Journal of the Senate

Number 24—Regular Session **Friday, May 3, 2019**

CONTENTS

CALL TO ORDER

The Senate was called to order by President Galvano at 10:00 a.m. A quorum present—38:

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

PRAYER

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

Heavenly Father, we come to you this beautiful spring morning to pause and give thanks to the giver of life, the King of kings, the Lord of lords, creator, and savior. Father, as many all over the country prayed yesterday on the National Day of Prayer, we need your discernment and guidance in every facet of our lives, both corporately and individually today.

In times like these, where our country is so politically divided, may the great people in this chamber today come together as one voice for the people of the great State of Florida. At the end of the day, we are needy people. Help us, above all, to see our great need for you. We know, in your great sovereignty, that you owe us nothing. You are never in debt to us.

Thank you for loving us and showing us your grace. Help us daily to seek your word that truly equips and enables us to love our neighbors as we love ourselves. May that godly principle be the motivator to our great Florida Senate today and every day. May everyone who has the privilege to serve in public service be rooted in just that.

As the hanky gets ready to drop soon, we thank you for the accomplishments of this session. As the finish line is in view, may we ever be mindful of our continued reliance on you. You indeed are the author and perfecter of our faith. Thank you so much that your mercies are new every morning, because we sure use it up by the end of each day. Bless Senate President Galvano today as he leads, and bless all of our great Senators from around the state, especially my Senator, Bill Montford. In Jesus' name I pray. Amen.

PLEDGE

Senate Pages, Malia Brown of Tallahassee; Abigail Snodgrass of Tallahassee; and Joseph Stokes of Palm Bay, led the Senate in the Pledge of Allegiance to the flag of the United States of America.

DOCTOR OF THE DAY

The President recognized Dr. Michael Forsthoefel of Tallahassee, sponsored by Senator Montford, as the doctor of the day. Dr. Forsthoefel specializes in internal medicine.

ADOPTION OF RESOLUTIONS

At the request of Senator Stargel—

By Senator Stargel—

SR 1872—A resolution recognizing May 2019 as "Lupus Awareness Month" in Florida.

WHEREAS, systemic lupus erythematosus, commonly known as lupus, is an acute, chronic, and lifelong autoimmune disease which creates an imbalance in the immune system, causing inflammation and tissue damage to virtually every part of the body, including the skin, lungs, heart, kidneys, and brain, and

WHEREAS, although the majority of cases of lupus can be controlled with proper treatment, the disease can cause seizures, strokes, heart attacks, miscarriages, and organ failure, and it results in the deaths of thousands of Americans each year, and

WHEREAS, more than 5 million people worldwide, and more than 1.5 million people in the United States, are living with this chronic disease for which there is no cure, and

WHEREAS, each year, more than 100,000 individuals are newly diagnosed with lupus, 90 percent of whom are women of childbearing age, with African-American, Latina, Hispanic, Native American, and Asian women being two to three times more likely to develop the disease, and

WHEREAS, lupus can be particularly difficult to diagnose because its symptoms mimic those of many other diseases, and major gaps exist in understanding the causes of this disease, and

WHEREAS, because lupus is difficult to diagnose, more than half of all people diagnosed with lupus suffer for 4 or more years and see three or more doctors before receiving an accurate diagnosis, and

WHEREAS, the Lupus Foundation of America has declared May as "Lupus Awareness Month," NOW, THEREFORE,

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

That May 2019 is recognized as "Lupus Awareness Month" in Florida.

—was introduced, read, and adopted by publication.

At the request of Senator Bean—

By Senator Bean—

SR 1874—A resolution celebrating the 20th anniversary of the opening of the George Crady Bridge Fishing Pier State Park and the 35th anniversary of the leasing of Amelia Island State Park.

WHEREAS, the George Crady Bridge Fishing Pier State Park, located northeast of Jacksonville, is a mile-long, pedestrian-only fishing bridge that spans Nassau Sound and provides access to one of the best fishing spots in this state, and

WHEREAS, known for many years as the Old Nassau Sound Bridge, the structure was closed to traffic and opened to pedestrians, bicyclists, and fishermen in 1999 when construction of a new bridge was completed and, in 2000, was renamed in honor of former Representative George Crady, and

WHEREAS, today, anglers catch a variety of fish from the George Crady Bridge Fishing Pier, including whiting, jack, drum, and tarpon, and have access to the pier 24 hours a day, 365 days a year, and

WHEREAS, the George Crady Bridge Fishing Pier State Park was used as a link in the Timucuan Trail, a proposed bicycle/pedestrian path connecting four state park units, the Timucuan Ecological and Historic Preserve, and several City of Jacksonville parks, and

WHEREAS, Amelia Island State Park, an easy drive from Jacksonville or Fernandina Beach, encompasses more than 200 acres of unspoiled wilderness along the southern tip of Amelia Island, and

WHEREAS, with beautiful beaches, salt marshes, and coastal maritime forests, Amelia Island State Park was leased to the Division of Recreation and Parks in November 1984, with the goal of protecting and restoring the natural and cultural values of the property and providing the greatest benefit to the residents of this state, and

WHEREAS, Amelia Island State Park is the only state park in Florida offering horseback riding on its beaches, which has become a favorite pastime of visitors, and

WHEREAS, George Crady Bridge Fishing Pier State Park and Amelia Island State Park are two of Florida's environmental and recreational treasures, enjoyed by residents and tourists alike, NOW, THEREFORE,

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

That the 20th anniversary of the opening of the George Crady Bridge Fishing Pier State Park and the 35th anniversary of the leasing of Amelia Island State Park are celebrated.

—was introduced, read, and adopted by publication.

BILLS ON THIRD READING

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.

—as amended May 2, was read the third time by title.

On motion by Senator Brandes, **CS for CS for HB 337**, as amended, was passed and certified to the House. The vote on passage was:

Yeas—36

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

Nays—None

Vote after roll call:

Yea—Cruz, Harrell, Taddeo

Consideration of **CS for CS for HB 5** and **CS for HB 7081** was deferred.

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.

—was read the third time by title.

On motion by Senator Brandes, **CS for CS for CS for HB 301** was passed and certified to the House. The vote on passage was:

Yeas—37

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

Nays—1

Flores

Vote after roll call:

Yea—Baxley

Consideration of **CS for CS for HB 447** and **CS for CS for CS for HB 1033** was deferred.

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.

—was read the third time by title.

On motion by Senator Gruters, **CS for HB 977** was passed and certified to the House. The vote on passage was:

Yeas—39

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

Nays—None

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.

—was read the third time by title.

On motion by Senator Albritton, **CS for CS for HB 375** 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	Stargel
Bradley	Hutson	Stewart
Brandes	Lee	Taddeo
Braynon	Mayfield	Thurston
Broxson	Montford	Torres
Cruz	Passidomo	Wright

Nays—None

Vote after roll call:

Yea—Simpson

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.

—as amended May 2, was read the third time by title.

RECONSIDERATION OF AMENDMENT

On motion by Senator Perry, the Senate reconsidered the vote by which engrossed **Amendment 1 (970072)**, replacing **Amendment 1 (498058)**, by Senator Gibson, was previously adopted May 2.

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

Senator Gibson moved the following amendment to **Amendment 1 (970072)** which was adopted by two-thirds vote:

Amendment 1A (333750) (with title amendment)—Delete lines 104-131 and insert:

(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*; or*

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

(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 (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 served pursuant to this chapter shall not toll any statute of repose period under chapter 95.

And the title is amended as follows:

Delete lines 197-204 and insert: unexpended revenue; prohibiting certain entities from requiring any additional fees, charges, or expenses associated with certain surcharges and fees; 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. 558.004, F.S.; specifying that certain notices of claim do not toll any statute of repose periods under ch. 95, F.S.; amending s.

Amendment 1 (970072), as amended, was adopted by two-thirds vote.

On motion by Senator Perry, **CS for CS for HB 447**, as amended, was passed 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 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.

—was read the third time by title.

On motion by Senator Lee, **CS for CS for CS for HB 1033** was passed and certified to the House. The vote on passage was:

Yeas—40

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	Torres
Wright		

Nays—None

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.

—was read the third time by title.

On motion by Senator Baxley, **CS for HB 7081** 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 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.

—was read the third time by title.

On motion by Senator Benacquisto, **HB 6047** 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

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.

—was read the third time by title.

On motion by Senator Perry, **HB 6017** 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	Torres

Nays—None

Vote after roll call:

Yea—Wright

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.

—was read the third time by title.

On motion by Senator Simmons, **CS for CS for HB 767** 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 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.

—was read the third time by title.

On motion by Senator Hooper, **HB 5301** was passed and certified to the House. The vote on passage was:

Yeas—39

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

Thurston	Torres	Wright

Nays—None

Vote after roll call:

Yea—Pizzo

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.

—as amended May 2, was read the third time by title.

On motion by Senator Baxley, **HB 861**, as amended, was passed and certified to the House. The vote on passage was:

Yeas—38

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	Taddeo
Brandes	Lee	Thurston
Braynon	Mayfield	Torres
Broxson	Montford	Wright
Cruz	Passidomo	

Nays—1

Rodriguez

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.

—was read the third time by title.

On motion by Senator Broxson, **CS for HB 925** was passed and certified to the House. The vote on passage was:

Yeas—40

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

Nays—None

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.

—as amended May 2, was read the third time by title.

RECONSIDERATION OF AMENDMENT

On motion by Senator Lee, the Senate reconsidered the vote by which engrossed **Amendment 1 (387652)**, replacing **Amendment 1 (155860)**, by Senator Lee, was previously adopted May 2.

Senator Brandes moved the following amendment to **Amendment 1 (387652)** which was adopted by two-thirds vote:

Amendment 1A (697400) (with title amendment)—Between lines 773 and 774 insert:

Section 15. 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 compliance with 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 must retrofit either 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 in a building that has been certified for occupancy by the applicable governmental entity if the unit owners have voted to forego such retrofitting by the affirmative vote of a majority of all voting interests in the affected condominium. 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 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.

Section 16. Section 718.1085, Florida Statutes, is amended to read:

718.1085 Certain regulations not to be retroactively applied.—Notwithstanding the provisions of chapter 633 or of any other code, statute, ordinance, administrative rule, or regulation, or any interpretation thereof, an association, condominium, or unit owner is not obligated to retrofit the common elements or units of a residential condominium that meets the definition of "housing for older persons" in s. 760.29(4)(b) 3. to comply with requirements relating to handrails and guardrails if the unit owners have voted to forego such retrofitting by the affirmative vote of two-thirds of all voting interests in the affected condominium. However, a condominium association may not vote to forego the retrofitting in common areas in a high-rise building. For the purposes of this section, the term "high-rise building" means a building that is greater than 75 feet in height where the building height is measured from the lowest level of fire department access to the floor of the highest occupiable level. For the purposes of this section, the term "common areas" means stairwells and exposed, outdoor walkways and corridors*, but does not include individual balconies*. In no event shall the local authority having jurisdiction require retrofitting of common areas with handrails and guardrails before the end of *2024* ~~2014~~.

(1) A vote to forego retrofitting may not be obtained by general proxy or limited proxy, but shall be obtained by a vote personally cast at a duly called membership meeting, or by execution of a written consent by the member, and shall be effective upon the recording of a certificate attesting to such vote in the public records of the county where the condominium is located. The association shall provide each unit owner written notice of the vote to forego retrofitting of the required handrails or guardrails, or both, in at least 16-point bold type, by certified mail, within 20 days after the association's vote. After such notice is provided to each owner, a copy of such notice shall be provided by the current owner to a new owner prior to closing and shall be provided by a unit owner to a renter prior to signing a lease.

(2) 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.

Section 17. *By July 1, 2019, the State Fire Marshal shall issue a data call to all local fire officials to collect data regarding high-rise condominiums greater than 75 feet in height which have not retrofitted with a fire sprinkler system or an engineered life safety system in accordance with ss. 633.208(5) and 718.112(2)(l), Florida Statutes. Local fire officials shall submit such data to the State Fire Marshal and shall include, for each individual building, the address, the number of units, and the number of stories. By July 1, 2020, all data must be received and compiled into a report by city and county. By September 1, 2020, the report must be sent to the Governor, the President of the Senate, and the Speaker of the House of Representatives.*

And the title is amended as follows:

Delete line 892 and insert: private provider, with exceptions; amending s. 718.112, F.S.; requiring condominium associations to ensure compliance with the Florida Fire Prevention Code; requiring associations to retrofit certain high-rise buildings with either a fire sprinkler system or an engineered life safety system as specified in the

code; deleting a requirement for association bylaws to include a provision relating to certain certificates of compliance; extending and specifying the date before which local authorities having jurisdiction may not require completion of retrofitting a fire sprinkler system or a engineered life safety system, respectively; deleting an obsolete provision; providing applicability; amending s. 718.1085, F.S.; revising the definition of the term "common areas" to exclude individual balconies; extending the year before which the local authority having jurisdiction may not require retrofitting of common areas with handrails and guardrails; requiring the State Fire Marshal, by a certain date, to issue a data call to all local fire officials to collect data on certain high-rise condominiums; specifying data that local fire officials must submit; requiring that all data be received and compiled into a certain report by a certain date; requiring that the report be sent to the Governor and the Legislature by a certain date; providing an

Amendment 1 (387652), as amended, was adopted by two-thirds vote.

On motion by Senator Lee, **CS for CS for HB 7103**, as amended, was passed and certified to the House. The vote on passage was:

Yeas—26

Mr. President	Diaz	Passidomo
Albritton	Gibson	Perry
Baxley	Gruters	Powell
Bean	Harrell	Simmons
Book	Hooper	Simpson
Bracy	Hutson	Stargel
Bradley	Lee	Thurston
Brandes	Mayfield	Wright
Broxson	Montford	

Nays—13

Berman	Gainer	Stewart
Braynon	Pizzo	Taddeo
Cruz	Rader	Torres
Farmer	Rodriguez	
Flores	Rouson	

Vote after roll call:

Yea—Benacquisto

Yea to Nay—Thurston

SPECIAL GUESTS

The President recognized Commissioner of Agriculture Nicole "Nikki" Fried who was present in the chamber.

Consideration of **CS for HB 7123** was deferred.

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.

—as amended May 2, was read the third time by title.

RECONSIDERATION OF AMENDMENT

On motion by Senator Lee, the Senate reconsidered the vote by which engrossed **Amendment 1 (375724)**, replacing **Amendment 1 (663264)**, by Senator Lee, was previously adopted May 2.

Senator Albritton moved the following amendment to **Amendment 1 (375724)** which was adopted by two-thirds vote:

Amendment 1A (184498)—Delete line 335 and insert:
shall not exceed 67,000 pounds.

Amendment 1 (375724), as amended, was adopted by two-thirds vote.

On motion by Senator Lee, **CS for CS for HB 725**, as amended, was passed and certified to the House. The vote on passage was:

Yeas—39

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

Nays—None

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.

—as amended May 2, was read the third time by title.

RECONSIDERATION OF AMENDMENT

On motion by Senator Brandes, the Senate reconsidered the vote by which engrossed substitute **Amendment 2 (498526)**, replacing **Amendment 2 (262082)**, by Senator Brandes, was previously adopted May 2.

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 2 (498526)** which was adopted by two-thirds vote:

Amendment 2A (975858)—Delete line 88 and insert:

2. Within 60 days after receiving the final resolution or

Amendment 2 (498526), as amended, was adopted by two-thirds vote.

On motion by Senator Brandes, **CS for CS for HB 5**, as amended, was passed and certified to the House. The vote on passage was:

Yeas—29

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

Nays—11

Berman	Farmer	Rouson
Book	Powell	Taddeo
Bracy	Rader	Torres
Cruz	Rodriguez	

Vote after roll call:

Yea to Nay—Thurston

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.

—was read the third time by title.

On motion by Senator Harrell, **CS for CS for HB 369** was passed and certified to the House. The vote on passage was:

Yeas—37

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

Nays—None

Vote after roll call:

Yea—Brandes, Diaz, Simpson

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.

—as amended May 2, was read the third time by title.

On motion by Senator Book, **CS for CS for CS for HB 851**, as amended, was passed and certified to the House. The vote on passage was:

Yeas—36

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	Passidomo	Thurston
Cruz	Perry	Torres
Diaz	Pizzo	Wright

Nays—None

Vote after roll call:

Yea—Broxson, Montford

SPECIAL GUESTS

The President recognized Attorney General Ashley Moody who was present in the chamber.

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.

—was read the third time by title.

On motion by Senator Stargel, **CS for HB 807** was passed and certified to the House. The vote on passage was:

Yeas—37

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

Nays—None

Vote after roll call:

Yea—Brandes

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.

—was read the third time by title.

On motion by Senator Lee, **CS for CS for HB 1253** was passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Benacquisto	Bradley
Albritton	Berman	Braynon
Baxley	Book	Broxson
Bean	Bracy	Cruz

Diaz	Lee	Rouson
Farmer	Mayfield	Simmons
Flores	Montford	Simpson
Gainer	Passidomo	Stargel
Gibson	Perry	Stewart
Gruters	Pizzo	Taddeo
Harrell	Powell	Thurston
Hooper	Rader	Torres
Hutson	Rodriguez	Wright

Nays—None

Vote after roll call:

Yea—Brandes

Consideration of **CS for SB 1622** was deferred.

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.

—as amended May 2, was read the third time by title.

RECONSIDERATION OF AMENDMENT

On motion by Senator Stargel, the Senate reconsidered the vote by which engrossed **Amendment 1 (749698)**, replacing **Amendment 1 (176464)**, by Senator Stargel, was previously adopted May 2.

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 (749698)**:

Amendment 1A (785538) (with title amendment)—Between lines 611 and 612 insert:

Section 20. 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 21. 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 22. *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.*

And the title is amended as follows:

Between lines 720 and 721 insert: amending s. 1002.33, F.S.; conforming a provision to changes made by the act; 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 applicability;

On motion by Senator Stargel, further consideration of **CS for HB 7123** with pending **Amendment 1 (749698)** and **Amendment 1A (785538)** was deferred.

INTRODUCTION OF FORMER SENATORS

The President recognized former Senator Carey Baker who was present in the chamber.

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/SB 322, with amendment(s), and requests the concurrence of the Senate.

Jeff Takacs, Clerk

CS for CS for SB 322—A bill to be entitled An act relating to health plans; amending s. 624.438, F.S.; revising eligibility requirements for multiple-employer welfare arrangements; creating s. 627.443, F.S.; defining the terms "EHB-benchmark plan" and "PPACA"; authorizing health insurers and health maintenance organizations to create new health insurance policies and health maintenance contracts meeting certain criteria for essential health benefits under the federal Patient Protection and Affordable Care Act (PPACA); providing that such criteria may be met by certain means; providing construction; providing that such policies and contracts created by health insurers and health maintenance organizations may be submitted to the Office of Insurance Regulation for certain purposes; amending s. 627.6045, F.S.; revising applicability of requirements relating to preexisting conditions; revising the font size for a certain disclosure; creating s. 627.6046, F.S.; defining the terms "operative date" and "preexisting medical condition" with respect to individual health insurance policies; requiring certain insurers, contingent upon the occurrence of either of two specified events, to make at least one comprehensive major medical health insurance policy available to all residents of this state within a specified timeframe; prohibiting such insurers from excluding, limiting, denying, or delaying coverage under such policies due to preexisting medical conditions; requiring such policies to have been actively marketed on a specified date and during a certain timeframe before that date; providing applicability; amending s. 627.6425, F.S.; revising the definition of the term "individual health insurance" relating to renewability of individual coverage; creating ss. 627.6426 and 627.6525, F.S.; defining the term "short-term health insurance"; providing disclosure requirements for short-term individual, group, blanket, and franchise health insurance policies; amending s. 627.654, F.S.; revising requirements for, and applicability relating to, association and small employer policies; creating s. 627.65612, F.S.; defining the terms "operative date" and "preexisting medical condition" with respect to group health insurance policies; requiring certain insurers, contingent upon the occurrence of either of two specified events, to make at least one comprehensive major medical health insurance policy available to all residents of this state within a specified timeframe; prohibiting such insurers from excluding, limiting, denying, or delaying coverage under such policies due to preexisting medical conditions; requiring such policies to have been actively marketed on a specified date and during a certain timeframe before that date; providing applicability; amending s. 641.31, F.S.; defining the terms "operative date" and "preexisting medical condition" with respect to health maintenance contracts; requiring health maintenance organizations, contingent upon the occurrence of either of two specified events, to make at least one comprehensive major medical health maintenance contract available to all residents of this state within a specified timeframe; prohibiting such health maintenance organizations from excluding, limiting, denying, or delaying coverage under such contracts due to preexisting medical conditions; requiring such contracts to have been actively marketed on a specified date and during a certain timeframe before that date; defining the terms "EHB-benchmark plan" and "office"; requiring the office to conduct a study evaluating this state's current benchmark plan for essential health benefits under PPACA and options for changing the benchmark plan for future plan years; requiring the office, in conducting the study, to consider plans and certain benefits used by other states and to compare costs with those of this state; requiring the office to solicit and consider proposed health plans from health insurers and health maintenance organizations in developing recommendations; requiring the office, by a certain date, to provide a report with certain recommendations and a certain analysis to the Governor and the Legislature; providing for severability; providing effective dates.

House Amendment 1 (819705) (with title amendment)—Remove everything after the enacting clause and insert:

Section 1. Paragraph (b) of subsection (1) of section 624.438, Florida Statutes, is amended to read:

624.438 General eligibility.—

(1) To meet the requirements for issuance of a certificate of authority and to maintain a multiple-employer welfare arrangement, an arrangement:

(b)~~1.~~ Must be established by a trade association, industry association, ~~or~~ professional association of employers or professionals*, or a bona fide group as defined in 29 C.F.R. part 2510.3-5* which has a constitution or bylaws specifically stating its purpose and which has been organized ~~and maintained in good faith for a continuous period of 1 year~~ for purposes *in addition to* ~~other than that of~~ obtaining or providing insurance.

~~2. Must not combine member employers from disparate trades, industries, or professions as defined by the appropriate licensing agencies, and must not combine member employers from more than one of the employer categories defined in sub-subparagraphs a.–c.~~

1.~~a.~~ A trade association consists of member employers who are in the same trade as recognized by the appropriate licensing agency.

2.~~b.~~ An industry association consists of member employers who are in the same major group code, as defined by the Standard Industrial Classification Manual issued by the federal Office of Management and Budget, unless restricted by *subparagraph 1.* ~~sub-subparagraph a.~~ or *subparagraph 3* ~~sub-subparagraph c~~.

3.~~c.~~ A professional association consists of member employers who are of the same profession as recognized by the appropriate licensing agency.

The requirements of this *paragraph* ~~subparagraph~~ do not apply to an arrangement licensed *before* ~~prior to~~ April 1, 1995, regardless of the nature of its business. However, an arrangement exempt from the requirements of this *paragraph* ~~subparagraph~~ may not expand the nature of its business beyond that set forth in the articles of incorporation of its sponsoring association as of April 1, 1995, except as authorized in this *paragraph* ~~subparagraph~~.

Section 2. Section 627.443, Florida Statutes, is created to read:

627.443 Essential health benefits.—

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

(a) "EHB-benchmark plan" has the same meaning as provided in 45 C.F.R. s. 156.20.

(b) "PPACA" has the same meaning as in s. 627.402.

(2) A health insurer or health maintenance organization issuing or delivering an individual or a group health insurance policy or health maintenance contract in this state may create a new health insurance policy or health maintenance contract that:

(a) Must include at least one service or coverage under each of the 10 essential health benefits categories under 42 U.S.C. s. 18022(b) which are required under PPACA;

(b) May fulfill the requirement in paragraph (a) by selecting one or more services or coverages for each of the required categories from the list of essential health benefits required by any single state or multiple states; and

(c) May comply with paragraphs (a) and (b) by selecting one or more services or coverages from any one or more of the required categories of essential health benefits from one state or multiple states.

(3) This section specifically authorizes an insurer or health maintenance organization to include any combination of services or coverages required by any one or a combination of states to provide the 10 categories of essential health benefits required under PPACA in a policy or contract issued in this state.

(4) Health insurance policies and health maintenance contracts created by health insurers and health maintenance organizations under this section:

(a) May be submitted to the office for consideration as part of the office's study of this state's essential health benefits benchmark plan; and

(b) May also be submitted to the office for evaluation as equivalent to the current state EHB-benchmark plan or to any EHB-benchmark plan created in the future.

Section 3. Subsection (3) of section 627.6045, Florida Statutes, is amended to read:

627.6045 Preexisting condition.—A health insurance policy must comply with the following:

(3) This section does not apply to short-term~~, nonrenewable~~ health insurance ~~policies of no more than a 6 month policy term~~, provided that it is clearly disclosed to the applicant in the advertising and application, in *14-point* ~~10 point~~ contrasting type, that "This policy does not meet the definition of qualifying previous coverage or qualifying existing coverage as defined in s. 627.6699. As a result, if purchased in lieu of a conversion policy or other group coverage, you may have to meet a preexisting condition requirement when renewing or purchasing other coverage."

Section 4. Section 627.6046, Florida Statutes, is created to read:

627.6046 Limit on preexisting conditions.—

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

(a) "Operative date" means the date on which either of the following occurs with respect to the Patient Protection and Affordable Care Act, Pub. L. No. 111-148, as amended by the Health Care and Education Reconciliation Act of 2010, Pub. L. No. 111-152 (PPACA):

1. A federal law is enacted which expressly repeals PPACA; or

2. PPACA is invalidated by the United States Supreme Court.

(b) "Preexisting medical condition" means a condition that was present before the effective date of coverage under a policy, whether or not any medical advice, diagnosis, care, or treatment was recommended or received before the effective date of coverage. The term includes a condition identified as a result of a preenrollment questionnaire or physical examination given to the individual, or review of medical records relating to the preenrollment period.

(2)(a) Not later than 30 days after the operative date, and notwithstanding s. 627.6045 or any other law to the contrary, every insurer issuing, delivering, or issuing for delivery comprehensive major medical individual health insurance policies in this state shall make at least one comprehensive major medical health insurance policy available to residents in the insurer's approved service areas of this state, and such insurer may not exclude, limit, deny, or delay coverage under such policy due to one or more preexisting medical conditions.

(b) An insurer may not limit or exclude benefits under such policy, including a denial of coverage applicable to an individual as a result of information relating to an individual's health status before the individual's effective date of coverage, or if coverage is denied, the date of the denial.

(3) The comprehensive major medical health insurance policy that the insurer is required to offer under this section must be a policy that had been actively marketed in this state by the insurer as of the operative date and that was also actively marketed in this state during the year immediately preceding the operative date.

Section 5. Section 627.6426, Florida Statutes, is created to read:

627.6426 Short-term health insurance.—

(1) For purposes of this part, the term "short-term health insurance" means health insurance coverage provided by an issuer with an expiration date specified in the contract that is less than 12 months after the original effective date of the contract and, taking into account renewals or extensions, has a duration not to exceed 36 months in total.

(2) All contracts for short-term health insurance entered into by an issuer and an individual seeking coverage shall include the following disclosure:

"This coverage is not required to comply with certain federal market requirements for health insurance, principally those contained in the Patient Protection and Affordable Care Act. Be sure to check your policy carefully to make sure you are aware of any exclusions or limitations regarding coverage of preexisting conditions or health benefits (such as hospitalization, emergency services, maternity care, preventive care, prescription drugs, and mental health and substance use disorder services). Your policy might also have lifetime and/or annual dollar limits on health benefits. If this coverage expires or you lose eligibility for this coverage, you might have to wait until an open enrollment period to get other health insurance coverage."

Section 6. Section 627.6525, Florida Statutes, is created to read:

627.6525 Short-term health insurance.—

(1) For purposes of this part, the term "short-term health insurance" means a group, blanket, or franchise policy of health insurance coverage provided by an issuer with an expiration date specified in the contract that is less than 12 months after the original effective date of the contract and, taking into account renewals or extensions, has a duration not to exceed 36 months in total.

(2) All contracts for short-term health insurance entered into by an issuer and a party seeking coverage shall include the following disclosure:

"This coverage is not required to comply with certain federal market requirements for health insurance, principally those contained in the Patient Protection and Affordable Care Act. Be sure to check your policy carefully to make sure you are aware of any exclusions or limitations regarding coverage of preexisting conditions or health benefits (such as hospitalization, emergency services, maternity care, preventive care, prescription drugs, and mental health and substance use disorder services). Your policy might also have lifetime and/or annual dollar limits on health benefits. If this coverage expires or you lose eligibility for this coverage, you might have to wait until an open enrollment period to get other health insurance coverage."

Section 7. Subsection (1) of section 627.654, Florida Statutes, is amended to read:

627.654 Labor union, association, and small employer health alliance groups.—

(1)(a) A *bona fide group or association of employers, as defined in 29 C.F.R. part 2510.3-5, or a* group of individuals may be insured under a policy issued to an association, including a labor union, which association has a constitution and bylaws ~~and not less than 25 individual members~~ and which has been organized ~~and has been maintained in good faith for a period of 1 year~~ for purposes *in addition to* ~~other than~~ that of obtaining insurance, or to the trustees of a fund established by such an association, which association or trustees shall be deemed the policyholder, insuring at least 15 individual members of the association for the benefit of persons other than the officers of the association, the association, or trustees.

(b) A small employer, as defined in s. 627.6699 and including the employer's eligible employees and the spouses and dependents of such employees, may be insured under a policy issued to a small employer health alliance by a carrier as defined in s. 627.6699. ~~A small employer health alliance must be organized as a not for profit corporation under chapter 617. Notwithstanding any other law, if a small employer member of an alliance loses eligibility to purchase health care through the alliance solely because the business of the small employer member expands to more than 50 and fewer than 75 eligible employees, the small employer member may, at its next renewal date, purchase cov-~~

~~erage through the alliance for not more than 1 additional year. A small employer health alliance shall establish conditions of participation in the alliance by a small employer, including, but not limited to:~~

~~1. Assurance that the small employer is not formed for the purpose of securing health benefit coverage.~~

~~2. Assurance that the employees of a small employer have not been added for the purpose of securing health benefit coverage.~~

Section 8. Section 627.65612, Florida Statutes, is created to read:

627.65612 Limit on preexisting conditions.—

(1) As used in this section, the terms "operative date" and "preexisting medical condition" have the same meanings as provided in s. 627.6046.

(2)(a) Not later than 30 days after the operative date, and notwithstanding s. 627.6561 or any other law to the contrary, every insurer issuing, delivering, or issuing for delivery comprehensive major medical group health insurance policies in this state shall make at least one comprehensive major medical health insurance policy available to residents in the insurer's approved service areas of this state, and such insurer may not exclude, limit, deny, or delay coverage under such policy due to one or more preexisting medical conditions.

(b) An insurer may not limit or exclude benefits under such policy, including a denial of coverage applicable to an individual as a result of information relating to an individual's health status before the individual's effective date of coverage, or if coverage is denied, the date of the denial.

(3) The comprehensive major medical health insurance policy that the insurer is required to offer under this section must be a policy that had been actively marketed in this state by the insurer as of the operative date and that was also actively marketed in this state during the year immediately preceding the operative date.

Section 9. Subsection (45) is added to section 641.31, Florida Statutes, to read:

641.31 Health maintenance contracts.—

(45)(a) As used in this subsection, the terms "operative date" and "preexisting medical condition" have the same meanings as provided in s. 627.6046.

(b) Not later than 30 days after the operative date, and notwithstanding s. 641.31071 or any other law to the contrary, every health maintenance organization issuing, delivering, or issuing for delivery comprehensive major medical individual or group contracts in this state shall make at least one comprehensive major medical health maintenance contract available to residents in the health maintenance organization's approved service areas of this state, and such health maintenance organization may not exclude, limit, deny, or delay coverage under such contract due to one or more preexisting medical conditions. A health maintenance organization may not limit or exclude benefits under such contract, including a denial of coverage applicable to an individual as a result of information relating to an individual's health status before the individual's effective date of coverage, or if coverage is denied, the date of the denial.

(c) The comprehensive major medical health maintenance contract the health maintenance organization is required to offer under this section must be a contract that had been actively marketed in this state by the health maintenance organization as of the operative date and that was also actively marketed in this state during the year immediately preceding the operative date.

Section 10. *Study of state essential health benefits benchmark plan; report.—*

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

(a) "EHB-benchmark plan" has the same meaning as provided in 45 C.F.R. s. 156.20.

(b) "Office" means the Office of Insurance Regulation.

(2) The office shall conduct a study to evaluate this state's current EHB-benchmark plan for nongrandfathered individual and group health plans and options for changing the EHB-benchmark plan pursuant to 45 C.F.R. s. 156.111 for future plan years. In conducting the study, the office shall:

(a) Consider EHB-benchmark plans and benefits under the 10 essential health benefits categories established under 45 C.F.R. s. 156.110(a) which are used by the other 49 states;

(b) Compare the costs of benefits within such categories and overall costs of EHB-benchmark plans used by other states with the costs of benefits within the categories and overall costs of the current EHB-benchmark plan of this state; and

(c) Solicit and consider proposed individual and group health plans from health insurers and health maintenance organizations in developing recommendations for changes to the current EHB-benchmark plan.

(3) By October 30, 2019, the office shall submit a report to the Governor, the President of the Senate, and the Speaker of the House of Representatives which must include recommendations for changing the current EHB-benchmark plan to provide comprehensive care at a lower cost than this state's current EHB-benchmark plan. In its report, the office shall provide an analysis as to whether proposed health plans it receives under paragraph (2)(c) meet the requirements for an EHB-benchmark plan under 45 C.F.R. s. 156.111(b).

Section 11. *If any provision of this act or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are severable.*

Section 12. 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 health plans; amending s. 624.438, F.S.; revising eligibility requirements for multiple-employer welfare arrangements; creating s. 627.443, F.S.; defining the terms "EHB-benchmark plan" and "PPACA"; authorizing health insurers and health maintenance organizations to create new health insurance policies and health maintenance contracts meeting certain criteria for essential health benefits under the federal Patient Protection and Affordable Care Act (PPACA); providing that such criteria may be met by certain means; providing construction; providing that such policies and contracts created by health insurers and health maintenance organizations may be submitted to the Office of Insurance Regulation for certain purposes; amending s. 627.6045, F.S.; revising applicability; revising font size for disclosure; creating ss. 627.6046 and 627.65612, F.S.; defining the terms "operative date" and "preexisting medical condition" with respect to individual and group health insurance policies, respectively; requiring insurers, contingent upon the occurrence of either of two specified events, to make at least one comprehensive major medical health insurance policy available to certain individuals within a specified timeframe; prohibiting such insurers from excluding, limiting, denying, or delaying coverage under such policy due to preexisting medical conditions; requiring such policy to have been actively marketed on a specified date and during a certain timeframe before that date; providing applicability; creating ss. 627.6426 and 627.6525, F.S.; defining the term "short-term health insurance"; providing disclosure requirements for short-term health insurance policies; amending s. 627.654, F.S.; revising requirements for association and small employer policies; providing construction; amending s. 641.31, F.S.; defining the terms "operative date" and "preexisting medical condition" with respect to health maintenance contracts; requiring health maintenance organizations, contingent upon the occurrence of either of two specified events, to make at least one comprehensive major medical health maintenance contract available to certain individuals within a specified timeframe; prohibiting such health maintenance organizations from excluding, limiting, denying, or delaying coverage under such contract due to preexisting medical conditions; requiring such contract to have been actively marketed on a specified date and during a certain timeframe before that date; defining the terms "EHB-benchmark plan" and "office"; requiring the office to conduct a study evaluating this state's current

benchmark plan for essential health benefits under PPACA and options for changing the benchmark plan for future plan years; requiring the office, in conducting the study, to consider plans and certain benefits used by other states and to compare costs with those of this state; requiring the office to solicit and consider proposed health plans from health insurers and health maintenance organizations in developing recommendations; requiring the office, by a certain date, to provide a report with certain recommendations and a certain analysis to the Governor and the Legislature; providing for severability; providing an effective date.

On motion by Senator Simpson, the Senate concurred in **House Amendment 1 (819705)**.

CS for CS for SB 322 passed, as amended, was ordered engrossed, and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—23

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

Nays—13

Berman	Gibson	Taddeo
Book	Pizzo	Thurston
Bracy	Rader	Torres
Braynon	Rodriguez	
Cruz	Stewart	

Vote after roll call:

Nay—Powell

Yea to Nay—Montford, Rouson

The Honorable Bill Galvano, President

I am directed to inform the Senate that the House of Representatives has passed SB 910, with amendment(s), and requests the concurrence of the Senate.

Jeff Takacs, Clerk

SB 910—A bill to be entitled An act relating to court-ordered treatment programs; amending s. 394.47891, F.S.; providing that veterans who were discharged or released under any condition, individuals who are current or former United States Department of Defense contractors, and individuals who are current or former military members of a foreign allied country are eligible in a certain Military Veterans and Servicemembers Court Program; amending s. 948.08, F.S.; authorizing a person who is charged with a certain felony and identified as a veteran who is discharged or released under any condition, an individual who is a current or former United States Department of Defense contractor, or an individual who is a current or former military member of a foreign allied country to be eligible for voluntary admission into a pretrial veterans' treatment intervention program under certain circumstances; amending s. 948.16, F.S.; authorizing a veteran who is discharged or released under any condition, an individual who is a current or former United States Department of Defense contractor, or an individual who is a current or former military member of a foreign allied country and who is charged with a misdemeanor to be eligible for voluntary admission into a misdemeanor pretrial veterans' treatment intervention program under certain circumstances; amending s. 948.21, F.S.; authorizing the court to impose a condition requiring a probationer or community controllee who is a veteran discharged or released under any condition, an individual who is a current or former United States Department of Defense contractor, or an individual who is a current or former military member of a foreign allied country to participate in a certain treatment program under certain circumstances; providing an effective date.

Substitute **House Amendment 1 (085155)**—Remove lines 113-133 and insert:

Section 4. Subsection (3) of section 948.21, Florida Statutes, is renumbered as subsection (4), and a new subsection (3) is added to that section to read:

948.21 Condition of probation or community control; military servicemembers and veterans.—

(3) Effective for a probationer or community controllee whose crime is committed on or after October 1, 2019, and who is a veteran, as defined in s. 1.01; a veteran who is discharged or released under any condition; a servicemember, as defined in s. 250.01; an individual who is a current or former United States Department of Defense contractor; or an individual who is a current or former military member of a foreign allied country, who suffers from a military service-related mental illness, traumatic brain injury, substance abuse disorder, or psychological problem, the court may, in addition to any other conditions imposed, impose a condition requiring the probationer or community controllee to participate in a treatment program capable of treating the probationer or community controllee's mental illness, traumatic brain injury, substance abuse disorder, or psychological problem.

Section 5. This act shall take effect October 1, 2019.

On motion by Senator Gainer, the Senate concurred in substitute **House Amendment 1 (085155)**.

SB 910 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	Pizzo
Albritton	Farmer	Powell
Baxley	Flores	Rader
Bean	Gainer	Rodriguez
Benacquisto	Gibson	Rouson
Berman	Gruters	Simmons
Book	Harrell	Simpson
Bracy	Hooper	Stargel
Bradley	Hutson	Stewart
Brandes	Mayfield	Taddeo
Braynon	Montford	Thurston
Broxson	Passidomo	Torres
Cruz	Perry	Wright

Nays—None

The Honorable Bill Galvano, President

I am directed to inform the Senate that the House of Representatives has passed CS/CS/SB 1020, with amendment(s), and requests the concurrence of the Senate.

Jeff Takacs, Clerk

CS for CS for SB 1020—A bill to be entitled An act relating to the state hemp program; creating s. 581.217, F.S.; creating the state hemp program within the Department of Agriculture and Consumer Services; providing the purpose of the program; providing legislative findings; defining terms; providing requirements for program licensure; requiring the department to deny a license or renewal to certain applicants; authorizing certain industrial hemp pilot projects to participate in the program; providing for the distribution and retail sale of hemp extract; providing civil penalties; providing that hemp seed and hemp seed dealers are subject to the Florida Seed Law; providing hemp seed certification requirements; requiring the department, in consultation with the Department of Health and the Department of Business and Professional Regulation, to adopt specified rules within a specified timeframe; directing the Commissioner of Agriculture, in consultation with

and with final approval from the Administration Commission, to submit a specified plan within a specified timeframe to the United States Secretary of Agriculture; creating an Industrial Hemp Advisory Board for a specified purpose; providing that the board is adjunct to the department for administrative purposes; providing for the membership and meetings of the board; prohibiting members of the board from receiving compensation; authorizing members of the board to receive reimbursements for certain expenses; amending s. 893.02, F.S.; revising the definition of the term "cannabis" to exclude hemp and industrial hemp for purposes of the Florida Comprehensive Drug Abuse Prevention and Control Act; amending s. 1004.4473, F.S.; revising the schools at which the department is required to authorize and oversee the development of industrial hemp pilot projects; authorizing universities to implement industrial hemp pilot projects pursuant to the state hemp program; requiring the department to submit certain program and fee information in its legislative budget request for the 2020-2021 fiscal year; providing a directive to the Division of Law Revision; providing an effective date.

House Amendment 1 (024859) (with title amendment)—Remove everything after the enacting clause and insert:

Section 1. Section 581.217, Florida Statutes, is created to read:

581.217 State hemp program.—

(1) CREATION AND PURPOSE.-The state hemp program is created within the department to regulate the cultivation of hemp in the state. This section constitutes the state plan for the regulation of the cultivation of hemp for purposes of 7 U.S.C. s. 1639p.

(2) LEGISLATIVE FINDINGS.-The Legislature finds that:

(a) Hemp is an agricultural commodity.

(b) Hemp-derived cannabinoids, including, but not limited to, cannabidiol, are not controlled substances or adulterants.

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

(a) "Certifying agency" has the same meaning as in s. 578.011(8).

(b) "Contaminants unsafe for human consumption" includes, but is not limited to, any microbe, fungus, yeast, mildew, herbicide, pesticide, fungicide, residual solvent, metal, or other contaminant found in any amount that exceeds any of the accepted limitations as determined by rules adopted by the Department of Health in accordance with s. 381.986, or other limitation pursuant to the laws of this state, whichever amount is less.

(c) "Cultivate" means planting, watering, growing, or harvesting hemp.

(d) "Hemp" means the plant Cannabis sativa L. and any part of that plant, including the seeds thereof, and all derivatives, extracts, cannabinoids, isomers, acids, salts, and salts of isomers thereof, whether growing or not, that has a total delta-9 tetrahydrocannabinol concentration that does not exceed 0.3 percent on a dry-weight basis.

(e) "Hemp extract" means a substance or compound intended for ingestion that is derived from or contains hemp and that does not contain other controlled substances.

(f) "Independent testing laboratory" means a laboratory that:

1. Does not have a direct or indirect interest in the entity whose product is being tested;

2. Does not have a direct or indirect interest in a facility that cultivates, processes, distributes, dispenses, or sells hemp or hemp extract in the state or in another jurisdiction or cultivates, processes, distributes, dispenses, or sells marijuana, as defined in s. 381.986; and

3. Is accredited by a third-party accrediting body as a competent testing laboratory pursuant to ISO/IEC 17025 of the International Organization for Standardization.

(4) FEDERAL APPROVAL.—The department shall seek approval of the state plan for the regulation of the cultivation of hemp with the United States Secretary of Agriculture in accordance with 7 U.S.C. s. 1639p within 30 days after adopting rules. If the state plan is not approved by the United States Secretary of Agriculture, the Commissioner of Agriculture, in consultation with and with final approval from the Administration Commission, shall develop a recommendation to amend the state plan and submit the recommendation to the Legislature.

(5) LICENSURE.-

(a) It is unlawful for a person to cultivate hemp in this state without a license issued by the department.

(b) A person seeking to cultivate hemp must apply to the department for a license on a form prescribed by the department and must submit a full set of fingerprints to the department along with the application.

1. The department shall forward the fingerprints to the Department of Law Enforcement for state processing and the Department of Law Enforcement shall forward the fingerprints to the Federal Bureau of Investigation for national processing.

2. Fingerprints submitted to the Department of Law Enforcement pursuant to this paragraph must be retained by the Department of Law Enforcement as provided in s. 943.05(2)(g) and (h) and must be retained as provided in s. 943.05(4) when the Department of Law Enforcement begins participation in the Federal Bureau of Investigation's national retained fingerprint arrest notification program.

3. Any arrest record identified shall be reported to the department.

(c) The department shall adopt rules establishing procedures for the issuance and annual renewal of a hemp license.

(d) A person seeking to cultivate hemp must provide to the department the legal land description and global positioning coordinates of the area where hemp will be cultivated.

(e) The department shall deny the issuance of a hemp license to an applicant, or refuse to renew the hemp license of a licensee, if the department finds that the applicant or licensee:

1. Has falsified any information contained in an application for a hemp license or hemp license renewal; or

2. Has been convicted of a felony relating to a controlled substance under state or federal law. A hemp license may not be issued for 10 years following the date of the conviction.

(6) HEMP SEED.—A licensee may only use hemp seeds and cultivars certified by a certifying agency or a university conducting an industrial hemp pilot project pursuant to s. 1004.4473.

(7) DISTRIBUTION AND RETAIL SALE OF HEMP EXTRACT.-Hemp extract may only be distributed and sold in the state if the product:

(a) Has a certificate of analysis prepared by an independent testing laboratory that states:

1. The hemp extract is the product of a batch tested by the independent testing laboratory;

2. The batch contained a total delta-9-tetrahydrocannabinol concentration that did not exceed 0.3 percent on a dry-weight basis pursuant to the testing of a random sample of the batch; and

3. The batch does not contain contaminants unsafe for human consumption.

(b) Is distributed or sold in packaging that includes:

1. A scannable barcode or quick response code linked to the certificate of analysis of the hemp extract by an independent testing laboratory;

2. The batch number;

3. The Internet address of a website where batch information may be obtained;

4. The expiration date;

5. The number of milligrams of hemp extract; and

6. A statement that the product contains a total delta-9-tetrahydrocannabinol concentration that does not exceed 0.3 percent on a dry-weight basis.

(8) LAND REGISTRY.—The department shall maintain a registry of land on which hemp is cultivated or has been cultivated within the past 3 calendar years, including the global positioning coordinates and legal land description for each location.

(9) DEPARTMENT REPORTING.—The department shall submit monthly to the United States Secretary of Agriculture a report of the locations in the state where hemp is cultivated or has been cultivated within the past 3 calendar years. The report must include the contact information for each licensee.

(10) VIOLATIONS.—

(a) A licensee must complete a corrective action plan if the department determines that the licensee has negligently violated this section or department rules, including negligently:

1. Failing to provide the legal land description and global positioning coordinates pursuant to subsection (5);

2. Failing to obtain a proper license or other required authorization from the department; or

3. Producing Cannabis sativa L. that has a total delta-9 tetrahydrocannabinol concentration that exceeds 0.3 percent on a dry-weight basis.

(b) The corrective action plan must include:

1. A reasonable date by which the licensee must correct the negligent violation; and

2. A requirement that the licensee periodically report to the department on compliance with this section and department rules for a period of at least 2 calendar years after the date of the violation.

(c) A licensee who negligently violates the corrective action plan under this subsection three times within 5 years is ineligible to cultivate hemp for 5 years following the date of the third violation.

(d) If the department determines that a licensee has violated this section or department rules with a culpable mental state greater than negligence, the department shall immediately report the licensee to the Attorney General and the United States Attorney General.

(11) ENFORCEMENT.—

(a) The department shall enforce this section.

(b) Every state attorney, sheriff, police officer, and other appropriate county or municipal officer shall enforce, or assist any agent of the department in enforcing, this section and rules adopted by the department.

(c) The department, or its agent, is authorized to enter any public or private premises during regular business hours in the performance of its duties relating to hemp cultivation.

(d) The department shall conduct random inspections, at least annually, of each licensee to ensure that only certified hemp seeds are being used and that hemp is being cultivated in compliance with this section.

(12) RULES.—By August 1, 2019, the department, in consultation with the Department of Health and the Department of Business and Professional Regulation, shall initiate rulemaking to administer the state hemp program. The rules must provide for:

(a) A procedure that uses post-decarboxylation or other similarly reliable methods for testing the delta-9 tetrahydrocannabinol concentration of cultivated hemp.

(b) A procedure for the effective disposal of plants, whether growing or not, that are cultivated in violation of this section or department rules, and products derived from those plants.

(13) APPLICABILITY.-Notwithstanding any other law:

(a) This section does not authorize a licensee to violate any federal or state law or regulation.

(b) This section does not apply to a pilot project developed in accordance with 7 U.S.C. 5940 and s. 1004.4473.

(c) A licensee who negligently violates this section or department rules is not subject to any criminal or civil enforcement action by the state or a local government other than the enforcement of violations of this section as authorized under subsection (10).

(14) INDUSTRIAL HEMP ADVISORY COUNCIL.—An Industrial Hemp Advisory Council, an advisory council as defined in s. 20.03, is established to provide advice and expertise to the department with respect to plans, policies, and procedures applicable to the administration of the state hemp program.

(a) The advisory council is adjunct to the department for administrative purposes.

(b) The advisory council shall be composed of all of the following members:

1. Two members appointed by the Commissioner of Agriculture.

2. Two members appointed by the Governor.

3. Two members appointed by the President of the Senate.

4. Two members appointed by the Speaker of the House of Representatives.

5. The dean for research of the Institute of Food and Agricultural Sciences of the University of Florida or his or her designee.

6. The president of Florida Agricultural and Mechanical University or his or her designee.

7. The executive director of the Department of Law Enforcement or his or her designee.

8. The president of the Florida Sheriffs Association or his or her designee.

9. The president of the Florida Police Chiefs Association or his or her designee.

10. The president of the Florida Farm Bureau Federation or his or her designee.

11. The president of the Florida Fruit and Vegetable Association or his or her designee.

(c) The advisory council shall elect by a two-thirds vote of the members one member to serve as chair of the council.

(d) A majority of the members of the advisory council constitutes a quorum.

(e) The advisory council shall meet at least once annually at the call of the chair.

(f) Advisory council members shall serve without compensation and are not entitled to reimbursement for per diem or travel expenses.

Section 2. Subsection (3) of section 893.02, Florida Statutes, is amended to read:

893.02 Definitions.—The following words and phrases as used in this chapter shall have the following meanings, unless the context otherwise requires:

(3) "Cannabis" means all parts of any plant of the genus Cannabis, whether growing or not; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant or its seeds or resin. The term does not include "marijuana," as defined in s. 381.986, if manufactured, possessed, sold, purchased, delivered, distributed, or dispensed, in

conformance with s. 381.986. *The term does not include hemp as defined in s. 581.217 or industrial hemp as defined in s. 1004.4473.*

Section 3. Paragraph (a) of subsection (2) and subsections (3) through (7) of section 1004.4473, Florida Statutes, are amended to read:

1004.4473 Industrial hemp pilot projects.—

(2)(a) The department shall authorize and oversee the development of industrial hemp pilot projects for the Institute of Food and Agricultural Sciences at the University of Florida, Florida Agricultural and Mechanical University, ~~and~~ any land grant university in the state that has a college of agriculture*, and any Florida College System institution or state university that has an established agriculture, engineering, or pharmacy program*. The department shall adopt rules as required under the Agricultural Act of 2014, 7 U.S.C. s. 5940, to implement this section, including rules for the certification and registration of sites used for growth or cultivation. The purpose of the pilot projects is to cultivate, process, test, research, create, and market safe and effective commercial applications for industrial hemp in the agricultural sector in this state.

(3) *An institution or* a university must obtain the authorization of its board of trustees before implementing an industrial hemp pilot project. A pilot project authorized by *an institution or* a university must be registered with the department and must comply with rules adopted by the department.

(4) *An institution or* a university that implements an industrial hemp pilot project shall develop partnerships with qualified project partners to attract experts and investors experienced with agriculture and may develop the pilot project in partnership with public, nonprofit, and private entities in accordance with this section and all applicable state and federal laws.

(5) The research office of *an institution or* a university that implements an industrial hemp pilot project shall oversee the pilot project and ensure compliance with rules adopted by the department. The office must identify a contact person who is responsible for oversight of the pilot project and shall adopt procedures and guidelines to ensure the proper operation of the pilot project, the proper handling of hemp material and products, compliance with state and federal law, and the safety and security of the pilot project facility. At a minimum, the guidelines must:

(a) Designate the physical location, global positioning system position, and map of the pilot project facility. Areas within the facility must be designated as general access or limited access. An area where hemp material is cultivated, processed, stored, or packaged or where industrial hemp research is conducted must be designated as limited access. Limited-access areas must be restricted to entry by qualified program personnel and authorized visitors accompanied at all times by qualified program personnel. All other areas of the facility may be designated as general access and are open to authorized visitors, regardless of whether accompanied by qualified program personnel.

(b) Identify the qualified program personnel involved in the pilot project who meet the requirements of 21 CFR s. 1301.18 pursuant to the Agricultural Act of 2014, 7 U.S.C. s. 5940.

(c) Authorize the qualified program personnel to handle, grow, cultivate, process, and manufacture hemp materials.

(d) Establish a testing program and protocols to ensure the proper labeling of hemp material.

~~(6) An industrial hemp commercialization project may only be conducted after an industrial hemp pilot project has been in place for 2 years to determine if there are any adverse impacts of hemp cultivation on current indigenous crops in the state.~~

(6)~~(7)~~ *An institution or* a university that implements an industrial hemp pilot project shall submit a report to the Governor, the President of the Senate, and the Speaker of the House of Representatives on the status of its pilot project and any research related to the cultivation, harvesting, processing, and uses of industrial hemp. The report must be prepared and submitted within 2 years after the pilot *project is implemented* ~~project's creation~~.

Section 4. 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 the state hemp program; creating s. 581.217, F.S.; creating the state hemp program within the Department of Agriculture and Consumer Services; providing legislative findings; providing definitions; directing the department to submit a plan for the state program to the United States Secretary of Agriculture for approval; providing licensure requirements; requiring licensees to use specified hemp seeds and cultivars; providing requirements for the distribution and sale of hemp extract; directing the department to maintain a land registry and submit monthly reports to the United States Secretary of Agriculture; providing for violations and corrective measures; providing for enforcement of the state hemp program; directing the department, in consultation with the Department of Health and the Department of Business and Professional Regulation, to adopt specified rules; providing applicability; establishing, adjunct to the department, the Industrial Hemp Advisory Council; providing for council purpose, membership, and meetings; amending s. 893.02, F.S.; revising the definition of the term "cannabis"; amending s. 1004.4473, F.S.; revising the colleges and universities at which the department is required to authorize and oversee the development of industrial hemp pilot projects; removing a condition for the implementation of industrial hemp commercialization projects; providing an effective date.

On motion by Senator Bradley, the Senate concurred in **House Amendment 1 (024859)**.

CS for CS for SB 1020, 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	Pizzo
Albritton	Farmer	Powell
Baxley	Flores	Rader
Bean	Gainer	Rodriguez
Benacquisto	Gibson	Rouson
Berman	Gruters	Simmons
Book	Harrell	Simpson
Bracy	Hooper	Stargel
Bradley	Hutson	Stewart
Brandes	Mayfield	Taddeo
Braynon	Montford	Thurston
Broxson	Passidomo	Torres
Cruz	Perry	Wright

Nays—None

The Honorable Bill Galvano, President

I am directed to inform the Senate that the House of Representatives has amended Senate Amendment 113608, concurred in the same as amended, and passed CS/HB 281 as further amended by the required constitutional two-thirds vote of the members voting, and requests the concurrence of the Senate.

Jeff Takacs, Clerk

By State Affairs Committee and Representative(s) Stevenson—

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

House Amendment 1 (425013) (with title amendment) to Senate Amendment 1 (113608)—Remove lines 5-14 of the amendment and insert:

(d) The telephone number and e-mail address of a voter registration applicant or voter, except that such information shall be made available to or reproduced only for the voter registration applicant or voter, an official elected to public office, a canvassing board, and an election official and, for political purposes, voter education, or voter outreach, to an organization that meets the qualifications of s. 501(c)(3) or s. 501(c)(4) of the Internal Revenue Code, a political party or official thereof, a candidate as defined in s. 106.011, and a registered political committee.

(e) All information concerning preregistered voter registration applicants who are 16 or 17 years of age.

(f) Paragraphs (d) and (e) are subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2024, unless reviewed and saved from repeal through reenactment by the Legislature.

(3) This section applies to information held by an agency before, on, or after the effective date of this exemption.

Section 2. *(1) The Legislature finds that it is a public necessity that the telephone number and e-mail address of a voter registration applicant or voter that is held by an agency and obtained for the purpose of voter registration be made confidential and exempt from s. 119.07(1), Florida Statutes, and s. 24(a), Article I of the State Constitution. The telephone number and e-mail address of a voter registration applicant or voter is personal and sensitive information and could be misused by a dishonest person if placed in the public domain along with the name of the applicant or voter. The information may be used for consumer scams, unwanted solicitations, or other forms of invasive contacts. In addition, a voter registration applicant or voter may be harassed through these mediums if the information is publicly available. The potential for harm that results from unfettered access to a voter registration applicant's or voter's telephone number or e-mail address exceeds any public benefit that may be derived from disclosure of such information.*

(2) The Legislature also finds that e-mail addresses are personal information that could be misused and could result in voter fraud if released. A voter may request a vote-by-mail ballot using an e-mail address. Unrestricted access to such e-mail addresses may enable others to determine which voters are intending to vote by vote-by-mail ballot and result in the confiscation and misuse of a mailed vote-by-mail ballot by a person other than the requesting voter. In addition, collection of the e-mail address of a voter registration applicant or a voter would give supervisors of elections the opportunity to employ the cost-saving measure of electronically transmitting sample ballots. If a voter registration applicant or a voter knows that his or her e-mail address is subject to public disclosure, he or she may be less willing to provide the e-mail address to the supervisor of elections. Accordingly, the effective and efficient administration of a government program would be significantly impaired.

(3) The Legislature finds that it is a public necessity

And the title is amended as follows:

Remove lines 20-26 of the amendment and insert: 97.0585, F.S.; providing an exemption from public records requirements for the telephone numbers and email addresses of voter registration applicants and voters; providing an exemption from public records requirements for information concerning preregistered voter registration applicants who are minors; providing for future legislative review and repeal; providing for retroactive application; providing statements of public necessity; providing an effective

Senator Brandes moved the following amendment to **House Amendment 1 (425013) to Senate Amendment 1 (113608)** which was adopted:

Senate Amendment 1 (177606) (with title amendment) to House Amendment 1 (425013) to Senate Amendment 1 (113608)—Delete lines 5-58 and insert:

(d) Information related to a voter registration applicant's or voter's prior felony conviction and whether such person has had his or her voting rights restored by the Board of Executive Clemency or pursuant to s. 4, Art. VI of the State Constitution.

(e) All information concerning preregistered voter registration applicants who are 16 or 17 years of age.

(f) Paragraphs (d) and (e) are subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2024, unless reviewed and saved from repeal through reenactment by the Legislature.

(3) This section applies to information held by an agency before, on, or after the effective date of this exemption.

Section 2. *(1) The Legislature finds that it is a public necessity that information related to a voter registration applicant's or voter's prior felony conviction and whether such person has had his or her voting rights restored through executive clemency or pursuant to s. 4, Art. VI, of the State Constitution, which is held by an agency and obtained for the purpose of voter registration, be confidential and exempt from public records requirements and be used only for purposes of voter registration. Information related to a voter registration applicant's or voter's prior felony conviction and whether such person has had his or her voting rights restored could be misused if released. The restoration of a person's voting rights subsequent to a felony conviction aids a person in becoming a productive, contributing, and self-sustaining member of society. Without such protection, information related to a voter registration applicant's or voter's prior felony conviction may result in him or her being less likely to take advantage of registering to vote, thus hindering greater participation in the democratic process. For these reasons, the Legislature finds that it is a public necessity that the information related to a voter registration applicant's or voter's prior felony conviction and his or her restoration of voting rights, which is held by an agency and obtained for the purpose of voter registration, be confidential and exempt from public records requirements.*

(2) The Legislature finds that it is a public necessity

And the title is amended as follows:

Delete lines 63-66 and insert: 97.0585, F.S.; providing an exemption from public records requirements for information related to a voter registration applicant's or voter's prior felony conviction and his or her restoration of voting rights; providing an exemption from public records

On motion by Senator Lee, the Senate concurred in **House Amendment 1 (425013) to Senate Amendment 1 (113608)**, as amended, and requested the House to concur in the Senate amendment to the House amendment.

CS for HB 281 passed, as amended, by the required constitutional two-thirds vote of the members present and voting, and the action of the Senate was certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

Vote after roll call:

Yea—Bradley

RECESS

The President declared the Senate in recess at 11:30 a.m. to reconvene at 12:30 p.m. or upon his call.

AFTERNOON SESSION

The Senate was called to order by the President at 12:30 p.m. A quorum present—35:

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

MOTIONS

On motion by Senator Stargel, the House was requested to return **CS for SB 190**.

SENATOR SIMMONS PRESIDING

By direction of the President, the following Conference Committee Report was read:

CONFERENCE COMMITTEE REPORT ON SB 2502

The Honorable Bill Galvano May 1, 2019
President of the Senate

The Honorable Jose Oliva
Speaker, House of Representatives

Dear Mr. President and Speaker:

Your Conference Committee on the disagreeing votes of the two houses on SB 2502, 1st Eng., same being:

An act relating to Implementing the 2019-2020 General Appropriations Act

having met, and after full and free conference, do recommend to their respective houses as follows:

1. That the House of Representatives recede from its Amendment 1 (525731).
2. That the Senate and House of Representatives adopt the Conference Committee Amendment attached hereto, and by reference made a part of this report.

s/ Rob Bradley, Chair
s/ Dennis Baxley
s/ Lizbeth Benacquisto, At Large
s/ Lauren Book
s/ Jeff Brandes
s/ Doug Broxson
s/ Manny Diaz, Jr.
s/ Anitere Flores, At Large
s/ Audrey Gibson, At Large
s/ Gayle Harrell
s/ Travis Hutson
s/ Debbie Mayfield
s/ Kathleen Passidomo
s/ Jason W. B. Pizzo
s/ Kevin J. Rader
s/ Darryl Ervin Rouson
s/ Wilton Simpson, At Large
s/ Linda Stewart
s/ Perry E. Thurston, Jr.
s/ Tom A. Wright

Conferees on the part of the Senate

s/ W. Travis Cummings, Chair
s/ Thad Altman
s/ Bruce Antone
s/ Bryan Avila, At Large
s/ Mike Beltran
s/ Kamia L. Brown
s/ James Bush III
s/ Charles Wesley Clemons, Sr.
s/ Kimberly Daniels
s/ Ben Diamond, At Large
s/ Byron Donalds
s/ Fentrice Driskell
s/ Wyman Duggan
s/ Dane Eagle, At Large
s/ Juan Fernandez-Barquin
s/ Randy Fine
s/ Heather Fitzenhagen, At Large
s/ Michael Gottlieb
s/ James Grant
s/ Tommy Gregory
s/ Brett Hage
Kristin Diane Jacobs
Evan Jenne, At Large
Dotie Joseph
s/ Mike La Rosa, At Large
s/ Chris Latvala
s/ MaryLynn Magar
s/ Ralph E. Massullo, M.D.
s/ Lawrence McClure
s/ Wengay Newton
s/ Toby Overdorf
s/ Daniel Perez
s/ Scott Plakon
s/ Tina Polsky
s/ Sharon Pritchett
s/ Paul Renner
s/ Will Robinson
s/ Anthony Rodriguez
s/ Bob Rommel
s/ Anthony Sabatini
s/ Tyler Sirois
s/ Carlos Guillermo Smith
s/ Chris Sprowls, At Large
s/ Cyndi Stevenson
s/ Jennifer Mae Sullivan, At Large
s/ Josie Tomkow
s/ Susan L. Valdes
s/ Clovis Watson, Jr.
Matt Willhite
s/ Jayer Williamson
s/ Ardian Zika
s/ David Simmons, At Large
s/ Kelli Stargel
s/ Annette Taddeo
s/ Victor M. Torres, Jr.
s/ Ramon Alexander
s/ Alex Andrade
s/ Loranne Ausley
Melony Bell
s/ Chuck Brannan
s/ Colleen Burton
s/ Cord Byrd
s/ John Cortes
s/ Tracie Davis
s/ Nick DiCeglie
s/ Brad Drake
s/ Bobby B. DuBose
s/ Nicholas X. Duran
s/ Anna V. Eskamani
s/ Elizabeth Fetterhoff
s/ Jason Fischer
Joseph Geller, At Large
s/ Erin Grall
s/ Michael Grant
s/ Michael Grieco
s/ Blaise Ingoglia
Al Jacquet
Shevrin D. Jones
s/ Sam H. Killebrew
s/ Chip LaMarca
s/ Thomas J. Leek
Amber Mariano
s/ Stan McClain
s/ Kionne L. McGhee, At Large
Anika Omphroy
s/ Bobby Payne
s/ Cary Pigman
s/ Rene Plasencia
s/ Mel Ponder
s/ Holly Raschein
s/ Spencer Roach
s/ Ray Wesley Rodrigues, At Large
s/ Ana Maria Rodriguez
Rick Roth
s/ David Santiago, At Large
s/ Emily Slosberg
s/ David Smith
s/ Richard Stark
s/ Charlie Stone, At Large
s/ Jackie Toledo
s/ Jay Trumbull
Barbara Watson
s/ Jennifer Webb
Patricia H. Williams
s/ Clay Yarborough

Managers on the part of the House

The Conference Committee Amendment for SB 2502, relating to implementing the 2019-2020 General Appropriations Act, provides the following substantive modifications for the 2019-2020 fiscal year:

Section 1 provides legislative intent that the implementing and administering provisions of this act apply to the General Appropriations Act (GAA) for Fiscal Year 2019-2020.

Section 2 incorporates the Florida Education Finance Program (FEFP) work papers by reference for the purpose of displaying the calculations used by the Legislature.

Section 3 provides that funds provided for instructional materials shall be released and expended as required in the proviso language attached to Specific Appropriation 93.

Section 4 amends s. 1009.215, F.S., to authorize fall term awards for University of Florida Innovation Academy students when summer funding is provided for other Bright Futures recipients.

Section 5 provides that the amendments to s. 1009.215, F.S., expire July 1, 2020, and the text of that section reverts to that in existence on June 30, 2018.

Section 6 amends s. 1011.62, F.S., to maintain the funding compression allocation within the FEFP to provide additional funding for school districts whose total funds per FTE in the prior year were less than the statewide average.

Section 7 amends s.1001.26, F.S., to allow public colleges or universities that are part of the public broadcasting system to qualify for state funding.

Section 8 reverts the language of s. 1001.26, F.S., to the text in effect on June 30, 2018.

Section 9 amends s. 1011.80, F.S., to remove the $15 million annual performance funding appropriation limit for industry certifications for school district workforce education programs. As a result, school districts may be fully funded for earned certifications, subject to legislative appropriation.

Section 10 amends s. 1011.81, F.S., to remove the $15 million annual performance funding appropriation limit for industry certifications for Florida College System institution programs. As a result, institutions may be fully funded for earned certifications, subject to legislative appropriation.

Section 11 provides that the amendments to ss. 1011.80 and 1011.81, F.S., expire July 1, 2020, and the text of those sections reverts to that in existence on June 30, 2019.

Section 12 transfers control of the Florida Virtual School to the State Board of Education, notwithstanding s. 1002.37(2), F.S., and requires the board to appoint an executive director of the school. In addition, this section requires the Department of Education to contract with an independent third party to conduct an audit of the school and to provide recommendations to the Governor and the Legislature by November 1, 2019.

Section 13 directs the Office of Economic and Demographic Research to develop a methodology for calculating each school district's wage level index using appropriate county-level and occupational-level wage data. The office must provide a transition plan that minimizes negative impacts beginning with the 2020-2021 fiscal year, to the Governor and the Legislature by October 1, 2019.

Section 14 provides that the calculations of the Medicaid Disproportionate Share Hospital and Hospital Reimbursement programs for the 2019-2020 fiscal year, which is contained in the document titled "Medicaid Disproportionate Share Hospital and Hospital Reimbursement Programs, Fiscal Year 2019-2020" dated May 1, 2019, and filed with the Secretary of the Senate, are incorporated by reference for the purpose of displaying the calculations used by the Legislature

Section 15 authorizes the Agency for Health Care Administration (AHCA) to submit a budget amendment to realign funding between the AHCA and the Department of Health (DOH) for the Children's Medical Services (CMS) Network for the implementation of Statewide Medicaid Managed Care, to reflect actual enrollment changes due to the transition from fee-for-service into the capitated CMS Network.

Section 16 modifies the parameters governing the nursing home prospective payment methodology for Medicaid provider reimbursement to increase the quality incentive payment pool from 6 percent to 6.5 percent beginning October 1, 2019.

Section 17 provides that the amendments to s. 409.908(2), F.S., expire July 1, 2020, and the text of that section reverts to that in existence on June 30, 2019.

Section 18 amends s. 409.908(23), F.S., relating to Medicaid rate setting for specified provider types, to specify the prospective payment system reimbursement for nursing home services will be governed by s. 409.908(2), F.S., and the GAA. Language relating to county health department reimbursement is restructured but not changed substantively.

Section 19 provides that the amendments to s. 409.908(23), F.S., expire July 1, 2020, and the text of that section reverts to that in existence on October 1, 2018.

Section 20 amends s. 409.908(26), F.S., to include Low Income Pool (LIP) payments and requires that Letters of Agreement for LIP be received by AHCA by October 1 and the funds outlined in the Letters of Agreement be received by October 31.

Section 21 provides that the amendments to s. 409.908(26), F.S., expire July 1, 2020, and the text of that section reverts to that in existence on June 30, 2019.

Section 22 amends s. 409.912(6), F.S., to authorize the AHCA to renew its existing fiscal agent contract.

Section 23 provides that the amendments to s. 409.912(6), F.S., expire July 1, 2020, and the text of that section reverts to that in existence on June 30, 2019.

Section 24 amends s. 409.904(12)(a) and (b), to eliminate the Medicaid retroactive eligibility period for nonpregnant adults in a manner that ensures that the modification provides eligibility will continue to begin the first day of the month in which a nonpregnant adult applies for Medicaid.

Section 25 requires the AHCA, in consultation with Department of Children and Families (DCF) and certain other entities, to submit a report specifying certain requirements by January 10, 2020, to the Governor, the President of the Senate, and the Speaker of the House of Representatives regarding the impact of the Medicaid retroactive eligibility waiver on beneficiaries and providers.

Section 26 amends s. 393.0661(1), F.S., to require that if the Agency for Persons with Disabilities (APD) runs a deficit during the 2018-2019 fiscal year, the APD must work in conjunction with the AHCA to develop a plan to redesign the waiver program. Provides for a report to President of the Senate and the Speaker of the House of Representatives, and requires monthly updates.

Section 27 provides that the amendments to s. 393.0661(1), F.S., expire July 1, 2020, and the text of that section reverts to that in existence on June 30, 2019.

Section 28 amends s. 400.179(2)(d), F.S., to reduce the threshold cash balance on the Lease Bond Trust Fund within AHCA to $10 million.

Section 29 provides that the amendments to s. 400.179(2)(d), F.S., expire July 1, 2020, and the text of that section reverts to that in existence on June 30, 2019.

Section 30 amends s. 624.91(5)(b), F.S., to require the Florida Healthy Kids Corporation to validate and calculate a refund amount for Title XXI providers who achieve a Medical Loss Ratio below 85 percent. These refunds shall be deposited into the General Revenue Fund, unallocated.

Section 31 provides that the amendments to s. 624.91(5)(b), F.S., expire July 1, 2020, and the text of that section reverts to that in existence on June 30, 2019.

Section 32 amends s. 893.055(18), F.S, relating to the prescription drug monitoring program to prohibit the use of any settlement agreement funds for the program for Fiscal Year 2019-2020.

Section 33 amends s. 409.911, F.S., to provide that, for the 2019-2020 fiscal year, the AHCA must distribute moneys to hospitals providing a disproportionate share of Medicaid or charity care services as provided in the GAA for Fiscal Year 2019-2020.

Section 34 amends s. 409.9113, F.S., to provide that, for the 2019-2020 fiscal year, the AHCA must make disproportionate share payments to teaching hospitals, as defined in s. 408.07, F.S., as provided in the GAA for Fiscal Year 2019-2020.

Section 35 amends s. 409.9119, F.S., to provide, that, for the 2019-2020 fiscal year, the AHCA must make disproportionate share payments to specialty hospitals for children as provided in the GAA for Fiscal Year 2019-2020.

Section 36 authorizes the AHCA to submit a budget amendment to realign funding priorities within appropriation, to address any projected surpluses and deficits.

Section 37 authorizes the AHCA and the Department of Health (DOH) to each submit a budget amendment pursuant to the notice, review, and objection provisions of s. 216.177, F.S., to realign funding within the Florida Kidcare program appropriation categories, or to increase budget authority in the Children's Medical Services Network category, to address projected surpluses and deficits within the program or to maximize the use of state trust funds. A single budget amendment must be submitted by each agency in the last quarter of the 2019-2020 fiscal year only.

Section 38 provides two additional exemptions from licensure requirements in part X of chapter 400, F.S., for specified entities.

Sections 39 and 40 amend ss. 381.986 and 381.988, F.S., to provide that the DOH is not required to prepare a statement of estimated regulatory costs when promulgating rules relating to medical marijuana testing laboratories, and any such rules adopted prior to July 1, 2020, are exempt from the legislative ratification provision of s. 120.541(3), F.S. Medical marijuana treatment centers are authorized to use a laboratory that has not been certified by the department until rules relating to medical marijuana testing laboratories are adopted by the department, but no later than July 1, 2020.

Section 41 amends s. 14(1) of Chapter 2017-232, L.O.F., to provide limited emergency rulemaking authority to the DOH and applicable boards to adopt emergency rules to implement the Medical Use of Marijuana Act (2017). The department and applicable boards are not required to prepare a statement of estimated regulatory costs when promulgating rules to replace emergency rules, and any such rules are exempt from the legislative ratification provision of s. 120.541(3), F.S., until July 1, 2020.

Section 42 provides that the amendments to s. 14(1) of Chapter 2017-232, L.O.F., expire on July 1, 2020, and the text of that provision reverts back to that in existence on June 30, 2019.

Section 43 amends s. 383.14, F.S., to require the DOH Newborn Screening Program to begin screening all newborns in Florida for Spinal Muscular Atrophy, and to add such a test to the Newborn Screening Panel as soon as practicable after July 1, 2019, but no later than May 3, 2020.

Section 44 allows the DCF to submit a budget amendment to realign funding within appropriations for the Guardianship Assistance Program.

Sections 45 and 46 authorizes the DCF to establish a formula to distribute funding for the Path Forward initiative due to the expiration of the federal Title IV-E Waiver.

Section 47 amends s. 296.37, F.S., to increase the personal needs allowance from $105 to $130 for residents of Department of Veterans' Affairs nursing facilities.

Section 48 authorizes the DOH to submit a budget amendment, subject to the notice, review, and objection provisions of s. 216.177, F.S., to increase budget authority for the HIV/AIDS Prevention and Treatment Program if additional federal revenues become available in the 2019-2020 fiscal year.

Section 49 authorizes the DCF to submit a budget amendment, subject to the notice, review, and objection provisions of s. 216.177, F.S., to increase budget authority for the Supplemental Nutrition Assistance Program if additional federal revenues become available in the 2019-2020 fiscal year.

Section 50 authorizes the DCF to submit a budget amendment, subject to the notice, review, and objection provisions of s. 216.177, F.S., to realign funding within the Family Safety Program to maximize the use of Title IV-E and other federal funds.

Section 51 amends s. 216.262, F.S., to allow the Executive Office of the Governor to request additional positions and appropriations from unallocated general revenue funds during the 2019-2020 fiscal year for the Department of Corrections (DOC), if the actual inmate population of the DOC exceeds the Criminal Justice Estimating Conference forecasts of February 22, 2019. The additional positions and appropriations may be used for essential staff, fixed capital improvements, and other resources to provide classification, security, food services, health services, and other variable expenses within the institutions to accommodate the estimated increase in the inmate population, and are subject to Legislative Budget Commission review and approval.

Sections 52 and 53 amends s. 1011.80, F.S., to permit the expenditure of appropriations for the education of state or federal inmates to the extent funds are specifically appropriated for this purpose.

Section 54 amends s. 215.18, F.S., to provide the Chief Justice of the Florida Supreme Court the authority to request a trust fund loan to ensure the state court system has sufficient funds to meet its appropriations contained in the GAA for Fiscal Year 2019-2020.

Section 55 requires the Department of Juvenile Justice to ensure that counties are fulfilling their financial responsibilities required in s. 985.6865, F.S., and to report any deficiencies to the Department of Revenue. If the Department of Juvenile Justice determines that a county has not met its obligations, it must direct the Department of Revenue to deduct the amount owed to the Department of Juvenile Justice from shared revenue funds provided to the county under s. 218.23, F.S., to be deposited into the Shared County/State Juvenile Detention Trust Fund in Department of Juvenile Justice. The section also includes procedures to provide assurance to holders of bonds for which shared revenue fund distributions are pledged.

Section 56 amends s. 27.40, F.S., to require written certification of conflict by a public defender. If the office of criminal conflict and civil regional counsel cannot accept a case from the public defender due to conflict, the office of civil regional counsel is required to specifically identify and describe the conflict of interest and certify the conflict to the court before a court-appointed counsel may be assigned. Each public defender and regional counsel shall report, in the aggregate, the basis of all conflicts of interest certified to the court on a quarterly basis.

Contracts with appointed counsel and forms used in billing by court-appointed counsel are required to be consistent with ss. 27.5304 and 216.311, F.S. A contract with court-appointed counsel must specify that payment is contingent upon an appropriation by the Legislature. The flat fee established in s. 27.5304, F.S., is required to be presumed to be sufficient compensation.

The Justice Administrative Commission (JAC) is required to review appointed counsel billings, and objections by the JAC are required to be presumed correct unless a court determines, in writing, that competent and substantial evidence exists to justify overcoming the presumption. If an attorney does not permit the JAC or the Auditor General to review billing documentation, the attorney waives the claim for attorney fees. A finding by the JAC that the appointed counsel waived the right to seek compensation above the flat fee is required to be presumed correct, unless a court determines, in written findings, that competent and substantial evidence exists to overcome the presumption.

Section 57 provides that the amendments to s. 27.40(1), (2)(a), (3)(a), (5), (6), and (7), F.S., expire on July 1, 2020, and the text of those provisions reverts to that in existence on June 30, 2019.

Section 58 amends s. 27.5304, F.S., to increase, for the 2019-2020 fiscal year, the statutory compensation limits for fees paid to court-appointed attorneys in noncapital, nonlife felony and life felony cases. The Legislature is authorized to establish the actual amounts paid to attorneys in these categories in the GAA for Fiscal Year 2019-2020.

Court-appointed counsel may be compensated only in compliance with ss. 27.40(1), (2)(a), (7), F.S., 27.5304, F.S., and the GAA. The JAC is required to review all billings and must contemporaneously document its review before authorizing payment to an attorney. Objections by the JAC to billings by an attorney are required to be presumed correct by a court unless the court determines, in writing, that competent and substantial evidence supports overcoming the presumption. Motions to exceed the flat fee are required to be served on the JAC at least 20

business days before the hearing date, and the JAC may appear at the hearing in person or telephonically.

Section 59 provides that the amendments to s. 27.5304(1), (3), (7), (11), and (12)(a) — (e), F.S., expire on July 1, 2020, and the text of those provisions reverts to that in existence on June 30, 2019.

Section 60 requires clerks to pay costs of compensation to jurors, for meals or lodging provided to jurors, and for jury-related personnel costs that exceed funding in the GAA for these purposes.

Section 61 amends s. 318.18, F.S., to require the deposit of certain funds into the Indigent Criminal Defense Trust Fund instead of the Public Defenders Revenue Trust Fund.

Section 62 amends s. 817.568, F.S., to require the deposit of certain funds into the Indigent Criminal Defense Trust Fund instead of the Public Defenders Revenue Trust Fund.

Section 63 provides that the amendments to ss. 318.18, F.S., and 817.568, F.S., expire July 1, 2020, and the text of those sections reverts to that in existence on June 30, 2018.

Section 64 permits a Supreme Court justice who resides outside of Leon County to designate an official headquarters in the district in which he or she resides. The designated official headquarters may serve only as the justice's private chambers. The justice is eligible to receive subsistence at a rate to be established by the Chief Justice for each day or partial day that the justice is at the headquarters of the Supreme Court (Leon County) to conduct court business. In addition, the justice is eligible for reimbursement of travel expenses for travel between the justice's official headquarters and the headquarters of the Supreme Court.

Section 65 requires the Department of Management Services (DMS) and agencies to utilize a tenant broker to renegotiate private lease agreements, in excess of 2,000 square feet, expiring before June 30, 2022.

Section 66 continues the online procurement system transaction fee authorized in ss. 287.042(1)(h)1. and 287.057(22)(c), F.S., at 0.7 percent for the 2019-2020 fiscal year only.

Section 67 prohibits an agency from transferring funds from a data processing category to any category other than another data processing category.

Section 68 authorizes the Executive Office of the Governor (EOG) to transfer funds in the specific appropriation category "Data Processing Assessment–Agency for State Technology" between agencies, in order to align the budget authority granted with the assessments that must be paid by each agency to the Agency for State Technology (AST).

Section 69 authorizes the EOG to transfer funds in the appropriation category "Special Categories–Risk Management Insurance" between departments in order to align the budget authority granted with the premiums paid by each department for risk management insurance.

Section 70 authorizes the EOG to transfer funds in the appropriation category "Special Categories–Transfer to DMS–Human Resources Services Purchased per Statewide Contract" of the GAA for Fiscal Year 2019-2020 between departments, in order to align the budget authority granted with the assessments that must be paid by each agency to the DMS for human resources management services.

Section 71 defines the components of the Florida Accounting Information Resource subsystem (FLAIR) and Cash Management System (CMS) included in the Department of Financial Services Planning Accounting and Ledger Management (PALM) system. This section also provides the executive steering committee (ESC) membership and the process for ESC meetings and decisions.

Section 72 directs executive branch state agencies and the judicial branch to collaborate with the EOG and the DMS to implement and utilize the statewide travel management system.

Section 73 transfers the AST Budget and Policy Section, Cost Recovery Section, and administrative rules in chapter 74-3, F.A.C., to the DMS.

Section 74 amends s. 20.22, F.S., and directs the DMS to provide financial management oversight and legislative budget request support to the AST.

Section 75 amends s. 20.255, F.S., and directs the Department of Environmental Protection to act as the primary point of contact for statewide geographic information systems and grants, coordinate and promote statewide geospatial data sharing.

Section 76 amends s. 20.61, F.S., to remove financial management duties from the AST provided by the DMS. The section also removes specific designation of some AST positions.

Section 77 provides that the amendment to s. 20.61, F.S., expires July 1, 2020, and the text of that section reverts to that in existence on June 30, 2018.

Section 78 reenacts s. 282.0041, F.S., as amended in s. 58 of Chapter 2018-10, L.O.F., to create a new definition and revise several current definitions to align with the assessment of administrative costs to customers.

Section 79 reenacts s. 282.0051, F.S., as amended in s. 59 of Chapter 2018-10, L.O.F., to remove specific financial management duties including annual reconciliation, billing and refunds, and estimating customer costs from the AST.

Section 80 reenacts s. 282.201, F.S., as amended in s. 60 of Chapter 2018-10, L.O.F., to remove customer-billing duties from the AST.

Section 81 provides that the amendments to ss. 282.0041(5), (20), and (28), 282.0051(11), and 282.201(2)(d), F.S., expire July 1, 2020, and the text of those provisions reverts to that in existence on June 30, 2018.

Section 82 provides that, if legislation substantially similar to the amendments to ss. 20.22, 20.255, 20.61, 282.0041, 282.0051, and 282.201, F.S., is passed during the 2019 Regular Session and becomes law, then sections 73, 74, 75, 76, 77, 78, 79, and 80 of this bill will not take effect.

Section 83 amends s. 216.181(11)(d), F.S., to authorize the Legislative Budget Commission to increase amounts appropriated to the Fish and Wildlife Conservation Commission or the Department of Environmental Protection (DEP) for fixed capital outlay projects. The increase in fixed capital outlay budget authority is authorized for funds provided to the state from the Gulf Environmental Benefit Fund administered by the National Fish and Wildlife Foundation, the Gulf Coast Restoration Trust Fund related to the Resources and Ecosystems Sustainability, Tourist Opportunities, Revived Economies of the Gulf Coast Act of 2012 (RESTORE Act), or from British Petroleum Corporation (BP) for natural resources damage assessment early restoration projects. Any continuing commitment for future appropriations by the Legislature must be identified specifically.

Section 84 amends s. 215.18, F.S., to authorize the Governor to temporarily transfer moneys, from one or more of the trust funds in the State Treasury, to a land acquisition trust fund (LATF) within the Department of Agriculture and Consumer Services, the DEP, the Department of State, or the Fish and Wildlife Conservation Commission, whenever there is a deficiency that would render the LATF temporarily insufficient to meet its just requirements, including the timely payment of appropriations from that trust fund. These funds must be expended solely and exclusively in accordance with Art. X, s. 28 of the State Constitution. This transfer is a temporary loan, and the funds must be repaid to the trust funds from which the moneys are loaned by the end of the 2019-2020 fiscal year. Any action proposed pursuant to this subsection is subject to the notice, review, and objection procedures of s. 216.177, F.S., and the Governor shall provide notice of such action at least seven days before the effective date of the transfer of trust funds.

Section 85 provides that, in order to implement specific appropriations from the land acquisition trust funds within the Department of Agriculture and Consumer Services, the DEP, the Fish and Wildlife Conservation Commission, and the Department of State, the DEP will transfer a proportionate share of revenues in the Land Acquisition Trust Fund within the DEP on a monthly basis, after subtracting required debt service payments, to each agency and retain a proportionate share within the Land Acquisition Trust Fund within the DEP. Total

distributions to a land acquisition trust fund within the other agencies may not exceed the total appropriations for the fiscal year. The section further provides that DEP may advance funds from the beginning unobligated fund balance in the Land Acquisition Trust Fund to LATF within the Fish and Wildlife Conservation Commission for cash flow purposes.

Section 86 amends s. 375.041, F.S., relating to the Land Acquisition Trust Fund within the DEP to remove the requirement to fund Lake Apopka restoration.

Section 87 amends s. 216.181, F.S., to authorize the Legislative Budget Commission to increase amounts appropriated to the DEP for fixed capital outlay projects. The increase is authorized for funds provided to the state from the Trustee of the Environmental Mitigation Trust administered by Wilmington Trust for violation of the Clean Air Act by Volkswagen.

Section 88 authorizes the Department of Agriculture and Consumer Services to submit a budget amendment to increase budget authority for the National School Lunch program when necessary.

Section 89 extends the sunset date from June 30, 2019, to June 30, 2020, to authorize the Department of Agriculture and Consumer Services to use money deposited in the Pest Control Trust Fund to carry out any of the powers of the Division of Agricultural Environmental Services.

Section 90 amends s. 570.93 F.S., to revise the agricultural water conservation program to enable cost-share funds to continue to be used for irrigation system retrofits and mobile irrigation lab evaluations. The revision also permits the funds to be expended on additional water conservation activities pursuant to s. 403.067(7)(c), F.S.

Section 91 provides that the amendment to s. 570.93(1)(a), F.S., expires July 1, 2020, and the text of that paragraph reverts to that in existence on June 30, 2019.

Section 92 amends s. 527.07(1), F.S., to revise requirements for labeling petroleum measuring devices that have been inspected by the Department of Agriculture and Consumer Services.

Section 93 provides that the amendment to s. 525.07(1), F.S., expires July 1, 2020, and the text of that subsection reverts to that in existence on June 30, 2019.

Section 94 amends s. 259.105, F.S., to provide for distribution a specified amount from the Florida Forever Trust to the Division of State Lands within the DEP.

Section 95 amends s. 321.04, F.S., to provide that for the 2019-2020 fiscal year, the Department of Highway Safety and Motor Vehicles may assign a patrol officer to a Cabinet member if the department deems such assignment appropriate or if requested by such Cabinet member in response to a threat. Additionally, the Governor may request the department to assign one or more highway patrol officers to the Lieutenant Governor for security services.

Section 96 amends s. 420.9079, F.S., relating to the Local Government Housing Trust Fund, to allow funds to be used as provided in the GAA for Fiscal Year 2019-2020.

Section 97 amends s. 420.0005, F.S., relating to the State Housing Trust Fund, to allow funds to be used as provided in the GAA for Fiscal Year 2019-2020.

Section 98 amends s. 288.0655, F.S., relating to the Rural Infrastructure Fund to provide that funds appropriated for the grant program for Florida Panhandle counties shall be distributed pursuant to and for the purposes described in the proviso language associated with Specific Appropriation 2314 of the GAA for Fiscal Year 2019-2020.

Section 99 amends s. 288.1226, F.S., to extend the repeal date of the Florida Tourism Industry Marketing Corporation, doing business as VISIT FLORIDA, from October 1, 2019, to July 1, 2020.

Section 100 amends s. 288.923, F.S., to extend the repeal date of the Division of Tourism Marketing within Enterprise Florida, Inc., from October 1, 2019, to July 1, 2020.

Section 101 amends s. 339.135(7)(g), F.S., to authorize the chair and vice chair of the Legislative Budget Commission to approve, pursuant to s. 216.177, F.S., a work program amendment that transfers fixed capital outlay appropriations between categories or increases appropriation categories if a commission meeting cannot be held within 30 days of submittal of the amendment by the Department of Transportation.

Section 102 amends s. 339.2818, F.S., related to the Small County Outreach Program in the Department of Transportation, to provide grants to counties or municipalities named in the Hurricane Michael federal disaster declaration. The grants may fund 100 percent of the local road project's costs to repair damage due to Hurricane Michael, excluding road capacity improvements.

Section 103 amends s. 112.061, F.S., to authorize a lieutenant governor who permanently resides outside of Leon County to designate an official headquarters in his or her county as his or her official headquarters for purposes of s. 112.061, F.S. A lieutenant governor for whom an official headquarters in his or her county of residence is established may be paid travel and subsistence expenses when traveling between their official headquarters and the State Capitol to conduct state business.

Section 104 amends s. 216.292(2)(a), F.S., to grant broader legislative review of any "five percent" budget transfers. For the 2019-2020 fiscal year, the review must ensure the proposed action maximizes the use of available and appropriate trust funds, does not exceed delegated authority, and is not contrary to legislative policy and intent.

Section 105 requires the DMS to maintain and offer during Fiscal Year 2019-2020 for the State Group Health Insurance Program the standard and high deductible PPO and HMO plans which are offered during Fiscal Year 2018-2019, notwithstanding s. 110.123(3)(f) and (j), F.S.

Section 106 provides that no state agency may initiate a competitive solicitation for a product or service if the completion of such competitive solicitation would require a change in law or require a change to the agency's budget other than a transfer authorized in s. 216.292(2) or (3), F.S., unless the initiation of such competitive solicitation is specifically authorized in law or in the GAA or by the Legislative Budget Commission.

Section 107 amends s. 112.24, F.S., to provide that the reassignment of an employee of a state agency may be made if recommended by the Governor or Chief Justice, as appropriate, and approved by the chairs of the Senate and House of Representatives budget committees. Such actions shall be deemed approved if neither chair provides written notice of objection within 14 days after receiving notice of the action, pursuant to s. 216.177, F.S. This requirement applies to state employee reassignments regardless of which agency (sending or receiving) is responsible for pay and benefits of the assigned employee.

Section 108 maintains legislative salaries at the July 1, 2010, level.

Section 109 amends s. 215.32(2)(b), F.S., in order to implement the transfer of moneys to the General Revenue Fund from trust funds in the 2019-2020 GAA.

Section 110 reverts the language of s. 215.32(2)(b), F.S., to the text in effect on June 30, 2011.

Section 111 provides that funds appropriated for travel by state employees be limited to travel for activities that are critical to each state agency's mission. The section prohibits funds from being used to travel to foreign countries, other states, conferences, staff training, or other administrative functions unless the agency head approves in writing. The agency head is required to consider the use of teleconferencing and electronic communication to meet needs of activity before approving travel.

Section 112 provides that, notwithstanding s. 112.061, F.S., costs for lodging associated with a meeting, conference or convention organized or sponsored in whole or in part by a state agency or the judicial branch may not exceed $150 per day. An employee may expend his or her own funds for any lodging expenses in excess of $150 per day. Exempts travel for conducting an audit, examination, inspection or investigation or travel activities relating to a litigation or emergency response.

Section 113 provides that a state agency may not enter into a contract containing a nondisclosure clause that prohibits a contractor from disclosing to members or staff of the Legislature information relevant to the performance of the contract.

Section 114 specifies that no section of the bill shall take effect if the appropriations and proviso to which it relates are vetoed.

Section 115 provides that a permanent change made by another law to any of the same statutes amended by this bill will take precedence over the provision in this bill.

Section 116 provides a severability clause.

Section 117 provides effective dates.

Conference Committee Amendment (326660) (with title amendment)—Delete everything after the enacting clause and insert:

Section 1. *It is the intent of the Legislature that the implementing and administering provisions of this act apply to the General Appropriations Act for the 2019-2020 fiscal year.*

Section 2. *In order to implement Specific Appropriations 6, 7, 8, 93, and 94 of the 2019-2020 General Appropriations Act, the calculations of the Florida Education Finance Program for the 2019-2020 fiscal year included in the document titled "Public School Funding: The Florida Education Finance Program," dated May 1, 2019, and filed with the Secretary of the Senate, are incorporated by reference for the purpose of displaying the calculations used by the Legislature, consistent with the requirements of state law, in making appropriations for the Florida Education Finance Program. This section expires July 1, 2020.*

Section 3. *In order to implement Specific Appropriations 6 and 93 of the 2019-2020 General Appropriations Act, and notwithstanding ss. 1002.20, 1003.02, 1006.28-1006.42, 1011.62(6)(b)3., and 1011.67, Florida Statutes, relating to the expenditure of funds provided for instructional materials, for the 2019-2020 fiscal year, funds provided for instructional materials shall be released and expended as required in the proviso language for Specific Appropriation 93 of the 2019-2020 General Appropriations Act. This section expires July 1, 2020.*

Section 4. Effective July 1, 2019, upon the expiration and reversion of the amendment made to section 1009.215, Florida Statutes, pursuant to section 13 of chapter 2018-10, Laws of Florida, and in order to implement Specific Appropriation 4 of the 2019-2020 General Appropriations Act, subsection (3) of section 1009.215, Florida Statutes, is amended to read:

1009.215 Student enrollment pilot program for the spring and summer terms.—

(3) Students who are enrolled in the pilot program and who are eligible to receive Bright Futures Scholarships under ss. 1009.53-1009.536 *are* ~~shall be~~ eligible to receive the scholarship award for attendance during *the spring and summer terms. This student cohort is also eligible to receive Bright Futures Scholarships during the fall term, which may be used for off-campus or online coursework, if Bright Futures Scholarship funding is provided by the Legislature for three terms for other eligible students during that academic year* ~~no more than 2 semesters or the equivalent in any fiscal year, including the summer term~~.

Section 5. *The amendment to s. 1009.215(3), Florida Statutes, by this act expires July 1, 2020, and the text of that subsection shall revert to that in existence on June 30, 2018, except that any amendments to such text enacted other than by this act shall be preserved and continue to operate to the extent that such amendments are not dependent upon the portions of text which expire pursuant to this section.*

Section 6. In order to implement Specific Appropriations 6 and 93 of the 2019-2020 General Appropriations Act, subsection (17) of section 1011.62, Florida Statutes, is amended to read:

1011.62 Funds for operation of schools.—If the annual allocation from the Florida Education Finance Program to each district for operation of schools is not determined in the annual appropriations act or the substantive bill implementing the annual appropriations act, it shall be determined as follows:

(17) FUNDING COMPRESSION ALLOCATION.—The Legislature may provide an annual funding compression allocation in the General Appropriations Act. The allocation is created to provide additional funding to school districts and developmental research schools whose total funds per FTE in the prior year were less than the statewide average. Using the most recent prior year FEFP calculation for each eligible school district, the total funds per FTE shall be subtracted from the state average funds per FTE, not including any adjustments made pursuant to paragraph (18)(b). The resulting funds per FTE difference, or a portion thereof, as designated in the General Appropriations Act, shall then be multiplied by the school district's total unweighted FTE to provide the allocation. If the calculated funds are greater than the amount included in the General Appropriations Act, they must be prorated to the appropriation amount based on each participating school district's share. This subsection expires July 1, *2020* ~~2019~~.

Section 7. In order to implement Specific Appropriation 122 of the 2019-2020 General Appropriations Act, and notwithstanding the expiration date in section 6 of chapter 2018-10, Laws of Florida, subsection (1) of section 1001.26, Florida Statutes, is reenacted to read:

1001.26 Public broadcasting program system.—

(1) There is created a public broadcasting program system for the state. The department shall provide funds, as specifically appropriated in the General Appropriations Act, to educational television stations qualified by the Corporation for Public Broadcasting or public colleges and universities that are part of the public broadcasting program system. The program system must include:

(a) Support for existing Corporation for Public Broadcasting qualified program system educational television stations.

(b) Maintenance of quality broadcast capability for educational stations that are part of the program system.

(c) Interconnection of all educational stations that are part of the program system for simultaneous broadcast and of such stations with all universities and other institutions as necessary for sharing of resources and delivery of programming.

(d) Establishment and maintenance of a capability for statewide program distribution with facilities and staff, provided such facilities and staff complement and strengthen existing educational television stations.

(e) Provision of both statewide programming funds and station programming support for educational television to meet statewide priorities. Priorities for station programming need not be the same as priorities for programming to be used statewide. Station programming may include, but shall not be limited to, citizens' participation programs, music and fine arts programs, coverage of public hearings and governmental meetings, equal air time for political candidates, and other public interest programming.

Section 8. *The text of s. 1001.26(1), Florida Statutes, as carried forward from chapter 2018-10, Laws of Florida, by this act, expires July 1, 2020, and the text of that subsection shall revert to that in existence on June 30, 2018, except that any amendments enacted other than by this act shall be preserved and continue to operate to the extent that such amendments are not dependent upon the portions of text which expire pursuant to this section.*

Section 9. In order to implement Specific Appropriation 123 of the 2019-2020 General Appropriations Act, paragraph (b) of subsection (6) of section 1011.80, Florida Statutes, is amended to read:

1011.80 Funds for operation of workforce education programs.—

(6)

(b) Performance funding for industry certifications for school district workforce education programs is contingent upon specific appropriation in the General Appropriations Act and shall be determined as follows:

1. Occupational areas for which industry certifications may be earned, as established in the General Appropriations Act, are eligible for performance funding. Priority shall be given to the occupational

areas emphasized in state, national, or corporate grants provided to Florida educational institutions.

2. The Chancellor of Career and Adult Education shall identify the industry certifications eligible for funding on the CAPE Postsecondary Industry Certification Funding List approved by the State Board of Education pursuant to s. 1008.44, based on the occupational areas specified in the General Appropriations Act.

3. Each school district shall be provided $1,000 for each industry certification earned by a workforce education student. ~~The maximum amount of funding appropriated for performance funding pursuant to this paragraph shall be limited to $15 million annually.~~ If funds are insufficient to fully fund the calculated total award, such funds shall be prorated.

Section 10. In order to implement Specific Appropriation 128 of the 2019-2020 General Appropriations Act, paragraph (c) of subsection (2) of section 1011.81, Florida Statutes, is amended to read:

1011.81 Florida College System Program Fund.—

(2) Performance funding for industry certifications for Florida College System institutions is contingent upon specific appropriation in the General Appropriations Act and shall be determined as follows:

(c) Each Florida College System institution shall be provided $1,000 for each industry certification earned by a student. ~~The maximum amount of funding appropriated for performance funding pursuant to this subsection shall be limited to $15 million annually.~~ If funds are insufficient to fully fund the calculated total award, such funds shall be prorated.

Section 11. *The amendments to s. 1011.80(6)(b) and s. 1011.81(2)(c), Florida Statutes, by this act expire July 1, 2020, and the text of those paragraphs shall revert to that in existence on June 30, 2019, except that any amendments to such text enacted other than by this act shall be preserved and continue to operate to the extent that such amendments are not dependent upon the portions of text which expire pursuant to this section.*

Section 12. *Effective upon becoming a law, in order to implement Specific Appropriations 6 and 93 of the 2019-2020 General Appropriations Act, notwithstanding the requirements of s. 1002.37(2), Florida Statutes, the State Board of Education shall serve as the board of trustees of the Florida Virtual School established pursuant to s. 1002.37, Florida Statutes.*

(1) The State Board of Education sitting as the board of trustees of the Florida Virtual School shall appoint an executive director, who will report directly to the Commissioner of Education. In this capacity, the board may only take actions to conserve and maintain the Florida Virtual School by ensuring the execution of programs, contracts, services, and agreements in place on or before May 1, 2019. The board may extend or renew contracts as necessary to maintain and operate existing programs and services. In addition, the board shall administer personnel programs for all employees of the Florida Virtual School in accordance with s. 1002.37(2)(f), Florida Statutes.

(2) The executive director shall, within existing resources, competitively award a contract for an independent third-party consulting firm to conduct financial, operational, or performance audits, as defined by s. 11.45, Florida Statutes, of the Florida Virtual School in accordance with generally-accepted government auditing standards. The Office of the Inspector General of the Department of Education shall oversee the audit. The consulting firm shall submit the results of the audit along with recommendations in accordance with s. 1002.37, Florida Statutes, to the Commissioner of Education by October 1, 2019. The Department of Education shall provide recommendations regarding the governance, operation, and organization of the Florida Virtual School to the Governor, the President of the Senate, and the Speaker of the House of Representatives by November 1, 2019.

(3) This section expires July 1, 2020.

Section 13. *In order to implement Specific Appropriations 2753 and 2754 of the 2019-2020 General Appropriations Act, the Office of Economic and Demographic Research shall develop a methodology for calculating each school district's wage level index using appropriate county-level and occupational-level wage data. In developing the methodology, the office shall seek the input from a broad range of stakeholders, including but not limited to, school districts and the Department of Economic Opportunity, to identify the key factors that result in cost differences among counties and their relative magnitude. To the maximum extent feasible, the office shall develop a methodology for calculating each school district's wage level index that minimizes the effects of temporary disruptions in the data due to adverse events or disturbances. The office shall compare the district-level impact of each school district's wage level index as calculated by the office versus the Florida Price Level Index used for each school district for the 2019-2020 fiscal year district cost differential and provide a transition plan that minimizes any negative impacts for beginning with the 2020-2021 fiscal year using the wage level index as calculated by the office. The office shall submit the transition plan to the President of the Senate, the Speaker of the House of Representatives, and the Governor by October 1, 2019. The implementation of the transition plan may not occur unless affirmatively enacted by the Legislature. This section expires July 1, 2020.*

Section 14. *In order to implement Specific Appropriations 203, 204, 207, and 211 of the 2019-2020 General Appropriations Act, the calculations for the Medicaid Disproportionate Share Hospital and Hospital Reimbursement programs for the 2019-2020 fiscal year contained in the document titled "Medicaid Disproportionate Share Hospital and Hospital Reimbursement Programs, Fiscal Year 2019-2020," dated May 1, 2019, and filed with the Secretary of the Senate, are incorporated by reference for the purpose of displaying the calculations used by the Legislature, consistent with the requirements of state law, in making appropriations for the Medicaid Disproportionate Share Hospital and Hospital Reimbursement programs. This section expires July 1, 2020.*

Section 15. *In order to implement Specific Appropriations 197 through 224 and 523 of the 2019-2020 General Appropriations Act, and notwithstanding ss. 216.181 and 216.292, Florida Statutes, the Agency for Health Care Administration, in consultation with the Department of Health, may submit a budget amendment, subject to the notice, review, and objection procedures of s. 216.177, Florida Statutes, to realign funding within and between agencies based on implementation of the Managed Medical Assistance component of the Statewide Medicaid Managed Care program for the Children's Medical Services program of the Department of Health. The funding realignment shall reflect the actual enrollment changes due to the transfer of beneficiaries from fee-for-service to the capitated Children's Medical Services Network. The Agency for Health Care Administration may submit a request for nonoperating budget authority to transfer the federal funds to the Department of Health pursuant to s. 216.181(12), Florida Statutes. This section expires July 1, 2020.*

Section 16. Effective October 1, 2019, in order to implement Specific Appropriations 221 and 222 of the 2019-2020 General Appropriations Act, subsection (2) of section 409.908, Florida Statutes, as amended by section 19 of chapter 2018-10, Laws of Florida, is amended to read:

409.908 Reimbursement of Medicaid providers.—Subject to specific appropriations, the agency shall reimburse Medicaid providers, in accordance with state and federal law, according to methodologies set forth in the rules of the agency and in policy manuals and handbooks incorporated by reference therein. These methodologies may include fee schedules, reimbursement methods based on cost reporting, negotiated fees, competitive bidding pursuant to s. 287.057, and other mechanisms the agency considers efficient and effective for purchasing services or goods on behalf of recipients. If a provider is reimbursed based on cost reporting and submits a cost report late and that cost report would have been used to set a lower reimbursement rate for a rate semester, then the provider's rate for that semester shall be retroactively calculated using the new cost report, and full payment at the recalculated rate shall be effected retroactively. Medicare-granted extensions for filing cost reports, if applicable, shall also apply to Medicaid cost reports. Payment for Medicaid compensable services made on behalf of Medicaid eligible persons is subject to the availability of moneys and any limitations or directions provided for in the General Appropriations Act or chapter 216. Further, nothing in this section shall be construed to prevent or limit the agency from adjusting fees, reimbursement rates, lengths of stay, number of visits, or number of services, or making any other adjustments necessary to comply with the availability of moneys and any limitations or directions provided for in the General Appropriations Act, provided the adjustment is consistent with legislative intent.

(2)(a)1. Reimbursement to nursing homes licensed under part II of chapter 400 and state-owned-and-operated intermediate care facilities for the developmentally disabled licensed under part VIII of chapter 400 must be made prospectively.

2. Unless otherwise limited or directed in the General Appropriations Act, reimbursement to hospitals licensed under part I of chapter 395 for the provision of swing-bed nursing home services must be made on the basis of the average statewide nursing home payment, and reimbursement to a hospital licensed under part I of chapter 395 for the provision of skilled nursing services must be made on the basis of the average nursing home payment for those services in the county in which the hospital is located. When a hospital is located in a county that does not have any community nursing homes, reimbursement shall be determined by averaging the nursing home payments in counties that surround the county in which the hospital is located. Reimbursement to hospitals, including Medicaid payment of Medicare copayments, for skilled nursing services shall be limited to 30 days, unless a prior authorization has been obtained from the agency. Medicaid reimbursement may be extended by the agency beyond 30 days, and approval must be based upon verification by the patient's physician that the patient requires short-term rehabilitative and recuperative services only, in which case an extension of no more than 15 days may be approved. Reimbursement to a hospital licensed under part I of chapter 395 for the temporary provision of skilled nursing services to nursing home residents who have been displaced as the result of a natural disaster or other emergency may not exceed the average county nursing home payment for those services in the county in which the hospital is located and is limited to the period of time which the agency considers necessary for continued placement of the nursing home residents in the hospital.

(b) Subject to any limitations or directions in the General Appropriations Act, the agency shall establish and implement a state Title XIX Long-Term Care Reimbursement Plan for nursing home care in order to provide care and services in conformance with the applicable state and federal laws, rules, regulations, and quality and safety standards and to ensure that individuals eligible for medical assistance have reasonable geographic access to such care.

1. The agency shall amend the long-term care reimbursement plan and cost reporting system to create direct care and indirect care subcomponents of the patient care component of the per diem rate. These two subcomponents together shall equal the patient care component of the per diem rate. Separate prices shall be calculated for each patient care subcomponent, initially based on the September 2016 rate setting cost reports and subsequently based on the most recently audited cost report used during a rebasing year. The direct care subcomponent of the per diem rate for any providers still being reimbursed on a cost basis shall be limited by the cost-based class ceiling, and the indirect care subcomponent may be limited by the lower of the cost-based class ceiling, the target rate class ceiling, or the individual provider target. The ceilings and targets apply only to providers being reimbursed on a cost-based system. Effective October 1, 2018, a prospective payment methodology shall be implemented for rate setting purposes with the following parameters:

a. Peer Groups, including:

(I) North-SMMC Regions 1-9, less Palm Beach and Okeechobee Counties; and

(II) South-SMMC Regions 10-11, plus Palm Beach and Okeechobee Counties.

b. Percentage of Median Costs based on the cost reports used for September 2016 rate setting:

(I) Direct Care Costs . . . . . 100 percent.

(II) Indirect Care Costs . . . . . 92 percent.

(III) Operating Costs . . . . . 86 percent.

c. Floors:

(I) Direct Care Component . . . . . 95 percent.

(II) Indirect Care Component . . . . . 92.5 percent.

(III) Operating Component . . . . . None.

d. Pass-through Payments. . . . .Real Estate and Personal Property Taxes and Property Insurance.

e. Quality Incentive Program Payment Pool . .*6.5* ~~6~~ percent of September 2016 non-property related payments of included facilities.

f. Quality Score Threshold to Quality for Quality Incentive Payment . . . . . 20th percentile of included facilities.

g. Fair Rental Value System Payment Parameters:

(I) Building Value per Square Foot based on 2018 RS Means.

(II) Land Valuation . . . . . 10 percent of Gross Building value.

(III) Facility Square Footage . . . . . Actual Square Footage.

(IV) Moveable Equipment Allowance. . . . . .$8,000 per bed.

(V) Obsolescence Factor . . . . . 1.5 percent.

(VI) Fair Rental Rate of Return . . . . . .8 percent.

(VII) Minimum Occupancy . . . . . .90 percent.

(VIII) Maximum Facility Age . . . . . 40 years.

(IX) Minimum Square Footage per Bed. . . . . 350.

(X) Maximum Square Footage for Bed. . . . . 500.

(XI) Minimum Cost of a renovation/replacements . . . $500 per bed.

h. Ventilator Supplemental payment of $200 per Medicaid day of 40,000 ventilator Medicaid days per fiscal year.

2. The direct care subcomponent shall include salaries and benefits of direct care staff providing nursing services including registered nurses, licensed practical nurses, and certified nursing assistants who deliver care directly to residents in the nursing home facility, allowable therapy costs, and dietary costs. This excludes nursing administration, staff development, the staffing coordinator, and the administrative portion of the minimum data set and care plan coordinators. The direct care subcomponent also includes medically necessary dental care, vision care, hearing care, and podiatric care.

3. All other patient care costs shall be included in the indirect care cost subcomponent of the patient care per diem rate, including complex medical equipment, medical supplies, and other allowable ancillary costs. Costs may not be allocated directly or indirectly to the direct care subcomponent from a home office or management company.

4. On July 1 of each year, the agency shall report to the Legislature direct and indirect care costs, including average direct and indirect care costs per resident per facility and direct care and indirect care salaries and benefits per category of staff member per facility.

5. Every fourth year, the agency shall rebase nursing home prospective payment rates to reflect changes in cost based on the most recently audited cost report for each participating provider.

6. A direct care supplemental payment may be made to providers whose direct care hours per patient day are above the 80th percentile and who provide Medicaid services to a larger percentage of Medicaid patients than the state average.

7. For the period beginning on October 1, 2018, and ending on September 30, 2021, the agency shall reimburse providers the greater of their September 2016 cost-based rate or their prospective payment rate. Effective October 1, 2021, the agency shall reimburse providers the greater of 95 percent of their cost-based rate or their rebased prospective payment rate, using the most recently audited cost report for each facility. This subparagraph shall expire September 30, 2023.

8. Pediatric, Florida Department of Veterans Affairs, and government-owned facilities are exempt from the pricing model established in this subsection and shall remain on a cost-based prospective payment

system. Effective October 1, 2018, the agency shall set rates for all facilities remaining on a cost-based prospective payment system using each facility's most recently audited cost report, eliminating retroactive settlements.

It is the intent of the Legislature that the reimbursement plan achieve the goal of providing access to health care for nursing home residents who require large amounts of care while encouraging diversion services as an alternative to nursing home care for residents who can be served within the community. The agency shall base the establishment of any maximum rate of payment, whether overall or component, on the available moneys as provided for in the General Appropriations Act. The agency may base the maximum rate of payment on the results of scientifically valid analysis and conclusions derived from objective statistical data pertinent to the particular maximum rate of payment.

Section 17. *The amendment made by this act to s. 409.908(2), Florida Statutes, by this act expires July 1, 2020, and the text of that subsection shall revert to that in existence on July 1, 2019, except that any amendments to such text enacted other than by this act shall be preserved and continue to operate to the extent that such amendments are not dependent upon the portions of text which expire pursuant to this section.*

Section 18. In order to implement Specific Appropriations 221 and 222 of the 2019-2020 General Appropriations Act, and notwithstanding the expiration date in section 19 of chapter 2018-10, Laws of Florida, subsection (23) of section 409.908, Florida Statutes, is reenacted to read:

409.908 Reimbursement of Medicaid providers.—Subject to specific appropriations, the agency shall reimburse Medicaid providers, in accordance with state and federal law, according to methodologies set forth in the rules of the agency and in policy manuals and handbooks incorporated by reference therein. These methodologies may include fee schedules, reimbursement methods based on cost reporting, negotiated fees, competitive bidding pursuant to s. 287.057, and other mechanisms the agency considers efficient and effective for purchasing services or goods on behalf of recipients. If a provider is reimbursed based on cost reporting and submits a cost report late and that cost report would have been used to set a lower reimbursement rate for a rate semester, then the provider's rate for that semester shall be retroactively calculated using the new cost report, and full payment at the recalculated rate shall be effected retroactively. Medicare-granted extensions for filing cost reports, if applicable, shall also apply to Medicaid cost reports. Payment for Medicaid compensable services made on behalf of Medicaid eligible persons is subject to the availability of moneys and any limitations or directions provided for in the General Appropriations Act or chapter 216. Further, nothing in this section shall be construed to prevent or limit the agency from adjusting fees, reimbursement rates, lengths of stay, number of visits, or number of services, or making any other adjustments necessary to comply with the availability of moneys and any limitations or directions provided for in the General Appropriations Act, provided the adjustment is consistent with legislative intent.

(23)(a) The agency shall establish rates at a level that ensures no increase in statewide expenditures resulting from a change in unit costs for county health departments effective July 1, 2011. Reimbursement rates shall be as provided in the General Appropriations Act.

(b)1. Base rate reimbursement for inpatient services under a diagnosis-related group payment methodology shall be provided in the General Appropriations Act.

2. Base rate reimbursement for outpatient services under an enhanced ambulatory payment group methodology shall be provided in the General Appropriations Act.

3. Prospective payment system reimbursement for nursing home services shall be as provided in subsection (2) and in the General Appropriations Act.

Section 19. *The text of s. 409.908(23), Florida Statutes, as carried forward from chapter 2018-10, Laws of Florida, by this act, expires July 1, 2020, and the text of that subsection shall revert to that in existence on October 1, 2018, not including any amendments made by chapter 2018-10, Laws of Florida, except that any amendments to such text enacted other than by this act and chapter 2018-10, Laws of Florida, shall be preserved and continue to operate to the extent that such amendments are not dependent upon the portions of text which expire pursuant to this section.*

Section 20. In order to implement Specific Appropriation 205 of the 2019-2020 General Appropriations Act, subsection (26) of section 409.908, Florida Statutes, is amended to read:

409.908 Reimbursement of Medicaid providers.—Subject to specific appropriations, the agency shall reimburse Medicaid providers, in accordance with state and federal law, according to methodologies set forth in the rules of the agency and in policy manuals and handbooks incorporated by reference therein. These methodologies may include fee schedules, reimbursement methods based on cost reporting, negotiated fees, competitive bidding pursuant to s. 287.057, and other mechanisms the agency considers efficient and effective for purchasing services or goods on behalf of recipients. If a provider is reimbursed based on cost reporting and submits a cost report late and that cost report would have been used to set a lower reimbursement rate for a rate semester, then the provider's rate for that semester shall be retroactively calculated using the new cost report, and full payment at the recalculated rate shall be effected retroactively. Medicare-granted extensions for filing cost reports, if applicable, shall also apply to Medicaid cost reports. Payment for Medicaid compensable services made on behalf of Medicaid eligible persons is subject to the availability of moneys and any limitations or directions provided for in the General Appropriations Act or chapter 216. Further, nothing in this section shall be construed to prevent or limit the agency from adjusting fees, reimbursement rates, lengths of stay, number of visits, or number of services, or making any other adjustments necessary to comply with the availability of moneys and any limitations or directions provided for in the General Appropriations Act, provided the adjustment is consistent with legislative intent.

(26) The agency may receive funds from state entities, including, but not limited to, the Department of Health, local governments, and other local political subdivisions, for the purpose of making special exception payments *and Low Income Pool Program payments*, including federal matching funds. Funds received for this purpose shall be separately accounted for and may not be commingled with other state or local funds in any manner. The agency may certify all local governmental funds used as state match under Title XIX of the Social Security Act to the extent and in the manner authorized under the General Appropriations Act and pursuant to an agreement between the agency and the local governmental entity. In order for the agency to certify such local governmental funds, a local governmental entity must submit a final, executed letter of agreement to the agency, which must be received by October 1 of each fiscal year and provide the total amount of local governmental funds authorized by the entity for that fiscal year under the General Appropriations Act. The local governmental entity shall use a certification form prescribed by the agency. At a minimum, the certification form must identify the amount being certified and describe the relationship between the certifying local governmental entity and the local health care provider. Local governmental funds outlined in the letters of agreement must be received by the agency no later than October 31 of each fiscal year in which such funds are pledged, unless an alternative plan is specifically approved by the agency.

Section 21. *The amendment to s. 409.908(26), Florida Statutes, by this act expires July 1, 2020, and the text of that subsection shall revert to that in existence on June 30, 2019, except that any amendments to such text enacted other than by this act shall be preserved and continue to operate to the extent that such amendments are not dependent upon the portions of text which expire pursuant to this section.*

Section 22. In order to implement Specific Appropriation 192 of the 2019-2020 General Appropriations Act, subsection (6) of section 409.912, Florida Statutes, is amended to read:

409.912 Cost-effective purchasing of health care.—The agency shall purchase goods and services for Medicaid recipients in the most cost-effective manner consistent with the delivery of quality medical care. To ensure that medical services are effectively utilized, the agency may, in any case, require a confirmation or second physician's opinion of the correct diagnosis for purposes of authorizing future services under the Medicaid program. This section does not restrict access to emergency services or poststabilization care services as defined in 42 C.F.R. s. 438.114. Such confirmation or second opinion shall be rendered in a

manner approved by the agency. The agency shall maximize the use of prepaid per capita and prepaid aggregate fixed-sum basis services when appropriate and other alternative service delivery and reimbursement methodologies, including competitive bidding pursuant to s. 287.057, designed to facilitate the cost-effective purchase of a case-managed continuum of care. The agency shall also require providers to minimize the exposure of recipients to the need for acute inpatient, custodial, and other institutional care and the inappropriate or unnecessary use of high-cost services. The agency shall contract with a vendor to monitor and evaluate the clinical practice patterns of providers in order to identify trends that are outside the normal practice patterns of a provider's professional peers or the national guidelines of a provider's professional association. The vendor must be able to provide information and counseling to a provider whose practice patterns are outside the norms, in consultation with the agency, to improve patient care and reduce inappropriate utilization. The agency may mandate prior authorization, drug therapy management, or disease management participation for certain populations of Medicaid beneficiaries, certain drug classes, or particular drugs to prevent fraud, abuse, overuse, and possible dangerous drug interactions. The Pharmaceutical and Therapeutics Committee shall make recommendations to the agency on drugs for which prior authorization is required. The agency shall inform the Pharmaceutical and Therapeutics Committee of its decisions regarding drugs subject to prior authorization. The agency is authorized to limit the entities it contracts with or enrolls as Medicaid providers by developing a provider network through provider credentialing. The agency may competitively bid single-source-provider contracts if procurement of goods or services results in demonstrated cost savings to the state without limiting access to care. The agency may limit its network based on the assessment of beneficiary access to care, provider availability, provider quality standards, time and distance standards for access to care, the cultural competence of the provider network, demographic characteristics of Medicaid beneficiaries, practice and provider-to-beneficiary standards, appointment wait times, beneficiary use of services, provider turnover, provider profiling, provider licensure history, previous program integrity investigations and findings, peer review, provider Medicaid policy and billing compliance records, clinical and medical record audits, and other factors. Providers are not entitled to enrollment in the Medicaid provider network. The agency shall determine instances in which allowing Medicaid beneficiaries to purchase durable medical equipment and other goods is less expensive to the Medicaid program than long-term rental of the equipment or goods. The agency may establish rules to facilitate purchases in lieu of long-term rentals in order to protect against fraud and abuse in the Medicaid program as defined in s. 409.913. The agency may seek federal waivers necessary to administer these policies.

(6) Notwithstanding the provisions of chapter 287, the agency may, at its discretion, renew a contract or contracts for fiscal intermediary services one or more times for such periods as the agency may decide; however, all such renewals may not combine to exceed a total period longer than the term of the original contract*, with the exception of the fiscal agent contract scheduled to end in calendar year 2020, which may be extended by the agency through December 31, 2024*.

Section 23. *The amendment to s. 409.912(6), Florida Statutes, by this act expires July 1, 2020, and the text of that subsection shall revert to that in existence on June 30, 2019, except that any amendments to such text enacted other than by this act shall be preserved and continue to operate to the extent that such amendments are not dependent upon the portions of text which expire pursuant to this section.*

Section 24. In order to implement Specific Appropriations 203, 207, 208, 210, 212, and 221 of the 2019-2020 General Appropriations Act, subsection (12) is added to section 409.904, Florida Statutes, to read:

409.904 Optional payments for eligible persons.—The agency may make payments for medical assistance and related services on behalf of the following persons who are determined to be eligible subject to the income, assets, and categorical eligibility tests set forth in federal and state law. Payment on behalf of these Medicaid eligible persons is subject to the availability of moneys and any limitations established by the General Appropriations Act or chapter 216.

(12) Effective July 1, 2019, the agency shall make payments to Medicaid-covered services:

(a) For eligible children and pregnant women, retroactive for a period of no more than 90 days before the month in which an application for Medicaid is submitted.

(b) For eligible nonpregnant adults, retroactive to the first day of the month in which an application for Medicaid is submitted.

This subsection expires July 1, 2020.

Section 25. *In order to implement Specific Appropriations 203, 207, 208, 210, 212, and 221 of the 2019-2020 General Appropriations Act:*

(1) By January 10, 2020, the Agency for Health Care Administration, in consultation with the Department of Children and Families, the Florida Hospital Association, the Safety Net Hospital Alliance of Florida, the Florida Health Care Association, and LeadingAge Florida, shall submit a report to the Governor, the President of the Senate, and the Speaker of the House of Representatives regarding the impact of the waiver of Medicaid retroactive eligibility on beneficiaries and providers. The report must include, but is not limited to:

(a) The total unduplicated number of nonpregnant adults who applied for Medicaid at a hospital site from February 1, 2019, through December 6, 2019; and, of those applicants, the number whose Medicaid applications were approved, the number whose Medicaid applications were denied, and the reasons for denial ranked by frequency.

(b) The total unduplicated number of nonpregnant adults who applied for Medicaid at a nursing home site from February 1, 2019, through December 6, 2019; and, of those applicants, the number whose Medicaid applications were approved, the number whose Medicaid applications were denied, and the reasons for denial ranked by frequency.

(c) The estimated impact of medical debt on people for whom a Medicaid application was not submitted in the same month when the individual became an inpatient of a hospital or a resident of a nursing home.

(d) Recommendations to improve outreach and Medicaid coverage for nonpregnant adults who would be eligible for Medicaid if they applied before an event that requires hospital or nursing home care.

(2) The Agency for Health Care Administration shall also include, as part of the report required by this section, a copy of the evaluation design and performance metrics submitted to the federal Centers for Medicare and Medicaid Services relating to the waiver of Medicaid retroactive eligibility, in conformity with the Special Terms and Conditions of this state's Section 1115 demonstration project, titled Managed Medical Assistance (MMA) Program (Project No. 11-W-00206/4).

This section expires July 1, 2020.

Section 26. In order to implement Specific Appropriation 245 of the 2019-2020 General Appropriations Act, subsection (10) of section 393.0661, Florida Statutes, is amended to read:

393.0661 Home and community-based services delivery system; comprehensive redesign.—The Legislature finds that the home and community-based services delivery system for persons with developmental disabilities and the availability of appropriated funds are two of the critical elements in making services available. Therefore, it is the intent of the Legislature that the Agency for Persons with Disabilities shall develop and implement a comprehensive redesign of the system.

(10) Implementation of Medicaid waiver programs and services authorized under this chapter is limited by the funds appropriated for the individual budgets pursuant to s. 393.0662 and the four-tiered waiver system pursuant to subsection (3). Contracts with independent support coordinators and service providers must include provisions requiring compliance with agency cost containment initiatives. The agency shall implement monitoring and accounting procedures necessary to track actual expenditures and project future spending compared to available appropriations for Medicaid waiver programs. When necessary based on projected deficits, the agency must establish specific corrective action plans that incorporate corrective actions of contracted providers that are sufficient to align program expenditures with annual appropriations. If deficits continue during the *2018-2019* ~~2012-2013~~ fiscal year, the agency in conjunction with the Agency for Health Care Administration shall develop a plan to redesign the waiver program and

submit the plan to the President of the Senate and the Speaker of the House of Representatives by September 30, *2019* ~~2013~~. At a minimum, the plan must include the following elements:

(a) Budget predictability.—Agency budget recommendations must include specific steps to restrict spending to budgeted amounts based on alternatives to the iBudget and four-tiered Medicaid waiver models.

(b) Services.—The agency shall identify core services that are essential to provide for client health and safety and recommend elimination of coverage for other services that are not affordable based on available resources.

(c) Flexibility.—The redesign shall be responsive to individual needs and to the extent possible encourage client control over allocated resources for their needs.

(d) Support coordination services.—The plan shall modify the manner of providing support coordination services to improve management of service utilization and increase accountability and responsiveness to agency priorities.

(e) Reporting.—The agency shall provide monthly reports to the President of the Senate and the Speaker of the House of Representatives on plan progress and development on July 31, *2019* ~~2013~~, and August 31, *2019* ~~2013~~.

(f) Implementation.—The implementation of a redesigned program is subject to legislative approval ~~and shall occur no later than July 1, 2014~~. The Agency for Health Care Administration shall seek federal waivers as needed to implement the redesigned plan *once* approved by the Legislature.

Section 27. *The amendment made to s. 393.0661(10), Florida Statutes, by this act expires July 1, 2020, and the text of that subsection shall revert to that in existence on June 30, 2019, except that any amendments to such text enacted other than by this act shall be preserved and continue to operate to the extent that such amendments are not dependent upon the portions of text which expire pursuant to this section.*

Section 28. In order to implement Specific Appropriations 221 and 222 of the 2019-2020 General Appropriations Act, paragraph (d) of subsection (2) of section 400.179, Florida Statutes, is amended to read:

400.179 Liability for Medicaid underpayments and overpayments.—

(2) Because any transfer of a nursing facility may expose the fact that Medicaid may have underpaid or overpaid the transferor, and because in most instances, any such underpayment or overpayment can only be determined following a formal field audit, the liabilities for any such underpayments or overpayments shall be as follows:

(d) Where the transfer involves a facility that has been leased by the transferor:

1. The transferee shall, as a condition to being issued a license by the agency, acquire, maintain, and provide proof to the agency of a bond with a term of 30 months, renewable annually, in an amount not less than the total of 3 months' Medicaid payments to the facility computed on the basis of the preceding 12-month average Medicaid payments to the facility.

2. A leasehold licensee may meet the requirements of subparagraph 1. by payment of a nonrefundable fee, paid at initial licensure, paid at the time of any subsequent change of ownership, and paid annually thereafter, in the amount of 1 percent of the total of 3 months' Medicaid payments to the facility computed on the basis of the preceding 12-month average Medicaid payments to the facility. If a preceding 12-month average is not available, projected Medicaid payments may be used. The fee shall be deposited into the Grants and Donations Trust Fund and shall be accounted for separately as a Medicaid nursing home overpayment account. These fees shall be used at the sole discretion of the agency to repay nursing home Medicaid overpayments or for enhanced payments to nursing facilities as specified in the General Appropriations Act or other law. Payment of this fee shall not release the licensee from any liability for any Medicaid overpayments, nor shall payment bar the agency from seeking to recoup overpayments from the licensee and any other liable party. As a condition of exercising this lease bond alternative, licensees paying this fee must maintain an existing lease bond through the end of the 30-month term period of that bond. The agency is herein granted specific authority to promulgate all rules pertaining to the administration and management of this account, including withdrawals from the account, subject to federal review and approval. This provision shall take effect upon becoming law and shall apply to any leasehold license application. The financial viability of the Medicaid nursing home overpayment account shall be determined by the agency through annual review of the account balance and the amount of total outstanding, unpaid Medicaid overpayments owing from leasehold licensees to the agency as determined by final agency audits. By March 31 of each year, the agency shall assess the cumulative fees collected under this subparagraph, minus any amounts used to repay nursing home Medicaid overpayments and amounts transferred to contribute to the General Revenue Fund pursuant to s. 215.20. If the net cumulative collections, minus amounts utilized to repay nursing home Medicaid overpayments, exceed *$10* ~~$25~~ million, the provisions of this subparagraph shall not apply for the subsequent fiscal year.

3. The leasehold licensee may meet the bond requirement through other arrangements acceptable to the agency. The agency is herein granted specific authority to promulgate rules pertaining to lease bond arrangements.

4. All existing nursing facility licensees, operating the facility as a leasehold, shall acquire, maintain, and provide proof to the agency of the 30-month bond required in subparagraph 1., above, on and after July 1, 1993, for each license renewal.

5. It shall be the responsibility of all nursing facility operators, operating the facility as a leasehold, to renew the 30-month bond and to provide proof of such renewal to the agency annually.

6. Any failure of the nursing facility operator to acquire, maintain, renew annually, or provide proof to the agency shall be grounds for the agency to deny, revoke, and suspend the facility license to operate such facility and to take any further action, including, but not limited to, enjoining the facility, asserting a moratorium pursuant to part II of chapter 408, or applying for a receiver, deemed necessary to ensure compliance with this section and to safeguard and protect the health, safety, and welfare of the facility's residents. A lease agreement required as a condition of bond financing or refinancing under s. 154.213 by a health facilities authority or required under s. 159.30 by a county or municipality is not a leasehold for purposes of this paragraph and is not subject to the bond requirement of this paragraph.

Section 29. *The amendment to s. 400.179(2)(d), Florida Statutes, made by this act expires July 1, 2020, and the text of that paragraph shall revert to that in existence on June 30, 2019, except that any amendments to such text enacted other than by this act shall be preserved and continue to operate to the extent that such amendments are not dependent upon the portions of text which expire pursuant to this section.*

Section 30. In order to implement Specific Appropriations 178 through 181 of the 2019-2020 General Appropriations Act, paragraph (b) of subsection (5) of section 624.91, Florida Statutes, is amended to read:

624.91 The Florida Healthy Kids Corporation Act.—

(5) CORPORATION AUTHORIZATION, DUTIES, POWERS.—

(b) The Florida Healthy Kids Corporation shall:

1. Arrange for the collection of any family, local contributions, or employer payment or premium, in an amount to be determined by the board of directors, to provide for payment of premiums for comprehensive insurance coverage and for the actual or estimated administrative expenses.

2. Arrange for the collection of any voluntary contributions to provide for payment of Florida Kidcare program premiums for children who are not eligible for medical assistance under Title XIX or Title XXI of the Social Security Act.

3. Subject to the provisions of s. 409.8134, accept voluntary supplemental local match contributions that comply with the requirements

of Title XXI of the Social Security Act for the purpose of providing additional Florida Kidcare coverage in contributing counties under Title XXI.

4. Establish the administrative and accounting procedures for the operation of the corporation.

5. Establish, with consultation from appropriate professional organizations, standards for preventive health services and providers and comprehensive insurance benefits appropriate to children, provided that such standards for rural areas shall not limit primary care providers to board-certified pediatricians.

6. Determine eligibility for children seeking to participate in the Title XXI-funded components of the Florida Kidcare program consistent with the requirements specified in s. 409.814, as well as the non-Title-XXI-eligible children as provided in subsection (3).

7. Establish procedures under which providers of local match to, applicants to and participants in the program may have grievances reviewed by an impartial body and reported to the board of directors of the corporation.

8. Establish participation criteria and, if appropriate, contract with an authorized insurer, health maintenance organization, or third-party administrator to provide administrative services to the corporation.

9. Establish enrollment criteria that include penalties or waiting periods of 30 days for reinstatement of coverage upon voluntary cancellation for nonpayment of family premiums.

10. Contract with authorized insurers or any provider of health care services, meeting standards established by the corporation, for the provision of comprehensive insurance coverage to participants. Such standards shall include criteria under which the corporation may contract with more than one provider of health care services in program sites. Health plans shall be selected through a competitive bid process. The Florida Healthy Kids Corporation shall purchase goods and services in the most cost-effective manner consistent with the delivery of quality medical care. The maximum administrative cost for a Florida Healthy Kids Corporation contract shall be 15 percent. For health care contracts, the minimum medical loss ratio for a Florida Healthy Kids Corporation contract shall be 85 percent. For dental contracts, the remaining compensation to be paid to the authorized insurer or provider under a Florida Healthy Kids Corporation contract shall be no less than an amount which is 85 percent of premium; to the extent any contract provision does not provide for this minimum compensation, this section shall prevail. *For an insurer or any provider of health care services which achieves an annual medical loss ratio below 85 percent, the Florida Healthy Kids Corporation shall validate the medical loss ratio and calculate an amount to be refunded by the insurer or any provider of health care services to the state which shall be deposited into the General Revenue Fund unallocated.* The health plan selection criteria and scoring system, and the scoring results, shall be available upon request for inspection after the bids have been awarded.

11. Establish disenrollment criteria in the event local matching funds are insufficient to cover enrollments.

12. Develop and implement a plan to publicize the Florida Kidcare program, the eligibility requirements of the program, and the procedures for enrollment in the program and to maintain public awareness of the corporation and the program.

13. Secure staff necessary to properly administer the corporation. Staff costs shall be funded from state and local matching funds and such other private or public funds as become available. The board of directors shall determine the number of staff members necessary to administer the corporation.

14. In consultation with the partner agencies, provide a report on the Florida Kidcare program annually to the Governor, the Chief Financial Officer, the Commissioner of Education, the President of the Senate, the Speaker of the House of Representatives, and the Minority Leaders of the Senate and the House of Representatives.

15. Provide information on a quarterly basis to the Legislature and the Governor which compares the costs and utilization of the full-pay enrolled population and the Title XXI-subsidized enrolled population in the Florida Kidcare program. The information, at a minimum, must include:

a. The monthly enrollment and expenditure for full-pay enrollees in the Medikids and Florida Healthy Kids programs compared to the Title XXI-subsidized enrolled population; and

b. The costs and utilization by service of the full-pay enrollees in the Medikids and Florida Healthy Kids programs and the Title XXI-subsidized enrolled population.

16. Establish benefit packages that conform to the provisions of the Florida Kidcare program, as created in ss. 409.810-409.821.

Section 31. *The amendment made to s. 624.91(5)(b), Florida Statutes, by this act expires July 1, 2020, and the text of that paragraph shall revert to that in existence on June 30, 2019, except that any amendments to such text enacted other than by this act shall be preserved and continue to operate to the extent that such amendments are not dependent upon the portions of text which expire pursuant to this section.*

Section 32. In order to implement Specific Appropriations 533, 534, 539, and 542 of the 2019-2020 General Appropriations Act, subsection (17) of section 893.055, Florida Statutes, is amended to read:

893.055 Prescription drug monitoring program.—

(17) For the *2019-2020* ~~2018-2019~~ fiscal year only, neither the Attorney General nor the department may use funds received as part of a settlement agreement to administer the prescription drug monitoring program. This subsection expires July 1, *2020* ~~2019~~.

Section 33. In order to implement Specific Appropriation 204 of the 2019-2020 General Appropriations Act, subsections (2) and (10) of section 409.911, Florida Statutes, are amended to read:

409.911 Disproportionate share program.—Subject to specific allocations established within the General Appropriations Act and any limitations established pursuant to chapter 216, the agency shall distribute, pursuant to this section, moneys to hospitals providing a disproportionate share of Medicaid or charity care services by making quarterly Medicaid payments as required. Notwithstanding the provisions of s. 409.915, counties are exempt from contributing toward the cost of this special reimbursement for hospitals serving a disproportionate share of low-income patients.

(2) The Agency for Health Care Administration shall use the following actual audited data to determine the Medicaid days and charity care to be used in calculating the disproportionate share payment:

(a) The average of the *2011, 2012, and 2013* ~~2010, 2011, and 2012~~ audited disproportionate share data to determine each hospital's Medicaid days and charity care for the *2019-2020* ~~2018-2019~~ state fiscal year.

(b) If the Agency for Health Care Administration does not have the prescribed 3 years of audited disproportionate share data as noted in paragraph (a) for a hospital, the agency shall use the average of the years of the audited disproportionate share data as noted in paragraph (a) which is available.

(c) In accordance with s. 1923(b) of the Social Security Act, a hospital with a Medicaid inpatient utilization rate greater than one standard deviation above the statewide mean or a hospital with a low-income utilization rate of 25 percent or greater shall qualify for reimbursement.

(10) Notwithstanding any provision of this section to the contrary, for the *2019-2020* ~~2018-2019~~ state fiscal year, the agency shall distribute moneys to hospitals providing a disproportionate share of Medicaid or charity care services as provided in the *2019-2020* ~~2018-2019~~ General Appropriations Act. This subsection expires July 1, *2020* ~~2019~~.

Section 34. In order to implement Specific Appropriation 204 of the 2019-2020 General Appropriations Act, subsection (3) of section 409.9113, Florida Statutes, is amended to read:

409.9113 Disproportionate share program for teaching hospitals.—In addition to the payments made under s. 409.911, the agency shall make disproportionate share payments to teaching hospitals, as defined in s. 408.07, for their increased costs associated with medical education programs and for tertiary health care services provided to the indigent. This system of payments must conform to federal requirements and distribute funds in each fiscal year for which an appropriation is made by making quarterly Medicaid payments. Notwithstanding s. 409.915, counties are exempt from contributing toward the cost of this special reimbursement for hospitals serving a disproportionate share of low-income patients. The agency shall distribute the moneys provided in the General Appropriations Act to statutorily defined teaching hospitals and family practice teaching hospitals, as defined in s. 395.805, pursuant to this section. The funds provided for statutorily defined teaching hospitals shall be distributed as provided in the General Appropriations Act. The funds provided for family practice teaching hospitals shall be distributed equally among family practice teaching hospitals.

(3) Notwithstanding any provision of this section to the contrary, for the *2019-2020* ~~2018-2019~~ state fiscal year, the agency shall make disproportionate share payments to teaching hospitals, as defined in s. 408.07, as provided in the *2019-2020* ~~2018-2019~~ General Appropriations Act. This subsection expires July 1, *2020* ~~2019~~.

Section 35. In order to implement Specific Appropriation 204 of the 2019-2020 General Appropriations Act, subsection (4) of section 409.9119, Florida Statutes, is amended to read:

409.9119 Disproportionate share program for specialty hospitals for children.—In addition to the payments made under s. 409.911, the Agency for Health Care Administration shall develop and implement a system under which disproportionate share payments are made to those hospitals that are separately licensed by the state as specialty hospitals for children, have a federal Centers for Medicare and Medicaid Services certification number in the 3300-3399 range, have Medicaid days that exceed 55 percent of their total days and Medicare days that are less than 5 percent of their total days, and were licensed on January 1, 2013, as specialty hospitals for children. This system of payments must conform to federal requirements and must distribute funds in each fiscal year for which an appropriation is made by making quarterly Medicaid payments. Notwithstanding s. 409.915, counties are exempt from contributing toward the cost of this special reimbursement for hospitals that serve a disproportionate share of low-income patients. The agency may make disproportionate share payments to specialty hospitals for children as provided for in the General Appropriations Act.

(4) Notwithstanding any provision of this section to the contrary, for the *2019-2020* ~~2018-2019~~ state fiscal year, for hospitals achieving full compliance under subsection (3), the agency shall make disproportionate share payments to specialty hospitals for children as provided in the *2019-2020* ~~2018-2019~~ General Appropriations Act. This subsection expires July 1, *2020* ~~2019~~.

Section 36. *In order to implement Specific Appropriations 197 through 224 of the 2019-2020 General Appropriations Act, and notwithstanding ss. 216.181 and 216.292, Florida Statutes, the Agency for Health Care Administration may submit a budget amendment, subject to the notice, review, and objection procedures of s. 216.177, Florida Statutes, to realign funding within the Medicaid program appropriation categories to address projected surpluses and deficits within the program and to maximize the use of state trust funds. A single budget amendment shall be submitted in the last quarter of the 2019-2020 fiscal year only. This section expires July 1, 2020.*

Section 37. *In order to implement Specific Appropriations 178 through 183 and 523 of the 2019-2020 General Appropriations Act, and notwithstanding ss. 216.181 and 216.292, Florida Statutes, the Agency for Health Care Administration and the Department of Health may each submit a budget amendment, subject to the notice, review, and objection procedures of s. 216.177, Florida Statutes, to realign funding within the Florida Kidcare program appropriation categories, or to increase budget authority in the Children's Medical Services Network category, to address projected surpluses and deficits within the program or to maximize the use of state trust funds. A single budget amendment must be submitted by each agency in the last quarter of the 2019-2020 fiscal year only. This section expires July 1, 2020.*

Section 38. *In order to implement Specific Appropriations 208, 225 through 236, and 368 of the 2019-2020 General Appropriations Act and notwithstanding s. 400.9905, Florida Statutes, the following entities are exempt from the licensure requirements of part X of chapter 400, Florida Statutes:*

(1) Entities that are under the common ownership or control by a mutual insurance holding company, as defined in s. 628.703, Florida Statutes, with an entity licensed or certified under chapter 624, Florida Statutes, or chapter 641, Florida Statutes, that has $1 billion or more in total annual sales in this state.

(2) Entities that are owned by an entity who is a behavioral health service provider in at least 5 states other than Florida and that, together with its affiliates, have $90 million or more in total annual revenues associated with the provision of behavioral health care services and where one or more of the persons responsible for the operations of the entity is a health care practitioner who is licensed in this state and who is responsible for supervising the business activities of the entity and is responsible for the entity's compliance with state law for purposes of part X of chapter 400, Florida Statutes.

This section expires July 1, 2020.

Section 39. In order to implement Specific Appropriations 467, 468, and 474 of the 2019-2020 General Appropriations Act, subsection (17) of section 381.986, Florida Statutes, is amended to read:

381.986 Medical use of marijuana.—

(17) Rules adopted pursuant to this section before July 1, *2020* ~~2019~~, are not subject to *ss. 120.54(3)(b) and 120.541* ~~s. 120.541(3)~~. Notwithstanding paragraph (8)(e), 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 pursuant to s. 381.988, but in no event later than July 1, *2020* ~~2019~~. This subsection expires July 1, *2020* ~~2019~~.

Section 40. In order to implement Specific Appropriations 467, 468, and 474 of the 2019-2020 General Appropriations Act, subsection (11) of section 381.988, Florida Statutes, is amended to read:

381.988 Medical marijuana testing laboratories; marijuana tests conducted by a certified laboratory.—

(11) Rules adopted under subsection (9) before July 1, *2020* ~~2019~~, are not subject to *ss. 120.54(3)(b) and 120.541* ~~s. 120.541(3)~~. This subsection expires July 1, *2020* ~~2019~~.

Section 41. In order to implement Specific Appropriations 467, 468, and 474 of the 2019-2020 General Appropriations Act, 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(4)(a)* ~~s. 120.54(a)~~, Florida Statutes, if the department or the applicable boards have, before *July 1, 2019* ~~the of~~

~~fective 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 42. *The amendment to s. 14(1) of chapter 2017-232, Laws of Florida, by this act expires July 1, 2020, and the text of that subsection shall revert to that in existence on June 30, 2019, except that any amendments to such text enacted other than by this act shall be preserved and continue to operate to the extent that such amendments are not dependent upon the portions of text which expire pursuant to this section.*

Section 43. In order to implement Specific Appropriations 474 and 525 of the 2019-2020 General Appropriations Act, paragraph (a) of subsection (2) of section 383.14, Florida Statutes, is amended to read:

383.14 Screening for metabolic disorders, other hereditary and congenital disorders, and environmental risk factors.—

(2) RULES.—

(a) After consultation with the Genetics and Newborn Screening Advisory Council, the department shall adopt and enforce rules requiring that every newborn in this state shall:

1. Before becoming 1 week of age, be subjected to a test for phenylketonuria;

2. Be tested for any condition included on the federal Recommended Uniform Screening Panel which the council advises the department should be included under the state's screening program. After the council recommends that a condition be included, the department shall submit a legislative budget request to seek an appropriation to add testing of the condition to the newborn screening program. The department shall expand statewide screening of newborns to include screening for such conditions within 18 months after the council renders such advice, if a test approved by the United States Food and Drug Administration or a test offered by an alternative vendor is available. If such a test is not available within 18 months after the council makes its recommendation, the department shall implement such screening as soon as a test offered by the United States Food and Drug Administration or by an alternative vendor is available; ~~and~~

3. At the appropriate age, be tested for such other metabolic diseases and hereditary or congenital disorders as the department may deem necessary from time to time*; and*

4. Notwithstanding subparagraph 2., be screened for spinal muscular atrophy following integration of such a test into the newborn screening testing panel. The department shall implement such screening using a test offered by the United States Food and Drug Administration or by an alternative vendor as soon as practicable after July 1, 2019, but no later than May 3, 2020. This subparagraph expires July 1, 2020.

Section 44. *In order to implement Specific Appropriations 326, 327A, 358, and 359 of the 2019-2020 General Appropriations Act, and notwithstanding ss. 216.181 and 216.292, Florida Statutes, the Department of Children and Families may submit a budget amendment, subject to the notice, review, and objection procedures of s. 216.177, Florida Statutes, to realign funding within the department based on the implementation of the Guardianship Assistance Program, between and among the specific appropriations for guardianship assistance payments, foster care Level 1 room and board payments, relative caregiver payments, and nonrelative caregiver payments. This section expires July 1, 2020.*

Section 45. *In order to implement Specific Appropriations 326 and 327A of the 2019-2020 General Appropriations Act, the Department of Children and Families shall establish a formula to distribute the recurring sums of $10,597,824 from the General Revenue Fund and $11,922,238 from the Federal Grants Trust Fund for actual and direct costs to implement the Guardianship Assistance Program, including Level 1 foster care board payments, licensing staff for community-based care lead agencies, and guardianship assistance payments. This section expires July 1, 2020.*

Section 46. In order to implement Specific Appropriations 326 and 327A of the 2019-2020 General Appropriations Act, paragraph (a) of subsection (1) of section 409.991, Florida Statutes, is amended to read:

409.991 Allocation of funds for community-based care lead agencies.—

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

(a) "Core services funds" means all funds allocated to community-based care lead agencies operating under contract with the department pursuant to s. 409.987, with the following exceptions:

1. Funds appropriated for independent living.~~;~~

2. Funds appropriated for maintenance adoption subsidies.~~;~~

3. *Funds appropriated for actual and direct costs to implement the Guardianship Assistance Program, including Level 1 foster care board payments, licensing staff for community-based care lead agencies, and guardianship assistance payments. This subparagraph expires July 1, 2020.*

4. Funds allocated by the department for protective investigations training.~~;~~

5.~~4.~~ Nonrecurring funds.~~;~~

6.~~5.~~ Designated mental health wrap-around services funds.~~; and~~

7.~~6.~~ Funds for special projects for a designated community-based care lead agency.

Section 47. In order to implement Specific Appropriations 551 through 558 and 560 of the 2019-2020 General Appropriations Act, subsection (3) of section 296.37, Florida Statutes, is amended to read:

296.37 Residents; contribution to support.—

(3) Notwithstanding subsection (1), each resident of the home who receives a pension, compensation, or gratuity from the United States Government, or income from any other source, of more than $130 per month shall contribute to his or her maintenance and support while a resident of the home in accordance with a payment schedule determined by the administrator and approved by the director. The total amount of such contributions shall be to the fullest extent possible, but, in no case, shall exceed the actual cost of operating and maintaining the home. This subsection expires July 1, *2020* ~~2019~~.

Section 48. *In order to implement Specific Appropriations 470 and 507 of the 2019-2020 General Appropriations Act, and notwithstanding ss. 216.181 and 216.292, Florida Statutes, the Department of Health may submit a budget amendment, subject to the notice, review, and objection procedures of s. 216.177, Florida Statutes, to increase budget authority for the HIV/AIDS Prevention and Treatment Program if additional federal revenues specific to HIV/AIDS prevention and treatment become available in the 2019-2020 fiscal year. This section expires July 1, 2020.*

Section 49. *In order to implement Specific Appropriations 349 and 350 of the 2019-2020 General Appropriations Act, and notwithstanding ss. 216.181 and 216.292, Florida Statutes, the Department of Children and Families may submit a budget amendment, subject to the notice, review, and objection procedures of s. 216.177, Florida Statutes, to increase budget authority for the Supplemental Nutrition Assistance*

Program if additional federal revenue specific to the program becomes available for the program in the 2019-2020 fiscal year. This section expires July 1, 2020.

Section 50. *In order to implement Specific Appropriations 307 through 310, 314, 315, 318, 323 through 326, and 327A of the 2019-2020 General Appropriations Act, and notwithstanding ss. 216.181 and 216.292, Florida Statutes, the Department of Children and Families may submit a budget amendment, subject to the notice, review, and objection procedures of s. 216.177, Florida Statutes, to realign funding within the Family Safety Program to maximize the use of Title IV-E and other federal funds. This section expires July 1, 2020.*

Section 51. In order to implement Specific Appropriations 581 through 704A and 716 through 750 of the 2019-2020 General Appropriations Act, subsection (4) of section 216.262, Florida Statutes, is amended to read:

216.262 Authorized positions.—

(4) Notwithstanding the provisions of this chapter relating to increasing the number of authorized positions, and for the *2019-2020* ~~2018-2019~~ fiscal year only, if the actual inmate population of the Department of Corrections exceeds the inmate population projections of the *February 22, 2019* ~~December 20, 2017~~, Criminal Justice Estimating Conference by 1 percent for 2 consecutive months or 2 percent for any month, the Executive Office of the Governor, with the approval of the Legislative Budget Commission, shall immediately notify the Criminal Justice Estimating Conference, which shall convene as soon as possible to revise the estimates. The Department of Corrections may then submit a budget amendment requesting the establishment of positions in excess of the number authorized by the Legislature and additional appropriations from unallocated general revenue sufficient to provide for essential staff, fixed capital improvements, and other resources to provide classification, security, food services, health services, and other variable expenses within the institutions to accommodate the estimated increase in the inmate population. All actions taken pursuant to this subsection are subject to review and approval by the Legislative Budget Commission. This subsection expires July 1, *2020* ~~2019~~.

Section 52. In order to implement Specific Appropriation 737 of the 2019-2020 General Appropriations Act, and upon the expiration and reversion of the amendments made by section 44 of chapter 2018-10, Laws of Florida, paragraph (b) of subsection (7) of section 1011.80, Florida Statutes, is amended to read:

1011.80 Funds for operation of workforce education programs.—

(7)

(b) State funds provided for the operation of postsecondary workforce programs may not be expended for the education of state *or federal* inmates*, except to the extent that such funds are specifically appropriated for such purpose in the 2019-2020 General Appropriations Act* ~~with more than 24 months of time remaining to serve on their sentences or federal inmates~~.

Section 53. *The amendment made to s. 1011.80(7)(b), Florida Statutes, by this act expires July 1, 2020, and the text of that paragraph shall revert to that in existence on July 1, 2019, but not including any amendments made by this act, and any amendments to such text enacted other than by this act shall be preserved and continue to operate to the extent that such amendments are not dependent upon the portions of text which expire pursuant to this section.*

Section 54. In order to implement Specific Appropriations 3208 through 3274 of the 2019-2020 General Appropriations Act, subsection (2) of section 215.18, Florida Statutes, is amended to read:

215.18 Transfers between funds; limitation.—

(2) The Chief Justice of the Supreme Court may receive one or more trust fund loans to ensure that the state court system has funds sufficient to meet its appropriations in the *2019-2020* ~~2018-2019~~ General Appropriations Act. If the Chief Justice accesses the loan, he or she must notify the Governor and the chairs of the legislative appropriations committees in writing. The loan must come from other funds in the State Treasury which are for the time being or otherwise in excess of the amounts necessary to meet the just requirements of such last-mentioned funds. The Governor shall order the transfer of funds within 5 days after the written notification from the Chief Justice. If the Governor does not order the transfer, the Chief Financial Officer shall transfer the requested funds. The loan of funds from which any money is temporarily transferred must be repaid by the end of the *2019-2020* ~~2018-2019~~ fiscal year. This subsection expires July 1, *2020* ~~2019~~.

Section 55. *(1) In order to implement Specific Appropriations 1153 through 1164 of the 2019-2020 General Appropriations Act, the Department of Juvenile Justice is required to review county juvenile detention payments to ensure that counties fulfill their financial responsibilities required in s. 985.6865, Florida Statutes. If the Department of Juvenile Justice determines that a county has not met its obligations, the department shall direct the Department of Revenue to deduct the amount owed to the Department of Juvenile Justice from the funds provided to the county under s. 218.23, Florida Statutes. The Department of Revenue shall transfer the funds withheld to the Shared County/State Juvenile Detention Trust Fund.*

(2) As an assurance to holders of bonds issued by counties before July 1, 2019, for which distributions made pursuant to s. 218.23, Florida Statutes, are pledged, or bonds issued to refund such bonds which mature no later than the bonds they refunded and which result in a reduction of debt service payable in each fiscal year, the amount available for distribution to a county shall remain as provided by law and continue to be subject to any lien or claim on behalf of the bondholders. The Department of Revenue must ensure, based on information provided by an affected county, that any reduction in amounts distributed pursuant to subsection (1) does not reduce the amount of distribution to a county below the amount necessary for the timely payment of principal and interest when due on the bonds and the amount necessary to comply with any covenant under the bond resolution or other documents relating to the issuance of the bonds. If a reduction to a county's monthly distribution must be decreased in order to comply with this section, the Department of Revenue must notify the Department of Juvenile Justice of the amount of the decrease, and the Department of Juvenile Justice must send a bill for payment of such amount to the affected county.

(3) This section expires July 1, 2020.

Section 56. In order to implement Specific Appropriations 761 through 784A, 952 through 1097, and 1118 through 1152 of the 2019-2020 General Appropriations Act, subsection (1), paragraph (a) of subsection (2), paragraph (a) of subsection (3), and subsections (5), (6), and (7) of section 27.40, Florida Statutes, are amended to read:

27.40 Court-appointed counsel; circuit registries; minimum requirements; appointment by court.—

(1) Counsel shall be appointed to represent any individual in a criminal or civil proceeding entitled to court-appointed counsel under the Federal or State Constitution or as authorized by general law. The court shall appoint a public defender to represent indigent persons as authorized in s. 27.51. The office of criminal conflict and civil regional counsel shall be appointed to represent persons in those cases in which provision is made for court-appointed counsel, but *only after* the public defender *has certified to the court in writing that the public defender* is unable to provide representation due to a conflict of interest or is not authorized to provide representation. *The public defender shall report, in the aggregate, the specific basis of all conflicts of interest certified to the court. On a quarterly basis, the public defender shall submit this information to the Justice Administrative Commission.*

(2)(a) Private counsel shall be appointed to represent persons in those cases in which provision is made for court-appointed counsel but *only after* the office of criminal conflict and civil regional counsel *has been appointed and has certified to the court in writing that the criminal conflict and civil regional counsel* is unable to provide representation due to a conflict of interest. *The criminal conflict and civil regional counsel shall report, in the aggregate, the specific basis of all conflicts of interest certified to the court. On a quarterly basis, the criminal conflict and civil regional counsel shall submit this information to the Justice Administrative Commission.*

(3) In using a registry:

(a) The chief judge of the circuit shall compile a list of attorneys in private practice, by county and by category of cases, and provide the list

to the clerk of court in each county. The chief judge of the circuit may restrict the number of attorneys on the general registry list. To be included on a registry, an attorney must certify that he or she:

1. Meets any minimum requirements established by the chief judge and by general law for court appointment;

2. Is available to represent indigent defendants in cases requiring court appointment of private counsel; and

3. Is willing to abide by the terms of the contract for services*, s. 27.5304, and this section*.

To be included on a registry, an attorney must enter into a contract for services with the Justice Administrative Commission. Failure to comply with the terms of the contract for services may result in termination of the contract and removal from the registry. Each attorney on the registry is responsible for notifying the clerk of the court and the Justice Administrative Commission of any change in his or her status. Failure to comply with this requirement is cause for termination of the contract for services and removal from the registry until the requirement is fulfilled.

(5) The Justice Administrative Commission shall approve uniform contract forms for use in procuring the services of private court-appointed counsel and uniform procedures and forms for use by a court-appointed attorney in support of billing for attorney's fees, costs, and related expenses to demonstrate the attorney's completion of specified duties. *Such uniform contracts and forms for use in billing must be consistent with s. 27.5304, s. 216.311, and the General Appropriations Act and must contain the following statement: "The State of Florida's performance and obligation to pay under this contract is contingent upon an annual appropriation by the Legislature."*

(6) After court appointment, the attorney must immediately file a notice of appearance with the court indicating acceptance of the appointment to represent the defendant *and of the terms of the uniform contract as specified in subsection (5)*.

(7)(a) A private attorney appointed by the court from the registry to represent a client is entitled to payment as provided in s. 27.5304 *so long as the requirements of subsection (1) and paragraph (2)(a) are met*. An attorney appointed by the court who is not on the registry list may be compensated under s. 27.5304 *only* if the court finds in the order of appointment that there were no registry attorneys available for representation for that case *and only if the requirements of subsection (1) and paragraph (2)(a) are met*.

(b)1. *The flat fee established in s. 27.5304 and the General Appropriations Act shall be presumed by the court to be sufficient compensation.* The attorney shall maintain appropriate documentation, including contemporaneous and detailed hourly accounting of time spent representing the client. If the attorney fails to maintain such contemporaneous and detailed hourly records, the attorney waives the right to seek compensation in excess of the flat fee established in s. 27.5304 and the General Appropriations Act. These records and documents are subject to review by the Justice Administrative Commission *and audit by the Auditor General*, subject to the attorney-client privilege and work-product privilege. The attorney shall maintain the records and documents in a manner that enables the attorney to redact any information subject to a privilege in order to facilitate the commission's review of the records and documents and not to impede such review. The attorney may redact information from the records and documents only to the extent necessary to comply with the privilege. *The Justice Administrative Commission shall review such records and shall contemporaneously document such review before authorizing payment to an attorney. Objections by or on behalf of the Justice Administrative Commission to records or documents or to claims for payment by the attorney shall be presumed correct by the court unless the court determines in writing competent and substantial evidence exists to justify overcoming the presumption.*

2. If an attorney fails, refuses, or declines to permit the commission *or the Auditor General* to review documentation for a case as provided in this paragraph, the attorney waives the right to seek, and the commission may not pay, compensation in excess of the flat fee established in s. 27.5304 and the General Appropriations Act for that case.

3. A finding by the commission that an attorney has waived the right to seek compensation in excess of the flat fee established in s. 27.5304 and the General Appropriations Act, as provided in this paragraph, *shall be* ~~is~~ presumed to be *correct* ~~valid~~, unless *the*~~, as determined by a~~ court *determines, in writing, that competent and substantial evidence exists to justify overcoming the presumption*~~, the commission's finding is not supported by competent and substantial evidence~~.

Section 57. *The amendments to s. 27.40(1), (2)(a), (3)(a), (5), (6), and (7), Florida Statutes, by this act expire July 1, 2020, and the text of those subsections and paragraphs, as applicable, shall revert to that in existence on June 30, 2019, except that any amendments to such text enacted other than by this act shall be preserved and continue to operate to the extent that such amendments are not dependent upon the portions of text which expire pursuant to this section.*

Section 58. In order to implement Specific Appropriations 761 through 784A, 952 through 1097, and 1118 through 1152 of the 2019-2020 General Appropriations Act, subsections (1), (3), (7), and (11), paragraphs (a) through (e) of subsection (12), and subsection (13) of section 27.5304, Florida Statutes, are amended to read:

27.5304 Private court-appointed counsel; compensation; notice.—

(1) Private court-appointed counsel *appointed in the manner prescribed in s. 27.40(1) and (2)(a)* shall be compensated by the Justice Administrative Commission *only* as provided in this section and the General Appropriations Act. The flat fees prescribed in this section are limitations on compensation. The specific flat fee amounts for compensation shall be established annually in the General Appropriations Act. The attorney also shall be reimbursed for reasonable and necessary expenses in accordance with s. 29.007. If the attorney is representing a defendant charged with more than one offense in the same case, the attorney shall be compensated at the rate provided for the most serious offense for which he or she represented the defendant. This section does not allow stacking of the fee limits established by this section.

(3) The court retains primary authority and responsibility for determining the reasonableness of all billings for attorney fees, costs, and related expenses, subject to statutory limitations *and the requirements of s. 27.40(7)*. Private court-appointed counsel is entitled to compensation upon final disposition of a case.

(7) Counsel *eligible* ~~entitled~~ to receive compensation from the state for representation pursuant to court appointment *made in accordance with the requirements of s. 27.40(1) and (2)(a)* in a proceeding under chapter 384, chapter 390, chapter 392, chapter 393, chapter 394, chapter 397, chapter 415, chapter 743, chapter 744, or chapter 984 shall receive compensation not to exceed the limits prescribed in the General Appropriations Act. *Any such compensation must be determined as provided in s. 27.40(7).*

(11) It is the intent of the Legislature that the flat fees prescribed under this section and the General Appropriations Act comprise the full and complete compensation for private court-appointed counsel. It is further the intent of the Legislature that the fees in this section are prescribed for the purpose of providing counsel with notice of the limit on the amount of compensation for representation in particular proceedings *and the sole procedure and requirements for obtaining payment for the same*.

(a) If court-appointed counsel moves to withdraw prior to the full performance of his or her duties through the completion of the case, the court shall presume that the attorney is not entitled to the payment of the full flat fee established under this section and the General Appropriations Act.

(b) If court-appointed counsel is allowed to withdraw from representation prior to the full performance of his or her duties through the completion of the case and the court appoints a subsequent attorney, the total compensation for the initial and any and all subsequent attorneys may not exceed the flat fee established under this section and the General Appropriations Act, except as provided in subsection (12).

This subsection constitutes notice to any subsequently appointed attorney that he or she will not be compensated the full flat fee.

(12) The Legislature recognizes that on rare occasions an attorney may receive a case that requires extraordinary and unusual effort.

(a) If counsel seeks compensation that exceeds the limits prescribed by law, he or she must file a motion with the chief judge for an order approving payment of attorney fees in excess of these limits.

1. Before filing the motion, the counsel shall deliver a copy of the intended billing, together with supporting affidavits and all other necessary documentation, to the Justice Administrative Commission.

2. The Justice Administrative Commission shall review the billings, affidavit, and documentation for completeness and compliance with contractual and statutory requirements *and shall contemporaneously document such review before authorizing payment to an attorney*. If the Justice Administrative Commission objects to any portion of the proposed billing, the objection and supporting reasons must be communicated in writing to the private court-appointed counsel. The counsel may thereafter file his or her motion, which must specify whether the commission objects to any portion of the billing or the sufficiency of documentation, and shall attach the commission's letter stating its objection.

(b) Following receipt of the motion to exceed the fee limits, the chief judge or a single designee shall hold an evidentiary hearing. The chief judge may select only one judge per circuit to hear and determine motions pursuant to this subsection, except multicounty circuits and the eleventh circuit may have up to two designees.

1. At the hearing, the attorney seeking compensation must prove by competent and substantial evidence that the case required extraordinary and unusual efforts. The chief judge or single designee shall consider criteria such as the number of witnesses, the complexity of the factual and legal issues, and the length of trial. The fact that a trial was conducted in a case does not, by itself, constitute competent substantial evidence of an extraordinary and unusual effort. In a criminal case, relief under this section may not be granted if the number of work hours does not exceed 75 or the number of the state's witnesses deposed does not exceed 20.

2. *Objections by or on behalf of the Justice Administrative Commission to records or documents or to claims for payment by the attorney shall be presumed correct by the court unless the court determines, in writing, that competent and substantial evidence exists to justify overcoming the presumption.* The chief judge or single designee shall enter a written order detailing his or her findings and identifying the extraordinary nature of the time and efforts of the attorney in the case which warrant exceeding the flat fee established by this section and the General Appropriations Act.

(c) A copy of the motion and attachments shall be served on the Justice Administrative Commission at least *20* ~~5~~ business days before the date of a hearing. The Justice Administrative Commission has standing to appear before the court*, and may appear in person or telephonically*, including at the hearing under paragraph (b), to contest any motion for an order approving payment of attorney fees, costs, or related expenses and may participate in a hearing on the motion by use of telephonic or other communication equipment. The Justice Administrative Commission may contract with other public or private entities or individuals to appear before the court for the purpose of contesting any motion for an order approving payment of attorney fees, costs, or related expenses. The fact that the Justice Administrative Commission has not objected to any portion of the billing or to the sufficiency of the documentation is not binding on the court.

(d) If the chief judge or a single designee finds that counsel has proved by competent and substantial evidence that the case required extraordinary and unusual efforts, the chief judge or single designee shall order the compensation to be paid to the attorney at a percentage above the flat fee rate, depending on the extent of the unusual and extraordinary effort required. The percentage must be only the rate necessary to ensure that the fees paid are not confiscatory under common law. The percentage may not exceed 200 percent of the established flat fee, absent a specific finding that 200 percent of the flat fee in the case would be confiscatory. If the chief judge or single designee determines that 200 percent of the flat fee would be confiscatory, he or she shall order the amount of compensation using an hourly rate not to exceed $75 per hour for a noncapital case and $100 per hour for a capital case. However, the compensation calculated by using the hourly rate shall be only that amount necessary to ensure that the total fees paid are not confiscatory*, subject to the requirements of s. 27.40(7)*.

(e) Any order granting relief under this subsection must be attached to the final request for a payment submitted to the Justice Administrative Commission *and must satisfy the requirements of subparagraph (b)2*.

(13) Notwithstanding the limitation set forth in subsection (5) and for the *2019-2020* ~~2018-2019~~ fiscal year only, the compensation for representation in a criminal proceeding may not exceed the following:

(a) For misdemeanors and juveniles represented at the trial level: $1,000.

(b) For noncapital, nonlife felonies represented at the trial level: $15,000.

(c) For life felonies represented at the trial level: $15,000.

(d) For capital cases represented at the trial level: $25,000. For purposes of this paragraph, a "capital case" is any offense for which the potential sentence is death and the state has not waived seeking the death penalty.

(e) For representation on appeal: $9,000.

(f) This subsection expires July 1, *2020* ~~2019~~.

Section 59. *The amendments to s. 27.5304(1), (3), (7), (11), and (12)(a)-(e), Florida Statutes, by this act expire July 1, 2020, and the text of those subsections and paragraphs, as applicable, shall revert to that in existence on June 30, 2019, except that any amendments to such text enacted other than by this act shall be preserved and continue to operate to the extent that such amendments are not dependent upon the portions of text which expire pursuant to this section.*

Section 60. *In order to implement Specific Appropriation 770 of the 2019-2020 General Appropriations Act, and notwithstanding s. 28.35, Florida Statutes, the clerks of the circuit court are responsible for any costs of compensation to jurors, for meals or lodging provided to jurors, and for jury-related personnel costs that exceed the funding provided in the General Appropriations Act for these purposes. This section expires July 1, 2020.*

Section 61. In order to implement Specific Appropriations 952 through 1097 of the 2019-2020 General Appropriations Act, and notwithstanding the expiration date in section 40 of chapter 2018-10, Laws of Florida, paragraph (c) of subsection (19) of section 318.18, Florida Statutes, is reenacted 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:

(19) In addition to any penalties imposed, an Article V assessment of $10 must be paid for all noncriminal moving and nonmoving violations under chapters 316, 320, and 322. The assessment 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. Of the funds collected under this subsection:

(c) The sum of $1.67 shall be deposited in the Indigent Criminal Defense Trust Fund for use by the public defenders.

Section 62. In order to implement Specific Appropriations 952 through 1097 of the 2019-2020 General Appropriations Act, and notwithstanding the expiration date in section 42 of chapter 2018-10, Laws of Florida, paragraph (b) of subsection (12) of section 817.568, Florida Statutes, is reenacted to read:

817.568 Criminal use of personal identification information.—

(12) In addition to any sanction imposed when a person pleads guilty or nolo contendere to, or is found guilty of, regardless of adjudication, a violation of this section, the court shall impose a surcharge of $1,001.

(b) The sum of $250 of the surcharge shall be deposited into the State Attorneys Revenue Trust Fund for the purpose of funding prosecutions of offenses relating to the criminal use of personal identification information. The sum of $250 of the surcharge shall be deposited into the Indigent Criminal Defense Trust Fund for the purposes of indigent criminal defense related to the criminal use of personal identification information.

Section 63. *The text of ss. 318.18(19)(c) and 817.568(12)(b), Florida Statutes, as carried forward from chapter 2018-10, Laws of Florida, by this act, expires July 1, 2020, and the text of those paragraphs shall revert to that in existence on June 30, 2018, except that any amendments to such text enacted other than by this act shall be preserved and continue to operate to the extent that such amendments are not dependent upon the portions of text which expire pursuant to this section.*

Section 64. *In order to implement Specific Appropriation 3210 of the 2019-2020 General Appropriations Act, and notwithstanding s. 112.061(4), Florida Statutes:*

(1)(a) A Supreme Court justice who permanently resides outside Leon County is eligible for the designation of a district court of appeal courthouse, a county courthouse, or other appropriate facility in his or her district of residence as his or her official headquarters for purposes of s. 112.061, Florida Statutes. This official headquarters may serve only as the justice's private chambers.

(b)1. A justice for whom an official headquarters is designated in his or her district of residence under this subsection is eligible for subsistence at a rate to be established by the Chief Justice for each day or partial day that the justice is at the headquarters of the Supreme Court to conduct court business, as authorized by the Chief Justice. The Chief Justice may authorize a justice to choose between subsistence based on lodging at a single-occupancy rate and meal reimbursement as provided in s. 112.061, Florida Statutes, and subsistence at a fixed rate prescribed by the Chief Justice.

2. In addition to subsistence, a justice is eligible for reimbursement for travel expenses as provided in s. 112.061(7) and (8), Florida Statutes, for travel between the justice's official headquarters and the headquarters of the Supreme Court to conduct court business.

(c) Payment of subsistence and reimbursement for travel expenses relating to travel between a justice's official headquarters and the headquarters of the Supreme Court shall be made to the extent appropriated funds are available, as determined by the Chief Justice.

(2) The Chief Justice shall coordinate with each affected justice and other state and local officials as necessary to implement subsection (1).

(3)(a) This section does not require a county to provide space in a county courthouse for a justice. A county may enter into an agreement with the Supreme Court governing the use of space in a county courthouse.

(b) The Supreme Court may not use state funds to lease space in a district court of appeal courthouse, a county courthouse, or another facility to allow a justice to establish an official headquarters pursuant to subsection (1).

(4) The Chief Justice may establish parameters governing the authority provided in this section, including specifying minimum operational requirements for the designated headquarters, limiting the number of days for which subsistence and travel reimbursement may be provided, and prescribing activities that qualify as the conduct of court business.

(5) This section expires July 1, 2020.

Section 65. *In order to implement appropriations used to pay existing lease contracts for private lease space in excess of 2,000 square feet in the 2019-2020 General Appropriations Act, the Department of Management Services, with the cooperation of the agencies having the existing lease contracts for office or storage space, shall use tenant broker services to renegotiate or reprocure all private lease agreements for office or storage space expiring between July 1, 2020, and June 30, 2022, in order to reduce costs in future years. The department shall incorporate this initiative into its 2019 master leasing report required under s. 255.249(7), Florida Statutes, and may use tenant broker services to explore the possibilities of collocating office or storage space, to review the space needs of each agency, and to review the length and terms of potential renewals or renegotiations. The department shall provide a report to the Executive Office of the Governor, the President of the Senate, and the Speaker of the House of Representatives by November 1, 2019, which lists each lease contract for private office or storage space, the status of renegotiations, and the savings achieved. This section expires July 1, 2020.*

Section 66. *In order to implement Specific Appropriations 2839 through 2850A of the 2019-2020 General Appropriations Act, and notwithstanding rule 60A-1.031, Florida Administrative Code, the transaction fee collected for use of the online procurement system, authorized in ss. 287.042(1)(h)1. and 287.057(22)(c), Florida Statutes, is seven-tenths of 1 percent for the 2019-2020 fiscal year only. This section expires July 1, 2020.*

Section 67. *In order to implement appropriations authorized in the 2019-2020 General Appropriations Act for data center services, and notwithstanding s. 216.292(2)(a), Florida Statutes, an agency may not transfer funds from a data processing category to a category other than another data processing category. This section expires July 1, 2020.*

Section 68. *In order to implement the appropriation of funds in the appropriation category "Data Processing Assessment-Agency for State Technology" in the 2019-2020 General Appropriations Act, and pursuant to the notice, review, and objection procedures of s. 216.177, Florida Statutes, the Executive Office of the Governor may transfer funds appropriated in that category between departments in order to align the budget authority granted based on the estimated billing cycle and methodology used by the Agency for State Technology for data processing services provided. This section expires July 1, 2020.*

Section 69. *In order to implement the appropriation of funds in the appropriation category "Special Categories-Risk Management Insurance" in the 2019-2020 General Appropriations Act, and pursuant to the notice, review, and objection procedures of s. 216.177, Florida Statutes, the Executive Office of the Governor may transfer funds appropriated in that category between departments in order to align the budget authority granted with the premiums paid by each department for risk management insurance. This section expires July 1, 2020.*

Section 70. *In order to implement the appropriation of funds in the appropriation category "Special Categories-Transfer to Department of Management Services-Human Resources Services Purchased per Statewide Contract" in the 2019-2020 General Appropriations Act, and pursuant to the notice, review, and objection procedures of s. 216.177, Florida Statutes, the Executive Office of the Governor may transfer funds appropriated in that category between departments in order to align the budget authority granted with the assessments that must be paid by each agency to the Department of Management Services for human resource management services. This section expires July 1, 2020.*

Section 71. *In order to implement Specific Appropriations 2421 through 2424 of the 2019-2020 General Appropriations Act:*

(1) The Department of Financial Services shall replace the four main components of the Florida Accounting Information Resource Subsystem (FLAIR), which include central FLAIR, departmental FLAIR, payroll, and information warehouse, and shall replace the cash management and accounting management components of the Cash Management Subsystem (CMS) with an integrated enterprise system that allows the state to organize, define, and standardize its financial management business processes and that complies with ss. 215.90-215.96, Florida Statutes. The department may not include in the replacement of FLAIR and CMS:

(a) Functionality that duplicates any of the other information subsystems of the Florida Financial Management Information System; or

(b) Agency business processes related to any of the functions included in the Personnel Information System, the Purchasing Subsystem, or the Legislative Appropriations System/Planning and Budgeting Subsystem.

(2) For purposes of replacing FLAIR and CMS, the Department of Financial Services shall:

(a) Take into consideration the cost and implementation data identified for Option 3 as recommended in the March 31, 2014, Florida Department of Financial Services FLAIR Study, version 031.

(b) Ensure that all business requirements and technical specifications have been provided to all state agencies for their review and input and approved by the executive steering committee established in paragraph (c).

(c) Implement a project governance structure that includes an executive steering committee composed of:

1. The Chief Financial Officer or the executive sponsor of the project.

2. A representative of the Division of Treasury of the Department of Financial Services, appointed by the Chief Financial Officer.

3. A representative of the Division of Information Systems of the Department of Financial Services, appointed by the Chief Financial Officer.

4. Four employees from the Division of Accounting and Auditing of the Department of Financial Services, appointed by the Chief Financial Officer. Each employee must have experience relating to at least one of the four main components that compose FLAIR.

5. Two employees from the Executive Office of the Governor, appointed by the Governor. One employee must have experience relating to the Legislative Appropriations System/Planning and Budgeting Subsystem.

6. One employee from the Department of Revenue, appointed by the executive director, who has experience relating to the department's SUNTAX system.

7. Two employees from the Department of Management Services, appointed by the Secretary of Management Services. One employee must have experience relating to the department's personnel information subsystem, and one employee must have experience relating to the department's purchasing subsystem.

8. Three state agency administrative services directors, appointed by the Governor. One director must represent a regulatory and licensing state agency, and one director must represent a health care-related state agency.

(3) The Chief Financial Officer or the executive sponsor of the project shall serve as chair of the executive steering committee, and the committee shall take action by a vote of at least eight affirmative votes with the Chief Financial Officer or the executive sponsor of the project voting on the prevailing side. A quorum of the executive steering committee consists of at least 10 members.

(4) The executive steering committee has the overall responsibility for ensuring that the project to replace FLAIR and CMS meets its primary business objectives and shall:

(a) Identify and recommend to the Executive Office of the Governor, the President of the Senate, and the Speaker of the House of Representatives any statutory changes needed to implement the replacement subsystem that will standardize, to the fullest extent possible, the state's financial management business processes.

(b) Review and approve any changes to the project's scope, schedule, and budget which do not conflict with the requirements of subsection (1).

(c) Ensure that adequate resources are provided throughout all phases of the project.

(d) Approve all major project deliverables.

(e) Approve all solicitation-related documents associated with the replacement of FLAIR and CMS.

(5) This section expires July 1, 2020.

Section 72. *In order to implement appropriations in the 2019-2020 General Appropriations Act for executive branch and judicial branch employee travel, the executive branch state agencies and the judicial branch must collaborate with the Executive Office of the Governor and the Department of Management Services to implement the statewide travel management system funded in Specific Appropriation 2788 in the 2019-2020 General Appropriations Act. For the purpose of complying with s. 112.061, Florida Statutes, all executive branch state agencies and the judicial branch must use the statewide travel management system. This section expires July 1, 2020.*

Section 73. *In order to implement Specific Appropriations 2782 through 2793A of the 2019-2020 General Appropriations Act, all powers, duties, functions, records, personnel, property, pending issues and existing contracts, administrative authority, and administrative rules in chapter 74-3, Florida Administrative Code, of the Budget and Policy Section and the Cost Recovery and Billing Section within the Agency for State Technology are transferred by a type two transfer, as defined in s. 20.06(2), Florida Statutes, to the Department of Management Services. This section expires July 1, 2020.*

Section 74. In order to implement Specific Appropriations 2782 through 2793A of the 2019-2020 General Appropriations Act, subsection (4) of section 20.22, Florida Statutes, is amended to read:

20.22 Department of Management Services.—There is created a Department of Management Services.

(4) The Department of Management Services shall provide the Agency for State Technology with financial management oversight. The agency shall provide the department all documents and necessary information, as requested, to meet the requirements of this section. The department's financial management oversight includes:

(a) Developing and implementing cost-recovery mechanisms for the administrative and data center costs of services through agency assessments of applicable customer entities. Such cost-recovery mechanisms must comply with applicable state and federal regulations concerning the distribution and use of funds and must ensure that, for each fiscal year, no service or customer entity subsidizes another service or customer entity.

(b) Implementing an annual reconciliation process to ensure that each customer entity is paying for the full direct and indirect cost of each service as determined by the customer entity's use of each service.

(c) Providing rebates that may be credited against future billings to customer entities when revenues exceed costs.

(d) Requiring each customer entity to transfer sufficient funds into the appropriate data processing appropriation category before implementing a customer entity's request for a change in the type or level of service provided, if such change results in a net increase to the customer entity's costs for that fiscal year.

(e) By October 1, *2019* ~~2018~~, providing to each customer entity's agency head the estimated agency assessment cost by the Agency for State Technology for the following fiscal year. The agency assessment cost of each customer entity includes administrative and data center services costs of the agency.

(f) Preparing the legislative budget request for the Agency for State Technology based on the issues requested and approved by the executive director of the Agency for State Technology. Upon the approval of the agency's executive director, the Department of Management Services shall transmit the agency's legislative budget request to the Governor and the Legislature pursuant to s. 216.023.

(g) Providing a plan for consideration by the Legislative Budget Commission if the Agency for State Technology increases the cost of a service for a reason other than a customer entity's request made under paragraph (d). Such a plan is required only if the service cost increase results in a net increase to a customer entity.

(h) Providing a timely invoicing methodology to recover the cost of services provided to the customer entity pursuant to s. 215.422.

(i) Providing an annual reconciliation process of prior year expenditures completed on a timely basis and overall budget management pursuant to chapter 216.

~~(j)~~ This subsection expires July 1, *2020* ~~2019~~.

Section 75. In order to implement Specific Appropriations 1573 through 1579A of the 2019-2020 General Appropriations Act, subsection (9) of section 20.255, Florida Statutes, is amended to read:

20.255 Department of Environmental Protection.—There is created a Department of Environmental Protection.

(9) The department shall act as the lead agency of the executive branch for the development and review of policies, practices, and standards related to geospatial data. The department shall coordinate and promote geospatial data sharing throughout the state government and serve as the primary point of contact for statewide geographic information systems projects, grants, and resources. This subsection expires July 1, *2020* ~~2019~~.

Section 76. Effective July 1, 2019, and upon the expiration and reversion of the amendments made to section 20.61, Florida Statutes, pursuant to section 61 of chapter 2018-10, Laws of Florida, and in order to implement Specific Appropriation 3008F of the 2019-2020 General Appropriations Act, section 20.61, Florida Statutes, is amended to read:

20.61 Agency for State Technology.—The Agency for State Technology is created within the Department of Management Services. The agency is a separate budget program and is not subject to control, supervision, or direction by the Department of Management Services, including, but not limited to, purchasing, transactions involving real or personal property, *or* personnel, *with the exception of financial management, which shall be provided by the Department of Management Services pursuant to s. 20.22* ~~or budgetary matters~~.

(1)(a) The executive director of the agency shall serve as the state's chief information officer and shall be appointed by the Governor, subject to confirmation by the Senate.

(b) The executive director must be a proven, effective administrator who preferably has executive-level experience in both the public and private sectors in development and implementation of information technology strategic planning; management of enterprise information technology projects, particularly management of large-scale consolidation projects; and development and implementation of fiscal and substantive information technology policy.

~~(2) The following positions are established within the agency, all of whom shall be appointed by the executive director:~~

~~(a) Deputy executive director, who shall serve as the deputy chief information officer.~~

~~(b) Chief planning officer and six strategic planning coordinators. One coordinator shall be assigned to each of the following major program areas: health and human services, education, government operations, criminal and civil justice, agriculture and natural resources, and transportation and economic development.~~

~~(c) Chief operations officer.~~

~~(d) Chief information security officer.~~

~~(e) Chief technology officer.~~

(2)~~(3)~~ The Technology Advisory Council, consisting of seven members, is established within the Agency for State Technology and shall be maintained pursuant to s. 20.052. Four members of the council shall be appointed by the Governor, two of whom must be from the private sector and one of whom must be a cybersecurity expert. The President of the Senate and the Speaker of the House of Representatives shall each appoint one member of the council. The Attorney General, the Commissioner of Agriculture and Consumer Services, and the Chief Financial Officer shall jointly appoint one member by agreement of a majority of these officers. Upon initial establishment of the council, two of the Governor's appointments shall be for 2-year terms. Thereafter, all appointments shall be for 4-year terms.

(a) The council shall consider and make recommendations to the executive director on such matters as enterprise information technology policies, standards, services, and architecture. The council may also identify and recommend opportunities for the establishment of public-private partnerships when considering technology infrastructure and services in order to accelerate project delivery and provide a source of new or increased project funding.

(b) The executive director shall consult with the council with regard to executing the duties and responsibilities of the agency related to statewide information technology strategic planning and policy.

(c) The council shall be governed by the Code of Ethics for Public Officers and Employees as set forth in part III of chapter 112, and each member must file a statement of financial interests pursuant to s. 112.3145.

Section 77. *The amendment to s. 20.61, Florida Statutes, by this act expires July 1, 2020, and the text of that section shall revert to that in existence on June 30, 2018, except that any amendments to such text enacted other than by this act shall be preserved and continue to operate to the extent that such amendments are not dependent upon the portions of text which expire pursuant to this section.*

Section 78. In order to implement Specific Appropriations 3008A through 3008AA of the 2019-2020 General Appropriations Act, and notwithstanding the expiration date in section 61 of chapter 2018-10, Laws of Florida, subsections (5), (20), and (28) of section 282.0041, Florida Statutes, are reenacted to read:

282.0041 Definitions.—As used in this chapter, the term:

(5) "Customer entity" means an entity that obtains services from the Agency for State Technology.

(20) "Service-level agreement" means a written contract between the Agency for State Technology and a customer entity which specifies the scope of services provided, service level, the duration of the agreement, the responsible parties, and agency assessment costs, which include administrative and data center costs. A service-level agreement is not a rule pursuant to chapter 120.

(28) "Agency assessment" means the amount each customer entity must pay annually for services from the Agency for State Technology and includes administrative and data center services costs.

Section 79. In order to implement Specific Appropriations 3008I through 3008AA of the 2019-2020 General Appropriations Act, and notwithstanding the expiration date in section 61 of chapter 2018-10, Laws of Florida, subsection (11) of section 282.0051, Florida Statutes, is reenacted to read:

282.0051 Agency for State Technology; powers, duties, and functions.—The Agency for State Technology shall have the following powers, duties, and functions:

(11) Provide operational management and oversight of the state data center established pursuant to s. 282.201, which includes:

(a) Implementing industry standards and best practices for the state data center's facilities, operations, maintenance, planning, and management processes.

(b) Developing and implementing appropriate operating guidelines and procedures necessary for the state data center to perform its duties pursuant to s. 282.201. The guidelines and procedures must comply with applicable state and federal laws, regulations, and policies and conform to generally accepted governmental accounting and auditing standards. The guidelines and procedures must include, but not be limited to:

1. Implementing a consolidated administrative support structure responsible for providing procurement, transactions involving real or personal property, human resources, and operational support.

2. Standardizing and consolidating procurement and contracting practices.

(c) In collaboration with the Department of Law Enforcement, developing and implementing a process for detecting, reporting, and responding to information technology security incidents, breaches, and threats.

(d) Adopting rules relating to the operation of the state data center.

(e) Beginning May 1, 2016, and annually thereafter, conducting a market analysis to determine whether the state's approach to the provision of data center services is the most effective and efficient manner by which its customer entities can acquire such services, based on federal, state, and local government trends; best practices in service provision; and the acquisition of new and emerging technologies. The results of the market analysis shall assist the state data center in making adjustments to its data center service offerings.

Section 80. In order to implement Specific Appropriation 3008F of the 2019-2020 General Appropriations Act, and notwithstanding the expiration date in section 61 of chapter 2018-10, Laws of Florida, paragraph (d) of subsection (2) of section 282.201, Florida Statutes, is reenacted to read:

282.201 State data center.—The state data center is established within the Agency for State Technology and shall provide data center services that are hosted on premises or externally through a third-party provider as an enterprise information technology service. The provision of data center services must comply with applicable state and federal laws, regulations, and policies, including all applicable security, privacy, and auditing requirements.

(2) STATE DATA CENTER DUTIES.—The state data center shall:

(d) Enter into a service-level agreement with each customer entity to provide the required type and level of service or services. If a customer entity fails to execute an agreement within 60 days after commencement of a service, the state data center may cease service. A service-level agreement may not have a term exceeding 3 years and at a minimum must:

1. Identify the parties and their roles, duties, and responsibilities under the agreement.

2. State the duration of the contract term and specify the conditions for renewal.

3. Identify the scope of work.

4. Identify the products or services to be delivered with sufficient specificity to permit an external financial or performance audit.

5. Establish the services to be provided, the business standards that must be met for each service, the cost of each service, and the metrics and processes by which the business standards for each service are to be objectively measured and reported.

6. Provide a procedure for modifying the service-level agreement based on changes in the type, level, and cost of a service.

7. Include a right-to-audit clause to ensure that the parties to the agreement have access to records for audit purposes during the term of the service-level agreement.

8. Provide that a service-level agreement may be terminated by either party for cause only after giving the other party and the Agency for State Technology notice in writing of the cause for termination and an opportunity for the other party to resolve the identified cause within a reasonable period.

9. Provide for mediation of disputes by the Division of Administrative Hearings pursuant to s. 120.573.

Section 81. *The text of s. 282.0041(5), (20), and (28), Florida Statutes; s. 282.0051(11), Florida Statutes; and s. 282.201(2)(d), Florida Statutes, as carried forward from chapter 2018-10, Laws of Florida, by this act, expire July 1, 2020, and the text of those subsections and paragraph, as applicable, shall revert to that in existence on June 30, 2018, except that any amendments to such text enacted other than by this act shall be preserved and continue to operate to the extent that such amendments are not dependent upon the portions of text which expire pursuant to this section.*

Section 82. *If legislation substantially similar to the amendments made in this act to ss. 20.22, 20.255, 20.61, 282.0041, 282.0051, and 282.201, Florida Statutes, as contained in SB 1570, HB 5301, or similar legislation, is passed during the 2019 Regular Session of the Legislature or an extension thereof and becomes a law, then the provisions of sections 73, 74, 75, 76, 77, 78, 79, 80, and 81 of this act shall not take effect.*

Section 83. In order to implement Specific Appropriations 1654 through 1656 of the 2019-2020 General Appropriations Act, paragraph (d) of subsection (11) of section 216.181, Florida Statutes, is amended to read:

216.181 Approved budgets for operations and fixed capital outlay.—

(11)

(d) Notwithstanding paragraph (b) and paragraph (2)(b), and for the *2019-2020* ~~2018-2019~~ fiscal year only, the Legislative Budget Commission may increase the amounts appropriated to the Fish and Wildlife Conservation Commission or the Department of Environmental Protection for fixed capital outlay projects, including additional fixed capital outlay projects, using funds provided to the state from the Gulf Environmental Benefit Fund administered by the National Fish and Wildlife Foundation; funds provided to the state from the Gulf Coast Restoration Trust Fund related to the Resources and Ecosystems Sustainability, Tourist Opportunities, and Revived Economies of the Gulf Coast Act of 2012 (RESTORE Act); or funds provided by the British Petroleum Corporation (BP) for natural resource damage assessment restoration projects. Concurrent with submission of an amendment to the Legislative Budget Commission pursuant to this paragraph, any project that carries a continuing commitment for future appropriations by the Legislature must be specifically identified, together with the projected amount of the future commitment associated with the project and the fiscal years in which the commitment is expected to commence. This paragraph expires July 1, *2020* ~~2019~~.

The provisions of this subsection are subject to the notice and objection procedures set forth in s. 216.177.

Section 84. In order to implement specific appropriations from the land acquisition trust funds within the Department of Agriculture and Consumer Services, the Department of Environmental Protection, the Department of State, and the Fish and Wildlife Conservation Commission, which are contained in the 2019-2020 General Appropriations Act, subsection (3) of section 215.18, Florida Statutes, is amended to read:

215.18 Transfers between funds; limitation.—

(3) Notwithstanding subsection (1) and only with respect to a land acquisition trust fund in the Department of Agriculture and Consumer Services, the Department of Environmental Protection, the Department of State, or the Fish and Wildlife Conservation Commission, whenever there is a deficiency in a land acquisition trust fund which would render that trust fund temporarily insufficient to meet its just requirements, including the timely payment of appropriations from that trust fund, and other trust funds in the State Treasury have moneys that are for the time being or otherwise in excess of the amounts necessary to meet the just requirements, including appropriated obligations, of those other trust funds, the Governor may order a temporary transfer of moneys from one or more of the other trust funds to a land acquisition trust fund in the Department of Agriculture and Consumer Services, the Department of Environmental Protection, the Department of State, or the Fish and Wildlife Conservation Commission. Any action proposed pursuant to this subsection is subject to the notice, review, and objection procedures of s. 216.177, and the Governor shall provide notice of such action at least 7 days before the effective date of the transfer of trust funds, except that during July *2019* ~~2018~~, notice of such action shall be provided at least 3 days before the effective date of a transfer unless such 3-day notice is waived by the chair and vice-chair of the Legislative Budget Commission. Any transfer of trust funds to a land acquisition trust fund in the Department of Agriculture and Consumer Services, the Department of Environmental Protection, the Department of State, or the Fish and Wildlife Conservation Commission must be repaid to the trust funds from which the moneys were loaned by the end of the *2019-2020* ~~2018-2019~~ fiscal year. The Legislature has determined that the repayment of the other trust fund moneys temporarily loaned to a land acquisition trust fund in the Department of Agriculture and Consumer Services, the Department of Environmental Protection, the Department of State, or the Fish and Wildlife Conservation Commission pursuant to this subsection is an allowable use of the moneys in a land acquisition trust fund because the moneys from other trust funds temporarily

loaned to a land acquisition trust fund shall be expended solely and exclusively in accordance with s. 28, Art. X of the State Constitution. This subsection expires July 1, *2020* ~~2019~~.

Section 85. *(1) In order to implement specific appropriations from the land acquisition trust funds within the Department of Agriculture and Consumer Services, the Department of Environmental Protection, the Department of State, and the Fish and Wildlife Conservation Commission, which are contained in the 2019-2020 General Appropriations Act, the Department of Environmental Protection shall transfer revenues from the Land Acquisition Trust Fund within the department to the land acquisition trust funds within the Department of Agriculture and Consumer Services, the Department of State, and the Fish and Wildlife Conservation Commission, as provided in this section. As used in this section, the term "department" means the Department of Environmental Protection.*

(2) After subtracting any required debt service payments, the proportionate share of revenues to be transferred to each land acquisition trust fund shall be calculated by dividing the appropriations from each of the land acquisition trust funds for the fiscal year by the total appropriations from the Land Acquisition Trust Fund within the department and the land acquisition trust funds within the Department of Agriculture and Consumer Services, the Department of State, and the Fish and Wildlife Conservation Commission for the fiscal year. The department shall transfer the proportionate share of the revenues in the Land Acquisition Trust Fund within the department on a monthly basis to the appropriate land acquisition trust funds within the Department of Agriculture and Consumer Services, the Department of State, and the Fish and Wildlife Conservation Commission and shall retain its proportionate share of the revenues in the Land Acquisition Trust Fund within the department. Total distributions to a land acquisition trust fund within the Department of Agriculture and Consumer Services, the Department of State, and the Fish and Wildlife Conservation Commission may not exceed the total appropriations from such trust fund for the fiscal year.

(3) In addition, the department shall transfer from the Land Acquisition Trust Fund to land acquisition trust funds within the Department of Agriculture and Consumer Services, the Department of State, and the Fish and Wildlife Conservation Commission amounts equal to the difference between the amounts appropriated in chapter 2018-9, Laws of Florida, to the department's Land Acquisition Trust Fund and the other land acquisition trust funds, and the amounts actually transferred between those trust funds during the 2018-2019 fiscal year.

(4) The department may advance funds from the beginning unobligated fund balance in the Land Acquisition Trust Fund to the Land Acquisition Trust Fund within the Fish and Wildlife Conservation Commission needed for cash flow purposes based on a detailed expenditure plan. The department shall prorate amounts transferred quarterly to the Fish and Wildlife Conservation Commission to recoup the amount of funds advanced by June 30, 2020.

(5) This section expires July 1, 2020.

Section 86. In order to implement appropriations from the Land Acquisition Trust Fund within the Department of Environmental Protection, paragraph (b) of subsection (3) of section 375.041, Florida Statutes, is amended to read:

375.041 Land Acquisition Trust Fund.—

(3) Funds distributed into the Land Acquisition Trust Fund pursuant to s. 201.15 shall be applied:

(b) Of the funds remaining after the payments required under paragraph (a), but before funds may be appropriated, pledged, or dedicated for other uses:

1. A minimum of the lesser of 25 percent or $200 million shall be appropriated annually for Everglades projects that implement the Comprehensive Everglades Restoration Plan as set forth in s. 373.470, including the Central Everglades Planning Project subject to Congressional authorization; the Long-Term Plan as defined in s. 373.4592(2); and the Northern Everglades and Estuaries Protection Program as set forth in s. 373.4595. From these funds, $32 million shall be distributed each fiscal year through the 2023-2024 fiscal year to the South Florida Water Management District for the Long-Term Plan as defined in s. 373.4592(2). After deducting the $32 million distributed under this subparagraph, from the funds remaining, a minimum of the lesser of 76.5 percent or $100 million shall be appropriated each fiscal year through the 2025-2026 fiscal year for the planning, design, engineering, and construction of the Comprehensive Everglades Restoration Plan as set forth in s. 373.470, including the Central Everglades Planning Project, the Everglades Agricultural Area Storage Reservoir Project, the Lake Okeechobee Watershed Project, the C-43 West Basin Storage Reservoir Project, the Indian River Lagoon-South Project, the Western Everglades Restoration Project, and the Picayune Strand Restoration Project. The Department of Environmental Protection and the South Florida Water Management District shall give preference to those Everglades restoration projects that reduce harmful discharges of water from Lake Okeechobee to the St. Lucie or Caloosahatchee estuaries in a timely manner. For the purpose of performing the calculation provided in this subparagraph, the amount of debt service paid pursuant to paragraph (a) for bonds issued after July 1, 2016, for the purposes set forth under paragraph (b) shall be added to the amount remaining after the payments required under paragraph (a). The amount of the distribution calculated shall then be reduced by an amount equal to the debt service paid pursuant to paragraph (a) on bonds issued after July 1, 2016, for the purposes set forth under this subparagraph.

2. A minimum of the lesser of 7.6 percent or $50 million shall be appropriated annually for spring restoration, protection, and management projects. For the purpose of performing the calculation provided in this subparagraph, the amount of debt service paid pursuant to paragraph (a) for bonds issued after July 1, 2016, for the purposes set forth under paragraph (b) shall be added to the amount remaining after the payments required under paragraph (a). The amount of the distribution calculated shall then be reduced by an amount equal to the debt service paid pursuant to paragraph (a) on bonds issued after July 1, 2016, for the purposes set forth under this subparagraph.

3. The sum of $5 million shall be appropriated annually each fiscal year through the 2025-2026 fiscal year to the St. Johns River Water Management District for projects dedicated to the restoration of Lake Apopka. This distribution shall be reduced by an amount equal to the debt service paid pursuant to paragraph (a) on bonds issued after July 1, 2016, for the purposes set forth in this subparagraph.

4. The sum of $64 million is appropriated and shall be transferred to the Everglades Trust Fund for the 2018-2019 fiscal year, and each fiscal year thereafter, for the EAA reservoir project pursuant to s. 373.4598. Any funds remaining in any fiscal year shall be made available only for Phase II of the C-51 reservoir project or projects identified in subparagraph 1. and must be used in accordance with laws relating to such projects. Any funds made available for such purposes in a fiscal year are in addition to the amount appropriated under subparagraph 1. This distribution shall be reduced by an amount equal to the debt service paid pursuant to paragraph (a) on bonds issued after July 1, 2017, for the purposes set forth in this subparagraph.

5. Notwithstanding subparagraph 3., for the *2019-2020* ~~2018-2019~~ fiscal year, funds shall be appropriated as provided in the General Appropriations Act. This subparagraph expires July 1, *2020* ~~2019~~.

Section 87. In order to implement Specific Appropriation 1781 of the 2019-2020 General Appropriations Act, paragraph (e) of subsection (11) of section 216.181, Florida Statutes, is amended to read:

216.181 Approved budgets for operations and fixed capital outlay.—

(11)

(e) Notwithstanding paragraph (b) and paragraph (2)(b), and for the *2019-2020* ~~2018-2019~~ fiscal year only, the Legislative Budget Commission may increase the amounts appropriated to the Department of Environmental Protection for fixed capital outlay projects using funds provided to the state from the environmental mitigation trust administered by a trustee designated by the United States District Court for the Northern District of California for eligible mitigation actions and mitigation action expenditures described in the partial consent decree entered into between the United States of America and Volkswagen relating to violations of the Clean Air Act. Concurrent with submission of an amendment to the Legislative Budget Commission pursuant to

this paragraph, any project that carries a continuing commitment for future appropriations by the Legislature must be specifically identified, together with the projected amount of the future commitment associated with the project and the fiscal years in which the commitment is expected to commence. This paragraph expires July 1, *2020* ~~2019~~.

The provisions of this subsection are subject to the notice and objection procedures set forth in s. 216.177.

Section 88. *In order to implement Specific Appropriation 1542 of the 2019-2020 General Appropriations Act, and notwithstanding ss. 216.181 and 216.292, Florida Statutes, the Department of Agriculture and Consumer Services may submit a budget amendment, subject to the notice, review, and objection procedures of s. 216.177, Florida Statutes, to increase budget authority for the National School Lunch Program when necessary. This section expires July 1, 2020.*

Section 89. Effective upon becoming a law and in order to implement Specific Appropriation 1464 through 1473 of the 2019-2020 General Appropriations Act, subsection (4) of section 570.441, Florida Statutes, is amended to read:

570.441 Pest Control Trust Fund.—

(4) In addition to the uses authorized under subsection (2), moneys collected or received by the department under chapter 482 may be used to carry out the provisions of s. 570.44. This subsection expires June 30, *2020* ~~2019~~.

Section 90. In order to implement Specific Appropriation 1401 of the 2019-2020 General Appropriations Act, paragraph (a) of subsection (1) of section 570.93, Florida Statutes, is amended to read:

570.93 Department of Agriculture and Consumer Services; agricultural water conservation and agricultural water supply planning.—

(1) The department shall establish an agricultural water conservation program that includes the following:

(a) A cost-share program, coordinated ~~where appropriate~~ with the United States Department of Agriculture and other federal, state, regional, and local agencies *when appropriate*, for irrigation system retrofit and application of mobile irrigation laboratory evaluations*, and* for water conservation *and* ~~as provided in this section and, where applicable, for~~ water quality improvement pursuant to s. 403.067(7)(c).

Section 91. *The amendment to s. 570.93(1)(a), Florida Statutes, by this act expires July 1, 2020, and the text of that paragraph shall revert to that in existence on June 30, 2019, except that any amendments to such text enacted other than by this act shall be preserved and continue to operate to the extent that such amendments are not dependent upon the portions of text which expire pursuant to this section.*

Section 92. In order to implement Specific Appropriations 1474 through 1481 of the 2019-2020 General Appropriations Act, subsection (1) of section 525.07, Florida Statutes, is amended to read:

525.07 Powers and duties of department; inspections; unlawful acts.—

(1) The department shall inspect all measuring devices used in selling or distributing petroleum fuel at wholesale and retail. *The department may affix a sticker to each petroleum measuring device. Using only a combination of lettering, numbering, words, or the department logo, the sticker must signify that the device has been inspected by the department and that the device owner is responsible for its proper use and maintenance.*

Section 93. *The amendment to s. 525.07(1), Florida Statutes, by this act expires July 1, 2020, and the text of that subsection shall revert to that in existence on June 30, 2019, except that any amendments to such text enacted other than by this act shall be preserved and continue to operate to the extent that such amendments are not dependent upon the portions of text which expire pursuant to this section.*

Section 94. In order to implement Specific Appropriation 1607 of the 2019-2020 General Appropriations Act, paragraph (m) of subsection (3) of section 259.105, Florida Statutes, is amended to read:

259.105 The Florida Forever Act.—

(3) Less the costs of issuing and the costs of funding reserve accounts and other costs associated with bonds, the proceeds of cash payments or bonds issued pursuant to this section shall be deposited into the Florida Forever Trust Fund created by s. 259.1051. The proceeds shall be distributed by the Department of Environmental Protection in the following manner:

(m) Notwithstanding paragraphs (a)-(j) and for the *2019-2020* ~~2018-2019~~ fiscal year*,* ~~only:~~

~~1.~~ the amount of *$33 million* ~~$77 million~~ to only the Division of State Lands within the Department of Environmental Protection for the Board of Trustees Florida Forever Priority List land acquisition projects. *This paragraph expires July 1, 2020.*

~~2. The amount of $10 million to the Department of Environmental Protection for use by the Florida Communities Trust for the purposes of part III of chapter 380, as described and limited by this subsection, and grants to local governments or nonprofit environmental organizations that are tax exempt under s. 501(c)(3) of the United States Internal Revenue Code for the acquisition of community-based projects, urban open spaces, parks, and greenways to implement local government comprehensive plans. From funds available to the trust and used for land acquisition, 75 percent shall be matched by local governments on a dollar for dollar basis. The Legislature intends that the Florida Communities Trust emphasize funding projects in low income or otherwise disadvantaged communities and projects that provide areas for direct water access and water-dependent facilities that are open to the public and offer public access by vessels to waters of the state, including boat ramps and associated parking and other support facilities. At least 30 percent of the total allocation provided to the trust shall be used in Standard Metropolitan Statistical Areas, but one half of that amount shall be used in localities in which the project site is located in built up commercial, industrial, or mixed use areas and functions to intersperse open spaces within congested urban core areas. From funds allocated to the trust, no less than 5 percent shall be used to acquire lands for recreational trail systems, provided that in the event these funds are not needed for such projects, they will be available for other trust projects. Local governments may use federal grants or loans, private donations, or environmental mitigation funds for any part or all of any local match required for acquisitions funded through the Florida Communities Trust. Any lands purchased by nonprofit organizations using funds allocated under this paragraph must provide for such lands to remain permanently in public use through a reversion of title to local or state government, conservation easement, or other appropriate mechanism. Projects funded with funds allocated to the trust shall be selected in a competitive process measured against criteria adopted in rule by the trust.~~

~~3. The sum of $2 million to the Department of Environmental Protection for the acquisition of land and capital project expenditures necessary to implement the Stan Mayfield Working Waterfronts Program within the Florida Communities Trust pursuant to s. 380.5105.~~

~~4. The sum of $2 million to the Department of Environmental Protection for grants pursuant to s. 375.075(1)(4).~~

~~This paragraph expires July 1, 2019.~~

Section 95. In order to implement Specific Appropriation 2682 of the 2019-2020 General Appropriations Act, paragraph (b) of subsection (3) and subsection (5) of section 321.04, Florida Statutes, are amended to read:

321.04 Personnel of the highway patrol; rank classifications; probationary status of new patrol officers; subsistence; special assignments.—

(3)

(b) For the *2019-2020* ~~2018-2019~~ fiscal year only, *upon the request of the Governor, the Department of Highway Safety and Motor Vehicles shall assign one or more patrol officers to the office of* ~~the patrol officer shall be assigned to~~ the Lieutenant Governor *for security services*. This paragraph expires July 1, *2020* ~~2019~~.

(5) For the *2019-2020* ~~2018-2019~~ fiscal year only, the assignment of a patrol officer by the department shall include a Cabinet member specified in s. 4, Art. IV of the State Constitution if deemed appropriate by the department or in response to a threat and upon written request of such Cabinet member. This subsection expires July 1, *2020* ~~2019~~.

Section 96. In order to implement Specific Appropriations 2316 and 2316A of the 2019-2020 General Appropriations Act, subsection (3) of section 420.9079, Florida Statutes, is amended to read:

420.9079 Local Government Housing Trust Fund.—

(3) For the *2019-2020* ~~2018-2019~~ fiscal year, funds may be used as provided in the General Appropriations Act. This subsection expires July 1, *2020* ~~2019~~.

Section 97. In order to implement Specific Appropriations 2315 and 2316A of the 2019-2020 General Appropriations Act, subsection (2) of section 420.0005, Florida Statutes, is amended to read:

420.0005 State Housing Trust Fund; State Housing Fund.—

(2) For the *2019-2020* ~~2018-2019~~ fiscal year, funds may be used as provided in the General Appropriations Act. This subsection expires July 1, *2020* ~~2019~~.

Section 98. In order to implement Specific Appropriation 2314 of the 2019-2020 General Appropriations Act, subsection (6) is added to section 288.0655, Florida Statutes, to read:

288.0655 Rural Infrastructure Fund.—

(6) For the 2019-2020 fiscal year, the funds appropriated for the grant program for Florida Panhandle counties shall be distributed pursuant to and for the purposes described in the proviso language associated with Specific Appropriation 2314 of the 2019-2020 General Appropriations Act. This subsection expires July 1, 2020.

Section 99. In order to implement Specific Appropriation 2328 of the 2019-2020 General Appropriations Act, subsection (14) of section 288.1226, Florida Statutes, is amended to read:

288.1226 Florida Tourism Industry Marketing Corporation; use of property; board of directors; duties; audit.—

(14) REPEAL.—This section is repealed *July 1, 2020* ~~October 1, 2019~~, unless reviewed and saved from repeal by the Legislature.

Section 100. In order to implement Specific Appropriation 2328 of the 2019-2020 General Appropriations Act, subsection (6) of section 288.923, Florida Statutes, is amended to read:

288.923 Division of Tourism Marketing; definitions; responsibilities.—

(6) This section is repealed *July 1, 2020* ~~October 1, 2019~~, unless reviewed and saved from repeal by the Legislature.

Section 101. In order to implement Specific Appropriations 1939 through 1952, 1958 through 1961, 1974 through 1982, 1984 through 1993, and 2033 through 2045 of the 2019-2020 General Appropriations Act, paragraph (g) of subsection (7) of section 339.135, Florida Statutes, is amended to read:

339.135 Work program; legislative budget request; definitions; preparation, adoption, execution, and amendment.—

(7) AMENDMENT OF THE ADOPTED WORK PROGRAM.—

(g)*1.* Any work program amendment which also requires the transfer of fixed capital outlay appropriations between categories within the department or the increase of an appropriation category is subject to the approval of the Legislative Budget Commission.

2. If a meeting of the Legislative Budget Commission cannot be held within 30 days after the department submits an amendment to the Legislative Budget Commission, the chair and vice chair of the Legislative Budget Commission may authorize such amendment to be approved pursuant to s. 216.177. This subparagraph expires July 1, 2020.

Section 102. In order to implement Specific Appropriation 1975 of the 2019-2020 General Appropriations Act, subsection (8) is added to section 339.2818, Florida Statutes, to read:

339.2818 Small County Outreach Program.—

(8) Subject to a specific appropriation in addition to funds annually appropriated for projects under this section, a county or a municipality that is within a county designated in the Federal Emergency Management Agency disaster declaration DR-4399 may compete for the additional project funding using the criteria listed in subsection (4) at up to 100 percent of project costs to repair damage due to Hurricane Michael, excluding capacity improvement projects. This subsection expires July 1, 2020.

Section 103. In order to implement Specific Appropriation 2624 of the 2019-2020 General Appropriations Act, paragraph (d) is added to subsection (4) of section 112.061, Florida Statutes, to read:

112.061 Per diem and travel expenses of public officers, employees, and authorized persons.—

(4) OFFICIAL HEADQUARTERS.—The official headquarters of an officer or employee assigned to an office shall be the city or town in which the office is located except that:

(d) A Lieutenant Governor who permanently resides outside of Leon County, may, if he or she so requests, have an appropriate facility in his or her county designated as his or her official headquarters for purposes of this section. This official headquarters may only serve as the Lieutenant Governor's personal office. The Lieutenant Governor may not use state funds to lease space in any facility for his or her official headquarters.

1. A Lieutenant Governor for whom an official headquarters is established in his or her county of residence pursuant to this paragraph is eligible for subsistence at a rate to be established by the Governor for each day or partial day that the Lieutenant Governor is at the State Capitol to conduct official state business. In addition to the subsistence allowance, a Lieutenant Governor is eligible for reimbursement for transportation expenses as provided in subsection (7) for travel between the Lieutenant Governor's official headquarters and the State Capitol to conduct state business.

2. Payment of subsistence and reimbursement for transportation between a Lieutenant Governor's official headquarters and the State Capitol shall be made to the extent appropriated funds are available, as determined by the Governor.

3. This paragraph expires July 1, 2020.

Section 104. In order to implement the salaries and benefits, expenses, other personal services, contracted services, special categories, and operating capital outlay categories of the 2019-2020 General Appropriations Act, paragraph (a) of subsection (2) of section 216.292, Florida Statutes, is amended to read:

216.292 Appropriations nontransferable; exceptions.—

(2) The following transfers are authorized to be made by the head of each department or the Chief Justice of the Supreme Court whenever it is deemed necessary by reason of changed conditions:

(a) The transfer of appropriations funded from identical funding sources, except appropriations for fixed capital outlay, and the transfer of amounts included within the total original approved budget and plans of releases of appropriations as furnished pursuant to ss. 216.181 and 216.192, as follows:

1. Between categories of appropriations within a budget entity, if no category of appropriation is increased or decreased by more than 5 percent of the original approved budget or $250,000, whichever is greater, by all action taken under this subsection.

2. Between budget entities within identical categories of appropriations, if no category of appropriation is increased or decreased by more than 5 percent of the original approved budget or $250,000, whichever is greater, by all action taken under this subsection.

3. Any agency exceeding salary rate established pursuant to s. 216.181(8) on June 30th of any fiscal year shall not be authorized to make transfers pursuant to subparagraphs 1. and 2. in the subsequent fiscal year.

4. Notice of proposed transfers under subparagraphs 1. and 2. shall be provided to the Executive Office of the Governor and the chairs of the legislative appropriations committees at least 3 days prior to agency implementation in order to provide an opportunity for review. The review shall be limited to ensuring that the transfer is in compliance with the requirements of this paragraph.

5. For the *2019-2020* ~~2018-2019~~ fiscal year, the review shall ensure that transfers proposed pursuant to this paragraph comply with this chapter, maximize the use of available and appropriate trust funds, and are not contrary to legislative policy and intent. This subparagraph expires July 1, *2020* ~~2019~~.

Section 105. *In order to implement section 8 of the 2019-2020 General Appropriations Act, notwithstanding s. 110.123(3)(f) and (j), Florida Statutes, the Department of Management Services shall maintain and offer the same PPO and HMO health plan alternatives to the participants of the State Group Health Insurance Program during the 2019-2020 fiscal year which were in effect for the 2018-2019 fiscal year. This section expires July 1, 2020.*

Section 106. *In order to implement the appropriation of funds in the special categories, contracted services, and expenses categories of the 2019-2020 General Appropriations Act, a state agency may not initiate a competitive solicitation for a product or service if the completion of such competitive solicitation would:*

(1) Require a change in law; or

(2) Require a change to the agency's budget other than a transfer authorized in s. 216.292(2) or (3), Florida Statutes, unless the initiation of such competitive solicitation is specifically authorized in law, in the General Appropriations Act, or by the Legislative Budget Commission.

This section does not apply to a competitive solicitation for which the agency head certifies that a valid emergency exists. This section expires July 1, 2020.

Section 107. In order to implement appropriations for salaries and benefits in the 2019-2020 General Appropriations Act, subsection (6) of section 112.24, Florida Statutes, is amended to read:

112.24 Intergovernmental interchange of public employees.—To encourage economical and effective utilization of public employees in this state, the temporary assignment of employees among agencies of government, both state and local, and including school districts and public institutions of higher education is authorized under terms and conditions set forth in this section. State agencies, municipalities, and political subdivisions are authorized to enter into employee interchange agreements with other state agencies, the Federal Government, another state, a municipality, or a political subdivision including a school district, or with a public institution of higher education. State agencies are also authorized to enter into employee interchange agreements with private institutions of higher education and other nonprofit organizations under the terms and conditions provided in this section. In addition, the Governor or the Governor and Cabinet may enter into employee interchange agreements with a state agency, the Federal Government, another state, a municipality, or a political subdivision including a school district, or with a public institution of higher learning to fill, subject to the requirements of chapter 20, appointive offices which are within the executive branch of government and which are filled by appointment by the Governor or the Governor and Cabinet. Under no circumstances shall employee interchange agreements be utilized for the purpose of assigning individuals to participate in political campaigns. Duties and responsibilities of interchange employees shall be limited to the mission and goals of the agencies of government.

(6) For the *2019-2020* ~~2018-2019~~ fiscal year only, the assignment of an employee of a state agency as provided in this section may be made if recommended by the Governor or Chief Justice, as appropriate, and approved by the chairs of the legislative appropriations committees. Such actions shall be deemed approved if neither chair provides written notice of objection within 14 days after receiving notice of the action pursuant to s. 216.177. This subsection expires July 1, *2020* ~~2019~~.

Section 108. *In order to implement Specific Appropriations 2751 and 2752 of the 2019-2020 General Appropriations Act, and notwithstanding s. 11.13(1), Florida Statutes, the authorized salaries for members of the Legislature for the 2019-2020 fiscal year shall be set at the same level in effect on July 1, 2010. This section expires July 1, 2020.*

Section 109. In order to implement the transfer of funds to the General Revenue Fund from trust funds for the 2019-2020 General Appropriations Act, and notwithstanding the expiration date in section 83 of chapter 2018-10, Laws of Florida, paragraph (b) of subsection (2) of section 215.32, Florida Statutes, is reenacted to read:

215.32 State funds; segregation.—

(2) The source and use of each of these funds shall be as follows:

(b)1. The trust funds shall consist of moneys received by the state which under law or under trust agreement are segregated for a purpose authorized by law. The state agency or branch of state government receiving or collecting such moneys is responsible for their proper expenditure as provided by law. Upon the request of the state agency or branch of state government responsible for the administration of the trust fund, the Chief Financial Officer may establish accounts within the trust fund at a level considered necessary for proper accountability. Once an account is established, the Chief Financial Officer may authorize payment from that account only upon determining that there is sufficient cash and releases at the level of the account.

2. In addition to other trust funds created by law, to the extent possible, each agency shall use the following trust funds as described in this subparagraph for day-to-day operations:

a. Operations or operating trust fund, for use as a depository for funds to be used for program operations funded by program revenues, with the exception of administrative activities when the operations or operating trust fund is a proprietary fund.

b. Operations and maintenance trust fund, for use as a depository for client services funded by third-party payors.

c. Administrative trust fund, for use as a depository for funds to be used for management activities that are departmental in nature and funded by indirect cost earnings and assessments against trust funds. Proprietary funds are excluded from the requirement of using an administrative trust fund.

d. Grants and donations trust fund, for use as a depository for funds to be used for allowable grant or donor agreement activities funded by restricted contractual revenue from private and public nonfederal sources.

e. Agency working capital trust fund, for use as a depository for funds to be used pursuant to s. 216.272.

f. Clearing funds trust fund, for use as a depository for funds to account for collections pending distribution to lawful recipients.

g. Federal grant trust fund, for use as a depository for funds to be used for allowable grant activities funded by restricted program revenues from federal sources.

To the extent possible, each agency must adjust its internal accounting to use existing trust funds consistent with the requirements of this subparagraph. If an agency does not have trust funds listed in this subparagraph and cannot make such adjustment, the agency must recommend the creation of the necessary trust funds to the Legislature no later than the next scheduled review of the agency's trust funds pursuant to s. 215.3206.

3. All such moneys are hereby appropriated to be expended in accordance with the law or trust agreement under which they were received, subject always to the provisions of chapter 216 relating to the appropriation of funds and to the applicable laws relating to the deposit or expenditure of moneys in the State Treasury.

4.a. Notwithstanding any provision of law restricting the use of trust funds to specific purposes, unappropriated cash balances from selected trust funds may be authorized by the Legislature for transfer to the Budget Stabilization Fund and General Revenue Fund in the General Appropriations Act.

b. This subparagraph does not apply to trust funds required by federal programs or mandates; trust funds established for bond covenants, indentures, or resolutions whose revenues are legally pledged by the state or public body to meet debt service or other financial requirements of any debt obligations of the state or any public body; the Division of Licensing Trust Fund in the Department of Agriculture and Consumer Services; the State Transportation Trust Fund; the trust fund containing the net annual proceeds from the Florida Education Lotteries; the Florida Retirement System Trust Fund; trust funds under the management of the State Board of Education or the Board of Governors of the State University System, where such trust funds are for auxiliary enterprises, self-insurance, and contracts, grants, and donations, as those terms are defined by general law; trust funds that serve as clearing funds or accounts for the Chief Financial Officer or state agencies; trust funds that account for assets held by the state in a trustee capacity as an agent or fiduciary for individuals, private organizations, or other governmental units; and other trust funds authorized by the State Constitution.

Section 110. *The text of s. 215.32(2)(b), Florida Statutes, as carried forward from chapter 2011-47, Laws of Florida, by this act, expires July 1, 2020, and the text of that paragraph shall revert to that in existence on June 30, 2011, except that any amendments to such text enacted other than by this act shall be preserved and continue to operate to the extent that such amendments are not dependent upon the portions of text which expire pursuant to this section.*

Section 111. *In order to implement appropriations in the 2019-2020 General Appropriations Act for state employee travel, the funds appropriated to each state agency which may be used for travel by state employees are limited during the 2019-2020 fiscal year to travel for activities that are critical to each state agency's mission. Funds may not be used for travel by state employees to foreign countries, other states, conferences, staff training activities, or other administrative functions unless the agency head has approved, in writing, that such activities are critical to the agency's mission. The agency head shall consider using teleconferencing and other forms of electronic communication to meet the needs of the proposed activity before approving mission-critical travel. This section does not apply to travel for law enforcement purposes, military purposes, emergency management activities, or public health activities. This section expires July 1, 2020.*

Section 112. *In order to implement appropriations in the 2019-2020 General Appropriations Act for state employee travel and notwithstanding s. 112.061, Florida Statutes, costs for lodging associated with a meeting, conference, or convention organized or sponsored in whole or in part by a state agency or the judicial branch may not exceed $150 per day. An employee may expend his or her own funds for any lodging expenses in excess of $150 per day. For purposes of this section, a meeting does not include travel activities for conducting an audit, examination, inspection, or investigation or travel activities related to a litigation or emergency response. This section expires July 1, 2020.*

Section 113. *In order to implement the appropriation of funds in the special categories, contracted services, and expenses categories of the 2019-2020 General Appropriations Act, a state agency may not enter into a contract containing a nondisclosure clause that prohibits the contractor from disclosing information relevant to the performance of the contract to members or staff of the Senate or the House of Representatives. This section expires July 1, 2020.*

Section 114. *Any section of this act which implements a specific appropriation or specifically identified proviso language in the 2019-2020 General Appropriations Act is void if the specific appropriation or specifically identified proviso language is vetoed. Any section of this act which implements more than one specific appropriation or more than one portion of specifically identified proviso language in the 2019-2020 General Appropriations Act is void if all the specific appropriations or portions of specifically identified proviso language are vetoed.*

Section 115. *If any other act passed during the 2019 Regular Session of the Legislature contains a provision that is substantively the same as a provision in this act, but that removes or is otherwise not subject to the future repeal applied to such provision by this act, the Legislature intends that the provision in the other act takes precedence and continues to operate, notwithstanding the future repeal provided by this act.*

Section 116. *If any provision of this act or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are severable.*

Section 117. 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; or, if this act fails to become a law until after that date, it shall take effect upon becoming a law and shall operate retroactively to 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 implementing the 2019-2020 General Appropriations Act; providing legislative intent; incorporating by reference certain calculations of the Florida Education Finance Program; providing that funds for instructional materials must be released and expended as required in specified proviso language; 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 scholarships for the fall term for specified coursework under certain circumstances; providing for the expiration and reversion of specified statutory text; amending s. 1011.62, F.S.; extending for 1 fiscal year provisions governing the funding compression allocation; reenacting s. 1001.26(1), F.S., relating to public broadcasting program system; extending for 1 fiscal year authorization for the Department of Education to provide certain appropriated funds to public colleges and universities for public broadcasting; providing for the expiration and reversion of specified statutory text; 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 the operation of workforce education programs; 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; providing for the expiration and reversion of specified statutory text; requiring the State Board of Education to serve as the board of trustees of the Florida Virtual School for the 2019-2020 fiscal year; prescribing certain duties of the board; requiring an audit of the Florida Virtual School in accordance with specified requirements; requiring the Department of Education to submit certain recommendations regarding the Florida Virtual School to the Governor and Legislature by a specified date; requiring the Office of Economic and Demographic Research to develop a methodology for calculating each school district's wage level index; specifying required duties of the office; requiring the office to submit a transition plan to the Governor and Legislature by a specified date; prohibiting the transition plan's implementation unless specifically enacted by the Legislature; incorporating by reference certain calculations for the Medicaid Disproportionate Share Hospital and Hospital Reimbursement programs; authorizing the Agency for Health Care Administration, in consultation with the Department of Health, to submit a budget amendment to realign funding for a component of the Children's Medical Services program to reflect actual enrollment changes; specifying requirements for such realignment; authorizing the agency to request nonoperating budget authority for transferring certain federal funds to the Department of Health; amending s. 409.908, F.S.; modifying parameters governing prospective payment methodology with respect to Medicaid provider reimbursement; providing for the expiration and reversion of specified statutory text; reenacting s. 409.908(23), F.S., relating to the reimbursement of Medicaid providers; providing for the future expiration and reversion of specified statutory text; amending s. 409.908, F.S.; authorizing the Agency for Health Care Administration to receive funds from specified sources for purposes of making Low Income Pool Program payments; providing for the expiration and reversion of specified statutory text; amending s. 409.912, F.S.; authorizing the Agency for Health Care Administration to extend a specified contract for a certain period; providing for the expiration and reversion of specified statutory text; amending s. 409.904, F.S.; requiring the Agency for Health Care Administration to make payments for Medicaid-covered services in a specified manner; requiring the agency, by a certain date, in consultation with the Department of Children and Families and certain other

entities, to submit a certain report to the Governor and the Legislature; specifying requirements for the report; amending s. 393.0661, F.S.; authorizing the agency to develop and submit a plan to the Legislature for redesigning the Medicaid waiver program if certain conditions exist; conforming provisions; providing for the expiration and reversion of specified statutory text; amending s. 400.179, F.S.; revising conditions under which a lease bond alternative exception relating to the transfer of a nursing facility does not apply; providing for the expiration and reversion of specified statutory text; amending s. 624.91, F.S.; requiring the Florida Healthy Kids Corporation to validate the medical loss ratio and calculate a refund amount for insurers and providers of health care services who meet certain criteria; providing for the deposit of any such refund; providing for the expiration and reversion of specified statutory text; amending s. 893.055, F.S.; extending for 1 fiscal year a provision prohibiting the Attorney General and the Department of Health from using certain settlement agreement funds to administer the prescription drug monitoring program; amending s. 409.911, F.S.; updating the average of audited disproportionate share data for purposes of calculating disproportionate share payments; extending for 1 fiscal year the requirement that the Agency for Health Care Administration distribute moneys to hospitals that provide a disproportionate share of Medicaid or charity care services, as provided in the General Appropriations Act; amending s. 409.9113, F.S.; extending for 1 fiscal year the requirement that the Agency for Health Care Administration make disproportionate share payments to teaching hospitals as provided in the General Appropriations Act; amending s. 409.9119, F.S.; extending for 1 fiscal year the requirement that the Agency for Health Care Administration make disproportionate share payments to certain specialty hospitals for children; authorizing the Agency for Health Care Administration to submit a budget amendment to realign Medicaid funding for specified purposes, subject to certain limitations; authorizing the Agency for Health Care Administration and the Department of Health to each submit a budget amendment to realign funding within the Florida Kidcare program appropriation categories or increase budget authority for certain purposes; specifying the time period within each such budget amendment must be submitted; exempting entities that meet certain criteria from the licensure requirements of part X of ch. 400, F.S.; amending s. 381.986, F.S.; exempting rules pertaining to the medical use of marijuana from certain rulemaking requirements; amending s. 381.988, F.S.; exempting rules pertaining to medical marijuana testing laboratories from certain rulemaking requirements; amending s. 14(1), ch. 2017-232, Laws of Florida; exempting certain rules pertaining to medical marijuana adopted to replace emergency rules from specified rulemaking requirements; providing for the expiration and reversion of specified law; amending s. 383.14, F.S.; requiring the Department of Health to integrate screening for spinal muscular atrophy into the newborn screening testing panel; authorizing the Department of Children and Families to submit a budget amendment to realign funding for implementation of the Guardianship Assistance Program; requiring the Department of Children and Families to establish a formula for the distribution of funds to implement the Guardianship Assistance Program; amending s. 409.991, F.S.; redefining the term "core services funds" to include funds appropriated for the Guardianship Assistance Program; amending s. 296.37, F.S.; extending for 1 fiscal year a provision specifying the monthly contribution to residents of a state veterans' nursing home; authorizing the Department of Health to submit a budget amendment to increase budget authority for the HIV/AIDS Prevention and Treatment Program if certain conditions are met; authorizing the Department of Children and Families to submit a budget amendment to increase budget authority for the Supplemental Nutrition Assistance Program if certain conditions are met; authorizing the Department of Children and Families to submit a budget amendment to realign funding within the Family Safety Program for specified purposes; amending s. 216.262, F.S.; extending for 1 fiscal year the authority of the Department of Corrections to submit a budget amendment for additional positions and appropriations under certain circumstances; amending s. 1011.80, F.S.; specifying the manner by which state funds for postsecondary workforce programs may be used for inmate education; providing for the expiration and reversion of specified statutory text; amending s. 215.18, F.S.; extending for 1 fiscal year the authority and related repayment requirements for temporary trust fund loans to the state court system which are sufficient to meet the system's appropriation; requiring the Department of Juvenile Justice to review county juvenile detention payments to determine whether a county has met specified financial responsibilities; requiring amounts owed by the county for such financial responsibilities to be deducted from certain county funds; requiring the Department of Revenue to transfer withheld funds to a specified trust fund; requiring the Department of Revenue to ensure that such reductions in amounts distributed do not reduce distributions below amounts necessary for certain payments due on bonds and to comply with bond covenants; requiring the Department of Revenue to notify the Department of Juvenile Justice if bond payment requirements mandate a reduction in deductions for amounts owed by a county; amending s. 27.40, F.S.; revising circumstances under which the office of criminal conflict and civil regional counsel or private counsel may be appointed; requiring the public defender and the office of criminal conflict and civil regional counsel to report certain information to the Justice Administrative Commission at specified intervals; making a conforming change; requiring inclusion of a specified statement on uniform contracts and forms used for private court-appointed counsel; modifying requirements for the notice of appearance filed by a court-appointed attorney; modifying conditions under which a private attorney is entitled to payment; providing that the flat fee for compensation of private court-appointed counsel is presumed to be sufficient; providing that certain records and documents maintained by the court-appointed attorney are subject to audit by the Auditor General; requiring the Justice Administrative Commission to review such records and documents before authorizing payment to the court-appointed attorney; providing a rebuttable presumption for certain objections made by or on behalf of the Justice Administrative Commission; revising the presumption in favor of the commission regarding a court-appointed attorney's waiver of the right to seek compensation in excess of the flat fee; providing for the expiration and reversion of specified statutory text; amending s. 27.5304, F.S.; providing a rebuttable presumption for certain objections made by or on behalf of the Justice Administrative Commission at the evidentiary hearing regarding the private court-appointed counsel's compensation; increasing the length of time before the hearing that certain documents must be served on the commission; authorizing the commission to appear in person or telephonically at such hearing; establishing certain limitations on compensation for private court-appointed counsel for the 2019-2020 fiscal year; conforming provisions to changes made by the act; providing for the expiration and reversion of specified statutory text; specifying that clerks of the circuit court are responsible for certain costs related to juries which exceed a certain funding level; reenacting s. 318.18(19)(c), F.S., relating to penalty amounts for traffic infractions; extending for 1 fiscal year the redirection of revenues from the Public Defenders Revenue Trust Fund to the Indigent Criminal Defense Trust Fund; reenacting s. 817.568(12)(b), F.S., relating to the criminal use of personal identification information; extending for 1 fiscal year the redirection of revenues from the Public Defenders Revenue Trust Fund to the Indigent Criminal Defense Trust Fund; providing for the expiration and reversion of specified statutory text; authorizing a Supreme Court Justice to designate an alternate facility as his or her official headquarters for purposes of travel reimbursement; specifying expenses for which a justice may be reimbursed; requiring the Chief Justice to coordinate with an affected justice and other appropriate officials with respect to implementation; providing construction; prohibiting the Supreme Court from using state funds to lease space in an alternate facility for use as a justice's official headquarters; requiring the Department of Management Services to use tenant broker services to renegotiate or reprocure certain private lease agreements for office or storage space; requiring the Department of Management Services to provide a report to the Governor and Legislature by a specified date; specifying the amount of the transaction fee to be collected for use of the online procurement system; prohibiting an agency from transferring funds from a data processing category to another category that is not a data processing category; authorizing the Executive Office of the Governor to transfer funds appropriated for data processing assessment between departments for a specified purpose; authorizing the Executive Office of the Governor to transfer funds between departments for purposes of aligning amounts paid for risk management insurance and for human resources services; requiring the Department of Financial Services to replace specified components of the Florida Accounting Information Resource Subsystem (FLAIR) and the Cash Management Subsystem (CMS); specifying certain actions to be taken by the Department of Financial Services regarding FLAIR and CMS replacement; providing for the composition of an executive steering committee to oversee FLAIR and CMS replacement; prescribing duties and responsibilities of the executive steering committee; requiring executive branch state agencies and the judicial branch to collaborate with the Executive Office of the Governor regarding implementation of the statewide travel management system and to use such system; transferring specified entities within the Agency for State Technology to the

Department of Management Services by a type two transfer; amending s. 20.22, F.S.; extending for 1 fiscal year a provision requiring the Department of Management Services to provide certain financial management oversight to the Agency for State Technology; amending s. 20.255, F.S.; extending for 1 fiscal year a provision designating the Department of Environmental Protection as the lead executive branch agency regarding geospatial data; amending s. 20.61, F.S.; providing exceptions to the requirement that the Agency for State Technology is not subject to control, supervision, or direction by the Department of Management Services; removing provisions providing for establishment of certain positions within the agency; providing for the expiration and reversion of specified statutory text; reenacting s. 282.0041(5), (20), and (28), F.S., relating to definitions for ch. 282, F.S.; reenacting s. 282.0051(11), F.S., relating to the powers, duties, and functions of the Agency for State Technology; reenacting s. 282.201(2)(d), F.S., relating to the state data center; providing for the expiration and reversion of specified statutory text; specifying conditions under which certain sections of the act regarding information technology reorganization may not take effect; amending s. 216.181, F.S.; extending for 1 fiscal year the authority for the Legislative Budget Commission to increase amounts appropriated to the Fish and Wildlife Conservation Commission or the Department of Environmental Protection for certain fixed capital outlay projects from specified sources; amending s. 215.18, F.S.; extending for 1 fiscal year the authority of the Governor, if there is a specified temporary deficiency in a land acquisition trust fund in the Department of Agriculture and Consumer Services, the Department of Environmental Protection, the Department of State, or the Fish and Wildlife Conservation Commission, to transfer funds from other trust funds in the State Treasury as a temporary loan to such trust fund; providing a deadline for the repayment of a temporary loan; requiring the Department of Environmental Protection to transfer designated proportions of the revenues deposited in the Land Acquisition Trust Fund within the department to land acquisition trust funds in the Department of Agriculture and Consumer Services, the Department of State, and the Fish and Wildlife Conservation Commission according to specified parameters and calculations; defining the term "department"; requiring the Department of Environmental Protection to retain a proportionate share of revenues; specifying a limit on distributions; requiring the Department of Environmental Protection to make transfers to land acquisition trust funds; specifying the method of determining transfer amounts; authorizing the Department of Environmental Protection to advance funds from its land acquisition trust fund to the Fish and Wildlife Conservation Commission's land acquisition trust fund for specified purposes; requiring the Department of Environmental Protection to prorate amounts transferred to the Fish and Wildlife Conservation Commission; amending s. 375.041, F.S.; specifying that certain funds for projects dedicated to restoring Lake Apopka shall be appropriated as provided in the General Appropriations Act; amending s. 216.181, F.S.; authorizing the Legislative Budget Commission to increase amounts appropriated to the Department of Environmental Protection for fixed capital outlay projects using specified funds; specifying additional information to be included in budget amendments for projects requiring additional funding; authorizing the Department of Agriculture and Consumer Services to submit a budget amendment to increase budget authority for a school lunch program under certain circumstances; amending s. 570.441, F.S.; extending for 1 fiscal year a provision authorizing the Department of Agriculture and Consumer Services to use certain funds for purposes related to the Division of Agricultural Environmental Services; amending s. 570.93, F.S.; revising requirements for a cost-share program administered by the Department of Agriculture and Consumer Services; providing for the expiration and reversion of specified statutory text; amending s. 525.07, F.S.; authorizing the Department of Agriculture and Consumer Services to affix an inspection sticker meeting specified requirements to any petroleum measuring device; providing for the expiration and reversion of specified statutory text; amending s. 259.105, F.S.; providing for the distribution of proceeds from the Florida Forever Trust Fund for the 2019-2020 fiscal year; amending s. 321.04, F.S.; requiring the Department of Highway Safety and Motor Vehicles to assign one or more patrol officers to the office of Lieutenant Governor for security purposes, upon request of the Governor; extending for 1 fiscal year the requirement that the Department of Highway Safety and Motor Vehicles assign a patrol officer to a Cabinet member under certain circumstances; amending s. 420.9079, F.S.; authorizing funds in the Local Government Housing Trust Fund to be used as provided in the General Appropriations Act; amending s. 420.0005, F.S.; authorizing certain funds related to state housing to be used as provided in the General Appropriations Act; amending s. 288.0655, F.S.; specifying how funds appropriated for the grant program under the Rural Infrastructure Fund for Florida Panhandle counties are to be distributed; amending s. 288.1226, F.S.; revising the scheduled repeal of the Florida Tourism Industry Marketing Corporation direct-support organization; amending s. 288.923, F.S.; revising the scheduled repeal of the Division of Tourism Marketing of Enterprise Florida, Inc.; amending s. 339.135, F.S.; authorizing the chair and vice chair of the Legislative Budget Commission to approve the Department of Transportation's budget amendment under specified circumstances; amending s. 339.2818, F.S.; authorizing certain counties and municipalities to compete for additional funds for specified purposes related to Hurricane Michael recovery; amending s. 112.061, F.S.; authorizing the Lieutenant Governor to designate an alternative official headquarters if certain conditions are met; specifying restrictions and limitations; specifying eligibility for the subsistence allowance and the reimbursement of transportation expenses, and providing for the payment thereof; amending s. 216.292, F.S.; extending for 1 fiscal year a provision prescribing requirements for the review of certain transfers of appropriations; requiring the Department of Management Services to maintain and offer the same health insurance options for participants of the State Group Health Insurance Program for the 2019-2020 fiscal year as for the preceding fiscal year; prohibiting a state agency from initiating a competitive solicitation for a product or service under certain circumstances; providing an exception; amending s. 112.24, F.S.; extending for 1 fiscal year the authorization, subject to specified requirements, for the assignment of an employee of a state agency under an employee interchange agreement; providing that the annual salaries of the members of the Legislature be maintained at a specified level; reenacting s. 215.32(2)(b), F.S., relating to the source and use of certain trust funds; providing for the future expiration and reversion of statutory text; limiting the use of travel funds to activities that are critical to an agency's mission; providing exceptions; placing a monetary cap on lodging expenses for state employee travel to certain meetings organized or sponsored by a state agency or the judicial branch; authorizing employees to expend their own funds for lodging expenses in excess of the monetary caps; prohibiting state agencies from entering into contracts containing certain nondisclosure agreements; providing conditions under which the veto of certain appropriations or proviso language in the General Appropriations Act voids language that implements such appropriation; providing for the continued operation of certain provisions notwithstanding a future repeal or expiration provided by the act; providing severability; providing effective dates.

On motion by Senator Bradley, the Conference Committee Report on **SB 2502** was adopted. **SB 2502** passed, as amended by the Conference Committee Report, and was certified to the House together with the Conference Committee Report. 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

By direction of the President, the following Conference Committee Report was read:

CONFERENCE COMMITTEE REPORT ON SB 2504

The Honorable Bill Galvano May 1, 2019
President of the Senate

The Honorable Jose Oliva
Speaker, House of Representatives

Dear Mr. President and Speaker:

Your Conference Committee on the disagreeing votes of the two houses on SB 2504, same being:

An act relating to State Employees

having met, and after full and free conference, do recommend to their respective houses as follows:

1. That the House of Representatives recede from its Amendment 1 (398505).
2. That the Senate and House of Representatives adopt the Conference Committee Amendment attached hereto, and by reference made a part of this report.

s/ Rob Bradley, Chair
s/ Dennis Baxley
s/ Lizbeth Benacquisto, At Large
s/ Lauren Book
s/ Jeff Brandes
s/ Doug Broxson
s/ Manny Diaz, Jr.
s/ Anitere Flores, At Large
s/ Audrey Gibson, At Large
s/ Gayle Harrell
s/ Travis Hutson
s/ Debbie Mayfield
s/ Kathleen Passidomo
s/ Jason W. B. Pizzo
s/ Kevin J. Rader
s/ Darryl Ervin Rouson
s/ Wilton Simpson, At Large
s/ Linda Stewart
s/ Perry E. Thurston, Jr.
s/ Tom A. Wright
s/ Ben Albritton
s/ Aaron Bean
s/ Lori Berman
s/ Randolph Bracy
s/ Oscar Braynon II, At Large
s/ Janet Cruz
s/ Gary M. Farmer, Jr.
s/ George B. Gainer
s/ Joe Gruters
s/ Ed Hooper
s/ Tom Lee
s/ Bill Montford, At Large
s/ Keith Perry
s/ Bobby Powell
s/ Jose Javier Rodriguez, At Large
s/ David Simmons, At Large
s/ Kelli Stargel
s/ Annette Taddeo
s/ Victor M. Torres, Jr.

Conferees on the part of the Senate

s/ W. Travis Cummings, Chair
s/ Ben Diamond, At Large
s/ Heather Fitzenhagen, At Large
Evan Jenne, At Large
s/ Kionne L. McGhee, At Large
s/ David Santiago, At Large
s/ Charlie Stone, At Large
s/ Bryan Avila, At Large
s/ Dane Eagle, At Large
Joseph Geller, At Large
s/ Mike La Rosa, At Large
s/ Ray Wesley Rodrigues, At Large
s/ Chris Sprowls, At Large
s/ Jennifer Mae Sullivan, At Large

Managers on the part of the House

The Conference Committee Amendment for SB 2504, relating to collective bargaining, resolves the collective bargaining issues at impasse between the State of Florida and the bargaining representatives for state employees for the 2019-2020 fiscal year that have not been resolved in the General Appropriations Act or other legislation.

The amendment does not change substantive law.

Conference Committee Amendment (663846) (with title amendment)—Delete everything after the enacting clause and insert:

Section 1. *Collective bargaining issues at impasse for the 2019-2020 fiscal year between the State of Florida and the certified representatives of the bargaining units for state employees are resolved as follows:*

(1) Collective bargaining issues at impasse between the State of Florida and the Police Benevolent Association, Law Enforcement Unit, regarding Article 18 "Hours of Work, Leave and Job-Connected Disability" are resolved by adopting the state's proposal dated April 3, 2019, for Section 7. The remainder of the article shall be resolved by maintaining the status quo under the current collective bargaining agreement.

(2) Collective bargaining issues at impasse between the State of Florida and the Police Benevolent Association, Florida Highway Patrol Unit, regarding Article 18 "Hours of Work, Leave, and Job-Connected Disability" are resolved by adopting the state's proposal dated April 3, 2019, for Section 7. The remainder of the article shall be resolved by maintaining the status quo under the current collective bargaining agreement.

(3) Collective bargaining issues at impasse between the State of Florida and the Police Benevolent Association, Special Agent Unit, regarding Article 23 "Workday, Workweek and Overtime" shall be resolved by maintaining the status quo under the current collective bargaining agreement.

(4) Collective bargaining issues at impasse between the State of Florida and the Florida Nurses Association Professional Health Care Unit regarding Article 23 "Hours of Work/Compensatory Time" shall be resolved by maintaining the status quo under the current collective bargaining agreement.

(5) Collective bargaining issues at impasse between the State of Florida and the Florida State Fire Service Association– Fire Service Unit, regarding Article 13 "Health and Welfare" shall be resolved by maintaining the status quo under the current collective bargaining agreement.

All other mandatory collective bargaining issues at impasse for the 2019-2020 fiscal year which are not addressed by this act or the General Appropriations Act for the 2019-2020 fiscal year shall be resolved in accordance with the personnel rules in effect on May 1, 2019, and by otherwise maintaining the status quo under the language of the applicable current collective bargaining agreement.

Section 2. 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 collective bargaining; providing for the resolution of certain collective bargaining issues at impasse between the State of Florida and certified bargaining units of state employees; providing for all other mandatory collective bargaining issues at impasse which are not addressed by the act or the General Appropriations Act to be resolved consistent with personnel rules and by otherwise maintaining the status quo; providing an effective date.

On motion by Senator Bradley, the Conference Committee Report on **SB 2504** was adopted. **SB 2504** passed, as amended by the Conference Committee Report, and was certified to the House together with the Conference Committee Report. 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 PRESIDENT PRESIDING

ANNOUNCEMENT

The President recognized Senators Broxson, Gainer, and Montford who addressed the Senate body regarding the damage and recovery from Hurricane Michael.

RECESS

The President declared the Senate in recess at 3:28 p.m. to reconvene upon his call.

AFTERNOON SESSION, continued

The Senate was called to order by the President at 4:32 p.m. A quorum present—29:

Mr. President	Gibson	Rodriguez
Berman	Gruters	Rouson
Book	Harrell	Simmons
Bradley	Hooper	Stargel
Braynon	Hutson	Stewart
Broxson	Mayfield	Taddeo
Cruz	Montford	Thurston
Diaz	Passidomo	Torres
Farmer	Powell	Wright
Gainer	Rader	

BILLS ON THIRD READING, continued

The Senate resumed consideration of—

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.

—which was previously considered this day and amended May 2, with pending **Amendment 1 (749698)** and **Amendment 1A (785538)** by Senator Stargel.

Amendment 1A (785538) was withdrawn.

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 (749698)** which was adopted by two-thirds vote:

Amendment 1B (203950) (with title amendment)—Between lines 611 and 612 insert:

Section 20. 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. *A referendum to levy a millage under this subsection may not prohibit or restrict sharing of the generated funds with charter schools and funds levied must be used in a manner consistent with the purposes of the levy.*

Section 21. *The provisions of this act relating to s. 1011.71, Florida Statutes, apply to levies authorized by a vote of the electors on or after July 1, 2019.*

And the title is amended as follows:

Between lines 720 and 721 insert: amending s. 1011.71, F.S.; defining the term "school operational purposes" to include charter schools sponsored by a school district; prohibiting referenda on levies for school operational purposes from prohibiting or restricting sharing of generated funds with charter schools; requiring that funds levied be used in a certain manner; providing applicability;

Amendment 1 (749698), as amended, was adopted by two-thirds vote.

On motion by Senator Stargel, **CS for HB 7123**, as amended, was passed by the required constitutional two-thirds vote of the membership 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
Book	Harrell	Simpson
Bracy	Hooper	Stargel
Bradley	Hutson	Stewart
Brandes	Lee	Taddeo
Braynon	Mayfield	Thurston
Broxson	Montford	Torres
Cruz	Passidomo	Wright
Diaz	Perry	

Nays—2

Berman	Rader

RECESS

The President declared the Senate in recess at 4:37 p.m. to reconvene upon his call.

EVENING SESSION

The Senate was called to order by the President at 5:45 p.m. A quorum present—36:

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

MOTIONS

On motion by Senator Benacquisto, the rules were waived and time of adjournment was extended until 11:59 p.m.

RECESS

The President declared the Senate in recess at 5:47 p.m. to reconvene upon his call.

EVENING SESSION, continued

The Senate was called to order by the President at 6:27 p.m. A quorum present—36:

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

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 amended Senate Amendment 338888 and concurred in the same as amended, and passed CS/CS/HB 5 as further amended, and requests the concurrence of the Senate.

— *Jeff Takacs*, Clerk

By State Affairs Committee, Local, Federal & Veterans Affairs Subcommittee and Representative(s) DiCeglie, Beltran, Bush, Hill—

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.

House Amendment 1 (980309) (with title amendment) to Senate Amendment 2 (338888)—Remove lines 6-125 of the amendment and insert:

Section 1. Effective January 1, 2020, 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 60 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. Subsections (27) through (45) of s. 97.021, F.S., are renumbered as subsections (28) through (46), respectively, and new subsection (27) is added to that section, to read:

97.021 Definitions.—For the purposes of this code, except where the context clearly indicates otherwise, the term:

(27) "Petition circulator" means an entity or individual who collects signatures for compensation for the purpose of qualifying a proposed constitutional amendment for ballot placement.

Section 3. Effective 30 days after the effective date of this act, subsections (3) through (7) of section 100.371, Florida Statutes, are renumbered as subsections (11) through (15), respectively, present subsections (5) and (6) are amended, and new subsections (3) through (10) are added to that section, to read:

100.371 Initiatives; procedure for placement on ballot.—

(3) A person may not collect signatures or initiative petitions for compensation unless the person is registered as a petition circulator with the Secretary of State.

(4) An application for registration must be submitted in the format required by the Secretary of State and must include the following:

(a) The information required to be on the petition form under s. 101.161, including the ballot summary and title as approved by the Secretary of State.

(b) The applicant's name, permanent address, temporary address, if applicable, and date of birth.

(c) An address in this state at which the applicant will accept service of process related to disputes concerning the petition process, if the applicant is not a resident of this state.

(d) A statement that the applicant consents to the jurisdiction of the courts of this state in resolving disputes concerning the petition process.

(e) Any information required by the Secretary of State to verify the applicant's identity or address.

(5) All petitions collected by a petition circulator must contain, in a format required by the Secretary of State, a completed Petition Circulator's Affidavit which includes:

(a) The circulator's name and permanent address;

(b) The following statement, which must be signed by the circulator:

By my signature below, as petition circulator, I verify that the petition was signed in my presence. Under penalties of perjury, I declare that I have read the foregoing Petition Circulator's Affidavit and the facts stated in it are true.

(6) The division or the supervisor of elections shall make petition forms available to registered petition circulators. All such forms must contain information identifying the petition circulator to which the forms are provided. The division shall maintain a database of all registered petition circulators and the petition forms assigned to each. Each supervisor of elections shall provide to the division information on petition forms assigned to and received from petition circulators. The information must be provided in a format and at times as required by the division by rule. The division must update information on petition forms daily and make the information publicly available.

(7)(a) A sponsor that collects petition forms or uses a petition circulator to collect petition forms serves as a fiduciary to the elector signing the petition form, ensuring that any petition form entrusted to the petition circulator shall be promptly delivered to the supervisor of elections within 30 days after the elector signs the form. If a petition form collected by any petition circulator is not promptly delivered to the supervisor of elections, the sponsor is liable for the following fines:

1. A fine in the amount of $50 for each petition form received by the supervisor of elections more than 30 days after the elector signed the petition form or the next business day, if the office is closed. A fine in the amount of $250 for each petition form received if the sponsor or petition circulator acted willfully.

2. A fine in the amount of $500 for each petition form collected by a petition circulator which is not submitted to the supervisor of elections. A fine in the amount of $1,000 for any petition form not submitted if the sponsor or petition circulator acted willfully.

(b) A showing by the sponsor that the failure to deliver the petition form within the required timeframe is based upon force majeure or impossibility of performance is an affirmative defense to a violation of this subsection. The fines described in this subsection may be waived upon a showing that the failure to deliver the petition form promptly is based upon force majeure or impossibility of performance.

(8) If the Secretary of State reasonably believes that a person or entity has committed a violation of this section, the secretary may refer the matter to the Attorney General for enforcement. The Attorney General may institute a civil action for a violation of this section or to prevent a violation of this section. An action for relief may include a permanent or temporary injunction, a restraining order, or any other appropriate order.

(9) The division shall adopt by rule a complaint form for an elector who claims to have had his or her signature misrepresented, forged, or not delivered to the supervisor. The division shall also adopt rules to ensure the integrity of the petition form gathering process, including rules requiring sponsors to account for all petition forms used by their agents. Such rules may require a sponsor or petition circulator to provide identification information on each petition form as determined by the department as needed to assist in the accounting of petition forms.

(10) The date on which an elector signs a petition form is presumed to be the date on which the petition circulator received or collected the petition form.

(13)~~(5)~~(a) Within *75* ~~45~~ days after receipt of a proposed revision or amendment to the State Constitution by initiative petition from the Secretary of State, the Financial Impact Estimating Conference shall complete an analysis and financial impact statement to be placed on the ballot of the estimated increase or decrease in any revenues or costs to state or local governments*, estimated economic impact on the state and local economy, and the overall impact to the state budget* resulting from the proposed initiative. *The 75-day time limit is tolled when the Legislature is in session.* The Financial Impact Estimating Conference shall submit the financial impact statement to the Attorney General and Secretary of State.

(b) *Immediately upon receipt of a proposed revision or amendment from the Secretary of State, the Coordinator of the Office of Economic and Demographic Research shall contact the person identified as the sponsor to request an official list of all persons authorized to speak on behalf of the named sponsor and, if there is one, the sponsoring organization at meetings held by the Financial Impact Estimating Conference. All other persons shall be deemed interested parties or proponents or opponents of the initiative.* The Financial Impact Estimating Conference shall provide an opportunity for any *representatives of the sponsor, interested parties,* proponents*,* or opponents of the initiative to submit information and may solicit information or analysis from any other entities or agencies, including the Office of Economic and Demographic Research.

(c) All meetings of the Financial Impact Estimating Conference shall be open to the public. The President of the Senate and the Speaker of the House of Representatives, jointly, shall be the sole judge for the interpretation, implementation, and enforcement of this subsection.

1. The Financial Impact Estimating Conference is established to review, analyze, and estimate the financial impact of amendments to or revisions of the State Constitution proposed by initiative. The Financial Impact Estimating Conference shall consist of four principals: one person from the Executive Office of the Governor; the coordinator of the Office of Economic and Demographic Research, or his or her designee; one person from the professional staff of the Senate; and one person from the professional staff of the House of Representatives. Each principal shall have appropriate fiscal expertise in the subject matter of the initiative. A Financial Impact Estimating Conference may be appointed for each initiative.

2. Principals of the Financial Impact Estimating Conference shall reach a consensus or majority concurrence on a clear and unambiguous financial impact statement, no more than *150* ~~75~~ words in length, and immediately submit the statement to the Attorney General. Nothing in this subsection prohibits the Financial Impact Estimating Conference from setting forth a range of potential impacts in the financial impact statement. Any financial impact statement that a court finds not to be in accordance with this section shall be remanded solely to the Financial Impact Estimating Conference for redrafting. The Financial Impact Estimating Conference shall redraft the financial impact statement within 15 days.

3. If the members of the Financial Impact Estimating Conference are unable to agree on the statement required by this subsection, or if the Supreme Court has rejected the initial submission by the Financial Impact Estimating Conference and no redraft has been approved by the Supreme Court by 5 p.m. on the 75th day before the election, the following statement shall appear on the ballot pursuant to s. 101.161(1): "The financial impact of this measure, if any, cannot be reasonably determined at this time."

(d) The financial impact statement must be separately contained and be set forth after the ballot summary as required in s. 101.161(1). *If the financial impact statement estimates increased costs, decreased revenues, a negative impact on the state or local economy, or an indeterminate impact for any of these areas, the ballot must include a statement indicating such estimated effect in bold font.*

(e)1. Any financial impact statement that the Supreme Court finds not to be in accordance with this subsection shall be remanded solely to the Financial Impact Estimating Conference for redrafting, provided the court's advisory opinion is rendered at least 75 days before the election at which the question of ratifying the amendment will be presented. The Financial Impact Estimating Conference shall prepare and adopt a revised financial impact statement no later than 5 p.m. on the 15th day after the date of the court's opinion.

2. If, by 5 p.m. on the 75th day before the election, the Supreme Court has not issued an advisory opinion on the initial financial impact statement prepared by the Financial Impact Estimating Conference for an initiative amendment that otherwise meets the legal requirements for ballot placement, the financial impact statement shall be deemed approved for placement on the ballot.

3. In addition to the financial impact statement required by this subsection, the Financial Impact Estimating Conference shall draft an initiative financial information statement. The initiative financial information statement should describe in greater detail than the financial impact statement any projected increase or decrease in revenues or costs that the state or local governments would likely experience *and the estimated economic impact on the state and local economy* if the ballot measure were approved. If appropriate, the initiative financial information statement may include both estimated dollar amounts and a description placing the estimated dollar amounts into context. The initiative financial information statement must include both a summary of not more than 500 words and additional detailed information that includes the assumptions that were made to develop the financial impacts, workpapers, and any other information deemed relevant by the Financial Impact Estimating Conference.

4. The Department of State shall have printed, and shall furnish to each supervisor of elections, a copy of the summary from the initiative financial information statements. The supervisors shall have the summary from the initiative financial information statements available at each polling place and at the main office of the supervisor of elections upon request.

5. The Secretary of State and the Office of Economic and Demographic Research shall make available on the Internet each initiative financial information statement in its entirety. In addition, each supervisor of elections whose office has a website shall post the summary from each initiative financial information statement on the website. Each supervisor shall include *a copy of each summary from the initiative financial information statements and* the Internet addresses for the

information statements on the Secretary of State's and the Office of Economic and Demographic Research's websites in the publication or mailing required by s. 101.20.

(14)~~(6)~~ The Department of State may adopt rules in accordance with s. 120.54 to carry out the provisions of subsections *(1)-(14)* ~~(1)-(5)~~.

Section 4. Section 104.186, Florida Statutes, is created to read:

104.186 Initiative petitions; violations.— A person who compensates a petition circulator as defined in s. 97.021 based on the number of petition forms gathered commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083. This section does not prohibit employment relationships that do not base payment on the number of signatures collected.

Section 5. Effective 30 days after the effective date of this act, section 104.187, Florida Statutes, is created to read:

104.187 Initiative petitions; registration.- A person who violates s. 100.371(3) commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or 775.083.

Section 6. *The provisions of this act apply to all revisions or amendments to the State Constitution by initiative that are proposed for the 2020 election ballot and each ballot thereafter; provided, however, that nothing in this act affects the validity of any petition form gathered before the effective date of this act or any contract entered into before the effective date of this act.*

Section 7. Except as otherwise expressly provided in this act, this act shall take effect upon becoming a law.

And the title is amended as follows:

Remove line 155 of the amendment and insert: void; amending s. 97.021, F.S.; providing definitions; amending s. 100.371, F.S.; requiring a paid petition circulator to register with the Secretary of State and provide certain information; requiring petition forms to be made available to sponsors; requiring the secretary to maintain a specified database; requiring supervisors of elections to provide specified information to the division of elections; requiring the division of elections to keep specified information in a database; providing requirements for gathering petition forms; providing for the imposition of fines for failure to deliver petition forms within a specified time period; providing for defenses; allowing the Secretary of State to refer petition form violations to the Attorney General for enforcement; requiring the division to adopt rules; providing that the date the elector signs a petition form is presumed to be the date the sponsor collected the form; revising the timeframe for and the information that must be included in a Financial Impact Estimating Conference analysis and financial impact statement; revising information that the Financial Impact Estimating Conference should include in an initiative financial information statement; requiring the Office of Economic and Demographic Research to request a list of persons authorized to speak on behalf of a sponsor; expanding the word limit for a financial impact statement; requiring certain language to appear on the ballot in specified situations; requiring each supervisor to include certain summaries in certain publications or mailings; conforming a provision; creating s. 104.186, F.S.; prohibiting compensation for initiative petition circulators based on the number of petition forms gathered; providing penalties; creating s. 104.187, F.S.; providing penalties for failure to register as a petition circulator; providing applicability; providing effective dates.

House Amendment 1A (964263) to House Amendment 1 (980309) (with title amendment) to Senate Amendment 2 (338888)—Remove line 44 of the amendment and insert:
the same manner as required for initiatives under s. 100.371(11).

On motion by Senator Brandes, the Senate concurred in unengrossed **House Amendment 1 (980309) to Senate Amendment 2 (338888)**, as amended.

SENATOR BRADLEY PRESIDING

THE PRESIDENT PRESIDING

CS for CS for HB 5, 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	

The Honorable Bill Galvano, President

I am directed to inform the Senate that the House of Representatives has returned as requested CS/SB 190.

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.

Senator Stargel moved the following amendment to **House Amendment 1 (439287)** which was adopted:

Senate Amendment 1 (285804) (with title amendment) to House Amendment 1 (439287)—Delete lines 5-286 and insert:

Section 1. Paragraph (c) of subsection (2) of section 11.45, Florida Statutes, is amended to read:

11.45 Definitions; duties; authorities; reports; rules.—

(2) DUTIES.—The Auditor General shall:

(c) Annually conduct financial audits of all state universities and *Florida College System institutions and verify the accuracy of the amounts certified by each state university and Florida College System institution chief financial officer pursuant to ss. 1011.45 and 1011.84* ~~state colleges~~.

The Auditor General shall perform his or her duties independently but under the general policies established by the Legislative Auditing Committee. This subsection does not limit the Auditor General's discretionary authority to conduct other audits or engagements of governmental entities as authorized in subsection (3).

Section 2. Subsection (6) of section 215.985, Florida Statutes, is amended to read:

215.985 Transparency in government spending.—

(6) The Department of Management Services shall establish and maintain a website that provides current information relating to each employee or officer of a state agency, a state university, *a Florida College System institution,* or the State Board of Administration, regardless of the appropriation category from which the person is paid.

(a) For each employee or officer, the information must include, at a minimum, his or her:

1. Name and salary or hourly rate of pay.

2. Position number, class code, and class title.

3. Employing agency and budget entity.

(b) The information must be searchable by state agency, state university, *Florida College System institution,* and the State Board of Administration, and by employee name, salary range, or class code and must be downloadable in a format that allows offline analysis.

Section 3. Subsection (18) is added to section 1001.03, Florida Statutes, to read:

1001.03 Specific powers of State Board of Education.—

(18) 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 consider 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 a ranked priority of the submitting Florida College System institution;

5. The project represents the most practical and cost effective replacement or renovation of an existing building; or

6. For a new construction, remodeling, or renovation project that has not received a prior appropriation, the project has received, or has commitments to receive, funding from sources other than a project-specific state appropriation to assist with completion of the project; the project is needed to preserve the safety of persons using the facility; or the project is consistent with a strategic legislative or state board initiative.

(b) The project scoring the highest for each criterion shall be awarded the maximum points in the range of points within the points scale developed by the state board. The state board shall weight the value of criteria such that the maximum points awarded for each criterion represents a percent of the total maximum points. However, the state board may not weight any criterion higher than the criterion established in subparagraph (a)3.

(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 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;

2. 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

3. 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 4. Paragraph (e) of subsection (5) of section 1001.706, Florida Statutes, is amended and paragraph (i) is added to that subsection, paragraph (j) is added to subsection (3) of that section, and subsection (12) is added to that section, to read:

1001.706 Powers and duties of the Board of Governors.—

(3) POWERS AND DUTIES RELATING TO ORGANIZATION AND OPERATION OF STATE UNIVERSITIES.—

(j) The Board of Governors shall develop and annually deliver a training program for members of each state university board of trustees that addresses the role of such boards in governing institutional resources and protecting the public interest. At a minimum, each trustee must participate in the training program within 1 year of appointment and reappointment to a university board of trustees. The program must include information on trustee responsibilities relating to all of the following:

1. Meeting the statutory, regulatory, and fiduciary obligations of the board.

2. Establishing internal process controls and accountability mechanisms for the institution's president and other administrative officers.

3. Oversight of planning, construction, maintenance, expansion, and renovation projects that impact the university's consolidated infrastructure, physical facilities, and natural environment, including its lands, improvements, and capital equipment.

4. Establishing policies that promote college affordability, including ensuring that the costs of university fees, textbooks, and instructional materials are minimized whenever possible.

5. Creation and implementation of institutionwide rules and regulations.

6. Institutional ethics and conflicts of interest.

7. Best practices for board governance.

8. Understanding current national and state issues in higher education.

9. Any other responsibilities the Board of Governors deems necessary or appropriate.

(5) POWERS AND DUTIES RELATING TO ACCOUNTABILITY.—

(e) The Board of Governors shall maintain an effective information system to provide accurate, timely, and cost-effective information about each university. The board shall continue to collect and maintain, at a minimum, management information as such information existed on June 30, 2002. *To ensure consistency, the Board of Governors shall define the data components and methodology used to implement ss. 1001.7065 and 1001.92. Each university shall conduct an annual audit to verify that the data submitted pursuant to ss. 1001.7065 and 1001.92 complies with the data definitions established by the board and submit the audits to the Board of Governors Office of Inspector General as part of the annual certification process required by the Board of Governors.*

(i) The Board of Governors shall match individual student information with information in the files of state and federal agencies that maintain educational and employment records. The board must enter into an agreement with the Department of Economic Opportunity that allows access to the individual reemployment assistance wage records maintained by the department. The agreement must protect individual privacy and provide that student information may be used only for the purposes of auditing or evaluating higher education programs offered by state universities.

(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 consider 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 a ranked priority of the submitting university;

5. The project represents the most practical and cost effective replacement or renovation of an existing building; or

6. For a new construction, remodeling, or renovation project that has not received a prior appropriation, the project has received, or has commitments to receive, funding from sources other than a project-specific state appropriation to assist with completion of the project; the project is needed to preserve the safety of persons using the facility; the project is consistent with a strategic legislative or board initiative; or the institution has allocated funding equal to a percentage of the total project cost. The percentage shall be no less than:

a. Six percent for preeminent universities;

b. Four percent for emerging preeminent universities; and

c. Two percent for state universities that are neither a preeminent or emerging preeminent university.

(b) The project scoring the highest for each criterion shall be awarded the maximum points in the range of points within the points scale developed by the board. The board shall weight the value of criteria such that the maximum points awarded for each criterion represent a percent of the total of maximum points. However, the board may not weight any criterion higher than the criterion established in subparagraph (a)3.

(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 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;

2. 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

3. 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 5. Paragraph (d) of subsection (4) of section 1004.70, Florida Statutes, is amended to read:

1004.70 Florida College System institution direct-support organizations.—

(4) ACTIVITIES; RESTRICTIONS.—

(d) A Florida College System institution direct-support organization is prohibited from giving, either directly or indirectly, any gift to a political committee as defined in s. 106.011 for any purpose ~~other than~~

~~those certified by a majority roll call vote of the governing board of the direct support organization at a regularly scheduled meeting as being directly related to the educational mission of the Florida College System institution~~.

Section 6. Subsection (7) is added to section 1007.23, Florida Statutes, to read:

1007.23 Statewide articulation agreement.—

(7) By the 2019-2020 academic year, to strengthen Florida's "2+2" system of articulation and improve student retention and on-time graduation, each Florida College System institution shall execute at least one "2+2" targeted pathway articulation agreement with one or more state universities, and each state university shall execute at least one such agreement with one or more Florida College System institutions to establish "2+2" targeted pathway programs. The agreement must provide students who graduate with an associate in arts degree and who meet specified requirements guaranteed access to the state university and a degree program at that university, in accordance with the terms of the "2+2" targeted pathway articulation agreement.

(a) To participate in a "2+2" targeted pathway program, a student must:

1. Enroll in the program before completing 30 credit hours, including, but not limited to, college credits earned through articulated acceleration mechanisms pursuant to s. 1007.27;

2. Complete an associate in arts degree; and

3. Meet the university's transfer requirements.

(b) A state university that executes a "2+2" targeted pathway articulation agreement must meet the following requirements in order to implement a "2+2" targeted pathway program in collaboration with its partner Florida College System institution:

1. Establish a 4-year, on-time graduation plan for a baccalaureate degree program, including, but not limited to, a plan for students to complete associate in arts degree programs, general education courses, common prerequisite courses, and elective courses;

2. Advise students enrolled in the program about the university's transfer and degree program requirements; and

3. Provide students who meet the requirements under this paragraph with access to academic advisors and campus events and with guaranteed admittance to the state university and a degree program of the state university, in accordance with the terms of the agreement.

(c) To assist the state universities and Florida College System institutions with implementing the "2+2" targeted pathway programs effectively, the State Board of Education and the Board of Governors shall collaborate to eliminate barriers in executing "2+2" targeted pathway articulation agreements.

Section 7. Subsection (2) of section 1008.32, Florida Statutes, is amended to read:

1008.32 State Board of Education oversight enforcement authority.—The State Board of Education shall oversee the performance of district school boards and Florida College System institution boards of trustees in enforcement of all laws and rules. District school boards and Florida College System institution boards of trustees shall be primarily responsible for compliance with law and state board rule.

(2)*(a)* The Commissioner of Education may investigate allegations of noncompliance with law or state board rule and determine probable cause. The commissioner shall report determinations of probable cause to the State Board of Education which shall require the district school board or Florida College System institution board of trustees to document compliance with law or state board rule.

(b) The Commissioner of Education shall report to the State Board of Education any findings by the Auditor General that a district school board or Florida College System institution is acting without statutory authority or contrary to general law. The State Board of Education shall require the district school board or Florida College System institution board of trustees to document compliance with such law.

Section 8. Subsection (3) of section 1008.322, Florida Statutes, is amended to read:

1008.322 Board of Governors oversight enforcement authority.—

(3)*(a)* The Chancellor of the State University System may investigate allegations of noncompliance with any law or Board of Governors' rule or regulation and determine probable cause. The chancellor shall report determinations of probable cause to the Board of Governors, which may require the university board of trustees to document compliance with the law or Board of Governors' rule or regulation.

(b) The Chancellor of the State University System shall report to the Board of Governors any findings by the Auditor General that a university is acting without statutory authority or contrary to general law. The Board of Governors shall require the university board of trustees to document compliance with such law.

Section 9. Effective July 1, 2019, and upon the expiration and reversion of the amendment made to section 1009.215, Florida Statutes, pursuant to section 13 of chapter 2018-10, Laws of Florida, subsection (3) of section 1009.215, Florida Statutes, is amended to read:

1009.215 Student enrollment pilot program for the spring and summer terms.—

(3) Students who are enrolled in the pilot program and who are eligible to receive Bright Futures Scholarships under ss. 1009.53-1009.536 *are* ~~shall be~~ eligible to receive the scholarship award for attendance during *the spring and summer terms. This student cohort is also eligible to receive Bright Futures Scholarships during the fall term which may be used for off-campus or online coursework, if Bright Futures Scholarship funding is provided by the Legislature for three terms for other eligible students during that academic year* ~~no more than 2 semesters or the equivalent in any fiscal year, including the summer term~~.

Section 10. Subsection (2) of section 1009.286, Florida Statutes, is amended to read:

1009.286 Additional student payment for hours exceeding baccalaureate degree program completion requirements at state universities.—

(2) State universities shall require a student to pay an excess hour surcharge for each credit hour in excess of the number of credit hours required to complete the baccalaureate degree program in which the student is enrolled. *Each university must calculate an excess hour threshold for each student based on the number of credit hours required for the degree. For any student who changes degree programs, the excess hour threshold must be adjusted only if the number of credit hours required to complete the new degree program exceeds that of the original degree program.* The excess hour surcharge ~~shall become effective~~ for students who enter a state university for the first time and maintain continuous enrollment *is* as follows:

(a) For the 2009-2010 and 2010-2011 academic years, an excess hour surcharge equal to 50 percent of the tuition rate for each credit hour in excess of 120 percent.

(b) For the 2011-2012 academic year, an excess hour surcharge equal to 100 percent of the tuition rate for each credit hour in excess of 115 percent.

(c) For the 2012-2013 academic year *through the 2019 spring term* ~~and thereafter~~, an excess hour surcharge equal to 100 percent of the tuition rate for each credit hour in excess of 110 percent. *For the 2019 summer term and thereafter, an excess hour surcharge equal to 100 percent of the tuition rate for each credit hour in excess of 120 percent.* Notwithstanding the requirements of this subsection, a state university shall refund the excess hour surcharge assessed pursuant to this paragraph for up to 12 credit hours to any first-time-in-college student who completes a baccalaureate degree program within 4 years after his or her initial enrollment in a state university.

Section 11. Subsections (1), (2), and (3), paragraph (a) of subsection (4), subsection (5), and subsection (7) of section 1009.53, Florida Statutes, are amended to read:

1009.53 Florida Bright Futures Scholarship Program.—

(1) The Florida Bright Futures Scholarship Program is created to establish a lottery-funded scholarship program to reward any Florida high school graduate who merits recognition of high academic achievement and who enrolls in a degree program, certificate program, or applied technology program at an eligible Florida public or private postsecondary education institution ~~within 3 years of graduation from high school~~.

(2) The Bright Futures Scholarship Program consists of *four* ~~three types of~~ awards: the Florida Academic Scholarship, the Florida Medallion Scholarship, *the Florida Gold Seal CAPE Scholarship,* and the Florida Gold Seal Vocational Scholarship.

(3) The Department of Education shall administer the Bright Futures Scholarship Program according to rules and procedures established by the State Board of Education. A single application must be sufficient for a student to apply for any of the ~~three types of~~ awards. The department shall advertise the availability of the scholarship program and shall notify students, teachers, parents, certified school counselors, and principals or other relevant school administrators of the criteria and application procedures. The department must begin this process of notification no later than January 1 of each year.

(4) Funding for the Bright Futures Scholarship Program must be allocated from the Education Enhancement Trust Fund and must be provided before allocations from that fund are calculated for disbursement to other educational entities.

(a) If funds appropriated are not adequate to provide the maximum allowable award to each eligible applicant, awards in all ~~three~~ components of the program must be prorated using the same percentage reduction.

(5) The department shall issue awards from the scholarship program annually. ~~Annual awards may be for up to 45 semester credit hours or the equivalent.~~ Before the registration period each semester, the department shall transmit payment for each award to the president or director of the postsecondary education institution, or his or her representative, except that the department may withhold payment if the receiving institution fails to report or to make refunds to the department as required in this section.

(a) Within 30 days after the end of regular registration each semester, the educational institution shall certify to the department the eligibility status of each student who receives an award. After the end of the drop and add period, an institution is not required to reevaluate or revise a student's eligibility status; however, an institution must make a refund to the department within 30 days after the end of the semester of any funds received for courses dropped by a student or courses from which a student has withdrawn after the end of the drop and add period, unless the student has been granted an exception by the department pursuant to subsection (11).

(b) An institution that receives funds from the program *for the fall and spring terms* shall certify to the department the amount of funds disbursed to each student and shall remit to the department any undisbursed advances within 60 days after the end of regular registration. *An institution that receives funds from the program for the summer term shall certify to the department the amount of funds disbursed to each student and shall remit to the department any undisbursed advances within 30 days after the end of the summer term.*

(c) Each institution that receives moneys through this program shall provide for a financial audit, as defined in s. 11.45, conducted by an independent certified public accountant or the Auditor General for each fiscal year in which the institution expends program moneys in excess of $100,000. At least every 2 years, the audit shall include an examination of the institution's administration of the program and the institution's accounting of the moneys for the program since the last examination of the institution's administration of the program. The report on the audit must be submitted to the department within 9 months after the end of the fiscal year. The department may conduct its own annual audit of an institution's administration of the program. The department may request a refund of any moneys overpaid to the institution for the program. The department may suspend or revoke an institution's eligibility to receive future moneys for the program if the department finds that an institution has not complied with this section. The institution must remit within 60 days any refund requested in accordance with this subsection.

(d) Any institution that is not subject to an audit pursuant to this subsection shall attest, under penalty of perjury, that the moneys were used in compliance with law. The attestation shall be made annually in a form and format determined by the department.

(7) A student may receive only one type of award from the Florida Bright Futures Scholarship Program at *any given* ~~a~~ time, but may transfer from one type of award to another through the renewal application process, if the student's eligibility status changes. However, a student is not eligible to transfer from a Florida Medallion Scholarship*, a Florida Gold Seal CAPE Scholarship,* or a Florida Gold Seal Vocational Scholarship to a Florida Academic Scholarship. A student who receives an award from the program may also receive a federal family education loan or a federal direct loan, and the value of the award must be considered in the certification or calculation of the student's loan eligibility.

Section 12. Section 1009.531, Florida Statutes, is amended to read:

1009.531 Florida Bright Futures Scholarship Program; student eligibility requirements for initial awards.—

(1) In order to be eligible for an initial award from any of the ~~three types of~~ scholarships under the Florida Bright Futures Scholarship Program, a student must:

(a) Be a Florida resident as defined in s. 1009.40 and rules of the State Board of Education.

(b) Earn a standard Florida high school diploma pursuant to s. 1002.3105(5), s. 1003.4281, or s. 1003.4282 or a high school equivalency diploma pursuant to s. 1003.435 unless:

1. The student completes a home education program according to s. 1002.41; ~~or~~

2. The student earns a high school diploma from a non-Florida school while living with a parent or guardian who is on military or public service assignment away from Florida*; or*

3. The student earns a high school diploma from a Florida private school operating pursuant to s. 1002.42.

(c) Be accepted by and enroll in an eligible Florida public or independent postsecondary education institution.

(d) Be enrolled for at least 6 semester credit hours or the equivalent in quarter hours or clock hours.

(e) Not have been found guilty of, or entered a plea of nolo contendere to, a felony charge, unless the student has been granted clemency by the Governor and Cabinet sitting as the Executive Office of Clemency.

(f) Apply for a scholarship from the program by high school graduation. However, a student who graduates from high school midyear must apply no later than *December* ~~August~~ 31 of the student's graduation year in order to be evaluated for and, if eligible, receive an award for the current academic year.

~~(2)(a) A student graduating from high school prior to the 2010-2011 academic year is eligible to accept an initial award for 3 years following high school graduation and to accept a renewal award for 7 years following high school graduation. A student who applies for an award by high school graduation and who meets all other eligibility requirements, but who does not accept his or her award, may reapply during subsequent application periods up to 3 years after high school graduation. For a student who enlists in the United States Armed Forces immediately after completion of high school, the 3-year eligibility period for his or her initial award shall begin upon the date of separation from active duty. For a student who is receiving a Florida Bright Futures~~

~~Scholarship and discontinues his or her education to enlist in the United States Armed Forces, the remainder of his or her 7-year renewal period shall commence upon the date of separation from active duty.~~

~~(b) Students graduating from high school in the 2010-2011 and 2011-2012 academic years are eligible to accept an initial award for 3 years following high school graduation and to accept a renewal award for 5 years following high school graduation. A student who applies for an award by high school graduation and who meets all other eligibility requirements, but who does not accept his or her award, may reapply during subsequent application periods up to 3 years after high school graduation. For a student who enlists in the United States Armed Forces immediately after completion of high school, the 3-year eligibility period for his or her initial award and the 5-year renewal period shall begin upon the date of separation from active duty. For a student who is receiving a Florida Bright Futures Scholarship award and discontinues his or her education to enlist in the United States Armed Forces, the remainder of his or her 5-year renewal period shall commence upon the date of separation from active duty. If a course of study is not completed after 5 academic years, an exception of 1 year to the renewal timeframe may be granted due to a verifiable illness or other documented emergency pursuant to s. 1009.40(1)(b)4.~~

~~(c)~~ A student graduating from high school in the 2012-2013 academic year and thereafter is eligible to *receive an* ~~accept an initial award for 2 years following high school graduation and to accept a renewal~~ award for 5 years following high school graduation. A student who applies for an award by high school graduation and who meets all other eligibility requirements, but who does not accept his or her award, may reapply during subsequent application periods up to *5* ~~2~~ years after high school graduation. For a student who enlists in the United States Armed Forces immediately after completion of high school, ~~the 2-year eligibility period for his or her initial award and~~ the 5-year ~~renewal~~ period shall begin upon the date of separation from active duty. For a student who is receiving a Florida Bright Futures Scholarship award and discontinues his or her education to enlist in the United States Armed Forces, the remainder of his or her 5-year renewal period shall commence upon the date of separation from active duty. For a student who is unable to accept an initial award ~~immediately after completion of high school~~ due to a full-time religious or service obligation lasting at least 18 months *which begins within 1 year after completion of high school*, ~~the 2-year eligibility period for his or her initial award and~~ the 5-year ~~renewal~~ period *begins* ~~begin~~ upon the completion of his or her religious or service obligation. The organization sponsoring the full-time religious or service obligation must meet the requirements for nonprofit status under s. 501(c)(3) of the Internal Revenue Code or be a federal government service organization, including, but not limited to, the Peace Corps and AmeriCorps programs. The obligation must be documented in writing and verified by the entity for which the student completed the obligation on a standardized form prescribed by the department. If a course of study is not completed after 5 academic years, an exception of 1 year to the renewal timeframe may be granted due to a verifiable illness or other documented emergency pursuant to s. 1009.40(1)(b)4.

(3) For purposes of calculating the grade point average to be used in determining initial eligibility for a Florida Bright Futures Scholarship, the department shall assign additional weights to grades earned in the following courses:

(a) Courses identified in the course code directory as Advanced Placement, pre-International Baccalaureate, International Baccalaureate, International General Certificate of Secondary Education (pre-AICE), or Advanced International Certificate of Education.

(b) Courses designated as academic dual enrollment courses in the statewide course numbering system.

The department may assign additional weights to courses, other than those described in paragraphs (a) and (b), that are identified by the Department of Education as containing rigorous academic curriculum and performance standards. The additional weight assigned to a course pursuant to this subsection shall not exceed 0.5 per course. The weighted system shall be developed and distributed to all high schools in the state prior to January 1, 1998. The department may determine a student's eligibility status during the senior year before graduation and may inform the student of the award at that time.

(4) Each school district shall annually provide to each high school student *in grade 11 or 12* a complete and accurate Florida Bright Futures Scholarship Evaluation Report and Key. The report shall be disseminated at the beginning of each school year. The report must include all high school coursework attempted, the number of credits earned toward each type of award, and the calculation of the grade point average for each award. The report must also identify all requirements not met per award, including the grade point average requirement, as well as identify the awards for which the student has met the academic requirements. The student report cards must contain a disclosure that the grade point average calculated for purposes of the Florida Bright Futures Scholarship Program may differ from the grade point average on the report card.

(5) A student who wishes to qualify for a particular award within the Florida Bright Futures Scholarship Program, but who does not meet all of the requirements for that ~~level of~~ award *by the applicable deadlines*, may *be allowed additional time to complete the requirements*, ~~nevertheless, receive the award~~ if the principal of the student's school or the district superintendent verifies that the deficiency is caused by the fact that school district personnel provided inaccurate or incomplete information to the student. The school district must provide a means for the student to correct the deficiencies and the student must correct them, either by completing comparable work at the postsecondary institution or by completing a directed individualized study program developed and administered by the school district. If the student does not complete the requirements by December 31 immediately following high school graduation, the student is ineligible to participate in the program. *If the student completes the requirements by December 31, the student must receive the award for the full academic year, including the fall term.*

(6)(a) The State Board of Education shall publicize the examination score required for a student to be eligible for a Florida Academic Scholars award, pursuant to s. 1009.534(1)(a) or (b)*, as follows:*

1. For high school students graduating in the 2018-2019 and 2019-2020 academic years, a student must achieve an SAT combined score of 1290 or an ACT composite score of 29.

2. For high school students graduating in the 2020-2021 academic year and thereafter, a student must achieve the required examination scores published by the department, which are determined as provided in subsection (c) ~~High school students must earn an SAT score of 1290 which corresponds to the 89th SAT percentile rank or a concordant ACT score of 29~~.

(b) The State Board of Education shall publicize the examination score required for a student to be eligible for a Florida Medallion Scholars award, pursuant to s. 1009.535(1)(a) or (b)*, as follows:*

1. For high school students graduating in the 2018-2019 and 2019-2020 academic years, a student must achieve an SAT combined score of 1170 or an ACT composite score of 26.

2. For high school students graduating in the 2020-2021 academic year and thereafter, a student must achieve the required examination scores published by the department, which are determined as provided in subsection (c) ~~High school students must earn an SAT score of 1170 which corresponds to the 75th SAT percentile rank or a concordant ACT score of 26~~.

(c) *To ensure that the required examination scores represent top student performance and are equivalent between the SAT and ACT, the department shall develop a method for determining the required examination scores which incorporates all of the following:*

1. The minimum required SAT score for the Florida Academic Scholarship must be set no lower than the 89th national percentile on the SAT. The department may adjust the required SAT score only if the required score drops below the 89th national percentile, and any such adjustment must be applied to the bottom of the SAT score range that is concordant to the ACT.

2. The minimum required SAT score for the Florida Medallion Scholarship must be set no lower than the 75th national percentile on the SAT. The department may adjust the required SAT score only if the required score drops below the 75th national percentile, and any such

adjustment must be made to the bottom of the SAT score range that is concordant to the ACT.

3. The required ACT scores must be made concordant to the required SAT scores, using the latest published national concordance table developed jointly by the College Board and ACT, Inc.

(d) Before each school year, the department shall publish any changes to the examination score requirements that apply to students graduating in the next 2 years ~~The SAT percentile ranks and corresponding SAT scores specified in paragraphs (a) and (b) are based on the SAT percentile ranks for 2010 college-bound seniors in critical reading and mathematics as reported by the College Board. The next highest SAT score is used when the percentile ranks do not directly correspond.~~

Section 13. Section 1009.532, Florida Statutes, is amended to read:

1009.532 Florida Bright Futures Scholarship Program; student eligibility requirements for renewal awards.—

(1) To be eligible to renew a scholarship from any of the ~~three types of~~ scholarships under the Florida Bright Futures Scholarship Program, a student must:

(a) Effective for students funded in the 2009-2010 academic year and thereafter, earn at least 24 semester credit hours or the equivalent in the last academic year in which the student earned a scholarship if the student was enrolled full time, or a prorated number of credit hours as determined by the Department of Education if the student was enrolled less than full time for any part of the academic year. ~~For students initially eligible prior to the 2010-2011 academic term, if a student fails to earn the minimum number of hours required to renew the scholarship, the student shall lose his or her eligibility for renewal for a period equivalent to 1 academic year. Such student is eligible to restore the award the following academic year if the student earns the hours for which he or she was enrolled at the level defined by the department and meets the grade point average for renewal. A student is eligible for such restoration one time. The department shall notify eligible recipients of the provisions of this paragraph. Each institution shall notify award recipients of the provisions of this paragraph during the registration process.~~

(b) Maintain the cumulative grade point average required by the scholarship program, except that:

1. If a recipient's grades fall beneath the average required to renew a Florida Academic Scholarship, but are sufficient to renew a Florida Medallion Scholarship*, a Florida Gold Seal CAPE Scholarship,* or a Florida Gold Seal Vocational Scholarship, the Department of Education may grant a renewal from one of those other scholarship programs, if the student meets the renewal eligibility requirements;

~~2. For students initially eligible prior to the 2010-2011 academic term, if at any time during the eligibility period a student's grades are insufficient to renew the scholarship, the student may restore eligibility by improving the grade point average to the required level. A student is eligible for such a restoration one time. The Legislature encourages education institutions to assist students to calculate whether or not it is possible to raise the grade point average during the summer term. If the institution determines that it is possible, the education institution may so inform the department, which may reserve the student's award if funds are available. The renewal, however, must not be granted until the student achieves the required cumulative grade point average. If the summer term is not sufficient to raise the grade point average to the required renewal level, the student's next opportunity for renewal is the fall semester of the following academic year;~~ or

2.~~3.~~ For students initially eligible in the 2010-2011 academic term and thereafter, if at any time during a student's first academic year the student's grades are insufficient to renew the scholarship, the student may restore eligibility by improving the grade point average to the required level. A student is eligible for such a restoration one time. The Legislature encourages education institutions to assist students to calculate whether or not it is possible to raise the grade point average during the summer term. If the education institution determines that it is possible, the institution may so inform the department, which may reserve the student's award if funds are available. The renewal, however, must not be granted until the student achieves the required cumulative grade point average. If the summer term is not sufficient to raise the grade point average to the required renewal level, the student's next opportunity for renewal is the fall semester of the following academic year.

(c) Reimburse or make satisfactory arrangements to reimburse the institution for the award amount received for courses dropped after the end of the drop and add period or courses from which the student withdraws after the end of the drop and add period unless the student has received an exception pursuant to s. 1009.53(11).

(2) For students initially eligible in the 2010-2011 academic term and thereafter, and unless otherwise provided in this section, if a student does not meet the requirements for renewal of a scholarship because of lack of completion of sufficient credit hours or insufficient grades, the scholarship shall be renewed only if the student failed to complete sufficient credit hours or to meet sufficient grade requirements due to verifiable illness or other documented emergency, in which case the student may be granted an exception from academic requirements pursuant to s. 1009.40(1)(b)4.

(3)~~(a) A student who is initially eligible prior to the 2010-2011 academic year and is enrolled in a program that terminates in an associate degree or a baccalaureate degree may receive an award for a maximum of 110 percent of the number of credit hours required to complete the program. A student who is enrolled in a program that terminates in a career certificate may receive an award for a maximum of 110 percent of the credit hours or clock hours required to complete the program up to 90 credit hours.~~

~~(b) Students who are initially eligible in the 2010-2011 and 2011-2012 academic years may receive an award for a maximum of 100 percent of the number of credit hours required to complete an associate degree program or a baccalaureate degree program or receive an award for a maximum of 100 percent of the credit hours or clock hours required to complete up to 90 credit hours of a program that terminates in a career certificate.~~

(a)~~(c)~~ A student who is initially eligible in the 2012-2013 academic year and thereafter may receive an award for a maximum of 100 percent of the number of credit hours required to complete an associate degree program, a baccalaureate degree program, or a postsecondary career certificate program or, for a Florida Gold Seal Vocational Scholars award, may receive an award for a maximum of 100 percent of the number of credit hours or equivalent clock hours required to complete one of the following at a Florida public or nonpublic education institution that offers these specific programs: for an applied technology diploma program as defined in s. 1004.02(7), up to 60 credit hours or equivalent clock hours; for a technical degree education program as defined in s. 1004.02(13), up to the number of hours required for a specific degree not to exceed 72 credit hours or equivalent clock hours; or for a career certificate program as defined in s. 1004.02(20), up to the number of hours required for a specific certificate not to exceed 72 credit hours or equivalent clock hours. A student who transfers from one of these program levels to another program level becomes eligible for the higher of the two credit hour limits.

(b)~~(d)~~1. A student who is initially eligible in the 2017-2018 academic year and thereafter for a Florida Gold Seal CAPE Scholars award under s. 1009.536(2) may receive an award for a maximum of 100 percent of the number of credit hours or equivalent clock hours required to complete one of the following at a Florida public or nonpublic education institution that offers these specific programs: for an applied technology diploma program as defined in s. 1004.02(7), up to 60 credit hours or equivalent clock hours; for a technical degree education program as defined in s. 1004.02(13), up to the number of hours required for a specific degree, not to exceed 72 credit hours or equivalent clock hours; or for a career certificate program as defined in s. 1004.02(20), up to the number of hours required for a specific certificate, not to exceed 72 credit hours or equivalent clock hours. A student who transfers from one of these program levels to another program level is eligible for the higher of the two credit hour limits.

2. A Florida Gold Seal CAPE Scholar who completes a technical degree education program as defined in s. 1004.02(13) may also receive an award for:

a. A maximum of 60 credit hours for a bachelor of science degree program for which there is a statewide associate in science degree program to bachelor of science degree program articulation agreement; or

b. A maximum of 60 credit hours for a bachelor of applied science degree program at a Florida College System institution.

(4) A student who receives an initial award during the spring term shall be evaluated for scholarship renewal after the completion of a full academic year~~, which begins with the fall term~~.

(5) A student who receives an award and is subsequently determined ineligible due to updated grade or hour information may not receive a disbursement for a subsequent term, unless the student successfully restores the award.

Section 14. Subsections (3), (4), and (5) of section 1009.536, Florida Statutes, are amended to read:

1009.536 Florida Gold Seal Vocational Scholars and Florida Gold Seal CAPE Scholars awards.—The Florida Gold Seal Vocational Scholars award and the Florida Gold Seal CAPE Scholars award are created within the Florida Bright Futures Scholarship Program to recognize and reward academic achievement and career preparation by high school students who wish to continue their education.

(3) A Florida Gold Seal Vocational Scholar *or a Florida Gold Seal CAPE Scholar* who is enrolled in a public or nonpublic postsecondary education institution is eligible for an award equal to the amount specified in the General Appropriations Act to assist with the payment of educational expenses.

(4) To be eligible for a renewal award as a Florida Gold Seal Vocational Scholar *or a Florida Gold Seal CAPE Scholar*, a student must maintain the equivalent of a cumulative grade point average of 2.75 on a 4.0 scale with an opportunity for restoration one time as provided in this chapter.

(5)(a) ~~A student who is initially eligible prior to the 2010-2011 academic year may earn a Florida Gold Seal Vocational Scholarship for 110 percent of the number of credit hours required to complete the program, up to 90 credit hours or the equivalent.~~

~~(b) Students who are initially eligible in the 2010-2011 and 2011-2012 academic years may earn a Florida Gold Seal Vocational Scholarship for 100 percent of the number of credit hours required to complete the program, up to 90 credit hours or the equivalent.~~

~~(c)~~ A student who is initially eligible in the 2012-2013 academic year and thereafter may earn a Florida Gold Seal Vocational Scholarship for a maximum of 100 percent of the number of credit hours or equivalent clock hours required to complete one of the following at a Florida public or nonpublic education institution that offers these specific programs: for an applied technology diploma program as defined in s. 1004.02(7), up to 60 credit hours or equivalent clock hours; for a technical degree education program as defined in s. 1004.02(13), up to the number of hours required for a specific degree not to exceed 72 credit hours or equivalent clock hours; or for a career certificate program as defined in s. 1004.02(20), up to the number of hours required for a specific certificate not to exceed 72 credit hours or equivalent clock hours.

(b)~~(d)~~1. A student who is initially eligible in the 2017-2018 academic year and thereafter for a Florida Gold Seal CAPE Scholars award under subsection (2) may receive an award for a maximum of 100 percent of the number of credit hours or equivalent clock hours required to complete one of the following at a Florida public or nonpublic education institution that offers these specific programs: for an applied technology diploma program as defined in s. 1004.02(7), up to 60 credit hours or equivalent clock hours; for a technical degree education program as defined in s. 1004.02(13), up to the number of hours required for a specific degree, not to exceed 72 credit hours or equivalent clock hours; or for a career certificate program as defined in s. 1004.02(20), up to the number of hours required for a specific certificate, not to exceed 72 credit hours or equivalent clock hours. A student who transfers from one of these program levels to another program level is eligible for the higher of the two credit hour limits.

2. A Florida Gold Seal CAPE Scholar who completes a technical degree education program as defined in s. 1004.02(13) may also receive an award for:

a. A maximum of 60 credit hours for a bachelor of science degree program for which there is a statewide associate in science degree program to bachelor of science degree program articulation agreement; or

b. A maximum of 60 credit hours for a bachelor of applied science degree program at a Florida College System institution.

Section 15. 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, if 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 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 by the board or 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 16. Paragraph (b) of subsection (6) of section 1011.80, Florida Statutes, is amended to read:

1011.80 Funds for operation of workforce education programs.—

(6)

(b) Performance funding for industry certifications for school district workforce education programs is contingent upon specific appropriation in the General Appropriations Act and shall be determined as follows:

1. Occupational areas for which industry certifications may be earned, as established in the General Appropriations Act, are eligible for performance funding. Priority shall be given to the occupational areas emphasized in state, national, or corporate grants provided to Florida educational institutions.

2. The Chancellor of Career and Adult Education shall identify the industry certifications eligible for funding on the CAPE Postsecondary Industry Certification Funding List approved by the State Board of Education pursuant to s. 1008.44, based on the occupational areas specified in the General Appropriations Act.

3. Each school district shall be provided $1,000 for each industry certification earned by a workforce education student. ~~The maximum amount of funding appropriated for performance funding pursuant to this paragraph shall be limited to $15 million annually.~~ If funds are insufficient to fully fund the calculated total award, such funds shall be prorated.

Section 17. Paragraph (c) of subsection (2) of section 1011.81, Florida Statutes, is amended to read:

1011.81 Florida College System Program Fund.—

(2) Performance funding for industry certifications for Florida College System institutions is contingent upon specific appropriation in the General Appropriations Act and shall be determined as follows:

(c) Each Florida College System institution shall be provided $1,000 for each industry certification earned by a student. ~~The maximum amount of funding appropriated for performance funding pursuant to this subsection shall be limited to $15 million annually.~~ If funds are insufficient to fully fund the calculated total award, such funds shall be prorated.

Section 18. Paragraph (e) of subsection (3) of section 1011.84, Florida Statutes, is amended to read:

1011.84 Procedure for determining state financial support and annual apportionment of state funds to each Florida College System institution district.—The procedure for determining state financial support and the annual apportionment to each Florida College System institution district authorized to operate a Florida College System institution under the provisions of s. 1001.61 shall be as follows:

(3) DETERMINING THE APPORTIONMENT FROM STATE FUNDS.—

(e) If at any time the unencumbered balance in the general fund of the Florida College System institution board of trustees approved operating budget goes below 5 percent *for a Florida College System institution with a final FTE less than 15,000 for the prior year, or below 7 percent for a Florida College System institution with a final FTE of 15,000 or greater for the prior year*, the president shall provide written notification to the State Board of Education. *By September 30 of each year, the chief financial officer of each Florida College System institution shall certify the unexpended amount of state funds remaining in the general fund of an institution as of June 30 of the previous fiscal year.*

Section 19. Subsection (4) of section 1013.40, Florida Statutes, is amended to read:

1013.40 Planning and construction of Florida College System institution facilities; property acquisition.—

(4) The campus of a Florida College System institution within a municipality designated as an area of critical state concern, as defined in s. 380.05, and having a comprehensive plan and land development regulations containing a building permit allocation system that limits annual growth, may construct dormitories for up to 300 beds for Florida College System institution students. Such dormitories are exempt from the building permit allocation system and may be constructed up to 45 feet in height if the dormitories are otherwise consistent with the comprehensive plan, the Florida College System institution has a hurricane evacuation plan that requires all dormitory occupants to be evacuated 48 hours in advance of tropical force winds, and transportation is provided for dormitory occupants during an evacuation. State funds and tuition and fee revenues may not be used for construction, debt service payments, maintenance, or operation of such dormitories. Additional dormitory beds constructed after July 1, 2016, may not be financed through the issuance of bonds *by the Florida College System institution; however, bonds may be issued by nonpublic entities as part of a public-private partnership between the college and a nonpublic entity*.

Section 20. 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 and publish 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 and publish 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 21. This act shall take effect July 1, 2019.

And the title is amended as follows:

Delete lines 292-324 and insert: 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. 1001.03, F.S.; requiring the State Board of Education to develop a prioritized list of capital projects; requiring the state board 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 must satisfy specified criteria; requiring weighted values within the points scale; requiring the state board 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 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 conduct and 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 to develop a specified prioritized list of capital projects; requiring the board 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 points scale; requiring the board 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. 1004.70, 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, 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. 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; authorizing universities to spend specified balances under certain conditions; 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; 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. 1013.40, 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; 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 the State Board of Education to annually review and publish such spending plans by a specified date; 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 the State Board of Education to annually review and publish such spending plans by a specified date; 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; providing an effective date.

On motion by Senator Stargel, the Senate concurred in **House Amendment 1 (439287)**, as amended, and requested the House to concur in the Senate amendment to the House amendment.

CS for SB 190 passed, as amended, and the action of the Senate was certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

The Honorable Bill Galvano, President

I am directed to inform the Senate that the House of Representatives has amended Senate Amendment 640584 and concurred in the same as amended, and passed CS/HB 1113 as further amended, and requests the concurrence of the Senate.

Jeff Takacs, Clerk

By Health Market Reform Subcommittee and Representative(s) Renner—

CS for HB 1113—A bill to be entitled An act relating to health insurance savings programs; creating s. 627.6387, F.S.; providing a short title; providing definitions; authorizing a health insurer to offer a shared savings incentive program; prohibiting a health insurer from requiring an insured's participation in such program; providing procedures and requirements for a health insurer that offers such program; requiring the Office of Insurance Regulation to review a health insurer's filing; providing a minimum value for a shared savings incentive applicable for each shoppable health care service; providing the baseline for the savings calculation; providing that the shared savings incentive amount does not constitute income to the insured; providing report requirements; providing that a shared savings incentive is not an administrative expense for specified purposes; providing tax reductions; providing construction; authorizing the Financial Services Commission to adopt rules; creating s. 627.6648, F.S.; providing a short title; providing definitions; authorizing a health insurer to offer a shared savings incentive program; prohibiting a health insurer from requiring an insured's participation in such program; providing procedures and requirements for a health insurer that offers such program; requiring the office to review a health insurer's filing; providing a minimum value for a shared savings incentive applicable for each shoppable health care service; providing the baseline for the savings calculation; providing that the shared savings incentive amount does not constitute income to the insured; providing report requirements; providing that a shared savings incentive is not an administrative expense for specified purposes; providing tax reductions; providing construction; authorizing the commission to adopt rules; providing an effective date.

House Amendment 1 (205125) (with title amendment) to Senate Amendment 1 (640584)—Remove lines 5-556 of the amendment and insert:

Section 1. Paragraphs (c) and (h) of subsection (3) of section 110.123, Florida Statutes, are amended to read:

110.123 State group insurance program.—

(3) STATE GROUP INSURANCE PROGRAM.—

(c) Notwithstanding any provision in this section to the contrary, it is the intent of the Legislature that the department shall be responsible for all aspects of the purchase of health care for state employees under the state group health insurance plan or plans, TRICARE supplemental insurance plans, and the health maintenance organization plans. Responsibilities shall include, but not be limited to, the development of requests for proposals or invitations to negotiate for state employee health *benefits* ~~services~~, the determination of health care benefits to be provided, and the negotiation of contracts for health care and health care administrative services. Prior to the negotiation of contracts for health care services, the Legislature intends that the department shall develop, with respect to state collective bargaining issues, the health benefits and terms to be included in the state group health insurance program. The department shall adopt rules necessary to perform its responsibilities pursuant to this section. ~~It is the intent of the Legislature that~~ The department *is* ~~shall be~~ responsible for the contract management and day-to-day management of the state employee health insurance program, including, but not limited to, employee enrollment, premium collection, payment to health care providers, and other administrative functions related to the program.

(h)1. A person eligible to participate in the state group insurance program may be authorized by rules adopted by the department, in lieu of participating in the state group health insurance plan, to exercise an option to elect membership in a health maintenance organization plan which is under contract with the state in accordance with criteria established by this section and by said rules. The offer of optional membership in a health maintenance organization plan permitted by this paragraph may be limited or conditioned by rule as may be necessary to meet the requirements of state and federal laws.

2. The department shall contract with health maintenance organizations seeking to participate in the state group insurance program through a request for proposal or other procurement process, as developed by the Department of Management Services and determined to be appropriate.

a. The department shall establish a schedule of minimum benefits for health maintenance organization coverage, and that schedule shall include: physician services; inpatient and outpatient hospital services; emergency medical services, including out-of-area emergency coverage; diagnostic laboratory and diagnostic and therapeutic radiologic services; mental health, alcohol, and chemical dependency treatment services meeting the minimum requirements of state and federal law; skilled nursing facilities and services; prescription drugs; age-based and gender-based wellness benefits; and other benefits as may be required by the department. Additional services may be provided subject to the contract between the department and the HMO. As used in this paragraph, the term “age-based and gender-based wellness benefits” includes aerobic exercise, education in alcohol and substance abuse prevention, blood cholesterol screening, health risk appraisals, blood pressure screening and education, nutrition education, program planning, safety belt education, smoking cessation, stress management, weight management, and women’s health education.

b. The department may establish uniform deductibles, copayments, coverage tiers, or coinsurance schedules for all participating HMO plans.

c. The department may require detailed information from each health maintenance organization participating in the procurement process, including information pertaining to organizational status, experience in providing prepaid health benefits, accessibility of services, financial stability of the plan, quality of management services, accred-

itation status, quality of medical services, network access and adequacy, performance measurement, ability to meet the department's reporting requirements, and the actuarial basis of the proposed rates and other data determined by the director to be necessary for the evaluation and selection of health maintenance organization plans and negotiation of appropriate rates for these plans. Upon receipt of proposals by health maintenance organization plans and the evaluation of those proposals, the department may enter into negotiations with all of the plans or a subset of the plans, as the department determines appropriate. ~~Nothing shall preclude~~ The department *may negotiate* ~~from negotiating~~ regional or statewide contracts with health maintenance organization plans. *Such plans must be* ~~when this is~~ cost-effective and *must offer* ~~when the department determines that the plan offers~~ high value to enrollees.

d. The department may limit the number of HMOs that it contracts with in each *region* ~~service area~~ based on the nature of the bids the department receives, the number of state employees in the *region* ~~service area~~, or any unique ~~geographical~~ characteristics of the *region* ~~service area~~. The department shall establish *the regions throughout the state by rule. The department must submit the rule to the President of the Senate and the Speaker of the House of Representatives for ratification no later than 30 days before the 2020 Regular Session of the Legislature. The rule may not take effect until it is ratified by the Legislature* ~~by rule service areas throughout the state~~.

e. All persons participating in the state group insurance program may be required to contribute towards a total state group health premium that may vary depending upon the plan, coverage level, and coverage tier selected by the enrollee and the level of state contribution authorized by the Legislature.

3. The department is authorized to negotiate and to contract with specialty psychiatric hospitals for mental health benefits, on a regional basis, for alcohol, drug abuse, and mental and nervous disorders. The department may establish, subject to the approval of the Legislature pursuant to subsection (5), any such regional plan upon completion of an actuarial study to determine any impact on plan benefits and premiums.

4. In addition to contracting pursuant to subparagraph 2., the department may enter into contract with any HMO to participate in the state group insurance program which:

a. Serves greater than 5,000 recipients on a prepaid basis under the Medicaid program;

b. Does not currently meet the 25-percent non-Medicare/non-Medicaid enrollment composition requirement established by the Department of Health excluding participants enrolled in the state group insurance program;

c. Meets the minimum benefit package and copayments and deductibles contained in sub-subparagraphs 2.a. and b.;

d. Is willing to participate in the state group insurance program at a cost of premiums that is not greater than 95 percent of the cost of HMO premiums accepted by the department in each service area; and

e. Meets the minimum surplus requirements of s. 641.225.

The department is authorized to contract with HMOs that meet the requirements of sub-subparagraphs a.-d. prior to the open enrollment period for state employees. The department is not required to renew the contract with the HMOs as set forth in this paragraph more than twice. Thereafter, the HMOs shall be eligible to participate in the state group insurance program only through the request for proposal or invitation to negotiate process described in subparagraph 2.

5. All enrollees in a state group health insurance plan, a TRICARE supplemental insurance plan, or any health maintenance organization plan have the option of changing to any other health plan that is offered by the state within any open enrollment period designated by the department. Open enrollment shall be held at least once each calendar year.

6. When a contract between a treating provider and the state-contracted health maintenance organization is terminated for any reason other than for cause, each party shall allow any enrollee for whom treatment was active to continue coverage and care when medically necessary, through completion of treatment of a condition for which the enrollee was receiving care at the time of the termination, until the enrollee selects another treating provider, or until the next open enrollment period offered, whichever is longer, but no longer than 6 months after termination of the contract. Each party to the terminated contract shall allow an enrollee who has initiated a course of prenatal care, regardless of the trimester in which care was initiated, to continue care and coverage until completion of postpartum care. This does not prevent a provider from refusing to continue to provide care to an enrollee who is abusive, noncompliant, or in arrears in payments for services provided. For care continued under this subparagraph, the program and the provider shall continue to be bound by the terms of the terminated contract. Changes made within 30 days before termination of a contract are effective only if agreed to by both parties.

7. Any HMO participating in the state group insurance program shall submit health care utilization and cost data to the department, in such form and in such manner as the department shall require, as a condition of participating in the program. The department shall enter into negotiations with its contracting HMOs to determine the nature and scope of the data submission and the final requirements, format, penalties associated with noncompliance, and timetables for submission. These determinations shall be adopted by rule.

8. The department may establish and direct, with respect to collective bargaining issues, a comprehensive package of insurance benefits that may include supplemental health and life coverage, dental care, long-term care, vision care, and other benefits it determines necessary to enable state employees to select from among benefit options that best suit their individual and family needs. Beginning with the 2018 plan year, the package of benefits may also include products and services described in s. 110.12303.

a. Based upon a desired benefit package, the department shall issue a request for proposal or invitation to negotiate for providers interested in participating in the state group insurance program, and the department shall issue a request for proposal or invitation to negotiate for providers interested in participating in the non-health-related components of the state group insurance program. Upon receipt of all proposals, the department may enter into contract negotiations with providers submitting bids or negotiate a specially designed benefit package. Providers offering or providing supplemental coverage as of May 30, 1991, which qualify for pretax benefit treatment pursuant to s. 125 of the Internal Revenue Code of 1986, with 5,500 or more state employees currently enrolled may be included by the department in the supplemental insurance benefit plan established by the department without participating in a request for proposal, submitting bids, negotiating contracts, or negotiating a specially designed benefit package. These contracts shall provide state employees with the most cost-effective and comprehensive coverage available; however, except as provided in subparagraph (f)3., no state or agency funds shall be contributed toward the cost of any part of the premium of such supplemental benefit plans. With respect to dental coverage, the division shall include in any solicitation or contract for any state group dental program made after July 1, 2001, a comprehensive indemnity dental plan option which offers enrollees a completely unrestricted choice of dentists. If a dental plan is endorsed, or in some manner recognized as the preferred product, such plan shall include a comprehensive indemnity dental plan option which provides enrollees with a completely unrestricted choice of dentists.

b. Pursuant to the applicable provisions of s. 110.161, and s. 125 of the Internal Revenue Code of 1986, the department shall enroll in the pretax benefit program those state employees who voluntarily elect coverage in any of the supplemental insurance benefit plans as provided by sub-subparagraph a.

c. Nothing herein contained shall be construed to prohibit insurance providers from continuing to provide or offer supplemental benefit coverage to state employees as provided under existing agency plans.

Section 2. Section 110.12303, Florida Statutes, is amended to read:

110.12303 State group insurance program; additional benefits; price transparency program; reporting.~~— Beginning with the 2018 plan year:~~

(1) In addition to the comprehensive package of health insurance and other benefits required or authorized to be included in the state

group insurance program, the package of benefits may also include products and services offered by:

(a) Prepaid limited health service organizations authorized pursuant to part I of chapter 636.

(b) Discount medical plan organizations authorized pursuant to part II of chapter 636.

(c) Prepaid health clinics licensed under part II of chapter 641.

(d) Licensed health care providers, including hospitals and other health care facilities, health care clinics, and health professionals, who sell service contracts and arrangements for a specified amount and type of health services.

(e) Provider organizations, including service networks, group practices, professional associations, and other incorporated organizations of providers, who sell service contracts and arrangements for a specified amount and type of health services.

(f) Entities that provide specific health services in accordance with applicable state law and sell service contracts and arrangements for a specified amount and type of health services.

(g) Entities that provide health services or treatments through a bidding process.

(h) Entities that provide health services or treatments through the bundling or aggregating of health services or treatments.

(i) *Entities that provide international prescription services.*

(j) Entities that provide optional participation in a Medicare Advantage Prescription Drug Plan.

(k) Entities that provide other innovative and cost-effective health service delivery methods.

(2)(a) The department shall contract with at least one entity that provides comprehensive pricing and inclusive services for surgery and other medical procedures which may be accessed at the option of the enrollee. The contract shall require the entity to:

1. Have procedures and evidence-based standards to ensure the inclusion of only high-quality health care providers.

2. Provide assistance to the enrollee in accessing and coordinating care.

3. Provide cost savings to the state group insurance program to be shared with both the state and the enrollee. Cost savings payable to an enrollee may be:

a. Credited to the enrollee's flexible spending account;

b. Credited to the enrollee's health savings account;

c. Credited to the enrollee's health reimbursement account; or

d. Paid as additional health plan reimbursements not exceeding the amount of the enrollee's out-of-pocket medical expenses.

4. Provide an educational campaign for enrollees to learn about the services offered by the entity.

(b) On or before January 15 of each year, the department shall report to the Governor, the President of the Senate, and the Speaker of the House of Representatives on the participation level and cost-savings to both the enrollee and the state resulting from the contract or contracts described in this subsection.

(3) The department shall contract with an entity that provides enrollees with online information on the cost and quality of health care services and providers, allows an enrollee to shop for health care services and providers, and rewards the enrollee by sharing savings generated by the enrollee's choice of services or providers. The contract shall require the entity to:

(a) Establish an Internet-based, consumer-friendly platform that educates and informs enrollees about the price and quality of health care services and providers, including the average amount paid in each county for health care services and providers. The average amounts paid for such services and providers may be expressed for service bundles, which include all products and services associated with a particular treatment or episode of care, or for separate and distinct products and services.

(b) Allow enrollees to shop for health care services and providers using the price and quality information provided on the Internet-based platform.

(c) Permit a certified bargaining agent of state employees to provide educational materials and counseling to enrollees regarding the Internet-based platform.

(d) Identify the savings realized to the enrollee and state if the enrollee chooses high-quality, lower-cost health care services or providers, and facilitate a shared savings payment to the enrollee. The amount of shared savings shall be determined by a methodology approved by the department and shall maximize value-based purchasing by enrollees. The amount payable to the enrollee may be:

1. Credited to the enrollee's flexible spending account;

2. Credited to the enrollee's health savings account;

3. Credited to the enrollee's health reimbursement account; or

4. Paid as additional health plan reimbursements not exceeding the amount of the enrollee's out-of-pocket medical expenses.

(e) On or before January 1 of 2019, 2020, and 2021, the department shall report to the Governor, the President of the Senate, and the Speaker of the House of Representatives on the participation level, amount paid to enrollees, and cost-savings to both the enrollees and the state resulting from the implementation of this subsection.

(4) The department shall offer, as a voluntary supplemental benefit option, international prescription services that offer safe maintenance medications at a reduced cost to enrollees and that meet the standards of the United States Food and Drug Administration personal importation policy.

Section 3. Subsections (9) and (10) are added to section 110.12315, Florida Statutes, to read:

110.12315 Prescription drug program.—The state employees' prescription drug program is established. This program shall be administered by the Department of Management Services, according to the terms and conditions of the plan as established by the relevant provisions of the annual General Appropriations Act and implementing legislation, subject to the following conditions:

(9)(a) Beginning with the 2020 plan year, the department must implement formulary management for prescription drugs and supplies. Such management practices must require prescription drugs to be subject to formulary inclusion or exclusion but may not restrict access to the most clinically appropriate, clinically effective, and lowest net-cost prescription drugs and supplies. Drugs excluded from the formulary must be available for inclusion if a physician, advanced practice registered nurse, or physician assistant prescribing a pharmaceutical clearly states on the prescription that the excluded drug is medically necessary. Prescription drugs and supplies first made available in the marketplace after January 1, 2020, may not be covered by the prescription drug program until specifically included in the list of covered prescription drugs and supplies.

(b) No later than October 1, 2019, and by each October 1 thereafter, the department must submit to the Governor, the President of the Senate, and the Speaker of the House of Representatives the list of prescription drugs and supplies that will be excluded from program coverage for the next plan year. If the department proposes to exclude prescription drugs and supplies after the plan year has commenced, the department must provide notice to the Governor, the President of the Senate, and the Speaker of the House of Representatives of such exclusions at least 60 days before implementation of such exclusions.

(10) In addition to the comprehensive package of health insurance and other benefits required or authorized to be included in the state group insurance program, the program must provide coverage for medically necessary prescription and nonprescription enteral formulas and amino-acid-based elemental formulas for home use, regardless of the method of delivery or intake, which are ordered or prescribed by a physician. As used in this subsection, the term "medically necessary" means the formula to be covered represents the only medically appropriate source of nutrition for a patient. Such coverage may not exceed an amount of $20,000 annually for any insured individual.

Section 4. *Effective December 31, 2019, section 8 of chapter 99-255, Laws of Florida, is repealed.*

Section 5. Effective January 1, 2020, section 627.6387, Florida Statutes, is created to read:

627.6387 Shared savings incentive program.—

(1) This section and ss. 627.6648 and 641.31076 may be cited as the "Patient Savings Act."

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

(a) "Health care provider" means a hospital or facility licensed under chapter 395; an entity licensed under chapter 400; a health care practitioner as defined in s. 456.001; a blood bank, plasma center, industrial clinic, or renal dialysis facility; or a professional association, partnership, corporation, joint venture, or other association for professional activity by health care providers. The term includes entities and professionals outside of this state with an active, unencumbered license for an equivalent facility or practitioner type issued by another state, the District of Columbia, or a possession or territory of the United States.

(b) "Health insurer" means an authorized insurer offering health insurance as defined in s. 624.603.

(c) "Shared savings incentive" means a voluntary and optional financial incentive that a health insurer may provide to an insured for choosing certain shoppable health care services under a shared savings incentive program and may include, but is not limited to, the incentives described in s. 626.9541(4)(a).

(d) "Shared savings incentive program" means a voluntary and optional incentive program established by a health insurer pursuant to this section.

(e) "Shoppable health care service" means a lower-cost, high-quality nonemergency health care service for which a shared savings incentive is available for insureds under a health insurer's shared savings incentive program. Shoppable health care services may be provided within or outside this state and include, but are not limited to:

1. Clinical laboratory services.

2. Infusion therapy.

3. Inpatient and outpatient surgical procedures.

4. Obstetrical and gynecological services.

5. Inpatient and outpatient nonsurgical diagnostic tests and procedures.

6. Physical and occupational therapy services.

7. Radiology and imaging services.

8. Prescription drugs.

9. Services provided through telehealth.

(3) A health insurer may offer a shared savings incentive program to provide incentives to an insured when the insured obtains a shoppable health care service from the health insurer's shared savings list. An insured may not be required to participate in a shared savings incentive program. A health insurer that offers a shared savings incentive program must:

(a) Establish the program as a component part of the policy or certificate of insurance provided by the health insurer and notify the insureds and the office at least 30 days before program termination.

(b) File a description of the program on a form prescribed by commission rule. The office must review the filing and determine whether the shared savings incentive program complies with this section.

(c) Notify an insured annually and at the time of renewal, and an applicant for insurance at the time of enrollment, of the availability of the shared savings incentive program and the procedure to participate in the program.

(d) Publish on a webpage easily accessible to insureds and to applicants for insurance a list of shoppable health care services and health care providers and the shared savings incentive amount applicable for each service. A shared savings incentive may not be less than 25 percent of the savings generated by the insured's participation in any shared savings incentive offered by the health insurer. The baseline for the savings calculation is the average in-network amount paid for that service in the most recent 12-month period or some other methodology established by the health insurer and approved by the office.

(e) At least quarterly, credit or deposit the shared savings incentive amount to the insured's account as a return or reduction in premium, or credit the shared savings incentive amount to the insured's flexible spending account, health savings account, or health reimbursement account, such that the amount does not constitute income to the insured.

(f) Submit an annual report to the office within 90 business days after the close of each plan year. At a minimum, the report must include the following information:

1. The number of insureds who participated in the program during the plan year and the number of instances of participation.

2. The total cost of services provided as a part of the program.

3. The total value of the shared savings incentive payments made to insureds participating in the program and the values distributed as premium reductions, credits to flexible spending accounts, credits to health savings accounts, or credits to health reimbursement accounts.

4. An inventory of the shoppable health care services offered by the health insurer.

(4)(a) A shared savings incentive offered by a health insurer in accordance with this section:

1. Is not an administrative expense for rate development or rate filing purposes.

2. Does not constitute an unfair method of competition or an unfair or deceptive act or practice under s. 626.9541 and is presumed to be appropriate unless credible data clearly demonstrates otherwise.

(b) A shared savings incentive amount provided as a return or reduction in premium reduces the health insurer's direct written premium by the shared savings incentive dollar amount for the purposes of the taxes in ss. 624.509 and 624.5091.

(5) The commission may adopt rules necessary to implement and enforce this section.

Section 6. Effective January 1, 2020, section 627.6648, Florida Statutes, is created to read:

627.6648 Shared savings incentive program.—

(1) This section and ss. 627.6387 and 641.31076 may be cited as the "Patient Savings Act."

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

(a) "Health care provider" means a hospital or facility licensed under chapter 395; an entity licensed under chapter 400; a health care practitioner as defined in s. 456.001; a blood bank, plasma center, industrial clinic, or renal dialysis facility; or a professional association, partnership, corporation, joint venture, or other association for professional

activity by health care providers. The term includes entities and professionals outside this state with an active, unencumbered license for an equivalent facility or practitioner type issued by another state, the District of Columbia, or a possession or territory of the United States.

(b) "Health insurer" means an authorized insurer offering health insurance as defined in s. 624.603. The term does not include the state group health insurance program provided under s. 110.123.

(c) "Shared savings incentive" means a voluntary and optional financial incentive that a health insurer may provide to an insured for choosing certain shoppable health care services under a shared savings incentive program and may include, but is not limited to, the incentives described in s. 626.9541(4)(a).

(d) "Shared savings incentive program" means a voluntary and optional incentive program established by a health insurer pursuant to this section.

(e) "Shoppable health care service" means a lower-cost, high-quality nonemergency health care service for which a shared savings incentive is available for insureds under a health insurer's shared savings incentive program. Shoppable health care services may be provided within or outside this state and include, but are not limited to:

1. Clinical laboratory services.

2. Infusion therapy.

3. Inpatient and outpatient surgical procedures.

4. Obstetrical and gynecological services.

5. Inpatient and outpatient nonsurgical diagnostic tests and procedures.

6. Physical and occupational therapy services.

7. Radiology and imaging services.

8. Prescription drugs.

9. Services provided through telehealth.

(3) A health insurer may offer a shared savings incentive program to provide incentives to an insured when the insured obtains a shoppable health care service from the health insurer's shared savings list. An insured may not be required to participate in a shared savings incentive program. A health insurer that offers a shared savings incentive program must:

(a) Establish the program as a component part of the policy or certificate of insurance provided by the health insurer and notify the insureds and the office at least 30 days before program termination.

(b) File a description of the program on a form prescribed by commission rule. The office must review the filing and determine whether the shared savings incentive program complies with this section.

(c) Notify an insured annually and at the time of renewal, and an applicant for insurance at the time of enrollment, of the availability of the shared savings incentive program and the procedure to participate in the program.

(d) Publish on a webpage easily accessible to insureds and to applicants for insurance a list of shoppable health care services and health care providers and the shared savings incentive amount applicable for each service. A shared savings incentive may not be less than 25 percent of the savings generated by the insured's participation in any shared savings incentive offered by the health insurer. The baseline for the savings calculation is the average in-network amount paid for that service in the most recent 12-month period or some other methodology established by the health insurer and approved by the office.

(e) At least quarterly, credit or deposit the shared savings incentive amount to the insured's account as a return or reduction in premium, or credit the shared savings incentive amount to the insured's flexible spending account, health savings account, or health reimbursement account, such that the amount does not constitute income to the insured.

(f) Submit an annual report to the office within 90 business days after the close of each plan year. At a minimum, the report must include the following information:

1. The number of insureds who participated in the program during the plan year and the number of instances of participation.

2. The total cost of services provided as a part of the program.

3. The total value of the shared savings incentive payments made to insureds participating in the program and the values distributed as premium reductions, credits to flexible spending accounts, credits to health savings accounts, or credits to health reimbursement accounts.

4. An inventory of the shoppable health care services offered by the health insurer.

(4)(a) A shared savings incentive offered by a health insurer in accordance with this section:

1. Is not an administrative expense for rate development or rate filing purposes.

2. Does not constitute an unfair method of competition or an unfair or deceptive act or practice under s. 626.9541 and is presumed to be appropriate unless credible data clearly demonstrates otherwise.

(b) A shared savings incentive amount provided as a return or reduction in premium reduces the health insurer's direct written premium by the shared savings incentive dollar amount for the purposes of the taxes in ss. 624.509 and 624.5091.

(5) The commission may adopt rules necessary to implement and enforce this section.

Section 7. Effective January 1, 2020, section 641.31076, Florida Statutes, is created to read:

641.31076 Shared savings incentive program.—

(1) This section and ss. 627.6387 and 627.6648 may be cited as the "Patient Savings Act."

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

(a) "Health care provider" means a hospital or facility licensed under chapter 395; an entity licensed under chapter 400; a health care practitioner as defined in s. 456.001; a blood bank, plasma center, industrial clinic, or renal dialysis facility; or a professional association, partnership, corporation, joint venture, or other association for professional activity by health care providers. The term includes entities and professionals outside this state with an active, unencumbered license for an equivalent facility or practitioner type issued by another state, the District of Columbia, or a possession or territory of the United States.

(b) "Health maintenance organization" has the same meaning as provided in s. 641.19. The term does not include the state group health insurance program provided under s. 110.123.

(c) "Shared savings incentive" means a voluntary and optional financial incentive that a health maintenance organization may provide to a subscriber for choosing certain shoppable health care services under a shared savings incentive program and may include, but is not limited to, the incentives described in s. 641.3903(15).

(d) "Shared savings incentive program" means a voluntary and optional incentive program established by a health maintenance organization pursuant to this section.

(e) "Shoppable health care service" means a lower-cost, high-quality nonemergency health care service for which a shared savings incentive is available for subscribers under a health maintenance organization's shared savings incentive program. Shoppable health care services may be provided within or outside this state and include, but are not limited to:

1. Clinical laboratory services.

2. Infusion therapy.

3. Inpatient and outpatient surgical procedures.

4. Obstetrical and gynecological services.

5. Inpatient and outpatient nonsurgical diagnostic tests and procedures.

6. Physical and occupational therapy services.

7. Radiology and imaging services.

8. Prescription drugs.

9. Services provided through telehealth.

(3) A health maintenance organization may offer a shared savings incentive program to provide incentives to a subscriber when the subscriber obtains a shoppable health care service from the health maintenance organization's shared savings list. A subscriber may not be required to participate in a shared savings incentive program. A health maintenance organization that offers a shared savings incentive program must:

(a) Establish the program as a component part of the contract of coverage provided by the health maintenance organization and notify the subscribers and the office at least 30 days before program termination.

(b) File a description of the program on a form prescribed by commission rule. The office must review the filing and determine whether the shared savings incentive program complies with this section.

(c) Notify a subscriber annually and at the time of renewal, and an applicant for coverage at the time of enrollment, of the availability of the shared savings incentive program and the procedure to participate in the program.

(d) Publish on a webpage easily accessible to subscribers and to applicants for coverage a list of shoppable health care services and health care providers and the shared savings incentive amount applicable for each service. A shared savings incentive may not be less than 25 percent of the savings generated by the subscriber's participation in any shared savings incentive offered by the health maintenance organization. The baseline for the savings calculation is the average in-network amount paid for that service in the most recent 12-month period or some other methodology established by the health maintenance organization and approved by the office.

(e) At least quarterly, credit or deposit the shared savings incentive amount to the subscriber's account as a return or reduction in premium, or credit the shared savings incentive amount to the subscriber's flexible spending account, health savings account, or health reimbursement account, such that the amount does not constitute income to the subscriber.

(f) Submit an annual report to the office within 90 business days after the close of each plan year. At a minimum, the report must include the following information:

1. The number of subscribers who participated in the program during the plan year and the number of instances of participation.

2. The total cost of services provided as a part of the program.

3. The total value of the shared savings incentive payments made to subscribers participating in the program and the values distributed as premium reductions, credits to flexible spending accounts, credits to health savings accounts, or credits to health reimbursement accounts.

4. An inventory of the shoppable health care services offered by the health maintenance organization.

(4) A shared savings incentive offered by a health maintenance organization in accordance with this section:

(a) Is not an administrative expense for rate development or rate filing purposes.

(b) Does not constitute an unfair method of competition or an unfair or deceptive act or practice under s. 641.3903 and is presumed to be appropriate unless credible data clearly demonstrates otherwise.

(5) The commission may adopt rules necessary to implement and enforce this section.

Section 8. Subsection (3) is added to section 287.056, Florida Statutes, to read:

287.056 Purchases from purchasing agreements and state term contracts.—

(3) The department must enter into and maintain one or more state term contracts with benefits consulting companies.

Section 9. *The Department of Management Services shall conduct an analysis of the procurement timelines and terms of contracts for state employee health benefits with health maintenance organizations, preferred provider organizations, and prescription drug programs to develop an implementation plan for simultaneous procurement of such contracts for benefits offered beginning plan year 2023. The analysis and any recommendations from the department must identify any statutory changes and additional budgetary resources, if any, that will be necessary to implement the plan. The analysis and recommendations must be submitted to the Governor, the President of the Senate, and the Speaker of the House of Representatives no later than December 1, 2019.*

Section 10. Except as otherwise expressly provided in this act, this act shall take effect July 1, 2019.

And the title is amended as follows:

Remove lines 563-624 of the amendment and insert: An act relating to health insurance; amending s. 110.123, F.S.; requiring health maintenance organization to be cost-effective and to offer high value; authorizing the Department of Management Services to limit the number of HMOs that it contracts with in each region; requiring the department to establish regions by rule; requiring the department to submit the rule to the Legislature for ratification; providing requirements; amending s. 110.12303, F.S.; removing an obsolete date; adding products and services offered by certain entities to a list of products and services that may be included in the package of health insurance and other benefits under the state group insurance program; requiring the department to offer, as a voluntary supplemental benefit option, certain international prescription services; amending s. 110.12315, F.S.; requiring the department to implement formulary management for prescription drugs and supplies beginning with a specified plan year; specifying requirements for such management practices; providing that certain prescription drugs and supplies may not be covered until specifically included in the formulary; requiring the department to report to the Governor and the Legislature regarding formulary exclusions by a specified date and annually thereafter; requiring the state employees' prescription drug program to provide coverage for certain enteral formulas and amino-acid-based elemental formulas; defining the term "medically necessary"; providing a cap on such coverage; repealing s. 8 of chapter 99-255, Laws of Florida, relating to a provision that prohibits the department from implementing a prior authorization or a restricted formulary program that restricts certain non-HMO enrollees' access to specified prescription drugs within the state employees' prescription drug program; creating ss. 627.6387, 627.6648, and 641.31076, F.S.; providing a short title; defining terms; authorizing individual and group health insurers and health maintenance organizations to offer shared savings incentive programs to insureds and subscribers; providing that insureds and subscribers are not required to participate in such programs; specifying requirements for health insurers and health maintenance organizations offering such programs; requiring the Office of Insurance Regulation to review filed descriptions of programs and make a certain determination; providing notification and account credit or deposit requirements for insurers and health maintenance organizations; specifying the minimum shared savings incentive and the basis for calculating savings; specifying requirements for annual reports submitted by health insurers and health maintenance organizations to the office; providing construction; providing that certain shared savings incentive amounts reduce a health insurer's direct written premium for purposes of the insurance premium tax and the retaliatory tax; authorizing the Financial Services Commission to adopt rules; amending s. 287.056, F.S.; requiring the department to enter into contracts with benefits consulting companies; requiring the department to conduct an analysis of the procurement timelines and terms of certain contracts with HMOs, preferred provider organizations, and prescription drug programs for a specified purpose; providing department analysis and recommendation requirements; requiring the department to submit the

analysis and recommendations to the Governor and the Legislature by a specified date; providing effective dates.

On motion by Senator Diaz, the Senate concurred in **House Amendment 1 (205125) to Senate Amendment 1 (640584)**.

CS for HB 1113 passed, as amended, and the action of the Senate was certified to the House. The vote on passage was:

Yeas—37

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

Nays—1

Farmer

The Honorable Bill Galvano, President

I am directed to inform the Senate that the House of Representatives has refused to concur in Senate amendment(s) to HB 861 and requests the Senate to recede.

Jeff Takacs, Clerk

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.

On motion by Senator Baxley, the Senate receded from **Senate Amendment 1 (300314)**.

HB 861 passed and the action of the Senate was certified to the House. The vote on passage was:

Yeas—37

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

Nays—1

Rodriguez

Vote after roll call:

Nay—Thurston

RECESS

The President declared the Senate in recess at 9:31 p.m. to reconvene upon his call.

EVENING SESSION, continued

The Senate was called to order by the President at 10:21 p.m. A quorum present—36:

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

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 amended Senate Amendment 749698 and concurred in same as amended, refused to concur in Senate Amendment 203950 and requests that the Senate recede, and passed CS/HB 7123 as further amended, and requests the concurrence of the Senate.

Jeff Takacs, Clerk

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.

House Amendment 1 (743867) (with title amendment) to Senate Amendment 1 (749698)—Between lines 316 and 317 of the amendment, insert:

Section 15. Paragraph (a) of subsection (6) of section 337.401, Florida Statutes, is amended to read:

337.401 Use of right-of-way for utilities subject to regulation; permit; fees.—

(6)(a) As used in this subsection, the following definitions apply:

1.*a.* A "pass-through provider" is any person who places or maintains a communications facility in the roads or rights-of-way of a municipality or county that levies a tax pursuant to chapter 202 and who does not remit taxes imposed by that municipality or county pursuant to chapter 202.

b. Notwithstanding sub-subparagraph a., a person who does not remit taxes imposed by a municipality or county pursuant to chapter 202, but pursuant to s. 202.16(2) sells communications services for resale to a person who sells such services at retail or who integrates such services into communications services sold at retail in that municipality or county and who remits taxes imposed by that municipality or county pursuant to chapter 202, is not a pass-through provider.

2. A "communications facility" is a facility that may be used to provide communications services. Multiple cables, conduits, strands, or fibers located within the same conduit shall be considered one communications facility for purposes of this subsection.

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 based on each charter school's proportionate share of the district's total unweighted full-time equivalent student enrollment and used in a manner consistent with the purposes of the levy.*

Section 17. *The provisions of this act relating to s. 1011.71, 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.*

And the title is amended as follows:

Remove line 676 of the amendment and insert: providing applicability; amending s. 337.401, F.S.; specifying conditions under which certain persons who place or maintain a communications facility in the roads or rights-of-way are not considered pass-through providers; 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 applicability; providing sales tax

House Amendment 1A (636739) to House Amendment 1 (743867) (with title amendment) to Senate Amendment 1 (749698)—Remove line 61 of the amendment and insert:

the levy. The referendum must contain an explanation of the distribution methodology consistent with the requirements of this subsection.

On motion by Senator Stargel, the Senate concurred in unengrossed **House Amendment 1 (743867) to Senate Amendment 1 (749698)**, as amended, and receded from unengrossed **Senate Amendment 1B (203950)**, an amendment to **Senate Amendment 1 (749698)**.

CS for HB 7123 passed, as amended, and the action of the Senate was certified to the House. The vote on passage was:

Yeas—23

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

Nays—17

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

INTRODUCTION OF RESOLUTION

FIRST READING

On motion by Senator Benacquisto, by unanimous consent—

By Senator Benacquisto—

SCR 1870—A concurrent resolution extending the 2019 Regular Session of the Florida Legislature under the authority of Section 3(d), Article III of the State Constitution.

WHEREAS, the 60 days of the 2019 Regular Session of the Florida Legislature will expire on Friday, May 3, 2019, and the necessary tasks of the session have not been completed, NOW, THEREFORE,

Be It Resolved by the Senate of the State of Florida, the House of Representatives Concurring:

That, the 2019 Regular Session of the Florida Legislature is extended until 11:59 p.m., Saturday, May 4, 2019, under the authority of Section 3(d), Article III of the State Constitution.

BE IT FURTHER RESOLVED that, in the regular session so extended, the Legislature shall consider only the following matters:

(1) Senate Bill 2500 or any Senate and House Conference Committee Report thereon.

(2) Senate Bill 2502 or any Senate and House Conference Committee Report thereon.

(3) Senate Bill 2504 or any Senate and House Conference Committee Report thereon.

BE IT FURTHER RESOLVED that all other measures in both houses are indefinitely postponed and withdrawn from consideration of the respective house as of 11:59 p.m., Friday, May 3, 2019.

BE IT FURTHER RESOLVED that upon recess or adjournment on Friday, May 3, 2019, either house may reconvene upon the call of its presiding officer.

BE IT FURTHER RESOLVED that the Legislature shall adjourn sine die at the earlier of Saturday, May 4, 2019, at 11:59 p.m. or upon concurrent motions to adjourn sine die.

—was introduced out of order and read by title. On motion by Senator Benacquisto, by two-thirds vote, **SCR 1870** was read the second time in full, adopted by the required constitutional three-fifths vote of the members present and voting, and certified to the House.

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 amended Senate Amendment 589144 and passed CS/CS/CS/HB 851 as further amended, and requests the concurrence of the Senate.

Jeff Takacs, Clerk

By Judiciary Committee, Appropriations Committee, Criminal Justice Subcommittee and Representative(s) Fitzenhagen, Bush, Donalds, Fernandez-Barquin, Geller, Jacobs, Joseph, Massullo, Overdorf, Plakon, Polsky, Pritchett, Raschein, Toledo, Watson, C., Webb—

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.

House Amendment 1 (638435) (with title amendment) to Senate Amendment 1 (589144)—Remove lines 5-691 of the amendment 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 may 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; chapter 465; chapter 466; part II, part III, part V, or part X of chapter 468; chapter 480; or chapter 486.

(1) By January 1, 2021, each licensee or certificate holder shall complete a board-approved, or department-approved if there is no board, 1-hour continuing education course on human trafficking. The course must address both sex trafficking and labor trafficking, how to identify individuals who may be victims of human trafficking, how to report cases of human trafficking, and resources available to victims.

(2) Each licensing board that requires a licensee or certificate holder to complete a course pursuant to this section must include the hour required for completion in the total hours of continuing education required by law for such profession.

(3) By January 1, 2021, the licensees or certificate holders shall post in their place of work in a conspicuous place accessible to employees a sign at least 11 inches by 15 inches in size, printed in a clearly legible font and in at least a 32-point type, which substantially states in English and Spanish:

"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. Subsection (13) of section 480.043, Florida Statutes, is renumbered as subsection (15) and amended, subsections (2) and (8), paragraph (a) of subsection (9), and subsection (12) are amended, and new subsections (13) and (14) are added to that section, to read:

480.043 Massage establishments; requisites; licensure; inspection*; human trafficking awareness training and policies*.—

(2) *An establishment owner* ~~A person who has an ownership interest in an establishment~~ shall *comply with* ~~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 *establishment* owner, *the designated establishment manager,* ~~officer, or~~ *and each* individual directly involved in the management of the establishment to *comply with* ~~submit to~~ the background screening requirements *under* ~~of~~ s. 456.0135. The *board* ~~department~~ may adopt rules regarding the type of proof that may be submitted by a corporation.

(8) The department shall deny an application for a new or renewal license if *an establishment owner or a designated establishment manager* ~~a person with an ownership interest in the establishment~~ or, for a corporation that has more than $250,000 of business assets in this state, *an* ~~the~~ *establishment* owner*, a designated establishment manager*, ~~officer,~~ or *any* individual directly involved in the management of the establishment has been convicted *of* ~~or found guilty of,~~ or entered 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* ~~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.~~

(l)~~(m)~~ Section 800.04, relating to lewd or lascivious offenses committed upon or in the presence of persons less than 16 years of age.

(m)~~(n)~~ Section 825.1025(2)(b), relating to lewd or lascivious offenses committed upon or in the presence of an elderly or disabled person.

(n)~~(o)~~ Section 827.071, relating to sexual performance by a child.

(o)~~(p)~~ Section 847.0133, relating to the protection of minors.

(p)~~(q)~~ Section 847.0135, relating to computer pornography.

(q)~~(r)~~ Section 847.0138, relating to the transmission of material harmful to minors to a minor by electronic device or equipment.

(r)~~(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*.

(12) *As a condition 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 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, 2021, 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 place in the establishment which is accessible to employees a sign with the relevant provisions of the reporting procedure.*

(14) Except for the requirements of subsection (13), this section does not apply to a physician licensed under *chapter 457,* 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. Subsection (4) of section 480.046, Florida Statutes, is renumbered as subsection (6), subsection (3) is amended, and new subsections (4) and (5) are added to that section, 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) ~~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) The establishment owner, the designated establishment manager, or any individual providing massage therapy services for the establishment has had the entry in any jurisdiction of:

1. A final order or other disciplinary action taken for sexual misconduct involving prostitution;

2. A final order or other disciplinary action taken for crimes related to the practice of massage therapy involving prostitution; or

3. A conviction or 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 establishment owner 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 60 days after they begin their employment in that role, or by January 1, 2021, 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. The establishment may keep such acknowledgement electronically.

(b) By January 1, 2021, 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, 2021, 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 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 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-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. This paragraph shall stand repealed on January 1, 2024, unless reviewed and saved from repeal by the Legislature.

Section 8. Effective January 1, 2021, 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.

(5) The Office of Program Policy Analysis and Government Accountability (OPPAGA) shall perform a study of the effectiveness of the database. The study's scope must include, but need not be limited to, review of the administration of the database, the policies and procedures of the database, and whether the database prevents and deters human trafficking networks and persons who aid and abet these networks from operating in this state. The study must include recommendations for any changes needed to the database or if the database should be repealed. In conducting the study, OPPAGA shall consult with the Florida Department of Law Enforcement and any other interested entities. OPPAGA shall submit a report to the Governor, the President of the Senate, and the Speaker of the House of Representatives by January 1, 2023.

(6) This section shall stand repealed on January 1, 2024, unless reviewed and saved from repeal through reenactment by the Legislature.

Section 9. 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 10. Paragraph (d) is added to subsection (3) of section 450.045, Florida Statutes, and paragraphs (a), (b), and (c) of that subsection are republished, to read:

450.045 Proof of identity and age; posting of notices.—

(3)(a) In order to provide the department and law enforcement agencies the means to more effectively identify, investigate, and arrest persons engaging in human trafficking, an adult theater, as defined in s. 847.001(2)(b), shall obtain proof of the identity and age of each of its employees or independent contractors, and shall verify the validity of the identification and age verification document with the issuer, before his or her employment or provision of services as an independent contractor.

(b) The adult theater shall obtain and keep on record a photocopy of the person's driver license or state or federal government-issued photo identification card, along with a record of the verification of the validity of the identification and age verification document with the issuer, during the entire period of employment or business relationship with the independent contractor and for at least 3 years after the employee or independent contractor ceases employment or the provision of services.

(c) The department and its agents have the authority to enter during operating hours, unannounced and without prior notice, and inspect at any time a place or establishment covered by this subsection and to have access to age verification documents kept on file by the adult theater and such other records as may aid in the enforcement of this subsection.

(d) An adult theater owner, operator, or manager who knowingly violates this subsection commits a misdemeanor in the first degree, punishable as provided in s. 775.082 or s. 775.083.

Section 11. Paragraph (b) of subsection (2) of section 847.001, Florida Statutes, is amended to read:

847.001 Definitions.—As used in this chapter, the term:

(2) "Adult entertainment establishment" means the following terms as defined:

(b) "Adult theater" means an enclosed building or an enclosed space within a building used for presenting either films, live plays, dances, or

other performances that are distinguished or characterized by an emphasis on matter depicting, describing, or relating to specific sexual activities for observation by patrons, and which restricts or purports to restrict admission only to adults*, or any business that features a person who engages in specific sexual activities for observation by a patron, and which restricts or purports to restrict admission to only adults*.

Section 12. *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 13. Except as otherwise expressly provided in this act, this act shall take effect July 1, 2019.

And the title is amended as follows:

Remove lines 698-864 of the amendment and insert: 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 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. 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; providing for future legislative review and repeal; 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; requiring the Office of Program Policy Analysis and Government Accountability (OPPAGA) to perform a study reviewing the effectiveness of the database; providing study requirements; requiring OPPAGA to consult with the department and other interested entities; requiring OPPAGA to submit a report to the Governor and Legislature by a certain date; providing for future legislative review and repeal; 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; amending s. 450.045, F.S.; penalizing the knowing failure to verify and maintain specified documentation of an adult theater employee or contractor; amending s. 847.001, F.S.; expanding the definition of the term "adult theater"; providing an appropriation; providing effective dates.

On motion by Senator Book, the Senate concurred in **House Amendment 1 (638435) to Senate Amendment 1 (589144)**.

CS for CS for CS for HB 851 passed, as amended, and the action of the Senate was certified to the House. The vote on passage was:

Yeas—36

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

Nays—None

MESSAGES FROM THE GOVERNOR AND OTHER EXECUTIVE COMMUNICATIONS

The Governor advised that he had filed with the Secretary of State **SB 310**, **SB 320**, and **CS for CS for SB 426** which he approved on May 3, 2019.

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/SB 190 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 adopted SCR 1870 by the required constitutional three-fifths vote of the membership voting.

Jeff Takacs, Clerk

The bill contained in the foregoing message was ordered enrolled.

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/SB 7066 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 281, as amended, by the required constitutional two-thirds vote of the members voting.

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 337, 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 385, 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 447, 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 629, 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 725, 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 1045, 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 7103, 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 7125, as amended.

Jeff Takacs, Clerk

ENROLLING REPORTS

SCR 1870 has been enrolled, signed by the required constitutional officers, and filed with the Secretary of State on May 3, 2019.

Debbie Brown, Secretary

CORRECTION AND APPROVAL OF JOURNAL

The Journal of May 2 was corrected and approved.

ADJOURNMENT

On motion by Senator Benacquisto, the Senate adjourned at 11:20 p.m. for the purpose of holding committee meetings and conducting other Senate business to reconvene at 1:15 p.m., Saturday, May 4 or upon call of the President.