Journal of the Senate

Number 23—Regular Session **Thursday, May 2, 2019**

CONTENTS

Bills on Third Reading 848
Call to Order 768, 840
Co-Introducers 876
House Messages, Final Action 875
House Messages, Returning 840, 857
Moment of Silence 840
Motions 783, 869, 875
Point of Order 818, 875
Point of Order, Ruling 875
Recess 840
Reports of Committees 875
Resolutions 768
Special Guests 819, 848
Special Order Calendar 768

CALL TO ORDER

The Senate was called to order by President Galvano at 10:00 a.m. A quorum present—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
Brandes	Lee	Stewart
Braynon	Mayfield	Taddeo
Broxson	Montford	Thurston
Cruz	Passidomo	Torres
Diaz	Perry	Wright

PRAYER

The following prayer was offered by Pastor Jon Kent, Gateway Baptist Church, Lake City:

God, here within this room on this day, we acknowledge your presence and that your will be followed by these men and women. May it be clear this day, that your loving words be within their hearts and minds as they sit upon your mighty shoulders.

God, I pray over these people and their families. Protect them and save them from evil. Grant them mercy and guide them by your grace.

I pray that the direction you have chosen and have declared will be our joyous journey to give you glory as we submit to your authority. May we always protect your creation and those created in your image. May we always abide within your abundant love and rest close to your calling word. For only by your son's name and his power do we pray. Amen.

PLEDGE

Senate Pages, Alexis Poppell of Tallahassee; Ja'Keysiya Denson of Monticello; and Wilson Roberts of Tallahassee, led the Senate in the Pledge of Allegiance to the flag of the United States of America.

ADOPTION OF RESOLUTIONS

At the request of Senator Berman—

By Senators Berman and Rader—

SR 1860—A resolution recognizing April 28-May 5, 2019, as the "Days of Remembrance" and May 2, 2019, as "Holocaust Memorial Day" in Florida.

WHEREAS, between 1933 and 1945, the Holocaust, the state-sponsored, systematic persecution and annihilation of European Jewry by Nazi Germany and its collaborators, resulted in the murder of 6 million Jewish people, and

WHEREAS, in addition, the Romani people, also known as Gypsies, and Polish people were targeted for decimation on the basis of race, ethnicity, or nation of origin, and millions of others, including persons with disabilities, Jehovah's Witnesses, Soviet prisoners of war, political dissidents, and persons who identified as homosexual, suffered grievous oppression and death under Nazi tyranny, and

WHEREAS, the history of the Holocaust offers an opportunity to reflect on the moral responsibilities of individuals, societies, and governments to remain vigilant against hatred, persecution, and tyranny, and

WHEREAS, pursuant to an act of the United States Congress, Public Law No. 96-388, October 7, 1980, the United States Holocaust Memorial Council has designated April 28-May 5, 2019, as the "Days of Remembrance" for the victims of the Holocaust, including "Holocaust Memorial Day," also known as Yom HaShoah, on May 2, 2019, and

WHEREAS, in memory of the victims of the Holocaust, in honor of its survivors, and in utmost gratitude for the risks taken by rescuers and liberators, the residents of this state are encouraged to rededicate themselves to the principles of human dignity and to individual freedom in a just society, thereby ensuring that such atrocities are never repeated, NOW, THEREFORE,

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

That April 28-May 5, 2019, is designated as the "Days of Remembrance" and May 2, 2019, is designated as "Holocaust Memorial Day" in Florida.

—was introduced, read, and adopted by publication.

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

SPECIAL ORDER CALENDAR

CS for CS for CS for SB 328—A bill to be entitled An act relating to courts; amending s. 28.241, F.S.; requiring specified filing fees for appeals from certain county courts; amending s. 34.01, F.S.; increasing the jurisdictional limit for actions at law by county courts on specified dates; requiring the State Courts Administrator to submit a report containing certain recommendations and reviews to the Governor and the Legislature by a specified date; amending s. 34.041, F.S.; providing county court civil filing fees for claims of specified values; providing for distribution of the fees; amending s. 44.108, F.S.; prohibiting the levy of certain fees for mediation and arbitration services in certain cases; providing applicability; providing an effective date.

—was read the second time by title.

Pending further consideration of **CS for CS for CS for SB 328**, pursuant to Rule 3.11(3), there being no objection, **CS for CS for HB 337** was withdrawn from the Committee on Rules.

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

CS for CS for HB 337—A bill to be entitled An act relating to courts; creating s. 25.025, F.S.; authorizing certain Supreme Court justices to have an appropriate facility in their district of residence designated as their official headquarters; providing that an official headquarters may serve only as a justice's private chambers; providing that such justices are eligible for a certain subsistence allowance and reimbursement for certain transportation expenses; requiring that such allowance and reimbursement be made to the extent appropriated funds are available, as determined by the Chief Justice; requiring the Chief Justice to coordinate with certain persons when designating official headquarters; providing that a county is not required to provide space for a justice in a county courthouse; authorizing counties to enter into agreements with the Supreme Court for the use of county courthouse space; prohibiting the Supreme Court from using state funds to lease space in specified facilities to allow a justice to establish an official headquarters; amending s. 26.012, F.S.; providing for appellate jurisdiction of circuit courts; amending s. 28.241, F.S.; requiring specified filing fees for appeals from certain county courts; amending s. 34.01, F.S.; increasing the jurisdictional limit for actions at law by county courts on specified dates; requiring the Office of State Courts Administrator to submit a report relating to county court jurisdiction; amending s. 34.041, F.S.; providing county court civil filing fees for claims of specified values; providing for distribution of the fees; amending s. 44.108, F.S.; revising the levy of certain fees for mediation and arbitration services in certain county court cases; creating s. 45.21, F.S.; authorizing certain defendants to demand that a court issue a ruling related to proper court venue; providing for an award of attorney fees and costs to the prevailing party; authorizing a court to transfer certain civil cases if specified criteria are met; providing applicability; providing effective dates.

—a companion measure, was substituted for **CS for CS for CS for SB 328** and read the second time by title.

Senator Brandes moved the following amendment:

Amendment 1 (197684) (with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Subsection (1) of section 26.012, Florida Statutes, is amended to read:

26.012 Jurisdiction of circuit court.—

(1) Circuit courts shall have jurisdiction of appeals from county courts except*:*

(a) Appeals of county court orders or judgments where the amount in controversy is greater than $15,000. This paragraph is repealed on January 1, 2023.

(b) Appeals of county court orders or judgments declaring invalid a state statute or a provision of the State Constitution*.* ~~and except~~

(c) Orders or judgments of a county court which are certified by the county court to the district court of appeal to be of great public importance and which are accepted by the district court of appeal for review.

Circuit courts shall have jurisdiction of appeals from final administrative orders of local government code enforcement boards.

Section 2. Effective January 1, 2022, subsection (2) of section 28.241, Florida Statutes, is amended to read:

28.241 Filing fees for trial and appellate proceedings.—

(2)*(a)* Upon the institution of any appellate proceeding from any lower court to the circuit court of any such county, including appeals filed by a county or municipality as provided in s. 34.041(5), or from the circuit court to an appellate court of the state, the clerk shall charge and collect from the party or parties instituting such appellate proceedings*:*

1. A filing fee not to exceed $280 for filing a notice of appeal from the county court to the circuit court*, excluding a civil case in which the matter in controversy was more than $15,000.*

2. A filing fee not to exceed $400 for filing a notice of appeal from the county court to the circuit court for a civil case in which the matter in controversy was more than $15,000. The clerk shall remit $270 of each filing fee collected under this subparagraph to the Department of Revenue for deposit into the General Revenue Fund and the clerk shall remit $50 of each filing fee to the Department of Revenue for deposit into the State Courts Revenue Trust Fund to fund court operations as authorized in the General Appropriations Act. The clerk shall retain an accounting of each such remittance. ~~and,~~

3. In addition to the filing fee required under s. 25.241 or s. 35.22, $100 for filing a notice of appeal from the circuit court to the district court of appeal or to the Supreme Court.

(b) If the party is determined to be indigent, the clerk shall defer payment of the fee *otherwise required by this subsection*.

Section 3. Subsection (1) of section 34.01, Florida Statutes, is amended to read:

34.01 Jurisdiction of county court.—

(1) County courts shall have original jurisdiction:

(a) In all misdemeanor cases not cognizable by the circuit courts*.*~~;~~

(b) Of all violations of municipal and county ordinances*.*~~;~~

(c) Of all actions at law*, except those within the exclusive jurisdiction of the circuit courts,* in which the matter in controversy does not exceed ~~the sum of $15,000~~, exclusive of interest, costs, and *attorney* ~~attorney's~~ fees*:*~~, except those within the exclusive jurisdiction of the circuit courts; and~~

1. If filed on or before December 31, 2019, the sum of $15,000.

2. If filed on or after January 1, 2020, the sum of $30,000.

3. If filed on or after January 1, 2023, the sum of $50,000.

(d) Of disputes occurring in the homeowners' associations as described in s. 720.311(2)(a), which shall be concurrent with jurisdiction of the circuit courts.

By February 1, 2021, the Office of the State Courts Administrator shall submit a report to the Governor, the President of the Senate, and the Speaker of the House of Representatives. The report must make recommendations regarding the adjustment of county court jurisdiction, including, but not limited to, consideration of the claim value of filings in county court and circuit court, case events, timeliness in processing cases, and any fiscal impact to the state as a result of adjusted jurisdictional limits. The clerks of the circuit court and county court shall provide claim value data and necessary case event data to the office to be used in development of the report. The report must also include a review of fees to ensure that the court system is adequately funded and a review of the appellate jurisdiction of the district courts and the circuit courts, including the use of appellate panels by circuit courts.

Section 4. Paragraphs (a), (b), and (c) of subsection (1) of section 34.041, Florida Statutes, are amended, and paragraph (e) is added to that subsection, to read:

34.041 Filing fees.—

(1)(a) Filing fees are due at the time a party files a pleading to initiate a proceeding or files a pleading for relief. Reopen fees are due at the time a party files a pleading to reopen a proceeding if at least 90 days have elapsed since the filing of a final order or final judgment with the clerk. If a fee is not paid upon the filing of the pleading as required under this section, the clerk shall pursue collection of the fee pursuant to s. 28.246. Upon the institution of any civil action, suit, or proceeding in county court, the party shall pay the following filing fee, not to exceed:

1. For all claims less than $100. . . . . $50.

2. For all claims of $100 or more but not more than $500 . . . . $75.

3. For all claims of more than $500 but not more than $2,500 . . . . $170.

4. For all claims of more than $2,500 *but not more than $15,000* . . . . $295.

5. For all claims more than $15,000 . . . . $395.

6.~~5.~~ In addition, for all proceedings of garnishment, attachment, replevin, and distress . . . . $85.

7.~~6.~~ Notwithstanding subparagraphs 3. and *6.* ~~5.~~, for all claims of not more than $1,000 filed simultaneously with an action for replevin of property that is the subject of the claim . . . . $125.

8.~~7.~~ For removal of tenant action . . . . $180.

The filing fee in subparagraph *7.* ~~6.~~ is the total fee due under this paragraph for that type of filing, and no other filing fee under this paragraph may be assessed against such a filing.

(b) The first $15 of the filing fee collected under subparagraph (a)4. and the first $10 of the filing fee collected under *subparagraph (a)8.* ~~subparagraph (a)7.~~ shall be deposited in the State Courts Revenue Trust Fund. By the 10th day of each month, the clerk shall submit that portion of the fees collected in the previous month which is in excess of one-twelfth of the clerk's total budget for the performance of court-related functions to the Department of Revenue for deposit into the Clerks of the Court Trust Fund. An additional filing fee of $4 shall be paid to the clerk. The clerk shall transfer $3.50 to the Department of Revenue for deposit into the Court Education Trust Fund and shall transfer 50 cents to the Department of Revenue for deposit into the Administrative Trust Fund within the Department of Financial Services to fund clerk education provided by the Florida Clerks of Court Operations Corporation. Postal charges incurred by the clerk of the county court in making service by mail on defendants or other parties shall be paid by the party at whose instance service is made. Except as provided in this section, filing fees and service charges for performing duties of the clerk relating to the county court shall be as provided in ss. 28.24 and 28.241. Except as otherwise provided in this section, all filing fees shall be retained as fee income of the office of the clerk of the circuit court. Filing fees imposed by this section may not be added to any penalty imposed by chapter 316 or chapter 318.

(c) A party in addition to a party described in paragraph (a) who files a pleading in an original civil action in the county court for affirmative relief by cross-claim, counterclaim, counterpetition, or third-party complaint, or who files a notice of cross-appeal or notice of joinder or motion to intervene as an appellant, cross-appellant, or petitioner, shall pay the clerk of court a fee of $295 if the relief sought by the party under this paragraph exceeds $2,500 *but is not more than $15,000 and $395 if the relief sought by the party under this paragraph exceeds $15,000*. The clerk shall remit the fee *if the relief sought by the party under this paragraph exceeds $2,500 but is not more than $15,000* to the Department of Revenue for deposit into the General Revenue Fund. This fee does not apply if the cross-claim, counterclaim, counterpetition, or third-party complaint requires transfer of the case from county to circuit court. However, the party shall pay to the clerk the standard filing fee for the court to which the case is to be transferred.

(e) Of the first $200 in filing fees payable under subparagraph (a)5., $195 must be remitted to the Department of Revenue for deposit into the State Courts Revenue Trust Fund, $4 must be remitted to the Department of Revenue for deposit into the Administrative Trust Fund within the Department of Financial Services and used to fund the contract with the Florida Clerks of Court Operations Corporation created in s. 28.35, and $1 must be remitted to the Department of Revenue for deposit into the Administrative Trust Fund within the Department of Financial Services to fund audits of individual clerks' court-related expenditures conducted by the Department of Financial Services. By the 10th day of each month, the clerk shall submit that portion of the filing fees collected pursuant to this subsection in the previous month which is in excess of one-twelfth of the clerk's total budget to the Department of Revenue for deposit into the Clerks of the Court Trust Fund.

Section 5. Effective January 1, 2022, section 44.108, Florida Statutes, is amended to read:

44.108 Funding of mediation and arbitration.—

(1) Mediation and arbitration should be accessible to all parties regardless of financial status. A filing fee of $1 is levied on all proceedings in the circuit or county courts to fund mediation and arbitration services which are the responsibility of the Supreme Court pursuant to the provisions of s. 44.106. *However, the filing fee may not be levied upon an appeal from the county court to the circuit court for a claim that is greater than $15,000.* The clerk of the court shall forward the moneys collected to the Department of Revenue for deposit in the State Courts Revenue Trust Fund.

(2) When court-ordered mediation services are provided by a circuit court's mediation program, the following fees, unless otherwise established in the General Appropriations Act, shall be collected by the clerk of court:

(a) One-hundred twenty dollars per person per scheduled session in family mediation when the parties' combined income is greater than $50,000, but less than $100,000 per year;

(b) Sixty dollars per person per scheduled session in family mediation when the parties' combined income is less than $50,000; or

(c) Sixty dollars per person per scheduled session in county court cases *involving an amount in controversy not exceeding $15,000*.

No mediation fees shall be assessed under this subsection in residential eviction cases, against a party found to be indigent, or for any small claims action. Fees collected by the clerk of court pursuant to this section shall be remitted to the Department of Revenue for deposit into the State Courts Revenue Trust Fund to fund court-ordered mediation. The clerk of court may deduct $1 per fee assessment for processing this fee. The clerk of the court shall submit to the chief judge of the circuit and to the Office of the State Courts Administrator, no later than 30 days after the end of each quarter of the fiscal year, a report specifying the amount of funds collected and remitted to the State Courts Revenue Trust Fund under this section and any other section during the previous quarter of the fiscal year. In addition to identifying the total aggregate collections and remissions from all statutory sources, the report must identify collections and remissions by each statutory source.

Section 6. *The amendments to the jurisdiction of a court made by this act shall apply with respect to the date of filing the cause of action, regardless of when the cause of action accrued.*

Section 7. Except as otherwise expressly provided in this act, 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 courts; amending s. 26.012, F.S.; revising the appellate jurisdiction of circuit courts; providing for future repeal; amending s. 28.241, F.S.; requiring specified filing fees for appeals from certain county courts; amending s. 34.01, F.S.; increasing the jurisdictional limit for actions at law by county courts on specified dates; requiring the State Courts Administrator to submit a report containing certain recommendations and reviews to the Governor and the Legislature by a specified date; amending s. 34.041, F.S.; providing county court civil filing fees for claims of specified values; providing for distribution of the fees; amending s. 44.108, F.S.; prohibiting the levy of certain fees for mediation and arbitration services in certain cases; providing applicability; providing effective dates.

Senator Brandes moved the following substitute amendment:

Amendment 2 (252840) (with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Effective January 1, 2020, subsection (1) of section 26.012, Florida Statutes, is amended to read:

26.012 Jurisdiction of circuit court.—

(1) Circuit courts shall have jurisdiction of appeals from county courts except*:*

(a) Appeals of county court orders or judgments where the amount in controversy is greater than $15,000. This paragraph is repealed on January 1, 2023.

(b) Appeals of county court orders or judgments declaring invalid a state statute or a provision of the State Constitution*.* ~~and except~~

(c) Orders or judgments of a county court which are certified by the county court to the district court of appeal to be of great public importance and which are accepted by the district court of appeal for review.

Circuit courts shall have jurisdiction of appeals from final administrative orders of local government code enforcement boards.

Section 2. Paragraph (f) of subsection (2) of section 28.35, Florida Statutes, is amended to read:

28.35 Florida Clerks of Court Operations Corporation.—

(2) The duties of the corporation shall include the following:

(f) Approving the proposed budgets submitted by clerks of the court pursuant to s. 28.36. The corporation must ensure that the total combined budgets of the clerks of the court do not exceed the total estimated revenues *from fees, service charges, costs, and fines for court-related functions* available for court-related expenditures as determined by the most recent Revenue Estimating Conference*, plus the total of unspent budgeted funds for court-related functions carried forward by the clerks of the court from the previous county fiscal year and plus the balance of funds remaining in the Clerk of the Court Trust Fund after the transfer of funds to the General Revenue Fund required pursuant to s. 28.37(3)(b)*. The corporation may amend any individual clerk of the court budget to ensure compliance with this paragraph and must consider performance measures, workload performance standards, workload measures, and expense data before modifying the budget. As part of this process, the corporation shall:

1. Calculate the minimum amount of revenue necessary for each clerk of the court to efficiently perform the list of court-related functions specified in paragraph (3)(a). The corporation shall apply the workload measures appropriate for determining the individual level of review required to fund the clerk's budget.

2. Prepare a cost comparison of similarly situated clerks of the court, based on county population and numbers of filings, using the standard list of court-related functions specified in paragraph (3)(a).

3. Conduct an annual base budget review and an annual budget exercise examining the total budget of each clerk of the court. The review shall examine revenues from all sources, expenses of court-related functions, and expenses of noncourt-related functions as necessary to determine that court-related revenues are not being used for noncourt-related purposes. The review and exercise shall identify potential targeted budget reductions in the percentage amount provided in Schedule VIII-B of the state's previous year's legislative budget instructions, as referenced in s. 216.023(3), or an equivalent schedule or instruction as may be adopted by the Legislature.

4. Identify those proposed budgets containing funding for items not included on the standard list of court-related functions specified in paragraph (3)(a).

5. Identify those clerks projected to have court-related revenues insufficient to fund their anticipated court-related expenditures.

6. Use revenue estimates based on the official estimate for funds *from fees, service charges, costs, and fines for court-related functions* accruing to the clerks of the court made by the Revenue Estimating Conference*, as well as any unspent budgeted funds for court-related functions carried forward by the clerks of the court from the previous county fiscal year and the balance of funds remaining in the Clerk of the Court Trust Fund after the transfer of funds to the General Revenue Fund required pursuant to s. 28.37(3)(b)*. ~~The total combined budgets of the clerks of the court may not exceed the revenue estimates established by the most recent Revenue Estimating Conference.~~

7. Identify pay and benefit increases in any proposed clerk budget, including, but not limited to, cost of living increases, merit increases, and bonuses.

8. Identify increases in anticipated expenditures in any clerk budget that exceeds the current year budget by more than 3 percent.

9. Identify the budget of any clerk which exceeds the average budget of similarly situated clerks by more than 10 percent.

For the purposes of this paragraph, the term "unspent budgeted funds for court-related functions" means undisbursed funds included in the clerks of the courts budgets for court-related functions established pursuant to this section and s. 28.36.

Section 3. Paragraph (b) of subsection (2) of section 28.36, Florida Statutes, is amended to read:

28.36 Budget procedure.—There is established a budget procedure for the court-related functions of the clerks of the court.

(2) Each proposed budget shall further conform to the following requirements:

(b) The proposed budget must be balanced such that the total of the estimated revenues available equals or exceeds the total of the anticipated expenditures. Such revenues include revenue projected to be received from fees, service charges, costs, and fines for court-related functions during the fiscal period covered by the budget*, plus the total of unspent budgeted funds for court-related functions carried forward by the clerk of the court from the previous county fiscal year and plus the portion of the balance of funds remaining in the Clerk of the Court Trust Fund after the transfer of funds to the General Revenue Fund required pursuant to s. 28.37(3)(b) which has been allocated to each respective clerk of the court by the Clerk of Courts Corporation. For the purposes of this paragraph, the term "unspent budgeted funds for court-related functions" means undisbursed funds included in the clerk of the courts' budget for court related functions established pursuant to s. 28.35 and this section*. The anticipated expenditures must be itemized as required by the corporation.

Section 4. Subsection (3) of section 28.37, Florida Statutes, is amended to read:

28.37 Fines, fees, service charges, and costs remitted to the state.—

(3)*(a) Each year,* no later than January 25, ~~2015, and each January 25 thereafter~~ for the previous county fiscal year, the clerks of court, in consultation with the Florida Clerks of Court Operations Corporation, shall remit to the Department of Revenue for deposit in the *Clerks of the Court Trust Fund* ~~General Revenue Fund~~ the cumulative excess of all fines, fees, service charges, and costs retained by the clerks of the court, plus any funds received by the clerks of the court from the Clerks of the Court Trust Fund under s. 28.36(3), which exceed the amount needed to meet their authorized budget amounts established under s. 28.35.

(b)1. No later than February 1, 2020, the Department of Revenue shall transfer from the Clerks of the Court Trust Fund to the General Revenue Fund the sum of the cumulative excess of all fines, fees, service charges, and costs submitted by the clerks of court pursuant to subsection (2) and the cumulative excess of all fines, fees, service charges, and costs remitted by the clerks of court pursuant to paragraph (a) in excess of $10 million.

2. No later than February 1, 2021, the Department of Revenue shall transfer from the Clerks of the Court Trust Fund to the General Revenue Fund not less than 50 percent of the sum of the cumulative excess of all fines, fees, service charges, and costs submitted by the clerks of court pursuant to subsection (2) and the cumulative excess of all fines, fees, service charges, and costs remitted by the clerks of court pursuant to paragraph (a); provided however, the balance remaining in the Clerks of Courts Trust Fund after such transfer may not be more than $20 million.

3. No later than February 1, 2022, the Department of Revenue shall transfer from the Clerks of the Court Trust Fund to the General Revenue Fund not less than 50 percent of the sum of the cumulative excess of all fines, fees, service charges, and costs submitted by the clerks of court pursuant to subsection (2) and the cumulative excess of all fines, fees, service charges, and costs remitted by the clerks of court pursuant to

paragraph (a); provided however, the balance remaining in the Clerks of Courts Trust Fund after such transfer may not be more than $20 million.

4. No later than February 1, 2023, and each February 1 thereafter, the Department of Revenue shall transfer from the Clerks of the Court Trust Fund to the General Revenue Fund the cumulative excess of all fines, fees, service charges, and costs submitted by the clerks of court pursuant to subsection (2) and the cumulative excess of all fines, fees, service charges, and costs remitted by the clerks of court pursuant to paragraph (a). ~~The Department of Revenue shall transfer from the Clerks of Court Trust Fund to the General Revenue Fund the cumulative excess of all fines, fees, service charges, and costs submitted by the clerks of court pursuant to subsection (2). However, if the official estimate for funds accruing to the clerks of court made by the Revenue Estimating Conference for the current fiscal year or the next fiscal year is less than the cumulative amount of authorized budgets for the clerks of court for the current fiscal year, the Department of Revenue shall retain in the Clerks of the Court Trust Fund the estimated amount needed to fully fund the clerks of court for the current and next fiscal year based upon the current budget established under s. 28.35.~~

Section 5. Effective upon this act becoming a law and retroactive to July 1, 2008, paragraphs (b) and (d) of subsection (1) of section 27.52, Florida Statutes, are amended to read:

27.52 Determination of indigent status.—

(1) APPLICATION TO THE CLERK.—A person seeking appointment of a public defender under s. 27.51 based upon an inability to pay must apply to the clerk of the court for a determination of indigent status using an application form developed by the Florida Clerks of Court Operations Corporation with final approval by the Supreme Court.

(b) An applicant shall pay a $50 application fee to the clerk for each application for court-appointed counsel filed. The applicant shall pay the fee within 7 days after submitting the application. If the applicant does not pay the fee prior to the disposition of the case, the clerk shall notify the court, and the court shall:

1. Assess the application fee as part of the sentence or as a condition of probation; or

2. Assess the application fee pursuant to s. 938.29.

(d) All application fees collected by the clerk under this section shall be transferred monthly by the clerk to the Department of Revenue for deposit in the Indigent Criminal Defense Trust Fund administered by the Justice Administrative Commission, to be used to as appropriated by the Legislature. The clerk may retain 2 percent of application fees collected monthly for administrative costs *from which the clerk shall remit $0.20 from each application fee to the Department of Revenue for deposit into the General Revenue Fund* prior to remitting the remainder to the Department of Revenue *for deposit in the Indigent Criminal Defense Trust Fund*.

Section 6. Effective upon this act becoming a law and retroactive to July 1, 2008, subsections (1), (2), (3), (4), (6), and (8), paragraph (b) of subsection (10), subsections (13), (14), (16), (17), (18), (19), (20), and (25), and paragraph (a) of subsection (26) of section 28.24, Florida Statutes, are amended to read:

28.24 Service charges.—The clerk of the circuit court shall charge for services rendered manually or electronically by the clerk's office in recording documents and instruments and in performing other specified duties. These charges may not exceed those specified in this section, except as provided in s. 28.345.

Charges

(1) For examining, comparing, correcting, verifying, and certifying transcripts of record in appellate proceedings, prepared by attorney for appellant or someone else other than clerk, per page 5.00*, from which the clerk shall remit 0.50 per page to the Department of Revenue for deposit into the General Revenue Fund.*

(2) For preparing, numbering, and indexing an original record of appellate proceedings, per instrument 3.50*, from which the clerk shall remit 0.50 per instrument to the Department of Revenue for deposit into the General Revenue Fund.*

(3) For certifying copies of any instrument in the public records 2.00*, from which the clerk shall remit 0.50 to the Department of Revenue for deposit into the General Revenue Fund.*

(4) For verifying any instrument presented for certification prepared by someone other than clerk, per page 3.50*, from which the clerk shall remit 0.50 per page to the Department of Revenue for deposit into the General Revenue Fund.*

(6) For making microfilm copies of any public records:

(a) 16 mm 100′ microfilm roll 42.00*, from which the clerk shall remit 4.50 to the Department of Revenue for deposit into the General Revenue Fund.*

(b) 35 mm 100′ microfilm roll 60.00*, from which the clerk shall remit 7.50 to the Department of Revenue for deposit into the General Revenue Fund.*

(c) Microfiche, per fiche 3.50*, from which the clerk shall remit 0.50 to the Department of Revenue for deposit into the General Revenue Fund.*

(8) For writing any paper other than herein specifically mentioned, same as for copying, including signing and sealing 7.00*, from which the clerk shall remit 1.00 to the Department of Revenue for deposit into the General Revenue Fund.*

(10) For receiving money into the registry of court:

(b) Eminent domain actions, per deposit 170.00*, from which the clerk shall remit 20.00 per deposit to the Department of Revenue for deposit into the General Revenue Fund.*

(13) Oath, administering, attesting, and sealing, not otherwise provided for herein 3.50*, from which the clerk shall remit 0.50 to the Department of Revenue for deposit into the General Revenue Fund.*

(14) For validating certificates, any authorized bonds, each 3.50*, from which the clerk shall remit 0.50 each to the Department of Revenue for deposit into the General Revenue Fund.*

(16) For exemplified certificates, including signing and sealing 7.00*, from which the clerk shall remit 1.00 to the Department of Revenue for deposit into the General Revenue Fund.*

(17) For authenticated certificates, including signing and sealing 7.00*, from which the clerk shall remit 1.00 to the Department of Revenue for deposit into the General Revenue Fund.*

(18)(a) For issuing and filing a subpoena for a witness, not otherwise provided for herein (includes writing, preparing, signing, and sealing) 7.00*, from which the clerk shall remit 1.00 to the Department of Revenue for deposit into the General Revenue Fund.*

(b) For signing and sealing only 2.00*, from which the clerk shall remit 0.50 to the Department of Revenue for deposit into the General Revenue Fund.*

(19) For approving bond 8.50*, from which the clerk shall remit 1.00 to the Department of Revenue for deposit into the General Revenue Fund.*

(20) For searching of records, for each year's search 2.00*, from which the clerk shall remit 0.50 for each year's search to the Department of Revenue for deposit into the General Revenue Fund.*

(25) For sealing any court file or expungement of any record 42.00*, from which the clerk shall remit 4.50 to the Department of Revenue for deposit into the General Revenue Fund.*

(26)(a) For receiving and disbursing all restitution payments, per payment 3.50*, from which the clerk shall remit 0.50 per payment to the Department of Revenue for deposit into the General Revenue Fund.*

Section 7. Effective upon this act becoming a law and retroactive to July 1, 2008, subsection (1) of section 28.2401, Florida Statutes, is amended to read:

28.2401 Service charges and filing fees in probate matters.—

(1) Except when otherwise provided, the clerk may impose service charges or filing fees for the following services or filings, not to exceed the following amounts:

(a) Fee for the opening of any estate of one document or more, including, but not limited to, petitions and orders to approve settlement of minor's claims; to open a safe-deposit box; to enter rooms and places; for the determination of heirs, if not formal administration; and for a foreign guardian to manage property of a nonresident; but not to include issuance of letters or order of summary administration $230

(b) Charge for caveat. $40

(c) Fee for petition and order to admit foreign wills, authenticated copies, exemplified copies, or transcript to record $230

(d) Fee for disposition of personal property without administration $230

(e) Fee for summary administration—estates valued at $1,000 or more. $340

(f) Fee for summary administration—estates valued at less than $1,000 . . . . $230

(g) Fee for formal administration, guardianship, ancillary, curatorship, or conservatorship proceedings. $395

(h) Fee for guardianship proceedings of person only $230

(i) Fee for veterans' guardianship pursuant to chapter 744 . . . . $230

(j) Charge for exemplified certificates $7

(k) Fee for petition for determination of incompetency $230

The clerk shall remit $115 of each filing fee collected under paragraphs (a), (c)-(i), and (k) to the Department of Revenue for deposit into the State Courts Revenue Trust Fund *and shall remit $15 of each filing fee collected under paragraphs (a), (c), (d), (f), (h), (i) and (k), $1 of each filing fee collected under paragraph (j), $5 of each filing fee collected under paragraph (b), $25 of each filing fee collected under paragraph (e), and $30 of each filing fee collected under paragraph (g) to the Department of Revenue for deposit into the General Revenue Fund*.

Section 8. Effective upon this act becoming a law and retroactive to July 1, 2008, subsections (1) and (2) of section 28.241, Florida Statutes, are amended to read:

28.241 Filing fees for trial and appellate proceedings.—

(1) Filing fees are due at the time a party files a pleading to initiate a proceeding or files a pleading for relief. Reopen fees are due at the time a party files a pleading to reopen a proceeding if at least 90 days have elapsed since the filing of a final order or final judgment with the clerk. If a fee is not paid upon the filing of the pleading as required under this section, the clerk shall pursue collection of the fee pursuant to s. 28.246.

(a)1.a. Except as provided in sub-subparagraph b. and subparagraph 2., the party instituting any civil action, suit, or proceeding in the circuit court shall pay to the clerk of that court a filing fee of up to $395 in all cases in which there are not more than five defendants and an additional filing fee of up to $2.50*, from which the clerk shall remit $0.50 to the Department of Revenue for deposit into the General Revenue Fund,* for each defendant in excess of five. Of the first $200 in filing fees, $195 must be remitted to the Department of Revenue for deposit into the State Courts Revenue Trust Fund, $4 must be remitted to the Department of Revenue for deposit into the Administrative Trust Fund within the Department of Financial Services and used to fund the contract with the Florida Clerks of Court Operations Corporation created in s. 28.35, and $1 must be remitted to the Department of Revenue for deposit into the Administrative Trust Fund within the Department of Financial Services to fund audits of individual clerks' court-related expenditures conducted by the Department of Financial Services. By the 10th of each month, the clerk shall submit that portion of the filing fees collected in the previous month which is in excess of one-twelfth of the clerk's total budget to the Department of Revenue for deposit into the Clerks of the Court Trust Fund.

b. The party instituting any civil action, suit, or proceeding in the circuit court under chapter 39, chapter 61, chapter 741, chapter 742, chapter 747, chapter 752, or chapter 753 shall pay to the clerk of that court a filing fee of up to $295 in all cases in which there are not more than five defendants and an additional filing fee of up to $2.50 for each defendant in excess of five. Of the first $100 in filing fees, $95 must be remitted to the Department of Revenue for deposit into the State Courts Revenue Trust Fund, $4 must be remitted to the Department of Revenue for deposit into the Administrative Trust Fund within the Department of Financial Services and used to fund the contract with the Florida Clerks of Court Operations Corporation created in s. 28.35, and $1 must be remitted to the Department of Revenue for deposit into the Administrative Trust Fund within the Department of Financial Services to fund audits of individual clerks' court-related expenditures conducted by the Department of Financial Services.

c. An additional filing fee of $4 shall be paid to the clerk. The clerk shall remit $3.50 to the Department of Revenue for deposit into the Court Education Trust Fund and shall remit 50 cents to the Department of Revenue for deposit into the Administrative Trust Fund within the Department of Financial Services to fund clerk education provided by the Florida Clerks of Court Operations Corporation. An additional filing fee of up to $18 shall be paid by the party seeking each severance that is granted*, from which the clerk shall remit $3 to the Department of Revenue for deposit into the General Revenue Fund*. The clerk may impose an additional filing fee of up to $85*, from which the clerk shall remit $10 to the Department of Revenue for deposit into the General Revenue Fund,* for all proceedings of garnishment, attachment, replevin, and distress. Postal charges incurred by the clerk of the circuit court in making service by certified or registered mail on defendants or other parties shall be paid by the party at whose instance service is made. Additional fees, charges, or costs may not be added to the filing fees imposed under this section, except as authorized in this section or by general law.

2.a. Notwithstanding the fees prescribed in subparagraph 1., a party instituting a civil action in circuit court relating to real property or mortgage foreclosure shall pay a graduated filing fee based on the value of the claim.

b. A party shall estimate in writing the amount in controversy of the claim upon filing the action. For purposes of this subparagraph, the value of a mortgage foreclosure action is based upon the principal due on the note secured by the mortgage, plus interest owed on the note and any moneys advanced by the lender for property taxes, insurance, and other advances secured by the mortgage, at the time of filing the foreclosure. The value shall also include the value of any tax certificates related to the property. In stating the value of a mortgage foreclosure claim, a party shall declare in writing the total value of the claim, as well as the individual elements of the value as prescribed in this sub-subparagraph.

c. In its order providing for the final disposition of the matter, the court shall identify the actual value of the claim. The clerk shall adjust the filing fee if there is a difference between the estimated amount in controversy and the actual value of the claim and collect any additional filing fee owed or provide a refund of excess filing fee paid.

d. The party shall pay a filing fee of:

(I) Three hundred and ninety-five dollars in all cases in which the value of the claim is $50,000 or less and in which there are not more than five defendants. The party shall pay an additional filing fee of up to $2.50 for each defendant in excess of five. Of the first $200 in filing fees, $195 must be remitted by the clerk to the Department of Revenue for deposit into the General Revenue Fund, $4 must be remitted to the Department of Revenue for deposit into the Administrative Trust Fund within the Department of Financial Services and used to fund the contract with the Florida Clerks of Court Operations Corporation created in s. 28.35, and $1 must be remitted to the Department of Revenue for deposit into the Administrative Trust Fund within the Department of Financial Services to fund audits of individual clerks' court-related expenditures conducted by the Department of Financial Services;

(II) Nine hundred dollars in all cases in which the value of the claim is more than $50,000 but less than $250,000 and in which there are not more than five defendants. The party shall pay an additional filing fee of up to $2.50 for each defendant in excess of five. Of the first $705 in filing fees, $700 must be remitted by the clerk to the Department of Revenue for deposit into the General Revenue Fund, except that the first $1.5 million in such filing fees remitted to the Department of Revenue and deposited into the General Revenue Fund in fiscal year 2018-2019 shall be distributed to the Miami-Dade County Clerk of Court; $4 must be remitted to the Department of Revenue for deposit into the Administrative Trust Fund within the Department of Financial Services and used to fund the contract with the Florida Clerks of Court Operations Corporation created in s. 28.35; and $1 must be remitted to the Department of Revenue for deposit into the Administrative Trust Fund within the Department of Financial Services to fund audits of individual clerks' court-related expenditures conducted by the Department of Financial Services; or

(III) One thousand nine hundred dollars in all cases in which the value of the claim is $250,000 or more and in which there are not more than five defendants. The party shall pay an additional filing fee of up to $2.50 for each defendant in excess of five. Of the first $1,705 in filing fees, $930 must be remitted by the clerk to the Department of Revenue for deposit into the General Revenue Fund, $770 must be remitted to the Department of Revenue for deposit into the State Courts Revenue Trust Fund, $4 must be remitted to the Department of Revenue for deposit into the Administrative Trust Fund within the Department of Financial Services to fund the contract with the Florida Clerks of Court Operations Corporation created in s. 28.35, and $1 must be remitted to the Department of Revenue for deposit into the Administrative Trust Fund within the Department of Financial Services to fund audits of individual clerks' court-related expenditures conducted by the Department of Financial Services.

e. An additional filing fee of $4 shall be paid to the clerk. The clerk shall remit $3.50 to the Department of Revenue for deposit into the Court Education Trust Fund and shall remit 50 cents to the Department of Revenue for deposit into the Administrative Trust Fund within the Department of Financial Services to fund clerk education provided by the Florida Clerks of Court Operations Corporation. An additional filing fee of up to $18 shall be paid by the party seeking each severance that is granted. The clerk may impose an additional filing fee of up to $85 for all proceedings of garnishment, attachment, replevin, and distress. Postal charges incurred by the clerk of the circuit court in making service by certified or registered mail on defendants or other parties shall be paid by the party at whose instance service is made. Additional fees, charges, or costs may not be added to the filing fees imposed under this section, except as authorized in this section or by general law.

(b) A party reopening any civil action, suit, or proceeding in the circuit court shall pay to the clerk of court a filing fee set by the clerk in an amount not to exceed $50. For purposes of this section, a case is reopened after all appeals have been exhausted or time to file an appeal from a final order or final judgment has expired. A reopen fee may be assessed by the clerk for any motion filed by any party at least 90 days after a final order or final judgment has been filed with the clerk in the initial case. A reservation of jurisdiction by a court does not cause a case to remain open for purposes of this section or exempt a party from paying a reopen fee. A party is exempt from paying the fee for any of the following:

1. A writ of garnishment;

2. A writ of replevin;

3. A distress writ;

4. A writ of attachment;

5. A motion for rehearing filed within 10 days;

6. A motion for attorney's fees filed within 30 days after entry of a judgment or final order;

7. A motion for dismissal filed after a mediation agreement has been filed;

8. A disposition of personal property without administration;

9. Any probate case prior to the discharge of a personal representative;

10. Any guardianship pleading prior to discharge;

11. Any mental health pleading;

12. Motions to withdraw by attorneys;

13. Motions exclusively for the enforcement of child support orders;

14. A petition for credit of child support;

15. A Notice of Intent to Relocate and any order issuing as a result of an uncontested relocation;

16. Stipulations and motions to enforce stipulations;

17. Responsive pleadings;

18. Cases in which there is no initial filing fee; or

19. Motions for contempt.

(c)1. A party in addition to a party described in sub-subparagraph (a)1.a. who files a pleading in an original civil action in circuit court for affirmative relief by cross-claim, counterclaim, counterpetition, or third-party complaint shall pay the clerk of court a fee of $395. A party in addition to a party described in sub-subparagraph (a)1.b. who files a pleading in an original civil action in circuit court for affirmative relief by cross-claim, counterclaim, counterpetition, or third-party complaint shall pay the clerk of court a fee of $295. The clerk shall deposit the fee into the fine and forfeiture fund established pursuant to s. 142.01.

2. A party in addition to a party described in subparagraph (a)2. who files a pleading in an original civil action in circuit court for affirmative relief by cross-claim, counterclaim, counterpetition, or third-party complaint shall pay the clerk of court a graduated fee of:

a. Three hundred and ninety-five dollars in all cases in which the value of the pleading is $50,000 or less;

b. Nine hundred dollars in all cases in which the value of the pleading is more than $50,000 but less than $250,000; or

c. One thousand nine hundred dollars in all cases in which the value of the pleading is $250,000 or more.

The clerk shall deposit the fees collected under this subparagraph into the fine and forfeiture fund established pursuant to s. 142.01.

(d) The clerk of court shall collect a service charge of $10 for issuing an original, a certified copy, or an electronic certified copy of a summons*, which the clerk shall remit to the Department of Revenue for deposit into the General Revenue Fund*. The clerk shall assess the fee against the party seeking to have the summons issued.

(2) Upon the institution of any appellate proceeding from any lower court to the circuit court of any such county, including appeals filed by a county or municipality as provided in s. 34.041(5), or from the *county or* circuit court to an appellate court of the state, the clerk shall charge and collect from the party or parties instituting such appellate proceedings a filing fee not to exceed $280*, from which the clerk shall remit $20 to the Department of Revenue for deposit into the General Revenue Fund,* for filing a notice of appeal from the county court to the circuit court and, in addition to the filing fee required under s. 25.241 or s. 35.22, $100 for filing a notice of appeal from the *county or* circuit court to the district court of appeal or to the Supreme Court. If the party is determined to be indigent, the clerk shall defer payment of the fee *otherwise required by this subsection*.

Section 9. Effective January 1, 2020, subsection (1) of section 34.01, Florida Statutes, is amended to read:

34.01 Jurisdiction of county court.—

(1) County courts shall have original jurisdiction:

(a) In all misdemeanor cases not cognizable by the circuit courts.;

(b) Of all violations of municipal and county ordinances.~~;~~

(c) Of all actions at law*, except those within the exclusive jurisdiction of the circuit courts,* in which the matter in controversy does not exceed ~~the sum of $15,000~~, exclusive of interest, costs, and *attorney* ~~attorney's~~ fees:~~, except those within the exclusive jurisdiction of the circuit courts; and~~

1. If filed on or before December 31, 2019, the sum of $15,000.

2. If filed on or after January 1, 2020, the sum of $30,000.

3. If filed on or after January 1, 2023, the sum of $50,000.

(d) Of disputes occurring in the homeowners' associations as described in s. 720.311(2)(a), which shall be concurrent with jurisdiction of the circuit courts.

By February 1, 2021, the Office of the State Courts Administrator shall submit a report to the Governor, the President of the Senate, and the Speaker of the House of Representatives. The report must make recommendations regarding the adjustment of county court jurisdiction, including, but not limited to, consideration of the claim value of filings in county court and circuit court, case events, timeliness in processing cases, and any fiscal impact to the state as a result of adjusted jurisdictional limits. The clerks of the circuit court and county court shall provide claim value data and necessary case event data to the office to be used in development of the report. The report must also include a review of fees to ensure that the court system is adequately funded and a review of the appellate jurisdiction of the district courts and the circuit courts, including the use of appellate panels by circuit courts.

Section 10. Effective upon this act becoming a law and retroactive to July 1, 2008, paragraphs (a), (b), (c), and (d) of subsection (1) of section 34.041, Florida Statutes, are amended, and paragraph (e) is added to that subsection, to read:

34.041 Filing fees.—

(1)(a) Filing fees are due at the time a party files a pleading to initiate a proceeding or files a pleading for relief. Reopen fees are due at the time a party files a pleading to reopen a proceeding if at least 90 days have elapsed since the filing of a final order or final judgment with the clerk. If a fee is not paid upon the filing of the pleading as required under this section, the clerk shall pursue collection of the fee pursuant to s. 28.246. Upon the institution of any civil action, suit, or proceeding in county court, the party shall pay the following filing fee, not to exceed:

1. For all claims less than $100. . . . . $50.

2. For all claims of $100 or more but not more than $500 . . . . $75.

3. For all claims of more than $500 but not more than $2,500 . . . $170*, from which the clerk shall remit $20 to the Department of Revenue for deposit into the General Revenue Fund*.

4. For all claims of more than $2,500 *but not more than $15,000* . . . . $295.

5. For all claims more than $15,000 . . . . $395.

6.~~5.~~ In addition, for all proceedings of garnishment, attachment, replevin, and distress . $85*, from which the clerk shall remit $10 to the Department of Revenue for deposit into the General Revenue Fund*.

7.~~6.~~ Notwithstanding subparagraphs 3. and *6.* ~~5.~~, for all claims of not more than $1,000 filed simultaneously with an action for replevin of property that is the subject of the claim . . . . $125.

8.~~7.~~ For removal of tenant action . . . . $180.

The filing fee in subparagraph *7.* ~~6.~~ is the total fee due under this paragraph for that type of filing, and no other filing fee under this paragraph may be assessed against such a filing.

(b) The first $15 of the filing fee collected under subparagraph (a)4. and the first $10 of the filing fee collected under *subparagraph (a)8.* ~~subparagraph (a)7.~~ shall be deposited in the State Courts Revenue Trust Fund. By the 10th day of each month, the clerk shall submit that portion of the fees collected in the previous month which is in excess of one-twelfth of the clerk's total budget for the performance of court-related functions to the Department of Revenue for deposit into the Clerks of the Court Trust Fund. An additional filing fee of $4 shall be paid to the clerk. The clerk shall transfer $3.50 to the Department of Revenue for deposit into the Court Education Trust Fund and shall transfer 50 cents to the Department of Revenue for deposit into the Administrative Trust Fund within the Department of Financial Services to fund clerk education provided by the Florida Clerks of Court Operations Corporation. Postal charges incurred by the clerk of the county court in making service by mail on defendants or other parties shall be paid by the party at whose instance service is made. Except as provided in this section, filing fees and service charges for performing duties of the clerk relating to the county court shall be as provided in ss. 28.24 and 28.241. Except as otherwise provided in this section, all filing fees shall be retained as fee income of the office of the clerk of the circuit court. Filing fees imposed by this section may not be added to any penalty imposed by chapter 316 or chapter 318.

(c) A party in addition to a party described in paragraph (a) who files a pleading in an original civil action in the county court for affirmative relief by cross-claim, counterclaim, counterpetition, or third-party complaint, or who files a notice of cross-appeal or notice of joinder or motion to intervene as an appellant, cross-appellant, or petitioner, shall pay the clerk of court a fee of $295 if the relief sought by the party under this paragraph exceeds $2,500 *but is not more than $15,000 and $395 if the relief sought by the party under this paragraph exceeds $15,000*. The clerk shall remit the fee *if the relief sought by the party under this paragraph exceeds $2,500 but is not more than $15,000* to the Department of Revenue for deposit into the General Revenue Fund. This fee does not apply if the cross-claim, counterclaim, counterpetition, or third-party complaint requires transfer of the case from county to circuit court. However, the party shall pay to the clerk the standard filing fee for the court to which the case is to be transferred.

(d) The clerk of court shall collect a service charge of $10 for issuing a summons or an electronic certified copy of a summons*, which the clerk shall remit to the Department of Revenue for deposit into the General Revenue Fund*. The clerk shall assess the fee against the party seeking to have the summons issued.

(e) Of the first $200 in filing fees payable under subparagraph (a)5., $195 must be remitted to the Department of Revenue for deposit into the State Courts Revenue Trust Fund, $4 must be remitted to the Department of Revenue for deposit into the Administrative Trust Fund within the Department of Financial Services and used to fund the contract with the Florida Clerks of Court Operations Corporation created in s. 28.35, and $1 must be remitted to the Department of Revenue for deposit into the Administrative Trust Fund within the Department of Financial Services to fund audits of individual clerks' court-related expenditures conducted by the Department of Financial Services. By the 10th day of each month, the clerk shall submit that portion of the filing fees collected pursuant to this subsection in the previous month which is in excess of one-twelfth of the clerk's total budget to the Department of Revenue for deposit into the Clerks of the Court Trust Fund.

Section 11. Effective January 1, 2020, subsection (2) of section 44.108, Florida Statutes, is amended to read:

44.108 Funding of mediation and arbitration.—

(2) When court-ordered mediation services are provided by a circuit court's mediation program, the following fees, unless otherwise established in the General Appropriations Act, shall be collected by the clerk of court:

(a) One-hundred twenty dollars per person per scheduled session in family mediation when the parties' combined income is greater than $50,000, but less than $100,000 per year;

(b) Sixty dollars per person per scheduled session in family mediation when the parties' combined income is less than $50,000; or

(c) Sixty dollars per person per scheduled session in county court cases *involving an amount in controversy not exceeding $15,000*.

No mediation fees shall be assessed under this subsection in residential eviction cases, against a party found to be indigent, or for any small claims action. Fees collected by the clerk of court pursuant to this section shall be remitted to the Department of Revenue for deposit into the State Courts Revenue Trust Fund to fund court-ordered mediation. The clerk of court may deduct $1 per fee assessment for processing this fee. The clerk of the court shall submit to the chief judge of the circuit and to the Office of the State Courts Administrator, no later than 30 days after the end of each quarter of the fiscal year, a report specifying the amount of funds collected and remitted to the State Courts Revenue Trust Fund under this section and any other section during the previous quarter of the fiscal year. In addition to identifying the total aggregate collections and remissions from all statutory sources, the report must identify collections and remissions by each statutory source.

Section 12. Effective upon this act becoming a law and retroactive to July 1, 2008, subsection (1) and paragraph (c) of subsection (2) of section 45.035, Florida Statutes, are amended to read:

45.035 Clerk's fees.—In addition to other fees or service charges authorized by law, the clerk shall receive service charges related to the judicial sales procedure set forth in ss. 45.031-45.034 and this section:

(1) The clerk shall receive a service charge of $70*, from which the clerk shall remit $10 to the Department of Revenue for deposit into the General Revenue Fund,* for services in making, recording, and certifying the sale and title, which service charge shall be assessed as costs and shall be advanced by the plaintiff before the sale.

(2) If there is a surplus resulting from the sale, the clerk may receive the following service charges, which shall be deducted from the surplus:

(c) The clerk is entitled to a service charge of $15 for each disbursement of surplus proceeds*, from which the clerk shall remit $5 to the Department of Revenue for deposit into the General Revenue Fund*.

Section 13. Effective upon this act becoming a law and retroactive to July 1, 2008, subsection (3) of section 55.505, Florida Statutes, is amended to read:

55.505 Notice of recording; prerequisite to enforcement.—

(3) No execution or other process for enforcement of a foreign judgment recorded hereunder shall issue until 30 days after the mailing of notice by the clerk and payment of a service charge of up to $42 to the clerk*, from which the clerk shall remit $4.50 to the Department of Revenue for deposit into the General Revenue Fund*. When an action authorized in s. 55.509(1) is filed, it acts as an automatic stay of the effect of this section.

Section 14. Effective upon this act becoming a law and retroactive to July 1, 2008, paragraphs (b), (d), (e), and (f) of subsection (6) of section 61.14, Florida Statutes, are amended to read:

61.14 Enforcement and modification of support, maintenance, or alimony agreements or orders.—

(6)

(b)1. When an obligor is 15 days delinquent in making a payment or installment of support and the amount of the delinquency is greater than the periodic payment amount ordered by the court, the local depository shall serve notice on the obligor informing him or her of:

a. The delinquency and its amount.

b. An impending judgment by operation of law against him or her in the amount of the delinquency and all other amounts which thereafter become due and are unpaid, together with costs and a service charge of up to $25*, from which the clerk shall remit $17.50 to the Department of Revenue for deposit into the General Revenue Fund*, for failure to pay the amount of the delinquency.

c. The obligor's right to contest the impending judgment and the ground upon which such contest can be made.

d. The local depository's authority to release information regarding the delinquency to one or more credit reporting agencies.

2. The local depository shall serve the notice by mailing it by first class mail to the obligor at his or her last address of record with the local depository. If the obligor has no address of record with the local depository, service shall be by publication as provided in chapter 49.

3. When service of the notice is made by mail, service is complete on the date of mailing.

(d) The court shall hear the obligor's motion to contest the impending judgment within 15 days after the date of filing of the motion. Upon the court's denial of the obligor's motion, the amount of the delinquency and all other amounts that become due, together with costs and a service charge of up to $25*, from which the clerk shall remit $17.50 to the Department of Revenue for deposit into the General Revenue Fund*, become a final judgment by operation of law against the obligor. The depository shall charge interest at the rate established in s. 55.03 on all judgments for support. Payments on judgments shall be applied first to the current child support due, then to any delinquent principal, and then to interest on the support judgment.

(e) If the obligor fails to file a motion to contest the impending judgment within the time limit prescribed in paragraph (c) and fails to pay the amount of the delinquency and all other amounts which thereafter become due, together with costs and a service charge of up to $25*, from which the clerk shall remit $17.50 to the Department of Revenue for deposit into the General Revenue Fund*, such amounts become a final judgment by operation of law against the obligor at the expiration of the time for filing a motion to contest the impending judgment.

(f)1. Upon request of any person, the local depository shall issue, upon payment of a service charge of up to $25*, from which the clerk shall remit $17.50 to the Department of Revenue for deposit into the General Revenue Fund*, a payoff statement of the total amount due under the judgment at the time of the request. The statement may be relied upon by the person for up to 30 days from the time it is issued unless proof of satisfaction of the judgment is provided.

2. When the depository records show that the obligor's account is current, the depository shall record a satisfaction of the judgment upon request of any interested person and upon receipt of the appropriate recording fee. Any person shall be entitled to rely upon the recording of the satisfaction.

3. The local depository, at the direction of the department, or the obligee in a non-IV-D case, may partially release the judgment as to specific real property, and the depository shall record a partial release upon receipt of the appropriate recording fee.

4. The local depository is not liable for errors in its recordkeeping, except when an error is a result of unlawful activity or gross negligence by the clerk or his or her employees.

Section 15. Effective upon this act becoming a law and retroactive to July 1, 2008, subsections (2) and (4) of section 316.193, Florida Statutes, are amended to read:

316.193 Driving under the influence; penalties.—

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

1. By a fine of:

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

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

2. By imprisonment for:

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

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

3. For a second conviction, by mandatory placement for a period of at least 1 year, at the convicted person's sole expense, of an ignition interlock device approved by the department in accordance with s. 316.1938 upon all vehicles that are individually or jointly leased or

owned and routinely operated by the convicted person, when the convicted person qualifies for a permanent or restricted license. The installation of such device may not occur before July 1, 2003.

The portion of a fine imposed in excess of $500 pursuant to sub-subparagraph 1.a. and the portion of a fine imposed in excess of $1,000 pursuant to sub-subparagraph 1.b., shall be remitted by the clerk to the Department of Revenue for deposit into the General Revenue Fund.

(b)1. Any person who is convicted of a third violation of this section for an offense that occurs within 10 years after a prior conviction for a violation of this section commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. In addition, the court shall order the mandatory placement for a period of not less than 2 years, at the convicted person's sole expense, of an ignition interlock device approved by the department in accordance with s. 316.1938 upon all vehicles that are individually or jointly leased or owned and routinely operated by the convicted person, when the convicted person qualifies for a permanent or restricted license. The installation of such device may not occur before July 1, 2003.

2. Any person who is convicted of a third violation of this section for an offense that occurs more than 10 years after the date of a prior conviction for a violation of this section shall be punished by a fine of not less than $2,000 or more than $5,000 and by imprisonment for not more than 12 months. *The portion of a fine imposed in excess of $2,500 pursuant to this subparagraph shall be remitted by the clerk to the Department of Revenue for deposit into the General Revenue Fund.* In addition, the court shall order the mandatory placement for a period of at least 2 years, at the convicted person's sole expense, of an ignition interlock device approved by the department in accordance with s. 316.1938 upon all vehicles that are individually or jointly leased or owned and routinely operated by the convicted person, when the convicted person qualifies for a permanent or restricted license. The installation of such device may not occur before July 1, 2003.

3. Any person who is convicted of a fourth or subsequent violation of this section, regardless of when any prior conviction for a violation of this section occurred, commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. However, the fine imposed for such fourth or subsequent violation may be not less than $2,000. *The portion of a fine imposed in excess of $1,000 pursuant to this subparagraph shall be remitted by the clerk to the Department of Revenue for deposit into the General Revenue Fund.*

(c) In addition to the penalties in paragraph (a), the court may order placement, at the convicted person's sole expense, of an ignition interlock device approved by the department in accordance with s. 316.1938 for at least 6 continuous months upon all vehicles that are individually or jointly leased or owned and routinely operated by the convicted person if, at the time of the offense, the person had a blood-alcohol level or breath-alcohol level of .08 or higher.

(4) Any person who is convicted of a violation of subsection (1) and who has a blood-alcohol level or breath-alcohol level of 0.15 or higher, or any person who is convicted of a violation of subsection (1) and who at the time of the offense was accompanied in the vehicle by a person under the age of 18 years, shall be punished:

(a) By a fine of:

1. Not less than $1,000 or more than $2,000 for a first conviction.

2. Not less than $2,000 or more than $4,000 for a second conviction.

3. Not less than $4,000 for a third or subsequent conviction.

(b) By imprisonment for:

1. Not more than 9 months for a first conviction.

2. Not more than 12 months for a second conviction.

For the purposes of this subsection, only the instant offense is required to be a violation of subsection (1) by a person who has a blood-alcohol level or breath-alcohol level of 0.15 or higher.

The portion of a fine imposed in excess of $1,000 pursuant to sub-subparagraph (a)1. and the portion of a fine imposed in excess of $2,000 pursuant to sub-subparagraph (a)2. or (a)3, shall be remitted by the clerk to the Department of Revenue for deposit into the General Revenue Fund.

(c) In addition to the penalties in paragraphs (a) and (b), the court shall order the mandatory placement, at the convicted person's sole expense, of an ignition interlock device approved by the department in accordance with s. 316.1938 upon all vehicles that are individually or jointly leased or owned and routinely operated by the convicted person for not less than 6 continuous months for the first offense and for not less than 2 continuous years for a second offense, when the convicted person qualifies for a permanent or restricted license.

Section 16. Effective upon this act becoming a law and retroactive to July 1, 2008, paragraph (b) of subsection (10) of section 318.14, Florida Statutes, is amended to read:

318.14 Noncriminal traffic infractions; exception; procedures.—

(10)

(b) Any person cited for an offense listed in this subsection shall present proof of compliance before the scheduled court appearance date. For the purposes of this subsection, proof of compliance shall consist of a valid, renewed, or reinstated driver license or registration certificate and proper proof of maintenance of security as required by s. 316.646. Notwithstanding waiver of fine, any person establishing proof of compliance shall be assessed court costs of $25, except that a person charged with violation of s. 316.646(1)-(3) may be assessed court costs of $8. One dollar of such costs shall be remitted to the Department of Revenue for deposit into the Child Welfare Training Trust Fund of the Department of Children and Families. One dollar of such costs shall be distributed to the Department of Juvenile Justice for deposit into the Juvenile Justice Training Trust Fund. Fourteen dollars of such costs shall be distributed to the municipality*, $1 shall be remitted to the Department of Revenue for deposit into the General Revenue Fund* and $ *8* ~~9~~ shall be deposited by the clerk of the court into the fine and forfeiture fund established pursuant to s. 142.01, if the offense was committed within the municipality. If the offense was committed in an unincorporated area of a county or if the citation was for a violation of s. 316.646(1)-(3), the entire amount shall be deposited by the clerk of the court into the fine and forfeiture fund established pursuant to s. 142.01, except for the moneys to be deposited into the Child Welfare Training Trust Fund and the Juvenile Justice Training Trust Fund *and $3 which the clerk shall remit to the Department of Revenue for deposit into the General Revenue Fund*. This subsection does not authorize the operation of a vehicle without a valid driver license, without a valid vehicle tag and registration, or without the maintenance of required security.

Section 17. Effective upon this act becoming a law and retroactive to July 1, 2008, paragraph (b) of subsection (1) of section 318.15, Florida Statutes, is amended to read:

318.15 Failure to comply with civil penalty or to appear; penalty.—

(1)

(b) However, a person who elects to attend driver improvement school and has paid the civil penalty as provided in s. 318.14(9) but who subsequently fails to attend the driver improvement school within the time specified by the court is deemed to have admitted the infraction and shall be adjudicated guilty. If the person received a 9-percent reduction pursuant to s. 318.14(9), the person must pay the clerk of the court that amount and a processing fee of up to $18*, from which the clerk shall remit $3 to the Department of Revenue for deposit into the General Revenue Fund*, after which additional penalties, court costs, or surcharges may not be imposed for the violation. In all other such cases, the person must pay the clerk a processing fee of up to $18*, from which the clerk shall remit $3 to the Department of Revenue for deposit into the General Revenue Fund*, after which additional penalties, court costs, or surcharges may not be imposed for the violation. The clerk of the court shall notify the department of the person's failure to attend driver improvement school and points shall be assessed pursuant to s. 322.27.

Section 18. Effective upon this act becoming a law and retroactive to July 1, 2008, paragraphs (b) and (c) of subsection (2), paragraph (a) of subsection (11), and subsection (18) of section 318.18, Florida Statutes, are amended to read:

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

(2) Thirty dollars for all nonmoving traffic violations and:

(b) For all violations of ss. 320.0605, 320.07(1), 322.065, and 322.15(1). Any person who is cited for a violation of s. 320.07(1) shall be charged a delinquent fee pursuant to s. 320.07(4).

1. If a person who is cited for a violation of s. 320.0605 or s. 320.07 can show proof of having a valid registration at the time of arrest, the clerk of the court may dismiss the case and may assess a dismissal fee of up to $10*, from which the clerk shall remit $2.50 to the Department of Revenue for deposit into the General Revenue Fund*. A person who finds it impossible or impractical to obtain a valid registration certificate must submit an affidavit detailing the reasons for the impossibility or impracticality. The reasons may include, but are not limited to, the fact that the vehicle was sold, stolen, or destroyed; that the state in which the vehicle is registered does not issue a certificate of registration; or that the vehicle is owned by another person.

2. If a person who is cited for a violation of s. 322.03, s. 322.065, or s. 322.15 can show a driver license issued to him or her and valid at the time of arrest, the clerk of the court may dismiss the case and may assess a dismissal fee of up to $10*, from which the clerk shall remit $2.50 to the Department of Revenue for deposit into the General Revenue Fund*.

3. If a person who is cited for a violation of s. 316.646 can show proof of security as required by s. 627.733, issued to the person and valid at the time of arrest, the clerk of the court may dismiss the case and may assess a dismissal fee of up to $10*, from which the clerk shall remit $2.50 to the Department of Revenue for deposit into the General Revenue Fund*. A person who finds it impossible or impractical to obtain proof of security must submit an affidavit detailing the reasons for the impracticality. The reasons may include, but are not limited to, the fact that the vehicle has since been sold, stolen, or destroyed; that the owner or registrant of the vehicle is not required by s. 627.733 to maintain personal injury protection insurance; or that the vehicle is owned by another person.

(c) For all violations of ss. 316.2935 and 316.610. However, for a violation of s. 316.2935 or s. 316.610, if the person committing the violation corrects the defect and obtains proof of such timely repair by an affidavit of compliance executed by the law enforcement agency within 30 days from the date upon which the traffic citation was issued, and pays $4 to the law enforcement agency, thereby completing the affidavit of compliance, then upon presentation of said affidavit by the defendant to the clerk within the 30-day time period set forth under s. 318.14(4), the fine must be reduced to $10, which the clerk of the court shall retain *and from which the clerk shall remit $2.50 to the Department of Revenue for deposit into the General Revenue Fund*.

(11)(a) In addition to the stated fine, court costs must be paid in the following amounts and shall be deposited by the clerk into the fine and forfeiture fund established pursuant to s. 142.01 *except as provided in this paragraph*:

For pedestrian infractions $4*, from which the clerk shall remit $1 to the Department of Revenue for deposit into the General Revenue Fund*.

For nonmoving traffic infractions $18*, from which the clerk shall remit $2 to the Department of Revenue for deposit into the General Revenue Fund*.

For moving traffic infractions $35*, from which the clerk shall remit $5 to the Department of Revenue for deposit into the General Revenue Fund*.

(18) In addition to any penalties imposed, an administrative fee of $12.50 must be paid for all noncriminal moving and nonmoving violations under chapters 316, 320, and 322. *The clerk shall remit the administrative fee to the Department of Revenue for deposit into the General Revenue Fund.* ~~Revenue from the administrative fee shall be deposited by the clerk of court into the fine and forfeiture fund established pursuant to s. 142.01~~.

Section 19. Effective upon this act becoming a law and retroactive to July 1, 2008, subsections (1) and (2) of section 322.245, Florida Statutes, are amended to read:

322.245 Suspension of license upon failure of person charged with specified offense under chapter 316, chapter 320, or this chapter to comply with directives ordered by traffic court or upon failure to pay child support in non-IV-D cases as provided in chapter 61 or failure to pay any financial obligation in any other criminal case.—

(1) If a person charged with a violation of any of the criminal offenses enumerated in s. 318.17 or with the commission of any offense constituting a misdemeanor under chapter 320 or this chapter fails to comply with all of the directives of the court within the time allotted by the court, the clerk of the traffic court shall mail to the person, at the address specified on the uniform traffic citation, a notice of such failure, notifying him or her that, if he or she does not comply with the directives of the court within 30 days after the date of the notice and pay a delinquency fee of up to $25 to the clerk*, from which the clerk shall remit $10 to the Department of Revenue for deposit into the General Revenue Fund*, his or her driver license will be suspended. The notice shall be mailed no later than 5 days after such failure. The delinquency fee may be retained by the office of the clerk to defray the operating costs of the office.

(2) In non-IV-D cases, if a person fails to pay child support under chapter 61 and the obligee so requests, the depository or the clerk of the court shall mail in accordance with s. 61.13016 the notice specified in that section, notifying him or her that if he or she does not comply with the requirements of that section and pay a delinquency fee of $25 to the depository or the clerk, his or her driver license and motor vehicle registration will be suspended. The delinquency fee may be retained by the depository or the office of the clerk to defray the operating costs of the office *after the clerk remits $15 to the Department of Revenue for deposit into the General Revenue Fund*.

Section 20. Effective upon this act becoming a law and retroactive to July 1, 2008, subsections (2) and (4) of section 327.35, Florida Statutes, are amended to read:

327.35 Boating under the influence; penalties; "designated drivers."—

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

1. By a fine of:

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

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

2. By imprisonment for:

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

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

The portion of a fine imposed in excess of $500 pursuant to sub-subparagraph 1.a. and the portion of a fine imposed in excess of $1,000 pursuant to sub-subparagraph 1.b., shall be remitted by the clerk to the Department of Revenue for deposit into the General Revenue Fund.

(b)1. Any person who is convicted of a third violation of this section for an offense that occurs within 10 years after a prior conviction for a violation of this section commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

2. Any person who is convicted of a third violation of this section for an offense that occurs more than 10 years after the date of a prior conviction for a violation of this section shall be punished by a fine of not less than $2,000 or more than $5,000 and by imprisonment for not more than 12 months. *The portion of a fine imposed in excess of $2,500 pursuant to this subparagraph shall be remitted by the clerk to the Department of Revenue for deposit into the General Revenue Fund.*

3. Any person who is convicted of a fourth or subsequent violation of this section, regardless of when any prior conviction for a violation of this section occurred, commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

However, the fine imposed for such fourth or subsequent violation may not be less than $2,000. *The portion of such fine imposed in excess of $1,000 shall be remitted by the clerk to the Department of Revenue for deposit into the General Revenue Fund.*

(4) Any person who is convicted of a violation of subsection (1) and who has a blood-alcohol level or breath-alcohol level of 0.15 or higher, or any person who is convicted of a violation of subsection (1) and who at the time of the offense was accompanied in the vessel by a person under the age of 18 years, shall be punished:

(a) By a fine of:

1. Not less than $1,000 or more than $2,000 for a first conviction.

2. Not less than $2,000 or more than $4,000 for a second conviction.

3. Not less than $4,000 for a third or subsequent conviction.

(b) By imprisonment for:

1. Not more than 9 months for a first conviction.

2. Not more than 12 months for a second conviction.

The portion of a fine imposed in excess of $1,000 pursuant to subparagraph (a)1. and the portion of a fine imposed in excess of $2,000 pursuant to subparagraph (a)2. or subparagraph (a)3., shall be remitted by the clerk to the Department of Revenue for deposit into the General Revenue Fund. For the purposes of this subsection, only the instant offense is required to be a violation of subsection (1) by a person who has a blood-alcohol level or breath-alcohol level of 0.15 or higher.

Section 21. Effective upon this act becoming a law and retroactive to July 1, 2008, subsection (4), paragraph (a) of subsection (9), and paragraph (a) of subsection (11) of section 327.73, Florida Statutes, are amended to read:

327.73 Noncriminal infractions.—

(4) Any person charged with a noncriminal infraction under this section may:

(a) Pay the civil penalty, either by mail or in person, within 30 days of the date of receiving the citation; or,

(b) If he or she has posted bond, forfeit bond by not appearing at the designated time and location.

If the person cited follows either of the above procedures, he or she shall be deemed to have admitted the noncriminal infraction and to have waived the right to a hearing on the issue of commission of the infraction. Such admission shall not be used as evidence in any other proceedings. If a person who is cited for a violation of s. 327.395 can show a boating safety identification card issued to that person and valid at the time of the citation, the clerk of the court may dismiss the case and may assess a dismissal fee of up to $10*, from which the clerk shall remit $2.50 to the Department of Revenue for deposit into the General Revenue Fund*. If a person who is cited for a violation of s. 328.72(13) can show proof of having a registration for that vessel which was valid at the time of the citation, the clerk may dismiss the case and may assess the dismissal fee*, from which the clerk shall remit $2.50 to the Department of Revenue for deposit into the General Revenue Fund*.

(9)(a) Any person who fails to comply with the court's requirements or who fails to pay the civil penalties specified in this section within the 30-day period provided for in s. 327.72 must pay an additional court cost of up to $20, which shall be used by the clerks of the courts to defray the costs of tracking unpaid uniform boating citations*, from which the clerk shall remit $2 to the Department of Revenue for deposit into the General Revenue Fund*.

(11)(a) Court costs that are to be in addition to the stated civil penalty shall be imposed by the court in an amount not less than the following:

1. For swimming or diving infractions, $4*, from which the clerk shall remit $1 to the Department of Revenue for deposit into the General Revenue Fund*.

2. For nonmoving boating infractions, $18*, from which the clerk shall remit $12 to the Department of Revenue for deposit into the General Revenue Fund*.

3. For boating infractions listed in s. 327.731(1), $35*, from which the clerk shall remit $25 to the Department of Revenue for deposit into the General Revenue Fund*.

Court costs imposed under this subsection may not exceed $45. A criminal justice selection center or both local criminal justice access and assessment centers may be funded from these court costs.

Section 22. Effective upon this act becoming a law and retroactive to July 1, 2008, paragraph (i) of subsection (1) of section 379.401, Florida Statutes, is amended to read:

379.401 Penalties and violations; civil penalties for noncriminal infractions; criminal penalties; suspension and forfeiture of licenses and permits.—

(1) LEVEL ONE VIOLATIONS.—

(i) A person cited for violating the requirements of s. 379.354 relating to personal possession of a license or permit may not be convicted if, before or at the time of a county court hearing, the person produces the required license or permit for verification by the hearing officer or the court clerk. The license or permit must have been valid at the time the person was cited. The clerk or hearing officer may assess a $10 fee for costs under this paragraph*, from which the clerk shall remit $5 to the Department of Revenue for deposit into the General Revenue Fund*.

Section 23. Effective upon this act becoming a law and retroactive to July 1, 2008, subsection (1) of section 713.24, Florida Statutes, is amended to read:

713.24 Transfer of liens to security.—

(1) Any lien claimed under this part may be transferred, by any person having an interest in the real property upon which the lien is imposed or the contract under which the lien is claimed, from such real property to other security by either:

(a) Depositing in the clerk's office a sum of money, or

(b) Filing in the clerk's office a bond executed as surety by a surety insurer licensed to do business in this state,

either to be in an amount equal to the amount demanded in such claim of lien, plus interest thereon at the legal rate for 3 years, plus $1,000 or 25 percent of the amount demanded in the claim of lien, whichever is greater, to apply on any attorney's fees and court costs that may be taxed in any proceeding to enforce said lien. Such deposit or bond shall be conditioned to pay any judgment or decree which may be rendered for the satisfaction of the lien for which such claim of lien was recorded. Upon making such deposit or filing such bond, the clerk shall make and record a certificate showing the transfer of the lien from the real property to the security and shall mail a copy thereof by registered or certified mail to the lienor named in the claim of lien so transferred, at the address stated therein. Upon filing the certificate of transfer, the real property shall thereupon be released from the lien claimed, and such lien shall be transferred to said security. In the absence of allegations of privity between the lienor and the owner, and subject to any order of the court increasing the amount required for the lien transfer deposit or bond, no other judgment or decree to pay money may be entered by the court against the owner. The clerk shall be entitled to a service charge for making and serving the certificate, in the amount of up to $20*, from which the clerk shall remit $5 to the Department of Revenue for deposit into the General Revenue Fund*. If the transaction involves the transfer of multiple liens, an additional charge of up to $10 for each additional lien shall be charged*, from which the clerk shall remit $2.50 to the Department of Revenue for deposit into the General*

Revenue Fund. For recording the certificate and approving the bond, the clerk shall receive her or his usual statutory service charges as prescribed in s. 28.24. Any number of liens may be transferred to one such security.

Section 24. Effective upon this act becoming a law and retroactive to July 1, 2008, subsection (3) of section 721.83, Florida Statutes, is amended to read:

721.83 Consolidation of judicial foreclosure actions.—

(3) A consolidated timeshare foreclosure action shall be considered a single action, suit, or proceeding for the payment of filing fees and service charges pursuant to general law. In addition to the payment of such filing fees and service charges, an additional filing fee of up to $10 *from which the clerk shall remit $5 to the Department of Revenue for deposit into the General Revenue Fund* for each timeshare interest joined in that action shall be paid to the clerk of court.

Section 25. Effective upon this act becoming a law and retroactive to July 1, 2008, paragraph (a) of subsection (6) of section 744.365, Florida Statutes, is amended to read:

744.365 Verified inventory.—

(6) AUDIT FEE.—

(a) Where the value of the ward's property exceeds $25,000, a guardian shall pay from the ward's property to the clerk of the circuit court a fee of up to $85 *from which the clerk shall remit $10 to the Department of Revenue for deposit into the General Revenue Fund*, upon the filing of the verified inventory, for the auditing of the inventory. Upon petition by the guardian, the court may waive the auditing fee upon a showing of insufficient funds in the ward's estate. Any guardian unable to pay the auditing fee may petition the court for waiver of the fee. The court may waive the fee after it has reviewed the documentation filed by the guardian in support of the waiver.

Section 26. Effective upon this act becoming a law and retroactive to July 1, 2008, subsection (4) of section 744.3678, Florida Statutes, is amended to read:

744.3678 Annual accounting.—

(4) The guardian shall pay from the ward's estate to the clerk of the circuit court a fee based upon the following graduated fee schedule, upon the filing of the annual financial return, for the auditing of the return:

(a) For estates with a value of $25,000 or less the clerk of the court may charge a fee of up to $20 *from which the clerk shall remit $5 to the Department of Revenue for deposit into the General Revenue Fund*.

(b) For estates with a value of more than $25,000 up to and including $100,000 the clerk of the court may charge a fee of up to $85 *from which the clerk shall remit $10 to the Department of Revenue for deposit into the General Revenue Fund*.

(c) For estates with a value of more than $100,000 up to and including $500,000 the clerk of the court may charge a fee of up to $170 *from which the clerk shall remit $20 to the Department of Revenue for deposit into the General Revenue Fund*.

(d) For estates with a value in excess of $500,000 the clerk of the court may charge a fee of up to $250 *from which the clerk shall remit $25 to the Department of Revenue for deposit into the General Revenue Fund*.

Upon petition by the guardian, the court may waive the auditing fee upon a showing of insufficient funds in the ward's estate. Any guardian unable to pay the auditing fee may petition the court for a waiver of the fee. The court may waive the fee after it has reviewed the documentation filed by the guardian in support of the waiver.

Section 27. Effective upon this act becoming a law and retroactive to July 1, 2008, subsection (2) of section 766.104, Florida Statutes, is amended to read:

766.104 Medical negligence cases; reasonable investigation required before filing.—

(2) Upon petition to the clerk of the court where the suit will be filed and payment to the clerk of a filing fee, not to exceed $42 *from which the clerk shall remit $4.50 to the Department of Revenue for deposit into the General Revenue Fund*, an automatic 90-day extension of the statute of limitations shall be granted to allow the reasonable investigation required by subsection (1). This period shall be in addition to other tolling periods. No court order is required for the extension to be effective. The provisions of this subsection shall not be deemed to revive a cause of action on which the statute of limitations has run.

Section 28. Effective upon this act becoming a law and retroactive to July 1, 2008, subsection (1) of section 938.05, Florida Statutes, is amended to read:

938.05 Additional court costs for felonies, misdemeanors, and criminal traffic offenses.—

(1) Any person pleading nolo contendere to a misdemeanor or criminal traffic offense under s. 318.14(10)(a) or pleading guilty or nolo contendere to, or being found guilty of, any felony, misdemeanor, or criminal traffic offense under the laws of this state or the violation of any municipal or county ordinance which adopts by reference any misdemeanor under state law, shall pay as a cost in the case, in addition to any other cost required to be imposed by law, a sum in accordance with the following schedule:

(a) Felonies $225 *from which the clerk shall remit $25 to the Department of Revenue for deposit into the General Revenue Fund*

(b) Misdemeanors $60 *from which the clerk shall remit $10 to the Department of Revenue for deposit into the General Revenue Fund*

(c) Criminal traffic offenses $60 *from which the clerk shall remit $10 to the Department of Revenue for deposit into the General Revenue Fund*

Section 29. *The amendments made by this act to ss. 27.52, 28.24, 28.2401, 28.241, 34.041, 45.035, 55.505, 61.14, 316.193, 318.14, 318.15, 318.18, 322.245, 327.35, 327.73, 379.401, 713.24, 721.83, 744.365, 744.3678, 766.104, and 938.05, Florida Statutes, are remedial and clarifying in nature and apply retroactively to July 1, 2008.*

Section 30. *The amendments to the jurisdiction of a court made by this act shall apply with respect to the date of filing the cause of action, regardless of when the cause of action accrued.*

Section 31. *Before the 2022 Regular Session of the Legislature, the Legislature shall review and consider the results of the analysis submitted pursuant to Specific Appropriation 2754 of the 2019-2020 General Appropriations Act regarding the review of the Clerk of Court Processes for the purpose of considering the extension or reenactment of provisions in this act relating to clerk funding.*

Section 32. Except as otherwise provided, and except for this section, which shall take effect upon becoming a law, 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 courts; amending s. 26.012, F.S.; revising the appellate jurisdiction of circuit courts; providing for future repeal; amending s. 28.35, F.S.; modifying calculation of total combined budgets of the clerks of the court; providing a definition; amending s. 28.36, F.S.; providing for modified revenue projection relating to proposed budget of clerks of the court; providing a definition; amending s. 28.37, F.S.; providing for deposit of certain funds into specified trust funds or General Revenue Fund; amending s. 27.52, F.S.; providing for deposit of certain fees into General Revenue Fund; amending s. 28.24, F.S.; providing for deposit of certain fees into General Revenue Fund; amending s. 28.2401, F.S.; providing for deposit of certain fees into General Revenue Fund; amending s. 28.241, F.S.; providing for deposit of certain fees into General Revenue Fund; requiring specified filing fees for appeals from certain county courts; amending s. 34.01, F.S.; providing for deposit of certain fees into the General Revenue Fund; increasing the jurisdictional limit for actions at law by county courts on specified dates; requiring the State Courts Administrator to submit a report containing certain recommendations and reviews to the Governor and the Legislature by a specified date; amending s. 34.041, F.S.; providing county

court civil filing fees for claims of specified values; providing for distribution of the fees; amending s. 44.108, F.S.; prohibiting the levy of certain fees for mediation services in certain cases; amending s. 45.035, F.S.; providing for deposit of certain fees into General Revenue Fund; amending s. 55.505, F.S.; providing for deposit of certain fees into General Revenue Fund; amending s. 61.14, F.S.; providing for deposit of certain fees into General Revenue Fund; amending s. 316.193, F.S., providing for deposit of certain fees into General Revenue Fund; amending s. 318.14, F.S., providing for deposit of certain fees into General Revenue Fund; amending s. 318.15, F.S.; providing for deposit of certain fees into General Revenue Fund; amending s. 318.18, F.S.; providing for deposit of certain fees into General Revenue Fund; amending s. 322.245, F.S.; providing for deposit of certain fees into General Revenue Fund; amending s. 327.35, F.S.; providing for deposit of certain fees into General Revenue Fund; amending s. 327.73, F.S.; providing for deposit of certain fees into General Revenue Fund; amending s. 379.401, F.S.; providing for deposit of certain fees into General Revenue Fund; amending s. 713.24, F.S.; providing for deposit of certain fees into General Revenue Fund; amending s. 721.83, F.S.; providing for deposit of certain fees into General Revenue Fund; amending s. 744.365, F.S.; providing for deposit of certain fees into General Revenue Fund; amending s. 744.3678, F.S.; providing for deposit of certain fees into General Revenue Fund; amending s. 766.104, F.S.; providing for deposit of certain fees into General Revenue Fund; amending s. 938.05, F.S.; providing for deposit of certain fees into General Revenue Fund; providing for retroactivity; providing applicability; requiring a certain Legislative review; providing effective dates.

On motion by Senator Brandes, further consideration of **CS for CS for HB 337** with pending **Amendment 1 (197684)** and substitute **Amendment 2 (252840)** was deferred.

CS for CS for SB 336—A bill to be entitled An act relating to local tax referenda; amending s. 212.055, F.S.; providing that a referendum to adopt or amend a local discretionary sales surtax must be held at a general election; requiring a petition sponsor of an initiative to adopt a charter county and regional transportation system surtax to comply with specified requirements within a specified timeframe before the proposed referendum; requiring a county to make the proposed referendum and a specified legal opinion available on its official website; requiring the Office of Program Policy Analysis and Government Accountability, upon receiving a certain notice, to procure a certified public accountant for a performance audit; requiring a supervisor of elections to verify petition signatures and retain signature forms in a specified manner; providing that an initiative sponsor's failure to comply with the specified requirements renders any referendum held void; revising requirements and procedures for counties, school districts, and the office relating to performance audits; providing that the failure to comply with certain requirements renders any referendum held to adopt a discretionary sales surtax void; providing an effective date.

—was read the second time by title.

Pending further consideration of **CS for CS for SB 336**, pursuant to Rule 3.11(3), there being no objection, **CS for CS for HB 5** was withdrawn from the Committees on Community Affairs; Finance and Tax; and Appropriations.

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

CS for CS for HB 5—A bill to be entitled An act relating to discretionary sales surtaxes; amending s. 212.055; requiring a two-thirds vote of certain county governing boards to authorize a discretionary sales surtax; requiring local government discretionary sales surtax referenda to be held on a specified date; requiring such referenda to be approved by a specified percentage of voters for passage; revising requirements and procedures for discretionary sales surtax performance audits; providing that the failure to comply with certain requirements renders any referendum held to adopt a discretionary sales surtax void; requiring a petition sponsor of an initiative to adopt a discretionary sales surtax to comply with specified requirements within a specified timeframe before the proposed referendum; requiring a county to make the proposed referendum available on its official website; requiring the Office of Program Policy Analysis and Government Accountability, upon receiving a certain notice, to procure a certified public accountant for a performance audit; requiring a supervisor of elections to verify petition signatures and retain signature forms in a specified manner; providing that failure of an initiative sponsor to comply with the specified requirements renders any referendum held void; providing applicability; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 336** and read the second time by title.

Senator Brandes moved the following amendment:

Amendment 1 (530804) (with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Present subsection (10) of section 212.055, Florida Statutes, is redesignated as subsection (11) and amended, a new subsection (10) is added to that section, and paragraph (c) of subsection (1), paragraph (b) of subsection (5), and paragraph (b) of subsection (8) are amended, to read:

212.055 Discretionary sales surtaxes; legislative intent; authorization and use of proceeds.—It is the legislative intent that any authorization for imposition of a discretionary sales surtax shall be published in the Florida Statutes as a subsection of this section, irrespective of the duration of the levy. Each enactment shall specify the types of counties authorized to levy; the rate or rates which may be imposed; the maximum length of time the surtax may be imposed, if any; the procedure which must be followed to secure voter approval, if required; the purpose for which the proceeds may be expended; and such other requirements as the Legislature may provide. Taxable transactions and administrative procedures shall be as provided in s. 212.054.

(1) CHARTER COUNTY AND REGIONAL TRANSPORTATION SYSTEM SURTAX.—

(c)*1.* The proposal to adopt a discretionary sales surtax as provided in this subsection and to create a trust fund within the county accounts shall be placed on the ballot in accordance with law *and must be approved in a referendum held at a general election in accordance with subsection (10)* ~~at a time to be set at the discretion of the governing body~~.

2. If the proposal to adopt a surtax is by initiative, the petition sponsor must, at least 180 days before the proposed referendum, comply with all of the following:

a. Provide a copy of the final resolution or ordinance to the Office of Program Policy Analysis and Government Accountability. The Office of Program Policy Analysis and Government Accountability shall procure a certified public accountant in accordance with subsection (11) for the performance audit.

b. File the initiative petition and its required valid signatures with the supervisor of elections. The supervisor of elections shall verify signatures and retain signature forms in the same manner as required for initiatives under s. 100.371(3).

3. The failure of an initiative sponsor to comply with the requirements of subparagraph 2. renders any referendum held void.

(5) COUNTY PUBLIC HOSPITAL SURTAX.—Any county as defined in s. 125.011(1) may levy the surtax authorized in this subsection pursuant to an ordinance either approved by extraordinary vote of the county commission or conditioned to take effect only upon approval by a majority vote of the electors of the county voting in a referendum. In a county as defined in s. 125.011(1), for the purposes of this subsection, "county public general hospital" means a general hospital as defined in s. 395.002 which is owned, operated, maintained, or governed by the county or its agency, authority, or public health trust.

(b) If the ordinance is conditioned on a referendum, the proposal to adopt the county public hospital surtax shall be placed on the ballot in accordance with *subsection (10)* ~~law at a time to be set at the discretion of the governing body~~. The referendum question on the ballot shall include a brief general description of the health care services to be funded by the surtax.

(8) EMERGENCY FIRE RESCUE SERVICES AND FACILITIES SURTAX.—

(b) Upon the adoption of the ordinance, the levy of the surtax must be placed on the ballot by the governing authority of the county enacting

the ordinance. The ordinance will take effect if approved by a majority of the electors of the county voting in a referendum held for such purpose. The referendum shall be placed on the ballot of a *general* ~~regularly scheduled~~ election. The ballot for the referendum must conform to the requirements of s. 101.161.

(10) DATES FOR REFERENDA.—A referendum to adopt or amend a local government discretionary sales surtax under this section must be held at a general election as defined in s. 97.021.

(11)~~(10)~~ PERFORMANCE AUDIT.—

(a) ~~For any referendum held on or after March 23, 2018,~~ To adopt a discretionary sales surtax under this section, an independent certified public accountant licensed pursuant to chapter 473 shall conduct a performance audit of the program associated with the *proposed* surtax ~~adoption proposed by the county or school district~~.

(b)1. At least 180 days before the referendum is held, the county or school district shall provide a copy of the final resolution or ordinance to the Office of Program Policy Analysis and Government Accountability.

2. Within 30 days after receiving the final resolution or ordinance, the Office of Program Policy Analysis and Government Accountability shall procure the certified public accountant and may use carryforward funds to pay for the services of the certified public accountant.

3.~~(b)~~ At least 60 days before the referendum is held, the performance audit *must* ~~shall~~ be completed and the audit report, including any findings, recommendations, or other accompanying documents, *must* ~~shall~~ be made available on the official website of the county or school district.

4. The county or school district shall keep the information on its website for 2 years from the date it was posted.

5. The failure to comply with the requirements under subparagraph 1. or subparagraph 3. renders any referendum held to adopt a discretionary sales surtax void.

(c) For purposes of this subsection, the term "performance audit" means an examination of the program conducted according to applicable government auditing standards or auditing and evaluation standards of other appropriate authoritative bodies. At a minimum, a performance audit must include an examination of issues related to the following:

1. The economy, efficiency, or effectiveness of the program.

2. The structure or design of the program to accomplish its goals and objectives.

3. Alternative methods of providing program services or products.

4. Goals, objectives, and performance measures used by the program to monitor and report program accomplishments.

5. The accuracy or adequacy of public documents, reports, and requests prepared by the county or school district which relate to the program.

6. Compliance of the program with appropriate policies, rules, and laws.

(d) This subsection does not apply to a referendum held to adopt the same discretionary surtax that was in place during the month of December immediately before the date of the referendum.

Section 2. 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 local tax referenda; amending s. 212.055, F.S.; providing that a referendum to adopt or amend a local discretionary sales surtax must be held at a general election; requiring a petition sponsor of an initiative to adopt a charter county and regional transportation system surtax to comply with specified requirements within a specified timeframe before the proposed referendum; requiring a county to make the proposed referendum and a specified legal opinion available on its official website; requiring the Office of Program Policy Analysis and Government Accountability, upon receiving a certain notice, to procure a certified public accountant for a performance audit; requiring a supervisor of elections to verify petition signatures and retain signature forms in a specified manner; providing that an initiative sponsor's failure to comply with the specified requirements renders any referendum held void; revising requirements and procedures for counties, school districts, and the office relating to performance audits; providing that the failure to comply with certain requirements renders any referendum held to adopt a discretionary sales surtax void; providing an effective date.

Senator Brandes moved the following substitute amendment:

Amendment 2 (262082) (with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Present subsection (10) of section 212.055, Florida Statutes, is redesignated as subsection (11) and amended, a new subsection (10) is added to that section, and paragraph (c) of subsection (1), paragraph (b) of subsection (5), and paragraph (b) of subsection (8) are amended, to read:

212.055 Discretionary sales surtaxes; legislative intent; authorization and use of proceeds.—It is the legislative intent that any authorization for imposition of a discretionary sales surtax shall be published in the Florida Statutes as a subsection of this section, irrespective of the duration of the levy. Each enactment shall specify the types of counties authorized to levy; the rate or rates which may be imposed; the maximum length of time the surtax may be imposed, if any; the procedure which must be followed to secure voter approval, if required; the purpose for which the proceeds may be expended; and such other requirements as the Legislature may provide. Taxable transactions and administrative procedures shall be as provided in s. 212.054.

(1) CHARTER COUNTY AND REGIONAL TRANSPORTATION SYSTEM SURTAX.—

(c)*1.* The proposal to adopt a discretionary sales surtax as provided in this subsection and to create a trust fund within the county accounts shall be placed on the ballot in accordance with law *and must be approved in a referendum held at a general election in accordance with subsection (10)* ~~at a time to be set at the discretion of the governing body~~.

2. If the proposal to adopt a surtax is by initiative, the petition sponsor must, at least 180 days before the proposed referendum, comply with all of the following:

a. Provide a copy of the final resolution or ordinance to the Office of Program Policy Analysis and Government Accountability. The Office of Program Policy Analysis and Government Accountability shall procure a certified public accountant in accordance with subsection (11) for the performance audit.

b. File the initiative petition and its required valid signatures with the supervisor of elections. The supervisor of elections shall verify signatures and retain signature forms in the same manner as required for initiatives under s. 100.371(3).

3. The failure of an initiative sponsor to comply with the requirements of subparagraph 2. renders any referendum held void.

(5) COUNTY PUBLIC HOSPITAL SURTAX.—Any county as defined in s. 125.011(1) may levy the surtax authorized in this subsection pursuant to an ordinance either approved by extraordinary vote of the county commission or conditioned to take effect only upon approval by a majority vote of the electors of the county voting in a referendum. In a county as defined in s. 125.011(1), for the purposes of this subsection, "county public general hospital" means a general hospital as defined in s. 395.002 which is owned, operated, maintained, or governed by the county or its agency, authority, or public health trust.

(b) If the ordinance is conditioned on a referendum, the proposal to adopt the county public hospital surtax shall be placed on the ballot in accordance with *subsection (10)* ~~law at a time to be set at the discretion of the governing body~~. The referendum question on the ballot shall include a brief general description of the health care services to be funded by the surtax.

(8) EMERGENCY FIRE RESCUE SERVICES AND FACILITIES SURTAX.—

(b) Upon the adoption of the ordinance, the levy of the surtax must be placed on the ballot by the governing authority of the county enacting the ordinance. The ordinance will take effect if approved by a majority of the electors of the county voting in a referendum held for such purpose. The referendum shall be placed on the ballot of a *general* ~~regularly scheduled~~ election. The ballot for the referendum must conform to the requirements of s. 101.161.

(10) DATES FOR REFERENDA.—A referendum to adopt or amend a local government discretionary sales surtax under this section must be held at a general election as defined in s. 97.021.

(11)~~(10)~~ PERFORMANCE AUDIT.—

(a) ~~For any referendum held on or after March 23, 2018,~~ To adopt a discretionary sales surtax under this section, an independent certified public accountant licensed pursuant to chapter 473 shall conduct a performance audit of the program associated with the *proposed* surtax ~~adoption proposed by the county or school district~~.

(b)1. At least 180 days before the referendum is held, the county or school district shall provide a copy of the final resolution or ordinance to the Office of Program Policy Analysis and Government Accountability.

2. Within 30 days after receiving the final resolution or ordinance, the Office of Program Policy Analysis and Government Accountability shall procure the certified public accountant and may use carryforward funds to pay for the services of the certified public accountant.

3.~~(b)~~ At least 60 days before the referendum is held, the performance audit *must* ~~shall~~ be completed and the audit report, including any findings, recommendations, or other accompanying documents, *must* ~~shall~~ be made available on the official website of the county or school district.

4. The county or school district shall keep the information on its website for 2 years from the date it was posted.

5. The failure to comply with the requirements under subparagraph 1. or subparagraph 3. renders any referendum held to adopt a discretionary sales surtax void.

(c) For purposes of this subsection, the term "performance audit" means an examination of the program conducted according to applicable government auditing standards or auditing and evaluation standards of other appropriate authoritative bodies. At a minimum, a performance audit must include an examination of issues related to the following:

1. The economy, efficiency, or effectiveness of the program.

2. The structure or design of the program to accomplish its goals and objectives.

3. Alternative methods of providing program services or products.

4. Goals, objectives, and performance measures used by the program to monitor and report program accomplishments.

5. The accuracy or adequacy of public documents, reports, and requests prepared by the county or school district which relate to the program.

6. Compliance of the program with appropriate policies, rules, and laws.

(d) This subsection does not apply to a referendum held to adopt the same discretionary surtax that was in place during the month of December immediately before the date of the referendum.

Section 2. Subsection (6) is added to section 336.02, Florida Statutes, to read:

336.02 Responsibility for county road system; approval of maps of reservation.—

(6) Notwithstanding any general law or special act, the ordinances, resolutions, or regulations of any municipality or special district, including any instrumentality thereof, do not apply to any transportation use, including any existing or future transportation facilities, structures, or appurtenances thereto, on the State Highway System as defined in s. 334.03(24), the county road system as defined in s. 334.03(8), or the city street system as defined in s. 334.03(3), constructed, operated, or maintained, in whole or in part, with discretionary sales surtax funds levied pursuant to s. 212.055(1) in a charter county whose buildable land area is at least 80 percent incorporated area and includes at least 25 municipalities. This limitation includes the design, construction, erection, alteration, modification, repair, or demolition of any public transportation buildings or structures, and the governing body of the county levying the discretionary sales surtax shall be responsible for the review of all plans, specifications, and inspections required for the issuance of any permits pursuant to s. 553.79.

Section 3. 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 ballot measures; amending s. 212.055, F.S.; providing that a referendum to adopt or amend a local discretionary sales surtax must be held at a general election; requiring a petition sponsor of an initiative to adopt a charter county and regional transportation system surtax to comply with specified requirements within a specified timeframe before the proposed referendum; requiring a county to make the proposed referendum and a specified legal opinion available on its official website; requiring the Office of Program Policy Analysis and Government Accountability, upon receiving a certain notice, to procure a certified public accountant for a performance audit; requiring a supervisor of elections to verify petition signatures and retain signature forms in a specified manner; providing that an initiative sponsor's failure to comply with the specified requirements renders any referendum held void; revising requirements and procedures for counties, school districts, and the office relating to performance audits; providing that the failure to comply with certain requirements renders any referendum held to adopt a discretionary sales surtax void; amending s. 336.02, F.S.; providing that the ordinances, resolutions, or regulations of any municipality or special district do not apply to any transportation use on certain highways, roads, or streets funded in whole or in part with certain discretionary sales surtaxes in specified charter counties; providing an effective date.

Senator Brandes moved the following amendment to substitute **Amendment 2 (262082)** which was adopted:

Amendment 2A (240508) (with title amendment)—Delete lines 125-147.

And the title is amended as follows:

Delete lines 178-184 and insert: void; providing an effective date.

Amendment 2 (262082), as amended, was adopted.

Pursuant to Rule 4.19, **CS for CS for HB 5**, as amended, was placed on the calendar of Bills on Third Reading.

MOTIONS

On motion by Senator Benacquisto, the rules were waived and **CS for CS for SB 540**, **CS for SB 900**, **CS for SB 1480**, and **CS for SB 1700** were withdrawn from the committees of reference and placed on the Special Order Calendar this day.

The Senate resumed consideration of—

CS for CS for HB 337—A bill to be entitled An act relating to courts; creating s. 25.025, F.S.; authorizing certain Supreme Court justices to have an appropriate facility in their district of residence designated as their official headquarters; providing that an official headquarters may serve only as a justice's private chambers; providing that such justices are eligible for a certain subsistence allowance and reimbursement for certain transportation expenses; requiring that such allowance and reimbursement be made to the extent appropriated funds are available,

as determined by the Chief Justice; requiring the Chief Justice to coordinate with certain persons when designating official headquarters; providing that a county is not required to provide space for a justice in a county courthouse; authorizing counties to enter into agreements with the Supreme Court for the use of county courthouse space; prohibiting the Supreme Court from using state funds to lease space in specified facilities to allow a justice to establish an official headquarters; amending s. 26.012, F.S.; providing for appellate jurisdiction of circuit courts; amending s. 28.241, F.S.; requiring specified filing fees for appeals from certain county courts; amending s. 34.01, F.S.; increasing the jurisdictional limit for actions at law by county courts on specified dates; requiring the Office of State Courts Administrator to submit a report relating to county court jurisdiction; amending s. 34.041, F.S.; providing county court civil filing fees for claims of specified values; providing for distribution of the fees; amending s. 44.108, F.S.; revising the levy of certain fees for mediation and arbitration services in certain county court cases; creating s. 45.21, F.S.; authorizing certain defendants to demand that a court issue a ruling related to proper court venue; providing for an award of attorney fees and costs to the prevailing party; authorizing a court to transfer certain civil cases if specified criteria are met; providing applicability; providing effective dates.

—which was previously considered this day with pending **Amendment 1 (197684)** and substitute **Amendment 2 (252840)** by Senator Brandes.

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

Senator Brandes moved the following amendment to substitute **Amendment 2 (252840)** which was adopted:

Amendment 2A (734554)—Between lines 1303 and 1304 insert:

Section 23. *Notwithstanding subsection (13) of section 627.7152, as created by HB 7065, 2019 Regular Session, subsection (10) of that section is effective upon becoming a law.*

Amendment 2 (252840), as amended, was adopted.

Pursuant to Rule 4.19, **CS for CS for HB 337**, as amended, was placed on the calendar of Bills on Third Reading.

CS for CS for SB 656—A bill to be entitled An act relating to state court system administration; amending ss. 25.386 and 44.106, F.S.; requiring security background investigations for foreign language court interpreters and mediators, respectively; amending s. 61.125, F.S.; defining terms; revising qualifications for parenting coordinators; revising factors that disqualify a person from being appointed as a parenting coordinator; revising the confidentiality of communications during parenting coordination sessions; authorizing disclosure of certain testimony or evidence in certain circumstances; providing immunity for certain persons; requiring the Supreme Court to establish standards and procedures relating to parenting coordinators; authorizing the office to appoint or employ certain persons to assist in specified duties; amending s. 121.052, F.S.; modifying provisions authorizing justices or judges to purchase additional service credit in the Florida Retirement System under certain circumstances to conform to the revisions made to the mandatory judicial retirement age established in s. 8, Art. V of the State Constitution; amending s. 812.014, F.S.; authorizing electronic records of certain judgments; amending s. 921.241, F.S.; defining the terms “electronic signature” and “transaction control number”; authorizing electronic records of certain judgments; requiring that fingerprints be electronically captured under certain circumstances; providing forms; amending s. 921.242, F.S.; authorizing electronic records of certain judgments; reenacting s. 775.084(3)(a), (b), and (c), F.S., relating to fingerprinting a defendant for the purpose of identification, to incorporate the amendments made by the act; providing an effective date.

—was read the second time by title.

Pending further consideration of **CS for CS for SB 656**, pursuant to Rule 3.11(3), there being no objection, **CS for HB 7081** was withdrawn from the Committees on Judiciary; Appropriations Subcommittee on Criminal and Civil Justice; and Appropriations.

On motion by Senator Baxley—

CS for HB 7081—A bill to be entitled An act relating to state court system administration; amending ss. 25.386 and 44.106, F.S.; requiring security background investigations for foreign language court interpreters and mediators; amending s. 61.125, F.S.; providing definitions; revising qualifications for parenting coordinators; providing disqualification factors for appointment as a parenting coordinator; authorizing disclosure of certain testimony or evidence in certain circumstances; providing immunity for certain persons; requiring the Office of the State Courts Administrator to establish standards and procedures for parenting coordinators; authorizing the office to appoint or employ certain persons to assist in specified duties; amending s. 121.052, F.S.; revising provisions relating to judicial retirement to conform to revisions to the mandatory retirement age; amending s. 812.014, F.S.; authorizing electronic records of judgments; amending s. 921.241, F.S.; authorizing electronic records of judgments; providing definitions; providing forms; authorizing the collection of fingerprints; amending s. 921.242, F.S.; providing for electronic records of judgments; reenacting s. 775.084(3)(a), (b), and (c), F.S., relating to fingerprinting a defendant for the purpose of identification, to incorporate the amendments made by the act; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 656** and read the second time by title.

Pursuant to Rule 4.19, **CS for HB 7081** was placed on the calendar of Bills on Third Reading.

CS for CS for CS for CS for SB 714—A bill to be entitled An act relating to insurance; providing a short title; amending s. 215.555, F.S.; increasing the required reimbursement of loss adjustment expenses in reimbursement contracts between the State Board of Administration and property insurers under the Florida Hurricane Catastrophe Fund; amending s. 319.30, F.S.; specifying means by which an insurance company may forward certificates of title of certain salvage motor vehicles or mobile homes to the Department of Highway Safety and Motor Vehicles; revising the effective date of certain procedures and requirements relating to certificates of title; providing that certain electronic signatures satisfy certain signature requirements; amending s. 440.381, F.S.; revising a criminal penalty for the submission, with certain intent, of an employer application for workers’ compensation insurance coverage which contains false, misleading, or incomplete information; providing that certain sworn statements in such applications are not required to be notarized; creating s. 624.1055, F.S.; providing a right of contribution among insurers for defense costs under certain circumstances; providing a requirement for, and authorizing the use of certain factors by, a court in allocating costs; providing a cause of action to enforce the right of contribution; providing construction and applicability; amending s. 624.155, F.S.; deleting a provision that tolls, under certain circumstances, a period before a civil action against an insurer may be brought; deleting a provision authorizing the Department of Financial Services to return a civil remedy notice for lack of specificity; prohibiting the filing of the notice within a certain timeframe under certain circumstances; amending s. 624.404, F.S.; adding a circumstance under which the Office of Insurance Regulation may waive a 3-year operation requirement for foreign or alien insurers and exchanges; amending s. 624.4085, F.S.; specifying the applicable formula for determining risk-based capital of certain health maintenance organizations and prepaid limited health service organizations; amending s. 626.914, F.S.; revising the definition of the term “diligent effort” as used in the Surplus Lines Law; amending s. 626.916, F.S.; deleting a limit on fees charged by filing surplus lines agents per policy certified for export; authorizing retail agents to charge reasonable fees for placing surplus lines policies; specifying requirements for itemizing and enumerating fees; amending s. 626.9541, F.S.; providing that insurers and agents may give insureds certain free or discounted loss mitigation services or loss control items; deleting a limitation on the value of loss mitigation services that may be given to insureds; amending s. 627.0655, F.S.; revising circumstances under which insurers or certain authorized persons may provide certain premium discounts to insureds; amending s. 627.426, F.S.; adding means by which liability insurers may provide to named insureds certain notices relating to coverage denials based on a particular coverage defense; amending s. 627.4555, F.S.; requiring life insurers that are required to provide a specified notice to policyowners of an impending lapse in coverage to also notify the policyowner’s agent of record within a certain timeframe; providing that the agent is not responsible for any lapse in coverage; exempting the insurer from the

requirement under certain circumstances; amending s. 627.7015, F.S.; adding circumstances under which certain property insurers may provide required notice to policyholders of their right to participate in a certain mediation program; amending s. 627.7295, F.S.; reducing the collected premium required before private passenger motor vehicle insurance policies or binders may be initially issued; creating s. 768.094, F.S.; providing legislative findings and intent; defining terms; specifying responsibilities of operators of roller skating rinks and of roller skaters; amending s. 921.0022, F.S.; conforming a provision to changes made by the act; providing effective dates.

—was read the second time by title.

Pending further consideration of **CS for CS for CS for CS for SB 714**, pursuant to Rule 3.11(3), there being no objection, **CS for CS for CS for HB 301** was withdrawn from the Committees on Banking and Insurance; Judiciary; and Appropriations.

On motion by Senator Brandes—

CS for CS for CS for HB 301—A bill to be entitled An act relating to insurance; amending s. 215.555, F.S.; specifying the required reimbursement of loss adjustment expenses in reimbursement contracts between the State Board of Administration and property insurers under the Florida Hurricane Catastrophe Fund on or after a specified date; amending s. 319.30, F.S.; specifying means by which an insurance company may forward certificates of title of certain salvage motor vehicles or mobile homes to the Department of Highway Safety and Motor Vehicles; revising the effective date of certain procedures and requirements relating to certificates of title; providing that certain electronic signatures satisfy certain signature requirements; amending s. 440.381, F.S.; revising a criminal penalty for the submission, with certain intent, of an employer application for workers' compensation insurance coverage which contains false, misleading, or incomplete information; providing that certain sworn statements in such applications are not required to be notarized; amending s. 921.0022, F.S.; conforming a provision to changes made by the act; creating s. 624.1055, F.S.; providing right of contribution of certain liability insurers against other liability insurers for defense costs; providing for apportionment of costs; providing for enforcement of right of contribution; providing construction; providing applicability; amending s. 624.155, F.S.; deleting a provision that tolls, under certain circumstances, a period before a civil action against an insurer may be brought; deleting a provision authorizing the Department of Financial Services to return a civil remedy notice for lack of specificity; prohibiting the filing of the notice within a certain timeframe under certain circumstances; amending s. 624.404, F.S.; adding a circumstance under which the Office of Insurance Regulation may waive a 3-year operation requirement for foreign or alien insurers and exchanges; amending s. 624.4085, F.S.; providing applicability of risk-based capital requirements for certain insurers; specifying risk-based capital determination for certain insurers; amending s. 626.914, F.S.; revising the definition of the term "diligent effort," as used in the Surplus Lines Law; amending s. 626.916, F.S.; removing the cap on per-policy fees charged by a filing surplus lines agent under certain circumstances; requiring such fees to be itemized and enumerated; authorizing a reasonable per-policy fee charged by a retail agent on surplus lines policies; requiring such fees to be itemized before policy purchase; amending s. 626.9541, F.S.; providing construction; amending s. 627.0655, F.S.; revising the circumstances under which certain insurance premium discounts are authorized; amending s. 627.426, F.S.; revising the requirements for sufficient proof of notice for certain insurance notices; amending s. 627.4555, F.S.; requiring life insurers that are required to provide a specified notice to policyowners of an impending lapse in coverage to also notify the policyowner's agent of record within a certain timeframe; providing that the agent is not responsible for any lapse in coverage; exempting the insurer from the requirement under certain circumstances; amending s. 627.7015, F.S.; revising the periods of time when property insurers must notify policyholders of certain mediation programs; amending s. 627.7295, F.S.; reducing the amount that must be collected from insureds before policies or binders are issued; providing applicability; providing effective dates.

—a companion measure, was substituted for **CS for CS for CS for CS for SB 714** and read the second time by title.

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

Senator Flores moved the following amendments which failed:

Amendment 1 (641940) (with title amendment)—Between lines 450 and 451 insert:

Section 13. Paragraph (n) of subsection (6) of section 627.351, Florida Statutes, is amended to read:

627.351 Insurance risk apportionment plans.—

(6) CITIZENS PROPERTY INSURANCE CORPORATION.—

(n)1. Rates for coverage provided by the corporation must be actuarially sound and subject to s. 627.062, except as otherwise provided in this paragraph. The corporation shall file its recommended rates with the office at least annually. The corporation shall provide any additional information regarding the rates which the office requires. The office shall consider the recommendations of the board and issue a final order establishing the rates for the corporation within 45 days after the recommended rates are filed. The corporation may not pursue an administrative challenge or judicial review of the final order of the office.

2. In addition to the rates otherwise determined pursuant to this paragraph, the corporation shall impose and collect an amount equal to the premium tax provided in s. 624.509 to augment the financial resources of the corporation.

3. After the public hurricane loss-projection model under s. 627.06281 has been found to be accurate and reliable by the Florida Commission on Hurricane Loss Projection Methodology, the model shall be considered when establishing the windstorm portion of the corporation's rates. The corporation may use the public model results in combination with the results of private models to calculate rates for the windstorm portion of the corporation's rates. This subparagraph does not require or allow the corporation to adopt rates lower than the rates otherwise required or allowed by this paragraph.

4. The rate filings for the corporation which were approved by the office and took effect January 1, 2007, are rescinded, except for those rates that were lowered. As soon as possible, the corporation shall begin using the lower rates that were in effect on December 31, 2006, and provide refunds to policyholders who paid higher rates as a result of that rate filing. The rates in effect on December 31, 2006, remain in effect for the 2007 and 2008 calendar years except for any rate change that results in a lower rate. The next rate change that may increase rates shall take effect pursuant to a new rate filing recommended by the corporation and established by the office, subject to this paragraph.

5. Beginning on July 15, 2009, and annually thereafter, the corporation must make a recommended actuarially sound rate filing for each personal and commercial line of business it writes, to be effective no earlier than January 1, 2010.

6.*a.* Beginning ~~on or after~~ January 1, 2010, and notwithstanding the board's recommended rates and the office's final order regarding the corporation's filed rates under subparagraph 1., the corporation shall annually implement a rate increase *that* ~~which~~, except for sinkhole coverage, does not exceed 10 percent for any single policy issued by the corporation, excluding coverage changes and surcharges.

b. Beginning January 1, 2020, and notwithstanding the board's recommended rates and the office's final order regarding the corporation's filed rates under subparagraph 1., the corporation shall annually implement a rate increase that, except for sinkhole coverage, does not exceed 10 percent for any single policy issued by the corporation and does not exceed 5 percent for any single policy issued by the corporation to an insured located in a county where the office has determined there is not a reasonable degree of competition and where 25 percent or more of the county land is designated as an area of critical state concern under s. 380.05, excluding coverage changes and surcharges. This sub-subparagraph expires January 1, 2022.

7. The corporation may also implement an increase to reflect the effect on the corporation of the cash buildup factor pursuant to s. 215.555(5)(b).

8. The corporation's implementation of rates as prescribed in subparagraph 6. shall cease for any line of business written by the corporation upon the corporation's implementation of actuarially sound

rates. Thereafter, the corporation shall annually make a recommended actuarially sound rate filing for each commercial and personal line of business the corporation writes.

And the title is amended as follows:

Delete line 55 and insert: discounts are authorized; 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; amending s. 627.426, F.S.;

Amendment 2 (243984) (with title amendment)—Between lines 167 and 168 insert:

Section 3. Present subsections (3), (4), and (5) of section 409.977, Florida Statutes, are redesignated as subsections (4), (5), and (6), respectively, a new subsection (3) is added to that section, and subsection (1) of that section is amended, to read:

409.977 Enrollment.—

(1) The agency shall automatically enroll into a managed care plan those Medicaid recipients who do not voluntarily choose a plan pursuant to *ss.* ~~s.~~ 409.969 *and 409.973(5)(b)*. The agency shall automatically enroll recipients in plans that meet or exceed the performance or quality standards established pursuant to s. 409.967 and may not automatically enroll recipients in a plan that is deficient in those performance or quality standards. When a specialty plan is available to accommodate a specific condition or diagnosis of a recipient, the agency shall assign the recipient to that plan. In the first year of the first contract term only, if a recipient was previously enrolled in a plan that is still available in the region, the agency shall automatically enroll the recipient in that plan unless an applicable specialty plan is available. Except as otherwise provided in this part, the agency may not engage in practices that are designed to favor one managed care plan over another.

(3) For the purposes of transitioning enrollment related to the statewide Medicaid prepaid dental health program, improving access to care, and promoting dental provider participation in the program, the agency shall implement a process to reduce the disparity between the number of Medicaid recipients enrolled in the respective prepaid limited health service organizations licensed pursuant to chapter 636 and those contracted by the agency as of January 1, 2019. In order to decrease enrollment disparity among the contracted prepaid limited health service organizations in a timely manner, in determining an assignment on behalf of a Medicaid recipient if the recipient does not choose a contracted prepaid limited health service organization, the agency shall prioritize the prepaid limited health service organization with the lowest enrollment levels.

And the title is amended as follows:

Delete line 15 and insert: signature requirements; amending s. 409.977, F.S.; requiring the Agency for Health Care Administration to implement a certain process to automatically assign certain Medicaid recipients among contract prepaid limited health service organizations; amending s. 440.381, F.S.;

Pursuant to Rule 4.19, **CS for CS for CS for HB 301** was placed on the calendar of Bills on Third Reading.

Consideration of **CS for CS for CS for SB 770** was deferred.

CS for SB 902—A bill to be entitled An act relating to building permits; amending s. 125.56, F.S.; authorizing counties to provide notice to certain persons under certain circumstances; authorizing counties that issue building permits to charge a person a single search fee for a certain amount under certain circumstances; amending s. 166.222, F.S.; authorizing the governing bodies of municipalities to charge a person a single search fee for a certain amount under certain circumstances; to charge a person one search fee for a certain amount under certain circumstances; amending ss. 489.103 and 489.503, F.S.; providing exemptions to certain contracting requirements; revising forms for disclosure statements; amending s. 553.79, F.S.; authorizing a local government to provide notice to certain persons under certain circumstances within a specified timeframe; authorizing a property owner to close a permit under certain circumstances; providing that a contractor is not liable for work performed in certain circumstances; defining the term "close"; authorizing a local enforcement agency to close a permit under certain circumstances; prohibiting a local enforcement agency from taking certain actions relating to building permits that were applied for but not closed by a previous owner; providing that local enforcement agencies retain all rights and remedies against the property owner and contractor listed on such a permit; amending s. 553.80, F.S.; authorizing the governing body of a local government to charge a person a single search fee one search fee for a certain amount under certain circumstances; amending s. 440.103, F.S.; conforming a cross-reference; providing an effective date.

—was read the second time by title.

Pending further consideration of **CS for SB 902**, pursuant to Rule 3.11(3), there being no objection, **CS for CS for HB 447** was withdrawn from the Committees on Community Affairs; Innovation, Industry, and Technology; and Rules.

On motion by Senator Perry—

CS for CS for HB 447—A bill to be entitled An act relating to building permits; amending s. 125.56, F.S.; authorizing counties to provide notice to certain persons under certain circumstances; authorizing counties that issue building permits to charge a person a single search fee for a certain amount under certain circumstances; amending s. 166.222, F.S.; authorizing the governing bodies of municipalities to charge a person a single search fee for a certain amount under certain circumstances; amending ss. 489.103 and 489.503, F.S.; providing exemptions to certain contracting requirements; revising forms for disclosure statements; amending s. 553.79, F.S.; authorizing a local government to provide notice to certain persons under certain circumstances within a specified timeframe; authorizing a property owner to close a permit under certain circumstances; providing that a contractor is not liable for work performed in certain circumstances; defining the term "close"; authorizing a local enforcement agency to close a permit under certain circumstances; prohibiting a local enforcement agency from taking certain actions relating to building permits that were applied for but not closed by a previous owner; providing that local enforcement agencies retain all rights and remedies against the property owner and contractor listed on such a permit; amending s. 553.80, F.S.; authorizing the governing body of a local government to charge a person a single search fee one search fee for a certain amount under certain circumstances; amending s. 440.103, F.S.; conforming a cross-reference; providing an effective date.

—a companion measure, was substituted for **CS for SB 902** and read the second time by title.

Senator Gibson moved the following amendment:

Amendment 1 (498058) (with title amendment)—Delete lines 409-460 and insert:

Section 6. Effective July 1, 2020, paragraphs (a) and (c) of subsection (7) of section 553.73, Florida Statutes, are amended to read:

553.73 Florida Building Code.—

(7)(a) The commission shall adopt an updated Florida Building Code every 3 years through review of the most current updates of the International Building Code, the International Fuel Gas Code, International Existing Building Code, the International Mechanical Code, the International Plumbing Code, and the International Residential Code, all of which are copyrighted and published by the International Code Council, and the National Electrical Code, which is copyrighted and published by the National Fire Protection Association. At a minimum, the commission shall adopt any updates to such codes or any other code necessary to maintain eligibility for federal funding and discounts from the National Flood Insurance Program, the Federal Emergency Management Agency, and the United States Department of Housing and Urban Development. The commission shall also review and adopt updates based on the International Energy Conservation Code (IECC); however, the commission shall maintain the efficiencies of the Florida Energy Efficiency Code for Building Construction adopted and amended

pursuant to s. 553.901. *Every 3 years, the commission may approve updates to the Florida Building Code without a finding that the updates are needed in order to accommodate the specific needs of this state.* The commission shall adopt updated codes by rule.

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

Section 7. Subsection (7) of section 553.80, Florida Statutes, is amended to read:

553.80 Enforcement.—

(7) The governing bodies of local governments may provide a schedule of reasonable fees, as authorized by s. 125.56(2) or s. 166.222 and this section, for enforcing this part. These fees, and any fines or investment earnings related to the fees, shall be used solely for carrying out the local government's responsibilities in enforcing the Florida Building Code. When providing a schedule of reasonable fees, the total estimated annual revenue derived from fees, and the fines and investment earnings related to the fees, may not exceed the total estimated annual costs of allowable activities. Any unexpended balances shall be carried forward to future years for allowable activities or shall be refunded at the discretion of the local government. *A local government may not carry forward an amount exceeding the average of its operating budget for enforcing the Florida Building Code for the previous 4 fiscal years. For purposes of this subsection, the term "operating budget" does not include reserve amounts. Any amount exceeding this limit must be used as authorized in subparagraph (a)2. However, a local government which established, as of January 1, 2019, a Building Inspections Fund Advisory Board consisting of five members from the construction stakeholder community and carries an unexpended balance in excess of the average of its operating budget for the previous 4 fiscal years may continue to carry such excess funds forward upon the recommendation of the advisory board.* The basis for a fee structure for allowable activities shall relate to the level of service provided by the local government and shall include consideration for refunding fees due to reduced services based on services provided as prescribed by s. 553.791, but not provided by the local government. Fees charged shall be consistently applied.

(a)*1.* As used in this subsection, the phrase "enforcing the Florida Building Code" includes the direct costs and reasonable indirect costs associated with review of building plans, building inspections, reinspections, and building permit processing; building code enforcement; and fire inspections associated with new construction. The phrase may also include training costs associated with the enforcement of the Florida Building Code and enforcement action pertaining to unlicensed contractor activity to the extent not funded by other user fees.

2. A local government must use any excess funds that it is prohibited from carrying forward to rebate and reduce fees.

(b) The following activities may not be funded with fees adopted for enforcing the Florida Building Code:

1. Planning and zoning or other general government activities.

2. Inspections of public buildings for a reduced fee or no fee.

3. Public information requests, community functions, boards, and any program not directly related to enforcement of the Florida Building Code.

4. Enforcement and implementation of any other local ordinance, excluding validly adopted local amendments to the Florida Building Code and excluding any local ordinance directly related to enforcing the Florida Building Code as defined in paragraph (a).

5. Charging surcharges or other similar fees not directly related to enforcing the Florida Building Code.

(c) A local government shall use recognized management, accounting, and oversight practices to ensure that fees, fines, and investment earnings generated under this subsection are maintained and allocated or used solely for the purposes described in paragraph (a).

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

1. Providing proof of licensure pursuant to chapter 489;

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

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

(e) The governing body of a local government that issues building permits may charge a person only one search fee, in an amount commensurate with the research and time costs incurred by the governing body, for identifying building permits for each unit or subunit assigned by the governing body to a particular tax parcel identification number.

Section 8. Paragraph (a) of subsection (8) of section 553.842, Florida Statutes, is amended to read:

553.842 Product evaluation and approval.—

(8) The commission may adopt rules to approve the following types of entities that produce information on which product approvals are based. All of the following entities, including engineers and architects, must comply with a nationally recognized standard demonstrating independence or no conflict of interest:

(a) Evaluation entities approved pursuant to this paragraph. The commission shall specifically approve the National Evaluation Service, the International Association of Plumbing and Mechanical Officials Evaluation Service, the International Code Council Evaluation Services, Underwriters Laboratories, LLC, Intertek Testing Services NA, Inc., *PFS TECO,* and the Miami-Dade County Building Code Compliance Office Product Control Division. Architects and engineers licensed in this state are also approved to conduct product evaluations as provided in subsection (5).

Section 9. Paragraph (d) is added to subsection (1) of section 558.004, Florida Statutes, to read:

558.004 Notice and opportunity to repair.—

(1)

(d) A notice of claim brought pursuant to this chapter is not an action for purposes of chapter 95.

Section 10. Section 440.103, Florida Statutes, is amended to read:

440.103 Building permits; identification of minimum premium policy.—Every employer shall, as a condition to applying for and receiving a building permit, show proof and certify to the permit issuer that it has secured compensation for its employees under this chapter as provided in ss. 440.10 and 440.38. Such proof of compensation must be evidenced by a certificate of coverage issued by the carrier, a valid exemption certificate approved by the department, or a copy of the employer's authority to self-insure and shall be presented, electronically or physically, each time the employer applies for a building permit. As provided in *s. 553.79(20)* ~~s. 553.79(19)~~, for the purpose of inspection and record retention, site plans or building permits may be maintained at the worksite in the original form or in the form of an electronic copy. These plans and permits must be open to inspection by the building official or a duly authorized representative, as required by the Florida Building Code. As provided in s. 627.413(5), each certificate of coverage must show, on its face, whether or not coverage is secured under the minimum premium provisions of rules adopted by rating organizations licensed pursuant to s. 627.221. The words "minimum premium policy" or equivalent language shall be typed, printed, stamped, or legibly handwritten.

Section 11. Except as otherwise expressly provided in this act, this act shall take effect July 1, 2019.

And the title is amended as follows:

Delete lines 2-33 and insert: An act relating to construction; amending s. 125.56, F.S.; authorizing counties to provide notice to certain persons under certain circumstances; authorizing counties that issue building permits to charge a person a single search fee for a certain amount under certain circumstances; amending s. 166.222, F.S.; authorizing the governing bodies of municipalities to charge a person a single search fee for a certain amount under certain circumstances; amending ss. 489.103 and 489.503, F.S.; providing exemptions to certain contracting requirements; revising forms for disclosure statements; amending s. 553.79, F.S.; authorizing a local government to provide notice to certain persons under certain circumstances within a specified timeframe; authorizing a property owner to close a permit under certain circumstances; providing that a contractor is not liable for work performed in certain circumstances; defining the term "close"; authorizing a local enforcement agency to close a permit under certain circumstances; prohibiting a local enforcement agency from taking certain actions relating to building permits that were applied for but not closed by a previous owner; providing that local enforcement agencies retain all rights and remedies against the property owner and contractor listed on such a permit; amending s. 553.73, F.S.; authorizing the Florida Building Commission to approve updates to the Florida Building Code without certain findings under certain circumstances; amending s. 553.80, F.S.; prohibiting a local government from carrying forward more than a specified amount of unexpended revenue; defining the term "operating budget"; providing an exception; revising requirements for the expenditure of certain unexpended revenue; expanding the list of activities that are prohibited from being funded by fees adopted for enforcing the Florida Building Code; authorizing the governing body of a local government to charge a person a single search fee for a certain amount under certain circumstances; amending s. 553.842, F.S.; expanding the list of entities the commission is required to specifically approve; amending s. 558.004; specifying that certain notices of claim are not an action for purposes of ch. 95, F.S.; amending s. 440.103, F.S.; conforming a cross-reference; providing effective dates.

Senator Albritton moved the following amendment to **Amendment 1 (498058)** which was adopted:

Amendment 1A (201510) (with title amendment)—Delete lines 126-144.

And the title is amended as follows:

Delete lines 221-223 and insert: certain circumstances; amending s. 558.004, F.S.;

Amendment 1 (498058), as amended, was adopted.

Pursuant to Rule 4.19, **CS for CS for HB 447**, as amended, was placed on the calendar of Bills on Third Reading.

CS for CS for SB 1070—A bill to be entitled An act relating to continuing care contracts; amending s. 651.011, F.S.; adding and revising definitions; amending s. 651.012, F.S.; conforming a cross-reference; deleting an obsolete date; amending s. 651.013, F.S.; adding certain Florida Insurance Code provisions to the Office of Insurance Regulation's authority to regulate providers of continuing care and continuing care at-home; amending s. 651.019, F.S.; revising requirements for providers and facilities relating to financing and refinancing transactions; amending s. 651.021, F.S.; conforming provisions to changes made by the act; creating s. 651.0215, F.S.; specifying conditions, requirements, procedures, and prohibitions relating to consolidated applications for provisional certificates of authority and for certificates of authority and to the office's review of such applications; specifying conditions under which a provider is entitled to secure the release of certain escrowed funds; providing construction; amending s. 651.022, F.S.; revising and specifying requirements, procedures, and prohibitions relating to applications for provisional certificates of authority and to the office's review of such applications; amending s. 651.023, F.S.; revising and specifying requirements, procedures, and prohibitions relating to applications for certificates of authority and to the office's review of such applications; conforming provisions to changes made by the act; amending s. 651.024, F.S.; revising requirements for certain persons relating to provider acquisitions; providing standing to the office to petition a circuit court in certain proceedings; creating s. 651.0245, F.S.; specifying procedures, requirements, and a prohibition relating to an application for the simultaneous acquisition of a facility and issuance of a certificate of authority and to the office's review of such application; specifying rulemaking requirements and authority of the Financial Services Commission; providing standing to the office to petition a circuit court in certain proceedings; specifying procedures for rebutting a presumption of control; creating s. 651.0246, F.S.; specifying requirements, conditions, procedures, and prohibitions relating to provider applications to commence construction or marketing for expansions of certificated facilities and to the office's review of such applications; defining the term "existing units"; specifying escrow requirements for certain moneys; specifying conditions under which providers are entitled to secure release of such moneys; providing applicability and construction; amending s. 651.026, F.S.; revising requirements for annual reports filed by providers with the office; revising the commission's rulemaking authority; requiring the office to annually publish a specified industry report; amending s. 651.0261, F.S.; requiring providers to file quarterly unaudited financial statements; providing an exception for filing a certain quarterly statement; revising information that the office may require providers to file and the circumstances under which such information must be filed; revising the commission's rulemaking authority; amending s. 651.028, F.S.; specifying applicability of certain accreditations of providers or facilities; deleting the authority of the office to waive requirements of ch. 651, F.S., for accredited facilities; providing that the commission, rather than the office, must make a certain finding; amending s. 651.033, F.S.; revising applicability of escrow requirements; revising requirements for escrow accounts and agreements; revising the office's authority to allow a withdrawal of a specified percentage of the required minimum liquid reserve; revising applicability of requirements relating to the deposit of certain funds in escrow accounts; prohibiting an escrow agent, except under certain circumstances, from releasing or allowing the transfer of funds; creating s. 651.034, F.S.; specifying requirements for the office if a regulatory action level event occurs; specifying requirements for corrective action plans; authorizing the office to use members of the Continuing Care Advisory Council and to retain consultants for certain purposes; requiring affected providers to bear costs and expenses relating to such consultants; specifying requirements for, and authorized actions of, the office and the Department of Financial Services if an impairment occurs; providing construction; authorizing the office to exempt a provider from certain requirements for a certain timeframe; authorizing the commission to adopt rules; amending s. 651.035, F.S.; revising minimum liquid reserve requirements for providers; specifying requirements, limitations, and procedures for a provider's withdrawal of funds held in escrow and the office's review of certain requests for withdrawal; authorizing the office to order certain transfers under certain circumstances; requiring facilities to annually file with the office a minimum liquid reserve calculation; requiring increases in the minimum liquid reserve to be funded within a certain timeframe; requiring providers to fund shortfalls in minimum liquid reserves under certain circumstances within a certain timeframe; creating s. 651.043, F.S.; specifying requirements for certain management company contracts; specifying requirements, procedures, and authorized actions relating to changes in provider management and to the office's review of such changes; requiring that disapproved management be removed within a certain timeframe; authorizing the office to take certain disciplinary actions under certain circumstances; requiring providers to immediately remove management under certain circumstances; amending s. 651.051, F.S.; revising requirements for the maintenance of provider records and assets; amending s. 651.055, F.S.; revising a required statement in continuing care contracts; amending s. 651.057, F.S.; conforming provisions to changes made by the act; amending s. 651.071, F.S.; specifying the priority of continuing care contracts and continuing care at-home contracts in receivership or liquidation proceedings against a provider; amending s. 651.091, F.S.; revising requirements for continuing care facilities relating to posting or providing notices; amending s. 651.095, F.S.; adding terms to a list of prohibited terms in certain advertisements; amending s. 651.105, F.S.; adding a certain Florida Insurance Code provision to the office's authority to examine certain providers and applicants; authorizing the office to examine records for specified purposes; requiring providers to respond to the office's written correspondence and to provide certain information; providing standing to the office to petition certain circuit courts for certain relief; revising, and specifying limitations on, the office's examination

authority; amending s. 651.106, F.S.; authorizing the office to deny applications on specified grounds; adding and revising grounds for suspension or revocation of provisional certificates of authority and certificates of authority; creating s. 651.1065, F.S.; prohibiting certain actions by certain persons of an impaired or insolvent continuing care facility; providing that bankruptcy courts or trustees have jurisdiction over certain matters; requiring the office to approve or disapprove the continued marketing of new contracts within a certain timeframe; providing a criminal penalty; amending s. 651.111, F.S.; defining the term "inspection"; revising procedures and requirements relating to requests for inspections to the office; amending s. 651.114, F.S.; revising and specifying requirements, procedures, and authorized actions relating to providers' corrective action plans; providing construction; revising and specifying requirements and procedures relating to delinquency proceedings against a provider; revising circumstances under which the office must provide a certain notice to trustees or lenders; creating s. 651.1141, F.S.; providing legislative findings; authorizing the office to issue certain immediate final orders under certain circumstances; amending s. 651.121, F.S.; revising the composition of the Continuing Care Advisory Council; amending s. 651.125, F.S.; revising a prohibition to include certain actions performed without a valid provisional certificate of authority; providing effective dates.

—was read the second time by title.

Pending further consideration of **CS for CS for SB 1070**, pursuant to Rule 3.11(3), there being no objection, **CS for CS for CS for HB 1033** was withdrawn from the Committees on Banking and Insurance; Children, Families, and Elder Affairs; and Appropriations.

On motion by Senator Lee—

CS for CS for CS for HB 1033—A bill to be entitled An act relating to continuing care contracts; amending s. 651.011, F.S.; adding and revising definitions; amending s. 651.012, F.S.; conforming a cross-reference; deleting an obsolete date; amending s. 651.013, F.S.; adding certain Florida Insurance Code provisions to the Office of Insurance Regulation's authority to regulate providers of continuing care and continuing care at-home; amending s. 651.019, F.S.; revising requirements for providers and facilities relating to financing and refinancing transactions; amending s. 651.021, F.S.; conforming provisions to changes made by the act; creating s. 651.0215, F.S.; specifying conditions, requirements, procedures, and prohibitions relating to consolidated applications for provisional certificates of authority and for certificates of authority and to the office's review of such applications; specifying conditions under which a provider is entitled to secure the release of certain escrowed funds; providing construction; amending s. 651.022, F.S.; revising and specifying requirements, procedures, and prohibitions relating to applications for provisional certificates of authority and to the office's review of such applications; amending s. 651.023, F.S.; revising and specifying requirements, procedures, and prohibitions relating to applications for certificates of authority and to the office's review of such applications; conforming provisions to changes made by the act; amending s. 651.024, F.S.; revising requirements for certain persons relating to provider acquisitions; providing standing to the office to petition a circuit court in certain proceedings; creating s. 651.0245, F.S.; specifying procedures, requirements, and a prohibition relating to an application for the simultaneous acquisition of a facility and issuance of a certificate of authority and to the office's review of such application; specifying rulemaking requirements and authority of the Financial Services Commission; providing standing to the office to petition a circuit court in certain proceedings; specifying procedures for rebutting a presumption of control; creating s. 651.0246, F.S.; specifying requirements, conditions, procedures, and prohibitions relating to provider applications to commence construction or marketing for expansions of certificated facilities and to the office's review of such applications; defining the term "existing units"; specifying escrow requirements for certain moneys; specifying conditions under which providers are entitled to secure release of such moneys; providing applicability and construction; amending s. 651.026, F.S.; revising requirements for annual reports filed by providers with the office; revising the commission's rulemaking authority; requiring the office to annually publish a specified industry report; amending s. 651.0261, F.S.; requiring providers to file quarterly unaudited financial statements; providing an exception for filing a certain quarterly statement; revising information that the office may require providers to file and the circumstances under which such information must be filed; revising the commission's rulemaking authority; amending s. 651.028, F.S.; specifying applicability of certain accreditations of providers or facilities; deleting the authority of the office to waive requirements for accredited facilities; providing that the commission, rather than the office, must make certain findings; amending s. 651.033, F.S.; revising applicability of escrow requirements; revising requirements for escrow accounts and agreements; revising the office's authority to allow a withdrawal of a specified percentage of the required minimum liquid reserve; revising applicability of requirements relating to the deposit of certain funds in escrow accounts; prohibiting an escrow agent, except under certain circumstances, from releasing or allowing the transfer of funds; creating s. 651.034, F.S.; specifying requirements for the office if a regulatory action level event occurs; specifying requirements for corrective action plans; authorizing the office to use members of the Continuing Care Advisory Council and to retain consultants for certain purposes; requiring affected providers to bear costs and expenses relating to such consultants; specifying requirements for, and authorized actions of, the office and the Department of Financial Services if an impairment occurs; providing construction; authorizing the office to exempt a provider from certain requirements for a certain timeframe; authorizing the commission to adopt rules; amending s. 651.035, F.S.; revising minimum liquid reserve requirements for providers; specifying requirements, limitations, and procedures for a provider's withdrawal of funds held in escrow and the office's review of certain requests for withdrawal; authorizing the office to order certain transfers under certain circumstances; requiring facilities to annually file with the office a minimum liquid reserve calculation; requiring increases in the minimum liquid reserve to be funded within a certain timeframe; requiring providers to fund shortfalls in minimum liquid reserves under certain circumstances within a certain timeframe; creating s. 651.043, F.S.; specifying requirements for certain management company contracts; specifying requirements, procedures, and authorized actions relating to changes in provider management and to the office's review of such changes; requiring that disapproved management be removed within a certain timeframe; authorizing the office to take certain disciplinary actions under certain circumstances; requiring providers to immediately remove management under certain circumstances; amending s. 651.051, F.S.; revising requirements for the maintenance of provider records and assets; amending s. 651.055, F.S.; revising a required statement in continuing care contracts; amending s. 651.057, F.S.; conforming provisions to changes made by the act; amending s. 651.071, F.S.; specifying the priority of continuing care contracts and continuing care at-home contracts in receivership or liquidation proceedings against a provider; amending s. 651.091, F.S.; revising requirements for continuing care facilities relating to posting or providing notices; amending s. 651.095, F.S.; adding terms to a list of prohibited terms in certain advertisements; amending s. 651.105, F.S.; adding a certain Florida Insurance Code provision to the office's authority to examine certain providers and applicants; authorizing the office to examine records for specified purposes; requiring providers to respond to the office's written correspondence and to provide certain information; providing standing to the office to petition certain circuit courts for certain relief; revising, and specifying limitations on, the office's examination authority; amending s. 651.106, F.S.; authorizing the office to deny applications on specified grounds; adding and revising grounds for suspension or revocation of provisional certificates of authority and certificates of authority; creating s. 651.1065, F.S.; prohibiting certain actions by certain persons of an impaired or insolvent continuing care facility; providing that bankruptcy courts or trustees have jurisdiction over certain matters; requiring the office to approve or disapprove the continued marketing of new contracts within a certain timeframe; providing a criminal penalty; amending s. 651.111, F.S.; defining the term "inspection"; revising procedures and requirements relating to requests for inspections to the office; amending s. 651.114, F.S.; revising and specifying requirements, procedures, and authorized actions relating to providers' corrective action plans; providing construction; revising and specifying requirements and procedures relating to delinquency proceedings against a provider; revising circumstances under which the office must provide a certain notice to trustees or lenders; creating s. 651.1141, F.S.; providing legislative findings; authorizing the office to issue certain immediate final orders under certain circumstances; amending s. 651.121, F.S.; revising the composition of the Continuing Care Advisory Council; amending s. 651.125, F.S.; revising a prohibition to include certain actions performed without a valid provisional certificate of authority; providing effective dates.

—a companion measure, was substituted for **CS for CS for SB 1070** and read the second time by title.

Pursuant to Rule 4.19, **CS for CS for CS for HB 1033** was placed on the calendar of Bills on Third Reading.

CS for SB 1252—A bill to be entitled An act relating to public accountancy; amending s. 473.302, F.S.; revising a definition; amending s. 473.312, F.S.; revising the percentage of total hours of accounting-related and auditing-related continuing education required by the Board of Accountancy for license renewal; amending s. 473.313, F.S.; updating provisions relating to license reactivation; amending s. 473.322, F.S.; prohibiting a person from performing or offering to perform certain services without a license; revising criminal penalties; providing an effective date.

—was read the second time by title.

Pending further consideration of **CS for SB 1252**, pursuant to Rule 3.11(3), there being no objection, **CS for HB 977** was withdrawn from the Committees on Innovation, Industry, and Technology; Banking and Insurance; and Rules.

On motion by Senator Gruters—

CS for HB 977—A bill to be entitled An act relating to public accountancy; amending s. 473.302, F.S.; revising a definition; amending s. 473.312, F.S.; revising the percentage of total hours of accounting-related and auditing-related continuing education required by the Board of Accountancy for license renewal; amending s. 473.313, F.S.; updating provisions relating to license reactivation; amending s. 473.322, F.S.; prohibiting a person from performing or offering to perform certain services without a license; revising penalties; providing an effective date.

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

Pursuant to Rule 4.19, **CS for HB 977** was placed on the calendar of Bills on Third Reading.

CS for SB 592—A bill to be entitled An act relating to the prescription drug monitoring program; amending s. 893.055, F.S.; expanding the exceptions to a requirement that a prescriber or dispenser must consult the program to review a patient's controlled substance dispensing history before prescribing or dispensing a controlled substance for a patient of a certain age; providing an effective date.

—was read the second time by title.

Pending further consideration of **CS for SB 592**, pursuant to Rule 3.11(3), there being no objection, **CS for CS for HB 375** was withdrawn from the Committees on Health Policy; and Appropriations.

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

CS for CS for HB 375—A bill to be entitled An act relating to the prescription drug monitoring program; amending s. 893.055, F.S.; defining the term "electronic health recordkeeping system"; authorizing the Department of Health to enter into reciprocal agreements to share prescription drug monitoring information with the United States Department of Veterans Affairs, the United States Department of Defense, or the Indian Health Service; providing requirements for such agreements; providing an exemption from the requirement to check a patient's dispensing history before the prescribing of or dispensing of a controlled substance for prescribing for or dispensing to patients admitted to hospice for the alleviation of pain related to a terminal condition or to patients receiving palliative care for terminal illnesses; providing an effective date.

—a companion measure, was substituted for **CS for SB 592** and read the second time by title.

Pursuant to Rule 4.19, **CS for CS for HB 375** was placed on the calendar of Bills on Third Reading.

SB 1300—A bill to be entitled An act relating to the Florida ABLE program; repealing s. 11 of chapter 2018-10, Laws of Florida, relating to the scheduled reversion of provisions related to the distribution of funds in an ABLE account upon the death of a designated beneficiary; providing an effective date.

—was read the second time by title.

Pending further consideration of **SB 1300**, pursuant to Rule 3.11(3), there being no objection, **HB 6047** was withdrawn from the Committees on Children, Families, and Elder Affairs; Appropriations Subcommittee on Health and Human Services; and Appropriations.

On motion by Senator Benacquisto—

HB 6047—A bill to be entitled An act relating to the Florida ABLE program; repealing s. 11, chapter 2018-10, Laws of Florida, relating to the scheduled reversion of provisions related to the distribution of funds in an ABLE account upon the death of a designated beneficiary; providing an effective date.

—a companion measure, was substituted for **SB 1300** and read the second time by title.

Pursuant to Rule 4.19, **HB 6047** was placed on the calendar of Bills on Third Reading.

CS for CS for CS for SB 770—A bill to be entitled An act relating to workforce education; amending s. 446.011, F.S.; revising terminology; amending s. 446.021, F.S.; revising definitions; amending s. 446.032, F.S.; requiring the Department of Education to annually publish a specified report; providing requirements for the report; requiring the department to provide assistance to certain entities in notifying specified persons of apprenticeship and preapprenticeship opportunities; amending s. 446.045, F.S.; revising the membership criteria for certain appointments to the State Apprenticeship Advisory Council; amending s. 446.052, F.S.; revising terminology; amending s. 446.081, F.S.; limiting the applicability of state apprenticeship and job-training program requirements to provisions for veterans, minority persons, and women; amending s. 446.091, F.S.; conforming a provision to changes made by the act; amending s. 446.092, F.S.; revising the criteria for apprenticeship occupations; amending s. 455.213, F.S.; requiring the Department of Business and Professional Regulation to consult with the Department of Education to evaluate certain apprenticeship programs to determine potential substitutions for certain licensure requirements; amending s. 1001.02, F.S.; conforming provisions to changes made by the act; amending s. 1001.43, F.S.; encouraging district school boards to declare an "Academic Scholarship Signing Day" and "College and Career Decision Day" for specified purposes; amending s. 1001.706, F.S.; conforming provisions to changes made by the act; amending s. 1003.41, F.S.; revising the social studies standards for the Next Generation Sunshine State Standards to include financial literacy as a separate subject; amending s. 1003.4156, F.S.; requiring students to take a career education planning course for promotion to high school; providing requirements for such course; requiring each student who takes the course to receive an academic and career plan; providing requirements for such plan; amending s. 1003.4282, F.S.; authorizing a student to earn two mathematics credits under certain circumstances; requiring such students to be advised by an academic advisor of certain information; authorizing a credit in computer science to meet specified graduation requirements under certain circumstances; requiring all school districts, beginning with a specified school year, to offer a financial literacy course as an elective; correcting a cross-reference relating to the federal Elementary and Secondary Education Act (ESEA), as amended by the Every Student Succeeds Act (ESSA); requiring a student who earns a credit through a career education course to pass specified assessments; revising the requirements for the instructional methodology of certain courses; providing that, as of a specified school year, certain students are eligible for an alternative pathway to a standard high school diploma through the Career and Technical Education (CTE) pathway option; providing requirements for the CTE pathway option; requiring district school boards to incorporate certain information in the student progression plan; authorizing adjunct educators to administer courses in the CTE pathway option; amending s. 1003.4285, F.S.; revising the requirements for earning the scholar designation on a standard high school diploma; amending s. 1003.491, F.S.; requiring school districts to provide opportunities for certain students to enroll in specified courses or academies; requiring school districts to provide academic advising to students under certain circumstances; providing requirements for such academic advising; requiring

the Commissioner of Education to annually review career and technical offerings in consultation with certain entities for specified purposes; requiring the commissioner to phase out certain career and technical education offerings and encourage specified entities to offer certain programs; creating s. 1004.013, F.S.; establishing the SAIL to 60 Initiative for specified purposes; providing State Board of Education and the Board of Governors responsibilities relating to the initiative; providing Chancellor of the State University System and the Chancellor of the Florida College System responsibilities; amending s. 1004.015, F.S.; renaming the Higher Education Coordinating Council as the Florida Talent Development Council; revising the membership of the council; revising the duties and responsibilities of the council; requiring the council to submit a strategic plan to the Governor and Legislature by a specified date; providing requirements for the strategic plan; requiring the Department of Economic Opportunity to provide administrative support for the council; amending s. 1004.6495, F.S.; conforming provisions to changes made by the act; amending s. 1004.935, F.S.; conforming a cross-reference; amending s. 1006.22, F.S.; expanding the circumstances in which motor vehicles may be used for public school transportation; amending s. 1007.23, F.S.; requiring the statewide articulation agreement to provide for a reverse transfer agreement; providing for an associate degree to be awarded to certain students by Florida College System institutions; providing requirements for state universities; creating s. 1007.233, F.S.; requiring certain career centers and Florida College System institutions to annually submit a career pathways agreement to the Department of Education by a specified date; providing requirements for such agreements; amending s. 1007.25, F.S.; requiring state universities to notify students of the criteria and process for requesting an associate in arts degrees at specified times; amending s. 1007.2616, F.S.; conforming provisions to changes made by the act; amending s. 1007.271, F.S.; requiring a career center to enter into an agreement with specified high schools to offer certain courses to high school students; providing requirements for such agreement; amending s. 1008.37, F.S.; revising the date on a required report by the commissioner; amending s. 1009.21, F.S.; conforming provisions to changes made by the act; amending s. 1011.80, F.S.; requiring certain school districts and Florida College System institutions to maintain certain records; requiring such records be submitted to the department; revising the calculation for fund and fees for certain workforce education programs; creating s. 1011.802, F.S.; creating the *Florida Apprenticeship Grant* (FLAG) program; providing for funding; providing purpose, requirements, and administration of the FLAG program; requiring certain career centers and institutions to provide quarterly reports; authorizing rulemaking; amending s. 1012.57, F.S.; deleting a requirement that the adjunct teaching certificate be used only for part-time teaching positions; authorizing school districts to issue adjunct teaching certificates for part-time and full-time teaching positions; providing limitations on adjunct teaching certificates for full-time positions; providing school district requirements; providing effective dates.

—was read the second time by title.

Pending further consideration of **CS for CS for CS for SB 770**, pursuant to Rule 3.11(3), there being no objection, **CS for HB 7071** was withdrawn from the Committees on Education; Innovation, Industry, and Technology; and Appropriations.

On motion by Senator Hutson—

CS for HB 7071—A bill to be entitled An act relating to workforce education; amending s. 446.011, F.S.; revising terminology; amending s. 446.021, F.S.; revising definitions; amending s. 446.032, F.S.; requiring the Department of Education to annually publish a specified report; providing requirements for the report; requiring the department to provide assistance to certain entities in notifying specified persons of apprenticeship and preapprenticeship opportunities; amending s. 446.045, F.S.; revising the membership criteria for certain appointments to the State Apprenticeship Advisory Council; amending s. 446.052, F.S.; revising terminology; amending s. 446.081, F.S.; limiting the applicability of state apprenticeship and job-training program requirements to provisions for veterans, minority persons, and women; amending s. 446.091, F.S.; conforming a provision to changes made by the act; amending s. 446.092, F.S.; revising the criteria for apprenticeship occupations; amending s. 455.213, F.S.; requiring the Department of Business and Professional Regulation to consult with the Department of Education to evaluate certain apprenticeship programs to determine potential substitutions for certain licensure requirements; amending s. 1001.02, F.S.; conforming provisions to changes made by the act; amending s. 1001.43, F.S.; encouraging district school boards to declare an "Academic Scholarship Signing Day" and "College and Career Decision Day" for specified purposes; amending s. 1001.706, F.S.; conforming provisions to changes made by the act; amending s. 1003.41, F.S.; revising Next Generation Sunshine State Standards for financial literacy; removing financial literacy standards as a component of economics; amending s. 1003.4156, F.S.; requiring students to take a career education planning course for promotion to high school; providing requirements for such course; requiring each student that takes the course to receive an academic and career plan; providing requirements for such plan; amending s. 1003.4282, F.S.; authorizing a student to earn two mathematics credits under certain circumstances; authorizing a credit in computer science to meet specified graduation requirements under certain circumstances; requiring school districts to offer one-half credit in financial literacy as an elective; correcting a cross-reference relating to the federal Elementary and Secondary Education Act (ESEA), as amended by the Every Student Succeeds Act (ESSA); requiring an biennial review of certain courses; revising the requirements for the instructional methodology of certain courses; establishing a career and technical education pathway option to a standard high school diploma; providing requirements for the pathway option; requiring the option to be included in a school district's student progression plan; authorizing adjunct educators to teach courses in the pathway option; amending s. 1003.4285, F.S.; revising the requirements to earn the scholar designation on a standard high school diploma; amending s. 1003.491, F.S.; requiring school districts to provide opportunities for certain students to enroll in specified courses or academies; requiring school districts to provide academic advising to students under certain circumstances; providing requirements for such academic advising; requiring the Commissioner of Education to annually review career and technical offerings in consultation with certain entities for specified purposes; requiring the commissioner to phase out certain career and technical education offerings and encourage specified entities to offer certain programs; creating s. 1004.013, F.S.; establishing the SAIL to 60 Initiative for specified purposes; providing State Board of Education and the Board of Governors responsibilities relating to the initiative; providing Chancellor of the State University System and the Chancellor of the Florida College System responsibilities; amending s. 1004.015, F.S.; renaming the Higher Education Coordinating Council as the Florida Talent Development Council; revising the membership of the council; revising the duties and responsibilities of the council; requiring the council to submit a strategic plan to the Governor and Legislature by a specified date; providing requirements for the strategic plan; requiring the Department of Economic Opportunity to provide administrative support for the council; amending s. 1004.6495, F.S.; conforming provisions to changes made by the act; amending s. 1004.935, F.S.; conforming a cross-reference; amending s. 1006.22, F.S.; expanding the circumstances in which motor vehicles may be used for public school transportation; amending s. 1007.23, F.S.; requiring the statewide articulation agreement to provide for a reverse transfer agreement; providing for an associate degree to be awarded to certain students by Florida College System institutions; providing requirements for state universities; creating s. 1007.233, F.S.; requiring certain career centers and Florida College System institutions to submit a career pathways agreement to the Department of Education by a specified date; providing requirements for such agreements; amending s. 1007.25, F.S.; requiring state universities to notify students of the criteria and process for requesting an associate in arts certificate at specified times; amending s. 1007.2616, F.S.; conforming provisions to changes made by the act; amending s. 1007.271, F.S.; requiring a career center to enter into an agreement with specified high schools to offer certain courses to high school students; providing requirements for such agreement; amending s. 1008.34, F.S.; revising school grade components to specify that dual enrollment includes career dual enrollment clock-hour courses and to include the completion of certain preapprenticeship programs; amending s. 1008.37, F.S.; revising the date on a required report by the commissioner; amending s. 1008.44, F.S.; increasing the number of CAPE Digital Tool certificates relating to specified subjects that may be included on the CAPE Industry Certification Funding List; amending s. 1009.21, F.S.; conforming provisions to changes made by the act; amending s. 1011.80, F.S.; requiring certain school districts and Florida College System institutions to maintain certain records; requiring such records be submitted to the department; revising the calculation for fund and fees for certain workforce education programs; creating s. 1011.802, F.S.; creating the Florida Pathways to Career Opportunities Grant Program; providing for funding; providing purpose, require-

ments, and administration of the program; requiring certain career centers and institutions to provide quarterly reports; authorizing rulemaking; amending s. 1012.57, F.S.; deleting a requirement that the adjunct teaching certificate be used only for part-time teaching positions; authorizing school districts to issue adjunct teaching certificates for part-time and full-time teaching positions; providing limitations on adjunct teaching certificates for full-time positions; providing school district requirements; providing effective dates.

—a companion measure, was substituted for **CS for CS for CS for SB 770** and read the second time by title.

Senator Hutson moved the following amendment which was adopted:

Amendment 1 (884156) (with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Subsections (1) and (2) of section 446.011, Florida Statutes, are amended to read:

446.011 Legislative intent regarding apprenticeship training.—

(1) It is the intent of the State of Florida to provide educational opportunities for its *residents* ~~young people~~ so that they can be trained for trades, occupations, and professions suited to their abilities. It is the intent of this act to promote the mode of training known as apprenticeship in occupations throughout industry in the state that require physical manipulative skills. By broadening job training opportunities and providing for increased coordination between public school academic programs, career programs, and registered apprenticeship programs, the *residents of this* ~~young people of the~~ state will benefit from the valuable training opportunities developed when on-the-job training is combined with academic-related classroom experiences. This act is intended to develop the apparent potentials in apprenticeship training by assisting in the establishment of preapprenticeship programs in the public school system and elsewhere and by expanding presently registered programs as well as promoting new registered programs in jobs that lend themselves to apprenticeship training.

(2) It is the intent of the Legislature that the Department of Education have responsibility for the development of the apprenticeship and preapprenticeship uniform minimum standards for the apprenticeable trades and that the department have responsibility for assisting district school boards and *Florida College System institution* ~~community college district~~ boards of trustees in developing preapprenticeship programs.

Section 2. Subsections (2) and (4) of section 446.021, Florida Statutes, are amended to read:

446.021 Definitions of terms used in ss. 446.011-446.092.—As used in ss. 446.011-446.092, the term:

(2) "Apprentice" means a person at least 16 years of age who is engaged in learning a recognized skilled trade through actual work experience under the supervision of *journeyworkers* ~~journeymen~~ craftsmen, which training should be combined with properly coordinated studies of related technical and supplementary subjects, and who has entered into a written agreement, which may be cited as an apprentice agreement, with a registered apprenticeship sponsor who may be either an employer, an association of employers, or a local joint apprenticeship committee.

(4) "*Journeyworker* ~~Journeyman~~" means a person working in an apprenticeable occupation who has successfully completed a registered apprenticeship program or who has worked the number of years required by established industry practices for the particular trade or occupation.

Section 3. Section 446.032, Florida Statutes, is amended to read:

446.032 General duties of the department for apprenticeship training.—The department shall:

(1) Establish uniform minimum standards and policies governing apprentice programs and agreements. The standards and policies shall govern the terms and conditions of the apprentice's employment and training, including the quality training of the apprentice for, but not limited to, such matters as ratios of apprentices to *journeyworkers* ~~journeymen~~, safety, related instruction, and on-the-job training; but these standards and policies may not include rules, standards, or guidelines that require the use of apprentices and job trainees on state, county, or municipal contracts. The department may adopt rules necessary to administer the standards and policies.

(2) By September 1 of each year, publish an annual report on apprenticeship and preapprenticeship programs. The report must be published on the department's website and, at a minimum, include all of the following:

(a) A list of registered apprenticeship and preapprenticeship programs, sorted by local educational agency, as defined in s. 1004.02(18), and apprenticeship sponsor, under s. 446.071.

(b) A detailed summary of each local educational agency's expenditure of funds for apprenticeship and preapprenticeship programs, including:

1. The total amount of funds received for apprenticeship and preapprenticeship programs;

2. The total amount of funds allocated to each trade or occupation;

3. The total amount of funds expended for administrative costs per trade or occupation; and

4. The total amount of funds expended for instructional costs per trade and occupation.

(c) The number of apprentices and preapprentices per trade and occupation.

(d) The percentage of apprentices and preapprentices who complete their respective programs in the appropriate timeframe.

(e) Information and resources related to applications for new apprenticeship programs and technical assistance and requirements for potential applicants.

(f) Documentation of activities conducted by the department to promote apprenticeship and preapprenticeship programs through public engagement, community-based partnerships, and other initiatives.

(3) Provide assistance to district school boards, Florida College System institution boards of trustees, program sponsors, and local workforce development boards in notifying students, parents, and members of the community of the availability of apprenticeship and preapprenticeship opportunities, including data provided in the economic security report pursuant to s. 445.07.

(4)~~(2)~~ Establish procedures to be used by the State Apprenticeship Advisory Council.

Section 4. Paragraph (b) of subsection (2) of section 446.045, Florida Statutes, is amended to read:

446.045 State Apprenticeship Advisory Council.—

(2)

(b) The Commissioner of Education or the commissioner's designee shall serve ex officio as chair of the State Apprenticeship Advisory Council, but may not vote. The state director of the Office of Apprenticeship of the United States Department of Labor shall serve ex officio as a nonvoting member of the council. The Governor shall appoint to the council four members representing employee organizations and four members representing employer organizations. Each of these eight members shall represent industries that have registered apprenticeship programs. The Governor shall also appoint two public members who are knowledgeable about registered apprenticeship and apprenticeable occupations *and who are independent of any joint or nonjoint organization*~~, one of whom shall be recommended by joint organizations, and one of whom shall be recommended by nonjoint organizations~~. Members shall be appointed for 4-year staggered terms. A vacancy shall be filled for the remainder of the unexpired term.

Section 5. Subsections (2) and (3) of section 446.052, Florida Statutes, are amended to read:

446.052 Preapprenticeship program.—

(2) The department, under regulations established by the State Board of Education, may administer the provisions of ss. 446.011-446.092 which relate to preapprenticeship programs in cooperation with district school boards and *Florida College System institution* ~~community college district~~ boards of trustees. District school boards, *Florida College System institution* ~~community college district~~ boards of trustees, and registered program sponsors shall cooperate in developing and establishing programs that include career instruction and general education courses required to obtain a high school diploma.

(3) The department, the district school boards, and the *Florida College System institution* ~~community college district~~ boards of trustees shall work together with existing registered apprenticeship programs in order that individuals completing the preapprenticeship programs may be able to receive credit towards completing a registered apprenticeship program.

Section 6. Subsection (1) of section 446.081, Florida Statutes, is amended to read:

446.081 Limitation.—

(1) Nothing in ss. 446.011-446.092 or in any apprentice agreement approved under those sections *may* ~~shall operate to~~ invalidate*:*

(a) Any apprenticeship provision in any collective agreement between employers and employees setting up higher apprenticeship standards.

(b) Any special provision for veterans, minority persons, or women in the standards, apprenticeship qualifications, or operation of the program that is not otherwise prohibited by law, executive order, or authorized regulation.

Section 7. Section 446.091, Florida Statutes, is amended to read:

446.091 On-the-job training program.—All provisions of ss. 446.011-446.092 relating to apprenticeship and preapprenticeship, including, but not limited to, programs, agreements, standards, administration, procedures, definitions, expenditures, local committees, powers and duties, limitations, grievances, and ratios of apprentices and job trainees to *journeyworkers* ~~journeymen~~ on state, county, and municipal contracts, shall be appropriately adapted and made applicable to a program of on-the-job training authorized under those provisions for persons other than apprentices.

Section 8. Section 446.092, Florida Statutes, is amended to read:

446.092 Criteria for apprenticeship occupations.—An apprenticeable occupation is a skilled trade which possesses all of the following characteristics:

(1) It is customarily learned in a practical way through a structured, systematic program of on-the-job, supervised training.

(2) It is *clearly identified and* commonly recognized throughout *an* ~~the~~ industry ~~or recognized with a positive view towards changing technology~~.

(3) It involves manual, mechanical, or technical skills and knowledge which*, in accordance with the industry standards for the occupation, would* require a minimum of 2,000 hours of *on-the-job* ~~work and~~ training, which hours are excluded from the time spent at related instruction.

(4) It requires related instruction to supplement on-the-job training. Such instruction may be given in a classroom*, through occupational or industrial courses* or ~~through~~ correspondence courses *of equivalent value, through electronic media, or through other forms of self-study approved by the department*.

~~(5) It involves the development of skill sufficiently broad to be applicable in like occupations throughout an industry, rather than of restricted application to the products or services of any one company.~~

~~(6) It does not fall into any of the following categories:~~

~~(a) Selling, retailing, or similar occupations in the distributive field.~~

~~(b) Managerial occupations.~~

~~(c) Professional and scientific vocations for which entrance requirements customarily require an academic degree.~~

Section 9. Paragraph (a) of subsection (3) of section 1001.02, Florida Statutes, is amended to read:

1001.02 General powers of State Board of Education.—

(3)(a) The State Board of Education shall adopt a strategic plan that specifies goals and objectives for the state's public schools and Florida College System institutions. The plan shall be formulated in conjunction with plans of the Board of Governors in order to provide for the roles of the universities and Florida College System institutions to be coordinated to best meet state needs and reflect cost-effective use of state resources. The strategic plan must clarify the mission statements of each Florida College System institution and the system as a whole and identify degree programs, including baccalaureate degree programs, to be offered at each Florida College System institution in accordance with the objectives provided in this subsection and the coordinated 5-year plan pursuant to paragraph (2)(v). The strategic plan must cover a period of 5 years, with modification of the program lists after 2 years. Development of each 5-year plan must be coordinated with and initiated after completion of the master plan. The strategic plans must specifically include programs and procedures for responding to the educational needs of teachers and students in the public schools of this state and consider reports and recommendations of the *Florida Talent Development Council* ~~Higher Education Coordinating Council~~ pursuant to s. 1004.015 and the Articulation Coordinating Committee pursuant to s. 1007.01. The state board shall submit a report to the President of the Senate and the Speaker of the House of Representatives upon modification of the plan and as part of its legislative budget request.

Section 10. Paragraph (b) of subsection (14) of section 1001.43, Florida Statutes, is amended to read:

1001.43 Supplemental powers and duties of district school board.—The district school board may exercise the following supplemental powers and duties as authorized by this code or State Board of Education rule.

(14) RECOGNITION OF ACADEMIC ACHIEVEMENT.—

(b) The district school board is encouraged to adopt policies and procedures to *celebrate the academic and workforce achievement of students by:* ~~provide for a student~~

1. Declaring an ~~"Academic Scholarship Signing Day" by declaring the third Tuesday in April each year as "Academic Scholarship Signing Day." The~~ "Academic Scholarship Signing Day" *to* ~~shall~~ recognize the outstanding academic achievement of high school seniors who sign a letter of intent to accept an academic scholarship offered to the student by a postsecondary educational institution.

2. Declaring a "College and Career Decision Day" to recognize high school seniors for their postsecondary education plans, to encourage early preparation for college, and to encourage students to pursue advanced career pathways through the attainment of industry certifications for which there are statewide college credit articulation agreements.

District school board policies and procedures may include~~, but need not be limited to,~~ conducting assemblies or other appropriate public events in which students ~~offered academic scholarships assemble and~~ sign actual or ceremonial documents accepting ~~those~~ scholarships *or enrollment*. The district school board may encourage holding such events in an assembly or gathering of the entire student body as a means of making academic success and recognition visible to all students.

Section 11. Paragraph (b) of subsection (5) and subsection (9) of section 1001.706, Florida Statutes, are amended to read:

1001.706 Powers and duties of the Board of Governors.—

(5) POWERS AND DUTIES RELATING TO ACCOUNTABILITY.—

(b) The Board of Governors shall develop a strategic plan specifying goals and objectives for the State University System and each constituent university, including each university's contribution to overall system goals and objectives. The strategic plan must:

1. Include performance metrics and standards common for all institutions and metrics and standards unique to institutions depending on institutional core missions, including, but not limited to, student admission requirements, retention, graduation, percentage of graduates who have attained employment, percentage of graduates enrolled in continued education, licensure passage, average wages of employed graduates, average cost per graduate, excess hours, student loan burden and default rates, faculty awards, total annual research expenditures, patents, licenses and royalties, intellectual property, startup companies, annual giving, endowments, and well-known, highly respected national rankings for institutional and program achievements.

2. Consider reports and recommendations of the *Florida Talent Development Council* ~~Higher Education Coordinating Council~~ pursuant to s. 1004.015 and the Articulation Coordinating Committee pursuant to s. 1007.01.

3. Include student enrollment and performance data delineated by method of instruction, including, but not limited to, traditional, online, and distance learning instruction.

4. Include criteria for designating baccalaureate degree and master's degree programs at specified universities as high-demand programs of emphasis. Fifty percent of the criteria for designation as high-demand programs of emphasis must be based on achievement of performance outcome thresholds determined by the Board of Governors, and 50 percent of the criteria must be based on achievement of performance outcome thresholds specifically linked to:

a. Job placement in employment of 36 hours or more per week and average full-time wages of graduates of the degree programs 1 year and 5 years after graduation, based in part on data provided in the economic security report of employment and earning outcomes produced annually pursuant to s. 445.07.

b. Data-driven gap analyses, conducted by the Board of Governors, of the state's job market demands and the outlook for jobs that require a baccalaureate or higher degree. Each state university must use the gap analyses to identify internship opportunities for students to benefit from mentorship by industry experts, earn industry certifications, and become employed in high-demand fields.

(9) COOPERATION WITH OTHER BOARDS.—The Board of Governors shall implement a plan for working on a regular basis with the State Board of Education, the Commission for Independent Education, *the Florida Talent Development Council* ~~the Higher Education Coordinating Council~~, the Articulation Coordinating Committee, the university boards of trustees, representatives of the Florida College System institution boards of trustees, representatives of the private colleges and universities, and representatives of the district school boards to achieve a seamless education system.

Section 12. Paragraph (d) of subsection (2) of section 1003.41, Florida Statutes, is amended to read:

1003.41 Next Generation Sunshine State Standards.—

(2) Next Generation Sunshine State Standards must meet the following requirements:

(d) Social Studies standards must establish specific curricular content for, at a minimum, geography, United States and world history, government, civics, humanities, ~~and~~ economics, *and* ~~including~~ financial literacy. ~~Financial literacy includes the knowledge, understanding, skills, behaviors, attitudes, and values that will enable a student to make responsible and effective financial decisions on a daily basis. Financial literacy instruction shall be an integral part of instruction throughout the entire economics course and include information regarding earning income; buying goods and services; saving and financial investing; taxes; the use of credit and credit cards; budgeting and debt management, including student loans and secured loans; banking and financial services; planning for one's financial future, including higher education and career planning; credit reports and scores; and fraud and identity theft prevention.~~

Section 13. Paragraph (e) is added to subsection (1) of section 1003.4156, Florida Statutes, to read:

1003.4156 General requirements for middle grades promotion.—

(1) In order for a student to be promoted to high school from a school that includes middle grades 6, 7, and 8, the student must successfully complete the following courses:

(e) One course in career and education planning to be completed in grades 6, 7, or 8, which may be taught by any member of the instructional staff. The course must be Internet-based, customizable to each student, and include research-based assessments to assist students in determining educational and career options and goals. In addition, the course must result in a completed personalized academic and career plan for the student that may be revised as the student progresses through middle school and high school; must emphasize the importance of entrepreneurship and employability skills; and must include information from the Department of Economic Opportunity's economic security report under s. 445.07. The required personalized academic and career plan must inform students of high school graduation requirements, including a detailed explanation of the requirements for earning a high school diploma designation under s. 1003.4285; the requirements for each scholarship in the Florida Bright Futures Scholarship Program; state university and Florida College System institution admission requirements; available opportunities to earn college credit in high school, including Advanced Placement courses; the International Baccalaureate Program; the Advanced International Certificate of Education Program; dual enrollment, including career dual enrollment; and career education courses, including career-themed courses, preapprenticeship and apprenticeship programs, and course sequences that lead to industry certification pursuant to s. 1003.492 or s. 1008.44. The course may be implemented as a stand-alone course or integrated into another course or courses.

Section 14. Present subsection (11) of section 1003.4282, Florida Statutes, is redesignated as subsection (12), paragraphs (b), (c), (d), and (g) of subsection (3), subsection (7), and paragraph (a) of subsection (8) are amended, and a new subsection (11) is added to that section, to read:

1003.4282 Requirements for a standard high school diploma.—

(3) STANDARD HIGH SCHOOL DIPLOMA; COURSE AND ASSESSMENT REQUIREMENTS.—

(b) Four credits in mathematics.—

1. A student must earn one credit in Algebra I and one credit in Geometry. A student's performance on the statewide, standardized Algebra I end-of-course (EOC) assessment constitutes 30 percent of the student's final course grade. A student must pass the statewide, standardized Algebra I EOC assessment, or earn a comparative score, in order to earn a standard high school diploma. A student's performance on the statewide, standardized Geometry EOC assessment constitutes 30 percent of the student's final course grade.

2. A student who earns an industry certification for which there is a statewide college credit articulation agreement approved by the State Board of Education may substitute the certification for one mathematics credit. Substitution may occur for up to two mathematics credits, except for Algebra I and Geometry. *A student may earn two mathematics credits by successfully completing Algebra I through two full-year courses. A certified school counselor or the principal's designee must advise the student that admission to a state university may require the student to earn 3 additional mathematics credits that are at least as rigorous as Algebra I.*

3. A student who earns a computer science credit may substitute the credit for up to one credit of the mathematics requirement, with the exception of Algebra I and Geometry, if the commissioner identifies the computer science credit as being equivalent in rigor to the mathematics credit. An identified computer science credit may not be used to substitute for both a mathematics and a science credit. A student who earns an industry certification in 3D rapid prototype printing may satisfy up to two credits of the mathematics requirement, with the exception of Alge-

bra I, if the commissioner identifies the certification as being equivalent in rigor to the mathematics credit or credits.

(c) Three credits in science.—

1. Two of the three required credits must have a laboratory component. A student must earn one credit in Biology I and two credits in equally rigorous courses. The statewide, standardized Biology I EOC assessment constitutes 30 percent of the student's final course grade.

2. A student who earns an industry certification for which there is a statewide college credit articulation agreement approved by the State Board of Education may substitute the certification for one science credit, except for Biology I.

3. A student who earns a computer science credit may substitute the credit for up to one credit of the science requirement, with the exception of Biology I, if the commissioner identifies the computer science credit as being equivalent in rigor to the science credit. An identified computer science credit may not be used to substitute for both a mathematics and a science credit.

(d) Three credits in social studies.—A student must earn one credit in United States History; one credit in World History; one-half credit in economics~~, which must include~~ ~~financial literacy~~; and one-half credit in United States Government. The United States History EOC assessment constitutes 30 percent of the student's final course grade.

(g) Eight credits in electives.—School districts must develop and offer coordinated electives so that a student may develop knowledge and skills in his or her area of interest, such as electives with a STEM or liberal arts focus. Such electives must include opportunities for students to earn college credit, including industry-certified career education programs or series of career-themed courses that result in industry certification or articulate into the award of college credit, or career education courses for which there is a statewide or local articulation agreement and which lead to college credit. *Beginning with the 2019-2020 school year, all school districts must offer a financial literacy course consisting of at least one-half credit as an elective.*

(7) UNIFORM TRANSFER OF HIGH SCHOOL CREDITS.—Beginning with the 2012-2013 school year, if a student transfers to a Florida public high school from out of country, out of state, a private school, or a home education program and the student's transcript shows a credit in Algebra I, the student must pass the statewide, standardized Algebra I EOC assessment in order to earn a standard high school diploma unless the student earned a comparative score, passed a statewide assessment in Algebra I administered by the transferring entity, or passed the statewide mathematics assessment the transferring entity uses to satisfy the requirements of the Elementary and Secondary Education Act, *as amended by the Every Student Succeeds Act (ESSA), 20 U.S.C. ss. 6301 et seq* ~~20 U.S.C. s. 6301~~. If a student's transcript shows a credit in high school reading or English Language Arts II or III, in order to earn a standard high school diploma, the student must take and pass the statewide, standardized grade 10 Reading assessment or, when implemented, the grade 10 ELA assessment, or earn a concordant score. If a transfer student's transcript shows a final course grade and course credit in Algebra I, Geometry, Biology I, or United States History, the transferring course final grade and credit shall be honored without the student taking the requisite statewide, standardized EOC assessment and without the assessment results constituting 30 percent of the student's final course grade.

(8) CAREER EDUCATION COURSES THAT SATISFY HIGH SCHOOL CREDIT REQUIREMENTS.—

(a) Participation in career education courses engages students in their high school education, increases academic achievement, enhances employability, and increases postsecondary success. ~~By July 1, 2014,~~ The department shall develop, for approval by the State Board of Education, multiple, additional career education courses or a series of courses that meet the requirements set forth in s. 1003.493(2), (4), and (5) and this subsection and allow students to earn credit in both the career education course and courses required for high school graduation under this section and s. 1003.4281.

1. The state board must determine *at least biennially* if sufficient academic standards are covered to warrant the award of academic credit*, including satisfaction of assessment requirements under this section*.

2. Career education courses must*:*

a. Include workforce and digital literacy skills*.* ~~and the integration of~~

b. Integrate required course content with practical applications and designated rigorous coursework that results in one or more industry certifications or clearly articulated credit or advanced standing in a 2-year or 4-year certificate or degree program, which may include high school junior and senior year work-related internships or apprenticeships. The department shall negotiate state licenses for material and testing for industry certifications.

The instructional methodology used in these courses must *comprise* ~~be comprised of~~ authentic projects, problems, and activities for *contextual academic learning and emphasize workplace skills identified under s. 445.06* ~~contextually learning the academics~~.

3. A student who earns credit upon completion of an apprenticeship or preapprenticeship program registered with the Department of Education under chapter 446 may use such credit to satisfy the high school graduation credit requirements in paragraph (3)(e) or paragraph (3)(g). The state board shall approve and identify in the Course Code Directory the apprenticeship and preapprenticeship programs from which earned credit may be used pursuant to this subparagraph.

(11) CAREER AND TECHNICAL EDUCATION GRADUATION PATHWAY OPTION.—Beginning with the 2019-2020 school year, a student is eligible to complete an alternative pathway to earning a standard high school diploma through the Career and Technical Education (CTE) pathway option. Receipt of a standard high school diploma awarded through the CTE pathway option requires the student's successful completion of at least 18 credits. A student completing the CTE pathway option must earn at least a cumulative grade point average (GPA) of 2.0 on a 4.0 scale.

(a) In order for a student to satisfy the requirements of the CTE pathway option, he or she must meet the GPA requirement and:

1. Meet the requirements in paragraphs (3)(a) through (d);

2. Complete two credits in career and technical education. The courses must result in a program completion and an industry certification; and

3. Complete two credits in work-based learning programs. A student may substitute up to two credits of electives, including one-half credit in financial literacy, for work-based learning program courses to fulfill this requirement.

(b) Each district school board shall incorporate the CTE pathway option to graduation in the student progression plan required under s. 1008.25.

(c) Adjunct educators certified pursuant to s. 1012.57 may teach courses in the CTE pathway option.

Section 15. Effective upon this act becoming a law, paragraph (a) of subsection (1) of section 1003.4285, Florida Statutes, is amended to read:

1003.4285 Standard high school diploma designations.—

(1) Each standard high school diploma shall include, as applicable, the following designations if the student meets the criteria set forth for the designation:

(a) Scholar designation.—In addition to the requirements of s. 1003.4282, in order to earn the Scholar designation, a student must satisfy the following requirements:

1. Mathematics.—Earn one credit in Algebra II *or an equally rigorous course* and one credit in statistics or an equally rigorous course. Beginning with students entering grade 9 in the 2014-2015 school year, pass the Geometry statewide, standardized assessment.

2. Science.—Pass the statewide, standardized Biology I EOC assessment and earn one credit in chemistry or physics and one credit in a course equally rigorous to chemistry or physics. However, a student enrolled in an Advanced Placement (AP), International Baccalaureate (IB), or Advanced International Certificate of Education (AICE) Biology course who takes the respective AP, IB, or AICE Biology assessment and earns the minimum score necessary to earn college credit as identified pursuant to s. 1007.27(2) meets the requirement of this subparagraph without having to take the statewide, standardized Biology I EOC assessment.

3. Social studies.—Pass the statewide, standardized United States History EOC assessment. However, a student enrolled in an AP, IB, or AICE course that includes United States History topics who takes the respective AP, IB, or AICE assessment and earns the minimum score necessary to earn college credit as identified pursuant to s. 1007.27(2) meets the requirement of this subparagraph without having to take the statewide, standardized United States History EOC assessment.

4. Foreign language.—Earn two credits in the same foreign language.

5. Electives.—Earn at least one credit in an Advanced Placement, an International Baccalaureate, an Advanced International Certificate of Education, or a dual enrollment course.

Section 16. Subsection (3) of section 1003.491, Florida Statutes, is amended, and subsection (5) is added to that section, to read:

1003.491 Florida Career and Professional Education Act.—The Florida Career and Professional Education Act is created to provide a statewide planning partnership between the business and education communities in order to attract, expand, and retain targeted, high-value industry and to sustain a strong, knowledge-based economy.

(3) The strategic 3-year plan developed jointly by the local school district, local workforce development boards, economic development agencies, and state-approved postsecondary institutions shall be constructed and based on:

(a) Research conducted to objectively determine local and regional workforce needs for the ensuing 3 years, using labor projections of the United States Department of Labor and the Department of Economic Opportunity;

(b) Strategies to develop and implement career academies or career-themed courses based on those careers determined to be high-wage, high-skill, and high-demand;

(c) Strategies to provide shared, maximum use of private sector facilities and personnel;

(d) Strategies that ensure instruction by industry-certified faculty and standards and strategies to maintain current industry credentials and for recruiting and retaining faculty to meet those standards;

(e) Strategies to provide personalized student advisement, including a parent-participation component, and coordination with middle grades to promote and support career-themed courses and education planning;

(f) Alignment of requirements for middle school career planning, middle and high school career and professional academies or career-themed courses leading to industry certification or postsecondary credit, and high school graduation requirements;

(g) Provisions to ensure that career-themed courses and courses offered through career and professional academies are academically rigorous, meet or exceed appropriate state-adopted subject area standards, result in attainment of industry certification, and, when appropriate, result in postsecondary credit;

(h) Plans to sustain and improve career-themed courses and career and professional academies;

(i) Strategies to improve the passage rate for industry certification examinations if the rate falls below 50 percent;

(j) Strategies to recruit students into career-themed courses and career and professional academies which include opportunities for students who have been unsuccessful in traditional classrooms but who are interested in enrolling in career-themed courses or a career and professional academy. School boards shall provide opportunities for students who may be deemed as potential dropouts *or whose cumulative grade point average drops below a 2.0* to enroll in career-themed courses or participate in career and professional academies. *Such students must be provided in-person academic advising that includes information on career education programs by a certified school counselor or the school principal or his or her designee during any semester the students are at risk of dropping out or have a cumulative grade point average below a 2.0*;

(k) Strategies to provide sufficient space within academies to meet workforce needs and to provide access to all interested and qualified students;

(l) Strategies to implement career-themed courses or career and professional academy training that lead to industry certification in juvenile justice education programs;

(m) Opportunities for high school students to earn weighted or dual enrollment credit for higher-level career and technical courses;

(n) Promotion of the benefits of the Gold Seal Bright Futures Scholarship;

(o) Strategies to ensure the review of district pupil-progression plans and to amend such plans to include career-themed courses and career and professional academy courses and to include courses that may qualify as substitute courses for core graduation requirements and those that may be counted as elective courses;

(p) Strategies to provide professional development for secondary certified school counselors on the benefits of career and professional academies and career-themed courses that lead to industry certification; and

(q) Strategies to redirect appropriated career funding in secondary and postsecondary institutions to support career academies and career-themed courses that lead to industry certification.

(5)(a) The Commissioner of Education shall conduct an annual review of K-12 and postsecondary career and technical education offerings, in consultation with the Department of Economic Opportunity, CareerSource Florida, Inc., leaders of business and industry, the Board of Governors, the Florida College System, school districts, and other education stakeholders, to determine the alignment of existing offerings with employer demand, postsecondary degree or certificate programs, and professional industry certifications. The review shall identify career and technical education offerings that are linked to occupations that are in high demand by employers, require high-level skills, and provide middle-level and high-level wages.

(b) Using the findings from the annual review required in paragraph (a), the commissioner shall phase out career and technical education offerings that are not aligned with the needs of employers or do not provide program completers with a middle-wage or high-wage occupation and encourage school districts and Florida College System institutions to offer programs that are not offered currently.

Section 17. Section 1004.013, Florida Statutes, is created to read:

1004.013 SAIL to 60 Initiative.—

(1) The Strengthening Alignment between Industry and Learning (SAIL) to 60 Initiative is created to increase to 60 percent the percentage of working-age adults in this state with a high-value postsecondary certificate, degree, or training experience by 2030.

(2) The State Board of Education and the Board of Governors shall work collaboratively to, at a minimum:

(a) Increase the awareness and use of:

1. The student advising system established under s. 1006.735(4)(b).

2. The Complete Florida Degree Initiative established under s. 1006.735(2) that facilitates degree completion for the state's adult learners. The Chancellor of the State University System and the Chancellor

of the Florida College System shall consult with the Complete Florida Degree Initiative to identify barriers to program expansion and develop recommendations to increase the number of participating institutions and students served by the program. The recommendations must consider, at a minimum, methods for increasing outreach efforts to help students complete the "last mile" by providing financial assistance to students who are within 12 credit hours of completing their first associate or baccalaureate degree, but have separated from their institution of enrollment for more than one semester. Recommendations must be submitted to the Board of Governors, the State Board of Education, and the Governor no later than October 1, 2019.

3. Summer bridge programs at state universities and Florida College System institutions that help students transition to postsecondary education.

(b) Support and publicize the efforts of the Florida College Access Network in developing public and private partnerships to:

1. Increase the number of high school seniors who submit at least one completed postsecondary education application.

2. Increase the number of high school seniors who submit a completed Free Application for Federal Student Aid to receive financial aid to help pay for their postsecondary education expenses.

3. Recognize and celebrate high school seniors for their postsecondary education and career plans and encourage early preparation for college in accordance with s. 1001.43(14).

4. Conduct regional meetings with postsecondary educational institutions, business leaders, and community organizations to solve community-specific issues related to attainment of postsecondary certificates, associate degrees, and baccalaureate degrees.

(c) Facilitate a reverse transfer agreement between the State Board of Education and the Board of Governors to award postsecondary education credentials to students who have earned them.

(d) Facilitate the establishment of career pathways agreements between career centers and Florida College System institutions pursuant to s. 1007.233.

(e) Develop a systematic, cross-sector approach to awarding credit for prior learning.

Section 18. Section 1004.015, Florida Statutes, is amended to read:

1004.015 *Florida Talent Development Council* ~~Higher Education Coordinating Council~~.—

(1) The *Florida Talent Development Council* ~~Higher Education Coordinating Council~~ is created for the *purpose* ~~purposes~~ of *developing a coordinated, data-driven, statewide approach to meeting Florida's needs for a 21st century workforce that employers and educators use as part of Florida's talent supply system* ~~identifying unmet needs; facilitating solutions to disputes regarding the creation of new degree programs and the establishment of new institutes, campuses, or centers; and facilitating solutions to data issues identified by the Articulation Coordinating Committee pursuant to s. 1007.01 to improve the K-20 education performance accountability system~~.

(2) Members of the council shall include:

(a) One member, appointed by the Governor, to serve as chair.

(b) One member of the Florida Senate, appointed by the President of the Senate.

(c) One member of the Florida House of Representatives, appointed by the Speaker of the House.

(d) The president of CareerSource Florida, Inc.

(e) The president of Enterprise Florida, Inc.

(f) The executive director of the Department of Economic Opportunity.

(g) The Commissioner of Education.

(h) The president of the Florida Council of 100.

(i) The president of the Florida Chamber of Commerce.

(j)~~(a)~~ One member of the Board of Governors, appointed by the chair of the Board of Governors.

~~(b) The Chancellor of the State University System.~~

~~(c) The Chancellor of the Florida College System.~~

(k)~~(d)~~ One member of the State Board of Education, appointed by the chair of the State Board of Education.

(l) The following members, who shall serve as ex officio nonvoting members:

1. The Chancellor of the State University System.

2. The Chancellor of the Florida College System.

3. The Chancellor of Career and Adult Education.

4. The president of the Independent Colleges and Universities of Florida.

5. The president of the Florida Association of Postsecondary Schools and Colleges.

~~(e) The Executive Director of the Florida Association of Postsecondary Schools and Colleges.~~

~~(f) The president of the Independent Colleges and Universities of Florida.~~

~~(g) The president of CareerSource Florida, Inc., or his or her designee.~~

~~(h) The president of Enterprise Florida, Inc., or a designated member of the Stakeholders Council appointed by the president.~~

~~(i) Three representatives of the business community, one appointed by the President of the Senate, one appointed by the Speaker of the House of Representatives, and one appointed by the Governor, who are committed to developing and enhancing world class workforce infrastructure necessary for Florida's citizens to compete and prosper in the ever-changing economy of the 21st century.~~

(3) Appointed members shall serve 2-year terms~~, and a single chair shall be elected annually by a majority of the members~~.

~~(4) The council shall serve as an advisory board to the Legislature, the State Board of Education, and the Board of Governors. Recommendations of the council shall be consistent with the following guiding principles:~~

~~(a) To achieve within existing resources a seamless academic educational system that fosters an integrated continuum of kindergarten through graduate school education for Florida's students.~~

~~(b) To promote consistent education policy across all educational delivery systems, focusing on students.~~

~~(c) To promote substantially improved articulation across all educational delivery systems.~~

~~(d) To promote a system that maximizes educational access and allows the opportunity for a high-quality education for all Floridians.~~

~~(e) To promote a system of coordinated and consistent transfer of credit and data collection for improved accountability purposes between the educational delivery systems.~~

(4)~~(5)~~ ~~The council shall annually~~ By December 31*, 2019, the council shall* submit to the Governor, the President of the Senate, the Speaker of the House of Representatives, the Board of Governors, and the State Board of Education a *strategic plan for talent development to accomplish the goal established in s. 1004.013 to have 60 percent of working-age*

Floridians hold a high-value postsecondary credential by 2030. The strategic plan must, at a minimum ~~report outlining its recommendations relating to~~:

(a) Identify Florida's fastest-growing industry sectors and the postsecondary credentials required for employment in those industries.

(b) Assess whether postsecondary degrees, certificates, and other credentials awarded by Florida's postsecondary institutions align with high-demand employment needs and job placement rates.

(c) Identify strategies to deepen and expand cross-sector collaboration to align higher education programs with targeted industry needs.

(d) Establish targeted strategies to increase certifications and degrees for all populations with attention to closing equity gaps for underserved populations and incumbent workers requiring an upgrade of skills.

(e) Assess the role of apprenticeship programs in meeting targeted workforce needs and identify any barriers to program expansion.

(f) Identify common metrics and benchmarks to demonstrate progress toward the 60 percent goal and how the SAIL to 60 Initiative under s. 1004.013 can provide coordinated cross-sector support for the strategic plan.

(g) Recommend improvements to the consistency of workforce education data collected and reported by Florida College System institutions and school districts, including the establishment of common elements and definitions for any data that is used for state and federal funding and program accountability.

(h) Establish a timeline for regularly updating the strategic plan and the established goals.

~~(a) The primary core mission of public and nonpublic postsecondary education institutions in the context of state access demands and economic development goals.~~

~~(b) Performance outputs and outcomes designed to meet annual and long-term state goals, including, but not limited to, increased student access, preparedness, retention, transfer, and completion. Performance measures must be consistent across sectors and allow for a comparison of the state's performance to that of other states.~~

~~(c) The state's articulation policies and practices to ensure that cost benefits to the state are maximized without jeopardizing quality. The recommendations shall consider return on investment for both the state and students and propose systems to facilitate and ensure institutional compliance with state articulation policies.~~

~~(d) Workforce development education, specifically recommending improvements to the consistency of workforce education data collected and reported by Florida College System institutions and school districts, including the establishment of common elements and definitions for any data that is used for state and federal funding and program accountability.~~

(5)~~(6)~~ The *Department of Economic Opportunity* ~~Office of K-20 Articulation, in collaboration with the Board of Governors and the Division of Florida Colleges,~~ shall provide administrative support for the council.

Section 19. Present subsection (7) of section 1004.335, Florida Statutes, is redesignated as subsection (8), a new subsection (7) is added to that section, and subsection (1), subsection (4), subsection (5), and paragraph (a) of subsection (6) of that section are amended, to read:

1004.335 Accreditation consolidation of University of South Florida branch campuses.—

(1) The University of South Florida Consolidation Planning Study and Implementation Task Force is established to develop recommendations to improve service to students by phasing out the separate accreditation of the University of South Florida St. Petersburg *branch campus* and the University of South Florida Sarasota/Manatee *branch campus*, which were conferred by the Southern Association of Colleges and Schools Commission on Colleges (SACSCOC) pursuant to ss. 1004.33 and 1004.34, respectively.

(4) No later than February 15, 2019, the task force must submit a report to the University of South Florida Board of Trustees which includes, at a minimum, recommendations on the following:

(a) Identification of specific degrees in programs of strategic significance, including health care, science, technology, engineering, mathematics, and other program priorities to be offered at the University of South Florida St. Petersburg *branch campus* and the University of South Florida Sarasota/Manatee *branch campus* and the timeline for the development and delivery of programs on each campus;

(b) Maintaining the unique identity of each campus and an assessment of whether a separate educational mission is beneficial to the future of each campus;

(c) Maintaining faculty input from all campuses during the review and development of general education requirements to reflect the distinctive identity of each campus;

(d) Developing the research capacity at each campus;

(e) Equitable distribution of programs and resources to establish pathways to admission for all students who require bridge programming and financial aid;

(f) Establishing budget transparency and accountability regarding the review and approval of student fees among campuses, including fee differentials and athletic fees, to enable the identification of the equitable distribution of resources to each campus, including the University of South Florida Health; and

(g) Developing and delivering integrated academic programs, student and faculty governance, and administrative services to better serve the students, faculty, and staff at the University of South Florida College of Marine Science, the University of South Florida Sarasota/Manatee *branch campus*, and the University of South Florida St. Petersburg *branch campus*.

(5) No later than March 15, 2019, the Board of Trustees of the University of South Florida, after considering the recommendations of the task force, must adopt and submit to the Board of Governors an implementation plan that:

(a) Establishes a timeline for each step that is necessary to terminate the separate accreditation for each campus no later than June 30, 2020, *while maintaining branch campus status for both campuses,* so that there is no lapse in institutional accreditation for any campus during the phasing-out process.

(b) Minimizes disruption to students attending *the* ~~any~~ University of South Florida *or any of its branch campuses* ~~campus~~ so that the consolidation of SACSCOC accreditation does not impede a student's ability to graduate within 4 years after initial first-time-in-college enrollment.

(c) Requires that, on or before July 1, 2020, the entirety of the University of South Florida, including all *branch* campuses and other component units of the university, operate under a single institutional accreditation from the SACSCOC.

(d) Requires that, on each regularly scheduled submission date subsequent to July 1, 2020, the University of South Florida report consolidated data for all of the university's campuses and students to the Integrated Postsecondary Education Data System and to the Board of Governors. The Board of Governors shall use the consolidated data for purposes of determining eligibility for funding pursuant to ss. 1001.7065 and 1001.92. *However, if the University of South Florida meets the deadline outlined in paragraph (c) and the University of South Florida Sarasota/Manatee and the University of South Florida St. Petersburg maintain branch campus status as defined in subsection (7), the Board of Governors may not use the consolidated data for purposes of determining eligibility for funding pursuant to s. 1001.7065 until July 1, 2022.*

The Board of Governors shall monitor the fidelity of the implementation of the plan.

(6) Notwithstanding ss. 1001.7065 and 1001.92 or any Board of Governors regulation to the contrary relating to the calculation of graduation rates and retention rates, a student who meets all of the following criteria may not be counted by the Board of Governors when calculating or confirming the graduation rate or the retention rate of the University of South Florida under those sections:

(a) The student was admitted to and initially enrolled before the spring 2020 semester as a first-time-in-college student at the University of South Florida St. Petersburg *branch campus* or the University of South Florida Sarasota/Manatee *branch campus*.

(7) For purposes of this section, a branch campus is an instructional site located geographically apart and independent of the main campus of the institution. A location is independent of the main campus if the location:

(a) Is permanent in nature;

(b) Offers courses in educational programs leading to a degree, diploma, certificate, or other recognized educational credential;

(c) Has its own faculty and administrative or supervisory organization; and

(d) Has its own budgetary and hiring authority.

Section 20. Paragraph (b) of subsection (5) and paragraph (c) of subsection (8) of section 1004.6495, Florida Statutes, are amended to read:

1004.6495 Florida Postsecondary Comprehensive Transition Program and Florida Center for Students with Unique Abilities.—

(5) CENTER RESPONSIBILITIES.—The Florida Center for Students with Unique Abilities is established within the University of Central Florida. At a minimum, the center shall:

(b) Coordinate, facilitate, and oversee the statewide implementation of this section. At a minimum, the director shall:

1. Consult and collaborate with the National Center and the Coordinating Center, as identified in 20 U.S.C. s. 1140q, regarding guidelines established by the center for the effective implementation of the programs for students with disabilities and for students with intellectual disabilities which align with the federal requirements and with standards, quality indicators, and benchmarks identified by the National Center and the Coordinating Center.

2. Consult and collaborate with the *Florida Talent Development Council* ~~Higher Education Coordinating Council~~ to identify meaningful credentials for FPCTPs and to engage businesses and stakeholders to promote experiential training and employment opportunities for students with intellectual disabilities.

3. Establish requirements and timelines for the:

a. Submission and review of an application.

b. Approval or disapproval of an initial or renewal application.

c. Implementation of an FPCTP, which must begin no later than the academic year immediately following the academic year during which the approval is granted.

4. Administer scholarship funds.

5. Administer FPCTP start-up and enhancement grants. From funds appropriated in the 2016-2017 fiscal year for the FPCTP, $3 million shall be used for such grants. Thereafter, funds appropriated for the FPCTP may only be used for such grants if specifically authorized in the General Appropriations Act. The maximum annual start-up and enhancement grant award shall be $300,000 per institution.

6. Report on the implementation and administration of this section by planning, advising, and evaluating approved degree, certificate, and nondegree programs and the performance of students and programs pursuant to subsection (8).

(8) ACCOUNTABILITY.—

(c) ~~Beginning in the 2016-2017 fiscal year,~~ The center, in collaboration with the Board of Governors, State Board of Education, ~~Higher Education Coordinating Council,~~ and other stakeholders, by December 1 of each year, shall submit to the Governor, the President of the Senate, and the Speaker of the House of Representatives statutory and budget recommendations for improving the implementation and delivery of FPCTPs and other education programs and services for students with disabilities.

Section 21. Subsection (7) of section 1004.935, Florida Statutes, is amended to read:

1004.935 Adults with Disabilities Workforce Education Program.—

(7) Funds for the scholarship shall be provided from the appropriation from the school district's Workforce Development Fund in the General Appropriations Act for students who reside in the Hardee County School District, the DeSoto County School District, the Manatee County School District, or the Sarasota County School District. The scholarship amount granted for an eligible student with a disability shall be equal to the cost per unit of a full-time equivalent adult general education student, multiplied by the adult general education funding factor, and multiplied by the district cost differential pursuant to the formula required by *s. 1011.80(7)(a)* ~~s. 1011.80(6)(a)~~ for the district in which the student resides.

Section 22. Paragraph (a) of subsection (1) of section 1006.22, Florida Statutes, is amended to read:

1006.22 Safety and health of students being transported.—Maximum regard for safety and adequate protection of health are primary requirements that must be observed by district school boards in routing buses, appointing drivers, and providing and operating equipment, in accordance with all requirements of law and rules of the State Board of Education in providing transportation pursuant to s. 1006.21:

(1)(a) District school boards shall use school buses, as defined in s. 1006.25, for all regular transportation. Regular transportation or regular use means transportation of students to and from school or school-related activities that are part of a scheduled series or sequence of events to the same location. "Students" means, for the purposes of this section, students enrolled in the public schools in prekindergarten disability programs and in kindergarten through grade 12. District school boards may regularly use motor vehicles other than school buses only under the following conditions:

1. When the transportation is for physically handicapped or isolated students and the district school board has elected to provide for the transportation of the student through written or oral contracts or agreements.

2. When the transportation is a part of a comprehensive contract for a specialized educational program between a district school board and a service provider who provides instruction, transportation, and other services.

3. When the transportation is provided through a public transit system.

4. When the transportation is for trips to and from school sites or agricultural education sites or for trips to and from agricultural education-related events or competitions, but is not for customary transportation between a student's residence and such sites.

5. When the transportation is for trips to and from school sites to allow students to participate in a career education program that is not offered at the high school in which such students are enrolled but is not for customary transportation between a student's residence and such sites.

Section 23. Subsection (7) is added to section 1007.23, Florida Statutes, to read:

1007.23 Statewide Articulation Agreement.—

(7) The articulation agreement must specifically provide for a reverse transfer agreement for Florida College System associate in arts degree-

seeking students who transfer to a state university before earning an associate in arts degree. Students must be awarded an associate in arts degree by the Florida College System institution upon completion of degree requirements at the state university if the student earned more than 30 credit hours toward the associate in arts degree from the Florida College System institution. State universities must identify each student who has completed requirements for the associate in arts degree and, upon consent of the student, transfer credits earned at the state university back to the Florida College System institution so that the associate in arts degree may be awarded by the Florida College System institution.

Section 24. Section 1007.233, Florida Statutes, is created to read:

1007.233 Career pathways agreements.-

(1) Each career center and Florida College System institution with overlapping service areas must annually submit to the Department of Education, on or before May 1, a regional career pathways agreement for each certificate program offered by the career center that is aligned with an associate degree offered by the Florida College System institution in the service area. Each career pathways agreement must guarantee college credit toward an aligned associate degree program for students who graduate from a career center with a career or technical certificate and meet specified requirements in accordance with the terms of the agreement. Regional agreements may not award less credit than the amount guaranteed through existing statewide articulation agreements.

(2) Each career pathways agreement must outline certificate program completion requirements and any licenses or industry certifications that must be earned before enrolling in an associate degree program. Articulated college credit must be awarded in accordance with the agreement upon initial enrollment in the associate degree program.

Section 25. Subsection (11) of section 1007.25, Florida Statutes, is amended to read:

1007.25 General education courses; common prerequisites; other degree requirements.—

(11) Students at state universities may request *an* associate in arts *certificate* ~~certificates~~ if they have successfully completed the minimum requirements for the degree of associate in arts ~~(A.A.)~~. The university must grant the student an associate in arts degree if the student has successfully completed minimum requirements for *the associate in arts degree, as determined by the state university. The university must notify students of the criteria and process for requesting an associate in arts certificate during orientation. Additional notification must be provided to each student enrolled at the university upon completion of the requirements for an associate in arts degree. Beginning with students enrolled at the university in the 2018-2019 academic year and thereafter, the university must also notify any student who has not graduated from the university of the option and process to request an associate in arts certificate if that student has completed the requirements for an associate in arts degree but has not reenrolled at the university in the subsequent fall semester and thereafter* ~~college-level communication and computation skills adopted by the State Board of Education and 60 academic semester hours or the equivalent within a degree program area, including 36 semester hours in general education courses in the subject areas of communication, mathematics, social sciences, humanities, and natural sciences, consistent with the general education requirements specified in the articulation agreement pursuant to s. 1007.23~~.

Section 26. Paragraph (a) of subsection (4) and subsection (6) of section 1007.2616, Florida Statutes, are amended to read:

1007.2616 Computer science and technology instruction.—

(4)(a) Subject to legislative appropriation, a school district or a consortium of school districts may apply to the department, in a format prescribed by the department, for funding to deliver or facilitate training for classroom teachers to earn an educator certificate in computer science pursuant to s. 1012.56*,* or *training that leads to* an industry certification associated with a course identified in the Course Code Directory pursuant to paragraph (2)(b)*, or for professional development for classroom teachers to provide instruction in computer science courses and content*. Such funding shall only be used to provide training for classroom teachers*, or* ~~and~~ to pay fees for examinations that lead to a credential*, or to provide professional development,* pursuant to this paragraph.

(6) High school students must be provided opportunities to take computer science courses *and earn technology-related industry certifications* to satisfy high school graduation requirements *as provided in s. 1003.4282(3). Computer science courses and technology-related industry certifications that are identified as eligible for meeting mathematics or science requirements for high school graduation must be included in the Course Code Directory.*~~, including, but not limited to, the following:~~

~~(a) High school computer science courses of sufficient rigor, as identified by the commissioner, such that one credit in computer science and the earning of related industry certifications constitute the equivalent of up to one credit of the mathematics requirement, with the exception of Algebra I or higher-level mathematics, or up to one credit of the science requirement, with the exception of Biology I or higher-level science, for high school graduation. Computer science courses and technology-related industry certifications that are identified as eligible for meeting mathematics or science requirements for high school graduation shall be included in the Course Code Directory.~~

~~(b) High school computer technology courses in 3D rapid prototype printing of sufficient rigor, as identified by the commissioner, such that one or more credits in such courses and related industry certifications earned may satisfy up to two credits of mathematics required for high school graduation with the exception of Algebra I. Computer technology courses in 3D rapid prototype printing and related industry certifications that are identified as eligible for meeting mathematics requirements for high school graduation shall be included in the Course Code Directory.~~

Section 27. Subsection (7) of section 1007.271, Florida Statutes, is amended to read:

1007.271 Dual enrollment programs.—

(7) Career dual enrollment shall be provided as a curricular option for secondary students to pursue in order to earn industry certifications adopted pursuant to s. 1008.44, which count as credits toward the high school diploma. Career dual enrollment shall be available for secondary students seeking a degree and industry certification through a career education program or course. *Each career center established under s. 1001.44 shall enter into an agreement with each high school in any school district it serves. Beginning with the 2019-2020 school year, the agreement must be completed annually and submitted by the career center to the Department of Education by August 1. The agreement must:*

(a) Identify the courses and programs that are available to students through career dual enrollment and the clock hour credits that students will earn upon completion of each course and program.

(b) Delineate the high school credit earned for the completion of each career dual enrollment course.

(c) Identify any college credit articulation agreements associated with each clock hour program.

(d) Describe how students and parents will be informed of career dual enrollment opportunities and related workforce demand, how students can apply to participate in a career dual enrollment program and register for courses through his or her high school, and the postsecondary career education expectations for participating students.

(e) Establish any additional eligibility requirements for participation and a process for determining eligibility and monitoring the progress of participating students.

(f) Delineate costs incurred by each entity and determine how transportation will be provided for students who are unable to provide their own transportation.

Section 28. Subsection (2) of section 1008.37, Florida Statutes, is amended to read:

1008.37 Postsecondary feedback of information to high schools.—

(2) The Commissioner of Education shall report, by high school, to the State Board of Education, the Board of Governors, and the Legis-

lature, no later than *April 30* ~~November 30~~ of each year, on the number of prior year Florida high school graduates who enrolled for the first time in public postsecondary education in this state during the ~~previous~~ summer, fall, or spring term *of the previous academic year*, indicating the number of students whose scores on the common placement test indicated the need for developmental education under s. 1008.30 or for applied academics for adult education under s. 1004.91.

Section 29. Paragraph (b) of subsection (1) of section 1008.44, Florida Statutes, is amended to read:

1008.44 CAPE Industry Certification Funding List and CAPE Postsecondary Industry Certification Funding List.—

(1) Pursuant to ss. 1003.4203 and 1003.492, the Department of Education shall, at least annually, identify, under rules adopted by the State Board of Education, and the Commissioner of Education may at any time recommend adding the following certificates, certifications, and courses:

(b) No more than *30* ~~15~~ CAPE Digital Tool certificates limited to the areas of word processing; spreadsheets; sound, motion, and color presentations; digital arts; cybersecurity; and coding pursuant to s. 1003.4203(3) that do not articulate for college credit. Such certificates shall be annually identified on the CAPE Industry Certification Funding List and updated solely by the Chancellor of Career and Adult Education. The certificates shall be made available to students in elementary school and middle school grades and, if earned by a student, shall be eligible for additional full-time equivalent membership pursuant to s. 1011.62(1)(o)1.

Section 30. Subsection (11) of section 1009.21, Florida Statutes, is 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.

(11) Once a student has been classified as a resident for tuition purposes, an institution of higher education to which the student transfers is not required to reevaluate the classification unless inconsistent information suggests that an erroneous classification was made or the student's situation has changed. However, the student must have attended the institution making the initial classification within the prior 12 months, and the residency classification must be noted on the student's transcript. ~~The Higher Education Coordinating Council shall consider issues related to residency determinations and make recommendations relating to efficiency and effectiveness of current law.~~

Section 31. Section 1009.75, Florida Statutes, is created to read:

1009.75 Last Mile College Completion Program.—

(1) Beginning with the 2019-2020 academic year, the Last Mile College Completion Program is established within the Department of Education to annually award the cost of in-state tuition and required fees to students classified as residents pursuant to s. 1009.21 who are in good standing at Florida College System institutions and state universities and who are within 12 or fewer credit hours of completing their first associate or baccalaureate degree. Any student who has earned college credit from a regionally accredited postsecondary institution within a period of 8 academic years before the year in which the student submits an application pursuant to subsection (2) is eligible to participate in the program. The award amount may not exceed the difference between the full cost of attendance and the total of the student's financial aid, excluding loans.

(2)(a) The department shall create a simple, web-based application for any student to identify his or her intent to enroll and complete his or her associate or baccalaureate degree within three academic terms at one or more Florida College System institutions or state universities or through an online competency-based program delivered by a regionally accredited, not-for-profit university.

(b) The department shall refer the student to the intended college or colleges for continued processing of eligibility, feasibility of reverse-transfer, award status, and enrollment. The participating Florida College System institution or state university must determine each referred student's eligibility and report that information to the department on behalf of the student in a format prescribed by the department.

(c) Once each student has successfully passed the course or courses for each term enrolled during the program period, the department shall disburse the funds to the participating institution or university.

(3) Funding for the program specified under this section is contingent upon legislative appropriation.

(4) The State Board of Education and the Board of Governors shall adopt rules and regulations, respectively, to implement this section including, but not limited to, application processes, priority degree fields for award recipients, and reporting processes.

Section 32. Present subsections (3) through (11) of section 1011.80, Florida Statutes, are redesignated as subsections (4) through (12), respectively, a new subsection (3) is added to that section, and paragraph (b) of present subsection (5) is amended, to read:

1011.80 Funds for operation of workforce education programs.—

(3) Each school district and Florida College System institution receiving state appropriations for workforce education programs must maintain adequate and accurate records, including a system to record school district workforce education funding and expenditures, to maintain the separation of postsecondary workforce education expenditures and secondary workforce education expenditures. These records must be submitted to the Department of Education in accordance with rules of the State Board of Education.

(6)~~(5)~~ State funding and student fees for workforce education instruction shall be established as follows:

(b) For all other workforce education programs, state funding shall *be calculated based on a weighted enrollment and program cost minus fee revenues generated to offset program operational costs, including any supplemental cost factors recommended by the District Workforce Education Funding Steering Committee* ~~equal 75 percent of the average cost of instruction with the remaining 25 percent made up from student fees~~. Fees for courses within a program shall not vary according to the cost of the individual program, but instead shall be *as provided in s. 1009.22* ~~based on a uniform fee calculated and set at the state level, as adopted by the State Board of Education~~, unless otherwise specified in the General Appropriations Act.

Section 33. Section 1011.802, Florida Statutes, is created to read:

1011.802 Florida Pathways to Career Opportunities Grant Program.-

(1) Subject to appropriations provided in the General Appropriations Act, the Florida Pathways to Career Opportunities Grant Program is created to provide grants to high schools, career centers, charter technical career centers, Florida College System institutions, and other entities authorized to sponsor an apprenticeship or preapprenticeship program, as defined in s. 446.021, on a competitive basis to establish new apprenticeship or preapprenticeship programs and expand existing apprenticeship or preapprenticeship programs. The Department of Education shall administer the grant program.

(2) Applications must contain projected enrollment and projected costs for the new or expanded apprenticeship program.

(3) The department shall give priority to apprenticeship programs with demonstrated regional demand. Grant funds may be used for instructional equipment, supplies, personnel, student services, and other expenses associated with the creation or expansion of an apprenticeship program. Grant funds may not be used for recurring instructional costs or for indirect costs. Grant recipients must submit quarterly reports in a format prescribed by the department.

(4) The State Board of Education may adopt rules to administer this section.

Section 34. Subsections (1) through (4) of section 1012.57, Florida Statutes, are amended, and subsection (6) is added to that section, to read:

1012.57 Certification of adjunct educators.—

(1) Notwithstanding the provisions of ss. 1012.32, 1012.55, and 1012.56, or any other provision of law or rule to the contrary, district school boards shall adopt rules to allow for the issuance of an adjunct teaching certificate to any applicant who fulfills the requirements of s. 1012.56(2)(a)-(f) and (10) and who has expertise in the subject area to be taught. An applicant shall be considered to have expertise in the subject area to be taught if the applicant demonstrates sufficient subject area mastery through passage of a subject area test. ~~The adjunct teaching certificate shall be used for part-time teaching positions~~.

(2) The Legislature intends that this section allow school districts to tap the wealth of talent and expertise represented in Florida's citizens who may wish to teach ~~part-time~~ in a Florida public school by permitting school districts to issue adjunct certificates to qualified applicants.

(3) Adjunct certificateholders should be used *primarily* as a strategy to enhance the diversity of course offerings offered to all students. School districts may use the expertise of individuals in the state who wish to provide online instruction to students by issuing adjunct certificates to qualified applicants.

(4) Each adjunct teaching certificate is valid through the term of the annual contract between the educator and the school district. An additional annual certification and an additional annual contract may be awarded by the district at the district's discretion but only if the applicant is rated effective or highly effective under s. 1012.34 during each year of teaching under adjunct teaching certification. *A school district may issue an adjunct teaching certificate for a part-time or full-time teaching position; however, an adjunct teaching certificate issued for a full-time teaching position is valid for no more than 3 years and is nonrenewable.*

(6) Each school district shall:

(a) Post requirements on its website for the issuance of an adjunct teaching certificate, which must specify the subject area test through which an applicant demonstrates subject area mastery.

(b) Annually report to the department the number of adjunct teaching certificates issued for part-time teaching positions and full-time teaching positions pursuant to this section.

Section 35. *The Board of Governors shall use its 2019 Accountability Plan in determining a state university's preeminence designation and in distributing awards for the 2019-2020 fiscal year appropriation.*

Section 36. Except as otherwise expressly provided in this act and except for this section, which shall take effect upon this act becoming a law, 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 workforce education; amending s. 446.011, F.S.; revising terminology; amending s. 446.021, F.S.; revising definitions; amending s. 446.032, F.S.; requiring the Department of Education to annually publish a specified report; providing requirements for the report; requiring the department to provide assistance to certain entities in notifying specified persons of apprenticeship and preapprenticeship opportunities; amending s. 446.045, F.S.; revising the membership criteria for certain appointments to the State Apprenticeship Advisory Council; amending s. 446.052, F.S.; revising terminology; amending s. 446.081, F.S.; limiting the applicability of state apprenticeship and job-training program requirements to provisions for veterans, minority persons, and women; amending s. 446.091, F.S.; conforming a provision to changes made by the act; amending s. 446.092, F.S.; revising the criteria for apprenticeship occupations; amending s. 1001.02, F.S.; conforming provisions to changes made by the act; amending s. 1001.43, F.S.; encouraging district school boards to declare an "Academic Scholarship Signing Day" and "College and Career Decision Day" for specified purposes; amending s. 1001.706, F.S.; conforming provisions to changes made by the act; amending s. 1003.41, F.S.; revising Next Generation Sunshine State Standards for financial literacy; removing financial literacy standards as a component of economics; amending s. 1003.4156, F.S.; requiring students to take a career and education planning course for promotion to high school; providing requirements for such course; requiring each student that takes the course to receive an academic and career plan; providing requirements for such plan; amending s. 1003.4282, F.S.; authorizing a student to earn two mathematics credits under certain circumstances; authorizing a credit in computer science to meet specified graduation requirements under certain circumstances; requiring school districts to offer one-half credit in financial literacy as an elective; correcting a cross-reference relating to the federal Elementary and Secondary Education Act (ESEA), as amended by the Every Student Succeeds Act (ESSA); requiring an biennial review of certain courses; revising the requirements for the instructional methodology of certain courses; establishing a career and technical education pathway option to a standard high school diploma; providing requirements for the pathway option; requiring the option to be included in a school district's student progression plan; authorizing adjunct educators to teach courses in the pathway option; amending s. 1003.4285, F.S.; revising the requirements to earn the scholar designation on a standard high school diploma; amending s. 1003.491, F.S.; requiring school districts to provide opportunities for certain students to enroll in specified courses or academies; requiring school districts to provide academic advising to students under certain circumstances; providing requirements for such academic advising; requiring the Commissioner of Education to annually review career and technical offerings in consultation with certain entities for specified purposes; requiring the commissioner to phase out certain career and technical education offerings and encourage specified entities to offer certain programs; creating s. 1004.013, F.S.; establishing the SAIL to 60 Initiative for specified purposes; providing State Board of Education and the Board of Governors responsibilities relating to the initiative; providing Chancellor of the State University System and the Chancellor of the Florida College System responsibilities; amending s. 1004.015, F.S.; renaming the Higher Education Coordinating Council as the Florida Talent Development Council; revising the membership of the council; revising the duties and responsibilities of the council; requiring the council to submit a strategic plan to the Governor and Legislature by a specified date; providing requirements for the strategic plan; requiring the Department of Economic Opportunity to provide administrative support for the council; amending s. 1004.335, F.S.; clarifying that the University of South Florida St. Petersburg and the University of South Florida Sarasota/Manatee are branch campuses; revising the date the Board of Governors will use specified data to determine funding under certain circumstances; requiring the Board of Governors to monitor the implementation of a specified plan; providing requirements for specified campuses to be considered branch campuses; amending s. 1004.6495, F.S.; conforming provisions to changes made by the act; amending s. 1004.935, F.S.; conforming a cross-reference; amending s. 1006.22, F.S.; expanding the circumstances in which motor vehicles may be used for public school transportation; amending s. 1007.23, F.S.; requiring the statewide articulation agreement to provide for a reverse transfer agreement; providing for an associate degree to be awarded to certain students by Florida College System institutions; providing requirements for state universities; creating s. 1007.233, F.S.; requiring certain career centers and Florida College System institutions to submit a career pathways agreement to the Department of Education by a specified date; providing requirements for such agreements; amending s. 1007.25, F.S.; requiring state universities to notify students of the criteria and process for requesting an associate in arts certificate at specified times; amending s. 1007.2616, F.S.; revising types of training for which a school district or a consortium of school districts may apply to the department for funding; conforming provisions to changes made by the act; amending s. 1007.271, F.S.; requiring a career center to enter into an agreement with specified high schools to offer certain courses to high school students; providing requirements for such agreement; amending s. 1008.37, F.S.; revising the date on a required report by the commissioner; amending s. 1008.44, F.S.; increasing the number of CAPE Digital Tool certificates relating to specified subjects that may be included on the CAPE Industry Certification Funding List; amending s. 1009.21, F.S.; conforming provisions to changes made by the act; creating s. 1009.75, F.S.; establishing the Last Mile College Completion Program within the department beginning with a specified academic year; providing the purpose of the program; providing student eligibility requirements relating to the program; requiring the department to create a certain web-based application; providing program requirements; providing for disbursal of award funds; providing that funding for the program is contingent upon

legislative appropriation; requiring the State Board of Education and the Board of Governors to adopt rules and regulations, respectively; amending s. 1011.80, F.S.; requiring certain school districts and Florida College System institutions to maintain certain records; requiring such records be submitted to the department; revising the calculation for fund and fees for certain workforce education programs; creating s. 1011.802, F.S.; creating the Florida Pathways to Career Opportunities Grant Program; providing for funding; providing purpose, requirements, and administration of the program; requiring certain career centers and institutions to provide quarterly reports; authorizing rulemaking; amending s. 1012.57, F.S.; deleting a requirement that the adjunct teaching certificate be used only for part-time teaching positions; authorizing school districts to issue adjunct teaching certificates for part-time and full-time teaching positions; providing limitations on adjunct teaching certificates for full-time positions; providing school district requirements; requiring the Board of Governors to use its 2019 Accountability Plan for specified purposes; providing effective dates.

On motion by Senator Hutson, by two-thirds vote, **CS for HB 7071**, as amended, 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

SB 1494—A bill to be entitled An act relating to small-scale comprehensive plan amendments; amending s. 163.3187, F.S.; removing the acreage limitations that apply to small-scale comprehensive plan amendments; providing an effective date.

—was read the second time by title.

Pending further consideration of **SB 1494**, pursuant to Rule 3.11(3), there being no objection, **HB 6017** was withdrawn from the Committees on Community Affairs; Infrastructure and Security; and Rules.

On motion by Senator Perry—

HB 6017—A bill to be entitled An act relating to small-scale comprehensive plan amendments; amending s. 163.3187, F.S.; removing the acreage limitations that apply to small-scale comprehensive plan amendments; providing an effective date.

—a companion measure, was substituted for **SB 1494** and read the second time by title.

Pursuant to Rule 4.19, **HB 6017** was placed on the calendar of Bills on Third Reading.

CS for CS for SB 1500—A bill to be entitled An act relating to right of entry; amending s. 270.11, F.S.; revising when a local government, a water management district, or an agency of the state is required to sell or release reserved interest in a parcel of land; releasing right of entry reserved by a local government, water management district, or other agency of the state for specified parcels of property; providing an effective date.

—was read the second time by title.

Pending further consideration of **CS for CS for SB 1500**, pursuant to Rule 3.11(3), there being no objection, **CS for CS for HB 767** was withdrawn from the Committees on Environment and Natural Resources; Community Affairs; and Appropriations.

On motion by Senator Simmons—

CS for CS for HB 767—A bill to be entitled An act relating to right of entry; amending s. 270.11, F.S.; releasing right of entry reserved by a local government, water management district, or other agency of the state for specified parcels of property; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 1500** and read the second time by title.

Pursuant to Rule 4.19, **CS for CS for HB 767** was placed on the calendar of Bills on Third Reading.

SB 1570—A bill to be entitled An act relating to information technology reorganization; transferring all powers, duties, functions, records, offices, personnel, associated administrative support positions, property, pending issues and existing contracts, administrative authority, certain administrative rules, trust funds, and unexpended balances of appropriations, allocations, and other funds of the Agency for State Technology to the Department of Management Services by a type two transfer; providing for the continuation of certain contracts and interagency agreements; amending s. 20.22, F.S.; establishing the Division of State Technology within the Department of Management Services to supersede the Technology Program; establishing the position of state chief information officer and providing qualifications thereof; amending s. 20.255, F.S.; removing the expiration for provisions designating the Department of Environmental Protection as the lead agency for geospatial data; authorizing the department to adopt rules for specified purposes; repealing s. 20.61, F.S., relating to the Agency for State Technology; amending s. 112.061, F.S.; authorizing the Department of Management Services to adopt rules for certain purposes; defining the term "statewide travel management system"; specifying reporting requirements for executive branch agencies and the judicial branch through the statewide travel management system; specifying that travel reports on the system may not reveal confidential or exempt information; amending s. 282.003, F.S.; revising a short title; reordering and amending s. 282.0041, F.S.; revising and providing definitions; amending s. 282.0051, F.S.; transferring powers, duties, and functions of the Agency for State Technology to the Department of Management Services and revising such powers, duties, and functions; removing certain project oversight requirements; requiring agency projected costs for data center services to be provided to the Governor and the Legislature on an annual basis; requiring the department to provide certain recommendations; amending s. 282.201, F.S.; transferring the state data center from the Agency for State Technology to the Department of Management Services; requiring the department to appoint a director of the state data center; deleting legislative intent; revising duties of the state data center; requiring the state data center to show preference for cloud-computing solutions in its procurement process; revising the use of the state data center and certain consolidation requirements; removing obsolete language; revising agency limitations; creating s. 282.206, F.S.; providing legislative intent regarding the use of cloud computing; requiring each state agency to adopt formal procedures for cloud-computing options; requiring a state agency to develop, and update annually, a strategic plan for submission to the Governor and the Legislature; specifying requirements for the strategic plan; requiring a state agency customer entity to notify the state data center biannually of changes in anticipated use of state data center services; specifying requirements and limitations as to cloud-computing services for the Department of Law Enforcement; amending s. 282.318, F.S.; requiring the Department of Management Services to appoint a state chief information security officer; revising and specifying requirements for service-level agreements for information technology and information technology resources and services; conforming provisions to changes made by the act; amending ss. 17.0315, 20.055, 97.0525, 110.205, 215.322, 215.96, 287.057, 282.00515, 287.0591, 365.171, 365.172, 365.173, 445.011, 445.045, 668.50, and 943.0415, F.S.; conforming provisions and a cross-reference to changes made by the act; creating the Florida Cybersecurity Task Force; providing for the membership, meeting requirements, and duties of the task force; providing for administrative and staff support; requiring executive branch departments and agencies to cooperate with information requests made by the task

force; providing reporting requirements; providing for expiration of the task force; providing an effective date.

—was read the second time by title.

Pending further consideration of **SB 1570**, pursuant to Rule 3.11(3), there being no objection, **HB 5301** was withdrawn from the Committees on Governmental Oversight and Accountability; Appropriations Subcommittee on Agriculture, Environment, and General Government; and Appropriations.

On motion by Senator Hooper—

HB 5301—A bill to be entitled An act relating to information technology reorganization; transferring all powers, duties, functions, records, offices, personnel, associated administrative support positions, property, pending issues and existing contracts, administrative authority, certain administrative rules, trust funds, and unexpended balances of appropriations, allocations, and other funds of the Agency for State Technology to the Department of Management Services by a type two transfer; providing for the continuation of certain contracts and interagency agreements; amending s. 20.22, F.S.; establishing the Division of State Technology within the Department of Management Services to supersede the Technology Program; establishing the position of state chief information officer and providing qualifications thereof; amending s. 20.255, F.S.; removing the expiration for provisions designating the Department of Environmental Protection as the lead agency for geospatial data; authorizing the department to adopt rules for specified purposes; repealing s. 20.61, F.S., relating to the Agency for State Technology; amending s. 112.061, F.S.; authorizing the Department of Management Services to adopt rules for certain purposes; defining the term “statewide travel management system”; specifying reporting requirements for executive branch agencies and the judicial branch through the statewide travel management system; specifying that travel reports on the system may not reveal confidential or exempt information; amending s. 282.003, F.S.; revising a short title; reordering and amending s. 282.0041, F.S.; revising and providing definitions; amending s. 282.0051, F.S.; transferring powers, duties, and functions of the Agency for State Technology to the Department of Management Services and revising such powers, duties, and functions; removing certain project oversight requirements; requiring agency projected costs for data center services to be provided to the Governor and the Legislature on an annual basis; requiring the department to provide certain recommendations; amending s. 282.201, F.S.; transferring the state data center from the Agency for State Technology to the Department of Management Services; requiring the department to appoint a director of the state data center; deleting legislative intent; revising duties of the state data center; requiring the state data center to show preference for cloud-computing solutions in its procurement process; revising the use of the state data center and certain consolidation requirements; removing obsolete language; revising agency limitations; creating s. 282.206, F.S.; providing legislative intent regarding the use of cloud computing; requiring each state agency to adopt formal procedures for cloud-computing options; requiring a state agency to develop, and update annually, a strategic plan for submission to the Governor and the Legislature; specifying requirements for the strategic plan; requiring a state agency customer entity to notify the state data center biannually of changes in anticipated use of state data center services; specifying requirements and limitations as to cloud-computing services for the Department of Law Enforcement; amending s. 282.318, F.S.; requiring the Department of Management Services to appoint a state chief information security officer; revising and specifying requirements for service-level agreements for information technology and information technology resources and services; conforming provisions to changes made by the act; amending ss. 17.0315, 20.055, 97.0525, 110.205, 215.322, 215.96, 287.057, 282.00515, 287.0591, 365.171, 365.172, 365.173, 445.011, 445.045, 668.50, and 943.0415, F.S.; conforming provisions and a cross-reference to changes made by the act; creating the Florida Cybersecurity Task Force; providing for the membership, meeting requirements, and duties of the task force; providing for administrative and staff support; requiring executive branch departments and agencies to cooperate with information requests made by the task force; providing reporting requirements; providing for expiration of the task force; providing an effective date.

—a companion measure, was substituted for **SB 1570** and read the second time by title.

Pursuant to Rule 4.19, **HB 5301** was placed on the calendar of Bills on Third Reading.

SB 1616—A bill to be entitled An act relating to local government financial reporting; amending ss. 129.03 and 166.241, F.S.; requiring county and municipal budget officers, respectively, to submit certain information to the Office of Economic and Demographic Research within a specified timeframe; requiring adopted budget amendments and final budgets to remain posted on each entity’s official website for a specified period of time; requiring the Office of Economic and Demographic Research to create a form for certain purposes by a specified date; providing an effective date.

—was read the second time by title.

Pending further consideration of **SB 1616**, pursuant to Rule 3.11(3), there being no objection, **HB 861** was withdrawn from the Committees on Community Affairs; Governmental Oversight and Accountability; and Rules.

On motion by Senator Baxley—

HB 861—A bill to be entitled An act relating to local government financial reporting; amending ss. 129.03 and 166.241, F.S.; requiring county and municipal budget officers, respectively, to submit certain information to the Office of Economic and Demographic Research within a specified timeframe; requiring adopted budget amendments and final budgets to remain posted on each entity’s official website for a specified period of time; requiring the Office of Economic and Demographic Research to create a form for certain purposes by a specified date; providing an effective date.

—a companion measure, was substituted for **SB 1616** 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 Rouson moved the following amendment which was adopted:

Amendment 1 (300314) (with title amendment)—Delete lines 109-110 and insert: *the information required by the amendments in this act to sections 129.03 and 166.241, Florida Statutes.*

Section 4. Effective January 1, 2020, 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 5. Effective January 1, 2020, 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.

(a) The term includes the following, and agents of the following:

1. A bank, as defined in s. 658.12(2).

2. A national bank, as defined in s. 658.12(12).

3. A credit union, as defined in s. 657.002(4).

4. An insurance agent, as defined in s. 626.015(3).

5. An insurance agency, as defined in s. 626.015(10).

6. A tax preparation service.

7. A money services business, as defined in s. 560.103(22).

8. An authorized vendor of a money services business, as defined in s. 560.103(3).

9. A law office.

10. An investment adviser, as defined in s. 517.021(14).

11. A financial services provider.

12. A public accounting firm as defined in s. 473.302(7).

(b) 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 6. Effective January 1, 2020, 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 7. Effective January 1, 2020, 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) For a borrower who did have a credit score at the time of the borrower's loan application, the program licensee shall report each such borrower's payment performance to at least one consumer reporting agency. For a borrower who did not have a credit score at the time of the borrower's loan application, the program licensee shall report each such borrower's payment performance to at least two consumer reporting agencies.

(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 8. Effective January 1, 2020, 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.

(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)... re-*

garding 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) REGISTRY OF ACCESS PARTNERS.—A program licensee shall maintain a registry of all access partners and access partner locations that provide services to the program licensee. The program licensee shall provide a copy of the registry to the office at the time the program licensee files its report pursuant to s. 516.46(1), which registry shall not be published by the office in its report pursuant to s. 516.46(2).

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

Section 9. Effective January 1, 2020, 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 10. Effective January 1, 2020, 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 pro-

gram 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 11. *Sections 516.405-516.46, Florida Statutes, are repealed on January 1, 2026, unless reenacted or superseded by another law enacted by the Legislature before that date.*

Section 12. Except as otherwise expressly provided in this act, this act shall take effect upon becoming a law.

And the title is amended as follows:

Delete lines 2-12 and insert: An act relating to responsible finance; amending ss. 129.03 and 166.241, F.S.; requiring county and municipal budget officers, respectively, to submit certain information to the Office of Economic and Demographic Research within a specified timeframe; requiring adopted budget amendments and final budgets to remain posted on each entity's official website for a specified period of time; requiring the Office of Economic and Demographic Research to create a form for certain purposes by a specified date; 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 consumer reporting agencies; 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 requirements 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 program licensees to maintain a registry of all access partners and access partner locations that provide services to the program licensees; requiring program licensees to provide a copy of the registry to the office by a certain time; prohibiting the office from publishing the registry in its report; 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 effective dates.

Pursuant to Rule 4.19, **HB 861**, as amended, was placed on the calendar of Bills on Third Reading.

CS for SB 1690—A bill to be entitled An act relating to warranty associations; amending s. 634.3077, F.S.; revising the basis for calculating the required assets in a home warranty association's premium

reserve account; requiring that such reserve account be a separate auditable account for contracts in force in this state; requiring certain home warranty associations to comply with other states' laws; creating s. 634.346, F.S.; prohibiting home warranties from excluding coverage because of the presence of rust or corrosion, except under certain circumstances; specifying requirements for certain home warranties providing coverage for HVAC system components; amending s. 634.406, F.S.; revising the basis for calculating the required assets in a service warranty association's premium reserve account; requiring that such reserve account be a separate auditable account for contracts in force in this state; revising the basis for calculating a certain reserve deposit with the Department of Financial Services; revising the requirements regarding the ratio of gross written premiums to net assets for service warranties; requiring certain service warranty associations to comply with other states' laws; providing effective dates.

—was read the second time by title.

Pending further consideration of **CS for SB 1690**, pursuant to Rule 3.11(3), there being no objection, **CS for HB 925** was withdrawn from the Committees on Banking and Insurance; Commerce and Tourism; and Rules.

On motion by Senator Broxson—

CS for HB 925—A bill to be entitled An act relating to warranty associations; amending s. 634.3077, F.S.; revising the basis for calculating the required assets in a home warranty association's premium reserve account; requiring that such reserve account be a separate auditable account; requiring home warranty associations to comply with other states' laws; creating s. 634.346, F.S.; prohibiting home warranties from excluding coverage because of the presence of rust or corrosion, except under certain circumstances; specifying requirements for certain home warranties providing coverage for HVAC system components; amending s. 634.406, F.S.; revising the basis for calculating the required assets in a service warranty association's premium reserve account; requiring that such reserve account be a separate auditable account; revising the basis for calculating a certain reserve deposit with the Department of Financial Services; revising the requirements regarding the ratio of gross written premiums to net assets for service warranties; requiring service warranty associations to comply with other states' laws; providing effective dates.

—a companion measure, was substituted for **CS for SB 1690** and read the second time by title.

Pursuant to Rule 4.19, **CS for HB 925** was placed on the calendar of Bills on Third Reading.

CS for CS for CS for SB 1730—A bill to be entitled An act relating to community development and housing; amending s. 125.01055, F.S.; authorizing an inclusionary housing ordinance to require a developer to provide a specified number or percentage of affordable housing units to be included in a development or allow a developer to contribute to a housing fund or other alternatives; requiring a county to provide certain incentives to fully offset all costs to the developer of its affordable housing contribution; amending s. 125.022, F.S.; requiring that a county review the application for completeness and issue a certain letter within a specified period after receiving an application for approval of a development permit or development order; providing procedures for addressing deficiencies in, and for approving or denying, the application; conforming provisions to changes made by the act; defining the term "development order"; amending s. 163.3167, F.S.; providing requirements for a comprehensive plan adopted after a specified date and all land development regulations adopted to implement the comprehensive plan; amending s. 163.3180, F.S.; revising compliance requirements for a mobility fee-based funding system; requiring a local government to credit certain contributions, constructions, expansions, or payments toward any other impact fee or exaction imposed by local ordinance for public educational facilities; providing requirements for the basis of the credit; amending s. 163.31801, F.S.; adding minimum conditions that certain impact fees must satisfy; requiring a local government to credit against the collection of an impact fee any contribution related to public education facilities, subject to certain requirements; requiring the holder of certain impact fee credits to be entitled to a proportionate increase in the credit balance if a local government increases its impact fee rates; providing that the government, in certain actions, has the burden of proving by a preponderance of the evidence that the imposition or amount of certain required dollar-for-dollar credits for the payment of impact fees meets certain requirements; prohibiting the court from using a deferential standard for the benefit of the government; authorizing a county, municipality, or special district to provide an exception or waiver for an impact fee for the development or construction of housing that is affordable; providing that if a county, municipality, or special district provides such an exception or waiver, it is not required to use any revenues to offset the impact; providing applicability; amending s. 163.3202, F.S.; requiring local land development regulations to incorporate certain preexisting development orders; amending s. 166.033, F.S.; requiring that a municipality review the application for completeness and issue a certain letter within a specified period after receiving an application for approval of a development permit or development order; providing procedures for addressing deficiencies in, and for approving or denying, the application; conforming provisions to changes made by the act; defining the term "development order"; amending s. 166.04151, F.S.; authorizing an inclusionary housing ordinance to require a developer to provide a specified number or percentage of affordable housing units to be included in a development or allow a developer to contribute to a housing fund or other alternatives; requiring a municipality to provide certain incentives to fully offset all costs to the developer of its affordable housing contribution; amending s. 494.001, F.S.; revising the definition of the term "mortgage loan"; providing an effective date.

—was read the second time by title.

Pending further consideration of **CS for CS for CS for SB 1730**, pursuant to Rule 3.11(3), there being no objection, **CS for CS for HB 7103** was withdrawn from the Committees on Community Affairs; and Rules.

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

CS for CS for HB 7103—A bill to be entitled An act relating to property development; amending s. 125.01055, F.S.; prohibiting a county from adopting or imposing a requirement in any form relating to affordable housing which has specified effects; providing an exception; providing construction; amending s. 125.022, F.S.; requiring that a county review certain applications for completeness and issue a certain letter within a specified time period after receiving an application for approval of a development permit or development order; providing procedures for addressing deficiencies in, and for approving or denying, the application; authorizing parties to request and extend the time periods; providing an exception to the required time periods; conforming provisions to changes made by the act; defining the term "development order"; amending s. 166.033, F.S.; requiring that a municipality review the application for completeness and issue a certain letter within a specified period after receiving an application for approval of a development permit or development order; providing procedures for addressing deficiencies in, and for approving or denying, the application; authorizing parties to request and extend the time periods; providing an exception to the required time periods; conforming provisions to changes made by the act; defining the term "development order"; amending s. 166.04151, F.S.; prohibiting a municipality from adopting or imposing a requirement in any form relating to affordable housing which has specified effects; providing an exception; providing construction; amending s. 166.045, F.S.; prohibiting a municipality from purchasing specified real properties under certain circumstances; amending s. 171.042, F.S.; prohibiting a municipality from annexing specified areas under certain circumstances; amending s. 163.3167, F.S.; requiring certain comprehensive plans to incorporate and comply with the terms of existing development orders; amending s. 163.3202, F.S.; requiring local land development regulations to incorporate certain existing development orders; amending s. 163.3180, F.S.; revising the requirements for a valid mobility fee-based funding system; requiring a local government to credit certain contributions, constructions, expansions, or payments toward any other impact fee or exaction imposed by local ordinance for public educational facilities; providing requirements for the basis of the credit; amending s. 163.31801, F.S.; providing minimum requirements to be satisfied by certain entities before adopting an impact fee; requiring local government to credit against the collection of impact fees certain contributions related to public education facilities; specifying the calculation; requiring a local government to increase certain impact fee credits previously awarded if it increases its impact fee rates; authorizing a county, municipality, or special district to provide certain exemptions or waivers of impact fees in certain circum-

stances; exempting water and sewer connection fees from the Florida Impact Fee Act; amending s. 163.3215, F.S.; specifying use of summary procedure in certain development order cases; amending s. 252.363, F.S.; revising the circumstances under which a state of emergency declaration tolls and extends the remaining period for certain permits and authorizations; amending s. 420.502, F.S.; providing legislative intent; amending s. 420.503, F.S.; defining the term "essential services personnel"; amending s. 420.5095, F.S.; removing the definition of the term "essential services personnel"; amending s. 553.791, F.S.; providing and revising definitions; providing legislative intent regarding the payment of reduced fees for certain owners and contractors under certain circumstances; prohibiting a local jurisdiction from charging fees for certain building inspections; revising the timeframe an owner or contractor must notify the building official that he or she is using a private provider; revising the type of affidavit form to be used by private providers under certain circumstances; revising the timeframe within which a building official has to approve or deny a permit application; limiting a building official's review of a resubmitted permit application to previously identified deficiencies; authorizing a contractor to petition the circuit court to enforce the terms of certain building code inspection service laws; limiting the number of times a building official may audit a private provider, with exceptions; providing an effective date.

—a companion measure, was substituted for **CS for CS for CS for SB 1730** and read the second time by title.

Senator Lee moved the following amendment:

Amendment 1 (155860) (with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Section 125.01055, Florida Statutes, is amended to read:

125.01055 Affordable housing.—

(1) Notwithstanding any other provision of law, a county may adopt and maintain in effect any law, ordinance, rule, or other measure that is adopted for the purpose of increasing the supply of affordable housing using land use mechanisms such as inclusionary housing ordinances.

(2) An inclusionary housing ordinance may require a developer to provide a specified number or percentage of affordable housing units to be included in a development or allow a developer to contribute to a housing fund or other alternatives in lieu of building the affordable housing units. However, in exchange, a county must provide incentives to fully offset all costs to the developer of its affordable housing contribution. Such incentives may include, but are not limited to:

(a) Allowing the developer density or intensity bonus incentives or more floor space than allowed under the current or proposed future land use designation or zoning;

(b) Reducing or waiving fees, such as impact fees or water and sewer charges; or

(c) Granting other incentives.

(3) Subsection (2) does not apply in an area of critical state concern, as designated in s. 380.0552.

Section 2. Section 125.022, Florida Statutes, is amended to read:

125.022 Development permits *and orders*.—

(1) Within 30 days after receiving an application for approval of a development permit or development order, a county must review the application for completeness and issue a letter indicating that all required information is submitted or specifying with particularity any areas that are deficient. If the application is deficient, the applicant has 30 days to address the deficiencies by submitting the required additional information. Within 120 days after the county has deemed the application complete, or 180 days for applications that require final action through a quasi-judicial hearing or a public hearing, the county must approve, approve with conditions, or deny the application for a development permit or development order. Both parties may agree to a reasonable request for an extension of time, particularly in the event of a force majeure or other extraordinary circumstance. An approval, approval with conditions, or denial of the application for a development permit or development order must include written findings supporting the county's decision. The timeframes contained in this subsection do not apply in an area of critical state concern, as designated in s. 380.0552.

(2)~~(1)~~ When reviewing an application for a development permit *or development order* that is certified by a professional listed in s. 403.0877, a county may not request additional information from the applicant more than three times, unless the applicant waives the limitation in writing. Before a third request for additional information, the applicant must be offered a meeting to attempt to resolve outstanding issues. Except as provided in subsection *(5)* ~~(4)~~, if the applicant believes the request for additional information is not authorized by ordinance, rule, statute, or other legal authority, the county, at the applicant's request, shall proceed to process the application for approval or denial.

(3)~~(2)~~ When a county denies an application for a development permit *or development order*, the county shall give written notice to the applicant. The notice must include a citation to the applicable portions of an ordinance, rule, statute, or other legal authority for the denial of the permit *or order*.

(4)~~(3)~~ As used in this section, the *terms* ~~term~~ "development permit" *and "development order" have* ~~has~~ the same meaning as in s. 163.3164, but *do* ~~does~~ not include building permits.

(5)~~(4)~~ For any development permit application filed with the county after July 1, 2012, a county may not require as a condition of processing or issuing a development permit *or development order* that an applicant obtain a permit or approval from any state or federal agency unless the agency has issued a final agency action that denies the federal or state permit before the county action on the local development permit.

(6)~~(5)~~ Issuance of a development permit *or development order* by a county does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the county for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. A county shall attach such a disclaimer to the issuance of a development permit and shall include a permit condition that all other applicable state or federal permits be obtained before commencement of the development.

(7)~~(6)~~ This section does not prohibit a county from providing information to an applicant regarding what other state or federal permits may apply.

Section 3. Subsection (3) of section 163.3167, Florida Statutes, is amended to read:

163.3167 Scope of act.—

(3) A municipality established after the effective date of this act shall, within 1 year after incorporation, establish a local planning agency, pursuant to s. 163.3174, and prepare and adopt a comprehensive plan of the type and in the manner set out in this act within 3 years after the date of such incorporation. A county comprehensive plan *is* ~~shall be deemed~~ controlling until the municipality adopts a comprehensive plan in *accordance* ~~accord~~ with this act. *A comprehensive plan adopted after January 1, 2019, and all land development regulations adopted to implement the comprehensive plan must incorporate each development order existing before the comprehensive plan's effective date, may not impair the completion of a development in accordance with such existing development order, and must vest the density and intensity approved by such development order existing on the effective date of the comprehensive plan without limitation or modification.*

Section 4. Paragraph (i) of subsection (5) and paragraph (h) of subsection (6) of section 163.3180, Florida Statutes, are amended to read:

163.3180 Concurrency.—

(5)

(i) If a local government elects to repeal transportation concurrency, it is encouraged to adopt an alternative mobility funding system that uses one or more of the tools and techniques identified in paragraph (f). Any alternative mobility funding system adopted may not be used to deny, time, or phase an application for site plan approval, plat approval,

final subdivision approval, building permits, or the functional equivalent of such approvals provided that the developer agrees to pay for the development's identified transportation impacts via the funding mechanism implemented by the local government. The revenue from the funding mechanism used in the alternative system must be used to implement the needs of the local government's plan which serves as the basis for the fee imposed. A mobility fee-based funding system must comply with *s. 163.31801 governing* ~~the dual rational nexus test applicable to~~ impact fees. An alternative system that is not mobility fee-based shall not be applied in a manner that imposes upon new development any responsibility for funding an existing transportation deficiency as defined in paragraph (h).

(6)

(h)1. In order to limit the liability of local governments, a local government may allow a landowner to proceed with development of a specific parcel of land notwithstanding a failure of the development to satisfy school concurrency, if all the following factors are shown to exist:

a. The proposed development would be consistent with the future land use designation for the specific property and with pertinent portions of the adopted local plan, as determined by the local government.

b. The local government's capital improvements element and the school board's educational facilities plan provide for school facilities adequate to serve the proposed development, and the local government or school board has not implemented that element or the project includes a plan that demonstrates that the capital facilities needed as a result of the project can be reasonably provided.

c. The local government and school board have provided a means by which the landowner will be assessed a proportionate share of the cost of providing the school facilities necessary to serve the proposed development.

2. If a local government applies school concurrency, it may not deny an application for site plan, final subdivision approval, or the functional equivalent for a development or phase of a development authorizing residential development for failure to achieve and maintain the level-of-service standard for public school capacity in a local school concurrency management system where adequate school facilities will be in place or under actual construction within 3 years after the issuance of final subdivision or site plan approval, or the functional equivalent. School concurrency is satisfied if the developer executes a legally binding commitment to provide mitigation proportionate to the demand for public school facilities to be created by actual development of the property, including, but not limited to, the options described in sub-subparagraph a. Options for proportionate-share mitigation of impacts on public school facilities must be established in the comprehensive plan and the interlocal agreement pursuant to s. 163.31777.

a. Appropriate mitigation options include the contribution of land; the construction, expansion, or payment for land acquisition or construction of a public school facility; the construction of a charter school that complies with the requirements of s. 1002.33(18); or the creation of mitigation banking based on the construction of a public school facility in exchange for the right to sell capacity credits. Such options must include execution by the applicant and the local government of a development agreement that constitutes a legally binding commitment to pay proportionate-share mitigation for the additional residential units approved by the local government in a development order and actually developed on the property, taking into account residential density allowed on the property prior to the plan amendment that increased the overall residential density. The district school board must be a party to such an agreement. As a condition of its entry into such a development agreement, the local government may require the landowner to agree to continuing renewal of the agreement upon its expiration.

b. If the interlocal agreement and the local government comprehensive plan authorize a contribution of land; the construction, expansion, or payment for land acquisition; the construction or expansion of a public school facility, or a portion thereof; or the construction of a charter school that complies with the requirements of s. 1002.33(18), as proportionate-share mitigation, the local government shall credit such a contribution, construction, expansion, or payment toward any other impact fee or exaction imposed by local ordinance for *public educational facilities* ~~the same need~~, on a dollar-for-dollar basis at fair market value. *The credit must be based on the total impact fee assessed and not on the impact fee for any particular type of school.*

c. Any proportionate-share mitigation must be directed by the school board toward a school capacity improvement identified in the 5-year school board educational facilities plan that satisfies the demands created by the development in accordance with a binding developer's agreement.

3. This paragraph does not limit the authority of a local government to deny a development permit or its functional equivalent pursuant to its home rule regulatory powers, except as provided in this part.

Section 5. Section 163.31801, Florida Statutes, is amended to read:

163.31801 Impact fees; short title; intent; *minimum requirements; audits; challenges* ~~definitions; ordinances levying impact fees.~~—

(1) This section may be cited as the "Florida Impact Fee Act."

(2) The Legislature finds that impact fees are an important source of revenue for a local government to use in funding the infrastructure necessitated by new growth. The Legislature further finds that impact fees are an outgrowth of the home rule power of a local government to provide certain services within its jurisdiction. Due to the growth of impact fee collections and local governments' reliance on impact fees, it is the intent of the Legislature to ensure that, when a county or municipality adopts an impact fee by ordinance or a special district adopts an impact fee by resolution, the governing authority complies with this section.

(3) *At a minimum,* an impact fee adopted by ordinance of a county or municipality or by resolution of a special district must *satisfy all of the following conditions*~~, at minimum~~:

(a) ~~Require that~~ The calculation of the impact fee *must* be based on the most recent and localized data.

(b) *The local government must* provide for accounting and reporting of impact fee collections and expenditures. If a local governmental entity imposes an impact fee to address its infrastructure needs, the entity *must* ~~shall~~ account for the revenues and expenditures of such impact fee in a separate accounting fund.

(c) ~~Limit~~ Administrative charges for the collection of impact fees *must be limited* to actual costs.

(d) *The local government must provide* ~~Require that~~ notice *not* ~~be provided no~~ less than 90 days before the effective date of an ordinance or resolution imposing a new or increased impact fee. A county or municipality is not required to wait 90 days to decrease, suspend, or eliminate an impact fee.

(e) Collection of the impact fee may not be required to occur earlier than the date of issuance of the building permit for the property that is subject to the fee.

(f) The impact fee must be proportional and reasonably connected to, or have a rational nexus with, the need for additional capital facilities and the increased impact generated by the new residential or commercial construction.

(g) The impact fee must be proportional and reasonably connected to, or have a rational nexus with, the expenditures of the funds collected and the benefits accruing to the new residential or nonresidential construction.

(h) The local government must specifically earmark funds collected under the impact fee for use in acquiring, constructing, or improving capital facilities to benefit new users.

(i) Revenues generated by the impact fee may not be used, in whole or in part, to pay existing debt or for previously approved projects unless the expenditure is reasonably connected to, or has a rational nexus with, the increased impact generated by the new residential or nonresidential construction.

(4) The local government must credit against the collection of the impact fee any contribution, whether identified in a proportionate share

agreement or other form of exaction, related to public education facilities, including land dedication, site planning and design, or construction. Any contribution must be applied to reduce any education-based impact fees on a dollar-for-dollar basis at fair market value.

(5) If a local government increases its impact fee rates, the holder of any impact fee credits, whether such credits are granted under s. 163.3180, s. 380.06, or otherwise, which were in existence before the increase, is entitled to the full benefit of the intensity or density prepaid by the credit balance as of the date it was first established. This subsection shall operate prospectively and not retrospectively.

(6)~~(4)~~ Audits of financial statements of local governmental entities and district school boards which are performed by a certified public accountant pursuant to s. 218.39 and submitted to the Auditor General must include an affidavit signed by the chief financial officer of the local governmental entity or district school board stating that the local governmental entity or district school board has complied with this section.

(7)~~(5)~~ In any action challenging an impact fee *or the government's failure to provide required dollar-for-dollar credits for the payment of impact fees as provided in s. 163.3180(6)(h)2.b.*, the government has the burden of proving by a preponderance of the evidence that the imposition or amount of the fee *or credit* meets the requirements of state legal precedent *and* ~~or~~ this section. The court may not use a deferential standard *for the benefit of the government*.

(8) A county, municipality, or special district may provide an exception or waiver for an impact fee for the development or construction of housing that is affordable, as defined in s. 420.9071. If a county, municipality, or special district provides such an exception or waiver, it is not required to use any revenues to offset the impact.

(9) This section does not apply to water and sewer connection fees.

Section 6. Paragraph (j) is added to subsection (2) of section 163.3202, Florida Statutes, to read:

163.3202 Land development regulations.—

(2) Local land development regulations shall contain specific and detailed provisions necessary or desirable to implement the adopted comprehensive plan and shall at a minimum:

(j) Incorporate preexisting development orders identified pursuant to s. 163.3167(3).

Section 7. Section 166.033, Florida Statutes, is amended to read:

166.033 Development permits *and orders*.—

(1) Within 30 days after receiving an application for approval of a development permit or development order, a municipality must review the application for completeness and issue a letter indicating that all required information is submitted or specifying with particularity any areas that are deficient. If the application is deficient, the applicant has 30 days to address the deficiencies by submitting the required additional information. Within 120 days after the municipality has deemed the application complete, or 180 days for applications that require final action through a quasi-judicial hearing or a public hearing, the municipality must approve, approve with conditions, or deny the application for a development permit or development order. Both parties may agree to a reasonable request for an extension of time, particularly in the event of a force majeure or other extraordinary circumstance. An approval, approval with conditions, or denial of the application for a development permit or development order must include written findings supporting the municipality's decision. The timeframes contained in this subsection do not apply in an area of critical state concern, as designated in s. 380.0552 or chapter 28-36, Florida Administrative Code.

(2)~~(1)~~ When reviewing an application for a development permit *or development order* that is certified by a professional listed in s. 403.0877, a municipality may not request additional information from the applicant more than three times, unless the applicant waives the limitation in writing. Before a third request for additional information, the applicant must be offered a meeting to attempt to resolve outstanding issues. Except as provided in subsection *(5)* ~~(4)~~, if the applicant believes the request for additional information is not authorized by ordinance, rule, statute, or other legal authority, the municipality, at the applicant's request, shall proceed to process the application for approval or denial.

(3)~~(2)~~ When a municipality denies an application for a development permit *or development order*, the municipality shall give written notice to the applicant. The notice must include a citation to the applicable portions of an ordinance, rule, statute, or other legal authority for the denial of the permit *or order*.

(4)~~(3)~~ As used in this section, the *terms* ~~term~~ "development permit" *and "development order" have* ~~has~~ the same meaning as in s. 163.3164, but *do* ~~does~~ not include building permits.

(5)~~(4)~~ For any development permit application filed with the municipality after July 1, 2012, a municipality may not require as a condition of processing or issuing a development permit *or development order* that an applicant obtain a permit or approval from any state or federal agency unless the agency has issued a final agency action that denies the federal or state permit before the municipal action on the local development permit.

(6)~~(5)~~ Issuance of a development permit *or development order* by a municipality does not ~~in any way~~ create any right on the part of an applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the municipality for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. A municipality shall attach such a disclaimer to the issuance of development permits and shall include a permit condition that all other applicable state or federal permits be obtained before commencement of the development.

(7)~~(6)~~ This section does not prohibit a municipality from providing information to an applicant regarding what other state or federal permits may apply.

Section 8. Section 166.04151, Florida Statutes, is amended to read:

166.04151 Affordable housing.—

(1) Notwithstanding any other provision of law, a municipality may adopt and maintain in effect any law, ordinance, rule, or other measure that is adopted for the purpose of increasing the supply of affordable housing using land use mechanisms such as inclusionary housing ordinances.

(2) An inclusionary housing ordinance may require a developer to provide a specified number or percentage of affordable housing units to be included in a development or allow a developer to contribute to a housing fund or other alternatives in lieu of building the affordable housing units. However, in exchange, a municipality must provide incentives to fully offset all costs to the developer of its affordable housing contribution. Such incentives may include, but are not limited to:

(a) Allowing the developer density or intensity bonus incentives or more floor space than allowed under the current or proposed future land use designation or zoning;

(b) Reducing or waiving fees, such as impact fees or water and sewer charges; or

(c) Granting other incentives.

(3) Subsection (2) does not apply in an area of critical state concern, as designated by s. 380.0552 or chapter 28-36, Florida Administrative Code.

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

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to community development and housing; amending s. 125.01055, F.S.; authorizing an inclusionary housing ordinance to require a developer to provide a specified number or percentage of affordable housing units to be included in a development or allow a developer to contribute to a housing fund or other alternatives; requiring a county to provide certain incentives to fully offset all costs to the developer of its affordable housing contribution; providing applica-

bility; amending s. 125.022, F.S.; requiring that a county review the application for completeness and issue a certain letter within a specified period after receiving an application for approval of a development permit or development order; providing procedures for addressing deficiencies in, and for approving or denying, the application; providing applicability of certain timeframes; conforming provisions to changes made by the act; defining the term "development order"; amending s. 163.3167, F.S.; providing requirements for a comprehensive plan adopted after a specified date and all land development regulations adopted to implement the comprehensive plan; amending s. 163.3180, F.S.; revising compliance requirements for a mobility fee-based funding system; requiring a local government to credit certain contributions, constructions, expansions, or payments toward any other impact fee or exaction imposed by local ordinance for public educational facilities; providing requirements for the basis of the credit; amending s. 163.31801, F.S.; adding minimum conditions that certain impact fees must satisfy; requiring a local government to credit against the collection of an impact fee any contribution related to public education facilities, subject to certain requirements; requiring the holder of certain impact fee credits to be entitled to a certain benefit if a local government increases its impact fee rates; providing applicability; providing that the government, in certain actions, has the burden of proving by a preponderance of the evidence that the imposition or amount of certain required dollar-for-dollar credits for the payment of impact fees meets certain requirements; prohibiting the court from using a deferential standard for the benefit of the government; authorizing a county, municipality, or special district to provide an exception or waiver for an impact fee for the development or construction of housing that is affordable; providing that if a county, municipality, or special district provides such exception or waiver, it is not required to use any revenues to offset the impact; providing applicability; amending s. 163.3202, F.S.; requiring local land development regulations to incorporate certain preexisting development orders; amending s. 166.033, F.S.; requiring that a municipality review the application for completeness and issue a certain letter within a specified period after receiving an application for approval of a development permit or development order; providing procedures for addressing deficiencies in, and for approving or denying, the application; providing applicability of certain timeframes; conforming provisions to changes made by the act; defining the term "development order"; amending s. 166.04151, F.S.; authorizing an inclusionary housing ordinance to require a developer to provide a specified number or percentage of affordable housing units to be included in a development or allow a developer to contribute to a housing fund or other alternatives; requiring a municipality to provide certain incentives to fully offset all costs to the developer of its affordable housing contribution; providing applicability; providing an effective date.

Senator Brandes moved the following amendment to **Amendment 1 (155860)** which was adopted:

Amendment 1A (168742) (with title amendment)—Between lines 319 and 320 insert:

Section 7. Subsection (8) of section 163.3215, Florida Statutes, is amended to read:

163.3215 Standing to enforce local comprehensive plans through development orders.—

(8)*(a)* In any proceeding under subsection (3)*, either party is entitled to the summary procedure provided in s. 51.011, and the court shall advance the cause on the calendar, subject to paragraph (b)* ~~or subsection (4), the Department of Legal Affairs may intervene to represent the interests of the state~~.

(b) Upon a showing by either party by clear and convincing evidence that summary procedure is inappropriate, the court may determine that summary procedure does not apply.

(c) The prevailing party in a challenge to a development order filed under subsection (3) is entitled to recover reasonable attorney fees and costs incurred in challenging or defending the order, including reasonable appellate attorney fees and costs.

And the title is amended as follows:

Delete line 475 and insert: certain preexisting development orders; amending s. 163.3215, F.S.; providing that either party is entitled to a certain summary procedure in certain proceedings; requiring the court to advance such cause on the calendar, subject to certain requirements; providing that the prevailing party in a certain challenge to a development order is entitled to certain attorney fees and costs; amending s.

Senator Flores moved the following amendment to **Amendment 1 (155860)** which was adopted:

Amendment 1B (518504) (with title amendment)—Between lines 413 and 414 insert:

Section 9. Subsection (8) of section 420.502, Florida Statutes, is amended to read:

420.502 Legislative findings.—It is hereby found and declared as follows:

(8)*(a)* It is necessary to create new programs to stimulate the construction and substantial rehabilitation of rental housing for eligible persons and families.

(b) It is necessary to create a state housing finance strategy to provide affordable workforce housing opportunities to essential services personnel in areas of critical state concern designated under s. 380.05, for which the Legislature has declared its intent to provide affordable housing, and areas that were designated as areas of critical state concern for at least 20 consecutive years before removal of the designation. The lack of affordable workforce housing has been exacerbated by the dwindling availability of developable land, environmental constraints, rising construction and insurance costs, and the shortage of lower-cost housing units. As this state's population continues to grow, essential services personnel vital to the economies of areas of critical state concern are unable to live in the communities where they work, creating transportation congestion and hindering their quality of life and community engagement.

Section 10. Present subsections (18) through (42) of section 420.503, Florida Statutes, are redesignated as subsections (19) through (43), respectively, a new subsection (18) is added to that section, and subsection (15) of that section is amended, to read:

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

(15) "Elderly" means persons 62 years of age or older; however, this definition does not prohibit housing from being deemed housing for the elderly as defined in subsection *(20)* ~~(19)~~ if such housing otherwise meets the requirements of subsection *(20)* ~~(19)~~.

(18) "Essential services personnel" means natural persons or families whose total annual household income is at or below 120 percent of the area median income, adjusted for household size, and at least one of whom is employed as police or fire personnel, a child care worker, a teacher or other education personnel, health care personnel, a public employee, or a service worker.

Section 11. Subsection (3) of section 420.5095, Florida Statutes, is amended to read:

420.5095 Community Workforce Housing Innovation Pilot Program.—

(3) For purposes of this section, the term:

(a) "Workforce housing" means housing affordable to natural persons or families whose total annual household income does not exceed 140 percent of the area median income, adjusted for household size, or 150 percent of area median income, adjusted for household size, in areas of critical state concern designated under s. 380.05, for which the Legislature has declared its intent to provide affordable housing, and areas that were designated as areas of critical state concern for at least 20 consecutive years prior to removal of the designation.

(b) ~~"Essential services personnel" means persons in need of affordable housing who are employed in occupations or professions in which they are considered essential services personnel, as defined by each county and eligible municipality within its respective local housing assistance plan pursuant to s. 420.9075(3)(a).~~

~~(e)~~ "Public-private partnership" means any form of business entity that includes substantial involvement of at least one county, one municipality, or one public sector entity, such as a school district or other unit of local government in which the project is to be located, and at least one private sector for-profit or not-for-profit business or charitable entity, and may be any form of business entity, including a joint venture or contractual agreement.

And the title is amended as follows:

Between lines 493 and 494 insert: amending s. 420.502, F.S.; revising legislative findings for a certain state housing finance strategy; amending s. 420.503, F.S.; conforming cross-references; defining the term "essential services personnel"; amending s. 420.5095, F.S.; deleting the definition of the term "essential services personnel";

Senator Lee moved the following amendments to **Amendment 1 (155860)** which were adopted:

Amendment 1C (113718) (with title amendment)—Between lines 413 and 414 insert:

Section 9. Paragraph (a) of subsection (1) of section 252.363, Florida Statutes, is amended to read:

252.363 Tolling and extension of permits and other authorizations.—

(1)(a) The declaration of a state of emergency *issued* by the Governor *for a natural emergency* tolls the period remaining to exercise the rights under a permit or other authorization for the duration of the emergency declaration. Further, the emergency declaration extends the period remaining to exercise the rights under a permit or other authorization for 6 months in addition to the tolled period. This paragraph applies to the following:

1. The expiration of a development order issued by a local government.

2. The expiration of a building permit.

3. The expiration of a permit issued by the Department of Environmental Protection or a water management district pursuant to part IV of chapter 373.

4. The buildout date of a development of regional impact, including any extension of a buildout date that was previously granted as specified in s. 380.06(7)(c).

And the title is amended as follows:

Between lines 493 and 494 insert: amending s. 252.363, F.S.; providing that the declaration of a state of emergency issued by the Governor for a natural emergency tolls the period remaining to exercise the rights under a permit or other authorization for the duration of the emergency declaration;

Amendment 1D (465196) (with title amendment)—Between lines 413 and 414 insert:

Section 9. Subsection (1), paragraph (b) of subsection (2), and subsections (4) through (7) and (18) of section 553.791, Florida Statutes, are amended to read:

553.791 Alternative plans review and inspection.—

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

(a) "Applicable codes" means the Florida Building Code and any local technical amendments to the Florida Building Code but does not include the applicable minimum fire prevention and firesafety codes adopted pursuant to chapter 633.

(b) "Audit" means the process to confirm that the building code inspection services have been performed by the private provider, including ensuring that the required affidavit for the plan review has been properly completed and affixed to the permit documents and that the minimum mandatory inspections required under the building code have been performed and properly recorded. The ~~term does not mean that the~~ local building official *may not* ~~is required to~~ replicate the plan review or inspection being performed by the private provider*, unless expressly authorized by this section*.

(c) "Building" means any construction, erection, alteration, demolition, or improvement of, or addition to, any structure *or site work* for which permitting by a local enforcement agency is required.

(d) "Building code inspection services" means those services described in s. 468.603(5) and (8) involving the review of building plans *as well as those services involving the review of site plans and site work engineering plans or their functional equivalent,* to determine compliance with applicable codes and those inspections required by law of each phase of construction for which permitting by a local enforcement agency is required to determine compliance with applicable codes.

(e) "Duly authorized representative" means an agent of the private provider identified in the permit application who reviews plans or performs inspections as provided by this section and who is licensed as an engineer under chapter 471 or as an architect under chapter 481 or who holds a standard certificate under part XII of chapter 468.

(f) "Immediate threat to public safety and welfare" means a building code violation that, if allowed to persist, constitutes an immediate hazard that could result in death, serious bodily injury, or significant property damage. This paragraph does not limit the authority of the local building official to issue a Notice of Corrective Action at any time during the construction of a building project or any portion of such project if the official determines that a condition of the building or portion thereof may constitute a hazard when the building is put into use following completion as long as the condition cited is shown to be in violation of the building code or approved plans.

(g) "Local building official" means the individual within the governing jurisdiction responsible for direct regulatory administration or supervision of plans review, enforcement, and inspection of any construction, erection, alteration, demolition, or substantial improvement of, or addition to, any structure for which permitting is required to indicate compliance with applicable codes and includes any duly authorized designee of such person.

(h) "Permit application" means a properly completed and submitted application for the requested building or construction permit, including:

1. The plans reviewed by the private provider.

2. The affidavit from the private provider required under subsection (6).

3. Any applicable fees.

4. Any documents required by the local building official to determine that the fee owner has secured all other government approvals required by law.

(i) "Plans" means building plans, site engineering plans, or site plans, or their functional equivalent, submitted by a fee owner or fee owner's contractor to a private provider or duly authorized representative for review.

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

(k)~~(j)~~ "Request for certificate of occupancy or certificate of completion" means a properly completed and executed application for:

1. A certificate of occupancy or certificate of completion.

2. A certificate of compliance from the private provider required under subsection (11).

3. Any applicable fees.

4. Any documents required by the local building official to determine that the fee owner has secured all other government approvals required by law.

(l) "Site work" means the portion of a construction project that is not part of the building structure, including, but not limited to, grading, excavation, landscape irrigation, and installation of driveways.

(m)~~(k)~~ "Stop-work order" means the issuance of any written statement, written directive, or written order which states the reason for the order and the conditions under which the cited work will be permitted to resume.

(2)

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

(4) A fee owner or the fee owner's contractor using a private provider to provide building code inspection services shall notify the local building official at the time of permit application, or *by 2 p.m. local time, 2* ~~no less than 7~~ business days *before* ~~prior to~~ the first scheduled inspection by the local building official or building code enforcement agency for a private provider performing required inspections of construction under this section, on a form to be adopted by the commission. This notice shall include the following information:

(a) The services to be performed by the private provider.

(b) The name, firm, address, telephone number, and facsimile number of each private provider who is performing or will perform such services, his or her professional license or certification number, qualification statements or resumes, and, if required by the local building official, a certificate of insurance demonstrating that professional liability insurance coverage is in place for the private provider's firm, the private provider, and any duly authorized representative in the amounts required by this section.

(c) An acknowledgment from the fee owner in substantially the following form:

> I have elected to use one or more private providers to provide building code plans review and/or inspection services on the building or structure that is the subject of the enclosed permit application, as authorized by s. 553.791, Florida Statutes. I understand that the local building official may not review the plans submitted or perform the required building inspections to determine compliance with the applicable codes, except to the extent specified in said law. Instead, plans review and/or required building inspections will be performed by licensed or certified personnel identified in the application. The law requires minimum insurance requirements for such personnel, but I understand that I may require more insurance to protect my interests. By executing this form, I acknowledge that I have made inquiry regarding the competence of the licensed or certified personnel and the level of their insurance and am satisfied that my interests are adequately protected. I agree to indemnify, defend, and hold harmless the local government, the local building official, and their building code enforcement personnel from any and all claims arising from my use of these licensed or certified personnel to perform building code inspection services with respect to the building or structure that is the subject of the enclosed permit application.

If the fee owner or the fee owner's contractor makes any changes to the listed private providers or the services to be provided by those private providers, the fee owner or the fee owner's contractor shall, within 1 business day after any change, update the notice to reflect such changes. A change of a duly authorized representative named in the permit application does not require a revision of the permit, and the building code enforcement agency shall not charge a fee for making the change. In addition, the fee owner or the fee owner's contractor shall post at the project site, *before* ~~prior to~~ the commencement of construction and updated within 1 business day after any change, on a form to be adopted by the commission, the name, firm, address, telephone number, and facsimile number of each private provider who is performing or will perform building code inspection services, the type of service being performed, and similar information for the primary contact of the private provider on the project.

(5) After construction has commenced and if the local building official is unable to provide inspection services in a timely manner, the fee owner or the fee owner's contractor may elect to use a private provider to provide inspection services by notifying the local building official of the owner's or contractor's intention to do so *by 2 p.m. local time, 2* ~~no less than 7~~ business days *before* ~~prior to~~ the next scheduled inspection using the notice provided for in paragraphs (4)(a)-(c).

(6) A private provider performing plans review under this section shall review *the* ~~construction~~ plans to determine compliance with the applicable codes. Upon determining that the plans reviewed comply with the applicable codes, the private provider shall prepare an affidavit or affidavits on a form *reasonably acceptable to* ~~adopted by~~ the commission certifying, under oath, that the following is true and correct to the best of the private provider's knowledge and belief:

(a) The plans were reviewed by the affiant, who is duly authorized to perform plans review pursuant to this section and holds the appropriate license or certificate.

(b) The plans comply with the applicable codes.

(7)(a) No more than *20* ~~30~~ business days after receipt of a permit application and the affidavit from the private provider required pursuant to subsection (6), the local building official shall issue the requested permit or provide a written notice to the permit applicant identifying the specific plan features that do not comply with the applicable codes, as well as the specific code chapters and sections. If the local building official does not provide a written notice of the plan deficiencies within the prescribed *20-day* ~~30-day~~ period, the permit application shall be deemed approved as a matter of law, and the permit shall be issued by the local building official on the next business day.

(b) If the local building official provides a written notice of plan deficiencies to the permit applicant within the prescribed *20-day* ~~30-day~~ period, the *20-day* ~~30-day~~ period shall be tolled pending resolution of the matter. To resolve the plan deficiencies, the permit applicant may elect to dispute the deficiencies pursuant to subsection (13) or to submit revisions to correct the deficiencies.

(c) If the permit applicant submits revisions, the local building official has the remainder of the tolled *20-day* ~~30-day~~ period plus 5 business days *from the date of resubmittal* to issue the requested permit or to provide a second written notice to the permit applicant stating which of the previously identified plan features remain in noncompliance with the applicable codes, with specific reference to the relevant code chapters and sections. *Any subsequent review by the local building official is limited to the deficiencies cited in the written notice.* If the local building official does not provide the second written notice within the prescribed time period, the permit shall be *deemed approved as a matter of law, and* ~~issued by~~ the local building official *must issue the permit* on the next business day.

(d) If the local building official provides a second written notice of plan deficiencies to the permit applicant within the prescribed time period, the permit applicant may elect to dispute the deficiencies pursuant to subsection (13) or to submit additional revisions to correct the deficiencies. For all revisions submitted after the first revision, the local building official has an additional 5 business days *from the date of resubmittal* to issue the requested permit or to provide a written notice to the permit applicant stating which of the previously identified plan features remain in noncompliance with the applicable codes, with specific reference to the relevant code chapters and sections.

(18) Each local building code enforcement agency may audit the performance of building code inspection services by private providers operating within the local jurisdiction. *However, the same private provider may not be audited more than four times in a calendar year unless*

the local building official determines a condition of a building constitutes an immediate threat to public safety and welfare. Work on a building or structure may proceed after inspection and approval by a private provider if the provider has given notice of the inspection pursuant to subsection (9) and, subsequent to such inspection and approval, the work shall not be delayed for completion of an inspection audit by the local building code enforcement agency.

And the title is amended as follows:

Between lines 493 and 494 insert: amending s. 553.791, F.S.; providing and revising definitions; revising legislative intent; prohibiting a local jurisdiction from charging fees for building inspections if the fee owner or contractor hires a private provider; authorizing the local jurisdiction to charge a reasonable administrative fee; revising the timeframe within which an owner or contractor must notify the building official that he or she is using a certain private provider; revising the type of affidavit form to be used by certain private providers under certain circumstances; revising the timeframe within which a building official must approve or deny a permit application; specifying the timeframe within which the local building official must issue a certain permit or notice of noncompliance if the permit applicant submits revisions; limiting a building official's review of a resubmitted permit application to previously identified deficiencies; limiting the number of times a building official may audit a private provider, with exceptions;

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

Senator Brandes moved the following amendment to **Amendment 1 (155860)**:

Amendment 1E (105244) (with title amendment)—Between lines 413 and 414 insert:

Section 9. 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 an alternative solution to ensure that the property meets the level of fire safety 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 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 *or an engineered life safety 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 *two-thirds* ~~a majority~~ of all voting interests in the affected condominium. The local authority having jurisdiction may not require completion of retrofitting with a fire sprinkler system *or 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 *or engineered life safety 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.

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.

5. This paragraph does not apply to timeshare condominium associations, which shall be governed by s. 721.24.

And the title is amended as follows:

Between lines 493 and 494 insert: 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; revising unit and common elements required to be retrofitted; revising provisions relating to an association vote to forego retrofitting; extending the date before which a local authority having jurisdiction may not require completion of a condominium's retrofitting with a fire sprinkler system or an engineered life safety system; providing applicability;

POINT OF ORDER

Senator Hooper raised a point of order that pursuant to Rule 7.1(8)(c), **Amendment 1E (105244)**, an amendment to **Amendment 1 (155860)**, contained language of **SB 1152** which was not reported favorably by all committees of reference and was therefore out of order.

The President referred the point of order and the amendment to Senator Benacquisto, Chair of the Committee on Rules.

On motion by Senator Lee, further consideration of **CS for CS for HB 7103** with pending **Amendment 1 (155860)**, as amended, **Amendment 1E (105244)**, and pending point of order was deferred.

Consideration of **CS for HB 879**, **CS for CS for SB 1412**, **CS for CS for SB 1638**, **CS for CS for SB 7086**, **SB 7072**, **CS for CS for CS for SB 1640**, and **CS for CS for SB 540** was deferred.

CS for SB 900—A bill to be entitled An act relating to substance abuse services; amending s. 394.4572, F.S.; authorizing the Department of Children and Families and the Agency for Health Care Administration to grant exemptions from disqualification for certain service pro-

vider personnel; amending s. 397.311, F.S.; redefining the terms "clinical supervisor" and "recovery residence"; defining the terms "clinical services supervisor," "clinical director," and "peer specialist"; amending s. 397.321, F.S.; providing for the review of certain decisions by a department-recognized certifying entity; authorizing certain persons to request an administrative hearing within a specified timeframe and under certain circumstances; amending s. 397.4073, F.S.; requiring individuals screened on or after a specified date to undergo specified background screening; requiring the department to grant or deny a request for an exemption from qualification within a certain timeframe; authorizing certain applicants for an exemption to work under the supervision of certain persons for a specified period of time while his or her application is pending; authorizing certain persons to be exempt from disqualification from employment; authorizing the department to grant exemptions from disqualification for service provider personnel to work solely in certain treatment programs and facilities; amending s. 397.4075, F.S.; increasing the criminal penalty for certain unlawful activities relating to personnel; providing a criminal penalty for inaccurately disclosing certain facts in an application for licensure; creating s. 397.417, F.S.; providing legislative intent; authorizing an individual to seek certification as a peer specialist if he or she meets certain requirements; requiring the department to approve one or more third-party credentialing entities for specified purposes; requiring the credentialing entity to demonstrate compliance with certain standards in order to be approved by the department; requiring an individual providing department-funded recovery support services as a peer specialist to be certified; authorizing an individual who is not certified to provide recovery support services as a peer specialist under certain circumstances; prohibiting an individual who is not a certified peer specialist from advertising or providing recovery services unless the person is exempt; providing criminal penalties; authorizing the department, a behavioral health managing entity, or the Medicaid program to reimburse peer specialist services as a recovery service; encouraging Medicaid managed care plans to use peer specialists in providing recovery services; amending s. 397.487, F.S.; revising legislative findings relating to voluntary certification of recovery residences; revising background screening requirements for owners, directors, and chief financial officers of recovery residences; authorizing a certified recovery residence to immediately discharge or transfer residents under certain circumstances; specifying that a local governmental entity is not prohibited from requiring mandatory certification of recovery residences for certain purposes; requiring the Sober Homes Task Force within the Office of the State Attorney of the Fifteenth Judicial Circuit to submit a report to the Legislature containing certain recommendations; amending s. 397.4873, F.S.; expanding the exceptions to limitations on referrals by recovery residences to licensed service providers; amending s. 397.55, F.S.; revising the requirements for a service provider, operator of a recovery residence, or certain third parties to enter into certain contracts with marketing providers; amending s. 435.07, F.S.; authorizing the exemption of certain persons from disqualification from employment; amending s. 553.80, F.S.; requiring that a single-family or two-family dwelling used as a recovery residence be deemed a single-family or two-family dwelling for purposes of the Florida Building Code; amending s. 633.206, F.S.; requiring the Department of Financial Services to establish uniform firesafety standards for recovery residences; exempting a single-family or two-family dwelling used as a recovery residence from the uniform firesafety standards; requiring that such dwellings be deemed a single-family or two-family dwelling for the purposes of the Life Safety Code and Florida Fire Prevention Code; amending ss. 212.055, 397.416, and 440.102, F.S.; conforming cross-references; providing an effective date.

—was read the second time by title.

Pending further consideration of **CS for SB 900**, pursuant to Rule 3.11(3), there being no objection, **CS for CS for HB 369** was withdrawn from the Committees on Children, Families, and Elder Affairs; Appropriations Subcommittee on Health and Human Services; and Appropriations.

On motion by Senator Harrell—

CS for CS for HB 369—A bill to be entitled An act relating to substance abuse services; amending s. 394.4572, F.S.; authorizing the Department of Children and Families and the Agency for Health Care Administration to grant exemptions from disqualification for certain service provider personnel; amending s. 397.311, F.S.; providing and revising definitions; amending s. 397.321, F.S.; providing for review by the department of certain decisions made by a department-recognized credentialing entity; authorizing certain persons to request an administrative hearing within a specified timeframe under certain conditions; amending s. 397.4073, F.S.; requiring individuals screened on or after a specified date to undergo specified background screening; requiring the department to grant or deny a request for an exemption from qualification within a certain timeframe; authorizing certain applicants for an exemption to work under the supervision of certain persons for a specified period of time while his or her application is pending; authorizing certain persons to be exempt from disqualification from employment; authorizing the department to grant exemptions from disqualification for service provider personnel to work solely in certain treatment programs, facilities, or recovery residences; amending s. 397.4075, F.S.; increasing the criminal penalty for certain unlawful activities relating to personnel; providing a criminal penalty for inaccurately disclosing certain facts in an application for licensure; creating s. 397.417, F.S.; authorizing an individual to seek certification as a peer specialist if he or she meets certain requirements; requiring the department to approve one or more third-party credentialing entities for specified purposes; requiring the credentialing entity to demonstrate compliance with certain standards in order to be approved by the department; requiring an individual providing department-funded recovery support services as a peer specialist to be certified; authorizing an individual who is not certified to provide recovery support services as a peer specialist under certain circumstances; amending s. 397.487, F.S.; revising legislative findings relating to voluntary certification of recovery residences; revising background screening requirements for owners, directors, and chief financial officers of recovery residences; providing for review by the department of certain decisions made by a department-recognized credentialing entity; authorizing certain recovery residences to request an administrative hearing within a specified timeframe under certain conditions; authorizing certain recovery residences to immediately discharge or transfer residents under certain circumstances; amending s. 397.4873, F.S.; expanding the exceptions to limitations on referrals by recovery residences to licensed service providers; amending s. 397.55, F.S.; revising the requirements for a service provider, operator of a recovery residence, or certain third parties to enter into certain contracts with marketing providers; amending s. 435.07, F.S.; authorizing the exemption of certain persons from disqualification from employment; amending s. 817.505, F.S.; revising provisions relating to payment practices exempt from prohibitions on patient brokering; amending ss. 212.055, 397.416, and 440.102, F.S.; conforming cross-references; providing an effective date.

—a companion measure, was substituted for **CS for SB 900** and read the second time by title.

Pursuant to Rule 4.19, **CS for CS for HB 369** was placed on the calendar of Bills on Third Reading.

SPECIAL GUESTS

Senator Bradley recognized his wife, Jennifer, and daughter, Stephanie, who were present in the gallery.

CS for SB 1480—A bill to be entitled An act relating to civics education; amending s. 1003.4156, F.S.; requiring that instructional materials for certain civics education courses be reviewed and approved by the Commissioner of Education in consultation with certain entities and individuals; requiring the commissioner to identify errors and inaccuracies in state-adopted materials; requiring such errors and inaccuracies to be corrected; requiring the commissioner to consult with specified organizations and stakeholders to review civics instructional materials and test specifications by a specified date; requiring the commissioner to make recommendations for improving such materials and test specifications by a specified date; requiring the department to review statewide civics education course standards by a specified date; deleting obsolete language; providing an effective date.

—was read the second time by title.

Pending further consideration of **CS for SB 1480**, pursuant to Rule 3.11(3), there being no objection, **CS for HB 807** was withdrawn from the Committees on Education; and Rules.

On motion by Senator Stargel—

CS for HB 807—A bill to be entitled An act relating to civics education; amending s. 1003.4156, F.S.; requiring that instructional materials for certain civics education courses be reviewed and approved by the Commissioner of Education in consultation with certain entities and individuals; requiring the commissioner to identify errors and inaccuracies in state-adopted materials; requiring such errors and inaccuracies to be corrected; requiring the commissioner to review and provide recommendations for certain instructional materials and test specifications by a specified date; requiring the Department of Education to review statewide civics education course standards by a specified date; deleting obsolete provisions; amending s. 1003.44, F.S.; providing that hours devoted to certain programs satisfy the service work requirement for the Florida Bright Futures Scholarship Program; providing an effective date.

—a companion measure, was substituted for **CS for SB 1480** and read the second time by title.

Pursuant to Rule 4.19, **CS for HB 807** was placed on the calendar of Bills on Third Reading.

CS for SB 1700—A bill to be entitled An act relating to prescribed controlled substances; amending s. 893.055, F.S.; expanding the circumstances under which the Attorney General may request information from the prescription drug monitoring program to include an active investigation or pending civil or criminal litigation involving prescribed controlled substances; requiring the Department of Health to assign each patient a unique identifying number when releasing certain information; limiting the information of a patient the department may release; authorizing the Attorney General to introduce as evidence in certain actions specified information that is released to the Attorney General from the program's records system; authorizing certain persons to testify as to the authenticity of certain records; amending s. 893.0551, F.S.; expanding the circumstances under which the department must disclose certain information to the Attorney General to include active investigations or pending civil or criminal litigation involving prescribed controlled substances; requiring the department to assign each patient a unique identifying number when releasing certain information; providing an exception; limiting the information of a patient the department may release; authorizing the release of specified information shared with a state attorney only in response to a discovery demand under certain circumstances; providing an effective date.

—was read the second time by title.

Pending further consideration of **CS for SB 1700**, pursuant to Rule 3.11(3), there being no objection, **CS for CS for HB 1253** was withdrawn from the Committees on Health Policy; Judiciary; and Rules.

On motion by Senator Lee—

CS for CS for HB 1253—A bill to be entitled An act relating to the prescription drug monitoring program; amending s. 893.055, F.S.; defining the term "electronic health recordkeeping system"; requiring the Department of Health to develop a unique identifier for each patient in the system; prohibiting the unique identifier from identifying or providing a basis for identification by unauthorized individuals; authorizing the Attorney General to request information for an active investigation or pending civil or criminal litigation involving prescribed controlled substances; requiring such information to be released upon the granting of a petition or motion by a trial court; providing exceptions; requiring a trial court to grant a petition or motion under certain circumstances; limiting the patient information the department may provide; authorizing the Attorney General to introduce as evidence in certain actions specified information that is released to the Attorney General from the prescription drug monitoring program; authorizing certain persons to testify as to the authenticity of certain records; amending s. 893.0551, F.S.; authorizing the Attorney General to have access to records when ordered by a court under specified provisions; providing for future repeal of amendments unless reviewed and saved from repeal through reenactment by the Legislature; providing for effect of amendments by other provisions; providing an effective date.

—a companion measure, was substituted for **CS for SB 1700** and read the second time by title.

Pursuant to Rule 4.19, **CS for CS for HB 1253** was placed on the calendar of Bills on Third Reading.

The Senate resumed consideration of—

CS for CS for HB 7103—A bill to be entitled An act relating to property development; amending s. 125.01055, F.S.; prohibiting a county from adopting or imposing a requirement in any form relating to affordable housing which has specified effects; providing an exception; providing construction; amending s. 125.022, F.S.; requiring that a county review certain applications for completeness and issue a certain letter within a specified time period after receiving an application for approval of a development permit or development order; providing procedures for addressing deficiencies in, and for approving or denying, the application; authorizing parties to request and extend the time periods; providing an exception to the required time periods; conforming provisions to changes made by the act; defining the term "development order"; amending s. 166.033, F.S.; requiring that a municipality review the application for completeness and issue a certain letter within a specified period after receiving an application for approval of a development permit or development order; providing procedures for addressing deficiencies in, and for approving or denying, the application; authorizing parties to request and extend the time periods; providing an exception to the required time periods; conforming provisions to changes made by the act; defining the term "development order"; amending s. 166.04151, F.S.; prohibiting a municipality from adopting or imposing a requirement in any form relating to affordable housing which has specified effects; providing an exception; providing construction; amending s. 166.045, F.S.; prohibiting a municipality from purchasing specified real properties under certain circumstances; amending s. 171.042, F.S.; prohibiting a municipality from annexing specified areas under certain circumstances; amending s. 163.3167, F.S.; requiring certain comprehensive plans to incorporate and comply with the terms of existing development orders; amending s. 163.3202, F.S.; requiring local land development regulations to incorporate certain existing development orders; amending s. 163.3180, F.S.; revising the requirements for a valid mobility fee-based funding system; requiring a local government to credit certain contributions, constructions, expansions, or payments toward any other impact fee or exaction imposed by local ordinance for public educational facilities; providing requirements for the basis of the credit; amending s. 163.31801, F.S.; providing minimum requirements to be satisfied by certain entities before adopting an impact fee; requiring local government to credit against the collection of impact fees certain contributions related to public education facilities; specifying the calculation; requiring a local government to increase certain impact fee credits previously awarded if it increases its impact fee rates; authorizing a county, municipality, or special district to provide certain exemptions or waivers of impact fees in certain circumstances; exempting water and sewer connection fees from the Florida Impact Fee Act; amending s. 163.3215, F.S.; specifying use of summary procedure in certain development order cases; amending s. 252.363, F.S.; revising the circumstances under which a state of emergency declaration tolls and extends the remaining period for certain permits and authorizations; amending s. 420.502, F.S.; providing legislative intent; amending s. 420.503, F.S.; defining the term "essential services personnel"; amending s. 420.5095, F.S.; removing the definition of the term "essential services personnel"; amending s. 553.791, F.S.; providing and revising definitions; providing legislative intent regarding the payment of reduced fees for certain owners and contractors under certain circumstances; prohibiting a local jurisdiction from charging fees for certain building inspections; revising the timeframe an owner or contractor must notify the building official that he or she is using a private provider; revising the type of affidavit form to be used by private providers under certain circumstances; revising the timeframe within which a building official has to approve or deny a permit application; limiting a building official's review of a resubmitted permit application to previously identified deficiencies; authorizing a contractor to petition the circuit court to enforce the terms of certain building code inspection service laws; limiting the number of times a building official may audit a private provider, with exceptions; providing an effective date.

—which was previously considered this day with pending **Amendment 1 (155860)**, as amended, **Amendment 1E (105224)**, and pending point of order.

The question recurred on **Amendment 1E (105224)** by Senator Brandes, which was withdrawn.

Amendment 1 (155860), as amended, was adopted.

Pursuant to Rule 4.19, **CS for CS for HB 7103**, as amended, was placed on the calendar of Bills on Third Reading.

CS for CS for SB 1638—A bill to be entitled An act relating to commercial motor vehicles; amending s. 316.302, F.S.; revising regulations applicable to owners and drivers of commercial motor vehicles; exempting persons who operate a commercial motor vehicle solely in intrastate commerce which does not transport hazardous materials in amounts that require placarding from certain requirements related to electronic logging devices and hours of service supporting documents until a specified date; deleting a limitation on a civil penalty for falsification of certain time records; deleting a requirement that a motor carrier maintain certain documentation of driving times; extending an exemption from specified commercial motor vehicle requirements for a commercial vehicle having a certain gross vehicle weight rating and gross combined weight rating, under certain circumstances; deleting such exemption for a person transporting petroleum products; deleting an exemption from specified regulations relating to diabetes for certain drivers of commercial motor vehicles; amending s. 316.515, F.S.; revising length and load extension limitations for stinger-steered automobile transporters; authorizing automobile transporters to backhaul certain cargo or freight under certain circumstances; authorizing an unladen power unit to tow a certain combination of trailers or semitrailers under certain circumstances; amending s. 316.545, F.S.; providing for the calculation of specified fines for vehicles fueled by electric batteries; providing an effective date.

—was read the second time by title.

Pending further consideration of **CS for CS for SB 1638**, pursuant to Rule 3.11(3), there being no objection, **CS for CS for HB 725** was withdrawn from the Committees on Infrastructure and Security; and Appropriations.

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

CS for CS for HB 725—A bill to be entitled An act relating to commercial motor vehicles; amending s. 316.003, F.S.; defining the term "platoon"; repealing s. 316.0896, F.S., relating to the assistive truck platooning technology pilot project; creating s. 316.0897, F.S.; exempting the operator of a nonlead vehicle in a platoon from provisions relating to following too closely; authorizing a platoon to be operated on a roadway in this state after an operator provides notification to the Department of Transportation and the Department of Highway Safety and Motor Vehicles; amending s. 316.302, F.S.; revising regulations to which owners and drivers of commercial motor vehicles are subject; revising requirements for electronic logging devices and support documents for certain intrastate motor carriers; deleting a limitation on a civil penalty for falsification of certain time records; deleting a requirement that a motor carrier maintain certain documentation of driving times; providing an exemption from specified provisions for a person who operates a commercial motor vehicle with a certain gross vehicle weight, gross vehicle weight rating, and gross combined weight rating; deleting the exemption from such provisions for a person transporting petroleum products; deleting an exemption from certain requirements; amending s. 316.303, F.S.; exempting an operator of a certain platoon vehicle from the prohibition on the active display of television or video; amending s. 316.515, F.S.; revising length and load extension limitations for stinger-steered automobile transporters; authorizing automobile transporters to backhaul certain cargo or freight under certain circumstances; authorizing an unladen power unit to tow a certain combination of trailers or semitrailers under certain circumstances; amending s. 316.545, F.S.; providing for the calculation of specified fines for vehicles fueled by electric batteries; amending s. 320.01, F.S.; revising the definition of the term "apportionable vehicle"; amending s. 320.06, F.S.; providing for future repeal of issuance of a certain annual license plate and cab card to a vehicle that has an apportioned registration; revising information required to appear on the cab card; providing requirements for license plates, cab cards, and validation stickers for vehicles registered in accordance with the International Registration Plan; authorizing a damaged or worn license plate to be replaced at no charge under certain circumstances; amending s. 320.0607, F.S.; providing an exemption from a certain fee for vehicles registered under the International Registration Plan; amending s. 320.131, F.S.; authorizing the Department of Highway Safety and Motor Vehicles to partner with a county tax collector to conduct a Fleet Vehicle Temporary Tag pilot program for certain purposes; providing program requirements; providing for future repeal; amending s. 322.61, F.S.; providing additional offenses for which a person may be disqualified from operating a commercial motor vehicle; amending s. 655.960, F.S.; conforming a cross-reference; amending s. 812.014, F.S.; providing a criminal penalty for an offender committing grand theft who uses a device to interfere with a global positioning or similar system; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 1638** and read the second time by title.

Senator Lee moved the following amendment:

Amendment 1 (663264) (with title amendment)—Delete everything after the enacting clause and insert:

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

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

(1)(a) All owners and drivers of commercial motor vehicles that are operated on the public highways of this state while engaged in interstate commerce are subject to the rules and regulations contained in 49 C.F.R. parts 382, *383,* 385, *386,* and 390-397.

(b) Except as otherwise provided in this section, all owners or drivers of commercial motor vehicles that are engaged in intrastate commerce are subject to the rules and regulations contained in 49 C.F.R. parts 382, 383, 385, *386,* and 390-397, ~~with the exception of 49 C.F.R. s. 390.5 as it relates to the definition of bus,~~ as such rules and regulations existed on December 31, *2018* ~~2012~~.

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

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

(e) A person who operates a commercial motor vehicle solely in intrastate commerce which does not transport hazardous materials in amounts that require placarding pursuant to 49 C.F.R. part 172 need not comply with the requirements of electronic logging devices and hours of service supporting documents as provided in 49 C.F.R. parts 385, 386, 390, and 395 until December 31, 2019.

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

(c) Except as provided in 49 C.F.R. s. 395.1, a person who operates a commercial motor vehicle solely in intrastate commerce not transporting any hazardous material in amounts that require placarding pursuant to 49 C.F.R. part 172 may not drive after having been on duty more than 70 hours in any period of 7 consecutive days or more than 80 hours in any period of 8 consecutive days if the motor carrier operates every day of the week. Thirty-four consecutive hours off duty shall constitute the end of any such period of 7 or 8 consecutive days. This weekly limit does not apply to a person who operates a commercial motor vehicle solely within this state while transporting, during harvest periods, any unprocessed agricultural products or unprocessed food or fiber that is subject to seasonal harvesting from place of harvest to the first place of processing or storage or from place of harvest directly to market or while transporting livestock, livestock feed, or farm supplies directly related to growing or harvesting agricultural products. Upon request of the Department of Highway Safety and Motor Vehicles, motor carriers shall furnish time records or other written verification to that department so that the Department of Highway Safety and Motor

Vehicles can determine compliance with this subsection. These time records must be furnished to the Department of Highway Safety and Motor Vehicles within 2 days after receipt of that department's request. Falsification of such information is subject to a civil penalty ~~not to exceed $100~~. ~~The provisions of~~ This paragraph *does* ~~do~~ not apply to operators of farm labor vehicles operated during a state of emergency declared by the Governor or operated pursuant to s. 570.07(21) *or*~~, and do not apply~~ to drivers of utility service vehicles as defined in 49 C.F.R. s. 395.2.

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

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

~~(j) A person who is otherwise qualified as a driver under 49 C.F.R. part 391, who operates a commercial motor vehicle in intrastate commerce only, and who does not transport hazardous materials in amounts that require placarding pursuant to 49 C.F.R. part 172, is exempt from the requirements of 49 C.F.R. part 391, subpart E, ss. 391.41(b)(3) and 391.43(e), relating to diabetes.~~

Section 2. Subsections (3) and (4) of section 316.515, Florida Statutes, are amended, and subsection (16) is added to that section, to read:

316.515 Maximum width, height, length.—

(3) LENGTH LIMITATION.—Except as otherwise provided in this section, length limitations apply solely to a semitrailer or trailer, and not to a truck tractor or to the overall length of a combination of vehicles. No combination of commercial motor vehicles coupled together and operating on the public roads may consist of more than one truck tractor and two trailing units. Unless otherwise specifically provided for in this section, a combination of vehicles not qualifying as commercial motor vehicles may consist of no more than two units coupled together; such nonqualifying combination of vehicles may not exceed a total length of 65 feet, inclusive of the load carried thereon, but exclusive of safety and energy conservation devices approved by the department for use on vehicles using public roads. Notwithstanding any other provision of this section, a truck tractor-semitrailer combination engaged in the transportation of automobiles or boats may transport motor vehicles or boats on part of the power unit; and, except as may otherwise be mandated under federal law, an automobile or boat transporter semitrailer may not exceed 50 feet in length, exclusive of the load; however, the load may extend up to an additional 6 feet beyond the rear of the trailer. The 50-feet length limitation does not apply to non-stinger-steered automobile or boat transporters that are 65 feet or less in overall length, exclusive of the load carried thereon, ~~or~~ to stinger-steered ~~automobile or~~ boat transporters that are 75 feet or less in overall length, exclusive of the load carried thereon*, or to stinger-steered automobile transporters that are 80 feet or less in overall length, exclusive of the load carried thereon*. For purposes of this subsection, a "stinger-steered automobile or boat transporter" is an automobile or boat transporter configured as a semitrailer combination wherein the fifth wheel is located on a drop frame located behind and below the rearmost axle of the power unit. *Automobile transporters operating under this subsection may backhaul cargo or general freight if the weight of such cargo or freight does not exceed the limits imposed under s. 316.535.* Notwithstanding paragraphs (a) and (b), any straight truck or truck tractor-semitrailer combination engaged in the transportation of horticultural trees may allow the load to extend up to an additional 10 feet beyond the rear of the vehicle, provided *the* ~~said~~ trees are resting against a retaining bar mounted above the truck bed so that the root balls of the trees rest on the floor and to the front of the truck bed and the tops of the trees extend up over and to the rear of the truck bed, and provided the overhanging portion of the load is covered with protective fabric.

(a) *Straight trucks.*—A straight truck may not exceed a length of 40 feet in extreme overall dimension, exclusive of safety and energy conservation devices approved by the department for use on vehicles using public roads. A straight truck may attach a forklift to the rear of the cargo bed, provided the overall combined length of the vehicle and the forklift does not exceed 50 feet. *Except as otherwise provided in this section,* a straight truck may tow no more than one trailer, and the overall length of the truck-trailer combination may not exceed 68 feet, including the load thereon. Notwithstanding any other provisions of this section, a truck-trailer combination engaged in the transportation of boats, or boat trailers whose design dictates a front-to-rear stacking method may not exceed the length limitations of this paragraph exclusive of the load; however, the load may extend up to an additional 6 feet beyond the rear of the trailer.

(b) *Semitrailers.*—

1. A semitrailer operating in a truck tractor-semitrailer combination may not exceed 48 feet in extreme overall outside dimension, measured from the front of the unit to the rear of the unit and the load carried thereon, exclusive of safety and energy conservation devices approved by the department for use on vehicles using public roads, unless it complies with subparagraph 2. A semitrailer which exceeds 48 feet in length and is used to transport divisible loads may operate in this state only if issued a permit under s. 316.550 and if such trailer meets the requirements of this chapter relating to vehicle equipment and safety. Except for highways on the tandem trailer truck highway network, public roads deemed unsafe for longer semitrailer vehicles or those roads on which such longer vehicles are determined not to be in the interest of public convenience shall, in conformance with s. 316.006, be restricted by the Department of Transportation or by the local authority to use by semitrailers not exceeding a length of 48 feet, inclusive of the load carried thereon but exclusive of safety and energy conservation devices approved by the department for use on vehicles using public roads. Truck tractor-semitrailer combinations shall be afforded reasonable access to terminals; facilities for food, fuel, repairs, and rest; and points of loading and unloading.

2. A semitrailer which is more than 48 feet but not more than 57 feet in extreme overall outside dimension, as measured pursuant to subparagraph 1., may operate on public roads, except roads on the State Highway System which are restricted by the Department of Transportation or other roads restricted by local authorities, if:

a. The distance between the kingpin or other peg that locks into the fifth wheel of a truck tractor and the center of the rear axle or rear group of axles does not exceed 41 feet, or, in the case of a semitrailer used exclusively or primarily to transport vehicles in connection with motorsports competition events, the distance does not exceed 46 feet from the kingpin to the center of the rear axles; and

b. It is equipped with a substantial rear-end underride protection device meeting the requirements of 49 C.F.R. s. 393.86, "Rear End Protection."

(c) *Tandem trailer trucks.*—

1. Except for semitrailers and trailers of up to 28 1/2 feet in length which existed on December 1, 1982, and which were actually and lawfully operating on that date, no semitrailer or trailer operating in a truck tractor-semitrailer-trailer combination may exceed a length of 28 feet in extreme overall outside dimension, measured from the front of the unit to the rear of the unit and the load carried thereon, exclusive of safety and energy conservation devices approved by the Department of Transportation for use on vehicles using public roads.

2. Tandem trailer trucks conforming to the weight and size limitations of this chapter and in immediate transit to or from a terminal facility as defined in this chapter may operate on the public roads of this state except for residential neighborhood streets restricted by the Department of Transportation or local jurisdictions. In addition, the Department of Transportation or local jurisdictions may restrict these vehicles from using streets and roads under their maintenance responsibility on the basis of safety and engineering analyses, provided

that the restrictions are consistent with ~~the provisions of~~ this chapter. The Department of Transportation shall develop safety and engineering standards to be used by all jurisdictions when identifying public roads and streets to be restricted from tandem trailer truck operations.

3. Except as otherwise provided in this section, within 5 miles of the Federal National Network for large trucks, tandem trailer trucks shall be afforded access to terminals; facilities for food, fuel, repairs, and rest; and points of loading and unloading.

4. Notwithstanding ~~the provisions of~~ any general or special law to the contrary, all local system tandem trailer truck route review procedures must be consistent with those adopted by the Department of Transportation.

5. Tandem trailer trucks employed as household goods carriers and conforming to the weight and size limitations of this chapter shall be afforded access to points of loading and unloading on the public streets and roads of this state, except for streets and roads that have been restricted from use by such vehicles on the basis of safety and engineering analyses by the jurisdiction responsible for maintenance of the streets and roads.

(d) *Maxi-cube vehicles.*—Maxi-cube vehicles shall be allowed to operate on routes open to tandem trailer trucks under the same conditions applicable to tandem trailer trucks as specified by this section.

(4) LOAD EXTENSION LIMITATION.—The load upon any vehicle operated alone, or the load upon the front vehicle of a combination of vehicles, may not extend more than 3 feet beyond the front wheels of the vehicle or the front bumper of the vehicle if it is equipped with a bumper. *However, the load upon any stinger-steered automobile transporter may not extend more than 4 feet beyond the front bumper of the vehicle.*

(a) The limitations of this subsection do not apply to bicycle racks carrying bicycles on public sector transit vehicles.

(b) ~~The provisions of~~ This subsection *does* ~~shall~~ not apply to a front-end loading collection vehicle, when:

1. The front-end loading mechanism and container or containers are in the lowered position;

2. The vehicle is engaged in collecting solid waste or recyclable or recovered materials;

3. The vehicle is being operated at speeds less than 20 miles per hour with the vehicular hazard-warning lights activated; and

4. The extension does not exceed 8 feet 6 inches.

(16) TOWAWAY TRAILER TRANSPORTER COMBINATIONS.—An unladen power unit may tow two trailers or semitrailers when the combination is not used to carry property, the overall combination length does not exceed 82 feet, and the total gross weight of the combination does not exceed 26,000 pounds. The trailers or semitrailers must constitute inventory property of a manufacturer, distributor, or dealer of such trailers or semitrailers.

Section 3. Paragraph (c) of subsection (3) of section 316.545, Florida Statutes, is amended to read:

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

(3)

(c)1. For a vehicle fueled by natural gas *or electric batteries*, the fine is calculated by reducing the actual gross vehicle weight by the certified weight difference between the natural gas tank *or electric battery system* and fueling system and a comparable diesel tank and fueling system. Upon request by any weight inspector or law enforcement officer, the vehicle operator must present written certification that identifies the weight of the natural gas tank *or electric battery system* and fueling system and the difference in weight of a comparable diesel tank and fueling system. The written certification must originate from the vehicle manufacturer or the installer of the natural gas tank *or electric battery system* and fueling system.

2. The actual gross vehicle weight for vehicles fueled by natural gas *or electric batteries* may not exceed 82,000 pounds, excluding the weight allowed for idle-reduction technology under paragraph (b).

3. This paragraph does not apply to those vehicles described in s. 316.535(6).

Section 4. This act shall take effect October 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 commercial motor vehicles; amending s. 316.302, F.S.; revising regulations applicable to owners and drivers of commercial motor vehicles; exempting persons who operate a commercial motor vehicle solely in intrastate commerce which does not transport hazardous materials in amounts that require placarding from certain requirements related to electronic logging devices and hours of service supporting documents until a specified date; deleting a limitation on a civil penalty for falsification of certain time records; deleting a requirement that a motor carrier maintain certain documentation of driving times; extending an exemption from specified commercial motor vehicle requirements for a commercial vehicle having a certain gross vehicle weight rating and gross combined weight rating, under certain circumstances; deleting such exemption for a person transporting petroleum products; deleting an exemption from specified regulations relating to diabetes for certain drivers of commercial motor vehicles; amending s. 316.515, F.S.; revising length and load extension limitations for stinger-steered automobile transporters; authorizing automobile transporters to backhaul certain cargo or freight under certain circumstances; authorizing an unladen power unit to tow a certain combination of trailers or semitrailers under certain circumstances; amending s. 316.545, F.S.; providing for the calculation of specified fines for vehicles fueled by electric batteries; providing an effective date.

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

Senator Albritton moved the following amendment to **Amendment 1 (663264)** which was adopted:

Amendment 1A (662000) (with title amendment)—Between lines 305 and 306 insert:

Section 4. *(1) By no later than January 1, 2020, the Department of Transportation in conjunction with the Department of Highway Safety and Motor Vehicles shall develop a permitting program that, notwithstanding any other provision of law except conflicting federal law and applicable provisions of s. 316.550, prescribes the operation of any combination of truck tractor, semitrailer, and trailer combination coupled together so as to operate as a single unit in which the semitrailer and the trailer unit may each be up to 48 feet in length, but not less than 28 feet in length, if such truck tractor, semitrailer, trailer combination is:*

(a) Being used for the primary purpose of transporting farm products as defined in s. 823.14(3)(c) on a prescribed route within the boundary of the Everglades Agricultural Area as described in s. 373.4592(15);

(b) Traveling on a prescribed route that has been submitted to and approved by the Department of Transportation for public safety purposes having taken into account, at a minimum, the point of origin, destination, traffic and pedestrian volume on the route, turning radius at intersections along the route, and potential for damage to roadways or bridges on the route;

(c) Operating only on state or local roadways within a radius of 60 miles from where such truck tractor, semitrailer, and trailer combination was loaded, however, travel is not authorized on the Interstate Highway System; and

(d) Meeting the following weight limitations:

1. The maximum gross weight of the truck tractor and the first trailer shall not exceed 88,000 pounds.

2. The maximum gross weight of the dolly and second trailer shall not exceed the lesser of 67,000 pounds.

3. The maximum overall gross weight of the truck tractor-semitrailer-trailer combination shall not exceed 155,000 pounds.

(2) The permitting program established pursuant to subsection (1) above shall automatically expire on January 1, 2025, unless reauthorized by the legislature.

(3) Any such permit program may not be implemented or continued if the Federal Government notifies the department that implementation will adversely affect the allocation of federal funds to the state.

And the title is amended as follows:

Delete line 341 and insert: for vehicles fueled by electric batteries; requiring the Department of Transportation in conjunction with the Department of Highway Safety and Motor Vehicles to develop, by a specified date, a permitting program that authorizes the operation of any combination of truck tractor, semitrailer, and trailer combination coupled together so as to operate as a single unit, subject to certain requirements; providing that the permitting program expires in five years unless reauthorized by the legislature; prohibiting a permitting program from being implemented or continued under certain circumstances; providing

Amendment 1 (663264), as amended, was adopted.

Pursuant to Rule 4.19, **CS for CS for HB 725**, as amended, was placed on the calendar of Bills on Third Reading.

CS for CS for SB 1412—A bill to be entitled An act relating to taxation; amending s. 195.096, F.S.; specifying a requirement for the Department of Revenue in reviewing assessment rolls in certain counties in assessment years following a natural disaster; authorizing the department to use the best information available to estimate levels of assessment; providing retroactive applicability; providing sales tax exemptions for specified disaster preparedness supplies during a certain timeframe; specifying locations where the exemptions do not apply; providing sales tax exemptions for certain clothing, wallets, bags, school supplies, personal computers, and personal computer-related accessories during a certain timeframe; defining terms; specifying locations where the exemptions do not apply; authorizing certain dealers to opt out of participating in the exemptions, subject to certain conditions; providing an appropriation; amending s. 218.131, F.S.; revising the date on which certain appropriated moneys for certain counties are to be distributed; authorizing the department to adopt emergency rules for certain sales tax exemptions; providing effective dates.

—was read the second time by title.

Pending further consideration of **CS for CS for SB 1412**, pursuant to Rule 3.11(3), there being no objection, **CS for HB 7123** was withdrawn from the Committees on Finance and Tax; and Appropriations.

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

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.

—a companion measure, was substituted for **CS for CS for SB 1412** 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 Stargel moved the following amendment:

Amendment 1 (176464) (with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Effective January 1, 2020, subsection (6) of section 28.241, Florida Statutes, is amended to read:

28.241 Filing fees for trial and appellate proceedings.—

(6) From each attorney appearing pro hac vice, the clerk of the circuit court shall collect a fee of $100. ~~Of the fee,~~ The clerk must remit *the fee* ~~$50~~ to the Department of Revenue ~~for deposit into the General Revenue Fund and $50 to the Department of Revenue~~ for deposit into the State Courts Revenue Trust Fund.

Section 2. Section 193.4517, Florida Statutes, is created to read:

193.4517 Assessment of agricultural equipment rendered unable to be used due to Hurricane Michael.—

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

(a) “Farm” has the same meaning as provided in s. 823.14(3)(a).

(b) “Farm operation” has the same meaning as provided in s. 823.14(3)(b).

(c) “Unable to be used” means the tangible personal property was damaged, or the farm, farm operation, or agricultural processing facility was affected to such a degree that the tangible personal property could not be used for its intended purpose.

(2) For purposes of ad valorem taxation and applying to the 2019 tax roll only, tangible personal property owned and operated by a farm, farm operation, or agriculture processing facility located in Okaloosa, Walton, Holmes, Washington, Bay, Jackson, Calhoun, Gulf, Gadsden, Liberty, Franklin, Leon, or Wakulla County is deemed to have a market value no greater than its value for salvage if the tangible personal property was unable to be used for at least 60 days due to the effects of Hurricane Michael.

(3) The deadline for an applicant to file an application with the property appraiser for assessment pursuant to this section is August 1, 2019.

(4) If the property appraiser denies an application, the applicant may file, pursuant to s. 194.011(3), a petition with the value adjustment board which requests that the tangible personal property be assessed pursuant to this section. Such petition must be filed on or before the 25th day after the mailing by the property appraiser during the 2019 calendar year of the notice required under s. 194.011(1).

(5) This section applies retroactively to January 1, 2019.

Section 3. Paragraph (g) is added to subsection (2) of section 195.096, Florida Statutes, to read:

195.096 Review of assessment rolls.—

(2) The department shall conduct, no less frequently than once every 2 years, an in-depth review of the assessment rolls of each county. The department need not individually study every use-class of property set

forth in s. 195.073, but shall at a minimum study the level of assessment in relation to just value of each classification specified in subsection (3). Such in-depth review may include proceedings of the value adjustment board and the audit or review of procedures used by the counties to appraise property.

(g) Notwithstanding any other provision of this chapter, in one or more assessment years following a natural disaster in counties for which a state of emergency was declared by executive order or proclamation of the Governor pursuant to chapter 252, if the department determines that the natural disaster creates difficulties in its statistical and analytical reviews of the assessment rolls in affected counties, the department shall take all practicable steps to maximize the representativeness and reliability of its statistical and analytical reviews and may use the best information available to estimate the levels of assessment. This paragraph first applies to the 2019 assessment roll and operates retroactively to January 1, 2019.

Section 4. Effective July 1, 2019, paragraph (b) of subsection (7) of section 201.02, Florida Statutes, is amended to read:

201.02 Tax on deeds and other instruments relating to real property or interests in real property.—

(7) Taxes imposed by this section do not apply to:

(b) A deed or other instrument that transfers or conveys homestead property or any interest in homestead property between spouses, if the only consideration for the transfer or conveyance is the amount of a mortgage or other lien encumbering the homestead property at the time of the transfer or conveyance ~~and if the deed or other instrument is recorded within 1 year after the date of the marriage~~. This paragraph applies to transfers or conveyances from one spouse to another, from one spouse to both spouses, or from both spouses to one spouse. For the purpose of this paragraph, the term "homestead property" has the same meaning as the term "homestead" as defined in s. 192.001.

Section 5. Effective January 1, 2020, paragraphs (c) and (d) of subsection (1) of section 212.031, Florida Statutes, are amended to read:

212.031 Tax on rental or license fee for use of real property.—

(1)

(c) For the exercise of such privilege, a tax is levied at the rate of *5.5* ~~5.7~~ percent of and on the total rent or license fee charged for such real property by the person charging or collecting the rental or license fee. The total rent or license fee charged for such real property shall include payments for the granting of a privilege to use or occupy real property for any purpose and shall include base rent, percentage rents, or similar charges. Such charges shall be included in the total rent or license fee subject to tax under this section whether or not they can be attributed to the ability of the lessor's or licensor's property as used or operated to attract customers. Payments for intrinsically valuable personal property such as franchises, trademarks, service marks, logos, or patents are not subject to tax under this section. In the case of a contractual arrangement that provides for both payments taxable as total rent or license fee and payments not subject to tax, the tax shall be based on a reasonable allocation of such payments and shall not apply to that portion which is for the nontaxable payments.

(d) *If* ~~When~~ the rental or license fee of any such real property is paid by way of property, goods, wares, merchandise, services, or other thing of value, the tax shall be at the rate of *5.5* ~~5.7~~ percent of the value of the property, goods, wares, merchandise, services, or other thing of value.

Section 6. Effective July 1, 2019, paragraph (p) of subsection (7) of section 212.08, Florida Statutes, is amended to read:

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

(7) MISCELLANEOUS EXEMPTIONS.—Exemptions provided to any entity by this chapter do not inure to any transaction that is otherwise taxable under this chapter when payment is made by a representative or employee of the entity by any means, including, but not limited to, cash, check, or credit card, even when that representative or employee is subsequently reimbursed by the entity. In addition, exemptions provided to any entity by this subsection do not inure to any transaction that is otherwise taxable under this chapter unless the entity has obtained a sales tax exemption certificate from the department or the entity obtains or provides other documentation as required by the department. Eligible purchases or leases made with such a certificate must be in strict compliance with this subsection and departmental rules, and any person who makes an exempt purchase with a certificate that is not in strict compliance with this subsection and the rules is liable for and shall pay the tax. The department may adopt rules to administer this subsection.

(p) *Section 501(c)(3) organizations.—*

1. ~~Also~~ Exempt from the tax imposed by this chapter are sales or leases to organizations determined by the Internal Revenue Service to be currently exempt from federal income tax pursuant to s. 501(c)(3) of the Internal Revenue Code of 1986, as amended, if such leases or purchases are used in carrying on their customary nonprofit activities, unless such organizations are subject to a final disqualification order issued by the Department of Agriculture and Consumer Services pursuant to s. 496.430.

2. Exempt from the tax imposed by this chapter is tangible personal property purchased for resale by a dealer and subsequently donated to an organization determined by the Internal Revenue Service to be currently exempt from federal income tax pursuant to s. 501(c)(3) of the Internal Revenue Code of 1986, as amended, unless such organization is subject to a final disqualification order issued by the Department of Agriculture and Consumer Services pursuant to s. 496.430. For the purpose of this paragraph, the term "donate" means any transfer of title or possession of tangible personal property to a Section 501(c)(3) organization for no consideration.

Section 7. Subsection (1) of section 218.131, Florida Statutes, is amended to read:

218.131 Offset for tax loss associated with reductions in value of certain residences due to specified hurricanes.—

(1) In the 2019-2020 fiscal year, the Legislature shall appropriate moneys to offset the reductions in ad valorem tax revenue experienced by Monroe County and by fiscally constrained counties, as defined in s. 218.67(1), and all taxing jurisdictions within such counties, which occur as a direct result of the implementation of s. 197.318. The moneys appropriated for this purpose shall be distributed in *June* ~~January~~ 2020 among the affected taxing jurisdictions based on each jurisdiction's reduction in ad valorem tax revenue resulting from the implementation of s. 197.318.

Section 8. Effective January 1, 2020, subsection (9) of section 318.14, Florida Statutes, is amended to read:

318.14 Noncriminal traffic infractions; exception; procedures.—

(9) Any person who does not hold a commercial driver license or commercial learner's permit and who is cited while driving a noncommercial motor vehicle for an infraction under this section other than a violation of s. 316.183(2), s. 316.187, or s. 316.189 when the driver exceeds the posted limit by 30 miles per hour or more, s. 320.0605, s. 320.07(3)(a) or (b), s. 322.065, s. 322.15(1), s. 322.61, or s. 322.62 may, in lieu of a court appearance, elect to attend in the location of his or her choice within this state a basic driver improvement course approved by the Department of Highway Safety and Motor Vehicles. In such a case, adjudication must be withheld, any civil penalty that is imposed by s. 318.18(3) must be reduced by *18* ~~9~~ percent, and points, as provided by s. 322.27, may not be assessed. However, a person may not make an election under this subsection if the person has made an election under this subsection in the preceding 12 months. A person may not make more than five elections within his or her lifetime under this subsection. The requirement for community service under s. 318.18(8) is not waived by a plea of nolo contendere or by the withholding of adjudication of guilt by a court. ~~If a person makes an election to attend a basic driver improvement course under this subsection, 9 percent of the civil penalty imposed under s. 318.18(3) shall be deposited in the State Courts Revenue Trust Fund; however, that portion is not revenue for purposes~~

~~of s. 28.36 and may not be used in establishing the budget of the clerk of the court under that section or s. 28.35.~~

Section 9. Effective January 1, 2020, paragraph (b) of subsection (1) of section 318.15, Florida Statutes, is amended to read:

318.15 Failure to comply with civil penalty or to appear; penalty.—

(1)

(b) However, a person who elects to attend driver improvement school and has paid the civil penalty as provided in s. 318.14(9) but who subsequently fails to attend the driver improvement school within the time specified by the court is deemed to have admitted the infraction and shall be adjudicated guilty. If the person received *an 18-percent* ~~a 9-percent~~ reduction pursuant to s. 318.14(9), the person must pay the clerk of the court that amount and a processing fee of up to $18, after which additional penalties, court costs, or surcharges may not be imposed for the violation. In all other such cases, the person must pay the clerk a processing fee of up to $18, after which additional penalties, court costs, or surcharges may not be imposed for the violation. The clerk of the court shall notify the department of the person's failure to attend driver improvement school and points shall be assessed pursuant to s. 322.27.

Section 10. Subsection (1) of section 624.51055, Florida Statutes, is amended to read:

624.51055 Credit for contributions to eligible nonprofit scholarship-funding organizations.—

(1) There is allowed a credit of 100 percent of an eligible contribution made to an eligible nonprofit scholarship-funding organization under s. 1002.395 against any tax due for a taxable year under s. 624.509(1) after deducting from such tax deductions for assessments made pursuant to s. 440.51; credits for taxes paid under ss. 175.101 and 185.08; credits for income taxes paid under chapter 220; and the credit allowed under s. 624.509(5), as such credit is limited by s. 624.509(6). *An eligible contribution must be made to an eligible nonprofit scholarship-funding organization on or before the date the taxpayer is required to file a return pursuant to ss. 624.509 and 624.5092.* An insurer claiming a credit against premium tax liability under this section shall not be required to pay any additional retaliatory tax levied pursuant to s. 624.5091 as a result of claiming such credit. Section 624.5091 does not limit such credit in any manner.

Section 11. *The amendment made by this act to s. 624.51055, Florida Statutes, first applies to insurance premium taxable years beginning on or after January 1, 2019.*

Section 12. Effective January 1, 2020, subsection (3) of section 741.01, Florida Statutes, is amended to read:

741.01 County court judge or clerk of the circuit court to issue marriage license; fee.—

(3) An additional fee of $25 shall be paid to the clerk upon receipt of the application for issuance of a marriage license. Each month, the clerk shall remit ~~$12.50 of~~ the fee to the Department of Revenue for deposit ~~in the General Revenue Fund and $12.50 of the fee to the Department of Revenue for deposit~~ into the State Courts Revenue Trust Fund.

Section 13. Paragraph (b) of subsection (17) of section 1002.33, Florida Statutes, is amended to read:

1002.33 Charter schools.—

(17) FUNDING.—Students enrolled in a charter school, regardless of the sponsorship, shall be funded as if they are in a basic program or a special program, the same as students enrolled in other public schools in the school district. Funding for a charter lab school shall be as provided in s. 1002.32.

(b) The basis for the agreement for funding students enrolled in a charter school shall be the sum of the school district's operating funds from the Florida Education Finance Program as provided in s. 1011.62 and the General Appropriations Act, including gross state and local funds, discretionary lottery funds, and funds from the school district's current operating discretionary millage *levies authorized pursuant to s. 1011.71* ~~levy~~; divided by total funded weighted full-time equivalent students in the school district; multiplied by the weighted full-time equivalent students for the charter school. Charter schools whose students or programs meet the eligibility criteria in law are entitled to their proportionate share of categorical program funds included in the total funds available in the Florida Education Finance Program by the Legislature, including transportation, the research-based reading allocation, and the Florida digital classrooms allocation. Total funding for each charter school shall be recalculated during the year to reflect the revised calculations under the Florida Education Finance Program by the state and the actual weighted full-time equivalent students reported by the charter school during the full-time equivalent student survey periods designated by the Commissioner of Education. For charter schools operated by a not-for-profit or municipal entity, any unrestricted current and capital assets identified in the charter school's annual financial audit may be used for other charter schools operated by the not-for-profit or municipal entity within the school district. Unrestricted current assets shall be used in accordance with s. 1011.62, and any unrestricted capital assets shall be used in accordance with s. 1013.62(2).

Section 14. Paragraphs (b) and (g) of subsection (5) of section 1002.395, Florida Statutes, are amended to read:

1002.395 Florida Tax Credit Scholarship Program.—

(5) SCHOLARSHIP FUNDING TAX CREDITS; LIMITATIONS.—

(b) A taxpayer may submit an application to the department for a tax credit or credits under one or more of s. 211.0251, s. 212.1831, s. 220.1875, s. 561.1211, or s. 624.51055.

1. The taxpayer shall specify in the application each tax for which the taxpayer requests a credit and the applicable taxable year for a credit under s. 220.1875 or s. 624.51055 or the applicable state fiscal year for a credit under s. 211.0251, s. 212.1831, or s. 561.1211. For purposes of s. 220.1875, a taxpayer may apply for a credit to be used for a prior taxable year before the date the taxpayer is required to file a return for that year pursuant to s. 220.222. *For purposes of s. 624.51055, a taxpayer may apply for a credit to be used for a prior taxable year before the date the taxpayer is required to file a return for that prior taxable year pursuant to ss. 624.509 and 624.5092.* The department shall approve tax credits on a first-come, first-served basis and must obtain the division's approval before approving a tax credit under s. 561.1211.

2. Within 10 days after approving or denying an application, the department shall provide a copy of its approval or denial letter to the eligible nonprofit scholarship-funding organization specified by the taxpayer in the application.

(g) For purposes of calculating the underpayment of estimated corporate income taxes pursuant to s. 220.34 and tax installment payments for taxes on insurance premiums or assessments under s. 624.5092, the final amount due is the amount after credits earned under s. 220.1875 or s. 624.51055 for contributions to eligible nonprofit scholarship-funding organizations are deducted.

1. For purposes of determining if a penalty or interest shall be imposed for underpayment of estimated corporate income tax pursuant to s. 220.34(2)(d)1., a taxpayer may, after earning a credit under s. 220.1875, reduce any estimated payment in that taxable year by the amount of the credit. This subparagraph applies to contributions made on or after July 1, 2014.

2. For purposes of determining if a penalty under s. 624.5092 shall be imposed, an insurer ~~may~~, after earning a credit under s. 624.51055 *for a taxable year*, *may* reduce *any* ~~the following~~ installment payment *for such taxable year* of 27 percent of the amount of the net tax due as reported on the return for the preceding year under s. 624.5092(2)(b) by the amount of the credit. This subparagraph applies to contributions made on or after July 1, 2014.

Section 15. *The amendment made by this act to s. 1002.395, Florida Statutes, first applies to insurance premium taxable years beginning on or after January 1, 2019.*

Section 16. Subsection (9) of section 1011.71, Florida Statutes, is amended to read:

1011.71 District school tax.—

(9) In addition to the maximum millage levied under this section and the General Appropriations Act, a school district may levy, by local referendum or in a general election, additional millage for school operational purposes up to an amount that, when combined with nonvoted millage levied under this section, does not exceed the 10-mill limit established in s. 9(b), Art. VII of the State Constitution. Any such levy shall be for a maximum of 4 years and shall be counted as part of the 10-mill limit established in s. 9(b), Art. VII of the State Constitution. *For the purpose of distributing taxes collected pursuant to this subsection, the term "school operational purposes" includes charter schools sponsored by a school district.* Millage elections conducted under the authority granted pursuant to this section are subject to s. 1011.73. Funds generated by such additional millage do not become a part of the calculation of the Florida Education Finance Program total potential funds in 2001-2002 or any subsequent year and must not be incorporated in the calculation of any hold-harmless or other component of the Florida Education Finance Program formula in any year. If an increase in required local effort, when added to existing millage levied under the 10-mill limit, would result in a combined millage in excess of the 10-mill limit, any millage levied pursuant to this subsection shall be considered to be required local effort to the extent that the district millage would otherwise exceed the 10-mill limit. *Funds levied under this subsection shall be shared with charter schools as provided in s. 1002.33(17) and used in a manner consistent with the purposes of the levy.*

Section 17. *Disaster preparedness supplies; sales tax holiday.—*

(1) The tax levied under chapter 212, Florida Statutes, may not be collected during the period from 12:01 a.m. on May 31, 2019, through 11:59 p.m. on June 6, 2019, on the sale of:

(a) A portable self-powered light source selling for $20 or less.

(b) A portable self-powered radio, two-way radio, or weather-band radio selling for $50 or less.

(c) A tarpaulin or other flexible waterproof sheeting selling for $50 or less.

(d) An item normally sold as, or generally advertised as, a ground anchor system or tie-down kit selling for $50 or less.

(e) A gas or diesel fuel tank selling for $25 or less.

(f) A package of AA-cell, AAA-cell, C-cell, D-cell, 6-volt, or 9-volt batteries, excluding automobile and boat batteries, selling for $30 or less.

(g) A nonelectric food storage cooler selling for $30 or less.

(h) A portable generator used to provide light or communications or preserve food in the event of a power outage selling for $750 or less.

(i) Reusable ice selling for $10 or less.

(2) The tax exemptions provided in this section do not apply to sales within a theme park or entertainment complex as defined in s. 509.013(9), Florida Statutes, within a public lodging establishment as defined in s. 509.013(4), Florida Statutes, or within an airport as defined in s. 330.27(2), Florida Statutes.

(3) The Department of Revenue is authorized, and all conditions are deemed met, to adopt emergency rules pursuant to s. 120.54(4), Florida Statutes, for the purpose of implementing this section. Notwithstanding any other provision of law, emergency rules adopted pursuant to this subsection are effective for 6 months after adoption and may be renewed during the pendency of procedures to adopt permanent rules addressing the subject of the emergency rules.

Section 18. *Clothing, school supplies, personal computers, and personal computer-related accessories; sales tax holiday.—*

(1) The tax levied under chapter 212, Florida Statutes, may not be collected during the period from 12:01 a.m. on August 2, 2019, through 11:59 p.m. on August 6, 2019, on the retail sale of:

(a) Clothing, wallets, or bags, including handbags, backpacks, fanny packs, and diaper bags, but excluding briefcases, suitcases, and other garment bags, having a sales price of $60 or less per item. As used in this paragraph, the term "clothing" means:

1. Any article of wearing apparel intended to be worn on or about the human body, excluding watches, watchbands, jewelry, umbrellas, and handkerchiefs; and

2. All footwear, excluding skis, swim fins, roller blades, and skates.

(b) School supplies having a sales price of $15 or less per item. As used in this paragraph, the term "school supplies" means pens, pencils, erasers, crayons, notebooks, notebook filler paper, legal pads, binders, lunch boxes, construction paper, markers, folders, poster board, composition books, poster paper, scissors, cellophane tape, glue or paste, rulers, computer disks, staplers and staples used to secure paper products, protractors, compasses, and calculators.

(2) The tax levied under chapter 212, Florida Statutes, may not be collected during the period from 12:01 a.m. on August 2, 2019, through 11:59 p.m. on August 6, 2019, on the retail sale of personal computers or personal computer-related accessories having a sales price of $1,000 or less per item and purchased for noncommercial home or personal use. As used in this subsection, the term:

(a) "Personal computers" includes electronic book readers, laptops, desktops, handhelds, tablets, or tower computers. The term does not include cellular telephones, video game consoles, digital media receivers, or devices that are not primarily designed to process data.

(b) "Personal computer-related accessories" includes keyboards, mice, personal digital assistants, monitors, other peripheral devices, modems, routers, and nonrecreational software, regardless of whether the accessories are used in association with a personal computer base unit. The term does not include furniture or systems, devices, software, or peripherals that are designed or intended primarily for recreational use. The term "monitor" does not include any device that includes a television tuner.

(3) The tax exemptions provided in this section do not apply to sales within a theme park or entertainment complex as defined in s. 509.013(9), Florida Statutes, within a public lodging establishment as defined in s. 509.013(4), Florida Statutes, or within an airport as defined in s. 330.27(2), Florida Statutes.

(4) The tax exemptions provided in this section may apply at the option of a dealer if less than 5 percent of the dealer's gross sales of tangible personal property in the prior calendar year are comprised of items that would be exempt under this section. If a qualifying dealer chooses not to participate in the tax holiday, by August 1, 2019, the dealer must notify the Department of Revenue in writing of its election to collect sales tax during the holiday and must post a copy of that notice in a conspicuous location at its place of business.

(5) The Department of Revenue is authorized, and all conditions are deemed met, to adopt emergency rules pursuant to s. 120.54(4), Florida Statutes, for the purpose of implementing this section. Notwithstanding any other provision of law, emergency rules adopted pursuant to this subsection are effective for 6 months after adoption and may be renewed during the pendency of procedures to adopt permanent rules addressing the subject of the emergency rules.

(6) For the 2018-2019 fiscal year, the sum of $237,000 in nonrecurring funds is appropriated from the General Revenue Fund to the Department of Revenue for the purpose of implementing this section. Funds remaining unexpended or unencumbered from this appropriation as of June 30, 2019, shall revert and be reappropriated for the same purpose in the 2019-2020 fiscal year.

Section 19. *Fencing materials used in agriculture.—*

(1) The purchase of fencing materials used to replace or repair farm fences on land classified as agricultural under s. 193.461, Florida Statutes, is exempt from the tax imposed under chapter 212, Florida Statutes, during the period from October 10, 2018, through June 30, 2019, if the fencing materials will be or were used to replace or repair fences that were damaged as a direct result of the impact of Hurricane Michael. The

exemption provided by this section is available only through a refund from the Department of Revenue of previously paid taxes.

(2) To receive a refund pursuant to this section, the owner of the fencing materials or the real property into which the fencing materials were incorporated must apply to the Department of Revenue by December 31, 2019. The refund application must include the following information:

(a) The name and address of the person claiming the refund.

(b) The address and assessment roll parcel number of the agricultural land in which the fencing materials were or will be used.

(c) The sales invoice or other proof of purchase of the fencing materials, showing the amount of sales tax paid, the date of purchase, and the name and address of the dealer from whom the materials were purchased.

(d) An affidavit executed by the owner of the fencing materials or the real property into which the fencing materials were or will be incorporated, including a statement that the fencing materials were or will be used to replace or repair fencing damaged as a direct result of the impact of Hurricane Michael.

(3) A person furnishing a false affidavit to the Department of Revenue pursuant to subsection (2) is subject to the penalty set forth in s. 212.085, Florida Statutes, and as otherwise authorized by law.

(4) This section is deemed a revenue law for the purposes of ss. 213.05 and 213.06, Florida Statutes, and s. 72.011, Florida Statutes, applies to this section.

(5) This section operates retroactively to October 10, 2018.

(6) The Department of Revenue is authorized, and all conditions are deemed met, to adopt emergency rules pursuant to s. 120.54(4), Florida Statutes, for the purpose of implementing this section. Notwithstanding any other provision of law, emergency rules adopted pursuant to this subsection are effective for 6 months after adoption and may be renewed during the pendency of procedures to adopt permanent rules addressing the subject of the emergency rules.

Section 20. *Building materials used to replace or repair nonresidential farm buildings damaged by Hurricane Michael.—*

(1) Building materials used to replace or repair a nonresidential farm building damaged as a direct result of the impact of Hurricane Michael and purchased during the period from October 10, 2018, through June 30, 2019, are exempt from the tax imposed under chapter 212, Florida Statutes. The exemption provided by this section is available only through a refund of previously paid taxes.

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

(a) "Building materials" means tangible personal property that becomes a component part of a nonresidential farm building.

(b) "Nonresidential farm building" has the same meaning as provided in s. 604.50, Florida Statutes.

(3) To receive a refund pursuant to this section, the owner of the building materials or of the real property into which the building materials will be or were incorporated must apply to the Department of Revenue by December 31, 2019. The refund application must include the following information:

(a) The name and address of the person claiming the refund.

(b) The address and assessment roll parcel number of the real property where the building materials were or will be used.

(c) The sales invoice or other proof of purchase of the building materials, showing the amount of sales tax paid, the date of purchase, and the name and address of the dealer from whom the materials were purchased.

(d) An affidavit executed by the owner of the building materials or the real property into which the building materials will be or were incorporated, including a statement that the building materials were or will be used to replace or repair the nonresidential farm building damaged as a direct result of the impact of Hurricane Michael.

(4) A person furnishing a false affidavit to the Department of Revenue pursuant to subsection (3) is subject to the penalty set forth in s. 212.085, Florida Statutes, and as otherwise provided by law.

(5) This section is deemed a revenue law for the purposes of ss. 213.05 and 213.06, Florida Statutes, and s. 72.011, Florida Statutes, applies to this section.

(6) This section operates retroactively to October 10, 2018.

(7) The Department of Revenue is authorized, and all conditions are deemed met, to adopt emergency rules pursuant to s. 120.54(4), Florida Statutes, for the purpose of implementing this section. Notwithstanding any other provision of law, emergency rules adopted pursuant to this subsection are effective for 6 months after adoption and may be renewed during the pendency of procedures to adopt permanent rules addressing the subject of the emergency rules.

Section 21. *Refund of fuel taxes used for agricultural shipment or hurricane debris removal after Hurricane Michael.—*

(1) Fuel purchased and used in this state during the period from October 10, 2018, through June 30, 2019, which is or was used in any motor vehicle driven or operated upon the public highways of this state for agricultural shipment or hurricane debris removal, is exempt from all state and county taxes authorized or imposed under parts I and II of chapter 206, Florida Statutes, excluding the taxes imposed under s. 206.41(1)(a) and (h), Florida Statutes. The exemption provided by this section is available to the fuel purchaser in an amount equal to the fuel tax imposed on fuel that was purchased for agricultural shipment or hurricane debris removal during the period from October 10, 2018, through June 30, 2019. The exemption provided by this section is only available through a refund from the Department of Revenue.

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

(a) "Agricultural processing or storage facility" means property used or useful in separating, cleaning, processing, converting, packaging, handling, storing, and other activities necessary to prepare crops, livestock, related products, and other products of agriculture, and includes nonfarm facilities that produce agricultural products, in whole or in part, through natural processes, animal husbandry, and apiaries.

(b) "Agricultural product" means the natural products of a farm, nursery, forest, grove, orchard, vineyard, garden, or apiary, including livestock as defined in s. 585.01(13), Florida Statutes.

(c) "Agricultural shipment" means the transport of any agricultural product from a farm, nursery, forest, grove, orchard, vineyard, garden, or apiary located in Okaloosa, Walton, Holmes, Washington, Bay, Jackson, Calhoun, Gulf, Gadsden, Liberty, Franklin, Leon, or Wakulla County to an agricultural processing or storage facility.

(d) "Fuel" means motor fuel or diesel fuel, as those terms are defined in ss. 206.01 and 206.86, Florida Statutes, respectively.

(e) "Fuel tax" means all state and county taxes authorized or imposed on fuel under chapter 206, Florida Statutes.

(f) "Hurricane debris removal" means the transport of Hurricane Michael debris from a farm, nursery, forest, grove, orchard, vineyard, or apiary located in Okaloosa, Walton, Holmes, Washington, Bay, Jackson, Calhoun, Gulf, Gadsden, Liberty, Franklin, Leon or Wakulla County.

(g) "Motor vehicle" and "public highways" have the same meanings as provided in s. 206.01, Florida Statutes.

(3) To receive a refund pursuant to this section, the fuel purchaser must apply to the Department of Revenue by December 31, 2019. The refund application must include the following information:

(a) The name and address of the person claiming the refund.

(b) The names and addresses of up to three owners of farms, nurseries, forests, groves, orchards, vineyards, gardens, or apiaries whose

agricultural products were shipped or hurricane debris was removed by the person seeking the refund pursuant to this section.

(c) The sales invoice or other proof of purchase of the fuel, showing the number of gallons of fuel purchased, the type of fuel purchased, the date of purchase, and the name and place of business of the dealer from whom the fuel was purchased.

(d) The license number or other identification number of the motor vehicle that used the exempt fuel.

(e) An affidavit executed by the person seeking the refund pursuant to this section, including a statement that he or she purchased and used the fuel for which the refund is being claimed during the period from October 10, 2018, through June 30, 2019, for an agricultural shipment or hurricane debris removal.

(4) A person furnishing a false affidavit to the Department of Revenue pursuant to subsection (3) is subject to the penalty set forth in s. 206.11, Florida Statutes, and as otherwise provided by law.

(5) The tax imposed under s. 212.0501, Florida Statutes, does not apply to fuel that is exempt under this section and for which a fuel purchaser received a refund under this section.

(6) This section is deemed a revenue law for the purposes of ss. 213.05 and 213.06, Florida Statutes, and s. 72.011, Florida Statutes, applies to this section.

(7) This section operates retroactively to October 10, 2018.

(8) The Department of Revenue is authorized, and all conditions are deemed met, to adopt emergency rules pursuant to s. 120.54(4), Florida Statutes, for the purpose of implementing this section. Notwithstanding any other provision of law, emergency rules adopted pursuant to this subsection are effective for 6 months after adoption and may be renewed during the pendency of procedures to adopt permanent rules addressing the subject of the emergency rules.

Section 22. *(1) The provisions of this act relating to ss. 1011.71 and 1002.33, Florida Statutes, amending the use of certain voted discretionary operating millages levied by school districts, apply to such levies authorized by a vote of the electors on or after July 1, 2019.*

(2) Subsection (1) does not apply to voted discretionary operating millages levied by a school district in any county as defined in s. 125.011(1), Florida Statutes, and the provisions of this act apply to revenues collected on or after July 1, 2019, in any such county.

Section 23. *For the 2019-2020 fiscal year, the sum of $91,319 in nonrecurring funds is appropriated from the General Revenue Fund to the Department of Revenue to administer this act.*

Section 24. Except as otherwise expressly provided in this act, 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 taxation; amending s. 28.241, F.S.; requiring that all of the proceeds from filing fees for trial and appellate proceedings be deposited into the State Courts Revenue Trust Fund; creating s. 193.4517, F.S.; defining terms; providing a tangible personal property assessment limitation, during a certain timeframe and in certain counties, for certain agricultural equipment rendered unable to be used due to Hurricane Michael; specifying conditions for applying for and receiving the assessment limitation; providing procedures for petitioning the value adjustment board if an application is denied; providing retroactive application; amending s. 195.096, F.S.; specifying a requirement for the Department of Revenue in reviewing assessment rolls in certain counties in assessment years following a natural disaster; authorizing the department to use the best information available to estimate levels of assessment; providing applicability and retroactive operation; amending s. 201.02, F.S.; removing a limitation on the transfer of homestead property deeds between spouses that are exempt from documentary stamp tax; amending s. 212.031, F.S.; reducing tax rates on rental or licensee fees for the use of real property; amending s. 212.08, F.S.; exempting from sales and use tax property purchased for sale by a dealer and donated to a 501(c)(3) organization; amending s. 218.131, F.S.; revising the date of distribution of appropriated moneys to certain counties; amending s. 318.14, F.S.; providing a specified reduction in civil penalty for persons who are cited for certain noncriminal traffic infractions and who elect to attend a certain driver improvement course; removing a provision that required that a portion of a certain civil penalty be deposited in the State Courts Revenue Trust Fund; amending s. 318.15, F.S.; conforming a provision to changes made by the act; amending s. 624.51055, F.S.; specifying when an eligible contribution to certain nonprofit scholarship-funding organizations must be made for purposes of claiming a credit against the insurance premium tax; providing applicability; amending s. 741.01, F.S.; requiring that all of the proceeds from a fee paid to the clerk of the circuit court for the issuance of a marriage license be deposited monthly into the State Courts Revenue Trust Fund; amending s. 1002.33, F.S.; conforming a provision to changes made by the act; amending s. 1002.395, F.S.; specifying that under the Florida Tax Credit Scholarship Program, a taxpayer may apply for a credit against the insurance premium tax to be used for a certain timeframe; revising an insurer's authority to reduce certain tax installment payments for purposes of determining if a certain tax penalty is imposed; providing applicability; amending s. 1011.71, F.S.; defining the term "school operational purposes" to include charter schools sponsored by a school district; requiring that voted levies for school operational purposes be shared with charter schools in accordance with certain provisions; providing sales tax exemptions for certain disaster preparedness supplies during a certain timeframe; specifying locations where the exemptions do not apply; authorizing the department to adopt emergency rules; providing sales tax exemptions for certain clothing, wallets, bags, school supplies, personal computers, and personal computer-related accessories during a certain timeframe; defining terms; specifying locations where the exemptions do not apply; authorizing certain dealers to opt out of participating in the exemptions, subject to certain conditions; authorizing the department to adopt emergency rules; providing an appropriation; providing a sales tax exemption for the purchase, within a certain timeframe, of certain fencing materials used to replace or repair fences damaged by Hurricane Michael on agricultural lands; specifying that the exemption is available only through a refund by the department of previously paid taxes; specifying requirements for applying for the refund; providing penalties for furnishing a false affidavit; providing construction and retroactive applicability; authorizing the department to adopt emergency rules; providing a sales tax exemption for the purchase, within a certain timeframe, of building materials used to replace or repair nonresidential farm buildings damaged by Hurricane Michael; specifying that the exemption is available only through a refund by the department of previously paid taxes; defining the terms "building materials" and "nonresidential farm building"; specifying requirements for applying for the refund; providing penalties for furnishing a false affidavit; providing construction and retroactive applicability; authorizing the department to adopt emergency rules; providing an exemption from certain fuel taxes for fuel purchased, within a certain timeframe, for use for agricultural shipment or hurricane debris removal after Hurricane Michael; specifying that the exemption is available only through a refund by the department; defining terms; specifying requirements for applying for the refund; providing penalties for furnishing a false affidavit; providing applicability and construction; providing for retroactive operation; authorizing the department to adopt emergency rules; providing applicability relating to the use of certain voted discretionary operating millages levied by school districts; providing applicability; providing an appropriation; providing effective dates.

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

Senator Stargel moved the following amendment to **Amendment 1 (176464)** which was adopted:

Amendment 1A (925052) (with title amendment)—Delete lines 267-689 and insert:

Section 13. Paragraphs (b) and (g) of subsection (5) of section 1002.395, Florida Statutes, are amended to read:

1002.395 Florida Tax Credit Scholarship Program.—

(5) SCHOLARSHIP FUNDING TAX CREDITS; LIMITATIONS.—

(b) A taxpayer may submit an application to the department for a tax credit or credits under one or more of s. 211.0251, s. 212.1831, s. 220.1875, s. 561.1211, or s. 624.51055.

1. The taxpayer shall specify in the application each tax for which the taxpayer requests a credit and the applicable taxable year for a credit under s. 220.1875 or s. 624.51055 or the applicable state fiscal year for a credit under s. 211.0251, s. 212.1831, or s. 561.1211. For purposes of s. 220.1875, a taxpayer may apply for a credit to be used for a prior taxable year before the date the taxpayer is required to file a return for that year pursuant to s. 220.222. *For purposes of s. 624.51055, a taxpayer may apply for a credit to be used for a prior taxable year before the date the taxpayer is required to file a return for that prior taxable year pursuant to ss. 624.509 and 624.5092.* The department shall approve tax credits on a first-come, first-served basis and must obtain the division's approval before approving a tax credit under s. 561.1211.

2. Within 10 days after approving or denying an application, the department shall provide a copy of its approval or denial letter to the eligible nonprofit scholarship-funding organization specified by the taxpayer in the application.

(g) For purposes of calculating the underpayment of estimated corporate income taxes pursuant to s. 220.34 and tax installment payments for taxes on insurance premiums or assessments under s. 624.5092, the final amount due is the amount after credits earned under s. 220.1875 or s. 624.51055 for contributions to eligible nonprofit scholarship-funding organizations are deducted.

1. For purposes of determining if a penalty or interest shall be imposed for underpayment of estimated corporate income tax pursuant to s. 220.34(2)(d)1., a taxpayer may, after earning a credit under s. 220.1875, reduce any estimated payment in that taxable year by the amount of the credit. This subparagraph applies to contributions made on or after July 1, 2014.

2. For purposes of determining if a penalty under s. 624.5092 shall be imposed, an insurer ~~may~~, after earning a credit under s. 624.51055 *for a taxable year*, *may* reduce *any* ~~the following~~ installment payment *for such taxable year* of 27 percent of the amount of the net tax due as reported on the return for the preceding year under s. 624.5092(2)(b) by the amount of the credit. This subparagraph applies to contributions made on or after July 1, 2014.

Section 14. *The amendment made by this act to s. 1002.395, Florida Statutes, first applies to insurance premium taxable years beginning on or after January 1, 2019.*

Section 15. *Disaster preparedness supplies; sales tax holiday.—*

(1) The tax levied under chapter 212, Florida Statutes, may not be collected during the period from 12:01 a.m. on May 31, 2019, through 11:59 p.m. on June 6, 2019, on the sale of:

(a) A portable self-powered light source selling for $20 or less.

(b) A portable self-powered radio, two-way radio, or weather-band radio selling for $50 or less.

(c) A tarpaulin or other flexible waterproof sheeting selling for $50 or less.

(d) An item normally sold as, or generally advertised as, a ground anchor system or tie-down kit selling for $50 or less.

(e) A gas or diesel fuel tank selling for $25 or less.

(f) A package of AA-cell, AAA-cell, C-cell, D-cell, 6-volt, or 9-volt batteries, excluding automobile and boat batteries, selling for $30 or less.

(g) A nonelectric food storage cooler selling for $30 or less.

(h) A portable generator used to provide light or communications or preserve food in the event of a power outage selling for $750 or less.

(i) Reusable ice selling for $10 or less.

(2) The tax exemptions provided in this section do not apply to sales within a theme park or entertainment complex as defined in s. 509.013(9), Florida Statutes, within a public lodging establishment as defined in s. 509.013(4), Florida Statutes, or within an airport as defined in s. 330.27(2), Florida Statutes.

(3) The Department of Revenue is authorized, and all conditions are deemed met, to adopt emergency rules pursuant to s. 120.54(4), Florida Statutes, for the purpose of implementing this section. Notwithstanding any other provision of law, emergency rules adopted pursuant to this subsection are effective for 6 months after adoption and may be renewed during the pendency of procedures to adopt permanent rules addressing the subject of the emergency rules.

Section 16. *Clothing, school supplies, personal computers, and personal computer-related accessories; sales tax holiday.—*

(1) The tax levied under chapter 212, Florida Statutes, may not be collected during the period from 12:01 a.m. on August 2, 2019, through 11:59 p.m. on August 6, 2019, on the retail sale of:

(a) Clothing, wallets, or bags, including handbags, backpacks, fanny packs, and diaper bags, but excluding briefcases, suitcases, and other garment bags, having a sales price of $60 or less per item. As used in this paragraph, the term "clothing" means:

1. Any article of wearing apparel intended to be worn on or about the human body, excluding watches, watchbands, jewelry, umbrellas, and handkerchiefs; and

2. All footwear, excluding skis, swim fins, roller blades, and skates.

(b) School supplies having a sales price of $15 or less per item. As used in this paragraph, the term "school supplies" means pens, pencils, erasers, crayons, notebooks, notebook filler paper, legal pads, binders, lunch boxes, construction paper, markers, folders, poster board, composition books, poster paper, scissors, cellophane tape, glue or paste, rulers, computer disks, staplers and staples used to secure paper products, protractors, compasses, and calculators.

(2) The tax levied under chapter 212, Florida Statutes, may not be collected during the period from 12:01 a.m. on August 2, 2019, through 11:59 p.m. on August 6, 2019, on the retail sale of personal computers or personal computer-related accessories having a sales price of $1,000 or less per item and purchased for noncommercial home or personal use. As used in this subsection, the term:

(a) "Personal computers" includes electronic book readers, laptops, desktops, handhelds, tablets, or tower computers. The term does not include cellular telephones, video game consoles, digital media receivers, or devices that are not primarily designed to process data.

(b) "Personal computer-related accessories" includes keyboards, mice, personal digital assistants, monitors, other peripheral devices, modems, routers, and nonrecreational software, regardless of whether the accessories are used in association with a personal computer base unit. The term does not include furniture or systems, devices, software, or peripherals that are designed or intended primarily for recreational use. The term "monitor" does not include any device that includes a television tuner.

(3) The tax exemptions provided in this section do not apply to sales within a theme park or entertainment complex as defined in s. 509.013(9), Florida Statutes, within a public lodging establishment as defined in s. 509.013(4), Florida Statutes, or within an airport as defined in s. 330.27(2), Florida Statutes.

(4) The tax exemptions provided in this section may apply at the option of a dealer if less than 5 percent of the dealer's gross sales of tangible personal property in the prior calendar year are comprised of items that would be exempt under this section. If a qualifying dealer chooses not to participate in the tax holiday, by August 1, 2019, the dealer must notify the Department of Revenue in writing of its election to collect sales tax during the holiday and must post a copy of that notice in a conspicuous location at its place of business.

(5) The Department of Revenue is authorized, and all conditions are deemed met, to adopt emergency rules pursuant to s. 120.54(4), Florida Statutes, for the purpose of implementing this section. Notwithstanding

any other provision of law, emergency rules adopted pursuant to this subsection are effective for 6 months after adoption and may be renewed during the pendency of procedures to adopt permanent rules addressing the subject of the emergency rules.

(6) For the 2018-2019 fiscal year, the sum of $237,000 in nonrecurring funds is appropriated from the General Revenue Fund to the Department of Revenue for the purpose of implementing this section. Funds remaining unexpended or unencumbered from this appropriation as of June 30, 2019, shall revert and be reappropriated for the same purpose in the 2019-2020 fiscal year.

Section 17. *Fencing materials used in agriculture.—*

(1) The purchase of fencing materials used to replace or repair farm fences on land classified as agricultural under s. 193.461, Florida Statutes, is exempt from the tax imposed under chapter 212, Florida Statutes, during the period from October 10, 2018, through June 30, 2019, if the fencing materials will be or were used to replace or repair fences that were damaged as a direct result of the impact of Hurricane Michael. The exemption provided by this section is available only through a refund from the Department of Revenue of previously paid taxes.

(2) To receive a refund pursuant to this section, the owner of the fencing materials or the real property into which the fencing materials were incorporated must apply to the Department of Revenue by December 31, 2019. The refund application must include the following information:

(a) The name and address of the person claiming the refund.

(b) The address and assessment roll parcel number of the agricultural land in which the fencing materials were or will be used.

(c) The sales invoice or other proof of purchase of the fencing materials, showing the amount of sales tax paid, the date of purchase, and the name and address of the dealer from whom the materials were purchased.

(d) An affidavit executed by the owner of the fencing materials or the real property into which the fencing materials were or will be incorporated, including a statement that the fencing materials were or will be used to replace or repair fencing damaged as a direct result of the impact of Hurricane Michael.

(3) A person furnishing a false affidavit to the Department of Revenue pursuant to subsection (2) is subject to the penalty set forth in s. 212.085, Florida Statutes, and as otherwise authorized by law.

(4) This section is deemed a revenue law for the purposes of ss. 213.05 and 213.06, Florida Statutes, and s. 72.011, Florida Statutes, applies to this section.

(5) This section operates retroactively to October 10, 2018.

(6) The Department of Revenue is authorized, and all conditions are deemed met, to adopt emergency rules pursuant to s. 120.54(4), Florida Statutes, for the purpose of implementing this section. Notwithstanding any other provision of law, emergency rules adopted pursuant to this subsection are effective for 6 months after adoption and may be renewed during the pendency of procedures to adopt permanent rules addressing the subject of the emergency rules.

Section 18. *Building materials used to replace or repair nonresidential farm buildings damaged by Hurricane Michael.—*

(1) Building materials used to replace or repair a nonresidential farm building damaged as a direct result of the impact of Hurricane Michael and purchased during the period from October 10, 2018, through June 30, 2019, are exempt from the tax imposed under chapter 212, Florida Statutes. The exemption provided by this section is available only through a refund of previously paid taxes.

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

(a) "Building materials" means tangible personal property that becomes a component part of a nonresidential farm building.

(b) "Nonresidential farm building" has the same meaning as provided in s. 604.50, Florida Statutes.

(3) To receive a refund pursuant to this section, the owner of the building materials or of the real property into which the building materials will be or were incorporated must apply to the Department of Revenue by December 31, 2019. The refund application must include the following information:

(a) The name and address of the person claiming the refund.

(b) The address and assessment roll parcel number of the real property where the building materials were or will be used.

(c) The sales invoice or other proof of purchase of the building materials, showing the amount of sales tax paid, the date of purchase, and the name and address of the dealer from whom the materials were purchased.

(d) An affidavit executed by the owner of the building materials or the real property into which the building materials will be or were incorporated, including a statement that the building materials were or will be used to replace or repair the nonresidential farm building damaged as a direct result of the impact of Hurricane Michael.

(4) A person furnishing a false affidavit to the Department of Revenue pursuant to subsection (3) is subject to the penalty set forth in s. 212.085, Florida Statutes, and as otherwise provided by law.

(5) This section is deemed a revenue law for the purposes of ss. 213.05 and 213.06, Florida Statutes, and s. 72.011, Florida Statutes, applies to this section.

(6) This section operates retroactively to October 10, 2018.

(7) The Department of Revenue is authorized, and all conditions are deemed met, to adopt emergency rules pursuant to s. 120.54(4), Florida Statutes, for the purpose of implementing this section. Notwithstanding any other provision of law, emergency rules adopted pursuant to this subsection are effective for 6 months after adoption and may be renewed during the pendency of procedures to adopt permanent rules addressing the subject of the emergency rules.

Section 19. *Refund of fuel taxes used for agricultural shipment or hurricane debris removal after Hurricane Michael.—*

(1) Fuel purchased and used in this state during the period from October 10, 2018, through June 30, 2019, which is or was used in any motor vehicle driven or operated upon the public highways of this state for agricultural shipment or hurricane debris removal, is exempt from all state and county taxes authorized or imposed under parts I and II of chapter 206, Florida Statutes, excluding the taxes imposed under s. 206.41(1)(a) and (h), Florida Statutes. The exemption provided by this section is available to the fuel purchaser in an amount equal to the fuel tax imposed on fuel that was purchased for agricultural shipment or hurricane debris removal during the period from October 10, 2018, through June 30, 2019. The exemption provided by this section is only available through a refund from the Department of Revenue.

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

(a) "Agricultural processing or storage facility" means property used or useful in separating, cleaning, processing, converting, packaging, handling, storing, and other activities necessary to prepare crops, livestock, related products, and other products of agriculture, and includes nonfarm facilities that produce agricultural products, in whole or in part, through natural processes, animal husbandry, and apiaries.

(b) "Agricultural product" means the natural products of a farm, nursery, forest, grove, orchard, vineyard, garden, or apiary, including livestock as defined in s. 585.01(13), Florida Statutes.

(c) "Agricultural shipment" means the transport of any agricultural product from a farm, nursery, forest, grove, orchard, vineyard, garden, or apiary located in Okaloosa, Walton, Holmes, Washington, Bay, Jackson, Calhoun, Gulf, Gadsden, Liberty, Franklin, Leon, or Wakulla County to an agricultural processing or storage facility.

(d) "Fuel" means motor fuel or diesel fuel, as those terms are defined in ss. 206.01 and 206.86, Florida Statutes, respectively.

(e) "Fuel tax" means all state and county taxes authorized or imposed on fuel under chapter 206, Florida Statutes.

(f) "Hurricane debris removal" means the transport of Hurricane Michael debris from a farm, nursery, forest, grove, orchard, vineyard, or apiary located in Okaloosa, Walton, Holmes, Washington, Bay, Jackson, Calhoun, Gulf, Gadsden, Liberty, Franklin, Leon or Wakulla County.

(g) "Motor vehicle" and "public highways" have the same meanings as provided in s. 206.01, Florida Statutes.

(3) To receive a refund pursuant to this section, the fuel purchaser must apply to the Department of Revenue by December 31, 2019. The refund application must include the following information:

(a) The name and address of the person claiming the refund.

(b) The names and addresses of up to three owners of farms, nurseries, forests, groves, orchards, vineyards, gardens, or apiaries whose agricultural products were shipped or hurricane debris was removed by the person seeking the refund pursuant to this section.

(c) The sales invoice or other proof of purchase of the fuel, showing the number of gallons of fuel purchased, the type of fuel purchased, the date of purchase, and the name and place of business of the dealer from whom the fuel was purchased.

(d) The license number or other identification number of the motor vehicle that used the exempt fuel.

(e) An affidavit executed by the person seeking the refund pursuant to this section, including a statement that he or she purchased and used the fuel for which the refund is being claimed during the period from October 10, 2018, through June 30, 2019, for an agricultural shipment or hurricane debris removal.

(4) A person furnishing a false affidavit to the Department of Revenue pursuant to subsection (3) is subject to the penalty set forth in s. 206.11, Florida Statutes, and as otherwise provided by law.

(5) The tax imposed under s. 212.0501, Florida Statutes, does not apply to fuel that is exempt under this section and for which a fuel purchaser received a refund under this section.

(6) This section is deemed a revenue law for the purposes of ss. 213.05 and 213.06, Florida Statutes, and s. 72.011, Florida Statutes, applies to this section.

(7) This section operates retroactively to October 10, 2018.

(8) The Department of Revenue is authorized, and all conditions are deemed met, to adopt emergency rules pursuant to s. 120.54(4), Florida Statutes, for the purpose of implementing this section. Notwithstanding any other provision of law, emergency rules adopted pursuant to this subsection are effective for 6 months after adoption and may be renewed during the pendency of procedures to adopt permanent rules addressing the subject of the emergency rules.

And the title is amended as follows:

Delete lines 748-809 and insert: 1002.395, F.S.; specifying that under the Florida Tax Credit Scholarship Program, a taxpayer may apply for a credit against the insurance premium tax to be used for a certain timeframe; revising an insurer's authority to reduce certain tax installment payments for purposes of determining if a certain tax penalty is imposed; providing applicability; providing sales tax exemptions for certain disaster preparedness supplies during a certain timeframe; specifying locations where the exemptions do not apply; authorizing the department to adopt emergency rules; providing sales tax exemptions for certain clothing, wallets, bags, school supplies, personal computers, and personal computer-related accessories during a certain timeframe; defining terms; specifying locations where the exemptions do not apply; authorizing certain dealers to opt out of participating in the exemptions, subject to certain conditions; authorizing the department to adopt emergency rules; providing an appropriation; providing a sales tax exemption for the purchase, within a certain timeframe, of certain fencing materials used to replace or repair fences damaged by Hurricane Michael on agricultural lands; specifying that the exemption is available only through a refund by the department of previously paid taxes; specifying requirements for applying for the refund; providing penalties for furnishing a false affidavit; providing construction and retroactive applicability; authorizing the department to adopt emergency rules; providing a sales tax exemption for the purchase, within a certain timeframe, of building materials used to replace or repair nonresidential farm buildings damaged by Hurricane Michael; specifying that the exemption is available only through a refund by the department of previously paid taxes; defining the terms "building materials" and "nonresidential farm building"; specifying requirements for applying for the refund; providing penalties for furnishing a false affidavit; providing construction and retroactive applicability; authorizing the department to adopt emergency rules; providing an exemption from certain fuel taxes for fuel purchased, within a certain timeframe, for use for agricultural shipment or hurricane debris removal after Hurricane Michael; specifying that the exemption is available only through a refund by the department; defining terms; specifying requirements for applying for the refund; providing penalties for furnishing a false affidavit; providing applicability and construction; providing for retroactive operation; authorizing the department to adopt emergency rules; providing an appropriation;

Amendment 1 (176464), as amended, was adopted.

Pursuant to Rule 4.19, **CS for HB 7123**, as amended, was placed on the calendar of Bills on Third Reading.

CS for CS for SB 540—A bill to be entitled An act relating to human trafficking; creating s. 16.618, F.S.; requiring the Department of Legal Affairs to establish a certain direct-support organization; providing requirements for the direct-support organization; requiring the direct-support organization to operate under written contract with the department; providing contractual requirements; providing for the membership of and the appointment of directors to the board of directors of the direct-support organization; requiring the direct-support organization, in conjunction with the Statewide Council on Human Trafficking, to form certain partnerships for specified purposes; authorizing the department to allow appropriate use of department property, facilities, and personnel by the direct-support organization; providing requirements and conditions for such use of department property, facilities, and personnel by the direct-support organization; authorizing the direct-support organization to engage in certain activities for the direct or indirect benefit of the council; providing for moneys received by the direct-support organization; prohibiting certain persons and employees from receiving specified benefits as they relate to the council or the direct-support organization; authorizing the department to terminate its agreement with the direct-support organization if the department determines that the direct-support organization does not meet specified objectives; providing for future review and repeal by the Legislature; amending s. 480.043, F.S.; requiring a massage establishment to train certain employees and create certain policies relating to human trafficking by a specified date; providing requirements for such training; requiring the Board of Massage Therapy to take disciplinary action against a massage establishment for failure to comply with such requirements; providing that this section does not establish a private cause of action against a massage establishment under certain circumstances; creating s. 509.096, F.S.; requiring a public lodging establishment to train certain employees and create certain policies relating to human trafficking by a specified date; providing requirements for such training; requiring the Division of Hotels and Restaurants of the Department of Business and Professional Regulation to take disciplinary action against a public lodging establishment for failure to comply with such requirements; providing that this section does not establish a private cause of action against a public lodging establishment under certain circumstances; amending s. 796.07, F.S.; requiring that the criminal history record of a person who is convicted of, or who enters a plea of guilty or nolo contendere to, soliciting, inducing, enticing, or procuring another to commit prostitution, lewdness, or assignation be added to the Soliciting for Prostitution Public Database; requiring the clerk of the court to forward the criminal history record of such persons to the Department of Law Enforcement for certain purposes; creating s. 943.0433, F.S.; requiring the Department of Law Enforcement to create and administer the Soliciting for Prostitution Public Database; requiring the department to add certain criminal

history records to the database; requiring the department to automatically remove certain criminal history records from the database under certain circumstances; prohibiting the department from removing certain criminal history records from the database under certain circumstances; requiring the database to include specified information on offenders; requiring the department to adopt rules; amending s. 943.0583, F.S.; creating an exception to a prohibition that bars certain victims of human trafficking from petitioning for the expunction of a criminal history record for offenses committed while the person was a victim of human trafficking as part of the human trafficking scheme or at the direction of an operator of the scheme; creating s. 943.17297, F.S.; requiring each certified law enforcement officer to successfully complete training on identifying and investigating human trafficking before a certain date; requiring that the training be developed in consultation with specified entities; specifying that an officer's certification shall be inactive if he or she fails to complete the required training until the employing agency notifies the Criminal Justice Standards and Training Commission that the officer has completed the training; providing effective dates.

—was read the second time by title.

Pending further consideration of **CS for CS for SB 540**, pursuant to Rule 3.11(3), there being no objection, **CS for CS for CS for HB 851** was withdrawn from the Committees on Criminal Justice; and Appropriations.

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

CS for CS for CS for HB 851—A bill to be entitled An act relating to human trafficking; creating s. 16.618, F.S.; requiring the Department of Legal Affairs to establish a certain direct-support organization; providing requirements for the direct-support organization; requiring the direct-support organization to operate under written contract with the department; providing contractual requirements; providing for the membership of and the appointment of directors to the board of directors of the direct-support organization; requiring the direct-support organization, in conjunction with the Statewide Council on Human Trafficking, to form certain partnerships for specified purposes; authorizing the department to allow appropriate use of department property, facilities, and personnel by the direct-support organization; providing requirements and conditions for such use of department property, facilities, and personnel by the direct-support organization; authorizing the direct-support organization to engage in certain activities for the direct or indirect benefit of the council; providing for moneys received by the direct-support organization; prohibiting certain persons and employees from receiving specified benefits as they relate to the council or the direct-support organization; authorizing the department to terminate its agreement with the direct-support organization if the department determines that the direct-support organization does not meet specified objectives; providing for future review and repeal by the Legislature; creating s. 456.0341, F.S.; providing for instruction on human trafficking; requiring specified licensees or certificate holders to complete a certain continuing education course by a specified date; providing course requirements; requiring specified licensees or certificate holders to post a human trafficking public awareness sign in their place of work by a specified date; providing requirements; amending s. 480.033, F.S.; providing definitions; amending s. 480.043, F.S.; conforming provisions to changes made by the act; providing for suspension of an establishment license under specified circumstances; requiring a massage establishment to implement a procedure for reporting suspected human trafficking to certain entities and to post a sign with such reporting procedure in a conspicuous place by a specified date; providing an exception; amending s. 480.046, F.S.; conforming provisions to changes made by the act; revising grounds for disciplinary action by the board; creating s. 943.17297, F.S.; requiring the Department of Law Enforcement to establish a continued employment training component relating to human trafficking; providing requirements; providing that the training component may count towards the required instruction for continued employment or appointment as an officer; requiring an officer to complete the training component within a specified time period; amending s. 450.045, F.S.; penalizing the failure to verify and maintain specified documentation of an adult theater employee or contractor; amending s. 796.07, F.S.; requiring a mandatory minimum term of incarceration for a solicitation of prostitution, lewdness, or assignation conviction; authorizing a judicial circuit to offer an educational program to a person convicted of soliciting prostitution, lewdness, or assignation; providing topics for the educational program; amending s. 847.001, F.S.; expanding the definition of the term "adult theater"; providing appropriations; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 540** and read the second time by title.

Senator Book moved the following amendment:

Amendment 1 (143836) (with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Section 16.618, Florida Statutes, is created to read:

16.618 Direct-support organization.—

(1) The Department of Legal Affairs shall establish a direct-support organization to provide assistance, funding, and support to the Statewide Council on Human Trafficking and to assist in the fulfillment of the council's purposes. The direct-support organization must be:

(a) A Florida corporation, not for profit, incorporated under chapter 617, and approved by the Secretary of State;

(b) Organized and operated exclusively to solicit funds; request and receive grants, gifts, and bequests of money; acquire, receive, hold, invest, and administer, in its own name, property and funds; and make expenditures in support of the purposes specified in this section; and

(c) Certified by the department, after review, to be operating in a manner consistent with the purposes of the organization and in the best interests of this state.

(2) The direct-support organization shall operate under written contract with the department. The contract must provide for all of the following:

(a) Approval of the articles of incorporation and bylaws of the direct-support organization by the department.

(b) Submission of an annual budget for approval by the department.

(c) Annual certification by the department that the direct-support organization is complying with the terms of the contract and is operating in a manner consistent with the purposes of the organization and in the best interests of this state.

(d) Reversion to the Florida Council Against Sexual Violence of moneys and property held in trust by the direct-support organization if the direct-support organization is no longer approved to operate or if it ceases to exist.

(e) Disclosure of the material provisions of the contract and the distinction between the board of directors and the direct-support organization to donors of gifts, contributions, or bequests, which disclosures must be included in all promotional and fundraising publications.

(f) An annual financial audit in accordance with s. 215.981.

(g) Establishment of the fiscal year of the direct-support organization as beginning on July 1 of each year and ending on June 30 of the following year.

(h) Appointment of the board of directors, pursuant to this section.

(i) Authority of the board of directors of the direct-support organization to hire an executive director.

(3) The board of directors of the direct-support organization shall consist of 13 members. Each member of the board of directors shall be appointed to a 4-year term; however, for the purpose of providing staggered terms, the appointees of the President of the Senate and the appointees of the Speaker of the House of Representatives shall each initially be appointed to 2-year terms, and the Attorney General shall initially appoint 2 members to serve 2-year terms. All subsequent appointments shall be for 4-year terms. Any vacancy that occurs must be filled in the same manner as the original appointment and is for the unexpired term of that seat. The board of directors shall be appointed as follows:

(a) Two members appointed by the executive director of the Department of Law Enforcement, both of whom must have law enforcement backgrounds with experience and knowledge in the area of human trafficking.

(b) Three members appointed by the Attorney General, one of whom must be a survivor of human trafficking and one of whom must be a mental health expert.

(c) Four members appointed by the President of the Senate.

(d) Four members appointed by the Speaker of the House of Representatives.

(4)(a) The direct-support organization shall contract with the Florida Forensic Institute for Research, Security, and Tactics to develop the training and information as required by this subsection.

1. The contract with the institute must provide that the direct-support organization may terminate the contract if the institute fails to meet its obligations under this subsection.

2. If the institute ceases to exist, or if the contract between the direct-support organization and the institute is terminated, the department shall contract with another organization in order to develop the training and information as required by this subsection.

(b) Recognizing that this state hosts large-scale events, including sporting events, concerts, and cultural events, which generate significant tourism to this state, produce significant economic revenue, and often are conduits for human trafficking, the institute must develop training that is ready for statewide dissemination by not later than October 1, 2019.

1. Training must focus on detecting human trafficking, best practices for reporting human trafficking, and the interventions and treatment for survivors of human trafficking.

2. In developing the training, the institute shall consult with law enforcement agencies, survivors of human trafficking, industry representatives, tourism representatives, and other interested parties. The institute also must conduct research to determine the reduction in recidivism attributable to the education of the harms of human trafficking for first-time offenders.

(c) The institute shall serve as a repository of information on human trafficking and training materials and resources to recognize and prevent human trafficking.

(d) The human trafficking task force in each circuit, pursuant to s. 409.1754(4), shall coordinate on an ongoing basis with the institute, at least every 6 months, to update training and information on best practices to combat human trafficking.

(e) Sheriffs' offices and local law enforcement agencies may coordinate with the institute to receive updated training and information on best practices.

(5) In conjunction with the Statewide Council on Human Trafficking, and funded exclusively by the direct-support organization, the direct-support organization shall form strategic partnerships to foster the development of community and private sector resources to advance the goals of the council.

(6) The direct-support organization shall consider the participation of counties and municipalities in this state which demonstrate a willingness to participate and an ability to be successful in any programs funded by the direct-support organization.

(7)(a) The department may authorize the appropriate use without charge, of the department's property, facilities, and personnel by the direct-support organization. The use must be for the approved purposes of the direct-support organization and may not be made at times or places that would unreasonably interfere with opportunities for the general public to use departmental facilities.

(b) The department shall prescribe by agreement conditions with which the direct-support organization must comply in order to use department property, facilities, or personnel. Such conditions must provide for budget and audit review and oversight by the department.

(c) The department may not authorize the use of property, facilities, or personnel of the council, department, or designated program by the direct-support organization which does not provide equal employment opportunities to all persons regardless of race, color, religion, sex, age, or national origin.

(8)(a) The direct-support organization may conduct programs and activities; raise funds; request and receive grants, gifts, and bequests of money; acquire, receive, hold, invest, and administer, in its own name, securities, funds, objects of value, or other property, real or personal; and make expenditures to or for the direct or indirect benefit of the council or designated program.

(b) Notwithstanding s. 287.025(1)(e), the direct-support organization may enter into contracts to insure the property of the council or designated programs and may insure objects or collections on loan from other entities in satisfying security terms of the lender.

(9) A departmental employee, a direct-support organization or council employee, a volunteer, or a director or a designated program may not:

(a) Receive a commission, fee, or financial benefit in connection with serving on the council; or

(b) Be a business associate of any individual, firm, or organization involved in the sale or the exchange of real or personal property to the direct-support organization, the council, or a designated program.

(10) All moneys received by the direct-support organization shall be deposited into an account of the direct-support organization and shall be used in a manner consistent with the goals of the council or designated program.

(11) The department may terminate its agreement with the direct-support organization at any time if the department determines that the direct-support organization does not meet the objectives of this section.

(12) This section is repealed October 1, 2024, unless reviewed and saved from repeal by the Legislature.

Section 2. Section 456.0341, Florida Statutes, is created to read:

456.0341 Requirements for instruction on human trafficking.—The requirements of this section apply to each person licensed or certified under chapter 457; chapter 458; chapter 459; chapter 460; chapter 461; chapter 463; part I of chapter 464; chapter 465; chapter 466; part II, part III, part V, or part X of chapter 468; chapter 477; chapter 480; or chapter 486.

(1) By January 1, 2021, the appropriate board shall require each licensee or certificateholder to complete a continuing education course that addresses human trafficking awareness and is approved by the board and supported by a national anti-human trafficking awareness organization.

(2) The course must be provided within the current requirement for continuing education hours, rather than in addition to the current requirement. The course must include all of the following:

(a) The definition of human trafficking and the difference between the two forms of human trafficking, sex trafficking and labor trafficking.

(b) Guidance specific to the respective health care professions on how to identify individuals who may be victims of human trafficking.

(c) Guidance concerning the role of health care professionals in reporting and responding to suspected human trafficking.

(d) The course must consist of estimates of information on the number of clients in that professional practice who are likely to be the victims of human trafficking and instruction on how to provide such clients with information on how to obtain available resources and assistance.

(3) By January 1, 2020, the licensees or certificateholders subject to this section shall post in their workplace, in a conspicuous location that is accessible to employees and to the public, a human trafficking public awareness sign at least 11 inches by 15 inches in size, printed in an

easily legible font and in at least 32-point type, which states in English and Spanish and any other language predominantly spoken in that area which the board deems appropriate substantially the following:

"If you or someone you know is being forced to engage in an activity and cannot leave, whether it is prostitution, housework, farm work, factory work, retail work, restaurant work, or any other activity, call the National Human Trafficking Resource Center at 888-373-7888 or text INFO or HELP to 233-733 to access help and services. Victims of slavery and human trafficking are protected under United States and Florida law."

Section 3. Subsections (10) and (11) are added to section 480.033, Florida Statutes, to read:

480.033 Definitions.—As used in this act:

(10) "Establishment owner" means a person who has ownership interest in a massage establishment. The term includes an individual who holds a massage establishment license, a general partner of a partnership, an owner or officer of a corporation, and a member of a limited liability company and its subsidiaries who holds a massage establishment license.

(11) "Designated establishment manager" means a massage therapist who holds a clear and active license without restriction, who is responsible for the operation of a massage establishment in accordance with the provisions of this chapter, and who is designated the manager by the rules or practices at the establishment.

Section 4. Section 480.043, Florida Statutes, is amended to read:

480.043 Massage establishments; requisites; licensure; inspection*; human trafficking awareness training and policies; continuing education requirement*.—

(1) *A* ~~No~~ massage establishment *may not* ~~shall be allowed to~~ operate without a license granted by the department in accordance with rules adopted by the board.

(2) *Establishment owners* ~~A person who has an ownership interest in an establishment~~ shall submit to the background screening requirements under s. 456.0135. However, if a corporation submits proof of having more than $250,000 of business assets in this state, the department shall require the owner *and the designated establishment manager to comply with the background screening requirements under s. 456.0135*~~, officer, or individual directly involved in the management of the establishment to submit to the background screening requirements of s. 456.0135~~. The *board* ~~department~~ may adopt rules regarding the type of proof that may be submitted by a corporation.

(3) The board shall adopt rules governing the operation of establishments and their facilities, personnel, safety and sanitary requirements, financial responsibility, insurance coverage, and the license application and granting process.

(4) Any person, firm, or corporation desiring to operate a massage establishment in the state shall submit to the department an application, upon forms provided by the department, accompanied by any information requested by the department and an application fee.

(5) Upon receiving the application, the department may cause an investigation to be made of the proposed massage establishment.

(6) If, based upon the application and any necessary investigation, the department determines that the proposed establishment would fail to meet the standards adopted by the board under subsection (3), the department shall deny the application for license. Such denial shall be in writing and shall list the reasons for denial. Upon correction of any deficiencies, an applicant previously denied permission to operate a massage establishment may reapply for licensure.

(7) If, based upon the application and any necessary investigation, the department determines that the proposed massage establishment may reasonably be expected to meet the standards adopted by the department under subsection (3), the department shall grant the license under such restrictions as it shall deem proper as soon as the original licensing fee is paid.

(8) The department shall deny an application for a new or renewal license if ~~a person with an ownership interest in the establishment~~ *an establishment owner or a designated establishment manager, as those terms are defined in s. 480.033,* or, for a corporation that has more than $250,000 of business assets in this state, *an* ~~the~~ owner *or a designated establishment manager* ~~, officer, or individual directly involved in the management of the establishment~~ has been convicted ~~or found guilty~~ of, or entered a plea of guilty or nolo contendere to, regardless of adjudication, a violation of s. 796.07(2)(a) which is reclassified under s. 796.07(7) or a felony offense under any of the following provisions of state law or a similar provision in another jurisdiction:

(a) Section 787.01, relating to kidnapping.

(b) Section 787.02, relating to false imprisonment.

(c) Section 787.025, relating to luring or enticing a child.

(d) Section 787.06, relating to human trafficking.

(e) Section 787.07, relating to human smuggling.

(f) Section 794.011, relating to sexual battery.

(g) Section 794.08, relating to female genital mutilation.

(h) Former s. 796.03, relating to procuring a person under the age of 18 for prostitution.

(i) Former s. 796.035, relating to selling or buying of minors into prostitution.

(j) Section 796.04, relating to forcing, compelling, or coercing another to become a prostitute.

(k) Section 796.05, relating to deriving support from the proceeds of prostitution.

(l) Section 796.07(4)(a)3., relating to a felony of the third degree for a third or subsequent violation of s. 796.07, relating to prohibiting prostitution and related acts.

(m) Section 800.04, relating to lewd or lascivious offenses committed upon or in the presence of persons less than 16 years of age.

(n) Section 825.1025(2)(b), relating to lewd or lascivious offenses committed upon or in the presence of an elderly or disabled person.

(o) Section 827.071, relating to sexual performance by a child.

(p) Section 847.0133, relating to the protection of minors.

(q) Section 847.0135, relating to computer pornography.

(r) Section 847.0138, relating to the transmission of material harmful to minors to a minor by electronic device or equipment.

(s) Section 847.0145, relating to the selling or buying of minors.

(9)(a) Once issued, ~~no license for operation of~~ a massage establishment *license issued to an individual, a partnership, a corporation, a limited liability company, or another entity* may *not* be transferred from *the licensee* ~~one owner~~ to another *individual, partnership, corporation, limited liability company, or another entity*.

(b) A license may be transferred from one location to another only after inspection and approval by the board and receipt of an application and inspection fee set by rule of the board, not to exceed $125.

(c) A license may be transferred from one business name to another after approval by the board and receipt of an application fee set by rule of the board, not to exceed $25.

(10) Renewal of license registration for massage establishments shall be accomplished pursuant to rules adopted by the board. The board is further authorized to adopt rules governing delinquent renewal of licenses and may impose penalty fees for delinquent renewal.

(11) The board is authorized to adopt rules governing the periodic inspection of massage establishments licensed under this act.

(12) *As a requirement of licensure, a massage establishment must have a designated establishment manager. The designated establishment manager is responsible for complying with all requirements related to operating the establishment in compliance with this section and shall practice at the establishment for which he or she has been designated. Within 10 days after termination of a designated establishment manager, the establishment owner must notify the department of the identity of another designated establishment manager. Failure to have a designated establishment manager practicing at the location of the establishment shall result in summary suspension of the establishment license as described in s. 456.073(8) or s. 120.60(6). An establishment licensed before July 1, 2019, must identify a designated establishment manager by January 1, 2020* ~~A person with an ownership interest in or, for a corporation that has more than $250,000 of business assets in this state, the owner, officer, or individual directly involved in the management of an establishment that was issued a license before July 1, 2014, shall submit to the background screening requirements of s. 456.0135 before January 31, 2015~~.

(13) By January 1, 2020, a massage establishment shall implement a procedure for reporting suspected human trafficking to the National Human Trafficking Hotline or to a local law enforcement agency and shall post in a conspicuous location in the establishment which is accessible to employees, customers, and the public a human trafficking public awareness sign at least 11 inches by 15 inches in size, printed in an easily legible font and in at least 32-point type, which states in English and Spanish and any other language predominantly spoken in that area which the department deems appropriate substantially the following:

"If you or someone you know is being forced to engage in an activity and cannot leave, whether it is prostitution, housework, farm work, factory work, retail work, restaurant work, or any other activity, call the National Human Trafficking Resource Center at 888-373-7888 or text INFO or HELP to 233-733 to access help and services. Victims of slavery and human trafficking are protected under United States and Florida law."

(14) An establishment owner and a designated establishment manager, as those terms are defined in s. 480.033, shall complete continuing education related to laws, rules, ethics, and human trafficking as determined by the board as a condition of licensure renewal.

(15)~~(13)~~ *Except as provided in subsection (13),* this section does not apply to a physician licensed under chapter 458, chapter 459, or chapter 460 who employs a licensed massage therapist to perform massage on the physician's patients at the physician's place of practice. This subsection does not restrict investigations by the department for violations of chapter 456 or this chapter.

Section 5. Present subsection (4) of section 480.046, Florida Statutes, is redesignated as subsection (6), new subsections (4) and (5) are added to that section, and subsection (3) of that section is amended, to read:

480.046 Grounds for disciplinary action by the board.—

(3) The board shall ~~have the power to~~ revoke or suspend the license of a massage establishment licensed under this act, or ~~to~~ deny subsequent licensure of such an establishment, *if any* ~~in either~~ of the following *occurs* ~~cases~~:

(a) *The* ~~Upon proof that a~~ license has been obtained by fraud or misrepresentation.

(b) *The establishment owner or designated establishment manager is convicted of, or enters a plea of guilty or nolo contendere to, regardless of adjudication,* ~~Upon proof that the holder of a license is guilty of~~ fraud or deceit or of gross negligence, incompetency, or misconduct in the operation of *a massage* ~~the~~ establishment ~~so licensed~~.

(c) Within the last 10 years, the establishment owner, the designated establishment manager, or any individuals providing massage therapy services for the establishment have had:

1. The entry in any jurisdiction of a final order or other disciplinary action taken for sexual misconduct involving prostitution;

2. The entry in any jurisdiction of a final order or other disciplinary action taken for crimes related to the practice of massage therapy involving prostitution; or

3. The entry in any jurisdiction of a plea of guilty or nolo contendere to any misdemeanor or felony crime, regardless of adjudication, related to prostitution or related acts as described in s. 796.07.

(4) The owner of an establishment who has been the subject of disciplinary action under subsection (3) may not reapply for an establishment license and may not transfer such license pursuant to s. 480.043.

(5) A designated establishment manager who has been the subject of disciplinary action under section (3) may not reapply for a license.

Section 6. Section 509.096, Florida Statutes, is created to read:

509.096 Human trafficking awareness training and policies for employees of public lodging establishments; enforcement.—

(1) A public lodging establishment shall:

(a) Provide annual training regarding human trafficking awareness to employees of the establishment who perform housekeeping duties in the rental units or who work at the front desk or reception area where guests ordinarily check in or check out. Such training must also be provided for new employees within 30 days after they begin their employment in that role, or by January 1, 2020, whichever occurs later. Each employee must submit to the hiring establishment a signed and dated acknowledgment of having received the training, which the establishment must provide to the Department of Business and Professional Regulation upon request.

(b) By January 1, 2020, implement a procedure for the reporting of suspected human trafficking to the National Human Trafficking Hotline or to a local law enforcement agency.

(c) By January 1, 2020, post in a conspicuous location in the establishment which is accessible to employees a human trafficking public awareness sign at least 11 inches by 15 inches in size, printed in an easily legible font and in at least 32-point type, which states in English and Spanish and any other language predominantly spoken in that area which the department deems appropriate substantially the following:

"If you or someone you know is being forced to engage in an activity and cannot leave, whether it is prostitution, housework, farm work, factory work, retail work, restaurant work, or any other activity, call the National Human Trafficking Resource Center at 888-373-7888 or text INFO or HELP to 233-733 to access help and services. Victims of slavery and human trafficking are protected under United States and Florida law."

(2) The human trafficking awareness training required under paragraph (1)(a) must be submitted to and approved by the Department of Business and Professional Regulation before the training is provided to employees and must include all of the following:

(a) The definition of human trafficking and the difference between the two forms of human trafficking: sex trafficking and labor trafficking.

(b) Guidance specific to the public lodging sector concerning how to identify individuals who may be victims of human trafficking.

(c) Guidance concerning the role of the employees of a public lodging establishment in reporting and responding to suspected human trafficking.

(3) The division shall impose an administrative fine of $2,000 per day on a public lodging establishment that is not in compliance with this section and remit the fines to the direct-support organization established under s. 16.618, unless the division receives adequate written documentation from the public lodging establishment which provides assurance that each deficiency will be corrected within 90 days after the division provided the public lodging establishment with notice of its violation.

(4) This section does not establish a private cause of action. This section does not alter or limit any other existing remedies available to survivors of human trafficking.

Section 7. Effective October 1, 2019, subsection (5) of section 796.07, Florida Statutes, is amended, and subsection (2) of that section is republished, to read:

796.07 Prohibiting prostitution and related acts.—

(2) It is unlawful:

(a) To own, establish, maintain, or operate any place, structure, building, or conveyance for the purpose of lewdness, assignation, or prostitution.

(b) To offer, or to offer or agree to secure, another for the purpose of prostitution or for any other lewd or indecent act.

(c) To receive, or to offer or agree to receive, any person into any place, structure, building, or conveyance for the purpose of prostitution, lewdness, or assignation, or to permit any person to remain there for such purpose.

(d) To direct, take, or transport, or to offer or agree to direct, take, or transport, any person to any place, structure, or building, or to any other person, with knowledge or reasonable cause to believe that the purpose of such directing, taking, or transporting is prostitution, lewdness, or assignation.

(e) For a person 18 years of age or older to offer to commit, or to commit, or to engage in, prostitution, lewdness, or assignation.

(f) To solicit, induce, entice, or procure another to commit prostitution, lewdness, or assignation.

(g) To reside in, enter, or remain in, any place, structure, or building, or to enter or remain in any conveyance, for the purpose of prostitution, lewdness, or assignation.

(h) To aid, abet, or participate in any of the acts or things enumerated in this subsection.

(i) To purchase the services of any person engaged in prostitution.

(5)(a) A person who violates paragraph (2)(f) commits:

1. A misdemeanor of the first degree for a first violation, punishable as provided in s. 775.082 or s. 775.083.

2. A felony of the third degree for a second violation, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

3. A felony of the second degree for a third or subsequent violation, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(b) In addition to any other penalty imposed, the court shall order a person convicted of a violation of paragraph (2)(f) to:

1. Perform 100 hours of community service; and

2. Pay for and attend an educational program about the negative effects of prostitution and human trafficking, such as a sexual violence prevention education program, including such programs offered by faith-based providers, if such programs exist in the judicial circuit in which the offender is sentenced.

(c) In addition to any other penalty imposed, the court shall sentence a person convicted of a second or subsequent violation of paragraph (2)(f) to a minimum mandatory period of incarceration of 10 days.

(d)1. If a person who violates paragraph (2)(f) uses a vehicle in the course of the violation, the judge, upon the person's conviction, may issue an order for the impoundment or immobilization of the vehicle for a period of up to 60 days. The order of impoundment or immobilization must include the names and telephone numbers of all immobilization agencies meeting all of the conditions of s. 316.193(13). Within 7 business days after the date that the court issues the order of impoundment or immobilization, the clerk of the court must send notice by certified mail, return receipt requested, to the registered owner of the vehicle, if the registered owner is a person other than the defendant, and to each person of record claiming a lien against the vehicle.

2. The owner of the vehicle may request the court to dismiss the order. The court must dismiss the order, and the owner of the vehicle will incur no costs, if the owner of the vehicle alleges and the court finds to be true any of the following:

a. The owner's family has no other private or public means of transportation;

b. The vehicle was stolen at the time of the offense;

c. The owner purchased the vehicle after the offense was committed, and the sale was not made to circumvent the order and allow the defendant continued access to the vehicle; or

d. The vehicle is owned by the defendant but is operated solely by employees of the defendant or employees of a business owned by the defendant.

3. If the court denies the request to dismiss the order, the petitioner may request an evidentiary hearing. If, at the evidentiary hearing, the court finds to be true any of the circumstances described in sub-subparagraphs (d)2.a.-d., the court must dismiss the order and the owner of the vehicle will incur no costs.

(e) The Soliciting for Prostitution Public Database created pursuant to s. 943.0433 must include the criminal history record of a person who is found guilty as a result of a trial or who enters a plea of guilty or nolo contendere, regardless of whether adjudication is withheld, of paragraph (2)(f), and there is evidence that such person provided a form of payment or arranged for the payment of such services. Upon conviction, the clerk of the court shall forward the criminal history record of the person to the Department of Law Enforcement, pursuant to s. 943.052(2), for inclusion in the database.

Section 8. Effective October 1, 2019, section 943.0433, Florida Statutes, is created to read:

943.0433 Soliciting for Prostitution Public Database.—

(1) The department shall create and administer the Soliciting for Prostitution Public Database. The clerk of the court shall forward to the department the criminal history record of a person in accordance with s. 796.07(5)(e), and the department shall add the criminal history record to the database.

(2)(a) The department shall automatically remove the criminal history record of a person from the database if, after 5 years following the commission of an offense that meets the criteria set forth in s. 796.07(5)(e), such person has not subsequently committed a violation that meets such criteria or any other offense within that time that would constitute a sexual offense, including, but not limited to, human trafficking, or an offense that would require registration as a sexual offender.

(b) The department may not remove a criminal history record from the database if a person commits a violation that meets the criteria set forth in s. 796.07(5)(e) a second or subsequent time.

(c) The department shall create policies and procedures that allow a person whose conviction has been overturned or who has received an expunction of a criminal history record for which his or her record was placed on the database to petition the department for the removal of the petitioner's criminal history record. The department, after receiving a completed petition form with adequate documentation, must remove the criminal history record from the database within 30 days after receipt of such petition. The department shall create a form, publish it online, and provide it upon request in paper form for petitioners to complete.

(3) The database must include all of the following on each offender:

(a) His or her full legal name.

(b) His or her last known address.

(c) A color photograph of him or her.

(d) The offense for which he or she was convicted.

(4) The department shall adopt rules to administer this section.

Section 9. Subsection (3) of section 943.0583, Florida Statutes, is amended to read:

943.0583 Human trafficking victim expunction.—

(3) A person who is a victim of human trafficking may petition for the expunction of a criminal history record resulting from the arrest or filing of charges for an offense committed or reported to have been committed while the person was a victim of human trafficking, which offense was committed or reported to have been committed as a part of the human trafficking scheme of which the person was a victim or at the direction of an operator of the scheme, including, but not limited to, violations under chapters 796 and 847, without regard to the disposition of the arrest or of any charges. However, this section does not apply to any offense listed in s. 775.084(1)(b)1.*, except for kidnapping*. Determination of the petition under this section should be by a preponderance of the evidence. A conviction expunged under this section is deemed to have been vacated due to a substantive defect in the underlying criminal proceedings. If a person is adjudicated not guilty by reason of insanity or is found to be incompetent to stand trial for any such charge, the expunction of the criminal history record may not prevent the entry of the judgment or finding in state and national databases for use in determining eligibility to purchase or possess a firearm or to carry a concealed firearm, as authorized in s. 790.065(2)(a)4.c. and 18 U.S.C. s. 922(t), nor shall it prevent any governmental agency that is authorized by state or federal law to determine eligibility to purchase or possess a firearm or to carry a concealed firearm from accessing or using the record of the judgment or finding in the course of such agency's official duties.

Section 10. Section 943.17297, Florida Statutes, is created to read:

943.17297 Continuing employment training in identifying and investigating human trafficking.—Within 1 year after beginning employment, each certified law enforcement officer must successfully complete 4 hours of training in identifying and investigating human trafficking. Completion of the training component may count toward the 40 hours of instruction for continued employment or appointment as a law enforcement officer required under s. 943.135. This training component must be completed by current law enforcement officers by July 1, 2022. The training must be developed by the commission in consultation with the Department of Legal Affairs and the Statewide Council on Human Trafficking. If an officer fails to complete the required training, his or her certification must be placed on inactive status until the employing agency notifies the commission that the officer has completed the training.

Section 11. *For the 2019-2020 fiscal year, the sum of $250,000 in nonrecurring funds is appropriated from the General Revenue Fund to the Department of Legal Affairs for the purposes of implementing and administering the direct-support organization created under s. 16.618, Florida Statutes, and for developing training and information services with the Florida Forensic Institute for Research, Security, and Tactics.*

Section 12. 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 human trafficking; creating s. 16.618, F.S.; requiring the Department of Legal Affairs to establish a certain direct-support organization for a specified purpose; providing requirements for the direct-support organization; requiring the direct-support organization to operate under written contract with the department; providing contractual requirements; providing for the membership of and the appointment of directors to the board of directors of the direct-support organization; requiring the direct-support organization to contract to develop certain training and information with the Florida Forensic Institute for Research, Security, and Tactics or another organization under certain circumstances; providing a contractual requirement; requiring the institute to develop specified training by a certain date; requiring the institute to serve as a repository for certain information and training materials and resources; requiring certain task forces to coordinate with the institute on an ongoing, periodic basis; authorizing certain law enforcement offices and agencies to coordinate with the institute to receive training and information; requiring the direct-support organization, in conjunction with the Statewide Council on Human Trafficking, to form certain partnerships for specified purposes; authorizing the department to allow appropriate use of department property, facilities, and personnel by the direct-support organization; providing requirements and conditions for such use of department property, facilities, and personnel by the direct-support organization; authorizing the direct-support organization to engage in certain activities for the direct or indirect benefit of the council; prohibiting certain persons and employees from receiving specified benefits as they relate to the council or the direct-support organization; providing for moneys received by the direct-support organization; authorizing the department to terminate its agreement with the direct-support organization if the department determines that the direct-support organization does not meet specified objectives; providing for future review and repeal by the Legislature; creating s. 456.0341, F.S.; providing applicability; requiring the appropriate board to require persons licensed or certified under certain provisions to complete a certain continuing education course by a specified date; providing course requirements; requiring certain licensees or certificateholders to post in their places of work a human trafficking public awareness sign by a specified date; providing requirements for the sign; amending s. 480.033, F.S.; defining the terms "establishment owner" and "designated establishment manager"; amending s. 480.043, F.S.; requiring establishment owners, rather than persons with ownership interests in the establishment, to submit to a certain background screening; requiring, if a corporation has more than a specified amount of business assets in this state, the department to mandate that a designated establishment manager, in addition to the owner, comply with a certain background screening; authorizing the Board of Massage Therapy, rather than the Department of Health, to adopt certain rules; revising the circumstances under which the department must deny an application for a new or renewal license; providing limitations of the transferability of massage establishment licenses; requiring as part of licensure that a massage establishment have a designated establishment manager; providing requirements for the designated establishment manager; providing for summary suspension of the massage establishment that fails to have a designated establishment manager practicing at the massage establishment; requiring certain establishments to identify a designated establishment manager by a specified date; requiring massage establishments to implement a procedure for reporting suspected human trafficking and to post in their places of work a human trafficking public awareness sign by a specified date; providing requirements for the sign; requiring establishment owners and designated establishment managers to complete certain continuing education as a condition for licensure renewal; amending s. 480.046, F.S.; revising the circumstances under which the board must revoke or suspend the license of, or deny subsequent licensure to, a massage establishment; prohibiting the owners of certain establishments from reapplying for an establishment license or from transferring such license; providing applicability; prohibiting a designated establishment manager from reapplying for a license under certain circumstances; creating s. 509.096, F.S.; requiring a public lodging establishment to train certain employees and implement a certain procedure relating to human trafficking by a specified date; requiring each employee to submit a signed and dated acknowledgement of having received the training; requiring the public lodging establishment to provide a copy to the Department of Business and Professional Regulation upon request; requiring a public lodging establishment to post in the establishment a human trafficking public awareness sign by a specified date; providing requirements for the sign; requiring that certain training be submitted to and approved by the department; providing training requirements; requiring the Division of Hotels and Restaurants of the Department of Business and Professional Regulation to impose an administrative fine on a public lodging establishment for failure to comply with certain requirements and to remit the fines to a certain direct-support organization; providing an exception; providing that this section does not establish a private cause of action against a public lodging establishment and does not alter or limit any existing remedies for survivors of human trafficking; amending s. 796.07, F.S.; requiring that the criminal history record of a person who is found guilty of, or who enters a plea of guilty or nolo contendere to, soliciting, inducing, enticing, or procuring another to commit prostitution, lewdness, or assignation and who provides or arranges payment for such violations be added to the Soliciting for Prostitution Public Database; requiring the clerk of the court to forward the criminal history record of such persons to the Department of Law Enforcement for inclusion in the database; creating s. 943.0433, F.S.; requiring the Department of Law Enforcement to create and administer the Soliciting for Prostitution Public Database; requiring the department to add certain criminal

history records to the database; requiring the department to automatically remove certain criminal history records from the database under certain circumstances; prohibiting the department from removing certain criminal history records from the database for second or subsequent violations of specified provisions; requiring the department to create policies and procedures that allow certain persons to petition the department for the removal of criminal history records from the database; requiring the department to remove such a record within a specified timeframe after receipt of the petition; requiring the department to create a certain form, to publish it online, and to provide the form in paper form upon request; requiring the database to include specified information on offenders; requiring the department to adopt rules; amending s. 943.0583, F.S.; creating an exception to a prohibition that bars certain victims of human trafficking from petitioning for the expunction of a criminal history record for offenses committed while the person was a victim of human trafficking as part of the human trafficking scheme or at the direction of an operator of the scheme; creating s. 943.17297, F.S.; requiring each certified law enforcement officer to successfully complete training on identifying and investigating human trafficking within a certain timeframe; authorizing the completion of such training to count toward a certain requirement; requiring that the training be completed by a certain date; requiring that the training be developed by the Criminal Justice Standards and Training Commission in consultation with specified entities; specifying that an officer's certification must be placed on inactive status if he or she fails to complete the required training until the employing agency notifies the Criminal Justice Standards and Training Commission that the officer has completed the training; providing an appropriation; providing effective dates.

WHEREAS, the state of Florida is ranked third nationally in human trafficking abuses, and recognizing that the crime of human trafficking is a gross violation of human rights, the Legislature has taken measures to raise awareness of the practices of human sex trafficking and of labor trafficking of children and adults in this state, and

WHEREAS, the Legislature deems it critical to the health, safety, and welfare of the people of this state to prevent and deter human trafficking networks, and persons who would aid and abet these networks, from operating in this state, and

WHEREAS, repeat offenses to aid and abet traffickers by way of recruitment or financial support, and clients of human trafficking networks who use physical violence, are a particularly extreme threat to public safety, and

WHEREAS, repeat offenders are extremely likely to use violence and to repeat their offenses, and to commit many offenses with many victims, many of whom are never given justice, and these offenders are only prosecuted for a small fraction of their crimes, and

WHEREAS, traffickers and clients of human trafficking networks often use hotels, motels, public lodging establishments, massage establishments, spas, or property rental sharing sites to acquire facilities wherein men, women, and children are coerced into performing sexual acts, which places the employees of these establishments in direct and frequent contact with victims of human trafficking, and

WHEREAS, this state is in critical need of a coordinated and collaborative human trafficking law enforcement response to prepare for future large-scale events taking place in this state, and the Legislature finds that a statewide effort focused on law enforcement training, detection, and enforcement, with additional focus on the safe rehabilitation of survivors, will address this critical need, and

WHEREAS, research from 2011 has demonstrated that a majority of human traffickers' clients are not interviewed by law enforcement, despite having extensive knowledge of the traffickers and the traffickers' practices, and are even used as recruiters for traffickers, and

WHEREAS, human traffickers' clients who were interviewed in the same 2011 research stated that they would think twice about purchasing sex from a victim of human trafficking if they were named on a public database, and

WHEREAS, client and trafficker anonymity has allowed for trafficking networks to continue in the shadows, and the publication of client and trafficker identities would protect the public from potential harm and protect victims of trafficking from future harm, and

WHEREAS, the demand for prostitution is a driving force that fuels sex trafficking, and the Soliciting for Prostitution Public Database will serve to identify those who contribute to the demand for sex trafficking, thereby deterring the overall perpetuation of human trafficking, NOW, THEREFORE,

Senator Book moved the following amendment to **Amendment 1 (143836)** which was adopted:

Amendment 1A (262778)—Delete lines 497-595 and insert:

Section 7. Effective January 1, 2021, subsection (5) of section 796.07, Florida Statutes, is amended, and subsection (2) of that section is republished, to read:

796.07 Prohibiting prostitution and related acts.—

(2) It is unlawful:

(a) To own, establish, maintain, or operate any place, structure, building, or conveyance for the purpose of lewdness, assignation, or prostitution.

(b) To offer, or to offer or agree to secure, another for the purpose of prostitution or for any other lewd or indecent act.

(c) To receive, or to offer or agree to receive, any person into any place, structure, building, or conveyance for the purpose of prostitution, lewdness, or assignation, or to permit any person to remain there for such purpose.

(d) To direct, take, or transport, or to offer or agree to direct, take, or transport, any person to any place, structure, or building, or to any other person, with knowledge or reasonable cause to believe that the purpose of such directing, taking, or transporting is prostitution, lewdness, or assignation.

(e) For a person 18 years of age or older to offer to commit, or to commit, or to engage in, prostitution, lewdness, or assignation.

(f) To solicit, induce, entice, or procure another to commit prostitution, lewdness, or assignation.

(g) To reside in, enter, or remain in, any place, structure, or building, or to enter or remain in any conveyance, for the purpose of prostitution, lewdness, or assignation.

(h) To aid, abet, or participate in any of the acts or things enumerated in this subsection.

(i) To purchase the services of any person engaged in prostitution.

(5)(a) A person who violates paragraph (2)(f) commits:

1. A misdemeanor of the first degree for a first violation, punishable as provided in s. 775.082 or s. 775.083.

2. A felony of the third degree for a second violation, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

3. A felony of the second degree for a third or subsequent violation, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(b) In addition to any other penalty imposed, the court shall order a person convicted of a violation of paragraph (2)(f) to:

1. Perform 100 hours of community service; and

2. Pay for and attend an educational program about the negative effects of prostitution and human trafficking, such as a sexual violence prevention education program, including such programs offered by faith-based providers, if such programs exist in the judicial circuit in which the offender is sentenced.

(c) In addition to any other penalty imposed, the court shall sentence a person convicted of a second or subsequent violation of paragraph (2)(f) to a minimum mandatory period of incarceration of 10 days.

(d)1. If a person who violates paragraph (2)(f) uses a vehicle in the course of the violation, the judge, upon the person's conviction, may issue an order for the impoundment or immobilization of the vehicle for a period of up to 60 days. The order of impoundment or immobilization must include the names and telephone numbers of all immobilization agencies meeting all of the conditions of s. 316.193(13). Within 7 business days after the date that the court issues the order of impoundment or immobilization, the clerk of the court must send notice by certified mail, return receipt requested, to the registered owner of the vehicle, if the registered owner is a person other than the defendant, and to each person of record claiming a lien against the vehicle.

2. The owner of the vehicle may request the court to dismiss the order. The court must dismiss the order, and the owner of the vehicle will incur no costs, if the owner of the vehicle alleges and the court finds to be true any of the following:

a. The owner's family has no other private or public means of transportation;

b. The vehicle was stolen at the time of the offense;

c. The owner purchased the vehicle after the offense was committed, and the sale was not made to circumvent the order and allow the defendant continued access to the vehicle; or

d. The vehicle is owned by the defendant but is operated solely by employees of the defendant or employees of a business owned by the defendant.

3. If the court denies the request to dismiss the order, the petitioner may request an evidentiary hearing. If, at the evidentiary hearing, the court finds to be true any of the circumstances described in sub-sub-paragraphs (d)2.a.-d., the court must dismiss the order and the owner of the vehicle will incur no costs.

(e) The Soliciting for Prostitution Public Database created pursuant to s. 943.0433 must include the criminal history record of a person who is found guilty as a result of a trial or who enters a plea of guilty or nolo contendere, regardless of whether adjudication is withheld, of paragraph (2)(f), and there is evidence that such person provided a form of payment or arranged for the payment of such services. Upon conviction, the clerk of the court shall forward the criminal history record of the person to the Department of Law Enforcement, pursuant to s. 943.052(2), for inclusion in the database.

Section 8. Effective January 1, 2021, section 943.0433,

Amendment 1 (143836), as amended, was adopted.

Pursuant to Rule 4.19, **CS for CS for CS for HB 851**, as amended, was placed on the calendar of Bills on Third Reading.

MOMENT OF SILENCE

At the request of Senator Berman, the Senate observed a moment of silence in commemoration of Holocaust Memorial Day.

RECESS

The President declared the Senate in recess at 12:16 p.m. to reconvene at 1:00 p.m. or upon his call.

AFTERNOON SESSION

The Senate was called to order by the President at 1:00 p.m. A quorum present—36:

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

By direction of the President, pursuant to Rule 4.3(3), the Senate reverted to—

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable Bill Galvano, President

I am directed to inform the Senate that the House of Representatives has passed CS/CS/CS/SB 168, with amendment(s), and requests the concurrence of the Senate.

Jeff Takacs, Clerk

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.

House Amendment 6 (159253) (with title amendment)—Remove everything after the enacting clause and insert:

Section 1. *Short title.—This act may be cited as the "Rule of Law Adherence Act."*

Section 2. Chapter 908, Florida Statutes, consisting of sections 908.101-908.402, is created to read:

CHAPTER 908

FEDERAL IMMIGRATION ENFORCEMENT

PART I

FINDINGS AND DEFINITIONS

908.101 Legislative findings and intent.—The Legislature finds that it is an important state interest to cooperate and assist the federal government in the enforcement of federal immigration laws within this state.

908.102 Definitions.—As used in this chapter, the term:

(1) "Federal immigration agency" means the United States Department of Justice and the United States Department of Homeland Security, a division within such an agency, including United States Immigration and Customs Enforcement and United States Customs and

Border Protection, any successor agency, and any other federal agency charged with the enforcement of immigration law.

(2) "Immigration detainer" means a facially sufficient written or electronic request issued by a federal immigration agency using that agency's official form to request that another law enforcement agency detain a person based on probable cause to believe that the person to be detained is a removable alien under federal immigration law, including detainers issued pursuant to 8 U.S.C. ss. 1226 and 1357 along with a warrant described in this subsection. For purposes of this subsection, an immigration detainer is deemed facially sufficient if the federal immigration agency supplies with its detention request a Form I-200 Warrant for Arrest of Alien or a Form I-205 Warrant of Removal/Deportation or a successor warrant or other warrant authorized by federal law and:

(a) The federal immigration agency's official form is complete and indicates on its face that the federal immigration official has probable cause to believe that the person to be detained is a removable alien under federal immigration law; or

(b) The federal immigration agency's official form is incomplete and fails to indicate on its face that the federal immigration official has probable cause to believe that the person to be detained is a removable alien under federal immigration law, but is supported by an affidavit, order, or other official documentation that indicates that the federal immigration agency has probable cause to believe that the person to be detained is a removable alien under federal immigration law.

(3) "Inmate" means a person in the custody of a law enforcement agency.

(4) "Law enforcement agency" means an agency in this state charged with enforcement of state, county, municipal, or federal laws or with managing custody of detained persons in the state and includes municipal police departments, sheriff's offices, state police departments, state university and college police departments, county correctional agencies, and the Department of Corrections.

(5) "Local governmental entity" means any county, municipality, or other political subdivision of this state.

(6) "Sanctuary policy" means a law, policy, practice, procedure, or custom adopted or permitted by a state entity, local governmental entity, or law enforcement agency which contravenes 8 U.S.C. s. 1373(a) or (b) or which knowingly prohibits or impedes a law enforcement agency from communicating or cooperating with a federal immigration agency with respect to federal immigration enforcement, including, but not limited to, limiting a law enforcement agency in, or prohibiting such agency from:

(a) Complying with an immigration detainer;

(b) Complying with a request from a federal immigration agency to notify the agency before the release of an inmate or detainee in the custody of the law enforcement agency;

(c) Providing a federal immigration agency access to an inmate for interview;

(d) Participating in any program or agreement authorized under s. 287 of the Immigration and Nationality Act, 8 U.S.C. s. 1357; or

(e) Providing a federal immigration agency with an inmate's incarceration status or release date.

(7) "Sanctuary policymaker" means a state or local elected official or an appointed official of a local governmental entity governing body who has voted for, allowed to be implemented, or voted against repeal or prohibition of a sanctuary policy, or who willfully engages in a pattern of noncooperation with a federal immigration agency.

(8) "State entity" means the state or any office, board, bureau, commission, department, branch, division, or institution thereof, including institutions within the State University System and the Florida College System.

PART II

DUTIES

908.201 Sanctuary policies prohibited.—A state entity, law enforcement agency, or local governmental entity may not adopt or have in effect a sanctuary policy.

908.202 Cooperation with federal immigration authorities.—

(1) A law enforcement agency shall use best efforts to support the enforcement of federal immigration law. This subsection applies to an official, representative, agent, or employee of the entity or agency only when he or she is acting within the scope of his or her official duties or within the scope of his or her employment.

(2) Except as otherwise expressly prohibited by federal law, a state entity, local governmental entity, or law enforcement agency, or an employee, an agent, or a representative of the entity or agency, may not prohibit or in any way restrict a law enforcement agency from taking any of the following actions with respect to information regarding a person's immigration status:

(a) Sending the information to or requesting, receiving, or reviewing the information from a federal immigration agency for purposes of this chapter.

(b) Recording and maintaining the information for purposes of this chapter.

(c) Exchanging the information with a federal immigration agency or another state entity, local governmental entity, or law enforcement agency for purposes of this chapter.

(d) Using the information to comply with an immigration detainer.

(e) Using the information to confirm the identity of a person who is detained by a law enforcement agency.

(3)(a) For purposes of this subsection the term "applicable criminal case" means a criminal case in which:

1. The judgment requires the defendant to be confined in a secure correctional facility; and

2. The judge:

a. Indicates in the record under s. 908.203 that the defendant is subject to an immigration detainer; or

b. Otherwise indicates in the record that the defendant is subject to a transfer into federal custody.

(b) In an applicable criminal case, when the judge sentences a defendant who is the subject of an immigration detainer to confinement, the judge shall issue an order requiring the secure correctional facility in which the defendant is to be confined to reduce the defendant's sentence by a period of not more than 12 days on the facility's determination that the reduction in sentence will facilitate the seamless transfer of the defendant into federal custody. For purposes of this paragraph, the term "secure correctional facility" means a state correctional institution as defined in s. 944.02 or a county detention facility or a municipal detention facility as defined in s. 951.23.

(c) If the information specified in sub-subparagraph (a)2.a. or sub-subparagraph (a)2.b. is not available at the time the sentence is pronounced in the case, but is received by a law enforcement agency afterwards, the law enforcement agency shall notify the judge who shall issue the order described by paragraph (b) as soon as the information becomes available.

(4) When a county correctional facility or the Department of Corrections receives verification from a federal immigration agency that a person subject to an immigration detainer is in the law enforcement agency's custody, the agency may securely transport the person to a federal facility in this state or to another point of transfer to federal custody outside the jurisdiction of the law enforcement agency. The law enforcement agency may transfer a person who is subject to an immigration detainer and is confined in a secure correctional facility to the

custody of a federal immigration agency not earlier than 12 days before his or her release date. A law enforcement agency shall obtain judicial authorization before securely transporting an alien to a point of transfer outside of this state.

(5) This section does not require a state entity, local governmental entity, or law enforcement agency to provide a federal immigration agency with information related to a victim of or a witness to a criminal offense if the victim or witness timely and in good faith responds to the entity's or agency's request for information and cooperation in the investigation or prosecution of the offense.

(6) A state entity, local governmental entity, or law enforcement agency that, pursuant to subsection (5), withholds information regarding the immigration information of a victim of or witness to a criminal offense shall document the victim's or witness's cooperation in the entity's or agency's investigative records related to the offense and shall retain the records for at least 10 years for the purpose of audit, verification, or inspection by the Auditor General.

908.203 Duties related to immigration detainers.—

(1) A law enforcement agency that has custody of a person subject to an immigration detainer issued by a federal immigration agency shall:

(a) Provide to the judge authorized to grant or deny the person's release on bail under chapter 903 notice that the person is subject to an immigration detainer.

(b) Record in the person's case file that the person is subject to an immigration detainer.

(c) Upon determining that the immigration detainer is in accordance with s. 908.102(2), comply with the requests made in the immigration detainer.

(2) A law enforcement agency is not required to perform a duty imposed by paragraph (1)(a) or paragraph (1)(b) with respect to a person who is transferred to the custody of the agency by another law enforcement agency if the transferring agency performed that duty before the transfer.

(3) A judge who receives notice that a person is subject to an immigration detainer shall cause the fact to be recorded in the court record, regardless of whether the notice is received before or after a judgment in the case.

908.204 Reimbursement of costs.—Each county correctional facility shall enter into an agreement or agreements with a federal immigration agency for temporarily housing persons who are the subject of immigration detainers and for the payment of the costs of housing and detaining those persons. A compliant agreement may include any contract between a correctional facility and a federal immigration agency for housing or detaining persons subject to immigration detainers, such as basic ordering agreements in effect on or after July 1, 2019, agreements authorized by s. 287 of the Immigration and Nationality Act, 8 U.S.C. s. 1357, or successor agreements and other similar agreements authorized by federal law.

PART III

ENFORCEMENT

908.301 Complaints.—The Attorney General shall prescribe and provide through the Department of Legal Affairs' website the format for a person to submit a complaint alleging a violation of this chapter. This section does not prohibit the filing of an anonymous complaint or a complaint not submitted in the prescribed format. Any person has standing to submit a complaint under this chapter.

908.302 Enforcement; penalties.—

(1) The state attorney for the county in which a state entity is headquartered or in which a local governmental entity or law enforcement agency is located has primary responsibility and authority for investigating credible complaints of a violation of this chapter. The results of an investigation by a state attorney shall be provided to the Attorney General in a timely manner.

(2)(a) A state entity, local governmental entity, or law enforcement agency for which the state attorney has received a complaint shall comply with a document request from the state attorney related to the complaint.

(b) If the state attorney determines that a complaint filed against a state entity, local governmental entity, or law enforcement agency is valid, the state attorney shall, not later than the 10th day after the date of the determination, provide written notification to the entity that:

1. The complaint has been filed.

2. The state attorney has determined that the complaint is valid.

3. Any executive or administrative state, county, or municipal officer who violates his duties under this chapter may be subject to actions taken by the Governor in exercise of his authority under the State Constitution and Florida law. As provided in s. 1(b), Art. IV, of the State Constitution, the Governor may, in his discretion, initiate judicial proceedings in the name of the state against such officers to enforce compliance with any duty under this chapter or restrain any unauthorized act contrary to this chapter.

4. In addition, the state attorney or Attorney General may file suit against any local government entity or law enforcement agency for declaratory and injunctive relief caused by a violation of this chapter.

(c) No later than the 30th day after the day a state entity or local governmental entity receives written notification under paragraph (b), the state entity or local governmental entity shall provide the state attorney with a copy of:

1. The entity's written policies and procedures with respect to federal immigration agency enforcement actions, including the entity's policies and procedures with respect to immigration detainers.

2. Each immigration detainer received by the entity from a federal immigration agency in the current calendar year-to-date and the two prior calendar years.

3. Each response sent by the entity for an immigration detainer described by subparagraph 2.

(3) As provided in s. 1(b), Art. IV, of the State Constitution, the Governor may, in his discretion, initiate judicial proceedings in the name of the state against such officers to enforce compliance with any duty under this chapter or restrain any unauthorized act contrary to this chapter. The Attorney General, the state attorney who conducted the investigation, or a state attorney ordered by the Governor pursuant to s. 27.14 may institute proceedings in circuit court to enjoin a state entity, local governmental entity, or law enforcement agency found to be in violation of this chapter. Venue of an action brought by the Attorney General may be in Leon County. The court shall expedite an action under this section, including setting a hearing at the earliest practicable date.

(4) Upon adjudication by the court or as provided in a consent decree declaring that an officer, state entity, local governmental entity, or law enforcement agency has violated this chapter, the court shall enjoin the unlawful sanctuary policy and order that such entity or agency pay a civil penalty to the state of at least $1,000 but not more than $5,000 for each day that the sanctuary policy was in effect commencing on October 1, 2019, or the date the sanctuary policy was first enacted, whichever is later, until the date the injunction was granted. The court shall have continuing jurisdiction over the parties and subject matter and may enforce its orders with imposition of additional civil penalties as provided for in this section and contempt proceedings as provided by law.

(5) An order approving a consent decree or granting an injunction or civil penalties pursuant to subsection (4) must include written findings of fact that describe with specificity the existence and nature of the sanctuary policy in violation of s. 908.201 and that identify each sanctuary policymaker who voted for, allowed to be implemented, or voted against repeal or prohibition of the sanctuary policy, or who willfully engaged in a pattern of noncooperation with a federal immigration agency. The court shall provide a copy of the consent decree or order granting an injunction or civil penalties that contains the written findings required by this subsection to the Governor within 30 days after the date of rendition. Any executive or administrative state, county, or municipal officer who violates his duties under this chapter may be subject

to actions taken by the Governor in exercise of his authority under the State Constitution and Florida law.

(6) A state entity, local governmental entity, or law enforcement agency ordered to pay a civil penalty pursuant to subsection (4) shall remit payment to the Chief Financial Officer, who shall deposit such payment into the General Revenue Fund.

(7) Except as required by law, public funds may not be used to defend or reimburse a sanctuary policymaker or an official, representative, agent, or employee of a state entity, local governmental entity, or law enforcement agency who knowingly and willfully violates this chapter.

908.303 Civil cause of action for personal injury or wrongful death attributed to a sanctuary policy; trial by jury; required written findings.—

(1) A person injured in this state by the tortious acts or omissions of an alien unlawfully present in the United States, or the personal representative of a person killed in this state by the tortious acts or omissions of an alien unlawfully present in the United States, has a cause of action for damages against a state entity, local governmental entity, or law enforcement agency in violation of ss. 908.201 and 908.202 upon proof by the greater weight of the evidence of:

(a) The existence of a sanctuary policy in violation of s. 908.201; and

(b)1. A failure to comply with a provision of s. 908.202 resulting in such alien's having access to the person injured or killed when the tortious acts or omissions occurred; or

2. A failure to comply with a provision of s. 908.203(1)(c) resulting in such alien's having access to the person injured or killed when the tortious acts or omissions occurred.

(2) A cause of action brought pursuant to subsection (1) may not be brought against a person who holds public office or who has official duties as a representative, agent, or employee of a state entity, local governmental entity, or law enforcement agency, including a sanctuary policymaker.

(3) Trial by jury is a matter of right in an action brought under this section.

(4) A final judgment entered in favor of a plaintiff in a cause of action brought pursuant to this section must include written findings of fact that describe with specificity the existence and nature of the sanctuary policy in violation of s. 908.201 and that identify each sanctuary policymaker who voted for, allowed to be implemented, or voted against repeal or prohibition of the sanctuary policy, or who willfully engaged in a pattern of noncooperation with a federal immigration agency. The court shall provide a copy of the final judgment containing the written findings required by this subsection to the Governor within 30 days after the date of rendition. A sanctuary policymaker identified in a final judgment may be suspended or removed from office pursuant to general law and s. 7, Art. IV of the State Constitution.

(5) Except as provided in this section, this chapter does not create a private cause of action against a state entity, local governmental entity, or law enforcement agency that complies with this chapter.

908.304 Ineligibility for state grant funding.—

(1) Notwithstanding any other provision of law, a state entity, local governmental entity, or law enforcement agency shall be ineligible to receive funding from non-federal grant programs administered by state agencies that receive funding from the General Appropriations Act for a period of 5 years from the date of adjudication that such state entity, local governmental entity, or law enforcement agency had in effect a sanctuary policy in violation of this chapter.

(2) The Chief Financial Officer shall be notified by the state attorney of an adjudicated violation of this chapter by a state entity, local governmental entity, or law enforcement agency and be provided with a copy of the final court injunction, order, or judgment. Upon receiving such notice, the Chief Financial Officer shall timely inform all state agencies that administer non-federal grant funding of the adjudicated violation by the state entity, local governmental entity, or law enforcement agency and direct such agencies to cancel all pending grant applications and enforce the ineligibility of such entity for the prescribed period.

(3) This subsection does not apply to:

(a) Funding that is received as a result of an appropriation to a specifically named state entity, local governmental entity, or law enforcement agency in the General Appropriations Act or other law.

(b) Grants awarded before the date of adjudication that such state entity, local governmental entity, or law enforcement agency had in effect a sanctuary policy in violation of this chapter.

PART IV

MISCELLANEOUS

908.401 Education records.—This chapter does not apply to the release of information contained in education records of an educational agency or institution, except in conformity with the Family Educational Rights and Privacy Act of 1974, 20 U.S.C. s. 1232g.

908.402 Discrimination prohibited.—A state entity, a local governmental entity, or a law enforcement agency, or a person employed by or otherwise under the direction or control of such an entity, may not base its actions under this chapter on the gender, race, religion, national origin, or physical disability of a person except to the extent permitted by the United States Constitution or the state constitution.

Section 3. *A sanctuary policy, as defined in s. 908.102, Florida Statutes, as created by this act, that is in effect on the effective date of this act must be repealed within 90 days after that date.*

Section 4. Sections 908.302 and 908.303, Florida Statutes, as created by this act, shall take effect October 1, 2019, and, except as otherwise expressly provided in this act, this act shall take effect July 1, 2019.

And the title is amended as follows:

Remove everything before the enacting clause and insert: A bill to be entitled An act relating to federal immigration enforcement; providing a short title; 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; defining the terms "applicable criminal case" and "secure correctional facility"; 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; requiring recordkeeping in certain investigations; specifying duties concerning immigration detainers; requiring county correctional facilities to enter into agreements for payments for complying with immigration detainers; requiring the Attorney General to prescribe the format for submitting complaints; providing requirements for entities to comply with document requests from state attorneys concerning violations; providing for investigation of possible violations; providing for injunctive relief and civil penalties; providing for venue; requiring written findings; prohibiting the expenditure of public funds for specified purposes; providing a cause of action for personal injury or wrongful death attributed to a sanctuary policy; providing that a trial by jury is a matter of right; requiring written findings; 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.

Senator Gruters moved the following amendment to **House Amendment 6 (159253)**:

Senate Amendment 1 (406006) (with title amendment) to House Amendment 6 (159253)—Delete lines 5-415 and insert:

Section 1. Chapter 908, Florida Statutes, consisting of sections 908.101-908.109, is created to read:

CHAPTER 908
FEDERAL IMMIGRATION ENFORCEMENT

908.101 Legislative findings and intent.—The Legislature finds that it is an important state interest to cooperate and assist the federal government in the enforcement of federal immigration laws within this state.

908.102 Definitions.—As used in this chapter, the term:

(1) "Federal immigration agency" means the United States Department of Justice and the United States Department of Homeland Security, a division within such an agency, including United States Immigration and Customs Enforcement and United States Customs and Border Protection, any successor agency, and any other federal agency charged with the enforcement of immigration law.

(2) "Immigration detainer" means a facially sufficient written or electronic request issued by a federal immigration agency using that agency's official form to request that another law enforcement agency detain a person based on probable cause to believe that the person to be detained is a removable alien under federal immigration law, including detainers issued pursuant to 8 U.S.C. ss. 1226 and 1357 along with a warrant described in paragraph (c). For purposes of this subsection, an immigration detainer is deemed facially sufficient if:

(a) The federal immigration agency's official form is complete and indicates on its face that the federal immigration official has probable cause to believe that the person to be detained is a removable alien under federal immigration law; or

(b) The federal immigration agency's official form is incomplete and fails to indicate on its face that the federal immigration official has probable cause to believe that the person to be detained is a removable alien under federal immigration law, but is supported by an affidavit, order, or other official documentation that indicates that the federal immigration agency has probable cause to believe that the person to be detained is a removable alien under federal immigration law; and

(c) The federal immigration agency supplies with its detention request a Form I-200 Warrant for Arrest of Alien or a Form I-205 Warrant of Removal/Deportation or a successor warrant or other warrant authorized by federal law.

(3) "Inmate" means a person in the custody of a law enforcement agency.

(4) "Law enforcement agency" means an agency in this state charged with enforcement of state, county, municipal, or federal laws or with managing custody of detained persons in this state and includes municipal police departments, sheriff's offices, state police departments, state university and college police departments, county correctional agencies, and the Department of Corrections.

(5) "Local governmental entity" means any county, municipality, or other political subdivision of this state.

(6) "Sanctuary policy" means a law, policy, practice, procedure, or custom adopted or allowed by a state entity or local governmental entity which prohibits or impedes a law enforcement agency from complying with 8 U.S.C. s. 1373 or which prohibits or impedes a law enforcement agency from communicating or cooperating with a federal immigration agency so as to limit such law enforcement agency in, or prohibit the agency from:

(a) Complying with an immigration detainer;

(b) Complying with a request from a federal immigration agency to notify the agency before the release of an inmate or detainee in the custody of the law enforcement agency;

(c) Providing a federal immigration agency access to an inmate for interview;

(d) Participating in any program or agreement authorized under section 287 of the Immigration and Nationality Act, 8 U.S.C. s. 1357; or

(e) Providing a federal immigration agency with an inmate's incarceration status or release date.

(7) "State entity" means the state or any office, board, bureau, commission, department, branch, division, or institution thereof, including institutions within the State University System and the Florida College System.

908.103 Sanctuary policies prohibited.—A state entity, law enforcement agency, or local governmental entity may not adopt or have in effect a sanctuary policy.

908.104 Cooperation with federal immigration authorities.—

(1) A law enforcement agency shall use best efforts to support the enforcement of federal immigration law. This subsection applies to an official, representative, agent, or employee of the entity or agency only when he or she is acting within the scope of his or her official duties or within the scope of his or her employment.

(2) Except as otherwise expressly prohibited by federal law, a state entity, local governmental entity, or law enforcement agency, or an employee, an agent, or a representative of the entity or agency, may not prohibit or in any way restrict a law enforcement agency from taking any of the following actions with respect to information regarding a person's immigration status:

(a) Sending the information to or requesting, receiving, or reviewing the information from a federal immigration agency for purposes of this chapter.

(b) Recording and maintaining the information for purposes of this chapter.

(c) Exchanging the information with a federal immigration agency or another state entity, local governmental entity, or law enforcement agency for purposes of this chapter.

(d) Using the information to comply with an immigration detainer.

(e) Using the information to confirm the identity of a person who is detained by a law enforcement agency.

(3)(a) For purposes of this subsection, the term "applicable criminal case" means a criminal case in which:

1. The judgment requires the defendant to be confined in a secure correctional facility; and

2. The judge:

a. Indicates in the record under s. 908.105 that the defendant is subject to an immigration detainer; or

b. Otherwise indicates in the record that the defendant is subject to a transfer into federal custody.

(b) In an applicable criminal case, when the judge sentences a defendant who is the subject of an immigration detainer to confinement, the judge shall issue an order requiring the secure correctional facility in which the defendant is to be confined to reduce the defendant's sentence by a period of not more than 12 days on the facility's determination that the reduction in sentence will facilitate the seamless transfer of the defendant into federal custody. For purposes of this paragraph, the term "secure correctional facility" means a state correctional institution as defined in s. 944.02 or a county detention facility or a municipal detention facility as defined in s. 951.23.

(c) If the information specified in sub-subparagraph (a)2.a. or sub-subparagraph (a)2.b. is not available at the time the sentence is pronounced in the case, but is received by a law enforcement agency afterwards, the law enforcement agency shall notify the judge who shall issue the order described by paragraph (b) as soon as the information becomes available.

(4) When a county correctional facility or the Department of Corrections receives verification from a federal immigration agency that a person subject to an immigration detainer is in the law enforcement agency's custody, the agency may securely transport the person to a

federal facility in this state or to another point of transfer to federal custody outside the jurisdiction of the law enforcement agency. The law enforcement agency may transfer a person who is subject to an immigration detainer and is confined in a secure correctional facility to the custody of a federal immigration agency not earlier than 12 days before his or her release date. A law enforcement agency shall obtain judicial authorization before securely transporting an alien to a point of transfer outside of this state.

(5) This section does not require a state entity, local governmental entity, or law enforcement agency to provide a federal immigration agency with information related to a victim of or a witness to a criminal offense if the victim or witness timely and in good faith responds to the entity's or agency's request for information and cooperation in the investigation or prosecution of the offense.

(6) A state entity, local governmental entity, or law enforcement agency that, pursuant to subsection (5), withholds information regarding the immigration information of a victim of or witness to a criminal offense shall document the victim's or witness's cooperation in the entity's or agency's investigative records related to the offense and shall retain the records for at least 10 years for the purpose of audit, verification, or inspection by the Auditor General.

(7) This section does not authorize a law enforcement agency to detain an alien unlawfully present in the United States pursuant to an immigration detainer solely because the alien witnessed or reported a crime or was a victim of a criminal offense.

(8) This section does not apply to any alien unlawfully present in the United States if he or she is or has been a necessary witness or victim of a crime of domestic violence, rape, sexual exploitation, sexual assault, murder, manslaughter, assault, battery, human trafficking, kidnapping, false imprisonment, involuntary servitude, fraud in foreign labor contracting, blackmail, extortion, or witness tampering.

908.105 Duties related to immigration detainers.—

(1) A law enforcement agency that has custody of a person subject to an immigration detainer issued by a federal immigration agency shall:

(a) Provide to the judge authorized to grant or deny the person's release on bail under chapter 903 notice that the person is subject to an immigration detainer.

(b) Record in the person's case file that the person is subject to an immigration detainer.

(c) Upon determining that the immigration detainer is in accordance with s. 908.102(2), comply with the requests made in the immigration detainer.

(2) A law enforcement agency is not required to perform a duty imposed by paragraph (1)(a) or paragraph (1)(b) with respect to a person who is transferred to the custody of the agency by another law enforcement agency if the transferring agency performed that duty before the transfer.

(3) A judge who receives notice that a person is subject to an immigration detainer shall cause the fact to be recorded in the court record, regardless of whether the notice is received before or after a judgment in the case.

908.106 Reimbursement of costs.—Each county correctional facility shall enter into an agreement or agreements with a federal immigration agency for temporarily housing persons who are the subject of immigration detainers and for the payment of the costs of housing and detaining those persons. A compliant agreement may include any contract between a correctional facility and a federal immigration agency for housing or detaining persons subject to immigration detainers, such as basic ordering agreements in effect on or after July 1, 2019, agreements authorized by section 287 of the Immigration and Nationality Act, 8 U.S.C. s. 1357, or successor agreements and other similar agreements authorized by federal law.

908.107 Enforcement.—

(1) Any executive or administrative state, county, or municipal officer who violates his or her duties under this chapter may be subject to action by the Governor in the exercise of his or her authority under the State Constitution and state law. Pursuant to s. 1(b), Art. IV of the State Constitution, the Governor may initiate judicial proceedings in the name of the state against such officers to enforce compliance with any duty under this chapter or restrain any unauthorized act contrary to this chapter.

(2) In addition, the Attorney General may file suit against a local governmental entity or local law enforcement agency in a court of competent jurisdiction for declaratory or injunctive relief for a violation of this chapter.

(3) If a local governmental entity or local law enforcement agency violates this chapter, the court must enjoin the unlawful sanctuary policy. The court has continuing jurisdiction over the parties and subject matter and may enforce its orders with the initiation of contempt proceedings as provided by law.

(4) An order approving a consent decree or granting an injunction must include written findings of fact that describe with specificity the existence and nature of the sanctuary policy that violates this chapter.

908.108 Education records.—This chapter does not apply to the release of information contained in education records of an educational agency or institution, except in conformity with the Family Educational Rights and Privacy Act of 1974, 20 U.S.C. s. 1232g.

908.109 Discrimination prohibited.—A state entity, a local governmental entity, or a law enforcement agency, or a person employed by or otherwise under the direction or control of the entity or agency, may not base its actions under this chapter on the gender, race, religion, national origin, or physical disability of a person except to the extent authorized by the United States Constitution or the State Constitution.

Section 2. *A sanctuary policy, as defined in s. 908.102, Florida Statutes, that is in effect on the effective date of this act violates the public policy of this state and must be repealed within 90 days after that date.*

Section 3. Section 908.107, Florida Statutes, as created by this act, shall take effect October 1, 2019, and, except as otherwise expressly provided in this act, this act shall take effect July 1, 2019.

And the title is amended as follows:

Delete lines 422-461 and insert: 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.

Senator Rodriguez moved the following amendment to **Senate Amendment 1 (406006) to House Amendment 6 (159253)** which failed:

Senate Amendment 1A (155178) to Senate Amendment 1 (406006) to House Amendment 6 (159253)—Delete lines 28-47 and insert:

pursuant to 8 U.S.C. ss. 1226 and 1357 along with a valid judicial warrant issued in compliance with s. 901.02(2).

Senator Taddeo moved the following amendment to **Senate Amendment 1 (406006) to House Amendment 6 (159253)** which failed:

Senate Amendment 1B (503106) to Senate Amendment 1 (406006) to House Amendment 6 (159253)—Delete line 49 and insert:
enforcement agency who is arrested for, charged with, or convicted of a felony offense in this state or any other jurisdiction.

Senator Rodriguez moved the following amendments to **Senate Amendment 1 (406006) to House Amendment 6 (159253)** which failed:

Senate Amendment 1C (166578) to Senate Amendment 1 (406006) to House Amendment 6 (159253)—Delete lines 59-76.

Senate Amendment 1D (432250) to Senate Amendment 1 (406006) to House Amendment 6 (159253)—Delete lines 71-75 and insert:
inmate for interview; or

(d) Providing a federal immigration agency with an inmate's

Senator Rader moved the following amendment to **Senate Amendment 1 (406006) to House Amendment 6 (159253)** which failed:

Senate Amendment 1E (207852) to Senate Amendment 1 (406006) to House Amendment 6 (159253)—Delete line 80 and insert:
System and the Florida College System. The term does not include the Department of Agriculture and Consumer Services.

Senator Rodriguez moved the following amendments to **Senate Amendment 1 (406006) to House Amendment 6 (159253)** which failed:

Senate Amendment 1F (334394) (with title amendment) to Senate Amendment 1 (406006) to House Amendment 6 (159253)—Delete line 80 and insert:
System and the Florida College System. The term does not include the Department of Education or the employees of that department.

908.1025 Chapter applicability.—This chapter does not apply to school resource officers, participants of a school guardian program, or any law enforcement agencies or local governmental entities while operating at any education facility or institution, including public, private, and charter K-12 schools in this state.

And the title is amended as follows:

Between lines 261 and 262 insert: providing applicability;

Senate Amendment 1G (393392) to Senate Amendment 1 (406006) to House Amendment 6 (159253)—Delete line 80 and insert:
System and the Florida College System. The term does not include the Division of Emergency Management.

Senate Amendment 1H (826390) to Senate Amendment 1 (406006) to House Amendment 6 (159253)—Delete line 80 and insert:
System and the Florida College System. The term does not include the Department of Business and Professional Regulation.

Senate Amendment 1I (150942) to Senate Amendment 1 (406006) to House Amendment 6 (159253)—Delete line 80 and insert:
System and the Florida College System. The term does not include the Department of Children and Families or the employees of that department.

The vote was:

Yeas—17

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

Nays—21

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

Senate Amendment 1J (207884) (with title amendment) to Senate Amendment 1 (406006) to House Amendment 6 (159253)—Delete lines 150-164 and insert:

(5) A state entity, local governmental entity, or law enforcement agency implementing this chapter has an affirmative duty to inquire as to whether a person is a victim of or a witness to a criminal offense, and, if so, the victim or the witness may not be subject to this chapter.

And the title is amended as follows:

Delete lines 274-277 and insert: circumstances; providing that certain entities or agencies have an affirmative duty to inquire as to whether a person is a victim of or a witness to a criminal offense, and, if so, exempting the person from being subject to the act; providing

Senator Rader moved the following amendment to **Senate Amendment 1 (406006) to House Amendment 6 (159253)** which failed:

Senate Amendment 1K (348416) (with title amendment) to Senate Amendment 1 (406006) to House Amendment 6 (159253)—Delete lines 157-164.

And the title is amended as follows:

Delete lines 275-277 and insert: requirements for crime victims or witnesses; providing

Senator Rodriguez moved the following amendment to **Senate Amendment 1 (406006) to House Amendment 6 (159253)** which failed:

Senate Amendment 1L (736146) (with title amendment) to Senate Amendment 1 (406006) to House Amendment 6 (159253)—Delete line 233 and insert:

908.108 Middle schools; education records.—This chapter does not apply to middle schools, whether the middle school is a public, private, or charter school, and does not apply to

And the title is amended as follows:

Delete lines 285-286 and insert: certain circumstances; providing applicability; prohibiting discrimination

Senator Cruz moved the following amendment to **Senate Amendment 1 (406006) to House Amendment 6 (159253)** which failed:

Senate Amendment 1M (381352) (with title amendment) to Senate Amendment 1 (406006) to House Amendment 6 (159253)—Between lines 237 and 238 insert: *908.1085 Chapter applicability.—This chapter does not apply to any teacher or guidance counselor in this state.*

And the title is amended as follows:

Delete lines 285-286 and insert: certain circumstances; providing applicability; prohibiting discrimination

Senator Rodriguez moved the following amendment to **Senate Amendment 1 (406006) to House Amendment 6 (159253)** which failed:

Senate Amendment 1N (420482) (with title amendment) to Senate Amendment 1 (406006) to House Amendment 6 (159253)—Between lines 237 and 238 insert: *908.1085 Emergency medical technicians.—This chapter does not apply to emergency medical technicians as defined in s. 401.23.*

And the title is amended as follows:

Delete lines 285-286 and insert: certain circumstances; providing applicability; prohibiting discrimination

Senator Powell moved the following amendment to **Senate Amendment 1 (406006) to House Amendment 6 (159253)** which failed:

Senate Amendment 1O (250742) to Senate Amendment 1 (406006) to House Amendment 6 (159253)—Delete lines 243-244 and insert:
disability of a person.

Senator Farmer moved the following amendment to **Senate Amendment 1 (406006) to House Amendment 6 (159253)** which failed:

Senate Amendment 1P (216204) (with title amendment) to Senate Amendment 1 (406006) to House Amendment 6 (159253)—Between lines 244 and 245 insert:

Section 2. *This act does not apply to an undocumented person who has served or who is currently serving in the Armed Forces of the United States or of this state, or a family member of such servicemembers.*

And the title is amended as follows:

Between lines 287 and 288 insert: providing applicability;

Senator Rodriguez moved the following amendments to **Senate Amendment 1 (406006) to House Amendment 6 (159253)** which failed:

Senate Amendment 1Q (374002) (with title amendment) to Senate Amendment 1 (406006) to House Amendment 6 (159253)—Delete line 244 and insert:
United States Constitution or the State Constitution. A person aggrieved by a violation of this section may enforce any provision of this section by a civil action in any court of competent jurisdiction on behalf of themselves or others similarly situated, and in addition to any judgment awarded, the appropriate court must allow reasonable attorney fees to be paid to the aggrieved person. The remedies in this section are cumulative of other remedies and this section may not be construed as a limitation.

And the title is amended as follows:

Delete line 287 and insert: on specified grounds; authorizing an aggrieved person to file a civil cause of action in a court of competent jurisdiction; providing for the payment of reasonable attorney fees; providing for implementation;

Senate Amendment 1R (941876) (with directory and title amendments) to Senate Amendment 1 (406006) to House Amendment 6 (159253)—Between lines 244 and 245 insert:

908.111 Firefighters.—This chapter does not apply to firefighters as defined in s. 633.102.

And the directory clause is amended as follows:

Delete line 7 and insert: sections 908.101-908.111, is created to read:

And the title is amended as follows:

Delete line 287 and insert: on specified grounds; providing for applicability; providing for implementation;

Senator Thurston moved the following amendment to **Senate Amendment 1 (406006) to House Amendment 6 (159253)** which failed:

Senate Amendment 1S (564172) (with title amendment) to Senate Amendment 1 (406006) to House Amendment 6 (159253)—Between lines 248 and 249 insert:

Section 3. *Every employee of a law enforcement agency, a local governmental entity, or a state entity must successfully complete 8 hours of a nationally recognized and accredited training program on implicit bias.*

And the title is amended as follows:

Delete line 289 and insert: a specified period; requiring employees of certain agencies or entities to complete specified training; providing effective dates.

Senator Rodriguez moved the following amendment to **Senate Amendment 1 (406006) to House Amendment 6 (159253)** which failed:

Senate Amendment 1T (268980) (with title amendment) to Senate Amendment 1 (406006) to House Amendment 6 (159253)—Between lines 248 and 249 insert:

Section 3. *This act does not apply to a person who has applied for asylum under Title 8 of the United States Code before July 1, 2019, or during the pendency of such application, including any appeals.*

And the title is amended as follows:

Delete line 289 and insert: a specified period; providing applicability; providing effective dates.

The vote was:

Yeas—17

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

Nays—21

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

Vote after roll call:

Yea—Montford

Senator Torres moved the following amendments to **Senate Amendment 1 (406006) to House Amendment 6 (159253)** which failed:

Senate Amendment 1U (654200) (with title amendment) to Senate Amendment 1 (406006) to House Amendment 6 (159253)—Between lines 248 and 249 insert:

Section 3. *This act does not apply to the Department of Veterans' Affairs.*

And the title is amended as follows:

Delete line 289 and insert: a specified period; providing applicability; providing effective dates.

Senate Amendment 1V (760394) (with title amendment) to Senate Amendment 1 (406006) to House Amendment 6 (159253)—Between lines 248 and 249 insert:

Section 3. *This act does not apply to an undocumented person who has served in the Armed Forces of the United States or to an immediate family member of such servicemember.*

And the title is amended as follows:

Delete line 289 and insert: a specified period; providing applicability; providing effective dates.

The vote was:

Yeas—18

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

Nays—21

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

Senator Rodriguez moved the following amendments to **Senate Amendment 1 (406006) to House Amendment 6 (159253)** which failed:

Senate Amendment 1W (917264) (with title amendment) to Senate Amendment 1 (406006) to House Amendment 6 (159253)—Between lines 248 and 249 insert:

Section 3. *This act does not apply to a recipient of Deferred Action for Childhood Arrivals under federal law.*

And the title is amended as follows:

Delete line 289 and insert: a specified period; providing applicability; providing effective dates.

Senate Amendment 1X (847252) (with title amendment) to Senate Amendment 1 (406006) to House Amendment 6 (159253)—Between lines 248 and 249 insert:

Section 3. *This act does not apply to a victim of human trafficking as defined in s. 787.06(2).*

And the title is amended as follows:

Delete line 289 and insert: a specified period; providing applicability; providing effective dates.

Senate Amendment 1Y (193264) (with title amendment) to Senate Amendment 1 (406006) to House Amendment 6 (159253)—Between lines 248 and 249 insert:

Section 3. *This act does not apply to a recipient of Temporary Protected Status under federal law.*

And the title is amended as follows:

Delete line 289 and insert: a specified period; providing applicability; providing effective dates.

The question recurred on **Senate Amendment 1 (406006) to House Amendment 6 (159253)** which was adopted.

SENATOR SIMMONS PRESIDING

THE PRESIDENT PRESIDING

SENATOR BENACQUISTO PRESIDING

THE PRESIDENT PRESIDING

On motion by Senator Gruters, the Senate concurred in **House Amendment 6 (159253)**, as amended, and requested the House to concur in the Senate amendment to the House amendment.

CS for CS for CS for SB 168 passed, as amended, and the action of the Senate was 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

SPECIAL GUESTS

President Galvano recognized Chief Financial Officer Jimmy Patronis who was present in the chamber.

President Galvano recognized his wife, Julie Galvano, who was present in the gallery.

BILLS ON THIRD READING

CS for HB 6517—A bill to be entitled An act for the relief of Robert Allan Smith by Orange County; providing for an appropriation to compensate Mr. Smith for injuries and damages he sustained as a result of the negligence of an employee of Orange County; providing legislative intent regarding lien interests held by the state; providing a limitation on the payment of fees and costs; providing an effective date.

—was read the third time by title.

On motion by Senator Torres, **CS for HB 6517** was passed and certified to the House. The vote on passage was:

Yeas—34

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

Nays—3

Gainer	Perry	Stargel

Vote after roll call:

Yea—Baxley, Hooper, Wright

CS for SB 256—A bill to be entitled An act relating to child protection teams; amending s. 768.28, F.S.; revising the definition of the term "officer, employee, or agent," as it applies to immunity from personal liability in certain actions, to include any member of a child protection team established by the Department of Health in certain circumstances; providing an effective date.

—was read the third time by title.

On motion by Senator Baxley, **CS for SB 256** was passed and certified to the House. The vote on passage was:

Yeas—38

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

Nays—2

Bradley	Rader

CS for CS for HB 409—A bill to be entitled An act relating to electronic legal documents; providing directives to the Division of Law Revision; amending s. 117.01, F.S.; revising provisions relating to use of the office of notary public; amending s. 117.021, F.S.; requiring electronic signatures to include access protection; prohibiting a person from requiring a notary public to perform a notarial act with certain technology; requiring the Department of State, in collaboration with the Agency for State Technology, to adopt rules for certain purposes; amending s. 117.05, F.S.; revising limitations on notary fees to conform to changes made by the act; providing for inclusion of certain information in a jurat or notarial certificate; providing for compliance with online notarization requirements; providing for notarial certification of a printed electronic record; revising statutory forms for jurats and notarial certificates; amending s. 117.107, F.S.; providing applicability; revising prohibited acts; creating s. 117.201, F.S.; providing definitions; creating s. 117.209, F.S.; authorizing online notarizations; providing an exception; creating s. 117.215, F.S.; specifying the application of other laws in relation to online notarizations; creating s. 117.225, F.S.; specifying registration and qualification requirements for online notaries public; creating s. 117.235, F.S.; authorizing the performance of certain notarial acts; creating s. 117.245, F.S.; requiring an online notary public to keep electronic journals of online notarizations and certain audio-video communication recordings; specifying the information that must be included for each online notarization; requiring that an online notary public retain a copy of the recording of an audio-video communication; specifying requirements for such recording; requiring an online notary public to take certain steps regarding the maintenance and security of the electronic journal; specifying that the Department of State maintains jurisdiction for a specified period of time for purposes of investigating notarial misconduct; authorizing the use of specified information for evidentiary purposes; creating s. 117.255, F.S.; specifying requirements for the use of electronic journals, signatures, and seals; requiring an online notary public to provide notification of the theft, vandalism, or loss of an electronic journal, signature, or seal; authorizing an online notary public to make copies of electronic journal entries and to provide access to related recordings under certain circumstances; authorizing an online notary public to charge a fee for making and delivering such copies; providing an exception; creating s. 117.265, F.S.; prescribing online notarization procedures; specifying the manner by which an online notary public must verify the identity of a principal; requiring an online notary public to take certain measures as to the security of technology used; specifying that an electronic notarial certificate must identify the performance of an online notarization; specifying that noncompliance does not impair the validity of a notarial act or the notarized electronic record; authorizing the use of specified information for evidentiary purposes; providing for construction; creating s. 117.275, F.S.; providing fees for online notarizations; creating s. 117.285, F.S.; specifying the manner by which an online notary public may supervise the witnessing of electronic records of online notarizations; specifying the circumstances under which an instrument is voidable; specifying the duties of Remote Online Notarization service providers and online notaries public; providing applicability and jurisdiction; creating s. 117.295, F.S.; authorizing the department to adopt rules and standards for online notarizations; providing minimum standards for online notarizations until such rules are adopted; requiring certain entities to provide a course for online notaries public; creating s. 117.305, F.S.; superseding certain provisions of federal law regulating electronic signatures; amending s. 28.222, F.S.; requiring the clerk of the circuit court to record certain instruments; amending s. 92.50, F.S.; revising requirements for oaths, affidavits, and acknowledgments; amending s. 95.231, F.S.; providing a limitation period for certain recorded instruments; amending s. 689.01, F.S.; providing for witnessing of documents in connection with real estate conveyances; providing for validation of certain recorded documents; amending s. 694.08, F.S.; providing for validation of certain recorded documents; amending s. 695.03, F.S.; providing and revising requirements for making acknowledgments, proofs, and other documents; amending s. 695.04, F.S.; conforming provisions to changes made by the act; amending s. 695.25, F.S.; revising the statutory short form of acknowledgments to include acknowledgment by online notarization; amending s. 695.28, F.S.; providing for validity of recorded documents; conforming provisions to changes made by the act; amending s. 709.2119, F.S.; authorizing the acceptance of a power of attorney based upon an electronic journal or electronic record made by a notary public; amending s. 709.2120, F.S.; prohibiting acceptance of a power of attorney if witnessed or notarized remotely; amending s. 709.2202, F.S.; prohibiting certain authority granted through a power of attorney if witnessed or notarized remotely; amending s. 731.201, F.S.; redefining the term "will" to conform to changes made by the act; amending s. 732.506, F.S.; exempting electronic wills from provisions governing the revocation of wills and codicils; prescribing the manner by which an electronic will or codicil may be revoked; creating s. 732.521, F.S.; providing definitions; creating s. 732.522, F.S.; prescribing the manner by which an electronic will must be executed; creating s. 732.523, F.S.; specifying requirements for the self-proof of an electronic will; creating s. 732.524, F.S.; specifying requirements necessary to serve as a qualified custodian of an electronic will; providing the duties of such qualified custodian; creating s. 732.525, F.S.; requiring a qualified custodian to post and maintain a blanket surety bond of a specified amount and maintain liability insurance; authorizing the Attorney General to petition a court to appoint a receiver to manage electronic records of a qualified custodian; creating s. 732.526, F.S.; specifying conditions by which an electronic will is deemed to be an original will; amending s. 733.201, F.S.; requiring that self-proved electronic wills meet certain requirements for admission to probate; creating s. 740.11, F.S.; specifying that any act taken pursuant to ch. 740, F.S., does not affect the requirement that a will be deposited within a certain timeframe; providing effective dates.

—was read the third time by title.

On motion by Senator Brandes, **CS for CS for HB 409** was passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Berman	Braynon
Albritton	Book	Broxson
Baxley	Bracy	Cruz
Bean	Bradley	Diaz
Benacquisto	Brandes	Farmer

Gainer	Montford	Simmons
Gibson	Passidomo	Simpson
Gruters	Perry	Stargel
Harrell	Pizzo	Stewart
Hooper	Powell	Taddeo
Hutson	Rader	Thurston
Lee	Rodriguez	Torres
Mayfield	Rouson	Wright

Nays—None

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 read the third time by title.

On motion by Senator Stargel, **HB 7127** 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	Thurston
Cruz	Passidomo	Wright

Nays—1

Torres

CS for HB 591—A bill to be entitled An act relating to a public records; amending s. 119.0713, F.S.; exempting from public records requirements customer meter-derived data and billing information in increments of less than one billing cycle that is held by certain utilities; providing a statement of public necessity; providing an effective date.

—was read the third time by title.

On motion by Senator Gibson, **CS for HB 591** 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—40

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

Nays—None

CS for CS for HB 673—A bill to be entitled An act relating to insurer guaranty associations; amending s. 631.713, F.S.; revising applicability of part III of ch. 631, F.S., as to health maintenance organizations, long-term care insurance benefits, certain health care benefits, and certain structured settlement annuity benefits; amending s. 631.716, F.S.; revising the number of members and composition of the Florida Life and Health Insurance Guaranty Association's board of directors; specifying requirements relating to the director of the Florida Health Maintenance Organization Consumer Assistance Plan to be confirmed to the association's board; specifying rights of the director or his or her alternate; deleting an obsolete provision; amending s. 631.717, F.S.; adding the reissuance of covered policies to a list of duties of the association relating to insolvent insurers; providing construction; specifying duties of the association as to potential long-term care insurer impairments or insolvencies, sharing information, and providing assistance to the Florida Health Maintenance Organization Consumer Assistance Plan's board of directors; revising applicability of a specified limit on the association's liability for the contractual obligations of an insolvent insurer; conforming a provision to changes made by the act; requiring that the Department of Financial Services, rather than a receivership court, approve certain alternative policies or contracts; authorizing the board to file directly for actuarially justified rate or premium increases; amending s. 631.718, F.S.; specifying the calculation and allocation of Class B assessments for long-term care insurance; specifying a limit on certain assessments on a member insurer or member health maintenance organization; conforming provisions to changes made by the act; amending s. 631.721, F.S.; deleting an obsolete provision; revising the requirements of the association's plan of operation relating to long-term care insurer impairments and insolvencies; conforming a cross-reference; creating s. 631.738, F.S.; providing applicability of certain provisions to certain health maintenance organizations; amending s. 631.816, F.S.; adding duties of the board of directors of the Florida Health Maintenance Organization Consumer Assistance Plan to conform to changes made by the act; amending s. 631.818, F.S.; adding to the duties of the plan to conform to changes made by the act; amending s. 631.819, F.S.; specifying requirements for long-term care insurer impairment and insolvency assessments for member health maintenance organizations; requiring the plan to issue certificates of contribution to member health maintenance organizations paying certain assessments; specifying requirements of, and the use of, such certificates; amending s. 631.820, F.S.; conforming provisions to changes made by the act; amending s. 631.821, F.S.; making a technical change; providing applicability of specified provisions to certain long-term care insurer impairment and insolvency assessments; providing a directive to the Division of Law Revision; providing an effective date.

—was read the third time by title.

On motion by Senator Brandes, **CS for CS for HB 673** was passed and certified to the House. The vote on passage was:

Yeas—40

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

Simpson	Taddeo	Wright
Stargel	Thurston	
Stewart	Torres	

Nays—None

CS for HB 629—A bill to be entitled An act relating to lottery games; creating s. 24.1056, F.S.; prohibiting the use of personal electronic devices to play, store, redeem, sell, or purchase lottery tickets or games; providing exceptions; defining the term "personal electronic device"; providing criminal penalties; amending s. 24.107, F.S.; requiring the Department of the Lottery to include a specified warning in advertisements or promotions of lottery games; providing requirements for such warning; amending s. 24.111, F.S.; requiring contracts between the department and a vendor to include a provision that requires the vendor to print a specified warning on all lottery tickets; providing requirements for such warning; providing an effective date.

—as amended May 1, was read the third time by title.

On motion by Senator Bradley, **CS for HB 629**, as amended, was passed and certified to the House. The vote on passage was:

Yeas—27

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

Nays—13

Berman	Farmer	Taddeo
Book	Gibson	Thurston
Bracy	Montford	Torres
Braynon	Pizzo	
Cruz	Powell	

Vote after roll call:

Nay to Yea—Bracy, Powell

HB 525—A bill to be entitled An act relating to the renaming of Florida College System institutions; amending s. 1000.21, F.S.; changing the name of "Florida Keys Community College" to "The College of the Florida Keys"; changing the name of "North Florida Community College" to "North Florida College"; providing an effective date.

—was read the third time by title.

On motion by Senator Flores, **HB 525** 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	Rodriguez
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

Rader

CS for CS for CS for HB 385—A bill to be entitled An act relating to transportation; amending s. 20.23, F.S.; conforming provisions to changes made by the act; amending s. 112.3144, F.S.; deleting an obsolete provision; requiring members of certain authorities and agencies to comply with certain financial disclosure requirements; amending s. 212.055, F.S.; revising the authorized uses of proceeds from charter county and regional transportation system surtaxes; requiring certain counties to use surtax proceeds for purposes related to fixed guideway rapid transit systems, bus systems, and development of dedicated facilities for autonomous vehicles; authorizing the use of surtax proceeds for the purchase of rights-of-way under certain circumstances; authorizing the use of surtax proceeds for refinancing existing bonds; authorizing the use of surtax proceeds for operations and maintenance on specified projects initiated after a certain date; authorizing a percentage of surtax proceeds to be distributed to certain municipalities to be used for certain purposes; amending s. 215.68, F.S.; conforming provisions to changes made by the act; reviving, reenacting, and amending s. 319.141, F.S.; revising the definition of the term "rebuilt inspection services"; revising provisions relating to the rebuilt motor vehicle inspection program; revising participant duties and responsibilities; revising location and insurance requirements; authorizing the Department of Highway Safety and Motor Vehicles to adopt rules; requiring a report to the Legislature; amending s. 334.175, F.S.; requiring the Department of Transportation to approve design plans for all transportation projects relating to department-owned rights-of-way under certain circumstances; amending s. 337.025, F.S.; authorizing the department to establish a program for transportation projects that demonstrate certain innovative techniques for measuring resiliency and structural integrity and controlling time and cost increases; amending s. 338.165, F.S.; deleting cross-references; amending s. 338.166, F.S.; requiring the department to submit an annual report to a certain metropolitan planning organization relating to collection and use of tolls; amending s. 339.175, F.S.; revising the membership of the metropolitan planning organization in certain counties; prohibiting the metropolitan planning organization in such counties from assessing certain fees; amending s. 343.1003, F.S.; revising a cross-reference; repealing part I of chapter 348, F.S., relating to the creation and operation of the Florida Expressway Authority Act; creating part I of ch. 348, F.S., titled "Greater Miami Expressway Agency"; creating s. 348.0301, F.S.; providing a short title; creating s. 348.0302, F.S.; providing applicability; creating s. 348.0303, F.S.; providing definitions; creating s. 348.0304, F.S.; creating the Greater Miami Expressway Agency; providing for membership on the governing body of the agency; requiring the initial meeting of the governing body by a date certain; requiring an oath of office; authorizing the governing body to employ certain officers and staff; authorizing the delegation of certain functions; providing requirements for employment with the agency; requiring the governing body to conduct a nationwide search in the hiring of an executive director of the agency; providing that members of the governing body are not entitled to compensation but are entitled to per diem and travel expenses; creating s. 348.0305, F.S.; providing ethics requirements for the agency; providing applicability of certain provisions; providing definitions; prohibiting certain persons from being appointed to the governing body of the agency; providing certain prohibitions for members and employees of the agency after vacation of their positions; providing disclosure requirements; providing that violation of certain provisions are considered violation of official, employment, or contractual duties; requiring certain ethics training; providing application and enforcement; creating s. 348.0306, F.S.; providing agency purposes and powers; requiring the agency to construct expressways; providing construction requirements; prohibiting an increase in toll rates until a specified date; requiring the Department of Transportation to review the financial viability of specified projects; requiring a supermajority vote for an increase in toll rates; providing a limit to administrative costs; requiring the Florida Transportation Commission to determine average administrative costs; requiring a minimum distance between tolling points; authorizing establishment of specified toll rates; providing agency responsibilities regarding reimbursement of certain county gasoline tax funds; providing project approval requirements; requiring an annual financial audit of the agency; creating s. 348.0307, F.S.; creating the Florida Sunshine Rebate Program; requiring the agency to provide specified rebates to specified SunPass holders; providing a goal for the amount of rebates;

requiring review and adjustment of such rebate; creating s. 348.0308, F.S.; providing a legislative declaration; authorizing the agency to enter into public-private partnership agreements; authorizing solicitation or receipt of certain proposals; providing rulemaking authority; providing approval requirements; requiring certain costs to be borne by the private entity; providing notice requirements for requests for proposals; providing for ranking and negotiation of proposals; requiring the agency to regulate tolls on certain facilities; requiring compliance with specified laws, rules, and conditions; providing for development, construction, operation, and maintenance of transportation projects by the agency or private entities; providing construction; creating s. 348.0309, F.S.; authorizing the agency to have bonds issued as provided in the State Bond Act; authorizing the agency to issue its own bonds; providing requirements for the issuance of such bonds; requiring the sale of bonds at a public sale; providing an exception; providing that bonds are negotiable instruments under certain provisions of law; requiring approval by the Legislative Budget Commission for certain projects, buildings, or facilities and any refinancing thereof; creating s. 348.0310, F.S.; authorizing the department to be appointed as an agent of the agency for construction purposes; requiring the agency to provide specified documents and funding to the department; creating s. 348.0311, F.S.; authorizing the agency to acquire lands and property; authorizing specified persons to enter upon specified properties; providing notice requirements; requiring the agency to make reimbursement for damages to such properties; requiring such entry to comply with certain provisions; providing for eminent domain authority; providing construction; authorizing interagency agreements with the Department of Environmental Protection for certain purposes; creating s. 348.0312, F.S.; authorizing agency cooperation with other units of government and individuals; creating s. 348.0313, F.S.; providing a covenant of the state that it will not limit certain rights or powers; creating s. 348.0314, F.S.; exempting the agency from taxation; providing an exception; creating s. 348.0315, F.S.; requiring specified information to be posted on the agency's website; requiring a report; creating s. 348.0316, F.S.; providing that specified bonds or obligations are eligible investments for certain purposes; creating s. 348.0317, F.S.; providing that specified pledges are enforceable by bondholders; creating s. 348.0318, F.S.; providing that certain provisions constitute complete and additional authority; providing construction; transferring the assets and liabilities of the Miami-Dade County Expressway Authority to the Greater Miami Expressway Agency; providing terms of the transfer; providing that the agency succeeds to all powers of the authority; providing that revenues collected on the expressway system are agency revenues; requiring the agency, in consultation with the Division of Bond Finance, to review certain documents of the authority; providing terms and conditions of the transfer; requiring a financial report by the Auditor General; authorizing consultation with bond counsel for specified purposes; providing for the dissolution of the Miami-Dade County Expressway Authority; creating ss. 348.635 and 348.7605, F.S.; providing a legislative declaration; authorizing the Tampa-Hillsborough County Expressway Authority and the Central Florida Expressway Authority to enter into public-private partnership agreements; authorizing solicitation or receipt of certain proposals; providing rulemaking authority; providing approval requirements; requiring certain costs to be borne by the private entity; providing notice requirements for requests for proposals; providing for ranking and negotiation of proposals; requiring the authorities to regulate tolls on certain facilities; requiring compliance with specified laws, rules, and conditions; providing for development, construction, operation, and maintenance of transportation projects by the authorities or private entities; providing construction; repealing part V of ch. 348, F.S., relating to the Osceola County Expressway Authority Law; providing effective dates.

—as amended May 1, was read the third time by title.

On motion by Senator Diaz, **CS for CS for CS for HB 385**, as amended, was passed and certified to the House. The vote on passage was:

Yeas—23

Mr. President	Bradley	Harrell
Albritton	Braynon	Hutson
Baxley	Broxson	Lee
Bean	Diaz	Mayfield
Benacquisto	Gainer	Passidomo
Book	Gruters	Perry
Rader	Simpson	Wright
Simmons	Stargel	

Nays—16

Berman	Hooper	Stewart
Bracy	Montford	Taddeo
Cruz	Pizzo	Thurston
Farmer	Powell	Torres
Flores	Rodriguez	
Gibson	Rouson	

Vote after roll call:

Nay—Brandes

CS for CS for CS for HB 905—A bill to be entitled An act relating to the Department of Transportation; creating s. 334.179, F.S.; prohibiting local governments from adopting standards or specifications that are contrary to the department standards or specifications for permissible use of aggregates that have been certified for use; defining the term "certified for use"; providing an exception; amending s. 336.044, F.S.; prohibiting local governmental entities from adopting standards or specifications that are contrary to the department standards or specifications for permissible use of reclaimed asphalt pavement material in construction; prohibiting such material from being considered solid waste for specified purposes; amending s. 337.025, F.S.; authorizing the department to establish a program for transportation projects that demonstrate certain innovative techniques for measuring resiliency and structural integrity and controlling time and cost increases; amending s. 337.14, F.S.; requiring any contractor, instead of any person, desiring to bid for the performance of certain construction contracts to first be certified by the department as qualified; conforming provisions to changes made by the act; requiring certain contractors desiring to bid on certain contracts to have satisfactorily completed certain projects; prohibiting a local governmental entity from contracting with a single entity for the performance of certain services for certain projects funded by the department; providing an exception; amending s. 337.185, F.S.; revising the maximum amounts per contract of certain contractual claims that must be arbitrated by the State Arbitration Board under certain circumstances; amending s. 338.26, F.S.; revising provisions of an interlocal agreement for use of specified fees to reimburse a local governmental entity for the direct actual costs of operating a specified fire station; requiring a contribution by the local governmental entity; providing for the transfer of specified equipment; amending s. 339.2818, F.S.; revising the definition of the term "small county"; providing an effective date.

—was read the third time by title.

On motion by Senator Albritton, **CS for CS for CS for HB 905** 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
Bracy	Hutson	Stewart
Bradley	Mayfield	Taddeo
Braynon	Montford	Thurston
Broxson	Passidomo	Torres
Cruz	Perry	Wright
Diaz	Pizzo	

Nays—None

Vote after roll call:

Yea—Brandes

CS for CS for HB 1247—A bill to be entitled An act relating to construction bonds; amending s. 255.05, F.S.; requiring a notice of nonpayment to be under oath; specifying that a claimant who serves a fraudulent notice of nonpayment forfeits his or her rights under a bond; providing that the service of a fraudulent notice of nonpayment is a complete defense to the claimant's claim against the bond; requiring a notice of nonpayment to be in a prescribed form; amending s. 627.756, F.S.; providing that a provision relating to attorney fees applies to certain suits brought by contractors; deeming contractors to be insureds or beneficiaries in relation to bonds for construction contracts; amending s. 627.428, F.S.; revising terminology; amending s. 713.23, F.S.; requiring a notice of nonpayment to be under oath; specifying that a lienor who serves a fraudulent notice of nonpayment forfeits his or her rights under a bond; providing that the service of a fraudulent notice of nonpayment is a complete defense to the lienor's claim against the bond; requiring a notice of nonpayment to be in a prescribed form; providing applicability; providing an effective date.

—was read the third time by title.

On motion by Senator Stargel, **CS for CS for HB 1247** 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

HB 1045—A bill to be entitled An act relating to Closing the Gap grant proposals; amending s. 381.7355, F.S.; adding a priority area that may be addressed in a Closing the Gap grant proposal; providing an effective date.

—as amended May 1, was read the third time by title.

On motion by Senator Gibson, **HB 1045**, 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

CS for CS for HB 501—A bill to be entitled An act relating to alternative treatment options for veterans; creating s. 295.156, F.S.; providing definitions; authorizing the Department of Veterans' Affairs to contract with a state university or Florida College System institution to furnish specified alternative treatment options for certain veterans; providing university or institution responsibilities; providing requirements for provision of alternative treatment options and related assessment data; providing alternative treatment eligibility requirements; requiring direction and supervision by certain licensed providers; requiring an annual report to the Governor and Legislature; authorizing the department to adopt rules; providing an effective date.

—was read the third time by title.

On motion by Senator Wright, **CS for CS for HB 501** 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 HB 7—A bill to be entitled An act relating to direct health care agreements; amending s. 624.27, F.S.; expanding the scope of direct primary care agreements; providing definitions; conforming provisions to changes made by the act; providing an effective date.

—was read the third time by title.

On motion by Senator Bean, **CS for HB 7** 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 HB 7125—A bill to be entitled An act relating to public safety; amending s. 16.555, F.S.; providing for reallocation of unencumbered funds returned to the Crime Stoppers Trust Fund; specifying permissible uses for funds awarded to counties from the trust fund; creating s. 16.557, F.S.; providing definitions; providing criminal penalties for disclosure of privileged communications or protected information or information concerning such communications or information; providing exceptions; amending s. 212.15, F.S.; increasing threshold amounts for certain theft offenses; amending s. 322.01, F.S.; providing a definition; amending s. 322.055, F.S.; reducing the length of driver license re-

vocation for possession or sale of, trafficking in, or conspiracy to possess, sell, or traffic in a controlled substance; deleting provisions authorizing a driver to petition the Department of Highway Safety and Motor Vehicles for restoration of his or her driving privilege; amending s. 322.056, F.S.; reducing the period for revocation or suspension of, or delay of eligibility for, driver licenses or driving privileges for certain persons found guilty of certain drug offenses; deleting requirements relating to the revocation or suspension of, or delay of eligibility for, driver licenses or driving privileges for certain persons found guilty of certain alcohol or tobacco offenses; deleting provisions authorizing a driver to petition the Department of Highway Safety and Motor Vehicles for restoration of his or her driving privilege; repealing s. 322.057, F.S., relating to discretionary revocation or suspension of a driver license for certain persons who provide alcohol to persons under a specified age; amending s. 322.24, F.S.; extending penalties to a person who was never issued a driver license; creating s. 322.75, F.S.; requiring each clerk of court to establish a Driver License Reinstatement Days program for reinstating suspended driver licenses in certain circumstances; providing duties of the clerks of the circuit courts and the Department of Highway Safety and Motor Vehicles; authorizing such clerks to compromise on or waive certain fees and costs; providing eligibility requirements; amending s. 394.47891, F.S.; revising the list of individuals who, if charged or convicted of certain criminal offenses, may participate in a Military Veterans and Servicemembers Court Program under certain circumstances; amending s. 394.917, F.S.; revising the duties of the Department of Children and Families concerning criminal offenders designated as sexually violent predators; amending s. 397.334, F.S.; conforming provisions to changes made in the act; amending s. 455.213, F.S.; conforming a cross-reference; requiring the Department of Business and Professional Regulation or the applicable board to use a specified process for the review of an applicant's criminal record to determine the applicant's eligibility for certain licenses; prohibiting the conviction of a crime before a specified date from being grounds for denial of certain licenses; defining the term "conviction"; authorizing a person to apply for a license before his or her lawful release from confinement or supervision; prohibiting additional fees for an applicant confined or under supervision; prohibiting the department or applicable board from basing a denial of a license application solely on the applicant's current confinement or supervision; authorizing the department or applicable board to stay the issuance of an approved license under certain circumstances; requiring the department or applicable board to verify an applicant's release with the Department of Corrections or other applicable authority; providing requirements for the appearance of certain applicants at certain meetings; requiring the department or applicable board to provide an annually updated list on its website specifying how certain crimes affect an applicant's eligibility for licensure; providing that certain information be identified for each crime on the list; requiring such list be available to the public upon request; amending s. 474.2165, F.S.; authorizing a veterinarian to report certain suspected criminal violations without notice to or authorization from a client; providing an exception; amending s. 489.126, F.S.; providing a just cause defense for criminal offenses and disciplinary violations; providing an inference; deleting an intent requirement for contractor offenses; revising elements of offenses; revising criminal penalties for contractor offenses; amending s. 489.553, F.S.; prohibiting the conviction of a crime from being grounds for the denial of registration after a specified time has passed under certain circumstances; defining the term "conviction"; authorizing a person to apply for registration before his or her lawful release from confinement or supervision; prohibiting the Department of Business and Professional Regulation from charging an applicant who is confined or under supervision additional fees; prohibiting the applicable board from basing the denial of registration solely on the applicant's current confinement or supervision; authorizing the board to stay the issuance of an approved registration under certain circumstances; requiring the board to verify an applicant's release with the Department of Corrections or other applicable authority; providing requirements for the appearance of certain applicants at certain meetings; requiring the applicable board to provide a quarterly updated list on its website specifying how certain crimes may affect an applicant's eligibility for registration; providing that certain information be identified for each crime on the list; requiring such list be available to the public upon request; amending s. 500.451, F.S.; abolishing mandatory minimum sentence for the sale of horse meat for human consumption; amending s. 509.151, F.S.; increasing threshold amounts for certain theft offenses; amending s. 562.11, F.S.; deleting provisions relating to withholding issuance of, or suspending or revoking, a driver license or driving privilege for possession of alcoholic beverages by persons under a specified age; amending s. 562.111, F.S.; removing the mandatory driver license suspension requirement for conviction of possession of alcohol by a person younger than 21 years of age; amending s. 562.27, F.S.; reducing the offense severity of certain crimes related to the possession of a still or related apparatus; amending s. 562.451, F.S.; reducing the offense severity for possession of one or more gallons of certain liquors; amending s. 569.11, F.S.; revising penalties for persons under a specified age who knowingly possess, misrepresent their age or military service to purchase, or purchase or attempt to purchase tobacco products; authorizing, rather than requiring, a court to direct the Department of Highway Safety and Motor Vehicles to withhold issuance of or suspend a person's driver license or driving privilege for certain violations; amending s. 713.69, F.S.; increasing thresholds for certain theft offenses; amending s. 775.082, F.S.; specifying that certain offenders released from incarceration from county detention facilities qualify as prison releasee reoffenders; amending s. 784.046, F.S.; prohibiting attorney fees in cases seeking an injunction for protection against repeat, dating, or sexual violence; amending s. 784.048, F.S.; revising the definition of the term "cyberstalk"; providing criminal penalties; amending s. 784.0485, F.S.; prohibiting attorney fees in cases seeking an injunction for protection against stalking; amending s. 784.049, F.S.; revising legislative findings; revising definitions; providing that sexual cyberharassment includes dissemination of an image through electronic means other than publication on a website; requiring that a person have a reasonable expectation of privacy in an image for the publication or dissemination of the image to qualify as sexual cyberharassment; providing that certain actions do not eliminate such an expectation of privacy; amending s. 790.052, F.S.; specifying that certain law enforcement and correctional officers meet the definition of "qualified law enforcement officer" for the purposes of qualifying for certain rights during off-duty hours; specifying that certain persons meet the definition of "qualified retired law enforcement officer" for the purposes of qualifying for certain rights during off-duty hours; amending s. 790.22, F.S.; authorizing, rather than requiring, a court to withhold issuance of or suspend a person's driver license or driving privilege for a minor who possesses or uses a firearm in certain circumstances; amending s. 800.09, F.S.; revising the definition of the term "employee"; prohibiting certain lewd or lascivious acts in the presence of county correctional personnel; providing criminal penalties; amending s. 806.13, F.S.; authorizing, rather than requiring, a court to withhold issuance of or suspend a person's driver license or driving privilege for committing criminal mischief by a minor; amending s. 812.014, F.S.; increasing threshold amounts for certain theft offenses; adding utility services to the list of items the theft of which constitutes a felony of the third degree; amending s. 812.015, F.S.; increasing threshold amounts for certain theft offenses; revising requirements for aggregation of retail thefts; amending s. 812.0155, F.S.; removing a court's authority to suspend a driver license for a misdemeanor theft adjudication of guilt for a person 18 years of age or older; allowing a court to suspend a driver license for a person 18 years of age or younger as an alternative to other possible sentences; amending s. 815.03, F.S.; revising the definition of the term "access" for purposes of provisions relating to computer crimes; amending s. 815.06, F.S.; revising conduct constituting an offense against users of computers, computer systems, computer networks, or electronic devices; providing criminal penalties; amending s. 817.413, F.S.; increasing threshold amounts for certain theft offenses; amending s. 831.28, F.S.; criminalizing possession of a counterfeit instrument with intent to defraud; amending s. 847.011, F.S.; prohibiting a person from knowingly selling, lending, giving away, distributing, transmitting, showing, or transmuting; offering to commit such actions, having in his or her possession, custody, or control with the intent to commit such actions or advertising in any manner an obscene, child-like sex doll; providing criminal penalties; prohibiting a person from knowingly having in his or her possession, custody, or control an obscene, child-like sex doll; providing criminal penalties; amending s. 849.01, F.S.; reducing the offense severity of certain crimes relating to keeping a gambling house or possessing certain gambling apparatuses; amending s. 877.112, F.S.; removing driver license revocation or suspension as a penalty for certain offenses involving nicotine products; amending s. 893.135, F.S.; revising threshold amounts for trafficking in hydrocodone; amending s. 900.05, F.S.; revising and providing definitions; revising and providing data required to be collected and reported to the Department of Law Enforcement by specified entities; requiring the Department of Law Enforcement to publish data received from reporting agencies by a specified date; imposing penalties on reporting agencies for noncompliance with data reporting requirements; declaring

information that is confidential and exempt upon collection by a reporting agency remains confidential and exempt when reported to the department; amending s. 921.0022, F.S.; conforming provisions of the offense severity ranking chart of the Criminal Punishment Code to changes made by the act; ranking introduction, or possession of, a cellular telephone or other portable communication device on county detention facility grounds; creating s. 943.0578, F.S.; establishing eligibility criteria for expunction of a criminal history record by a person found to have acted in lawful self-defense; requiring the Department of Law Enforcement to issue a certificate of eligibility for expunction if specified criteria are fulfilled; specifying requirements for a petition to expunge; creating a penalty for providing false information on such petition; requiring the department to adopt rules relating to a certificate of expunction for lawful self-defense; amending s. 943.0581, F.S.; clarifying administrative expunction applies to criminal history records resulting from an arrest made contrary to law or by mistake; creating s. 943.0584, F.S.; providing a definition; specifying criminal history records which are ineligible for court-ordered expunction or court-ordered sealing; amending s. 943.0585, F.S.; providing eligibility criteria for court-ordered expunction of a criminal history record; requiring the Department of Law Enforcement to issue a certificate of eligibility to petitioners meeting eligibility criteria; specifying requirements for a petition for court-ordered expunction; specifying a court's authority to expunge criminal history records; specifying the process for a petition to expunge a criminal history record; specifying the process following the issuance of an order to expunge a criminal history record; specifying the effect of an order to expunge a criminal history record; amending s. 943.059, F.S.; providing eligibility criteria for court-ordered sealing of a criminal history record; requiring the department to issue a certificate of eligibility to petitioners meeting eligibility criteria; specifying requirements for a petition for court-ordered sealing; specifying a court's authority to seal criminal history records; specifying the process for a petition to seal a criminal history record; specifying the effect of an order to seal a criminal history record; creating s. 943.0595, F.S.; requiring the Department of Law Enforcement to adopt rules to implement administrative sealing of specified criminal history records; providing eligibility criteria for administrative sealing of criminal history records; specifying ineligible criminal history records; providing for an unlimited number of times a person with an eligible criminal history record may receive administrative sealing; requiring the clerk of court to transmit a certified copy of an eligible criminal history record to the department upon the resolution of a criminal case; specifying that the effect of automatic sealing is the same as court-ordered sealing; amending s. 943.325, F.S.; revising legislative findings relating to the use of the DNA database; amending s. 943.6871, F.S.; declaring information received by the Department of Law Enforcement from a reporting agency that is confidential and exempt upon collection remains confidential and exempt; requiring the Criminal and Juvenile Justice Information Systems Council to develop specifications for a uniform arrest affidavit; providing requirements for the specifications; requiring the council to develop specifications for a uniform criminal charge and disposition statute crosswalk table and uniform criminal disposition and sentencing crosswalk table; requiring the department to procure the affidavit and statute crosswalk tables by a certain date; requiring law enforcement agencies to use the uniform arrest affidavit and other agencies to use the statute crosswalk tables by a certain date; amending s. 944.40, F.S.; including escape while on furlough in the offense of escape; providing criminal penalties; amending s. 944.47, F.S.; providing enhanced penalties for offenses involving introduction of contraband in correctional facilities when committed by correctional facility employees; amending s. 944.704, F.S.; requiring transition assistance staff to provide job assignment credentialing and industry certification information to inmates prior to release; authorizing the Department of Corrections to increase the number of employees serving as a transition specialist and employment specialist; amending s. 944.705, F.S.; requiring the department to establish a telephone hotline for released offenders; requiring the department to provide a comprehensive community reentry resource directory to each inmate before release; requiring the department to use certain programming data to notify inmates about reentry resources before release; requiring the department to allow nonprofit faith-based, business and professional, civic, and community organizations to apply to be registered to provide inmate reentry services; requiring the department to adopt policies for screening, approving, and registering organizations that apply; authorizing the department to contract with public or private educational institutions to assist veteran inmates in applying for certain benefits; authorizing the department to contract with public or private organizations to establish transitional employment programs that provide employment opportunities to recently released inmates; requiring the department to adopt rules; amending s. 944.801, F.S.; authorizing the department to expand the use of job assignment credentialing and industry certifications; requiring the department to develop a Prison Entrepreneurship Program and adopt procedures for inmate admission; specifying program requirements; requiring the department to enter into agreements with certain entities to carry out duties associated with the program; amending s. 948.001, F.S.; revising the definition of administrative probation; authorizing a court to order an offender into administrative probation; amending s. 948.013, F.S.; specifying when the Department of Corrections may transfer an offender to administrative probation; amending s. 948.04, F.S.; requiring a court to early terminate a term of probation or convert the term to administrative probation under certain circumstances; allowing a court to continue reporting probation upon making written findings; amending s. 948.05, F.S.; requiring the Department of Corrections to implement a graduated incentives program for probationers and offenders on community control; authorizing the department to issue certain incentives without leave of court; amending s. 948.06, F.S.; requiring a court to modify or continue a probationary term under certain circumstances; requiring each judicial circuit to establish an alternative sanctioning program; defining low- and moderate-risk level technical violations of probation; establishing permissible sanctions for low- and moderate-risk violations of probation under the program; establishing eligibility criteria; authorizing a probationer who allegedly committed a technical violation to waive participation in or elect to participate in the program, admit to the violation, agree to comply with the recommended sanction, and agree to waive certain rights; requiring a probation officer to submit the recommended sanction and certain documentation to the court if the probationer admits to committing the violation; authorizing the court to impose the recommended sanction or direct the department to submit a violation report, affidavit, and warrant to the court; authorizing a probation officer to submit a violation report, affidavit, and warrant to the court in certain circumstances; amending s. 948.08, F.S.; expanding eligibility criteria for pretrial substance abuse education programs to include a person with two or fewer convictions for nonviolent felonies; revising the list of individuals who, if charged with certain felonies, are eligible for voluntary admission into a pretrial veterans' treatment intervention program under certain circumstances; creating s. 948.081, F.S.; authorizing community court programs; amending s. 948.16, F.S.; revising the list of individuals who, if charged with certain misdemeanors, are eligible for voluntary admission into a misdemeanor pretrial veterans' treatment intervention program under certain circumstances; amending s. 948.21, F.S.; revising the list of individuals who, if probationers or community controlees, may be required to participate in a certain treatment program under certain circumstances; providing program criteria; amending s. 951.22, F.S.; providing an exception to a prohibition on contraband for certain legal documents; prohibiting introduction into or possession of certain cellular telephones or other portable communication devices on the grounds of any county detention facility; providing criminal penalties; amending s. 958.04, F.S.; revising the criteria authorizing a court to sentence as a youthful offender a person who is found guilty of, or who pled nolo contendere or guilty to, committing a felony before the person turned 21 years of age; amending s. 960.07, F.S.; increasing the timeframe for filing a crime victim compensation claim; providing an extension for good cause for a specified period; increasing the timeframe for a victim or intervenor who was under the age of 18 at the time of the crime to file a claim; provides an extension for good cause of 2 additional years; increasing the timeframe for filing a claim for victim compensation for a victim of a sexually violent offense; amending s. 960.13, F.S.; increasing the timeframe for prompt reporting of a crime to be eligible for a victim compensation award; amending s. 960.195, F.S.; increasing the timeframe for reporting a criminal or delinquent act resulting in property loss of an elderly person or disabled adult; amending s. 960.196, F.S.; increasing the timeframe to report certain human trafficking offenses to be eligible for a victim relocation assistance award; providing an extension for good cause; amending s. 985.557, F.S.; repealing provisions requiring the mandatory direct filing of charges in adult court against juveniles in certain circumstances; amending s. 985.565, F.S.; conforming provisions to changes made by the act; providing effective dates.

—as amended May 1, was read the third time by title.

RECONSIDERATION OF AMENDMENT

On motion by Senator Rodriguez, the Senate reconsidered the vote by which engrossed **Amendment 1 (123332)**, replacing **Amendment 1 (462662)**, by Senator Brandes, was previously adopted May 1.

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

Senator Brandes moved the following amendment to **Amendment 1 (123332)** which was adopted by two-thirds vote:

Amendment 1A (321612) (with title amendment)—Delete lines 7179-7200 and insert:

(b) The Secretary of the Department of Corrections, or a designee of the secretary.

(c) The Secretary of the Department of Juvenile Justice, or a designee of the secretary.

(d) Two members appointed by the President of the Senate, one of whom must be a public defender.

(e) Two members appointed by the Speaker of the House of Representatives, one of whom must be a state attorney.

(f) Two members appointed by the Chief Justice of the Supreme Court, one of whom must be a circuit judge currently assigned to a felony division.

(g) Six members appointed by the Governor, two of whom must be professors at a Florida College System institution or state university.

Any vacancies on the task force shall be filled in the same manner as the original appointments. Appointments to the task force shall be made no later than July 15, 2019.

(3) The task force shall meet throughout its duration and is encouraged to take input from all stakeholders involved in the criminal justice system. The first meeting of the task force shall occur no later than August 15, 2019. The Attorney General shall designate staff of the Department of Legal Affairs to provide support to the task force.

(4) Upon the Attorney General's request, the Department of Corrections and the Office of the State Courts Administrator may, when resources permit, provide reasonable data collection and analysis, research,

And the title is amended as follows:

Delete line 7904 and insert: for staff support; authorizing, when resources permit, specified governmental

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

Senator Harrell moved the following amendment to **Amendment 1 (123332)** which was adopted by two-thirds vote:

Amendment 1B (204146)—Delete line 139 and insert:
a false statement or allegation in the petition or that the respondent knowingly made a false statement or allegation in an asserted defense, with regard to a

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

Senator Brandes moved the following amendment to **Amendment 1 (123332)** which was adopted by two-thirds vote:

Amendment 1C (441458) (with title amendment)—Delete lines 72-108.

And the title is amended as follows:

Delete lines 7230-7257 and insert: An act relating to administration of justice; amending s. 16.555, F.S.; providing for reallocation of unencumbered funds returned to the Crime Stoppers Trust Fund; specifying permissible uses for funds awarded to counties from the trust fund; creating s. 16.557, F.S.; defining terms; providing criminal penalties for disclosure of privileged communications or protected information or information concerning such communications or information; providing exceptions;

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

Senator Rodriguez moved the following amendment to **Amendment 1 (123332)** which was adopted by two-thirds vote:

Amendment 1D (401986) (with title amendment)—Between lines 7215 and 7216 insert:

Section 154. Section 1009.02, Florida Statutes, is created to read:

1009.02 Eligibility for educational scholarships upon completion of all terms of sentence.—Notwithstanding any other provision of this chapter, upon the completion of all terms of a sentence for a criminal conviction a person is eligible to be awarded any scholarship, grant, or other aid for higher education or vocational training under this chapter so long as he or she meets all other requirements to be awarded the scholarship, grant, or other aid.

Section 155. *The creation of s. 1009.02 by this act shall take effect on the same date that HB 7089 or similar legislation takes effect, if such legislation is adopted in the same legislative session or an extension thereof and becomes a law.*

And the title is amended as follows:

Delete lines 7909-7910 and insert: providing for dissolution of the task force; creating s. 1009.02, F.S.; specifying eligibility for educational scholarships, grants, or other aid for specified persons upon completion of all terms of sentence; providing an appropriation; providing effective dates.

Amendment 1 (123332), as amended, was adopted by two-thirds vote.

On motion by Senator Brandes, **CS for HB 7125**, 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
Bradley	Hutson	Stargel
Brandes	Lee	Stewart
Braynon	Mayfield	Taddeo
Broxson	Montford	Thurston
Cruz	Passidomo	Torres
Diaz	Perry	Wright

Nays—1

Bracy

Consideration of **CS for SB 1622** was deferred.

By direction of the President, pursuant to Rule 4.3(3), the Senate reverted to—

MESSAGES FROM THE HOUSE OF REPRESENTATIVES, continued

The Honorable Bill Galvano, President

I am directed to inform the Senate that the House of Representatives has passed CS/CS/SB 188, with amendment(s), and requests the concurrence of the Senate.

Jeff Takacs, Clerk

CS for CS for SB 188—A bill to be entitled An act relating to the Department of Health; amending s. 381.4018, F.S.; requiring the Department of Health to develop strategies to maximize federal-state partnerships that provide incentives for physicians to practice in medically underserved or rural areas; authorizing the department to adopt certain rules; amending s. 456.013, F.S.; revising health care practitioner licensure application requirements; amending s. 458.3312, F.S.; removing a provision prohibiting a physician from representing himself or herself as a board-certified specialist in dermatology unless the recognizing agency is reviewed and reauthorized on a specified basis by the Board of Medicine; amending s. 459.0055, F.S.; revising licensure requirements for a person seeking licensure or certification as an osteopathic physician; repealing s. 460.4166, F.S., relating to registered chiropractic assistants; amending s. 464.019, F.S.; extending through 2025 the Florida Center for Nursing's responsibility to study and issue an annual report on the implementation of nursing education programs; amending s. 464.202, F.S.; requiring the Board of Nursing to adopt rules that include disciplinary procedures and standards of practice for certified nursing assistants; amending s. 464.203, F.S.; revising certification requirements for nursing assistants; amending s. 464.204, F.S.; revising grounds for board-imposed disciplinary sanctions; amending s. 466.006, F.S.; revising certain requirements for examinations to be completed by applicants seeking dental licensure; amending s. 466.00673, F.S.; extending the repeal date of provisions relating to health access dental licenses; amending s. 466.007, F.S.; revising requirements for examinations of dental hygienists; amending s. 466.017, F.S.; providing adverse incident reporting requirements; providing for disciplinary action by the Board of Dentistry; defining the term "adverse incident"; authorizing the board to adopt rules; amending s. 466.031, F.S.; making technical changes; authorizing an employee or an independent contractor of a dental laboratory acting as an agent of that dental laboratory to engage in onsite consultation with a licensed dentist during a dental procedure; amending s. 466.036, F.S.; revising inspection frequency of dental laboratories during a specified period; amending s. 468.701, F.S.; revising the definition of the term "athletic trainer" for the purpose of relocating an existing requirement; amending s. 468.707, F.S.; revising athletic trainer licensure requirements; amending s. 468.711, F.S.; requiring certain licensees to maintain certification in good standing without lapse to renew their athletic trainer license; amending s. 468.713, F.S.; requiring that an athletic trainer work within a specified scope of practice; relocating an existing requirement; amending s. 468.723, F.S.; requiring the direct supervision of an athletic training student to be in accordance with rules adopted by the Board of Athletic Training; amending s. 468.803, F.S.; revising orthotic, prosthetic, and pedorthic licensure, registration, and examination requirements; amending s. 480.033, F.S.; revising the definition of the term "apprentice"; amending s. 480.041, F.S.; revising qualifications for licensure as a massage therapist; specifying that a massage apprentice who was licensed before a specified date may continue to perform massage therapy as authorized under his or her license; authorizing a massage apprentice to apply for full licensure upon completion of the apprenticeship under certain conditions; repealing s. 480.042, F.S., relating to examinations for licensure as a massage therapist; amending s. 480.046, F.S.; revising instances under which disciplinary action may be taken against massage establishments; prohibiting certain massage establishments from applying for relicensure; providing an exception; amending s. 490.003, F.S.; revising the definition of the terms "doctoral-level psychological education" and "doctoral degree in psychology"; amending s. 490.005, F.S.; revising requirements for licensure by examination of psychologists and school psychologists; amending s. 490.006, F.S.; revising requirements for licensure by endorsement of psychologists and school psychologists; amending s. 491.0045, F.S.; providing an exemption for registration requirements for clinical social worker interns, marriage and family therapist interns, and mental health counselor interns under certain circumstances; amending s. 491.005, F.S.; revising requirements for the licensure by examination of marriage and family therapists; revising examination requirements for the licensure by examination of mental health counselors; amending s. 491.006, F.S.; revising requirements for licensure by endorsement or certification for specified professions; amending s. 491.007, F.S.; removing a biennial intern registration fee; amending s. 491.009, F.S.; authorizing the Board of Clinical Social Work, Marriage and Family Therapy, and Mental Health Counseling or, under certain circumstances, the department to enter an order denying licensure or imposing penalties against an applicant for licensure under certain circumstances; amending ss. 491.0046 and 945.42, F.S.; conforming cross-references; providing an effective date.

House Amendment 1 (822543) (with title amendment)—Between lines 1461 and 1462, insert:

Section 36. Paragraphs (a) and (f) of subsection (4), paragraph (e) of subsection (8), and paragraph (a) of subsection (14) of section 381.986, Florida Statutes, as amended by section 1 of chapter 2019-1, Laws of Florida, are amended, and paragraph (f) is added to subsection (7) and paragraph (h) is added to subsection (14) of that section, to read:

381.986 Medical use of marijuana.—

(4) PHYSICIAN CERTIFICATION.—

(a) A qualified physician may issue a physician certification only if the qualified physician:

1. Conducted a physical examination while physically present in the same room as the patient and a full assessment of the medical history of the patient.

2. Diagnosed the patient with at least one qualifying medical condition.

3. Determined that the medical use of marijuana would likely outweigh the potential health risks for the patient, and such determination must be documented in the patient's medical record. *A physician may not issue a physician certification, except for low-THC cannabis, to a patient younger than 18 years of age, unless the qualified physician determines that marijuana other than low-THC cannabis is the most effective treatment for the patient, and a second physician who is a board-certified pediatrician concurs with such determination. Such determination and concurrence must be documented in the patient's medical record and in the medical marijuana use registry* ~~If a patient is younger than 18 years of age, a second physician must concur with this determination, and such concurrence must be documented in the patient's medical record~~.

4. Determined whether the patient is pregnant and documented such determination in the patient's medical record. A physician may not issue a physician certification, except for low-THC cannabis, to a patient who is pregnant.

5. Reviewed the patient's controlled drug prescription history in the prescription drug monitoring program database established pursuant to s. 893.055.

6. Reviews the medical marijuana use registry and confirmed that the patient does not have an active physician certification from another qualified physician.

7. Registers as the issuer of the physician certification for the named qualified patient on the medical marijuana use registry in an electronic manner determined by the department, and:

a. Enters into the registry the contents of the physician certification, including *all of* the patient's qualifying *conditions* ~~condition~~ and the dosage not to exceed the daily dose amount *authorized under paragraph (f)* ~~determined by the department~~, the amount and forms of marijuana authorized for the patient, and any types of marijuana delivery devices needed by the patient for the medical use of marijuana.

b. Updates the registry within 7 days after any change is made to the original physician certification to reflect such change.

c. Deactivates the registration of the qualified patient and the patient's caregiver when the physician no longer recommends the medical use of marijuana for the patient.

8. Obtains the voluntary and informed written consent of the patient for medical use of marijuana each time the qualified physician issues a physician certification for the patient, which shall be maintained in the patient's medical record. The patient, or the patient's parent or legal guardian if the patient is a minor, must sign the informed consent acknowledging that the qualified physician has sufficiently explained its content. The qualified physician must use a standardized informed consent form adopted in rule by the Board of Medicine and the Board of Osteopathic Medicine, which must include, at a minimum, information related to:

a. The Federal Government's classification of marijuana as a Schedule I controlled substance.

b. The approval and oversight status of marijuana by the Food and Drug Administration.

c. The current state of research on the efficacy of marijuana to treat the qualifying conditions set forth in this section.

d. The potential for addiction.

e. The potential effect that marijuana may have on a patient's coordination, motor skills, and cognition, including a warning against operating heavy machinery, operating a motor vehicle, or engaging in activities that require a person to be alert or respond quickly.

f. The potential side effects of marijuana use, including the negative health risks associated with smoking *and the negative health effects of marijuana use on persons under 18 years of age*.

g. The risks, benefits, and drug interactions of marijuana.

h. That the patient's de-identified health information contained in the physician certification and medical marijuana use registry may be used for research purposes.

(f) A qualified physician may not issue a physician certification for more than three 70-day supply limits of marijuana*, more than six 35-day supply limits of edibles,* or more than six 35-day supply limits of marijuana in a form for smoking. The department shall quantify by rule a daily dose amount with equivalent dose amounts for each allowable form of marijuana*, other than edibles and marijuana in a form for smoking,* dispensed by a medical marijuana treatment center. The department shall use the daily dose amount to calculate a 70-day supply. *The daily dose amount for edibles shall not exceed 200 mg of tetrahydrocannabinol. The daily dose amount for marijuana in a form for smoking shall not exceed .08 ounces.*

1. A qualified physician may request an exception to the daily dose amount limit, *the 35-day supply limit for edibles,* the 35-day supply limit of marijuana in a form for smoking, and the 4-ounce possession limit of marijuana in a form for smoking established in paragraph (14)(a). The request shall be made electronically on a form adopted by the department in rule and must include, at a minimum:

a. The qualified patient's qualifying medical condition.

b. The dosage and route of administration that was insufficient to provide relief to the qualified patient.

c. A description of how the patient will benefit from an increased amount.

d. The minimum daily dose amount of marijuana that would be sufficient for the treatment of the qualified patient's qualifying medical condition.

2. A qualified physician must provide the qualified patient's records upon the request of the department.

3. The department shall approve or disapprove the request within 14 days after receipt of the complete documentation required by this paragraph. The request shall be deemed approved if the department fails to act within this time period.

(7) IDENTIFICATION CARDS.—

(f) A qualified patient who is a veteran, as defined in s. 1.01(14), is not required to pay the fee for the issuance or renewal of an identification card. To demonstrate veteran status, a qualified patient must provide the department with a copy of one of the following:

1. The qualified patient's DD Form 214, issued by the United States Department of Defense;

2. The qualified patient's veteran health identification card, issued by the United States Department of Veterans Affairs; or

3. The qualified patient's veteran identification card, issued by the United States Department of Veterans Affairs pursuant to the Veterans Identification Card Act of 2015, Pub. L. No. 114-31.

(8) MEDICAL MARIJUANA TREATMENT CENTERS.—

(e) A licensed medical marijuana treatment center shall cultivate, process, transport, and dispense marijuana for medical use. A licensed medical marijuana treatment center may not contract for services directly related to the cultivation, processing, and dispensing of marijuana or marijuana delivery devices, except that a medical marijuana treatment center licensed pursuant to subparagraph (a)1. may contract with a single entity for the cultivation, processing, transporting, and dispensing of marijuana and marijuana delivery devices. A licensed medical marijuana treatment center must, at all times, maintain compliance with the criteria demonstrated and representations made in the initial application and the criteria established in this subsection. Upon request, the department may grant a medical marijuana treatment center a variance from the representations made in the initial application. Consideration of such a request shall be based upon the individual facts and circumstances surrounding the request. A variance may not be granted unless the requesting medical marijuana treatment center can demonstrate to the department that it has a proposed alternative to the specific representation made in its application which fulfills the same or a similar purpose as the specific representation in a way that the department can reasonably determine will not be a lower standard than the specific representation in the application. A variance may not be granted from the requirements in subparagraph 2. and subparagraphs (b)1. and 2.

1. A licensed medical marijuana treatment center may transfer ownership to an individual or entity who meets the requirements of this section. A publicly traded corporation or publicly traded company that meets the requirements of this section is not precluded from ownership of a medical marijuana treatment center. To accommodate a change in ownership:

a. The licensed medical marijuana treatment center shall notify the department in writing at least 60 days before the anticipated date of the change of ownership.

b. The individual or entity applying for initial licensure due to a change of ownership must submit an application that must be received by the department at least 60 days before the date of change of ownership.

c. Upon receipt of an application for a license, the department shall examine the application and, within 30 days after receipt, notify the applicant in writing of any apparent errors or omissions and request any additional information required.

d. Requested information omitted from an application for licensure must be filed with the department within 21 days after the department's request for omitted information or the application shall be deemed incomplete and shall be withdrawn from further consideration and the fees shall be forfeited.

Within 30 days after the receipt of a complete application, the department shall approve or deny the application.

2. A medical marijuana treatment center, and any individual or entity who directly or indirectly owns, controls, or holds with power to vote 5 percent or more of the voting shares of a medical marijuana treatment center, may not acquire direct or indirect ownership or con-

trol of any voting shares or other form of ownership of any other medical marijuana treatment center.

3. A medical marijuana treatment center may not enter into any form of profit-sharing arrangement with the property owner or lessor of any of its facilities where cultivation, processing, storing, or dispensing of marijuana and marijuana delivery devices occurs.

4. All employees of a medical marijuana treatment center must be 21 years of age or older and have passed a background screening pursuant to subsection (9).

5. Each medical marijuana treatment center must adopt and enforce policies and procedures to ensure employees and volunteers receive training on the legal requirements to dispense marijuana to qualified patients.

6. When growing marijuana, a medical marijuana treatment center:

a. May use pesticides determined by the department, after consultation with the Department of Agriculture and Consumer Services, to be safely applied to plants intended for human consumption, but may not use pesticides designated as restricted-use pesticides pursuant to s. 487.042.

b. Must grow marijuana within an enclosed structure and in a room separate from any other plant.

c. Must inspect seeds and growing plants for plant pests that endanger or threaten the horticultural and agricultural interests of the state in accordance with chapter 581 and any rules adopted thereunder.

d. Must perform fumigation or treatment of plants, or remove and destroy infested or infected plants, in accordance with chapter 581 and any rules adopted thereunder.

7. Each medical marijuana treatment center must produce and make available for purchase at least one low-THC cannabis product.

8. A medical marijuana treatment center that produces edibles must hold a permit to operate as a food establishment pursuant to chapter 500, the Florida Food Safety Act, and must comply with all the requirements for food establishments pursuant to chapter 500 and any rules adopted thereunder. Edibles may not contain more than 200 milligrams of tetrahydrocannabinol, and a single serving portion of an edible may not exceed 10 milligrams of tetrahydrocannabinol. Edibles may have a potency variance of no greater than 15 percent. Edibles may not be attractive to children; be manufactured in the shape of humans, cartoons, or animals; be manufactured in a form that bears any reasonable resemblance to products available for consumption as commercially available candy; or contain any color additives. To discourage consumption of edibles by children, the department shall determine by rule any shapes, forms, and ingredients allowed and prohibited for edibles. Medical marijuana treatment centers may not begin processing or dispensing edibles until after the effective date of the rule. The department shall also adopt sanitation rules providing the standards and requirements for the storage, display, or dispensing of edibles.

9. Within 12 months after licensure, a medical marijuana treatment center must demonstrate to the department that all of its processing facilities have passed a Food Safety Good Manufacturing Practices, such as Global Food Safety Initiative or equivalent, inspection by a nationally accredited certifying body. A medical marijuana treatment center must immediately stop processing at any facility which fails to pass this inspection until it demonstrates to the department that such facility has met this requirement.

10. A medical marijuana treatment center that produces prerolled marijuana cigarettes may not use wrapping paper made with tobacco or hemp.

11. When processing marijuana, a medical marijuana treatment center must:

a. Process the marijuana within an enclosed structure and in a room separate from other plants or products.

b. Comply with department rules when processing marijuana with hydrocarbon solvents or other solvents or gases exhibiting potential toxicity to humans. The department shall determine by rule the requirements for medical marijuana treatment centers to use such solvents or gases exhibiting potential toxicity to humans.

c. Comply with federal and state laws and regulations and department rules for solid and liquid wastes. The department shall determine by rule procedures for the storage, handling, transportation, management, and disposal of solid and liquid waste generated during marijuana production and processing. The Department of Environmental Protection shall assist the department in developing such rules.

12.~~d.~~ *A medical marijuana treatment center must* test ~~the processed~~ marijuana using a medical marijuana testing laboratory before it is dispensed. Results must be verified and signed by two medical marijuana treatment center employees. Before dispensing, the medical marijuana treatment center must determine that the test results indicate that low-THC cannabis meets the definition of low-THC cannabis, the concentration of tetrahydrocannabinol meets the potency requirements of this section, the labeling of the concentration of tetrahydrocannabinol and cannabidiol is accurate, and all marijuana is safe for human consumption and free from contaminants that are unsafe for human consumption. The department shall determine by rule which contaminants must be tested for and the maximum levels of each contaminant which are safe for human consumption. The Department of Agriculture and Consumer Services shall assist the department in developing the testing requirements for contaminants that are unsafe for human consumption in edibles. The department shall also determine by rule the procedures for the treatment of marijuana that fails to meet the testing requirements of this section, s. 381.988, or department rule. The department may select ~~a~~ random *samples of marijuana,* ~~sample from edibles,~~ available *in a cultivation facility, processing facility, or* for purchase in a dispensing facility, which shall be tested by the department to determine that the *marijuana* ~~edible~~ meets the potency requirements of this section, is safe for human consumption, and the labeling of the tetrahydrocannabinol and cannabidiol concentration is accurate. A medical marijuana treatment center may not require payment from the department for the sample. A medical marijuana treatment center must recall edibles, including all edibles made from the same batch of marijuana, which fail to meet the potency requirements of this section, which are unsafe for human consumption, or for which the labeling of the tetrahydrocannabinol and cannabidiol concentration is inaccurate. The medical marijuana treatment center must retain records of all testing and samples of each homogenous batch of marijuana for at least 9 months. The medical marijuana treatment center must contract with a marijuana testing laboratory to perform audits on the medical marijuana treatment center's standard operating procedures, testing records, and samples and provide the results to the department to confirm that the marijuana or low-THC cannabis meets the requirements of this section and that the marijuana or low-THC cannabis is safe for human consumption. A medical marijuana treatment center shall reserve two processed samples from each batch and retain such samples for at least 9 months for the purpose of such audits. A medical marijuana treatment center may use a laboratory that has not been certified by the department under s. 381.988 until such time as at least one laboratory holds the required certification, but in no event later than July 1, *2020* ~~2018~~.

13. When packaging marijuana, a medical marijuana treatment center must:

a.~~e.~~ Package the marijuana in compliance with the United States Poison Prevention Packaging Act of 1970, 15 U.S.C. ss. 1471 et seq.

b.~~f.~~ Package the marijuana in a receptacle that has a firmly affixed and legible label stating the following information:

(I) The marijuana or low-THC cannabis meets the requirements of *subparagraph 12* ~~sub-subparagraph d~~.

(II) The name of the medical marijuana treatment center from which the marijuana originates.

(III) The batch number and harvest number from which the marijuana originates and the date dispensed.

(IV) The name of the physician who issued the physician certification.

(V) The name of the patient.

(VI) The product name, if applicable, and dosage form, including concentration of tetrahydrocannabinol and cannabidiol. The product name may not contain wording commonly associated with products marketed by or to children.

(VII) The recommended dose.

(VIII) A warning that it is illegal to transfer medical marijuana to another person.

(IX) A marijuana universal symbol developed by the department.

14.~~12.~~ The medical marijuana treatment center shall include in each package a patient package insert with information on the specific product dispensed related to:

a. Clinical pharmacology.

b. Indications and use.

c. Dosage and administration.

d. Dosage forms and strengths.

e. Contraindications.

f. Warnings and precautions.

g. Adverse reactions.

15.~~13.~~ In addition to the packaging and labeling requirements specified in subparagraphs *12., 13., and 14.* ~~11. and 12.~~, marijuana in a form for smoking must be packaged in a sealed receptacle with a legible and prominent warning to keep away from children and a warning that states marijuana smoke contains carcinogens and may negatively affect health. Such receptacles for marijuana in a form for smoking must be plain, opaque, and white without depictions of the product or images other than the medical marijuana treatment center's department-approved logo and the marijuana universal symbol.

16.~~14.~~ The department shall adopt rules to regulate the types, appearance, and labeling of marijuana delivery devices dispensed from a medical marijuana treatment center. The rules must require marijuana delivery devices to have an appearance consistent with medical use.

17.~~15.~~ Each edible shall be individually sealed in plain, opaque wrapping marked only with the marijuana universal symbol. Where practical, each edible shall be marked with the marijuana universal symbol. In addition to the packaging and labeling requirements in subparagraphs *13. and 14.* ~~10. and 11.~~, edible receptacles must be plain, opaque, and white without depictions of the product or images other than the medical marijuana treatment center's department-approved logo and the marijuana universal symbol. The receptacle must also include a list all of the edible's ingredients, storage instructions, an expiration date, a legible and prominent warning to keep away from children and pets, and a warning that the edible has not been produced or inspected pursuant to federal food safety laws.

18.~~16.~~ When dispensing marijuana or a marijuana delivery device, a medical marijuana treatment center:

a. May dispense any active, valid order for low-THC cannabis, medical cannabis and cannabis delivery devices issued pursuant to former s. 381.986, Florida Statutes 2016, which was entered into the medical marijuana use registry before July 1, 2017.

b. May not dispense more than a 70-day supply of marijuana within any 70-day period to a qualified patient or caregiver. *May not dispense more than a 35-day supply of edibles within any 35-day period to a qualified patient or caregiver. A 35-day supply of edibles may not exceed 7000 mg of tetrahydrocannabinol unless an exception to this amount is approved by the department pursuant to paragraph (4)(f).* May not dispense more than one 35-day supply of marijuana in a form for smoking within any 35-day period to a qualified patient or caregiver. A 35-day supply of marijuana in a form for smoking may not exceed 2.5 ounces unless an exception to this amount is approved by the department pursuant to paragraph (4)(f).

c. Beginning January 1, 2020, may not dispense dried leaves and flowers of marijuana with a tetrahydrocannabinol concentration greater than 10 percent.

d.~~c.~~ Must have the medical marijuana treatment center's employee who dispenses the marijuana or a marijuana delivery device enter into the medical marijuana use registry his or her name or unique employee identifier.

e.~~d.~~ Must verify that the qualified patient and the caregiver, if applicable, each have an active registration in the medical marijuana use registry and an active and valid medical marijuana use registry identification card, the amount and type of marijuana dispensed matches the physician certification in the medical marijuana use registry for that qualified patient, and the physician certification has not already been filled.

f.~~e.~~ May not dispense marijuana to a qualified patient who is younger than 18 years of age. If the qualified patient is younger than 18 years of age, marijuana may only be dispensed to the qualified patient's caregiver.

g.~~f.~~ May not dispense or sell any other type of cannabis, alcohol, or illicit drug-related product, including pipes or wrapping papers made with tobacco or hemp, other than a marijuana delivery device required for the medical use of marijuana and which is specified in a physician certification.

h.~~g.~~ Must, upon dispensing the marijuana or marijuana delivery device, record in the registry the date, time, quantity, and form of marijuana dispensed; the type of marijuana delivery device dispensed; and the name and medical marijuana use registry identification number of the qualified patient or caregiver to whom the marijuana delivery device was dispensed.

i.~~h.~~ Must ensure that patient records are not visible to anyone other than the qualified patient, his or her caregiver, and authorized medical marijuana treatment center employees.

(14) EXCEPTIONS TO OTHER LAWS.—

(a) Notwithstanding s. 893.13, s. 893.135, s. 893.147, or any other provision of law, but subject to the requirements of this section, a qualified patient and the qualified patient's caregiver may purchase from a medical marijuana treatment center for the patient's medical use a marijuana delivery device and up to the amount of marijuana authorized in the physician certification, but may not possess more than *a 35-day supply of edibles,* a 70-day supply of marijuana, or the greater of 4 ounces of marijuana in a form for smoking or an amount of marijuana in a form for smoking approved by the department pursuant to paragraph (4)(f), at any given time and all marijuana purchased must remain in its original packaging.

(h) Notwithstanding s. 893.13, s. 893.135, s. 893.147, or any other provision of law, but subject to the requirements of this section, the department, including an employee of the department acting within the scope of his or her employment, may acquire, possess, test, transport, and lawfully dispose of marijuana as provided in this section.

Section 37. Subsection (12) is added to section 381.988, Florida Statutes, to read:

381.988 Medical marijuana testing laboratories; marijuana tests conducted by a certified laboratory.—

(12) A certified medical marijuana testing laboratory and its officers, directors, and employees may not have a direct or indirect economic interest in, or financial relationship with, a medical marijuana treatment center. Nothing in this subsection may be construed to prohibit a certified medical marijuana testing laboratory from contracting with a medical marijuana treatment center to provide testing services.

Section 38. Subsection (1) of section 14 of chapter 2017-232, Laws of Florida, is amended to read:

Section 14. Department of Health; authority to adopt rules; cause of action.—

(1) EMERGENCY RULEMAKING.—

(a) The Department of Health and the applicable boards shall adopt emergency rules pursuant to s. 120.54(4), Florida Statutes, and this section necessary to implement ss. 381.986 and 381.988, Florida Statutes. If an emergency rule adopted under this section is held to be unconstitutional or an invalid exercise of delegated legislative authority, and becomes void, the department or the applicable boards may adopt an emergency rule pursuant to this section to replace the rule that has become void. If the emergency rule adopted to replace the void emergency rule is also held to be unconstitutional or an invalid exercise of delegated legislative authority and becomes void, the department and the applicable boards must follow the nonemergency rulemaking procedures of the Administrative Procedures Act to replace the rule that has become void.

(b) For emergency rules adopted under this section, the department and the applicable boards need not make the findings required by s. 120.54(4)(a), Florida Statutes. Emergency rules adopted under this section are exempt from ss. 120.54(3)(b) and 120.541, Florida Statutes. The department and the applicable boards shall meet the procedural requirements in s. 120.54(a), Florida Statutes, if the department or the applicable boards have, before *July 1, 2019* ~~the effective date of this act~~, held any public workshops or hearings on the subject matter of the emergency rules adopted under this subsection. Challenges to emergency rules adopted under this subsection are subject to the time schedules provided in s. 120.56(5), Florida Statutes.

(c) Emergency rules adopted under this section are exempt from s. 120.54(4)(c), Florida Statutes, and shall remain in effect until replaced by rules adopted under the nonemergency rulemaking procedures of the Administrative Procedures Act. *Rules adopted under the nonemergency rulemaking procedures of the Administrative Procedures Act to replace emergency rules adopted under this section are exempt from ss. 120.54(3)(b) and 120.541, Florida Statutes.* By *July 1, 2020* ~~January 1, 2018~~, the department and the applicable boards shall initiate nonemergency rulemaking pursuant to the Administrative Procedures Act to replace all emergency rules adopted under this section by publishing a notice of rule development in the Florida Administrative Register. Except as provided in paragraph (a), after *July 1, 2020* ~~January 1, 2018~~, the department and applicable boards may not adopt rules pursuant to the emergency rulemaking procedures provided in this section.

Section 39. *For the 2019-2020 fiscal year, the sum of $350,000 in nonrecurring funds from the Grants and Donations Trust Fund is appropriated to the Department of Health for the purpose of implementing section 36 of this act.*

And the title is amended as follows:

Remove line 105 and insert: cross-references; amending s. 381.986, F.S.; prohibiting a physician from certifying certain patients for marijuana other than low-THC cannabis under certain conditions; revising a provision requiring certain information to be entered into the medical marijuana use registry; revising a provision relating to the informed consent form to include the negative health effects of marijuana use on certain persons; providing daily dose amount limits for edibles and marijuana in a form for smoking; waiving the medical marijuana identification card fee for certain qualified patients who can demonstrate veteran status; authorizing the Department of Health to possess and test marijuana samples from medical marijuana treatment centers; authorizing medical marijuana treatment centers to contract with certain medical marijuana testing laboratories; providing limits on the amount of tetrahydrocannabinol content in the dried leaves and flowers of marijuana and edibles dispensed by a medical marijuana treatment center; authorizing the department and certain employees to acquire, possess, test, transport, and dispose of marijuana; amending s. 381.988, F.S.; prohibiting a certified medical marijuana testing laboratory from having an economic interest in or financial relationship with a medical marijuana treatment center; providing construction; amending ch. 2017-232, Laws of Florida; revising provisions authorizing emergency rulemaking; providing an appropriation; providing an effective date.

On motion by Senator Harrell, the Senate refused to concur in **House Amendment 1 (822543)** to **CS for CS for SB 188** and the House was requested to recede. The action of the Senate was certified to the House.

The Honorable Bill Galvano, President

I am directed to inform the Senate that the House of Representatives has passed CS/SB 190, with amendment(s), and requests the concurrence of the Senate.

Jeff Takacs, Clerk

CS for SB 190—A bill to be entitled An act relating to higher education; amending s. 11.45, F.S.; requiring the Auditor General to verify the accuracy of unexpended amounts in specified funds certified by university and Florida College System institution chief financial officers; amending s. 215.985, F.S.; requiring employees and officers of Florida College System institutions to be included in a Department of Management Services website that provides specified information relating to such employees or officers; amending s. 216.136, F.S.; requiring the Revenue Estimating Conference to provide a maximum appropriation estimate assuming the full utilization of bonding; requiring the conference to determine maximum appropriations assuming average bonding capacities for specified years; providing an expiration date; amending s. 1001.03, F.S.; requiring the State Board of Education to develop a prioritized list of capital projects based on previously funded but not completed projects and ranked priorities for Florida College System institutions; requiring the State Board of Education to develop a points-based prioritization method to rank projects based on specified criteria; specifying that specified new projects at a Florida College System institution with a final FTE of 15,000 or greater must satisfy specified criteria; requiring weighted values within the point scale; requiring the State Board of Education to maintain a list of capital outlay projects for which state funds have been appropriated but which have not been completed; requiring the State Board of Education to review its space need calculation methodology and to present a summary and preliminary recommendations to the chairs of the legislative appropriations committees by a specified date and at a specified interval thereafter; amending s. 1001.706, F.S.; requiring the Board of Governors to develop and annually deliver a training program for members of state university boards of trustees; requiring trustee participation within a specified timeframe of appointment and reappointment; requiring the inclusion of certain information in the training program; requiring the board to define data components and methodology for specified purposes; requiring state universities to submit annual institutional audits to the board's Office of Inspector General; requiring the board to match certain student information with specified educational and employment records; requiring the board to enter into an agreement with the Department of Economic Opportunity for certain purposes; providing requirements for such agreement; requiring the Board of Governors to develop a prioritized list of capital projects based on previously funded but not completed projects and ranked priorities at state universities; requiring the Board of Governors to develop a points-based prioritization method to rank projects based on specified criteria; requiring the board to consider specified criteria for certain projects; requiring weighted values within the point scale; requiring the Board of Governors to maintain a list of capital outlay projects for which state funds have been appropriated but which have not been completed; requiring the Board of Governors to review and submit its space need calculation methodology; amending s. 1004.335, F.S.; clarifying that the University of South Florida St. Petersburg and the University of South Florida Sarasota/Manatee are branch campuses; revising the date the Board of Governors will use specified data to determine funding under certain circumstances; requiring the Board of Governors to monitor the implementation of a specified plan; providing requirements for specified campuses to be considered branch campuses; amending s. 1004.70, F.S.; prohibiting a Florida College System institution direct-support organization from giving, directly or indirectly, any gift to a political committee; amending s. 1007.23, F.S.; requiring the statewide articulation agreement to include a reverse transfer agreement for students transferring from a Florida College System institution to a state university without having earned an associate in arts degree; requiring, by a specified academic year, Florida College System institutions and state universities to execute agreements to establish "2+2" targeted pathway programs; providing requirements for such agreements; specifying requirements for student participation; requiring the State Board of Education and the Board of Governors to collaborate to eliminate barriers in executing pathway articulation agreements; amending s. 1007.25, F.S.; requiring a university to, at specified times, notify students enrolled at the university of the criteria and option to request an associate in arts degree; requiring that universities notify students not enrolled at the university who meet specified criteria of the option to

receive an associate in arts degree, beginning with students enrolled in the 2018-2019 academic year and thereafter; amending s. 1008.32, F.S.; requiring the Commissioner of Education to report certain audit findings to the State Board of Education under certain circumstances; requiring district school boards and Florida College System institutions' boards of trustees to document compliance with the law under certain circumstances; amending s. 1008.322, F.S.; requiring the Chancellor of the State University System to report certain audit findings to the Board of Governors under certain circumstances; requiring state universities' boards of trustees to document compliance with the law under certain circumstances; amending s. 1009.215, F.S.; revising the academic terms in which certain students are eligible to receive Bright Futures Scholarships; providing that such students may receive the scholarships for the fall term for specified coursework under certain circumstances; amending s. 1009.286, F.S.; requiring a state university to calculate an excess hour threshold for each student based on specified criteria; providing that the excess hour threshold may be adjusted only under certain circumstances; revising the threshold for assessing the excess credit hour surcharge; amending s. 1009.53, F.S.; removing a requirement for a Florida high school graduate to enroll in certain programs within 3 years of graduation from high school in order to receive funds from the Florida Bright Futures Scholarship Program; expanding the Florida Bright Futures Scholarship Program to include the Florida Gold Seal CAPE Scholarship; conforming provisions to changes made by the act; removing a limitation of 45 semester credit hours or the equivalent for an annual award for the scholarship program; requiring an institution that receives scholarship funds for summer terms to certify to the department certain funding information and remit any undisbursed funds within a specified time; amending s. 1009.531, F.S.; expanding the eligibility for an initial award of a scholarship under the Florida Bright Futures Scholarship Program to include students who earn a high school diploma from a private school; modifying the date by which certain students must apply for a scholarship under the program; deleting provisions relating to scholarship eligibility and application requirements for certain students who graduated from high school during specified years; extending the amount of time in which a student may reapply for an award to 5 years after high school graduation; extending the amount of time in which a student who enlists in the United States Armed Forces immediately after high school may apply for an award to 5 years after separation from active duty; providing that a student who is unable to accept an initial award due to a religious or service obligation may apply for an award within 5 years after the completion of his or her religious or service obligation; requiring that school districts provide a Florida Bright Futures Scholarship Evaluation Report and Key only to students in specified grades; allowing a student who does not meet certain requirements for a program award additional time to meet such requirements under certain conditions; providing that such students who timely meet the requirements must receive an award for the full academic year; revising the minimum examination scores required for a student to be eligible for a Florida Academic Scholars award or a Florida Medallion Scholars award; requiring the Department of Education to develop a method for determining the required examination scores which ensures equivalency between specified examinations and is consistent with specified limitations; requiring the department to publish any changes to examination score requirements; conforming a provision to changes made by the act; amending s. 1009.532, F.S.; revising student eligibility requirements for renewal of Florida Bright Futures Scholarship Program awards; removing obsolete language; conforming provisions to changes made by the act; amending s. 1009.536, F.S.; permitting certain Florida Gold Seal CAPE Scholars to receive an award from a specified funding source; providing grade point average requirements for Florida Gold Seal CAPE Scholars; removing limitations for certain academic years on the number of credit hours to which a student may apply a Florida Gold Seal Vocational Scholarship; amending s. 1011.45, F.S.; requiring each state university to maintain a minimum carry forward balance of at least 7 percent of its state operating budget; requiring a university that fails to maintain such balance to submit a plan to the Board of Governors to attain the minimum balance; requiring each university with a carry forward balance in excess of 7 percent to submit a spending plan to the university board of trustees; specifying requirements and authorized expenditures in such spending plan; requiring each university chief financial officer to certify annually the unexpended amount of carry forward amounts from specified funds; amending s. 1011.80, F.S.; removing a limitation on the maximum amount of funding that may be appropriated for performance funding relating to funds for operation of workforce education programs; creating s. 1011.802, F.S.; creating the Florida Pathways to Career Opportunities Grant Program; providing for funding; providing purpose, requirements, and administration of the program; requiring certain career centers and institutions to provide quarterly reports; authorizing rulemaking; amending s. 1011.81, F.S.; removing a limitation on the maximum amount of funding that may be appropriated for performance funding relating to industry certifications for Florida College System institutions; amending s. 1011.84, F.S.; establishing a threshold of the unencumbered balance at a Florida College System institution based on the final FTE at the Florida College System institution in the prior year; requiring each Florida College System institution chief financial officer to annually certify the unexpended amount of specified funds; amending s. 1013.03, F.S.; requiring the State Board of Education and the Board of Governors to establish uniform space utilization standards that include standards for postsecondary classroom and teaching laboratory space; requiring the State Board of Education and the Board of Governors to adopt standards for use in each Florida College System institution's and state university's survey; requiring the State Board of Education and the Board of Governors to define and apply specified space utilization metrics when calculating space need; amending s. 1013.31, F.S.; requiring projections for facility space needs for each Florida College System institution to comply with specified space needs utilization standards and metrics; requiring projections for facility space needs for each state university to comply with specified space needs utilization standards and metrics; amending s. 1013.40, F.S.; prohibiting the finance of additional dormitory beds through the issuance of bonds by Florida College System institutions; providing that bonds may be issued by nonpublic entities as part of a public-private partnership; amending s. 1013.60, F.S.; requiring the Commissioner of Education to develop a budget request allocation plan for a specified purpose; establishing requirements for the budget request allocation plan to include an assessment over the 3 years of the plan of the amount of state funding needed to complete previously funded projects; amending s. 1013.64, F.S.; requiring the Board of Governors to specify by regulation the procedures for reporting or expending specified funds; requiring each university to report expended amounts from all sources; requiring the State Board of Education to specify by rule the procedures for the reporting of specified funds appropriated or expended; establishing a timeframe by which the State Board of Education and Board of Governors must update the capital outlay project list, with specified criteria; creating s. 1013.841, F.S.; requiring unexpended amounts in any fund in any Florida College System institution current year state operating budget to be carried forward and included in the approved operating budget for the following year; requiring each Florida College System institution with a final FTE of less than 15,000 to maintain a minimum carry forward balance of at least 5 percent of its state operating budget; requiring each Florida College System institution president, if the institution fails to maintain such balance, to provide written notification to the State Board of Education; requiring each Florida College System institution with a final FTE of less than 15,000 that retains a state operating fund carry forward balance in excess of 5 percent to submit a spending plan for its excess carry forward funds with specified requirements; requiring each Florida College System institution with a final FTE of 15,000 or greater to maintain a minimum carry forward balance of at least 7 percent of its state operating budget; requiring each Florida College System institution with a final FTE of 15,000 or greater that retains a state operating fund carry forward balance in excess of 7 percent to submit a spending plan for its excess carry forward funds with specified requirements; requiring that state university and Florida College System institution project surveys must utilize updated space need calculations; providing an effective date.

House Amendment 1 (439287) (with title amendment)—Remove everything after the enacting clause and insert:

Section 1. Subsection (19) is added to section 1001.03, Florida Statutes, to read:

1001.03 Specific powers of State Board of Education.—

(19) PUBLIC EDUCATION CAPITAL OUTLAY.—The State Board of Education shall develop and submit the prioritized list required by s. 1013.64(4). Projects considered for prioritization shall be chosen from a preliminary selection group which shall include the list of projects maintained pursuant to paragraph (d) and the top two priorities of each Florida College System institution.

(a) The state board shall develop a points-based prioritization method to rank projects for consideration from the preliminary selection group that awards points for the degree to which a project meets specific criteria compared to other projects in the preliminary selection group. The state board shall use criteria that evaluates the degree to which:

1. The project was funded previously by the Legislature and the amount of funds needed for completion constitute a relatively low percentage of total project costs;

2. The project represents a building maintenance project or the repair of utility infrastructure which is necessary to preserve a safe environment for students and staff, or a project that is necessary to maintain the operation of a Florida College System institution site, and for which the institution can demonstrate that it has no other funding source available to complete the project;

3. The project addresses the greatest current year need for space as indicated by increased instructional capacity that enhances educational opportunities for the greatest number of students;

4. The project reflects the priority of the submitting Florida College System institution; and

5. The project represents the most cost effective replacement or renovation of an existing building.

(b) Within the point scale developed by the state board, the project scoring the highest for each criteria shall be awarded the maximum points in the range of points within the points scale developed by the state board. The maximum points awarded for each criteria shall represent the following percent of the total of maximum points:

1. The criteria in subparagraphs 1., 2., and 5. shall each receive a maximum of 20 percent of the total maximum points.

2. The criteria in subparagraph 3. shall receive 35 percent of the total maximum points.

3. The criteria in subparagraph 4. shall receive 5 percent of the total maximum points.

(c) A new construction, remodeling, or renovation project that has not received an appropriation in a previous year shall not be considered for inclusion on the prioritized list required by s. 1013.64(4), unless:

1. The project is needed to preserve the safety of persons using the facility or the project is consistent with a strategic legislative initiative;

2. A plan is provided to reserve funds in an escrow account, specific to the project, into which shall be deposited each year an amount of funds equal to 0.5 percent of the total value of the building for future maintenance;

3. There are sufficient excess funds from the allocation provided pursuant to s. 1013.60 within the 3 year planning period which are not needed to complete the projects listed pursuant to paragraph (d); and

4. The project has been recommended pursuant to s. 1013.31.

(d) The state board shall continually maintain a list of all public education capital outlay projects for which state funds were previously appropriated which have not been completed. The list shall include an estimate of the amount of state funding needed for the completion of each project.

(e) The state board shall review its space need calculation methodology developed pursuant to s. 1013.31 to incorporate improvements, efficiencies, or changes. Recommendations shall be submitted to the chairs of the House of Representatives and Senate appropriations committees by October 31, 2019, and every 3 years thereafter.

Section 2. Subsection (12) is added to section 1001.706, Florida Statutes, to read:

1001.706 Powers and duties of the Board of Governors.—

(12) PUBLIC EDUCATION CAPITAL OUTLAY.—The Board of Governors shall submit the prioritized list as required by s. 1013.64(4). Projects considered for prioritization shall be chosen from a preliminary selection group which shall include the list of projects maintained pursuant to paragraph (d) and the top two priorities of each state university.

(a) The board shall develop a points-based prioritization method to rank projects for consideration from the preliminary selection group that awards points for the degree to which a project meets specific criteria compared to other projects in the preliminary selection group. The board shall use criteria that evaluates the degree to which:

1. The project was funded previously by the Legislature and the amount of funds needed for completion constitute a relatively low percentage of total project costs;

2. The project represents a building maintenance project or the repair of utility infrastructure which is necessary to preserve a safe environment for students and staff, or a project that is necessary to maintain the operation of a university site, and for which the university can demonstrate that it has no funds available to complete the project from the sources designated in s. 1011.45;

3. The project addresses the greatest current year need for space as indicated by increased instructional or research capacity that enhances educational opportunities for the greatest number of students or the university's research mission;

4. The project reflects the priority of the submitting university; and

5. The project represents the most cost effective replacement or renovation of an existing building.

(b) Within the point scale developed by the board, the project scoring the highest for each criteria shall be awarded the maximum points in the range of points within the points scale developed by the board. The maximum points awarded for each criteria shall represent the following percent of the total of maximum points:

1. The criteria in subparagraphs 1., 2., and 5. shall each receive a maximum of 20 percent of the total maximum points.

2. The criteria in subparagraph 3. shall receive 35 percent of the total maximum points.

3. The criteria in subparagraph 4. shall receive 5 percent of the total maximum points.

(c) A new construction, remodeling, or renovation project that has not received an appropriation in a previous year shall not be considered for inclusion on the prioritized list required by s. 1013.64(4), unless:

1.a. The project is needed to preserve the safety of persons using the facility or campus;

b. The project is consistent with a strategic legislative

statutory initiative; or

c. The institution has allocated funding equal to a percentage of the total project cost. The percentage shall be no less than:

I. Six percent for preeminent universities;

II. Four percent for emerging preeminent universities; and

III. Two percent for state universities that are neither a preeminent or emerging preeminent university;

2. A plan is provided to reserve funds in an escrow account, specific to the project, into which shall be deposited each year an amount of funds equal to 1 percent of the total value of the building for future maintenance;

3. There exists sufficient capacity within the cash and bonding estimate of funds by the Revenue Estimating Conference to accommodate the project within the 3-year Public Education Capital Outlay funding cycle; and

4. The project has been recommended pursuant to s. 1013.31.

(d) The board shall continually maintain a list of all public education capital outlay projects for which state funds were previously appropriated which have not been completed. The list shall include an estimate of the amount of state funding needed for the completion of each project.

(e) The board shall review its space need calculation methodology developed pursuant to s. 1013.31 to incorporate improvements, efficiencies, or changes. Recommendations shall be submitted to the chairs of the House of Representatives and Senate appropriations committees by October 31, 2019, and every 3 years thereafter.

Section 3. Section 1011.45, Florida Statutes, is amended to read:

1011.45 End of year balance of funds.—Unexpended amounts in any fund in a university current year operating budget shall be carried forward and included as the balance forward for that fund in the approved operating budget for the following year.

(1) Each university shall maintain a minimum carry forward balance of at least 7 percent of its state operating budget. If a university fails to maintain a 7 percent balance in state operating funds, the university shall submit a plan to the Board of Governors to attain the 7 percent balance of state operating funds within the next fiscal year.

(2) Each university that retains a state operating fund carry forward balance in excess of the 7 percent minimum shall submit a spending plan for its excess carry forward balance. The spending plan shall be submitted to the university's board of trustees for review, approval, or, if necessary, amendment by September 1, 2020, and each September 1 thereafter. The Board of Governors shall review, approve, and amend, as necessary, each university's carry forward spending plan by October 1, 2020, and each October 1 thereafter.

(3) A university's carry forward spending plan shall include the estimated cost per planned expenditure and a timeline for completion of the expenditure. Authorized expenditures in a carry forward spending plan may only include:

(a) Commitment of funds to a public education capital outlay project for which an appropriation has previously been provided that requires additional funds for completion and which is included in the list required by s. 1001.706(12)(d);

(b) Completion of a renovation, repair, or maintenance project that is consistent with the provisions of s. 1013.64(1), up to $5 million per project and replacement of a minor facility that does not exceed 10,000 gross square feet in size up to $2 million;

(c) Completion of a remodeling or infrastructure project, including a project for a development research school, up to $10 million per project, if such project is survey recommended pursuant to s. 1013.31;

(d) Completion of a repair or replacement project necessary due to damage caused by a natural disaster for buildings included in the inventory required pursuant to s. 1013.31;

(e) Operating expenditures that support the university mission and that are nonrecurring; and

(f) Any purpose specified in the General Appropriations Act.

(4) Annually, by September 30, the chief financial officer of each university shall certify the unexpended amount of funds appropriated to the university from the General Revenue Fund, the Educational Enhancement Trust Fund, and the Education/General Student and Other Fees Trust Fund as of June 30 of the previous fiscal year.

(5) A university may spend the minimum carryforward balance of 7 percent if a demonstrated emergency exists and the plan is approved by the university's board of trustees and the Board of Governors.

Section 4. Section 1013.841, Florida Statutes, is created to read:

1013.841 End of year balance of Florida College System institution funds.—

(1) Unexpended amounts in any fund in any Florida College System institution current year state operating budget shall be carried forward and included as the balance forward for that fund in the approved operating budget for the following year.

(2)(a) Each Florida College System institution with a final FTE less than 15,000 for the prior year shall maintain a minimum carry forward balance of at least 5 percent of its state operating budget. If a Florida College System institution fails to maintain a 5 percent balance in state operating funds, the president shall provide written notification to the State Board of Education.

(b) Each Florida College System institution with a final FTE less than 15,000 for the prior year that retains a state operating fund carry forward balance in excess of the 5 percent minimum shall submit a spending plan for its excess carry forward balance. The spending plan shall include all excess carry forward funds from state operating funds. The spending plan shall be submitted to the Florida College System institution's board of trustees for approval by September 1, 2020, and each September 1 thereafter. The State Board of Education shall review, approve, and amend, as necessary, each Florida College System institution's carry forward spending plan by October 1, 2020, and each October 1 thereafter.

(3)(a) Each Florida College System institution with a final FTE of 15,000 or greater for the prior year shall maintain a minimum carry forward balance of at least 7 percent of its state operating budget. If a Florida College System institution fails to maintain a 7 percent balance in state operating funds, the institution shall submit a plan to the State Board of Education to attain the minimum balance.

(b) Each Florida College System institution with a final FTE of 15,000 or greater for the prior year that retains a state operating fund carry forward balance in excess of the 7 percent minimum shall submit a spending plan for its excess carry forward balance. The spending plan shall include all excess carry forward funds from state operating funds. The spending plan shall be submitted to the Florida College System institution's board of trustees for approval by September 1, 2020, and each September 1 thereafter. The State Board of Education shall review, approve, and amend, as necessary, each Florida College System institution's carry forward spending plan by October 1, 2020, and each October 1 thereafter.

(4) A Florida College System institution identified in paragraph (3)(a) must include in its carry forward spending plan the estimated cost per planned expenditure and a timeline for completion of the expenditure. Authorized expenditures in a carry forward spending plan may include:

(a) Commitment of funds to a public education capital outlay project for which an appropriation was previously provided, which requires additional funds for completion, and which is included in the list required by s. 1001.03(18)(d);

(b) Completion of a renovation, repair, or maintenance project that is consistent with the provisions of s. 1013.64(1), up to $5 million per project;

(c) Completion of a remodeling or infrastructure project, up to $10 million per project, if such project is survey recommended pursuant to s. 1013.31;

(d) Completion of a repair or replacement project necessary due to damage caused by a natural disaster for buildings included in the inventory required pursuant to s. 1013.31;

(e) Operating expenditures that support the Florida College System institution's mission which are nonrecurring; and

(f) Any purpose approved by the state board or specified in the General Appropriations Act.

Section 5. This act shall take effect July 1, 2019.

And the title is amended as follows:

Remove everything before the enacting clause and insert: A bill to be entitled An act relating to higher education; amending s. 1001.03, F.S.; requiring the State Board of Education to develop and submit a specified list of certain capital outlay projects; providing requirements for such list; requiring the state board to review a specified methodol-

ogy; amending s. 1001.706, F.S.; requiring the Board of Governors to develop and submit a specified list of certain capital outlay projects; providing requirements for such list; requiring the board to review a specified methodology; amending s. 1011.45, F.S.; requiring state universities to maintain certain carry forward balances of certain funds; providing requirements for state universities that fail to maintain such balances; requiring a state university with a carry forward balance in excess of a specified amount to submit a carry forward spending plan; providing requirements for such state universities and plans; requiring the chief financial officer of a state university to annually certify the amount of specified funds an institution has; creating s. 1013.841, F.S.; providing for certain Florida College System institution funds to be included in the following year's approved operating budget as a carry forward balance; requiring Florida College System institutions to maintain certain carry forward balances of certain funds; providing requirements for Florida College System institutions that fail to maintain such balances; requiring a Florida College System institution with a carry forward balance in excess of a specified amount to submit a carry forward spending plan; providing requirements for Florida College System institutions and such plans; providing an effective date;

On motion by Senator Stargel, the Senate refused to concur in **House Amendment 1 (439287)** to **CS for SB 190** and the House was requested to recede. The action of the Senate was certified to the House.

The Honorable Bill Galvano, President

I am directed to inform the Senate that the House of Representatives has passed CS/SB 160, with amendment(s), and requests the concurrence of the Senate.

Jeff Takacs, Clerk

CS for SB 160—A bill to be entitled An act relating to prohibited acts in connection with obscene or lewd materials; amending s. 847.011, F.S.; prohibiting a person from knowingly selling, lending, giving away, distributing, transmitting, showing, or transmuting; offering to commit such actions; having in his or her possession, custody, or control with the intent to commit such actions; or advertising in any manner an obscene, child-like sex doll; providing criminal penalties; prohibiting a person from knowingly having in his or her possession, custody, or control an obscene, child-like sex doll without the intent to commit certain actions; providing criminal penalties; reenacting ss. 772.102(1)(a), 847.02, 847.03, 847.09(2), 895.02(8)(a), 921.0022(3)(f), 933.02, 933.03, and 943.325(2)(g), F.S., relating to the definition of the term "criminal activity," the confiscation of obscene material, an officer seizing obscene material, legislative intent, the definition of the term "racketeering activity," level 6 of the offense severity ranking chart, grounds for the issuance of a search warrant, destruction of obscene prints and literature, and the definition of the term "qualifying offender," respectively, to incorporate the amendment made to s. 847.011, F.S., in references thereto; providing an effective date.

House Amendment 1 (820239)—Remove lines 36-58 and insert:

(5)(a)1. A person may not knowingly sell, lend, give away, distribute, transmit, show, or transmute; offer to sell, lend, give away, distribute, transmit, show, or transmute; have in his or her possession, custody, or control with the intent to sell, lend, give away, distribute, transmit, show, or transmute; or advertise in any manner an obscene, child-like sex doll.

2.a. Except as provided in sub-subparagraph b., a person who violates this paragraph commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

b. A person who is convicted of violating this paragraph a second or subsequent time commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(b)1. Except as provided in subparagraph 2., a person who knowingly has in his or her possession, custody, or control an obscene, child-like sex doll commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

2. A person who is convicted of violating this paragraph a second or subsequent time commits a felony of the third degree, punishable as provided in s. 775.082 or s. 775.083.

On motion by Senator Book, the Senate concurred in **House Amendment 1 (820239)**.

CS for SB 160 passed, as amended, was ordered engrossed, and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—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

The Honorable Bill Galvano, President

I am directed to inform the Senate that the House of Representatives has passed SB 186, with amendment(s), by the required constitutional two-thirds vote of the membership.

Jeff Takacs, Clerk

SB 186—A bill to be entitled An act relating to public records; transferring, renumbering, and amending s. 406.136, F.S.; defining the term "killing of a victim of mass violence"; expanding an existing exemption from public records requirements for a photograph or a video or audio recording held by an agency which depicts or records the killing of a law enforcement officer to include a photograph or a video or audio recording held by an agency which depicts or records the killing of a victim of mass violence; clarifying that a surviving spouse, parent, or adult child of the victim is not precluded from publicly releasing such photograph or video or audio recording; providing criminal penalties; providing retroactive applicability; providing for future legislative review and repeal of the exemption; conforming provisions to changes made by the act; providing a statement of public necessity; providing a directive to the Division of Law Revision; providing an effective date.

House Amendment 1 (008047)—Remove lines 42-45 and insert: *intentional act of violence.*

On motion by Senator Lee, the Senate concurred in **House Amendment 1 (008047)**.

SB 186 passed, as amended, by the required constitutional two-thirds vote of the members present and voting, was ordered engrossed, and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—40

Mr. President	Brandes	Gruters
Albritton	Braynon	Harrell
Baxley	Broxson	Hooper
Bean	Cruz	Hutson
Benacquisto	Diaz	Lee
Berman	Farmer	Mayfield
Book	Flores	Montford
Bracy	Gainer	Passidomo
Bradley	Gibson	Perry

Pizzo
Powell
Rader
Rodriguez
Rouson
Simmons
Simpson
Stargel
Stewart
Taddeo
Thurston
Torres
Wright

Nays—None

The Honorable Bill Galvano, President

I am directed to inform the Senate that the House of Representatives has passed CS/CS/SB 366, with amendment(s), and requests the concurrence of the Senate.

Jeff Takacs, Clerk

CS for CS for SB 366—A bill to be entitled An act relating to infectious disease elimination programs; providing a short title; amending s. 381.0038, F.S.; providing that a county commission may authorize a sterile needle and syringe exchange program; defining the term "exchange program"; prohibiting the establishment of an exchange program under certain conditions; providing requirements for establishing an exchange program; specifying entities that may operate an exchange program; requiring the development of an oversight and accountability system for certain purposes; specifying requirements for exchange programs; requiring the collection of data and submission of reports; authorizing the Department of Health to adopt certain rules; providing for immunity from civil liability, under certain circumstances; authorizing sources of funding for exchange programs; authorizing the continuation of a specified pilot project under certain circumstances; providing severability; providing an effective date.

House Amendment 1 (836647)—Remove lines 93-97 and insert: exchange for each used one.

House Amendment 2 (517403) (with title amendment)—Remove lines 167-170 and insert:

(f)~~(e)~~ State, county, or municipal funds may not be used to operate *an exchange* ~~the pilot~~ program. *Exchange programs* ~~The pilot program~~ shall be funded through grants and donations from

And the title is amended as follows:

Remove lines 17-18 and insert: circumstances; authorizing the continuation of a

On motion by Senator Braynon, the Senate concurred in **House Amendment 1 (836647)** and **House Amendment 2 (517403)**.

CS for CS for SB 366 passed, as amended, was ordered engrossed, and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—40

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

Nays—None

The Honorable Bill Galvano, President

I am directed to inform the Senate that the House of Representatives has passed CS/CS/CS/SB 796, with amendment(s), and requests the concurrence of the Senate.

Jeff Takacs, Clerk

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.

House Amendment 1 (690185) (with title amendment)—Remove everything after the enacting clause and insert:

Section 1. Section 366.96, Florida Statutes, is created to read:

366.96 Storm protection plan cost recovery.—

(1) The Legislature finds that:

(a) During extreme weather conditions, high winds can cause vegetation and debris to blow into and damage electrical transmission and distribution facilities, resulting in power outages.

(b) A majority of the power outages that occur during extreme weather conditions in the state are caused by vegetation blown by the wind.

(c) It is in the state's interest to strengthen electric utility infrastructure to withstand extreme weather conditions by promoting the overhead hardening of electrical transmission and distribution facilities, the undergrounding of certain electrical distribution lines, and vegetation management.

(d) Protecting and strengthening transmission and distribution electric utility infrastructure from extreme weather conditions can effectively reduce restoration costs and outage times to customers and improve overall service reliability for customers.

(e) It is in the state's interest for each utility to mitigate restoration costs and outage times to utility customers when developing transmission and distribution storm protection plans.

(f) All customers benefit from the reduced costs of storm restoration.

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

(a) "Public utility" or "utility" has the same meaning as set forth in s. 366.02(1), except that it does not include a gas utility.

(b) "Transmission and distribution storm protection plan" or "plan" means a plan for the overhead hardening and increased resilience of electric transmission and distribution facilities, undergrounding of electric distribution facilities, and vegetation management.

(c) "Transmission and distribution storm protection plan costs" means the reasonable and prudent costs to implement an approved transmission and distribution storm protection plan. (d) "Vegetation management" means the actions a public utility takes to prevent or curtail vegetation from interfering with public utility infrastructure. The term includes, but is not limited to, the mowing of vegetation, application of herbicides, tree trimming, and removal of trees or brush near and around electric transmission and distribution facilities. (3) Each public utility shall file, pursuant to commission rule, a transmission and

distribution storm protection plan that covers the immediate 10-year planning period. Each plan must explain the systematic approach the utility will follow to achieve the objectives of reducing restoration costs and outage times associated with extreme weather events and enhancing reliability. The commission shall adopt rules to specify the elements that must be included in a utility's filing for review of transmission and distribution storm protection plans.

(d) "Vegetation management" means the actions a public utility takes to prevent or curtail vegetation from interfering with public utility infrastructure. The term includes, but is not limited to, the mowing of vegetation, application of herbicides, tree trimming, and removal of trees or brush near and around electric transmission and distribution facilities.

(3) Each public utility shall file, pursuant to commission rule, a transmission and distribution storm protection plan that covers the immediate 10-year planning period. Each plan must explain the systematic approach the utility will follow to achieve the objectives of reducing restoration costs and outage times associated with extreme weather events and enhancing reliability. The commission shall adopt rules to specify the elements that must be included in a utility's filing for review of transmission and distribution storm protection plans.

(4) In its review of each transmission and distribution storm protection plan filed pursuant to this section, the commission shall consider:

(a) The extent to which the plan is expected to reduce restoration costs and outage times associated with extreme weather events and enhance reliability, including whether the plan prioritizes areas of lower reliability performance.

(b) The extent to which storm protection of transmission and distribution infrastructure is feasible, reasonable, or practical in certain areas of the utility's service territory, including, but not limited to, flood zones and rural areas.

(c) The estimated costs and benefits to the utility and its customers of making the improvements proposed in the plan.

(d) The estimated annual rate impact resulting from implementation of the plan during the first 3 years addressed in the plan.

(5) No later than 180 days after a utility files a transmission and distribution storm protection plan that contains all of the elements required by commission rule, the commission shall determine whether it is in the public interest to approve, approve with modification, or deny the plan.

(6) At least every 3 years after approval of a utility's transmission and distribution storm protection plan, the utility must file for commission review an updated transmission and distribution storm protection plan that addresses each element specified by commission rule. The commission shall approve, modify, or deny each updated plan pursuant to the criteria used to review the initial plan.

(7) After a utility's transmission and distribution storm protection plan has been approved, proceeding with actions to implement the plan shall not constitute or be evidence of imprudence. The commission shall conduct an annual proceeding to determine the utility's prudently incurred transmission and distribution storm protection plan costs and allow the utility to recover such costs through a charge separate and apart from its base rates, to be referred to as the storm protection plan cost recovery clause. If the commission determines that costs were prudently incurred, those costs will not be subject to disallowance or further prudence review except for fraud, perjury, or intentional withholding of key information by the public utility.

(8) The annual transmission and distribution storm protection plan costs may not include costs recovered through the public utility's base rates and must be allocated to customer classes pursuant to the rate design most recently approved by the commission.

(9) If a capital expenditure is recoverable as a transmission and distribution storm protection plan cost, the public utility may recover the annual depreciation on the cost, calculated at the public utility's current approved depreciation rates, and a return on the undepreciated balance of the costs calculated at the public utility's weighted average cost of capital using the last approved return on equity.

(10) Beginning December 1 of the year after the first full year of implementation of a transmission and distribution storm protection plan and annually thereafter, the commission shall submit to the Governor, the President of the Senate, and the Speaker of the House of Representatives a report on the status of utilities' storm protection activities. The report shall include, but is not limited to, identification of all storm protection activities completed or planned for completion, the actual costs and rate impacts associated with completed activities as compared to the estimated costs and rate impacts for those activities, and the estimated costs and rate impacts associated with activities planned for completion.

(11) The commission shall adopt rules to implement and administer this section and shall propose a rule for adoption as soon as practicable after the effective date of this act, but not later than October 31, 2019.

Section 2. *For the 2019-2020 fiscal year, the sums of $261,270 in recurring funds and $15,020 in nonrecurring funds from the Regulatory Trust Fund are appropriated to the Public Service Commission, and 4 full-time equivalent positions with associated salary rate of 180,583 are authorized for the purpose of implementing this act.*

Section 3. This act shall take effect upon becoming a law.

And the title is amended as follows:

Remove everything before the enacting clause and insert: A bill to be entitled An act relating to public utility storm protection plans; creating s. 366.96, F.S.; providing legislative findings; defining terms; requiring public utilities to submit to the Public Service Commission, for review, a transmission and distribution storm protection plan; specifying matters to be considered in the commission's review of a plan; requiring the commission to approve, modify, or deny a plan within a specified timeframe; requiring a utility to update its plan on a specified basis, subject to commission review; requiring the commission to conduct an annual proceeding to allow utilities to recover certain costs through a storm protection plan cost recovery clause; providing that utilities may not include costs recovered through their base rates; providing that certain costs will not be subject to certain disallowances or reviews; providing for the allocation of such costs; authorizing utilities to recover depreciation and a return on certain capital costs through the recovery clause; requiring the commission to submit an annual report to the Governor and Legislature; requiring rulemaking; providing appropriations and authorizing positions; providing an effective date.

On motion by Senator Gruters, the Senate concurred in **House Amendment 1 (690185)**.

CS for CS for CS for SB 796 passed, as amended, was ordered engrossed, and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—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

The Honorable Bill Galvano, President

I am directed to inform the Senate that the House of Representatives has passed CS/CS/CS/SB 1080, with amendment(s), and requests the concurrence of the Senate.

Jeff Takacs, Clerk

CS for CS for CS for SB 1080—A bill to be entitled An act relating to hazing; amending s. 1006.63, F.S.; redefining the term "hazing"; expanding the crime of hazing, a third degree felony, to include when a person solicits others to commit or is actively involved in the planning of hazing; expanding the crime of hazing, a first degree misdemeanor, to include when a person solicits others to commit or is actively involved in the planning of hazing; providing that a person may not be prosecuted if certain conditions are met; providing immunity from prosecution to persons who meet specified requirements; defining the term "aid"; reenacting s. 1001.64(8)(e), F.S., relating to Florida College System institution boards of trustees and related powers and duties, to incorporate the amendment made to s. 1006.63, F.S., in a reference thereto; providing an effective date.

House Amendment 1 (042329)—Remove line 36 and insert:

(d) The perpetuation or furtherance of a tradition or

House Amendment 2 (804309) (with title amendment)—Remove lines 126-153 and insert:

(11)(a) This subsection and subsection (12) may be cited as "Andrew's Law."

(b) A person may not be prosecuted under this section if he or she establishes all of the following:

1. That he or she was present at an event where, as a result of hazing, a person appeared to be in need of immediate medical assistance.

2. That he or she was the first person to call 911 or campus security to report the need for immediate medical assistance.

3. That he or she provided his or her own name, the address where immediate medical assistance was needed, and a description of the medical issue to the 911 operator or campus security at the time of the call.

4. That he or she remained at the scene with the person in need of immediate medical assistance until such medical assistance, law enforcement, or campus security arrived and that he or she cooperated with such personnel on the scene.

(12) Notwithstanding subsection (11), a person is immune from prosecution under this section if the person establishes that, before medical assistance, law enforcement, or campus security arrived on the scene of a hazing event, the person rendered aid to the hazing victim. For purposes of this subsection, "aid" includes, but is not be limited to, rendering cardiopulmonary resuscitation to the victim, clearing an airway for the victim to breathe, using a defibrillator to assist the victim, or rendering any other assistance to the victim which the person intended in good faith to stabilize or improve the victim's condition while waiting for medical assistance, law enforcement, or campus security to arrive.

And the title is amended as follows:

Remove line 9 and insert: actively involved in the planning of hazing; providing a short title; providing

On motion by Senator Book, the Senate concurred in **House Amendment 1 (042329)** and **House Amendment 2 (804309)**.

CS for CS for CS for SB 1080 passed, as amended, was ordered engrossed, and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—40

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

Nays—None

The Honorable Bill Galvano, President

I am directed to inform the Senate that the House of Representatives has passed SB 1136, with amendment(s), and requests the concurrence of the Senate.

Jeff Takacs, Clerk

SB 1136—A bill to be entitled An act relating to cyberharassment; amending s. 784.049, F.S.; revising legislative intent; redefining the terms "personal identifying information" and "sexually cyberharass"; providing criminal penalties; reenacting ss. 901.15(16), 901.41(5), and 933.18(11), F.S., relating to lawful arrests by officers without a warrant, prearrest diversion programs, and when a warrant may be issued for the search of a private dwelling, respectively, to incorporate the amendment made to s. 784.049, F.S., in references thereto; providing an effective date.

House Amendment 1 (589573) (with title amendment)—Remove lines 20-59 and insert:

(a) A person depicted in a sexually explicit image taken with the person's consent *may retain* ~~has~~ a reasonable expectation that the image will remain private *despite sharing the image with another person, such as an intimate partner*.

(b) It is becoming a common practice for persons to publish a sexually explicit image of another to Internet websites *or to disseminate such an image through electronic means* without the depicted person's consent, *contrary to the depicted person's reasonable expectation of privacy,* for no legitimate purpose, with the intent of causing substantial emotional distress to the depicted person.

(c) When such images are published on Internet websites, *the images* ~~they~~ are able to be viewed indefinitely by persons worldwide and are able to be easily reproduced and shared.

(d) The publication *or dissemination* of such images *through the use of* ~~on~~ Internet websites *or electronic means* creates a permanent record of the depicted person's private nudity or private sexually explicit conduct.

(e) The existence of such images on Internet websites *or the dissemination of such images without the consent of all parties depicted in the images* causes those depicted in such images significant psychological harm.

(f) Safeguarding the psychological well-being *and privacy interests* of persons depicted in such images is compelling.

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

(a) "Image" includes, but is not limited to, any photograph, picture, motion picture, film, video, or representation.

(b) "Personal identification information" *means any information that identifies an individual, and includes, but is not limited to, any name, postal or electronic mail address, telephone number, social security number, date of birth, or any unique physical representation* ~~has the same meaning as provided in s. 817.568~~.

(c) "Sexually cyberharass" means to publish *to an Internet website or disseminate through electronic means to another person* a sexually ex-

plicit image of a person that contains or conveys the personal identification information of the depicted person ~~to an Internet website~~ without the depicted person's consent, *contrary to the depicted person's reasonable expectation that the image would remain private,* for no legitimate purpose, with the intent of causing substantial emotional distress to the depicted person. *Evidence that the depicted person sent a sexually explicit image to another person does not, on its own, remove his or her reasonable expectation of privacy for that image.*

And the title is amended as follows:

Remove line 5 and insert: "sexually cyberharass"; requiring that a person have a reasonable expectation of privacy in an image for the publication or dissemination of the image to qualify as sexual cyberharassment; providing that certain actions do not eliminate such an expectation of privacy; providing criminal penalties;

On motion by Senator Harrell, the Senate concurred in **House Amendment 1 (589573)**.

SB 1136 passed, as amended, was ordered engrossed, and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—38

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

Nays—1

Brandes

The Honorable Bill Galvano, President

I am directed to inform the Senate that the House of Representatives has passed CS/CS/CS/SB 1666, with amendment(s), and requests the concurrence of the Senate.

Jeff Takacs, Clerk

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.

House Amendment 1 (407017) (with title amendment)—Remove lines 45-47 and insert: operate a vessel powered by a motor of 10 horsepower or greater

And the title is amended as follows:

Remove lines 4-7 and insert: for certain persons; authorizing

House Amendment 2 (247177) (with title amendment)—Remove line 199 and insert:

(c) Upon approval of the Administrator of the United States Environmental Protection Agency pursuant to 33 U.S.C. s. 1322, a county designated as a rural area of opportunity may

And the title is amended as follows:

Remove line 24 and insert: certain counties, upon certain approval, to create no-discharge zones;

On motion by Senator Flores, the Senate concurred in **House Amendment 1 (407017)** and **House Amendment 2 (247177)**.

CS for CS for CS for SB 1666 passed, as amended, was ordered engrossed, and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—40

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

Nays—None

MOTIONS

On motion by Senator Benacquisto, the rules were waived and time of adjournment was extended until 6:30 p.m.

The Honorable Bill Galvano, President

I am directed to inform the Senate that the House of Representatives has passed CS/SB 7066, with amendment(s), and requests the concurrence of the Senate.

Jeff Takacs, Clerk

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. 101.657, 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. 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.

House Amendment 1 (704217) (with title amendment)—

Remove lines 972-974 and insert: *shall be placed at the main office of the supervisor, at each branch office of the supervisor, and at each early voting site. Secure drop boxes may also be placed at any other site that would otherwise qualify as an early voting site under s. 101.657(1); provided, however, that any such site must be staffed by an employee of the supervisor's office or a sworn law enforcement officer.*

And the title is amended as follows:

Remove line 69 and insert: mail ballot; authorizing placement of secure drop boxes at additional locations, subject to specified limitations; amending s. 101.6923, F.S.; revising

Senator Brandes moved the following amendment to **House Amendment 1 (704217)**:

Senate Amendment 1 (766844) (with title amendment) to House Amendment 1 (704217) (with title amendment)—Delete lines 5-11 and insert:
shall be placed at the main office of the supervisor, at each branch office of the supervisor, and at each early voting site. Secure drop boxes may also be placed at any other site that would otherwise qualify as an early voting site under s. 101.657(1); provided, however, that any such site must be staffed during the county's early voting hours of operation by an employee of the supervisor's office or a sworn law enforcement officer.

Section 21. Subsection (2) of section 97.052, Florida Statutes, is amended to read:

97.052 Uniform statewide voter registration application.—

(2) The uniform statewide voter registration application must be designed to elicit the following information from the applicant:

(a) Last, first, and middle name, including any suffix.

(b) Date of birth.

(c) Address of legal residence.

(d) Mailing address, if different.

(e) E-mail address and whether the applicant wishes to receive sample ballots by e-mail.

(f) County of legal residence.

(g) Race or ethnicity that best describes the applicant:

1. American Indian or Alaskan Native.

2. Asian or Pacific Islander.

3. Black, not Hispanic.

4. White, not Hispanic.

5. Hispanic.

(h) State or country of birth.

(i) Sex.

(j) Party affiliation.

(k) Whether the applicant needs assistance in voting.

(l) Name and address where last registered.

(m) Last four digits of the applicant's social security number.

(n) Florida driver license number or the identification number from a Florida identification card issued under s. 322.051.

(o) An indication, if applicable, that the applicant has not been issued a Florida driver license, a Florida identification card, or a social security number.

(p) Telephone number (optional).

(q) Signature of applicant under penalty for false swearing pursuant to s. 104.011, by which the person subscribes to the oath required by s. 3, Art. VI of the State Constitution and s. 97.051, and swears or affirms that the information contained in the registration application is true.

(r) Whether the application is being used for initial registration, to update a voter registration record, or to request a replacement voter information card.

(s) Whether the applicant is a citizen of the United States by asking the question "Are you a citizen of the United States of America?" and providing boxes for the applicant to check to indicate whether the applicant is or is not a citizen of the United States.

(t)*1.* Whether the applicant has *never* been convicted of a felony~~,~~ ~~and, if convicted, has had his or her civil rights restored~~ by including the statement "I affirm I *have never been* ~~am not a~~ convicted *of a felony* ~~felon, or, if I am, my rights relating to voting have been restored~~." and providing a box for the applicant to check to affirm the statement.

2. Whether the applicant has been convicted of a felony, and if convicted, has had his or her civil rights restored through executive clemency, by including the statement "If I have been convicted of a felony, I affirm my voting rights have been restored by the Board of Executive Clemency." and providing a box for the applicant to check to affirm the statement.

3. Whether the applicant has been convicted of a felony and, if convicted, has had his or her voting rights restored pursuant s. 4, Art. VI of the State Constitution, by including the statement "If I have been convicted of a felony, I affirm my voting rights have been restored pursuant to s. 4, Art. VI of the State Constitution upon the completion of all terms of my sentence, including parole or probation." and providing a box for the applicant to check to affirm the statement.

(u) Whether the applicant has been adjudicated mentally incapacitated with respect to voting or, if so adjudicated, has had his or her right to vote restored by including the statement "I affirm I have not been adjudicated mentally incapacitated with respect to voting, or, if I have, my competency has been restored." and providing a box for the applicant to check to affirm the statement. *The registration application must be in plain language and designed so that persons who have been adjudicated mentally incapacitated are not required to reveal their prior adjudication.*

~~The registration application must be in plain language and designed so that convicted felons whose civil rights have been restored and persons who have been adjudicated mentally incapacitated and have had their voting rights restored are not required to reveal their prior conviction or adjudication.~~

Section 22. Paragraph (a) of subsection (5) of section 97.053, Florida Statutes, is amended to read:

97.053 Acceptance of voter registration applications.—

(5)(a) A voter registration application is complete if it contains the following information necessary to establish the applicant's eligibility pursuant to s. 97.041, including:

1. The applicant's name.

2. The applicant's address of legal residence, including a distinguishing apartment, suite, lot, room, or dormitory room number or other identifier, if appropriate. Failure to include a distinguishing apartment, suite, lot, room, or dormitory room or other identifier on a voter registration application does not impact a voter's eligibility to register to vote or cast a ballot, and such an omission may not serve as the basis for a challenge to a voter's eligibility or reason to not count a ballot.

3. The applicant's date of birth.

4. A mark in the checkbox affirming that the applicant is a citizen of the United States.

5.a. The applicant's current and valid Florida driver license number or the identification number from a Florida identification card issued under s. 322.051, or

b. If the applicant has not been issued a current and valid Florida driver license or a Florida identification card, the last four digits of the applicant's social security number.

In case an applicant has not been issued a current and valid Florida driver license, Florida identification card, or social security number, the applicant shall affirm this fact in the manner prescribed in the uniform statewide voter registration application.

6. A mark in the *applicable* checkbox affirming that the applicant has not been convicted of a felony or that, if convicted, *has had his or her civil rights restored through executive clemency, or* has had his or her *voting* ~~civil~~ rights restored *pursuant s. 4, Art. VI of the State Constitution*.

7. A mark in the checkbox affirming that the applicant has not been adjudicated mentally incapacitated with respect to voting or that, if so adjudicated, has had his or her right to vote restored.

8. The original signature or a digital signature transmitted by the Department of Highway Safety and Motor Vehicles of the applicant swearing or affirming under the penalty for false swearing pursuant to s. 104.011 that the information contained in the registration application is true and subscribing to the oath required by s. 3, Art. VI of the State Constitution and s. 97.051.

Section 23. Paragraph (c) of subsection (1) of section 98.045, Florida Statutes, is amended to read:

98.045 Administration of voter registration.—

(1) ELIGIBILITY OF APPLICANT.—The supervisor must ensure that any eligible applicant for voter registration is registered to vote and that each application for voter registration is processed in accordance with law. The supervisor shall determine whether a voter registration applicant is ineligible based on any of the following:

(c) The applicant has been convicted of a felony for which his or her *voting* ~~civil~~ rights have not been restored.

Section 24. Subsections (5) and (6) and paragraph (a) of subsection (7) of section 98.075, Florida Statutes, are amended to read:

98.075 Registration records maintenance activities; ineligibility determinations.—

(5) FELONY CONVICTION.—The department shall identify those registered voters who have been convicted of a felony and whose *voting* rights have not been restored by comparing information received from, but not limited to, a clerk of the circuit court, the Board of Executive Clemency, the Department of Corrections, the Department of Law Enforcement, or a United States Attorney's Office, as provided in s. 98.093. The department shall review such information and make an initial determination as to whether the information is credible and reliable. If the department determines that the information is credible and reliable, the department shall notify the supervisor and provide a copy of the supporting documentation indicating the potential ineligibility of the voter to be registered. Upon receipt of the notice that the department has made a determination of initial credibility and reliability, the supervisor shall adhere to the procedures set forth in subsection (7) prior to the removal of a registered voter's name from the statewide voter registration system.

(6) OTHER BASES FOR INELIGIBILITY.—If the department or supervisor receives information from sources other than those identified in subsections (2)-(5) that a registered voter is ineligible because he or she is deceased, adjudicated a convicted felon without having had his or her *voting* ~~civil~~ rights restored, adjudicated mentally incapacitated without having had his or her voting rights restored, does not meet the age requirement pursuant to s. 97.041, is not a United States citizen, is a fictitious person, or has listed a residence that is not his or her legal residence, the supervisor must adhere to the procedures set forth in subsection (7) prior to the removal of a registered voter's name from the statewide voter registration system.

(7) PROCEDURES FOR REMOVAL.—

(a) If the supervisor receives notice or information pursuant to subsections (4)-(6), the supervisor of the county in which the voter is registered shall:

1. Notify the registered voter of his or her potential ineligibility by mail within 7 days after receipt of notice or information. The notice shall include:

a. A statement of the basis for the registered voter's potential ineligibility and a copy of any documentation upon which the potential ineligibility is based. *Such documentation must include any conviction from another jurisdiction determined to be a similar offense to murder or a felony sexual offense, as those terms are defined in s. 98.0751.*

b. A statement that failure to respond within 30 days after receipt of the notice may result in a determination of ineligibility and in removal of the registered voter's name from the statewide voter registration system.

c. A return form that requires the registered voter to admit or deny the accuracy of the information underlying the potential ineligibility for purposes of a final determination by the supervisor.

d. A statement that, if the voter is denying the accuracy of the information underlying the potential ineligibility, the voter has a right to request a hearing for the purpose of determining eligibility.

e. Instructions for the registered voter to contact the supervisor of elections of the county in which the voter is registered if assistance is needed in resolving the matter.

f. Instructions for seeking restoration of civil rights *pursuant to s. 8, Art. IV of the State Constitution and information explaining voting rights restoration pursuant to s. 4., Art. VI of the State Constitution* following a felony conviction, if applicable.

2. If the mailed notice is returned as undeliverable, the supervisor shall publish notice once in a newspaper of general circulation in the county in which the voter was last registered. The notice shall contain the following:

a. The voter's name and address.

b. A statement that the voter is potentially ineligible to be registered to vote.

c. A statement that failure to respond within 30 days after the notice is published may result in a determination of ineligibility by the supervisor and removal of the registered voter's name from the statewide voter registration system.

d. An instruction for the voter to contact the supervisor no later than 30 days after the date of the published notice to receive information regarding the basis for the potential ineligibility and the procedure to resolve the matter.

e. An instruction to the voter that, if further assistance is needed, the voter should contact the supervisor of elections of the county in which the voter is registered.

3. If a registered voter fails to respond to a notice pursuant to subparagraph 1. or subparagraph 2., the supervisor shall make a final determination of the voter's eligibility. If the supervisor determines that the voter is ineligible, the supervisor shall remove the name of the registered voter from the statewide voter registration system. The supervisor shall notify the registered voter of the supervisor's determination and action.

4. If a registered voter responds to the notice pursuant to subparagraph 1. or subparagraph 2. and admits the accuracy of the information underlying the potential ineligibility, the supervisor shall make a final determination of ineligibility and shall remove the voter's name from the statewide voter registration system. The supervisor shall notify the registered voter of the supervisor's determination and action.

5. If a registered voter responds to the notice issued pursuant to subparagraph 1. or subparagraph 2. and denies the accuracy of the information underlying the potential ineligibility but does not request a hearing, the supervisor shall review the evidence and make a final determination of eligibility. If such registered voter requests a hearing, the supervisor shall send notice to the registered voter to attend a hearing at a time and place specified in the notice. Upon hearing all evidence presented at the hearing, the supervisor shall make a determination of eligibility. If the supervisor determines that the registered voter is ineligible, the supervisor shall remove the voter's name from the statewide voter registration system and notify the registered voter of the supervisor's determination and action.

Section 25. Section 98.0751, Florida Statutes, is created to read:

98.0751 Restoration of voting rights; termination of ineligibility subsequent to a felony conviction.—

(1) A person who has been disqualified from voting based on a felony conviction for an offense other than murder or a felony sexual offense must have such disqualification terminated and his or her voting rights restored pursuant to s. 4, Art. VI of the State Constitution upon the completion of all terms of his or her sentence, including parole or probation. The voting disqualification does not terminate unless a person's civil rights are restored pursuant to s. 8, Art. IV of the State Constitution if the disqualification arises from a felony conviction of murder or a felony sexual offense, or if the person has not completed all terms of sentence, as specified in subsection (2).

(2) For purposes of this section, the term:

(a) "Completion of all terms of sentence" means any portion of a sentence that is contained in the four corners of the sentencing document, including, but not limited to:

1. Release from any term of imprisonment ordered by the court as a part of the sentence;

2. Termination from any term of probation or community control ordered by the court as a part of the sentence;

3. Fulfillment of any term ordered by the court as a part of the sentence;

4. Termination from any term of any supervision, which is monitored by the Florida Commission on Offender Review, including, but not limited to, parole; and

5.a. Full payment of restitution ordered to a victim by the court as a part of the sentence. A victim includes, but is not limited to, a person or persons, the estate or estates thereof, an entity, the state, or the Federal Government.

b. Full payment of fines or fees ordered by the court as a part of the sentence or that are ordered by the court as a condition of any form of supervision, including, but not limited to, probation, community control, or parole.

c. The financial obligations required under sub-subparagraph a. or sub-subparagraph b. include only the amount specifically ordered by the court as part of the sentence and do not include any fines, fees, or costs that accrue after the date the obligation is ordered as a part of the sentence.

d. For the limited purpose of addressing a plea for relief pursuant to sub-subparagraph e. and notwithstanding any other statute, rule, or provision of law, a court may not be prohibited from modifying the financial obligations of an original sentence required under sub-subparagraph a. or sub-subparagraph b. Such modification shall not infringe on a defendant's or a victim's rights provided in United States Constitution or the State Constitution.

e. Financial obligations required under sub-subparagraph a. or sub-subparagraph b. are considered completed in the following manner or in any combination thereof:

(I) Actual payment of the obligation in full.

(II) Upon the payee's approval, either through appearance in open court or through the production of a notarized consent by the payee, the termination by the court of any financial obligation to a payee, including, but not limited to, a victim, or the court.

(III) Completion of all community service hours, if the court, unless otherwise prohibited by law or the State Constitution, converts the financial obligation to community service.

A term required to be completed in accordance with this paragraph shall be deemed completed if the court modifies the original sentencing order to no longer require completion of such term. The requirement to pay any financial obligation specified in this paragraph is not deemed completed upon conversion to a civil lien.

(b) "Felony sexual offense" means any of the following:

1. Any felony offense that serves as a predicate to registration as a sexual offender in accordance with s. 943.0435;

2. Section 491.0112;

3. Section 784.049(3)(b);

4. Section 794.08;

5. Section 796.08;

6. Section 800.101;

7. Section 826.04;

8. Section 847.012;

9. Section 872.06(2);

10. Section 944.35(3)(b)2.;

11. Section 951.221(1); or

12. Any similar offense committed in another jurisdiction which would be an offense listed in this paragraph if it had been committed in violation of the laws of this state.

(c) "Murder" means either of the following:

1. A violation of any of the following sections which results in the actual killing of a human being:

a. Section 775.33(4).

b. Section 782.04(1), (2), or (3).

c. Section 782.09.

2. Any similar offense committed in another jurisdiction which would be an offense listed in this paragraph if it had been committed in violation of the laws of this state.

(3)(a) The department shall obtain and review information pursuant to s. 98.075(5) related to a person who registers to vote and make an initial determination on whether such information is credible and reliable regarding whether the person is eligible pursuant to s. 4., Art. VI of the State Constitution and this section. Upon making an initial determination of the credibility and reliability of such information, the department shall forward such information to the supervisor of elections pursuant to s. 98.075.

(b) A local supervisor of elections shall verify and make a final determination pursuant to s. 98.075 regarding whether the person who registers to vote is eligible pursuant to s. 4., Art. VI of the State Constitution and this section.

(c) The supervisor of elections may request additional assistance from the department in making the final determination, if necessary.

(4) For the purpose of determining a voter registrant's eligibility, the provisions of this section shall be strictly construed. If a provision is susceptible to differing interpretations, it shall be construed in favor of the registrant.

Section 26. Section 104.011, Florida Statutes, is amended to read:

104.011 False swearing; submission of false voter registration information*; prosecution prohibited*.—

(1) A person who willfully swears or affirms falsely to any oath or affirmation, or willfully procures another person to swear or affirm falsely to an oath or affirmation, in connection with or arising out of voting or elections commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(2) A person who willfully submits any false voter registration information commits a felony of the third degree, punishable as provided in s. 775.082 or s. 775.083.

(3) A person may not be charged or convicted for a violation of this section for affirming that he or she has not been convicted of a felony or that, if convicted, he or she has had voting rights restored, if such violation is alleged to have occurred on or after January 8, 2019, but before July 1, 2019.

Section 27. Section 940.061, Florida Statutes, is amended to read:

940.061 Informing persons about executive clemency*,* ~~and~~ restoration of civil rights*, and restoration of voting rights*.—The Department of Corrections shall inform and educate inmates and offenders on community supervision about the restoration of civil rights *and the restoration of voting rights resulting from the removal of the disqualification to vote pursuant to s. 4, Art. VI of the State Constitution*. Each month*,* the Department of Corrections shall send to the Florida Commission on Offender Review by electronic means a list of the names of inmates who have been released from incarceration and offenders who have been terminated from supervision who may be eligible for restoration of civil rights.

Section 28. Subsection (1) of section 944.292, Florida Statutes, is amended to read:

944.292 Suspension of civil rights.—

(1) Upon conviction of a felony as defined in s. 10, Art. X of the State Constitution, the civil rights of the person convicted shall be suspended in Florida until such rights are restored by a full pardon, conditional pardon, or restoration of civil rights granted pursuant to s. 8, Art. IV of the State Constitution. *Notwithstanding the suspension of civil rights, such a convicted person may obtain restoration of his or her voting rights pursuant to s. 4, Art. VI of the State Constitution and s. 98.0751.*

Section 29. Subsection (6) of section 944.705, Florida Statutes, is amended to read:

944.705 Release orientation program.—

(6)(a) The department shall notify every inmate~~, in no less than 18-point type~~ in the inmate's release documents*:*~~,~~

1. Of all outstanding terms of the inmate's sentence at the time of release to assist the inmate in determining his or her status with regard to the completion of all terms of sentence, as that term is defined in s. 98.0751. This subparagraph does not apply to inmates who are being released from the custody of the department to any type of supervision monitored by the department; and

2. In not less than 18-point type, that the inmate may be sentenced pursuant to s. 775.082(9) if the inmate commits any felony offense described in s. 775.082(9) within 3 years after the inmate's release. This notice must be prefaced by the word "WARNING" in boldfaced type.

(b) ~~Nothing in~~ This section *does not preclude* ~~precludes~~ the sentencing of a person pursuant to s. 775.082(9), *and* ~~nor shall~~ evidence that the department failed to provide this notice *does not* prohibit a person from being sentenced pursuant to s. 775.082(9). The state *is* ~~shall~~ not ~~be~~ required to demonstrate that a person received any notice from the department in order for the court to impose a sentence pursuant to s. 775.082(9).

Section 30. Present subsection (3) of section 947.24, Florida Statutes, is renumbered as subsection (4), and a new subsection (3) is added to that section, to read:

947.24 Discharge from parole supervision or release supervision.—

(3) Upon the termination of an offender's term of supervision, which is monitored by the commission, including, but not limited to, parole, the commission must notify the offender in writing of all outstanding terms at the time of termination to assist the offender in determining his or her status with regard to the completion of all terms of sentence, as that term is defined in s. 98.0751.

Section 31. Section 948.041, Florida Statutes, is created to read:

948.041 Notification of outstanding terms of sentence upon termination of probation or community control.—Upon the termination of an offender's term of probation or community control, the department must notify the offender in writing of all outstanding terms at the time of termination to assist the offender in determining his or her status with regard to the completion of all terms of sentence, as that term is defined in s. 98.0751.

Section 32. Subsection (1) of section 951.29, Florida Statutes, is amended to read:

951.29 Procedure for requesting restoration of civil rights *or restoration of voting rights* of county prisoners convicted of felonies.—

(1) With respect to a person who has been convicted of a felony and is serving a sentence in a county detention facility, the administrator of the county detention facility shall provide *the following* to the prisoner, at least 2 weeks before discharge, if possible:~~,~~

(a) An application form obtained from the Florida Commission on Offender Review which the prisoner must complete in order to begin the process of having his or her civil rights restored;~~.~~

(b) Information explaining voting rights restoration pursuant to s. 4, Art. VI of the State Constitution; and

(c) Written notification of all outstanding terms of the prisoner's sentence at the time of release to assist the prisoner in determining his or her status with regard to the completion of all terms of sentence, as that term is defined in s. 98.0751.

Section 33. *Restoration of Voting Rights Work Group.—The Restoration of Voting Rights Work Group is created within the Department of State for the purpose of conducting a comprehensive review of the department's process of verifying registered voters who have been convicted of a felony, but who may be eligible for restoration of voting rights under s. 4, Art. VI of the State Constitution.*

(1) MEMBERSHIP.—The work group is comprised of the following members:

(a) The Secretary of State or his or her designee, who shall serve as chair for the work group.

(b) The Secretary of Corrections or his or her designee.

(c) The executive director of the Department of Law Enforcement or his or her designee.

(d) The Chairman of the Florida Commission on Offender Review or his or her designee.

(e) Two clerks of the circuit court appointed by the Governor.

(f) Two supervisors of elections appointed by the Governor.

(2) TERMS OF MEMBERSHIP.—Appointments to the work group shall be made by August 1, 2019. All members shall serve for the duration of the work group. Any vacancy shall be filled by the original appointing authority for the remainder of the work group's existence.

(3) DUTIES.—The work group is authorized and directed to study, evaluate, analyze, and undertake a comprehensive review of the Department of State's process of verifying registered voters who have been convicted of a felony, but who may be eligible for restoration of voting rights under s. 4, Art. VI of the State Constitution, to develop recommendations for the Legislature, related to:

(a) The consolidation of all relevant data necessary to verify the eligibility of a registered voter for restoration of voting rights under s. 4, Art. VI of the State Constitution. If any entity is recommended to manage the consolidated relevant data, the recommendations must provide the feasibility of such entity to manage the consolidated relevant data and a timeline for implementation of such consolidation.

(b) The process of informing a registered voter of the entity or entities that are custodians of the relevant data necessary for verifying his or her eligibility for restoration of voting rights under s. 4, Art. VI of the State Constitution.

(c) Any other relevant policies or procedures for verifying the eligibility of a registered voter for restoration of voting rights under s. 4, Art. VI of the State Constitution.

(4) REPORT.—The work group shall submit a report of its findings, conclusions, and recommendations for the Legislature to the President of the Senate and the Speaker of the House of Representatives by November 1, 2019. Upon submission of the report, the work group is dissolved and discharged of further duties.

(5) STAFFING.—The Department of State shall provide support for the work group in performing its duties.

(6) PER DIEM AND TRAVEL EXPENSES.—Work group members shall serve without compensation but are entitled to receive reimbursement for per diem and travel expenses as provided in s. 112.061, Florida Statutes.

(7) EXPIRATION.—This section expires January 31, 2020.

And the title is amended as follows:

Delete line 18 and insert: limitations; amending ss. 97.052 and 97.053, F.S.; revising requirements for the uniform statewide voter registration application to modify statements an applicant must affirm; revising terminology regarding voting rights restoration to conform to the State Constitution; amending s. 98.045, F.S.; revising terminology regarding voting rights restoration to conform to the State Constitution; amending s. 98.075, F.S.; revising terminology regarding voting rights restoration to conform to the State Constitution; requiring the supervisor of elections of the county in which an ineligible voter is registered to notify the voter of instructions for seeking restoration of voting rights pursuant to s. 4, Art. VI of the State Constitution, in addition to restoration of civil rights pursuant to s. 8, Art. IV of the State Constitution; requiring a notice of a registered voter's potential ineligibility to include specified information; creating s. 98.0751, F.S.; requiring the voting disqualification of certain felons to be removed and voting rights restored pursuant to s. 4, Art. VI of the State Constitution; providing that the voting disqualification arising from specified factors is not removed unless a person's civil rights are restored through the clemency process pursuant to s. 8, Art. IV of the State Constitution; providing definitions; requiring the Department of State to review information and make an initial determination regarding certain credible and reliable information; requiring the department to forward specified information to supervisors of elections; requiring the supervisor of elections to make a final determination of whether a person who has been convicted of a felony offense is eligible to register to vote, including if he or she has completed all the terms of his or her sentence; authorizing the department to assist the supervisor of elections with such final determination, if necessary; requiring specified provisions to be construed in favor of a voter registrant; amending s. 104.011, F.S.; prohibiting a person from being charged or convicted for violations regarding false swearing or submitting false voter registration information under certain conditions; amending s. 940.061, F.S.; requiring the Department of Corrections to inform inmates and offenders of voting rights restoration pursuant to s. 4, Art. VI of the State Constitution, in addition to executive clemency and civil rights restoration; amending s. 944.292, F.S.; conforming a provision regarding the suspension of civil rights; amending s. 944.705, F.S.; requiring the Department of Corrections to include notification of all outstanding terms of sentence in an inmate's release documents; providing an exception to the notification requirement for inmates who are released to any type of supervision monitored by the department; amending s. 947.24, F.S.; requiring the Florida Commission on Offender Review, upon the termination of an offender's term of parole, control release, or conditional release, to provide written notification to the offender of all outstanding terms of sentence; creating s. 948.041, F.S.; requiring the department, upon the termination of an offender's term of probation or community control, to provide written notification to the offender of all outstanding terms of sentence; amending s. 951.29, F.S.; requiring each county detention facility to provide information on the restoration of voting rights pursuant to s. 4, Art. VI of the State Constitution to certain prisoners; requiring each county detention facility to provide written notification to certain prisoners of all outstanding terms of sentence upon release; creating the Restoration of Voting Rights Work Group within the Department of State; specifying membership of the work group; establishing the manner of appointments and the terms of membership; prescribing the duties of the work group; requiring the work group to submit a report to the Legislature by a specified date; providing for staffing; authorizing reimbursement for per diem and travel expenses; providing for expiration of the work group; amending s. 101.6923, F.S.; revising

POINT OF ORDER

Senator Rodriguez raised a point of order that, pursuant to Rules 2.39 and 7.1, **Senate Amendment 1 (766844)**, by Senator Brandes, was not germane to **CS for SB 7066**.

The President referred the point of order to Senator Benacquisto, Chair of the Committee on Rules.

MOTIONS

On motion by Senator Benacquisto, the rules were waived and time of adjournment was extended until 8:00 p.m.

RULING ON POINT OF ORDER

The President recognized Senator Benacquisto, Chair of the Committee on Rules, on **CS for SB 7066**, in returning messages, regarding **Senate Amendment 1 (766844)** and pending point of order.

Senator Benacquisto: The principal subject and content of **CS for SB 7066** is related to election administration.

The amendment in question addresses the determination of a person's ability to vote and the Department of State and the supervisors of elections' statutory role in the administration of elections. Therefore, the point is not well taken.

President Galvano: Rules Chair Benacquisto recommends that the point not be well taken. Show the point not well taken.

Senator Thurston moved the following amendment to **Senate Amendment 1 (766844) to House Amendment 1 (704217)** which failed:

Senate Amendment 1A (399974) to Senate Amendment 1 (766844) to House Amendment 1 (704217)—Delete lines 297-337 and insert:

5. Payment of all restitution, fees, or fines that are ordered by the court as part of the sentence or that are ordered by the court as a condition of any form of supervision including, but not limited to, probation, community control, or parole. A financial obligation required under this subparagraph is deemed to have been completed to the extent that the financial obligation has been converted to a civil lien.

A term required to be completed in accordance with this paragraph shall be deemed completed if the court modifies the original sentencing order to no longer require completion of such term.

The question recurred on **Senate Amendment 1 (766844) to House Amendment 1 (704217)** which was adopted.

On motion by Senator Baxley, the Senate concurred in **House Amendment 1 (704217)**, as amended, and requested the House to concur in the Senate amendment to the House amendment.

CS for SB 7066 passed, as amended, and the action of the Senate was 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—17

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

MOTIONS

On motion by Senator Benacquisto, the rules were waived and the following bill that was temporarily postponed on the Special Order Calendar this day was retained on the Special Order Calendar: **CS for HB 879**

REPORTS OF COMMITTEES

Pursuant to Rule 4.17(1), the Rules Chair, Majority Leader, and Minority Leader submit the following bills to be placed on the Special Order Calendar for Thursday, May 2, 2019: CS for CS for CS for SB 328, CS for CS for SB 336, CS for CS for SB 656, CS for CS for CS for CS for SB 714, CS for CS for CS for SB 770, CS for SB 902, CS for CS for SB 1070, CS for SB 1252, SB 1300, SB 1494, CS for CS for SB 1500, SB 1570, SB 1616, CS for SB 1690, CS for CS for CS for SB 1730, CS for HB 879.

Respectfully submitted,
Lizbeth Benacquisto, Rules Chair
Kathleen Passidomo, Majority Leader
Audrey Gibson, Minority Leader

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

RETURNING MESSAGES — FINAL ACTION

The Honorable Bill Galvano, President

I am directed to inform the Senate that the House of Representatives has concurred in Senate amendment(s) to House amendment(s) and passed CS/CS/CS/SB 168 as further amended.

Jeff Takacs, Clerk

The bill contained in the foregoing message was ordered engrossed and then enrolled.

The Honorable Bill Galvano, President

I am directed to inform the Senate that the House of Representatives has concurred in Senate amendment(s) and passed CS/HB 9, as amended.

Jeff Takacs, Clerk

The Honorable Bill Galvano, President

I am directed to inform the Senate that the House of Representatives has concurred in Senate amendment(s) and passed CS/CS/CS/HB 829, as amended.

Jeff Takacs, Clerk

The Honorable Bill Galvano, President

I am directed to inform the Senate that the House of Representatives has concurred in Senate amendment(s) and passed CS/HB 831, as amended.

Jeff Takacs, Clerk

The Honorable Bill Galvano, President

I am directed to inform the Senate that the House of Representatives has concurred in Senate amendment(s) and passed CS/CS/HB 1121, as amended.

Jeff Takacs, Clerk

The Honorable Bill Galvano, President

I am directed to inform the Senate that the House of Representatives has concurred in Senate amendment(s) and passed HB 5011, as amended.

Jeff Takacs, Clerk

The Honorable Bill Galvano, President

I am directed to inform the Senate that the House of Representatives has concurred in Senate amendment(s) and passed CS/HB 7071, as amended.

Jeff Takacs, Clerk

CORRECTION AND APPROVAL OF JOURNAL

The Journal of May 1 was corrected and approved.

CO-INTRODUCERS

Senators Cruz—CS for CS for SB 642; Rader—CS for CS for SB 366, CS for SB 900, CS for CS for CS for SB 1080; Rouson—CS for CS for SB 334

ADJOURNMENT

On motion by Senator Benacquisto, the Senate adjourned at 7:22 p.m. for the purpose of holding committee meetings and conducting other Senate business to reconvene at 10:00 a.m., Friday, May 3 or upon call of the President.