

—was read the second time by title. On motion by Senator Bean, by two-thirds vote, **HB 1293** was read the third time by title, passed, and certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

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**HB 1295**—A bill to be entitled An act relating to Monroe County; providing definitions; providing an exception to general law; authorizing the School Board of Monroe County or the Board of County Commissioners of Monroe County, or any political subdivision thereof, to conduct public meetings, hearings, and workshops by means of communications media technology; authorizing the adoption of rules; providing for notices of public meetings, hearings, and workshops conducted by means of communications media technology; providing applicability and construction; providing an effective date.

—was read the second time by title. On motion by Senator Flores, by two-thirds vote, **HB 1295** was read the third time by title, passed, and certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

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**HB 1297**—A bill to be entitled An act relating to Palm Beach County; amending ch. 74-565, Laws of Florida, as amended; revising the nomination process for appointees to the Building Code Advisory Board of Palm Beach County; providing an effective date.

—was read the second time by title. On motion by Senator Powell, by two-thirds vote, **HB 1297** was read the third time by title, passed, and certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

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**HB 1311**—A bill to be entitled An act relating to the Lehigh Acres Municipal Services Improvement District, Lee and Hendry Counties; amending chapter 2015-202, Laws of Florida; expanding the territorial boundaries of the district; ratifying and confirming as valid all taxes and assessments levied by or for the district notwithstanding any defects in the assessment or levy of such taxes and assessments; providing an effective date.

—was read the second time by title. On motion by Senator Passidomo, by two-thirds vote, **HB 1311** was read the third time by title, passed, and certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

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**HB 1313**—A bill to be entitled An act relating to the Cold Springs Improvement District, Marion County; amending ch. 94-452, Laws of Florida; revising boundaries to remove certain lands from the district; providing an effective date.

—was read the second time by title. On motion by Senator Baxley, by two-thirds vote, **HB 1313** was read the third time by title, passed, and certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

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**CS for HB 1315**—A bill to be entitled An act relating to the Lake County Water Authority, Lake County; amending ch. 2005-314, Laws of Florida; revising purpose of the authority; deleting obsolete language; removing power of the governing board and the authority to acquire land through eminent domain or condemnation; removing power of the board relating to certain state land; providing for the county or a municipality to acquire private property through eminent domain under certain circumstances; providing powers of the board relating to navigation and blockage of certain waterways in the county; prohibiting the board from expending public funds to promote recreation and tourism; providing powers of and restrictions on the authority and the board relating to parks; requiring certain documents to be published on the authority's website; providing an effective date.

—was read the second time by title. On motion by Senator Stargel, by two-thirds vote, **CS for HB 1315** was read the third time by title, passed, and certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

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**HB 1317**—A bill to be entitled An act relating to the North Lake County Hospital District, Lake County; amending ch. 2012-258, Laws of Florida; providing for expiration of the district at a specified time without further legislative action and permitting continuation of the district by referendum; providing for a referendum; providing an effective date.

—was read the second time by title. On motion by Senator Stargel, by two-thirds vote, **HB 1317** was read the third time by title, passed, and certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

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**CS for CS for HB 1333**—A bill to be entitled An act relating to Osceola County; creating the Sunbridge Stewardship District; providing a short title; providing legislative findings and intent; providing definitions; stating legislative policy regarding creation of the district; establishing compliance with minimum requirements in s. 189.031(3), F.S., for creation of an independent special district; providing for creation and establishment of the district; establishing the legal boundaries of the district; providing for the jurisdiction and charter of the district; providing for a governing board and establishing membership criteria and election procedures; providing for board members' terms of office; providing for board meetings; providing for administrative duties of the board; providing a method for transition of the board from landowner control to control by the resident electors of the district; providing for a district manager and district personnel; providing for a district treasurer, selection of a public depository, and district budgets and financial reports; providing for the general powers of the district; providing for the special powers of the district to plan, finance, and provide community infrastructure and services within the district; providing for bonds; providing for borrowing; providing for future ad valorem taxation; providing for special assessments; providing for issuance of certificates of indebtedness; providing for tax liens; providing for competitive procurement; providing for fees and charges; providing for amendment to charter; providing for required notices to purchasers of residential units within the district; defining district public property; providing for construction; providing severability; providing for a referendum; providing an effective date.

—was read the second time by title. On motion by Senator Torres, by two-thirds vote, **CS for CS for HB 1333** was read the third time by title, passed, and certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

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**CS for HB 1363**—A bill to be entitled An act relating to Santa Rosa County; creating the Pace Fire Rescue District, an independent special district; creating a district charter; providing a short title; providing territorial boundaries of the district; providing purposes and intent; providing for a board of commissioners of the district; providing for qualification, election, membership, and terms of office; providing for the filling of vacancies; providing for meetings; providing rulemaking authority; providing powers and duties of the board; providing for use of district funds; authorizing the district to issue bonds and levy ad valorem taxes, non-ad valorem assessments, impact fees, and user charges; providing planning requirements; providing for modification of district boundaries; providing for amendment of the charter by special act of the Legislature; providing severability; requiring a referendum; providing an effective date.

—was read the second time by title. On motion by Senator Broxson, by two-thirds vote, **CS for HB 1363** was read the third time by title, passed, and certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

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**HB 1401**—A bill to be entitled An act relating to the East Mulloch Drainage District; amending ch. 63-930, Laws of Florida, as amended; increasing the membership of the board of supervisors on a specified date; revising the qualifications for supervisors; providing and revising requirements relating to terms of supervisors; requiring supervisors to be elected by registered voters residing in the district; authorizing the Governor to appoint supervisors in certain situations; authorizing reimbursement of supervisors for travel and other necessary expenses; authorizing the board to levy certain assessments and taxes; deleting a provision relating to a cap on maintenance taxes; repealing ch. 83-455, Laws of Florida; providing an effective date.

—was read the second time by title. On motion by Senator Passidomo, by two-thirds vote, **HB 1401** was read the third time by title, passed, and certified to the House. The vote on passage was:

Yeas—38

| | | |
|---|---|---|
| Mr. President | Campbell | Latvala |
| Baxley | Clemens | Lee |
| Bean | Farmer | Mayfield |
| Benacquisto | Flores | Montford |
| Book | Gainer | Passidomo |
| Bracy | Galvano | Perry |
| Bradley | Garcia | Powell |
| Brandes | Gibson | Rader |
| Braynon | Grimsley | Rodriguez |
| Broxson | Hutson | Rouson |

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

Nays—None

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**HB 1437**—A bill to be entitled An act relating to Alachua County; amending ch. 57-1118, Laws of Florida, as amended; revising the membership of the county law library; revising the library's location; providing an effective date.

—was read the second time by title. On motion by Senator Perry, by two-thirds vote, **HB 1437** was read the third time by title, passed, and certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

---

**HB 1439**—A bill to be entitled An act relating to Charlotte County; providing space and seating requirements for the issuance of special alcoholic beverage licenses to event centers; providing an exception to general law; providing an effective date.

—was read the second time by title. On motion by Senator Grimsley, by two-thirds vote, **HB 1439** was read the third time by title, passed, and certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

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By direction of the President, pursuant to Rule 4.3(3), the Senate reverted to—

## MESSAGES FROM THE HOUSE OF REPRESENTATIVES, continued

The Honorable Joe Negron, President

I am directed to inform the Senate that the House of Representatives has passed CS/SB 90, with 1 amendment, by the required Constitutional two-thirds vote of the membership.

*Portia Palmer*, Clerk

**CS for SB 90**—A bill to be entitled An act relating to renewable energy source devices; amending s. 193.624, F.S.; revising the definition of the term "renewable energy source device"; prohibiting the consideration of just value of property attributable to a renewable energy source device in determining the assessed value of real property used for residential purposes; prohibiting the consideration of a specified percentage of the just value of property attributable to a renewable energy source device in determining the assessed value of real property used for nonresidential purposes; revising applicability; providing for expiration of specified amendments made by the act; creating s. 196.182, F.S.; exempting a specified percentage of the assessed value of certain renewable energy source devices from ad valorem taxation; providing applicability; exempting a specified percentage of the assessed value of renewable energy source devices affixed to property owned or leased by the United States Department of Defense for the military from ad valorem taxation; providing for expiration; reenacting ss. 193.155(4)(a) and 193.1554(6)(a), F.S., relating to homestead assessments and nonhomestead residential property assessments, respectively, to incorporate the amendment made to s. 193.624, F.S., in references thereto; providing an effective date.

**House Amendment 1 (955741) (with title amendment)**—Remove everything after the enacting clause and insert:

Section 1. Subsection (1) of section 24.118, Florida Statutes, is amended to read:

24.118 Other prohibited acts; penalties.—

(1) UNLAWFUL EXTENSIONS OF CREDIT.—Any retailer who extends credit or lends money to a person for the purchase of a lottery ticket is guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083. This subsection shall not be construed to prohibit the purchase of a lottery ticket through the use of a credit or charge card or other instrument issued by a bank, savings association, credit union, or charge card company or by a retailer pursuant to *part III* ~~part II~~ of chapter 520, provided that any such purchase from a retailer shall be in addition to the purchase of goods and services other than lottery tickets having a cost of no less than $20.

Section 2. Section 193.624, Florida Statutes, is amended to read:

193.624 Assessment of *renewable energy source devices* ~~residential property~~.—

(1) As used in this section, the term "renewable energy source device" means any of the following equipment that collects, transmits, stores, or uses solar energy, wind energy, or energy derived from geothermal deposits:

(a) Solar energy collectors, photovoltaic modules, and inverters.

(b) Storage tanks and other storage systems, excluding swimming pools used as storage tanks.

(c) Rockbeds.

(d) Thermostats and other control devices.

(e) Heat exchange devices.

(f) Pumps and fans.

(g) Roof ponds.

(h) Freestanding thermal containers.

(i) Pipes, ducts, *wiring, structural supports,* refrigerant handling systems, and other *components* ~~equipment~~ used *as integral parts of* ~~to interconnect~~ such systems; however, such equipment does not include conventional backup systems of any type *or any equipment or structure that would be required in the absence of the renewable energy source device*.

(j) Windmills and wind turbines.

(k) Wind-driven generators.

(l) Power conditioning and storage devices that *store or* use *solar energy,* wind energy*, or energy derived from geothermal deposits* to generate electricity or mechanical forms of energy.

(m) Pipes and other equipment used to transmit hot geothermal water to a dwelling or structure from a geothermal deposit.

*The term does not include equipment that is on the distribution or transmission side of the point at which a renewable energy source device is interconnected to an electric utility's distribution grid or transmission lines.*

(2) In determining the assessed value of real property used*:*

*(a)* For residential purposes, ~~an increase in~~ the just value of the property attributable to ~~the installation of~~ a renewable energy source device may not be considered.

*(b) For nonresidential purposes, 80 percent of the just value of the property attributable to a renewable energy source device may not be considered.*

(3) This section applies to the installation of a renewable energy source device installed on or after January 1, 2013, to new and existing residential real property. *This section applies to a renewable energy source device installed on or after January 1, 2018, to all other real property, except when installed as part of a project planned for a location in a fiscally constrained county, as defined in s. 218.67(1), and for which an application for a comprehensive plan amendment or planned unit development zoning has been filed with the county on or before December 31, 2017.*

Section 3. Section 196.182, Florida Statutes, is created to read:

*196.182 Exemption of renewable energy source devices.—*

*(1) Eighty percent of the assessed value of a renewable energy source device, as defined in s. 193.624, that is considered tangible personal property is exempt from ad valorem taxation if the renewable energy source device:*

*(a) Is installed on real property on or after January 1, 2018;*

*(b) Was installed before January 1, 2018, to supply a municipal electric utility located within a consolidated government; or*

*(c) Was installed after August 30, 2016, on municipal land as part of a project incorporating other renewable energy source devices under common ownership on municipal land for the sole purpose of supplying a municipal electric utility with at least 2 megawatts and no more than 5 megawatts of alternating current power when the renewable energy source devices in the project are used together.*

*(2) The exemption provided in this section does not apply to a renewable energy source device that is installed as part of a project planned for a location in a fiscally constrained county, as defined in s. 218.67(1), and for which an application for a comprehensive plan amendment or planned unit development zoning has been filed with the county on or before December 31, 2017.*

*(3) Notwithstanding this section, 80 percent of the assessed value of a renewable energy source device, as defined in s. 193.624, that is affixed to property owned or leased by the United States Department of Defense for the military is exempt from ad valorem taxation, including, but not limited to, the tangible personal property tax.*

*(4) This section expires December 31, 2037.*

Section 4. Subsection (13) of section 501.604, Florida Statutes, is amended to read:

501.604 Exemptions.—The provisions of this part, except ss. 501.608 and 501.616(6) and (7), do not apply to:

(13) A commercial telephone seller licensed pursuant to chapter 516 or *part III* ~~part II~~ of chapter 520. For purposes of this exemption, the seller must solicit to sell a consumer good or service within the scope of his or her license and the completed transaction must be subject to the provisions of chapter 516 or *part III* ~~part II~~ of chapter 520.

Section 5. Parts II, III, IV, and V of chapter 520, Florida Statutes, are renumbered as Parts III, IV, V, and VI, respectively, and a new Part II, consisting of sections 520.20, 520.21, 520.22, 520.23, 520.24, 520.25, and 520.26, is created to read:

*PART II*

*DISTRIBUTED ENERGY GENERATION SYSTEM SALES*

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

*(1) "Agreement" means a contract executed between a buyer or lessee and a seller that leases or sells a distributed energy generation system. For purposes of this part, the term includes retail installment contracts.*

*(2) "Buyer" means a person that enters into an agreement to buy a distributed energy generation system from a seller.*

*(3) "Distributed energy generation system" means a device or system that is used to generate or store electricity; that has an electric delivery capacity, individually or in connection with other similar devices or systems, of greater than one kilowatt or one kilowatt-hour; and that is used primarily for on-site consumption. The term does not include an electric generator intended for occasional use.*

*(4) "Lessee" means a person that enters into an agreement to lease or rent a distributed energy generation system.*

*(5) "Retail installment contract" means an agreement executed in this state between a buyer and a seller in which the title to, or a lien upon, a distributed energy generation system is retained or taken by the seller from the buyer as security, in whole or in part, for the buyer's obligations to make specified payments over time.*

*(6) "Seller" means a person regularly engaged in, and whose business substantially consists of, selling or leasing goods, including distributed energy generation systems, to buyers or lessees. A seller that is also an installer must be licensed under chapter 489.*

*520.21 Applicability.—This part applies to agreements to sell or lease a distributed energy generation system and is supplemental to other provisions contained in part III related to retail installment contracts. If any provision related to retail installment contract requirements for a distributed energy generation system under this part conflicts with any other provision related to retail installment contracts, this part controls.*

*520.22 Safety compliance.—A seller who installs a distributed energy generation system must comply with applicable safety standards established by the Department of Business and Professional Regulation pursuant to chapter 489 and part IV of chapter 553.*

*520.23 Disclosures required.—Each agreement governing the sale or lease of a distributed energy generation system shall, at a minimum, include a written statement printed in at least 12-point type that is separate from the agreement, is separately acknowledged by the buyer or lessee, and includes the following information and disclosures, if applicable:*

*(1) The name, address, telephone number, and e-mail address of the buyer or lessee.*

*(2) The name, address, telephone number, e-mail address, and valid state contractor license number of the person responsible for installing the distributed energy generation system.*

*(3) The name, address, telephone number, e-mail address, and valid state contractor license number of the distributed energy generation system maintenance provider, if different from the person responsible for installing the distributed energy generation system.*

*(4) A written statement indicating whether the distributed energy generation system is being purchased or leased.*

*(a) If the distributed energy generation system will be leased, the written statement must include a disclosure in substantially the following form: "You are entering into an agreement to lease a distributed energy generation system. You will lease (not own) the system installed on your property."*

*(b) If the distributed energy generation system will be purchased, the written statement must include a disclosure in substantially the following form: "You are entering into an agreement to purchase a distributed energy generation system. You will own (not lease) the system installed on your property."*

*(5) The total cost to be paid by the buyer or lessee, including any interest, installation fees, document preparation fees, service fees, or other fees.*

*(6) A payment schedule, including any amounts owed at contract signing, at the commencement of installation, at the completion of installation, and any final payments. If the distributed energy generation system is being leased, the written statement must include the frequency and amount of each payment due under the lease and the total estimated lease payments over the term of the lease.*

*(7) Each state or federal tax incentive or rebate, if any, relied upon by the seller in determining the price of the distributed energy generation system.*

*(8) A description of the assumptions used to calculate any savings estimates provided to the buyer or lessee, and if such estimates are provided, a statement in substantially the following form: "It is important to understand that future electric utility rates are estimates only. Your future electric utility rates may vary."*

*(9) A description of any one-time or recurring fees, including, but not limited to, estimated system removal fees, maintenance fees, Internet connection fees, and automated clearinghouse fees. If late fees may apply, the description must describe the circumstances triggering such late fees.*

*(10) A statement notifying the buyer whether the distributed energy generation system is being financed and, if so, a statement in substantially the following form: "If your system is financed, carefully read any agreements and/or disclosure forms provided by your lender. This statement does not contain the terms of your financing agreement. If you have any questions about your financing agreement, contact your finance provider before signing a contract."*

*(11) A statement notifying the buyer whether the seller is assisting in arranging financing of the distributed energy generation system and, if so, a statement in substantially the following form: "If your system is financed, carefully read any agreements and/or disclosure forms provided by your lender. This statement does not contain the terms of your financing agreement. If you have any questions about your financing agreement, contact your finance provider before signing a contract."*

*(12) A provision notifying the buyer or lessee of the right to rescind the agreement for a period of at least 3 business days after the agreement is signed. This subsection does not apply to a contract to sell or lease a distributed energy generation system in a solar community in which the entire community has been marketed as a solar community and all of the homes in the community are intended to have a distributed energy generation system, or a solar community in which the developer has incorporated solar technology for purposes of meeting the Florida Building Code in s. 553.73.*

*(13) A description of the distributed energy generation system design assumptions, including the make and model of the major components, system size, estimated first-year energy production, and estimated annual energy production decreases, including the overall percentage degradation over the estimated life of the distributed energy generation system, and the status of utility compensation for excess energy generated by the system at the time of contract signing. A seller who provides a warranty or guarantee of the energy production output of the distributed energy generation system may provide a description of such warranty or guarantee in lieu of a description of the system design and components.*

*(14) A description of any performance or production guarantees.*

*(15) A description of the ownership and transferability of any tax credits, rebates, incentives, or renewable energy certificates associated with the distributed energy generation system, including a disclosure as to whether the seller will assign or sell any associated renewable energy certificates to a third party.*

*(16) A statement in substantially the following form: "You are responsible for property taxes on property you own. Consult a tax professional to understand any tax liability or eligibility for any tax credits that may result from the purchase of your distributed energy generation system."*

*(17) The approximate start and completion dates for the installation of the distributed energy generation system.*

*(18) A disclosure as to whether maintenance and repairs of the distributed energy generation system are included in the purchase price.*

*(19) A disclosure as to whether any warranty or maintenance obligations related to the distributed energy generation system may be sold or transferred by the seller to a third party and, if so, a statement in substantially the following form: "Your contract may be assigned, sold, or transferred without your consent to a third party who will be bound to all the terms of the contract. If a transfer occurs, you will be notified if this will change the address or phone number to use for system maintenance or repair requests."*

*(20) If the distributed energy generation system will be purchased, a disclosure notifying the buyer of the requirements for interconnecting the system to the utility system.*

*(21) A disclosure notifying the buyer or lessee of the party responsible for obtaining interconnection approval.*

*(22) A description of any roof warranties.*

*(23) A disclosure notifying the lessee whether the seller will insure a leased distributed energy generation system against damage or loss and, if applicable, the circumstances under which the seller will not insure the system against damage or loss.*

*(24) A statement, if applicable, in substantially the following form: "You are responsible for obtaining insurance policies or coverage for any loss of or damage to the system. Consult an insurance professional to understand how to protect against the risk of loss or damage to the system."*

*(25) A disclosure notifying the buyer or lessee whether the seller or lessor will place a lien on the buyer's or lessee's home or other property as a result of entering into a purchase or lease agreement for the distributed energy generation system.*

*(26) A disclosure notifying the buyer or lessee whether the seller or lessor will file a fixture filing or a State of Florida Uniform Commercial Code Financing Statement Form (UCC-1) on the distributed energy generation system.*

*(27) A disclosure identifying whether the agreement contains any restrictions on the buyer's or lessee's ability to modify or transfer ownership of a distributed energy generation system, including whether any modification or transfer is subject to review or approval by a third party.*

*(28) A disclosure as to whether the lease agreement may be transferred to a purchaser upon sale of the home or real property to which the system is affixed, and any conditions for such transfer.*

*(29) A blank section that allows the seller to provide additional relevant disclosures or explain disclosures made elsewhere in the disclosure form.*

*The requirement to provide a written statement under this section may be satisfied by the electronic delivery of a document containing the required statement if the intended recipient of the electronic document affirmatively acknowledges its receipt. An electronic document satisfies the font and other formatting standards required for the written statement if the format and the relative size of characters of the electronic document are reasonably similar to those required in the written document or if the information is otherwise displayed in a reasonably conspicuous manner.*

*520.24 Rulemaking authority; standard disclosure form.-*

*(1) The Department of Business and Professional Regulation shall adopt rules to implement and enforce the provisions of this part.*

*(2) The Department of Business and Professional Regulation shall, by January 1, 2018, publish standard disclosure forms that may be used*

*to comply with the disclosure requirements of this part. Disclosures provided in substantially the form published by the department shall be regarded as complying with the disclosure requirements of this part.*

*520.25 Penalties.—*

*(1) Any seller who willfully and intentionally violates any provision of this part commits a noncriminal violation, as defined in s. 775.08(3), punishable by a fine not to exceed the cost of the distributed energy generation system.*

*(2) In the case of a willful and intentional violation of this part, the owner may recover from the person committing such violation, or may set off or counterclaim in any action against the owner by such person, an amount equal to any finance charges and fees charged to the owner under the agreement, plus attorney fees and costs incurred by the owner to assert his or her rights under this part.*

*520.26 Exemptions.—The provisions of this part do not apply to the following:*

*(1) A person or company, acting through its officers, employees, brokers, or agents, that markets, sells, solicits, negotiates, or enters into an agreement for the sale or financing of a distributed energy generation system as part of a transaction involving the sale or transfer of the real property on which the system is or will be affixed.*

*(2) A transaction involving the sale or transfer of the real property on which a distributed energy generation system is located.*

*(3) A third party, including a local government, that enters into an agreement for the financing of a distributed energy generation system.*

*(4) The sale or lease of a distributed energy generation system that will be installed on nonresidential real property.*

*(5) The sale of a distributed energy generation system pursuant to an agreement that requires full payment of the system from the buyer to the seller no later than the date the system is installed by the seller or is delivered from the seller to the buyer or a third party for installation.*

*(6) A person, other than the seller or lessor, who installs a distributed energy generation system on residential property.*

Section 6. Paragraph (d) of subsection (2) of section 671.304, Florida Statutes, is amended to read:

671.304 Laws not repealed; precedence where code provisions in conflict with other laws; certain statutory remedies retained.—

(2) The following laws and parts of laws are specifically not repealed and shall take precedence over any provisions of this code which may be inconsistent or in conflict therewith:

(d) Chapter 520—Retail installment sales (Part I, Motor Vehicle Sales Finance Act; *Part III* ~~Part II~~, Retail Installment Sales Act; *Part IV* ~~Part III~~, Installment Sales Finance Act).

Section 7. *The amendments made by this act to s. 193.624(2) and (3), Florida Statutes, expire on December 31, 2037, and the text of those subsections shall revert to that in existence on December 31, 2017, except that any amendments to such text enacted other than by this act shall be preserved and continue to operate to the extent that such amendments are not dependent upon the portions of the text which expire pursuant to this section.*

Section 8. This act shall take effect July 1, 2017.

And the title is amended as follows:

Remove everything before the enacting clause and insert: A bill to be entitled An act relating to renewable energy source devices; amending s. 24.118, F.S.; correcting a cross-reference; amending s. 193.624, F.S.; revising and defining terms related to renewable energy source devices; prohibiting consideration of the just value of property attributable to a renewable energy source device in determining the assessed value of residential real property; prohibiting the consideration of a specified percentage of the just value of property attributable to a renewable energy source device in determining the assessed value of nonresidential real property; revising applicability; creating s. 196.182, F.S.; exempting a specified percentage of the assessed value of certain renewable energy source devices from ad valorem taxation; exempting a specified percentage of the assessed value of renewable energy source devices affixed to property owned or leased by the United States Department of Defense for the military from ad valorem taxation; providing for the future expiration of specified statutory text; amending s. 501.604, F.S.; correcting cross-references; creating part II of chapter 520, F.S., entitled "Distributed Energy Generation System Sales"; providing definitions; providing applicability relating to, and specifying the disclosures required of, certain agreements to sell or lease distributed energy generation systems; requiring sellers that install such systems to comply with specified safety standards; requiring the Department of Business and Professional Regulation to adopt rules and publish standard disclosure forms; providing penalties; providing exemptions; amending s. 671.304, F.S.; correcting cross-references; providing for the future expiration and reversion of specified statutory text; providing an effective date.

On motion by Senator Brandes, the Senate concurred in **House Amendment 1 (955741)**.

By direction of the President, further consideration of **CS for SB 90**, as amended, was deferred.

## RECESS

On motion by Senator Benacquisto, the Senate recessed at 1:49 p.m. to reconvene 10 minutes after the Conference Committee on Appropriations has adjourned, or upon call of the President.

## AFTERNOON SESSION

The Senate was called to order by the President at 3:23 p.m. A quorum present—36:

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

## MESSAGES FROM THE HOUSE OF REPRESENTATIVES, continued

By direction of the President, the Senate resumed consideration of—

**CS for SB 90**—A bill to be entitled An act relating to renewable energy source devices; amending s. 193.624, F.S.; revising the definition of the term "renewable energy source device"; prohibiting the consideration of just value of property attributable to a renewable energy source device in determining the assessed value of real property used for residential purposes; prohibiting the consideration of a specified percentage of the just value of property attributable to a renewable energy source device in determining the assessed value of real property used for nonresidential purposes; revising applicability; providing for expiration of specified amendments made by the act; creating s. 196.182, F.S.; exempting a specified percentage of the assessed value of certain renewable energy source devices from ad valorem taxation; providing applicability; exempting a specified percentage of the assessed value of renewable energy source devices affixed to property owned or leased by the United States Department of Defense for the military from ad valorem taxation; providing for expiration; reenacting ss. 193.155(4)(a) and 193.1554(6)(a), F.S., relating to homestead assessments and nonhomestead residential property assessments, respectively, to incorporate the amendment made to s. 193.624, F.S., in references thereto; providing an effective date.

—which was previously considered and amended this day.

**CS for SB 90** passed, as amended, by the required constitutional two-thirds vote of the membership, was ordered engrossed, and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—33

| | | |
|---|---|---|
| Mr. President | Farmer | Perry |
| Baxley | Flores | Powell |
| Bean | Gainer | Rader |
| Benacquisto | Garcia | Rodriguez |
| Book | Gibson | Rouson |
| Bradley | Grimsley | Simmons |
| Brandes | Hutson | Simpson |
| Braynon | Lee | Stargel |
| Broxson | Mayfield | Steube |
| Campbell | Montford | Stewart |
| Clemens | Passidomo | Torres |

Nays—None

Vote after roll call:

Yea—Galvano, Young

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By direction of the President, the Senate resumed consideration of—

## SPECIAL ORDER CALENDAR, continued

**CS for CS for SB 926**—A bill to be entitled An act relating to education; requiring the Commissioner of Education to contract for an independent study to determine whether a nationally recognized high school assessment may be administered in lieu of the Florida Standards Assessment and the Algebra I end-of-course assessment; providing requirements for the assessment; requiring the commissioner and the contractor to consult with specified stakeholders; requiring the commissioner to submit a report to the Governor and the Legislature by a specified date; creating s. 1001.4205, F.S.; authorizing an individual district school board member to visit any district school or charter school in his or her school district; providing requirements and restrictions; amending s. 1002.20, F.S.; authorizing a parent to request and be granted permission for a student's absence from school for treatment of autism spectrum disorder by a licensed health care practitioner; amending s. 1002.51, F.S.; defining the term "public school prekindergarten provider"; amending s. 1003.21, F.S.; requiring each district school board to adopt an attendance policy authorizing a student's absence for treatment of autism spectrum disorder; amending s. 1003.24, F.S.; revising an exemption relating to parental responsibility for nonattendance of a student to include treatment for autism spectrum disorder; amending s. 1003.4156, F.S.; revising the mathematics and social studies requirements for student promotion to high school and for certain high school credits; amending s. 1003.4282, F.S.; revising the requirements for a standard high school diploma; removing a requirement that a student participating in an interscholastic sport pass a competency test on personal fitness to satisfy the physical education credit requirement for high school graduation; deleting provisions requiring a student or transfer student to take a statewide, standardized Algebra II assessment or a Geometry or United States History end-of-course (EOC) assessment; amending s. 1003.4285, F.S.; revising the standard high school diploma designation requirements for mathematics and social studies; amending s. 1003.455, F.S.; requiring each district school board to provide students in certain grades with a minimum number of minutes of free-play recess per week and with a minimum number of consecutive minutes of free-play recess per day; amending s. 1003.57, F.S.; prohibiting certain school districts from declining to provide or contract for certain students' educational instruction; providing for funding of such students; amending s. 1008.22, F.S.; providing an exception to the requirement that ELA assessments be administered online; deleting requirements that a student take an EOC assessment in Geometry, Algebra II, United States History, or Civics; deleting a provision authorizing the commissioner to establish a schedule for the development and administration of additional statewide, standardized EOC assessments; requiring that Mathematics assessments be administered online; providing an exception; requiring the commissioner to make an alternative, nonelectronic assessment option available for statewide assessments; requiring the Department of Education to conduct a study regarding achievement levels for certain statewide, standardized assessments; requiring a report to the Governor, the Legislature, and the state board by a specified date; revising reporting requirements for the statewide, standardized assessments; providing requirements for administration of the statewide, standardized English Language Arts and Mathematics assessments in specified grades; requiring a district school superintendent to provide the commissioner with certain notifications on the use of a nonelectronic assessment option; requiring the commissioner to provide such an option to the school district; revising provisions relating to reporting requirements for local assessments required by school districts; providing reporting requirements for certain student assessment results; creating s. 1008.222, F.S.; exempting students in certain articulated acceleration mechanisms from taking certain statewide, standardized assessments; requiring the commissioner to establish certain concordant or comparative scores; providing that certain scores are included in school grade calculations; amending s. 1008.25, F.S.; revising the type of reading instruction school districts must provide for certain students; amending s. 1009.60, F.S.; revising eligibility criteria for receipt of a minority teacher education scholarship; amending s. 1009.605, F.S.; revising the scholar awards on which the Florida Fund for Minority Teachers, Inc.'s budget projection must be based; amending s. 1011.62, F.S.; deleting provisions relating to caps imposed on the amounts of bonuses awarded to teachers based on student performance on certain course examinations or student completion of certain courses; amending s. 1012.34, F.S.; revising personnel evaluation procedures and criteria; authorizing the commissioner to develop a formula for measuring student learning growth on specified statewide, standardized assessments, rather than requiring the commissioner to approve such a formula; authorizing, rather than requiring, a school district to use certain formulas developed by the commissioner; creating the Committee on Early Childhood Development within the Department of Education; specifying committee purpose; requiring the committee to develop a proposal for specified purposes; providing proposal requirements; providing for membership of the committee; providing requirements for electing a committee chair and vice chair; providing committee meeting requirements; requiring the University of Florida Lastinger Center for Learning to provide necessary staff for the committee; requiring the committee to submit a report by a specified date; providing for the expiration of the committee; providing an effective date.

—was read the second time by title.

Pending further consideration of **CS for CS for SB 926**, pursuant to Rule 3.11(3), there being no objection, **CS for CS for CS for HB 549** was withdrawn from the Committees on Education; and Appropriations.

On motion by Senator Flores, the rules were waived and—

**CS for CS for CS for HB 549**—A bill to be entitled An act relating to education; amending s. 1003.4282; deleting a provision requiring certain students to take the Algebra II end-of-course assessment; amending s. 1003.4285; deleting a provision requiring students to pass the Algebra II end-of-course assessment in order to earn a Scholar designation; amending s. 1008.22, F.S.; deleting a provision requiring the Algebra II end-of-course assessment to be administered; revising requirements relating to the administration and format of assessments; providing requirements for administration of the statewide, standardized English Language Arts and mathematics assessments in specified grades; revising provisions relating to reporting requirements for school district-required local assessments; providing reporting requirements for certain student assessment results; requiring the Department of Education to publish certain assessments on its website; providing requirements for such publication; requiring the department to provide materials regarding assessment information on its website; conforming cross-references; amending s. 1012.34, F.S.; requiring independent analysis of student learning growth data; providing for access to student learning growth formula data for specified uses; requiring the Commissioner of Education to contract for an independent study to determine whether specified college entrance examinations may be administered in lieu of certain state-required assessments; requiring the commissioner to submit a report on the results of such study to the Governor, Legislature, and State Board of Education by a specified date; providing appropriations; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 926** and read the second time by title.

**SENATOR BRADLEY PRESIDING**

Senators Flores and Stargel offered the following amendment which was moved by Senator Flores:

**Amendment 1 (244350) (with title amendment)**—Delete everything after the enacting clause and insert:

Section 1. Paragraph (b) of subsection (1) of section 125.901, Florida Statutes, is amended to read:

125.901 Children's services; independent special district; council; powers, duties, and functions; public records exemption.—

(1) Each county may by ordinance create an independent special district, as defined in ss. 189.012 and 200.001(8)(e), to provide funding for children's services throughout the county in accordance with this section. The boundaries of such district shall be coterminous with the boundaries of the county. The county governing body shall obtain approval, by a majority vote of those electors voting on the question, to annually levy ad valorem taxes which shall not exceed the maximum millage rate authorized by this section. Any district created pursuant to the provisions of this subsection shall be required to levy and fix millage subject to the provisions of s. 200.065. Once such millage is approved by the electorate, the district shall not be required to seek approval of the electorate in future years to levy the previously approved millage.

(b) However, any county as defined in s. 125.011(1) may instead have a governing body consisting of 33 members, including: the superintendent of schools*, or his or her designee*; two representatives of public postsecondary education institutions located in the county; the county manager or the equivalent county officer; the district administrator from the appropriate district of the Department of Children and Families, or the administrator's designee who is a member of the Senior Management Service or the Selected Exempt Service; the director of the county health department or the director's designee; the state attorney for the county or the state attorney's designee; the chief judge assigned to juvenile cases, or another juvenile judge who is the chief judge's designee and who shall sit as a voting member of the board, except that the judge may not vote or participate in setting ad valorem taxes under this section; an individual who is selected by the board of the local United Way or its equivalent; a member of a locally recognized faith-based coalition, selected by that coalition; a member of the local chamber of commerce, selected by that chamber or, if more than one chamber exists within the county, a person selected by a coalition of the local chambers; a member of the early learning coalition, selected by that coalition; a representative of a labor organization or union active in the county; a member of a local alliance or coalition engaged in cross-system planning for health and social service delivery in the county, selected by that alliance or coalition; a member of the local Parent-Teachers Association/Parent-Teacher-Student Association, selected by that association; a youth representative selected by the local school system's student government; a local school board member appointed by the chair of the school board; the mayor of the county or the mayor's designee; one member of the county governing body, appointed by the chair of that body; a member of the state Legislature who represents residents of the county, selected by the chair of the local legislative delegation; an elected official representing the residents of a municipality in the county, selected by the county municipal league; and 4 members-at-large, appointed to the council by the majority of sitting council members. The remaining 7 members shall be appointed by the Governor in accordance with procedures set forth in paragraph (a), except that the Governor may remove a member for cause or upon the written petition of the council. Appointments by the Governor must, to the extent reasonably possible, represent the geographic and demographic diversity of the population of the county. Members who are appointed to the council by reason of their position are not subject to the length of terms and limits on consecutive terms as provided in this section. The remaining appointed members of the governing body shall be appointed to serve 2-year terms, except that those members appointed by the Governor shall be appointed to serve 4-year terms, and the youth representative and the legislative delegate shall be appointed to serve 1-year terms. A member may be reappointed; however, a member may not serve for more than three consecutive terms. A member is eligible to be appointed again after a 2-year hiatus from the council.

Section 2. Section 1001.4205, Florida Statutes, is created to read:

*1001.4205 Visitation of schools by an individual school board or charter school governing board member.—An individual member of a district school board may, on any day and at any time at his or her pleasure, visit any district school in his or her school district. An individual charter school governing board member may, on any day and at any time at his or her pleasure, visit any charter school governed by the charter school's governing board. The board member must sign in and sign out at the school's main office and wear his or her board identification badge at all times while present on school premises. The board, the school, or any other person or entity, including, but not limited to, the principal of the school, the school superintendent, or any other board member, may not require the visiting board member to provide notice before visiting the school. The school may offer, but may not require, an escort to accompany a visiting board member during the visit. Another board member or a district employee, including, but not limited to, the superintendent, the school principal, or his or her designee, may not limit the duration or scope of the visit or direct a visiting board member to leave the premises. A board, district, or school administrative policy or practice may not prohibit or limit the authority granted to a board member under this section.*

Section 3. Paragraph (c) of subsection (2) of section 1002.20, Florida Statutes, is amended, present paragraph (d) of that subsection is redesignated as paragraph (e), a new paragraph (d) is added to that subsection, and paragraph (m) is added to subsection (3) of that section, to read:

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

(2) ATTENDANCE.—

(c) *Absence for religious purposes.*—A parent of a public school student may request and be granted permission for absence of the student from school for religious instruction or religious holidays, in accordance with the provisions of *s. 1003.21(2)(b)1.* ~~s. 1003.21(2)(b).~~

*(d) Absence for treatment of autism spectrum disorder.—A parent of a public school student may request and be granted permission for absence of the student from school for a scheduled appointment to receive a therapy service or other medical treatment provided by a licensed health care practitioner for the treatment of autism spectrum disorder pursuant to ss. 1003.21(2)(b)2. and 1003.24(4).*

(3) HEALTH ISSUES.—

*(m) Sun-protective measures in school.—A student may possess and use a topical sunscreen product while on school property or at a school-sponsored event or activity without a physician's note or prescription if the product is regulated by the United States Food and Drug Administration for over-the-counter use to limit ultraviolet light-induced skin damage.*

Section 4. Subsection (13) and paragraph (c) of subsection (18) of section 1002.33, Florida Statutes, are amended to read:

1002.33 Charter schools.—

(13) CHARTER SCHOOL COOPERATIVES.—Charter schools may enter into cooperative agreements to form charter school cooperative organizations that may provide ~~the following~~ services *to further educational, operational, and administrative initiatives in which the participating charter schools share common interests*~~: charter school planning and development, direct instructional services, and contracts with charter school governing boards to provide personnel administrative services, payroll services, human resource management, evaluation and assessment services, teacher preparation, and professional development~~.

(18) FACILITIES.—

(c) Any facility, or portion thereof, used to house a charter school whose charter has been approved by the sponsor and the governing board, pursuant to subsection (7), shall be exempt from ad valorem taxes pursuant to s. 196.1983. Library, community service, museum, performing arts, theatre, cinema, church, Florida College System institution, college, and university facilities may provide space to charter schools within their facilities under their preexisting zoning and land use designations *without obtaining a special exception, rezoning, a land use charter, or any other form of approval*.

Section 5. Paragraph (b) of subsection (3) of section 1002.331, Florida Statutes, is amended to read:

1002.331 High-performing charter schools.—

(3)

(b) A high-performing charter school may not establish more than one charter school within the state under paragraph (a) in any year. A subsequent application to establish a charter school under paragraph (a) may not be submitted unless each charter school established in this manner achieves high-performing charter school status. *However, a high-performing charter school may establish more than one charter school within the state under paragraph (a) in any year if it operates in the area of a persistently low-performing school and serves students from that school.*

Section 6. Subsection (8) is added to section 1002.51, Florida Statutes, to read:

1002.51 Definitions.—As used in this part, the term:

*(8) "Public school prekindergarten provider" includes a traditional public school or a charter school that is eligible to deliver the school-year prekindergarten program under s. 1002.63 or the summer prekindergarten program under s. 1002.61.*

Section 7. Paragraph (b) of subsection (2) of section 1003.21, Florida Statutes, is amended to read:

1003.21 School attendance.—

(2)

(b) Each district school board, in accordance with rules of the State Board of Education, shall adopt *policies authorizing* ~~a policy that authorizes~~ a parent to request and be granted permission for absence of a student from school for*:*

*1.* Religious instruction or religious holidays.

*2. A scheduled appointment to receive a therapy service or other medical treatment provided by a licensed health care practitioner for the treatment of autism spectrum disorder, including, but not limited to, applied behavioral analysis, speech therapy, and occupational therapy.*

Section 8. Subsection (4) of section 1003.24, Florida Statutes, is amended to read:

1003.24 Parents responsible for attendance of children; attendance policy.—Each parent of a child within the compulsory attendance age is responsible for the child's school attendance as required by law. The absence of a student from school is prima facie evidence of a violation of this section; however, criminal prosecution under this chapter may not be brought against a parent until the provisions of s. 1003.26 have been complied with. A parent of a student is not responsible for the student's nonattendance at school under any of the following conditions:

(4) SICKNESS, INJURY, OR OTHER INSURMOUNTABLE CONDITION.—Attendance was impracticable or inadvisable on account of sickness or injury, *as* attested to by a written statement of a licensed practicing physician*, or a written statement of a licensed health care practitioner for the treatment of autism spectrum disorder*, or was impracticable because of some other stated insurmountable condition as defined by rules of the State Board of Education. If a student is continually sick and repeatedly absent from school, he or she must be under the supervision of a physician*, or under the care of a licensed health care practitioner for the treatment of autism spectrum disorder,* in order to receive an excuse from attendance. Such excuse provides that a student's condition justifies absence for more than the number of days permitted by the district school board.

Each district school board shall establish an attendance policy that includes, but is not limited to, the required number of days each school year that a student must be in attendance and the number of absences and tardinesses after which a statement explaining such absences and tardinesses must be on file at the school. Each school in the district must determine if an absence or tardiness is excused or unexcused according to criteria established by the district school board.

Section 9. Subsection (1) of section 1003.4156, Florida Statutes, is amended to read:

1003.4156 General requirements for middle grades promotion.—

(1) In order for a student to be promoted to high school from a school that includes middle grades 6, 7, and 8, the student must successfully complete the following courses:

(a) Three middle grades or higher courses in English Language Arts (ELA).

(b) Three middle grades or higher courses in mathematics. Each school that includes middle grades must offer at least one high school level mathematics course for which students may earn high school credit. Successful completion of a high school level Algebra I or Geometry course is not contingent upon the student's performance on the statewide, standardized end-of-course (EOC) assessment. To earn high school credit for Algebra I, a middle grades student must take the statewide, standardized Algebra I EOC assessment and pass the course, and in addition, beginning with the 2013-2014 school year and thereafter, a student's performance on the Algebra I EOC assessment constitutes 30 percent of the student's final course grade. To earn high school credit for a Geometry course, a middle grades student must take the statewide, standardized Geometry EOC assessment, which constitutes 30 percent of the student's final course grade, and earn a passing grade in the course.

(c) Three middle grades or higher courses in social studies. ~~Beginning with students entering grade 6 in the 2012-2013 school year,~~ One of these courses must be at least a one-semester civics education course that includes the roles and responsibilities of federal, state, and local governments; the structures and functions of the legislative, executive, and judicial branches of government; and the meaning and significance of historic documents, such as the Articles of Confederation, the Declaration of Independence, and the Constitution of the United States. ~~Beginning with the 2013-2014 school year, each student's performance on the statewide, standardized EOC assessment in civics education required under s. 1008.22 constitutes 30 percent of the student's final course grade.~~ A middle grades student who transfers into the state's public school system from out of country, out of state, a private school, or a home education program after the beginning of the second term of grade 8 is not required to meet the civics education requirement for promotion from the middle grades if the student's transcript documents passage of three courses in social studies or two year-long courses in social studies that include coverage of civics education.

(d) Three middle grades or higher courses in science. Successful completion of a high school level Biology I course is not contingent upon the student's performance on the statewide, standardized EOC assessment required under s. 1008.22. However, beginning with the 2012-2013 school year, to earn high school credit for a Biology I course, a middle grades student must take the statewide, standardized Biology I EOC assessment, which constitutes 30 percent of the student's final course grade, and earn a passing grade in the course.

~~(e) One course in career and education planning to be completed in 6th, 7th, or 8th grade. The course may be taught by any member of the instructional staff. At a minimum, the course must be Internet-based, easy to use, and customizable to each student and include research-based assessments to assist students in determining educational and career options and goals. In addition, the course must result in a completed personalized academic and career plan for the student; must emphasize the importance of entrepreneurship skills; must emphasize technology or the application of technology in career fields; and, be-~~

~~ginning in the 2014-2015 academic year, must include information from the Department of Economic Opportunity's economic security report as described in s. 445.07. The required personalized academic and career plan must inform students of high school graduation requirements, including a detailed explanation of the diploma designation options provided under s. 1003.4285; high school assessment and college entrance test requirements; Florida Bright Futures Scholarship Program requirements; state university and Florida College System institution admission requirements; available opportunities to earn college credit in high school, including Advanced Placement courses; the International Baccalaureate Program; the Advanced International Certificate of Education Program; dual enrollment, including career dual enrollment; and career education courses, including career themed courses and courses that lead to industry certification pursuant to s. 1003.492 or s. 1008.44.~~

~~Each school must inform parents about the course curriculum and activities. Each student shall complete a personal education plan that must be signed by the student and the student's parent. The Department of Education shall develop course frameworks and professional development materials for the career and education planning course. The course may be implemented as a stand-alone course or integrated into another course or courses. The Commissioner of Education shall collect longitudinal high school course enrollment data by student ethnicity in order to analyze course taking patterns.~~

Section 10. Paragraphs (b) and (f) of subsection (3) and subsection (4) of section 1003.4282, Florida Statutes, are amended to read:

1003.4282 Requirements for a standard high school diploma.—

(3) STANDARD HIGH SCHOOL DIPLOMA; COURSE AND ASSESSMENT REQUIREMENTS.—

(b) *Four credits in mathematics.*—A student must earn one credit in Algebra I and one credit in Geometry. A student's performance on the statewide, standardized Algebra I end-of-course (EOC) assessment constitutes 30 percent of the student's final course grade. A student must pass the statewide, standardized Algebra I EOC assessment, or earn a comparative score, in order to earn a standard high school diploma. A student's performance on the statewide, standardized Geometry EOC assessment constitutes 30 percent of the student's final course grade. ~~If the state administers a statewide, standardized Algebra II assessment, a student selecting Algebra II must take the assessment, and the student's performance on the assessment constitutes 30 percent of the student's final course grade.~~ A student who earns an industry certification for which there is a statewide college credit articulation agreement approved by the State Board of Education may substitute the certification for one mathematics credit. Substitution may occur for up to two mathematics credits, except for Algebra I and Geometry.

(f) *One credit in physical education.*—Physical education must include the integration of health. Participation in an interscholastic sport at the junior varsity or varsity level for two full seasons shall satisfy the one-credit requirement in physical education ~~if the student passes a competency test on personal fitness with a score of "C" or better. The competency test on personal fitness developed by the Department of Education must be used.~~ A district school board may not require that the one credit in physical education be taken during the 9th grade year. Completion of one semester with a grade of "C" or better in a marching band class, in a physical activity class that requires participation in marching band activities as an extracurricular activity, or in a dance class shall satisfy one-half credit in physical education or one-half credit in performing arts. This credit may not be used to satisfy the personal fitness requirement or the requirement for adaptive physical education under an individual education plan (IEP) or 504 plan. Completion of 2 years in a Reserve Officer Training Corps (R.O.T.C.) class, a significant component of which is drills, shall satisfy the one-credit requirement in physical education and the one-credit requirement in performing arts. This credit may not be used to satisfy the personal fitness requirement or the requirement for adaptive physical education under an IEP or 504 plan.

(4) ONLINE COURSE REQUIREMENT.—At least one course within the 24 credits required under this section must be completed through online learning.

(a) An online course taken in grade 6, grade 7, or grade 8 fulfills the requirements of this subsection. The requirement is met through an online course offered by the Florida Virtual School, a virtual education provider approved by the State Board of Education, a high school, or an online dual enrollment course. A student who is enrolled in a full-time or part-time virtual instruction program under s. 1002.45 meets the requirement.

(b) A district school board or a charter school governing board, as applicable, may *allow a student* ~~offer students the following options~~ to satisfy the online course requirements of this subsection *by completing a blended learning course or*~~:~~

~~1. Completion of~~ a course in which *the* ~~a~~ student earns a nationally recognized industry certification in information technology that is identified on the CAPE Industry Certification Funding List pursuant to s. 1008.44 or *passing* ~~passage of~~ the information technology certification examination without *enrolling* ~~enrollment~~ in or *completing* ~~completion of~~ the corresponding course or courses, as applicable.

~~2. Passage of an online content assessment, without enrollment in or completion of the corresponding course or courses, as applicable, by which the student demonstrates skills and competency in locating information and applying technology for instructional purposes.~~

For purposes of this subsection, a school district may not require a student to take the online *or blended learning* course outside the school day or in addition to a student's courses for a given semester. This subsection does not apply to a student who has an individual education plan under s. 1003.57 which indicates that an online *or blended learning* course would be inappropriate or to an out-of-state transfer student who is enrolled in a Florida high school and has 1 academic year or less remaining in high school.

Section 11. Paragraph (a) of subsection (1) of section 1003.4285, Florida Statutes, is amended to read:

1003.4285 Standard high school diploma designations.—

(1) Each standard high school diploma shall include, as applicable, the following designations if the student meets the criteria set forth for the designation:

(a) *Scholar designation.*—In addition to the requirements of s. 1003.4282, in order to earn the Scholar designation, a student must satisfy the following requirements:

1. Mathematics.—Earn one credit in Algebra II and one credit in statistics or an equally rigorous course. Beginning with students entering grade 9 in the 2014-2015 school year, pass the ~~Algebra II and~~ Geometry statewide, standardized *assessment* ~~assessments~~.

2. Science.—Pass the statewide, standardized Biology I EOC assessment and earn one credit in chemistry or physics and one credit in a course equally rigorous to chemistry or physics. However, a student enrolled in an Advanced Placement (AP), International Baccalaureate (IB), or Advanced International Certificate of Education (AICE) Biology course who takes the respective AP, IB, or AICE Biology assessment and earns the minimum score necessary to earn college credit as identified pursuant to s. 1007.27(2) meets the requirement of this subparagraph without having to take the statewide, standardized Biology I EOC assessment.

3. Social studies.—Pass the statewide, standardized United States History EOC assessment. However, a student enrolled in an AP, IB, or AICE course that includes United States History topics who takes the respective AP, IB, or AICE assessment and earns the minimum score necessary to earn college credit as identified pursuant to s. 1007.27(2) meets the requirement of this subparagraph without having to take the statewide, standardized United States History EOC assessment.

4. Foreign language.—Earn two credits in the same foreign language.

5. Electives.—Earn at least one credit in an Advanced Placement, an International Baccalaureate, an Advanced International Certificate of Education, or a dual enrollment course.

Section 12. Subsection (6) is added to section 1003.455, Florida Statutes, to read:

1003.455 Physical education; assessment.—

*(6) In addition to the requirements in subsection (3), each district school board shall provide at least 100 minutes of supervised, safe, and unstructured free-play recess each week for students in kindergarten through grade 5 so that there are at least 20 consecutive minutes of free-play recess per day.*

Section 13. Subsection (3) of section 1003.57, Florida Statutes, is amended to read:

1003.57 Exceptional students instruction.—

(3)(a) For purposes of this subsection and subsection (4), the term:

1. "Agency" means the Department of Children and Families or its contracted lead agency, the Agency for Persons with Disabilities, and the Agency for Health Care Administration.

2. "Exceptional student" means an exceptional student, as defined in s. 1003.01, who has a disability.

3. "Receiving school district" means the district in which a private residential care facility is located.

4. "Placement" means the funding or arrangement of funding by an agency for all or a part of the cost for an exceptional student to reside in a private residential care facility and the placement crosses school district lines.

(b) Within 10 business days after an exceptional student is placed in a private residential care facility by an agency, the agency or private residential care facility licensed by the agency, as appropriate, shall provide written notification of the placement to the school district where the student is currently counted for funding purposes under s. 1011.62 and the receiving school district. The exceptional student shall be enrolled in school and receive a free and appropriate public education, special education, and related services while the notice and procedures regarding payment are pending. This paragraph applies when the placement is for the primary purpose of addressing residential or other noneducational needs and the placement crosses school district lines.

(c) Within 10 business days after receiving the notification, the receiving school district must review the student's individual educational plan (IEP) to determine if the student's IEP can be implemented by the receiving school district or by a provider or facility under contract with the receiving school district. The receiving school district shall:

1. Provide educational instruction to the student;

2. Contract with another provider or facility to provide the educational instruction; *or*

3. Contract with the private residential care facility in which the student resides to provide the educational instruction~~; or~~

~~4. Decline to provide or contract for educational instruction~~.

~~If the receiving school district declines to provide or contract for the educational instruction, the school district in which the legal residence of the student is located shall provide or contract for the educational instruction to the student.~~ The *receiving* school district *providing* ~~that provides~~ educational instruction or *contracting* ~~contracts~~ to provide educational instruction shall report the student for funding purposes pursuant to s. 1011.62.

(d)1. The Department of Education, in consultation with the agencies and school districts, shall develop procedures for written notification to school districts regarding the placement of an exceptional student in a residential care facility. The procedures must:

a. Provide for written notification of a placement that crosses school district lines; and

b. Identify the entity responsible for the notification for each facility that is operated, licensed, or regulated by an agency.

2. The State Board of Education shall adopt the procedures by rule pursuant to ss. 120.536(1) and 120.54, and the agencies shall implement the procedures.

The requirements of paragraphs (c) and (d) do not apply to written agreements among school districts which specify each school district's responsibility for providing and paying for educational services to an exceptional student in a residential care facility. However, each agreement must require a school district to review the student's IEP within 10 business days after receiving the notification required under paragraph (b).

Section 14. Paragraph (a) of subsection (3) of section 1006.40, Florida Statutes, is amended to read:

1006.40 Use of instructional materials allocation; instructional materials, library books, and reference books; repair of books.—

(3)(a) *Except for a school district or a consortium of school districts that implements an instructional materials program pursuant to s. 1006.283* ~~Beginning with the 2015-2016 fiscal year~~, each district school board shall use ~~at least 50 percent of~~ the annual allocation *only* for the purchase of ~~digital or electronic~~ instructional materials that align with state standards *and are* included on the state-adopted list, except as otherwise authorized in paragraphs (b) and (c).

Section 15. Subsection (5), paragraph (j) of subsection (6), and paragraph (a) of subsection (8) of section 1007.35, Florida Statutes, are amended to read:

1007.35 Florida Partnership for Minority and Underrepresented Student Achievement.—

(5) Each public high school, including, but not limited to, schools and alternative sites and centers of the Department of Juvenile Justice, shall provide for the administration of the Preliminary SAT/National Merit Scholarship Qualifying Test (PSAT/NMSQT), or *the PreACT* ~~ACT Aspire~~ to all enrolled 10th grade students. However, a written notice shall be provided to each parent *which must* ~~that shall~~ include the opportunity to exempt his or her child from taking the PSAT/NMSQT or *the PreACT* ~~ACT Aspire~~.

(a) Test results will provide each high school with a database of student assessment data which certified school counselors will use to identify students who are prepared or who need additional work to be prepared to enroll and be successful in AP courses or other advanced high school courses.

(b) Funding for the PSAT/NMSQT or *the PreACT* ~~ACT Aspire~~ for all 10th grade students shall be contingent upon annual funding in the General Appropriations Act.

(c) Public school districts must choose either the PSAT/NMSQT or *the PreACT* ~~ACT Aspire~~ for districtwide administration.

(6) The partnership shall:

(j) Provide information to students, parents, teachers, counselors, administrators, districts, Florida College System institutions, and state universities regarding PSAT/NMSQT or *the PreACT* ~~ACT Aspire~~ administration, including, but not limited to:

1. Test administration dates and times.

2. That participation in the PSAT/NMSQT or *the PreACT* ~~ACT Aspire~~ is open to all 10th grade students.

3. The value of such tests in providing diagnostic feedback on student skills.

4. The value of student scores in predicting the probability of success on AP or other advanced course examinations.

(8)(a) By September 30 of each year, the partnership shall submit to the department a report that contains an evaluation of the effectiveness of the delivered services and activities. Activities and services must be evaluated on their effectiveness at raising student achievement and increasing the number of AP or other advanced course examinations in low-performing middle and high schools. Other indicators that must be

addressed in the evaluation report include the number of middle and high school teachers trained; the effectiveness of the training; measures of postsecondary readiness of the students affected by the program; levels of participation in 10th grade PSAT/NMSQT or *the PreACT* ~~ACT Aspire~~ testing; and measures of student, parent, and teacher awareness of and satisfaction with the services of the partnership.

Section 16. Paragraphs (a), (b), and (d) of subsection (3) and paragraphs (a) and (b) of subsection (7), of section 1008.22, Florida Statutes, are amended, present paragraphs (c) through (g) of subsection (7) of that section are redesignated as paragraphs (d) through (h), respectively, a new paragraph (c) and paragraph (i) are added to that subsection, present subsections (8) through (12) of that section are redesignated as subsections (9) through (13), respectively, a new subsection (8) is added to that section, and paragraph (e) of present subsection (11) of that section is amended, to read:

1008.22 Student assessment program for public schools.—

(3) STATEWIDE, STANDARDIZED ASSESSMENT PROGRAM.—The Commissioner of Education shall design and implement a statewide, standardized assessment program aligned to the core curricular content established in the Next Generation Sunshine State Standards. The commissioner also must develop or select and implement a common battery of assessment tools that will be used in all juvenile justice education programs in the state. These tools must accurately measure the core curricular content established in the Next Generation Sunshine State Standards. Participation in the assessment program is mandatory for all school districts and all students attending public schools, including adult students seeking a standard high school diploma under s. 1003.4282 and students in Department of Juvenile Justice education programs, except as otherwise provided by law. If a student does not participate in the assessment program, the school district must notify the student's parent and provide the parent with information regarding the implications of such nonparticipation. The statewide, standardized assessment program shall be designed and implemented as follows:

(a) *Statewide, standardized comprehensive assessments.*—The statewide, standardized Reading assessment shall be administered annually in grades 3 through 10. The statewide, standardized Writing assessment shall be administered annually at least once at the elementary, middle, and high school levels. When the Reading and Writing assessments are replaced by English Language Arts (ELA) assessments, ELA assessments shall be administered to students in grades 3 through 10. Retake opportunities for the grade 10 Reading assessment or, upon implementation, the grade 10 ELA assessment must be provided. Students taking the ELA assessments shall not take the statewide, standardized assessments in Reading or Writing. ELA assessments shall be administered online. The statewide, standardized Mathematics assessments shall be administered annually in grades 3 through 8. Students taking a revised Mathematics assessment shall not take the discontinued assessment. The statewide, standardized Science assessment shall be administered annually at least once at the elementary and middle grades levels. In order to earn a standard high school diploma, a student who has not earned a passing score on the grade 10 Reading assessment or, upon implementation, the grade 10 ELA assessment must earn a passing score on the assessment retake or earn a concordant score as authorized under subsection *(9)* ~~(8)~~.

(b) *End-of-course (EOC) assessments.*—EOC assessments must be statewide, standardized, and developed or approved by the Department of Education as follows:

1. EOC assessments for Algebra I, Geometry, ~~Algebra II,~~ Biology I, *and* United States History~~, and Civics~~ shall be administered to students enrolled in such courses as specified in the course code directory.

2. Students enrolled in a course, as specified in the course code directory, with an associated statewide, standardized EOC assessment must take the EOC assessment for such course and may not take the corresponding subject or grade-level statewide, standardized assessment pursuant to paragraph (a). Sections 1003.4156 and 1003.4282 govern the use of statewide, standardized EOC assessment results for students.

3. The commissioner may select one or more nationally developed comprehensive examinations, which may include examinations for a College Board Advanced Placement course, International Baccalaureate course, or Advanced International Certificate of Education course, or industry-approved examinations to earn national industry certifications identified in the CAPE Industry Certification Funding List, for use as EOC assessments under this paragraph if the commissioner determines that the content knowledge and skills assessed by the examinations meet or exceed the grade-level expectations for the core curricular content established for the course in the Next Generation Sunshine State Standards. Use of any such examination as an EOC assessment must be approved by the state board in rule.

4. Contingent upon funding provided in the General Appropriations Act, including the appropriation of funds received through federal grants, the commissioner may establish an implementation schedule for the development and administration of additional statewide, standardized EOC assessments that must be approved by the state board in rule. If approved by the state board, student performance on such assessments constitutes 30 percent of a student's final course grade.

5. All statewide, standardized EOC assessments must be administered online except as otherwise provided in paragraph (c).

(d) *Implementation schedule.*—

1. The Commissioner of Education shall establish and publish on the department's website an implementation schedule to transition from the statewide, standardized Reading and Writing assessments to the ELA assessments and to the revised Mathematics assessments, including the Algebra I and Geometry EOC assessments. The schedule must take into consideration funding, sufficient field and baseline data, access to assessments, instructional alignment, and school district readiness to administer the assessments online. All such assessments must be delivered through computer-based testing, however, the following assessments must be delivered in a computer-based format, as follows: ~~the grade 3 ELA assessment, beginning in the 2017-2018 school year;~~ the grade 3 Mathematics assessment beginning in the 2016-2017 school year; the grade 4 ELA assessment, beginning in the 2015-2016 school year; and the grade 4 Mathematics assessment, beginning in the 2016-2017 school year. *Beginning with the 2018-2019 school year, statewide, standardized ELA and mathematics assessments for grades 3 through 5 must be delivered in a paper-based format only, subject to appropriation.*

2. The Department of Education shall publish minimum and recommended technology requirements that include specifications for hardware, software, networking, security, and broadband capacity to facilitate school district compliance with the requirement that assessments be administered online.

(7) ASSESSMENT SCHEDULES AND REPORTING OF RESULTS.—

(a) The Commissioner of Education shall establish schedules for the administration of statewide, standardized assessments and the reporting of student assessment results. The commissioner shall consider the observance of religious and school holidays when developing the schedules. The assessment and reporting schedules must provide the earliest possible reporting of student assessment results to the school districts, consistent with the requirements of paragraph (3)(g). Assessment results for the statewide, standardized ELA and mathematics assessments and all statewide, standardized EOC assessments must be made available no later than ~~the week of~~ June *30* ~~8~~, except for results *for the grade 3 statewide, standardized ELA assessment, which must be made available no later than May 31* ~~of assessments administered in the 2014-2015 school year~~. School districts shall administer statewide, standardized assessments in accordance with the schedule established by the commissioner.

(b) By *January* ~~August~~ of each year, beginning in *2018* ~~2016~~, the commissioner shall publish on the department's website a uniform calendar that includes the assessment and reporting schedules for, at a minimum, the next 2 school years. The uniform calendar must be provided to school districts in an electronic format that allows each school district and public school to populate the calendar with, at minimum, the following information for reporting the district assessment schedules under paragraph *(e)* ~~(c)~~:

1. Whether the assessment is a district-required assessment or a state-required assessment.

2. The specific date or dates that each assessment will be administered.

3. The time allotted to administer each assessment.

4. Whether the assessment is a computer-based assessment or a paper-based assessment.

5. The grade level or subject area associated with the assessment.

6. The date that the assessment results are expected to be available to teachers and parents.

7. The type of assessment, the purpose of the assessment, and the use of the assessment results.

8. A glossary of assessment terminology.

9. Estimates of average time for administering state-required and district-required assessments, by grade level.

*(c) Beginning with the 2018-2019 school year, the spring administration of the statewide, standardized assessments in paragraphs (3)(a) and (b), excluding assessment retakes, must be in accordance with the following schedule:*

*1. The grade 3 statewide, standardized ELA assessment and the writing portion of the statewide, standardized ELA assessment for grades 4 through 10 must be administered no earlier than April 1 each year within an assessment window not to exceed 2 weeks.*

*2. With the exception of assessments identified in subparagraph 1., any statewide, standardized assessment that is delivered in a paper-based format must be administered no earlier than May 1 each year within an assessment window not to exceed 2 weeks.*

*3. With the exception of assessments identified in subparagraphs 1. and 2., any statewide, standardized assessment must be administered within a 4-week assessment window that opens no earlier than May 1 each year.*

*Each school district shall administer the assessments identified under subparagraphs 2. and 3. no earlier than 4 weeks before the last day of school for the district.*

*(i) The results of statewide, standardized ELA and mathematics assessments, including assessment retakes, shall be reported in an easy-to-read and understandable format and delivered in time to provide useful, actionable information to students, parents, and each student's current teacher of record and teacher of record for the subsequent school year; however, in any case, the district shall provide the results pursuant to this paragraph within 1 week after receiving the results from the department. A report of student assessment results must, at a minimum, contain:*

*1. A clear explanation of the student's performance on the applicable statewide, standardized assessments.*

*2. Information identifying the student's areas of strength and areas in need of improvement.*

*3. Specific actions that may be taken, and the available resources that may be used, by the student's parent to assist his or her child based on the student's areas of strength and areas in need of improvement.*

*4. Longitudinal information, if available, on the student's progress in each subject area based on previous statewide, standardized assessment data.*

*5. Comparative information showing the student's score compared to other students in the school district, in the state, or, if available, in other states.*

*6. Predictive information, if available, showing the linkage between the scores attained by the student on the statewide, standardized assessments and the scores he or she may potentially attain on nationally recognized college entrance examinations.*

*(8) PUBLICATION OF ASSESSMENTS.—To promote transparency in the statewide assessment program, the Department of Education, subject to appropriation, shall publish assessments on its website in accordance with this subsection.*

*(a) Beginning with the 2019-2020 school year, and every 3 years thereafter, the department shall publish each assessment administered under paragraph (3)(a) and subparagraph (3)(b)1., excluding assessment retakes at least once pursuant to a schedule determined by the Commissioner of Education. Each assessment, when published, must have been administered during the most recent school year.*

*(b) The initial publication of assessments must occur no later than June 30, 2020, and must include, at a minimum, the grade 3 ELA and mathematics assessments, the grade 10 ELA assessment, and the Algebra I EOC assessment.*

*(c) The department must provide materials on its website to help the public interpret assessment information published pursuant to this subsection.*

*(12)*~~(11)~~ REPORTS.—The Department of Education shall annually provide a report to the Governor, the President of the Senate, and the Speaker of the House of Representatives which shall include the following:

(e) The number of students who after 8th grade enroll in adult education rather than other secondary education*, which is defined as grades 9 through 12*.

Section 17. Subsections (1) and (4) of section 1009.60, Florida Statutes, are amended to read:

1009.60 Minority teacher education scholars program.—There is created the minority teacher education scholars program, which is a collaborative performance-based scholarship program for African-American, Hispanic-American, Asian-American, and Native American students. The participants in the program include Florida's Florida College System institutions and its public and private universities that have teacher education programs.

(1) The minority teacher education scholars program shall provide an annual scholarship in an amount that shall be prorated based on available appropriations and may not exceed $4,000 for each approved minority teacher education scholar who is enrolled in one of Florida's public or private *colleges or* universities*,* ~~in the junior year and~~ is admitted into a teacher education program*, and has not earned more than 18 credit hours of upper-division-level courses in education*.

(4) A student may receive a scholarship from the program for 3 consecutive years if the student remains enrolled full-time in the program and makes satisfactory progress toward a baccalaureate degree with a major in education *or a graduate degree with a major in education, leading to initial certification*.

Section 18. Paragraph (a) of subsection (2) of section 1009.605, Florida Statutes, is amended to read:

1009.605 Florida Fund for Minority Teachers, Inc.—

(2)(a) The corporation shall submit an annual budget projection to the Department of Education to be included in the annual legislative budget request. The projection must be based on the cost to award up to 350 scholarships to new scholars ~~in the junior year~~ and up to 350 renewal scholarships ~~to the 350 rising seniors~~.

Section 19. Paragraph (i) and paragraphs (l) through (o) of subsection (1) of section 1011.62, Florida Statutes, are amended to read:

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

(1) COMPUTATION OF THE BASIC AMOUNT TO BE INCLUDED FOR OPERATION.—The following procedure shall be followed in determining the annual allocation to each district for operation:

(i) *Calculation of full-time equivalent membership with respect to dual enrollment instruction.*—Students enrolled in dual enrollment instruction pursuant to s. 1007.271 may be included in calculations of full-time equivalent student memberships for basic programs for grades 9 through 12 by a district school board. Instructional time for dual enrollment may vary from 900 hours; however, the full-time equivalent student membership value shall be subject to the provisions in s. 1011.61(4). Dual enrollment full-time equivalent student membership shall be calculated in an amount equal to the hours of instruction that would be necessary to earn the full-time equivalent student membership for an equivalent course if it were taught in the school district. Students in dual enrollment courses may also be calculated as the proportional shares of full-time equivalent enrollments they generate for a Florida College System institution or university conducting the dual enrollment instruction. Early admission students shall be considered dual enrollments for funding purposes. Students may be enrolled in dual enrollment instruction provided by an eligible independent college or university and may be included in calculations of full-time equivalent student memberships for basic programs for grades 9 through 12 by a district school board. However, those provisions of law which exempt dual enrolled and early admission students from payment of instructional materials and tuition and fees, including laboratory fees, shall not apply to students who select the option of enrolling in an eligible independent institution. An independent college or university, which ~~is located and chartered in Florida,~~ is not for profit, is accredited by *a regional or national accrediting agency recognized by the United States Department of Education* ~~the Commission on Colleges of the Southern Association of Colleges and Schools or the Accrediting Council for Independent Colleges and Schools~~, and confers degrees as defined in s. 1005.02 shall be eligible for inclusion in the dual enrollment or early admission program. Students enrolled in dual enrollment instruction shall be exempt from the payment of tuition and fees, including laboratory fees. No student enrolled in college credit mathematics or English dual enrollment instruction shall be funded as a dual enrollment unless the student has successfully completed the relevant section of the entry-level examination required pursuant to s. 1008.30.

(l) *Calculation of additional full-time equivalent membership based on International Baccalaureate examination scores of students.*—A value of 0.16 full-time equivalent student membership shall be calculated for each student enrolled in an International Baccalaureate course who receives a score of 4 or higher on a subject examination. A value of 0.3 full-time equivalent student membership shall be calculated for each student who receives an International Baccalaureate diploma. Such value shall be added to the total full-time equivalent student membership in basic programs for grades 9 through 12 in the subsequent fiscal year. Each school district shall allocate 80 percent of the funds received from International Baccalaureate bonus FTE funding to the school program whose students generate the funds and to school programs that prepare prospective students to enroll in International Baccalaureate courses. Funds shall be expended solely for the payment of allowable costs associated with the International Baccalaureate program. Allowable costs include International Baccalaureate annual school fees; International Baccalaureate examination fees; salary, benefits, and bonuses for teachers and program coordinators for the International Baccalaureate program and teachers and coordinators who prepare prospective students for the International Baccalaureate program; supplemental books; instructional supplies; instructional equipment or instructional materials for International Baccalaureate courses; other activities that identify prospective International Baccalaureate students or prepare prospective students to enroll in International Baccalaureate courses; and training or professional development for International Baccalaureate teachers. School districts shall allocate the remaining 20 percent of the funds received from International Baccalaureate bonus FTE funding for programs that assist academically disadvantaged students to prepare for more rigorous courses. The school district shall distribute to each classroom teacher who provided International Baccalaureate instruction:

1. A bonus in the amount of $50 for each student taught by the International Baccalaureate teacher in each International Baccalaureate course who receives a score of 4 or higher on the International Baccalaureate examination.

2. An additional bonus of $500 to each International Baccalaureate teacher in a school designated with a grade of "D" or "F" who has at least one student scoring 4 or higher on the International Baccalaureate examination, regardless of the number of classes taught or of the number of students scoring a 4 or higher on the International Baccalaureate examination.

~~Bonuses awarded to a teacher according to this paragraph may not exceed $2,000 in any given school year. However, the maximum bonus shall be $3,000 if at least 50 percent of the students enrolled in a teacher's course earn a score of 4 or higher on the examination in a school designated with a grade of "A," "B," or "C"; or if at least 25 percent of the students enrolled in a teacher's course earn a score of 4 or higher on the examination in a school designated with a grade of "D" or "F."~~ Bonuses awarded under this paragraph shall be in addition to any regular wage or other bonus the teacher received or is scheduled to receive. For such courses, the teacher shall earn an additional bonus of $50 for each student who has a qualifying score ~~up to the maximum of $3,000 in any given school year~~.

(m) *Calculation of additional full-time equivalent membership based on Advanced International Certificate of Education examination scores of students.*—A value of 0.16 full-time equivalent student membership shall be calculated for each student enrolled in a full-credit Advanced International Certificate of Education course who receives a score of E or higher on a subject examination. A value of 0.08 full-time equivalent student membership shall be calculated for each student enrolled in a half-credit Advanced International Certificate of Education course who receives a score of E or higher on a subject examination. A value of 0.3 full-time equivalent student membership shall be calculated for each student who receives an Advanced International Certificate of Education diploma. Such value shall be added to the total full-time equivalent student membership in basic programs for grades 9 through 12 in the subsequent fiscal year. *Each school district shall allocate at least 80 percent of the funds received from the Advanced International Certificate of Education bonus FTE funding, in accordance with this paragraph, to the school program that generated the funds.* The school district shall distribute to each classroom teacher who provided Advanced International Certificate of Education instruction:

1. A bonus in the amount of $50 for each student taught by the Advanced International Certificate of Education teacher in each full-credit Advanced International Certificate of Education course who receives a score of E or higher on the Advanced International Certificate of Education examination. A bonus in the amount of $25 for each student taught by the Advanced International Certificate of Education teacher in each half-credit Advanced International Certificate of Education course who receives a score of E or higher on the Advanced International Certificate of Education examination.

2. An additional bonus of $500 to each Advanced International Certificate of Education teacher in a school designated with a grade of "D" or "F" who has at least one student scoring E or higher on the full-credit Advanced International Certificate of Education examination, regardless of the number of classes taught or of the number of students scoring an E or higher on the full-credit Advanced International Certificate of Education examination.

3. Additional bonuses of $250 each to teachers of half-credit Advanced International Certificate of Education classes in a school designated with a grade of "D" or "F" which has at least one student scoring an E or higher on the half-credit Advanced International Certificate of Education examination in that class. ~~The maximum additional bonus for a teacher awarded in accordance with this subparagraph shall not exceed $500 in any given school year.~~ Teachers receiving an award under subparagraph 2. are not eligible for a bonus under this subparagraph.

Bonuses awarded to a teacher according to this paragraph ~~shall not exceed $2,000 in any given school year and~~ shall be in addition to any regular wage or other bonus the teacher received or is scheduled to receive.

(n) *Calculation of additional full-time equivalent membership based on college board advanced placement scores of students.*—A value of 0.16 full-time equivalent student membership shall be calculated for each student in each advanced placement course who receives a score of 3 or higher on the College Board Advanced Placement Examination for the prior year and added to the total full-time equivalent student membership in basic programs for grades 9 through 12 in the subsequent fiscal year. Each district must allocate at least 80 percent of the funds provided to the district for advanced placement instruction, in ac-

cordance with this paragraph, to the high school that generates the funds. The school district shall distribute to each classroom teacher who provided advanced placement instruction:

1. A bonus in the amount of $50 for each student taught by the Advanced Placement teacher in each advanced placement course who receives a score of 3 or higher on the College Board Advanced Placement Examination.

2. An additional bonus of $500 to each Advanced Placement teacher in a school designated with a grade of "D" or "F" who has at least one student scoring 3 or higher on the College Board Advanced Placement Examination, regardless of the number of classes taught or of the number of students scoring a 3 or higher on the College Board Advanced Placement Examination.

~~Bonuses awarded to a teacher according to this paragraph shall not exceed $2,000 in any given school year. However, the maximum bonus shall be $3,000 if at least 50 percent of the students enrolled in a teacher's course earn a score of 3 or higher on the examination in a school with a grade of "A," "B," or "C" or if at least 25 percent of the students enrolled in a teacher's course earn a score of 3 or higher on the examination in a school with a grade of "D" or "F."~~ Bonuses awarded under this paragraph shall be in addition to any regular wage or other bonus the teacher received or is scheduled to receive. For such courses, the teacher shall earn an additional bonus of $50 for each student who has a qualifying score ~~up to the maximum of $3,000 in any given school year~~.

(o) *Calculation of additional full-time equivalent membership based on successful completion of a career-themed course pursuant to ss. 1003.491, 1003.492, and 1003.493, or courses with embedded CAPE industry certifications or CAPE Digital Tool certificates, and issuance of industry certification identified on the CAPE Industry Certification Funding List pursuant to rules adopted by the State Board of Education or CAPE Digital Tool certificates pursuant to s. 1003.4203.—*

1.a. A value of 0.025 full-time equivalent student membership shall be calculated for CAPE Digital Tool certificates earned by students in elementary and middle school grades.

b. A value of 0.1 or 0.2 full-time equivalent student membership shall be calculated for each student who completes a course as defined in s. 1003.493(1)(b) or courses with embedded CAPE industry certifications and who is issued an industry certification identified annually on the CAPE Industry Certification Funding List approved under rules adopted by the State Board of Education. A value of 0.2 full-time equivalent membership shall be calculated for each student who is issued a CAPE industry certification that has a statewide articulation agreement for college credit approved by the State Board of Education. For CAPE industry certifications that do not articulate for college credit, the Department of Education shall assign a full-time equivalent value of 0.1 for each certification. Middle grades students who earn additional FTE membership for a CAPE Digital Tool certificate pursuant to sub-subparagraph a. may not use the previously funded examination to satisfy the requirements for earning an industry certification under this sub-subparagraph. Additional FTE membership for an elementary or middle grades student may not exceed 0.1 for certificates or certifications earned within the same fiscal year. The State Board of Education shall include the assigned values on the CAPE Industry Certification Funding List under rules adopted by the state board. Such value shall be added to the total full-time equivalent student membership for grades 6 through 12 in the subsequent year. CAPE industry certifications earned through dual enrollment must be reported and funded pursuant to s. 1011.80. However, if a student earns a certification through a dual enrollment course and the certification is not a fundable certification on the postsecondary certification funding list, or the dual enrollment certification is earned as a result of an agreement between a school district and a nonpublic postsecondary institution, the bonus value shall be funded in the same manner as other nondual enrollment course industry certifications. In such cases, the school district may provide for an agreement between the high school and the technical center, or the school district and the postsecondary institution may enter into an agreement for equitable distribution of the bonus funds.

c. A value of 0.3 full-time equivalent student membership shall be calculated for student completion of the courses and the embedded certifications identified on the CAPE Industry Certification Funding List and approved by the commissioner pursuant to ss. 1003.4203(5)(a) and 1008.44.

d. A value of 0.5 full-time equivalent student membership shall be calculated for CAPE Acceleration Industry Certifications that articulate for 15 to 29 college credit hours, and 1.0 full-time equivalent student membership shall be calculated for CAPE Acceleration Industry Certifications that articulate for 30 or more college credit hours pursuant to CAPE Acceleration Industry Certifications approved by the commissioner pursuant to ss. 1003.4203(5)(b) and 1008.44.

2. Each district must allocate at least 80 percent of the funds provided for CAPE industry certification, in accordance with this paragraph, to the program that generated the funds. This allocation may not be used to supplant funds provided for basic operation of the program.

3. For CAPE industry certifications earned in the 2013-2014 school year and in subsequent years, the school district shall distribute to each classroom teacher who provided direct instruction toward the attainment of a CAPE industry certification that qualified for additional full-time equivalent membership under subparagraph 1.:

a. A bonus of $25 for each student taught by a teacher who provided instruction in a course that led to the attainment of a CAPE industry certification on the CAPE Industry Certification Funding List with a weight of 0.1.

b. A bonus of $50 for each student taught by a teacher who provided instruction in a course that led to the attainment of a CAPE industry certification on the CAPE Industry Certification Funding List with a weight of 0.2.

c. A bonus of $75 for each student taught by a teacher who provided instruction in a course that led to the attainment of a CAPE industry certification on the CAPE Industry Certification Funding List with a weight of 0.3.

d. A bonus of $100 for each student taught by a teacher who provided instruction in a course that led to the attainment of a CAPE industry certification on the CAPE Industry Certification Funding List with a weight of 0.5 or 1.0.

Bonuses awarded pursuant to this paragraph shall be provided to teachers who are employed by the district in the year in which the additional FTE membership calculation is included in the calculation. Bonuses shall be calculated based upon the associated weight of a CAPE industry certification on the CAPE Industry Certification Funding List for the year in which the certification is earned by the student. Any bonus awarded to a teacher under this paragraph ~~may not exceed $3,000 in any given school year and~~ is in addition to any regular wage or other bonus the teacher received or is scheduled to receive.

Section 20. Paragraph (k) is added to subsection (2) of section 1011.71, Florida Statutes, to read:

1011.71 District school tax.—

(2) In addition to the maximum millage levy as provided in subsection (1), each school board may levy not more than 1.5 mills against the taxable value for school purposes for district schools, including charter schools at the discretion of the school board, to fund:

*(k) Payout of sick leave and annual leave accrued as of June 30, 2017, by individuals who are no longer employed by a school district that transfers to a charter school operator all day-to-day classroom instruction responsibility for all full-time equivalent students funded under s. 1011.62. This paragraph expires July 1, 2018.*

Section 21. Paragraph (c) of subsection (1), paragraph (a) of subsection (3), and subsections (7), (8), and (9) of section 1012.34, Florida Statutes, are amended to read:

1012.34 Personnel evaluation procedures and criteria.—

(1) EVALUATION SYSTEM APPROVAL AND REPORTING.—

(c) Annually, by February 1, the Commissioner of Education shall publish on the department's website the status of each school district's

instructional personnel and school administrator evaluation systems. This information must include~~:~~

~~1.~~ performance evaluation results for the prior school year for instructional personnel and school administrators using the four levels of performance specified in paragraph (2)(e). The performance evaluation results for instructional personnel shall be disaggregated by classroom teachers, as defined in s. 1012.01(2)(a), excluding substitute teachers, and all other instructional personnel, as defined in s. 1012.01(2)(b)-(d).

~~2. An analysis that compares performance evaluation results calculated by each school district to indicators of performance calculated by the department using the standards for performance levels adopted by the state board under subsection (8).~~

~~3. Data reported under s. 1012.341.~~

(3) EVALUATION PROCEDURES AND CRITERIA.—Instructional personnel and school administrator performance evaluations must be based upon the performance of students assigned to their classrooms or schools, as provided in this section. Pursuant to this section, a school district's performance evaluation system is not limited to basing unsatisfactory performance of instructional personnel and school administrators solely upon student performance, but may include other criteria to evaluate instructional personnel and school administrators' performance, or any combination of student performance and other criteria. Evaluation procedures and criteria must comply with, but are not limited to, the following:

(a) A performance evaluation must be conducted for each employee at least once a year, except that a classroom teacher, as defined in s. 1012.01(2)(a), excluding substitute teachers, who is newly hired by the district school board must be observed and evaluated at least twice in the first year of teaching in the school district. The performance evaluation must be based upon sound educational principles and contemporary research in effective educational practices. The evaluation criteria must include:

1. Performance of students.—At least one-third of a performance evaluation must be based upon data and indicators of student performance*, as determined by each school district* ~~in accordance with subsection (7)~~. This portion of the evaluation must include growth or achievement data of the teacher's students or, for a school administrator, the students attending the school over the course of at least 3 years. If less than 3 years of data are available, the years for which data are available must be used. The proportion of growth or achievement data may be determined by instructional assignment.

2. Instructional practice.—For instructional personnel, at least one-third of the performance evaluation must be based upon instructional practice. Evaluation criteria used when annually observing classroom teachers, as defined in s. 1012.01(2)(a), excluding substitute teachers, must include indicators based upon each of the Florida Educator Accomplished Practices adopted by the State Board of Education. For instructional personnel who are not classroom teachers, evaluation criteria must be based upon indicators of the Florida Educator Accomplished Practices and may include specific job expectations related to student support.

3. Instructional leadership.—For school administrators, at least one-third of the performance evaluation must be based on instructional leadership. Evaluation criteria for instructional leadership must include indicators based upon each of the leadership standards adopted by the State Board of Education under s. 1012.986, including performance measures related to the effectiveness of classroom teachers in the school, the administrator's appropriate use of evaluation criteria and procedures, recruitment and retention of effective and highly effective classroom teachers, improvement in the percentage of instructional personnel evaluated at the highly effective or effective level, and other leadership practices that result in student learning growth. The system may include a means to give parents and instructional personnel an opportunity to provide input into the administrator's performance evaluation.

4. Other indicators of performance.—For instructional personnel and school administrators, the remainder of a performance evaluation may include, but is not limited to, professional and job responsibilities as recommended by the State Board of Education or identified by the district school board and, for instructional personnel, peer reviews, objectively reliable survey information from students and parents based on teaching practices that are consistently associated with higher student achievement, and other valid and reliable measures of instructional practice.

(7) MEASUREMENT OF STUDENT PERFORMANCE.—

(a) The Commissioner of Education *may develop* ~~shall approve~~ a formula to measure individual student learning growth on the statewide, standardized assessments in English Language Arts and mathematics administered under s. 1008.22. The formula must take into consideration each student's prior academic performance. The formula must not set different expectations for student learning growth based upon a student's gender, race, ethnicity, or socioeconomic status. In the development of the formula, the commissioner shall consider other factors such as a student's attendance record, disability status, or status as an English language learner. The commissioner may select additional formulas to measure student performance as appropriate for the remainder of the statewide, standardized assessments included under s. 1008.22 and continue to select formulas as new assessments are implemented in the state system. ~~After the commissioner approves the formula to measure individual student learning growth, the State Board of Education shall adopt these formulas in rule.~~

(b) Each school district *may, but is not required to,* ~~shall~~ measure student learning growth using the formulas *developed* ~~approved~~ by the commissioner under paragraph (a) ~~and the standards for performance levels adopted by the state board under subsection (8) for courses associated with the statewide, standardized assessments administered under s. 1008.22 no later than the school year immediately following the year the formula is approved by the commissioner~~. ~~For grades and subjects not assessed by statewide, standardized assessments, each school district shall measure student performance using a methodology determined by the district.~~

(8) RULEMAKING.—~~No later than August 1, 2015,~~ The State Board of Education shall adopt rules pursuant to ss. 120.536(1) and 120.54 which establish uniform procedures and format for the submission, review, and approval of district evaluation systems and reporting requirements for the annual evaluation of instructional personnel and school administrators~~; specific, discrete standards for each performance level required under subsection (2), based on student learning growth models approved by the commissioner, to ensure clear and sufficient differentiation in the performance levels and to provide consistency in meaning across school districts; the measurement of student learning growth and associated implementation procedures required under subsection (7); and a process for monitoring school district implementation of evaluation systems in accordance with this section~~.

~~(9) TRANSITION TO NEW STATEWIDE, STANDARDIZED ASSESSMENTS.—Standards for each performance level required under subsection (2) shall be established by the State Board of Education beginning with the 2015-2016 school year.~~

Section 22. Subsections (1) and (7) of section 1012.56, Florida Statutes, are amended, and paragraph (c) of subsection (8) of that section is redesignated as paragraph (d) and a new paragraph (c) is added to that subsection, to read:

1012.56 Educator certification requirements.—

(1) APPLICATION.—Each person seeking certification pursuant to this chapter shall submit a completed application containing the applicant's social security number to the Department of Education and remit the fee required pursuant to s. 1012.59 and rules of the State Board of Education. Pursuant to the federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996, each party is required to provide his or her social security number in accordance with this section. Disclosure of social security numbers obtained through this requirement is limited to the purpose of administration of the Title IV-D program of the Social Security Act for child support enforcement.

*(a)* Pursuant to s. 120.60, the department shall issue within 90 calendar days after the stamped receipted date of the completed application~~:~~

~~(a) If the applicant meets the requirements,~~ a professional certificate *to a qualifying applicant* covering the classification, level, and area for which the applicant is deemed qualified and a document explaining the requirements for renewal of the professional certificate.~~;~~

(b) *The department shall issue a temporary certificate to a qualifying applicant within 14 calendar days after receipt of a request from* ~~if the applicant meets the requirements and if requested by~~ an employing school district or an employing private school with a professional education competence demonstration program pursuant to paragraphs (6)(f) and (8)(b). *The*~~, a~~ temporary certificate *must cover* ~~covering~~ the classification, level, and area for which the applicant is deemed qualified. *The department shall electronically notify the applicant's employing school district or employing private school that the temporary certificate has been issued and provide the applicant an official statement of status of eligibility at the time the certificate is issued.* ~~and an official statement of status of eligibility; or~~

(c) *Pursuant to s. 120.60, the department shall issue within 90 calendar days after the stamped receipted date of the completed application,* if an applicant does not meet the requirements for either certificate, an official statement of status of eligibility.

The statement of status of eligibility *must be provided electronically and* must advise the applicant of any qualifications that must be completed to qualify for certification. *Each method by which an applicant can complete the qualifications for a professional certificate must be included in the statement of status of eligibility.* Each statement of status of eligibility is valid for 3 years after its date of issuance, except as provided in paragraph (2)(d).

(7) TYPES AND TERMS OF CERTIFICATION.—

(a) The Department of Education shall issue a professional certificate for a period not to exceed 5 years to any applicant who *fulfills one of the following:*

*1.* Meets all the requirements outlined in subsection (2).

*2.* ~~or,~~ For a professional certificate covering grades 6 through 12~~, any applicant who~~:

*a.*~~1.~~ Meets the requirements of paragraphs (2)(a)-(h).

*b.*~~2.~~ Holds a master's or higher degree in the area of science, technology, engineering, or mathematics.

*c.*~~3.~~ Teaches a high school course in the subject of the advanced degree.

*d.*~~4.~~ Is rated highly effective as determined by the teacher's performance evaluation under s. 1012.34, based in part on student performance as measured by a statewide, standardized assessment or an Advanced Placement, Advanced International Certificate of Education, or International Baccalaureate examination.

*e.*~~5.~~ Achieves a passing score on the Florida professional education competency examination required by state board rule.

*3. Meets the requirements of paragraphs (2)(a)-(h) and completes a professional preparation and education competence program approved by the department pursuant to paragraph (8)(c). An applicant who completes the program and is rated highly effective as determined by his or her performance evaluation under s. 1012.34 is not required to take or achieve a passing score on the professional education competency examination in order to be awarded a professional certificate.*

(b) The department shall issue a temporary certificate to any applicant who completes the requirements outlined in paragraphs (2)(a)-(f) and completes the subject area content requirements specified in state board rule or demonstrates mastery of subject area knowledge pursuant to subsection (5) and holds an accredited degree or a degree approved by the Department of Education at the level required for the subject area specialization in state board rule.

(c) The department shall issue one nonrenewable 2-year temporary certificate and one nonrenewable 5-year professional certificate to a qualified applicant who holds a bachelor's degree in the area of speech-language impairment to allow for completion of a master's degree program in speech-language impairment.

Each temporary certificate is valid for 3 school fiscal years and is nonrenewable. However, the requirement in paragraph (2)(g) must be met within 1 calendar year of the date of employment under the temporary certificate. Individuals who are employed under contract at the end of the 1 calendar year time period may continue to be employed through the end of the school year in which they have been contracted. A school district shall not employ, or continue the employment of, an individual in a position for which a temporary certificate is required beyond this time period if the individual has not met the requirement of paragraph (2)(g). *At least 1 year before an individual's temporary certificate is set to expire, the department shall electronically notify the individual of the date on which his or her certificate will expire and provide a list of each method by which the qualifications for a professional certificate can be completed.* The State Board of Education shall adopt rules to allow the department to extend the validity period of a temporary certificate for 2 years when the requirements for the professional certificate, not including the requirement in paragraph (2)(g), were not completed due to the serious illness or injury of the applicant or other extraordinary extenuating circumstances *or for 1 year if the temporary certificate holder is rated effective or highly effective based solely on a student learning growth formula approved by the Commissioner of Education pursuant to s. 1012.34(8)*. The department shall reissue the temporary certificate for 2 additional years upon approval by the Commissioner of Education. A written request for reissuance of the certificate shall be submitted by the district school superintendent, the governing authority of a university lab school, the governing authority of a state-supported school, or the governing authority of a private school.

(8) PROFESSIONAL DEVELOPMENT CERTIFICATION AND EDUCATION COMPETENCY PROGRAM.—

(a) The Department of Education shall develop and each school district*, charter school, and charter management organization* may provide a cohesive competency-based professional development certification and education competency program by which ~~members of a school district's~~ instructional staff may satisfy the mastery of professional preparation and education competence requirements specified in subsection (6) and rules of the State Board of Education. Participants must hold a state-issued temporary certificate. A school district*, charter school, or charter management organization* that implements the program shall provide a competency-based certification program developed by the Department of Education or developed by the district*, charter school, or charter management organization* and approved by the Department of Education. The program shall include the following:

1. A minimum period of initial preparation before assuming duties as the teacher of record.

2. An option for collaboration *with* ~~between school districts and~~ other supporting agencies or educational entities for implementation.

3. *A teacher mentorship and induction* ~~An experienced peer mentor~~ component.

*a.* Each individual selected by the district as a ~~peer~~ mentor*:*

*I.* Must hold a valid professional certificate issued pursuant to this section*;*~~,~~

*II.* Must have earned at least 3 years of teaching experience in prekindergarten through grade 12*;*~~, and~~

*III.* Must *have completed specialized training in clinical supervision and participate in ongoing mentor training provided through the coordinated system of professional development under s. 1012.98(3)(e);*

*IV. Must* have earned an effective or highly effective rating on the prior year's performance evaluation under s. 1012.34*; and*

*V. May* ~~or~~ be a peer evaluator under the district's evaluation system approved under s. 1012.34.

*b. The teacher mentorship and induction component must, at a minimum, provide weekly opportunities for mentoring and induction activities, including common planning time, ongoing professional development targeted to a teacher's needs, opportunities for a teacher to*

*observe other teachers, co-teaching experiences, and reflection and followup discussions. Mentorship and induction activities must be provided for an applicant's first year in the program and may be provided until the applicant attains his or her professional certificate in accordance with this section. A principal who is rated highly effective as determined by his or her performance evaluation under s. 1012.34 must be provided flexibility in selecting professional development activities under this paragraph; however, the activities must be approved by the department as part of the district's, charter school's, or charter management organization's program.*

4. An assessment of teaching performance aligned to the district's system for personnel evaluation under s. 1012.34 which provides for:

a. An initial evaluation of each educator's competencies to determine an appropriate individualized professional development plan.

b. A summative evaluation to assure successful completion of the program.

5. Professional education preparation content knowledge*, which must be included in the mentoring and induction activities under subparagraph 3.,* that includes, but is not limited to, the following:

a. The state standards provided under s. 1003.41, including scientifically based reading instruction, content literacy, and mathematical practices, for each subject identified on the temporary certificate.

b. The educator-accomplished practices approved by the state board.

c. A variety of data indicators for monitoring student progress.

d. Methodologies for teaching students with disabilities.

e. Methodologies for teaching students of limited English proficiency appropriate for each subject area identified on the temporary certificate.

f. Techniques and strategies for operationalizing the role of the teacher in assuring a safe learning environment for students.

6. Required achievement of passing scores on the subject area and professional education competency examination required by State Board of Education rule. Mastery of general knowledge must be demonstrated as described in subsection (3).

*(c) No later than December 31, 2017, the department shall adopt standards for the approval of professional development certification and education competency programs, including standards for the teacher mentorship and induction component, under paragraph (a). Standards for the teacher mentorship and induction component must include program administration and evaluation; mentor roles, selection, and training; beginning teacher assessment and professional development; and teacher content knowledge and practices aligned to the Florida Educator Accomplished Practices. Each school district or charter school with a program under this subsection must submit its program, including the teacher mentorship and induction component, to the department for approval no later than June 30, 2018. After December 31, 2018, a teacher may not satisfy requirements for a professional certificate through a professional development certification and education competency program under paragraph (a) unless the program has been approved by the department pursuant to this paragraph.*

Section 23. Paragraph (a) of subsection (3) of section 1012.585, Florida Statutes, is amended to read:

1012.585 Process for renewal of professional certificates.—

(3) For the renewal of a professional certificate, the following requirements must be met:

(a) The applicant must earn a minimum of 6 college credits or 120 inservice points or a combination thereof. For each area of specialization to be retained on a certificate, the applicant must earn at least 3 of the required credit hours or equivalent inservice points in the specialization area. Education in "clinical educator" training pursuant to s. 1004.04(5)(b)*; participation in mentorship and induction activities, including as a mentor, pursuant to s. 1012.56(8)(a);* and credits or points that provide training in the area of scientifically researched, knowledge-based reading literacy and computational skills acquisition, exceptional student education, normal child development, and the disorders of development may be applied toward any specialization area. Credits or points that provide training in the areas of drug abuse, child abuse and neglect, strategies in teaching students having limited proficiency in English, or dropout prevention, or training in areas identified in the educational goals and performance standards adopted pursuant to ss. 1000.03(5) and 1008.345 may be applied toward any specialization area. Credits or points earned through approved summer institutes may be applied toward the fulfillment of these requirements. Inservice points may also be earned by participation in professional growth components approved by the State Board of Education and specified pursuant to s. 1012.98 in the district's approved master plan for inservice educational training, including, but not limited to, serving as a trainer in an approved teacher training activity, serving on an instructional materials committee or a state board or commission that deals with educational issues, or serving on an advisory council created pursuant to s. 1001.452.

Section 24. Paragraph (e) is added to subsection (3) of section 1012.98, Florida Statutes, and paragraph (b) of subsection (4) and subsection (11) are amended, to read:

1012.98 School Community Professional Development Act.—

(3) The activities designed to implement this section must:

*(e) Provide training to teacher mentors as part of the professional development certification and education competency program under s. 1012.56(8)(a). The training must include components on teacher development, peer coaching, time management, and other related topics as determined by the Department of Education.*

(4) The Department of Education, school districts, schools, Florida College System institutions, and state universities share the responsibilities described in this section. These responsibilities include the following:

(b) Each school district shall develop a professional development system as specified in subsection (3). The system shall be developed in consultation with teachers, teacher-educators of Florida College System institutions and state universities, business and community representatives, and local education foundations, consortia, and professional organizations. The professional development system must:

1. Be approved by the department. All substantial revisions to the system shall be submitted to the department for review for continued approval.

2. Be based on analyses of student achievement data and instructional strategies and methods that support rigorous, relevant, and challenging curricula for all students. Schools and districts, in developing and refining the professional development system, shall also review and monitor school discipline data; school environment surveys; assessments of parental satisfaction; performance appraisal data of teachers, managers, and administrative personnel; and other performance indicators to identify school and student needs that can be met by improved professional performance.

3. Provide inservice activities coupled with followup support appropriate to accomplish district-level and school-level improvement goals and standards. The inservice activities for instructional personnel shall focus on analysis of student achievement data, ongoing formal and informal assessments of student achievement, identification and use of enhanced and differentiated instructional strategies that emphasize rigor, relevance, and reading in the content areas, enhancement of subject content expertise, integrated use of classroom technology that enhances teaching and learning, classroom management, parent involvement, and school safety.

*4. Provide inservice activities and support targeted to the individual needs of new teachers participating in the professional development certification and education competency program under s. 1012.56(8)(a).*

*5.*~~4.~~ Include a master plan for inservice activities, pursuant to rules of the State Board of Education, for all district employees from all fund sources. The master plan shall be updated annually by September 1, must be based on input from teachers and district and school instructional leaders, and must use the latest available student achievement

data and research to enhance rigor and relevance in the classroom. Each district inservice plan must be aligned to and support the school-based inservice plans and school improvement plans pursuant to s. 1001.42(18). Each district inservice plan must provide a description of the training that middle grades instructional personnel and school administrators receive on the district's code of student conduct adopted pursuant to s. 1006.07; integrated digital instruction and competency-based instruction and CAPE Digital Tool certificates and CAPE industry certifications; classroom management; student behavior and interaction; extended learning opportunities for students; and instructional leadership. District plans must be approved by the district school board annually in order to ensure compliance with subsection (1) and to allow for dissemination of research-based best practices to other districts. District school boards must submit verification of their approval to the Commissioner of Education no later than October 1, annually. Each school principal may establish and maintain an individual professional development plan for each instructional employee assigned to the school as a seamless component to the school improvement plans developed pursuant to s. 1001.42(18). An individual professional development plan must be related to specific performance data for the students to whom the teacher is assigned, define the inservice objectives and specific measurable improvements expected in student performance as a result of the inservice activity, and include an evaluation component that determines the effectiveness of the professional development plan.

*6.*~~5.~~ Include inservice activities for school administrative personnel that address updated skills necessary for instructional leadership and effective school management pursuant to s. 1012.986.

*7.*~~6.~~ Provide for systematic consultation with regional and state personnel designated to provide technical assistance and evaluation of local professional development programs.

*8.*~~7.~~ Provide for delivery of professional development by distance learning and other technology-based delivery systems to reach more educators at lower costs.

*9.*~~8.~~ Provide for the continuous evaluation of the quality and effectiveness of professional development programs in order to eliminate ineffective programs and strategies and to expand effective ones. Evaluations must consider the impact of such activities on the performance of participating educators and their students' achievement and behavior.

*10.*~~9.~~ For middle grades, emphasize:

a. Interdisciplinary planning, collaboration, and instruction.

b. Alignment of curriculum and instructional materials to the state academic standards adopted pursuant to s. 1003.41.

c. Use of small learning communities; problem-solving, inquiry-driven research and analytical approaches for students; strategies and tools based on student needs; competency-based instruction; integrated digital instruction; and project-based instruction.

Each school that includes any of grades 6, 7, or 8 must include in its school improvement plan, required under s. 1001.42(18), a description of the specific strategies used by the school to implement each item listed in this subparagraph.

(11) The department shall disseminate to the school community proven model professional development programs that have demonstrated success in increasing rigorous and relevant content, increasing student achievement and engagement, ~~and~~ meeting identified student needs*, and providing effective mentorship activities to new teachers and training to teacher mentors*. The methods of dissemination must include a web-based statewide performance-support system including a database of exemplary professional development activities, a listing of available professional development resources, training programs, and available technical assistance.

Section 25. Section 1013.101, Florida Statutes, is created to read:

*1013.101 Shared use agreements.—*

*(1) LEGISLATIVE FINDINGS AND INTENT.—The Legislature finds that greater public access to recreation and sports facilities is needed to reduce the impact of obesity, diabetes, and other chronic diseases on personal health and health care expenditures. Public schools are equipped with taxpayer-funded indoor and outdoor recreation facilities that offer easily accessible opportunities for physical activity for residents of the community. The Legislature also finds that it is the policy of the state for district school boards to allow the shared use of school buildings and property by adopting policies allowing for shared use and implementing shared use agreements with local governmental entities and nonprofit organizations. The Legislature intends to increase the number of school districts that open their playground facilities to community use outside of school hours.*

*(2) DEFINITIONS.—As used in this section, the term:*

*(a) "High-need communities" means communities in which at least 50 percent of children are eligible to receive free or reduced-price meals at the school that will be the subject of the shared use agreement.*

*(b) "Shared use" means allowing access to school playground facilities by community members for recreation or another purpose of importance to the community through a shared use agreement or a school district or school policy that opens school facilities, including, but not limited to charter schools and Florida College System institutions, for use by government or nongovernmental entities or the public.*

*(c) "Shared use agreement" means a written agreement between a school district, a charter school, or a Florida College System institution, and a government or nongovernmental entity which defines the roles, responsibilities, terms, and conditions for community use of a school-owned facility for recreation or other purposes.*

*(3) PROMOTION OF COMMUNITY USE OF SHARED FACILITIES.—The department shall provide technical assistance to school districts, including, but not limited to, individualized assistance, the creation of a shared use technical assistance toolkit containing useful information for school districts, and the development of a publicly accessible online database of shared use resources and existing shared use agreements.*

Section 26. *Shared Use Task Force.—The Shared Use Task Force, a task force as defined in s. 20.03, Florida Statutes, is created within the Department of Education. The task force is created to identify barriers in creating shared use agreements and to make recommendations to facilitate the shared use of school facilities generally and in high-need communities.*

*(1) The task force is composed of 7 members appointed by the department, as follows:*

*(a) Two representatives from school districts, including 1 representative from school districts 1 through 33 and 1 representative from school districts 34 through 67;*

*(b) One representative from a public health department;*

*(c) Two representatives from community-based programs in high-need communities; and*

*(d) Two representatives from recreational organizations.*

*(2) The task force shall elect a chair and vice chair. The chair and vice chair may not be representatives from the same member category. Members of the task force shall serve without compensation, but are entitled to reimbursement for per diem and travel expenses pursuant to s. 112.061, Florida Statutes.*

*(3) The task force shall meet by teleconference or other electronic means, if possible, to reduce costs.*

*(4) The department shall provide the task force with staff necessary to assist the task force in the performance of its duties.*

*(5) The task force shall submit a report of its findings and recommendations to the President of the Senate and the Speaker of the House of Representatives by June 30, 2018. Upon submission of the report, the task force shall expire.*

Section 27. *Committee on Early Childhood Development.—The Committee on Early Childhood Development, a committee as defined in*

*s. 20.03, Florida Statutes, is created within the Department of Education to develop a proposal for establishing and implementing a coordinated system focused on developmental milestones and outcomes for the school readiness program, the Voluntary Prekindergarten Education Program, and the Florida Kindergarten Readiness Screener and, except as otherwise provided in this section, shall operate consistent with s. 20.052, Florida Statutes.*

*(1) The committee's proposal must include legislative recommendations for the design and implementation of a coordinated system for tracking children's development, including:*

*(a) The purpose of tracking children's development, with a focus on developmentally appropriate learning gains.*

*(b) Attributes for tool selection that provide guidance on procurement policies.*

*(c) An implementation schedule and protocols, including the frequency of data collection and a timeline for training to ensure reliability of the system.*

*(d) The methodology for collecting and analyzing data that defines reporting requirements.*

*(e) A budget for the system, including cost analyses for purchasing materials and necessary technology, training to ensure reliability, and data system management.*

*(f) Considerations for student privacy and tracking child development over time.*

*(2) The committee is composed of 14 members, with 7 members appointed by the President of the Senate and 7 members appointed by the Speaker of the House of Representatives. The members must be residents of this state. Seven of the members must be representatives from or subject matter experts for early learning and seven members must be representatives from or subject matter experts for kindergarten through grade 3.*

*(3) The committee shall elect a chair and vice chair. Members of the committee shall serve without compensation but are entitled to reimbursement for per diem and travel expenses pursuant to s. 112.061, Florida Statutes.*

*(4) The committee must meet at least three times and shall meet by teleconference or other electronic means, if possible, to reduce costs.*

*(5) A majority of the members constitutes a quorum.*

*(6) The University of Florida Lastinger Center for Learning shall provide the committee with staff necessary to assist the committee in the performance of its duties.*

*(7) The committee shall submit a report of its findings and recommendations to the Governor, the President of the Senate, and the Speaker of the House of Representatives by December 1, 2017. Upon submission of the report, the committee shall expire.*

Section 28. *Study of a nationally recognized alternate high school assessment.—*

*(1) INDEPENDENT STUDY.—*

*(a) The Commissioner of Education shall contract for an independent study to determine whether a nationally recognized high school assessment may be administered in lieu of the Florida Standards Assessment and the Algebra I and end-of-course assessment for high school students.*

*(b) In order to be considered a nationally recognized high school assessment, the assessment must meet the following requirements:*

*1. Be substantially aligned with the core curricular content for high school level English Language Arts (ELA) and mathematics established in the Next Generation Sunshine State Standards pursuant to s. 1003.41, Florida Statutes;*

*2. Provide for learning gains from the grade 8 ELA and Mathematics Florida Standards Assessment to the nationally recognized high school assessment;*

*3. Provide for differentiation and comparability between schools and districts;*

*4. Provide the same or additional accommodations to students with disabilities and other students which are provided by the Florida Standards Assessment and other statewide, standardized assessments;*

*5. Meet the applicable assessment security requirements determined by the commissioner for the state and for school districts;*

*6. Meet the reasonable technical specification requirements determined by the commissioner which allow implementation by the state and by school districts; and*

*7. Satisfy any threshold legal requirements, including, but not limited to, the standard set forth in Debra P. v. Turlington, 474 F. Supp. 244 (M.D. Fla. 1979).*

*(c) The commissioner and the contractor shall consult with, and receive recommendations for alternate assessments from, education stakeholders, including district school superintendents, testing and measurement administrators, curriculum directors, principals, teachers, and other educators who have experience and expertise in the administration of high school assessments.*

*(2) REPORT.—The commissioner shall submit a report on the findings of the study and any recommendations to the Governor, the President of the Senate, and the Speaker of the House of Representatives by January 1, 2018.*

Section 29. This act shall take effect July 1, 2017.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to education; amending s. 125.901, F.S.; providing that the membership of the governing body of certain independent special districts in specified counties may include the designee of the superintendent of schools in lieu of the superintendent; creating s. 1001.4205, F.S.; authorizing an individual district school board member to visit any district school in his or her school district; authorizing an individual charter school governing board member to visit any charter school governed by the charter school's governing board; providing requirements and restrictions; amending s. 1002.20, F.S.; authorizing a parent to request and be granted permission for a student's absence from school for treatment of autism spectrum disorder by a licensed health care practitioner; authorizing a student to possess and use a topical sunscreen while on school property or at a school-sponsored event or activity under certain circumstances; amending s. 1002.33, F.S.; revising the charter school application process; revising the appeals process for a denied charter school application; revising the purpose of charter school cooperatives; authorizing certain entities to share facilities with charter schools without additional approval; amending s. 1002.331, F.S.; conforming provisions to changes made by the act; authorizing a high-performing charter school to establish more than one charter school in any year under certain circumstances; amending s. 1002.51, F.S.; defining the term "public school prekindergarten provider"; amending s. 1003.21, F.S.; requiring each district school board to adopt an attendance policy authorizing a student's absence for treatment of autism spectrum disorder; amending s. 1003.24, F.S.; revising an exemption relating to parental responsibility for nonattendance of a student to include treatment for autism spectrum disorder; amending s. 1003.4156, F.S.; deleting requirements relating to the career and education planning course for middle grades promotion; amending s. 1003.4282, F.S.; deleting a provision requiring certain students to take the Algebra II end-of-course assessment; removing a requirement that a student participating in interscholastic sports pass a competency test on personal fitness to satisfy the physical education credit requirement for high school graduation; revising the requirements for satisfying the online course requirements for a standard high school diploma; amending s. 1003.4285, F.S.; deleting a provision requiring students to pass the Algebra II end-of-course assessment in order to earn a Scholar designation; amending s. 1003.455, F.S.; requiring each district school board to provide students in certain

grades with a minimum number of minutes of free-play recess per week and with a minimum number of consecutive minutes of free-play recess per day; amending s. 1003.57, F.S.; prohibiting certain school districts from declining to provide or contract for certain students' educational instruction; amending s. 1006.40, F.S.; revising requirements for use of the instructional materials allocation; amending s. 1007.35, F.S.; revising the name of an ACT assessment for specified purposes; amending s. 1008.22, F.S.; deleting a provision requiring the Algebra II end-of-course assessment to be administered; revising requirements relating to the administration and format of assessments; providing requirements for administration of the statewide, standardized English Language Arts and mathematics assessments in specified grades; requiring the Department of Education to publish certain assessments on its website; providing requirements for such publication; requiring the department to provide materials regarding assessment information on its website; conforming cross-references; amending s. 1009.60, F.S.; revising eligibility criteria for receipt of a minority teacher education scholarship; amending s. 1009.605, F.S.; revising the scholar awards on which the Florida Fund for Minority Teachers, Inc.'s, budget projection must be based; amending s. 1011.62, F.S.; revising eligibility criteria for postsecondary institutions to participate in the dual enrollment and early admission programs; deleting provisions relating to caps imposed on the amounts of bonuses awarded to teachers based on student performance on certain course examinations and certifications; requiring a specified amount of funds generated by a certain bonus be allocated to the school program that generated the funds; conforming provisions to changes made by the act; amending s. 1011.71, F.S.; revising payout for sick and annual leave in specified circumstances; amending s. 1012.34, F.S.; revising personnel evaluation procedures and criteria; authorizing the commissioner to develop a formula for measuring student learning growth on specified statewide, standardized assessments, rather than requiring the Commissioner of Education to approve such a formula; authorizing, rather than requiring, a school district to use certain formulas developed by the commissioner; amending s. 1012.56, F.S.; requiring the department to issue a temporary educator certificate within a specified period; requiring the department to provide electronic notice of the issuance of a temporary certificate to specified entities; requiring the department to provide the applicant with an official statement of status of eligibility upon issuance of a temporary certificate; providing content requirements for the statement of status of eligibility; revising the criteria instructional personnel must meet to be issued a professional certificate; providing that an applicant for professional certification is not required to take or pass a specified examination under certain circumstances; requiring the department to provide electronic notification of the expiration of a temporary educator certificate; requiring the State Board of Education to adopt rules providing for the extension of a temporary educator certificate for a specified period under certain circumstances; authorizing charter schools and charter management organizations to develop a professional development certification and education competency program; revising program requirements; requiring the department to adopt standards for the approval of such programs by a specified date; providing requirements for such standards; requiring each school district and charter school to submit its program for approval by a specified date; providing that certification requirements may not be met in a program that is not approved by the department after a specified date; amending s. 1012.585, F.S.; revising college credit and inservice hour requirements for renewal of a professional certificate to include participation in specified activities; amending s. 1012.98, F.S.; revising the activities designed to implement the school community professional development act to include specified training relating to a professional development certification and education competency program; revising requirements for school district professional development systems; requiring the department to disseminate professional development programs that meet specified criteria; creating s. 1013.101, F.S.; providing legislative findings and intent; defining terms; requiring the department to provide specified assistance to school districts; creating the Shared Use Task Force within the department; specifying the purpose and membership of the task force; providing requirements for electing a task force chair and vice chair and conducting its meetings; requiring the department to provide the task force with necessary staff; requiring the task force to submit a report to the Legislature by a specified date; providing for expiration of the task force; creating the Committee on Early Childhood Development within the department; specifying committee purpose; requiring the committee to develop a proposal for specified purposes; providing proposal requirements; providing for membership of the committee; providing requirements for electing a committee chair and vice chair; providing committee meeting requirements; requiring the University of Florida Lastinger Center for Learning to provide necessary staff for the committee; requiring the committee to submit a report by a specified date; providing for the expiration of the committee; requiring the commissioner to contract for an independent study to determine whether a nationally recognized high school assessment may be administered in lieu of the Florida Standards Assessment and the Algebra I end-of-course assessment; providing requirements for the assessment; requiring the commissioner and the contractor to consult with specified stakeholders; requiring the commissioner to submit a report to the Governor and the Legislature by a specified date; providing an effective date.

**THE PRESIDENT PRESIDING**

Pursuant to Rule 7.1(1), there being no objection, consideration of the following late-filed amendments was allowed:

Senators Flores and Stargel offered the following amendments to **Amendment 1 (244350)** which were moved by Senator Flores and adopted:

**Amendment 1A (777518)**—Delete line 649 and insert:
Biology I, United States History, and Civics shall be

**Amendment 1B (828272)**—Delete lines 263-267 and insert:
Constitution of the United States. Beginning with the 2013-2014 school year, each student's performance on the statewide, standardized EOC assessment in civics education required under s. 1008.22 constitutes 30 percent of the student's final course grade. A middle grades student who transfers into the state's

**Amendment 1C (105382) (with title amendment)**—Delete lines 1553-1711 and insert:

Section 23. Section 1001.215, Florida Statutes, is amended to read:

1001.215 Just Read, Florida! Office.—There is created in the Department of Education the Just Read, Florida! Office. The office *is* ~~shall be~~ fully accountable to the Commissioner of Education and shall:

(1) Train ~~highly effective~~ reading coaches.

(2) Create multiple designations of effective reading instruction, with accompanying credentials, *to enable* ~~which encourage~~ all teachers to integrate reading instruction into their content areas.

(3) *Work with the Lastinger Center at the University of Florida, to develop training for* ~~train~~ K-12 teachers*, reading coaches,* and school principals on effective content-area-specific reading strategies*; the integration of content knowledge-rich texts from other core subject areas into reading instruction; evidence-based reading strategies identified in subsection (7); and technology tools to improve student reading performance*. For secondary teachers, emphasis shall be on technical text. These strategies must be developed for all content areas in the K-12 curriculum.

(4) Provide parents with information and strategies for assisting their children in reading*, including reading* in ~~the~~ content *areas* ~~area~~.

(5) Provide technical assistance to school districts in the development and implementation of district plans for use of the research-based reading instruction allocation provided in s. 1011.62(9) and annually review and approve such plans.

(6) Review, evaluate, and provide technical assistance to school districts' implementation of the K-12 comprehensive reading plan required in s. 1011.62(9).

(7) Work with the Florida Center for Reading Research to *identify scientifically researched and evidence-based reading instructional and intervention programs that incorporate explicit, systematic, and sequential approaches to teaching phonemic awareness, phonics, vocabulary, fluency, and text comprehension and incorporate decodable or phonetic text instructional* ~~provide information on research-based reading programs and effective reading in the content area~~ strategies. *Reading intervention includes evidence-based strategies frequently used to remediate reading deficiencies and includes, but is not limited to,*

*individual instruction, multisensory approaches, tutoring, mentoring, or the use of technology that targets specific reading skills and abilities.*

(8) Periodically review the *Next Generation* Sunshine State Standards for *English Language Arts to determine their appropriateness at each grade level* ~~reading at all grade levels~~.

(9) Periodically review teacher certification *requirements and* examinations, including alternative certification *requirements and examinations* ~~exams~~, to ascertain whether the examinations measure the skills needed for *evidence-based* ~~research-based~~ reading instruction and instructional strategies for teaching reading*, including reading* in ~~the~~ content areas.

(10) Work with teacher preparation programs approved pursuant to *ss. 1004.04 and 1004.85* ~~s. 1004.04~~ to integrate *effective,* research-based *and evidence-based* reading instructional *and intervention* strategies*, including explicit, systematic, and sequential* ~~and~~ reading *strategies, multisensory intervention strategies, and reading* in ~~the~~ content area instructional strategies into teacher preparation programs.

(11) Administer grants and perform other functions as necessary to *help* ~~meet the goal that all~~ students read at *their highest potential* ~~grade level~~.

Section 24. Paragraph (b) of subsection (2) of section 1004.04, Florida Statutes, is amended to read:

1004.04 Public accountability and state approval for teacher preparation programs.—

(2) UNIFORM CORE CURRICULA AND CANDIDATE ASSESSMENT.—

(b) The rules to establish uniform core curricula for each state-approved teacher preparation program must include, but are not limited to, the following:

1. The Florida Educator Accomplished Practices.

2. The state-adopted content standards.

3. Scientifically researched *and evidence-based* reading *instructional strategies that improve reading performance for all students, including explicit, systematic, and sequential approaches to teaching phonemic awareness, phonics, vocabulary, fluency, and text comprehension and multisensory intervention strategies* ~~instruction~~.

4. Content literacy and mathematics practices.

5. Strategies appropriate for the instruction of English language learners.

6. Strategies appropriate for the instruction of students with disabilities.

7. School safety.

Section 25. Paragraph (a) of subsection (3) of section 1004.85, Florida Statutes, is amended to read:

1004.85 Postsecondary educator preparation institutes.—

(3) Educator preparation institutes approved pursuant to this section may offer competency-based certification programs specifically designed for noneducation major baccalaureate degree holders to enable program participants to meet the educator certification requirements of s. 1012.56. An educator preparation institute choosing to offer a competency-based certification program pursuant to the provisions of this section must implement a program previously approved by the Department of Education for this purpose or a program developed by the institute and approved by the department for this purpose. Approved programs shall be available for use by other approved educator preparation institutes.

(a) Within 90 days after receipt of a request for approval, the Department of Education shall approve a preparation program pursuant to the requirements of this subsection or issue a statement of the deficiencies in the request for approval. The department shall approve a certification program if the institute provides evidence of the institute's capacity to implement a competency-based program that includes each of the following:

1.a. Participant instruction and assessment in the Florida Educator Accomplished Practices.

b. The state-adopted student content standards.

c. Scientifically researched *and evidence-based* reading *instructional strategies that improve reading performance for all students, including explicit, systematic, and sequential approaches to teaching phonemic awareness, phonics, vocabulary, fluency, and text comprehension and multisensory intervention strategies* ~~instruction~~.

d. Content literacy and mathematical practices.

e. Strategies appropriate for instruction of English language learners.

f. Strategies appropriate for instruction of students with disabilities.

g. School safety.

2. An educational plan for each participant to meet certification requirements and demonstrate his or her ability to teach the subject area for which the participant is seeking certification, which is based on an assessment of his or her competency in the areas listed in subparagraph 1.

3. Field experiences appropriate to the certification subject area specified in the educational plan with a diverse population of students in a variety of settings under the supervision of qualified educators.

4. A certification ombudsman to facilitate the process and procedures required for participants who complete the program to meet any requirements related to the background screening pursuant to s. 1012.32 and educator professional or temporary certification pursuant to s. 1012.56.

Section 26. Paragraph (a) of subsection (3) of section 1012.585, Florida Statutes, is amended, and paragraph (f) is added to that subsection, to read:

1012.585 Process for renewal of professional certificates.—

(3) For the renewal of a professional certificate, the following requirements must be met:

(a) The applicant must earn a minimum of 6 college credits or 120 inservice points or a combination thereof. For each area of specialization to be retained on a certificate, the applicant must earn at least 3 of the required credit hours or equivalent inservice points in the specialization area. Education in "clinical educator" training pursuant to s. 1004.04(5)(b)*; participation in mentorship and induction activities, including as a mentor, pursuant to s. 1012.56(8)(a);* and credits or points that provide training in the area of scientifically researched, knowledge-based reading literacy*, including explicit, systematic, and sequential approaches to reading instruction, developing phonemic awareness, and implementing multisensory intervention strategies,* and computational skills acquisition, exceptional student education, normal child development, and the disorders of development may be applied toward any specialization area. Credits or points that provide training in the areas of drug abuse, child abuse and neglect, strategies in teaching students having limited proficiency in English, or dropout prevention, or training in areas identified in the educational goals and performance standards adopted pursuant to ss. 1000.03(5) and 1008.345 may be applied toward any specialization area*, except specialization areas identified by State Board of Education rule that include reading instruction or intervention for any students in kindergarten through grade 6*. Credits or points earned through approved summer institutes may be applied toward the fulfillment of these requirements. Inservice points may also be earned by participation in professional growth components approved by the State Board of Education and specified pursuant to s. 1012.98 in the district's approved master plan for inservice educational training*; however, such points may not be used to satisfy the specialization requirements of this paragraph*~~, including, but not limited to, serving as a trainer in an approved teacher training activity, serving on an in-~~

~~structional materials committee or a state board or commission that deals with educational issues, or serving on an advisory council created pursuant to s. 1001.452~~.

*(f) An applicant for renewal of a professional certificate in any area of certification identified by State Board of Education rule that includes reading instruction or intervention for any students in kindergarten through grade 6, with a beginning validity date of July 1, 2020, or thereafter, must earn a minimum of 2 college credits or the equivalent inservice points in the use of explicit, systematic, and sequential approaches to reading instruction, developing phonemic awareness, and implementing multisensory intervention strategies. Such training must be provided by teacher preparation programs under s. 1004.04 or s. 1004.85 or approved school district professional development systems under s. 1012.98. The requirements in this paragraph may not add to the total hours required by the department for continuing education or inservice training.*

Section 27. Subsection (1) of section 1012.586, Florida Statutes, is amended to read:

1012.586 Additions or changes to certificates; duplicate certificates.—A school district may process via a Department of Education website certificates for the following applications of public school employees:

(1) Addition of a subject coverage or endorsement to a valid Florida certificate on the basis of the completion of the appropriate subject area testing requirements of s. 1012.56(5)(a) or the completion of the requirements of an approved school district program or the inservice components for an endorsement.

*(a) To reduce duplication, the department may recommend the consolidation of endorsement areas and requirements to the State Board of Education.*

*(b) By July 1, 2018, and at least once every 5 years thereafter, the department shall conduct a review of existing subject coverage or endorsement requirements in the elementary, reading, and exceptional student educational areas. The review must include reciprocity requirements for out-of-state certificates and requirements for demonstrating competency in the reading instruction professional development topics listed in s. 1012.98(4)(b)10. At the conclusion of each review, the department shall recommend to the state board changes to the subject coverage or endorsement requirements based upon any identified instruction or intervention strategies proven to improve student reading performance. This paragraph does not authorize the state board to establish any new certification subject coverage.*

The employing school district shall charge the employee a fee not to exceed the amount charged by the Department of Education for such services. Each district school board shall retain a portion of the fee as defined in the rules of the State Board of Education. The portion sent to the department shall be used for maintenance of the technology system, the web application, and posting and mailing of the certificate.

Section 28. Paragraph (e) is added to subsection (3) of section 1012.98, Florida Statutes, and paragraph (b) of subsection (4) and subsections (10) and (11) are amended, to read:

1012.98 School Community Professional Development Act.—

(3) The activities designed to implement this section must:

*(e) Provide training to teacher mentors as part of the professional development certification and education competency program under s. 1012.56(8)(a). The training must include components on teacher development, peer coaching, time management, and other related topics as determined by the Department of Education.*

(4) The Department of Education, school districts, schools, Florida College System institutions, and state universities share the responsibilities described in this section. These responsibilities include the following:

(b) Each school district shall develop a professional development system as specified in subsection (3). The system shall be developed in consultation with teachers, teacher-educators of Florida College System institutions and state universities, business and community representatives, and local education foundations, consortia, and professional organizations. The professional development system must:

1. Be approved by the department. All substantial revisions to the system shall be submitted to the department for review for continued approval.

2. Be based on analyses of student achievement data and instructional strategies and methods that support rigorous, relevant, and challenging curricula for all students. Schools and districts, in developing and refining the professional development system, shall also review and monitor school discipline data; school environment surveys; assessments of parental satisfaction; performance appraisal data of teachers, managers, and administrative personnel; and other performance indicators to identify school and student needs that can be met by improved professional performance.

3. Provide inservice activities coupled with followup support appropriate to accomplish district-level and school-level improvement goals and standards. The inservice activities for instructional personnel shall focus on analysis of student achievement data, ongoing formal and informal assessments of student achievement, identification and use of enhanced and differentiated instructional strategies that emphasize rigor, relevance, and reading in the content areas, enhancement of subject content expertise, integrated use of classroom technology that enhances teaching and learning, classroom management, parent involvement, and school safety.

*4. Provide inservice activities and support targeted to the individual needs of new teachers participating in the professional development certification and education competency program under s. 1012.56(8)(a).*

*5.*~~4.~~ Include a master plan for inservice activities, pursuant to rules of the State Board of Education, for all district employees from all fund sources. The master plan shall be updated annually by September 1, must be based on input from teachers and district and school instructional leaders, and must use the latest available student achievement data and research to enhance rigor and relevance in the classroom. Each district inservice plan must be aligned to and support the school-based inservice plans and school improvement plans pursuant to s. 1001.42(18). Each district inservice plan must provide a description of the training that middle grades instructional personnel and school administrators receive on the district's code of student conduct adopted pursuant to s. 1006.07; integrated digital instruction and competency-based instruction and CAPE Digital Tool certificates and CAPE industry certifications; classroom management; student behavior and interaction; extended learning opportunities for students; and instructional leadership. District plans must be approved by the district school board annually in order to ensure compliance with subsection (1) and to allow for dissemination of research-based best practices to other districts. District school boards must submit verification of their approval to the Commissioner of Education no later than October 1, annually. Each school principal may establish and maintain an individual professional development plan for each instructional employee assigned to the school as a seamless component to the school improvement plans developed pursuant to s. 1001.42(18). An individual professional development plan must be related to specific performance data for the students to whom the teacher is assigned, define the inservice objectives and specific measurable improvements expected in student performance as a result of the inservice activity, and include an evaluation component that determines the effectiveness of the professional development plan.

*6.*~~5.~~ Include inservice activities for school administrative personnel that address updated skills necessary for instructional leadership and effective school management pursuant to s. 1012.986.

*7.*~~6.~~ Provide for systematic consultation with regional and state personnel designated to provide technical assistance and evaluation of local professional development programs.

*8.*~~7.~~ Provide for delivery of professional development by distance learning and other technology-based delivery systems to reach more educators at lower costs.

*9.*~~8.~~ Provide for the continuous evaluation of the quality and effectiveness of professional development programs in order to eliminate ineffective programs and strategies and to expand effective ones. Eva-

luations must consider the impact of such activities on the performance of participating educators and their students' achievement and behavior.

*10.*~~9.~~ For middle grades, emphasize:

a. Interdisciplinary planning, collaboration, and instruction.

b. Alignment of curriculum and instructional materials to the state academic standards adopted pursuant to s. 1003.41.

c. Use of small learning communities; problem-solving, inquiry-driven research and analytical approaches for students; strategies and tools based on student needs; competency-based instruction; integrated digital instruction; and project-based instruction.

Each school that includes any of grades 6, 7, or 8 must include in its school improvement plan, required under s. 1001.42(18), a description of the specific strategies used by the school to implement each item listed in this subparagraph.

*11. Provide training to reading coaches, classroom teachers, and school administrators in effective methods of identifying characteristics of conditions such as dyslexia and other causes of diminished phonological processing skills; incorporating instructional techniques into the general education setting which are proven to improve reading performance for all students; and using predictive and other data to make instructional decisions based on individual student needs. The training must help teachers integrate phonemic awareness; phonics, word study, and spelling; reading fluency; vocabulary, including academic vocabulary; and text comprehension strategies into an explicit, systematic, and sequential approach to reading instruction, including multisensory intervention strategies. Each district must provide all elementary grades instructional personnel access to training sufficient to meet the requirements of s. 1012.585(3)(f).*

(10) For instructional personnel and administrative personnel who have been evaluated as less than effective, a district school board shall require participation in specific professional development programs as provided in subparagraph *(4)(b)5.* ~~(4)(b)4.~~ as part of the improvement prescription.

(11) The department shall disseminate to the school community proven model professional development programs that have demonstrated success in increasing rigorous and relevant content, increasing student achievement and engagement, ~~and~~ meeting identified student needs*, and providing effective mentorship activities to new teachers and training to teacher mentors*. The methods of dissemination must include a web-based statewide performance-support system including a database of exemplary professional development activities, a listing of available professional development resources, training programs, and available technical assistance.

And the title is amended as follows:

Delete lines 2014-2025 and insert: amending s. 1001.215, F.S.; revising the duties of the Just Read, Florida! Office; amending s. 1004.04, F.S.; revising core curricula requirements for certain teacher preparation programs to include certain reading instruction and interventions; amending s. 1004.85, F.S.; requiring certain educator preparation institutes to provide evidence of specified reading instruction as a condition of program approval and continued approval; amending s. 1012.585, F.S.; revising requirements for renewal of professional teaching certificates; amending s. 1012.586, F.S.; authorizing the department to recommend consolidation of endorsement areas and requirements for endorsements for teacher certificates; requiring the department to review and make recommendations regarding certain subject coverage or endorsement requirements; providing construction; amending s. 1012.98, F.S.; revising duties and requirements for implementation of the School Community Professional Development Act; revising the activities designed to implement the school community professional development act to include specified training relating to a professional development certification and education competency program; revising requirements for school district professional development systems; requiring the department to disseminate professional development programs that meet specified criteria; creating s.

**Amendment 1 (244350)**, as amended, was adopted.

On motion by Senator Flores, by two-thirds vote, **CS for CS for CS for HB 549**, as amended, was read the third time by title, passed, and certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

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By direction of the President, pursuant to Rule 4.3(3), the Senate reverted to—

## MESSAGES FROM THE HOUSE OF REPRESENTATIVES, continued

The Honorable Joe Negron, President

I am directed to inform the Senate that the House of Representatives has passed CS/CS/SB 890, with 1 amendment, and requests the concurrence of the Senate.

*Portia Palmer*, Clerk

**CS for CS for SB 890**—A bill to be entitled An act relating to the Florida Endowment for Vocational Rehabilitation; amending s. 413.615, F.S.; requiring the Florida Endowment Foundation for Vocational Rehabilitation to maintain separate accounts for certain funds received from state sources and public or private sources; establishing restrictions regarding administrative costs of the foundation; requiring the foundation to publish specified information on its website; requiring that funds allocated for research, advertising, or consulting be subject to a competitive solicitation process; prohibiting use of state funds to fund certain events; extending the date for future review and repeal of provisions governing the Florida Endowment for Vocational Rehabilitation; providing an effective date.

**House Amendment 1 (912975) (with title amendment)**—Remove everything after the enacting clause and insert:

Section 1. Subsection (4) of section 20.058, Florida Statutes, is amended to read:

20.058 Citizen support and direct-support organizations.—

(4) Any contract between an agency and a citizen support organization or direct-support organization must be contingent upon the organization's submission and posting of information pursuant to subsections (1) and (2) *and must include a provision for the orderly cessation of operations and reversion to the state of state funds held in trust by the organization within 30 days after its authorizing statute is repealed, the contract is terminated, or the organization is dissolved*. If an organization fails to submit the required information for 2 consecutive years, the agency head shall terminate any contract between the agency and the organization.

Section 2. Paragraph (e) of subsection (2) and subsection (5) of section 318.21, Florida Statutes, are amended to read:

318.21 Disposition of civil penalties by county courts.—All civil penalties received by a county court pursuant to the provisions of this chapter shall be distributed and paid monthly as follows:

(2) Of the remainder:

(e) Two percent shall be remitted to the Department of Revenue *for deposit in the Grants and Donations Trust Fund of the Division of* ~~and transmitted monthly to the Florida Endowment Foundation for~~ Vocational Rehabilitation *of the Department of Education* ~~as provided in s. 413.615~~.

(5) Of the additional fine assessed under s. 318.18(3)(f) for a violation of s. 316.1303(1), 60 percent must be remitted to the Department of Revenue *for deposit in the Grants and Donations Trust Fund of the Division of* ~~and transmitted monthly to the Florida Endowment Foundation for~~ Vocational Rehabilitation *of the Department of Education*, and 40 percent must be distributed pursuant to subsections (1) and (2).

Section 3. Subsection (4) of section 320.08068, Florida Statutes, is amended to read:

320.08068 Motorcycle specialty license plates.—

(4) A license plate annual use fee of $20 shall be collected for each motorcycle specialty license plate. Annual use fees shall be distributed ~~to The Able Trust as custodial agent. The Able Trust may retain a maximum of 10 percent of the proceeds from the sale of the license plate for administrative costs. The Able Trust shall distribute the remaining funds~~ as follows:

(a) Twenty percent to the Brain and Spinal Cord Injury Program Trust Fund.

(b) Twenty percent to Prevent Blindness Florida.

(c) Twenty percent to the Blind Services Foundation of Florida.

(d) Twenty percent to the Florida *Association of Centers for Independent Living* ~~Endowment Foundation for Vocational Rehabilitation~~ to support the James Patrick Memorial Work Incentive Personal Attendant Services and Employment Assistance Program pursuant to s. 413.402.

(e) Twenty percent to the Florida Association of Centers for Independent Living.

Section 4. Paragraph (c) of subsection (4) of section 320.0848, Florida Statutes, is amended to read:

320.0848 Persons who have disabilities; issuance of disabled parking permits; temporary permits; permits for certain providers of transportation services to persons who have disabilities.—

(4) From the proceeds of the temporary disabled parking permit fees:

(c) The remainder must be distributed monthly as follows:

1. To *be deposited in the Grants and Donations Trust Fund of the Division of* ~~the Florida Endowment Foundation for~~ Vocational Rehabilitation *of the Department of Education*~~, known as "The Able Trust,"~~ for the purpose of improving employment and training opportunities for persons who have disabilities, with special emphasis on removing transportation barriers, $4. ~~These fees must be directly deposited into the Florida Endowment Foundation for Vocational Rehabilitation as established in s. 413.615.~~

2. To *be deposited in* the Transportation Disadvantaged Trust Fund to be used for funding matching grants to counties for the purpose of improving transportation of persons who have disabilities, $5.

Section 5. Section 413.402, Florida Statutes, is amended to read:

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

(1) As used in this section, the term "competitive and integrated employment" means employment in the public or private sector in which the employee earns comparable wages and benefits, commensurate with his or her qualifications and experience, and works in comparable conditions to those experienced by the general workforce in that industry or profession.

(2) The program shall provide personal care attendants and other support and services necessary to enable persons eligible under subsection (3) who have significant and chronic disabilities to obtain or maintain competitive and integrated employment, including self-employment.

(3) In order to be eligible to participate in the program, a person must:

(a) Be at least 18 years of age, be a legal resident of this state, and be significantly and chronically disabled.

(b) As determined by a physician, psychologist, or psychiatrist, require a personal care attendant for assistance with or support for at least two activities of daily living as defined in s. 429.02.

(c) Require a personal care attendant and, as needed, other support and services to accept an offer of employment and commence working or to maintain competitive and integrated employment.

(d) Be able to acquire and direct the support and services provided pursuant to this section, including the services of a personal care attendant.

(4)(a) The Florida Association of Centers for Independent Living shall provide program participants with appropriate training on the hiring and management of a personal care attendant and on other self-advocacy skills needed to effectively access and manage the support and services provided under this section.

(b) In cooperation with the oversight council created in subsection (6), the Florida Association of Centers for Independent Living shall adopt and, as necessary, revise the policies and procedures governing the operation of the program and the training required in paragraph (a). The oversight council shall recommend the maximum monthly reimbursement provided to program participants. The association shall provide technical assistance to program participants and administrative support services to the program and implement appropriate internal financial controls to ensure program integrity.

(5) The James Patrick Memorial Work Incentive Personal Attendant Services and Employment Assistance Program shall reimburse the Florida Association of Centers for Independent Living monthly for payments made to program participants and for costs associated with program administration and oversight in accordance with the annual operating budget approved by the board of directors of the association, taking into consideration recommendations made by the oversight council created under subsection (6). The annual operating budget for costs associated with activities of the association for program operation, administration, and oversight may not exceed *10* ~~12~~ percent of the funds *provided* ~~deposited with the Florida Endowment Foundation for Vocational Rehabilitation~~ pursuant to ss. 320.08068(4)(d) and 413.4021(1) for the previous fiscal year or the budget approved for the previous fiscal year, whichever amount is greater.

(6) The James Patrick Memorial Work Incentive Personal Attendant Services and Employment Assistance Program Oversight Council is created adjunct to the Department of Education for the purpose of providing program recommendations, recommending the maximum monthly reimbursement available to program participants, advising the Florida Association of Centers for Independent Living on policies and procedures, and recommending the program's annual operating budget for activities of the association associated with operations, administration, and oversight. The oversight council shall also advise on and recommend the schedule of eligible services for which program participants may be reimbursed subject to the requirements and limitations of paragraph (3)(c) which, at a minimum, must include personal care attendant services. The oversight council shall advise and make its recommendations under this section to the board of directors of the association. The oversight council is not subject to the control of or direction by the department, and the department is not responsible for providing staff support or paying any expenses incurred by the oversight council in the performance of its duties.

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

1. The director of the division or his or her designee;

2. A human resources professional or an individual who has significant experience managing and operating a business based in this state, recommended by the Florida Chamber of Commerce and appointed by the Governor;

3. A financial management professional, appointed by the Governor;

4. A program participant, appointed by the Secretary of Health or his or her designee;

5. The director of the advisory council on brain and spinal cord injuries or his or her designee;

6. The director of the Florida Endowment Foundation for Vocational Rehabilitation or his or her designee; and

7. The director of the Florida Association of Centers for Independent Living or his or her designee.

(b) The appointed members shall serve for a term concurrent with the term of the official who made the appointment and shall serve at the pleasure of such official.

*(c) By February 1 of each year, the oversight council shall submit a report to the Governor, the President of the Senate, the Speaker of the House of Representatives, and the Commissioner of Education which summarizes the performance of the program.*

Section 6. Subsections (1) and (2) of section 413.4021, Florida Statutes, are amended to read:

413.4021 Program participant selection; tax collection enforcement diversion program.—The Department of Revenue, in coordination with the Florida Association of Centers for Independent Living and the Florida Prosecuting Attorneys Association, shall select judicial circuits in which to operate the program. The association and the state attorneys' offices shall develop and implement a tax collection enforcement diversion program, which shall collect revenue due from persons who have not remitted their collected sales tax. The criteria for referral to the tax collection enforcement diversion program shall be determined cooperatively between the state attorneys' offices and the Department of Revenue.

(1) Notwithstanding s. 212.20, 50 percent of the revenues collected from the tax collection enforcement diversion program shall be deposited into the special reserve account of the Florida *Association of Centers for Independent Living* ~~Endowment Foundation for Vocational Rehabilitation~~, to be used to administer the James Patrick Memorial Work Incentive Personal Attendant Services and Employment Assistance Program and to contract with the state attorneys participating in the tax collection enforcement diversion program in an amount of not more than $75,000 for each state attorney.

(2) The program shall operate only from funds deposited into the operating account of the Florida *Association of Centers for Independent Living* ~~Endowment Foundation for Vocational Rehabilitation~~.

Section 7. Subsections (4), (6), (10), (12), and (14) of section 413.615, Florida Statutes, are amended, and paragraphs (j) and (k) are added to subsection (9) of that section, to read:

413.615 Florida Endowment for Vocational Rehabilitation.—

(4) REVENUE FOR THE ENDOWMENT FUND.—

(a) The endowment fund of the Florida Endowment for Vocational Rehabilitation is created as a long-term, stable, and growing source of revenue to be administered, in accordance with rules promulgated by the division, by the foundation as a direct-support organization of the division.

(b) The principal of the endowment fund shall derive from ~~the deposits made pursuant to s. 318.21(2)(c), together with~~ any legislative appropriations which may be made to the endowment, and such bequests, gifts, grants, and donations as may be solicited for such purpose by the foundation from public or private sources.

(c) ~~All funds remitted to the Department of Revenue pursuant to s. 318.21(2)(c) and (5) shall be transmitted monthly to the foundation for use as provided in subsection (10).~~ All remaining liquid balances of funds held for investment and reinvestment by the State Board of Administration for the endowment fund on the effective date of this act shall be transmitted to the foundation within 60 days for use as provided in subsection (10).

(d) The board of directors of the foundation shall establish the operating account and shall deposit therein the moneys transmitted pursuant to paragraph (c). Moneys in the operating account shall be available to carry out the purposes of subsection (10).

*(e) Funds received from state sources shall be accounted for separately from bequests, gifts, grants, and donations which may be solicited for such purposes by the foundation from public or private sources. Earnings on funds received from state sources and funds received from public or private sources shall be accounted for separately.*

(6) DIRECT-SUPPORT ORGANIZATION CONTRACT.—The contract between the foundation and the division shall provide for:

(a) Approval of the articles of incorporation of the foundation by the division.

(b) Governance of the foundation by a board of directors appointed by the Governor.

(c) Submission of an annual budget of the foundation for approval by the division. *The division may not approve an annual budget that does not comply with paragraph (9)(j).*

(d) Certification by the division, after an annual financial and performance review, that the foundation is operating in compliance with the terms of the contract and the rules of the division, and in a manner consistent with the goals of the Legislature in providing assistance to disabled citizens.

(e) The release and conditions of the expenditure of any state revenues.

(f) The *orderly cessation of operations and* reversion to the state of ~~moneys in the foundation and in any other~~ funds ~~and accounts~~ held in trust by the foundation if the contract is terminated*, the foundation is dissolved, or this section is repealed*.

(g) The fiscal year of the foundation, to begin on July 1 and end on June 30 of each year.

(9) ORGANIZATION, POWERS, AND DUTIES.—Within the limits prescribed in this section or by rule of the division:

*(j) Administrative costs shall be kept to the minimum amount necessary for the efficient and effective administration of the foundation and are limited to 15 percent of total estimated expenditures in any calendar year. Administrative costs include payment of travel and per diem expenses of board members, officer salaries, chief executive officer program management, audits, salaries or other costs for nonofficers and contractors providing services that are not directly related to the mission of the foundation as described in subsection (5), costs of promoting the purposes of the foundation, and other allowable costs. Administrative costs may be paid from the following sources:*

*1. Interest and earnings on the endowment principal for the 2017-2018 fiscal year.*

*2. Private sources and up to 75 percent of interest and earnings on the endowment principal for the 2018-2019 fiscal year.*

*3. Private sources and up to 50 percent of interest and earnings on the endowment principal for the 2019-2020 fiscal year.*

*4. Private sources and up to 25 percent of interest and earnings on the endowment principal for the 2020-2021 fiscal year.*

*5. Solely private sources for the 2021-2022 fiscal year and thereafter.*

*(k) The foundation shall publish on its website:*

*1. The annual audit required by subsection (11) and the annual report required by subsection (12).*

*2. For each position filled by an officer or employee, the position's compensation level.*

*3. A copy of each contract into which the foundation enters.*

*4. Information on each program, gift, or grant funded by the foundation, including:*

*a. Projected economic benefits at the time of the initial award date.*

*b. Information describing the program, gift, or grant funded.*

*c. The geographic area impacted.*

*d. Any matching, in-kind support or other support.*

*e. The expected duration.*

*f. Evaluation criteria.*

*5. The foundation's contract with the division required by subsection (6).*

(10) DISTRIBUTION OF MONEYS.—The board shall use the moneys in the operating account, by whatever means, to provide for:

(a) Planning, research, and policy development for issues related to the employment and training of disabled citizens, and publication and dissemination of such information as may serve the objectives of this section.

(b) Promotion of initiatives for disabled citizens.

(c) Funding of programs which engage in, contract for, foster, finance, or aid in job training and counseling for disabled citizens or research, education, demonstration, or other activities related thereto.

(d) Funding of programs which engage in, contract for, foster, finance, or aid in activities designed to advance better public understanding and appreciation of the field of vocational rehabilitation.

(e) Funding of programs, property, or facilities which aid, strengthen, and extend in any proper and useful manner the objectives, work, services, and physical facilities of the division, in accordance with the purposes of this section.

*Any allocation of funds for research, advertising, or consulting shall be subject to a competitive solicitation process. State funds may not be used to fund events for private sector donors or potential donors or to honor supporters.*

(12) ANNUAL REPORT.—The board shall issue a report to the Governor, the President of the Senate, the Speaker of the House of Representatives, and the Commissioner of Education by *December 30* ~~February 1~~ each year~~,~~ summarizing the performance of the endowment fund for the previous fiscal year, summarizing the foundation's fundraising activities and performance, and detailing those activities and programs supported by the endowment principal or earnings on the endowment principal *and those activities and programs supported by private sources,* ~~or by~~ bequests, gifts, grants, donations, and other valued goods and services received. *The report shall also include:*

*(a) Financial data, by service type, including expenditures for administration and the provision of services.*

*(b) The amount of funds spent on administrative expenses and fundraising and the amount of funds raised from private sources.*

*(c) Outcome data, including the number of individuals served and employment outcomes.*

(14) REPEAL.—This section is repealed October 1, *2019* ~~2017~~, unless reviewed and saved from repeal by the Legislature.

Section 8. *The Florida Endowment Foundation for Vocational Rehabilitation shall transfer any funds received pursuant to s. 320.08068(4), Florida Statutes, to the entities identified in s. 320.08068(4)(a)-(e), Florida Statutes, in accordance with the requirements of this act. Any funds held in the special reserve account under s. 413.4021(1), Florida Statutes, to administer the James Patrick Memorial Work Incentive Personal Attendant Services and Employment Assistance Program shall be immediately transferred to the Florida Association of Centers for Independent Living to provide for continuity of participant payments and essential program operations.*

Section 9. This act shall take effect July 1, 2017.

And the title is amended as follows:

Remove everything before the enacting clause and insert: A bill to be entitled An act relating to direct-support organizations; amending s. 20.058, F.S.; requiring a contract between an agency and a citizen support organization or direct-support organization to include a provision for the orderly cessation of operations and reversion of state funds within a specified timeframe; amending ss. 318.21, 320.08068, and 320.0848, F.S.; revising provisions relating to the distribution of proceeds from civil penalties for traffic infractions, the sale of motorcycle specialty license plates, and temporary disabled parking permits, respectively; requiring that certain proceeds be deposited into the Grants and Donations Trust Fund of the Division of Vocational Rehabilitation, instead of the Florida Endowment Foundation for Vocational Rehabilitation; amending s. 413.402, F.S.; deleting a requirement that a specified agreement be maintained between the foundation and the Florida Association of Centers for Independent Living; requiring the association to administer the James Patrick Memorial Work Incentive Personal Attendant Services and Employment Assistance Program; reducing the maximum percentage of certain funds authorized for program operation, administration, and oversight; requiring the program's oversight council to submit an annual report to the Governor, Legislature, and Commissioner of Education by a specified date; amending s. 413.4021, F.S.; requiring a specified percentage of certain revenues to be deposited into the Florida Association of Centers for Independent Living special reserve account to administer specified programs; amending s. 413.615, F.S.; requiring separate accounts for certain funds received from state sources and public or private sources; providing requirements for the contract between the Florida Endowment Foundation for Vocational Rehabilitation and the Division of Vocational Rehabilitation; providing additional duties of the foundation; requiring the foundation to publish certain information on its website; requiring certain funding allocations to be subject to a competitive solicitation process; prohibiting the use of state funds for certain purposes; specifying data to be included in an annual report to the Governor, Legislature, and Commissioner of Education and revising the report submission date; extending the date for future review and repeal of provisions relating to the Florida Endowment for Vocational Rehabilitation Act; requiring the foundation to transfer funds to specified entities for certain purposes; providing an effective date.

On motion by Senator Bean, the Senate concurred in **House Amendment 1 (912975)**.

**CS for CS for SB 890** passed, as amended, was ordered engrossed, and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—34

| | | |
|---|---|---|
| Mr. President | Gainer | Rodriguez |
| Baxley | Galvano | Rouson |
| Bean | Garcia | Simmons |
| Benacquisto | Hutson | Simpson |
| Book | Latvala | Stargel |
| Bradley | Lee | Steube |
| Brandes | Mayfield | Stewart |
| Braynon | Montford | Thurston |
| Broxson | Passidomo | Torres |
| Campbell | Perry | Young |
| Clemens | Powell | |
| Flores | Rader | |

Nays—1

Farmer

Vote after roll call:

Yea—Gibson, Grimsley

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The Honorable Joe Negron, President

I am directed to inform the Senate that the House of Representatives has passed CS/CS/SB 1052, with 1 amendment, and requests the concurrence of the Senate.

*Portia Palmer*, Clerk

**CS for CS for SB 1052**—A bill to be entitled An act relating to justifiable use of force; amending s. 776.013, F.S.; specifying that a person who is in a dwelling or residence in which he or she has a right to be has no duty to retreat and has the right to stand his or her ground under certain circumstances; reenacting s. 776.032(1), F.S., relating to immunity from criminal prosecution and civil action for justifiable use or threatened use of force, to incorporate the amendment made to s. 776.013, F.S., in references thereto; providing an effective date.

**House Amendment 1 (936359) (with title amendment)**—Remove everything after the enacting clause and insert:

Section 1. Subsections (1) through (3) of section 776.013, Florida Statutes, are amended to read:

776.013 Home protection; use or threatened use of deadly force; presumption of fear of death or great bodily harm.—

*(1) A person who is in a dwelling or residence in which the person has a right to be has no duty to retreat and has the right to stand his or her ground and use or threaten to use:*

*(a) Nondeadly force against another when and to the extent that the person reasonably believes that such conduct is necessary to defend himself or herself or another against the other's imminent use of unlawful force; or*

*(b) Deadly force if he or she reasonably believes that using or threatening to use such force is necessary to prevent imminent death or great bodily harm to himself or herself or another or to prevent the imminent commission of a forcible felony.*

*(2)*~~(1)~~ A person is presumed to have held a reasonable fear of imminent peril of death or great bodily harm to himself or herself or another when using or threatening to use defensive force that is intended or likely to cause death or great bodily harm to another if:

(a) The person against whom the defensive force was used or threatened was in the process of unlawfully and forcefully entering, or had unlawfully and forcibly entered, a dwelling, residence, or occupied vehicle, or if that person had removed or was attempting to remove another against that person's will from the dwelling, residence, or occupied vehicle; and

(b) The person who uses or threatens to use defensive force knew or had reason to believe that an unlawful and forcible entry or unlawful and forcible act was occurring or had occurred.

*(3)*~~(2)~~ The presumption set forth in subsection *(2)*~~(1)~~ does not apply if:

(a) The person against whom the defensive force is used or threatened has the right to be in or is a lawful resident of the dwelling, residence, or vehicle, such as an owner, lessee, or titleholder, and there is not an injunction for protection from domestic violence or a written pretrial supervision order of no contact against that person; or

(b) The person or persons sought to be removed is a child or grandchild, or is otherwise in the lawful custody or under the lawful guardianship of, the person against whom the defensive force is used or threatened; or

(c) The person who uses or threatens to use defensive force is engaged in a criminal activity or is using the dwelling, residence, or occupied vehicle to further a criminal activity; or

(d) The person against whom the defensive force is used or threatened is a law enforcement officer, as defined in s. 943.10(14), who enters or attempts to enter a dwelling, residence, or vehicle in the performance of his or her official duties and the officer identified himself or herself in accordance with any applicable law or the person using or threatening to use force knew or reasonably should have known that the person entering or attempting to enter was a law enforcement officer.

~~(3) A person who is attacked in his or her dwelling, residence, or vehicle has no duty to retreat and has the right to stand his or her ground and use or threaten to use force, including deadly force, if he or she uses or threatens to use force in accordance with s. 776.012(1) or (2) or s. 776.031(1) or (2).~~

Section 2. This act shall take effect July 1, 2017.

And the title is amended as follows:

Remove everything before the enacting clause and insert: A bill to be entitled An act relating to justifiable use of force; amending s. 776.013, F.S.; revising the right to use or threaten force, including deadly force, when a person is in a dwelling, residence, or vehicle; authorizing a person to use or threaten to use nondeadly or deadly force in a dwelling or residence under certain circumstances; providing an effective date.

On motion by Senator Simmons, the Senate concurred in **House Amendment 1 (936359)**.

**CS for CS for SB 1052** passed, as amended, was ordered engrossed, and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—23

| | | |
|---|---|---|
| Mr. President | Gainer | Passidomo |
| Baxley | Galvano | Perry |
| Bean | Garcia | Simmons |
| Benacquisto | Grimsley | Simpson |
| Bradley | Hutson | Stargel |
| Brandes | Latvala | Steube |
| Broxson | Lee | Young |
| Flores | Mayfield | |

Nays—14

| | | |
|---|---|---|
| Book | Gibson | Rouson |
| Braynon | Montford | Stewart |
| Campbell | Powell | Thurston |
| Clemens | Rader | Torres |
| Farmer | Rodriguez | |

Vote after roll call:

Nay—Bracy

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The Honorable Joe Negron, President

I am directed to inform the Senate that the House of Representatives has passed CS/SB 128, with 1 amendment, and requests the concurrence of the Senate.

*Portia Palmer*, Clerk

**CS for SB 128**—A bill to be entitled An act relating to self-defense immunity; amending s. 776.032, F.S.; providing that the state has the burden of proving that a defendant is not immune from prosecution under certain circumstances; providing an effective date.

**House Amendment 1 (833391) (with title amendment)**—Remove lines 30-37 and insert:

*(4) In a criminal prosecution, once a prima facie claim of self-defense immunity from criminal prosecution has been raised by the defendant at a pretrial immunity hearing, the burden of proof by clear and convincing evidence is on the party seeking to overcome the immunity from criminal prosecution provided in subsection (1).*

And the title is amended as follows:

Remove lines 3-5 and insert: 776.032, F.S.; requiring that the burden of proof in a criminal prosecution be on the party seeking to overcome the immunity claim under certain circumstances; providing an

On motion by Senator Bradley, the Senate refused to concur in **House Amendment 1 (833391)** to **CS for SB 128** and the House was requested to recede. The action of the Senate was certified to the House.

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The Honorable Joe Negron, President

I am directed to inform the Senate that the House of Representatives has passed SB 350, with 1 amendment, and requests the concurrence of the Senate.

*Portia Palmer*, Clerk

**SB 350**—A bill to be entitled An act relating to the Criminal Justice Standards and Training Commission; amending s. 943.12, F.S.; requiring the Criminal Justice Standards and Training Commission to implement, administer, maintain, and revise a basic abilities examination by a specified date; requiring the commission to establish specified procedures and standards; amending s. 943.17, F.S.; requiring the commission to set a fee for the basic abilities examination; requiring a nonrefundable fee for each examination attempt; requiring that examination fees be deposited in the Criminal Justice Standards and Training Trust Fund; providing a condition for when the examination fee takes effect; reenacting s. 943.173(3), F.S., relating to examinations, administration, and materials not being public records, to incorporate the amendment made to s. 943.17, F.S., in a reference thereto; reenacting and amending s. 943.25(2), F.S., relating to criminal justice trust funds; conforming a provision to changes made by the act; providing an effective date.

**House Amendment 1 (149489)**—Remove lines 54-60 and insert:

*(h) Set a basic abilities examination fee by rule that solely offsets department costs to design, implement, maintain, revise, and administer the examination. The fee shall not exceed $23 per examination, so as to not cause an undue financial burden on those individuals seeking to enter the professions of law enforcement or corrections. The fee applies to one scheduled examination attempt and is not refundable. Fees collected pursuant to this paragraph shall be deposited in the Criminal Justice Standards and Training Trust Fund.*

Section 3. *Paragraph (h) of subsection (1) of s. 943.17, Florida Statutes, as created by this act, shall take effect upon the implementation of the revised basic abilities examination on or before January 1, 2019, as specified in s. 943.12(18), Florida Statutes.*

On motion by Senator Clemens, the Senate refused to concur in **House Amendment 1 (149489)** to **SB 350** and the House was requested to recede. The action of the Senate was certified to the House.

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The Honorable Joe Negron, President

I am directed to inform the Senate that the House of Representatives has passed SB 436, with 1 amendment, and requests the concurrence of the Senate.

*Portia Palmer*, Clerk

**SB 436**—A bill to be entitled An act relating to religious expression in public schools; providing a short title; prohibiting a school district from discriminating against students, parents, or school personnel on the basis of religious viewpoints or expression; prohibiting penalty or reward for a student's religious expression in coursework, artwork, or other specified assignments; authorizing a student to wear clothing, accessories, and jewelry displaying religious messages or symbols; authorizing a student to pray or engage in religious activities or expression; authorizing a student to organize prayer groups, religious clubs, and other religious gatherings; prohibiting a school district from preventing school personnel from participating in voluntary, student-initiated religious activities on school grounds under specified circumstances; requiring a school district to comply with the federal requirements in Title VII of the Civil Rights Act of 1964; requiring that a school district provide religious groups with equal access to school facilities; authorizing religious groups to advertise or announce meetings in the same manner and to the same extent as secular groups; requiring that a school district adopt a limited public forum policy and deliver a disclaimer at school events; requiring that the Department of Education develop and publish a model policy regarding a limited public forum and religious expression; requiring that each district school board adopt and implement such model policy; providing an effective date.

**House Amendment 1 (471677) (with title amendment)**—Remove everything after the enacting clause and insert:

Section 1. Subsection (25) is added to section 1002.20, Florida Statutes, to read:

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

*(25) RELIGIOUS LIBERTIES.—*

*(a) Religious expression.—A student may express his or her religious beliefs in coursework, artwork, and other written and oral assignments free from discrimination. A student's homework and classroom assignments shall be evaluated, regardless of their religious content, based on expected academic standards relating to the course curriculum and requirements. A student may not be penalized or rewarded based on the religious content of his or her work if the coursework, artwork, or other written or oral assignments require a student's viewpoint to be expressed.*

*(b) Religious jewelry.—A student may wear jewelry that displays a religious message or symbol in the same manner and to the same extent that secular types of jewelry that display messages or symbols are permitted to be worn.*

*(c) Religious organization.—A student may organize prayer groups, religious clubs, and other religious gatherings before, during, and after the school day in the same manner and to the same extent that a student is permitted to organize secular activities and groups. A religious group may be given access to the same school facilities for assembling as given to secular groups without discrimination based on the religious content of the group's expression. A group that meets for prayer or other religious speech may advertise or announce its meetings in the same manner and to the same extent that a secular group may advertise or announce its meetings.*

*The rights as provided in this subsection may be enforced under chapter 761.*

Section 2. Section 1002.205, Florida Statutes, is amended to read:

1002.205 Guidelines on religious expression; distribution.—The Department of Education shall each year distribute for informational purposes to all district school board members, district school superintendents, school principals, and teachers the entire guidelines on "Religious Expression in Public Schools" published by the United States Department of Education, as updated from time to time. *In addition, a school district may not prevent school personnel from participating in religious activities on school grounds which are initiated by students at reasonable times before or after the school day if such activities are voluntary and do not conflict with the responsibilities or assignments of such personnel. The rights as provided in this section may be enforced under chapter 761.*

Section 3. This act shall take effect July 1, 2017.

And the title is amended as follows:

Remove everything before the enacting clause and insert: A bill to be entitled An act relating to religious expression in public schools; amending s. 1002.20, F.S.; prohibiting penalty or reward for a student's religious expression in coursework, artwork, or other specified assignments; authorizing a student to wear jewelry displaying religious messages or symbols; authorizing a student to organize prayer groups, religious clubs, and other religious gatherings; authorizing religious groups to have equal access to school facilities; authorizing religious groups to advertise or announce meetings in the same manner and to the same extent as secular groups; authorizing the enforcement of such student rights under the Religious Freedom Restoration Act of 1998; amending s. 1002.205, F.S.; prohibiting a school district from preventing school personnel from participating in voluntary, student-initiated religious activities on school grounds under specified circumstances; authorizing the enforcement of the right to such participation under the Religious Freedom Restoration Act of 1998; providing an effective date.

On motion by Senator Baxley, the Senate refused to concur in **House Amendment 1 (471677)** to **SB 436** and the House was requested to recede. The action of the Senate was certified to the House.

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The Honorable Joe Negron, President

I am directed to inform the Senate that the House of Representatives has passed CS/SB 352, with 1 amendment, and requests the concurrence of the Senate.

*Portia Palmer*, Clerk

**CS for SB 352**—A bill to be entitled An act relating to legislative redistricting and congressional reapportionment; creating s. 97.029, F.S.; providing that candidate qualifying, nomination, and election for certain offices must proceed using current district boundaries if revisions to districts subject to a court challenge are not made as of a certain date; specifying public oversight procedures that a court is encouraged to follow when drafting a remedial redistricting plan; providing for construction; providing an effective date.

**House Amendment 1 (547997) (with title amendment)**—Remove everything after the enacting clause and insert:

Section 1. Subsection (46) is added to section 97.021, Florida Statutes, to read:

97.021 Definitions.—For the purposes of this code, except where the context clearly indicates otherwise, the term:

*(46) "Year of apportionment" means:*

*(a) The second year after each decennial census, as specified in s. 16, Art. III of the State Constitution.*

*(b) Any other even-numbered year in which the validity of legislative or congressional district boundaries is subject to an active challenge, pending in any court, which has not been concluded by the rendering of or entry of a final order or judgment and by the exhaustion or waiver of all available direct appeals. This paragraph only applies to and has effect with respect to the senatorial, representative, or congressional offices for which the district boundaries are subject to an active challenge.*

Section 2. Subsection (9) of section 99.061, Florida Statutes, is amended to read:

99.061 Method of qualifying for nomination or election to federal, state, county, or district office.—

(9) Notwithstanding the qualifying period prescribed by this section, in *a year of apportionment* ~~each year in which the Legislature apportions the state~~, the qualifying period for persons seeking to qualify for nomination or election to federal office shall be between noon of the 71st day *before* ~~prior to~~ the primary election, but not later than noon of the 67th day *before* ~~prior to~~ the primary election.

Section 3. This act shall take effect upon becoming a law.

And the title is amended as follows:

Remove everything before the enacting clause and insert: A bill to be entitled An act relating to legislative and congressional apportionment; amending s. 97.021, F.S.; defining the term "year of apportionment" for purposes of the Florida Election Code; amending s. 99.061, F.S.; conforming a provision to changes made by act; providing an effective date.

Senator Hutson moved the following Senate Amendment to **House Amendment 1 (547997)** which was adopted:

**Amendment 1A (300958) (with title amendment)**—Between lines 20 and 21 insert:

Section 2. Section 97.029, Florida Statutes, is created to read:

*97.029 Challenges to state legislative or congressional districts.—*

*(1) If an active challenge to the validity of boundaries of senatorial, representative, or congressional districts of the state is still pending in court when the qualifying period begins pursuant to s. 99.061, candidate qualifying, nomination, and election for the offices in the apportionment plan subject to the challenge must proceed using the districts that are in place on the 71st day before the primary election. If a court orders revisions to senatorial, representative, or congressional districts on or after the 71st day before the primary election, the revised districts shall govern beginning with the subsequent primary and general elections in the next even-numbered year.*

*(2) This section does not supersede or impair the procedures governing the judicial review of apportionment as set forth in s. 16, Art. III of the State Constitution.*

And the title is amended as follows:

Delete line 41 and insert: Florida Election Code; creating s. 97.029, F.S.; providing that candidate qualifying, nomination, and election for state legislative and congressional offices must proceed using current district boundaries if revisions to districts subject to an active court challenge are not ordered by a certain date; providing for construction; amending s. 99.061, F.S.;

On motion by Senator Hutson, the Senate concurred in **House Amendment 1 (547997)**, as amended, and requested the House to concur in **Senate Amendment 1A (300958)** to **House Amendment 1 (547997)**.

**CS for SB 352** passed, as amended, and the action of the Senate was certified to the House. The vote on passage was:

Yeas—36

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

Nays—None

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By direction of the President, the Senate resumed consideration of—

## SPECIAL ORDER CALENDAR, continued

**CS for CS for SB 1468**—A bill to be entitled An act relating to education; amending s. 11.45, F.S.; requiring the Auditor General to conduct annual audits of the Florida School for the Deaf and the Blind; amending s. 413.011, F.S.; providing that a client of the Division of Blind Services of the Department of Education is considered an employee of the state for purposes of workers' compensation coverage; creating s. 413.209, F.S.; providing that a specified client of the Division of Vocational Rehabilitation of the Department of Education is considered an employee of the state for purposes of workers' compensation coverage; amending s. 1001.10, F.S.; authorizing the Commissioner of Education to coordinate with specified entities to assess needs for resources and assistance in an emergency situation; amending s. 1002.31, F.S.; revising available controlled open enrollment options to include virtual charter schools and district virtual programs; amending ss. 1002.37 and 1002.45, F.S.; revising student eligibility requirements for the Florida Virtual School and virtual instruction programs; repealing s. 1002.455, F.S., relating to student eligibility for K-12 virtual instruction; creating s. 1003.481, F.S.; creating the Early Childhood Music Education Incentive Pilot Program within the Department of Education for a specified period; providing for school district eligibility; providing comprehensive music education program requirements; providing for

school district selection, funding, and program payments; requiring selected school districts to annually provide a specified certification to the Commissioner of Education; requiring a selected school district to return funds under certain circumstances; requiring the University of Florida's College of Education to perform an evaluation; authorizing the State Board of Education to adopt rules; providing for expiration of the pilot program; amending s. 1004.345, F.S.; extending the timeframe by which the Florida Polytechnic University must meet specified criteria established by the Board of Governors of the State University System; amending ss. 1002.33, 1003.498, and 1011.62, F.S.; conforming provisions to changes made by the act; providing an effective date.

—was read the second time by title.

Pending further consideration of **CS for CS for SB 1468**, pursuant to Rule 3.11(3), there being no objection, **CS for HB 833** was withdrawn from the Committees on Education; and Appropriations.

On motion by Senator Galvano, the rules were waived and—

**CS for HB 833**—A bill to be entitled An act relating to student eligibility for K-12 virtual instruction; amending s. 1002.37, F.S.; revising eligibility requirements for specified students to receive part-time instruction at the Florida Virtual School; removing provisions requiring the Auditor General to conduct an operational audit of the Florida Virtual School; amending s. 1002.45, F.S.; revising student eligibility and participation requirements for virtual instruction programs; amending s. 1002.455, F.S.; authorizing all students, including home education and private school students, to participate in specified virtual instruction options; deleting the eligibility criteria for a student to participate in virtual instruction; amending s. 1003.4282, F.S.; revising the options that a district school board or charter school governing board may offer for a student to satisfy certain online course requirements; amending ss. 1002.33, 1003.498, and 1011.62, F.S.; conforming provisions and cross-references to changes made by the act; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 1468** and read the second time by title.

Senator Galvano moved the following amendment which was adopted:

**Amendment 1 (223934) (with title amendment)**—Delete lines 26-221 and insert:

Section 1. Upon the expiration and reversion of the amendment to section 11.45, Florida Statutes, pursuant to section 36 of chapter 2016-62, Laws of Florida, paragraph (d) of subsection (2) of section 11.45, Florida Statutes, is amended to read:

11.45 Definitions; duties; authorities; reports; rules.—

(2) DUTIES.—The Auditor General shall:

(d) Annually conduct financial audits of the accounts and records of all district school boards in counties with populations of fewer than 150,000, according to the most recent federal decennial statewide census*, and the Florida School for the Deaf and the Blind*.

The Auditor General shall perform his or her duties independently but under the general policies established by the Legislative Auditing Committee. This subsection does not limit the Auditor General's discretionary authority to conduct other audits or engagements of governmental entities as authorized in subsection (3).

Section 2. Subsection (2) of section 413.011, Florida Statutes, is amended to read:

413.011 Division of Blind Services, legislative policy, intent; internal organizational structure and powers; Rehabilitation Council for the Blind.—

(2) PROGRAM OF SERVICES.—

*(a)* It is the intent of the Legislature to establish a coordinated program of services which will be available to individuals throughout this state who are blind. The program must be designed to maximize employment opportunities for such individuals and to increase their independence and self-sufficiency.

*(b) A client of the division who is participating in on-the-job training shall be deemed an employee of the state for purposes of workers' compensation coverage.*

Section 3. Section 413.209, Florida Statutes, is created to read:

*413.209 Workers' compensation coverage for clients in on-the-job training.—A client of the Division of Vocational Rehabilitation of the Department of Education who is participating in on-the-job training as a vocational rehabilitation service shall be deemed an employee of the state for purposes of workers' compensation coverage.*

Section 4. Subsection (8) is added to section 1001.10, Florida Statutes, to read:

1001.10 Commissioner of Education; general powers and duties.—

*(8) In the event of an emergency, the commissioner may coordinate through the most appropriate means of communication with local school districts, Florida College System institutions, and satellite offices of the Division of Blind Services and the Division of Vocational Rehabilitation to assess the need for resources and assistance to enable each school, institution, or satellite office the ability to reopen as soon as possible after considering the health, safety, and welfare of students and clients.*

Section 5. Subsection (1) of section 1002.33, Florida Statutes, is amended to read:

1002.33 Charter schools.—

(1) AUTHORIZATION.—Charter schools shall be part of the state's program of public education. All charter schools in Florida are public schools. A charter school may be formed by creating a new school or converting an existing public school to charter status. A charter school may operate a virtual charter school pursuant to s. 1002.45(1)(d) to provide full-time online instruction to ~~eligible~~ students, pursuant to s. 1002.455, in kindergarten through grade 12. *The school district in which the student enrolls in the virtual charter school shall report the student for funding pursuant to s. 1011.61(1)(c)1.b.(VI), and the home school district shall not report the student for funding.* An existing charter school that is seeking to become a virtual charter school must amend its charter or submit a new application pursuant to subsection (6) to become a virtual charter school. A virtual charter school is subject to the requirements of this section; however, a virtual charter school is exempt from subsections (18) and (19), subparagraphs (20)(a)2., 4., 5., and 7., paragraph (20)(c), and s. 1003.03. A public school may not use the term charter in its name unless it has been approved under this section.

Section 6. Paragraph (a) of subsection (8) and subsection (11) of section 1002.37, Florida Statutes, are amended to read:

1002.37 The Florida Virtual School.—

(8)(a) The Florida Virtual School may provide full-time and part-time instruction for students in kindergarten through grade 12. ~~To receive part-time instruction in kindergarten through grade 5, a student must meet at least one of the eligibility criteria in s. 1002.455(2).~~

~~(11) The Auditor General shall conduct an operational audit of the Florida Virtual School, including Florida Virtual School Global. The scope of the audit shall include, but not be limited to, the administration of responsibilities relating to personnel; procurement and contracting; revenue production; school funds, including internal funds; student enrollment records; franchise agreements; information technology utilization, assets, and security; performance measures and standards; and accountability. The final report on the audit shall be submitted to the President of the Senate and the Speaker of the House of Representatives no later than January 31, 2014.~~

Section 7. Subsection (5) and paragraph (b) of subsection (6) of section 1002.45, Florida Statutes, are amended to read:

1002.45 Virtual instruction programs.—

(5) STUDENT ELIGIBILITY.—A student may enroll in a virtual instruction program provided by the school district or by a virtual charter school ~~operated in the district in which he or she resides if the student meets eligibility requirements for virtual instruction~~ pursuant to s. 1002.455.

(6) STUDENT PARTICIPATION REQUIREMENTS.—Each student enrolled in a virtual instruction program or virtual charter school must:

(b) Take *statewide assessments pursuant to s. 1008.22. Statewide assessments may be administered* ~~state assessment tests~~ within the school district in which such student resides, *or as specified in the contract in accordance with s. 1008.24(3). If requested by the approved provider or virtual charter school, the district of residence* ~~which~~ must provide the student with access to the district's testing facilities.

Section 8. Section 1002.455, Florida Statutes, is amended to read:

1002.455 Student eligibility for K-12 virtual instruction.—

~~(1)~~ *All students, including home education and private school students, are eligible to participate in any of the following* ~~A student may participate in virtual instruction in the school district in which he or she resides if the student meets the eligibility criteria in subsection (2).~~

~~(2) A student is eligible to participate in virtual instruction if:~~

~~(a) The student spent the prior school year in attendance at a public school in the state and was enrolled and reported by the school district for funding during October and February for purposes of the Florida Education Finance Program surveys;~~

~~(b) The student is a dependent child of a member of the United States Armed Forces who was transferred within the last 12 months to this state from another state or from a foreign country pursuant to a permanent change of station order;~~

~~(c) The student was enrolled during the prior school year in a virtual instruction program under s. 1002.45 or a full-time Florida Virtual School program under s. 1002.37(8)(a);~~

~~(d) The student has a sibling who is currently enrolled in a virtual instruction program and the sibling was enrolled in that program at the end of the prior school year;~~

~~(e) The student is eligible to enter kindergarten or first grade; or~~

~~(f) The student is eligible to enter grades 2 through 5 and is enrolled full-time in a school district virtual instruction program, virtual charter school, or the Florida Virtual School.~~

~~(3) The~~ virtual instruction options ~~for which this eligibility section applies include~~:

*(1)*~~(a)~~ School district operated part-time or full-time kindergarten through grade 12 virtual instruction programs under s. 1002.45(1)(b) ~~for students enrolled in the school district~~.

*(2)*~~(b)~~ Full-time virtual charter school instruction authorized under s. 1002.33 *to students within the school district or to students in other school districts throughout the state pursuant to s. 1002.31.*

*(3)*~~(c)~~ Virtual courses offered in the course code directory to students within the school district or to students in other school districts throughout the state pursuant to s. 1003.498.

*(4) Florida Virtual School instructional services authorized under s. 1002.37.*

Section 9. Subsection (4) of section 1003.4282, Florida Statutes, is amended to read:

1003.4282 Requirements for a standard high school diploma.—

(4) ONLINE COURSE REQUIREMENT.—At least one course within the 24 credits required under this section must be completed through online learning.

(a) An online course taken in grade 6, grade 7, or grade 8 fulfills the requirements of this subsection. The requirement is met through an online course offered by the Florida Virtual School, a virtual education provider approved by the State Board of Education, a high school, or an online dual enrollment course. A student who is enrolled in a full-time or part-time virtual instruction program under s. 1002.45 meets the requirement.

(b) A district school board or a charter school governing board, as applicable, may *allow a student* ~~offer students the following options~~ to satisfy the online course requirements of this subsection *by completing a blended learning course or*~~:~~

~~1. Completion of~~ a course in which *the* ~~a~~ student earns a nationally recognized industry certification in information technology that is identified on the CAPE Industry Certification Funding List pursuant to s. 1008.44 or *passing* ~~passage of~~ the information technology certification examination without *enrolling* ~~enrollment~~ in or *completing* ~~completion of~~ the corresponding course or courses, as applicable.

~~2. Passage of an online content assessment, without enrollment in or completion of the corresponding course or courses, as applicable, by which the student demonstrates skills and competency in locating information and applying technology for instructional purposes.~~

For purposes of this subsection, a school district may not require a student to take the online *or blended learning* course outside the school day or in addition to a student's courses for a given semester. This subsection does not apply to a student who has an individual education plan under s. 1003.57 which indicates that an online *or blended learning* course would be inappropriate or to an out-of-state transfer student who is enrolled in a Florida high school and has 1 academic year or less remaining in high school.

Section 10. Section 1003.481, Florida Statutes, is created to read:

*1003.481 Early Childhood Music Education Incentive Pilot Program.—*

*(1) Beginning with the 2017-2018 school year, the Early Childhood Music Education Incentive Pilot Program is created within the Department of Education for a period of 3 school years. The purpose of the pilot program is to assist selected school districts in implementing comprehensive music education programs for students in kindergarten through grade 2.*

*(2) In order for a school district to be eligible for participation in the pilot program, the superintendent must certify to the Commissioner of Education, in a format prescribed by the department, that each elementary school within the district has established a comprehensive music education program that:*

*(a) Includes all students at the school enrolled in kindergarten through grade 2.*

*(b) Is staffed by certified music educators.*

*(c) Provides music instruction for at least 30 consecutive minutes 2 days a week.*

*(d) Complies with class size requirements under s. 1003.03.*

*(e) Complies with the department's standards for early childhood music education programs for students in kindergarten through grade 2.*

*(3)(a) The commissioner shall select school districts for participation in the pilot program, subject to legislative appropriation, based on the school district's proximity to the University of Florida and needs-based criteria established by the State Board of Education. Selected school districts shall annually receive $150 per full-time equivalent student in kindergarten through grade 2 who is enrolled in a comprehensive music education program.*

*(b) To maintain eligibility for participation in the pilot program, a selected school district must annually certify to the commissioner, in a format prescribed by the department, that each elementary school within the district provides a comprehensive music education program that meets the requirements of subsection (2). If a selected school district fails to provide the annual certification for a fiscal year, the school district*

*must return all funds received through the pilot program for that fiscal year.*

*(4) The University of Florida's College of Education shall evaluate the effectiveness of the pilot program by measuring student academic performance and the success of the program. The evaluation must include, but is not limited to, a quantitative analysis of student achievement and a qualitative evaluation of students enrolled in the comprehensive music education programs.*

*(5) The State Board of Education may adopt rules to administer this section.*

*(6) This section expires June 30, 2020.*

Section 11. Subsection (2) of section 1003.498, Florida Statutes, is amended to read:

1003.498 School district virtual course offerings.—

(2) School districts may offer virtual courses for students enrolled in the school district. These courses must be identified in the course code directory. Students ~~who meet the eligibility requirements of s. 1002.455~~ may participate in these virtual course offerings *pursuant to s. 1002.455*.

(a) Any ~~eligible~~ student who is enrolled in a school district may register and enroll in an online course offered by his or her school district.

(b)1. Any ~~eligible~~ student who is enrolled in a school district may register and enroll in an online course offered by any other school district in the state. The school district in which the student completes the course shall report the student's completion of that course for funding pursuant to s. 1011.61(1)(c)1.b.(VI), and the home school district shall not report the student for funding for that course.

2. The full-time equivalent student membership calculated under this subsection is subject to the requirements in s. 1011.61(4). The Department of Education shall establish procedures to enable interdistrict coordination for the delivery and funding of this online option.

Section 12. Upon the expiration and reversion of the amendment to section 1004.345, Florida Statutes, pursuant to section 36 of chapter 2016-62, Laws of Florida, subsection (1) of section 1004.345, Florida Statutes, is amended to read:

1004.345 The Florida Polytechnic University.—

(1) By December 31, *2017* ~~2016~~, the Florida Polytechnic University shall meet the following criteria as established by the Board of Governors:

(a) Achieve accreditation from the Commission on Colleges of the Southern Association of Colleges and Schools;

(b) Initiate the development of the new programs in the fields of science, technology, engineering, and mathematics;

(c) Seek discipline-specific accreditation for programs;

(d) Attain a minimum FTE of 1,244, with a minimum 50 percent of that FTE in the fields of science, technology, engineering, and mathematics and 20 percent in programs related to those fields;

(e) Complete facilities and infrastructure, including the Science and Technology Building, Phase I of the Wellness Center, and a residence hall or halls containing no fewer than 190 beds; and

(f) Have the ability to provide, either directly or where feasible through a shared services model, administration of financial aid, admissions, student support, information technology, and finance and accounting with an internal audit function.

Section 13. Subsection (11) of section 1011.62, Florida Statutes, is amended to read:

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

(11) VIRTUAL EDUCATION CONTRIBUTION.—The Legislature may annually provide in the Florida Education Finance Program a virtual education contribution. The amount of the virtual education contribution shall be the difference between the amount per FTE established in the General Appropriations Act for virtual education and the amount per FTE for each district and the Florida Virtual School, which may be calculated by taking the sum of the base FEFP allocation, the discretionary local effort, the state-funded discretionary contribution, the discretionary millage compression supplement, the research-based reading instruction allocation, and the instructional materials allocation, and then dividing by the total unweighted FTE. This difference shall be multiplied by the virtual education unweighted FTE for programs and options identified in *s. 1002.455* ~~s. 1002.455(3)~~ and the Florida Virtual School and its franchises to equal the virtual education contribution and shall be included as a separate allocation in the funding formula.

And the title is amended as follows:

Delete lines 2-21 and insert: An act relating to education; amending s. 11.45, F.S.; requiring the Auditor General to conduct annual audits of the Florida School for the Deaf and the Blind; amending s. 413.011, F.S.; providing that a client of the Division of Blind Services of the Department of Education is considered an employee of the state for purposes of workers' compensation coverage; creating s. 413.209, F.S.; providing that a specified client of the Division of Vocational Rehabilitation of the Department of Education is considered an employee of the state for purposes of workers' compensation coverage; amending s. 1001.10, F.S.; authorizing the Commissioner of Education to coordinate with specified entities to assess needs for resources and assistance in an emergency situation; amending s. 1002.33, F.S.; requiring certain school districts to report virtual charter school students for funding purposes; amending s. 1002.37, F.S.; revising eligibility requirements for specified students to receive part-time instruction at the Florida Virtual School; removing provisions requiring the Auditor General to conduct an operational audit of the Florida Virtual School; amending s. 1002.45, F.S.; revising student eligibility and participation requirements for virtual instruction programs; amending s. 1002.455, F.S.; authorizing all students, including home education and private school students, to participate in specified virtual instruction options; deleting the eligibility criteria for a student to participate in virtual instruction; amending s. 1003.4282, F.S.; revising the options that a district school board or charter school governing board may offer for a student to satisfy certain online course requirements; creating s. 1003.481, F.S.; creating the Early Childhood Music Education Incentive Pilot Program within the Department of Education for a specified period; providing for school district eligibility; providing comprehensive music education program requirements; providing for school district selection, funding, and program payments; requiring selected school districts to annually provide a specified certification to the Commissioner of Education; requiring a selected school district to return funds under certain circumstances; requiring the University of Florida's College of Education to perform an evaluation; authorizing the State Board of Education to adopt rules; providing for expiration of the pilot program; amending s. 1003.498, F.S.; conforming a provision to changes made by the act; amending s. 1004.345, F.S.; extending the timeframe by which the Florida Polytechnic University must meet specified criteria established by the Board of Governors of the State University System; amending s. 1011.62, F.S.; conforming a cross-reference; providing

Senators Hukill and Galvano offered the following amendment which was moved by Senator Galvano and adopted:

**Amendment 2 (480300) (with title amendment)**—Between lines 221 and 222 insert:

Section 8. *The amendments made by this act to ss. 1003.41 and 1003.4284, Florida Statutes, may be cited as the "Dorothy L. Hukill Financial Literacy Education Act."*

Section 9. Paragraph (d) of subsection (2) of section 1003.41, Florida Statutes, is amended, and paragraph (f) is added to that subsection, to read:

1003.41 Next Generation Sunshine State Standards.—

(2) Next Generation Sunshine State Standards must meet the following requirements:

(d) Social Studies standards must establish specific curricular content for, at a minimum, geography, United States and world history, government, civics, humanities, and economics, including financial literacy. Financial literacy includes the knowledge, understanding, skills, behaviors, attitudes, and values that will enable a student to make responsible and effective financial decisions on a daily basis. Financial literacy instruction shall be an integral part of instruction throughout the entire economics course and include information regarding earning income; buying goods and services; saving and financial investing; taxes; the use of credit and credit cards; budgeting and debt management, including student loans and secured loans; banking and financial services; planning for one's financial future, including higher education and career planning; credit reports and scores; and fraud and identity theft prevention. *The requirements for financial literacy specified under this paragraph do not apply to students entering grade 9 in the 2017-2018 school year and thereafter.*

*(f) Effective for students entering grade 9 in the 2017-2018 school year and thereafter, financial literacy standards must establish specific curricular content for, at a minimum, personal financial literacy and money management. Financial literacy includes instruction in the areas specified in s. 1003.4282(3)(h).*

Section 10. Paragraphs (d) and (g) of subsection (3) of section 1003.4282, Florida Statutes, are amended, and paragraph (h) is added to that subsection, to read:

1003.4282 Requirements for a standard high school diploma.—

(3) STANDARD HIGH SCHOOL DIPLOMA; COURSE AND ASSESSMENT REQUIREMENTS.—

(d) Three credits in social studies.—A student must earn one credit in United States History; one credit in World History; one-half credit in economics, which must include financial literacy; and one-half credit in United States Government. The United States History EOC assessment constitutes 30 percent of the student's final course grade. *However, for a student entering grade 9 in the 2017-2018 school year or thereafter, financial literacy is not a required component of the one-half credit in economics.*

(g) ~~Eight~~ Credits in Electives.—School districts must develop and offer coordinated electives so that a student may develop knowledge and skills in his or her area of interest, such as electives with a STEM or liberal arts focus. Such electives must include opportunities for students to earn college credit, including industry-certified career education programs or series of career-themed courses that result in industry certification or articulate into the award of college credit, or career education courses for which there is a statewide or local articulation agreement and which lead to college credit. *A student entering grade 9 before the 2017-2018 school year must earn eight credits in electives. A student entering grade 9 in the 2017-2018 school year or thereafter must earn seven and one-half credits in electives.*

*(h) One-half credit in personal financial literacy.—Beginning with students entering grade 9 in the 2017-2018 school year, each student shall earn one-half credit in personal financial literacy and money management. This instruction must include discussion of or instruction in the following:*

*1. Types of bank accounts offered, opening and managing a bank account, and assessing the quality of a depository institution's services.*

*2. Balancing a checkbook.*

*3. Basic principles of money management, such as spending, credit, credit scores, and managing debt, including retail and credit card debt.*

*4. Completing a loan application.*

*5. Receiving an inheritance and related implications.*

*6. Basic principles of personal insurance policies.*

*7. Computing federal income taxes.*

*8. Local tax assessments.*

*9. Computing interest rates by various mechanisms.*

*10. Simple contracts.*

*11. Contesting an incorrect billing statement.*

*12. Types of savings and investments.*

*13. State and federal laws concerning finance.*

And the title is amended as follows:

Delete lines 21-22 and insert: cross-references to changes made by the act; providing a short title; amending s. 1003.41, F.S.; revising the requirements for the Next Generation Sunshine State Standards to include financial literacy; amending s. 1003.4282, F.S.; revising the required credits for a standard high school diploma to include one-half credit of instruction in personal financial literacy and money management and seven and one-half, rather than eight, credits in electives; providing an effective date.

WHEREAS, many young people in this state graduate from high school without having a basic knowledge of financial literacy and money management, and

WHEREAS, the Legislature finds that, in light of the recent economic challenges nationwide, sound financial management skills are vitally important to all Floridians, particularly high school students, and

WHEREAS, the Legislature also finds that requiring educational instruction in financial literacy and money management as a prerequisite to high school graduation will better prepare young people in this state for adulthood by providing them with the requisite knowledge to achieve financial stability and independence, and

WHEREAS, adoption of this act will make Florida the 18th state in the nation to require financial literacy instruction as a prerequisite for high school graduation and a standard high school diploma, NOW, THEREFORE,

Pursuant to Rule 4.19, **CS for HB 833**, as amended, was placed on the calendar of Bills on Third Reading.

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By direction of the President, by unanimous consent—

**CS for CS for SB 406**—A bill to be entitled An act relating to compassionate use of low-THC cannabis and marijuana; amending s. 381.986, F.S.; providing legislative intent; defining and redefining terms; authorizing physicians to issue physician certifications to specified patients who meet certain conditions; authorizing physicians to make specific determinations in certifications; requiring physicians to meet certain conditions to be authorized to issue and make determinations in physician certifications; requiring a physician to conduct a physical examination and make a full assessment of the medical history of a patient and make certain determinations before the physician may certify a patient and specify a delivery device; requiring a physician to review the compassionate use registry and confirm that a patient does not have an active physician certification issued by another physician before the physician may certify a patient and specify a delivery device; specifying certain persons who may assist a qualifying patient under the age of 18 in the purchasing and administering of marijuana; prohibiting qualifying patients under the age of 18 from purchasing marijuana; providing that a physician may in certain circumstances certify an amount greater than a 90-day supply; eliminating the requirement that physicians maintain patient treatment plans and submit the treatment plans to the University of Florida College of Pharmacy; requiring written consent of a parent or legal guardian for the treatment of minors; requiring that certain physicians annually reexamine and reassess patients and update patient information in the compassionate use registry; revising criminal penalties; prohibiting a medical marijuana treatment center from advertising services it is not authorized to provide; providing fines; prohibiting a person or entity from advertising or providing medical marijuana treatment center services without being registered with the Department of Health as a medical marijuana

treatment center; providing penalties; authorizing a distance learning format for a specified course and reducing the number of hours required for the course; providing that physicians who meet specified requirements are grandfathered for the purpose of specified education requirements; authorizing qualifying patients to designate caregivers; requiring caregivers to meet specified requirements; prohibiting a qualifying patient from designating more than one caregiver at any given time; providing exceptions; requiring the department to register caregivers meeting certain requirements on the compassionate use registry; prohibiting a nursing home or assisted living facility from preventing certain residents from hiring a caregiver; authorizing a nursing home or assisted living facility to prohibit its employees from acting as caregivers to residents; providing that a nursing home or assisted living facility is not required to provide a caregiver to certain residents; revising the entities to which the compassionate use registry must be accessible; requiring the department to adopt certain rules by a specified date; authorizing the department to charge a fee for identification cards; requiring the department to begin issuing identification cards to qualified registrants by a specific date; requiring the department to make certain determinations before issuing an identification card to a patient; providing that a patient or the parent or legal guardian of a patient must provide the department with certain documentation to qualify for an identification card; requiring the department to adopt a rule listing documents that a patient may provide to qualify for an identification card; providing requirements for the identification cards; requiring the department to register certain dispensing organizations as medical marijuana treatment centers by a certain date; requiring the department to register additional medical marijuana treatment centers in accordance with a specified schedule; deleting obsolete provisions; revising the operational requirements for medical marijuana treatment centers; authorizing the department to waive certain requirements under specified circumstances; requiring that certain receptacles be childproof; requiring that additional information be included on certain labels; requiring that a medical marijuana treatment center comply with certain standards in the production and dispensing of edible or food products; requiring a medical marijuana treatment center to enter additional information into the compassionate use registry; restricting the number of dispensing facilities that may dispense marijuana; providing an exception; requiring a medical marijuana treatment center to keep a copy of a transportation manifest in certain vehicles at certain times; requiring the department to establish a quality control program that requires medical marijuana treatment centers to submit samples from each batch or lot of marijuana to an independent testing laboratory; requiring a medical marijuana treatment center to maintain records of all tests conducted; requiring the department to adopt rules to create and oversee the quality control program; providing that the department must license independent testing laboratories; authorizing an independent testing laboratory to collect and accept samples of, possess, store, transport, and test marijuana; prohibiting a person with an ownership interest in a medical marijuana treatment center from owning an independent testing laboratory; requiring the department to develop rules and a process for licensing requirements; authorizing the department to impose application and renewal fees; specifying that an independent testing laboratory must be certified to perform required tests; requiring the department to suspend or reduce any mandatory testing if the number of licensed and certified independent testing laboratories is insufficient to process the tests necessary to meet the patient demand for medical marijuana treatment centers; providing that an independent testing laboratory may only accept certain samples; requiring the department to approve a medical marijuana treatment center's request for a change in ownership, equity structure, or transfer of registration to a new entity if certain criteria are met; providing an exception to a requirement regarding the submission of fingerprints and passing of a background check; providing that a request is deemed approved if not denied by the department within a specified timeframe; requiring the department to adopt rules; requiring the department to establish, maintain, and control a seed-to-sale tracking system for marijuana; providing applicability; conforming provisions to changes made by the act; providing that certain research institutions may possess, test, transport, and dispose of marijuana subject to certain conditions and as provided by department rule; providing for the use of emergency rulemaking procedures by the department; creating s. 1004.4351, F.S.; providing a short title; providing legislative findings; defining terms; establishing the Coalition for Medical Marijuana Research and Education within the H. Lee Moffitt Cancer Center and Research Institute, Inc.; providing a purpose for the coalition; requiring the department to electronically submit to the coalition a data set that includes certain information for each patient registered with the compassionate use registry; requiring the coalition to review the data submitted by the department and to make certain determinations and to potentially issue recommendations for changes to state law and rules; establishing the Medical Marijuana Research and Education Board to direct the operations of the coalition; providing for the appointment of board members; providing for terms of office, reimbursement for certain expenses, and the conduct of meetings of the board; authorizing the board to appoint a coalition director; prescribing the duties of the coalition director; requiring the board to advise specified entities and officials regarding medical marijuana research and education in this state; requiring the board to annually adopt a Medical Marijuana Research and Education Plan; providing requirements for the plan; requiring the board to issue an annual report to the Governor and the Legislature by a specified date; specifying responsibilities of the H. Lee Moffitt Cancer Center and Research Institute, Inc.; amending ss. 381.987, 385.211, 499.0295, and 1004.441, F.S.; conforming provisions to changes made by the act; providing a directive to the Division of Law Revision and Information; providing an effective date.

—was taken up out of order and read the second time by title.

Pending further consideration of **CS for CS for SB 406**, pursuant to Rule 3.11(3), there being no objection, **CS for CS for HB 1397** was withdrawn from the Committee on Rules.

On motion by Senator Bradley, the rules were waived and—

**CS for CS for HB 1397**—A bill to be entitled An act relating to medical use of marijuana; amending s. 212.08, F.S.; providing an exemption from the state tax on sales, use, and other transactions for marijuana and marijuana delivery devices used for medical purposes; amending s. 381.986, F.S.; providing, revising, and deleting definitions; providing qualifying medical conditions for a patient to be eligible to receive marijuana or a marijuana delivery device; providing requirements for designating a qualified physician or medical director; providing criteria for certification of a patient for medical marijuana treatment by a qualified physician; providing for certain patients registered with the medical marijuana use registry to be deemed qualified; requiring the Department of Health to monitor physician registration and certifications in the medical marijuana use registry; requiring the Board of Medicine and the Board of Osteopathic Medicine to create a physician certification pattern review panel; providing rulemaking authority to the department and the boards; requiring the department to establish a medical marijuana use registry; specifying entities and persons who have access to the registry; providing requirements for registration of, and maintenance of registered status by, qualified patients and caregivers; providing criteria for nonresidents to prove residency for registration as a qualified patient; defining the term "seasonal resident"; authorizing the department to suspend or revoke the registration of a patient or caregiver under certain circumstances; providing requirements for the issuance of medical marijuana use registry identification cards; requiring the department to issue licenses to a certain number of medical marijuana treatment centers; providing for license renewal and revocation; providing conditions for change of ownership; providing for continuance of certain entities authorized to dispense low-THC cannabis, medical cannabis, and cannabis delivery devices; requiring a medical marijuana treatment center to comply with certain standards in the production and distribution of edibles; requiring the department to establish, maintain, and control a computer seed-to-sale marijuana tracking system; requiring background screening of owners, officers, board members, and managers of medical marijuana treatment centers; requiring the department to establish protocols and procedures for operation, conduct periodic inspections, and restrict location of medical marijuana treatment centers; providing a limit on county and municipal permit fees; authorizing counties and municipalities to determine the location of medical marijuana treatment centers by ordinance under certain conditions; providing penalties; authorizing the department to impose sanctions on persons or entities engaging in unlicensed activities; providing that a person is not exempt from prosecution for certain offenses and is not relieved from certain requirements of law under certain circumstances; providing for certain school personnel to possess marijuana pursuant to certain established policies and procedures; providing that certain research institutions may possess, test, transport, and dispose of marijuana subject to certain conditions; providing applicability with respect to employer-instituted drug-free workplace programs; amending ss. 458.331 and

459.015, F.S.; providing additional acts by a physician or an osteopathic physician which constitute grounds for denial of a license or disciplinary action to which penalties apply; creating s. 381.988, F.S.; providing for the establishment of medical marijuana testing laboratories; requiring the Department of Health, in collaboration with the Department of Agriculture and Consumer Services and the Department of Environmental Protection, to develop certification standards and rules; providing limitations on the acquisition and distribution of marijuana by a testing laboratory; providing an exception for transfer of marijuana under certain conditions; requiring a testing laboratory to use a department-selected computer tracking system; providing grounds for disciplinary and administrative action; authorizing the department to refuse to issue or renew, or suspend or revoke, a testing laboratory license; creating s. 381.989, F.S.; defining terms; directing the department and the Department of Highway Safety and Motor Vehicles to institute public education campaigns relating to cannabis and marijuana and impaired driving; requiring evaluations of public education campaigns; authorizing the department and the Department of Highway Safety and Motor Vehicles to contract with vendors to implement and evaluate the campaigns; amending ss. 385.211, 499.0295, and 893.02, F.S.; conforming provisions to changes made by the act; creating s. 1004.4351, F.S.; providing a short title; providing legislative findings; defining terms; establishing the Coalition for Medical Marijuana Research and Education within the H. Lee Moffitt Cancer Center and Research Institute, Inc.; providing a purpose for the coalition; establishing the Medical Marijuana Research and Education Board to direct the operations of the coalition; providing for the appointment of board members; providing for terms of office, reimbursement for certain expenses, and meetings of the board; authorizing the board to appoint a coalition director; prescribing the duties of the coalition director; requiring the board to advise specified entities and officials regarding medical marijuana research and education in this state; requiring the board to annually adopt a Medical Marijuana Research and Education Plan; providing requirements for the plan; requiring the board to issue an annual report to the Governor and the Legislature by a specified date; requiring the Department of Health to submit reports to the board containing specified data; specifying responsibilities of the H. Lee Moffitt Cancer Center and Research Institute, Inc.; amending s. 1004.441, F.S.; revising a definition; amending s. 1006.062, F.S.; requiring district school boards to adopt policies and procedures for access to medical marijuana by qualified patients who are students; providing emergency rulemaking authority; providing for venue for a cause of action against the department; providing for defense against certain causes of action; directing the Department of Law Enforcement to develop training for law enforcement officers and agencies; amending s. 385.212, F.S.; renaming the department's Office of Compassionate Use; providing appropriations; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 406** and read the second time by title.

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**MOTION**

On motion by Senator Benacquisto, the rules were waived and time of adjournment was extended until 8:00 p.m.

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Senator Rouson moved the following amendment:

**Amendment 1 (723660) (with title amendment)**—Delete lines 612-650 and insert:

*(a) The department shall issue physical or electronic medical marijuana use registry identification cards for qualified patients and caregivers who are residents of this state, which must be renewed annually. The department may charge a reasonable fee associated with the issuance and renewal of identification cards. The fee may not exceed $75. Of each issuance or renewal fee, the department shall allocate $10 to the Division of Research at Florida Agricultural and Mechanical University for the purpose of educating minorities about marijuana for medical use and for the prevention of unlawful uses of marijuana. The identification cards must be resistant to counterfeiting and tampering and must include, at a minimum, the following:*

*1. The name, address, and date of birth of the qualified patient or caregiver.*

*2. A full-face, passport-type, color photograph of the qualified patient or caregiver taken within the 90 days immediately preceding registration or the Florida driver license or Florida identification card photograph of the qualified patient or caregiver obtained directly from the Department of Highway Safety and Motor Vehicles.*

*3. Designation of the cardholder as a qualified patient or a caregiver.*

*4. The unique numeric identifier used for the qualified patient in the medical marijuana use registry.*

*5. For a caregiver, the name and unique numeric identifier of the caregiver and the qualified patient or patients that the caregiver is assisting.*

*6. The expiration date of the identification card.*

*(b) Electronic identification cards must comply with the Health Insurance Portability and Accountability Act (HIPAA) as it pertains to protected health information and all other relevant state and federal privacy and security laws and regulations. Such electronic cards must:*

*1. Contain the technology to automatically expire and be remotely terminated by the department;*

*2. Collect timestamped, geotagged data to be uploaded in real time into the compassionate use registry; and*

*3. Maintain compatibility with smartphone and web-based platforms.*

*(c) The department must receive written consent from a qualified patient's parent or legal guardian before it may issue an identification card to a qualified patient who is a minor.*

*(d) The department shall, by July 3, 2017, adopt rules pursuant to ss. 120.536(1) and 120.54 establishing procedures for the issuance, renewal, suspension, replacement, surrender, and revocation of medical marijuana use registry identification cards and shall begin issuing qualified patient identification cards by October 3, 2017.*

*(e) Applications for identification cards must be submitted on a form prescribed by the department. The department may charge a reasonable fee associated with the issuance, replacement, and renewal of identification cards. The department may contract with a third-party vendor to issue identification cards. The vendor selected by the department must have experience performing similar functions for other state agencies.*

*(f) A qualified patient or caregiver must return his or*

And the title is amended as follows:

Delete line 34 and insert: cards; authorizing the department to charge a fee for identification cards; requiring the department to issue licenses to a

Senator Rouson moved the following amendment to **Amendment 1 (723660)** which was adopted:

**Amendment 1A (369966)**—Delete lines 14-15 and insert:
*marijuana for medical use and the impact of the unlawful use of marijuana on minority communities. The identification cards must be resistant to*

**Amendment 1 (723660)**, as amended, was adopted.

Pursuant to Rule 7.1(1), there being no objection, consideration of the following late-filed amendment was allowed:

Senator Bradley moved the following amendment:

**Amendment 2 (467840) (with title amendment)**—Delete everything after the enacting clause and insert:

Section 1. Paragraph (l) of subsection (2) of section 212.08, Florida Statutes, is redesignated as paragraph (m), and a new paragraph (l) is added to that subsection, to read:

212.08 Sales, rental, use, consumption, distribution, and storage tax; specified exemptions.—The sale at retail, the rental, the use, the

consumption, the distribution, and the storage to be used or consumed in this state of the following are hereby specifically exempt from the tax imposed by this chapter.

(2) EXEMPTIONS; MEDICAL.—

*(l) Marijuana and marijuana delivery devices, as the terms are defined in s. 381.986, are exempt from the taxes imposed under this chapter.*

Section 2. Section 381.986, Florida Statutes, is amended to read:

*(Substantial rewording of section. See*

*s. 381.986, F.S., for present text.)*

*381.986 Medical use of marijuana.—*

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

*(a) "Caregiver" means a resident of this state who has agreed to assist with a qualified patient's medical use of marijuana, has a caregiver identification card, and meets the requirements of subsection (6).*

*(b) "Chronic nonmalignant pain" means pain that is caused by a qualifying medical condition or that originates from a qualifying medical condition and persists beyond the usual course of that qualifying medical condition.*

*(c) "Close relative" means a spouse, parent, sibling, grandparent, child, or grandchild, whether related by whole or half blood, by marriage, or by adoption.*

*(d) "Edibles" means commercially produced food items made with marijuana oil, but no other form of marijuana, which are produced and dispensed by a medical marijuana treatment center.*

*(e) "Low-THC cannabis" means a plant of the genus Cannabis, the dried flowers of which contain 0.8 percent or less of tetrahydrocannabinol and more than 10 percent of cannabidiol weight for weight; the seeds thereof; the resin extracted from any part of such plant; or any compound, manufacture, salt, derivative, mixture, or preparation of the plant or its seeds or resin which is dispensed from a medical marijuana treatment center.*

*(f) "Marijuana" means all parts of any plant of the genus Cannabis, whether growing or not; the seeds thereof; the resin extracted from any part of the plant; or any compound, manufacture, salt, derivative, mixture, or preparation of the plant or its seeds or resin, including low-THC cannabis, which is dispensed from a medical marijuana treatment center for medical use by a qualified patient.*

*(g) "Marijuana delivery device" means an object that is used, intended for use, or designed for use in preparing, storing, ingesting, inhaling, or otherwise introducing marijuana into the human body and that is dispensed from a medical marijuana treatment center for medical use by a qualified patient.*

*(h) "Marijuana testing laboratory" means a facility that collects and analyzes marijuana samples from a medical marijuana treatment center and has been certified by the department pursuant to s. 381.988.*

*(i) "Medical director" means a person who holds an active, unrestricted license as an allopathic physician under chapter 458 or osteopathic physician under chapter 459 and is in compliance with the requirements of paragraph (3)(c).*

*(j) "Medical use" means the acquisition, possession, use, delivery, transfer, or administration of marijuana authorized by a physician certification. The term does not include:*

*1. Possession, use, or administration of marijuana that was not purchased or acquired from a medical marijuana treatment center.*

*2. Possession, use, or administration of marijuana in a form for smoking, in the form of commercially produced food items other than edibles, or of marijuana seeds or flower, except for flower in a sealed receptacle for vaping.*

*3. Use or administration of any form or amount of marijuana in a manner that is inconsistent with the qualified physician's directions or physician certification.*

*4. Transfer of marijuana to a person other than the qualified patient for whom it was authorized or the qualified patient's caregiver on behalf of the qualified patient.*

*5. Use or administration of marijuana in the following locations:*

*a. On any form of public transportation, except for low-THC cannabis.*

*b. In any public place, except for low-THC cannabis.*

*c. In a qualified patient's place of employment, except when permitted by his or her employer.*

*d. In a state correctional institution, as defined in s. 944.02, or a correctional institution, as defined in s. 944.241.*

*e. On the grounds of a preschool, primary school, or secondary school, except as provided in s. 1006.062.*

*f. In a school bus, a vehicle, an aircraft, or a motorboat, except for low-THC cannabis.*

*(k) "Physician certification" means a qualified physician's authorization for a qualified patient to receive marijuana and a marijuana delivery device from a medical marijuana treatment center.*

*(l) "Qualified patient" means a resident of this state who has been added to the medical marijuana use registry by a qualified physician to receive marijuana or a marijuana delivery device for medical use and who has a qualified patient identification card.*

*(m) "Qualified physician" means a person who holds an active, unrestricted license as an allopathic physician under chapter 458 or as an osteopathic physician under chapter 459 and is in compliance with the physician education requirements of subsection (3).*

*(n) "Smoking" means burning or igniting a substance and inhaling the smoke.*

*(o) "Terminal condition" means a progressive disease or medical or surgical condition that causes significant functional impairment, is not considered by a treating physician to be reversible without the administration of life-sustaining procedures, and will result in death within 1 year after diagnosis if the condition runs its normal course.*

*(2) QUALIFYING MEDICAL CONDITIONS.—A patient must be diagnosed with at least one of the following conditions to qualify to receive marijuana or a marijuana delivery device:*

*(a) Cancer.*

*(b) Epilepsy.*

*(c) Glaucoma.*

*(d) Positive status for human immunodeficiency virus.*

*(e) Acquired immune deficiency syndrome.*

*(f) Post-traumatic stress disorder.*

*(g) Amyotrophic lateral sclerosis.*

*(h) Crohn's disease.*

*(i) Parkinson's disease.*

*(j) Multiple sclerosis.*

*(k) A medical condition of the same kind or class as or comparable to any of those enumerated in paragraphs (a)-(j).*

*(l) A terminal condition diagnosed by a physician other than the qualified physician issuing the physician certification.*

*(m) Chronic nonmalignant pain.*

*(3) QUALIFIED PHYSICIANS AND MEDICAL DIRECTORS.—*

*(a) To be approved as a qualified physician, a physician must successfully complete a 2-hour course and subsequent examination offered by the Florida Medical Association or the Florida Osteopathic Medical Association which encompass the requirements of this section and any rules adopted under this section. The course and examination shall be administered at least annually and may be offered in a distance learning format, including an electronic, online format that is available upon request. The price of the course may not exceed $500. A physician who has met the physician education requirements of former s. 381.986(4), Florida Statutes 2016, before the effective date of this section shall be deemed to be in compliance with this paragraph from the effective date of this act until 90 days after the course and examination required by this paragraph become available.*

*(b) A qualified physician may not be employed by, or have any direct or indirect economic interest in, a medical marijuana treatment center or marijuana testing laboratory.*

*(c) A medical director must successfully complete a 2-hour course and subsequent examination offered by the Florida Medical Association or the Florida Osteopathic Medical Association which encompass the requirements of this section and any rules adopted under this section. The course and examination shall be administered at least annually and may be offered in a distance learning format, including an electronic, online format that is available upon request. The price of the course may not exceed $500.*

*(4) PHYSICIAN CERTIFICATION.—*

*(a) A qualified physician may issue a physician certification only if the qualified physician:*

*1. Conducted a physical examination while physically present in the same room as the patient and a full assessment of the medical history of the patient.*

*2. Diagnosed the patient with at least one qualifying medical condition.*

*3. Determined that the medical use of marijuana would likely outweigh the potential health risks for the patient, and such determination must be documented in the patient's medical record. If a patient is younger than 18 years of age, a second physician must concur with this determination, and such concurrence must be documented in the patient's medical record.*

*4. Determined whether the patient is pregnant and documented such determination in the patient's medical record. A physician may not issue a physician certification, except for low-THC cannabis, to a patient who is pregnant.*

*5. Reviewed the patient's controlled drug prescription history in the prescription drug monitoring program database established pursuant to s. 893.055.*

*6. Reviewed the medical marijuana use registry and confirmed that the patient does not have an active physician certification from another qualified physician.*

*7. Registers as the issuer of the physician certification for the named qualified patient on the medical marijuana use registry in an electronic manner determined by the department, and:*

*a. Enters into the registry the contents of the physician certification, including the patient's qualifying condition and the dosage not to exceed the daily dose amount determined by the department, the amount and forms of marijuana authorized for the patient, and any types of marijuana delivery devices needed by the patient for the medical use of marijuana;*

*b. Updates the registry within 7 days after any change is made to the original physician certification to reflect such change; and*

*c. Deactivates the registration of the qualified patient and the patient's caregiver when the physician no longer recommends the medical use of marijuana for the patient.*

*8. Obtains the voluntary and informed written consent of the patient for medical use of marijuana each time the qualified physician issues a physician certification for the patient, which shall be maintained in the patient's medical record. The patient, or the patient's parent or legal guardian if the patient is a minor, must sign the informed consent acknowledging that the qualified physician has sufficiently explained its content. The qualified physician must use a standardized informed consent form adopted in rule by the Board of Medicine and the Board of Osteopathic Medicine, which must include, at a minimum, information related to:*

*a. The Federal Government's classification of marijuana as a Schedule I controlled substance.*

*b. The approval and oversight status of marijuana by the Food and Drug Administration.*

*c. The current state of research on the efficacy of marijuana to treat the qualifying conditions set forth in this section.*

*d. The potential for addiction.*

*e. The potential effect that marijuana may have on a patient's coordination, motor skills, and cognition, including a warning against operating heavy machinery, operating a motor vehicle, or engaging in activities that require a person to be alert or respond quickly.*

*f. The potential side effects of marijuana use.*

*g. The risks, benefits, and drug interactions of marijuana.*

*h. That the patient's de-identified health information contained in the physician certification and medical marijuana use registry may be used for research purposes.*

*(b) If a qualified physician issues a physician certification for a qualified patient diagnosed with a qualifying medical condition as described in paragraph (2)(k), the physician must submit the following to the applicable board within 14 days after issuing the physician certification:*

*1. Documentation supporting the qualified physician's opinion that the medical condition is of the same kind or class as the conditions in paragraphs (2)(a)-(j).*

*2. Documentation that establishes the efficacy of marijuana as treatment for the condition.*

*3. Documentation supporting the qualified physician's opinion that the benefits of medical use of marijuana would likely outweigh the potential health risks for the patient.*

*4. Any other documentation as required by board rule.*

*The department must submit such documentation to the Coalition for Medical Marijuana Research and Education established pursuant to s. 1004.4351.*

*(c) A qualified physician may not issue a physician certification for more than three 70-day supply limits of marijuana. The department shall quantify by rule a daily dose amount with equivalent dose amounts for each allowable form of marijuana dispensed by a medical marijuana treatment center. The department shall use the daily dose amount to calculate a 70-day supply.*

*1. A qualified physician may request an exception to the daily dose amount limit. The request shall be made electronically on a form adopted by the department in rule and must include, at a minimum:*

*a. The qualified patient's qualifying medical condition.*

*b. The dosage and route of administration which were insufficient to provide relief to the qualified patient.*

*c. A description of how the patient will benefit from an increased amount.*

*d. The minimum daily dose amount of marijuana that would be sufficient for the treatment of the qualified patient's qualifying medical condition.*

*2. A qualified physician must provide the qualified patient's records upon the request of the department.*

*3. The department shall approve or disapprove the request within 14 days after receipt of the complete documentation required by this paragraph. The request shall be deemed approved if the department fails to act within this time period.*

*(d) A qualified physician must evaluate and recertify an existing qualified patient at least once every 30 weeks prior to issuing a new physician certification. A physician must:*

*1. Determine if the patient still meets the requirements of a qualified patient under paragraph (a).*

*2. Identify and document in the qualified patient's medical records whether the qualified patient experienced either of the following related to the medical use of marijuana:*

*a. An adverse drug interaction with any prescription or non-prescription medication; or*

*b. A reduction in the use of opioid analgesics.*

*3. Submit a report with the findings required pursuant to subparagraph 2. to the department. The department shall submit such reports to the Coalition for Medical Marijuana Research and Education established pursuant to s. 1004.4351.*

*(e) An active order for low-THC cannabis or medical cannabis issued pursuant to former s. 381.986, Florida Statutes 2016, and registered with the compassionate use registry before the effective date of this section, is deemed a physician certification, and all patients possessing such orders are deemed qualified patients until the department begins issuing medical marijuana use registry identification cards.*

*(f) The department shall monitor physician registration in the medical marijuana use registry and the issuance of physician certifications for practices that could facilitate unlawful diversion or misuse of marijuana or a marijuana delivery device and shall take disciplinary action as appropriate.*

*(g) The Board of Medicine and the Board of Osteopathic Medicine shall jointly create a physician certification pattern review panel that shall review all physician certifications submitted to the medical marijuana use registry. The panel shall track and report the number of physician certifications and the qualifying medical conditions, dosage, supply amount, and forms of marijuana certified. The panel shall report the data both by individual qualified physician and in the aggregate, by county, and statewide. The physician certification pattern review panel shall, beginning January 1, 2018, submit an annual report of its findings and recommendations to the Governor, the President of the Senate, and the Speaker of the House of Representatives.*

*(h) The department, the Board of Medicine, and the Board of Osteopathic Medicine may adopt rules pursuant to ss. 120.536(1) and 120.54 to implement this subsection.*

*(5) MEDICAL MARIJUANA USE REGISTRY.—*

*(a) The department shall create and maintain a secure, electronic, and online medical marijuana use registry for physicians, patients, and caregivers as provided under this section. The medical marijuana use registry must be accessible to law enforcement agencies, qualified physicians, and medical marijuana treatment centers to verify the authorization of a qualified patient or a caregiver to possess marijuana or a marijuana delivery device and record the marijuana or marijuana delivery device dispensed. The medical marijuana use registry must also be accessible to practitioners licensed to prescribe prescription drugs to ensure proper care for patients before medications that may interact with the medical use of marijuana are prescribed. The medical marijuana use registry must prevent an active registration of a qualified patient by multiple physicians.*

*(b) The department shall determine whether an individual is a resident of this state for the purpose of registration of qualified patients and caregivers in the medical marijuana use registry. To prove residency:*

*1. An adult resident must provide the department with a copy of his or her valid Florida driver license issued under s. 322.18 or a copy of a valid Florida identification card issued under s. 322.051.*

*2. An adult seasonal resident who cannot meet the requirements of subparagraph 1. may provide the department with a copy of two of the following that show proof of residential address:*

*a. A deed, mortgage, monthly mortgage statement, mortgage payment booklet, or residential rental or lease agreement.*

*b. One proof of residential address from the seasonal resident's parent, stepparent, legal guardian, or other person with whom the seasonal resident resides and a statement from the person with whom the seasonal resident resides stating that the seasonal resident does reside with him or her.*

*c. A utility hook up or work order dated within 60 days prior to registration in the medical use registry.*

*d. A utility bill, not more than 2 months old.*

*e. Mail from a financial institution, including checking, savings, or investment account statements, not more than 2 months old.*

*f. Mail from a federal, state, county, or municipal government agency, not more than 2 months old.*

*g. Any other documentation that provides proof of residential address as determined by department rule.*

*As used in this subparagraph, the term "seasonal resident" means any person who temporarily resides in this state for a period of at least 31 consecutive days in each calendar year, maintains a temporary residence in this state, returns to the state or jurisdiction of his or her residence at least one time during each calendar year, and is registered to vote or pays income tax in another state or jurisdiction.*

*3. A minor must provide the department with a certified copy of a birth certificate or a current record of registration from a Florida K-12 school and must have a parent or legal guardian who meets the requirements of subparagraph 1.*

*(c) The department may suspend or revoke the registration of a qualified patient or caregiver if the qualified patient or caregiver:*

*1. Provides misleading, incorrect, false, or fraudulent information to the department;*

*2. Obtains a supply of marijuana in an amount greater than the amount authorized by the physician certification;*

*3. Falsifies, alters, or otherwise modifies an identification card;*

*4. Fails to timely notify the department of any changes to his or her qualified patient status; or*

*5. Violates the requirements of this section or any rule adopted under this section.*

*(d) The department shall immediately suspend the registration of a qualified patient charged with a violation of chapter 893 until final disposition of any alleged offense. Thereafter, the department may extend the suspension, revoke the registration, or reinstate the registration.*

*(e) The department shall immediately suspend the registration of any caregiver charged with a violation of chapter 893 until final disposition of any alleged offense. The department shall revoke a caregiver registration if the caregiver does not meet the requirements of subparagraph (6)(b)6.*

*(f) The department may revoke the registration of a qualified patient or caregiver who cultivates marijuana or who acquires, possesses, or delivers marijuana from any person or entity other than a medical marijuana treatment center.*

*(g) The department shall revoke the registration of a qualified patient, and the patient's associated caregiver, upon notification that the patient no longer meets the criteria of a qualified patient.*

*(h) The department may adopt rules pursuant to ss. 120.536(1) and 120.54 to implement this subsection.*

*(6) CAREGIVERS.—*

*(a) The department must register an individual as a caregiver on the medical marijuana use registry and issue a caregiver identification card if an individual designated by a qualified patient meets all of the requirements of this subsection and department rule.*

*(b) A caregiver must:*

*1. Not be a qualified physician and not be employed by or have an economic interest in a medical marijuana treatment center or a marijuana testing laboratory.*

*2. Be 21 years of age or older and a resident of this state.*

*3. Agree in writing to assist with the qualified patient's medical use of marijuana.*

*4. Be registered in the medical marijuana use registry as a caregiver for no more than one qualified patient, except as provided in this paragraph.*

*5. Successfully complete a caregiver certification course developed and administered by the department or its designee, which must be renewed biennially. The price of the course may not exceed $100.*

*6. Pass a background screening pursuant to subsection (9), unless the patient is a close relative of the caregiver.*

*(c) A qualified patient may designate no more than one caregiver to assist with the qualified patient's medical use of marijuana, unless:*

*1. The qualified patient is a minor and the designated caregivers are parents or legal guardians of the qualified patient;*

*2. The qualified patient is an adult who has an intellectual or developmental disability that prevents the patient from being able to protect or care for himself or herself without assistance or supervision and the designated caregivers are the parents or legal guardians of the qualified patient; or*

*3. The qualified patient is admitted to a hospice program.*

*(d) A caregiver may be registered in the medical marijuana use registry as a designated caregiver for no more than one qualified patient, unless:*

*1. The caregiver is a parent or legal guardian of more than one minor who is a qualified patient;*

*2. The caregiver is a parent or legal guardian of more than one adult who is a qualified patient and who has an intellectual or developmental disability that prevents the patient from being able to protect or care for himself or herself without assistance or supervision; or*

*3. All qualified patients the caregiver has agreed to assist are admitted to a hospice program and have requested the assistance of that caregiver with the medical use of marijuana; the caregiver is an employee of the hospice; and the caregiver provides personal care or other services directly to clients of the hospice in the scope of that employment.*

*(e) A caregiver may not receive compensation, other than actual expenses incurred, for any services provided to the qualified patient.*

*(f) If a qualified patient is younger than 18 years of age, only a caregiver may purchase or administer marijuana for medical use by the qualified patient. The qualified patient may not purchase marijuana.*

*(g) A caregiver must be in immediate possession of his or her medical marijuana use registry identification card at all times when in possession of marijuana or a marijuana delivery device and must present his or her medical marijuana use registry identification card upon the request of a law enforcement officer.*

*(h) The department may adopt rules pursuant to ss. 120.536(1) and 120.54 to implement this subsection.*

*(7) IDENTIFICATION CARDS.—*

*(a) The department shall issue medical marijuana use registry identification cards for qualified patients and caregivers who are residents of this state which must be renewed annually. The identification cards must be resistant to counterfeiting and tampering and must include, at a minimum, the following:*

*1. The name, address, and date of birth of the qualified patient or caregiver.*

*2. A full-face, passport-type, color photograph of the qualified patient or caregiver taken within the 90 days immediately preceding registration or the Florida driver license or Florida identification card photograph of the qualified patient or caregiver obtained directly from the Department of Highway Safety and Motor Vehicles.*

*3. Identification as a qualified patient or a caregiver.*

*4. The unique numeric identifier used for the qualified patient in the medical marijuana use registry.*

*5. For a caregiver, the name and unique numeric identifier of the caregiver and the qualified patient or patients that the caregiver is assisting.*

*6. The expiration date of the identification card.*

*(b) The department must receive written consent from a qualified patient's parent or legal guardian before it may issue an identification card to a qualified patient who is a minor.*

*(c) The department shall, by July 3, 2017, adopt rules pursuant to ss. 120.536(1) and 120.54 establishing procedures for the issuance, renewal, suspension, replacement, surrender, and revocation of medical marijuana use registry identification cards and shall begin issuing qualified patient identification cards by October 3, 2017.*

*(d) Applications for identification cards must be submitted on a form prescribed by the department. The department may charge a reasonable fee associated with the issuance, replacement, and renewal of identification cards. The department may contract with a third-party vendor to issue identification cards. The vendor selected by the department must have experience performing similar functions for other state agencies.*

*(e) A qualified patient or caregiver must return his or her identification card to the department within 5 business days after revocation.*

*(8) MEDICAL MARIJUANA TREATMENT CENTERS.—*

*(a) The department shall license medical marijuana treatment centers to ensure reasonable statewide accessibility and availability as necessary for qualified patients registered in the medical marijuana use registry and who are issued a physician certification under this section.*

*1. The department shall license as a medical marijuana treatment center any entity that holds an active, unrestricted license to cultivate, process, transport, and dispense low-THC cannabis, medical cannabis, and cannabis delivery devices, under former s. 381.986, Florida Statutes 2016, before July 1, 2017, and which meets the requirements of this section. In addition to the authority granted under this section, these entities are authorized to dispense low-THC cannabis, medical cannabis, and cannabis delivery devices ordered pursuant to former s. 381.986, Florida Statutes 2016, which were entered into the compassionate use registry before July 1, 2017. The department may grant variances from the representations made in such an entity's original application for approval under former s. 381.986, Florida Statutes 2014, pursuant to paragraph (e).*

*2. As soon as practicable, but no later than October 1, 2017, the department shall license as medical marijuana treatment centers 10 applicants that meet the requirements of this section, except as provided in sub-subparagraph c., including:*

*a. Any medical marijuana treatment center applicant that was denied a dispensing organization license by the department under former s. 381.986, Florida Statutes 2014, if the applicant is awarded a license pursuant to an administrative or legal challenge filed before January 1, 2017.*

*b. One applicant that was a qualified dispensing organization applicant under former s. 381.986, Florida Statutes 2014; was the highest scoring applicant that was not awarded a license; was not a litigant in an administrative challenge on or after March 31, 2017; and provides documentation to the department that it has the existing infrastructure and technical and technological ability to begin cultivating, processing, and dispensing marijuana within 30 days after registration as a medical marijuana treatment center.*

*c. One applicant that is a recognized class member of Pigford v. Glickman, 185 F.R.D. 82 (D.D.C. 1999), or In Re Black Farmers Litig., 856 F. Supp. 2d 1 (D.D.C. 2011); is a member of the Black Farmers and Agriculturalists Association-Florida Chapter; and meets the requirements of subparagraphs (b)3.-9.*

*3. Within 6 months after the medical marijuana use registry reaches a total of 75,000 active registered qualified patients and upon each further instance of the total active registered qualified patients increasing by 75,000, license five additional medical marijuana treatment centers if a sufficient number of medical marijuana treatment center applicants meet the registration requirements of this section and department rule.*

*(b) An applicant for licensure as a medical marijuana treatment center shall apply to the department on a form prescribed by the department and adopted in rule. The department shall adopt rules pursuant to ss. 120.536(1) and 120.54 establishing a procedure for the issuance and biennial renewal of licenses, including initial application and biennial renewal fees sufficient to cover the costs of administering this licensure program. Subject to the requirements in subparagraphs (a) 2.-4., the department shall issue a license to an applicant if the applicant meets the requirements of this section and pays the initial application fee. The department shall renew the licensure of a medical marijuana treatment center biennially if the licensee meets the requirements of this section and pays the biennial renewal fee. An individual may not be an applicant, owner, officer, board member, or manager on more than one application for licensure as a medical marijuana treatment center. An individual or entity may not be awarded more than one license as a medical marijuana treatment center. An applicant for licensure as a medical marijuana treatment center must demonstrate:*

*1. That, for the 5 consecutive years before submitting the application, the applicant has been registered to do business in in the state.*

*2. Possession of a valid certificate of registration issued by the Department of Agriculture and Consumer Services pursuant to s. 581.131.*

*3. The technical and technological ability to cultivate and produce marijuana, including, but not limited to, low-THC cannabis.*

*4. The ability to secure the premises, resources, and personnel necessary to operate as a medical marijuana treatment center.*

*5. The ability to maintain accountability of all raw materials, finished products, and any byproducts to prevent diversion or unlawful access to or possession of these substances.*

*6. An infrastructure reasonably located to dispense marijuana to registered qualified patients statewide or regionally as determined by the department.*

*7. The financial ability to maintain operations for the duration of the 2-year approval cycle, including the provision of certified financial statements to the department. Upon approval, the applicant must post a $5 million performance bond. However, a medical marijuana treatment center serving at least 1,000 qualified patients is only required to maintain a $2 million performance bond.*

*8. That all owners, officers, board members, and managers have passed a background screening pursuant to subsection (9).*

*9. The employment of a medical director to supervise the activities of the medical marijuana treatment center.*

*(c) A medical marijuana treatment center may not make a wholesale purchase of marijuana from, or a distribution of marijuana to, another medical marijuana treatment center unless the medical marijuana treatment center seeking to make a wholesale purchase of marijuana submits proof of harvest failure to the department.*

*(d) The department shall establish, maintain, and control a computer software tracking system that traces marijuana from seed to sale and allows real-time, 24-hour access by the department to data from all medical marijuana treatment centers and marijuana testing laboratories. The tracking system must allow for integration of other seed-to-sale systems and, at a minimum, include notification of when marijuana seeds are planted, when marijuana plants are harvested and destroyed, and when marijuana is transported, sold, stolen, diverted, or lost. Each medical marijuana treatment center shall use the seed-to-sale tracking system established by the department or integrate its own seed-to-sale tracking system with the seed-to-sale tracking system established by the department. Each medical marijuana treatment center may use its own seed-to-sale system until the department establishes a seed-to-sale tracking system. The department may contract with a vendor to establish the seed-to-sale tracking system. The vendor selected by the department may not have a contractual relationship with the department to perform any services pursuant to this section other than the seed-to-sale tracking system. The vendor may not have a direct or indirect financial interest in a medical marijuana treatment center or a marijuana testing laboratory.*

*(e) A licensed medical marijuana treatment center shall cultivate, process, transport, and dispense marijuana for medical use. A licensed medical marijuana treatment center may not contract for services directly related to the cultivation, processing, and dispensing of marijuana or marijuana delivery devices. A licensed medical marijuana treatment center must, at all times, maintain compliance with the criteria demonstrated and representations made in the initial application and the criteria established in this subsection. Upon request, the department may grant a medical marijuana treatment center a variance from the representations made in the initial application. Consideration of such a request shall be based upon the individual facts and circumstances surrounding the request. A variance may not be granted unless the requesting medical marijuana treatment center can demonstrate to the department that it has a proposed alternative to the specific representation made in its application which fulfills the same or a similar purpose as the specific representation in a way that the department can reasonably determine will not be a lower standard than the specific representation in the application. A variance may not be granted from the requirements in subparagraph 2. and subparagraphs (b)1. and 2.*

*1. A licensed medical marijuana treatment center may transfer ownership to an individual or entity who meets the requirements of this section. To accommodate a change in ownership:*

*a. The licensed medical marijuana treatment center shall notify the department in writing at least 60 days before the anticipated date of the change of ownership.*

*b. The individual or entity applying for initial licensure due to a change of ownership must submit an application that must be received by the department at least 60 days prior to the date of change of ownership.*

*c. Upon receipt of an application for a license, the department shall examine the application and, within 30 days after receipt, notify the applicant in writing of any apparent errors or omissions and request any additional information required.*

*d. Requested information omitted from an application for licensure must be filed with the department within 21 days after the department's request for omitted information or the application shall be deemed incomplete and shall be withdrawn from further consideration and the fees shall be forfeited.*

*Within 30 days after the receipt of a complete application, the department shall approve or deny the application.*

*2. A medical marijuana treatment center, and any individual or entity who directly or indirectly owns, controls, or holds with power to vote 5 percent or more of the voting shares of a medical marijuana treatment center, may not acquire direct or indirect ownership or control of any voting shares or other form of ownership of any other medical marijuana treatment center.*

*3. All employees of a medical marijuana treatment center must be 21 years of age or older and have passed a background screening pursuant to subsection (9).*

*4. Each medical marijuana treatment center must adopt and enforce policies and procedures to ensure employees and volunteers receive training on the legal requirements to dispense marijuana to qualified patients.*

*5. When growing marijuana, a medical marijuana treatment center:*

*a. May use pesticides determined by the department, after consultation with the Department of Agriculture and Consumer Services, to be safely applied to plants intended for human consumption, but may not use pesticides designated as restricted-use pesticides pursuant to s. 487.042.*

*b. Must grow marijuana within an enclosed structure and in a room separate from any other plant.*

*c. Must inspect seeds and growing plants for plant pests that endanger or threaten the horticultural and agricultural interests of the state in accordance with chapter 581 and any rules adopted thereunder.*

*d. Must perform fumigation or treatment of plants, or remove and destroy infested or infected plants, in accordance with chapter 581 and any rules adopted thereunder.*

*6. Each medical marijuana treatment center must produce and make available for purchase at least one low-THC cannabis product.*

*7. A medical marijuana treatment center that produces edibles must hold a permit to operate as a food establishment pursuant to chapter 500, the Florida Food Safety Act, and must comply with all the requirements for food establishments pursuant to chapter 500 and any rules adopted thereunder. Edibles may not contain more than 200 milligrams of tetrahydrocannabinol and a single serving portion of an edible may not exceed 10 milligrams of tetrahydrocannabinol. Edibles may have a potency variance of no greater than 15 percent. Edibles may not be attractive to children; be manufactured in the shape of humans, cartoons, or animals; be manufactured in a form that bears any reasonable resemblance to products available for consumption as commercially available candy; or contain any color additives. To discourage consumption of edibles by children, the department shall determine by rule any shapes, forms, and ingredients allowed and prohibited for edibles. Medical marijuana treatment centers may not begin processing or dispensing edibles until after the effective date of the rule. The department shall also adopt sanitation rules providing the standards and requirements for the storage, display, or dispensing of edibles.*

*8. When processing marijuana, a medical marijuana treatment center must:*

*a. Process the marijuana within an enclosed structure and in a room separate from other plants or products.*

*b. Not use a hydrocarbon based solvent, such as butane, hexane, or propane, to extract or separate resin from marijuana.*

*c. Test the processed marijuana using a medical marijuana testing laboratory before it is dispensed. Results must be verified and signed by two medical marijuana treatment center employees. Before dispensing, the medical marijuana treatment center must determine that the test results indicate that low-THC cannabis meets the definition of low-THC cannabis, the concentration of tetrahydrocannabinol meets the potency requirements of this section, the labeling of the concentration of tetrahydrocannabinol and cannabidiol is accurate, and all marijuana is safe for human consumption and free from contaminants that are unsafe for human consumption. The department shall determine by rule which contaminants must be tested for and the maximum levels of each contaminant which are safe for human consumption. The Department of Agriculture and Consumer Services shall assist the department in developing the testing requirements for contaminants that are unsafe for human consumption in edibles. The department shall also determine by rule the procedures for the treatment of marijuana that fails to meet the testing requirements of this section, s. 381.988, or department rule. The department may select a random sample from edibles available for purchase in a dispensing facility that shall be tested by the department to determine that the edible meets the potency requirements of this section, is safe for human consumption, and the labeling of the tetrahydrocannabinol and cannabidiol concentration is accurate. A medical marijuana treatment center may not require payment from the department for the sample. A medical marijuana treatment center must recall edibles, including all edibles made from the same batch of marijuana, which fail to meet the potency requirements of this section, which are unsafe for human consumption, or for which the labeling of the tetrahydrocannabinol and cannabidiol concentration is inaccurate. The medical marijuana treatment center must retain records of all testing and samples of each homogenous batch of marijuana for at least 9 months. The medical marijuana treatment center must contract with a marijuana testing laboratory to perform audits on the medical marijuana treatment center's standard operating procedures, testing records, and samples and provide the results to the department to confirm that the marijuana or low-THC cannabis meets the requirements of this section and that the marijuana or low-THC cannabis is safe for human consumption. A medical marijuana treatment center shall reserve two processed samples from each batch and retain such samples for at least 9 months for the purpose such audits. A medical marijuana treatment center may use a laboratory that has not been certified by the department under s. 381.988 until such time as at least one laboratory holds the required certification, but in no event later than July 1, 2018.*

*d. Package the marijuana in compliance with the United States Poison Prevention Packaging Act of 1970, 15 U.S.C. ss. 1471 et seq.*

*e. Package the marijuana in a receptacle that has a firmly affixed and legible label stating the following information:*

*(I) The marijuana or low-THC cannabis meets the requirements of sub-subparagraph c.*

*(II) The name of the medical marijuana treatment center from which the marijuana originates.*

*(III) The batch number and harvest number from which the marijuana originates and the date dispensed.*

*(IV) The name of the physician who issued the physician certification.*

*(V) The name of the patient.*

*(VI) The product name, if applicable, and dosage form, including concentration of tetrahydrocannabinol and cannabidiol. The product name may not contain wording commonly associated with products marketed by or to children.*

*(VII) The recommended dose.*

*(VIII) A warning that it is illegal to transfer medical marijuana to another person.*

*(IX) A marijuana universal symbol developed by the department.*

*9. The medical marijuana treatment center shall include in each package a patient package insert with information on the specific product dispensed related to:*

*a. Clinical pharmacology.*

*b. Indications and use.*

*c. Dosage and administration.*

*d. Dosage forms and strengths.*

*e. Contraindications.*

*f. Warnings and precautions.*

*g. Adverse reactions.*

*10. Each edible shall be individually sealed in plain, opaque wrapping marked only with the marijuana universal symbol. Where practical, each edible shall be marked with the marijuana universal symbol. In addition to the packaging and labeling requirements in subparagraphs 8. and 9., edible receptacles must be plain, opaque, and white without depictions of the product or images other than the medical marijuana treatment center's department-approved logo and the marijuana universal symbol. The receptacle must also include a list all of the edible's ingredients, storage instructions, an expiration date, a legible and prominent warning to keep away from children and pets, and a warning that the edible has not been produced or inspected pursuant to federal food safety laws.*

*11. A medical marijuana treatment center may not establish or operate more than five dispensing facilities, unless the medical marijuana use registry reaches a total of 75,000 active registered qualified patients, and then, upon each further instance of the total active registered qualified patients increasing by 75,000, each medical marijuana treatment center licensed by the department at that time may establish and operate one additional dispensing facility. When dispensing marijuana or a marijuana delivery device, a medical marijuana treatment center:*

*a. May dispense any active, valid order for low-THC cannabis, medical cannabis and cannabis delivery devices issued pursuant to former s. 381.986, Florida Statutes 2016, which was entered into the medical marijuana use registry before July 1, 2017.*

*b. May not dispense more than a 70-day supply of marijuana to a qualified patient or caregiver.*

*c. Must have the medical marijuana treatment center's employee who dispenses the marijuana or a marijuana delivery device enter into the medical marijuana use registry his or her name or unique employee identifier.*

*d. Must verify that the qualified patient and the caregiver, if applicable, each has an active registration in the medical marijuana use registry and an active and valid medical marijuana use registry identification card, the amount and type of marijuana dispensed matches the physician's certification in the medical marijuana use registry for that qualified patient, and the physician certification has not already been filled.*

*e. May not dispense marijuana to a qualified patient who is younger than 18 years of age. If the qualified patient is younger than 18 years of age, marijuana may only be dispensed to the qualified patient's caregiver.*

*f. May not dispense or sell any other type of cannabis, alcohol, or illicit drug-related product, including pipes, bongs, or wrapping papers, other than a marijuana delivery device required for the medical use of marijuana and which is specified in a physician certification.*

*g. Must, upon dispensing the marijuana or marijuana delivery device, record in the registry the date, time, quantity, and form of marijuana dispensed; the type of marijuana delivery device dispensed; and the name and medical marijuana use registry identification number of the qualified patient or caregiver to whom the marijuana delivery device was dispensed.*

*h. Must ensure that patient records are not visible to anyone other than the qualified patient, his or her caregiver, and authorized medical marijuana treatment center employees.*

*(f) To ensure the safety and security of premises where the cultivation, processing, storing, or dispensing of marijuana occurs, and to maintain adequate controls against the diversion, theft, and loss of marijuana or marijuana delivery devices, a medical marijuana treatment center shall:*

*1.a. Maintain a fully operational security alarm system that secures all entry points and perimeter windows and is equipped with motion detectors; pressure switches; and duress, panic, and hold-up alarms; and*

*b. Maintain a video surveillance system that records continuously 24 hours a day and meets the following criteria:*

*(I) Cameras are fixed in a place that allows for the clear identification of persons and activities in controlled areas of the premises. Controlled areas include grow rooms, processing rooms, storage rooms, disposal rooms or areas, and point-of-sale rooms.*

*(II) Cameras are fixed in entrances and exits to the premises, which shall record from both indoor and outdoor, or ingress and egress, vantage points.*

*(III) Recorded images must clearly and accurately display the time and date.*

*(IV) Retain video surveillance recordings for at least 45 days or longer upon the request of a law enforcement agency.*

*2. Ensure that the medical marijuana treatment center's outdoor premises have sufficient lighting from dusk until dawn.*

*3. Ensure that the indoor premises where dispensing occurs includes a waiting area with sufficient space and seating to accommodate qualified patients and caregivers and at least one private consultation area that is isolated from the waiting area and area where dispensing occurs. A medical marijuana treatment center may not display products or dispense marijuana or marijuana delivery devices in the waiting area.*

*4. Not dispense from its premises marijuana or a marijuana delivery device between the hours of 9 p.m. and 7 a.m., but may perform all other operations and deliver marijuana to qualified patients 24 hours a day.*

*5. Store marijuana in a secured, locked room or a vault.*

*6. Require at least two of its employees, or two employees of a security agency with whom it contracts, to be on the premises at all times where cultivation, processing, or storing of marijuana occurs.*

*7. Require each employee or contractor to wear a photo identification badge at all times while on the premises.*

*8. Require each visitor to wear a visitor pass at all times while on the premises.*

*9. Implement an alcohol and drug-free workplace policy.*

*10. Report to local law enforcement within 24 hours after the medical marijuana treatment center is notified or becomes aware of the theft, diversion, or loss of marijuana.*

*(g) To ensure the safe transport of marijuana and marijuana delivery devices to medical marijuana treatment centers, marijuana testing laboratories, or qualified patients, a medical marijuana treatment center must:*

*1. Maintain a marijuana transportation manifest in any vehicle transporting marijuana. The marijuana transportation manifest must be generated from a medical marijuana treatment center's seed-to-sale tracking system and include the:*

*a. Departure date and approximate time of departure.*

*b. Name, location address, and license number of the originating medical marijuana treatment center.*

*c. Name and address of the recipient of the delivery.*

*d. Quantity and form of any marijuana or marijuana delivery device being transported.*

*e. Arrival date and estimated time of arrival.*

*f. Delivery vehicle make and model and license plate number.*

*g. Name and signature of the medical marijuana treatment center employees delivering the product.*

*(I) A copy of the marijuana transportation manifest must be provided to each individual, medical marijuana treatment center, or marijuana testing laboratory that receives a delivery. The individual, or a representative of the center or laboratory, must sign a copy of the marijuana transportation manifest acknowledging receipt.*

*(II) An individual transporting marijuana or a marijuana delivery device must present a copy of the relevant marijuana transportation*

*manifest and his or her employee identification card to a law enforcement officer upon request.*

*(III) Medical marijuana treatment centers and marijuana testing laboratories must retain copies of all marijuana transportation manifests for at least 3 years.*

*2. Ensure only vehicles in good working order are used to transport marijuana.*

*3. Lock marijuana and marijuana delivery devices in a separate compartment or container within the vehicle.*

*4. Require employees to have possession of their employee identification cards at all times when transporting marijuana or marijuana delivery devices.*

*5. Require at least two persons to be in a vehicle transporting marijuana or marijuana delivery devices, and require at least one person to remain in the vehicle while the marijuana or marijuana delivery device is being delivered.*

*6. Provide specific safety and security training to employees transporting or delivering marijuana and marijuana delivery devices.*

*(h) A medical marijuana treatment center may not engage in advertising that is visible to members of the public from any street, sidewalk, park, or other public place, except:*

*1. The dispensing location of a medical marijuana treatment center may have a sign that is affixed to the outside or hanging in the window of the premises which identifies the dispensary by the licensee's business name, a department-approved trade name, or a department-approved logo. A medical marijuana treatment center's trade name and logo may not contain wording or images commonly associated with marketing targeted toward children or which promote recreational use of marijuana.*

*2. A medical marijuana treatment center may engage in Internet advertising and marketing under the following conditions:*

*a. All advertisements must be approved by the department.*

*b. An advertisement may not have any content that specifically targets individuals under the age of 18, including cartoon characters or similar images.*

*c. An advertisement may not be an unsolicited pop-up advertisement.*

*d. Opt-in marketing must include an easy and permanent opt-out feature.*

*(i) Each medical marijuana treatment center that dispenses marijuana and marijuana delivery devices shall make available to the public on its website:*

*1. Each marijuana and low-THC product available for purchase, including the form, strain of marijuana from which it was extracted, cannabidiol content, tetrahydrocannabinol content, dose unit, total number of doses available, and the ratio of cannabidiol to tetrahydrocannabinol for each product.*

*2. The price for a 30-day, 50-day, and 70-day supply at a standard dose for each marijuana and low-THC product available for purchase.*

*3. The price for each marijuana delivery device available for purchase.*

*4. If applicable, any discount policies and eligibility criteria for such discounts.*

*(j) Medical marijuana treatment centers are the sole source from which a qualified patient may legally obtain marijuana.*

*(k) The department may adopt rules pursuant to ss. 120.536(1) and 120.54 to implement this subsection.*

*(9) BACKGROUND SCREENING.—An individual required to undergo a background screening pursuant to this section must pass a level 2 background screening as provided under chapter 435, which, in addition to the disqualifying offenses provided in s. 435.04, shall exclude an individual who has an arrest awaiting final disposition for, has been found guilty of, regardless of adjudication, or has entered a plea of nolo contendere or guilty to, an offense under chapter 837, chapter 895, or chapter 896 or similar law of another jurisdiction.*

*(a) Such individual must submit a full set of fingerprints to the department or to a vendor, entity, or agency authorized by s. 943.053(13). The department, vendor, entity, or agency shall forward the fingerprints to the Department of Law Enforcement for state processing, and the Department of Law Enforcement shall forward the fingerprints to the Federal Bureau of Investigation for national processing.*

*(b) Fees for state and federal fingerprint processing and retention shall be borne by the individual. The state cost for fingerprint processing shall be as provided in s. 943.053(3)(e) for records provided to persons or entities other than those specified as exceptions therein.*

*(c) Fingerprints submitted to the Department of Law Enforcement pursuant to this subsection shall be retained by the Department of Law Enforcement as provided in s. 943.05(2)(g) and (h) and, when the Department of Law Enforcement begins participation in the program, enrolled in the Federal Bureau of Investigation's national retained print arrest notification program. Any arrest record identified shall be reported to the department.*

*(10) MEDICAL MARIJUANA TREATMENT CENTER INSPECTIONS; ADMINISTRATIVE ACTIONS.—*

*(a) The department shall conduct announced or unannounced inspections of medical marijuana treatment centers to determine compliance with this section or rules adopted pursuant to this section.*

*(b) The department shall inspect a medical marijuana treatment center upon receiving a complaint or notice that the medical marijuana treatment center has dispensed marijuana containing mold, bacteria, or other contaminant that may cause or has caused an adverse effect to human health or the environment.*

*(c) The department shall conduct at least a biennial inspection of each medical marijuana treatment center to evaluate the medical marijuana treatment center's records, personnel, equipment, processes, security measures, sanitation practices, and quality assurance practices.*

*(d) The Department of Agriculture and Consumer Services and the department shall enter into an interagency agreement to ensure cooperation and coordination in the performance of their obligations under this section and their respective regulatory and authorizing laws. The department, the Department of Highway Safety and Motor Vehicles, and the Department of Law Enforcement may enter into interagency agreements for the purposes specified in this subsection or subsection (7).*

*(e) The department shall publish a list of all approved medical marijuana treatment centers, medical directors, and qualified physicians on its website.*

*(f) The department may impose reasonable fines not to exceed $10,000 on a medical marijuana treatment center for any of the following violations:*

*1. Violating this section or department rule.*

*2. Failing to maintain qualifications for approval.*

*3. Endangering the health, safety, or security of a qualified patient.*

*4. Improperly disclosing personal and confidential information of a qualified patient.*

*5. Attempting to procure medical marijuana treatment center approval by bribery, fraudulent misrepresentation, or extortion.*

*6. Being convicted or found guilty of, or entering a plea of guilty or nolo contendere to, regardless of adjudication, a crime in any jurisdiction which directly relates to the business of a medical marijuana treatment center.*

*7. Making or filing a report or record that the medical marijuana treatment center knows to be false.*

*8. Willfully failing to maintain a record required by this section or department rule.*

*9. Willfully impeding or obstructing an employee or agent of the department in the furtherance of his or her official duties.*

*10. Engaging in fraud or deceit, negligence, incompetence, or misconduct in the business practices of a medical marijuana treatment center.*

*11. Making misleading, deceptive, or fraudulent representations in or related to the business practices of a medical marijuana treatment center.*

*12. Having a license or the authority to engage in any regulated profession, occupation, or business that is related to the business practices of a medical marijuana treatment center suspended, revoked, or otherwise acted against by the licensing authority of any jurisdiction, including its agencies or subdivisions, for a violation of Florida law.*

*13. Violating a lawful order of the department or an agency of the state, or failing to comply with a lawfully issued subpoena of the department or an agency of the state.*

*(g) The department may suspend, revoke, or refuse to renew a medical marijuana treatment center license if the medical marijuana treatment center commits any of the violations in paragraph (f).*

*(h) The department may adopt rules pursuant to ss. 120.536(1) and 120.54 to implement this subsection.*

*(11) PREEMPTION.—Regulation of cultivation, processing, and delivery of marijuana by medical marijuana treatment centers is preempted to the state except as provided in this subsection.*

*(a) A medical marijuana treatment center cultivating or processing facility may not be located within 500 feet of the real property that comprises a public or private elementary school, middle school, or secondary school.*

*(b) A municipality may determine by ordinance the criteria for the number and location of, and other permitting requirements that do not conflict with state law or department rule for, medical marijuana treatment center dispensing facilities located within the boundaries of the municipality. A county may determine by ordinance the criteria for the number and location of, and other permitting requirements that do not conflict with state law or department rule for, all such dispensing facilities located within the unincorporated areas of that county. Except as provided in paragraph (c), a county or municipality may not enact ordinances for permitting or for determining the location of dispensing facilities which are more restrictive than that its ordinances permitting or determining the locations for pharmacies licensed under chapter 465. A municipality or county may not charge a medical marijuana treatment center a license or permit fee in an amount greater than the fee charged by such municipality or county to pharmacies. A dispensing facility location approved by a municipality or county pursuant to former s. 381.986(8)(b), Florida Statutes 2016, is not subject to the location requirements of this subsection.*

*(c) A medical marijuana treatment center dispensing facility may not be located within 500 feet of the real property that comprises a public or private elementary school, middle school, or secondary school unless the county or municipality approves the location through a formal proceeding open to the public at which the county or municipality determines that the location promotes the public health, safety, and general welfare of the community.*

*(d) This subsection does not prohibit any local jurisdiction from ensuring medical marijuana treatment center facilities comply with the Florida Building Code, the Florida Fire Prevention Code, or any local amendments to the Florida Building Code or the Florida Fire Prevention Code.*

*(12) PENALTIES.—*

*(a) A qualified physician commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083, if the qualified physician issues a physician certification for the medical use of marijuana to a patient without a reasonable belief that the patient is suffering from a qualifying medical condition.*

*(b) A person who fraudulently represents that he or she has a qualifying medical condition to a qualified physician for the purpose of being issued a physician certification commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.*

*(c) A qualified patient who uses marijuana, not including low-THC cannabis, or a caregiver who administers marijuana, not including low-THC cannabis, in plain view of or in a place open to the general public; in a school bus, a vehicle, an aircraft, or a boat; or on the grounds of a school except as provided in s. 1006.062, commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.*

*(d) A qualified patient or caregiver who cultivates marijuana or who purchases or acquires marijuana from any person or entity other than a medical marijuana treatment center violates s. 893.13 and is subject to the penalties provided therein.*

*(e)1. A qualified patient or caregiver in possession of marijuana or a marijuana delivery device who fails or refuses to present his or her marijuana use registry identification card upon the request of a law enforcement officer commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083, unless it can be determined through the medical marijuana use registry that the person is authorized to be in possession of that marijuana or marijuana delivery device.*

*2. A person charged with a violation of this paragraph may not be convicted if, before or at the time of his or her court or hearing appearance, the person produces in court or to the clerk of the court in which the charge is pending a medical marijuana use registry identification card issued to him or her which is valid at the time of his or her arrest. The clerk of the court is authorized to dismiss such case at any time before the defendant's appearance in court. The clerk of the court may assess a fee of $5 for dismissing the case under this paragraph.*

*(f) A caregiver who violates any of the applicable provisions of this section or applicable department rules, for the first offense, commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083 and, for a second or subsequent offense, commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.*

*(g) A qualified physician who issues a physician certification for marijuana or a marijuana delivery device and receives compensation from a medical marijuana treatment center related to the issuance of a physician certification for marijuana or a marijuana delivery device is subject to disciplinary action under the applicable practice act and s. 456.072(1)(n).*

*(h) A person transporting marijuana or marijuana delivery devices on behalf of a medical marijuana treatment center or marijuana testing laboratory who fails or refuses to present a transportation manifest upon the request of a law enforcement officer commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.*

*(i) Persons and entities conducting activities authorized and governed by this section and s. 381.988 are subject to ss. 456.053, 456.054, and 817.505, as applicable.*

*(j) A person or entity that cultivates, processes, distributes, sells, or dispenses marijuana, as defined in s. 29(b)(4), Art. X of the State Constitution, and is not licensed as a medical marijuana treatment center violates s. 893.13 and is subject to the penalties provided therein.*

*(13) UNLICENSED ACTIVITY.—*

*(a) If the department has probable cause to believe that a person or entity that is not registered or licensed with the department has violated this section, s. 381.988, or any rule adopted pursuant to this section, the department may issue and deliver to such person or entity a notice to cease and desist from such violation. The department also may issue and deliver a notice to cease and desist to any person or entity who aids and abets such unlicensed activity. The issuance of a notice to cease and desist does not constitute agency action for which a hearing under s. 120.569 or s. 120.57 may be sought. For the purpose of enforcing a cease and desist order, the department may file a proceeding in the name of the*

*state seeking issuance of an injunction or a writ of mandamus against any person or entity who violates any such order.*

*(b) In addition to the remedies under paragraph (a), the department may impose by citation an administrative penalty not to exceed $5,000 per incident. The citation shall be issued to the subject and shall contain the subject's name and any other information the department determines to be necessary to identify the subject, a brief factual statement, the sections of the law allegedly violated, and the penalty imposed. If the subject does not dispute the matter in the citation with the department within 30 days after the citation is served, the citation shall become a final order of the department. The department may adopt rules pursuant to ss. 120.536(1) and 120.54 to implement this section. Each day that the unlicensed activity continues after issuance of a notice to cease and desist constitutes a separate violation. The department shall be entitled to recover the costs of investigation and prosecution in addition to the fine levied pursuant to the citation. Service of a citation may be made by personal service or by mail to the subject at the subject's last known address or place of practice. If the department is required to seek enforcement of the cease and desist or agency order, it shall be entitled to collect attorney fees and costs.*

*(c) In addition to or in lieu of any other administrative remedy, the department may seek the imposition of a civil penalty through the circuit court for any violation for which the department may issue a notice to cease and desist. The civil penalty shall be no less than $5,000 and no more than $10,000 for each offense. The court may also award to the prevailing party court costs and reasonable attorney fees and, in the event the department prevails, may also award reasonable costs of investigation and prosecution.*

*(d) In addition to the other remedies provided in this section, the department or any state attorney may bring an action for an injunction to restrain any unlicensed activity or to enjoin the future operation or maintenance of the unlicensed activity or the performance of any service in violation of this section.*

*(e) The department must notify local law enforcement of such unlicensed activity for a determination of any criminal violation of chapter 893.*

*(14) EXCEPTIONS TO OTHER LAWS.—*

*(a) Notwithstanding s. 893.13, s. 893.135, s. 893.147, or any other provision of law, but subject to the requirements of this section, a qualified patient and the qualified patient's caregiver may purchase from a medical marijuana treatment center for the patient's medical use a marijuana delivery device and up to the amount of marijuana authorized in the physician certification, but may not possess more than a 70-day supply of marijuana at any given time and all marijuana purchased must remain in its original packaging.*

*(b) Notwithstanding s. 893.13, s. 893.135, s. 893.147, or any other provision of law, but subject to the requirements of this section, an approved medical marijuana treatment center and its owners, managers, and employees may manufacture, possess, sell, deliver, distribute, dispense, and lawfully dispose of marijuana or a marijuana delivery device as provided in this section, s. 381.988, and by department rule. For purposes of this subsection, the terms "manufacture," "possession," "deliver," "distribute," and "dispense" have the same meanings as provided in s. 893.02.*

*(c) Notwithstanding s. 893.13, s. 893.135, s. 893.147, or any other provision of law, but subject to the requirements of this section, a certified marijuana testing laboratory, including an employee of a certified marijuana testing laboratory acting within the scope of his or her employment, may acquire, possess, test, transport, and lawfully dispose of marijuana as provided in this section, in s. 381.988, and by department rule.*

*(d) A licensed medical marijuana treatment center and its owners, managers, and employees are not subject to licensure or regulation under chapter 465 or chapter 499 for manufacturing, possessing, selling, delivering, distributing, dispensing, or lawfully disposing of marijuana or a marijuana delivery device, as provided in this section, s. 381.988, and by department rule.*

*(e) This subsection does not exempt a person from prosecution for a criminal offense related to impairment or intoxication resulting from the medical use of marijuana or relieve a person from any requirement under law to submit to a breath, blood, urine, or other test to detect the presence of a controlled substance.*

*(f) Notwithstanding s. 893.13, s. 893.135, s. 893.147, or any other provision of law, but subject to the requirements of this section and pursuant to policies and procedures established pursuant to s. 1006.62(8), school personnel may possess marijuana that is obtained for medical use pursuant to this section by a student who is a qualified patient.*

*(g) Notwithstanding s. 893.13, s. 893.135, s. 893.147, or any other provision of law, but subject to the requirements of this section, a research institute established by a public postsecondary educational institution, such as the H. Lee Moffitt Cancer Center and Research Institute established under s. 1004.43 or a state university that has achieved the preeminent state research university designation under s. 1001.7065, may possess, test, transport, and lawfully dispose of marijuana for research purposes as provided by this section.*

*(15) APPLICABILITY.—This section does not limit the ability of an employer to establish, continue, or enforce a drug-free workplace program or policy. This section does not require an employer to accommodate the medical use of marijuana in any workplace or any employee working while under the influence of marijuana. This section does not create a cause of action against an employer for wrongful discharge or discrimination.*

Section 3. Paragraph (uu) is added to subsection (1) of section 458.331, Florida Statutes, to read:

458.331 Grounds for disciplinary action; action by the board and department.—

(1) The following acts constitute grounds for denial of a license or disciplinary action, as specified in s. 456.072(2):

*(uu) Issuing a physician certification, as defined in s. 381.986, in a manner out of compliance with the requirements of that section and rules adopted thereunder.*

Section 4. Paragraph (ww) is added to subsection (1) of section 459.015, Florida Statutes, to read:

459.015 Grounds for disciplinary action; action by the board and department.—

(1) The following acts constitute grounds for denial of a license or disciplinary action, as specified in s. 456.072(2):

*(ww) Issuing a physician certification, as defined in s. 381.986, in a manner not in compliance with the requirements of that section and rules adopted thereunder.*

Section 5. Section 381.988, Florida Statutes, is created to read:

*381.988 Medical marijuana testing laboratories; marijuana tests conducted by a certified laboratory.—*

*(1) A person or entity seeking to be a certified marijuana testing laboratory must:*

*(a) Not be owned or controlled by a medical marijuana treatment center.*

*(b) Submit a completed application accompanied by an application fee, as established by department rule.*

*(c) Submit proof of an accreditation or a certification approved by the department issued by an accreditation or a certification organization approved by the department. The department shall adopt by rule a list of approved laboratory accreditations or certifications and accreditation or certification organizations.*

*(d) Require all owners and managers to submit to and pass a level 2 background screening pursuant to s. 435.04 and shall deny certification if the person or entity has been found guilty of, or has entered a plea of*

*guilty or nolo contendere to, regardless of adjudication, any offense listed in chapter 837, chapter 895, or chapter 896 or similar law of another jurisdiction.*

*1. Such owners and managers must submit a full set of fingerprints to the department or to a vendor, entity, or agency authorized by s. 943.053(13). The department, vendor, entity, or agency shall forward the fingerprints to the Department of Law Enforcement for state processing, and the Department of Law Enforcement shall forward the fingerprints to the Federal Bureau of Investigation for national processing.*

*2. Fees for state and federal fingerprint processing and retention shall be borne by such owners or managers. The state cost for fingerprint processing shall be as provided in s. 943.053(3)(e) for records provided to persons or entities other than those specified as exceptions therein.*

*3. Fingerprints submitted to the Department of Law Enforcement pursuant to this paragraph shall be retained by the Department of Law Enforcement as provided in s. 943.05(2)(g) and (h) and, when the Department of Law Enforcement begins participation in the program, enrolled in the Federal Bureau of Investigation's national retained print arrest notification program. Any arrest record identified shall be reported to the department.*

*(e) Demonstrate to the department the capability of meeting the standards for certification required by this subsection, and the testing requirements of s. 381.986 and this section and rules adopted thereunder.*

*(2) The department shall adopt rules pursuant to ss. 120.536(1) and 120.54 establishing a procedure for initial certification and biennial renewal, including initial application and biennial renewal fees sufficient to cover the costs of administering this certification program. The department shall renew the certification biennially if the laboratory meets the requirements of this section and pays the biennial renewal fee.*

*(3) The department shall adopt rules pursuant to ss. 120.536(1) and 120.54 establishing the standards for certification of marijuana testing laboratories under this section. The Department of Agriculture and Consumer Services and the Department of Environmental Protection shall assist the department in developing the rule, which must include, but is not limited to:*

*(a) Security standards.*

*(b) Minimum standards for personnel.*

*(c) Sample collection method and process standards.*

*(d) Proficiency testing for tetrahydrocannabinol potency, concentration of cannabidiol, and contaminants unsafe for human consumption, as determined by department rule.*

*(e) Reporting content, format, and frequency.*

*(f) Audits and onsite inspections.*

*(g) Quality assurance.*

*(h) Equipment and methodology.*

*(i) Chain of custody.*

*(j) Any other standard the department deems necessary to ensure the health and safety of the public.*

*(4) A marijuana testing laboratory may acquire marijuana only from a medical marijuana treatment center. A marijuana testing laboratory is prohibited from selling, distributing, or transferring marijuana received from a marijuana treatment center, except that a marijuana testing laboratory may transfer a sample to another marijuana testing laboratory in this state.*

*(5) A marijuana testing laboratory must properly dispose of all samples it receives, unless transferred to another marijuana testing laboratory, after all necessary tests have been conducted and any required period of storage has elapsed, as established by department rule.*

*(6) A marijuana testing laboratory shall use the computer software tracking system selected by the department under s. 381.986.*

*(7) The following acts constitute grounds for which disciplinary action specified in subsection (8) may be taken against a certified marijuana testing laboratory:*

*(a) Permitting unauthorized persons to perform technical procedures or issue reports.*

*(b) Demonstrating incompetence or making consistent errors in the performance of testing or erroneous reporting.*

*(c) Performing a test and rendering a report thereon to a person or entity not authorized by law to receive such services.*

*(d) Failing to file any report required under this section or s. 381.986 or the rules adopted thereunder.*

*(e) Reporting a test result if the test was not performed.*

*(f) Failing to correct deficiencies within the time required by the department.*

*(g) Violating or aiding and abetting in the violation of any provision of s. 381.986 or this section or any rules adopted thereunder.*

*(8) The department may refuse to issue or renew, or may suspend or revoke, the certification of a marijuana testing laboratory that is found to be in violation of this section or any rules adopted hereunder. The department may impose fines for violations of this section or rules adopted thereunder, based on a schedule adopted in rule. In determining the administrative action to be imposed for a violation, the department must consider the following factors:*

*(a) The severity of the violation, including the probability of death or serious harm to the health or safety of any person that may result or has resulted; the severity or potential harm; and the extent to which the provisions of s. 381.986 or this section were violated.*

*(b) The actions taken by the marijuana testing laboratory to correct the violation or to remedy the complaint.*

*(c) Any previous violation by the marijuana testing laboratory.*

*(d) The financial benefit to the marijuana testing laboratory of committing or continuing the violation.*

*(9) The department may adopt rules pursuant to ss. 120.536(1) and 120.54 to implement this section.*

Section 6. Section 381.989, Florida Statutes, is created to read:

*381.989 Public education campaigns.—*

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

*(a) "Cannabis" has the same meaning as in s. 893.02.*

*(b) "Department" means the Department of Health.*

*(c) "Marijuana" has the same meaning as in s. 381.986.*

*(2) STATEWIDE CANNABIS AND MARIJUANA EDUCATION AND ILLICIT USE PREVENTION CAMPAIGN.—*

*(a) The department shall implement a statewide cannabis and marijuana education and illicit use prevention campaign to publicize accurate information regarding:*

*1. The legal requirements for licit use and possession of marijuana in this state.*

*2. Safe use of marijuana, including preventing access by persons other than qualified patients as defined in s. 381.986, particularly children.*

*3. The short-term and long-term health effects of cannabis and marijuana use, particularly on minors and young adults.*

*4. Other cannabis-related and marijuana-related education determined by the department to be necessary to the public health and safety.*

*(b) The department shall provide educational materials regarding the eligibility for medical use of marijuana by individuals diagnosed with a terminal condition to individuals that provide palliative care or hospice services.*

*(c) The department may use television messaging, radio broadcasts, print media, digital strategies, social media, and any other form of messaging deemed necessary and appropriate by the department to implement the campaign. The department may work with school districts, community organizations, and businesses and business organizations and other entities to provide training and programming.*

*(d) The department may contract with one or more vendors to implement the campaign.*

*(e) The department shall contract with an independent entity to conduct annual evaluations of the campaign. The evaluations shall assess the reach and impact of the campaign, success in educating the citizens of the state regarding the legal parameters for marijuana use, success in preventing illicit access by adults and youth, and success in preventing negative health impacts from the legalization of marijuana. The first year of the program, the evaluator shall conduct surveys to establish baseline data on youth and adult cannabis use, the attitudes of youth and the general public toward cannabis and marijuana, and any other data deemed necessary for long-term analysis. By January 31 of each year, the department shall submit to the Governor, the President of the Senate, and the Speaker of the House of Representatives the annual evaluation of the campaign.*

*(3) STATEWIDE IMPAIRED DRIVING EDUCATION CAMPAIGN.—*

*(a) The Department of Highway Safety and Motor Vehicles shall implement a statewide impaired driving education campaign to raise awareness and prevent marijuana-related and cannabis-related impaired driving and may contract with one or more vendors to implement the campaign. The Department of Highway Safety and Motor Vehicles may use television messaging, radio broadcasts, print media, digital strategies, social media, and any other form of messaging deemed necessary and appropriate by the department to implement the campaign.*

*(b) At a minimum, the Department of Highway Safety and Motor Vehicles or a contracted vendor shall establish baseline data on the number of marijuana-related citations for driving under the influence, marijuana-related traffic arrests, marijuana-related traffic accidents, and marijuana-related traffic fatalities, and shall track these measures annually thereafter. The Department of Highway Safety and Motor Vehicles or a contracted vendor shall annually evaluate and compile a report on the efficacy of the campaign based on those measures and other measures established by the Department of Highway Safety and Motor Vehicles. By January 31 of each year, the Department of Highway Safety and Motor Vehicles shall submit the report on the evaluation of the campaign to the Governor, the President of the Senate, and the Speaker of the House of Representatives.*

Section 7. Subsection (1) of section 385.211, Florida Statutes, is amended to read:

385.211 Refractory and intractable epilepsy treatment and research at recognized medical centers.—

(1) As used in this section, the term "low-THC cannabis" means "low-THC cannabis" as defined in s. 381.986 that is dispensed only from a dispensing organization as defined in *former s. 381.986, Florida Statutes 2016, or a medical marijuana treatment center as defined in* s. 381.986.

Section 8. Paragraphs (b) through (e) of subsection (2) of section 499.0295, Florida Statutes, are redesignated as paragraphs (a) through (d), respectively, and present paragraphs (a) and (c) of that subsection, and subsection (3) of that section are amended, to read:

499.0295 Experimental treatments for terminal conditions.—

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

~~(a) "Dispensing organization" means an organization approved by the Department of Health under s. 381.986(5) to cultivate, process, transport, and dispense low-THC cannabis, medical cannabis, and cannabis delivery devices.~~

*(b)*~~(c)~~ "Investigational drug, biological product, or device" means~~:~~

~~1.~~ a drug, biological product, or device that has successfully completed phase 1 of a clinical trial but has not been approved for general use by the United States Food and Drug Administration and remains under investigation in a clinical trial approved by the United States Food and Drug Administration~~; or~~

~~2. Medical cannabis that is manufactured and sold by a dispensing organization~~.

(3) Upon the request of an eligible patient, a manufacturer may~~, or upon a physician's order pursuant to s. 381.986, a dispensing organization may~~:

(a) Make its investigational drug, biological product, or device available under this section.

(b) Provide an investigational drug, biological product, *or* device~~, or cannabis delivery device as defined in s. 381.986~~ to an eligible patient without receiving compensation.

(c) Require an eligible patient to pay the costs of, or the costs associated with, the manufacture of the investigational drug, biological product, *or* device~~, or cannabis delivery device as defined in s. 381.986~~.

Section 9. Subsection (3) of section 893.02, Florida Statutes, is amended to read:

893.02 Definitions.—The following words and phrases as used in this chapter shall have the following meanings, unless the context otherwise requires:

(3) "Cannabis" means all parts of any plant of the genus Cannabis, whether growing or not; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant or its seeds or resin. The term does not include *"marijuana,"* ~~"low-THC cannabis,"~~ as defined in s. 381.986, if manufactured, possessed, sold, purchased, delivered, distributed, or dispensed, in conformance with s. 381.986.

Section 10. Section 1004.4351, Florida Statutes, is created to read:

*1004.4351 Medical marijuana research and education.—*

*(1) SHORT TITLE.—This section shall be known and may be cited as the "Medical Marijuana Research and Education Act."*

*(2) LEGISLATIVE FINDINGS.—The Legislature finds that:*

*(a) The present state of knowledge concerning the use of marijuana to alleviate pain and treat illnesses is limited because permission to perform clinical studies on marijuana is difficult to obtain, with access to research-grade marijuana so restricted that little or no unbiased studies have been performed.*

*(b) Under the State Constitution, marijuana is available for the treatment of certain debilitating medical conditions.*

*(c) Additional clinical studies are needed to ensure that the residents of this state obtain the correct dosing, formulation, route, modality, frequency, quantity, and quality of marijuana for specific illnesses.*

*(d) An effective medical marijuana research and education program would mobilize the scientific, educational, and medical resources that presently exist in this state to determine the appropriate and best use of marijuana to treat illness.*

*(3) DEFINITIONS.—As used in this section, the term:*

*(a) "Board" means the Medical Marijuana Research and Education Board.*

*(b) "Coalition" means the Coalition for Medical Marijuana Research and Education.*

*(c) "Marijuana" has the same meaning as provided in s. 29, Art. X of the State Constitution.*

*(4) COALITION FOR MEDICAL MARIJUANA RESEARCH AND EDUCATION.—*

*(a) There is established within the H. Lee Moffitt Cancer Center and Research Institute, Inc., the Coalition for Medical Marijuana Research and Education. The purpose of the coalition is to conduct rigorous scientific research, provide education, disseminate research, and guide policy for the adoption of a statewide policy on ordering and dosing practices for the medical use of marijuana. The coalition shall be physically located at the H. Lee Moffitt Cancer Center and Research Institute, Inc.*

*(b) The Medical Marijuana Research and Education Board is established to direct the operations of the coalition. The board shall be composed of seven members appointed by the chief executive officer of the H. Lee Moffitt Cancer Center and Research Institute, Inc. Board members must have experience in a variety of scientific and medical fields, including, but not limited to, oncology, neurology, psychology, pediatrics, nutrition, and addiction. Members shall be appointed to 4-year terms and may be reappointed to serve additional terms. The chair shall be elected by the board from among its members to serve a 2-year term. The board shall meet no less than semiannually at the call of the chair or, in his or her absence or incapacity, the vice chair. Four members constitute a quorum. A majority vote of the members present is required for all actions of the board. The board may prescribe, amend, and repeal a charter governing the manner in which it conducts its business. A board member shall serve without compensation but is entitled to be reimbursed for travel expenses by the coalition or the organization he or she represents in accordance with s. 112.061.*

*(c) The coalition shall be administered by a coalition director, who shall be appointed by and serve at the pleasure of the board. The coalition director shall, subject to the approval of the board:*

*1. Propose a budget for the coalition.*

*2. Foster the collaboration of scientists, researchers, and other appropriate personnel in accordance with the coalition's charter.*

*3. Identify and prioritize the research to be conducted by the coalition.*

*4. Prepare the Medical Marijuana Research and Education Plan for submission to the board.*

*5. Apply for grants to obtain funding for research conducted by the coalition.*

*6. Perform other duties as determined by the board.*

*(d) The board shall advise the Board of Governors, the State Surgeon General, the Governor, and the Legislature with respect to medical marijuana research and education in this state. The board shall explore methods of implementing and enforcing medical marijuana laws in relation to cancer control, research, treatment, and education.*

*(e) The board shall annually adopt a plan for medical marijuana research, known as the "Medical Marijuana Research and Education Plan," which must be in accordance with state law and coordinate with existing programs in this state. The plan must include recommendations for the coordination and integration of medical, pharmacological, nursing, paramedical, community, and other resources connected with the treatment of debilitating medical conditions; research related to the treatment of such medical conditions; and education.*

*(f) By February 15 of each year, the board shall issue a report to the Governor, the President of the Senate, and the Speaker of the House of Representatives on research projects, community outreach initiatives, and future plans for the coalition.*

*(g) Beginning January 15, 2018, and quarterly thereafter, the Department of Health shall submit to the board a data set that includes, for each patient registered in the medical marijuana use registry, the patient's qualifying medical condition and the daily dose amount and forms of marijuana certified for the patient.*

*(5) RESPONSIBILITIES OF THE H. LEE MOFFITT CANCER CENTER AND RESEARCH INSTITUTE, INC.—The H. Lee Moffitt Cancer Center and Research Institute, Inc., shall allocate staff and provide information and assistance, as the coalition's budget permits, to assist the board in fulfilling its responsibilities.*

Section 11. Subsection (1) of section 1004.441, Florida Statutes, is amended to read:

1004.441 Refractory and intractable epilepsy treatment and research.—

(1) As used in this section, the term "low-THC cannabis" means "low-THC cannabis" as defined in s. 381.986 that is dispensed only from a dispensing organization as defined in *former s. 381.986, Florida Statutes 2016, or a medical marijuana treatment center as defined in* s. 381.986.

Section 12. Subsection (8) is added to section 1006.062, Florida Statutes, to read:

1006.062 Administration of medication and provision of medical services by district school board personnel.—

*(8) Each district school board shall adopt a policy and a procedure for allowing a student who is a qualified patient, as defined in s. 381.986, to use marijuana obtained pursuant to that section. Such policy and procedure shall ensure access by the qualified patient; identify how the marijuana will be received, accounted for, and stored; and establish processes to prevent access by other students and school personnel unnecessary to the implementation of the policy.*

Section 13. *Department of Health; authority to adopt rules; cause of action.—*

*(1) EMERGENCY RULEMAKING.—*

*(a) The Department of Health and the applicable boards shall adopt emergency rules pursuant to s. 120.54(4), Florida Statutes, and this section necessary to implement ss. 381.986 and 381.988, Florida Statutes. If an emergency rule adopted under this section is held to be unconstitutional or an invalid exercise of delegated legislative authority, and becomes void, the department or the applicable boards may adopt an emergency rule pursuant to this section to replace the rule that has become void. If the emergency rule adopted to replace the void emergency rule is also held to be unconstitutional or an invalid exercise of delegated legislative authority and becomes void, the department and the applicable boards must follow the nonemergency rulemaking procedures of the Administrative Procedures Act to replace the rule that has become void.*

*(b) For emergency rules adopted under this section, the department and the applicable boards need not make the findings required by s. 120.54(4)(a), Florida Statutes. Emergency rules adopted under this section are exempt from ss. 120.54(3)(b) and 120.541, Florida Statutes. The department and the applicable boards shall meet the procedural requirements in s. 120.54(a), Florida Statutes, if the department or the applicable boards have, prior to the effective date of this act, held any public workshops or hearings on the subject matter of the emergency rules adopted under this subsection. Challenges to emergency rules adopted under this subsection shall be subject to the time schedules provided in s. 120.56(5), Florida Statutes.*

*(c) Emergency rules adopted under this section are exempt from s. 120.54(4)(c), Florida Statutes, and shall remain in effect until replaced by rules adopted under the nonemergency rulemaking procedures of the Administrative Procedures Act. By January 1, 2018, the department and the applicable boards shall initiate nonemergency rulemaking pursuant to the Administrative Procedures Act to replace all emergency rules adopted under this section by publishing a notice of rule development in the Florida Administrative Register. Except as provided in paragraph (a), after January 1, 2018, the department and applicable boards may not adopt rules pursuant to the emergency rulemaking procedures provided in this section.*

*(2) CAUSE OF ACTION.—*

*(a) As used in s. 29(d)(3), Art. X of the State Constitution, the term:*

*1. "Issue regulations" means the filing by the department of a rule or emergency rule for adoption with the Department of State.*

*2. "Judicial relief" means an action for declaratory judgment pursuant to chapter 86, Florida Statutes.*

*(b) The venue for actions brought against the department pursuant to s. 29(d)(3), Art. X of the State Constitution shall be in the circuit court in and for Leon County.*

*(c) If the department is not issuing patient and caregiver identification cards or licensing medical marijuana treatment centers by October 3, 2017, the following shall be a defense to a cause of action brought under s. 29(d)(3), Art. X of the State Constitution:*

*1. The department is unable to issue patient and caregiver identification cards or license medical marijuana treatment centers due to litigation challenging a rule as an invalid exercise of delegated legislative authority or unconstitutional.*

*2. The department is unable to issue patient or caregiver identification cards or license medical marijuana treatment centers due to a rule being held as an invalid exercise of delegated legislative authority or unconstitutional.*

Section 14. *Department of Law Enforcement; training related to medical use of marijuana.—The Department of Law Enforcement shall develop a 4-hour online initial training course, and a 2-hour online continuing education course, which shall be made available for use by all law enforcement agencies in this state. Such training shall cover the legal parameters of marijuana-related activities governed by ss. 381.986 and 381.988, Florida Statutes, relating to criminal laws governing marijuana.*

Section 15. Section 385.212, Florida Statutes, is amended to read:

385.212 Powers and duties of the Department of Health; Office of *Medical Marijuana* ~~Compassionate~~ Use.—

(1) The Department of Health shall establish an Office of *Medical Marijuana* ~~Compassionate~~ Use under the direction of the Deputy State Health Officer.

(2) The Office of *Medical Marijuana* ~~Compassionate~~ Use may enhance access to investigational new drugs for Florida patients through approved clinical treatment plans or studies. The Office of *Medical Marijuana* ~~Compassionate~~ Use may:

(a) Create a network of state universities and medical centers recognized pursuant to s. 381.925.

(b) Make any necessary application to the United States Food and Drug Administration or a pharmaceutical manufacturer to facilitate enhanced access to *medical* ~~compassionate~~ use *of marijuana* for Florida patients.

(c) Enter into any agreements necessary to facilitate enhanced access to *medical* ~~compassionate~~ use *of marijuana* for Florida patients.

(3) The department may adopt rules necessary to implement this section.

*(4) The Office of Medical Marijuana Use shall administer and enforce the provisions of s. 381.986.*

Section 16. This act shall take effect upon becoming a law.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to medical use of marijuana; amending s. 212.08, F.S.; providing an exemption from the state tax on sales, use, and other transactions for marijuana and marijuana delivery devices used for medical purposes; amending s. 381.986, F.S.; providing, revising, and deleting definitions; providing qualifying medical conditions for a patient to be eligible to receive marijuana or a marijuana delivery device; providing requirements for designating a qualified physician or medical director; providing criteria for certification of a patient for medical marijuana treatment by a qualified physician; providing for certain patients registered with the medical marijuana use registry to be deemed qualified; requiring the Department of Health to monitor physician registration and certifications in the medical marijuana use registry; requiring the Board of Medicine and the Board of Osteopathic Medicine to create a physician certification pattern review panel; providing rulemaking authority to the department and the boards; requiring the department to establish a medical marijuana use registry; specifying entities and persons who have access to the registry; providing requirements for registration of, and maintenance of registered status by, qualified patients and caregivers; providing criteria for nonresidents to prove residency for registration as a qualified patient; defining the term "seasonal resident"; authorizing the department to suspend or revoke the registration of a patient or caregiver under certain circumstances; providing requirements for the issuance of medical marijuana use registry identification cards; requiring the department to issue licenses to a certain number of medical marijuana treatment centers; providing for license renewal and revocation; providing conditions for change of ownership; providing for continuance of certain entities authorized to dispense low-THC cannabis, medical cannabis, and cannabis delivery devices; requiring a medical marijuana treatment center to comply with certain standards in the production and distribution of edibles; requiring the department to establish, maintain, and control a computer software seed-to-sale marijuana tracking system; requiring background screening of owners, officers, board members, and managers of medical marijuana treatment centers; requiring the department to establish protocols and procedures for operation, conduct periodic inspections, and restrict location of medical marijuana treatment centers; providing a limit on county and municipal permit fees; authorizing counties and municipalities to determine the location of medical marijuana treatment centers by ordinance under certain conditions; providing penalties; authorizing the department to impose sanctions on persons or entities engaging in unlicensed activities; providing that a person is not exempt from prosecution for certain offenses and is not relieved from certain requirements of law under certain circumstances; providing for certain school personnel to possess marijuana pursuant to certain established policies and procedures; providing that certain research institutions may possess, test, transport, and dispose of marijuana subject to certain conditions; providing applicability with respect to employer-instituted drug-free workplace programs; amending ss. 458.331 and 459.015, F.S.; providing additional acts by a physician or an osteopathic physician which constitute grounds for denial of a license or disciplinary action to which penalties apply; creating s. 381.988, F.S.; providing for the establishment of medical marijuana testing laboratories; requiring the Department of Health, in collaboration with the Department of Agriculture and Consumer Services and the Department of Environmental Protection, to develop certification standards and rules; providing limitations on the acquisition and distribution of marijuana by a testing laboratory; providing an exception for transfer of marijuana under certain conditions; requiring a testing laboratory to use a department-selected computer tracking system; providing grounds for disciplinary and administrative action; authorizing the department to refuse to issue or renew, or suspend or revoke, a testing laboratory license; creating s. 381.989, F.S.; defining terms; directing the department and the Department of Highway Safety and Motor Vehicles to institute public education campaigns relating to cannabis and marijuana and impaired driving; requiring evaluations of public education campaigns; authorizing the department and the Department of Highway Safety and Motor Vehicles to contract with vendors to implement and evaluate the campaigns; amending ss. 385.211, 499.0295, and 893.02, F.S.; conforming provisions to changes made by the act; creating s. 1004.4351, F.S.; providing a short title; providing legislative findings; defining terms; establishing the Coalition for Medical Marijuana Research and Education within the H. Lee Moffitt Cancer Center and Research Institute, Inc.; providing a purpose for the coalition; establishing the Medical Marijuana Research and Education Board to direct the operations of the coalition; providing for the appointment of board members; providing for terms of office, reimbursement for certain expenses, and meetings of the board; authorizing the board to appoint a coalition director; prescribing the duties of the coalition director; requiring the board to advise specified entities and officials regarding medical marijuana research and education in this state; requiring the board to annually adopt a Medical Marijuana Research and Education Plan; providing requirements for the plan; requiring the board to issue an annual report to the Governor and the Legislature by a specified date; requiring the Department of Health to submit reports to the board containing specified data; specifying responsibilities of the H. Lee Moffitt Cancer Center and Research Institute, Inc.; amending s.

1004.441, F.S.; revising a definition; amending s. 1006.062, F.S.; requiring district school boards to adopt policies and procedures for access to medical marijuana by qualified patients who are students; providing emergency rulemaking authority; providing for venue for a cause of action against the department; providing for defense against certain causes of action; directing the Department of Law Enforcement to develop training for law enforcement officers and agencies; amending s. 385.212, F.S.; renaming the department's Office of Compassionate Use; providing an effective date.

Pursuant to Rule 7.1(1), there being no objection, consideration of the following late-filed amendment was allowed:

Senator Bradley moved the following substitute amendment:

**Amendment 3 (709986) (with title amendment)**—Delete everything after the enacting clause and insert:

Section 1. Section 381.986, Florida Statutes, is amended to read:

*(Substantial rewording of section. See*

*s. 381.986, F.S., for present text.)*

*381.986 Medical use of marijuana.—*

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

*(a) "Caregiver" means a resident of this state who has agreed to assist with a qualified patient's medical use of marijuana, has a caregiver identification card, and meets the requirements of subsection (6).*

*(b) "Chronic nonmalignant pain" means pain that is caused by a qualifying medical condition or that originates from a qualifying medical condition and persists beyond the usual course of that qualifying medical condition.*

*(c) "Close relative" means a spouse, parent, sibling, grandparent, child, or grandchild, whether related by whole or half blood, by marriage, or by adoption.*

*(d) "Edibles" means commercially produced food items made with marijuana oil, but no other form of marijuana, which are produced and dispensed by a medical marijuana treatment center.*

*(e) "Low-THC cannabis" means a plant of the genus Cannabis, the dried flowers of which contain 0.8 percent or less of tetrahydrocannabinol and more than 10 percent of cannabidiol weight for weight; the seeds thereof; the resin extracted from any part of such plant; or any compound, manufacture, salt, derivative, mixture, or preparation of the plant or its seeds or resin which is dispensed from a medical marijuana treatment center.*

*(f) "Marijuana" means all parts of any plant of the genus Cannabis, whether growing or not; the seeds thereof; the resin extracted from any part of the plant; or any compound, manufacture, salt, derivative, mixture, or preparation of the plant or its seeds or resin, including low-THC cannabis, which is dispensed from a medical marijuana treatment center for medical use by a qualified patient.*

*(g) "Marijuana delivery device" means an object that is used, intended for use, or designed for use in preparing, storing, ingesting, inhaling, or otherwise introducing marijuana into the human body and that is dispensed from a medical marijuana treatment center for medical use by a qualified patient.*

*(h) "Marijuana testing laboratory" means a facility that collects and analyzes marijuana samples from a medical marijuana treatment center and has been certified by the department pursuant to s. 381.988.*

*(i) "Medical director" means a person who holds an active, unrestricted license as an allopathic physician under chapter 458 or osteopathic physician under chapter 459 and is in compliance with the requirements of paragraph (3)(c).*

*(j) "Medical use" means the acquisition, possession, use, delivery, transfer, or administration of marijuana authorized by a physician certification. The term does not include:*

*1. Possession, use, or administration of marijuana that was not purchased or acquired from a medical marijuana treatment center.*

*2. Possession, use, or administration of marijuana in a form for smoking, in the form of commercially produced food items other than edibles, or of marijuana seeds or flower, except for flower in a sealed receptacle for vaping.*

*3. Use or administration of any form or amount of marijuana in a manner that is inconsistent with the qualified physician's directions or physician certification.*

*4. Transfer of marijuana to a person other than the qualified patient for whom it was authorized or the qualified patient's caregiver on behalf of the qualified patient.*

*5. Use or administration of marijuana in the following locations:*

*a. On any form of public transportation, except for low-THC cannabis.*

*b. In any public place, except for low-THC cannabis.*

*c. In a qualified patient's place of employment, except when permitted by his or her employer.*

*d. In a state correctional institution, as defined in s. 944.02, or a correctional institution, as defined in s. 944.241.*

*e. On the grounds of a preschool, primary school, or secondary school, except as provided in s. 1006.062.*

*f. In a school bus, a vehicle, an aircraft, or a motorboat, except for low-THC cannabis.*

*(k) "Physician certification" means a qualified physician's authorization for a qualified patient to receive marijuana and a marijuana delivery device from a medical marijuana treatment center.*

*(l) "Qualified patient" means a resident of this state who has been added to the medical marijuana use registry by a qualified physician to receive marijuana or a marijuana delivery device for medical use and who has a qualified patient identification card.*

*(m) "Qualified physician" means a person who holds an active, unrestricted license as an allopathic physician under chapter 458 or as an osteopathic physician under chapter 459 and is in compliance with the physician education requirements of subsection (3).*

*(n) "Smoking" means burning or igniting a substance and inhaling the smoke.*

*(o) "Terminal condition" means a progressive disease or medical or surgical condition that causes significant functional impairment, is not considered by a treating physician to be reversible without the administration of life-sustaining procedures, and will result in death within 1 year after diagnosis if the condition runs its normal course.*

*(2) QUALIFYING MEDICAL CONDITIONS.—A patient must be diagnosed with at least one of the following conditions to qualify to receive marijuana or a marijuana delivery device:*

*(a) Cancer.*

*(b) Epilepsy.*

*(c) Glaucoma.*

*(d) Positive status for human immunodeficiency virus.*

*(e) Acquired immune deficiency syndrome.*

*(f) Post-traumatic stress disorder.*

*(g) Amyotrophic lateral sclerosis.*

*(h) Crohn's disease.*

*(i) Parkinson's disease.*

*(j) Multiple sclerosis.*

*(k) A medical condition of the same kind or class as or comparable to any of those enumerated in paragraphs (a)-(j).*

*(l) A terminal condition diagnosed by a physician other than the qualified physician issuing the physician certification.*

*(m) Chronic nonmalignant pain.*

*(3) QUALIFIED PHYSICIANS AND MEDICAL DIRECTORS.—*

*(a) To be approved as a qualified physician, a physician must successfully complete a 2-hour course and subsequent examination offered by the Florida Medical Association or the Florida Osteopathic Medical Association which encompass the requirements of this section and any rules adopted under this section. The course and examination shall be administered at least annually and may be offered in a distance learning format, including an electronic, online format that is available upon request. The price of the course may not exceed $500. A physician who has met the physician education requirements of former s. 381.986(4), Florida Statutes 2016, before the effective date of this section shall be deemed to be in compliance with this paragraph from the effective date of this act until 90 days after the course and examination required by this paragraph become available.*

*(b) A qualified physician may not be employed by, or have any direct or indirect economic interest in, a medical marijuana treatment center or marijuana testing laboratory.*

*(c) A medical director must successfully complete a 2-hour course and subsequent examination offered by the Florida Medical Association or the Florida Osteopathic Medical Association which encompass the requirements of this section and any rules adopted under this section. The course and examination shall be administered at least annually and may be offered in a distance learning format, including an electronic, online format that is available upon request. The price of the course may not exceed $500.*

*(4) PHYSICIAN CERTIFICATION.—*

*(a) A qualified physician may issue a physician certification only if the qualified physician:*

*1. Conducted a physical examination while physically present in the same room as the patient and a full assessment of the medical history of the patient.*

*2. Diagnosed the patient with at least one qualifying medical condition.*

*3. Determined that the medical use of marijuana would likely outweigh the potential health risks for the patient, and such determination must be documented in the patient's medical record. If a patient is younger than 18 years of age, a second physician must concur with this determination, and such concurrence must be documented in the patient's medical record.*

*4. Determined whether the patient is pregnant and documented such determination in the patient's medical record. A physician may not issue a physician certification, except for low-THC cannabis, to a patient who is pregnant.*

*5. Reviewed the patient's controlled drug prescription history in the prescription drug monitoring program database established pursuant to s. 893.055.*

*6. Reviewed the medical marijuana use registry and confirmed that the patient does not have an active physician certification from another qualified physician.*

*7. Registers as the issuer of the physician certification for the named qualified patient on the medical marijuana use registry in an electronic manner determined by the department, and:*

*a. Enters into the registry the contents of the physician certification, including the patient's qualifying condition and the dosage not to exceed the daily dose amount determined by the department, the amount and forms of marijuana authorized for the patient, and any types of marijuana delivery devices needed by the patient for the medical use of marijuana;*

*b. Updates the registry within 7 days after any change is made to the original physician certification to reflect such change; and*

*c. Deactivates the registration of the qualified patient and the patient's caregiver when the physician no longer recommends the medical use of marijuana for the patient.*

*8. Obtains the voluntary and informed written consent of the patient for medical use of marijuana each time the qualified physician issues a physician certification for the patient, which shall be maintained in the patient's medical record. The patient, or the patient's parent or legal guardian if the patient is a minor, must sign the informed consent acknowledging that the qualified physician has sufficiently explained its content. The qualified physician must use a standardized informed consent form adopted in rule by the Board of Medicine and the Board of Osteopathic Medicine, which must include, at a minimum, information related to:*

*a. The Federal Government's classification of marijuana as a Schedule I controlled substance.*

*b. The approval and oversight status of marijuana by the Food and Drug Administration.*

*c. The current state of research on the efficacy of marijuana to treat the qualifying conditions set forth in this section.*

*d. The potential for addiction.*

*e. The potential effect that marijuana may have on a patient's coordination, motor skills, and cognition, including a warning against operating heavy machinery, operating a motor vehicle, or engaging in activities that require a person to be alert or respond quickly.*

*f. The potential side effects of marijuana use.*

*g. The risks, benefits, and drug interactions of marijuana.*

*h. That the patient's de-identified health information contained in the physician certification and medical marijuana use registry may be used for research purposes.*

*(b) If a qualified physician issues a physician certification for a qualified patient diagnosed with a qualifying medical condition as described in paragraph (2)(k), the physician must submit the following to the applicable board within 14 days after issuing the physician certification:*

*1. Documentation supporting the qualified physician's opinion that the medical condition is of the same kind or class as the conditions in paragraphs (2)(a)-(j).*

*2. Documentation that establishes the efficacy of marijuana as treatment for the condition.*

*3. Documentation supporting the qualified physician's opinion that the benefits of medical use of marijuana would likely outweigh the potential health risks for the patient.*

*4. Any other documentation as required by board rule.*

*The department must submit such documentation to the Coalition for Medical Marijuana Research and Education established pursuant to s. 1004.4351.*

*(c) A qualified physician may not issue a physician certification for more than three 70-day supply limits of marijuana. The department shall quantify by rule a daily dose amount with equivalent dose amounts for each allowable form of marijuana dispensed by a medical marijuana treatment center. The department shall use the daily dose amount to calculate a 70-day supply.*

*1. A qualified physician may request an exception to the daily dose amount limit. The request shall be made electronically on a form adopted by the department in rule and must include, at a minimum:*

*a. The qualified patient's qualifying medical condition.*

*b. The dosage and route of administration which were insufficient to provide relief to the qualified patient.*

*c. A description of how the patient will benefit from an increased amount.*

*d. The minimum daily dose amount of marijuana that would be sufficient for the treatment of the qualified patient's qualifying medical condition.*

*2. A qualified physician must provide the qualified patient's records upon the request of the department.*

*3. The department shall approve or disapprove the request within 14 days after receipt of the complete documentation required by this paragraph. The request shall be deemed approved if the department fails to act within this time period.*

*(d) A qualified physician must evaluate and recertify an existing qualified patient at least once every 30 weeks prior to issuing a new physician certification. A physician must:*

*1. Determine if the patient still meets the requirements of a qualified patient under paragraph (a).*

*2. Identify and document in the qualified patient's medical records whether the qualified patient experienced either of the following related to the medical use of marijuana:*

*a. An adverse drug interaction with any prescription or nonprescription medication; or*

*b. A reduction in the use of opioid analgesics.*

*3. Submit a report with the findings required pursuant to subparagraph 2. to the department. The department shall submit such reports to the Coalition for Medical Marijuana Research and Education established pursuant to s. 1004.4351.*

*(e) An active order for low-THC cannabis or medical cannabis issued pursuant to former s. 381.986, Florida Statutes 2016, and registered with the compassionate use registry before the effective date of this section, is deemed a physician certification, and all patients possessing such orders are deemed qualified patients until the department begins issuing medical marijuana use registry identification cards.*

*(f) The department shall monitor physician registration in the medical marijuana use registry and the issuance of physician certifications for practices that could facilitate unlawful diversion or misuse of marijuana or a marijuana delivery device and shall take disciplinary action as appropriate.*

*(g) The Board of Medicine and the Board of Osteopathic Medicine shall jointly create a physician certification pattern review panel that shall review all physician certifications submitted to the medical marijuana use registry. The panel shall track and report the number of physician certifications and the qualifying medical conditions, dosage, supply amount, and forms of marijuana certified. The panel shall report the data both by individual qualified physician and in the aggregate, by county, and statewide. The physician certification pattern review panel shall, beginning January 1, 2018, submit an annual report of its findings and recommendations to the Governor, the President of the Senate, and the Speaker of the House of Representatives.*

*(h) The department, the Board of Medicine, and the Board of Osteopathic Medicine may adopt rules pursuant to ss. 120.536(1) and 120.54 to implement this subsection.*

*(5) MEDICAL MARIJUANA USE REGISTRY.—*

*(a) The department shall create and maintain a secure, electronic, and online medical marijuana use registry for physicians, patients, and caregivers as provided under this section. The medical marijuana use registry must be accessible to law enforcement agencies, qualified physicians, and medical marijuana treatment centers to verify the authorization of a qualified patient or a caregiver to possess marijuana or a marijuana delivery device and record the marijuana or marijuana delivery device dispensed. The medical marijuana use registry must also be accessible to practitioners licensed to prescribe prescription drugs to ensure proper care for patients before medications that may interact with the medical use of marijuana are prescribed. The medical marijuana use registry must prevent an active registration of a qualified patient by multiple physicians.*

*(b) The department shall determine whether an individual is a resident of this state for the purpose of registration of qualified patients and caregivers in the medical marijuana use registry. To prove residency:*

*1. An adult resident must provide the department with a copy of his or her valid Florida driver license issued under s. 322.18 or a copy of a valid Florida identification card issued under s. 322.051.*

*2. An adult seasonal resident who cannot meet the requirements of subparagraph 1. may provide the department with a copy of two of the following that show proof of residential address:*

*a. A deed, mortgage, monthly mortgage statement, mortgage payment booklet, or residential rental or lease agreement.*

*b. One proof of residential address from the seasonal resident's parent, stepparent, legal guardian, or other person with whom the seasonal resident resides and a statement from the person with whom the seasonal resident resides stating that the seasonal resident does reside with him or her.*

*c. A utility hook up or work order dated within 60 days prior to registration in the medical use registry.*

*d. A utility bill, not more than 2 months old.*

*e. Mail from a financial institution, including checking, savings, or investment account statements, not more than 2 months old.*

*f. Mail from a federal, state, county, or municipal government agency, not more than 2 months old.*

*g. Any other documentation that provides proof of residential address as determined by department rule.*

*As used in this subparagraph, the term "seasonal resident" means any person who temporarily resides in this state for a period of at least 31 consecutive days in each calendar year, maintains a temporary residence in this state, returns to the state or jurisdiction of his or her residence at least one time during each calendar year, and is registered to vote or pays income tax in another state or jurisdiction.*

*3. A minor must provide the department with a certified copy of a birth certificate or a current record of registration from a Florida K-12 school and must have a parent or legal guardian who meets the requirements of subparagraph 1.*

*(c) The department may suspend or revoke the registration of a qualified patient or caregiver if the qualified patient or caregiver:*

*1. Provides misleading, incorrect, false, or fraudulent information to the department;*

*2. Obtains a supply of marijuana in an amount greater than the amount authorized by the physician certification;*

*3. Falsifies, alters, or otherwise modifies an identification card;*

*4. Fails to timely notify the department of any changes to his or her qualified patient status; or*

*5. Violates the requirements of this section or any rule adopted under this section.*

*(d) The department shall immediately suspend the registration of a qualified patient charged with a violation of chapter 893 until final disposition of any alleged offense. Thereafter, the department may extend the suspension, revoke the registration, or reinstate the registration.*

*(e) The department shall immediately suspend the registration of any caregiver charged with a violation of chapter 893 until final dis-*

*position of any alleged offense. The department shall revoke a caregiver registration if the caregiver does not meet the requirements of subparagraph (6)(b)6.*

*(f) The department may revoke the registration of a qualified patient or caregiver who cultivates marijuana or who acquires, possesses, or delivers marijuana from any person or entity other than a medical marijuana treatment center.*

*(g) The department shall revoke the registration of a qualified patient, and the patient's associated caregiver, upon notification that the patient no longer meets the criteria of a qualified patient.*

*(h) The department may adopt rules pursuant to ss. 120.536(1) and 120.54 to implement this subsection.*

*(6) CAREGIVERS.—*

*(a) The department must register an individual as a caregiver on the medical marijuana use registry and issue a caregiver identification card if an individual designated by a qualified patient meets all of the requirements of this subsection and department rule.*

*(b) A caregiver must:*

*1. Not be a qualified physician and not be employed by or have an economic interest in a medical marijuana treatment center or a marijuana testing laboratory.*

*2. Be 21 years of age or older and a resident of this state.*

*3. Agree in writing to assist with the qualified patient's medical use of marijuana.*

*4. Be registered in the medical marijuana use registry as a caregiver for no more than one qualified patient, except as provided in this paragraph.*

*5. Successfully complete a caregiver certification course developed and administered by the department or its designee, which must be renewed biennially. The price of the course may not exceed $100.*

*6. Pass a background screening pursuant to subsection (9), unless the patient is a close relative of the caregiver.*

*(c) A qualified patient may designate no more than one caregiver to assist with the qualified patient's medical use of marijuana, unless:*

*1. The qualified patient is a minor and the designated caregivers are parents or legal guardians of the qualified patient;*

*2. The qualified patient is an adult who has an intellectual or developmental disability that prevents the patient from being able to protect or care for himself or herself without assistance or supervision and the designated caregivers are the parents or legal guardians of the qualified patient; or*

*3. The qualified patient is admitted to a hospice program.*

*(d) A caregiver may be registered in the medical marijuana use registry as a designated caregiver for no more than one qualified patient, unless:*

*1. The caregiver is a parent or legal guardian of more than one minor who is a qualified patient;*

*2. The caregiver is a parent or legal guardian of more than one adult who is a qualified patient and who has an intellectual or developmental disability that prevents the patient from being able to protect or care for himself or herself without assistance or supervision; or*

*3. All qualified patients the caregiver has agreed to assist are admitted to a hospice program and have requested the assistance of that caregiver with the medical use of marijuana; the caregiver is an employee of the hospice; and the caregiver provides personal care or other services directly to clients of the hospice in the scope of that employment.*

*(e) A caregiver may not receive compensation, other than actual expenses incurred, for any services provided to the qualified patient.*

*(f) If a qualified patient is younger than 18 years of age, only a caregiver may purchase or administer marijuana for medical use by the qualified patient. The qualified patient may not purchase marijuana.*

*(g) A caregiver must be in immediate possession of his or her medical marijuana use registry identification card at all times when in possession of marijuana or a marijuana delivery device and must present his or her medical marijuana use registry identification card upon the request of a law enforcement officer.*

*(h) The department may adopt rules pursuant to ss. 120.536(1) and 120.54 to implement this subsection.*

*(7) IDENTIFICATION CARDS.—*

*(a) The department shall issue medical marijuana use registry identification cards for qualified patients and caregivers who are residents of this state which must be renewed annually. The identification cards must be resistant to counterfeiting and tampering and must include, at a minimum, the following:*

*1. The name, address, and date of birth of the qualified patient or caregiver.*

*2. A full-face, passport-type, color photograph of the qualified patient or caregiver taken within the 90 days immediately preceding registration or the Florida driver license or Florida identification card photograph of the qualified patient or caregiver obtained directly from the Department of Highway Safety and Motor Vehicles.*

*3. Identification as a qualified patient or a caregiver.*

*4. The unique numeric identifier used for the qualified patient in the medical marijuana use registry.*

*5. For a caregiver, the name and unique numeric identifier of the caregiver and the qualified patient or patients that the caregiver is assisting.*

*6. The expiration date of the identification card.*

*(b) The department must receive written consent from a qualified patient's parent or legal guardian before it may issue an identification card to a qualified patient who is a minor.*

*(c) The department shall, by July 3, 2017, adopt rules pursuant to ss. 120.536(1) and 120.54 establishing procedures for the issuance, renewal, suspension, replacement, surrender, and revocation of medical marijuana use registry identification cards and shall begin issuing qualified patient identification cards by October 3, 2017.*

*(d) Applications for identification cards must be submitted on a form prescribed by the department. The department may charge a reasonable fee associated with the issuance, replacement, and renewal of identification cards. The department may contract with a third-party vendor to issue identification cards. The vendor selected by the department must have experience performing similar functions for other state agencies.*

*(e) A qualified patient or caregiver must return his or her identification card to the department within 5 business days after revocation.*

*(8) MEDICAL MARIJUANA TREATMENT CENTERS.—*

*(a) The department shall license medical marijuana treatment centers to ensure reasonable statewide accessibility and availability as necessary for qualified patients registered in the medical marijuana use registry and who are issued a physician certification under this section.*

*1. The department shall license as a medical marijuana treatment center any entity that holds an active, unrestricted license to cultivate, process, transport, and dispense low-THC cannabis, medical cannabis, and cannabis delivery devices, under former s. 381.986, Florida Statutes 2016, before July 1, 2017, and which meets the requirements of this section. In addition to the authority granted under this section, these entities are authorized to dispense low-THC cannabis, medical cannabis, and cannabis delivery devices ordered pursuant to former s. 381.986, Florida Statutes 2016, which were entered into the compassionate use registry before July 1, 2017. The department may grant variances from the representations made in such an entity's original application for*

*approval under former s. 381.986, Florida Statutes 2014, pursuant to paragraph (e).*

*2. As soon as practicable, but no later than October 1, 2017, the department shall license as medical marijuana treatment centers 10 applicants that meet the requirements of this section, except as provided in sub-subparagraph c., including:*

*a. Any medical marijuana treatment center applicant that was denied a dispensing organization license by the department under former s. 381.986, Florida Statutes 2014, if the applicant is awarded a license pursuant to an administrative or legal challenge filed before January 1, 2017.*

*b. One applicant that was a qualified dispensing organization applicant under former s. 381.986, Florida Statutes 2014; was the highest scoring applicant that was not awarded a license; was not a litigant in an administrative challenge on or after March 31, 2017; and provides documentation to the department that it has the existing infrastructure and technical and technological ability to begin cultivating, processing, and dispensing marijuana within 30 days after registration as a medical marijuana treatment center.*

*c. One applicant that is a recognized class member of Pigford v. Glickman, 185 F.R.D. 82 (D.D.C. 1999), or In Re Black Farmers Litig., 856 F. Supp. 2d 1 (D.D.C. 2011); is a member of the Black Farmers and Agriculturalists Association-Florida Chapter; and meets the requirements of subparagraphs (b)3.-9.*

*3. Within 6 months after the medical marijuana use registry reaches a total of 75,000 active registered qualified patients and upon each further instance of the total active registered qualified patients increasing by 75,000, the department shall license five additional medical marijuana treatment centers if a sufficient number of medical marijuana treatment center applicants meet the registration requirements of this section and department rule.*

*(b) An applicant for licensure as a medical marijuana treatment center shall apply to the department on a form prescribed by the department and adopted in rule. The department shall adopt rules pursuant to ss. 120.536(1) and 120.54 establishing a procedure for the issuance and biennial renewal of licenses, including initial application and biennial renewal fees sufficient to cover the costs of administering this licensure program. Subject to the requirements in subparagraphs (a) 2.-4., the department shall issue a license to an applicant if the applicant meets the requirements of this section and pays the initial application fee. The department shall renew the licensure of a medical marijuana treatment center biennially if the licensee meets the requirements of this section and pays the biennial renewal fee. An individual may not be an applicant, owner, officer, board member, or manager on more than one application for licensure as a medical marijuana treatment center. An individual or entity may not be awarded more than one license as a medical marijuana treatment center. An applicant for licensure as a medical marijuana treatment center must demonstrate:*

*1. That, for the 5 consecutive years before submitting the application, the applicant has been registered to do business in the state.*

*2. Possession of a valid certificate of registration issued by the Department of Agriculture and Consumer Services pursuant to s. 581.131.*

*3. The technical and technological ability to cultivate and produce marijuana, including, but not limited to, low-THC cannabis.*

*4. The ability to secure the premises, resources, and personnel necessary to operate as a medical marijuana treatment center.*

*5. The ability to maintain accountability of all raw materials, finished products, and any byproducts to prevent diversion or unlawful access to or possession of these substances.*

*6. An infrastructure reasonably located to dispense marijuana to registered qualified patients statewide or regionally as determined by the department.*

*7. The financial ability to maintain operations for the duration of the 2-year approval cycle, including the provision of certified financial statements to the department. Upon approval, the applicant must post a $5 million performance bond. However, a medical marijuana treatment center serving at least 1,000 qualified patients is only required to maintain a $2 million performance bond.*

*8. That all owners, officers, board members, and managers have passed a background screening pursuant to subsection (9).*

*9. The employment of a medical director to supervise the activities of the medical marijuana treatment center.*

*(c) A medical marijuana treatment center may not make a wholesale purchase of marijuana from, or a distribution of marijuana to, another medical marijuana treatment center unless the medical marijuana treatment center seeking to make a wholesale purchase of marijuana submits proof of harvest failure to the department.*

*(d) The department shall establish, maintain, and control a computer software tracking system that traces marijuana from seed to sale and allows real-time, 24-hour access by the department to data from all medical marijuana treatment centers and marijuana testing laboratories. The tracking system must allow for integration of other seed-to-sale systems and, at a minimum, include notification of when marijuana seeds are planted, when marijuana plants are harvested and destroyed, and when marijuana is transported, sold, stolen, diverted, or lost. Each medical marijuana treatment center shall use the seed-to-sale tracking system established by the department or integrate its own seed-to-sale tracking system with the seed-to-sale tracking system established by the department. Each medical marijuana treatment center may use its own seed-to-sale system until the department establishes a seed-to-sale tracking system. The department may contract with a vendor to establish the seed-to-sale tracking system. The vendor selected by the department may not have a contractual relationship with the department to perform any services pursuant to this section other than the seed-to-sale tracking system. The vendor may not have a direct or indirect financial interest in a medical marijuana treatment center or a marijuana testing laboratory.*

*(e) A licensed medical marijuana treatment center shall cultivate, process, transport, and dispense marijuana for medical use. A licensed medical marijuana treatment center may not contract for services directly related to the cultivation, processing, and dispensing of marijuana or marijuana delivery devices. A licensed medical marijuana treatment center must, at all times, maintain compliance with the criteria demonstrated and representations made in the initial application and the criteria established in this subsection. Upon request, the department may grant a medical marijuana treatment center a variance from the representations made in the initial application. Consideration of such a request shall be based upon the individual facts and circumstances surrounding the request. A variance may not be granted unless the requesting medical marijuana treatment center can demonstrate to the department that it has a proposed alternative to the specific representation made in its application which fulfills the same or a similar purpose as the specific representation in a way that the department can reasonably determine will not be a lower standard than the specific representation in the application. A variance may not be granted from the requirements in subparagraph 2. and subparagraphs (b)1. and 2.*

*1. A licensed medical marijuana treatment center may transfer ownership to an individual or entity who meets the requirements of this section. To accommodate a change in ownership:*

*a. The licensed medical marijuana treatment center shall notify the department in writing at least 60 days before the anticipated date of the change of ownership.*

*b. The individual or entity applying for initial licensure due to a change of ownership must submit an application that must be received by the department at least 60 days prior to the date of change of ownership.*

*c. Upon receipt of an application for a license, the department shall examine the application and, within 30 days after receipt, notify the applicant in writing of any apparent errors or omissions and request any additional information required.*

*d. Requested information omitted from an application for licensure must be filed with the department within 21 days after the department's request for omitted information or the application shall be deemed incomplete and shall be withdrawn from further consideration and the fees shall be forfeited.*

*Within 30 days after the receipt of a complete application, the department shall approve or deny the application.*

*2. A medical marijuana treatment center, and any individual or entity who directly or indirectly owns, controls, or holds with power to vote 5 percent or more of the voting shares of a medical marijuana treatment center, may not acquire direct or indirect ownership or control of any voting shares or other form of ownership of any other medical marijuana treatment center.*

*3. All employees of a medical marijuana treatment center must be 21 years of age or older and have passed a background screening pursuant to subsection (9).*

*4. Each medical marijuana treatment center must adopt and enforce policies and procedures to ensure employees and volunteers receive training on the legal requirements to dispense marijuana to qualified patients.*

*5. When growing marijuana, a medical marijuana treatment center:*

*a. May use pesticides determined by the department, after consultation with the Department of Agriculture and Consumer Services, to be safely applied to plants intended for human consumption, but may not use pesticides designated as restricted-use pesticides pursuant to s. 487.042.*

*b. Must grow marijuana within an enclosed structure and in a room separate from any other plant.*

*c. Must inspect seeds and growing plants for plant pests that endanger or threaten the horticultural and agricultural interests of the state in accordance with chapter 581 and any rules adopted thereunder.*

*d. Must perform fumigation or treatment of plants, or remove and destroy infested or infected plants, in accordance with chapter 581 and any rules adopted thereunder.*

*6. Each medical marijuana treatment center must produce and make available for purchase at least one low-THC cannabis product.*

*7. A medical marijuana treatment center that produces edibles must hold a permit to operate as a food establishment pursuant to chapter 500, the Florida Food Safety Act, and must comply with all the requirements for food establishments pursuant to chapter 500 and any rules adopted thereunder. Edibles may not contain more than 200 milligrams of tetrahydrocannabinol and a single serving portion of an edible may not exceed 10 milligrams of tetrahydrocannabinol. Edibles may have a potency variance of no greater than 15 percent. Edibles may not be attractive to children; be manufactured in the shape of humans, cartoons, or animals; be manufactured in a form that bears any reasonable resemblance to products available for consumption as commercially available candy; or contain any color additives. To discourage consumption of edibles by children, the department shall determine by rule any shapes, forms, and ingredients allowed and prohibited for edibles. Medical marijuana treatment centers may not begin processing or dispensing edibles until after the effective date of the rule. The department shall also adopt sanitation rules providing the standards and requirements for the storage, display, or dispensing of edibles.*

*8. When processing marijuana, a medical marijuana treatment center must:*

*a. Process the marijuana within an enclosed structure and in a room separate from other plants or products.*

*b. Not use a hydrocarbon based solvent, such as butane, hexane, or propane, to extract or separate resin from marijuana.*

*c. Test the processed marijuana using a medical marijuana testing laboratory before it is dispensed. Results must be verified and signed by two medical marijuana treatment center employees. Before dispensing, the medical marijuana treatment center must determine that the test results indicate that low-THC cannabis meets the definition of low-THC cannabis, the concentration of tetrahydrocannabinol meets the potency requirements of this section, the labeling of the concentration of tetrahydrocannabinol and cannabidiol is accurate, and all marijuana is safe for human consumption and free from contaminants that are unsafe for human consumption. The department shall determine by rule which contaminants must be tested for and the maximum levels of each contaminant which are safe for human consumption. The Department of Agriculture and Consumer Services shall assist the department in developing the testing requirements for contaminants that are unsafe for human consumption in edibles. The department shall also determine by rule the procedures for the treatment of marijuana that fails to meet the testing requirements of this section, s. 381.988, or department rule. The department may select a random sample from edibles available for purchase in a dispensing facility that shall be tested by the department to determine that the edible meets the potency requirements of this section, is safe for human consumption, and the labeling of the tetrahydrocannabinol and cannabidiol concentration is accurate. A medical marijuana treatment center may not require payment from the department for the sample. A medical marijuana treatment center must recall edibles, including all edibles made from the same batch of marijuana, which fail to meet the potency requirements of this section, which are unsafe for human consumption, or for which the labeling of the tetrahydrocannabinol and cannabidiol concentration is inaccurate. The medical marijuana treatment center must retain records of all testing and samples of each homogenous batch of marijuana for at least 9 months. The medical marijuana treatment center must contract with a marijuana testing laboratory to perform audits on the medical marijuana treatment center's standard operating procedures, testing records, and samples and provide the results to the department to confirm that the marijuana or low-THC cannabis meets the requirements of this section and that the marijuana or low-THC cannabis is safe for human consumption. A medical marijuana treatment center shall reserve two processed samples from each batch and retain such samples for at least 9 months for the purpose such audits. A medical marijuana treatment center may use a laboratory that has not been certified by the department under s. 381.988 until such time as at least one laboratory holds the required certification, but in no event later than July 1, 2018.*

*d. Package the marijuana in compliance with the United States Poison Prevention Packaging Act of 1970, 15 U.S.C. ss. 1471 et seq.*

*e. Package the marijuana in a receptacle that has a firmly affixed and legible label stating the following information:*

*(I) The marijuana or low-THC cannabis meets the requirements of sub-subparagraph c.*

*(II) The name of the medical marijuana treatment center from which the marijuana originates.*

*(III) The batch number and harvest number from which the marijuana originates and the date dispensed.*

*(IV) The name of the physician who issued the physician certification.*

*(V) The name of the patient.*

*(VI) The product name, if applicable, and dosage form, including concentration of tetrahydrocannabinol and cannabidiol. The product name may not contain wording commonly associated with products marketed by or to children.*

*(VII) The recommended dose.*

*(VIII) A warning that it is illegal to transfer medical marijuana to another person.*

*(IX) A marijuana universal symbol developed by the department.*

*9. The medical marijuana treatment center shall include in each package a patient package insert with information on the specific product dispensed related to:*

*a. Clinical pharmacology.*

*b. Indications and use.*

*c. Dosage and administration.*

*d. Dosage forms and strengths.*

*e. Contraindications.*

*f. Warnings and precautions.*

*g. Adverse reactions.*

*10. Each edible shall be individually sealed in plain, opaque wrapping marked only with the marijuana universal symbol. Where practical, each edible shall be marked with the marijuana universal symbol. In addition to the packaging and labeling requirements in subparagraphs 8. and 9., edible receptacles must be plain, opaque, and white without depictions of the product or images other than the medical marijuana treatment center's department-approved logo and the marijuana universal symbol. The receptacle must also include a list all of the edible's ingredients, storage instructions, an expiration date, a legible and prominent warning to keep away from children and pets, and a warning that the edible has not been produced or inspected pursuant to federal food safety laws.*

*11. A medical marijuana treatment center may not establish or operate more than five dispensing facilities, unless the medical marijuana use registry reaches a total of 75,000 active registered qualified patients, and then, upon each further instance of the total active registered qualified patients increasing by 75,000, each medical marijuana treatment center licensed by the department at that time may establish and operate one additional dispensing facility. When dispensing marijuana or a marijuana delivery device, a medical marijuana treatment center:*

*a. May dispense any active, valid order for low-THC cannabis, medical cannabis and cannabis delivery devices issued pursuant to former s. 381.986, Florida Statutes 2016, which was entered into the medical marijuana use registry before July 1, 2017.*

*b. May not dispense more than a 70-day supply of marijuana to a qualified patient or caregiver.*

*c. Must have the medical marijuana treatment center's employee who dispenses the marijuana or a marijuana delivery device enter into the medical marijuana use registry his or her name or unique employee identifier.*

*d. Must verify that the qualified patient and the caregiver, if applicable, each has an active registration in the medical marijuana use registry and an active and valid medical marijuana use registry identification card, the amount and type of marijuana dispensed matches the physician's certification in the medical marijuana use registry for that qualified patient, and the physician certification has not already been filled.*

*e. May not dispense marijuana to a qualified patient who is younger than 18 years of age. If the qualified patient is younger than 18 years of age, marijuana may only be dispensed to the qualified patient's caregiver.*

*f. May not dispense or sell any other type of cannabis, alcohol, or illicit drug-related product, including pipes, bongs, or wrapping papers, other than a marijuana delivery device required for the medical use of marijuana and which is specified in a physician certification.*

*g. Must, upon dispensing the marijuana or marijuana delivery device, record in the registry the date, time, quantity, and form of marijuana dispensed; the type of marijuana delivery device dispensed; and the name and medical marijuana use registry identification number of the qualified patient or caregiver to whom the marijuana delivery device was dispensed.*

*h. Must ensure that patient records are not visible to anyone other than the qualified patient, his or her caregiver, and authorized medical marijuana treatment center employees.*

*(f) To ensure the safety and security of premises where the cultivation, processing, storing, or dispensing of marijuana occurs, and to maintain adequate controls against the diversion, theft, and loss of marijuana or marijuana delivery devices, a medical marijuana treatment center shall:*

*1.a. Maintain a fully operational security alarm system that secures all entry points and perimeter windows and is equipped with motion detectors; pressure switches; and duress, panic, and hold-up alarms; and*

*b. Maintain a video surveillance system that records continuously 24 hours a day and meets the following criteria:*

*(I) Cameras are fixed in a place that allows for the clear identification of persons and activities in controlled areas of the premises. Controlled areas include grow rooms, processing rooms, storage rooms, disposal rooms or areas, and point-of-sale rooms.*

*(II) Cameras are fixed in entrances and exits to the premises, which shall record from both indoor and outdoor, or ingress and egress, vantage points.*

*(III) Recorded images must clearly and accurately display the time and date.*

*(IV) Retain video surveillance recordings for at least 45 days or longer upon the request of a law enforcement agency.*

*2. Ensure that the medical marijuana treatment center's outdoor premises have sufficient lighting from dusk until dawn.*

*3. Ensure that the indoor premises where dispensing occurs includes a waiting area with sufficient space and seating to accommodate qualified patients and caregivers and at least one private consultation area that is isolated from the waiting area and area where dispensing occurs. A medical marijuana treatment center may not display products or dispense marijuana or marijuana delivery devices in the waiting area.*

*4. Not dispense from its premises marijuana or a marijuana delivery device between the hours of 9 p.m. and 7 a.m., but may perform all other operations and deliver marijuana to qualified patients 24 hours a day.*

*5. Store marijuana in a secured, locked room or a vault.*

*6. Require at least two of its employees, or two employees of a security agency with whom it contracts, to be on the premises at all times where cultivation, processing, or storing of marijuana occurs.*

*7. Require each employee or contractor to wear a photo identification badge at all times while on the premises.*

*8. Require each visitor to wear a visitor pass at all times while on the premises.*

*9. Implement an alcohol and drug-free workplace policy.*

*10. Report to local law enforcement within 24 hours after the medical marijuana treatment center is notified or becomes aware of the theft, diversion, or loss of marijuana.*

*(g) To ensure the safe transport of marijuana and marijuana delivery devices to medical marijuana treatment centers, marijuana testing laboratories, or qualified patients, a medical marijuana treatment center must:*

*1. Maintain a marijuana transportation manifest in any vehicle transporting marijuana. The marijuana transportation manifest must be generated from a medical marijuana treatment center's seed-to-sale tracking system and include the:*

*a. Departure date and approximate time of departure.*

*b. Name, location address, and license number of the originating medical marijuana treatment center.*

*c. Name and address of the recipient of the delivery.*

*d. Quantity and form of any marijuana or marijuana delivery device being transported.*

*e. Arrival date and estimated time of arrival.*

*f. Delivery vehicle make and model and license plate number.*

*g. Name and signature of the medical marijuana treatment center employees delivering the product.*

*(I) A copy of the marijuana transportation manifest must be provided to each individual, medical marijuana treatment center, or marijuana testing laboratory that receives a delivery. The individual, or a*

*representative of the center or laboratory, must sign a copy of the marijuana transportation manifest acknowledging receipt.*

*(II) An individual transporting marijuana or a marijuana delivery device must present a copy of the relevant marijuana transportation manifest and his or her employee identification card to a law enforcement officer upon request.*

*(III) Medical marijuana treatment centers and marijuana testing laboratories must retain copies of all marijuana transportation manifests for at least 3 years.*

*2. Ensure only vehicles in good working order are used to transport marijuana.*

*3. Lock marijuana and marijuana delivery devices in a separate compartment or container within the vehicle.*

*4. Require employees to have possession of their employee identification cards at all times when transporting marijuana or marijuana delivery devices.*

*5. Require at least two persons to be in a vehicle transporting marijuana or marijuana delivery devices, and require at least one person to remain in the vehicle while the marijuana or marijuana delivery device is being delivered.*

*6. Provide specific safety and security training to employees transporting or delivering marijuana and marijuana delivery devices.*

*(h) A medical marijuana treatment center may not engage in advertising that is visible to members of the public from any street, sidewalk, park, or other public place, except:*

*1. The dispensing location of a medical marijuana treatment center may have a sign that is affixed to the outside or hanging in the window of the premises which identifies the dispensary by the licensee's business name, a department-approved trade name, or a department-approved logo. A medical marijuana treatment center's trade name and logo may not contain wording or images commonly associated with marketing targeted toward children or which promote recreational use of marijuana.*

*2. A medical marijuana treatment center may engage in Internet advertising and marketing under the following conditions:*

*a. All advertisements must be approved by the department.*

*b. An advertisement may not have any content that specifically targets individuals under the age of 18, including cartoon characters or similar images.*

*c. An advertisement may not be an unsolicited pop-up advertisement.*

*d. Opt-in marketing must include an easy and permanent opt-out feature.*

*(i) Each medical marijuana treatment center that dispenses marijuana and marijuana delivery devices shall make available to the public on its website:*

*1. Each marijuana and low-THC product available for purchase, including the form, strain of marijuana from which it was extracted, cannabidiol content, tetrahydrocannabinol content, dose unit, total number of doses available, and the ratio of cannabidiol to tetrahydrocannabinol for each product.*

*2. The price for a 30-day, 50-day, and 70-day supply at a standard dose for each marijuana and low-THC product available for purchase.*

*3. The price for each marijuana delivery device available for purchase.*

*4. If applicable, any discount policies and eligibility criteria for such discounts.*

*(j) Medical marijuana treatment centers are the sole source from which a qualified patient may legally obtain marijuana.*

*(k) The department may adopt rules pursuant to ss. 120.536(1) and 120.54 to implement this subsection.*

*(9) BACKGROUND SCREENING.—An individual required to undergo a background screening pursuant to this section must pass a level 2 background screening as provided under chapter 435, which, in addition to the disqualifying offenses provided in s. 435.04, shall exclude an individual who has an arrest awaiting final disposition for, has been found guilty of, regardless of adjudication, or has entered a plea of nolo contendere or guilty to, an offense under chapter 837, chapter 895, or chapter 896 or similar law of another jurisdiction.*

*(a) Such individual must submit a full set of fingerprints to the department or to a vendor, entity, or agency authorized by s. 943.053(13). The department, vendor, entity, or agency shall forward the fingerprints to the Department of Law Enforcement for state processing, and the Department of Law Enforcement shall forward the fingerprints to the Federal Bureau of Investigation for national processing.*

*(b) Fees for state and federal fingerprint processing and retention shall be borne by the individual. The state cost for fingerprint processing shall be as provided in s. 943.053(3)(e) for records provided to persons or entities other than those specified as exceptions therein.*

*(c) Fingerprints submitted to the Department of Law Enforcement pursuant to this subsection shall be retained by the Department of Law Enforcement as provided in s. 943.05(2)(g) and (h) and, when the Department of Law Enforcement begins participation in the program, enrolled in the Federal Bureau of Investigation's national retained print arrest notification program. Any arrest record identified shall be reported to the department.*

*(10) MEDICAL MARIJUANA TREATMENT CENTER INSPECTIONS; ADMINISTRATIVE ACTIONS.—*

*(a) The department shall conduct announced or unannounced inspections of medical marijuana treatment centers to determine compliance with this section or rules adopted pursuant to this section.*

*(b) The department shall inspect a medical marijuana treatment center upon receiving a complaint or notice that the medical marijuana treatment center has dispensed marijuana containing mold, bacteria, or other contaminant that may cause or has caused an adverse effect to human health or the environment.*

*(c) The department shall conduct at least a biennial inspection of each medical marijuana treatment center to evaluate the medical marijuana treatment center's records, personnel, equipment, processes, security measures, sanitation practices, and quality assurance practices.*

*(d) The Department of Agriculture and Consumer Services and the department shall enter into an interagency agreement to ensure cooperation and coordination in the performance of their obligations under this section and their respective regulatory and authorizing laws. The department, the Department of Highway Safety and Motor Vehicles, and the Department of Law Enforcement may enter into interagency agreements for the purposes specified in this subsection or subsection (7).*

*(e) The department shall publish a list of all approved medical marijuana treatment centers, medical directors, and qualified physicians on its website.*

*(f) The department may impose reasonable fines not to exceed $10,000 on a medical marijuana treatment center for any of the following violations:*

*1. Violating this section or department rule.*

*2. Failing to maintain qualifications for approval.*

*3. Endangering the health, safety, or security of a qualified patient.*

*4. Improperly disclosing personal and confidential information of a qualified patient.*

*5. Attempting to procure medical marijuana treatment center approval by bribery, fraudulent misrepresentation, or extortion.*

*6. Being convicted or found guilty of, or entering a plea of guilty or nolo contendere to, regardless of adjudication, a crime in any jurisdiction which directly relates to the business of a medical marijuana treatment center.*

*7. Making or filing a report or record that the medical marijuana treatment center knows to be false.*

*8. Willfully failing to maintain a record required by this section or department rule.*

*9. Willfully impeding or obstructing an employee or agent of the department in the furtherance of his or her official duties.*

*10. Engaging in fraud or deceit, negligence, incompetence, or misconduct in the business practices of a medical marijuana treatment center.*

*11. Making misleading, deceptive, or fraudulent representations in or related to the business practices of a medical marijuana treatment center.*

*12. Having a license or the authority to engage in any regulated profession, occupation, or business that is related to the business practices of a medical marijuana treatment center suspended, revoked, or otherwise acted against by the licensing authority of any jurisdiction, including its agencies or subdivisions, for a violation of Florida law.*

*13. Violating a lawful order of the department or an agency of the state, or failing to comply with a lawfully issued subpoena of the department or an agency of the state.*

*(g) The department may suspend, revoke, or refuse to renew a medical marijuana treatment center license if the medical marijuana treatment center commits any of the violations in paragraph (f).*

*(h) The department may adopt rules pursuant to ss. 120.536(1) and 120.54 to implement this subsection.*

*(11) PREEMPTION.—Regulation of cultivation, processing, and delivery of marijuana by medical marijuana treatment centers is preempted to the state except as provided in this subsection.*

*(a) A medical marijuana treatment center cultivating or processing facility may not be located within 500 feet of the real property that comprises a public or private elementary school, middle school, or secondary school.*

*(b) A municipality may determine by ordinance the criteria for the number and location of, and other permitting requirements that do not conflict with state law or department rule for, medical marijuana treatment center dispensing facilities located within the boundaries of the municipality. A county may determine by ordinance the criteria for the number and location of, and other permitting requirements that do not conflict with state law or department rule for, all such dispensing facilities located within the unincorporated areas of that county. Except as provided in paragraph (c), a county or municipality may not enact ordinances for permitting or for determining the location of dispensing facilities which are more restrictive than that its ordinances permitting or determining the locations for pharmacies licensed under chapter 465. A municipality or county may not charge a medical marijuana treatment center a license or permit fee in an amount greater than the fee charged by such municipality or county to pharmacies. A dispensing facility location approved by a municipality or county pursuant to former s. 381.986(8)(b), Florida Statutes 2016, is not subject to the location requirements of this subsection.*

*(c) A medical marijuana treatment center dispensing facility may not be located within 500 feet of the real property that comprises a public or private elementary school, middle school, or secondary school unless the county or municipality approves the location through a formal proceeding open to the public at which the county or municipality determines that the location promotes the public health, safety, and general welfare of the community.*

*(d) This subsection does not prohibit any local jurisdiction from ensuring medical marijuana treatment center facilities comply with the Florida Building Code, the Florida Fire Prevention Code, or any local amendments to the Florida Building Code or the Florida Fire Prevention Code.*

*(12) PENALTIES.—*

*(a) A qualified physician commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083, if the qualified physician issues a physician certification for the medical use of marijuana to a patient without a reasonable belief that the patient is suffering from a qualifying medical condition.*

*(b) A person who fraudulently represents that he or she has a qualifying medical condition to a qualified physician for the purpose of being issued a physician certification commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.*

*(c) A qualified patient who uses marijuana, not including low-THC cannabis, or a caregiver who administers marijuana, not including low-THC cannabis, in plain view of or in a place open to the general public; in a school bus, a vehicle, an aircraft, or a boat; or on the grounds of a school except as provided in s. 1006.062, commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.*

*(d) A qualified patient or caregiver who cultivates marijuana or who purchases or acquires marijuana from any person or entity other than a medical marijuana treatment center violates s. 893.13 and is subject to the penalties provided therein.*

*(e)1. A qualified patient or caregiver in possession of marijuana or a marijuana delivery device who fails or refuses to present his or her marijuana use registry identification card upon the request of a law enforcement officer commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083, unless it can be determined through the medical marijuana use registry that the person is authorized to be in possession of that marijuana or marijuana delivery device.*

*2. A person charged with a violation of this paragraph may not be convicted if, before or at the time of his or her court or hearing appearance, the person produces in court or to the clerk of the court in which the charge is pending a medical marijuana use registry identification card issued to him or her which is valid at the time of his or her arrest. The clerk of the court is authorized to dismiss such case at any time before the defendant's appearance in court. The clerk of the court may assess a fee of $5 for dismissing the case under this paragraph.*

*(f) A caregiver who violates any of the applicable provisions of this section or applicable department rules, for the first offense, commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083 and, for a second or subsequent offense, commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.*

*(g) A qualified physician who issues a physician certification for marijuana or a marijuana delivery device and receives compensation from a medical marijuana treatment center related to the issuance of a physician certification for marijuana or a marijuana delivery device is subject to disciplinary action under the applicable practice act and s. 456.072(1)(n).*

*(h) A person transporting marijuana or marijuana delivery devices on behalf of a medical marijuana treatment center or marijuana testing laboratory who fails or refuses to present a transportation manifest upon the request of a law enforcement officer commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.*

*(i) Persons and entities conducting activities authorized and governed by this section and s. 381.988 are subject to ss. 456.053, 456.054, and 817.505, as applicable.*

*(j) A person or entity that cultivates, processes, distributes, sells, or dispenses marijuana, as defined in s. 29(b)(4), Art. X of the State Constitution, and is not licensed as a medical marijuana treatment center violates s. 893.13 and is subject to the penalties provided therein.*

*(13) UNLICENSED ACTIVITY.—*

*(a) If the department has probable cause to believe that a person or entity that is not registered or licensed with the department has violated*

*this section, s. 381.988, or any rule adopted pursuant to this section, the department may issue and deliver to such person or entity a notice to cease and desist from such violation. The department also may issue and deliver a notice to cease and desist to any person or entity who aids and abets such unlicensed activity. The issuance of a notice to cease and desist does not constitute agency action for which a hearing under s. 120.569 or s. 120.57 may be sought. For the purpose of enforcing a cease and desist order, the department may file a proceeding in the name of the state seeking issuance of an injunction or a writ of mandamus against any person or entity who violates any such order.*

*(b) In addition to the remedies under paragraph (a), the department may impose by citation an administrative penalty not to exceed $5,000 per incident. The citation shall be issued to the subject and shall contain the subject's name and any other information the department determines to be necessary to identify the subject, a brief factual statement, the sections of the law allegedly violated, and the penalty imposed. If the subject does not dispute the matter in the citation with the department within 30 days after the citation is served, the citation shall become a final order of the department. The department may adopt rules pursuant to ss. 120.536(1) and 120.54 to implement this section. Each day that the unlicensed activity continues after issuance of a notice to cease and desist constitutes a separate violation. The department shall be entitled to recover the costs of investigation and prosecution in addition to the fine levied pursuant to the citation. Service of a citation may be made by personal service or by mail to the subject at the subject's last known address or place of practice. If the department is required to seek enforcement of the cease and desist or agency order, it shall be entitled to collect attorney fees and costs.*

*(c) In addition to or in lieu of any other administrative remedy, the department may seek the imposition of a civil penalty through the circuit court for any violation for which the department may issue a notice to cease and desist. The civil penalty shall be no less than $5,000 and no more than $10,000 for each offense. The court may also award to the prevailing party court costs and reasonable attorney fees and, in the event the department prevails, may also award reasonable costs of investigation and prosecution.*

*(d) In addition to the other remedies provided in this section, the department or any state attorney may bring an action for an injunction to restrain any unlicensed activity or to enjoin the future operation or maintenance of the unlicensed activity or the performance of any service in violation of this section.*

*(e) The department must notify local law enforcement of such unlicensed activity for a determination of any criminal violation of chapter 893.*

*(14) EXCEPTIONS TO OTHER LAWS.—*

*(a) Notwithstanding s. 893.13, s. 893.135, s. 893.147, or any other provision of law, but subject to the requirements of this section, a qualified patient and the qualified patient's caregiver may purchase from a medical marijuana treatment center for the patient's medical use a marijuana delivery device and up to the amount of marijuana authorized in the physician certification, but may not possess more than a 70-day supply of marijuana at any given time and all marijuana purchased must remain in its original packaging.*

*(b) Notwithstanding s. 893.13, s. 893.135, s. 893.147, or any other provision of law, but subject to the requirements of this section, an approved medical marijuana treatment center and its owners, managers, and employees may manufacture, possess, sell, deliver, distribute, dispense, and lawfully dispose of marijuana or a marijuana delivery device as provided in this section, s. 381.988, and by department rule. For purposes of this subsection, the terms "manufacture," "possession," "deliver," "distribute," and "dispense" have the same meanings as provided in s. 893.02.*

*(c) Notwithstanding s. 893.13, s. 893.135, s. 893.147, or any other provision of law, but subject to the requirements of this section, a certified marijuana testing laboratory, including an employee of a certified marijuana testing laboratory acting within the scope of his or her employment, may acquire, possess, test, transport, and lawfully dispose of marijuana as provided in this section, in s. 381.988, and by department rule.*

*(d) A licensed medical marijuana treatment center and its owners, managers, and employees are not subject to licensure or regulation under chapter 465 or chapter 499 for manufacturing, possessing, selling, delivering, distributing, dispensing, or lawfully disposing of marijuana or a marijuana delivery device, as provided in this section, s. 381.988, and by department rule.*

*(e) This subsection does not exempt a person from prosecution for a criminal offense related to impairment or intoxication resulting from the medical use of marijuana or relieve a person from any requirement under law to submit to a breath, blood, urine, or other test to detect the presence of a controlled substance.*

*(f) Notwithstanding s. 893.13, s. 893.135, s. 893.147, or any other provision of law, but subject to the requirements of this section and pursuant to policies and procedures established pursuant to s. 1006.62(8), school personnel may possess marijuana that is obtained for medical use pursuant to this section by a student who is a qualified patient.*

*(g) Notwithstanding s. 893.13, s. 893.135, s. 893.147, or any other provision of law, but subject to the requirements of this section, a research institute established by a public postsecondary educational institution, such as the H. Lee Moffitt Cancer Center and Research Institute established under s. 1004.43 or a state university that has achieved the preeminent state research university designation under s. 1001.7065, may possess, test, transport, and lawfully dispose of marijuana for research purposes as provided by this section.*

*(15) APPLICABILITY.—This section does not limit the ability of an employer to establish, continue, or enforce a drug-free workplace program or policy. This section does not require an employer to accommodate the medical use of marijuana in any workplace or any employee working while under the influence of marijuana. This section does not create a cause of action against an employer for wrongful discharge or discrimination.*

Section 2. Paragraph (uu) is added to subsection (1) of section 458.331, Florida Statutes, to read:

458.331 Grounds for disciplinary action; action by the board and department.—

(1) The following acts constitute grounds for denial of a license or disciplinary action, as specified in s. 456.072(2):

*(uu) Issuing a physician certification, as defined in s. 381.986, in a manner out of compliance with the requirements of that section and rules adopted thereunder.*

Section 3. Paragraph (ww) is added to subsection (1) of section 459.015, Florida Statutes, to read:

459.015 Grounds for disciplinary action; action by the board and department.—

(1) The following acts constitute grounds for denial of a license or disciplinary action, as specified in s. 456.072(2):

*(ww) Issuing a physician certification, as defined in s. 381.986, in a manner not in compliance with the requirements of that section and rules adopted thereunder.*

Section 4. Section 381.988, Florida Statutes, is created to read:

*381.988 Medical marijuana testing laboratories; marijuana tests conducted by a certified laboratory.—*

*(1) A person or entity seeking to be a certified marijuana testing laboratory must:*

*(a) Not be owned or controlled by a medical marijuana treatment center.*

*(b) Submit a completed application accompanied by an application fee, as established by department rule.*

*(c) Submit proof of an accreditation or a certification approved by the department issued by an accreditation or a certification organization*

*approved by the department. The department shall adopt by rule a list of approved laboratory accreditations or certifications and accreditation or certification organizations.*

*(d) Require all owners and managers to submit to and pass a level 2 background screening pursuant to s. 435.04 and shall deny certification if the person or entity has been found guilty of, or has entered a plea of guilty or nolo contendere to, regardless of adjudication, any offense listed in chapter 837, chapter 895, or chapter 896 or similar law of another jurisdiction.*

*1. Such owners and managers must submit a full set of fingerprints to the department or to a vendor, entity, or agency authorized by s. 943.053(13). The department, vendor, entity, or agency shall forward the fingerprints to the Department of Law Enforcement for state processing, and the Department of Law Enforcement shall forward the fingerprints to the Federal Bureau of Investigation for national processing.*

*2. Fees for state and federal fingerprint processing and retention shall be borne by such owners or managers. The state cost for fingerprint processing shall be as provided in s. 943.053(3)(e) for records provided to persons or entities other than those specified as exceptions therein.*

*3. Fingerprints submitted to the Department of Law Enforcement pursuant to this paragraph shall be retained by the Department of Law Enforcement as provided in s. 943.05(2)(g) and (h) and, when the Department of Law Enforcement begins participation in the program, enrolled in the Federal Bureau of Investigation's national retained print arrest notification program. Any arrest record identified shall be reported to the department.*

*(e) Demonstrate to the department the capability of meeting the standards for certification required by this subsection, and the testing requirements of s. 381.986 and this section and rules adopted thereunder.*

*(2) The department shall adopt rules pursuant to ss. 120.536(1) and 120.54 establishing a procedure for initial certification and biennial renewal, including initial application and biennial renewal fees sufficient to cover the costs of administering this certification program. The department shall renew the certification biennially if the laboratory meets the requirements of this section and pays the biennial renewal fee.*

*(3) The department shall adopt rules pursuant to ss. 120.536(1) and 120.54 establishing the standards for certification of marijuana testing laboratories under this section. The Department of Agriculture and Consumer Services and the Department of Environmental Protection shall assist the department in developing the rule, which must include, but is not limited to:*

*(a) Security standards.*

*(b) Minimum standards for personnel.*

*(c) Sample collection method and process standards.*

*(d) Proficiency testing for tetrahydrocannabinol potency, concentration of cannabidiol, and contaminants unsafe for human consumption, as determined by department rule.*

*(e) Reporting content, format, and frequency.*

*(f) Audits and onsite inspections.*

*(g) Quality assurance.*

*(h) Equipment and methodology.*

*(i) Chain of custody.*

*(j) Any other standard the department deems necessary to ensure the health and safety of the public.*

*(4) A marijuana testing laboratory may acquire marijuana only from a medical marijuana treatment center. A marijuana testing laboratory is prohibited from selling, distributing, or transferring marijuana received from a marijuana treatment center, except that a marijuana testing laboratory may transfer a sample to another marijuana testing laboratory in this state.*

*(5) A marijuana testing laboratory must properly dispose of all samples it receives, unless transferred to another marijuana testing laboratory, after all necessary tests have been conducted and any required period of storage has elapsed, as established by department rule.*

*(6) A marijuana testing laboratory shall use the computer software tracking system selected by the department under s. 381.986.*

*(7) The following acts constitute grounds for which disciplinary action specified in subsection (8) may be taken against a certified marijuana testing laboratory:*

*(a) Permitting unauthorized persons to perform technical procedures or issue reports.*

*(b) Demonstrating incompetence or making consistent errors in the performance of testing or erroneous reporting.*

*(c) Performing a test and rendering a report thereon to a person or entity not authorized by law to receive such services.*

*(d) Failing to file any report required under this section or s. 381.986 or the rules adopted thereunder.*

*(e) Reporting a test result if the test was not performed.*

*(f) Failing to correct deficiencies within the time required by the department.*

*(g) Violating or aiding and abetting in the violation of any provision of s. 381.986 or this section or any rules adopted thereunder.*

*(8) The department may refuse to issue or renew, or may suspend or revoke, the certification of a marijuana testing laboratory that is found to be in violation of this section or any rules adopted hereunder. The department may impose fines for violations of this section or rules adopted thereunder, based on a schedule adopted in rule. In determining the administrative action to be imposed for a violation, the department must consider the following factors:*

*(a) The severity of the violation, including the probability of death or serious harm to the health or safety of any person that may result or has resulted; the severity or potential harm; and the extent to which the provisions of s. 381.986 or this section were violated.*

*(b) The actions taken by the marijuana testing laboratory to correct the violation or to remedy the complaint.*

*(c) Any previous violation by the marijuana testing laboratory.*

*(d) The financial benefit to the marijuana testing laboratory of committing or continuing the violation.*

*(9) The department may adopt rules pursuant to ss. 120.536(1) and 120.54 to implement this section.*

Section 5. Section 381.989, Florida Statutes, is created to read:

*381.989 Public education campaigns.—*

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

*(a) "Cannabis" has the same meaning as in s. 893.02.*

*(b) "Department" means the Department of Health.*

*(c) "Marijuana" has the same meaning as in s. 381.986.*

*(2) STATEWIDE CANNABIS AND MARIJUANA EDUCATION AND ILLICIT USE PREVENTION CAMPAIGN.—*

*(a) The department shall implement a statewide cannabis and marijuana education and illicit use prevention campaign to publicize accurate information regarding:*

*1. The legal requirements for licit use and possession of marijuana in this state.*

*2. Safe use of marijuana, including preventing access by persons other than qualified patients as defined in s. 381.986, particularly children.*

*3. The short-term and long-term health effects of cannabis and marijuana use, particularly on minors and young adults.*

*4. Other cannabis-related and marijuana-related education determined by the department to be necessary to the public health and safety.*

*(b) The department shall provide educational materials regarding the eligibility for medical use of marijuana by individuals diagnosed with a terminal condition to individuals that provide palliative care or hospice services.*

*(c) The department may use television messaging, radio broadcasts, print media, digital strategies, social media, and any other form of messaging deemed necessary and appropriate by the department to implement the campaign. The department may work with school districts, community organizations, and businesses and business organizations and other entities to provide training and programming.*

*(d) The department may contract with one or more vendors to implement the campaign.*

*(e) The department shall contract with an independent entity to conduct annual evaluations of the campaign. The evaluations shall assess the reach and impact of the campaign, success in educating the citizens of the state regarding the legal parameters for marijuana use, success in preventing illicit access by adults and youth, and success in preventing negative health impacts from the legalization of marijuana. The first year of the program, the evaluator shall conduct surveys to establish baseline data on youth and adult cannabis use, the attitudes of youth and the general public toward cannabis and marijuana, and any other data deemed necessary for long-term analysis. By January 31 of each year, the department shall submit to the Governor, the President of the Senate, and the Speaker of the House of Representatives the annual evaluation of the campaign.*

*(3) STATEWIDE IMPAIRED DRIVING EDUCATION CAMPAIGN.—*

*(a) The Department of Highway Safety and Motor Vehicles shall implement a statewide impaired driving education campaign to raise awareness and prevent marijuana-related and cannabis-related impaired driving and may contract with one or more vendors to implement the campaign. The Department of Highway Safety and Motor Vehicles may use television messaging, radio broadcasts, print media, digital strategies, social media, and any other form of messaging deemed necessary and appropriate by the department to implement the campaign.*

*(b) At a minimum, the Department of Highway Safety and Motor Vehicles or a contracted vendor shall establish baseline data on the number of marijuana-related citations for driving under the influence, marijuana-related traffic arrests, marijuana-related traffic accidents, and marijuana-related traffic fatalities, and shall track these measures annually thereafter. The Department of Highway Safety and Motor Vehicles or a contracted vendor shall annually evaluate and compile a report on the efficacy of the campaign based on those measures and other measures established by the Department of Highway Safety and Motor Vehicles. By January 31 of each year, the Department of Highway Safety and Motor Vehicles shall submit the report on the evaluation of the campaign to the Governor, the President of the Senate, and the Speaker of the House of Representatives.*

Section 6. Subsection (1) of section 385.211, Florida Statutes, is amended to read:

385.211 Refractory and intractable epilepsy treatment and research at recognized medical centers.—

(1) As used in this section, the term "low-THC cannabis" means "low-THC cannabis" as defined in s. 381.986 that is dispensed only from a dispensing organization as defined in *former s. 381.986, Florida Statutes 2016, or a medical marijuana treatment center as defined in* s. 381.986.

Section 7. Paragraphs (b) through (e) of subsection (2) of section 499.0295, Florida Statutes, are redesignated as paragraphs (a) through (d), respectively, and present paragraphs (a) and (c) of that subsection, and subsection (3) of that section are amended, to read:

499.0295 Experimental treatments for terminal conditions.—

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

~~(a) "Dispensing organization" means an organization approved by the Department of Health under s. 381.986(5) to cultivate, process, transport, and dispense low-THC cannabis, medical cannabis, and cannabis delivery devices.~~

*(b)*~~(c)~~ "Investigational drug, biological product, or device" means~~:~~

~~1.~~ a drug, biological product, or device that has successfully completed phase 1 of a clinical trial but has not been approved for general use by the United States Food and Drug Administration and remains under investigation in a clinical trial approved by the United States Food and Drug Administration~~; or~~

~~2. Medical cannabis that is manufactured and sold by a dispensing organization~~.

(3) Upon the request of an eligible patient, a manufacturer may~~, or upon a physician's order pursuant to s. 381.986, a dispensing organization may~~:

(a) Make its investigational drug, biological product, or device available under this section.

(b) Provide an investigational drug, biological product, *or* device~~, or cannabis delivery device as defined in s. 381.986~~ to an eligible patient without receiving compensation.

(c) Require an eligible patient to pay the costs of, or the costs associated with, the manufacture of the investigational drug, biological product, *or* device~~, or cannabis delivery device as defined in s. 381.986~~.

Section 8. Subsection (3) of section 893.02, Florida Statutes, is amended to read:

893.02 Definitions.—The following words and phrases as used in this chapter shall have the following meanings, unless the context otherwise requires:

(3) "Cannabis" means all parts of any plant of the genus Cannabis, whether growing or not; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant or its seeds or resin. The term does not include *"marijuana,"* ~~"low-THC cannabis,"~~ as defined in s. 381.986, if manufactured, possessed, sold, purchased, delivered, distributed, or dispensed, in conformance with s. 381.986.

Section 9. Section 1004.4351, Florida Statutes, is created to read:

*1004.4351 Medical marijuana research and education.—*

*(1) SHORT TITLE.—This section shall be known and may be cited as the "Medical Marijuana Research and Education Act."*

*(2) LEGISLATIVE FINDINGS.—The Legislature finds that:*

*(a) The present state of knowledge concerning the use of marijuana to alleviate pain and treat illnesses is limited because permission to perform clinical studies on marijuana is difficult to obtain, with access to research-grade marijuana so restricted that little or no unbiased studies have been performed.*

*(b) Under the State Constitution, marijuana is available for the treatment of certain debilitating medical conditions.*

*(c) Additional clinical studies are needed to ensure that the residents of this state obtain the correct dosing, formulation, route, modality, frequency, quantity, and quality of marijuana for specific illnesses.*

*(d) An effective medical marijuana research and education program would mobilize the scientific, educational, and medical resources that*

*presently exist in this state to determine the appropriate and best use of marijuana to treat illness.*

*(3) DEFINITIONS.—As used in this section, the term:*

*(a) "Board" means the Medical Marijuana Research and Education Board.*

*(b) "Coalition" means the Coalition for Medical Marijuana Research and Education.*

*(c) "Marijuana" has the same meaning as provided in s. 29, Art. X of the State Constitution.*

*(4) COALITION FOR MEDICAL MARIJUANA RESEARCH AND EDUCATION.—*

*(a) There is established within the H. Lee Moffitt Cancer Center and Research Institute, Inc., the Coalition for Medical Marijuana Research and Education. The purpose of the coalition is to conduct rigorous scientific research, provide education, disseminate research, and guide policy for the adoption of a statewide policy on ordering and dosing practices for the medical use of marijuana. The coalition shall be physically located at the H. Lee Moffitt Cancer Center and Research Institute, Inc.*

*(b) The Medical Marijuana Research and Education Board is established to direct the operations of the coalition. The board shall be composed of seven members appointed by the chief executive officer of the H. Lee Moffitt Cancer Center and Research Institute, Inc. Board members must have experience in a variety of scientific and medical fields, including, but not limited to, oncology, neurology, psychology, pediatrics, nutrition, and addiction. Members shall be appointed to 4-year terms and may be reappointed to serve additional terms. The chair shall be elected by the board from among its members to serve a 2-year term. The board shall meet no less than semiannually at the call of the chair or, in his or her absence or incapacity, the vice chair. Four members constitute a quorum. A majority vote of the members present is required for all actions of the board. The board may prescribe, amend, and repeal a charter governing the manner in which it conducts its business. A board member shall serve without compensation but is entitled to be reimbursed for travel expenses by the coalition or the organization he or she represents in accordance with s. 112.061.*

*(c) The coalition shall be administered by a coalition director, who shall be appointed by and serve at the pleasure of the board. The coalition director shall, subject to the approval of the board:*

*1. Propose a budget for the coalition.*

*2. Foster the collaboration of scientists, researchers, and other appropriate personnel in accordance with the coalition's charter.*

*3. Identify and prioritize the research to be conducted by the coalition.*

*4. Prepare the Medical Marijuana Research and Education Plan for submission to the board.*

*5. Apply for grants to obtain funding for research conducted by the coalition.*

*6. Perform other duties as determined by the board.*

*(d) The board shall advise the Board of Governors, the State Surgeon General, the Governor, and the Legislature with respect to medical marijuana research and education in this state. The board shall explore methods of implementing and enforcing medical marijuana laws in relation to cancer control, research, treatment, and education.*

*(e) The board shall annually adopt a plan for medical marijuana research, known as the "Medical Marijuana Research and Education Plan," which must be in accordance with state law and coordinate with existing programs in this state. The plan must include recommendations for the coordination and integration of medical, pharmacological, nursing, paramedical, community, and other resources connected with the treatment of debilitating medical conditions; research related to the treatment of such medical conditions; and education.*

*(f) By February 15 of each year, the board shall issue a report to the Governor, the President of the Senate, and the Speaker of the House of Representatives on research projects, community outreach initiatives, and future plans for the coalition.*

*(g) Beginning January 15, 2018, and quarterly thereafter, the Department of Health shall submit to the coalition a data set that includes, for each patient registered in the medical marijuana use registry, the patient's qualifying medical condition and the daily dose amount and forms of marijuana certified for the patient.*

*(5) RESPONSIBILITIES OF THE H. LEE MOFFITT CANCER CENTER AND RESEARCH INSTITUTE, INC.—The H. Lee Moffitt Cancer Center and Research Institute, Inc., shall allocate staff and provide information and assistance, as the coalition's budget permits, to assist the board in fulfilling its responsibilities.*

Section 10. Subsection (1) of section 1004.441, Florida Statutes, is amended to read:

1004.441 Refractory and intractable epilepsy treatment and research.—

(1) As used in this section, the term "low-THC cannabis" means "low-THC cannabis" as defined in s. 381.986 that is dispensed only from a dispensing organization as defined in *former s. 381.986, Florida Statutes 2016, or a medical marijuana treatment center as defined in* s. 381.986.

Section 11. Subsection (8) is added to section 1006.062, Florida Statutes, to read:

1006.062 Administration of medication and provision of medical services by district school board personnel.—

*(8) Each district school board shall adopt a policy and a procedure for allowing a student who is a qualified patient, as defined in s. 381.986, to use marijuana obtained pursuant to that section. Such policy and procedure shall ensure access by the qualified patient; identify how the marijuana will be received, accounted for, and stored; and establish processes to prevent access by other students and school personnel unnecessary to the implementation of the policy.*

Section 12. *Department of Health; authority to adopt rules; cause of action.—*

*(1) EMERGENCY RULEMAKING.—*

*(a) The Department of Health and the applicable boards shall adopt emergency rules pursuant to s. 120.54(4), Florida Statutes, and this section necessary to implement ss. 381.986 and 381.988, Florida Statutes. If an emergency rule adopted under this section is held to be unconstitutional or an invalid exercise of delegated legislative authority, and becomes void, the department or the applicable boards may adopt an emergency rule pursuant to this section to replace the rule that has become void. If the emergency rule adopted to replace the void emergency rule is also held to be unconstitutional or an invalid exercise of delegated legislative authority and becomes void, the department and the applicable boards must follow the nonemergency rulemaking procedures of the Administrative Procedures Act to replace the rule that has become void.*

*(b) For emergency rules adopted under this section, the department and the applicable boards need not make the findings required by s. 120.54(4)(a), Florida Statutes. Emergency rules adopted under this section are exempt from ss. 120.54(3)(b) and 120.541, Florida Statutes. The department and the applicable boards shall meet the procedural requirements in s. 120.54(a), Florida Statutes, if the department or the applicable boards have, prior to the effective date of this act, held any public workshops or hearings on the subject matter of the emergency rules adopted under this subsection. Challenges to emergency rules adopted under this subsection shall be subject to the time schedules provided in s. 120.56(5), Florida Statutes.*

*(c) Emergency rules adopted under this section are exempt from s. 120.54(4)(c), Florida Statutes, and shall remain in effect until replaced by rules adopted under the nonemergency rulemaking procedures of the Administrative Procedures Act. By January 1, 2018, the department and the applicable boards shall initiate nonemergency rulemaking pursuant to the Administrative Procedures Act to replace all emergency rules*

*adopted under this section by publishing a notice of rule development in the Florida Administrative Register. Except as provided in paragraph (a), after January 1, 2018, the department and applicable boards may not adopt rules pursuant to the emergency rulemaking procedures provided in this section.*

*(2) CAUSE OF ACTION.—*

*(a) As used in s. 29(d)(3), Art. X of the State Constitution, the term:*

*1. "Issue regulations" means the filing by the department of a rule or emergency rule for adoption with the Department of State.*

*2. "Judicial relief" means an action for declaratory judgment pursuant to chapter 86, Florida Statutes.*

*(b) The venue for actions brought against the department pursuant to s. 29(d)(3), Art. X of the State Constitution shall be in the circuit court in and for Leon County.*

*(c) If the department is not issuing patient and caregiver identification cards or licensing medical marijuana treatment centers by October 3, 2017, the following shall be a defense to a cause of action brought under s. 29(d)(3), Art. X of the State Constitution:*

*1. The department is unable to issue patient and caregiver identification cards or license medical marijuana treatment centers due to litigation challenging a rule as an invalid exercise of delegated legislative authority or unconstitutional.*

*2. The department is unable to issue patient or caregiver identification cards or license medical marijuana treatment centers due to a rule being held as an invalid exercise of delegated legislative authority or unconstitutional.*

Section 13. *Department of Law Enforcement; training related to medical use of marijuana.—The Department of Law Enforcement shall develop a 4-hour online initial training course, and a 2-hour online continuing education course, which shall be made available for use by all law enforcement agencies in this state. Such training shall cover the legal parameters of marijuana-related activities governed by ss. 381.986 and 381.988, Florida Statutes, relating to criminal laws governing marijuana.*

Section 14. Section 385.212, Florida Statutes, is amended to read:

385.212 Powers and duties of the Department of Health; Office of *Medical Marijuana* ~~Compassionate~~ Use.—

(1) The Department of Health shall establish an Office of *Medical Marijuana* ~~Compassionate~~ Use under the direction of the Deputy State Health Officer.

(2) The Office of *Medical Marijuana* ~~Compassionate~~ Use may enhance access to investigational new drugs for Florida patients through approved clinical treatment plans or studies. The Office of *Medical Marijuana* ~~Compassionate~~ Use may:

(a) Create a network of state universities and medical centers recognized pursuant to s. 381.925.

(b) Make any necessary application to the United States Food and Drug Administration or a pharmaceutical manufacturer to facilitate enhanced access to *medical* ~~compassionate~~ use *of marijuana* for Florida patients.

(c) Enter into any agreements necessary to facilitate enhanced access to *medical* ~~compassionate~~ use *of marijuana* for Florida patients.

(3) The department may adopt rules necessary to implement this section.

*(4) The Office of Medical Marijuana Use shall administer and enforce the provisions of s. 381.986.*

Section 15. *If any provision of this act or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this act which can be given effect without the invalid provision or application, and to this end the provisions of this act are severable.*

Section 16. This act shall take effect upon becoming a law.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to medical use of marijuana; amending s. 381.986, F.S.; providing, revising, and deleting definitions; providing qualifying medical conditions for a patient to be eligible to receive marijuana or a marijuana delivery device; providing requirements for designating a qualified physician or medical director; providing criteria for certification of a patient for medical marijuana treatment by a qualified physician; providing for certain patients registered with the medical marijuana use registry to be deemed qualified; requiring the Department of Health to monitor physician registration and certifications in the medical marijuana use registry; requiring the Board of Medicine and the Board of Osteopathic Medicine to create a physician certification pattern review panel; providing rulemaking authority to the department and the boards; requiring the department to establish a medical marijuana use registry; specifying entities and persons who have access to the registry; providing requirements for registration of, and maintenance of registered status by, qualified patients and caregivers; providing criteria for nonresidents to prove residency for registration as a qualified patient; defining the term "seasonal resident"; authorizing the department to suspend or revoke the registration of a patient or caregiver under certain circumstances; providing requirements for the issuance of medical marijuana use registry identification cards; requiring the department to issue licenses to a certain number of medical marijuana treatment centers; providing for license renewal and revocation; providing conditions for change of ownership; providing for continuance of certain entities authorized to dispense low-THC cannabis, medical cannabis, and cannabis delivery devices; requiring a medical marijuana treatment center to comply with certain standards in the production and distribution of edibles; requiring the department to establish, maintain, and control a computer software seed-to-sale marijuana tracking system; requiring background screening of owners, officers, board members, and managers of medical marijuana treatment centers; requiring the department to establish protocols and procedures for operation, conduct periodic inspections, and restrict location of medical marijuana treatment centers; providing a limit on county and municipal permit fees; authorizing counties and municipalities to determine the location of medical marijuana treatment centers by ordinance under certain conditions; providing penalties; authorizing the department to impose sanctions on persons or entities engaging in unlicensed activities; providing that a person is not exempt from prosecution for certain offenses and is not relieved from certain requirements of law under certain circumstances; providing for certain school personnel to possess marijuana pursuant to certain established policies and procedures; providing that certain research institutions may possess, test, transport, and dispose of marijuana subject to certain conditions; providing applicability with respect to employer-instituted drug-free workplace programs; amending ss. 458.331 and 459.015, F.S.; providing additional acts by a physician or an osteopathic physician which constitute grounds for denial of a license or disciplinary action to which penalties apply; creating s. 381.988, F.S.; providing for the establishment of medical marijuana testing laboratories; requiring the Department of Health, in collaboration with the Department of Agriculture and Consumer Services and the Department of Environmental Protection, to develop certification standards and rules; providing limitations on the acquisition and distribution of marijuana by a testing laboratory; providing an exception for transfer of marijuana under certain conditions; requiring a testing laboratory to use a department-selected computer tracking system; providing grounds for disciplinary and administrative action; authorizing the department to refuse to issue or renew, or suspend or revoke, a testing laboratory license; creating s. 381.989, F.S.; defining terms; directing the department and the Department of Highway Safety and Motor Vehicles to institute public education campaigns relating to cannabis and marijuana and impaired driving; requiring evaluations of public education campaigns; authorizing the department and the Department of Highway Safety and Motor Vehicles to contract with vendors to implement and evaluate the campaigns; amending ss. 385.211, 499.0295, and 893.02, F.S.; conforming provisions to changes made by the act; creating s. 1004.4351, F.S.; providing a short title; providing legislative findings; defining terms; establishing the Coalition for Medical Marijuana Research and Education within the H. Lee Moffitt Cancer Center and Research In-

stitute, Inc.; providing a purpose for the coalition; establishing the Medical Marijuana Research and Education Board to direct the operations of the coalition; providing for the appointment of board members; providing for terms of office, reimbursement for certain expenses, and meetings of the board; authorizing the board to appoint a coalition director; prescribing the duties of the coalition director; requiring the board to advise specified entities and officials regarding medical marijuana research and education in this state; requiring the board to annually adopt a Medical Marijuana Research and Education Plan; providing requirements for the plan; requiring the board to issue an annual report to the Governor and the Legislature by a specified date; requiring the Department of Health to submit reports to the board containing specified data; specifying responsibilities of the H. Lee Moffitt Cancer Center and Research Institute, Inc.; amending s. 1004.441, F.S.; revising a definition; amending s. 1006.062, F.S.; requiring district school boards to adopt policies and procedures for access to medical marijuana by qualified patients who are students; providing emergency rulemaking authority; providing for venue for a cause of action against the department; providing for defense against certain causes of action; directing the Department of Law Enforcement to develop training for law enforcement officers and agencies; amending s. 385.212, F.S.; renaming the department's Office of Compassionate Use; providing severability; providing an effective date.

Pursuant to Rule 7.1(1), there being no objection, consideration of the following late-filed amendment was allowed:

Senator Galvano moved the following amendment to **Amendment 3 (709986)** which was adopted:

**Amendment 3A (271310)**—Delete lines 532-682 and insert: *a. One applicant that was a qualified dispensing organization applicant under former s. 381.986, Florida Statutes 2014; was the highest scoring applicant that was not awarded a license; and provides documentation to the department that it has the existing infrastructure and technical and technological ability to begin cultivating, processing, and dispensing marijuana within 30 days after registration as a medical marijuana treatment center.*

*b. Any applicant that was a qualified dispensing organization applicant under former s. 381.986, Florida Statutes 2014; was the highest scoring applicant in its region that was not licensed as a dispensing organization under former s. 381.986, Florida Statutes 2014; had a final rank that was within 0.5 points of the highest scoring applicant in its region; and provides documentation to the department that it has the existing infrastructure and technical and technological ability to begin cultivating, processing, and dispensing marijuana within 30 days after registration as a medical marijuana treatment center.*

*c. One applicant that is a recognized class member of Pigford v. Glickman, 185 F.R.D. 82 (D.D.C. 1999), or In Re Black Farmers Litig., 856 F. Supp. 2d 1 (D.D.C. 2011); is a member of the Black Farmers and Agriculturalists Association-Florida Chapter; and meets the requirements of subparagraphs (b)3.-9.*

*3. Within 6 months after the medical marijuana use registry reaches a total of 75,000 active registered qualified patients and upon each further instance of the total active registered qualified patients increasing by 75,000, license five additional medical marijuana treatment centers if a sufficient number of medical marijuana treatment center applicants meet the registration requirements of this section and department rule.*

*(b) An applicant for licensure as a medical marijuana treatment center shall apply to the department on a form prescribed by the department and adopted in rule. The department shall adopt rules pursuant to ss. 120.536(1) and 120.54 establishing a procedure for the issuance and biennial renewal of licenses, including initial application and biennial renewal fees sufficient to cover the costs of administering this licensure program. The department shall identify applicants with strong diversity plans reflecting this state's commitment to diversity and implement training programs and other educational programs to enable minority persons and minority business enterprises, as defined in s. 288.703, and veteran business enterprises, as defined in s. 295.187, to compete for MMTC registration and contracts. Subject to the requirements in subparagraphs (a)2.-4., the department shall issue a license to an applicant if the applicant meets the requirements of this section and pays the initial application fee. The department shall renew the licensure of a medical marijuana treatment center biennially if the licensee meets the requirements of this section and pays the biennial renewal fee. An individual may not be an applicant, owner, officer, board member, or manager on more than one application for licensure as a medical marijuana treatment center. An individual or entity may not be awarded more than one license as a medical marijuana treatment center. An applicant for licensure as a medical marijuana treatment center must:*

*1. Demonstrate that, for the 5 consecutive years before submitting the application, the applicant has been registered to do business in the state.*

*2. Possess of a valid certificate of registration issued by the Department of Agriculture and Consumer Services pursuant to s. 581.131.*

*3. Demonstrate the technical and technological ability to cultivate and produce marijuana, including, but not limited to, low-THC cannabis.*

*4. Demonstrate the ability to secure the premises, resources, and personnel necessary to operate as a medical marijuana treatment center.*

*5. Demonstrate the ability to maintain accountability of all raw materials, finished products, and any byproducts to prevent diversion or unlawful access to or possession of these substances.*

*6. Have an infrastructure reasonably located to dispense marijuana to registered qualified patients statewide or regionally as determined by the department.*

*7. Demonstrate the financial ability to maintain operations for the duration of the 2-year approval cycle, including the provision of certified financial statements to the department. Upon approval, the applicant must post a $5 million performance bond. However, a medical marijuana treatment center serving at least 1,000 qualified patients is only required to maintain a $2 million performance bond.*

*8. Demonstrate that all owners, officers, board members, and managers have passed a background screening pursuant to subsection (9).*

*9. Demonstrate the employment of a medical director to supervise the activities of the medical marijuana treatment center.*

*10. Submit a diversity plan that promotes and ensures the involvement of minority persons and minority business enterprises, as defined in s. 288.703, or veteran business enterprises, as defined in s. 295.187, in ownership, management, and employment. An applicant for licensure renewal must show the effectiveness of the diversity plan by including the following with his or her application for renewal:*

*a. Representation of minority persons and veterans in the MMTC's workforce;*

*b. Efforts to recruit minority persons and veterans for employment; and*

*c. A record of contracts for services with minority business enterprises and veteran business enterprises.*

*(c) A medical marijuana treatment center may not make a wholesale purchase of marijuana from, or a distribution of marijuana to, another medical marijuana treatment center unless the medical marijuana treatment center seeking to make a wholesale purchase of marijuana submits proof of harvest failure to the department.*

*(d) The department shall establish, maintain, and control a computer software tracking system that traces marijuana from seed to sale and allows real-time, 24-hour access by the department to data from all medical marijuana treatment centers and marijuana testing laboratories. The tracking system must allow for integration of other seed-to-sale systems and, at a minimum, include notification of when marijuana seeds are planted, when marijuana plants are harvested and destroyed, and when marijuana is transported, sold, stolen, diverted, or lost. Each medical marijuana treatment center shall use the seed-to-sale tracking system established by the department or integrate its own seed-to-sale tracking system with the seed-to-sale tracking system established by the department. Each medical marijuana treatment center may use its own seed-to-sale system until the department establishes a seed-to-sale tracking system. The department may contract with a vendor to establish the seed-to-sale tracking system. The vendor selected by the department may not have a contractual relationship with the department to perform*

*any services pursuant to this section other than the seed-to-sale tracking system. The vendor may not have a direct or indirect financial interest in a medical marijuana treatment center or a marijuana testing laboratory.*

*(e) A licensed medical marijuana treatment center shall cultivate, process, transport, and dispense marijuana for medical use. A licensed medical marijuana treatment center may not contract for services directly related to the cultivation, processing, and dispensing of marijuana or marijuana delivery devices except that a medical marijuana treatment center licensed pursuant to subparagraph (8)(a)1. may continue with and may renew contracts that were executed prior to the effective date of this act. A licensed medical marijuana treatment center must, at all times, maintain compliance with the criteria demonstrated and representations made in the initial application and the criteria established in this subsection. Upon request, the department may grant a medical marijuana treatment center a variance from the representations made in the initial application. Consideration of such a request shall be based upon the individual facts and circumstances surrounding the request. A variance may not be granted unless the requesting medical marijuana treatment center can demonstrate to the department that it has a proposed alternative to the specific representation made in its application which fulfills the same or a similar purpose as the specific representation in a way that the department can reasonably determine will not be a lower standard than the specific representation in the application. A variance may not be granted from the requirements in subparagraph 2. and subparagraphs (b)1. and 2.*

*1. The department shall approve an MMTC's request for a change in ownership, equity structure, or transfer of registration to a new entity that meets the requirements in paragraph (8)(b) if individuals seeking a 5 percent or greater direct or indirect equity interest in the MMTC are fingerprinted and have successfully passed a level 2 background screening pursuant to s. 435.04. Individuals who seek or hold less than a 5 percent direct or indirect equity interest in the MMTC are not required to be fingerprinted or pass the background check. A request for a change in MMTC ownership, equity structure, or transfer of registration is deemed approved if not denied by the department within 15 days after receipt of the request. The department shall adopt by rule a process which includes specific criteria for the approval or denial of such requests.*

Pursuant to Rule 7.1(1), there being no objection, consideration of the following late-filed amendment was allowed:

Senator Clemens moved the following amendment to **Amendment 3 (709986)** which was adopted:

**Amendment 3B (476500)**—Delete lines 970-973.

Pursuant to Rule 7.1(1), there being no objection, consideration of the following late-filed amendment was allowed:

Senator Rouson moved the following amendment to **Amendment 3 (709986)** which was adopted:

**Amendment 3C (880698) (with title amendment)**—Delete lines 466-504 and insert:

*(a) The department shall issue physical or electronic medical marijuana use registry identification cards for qualified patients and caregivers who are residents of this state, which must be renewed annually. The department may charge a reasonable fee associated with the issuance and renewal of identification cards. The fee may not exceed $75. Of each issuance or renewal fee, the department shall allocate $10 to the Division of Research at Florida Agricultural and Mechanical University for the purpose of educating minorities about marijuana for medical use and the impact of the unlawful use of marijuana on minority communities. The identification cards must be resistant to counterfeiting and tampering and must include, at a minimum, the following:*

*1. The name, address, and date of birth of the qualified patient or caregiver.*

*2. A full-face, passport-type, color photograph of the qualified patient or caregiver taken within the 90 days immediately preceding registration or the Florida driver license or Florida identification card photograph of the qualified patient or caregiver obtained directly from the Department of Highway Safety and Motor Vehicles.*

*3. Designation of the cardholder as a qualified patient or a caregiver.*

*4. The unique numeric identifier used for the qualified patient in the medical marijuana use registry.*

*5. For a caregiver, the name and unique numeric identifier of the caregiver and the qualified patient or patients that the caregiver is assisting.*

*6. The expiration date of the identification card.*

*(b) Electronic identification cards must comply with the Health Insurance Portability and Accountability Act (HIPAA) as it pertains to protected health information and all other relevant state and federal privacy and security laws and regulations. Such electronic cards must:*

*1. Contain the technology to automatically expire and be remotely terminated by the department;*

*2. Collect timestamped, geotagged data to be uploaded in real time into the compassionate use registry; and*

*3. Maintain compatibility with smartphone and web-based platforms.*

*(c) The department must receive written consent from a qualified patient's parent or legal guardian before it may issue an identification card to a qualified patient who is a minor.*

*(d) The department shall, by July 3, 2017, adopt rules pursuant to ss. 120.536(1) and 120.54 establishing procedures for the issuance, renewal, suspension, replacement, surrender, and revocation of medical marijuana use registry identification cards and shall begin issuing qualified patient identification cards by October 3, 2017.*

*(e) Applications for identification cards must be submitted on a form prescribed by the department. The department may charge a reasonable fee associated with the issuance, replacement, and renewal of identification cards. The department may contract with a third-party vendor to issue identification cards. The vendor selected by the department must have experience performing similar functions for other state agencies.*

*(f) A qualified patient or caregiver must return his or her*

And the title is amended as follows:

Delete line 1883 and insert: cards; authorizing the department to charge a fee for identification cards; requiring the department to issue licenses to a

**Amendment 3 (709986)**, as amended, was adopted.

**RECONSIDERATION OF AMENDMENT**

On motion by Senator Rouson, the Senate reconsidered the vote by which **Amendment 1 (723660)**, as amended by **Amendment 1A (369966)**, was adopted.

**Amendment 1 (723660)** and **Amendment 1A (369966)** were withdrawn.

On motion by Senator Bradley, by two-thirds vote, **CS for CS for HB 1397**, as amended, was read the third time by title, passed, and certified to the House. The vote on passage was:

Yeas—31

| | | |
|---|---|---|
| Mr. President | Galvano | Rouson |
| Bean | Gibson | Simmons |
| Benacquisto | Hutson | Simpson |
| Book | Lee | Stargel |
| Bracy | Mayfield | Steube |
| Bradley | Montford | Stewart |
| Braynon | Passidomo | Thurston |
| Broxson | Perry | Torres |
| Campbell | Powell | Young |
| Clemens | Rader | |
| Flores | Rodriguez | |

Nays—7

| | | |
|---|---|---|
| Baxley | Gainer | Latvala |
| Brandes | Garcia | |
| Farmer | Grimsley | |

By direction of the President, by unanimous consent—

**CS for SB 1844**—A bill to be entitled An act relating to public records; amending s. 381.987, F.S.; providing an exemption from public records requirements for a qualifying patient's or caregiver's personal identifying information, all information contained on their compassionate use registry identification cards, and all information pertaining to a physician certification for marijuana; requiring the Department of Health to allow access to the compassionate use registry to a law enforcement agency, a medical marijuana treatment center, certain licensed practitioners, certain employees of the department, and certain persons engaged in research, for specified purposes; extending the date of future review and repeal of the exemption; providing a statement of public necessity; providing a contingent effective date.

—was taken up out of order and read the second time by title.

Pending further consideration of **CS for SB 1844**, pursuant to Rule 3.11(3), there being no objection, **CS for HB 7095** was withdrawn from the Committee on Rules.

On motion by Senator Bradley, the rules were waived and—

**CS for HB 7095**—A bill to be entitled An act relating to public records; amending s. 381.987, F.S.; exempting from public records requirements personal identifying information of patients, caregivers, and physicians held by the Department of Health in the medical marijuana use registry and information related to the physician's certification for marijuana and the dispensing thereof; authorizing specified persons and entities access to the exempt information; requiring that information released from the registry remain confidential and exempt; providing a criminal penalty; providing for future legislative review and repeal of the exemption; providing a statement of public necessity; providing a contingent effective date.

—a companion measure, was substituted for **CS for SB 1844** and read the second time by title.

Pursuant to Rule 7.1(1), there being no objection, consideration of the following late-filed amendments was allowed:

Senator Bradley moved the following amendments which were adopted:

**Amendment 1 (582042)**—Delete line 83 and insert:

*(g) To the Coalition for Medical Marijuana Research and Education established in s. 1004.4351(4).*

*(h)*~~(f)~~ A person engaged in bona fide research if the

**Amendment 2 (315110)**—Delete lines 108-127 and insert:
*necessity that personal identifying information of patients, caregivers, and physicians and any timestamped geotagged data held by the Department of Health in the medical marijuana use registry established under s. 381.986, Florida Statutes, be made confidential and exempt from s. 119.07(1), Florida Statutes, and s. 24(a), Article I of the State Constitution. The Legislature further finds that it is a public necessity to make confidential and exempt from s. 119.07(1), Florida Statutes, and s. 24(a), Article I of the State Constitution all information held in the medical marijuana use registry that pertains to a physician's certification for marijuana and the dispensing thereof pursuant to s. 381.986, Florida Statutes. The choice made by a physician to certify, and his or her patient to use, marijuana to treat the patient's medical condition or symptoms and the choice made by a caregiver to assist a qualifying patient with the medical use of marijuana is a personal and private matter between such parties. The availability of such information could make the public aware of the patient's and caregiver's location, the patient's use of marijuana, and the patient's diseases or other medical conditions for which the patient is using marijuana. The knowledge of the patient's and caregiver's location, the patient's use of marijuana, the*

**Amendment 3 (450998) (with title amendment)**—Delete line 25 and insert:
information *and any timestamped geotagged data* held by the department in the *medical marijuana*

And the title is amended as follows:

Delete line 5 and insert: patients, caregivers, and physicians and certain timestamped geotagged data held by the

On motion by Senator Bradley, by two-thirds vote, **CS for HB 7095**, as amended, was read the third time by title, passed by the required constitutional two-thirds vote of the members present and voting, and certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

By direction of the President, by unanimous consent—

**CS for CS for SB 788**—A bill to be entitled An act relating to marketing practices for substance abuse services; amending s. 16.56, F.S.; authorizing the Office of Statewide Prosecution in the Department of Legal Affairs to investigate and prosecute patient brokering offenses; amending 397.321, F.S.; requiring the Department of Children and Families to ensure that substance abuse service provider personnel providing direct clinical treatment services are certified through a department-recognized certification process; exempting specified licensed individuals from certification; amending s. 397.407, F.S.; revising the requirements for the referral of patients to, and the acceptance of referrals from, a recovery residence; specifying that certain referrals are not prohibited; providing applicability; clarifying that such referrals are not required; amending s. 397.501, F.S.; providing that an application for the disclosure of an individual's records may be filed as part of an active criminal investigation; authorizing a court to approve an application for the disclosure of an individual's substance abuse treatment records without providing express notice of the application to the individual or identified parties with an interest in the records if the application is filed as part of an active criminal investigation; providing that upon implementation of the order granting such application, the individual and identified parties with an interest in the records must be afforded an opportunity to seek revocation or amendment of that order; creating s. 397.488, F.S.; providing legislative findings; prohibiting service providers, operators of recovery residences, and certain third parties from engaging in specified marketing practices; providing penalties; creating s. 817.0345, F.S.; prohibiting a person from knowingly and willfully making specified false or misleading statements or providing specified false or misleading information under certain circumstances; providing penalties; amending s. 817.505, F.S.; providing that it is unlawful for a person to offer or pay, or solicit or receive, benefits under certain circumstances; providing fines and penalties; amending s. 895.02, F.S.; revising the definition of the term "racketeering activity"; amending s. 921.0022, F.S.; ranking offenses; providing an appropriation; providing an effective date.

—was taken up out of order and read the second time by title.

Pending further consideration of **CS for CS for SB 788**, pursuant to Rule 3.11(3), there being no objection, **CS for CS for HB 807** was withdrawn from the Committees on Criminal Justice; Children, Families, and Elder Affairs; Appropriations; and Rules.

On motion by Senator Clemens, the rules were waived and—

**CS for CS for HB 807**—A bill to be entitled An act relating to practices of substance abuse service providers; amending s. 16.56, F.S.; authorizing the Office of Statewide Prosecution in the Department of Legal Affairs to investigate and prosecute patient brokering offenses; amending s. 397.311, F.S.; defining the term "clinical supervisor"; conforming a cross-reference; amending s. 397.401, F.S.; increasing penalties for operating without a license; renumbering and amending s. 397.405, F.S.; conforming a cross-reference; amending s. 397.403, F.S.; requiring additional information to be provided in a licensure application; requiring accreditation for certain licensure renewals; conforming a cross-reference; amending s. 397.407, F.S.; revising duties of the Department of Children and Families relating to licensure of service providers; requiring licensure fees to cover the cost of regulation; requiring the department to conduct background screening for owners, directors, chief financial officers, and clinical supervisors of a service provider; limiting the instances in which the department may issue a probationary license; authorizing the department to deny a renewal application of a regular license if received fewer than 30 days before expiration; revising limitations on referrals to recovery residences; renumbering and amending s. 397.451, F.S.; requiring clinical supervisors to undergo background screening; creating s. 397.410, F.S.; requiring the department to establish minimum standards for licensure of substance abuse service components; specifying standards, procedures, and staffing requirements; directing the department to establish the scope of deficiency by rule; requiring the department to complete certain steps in the rulemaking process by specific dates; requiring a report to the Governor and Legislature; amending s. 397.411, F.S.; authorizing the department to conduct announced and unannounced inspections; establishing classes of violations for substance abuse service providers; amending s. 397.415, F.S.; providing criteria for the department to impose a fine, corrective action plan, immediate moratorium, or emergency suspension; providing criteria for the department to deny, suspend, or revoke a license; repealing s. 397.471, F.S., relating to service provider facility standards; creating s. 397.4873, F.S.; limiting referrals to and from recovery residences in certain circumstances; providing exceptions; requiring a service provider to maintain certain referral records; providing penalties; amending s. 397.501, F.S.; providing that an application for the disclosure of an individual's records may be filed as part of an active criminal investigation; authorizing a court to approve an application for the disclosure of an individual's substance abuse treatment records without providing express notice of the application to the individual or identified parties with an interest in the records if the application is filed as part of an active criminal investigation; providing that upon implementation of the order granting such application, the individual and identified parties with an interest in the records must be afforded an opportunity to seek revocation or amendment of that order; creating s. 397.55, F.S.; providing legislative findings; prohibiting service providers, operators of recovery residences, and certain third parties from engaging in specified marketing practices; providing penalties; amending s. 501.605, F.S.; requiring entities providing substance abuse marketing services in accordance with s. 397.55, F.S., to be licensed; exempting such entities from licensure requirement to post a bond, letter of credit, or certificate of deposit; providing general civil remedies; amending s. 501.606, F.S.; requiring an entity providing substance abuse marketing services to make certain disclosures in its licensure application; amending s. 501.608, F.S.; authorizing the department to issue a cease and desist order and to order an entity providing substance abuse marketing services to leave an office if the entity is unable to properly display or produce a license or a receipt of filing of an affidavit of exemption; requiring such entity to exhibit an active license before a local occupational license may be issued or reissued; amending s. 501.612, F.S.; granting the Department of Agriculture and Consumer Services the ability to take action against an entity providing substance abuse marketing services without a license; amending s. 501.618, F.S.; subjecting an entity providing substance abuse marketing services to civil remedies for licensure violation; creating s. 817.0345, F.S.; prohibiting a person from knowingly and willfully making specified false or misleading statements or providing specified false or misleading information under certain circumstances; providing penalties; amending s. 817.505, F.S.; providing that it is unlawful for a person to offer or pay, or solicit or receive, benefits under certain circumstances; providing fines and penalties; amending s. 895.02, F.S.; revising the definition of the term "racketeering activity"; amending s. 921.0022, F.S.; reclassifying the offense of patient brokering on the offense severity ranking chart of the Criminal Punishment Code; amending ss. 212.055, 394.4573, 394.9085, 397.416, 397.753, 409.1757, 440.102, and 985.045, F.S.; conforming cross-references; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 788** and read the second time by title.

On motion by Senator Clemens, by two-thirds vote, **CS for CS for HB 807** was read the third time by title, passed, and certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

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**INTRODUCTION OF FORMER SENATORS**

Senator Clemens recognized Palm Beach County State Attorney Dave Aronberg, a former Senator, who was present in the chamber.

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By direction of the President, by unanimous consent—

**SB 1302**—A bill to be entitled An act relating to private school student participation in extracurricular activities; amending s. 1006.15, F.S.; revising the eligibility requirements for certain private school students to participate in interscholastic or intrascholastic sports at specified public schools; providing an effective date.

—was taken up out of order and read the second time by title.

Pending further consideration of **SB 1302**, pursuant to Rule 3.11(3), there being no objection, **CS for HB 1109** was withdrawn from the Committees on Education; Appropriations Subcommittee on Pre-K - 12 Education; Appropriations; and Rules.

On motion by Senator Gibson—

**CS for HB 1109**—A bill to be entitled An act relating to private school student participation in extracurricular activities; amending s. 1006.15, F.S.; revising the eligibility requirements for certain private school students to participate in interscholastic or intrascholastic sports at specified public schools; providing an effective date.

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

On motion by Senator Gibson, by two-thirds vote, **CS for HB 1109** was read the third time by title, passed, and certified to the House. The vote on passage was:

Yeas—38

| | | |
|---|---|---|
| Mr. President | Braynon | Garcia |
| Baxley | Broxson | Gibson |
| Bean | Campbell | Grimsley |
| Benacquisto | Clemens | Hutson |
| Book | Farmer | Latvala |
| Bracy | Flores | Lee |
| Bradley | Gainer | Mayfield |
| Brandes | Galvano | Montford |

| | | |
|---|---|---|
| Passidomo | Rouson | Stewart |
| Perry | Simmons | Thurston |
| Powell | Simpson | Torres |
| Rader | Stargel | Young |
| Rodriguez | Steube | |

Nays—None

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By direction of the President, by unanimous consent—

**CS for SB 1014**—A bill to be entitled An act relating to public records; amending s. 626.9891, F.S.; providing an exemption from public records requirements for reports, documents, or other information relating to the investigation and tracking of insurance fraud submitted by insurers to the Department of Financial Services; providing for future legislative review and repeal of the exemption; providing retroactive applicability; providing a statement of public necessity; providing a contingent effective date.

—was taken up out of order and read the second time by title.

Pending further consideration of **CS for SB 1014**, pursuant to Rule 3.11(3), there being no objection, **CS for HB 1009** was withdrawn from the Committee on Rules.

On motion by Senator Brandes—

**CS for HB 1009**—A bill to be entitled An act relating to public records; amending s. 626.9891, F.S.; providing an exemption from public records requirements for reports, documents, or other information relating to the investigation and tracking of insurance fraud submitted by insurers to the Department of Financial Services; providing for future legislative review and repeal; providing a statement of public necessity; providing a contingent effective date.

—a companion measure, was substituted for **CS for SB 1014** and read the second time by title.

Pursuant to Rule 4.19, **CS for HB 1009** was placed on the calendar of Bills on Third Reading.

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By direction of the President, by unanimous consent—

**CS for CS for CS for SB 764**—A bill to be entitled An act relating to an ad valorem tax exemption for first responders; amending s. 196.011, F.S.; specifying the information to be included in an application for certain tax exemptions; creating s. 196.102, F.S.; providing definitions; providing an exemption from ad valorem taxation for certain first responders under specified conditions; providing procedures for applying for the exemption; specifying requirements for documents that serve as prima facie evidence of entitlement to the exemption; providing that total and permanent disabilities resulting from cardiac events do not qualify for the exemption except when certain conditions are met; providing that applicants have a continuing duty to notify property appraisers of certain changes; providing that the exemption carries over to the benefit of surviving spouses under certain circumstances; providing requirements relating to the date of granting an exemption and the refund of excess taxes; providing a criminal penalty for knowingly or willfully giving false information to claim the exemption; specifying a deadline and procedures for applying for the exemption for the 2017 tax year; specifying procedures for petitioning a denial with the value adjustment board; authorizing the Department of Revenue to adopt emergency rules; providing retroactive operation; providing an effective date.

—was taken up out of order and read the second time by title.

Pending further consideration of **CS for CS for CS for SB 764**, pursuant to Rule 3.11(3), there being no objection, **CS for CS for HB 455** was withdrawn from the Committees on Governmental Oversight and Accountability; Community Affairs; Appropriations Subcommittee on Finance and Tax; and Appropriations.

On motion by Senator Baxley—

**CS for CS for HB 455**—A bill to be entitled An act relating to tax exemptions for first responders and surviving spouses; amending s. 196.011, F.S.; specifying the information to be included in an application for certain tax exemptions; creating s. 196.102, F.S.; providing definitions; providing an exemption from ad valorem taxation for certain first responders under specified conditions; providing procedures for applying for the exemption; specifying requirements for documents that serve as prima facie evidence of entitlement to the exemption; providing that total and permanent disabilities resulting from cardiac events do not qualify for the exemption except when certain conditions are met; providing that applicants have a continuing duty to notify property appraisers of certain changes; providing that the exemption carries over to the benefit of surviving spouses under certain circumstances; providing requirements relating to the date of granting an exemption and the refund of excess taxes; providing a criminal penalty for knowingly or willfully giving false information to claim the exemption; specifying a deadline and procedures for applying for the exemption for the 2017 tax year; specifying procedures for petitioning a denial with the value adjustment board; authorizing the Department of Revenue to adopt emergency rules; providing retroactive applicability; providing an effective date.

—a companion measure, was substituted for **CS for CS for CS for SB 764** and read the second time by title.

Pursuant to Rule 4.19, **CS for CS for HB 455** was placed on the calendar of Bills on Third Reading.

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By direction of the President, by unanimous consent—

**CS for CS for SB 454**—A bill to be entitled An act relating to the regulation of insurance companies; amending s. 177.041, F.S.; providing that a specified property information report, rather than a specified certification by an abstractor or a title company, may be submitted as part of certain information required in relation to the plat or replat of a subdivision; amending ss. 177.091 and 197.502, F.S.; conforming provisions to changes made by the act; amending s. 215.555, F.S.; deleting a future repeal of an exemption of medical malpractice insurance premiums from certain emergency assessments by the State Board of Administration relating to the Florida Hurricane Catastrophe Fund; amending s. 624.407, F.S.; specifying the minimum surplus as to policyholders for insurers that only transact in specified forms of residential property insurance; amending s. 624.424, F.S.; revising a requirement for audit committees established by the boards of directors of insurers, relating to relationships that would interfere with the exercise of independent judgment of committee members; amending s. 625.012, F.S.; revising the allowable assets of insurers relating to specified levied assessments; amending s. 627.062, F.S.; revising requirements for certain rate filings by medical malpractice insurers; amending s. 627.0645, F.S.; adding certain medical malpractice insurance to casualty insurance excluded from an annual base rate filing requirement for rating organizations; amending s. 627.4035, F.S.; revising the methods of paying premiums for insurance contracts; authorizing an insurer to impose a specified insufficient funds fee if certain premium payment methods are returned, are declined, or cannot be processed; providing an exception; amending s. 627.421, F.S.; providing that an electronically delivered document in an insurance policy meets formatting requirements for printed documents under certain conditions; amending s. 627.7295, F.S.; conforming provisions to changes made by the act; amending s. 627.7843, F.S.; replacing provisions relating to ownership and encumbrance reports with provisions relating to property information reports; defining the term "property information report"; prohibiting property information reports from setting forth or implying certain assurances; providing construction; specifying a limitation on the contractual liability of issuers of property information reports; requiring a specified disclosure in property information reports; providing applicability; providing an effective date.

—was taken up out of order and read the second time by title.

Pending further consideration of **CS for CS for SB 454** pursuant to Rule 3.11(3), there being no objection, **CS for HB 359** was withdrawn from the Committees on Banking and Insurance; Appropriations Subcommittee on General Government; Appropriations; and Rules.

On motion by Senator Brandes, the rules were waived and—

**CS for HB 359**—A bill to be entitled An act relating to insurance; amending s. 215.555, F.S.; removing a provision repealing an exemption from emergency assessment for medical malpractice insurance premiums; amending s. 625.012, F.S.; revising the definition of asset to include assessments on workers' compensation insurance; amending s. 627.062, F.S.; revising requirements for medical malpractice insurers to provide rate filings; amending s. 627.0645, F.S.; providing an exemption from certain annual base rate filings for medical malpractice insurance; amending s. 627.4035, F.S.; authorizing insurers to charge insufficient funds fees; amending s. 627.421, F.S.; providing conditions under which an electronically delivered document meets formatting requirements; amending s. 627.7295, F.S.; deleting provisions authorizing additional permissible types of payment for motor vehicle insurance premiums and charging insufficient funds fee; creating s. 627.747, F.S.; authorizing insurers to exclude certain individuals from private passenger motor vehicle insurance coverage under specified circumstances; providing exceptions; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 454** and read the second time by title.

By direction of the President, further consideration of **CS for HB 359** was deferred.

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**MOTION**

On motion by Senator Benacquisto, the rules were waived and time of adjournment was extended until 10:00 p.m.

## RECESS

On motion by Senator Benacquisto, the Senate recessed at 7:05 p.m. to reconvene 10 minutes after the Appropriations Conference Committee Chairs have adjourned, or upon call of the President.

## EVENING SESSION

The Senate was called to order by the President at 7:47 p.m. A quorum present—33:

| | | |
|---|---|---|
| Mr. President | Farmer | Rader |
| Baxley | Flores | Rodriguez |
| Bean | Gainer | Rouson |
| Benacquisto | Garcia | Simmons |
| Book | Gibson | Simpson |
| Bracy | Grimsley | Stargel |
| Bradley | Hutson | Steube |
| Brandes | Mayfield | Stewart |
| Broxson | Montford | Thurston |
| Campbell | Passidomo | Torres |
| Clemens | Perry | Young |

## SPECIAL ORDER CALENDAR, continued

On motion by Senator Brandes, the Senate resumed consideration of—

**CS for HB 359**—A bill to be entitled An act relating to insurance; amending s. 215.555, F.S.; removing a provision repealing an exemption from emergency assessment for medical malpractice insurance premiums; amending s. 625.012, F.S.; revising the definition of asset to include assessments on workers' compensation insurance; amending s. 627.062, F.S.; revising requirements for medical malpractice insurers to provide rate filings; amending s. 627.0645, F.S.; providing an exemption from certain annual base rate filings for medical malpractice insurance; amending s. 627.4035, F.S.; authorizing insurers to charge insufficient funds fees; amending s. 627.421, F.S.; providing conditions under which an electronically delivered document meets formatting requirements; amending s. 627.7295, F.S.; deleting provisions authorizing additional permissible types of payment for motor vehicle insurance premiums and charging insufficient funds fee; creating s. 627.747, F.S.; authorizing insurers to exclude certain individuals from private passenger motor vehicle insurance coverage under specified circumstances; providing exceptions; providing an effective date.

—which was previously considered this day.

Pursuant to Rule 7.1(1), there being no objection, consideration of the following late-filed amendment was allowed:

Senator Brandes moved the following amendment:

**Amendment 1 (505904) (with title amendment)**—Delete everything after the enacting clause and insert:

Section 1. Subsection (2) of section 177.041, Florida Statutes, is amended to read:

177.041 Boundary survey and title certification required.—Every plat or replat of a subdivision submitted to the approving agency of the local governing body must be accompanied by:

(2) A title opinion of an attorney at law licensed in Florida or a *property information report* ~~certification by an abstractor or a title company~~ showing that record title to the land as described and shown on the plat is in the name of the person, persons, corporation, or entity executing the dedication. The title opinion or *property information report must* ~~certification shall~~ also show all mortgages not satisfied or released of record nor otherwise terminated by law.

Section 2. Subsection (16) of section 177.091, Florida Statutes, is amended to read:

177.091 Plats made for recording.—Every plat of a subdivision offered for recording shall conform to the following:

(16) Location and width of proposed easements and existing easements identified in the title opinion or *property information report* ~~certification~~ required by s. 177.041(2) *must* ~~shall~~ be shown on the plat or in the notes or legend, and their intended use shall be clearly stated. Where easements are not coincident with property lines, they must be labeled with bearings and distances and tied to the principal lot, tract, or right-of-way.

Section 3. Paragraph (a) of subsection (5) of section 197.502, Florida Statutes, is amended to read:

197.502 Application for obtaining tax deed by holder of tax sale certificate; fees.—

(5)(a) The tax collector may contract with a title company or an abstract company to provide the minimum information required in subsection (4), consistent with rules adopted by the department. If additional information is required, the tax collector must make a written request to the title or abstract company stating the additional requirements. The tax collector may select any title or abstract company, regardless of its location, as long as the fee is reasonable, the minimum information is submitted, and the title or abstract company is authorized to do business in this state. The tax collector may advertise and accept bids for the title or abstract company if he or she considers it appropriate to do so.

1. The *property information* ~~ownership and encumbrance~~ report must include the letterhead of the person, firm, or company that makes the search, and the signature of the individual who makes the search or of an officer of the firm. The tax collector is not liable for payment to the firm unless these requirements are met. The report may be submitted to the tax collector in an electronic format.

2. The tax collector may not accept or pay for any title search or abstract if financial responsibility is not assumed for the search. However, reasonable restrictions as to the liability or responsibility of the title or abstract company are acceptable. Notwithstanding s. 627.7843(3), the tax collector may contract for higher maximum liability limits.

3. In order to establish uniform prices for *property information* ~~ownership and encumbrance~~ reports within the county, the tax collector must ensure that the contract for *property information* ~~ownership and encumbrance reports~~ include all requests for title searches or abstracts for a given period of time.

Section 4. Paragraph (b) of subsection (6) of section 215.555, Florida Statutes, is amended to read:

215.555 Florida Hurricane Catastrophe Fund.—

(6) REVENUE BONDS.—

(b) Emergency assessments.—

1. If the board determines that the amount of revenue produced under subsection (5) is insufficient to fund the obligations, costs, and expenses of the fund and the corporation, including repayment of revenue bonds and that portion of the debt service coverage not met by reimbursement premiums, the board shall direct the Office of Insurance Regulation to levy, by order, an emergency assessment on direct premiums for all property and casualty lines of business in this state, including property and casualty business of surplus lines insurers regulated under part VIII of chapter 626, but not including any workers' compensation premiums or medical malpractice premiums. As used in this subsection, the term "property and casualty business" includes all lines of business identified on Form 2, Exhibit of Premiums and Losses, in the annual statement required of authorized insurers by s. 624.424 and any rule adopted under this section, except for those lines identified as accident and health insurance and except for policies written under the National Flood Insurance Program. The assessment shall be specified as a percentage of direct written premium and is subject to annual adjustments by the board in order to meet debt obligations. The same percentage applies to all policies in lines of business subject to the assessment issued or renewed during the 12-month period beginning on the effective date of the assessment.

2. A premium is not subject to an annual assessment under this paragraph in excess of 6 percent of premium with respect to obligations arising out of losses attributable to any one contract year, and a premium is not subject to an aggregate annual assessment under this paragraph in excess of 10 percent of premium. An annual assessment under this paragraph continues as long as the revenue bonds issued with respect to which the assessment was imposed are outstanding, including any bonds the proceeds of which were used to refund the revenue bonds, unless adequate provision has been made for the payment of the bonds under the documents authorizing issuance of the bonds.

3. Emergency assessments shall be collected from policyholders. Emergency assessments shall be remitted by insurers as a percentage of direct written premium for the preceding calendar quarter as specified in the order from the Office of Insurance Regulation. The office shall verify the accurate and timely collection and remittance of emergency assessments and shall report the information to the board in a form and at a time specified by the board. Each insurer collecting assessments shall provide the information with respect to premiums and collections as may be required by the office to enable the office to monitor and verify compliance with this paragraph.

4. With respect to assessments of surplus lines premiums, each surplus lines agent shall collect the assessment at the same time as the agent collects the surplus lines tax required by s. 626.932, and the surplus lines agent shall remit the assessment to the Florida Surplus Lines Service Office created by s. 626.921 at the same time as the agent remits the surplus lines tax to the Florida Surplus Lines Service Office. The emergency assessment on each insured procuring coverage and filing under s. 626.938 shall be remitted by the insured to the Florida Surplus Lines Service Office at the time the insured pays the surplus lines tax to the Florida Surplus Lines Service Office. The Florida Surplus Lines Service Office shall remit the collected assessments to the fund or corporation as provided in the order levied by the Office of Insurance Regulation. The Florida Surplus Lines Service Office shall verify the proper application of such emergency assessments and shall assist the board in ensuring the accurate and timely collection and remittance of assessments as required by the board. The Florida Surplus Lines Service Office shall annually calculate the aggregate written premium on property and casualty business, other than workers' compensation and medical malpractice, procured through surplus lines agents and insureds procuring coverage and filing under s. 626.938 and shall report the information to the board in a form and at a time specified by the board.

5. Any assessment authority not used for a particular contract year may be used for a subsequent contract year. If, for a subsequent contract year, the board determines that the amount of revenue produced under subsection (5) is insufficient to fund the obligations, costs, and expenses of the fund and the corporation, including repayment of revenue bonds and that portion of the debt service coverage not met by reimbursement premiums, the board shall direct the Office of Insurance Regulation to levy an emergency assessment up to an amount not exceeding the amount of unused assessment authority from a previous contract year or years, plus an additional 4 percent provided that the assessments in the aggregate do not exceed the limits specified in subparagraph 2.

6. The assessments otherwise payable to the corporation under this paragraph shall be paid to the fund unless the Office of Insurance Regulation and the Florida Surplus Lines Service Office received a notice from the corporation and the fund, which shall be conclusive and upon which they may rely without further inquiry, that the corporation has issued bonds and the fund has no agreements in effect with local governments under paragraph (c). On or after the date of the notice and until the date the corporation has no bonds outstanding, the fund shall have no right, title, or interest in or to the assessments, except as provided in the fund's agreement with the corporation.

7. Emergency assessments are not premium and are not subject to the premium tax, to the surplus lines tax, to any fees, or to any commissions. An insurer is liable for all assessments that it collects and must treat the failure of an insured to pay an assessment as a failure to pay the premium. An insurer is not liable for uncollectible assessments.

8. If an insurer is required to return an unearned premium, it shall also return any collected assessment attributable to the unearned premium. A credit adjustment to the collected assessment may be made by the insurer with regard to future remittances that are payable to the fund or corporation, but the insurer is not entitled to a refund.

9. If a surplus lines insured or an insured who has procured coverage and filed under s. 626.938 is entitled to the return of an unearned premium, the Florida Surplus Lines Service Office shall provide a credit or refund to the agent or such insured for the collected assessment attributable to the unearned premium before remitting the emergency assessment collected to the fund or corporation.

~~10. The exemption of medical malpractice insurance premiums from emergency assessments under this paragraph is repealed May 31, 2019, and medical malpractice insurance premiums shall be subject to emergency assessments attributable to loss events occurring in the contract years commencing on June 1, 2019.~~

Section 5. Subsection (1) of section 624.407, Florida Statutes, is amended to read:

624.407 Surplus required; new insurers.—

(1) To receive authority to transact any one kind or combinations of kinds of insurance, as defined in part V of this chapter, an insurer applying for its original certificate of authority in this state shall possess surplus as to policyholders at least the greater of:

(a) For a property and casualty insurer, $5 million, or $2.5 million for any other insurer;

(b) For life insurers, 4 percent of the insurer's total liabilities;

(c) For life and health insurers, 4 percent of the insurer's total liabilities, plus 6 percent of the insurer's liabilities relative to health insurance;

(d) For all insurers other than life insurers and life and health insurers, 10 percent of the insurer's total liabilities;

(e) Notwithstanding paragraph (a) or paragraph (d), for a domestic insurer that transacts residential property insurance and is:

1. Not a wholly owned subsidiary of an insurer domiciled in any other state, $15 million.

2. A wholly owned subsidiary of an insurer domiciled in any other state, $50 million; ~~or~~

(f) Notwithstanding paragraphs (a), (d), and (e), for a domestic insurer that only transacts limited sinkhole coverage insurance for personal lines residential property pursuant to s. 627.7151, $7.5 million*; or*

*(g) Notwithstanding paragraphs (a), (b), and (e), for an insurer that only transacts residential property insurance in the form of renter's insurance, tenant's coverage, cooperative unit owner insurance, or any combination thereof, $10 million*.

Section 6. Paragraph (c) of subsection (8) of section 624.424, Florida Statutes, is amended to read:

624.424 Annual statement and other information.—

(8)

(c) The board of directors of an insurer shall hire the certified public accountant that prepares the audit required by this subsection and the board shall establish an audit committee of three or more directors of the insurer or an affiliated company. The audit committee shall be responsible for discussing audit findings and interacting with the certified public accountant with regard to her or his findings. The audit committee shall be comprised ~~solely~~ of members who are free from any relationship that, in the opinion of its board of directors, would interfere with the exercise of independent judgment as a committee member. The audit committee shall report to the board any findings of adverse financial conditions or significant deficiencies in internal controls that have been noted by the accountant. The insurer may request the office to waive this requirement of the audit committee membership based upon unusual hardship to the insurer.

Section 7. Subsection (15) of section 625.012, Florida Statutes, is amended to read:

625.012 "Assets" defined.—In any determination of the financial condition of an insurer, there shall be allowed as "assets" only such assets as are owned by the insurer and which consist of:

(15)(a) Assessments levied pursuant to s. 631.57(3)(a) and (e) *or s. 631.914 which* ~~that~~ are paid before policy surcharges are collected and result in a receivable for policy surcharges to be collected in the future. This amount, to the extent it is likely that it will be realized, meets the definition of an admissible asset as specified in the National Association of Insurance Commissioners' Statement of Statutory Accounting Principles No. 4. The asset shall be established and recorded separately from the liability regardless of whether it is based on a retrospective or prospective premium-based assessment. If an insurer is unable to fully recoup the amount of the assessment because of a reduction in writings or withdrawal from the market, the amount recorded as an asset shall be reduced to the amount reasonably expected to be recouped.

(b) Assessments levied as monthly installments pursuant to s. 631.57(3)(e)3. *or s. 631.914 which* ~~that~~ are paid after policy surcharges are collected so that the recognition of assets is based on actual premium written offset by the obligation to the Florida Insurance Guaranty Association *or the Florida Workers' Compensation Insurance Guaranty Association, Incorporated*.

Section 8. Paragraph (e) of subsection (7) of section 627.062, Florida Statutes, is amended to read:

627.062 Rate standards.—

(7) The provisions of this subsection apply only to rates for medical malpractice insurance and control to the extent of any conflict with other provisions of this section.

(e) For medical malpractice rates subject to paragraph (2)(a), the medical malpractice insurer shall make *an annual base* ~~a~~ rate filing *in accordance with s. 627.0645* ~~under this section~~, sworn to by at least two executive officers of the insurer~~, at least once each calendar year~~.

Section 9. Subsection (1) of section 627.0645, Florida Statutes, is amended to read:

627.0645 Annual filings.—

(1) Each rating organization filing rates for, and each insurer writing, any line of property or casualty insurance to which this part applies, except:

(a) Workers' compensation and employer's liability insurance;

(b) Insurance as defined in ss. 624.604 and 624.605, limited to coverage of commercial risks other than commercial residential multiperil *and medical malpractice insurance that is subject to s. 627.062(2)(a) and (f)*; or

(c) Travel insurance, if issued as a master group policy with a situs in another state where each certificateholder pays less than $30 in premium for each covered trip and where the insurer has written less than $1 million in annual written premiums in the travel insurance product in this state during the most recent calendar year,

shall make an annual base rate filing for each such line with the office no later than 12 months after its previous base rate filing, demonstrating that its rates are not inadequate.

Section 10. Section 627.4035, Florida Statutes, is amended to read:

627.4035 ~~Cash~~ Payment of premiums; claims.—

(1)*(a)* The premiums for insurance contracts issued in this state or covering risk located in this state *must* ~~shall~~ be paid in cash consisting of coins, currency, checks, *electronic checks, drafts,* or money orders or by using a debit card, credit card, automatic electronic funds transfer, or payroll deduction plan. ~~By July 1, 2007,~~ Insurers issuing personal lines residential and commercial property policies shall provide a premium payment plan option to their policyholders which allows for a minimum of quarterly and semiannual payment of premiums. Insurers may, but are not required to, offer monthly payment plans. Insurers issuing such policies must submit their premium payment plan option to the office for approval before use.

*(b) If, due to insufficient funds, a payment of premium under this subsection by debit card, credit card, electronic funds transfer, or electronic check is returned, is declined, or cannot be processed, the insurer may impose an insufficient funds fee of up to $15 per occurrence pursuant to the policy terms. However, the insurer may not charge the policyholder an insufficient funds fee if the failure in payment resulted from fraud or misuse on the policyholder's account from which the payment was made and such fraud or misuse was not attributed to the policyholder.*

(2) Subsection (1) is not applicable to:

(a) Reinsurance agreements;

(b) Pension plans;

(c) Premium loans, whether or not subject to an automatic provision;

(d) Dividends, whether to purchase additional paid-up insurance or to shorten the dividend payment period;

(e) Salary deduction plans;

(f) Preauthorized check plans;

(g) Waivers of premiums on disability;

(h) Nonforfeiture provisions affording benefits under supplementary contracts; or

(i) Such other methods of paying for life insurance as may be permitted by the commission pursuant to rule or regulation.

(3) All payments of claims made in this state under any contract of insurance shall be paid:

(a) In cash consisting of coins, currency, checks, drafts, or money orders and, if by check or draft, shall be in such form as will comply with the standards for cash items adopted by the Federal Reserve System to facilitate the sorting, routing, and mechanized processing of such items; or

(b) If authorized in writing by the recipient or the recipient's representative, by debit card or any other form of electronic transfer. Any fees or costs to be charged against the recipient must be disclosed in writing to the recipient or the recipient's representative at the time of written authorization. However, the written authorization requirement may be waived by the recipient or the recipient's representative if the insurer verifies the identity of the insured or the insured's recipient and does not charge a fee for the transaction. If the funds are misdirected, the insurer remains liable for the payment of the claim.

Section 11. Subsection (5) is added to section 627.421, Florida Statutes, to read:

627.421 Delivery of policy.—

*(5) An electronically delivered document satisfies any font, size, color, spacing, or other formatting requirement for printed documents if the format in the electronically delivered document has reasonably similar proportions or emphasis of the characters relative to the rest of the electronic document or is otherwise displayed in a reasonably conspicuous manner.*

Section 12. Subsection (9) of section 627.7295, Florida Statutes, is amended to read:

627.7295 Motor vehicle insurance contracts.—

~~(9)(a) In addition to the methods provided in s. 627.4035(1), premium for motor vehicle insurance contracts issued in this state or covering risk located in this state may be paid in cash in the form of a draft or drafts.~~

~~(b) If, due to insufficient funds, payment of premium under this subsection by debit card, credit card, electronic funds transfer, or electronic check is returned, is declined, or cannot be processed, the insurer may impose an insufficient funds fee of up to $15 per occurrence pursuant to the policy terms.~~

Section 13. Section 627.7843, Florida Statutes, is amended to read:

627.7843 *Property information reports* ~~Ownership and encumbrance reports~~.—

(1) As used in this section, the term *"property information report" means any report that contains the limitations of this section and discloses documents or information appearing in the Official Records as described in s. 28.222, in the records of a county tax collector pertaining to ad valorem real property taxes and special assessments imposed by a governmental authority against real property, in the Secretary of State filing office, or in another governmental filing office pertaining to real or personal property. A property information report may be issued by any person, including a Florida-licensed title insurer, title agent, or title agency* ~~"ownership and encumbrance report" means a report that discloses certain defined documents imparting constructive notice and appearing in the official records relating to specified real property~~.

(2) *A property information* ~~An ownership and encumbrance~~ report may not directly or indirectly set forth or imply any opinion, warranty, guarantee, insurance, or other similar assurance *and does not constitute title insurance as defined in s. 624.608* ~~as to the status of title to real property~~.

(3) *The contractual liability of the issuer of a property information report is limited to the person or persons expressly identified by name in the property information report as the recipient or recipients of the property information report and may not exceed the amount paid for the property information report. Only contractual remedies are available for an error or omission that arises from a property information report. A property information report must contain the following language:*

*"This report is not title insurance. Pursuant to s. 627.7843, Florida Statutes, the maximum liability of the issuer of this property information report for errors or omissions in this property information report is limited to the amount paid for this property information report, and is further limited to the person(s) expressly identified by name in the property information report as the recipient(s) of the property information report."* ~~Any ownership and encumbrance report or similar report that is relied on or intended to be relied on by a consumer must be on forms approved by the office, and must provide for a maximum liability for incorrect information of not more than $1,000.~~

*(4) This section is not applicable to an opinion of title issued by an attorney.*

Section 14. This act shall take effect upon becoming a law.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to the regulation of insurance companies; amending s. 177.041, F.S.; providing that a specified property information report, rather than a specified certification by an abstractor or a title company, may be submitted as part of certain information required in relation to the plat or replat of a subdivision; amending ss. 177.091 and 197.502, F.S.; conforming provisions to changes made by the act; amending s. 215.555, F.S.; deleting a future repeal of an exemption of medical malpractice insurance premiums from certain emergency assessments by the State Board of Administration relating to the Florida Hurricane Catastrophe Fund; amending s. 624.407, F.S.; specifying the minimum surplus as to policyholders for insurers that only transact in specified forms of residential property insurance; amending s. 624.424, F.S.; revising a requirement for audit committees established by the boards of directors of insurers, relating to relationships that would interfere with the exercise of independent judgment of committee members; amending s. 625.012, F.S.; revising the allowable assets of insurers relating to specified levied assessments; amending s. 627.062, F.S.; revising requirements for certain rate filings by medical malpractice insurers; amending s. 627.0645, F.S.; adding certain medical malpractice insurance to casualty insurance excluded from an annual base rate filing requirement for rating organizations; amending s. 627.4035, F.S.; revising the methods of paying premiums for insurance contracts; authorizing an insurer to impose a specified insufficient funds fee if certain premium payment methods are returned, are declined, or cannot be processed; providing an exception; amending s. 627.421, F.S.; providing that an electronically delivered document in an insurance policy meets formatting requirements for printed documents under certain conditions; amending s. 627.7295, F.S.; conforming provisions to changes made by the act; amending s. 627.7843, F.S.; replacing provisions relating to ownership and encumbrance reports with provisions relating to property information reports; defining the term "property information report"; prohibiting property information reports from setting forth or implying certain assurances; providing construction; specifying a limitation on the contractual liability of issuers of property information reports; requiring a specified disclosure in property information reports; providing applicability; providing an effective date.

Pursuant to Rule 7.1(1), there being no objection, consideration of the following late-filed amendment was allowed:

Senator Brandes moved the following amendment to **Amendment 1 (505904)** which was adopted:

**Amendment 1A (690042) (with title amendment)**—Delete lines 191-222 and insert:

Section 5. Subsection (1) of section 624.407, Florida Statutes, is amended to read:

624.407 Surplus required; new insurers.—

(1) To receive authority to transact any one kind or combinations of kinds of insurance, as defined in part V of this chapter, an insurer applying for its original certificate of authority in this state shall possess surplus as to policyholders at least the greater of:

(a) For a property and casualty insurer, $5 million, or $2.5 million for any other insurer;

(b) For life insurers, 4 percent of the insurer's total liabilities;

(c) For life and health insurers, 4 percent of the insurer's total liabilities, plus 6 percent of the insurer's liabilities relative to health insurance;

(d) For all insurers other than life insurers and life and health insurers, 10 percent of the insurer's total liabilities;

(e) Notwithstanding paragraph (a) or paragraph (d), for a domestic insurer that transacts residential property insurance and is:

1. Not a wholly owned subsidiary of an insurer domiciled in any other state, $15 million.

2. A wholly owned subsidiary of an insurer domiciled in any other state, $50 million; ~~or~~

(f) Notwithstanding paragraphs (a), (d), and (e), for a domestic insurer that only transacts limited sinkhole coverage insurance for personal lines residential property pursuant to s. 627.7151, $7.5 million*; or*

*(g) Notwithstanding paragraphs (a), (d), and (e), for an insurer that only transacts residential property insurance in the form of renter's insurance, tenant's coverage, cooperative unit owner insurance, or any combination thereof, $10 million*.

Section 6. Subsection (1) of section 624.408, Florida Statutes, is amended to read:

624.408 Surplus required; current insurers.—

(1) To maintain a certificate of authority to transact any one kind or combinations of kinds of insurance, as defined in part V of this chapter, an insurer in this state must at all times maintain surplus as to policyholders at least the greater of:

(a) Except as provided in paragraphs (e), (f), and (g), $1.5 million.

(b) For life insurers, 4 percent of the insurer's total liabilities.

(c) For life and health insurers, 4 percent of the insurer's total liabilities plus 6 percent of the insurer's liabilities relative to health insurance.

(d) For all insurers other than mortgage guaranty insurers, life insurers, and life and health insurers, 10 percent of the insurer's total liabilities.

(e) For property and casualty insurers, $4 million, except for property and casualty insurers authorized to underwrite any line of residential property insurance.

(f) For residential property insurers not holding a certificate of authority before July 1, 2011, $15 million.

(g) For residential property insurers holding a certificate of authority before July 1, 2011, and until June 30, 2016, $5 million; on or after July 1, 2016, and until June 30, 2021, $10 million; on or after July 1, 2021, $15 million.

(h) Notwithstanding paragraphs (e), (f), and (g), for a domestic insurer that only transacts limited sinkhole coverage insurance for personal lines residential property pursuant to s. 627.7151, $7.5 million.

*(i) Notwithstanding paragraphs (a), (d), and (e), for an insurer that only transacts residential property insurance in the form of renter's insurance, tenant's coverage, cooperative unit owner insurance, or any combination thereof, $10 million.*

The office may reduce the surplus requirement in paragraphs (f) and (g) if the insurer is not writing new business, has premiums in force of less than $1 million per year in residential property insurance, or is a mutual insurance company.

And the title is amended as follows:

Delete lines 446-449 and insert: Florida Hurricane Catastrophe Fund; amending ss. 624.407 and 624.408, F.S.; specifying the minimum surplus as to policyholders for insurers that only transact in specified forms of residential property insurance;

**Amendment 1 (505904)**, as amended, was adopted.

Pursuant to Rule 4.19, **CS for HB 359**, as amended, was placed on the calendar of Bills on Third Reading.

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By direction of the President, by unanimous consent—

**CS for CS for CS for SB 240**—A bill to be entitled An act relating to direct primary care; amending s. 409.973, F.S.; requiring plans operating in the managed medical assistance program to provide enrollees an opportunity to enter into a direct primary care agreement with identified network primary care providers; encouraging such plans to enter into alternative payment arrangements with network primary care providers for a specified purpose; creating s. 456.0625, F.S.; defining terms; authorizing primary care providers or their agents to enter into direct primary care agreements for providing primary care services; providing applicability; specifying requirements for direct primary care agreements; creating s. 624.27, F.S.; providing construction and applicability of the Florida Insurance Code as to direct primary care agreements; providing an exception for primary care providers or their agents from certain requirements under the code under certain circumstances; providing an effective date.

—was taken up out of order and read the second time by title.

Pending further consideration of **CS for CS for CS for SB 240**, pursuant to Rule 3.11(3), there being no objection, **CS for HB 161** was withdrawn from the Committees on Banking and Insurance; Health Policy; Appropriations Subcommittee on Health and Human Services; and Appropriations.

On motion by Senator Lee—

**CS for HB 161**—A bill to be entitled An act relating to direct primary care agreements; creating s. 624.27, F.S.; providing definitions; specifying that a direct primary care agreement does not constitute insurance and is not subject to the Florida Insurance Code; specifying that entering into a direct primary care agreement does not constitute the business of insurance and is not subject to the code; providing that a certificate of authority is not required to market, sell, or offer to sell a direct primary care agreement; specifying requirements for a direct primary care agreement; providing an effective date.

—a companion measure, was substituted for **CS for CS for CS for SB 240** and read the second time by title.

Pursuant to Rule 7.1(1), there being no objection, consideration of the following late-filed amendment was allowed:

Senator Steube moved the following amendment which failed:

**Amendment 1 (104498) (with title amendment)**—Before line 17 insert:

Section 1. Subsection (11) of section 627.6131, Florida Statutes, is amended to read:

627.6131 Payment of claims.—

(11) A health insurer may not retroactively deny a claim because of insured ineligibility*:*

*(a) At any time, if the health insurer verified the eligibility of an insured at the time of treatment and provided an authorization number. This paragraph applies to policies entered into or renewed on or after January 1, 2018.*

*(b)* More than 1 year after the date of payment of the claim.

Section 2. Subsection (10) of section 641.3155, Florida Statutes, is amended to read:

641.3155 Prompt payment of claims.—

(10) A health maintenance organization may not retroactively deny a claim because of subscriber ineligibility*:*

*(a) At any time, if the health maintenance organization verified the eligibility of a subscriber at the time of treatment and provided an authorization number. This paragraph applies to contracts entered into or renewed on or after January 1, 2018. This paragraph does not apply to Medicaid managed care plans pursuant to part IV of chapter 409.*

*(b)* More than 1 year after the date of payment of the claim.

Section 3. Section 627.42392, Florida Statutes, is amended to read:

627.42392 Prior authorization.—

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

*(a)* "Health insurer" means an authorized insurer offering *an individual or group insurance policy that provides major medical or similar comprehensive coverage* ~~health insurance as defined in s. 624.603~~, a managed care plan as defined in *s. 409.962(10)* ~~s. 409.962(9)~~, or a health maintenance organization as defined in s. 641.19(12).

*(b) "Urgent care situation" has the same meaning as s. 627.42393.*

(2) Notwithstanding any other provision of law, effective January 1, 2017, or six (6) months after the effective date of the rule adopting the prior authorization form, whichever is later, a health insurer, or a pharmacy benefits manager on behalf of the health insurer, which does not provide an electronic prior authorization process for use by its contracted providers, shall only use the prior authorization form that has been approved by the Financial Services Commission for granting a prior authorization for a medical procedure, course of treatment, or prescription drug benefit. Such form may not exceed two pages in length, excluding any instructions or guiding documentation, and must include all clinical documentation necessary for the health insurer to make a decision. At a minimum, the form must include: (1) sufficient patient information to identify the member, date of birth, full name, and Health Plan ID number; (2) provider name, address and phone number; (3) the medical procedure, course of treatment, or prescription drug benefit being requested, including the medical reason therefor, and all services tried and failed; (4) any laboratory documentation required; and (5) an attestation that all information provided is true and accurate. *The form, whether in electronic or paper format, may not require information that is not necessary for the determination of medical necessity of, or coverage for, the requested medical procedure, course of treatment, or prescription drug.*

(3) The Financial Services Commission in consultation with the Agency for Health Care Administration shall adopt by rule guidelines for all prior authorization forms which ensure the general uniformity of such forms.

(4) Electronic prior authorization approvals do not preclude benefit verification or medical review by the insurer under either the medical or pharmacy benefits.

*(5) A health insurer or a pharmacy benefits manager on behalf of the health insurer must provide the following information in writing or in an electronic format upon request, and on a publicly accessible Internet website:*

*(a) Detailed descriptions of requirements and restrictions to obtain prior authorization for coverage of a medical procedure, course of treatment, or prescription drug in clear, easily understandable language. Clinical criteria must be described in language easily understandable by a health care provider.*

*(b) Prior authorization forms.*

*(6) A health insurer or a pharmacy benefits manager on behalf of the health insurer may not implement any new requirements or restrictions or make changes to existing requirements or restrictions to obtain prior authorization unless:*

*(a) The changes have been available on a publicly accessible Internet website at least 60 days before the implementation of the changes.*

*(b) Policyholders and health care providers who are affected by the new requirements and restrictions or changes to the requirements and restrictions are provided with a written notice of the changes at least 60 days before the changes are implemented. Such notice may be delivered electronically or by other means as agreed to by the insured or health care provider.*

*This subsection does not apply to expansion of health care services coverage.*

*(7) A health insurer or a pharmacy benefits manager on behalf of the health insurer must authorize or deny a prior authorization request and notify the patient and the patient's treating health care provider of the decision within:*

*(a) Seventy-two hours of obtaining a completed prior authorization form for nonurgent care situations.*

*(b) Twenty-four hours of obtaining a completed prior authorization form for urgent care situations.*

Section 4. Section 627.42393, Florida Statutes, is created to read:

*627.42393 Fail-first protocols.—*

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

*(a) "Fail-first protocol" means a written protocol that specifies the order in which a certain medical procedure, course of treatment, or prescription drug must be used to treat an insured's condition.*

*(b) "Health insurer" has the same meaning as provided in s. 627.42392.*

*(c) "Preceding prescription drug or medical treatment" means a medical procedure, course of treatment, or prescription drug that must be used pursuant to a health insurer's fail-first protocol as a condition of coverage under a health insurance policy or a health maintenance contract to treat an insured's condition.*

*(d) "Protocol exception" means a determination by a health insurer that a fail-first protocol is not medically appropriate or indicated for treatment of an insured's condition and the health insurer authorizes the use of another medical procedure, course of treatment, or prescription drug prescribed or recommended by the treating health care provider for the insured's condition.*

*(e) "Urgent care situation" means an injury or condition of an insured which, if medical care and treatment is not provided earlier than the time generally considered by the medical profession to be reasonable for a nonurgent situation, in the opinion of the insured's treating physician, would:*

*1. Seriously jeopardize the insured's life, health, or ability to regain maximum function; or*

*2. Subject the insured to severe pain that cannot be adequately managed.*

*(2) A health insurer must publish on its website, and provide to an insured in writing, a procedure for an insured and health care provider to request a protocol exception. The procedure must include:*

*(a) A description of the manner in which an insured or health care provider may request a protocol exception.*

*(b) The manner and timeframe in which the health insurer is required to authorize or deny a protocol exception request or respond to an appeal to a health insurer's authorization or denial of a request.*

*(c) The conditions in which the protocol exception request must be granted.*

*(3)(a) The health insurer must authorize or deny a protocol exception request or respond to an appeal to a health insurer's authorization or denial of a request within:*

*1. Seventy-two hours of obtaining a completed prior authorization form for nonurgent care situations.*

*2. Twenty-four hours of obtaining a completed prior authorization form for urgent care situations.*

*(b) An authorization of the request must specify the approved medical procedure, course of treatment, or prescription drug benefits.*

*(c) A denial of the request must include a detailed, written explanation of the reason for the denial, the clinical rationale that supports the denial, and the procedure to appeal the health insurer's determination.*

*(4) A health insurer must grant a protocol exception request if:*

*(a) A preceding prescription drug or medical treatment is contraindicated or will likely cause an adverse reaction or physical or mental harm to the insured;*

*(b) A preceding prescription drug is expected to be ineffective, based on the medical history of the insured and the clinical evidence of the characteristics of the preceding prescription drug or medical treatment;*

*(c) The insured has previously received a preceding prescription drug or medical treatment that is in the same pharmacologic class or has the same mechanism of action, and such drug or treatment lacked efficacy or effectiveness or adversely affected the insured; or*

*(d) A preceding prescription drug or medical treatment is not in the best interest of the insured because the insured's use of such drug or treatment is expected to:*

*1. Cause a significant barrier to the insured's adherence to or compliance with the insured's plan of care;*

*2. Worsen an insured's medical condition that exists simultaneously but independently with the condition under treatment; or*

*3. Decrease the insured's ability to achieve or maintain his or her ability to perform daily activities.*

*(5) The health insurer may request a copy of relevant documentation from the insured's medical record in support of a protocol exception request.*

And the title is amended as follows:

Delete line 2 and insert: An act relating to health care; amending s. 627.6131, F.S.; prohibiting a health insurer from retroactively denying a claim under specified circumstances; providing applicability; amending s. 641.3155, F.S.; prohibiting a health maintenance organization from retroactively denying a claim under specified circumstances; providing applicability; exempting certain Medicaid managed care plans; amending s. 627.42392, F.S.; revising and providing definitions; revising criteria for prior authorization forms; requiring health insurers and pharmacy benefits managers on behalf of health insurers to provide certain information relating to prior authorization in a specified manner; prohibiting such insurers and pharmacy benefits managers from implementing or making changes to requirements or restrictions to obtain prior authorization, except under certain circumstances; providing applicability; requiring such insurers or pharmacy benefits managers to authorize or deny prior authorization requests and provide certain notices within specified timeframes; creating s. 627.42393, F.S.; providing definitions; requiring health insurers to publish on their websites and provide in writing to insureds a specified procedure to obtain protocol exceptions; specifying timeframes in which health insurers must authorize or deny protocol exception requests and respond to an appeal to a health insurer's authorization or denial of a request; requiring authorizations or denials to specify certain information; providing circumstances in which health insurers must grant a protocol exception request; authorizing health insurers to request documentation in support of a protocol exception request;

The vote was:

Yeas—9

| | | |
|---|---|---|
| Mr. President | Mayfield | Simpson |
| Benacquisto | Powell | Stargel |
| Hutson | Simmons | Steube |

Nays—25

| | | |
|---|---|---|
| Baxley | Farmer | Rader |
| Bean | Gainer | Rodriguez |
| Book | Garcia | Rouson |
| Bracy | Gibson | Stewart |
| Bradley | Grimsley | Thurston |
| Brandes | Lee | Torres |
| Broxson | Montford | Young |
| Campbell | Passidomo | |
| Clemens | Perry | |

On motion by Senator Lee, further consideration of **CS for HB 161** was deferred.

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By direction of the President, by unanimous consent—

**CS for SB 1046**—A bill to be entitled An act relating to covenants and restrictions; creating s. 712.001, F.S.; providing a short title; amending s. 712.01, F.S.; defining and redefining terms; amending s. 712.05, F.S.; revising the notice filing requirements for a person claiming an interest in land and other rights; authorizing a property owners' association to preserve and protect certain covenants or restrictions from extinguishment, subject to specified requirements; providing that a failure in indexing does not affect the validity of the notice; extending the length of time certain covenants or restrictions are preserved; deleting a provision requiring a two-thirds vote by members of an incorporated homeowners' association to file certain notices; conforming provisions to changes made by the act; amending s. 712.06, F.S.; exempting a specified summary notice from certain notice content requirements; revising the contents required to be specified by certain notices; conforming provisions to changes made by the act; amending s. 712.11, F.S.; conforming provisions to changes made by the act; creating s. 712.12, F.S.; defining terms; authorizing the parcel owners of a community not subject to a homeowners' association to use specified procedures to revive certain covenants or restrictions, subject to certain exceptions and requirements; authorizing a parcel owner to commence an action by a specified date under certain circumstances for a judicial determination that the covenants or restrictions did not govern that parcel as of a specified date and that any revitalization of such covenants or restrictions as to that parcel would unconstitutionally deprive the parcel owner of rights or property; providing applicability; amending s. 720.303, F.S.; requiring a board to take up certain provisions relating to notice filings at the first board meeting; creating s. 720.3032, F.S.; providing recording requirements for an association; providing a document form for recording by an association to preserve certain covenants or restrictions; providing that failure to file one or more notices does not affect the validity or enforceability of a covenant or restriction or alter the time before extinguishment under certain circumstances; requiring a copy of the filed notice to be sent to all members; requiring the original signed notice to be recorded with the clerk of the circuit court or other recorder; amending ss. 702.09 and 702.10, F.S.; conforming provisions to changes made by the act; amending s. 712.095, F.S.; conforming a cross-reference; amending ss. 720.403, 720.404, 720.405, and 720.407, F.S.; conforming provisions to changes made by the act; providing an effective date.

—was taken up out of order and read the second time by title.

Pending further consideration of **CS for SB 1046**, pursuant to Rule 3.11(3), there being no objection, **CS for CS for CS for HB 735** was withdrawn from the Committee on Rules.

On motion by Senator Passidomo—

**CS for CS for CS for HB 735**—A bill to be entitled An act relating to real property; amending ss. 125.022 and 166.033, F.S.; deleting provisions specifying that a county or municipality is not prohibited from providing information to an applicant regarding other state or federal permits that may apply under certain circumstances; specifying that the imposition of certain restrictions or covenants against real property does not preclude a county or municipality from exercising its police power to later amend, release, or terminate such restrictions or covenants; prohibiting a county or municipality from delegating its police power to a third party by restriction, covenant, or otherwise; creating s. 163.035, F.S.; prohibiting local governments from promulgating, adopting, or enforcing an ordinance or regulation that purports to establish a common law customary use of property; providing construction; creating s. 702.12, F.S.; authorizing certain lienholders to use certain documents as an admission in an action to foreclose a mortgage against real property; providing that submission of certain documents in a foreclosure action creates certain presumptions; authorizing a lienholder to make a request for judicial notice; providing construction; providing applicability; creating s. 712.001, F.S.; providing a short title; amending s. 712.01, F.S.; defining and redefining terms; amending s. 712.04, F.S.; providing that a marketable title to real property is free and clear of all covenants or restrictions, the existence of which depends upon any act, title transaction, event, zoning requirement, building or development permit, or omission that occurred before the effective date

of the root of title; providing for construction; providing applicability; amending s. 712.05, F.S.; revising the notice filing requirements for a person claiming an interest in real property and other rights; authorizing a property owners' association to preserve and protect certain covenants or restrictions from extinguishment, subject to specified requirements; providing that a failure in indexing does not affect the validity of the notice; extending the length of time certain covenants or restrictions affecting real property are preserved; requiring a two-thirds approval of the affected parcel owners of a property owners' association for the preservation of covenants and restrictions; conforming provisions to changes made by the act; amending s. 712.06, F.S.; exempting a specified summary notice regarding real property from certain notice content requirements; revising the contents required to be specified by certain notices; conforming provisions to changes made by the act; amending s. 712.11, F.S.; conforming provisions to changes made by the act; creating s. 712.12, F.S.; defining terms; authorizing the parcel owners of a community not subject to a homeowners' association to use specified procedures to revive certain covenants or restrictions, subject to certain exceptions and requirements; authorizing a parcel owner to commence an action by a specified date under certain circumstances for a judicial determination that the covenants or restrictions did not govern that parcel as of a specified date and that any revitalization of such covenants or restrictions as to that parcel would unconstitutionally deprive the parcel owner of rights or property; providing applicability; providing for future repeal; amending s. 720.303, F.S.; requiring a homeowners association board to take up certain provisions relating to notice filings at the first board meeting; creating s. 720.3032, F.S.; providing recording requirements for an association; providing a document form for recording by an association to preserve certain covenants or restrictions affecting real property; providing that failure to file one or more notices does not affect the validity or enforceability of a covenant or restriction or alter the time before extinguishment under certain circumstances; requiring a copy of the filed notice to be sent to all members; requiring the original signed notice to be recorded with the clerk of the circuit court or other recorder; amending ss. 702.09 and 702.10, F.S.; conforming provisions to changes made by the act; amending s. 712.095, F.S.; conforming a cross-reference; amending ss. 720.403 and 720.404, F.S.; conforming provisions to changes made by the act; amending s. 720.405, F.S.; increasing the percentage of affected parcel owners required for revitalization of covenants and restrictions of a property owners' association; amending s. 720.407, F.S.; conforming provisions to changes made by the act; providing an effective date.

—a companion measure, was substituted for **CS for SB 1046** and read the second time by title.

Pursuant to Rule 7.1(1), there being no objection, consideration of the following late-filed amendment was allowed:

Senator Passidomo moved the following amendment:

**Amendment 1 (885236) (with title amendment)**—Delete everything after the enacting clause and insert:

Section 1. Section 712.001, Florida Statutes, is created to read:

*712.001 Short title.—This chapter may be cited as the "Marketable Record Title Act."*

Section 2. Section 712.01, Florida Statutes, is reordered and amended to read:

712.01 Definitions.—As used in this *chapter, the term* ~~law~~:

*(1) "Community covenant or restriction" means any agreement or limitation contained in a document recorded in the public records of the county in which a parcel is located which:*

*(a) Subjects the parcel to any use restriction that may be enforced by a property owners' association; or*

*(b) Authorizes a property owners' association to impose a charge or assessment against the parcel or the parcel owner.*

*(4)*~~(1)~~ ~~The term~~ "Person" *includes the* ~~as used herein denotes~~ singular or plural, natural or corporate, private or governmental, including the state and any political subdivision or agency thereof as the context for the use thereof requires or denotes and including any *property owners'* ~~homeowners~~' association.

*(6)*~~(2)~~ "Root of title" means any title transaction purporting to create or transfer the estate claimed by any person ~~and~~ which is the last title transaction to have been recorded at least 30 years *before* ~~prior to~~ the time when marketability is being determined. The effective date of the root of title is the date on which it was recorded.

*(7)*~~(3)~~ "Title transaction" means any recorded instrument or court proceeding *that* ~~which~~ affects title to any estate or interest in land and *that* ~~which~~ describes the land sufficiently to identify its location and boundaries.

*(5)*~~(4)~~ *"Property owners' association"* ~~The term "homeowners' association"~~ means a homeowners' association as defined in s. 720.301, *a corporation or other entity responsible for the operation of property in which the voting membership is made up of the owners of the property or their agents, or a combination thereof, and in which membership is a mandatory condition of property ownership,* or an association of parcel owners which is authorized to enforce *a community covenant or restriction* ~~use restrictions~~ that *is* ~~are~~ imposed on the parcels.

*(3)*~~(5)~~ ~~The term~~ "Parcel" means real property *that* ~~which~~ is used for residential purposes *and* that is subject to exclusive ownership and ~~which is subject~~ to any covenant or restriction of a *property owners'* ~~homeowners~~' association.

*(2)*~~(6)~~ ~~The term~~ "Covenant or restriction" means any agreement or limitation contained in a document recorded in the public records of the county in which a parcel is located which subjects the parcel to any use *or other* restriction *or obligation* ~~which may be enforced by a homeowners' association or which authorizes a homeowners' association to impose a charge or assessment against the parcel or the owner of the parcel or which may be enforced by the Florida Department of Environmental Protection pursuant to chapter 376 or chapter 403~~.

Section 3. Section 712.05, Florida Statutes, is amended to read:

712.05 Effect of filing notice.—

(1) A person claiming an interest in land or *other right subject to extinguishment under this chapter* ~~a homeowners' association desiring to preserve a covenant or restriction~~ may preserve and protect *such interest or right* ~~the same~~ from extinguishment by the operation of this *chapter* ~~act~~ by filing for record, *at any time* during the 30-year period immediately following the effective date of the root of title, a written notice in accordance with *s. 712.06* ~~this chapter~~.

*(2) A property owners' association may preserve and protect a community covenant or restriction from extinguishment by the operation of this chapter by filing for record, at any time during the 30-year period immediately following the effective date of the root of title:*

*(a) A written notice in accordance with s. 712.06; or*

*(b) A summary notice in substantial form and content as required under s. 720.3032(2). Failure of a summary notice to be indexed to the current owners of the affected property does not affect the validity of the notice or vitiate the effect of the filing of such notice.*

*(3) A* ~~Such~~ notice *under subsection (1) or subsection (2)* preserves *an interest in land or other* ~~such claim of~~ right *subject to extinguishment under this chapter,* or *a* ~~such~~ covenant or restriction or portion of such covenant or restriction*,* for *not less than* ~~up to~~ 30 years after filing the notice unless the notice is filed again as required in this chapter. A person's disability or lack of knowledge of any kind may not delay the commencement of or suspend the running of the 30-year period. Such notice may be filed for record by the claimant or by any other person acting on behalf of a claimant who is:

(a) Under a disability;

(b) Unable to assert a claim on his or her behalf; or

(c) One of a class, but whose identity cannot be established or is uncertain at the time of filing such notice of claim for record.

~~Such notice may be filed by a homeowners' association only if the preservation of such covenant or restriction or portion of such covenant or restriction is approved by at least two-thirds of the members of the board of directors of an incorporated homeowners' association at a~~

~~meeting for which a notice, stating the meeting's time and place and containing the statement of marketable title action described in s. 712.06(1)(b), was mailed or hand delivered to members of the homeowners' association at least 7 days before such meeting.~~ The *property owners'* ~~homeowners'~~ association or clerk of the circuit court is not required to provide additional notice pursuant to s. 712.06(3). The preceding sentence is intended to clarify existing law.

*(4)*~~(2)~~ It *is* ~~shall~~ not ~~be~~ necessary for the owner of the marketable record title, as *described in s. 712.02* ~~herein defined~~, to file a notice to protect his or her marketable record title.

Section 4. Subsections (1) and (3) of section 712.06, Florida Statutes, are amended to read:

712.06 Contents of notice; recording and indexing.—

(1) To be effective, the notice referred to in s. 712.05*, other than the summary notice referred to in s. 712.05(2)(b), must* ~~shall~~ contain:

(a) The name or description *and mailing address* of the claimant or the *property owners'* ~~homeowners'~~ association desiring to preserve any covenant or restriction ~~and the name and particular post office address of the person filing the claim or the homeowners' association~~.

(b) The name and *mailing* ~~post office~~ address of an owner, or the name and *mailing* ~~post office~~ address of the person in whose name *the* ~~said~~ property is assessed on the last completed tax assessment roll of the county at the time of filing, who, for purpose of such notice, shall be deemed to be an owner; ~~provided,~~ however, if a *property owners'* ~~homeowners'~~ association is filing the notice, ~~then~~ the requirements of this paragraph may be satisfied by attaching to and recording with the notice an affidavit executed by the appropriate member of the board of directors of the *property owners'* ~~homeowners'~~ association affirming that the board of directors of the *property owners'* ~~homeowners'~~ association caused a statement in substantially the following form to be mailed or hand delivered to the members of that *property owners'* ~~homeowners'~~ association:

STATEMENT OF MARKETABLE TITLE ACTION

The [name of *property owners'* ~~homeowners'~~ association] (the "Association") has taken action to ensure that the [name of declaration, covenant, or restriction], recorded in Official Records Book ...., Page ...., of the public records of .... County, Florida, as may be amended from time to time, currently burdening the property of each and every member of the Association, retains its status ~~as the source of marketable title~~ with regard to *the affected real property* ~~the transfer of a member's residence~~. To this end, the Association shall cause the notice required by chapter 712, Florida Statutes, to be recorded in the public records of .... County, Florida. Copies of this notice and its attachments are available through the Association pursuant to the Association's governing documents regarding official records of the Association.

(c) A full and complete description of all land affected by such notice, which description shall be set forth in particular terms and not by general reference, but if said claim is founded upon a recorded instrument or a covenant or a restriction, ~~then~~ the description in such notice may be the same as that contained in such recorded instrument or covenant or restriction, provided the same shall be sufficient to identify the property.

(d) A statement of the claim showing the nature, description, and extent of such claim *or other right subject to extinguishment under this chapter* or, in the case of a covenant or restriction, a copy of the covenant or restriction, except that it *is* ~~shall~~ not ~~be~~ necessary to show the amount of any claim for money or the terms of payment.

(e) If such claim *or other right subject to extinguishment under this chapter* is based upon an instrument of record or a recorded covenant or restriction, such instrument of record or recorded covenant or restriction shall be deemed sufficiently described to identify the same if the notice includes a reference to the book and page in which the same is recorded.

(f) Such notice shall be acknowledged in the same manner as deeds are acknowledged for record.

(3) The person providing the notice referred to in s. 712.05*, other than a notice for preservation of a community covenant or restriction,* shall:

(a) Cause the clerk of the circuit court to mail by registered or certified mail to the purported owner of said property, as stated in such notice, a copy thereof and shall enter on the original, before recording the same, a certificate showing such mailing. For preparing the certificate, the claimant shall pay to the clerk the service charge as prescribed in s. 28.24(8) and the necessary costs of mailing, in addition to the recording charges as prescribed in s. 28.24(12). If the notice names purported owners having more than one address, the person filing the same shall furnish a true copy for each of the several addresses stated, and the clerk shall send one such copy to the purported owners named at each respective address. Such certificate shall be sufficient if the same reads substantially as follows:

I hereby certify that I did on this ...., mail by registered (or certified) mail a copy of the foregoing notice to each of the following at the address stated:

(Clerk of the circuit court)

of .... County, Florida,

By (Deputy clerk)

The clerk of the circuit court is not required to mail to the purported owner of such property any such notice that pertains solely to the preserving of any covenant or restriction or any portion of a covenant or restriction; or

(b) Publish once a week, for 2 consecutive weeks, the notice referred to in s. 712.05, with the official record book and page number in which such notice was recorded, in a newspaper as defined in chapter 50 in the county in which the property is located.

Section 5. Section 712.11, Florida Statutes, is amended to read:

712.11 Covenant revitalization.—A *property owners'* ~~homeowners'~~ association not otherwise subject to chapter 720 may use the procedures set forth in ss. 720.403-720.407 to revive covenants that have lapsed under the terms of this chapter.

Section 6. Section 712.12, Florida Statutes, is created to read:

*712.12 Covenant or restriction revitalization by parcel owners not subject to a homeowners' association.—*

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

*(a) "Community" means the real property that is subject to a covenant or restriction that is recorded in the county where the property is located.*

*(b) "Covenant or restriction" means any agreement or limitation imposed by a private party and not required by a governmental agency as a condition of a development permit, as defined in s. 163.3164, which is contained in a document recorded in the public records of the county in which a parcel is located and which subjects the parcel to any use restriction that may be enforced by a parcel owner.*

*(c) "Parcel" means real property that is used for residential purposes and that is subject to exclusive ownership and any covenant or restriction that may be enforced by a parcel owner.*

*(d) "Parcel owner" means the record owner of legal title to a parcel.*

*(2) The parcel owners of a community not subject to a homeowners' association may use the procedures set forth in ss. 720.403-720.407 to revive covenants or restrictions that have lapsed under the terms of this chapter, except:*

*(a) A reference to a homeowners' association or articles of incorporation or bylaws of a homeowners' association under ss. 720.403-720.407 is not required to revive the covenants or restrictions.*

*(b) The approval required under s. 720.405(6) must be in writing, and not at a meeting.*

*(c) The requirements under s. 720.407(2) may be satisfied by having the organizing committee execute the revived covenants or restrictions in the name of the community.*

*(d) The indexing requirements under s. 720.407(3) may be satisfied by indexing the community name in the covenants or restrictions as the grantee and the parcel owners as the grantors.*

*(3) With respect to any parcel that has ceased to be governed by covenants or restrictions as of October 1, 2017, the parcel owner may commence an action by October 1, 2018, for a judicial determination that the covenants or restrictions did not govern that parcel as of October 1, 2017, and that any revitalization of such covenants or restrictions as to that parcel would unconstitutionally deprive the parcel owner of rights or property.*

*(4) Revived covenants or restrictions that are implemented pursuant to this section do not apply to or affect the rights of the parcel owner which are recognized by any court order or judgment in any action commenced by October 1, 2018, and any such rights so recognized may not be subsequently altered by revived covenants or restrictions implemented under this section without the consent of the affected parcel owner.*

Section 7. Paragraph (e) is added to subsection (2) of section 720.303, Florida Statutes, to read:

720.303 Association powers and duties; meetings of board; official records; budgets; financial reporting; association funds; recalls.—

(2) BOARD MEETINGS.—

*(e) At the first board meeting, excluding the organizational meeting, which follows the annual meeting of the members, the board shall consider the desirability of filing notices to preserve the covenants or restrictions affecting the community or association from extinguishment under the Marketable Record Title Act, chapter 712, and to authorize and direct the appropriate officer to file notice in accordance with s. 720.3032.*

Section 8. Section 720.3032, Florida Statutes, is created to read:

*720.3032 Notice of association information; preservation from Marketable Record Title Act.—*

*(1) Not less than once every 5 years, each association shall record in the official records of each county in which the community is located a notice specifying:*

*(a) The legal name of the association.*

*(b) The mailing and physical addresses of the association.*

*(c) The names of the affected subdivision plats and condominiums or, if not applicable, the common name of the community.*

*(d) The name, address, and telephone number for the current community association management company or community association manager, if any.*

*(e) Indication as to whether the association desires to preserve the covenants or restrictions affecting the community or association from extinguishment under the Marketable Record Title Act, chapter 712.*

*(f) A listing by name and recording information of those covenants or restrictions affecting the community which the association desires to be preserved from extinguishment.*

*(g) The legal description of the community affected by the covenants or restrictions, which may be satisfied by a reference to a recorded plat.*

*(h) The signature of a duly authorized officer of the association, acknowledged in the same manner as deeds are acknowledged for record.*

*(2) Recording a document in substantially the following form satisfies the notice obligation and constitutes a summary notice as specified in s. 712.05(2)(b) sufficient to preserve and protect the referenced covenants and restrictions from extinguishment under the Marketable Record Title Act, chapter 712.*

*Notice of (name of association) under s. 720.3032, Florida Statutes, and notice to preserve and protect covenants and restrictions from extinguishment under the Marketable Record Title Act, chapter 712, Florida Statutes.*

*Instructions to recorder: Please index both the legal name of the association and the names shown in item 3.*

*1. Legal name of association: ....*

*2. Mailing and physical addresses of association: .... ....*

*3. Names of the subdivision plats, or, if none, common name of community: ....*

*4. Name, address, and telephone number for management company, if any: .....*

*5. This notice does .... does not .... constitute a notice to preserve and protect covenants or restrictions from extinguishment under the Marketable Record Title Act.*

*6. The following covenants or restrictions affecting the community which the association desires to be preserved from extinguishment:*

*(Name of instrument)*

*(Official Records Book where recorded & page)*

*(List of instruments)*

*(List of recording information)*

*7. The legal description of the community affected by the listed covenants or restrictions is: (Legal description, which may be satisfied by reference to a recorded plat)*

*This notice is filed on behalf of (Name of association) as of (Date).*

*(Name of association)*

*By: ....*

*(Name of individual officer)*

*(Title of officer)*

*(Notary acknowledgment)*

*(3) The failure to file one or more notices does not affect the validity or enforceability of any covenant or restriction nor in any way alter the remaining time before extinguishment by the Marketable Record Title Act, chapter 712.*

*(4) A copy of the notice, as filed, must be included as part of the next notice of meeting or other mailing sent to all members.*

*(5) The original signed notice must be recorded in the official records of the clerk of the circuit court or other recorder for the county.*

Section 9. Section 702.09, Florida Statutes, is amended to read:

702.09 Definitions.—For the purposes of ss. 702.07 and 702.08, the words "decree of foreclosure" shall include a judgment or order rendered or passed in the foreclosure proceedings in which the decree of foreclosure shall be rescinded, vacated, and set aside; the word "mortgage" shall mean any written instrument securing the payment of money or advances and includes liens to secure payment of assessments arising under chapters 718 and 719 and liens created pursuant to the recorded covenants of a *property owners'* ~~homeowners'~~ association as defined in s. 712.01; the word "debt" shall include promissory notes, bonds, and all other written obligations given for the payment of money; the words "foreclosure proceedings" shall embrace every action in the circuit or county courts of this state wherein it is sought to foreclose a mortgage and sell the property covered by the same; and the word "property" shall mean and include both real and personal property.

Section 10. Subsection (1) of section 702.10, Florida Statutes, is amended to read:

702.10 Order to show cause; entry of final judgment of foreclosure; payment during foreclosure.—

(1) A lienholder may request an order to show cause for the entry of final judgment in a foreclosure action. For purposes of this section, the term "lienholder" includes the plaintiff and a defendant to the action who holds a lien encumbering the property or a defendant who, by virtue of its status as a condominium association, cooperative association, or *property owners'* ~~homeowners'~~ association, may file a lien against the real property subject to foreclosure. Upon filing, the court shall immediately review the request and the court file in chambers and without a hearing. If, upon examination of the court file, the court finds that the complaint is verified, complies with s. 702.015, and alleges a cause of action to foreclose on real property, the court shall promptly issue an order directed to the other parties named in the action to show cause why a final judgment of foreclosure should not be entered.

(a) The order shall:

1. Set the date and time for a hearing to show cause. The date for the hearing may not occur sooner than the later of 20 days after service of the order to show cause or 45 days after service of the initial complaint. When service is obtained by publication, the date for the hearing may not be set sooner than 30 days after the first publication.

2. Direct the time within which service of the order to show cause and the complaint must be made upon the defendant.

3. State that the filing of defenses by a motion, a responsive pleading, an affidavit, or other papers before the hearing to show cause that raise a genuine issue of material fact which would preclude the entry of summary judgment or otherwise constitute a legal defense to foreclosure shall constitute cause for the court not to enter final judgment.

4. State that a defendant has the right to file affidavits or other papers before the time of the hearing to show cause and may appear personally or by way of an attorney at the hearing.

5. State that, if a defendant files defenses by a motion, a verified or sworn answer, affidavits, or other papers or appears personally or by way of an attorney at the time of the hearing, the hearing time will be used to hear and consider whether the defendant's motion, answer, affidavits, other papers, and other evidence and argument as may be presented by the defendant or the defendant's attorney raise a genuine issue of material fact which would preclude the entry of summary judgment or otherwise constitute a legal defense to foreclosure. The order shall also state that the court may enter an order of final judgment of foreclosure at the hearing and order the clerk of the court to conduct a foreclosure sale.

6. State that, if a defendant fails to appear at the hearing to show cause or fails to file defenses by a motion or by a verified or sworn answer or files an answer not contesting the foreclosure, such defendant may be considered to have waived the right to a hearing, and in such case, the court may enter a default against such defendant and, if appropriate, a final judgment of foreclosure ordering the clerk of the court to conduct a foreclosure sale.

7. State that if the mortgage provides for reasonable attorney fees and the requested attorney fees do not exceed 3 percent of the principal amount owed at the time of filing the complaint, it is unnecessary for the court to hold a hearing or adjudge the requested attorney fees to be reasonable.

8. Attach the form of the proposed final judgment of foreclosure which the movant requests the court to enter at the hearing on the order to show cause.

9. Require the party seeking final judgment to serve a copy of the order to show cause on the other parties in the following manner:

a. If a party has been served pursuant to chapter 48 with the complaint and original process, or the other party is the plaintiff in the action, service of the order to show cause on that party may be made in the manner provided in the Florida Rules of Civil Procedure.

b. If a defendant has not been served pursuant to chapter 48 with the complaint and original process, the order to show cause, together with the summons and a copy of the complaint, shall be served on the party in the same manner as provided by law for original process.

Any final judgment of foreclosure entered under this subsection is for in rem relief only. This subsection does not preclude the entry of a deficiency judgment where otherwise allowed by law. The Legislature intends that this alternative procedure may run simultaneously with other court procedures.

(b) The right to be heard at the hearing to show cause is waived if a defendant, after being served as provided by law with an order to show cause, engages in conduct that clearly shows that the defendant has relinquished the right to be heard on that order. The defendant's failure to file defenses by a motion or by a sworn or verified answer, affidavits, or other papers or to appear personally or by way of an attorney at the hearing duly scheduled on the order to show cause presumptively constitutes conduct that clearly shows that the defendant has relinquished the right to be heard. If a defendant files defenses by a motion, a verified answer, affidavits, or other papers or presents evidence at or before the hearing which raise a genuine issue of material fact which would preclude entry of summary judgment or otherwise constitute a legal defense to foreclosure, such action constitutes cause and precludes the entry of a final judgment at the hearing to show cause.

(c) In a mortgage foreclosure proceeding, when a final judgment of foreclosure has been entered against the mortgagor and the note or mortgage provides for the award of reasonable attorney fees, it is unnecessary for the court to hold a hearing or adjudge the requested attorney fees to be reasonable if the fees do not exceed 3 percent of the principal amount owed on the note or mortgage at the time of filing, even if the note or mortgage does not specify the percentage of the original amount that would be paid as liquidated damages.

(d) If the court finds that all defendants have waived the right to be heard as provided in paragraph (b), the court shall promptly enter a final judgment of foreclosure without the need for further hearing if the plaintiff has shown entitlement to a final judgment and upon the filing with the court of the original note, satisfaction of the conditions for establishment of a lost note, or upon a showing to the court that the obligation to be foreclosed is not evidenced by a promissory note or other negotiable instrument. If the court finds that a defendant has not waived the right to be heard on the order to show cause, the court shall determine whether there is cause not to enter a final judgment of foreclosure. If the court finds that the defendant has not shown cause, the court shall promptly enter a judgment of foreclosure. If the time allotted for the hearing is insufficient, the court may announce at the hearing a date and time for the continued hearing. Only the parties who appear, individually or through an attorney, at the initial hearing must be notified of the date and time of the continued hearing.

Section 11. Section 712.095, Florida Statutes, is amended to read:

712.095 Notice required by July 1, 1983.—Any person whose interest in land is derived from an instrument or court proceeding recorded subsequent to the root of title, which instrument or proceeding did not contain a description of the land as specified by *s. 712.01(7)* ~~s. 712.01(3)~~, and whose interest had not been extinguished prior to July 1, 1981, shall have until July 1, 1983, to file a notice in accordance with s. 712.06 to preserve the interest.

Section 12. Section 720.403, Florida Statutes, is amended to read:

720.403 Preservation of ~~residential~~ communities; revival of declaration of covenants.—

(1) Consistent with required and optional elements of local comprehensive plans and other applicable provisions of the Community Planning Act, *property owners* ~~homeowners~~ are encouraged to preserve existing residential *and other* communities, promote available and affordable housing, protect structural and aesthetic elements of their ~~residential~~ community, and, as applicable, maintain roads and streets, easements, water and sewer systems, utilities, drainage improvements, conservation and open areas, recreational amenities, and other infrastructure and common areas that serve and support the ~~residential~~ community by the revival of a previous declaration of covenants and

other governing documents that may have ceased to govern some or all parcels in the community.

(2) In order to preserve a ~~residential~~ community and the associated infrastructure and common areas for the purposes described in this section, the parcel owners in a community that was previously subject to a declaration of covenants that has ceased to govern one or more parcels in the community may revive the declaration and the ~~homeowners'~~ association for the community upon approval by the parcel owners to be governed thereby as provided in this act, and upon approval of the declaration and the other governing documents for the association by the Department of Economic Opportunity in a manner consistent with this act.

*(3) Part III of this chapter is intended to provide mechanisms for the revitalization of covenants or restrictions for all types of communities and property associations and is not limited to residential communities.*

Section 13. Section 720.404, Florida Statutes, is amended to read:

720.404 Eligible ~~residential~~ communities; requirements for revival of declaration.—Parcel owners in a community are eligible to seek approval from the Department of Economic Opportunity to revive a declaration of covenants under this act if all of the following requirements are met:

(1) All parcels to be governed by the revived declaration must have been once governed by a previous declaration that has ceased to govern some or all of the parcels in the community;

(2) The revived declaration must be approved in the manner provided in s. 720.405(6); and

(3) The revived declaration may not contain covenants that are more restrictive on the parcel owners than the covenants contained in the previous declaration, except that the declaration may:

(a) Have an effective term of longer duration than the term of the previous declaration;

(b) Omit restrictions contained in the previous declaration;

(c) Govern fewer than all of the parcels governed by the previous declaration;

(d) Provide for amendments to the declaration and other governing documents; and

(e) Contain provisions required by this chapter for new declarations that were not contained in the previous declaration.

Section 14. Subsections (1), (3), (5), and (6) of section 720.405, Florida Statutes, are amended to read:

720.405 Organizing committee; parcel owner approval.—

(1) The proposal to revive a declaration of covenants and *an* ~~a~~ ~~homeowners'~~ association for a community under the terms of this act shall be initiated by an organizing committee consisting of not less than three parcel owners located in the community that is proposed to be governed by the revived declaration. The name, address, and telephone number of each member of the organizing committee must be included in any notice or other document provided by the committee to parcel owners to be affected by the proposed revived declaration.

(3) The organizing committee shall prepare the full text of the proposed articles of incorporation and bylaws of the revived ~~homeowners'~~ association to be submitted to the parcel owners for approval, unless the association is then an existing corporation, in which case the organizing committee shall prepare the existing articles of incorporation and bylaws to be submitted to the parcel owners.

(5) A copy of the complete text of the proposed revised declaration of covenants, the proposed new or existing articles of incorporation and bylaws of the ~~homeowners'~~ association, and a graphic depiction of the property to be governed by the revived declaration shall be presented to all of the affected parcel owners by mail or hand delivery not less than 14 days before the time that the consent of the affected parcel owners to the proposed governing documents is sought by the organizing committee.

(6) A majority of the affected parcel owners must agree in writing to the revived declaration of covenants and governing documents of the ~~homeowners'~~ association or approve the revived declaration and governing documents by a vote at a meeting of the affected parcel owners noticed and conducted in the manner prescribed by s. 720.306. Proof of notice of the meeting to all affected owners of the meeting and the minutes of the meeting recording the votes of the property owners shall be certified by a court reporter or an attorney licensed to practice in the state.

Section 15. Subsection (3) of section 720.407, Florida Statutes, is amended to read:

720.407 Recording; notice of recording; applicability and effective date.—

(3) The recorded documents shall include the full text of the approved declaration of covenants, the articles of incorporation and bylaws of the ~~homeowners'~~ association, the letter of approval by the department, and the legal description of each affected parcel of property. For purposes of chapter 712, the association is deemed to be and shall be indexed as the grantee in a title transaction and the parcel owners named in the revived declaration are deemed to be and shall be indexed as the grantors in the title transaction.

Section 16. This act shall take effect October 1, 2017.

And the title is amended as follows:

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

Pursuant to Rule 7.1(1), there being no objection, consideration of the following late-filed amendments was allowed:

Senator Passidomo moved the following amendments to **Amendment 1 (885236)** which were adopted:

**Amendment 1A (338424) (with title amendment)**—Between lines 4 and 5 insert:

Section 1. Section 702.12, Florida Statutes, is created to read:

*702.12 Actions in foreclosure.—*

*(1)(a) A lienholder, in an action to foreclose a mortgage, may submit any document the defendant filed in the defendant's bankruptcy case under penalty of perjury for use as an admission by the defendant.*

*(b) A rebuttable presumption that the defendant has waived any defenses to the foreclosure is created if a lienholder submits documents filed in the defendant's bankruptcy case which:*

*1. Evidence the defendant's intention to surrender to the lienholder the property that is the subject of the foreclosure;*

*2. Have not been withdrawn by the defendant; and*

*3. Show that a final order has been entered in the defendant's bankruptcy case which discharges the defendant's debts or confirms the defendant's repayment plan that provides for the surrender of the property.*

*(2) Pursuant to s. 90.203, a court shall take judicial notice of any order entered in a bankruptcy case upon the request of a lienholder.*

*(3) This section does not preclude the defendant in a foreclosure action from raising a defense based upon the lienholder's action or inaction subsequent to the filing of the document filed in the bankruptcy case which evidenced the defendant's intention to surrender the mortgaged property to the lienholder.*

*(4) This section applies to any foreclosure action filed on or after October 1, 2017.*

And the title is amended as follows:

Delete line 638 and insert: An act relating to real property; creating s. 702.12, F.S.; authorizing lienholders to use certain documents as an admission in an action to foreclose a mortgage; providing that submission of certain documents in a foreclosure action creates a rebuttable presumption that the defendant has waived any defenses to the foreclosure; requiring a court to take judicial notice of final orders entered in bankruptcy cases; providing construction; providing applicability;

**Amendment 1B (547612) (with title amendment)**—Delete lines 219-238 and insert: *owners not subject to chapter 720.—*

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

*(a) "Community" means the real property that is subject to a covenant or restriction that is recorded in the county where the property is located.*

*(b) "Covenant or restriction" means any agreement or limitation imposed by a private party and not required by a governmental agency as a condition of a development permit, as defined in s. 163.3164, which is contained in a document recorded in the public records of the county in which a parcel is located and which subjects the parcel to any use restriction that may be enforced by a parcel owner.*

*(c) "Parcel" means real property that is used for residential purposes and that is subject to exclusive ownership and any covenant or restriction that may be enforced by a parcel owner.*

*(d) "Parcel owner" means the record owner of legal title to a parcel.*

*(2) The parcel owners of a community not subject to ch. 720 may use the procedures set forth in ss.*

And the title is amended as follows:

Delete lines 660-661 and insert: the parcel owners of a community not subject to ch. 720, F.S., to use specified procedures to

Pursuant to Rule 7.1(1), there being no objection, consideration of the following late-filed amendment was allowed:

Senator Young moved the following amendment to **Amendment 1 (885236)** which was adopted:

**Amendment 1C (809904) (with title amendment)**—Between lines 4 and 5 insert:

Section 1. Subsection (6) of section 125.022, Florida Statutes, is amended to read:

125.022 Development permits.—

(6) *A county may not delegate its police power to a third party by restriction, covenant, or otherwise. The imposition by a county of a recorded or unrecorded restriction or covenant as a condition of a county's approval or issuance of a development permit does not preclude the county from exercising its police power to later amend, release, or terminate the restriction or covenant. Any such amendment, release, or termination of the restriction or covenant must follow the procedural requirements in s. 125.66(4).* ~~This section does not prohibit a county from providing information to an applicant regarding what other state or federal permits may apply.~~

Section 2. Subsection (6) of section 166.033, Florida Statutes, is amended to read:

166.033 Development permits.—

(6) *A municipality may not delegate its police power to a third party by restriction, covenant, or otherwise. The imposition by a municipality of a recorded or unrecorded restriction or covenant as a condition of a municipality's approval or issuance of a development permit does not preclude a municipality from exercising its police power to later amend, release, or terminate the restriction or covenant. Any such amendment, release, or termination of the restriction or covenant must follow the procedural requirements in s. 166.041(3)(c).* ~~This section does not prohibit a municipality from providing information to an applicant regarding what other state or federal permits may apply.~~

Section 3. Section 712.04, Florida Statutes, is amended to read:

712.04 Interests extinguished by marketable record title.—

*(1)* Subject to s. 712.03, a marketable record title is free and clear of all estates, interests, claims, *covenants, restrictions,* or charges, the existence of which depends upon any act, title transaction, event, *zoning requirement, building or development permit,* or omission that occurred before the effective date of the root of title. Except as provided in s. 712.03, all such estates, interests, claims, *covenants, restrictions,* or charges, however denominated, whether they are or appear to be held or asserted by a person sui juris or under a disability, whether such person is within or without the state, natural or corporate, or private or governmental, are declared to be null and void. However, this chapter does not affect any right, title, or interest of the United States, Florida, or any of its officers, boards, commissions, or other agencies reserved in the patent or deed by which the United States, Florida, or any of its agencies parted with title.

*(2) This section may not be construed to alter or invalidate a zoning ordinance, land development regulation, building code, or other ordinance, rule, regulation, or law if such ordinance, rule, regulation, or law operates independently of matters recorded in the official records.*

And the title is amended as follows:

Between lines 638 and 639 insert: amending ss. 125.022 and 166.033, F.S.; prohibiting a county or municipality from delegating its police power to a third party by restriction, covenant, or otherwise; providing that the imposition by a county or municipality of a recorded or unrecorded restriction or covenant as a condition of a county's or municipality's approval or issuance of a development permit does not preclude the county or municipality from exercising its police power to later amend, release, or terminate the restriction or covenant; providing that any such amendment, release, or termination of the restriction or covenant must follow specified procedural requirements; amending s. 712.04, F.S.; providing that a marketable record title is free and clear of all covenants or restrictions, the existence of which depends upon any zoning requirement, building or development permit; providing that all such covenants or restrictions are declared to be null and void; providing construction;

Pursuant to Rule 7.1(1), there being no objection, consideration of the following late-filed amendment was allowed:

Senator Rodriguez moved the following amendment to **Amendment 1 (885236)** which was adopted:

**Amendment 1D (478872) (with title amendment)**—Between lines 630 and 631 insert:

Section 16. *Notwithstanding this act, any person claiming an interest or other right in land which would be extinguished as a result of this act, including any interests or other rights where the 30-year period immediately following the effective date of the root of title has already passed, may preserve such interest from extinguishment pursuant to this act by filing for record a written notice in accordance with s. 712.06, Florida Statutes, within 1 year after the effective date of this act.*

And the title is amended as follows:

Delete line 689 and insert: changes made by the act; authorizing persons to preserve certain interest or rights in property by filing a specified notice; providing an effective date.

**Amendment 1 (885236)**, as amended, was adopted.

**RECONSIDERATION OF AMENDMENT**

Senator Perry moved that the Senate reconsider the vote by which **Amendment 1D (478872)** was adopted. The motion to reconsider failed.

Pursuant to Rule 4.19, **CS for CS for CS for HB 735**, as amended, was placed on the calendar of Bills on Third Reading.

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By direction of the President, by unanimous consent—

**CS for CS for CS for SB 166**—A bill to be entitled An act relating to craft distilleries; amending s. 565.03, F.S.; revising the limitations on retail sales by craft distilleries to consumers; providing an effective date.

—was taken up out of order and read the second time by title.

Pending further consideration of **CS for CS for CS for SB 166**, pursuant to Rule 3.11(3), there being no objection, **CS for HB 141** was withdrawn from the Committees on Regulated Industries; Commerce and Tourism; Appropriations Subcommittee on General Government; and Appropriations.

On motion by Senator Steube—

**CS for HB 141**—A bill to be entitled An act relating to craft distilleries; amending s. 565.03, F.S.; providing limitations on retail sales by craft distilleries to consumers; providing an effective date.

—a companion measure, was substituted for **CS for CS for CS for SB 166** and read the second time by title.

Pursuant to Rule 4.19, **CS for HB 141** was placed on the calendar of Bills on Third Reading.

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By direction of the President, the Senate resumed consideration of—

**CS for HB 161**—A bill to be entitled An act relating to direct primary care agreements; creating s. 624.27, F.S.; providing definitions; specifying that a direct primary care agreement does not constitute insurance and is not subject to the Florida Insurance Code; specifying that entering into a direct primary care agreement does not constitute the business of insurance and is not subject to the code; providing that a certificate of authority is not required to market, sell, or offer to sell a direct primary care agreement; specifying requirements for a direct primary care agreement; providing an effective date.

—which was previously considered this day.

**RECONSIDERATION OF AMENDMENT**

On motion by Senator Bean, the Senate reconsidered the vote by which **Amendment 1 (104498)** to **CS for HB 161** failed. **Amendment 1 (104498)** was adopted.

Pursuant to Rule 4.19, **CS for HB 161**, as amended, was placed on the calendar of Bills on Third Reading.

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By direction of the President, by unanimous consent—

**CS for SB 360**—A bill to be entitled An act relating to a middle school study; requiring the Department of Education to solicit for a contract to conduct a comprehensive study of states with nationally recognized high-performing middle schools in reading and mathematics; specifying areas that must be reviewed in conducting the study; requiring a report to the Governor, the State Board of Education, and the Legislature by a specified time; providing for expiration; providing an appropriation; providing an effective date.

—was taken up out of order and read the second time by title.

Pending further consideration of **CS for SB 360**, pursuant to Rule 3.11(3), there being no objection, **CS for CS for HB 293** was withdrawn from the Committees on Education; and Appropriations.

On motion by Senator Stargel, the rules were waived and—

**CS for CS for HB 293**—A bill to be entitled An act relating to middle grades; requiring the Department of Education to solicit for a contract to conduct a comprehensive study of states with nationally recognized high-performing middle schools in reading and mathematics; requiring a report to the Governor, the State Board of Education, and the Legislature by a specified time; providing for expiration; amending s. 1003.4156, F.S.; deleting requirements related to the career and education planning course for middle grades promotion; providing an appropriation; providing an effective date.

—a companion measure substituted for **CS for SB 360** and read the second time by title.

Pursuant to Rule 4.19, **CS for CS for HB 293** was placed on the calendar of Bills on Third Reading.

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On motion by Senator Benacquisto, the rules were waived and the Senate reverted to—

## BILLS ON THIRD READING

By direction of the President, by unanimous consent—

**CS for CS for HB 543**—A bill to be entitled An act relating to the regulation of health care practitioners; amending s. 381.0041, F.S.; requiring an institution or a physician responsible for transplanting an organ or allograft to provide a specified warning to the recipient; providing an exception; defining the term "allograft"; amending s. 384.4018, F.S.; requiring the Department of Health to follow federal requirements, and authorizing the department to adopt rules, in the implementation of a specified program; amending s. 395.3025, F.S.; authorizing the disclosure of certain patient records to the department, rather than the Agency for Health Care Administration; requiring the department, rather than the agency, to make certain patient records available under certain circumstances; amending s. 456.013, F.S.; requiring examination applications for health care practitioner licensure to include the applicant's date of birth; removing provisions relating to the size and format of such licenses; prohibiting regulatory boards or the department from issuing or renewing such licenses under certain conditions; amending s. 456.025, F.S.; authorizing regulatory boards or the department to adopt rules that waive certain fees under certain conditions; amending s. 456.0635, F.S.; revising grounds for refusing to issue or renew a license, certificate, or registration in a health care profession; providing applicability; amending s. 456.065, F.S.; authorizing a transfer from a profession's operating fund to cover a deficit in the unlicensed activity category; amending ss. 458.3265 and 459.0137, F.S.; exempting certain pain-management clinics from paying registration fees and from complying with certain requirements and rules;

amending s. 458.348, F.S.; repealing a provision that requires a joint committee to determine standards for the content of advanced registered nurse practitioner protocols; conforming a cross-reference; amending s. 464.012, F.S.; removing an obsolete qualification to satisfy certification requirements for an advanced registered nurse practitioner; requiring an advanced registered nurse practitioner's supervisory protocol to be maintained at a specified location; removing the requirement that the supervisory protocol be filed with the Board of Nursing; removing the requirement that the board refer licensees who submit noncompliant supervisory protocols to the department; amending s. 464.013, F.S.; requiring certain continuing education courses to be approved by the Board of Nursing; removing a requirement that certain continuing education courses be offered by specified entities; amending s. 464.019, F.S.; authorizing the board to conduct certain onsite evaluations; removing a limiting criterion from the requirement to measure graduate passage rates; removing a requirement that certain nursing program graduates complete a specified preparatory course; clarifying circumstances in which programs in probationary status must be terminated; providing that accredited and nonaccredited programs must disclose probationary status; requiring such notification to include certain information; prohibiting a terminated or closed program from seeking program approval for a certain time period; authorizing the board to adopt certain rules; removing requirements that the Office of Program Policy Analysis and Government Accountability (OPPAGA) perform certain tasks and duties; requiring the Florida Center for Nursing to complete an annual assessment of compliance by nursing programs with certain accreditation requirements; requiring the center to include its assessment in a report to the Governor and Legislature; requiring the termination of a program under certain circumstances; creating s. 465.0195, F.S.; requiring a pharmacy or outsourcing facility to obtain a permit before engaging in specified activities relating to compound sterile products; providing requirements for the permit application and for the employment of certain individuals; authorizing the Board of Pharmacy to adopt by rule standards of practice for sterile compounding; requiring the board to consider certain standards and regulations in adopting such rules; providing applicability; amending 465.027, F.S.; exempting certain third-party logistics providers from regulation under chapter 465, F.S.; creating s. 465.1893, F.S.; authorizing a pharmacist to administer specified medication by injection under certain circumstances; requiring a pharmacist who administers such injections to complete a specified course; providing requirements for the course; amending s. 468.80, F.S.; requiring completion of a specified course for orthotics, prosthetics, and pedorthics licensure and licensure renewal; providing course requirements; amending s. 468.803, F.S.; revising registration requirements for orthotics and prosthetics; authorizing persons to hold a single registration in both fields; authorizing the department to develop and administer a prosthetist-orthotist license; providing requirements for a prosthetics-orthotics examination and licensure; amending 480.041, F.S.; requiring the department, rather than the Board of Massage Therapy, to deny the renewal of a massage therapist license under certain circumstances; amending s. 486.102, F.S.; providing requirements for certain physical therapist assistant licensure applicants; amending s. 491.005, F.S.; revising the amount of clinical experience required for a license to provide marriage and family therapy; revising the examination used for mental health counselor licensure; amending s. 491.009, F.S.; authorizing the Board of Clinical Social Work, Marriage and Family Therapy, and Mental Health Counseling, rather than the department, to deny licensure to or impose penalties against specified applicants or licensees under certain circumstances; authorizing the department, rather than the board, to deny licensure to or impose penalties against a certified master social worker, rather than psychologist, applicants or licensees under certain circumstances; providing effective dates.

—as amended May 3, was taken up out of order and read the third time by title.

On motion by Senator Grimsley, **CS for CS for HB 543**, as amended, was passed and certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

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By direction of the President, by unanimous consent—

**HB 7117**—A bill to be entitled An act relating to the statewide Medicaid managed care program; amending s. 409.964, F.S.; deleting an obsolete provision; amending s. 409.966, F.S.; revising requirements relating to the compilation and publication of certain Medicaid data by the Agency for Health Care Administration; revising the designation and county makeup of regions for procurement of health plans eligible to participate in the program; requiring the agency to give preference to plans that propose establishing a comprehensive long-term care plan; authorizing contract awards in specified regions under certain conditions; amending s. 409.967, F.S.; requiring the agency to test provider network databases maintained by Medicaid managed care plans; requiring the agency to impose fines, and authorizing the agency to impose other sanctions, on plans that fail to comply with certain claim payment requirements; amending s. 409.971, F.S.; deleting an obsolete provision; amending s. 409.972, F.S.; requiring the agency to seek federal approval to require Medicaid enrollees to engage in certain work activities to maintain eligibility and enrollment and to establish monthly premiums payable by enrollees; amending s. 409.974, F.S.; deleting an obsolete provision; revising the number of eligible plans the agency must procure for certain regions; deleting provisions that require the agency to issue an invitation to negotiate and to give preference to certain plans; amending s. 409.978, F.S.; deleting an obsolete provision; amending s. 409.981, F.S.; revising the number of eligible plans that the agency must procure for certain regions; deleting provisions that require the agency to issue an invitation to negotiate and to consider a specific factor relating to the selection of eligible plans; amending s. 409.982, F.S.; deleting a provision that requires long-term care managed care plans to pay nursing homes at the payment rate set by the agency; amending s. 409.983, F.S.; deleting a provision that requires the agency to establish nursing-facility-specific payment rates; requiring long-term care managed care plans and providers to negotiate payment rates, methods, and terms; providing an effective date.

—as amended May 3, was taken up out of order and read the third time by title.

On motion by Senator Grimsley, **HB 7117**, as amended, was passed and certified to the House. The vote on passage was:

Yeas—37

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

Nays—1

Torres

## MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Benacquisto, by two-thirds vote, **HB 7115** was withdrawn from the Committee on Rules.

## MOTIONS

On motion by Senator Benacquisto, the rules were waived and the following bills were added to the Special Order Calendar for Friday, May 5, 2017: **HB 7115** and **HB 7109**

On motion by Senator Benacquisto, the rules were waived and all bills temporarily postponed and remaining on the Special Order Calendar this day were retained on the Special Order Calendar.

On motion by Senator Benacquisto, the rules were waived and a deadline of one hour after the availability of engrossed bills was set for filing amendments to Bills on Third Reading to be considered Friday, May 5, 2017.

## REPORTS OF COMMITTEES

Pursuant to Rule 4.17(1), the Rules Chair, Majority Leader, and Minority Leader submit the following bills to be placed on the Special Order Calendar for Thursday, May 4, 2017: CS for SB 202, CS for SB 204, SB 248, CS for CS for CS for SB 466, CS for SB 772, CS for CS for SB 784, SB 888, CS for CS for HB 23, CS for CS for SB 1312, CS for CS for SB 1370, CS for CS for SB 1118, CS for CS for CS for SB 764, CS for CS for SB 454, CS for CS for SB 788, CS for CS for CS for SB 240, CS for SB 1046, CS for CS for CS for SB 166, SB 1160, CS for CS for SB 154, SB 1302, SB 12.

Respectfully submitted,
*Lizbeth Benacquisto*, Rules Chair
*Wilton Simpson*, Majority Leader
*Oscar Braynon II*, Minority Leader

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Pursuant to Rule 4.18 the Rules Chair submits the following bills to be placed on the Local Bill Calendar for Thursday, May 4, 2017: CS for HB 259, HB 531, HB 533, HB 647, CS for HB 737, CS for HB 759, HB 891, HB 905, CS for HB 921, CS for HB 951, CS for HB 1025, CS for CS for HB 1075, HB 1089, CS for HB 1135, HB 1147, HB 1149, CS for HB 1151, HB 1153, CS for HB 1291, HB 1293, HB 1295, HB 1297, HB 1311, HB 1313, CS for HB 1315, HB 1317, CS for CS for HB 1333, CS for HB 1363, HB 1401, HB 1437, HB 1439.

Respectfully submitted,
*Lizbeth Benacquisto*, Rules Chair

## REFERENCE CHANGES PURSUANT TO RULE 4.7(2)

By the Committees on Appropriations; and Education; and Senator Bean—

**CS for CS for SB 796**—A bill to be entitled An act relating to K-12 public schools; creating s. 1002.333, F.S., relating to high-impact schools and high-impact school operators; defining terms; providing eligibility criteria for high-impact school operators; providing for the designation and redesignation of a high-impact school operator; authorizing high-impact school operators to establish high-impact schools in specified areas; providing the process for the establishment of a high-impact school; providing the requirements for a performance-based agreement; authorizing the State Board of Education to designate a high-impact school as a local education agency; providing that a school district sponsor is not liable for specified damages; providing that a high-impact school may be a private or public employer; authorizing a high-impact school to participate in the Florida Retirement System; authorizing a high-impact school operator to employ certain staff; providing specific statutory exemptions for high-impact schools; providing requirements for facilities used by high-impact schools; requiring districts to annually provide a list of specified property to the Department of Education; requiring that high-impact schools be funded through the Florida Education Finance Program; establishing additional funding sources and guidelines for eligible expenditures; providing authority and obligations of the State Board of Education; providing a mechanism for the resolution of disputes; providing for rulemaking; creating s. 1001.292, F.S.; establishing the High-impact Schools Revolving Loan Program; providing criteria for administration of the program; providing an effective date.

—was placed on the Calendar.

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By the Committees on Appropriations; and Education; and Senator Simmons—

**CS for CS for SB 1552**—A bill to be entitled An act relating to K-12 education; amending s. 1001.42, F.S.; revising provisions relating to school improvements plans; requiring only specified schools to submit a school improvement plan; deleting a requirement that certain information be included in the improvement plans of certain schools; revising the grade levels required to implement an early warning system; revising the required content of an early warning system; requiring a specified team to monitor specified data; revising what constitutes an educational emergency and establishing duties of district school boards relating to such emergency; amending s. 1002.33, F.S.; revising the criteria a charter school must meet to require corrective action; revising requirements for corrective action by charter schools; revising criteria for waiver of automatic charter termination; amending s. 1002.332, F.S.; conforming a cross-reference; amending s. 1008.33, F.S.; providing that intervention and support services apply consistently to any school meeting specified criteria; revising the required timeline for the implementation of a district-managed turnaround plan; providing turnaround options available to school districts meeting specified criteria; amending s. 1008.345, F.S.; revising the criteria a school must meet to have a community assessment team; revising the duties of a community assessment team; creating s. 1012.732, F.S.; creating the Florida Best and Brightest Teacher and Principal Scholar Award Program to be administered by the Department of Education; providing the intent and purpose of the program; providing eligibility requirements for classroom teachers and school administrators to participate in the program; providing timelines and requirements for program implementation; providing funding priorities; defining the term "school district"; requiring the State Board of Education to adopt rules; providing an effective date.

—was placed on the Calendar.

## MESSAGES FROM THE HOUSE OF REPRESENTATIVES

### RETURNING MESSAGES — FINAL ACTION

The Honorable Joe Negron, President

I am directed to inform the Senate that the House of Representatives has concurred in Senate Amendment 1 and passed CS for CS for HB 747, as amended.

*Portia Palmer,* Clerk

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The Honorable Joe Negron, President

I am directed to inform the Senate that the House of Representatives has concurred in Senate Amendment 2 and passed CS for CS for HB 813, as amended.

*Portia Palmer,* Clerk

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The Honorable Joe Negron, President

I am directed to inform the Senate that the House of Representatives has concurred in Senate Amendment 1 and passed CS for CS for HB 859, as amended.

*Portia Palmer,* Clerk

The Honorable Joe Negron, President

I am directed to inform the Senate that the House of Representatives has concurred in Senate Amendment 1 and passed CS for CS for HB 925, as amended.

*Portia Palmer,* Clerk

## ENROLLING REPORTS

CS for SB 10 has been enrolled, signed by the required constitutional officers, and presented to the Governor on May 4, 2017.

*Debbie Brown,* Secretary

## CORRECTION AND APPROVAL OF JOURNAL

The Journal of May 3 was corrected and approved.

## ADJOURNMENT

On motion by Senator Benacquisto, the Senate adjourned at 8:45 p.m. for the purpose of holding committee meetings and conducting other Senate business to reconvene at 10:00 a.m., Friday, May 5 or upon call of the President.