Journal of the Senate

Number 19—Regular Session **Friday, April 26, 2019**

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CALL TO ORDER

The Senate was called to order by President Galvano at 10:00 a.m. A quorum present—32:

Mr. President	Gainer	Rader
Albritton	Gibson	Rodriguez
Benacquisto	Gruters	Rouson
Berman	Harrell	Simmons
Bracy	Hooper	Simpson
Bradley	Hutson	Stewart
Brandes	Mayfield	Taddeo
Braynon	Passidomo	Thurston
Broxson	Perry	Torres
Farmer	Pizzo	Wright
Flores	Powell	

PRAYER

The following prayer was offered by Father Timothy Holeda, Co-Cathedral of St. Thomas More, Tallahassee:

Father, we ask you to bless us, and thank you for all the blessings that you bestow upon us, especially in this Easter season and springtime, Lord. We ask you to bless these men and women as they conduct the business of the state. We ask you to bless them and give them wisdom, Lord, to make decisions that will promote the common good of everybody in our state. Lord, I thank you for their decision to serve and to give their time and their energy to represent us. Lord, we thank you for that, and we ask you to bless these men and women who serve us. God bless our state and bless this session this day. We ask this in your most holy name. Amen.

PLEDGE

Senate Pages, Titus Etters of Tallahassee; Brandon Griggs of Jacksonville; Colby Millis of Ponte Vedra; and Cecilia Bailey of Jacksonville, 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. Tra'Chella Johnson Foy of Jacksonville, sponsored by Senator Gibson, as the doctor of the day. Dr. Johnson Foy specializes in family medicine.

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

SPECIAL ORDER CALENDAR

CS for SB 332—A bill to be entitled An act relating to incarcerated women; providing a short title; creating s. 944.242, F.S.; providing definitions; requiring correctional facilities to provide incarcerated women with certain health care products, subject to certain requirements; requiring a correctional facility to make health care products available in common housing areas and in medical care facilities; providing requirements for male correctional facility employees in certain circumstances; requiring documentation of certain incidents involving male correctional facility employees; requiring the correctional facility to review and retain such documentation; providing an effective date.

—was read the second time by title.

Pending further consideration of **CS for SB 332**, pursuant to Rule 3.11(3), there being no objection, **CS for HB 49** was withdrawn from the Committees on Criminal Justice; Appropriations Subcommittee on Criminal and Civil Justice; and Appropriations.

On motion by Senator Pizzo—

CS for HB 49—A bill to be entitled An act relating to incarcerated women; providing a short title; creating s. 944.242, F.S.; providing definitions; requiring state correctional facilities to provide incarcerated women with certain healthcare products; providing requirements for male correctional facility employees in certain circumstances; requiring documentation of certain incidents involving male correctional facility employees; amending s. 951.23, F.S.; requiring a working group on standards for county and municipal detention facilities to adopt certain model standards for female prisoners; providing an effective date.

—a companion measure, was substituted for **CS for SB 332** and read the second time by title.

Senator Pizzo moved the following amendment which was adopted:

Amendment 1 (795286) (with title amendment)—Delete everything after the enacting clause and insert:

Section 1. *This act may be cited as the "Dignity for Incarcerated Women Act."*

Section 2. Section 944.242, Florida Statutes, is created to read:

944.242 Dignity for women in correctional facilities.—

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

(a) "Correctional facility" means any part of the correctional system, any county detention facility, juvenile detention center or residential facility, temporary holding center, or other criminal detention facility operated by or on behalf of the state or any political subdivision.

(b) "Correctional facility employee" means a correctional officer employed by a correctional facility.

(c) "Health care products" includes the following:

1. Feminine hygiene products, including tampons.

2. Moisturizing soap that is not lye-based.

3. Toothbrushes.

4. Toothpaste.

5. Any other health care product the correctional facility deems appropriate.

(d) "State of undress" means not dressed or not fully dressed.

(2) HEALTH CARE PRODUCTS.—A correctional facility shall make available health care products to each woman incarcerated in the facility at no cost to the woman in a quantity that is appropriate to the needs of the woman without a medical referral. A correctional facility may not require that a woman be diagnosed with an illness in order to access health care products. A correctional facility shall make health care products available in common housing areas and in medical care facilities.

(3) MALE CORRECTIONAL FACILITY EMPLOYEES.—

(a) A male correctional facility employee may not conduct a pat-down search or body cavity search on an incarcerated woman unless the woman presents an immediate risk of harm to herself or others and a female correctional facility employee is not available to do the search.

(b) A male correctional facility employee shall announce his presence upon entering a housing unit for incarcerated women.

(c) A male correctional facility employee may not enter an area of the correctional facility in which an incarcerated woman may be in a state of undress or an area where an incarcerated woman in a state of undress may be viewed, including, but not limited to, restrooms, shower areas, and medical treatment areas. If a female correctional facility employee is not available or if a female correctional facility employee requires assistance, a male correctional facility employee may enter such area only in the event of a medical emergency or if an incarcerated woman presents an immediate risk of harm to herself or others.

(d) If a male correctional facility employee conducts a pat-down search or body cavity search or enters a prohibited area in an emergency situation as provided in paragraph (a) or paragraph (c), the male correctional facility employee shall document the incident, including the circumstances necessitating the male correctional facility employee's actions, no later than 3 days after the incident. The correctional facility shall review and retain all documentation.

Section 3. This act shall take effect July 1, 2019.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to incarcerated women; providing a short title; creating s. 944.242, F.S.; providing definitions; requiring correctional facilities to provide incarcerated women with certain health care products, subject to certain requirements; requiring a correctional facility to make health care products available in common housing areas and in medical care facilities; providing requirements for male correctional facility employees in certain circumstances; requiring documentation of certain incidents involving male correctional facility employees; requiring the correctional facility to review and retain such documentation; providing an effective date.

On motion by Senator Pizzo, by two-thirds vote, **CS for HB 49**, as amended, was read the third time by title, passed, and certified to the House. The vote on passage was:

Yeas—37

Mr. President	Broxson	Hutson
Albritton	Cruz	Lee
Bean	Diaz	Mayfield
Benacquisto	Farmer	Montford
Berman	Flores	Passidomo
Book	Gainer	Perry
Bracy	Gibson	Pizzo
Bradley	Gruters	Powell
Brandes	Harrell	Rader
Braynon	Hooper	Rodriguez
Rouson	Stewart	Wright
Simmons	Thurston	
Simpson	Torres	

Nays—None

Vote after roll call:

Yea—Baxley, Stargel, Taddeo

CS for SB 532—A bill to be entitled An act relating to wetland mitigation; amending s. 373.4135, F.S.; authorizing a local government to allow permittee-responsible mitigation on lands purchased and owned by a local government for conservation purposes under certain circumstances; requiring such mitigation to meet specified requirements; providing an effective date.

—was read the second time by title.

Pending further consideration of **CS for SB 532**, pursuant to Rule 3.11(3), there being no objection, **CS for HB 521** was withdrawn from the Committees on Community Affairs; Appropriations Subcommittee on Agriculture, Environment, and General Government; and Appropriations.

On motion by Senator Lee—

CS for HB 521—A bill to be entitled An act relating to wetland mitigation; amending s. 373.4135, F.S.; providing legislative intent; authorizing a local government to allow permittee-responsible mitigation on lands purchased and owned by a local government for conservation purposes under certain circumstances; requiring such mitigation to meet specified requirements; providing an exception to provisions prohibiting a governmental entity from creating or providing mitigation for a project other than its own unless certain conditions are met; providing an effective date.

—a companion measure, was substituted for **CS for SB 532** and read the second time by title.

On motion by Senator Lee, by two-thirds vote, **CS for HB 521** was read the third time by title, passed, and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Diaz	Perry
Albritton	Farmer	Pizzo
Baxley	Flores	Powell
Bean	Gainer	Rader
Benacquisto	Gibson	Rouson
Berman	Gruters	Simmons
Book	Harrell	Simpson
Bracy	Hooper	Stargel
Bradley	Hutson	Stewart
Brandes	Lee	Taddeo
Braynon	Mayfield	Thurston
Broxson	Montford	Torres
Cruz	Passidomo	Wright

Nays—1

Rodriguez

CS for CS for SB 620—A bill to be entitled An act relating to military affairs; amending s. 83.49, F.S.; prohibiting a landlord from requiring a prospective tenant who is a servicemember to deposit or advance more than a certain amount of funds; amending s. 83.682, F.S.; providing an additional circumstance under which a servicemember may terminate a rental agreement; amending s. 163.3175, F.S.; revising applicability with respect to certain military installations; amending s. 197.572, F.S.; providing that the title to certain lands remains subject to an easement to prevent encroachment of military installations after a tax sale or the issuance of a tax certificate in foreclosure proceedings;

amending s. 288.980, F.S.; revising the definition of the term "activities"; amending s. 320.08058, F.S.; directing the Department of Highway Safety and Motor Vehicles to develop a Blue Angels license plate; providing for the distribution and use of fees collected from the sale of such plate; amending s. 570.71, F.S.; prohibiting certain construction or activities that are incompatible with the mission of a military installation on certain land under a rural-lands-protection easement; amending s. 1003.05, F.S.; requiring public schools to accept a permanent change of station order as proof of residency for certain programs; amending s. 1009.21, F.S.; revising when active duty members of the Armed Services of the United States are classified as residents for tuition purposes; providing an effective date.

—was read the second time by title.

Senator Broxson moved the following amendment which was adopted:

Amendment 1 (507250) (with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Present paragraphs (i) through (n) of subsection (2) of section 163.3175, Florida Statutes, are redesignated as paragraphs (j) through (o), respectively, and a new paragraph (i) and paragraph (p) are added to that subsection, to read:

163.3175 Legislative findings on compatibility of development with military installations; exchange of information between local governments and military installations.—

(2) Certain major military installations, due to their mission and activities, have a greater potential for experiencing compatibility and coordination issues than others. Consequently, this section and the provisions in s. 163.3177(6)(a), relating to compatibility of land development with military installations, apply to specific affected local governments in proximity to and in association with specific military installations, as follows:

(i) Naval Support Activity Orlando, including Bugg Spring and Naval Ordnance Test Unit, associated with Orange County and Orlando.

(p) United States Southern Command, associated with Miami-Dade County and Doral.

Section 2. Section 197.572, Florida Statutes, is amended to read:

197.572 *Certain* easements ~~for conservation purposes, public service purposes, support of certain improvements, or drainage or ingress and egress~~ survive tax sales and deeds.—

(1) When any lands are sold for the nonpayment of taxes, or any tax certificate is issued thereon by a governmental unit or agency or pursuant to any tax lien foreclosure proceeding, the title to the lands shall continue to be subject to any easement*:*

(a) For conservation purposes as provided in s. 704.06 or for telephone, telegraph, pipeline, power transmission, or other public service purpose.~~;~~

(b) ~~and shall continue to be subject to any easement~~ That supports improvements that may be constructed above the lands.~~;~~

(c) ~~and any easement~~ For the purposes of drainage or of ingress and egress to and from other land.

(d) For base buffering encroachment lands acquired through a fee simple or less-than-fee simple acquisition under s. 288.980(2)(b).

(2) An ~~The~~ easement *described in subsection (1)* and the rights of the owner of *the easement* ~~it~~ shall survive and be enforceable after the execution, delivery, and recording of a tax deed, a master's deed, or a clerk's certificate of title pursuant to foreclosure of a tax deed, tax certificate, or tax lien, to the same extent as though the land had been conveyed by voluntary deed. The easement must be evidenced by written instrument recorded in the office of the clerk of the circuit court in the county where such land is located before the recording of such tax deed or master's deed, or, if not recorded, an easement for a public service purpose must be evidenced by wires, poles, or other visible occupation, an easement for drainage must be evidenced by a waterway, water bed, or other visible occupation, and an easement for the purpose of ingress and egress must be evidenced by a road or other visible occupation to be entitled to the benefit of this section; however, this shall apply only to tax deeds issued after the effective date of this act.

Section 3. Subsection (84) is added to section 320.08058, Florida Statutes, to read:

320.08058 Specialty license plates.—

(84) BLUE ANGELS LICENSE PLATES.—

(a) The department shall develop a Blue Angels 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 "Home of the Blue Angels" must appear at the bottom of the plate; however, the development of the plate is contingent upon the enactment of legislation creating an annual use fee under s. 320.08056 for the Blue Angels license plate.

(b) The annual use fees from the sale of the plate shall be distributed to the Naval Aviation Museum Foundation, a nonprofit Florida corporation under s. 501(c)(3) of the Internal Revenue Code, to fund the maintenance, programs, marketing, and projects of the foundation, including the National Naval Aviation Museum and the National Flight Academy in Pensacola. Up to 10 percent of the funds received by the Naval Aviation Museum Foundation may be used for marketing of the plate and costs directly associated with the administration of the foundation. The Naval Aviation Museum Foundation shall distribute 50 percent of the funds to eligible programs and projects associated with the National Flight Academy and the remainder of the funds to eligible programs and projects associated with the National Naval Aviation Museum.

Section 4. Subsection (4) is added to section 1003.05, Florida Statutes, to read:

1003.05 Assistance to transitioning students from military families.—

(4) A student whose parent is transferred or is pending transfer to a military installation within a school district while on active military duty pursuant to an official military order shall be considered a resident of the school district for purposes of enrollment when the order is submitted to the school district and shall be provided preferential treatment in the controlled open enrollment process of the school district pursuant to s. 1002.31.

Section 5. Paragraphs (a) and (b) of subsection (10) of section 1009.21, Florida Statutes, are amended to read:

1009.21 Determination of resident status for tuition purposes.—Students shall be classified as residents or nonresidents for the purpose of assessing tuition in postsecondary educational programs offered by charter technical career centers or career centers operated by school districts, in Florida College System institutions, and in state universities.

(10) The following persons shall be classified as residents for tuition purposes:

(a) Active duty members of the Armed Services of the United States ~~residing or stationed in this state~~, their spouses, and *their* dependent children *residing or stationed in this state at the time of acceptance to a Florida College System institution or state university*, and active drilling members of the Florida National Guard.

(b) Active duty members of the Armed Services of the United States and their spouses and dependents attending a Florida College System institution or state university within 50 miles of the military establishment where they are stationed *at the time of acceptance to the Florida College System institution or state university*, if such military establishment is within a county contiguous to Florida.

Section 6. This act shall take effect July 1, 2019.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to military-friendly initiatives; amending s. 163.3175, F.S.; specifying additional military installations that may exchange certain information with local governments regarding compatibility of land development; amending s. 197.572, F.S.; providing that an easement for certain military lands continues after a tax sale or deed execution; amending s. 320.08058, F.S.; directing the Department of Highway Safety and Motor Vehicles to develop a Blue Angels license plate; providing for the distribution and use of fees collected from the sale of such plate; amending s. 1003.05, F.S.; requiring a student whose parent is transferred or pending transfer to a military installation within a school district to be considered a resident of the district and provided preferential treatment in the controlled open enrollment process under certain circumstances; amending s. 1009.21, F.S.; revising requirements for active duty servicemembers and their families to be classified as residents for tuition purposes; providing an effective date.

On motion by Senator Broxson, by two-thirds vote, **CS for CS for SB 620**, as amended, was read the third time by title, passed, ordered engrossed, and then certified to the House. The vote on passage was:

Yeas—39

Mr. President	Farmer	Pizzo
Baxley	Flores	Powell
Bean	Gainer	Rader
Benacquisto	Gibson	Rodriguez
Berman	Gruters	Rouson
Book	Harrell	Simmons
Bracy	Hooper	Simpson
Bradley	Hutson	Stargel
Brandes	Lee	Stewart
Braynon	Mayfield	Taddeo
Broxson	Montford	Thurston
Cruz	Passidomo	Torres
Diaz	Perry	Wright

Nays—None

Vote after roll call:

Yea—Albritton

On motion by Senator Baxley—

CS for SB 7066—A bill to be entitled An act relating to election administration; amending s. 97.012, F.S.; requiring the Secretary of State to provide signature matching training to certain persons; amending s. 97.021, F.S.; revising the definition of the term "voter interface device"; amending s. 98.077, F.S.; revising deadlines for voter signature updates for purposes of vote-by-mail and provisional ballots; providing an exception; amending s. 98.0981, F.S.; revising the voter threshold necessary to require the reporting of certain precinct-level results by ballot; amending s. 99.063, F.S.; removing a provision requiring certain language to follow the name of gubernatorial candidates in specified circumstances; amending s. 100.061, F.S.; revising the date of the primary election; amending s. 101.015, F.S.; requiring the Department of State to establish minimum security standards to address chain of custody of ballots, transport of ballots, and ballot security; amending s. 101.048, F.S.; requiring a county canvassing board to review certain information; providing requirements for the canvassing and counting of provisional ballots; requiring the supervisor of elections to process a valid provisional ballot cure affidavit as a voter signature update; revising the Provisional Ballot Voter's Certificate and Affirmation form; providing a process to cure a provisional ballot with a signature deficiency; requiring a supervisor to mail a voter registration application to an elector in certain circumstances; amending s. 101.151, F.S.; revising requirements for department rules governing ballot design; amending s. 101.20, F.S.; authorizing the distribution of sample ballots by e-mail or mail in lieu of newspaper publication; amending s. 101.56075, F.S.; authorizing voting to be conducted using a voter interface device that produces a voter-verifiable paper output; amending s. 101.5614, F.S.; authorizing certain individuals to serve as witnesses during the ballot duplication process; amending s. 101.62, F.S.; revising the deadlines by which requests for vote-by-mail ballots must be received and by which vote-by-mail ballots shall be mailed by the supervisor; expanding the period during which a designee may physically collect a vote-by-mail ballot; amending s. 101.64, F.S.; requiring the secrecy envelope included with a vote-by-mail ballot to include a specified statement; amending s. 101.65, F.S.; revising requirements for vote-by-mail ballot instructions; amending s. 101.657, F.S.; requiring a supervisor to report the total number of vote-by-mail ballots received at each early voting location; amending s. 101.68, F.S.; revising the date that canvassing of vote-by-mail ballots may begin; revising requirements related to the canvassing and counting of vote-by-mail ballots; revising the deadline by which vote-by-mail ballot cure affidavits must be submitted; requiring the supervisor to process a valid vote-by-mail ballot cure affidavit as a voter signature update; amending s. 101.69, F.S.; requiring a supervisor to provide secure drop boxes in specified locations for an elector to place his or her vote-by-mail ballot; amending s. 101.6923, F.S.; revising vote-by-mail ballot instructions for certain first-time voters; amending s. 102.031, F.S.; expanding the area in which voter solicitation is prohibited; authorizing an elector to photograph his or her own ballot; amending s. 102.141, F.S.; providing notice requirements for meetings of a county canvassing board; requiring certain individuals to wear identification badges during certain periods; amending s. 102.166, F.S.; modifying certification requirements for voting systems to require the functionality to simultaneously sort and count ballot overvotes and undervotes; revising requirements for department rules regarding manual recounts of certain ballots; amending s. 102.168, F.S.; modifying provisions governing election contests to authorize judicial review of additional information related to determining validity of provisional and vote-by-mail ballot signatures to conform to changes made by the act; amending s. 104.051, F.S.; providing a penalty for certain supervisors who willfully violate the Florida Election Code; providing effective dates.

—was read the second time by title.

Senator Baxley moved the following amendment which was adopted:

Amendment 1 (842530) (with title amendment)—Delete lines 439-456 and insert:

(9)(a) The Department of State shall adopt rules prescribing a uniform primary and general election ballot for each certified voting system. The rules shall incorporate the requirements set forth in this section and shall prescribe additional matters and forms that include, without limitation:

1. *The ballot title followed by* clear and unambiguous ballot instructions and directions *limited to a single location on the ballot, either:*

a. Centered across the top of the ballot; or

b. In the leftmost column, with no individual races in that column unless it is the only column on the ballot;

2. Individual race layout; ~~and~~

3. Overall ballot layout*; and*

4. Oval vote targets as the only permissible type of vote target, except as provided in s. 101.56075.

(b) The ~~department~~ rules *must* ~~shall~~ graphically depict a sample uniform primary and general election ballot form for each certified voting system.

Section 10. Paragraph (a) of subsection (1) of section 101.657, Florida Statutes, is amended to read:

101.657 Early voting.—

(1)(a) As a convenience to the voter, the supervisor of elections shall allow an elector to vote early in the main or branch office of the supervisor. The supervisor shall mark, code, indicate on, or otherwise track the voter's precinct for each early voted ballot. In order for a branch office to be used for early voting, it shall be a permanent facility of the supervisor and shall have been designated and used as such for at least 1 year prior to the election. The supervisor may also designate any city hall, permanent public library facility, fairground, civic center,

courthouse, county commission building, stadium, convention center, government-owned senior center, or government-owned community center as early voting sites; however, if so designated, the sites must be geographically located so as to provide all voters in the county an equal opportunity to cast a ballot, insofar as is practicable*, and must provide sufficient nonpermitted parking to accommodate the anticipated amount of voters*. In addition, a supervisor may designate one early voting site per election in an area of the county that does not have any of the eligible early voting locations. Such additional early voting site must be geographically located so as to provide all voters in that area with an equal opportunity to cast a ballot, insofar as is practicable*, and must provide sufficient nonpermitted parking to accommodate the anticipated amount of voters*. Each county shall, at a minimum, operate the same total number of early voting sites for a general election which the county operated for the 2012 general election. The results or tabulation of votes cast during early voting may not be made before the close of the polls on election day. Results shall be reported by precinct.

Section 11. Paragraph (c) of subsection (4) of section 102.031, Florida Statutes, is amended, and paragraph (e) is added to that subsection, to read:

102.031 Maintenance of good order at polls; authorities; persons allowed in polling rooms and early voting areas; unlawful solicitation of voters.—

(4)

(c) Each supervisor of elections shall inform the clerk of the area within which soliciting is unlawful, based on the particular characteristics of that polling place. The supervisor or the clerk may take any reasonable action necessary to ensure order at the polling places, including, but not limited to, having disruptive and unruly persons removed by law enforcement officers from the polling room or place or from the *150-foot* ~~100-foot~~ zone surrounding the polling place.

(e) The owner, operator, or lessee of the property on which a polling place or an early voting site is located, or an agent or employee thereof, may not prohibit the solicitation of voters outside of the no-solicitation zone during polling hours.

And the title is amended as follows:

Between lines 32 and 33 insert: 101.657, F.S.; requiring sufficient nonpermitting parking for voters at certain early voting locations; amending s. 102.031, F.S.; conforming a provision to changes made by the act; prohibiting the owners or operators of a location on which a polling place or early voting site is located from restricting solicitation in certain areas; amending s.

The vote was:

Yeas—23

Mr. President	Diaz	Mayfield
Albritton	Flores	Passidomo
Baxley	Gainer	Perry
Bean	Gruters	Simmons
Benacquisto	Harrell	Simpson
Bradley	Hooper	Stargel
Brandes	Hutson	Wright
Broxson	Lee	

Nays—17

Berman	Gibson	Rouson
Book	Montford	Stewart
Bracy	Pizzo	Taddeo
Braynon	Powell	Thurston
Cruz	Rader	Torres
Farmer	Rodriguez	

Pursuant to Rule 4.19, **CS for SB 7066**, as amended, was ordered engrossed and then placed on the calendar of Bills on Third Reading.

SB 342—A bill to be entitled An act relating to public records; amending s. 97.0585, F.S., and reenacting subsection (3), relating to a public records exemption for information regarding voters and voter registration; providing an exemption from public records requirements for information concerning preregistered voter registration applicants who are minors; providing for future legislative review and repeal; providing for retroactive application; providing a statement of public necessity; providing an effective date.

—was read the second time by title.

Pending further consideration of **SB 342**, pursuant to Rule 3.11(3), there being no objection, **CS for HB 281** was withdrawn from the Committees on Ethics and Elections; Governmental Oversight and Accountability; and Rules.

On motion by Senator Lee—

CS for HB 281—A bill to be entitled An act relating to public records; amending s. 97.0585, F.S.; providing an exemption from public records requirements for the telephone numbers and email addresses of voter registration applicants and voters; providing an exemption from public records requirements for information concerning preregistered voter registration applicants who are minors; providing for future legislative review and repeal; providing for retroactive application; providing statements of public necessity; providing an effective date.

—a companion measure, was substituted for **SB 342** and read the second time by title.

On motion by Senator Lee, by two-thirds vote, **CS for HB 281** was read the third time by title and failed to receive the required constitutional two-thirds vote of the members present and voting. The action of the Senate was certified to the House. The vote was:

Yeas—24

Mr. President	Gainer	Perry
Albritton	Gruters	Pizzo
Baxley	Harrell	Simmons
Benacquisto	Hooper	Simpson
Brandes	Hutson	Stargel
Broxson	Lee	Taddeo
Diaz	Mayfield	Torres
Flores	Passidomo	Wright

Nays—16

Bean	Cruz	Rodriguez
Berman	Farmer	Rouson
Book	Gibson	Stewart
Bracy	Montford	Thurston
Bradley	Powell	
Braynon	Rader	

SJR 690—A joint resolution proposing an amendment to Section 6 of Article XI of the State Constitution to require that any proposals to revise the State Constitution, or any part thereof, filed by the Taxation and Budget Reform Commission be limited to a single subject.

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

That the following amendment to Section 6 of Article XI of the State Constitution is agreed to and shall be submitted to the electors of this state for approval or rejection at the next general election or at an earlier special election specifically authorized by law for that purpose:

ARTICLE XI

AMENDMENTS

SECTION 6. Taxation and budget reform commission.—

(a) Beginning in 2007 and each twentieth year thereafter, there shall be established a taxation and budget reform commission composed of the following members:

(1) eleven members selected by the governor, none of whom shall be a member of the legislature at the time of appointment.

(2) seven members selected by the speaker of the house of representatives and seven members selected by the president of the senate, none of whom shall be a member of the legislature at the time of appointment.

(3) four non-voting ex officio members, all of whom shall be members of the legislature at the time of appointment. Two of these members, one of whom shall be a member of the minority party in the house of representatives, shall be selected by the speaker of the house of representatives, and two of these members, one of whom shall be a member of the minority party in the senate, shall be selected by the president of the senate.

(b) Vacancies in the membership of the commission shall be filled in the same manner as the original appointments.

(c) At its initial meeting, the members of the commission shall elect a member who is not a member of the legislature to serve as chair and the commission shall adopt its rules of procedure. Thereafter, the commission shall convene at the call of the chair. An affirmative vote of two thirds of the full commission shall be necessary for any revision of this constitution or any part of it to be proposed by the commission.

(d) The commission shall examine the state budgetary process, the revenue needs and expenditure processes of the state, the appropriateness of the tax structure of the state, and governmental productivity and efficiency; review policy as it relates to the ability of state and local government to tax and adequately fund governmental operations and capital facilities required to meet the state's needs during the next twenty year period; determine methods favored by the citizens of the state to fund the needs of the state, including alternative methods for raising sufficient revenues for the needs of the state; determine measures that could be instituted to effectively gather funds from existing tax sources; examine constitutional limitations on taxation and expenditures at the state and local level; and review the state's comprehensive planning, budgeting and needs assessment processes to determine whether the resulting information adequately supports a strategic decisionmaking process.

(e) The commission shall hold public hearings as it deems necessary to carry out its responsibilities under this section. The commission shall issue a report of the results of the review carried out, and propose to the legislature any recommended statutory changes related to the taxation or budgetary laws of the state. Not later than one hundred eighty days prior to the general election in the second year following the year in which the commission is established, the commission shall file with the custodian of state records its proposal, if any, of a revision of this constitution or any part of it dealing with taxation or the state budgetary process. *Any proposal of a revision of this constitution, or any part thereof, filed by the commission with the custodian of state records must embrace but one subject and matter directly connected therewith.*

BE IT FURTHER RESOLVED that the following statement be placed on the ballot:

CONSTITUTIONAL AMENDMENT

ARTICLE XI, SECTION 6

ESTABLISHING SINGLE-SUBJECT LIMITATION FOR TAXATION AND BUDGET REFORM COMMISSION PROPOSALS.—Proposing an amendment to the State Constitution to require that any proposal of a revision to the State Constitution, or any part thereof, filed by the Taxation and Budget Reform Commission with the custodian of state records for placement on the ballot be limited to a single subject and matter directly connected to such subject.

—was read the second time by title. On motion by Senator Rodriguez, by two-thirds vote, **SJR 690** was read the third time by title, passed by the required constitutional three-fifths vote of the membership, and certified to the House. The vote on passage was:

Yeas—38

Mr. President	Farmer	Powell
Albritton	Gainer	Rader
Baxley	Gibson	Rodriguez
Bean	Gruters	Rouson
Benacquisto	Harrell	Simmons
Book	Hooper	Simpson
Bracy	Hutson	Stargel
Bradley	Lee	Stewart
Brandes	Mayfield	Taddeo
Braynon	Montford	Thurston
Broxson	Passidomo	Torres
Cruz	Perry	Wright
Diaz	Pizzo	

Nays—None

Vote after roll call:

Yea—Berman, Flores

Consideration of **SB 702** was deferred.

SB 746—A bill to be entitled An act relating to public records; amending s. 119.071, F.S.; providing an exemption from public records requirements for certain identifying and location information of current and former judicial assistants and their spouses and children; providing for future legislative review and repeal of the exemption; providing a statement of public necessity; providing an effective date.

—was read the second time by title. On motion by Senator Wright, by two-thirds vote, **SB 746** 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—40

Mr. President	Farmer	Powell
Albritton	Flores	Rader
Baxley	Gainer	Rodriguez
Bean	Gibson	Rouson
Benacquisto	Gruters	Simmons
Berman	Harrell	Simpson
Book	Hooper	Stargel
Bracy	Hutson	Stewart
Bradley	Lee	Taddeo
Brandes	Mayfield	Thurston
Braynon	Montford	Torres
Broxson	Passidomo	Wright
Cruz	Perry	
Diaz	Pizzo	

Nays—None

CS for SB 1526—A bill to be entitled An act relating to telehealth; creating s. 456.47, F.S.; defining terms; establishing standards of practice for telehealth providers; authorizing telehealth providers to use telehealth to perform patient evaluations; authorizing certain telehealth providers to use telehealth to prescribe certain controlled substances under specified circumstances; providing that a nonphysician telehealth provider using telehealth and acting within his or her relevant scope of practice is not deemed to be practicing medicine without a license; providing recordkeeping requirements for telehealth providers; providing registration requirements for out-of-state telehealth providers; requiring the Department of Health to publish certain information on its website; authorizing a board, or the department if there is no board, to take disciplinary action against a telehealth provider under certain circumstances; providing venue; providing exemptions from telehealth registration requirements; authorizing the applicable board, or the department if there is no board, to adopt rules; creating s. 627.42396, F.S.; prohibiting a contract between a certain health insurer

and a telehealth provider from requiring the telehealth provider to be reimbursed at lesser amount than if the service were provided in person; amending s. 641.31, F.S.; prohibiting a contract between a certain health maintenance organization and a telehealth provider from requiring the telehealth provider to be reimbursed at lesser amount than if the service were provided in-person; requiring the department to annually review the amount of certain collected fees and make a determination relating to the sufficiency of funding to implement specified telehealth provisions; upon making a certain determination, requiring the department to indicate insufficient funding and recommend fee adjustments in its annual legislative budget request; providing an appropriation; authorizing positions; providing effective dates.

—was read the second time by title.

Pending further consideration of **CS for SB 1526**, pursuant to Rule 3.11(3), there being no objection, **CS for CS for HB 23** was withdrawn from the Committees on Health Policy; and Rules.

On motion by Senator Harrell, the rules were waived and—

CS for CS for HB 23—A bill to be entitled An act relating to telehealth; creating s. 220.197, F.S.; providing a tax credit for eligible taxpayers; authorizing an unused tax credit amount to be carried forward for a certain period of time; authorizing the Department of Revenue to perform audits and investigations under certain circumstances; authorizing the department to pursue recovery of tax credits if the taxpayer received such credit for which the taxpayer was not entitled; authorizing the transfer of a tax credit under certain circumstances; authorizing the department and the Office of Insurance Regulation to adopt rules; creating s. 456.47, F.S.; providing definitions; establishing a standard of care for telehealth providers; authorizing telehealth providers to use telehealth to perform patient evaluations; providing that telehealth providers, under certain circumstances, are not required to research a patient's history or conduct physical examinations before providing services through telehealth; authorizing certain telehealth providers to use telehealth to prescribe specified controlled substances under certain circumstances; providing that a nonphysician telehealth provider using telehealth and acting within his or her relevant scope of practice is not deemed to be practicing medicine without a license; providing recordkeeping requirements for telehealth providers; providing registration requirements for out-of-state telehealth providers; requiring the Department of Health to publish certain information on its website; authorizing a board or the department if there is no board to revoke a telehealth provider's registration under certain circumstances; providing venue; providing exemptions to the registration requirement; providing rulemaking authority; providing an appropriation; authorizing positions; amending s. 624.509, F.S.; providing that a health insurer or health maintenance organization is allowed a tax credit against a specified tax imposed if it covers services provided by telehealth; authorizing an unused tax credit amount to be carried forward for a certain period of time; authorizing the Department of Revenue to perform audits and investigations under certain circumstances; authorizing the department to pursue recovery of tax credits if the taxpayer received such credit for which the taxpayer was not entitled; authorizing the transfer of a tax credit under certain circumstances; authorizing the department and the Office of Insurance Regulation to adopt rules; providing that an insurer claiming the tax credit is not required to pay any additional retaliatory tax; providing definitions; providing effective dates.

—a companion measure, was substituted for **CS for SB 1526** and read the second time by title.

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

Senator Harrell moved the following amendment:

Amendment 1 (852378) (with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Section 456.47, Florida Statutes, is created to read:

456.47 Use of telehealth to provide services.—

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

(a) "Telehealth" means the use of synchronous or asynchronous telecommunications technology by a telehealth provider to provide health care services, including, but not limited to, assessment, diagnosis, consultation, treatment, and monitoring of a patient; transfer of medical data; patient and professional health-related education; public health services; and health administration. The term does not include audio-only telephone calls, e-mail messages, or facsimile transmissions.

(b) "Telehealth provider" means any individual who provides health care and related services using telehealth and who is licensed or certified under s. 393.17; part III of chapter 401; chapter 457; chapter 458; chapter 459; chapter 460; chapter 461; chapter 463; chapter 464; chapter 465; chapter 466; chapter 467; part I, part III, part IV, part V, part X, part XIII, or part XIV of chapter 468; chapter 478; chapter 480; part II or part III of chapter 483; chapter 484; chapter 486; chapter 490; or chapter 491; who is licensed under a multi-state health care licensure compact of which Florida is a member state; or who is registered under and complies with subsection (4).

(2) PRACTICE STANDARDS.—

(a) A telehealth provider has the duty to practice in a manner consistent with his or her scope of practice and the prevailing professional standard of practice for a health care professional who provides in-person health care services to patients in this state.

(b) A telehealth provider may use telehealth to perform a patient evaluation. If a telehealth provider conducts a patient evaluation sufficient to diagnose and treat the patient, the telehealth provider is not required to research a patient's medical history or conduct a physical examination of the patient before using telehealth to provide health care services to the patient.

(c) A telehealth provider may not use telehealth to prescribe a controlled substance unless the controlled substance is prescribed for the following:

1. The treatment of a psychiatric disorder;

2. Inpatient treatment at a hospital licensed under chapter 395;

3. The treatment of a patient receiving hospice services as defined in s. 400.601; or

4. The treatment of a resident of a nursing home facility as defined in s. 400.021.

(d) A telehealth provider and a patient may be in separate locations when telehealth is used to provide health care services to a patient.

(e) A nonphysician telehealth provider using telehealth and acting within his or her relevant scope of practice, as established by Florida law or rule, is not in violation of s. 458.327(1)(a) or s. 459.013(1)(a).

(3) RECORDS.—A telehealth provider shall document in the patient's medical record the health care services rendered using telehealth according to the same standard as used for in-person services. Medical records, including video, audio, electronic, or other records generated as a result of providing such services, are confidential pursuant to ss. 395.3025(4) and 456.057.

(4) REGISTRATION OF OUT-OF-STATE TELEHEALTH PROVIDERS.—

(a) A health care professional not licensed in this state may provide health care services to a patient located in this state using telehealth if the health care professional registers with the applicable board, or the department if there is no board, and provides health care services within the applicable scope of practice established by Florida law or rule.

(b) The board, or the department if there is no board, shall register a health care professional not licensed in this state as a telehealth provider if the health care professional:

1. Completes an application in the format prescribed by the department;

2. Is licensed with an active, unencumbered license that is issued by another state, the District of Columbia, or a possession or territory of the

United States and that is substantially similar to a license issued to a Florida-licensed provider specified in paragraph (1)(b);

3. Has not been the subject of disciplinary action relating to his or her license during the 5-year period immediately prior to the submission of the application;

4. Designates a duly appointed registered agent for service of process in this state on a form prescribed by the department; and

5. Demonstrates to the board, or the department if there is no board, that he or she is in compliance with paragraph (e).

The department shall use the National Practitioner Data Bank to verify the information submitted under this paragraph, as applicable.

(c) The website of a telehealth provider registered under paragraph (b) must prominently display a hyperlink to the department's website containing information required under paragraph (h).

(d) A health care professional may not register under this subsection if his or her license to provide health care services is subject to a pending disciplinary investigation or action, or has been revoked in any state or jurisdiction. A health care professional registered under this subsection must notify the appropriate board, or the department if there is no board, of restrictions placed on his or her license to practice, or any disciplinary action taken or pending against him or her, in any state or jurisdiction. The notification must be provided within 5 business days after the restriction is placed or disciplinary action is initiated or taken.

(e) A provider registered under this subsection shall maintain professional liability coverage or financial responsibility, that includes coverage or financial responsibility for telehealth services provided to patients not located in the provider's home state, in an amount equal to or greater than the requirements for a licensed practitioner under s. 456.048, s. 458.320, or s. 459.0085, as applicable.

(f) A health care professional registered under this subsection may not open an office in this state and may not provide in-person health care services to patients located in this state.

(g) A pharmacist registered under this subsection may only use a pharmacy permitted under chapter 465, a nonresident pharmacy registered under s. 465.0156, or a nonresident pharmacy or outsourcing facility holding an active permit pursuant to s. 465.0158 to dispense medicinal drugs to patients located in this state.

(h) The department shall publish on its website a list of all registrants and include, to the extent applicable, each registrant's:

1. Name.

2. Health care occupation.

3. Completed health care training and education, including completion dates and any certificates or degrees obtained.

4. Out-of-state health care license with the license number.

5. Florida telehealth provider registration number.

6. Specialty.

7. Board certification.

8. Five-year disciplinary history, including sanctions and board actions.

9. Medical malpractice insurance provider and policy limits, including whether the policy covers claims that arise in this state.

10. The name and address of the registered agent designated for service of process in this state.

(i) The board, or the department if there is no board, may take disciplinary action against an out-of-state telehealth provider registered under this subsection if the registrant:

1. Fails to notify the applicable board, or the department if there is no board, of any adverse actions taken against his or her license as required under paragraph (d).

2. Has restrictions placed on or disciplinary action taken against his or her license in any state or jurisdiction.

3. Violates any of the requirements of this section.

4. Commits any act that constitutes grounds for disciplinary action under s. 456.072(1) or the applicable practice act for Florida-licensed providers.

Disciplinary action taken by a board, or the department if there is no board, under this paragraph may include suspension or revocation of the provider's registration or the issuance of a reprimand or letter of concern. A suspension may be accompanied by a corrective action plan as determined by the board, or the department if there is no board, the completion of which may lead to the suspended registration being reinstated according to rules adopted by the board, or the department if there is no board.

(5) VENUE.—For the purposes of this section, any act that constitutes the delivery of health care services is deemed to occur at the place where the patient is located at the time the act is performed or in the patient's county of residence. Venue for a civil or administrative action initiated by the department, the appropriate board, or a patient who receives telehealth services from an out-of-state telehealth provider may be located in the patient's county of residence or in Leon County.

(6) EXEMPTIONS.—A health care professional who is not licensed to provide health care services in this state but who holds an active license to provide health care services in another state or jurisdiction, and who provides health care services using telehealth to a patient located in this state, is not subject to the registration requirement under this section if the services are provided:

(a) In response to an emergency medical condition as defined in s. 395.002; or

(b) In consultation with a health care professional licensed in this state who has ultimate authority over the diagnosis and care of the patient.

(7) RULEMAKING.—The applicable board, or the department if there is no board, may adopt rules to administer this section.

Section 2. Effective January 1, 2020, section 627.42396, Florida Statutes, is created to read:

627.42396 Reimbursement for telehealth services.—A contract between a health insurer issuing major medical comprehensive coverage through an individual or group policy and a telehealth provider, as defined in s. 456.47, must be a voluntary contract between the insurer and the provider, must establish mutually acceptable payment rates or payment methodologies for services provided through telehealth, and must give the provider the option to accept a reimbursement for a covered service provided through telehealth in an amount less than the reimbursement the insurer would pay if the service were delivered through an in-person encounter.

Section 3. Effective January 1, 2020, subsection (45) is added to section 641.31, Florida Statutes, to read:

641.31 Health maintenance contracts.—

(45) A contract between a health maintenance organization issuing major medical individual or group coverage and a telehealth provider, as defined in s. 456.47, must be a voluntary contract between the health maintenance organization and the provider, must establish mutually acceptable payment rates or payment methodologies for services provided through telehealth, and must give the provider the option to accept a reimbursement for a covered service provided through telehealth in an amount less than the reimbursement the health maintenance organization would pay if the service were delivered through an in-person encounter.

Section 4. *Effective July 1, 2020, the Department of Health shall annually review the amount of any fees collected under section 456.47,*

Florida Statutes, in the prior fiscal year and shall determine whether such fees are sufficient to enable the department and the boards, as defined in section 456.001, Florida Statutes, to fully implement section 456.47, Florida Statutes. If the department determines that the fees collected are insufficient, the department shall so indicate to the Legislature in its annual legislative budget request and shall recommend appropriate adjustments to the applicable fees.

Section 5. *For fiscal year 2019-2020, the sums of $261,389 in recurring funds and $15,020 in nonrecurring funds from the Medical Quality Assurance Trust Fund are appropriated to the Department of Health, and four full-time equivalent positions with associated salary rate of 145,870 are authorized for the purpose of implementing s. 456.47, Florida Statutes, as created by this act.*

Section 6. Except as otherwise provided, this act shall take effect July 1, 2019.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to telehealth; creating s. 456.47, F.S.; defining terms; establishing standards of practice for telehealth providers; authorizing telehealth providers to use telehealth to perform patient evaluations; authorizing certain telehealth providers to use telehealth to prescribe certain controlled substances under specified circumstances; providing that a nonphysician telehealth provider using telehealth and acting within his or her relevant scope of practice is not deemed to be practicing medicine without a license; providing recordkeeping requirements for telehealth providers; providing registration requirements for out-of-state telehealth providers; requiring the Department of Health to publish certain information on its website; authorizing a board, or the department if there is no board, to take disciplinary action against a telehealth provider under certain circumstances; providing venue; providing exemptions from telehealth registration requirements; authorizing the applicable board, or the department if there is no board, to adopt rules; creating s. 627.42396, F.S.; providing requirements for a contract between a certain health insurer and a telehealth provider; amending s. 641.31, F.S.; providing requirements for a contract between a certain health maintenance organization and a telehealth provider; requiring the department to annually review the amount of certain collected fees and make a determination relating to the sufficiency of funding to implement specified telehealth provisions; upon making a certain determination, requiring the department to indicate insufficient funding and recommend fee adjustments in its annual legislative budget request; providing an appropriation; authorizing positions; providing effective dates.

Senator Harrell moved the following amendment to **Amendment 1 (852378)** which was adopted:

Amendment 1A (636418)—Delete lines 195-216 and insert:
provider, as defined in s. 456.47, must be voluntary between the insurer and the provider and must establish mutually acceptable payment rates or payment methodologies for services provided through telehealth. Any contract provision that distinguishes between payment rates or payment methodologies for services provided through telehealth and the same services provided without the use of telehealth must be initialed by the telehealth provider.

Section 3. Effective January 1, 2020, subsection (45) is added to section 641.31, Florida Statutes, to read:

641.31 Health maintenance contracts.—

(45) A contract between a health maintenance organization issuing major medical individual or group coverage and a telehealth provider, as defined in s. 456.47, must be voluntary between the health maintenance organization and the provider must establish mutually acceptable payment rates or payment methodologies for services provided through telehealth. Any contract provision that distinguishes between payment rates or payment methodologies for services provided through telehealth and the same services provided without the use of telehealth must be initialed by the telehealth provider.

Amendment 1 (852378), as amended, was adopted.

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

CS for CS for CS for SB 796—A bill to be entitled An act relating to public utility storm protection plans; creating s. 366.96, F.S.; providing legislative findings; defining terms; requiring public utilities to individually submit to the Public Service Commission, for review and approval, a transmission and distribution storm protection plan; requiring utilities to update their respective plans on a specified basis; requiring the commission to approve or modify submitted plans within a specified timeframe, taking into consideration specified factors; requiring the commission to conduct an annual proceeding to allow utilities to justify and recover certain costs through a storm protection cost recovery clause; providing that utilities may not include certain costs in their base rates; providing for the allocation of such costs; authorizing utilities to recover depreciation on certain capital costs through the recovery clause; requiring the commission to adopt rules; requiring the commission to propose a rule for adoption within a specified timeframe; providing a directive to the Division of Law Revision; providing appropriations and authorizing positions; providing an effective date.

—was read the second time by title. On motion by Senator Gruters, by two-thirds vote, **CS for CS for CS for SB 796** was read the third time by title, passed, and certified to the House. The vote on passage was:

Yeas—37

Mr. President	Farmer	Pizzo
Albritton	Flores	Powell
Baxley	Gainer	Rader
Bean	Gibson	Rouson
Benacquisto	Gruters	Simmons
Book	Harrell	Simpson
Bracy	Hooper	Stargel
Bradley	Hutson	Stewart
Brandes	Lee	Taddeo
Braynon	Mayfield	Thurston
Broxson	Montford	Wright
Cruz	Passidomo	
Diaz	Perry	

Nays—2

Rodriguez	Torres

Vote after roll call:

Yea—Berman

CS for SM 804—A memorial to the Congress of the United States, requesting Congress to take appropriate actions to assist in the delivery of humanitarian assistance, to continue and intensify financial sanctions against the regime of Nicolás Maduro and the Government of Venezuela, and to instruct appropriate federal agencies to hold Nicolás Maduro and officials of the Government of Venezuela accountable for violations of law and abuses of internationally recognized human rights.

—was read the second time by title.

Pending further consideration of **CS for SM 804**, pursuant to Rule 3.11(3), there being no objection, **CS for CS for HM 205** was withdrawn from the Committees on Judiciary; and Rules.

On motion by Senator Torres—

CS for CS for HM 205—A memorial to the Congress of the United States, requesting Congress to urge the government of the Bolivarian Republic of Venezuela to allow the delivery of humanitarian assistance, to continue and intensify financial sanctions against the regime of Nicolás Maduro, and to instruct appropriate Federal agencies to hold the regime of Nicolás Maduro accountable for violations of law and abuses of internationally recognized human rights.

—a companion measure, was substituted for **CS for SM 804** and read the second time by title.

RECONSIDERATION OF MOTION

On motion by Senator Torres, the Senate reconsidered the motion by which **CS for CS for HM 205** was substituted for **CS for SM 804**. The motion was adopted.

On motion by Senator Torres, the Senate returned to consideration of **CS for SM 804**. On motion by Senator Torres, **CS for SM 804** was adopted and certified to the House.

CS for CS for SB 838—A bill to be entitled An act relating to public records; creating s. 394.464, F.S.; providing an exemption from public records requirements for petitions for voluntary and involuntary admission for mental health treatment, court orders, related records, and personal identifying information regarding persons seeking mental health treatment and services; providing exceptions authorizing the release of such petitions, orders, records, and identifying information to certain persons and entities; providing applicability; prohibiting a clerk of court from publishing personal identifying information on a court docket or in a publicly accessible file; providing for retroactive application; providing for future legislative review and repeal of the exemption; providing a statement of public necessity; providing an effective date.

—was read the second time by title. On motion by Senator Powell, by two-thirds vote, **CS for CS for SB 838** 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—40

Mr. President	Farmer	Powell
Albritton	Flores	Rader
Baxley	Gainer	Rodriguez
Bean	Gibson	Rouson
Benacquisto	Gruters	Simmons
Berman	Harrell	Simpson
Book	Hooper	Stargel
Bracy	Hutson	Stewart
Bradley	Lee	Taddeo
Brandes	Mayfield	Thurston
Braynon	Montford	Torres
Broxson	Passidomo	Wright
Cruz	Perry	
Diaz	Pizzo	

Nays—None

CS for SB 860—A bill to be entitled An act relating to Alzheimer's disease; amending s. 430.501, F.S.; increasing membership of the Alzheimer's Disease Advisory Committee; revising representation requirements of the committee; requiring the committee to submit an annual report to specified parties which includes certain information and recommendations; requiring the Department of Elderly Affairs to review and update the Alzheimer's disease state plan every 3 years in collaboration with certain parties; providing requirements for the plan; amending s. 430.502, F.S.; establishing a specified memory disorder clinic; providing that certain clinics shall not receive decreased funding for a specified reason; providing an effective date.

—was read the second time by title.

Pending further consideration of **CS for SB 860**, pursuant to Rule 3.11(3), there being no objection, **CS for CS for HB 449** was withdrawn from the Committees on Children, Families, and Elder Affairs; Appropriations Subcommittee on Health and Human Services; and Appropriations.

On motion by Senator Stargel—

CS for CS for HB 449—A bill to be entitled An act relating to Alzheimer's disease; amending s. 430.501, F.S.; increasing membership of the Alzheimer's Disease Advisory Committee; revising representative requirements of the committee; requiring the committee to submit an annual report to specified parties that includes certain information and recommendations; requiring the Department of Elderly Affairs to review and update the Alzheimer's disease state plan every 3 years in collaboration with certain parties; providing requirements for the plan; amending s. 430.502, F.S.; establishing a specified memory disorder clinic; providing that certain clinics shall not receive decreased funding for a specified reason; providing an effective date.

—a companion measure, was substituted for **CS for SB 860** and read the second time by title.

On motion by Senator Stargel, by two-thirds vote, **CS for CS for HB 449** was read the third time by title, passed, and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Farmer	Powell
Albritton	Flores	Rader
Baxley	Gainer	Rodriguez
Bean	Gibson	Rouson
Benacquisto	Gruters	Simmons
Berman	Harrell	Simpson
Book	Hooper	Stargel
Bracy	Hutson	Stewart
Bradley	Lee	Taddeo
Brandes	Mayfield	Thurston
Braynon	Montford	Torres
Broxson	Passidomo	Wright
Cruz	Perry	
Diaz	Pizzo	

Nays—None

SPECIAL GUESTS

Senator Benacquisto recognized her brother, Brian Kelly, who was present in the gallery.

SB 702—A bill to be entitled An act relating to qualified blind trusts; repealing s. 112.31425, F.S., relating to qualified blind trusts; providing an effective date.

—was read the second time by title. On motion by Senator Lee, by two-thirds vote, **SB 702** was read the third time by title, passed, and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Farmer	Powell
Albritton	Flores	Rader
Baxley	Gainer	Rodriguez
Bean	Gibson	Rouson
Benacquisto	Gruters	Simmons
Berman	Harrell	Simpson
Book	Hooper	Stargel
Bracy	Hutson	Stewart
Bradley	Lee	Taddeo
Brandes	Mayfield	Thurston
Braynon	Montford	Torres
Broxson	Passidomo	Wright
Cruz	Perry	
Diaz	Pizzo	

Nays—None

CS for CS for SB 1528—A bill to be entitled An act relating to prescription drug importation programs; creating s. 381.02035, F.S.; requiring the Agency for Health Care Administration to establish the Canadian Prescription Drug Importation Program; defining terms; requiring the agency to contract with a vendor to facilitate wholesale prescription drug importation under the program; providing responsi-

bilities for the vendor; providing eligibility criteria for prescription drugs, Canadian suppliers, and importers under the program; authorizing a Canadian supplier to export drugs into this state under the program under certain circumstances; providing eligibility criteria and requirements for drug importers; requiring participating Canadian suppliers and importers to comply with specified federal requirements for distributing prescription drugs imported under the program; prohibiting Canadian suppliers and importers from distributing, dispensing, or selling prescription drugs imported under the program outside of this state; requiring the agency to request federal approval of the program; requiring the request to include certain information; requiring the agency to begin operating the program within a specified timeframe after receiving federal approval; providing certain documentation requirements; requiring the agency to suspend the importation of drugs in violation of this section or any federal or state law or regulation; authorizing the agency to revoke the suspension under certain circumstances; requiring the agency to submit an annual report to the Governor and the Legislature by a specified date; providing requirements for such report; requiring the agency to notify the Legislature upon federal approval of the program and to submit a proposal to the Legislature for program implementation and funding before a certain date; requiring the agency to adopt necessary rules; creating s. 465.0157, F.S.; establishing an international export pharmacy permit for participation in the International Prescription Drug Importation Program; providing requirements for permit application and renewal; amending s. 465.017, F.S.; authorizing the Department of Health to inspect international export pharmacy permittees; amending s. 499.005, F.S.; providing that the importation of a prescription drug under the International Prescription Drug Importation Program is not a prohibited act under that chapter; amending s. 499.0051, F.S.; providing an exemption from prosecution as a criminal offense for the importation of a prescription drug for wholesale distribution under the International Prescription Drug Importation Program; amending s. 499.01, F.S.; requiring an international prescription drug wholesale distributor to be permitted before operating; requiring nonresident prescription drug manufacturers to register with the Department of Business and Professional Regulation to participate in the program; providing an exception; establishing an international prescription drug wholesale distributor drug permit; providing permit requirements; amending s. 499.012, F.S.; providing application requirements for international prescription drug wholesale distributors and nonresident prescription drug manufacturers to participate in the program; amending s. 499.015, F.S.; establishing that prescription drugs imported under the International Prescription Drug Importation Program are not required to be registered under a specified provision; amending s. 499.065, F.S.; requiring the department to inspect international prescription drug wholesale distributor establishments; authorizing the department to determine that an international prescription drug wholesale distributor establishment is an imminent danger to the public and require its immediate closure under certain conditions; creating s. 499.0285, F.S.; requiring the Department of Business and Professional Regulation to establish the International Prescription Drug Importation Program for a specified purpose; providing definitions; providing eligibility criteria for prescription drugs, exporters, and importers under the program; requiring participating importers to submit certain documentation to the department for prescription drugs imported under the program; requiring the department to immediately suspend the importation of specific prescription drug or the importation of prescription drugs by a specific importer if a violation has occurred under the program; authorizing the department to revoke such suspension under certain circumstances; requiring the department to adopt necessary rules; requiring the agency, in collaboration with the Department of Business and Professional Regulation and the Department of Health, to negotiate a federal arrangement to operate a pilot program for importing prescription drugs into this state; providing that implementation of the act is contingent upon the federal authorization; requiring the department to notify the Legislature before implementation of the pilot program and to submit a proposal for pilot program implementation and funding; providing an effective date.

—was read the second time by title.

Pending further consideration of **CS for CS for SB 1528**, pursuant to Rule 3.11(3), there being no objection, **CS for HB 19** was withdrawn from the Committees on Health Policy; Appropriations Subcommittee on Health and Human Services; and Appropriations.

On motion by Senator Bean—

CS for HB 19—A bill to be entitled An act relating to prescription drug importation programs; creating s. 381.02035, F.S.; establishing the Canadian Prescription Drug Importation Program within the Agency for Health Care Administration for a specified purpose; providing definitions; requiring the agency to contract with a vendor to facilitate wholesale prescription drug importation under the program; providing responsibilities for the vendor; providing eligibility criteria for prescription drugs, Canadian suppliers, and importers under the program; requiring participating Canadian suppliers and importers to comply with specified federal requirements for distributing prescription drugs imported under the program; prohibiting Canadian suppliers and importers from distributing, dispensing, or selling prescription drugs imported under the program outside of the state; requiring the agency to request federal approval of the program; providing requirements for such request; requiring the agency to begin operating the program within a specified timeframe after receiving federal approval; requiring the agency, in consultation with the vendor, to submit an annual report to the Governor and Legislature by a specified date; providing requirements for such report; requiring the agency to adopt rules; creating s. 499.0285, F.S.; requiring the Department of Business and Professional Regulation to establish the International Prescription Drug Importation Program for a specified purpose; providing definitions; providing eligibility criteria for prescription drugs, exporters, and importers under the program; requiring participating importers to submit certain documentation to the department for prescription drugs imported under the program; requiring the department to immediately suspend the importation of a specific prescription drug or importation by a specific importer if a violation has occurred under the program; authorizing the department to revoke such suspension under certain circumstances; requiring the department to adopt rules; creating s. 465.0157, F.S.; establishing an international export pharmacy permit for participation in the International Prescription Drug Importation Program; providing requirements for permit application and renewal; amending s. 465.017, F.S.; authorizing the department to inspect international export pharmacy permittees; amending s. 499.01, F.S.; requiring nonresident prescription drug manufacturers to register with the department to participate in the program; providing an exception; establishing an international prescription drug wholesale distributor permit; providing requirements for such permit; amending s. 499.012, F.S.; providing permit application requirements for international prescription drug wholesale distributors and nonresident prescription drug manufacturers to participate in the program; amending ss. 499.005, 499.0051, and 499.015, F.S.; conforming provisions to changes made by the act; amending s. 499.065, F.S.; requiring the department to inspect international prescription drug wholesale distributor establishments and require their immediate closure under certain circumstances; requiring the Department of Business and Professional Regulation, in collaboration with the Department of Health, to negotiate a federal arrangement to operate a pilot program for importing prescription drugs into the state; providing that implementation of the act is contingent upon such federal arrangement or obtaining federal guidance; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 1528** and read the second time by title.

Senator Bean moved the following amendment:

Amendment 1 (368506) (with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Section 381.02035, Florida Statutes, is created to read:

381.02035 Canadian Prescription Drug Importation Program.—

(1) PROGRAM ESTABLISHED.—The Agency for Health Care Administration shall establish the Canadian Prescription Drug Importation Program for the importation of safe and effective prescription drugs from Canada which have the highest potential for cost savings to the state.

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

(a) "Agency" means the Agency for Health Care Administration.

(b) "Canadian supplier" means a manufacturer, wholesale distributor, or pharmacy appropriately licensed or permitted under Canadian law to manufacture, distribute, or dispense prescription drugs.

(c) "County health department" means a health care facility established under part I of chapter 154.

(d) "Department" means the Department of Health.

(e) "Drug" or "prescription drug" has the same meaning as "prescription drug" in s. 499.003, but is limited to drugs intended for human use.

(f) "Federal act" means the Federal Food, Drug, and Cosmetic Act, 21 U.S.C. ss. 301 et seq.; 52 Stat. 1040 et seq. as amended by the Drug Quality and Security Act, 21 U.S.C. 351 et seq.

(g)"Free clinic" means a clinic that delivers only medical diagnostic services or nonsurgical medical treatment free of charge to low-income recipients.

(h) "Medicaid pharmacy" means a pharmacy licensed under chapter 465 that has a Medicaid provider agreement in effect with the agency and is in good standing with the agency.

(i) "Pharmacist" means a person who holds an active and unencumbered license to practice pharmacy pursuant to chapter 465.

(j) "Program" means the Canadian Prescription Drug Importation Program.

(k) "Track-and-trace" means the product-tracing process for the components of the pharmaceutical distribution supply chain as described in Title II of the Drug Quality and Security Act, Drug Supply Chain Security Act, 21 U.S.C. 351 et seq.

(l) "Vendor" means the entity contracted by the agency to manage specified functions of the program.

(3) IMPORTATION PROCESS.—

(a) The agency shall contract with a vendor to provide services under the program.

(b) By December 1, 2019, and each year thereafter, the vendor shall develop a Wholesale Prescription Drug Importation List identifying the prescription drugs that have the highest potential for cost savings to the state. In developing the list, the vendor shall consider, at a minimum, which prescription drugs will provide the greatest cost savings to state programs, including prescriptions drugs for which there are shortages, specialty prescription drugs, and high volume prescription drugs. The agency, in consultation with the department, shall review the Wholesale Prescription Drug Importation List every 3 months to ensure that it continues to meet the requirements of the programs and may direct the vendor to revise the list, as necessary.

(c) The vendor shall identify Canadian suppliers that are in full compliance with relevant Canadian federal and provincial laws and regulations and the federal act and who have agreed to export drugs identified on the list at prices that will provide cost savings to the state. The vendor must verify that such Canadian suppliers meet all of the requirements of the program, while meeting or exceeding the federal and state track-and-trace laws and regulations.

(d) The vendor shall contract with such eligible Canadian suppliers, or facilitate contracts between eligible importers and Canadian suppliers, to import drugs under the program.

(e) The vendor shall maintain a list of all registered importers that participate in the program.

(f) The vendor shall ensure compliance with Title II of the federal Drug Quality and Security Act, Pub. L. No. 113-54, by all suppliers, importers and other distributors, and participants in the program.

(g) The vendor shall assist the agency in the preparation of the annual report required by subsection (12), including the timely provision of any information requested by the agency.

(h) The vendor shall provide an annual financial audit of its operations to the agency as required by the agency. The vendor shall also provide quarterly financial reports specific to the program and shall include information on the performance of its subcontractors and vendors. The agency shall determine the format and contents of the reports.

(4) BOND REQUIREMENT.—The agency shall require a bond from the vendor to mitigate the financial consequences of potential acts of malfeasance or misfeasance or fraudulent or dishonest acts committed by the vendor, any employees of the vendor, or its subcontractors.

(5) ELIGIBLE PRESCRIPTION DRUGS.—Eligible importers, as described in subsection (7), may import a drug from an eligible Canadian supplier, as described in subsection (6), if:

(a) The drug meets the United States Food and Drug Administration's standards related to safety, effectiveness, misbranding, and adulteration;

(b) Importing the drug would not violate federal patent laws;

(c) Importing the drug is expected to generate cost savings; and

(d) The drug is not:

1. A controlled substance as defined in 21 U.S.C. s. 802;

2. A biological product as defined in 42 U.S.C. s. 262;

3. An infused drug;

4. An intravenously injected drug;

5. A drug that is inhaled during surgery; or

6. A drug that is a parenteral drug, the importation of which is determined by the United States Secretary of Health and Human Services to pose a threat to the public health.

(6) ELIGIBLE CANADIAN SUPPLIERS.—A Canadian supplier may export prescription drugs into this state under the program if the supplier:

(a) Is in full compliance with relevant Canadian federal and provincial laws and regulations;

(b) Is identified by the vendor as eligible to participate in the program; and

(c) Submits an attestation that the supplier has a registered agent in the United States, including the name and United States address of the registered agent.

(7) ELIGIBLE IMPORTERS.—The following entities may import prescription drugs from an eligible Canadian supplier under the program:

(a) A pharmacist or wholesaler employed by or under contract with the department's central pharmacy, for distribution to a county health department or free clinic for dispensing to clients treated in such department or clinic.

(b) A pharmacist or wholesaler employed by or under contract with a Medicaid pharmacy, for dispensing to the pharmacy's Medicaid recipients.

(c) A pharmacist or wholesaler employed by or under contract with the Department of Corrections, for dispensing to inmates in the custody of the Department of Corrections.

(d) A pharmacist or wholesaler employed by or under contract with a developmental disabilities center, as defined in s. 393.063, for dispensing to clients treated in such center.

(e) A pharmacist or wholesaler employed by or under contract with a treatment facility, as defined in s. 394.455, for dispensing to patients treated in such facility.

(8) DISTRIBUTION REQUIREMENTS.—Eligible Canadian suppliers and eligible importers participating under the program:

(a) Must comply with the tracking and tracing requirements of 21 U.S.C. ss. 360eee et seq.

(b) May not distribute, dispense, or sell prescription drugs imported under the program outside of the state.

(9) FEDERAL APPROVAL.—By July 1, 2020, the agency shall submit a request to the United States Secretary of Health and Human Services for approval of the program under 21 U.S.C. s. 384(l). The agency shall begin operating the program within 6 months after receiving such approval. The request must, at a minimum:

(a) Describe the agency's plan for operating the program.

(b) Demonstrate how the prescription drugs imported into this state under the program will meet the applicable federal and state standards for safety and effectiveness.

(c) Demonstrate how the drugs imported into this state under the program will comply with federal tracing procedures.

(d) Include a list of proposed prescription drugs that have the highest potential for cost savings to the state through importation at the time that the request is submitted.

(e) Estimate the total cost savings attributable to the program.

(f) Provide the costs of program implementation to the state.

(g) Include a list of potential Canadian suppliers from which the state would import drugs and demonstrate that the suppliers are in full compliance with relevant Canadian federal and provincial laws and regulations as well as all applicable federal and state laws and regulations.

(10) PRESCRIPTION DRUG SUPPLY CHAIN DOCUMENTATION.—

(a) The vendor shall ensure the safety and quality of drugs imported under the program. The vendor shall:

1. For an initial imported shipment of a specific drug by an importer, ensure that each batch of the drug in the shipment is statistically sampled and tested for authenticity and degradation in a manner consistent with the federal act.

2. For every subsequent imported shipment of that drug by that importer, ensure that a statistically valid sample of the shipment is tested for authenticity and degradation in a manner consistent with the federal act.

3. Certify that the drug:

a. Is approved for marketing in the United States and is not adulterated or misbranded; and

b. Meets all of the labeling requirements under 21 U.S.C. s. 352.

4. Maintain qualified laboratory records, including complete data derived from all tests necessary to ensure that the drug is in compliance with the requirements of this section.

5. Maintain documentation demonstrating that the testing required by this section was conducted at a qualified laboratory in accordance with the federal act and any other applicable federal and state laws and regulations governing laboratory qualifications.

(b) All testing required by this section must be conducted in a qualified laboratory that meets the standards under the federal act and any other applicable federal and state laws and regulations governing laboratory qualifications for drug testing.

(c) The vendor shall maintain information and documentation submitted under this section for a period of at least 7 years.

(d) A participating importer must submit the all of following information to the vendor:

1. The name and quantity of the active ingredient of the drug.

2. A description of the dosage form of the drug.

3. The date on which the drug is received.

4. The quantity of the drug that is received.

5. The point of origin and destination of the drug.

6. The price paid by the importer for the drug.

(e) A participating Canadian supplier must submit the following information and documentation to the vendor specifying all of the following:

1. The original source of the drug, including:

a. The name of the manufacturer of the drug.

b. The date on which the drug was manufactured.

c. The location (country, state or province, and city) where the drug was manufactured.

2. The date on which the drug is shipped.

3. The quantity of the drug that is shipped.

4. The quantity of each lot of the drug originally received and the source of the lot.

5. The lot or control number and the batch number assigned to the drug by the manufacturer.

(f) The agency may require that the vendor collect any other information necessary to ensure the protection of the public health.

(11) IMMEDIATE SUSPENSION.—The agency shall immediately suspend the importation of a specific drug or the importation of drugs by a specific importer if it discovers that any drug or activity is in violation of this section or any federal or state law or regulation. The agency may revoke the suspension if, after conducting an investigation, it determines that the public is adequately protected from counterfeit or unsafe drugs being imported into this state.

(12) ANNUAL REPORT.—By December 1 of each year, the agency shall submit a report to the Governor, the President of the Senate, and the Speaker of the House of Representatives on the operation of the program during the previous fiscal year. The report must include, at a minimum:

(a) A list of the prescription drugs that were imported under the program;

(b) The number of participating entities;

(c) The number of prescriptions dispensed through the program;

(d) The estimated cost savings during the previous fiscal year and to date attributable the program;

(e) A description of the methodology used to determine which drugs should be included on the Wholesale Prescription Drug Importation List; and

(f) Documentation as to how the program ensures the following:

1. That Canadian suppliers participating in the program are of high quality, high performance, and in full compliance with relevant Canadian federal and provincial laws and regulations as well as all federal laws and regulations and state laws and rules;

2. That prescription drugs imported under the program are not shipped, sold, or dispensed outside of this state once in the possession of the importer;

3. That prescription drugs imported under the program are pure, unadulterated, potent, and safe;

4. That the program does not put consumers at a higher health and safety risk than if the consumer did not participate; and

5. That the program provides cost savings to the state on imported prescription drugs.

(13) NOTIFICATION OF FEDERAL APPROVAL.—Upon receipt of federal approval of the program, the agency shall notify the President of the Senate, the Speaker of the House of Representatives, and the relevant committees of the Senate and the House of Representatives. After approval is received and before the start of the next regular session of the Legislature in which the proposal could be funded, the agency shall submit to all parties a proposal for program implementation and program funding.

(14) RULEMAKING.—The agency shall adopt rules necessary to implement this section.

Section 2. Section 465.0157, Florida Statutes, is created to read:

465.0157 International export pharmacy permit.—

(1) To participate as an exporter of prescription drugs into this state under the International Prescription Drug Importation Program established in s. 499.0285, a pharmacy located outside of the United States must hold an international export pharmacy permit.

(2) An international export pharmacy shall maintain at all times an active and unencumbered license or permit to operate the pharmacy in compliance with the laws of the jurisdiction in which the dispensing facility is located and from which the prescription drugs will be exported. Such jurisdiction must be in a country with which the United States has a current mutual recognition agreement, cooperation agreement, memorandum of understanding, or other federal mechanism recognizing the country's adherence to current good manufacturing practices for pharmaceutical products.

(3) An application for an international export pharmacy permit must be submitted on a form developed and provided by the board. The board may require an applicant to provide any information it deems reasonably necessary to carry out the purposes of this section.

(4) An applicant shall submit the following to the board to obtain an initial permit, or to the department to renew a permit:

(a) Proof of an active and unencumbered license or permit to operate the pharmacy in compliance with the laws of the jurisdiction in which the dispensing facility is located and from which the prescription drugs will be exported.

(b) Documentation demonstrating that the country in which the pharmacy operates has a current mutual recognition agreement, cooperation agreement, memorandum of understanding, or other federal mechanism recognizing the country's adherence to current good manufacturing practices for pharmaceutical products.

(c) The department shall adopt rules governing the financial responsibility of the pharmacy permittee. The rules must establish, at a minimum, financial reporting requirements, standards for financial capability to perform the functions governed by the permit, and requirements for ensuring permittees and their contractors can be held accountable for the financial consequences of any act of malfeasance or misfeasance or fraudulent or dishonest act or acts committed by the permittee or its contractors.

(d) The location, names, and titles of all principal corporate officers and the pharmacist who serves as the prescription department manager for prescription drugs exported into this state under the International Prescription Drug Importation Program.

(e) Written attestation by an owner or officer of the applicant, and by the applicant's prescription department manager, that:

1. The attestor has read and understands the laws and rules governing the manufacture, distribution, and dispensing of prescription drugs in this state.

2. A prescription drug shipped, mailed, or delivered into this state meets or exceeds this state's standards for safety and efficacy.

3. A prescription drug product shipped, mailed, or delivered into this state must not have been, and may not be, manufactured or distributed in violation of the laws and rules of the jurisdiction in which the applicant is located and from which the prescription drugs shall be exported.

(f) A current inspection report from an inspection conducted by the regulatory or licensing agency of the jurisdiction in which the applicant is located. The inspection report must reflect compliance with this section. An inspection report is current if the inspection was conducted within 6 months before the date of submitting the application for the initial permit or within 1 year before the date of submitting an application for permit renewal. If the applicant is unable to submit a current inspection report conducted by the regulatory or licensing agency of the jurisdiction in which the applicant is located and from which the prescription drugs will be exported, due to acceptable circumstances, as established by rule, or if an inspection has not been performed, the department must:

1. Conduct, or contract with an entity to conduct, an onsite inspection, with all related costs borne by the applicant;

2. Accept a current and satisfactory inspection report, as determined by rule, from an entity approved by the board; or

3. Accept a current inspection report from the United States Food and Drug Administration conducted pursuant to the federal Drug Quality and Security Act, Pub. L. No. 113-54.

Section 3. Subsection (2) of section 465.017, Florida Statutes, is amended to read:

465.017 Authority to inspect; disposal.—

(2) Duly authorized agents and employees of the department may inspect a nonresident pharmacy registered under s. 465.0156*, an international export pharmacy permittee under s. 465.0157,* or a nonresident sterile compounding permittee under s. 465.0158 pursuant to this section. The costs of such inspections shall be borne by such pharmacy or permittee.

Section 4. Subsection (20) of section 499.005, Florida Statutes, is amended to read:

499.005 Prohibited acts.—It is unlawful for a person to perform or cause the performance of any of the following acts in this state:

(20) The importation of a prescription drug except as provided by s. 801(d) of the Federal Food, Drug, and Cosmetic Act *or s. 499.0285*.

Section 5. Paragraph (e) of subsection (12) of section 499.0051, Florida Statutes, is amended to read:

499.0051 Criminal acts.—

(12) REFUSAL TO ALLOW INSPECTION; SELLING, PURCHASING, OR TRADING DRUG SAMPLES; FAILURE TO MAINTAIN RECORDS RELATING TO PRESCRIPTION DRUGS.—Any person who violates any of the following provisions commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, or as otherwise provided in this part:

(e) The importation of a prescription drug for wholesale distribution, except as provided by s. 801(d) of the Federal Food, Drug, and Cosmetic Act *or s. 499.0285*.

Section 6. Subsection (1) and paragraph (c) of subsection (2) of section 499.01, Florida Statutes, are amended, and paragraph (s) is added to subsection (2) of that section, to read:

499.01 Permits.—

(1) Before operating, a permit is required for each person and establishment that intends to operate as:

(a) A prescription drug manufacturer;

(b) A prescription drug repackager;

(c) A nonresident prescription drug manufacturer;

(d) A nonresident prescription drug repackager;

(e) A prescription drug wholesale distributor;

(f) An out-of-state prescription drug wholesale distributor;

(g) A retail pharmacy drug wholesale distributor;

(h) A restricted prescription drug distributor;

(i) A complimentary drug distributor;

(j) A freight forwarder;

(k) A veterinary prescription drug retail establishment;

(l) A veterinary prescription drug wholesale distributor;

(m) A limited prescription drug veterinary wholesale distributor;

(n) An over-the-counter drug manufacturer;

(o) A device manufacturer;

(p) A cosmetic manufacturer;

(q) A third party logistics provider; ~~or~~

(r) A health care clinic establishment*; or*

(s) An international prescription drug wholesale distributor.

(2) The following permits are established:

(c) *Nonresident prescription drug manufacturer permit.*—A nonresident prescription drug manufacturer permit is required for any person that is a manufacturer of prescription drugs, unless permitted as a third party logistics provider, located outside of this state or outside the United States and that engages in the distribution in this state of such prescription drugs. Each such manufacturer must be permitted by the department and comply with all of the provisions required of a prescription drug manufacturer under this part. The department shall adopt rules for issuing a virtual nonresident prescription drug manufacturer permit to a person who engages in the manufacture of prescription drugs but does not make or take physical possession of any prescription drugs. The rules adopted by the department under this section may exempt virtual nonresident manufacturers from certain establishment, security, and storage requirements set forth in s. 499.0121.

1. A person that distributes prescription drugs for which the person is not the manufacturer must also obtain an out-of-state prescription drug wholesale distributor permit*, an international prescription drug wholesale distributor permit,* or third party logistics provider permit pursuant to this section to engage in the distribution of such prescription drugs when required by this part. This subparagraph does not apply to a manufacturer that distributes prescription drugs only for the manufacturer of the prescription drugs where both manufacturers are affiliates.

2. Any such person must comply with the licensing or permitting requirements of the jurisdiction in which the establishment is located and the federal act, and any prescription drug distributed into this state must comply with this part. If a person intends to import prescription drugs from a foreign country into this state, the nonresident prescription drug manufacturer must provide to the department a list identifying each prescription drug it intends to import and document approval by the United States Food and Drug Administration for such importation.

3.a. A nonresident prescription drug manufacturer that has registered to participate in the International Prescription Drug Importation Program pursuant to this section is not required to provide the list and approval required by subparagraph 2. for prescription drugs imported under that program.

b. To participate as an exporter of prescription drugs into this state under the International Prescription Drug Importation Program established under s. 499.0285, a nonresident prescription drug manufacturer located outside of the United States must register with the Department of Business and Professional Regulation before engaging in any activities under that section. Such manufacturer must be licensed or permitted in a country with which the United States has a current mutual recognition agreement, cooperation agreement, memorandum of understanding, or other federal mechanism recognizing the country's adherence to current good manufacturing practices for pharmaceutical products.

c. The department shall adopt rules governing the financial responsibility of a nonresident prescription drug manufacturer licensee or permittee. The rules will establish, at a minimum, financial reporting requirements, standards for financial capability to perform the functions governed by the permit, and requirements for ensuring permittees and their contractors can be held accountable for the financial consequences of any act of malfeasance or misfeasance or fraudulent or dishonest act or acts committed by the permittee or its contractors.

(s) International prescription drug wholesale distributor.—

1. A wholesale distributor located outside of the United States must obtain an international prescription drug wholesale distributor permit to engage in the wholesale exportation and distribution of prescription drugs in the state under the International Prescription Drug Importation Program established in s. 499.0285. The wholesale distributor must be licensed or permitted to operate in a country with which the United States has a mutual recognition agreement, cooperation agreement, memorandum of understanding, or other federal mechanism recognizing the country's adherence to current good manufacturing practices for pharmaceutical products. The wholesale distributor must maintain at all times a license or permit to engage in the wholesale distribution of prescription drugs in compliance with the laws of the jurisdiction in which it operates. An international prescription drug wholesale distributor permit may not be issued to a wholesale distributor if the jurisdiction in which the wholesale distributor operates does not require a license to engage in the wholesale distribution of prescription drugs.

2. The department shall adopt rules governing the financial responsibility of an international prescription drug wholesale distributor permittee. The rules will establish, at a minimum, financial reporting requirements, standards for financial capability to perform the functions governed by the permit, and requirements for ensuring permittees and their contractors can be held accountable for the financial consequences of any act of malfeasance or misfeasance or fraudulent or dishonest act or acts committed by the permittee or its contractors.

Section 7. Subsection (2), paragraph (a) of subsection (4), subsections (8), (10), (11), and (14), and paragraphs (a), (b), and (f) of subsection (15) of section 499.012, Florida Statutes, are amended to read:

499.012 Permit application requirements.—

(2) Notwithstanding subsection (6), a permitted person in good standing may change the type of permit issued to that person by completing a new application for the requested permit, paying the amount of the difference in the permit fees if the fee for the new permit is more than the fee for the original permit, and meeting the applicable permitting conditions for the new permit type. The new permit expires on the expiration date of the original permit being changed; however, a new permit for a prescription drug wholesale distributor, an out-of-state prescription drug wholesale distributor, *an international prescription drug wholesale distributor,* or a retail pharmacy drug wholesale distributor shall expire on the expiration date of the original permit or 1 year after the date of issuance of the new permit, whichever is earlier. A refund may not be issued if the fee for the new permit is less than the fee that was paid for the original permit.

(4)(a) Except for a permit for a prescription drug wholesale distributor*, an international prescription drug wholesale distributor,* or an out-of-state prescription drug wholesale distributor, an application for a permit must include:

1. The name, full business address, and telephone number of the applicant;

2. All trade or business names used by the applicant;

3. The address, telephone numbers, and the names of contact persons for each facility used by the applicant for the storage, handling, and distribution of prescription drugs;

4. The type of ownership or operation, such as a partnership, corporation, or sole proprietorship; and

5. The names of the owner and the operator of the establishment, including:

a. If an individual, the name of the individual;

b. If a partnership, the name of each partner and the name of the partnership;

c. If a corporation, the name and title of each corporate officer and director, the corporate names, and the name of the state of incorporation;

d. If a sole proprietorship, the full name of the sole proprietor and the name of the business entity;

e. If a limited liability company, the name of each member, the name of each manager, the name of the limited liability company, and the name of the state in which the limited liability company was organized; and

f. Any other relevant information that the department requires.

(8) An application for a permit or to renew a permit for a prescription drug wholesale distributor*, an international prescription drug wholesale distributor,* or an out-of-state prescription drug wholesale distributor submitted to the department must include:

(a) The name, full business address, and telephone number of the applicant.

(b) All trade or business names used by the applicant.

(c) The address, telephone numbers, and the names of contact persons for each facility used by the applicant for the storage, handling, and distribution of prescription drugs.

(d) The type of ownership or operation, such as a partnership, corporation, or sole proprietorship.

(e) The names of the owner and the operator of the establishment, including:

1. If an individual, the name of the individual.

2. If a partnership, the name of each partner and the name of the partnership.

3. If a corporation:

a. The name, address, and title of each corporate officer and director.

b. The name and address of the corporation, resident agent of the corporation, the resident agent's address, and the corporation's state of incorporation.

c. The name and address of each shareholder of the corporation that owns 5 percent or more of the outstanding stock of the corporation.

4. If a sole proprietorship, the full name of the sole proprietor and the name of the business entity.

5. If a limited liability company:

a. The name and address of each member.

b. The name and address of each manager.

c. The name and address of the limited liability company, the resident agent of the limited liability company, and the name of the state in which the limited liability company was organized.

(f) If applicable, the name and address of each affiliate of the applicant.

(g) The applicant's gross annual receipts attributable to prescription drug wholesale distribution activities for the previous tax year.

(h) The tax year of the applicant.

(i) A copy of the deed for the property on which applicant's establishment is located, if the establishment is owned by the applicant, or a copy of the applicant's lease for the property on which applicant's establishment is located that has an original term of not less than 1 calendar year, if the establishment is not owned by the applicant.

(j) A list of all licenses and permits issued to the applicant by any other state *or jurisdiction* which authorize the applicant to purchase or possess prescription drugs.

(k) The name of the manager of the establishment that is applying for the permit or to renew the permit, the next four highest ranking employees responsible for prescription drug wholesale operations for the establishment, and the name of all affiliated parties for the establishment, together with the personal information statement and fingerprints required pursuant to subsection (9) for each of such persons.

(l) The name of each of the applicant's designated representatives as required by subsection (15), together with the personal information statement and fingerprints required pursuant to subsection (9) for each such person.

(m) Evidence of a surety bond in this state or any other state in the United States in the amount of $100,000. If the annual gross receipts of the applicant's previous tax year are $10 million or less, evidence of a surety bond in the amount of $25,000. The specific language of the surety bond must include the State of Florida as a beneficiary, payable to the Professional Regulation Trust Fund. In lieu of the surety bond, the applicant may provide other equivalent security such as an irrevocable letter of credit, or a deposit in a trust account or financial institution, which includes the State of Florida as a beneficiary, payable to the Professional Regulation Trust Fund. The purpose of the bond or other security is to secure payment of any administrative penalties imposed by the department and any fees and costs incurred by the department regarding that permit which are authorized under state law and which the permittee fails to pay 30 days after the fine or costs become final. The department may make a claim against such bond or security until 1 year after the permittee's license ceases to be valid or until 60 days after any administrative or legal proceeding authorized in this part which involves the permittee is concluded, including any appeal, whichever occurs later.

(n) For establishments used in wholesale distribution, proof of an inspection conducted by the department, the United States Food and Drug Administration, or another governmental entity charged with the regulation of good manufacturing practices related to wholesale distribution of prescription drugs, within timeframes set forth by the department in departmental rules, which demonstrates substantial compliance with current good manufacturing practices applicable to wholesale distribution of prescription drugs. The department may recognize another state's *or jurisdiction's* inspection of a wholesale distributor located in that state *or jurisdiction* if such state's *or jurisdiction's* laws are deemed to be substantially equivalent to the law of this state by the department. The department may accept an inspection by a third-party accreditation or inspection service which meets the criteria set forth in department rule.

(o) Any other relevant information that the department requires.

(p) Documentation of the credentialing policies and procedures required by s. 499.0121(15).

(q) For international prescription drug wholesale distributors and nonresident prescription drug manufacturers to participate in the International Prescription Drug Importation Program established under s. 499.0285, documentation demonstrating that the applicant is appropriately licensed or permitted by a country with which the United States has a mutual recognition agreement, cooperation agreement, memorandum of understanding, or other mechanism recognizing the country's adherence to current good manufacturing practices for pharmaceutical products.

(10) The department may deny an application for a permit or refuse to renew a permit for a prescription drug wholesale distributor*, an international prescription drug wholesale distributor,* or an out-of-state prescription drug wholesale distributor if:

(a) The applicant has not met the requirements for the permit.

(b) The management, officers, or directors of the applicant or any affiliated party are found by the department to be incompetent or untrustworthy.

(c) The applicant is so lacking in experience in managing a wholesale distributor as to make the issuance of the proposed permit hazardous to the public health.

(d) The applicant is so lacking in experience in managing a wholesale distributor as to jeopardize the reasonable promise of successful operation of the wholesale distributor.

(e) The applicant is lacking in experience in the distribution of prescription drugs.

(f) The applicant's past experience in manufacturing or distributing prescription drugs indicates that the applicant poses a public health risk.

(g) The applicant is affiliated directly or indirectly through ownership, control, or other business relations, with any person or persons whose business operations are or have been detrimental to the public health.

(h) The applicant, or any affiliated party, has been found guilty of or has pleaded guilty or nolo contendere to any felony or crime punishable by imprisonment for 1 year or more under the laws of the United States, any state, or any other country, regardless of whether adjudication of guilt was withheld.

(i) The applicant or any affiliated party has been charged with a felony in a state or federal court and the disposition of that charge is pending during the application review or renewal review period.

(j) The applicant has furnished false or fraudulent information or material in any application made in this state or any other state in connection with obtaining a permit or license to manufacture or distribute drugs, devices, or cosmetics.

(k) That a federal, state, or local government permit currently or previously held by the applicant, or any affiliated party, for the manufacture or distribution of any drugs, devices, or cosmetics has been disciplined, suspended, or revoked and has not been reinstated.

(l) The applicant does not possess the financial or physical resources to operate in compliance with the permit being sought, this chapter, and the rules adopted under this chapter.

(m) The applicant or any affiliated party receives, directly or indirectly, financial support and assistance from a person who was an affiliated party of a permittee whose permit was subject to discipline or was suspended or revoked, other than through the ownership of stock in a publicly traded company or a mutual fund.

(n) The applicant or any affiliated party receives, directly or indirectly, financial support and assistance from a person who has been found guilty of any violation of this part or chapter 465, chapter 501, or chapter 893, any rules adopted under this part or those chapters, any federal or state drug law, or any felony where the underlying facts related to drugs, regardless of whether the person has been pardoned, had her or his civil rights restored, or had adjudication withheld, other than through the ownership of stock in a publicly traded company or a mutual fund.

(o) The applicant for renewal of a permit under s. 499.01(2)(e) or (f) has not actively engaged in the wholesale distribution of prescription drugs, as demonstrated by the regular and systematic distribution of prescription drugs throughout the year as evidenced by not fewer than 12 wholesale distributions in the previous year and not fewer than three wholesale distributions in the previous 6 months.

(p) Information obtained in response to s. 499.01(2)(e) or (f) demonstrates it would not be in the best interest of the public health, safety, and welfare to issue a permit.

(q) The applicant does not possess the financial standing and business experience for the successful operation of the applicant.

(r) The applicant or any affiliated party has failed to comply with the requirements for manufacturing or distributing prescription drugs under this part, similar federal laws, similar laws in other states, or the rules adopted under such laws.

(11) Upon approval of the application by the department and payment of the required fee, the department shall issue or renew a prescription drug wholesale distributor*, an international prescription drug wholesale distributor,* or an out-of-state prescription drug wholesale distributor permit to the applicant.

(14) The name of a permittee or establishment on a prescription drug wholesale distributor permit*, an international prescription drug wholesale distributor permit,* or an out-of-state prescription drug wholesale distributor permit may not include any indicia of attainment of any educational degree, any indicia that the permittee or establishment possesses a professional license, or any name or abbreviation that the department determines is likely to cause confusion or mistake or that the department determines is deceptive, including that of any other entity authorized to purchase prescription drugs.

(15)(a) Each establishment that is issued an initial or renewal permit as a prescription drug wholesale distributor*, an international prescription drug wholesale distributor,* or an out-of-state prescription drug wholesale distributor must designate in writing to the department at least one natural person to serve as the designated representative of the wholesale distributor. Such person must have an active certification as a designated representative from the department.

(b) To be certified as a designated representative, a natural person must:

1. Submit an application on a form furnished by the department and pay the appropriate fees.

2. Be at least 18 years of age.

3. Have at least 2 years of verifiable full-time:

a. Work experience in a pharmacy licensed in this state or another state *or jurisdiction*, where the person's responsibilities included, but were not limited to, recordkeeping for prescription drugs;

b. Managerial experience with a prescription drug wholesale distributor licensed in this state or in another state *or jurisdiction*; or

c. Managerial experience with the United States Armed Forces, where the person's responsibilities included, but were not limited to, recordkeeping, warehousing, distributing, or other logistics services pertaining to prescription drugs.

4. Receive a passing score of at least 75 percent on an examination given by the department regarding federal laws governing distribution of prescription drugs and this part and the rules adopted by the department governing the wholesale distribution of prescription drugs. This requirement shall be effective 1 year after the results of the initial examination are mailed to the persons that took the examination. The department shall offer such examinations at least four times each calendar year.

5. Provide the department with a personal information statement and fingerprints pursuant to subsection (9).

(f) A wholesale distributor may not operate under a prescription drug wholesale distributor permit*, an international prescription drug wholesale distributor permit,* or an out-of-state prescription drug wholesale distributor permit for more than 10 business days after the designated representative leaves the employ of the wholesale distributor, unless the wholesale distributor employs another designated representative and notifies the department within 10 business days of the identity of the new designated representative.

Section 8. Subsection (1) of section 499.015, Florida Statutes, is amended to read:

499.015 Registration of drugs and devices; issuance of certificates of free sale.—

(1)(a) Except for those persons exempted from the definition of manufacturer in s. 499.003, any person who manufactures, packages, repackages, labels, or relabels a drug or device in this state must register such drug or device biennially with the department; pay a fee in accordance with the fee schedule provided by s. 499.041; and comply with this section. The registrant must list each separate and distinct drug or device at the time of registration.

(b) The department may not register any product that does not comply with the Federal Food, Drug, and Cosmetic Act, as amended, or Title 21 C.F.R. Registration of a product by the department does not mean that the product does in fact comply with all provisions of the Federal Food, Drug, and Cosmetic Act, as amended.

(c) Registration under this section is not required for prescription drugs imported under the International Prescription Drug Importation Program established in s. 499.0285.

Section 9. Subsections (1) and (3) of section 499.065, Florida Statutes, are amended to read:

499.065 Inspections; imminent danger.—

(1) Notwithstanding s. 499.051, the department shall inspect each prescription drug wholesale distributor establishment, *international prescription drug wholesale distributor establishment,* prescription drug repackager establishment, veterinary prescription drug wholesale distributor establishment, limited prescription drug veterinary wholesale distributor establishment, and retail pharmacy drug wholesale distributor establishment that is required to be permitted under this part as often as necessary to ensure compliance with applicable laws and rules. The department shall have the right of entry and access to these facilities at any reasonable time.

(3) The department may determine that a prescription drug wholesale distributor establishment, *international prescription drug wholesale distributor establishment,* prescription drug repackager establishment, veterinary prescription drug wholesale distributor establishment, limited prescription drug veterinary wholesale distributor establishment, or retail pharmacy drug wholesale distributor establishment that is required to be permitted under this part is an imminent danger to the public health and shall require its immediate closure if the establishment fails to comply with applicable laws and rules and, because of the failure, presents an imminent threat to the public's health, safety, or welfare. Any establishment so deemed and closed shall remain closed until allowed by the department or by judicial order to reopen.

Section 10. Section 499.0285, Florida Statutes, is created to read:

499.0285 International Prescription Drug Importation Program.—

(1) PROGRAM ESTABLISHED.—The department shall establish a program for the importation of safe and effective prescription drugs from foreign nations with which the United States has current mutual recognition agreements, cooperation agreements, memoranda of understanding, or other federal mechanisms recognizing their adherence to current good manufacturing practices for pharmaceutical products.

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

(a) "Exporter" means an international prescription drug wholesale distributor, a nonresident prescription drug manufacturer registered to participate in the program, or an international export pharmacy that exports prescription drugs into this state under the program.

(b) "Federal Act" means the Federal Food, Drug, and Cosmetic Act, 21 U.S.C. ss. 301 et seq.; 52 Stat. 1040 et seq. as amended by the Drug Quality and Security Act, 21 U.S.C. 351 et seq.

(c) "Foreign recipient" means an entity other than the original prescription drug manufacturer which receives the prescription drug before its importation into this state under the program.

(d) "Good manufacturing practice" refers to the good manufacturing practice regulations in 21 C.F.R. parts 210 and 211.

(e) "Importer" means a wholesale distributor, pharmacy, or pharmacist importing prescription drugs into this state under the program.

(f) "International export pharmacy" means a pharmacy located outside of the United States which holds an active and unencumbered permit under chapter 465 to export prescription drugs into this state under the program.

(g) "International prescription drug wholesale distributor" means a prescription drug wholesale distributor located outside of the United States which holds an active and unencumbered permit under this part to export and distribute prescription drugs into this state under the program.

(h) "Nonresident prescription drug manufacturer" means an entity located outside of the United States which holds an active and unencumbered permit under this part to manufacture prescription drugs and has registered with the department to export and distribute such prescription drugs into this state under the program.

(i) "Pharmacist" means a person who holds an active and unencumbered license to practice pharmacy under chapter 465.

(j) "Pharmacy" means an entity that holds an active and unencumbered permit under chapter 465.

(k) "Prescription drug" has the same meaning as defined in this part, but is limited to drugs intended for human use.

(l) "Program" means the International Prescription Drug Importation Program established under this section.

(m) "Qualified laboratory" means a laboratory that has been approved by the department for the purposes of this section.

(3) ELIGIBLE PRESCRIPTION DRUGS.—An eligible importer may import a prescription drug from an eligible exporter if:

(a) The drug meets the United States Food and Drug Administration's standards related to safety, effectiveness, misbranding, and adulteration;

(b) Importing the drug would not violate the patent laws of the United States; and

(c) The drug is not:

1. A controlled substance as defined in 21 U.S.C. s. 802;

2. A biological product as defined in 42 U.S.C. s. 262;

3. An infused drug;

4. An intravenously injected drug;

5. A drug that is inhaled during surgery; or

6. A drug that is a parenteral drug, the importation of which is determined by the United States Secretary of Health and Human Services to pose a threat to the public health.

(4) EXPORTERS.—

(a) The following entities may export prescription drugs into this state under the program:

1. An international prescription drug wholesale distributor.

2. A nonresident prescription drug manufacturer.

3. An international export pharmacy.

(b) An eligible exporter must register with the department before exporting prescription drugs into this state under the program.

(c) An exporter may not distribute, sell, or dispense prescription drugs imported under the program to any person residing outside of the state.

(5) IMPORTERS.—

(a) The following entities may import prescription drugs under the program:

1. A wholesale distributor.

2. A pharmacy.

3. A pharmacist.

(b) An eligible importer must register with the department before importing prescription drugs into this state under the program.

(c) An importer may not distribute, sell, or dispense prescription drugs imported under the program to any person residing outside of the state.

(6) PRESCRIPTION DRUG SUPPLY CHAIN DOCUMENTATION.—

(a) A participating importer must submit the following information and documentation to the department:

1. The name and quantity of the active ingredient of the prescription drug.

2. A description of the dosage form of the prescription drug.

3. The date on which the prescription drug is shipped.

4. The quantity of the prescription drug that is shipped.

5. The point of origin and destination of the prescription drug.

6. The price paid by the importer for the prescription drug.

7. Documentation from the exporter specifying:

a. The original source of the prescription drug; and

b. The quantity of each lot of the prescription drug originally received by the seller from that source.

8. The lot or control number assigned to the prescription drug by the manufacturer.

9. The name, address, telephone number, and professional license or permit number of the importer.

10. In the case of a prescription drug that is shipped directly by the first foreign recipient from the manufacturer:

a. Documentation demonstrating that the prescription drug was received by the recipient from the manufacturer and subsequently shipped by the first foreign recipient to the importer.

b. Documentation of the quantity of each lot of the prescription drug received by the first foreign recipient demonstrating that the quantity being imported into this state is not more than the quantity that was received by the first foreign recipient.

c. For an initial imported shipment, documentation demonstrating that each batch of the prescription drug in the shipment was statistically sampled and tested for authenticity and degradation.

11. In the case of a prescription drug that is not shipped directly from the first foreign recipient, documentation demonstrating that each batch in each shipment offered for importation into this state was statistically sampled and tested for authenticity and degradation.

12. For an initial imported shipment of a specific drug by an importer, the department shall ensure that each batch of the drug in the shipment is statistically sampled and tested for authenticity and degradation in a manner consistent with the federal act. The agency may contract with a vendor for these functions.

13. For every subsequent imported shipment of that drug by that importer, the department shall ensure that a statistically valid sample of the shipment was tested for authenticity and degradation in a manner consistent with the federal act.

14. Certify that the drug:

a. Is approved for marketing in the United States and is not adulterated or misbranded; and

b. Meets all of the labeling requirements under 21 U.S.C. s. 352.

15. Maintain qualified laboratory records, including complete data derived from all tests necessary to ensure that the drug is in compliance with the requirements of this section.

16. Maintain documentation demonstrating that the testing required by this section was conducted at a qualified laboratory in accordance with the federal act and any other applicable federal and state laws and regulations governing laboratory qualifications.

(b) All testing required by this section must be conducted in a qualified laboratory that meets the standards under the federal act and any other applicable federal and state laws and regulations governing laboratory qualifications for drug testing.

(c) The vendor shall maintain information and documentation submitted under this section for a period of at least 7 years.

(d) A participating importer must submit the all of following information to the department:

1. The name and quantity of the active ingredient of the drug.

2. A description of the dosage form of the drug.

3. The date on which the drug is received.

4. The quantity of the drug that is received.

5. The point of origin and destination of the drug.

6. The price paid by the importer for the drug.

(e) A participating International Importation Drug supplier must submit the following information and documentation to the agency or the agency's designated vendor specifying all of the following:

1. The original source of the drug, including:

a. The name of the manufacturer of the drug.

b. The date on which the drug was manufactured.

c. The location (country, state or province, and city) where the drug was manufactured.

2. The date on which the drug is shipped.

3. The quantity of the drug that is shipped.

4. The quantity of each lot of the drug originally received and from which source.

5. The lot or control number and the batch number assigned to the drug by the manufacturer.

6. The name, address, and telephone number, and professional license or permit number of the importer.

(f) The department may require any other information necessary to ensure the protection of the public health.

(7) IMMEDIATE SUSPENSION.—The department shall immediately suspend the importation of a specific prescription drug or the importation of prescription drugs by a specific importer if it discovers that any prescription drug or activity is in violation of this section. The department may revoke the suspension if, after conducting an investigation, it determines that the public is adequately protected from counterfeit or unsafe prescription drugs being imported into this state.

(8) RULEMAKING AUTHORITY.—The department shall adopt rules necessary to implement this section.

Section 11. *Notwithstanding the Federal Food, Drug, and Cosmetic Act, the Department of Business and Professional Regulation, in collaboration with the Department of Health, shall negotiate a federal ar-*

rangement to operate a pilot program for importing prescription drugs into this state. The proposal to operate such a pilot program shall demonstrate that the program sets safety standards consistent with the current federal requirements for the manufacturing and distribution of prescription drugs; limits the importation of prescription drugs under the program to entities licensed or permitted by the state to manufacture, distribute, or dispense prescription drugs; and includes inspection and enforcement authority. Implementation of sections 2 through 10 of this act is contingent upon authorization granted under federal law, rule, or approval. The department shall notify the President of the Senate, the Speaker of the House of Representatives, and the relevant committees of the Senate and the House of Representatives before implementation of the pilot program. The department shall submit to all parties a proposal for program implementation and program funding.

Section 12. This act shall take effect July 1, 2019.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to prescription drug importation programs; creating s. 381.02035, F.S.; requiring the Agency for Health Care Administration to establish the Canadian Prescription Drug Importation Program; defining terms; requiring the agency to contract with a vendor to facilitate wholesale prescription drug importation under the program; providing responsibilities for the vendor, including the payment of a bond; providing eligibility criteria for prescription drugs, Canadian suppliers, and importers under the program; authorizing a Canadian supplier to export drugs into this state under the program under certain circumstances; providing eligibility criteria and requirements for drug importers; requiring participating Canadian suppliers and importers to comply with specified federal requirements for distributing prescription drugs imported under the program; prohibiting Canadian suppliers and importers from distributing, dispensing, or selling prescription drugs imported under the program outside of this state; requiring the agency to request federal approval of the program; requiring the request to include certain information; requiring the agency to begin operating the program within a specified timeframe after receiving federal approval; providing certain documentation requirements; requiring the agency to suspend the importation of drugs in violation of this section or any federal or state law or regulation; authorizing the agency to revoke the suspension under certain circumstances; requiring the agency to submit an annual report to the Governor and the Legislature by a specified date; providing requirements for such report; requiring the agency to notify the Legislature upon federal approval of the program and to submit a proposal to the Legislature for program implementation and funding before a certain date; requiring the agency to adopt necessary rules; creating s. 465.0157, F.S.; establishing an international export pharmacy permit for participation in the International Prescription Drug Importation Program; providing requirements for permit application and renewal; requiring the Department of Health to adopt certain rules governing the financial responsibility of the pharmacy permittee; amending s. 465.017, F.S.; authorizing the department to inspect international export pharmacy permittees; amending s. 499.005, F.S.; providing that the importation of a prescription drug under the International Prescription Drug Importation Program is not a prohibited act under that chapter; amending s. 499.0051, F.S.; providing an exemption from prosecution as a criminal offense for the importation of a prescription drug for wholesale distribution under the International Prescription Drug Importation Program; amending s. 499.01, F.S.; requiring an international prescription drug wholesale distributor to be permitted before operating; requiring nonresident prescription drug manufacturers to register with the Department of Business and Professional Regulation to participate in the program; providing an exception; establishing an international prescription drug wholesale distributor drug permit; providing permit requirements; requiring the Department of Business and Professional Regulation to adopt certain rules governing the financial responsibility of nonresident prescription drug manufacturer licensee or permittee and international prescription drug wholesale distributor permittees; amending s. 499.012, F.S.; providing application requirements for international prescription drug wholesale distributors and nonresident prescription drug manufacturers to participate in the program; amending s. 499.015, F.S.; establishing that prescription drugs imported under the International Prescription Drug Importation Program are not required to be registered under a specified provision; amending s. 499.065, F.S.; requiring the department to inspect international prescription drug wholesale distributor establishments; authorizing the department to determine that an international prescription drug wholesale distributor establishment is an imminent danger to the public and require its immediate closure under certain conditions; creating s. 499.0285, F.S.; requiring the department to establish the International Prescription Drug Importation Program for a specified purpose; providing definitions; providing eligibility criteria for prescription drugs, exporters, and importers under the program; requiring participating importers to submit certain documentation to the department for prescription drugs imported under the program; requiring the department to immediately suspend the importation of specific prescription drug or the importation of prescription drugs by a specific importer if a violation has occurred under the program; authorizing the department to revoke such suspension under certain circumstances; requiring the department to adopt necessary rules; requiring the agency, in collaboration with the Department of Business and Professional Regulation and the Department of Health, to negotiate a federal arrangement to operate a pilot program for importing prescription drugs into this state; providing that implementation of the act is contingent upon the federal authorization; requiring the department to notify the Legislature before implementation of the pilot program and to submit a proposal for pilot program implementation and funding; providing an effective date.

Senator Bean moved the following amendment to **Amendment 1 (368506)** which was adopted:

Amendment 1A (738486)—Delete lines 316-365 and insert:

(c) The location, names, and titles of all principal corporate officers and the pharmacist who serves as the prescription department manager for prescription drugs exported into this state under the International Prescription Drug Importation Program.

(d) Written attestation by an owner or officer of the applicant, and by the applicant's prescription department manager, that:

1. The attestor has read and understands the laws and rules governing the manufacture, distribution, and dispensing of prescription drugs in this state.

2. A prescription drug shipped, mailed, or delivered into this state meets or exceeds this state's standards for safety and efficacy.

3. A prescription drug product shipped, mailed, or delivered into this state must not have been, and may not be, manufactured or distributed in violation of the laws and rules of the jurisdiction in which the applicant is located and from which the prescription drugs shall be exported.

(e) A current inspection report from an inspection conducted by the regulatory or licensing agency of the jurisdiction in which the applicant is located. The inspection report must reflect compliance with this section. An inspection report is current if the inspection was conducted within 6 months before the date of submitting the application for the initial permit or within 1 year before the date of submitting an application for permit renewal. If the applicant is unable to submit a current inspection report conducted by the regulatory or licensing agency of the jurisdiction in which the applicant is located and from which the prescription drugs will be exported, due to acceptable circumstances, as established by rule, or if an inspection has not been performed, the department must:

1. Conduct, or contract with an entity to conduct, an onsite inspection, with all related costs borne by the applicant;

2. Accept a current and satisfactory inspection report, as determined by rule, from an entity approved by the board; or

3. Accept a current inspection report from the United States Food and Drug Administration conducted pursuant to the federal Drug Quality and Security Act, Pub. L. No. 113-54.

(5) The department shall adopt rules governing the financial responsibility of the pharmacy permittee. The rules must establish, at a minimum, financial reporting requirements, standards for financial capability to perform the functions governed by the permit, and requirements for ensuring permittees and their contractors can be held accountable for the financial consequences of any act of malfeasance or misfeasance or fraudulent or dishonest act or acts committed by the permittee or its contractors.

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

Senator Powell moved the following amendment to **Amendment 1 (368506)** which failed:

Amendment 1B (539774) (with title amendment)—Delete line 278 and insert:

(14) RECIPIENTS.—

(a) Due to the dangers and risks associated with untested foreign drugs imported through the program, the following persons may not be forced to participate in the program and must be given an opportunity to opt out of the program:

1. Pregnant women;

2. Minor children participating in Medicaid;

3. Persons with developmental disabilities;

4. Inmates in the custody of the Department of Corrections;

5. Senior persons over the age of 65; and

6. Psychiatric patients who are stable on their medication.

(b) Recipients of prescription drugs through the program must be notified that they are receiving prescriptions drugs through the program and that there may be unknown dangers and risks of death or harm from using such drugs.

(15) RULEMAKING.—The agency shall adopt rules necessary to

And the title is amended as follows:

Between lines 1197 and 1198 insert: prohibiting certain persons from being forced to participate in the program and requiring that they be given an opportunity to opt out; requiring that recipients of prescription drugs through the program be given a certain notification;

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

Senator Farmer moved the following amendment to **Amendment 1 (368506)** which failed:

Amendment 1C (502814) (with title amendment)—Delete line 1074 and insert:

(8) PROHIBITIONS.—A participant in the program may not import prescription drugs from, have relations with, be in contact with, or be financially connected with the following countries:

(a) China;

(b) Cuba;

(c) Iran;

(d) Pakistan;

(e) Russia; or

(f) Venezuela.

(9) RULEMAKING AUTHORITY.—The department shall adopt rules

And the title is amended as follows:

Between lines 1197 and 1198 insert: prohibiting participants in the program from importing prescription drugs from, relating to, being in contact with, or being financially connected with specified countries;

Amendment 1 (368506), as amended, was adopted.

Pursuant to Rule 4.19, **CS for HB 19**, as amended, was placed on the calendar of Bills on Third Reading.

CS for CS for SB 874—A bill to be entitled An act relating to consumer finance loans; creating s. 516.405, F.S.; creating the Access to Responsible Credit Pilot Program within the Office of Financial Regulation; providing legislative intent; creating s. 516.41, F.S.; providing definitions; creating s. 516.42, F.S.; requiring persons to obtain a program license from the office before making program loans; providing licensure requirements; requiring a program licensee's program branch offices to be licensed; providing program branch office license and license renewal requirements; providing circumstances under which the office may deny initial and renewal applications; requiring the Financial Services Commission to adopt rules; creating s. 516.43, F.S.; providing requirements for program licensees, program loans, interest rates, program loan refinancing, receipts, disclosures and statements provided by program licensees to borrowers, origination fees, insufficient funds fees, and delinquency charges; requiring program licensees to provide certain credit education information to borrowers and to report payment performance of borrowers to a consumer reporting agency; prohibiting the office from approving a program licensee applicant before the applicant has been accepted as a data furnisher by a consumer reporting agency; requiring program licensees to underwrite program loans; prohibiting program licensees from making program loans under certain circumstances; requiring program licensees to seek certain information and documentation; prohibiting program licensees from requiring certain waivers from borrowers; providing applicability; creating s. 516.44, F.S.; requiring all arrangements between program licensees and access partners to be specified in written access partner agreements; providing requirements for such agreements; specifying access partner services that may be used by program licensees; specifying procedures for borrowers' payment receipts or access partners' disbursement of program loans; providing recordkeeping requirements; prohibiting certain activities by access partners; providing disclosure statement requirements; providing requirements and prohibitions relating to compensation paid to access partners; requiring program licensees to provide the office with a specified notice after contracting with access partners; defining the term "affiliated party"; requiring access partners to provide program licensees with a certain written notice within a specified time; providing that program licensees are responsible for acts of their access partners; requiring the commission to adopt rules; creating s. 516.45, F.S.; authorizing the office to examine each program licensee, branch office, and access partner; limiting the scope of certain examinations and investigations; authorizing the office to take certain disciplinary action against program licensees and access partners; requiring the commission to adopt rules; creating s. 516.46, F.S.; requiring program licensees to file an annual report with the office beginning on a specified date; requiring the office to post an annual report on its website by a specified date; specifying information to be contained in the reports; requiring the commission to adopt rules; providing for future repeal of the pilot program; providing an appropriation; providing an effective date.

—was read the second time by title.

Senator Rouson moved the following amendment:

Amendment 1 (308946) (with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Section 516.405, Florida Statutes, is created to read:

516.405 Access to Responsible Credit Pilot Program.—

(1) The Access to Responsible Credit Pilot Program is created within the Office of Financial Regulation to allow more Floridians to obtain responsible consumer finance loans in principal amounts of at least $300, but not more than $7,500.

(2) The pilot program is intended to assist consumers in building their credit and to provide additional consumer protections for these loans that exceed current protections under general law.

Section 2. Section 516.41, Florida Statutes, is created to read:

516.41 Definitions.—As used in ss. 516.405-516.46, the term:

(1) "Access partner" means an entity that, at one or more physical business locations owned or rented by the entity, performs one or more of the services authorized in s. 516.44(2) on behalf of a program licensee. The term does not include a credit service organization as defined in s. 817.7001 or a loan broker as defined in s. 687.14.

(2) "Consumer reporting agency" has the same meaning as the term "consumer reporting agency that compiles and maintains files on consumers on a nationwide basis" in the Fair Credit Reporting Act, 15 U.S.C. s. 1681a(p).

(3) "Credit score" has the same meaning as in the Fair Credit Reporting Act, 15 U.S.C. s. 1681g(f)(2)(A).

(4) "Data furnisher" has the same meaning as the term "furnisher" in 12 C.F.R. s. 1022.41(c).

(5) "Pilot program" or "program" means the Access to Responsible Credit Pilot Program.

(6) "Pilot program license" or "program license" means a license issued under ss. 516.405-516.46 authorizing a program licensee to make and collect program loans.

(7) "Program branch office license" means a license issued under the program for each location, other than a program licensee's or access partner's principal place of business:

(a) The address of which appears on business cards, stationery, or advertising used by the program licensee in connection with business conducted under this chapter;

(b) At which the program licensee's name, advertising or promotional materials, or signage suggests that program loans are originated, negotiated, funded, or serviced by the program licensee; or

(c) At which program loans are originated, negotiated, funded, or serviced by the program licensee.

(8) "Program licensee" means a person who is licensed to make and collect loans under this chapter and who is approved by the office to participate in the program.

(9) "Program loan" means a consumer finance loan with a principal amount of at least $300, but not more than $7,500, originated pursuant to ss. 516.405–516.46, excluding the amount of the origination fee authorized under s. 516.43(3).

(10) "Refinance program loan" means a program loan that extends additional principal to a borrower and replaces and revises an existing program loan contract with the borrower. A refinance program loan does not include an extension, a deferral, or a rewrite of the program loan.

Section 3. Section 516.42, Florida Statutes, is created to read:

516.42 Requirements for program participation; program application requirements.—

(1) A person may not advertise, offer, or make a program loan, or impose any charges or fees pursuant to s. 516.43, unless the person obtains a pilot program license from the office.

(2) In order to obtain a pilot program license, a person must:

(a)1. Be licensed to make and collect consumer finance loans under s. 516.05; or

2. Submit the application for the license required in s. 516.05 concurrently with the application for the program license, both of which must be approved by the office.

(b) Be accepted as a data furnisher by a consumer reporting agency.

(c) Not be the subject of any insolvency proceeding or a pending criminal prosecution.

(d) Not be subject to the issuance of a cease and desist order; the issuance of a removal order; the denial, suspension, or revocation of a license; or any other action within the authority of the office, any financial regulatory agency in this state, or any other state or federal regulatory agency that affects the ability of such person to participate in the program.

(3)(a) A program applicant must file with the office a digital application, in a form and manner prescribed by commission rule, which contains all of the following information with respect to the applicant:

1. The legal business name and any other name under which the applicant operates.

2. The applicant's main address.

3. The applicant's telephone number and e-mail address.

4. The address of each program branch office.

5. The name, title, address, telephone number, and e-mail address of the applicant's contact person.

6. The license number, if the applicant is licensed under s. 516.05.

7. A statement as to whether the applicant intends to use the services of one or more access partners under s. 516.44.

8. A statement that the applicant has been accepted as a data furnisher by a consumer reporting agency and will report to a consumer reporting agency the payment performance of each borrower on all program loans.

9. The signature and certification of an authorized person of the applicant.

(b) A person who desires to participate in the program but who is not licensed to make consumer finance loans pursuant to s. 516.05 must concurrently submit the following digital applications to the office, in a form and manner specified in this chapter:

1. An application pursuant to s. 516.03 for licensure to make consumer finance loans.

2. An application for admission to the program in accordance with paragraph (a).

(4) Except as otherwise provided in ss. 516.405-516.46, a program licensee is subject to all the laws and rules governing consumer finance loans under this chapter. A program license must be renewed biennially.

(5) Notwithstanding s. 516.05(3), only one program license is required for a person to make program loans under ss. 516.405-516.46, regardless of whether the program licensee offers program loans to prospective borrowers at its own physical business locations, through access partners, or via an electronic access point through which a prospective borrower may directly access the website of the program licensee.

(6) Each branch office of a program licensee must be licensed under this section.

(7) The office shall issue a program branch office license to a program licensee after the office determines that the program licensee has submitted a completed electronic application for a program branch office license in a form prescribed by commission rule. The program branch office license must be issued in the name of the program licensee that maintains the branch office. An application is considered received for purposes of s. 120.60 upon receipt of a completed application form. The application for a program branch office license must contain the following information:

(a) The legal business name and any other name under which the applicant operates.

(b) The applicant's main address.

(c) The applicant's telephone number and e-mail address.

(d) The address of each program branch office.

(e) The name, title, address, telephone number, and e-mail address of the applicant's contact person.

(f) The applicant's license number, if the applicant is licensed under this chapter.

(g) The signature and certification of an authorized person of the applicant.

(8) Except as provided in subsection (9), a program branch office license must be renewed biennially at the time of renewing the program license.

(9) Notwithstanding subsection (7), the office may deny an initial or renewal application for a program license or program branch office license if the applicant or any person with power to direct the management or policies of the applicant's business is:

(a) The subject of any insolvency proceeding;

(b) The subject of a pending criminal prosecution in any jurisdiction until conclusion of such criminal prosecution; or

(c) Subject to the issuance of a cease and desist order; the issuance of a removal order; the denial, suspension, or revocation of a license; or any other action within the authority of the office, any financial regulatory agency in this state, or any other state or federal regulatory agency that affects the applicant's ability to participate in the program.

(10) The commission shall adopt rules to implement this section.

Section 4. Section 516.43, Florida Statutes, is created to read:

516.43 Requirements for program loans.—

(1) REQUIREMENTS.—A program licensee shall comply with each of the following requirements in making program loans:

(a) A program loan must be unsecured.

(b) A program loan must have a term of:

1. At least 120 days, but not more than 60 months, for a loan with a principal balance upon origination of at least $300, but not more than $3,000.

2. At least 12 months, but not more than 60 months, for a loan with a principal balance upon origination of more than $3,000.

(c) A borrower may not receive a program loan for a principal balance exceeding $5,000 unless:

1. The borrower has paid in full the outstanding principal, interest, and fees on a program loan;

2. The borrower's credit score increased from the time of application for the borrower's first consummated program loan; and

3. The borrower was never delinquent for more than 7 days on the program loan.

(d) A program loan must not impose a prepayment penalty. A program loan must be repayable by the borrower in substantially equal, periodic installments, except that the final payment may be less than the amount of the prior installments. Installments must be due every 2 weeks, semimonthly, or monthly.

(e) A program loan must include a borrower's right to rescind the program loan by notifying the program licensee of the borrower's intent to rescind the program loan and returning the principal advanced by the end of the business day after the day the program loan is consummated.

(f) Notwithstanding s. 516.031, the maximum annual interest rate charged on a program loan to the borrower, which must be fixed for the duration of the program loan, is 36 percent on that portion of the unpaid principal balance up to and including $3,000, 30 percent on that portion of the unpaid principal balance exceeding $3,000 and up to and including $4,000, and 24 percent on that portion of the unpaid principal balance exceeding $4,000 and up to and including $7,500. The original principal amount of the program loan is equal to the amount financed as defined by the federal Truth in Lending Act and Regulation Z of the Board of Governors of the Federal Reserve System. In determining compliance with the maximum annual interest rates in this paragraph, the computations used must be simple interest through the application of a daily periodic rate to the actual unpaid principal balance each day and may not be added-on interest or any other computations.

(g) If two or more interest rates are applied to the principal amount of a program loan, the program licensee may charge, contract for, and receive interest at that single annual percentage rate that, if applied according to the actuarial method to each of the scheduled periodic balances of principal, would produce at maturity the same total amount of interest as would result from the application of the two or more rates otherwise permitted, based upon the assumption that all payments are made as agreed.

(h) The program licensee shall reduce the interest rates specified in paragraph (f) on each subsequent program loan to the same borrower by a minimum of 1 percent, up to a maximum of 6 percent, if all of the following conditions are met:

1. The subsequent program loan is originated within 180 days after the prior program loan is fully repaid.

2. The borrower was never more than 15 days delinquent on the prior program loan.

3. The prior program loan was outstanding for at least one-half of its original term before its repayment.

(i) The program licensee may not permit any person to become obligated to the program licensee, directly or contingently, or both, under more than one program loan from the program licensee at the same time.

(j) The program licensee may not refinance a program loan unless all of the following conditions are met at the time the borrower submits an application to refinance:

1. The principal amount payable may not include more than 60 days' unpaid interest accrued on the previous program loan pursuant to s. 516.031(5).

2. For a program loan with an original term up to and including 25 months, the borrower has repaid at least 60 percent of the outstanding principal remaining on his or her existing program loan.

3. For a program loan with an original term of more than 25 months, but not more than 60 months, the borrower has made current payments for at least 9 months on his or her existing program loan.

4. The borrower is current on payments for his or her existing program loan.

5. The program licensee must underwrite the new program loan in accordance with subsection (8).

(k) In lieu of the provisions of s. 687.08, the program licensee or, if applicable, its approved access partner shall make available to the borrower by electronic or physical means a plain and complete receipt of payment at the time that a payment is made by the borrower. For audit purposes, the program licensee must maintain an electronic record for each receipt made available to a borrower, which must include a copy of the receipt and the date and time that the receipt was generated. Each receipt made available to the borrower must show all of the following:

1. The name of the borrower.

2. The name of the access partner, if applicable.

3. The total payment amount received.

4. The date of payment.

5. The program loan balance before and after application of the payment.

6. The amount of the payment that was applied to the principal, interest, and fees.

7. The type of payment made by the borrower.

8. The following statement, prominently displayed in a type size equal to or larger than the type size used to display the other items on the

receipt: "If you have any questions about your loan now or in the future, you should direct those questions to ... (name of program licensee) ... by ... (at least two different ways in which a borrower may contact the program licensee) ...."

(2) WRITTEN DISCLOSURES AND STATEMENTS.—

(a) Notwithstanding s. 516.15(1), the loan contract and all written disclosures and statements may be provided by a program licensee to a borrower in English or in the language in which the loan is negotiated.

(b) The program licensee shall provide to a borrower all the statements required of licensees under s. 516.15.

(3) ORIGINATION FEES.—Notwithstanding s. 516.031, a program licensee may:

(a) Contract for and receive an origination fee from a borrower on a program loan. The program licensee may either deduct the origination fee from the principal amount of the loan disbursed to the borrower or capitalize the origination fee into the principal balance of the loan. The origination fee is fully earned and nonrefundable immediately upon the making of the program loan and may not exceed the lesser of 6 percent of the principal amount of the program loan made to the borrower, exclusive of the origination fee, or $90.

(b) Not charge a borrower an origination fee more than twice in any 12-month period.

(4) INSUFFICIENT FUNDS FEES AND DELINQUENCY CHARGES.—A program licensee may:

(a) Notwithstanding s. 516.031, require payment from a borrower of no more than $20 for fees incurred by the program licensee from a dishonored payment due to insufficient funds of the borrower.

(b) Notwithstanding s. 516.031(3)(a)9., contract for and receive a delinquency charge for each payment in default for at least 7 days if the charge is agreed upon, in writing, between the program licensee and the borrower before it is imposed. Delinquency charges may be imposed as follows:

1. For payments due monthly, the delinquency charge for a payment in default may not exceed $15.

2. For payments due semimonthly, the delinquency charge for a payment in default may not exceed $7.50.

3. For payments due every 2 weeks, the delinquency charge for a payment in default may not exceed $7.50 if two payments are due within the same calendar month, and may not exceed $5 if three payments are due within the same calendar month.

The program licensee, or any wholly owned subsidiary of the program licensee, may not sell or assign an unpaid debt to a third party for collection purposes unless the debt has been delinquent for at least 30 days.

(5) ADDITIONAL FEES PROHIBITED.—Notwithstanding any fees authorized in this chapter, a program licensee may not charge a borrower any fees other than those authorized in subsections (3) and (4) for a program loan.

(6) CREDIT EDUCATION.—Before disbursement of program loan proceeds to the borrower, the program licensee must:

(a) Direct the borrower to the consumer credit counseling services offered by an independent third party; or

(b) Provide a credit education program or seminar to the borrower. The borrower is not required to participate in such education program or seminar. A credit education program or seminar offered pursuant to this paragraph must be provided at no cost to the borrower.

(7) CREDIT REPORTING.—

(a) The program licensee shall report each borrower's payment performance to at least one consumer reporting agency.

(b) The office may not approve an applicant for the program license before the applicant has been accepted as a data furnisher by a consumer reporting agency.

(c) The program licensee shall provide each borrower with the name or names of the consumer reporting agency or agencies to which it will report the borrower's payment history.

(8) PROGRAM LOAN UNDERWRITING.—

(a) The program licensee must underwrite each program loan to determine a borrower's ability and willingness to repay the program loan pursuant to the program loan terms. The program licensee may not make a program loan if it determines that the borrower's total monthly debt service payments at the time of origination, including the program loan for which the borrower is being considered and all outstanding forms of credit that can be independently verified by the program licensee, exceed 50 percent of the borrower's gross monthly income for a loan of not more than $3,000, or exceed 36 percent of the borrower's gross monthly income for a loan of more than $3,000.

(b)1. The program licensee must seek information and documentation pertaining to all of a borrower's outstanding debt obligations during the loan application and underwriting process, including loans that are self-reported by the borrower but not available through independent verification. The program licensee must verify such information using a credit report from at least one consumer reporting agency or through other available electronic debt verification services that provide reliable evidence of a borrower's outstanding debt obligations.

2. The program licensee is not required to consider loans made to a borrower by friends or family in determining the borrower's debt-to-income ratio.

(c) The program licensee must verify the borrower's income to determine the debt-to-income ratio using information from:

1. Electronic means or services that provide reliable evidence of the borrower's actual income; or

2. The Internal Revenue Service Form W-2, tax returns, payroll receipts, bank statements, or other third-party documents that provide reasonably reliable evidence of the borrower's actual income.

(9) WAIVERS.—

(a) A program licensee may not require, as a condition of providing the program loan, that the borrower:

1. Waive any right, penalty, remedy, forum, or procedure provided for in any law applicable to the program loan, including the right to file and pursue a civil action or file a complaint with or otherwise communicate with the office, a court, or any other governmental entity.

2. Agree to the application of laws other than those of this state.

3. Agree to resolve disputes in a jurisdiction outside of this state.

(b) A waiver that is required as a condition of doing business with the program licensee is presumed involuntary, unconscionable, against public policy, and unenforceable.

(c) A program licensee may not refuse to do business with or discriminate against a borrower or an applicant on the basis of the borrower's or applicant's refusal to waive any right, penalty, remedy, forum, or procedure, including the right to file and pursue a civil action or complaint with, or otherwise communicate with, the office, a court, or any other governmental entity. The exercise of a person's right to refuse to waive any right, penalty, remedy, forum, or procedure, including a rejection of a contract requiring a waiver, does not affect any otherwise legal terms of a contract or an agreement.

(d) This subsection does not apply to any agreement to waive any right, penalty, remedy, forum, or procedure, including any agreement to arbitrate a claim or dispute after a claim or dispute has arisen. This subsection does not affect the enforceability or validity of any other provision of the contract.

Section 5. Section 516.44, Florida Statutes, is created to read:

516.44 Access partners.—

(1) ACCESS PARTNER AGREEMENT.—All arrangements between a program licensee and an access partner must be specified in a written access partner agreement between the parties. The agreement must contain the following provisions:

(a) The access partner agrees to comply with this section and all rules adopted under this section regarding the activities of access partners.

(b) The office has access to the access partner's books and records pertaining to the access partner's operations under the agreement with the program licensee in accordance with s. 516.45(3) and may examine the access partner pursuant to s. 516.45.

(2) AUTHORIZED SERVICES.—A program licensee may use the services of one or more access partners as provided in this section. An access partner may perform one or more of the following services from its physical business location for the program licensee:

(a) Distributing, circulating, using, or publishing printed brochures, flyers, fact sheets, or other written materials relating to program loans that the program licensee may make or negotiate. The written materials must be reviewed and approved in writing by the program licensee before being distributed, circulated, used, or published.

(b) Providing written factual information about program loan terms, conditions, or qualification requirements to a prospective borrower which has been prepared by the program licensee or reviewed and approved in writing by the program licensee. An access partner may discuss the information with a prospective borrower in general terms.

(c) Notifying a prospective borrower of the information needed in order to complete a program loan application.

(d) Entering information provided by the prospective borrower on the program licensee's preprinted or electronic application form or in the program licensee's preformatted computer database.

(e) Assembling credit applications and other materials obtained in the course of a credit application transaction for submission to the program licensee.

(f) Contacting the program licensee to determine the status of a program loan application.

(g) Communicating a response that is returned by the program licensee's automated underwriting system to a borrower or a prospective borrower.

(h) Obtaining a borrower's signature on documents prepared by the program licensee and delivering final copies of the documents to the borrower.

(i) Disbursing program loan proceeds to a borrower if this method of disbursement is acceptable to the borrower, subject to the requirements of subsection (3). A loan disbursement made by an access partner under this paragraph is deemed to be made by the program licensee on the date that the funds are disbursed or otherwise made available by the access partner to the borrower.

(j) Receiving a program loan payment from the borrower if this method of payment is acceptable to the borrower, subject to the requirements of subsection (3).

(k) Operating an electronic access point through which a prospective borrower may directly access the website of the program licensee to apply for a program loan.

(3) RECEIPT OR DISBURSEMENT OF PROGRAM LOAN PAYMENTS.—

(a) A loan payment made by a borrower to an access partner under paragraph (2)(j) must be applied to the borrower's program loan and deemed received by the program licensee as of the date on which the payment is received by the access partner.

(b) An access partner that receives a loan payment from a borrower must deliver or cause to be delivered to the borrower a plain and complete receipt showing all of the information specified in s. 516.43(1)(k) at the time that the payment is made by the borrower.

(c) A borrower who submits a loan payment to an access partner under this subsection is not liable for a failure or delay by the access partner in transmitting the payment to the program licensee.

(d) An access partner that disburses or receives loan payments pursuant to paragraph (2)(i) or paragraph (2)(j) must maintain records of all disbursements made and loan payments received for at least 2 years.

(4) PROHIBITED ACTIVITIES.—An access partner may not:

(a) Provide counseling or advice to a borrower or prospective borrower with respect to any loan term.

(b) Provide loan-related marketing material that has not previously been approved by the program licensee to a borrower or a prospective borrower.

(c) Negotiate a loan term between a program licensee and a prospective borrower.

(d) Offer information pertaining to a single prospective borrower to more than one program licensee. However, if a program licensee has declined to offer a program loan to a prospective borrower and has so notified the prospective borrower in writing, the access partner may then offer information pertaining to that borrower to another program licensee with whom it has an access partner agreement.

(e) Except for the purpose of assisting a borrower in obtaining a refinance program loan, offer information pertaining to a prospective borrower to any program licensee if the prospective borrower has an outstanding program loan.

(f) Charge a borrower any fee for a program loan.

(g) Perform in-person marketing of the program at a public food service establishment, as defined in s. 509.013(5), or at a place where alcoholic beverages, as defined in s. 561.01(4), are served for consumption.

(h) Perform in-person marketing of the program at a location at which the primary purpose is the sale of liquor, as defined in s. 565.01.

(5) DISCLOSURE STATEMENTS.—

(a) At the time that the access partner receives or processes an application for a program loan, the access partner shall provide the following statement to the applicant on behalf of the program licensee, in at least 10-point type, and shall request that the applicant acknowledge receipt of the statement in writing:

Your loan application has been referred to us by ... (name of access partner) .... We may pay a fee to ... (name of access partner) ... for the successful referral of your loan application. If you are approved for the loan, ... (name of program licensee) ... will become your lender. If you have any questions about your loan, now or in the future, you should direct those questions to ... (name of program licensee) ... by ... (insert at least two different ways in which a borrower may contact the program licensee) .... If you wish to report a complaint about ... (name of access partner) ... or ... (name of program licensee) ... regarding this loan transaction, you may contact the Division of Consumer Finance of the Office of Financial Regulation at 850-487-9687 or http://www.flofr.com.

(b) If the loan applicant has questions about the program loan which the access partner is not permitted to answer, the access partner must make a good faith effort to assist the applicant in making direct contact with the program licensee before the program loan is consummated.

(6) COMPENSATION.—

(a) The program licensee may compensate an access partner in accordance with a written agreement and a compensation schedule that is agreed to by the program licensee and the access partner, subject to the requirements in paragraph (b).

(b) The compensation of an access partner by a program licensee is subject to the following requirements:

1. Compensation may not be paid to an access partner in connection with a loan application unless the program loan is consummated.

2. The access partner's location for services and other information required in subsection (7) must be reported to the office.

3. Compensation paid by the program licensee to the access partner may not exceed $65 per program loan, on average, plus $2 per payment received by the access partner on behalf of the program licensee for the duration of the program loan, and may not be charged directly to the borrower.

(7) NOTICE TO OFFICE.—A program licensee that uses the service of an access partner must notify the office, in a form and manner prescribed by commission rule, within 15 days after entering into a contract with an access partner and before using such access partner's services, regarding all of the following:

(a) The name, principal office address, and any licensing details of the access partner and addresses of all physical business locations at which the access partner will perform services under this section.

(b) The name and contact information for an employee of the access partner who is knowledgeable about, and has the authority to execute, the access partner agreement.

(c) The name and contact information of all employees of the access partner who are responsible for that access partner's referring activities on behalf of the program licensee.

(d) A statement by the program licensee that it has conducted due diligence with respect to the access partner and has confirmed that none of the following apply:

1. The filing of a petition under the United States Bankruptcy Code for bankruptcy or reorganization by the access partner.

2. The commencement of an administrative or a judicial license suspension or revocation proceeding, or the denial of a license request or renewal, by any state, the District of Columbia, any United States territory, or any foreign country in which the access partner operates, plans to operate, or is licensed to operate.

3. A felony indictment involving the access partner or an affiliated party.

4. The felony conviction, guilty plea, or plea of nolo contendere, regardless of adjudication, of the access partner or an affiliated party.

5. Any suspected criminal act perpetrated in this state relating to activities regulated under this chapter by the access partner.

6. Notification by a law enforcement or prosecutorial agency that the access partner is under criminal investigation, including, but not limited to, subpoenas to produce records or testimony and warrants issued by a court of competent jurisdiction which authorize the search and seizure of any records relating to a business activity regulated under this chapter.

As used in this paragraph, the term "affiliated party" means a director, officer, control person, employee, or foreign affiliate of an access partner; or a person who has a controlling interest in an access partner.

(e) Any other information requested by the office, subject to the limitations specified in s. 516.45(3).

(8) NOTICE OF CHANGES.—An access partner must provide the program licensee and the office with a written notice sent by registered mail within 30 days after any change is made to the information specified in paragraphs (7)(a)-(c) and within 30 days after the occurrence or knowledge of any of the events specified in paragraph (7)(d).

(9) RESPONSIBILITY FOR ACTS OF AN ACCESS PARTNER.—A program licensee is responsible for any act of its access partner or the access partner's employees if such act is a violation of this chapter.

(10) RULEMAKING.—The commission shall adopt rules to implement this section.

Section 6. Section 516.45, Florida Statutes, is created to read:

516.45 Examinations, investigations, and grounds for disciplinary action.—

(1) Notwithstanding any other law, the office shall examine each program licensee that is accepted into the program in accordance with this chapter.

(2) Notwithstanding subsection (1), the office may waive one or more branch office examinations if the office finds that such examinations are not necessary for the protection of the public due to the centralized operations of the program licensee or other factors acceptable to the office.

(3) The scope of any investigation or examination of a program licensee or access partner must be limited to those books, accounts, records, documents, materials, and matters reasonably necessary to determine compliance with this chapter.

(4) A program licensee who violates any applicable provision of this chapter is subject to disciplinary action pursuant to s. 516.07(2). Any such disciplinary action is subject to s. 120.60. The program licensee is also subject to disciplinary action for a violation of s. 516.44 committed by any of its access partners or the access partner's employees.

(5) The office may take any of the following actions against an access partner who violates s. 516.44:

(a) Bar the access partner from performing services under this chapter.

(b) Bar the access partner from performing services at one or more of its specific locations.

(c) Impose an administrative fine on the access partner not to exceed $5,000 in a calendar year for violations of s. 516.44.

(6) The commission shall adopt rules to implement this section.

Section 7. Section 516.46, Florida Statutes, is created to read:

516.46 Annual reports by program licensees and the office.—

(1) By March 15, 2021, and each year thereafter, a program licensee shall file a report with the office on a form and in a manner prescribed by commission rule. The report must include each of the items specified in subsection (2) for the preceding year using aggregated or anonymized data without reference to any borrower's nonpublic personal information or any program licensee's or access partner's proprietary or trade secret information.

(2) By January 1, 2022, and each year thereafter, the office shall post a report on its website summarizing the use of the program based on the information contained in the reports filed in the preceding year by program licensees under subsection (1). The office's report must publish the information in the aggregate so as not to identify data by any specific program licensee. The report must specify the period to which the report corresponds and must include, but is not limited to, the following for that period:

(a) The number of applicants approved for a program license by the office.

(b) The number of program loan applications received by program licensees, the number of program loans made under the program, the total amount loaned, the distribution of loan lengths upon origination, and the distribution of interest rates and principal amounts upon origination among those program loans.

(c) The number of borrowers who obtained more than one program loan and the distribution of the number of program loans per borrower.

(d) Of those borrowers who obtained more than one program loan and had a credit score by the time of their subsequent loan, the percentage of those borrowers whose credit scores increased between successive loans, based on information from at least one major credit bureau, and

the average size of the increase. In each case, the report must include the name of the credit score, such as FICO or VantageScore, which the program licensee is required to disclose.

(e) The income distribution of borrowers upon program loan origination, including the number of borrowers who obtained at least one program loan and who resided in a low-income or moderate-income census tract at the time of their loan applications.

(f) The number of borrowers who obtained program loans for the following purposes, based on the borrowers' responses at the time of their loan applications indicating the primary purpose for which the program loans were obtained:

1. To pay medical expenses.

2. To pay for vehicle repair or a vehicle purchase.

3. To pay bills.

4. To consolidate debt.

5. To build or repair credit history.

6. To finance a small business.

7. To pay other expenses.

(g) The number of borrowers who self-report that they had a bank account at the time of their loan application and the number of borrowers who self-report that they did not have a bank account at the time of their loan application.

(h) For refinance program loans:

1. The number and percentage of borrowers who applied for a refinance program loan.

2. Of those borrowers who applied for a refinance program loan, the number and percentage of borrowers who obtained a refinance program loan.

(i) The performance of program loans as reflected by all of the following:

1. The number and percentage of borrowers who experienced at least one delinquency lasting between 7 and 29 days and the distribution of principal loan amounts corresponding to those delinquencies.

2. The number and percentage of borrowers who experienced at least one delinquency lasting between 30 and 59 days and the distribution of principal loan amounts corresponding to those delinquencies.

3. The number and percentage of borrowers who experienced at least one delinquency lasting 60 days or more and the distribution of principal loan amounts corresponding to those delinquencies.

(3) The commission shall adopt rules to implement this section.

Section 8. *Sections 516.405-516.46, Florida Statutes, as created by this act, are repealed on July 1, 2029.*

Section 9. *For the 2019-2020 fiscal year, the sums of $262,125 in recurring funds and $140,000 in nonrecurring funds from the Regulatory Trust Fund are appropriated to the Office of Financial Regulation of the Financial Services Commission, and four full-time equivalent positions with associated salary rate of 173,881 are authorized, to implement this act.*

Section 10. This act shall take effect January 1, 2020.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to consumer finance loans; creating s. 516.405, F.S.; creating the Access to Responsible Credit Pilot Program within the Office of Financial Regulation; providing legislative intent; creating s. 516.41, F.S.; providing definitions; creating s. 516.42, F.S.; requiring persons to obtain a program license from the office for certain actions relating to program loans; providing licensure requirements; requiring a program licensee's program branch offices to be licensed; providing program branch office license and license renewal requirements; providing circumstances under which the office may deny initial and renewal applications; requiring the Financial Services Commission to adopt rules; creating s. 516.43, F.S.; providing requirements for program licensees, program loans, interest rates, program loan refinancing, receipts, disclosures and statements provided by program licensees to borrowers, origination fees, insufficient funds fees, and delinquency charges; prohibiting program licensees from charging borrowers any fees other than as specified; requiring program licensees to provide certain credit education information to borrowers and to report payment performance of borrowers to a consumer reporting agency; prohibiting the office from approving a program licensee applicant before the applicant has been accepted as a data furnisher by a consumer reporting agency; requiring program licensees to underwrite program loans; prohibiting program licensees from making program loans under certain circumstances; requiring program licensees to seek certain information and documentation; prohibiting program licensees from requiring certain waivers from borrowers; providing applicability; creating s. 516.44, F.S.; requiring all arrangements between program licensees and access partners to be specified in written access partner agreements; providing requirements for such agreements; specifying access partner services which may be used by program licensees; specifying procedures for borrowers' payment receipts or access partners' disbursements of program loans; providing recordkeeping requirements; prohibiting certain activities by access partners; providing disclosure statement requirements; authorizing a program licensee to compensate an access partner; providing requirements relating to compensation paid to access partners; requiring program licensees to provide the office with a specified notice after contracting with, and before using the services of, access partners; defining the term "affiliated party"; requiring access partners to provide program licensees and the office with a certain written notice within a specified time; providing that program licensees are responsible for acts of their access partners and access partners' employees; requiring the commission to adopt rules; creating s. 516.45, F.S.; requiring the office to examine program licensees; providing an exception; limiting the scope of certain examinations and investigations; authorizing the office to take certain disciplinary action against program licensees and access partners; requiring the commission to adopt rules; creating s. 516.46, F.S.; requiring program licensees to file an annual report with the office beginning on a specified date; requiring the office to post an annual report on its website by a specified date; specifying information to be contained in the reports; requiring the commission to adopt rules; providing for future repeal of the program; providing an appropriation; providing an effective date.

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

Senator Rouson moved the following substitute amendment which was adopted:

Amendment 2 (709992) (with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Section 516.405, Florida Statutes, is created to read:

516.405 Access to Responsible Credit Pilot Program.—

(1) The Access to Responsible Credit Pilot Program is created within the Office of Financial Regulation to allow more Floridians to obtain responsible consumer finance loans in principal amounts of at least $300 but not more than $7,500.

(2) The pilot program is intended to assist consumers in building their credit and to provide additional consumer protections for these loans that exceed current protections under general law.

Section 2. Section 516.41, Florida Statutes, is created to read:

516.41 Definitions.—As used in ss. 516.405-516.46, the term:

(1) "Access partner" means an entity that, at one or more physical business locations owned or rented by the entity, performs one or more of the services authorized in s. 516.44(2) on behalf of a program licensee. The term does not include a credit service organization as defined in s. 817.7001 or a loan broker as defined in s. 687.14.

(2) "Consumer reporting agency" has the same meaning as the term "consumer reporting agency that compiles and maintains files on consumers on a nationwide basis" in the Fair Credit Reporting Act, 15 U.S.C. s. 1681a(p).

(3) "Credit score" has the same meaning as in the Fair Credit Reporting Act, 15 U.S.C. s. 1681g(f)(2)(A).

(4) "Data furnisher" has the same meaning as the term "furnisher" in 12 C.F.R. s. 1022.41(c).

(5) "Pilot program" or "program" means the Access to Responsible Credit Pilot Program.

(6) "Pilot program license" or "program license" means a license issued under ss. 516.405-516.46 authorizing a program licensee to make and collect program loans.

(7) "Program branch office license" means a license issued under the program for each location, other than a program licensee's or access partner's principal place of business:

(a) The address of which appears on business cards, stationery, or advertising used by the program licensee in connection with business conducted under this chapter;

(b) At which the program licensee's name, advertising or promotional materials, or signage suggests that program loans are originated, negotiated, funded, or serviced by the program licensee; or

(c) At which program loans are originated, negotiated, funded, or serviced by the program licensee.

(8) "Program licensee" means a person who is licensed to make and collect loans under this chapter and who is approved by the office to participate in the program.

(9) "Program loan" means a consumer finance loan with a principal amount of at least $300, but not more than $7,500, originated pursuant to ss. 516.405–516.46, excluding the amount of the origination fee authorized under s. 516.43(3).

(10) "Refinance program loan" means a program loan that extends additional principal to a borrower and replaces and revises an existing program loan contract with the borrower. A refinance program loan does not include an extension, a deferral, or a rewrite of the program loan.

Section 3. Section 516.42, Florida Statutes, is created to read:

516.42 Requirements for program participation; program application requirements.—

(1) A person may not advertise, offer, or make a program loan, or impose any charges or fees pursuant to s. 516.43, unless the person obtains a pilot program license from the office.

(2) In order to obtain a pilot program license, a person must:

(a)1. Be licensed to make and collect consumer finance loans under s. 516.05; or

2. Submit the application for the license required in s. 516.03 concurrently with the application for the program license. The application required by s. 516.03 must be approved and the license under that section must be issued in order to obtain the program license.

(b) Be accepted as a data furnisher by a consumer reporting agency.

(c) Demonstrate financial responsibility, experience, character, or general fitness, such as to command the confidence of the public and to warrant the belief that the business operated at the licensed or proposed location is lawful, honest, fair, efficient, and within the purposes of this chapter.

(d) Not be subject to the issuance of a cease and desist order; the issuance of a removal order; the denial, suspension, or revocation of a license; or any other action within the authority of the office, any financial regulatory agency in this state, or any other state or federal regulatory agency that affects the ability of such person to participate in the program.

(3)(a) A program applicant must file with the office a digital application in a form and manner prescribed by commission rule which contains all of the following information with respect to the applicant:

1. The legal business name and any other name under which the applicant operates.

2. The applicant's main address.

3. The applicant's telephone number and e-mail address.

4. The address of each program branch office.

5. The name, title, address, telephone number, and e-mail address of the applicant's contact person.

6. The license number, if the applicant is licensed under s. 516.05.

7. A statement as to whether the applicant intends to use the services of one or more access partners under s. 516.44.

8. A statement that the applicant has been accepted as a data furnisher by a consumer reporting agency and will report to a consumer reporting agency the payment performance of each borrower on all program loans.

9. The signature and certification of an authorized person of the applicant.

(b) A person who desires to participate in the program but who is not licensed to make consumer finance loans pursuant to s. 516.05 must concurrently submit the following digital applications in a form and manner specified in this chapter to the office:

1. An application pursuant to s. 516.03 for licensure to make consumer finance loans.

2. An application for admission to the program in accordance with paragraph (a).

(4) Except as otherwise provided in ss. 516.405-516.46, a program licensee is subject to all the laws and rules governing consumer finance loans under this chapter. A program license must be renewed biennially.

(5) Notwithstanding s. 516.05(3), only one program license is required for a person to make program loans under ss. 516.405-516.46, regardless of whether the program licensee offers program loans to prospective borrowers at its own physical business locations, through access partners, or via an electronic access point through which a prospective borrower may directly access the website of the program licensee.

(6) Each branch office of a program licensee must be licensed under this section.

(7) The office shall issue a program branch office license to a program licensee after the office determines that the program licensee has submitted a completed electronic application for a program branch office license in a form prescribed by commission rule. The program branch office license must be issued in the name of the program licensee that maintains the branch office. An application is considered received for purposes of s. 120.60 upon receipt of a completed application form. The application for a program branch office license must contain the following information:

(a) The legal business name and any other name under which the applicant operates.

(b) The applicant's main address.

(c) The applicant's telephone number and e-mail address.

(d) The address of each program branch office.

(e) The name, title, address, telephone number, and e-mail address of the applicant's contact person.

(f) The applicant's license number, if the applicant is licensed under this chapter.

(g) The signature and certification of an authorized person of the applicant.

(8) Except as provided in subsection (9), a program branch office license must be renewed biennially at the time of renewing the program license.

(9) Notwithstanding subsection (7), the office may deny an initial or renewal application for a program license or program branch office license if the applicant or any person with power to direct the management or policies of the applicant's business:

(a) Fails to demonstrate financial responsibility, experience, character, or general fitness, such as to command the confidence of the public and to warrant the belief that the business operated at the licensed or proposed location is lawful, honest, fair, efficient, and within the purposes of this chapter.

(b) Pled nolo contendere to, or was convicted or found guilty of, a crime involving fraud, dishonest dealing, or any act of moral turpitude, regardless of whether adjudication was withheld.

(c) Is subject to the issuance of a cease and desist order; the issuance of a removal order; the denial, suspension, or revocation of a license; or any other action within the authority of the office, any financial regulatory agency in this state, or any other state or federal regulatory agency that affects the applicant's ability to participate in the program.

(10) The commission shall adopt rules to implement this section.

Section 4. Section 516.43, Florida Statutes, is created to read:

516.43 Requirements for program loans.—

(1) REQUIREMENTS.—A program licensee shall comply with each of the following requirements in making program loans:

(a) A program loan must be unsecured.

(b) A program loan must have:

1. A term of at least 120 days, but not more than 36 months, for a loan with a principal balance upon origination of at least $300, but not more than $3,000.

2. A term of at least 12 months, but not more than 60 months, for a loan with a principal balance upon origination of more than $3,000.

(c) A borrower may not receive a program loan for a principal balance exceeding $5,000 unless:

1. The borrower has paid in full the outstanding principal, interest, and fees on a previous program loan;

2. The borrower's credit score increased from the time of application for the borrower's first consummated program loan; and

3. The borrower was never delinquent for more than 7 days on a previous program loan.

(d) A program loan may not impose a prepayment penalty. A program loan must be repayable by the borrower in substantially equal, periodic installments, except that the final payment may be less than the amount of the prior installments. Installments must be due either every 2 weeks, semimonthly, or monthly.

(e) A program loan must include a borrower's right to rescind the program loan by notifying the program licensee of the borrower's intent to rescind the program loan and returning the principal advanced by the end of the business day after the day the program loan is consummated.

(f) Notwithstanding s. 516.031, the maximum annual interest rate charged on a program loan to the borrower, which must be fixed for the duration of the program loan, is 36 percent on that portion of the unpaid principal balance up to and including $3,000; 30 percent on that portion of the unpaid principal balance exceeding $3,000 and up to and including $4,000; and 24 percent on that portion of the unpaid principal balance exceeding $4,000 and up to and including $7,500. The original principal amount of the program loan is equal to the amount financed as defined by the federal Truth in Lending Act and Regulation Z of the Board of Governors of the Federal Reserve System. In determining compliance with the maximum annual interest rates in this paragraph, the computations used must be simple interest through the application of a daily periodic rate to the actual unpaid principal balance each day and may not be added-on interest or any other computations.

(g) If two or more interest rates are applied to the principal amount of a program loan, the program licensee may charge, contract for, and receive interest at that single annual percentage rate that, if applied according to the actuarial method to each of the scheduled periodic balances of principal, would produce at maturity the same total amount of interest as would result from the application of the two or more rates otherwise permitted, based upon the assumption that all payments are made as agreed.

(h) The program licensee shall reduce the interest rates specified in paragraph (f) on each subsequent program loan to the same borrower by a minimum of 1 percent, up to a maximum of 6 percent, if all of the following conditions are met:

1. The subsequent program loan is originated within 180 days after the prior program loan is fully repaid.

2. The borrower was never more than 15 days delinquent on the prior program loan.

3. The prior program loan was outstanding for at least one-half of its original term before its repayment.

(i) The program licensee may not induce or permit any person to become obligated to the program licensee, directly or contingently, or both, under more than one program loan at the same time with the program licensee.

(j) The program licensee may not refinance a program loan unless all of the following conditions are met at the time the borrower submits an application to refinance:

1. The principal amount payable may not include more than 60 days' unpaid interest accrued on the previous program loan pursuant to s. 516.031(5).

2. For a program loan with an original term up to and including 25 months, the borrower has repaid at least 60 percent of the outstanding principal remaining on his or her existing program loan.

3. For a program loan with an original term of more than 25 months, but not more than 60 months, the borrower has made current payments for at least 9 months on his or her existing program loan.

4. The borrower is current on payments for his or her existing program loan.

5. The program licensee must underwrite the new program loan in accordance with subsection (7).

(k) In lieu of the provisions of s. 687.08, the program licensee or, if applicable, its approved access partner shall make available to the borrower by electronic or physical means a plain and complete receipt of payment at the time that a payment is made by the borrower. For audit purposes, the program licensee must maintain an electronic record for each receipt made available to a borrower, which must include a copy of the receipt and the date and time that the receipt was generated. Each receipt made available to the borrower must show all of the following:

1. The name of the borrower.

2. The name of the access partner, if applicable.

3. The total payment amount received.

4. The date of payment.

5. The program loan balance before and after application of the payment.

6. The amount of the payment that was applied to the principal, interest, and fees.

7. The type of payment made by the borrower.

8. The following statement, prominently displayed in a type size equal to or larger than the type size used to display the other items on the receipt: "If you have any questions about your loan now or in the future, you should direct those questions to (name of program licensee) by (at least two different ways in which a borrower may contact the program licensee)."

(2) WRITTEN DISCLOSURES AND STATEMENTS.—

(a) Notwithstanding s. 516.15(1), the loan contract and all written disclosures and statements may be provided by a program licensee to a borrower in English or in the language in which the loan is negotiated.

(b) The program licensee shall provide to a borrower all the statements required of licensees under s. 516.15.

(3) ORIGINATION FEES.—Notwithstanding s. 516.031, a program licensee may:

(a) Contract for and receive an origination fee from a borrower on a program loan. The program licensee may either deduct the origination fee from the principal amount of the loan disbursed to the borrower or capitalize the origination fee into the principal balance of the loan. The origination fee is fully earned and nonrefundable immediately upon the making of the program loan and may not exceed the lesser of 6 percent of the principal amount of the program loan made to the borrower, exclusive of the origination fee, or $90.

(b) Not charge a borrower an origination fee more than twice in any 12-month period.

(4) INSUFFICIENT FUNDS FEES AND DELINQUENCY CHARGES.—A program licensee may:

(a) Notwithstanding s. 516.031, require payment from a borrower of no more than $20 for fees incurred by the program licensee from a dishonored payment due to insufficient funds of the borrower.

(b) Notwithstanding s. 516.031(3)(a)9., contract for and receive a delinquency charge for each payment in default for at least 7 days if the charge is agreed upon, in writing, between the program licensee and the borrower before it is imposed. Delinquency charges may be imposed as follows:

1. For payments due monthly, the delinquency charge for a payment in default may not exceed $15.

2. For payments due semimonthly, the delinquency charge for a payment in default may not exceed $7.50.

3. For payments due every 2 weeks, the delinquency charge for a payment in default may not exceed $7.50 if two payments are due within the same calendar month, and may not exceed $5 if three payments are due within the same calendar month.

The program licensee, or any wholly owned subsidiary of the program licensee, may not sell or assign an unpaid debt to an independent third party for collection purposes unless the debt has been delinquent for at least 30 days.

(5) CREDIT EDUCATION.—Before disbursement of program loan proceeds to the borrower, the program licensee must:

(a) Direct the borrower to the consumer credit counseling services offered by an independent third party; or

(b) Provide a credit education program or seminar to the borrower. The borrower is not required to participate in such education program or seminar. A credit education program or seminar offered pursuant to this paragraph must be provided at no cost to the borrower.

(6) CREDIT REPORTING.—

(a) The program licensee shall report each borrower's payment performance to at least one consumer reporting agency.

(b) The office may not approve an applicant for the program license before the applicant has been accepted as a data furnisher by a consumer reporting agency.

(c) The program licensee shall provide each borrower with the name or names of the consumer reporting agency or agencies to which it will report the borrower's payment history.

(7) PROGRAM LOAN UNDERWRITING.—

(a) The program licensee must underwrite each program loan to determine a borrower's ability and willingness to repay the program loan pursuant to the program loan terms. The program licensee may not make a program loan if it determines that the borrower's total monthly debt service payments at the time of origination, including the program loan for which the borrower is being considered and all outstanding forms of credit that can be independently verified by the program licensee, exceed 50 percent of the borrower's gross monthly income for a loan of not more than $3,000, or exceed 36 percent of the borrower's gross monthly income for a loan of more than $3,000.

(b)1. The program licensee must seek information and documentation pertaining to all of a borrower's outstanding debt obligations during the loan application and underwriting process, including loans that are self-reported by the borrower but not available through independent verification. The program licensee must verify such information using a credit report from at least one consumer reporting agency or through other available electronic debt verification services that provide reliable evidence of a borrower's outstanding debt obligations.

2. The program licensee is not required to consider loans made to a borrower by friends or family in determining the borrower's debt-to-income ratio.

(c) The program licensee must verify the borrower's income to determine the debt-to-income ratio using information from:

1. Electronic means or services that provide reliable evidence of the borrower's actual income; or

2. The Internal Revenue Service Form W-2, tax returns, payroll receipts, bank statements, or other third-party documents that provide reasonably reliable evidence of the borrower's actual income.

(8) WAIVERS.—

(a) A program licensee may not require, as a condition of providing the program loan, that the borrower:

1. Waive any right, penalty, remedy, forum, or procedure provided for in any law applicable to the program loan, including the right to file and pursue a civil action or file a complaint with or otherwise communicate with the office, a court, or any other governmental entity.

2. Agree to the application of laws other than those of this state.

3. Agree to resolve disputes in a jurisdiction outside of this state.

(b) A waiver that is required as a condition of doing business with the program licensee is presumed involuntary, unconscionable, against public policy, and unenforceable.

(c) A program licensee may not refuse to do business with or discriminate against a borrower or an applicant on the basis of the borrower's or applicant's refusal to waive any right, penalty, remedy, forum, or procedure, including the right to file and pursue a civil action or complaint with, or otherwise communicate with, the office, a court, or any other governmental entity. The exercise of a person's right to refuse to waive any right, penalty, remedy, forum, or procedure, including a rejection of a contract requiring a waiver, does not affect any otherwise legal terms of a contract or an agreement.

(d) This subsection does not apply to any agreement to waive any right, penalty, remedy, forum, or procedure, including any agreement to arbitrate a claim or dispute after a claim or dispute has arisen. This subsection does not affect the enforceability or validity of any other provision of the contract.

Section 5. Section 516.44, Florida Statutes, is created to read:

516.44 Access partners.—

(1) ACCESS PARTNER AGREEMENT.—All arrangements between a program licensee and an access partner must be specified in a written access partner agreement between the parties. The agreement must contain the following provisions:

(a) The access partner agrees to comply with this section and all rules adopted under this section regarding the activities of access partners.

(b) The office has access to the access partner's books and records pertaining to the access partner's operations under the agreement with the program licensee in accordance with s. 516.45(3) and may examine the access partner pursuant to s. 516.45.

(2) AUTHORIZED SERVICES.—A program licensee may use the services of one or more access partners as provided in this section. An access partner may perform one or more of the following services from its physical business location for the program licensee:

(a) Distributing, circulating, using, or publishing printed brochures, flyers, fact sheets, or other written materials relating to program loans that the program licensee may make or negotiate. The written materials must be reviewed and approved in writing by the program licensee before being distributed, circulated, used, or published.

(b) Providing written factual information about program loan terms, conditions, or qualification requirements to a prospective borrower which has been prepared by the program licensee or reviewed and approved in writing by the program licensee. An access partner may discuss the information with a prospective borrower in general terms.

(c) Notifying a prospective borrower of the information needed in order to complete a program loan application.

(d) Entering information provided by the prospective borrower on a preprinted or an electronic application form or in a preformatted computer database.

(e) Assembling credit applications and other materials obtained in the course of a credit application transaction for submission to the program licensee.

(f) Contacting the program licensee to determine the status of a program loan application.

(g) Communicating a response that is returned by the program licensee's automated underwriting system to a borrower or a prospective borrower.

(h) Obtaining a borrower's signature on documents prepared by the program licensee and delivering final copies of the documents to the borrower.

(i) Disbursing program loan proceeds to a borrower if this method of disbursement is acceptable to the borrower, subject to the requirements of subsection (3). A loan disbursement made by an access partner under this paragraph is deemed to be made by the program licensee on the date that the funds are disbursed or otherwise made available by the access partner to the borrower.

(j) Receiving a program loan payment from the borrower if this method of payment is acceptable to the borrower, subject to the requirements of subsection (3).

(k) Operating an electronic access point through which a prospective borrower may directly access the website of the program licensee to apply for a program loan.

(3) RECEIPT OR DISBURSEMENT OF PROGRAM LOAN PAYMENTS.—

(a) A loan payment made by a borrower to an access partner under paragraph (2)(j) must be applied to the borrower's program loan and deemed received by the program licensee as of the date on which the payment is received by the access partner.

(b) An access partner that receives a loan payment from a borrower must deliver or cause to be delivered to the borrower a plain and complete receipt showing all of the information specified in s. 516.43(1)(k) at the time that the payment is made by the borrower.

(c) A borrower who submits a loan payment to an access partner under this subsection is not liable for a failure or delay by the access partner in transmitting the payment to the program licensee.

(d) An access partner that disburses or receives loan payments pursuant to paragraph (2)(i) or paragraph (2)(j) must maintain records of all disbursements made and loan payments received for at least 2 years.

(4) PROHIBITED ACTIVITIES.—An access partner may not:

(a) Provide counseling or advice to a borrower or prospective borrower with respect to any loan term.

(b) Provide loan-related marketing material that has not previously been approved by the program licensee to a borrower or a prospective borrower.

(c) Negotiate a loan term between a program licensee and a prospective borrower.

(d) Offer information pertaining to a single prospective borrower to more than one program licensee. However, if a program licensee has declined to offer a program loan to a prospective borrower and has so notified the prospective borrower in writing, the access partner may then offer information pertaining to that borrower to another program licensee with whom it has an access partner agreement.

(e) Except for the purpose of assisting a borrower in obtaining a refinance program loan, offer information pertaining to a prospective borrower to any program licensee if the prospective borrower has an outstanding program loan.

(f) Charge a borrower any fee for a program loan.

(g) Perform in-person marketing of the program at a public food service establishment as defined in s. 509.013(5), or at a place where alcoholic beverages, as defined in s. 561.01(4), are served for consumption.

(h) Perform in-person marketing of the program at a location at which the primary purpose is the sale of liquor, as defined in s. 565.01.

(5) DISCLOSURE STATEMENTS.—

(a) At the time that the access partner receives or processes an application for a program loan, the access partner shall provide the following statement to the applicant on behalf of the program licensee, in at least 10-point type, and shall request that the applicant acknowledge receipt of the statement in writing:

Your loan application has been referred to us by ____ (name of access partner) ____. We may pay a fee to ____ (name of access partner) ____ for the successful referral of your loan application. If you are approved for the loan, ____ (name of program licensee) ____ will become your lender. If you have any questions about your loan, now or in the future, you should direct those questions to ____ (name of program licensee) ____ by ____ (insert at least two different ways in which a borrower may contact the program licensee) ____. If you wish to report a complaint about ____ (name of access partner) ____ or ____ (name of program licensee) ____ regarding this loan transaction, you may contact the Division of Consumer Finance of the Office of Financial Regulation at 850-487-9687 or http://www.flofr.com.

(b) If the loan applicant has questions about the program loan which the access partner is not permitted to answer, the access partner must make a good faith effort to assist the applicant in making direct contact with the program licensee before the program loan is consummated.

(6) COMPENSATION.—

(a) The program licensee may compensate an access partner in accordance with a written agreement and a compensation schedule that is agreed to by the program licensee and the access partner, subject to the requirements in paragraph (b).

(b) The compensation of an access partner by a program licensee is subject to the following requirements:

1. Compensation may not be paid to an access partner in connection with a loan application unless the program loan is consummated.

2. The access partner's location for services and other information required in subsection (7) must be reported to the office.

3. Compensation paid by the program licensee to the access partner may not exceed $65 per program loan, on average, plus $2 per payment received by the access partner on behalf of the program licensee for the duration of the program loan, and may not be charged directly or indirectly to the borrower.

(7) NOTICE TO OFFICE.—A program licensee that uses the service of an access partner must notify the office, in a form and manner prescribed by commission rule, within 15 days after entering into a contract with an access partner regarding all of the following:

(a) The name, business address, and licensing details of the access partner and all locations at which the access partner will perform services under this section.

(b) The name and contact information for an employee of the access partner who is knowledgeable about, and has the authority to execute, the access partner agreement.

(c) The name and contact information of one or more employees of the access partner who are responsible for that access partner's referring activities on behalf of the program licensee.

(d) A statement by the program licensee that it has conducted due diligence with respect to the access partner and has confirmed that none of the following apply:

1. The filing of a petition under the United States Bankruptcy Code for bankruptcy or reorganization by the access partner.

2. The commencement of an administrative or a judicial license suspension or revocation proceeding, or the denial of a license request or renewal, by any state, the District of Columbia, any United States territory, or any foreign country in which the access partner operates, plans to operate, or is licensed to operate.

3. A felony indictment involving the access partner or an affiliated party.

4. The felony conviction, guilty plea, or plea of nolo contendere, regardless of adjudication, of the access partner or an affiliated party.

5. Any suspected criminal act perpetrated in this state relating to activities regulated under this chapter by the access partner.

6. Notification by a law enforcement or prosecutorial agency that the access partner is under criminal investigation, including, but not limited to, subpoenas to produce records or testimony and warrants issued by a court of competent jurisdiction which authorize the search and seizure of any records relating to a business activity regulated under this chapter.

As used in this paragraph, the term "affiliated party" means a director, officer, control person, employee, or foreign affiliate of an access partner; or a person who has a controlling interest in an access partner.

(e) Any other information requested by the office, subject to the limitations specified in s. 516.45(3).

(8) NOTICE OF CHANGES.—An access partner must provide the program licensee with a written notice sent by registered mail within 30 days after any change is made to the information specified in paragraphs (7)(a)-(c) and within 30 days after the occurrence or knowledge of any of the events specified in paragraph (7)(d).

(9) RESPONSIBILITY FOR ACTS OF AN ACCESS PARTNER.—A program licensee is responsible for any act of its access partner if such act is a violation of this chapter.

(10) RULEMAKING.—The commission shall adopt rules to implement this section.

Section 6. Section 516.45, Florida Statutes, is created to read:

516.45 Examinations, investigations, and grounds for disciplinary action.—

(1) Notwithstanding any other law, the office shall examine each program licensee that is accepted into the program in accordance with this chapter.

(2) Notwithstanding subsection (1), the office may waive one or more branch office examinations if the office finds that such examinations are not necessary for the protection of the public due to the centralized operations of the program licensee or other factors acceptable to the office.

(3) The scope of any investigation or examination of a program licensee or access partner must be limited to those books, accounts, records, documents, materials, and matters reasonably necessary to determine compliance with this chapter.

(4) A program licensee who violates any applicable provision of this chapter is subject to disciplinary action pursuant to s. 516.07(2). Any such disciplinary action is subject to s. 120.60. The program licensee is also subject to disciplinary action for a violation of s. 516.44 committed by any of its access partners.

(5) The office may take any of the following actions against an access partner who violates s. 516.44:

(a) Bar the access partner from performing services under this chapter.

(b) Bar the access partner from performing services at one or more of its specific locations.

(c) Impose an administrative fine on the access partner of up to $5,000 in a calendar year.

(6) The commission shall adopt rules to implement this section.

Section 7. Section 516.46, Florida Statutes, is created to read:

516.46 Annual reports by program licensees and the office.—

(1) By March 15, 2021, and each year thereafter, a program licensee shall file a report with the office on a form and in a manner prescribed by commission rule. The report must include each of the items specified in subsection (2) for the preceding year using aggregated or anonymized data without reference to any borrower's nonpublic personal information or any program licensee's or access partner's proprietary or trade secret information.

(2) By January 1, 2022, and each year thereafter, the office shall post a report on its website summarizing the use of the program based on the information contained in the reports filed in the preceding year by program licensees under subsection (1). The office's report must publish the information in the aggregate so as not to identify data by any specific program licensee. The report must specify the period to which the report corresponds and must include, but is not limited to, the following for that period:

(a) The number of applicants approved for a program license by the office.

(b) The number of program loan applications received by program licensees, the number of program loans made under the program, the total amount loaned, the distribution of loan lengths upon origination, and the distribution of interest rates and principal amounts upon origination among those program loans.

(c) The number of borrowers who obtained more than one program loan and the distribution of the number of program loans per borrower.

(d) Of those borrowers who obtained more than one program loan and had a credit score by the time of their subsequent loan, the percentage of those borrowers whose credit scores increased between successive loans, based on information from at least one major credit bureau, and the average size of the increase. In each case, the report must include the name of the credit score, such as FICO or VantageScore, which the program licensee is required to disclose.

(e) The income distribution of borrowers upon program loan origination, including the number of borrowers who obtained at least one program loan and who resided in a low-income or moderate-income census tract at the time of their loan applications.

(f) The number of borrowers who obtained program loans for the following purposes, based on the borrowers' responses at the time of their loan applications indicating the primary purpose for which the program loans were obtained:

1. To pay medical expenses.

2. To pay for vehicle repair or a vehicle purchase.

3. To pay bills.

4. To consolidate debt.

5. To build or repair credit history.

6. To finance a small business.

7. To pay other expenses.

(g) The number of borrowers who self-report that they had a bank account at the time of their loan application and the number of borrowers who self-report that they did not have a bank account at the time of their loan application.

(h) For refinance program loans:

1. The number and percentage of borrowers who applied for a refinance program loan.

2. Of those borrowers who applied for a refinance program loan, the number and percentage of borrowers who obtained a refinance program loan.

(i) The performance of program loans as reflected by all of the following:

1. The number and percentage of borrowers who experienced at least one delinquency lasting between 7 and 29 days and the distribution of principal loan amounts corresponding to those delinquencies.

2. The number and percentage of borrowers who experienced at least one delinquency lasting between 30 and 59 days and the distribution of principal loan amounts corresponding to those delinquencies.

3. The number and percentage of borrowers who experienced at least one delinquency lasting 60 days or more and the distribution of principal loan amounts corresponding to those delinquencies.

(3) The commission shall adopt rules to implement this section.

Section 8. *Sections 516.405-516.46, Florida Statutes, are repealed on July 1, 2029, unless reenacted or superseded by another law enacted by the Legislature before that date.*

Section 9. *For the 2019-2020 fiscal year, the sum of $407,520 in nonrecurring funds from the Administrative Trust Fund is appropriated to the Office of Financial Regulation for the purpose of implementing this act.*

Section 10. This act shall take effect January 1, 2020.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to consumer finance loans; creating s. 516.405, F.S.; creating the Access to Responsible Credit Pilot Program within the Office of Financial Regulation; providing legislative intent; creating s. 516.41, F.S.; defining terms; creating s. 516.42, F.S.; requiring a program license from the office for certain actions relating to program loans; providing licensure requirements; requiring a program licensee's program branch offices to be licensed; providing program branch office license and license renewal requirements; providing circumstances under which the office may deny initial and renewal applications; requiring the Financial Services Commission to adopt rules; creating s. 516.43, F.S.; providing requirements for program licensees, program loans, loan repayments, loan rescissions, interest rates, program loan refinancing, receipts, disclosures and statements provided by program licensees to borrowers, origination fees, insufficient funds fees, and delinquency charges; requiring program licensees to provide certain credit education information to borrowers and to report payment performance of borrowers to a consumer reporting agency; prohibiting the office from approving a program licensee applicant before the applicant has been accepted as a data furnisher by a consumer reporting agency; providing a requirement for credit reporting; specifying program loan underwriting requirements for program licensees; prohibiting program licensees from making program loans under certain circumstances; requiring program licensees to seek certain information and documentation; prohibiting program licensees from requiring certain waivers from borrowers; providing applicability; creating s. 516.44, F.S.; requiring all arrangements between program licensees and access partners to be specified in written access partner agreements; providing requirements for such agreements; specifying access partner services that may be used by program licensees; specifying procedures for borrowers' payment receipts or access partners' disbursement of program loans; providing recordkeeping requirements; prohibiting specified activities by access partners; providing disclosure statement requirements; providing requirements and prohibitions relating to compensation paid to access partners; requiring program licensees to provide the office with a specified notice after contracting with access partners; defining the term "affiliated party"; requiring access partners to provide program licensees with a certain written notice within a specified time; providing that program licensees are responsible for certain acts of their access partners; requiring the commission to adopt rules; creating s. 516.45, F.S.; requiring the office to examine each program licensee; authorizing the office to waive branch office examinations under certain circumstances; limiting the scope of certain examinations and investigations; authorizing the office to take certain disciplinary action against program licensees and access partners; requiring the commission to adopt rules; creating s. 516.46, F.S.; requiring program licensees to file an annual report with the office beginning on a specified date; requiring the office to post an annual report on its website by a specified date; specifying information to be contained in the reports; requiring the commission to adopt rules; providing for future repeal of the pilot program; providing an appropriation; providing an effective date.

On motion by Senator Rouson, by two-thirds vote, **CS for CS for SB 874**, as amended, was read the third time by title, passed, ordered engrossed, and then certified to the House. The vote on passage was:

Yeas—33

Mr. President	Diaz	Perry
Albritton	Farmer	Pizzo
Baxley	Flores	Powell
Bean	Gibson	Rouson
Berman	Gruters	Simmons
Bracy	Harrell	Simpson
Bradley	Hooper	Stargel
Brandes	Lee	Taddeo
Braynon	Mayfield	Thurston
Broxson	Montford	Torres
Cruz	Passidomo	Wright

Nays—4

Benacquisto	Gainer	Rader
Rodriguez		

Vote after roll call:

Yea—Book, Hutson, Stewart

CS for CS for SB 974—A bill to be entitled An act relating to motor vehicles; amending s. 316.235, F.S.; authorizing any motor vehicle to be equipped with certain lamps or devices under certain circumstances; amending s. 316.2397, F.S.; authorizing certain vehicles to display red and white lights; amending s. 316.2398, F.S.; authorizing certain vehicles to display red and white warning signals under certain circumstances; providing requirements and penalties; amending s. 319.30, F.S.; authorizing an insurance company to provide an independent

entity with a certain release statement authorizing it to release a vehicle to the lienholder; authorizing a certain notice sent by certified mail that a motor vehicle is available for pickup to be sent by another commercially available delivery service that provides proof of delivery; requiring the notice to state that the owner has a specified period during which to pick up the vehicle; authorizing an independent entity to apply for a certificate of destruction or a certificate of title if the vehicle is not claimed within a specified time after the delivery or attempted delivery of the notice; specifying requirements for an independent entity if Department of Highway Safety and Motor Vehicles records do not contain the owner's address; requiring an independent entity to maintain specified records for a minimum period; requiring an independent entity to provide proof of all lien satisfactions or proof of a release of all liens on a motor vehicle upon applying for a certificate of destruction or salvage certificate of title; requiring an independent entity to provide an affidavit with specified statements if such entity is unable to obtain a lien satisfaction or a release of all liens on the motor vehicle; providing that notice to lienholders and attempts to obtain a release from lienholders may be by certain written request; amending s. 320.03, F.S.; authorizing specified entities that process certain transactions or certificates for derelict or salvage motor vehicles to be authorized electronic filing system agents; deleting obsolete provisions; authorizing the department to adopt rules; amending s. 316.224, F.S.; conforming a cross-reference; providing effective dates.

—was read the second time by title.

Pending further consideration of **CS for CS for SB 974**, pursuant to Rule 3.11(3), there being no objection, **CS for HB 1057** was withdrawn from the Committees on Infrastructure and Security; Appropriations Subcommittee on Transportation, Tourism, and Economic Development; and Appropriations.

On motion by Senator Perry—

CS for HB 1057—A bill to be entitled An act relating to motor vehicles; amending s. 316.235, F.S.; authorizing a motor vehicle to be equipped with certain lamps or devices under certain circumstances; amending s. 316.2397, F.S.; authorizing certain vehicles to display red and white lights; amending s. 316.2398, F.S.; authorizing certain vehicles to display red and white warning signals under certain circumstances; providing requirements and penalties; amending s. 316.224, F.S.; conforming a cross-reference; amending s. 319.30, F.S.; authorizing an insurance company to provide an independent entity with a certain release statement authorizing it to release a vehicle to the lienholder; authorizing a certain notice sent by certified mail that a motor vehicle is available for pickup to be sent by another commercially available delivery service that provides proof of delivery; requiring the notice to state that the owner has a specified period during which to pick up the vehicle; authorizing an independent entity to apply for a certificate of destruction or a certificate of title if the vehicle is not claimed within a specified time after the delivery or attempted delivery of the notice; specifying requirements for an independent entity if the Department of Highway Safety and Motor Vehicles' records do not contain the owner's address; requiring an independent entity to maintain specified records for a minimum period; requiring an independent entity to provide proof of all lien satisfactions or proof of a release of all liens on a motor vehicle upon applying for a certificate of destruction or salvage certificate of title; requiring an independent entity to provide an affidavit with specified statements if such entity is unable to obtain a lien satisfaction or a release of all liens on the motor vehicle; providing that notice to lienholders and attempts to obtain a release from lienholders may be by certain written request; amending s. 320.03, F.S.; authorizing specified entities that process certain transactions or certificates for derelict or salvage motor vehicles to be authorized electronic filing system agents; deleting obsolete provisions; authorizing the department to adopt rules; amending s. 322.01, F.S.; revising the definition of the term "authorized emergency vehicle"; providing effective dates.

—a companion measure, was substituted for **CS for CS for SB 974** and read the second time by title.

Senator Perry moved the following amendment which was adopted:

Amendment 1 (450470) (with title amendment)—Delete lines 261-300 and insert:

(10)*(a)* Jurisdiction over the electronic filing system for use by authorized electronic filing system agents to*:*

1. Electronically title or register motor vehicles, vessels, mobile homes, or off-highway vehicles;

2. For derelict or salvage motor vehicles, process title transactions, derelict motor vehicle certificates, or certificates of destruction, pursuant to s. 319.30(2), (3), (7), or (8);

3. Issue or transfer registration license plates or decals;

4. Electronically transfer fees due for the title and registration process; and

5. 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.

(b) The following entities that meet all established requirements may be authorized electronic filing system agents and may not be precluded from participating in the electronic filing system in any county:

1. An entity that, in the normal course of its business, sells products that must be titled or registered *and*~~,~~ provides title and registration services on behalf of its consumers*; or*

2. An authorized insurer as defined in s. 624.09(1), a licensed salvage motor vehicle dealer as defined in s. 320.27(1)(c)5., or a licensed motor vehicle auction as defined in s. 320.27(1)(c)4. For these entities, authorization for use of the electronic filing system under this subparagraph is limited exclusively to processing, in the normal course of business pursuant to s. 319.30(2), (3), (7), or (8), title transactions, derelict motor vehicle certificates, or certificates of destruction for derelict or salvage motor vehicles physically located in the state ~~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~~.

(c) 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.~~

(d) An authorized electronic filing *system* agent may charge a fee to the customer for use of the electronic filing system.

(e) The department may adopt rules to administer this subsection,

And the title is amended as follows:

Delete lines 39-42 and insert: request; amending s. 320.03, F.S.; allowing authorized insurers, licensed salvage motor vehicle dealers, and licensed motor vehicle auctions to be authorized electronic filing system agents for processing certain transactions or certificates for derelict or salvage motor vehicles;

On motion by Senator Perry, by two-thirds vote, **CS for HB 1057**, as amended, was read the third time by title, passed, and certified to the House. The vote on passage was:

Yeas—38

Mr. President	Berman	Braynon
Albritton	Book	Broxson
Baxley	Bracy	Cruz
Bean	Bradley	Diaz
Benacquisto	Brandes	Farmer

Flores	Montford	Simmons
Gibson	Passidomo	Simpson
Gruters	Perry	Stargel
Harrell	Pizzo	Taddeo
Hooper	Powell	Thurston
Hutson	Rader	Torres
Lee	Rodriguez	Wright
Mayfield	Rouson	

Nays—1

Gainer

Vote after roll call:

Yea—Stewart

CS for CS for CS for SB 1000—A bill to be entitled An act relating to communications services; amending s. 202.20, F.S.; conforming a cross-reference; amending s. 337.401, F.S.; revising legislative intent; specifying limitations and prohibitions on municipalities and counties relating to registrations and renewals of communications service providers; authorizing municipalities and counties to require certain information as part of a registration; prohibiting municipalities and counties from requiring a payment of fees, costs, or charges for provider registration or renewal; prohibiting municipalities and counties from adopting or enforcing certain ordinances, regulations, or requirements; specifying limitations on municipal and county authority to regulate and manage municipal and county roads or rights-of-way; prohibiting certain municipalities and counties from electing to impose permit fees; providing retroactive applicability; authorizing certain municipalities and counties to continue to require and collect such fees; deleting obsolete provisions; specifying activities for which permit fees may not be imposed; deleting certain provisions relating to municipality, charter county, and noncharter county elections to impose, or not to impose, permit fees; requiring that enforcement of certain ordinances must be suspended until certain conditions are met; revising legislative intent relating to the imposition of certain fees, costs, and exactions on providers; specifying a condition for certain in-kind compensation; revising items over which municipalities and counties may not exercise regulatory control; authorizing municipalities and counties to require a right-of-way permit for certain purposes; providing requirements for processing certain permit applications; prohibiting municipalities and counties from certain actions relating to certain aerial or underground communications facilities; specifying limitations and requirements for certain municipal and county rules and regulations; revising definitions for the Advanced Wireless Infrastructure Deployment Act; prohibiting certain actions by an authority relating to certain utility poles; prohibiting authorities from requiring permit applicants to provide certain information, except under certain circumstances; adding prohibited acts by authorities relating to small wireless facilities, application requirements, public notification and public meetings, and the placement of certain facilities; revising applicability of authority rules and regulations governing the placement of utility poles in the public rights-of-way; providing construction relating to judicial review of certain application denials; specifying grounds for an authority's denial of a proposed collocation of a small wireless facility or placement of a utility pole in the public rights-of-way; deleting an authority's authorization to adopt ordinances for performance bonds and security funds; authorizing an authority to require a construction bond, subject to certain conditions; requiring authorities to accept certain financial instruments for certain financial obligations; authorizing providers to add authorities to certain financial instruments; prohibiting an authority from requiring a provider to indemnify an authority for certain liabilities; prohibiting an authority from requiring a permit, approval, fees, charges, costs, or exactions for certain activities; authorizing and limiting filings an authority may require relating to micro wireless facility equipment; providing an exception to a certain right-of-way permit for certain service restoration work; providing conditions under which a wireless provider must comply with certain requirements of an authority which prohibit new utility poles used to support small wireless facilities in certain areas; providing that an authority may require wireless providers to comply with certain objective design standards adopted by ordinance; authorizing an authority to waive such design standards under certain circumstances; providing a requirement for the waiver; revising an authority's authorization to apply certain ordinances to applications filed before a certain timeframe; authorizing a civil action for violations; providing actions a court may take; requiring that work in certain authority rights-of-way must comply with a specified document; providing for statutory construction; providing an effective date.

—was read the second time by title. On motion by Senator Hutson, by two-thirds vote, **CS for CS for CS for SB 1000** was read the third time by title, passed, and certified to the House. The vote on passage was:

Yeas—34

Mr. President	Cruz	Perry
Albritton	Diaz	Powell
Baxley	Farmer	Rader
Bean	Flores	Rodriguez
Benacquisto	Gainer	Rouson
Berman	Gibson	Simmons
Book	Gruters	Simpson
Bracy	Harrell	Stargel
Bradley	Hutson	Taddeo
Brandes	Mayfield	Wright
Braynon	Montford	
Broxson	Passidomo	

Nays—3

Hooper	Pizzo	Torres

Vote after roll call:

Yea—Stewart

CS for CS for SB 1712—A bill to be entitled An act relating to hospital licensure; amending s. 395.003, F.S.; deleting provisions relating to the licensure of certain hospitals; amending s. 395.0191, F.S.; deleting provisions relating to certificate of need applications; amending s. 395.1055, F.S.; revising the Agency for Health Care Administration's rulemaking authority with respect to minimum standards for hospitals; requiring hospitals that provide certain services to meet specified licensure requirements; conforming provisions to changes made by the act; amending s. 395.1065, F.S.; conforming a cross-reference; repealing s. 395.6025, F.S., relating to rural hospital replacement facilities; amending s. 408.032, F.S.; revising and deleting definitions; amending s. 408.033, F.S.; conforming provisions to changes made by the act; amending s. 408.034, F.S.; authorizing the agency to issue a license to a general hospital that has not been issued a certificate of need under certain circumstances; revising duties and responsibilities of the agency relating to issuance of licenses to health care facilities and health service providers; conforming provisions to changes made by the act; amending s. 408.035, F.S.; deleting provisions related to the agency's consideration and review of applications for certificates of need for general hospitals and health services; amending s. 408.036, F.S.; providing an exception from certificate of need review requirements for the construction or establishment of a general hospital and the conversion of a specialty hospital to a general hospital; revising health-care-related projects subject to agency review for a certificate of need and exemptions therefrom; deleting provisions requiring health care facilities and providers to provide certain notice to the agency upon termination of a health care service or the addition or delicensure of beds; conforming a provision to changes made by the act; repealing s. 408.0361, F.S., relating to cardiovascular services and burn unit licensure; amending ss. 408.037 and 408.039, F.S.; deleting provisions relating to certificate of need applications for general hospitals; amending s. 408.043, F.S.; deleting provisions relating to certificates of need for osteopathic acute care hospitals; amending s. 408.808, F.S.; authorizing the agency to issue an inactive license to a certain hospital under certain circumstances; providing effective dates.

—was read the second time by title.

Pending further consideration of **CS for CS for SB 1712**, pursuant to Rule 3.11(3), there being no objection, **CS for HB 21** was withdrawn from the Committees on Health Policy; Appropriations Subcommittee on Health and Human Services; and Appropriations.

On motion by Senator Harrell, the rules were waived and—

CS for HB 21—A bill to be entitled An act relating to health care facility market barriers; repealing ss. 154.245 and 154.246, F.S., relating to the issuance of a certificate of need by the Agency for Health Care Administration as a condition to bond validation and project construction; creating s. 381.4066, F.S.; establishing local health councils under ch. 381, F.S.; providing for the appointment of members; providing powers and duties; designating health service planning districts; providing for funding; requiring the agency to establish rules relating to the imposition of fees and financial accountability; requiring the agency to coordinate the planning of health care services in the state and develop and maintain a comprehensive health care database; requiring the Department of Health to contract with local health councils for specified services; amending s. 395.003, F.S.; removing a provision requiring that certain hospital beds be specified as general beds for licensure; removing provisions relating to the prohibition of licensure for hospitals that treat specific populations; amending s. 395.1055, F.S.; removing provisions requiring the agency to adopt rules relating to data for certificate-of-need reviews; revising provisions relating to appointments to a technical advisory panel for certain pediatric cardiovascular programs; requiring the agency to adopt rules establishing licensure standards for providers of adult cardiovascular services; requiring such providers to comply with specified national standards; repealing s. 395.6025, F.S., relating to rural hospital replacement facilities; repealing ss. 408.031, 408.032, 408.033, 408.034, 408.035, 408.036, 408.0361, 408.037, 408.038, 408.039, 408.040, 408.041, 408.042, 408.043, 408.044, 408.045, and 408.0455, F.S., relating to the Health Facility and Services Development Act; amending ss. 159.27, 186.503, 189.08, 220.1845, 376.30781, 376.86, 383.216, 395.0191, 395.1065, 400.071, 400.606, 400.6085, 408.07, 408.806, 408.808, 408.810, and 408.820, F.S.; conforming provisions to changes made by the act and conforming cross-references; repealing s. 651.118, F.S., relating to the issuance of certificates of need by the Agency for Health Care Administration for nursing home beds; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 1712** and read the second time by title.

Senator Harrell moved the following amendment which was adopted:

Amendment 1 (485034) (with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Subsection (10) of section 395.0191, Florida Statutes, is amended to read:

395.0191 Staff membership and clinical privileges.—

~~(10) Nothing herein shall be construed by the agency as requiring an applicant for a certificate of need to establish proof of discrimination in the granting of or denial of hospital staff membership or clinical privileges as a precondition to obtaining such certificate of need under the provisions of s. 408.043.~~

Section 2. Present subsection (12) of section 395.1055, Florida Statutes, is redesignated as subsection (15), a new subsection (12) and subsections (13) and (14) are added to that section, and paragraph (b) of subsection (9) of that section is amended, to read:

395.1055 Rules and enforcement.—

(9) The agency shall establish a technical advisory panel, pursuant to s. 20.052, to develop procedures and standards for measuring outcomes of pediatric cardiac catheterization programs and pediatric cardiovascular surgery programs.

(b) Voting members of the panel shall include: 3 at-large members, including 1 cardiologist who is board certified in caring for adults with congenital heart disease and 2 board-certified pediatric cardiologists, neither of whom may be employed by any of the hospitals specified in subparagraphs 1.-10. or their affiliates, each of whom is appointed by the Secretary of Health Care Administration, and 10 members, and an alternate for each member, each of whom is a pediatric cardiologist or a pediatric cardiovascular surgeon, each appointed by the chief executive officer of the following hospitals:

1. Johns Hopkins All Children's Hospital in St. Petersburg.

2. Arnold Palmer Hospital for Children in Orlando.

3. Joe DiMaggio Children's Hospital in Hollywood.

4. Nicklaus Children's Hospital in Miami.

5. St. Joseph's Children's Hospital in Tampa.

6. University of Florida Health Shands Hospital in Gainesville.

7. University of Miami Holtz Children's Hospital in Miami.

8. Wolfson Children's Hospital in Jacksonville.

9. Florida Hospital for Children in Orlando.

10. Nemours Children's Hospital in Orlando.

Appointments made under subparagraphs 1.-10. are contingent upon ~~the hospital's maintenance of pediatric certificates of need and~~ the hospital's compliance with this section and rules adopted thereunder, as determined by the Secretary of Health Care Administration. A member appointed under subparagraphs 1.-10. whose hospital fails to ~~maintain such certificates or~~ comply with *such* standards may serve only as a nonvoting member until the hospital ~~restores such certificates or~~ complies with such standards.

(12) Each provider of diagnostic cardiac catheterization services shall comply with rules adopted by the agency which establish licensure standards governing the operation of adult inpatient diagnostic cardiac catheterization programs. The rules must ensure that such programs:

(a) Comply with the most recent guidelines of the American College of Cardiology and American Heart Association Guidelines for Cardiac Catheterization and Cardiac Catheterization Laboratories.

(b) Perform only adult inpatient diagnostic cardiac catheterization services and will not provide therapeutic cardiac catheterization or any other cardiology services.

(c) Maintain sufficient appropriate equipment and health care personnel to ensure quality and safety.

(d) Maintain appropriate times of operation and protocols to ensure availability and appropriate referrals in the event of emergencies.

(e) Demonstrate a plan to provide services to Medicaid and charity care patients.

(13) Each provider of adult cardiovascular services or operator of a burn unit shall comply with rules adopted by the agency which establish licensure standards that govern the provision of adult cardiovascular services or the operation of a burn unit, as applicable. At a minimum, such rules must address staffing, equipment, physical plant, operating protocols, the provision of services to Medicaid and charity care patients, accreditation, licensure periods and fees, and enforcement of minimum standards.

(14) In establishing rules for adult cardiovascular services, the agency shall include provisions that allow for:

(a) The establishment of two hospital program licensure levels, a Level I program that authorizes the performance of adult percutaneous cardiac intervention without onsite cardiac surgery and a Level II program that authorizes the performance of percutaneous cardiac intervention with onsite cardiac surgery.

(b)1. For a hospital seeking a Level I program, demonstration that, for the most recent 12-month period as reported to the agency, the hospital has provided a minimum of 300 adult inpatient and outpatient diagnostic cardiac catheterizations or, for the most recent 12-month period, has discharged or transferred at least 300 patients with the principal diagnosis of ischemic heart disease and that it has a formalized, written transfer agreement with a hospital that has a Level II program, including written transport protocols to ensure safe and efficient transfer of a patient within 60 minutes.

2.a. A hospital located more than 100 road miles from the closest Level II adult cardiovascular services program is not required to meet

the diagnostic cardiac catheterization volume and ischemic heart disease diagnosis volume requirements in subparagraph 1. if the hospital demonstrates that it has, for the most recent 12-month period as reported to the agency, provided a minimum of 100 adult inpatient and outpatient diagnostic cardiac catheterizations or that, for the most recent 12-month period, it has discharged or transferred at least 300 patients with the principal diagnosis of ischemic heart disease.

b. A hospital located more than 100 road miles from the closest Level II adult cardiovascular services program does not need to meet the 60-minute transfer time protocol requirement in subparagraph 1. if the hospital demonstrates that it has a formalized, written transfer agreement with a hospital that has a Level II program. The agreement must include written transport protocols to ensure the safe and efficient transfer of a patient, taking into consideration the patient's clinical and physical characteristics, road and weather conditions, and viability of ground and air ambulance service to transfer the patient.

3. At a minimum, the rules for adult cardiovascular services must require nursing and technical staff to have demonstrated experience in handling acutely ill patients requiring intervention, based on the staff member's previous experience in dedicated cardiac interventional laboratories or surgical centers. If a staff member's previous experience is in a dedicated cardiac interventional laboratory at a hospital that does not have an approved adult open heart surgery program, the staff member's previous experience qualifies only if, at the time the staff member acquired his or her experience, the dedicated cardiac interventional laboratory:

a. Had an annual volume of 500 or more percutaneous cardiac intervention procedures.

b. Achieved a demonstrated success rate of 95 percent or greater for percutaneous cardiac intervention procedures.

c. Experienced a complication rate of less than 5 percent for percutaneous cardiac intervention procedures.

d. Performed diverse cardiac procedures, including, but not limited to, balloon angioplasty and stenting, rotational atherectomy, cutting balloon atheroma remodeling, and procedures relating to left ventricular support capability.

(c) For a hospital seeking a Level II program, demonstration that, for the most recent 12-month period as reported to the agency, the hospital has performed a minimum of 1,100 adult inpatient and outpatient cardiac catheterizations, of which at least 400 must be therapeutic catheterizations, or, for the most recent 12-month period, has discharged at least 800 patients with the principal diagnosis of ischemic heart disease.

(d) Compliance with the most recent guidelines of the American College of Cardiology and the American Heart Association guidelines for staffing, physician training and experience, operating procedures, equipment, physical plant, and patient selection criteria, to ensure patient quality and safety.

(e) The establishment of appropriate hours of operation and protocols to ensure availability and timely referral in the event of emergencies.

(f) The demonstration of a plan to provide services to Medicaid and charity care patients.

Section 3. Effective July 1, 2021, paragraph (f) of subsection (1) of section 395.1055, Florida Statutes, is amended to read:

395.1055 Rules and enforcement.—

(1) The agency shall adopt rules pursuant to ss. 120.536(1) and 120.54 to implement the provisions of this part, which shall include reasonable and fair minimum standards for ensuring that:

~~(f) All hospitals submit such data as necessary to conduct certificate-of-need reviews required under part I of chapter 408. Such data shall include, but shall not be limited to, patient origin data, hospital utilization data, type of service reporting, and facility staffing data. The agency may not collect data that identifies or could disclose the identity of individual patients. The agency shall utilize existing uniform statewide data sources when available and shall minimize reporting costs to hospitals.~~

Section 4. Effective July 1, 2021, subsection (5) of section 395.1065, Florida Statutes, is amended to read:

395.1065 Criminal and administrative penalties; moratorium.—

(5) The agency shall impose a fine of $500 for each instance of the facility's failure to provide the information required by rules adopted pursuant to *s. 395.1055(1)(g)* ~~s. 395.1055(1)(h)~~.

Section 5. *Section 395.6025, Florida Statutes, is repealed.*

Section 6. Subsections (3), (8), and (13) through (17) of section 408.032, Florida Statutes, are amended to read:

408.032 Definitions relating to Health Facility and Services Development Act.—As used in ss. 408.031-408.045, the term:

(3) "Certificate of need" means a written statement issued by the agency evidencing community need for a new, converted, expanded, or otherwise significantly modified health care facility~~, health service,~~ or hospice.

(8) "Health care facility" means a hospital, ~~long-term care hospital,~~ skilled nursing facility, hospice, or intermediate care facility for the developmentally disabled. A facility relying solely on spiritual means through prayer for healing is not included as a health care facility.

~~(13) "Long-term care hospital" means a hospital licensed under chapter 395 which meets the requirements of 42 C.F.R. s. 412.23(e) and seeks exclusion from the acute care Medicare prospective payment system for inpatient hospital services.~~

~~(14) "Mental health services" means inpatient services provided in a hospital licensed under chapter 395 and listed on the hospital license as psychiatric beds for adults; psychiatric beds for children and adolescents; intensive residential treatment beds for children and adolescents; substance abuse beds for adults; or substance abuse beds for children and adolescents.~~

(13)~~(15)~~ "Nursing home geographically underserved area" means:

(a) A county in which there is no existing or approved nursing home;

(b) An area with a radius of at least 20 miles in which there is no existing or approved nursing home; or

(c) An area with a radius of at least 20 miles in which all existing nursing homes have maintained at least a 95 percent occupancy rate for the most recent 6 months or a 90 percent occupancy rate for the most recent 12 months.

(14)~~(16)~~ "Skilled nursing facility" means an institution, or a distinct part of an institution, which is primarily engaged in providing, to inpatients, skilled nursing care and related services for patients who require medical or nursing care, or rehabilitation services for the rehabilitation of injured, disabled, or sick persons.

~~(17) "Tertiary health service" means a health service which, due to its high level of intensity, complexity, specialized or limited applicability, and cost, should be limited to, and concentrated in, a limited number of hospitals to ensure the quality, availability, and cost-effectiveness of such service. Examples of such service include, but are not limited to, pediatric cardiac catheterization, pediatric open-heart surgery, organ transplantation, neonatal intensive care units, comprehensive rehabilitation, and medical or surgical services which are experimental or developmental in nature to the extent that the provision of such services is not yet contemplated within the commonly accepted course of diagnosis or treatment for the condition addressed by a given service. The agency shall establish by rule a list of all tertiary health services.~~

Section 7. Effective July 1, 2021, subsection (8), and subsections (9) through (11), as amended by this act, of section 408.032, Florida Statutes, are amended to read:

408.032 Definitions relating to Health Facility and Services Development Act.—As used in ss. 408.031-408.045, the term:

(8) "Health care facility" means a ~~hospital,~~ skilled nursing facility, hospice, or intermediate care facility for the developmentally disabled. A facility relying solely on spiritual means through prayer for healing is not included as a health care facility.

~~(9) "Health services" means inpatient diagnostic, curative, or comprehensive medical rehabilitative services and includes mental health services. Obstetric services are not health services for purposes of ss. 408.031-408.045.~~

(9)~~(10)~~ "Hospice" or "hospice program" means a hospice as defined in part IV of chapter 400.

~~(11) "Hospital" means a health care facility licensed under chapter 395.~~

(10)~~(12)~~ "Intermediate care facility for the developmentally disabled" means a residential facility licensed under part VIII of chapter 400.

(11)~~(13)~~ "Nursing home geographically underserved area" means:

(a) A county in which there is no existing or approved nursing home;

(b) An area with a radius of at least 20 miles in which there is no existing or approved nursing home; or

(c) An area with a radius of at least 20 miles in which all existing nursing homes have maintained at least a 95 percent occupancy rate for the most recent 6 months or a 90 percent occupancy rate for the most recent 12 months.

(12)~~(14)~~ "Skilled nursing facility" means an institution, or a distinct part of an institution, which is primarily engaged in providing, to inpatients, skilled nursing care and related services for patients who require medical or nursing care, or rehabilitation services for the rehabilitation of injured, disabled, or sick persons.

Section 8. Effective July 1, 2021, paragraph (b) of subsection (1) of section 408.033, Florida Statutes, is amended to read:

408.033 Local and state health planning.—

(1) LOCAL HEALTH COUNCILS.—

(b) Each local health council may:

1. Develop a district area health plan that permits each local health council to develop strategies and set priorities for implementation based on its unique local health needs.

2. Advise the agency on health care issues and resource allocations.

3. Promote public awareness of community health needs, emphasizing health promotion and cost-effective health service selection.

4. Collect data and conduct analyses and studies related to health care needs of the district, including the needs of medically indigent persons, and assist the agency and other state agencies in carrying out data collection activities that relate to the functions in this subsection.

5. Monitor the onsite construction progress, if any, of certificate-of-need approved projects and report council findings to the agency on forms provided by the agency.

6. Advise and assist any regional planning councils within each district that have elected to address health issues in their strategic regional policy plans with the development of the health element of the plans to address the health goals and policies in the State Comprehensive Plan.

7. Advise and assist local governments within each district on the development of an optional health plan element of the comprehensive plan provided in chapter 163, to assure compatibility with the health goals and policies in the State Comprehensive Plan and district health plan. To facilitate the implementation of this section, the local health council shall annually provide the local governments in its service area, upon request, with:

a. A copy and appropriate updates of the district health plan;

b. A report of ~~hospital and~~ nursing home utilization statistics for facilities within the local government jurisdiction; and

c. Applicable agency rules and calculated need methodologies for health facilities and services regulated under s. 408.034 for the district served by the local health council.

8. Monitor and evaluate the adequacy, appropriateness, and effectiveness, within the district, of local, state, federal, and private funds distributed to meet the needs of the medically indigent and other underserved population groups.

9. In conjunction with the Department of Health, plan for services at the local level for persons infected with the human immunodeficiency virus.

10. Provide technical assistance to encourage and support activities by providers, purchasers, consumers, and local, regional, and state agencies in meeting the health care goals, objectives, and policies adopted by the local health council.

11. Provide the agency with data required by rule for the review of certificate-of-need applications and the projection of need for health ~~services and~~ facilities in the district.

Section 9. Subsection (2) of section 408.034, Florida Statutes, is amended to read:

408.034 Duties and responsibilities of agency; rules.—

(2) In the exercise of its authority to issue licenses to health care facilities ~~and health service providers~~, as provided under chapters 393 and 395 and parts II, IV, and VIII of chapter 400, the agency may not issue a license to any health care facility ~~or health service provider~~ that fails to receive a certificate of need or an exemption for the licensed facility*, except that the agency may issue a license to a general hospital that has not been issued a certificate of need* ~~or service~~.

Section 10. Effective July 1, 2021, subsection (2), as amended by this act, and subsection (3) of section 408.034, Florida Statutes, are amended to read:

408.034 Duties and responsibilities of agency; rules.—

(2) In the exercise of its authority to issue licenses to health care facilities, as provided under *chapter* ~~chapters~~ 393 ~~and 395~~ and parts II, IV, and VIII of chapter 400, the agency may not issue a license to any health care facility that fails to receive a certificate of need or an exemption for the licensed facility~~, except that the agency may issue a license to a general hospital that has not been issued a certificate of need~~.

(3) The agency shall establish, by rule, uniform need methodologies for ~~health services and~~ health facilities. In developing uniform need methodologies, the agency shall, at a minimum, consider the demographic characteristics of the population, the health status of the population, service use patterns, standards and trends, geographic accessibility, and market economics.

Section 11. Section 408.035, Florida Statutes, is amended to read:

408.035 Review criteria.—

~~(1)~~ The agency shall determine the reviewability of applications and shall review applications for certificate-of-need determinations for health care facilities ~~and health services~~ in context with the following criteria~~, except for general hospitals as defined in s. 395.002~~:

(1)~~(a)~~ The need for the health care facilities ~~and health services~~ being proposed.

(2)~~(b)~~ The availability, quality of care, accessibility, and extent of utilization of existing health care facilities and health services in the service district of the applicant.

(3)~~(c)~~ The ability of the applicant to provide quality of care and the applicant's record of providing quality of care.

(4)~~(d)~~ The availability of resources, including health personnel, management personnel, and funds for capital and operating expenditures, for project accomplishment and operation.

(5)~~(e)~~ The extent to which the proposed services will enhance access to health care for residents of the service district.

(6)~~(f)~~ The immediate and long-term financial feasibility of the proposal.

(7)~~(g)~~ The extent to which the proposal will foster competition that promotes quality and cost-effectiveness.

(8)~~(h)~~ The costs and methods of the proposed construction, including the costs and methods of energy provision and the availability of alternative, less costly, or more effective methods of construction.

(9)~~(i)~~ The applicant's past and proposed provision of health care services to Medicaid patients and the medically indigent.

(10)~~(j)~~ The applicant's designation as a Gold Seal Program nursing facility pursuant to s. 400.235, when the applicant is requesting additional nursing home beds at that facility.

~~(2) For a general hospital, the agency shall consider only the criteria specified in paragraph (1)(a), paragraph (1)(b), except for quality of care in paragraph (1)(b), and paragraphs (1)(c), (g), and (i).~~

Section 12. Effective July 1, 2021, subsection (2) of section 408.035, Florida Statutes, as amended by this act, is amended to read:

408.035 Review criteria.—The agency shall determine the reviewability of applications and shall review applications for certificate-of-need determinations for health care facilities in context with the following criteria:

(2) The availability, quality of care, accessibility, and extent of utilization of existing health care facilities ~~and health services~~ in the service district of the applicant.

Section 13. Subsection (1) and paragraphs (i) through (q) of subsection (3) of section 408.036, Florida Statutes, are amended to read:

408.036 Projects subject to review; exemptions.—

(1) APPLICABILITY.—Unless exempt under subsection (3), all health-care-related projects, as described in *this subsection* ~~paragraphs (a)-(f)~~, are subject to review and must file an application for a certificate of need with the agency. The agency is exclusively responsible for determining whether a health-care-related project is subject to review under ss. 408.031-408.045.

(a) The addition of beds in community nursing homes or intermediate care facilities for the developmentally disabled by new construction or alteration.

(b) The new construction or establishment of additional health care facilities, *except for the construction of or establishment of a general hospital or* ~~including~~ a replacement health care facility when the proposed project site is ~~not~~ located on the same site as or within 1 mile of the existing health care facility~~,~~ if the number of beds in each licensed bed category will not increase.

(c) The conversion from one type of health care facility to another, including the conversion from a general hospital *or*~~,~~ a specialty hospital, *except that the conversion of a specialty hospital to a general hospital is not subject to review* ~~or a long-term care hospital~~.

(d) The establishment of a hospice or hospice inpatient facility, except as provided in s. 408.043.

~~(e) An increase in the number of beds for comprehensive rehabilitation.~~

~~(f) The establishment of tertiary health services, including inpatient comprehensive rehabilitation services.~~

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

~~(i) For the addition of hospital beds licensed under chapter 395 for comprehensive rehabilitation in a number that may not exceed 10 total beds or 10 percent of the licensed capacity, whichever is greater.~~

~~1. In addition to any other documentation otherwise required by the agency, a request for exemption submitted under this paragraph must:~~

~~a. Certify that the prior 12-month average occupancy rate for the licensed beds being expanded meets or exceeds 80 percent.~~

~~b. Certify that the beds have been licensed and operational for at least 12 months.~~

~~2. The timeframes and monitoring process specified in s. 408.040(2)(a)-(c) apply to any exemption issued under this paragraph.~~

~~3. The agency shall count beds authorized under this paragraph as approved beds in the published inventory of hospital beds until the beds are licensed.~~

(i)~~(j)~~ For the addition of nursing home beds licensed under chapter 400 in a number not exceeding 10 total beds or 10 percent of the number of beds licensed in the facility being expanded, whichever is greater; or, for the addition of nursing home beds licensed under chapter 400 at a facility that has been designated as a Gold Seal nursing home under s. 400.235 in a number not exceeding 20 total beds or 10 percent of the number of licensed beds in the facility being expanded, whichever is greater.

1. In addition to any other documentation required by the agency, a request for exemption submitted under this paragraph must certify that:

a. The facility has not had any class I or class II deficiencies within the 30 months preceding the request.

b. The prior 12-month average occupancy rate for the nursing home beds at the facility meets or exceeds 94 percent.

c. Any beds authorized for the facility under this paragraph before the date of the current request for an exemption have been licensed and operational for at least 12 months.

2. The timeframes and monitoring process specified in s. 408.040(2)(a)-(c) apply to any exemption issued under this paragraph.

3. The agency shall count beds authorized under this paragraph as approved beds in the published inventory of nursing home beds until the beds are licensed.

~~(k) For the establishment of:~~

~~1. A Level II neonatal intensive care unit with at least 10 beds, upon documentation to the agency that the applicant hospital had a minimum of 1,500 births during the previous 12 months;~~

~~2. A Level III neonatal intensive care unit with at least 15 beds, upon documentation to the agency that the applicant hospital has a Level II neonatal intensive care unit of at least 10 beds and had a minimum of 3,500 births during the previous 12 months; or~~

~~3. A Level III neonatal intensive care unit with at least 5 beds, upon documentation to the agency that the applicant hospital is a verified trauma center pursuant to s. 395.4001(15), and has a Level II neonatal intensive care unit,~~

~~if the applicant demonstrates that it meets the requirements for quality of care, nurse staffing, physician staffing, physical plant, equipment, emergency transportation, and data reporting found in agency certificate of need rules for Level II and Level III neonatal intensive care units and if the applicant commits to the provision of services to Medicaid and charity patients at a level equal to or greater than the district average. Such a commitment is subject to s. 408.040.~~

~~(l) For the addition of mental health services or beds if the applicant commits to providing services to Medicaid or charity care patients at a level equal to or greater than the district average. Such a commitment is subject to s. 408.040.~~

(j)~~(m)~~ For replacement of a licensed nursing home on the same site, or within 5 miles of the same site if within the same subdistrict, if the number of licensed beds does not increase except as permitted under paragraph (e).

(k)~~(n)~~ For consolidation or combination of licensed nursing homes or transfer of beds between licensed nursing homes within the same planning district, by nursing homes with any shared controlled interest within that planning district, if there is no increase in the planning district total number of nursing home beds and the site of the relocation is not more than 30 miles from the original location.

(l)~~(o)~~ For beds in state mental health treatment facilities defined in s. 394.455 and state mental health forensic facilities operated under chapter 916.

(m)~~(p)~~ For beds in state developmental disabilities centers as defined in s. 393.063.

(n)~~(q)~~ For the establishment of a health care facility or project that meets all of the following criteria:

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

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

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

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

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

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

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

~~Notwithstanding subparagraph 1., an applicant whose license expired between January 1, 2015, and the effective date of this act may apply for an exemption within 30 days of this act becoming law.~~

Section 14. Effective July 1, 2021, paragraphs (b), (c), (l), (m), and (n) of subsection (1), as amended by this act, and subsections (2) and (5) of section 408.036, Florida Statutes, are amended to read:

408.036 Projects subject to review; exemptions.—

(1) APPLICABILITY.—Unless exempt under subsection (3), all health-care-related projects, as described in this subsection, are subject to review and must file an application for a certificate of need with the agency. The agency is exclusively responsible for determining whether a health-care-related project is subject to review under ss. 408.031-408.045.

(b) The new construction or establishment of additional health care facilities, except for ~~the construction of or establishment of a general hospital or~~ a replacement health care facility when the proposed project site is located on the same site as or within 1 mile of the existing health care facility if the number of beds in each licensed bed category will not increase.

(c) The conversion from one type of health care facility to another~~, including the conversion from a general hospital or a specialty hospital, except that the conversion of a specialty hospital to a general hospital is not subject to review~~.

~~(l) For beds in state mental health treatment facilities defined in s. 394.455 and state mental health forensic facilities operated under chapter 916.~~

(l)~~(m)~~ For beds in state developmental disabilities centers as defined in s. 393.063.

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

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

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

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

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

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

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

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

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

(a) Transfer of a certificate of need~~, except that when an existing hospital is acquired by a purchaser, all certificates of need issued to the hospital which are not yet operational shall be acquired by the purchaser without need for a transfer~~.

(5) NOTIFICATION.—Health care facilities and providers must provide to the agency notification of~~:~~

~~(a)~~ replacement of a health care facility when the proposed project site is located in the same district and on the existing site or within a 1-mile radius of the replaced health care facility, if the number and type of beds do not increase.

~~(b) The termination of a health care service, upon 30 days' written notice to the agency.~~

~~(c) The addition or delicensure of beds.~~ Notification ~~under this subsection~~ may be made by electronic, facsimile, or written means at any time before the described action has been taken.

Section 15. *Section 408.0361, Florida Statutes, is repealed.*

Section 16. Section 408.037, Florida Statutes, is amended to read:

408.037 Application content.—

(1) ~~Except as provided in subsection (2) for a general hospital,~~ An application for a certificate of need must contain:

(a) A detailed description of the proposed project and statement of its purpose and need in relation to the district health plan.

(b) A statement of the financial resources needed by and available to the applicant to accomplish the proposed project. This statement must include:

1. A complete listing of all capital projects, including new health facility development projects and health facility acquisitions applied for, pending, approved, or underway in any state at the time of application, regardless of whether or not that state has a certificate-of-need program or a capital expenditure review program pursuant to s. 1122 of the Social Security Act. The agency may, by rule, require less-detailed information from major health care providers. This listing must include the applicant's actual or proposed financial commitment to those pro-

jects and an assessment of their impact on the applicant's ability to provide the proposed project.

2. A detailed listing of the needed capital expenditures, including sources of funds.

3. A detailed financial projection, including a statement of the projected revenue and expenses for the first 2 years of operation after completion of the proposed project. This statement must include a detailed evaluation of the impact of the proposed project on the cost of other services provided by the applicant.

(c) An audited financial statement of the applicant or the applicant's parent corporation if audited financial statements of the applicant do not exist. In an application submitted by an existing health care facility, health maintenance organization, or hospice, financial condition documentation must include, but need not be limited to, a balance sheet and a profit-and-loss statement of the 2 previous fiscal years' operation.

~~(2) An application for a certificate of need for a general hospital must contain a detailed description of the proposed general hospital project and a statement of its purpose and the needs it will meet. The proposed project's location, as well as its primary and secondary service areas, must be identified by zip code. Primary service area is defined as the zip codes from which the applicant projects that it will draw 75 percent of its discharges. Secondary service area is defined as the zip codes from which the applicant projects that it will draw its remaining discharges. If, subsequent to issuance of a final order approving the certificate of need, the proposed location of the general hospital changes or the primary service area materially changes, the agency shall revoke the certificate of need. However, if the agency determines that such changes are deemed to enhance access to hospital services in the service district, the agency may permit such changes to occur. A party participating in the administrative hearing regarding the issuance of the certificate of need for a general hospital has standing to participate in any subsequent proceeding regarding the revocation of the certificate of need for a hospital for which the location has changed or for which the primary service area has materially changed. In addition, the application for the certificate of need for a general hospital must include a statement of intent that, if approved by final order of the agency, the applicant shall within 120 days after issuance of the final order or, if there is an appeal of the final order, within 120 days after the issuance of the court's mandate on appeal, furnish satisfactory proof of the applicant's financial ability to operate. The agency shall establish documentation requirements, to be completed by each applicant, which show anticipated provider revenues and expenditures, the basis for financing the anticipated cash flow requirements of the provider, and an applicant's access to contingency financing. A party participating in the administrative hearing regarding the issuance of the certificate of need for a general hospital may provide written comments concerning the adequacy of the financial information provided, but such party does not have standing to participate in an administrative proceeding regarding proof of the applicant's financial ability to operate. The agency may require a licensee to provide proof of financial ability to operate at any time if there is evidence of financial instability, including, but not limited to, unpaid expenses necessary for the basic operations of the provider.~~

(2)~~(3)~~ The applicant must certify that it will license and operate the health care facility. For an existing health care facility, the applicant must be the licenseholder of the facility.

Section 17. Paragraphs (c) and (d) of subsection (3), paragraphs (b) and (c) of subsection (5), and paragraph (d) of subsection (6) of section 408.039, Florida Statutes, are amended to read:

408.039 Review process.—The review process for certificates of need shall be as follows:

(3) APPLICATION PROCESSING.—

~~(c) Except for competing applicants, in order to be eligible to challenge the agency decision on a general hospital application under review pursuant to paragraph (5)(c), existing hospitals must submit a detailed written statement of opposition to the agency and to the applicant. The detailed written statement must be received by the agency and the applicant within 21 days after the general hospital application is deemed complete and made available to the public.~~

~~(d) In those cases where a written statement of opposition has been timely filed regarding a certificate of need application for a general hospital, the applicant for the general hospital may submit a written response to the agency. Such response must be received by the agency within 10 days of the written statement due date.~~

(5) ADMINISTRATIVE HEARINGS.—

(b) Hearings shall be held in Tallahassee unless the administrative law judge determines that changing the location will facilitate the proceedings. The agency shall assign proceedings requiring hearings to the Division of Administrative Hearings of the Department of Management Services within 10 days after the time has expired for requesting a hearing. Except upon unanimous consent of the parties or upon the granting by the administrative law judge of a motion of continuance, hearings shall commence within 60 days after the administrative law judge has been assigned. ~~For an application for a general hospital, administrative hearings shall commence within 6 months after the administrative law judge has been assigned, and a continuance may not be granted absent a finding of extraordinary circumstances by the administrative law judge.~~ All parties, except the agency, shall bear their own expense of preparing a transcript. In any application for a certificate of need which is referred to the Division of Administrative Hearings for hearing, the administrative law judge shall complete and submit to the parties a recommended order as provided in ss. 120.569 and 120.57. The recommended order shall be issued within 30 days after the receipt of the proposed recommended orders or the deadline for submission of such proposed recommended orders, whichever is earlier. The division shall adopt procedures for administrative hearings which shall maximize the use of stipulated facts and shall provide for the admission of prepared testimony.

(c) In administrative proceedings challenging the issuance or denial of a certificate of need, only applicants considered by the agency in the same batching cycle are entitled to a comparative hearing on their applications. Existing health care facilities may initiate or intervene in an administrative hearing upon a showing that an established program will be substantially affected by the issuance of any certificate of need, whether reviewed under s. 408.036(1) or (2), to a competing proposed facility or program within the same district. ~~With respect to an application for a general hospital, competing applicants and only those existing hospitals that submitted a detailed written statement of opposition to an application as provided in this paragraph may initiate or intervene in an administrative hearing. Such challenges to a general hospital application shall be limited in scope to the issues raised in the detailed written statement of opposition that was provided to the agency. The administrative law judge may, upon a motion showing good cause, expand the scope of the issues to be heard at the hearing. Such motion shall include substantial and detailed facts and reasons for failure to include such issues in the original written statement of opposition.~~

(6) JUDICIAL REVIEW.—

~~(d) The party appealing a final order that grants a general hospital certificate of need shall pay the appellee's attorney's fees and costs, in an amount up to $1 million, from the beginning of the original administrative action if the appealing party loses the appeal, subject to the following limitations and requirements:~~

~~1. The party appealing a final order must post a bond in the amount of $1 million in order to maintain the appeal.~~

~~2. Except as provided under s. 120.595(5), in no event shall the agency be held liable for any other party's attorney's fees or costs.~~

Section 18. Subsection (1) of section 408.043, Florida Statutes, is amended to read:

408.043 Special provisions.—

~~(1) OSTEOPATHIC ACUTE CARE HOSPITALS. When an application is made for a certificate of need to construct or to expand an osteopathic acute care hospital, the need for such hospital shall be determined on the basis of the need for and availability of osteopathic services and osteopathic acute care hospitals in the district. When a prior certificate of need to establish an osteopathic acute care hospital has been issued in a district, and the facility is no longer used for that~~

~~purpose, the agency may continue to count such facility and beds as an existing osteopathic facility in any subsequent application for construction of an osteopathic acute care hospital.~~

Section 19. Section 408.0455, Florida Statutes, is amended to read:

408.0455 Rules; pending proceedings.—The rules of the agency in effect on June 30, 2004, shall remain in effect and shall be enforceable by the agency with respect to ss. 408.031-408.045 until such rules are repealed or amended by the agency. *Rules 59C-1.039 through 59C-1.044, F.A.C., remain in effect for the sole purpose of maintaining licensure requirements for the applicable services until the agency has adopted rules for the corresponding services pursuant to s. 395.1055(1)(i), Florida Statutes 2018.*

Section 20. Subsection (3) of section 408.808, Florida Statutes, is amended to read:

408.808 License categories.—

(3) INACTIVE LICENSE.—An inactive license may be issued to a *hospital or a* health care provider subject to the certificate-of-need provisions in part I of this chapter when the provider is currently licensed, does not have a provisional license, and will be temporarily unable to provide services but is reasonably expected to resume services within 12 months. Such designation may be made for a period not to exceed 12 months but may be renewed by the agency for up to 12 additional months upon demonstration by the licensee of the provider's progress toward reopening. However, if after 20 months in an inactive license status, a statutory rural hospital, as defined in s. 395.602, has demonstrated progress toward reopening, but may not be able to reopen prior to the inactive license expiration date, the inactive designation may be renewed again by the agency for up to 12 additional months. For purposes of such a second renewal, if construction or renovation is required, the licensee must have had plans approved by the agency and construction must have already commenced pursuant to s. 408.032(4); however, if construction or renovation is not required, the licensee must provide proof of having made an enforceable capital expenditure greater than 25 percent of the total costs associated with the hiring of staff and the purchase of equipment and supplies needed to operate the facility upon opening. A request by a licensee for an inactive license or to extend the previously approved inactive period must be submitted to the agency and must include a written justification for the inactive license with the beginning and ending dates of inactivity specified, a plan for the transfer of any clients to other providers, and the appropriate licensure fees. The agency may not accept a request that is submitted after initiating closure, after any suspension of service, or after notifying clients of closure or suspension of service, unless the action is a result of a disaster at the licensed premises. For the purposes of this section, the term "disaster" means a sudden emergency occurrence beyond the control of the licensee, whether natural, technological, or manmade, which renders the provider inoperable at the premises. Upon agency approval, the provider shall notify clients of any necessary discharge or transfer as required by authorizing statutes or applicable rules. The beginning of the inactive license period is the date the provider ceases operations. The end of the inactive license period shall become the license expiration date. All licensure fees must be current, must be paid in full, and may be prorated. Reactivation of an inactive license requires the approval of a renewal application, including payment of licensure fees and agency inspections indicating compliance with all requirements of this part, authorizing statutes, and applicable rules.

Section 21. *The Office of Program Policy Analysis and Government Accountability shall review federal requirements and other states' licensure statutes and rules governing the provision of tertiary health services as defined in s. 408.032, Florida Statutes 2018, and shall make recommendations to the President of the Senate and the Speaker of the House of Representatives on best practices, including recommendations on minimum volume requirements, as applicable, regarding the establishment of licensure standards for such programs by November 1, 2019.*

Section 22. Except as otherwise expressly provided in this act, this act shall take effect July 1, 2019.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to hospital licensure; amending s. 395.0191, F.S.; deleting provisions relating to certificate of need applications; amending s. 395.1055, F.S.; revising the Agency for Health Care Administration's rulemaking authority with respect to minimum standards for hospitals; requiring hospitals that provide certain services to meet specified licensure requirements; conforming provisions to changes made by the act; amending s. 395.1065, F.S.; conforming a cross-reference; repealing s. 395.6025, F.S., relating to rural hospital replacement facilities; amending s. 408.032, F.S.; revising and deleting definitions; amending s. 408.033, F.S.; conforming provisions to changes made by the act; amending s. 408.034, F.S.; authorizing the agency to issue a license to a general hospital that has not been issued a certificate of need under certain circumstances; revising duties and responsibilities of the agency relating to issuance of licenses to health care facilities and health service providers; conforming provisions to changes made by the act; amending s. 408.035, F.S.; deleting provisions related to the agency's consideration and review of applications for certificates of need for general hospitals and health services; amending s. 408.036, F.S.; providing an exception to certificate of need review requirements for the construction or establishment of a general hospital and the conversion of a specialty hospital to a general hospital; revising health-care-related projects that are subject to agency review for a certificate of need and exemptions therefrom; deleting provisions requiring health care facilities and providers to provide certain notice to the agency upon termination of a health care service or the addition or delicensure of beds; conforming a provision to changes made by the act; repealing s. 408.0361, F.S., relating to cardiovascular services and burn unit licensure; amending ss. 408.037 and 408.039, F.S.; deleting provisions relating to certificate of need applications for general hospitals; amending s. 408.043, F.S.; deleting provisions relating to certificates of need for osteopathic acute care hospitals; amending s. 408.0455, F.S.; establishing that specified rules remain in effect for a specified purpose and until the agency has adopted certain rules; amending s. 408.808, F.S.; authorizing the agency to issue an inactive license to a certain hospital under certain circumstances; requiring the Office of Program Policy Analysis and Government Accountability to review specified requirements, statutes, and rules, and make recommendations to the Legislature by a specified date; providing effective dates.

Pursuant to Rule 4.19, **CS for HB 21**, as amended, was placed on the calendar of Bills on Third Reading.

Consideration of **HB 7067** was deferred.

HB 7073—A bill to be entitled An act relating to permit and inspection fees; amending s. 465.0157, F.S.; requiring initial and renewal fees for international export pharmacy permits; amending s. 499.012, F.S.; requiring late renewal fees for international prescription drug wholesale distributors; amending s. 499.041, F.S.; requiring annual permit and inspection fees for international prescription drug wholesale distributors; providing a contingent effective date.

—was read the second time by title.

SENATOR SIMMONS PRESIDING

On motion by Senator Bradley, by two-thirds vote, **HB 7073** was read the third time by title, passed by the required constitutional two-thirds vote of the membership, and certified to the House. The vote on passage was:

Yeas—35

Albritton	Cruz	Mayfield
Baxley	Diaz	Montford
Bean	Flores	Passidomo
Benacquisto	Gainer	Perry
Book	Gibson	Rader
Bracy	Gruters	Rodriguez
Bradley	Harrell	Rouson
Brandes	Hooper	Simmons
Braynon	Hutson	Simpson
Broxson	Lee	Stargel

Stewart	Thurston	Wright
Taddeo	Torres	

Nays—None

Vote after roll call:

Yea—Mr. President

On motion by Senator Bradley—

HB 7067—A bill to be entitled An act relating to registration fees; amending s. 456.47; requiring an out-of-state health care provider to pay an application fee and biennial renewal fee to be registered to provide telehealth services in this state; providing a contingent effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **HB 7067** was placed on the calendar of Bills on Third Reading.

On motion by Senator Gruters—

CS for CS for SB 1024—A bill to be entitled An act relating to blockchain technology; providing legislative findings; establishing the Florida Blockchain Task Force within the Department of Financial Services; requiring the task force to develop a specified master plan; specifying the composition of the task force; specifying duties and procedures of the task force; providing that task force members shall serve without compensation but are entitled to certain reimbursement; requiring the task force to submit a specified report to the Governor and the Legislature and to make presentations; providing that the task force is entitled to assistance and services of state governmental entities; requiring the department to provide support staff and other assistance to the task force; providing for termination of the task force; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for CS for SB 1024** was placed on the calendar of Bills on Third Reading.

SB 1210—A bill to be entitled An act relating to ratification of rules of the Department of Financial Services; ratifying a specified rule relating to implementation of expanded workers' compensation benefits for first responders for the sole and exclusive purpose of satisfying any condition on effectiveness pursuant to s. 120.541(3), F.S., which requires ratification of any rule meeting any specified thresholds for likely adverse impact or increase in regulatory costs; providing applicability; providing an effective date.

—was read the second time by title.

Pending further consideration of **SB 1210**, pursuant to Rule 3.11(3), there being no objection, **HB 983** was withdrawn from the Committees on Banking and Insurance; and Rules.

On motion by Senator Book—

HB 983—A bill to be entitled An act relating to ratification of rules of the Department of Financial Services; ratifying a specified rule relating to implementation of expanded workers' compensation benefits for first responders for the sole and exclusive purpose of satisfying any condition on effectiveness pursuant to s. 120.541(3), F.S., which requires ratification of any rule meeting any specified thresholds for likely adverse impact or increase in regulatory costs; providing applicability; providing an effective date.

—a companion measure, was substituted for **SB 1210** and read the second time by title.

On motion by Senator Book, by two-thirds vote, **HB 983** was read the third time by title, passed, and certified to the House. The vote on passage was:

Yeas—38

Albritton	Farmer	Powell
Baxley	Flores	Rader
Bean	Gainer	Rodriguez
Benacquisto	Gibson	Rouson
Berman	Gruters	Simmons
Book	Harrell	Simpson
Bracy	Hooper	Stargel
Bradley	Lee	Stewart
Brandes	Mayfield	Taddeo
Braynon	Montford	Thurston
Broxson	Passidomo	Torres
Cruz	Perry	Wright
Diaz	Pizzo	

Nays—None

Vote after roll call:

Yea—Mr. President, Hutson

CS for CS for SB 1418—A bill to be entitled An act relating to mental health; amending s. 394.4615, F.S.; requiring service providers to disclose information from a clinical record under certain circumstances relating to threats to cause serious bodily injury or death; requiring a law enforcement agency that receives notification of a specific threat to take appropriate action; providing immunity for service providers for certain actions; amending s. 394.463, F.S.; revising deadlines for submission of documentation regarding involuntary examinations; requiring that additional information be included in reports to the department; requiring the department to report to the Governor and Legislature on data collected from such reports; amending s. 394.917, F.S.; revising the purpose of civil commitment of sexually violent predators to the department after completion of their criminal incarceration sentences; amending s. 456.059, F.S.; requiring psychiatrists to disclose certain patient communications for purposes of notifying law enforcement agencies of certain threats; requiring the notified law enforcement agency to take appropriate action to prevent the risk of harm to the victim; providing psychiatrists with immunity from specified liability and actions under certain circumstances; amending s. 490.0147, F.S.; requiring psychologists to disclose certain patient or client communications for purposes of notifying law enforcement agencies of certain threats; requiring the notified law enforcement agency to take appropriate action to prevent the risk of harm to the victim; providing psychologists with immunity from specified liability and actions under certain circumstances; amending s. 491.0147, F.S.; requiring certain license holders and certificate holders to disclose certain patient or client communications for purposes of notifying law enforcement agencies of certain threats; requiring the notified law enforcement agency to take appropriate action to prevent the risk of harm to the victim; providing such persons with immunity from specified liability and actions; amending s. 1012.583, F.S.; revising responsibilities of the Department of Education and the Statewide Office for Suicide Prevention; revising criteria for designation as a Suicide Prevention Certified School; requiring that the department, schools, and school districts post certain information regarding such schools be posted on their respective websites; reenacting ss. 490.009 and 491.009, F.S., relating to discipline of psychologists and other licensed therapists, to incorporate amendments made by the act; providing an effective date.

—was read the second time by title. On motion by Senator Powell, by two-thirds vote, **CS for CS for SB 1418** was read the third time by title, passed, and certified to the House. The vote on passage was:

Yeas—38

Albritton	Bracy	Diaz
Baxley	Bradley	Farmer
Bean	Brandes	Flores
Benacquisto	Braynon	Gainer
Berman	Broxson	Gibson
Book	Cruz	Gruters

Harrell	Pizzo	Stargel
Hooper	Powell	Stewart
Lee	Rader	Taddeo
Mayfield	Rodriguez	Thurston
Montford	Rouson	Torres
Passidomo	Simmons	Wright
Perry	Simpson	

Nays—None

Vote after roll call:

Yea—Mr. President, Hutson

On motion by Senator Montford—

CS for SB 1622—A bill to be entitled An act relating to public records; amending s. 409.175, F.S.; providing an exemption from public records requirements for the names of foster parent applicants and licensed foster parents, and the names of the spouses, minor children, and adult household members of such applicants and foster parents, which are held by the Department of Children and Families; providing an exception, under specified circumstances, for certain individuals charged with certain crimes; providing for future legislative review and repeal of the exemption; providing a statement of public necessity; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 1622** was placed on the calendar of Bills on Third Reading.

On motion by Senator Flores—

CS for CS for CS for SB 1666—A bill to be entitled An act relating to vessels; amending s. 327.395, F.S.; revising boating safety identification requirements for certain persons; requiring any person who rents and operates certain vessels to have certain photographic and safety identification in his or her possession before operating the vessel; authorizing the commission to appoint certain persons to issue temporary certificates; authorizing the commission to issue boating safety identification cards tor temporary certificates in digital or electronic formats; authorizing the commission to appoint agents to administer and charge fees for the boating safety education course or temporary certificate examination; amending s. 327.4109, F.S.; defining a term; directing the Fish and Wildlife Conservation Commission to conduct, contingent upon appropriation, a specified study of the impacts of long-term stored vessels and certain anchored and moored vessels on local communities and the state and to submit a report to the Governor and Legislature within a specified timeframe; providing for expiration of the study requirements; amending s. 327.60, F.S.; authorizing certain counties to create no-discharge zones; providing requirements for discharge in specified areas outside the no-discharge zones; reenacting and amending s. 327.73, F.S., relating to noncriminal infractions; specifying the fines for violations related to no-discharge zones; amending s. 328.72, F.S.; revising the distribution of vessel registration fees to provide grants for derelict vessel removal; amending s. 376.15, F.S.; authorizing the commission to use certain funds to remove, or to pay private contractors to remove, derelict vessels; amending s. 823.11, F.S.; prohibiting persons from residing or dwelling on certain derelict vessels until certain conditions are met; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for CS for CS for SB 1666** was placed on the calendar of Bills on Third Reading.

CS for SB 7078—A bill to be entitled An act relating to health care; providing legislative intent; creating s. 381.4019, F.S.; establishing the Dental Student Loan Repayment Program to support dentists who practice in public health programs located in certain underserved areas; providing definitions; requiring the Department of Health to establish a dental student loan repayment program for specified purposes; providing for the award of funds; providing the maximum number of years for which funds may be awarded; providing eligibility requirements; requiring the department to adopt rules; specifying that implementation of the program is subject to legislative appropriation; creating s. 381.40195, F.S.; providing a short title; providing definitions; requiring the Department of Health to establish the Donated Dental Services Program to provide comprehensive dental care to certain eligible individuals; requiring the department to contract with a nonprofit organization to implement and administer the program; specifying minimum contractual responsibilities; requiring the department to adopt rules; specifying that implementation of the program is subject to legislative appropriation; amending s. 395.1012, F.S.; requiring a licensed hospital to provide specified information and data relating to patient safety and quality measures to a patient under certain circumstances or to any person upon request; creating s. 395.1052, F.S.; requiring a hospital to notify a patient's primary care provider within a specified timeframe after the patient's admission; requiring a hospital to inform a patient, upon admission, of the option to request consultation between the hospital's treating physician and the patient's primary care provider or specialist provider; requiring a hospital to notify a patient's primary care provider of the patient's discharge and provide specified information and records to the primary care provider within a specified timeframe after discharge; amending s. 395.002, F.S.; revising the definition of the term "ambulatory surgical center"; amending s. 395.1055, F.S.; requiring the Agency for Health Care Administration, in consultation with the Board of Medicine and the Board of Osteopathic Medicine, to adopt rules that establish requirements related to the delivery of surgical care to children in ambulatory surgical centers, in accordance with specified standards; specifying that ambulatory surgical centers may provide certain procedures only if authorized by agency rule; authorizing the reimbursement of per diem and travel expenses to members of the pediatric cardiac technical advisory panel, established within the Agency for Health Care Administration; revising panel membership to include certain alternate at-large members; providing term limits for voting members; providing that members of the panel under certain circumstances are agents of the state for a specified purpose; requiring the Secretary of Health Care Administration to consult the panel for advisory recommendations on certain certificate of need applications; authorizing the secretary to request announced or unannounced site visits to any existing pediatric cardiac surgical center or facility seeking licensure as a pediatric cardiac surgical center through the certificate of need process; providing a process for the appointment of physician experts to a site visit team; requiring each member of a site visit team to submit a report to the panel; requiring the panel to discuss such reports and present an advisory opinion to the secretary; providing requirements for an on-site inspection; requiring the Surgeon General of the Department of Health to provide specified reports to the secretary; 395.301, F.S.; requiring a licensed facility, upon placing a patient on observation status, to immediately notify the patient of such status using a specified form; requiring that such notification be documented in the patient's medical records and discharge papers; creating s. 542.336, F.S.; specifying that certain restrictive covenants entered into with certain physicians are not supported by legitimate business interests; providing legislative findings; providing that such restrictive covenants are void and remain void and unenforceable for a specified period; amending s. 624.27, F.S.; expanding the scope of direct primary care agreements, which are renamed "direct health care agreements"; conforming provisions to changes made by the act; creating s. 627.42393, F.S.; prohibiting certain health insurers from employing step-therapy protocols under certain circumstances; defining the term "health coverage plan"; clarifying that a health insurer is not required to take specific actions regarding prescription drugs; amending s. 641.31, F.S.; prohibiting certain health maintenance organizations from employing step-therapy protocols under certain circumstances; defining the term "health coverage plan"; clarifying that a health maintenance organization is not required to take specific actions regarding prescription drugs; requiring the Office of Program Policy Analysis and Government Accountability to submit by a specified date a report and recommendations to the Governor and the Legislature which addresses this state's prospective entrance into the Interstate Medical Licensure Compact as a member state; providing parameters for the report; providing effective dates.

—was read the second time by title.

Pending further consideration of **CS for SB 7078**, pursuant to Rule 3.11(3), there being no objection, **CS for HB 843** was withdrawn from the Committees on Health Policy; and Rules.

On motion by Senator Harrell, the rules were waived and—

CS for HB 843—A bill to be entitled An act relating to patient access to primary care and specialist providers; creating s. 395.1052, F.S.; requiring a hospital to notify a patient's primary care or specialist provider within a specified timeframe after the patient's admission; requiring a hospital to inform a patient, upon admission, of the option to request consultation between the patient's primary care or specialist provider and the treating physician at the hospital; requiring a hospital to notify a patient's primary care or specialist provider of the patient's discharge and provide specified information and records to the primary care or specialist provider within a specified timeframe after discharge; providing an effective date.

—a companion measure, was substituted for **CS for SB 7078** and read the second time by title.

THE PRESIDENT PRESIDING

Senator Harrell moved the following amendment:

Amendment 1 (623018) (with title amendment)—Delete everything after the enacting clause and insert:

Section 1. *It is the intent of the Legislature to promote programs and initiatives that help make available preventive and educational dental services for the residents of the state, as well as provide quality dental treatment services. The geographic characteristics among the residents of the state are distinctive and vary from region to region, with such residents having unique needs regarding access to dental care. The Legislature recognizes that maintaining good oral health is integral to the overall health status of individuals and that the good health of the residents of this state is an important contributing factor in economic development. Better health, including better oral health, increases workplace productivity, reduces the burden of health care costs, and improves the cognitive development of children, resulting in a reduction of missed school days.*

Section 2. Section 381.4019, Florida Statutes, is created to read:

381.4019 Dental Student Loan Repayment Program.—The Dental Student Loan Repayment Program is established to promote access to dental care by supporting qualified dentists who treat medically underserved populations in dental health professional shortage areas or medically underserved areas.

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

(a) "Dental health professional shortage area" means a geographic area designated as such by the Health Resources and Services Administration of the United States Department of Health and Human Services.

(b) "Department" means the Department of Health.

(c) "Loan program" means the Dental Student Loan Repayment Program.

(d) "Medically underserved area" means a geographic area, an area having a special population, or a facility which is designated by department rule as a health professional shortage area as defined by federal regulation and which has a shortage of dental health professionals who serve Medicaid recipients and other low-income patients.

(e) "Public health program" means a county health department, the Children's Medical Services program, a federally funded community health center, a federally funded migrant health center, or other publicly funded or nonprofit health care program designated by the department.

(2) The department shall establish a dental student loan repayment program to benefit Florida-licensed dentists who demonstrate, as required by department rule, active employment in a public health program that serves Medicaid recipients and other low-income patients and is located in a dental health professional shortage area or a medically underserved area.

(3) The department shall award funds from the loan program to repay the student loans of a dentist who meets the requirements of subsection (2).

(a) An award may not exceed $50,000 per year per eligible dentist.

(b) Only loans to pay the costs of tuition, books, dental equipment and supplies, uniforms, and living expenses may be covered.

(c) All repayments are contingent upon continued proof of eligibility and must be made directly to the holder of the loan. The state bears no responsibility for the collection of any interest charges or other remaining balances.

(d) A dentist may receive funds under the loan program for at least 1 year, up to a maximum of 5 years.

(e) The department shall limit the number of new dentists participating in the loan program to not more than 10 per fiscal year.

(4) A dentist is no longer eligible to receive funds under the loan program if the dentist:

(a) Is no longer employed by a public health program that meets the requirements of subsection (2).

(b) Ceases to participate in the Florida Medicaid program.

(c) Has disciplinary action taken against his or her license by the Board of Dentistry for a violation of s. 466.028.

(5) The department shall adopt rules to administer the loan program.

(6) Implementation of the loan program is subject to legislative appropriation.

Section 3. Section 381.40195, Florida Statutes, is created to read:

381.40195 Donated Dental Services Program.—

(1) This act may be cited as the "Donated Dental Services Act."

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

(a) "Department" means the Department of Health.

(b) "Program" means the Donated Dental Services Program as established pursuant to subsection (3).

(3) The department shall establish the Donated Dental Services Program for the purpose of providing comprehensive dental care through a network of volunteer dentists and other dental providers to needy, disabled, elderly, and medically compromised individuals who cannot afford necessary treatment but are ineligible for public assistance. An eligible individual may receive treatment in a volunteer dentist's or participating dental provider's private office or at any other suitable location. An eligible individual is not required to pay any fee or cost associated with the treatment he or she receives.

(4) The department shall establish the program. The department shall contract with a nonprofit organization that has experience in providing similar services or administering similar programs. The contract must specify the responsibilities of the nonprofit organization, which may include, but are not limited to:

(a) Maintaining a network of volunteer dentists and other dental providers, including, but not limited to, dental specialists and dental laboratories, to provide comprehensive dental services to eligible individuals.

(b) Maintaining a system to refer eligible individuals to the appropriate volunteer dentist or participating dental provider.

(c) Developing a public awareness and marketing campaign to promote the program and educate eligible individuals about its availability and services.

(d) Providing the necessary administrative and technical support to administer the program.

(e) Submitting an annual report to the department which must include, at a minimum:

1. Financial data relating to administering the program.

2. Demographic data and other information relating to the eligible individuals who are referred to and receive treatment through the program.

3. Demographic data and other information relating to the volunteer dentists and participating dental providers who provide dental services through the program.

4. Any other data or information that the department may require.

(f) Performing any other program-related duties and responsibilities as required by the department.

(5) The department shall adopt rules to administer the program.

(6) Implementation of the program is subject to legislative appropriation.

Section 4. Subsection (3) is added to section 395.1012, Florida Statutes, to read:

395.1012 Patient safety.—

(3)(a) Each hospital shall provide to any patient upon admission, upon scheduling of nonemergency care, or before treatment, written information on a form created by the agency which contains the following information available for the hospital for the most recent year and the statewide average for all hospitals related to the following quality measures:

1. The rate of hospital-acquired infections;

2. The overall rating of the Hospital Consumer Assessment of Healthcare Providers and Systems survey; and

3. The 15-day readmission rate.

(b) A hospital shall also provide to any person, upon request, the written information specified in paragraph (a).

(c) The information required by this subsection must be presented in a manner that is easily understandable and accessible to the patient and must also include an explanation of the quality measures and the relationship between patient safety and the hospital's data for the quality measures.

Section 5. Section 395.1052, Florida Statutes, is created to read:

395.1052 Patient access to primary care and specialty providers; notification.—A hospital shall:

(1) Notify each patient's primary care provider, if any, within 24 hours after the patient's admission to the hospital.

(2) Inform the patient immediately upon admission that he or she may request to have the hospital's treating physician consult with the patient's primary care provider or specialist provider, if any, when developing the patient's plan of care. Upon the patient's request, the hospital's treating physician shall make reasonable efforts to consult with the patient's primary care provider or specialist provider when developing the patient's plan of care.

(3) Notify the patient's primary care provider, if any, of the patient's discharge from the hospital within 24 hours after the discharge.

(4) Provide the discharge summary and any related information or records to the patient's primary care provider, if any, within 14 days after the patient's discharge summary has been completed.

Section 6. Subsection (3) of section 395.002, Florida Statutes, is amended to read:

395.002 Definitions.—As used in this chapter:

(3) "Ambulatory surgical center" means a facility the primary purpose of which is to provide elective surgical care, in which the patient is admitted to and discharged from such facility within *24 hours* ~~the same working day and is not permitted to stay overnight~~, and which is not part of a hospital. However, a facility existing for the primary purpose of performing terminations of pregnancy, an office maintained by a physician for the practice of medicine, or an office maintained for the practice of dentistry may not be construed to be an ambulatory surgical center, provided that any facility or office which is certified or seeks certification as a Medicare ambulatory surgical center shall be licensed as an ambulatory surgical center pursuant to s. 395.003.

Section 7. Section 395.1055, Florida Statutes, is amended to read:

395.1055 Rules and enforcement.—

(1) The agency shall adopt rules pursuant to ss. 120.536(1) and 120.54 to implement the provisions of this part, which shall include reasonable and fair minimum standards for ensuring that:

(a) Sufficient numbers and qualified types of personnel and occupational disciplines are on duty and available at all times to provide necessary and adequate patient care and safety.

(b) Infection control, housekeeping, sanitary conditions, and medical record procedures that will adequately protect patient care and safety are established and implemented.

(c) A comprehensive emergency management plan is prepared and updated annually. Such standards must be included in the rules adopted by the agency after consulting with the Division of Emergency Management. At a minimum, the rules must provide for plan components that address emergency evacuation transportation; adequate sheltering arrangements; postdisaster activities, including emergency power, food, and water; postdisaster transportation; supplies; staffing; emergency equipment; individual identification of residents and transfer of records, and responding to family inquiries. The comprehensive emergency management plan is subject to review and approval by the local emergency management agency. During its review, the local emergency management agency shall ensure that the following agencies, at a minimum, are given the opportunity to review the plan: the Department of Elderly Affairs, the Department of Health, the Agency for Health Care Administration, and the Division of Emergency Management. Also, appropriate volunteer organizations must be given the opportunity to review the plan. The local emergency management agency shall complete its review within 60 days and either approve the plan or advise the facility of necessary revisions.

(d) Licensed facilities are established, organized, and operated consistent with established standards and rules.

(e) Licensed facility beds conform to minimum space, equipment, and furnishings standards as specified by the department.

(f) All hospitals submit such data as necessary to conduct certificate-of-need reviews required under part I of chapter 408. Such data shall include, but shall not be limited to, patient origin data, hospital utilization data, type of service reporting, and facility staffing data. The agency may not collect data that identifies or could disclose the identity of individual patients. The agency shall utilize existing uniform statewide data sources when available and shall minimize reporting costs to hospitals.

(g) Each hospital has a quality improvement program designed according to standards established by their current accrediting organization. This program will enhance quality of care and emphasize quality patient outcomes, corrective action for problems, governing board review, and reporting to the agency of standardized data elements necessary to analyze quality of care outcomes. The agency shall use existing data, when available, and shall not duplicate the efforts of other state agencies in order to obtain such data.

(h) Licensed facilities make available on their Internet websites, no later than October 1, 2004, and in a hard copy format upon request, a description of and a link to the patient charge and performance outcome data collected from licensed facilities pursuant to s. 408.061.

(i) All hospitals providing organ transplantation, neonatal intensive care services, inpatient psychiatric services, inpatient substance abuse services, or comprehensive medical rehabilitation meet the minimum licensure requirements adopted by the agency. Such licensure requirements must include quality of care, nurse staffing, physician staffing,

physical plant, equipment, emergency transportation, and data reporting standards.

(2) Separate standards may be provided for general and specialty hospitals, ambulatory surgical centers, and statutory rural hospitals as defined in s. 395.602.

(3) The agency shall adopt rules that establish minimum standards for pediatric patient care in ambulatory surgical centers to ensure the safe and effective delivery of surgical care to children in ambulatory surgical centers. Such standards must include quality of care, nurse staffing, physician staffing, and equipment standards. Ambulatory surgical centers may not provide operative procedures to children under 18 years of age which require a length of stay past midnight until such standards are established by rule.

(4)~~(3)~~ The agency shall adopt rules with respect to the care and treatment of patients residing in distinct part nursing units of hospitals which are certified for participation in Title XVIII (Medicare) and Title XIX (Medicaid) of the Social Security Act skilled nursing facility program. Such rules shall take into account the types of patients treated in hospital skilled nursing units, including typical patient acuity levels and the average length of stay in such units, and shall be limited to the appropriate portions of the Omnibus Budget Reconciliation Act of 1987 (Pub. L. No. 100-203) (December 22, 1987), Title IV (Medicare, Medicaid, and Other Health-Related Programs), Subtitle C (Nursing Home Reform), as amended. The agency shall require level 2 background screening as specified in s. 408.809(1)(e) pursuant to s. 408.809 and chapter 435 for personnel of distinct part nursing units.

(5)~~(4)~~ The agency shall adopt rules with respect to the care and treatment of clients in intensive residential treatment programs for children and adolescents and with respect to the safe and healthful development, operation, and maintenance of such programs.

(6)~~(5)~~ The agency shall enforce the provisions of part I of chapter 394, and rules adopted thereunder, with respect to the rights, standards of care, and examination and placement procedures applicable to patients voluntarily or involuntarily admitted to hospitals providing psychiatric observation, evaluation, diagnosis, or treatment.

(7)~~(6)~~ No rule shall be adopted under this part by the agency which would have the effect of denying a license to a facility required to be licensed under this part, solely by reason of the school or system of practice employed or permitted to be employed by physicians therein, provided that such school or system of practice is recognized by the laws of this state. However, nothing in this subsection shall be construed to limit the powers of the agency to provide and require minimum standards for the maintenance and operation of, and for the treatment of patients in, those licensed facilities which receive federal aid, in order to meet minimum standards related to such matters in such licensed facilities which may now or hereafter be required by appropriate federal officers or agencies in pursuance of federal law or promulgated in pursuance of federal law.

(8)~~(7)~~ Any licensed facility which is in operation at the time of promulgation of any applicable rules under this part shall be given a reasonable time, under the particular circumstances, but not to exceed 1 year from the date of such promulgation, within which to comply with such rules.

(9)~~(8)~~ The agency may not adopt any rule governing the design, construction, erection, alteration, modification, repair, or demolition of any public or private hospital, intermediate residential treatment facility, or ambulatory surgical center. It is the intent of the Legislature to preempt that function to the Florida Building Commission and the State Fire Marshal through adoption and maintenance of the Florida Building Code and the Florida Fire Prevention Code. However, the agency shall provide technical assistance to the commission and the State Fire Marshal in updating the construction standards of the Florida Building Code and the Florida Fire Prevention Code which govern hospitals, intermediate residential treatment facilities, and ambulatory surgical centers.

(10)~~(9)~~ The agency shall establish a *pediatric cardiac* technical advisory panel, pursuant to s. 20.052, to develop procedures and standards for measuring outcomes of pediatric cardiac catheterization programs and pediatric cardiovascular surgery programs.

(a) Members of the panel must have technical expertise in pediatric cardiac medicine, shall serve without compensation, and may ~~not~~ be reimbursed for per diem and travel expenses.

(b) Voting members of the panel shall include: 3 at-large members, *and 3 alternate at-large members with different program affiliations,* including 1 cardiologist who is board certified in caring for adults with congenital heart disease and 2 board-certified pediatric cardiologists, neither of whom may be employed by any of the hospitals specified in subparagraphs 1.-10. or their affiliates, each of whom is appointed by the Secretary of Health Care Administration, and 10 members, and an alternate for each member, each of whom is a pediatric cardiologist or a pediatric cardiovascular surgeon, each appointed by the chief executive officer of the following hospitals:

1. Johns Hopkins All Children's Hospital in St. Petersburg.
2. Arnold Palmer Hospital for Children in Orlando.
3. Joe DiMaggio Children's Hospital in Hollywood.
4. Nicklaus Children's Hospital in Miami.
5. St. Joseph's Children's Hospital in Tampa.
6. University of Florida Health Shands Hospital in Gainesville.
7. University of Miami Holtz Children's Hospital in Miami.
8. Wolfson Children's Hospital in Jacksonville.
9. Florida Hospital for Children in Orlando.
10. Nemours Children's Hospital in Orlando.

Appointments made under subparagraphs 1.-10. are contingent upon the hospital's maintenance of pediatric certificates of need and the hospital's compliance with this section and rules adopted thereunder, as determined by the Secretary of Health Care Administration. A member appointed under subparagraphs 1.-10. whose hospital fails to maintain such certificates or comply with standards may serve only as a nonvoting member until the hospital restores such certificates or complies with such standards. *A voting member may serve a maximum of two 2-year terms and may be reappointed to the panel after being retired from the panel for a full 2-year term.*

(c) The Secretary of Health Care Administration may appoint nonvoting members to the panel. Nonvoting members may include:

1. The Secretary of Health Care Administration.
2. The Surgeon General.
3. The Deputy Secretary of Children's Medical Services.
4. Any current or past Division Director of Children's Medical Services.
5. A parent of a child with congenital heart disease.
6. An adult with congenital heart disease.
7. A representative from each of the following organizations: the Florida Chapter of the American Academy of Pediatrics, the Florida Chapter of the American College of Cardiology, the Greater Southeast Affiliate of the American Heart Association, the Adult Congenital Heart Association, the March of Dimes, the Florida Association of Children's Hospitals, and the Florida Society of Thoracic and Cardiovascular Surgeons.

(d) The panel shall meet biannually, or more frequently upon the call of the Secretary of Health Care Administration. Such meetings may be conducted telephonically, or by other electronic means.

(e) The duties of the panel include recommending to the agency standards for quality of care, personnel, physical plant, equipment, emergency transportation, and data reporting for hospitals that provide pediatric cardiac services.

(f) Beginning on January 1, 2020, and annually thereafter, the panel shall submit a report to the Governor, the President of the Senate, the Speaker of the House of Representatives, the Secretary of Health Care Administration, and the State Surgeon General. The report must summarize the panel's activities during the preceding fiscal year and include data and performance measures on surgical morbidity and mortality for all pediatric cardiac programs.

(g) Panel members are agents of the state for purposes of s. 768.28 throughout the good faith performance of the duties assigned to them by the Secretary of Health Care Administration.

(11) The Secretary of Health Care Administration shall consult the pediatric cardiac technical advisory panel for an advisory recommendation on any certificate of need applications to establish pediatric cardiac surgical centers.

(12)~~(10)~~ Based on the recommendations of the *pediatric cardiac technical* advisory panel ~~in subsection (9)~~, the agency shall adopt rules for pediatric cardiac programs which, at a minimum, include:

(a) Standards for pediatric cardiac catheterization services and pediatric cardiovascular surgery including quality of care, personnel, physical plant, equipment, emergency transportation, data reporting, and appropriate operating hours and timeframes for mobilization for emergency procedures.

(b) Outcome standards consistent with nationally established levels of performance in pediatric cardiac programs.

(c) Specific steps to be taken by the agency and licensed facilities when the facilities do not meet the outcome standards within a specified time, including time required for detailed case reviews and the development and implementation of corrective action plans.

(13)~~(11)~~ A pediatric cardiac program shall:

(a) Have a pediatric cardiology clinic affiliated with a hospital licensed under this chapter.

(b) Have a pediatric cardiac catheterization laboratory and a pediatric cardiovascular surgical program located in the hospital.

(c) Have a risk adjustment surgical procedure protocol following the guidelines established by the Society of Thoracic Surgeons.

(d) Have quality assurance and quality improvement processes in place to enhance clinical operation and patient satisfaction with services.

(e) Participate in the clinical outcome reporting systems operated by the Society of Thoracic Surgeons and the American College of Cardiology.

(14)(a) The Secretary of Health Care Administration may request announced or unannounced site visits to any existing pediatric cardiac surgical center or facility seeking licensure as a pediatric cardiac surgical center through the certificate of need process, to ensure compliance with this section and rules adopted hereunder.

(b) At the request of the Secretary of Health Care Administration, the pediatric cardiac technical advisory panel shall recommend in-state physician experts to conduct an on-site visit. The Secretary may also appoint up to two out-of-state physician experts.

(c) A site visit team shall conduct an on-site inspection of the designated hospital's pediatric medical and surgical programs, and each member shall submit a written report of his or her findings to the panel. The panel shall discuss the written reports and present an advisory opinion to the Secretary of Health Care Administration which includes recommendations and any suggested actions for correction.

(d) Each on-site inspection must include all of the following:

1. An inspection of the program's physical facilities, clinics, and laboratories.

2. Interviews with support staff and hospital administrators.

3. A review of:

a. Randomly selected medical records and reports, including, but not limited to, advanced cardiac imaging, computed tomography, magnetic resonance imaging, cardiac ultrasound, cardiac catheterization, and surgical operative notes.

b. The program's clinical outcome data submitted to the Society of Thoracic Surgeons and the American College of Cardiology pursuant to s. 408.05(3)(k).

c. Mortality reports from cardiac-related deaths that occurred in the previous year.

d. Program volume data from the preceding year for interventional and electrophysiology catheterizations and surgical procedures.

(15) The Surgeon General shall provide quarterly reports to the Secretary of Health Care Administration consisting of data from the Children's Medical Services' critical congenital heart disease screening program for review by the advisory panel.

(16)~~(12)~~ The agency may adopt rules to administer the requirements of part II of chapter 408.

Section 8. Subsection (3) of section 395.301, Florida Statutes, is amended to read:

395.301 Price transparency; itemized patient statement or bill; patient admission status notification.—

(3) If a licensed facility places a patient on observation status rather than inpatient status, *the licensed facility must immediately notify the patient of such status using the form adopted under 42 C.F.R. s. 489.20 for Medicare patients or a form adopted by agency rule for non-Medicare patients. Such notification must* ~~observation services shall~~ be documented in the patient's *medical records and* discharge papers. The ~~patient or the~~ patient's survivor or legal guardian *must* ~~shall~~ be notified of observation services through discharge papers, which may also include brochures, signage, or other forms of communication for this purpose.

Section 9. Paragraphs (a), (b), (c), and (d) of subsection (4) of section 400.9905, Florida Statutes, are amended to read:

400.9905 Definitions.—

(4) "Clinic" means an entity where health care services are provided to individuals and which tenders charges for reimbursement for such services, including a mobile clinic and a portable equipment provider. As used in this part, the term does not include and the licensure requirements of this part do not apply to:

(a) Entities licensed or registered by the state under chapter 395; entities licensed or registered by the state and providing only health care services within the scope of services authorized under their respective licenses under ss. 383.30-383.332, chapter 390, chapter 394, chapter 397, this chapter except part X, chapter 429, chapter 463, chapter 465, chapter 466, chapter 478, chapter 484, or chapter 651; end-stage renal disease providers authorized under 42 C.F.R. part 405, subpart U; providers certified under 42 C.F.R. part 485, subpart B or subpart H; *providers certified by the Centers for Medicare and Medicaid services under the federal Clinical Laboratory Improvement Amendments and the federal rules adopted thereunder;* or any entity that provides neonatal or pediatric hospital-based health care services or other health care services by licensed practitioners solely within a hospital licensed under chapter 395.

(b) Entities that own, directly or indirectly, entities licensed or registered by the state pursuant to chapter 395; entities that own, directly or indirectly, entities licensed or registered by the state and providing only health care services within the scope of services authorized pursuant to their respective licenses under ss. 383.30-383.332, chapter 390, chapter 394, chapter 397, this chapter except part X, chapter 429, chapter 463, chapter 465, chapter 466, chapter 478, chapter 484, or chapter 651; end-stage renal disease providers authorized under 42 C.F.R. part 405, subpart U; providers certified under 42 C.F.R. part 485, subpart B or subpart H; *providers certified by the Centers for Medicare and Medicaid services under the federal Clinical Laboratory Improve-*

ment Amendments and the federal rules adopted thereunder; or any entity that provides neonatal or pediatric hospital-based health care services by licensed practitioners solely within a hospital licensed under chapter 395.

(c) Entities that are owned, directly or indirectly, by an entity licensed or registered by the state pursuant to chapter 395; entities that are owned, directly or indirectly, by an entity licensed or registered by the state and providing only health care services within the scope of services authorized pursuant to their respective licenses under ss. 383.30-383.332, chapter 390, chapter 394, chapter 397, this chapter except part X, chapter 429, chapter 463, chapter 465, chapter 466, chapter 478, chapter 484, or chapter 651; end-stage renal disease providers authorized under 42 C.F.R. part 405, subpart U; providers certified under 42 C.F.R. part 485, subpart B or subpart H; *providers certified by the Centers for Medicare and Medicaid services under the federal Clinical Laboratory Improvement Amendments and the federal rules adopted thereunder;* or any entity that provides neonatal or pediatric hospital-based health care services by licensed practitioners solely within a hospital under chapter 395.

(d) Entities that are under common ownership, directly or indirectly, with an entity licensed or registered by the state pursuant to chapter 395; entities that are under common ownership, directly or indirectly, with an entity licensed or registered by the state and providing only health care services within the scope of services authorized pursuant to their respective licenses under ss. 383.30-383.332, chapter 390, chapter 394, chapter 397, this chapter except part X, chapter 429, chapter 463, chapter 465, chapter 466, chapter 478, chapter 484, or chapter 651; end-stage renal disease providers authorized under 42 C.F.R. part 405, subpart U; providers certified under 42 C.F.R. part 485, subpart B or subpart H; *providers certified by the Centers for Medicare and Medicaid services under the federal Clinical Laboratory Improvement Amendments and the federal rules adopted thereunder;* or any entity that provides neonatal or pediatric hospital-based health care services by licensed practitioners solely within a hospital licensed under chapter 395.

Notwithstanding this subsection, an entity shall be deemed a clinic and must be licensed under this part in order to receive reimbursement under the Florida Motor Vehicle No-Fault Law, ss. 627.730-627.7405, unless exempted under s. 627.736(5)(h).

Section 10. Section 542.336, Florida Statutes, is created to read:

542.336 Invalid restrictive covenants.—A restrictive covenant entered into with a physician who is licensed under chapter 458 or chapter 459 and who practices a medical specialty in a county wherein one entity employs or contracts with, either directly or through related or affiliated entities, all physicians who practice such specialty in that county is not supported by a legitimate business interest. The Legislature finds that such covenants restrict patient access to physicians, increase costs, and are void and unenforceable under current law. Such restrictive covenants shall remain void and unenforceable for 3 years after the date on which a second entity that employs or contracts with, either directly or through related or affiliated entities, one or more physicians who practice such specialty begins offering such specialty services in that county.

Section 11. Section 624.27, Florida Statutes, is amended to read:

624.27 Direct *health* ~~primary~~ care agreements; exemption from code.—

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

(a) "Direct *health* ~~primary~~ care agreement" means a contract between a *health* ~~primary~~ care provider and a patient, a patient's legal representative, or a patient's employer, which meets the requirements of subsection (4) and does not indemnify for services provided by a third party.

(b) "*Health* ~~Primary~~ care provider" means a health care provider licensed under chapter 458, chapter 459, chapter 460, ~~or~~ chapter 464, *or chapter 466,* or a *health* ~~primary~~ care group practice, who provides *health* ~~primary~~ care services to patients.

(c) "*Health* ~~Primary~~ care services" means the screening, assessment, diagnosis, and treatment of a patient conducted within the competency and training of the *health* ~~primary~~ care provider for the purpose of promoting health or detecting and managing disease or injury.

(2) A direct *health* ~~primary~~ care agreement does not constitute insurance and is not subject to the Florida Insurance Code. The act of entering into a direct *health* ~~primary~~ care agreement does not constitute the business of insurance and is not subject to the Florida Insurance Code.

(3) A *health* ~~primary~~ care provider or an agent of a *health* ~~primary~~ care provider is not required to obtain a certificate of authority or license under the Florida Insurance Code to market, sell, or offer to sell a direct *health* ~~primary~~ care agreement.

(4) For purposes of this section, a direct *health* ~~primary~~ care agreement must:

(a) Be in writing.

(b) Be signed by the *health* ~~primary~~ care provider or an agent of the *health* ~~primary~~ care provider and the patient, the patient's legal representative, or the patient's employer.

(c) Allow a party to terminate the agreement by giving the other party at least 30 days' advance written notice. The agreement may provide for immediate termination due to a violation of the physician-patient relationship or a breach of the terms of the agreement.

(d) Describe the scope of *health* ~~primary~~ care services that are covered by the monthly fee.

(e) Specify the monthly fee and any fees for *health* ~~primary~~ care services not covered by the monthly fee.

(f) Specify the duration of the agreement and any automatic renewal provisions.

(g) Offer a refund to the patient, the patient's legal representative, or the patient's employer of monthly fees paid in advance if the *health* ~~primary~~ care provider ceases to offer *health* ~~primary~~ care services for any reason.

(h) Contain, in contrasting color and in at least 12-point type, the following statement on the signature page: "This agreement is not health insurance and the *health* ~~primary~~ care provider will not file any claims against the patient's health insurance policy or plan for reimbursement of any *health* ~~primary~~ care services covered by the agreement. This agreement does not qualify as minimum essential coverage to satisfy the individual shared responsibility provision of the Patient Protection and Affordable Care Act, 26 U.S.C. s. 5000A. This agreement is not workers' compensation insurance and does not replace an employer's obligations under chapter 440."

Section 12. Effective January 1, 2020, section 627.42393, Florida Statutes, is created to read:

627.42393 Step-therapy protocol.—

(1) A health insurer issuing a major medical individual or group policy may not require a step-therapy protocol under the policy for a covered prescription drug requested by an insured if:

(a) The insured has previously been approved to receive the prescription drug through the completion of a step-therapy protocol required by a separate health coverage plan; and

(b) The insured provides documentation originating from the health coverage plan that approved the prescription drug as described in paragraph (a) indicating that the health coverage plan paid for the drug on the insured's behalf during the 90 days immediately before the request.

(2) As used in this section, the term "health coverage plan" means any of the following which is currently or was previously providing major medical or similar comprehensive coverage or benefits to the insured:

(a) A health insurer or health maintenance organization.

(b) A plan established or maintained by an individual employer as provided by the Employee Retirement Income Security Act of 1974, Pub. L. No. 93-406.

(c) A multiple-employer welfare arrangement as defined in s. 624.437.

(d) A governmental entity providing a plan of self-insurance.

(3) This section does not require a health insurer to add a drug to its prescription drug formulary or to cover a prescription drug that the insurer does not otherwise cover.

Section 13. Effective January 1, 2020, subsection (45) is added to section 641.31, Florida Statutes, to read:

641.31 Health maintenance contracts.—

(45)(a) A health maintenance organization issuing major medical coverage through an individual or group contract may not require a step-therapy protocol under the contract for a covered prescription drug requested by a subscriber if:

1. The subscriber has previously been approved to receive the prescription drug through the completion of a step-therapy protocol required by a separate health coverage plan; and

2. The subscriber provides documentation originating from the health coverage plan that approved the prescription drug as described in subparagraph 1. indicating that the health coverage plan paid for the drug on the subscriber's behalf during the 90 days immediately before the request.

(b) As used in this subsection, the term "health coverage plan" means any of the following which previously provided or is currently providing major medical or similar comprehensive coverage or benefits to the subscriber:

1. A health insurer or health maintenance organization;

2. A plan established or maintained by an individual employer as provided by the Employee Retirement Income Security Act of 1974, Pub. L. No. 93-406;

3. A multiple-employer welfare arrangement as defined in s. 624.437; or

4. A governmental entity providing a plan of self-insurance.

(c) This subsection does not require a health maintenance organization to add a drug to its prescription drug formulary or to cover a prescription drug that the health maintenance organization does not otherwise cover.

Section 14. *The Office of Program Policy Analysis and Government Accountability shall research and analyze the Interstate Medical Licensure Compact and the relevant requirements and provisions of general law and the State Constitution and shall develop a report and recommendations addressing this state's prospective entrance into the compact as a member state while remaining consistent with those requirements and provisions. In conducting such research and analysis, the office may consult with the executive director, other executive staff, or the executive committee of the Interstate Medical Licensure Compact Commission. The office shall submit the report and recommendations to the Governor, the President of the Senate, and the Speaker of the House of Representatives by not later than October 1, 2019.*

Section 15. Except as otherwise expressly provided in this act, this act shall take effect July 1, 2019.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to health care; providing legislative intent; creating s. 381.4019, F.S.; establishing the Dental Student Loan Repayment Program to support dentists who practice in public health programs located in certain underserved areas; providing definitions; requiring the Department of Health to establish a dental student loan repayment program for specified purposes; providing for the award of funds; providing the maximum number of years for which funds may be awarded; providing eligibility requirements; requiring the department to adopt rules; specifying that implementation of the program is subject to legislative appropriation; creating s. 381.40195, F.S.; providing a short title; providing definitions; requiring the Department of Health to establish the Donated Dental Services Program to provide comprehensive dental care to certain eligible individuals; requiring the department to contract with a nonprofit organization to implement and administer the program; specifying minimum contractual responsibilities; requiring the department to adopt rules; specifying that implementation of the program is subject to legislative appropriation; amending s. 395.1012, F.S.; requiring a licensed hospital to provide specified information and data relating to patient safety and quality measures to a patient under certain circumstances or to any person upon request; creating s. 395.1052, F.S.; requiring a hospital to notify a patient's primary care provider within a specified timeframe after the patient's admission; requiring a hospital to inform a patient, upon admission, of the option to request consultation between the hospital's treating physician and the patient's primary care provider or specialist provider; requiring a hospital to notify a patient's primary care provider of the patient's discharge within a specified timeframe after discharge; requiring a hospital to provide specified information and records to the primary care provider within a specified timeframe after completion of the patient's discharge summary; amending s. 395.002, F.S.; revising the definition of the term "ambulatory surgical center"; amending s. 395.1055, F.S.; requiring the Agency for Health Care Administration to adopt rules that establish standards related to the delivery of surgical care to children in ambulatory surgical center; specifying that ambulatory surgical centers may provide certain procedures only if authorized by agency rule; authorizing the reimbursement of per diem and travel expenses to members of the pediatric cardiac technical advisory panel, established within the Agency for Health Care Administration; revising panel membership to include certain alternate at-large members; providing term limits for voting members; providing that members of the panel under certain circumstances are agents of the state for a specified purpose; requiring the Secretary of Health Care Administration to consult the panel for advisory recommendations on certain certificate of need applications; authorizing the secretary to request announced or unannounced site visits to any existing pediatric cardiac surgical center or facility seeking licensure as a pediatric cardiac surgical center through the certificate of need process; providing a process for the appointment of physician experts to a site visit team; requiring each member of a site visit team to submit a report to the panel; requiring the panel to discuss such reports and present an advisory opinion to the secretary; providing requirements for an on-site inspection; requiring the Surgeon General of the Department of Health to provide specified reports to the secretary; amending s. 395.301, F.S.; requiring a licensed facility, upon placing a patient on observation status, to immediately notify the patient of such status using a specified form; requiring that such notification be documented in the patient's medical records and discharge papers; amending s. 400.9905, F.S.; revising the definition of the term "clinic" to exclude certain entities; creating s. 542.336, F.S.; specifying that certain restrictive covenants entered into with certain physicians are not supported by legitimate business interests; providing legislative findings; providing that such restrictive covenants are void and remain void and unenforceable for a specified period; amending s. 624.27, F.S.; expanding the scope of direct primary care agreements, which are renamed "direct health care agreements"; conforming provisions to changes made by the act; creating s. 627.42393, F.S.; prohibiting certain health insurers from employing step-therapy protocols under certain circumstances; defining the term "health coverage plan"; clarifying that a health insurer is not required to take specific actions regarding prescription drugs; amending s. 641.31, F.S.; prohibiting certain health maintenance organizations from employing step-therapy protocols under certain circumstances; defining the term "health coverage plan"; clarifying that a health maintenance organization is not required to take specific actions regarding prescription drugs; requiring the Office of Program Policy Analysis and Government Accountability to submit by a specified date a report and recommendations to the Governor and the Legislature which addresses this state's prospective entrance into the Interstate Medical Licensure Compact as a member state; providing parameters for the report; providing effective dates.

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

Senator Simmons moved the following amendment to **Amendment 1 (623018)** which was adopted:

Amendment 1A (101388)—Delete lines 137-139 and insert:

(3)(a) Each hospital shall provide to any patient or patient's representative identified pursuant to s. 765.401(1) upon scheduling of nonemergency care, or to any other stabilized patient or patient's representative identified pursuant to s. 765.401(1) within 24 hours of the patient being stabilized or at the time of discharge, whichever comes first, written information on a form created by the agency

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

Senator Flores moved the following amendment to **Amendment 1 (623018)** which was adopted:

Amendment 1B (963412)—Delete line 738 and insert:
act, and except for this section and s. 542.336, Florida Statutes, as created by this act, which shall take effect upon this act becoming a law, this act shall take effect July 1, 2019.

Amendment 1 (623018), as amended, was adopted.

Pursuant to Rule 4.19, **CS for HB 843**, as amended, was placed on the calendar of Bills on Third Reading.

Consideration of **CS for CS for SB 1704** was deferred.

CS for SB 7046—A bill to be entitled An act relating to critical infrastructure facilities and staff; amending s. 330.41, F.S.; redefining the term "critical infrastructure facility"; reenacting and amending s. 943.13, F.S.; requiring any person employed as a full-time, a part-time, or an auxiliary correctional officer be at least 18 years of age; reenacting ss. 943.131(1)(a) and (c) and (4), 943.133(1) and (6), 943.137(1), 943.139(2), 943.1395(1), (2), and (3), 943.14(7), 943.17(4), 943.253, 944.105(7), 944.714(2), 945.035(3), 948.01(1)(a), 951.063, and 985.644(3)(b), F.S., all relating to employment qualifications or requirements for certain officers, to incorporate the amendment made to s. 943.13, F.S., in references thereto; providing an effective date.

—was read the second time by title.

Pending further consideration of **CS for SB 7046**, pursuant to Rule 3.11(3), there being no objection, **CS for HB 7057** was withdrawn from the Committees on Criminal Justice; Governmental Oversight and Accountability; and Rules.

On motion by Senator Perry—

CS for HB 7057—A bill to be entitled An act relating to corrections; amending s. 330.41, F.S.; redefining the term "critical infrastructure facility" to include certain detention centers and correctional facilities for the purpose of restrictions on the operation of unmanned aircraft; reenacting and amending s. 943.13, F.S.; requiring any person employed as a full-time, a part-time, or an auxiliary correctional officer be at least 18 years of age; reenacting ss. 943.131(1)(a) and (c) and (4), 943.133(1) and (6), 943.137(1), 943.139(2), 943.1395(1), (2), and (3), 943.14(7), 943.17(4), 943.253, 944.105(7), 944.714(2), 945.035(3), 948.01(1)(a), 951.063, and 985.644(3)(b), F.S., relating to employment qualifications or requirements for certain officers, to incorporate the amendments made by the act; providing an effective date.

—a companion measure, was substituted for **CS for SB 7046** and read the second time by title.

On motion by Senator Perry, by two-thirds vote, **CS for HB 7057** was read the third time by title, passed, and certified to the House. The vote on passage was:

Yeas—37

Albritton	Berman	Bradley
Bean	Book	Brandes
Benacquisto	Bracy	Braynon
Broxson	Lee	Simmons
Cruz	Mayfield	Simpson
Diaz	Montford	Stargel
Farmer	Passidomo	Stewart
Flores	Perry	Taddeo
Gibson	Pizzo	Thurston
Gruters	Powell	Torres
Harrell	Rader	Wright
Hooper	Rodriguez	
Hutson	Rouson	

Nays—None

Vote after roll call:

Yea—Baxley, Gainer

SB 7052—A bill to be entitled An act relating to a review under the Open Government Sunset Review Act; amending s. 655.057, F.S., relating to exemptions from public records requirements for informal enforcement actions by the Office of Financial Regulation and certain trade secrets held by the office under the financial institutions codes; removing the scheduled repeal of the exemptions; providing an effective date.

—was read the second time by title.

Pending further consideration of **SB 7052**, pursuant to Rule 3.11(3), there being no objection, **HB 7097** was withdrawn from the Committees on Banking and Insurance; Governmental Oversight and Accountability; and Rules.

On motion by Senator Rouson—

HB 7097—A bill to be entitled An act relating to a review under the Open Government Sunset Review Act; amending s. 655.057, F.S., which provides exemptions from public records requirements for certain informal enforcement actions by the Office of Financial Regulation and certain trade secrets held by the office; removing the scheduled repeal of the exemption; providing an effective date.

—a companion measure, was substituted for **SB 7052** and read the second time by title.

On motion by Senator Rouson, by two-thirds vote, **HB 7097** was read the third time by title, passed, and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Diaz	Pizzo
Albritton	Farmer	Powell
Baxley	Flores	Rader
Bean	Gainer	Rodriguez
Benacquisto	Gibson	Rouson
Berman	Gruters	Simmons
Book	Harrell	Simpson
Bracy	Hutson	Stargel
Bradley	Lee	Stewart
Brandes	Mayfield	Taddeo
Braynon	Montford	Thurston
Broxson	Passidomo	Torres
Cruz	Perry	Wright

Nays—None

Vote after roll call:

Yea—Hooper

SB 7054—A bill to be entitled An act relating to a review under the Open Government Sunset Review Act; amending s. 627.0628, F.S., relating to exemptions from public records and public meetings requirements for certain trade secrets used in designing and constructing

hurricane or flood loss models and provided to the Florida Commission on Hurricane Loss Projection Methodology, the Office of Insurance Regulation, or the Insurance Consumer Advocate, and for certain portions and recordings of meetings at which the trade secrets are discussed; removing the scheduled repeal of the exemptions; providing an effective date.

—was read the second time by title.

Pending further consideration of **SB 7054**, pursuant to Rule 3.11(3), there being no objection, **HB 7091** was withdrawn from the Committees on Banking and Insurance; Governmental Oversight and Accountability; and Rules.

On motion by Senator Rouson—

HB 7091—A bill to be entitled An act relating to a review under the Open Government Sunset Review Act; amending s. 627.0628, F.S., which provides an exemption from public records and public meetings requirements for trade secrets used to design an insurance hurricane or flood loss model held in records or discussed in meetings of the Florida Commission on Hurricane Loss Projection Methodology, the Office of Insurance Regulation, or an appointed consumer advocate; removing the scheduled repeal of the exemptions; providing an effective date.

—a companion measure, was substituted for **SB 7054** and read the second time by title.

On motion by Senator Rouson, by two-thirds vote, **HB 7091** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Diaz	Pizzo
Albritton	Farmer	Powell
Baxley	Gainer	Rader
Bean	Gibson	Rodriguez
Benacquisto	Gruters	Rouson
Berman	Harrell	Simmons
Book	Hooper	Simpson
Bracy	Hutson	Stargel
Bradley	Lee	Stewart
Brandes	Mayfield	Taddeo
Braynon	Montford	Thurston
Broxson	Passidomo	Torres
Cruz	Perry	Wright

Nays—1

Flores

CS for SB 7062—A bill to be entitled An act relating to citizen support and direct-support organizations; amending s. 259.10521, F.S.; extending the scheduled repeal of the provisions governing the citizen support organizations operating to benefit the Babcock Ranch Preserve; amending s. 413.615, F.S.; abrogating the future repeal of provisions relating to the Florida Endowment for Vocational Rehabilitation; amending s. 570.83, F.S.; extending the scheduled repeal of provisions governing the Florida Beef Council, Inc., direct-support organization; amending s. 570.691, F.S.; abrogating the scheduled repeal of provisions relating to direct-support organizations of the Department of Agriculture and Consumer Services; providing an effective date.

—was read the second time by title.

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

Senator Bean moved the following amendment which was adopted:

Amendment 1 (711780) (with title amendment)—Delete lines 27-28 and insert:

(14) REPEAL.—This section is repealed October 1, *2023* ~~2019~~, unless reviewed and saved from repeal by the Legislature.

And the title is amended as follows:

Delete line 7 and insert: extending the scheduled repeal of provisions relating to

On motion by Senator Albritton, by two-thirds vote, **CS for SB 7062**, as amended, was read the third time by title, passed, ordered engrossed, and then certified to the House. The vote on passage was:

Yeas—40

Mr. President	Farmer	Powell
Albritton	Flores	Rader
Baxley	Gainer	Rodriguez
Bean	Gibson	Rouson
Benacquisto	Gruters	Simmons
Berman	Harrell	Simpson
Book	Hooper	Stargel
Bracy	Hutson	Stewart
Bradley	Lee	Taddeo
Brandes	Mayfield	Thurston
Braynon	Montford	Torres
Broxson	Passidomo	Wright
Cruz	Perry	
Diaz	Pizzo	

Nays—None

CS for CS for SB 1400—A bill to be entitled An act relating to private property rights; amending s. 163.3209, F.S.; deleting a provision that authorizes electric utilities to perform certain right-of-way tree maintenance only if a property owner has received local government approval; creating s. 163.3214, F.S.; prohibiting certain local government ordinances or regulations from requiring a permit, application, notice, fee, or fine for certain activities regarding trees on residential property; prohibiting a local government from authorizing the removal of certain trees during a specified time period; authorizing a local government to enforce ordinances or regulations pertaining to the replanting of trees under certain circumstances; providing applicability; creating s. 715.015, F.S.; establishing a property owner bill of rights; requiring each county property appraiser office to provide information regarding the property owner bill of rights on the appraiser's website; providing that such bill of rights does not provide a cause of action; providing an effective date.

—was read the second time by title.

Pending further consideration of **CS for CS for SB 1400** pursuant to Rule 3.11(3), there being no objection, **CS for HB 1159** was withdrawn from the Committees on Community Affairs; Judiciary; and Rules.

On motion by Senator Albritton—

CS for HB 1159—A bill to be entitled An act relating to private property rights; creating s. 163.045, F.S.; prohibiting local governments from requiring notices, applications, approvals, permits, fees, or mitigation for the pruning, trimming, or removal of trees on residential property if a property owner obtains specified documentation; prohibiting local governments from requiring property owners to replant such trees; providing an exception for mangrove protection actions; amending s. 163.3209, F.S.; deleting a provision that authorizes electric utilities to perform certain right-of-way tree maintenance only if a property owner has received local government approval; creating s. 70.002, F.S.; creating a Property Owner Bill of Rights; requiring county property appraisers to provide specified information on their websites; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 1400**, read the second time by title, and by two-thirds vote, read the third time by title.

On motion by Senator Albritton, further consideration of **CS for HB 1159** was deferred.

SB 7100—A bill to be entitled An act relating to public records; transferring, renumbering, and amending ss. 24.105(12) and 24.118(4), F.S.; exempting from public records requirements certain security information held by the Department of the Lottery, information about lottery games, personal identifying information of retailers and vendors for purposes of background checks, and certain financial information held by the department; providing for retroactive application; providing for future legislative review and repeal of the exemption; providing a statement of public necessity; providing applicability; providing a directive to the Division of Law Revision; providing an effective date.

—was read the second time by title.

Pending further consideration of **SB 7100**, pursuant to Rule 3.11(3), there being no objection, **HB 7121** was withdrawn from the Committees on Innovation, Industry, and Technology; and Rules.

On motion by Senator Simpson—

HB 7121—A bill to be entitled An act relating to public records; transferring, renumbering, and amending ss. 24.105(12) and 24.118(4), F.S.; exempting from public records requirements certain security information held by the Department of the Lottery, information about lottery games, personal identifying information of retailers and vendors for purposes of background checks, and certain financial information held by the department; providing for retroactive application; providing for future legislative review and repeal of the exemption; providing a statement of public necessity; providing a directive to the Division of Law Revision; providing an effective date.

—a companion measure, was substituted for **SB 7100** and read the second time by title.

On motion by Senator Simpson, by two-thirds vote, **HB 7121** 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—39

Mr. President	Diaz	Pizzo
Albritton	Farmer	Powell
Baxley	Flores	Rader
Bean	Gainer	Rodriguez
Benacquisto	Gibson	Rouson
Berman	Gruters	Simmons
Book	Hooper	Simpson
Bracy	Hutson	Stargel
Bradley	Lee	Stewart
Brandes	Mayfield	Taddeo
Braynon	Montford	Thurston
Broxson	Passidomo	Torres
Cruz	Perry	Wright

Nays—None

Vote after roll call:

Yea—Harrell

Consideration of **CS for CS for SB 642** was deferred.

CS for CS for CS for SB 908—A bill to be entitled An act relating to firesafety systems; amending s. 553.792, F.S.; requiring, beginning on a certain date, that a uniform fire alarm permit application, along with certain other information, be used and submitted to the local enforcement agency for any project requiring a fire alarm permit; providing that such application may be submitted by certain means; providing a signature requirement; specifying information required in, and a form for, such applications; providing applicability of certain building permit application procedures; authorizing contractors, under certain circumstances, to begin fire alarm system repairs upon filing the uniform fire alarm permit application; amending s. 633.216, F.S.; conforming a cross-reference; amending s. 633.312, F.S.; authorizing local authorities having jurisdiction to accept uniform summary inspection reports of certain fire hydrants and fire protection systems by certain means; requiring the State Fire Marshal to adopt rules implementing a uniform summary inspection report and certain submission procedures; providing requirements for such uniform report and procedures; providing that such procedures may not require a contractor to submit certain information; amending s. 718.112, F.S.; requiring that condominium association bylaws provide requirements for the association's reasonable compliance with the Florida Fire Prevention Code; defining the term "reasonable compliance"; specifying authorized means of compliance for certain residential condominiums; deleting a requirement for association bylaws to contain a certain certificate of compliance provision; deleting an exemption from a requirement to retrofit certain condominium property with a fire sprinkler system; deleting obsolete provisions; extending the date before which a local authority having jurisdiction may not require completion of a condominium's retrofitting with a fire sprinkler system; specifying the date before which such local authority having jurisdiction may not require completion of installation of an engineered life safety system; requiring the State Fire Marshal, by a certain date, to issue a data call to all local fire officials to collect data on certain high-rise condominiums; specifying data that local fire officials must submit; requiring that all data be received and compiled into a certain report by a certain date; requiring that the report be sent to the Governor and the Legislature by a certain date; providing an effective date.

—was read the second time by title.

Pending further consideration of **CS for CS for CS for SB 908**, pursuant to Rule 3.11(3), there being no objection, **HB 647** was withdrawn from the Committees on Innovation, Industry, and Technology; Community Affairs; and Rules.

On motion by Senator Hooper, the rules were waived and by two-thirds vote—

HB 647—A bill to be entitled An act relating to community association fire and life safety systems; creating s. 633.2225, F.S.; requiring certain condominium or cooperative associations to post certain signs or symbols on buildings; requiring the State Fire Marshal to adopt rules governing such signs and symbols; providing for enforcement; providing penalties; amending ss. 718.112 and 719.1055, F.S.; revising provisions relating to evidence of condominium and cooperative association compliance with the fire and life safety code; revising unit and common elements required to be retrofitted; revising provisions relating to an association vote to forego retrofitting; requiring the State Fire Marshal to issue a data call to all local fire officials to collect data on certain high-rise condominiums by a specified date; specifying the data that local fire officials must submit; requiring that all data be received and compiled into a report by a specified date; requiring that the report be sent to the Governor and the Legislature by a specified date; providing an effective date.

—a companion measure, was substituted for **CS for CS for CS for SB 908** and by two-thirds vote, read the second time by title.

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

Senator Hooper moved the following amendment which was adopted:

Amendment 1 (799580) (with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Section 553.792, Florida Statutes, is amended to read:

553.792 Building permit application to local government*; fire alarm permit applications*.—

(1) Within 10 days of an applicant submitting an application to the local government, the local government shall advise the applicant what information, if any, is needed to deem the application properly completed in compliance with the filing requirements published by the local government. If the local government does not provide written notice that the applicant has not submitted the properly completed applica-

tion, the application shall be automatically deemed properly completed and accepted. Within 45 days after receiving a completed application, a local government must notify an applicant if additional information is required for the local government to determine the sufficiency of the application, and shall specify the additional information that is required. The applicant must submit the additional information to the local government or request that the local government act without the additional information. While the applicant responds to the request for additional information, the 120-day period described in this subsection is tolled. Both parties may agree to a reasonable request for an extension of time, particularly in the event of a force major or other extraordinary circumstance. The local government must approve, approve with conditions, or deny the application within 120 days following receipt of a completed application.

(2) The procedures set forth in subsection (1) apply to the following building permit applications: accessory structure; alarm permit; nonresidential buildings less than 25,000 square feet; electric; irrigation permit; landscaping; mechanical; plumbing; residential units other than a single family unit; multifamily residential not exceeding 50 units; roofing; signs; site-plan approvals and subdivision plats not requiring public hearings or public notice; and lot grading and site alteration associated with the permit application set forth in this subsection. The procedures set forth in subsection (1) do not apply to permits for any wireless communications facilities or when a law, agency rule, or local ordinance specify different timeframes for review of local building permit applications.

(3) Beginning October 1, 2019, for any project requiring a fire alarm permit, a uniform fire alarm permit application must be used and submitted to the local enforcement agency along with any required drawings, plans, and supporting documentation. The uniform fire alarm permit application may be submitted electronically or by facsimile and must be signed by the owner, contractor, or authorized representative of either such person. The uniform fire alarm permit application must contain the following information in substantially the following form:

UNIFORM FIRE ALARM PERMIT APPLICATION

Tax Folio No.: ....
Application No.: ....
Owner or Representative Name: ....
Property Address: ....
City: .... State: .... Zip: ....
Phone: ....
Fee Simple Titleholder's Name (if other than owner): ....
Fee Simple Titleholder's Address (if other than owner): ....
Description of Work: .... New Install .... Replacement .... Addition .... Other ....
Construction Type: ....
Proposed Use: ....
Alarm Contractor's Name: ....
Alarm Contractor's Address: ....
City: .... State: .... Zip: ....
Phone: ....
Alarm Contractor's License No: ....

Application is hereby made to obtain a permit to do the work and installation as indicated. I certify that no work or installation has commenced before the filing of this permit application. I certify that all of the foregoing information is true and accurate.

... (Signature of Owner, Contractor, or Agent) ...
Printed Name: ....

(4) The procedures set forth in subsection (1) do not apply to the installation or replacement of a fire alarm system if a plans review is not required by the local enforcement agency.

(5) For repairs to an existing fire alarm system that was previously permitted by the local enforcement agency, the contractor may begin the repair upon filing the uniform fire alarm permit application with the local enforcement agency if the local enforcement agency requires fire alarm permits for repairs.

Section 2. Subsection (1) of section 633.216, Florida Statutes, is amended to read:

633.216 Inspection of buildings and equipment; orders; firesafety inspection training requirements; certification; disciplinary action.—The State Fire Marshal and her or his agents or persons authorized to enforce laws and rules of the State Fire Marshal shall, at any reasonable hour, when the State Fire Marshal has reasonable cause to believe that a violation of this chapter or s. 509.215, or a rule adopted thereunder, or a minimum firesafety code adopted by the State Fire Marshal or a local authority, may exist, inspect any and all buildings and structures which are subject to the requirements of this chapter or s. 509.215 and rules adopted thereunder. The authority to inspect shall extend to all equipment, vehicles, and chemicals which are located on or within the premises of any such building or structure.

(1) Each county, municipality, and special district that has firesafety enforcement responsibilities shall employ or contract with a firesafety inspector. Except as provided in s. 633.312(2), ~~and~~ (3), *and (4),* the firesafety inspector must conduct all firesafety inspections that are required by law. The governing body of a county, municipality, or special district that has firesafety enforcement responsibilities may provide a schedule of fees to pay only the costs of inspections conducted pursuant to this subsection and related administrative expenses. Two or more counties, municipalities, or special districts that have firesafety enforcement responsibilities may jointly employ or contract with a firesafety inspector.

Section 3. Present subsections (4) and (5) of section 633.312, Florida Statutes, are redesignated as subsections (5) and (6), respectively, and subsection (3) of that section is amended, to read:

633.312 Inspection of fire control systems, fire hydrants, and fire protection systems.—

(3)*(a)* The inspecting contractor shall provide to the building owner or hydrant owner and the local authority having jurisdiction a copy of the applicable *uniform summary* inspection report established under this chapter. *The local authority having jurisdiction may accept uniform summary inspection reports by United States mail, by hand delivery, by electronic submission, or through a third-party vendor that collects the reports on behalf of the local authority having jurisdiction.*

(b) The State Fire Marshal shall adopt rules to implement a uniform summary inspection report and submission procedures to be used by all third-party vendors and local authorities having jurisdiction. For purposes of this section, a uniform summary inspection report must record the address where the fire protection system or hydrant is located, the company and person conducting the inspection and their license number, the date of the inspection, and the fire protection system or hydrant inspection status, including a brief summary of each deficiency, critical deficiency, noncritical deficiency, or impairment found. A contractor's detailed inspection report is not required to follow the uniform summary inspection report format. The State Fire Marshal shall establish by rule a submission procedure for each means provided under paragraph (a) by which a local authority having jurisdiction may accept uniform summary inspection reports. Each of the submission procedures must allow a contractor to attach additional documents with the submission of a uniform summary inspection report, including a physical copy of the contractor's detailed inspection report. A submission procedure may not require a contractor to submit information contained within the detailed inspection report unless the information is required to be included in the uniform summary inspection report.

(4) The maintenance of fire hydrant and fire protection systems as well as corrective actions on deficient systems is the responsibility of the owner of the system or hydrant. Equipment requiring periodic testing or operation to ensure its maintenance shall be tested or operated as specified in the Fire Prevention Code, Life Safety Code, National Fire Protection Association standards, or as directed by the appropriate authority, provided that such appropriate authority may not require a sprinkler system not required by the Fire Prevention Code, Life Safety Code, or National Fire Protection Association standards to be removed

regardless of its condition. This section does not prohibit governmental entities from inspecting and enforcing firesafety codes.

Section 4. Paragraph (l) of subsection (2) of section 718.112, Florida Statutes, is amended to read:

718.112 Bylaws.—

(2) REQUIRED PROVISIONS.—The bylaws shall provide for the following and, if they do not do so, shall be deemed to include the following:

(l) *Firesafety.—An association must ensure reasonable compliance with the Florida Fire Prevention Code. For purposes of this paragraph, the term "reasonable compliance" means the ability to select alternative solutions to ensure that the property meets the level of firesafety required by the Florida Fire Prevention Code. As to a residential condominium building that is a high-rise building as defined under the Florida Fire Prevention Code, the association may either retrofit a fire sprinkler system or install an engineered life safety system as specified in the Florida Fire Prevention Code* ~~*Certificate of compliance.*~~ ~~A provision that a certificate of compliance from a licensed electrical contractor or electrician may be accepted by the association's board as evidence of compliance of the condominium units with the applicable fire and life safety code must be included. Notwithstanding chapter 633 or of any other code, statute, ordinance, administrative rule, or regulation, or any interpretation of the foregoing, an association, residential condominium, or unit owner is not obligated to retrofit the common elements, association property, or units of a residential condominium with a fire sprinkler system in a building that has been certified for occupancy by the applicable governmental entity if the unit owners have voted to forego such retrofitting by the affirmative vote of a majority of all voting interests in the affected condominium~~.

1. The local authority having jurisdiction may not require completion of retrofitting with a fire sprinkler system *or completion of installation of an engineered life safety system* before January 1, *2024* ~~2020~~. ~~By December 31, 2016, a residential condominium association that is not in compliance with the requirements for a fire sprinkler system and has not voted to forego retrofitting of such a system must initiate an application for a building permit for the required installation with the local government having jurisdiction demonstrating that the association will become compliant by December 31, 2019~~.

~~1. A vote to forego retrofitting may be obtained by limited proxy or by a ballot personally cast at a duly called membership meeting, or by execution of a written consent by the member, and is effective upon recording a certificate attesting to such vote in the public records of the county where the condominium is located. The association shall mail or hand deliver to each unit owner written notice at least 14 days before the membership meeting in which the vote to forego retrofitting of the required fire sprinkler system is to take place. Within 30 days after the association's opt out vote, notice of the results of the opt out vote must be mailed or hand delivered to all unit owners. Evidence of compliance with this notice requirement must be made by affidavit executed by the person providing the notice and filed among the official records of the association. After notice is provided to each owner, a copy must be provided by the current owner to a new owner before closing and by a unit owner to a renter before signing a lease.~~

~~2. If there has been a previous vote to forego retrofitting, a vote to require retrofitting may be obtained at a special meeting of the unit owners called by a petition of at least 10 percent of the voting interests. Such a vote may only be called once every 3 years. Notice shall be provided as required for any regularly called meeting of the unit owners, and must state the purpose of the meeting. Electronic transmission may not be used to provide notice of a meeting called in whole or in part for this purpose.~~

~~3. As part of the information collected annually from condominiums, the division shall require condominium associations to report the membership vote and recording of a certificate under this subsection and, if retrofitting has been undertaken, the per unit cost of such work. The division shall annually report to the Division of State Fire Marshal of the Department of Financial Services the number of condominiums that have elected to forego retrofitting.~~

2. ~~4.~~ Notwithstanding s. 553.509, a residential association may not be obligated to, and may forego the retrofitting of, any improvements required by s. 553.509(2) upon an affirmative vote of a majority of the voting interests in the affected condominium.

Section 5. *By July 1, 2019, the State Fire Marshal shall issue a data call to all local fire officials to collect data regarding high-rise condominiums greater than 75 feet in height which have not retrofitted with a fire sprinkler system or an engineered life safety system in accordance with ss. 633.208(5) and 718.112(2)(l), Florida Statutes. Local fire officials shall submit such data to the State Fire Marshal and shall include, for each individual building, the address, the number of units, and the number of stories. By July 1, 2020, all data must be received and compiled into a report by city and county. By September 1, 2020, the report must be sent to the Governor, the President of the Senate, and the Speaker of the House of Representatives.*

Section 6. 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 firesafety systems; amending s. 553.792, F.S.; requiring, beginning on a certain date, that a uniform fire alarm permit application, along with certain other information, be used and submitted to the local enforcement agency for any project requiring a fire alarm permit; providing that such application may be submitted by certain means; providing a signature requirement; specifying information required in, and a form for, such applications; providing applicability of certain building permit application procedures; authorizing contractors, under certain circumstances, to begin fire alarm system repairs upon filing the uniform fire alarm permit application; amending s. 633.216, F.S.; conforming a cross-reference; amending s. 633.312, F.S.; authorizing local authorities having jurisdiction to accept uniform summary inspection reports of certain fire hydrants and fire protection systems by certain means; requiring the State Fire Marshal to adopt rules implementing a uniform summary inspection report and certain submission procedures; providing requirements for such uniform report and procedures; providing that such procedures may not require a contractor to submit certain information; amending s. 718.112, F.S.; requiring that condominium association bylaws provide requirements for the association's reasonable compliance with the Florida Fire Prevention Code; defining the term "reasonable compliance"; specifying authorized means of compliance for certain residential condominiums; deleting a requirement for association bylaws to contain a certain certificate of compliance provision; deleting an exemption from a requirement to retrofit certain condominium property with a fire sprinkler system; deleting obsolete provisions; extending the date before which a local authority having jurisdiction may not require completion of a condominium's retrofitting with a fire sprinkler system; specifying the date before which such local authority having jurisdiction may not require completion of installation of an engineered life safety system; requiring the State Fire Marshal, by a certain date, to issue a data call to all local fire officials to collect data on certain high-rise condominiums; specifying data that local fire officials must submit; requiring that all data be received and compiled into a certain report by a certain date; requiring that the report be sent to the Governor and the Legislature by a certain date; providing an effective date.

Pursuant to Rule 4.19, **HB 647**, as amended, was placed on the calendar of Bills on Third Reading.

Consideration of **SB 1422** and **CS for CS for SB 418** was deferred.

BILLS ON THIRD READING

CS for HB 611—A bill to be entitled An act relating to motor vehicle racing; amending ss. 316.191 and 901.15, F.S.; authorizing a law enforcement officer to arrest a person without a warrant upon probable

cause that the person committed a criminal racing violation; providing an effective date.

—was read the third time by title.

On motion by Senator Stewart, **CS for HB 611** was passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Diaz	Pizzo
Albritton	Flores	Powell
Baxley	Gainer	Rader
Bean	Gibson	Rodriguez
Benacquisto	Gruters	Rouson
Berman	Harrell	Simmons
Book	Hooper	Simpson
Bracy	Hutson	Stargel
Bradley	Lee	Stewart
Brandes	Mayfield	Taddeo
Braynon	Montford	Thurston
Broxson	Passidomo	Torres
Cruz	Perry	Wright

Nays—None

Vote after roll call:

Yea—Farmer

SB 120—A bill to be entitled An act relating to the Early Childhood Music Education Incentive Pilot Program; amending s. 1003.481, F.S.; extending the scheduled expiration of the pilot program; providing an effective date.

—was read the third time by title.

On motion by Senator Perry, **SB 120** was passed and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Farmer	Powell
Albritton	Flores	Rader
Baxley	Gainer	Rodriguez
Bean	Gibson	Rouson
Benacquisto	Gruters	Simmons
Berman	Harrell	Simpson
Book	Hooper	Stargel
Bracy	Hutson	Stewart
Bradley	Lee	Taddeo
Brandes	Mayfield	Thurston
Braynon	Montford	Torres
Broxson	Passidomo	Wright
Cruz	Perry	
Diaz	Pizzo	

Nays—None

CS for SB 236—A bill to be entitled An act relating to public records and public meetings; amending s. 112.324, F.S.; providing an exception to the expiration of certain public records and public meetings exemptions under specified circumstances; prohibiting the disclosure of the personal identifying information of an alleged victim of sexual harassment or sexual misconduct, or information that could assist an individual in determining the identity of such alleged victim, in any portion of a proceeding conducted by the Commission on Ethics, a commission on ethics and public trust, or a county or a municipality that has established a local investigatory process which is open to the public; providing for future legislative review and repeal; amending s. 119.071, F.S.; providing an exemption from public records requirements for complaints, referrals, and reports alleging sexual harassment or sexual misconduct, and any related records, which are held by an agency; specifying conditions upon which the exemption expires; providing that the personal identifying information of an alleged victim of sexual harassment or sexual misconduct, or information that could assist an individual in determining the identity of such alleged victim, remains confidential and exempt from public records requirements; authorizing disclosure under specified circumstances; providing for future legislative review and repeal; amending s. 286.0113, F.S.; providing an exemption from public meetings requirements for any portion of a meeting that would reveal records involving an allegation of sexual harassment or sexual misconduct made confidential and exempt under the act; specifying conditions upon which the exemption expires; prohibiting the disclosure of the personal identifying information of an alleged victim of sexual harassment or sexual misconduct, or information that could assist an individual in determining the identity of such alleged victim, in any portion of a meeting open to the public; providing for future legislative review and repeal; providing statements of public necessity; providing an effective date.

—was read the third time by title.

On motion by Senator Book, **CS for SB 236** was 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—39

Mr. President	Diaz	Pizzo
Albritton	Farmer	Powell
Baxley	Flores	Rader
Bean	Gainer	Rodriguez
Benacquisto	Gibson	Rouson
Berman	Gruters	Simmons
Book	Harrell	Simpson
Bracy	Hooper	Stargel
Bradley	Hutson	Stewart
Brandes	Mayfield	Taddeo
Braynon	Montford	Thurston
Broxson	Passidomo	Torres
Cruz	Perry	Wright

Nays—None

CS for SB 262—A bill to be entitled An act relating to child welfare; amending s. 39.001, F.S.; providing for the name of a child's guardian ad litem or attorney ad litem to be entered on court orders in dependency proceedings; amending s. 39.0136, F.S.; requiring cooperation between certain parties and the court to achieve permanency for a child as soon as possible; requiring the Department of Children and Families to ensure that parents have the information necessary to contact their case manager; requiring that a new case manager who is assigned to a case notify the parent and provide updated contact information; specifying that continuances and extensions of time by the court on its own motion may not exceed a certain period of time; amending s. 39.402, F.S.; specifying that time limitations governing placement of a child in a shelter do not include continuances requested by the court; requiring the court to advise parents in plain language what is expected of them to achieve reunification with their child; expanding the requirements that parents must meet to achieve reunification with their child; amending s. 39.507, F.S.; requiring the court during an adjudicatory hearing to advise parents in plain language of certain requirements to achieve permanency with their child; expanding the requirements that parents must meet to achieve reunification with their child; amending s. 39.521, F.S.; requiring the department to serve copies of the case plan and the family functioning assessment on the parents of the child and provide copies of the plan and assessment to the other parties; amending s. 39.522, F.S.; specifying that a postdisposition hearing, if needed, must occur before a child achieves a permanency placement; amending s. 39.6011, F.S.; requiring that the written notice in a case plan include certain responsibilities and actions required of the parents and inform the parent that a breach of the case plan by the parent's action or inaction may result in an earlier filing of a petition for ter-

mination of parental rights; requiring the department to ensure that the parent has certain contact information and to explain certain strategies included in the case plan; providing a timeframe for referrals for services; amending s. 39.6012, F.S.; expanding the tasks and services a case plan must describe; amending s. 39.6013, F.S.; conforming a cross-reference; amending s. 39.621, F.S.; revising when a court must hold certain hearings relating to dependency cases; amending s. 39.806, F.S.; specifying that grounds for termination of parental rights may be established when a case plan is materially breached by a parent or parents' action or inaction; amending s. 39.811, F.S.; requiring the court to enter a written order of disposition within a specified timeframe following termination of parental rights; providing an effective date.

—as amended April 25, was read the third time by title.

On motion by Senator Albritton, **CS for SB 262**, as amended, was passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Diaz	Pizzo
Albritton	Farmer	Powell
Baxley	Flores	Rader
Bean	Gainer	Rodriguez
Benacquisto	Gibson	Rouson
Berman	Gruters	Simmons
Book	Harrell	Simpson
Bracy	Hooper	Stargel
Bradley	Lee	Stewart
Brandes	Mayfield	Taddeo
Braynon	Montford	Thurston
Broxson	Passidomo	Torres
Cruz	Perry	Wright

Nays—None

SJR 362—A joint resolution proposing amendments to Section 5 of Article II and Section 5 of Article XI and the repeal of Section 2 of Article XI of the State Constitution to abolish the Constitution Revision Commission.

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

That the following amendments to Section 5 of Article II and Section 5 of Article XI and the repeal of Section 2 of Article XI of the State Constitution are agreed to and shall be submitted to the electors of this state for approval or rejection at the next general election or at an earlier special election specifically authorized by law for that purpose:

ARTICLE II

GENERAL PROVISIONS

SECTION 5. Public officers.—

(a) No person holding any office of emolument under any foreign government, or civil office of emolument under the United States or any other state, shall hold any office of honor or of emolument under the government of this state. No person shall hold at the same time more than one office under the government of the state and the counties and municipalities therein, except that a notary public or military officer may hold another office, and any officer may be a member of *the* ~~a constitution revision commission,~~ taxation and budget reform commission, *a* constitutional convention, or *a* statutory body having only advisory powers.

(b) Each state and county officer, before entering upon the duties of the office, shall give bond as required by law, and shall swear or affirm:

"I do solemnly swear (or affirm) that I will support, protect, and defend the Constitution and Government of the United States and of the State of Florida; that I am duly qualified to hold office under the Constitution of the state; and that I will well and faithfully perform the duties of ____(title of office)____ on which I am now about to enter. So help me God.",

and thereafter shall devote personal attention to the duties of the office, and continue in office until a successor qualifies.

(c) The powers, duties, compensation and method of payment of state and county officers shall be fixed by law.

ARTICLE XI

AMENDMENTS

SECTION 5. Amendment or revision election.—

(a) A proposed amendment to or revision of this constitution, or any part of it, shall be submitted to the electors at the next general election held more than ninety days after the joint resolution or report of *a* ~~revision commission,~~ constitutional convention or *the* taxation and budget reform commission proposing it is filed with the custodian of state records, unless, pursuant to law enacted by the affirmative vote of three-fourths of the membership of each house of the legislature and limited to a single amendment or revision, it is submitted at an earlier special election held more than ninety days after such filing.

(b) A proposed amendment or revision of this constitution, or any part of it, by initiative shall be submitted to the electors at the general election provided the initiative petition is filed with the custodian of state records no later than February 1 of the year in which the general election is held.

(c) The legislature shall provide by general law, prior to the holding of an election pursuant to this section, for the provision of a statement to the public regarding the probable financial impact of any amendment proposed by initiative pursuant to section 3.

(d) Once in the tenth week, and once in the sixth week immediately preceding the week in which the election is held, the proposed amendment or revision, with notice of the date of election at which it will be submitted to the electors, shall be published in one newspaper of general circulation in each county in which a newspaper is published.

(e) Unless otherwise specifically provided for elsewhere in this constitution, if the proposed amendment or revision is approved by vote of at least sixty percent of the electors voting on the measure, it shall be effective as an amendment to or revision of the constitution of the state on the first Tuesday after the first Monday in January following the election, or on such other date as may be specified in the amendment or revision.

BE IT FURTHER RESOLVED that the following statement be placed on the ballot:

CONSTITUTIONAL AMENDMENT

ARTICLE II, SECTION 5

ARTICLE XI, SECTIONS 2 AND 5

ABOLISHING THE CONSTITUTION REVISION COMMISSION.—Proposing an amendment to the State Constitution to abolish the Constitution Revision Commission, which meets at 20-year intervals and is scheduled to next convene in 2037, as a method of submitting proposed amendments or revisions to the State Constitution to electors of the state for approval. This amendment does not affect the ability to revise or amend the State Constitution through citizen initiative, constitutional convention, the Taxation and Budget Reform Commission, or legislative joint resolution.

—was read the third time by title.

On motion by Senator Brandes, **SJR 362** was passed by the required constitutional three-fifths vote of the membership and certified to the House. The vote on passage was:

Yeas—35

Mr. President	Berman	Braynon
Albritton	Book	Broxson
Baxley	Bracy	Diaz
Bean	Bradley	Farmer
Benacquisto	Brandes	Flores

Gainer	Passidomo	Simpson
Gibson	Perry	Stargel
Gruters	Pizzo	Stewart
Harrell	Powell	Thurston
Hooper	Rader	Torres
Mayfield	Rodriguez	Wright
Montford	Simmons	

Nays—4

Cruz	Lee	Rouson
Taddeo		

Vote after roll call:

Yea—Hutson

CS for SB 442—A bill to be entitled An act relating to postsecondary education for certain military personnel; amending s. 1004.096, F.S.; requiring the Board of Governors and State Board of Education, in consultation with the Department of Veterans' Affairs, to create a uniform system for the award of postsecondary credit to certain servicemembers and veterans of the United States Armed Forces; requiring the Articulation Coordinating Committee to convene a workgroup by a specified date; providing membership and duties of the workgroup; providing administrative support for the workgroup; requiring the workgroup to provide recommendations to the Board of Governors and State Board of Education by a specified date; requiring the Articulation Coordinating Committee to review and identify military experience and credentials for postsecondary credit by a specified date; requiring the Articulation Coordinating Committee to approve and the Board of Governors and State Board of Education to adopt a specified list; requiring certain postsecondary institutions to award credit for specified military experience and credentials; authorizing the award of additional credits; requiring that certain credits be transferrable between specified postsecondary institutions; amending s. 1009.26, F.S.; requiring specified postsecondary institutions to waive the transcript fee for active duty members of the Armed Forces of the United States, certain veterans, and their spouses and dependents; providing reporting requirements for such institutions; requiring the Board of Governors and the State Board of Education, respectively, to adopt regulations and rules; providing an effective date.

—was read the third time by title.

On motion by Senator Lee, **CS for SB 442** was passed and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Farmer	Powell
Albritton	Flores	Rader
Baxley	Gainer	Rodriguez
Bean	Gibson	Rouson
Benacquisto	Gruters	Simmons
Berman	Harrell	Simpson
Book	Hooper	Stargel
Bracy	Hutson	Stewart
Bradley	Lee	Taddeo
Brandes	Mayfield	Thurston
Braynon	Montford	Torres
Broxson	Passidomo	Wright
Cruz	Perry	
Diaz	Pizzo	

Nays—None

SENATOR SIMMONS PRESIDING

SB 742—A bill to be entitled An act relating to designation of eligible telecommunications carriers; amending s. 364.10, F.S.; including certain commercial mobile radio service providers within the definition of the term "eligible telecommunications carrier"; authorizing the Public Service Commission to designate any commercial mobile radio service provider as an eligible telecommunications carrier for the limited purpose of providing Lifeline service; deleting a provision requiring carriers to allow subscribers to demonstrate continued eligibility for Lifeline service under certain conditions; requiring subscribers to furnish proof of eligibility upon request from the carrier or the Federal Communications Commission or its designee; revising the carriers that may provide Lifeline service; revising Lifeline service eligibility; deleting obsolete provisions; revising the entities with which the commission may exchange certain information; amending s. 364.107, F.S.; revising the entities to which certain information relating to Lifeline service eligibility may be released; providing an effective date.

—was read the third time by title.

On motion by Senator Braynon, **SB 742** was passed and certified to the House. The vote on passage was:

Yeas—39

Albritton	Farmer	Pizzo
Baxley	Flores	Powell
Bean	Gainer	Rader
Benacquisto	Gibson	Rodriguez
Berman	Gruters	Rouson
Book	Harrell	Simmons
Bracy	Hooper	Simpson
Bradley	Hutson	Stargel
Brandes	Lee	Stewart
Braynon	Mayfield	Taddeo
Broxson	Montford	Thurston
Cruz	Passidomo	Torres
Diaz	Perry	Wright

Nays—None

Vote after roll call:

Yea—Mr. President

CS for SB 828—A bill to be entitled An act relating to lewd or lascivious exhibition; amending s. 800.09, F.S.; prohibiting certain lewd or lascivious acts in the presence of county correctional personnel; providing criminal penalties; providing an effective date.

—was read the third time by title.

On motion by Senator Rader, **CS for SB 828** was passed and certified to the House. The vote on passage was:

Yeas—37

Albritton	Farmer	Pizzo
Baxley	Flores	Powell
Bean	Gainer	Rader
Benacquisto	Gibson	Rodriguez
Berman	Gruters	Simpson
Book	Harrell	Stargel
Bracy	Hooper	Stewart
Bradley	Hutson	Taddeo
Brandes	Lee	Thurston
Braynon	Mayfield	Torres
Broxson	Montford	Wright
Cruz	Passidomo	
Diaz	Perry	

Nays—None

Vote after roll call:

Yea—Rouson

MOTIONS

On motion by Senator Benacquisto, the rules were waived and time of adjournment was extended until 4:30 p.m.

CS for CS for CS for SB 168—A bill to be entitled An act relating to federal immigration enforcement; creating chapter 908, F.S., relating to federal immigration enforcement; providing legislative findings and intent; providing definitions; prohibiting sanctuary policies; requiring state entities, local governmental entities, and law enforcement agencies to use best efforts to support the enforcement of federal immigration law; prohibiting restrictions by the entities and agencies on taking certain actions with respect to information regarding a person's immigration status; providing requirements concerning certain criminal defendants subject to immigration detainers or otherwise subject to transfer to federal custody; authorizing a law enforcement agency to transport an alien unlawfully present in the United States under certain circumstances; providing an exception to reporting requirements for crime victims or witnesses; requiring recordkeeping relating to crime victim and witness cooperation in certain investigations; providing applicability; specifying duties concerning immigration detainers; requiring county correctional facilities to enter agreements for payments for complying with immigration detainers; providing for enforcement; providing for declaratory or injunctive relief; requiring a court to enjoin unlawful sanctuary policies; requiring written findings of fact under certain circumstances; providing for applicability to certain education records; prohibiting discrimination on specified grounds; providing for implementation; requiring repeal of existing sanctuary policies within a specified period; providing effective dates.

—as amended April 25, was read the third time by title.

SENATOR BENACQUISTO PRESIDING

SENATOR SIMMONS PRESIDING

On motion by Senator Gruters, **CS for CS for CS for SB 168**, as amended, was passed and certified to the House. The vote on passage was:

Yeas—22

Mr. President	Diaz	Passidomo
Albritton	Gainer	Perry
Baxley	Gruters	Simmons
Bean	Harrell	Simpson
Benacquisto	Hooper	Stargel
Bradley	Hutson	Wright
Brandes	Lee	
Broxson	Mayfield	

Nays—18

Berman	Flores	Rodriguez
Book	Gibson	Rouson
Bracy	Montford	Stewart
Braynon	Pizzo	Taddeo
Cruz	Powell	Thurston
Farmer	Rader	Torres

SB 1098—A bill to be entitled An act relating to a sales tax refund for eligible job training organizations; creating s. 212.094, F.S.; defining terms; providing that eligible job training organizations are entitled to receive a refund of a specified percentage of certain sales taxes remitted to the Department of Revenue; requiring such organizations to use the refund only for specified purposes; specifying a limit on the total amount of refunds issued by the department in any state fiscal year; requiring that refunds be granted on a first-come, first-served basis; specifying requirements for applying for a certain certification with the Department of Economic Opportunity; specifying requirements and procedures for the Department of Economic Opportunity in reviewing and approving applications; specifying that certifications remain valid so long as such organizations comply with certain requirements; providing that such organizations must annually apply for refunds with the Department of Revenue within a certain timeframe; providing requirements for refund applications; providing construction; requiring such organizations, under certain circumstances and at certain timeframes, to provide a specified report to the Department of Economic Opportunity; authorizing the Department of Economic Opportunity to adopt rules; requiring the Department of Economic Opportunity to notify the Department of Revenue under certain circumstances; prohibiting the Department of Revenue from issuing refunds after receiving such notifications; providing that refund overpayments and refunds issued to ineligible organizations are subject to repayment and specified interest; authorizing the Department of Revenue to adopt emergency rules; providing for expiration of the authorization; providing effective dates.

—as amended April 25, was read the third time by title.

THE PRESIDENT PRESIDING

On motion by Senator Lee, **SB 1098**, as amended, was passed and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Farmer	Powell
Albritton	Flores	Rader
Baxley	Gainer	Rodriguez
Bean	Gibson	Rouson
Benacquisto	Gruters	Simmons
Berman	Harrell	Simpson
Book	Hooper	Stargel
Bracy	Hutson	Stewart
Bradley	Lee	Taddeo
Brandes	Mayfield	Thurston
Braynon	Montford	Torres
Broxson	Passidomo	Wright
Cruz	Perry	
Diaz	Pizzo	

Nays—None

Vote after roll call:

Yea to Nay—Rader

CS for CS for CS for SB 1180—A bill to be entitled An act relating to prescription drug formulary consumer protection; creating s. 627.42393, F.S.; requiring insurers issuing individual or group health insurance policies to provide certain notices to current and prospective insureds, and the insureds' treating physicians, within a certain timeframe before the effective date of any change to a prescription drug formulary during a policy year; requiring such insurers to maintain a record of formulary changes and submit a certain annual report to the Office of Insurance Regulation; specifying requirements for the annual report; requiring the office to annually compile data in such reports and prepare an annual report summarizing such data; requiring the office to annually post the report on its website and submit the report to the Governor and Legislature by a certain date; amending s. 627.6699, F.S.; requiring small employer carriers to comply with certain requirements for any change to a prescription drug formulary under the health benefit plan; amending s. 641.31, F.S.; requiring health maintenance organizations to provide certain notices to current and prospective subscribers, and the subscribers' treating physicians, within a certain timeframe before the effective date of any change to a prescription drug formulary during a contract year; requiring such health maintenance organizations to maintain a record of formulary changes and submit a certain annual report to the office; specifying requirements for the annual report; requiring the office to annually compile data in such reports and prepare an annual report summarizing such data; requiring the office to annually post the report on its website and submit the report to the Governor and Legislature; providing a declaration of important state interest; providing an effective date.

—as amended April 25, was read the third time by title.

On motion by Senator Mayfield, **CS for CS for CS for SB 1180**, as amended, was passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Farmer	Pizzo
Albritton	Flores	Powell
Baxley	Gainer	Rader
Bean	Gibson	Rodriguez
Benacquisto	Gruters	Rouson
Berman	Harrell	Simmons
Book	Hooper	Simpson
Bracy	Hutson	Stargel
Bradley	Lee	Stewart
Braynon	Mayfield	Taddeo
Broxson	Montford	Thurston
Cruz	Passidomo	Torres
Diaz	Perry	Wright

Nays—1

Brandes

CS for CS for SB 1278—A bill to be entitled An act relating to biosolids management; creating s. 403.0616, F.S.; requiring the Department of Environmental Protection, subject to appropriation, to establish a real-time water quality monitoring program; encouraging the formation of public-private partnerships; creating s. 403.08715, F.S.; providing legislative findings; defining the term "biosolids"; prohibiting the land application of biosolids on certain sites; prohibiting the department from issuing or renewing certain permits; directing the department to initiate rulemaking by a specified date, adopt specified rules for biosolids management, and implement a specified water quality monitoring program; providing applicability; providing an effective date.

—was read the third time by title.

On motion by Senator Mayfield, **CS for CS for SB 1278** was passed and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Farmer	Powell
Albritton	Flores	Rader
Baxley	Gainer	Rodriguez
Bean	Gibson	Rouson
Benacquisto	Gruters	Simmons
Berman	Harrell	Simpson
Book	Hooper	Stargel
Bracy	Hutson	Stewart
Bradley	Lee	Taddeo
Brandes	Mayfield	Thurston
Braynon	Montford	Torres
Broxson	Passidomo	Wright
Cruz	Perry	
Diaz	Pizzo	

Nays—None

CS for SB 1306—A bill to be entitled An act relating to the Women's Suffrage Centennial Commission; creating s. 267.0618, F.S.; creating the commission adjunct to the Department of State; providing for the purpose of the commission; specifying the composition of the commission and requirements of commission members; prescribing duties of the commission in order to ensure a suitable statewide observance of the centennial of women's suffrage; authorizing establishment of a youth working group; requiring the Division of Historical Resources of the department to provide administrative and staff support; providing for expiration; providing an effective date.

—was read the third time by title.

On motion by Senator Book, **CS for SB 1306** was passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Diaz	Perry
Albritton	Farmer	Pizzo
Baxley	Flores	Powell
Bean	Gainer	Rader
Benacquisto	Gibson	Rodriguez
Berman	Gruters	Rouson
Book	Harrell	Simmons
Bracy	Hooper	Simpson
Bradley	Hutson	Stargel
Brandes	Lee	Stewart
Braynon	Mayfield	Taddeo
Broxson	Montford	Torres
Cruz	Passidomo	Wright

Nays—None

SB 1338—A bill to be entitled An act relating to guardianship; amending s. 744.1097, F.S.; applying provisions relating to the determination of venue in proceedings for the appointment of a guardian to minors; amending s. 744.331, F.S.; requiring that a court dismiss a petition for determination of incapacity if all members of the examining committee conclude that the person is not incapacitated, unless a certain motion is filed within a specified period; providing requirements for such motion; requiring the court to rule on the motion as soon as practicable; authorizing the court to impose sanctions under certain circumstances; amending s. 744.3701, F.S.; making technical revisions; providing for retroactive application; providing an effective date.

—was read the third time by title.

On motion by Senator Rodriguez, **SB 1338** was passed and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Farmer	Powell
Albritton	Flores	Rader
Baxley	Gainer	Rodriguez
Bean	Gibson	Rouson
Benacquisto	Gruters	Simmons
Berman	Harrell	Simpson
Book	Hooper	Stargel
Bracy	Hutson	Stewart
Bradley	Lee	Taddeo
Brandes	Mayfield	Thurston
Braynon	Montford	Torres
Broxson	Passidomo	Wright
Cruz	Perry	
Diaz	Pizzo	

Nays—None

CS for SB 1476—A bill to be entitled An act relating to the Citizens Property Insurance Corporation; amending s. 627.351, F.S.; specifying a limit on annual rate increases, except for certain coverage, in policies issued by the corporation to insureds located in certain counties; providing for future expiration; providing an effective date.

—was read the third time by title.

On motion by Senator Flores, **CS for SB 1476** was passed and certified to the House. The vote on passage was:

Yeas—34

Mr. President	Farmer	Rodriguez
Albritton	Flores	Rouson
Baxley	Gibson	Simmons
Bean	Harrell	Simpson
Benacquisto	Hooper	Stargel
Berman	Hutson	Stewart
Book	Lee	Taddeo
Bracy	Montford	Thurston
Braynon	Passidomo	Torres
Broxson	Perry	Wright
Cruz	Pizzo	
Diaz	Powell	

Nays—6

Bradley	Gainer	Mayfield
Brandes	Gruters	Rader

CS for SB 1656—A bill to be entitled An act relating to criminal statutes; creating s. 775.022, F.S.; providing legislative intent; defining the term "criminal statute"; specifying that the reenactment or amendment of a criminal statute operates prospectively and does not affect or abate specified circumstances; providing exceptions; providing that a reference to any other chapter, part, section, or subdivision of the Florida Statutes in a criminal statute or a reference within a criminal statute constitutes a general reference under the doctrine of incorporation by reference; providing an effective date.

—as amended April 25, was read the third time by title.

On motion by Senator Lee, **CS for SB 1656**, as amended, was passed and certified to the House. The vote on passage was:

Yeas—38

Mr. President	Farmer	Powell
Albritton	Flores	Rader
Baxley	Gainer	Rodriguez
Bean	Gibson	Rouson
Benacquisto	Gruters	Simmons
Berman	Harrell	Simpson
Book	Hooper	Stargel
Bradley	Lee	Stewart
Brandes	Mayfield	Taddeo
Braynon	Montford	Thurston
Broxson	Passidomo	Torres
Cruz	Perry	Wright
Diaz	Pizzo	

Nays—1

Bracy

Vote after roll call:

Yea—Hutson

The Senate resumed consideration of—

CS for SB 7066—A bill to be entitled An act relating to election administration; amending s. 97.012, F.S.; requiring the Secretary of State to provide signature matching training to certain persons; amending s. 97.021, F.S.; revising the definition of the term "voter interface device"; amending s. 98.077, F.S.; revising deadlines for voter signature updates for purposes of vote-by-mail and provisional ballots; providing an exception; amending s. 98.0981, F.S.; revising the voter threshold necessary to require the reporting of certain precinct-level results by ballot; amending s. 99.063, F.S.; removing a provision requiring certain language to follow the name of gubernatorial candidates in specified circumstances; amending s. 100.061, F.S.; revising the date of the primary election; amending s. 101.015, F.S.; requiring the Department of State to establish minimum security standards to address chain of custody of ballots, transport of ballots, and ballot security; amending s. 101.048, F.S.; requiring a county canvassing board to review certain information; providing requirements for the canvassing and counting of provisional ballots; requiring the supervisor of elections to process a valid provisional ballot cure affidavit as a voter signature update; revising the Provisional Ballot Voter's Certificate and Affirmation form; providing a process to cure a provisional ballot with a signature deficiency; requiring a supervisor to mail a voter registration application to an elector in certain circumstances; amending s. 101.151, F.S.; revising requirements for department rules governing ballot design; amending s. 101.20, F.S.; authorizing the distribution of sample ballots by e-mail or mail in lieu of newspaper publication; amending s. 101.56075, F.S.; authorizing voting to be conducted using a voter interface device that produces a voter-verifiable paper output; amending s. 101.5614, F.S.; authorizing certain individuals to serve as witnesses during the ballot duplication process; amending s. 101.62, F.S.; revising the deadlines by which requests for vote-by-mail ballots must be received and by which vote-by-mail ballots shall be mailed by the supervisor; expanding the period during which a designee may physically collect a vote-by-mail ballot; amending s. 101.64, F.S.; requiring the secrecy envelope included with a vote-by-mail ballot to include a specified statement; amending s. 101.65, F.S.; revising requirements for vote-by-mail ballot instructions; amending s. 101.657, F.S.; requiring a supervisor to report the total number of vote-by-mail ballots received at each early voting location; amending s. 101.68, F.S.; revising the date that canvassing of vote-by-mail ballots may begin; revising requirements related to the canvassing and counting of vote-by-mail ballots; revising the deadline by which vote-by-mail ballot cure affidavits must be submitted; requiring the supervisor to process a valid vote-by-mail ballot cure affidavit as a voter signature update; amending s. 101.69, F.S.; requiring a supervisor to provide secure drop boxes in specified locations for an elector to place his or her vote-by-mail ballot; amending s. 101.6923, F.S.; revising vote-by-mail ballot instructions for certain first-time voters; amending s. 102.031, F.S.; expanding the area in which voter solicitation is prohibited; authorizing an elector to photograph his or her own ballot; amending s. 102.141, F.S.; providing notice requirements for meetings of a county canvassing board; requiring certain individuals to wear identification badges during certain periods; amending s. 102.166, F.S.; modifying certification requirements for voting systems to require the functionality to simultaneously sort and count ballot overvotes and undervotes; revising requirements for department rules regarding manual recounts of certain ballots; amending s. 102.168, F.S.; modifying provisions governing election contests to authorize judicial review of additional information related to determining validity of provisional and vote-by-mail ballot signatures to conform to changes made by the act; amending s. 104.051, F.S.; providing a penalty for certain supervisors who willfully violate the Florida Election Code; providing effective dates.

—which was previously amended, ordered engrossed, and placed on the calendar of Bills on Third Reading this day.

On motion by Senator Baxley, by two-thirds vote, **CS for SB 7066**, as amended, was read the third time by title, passed, and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Farmer	Pizzo
Albritton	Flores	Powell
Baxley	Gainer	Rader
Bean	Gibson	Rodriguez
Benacquisto	Gruters	Rouson
Berman	Harrell	Simmons
Book	Hooper	Simpson
Bradley	Hutson	Stargel
Brandes	Lee	Stewart
Braynon	Mayfield	Taddeo
Broxson	Montford	Thurston
Cruz	Passidomo	Torres
Diaz	Perry	Wright

Nays—1

Bracy

MOTIONS

On motion by Senator Benacquisto, the rules were waived and time of adjournment was extended until 5:00 p.m.

The Senate resumed consideration of—

CS for CS for SB 1024—A bill to be entitled An act relating to blockchain technology; providing legislative findings; establishing the Florida Blockchain Task Force within the Department of Financial Services; requiring the task force to develop a specified master plan; specifying the composition of the task force; specifying duties and procedures of the task force; providing that task force members shall serve without compensation but are entitled to certain reimbursement; requiring the task force to submit a specified report to the Governor and the Legislature and to make presentations; providing that the task force is entitled to assistance and services of state governmental entities; requiring the department to provide support staff and other assistance to the task force; providing for termination of the task force; providing an effective date.

—which was previously placed on the calendar of Bills on Third Reading this day.

On motion by Senator Gruters, by two-thirds vote, **CS for CS for SB 1024** was read a third time by title, passed, and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Farmer	Pizzo
Albritton	Flores	Powell
Baxley	Gainer	Rader
Bean	Gibson	Rodriguez
Benacquisto	Gruters	Rouson
Berman	Harrell	Simmons
Book	Hooper	Simpson
Bracy	Hutson	Stargel
Bradley	Lee	Stewart
Braynon	Mayfield	Taddeo
Broxson	Montford	Thurston
Cruz	Passidomo	Torres
Diaz	Perry	Wright

Nays—None

Vote after roll call:

Yea—Brandes

The Senate resumed consideration of—

CS for HB 1159—A bill to be entitled An act relating to private property rights; creating s. 163.045, F.S.; prohibiting local governments from requiring notices, applications, approvals, permits, fees, or mitigation for the pruning, trimming, or removal of trees on residential property if a property owner obtains specified documentation; prohibiting local governments from requiring property owners to replant such trees; providing an exception for mangrove protection actions; amending s. 163.3209, F.S.; deleting a provision that authorizes electric utilities to perform certain right-of-way tree maintenance only if a property owner has received local government approval; creating s. 70.002, F.S.; creating a Property Owner Bill of Rights; requiring county property appraisers to provide specified information on their websites; providing an effective date.

—which was previously considered this day.

On motion by Senator Albritton, **CS for HB 1159** was passed and certified to the House. The vote on passage was:

Yeas—22

Mr. President	Baxley	Book
Albritton	Benacquisto	Bradley
Brandes	Hooper	Simmons
Broxson	Hutson	Simpson
Diaz	Lee	Stargel
Gainer	Mayfield	Wright
Gruters	Montford	
Harrell	Passidomo	

Nays—16

Bean	Flores	Stewart
Berman	Gibson	Taddeo
Bracy	Pizzo	Thurston
Braynon	Rader	Torres
Cruz	Rodriguez	
Farmer	Rouson	

Vote after roll call:

Yea—Perry

Nay to Yea—Taddeo

MOTION TO RECONSIDER BILL

Senator Lee moved that the Senate reconsider the vote by which—

CS for HB 281—A bill to be entitled An act relating to public records; amending s. 97.0585, F.S.; providing an exemption from public records requirements for the telephone numbers and email addresses of voter registration applicants and voters; providing an exemption from public records requirements for information concerning preregistered voter registration applicants who are minors; providing for future legislative review and repeal; providing for retroactive application; providing statements of public necessity; providing an effective date.

—failed to pass by the required constitutional two-thirds vote of the members present and voting this day. The motion was adopted.

On motion by Senator Lee, **CS for HB 281** was placed on the Calendar of Bills on Third Reading.

MOTIONS

On motion by Senator Benacquisto, the rules were waived and the following bills temporarily postponed on the Special Order Calendar this day were retained on the Special Order Calendar: **CS for CS for SB 1704** and **CS for CS for SB 642**.

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 Monday, April 29, 2019.

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 Friday, April 26, 2019: CS for SB 332, CS for SB 532, CS for CS for SB 620, SJR 690, SB 702, SB 746, CS for SB 1526, CS for CS for CS for SB 796, CS for SM 804, CS for CS for SB 838, CS for SB 860, CS for CS for SB 1528, CS for CS for SB 874, CS for CS for SB 974, CS for CS for CS for SB 1000, CS for CS for SB 1712, HB 7067, HB 7073, CS for CS for SB 1024, SB 1210, CS for CS for SB 1418, CS for SB 1622, CS for CS for CS for SB 1666, CS for SB 7078, CS for CS for SB 1704, CS for SB 7046, SB 7052, SB 7054, CS for SB 7062, SB 7100.

Respectfully submitted,
Lizbeth Benacquisto, Rules Chair
Kathleen Passidomo, Majority Leader
Audrey Gibson, Minority Leader

MESSAGES FROM THE GOVERNOR AND OTHER EXECUTIVE COMMUNICATIONS

The Governor advised that he had filed with the Secretary of State **CS for CS for SB 96**, **CS for SB 124**, **CS for SB 184**, **CS for CS for CS for SB 248**, **CS for SB 7006**, **CS for SB 7012**, **CS for SB 7014**, **SB 7034**, **SB 7036**, and **SB 7060** which he approved on April 26, 2019.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

FIRST READING

The Honorable Bill Galvano, President

I am directed to inform the Senate that the House of Representatives has passed HB 647, as amended, and requests the concurrence of the Senate.

Jeff Takacs, Clerk

By Representative(s) Grieco, Rommel, Bush, Cortes, J., DiCeglie, LaMarca, Sabatini, Toledo, Williams—

HB 647—A bill to be entitled An act relating to community association fire and life safety systems; creating s. 633.2225, F.S.; requiring certain condominium or cooperative associations to post certain signs or symbols on buildings; requiring the State Fire Marshal to adopt rules governing such signs and symbols; providing for enforcement; providing penalties; amending ss. 718.112 and 719.1055, F.S.; revising provisions relating to evidence of condominium and cooperative association compliance with the fire and life safety code; revising unit and common elements required to be retrofitted; revising provisions relating to an association vote to forego retrofitting; requiring the State Fire Marshal to issue a data call to all local fire officials to collect data on certain high-rise condominiums by a specified date; specifying the data that local fire officials must submit; requiring that all data be received and compiled into a report by a specified date; requiring that the report be sent to the Governor and the Legislature by a specified date; providing an effective date.

—was referred to the Committees on Innovation, Industry, and Technology; Community Affairs; and Rules.

The Honorable Bill Galvano, President

I am directed to inform the Senate that the House of Representatives has passed HB 955 and requests the concurrence of the Senate.

Jeff Takacs, Clerk

By Representative(s) Perez, Fernandez-Barquin, Hill, Rodriguez, A., Sabatini, Tomkow—

HB 955—A bill to be entitled An act relating to Medicaid eligibility requirements; amending s. 409.972, F.S.; requiring the Agency for Health Care Administration to seek federal approval to require Medicaid enrollees to engage in certain work activities to maintain eligibility and enrollment; eliminating a premium-sharing requirement; providing an effective date.

—was referred to the Committees on Health Policy; and Appropriations.

The Honorable Bill Galvano, President

I am directed to inform the Senate that the House of Representatives has passed CS/HB 979 and requests the concurrence of the Senate.

Jeff Takacs, Clerk

By Ways & Means Committee and Representative(s) Valdes, Fine, Fernandez-Barquin, Hart, Santiago—

CS for HB 979—A bill to be entitled An act relating to sales tax absorption; amending s. 212.07, F.S.; deleting prohibitions against a dealer advertising or holding out to the public that he or she will absorb all or part of the sales and use tax or will relieve the purchaser of all or part of the tax; authorizing dealers, subject to specified conditions, to advertise or hold out to the public that they will absorb all or part of the tax or refund any part thereof to the purchaser; revising a criminal penalty; amending s. 212.15, F.S.; providing that certain persons who unlawfully fail to remit absorbed sales taxes are guilty of theft of state funds; providing an effective date.

—was referred to the Committees on Commerce and Tourism; Finance and Tax; and Rules.

The Honorable Bill Galvano, President

I am directed to inform the Senate that the House of Representatives has passed CS/CS/HB 1151 and requests the concurrence of the Senate.

Jeff Takacs, Clerk

By Ways & Means Committee, Local, Federal & Veterans Affairs Subcommittee and Representative(s) Buchanan, Caruso—

CS for CS for HB 1151—A bill to be entitled An act relating to homestead exemptions; amending s. 196.031, F.S.; providing that a person or family unit receiving or claiming the benefit of certain ad valorem tax exemptions or tax credits in another state is entitled to the homestead exemption in this state if the person or family unit demonstrates to the property appraiser that certain conditions have been met; amending s. 196.121, F.S.; providing that homestead exemption forms prescribed by the Department of Revenue may include taxpayer information relating to such ad valorem tax exemptions or tax credits in another state; providing applicability; providing an effective date.

—was referred to the Committees on Community Affairs; Finance and Tax; and Appropriations.

The Honorable Bill Galvano, President

I am directed to inform the Senate that the House of Representatives has passed HB 1183 and requests the concurrence of the Senate.

Jeff Takacs, Clerk

By Representative(s) Jacobs—

HB 1183—A bill to be entitled An act relating to Broward County; providing legislative findings; providing for the transfer of certain county-related functions and duties, including ex officio clerk of the board of county commissioners, county recorder, auditor, and custodian of county funds to the county government; providing that the County Auditor maintain power and authority as prescribed in the Broward County Charter; providing an exception to general law; providing for a referendum; providing effective dates.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules.

The Honorable Bill Galvano, President

I am directed to inform the Senate that the House of Representatives has passed HB 1219, as amended, and requests the concurrence of the Senate.

Jeff Takacs, Clerk

By Representative(s) Sabatini, Smith, D.—

HB 1219—A bill to be entitled An act relating to the Beverage Law; amending s. 561.20, F.S.; deleting a provision prohibiting a specified licensee from certain actions relating alcoholic beverages to be sold or served at a catered event; amending s. 561.221, F.S.; authorizing a craft distillery to hold multiple vendor's licenses for the sale of alcoholic beverages; authorizing certain wineries and craft distilleries to transfer wine or distilled spirits to its vendor's licensed premises; requiring the Division of Alcoholic Beverages and Tobacco of the Department of Business and Professional Regulation to issue permits to a craft distillery to conduct tastings and sales at specified events; amending s. 561.24, F.S.; authorizing a craft distillery to be licensed as a distributor under certain circumstances; amending s. 561.42, F.S.; prohibiting certain entities and persons from directly or indirectly providing certain items or services to any vendor; prohibiting a licensed vendor from accepting certain items or services; authorizing the Division of Alcoholic Beverages and Tobacco to impose administrative sanctions for a violation of certain limitations established in the Beverage Law; prohibiting a vendor from displaying certain signs in the window or windows of his or her licensed premises; authorizing certain entities and persons to give, lend, furnish, or sell certain advertising material to certain vendors; providing a definition for the term "decalcomania"; providing exemptions relating to tied house evil for certain sales and purchases of merchandise; providing conditions for the exemptions; providing a definition for the term "merchandise"; prohibiting a manufacturer or importer of malt beverages from soliciting or receiving any portion of certain payments from its distributors; providing a definition for the term "negotiated at arm's length"; specifying that a brand-naming rights agreement does not obligate or place responsibility upon a distributor; providing civil penalties for violations by manufacturers or importers of malt beverages or vendors; providing applicability; prohibiting the division from imposing certain civil penalties that are greater than the financial value of a brand-naming rights agreement; amending s. 562.34, F.S.; conforming provisions to changes made by the act; creating s. 562.65, F.S.; providing definitions; authorizing a licensed vendor of alcoholic beverages to allow dogs and cats in certain designated areas on their licensed premises; providing conditions for dogs or cats to be allowed in a licensed premises; providing rulemaking; amending s. 563.06, F.S.; revising limitations on the size of malt beverage containers; repealing s. 564.05, F.S., relating to limitations on the size of individual wine containers; amending s. 564.055, F.S.; authorizing cider to be packaged, filled, refilled, or sold in a growler under certain conditions; providing requirements; providing penalties; revising limitations on the size of cider containers; amending s. 564.09, F.S.; revising provisions that authorize a restaurant to allow patrons to remove partially consumed bottles of wine from a restaurant for off-premises consumption; amending s. 565.03, F.S.; revising definitions; revising the requirements for the sale of branded products by a licensed craft distillery to consumers; deleting a provision that prohibits a craft distillery from selling more than six individual containers of a branded product to a consumer; revising requirements relating to the shipping of distilled spirits to consumers by a craft distillery; providing that it is unlawful to transfer a certain distillery license, or ownership in a distillery license, to certain individuals or entities; prohibiting a craft distillery from having its ownership affiliated with certain other distilleries; authorizing a craft distillery to transfer specified distilled spirits to its souvenir gift shop; requiring a craft distillery to submit certain excise taxes; amending s. 565.17, F.S.; authorizing a craft distillery to conduct spirituous beverage tastings under certain circumstances; providing an effective date.

—was referred to the Committees on Innovation, Industry, and Technology; and Rules.

The Honorable Bill Galvano, President

I am directed to inform the Senate that the House of Representatives has passed CS/HB 7123, as amended, and requests the concurrence of the Senate.

Jeff Takacs, Clerk

By Appropriations Committee, Ways & Means Committee and Representative(s) Avila—

CS for HB 7123—A bill to be entitled An act relating to taxation; amending s. 195.096, F.S.; authorizing the Department of Revenue to change the methodology for statistical and analytical reviews for certain assessment purposes if it first makes specific determinations concerning natural disasters in counties; amending s. 196.197, F.S.; providing criteria to be used in determining the value of tax exemptions for charitable use of certain hospitals; defining the term "unadjusted exempt value"; providing application requirements for tax exemptions on certain properties; amending s. 212.031, F.S.; reducing the tax levied on rental or license fees charged for the use of real property; making technical changes; amending s. 218.131, F.S.; revising the timing of distribution of moneys to certain counties impacted by a reduction in ad valorem tax revenue resulting from certain tax abatements related to specified hurricanes; amending s. 624.51055, F.S.; specifying contribution deadlines for an insurance premium tax credit; amending s. 1002.33, F.S.; conforming provisions to changes made by the act; amending s. 1002.395, F.S.; specifying dates by which certain taxpayers may apply for insurance premium tax credit; allowing insurance premium tax credit amounts to be applied retroactively to installment payments for purposes of determining penalty amounts; amending s. 1011.71, F.S.; providing that certain school district voted operating millage levies be shared with charter schools in the school district; providing a sales and use tax exemption for certain tangible personal property related to disaster preparedness during a specified period; providing exceptions to the exemption; providing an exemption from the sales and use tax for the retail sale of certain clothing, school supplies, and personal computers and personal computer-related accessories during a specified period; providing exceptions to the exemption; providing appropriations to the Department of Revenue for implementation purposes; providing applicability; authorizing the department to adopt emergency rules; providing effective dates.

—was referred to the Committees on Finance and Tax; and Appropriations.

The Honorable Bill Galvano, President

I am directed to inform the Senate that the House of Representatives has passed HB 7127 and requests the concurrence of the Senate.

Jeff Takacs, Clerk

By Ways & Means Committee and Representative(s) Avila—

HB 7127—A bill to be entitled An act relating to the corporate income tax; amending s. 220.03, F.S.; adopting the Internal Revenue Code in effect on January 1, 2019; amending s. 220.1105, F.S., revising definitions; extending the period during which specified automatic refunds and downward adjustments to tax rates apply; amending s. 220.13, F.S.; revising the definition of the term "adjusted federal income" regarding additions and subtractions from taxable income; revising subtractions to be made in calculating taxable income; creating s. 220.27, F.S.; requiring the submission of certain corporate tax information to the Department of Revenue; requiring the department to create a secure online application for taxpayers to use when submitting such information; providing deadlines; providing audit and investigation authority; providing for a penalty; providing for future repeal; authorizing the adoption of emergency rules; providing an appropriation; providing an effective date.

—was referred to the Committees on Finance and Tax; and Appropriations.

ENROLLING REPORTS

SB 310, SB 320, and CS for CS for SB 426 have been enrolled, signed by the required constitutional officers, and presented to the Governor on April 26, 2019.

Debbie Brown, Secretary

CORRECTION AND APPROVAL OF JOURNAL

The Journal of April 25 was corrected and approved.

CO-INTRODUCERS

Senators Rader—CS for SM 804; Stargel—CS for SM 804

ADJOURNMENT

On motion by Senator Benacquisto, the Senate adjourned at 4:28 p.m. for the purpose of holding committee meetings and conducting other Senate business to reconvene at 10:00 a.m., Monday, April 29 or upon call of the President.