



Journal of the Senate

Number 7—Regular Session

Thursday, March 25, 2021

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CALL TO ORDER

The Senate was called to order by President Simpson at 1:00 p.m. A quorum present—40:

| | | |
|---------------|-----------|-----------|
| Mr. President | Cruz | Pizzo |
| Albritton | Diaz | Polsky |
| Ausley | Farmer | Powell |
| Baxley | Gainer | Rodriguez |
| Bean | Garcia | Rodriguez |
| Berman | Gibson | Rouson |
| Book | Gruters | Stargel |
| Boyd | Harrell | Stewart |
| Bracy | Hooper | Taddeo |
| Bradley | Hutson | Thurston |
| Brandes | Jones | Torres |
| Brodeur | Mayfield | Wright |
| Broxson | Passidomo | |
| Burgess | Perry | |

PRAYER

The following prayer was offered by Rabbi Schneur Oirechman, Chabad Lubavitch of the Panhandle, Tallahassee:

Almighty G-d, Master of the Universe, we stand here before you in the waning days of a pandemic that shut down much of the world—a global disaster that all began with the smallest of things but which brought so much destruction. So, we ask you today, as we begin to feel the rays of hope, to grant us the capacity to imagine and to appreciate the power of even the smallest good act.

Rabbi Menachem Schneerson, a blessed memory, the Lubavitcher Rebbe, the leader of the Jewish world, whose birthday we marked yesterday, taught all of us that our generation is the last generation of exile and the first generation of the redemption. We are taught by Maimonides that redemption brings to the world peace—no hunger, no greed, no evil, and no war. I am quoting from Maimonides, the Laws of Kings, “In that era, there will be neither famine or war, envy or competition, for good will flow in abundance, and all delights will be freely available as dust. The occupation of the entire world will be solely to know G-d.”

We are taught by the Rebbe that the road to redemption lies in the power of one more small act of goodness and kindness. Each good thought, good and positive word, or good and positive action changes the world for the better and ushers in that era now. And so, Almighty, let us remember that if one small, almost insignificant thing can inflict such horror upon the world, how much more so can one small good thing bring hope to the world?

Let us always remember the influence of one good positive thought, one good positive word, and one good positive action. However, the voice within, the evil inclination, may tell us that goodness doesn’t really matter, that we don’t really matter. What is it? One small good deed, or thought, or speech? But, the Rebbe taught us that it absolutely does matter.

So we pray that we should always heed our inclination to do good, that we should always remember that good thoughts matter, good words matter, and good actions matter. We pray to remember that a little light can dispel much darkness. You don’t fight darkness with darkness. We pray for competence to make this world a better place. We pray for the day that our good thoughts, words, and actions add up and tip the scale to redemption forever.

This coming Saturday night, Jews all around the world will be celebrating Passover. In Passover, we celebrate freedom. We pray that we pass over our limitations and realize our inborn potential, and may G-d help us so we can live up to our true potential. We ask that you bless our noble Senators, our Senate President, and their staff—that their work for the common good bears the fruit of goodness and kindness and helps usher in that world of redemption. And, may it become a reality now. Amen.

PLEDGE

Senator Baxley led the Senate in the Pledge of Allegiance to the flag of the United States of America.

ADOPTION OF RESOLUTIONS

At the request of Senator Book—

By Senators Book and Polsky—

SR 1266—A resolution recognizing February 14, 2022, and each February 14 thereafter, as “Marjory Stoneman Douglas High School Memorial Day” in Florida, a day of remembrance for all of those who lost their lives, or whose lives were forever changed, as a result of the mass shooting at Marjory Stoneman Douglas High School in Parkland.

WHEREAS, on February 14, 2018, students, faculty, and staff at Marjory Stoneman Douglas High School in Parkland arrived on campus for a school day that began like any other, and

WHEREAS, at 2:19 p.m., Nikolas Cruz, a 19-year-old former student of the school, was dropped off by an Uber driver on the east side of the Marjory Stoneman Douglas campus, and

WHEREAS, the young man was carrying a rifle bag, and

WHEREAS, minutes later, the young man entered the east hallway doors of Building 12 on the campus, where he removed his semiautomatic rifle from the bag, loaded the weapon, and donned a magazine-carrying vest, and

WHEREAS, at 2:21 p.m., the young man fired the first rounds to the west of the first-floor hallway, striking four students, only one of whom survived her injuries, and

WHEREAS, in the minutes that followed, the young man repeatedly fired into classrooms and at those within his line of sight in the hallway, and

WHEREAS, at 2:22 p.m., the first 911 call was received by a law enforcement communications center in Coral Springs, and

WHEREAS, that call came from inside Building 12, and

WHEREAS, as fire alarms became active within Building 12 and at various locations on campus, students began screaming in panic and sprinting from classrooms, and

WHEREAS, at 2:27 p.m., the young man fired his last gunshot, entered the west stairwell on the third floor of Building 12, placed his rifle vest and 180 rounds of live ammunition on the ground, and ran down the stairs, joining in with a large group of students who were fleeing the campus, and

WHEREAS, in those terrifying 6 minutes from the beginning of the assault to his exit from the building, the young man took the lives of 17 members of the Marjory Stoneman Douglas High School family and wounded 17 others, many of them gravely, and

WHEREAS, those who died were 14-year-old Alyssa Alhadeff, an honor student and athlete; Scott Beigel, age 35, a teacher and coach with a passion for volunteerism; 14-year-old Martin Duque Anguiano, Jr., an honor student and JROTC cadet corporal; 17-year-old Nicholas Dworet, who was captain of the swim team and selected by faculty as one of twenty first class graduating seniors who excelled in academic achievement, character, community service, and athletic achievement; Aaron Feis, age 37, a loving husband and a devoted father, coach, and mentor who always put his family first; 14-year-old Jaime Guttenberg, who was a competitive dancer and a volunteer to children with special needs; Christopher Hixon, age 49, who served in the United States Navy for 27 years, both active duty and reserves, and followed his passion for sports to become athletic director for Broward County Public Schools; 15-year-old Luke Hoyer, known as “Lukey Bear” to his family, who played for many years in the Parkland Basketball League and aspired to join the Marjory Stoneman Douglas football team in the fall; 14-year-old Cara Loughran, who is remembered as a fiercely loyal, determined, beautiful soul; 14-year-old Gina Montalto, a Girl Scout who was an avid reader and a talented artist and who was a member of the Marjory Stoneman Douglas color guard; 17-year-old Joaquin Oliver, who is remembered as the most vibrant personality in any room he entered and as a best friend; 14-year-old Alaina Petty, a vibrant and determined first-year cadet in the JROTC program, where she achieved the highest rank possible for a freshman; 18-year-old Meadow Pollack, who aspired to be an attorney and a mom and who, while small in stature, projected strength and determination; 17-year-old Helena Ramsay, who had friends from all cultures, was passionate about environmental issues, and hoped to join an expedition to find the exquisite pink dolphins of the Amazon; 14-year-old Alex Schachter, who loved sports, especially playing basketball and football, and who played the trombone in the Marjory Stoneman Douglas Eagle Regiment Marching Band; 16-year-old Carmen Schentrup, a National Merit Scholar who loved to explore the world, especially enjoying national parks; and 15-year-old Peter Wang, who embodied the values espoused in the JROTC program — honor, duty, respect, loyalty, selfless service, and courage — and who was posthumously admitted to the West Point class of 2025 and awarded the institution’s Medal of Heroism for his actions to save fellow students on that day, and

WHEREAS, on February 14, 2018, amid the terror and carnage of that day, there were extraordinary acts of courage by members of the Marjory Stoneman Douglas family, several of whom gave their lives in the protection of others, and

WHEREAS, the events of February 14, 2018, at Marjory Stoneman Douglas High School forever changed the lives of the students, faculty, and staff who survived the massacre and their family members, the first responders who rushed to the scene, the health care workers who tended to the wounded, and all who witnessed the carnage, and

WHEREAS, out of the tragedy came hope in the scores of students who survived the attack who joined together in an attempt to ensure that the events of February 14, 2018, will not be forgotten and to advocate for the enactment of laws, policies, and practices that will make our schools safer, NOW, THEREFORE,

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

That we remember the tragic events of February 14, 2018, and all of the lives lost or forever changed in the mass shooting at Marjory Stoneman Douglas High School.

BE IT FURTHER RESOLVED that February 14, 2022, and each February 14 thereafter, is recognized as “Marjory Stoneman Douglas High School Memorial Day” in Florida.

BE IT FURTHER RESOLVED that flags at all state and local government buildings in this state shall be flown at half-staff on Marjory Stoneman Douglas High School Memorial Day.

BE IT FURTHER RESOLVED that Marjory Stoneman Douglas High School Memorial Day shall be commemorated, at the Capitol building in Tallahassee and at gatherings throughout the state, with the reading of the names of those who lost their lives in the mass shooting beginning with a moment of silence at 2:21 p.m., the time at which the first shot was fired.

BE IT FURTHER RESOLVED that a copy of this resolution, with the Seal of the Senate affixed, be available for presentation to the surviving family members of those who lost their lives in the mass shooting at Marjory Stoneman Douglas High School as a tangible token of the sentiments of the Florida Senate.

—was introduced, read, and adopted by publication.

At the request of Senator Rodrigues—

By Senator Rodrigues—

SR 2022—A resolution recognizing March 23, 2021, as “Florida Gulf Coast University Day” in Florida.

WHEREAS, in May 1991, then-Governor Lawton Chiles signed into law a bill passed by the Florida Legislature authorizing the creation of Florida’s tenth public university, Florida Gulf Coast University (FGCU), to provide higher education opportunities and workforce development in the previously underserved region of Southwest Florida, and

WHEREAS, FGCU opened its doors to students on August 25, 1997, and held its first commencement in May 1998 with 81 graduates, and

WHEREAS, FGCU has been led by outstanding and dynamic presidents Dr. Roy McTarnaghan, Dr. William C. Merwin, Dr. Wilson G. Bradshaw, and Dr. Michael V. Martin, and

WHEREAS, with the leadership and vision of current President Martin and the FGCU Board of Trustees, FGCU students have a clear pathway to success and the university is maintaining affordability for all students, and

WHEREAS, FGCU’s top priority is student success, evidenced by the university’s strong focus on providing the necessary academic resources and laboratory facilities for students to timely complete degrees from one of the university’s six colleges, and

WHEREAS, FGCU boasts accomplished faculty members and dedicated staff who help students prepare for successful careers and meet regional and statewide workforce needs, and

WHEREAS, FGCU has strategically grown into a regional university of nearly 15,000 students and today offers 63 undergraduate, 26 master’s, and 7 doctoral programs; has 37,200 alumni worldwide; and leads the State University System in the percentage of alumni employed in this state after graduation, and

WHEREAS, FGCU has climbed 11 spots to No. 17 in the U.S. News and World Report Top Public School-Regional University South rank-

ings and increased 4-year graduation rates by 13 percentage points from 2013 to 2015, and

WHEREAS, FGCU's pathways to student success have led it to achieve national prominence in academics, environmental sustainability, and student service learning, with more than 3 million service hours contributed by students to the Southwest Florida regional community since 1997, and

WHEREAS, FGCU emphasizes innovative and interdisciplinary learning, using the region as a living laboratory while offering students diverse opportunities to participate in meaningful research led by their professors while earning a ranking among the Top 50 Green Colleges, making it the only university in this state to make the list, and

WHEREAS, FGCU has established The Water School, breaking ground on the new academic building in November 2019, to create a University of Distinction Program that will provide FGCU the foundation to pursue the designation of a recognized state and national leader in the area of water studies, focusing on local issues to address challenges throughout the world, and

WHEREAS, FGCU has established the Daveler & Kauanui School of Entrepreneurship, bringing together students from all disciplines to develop products and business plans in a real-world setting, leading to recognition by the Princeton Review, which named it the best such school in Florida and 29th in the nation, and more than 400 businesses have been started by FGCU students and alumni since August 2016, and

WHEREAS, FGCU's School of Nursing has 98 percent to 100 percent certification pass rates and 100 percent postgraduate employment, and develops engaged leaders who deliver transformative care, conduct research, and promote evidence-based practice through academic and community partnerships, and

WHEREAS, FGCU's Lutgert College of Business and Marieb College of Health and Human Services have launched Restart SWFL to help businesses respond to the impact of COVID-19 and get back on their feet and to improve consumer confidence, and

WHEREAS, FGCU's athletics programs continue to be a growing source of pride for their loyal fans, with student-athletes continuing to demonstrate their academic strengths, and

WHEREAS, the collegiate experience continues to enrich the lives of FGCU students and serve the surrounding communities through "The FGCU Effect" and the university's longstanding commitment to promoting racial, ethnic, and cultural diversity on campus, NOW, THEREFORE,

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

That March 23, 2021, is recognized as "Florida Gulf Coast University Day" in Florida.

BE IT FURTHER RESOLVED that a copy of this resolution, with the Seal of the Senate affixed, be presented to Michael V. Martin, Ph.D., president of Florida Gulf Coast University, as a tangible token of the sentiments of the Florida Senate.

—was introduced, read, and adopted by publication.

At the request of Senator Gibson—

By Senator Gibson—

SR 2028—A resolution expressing appreciation for the remarkable contributions made to the people of this state by Delta Sigma Theta Sorority, Inc., and recognizing March 21, 2021, as the 27th annual "Delta Day at the Capitol."

WHEREAS, Delta Sigma Theta Sorority, Inc., is a private, not-for-profit organization founded on January 13, 1913, by 22 illustrious collegiate African-American women at Howard University in Washington, D.C., and

WHEREAS, only 6 weeks after its founding, Delta Sigma Theta Sorority, Inc., joined in the women's suffrage movement, a historic endeavor that transformed the role of women in the democratic process, and

WHEREAS, Delta Sigma Theta Sorority, Inc., is a sisterhood of college-educated women committed to implementing the sorority's mission through its Five-Point Programmatic Thrust: economic development, educational development, physical and mental health, political awareness and involvement, and international awareness and involvement, and

WHEREAS, in 2013, Delta Sigma Theta Sorority, Inc., celebrated 100 years of commendable service and support to local communities, leading dialogue on public policy issues, supporting quality education, producing new projects to stimulate current and future economic growth, and improving the holistic well-being of minority populations internationally, and

WHEREAS, with more than 250,000 college-educated women initiated and more than 900 chapters worldwide, 52 of which are located in Florida and the Bahamas, members of Delta Sigma Theta Sorority, Inc., are clearly focused and visible as corporate and civic leaders, productive public officials, acclaimed academicians, and activists in their own right, and

WHEREAS, for the past 26 years, the Florida chapters of Delta Sigma Theta Sorority, Inc., have conducted "Delta Days at the Capitol," during which members have a unique opportunity to show their support for policies and legislation that will impact every area of the Five-Point Programmatic Thrust; promote the role of leadership, advocacy, and empowerment in effecting social change and public policy; advocate for social justice, as well as broaden members' knowledge of the state's legislative process; and influence the enactment of legislation of particular interest to African Americans and women, and

WHEREAS, Senator Audrey Gibson is an esteemed member of Delta Sigma Theta Sorority, Inc., NOW, THEREFORE,

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

That March 21, 2021, is recognized as the 27th annual "Delta Day at the Capitol."

—was introduced, read, and adopted by publication.

At the request of Senator Wright—

By Senator Wright—

SR 2030—A resolution thanking the men and women of the Florida National Guard for their service and recognizing March 23, 2021, as "Florida National Guard Day" in Florida.

WHEREAS, as the military arm of the Governor and the people of the State of Florida, the Florida National Guard stands ready in times of crisis or emergency to immediately respond to a call from the Governor, and

WHEREAS, the Florida National Guard traces its lineage back 456 years to 1565 when the first muster of a civilian militia took place in St. Augustine, making Florida's militia the oldest in the nation, and

WHEREAS, today's Florida National Guard stands strong with approximately 12,000 members, and

WHEREAS, the men and women of the Florida National Guard and their families willingly make sacrifices when pandemics, hurricanes, fires, floods, and other natural disasters occur, serving domestically and around the world in contingency operations, and

WHEREAS, without reservation, more than 22,000 men and women of the Florida National Guard have answered the call to federal active duty in the years since the September 11, 2001, attack on our nation, serving with distinction and honor during Operation Enduring Freedom, Operation Iraqi Freedom, Operation New Dawn, Operation Noble Eagle, Operation Freedom's Sentinel, Operation Inherent Resolve, and

Operation Observant Compass, which have taken them far from their families and friends as they ensure that we are safe at home, and

WHEREAS, the employers of the men and women of the Florida National Guard have made significant sacrifices in the conduct of their businesses during the deployment of servicemembers, ensuring that jobs await them when they return home from their service, and

WHEREAS, the men and women of the Florida National Guard engage in hundreds of community service projects across the state while preparing for their federal duty, protecting the residents of this state during times of crisis or emergency, and contributing to local programs that add to the quality of life in the United States and in this state, NOW, THEREFORE,

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

That the men and women of the Florida National Guard are thanked for their service and that March 23, 2021, is recognized as “Florida National Guard Day” in Florida.

—was introduced, read, and adopted by publication.

At the request of Senator Pizzo—

By Senator Pizzo—

SR 2032—A resolution recognizing March 24, 2021, as “Education and Sharing Day” in Florida.

WHEREAS, in 1950, Rabbi Menachem Mendel Schneerson, known as the Lubavitcher Rebbe, became the leader of the Chabad-Lubavitch movement, and

WHEREAS, while Rabbi Schneerson concentrated his efforts on rebuilding and energizing the global Jewish community after the devastation of the Holocaust, he paid great attention to the needs of all humanity, and

WHEREAS, Rabbi Schneerson taught that every individual and, in fact, every individual action has an impact on the entire universe, emphasizing the importance of education and good character, thereby instilling the hope for a brighter future into the lives of countless people in America and around the globe, and

WHEREAS, today, Chabad-Lubavitch has representatives on every continent, in over 100 countries, in every state in the United States, and in 80 cities in this state, and

WHEREAS, over the last 4 decades, the United States Congress has annually set aside Rabbi Schneerson’s birthday, March 24, 4 days before the Jewish festival of Passover, as “Education and Sharing Day” as a tribute to his commitment to teaching Americans the values that make our country strong, and

WHEREAS, on Education and Sharing Day, all Americans are encouraged to reflect upon our collective opportunity to serve as role models for our children and to take action to bring more goodness and kindness into the world, NOW, THEREFORE,

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

That, in remembrance of the life work of Rabbi Menachem Mendel Schneerson, March 24, 2021, is recognized as “Education and Sharing Day” in Florida.

—was introduced, read, and adopted by publication.

BILLS ON THIRD READING

SJR 204—A joint resolution proposing amendments to Section 5 of Article II and Section 5 of Article XI and the repeal of Section 2 of Article XI of the State Constitution to abolish the Constitution Revision Commission.

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

That the following amendments to Section 5 of Article II and Section 5 of Article XI and the repeal of Section 2 of Article XI of the State Constitution are agreed to and shall be submitted to the electors of this state for approval or rejection at the next general election or at an earlier special election specifically authorized by law for that purpose:

ARTICLE II

GENERAL PROVISIONS

SECTION 5. Public officers.—

(a) No person holding any office of emolument under any foreign government, or civil office of emolument under the United States or any other state, shall hold any office of honor or of emolument under the government of this state. No person shall hold at the same time more than one office under the government of the state and the counties and municipalities therein, except that a notary public or military officer may hold another office, and any officer may be a member of ~~the a constitution revision commission~~, taxation and budget reform commission, a constitutional convention, or a statutory body having only advisory powers.

(b) Each state and county officer, before entering upon the duties of the office, shall give bond as required by law, and shall swear or affirm:

“I do solemnly swear (or affirm) that I will support, protect, and defend the Constitution and Government of the United States and of the State of Florida; that I am duly qualified to hold office under the Constitution of the state; and that I will well and faithfully perform the duties of (title of office) on which I am now about to enter. So help me God.”,

and thereafter shall devote personal attention to the duties of the office, and continue in office until a successor qualifies.

(c) The powers, duties, compensation and method of payment of state and county officers shall be fixed by law.

ARTICLE XI

AMENDMENTS

SECTION 5. Amendment or revision election.—

(a) A proposed amendment to or revision of this constitution, or any part of it, shall be submitted to the electors at the next general election held more than ninety days after the joint resolution or report of ~~a revision commission~~, constitutional convention or ~~the~~ taxation and budget reform commission proposing it is filed with the custodian of state records, unless, pursuant to law enacted by the affirmative vote of three-fourths of the membership of each house of the legislature and limited to a single amendment or revision, it is submitted at an earlier special election held more than ninety days after such filing.

(b) A proposed amendment or revision of this constitution, or any part of it, by initiative shall be submitted to the electors at the general election provided the initiative petition is filed with the custodian of state records no later than February 1 of the year in which the general election is held.

(c) The legislature shall provide by general law, prior to the holding of an election pursuant to this section, for the provision of a statement to the public regarding the probable financial impact of any amendment proposed by initiative pursuant to section 3.

(d) Once in the tenth week, and once in the sixth week immediately preceding the week in which the election is held, the proposed amendment or revision, with notice of the date of election at which it will be submitted to the electors, shall be published in one newspaper of general circulation in each county in which a newspaper is published.

(e) Unless otherwise specifically provided for elsewhere in this constitution, if the proposed amendment or revision is approved by vote of at least sixty percent of the electors voting on the measure, it shall be effective as an amendment to or revision of the constitution of the state on the first Tuesday after the first Monday in January following the

election, or on such other date as may be specified in the amendment or revision.

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

CONSTITUTIONAL AMENDMENT

ARTICLE II, SECTION 5

ARTICLE XI, SECTIONS 2 AND 5

ABOLISHING THE CONSTITUTION REVISION COMMISSION.—Proposing an amendment to the State Constitution to abolish the Constitution Revision Commission, which meets at 20-year intervals and is scheduled to next convene in 2037, as a method of submitting proposed amendments or revisions to the State Constitution to electors of the state for approval. This amendment does not affect the ability to revise or amend the State Constitution through citizen initiative, constitutional convention, the Taxation and Budget Reform Commission, or legislative joint resolution.

—was read the third time by title.

On motion by Senator Brandes, **SJR 204** was passed by the required constitutional three-fifths vote of the membership and certified to the House. The vote on passage was:

Yeas—27

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|---------------|---------|-----------|
| Mr. President | Burgess | Mayfield |
| Albritton | Diaz | Passidomo |
| Baxley | Gainer | Perry |
| Bean | Garcia | Pizzo |
| Boyd | Gibson | Rodrigues |
| Bradley | Gruters | Rodriguez |
| Brandes | Harrell | Stargel |
| Brodeur | Hooper | Stewart |
| Broxson | Hutson | Wright |

Nays—12

| | | |
|--------|--------|----------|
| Ausley | Farmer | Rouson |
| Berman | Jones | Taddeo |
| Bracy | Polsky | Thurston |
| Cruz | Powell | Torres |

Vote after roll call:

Nay—Book

CS for CS for SB 52—A bill to be entitled An act relating to postsecondary education; amending s. 1004.6495, F.S.; revising grant specifications; requiring funds appropriated for the Florida Postsecondary Comprehensive Transition Program to only be used for certain grants as specifically authorized in the General Appropriations Act; removing a cap on grant awards; amending s. 1007.273, F.S.; renaming collegiate high school programs as early college programs; defining the term “early college program”; requiring early college programs to prioritize certain courses; deleting obsolete language; conforming provisions to changes made by the act; authorizing charter schools to execute contracts with certain institutions to establish an early college program; amending s. 1009.25, F.S.; clarifying fee exemptions for the Department of Children and Families; creating s. 1009.30, F.S.; providing legislative findings; establishing the Dual Enrollment Scholarship Program; providing for the administration of the program; providing for the reimbursement of tuition and costs to eligible postsecondary institutions; requiring students participating in dual enrollment programs to meet specified minimum eligibility requirements in order for institutions to receive reimbursements; requiring participating institutions to annually report specified information to the Department of Education by certain dates; providing a reimbursement schedule for tuition and instructional materials costs; requiring the Department of Education to reimburse institutions by specified dates; providing that reimbursement for dual enrollment courses is contingent upon appropriations; providing for the prorating of reimbursements under certain circum-

stances; requiring the State Board of Education to adopt rules; creating s. 1012.978, F.S.; authorizing state university boards of trustees to implement a bonus scheme for state university system employees based on awards for work performance or employee recruitment and retention; requiring a board of trustees to submit the bonus scheme to the Board of Governors; requiring the Board of Governors to approve such bonus scheme before its implementation; amending ss. 1002.20 and 1003.4282, F.S.; conforming provisions to changes made by the act; amending s. 1012.98, F.S.; authorizing certain colleges and universities to develop professional development systems; providing an effective date.

—as amended March 18, was read the third time by title.

On motion by Senator Rodrigues, **CS for CS for SB 52**, as amended, was passed and certified to the House. The vote on passage was:

Yeas—26

| | | |
|---------------|---------|-----------|
| Mr. President | Burgess | Mayfield |
| Albritton | Diaz | Passidomo |
| Baxley | Gainer | Perry |
| Bean | Garcia | Pizzo |
| Boyd | Gruters | Rodrigues |
| Bradley | Harrell | Rodriguez |
| Brandes | Hooper | Stargel |
| Brodeur | Hutson | Wright |
| Broxson | Jones | |

Nays—14

| | | |
|--------|--------|----------|
| Ausley | Farmer | Stewart |
| Berman | Gibson | Taddeo |
| Book | Polsky | Thurston |
| Bracy | Powell | Torres |
| Cruz | Rouson | |

CS for CS for SB 56—A bill to be entitled An act relating to community association assessment notices; amending s. 718.111, F.S.; requiring condominium associations to maintain specified affirmative acknowledgments as official records of the association; specifying that such acknowledgments are not accessible to unit owners; amending s. 718.116, F.S.; revising timeframes for foreclosure judgments; conforming provisions to changes made by the act; amending s. 718.121, F.S.; requiring condominium associations to deliver certain invoices for assessments or statements of account to unit owners in a specified manner; requiring condominium associations to give notice to unit owners before changing the method of delivery for the invoices for assessments or statements of account; providing requirements for the notice; requiring unit owners to affirmatively acknowledge the changes in delivery methods; prohibiting condominium associations from requiring the payment of attorney fees relating to past due assessments without first providing a specified notice to unit owners; providing requirements for the notice; establishing a rebuttable presumption relating to mailing the notice if a certain requirement is met; revising the timeframe for condominium associations to file liens against condominium units; conforming provisions to changes made by the act; amending s. 719.104, F.S.; requiring cooperative associations to maintain specified affirmative acknowledgments as official records of the association; specifying that such acknowledgments are not accessible to unit owners; amending s. 719.108, F.S.; requiring cooperative associations to deliver certain invoices for assessments or statements of account to unit owners in a specified manner; requiring cooperative associations to give notice to unit owners before changing the method of delivery for the invoices for assessments or statements of account; providing requirements for the notice; requiring unit owners to affirmatively acknowledge the changes in delivery methods; prohibiting cooperative associations from requiring the payment of attorney fees relating to past due assessments without first providing specified notice to unit owners; providing requirements for the notice; establishing a rebuttable presumption relating to mailing the notice if a certain requirement is met; revising the timeframe for cooperative associations to file liens against cooperative parcels; conforming provisions to changes made by the act; amending s. 720.303,

F.S.; requiring homeowners' associations to maintain specified affirmative acknowledgments as official records of the association; specifying that such acknowledgments are not accessible to parcel owners; amending s. 720.3085, F.S.; requiring homeowners' associations to deliver certain invoices for assessments or statements of account to parcel owners in a specified manner; requiring homeowners' associations to give notice to parcel owners before changing the method of delivery for the invoices for assessments or statements of account; providing requirements for the notice; requiring parcel owners to affirmatively acknowledge the changes in delivery methods; prohibiting homeowners' associations from requiring the payment of attorney fees relating to past due assessments without first providing specified notice to parcel owners; providing requirements for the notice; establishing a rebuttable presumption relating to mailing the notice if a certain requirement is met; providing an effective date.

—as amended March 18, was read the third time by title.

On motion by Senator Rodriguez, **CS for CS for SB 56**, as amended, was passed and certified to the House. The vote on passage was:

Yeas—39

| | | |
|---------------|----------|-----------|
| Mr. President | Burgess | Passidomo |
| Albritton | Cruz | Perry |
| Ausley | Diaz | Polsky |
| Baxley | Farmer | Powell |
| Bean | Gainer | Rodrigues |
| Berman | Garcia | Rodriguez |
| Book | Gibson | Rouson |
| Boyd | Gruters | Stargel |
| Bracy | Harrell | Stewart |
| Bradley | Hooper | Taddeo |
| Brandes | Hutson | Thurston |
| Brodeur | Jones | Torres |
| Broxson | Mayfield | Wright |

Nays—None

Vote after roll call:

Yea—Pizzo

CS for SB 60—A bill to be entitled An act relating to county and municipal code enforcement; amending s. 125.69, F.S.; prohibiting code inspectors designated by boards of county commissioners from initiating investigations of potential violations of codes and ordinances by way of anonymous complaints; requiring persons who report potential violations of codes and ordinances to provide specified information to the board before an investigation occurs; providing applicability; providing construction; amending s. 162.06, F.S.; prohibiting code inspectors from initiating enforcement proceedings for potential violations of codes and ordinances by way of anonymous complaints; requiring persons who report potential violations of codes and ordinances to provide specified information to the respective local government before an investigation occurs; providing applicability; amending s. 162.13, F.S.; providing construction; amending s. 162.21, F.S.; prohibiting code enforcement officers from initiating investigations of potential violations of codes and ordinances by way of anonymous complaints; requiring persons who report potential violations of codes and ordinances to provide specified information to the respective local government before an investigation occurs; providing applicability; providing construction; amending s. 166.0415, F.S.; prohibiting code inspectors designated by governing bodies of municipalities from initiating investigations of potential violations of codes and ordinances by way of anonymous complaints; requiring persons who report potential violations of codes and ordinances to provide specified information to the governing body before an investigation occurs; providing applicability; providing construction; providing an effective date.

—was read the third time by title.

On motion by Senator Bradley, **CS for SB 60** was passed and certified to the House. The vote on passage was:

Yeas—27

| | | |
|---------------|---------|-----------|
| Mr. President | Broxson | Jones |
| Albritton | Burgess | Mayfield |
| Ausley | Diaz | Passidomo |
| Baxley | Gainer | Perry |
| Bean | Garcia | Rodrigues |
| Boyd | Gibson | Rodriguez |
| Bradley | Harrell | Stargel |
| Brandes | Hooper | Stewart |
| Brodeur | Hutson | Wright |

Nays—11

| | | |
|--------|--------|----------|
| Berman | Farmer | Taddeo |
| Book | Polsky | Thurston |
| Bracy | Powell | Torres |
| Cruz | Rouson | |

Vote after roll call:

Yea—Gruters, Pizzo

SPECIAL ORDER CALENDAR

SB 7054—A bill to be entitled An act relating to trust funds; re-creating the Triumph Gulf Coast Trust Fund within the Department of Economic Opportunity without modification; amending s. 288.80125, F.S.; removing provisions relating to the termination of the trust fund; providing an effective date.

—was read the second time by title. On motion by Senator Broxson, by two-thirds vote, **SB 7054** was read the third time by title, passed by the required constitutional three-fifths vote of the membership, and certified to the House. The vote on passage was:

Yeas—40

| | | |
|---------------|-----------|-----------|
| Mr. President | Cruz | Pizzo |
| Albritton | Diaz | Polsky |
| Ausley | Farmer | Powell |
| Baxley | Gainer | Rodrigues |
| Bean | Garcia | Rodriguez |
| Berman | Gibson | Rouson |
| Book | Gruters | Stargel |
| Boyd | Harrell | Stewart |
| Bracy | Hooper | Taddeo |
| Bradley | Hutson | Thurston |
| Brandes | Jones | Torres |
| Brodeur | Mayfield | Wright |
| Broxson | Passidomo | |
| Burgess | Perry | |

Nays—None

SB 7056—A bill to be entitled An act relating to trust funds; terminating the Public Defenders Revenue Trust Fund within the Justice Administrative Commission; providing for the disposition of balances in and revenues of the trust fund; terminating the Revolving Trust Fund within the Department of Law Enforcement; providing for the disposition of balances in and revenues of the trust fund; repealing s. 27.61, F.S., relating to the Public Defenders Revenue Trust Fund; amending ss. 318.18 and 817.568, F.S.; providing for the redirection of certain revenues from the Public Defenders Revenue Trust Fund to the Indigent Criminal Defense Trust Fund to conform to changes made by the act; terminating the Welfare Transition Trust Fund within the Department of Military Affairs; providing for the disposition of balances in and revenues of the trust fund; repealing s. 250.175(5), F.S., relating to the Welfare Transition Trust Fund; terminating the Welfare Transition

Trust Fund within the Department of Health; providing for the disposition of balances in and revenues of the trust fund; repealing s. 20.435(8), F.S., relating to the Welfare Transition Trust Fund; providing an effective date.

—was read the second time by title. On motion by Senator Perry, by two-thirds vote, **SB 7056** was read the third time by title, passed, and certified to the House. The vote on passage was:

Yeas—40

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|---------------|-----------|-----------|
| Mr. President | Cruz | Pizzo |
| Albritton | Diaz | Polsky |
| Ausley | Farmer | Powell |
| Baxley | Gainer | Rodrigues |
| Bean | Garcia | Rodriguez |
| Berman | Gibson | Rouson |
| Book | Gruters | Stargel |
| Boyd | Harrell | Stewart |
| Bracy | Hooper | Taddeo |
| Bradley | Hutson | Thurston |
| Brandes | Jones | Torres |
| Brodeur | Mayfield | Wright |
| Broxson | Passidomo | |
| Burgess | Perry | |

Nays—None

SB 524—A bill to be entitled An act relating to Fish and Wildlife Conservation Commission trust funds; amending s. 379.205, F.S.; revising the sources of funds that may be used for specified purposes for the Florida Panther Research and Management Trust Fund; authorizing the funds to be used for commission administrative costs; amending ss. 379.208 and 379.209, F.S.; authorizing the commission to invest and reinvest funds and the interest thereof of the Marine Resources Conservation Trust Fund and the Nongame Wildlife Trust Fund, respectively; amending s. 379.211, F.S.; authorizing the commission to invest and reinvest funds and the interest thereof of the State Game Trust Fund; deleting a provision limiting the use of such funds; amending s. 379.213, F.S.; authorizing the commission to invest and reinvest funds and the interest thereof of the Save the Manatee Trust Fund; amending s. 320.08058, F.S.; revising the authorized uses for funds of the Save the Manatee Trust Fund collected from sales of the manatee license plates to include administrative costs; revising the use of such funds for the marketing of the license plates; amending s. 379.214, F.S.; authorizing the commission to invest and reinvest the funds and the interest thereof of the Invasive Plant Control Trust Fund; authorizing such funds to be used for commission administrative costs; providing an effective date.

—was read the second time by title. On motion by Senator Hooper, by two-thirds vote, **SB 524** was read the third time by title, passed, and certified to the House. The vote on passage was:

Yeas—40

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|---------------|-----------|-----------|
| Mr. President | Cruz | Pizzo |
| Albritton | Diaz | Polsky |
| Ausley | Farmer | Powell |
| Baxley | Gainer | Rodrigues |
| Bean | Garcia | Rodriguez |
| Berman | Gibson | Rouson |
| Book | Gruters | Stargel |
| Boyd | Harrell | Stewart |
| Bracy | Hooper | Taddeo |
| Bradley | Hutson | Thurston |
| Brandes | Jones | Torres |
| Brodeur | Mayfield | Wright |
| Broxson | Passidomo | |
| Burgess | Perry | |

Nays—None

SB 866—A bill to be entitled An act relating to the H. Lee Moffitt Cancer Center and Research Institute; amending s. 210.20, F.S.; increasing, at specified timeframes, the percentage of cigarette tax proceeds paid to the Board of Directors of the H. Lee Moffitt Cancer Center and Research Institute for certain purposes; reenacting s. 210.205, F.S., relating to cigarette tax distribution reporting, to incorporate the amendment made to s. 210.20, F.S., in a reference thereto; providing an effective date.

—was read the second time by title. On motion by Senator Hooper, by two-thirds vote, **SB 866** was read the third time by title, passed, and certified to the House. The vote on passage was:

Yeas—40

| | | |
|---------------|-----------|-----------|
| Mr. President | Cruz | Pizzo |
| Albritton | Diaz | Polsky |
| Ausley | Farmer | Powell |
| Baxley | Gainer | Rodrigues |
| Bean | Garcia | Rodriguez |
| Berman | Gibson | Rouson |
| Book | Gruters | Stargel |
| Boyd | Harrell | Stewart |
| Bracy | Hooper | Taddeo |
| Bradley | Hutson | Thurston |
| Brandes | Jones | Torres |
| Brodeur | Mayfield | Wright |
| Broxson | Passidomo | |
| Burgess | Perry | |

Nays—None

CS for SB 100—A bill to be entitled An act relating to highway projects; repealing s. 163.3168(4), F.S., relating to applications for funding for technical assistance relating to areas in and around a proposed multiuse corridor interchange; amending s. 334.044, F.S.; revising the powers and duties of the Department of Transportation relating to the workforce development program; repealing s. 338.2278, F.S., relating to the Multi-use Corridors of Regional Economic Significance Program; amending s. 338.236, F.S.; deleting a requirement for the department to give priority consideration to placement of staging areas in certain counties; amending s. 339.0801, F.S.; requiring that \$35 million transferred to Florida's Turnpike Enterprise be used for a specified purpose beginning in a specified fiscal year and annually for up to 30 years thereafter; conforming provisions to changes made by the act; amending s. 339.0801, F.S.; deleting a requirement for a specified amount of funds to be transferred to Florida's Turnpike Enterprise for a specified purpose; creating s. 339.0803, F.S.; requiring that certain increased revenues be used to fund specified projects beginning in a specified fiscal year and annually thereafter; authorizing such revenues to be used for certain projects; requiring the department to prioritize the use of certain facilities when upgrading arterial highways; providing construction; providing that such funding is in addition to other statutory funding allocations; repealing s. 339.1373, F.S., relating to funding of the Multi-use Corridors of Regional Economic Significance Program; creating s. 339.66, F.S.; providing legislative findings; requiring the department, in coordination with the Florida Turnpike Enterprise, to evaluate certain roadways for development of specific controlled access facilities and to include such projects in the work program; authorizing the department to upgrade roadways with targeted improvements; prohibiting the department from reducing nontolled general use lanes of an existing facility; requiring the department to maintain existing access points; providing for access points for certain property owners; specifying the location of tolling points and requiring a nontolled alternative for local traffic; requiring any new alignments to be established with a specified goal; providing that any tolled facilities are approved turnpike projects and part of the turnpike system; designating a controlled-access portion of a specified roadway a Strategic Intermodal System facility; providing for applicability of certain requirements; requiring the department and Turnpike Enterprise to take into consideration guidance and recommendations of certain studies and reports; requiring certain decisions to be determined in accordance with applicable department rules, policies, and procedures; requiring, to the greatest extent practicable, that roadway alignments, project alignment, and interchange locations be designed as specified; providing for

funding sources; providing that project construction is not eligible for funding until completion of 30 percent of the project design phase, with exceptions; authorizing the Division of Bond Finance to issue specified bonds on behalf of the department to finance certain projects; creating s. 339.67, F.S.; requiring the department to develop and include construction of controlled access facilities in the work program of a certain facility; requiring the facility to be developed using existing roadway or portions thereof; requiring the facilities to be developed no later than a specified date to the maximum extent feasible; creating s. 339.68, F.S.; requiring the department to identify and include in the work program projects to increase capacity by widening existing two-lane arterial rural roads to four lanes; providing requirements for roads to be included in work program projects; requiring the department to annually fund at least a specified amount for such projects; providing legislative findings; requiring the department to commence the project development and environmental phase of an extension of the Florida Turnpike; requiring the department to prepare a specified report and to submit the report to the Governor and Legislature by a specified date; providing effective dates.

—was read the second time by title.

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

Senator Bracy moved the following amendment which was adopted:

Amendment 1 (527720)—Delete lines 343-349 and insert:
by this section and ss. 339.67 and 339.68, including, but not limited to, the task force reports prepared pursuant to chapter 2019-43, Laws of Florida.

(6) *Any existing applicable requirements relating to turnpike projects apply to projects undertaken by the Turnpike Enterprise pursuant to this section. The Turnpike Enterprise shall take into consideration the guidance and recommendations of any previous studies or reports relevant to the projects authorized by this section and ss. 339.67 and 339.68, including, but not limited to, the task force reports prepared pursuant to chapter 2019-43, Laws of Florida, and with respect to any extension of the Florida Turnpike from its northerly terminus in Wildwood.*

On motion by Senator Harrell, by two-thirds vote, **CS for SB 100**, as amended, was read the third time by title, passed, ordered engrossed, and then certified to the House. The vote on passage was:

Yeas—39

| | | |
|---------------|-----------|-----------|
| Mr. President | Burgess | Perry |
| Albritton | Diaz | Pizzo |
| Ausley | Farmer | Polsky |
| Baxley | Gainer | Powell |
| Bean | Garcia | Rodriguez |
| Berman | Gibson | Rodriguez |
| Book | Gruters | Rouson |
| Boyd | Harrell | Stargel |
| Bracy | Hooper | Stewart |
| Bradley | Hutson | Taddeo |
| Brandes | Jones | Thurston |
| Brodeur | Mayfield | Torres |
| Broxson | Passidomo | Wright |

Nays—1

Cruz

CS for CS for SB 50—A bill to be entitled An act relating to taxes and fees on remote sales; amending s. 212.02, F.S.; expanding the definition of the term “retail sale” to include sales facilitated through a marketplace; conforming a provision to changes made by the act; amending s. 212.05, F.S.; conforming a provision to changes made by the act; amending s. 212.054, F.S.; requiring marketplace providers and persons located outside of this state to remit discretionary sales surtax when delivering tangible personal property to a county imposing a surtax; amending s. 212.0596, F.S.; replacing provisions relating to the taxation of mail order sales with provisions relating to the taxation of

remote sales; defining the terms “remote sale” and “substantial number of remote sales”; providing that every person making a substantial number of remote sales is a dealer for purposes of the sales and use tax; authorizing the Department of Revenue to adopt rules for collecting use taxes from unregistered persons; requiring marketplace providers and persons required to report remote sales to remit discretionary sales surtax when delivering tangible personal property to a county imposing a surtax; creating s. 212.05965, F.S.; defining terms; providing that certain marketplace providers are dealers for purposes of the sales and use tax; requiring marketplace providers to provide a certain certification to their marketplace sellers; specifying requirements for marketplace sellers; requiring marketplace providers to allow the Department of Revenue to examine and audit their books and records; specifying the examination and audit authority of the department; providing that a marketplace seller, rather than the marketplace provider, is liable for sales tax collection and remittance under certain circumstances; authorizing marketplace providers and marketplace sellers to enter into agreements for the recovery of certain taxes, interest, and penalties; providing construction and applicability; amending s. 212.05965, F.S.; requiring marketplace providers to collect and remit certain additional fees at the time of sale; authorizing marketplace providers and marketplace sellers to contractually agree for marketplace sellers to collect applicable taxes and fees; specifying requirements for marketplace sellers who collect such taxes and fees; providing for liability of sellers who fail to collect or remit such taxes and fees; amending s. 212.06, F.S.; revising the definition of the term “dealer”; conforming provisions to changes made by the act; amending 212.07, F.S.; conforming a cross-reference; amending 212.11, F.S.; requiring certain marketplace providers or persons required to report remote sales to file returns and pay taxes electronically; amending s. 212.12, F.S.; deleting the authority of the department’s executive director to negotiate a collection allowance with certain dealers; conforming provisions to changes made by the act; amending s. 212.18, F.S.; requiring certain marketplace providers or persons required to report remote sales to file a registration application electronically; conforming a provision to changes made by the act; amending s. 212.20, F.S.; providing applicability of requirements for refund of taxes adjudicated unconstitutionally collected to taxes levied or collected pursuant to marketplace provisions; amending s. 213.27, F.S.; conforming provisions to changes made by the act; reenacting s. 212.055, F.S., relating to discretionary sales surtaxes, to incorporate the amendment made to s. 212.054, F.S., in references thereto; providing applicability; providing relief to certain persons for liability for tax, penalty, and interest due on certain remote sales and owed on certain purchases that occurred before the effective date of the act; providing applicability; prohibiting the department from using data received from marketplace providers or persons making remote sales for certain purposes; providing applicability; providing construction; authorizing the department to adopt emergency rules; providing for expiration of that authority; providing for severability; providing effective dates.

—was read the second time by title.

Senator Gruters moved the following amendment:

Amendment 1 (913612) (with title amendment)—Delete everything after the enacting clause and insert:

Section 1. *This act may be cited as the “Park Randall ‘Randy’ Miller Act.”*

Section 2. Paragraph (e) of subsection (14) of section 212.02, Florida Statutes, is amended, and paragraph (f) is added to that subsection, to read:

212.02 Definitions.—The following terms and phrases when used in this chapter have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

(14)

(e) The term “retail sale” includes a ~~remote mail order~~ sale; as defined in s. 212.0596(1).

(f) *The term “retail sale” includes a sale facilitated through a marketplace as defined in s. 212.05965(1).*

Section 3. Section 212.05, Florida Statutes, is amended to read:

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

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

(a)1.a. At the rate of 6 percent of the sales price of each item or article of tangible personal property when sold at retail in this state, computed on each taxable sale for the purpose of remitting the amount of tax due the state, and including each and every retail sale.

b. Each occasional or isolated sale of an aircraft, boat, mobile home, or motor vehicle of a class or type which is required to be registered, licensed, titled, or documented in this state or by the United States Government shall be subject to tax at the rate provided in this paragraph. The department shall by rule adopt any nationally recognized publication for valuation of used motor vehicles as the reference price list for any used motor vehicle which is required to be licensed pursuant to s. 320.08(1), (2), (3)(a), (b), (c), or (e), or (9). If any party to an occasional or isolated sale of such a vehicle reports to the tax collector a sales price which is less than 80 percent of the average loan price for the specified model and year of such vehicle as listed in the most recent reference price list, the tax levied under this paragraph shall be computed by the department on such average loan price unless the parties to the sale have provided to the tax collector an affidavit signed by each party, or other substantial proof, stating the actual sales price. Any party to such sale who reports a sales price less than the actual sales price is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083. The department shall collect or attempt to collect from such party any delinquent sales taxes. In addition, such party shall pay any tax due and any penalty and interest assessed plus a penalty equal to twice the amount of the additional tax owed. Notwithstanding any other provision of law, the Department of Revenue may waive or compromise any penalty imposed pursuant to this subparagraph.

2. This paragraph does not apply to the sale of a boat or aircraft by or through a registered dealer under this chapter to a purchaser who, at the time of taking delivery, is a nonresident of this state, does not make his or her permanent place of abode in this state, and is not engaged in carrying on in this state any employment, trade, business, or profession in which the boat or aircraft will be used in this state, or is a corporation none of the officers or directors of which is a resident of, or makes his or her permanent place of abode in, this state, or is a noncorporate entity that has no individual vested with authority to participate in the management, direction, or control of the entity's affairs who is a resident of, or makes his or her permanent abode in, this state. For purposes of this exemption, either a registered dealer acting on his or her own behalf as seller, a registered dealer acting as broker on behalf of a seller, or a registered dealer acting as broker on behalf of the purchaser may be deemed to be the selling dealer. This exemption shall not be allowed unless:

a. The purchaser removes a qualifying boat, as described in subparagraph f., from the state within 90 days after the date of purchase or extension, or the purchaser removes a nonqualifying boat or an aircraft from this state within 10 days after the date of purchase or, when the boat or aircraft is repaired or altered, within 20 days after completion of the repairs or alterations; or if the aircraft will be registered in a foreign jurisdiction and:

(I) Application for the aircraft's registration is properly filed with a civil airworthiness authority of a foreign jurisdiction within 10 days after the date of purchase;

(II) The purchaser removes the aircraft from the state to a foreign jurisdiction within 10 days after the date the aircraft is registered by the applicable foreign airworthiness authority; and

(III) The aircraft is operated in the state solely to remove it from the state to a foreign jurisdiction.

For purposes of this sub-subparagraph, the term "foreign jurisdiction" means any jurisdiction outside of the United States or any of its territories;

b. The purchaser, within 90 days from the date of departure, provides the department with written proof that the purchaser licensed, registered, titled, or documented the boat or aircraft outside the state. If such written proof is unavailable, within 90 days the purchaser shall provide proof that the purchaser applied for such license, title, registration, or documentation. The purchaser shall forward to the department proof of title, license, registration, or documentation upon receipt;

c. The purchaser, within 30 days after removing the boat or aircraft from Florida, furnishes the department with proof of removal in the form of receipts for fuel, dockage, slippage, tie-down, or hanging from outside of Florida. The information so provided must clearly and specifically identify the boat or aircraft;

d. The selling dealer, within 30 days after the date of sale, provides to the department a copy of the sales invoice, closing statement, bills of sale, and the original affidavit signed by the purchaser attesting that he or she has read the provisions of this section;

e. The seller makes a copy of the affidavit a part of his or her record for as long as required by s. 213.35; and

f. Unless the nonresident purchaser of a boat of 5 net tons of admeasurement or larger intends to remove the boat from this state within 10 days after the date of purchase or when the boat is repaired or altered, within 20 days after completion of the repairs or alterations, the nonresident purchaser applies to the selling dealer for a decal which authorizes 90 days after the date of purchase for removal of the boat. The nonresident purchaser of a qualifying boat may apply to the selling dealer within 60 days after the date of purchase for an extension decal that authorizes the boat to remain in this state for an additional 90 days, but not more than a total of 180 days, before the nonresident purchaser is required to pay the tax imposed by this chapter. The department is authorized to issue decals in advance to dealers. The number of decals issued in advance to a dealer shall be consistent with the volume of the dealer's past sales of boats which qualify under this sub-subparagraph. The selling dealer or his or her agent shall mark and affix the decals to qualifying boats in the manner prescribed by the department, before delivery of the boat.

(I) The department is hereby authorized to charge dealers a fee sufficient to recover the costs of decals issued, except the extension decal shall cost \$425.

(II) The proceeds from the sale of decals will be deposited into the administrative trust fund.

(III) Decals shall display information to identify the boat as a qualifying boat under this sub-subparagraph, including, but not limited to, the decal's date of expiration.

(IV) The department is authorized to require dealers who purchase decals to file reports with the department and may prescribe all necessary records by rule. All such records are subject to inspection by the department.

(V) Any dealer or his or her agent who issues a decal falsely, fails to affix a decal, mismarks the expiration date of a decal, or fails to properly account for decals will be considered prima facie to have committed a fraudulent act to evade the tax and will be liable for payment of the tax plus a mandatory penalty of 200 percent of the tax, and shall be liable for fine and punishment as provided by law for a conviction of a misdemeanor of the first degree, as provided in s. 775.082 or s. 775.083.

(VI) Any nonresident purchaser of a boat who removes a decal before permanently removing the boat from the state, or defaces, changes, modifies, or alters a decal in a manner affecting its expiration date before its expiration, or who causes or allows the same to be done by another, will be considered prima facie to have committed a fraudulent act to evade the tax and will be liable for payment of the tax plus a mandatory penalty of 200 percent of the tax, and shall be liable for fine

and punishment as provided by law for a conviction of a misdemeanor of the first degree, as provided in s. 775.082 or s. 775.083.

(VII) The department is authorized to adopt rules necessary to administer and enforce this subparagraph and to publish the necessary forms and instructions.

(VIII) The department is hereby authorized to adopt emergency rules pursuant to s. 120.54(4) to administer and enforce the provisions of this subparagraph.

If the purchaser fails to remove the qualifying boat from this state within the maximum 180 days after purchase or a nonqualifying boat or an aircraft from this state within 10 days after purchase or, when the boat or aircraft is repaired or altered, within 20 days after completion of such repairs or alterations, or permits the boat or aircraft to return to this state within 6 months from the date of departure, except as provided in s. 212.08(7)(fff), or if the purchaser fails to furnish the department with any of the documentation required by this subparagraph within the prescribed time period, the purchaser shall be liable for use tax on the cost price of the boat or aircraft and, in addition thereto, payment of a penalty to the Department of Revenue equal to the tax payable. This penalty shall be in lieu of the penalty imposed by s. 212.12(2). The maximum 180-day period following the sale of a qualifying boat tax-exempt to a nonresident may not be tolled for any reason.

(b) At the rate of 6 percent of the cost price of each item or article of tangible personal property when the same is not sold but is used, consumed, distributed, or stored for use or consumption in this state; however, for tangible property originally purchased exempt from tax for use exclusively for lease and which is converted to the owner's own use, tax may be paid on the fair market value of the property at the time of conversion. If the fair market value of the property cannot be determined, use tax at the time of conversion shall be based on the owner's acquisition cost. Under no circumstances may the aggregate amount of sales tax from leasing the property and use tax due at the time of conversion be less than the total sales tax that would have been due on the original acquisition cost paid by the owner.

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

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

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

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

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

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

(d) At the rate of 6 percent of the lease or rental price paid by a lessee or rentee, or contracted or agreed to be paid by a lessee or rentee, to the owner of the tangible personal property.

(e)1. At the rate of 6 percent on charges for:

a. Prepaid calling arrangements. The tax on charges for prepaid calling arrangements shall be collected at the time of sale and remitted by the selling dealer.

(I) "Prepaid calling arrangement" has the same meaning as provided in s. 202.11.

(II) If the sale or recharge of the prepaid calling arrangement does not take place at the dealer's place of business, it shall be deemed to have taken place at the customer's shipping address or, if no item is shipped, at the customer's address or the location associated with the customer's mobile telephone number.

(III) The sale or recharge of a prepaid calling arrangement shall be treated as a sale of tangible personal property for purposes of this chapter, regardless of whether a tangible item evidencing such arrangement is furnished to the purchaser, and such sale within this state subjects the selling dealer to the jurisdiction of this state for purposes of this subsection.

(IV) No additional tax under this chapter or chapter 202 is due or payable if a purchaser of a prepaid calling arrangement who has paid tax under this chapter on the sale or recharge of such arrangement applies one or more units of the prepaid calling arrangement to obtain communications services as described in s. 202.11(9)(b)3., other services that are not communications services, or products.

b. The installation of telecommunication and telegraphic equipment.

c. Electrical power or energy, except that the tax rate for charges for electrical power or energy is 4.35 percent. Charges for electrical power and energy do not include taxes imposed under ss. 166.231 and 203.01(1)(a)3.

2. Section 212.17(3), regarding credit for tax paid on charges subsequently found to be worthless, is equally applicable to any tax paid under this section on charges for prepaid calling arrangements, telecommunication or telegraph services, or electric power subsequently found to be uncollectible. As used in this paragraph, the term "charges" does not include any excise or similar tax levied by the Federal Government, a political subdivision of this state, or a municipality upon the purchase, sale, or recharge of prepaid calling arrangements or upon the purchase or sale of telecommunication, television system program, or telegraph service or electric power, which tax is collected by the seller from the purchaser.

(f) At the rate of 6 percent on the sale, rental, use, consumption, or storage for use in this state of machines and equipment, and parts and accessories therefor, used in manufacturing, processing, compounding, producing, mining, or quarrying personal property for sale or to be used in furnishing communications, transportation, or public utility services.

(g)1. At the rate of 6 percent on the retail price of newspapers and magazines sold or used in Florida.

2. Notwithstanding other provisions of this chapter, inserts of printed materials which are distributed with a newspaper or magazine are a component part of the newspaper or magazine, and neither the sale nor use of such inserts is subject to tax when:

a. Printed by a newspaper or magazine publisher or commercial printer and distributed as a component part of a newspaper or magazine, which means that the items after being printed are delivered directly to a newspaper or magazine publisher by the printer for inclusion in editions of the distributed newspaper or magazine;

b. Such publications are labeled as part of the designated newspaper or magazine publication into which they are to be inserted; and

c. The purchaser of the insert presents a resale certificate to the vendor stating that the inserts are to be distributed as a component part of a newspaper or magazine.

(h)1. A tax is imposed at the rate of 4 percent on the charges for the use of coin-operated amusement machines. The tax shall be calculated by dividing the gross receipts from such charges for the applicable re-

porting period by a divisor, determined as provided in this subparagraph, to compute gross taxable sales, and then subtracting gross taxable sales from gross receipts to arrive at the amount of tax due. For counties that do not impose a discretionary sales surtax, the divisor is equal to 1.04; for counties that impose a 0.5 percent discretionary sales surtax, the divisor is equal to 1.045; for counties that impose a 1 percent discretionary sales surtax, the divisor is equal to 1.050; and for counties that impose a 2 percent sales surtax, the divisor is equal to 1.060. If a county imposes a discretionary sales surtax that is not listed in this subparagraph, the department shall make the applicable divisor available in an electronic format or otherwise. Additional divisors shall bear the same mathematical relationship to the next higher and next lower divisors as the new surtax rate bears to the next higher and next lower surtax rates for which divisors have been established. When a machine is activated by a slug, token, coupon, or any similar device which has been purchased, the tax is on the price paid by the user of the device for such device.

2. As used in this paragraph, the term “operator” means any person who possesses a coin-operated amusement machine for the purpose of generating sales through that machine and who is responsible for removing the receipts from the machine.

a. If the owner of the machine is also the operator of it, he or she shall be liable for payment of the tax without any deduction for rent or a license fee paid to a location owner for the use of any real property on which the machine is located.

b. If the owner or lessee of the machine is also its operator, he or she shall be liable for payment of the tax on the purchase or lease of the machine, as well as the tax on sales generated through the machine.

c. If the proprietor of the business where the machine is located does not own the machine, he or she shall be deemed to be the lessee and operator of the machine and is responsible for the payment of the tax on sales, unless such responsibility is otherwise provided for in a written agreement between him or her and the machine owner.

3.a. An operator of a coin-operated amusement machine may not operate or cause to be operated in this state any such machine until the operator has registered with the department and has conspicuously displayed an identifying certificate issued by the department. The identifying certificate shall be issued by the department upon application from the operator. The identifying certificate shall include a unique number, and the certificate shall be permanently marked with the operator's name, the operator's sales tax number, and the maximum number of machines to be operated under the certificate. An identifying certificate shall not be transferred from one operator to another. The identifying certificate must be conspicuously displayed on the premises where the coin-operated amusement machines are being operated.

b. The operator of the machine must obtain an identifying certificate before the machine is first operated in the state and by July 1 of each year thereafter. The annual fee for each certificate shall be based on the number of machines identified on the application times \$30 and is due and payable upon application for the identifying device. The application shall contain the operator's name, sales tax number, business address where the machines are being operated, and the number of machines in operation at that place of business by the operator. No operator may operate more machines than are listed on the certificate. A new certificate is required if more machines are being operated at that location than are listed on the certificate. The fee for the new certificate shall be based on the number of additional machines identified on the application form times \$30.

c. A penalty of \$250 per machine is imposed on the operator for failing to properly obtain and display the required identifying certificate. A penalty of \$250 is imposed on the lessee of any machine placed in a place of business without a proper current identifying certificate. Such penalties shall apply in addition to all other applicable taxes, interest, and penalties.

d. Operators of coin-operated amusement machines must obtain a separate sales and use tax certificate of registration for each county in which such machines are located. One sales and use tax certificate of registration is sufficient for all of the operator's machines within a single county.

4. The provisions of this paragraph do not apply to coin-operated amusement machines owned and operated by churches or synagogues.

5. In addition to any other penalties imposed by this chapter, a person who knowingly and willfully violates any provision of this paragraph commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

6. The department may adopt rules necessary to administer the provisions of this paragraph.

(i)1. At the rate of 6 percent on charges for all:

a. Detective, burglar protection, and other protection services (NAICS National Numbers 561611, 561612, 561613, and 561621). Fingerprint services required under s. 790.06 or s. 790.062 are not subject to the tax. Any law enforcement officer, as defined in s. 943.10, who is performing approved duties as determined by his or her local law enforcement agency in his or her capacity as a law enforcement officer, and who is subject to the direct and immediate command of his or her law enforcement agency, and in the law enforcement officer's uniform as authorized by his or her law enforcement agency, is performing law enforcement and public safety services and is not performing detective, burglar protection, or other protective services, if the law enforcement officer is performing his or her approved duties in a geographical area in which the law enforcement officer has arrest jurisdiction. Such law enforcement and public safety services are not subject to tax irrespective of whether the duty is characterized as “extra duty,” “off-duty,” or “secondary employment,” and irrespective of whether the officer is paid directly or through the officer's agency by an outside source. The term “law enforcement officer” includes full-time or part-time law enforcement officers, and any auxiliary law enforcement officer, when such auxiliary law enforcement officer is working under the direct supervision of a full-time or part-time law enforcement officer.

b. Nonresidential cleaning, excluding cleaning of the interiors of transportation equipment, and nonresidential building pest control services (NAICS National Numbers 561710 and 561720).

2. As used in this paragraph, “NAICS” means those classifications contained in the North American Industry Classification System, as published in 2007 by the Office of Management and Budget, Executive Office of the President.

3. Charges for detective, burglar protection, and other protection security services performed in this state but used outside this state are exempt from taxation. Charges for detective, burglar protection, and other protection security services performed outside this state and used in this state are subject to tax.

4. If a transaction involves both the sale or use of a service taxable under this paragraph and the sale or use of a service or any other item not taxable under this chapter, the consideration paid must be separately identified and stated with respect to the taxable and exempt portions of the transaction or the entire transaction shall be presumed taxable. The burden shall be on the seller of the service or the purchaser of the service, whichever applicable, to overcome this presumption by providing documentary evidence as to which portion of the transaction is exempt from tax. The department is authorized to adjust the amount of consideration identified as the taxable and exempt portions of the transaction; however, a determination that the taxable and exempt portions are inaccurately stated and that the adjustment is applicable must be supported by substantial competent evidence.

5. Each seller of services subject to sales tax pursuant to this paragraph shall maintain a monthly log showing each transaction for which sales tax was not collected because the services meet the requirements of subparagraph 3. for out-of-state use. The log must identify the purchaser's name, location and mailing address, and federal employer identification number, if a business, or the social security number, if an individual, the service sold, the price of the service, the date of sale, the reason for the exemption, and the sales invoice number. The monthly log shall be maintained pursuant to the same requirements and subject to the same penalties imposed for the keeping of similar records pursuant to this chapter.

(j)1. Notwithstanding any other provision of this chapter, there is hereby levied a tax on the sale, use, consumption, or storage for use in

this state of any coin or currency, whether in circulation or not, when such coin or currency:

- a. Is not legal tender;
- b. If legal tender, is sold, exchanged, or traded at a rate in excess of its face value; or
- c. Is sold, exchanged, or traded at a rate based on its precious metal content.

2. Such tax shall be at a rate of 6 percent of the price at which the coin or currency is sold, exchanged, or traded, except that, with respect to a coin or currency which is legal tender of the United States and which is sold, exchanged, or traded, such tax shall not be levied.

3. There are exempt from this tax exchanges of coins or currency which are in general circulation in, and legal tender of, one nation for coins or currency which are in general circulation in, and legal tender of, another nation when exchanged solely for use as legal tender and at an exchange rate based on the relative value of each as a medium of exchange.

4. With respect to any transaction that involves the sale of coins or currency taxable under this paragraph in which the taxable amount represented by the sale of such coins or currency exceeds \$500, the entire amount represented by the sale of such coins or currency is exempt from the tax imposed under this paragraph. The dealer must maintain proper documentation, as prescribed by rule of the department, to identify that portion of a transaction which involves the sale of coins or currency and is exempt under this subparagraph.

(k) At the rate of 6 percent of the sales price of each gallon of diesel fuel not taxed under chapter 206 purchased for use in a vessel, except dyed diesel fuel that is exempt pursuant to s. 212.08(4)(a)4.

(l) Florists located in this state are liable for sales tax on sales to retail customers regardless of where or by whom the items sold are to be delivered. Florists located in this state are not liable for sales tax on payments received from other florists for items delivered to customers in this state.

(m) Operators of game concessions or other concessionaires who customarily award tangible personal property as prizes may, in lieu of paying tax on the cost price of such property, pay tax on 25 percent of the gross receipts from such concession activity.

(2) The tax shall be collected by the dealer, as defined herein, and remitted by the dealer to the state at the time and in the manner as hereinafter provided.

(3) The tax so levied is in addition to all other taxes, whether levied in the form of excise, license, or privilege taxes, and in addition to all other fees and taxes levied.

(4) The tax imposed pursuant to this chapter shall be due and payable according to the ~~algorithm provided brackets set forth~~ in s. 212.12.

(5) Notwithstanding any other provision of this chapter, the maximum amount of tax imposed under this chapter and collected on each sale or use of a boat in this state may not exceed \$18,000 and on each repair of a boat in this state may not exceed \$60,000.

Section 4. Paragraph (c) of subsection (4) of section 212.054, Florida Statutes, is amended to read:

212.054 Discretionary sales surtax; limitations, administration, and collection.—

(4)

(c)1. Any dealer located in a county that does not impose a discretionary sales surtax, *any marketplace provider that is a dealer under this chapter, or any person located outside this state who is required to collect and remit sales tax on remote sales* ~~but~~ who collects the surtax due to sales of tangible personal property or services delivered to a county imposing a surtax ~~outside the county~~ shall remit monthly the proceeds of the surtax to the department to be deposited into an account

in the Discretionary Sales Surtax Clearing Trust Fund which is separate from the county surtax collection accounts. The department shall distribute funds in this account using a distribution factor determined for each county that levies a surtax and multiplied by the amount of funds in the account and available for distribution. The distribution factor for each county equals the product of:

- a. The county's latest official population determined pursuant to s. 186.901;
- b. The county's rate of surtax; and
- c. The number of months the county has levied a surtax during the most recent distribution period;

divided by the sum of all such products of the counties levying the surtax during the most recent distribution period.

2. The department shall compute distribution factors for eligible counties once each quarter and make appropriate quarterly distributions.

3. A county that fails to timely provide the information required by this section to the department authorizes the department, by such action, to use the best information available to it in distributing surtax revenues to the county. If this information is unavailable to the department, the department may partially or entirely disqualify the county from receiving surtax revenues under this paragraph. A county that fails to provide timely information waives its right to challenge the department's determination of the county's share, if any, of revenues provided under this paragraph.

Section 5. Section 212.0596, Florida Statutes, is amended to read:

(Substantial rewording of section. See s. 212.0596, F.S., for present text.)

212.0596 Taxation of remote sales.—

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

(a) "Remote sale" means a retail sale of tangible personal property ordered by mail, telephone, the Internet, or other means of communication from a person who receives the order outside of this state and transports the property or causes the property to be transported from any jurisdiction, including this state, to a location in this state. For purposes of this paragraph, tangible personal property delivered to a location within this state is presumed to be used, consumed, distributed, or stored to be used or consumed in this state.

(b) "Substantial number of remote sales" means any number of taxable remote sales in the previous calendar year in which the sum of the sales prices, as defined in s. 212.02(16), exceeded \$100,000.

(2) Every person making a substantial number of remote sales is a dealer for purposes of this chapter.

(3) The department may establish by rule procedures for collecting the use tax from unregistered persons who but for their remote purchases would not be required to remit sales or use tax directly to the department. The procedures may provide for waiver of registration, provisions for irregular remittance of tax, elimination of the collection allowance, and nonapplication of local option surtaxes.

(4) A marketplace provider that is a dealer under this chapter or a person who is required to collect and remit sales tax on remote sales is required to collect surtax when the taxable item of tangible personal property is delivered within a county imposing a surtax as provided in s. 212.054(3)(a).

Section 6. Section 212.05965, Florida Statutes, is created to read:

212.05965 Taxation of marketplace sales.—

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

(a) "Marketplace" means any physical place or electronic medium through which tangible personal property is offered for sale.

(b) “Marketplace provider” means a person who facilitates a retail sale by a marketplace seller by listing or advertising for sale by the marketplace seller tangible personal property in a marketplace and who directly, or indirectly through agreements or arrangements with third parties, collects payment from the customer and transmits all or part of the payment to the marketplace seller, regardless of whether the marketplace provider receives compensation or other consideration in exchange for its services.

1. The term does not include a person who solely provides travel agency services. As used in this subparagraph, the term “travel agency services” means arranging, booking, or otherwise facilitating for a commission, fee, or other consideration vacation or travel packages, rental cars, or other travel reservations; tickets for domestic or foreign travel by air, rail, ship, bus, or other mode of transportation; or hotel or other lodging accommodations.

2. The term does not include a person who is a delivery network company unless the delivery network company is a registered dealer for purposes of this chapter and the delivery network company notifies all local merchants that sell through the delivery network company's website or mobile application that the delivery network company is subject to the requirements of a marketplace provider under this section. As used in this subparagraph, the term:

a. “Delivery network company” means a person who maintains a website or mobile application used to facilitate delivery services, the sale of local products, or both.

b. “Delivery network courier” means a person who provides delivery services through a delivery network company website or mobile application using a personal means of transportation, such as a motor vehicle as defined in s. 320.01(1), bicycle, scooter, or other similar means of transportation; using public transportation; or by walking.

c. “Delivery services” means the pickup and delivery by a delivery network courier of one or more local products from a local merchant to a customer, which may include the selection, collection, and purchase of the local product in connection with the delivery. The term does not include any delivery requiring more than 75 miles of travel from the local merchant to the customer.

d. “Local merchant” means a kitchen, a restaurant, or a third-party merchant, including a grocery store, retail store, convenience store, or business of another type, which is not under common ownership or control of the delivery network company.

e. “Local product” means any tangible personal property, including food but excluding freight, mail, or a package to which postage has been affixed.

3. The term does not include a payment processor business that processes payment transactions from various channels, such as charge cards, credit cards, or debit cards, and whose sole activity with respect to marketplace sales is to process payment transactions between two or more parties.

(c) “Marketplace seller” means a person who has an agreement with a marketplace provider that is a dealer under this chapter and who makes retail sales of tangible personal property through a marketplace owned, operated, or controlled by the marketplace provider.

(2) A marketplace provider that has a physical presence in this state or who is making or facilitating through a marketplace a substantial number of remote sales as defined in s. 212.0596(1) is a dealer for purposes of this chapter.

(3) A marketplace provider that is a dealer under this chapter shall certify to its marketplace sellers that it will collect and remit the tax imposed under this chapter on taxable retail sales made through the marketplace. Such certification may be included in the agreement between the marketplace provider and the marketplace seller.

(4)(a) A marketplace seller may not collect and remit the tax under this chapter on a taxable retail sale when the sale is made through the marketplace and the marketplace provider certifies, as required under subsection (3), that it will collect and remit such tax. A marketplace seller shall exclude such sales made through the marketplace from the marketplace seller's tax return under s. 212.11.

(b)1. A marketplace seller who has a physical presence in this state shall register and shall collect and remit the tax imposed under this chapter on all taxable retail sales made outside of the marketplace.

2. A marketplace seller who is not described under subparagraph 1. but who makes a substantial number of remote sales as defined in s. 212.0596(1) shall register and shall collect and remit the tax imposed under this chapter on all taxable retail sales made outside of the marketplace. For the purpose of determining whether a marketplace seller made a substantial number of remote sales, the marketplace seller shall consider only those sales made outside of a marketplace.

(5)(a) A marketplace provider that is a dealer under this chapter shall allow the department to examine and audit its books and records pursuant to s. 212.13. For retail sales facilitated through a marketplace, the department may not examine or audit the books and records of marketplace sellers, nor may the department assess marketplace sellers except to the extent that the marketplace provider seeks relief under paragraph (b). The department may examine, audit, and assess a marketplace seller for retail sales made outside of a marketplace under paragraph (4)(b). This paragraph does not provide relief to a marketplace seller who is under audit; has been issued a bill, notice, or demand for payment; or is under an administrative or judicial proceeding before July 1, 2021.

(b) The marketplace provider is relieved of liability for the tax on the retail sale and the marketplace seller or customer is liable for the tax imposed under this chapter if the marketplace provider demonstrates to the department's satisfaction that the marketplace provider made a reasonable effort to obtain accurate information related to the retail sales facilitated through the marketplace from the marketplace seller, but that the failure to collect and remit the correct amount of tax imposed under this chapter was due to the provision of incorrect or incomplete information to the marketplace provider by the marketplace seller. This paragraph does not apply to a retail sale for which the marketplace provider is the seller if the marketplace provider and the marketplace seller are related parties or if transactions between a marketplace seller and marketplace buyer are not conducted at arm's length.

(6) For purposes of registration pursuant to s. 212.18, a marketplace is deemed a separate place of business.

(7) A marketplace provider and a marketplace seller may agree by contract or otherwise that if a marketplace provider pays the tax imposed under this chapter on a retail sale facilitated through a marketplace for a marketplace seller as a result of an audit or otherwise, the marketplace provider has the right to recover such tax and any associated interest and penalties from the marketplace seller.

(8) This section may not be construed to authorize the state to collect sales tax from both the marketplace provider and the marketplace seller on the same retail sale.

(9) Chapter 213 applies to the administration of this section to the extent that chapter does not conflict with this section.

Section 7. Effective April 1, 2022, subsections (10) and (11) are added to section 212.05965, Florida Statutes, as created by this act, to read:

212.05965 Taxation of marketplace sales.—

(10) Notwithstanding any other law, the marketplace provider is also responsible for collecting and remitting any prepaid wireless E911 fee under s. 365.172, waste tire fee under s. 403.718, and lead-acid battery fee under s. 403.7185 at the time of sale for taxable retail sales made through its marketplace.

(11) Notwithstanding paragraph (4)(a), the marketplace provider and the marketplace seller may contractually agree to have the marketplace seller collect and remit all applicable taxes and fees if the marketplace seller:

(a) Has annual United States gross sales of more than \$1 billion, including the gross sales of any related entities, and in the case of franchised entities, including the combined sales of all franchisees of a single franchisor;

(b) *Provides evidence to the marketplace provider that it is registered under s. 212.18; and*

(c) *Notifies the department in a manner prescribed by the department that the marketplace seller will collect and remit all applicable taxes and fees on its sales through the marketplace and is liable for failure to collect or remit applicable taxes and fees on its sales.*

Section 8. Paragraph (c) of subsection (2) and paragraph (a) of subsection (5) of section 212.06, Florida Statutes, are amended to read:

212.06 Sales, storage, use tax; collectible from dealers; “dealer” defined; dealers to collect from purchasers; legislative intent as to scope of tax.—

(2)

(c) The term “dealer” is further defined to mean every person, as used in this chapter, who sells at retail or who offers for sale at retail, or who has in his or her possession for sale at retail; or for use, consumption, or distribution; or for storage to be used or consumed in this state, tangible personal property as defined herein, including a retailer who transacts a *substantial number of remote sales or a marketplace provider that has a physical presence in this state or that makes or facilitates through its marketplace a substantial number of remote sales mail order sale.*

(5)(a)1. Except as provided in subparagraph 2., it is not the intention of this chapter to levy a tax upon tangible personal property imported, produced, or manufactured in this state for export, provided that tangible personal property may not be considered as being imported, produced, or manufactured for export unless the importer, producer, or manufacturer delivers the same to a licensed exporter for exporting or to a common carrier for shipment outside the state or mails the same by United States mail to a destination outside the state; or, in the case of aircraft being exported under their own power to a destination outside the continental limits of the United States, by submission to the department of a duly signed and validated United States customs declaration, showing the departure of the aircraft from the continental United States; and further with respect to aircraft, the canceled United States registry of said aircraft; or in the case of parts and equipment installed on aircraft of foreign registry, by submission to the department of documentation, the extent of which shall be provided by rule, showing the departure of the aircraft from the continental United States; nor is it the intention of this chapter to levy a tax on any sale which the state is prohibited from taxing under the Constitution or laws of the United States. Every retail sale made to a person physically present at the time of sale shall be presumed to have been delivered in this state.

2.a. Notwithstanding subparagraph 1., a tax is levied on each sale of tangible personal property to be transported to a cooperating state as defined in sub-subparagraph c., at the rate specified in sub-subparagraph d. However, a Florida dealer will be relieved from the requirements of collecting taxes pursuant to this subparagraph if the Florida dealer obtains from the purchaser an affidavit setting forth the purchaser’s name, address, state taxpayer identification number, and a statement that the purchaser is aware of his or her state’s use tax laws, is a registered dealer in Florida or another state, or is purchasing the tangible personal property for resale or is otherwise not required to pay the tax on the transaction. The department may, by rule, provide a form to be used for the purposes set forth herein.

b. For purposes of this subparagraph, “a cooperating state” is one determined by the executive director of the department to cooperate satisfactorily with this state in collecting taxes on *remote mail order* sales. No state shall be so determined unless it meets all the following minimum requirements:

(I) It levies and collects taxes on *remote mail order* sales of property transported from that state to persons in this state, as described in s. 212.0596, upon request of the department.

(II) The tax so collected shall be at the rate specified in s. 212.05, not including any local option or tourist or convention development taxes collected pursuant to s. 125.0104 or this chapter.

(III) Such state agrees to remit to the department all taxes so collected no later than 30 days from the last day of the calendar quarter following their collection.

(IV) Such state authorizes the department to audit dealers within its jurisdiction who make *remote mail order* sales that are the subject of s. 212.0596, or makes arrangements deemed adequate by the department for auditing them with its own personnel.

(V) Such state agrees to provide to the department records obtained by it from retailers or dealers in such state showing delivery of tangible personal property into this state upon which no sales or use tax has been paid in a manner similar to that provided in sub-subparagraph g.

c. For purposes of this subparagraph, “sales of tangible personal property to be transported to a cooperating state” means *remote mail order* sales to a person who is in the cooperating state at the time the order is executed, from a dealer who receives that order in this state.

d. The tax levied by sub-subparagraph a. shall be at the rate at which such a sale would have been taxed pursuant to the cooperating state’s tax laws if consummated in the cooperating state by a dealer and a purchaser, both of whom were physically present in that state at the time of the sale.

e. The tax levied by sub-subparagraph a., when collected, shall be held in the State Treasury in trust for the benefit of the cooperating state and shall be paid to it at a time agreed upon between the department, acting for this state, and the cooperating state or the department or agency designated by it to act for it; however, such payment shall in no event be made later than 30 days from the last day of the calendar quarter after the tax was collected. Funds held in trust for the benefit of a cooperating state shall not be subject to the service charges imposed by s. 215.20.

f. The department is authorized to perform such acts and to provide such cooperation to a cooperating state with reference to the tax levied by sub-subparagraph a. as is required of the cooperating state by sub-subparagraph b.

g. In furtherance of this act, dealers selling tangible personal property for delivery in another state shall make available to the department, upon request of the department, records of all tangible personal property so sold. Such records shall include a description of the property, the name and address of the purchaser, the name and address of the person to whom the property was sent, the purchase price of the property, information regarding whether sales tax was paid in this state on the purchase price, and such other information as the department may by rule prescribe.

Section 9. Paragraph (b) of subsection (1) of section 212.07, Florida Statutes, is amended to read:

212.07 Sales, storage, use tax; tax added to purchase price; dealer not to absorb; liability of purchasers who cannot prove payment of the tax; penalties; general exemptions.—

(1)

(b) A resale must be in strict compliance with s. 212.18 and the rules and regulations adopted thereunder. A dealer who makes a sale for resale that is not in strict compliance with s. 212.18 and the rules and regulations adopted thereunder is liable for and must pay the tax. A dealer who makes a sale for resale shall document the exempt nature of the transaction, as established by rules adopted by the department, by retaining a copy of the purchaser’s resale certificate. In lieu of maintaining a copy of the certificate, a dealer may document, before the time of sale, an authorization number provided telephonically or electronically by the department, or by such other means established by rule of the department. The dealer may rely on a resale certificate issued pursuant to s. 212.18(3)(e) ~~s. 212.18(3)(d)~~, valid at the time of receipt from the purchaser, without seeking annual verification of the resale certificate if the dealer makes recurring sales to a purchaser in the normal course of business on a continual basis. For purposes of this paragraph, “recurring sales to a purchaser in the normal course of business” refers to a sale in which the dealer extends credit to the purchaser and records the debt as an account receivable, or in which the dealer sells to a purchaser who has an established cash or C.O.D. ac-

count, similar to an open credit account. For purposes of this paragraph, purchases are made from a selling dealer on a continual basis if the selling dealer makes, in the normal course of business, sales to the purchaser at least once in every 12-month period. A dealer may, through the informal protest provided for in s. 213.21 and the rules of the department, provide the department with evidence of the exempt status of a sale. Consumer certificates of exemption executed by those exempt entities that were registered with the department at the time of sale, resale certificates provided by purchasers who were active dealers at the time of sale, and verification by the department of a purchaser's active dealer status at the time of sale in lieu of a resale certificate shall be accepted by the department when submitted during the protest period, but may not be accepted in any proceeding under chapter 120 or any circuit court action instituted under chapter 72.

Section 10. Paragraph (f) is added to subsection (4) of section 212.11, Florida Statutes, to read:

212.11 Tax returns and regulations.—

(4)

(f) *A marketplace provider that is a dealer under this chapter or a person who is required to collect and remit sales tax on remote sales shall file returns and pay taxes by electronic means under s. 213.755.*

Section 11. Paragraph (a) of subsection (1), paragraph (a) of subsection (5), and subsections (9), (10), (11), and (14) of section 212.12, Florida Statutes, are amended to read:

212.12 Dealer's credit for collecting tax; penalties for non-compliance; powers of Department of Revenue in dealing with delinquents; ~~rounding brackets applicable to taxable transactions~~; records required.—

(1)(a)4. Notwithstanding any other law and for the purpose of compensating persons granting licenses for and the lessors of real and personal property taxed hereunder, for the purpose of compensating dealers in tangible personal property, for the purpose of compensating dealers providing communication services and taxable services, for the purpose of compensating owners of places where admissions are collected, and for the purpose of compensating remitters of any taxes or fees reported on the same documents utilized for the sales and use tax, as compensation for the keeping of prescribed records, filing timely tax returns, and the proper accounting and remitting of taxes by them, such seller, person, lessor, dealer, owner, and remitter ~~(except dealers who make mail order sales)~~ who files the return required pursuant to s. 212.11 only by electronic means and who pays the amount due on such return only by electronic means shall be allowed 2.5 percent of the amount of the tax due, accounted for, and remitted to the department in the form of a deduction. However, if the amount of the tax due and remitted to the department by electronic means for the reporting period exceeds \$1,200, an allowance is not allowed for all amounts in excess of \$1,200. For purposes of this ~~paragraph subparagraph~~, the term "electronic means" has the same meaning as provided in s. 213.755(2)(c).

~~2. The executive director of the department is authorized to negotiate a collection allowance, pursuant to rules promulgated by the department, with a dealer who makes mail order sales. The rules of the department shall provide guidelines for establishing the collection allowance based upon the dealer's estimated costs of collecting the tax, the volume and value of the dealer's mail order sales to purchasers in this state, and the administrative and legal costs and likelihood of achieving collection of the tax absent the cooperation of the dealer. However, in no event shall the collection allowance negotiated by the executive director exceed 10 percent of the tax remitted for a reporting period.~~

(5)(a) The department is authorized to audit or inspect the records and accounts of dealers defined herein, including audits or inspections of dealers who make ~~remote mail order sales to the extent permitted by another state~~, and to correct by credit any overpayment of tax, and, in the event of a deficiency, an assessment shall be made and collected. No administrative finding of fact is necessary prior to the assessment of any tax deficiency.

(9) Taxes imposed by this chapter upon the privilege of the use, consumption, storage for consumption, or sale of tangible personal

property, admissions, license fees, rentals, ~~communication services~~, and upon the sale or use of services as herein taxed shall be collected upon the basis of an addition of the tax imposed by this chapter to the total price of such admissions, license fees, rentals, ~~communication or other services~~, or sale price of such article or articles that are purchased, sold, or leased at any one time by or to a customer or buyer; the dealer, or person charged herein, is required to pay a privilege tax in the amount of the tax imposed by this chapter on the total of his or her gross sales of tangible personal property, admissions, license fees, ~~and rentals, and communication services~~ or to collect a tax upon the sale or use of services, and such person or dealer shall add the tax imposed by this chapter to the price, license fee, rental, ~~or admissions, and communication or other services~~ and collect the total sum from the purchaser, admittee, licensee, lessee, or consumer. ~~The department shall make available in an electronic format or otherwise the tax amounts and the following brackets applicable to all transactions taxable at the rate of 6 percent:~~

~~(a) On single sales of less than 10 cents, no tax shall be added.~~

~~(b) On single sales in amounts from 10 cents to 16 cents, both inclusive, 1 cent shall be added for taxes.~~

~~(c) On sales in amounts from 17 cents to 33 cents, both inclusive, 2 cents shall be added for taxes.~~

~~(d) On sales in amounts from 34 cents to 50 cents, both inclusive, 3 cents shall be added for taxes.~~

~~(e) On sales in amounts from 51 cents to 66 cents, both inclusive, 4 cents shall be added for taxes.~~

~~(f) On sales in amounts from 67 cents to 83 cents, both inclusive, 5 cents shall be added for taxes.~~

~~(g) On sales in amounts from 84 cents to \$1, both inclusive, 6 cents shall be added for taxes.~~

~~(h) On sales in amounts of more than \$1, 6 percent shall be charged upon each dollar of price, plus the appropriate bracket charge upon any fractional part of a dollar.~~

(10)(a) *A dealer must calculate the tax due on the privilege of the use, consumption, storage for consumption, or sale of tangible personal property, admissions, license fees, rentals, and upon the sale or use of services, based on a rounding algorithm that meets the following criteria:*

1. *The computation of the tax must be carried to the third decimal place.*

2. *The tax must be rounded to the whole cent using a method that rounds up to the next cent whenever the third decimal place is greater than four.*

~~(b) A dealer may apply the rounding algorithm to the aggregate tax amount computed on all taxable items on an invoice or to the taxable amount on each individual item on the invoice. In counties which have adopted a discretionary sales surtax at the rate of 1 percent, the department shall make available in an electronic format or otherwise the tax amounts and the following brackets applicable to all taxable transactions that would otherwise have been transactions taxable at the rate of 6 percent:~~

~~(a) On single sales of less than 10 cents, no tax shall be added.~~

~~(b) On single sales in amounts from 10 cents to 14 cents, both inclusive, 1 cent shall be added for taxes.~~

~~(c) On sales in amounts from 15 cents to 28 cents, both inclusive, 2 cents shall be added for taxes.~~

~~(d) On sales in amounts from 29 cents to 42 cents, both inclusive, 3 cents shall be added for taxes.~~

~~(e) On sales in amounts from 43 cents to 57 cents, both inclusive, 4 cents shall be added for taxes.~~

~~(f) On sales in amounts from 58 cents to 71 cents, both inclusive, 5 cents shall be added for taxes.~~

~~(g) On sales in amounts from 72 cents to 85 cents, both inclusive, 6 cents shall be added for taxes.~~

~~(h) On sales in amounts from 86 cents to \$1, both inclusive, 7 cents shall be added for taxes.~~

~~(i) On sales in amounts from \$1 up to, and including, the first \$5,000 in price, 7 percent shall be charged upon each dollar of price, plus the appropriate bracket charge upon any fractional part of a dollar.~~

~~(j) On sales in amounts of more than \$5,000 in price, 7 percent shall be added upon the first \$5,000 in price, and 6 percent shall be added upon each dollar of price in excess of the first \$5,000 in price, plus the bracket charges upon any fractional part of a dollar as provided for in subsection (9).~~

~~(11) The department shall make available in an electronic format or otherwise the tax amounts and brackets applicable to all taxable transactions that occur in counties that have a surtax at a rate other than 1 percent which would otherwise have been transactions taxable at the rate of 6 percent. Likewise, the department shall make available in an electronic format or otherwise the tax amounts and brackets applicable to transactions taxable at 4.35 percent pursuant to s. 212.05(1)(c) i.e. or the applicable tax rate pursuant to s. 212.031(1) and on transactions which would otherwise have been so taxable in counties which have adopted a discretionary sales surtax.~~

~~(14) If it is determined upon audit that a dealer has collected and remitted taxes by applying the applicable tax rate to each transaction as described in subsection (9) and rounding the tax due to the nearest whole cent rather than applying the appropriate bracket system provided by law or department rule, the dealer shall not be held liable for additional tax, penalty, and interest resulting from such failure if:~~

~~(a) The dealer acted in a good faith belief that rounding to the nearest whole cent was the proper method of determining the amount of tax due on each taxable transaction.~~

~~(b) The dealer timely reported and remitted all taxes collected on each taxable transaction.~~

~~(c) The dealer agrees in writing to future compliance with the laws and rules concerning brackets applicable to the dealer's transactions.~~

Section 12. Present paragraphs (c) through (f) of subsection (3) of section 212.18, Florida Statutes, are redesignated as paragraphs (d) through (g), respectively, a new paragraph (c) is added to that subsection, and present paragraph (f) of that subsection is amended, to read:

212.18 Administration of law; registration of dealers; rules.—

(3)

(c) A marketplace provider that is a dealer under this chapter or a person who is required to collect and remit sales tax on remote sales must file with the department an application for a certificate of registration electronically.

~~(g)(f)~~ As used in this paragraph, the term “exhibitor” means a person who enters into an agreement authorizing the display of tangible personal property or services at a convention or a trade show. The following provisions apply to the registration of exhibitors as dealers under this chapter:

1. An exhibitor whose agreement prohibits the sale of tangible personal property or services subject to the tax imposed in this chapter is not required to register as a dealer.

2. An exhibitor whose agreement provides for the sale at wholesale only of tangible personal property or services subject to the tax imposed by this chapter must obtain a resale certificate from the purchasing dealer but is not required to register as a dealer.

3. An exhibitor whose agreement authorizes the retail sale of tangible personal property or services subject to the tax imposed by this chapter must register as a dealer and collect the tax on such sales.

4. An exhibitor who makes a *remote* ~~mail order~~ sale pursuant to s. 212.0596 must register as a dealer.

A person who conducts a convention or a trade show must make his or her exhibitor's agreements available to the department for inspection and copying.

Section 13. Subsection (4) and paragraph (d) of subsection (6) of section 212.20, Florida Statutes, are amended to read:

212.20 Funds collected, disposition; additional powers of department; operational expense; refund of taxes adjudicated unconstitutionally collected.—

(4) When there has been a final adjudication that any tax pursuant to s. 212.0596 or s. 212.05965 was levied, collected, or both, contrary to the Constitution of the United States or the State Constitution, the department shall, in accordance with rules, determine, based upon claims for refund and other evidence and information, who paid such tax or taxes, and refund to each such person the amount of tax paid. For purposes of this subsection, a “final adjudication” is a decision of a court of competent jurisdiction from which no appeal can be taken or from which the official or officials of this state with authority to make such decisions has or have decided not to appeal.

(6) Distribution of all proceeds under this chapter and ss. 202.18(1)(b) and (2)(b) and 203.01(1)(a)3. is as follows:

(d) The proceeds of all other taxes and fees imposed pursuant to this chapter or remitted pursuant to s. 202.18(1)(b) and (2)(b) shall be distributed as follows:

1. In any fiscal year, the greater of \$500 million, minus an amount equal to 4.6 percent of the proceeds of the taxes collected pursuant to chapter 201, or 5.2 percent of all other taxes and fees imposed pursuant to this chapter or remitted pursuant to s. 202.18(1)(b) and (2)(b) shall be deposited in monthly installments into the General Revenue Fund.

2. After the distribution under subparagraph 1., 8.9744 percent of the amount remitted by a sales tax dealer located within a participating county pursuant to s. 218.61 shall be transferred into the Local Government Half-cent Sales Tax Clearing Trust Fund. Beginning July 1, 2003, the amount to be transferred shall be reduced by 0.1 percent, and the department shall distribute this amount to the Public Employees Relations Commission Trust Fund less \$5,000 each month, which shall be added to the amount calculated in subparagraph 3. and distributed accordingly.

3. After the distribution under subparagraphs 1. and 2., 0.0966 percent shall be transferred to the Local Government Half-cent Sales Tax Clearing Trust Fund and distributed pursuant to s. 218.65.

4. After the distributions under subparagraphs 1., 2., and 3., 2.0810 percent of the available proceeds shall be transferred monthly to the Revenue Sharing Trust Fund for Counties pursuant to s. 218.215.

5. After the distributions under subparagraphs 1., 2., and 3., 1.3653 percent of the available proceeds shall be transferred monthly to the Revenue Sharing Trust Fund for Municipalities pursuant to s. 218.215. If the total revenue to be distributed pursuant to this subparagraph is at least as great as the amount due from the Revenue Sharing Trust Fund for Municipalities and the former Municipal Financial Assistance Trust Fund in state fiscal year 1999-2000, no municipality shall receive less than the amount due from the Revenue Sharing Trust Fund for Municipalities and the former Municipal Financial Assistance Trust Fund in state fiscal year 1999-2000. If the total proceeds to be distributed are less than the amount received in combination from the Revenue Sharing Trust Fund for Municipalities and the former Municipal Financial Assistance Trust Fund in state fiscal year 1999-2000, each municipality shall receive an amount proportionate to the amount it was due in state fiscal year 1999-2000.

6. Of the remaining proceeds:

a. In each fiscal year, the sum of \$29,915,500 shall be divided into as many equal parts as there are counties in the state, and one part shall be distributed to each county. The distribution among the several counties must begin each fiscal year on or before January 5th and continue monthly for a total of 4 months. If a local or special law re-

quired that any moneys accruing to a county in fiscal year 1999-2000 under the then-existing provisions of s. 550.135 be paid directly to the district school board, special district, or a municipal government, such payment must continue until the local or special law is amended or repealed. The state covenants with holders of bonds or other instruments of indebtedness issued by local governments, special districts, or district school boards before July 1, 2000, that it is not the intent of this subparagraph to adversely affect the rights of those holders or relieve local governments, special districts, or district school boards of the duty to meet their obligations as a result of previous pledges or assignments or trusts entered into which obligated funds received from the distribution to county governments under then-existing s. 550.135. This distribution specifically is in lieu of funds distributed under s. 550.135 before July 1, 2000.

b. The department shall distribute \$166,667 monthly to each applicant certified as a facility for a new or retained professional sports franchise pursuant to s. 288.1162. Up to \$41,667 shall be distributed monthly by the department to each certified applicant as defined in s. 288.11621 for a facility for a spring training franchise. However, not more than \$416,670 may be distributed monthly in the aggregate to all certified applicants for facilities for spring training franchises. Distributions begin 60 days after such certification and continue for not more than 30 years, except as otherwise provided in s. 288.11621. A certified applicant identified in this sub-subparagraph may not receive more in distributions than expended by the applicant for the public purposes provided in s. 288.1162(5) or s. 288.11621(3).

c. Beginning 30 days after notice by the Department of Economic Opportunity to the Department of Revenue that an applicant has been certified as the professional golf hall of fame pursuant to s. 288.1168 and is open to the public, \$166,667 shall be distributed monthly, for up to 300 months, to the applicant.

d. Beginning 30 days after notice by the Department of Economic Opportunity to the Department of Revenue that the applicant has been certified as the International Game Fish Association World Center facility pursuant to s. 288.1169, and the facility is open to the public, \$83,333 shall be distributed monthly, for up to 168 months, to the applicant. This distribution is subject to reduction pursuant to s. 288.1169.

e. The department shall distribute up to \$83,333 monthly to each certified applicant as defined in s. 288.11631 for a facility used by a single spring training franchise, or up to \$166,667 monthly to each certified applicant as defined in s. 288.11631 for a facility used by more than one spring training franchise. Monthly distributions begin 60 days after such certification or July 1, 2016, whichever is later, and continue for not more than 20 years to each certified applicant as defined in s. 288.11631 for a facility used by a single spring training franchise or not more than 25 years to each certified applicant as defined in s. 288.11631 for a facility used by more than one spring training franchise. A certified applicant identified in this sub-subparagraph may not receive more in distributions than expended by the applicant for the public purposes provided in s. 288.11631(3).

f. Beginning 45 days after notice by the Department of Economic Opportunity to the Department of Revenue that an applicant has been approved by the Legislature and certified by the Department of Economic Opportunity under s. 288.11625 or upon a date specified by the Department of Economic Opportunity as provided under s. 288.11625(6)(d), the department shall distribute each month an amount equal to one-twelfth of the annual distribution amount certified by the Department of Economic Opportunity for the applicant. The department may not distribute more than \$13 million annually under this sub-subparagraph.

g. The department shall distribute \$15,333 monthly to the State Transportation Trust Fund.

h.(I) On or before July 25, 2021, August 25, 2021, and September 25, 2021, the department shall distribute \$324,533,334 in each of those months to the Unemployment Compensation Trust Fund, less an adjustment for refunds issued from the General Revenue Fund pursuant to s. 443.131(3)(e)3. before making the distribution. The adjustments made by the department to the total distributions shall be equal to the total refunds made pursuant to s. 443.131(3)(e)3. If the amount of refunds to be subtracted from any single distribution exceeds the distribution, the

department may not make that distribution and must subtract the remaining balance from the next distribution.

(II) Beginning July 2022, and on or before the 25th day of each month, the department shall distribute \$90 million monthly to the Unemployment Compensation Trust Fund.

(III) If the ending balance of the Unemployment Compensation Trust Fund exceeds \$4,071,519,600 on the last day of any month, as determined from United States Department of the Treasury data, the Office of Economic and Demographic Research shall certify to the department that the ending balance of the trust fund exceeds such amount.

(IV) This sub-subparagraph is repealed, and the department shall end monthly distributions under sub-sub-subparagraph (II), on the date the department receives certification under sub-sub-subparagraph (III) or December 31, 2025, whichever is earlier.

7. All other proceeds must remain in the General Revenue Fund.

Section 14. Paragraph (a) of subsection (1) of section 443.1216, Florida Statutes, is amended to read:

443.1216 Employment.—Employment, as defined in s. 443.036, is subject to this chapter under the following conditions:

(1)(a) The employment subject to this chapter includes a service performed, including a service performed in interstate commerce, by:

1. An officer of a corporation.

2. An individual who, under the usual common-law rules applicable in determining the employer-employee relationship, is an employee. However, whenever a client, as defined in s. 443.036(18), which would otherwise be designated as an employing unit has contracted with an employee leasing company to supply it with workers, those workers are considered employees of the employee leasing company. An employee leasing company may lease corporate officers of the client to the client and other workers to the client, except as prohibited by regulations of the Internal Revenue Service. Employees of an employee leasing company must be reported under the employee leasing company's tax identification number and contribution rate for work performed for the employee leasing company.

a. However, except for the internal employees of an employee leasing company, each employee leasing company may make a separate one-time election to report and pay contributions under the tax identification number and contribution rate for each client of the employee leasing company. Under the client method, an employee leasing company choosing this option must assign leased employees to the client company that is leasing the employees. The client method is solely a method to report and pay unemployment contributions, and, whichever method is chosen, such election may not impact any other aspect of state law. An employee leasing company that elects the client method must pay contributions at the rates assigned to each client company.

(I) The election applies to all of the employee leasing company's current and future clients.

(II) The employee leasing company must notify the Department of Revenue of its election by July 1, 2012, and such election applies to reports and contributions for the first quarter of the following calendar year. The notification must include:

(A) A list of each client company and the unemployment account number or, if one has not yet been issued, the federal employment identification number, as established by the employee leasing company upon the election to file by client method;

(B) A list of each client company's current and previous employees and their respective social security numbers for the prior 3 state fiscal years or, if the client company has not been a client for the prior 3 state fiscal years, such portion of the prior 3 state fiscal years that the client company has been a client must be supplied;

(C) The wage data and benefit charges associated with each client company for the prior 3 state fiscal years or, if the client company has not been a client for the prior 3 state fiscal years, such portion of the prior 3 state fiscal years that the client company has been a client must

be supplied. If the client company's employment record is chargeable with benefits for less than 8 calendar quarters while being a client of the employee leasing company, the client company must pay contributions at the initial rate of 2.7 percent; and

(D) The wage data and benefit charges for the prior 3 state fiscal years that cannot be associated with a client company must be reported and charged to the employee leasing company.

(III) Subsequent to choosing the client method, the employee leasing company may not change its reporting method.

(IV) The employee leasing company shall file a Florida Department of Revenue Employer's Quarterly Report for each client company by approved electronic means, and pay all contributions by approved electronic means.

(V) For the purposes of calculating experience rates when the client method is chosen, each client's own benefit charges and wage data experience while with the employee leasing company determines each client's tax rate where the client has been a client of the employee leasing company for at least 8 calendar quarters before the election. The client company shall continue to report the nonleased employees under its tax rate.

(VI) The election is binding on each client of the employee leasing company for as long as a written agreement is in effect between the client and the employee leasing company pursuant to s. 468.525(3)(a). If the relationship between the employee leasing company and the client terminates, the client retains the wage and benefit history experienced under the employee leasing company.

(VII) Notwithstanding which election method the employee leasing company chooses, the applicable client company is an employing unit for purposes of s. 443.071. The employee leasing company or any of its officers or agents are liable for any violation of s. 443.071 engaged in by such persons or entities. The applicable client company or any of its officers or agents are liable for any violation of s. 443.071 engaged in by such persons or entities. The employee leasing company or its applicable client company is not liable for any violation of s. 443.071 engaged in by the other party or by the other party's officers or agents.

(VIII) If an employee leasing company fails to select the client method of reporting not later than July 1, 2012, the entity is required to report under the employee leasing company's tax identification number and contribution rate.

(IX) After an employee leasing company is licensed pursuant to part XI of chapter 468, each newly licensed entity has 30 days after the date the license is granted to notify the tax collection service provider in writing of their selection of the client method. A newly licensed employee leasing company that fails to timely select reporting pursuant to the client method of reporting must report under the employee leasing company's tax identification number and contribution rate.

(X) Irrespective of the election, each transfer of trade or business, including workforce, or a portion thereof, between employee leasing companies is subject to the provisions of s. 443.131(3)(h) ~~s. 443.131(3)(g)~~ if, at the time of the transfer, there is common ownership, management, or control between the entities.

b. In addition to any other report required to be filed by law, an employee leasing company shall submit a report to the Labor Market Statistics Center within the Department of Economic Opportunity which includes each client establishment and each establishment of the leasing company, or as otherwise directed by the department. The report must include the following information for each establishment:

- (I) The trade or establishment name;
- (II) The former reemployment assistance account number, if available;
- (III) The former federal employer's identification number, if available;
- (IV) The industry code recognized and published by the United States Office of Management and Budget, if available;

(V) A description of the client's primary business activity in order to verify or assign an industry code;

(VI) The address of the physical location;

(VII) The number of full-time and part-time employees who worked during, or received pay that was subject to reemployment assistance taxes for, the pay period including the 12th of the month for each month of the quarter;

(VIII) The total wages subject to reemployment assistance taxes paid during the calendar quarter;

(IX) An internal identification code to uniquely identify each establishment of each client;

(X) The month and year that the client entered into the contract for services; and

(XI) The month and year that the client terminated the contract for services.

c. The report must be submitted electronically or in a manner otherwise prescribed by the Department of Economic Opportunity in the format specified by the Bureau of Labor Statistics of the United States Department of Labor for its Multiple Worksite Report for Professional Employer Organizations. The report must be provided quarterly to the Labor Market Statistics Center within the department, or as otherwise directed by the department, and must be filed by the last day of the month immediately after the end of the calendar quarter. The information required in sub-sub-subparagraphs b.(X) and (XI) need be provided only in the quarter in which the contract to which it relates was entered into or terminated. The sum of the employment data and the sum of the wage data in this report must match the employment and wages reported in the reemployment assistance quarterly tax and wage report.

d. The department shall adopt rules as necessary to administer this subparagraph, and may administer, collect, enforce, and waive the penalty imposed by s. 443.141(1)(b) for the report required by this subparagraph.

e. For the purposes of this subparagraph, the term "establishment" means any location where business is conducted or where services or industrial operations are performed.

3. An individual other than an individual who is an employee under subparagraph 1. or subparagraph 2., who performs services for remuneration for any person:

a. As an agent-driver or commission-driver engaged in distributing meat products, vegetable products, fruit products, bakery products, beverages other than milk, or laundry or drycleaning services for his or her principal.

b. As a traveling or city salesperson engaged on a full-time basis in the solicitation on behalf of, and the transmission to, his or her principal of orders from wholesalers, retailers, contractors, or operators of hotels, restaurants, or other similar establishments for merchandise for resale or supplies for use in the business operations. This sub-subparagraph does not apply to an agent-driver or a commission-driver and does not apply to sideline sales activities performed on behalf of a person other than the salesperson's principal.

4. The services described in subparagraph 3. are employment subject to this chapter only if:

- a. The contract of service contemplates that substantially all of the services are to be performed personally by the individual;
- b. The individual does not have a substantial investment in facilities used in connection with the services, other than facilities used for transportation; and
- c. The services are not in the nature of a single transaction that is not part of a continuing relationship with the person for whom the services are performed.

Section 15. Effective upon becoming a law and applying retroactively to April 1, 2020, present paragraphs (f) through (k) of subsection (3) of section 443.131, Florida Statutes, are redesignated as paragraphs (g) through (l), respectively, a new paragraph (f) is added to that subsection, and paragraphs (b) and (e) of that subsection are amended, to read:

443.131 Contributions.—

(3) VARIATION OF CONTRIBUTION RATES BASED ON BENEFIT EXPERIENCE.—

(b) *Benefit ratio.*—

1. As used in this paragraph, the term “annual payroll” means the calendar quarter taxable payroll reported to the tax collection service provider for the quarters used in computing the benefit ratio. The term does not include a penalty resulting from the untimely filing of required wage and tax reports. All of the taxable payroll reported to the tax collection service provider by the end of the quarter preceding the quarter for which the contribution rate is to be computed must be used in the computation.

2. As used in this paragraph, the term “benefits charged to the employer’s employment record” means the amount of benefits paid to individuals multiplied by:

- a. For benefits paid prior to July 1, 2007, 1.
- b. For benefits paid during the period beginning on July 1, 2007, and ending March 31, 2011, 0.90.
- c. For benefits paid after March 31, 2011, 1.
- d. *For benefits paid during the period beginning April 1, 2020, and ending December 31, 2020, 0.*
- e. *For benefits paid during the period beginning January 1, 2021, and ending June 30, 2021, 1, except as otherwise adjusted in accordance with paragraph (f).*

3. For each calendar year, the tax collection service provider shall compute a benefit ratio for each employer whose employment record was chargeable for benefits during the 12 consecutive quarters ending June 30 of the calendar year preceding the calendar year for which the benefit ratio is computed. An employer’s benefit ratio is the quotient obtained by dividing the total benefits charged to the employer’s employment record during the 3-year period ending June 30 of the preceding calendar year by the total of the employer’s annual payroll for the 3-year period ending June 30 of the preceding calendar year. The benefit ratio shall be computed to the fifth decimal place and rounded to the fourth decimal place.

4. The tax collection service provider shall compute a benefit ratio for each employer who was not previously eligible under subparagraph 3., whose contribution rate is set at the initial contribution rate in paragraph (2)(a), and whose employment record was chargeable for benefits during at least 8 calendar quarters immediately preceding the calendar quarter for which the benefit ratio is computed. The employer’s benefit ratio is the quotient obtained by dividing the total benefits charged to the employer’s employment record during the first 6 of the 8 completed calendar quarters immediately preceding the calendar quarter for which the benefit ratio is computed by the total of the employer’s annual payroll during the first 7 of the 9 completed calendar quarters immediately preceding the calendar quarter for which the benefit ratio is computed. The benefit ratio shall be computed to the fifth decimal place and rounded to the fourth decimal place and applies for the remainder of the calendar year. The employer must subsequently be rated on an annual basis using up to 12 calendar quarters of benefits charged and up to 12 calendar quarters of annual payroll. That employer’s benefit ratio is the quotient obtained by dividing the total benefits charged to the employer’s employment record by the total of the employer’s annual payroll during the quarters used in his or her first computation plus the subsequent quarters reported through June 30 of the preceding calendar year. Each subsequent calendar year, the rate shall be computed under subparagraph 3. The tax collection service

provider shall assign a variation from the standard rate of contributions in paragraph (c) on a quarterly basis to each eligible employer in the same manner as an assignment for a calendar year under paragraph (e).

(e) *Assignment of variations from the standard rate.*—

1. As used in this paragraph, the terms “total benefit payments,” “benefits paid to an individual,” and “benefits charged to the employment record of an employer” mean the amount of benefits paid to individuals multiplied by:

- a. For benefits paid prior to July 1, 2007, 1.
- b. For benefits paid during the period beginning on July 1, 2007, and ending March 31, 2011, 0.90.
- c. For benefits paid after March 31, 2011, 1.
- d. *For benefits paid during the period beginning April 1, 2020, and ending December 31, 2020, 0.*
- e. *For benefits paid during the period beginning January 1, 2021, and ending June 30, 2021, 1, except as otherwise adjusted in accordance with paragraph (f).*

2. For the calculation of contribution rates effective January 1, 2012, and thereafter:

a. The tax collection service provider shall assign a variation from the standard rate of contributions for each calendar year to each eligible employer. In determining the contribution rate, varying from the standard rate to be assigned each employer, adjustment factors computed under sub-sub-paragraphs (I)-(IV) are added to the benefit ratio. This addition shall be accomplished in two steps by adding a variable adjustment factor and a final adjustment factor. The sum of these adjustment factors computed under sub-sub-paragraphs (I)-(IV) shall first be algebraically summed. The sum of these adjustment factors shall next be divided by a gross benefit ratio determined as follows: Total benefit payments for the 3-year period described in subparagraph (b)3. are charged to employers eligible for a variation from the standard rate, minus excess payments for the same period, divided by taxable payroll entering into the computation of individual benefit ratios for the calendar year for which the contribution rate is being computed. The ratio of the sum of the adjustment factors computed under sub-sub-paragraphs (I)-(IV) to the gross benefit ratio is multiplied by each individual benefit ratio that is less than the maximum contribution rate to obtain variable adjustment factors; except that if the sum of an employer’s individual benefit ratio and variable adjustment factor exceeds the maximum contribution rate, the variable adjustment factor is reduced in order for the sum to equal the maximum contribution rate. The variable adjustment factor for each of these employers is multiplied by his or her taxable payroll entering into the computation of his or her benefit ratio. The sum of these products is divided by the taxable payroll of the employers who entered into the computation of their benefit ratios. The resulting ratio is subtracted from the sum of the adjustment factors computed under sub-sub-paragraphs (I)-(IV) to obtain the final adjustment factor. The variable adjustment factors and the final adjustment factor must be computed to five decimal places and rounded to the fourth decimal place. This final adjustment factor is added to the variable adjustment factor and benefit ratio of each employer to obtain each employer’s contribution rate. An employer’s contribution rate may not, however, be rounded to less than 0.1 percent. *In determining the contribution rate, varying from the standard rate to be assigned, the computation shall exclude any benefit that is excluded by the multipliers under subparagraph (b)2. and subparagraph 1. The computation of the contribution rate, varying from the standard rate to be assigned, shall also exclude any benefit paid as a result of a governmental order related to COVID-19 to close or reduce capacity of a business. In addition, the contribution rate for the 2021 and 2022 calendar years shall be calculated without the application of the positive adjustment factor in sub-sub-paragraph (III).*

(I) An adjustment factor for noncharge benefits is computed to the fifth decimal place and rounded to the fourth decimal place by dividing the amount of noncharge benefits during the 3-year period described in subparagraph (b)3. by the taxable payroll of employers eligible for a variation from the standard rate who have a benefit ratio for the current year which is less than the maximum contribution rate. For purposes of

computing this adjustment factor, the taxable payroll of these employers is the taxable payrolls for the 3 years ending June 30 of the current calendar year as reported to the tax collection service provider by September 30 of the same calendar year. As used in this sub-sub-paragraph, the term “noncharge benefits” means benefits paid to an individual, *as adjusted pursuant to subparagraph (b)2. and subparagraph 1., from the Unemployment Compensation Trust Fund, but which were not charged to the employment record of any employer, but excluding any benefit paid as a result of a governmental order related to COVID-19 to close or reduce capacity of a business.*

(II) An adjustment factor for excess payments is computed to the fifth decimal place, and rounded to the fourth decimal place by dividing the total excess payments during the 3-year period described in subparagraph (b)3. by the taxable payroll of employers eligible for a variation from the standard rate who have a benefit ratio for the current year which is less than the maximum contribution rate. For purposes of computing this adjustment factor, the taxable payroll of these employers is the same figure used to compute the adjustment factor for non-charge benefits under sub-sub-paragraph (I). As used in this sub-sub-paragraph, the term “excess payments” means the amount of benefits charged to the employment record of an employer, *as adjusted pursuant to subparagraph (b)2. and subparagraph 1., during the 3-year period described in subparagraph (b)3., but excluding any benefit paid as a result of a governmental order related to COVID-19 to close or reduce capacity of a business,* less the product of the maximum contribution rate and the employer’s taxable payroll for the 3 years ending June 30 of the current calendar year as reported to the tax collection service provider by September 30 of the same calendar year. As used in this sub-sub-paragraph, the term “total excess payments” means the sum of the individual employer excess payments for those employers that were eligible for assignment of a contribution rate different from the standard rate.

(III) With respect to computing a positive adjustment factor:

(A) Beginning January 1, 2012, if the balance of the Unemployment Compensation Trust Fund on September 30 of the calendar year immediately preceding the calendar year for which the contribution rate is being computed is less than 4 percent of the taxable payrolls for the year ending June 30 as reported to the tax collection service provider by September 30 of that calendar year, a positive adjustment factor shall be computed. The positive adjustment factor is computed annually to the fifth decimal place and rounded to the fourth decimal place by dividing the sum of the total taxable payrolls for the year ending June 30 of the current calendar year as reported to the tax collection service provider by September 30 of that calendar year into a sum equal to one-fifth of the difference between the balance of the fund as of September 30 of that calendar year and the sum of 5 percent of the total taxable payrolls for that year. The positive adjustment factor remains in effect for subsequent years until the balance of the Unemployment Compensation Trust Fund as of September 30 of the year immediately preceding the effective date of the contribution rate equals or exceeds 4 percent of the taxable payrolls for the year ending June 30 of the current calendar year as reported to the tax collection service provider by September 30 of that calendar year.

(B) Beginning January 1, 2018, and for each year thereafter, the positive adjustment shall be computed by dividing the sum of the total taxable payrolls for the year ending June 30 of the current calendar year as reported to the tax collection service provider by September 30 of that calendar year into a sum equal to one-fourth of the difference between the balance of the fund as of September 30 of that calendar year and the sum of 5 percent of the total taxable payrolls for that year. The positive adjustment factor remains in effect for subsequent years until the balance of the Unemployment Compensation Trust Fund as of September 30 of the year immediately preceding the effective date of the contribution rate equals or exceeds 4 percent of the taxable payrolls for the year ending June 30 of the current calendar year as reported to the tax collection service provider by September 30 of that calendar year.

(IV) If, beginning January 1, 2015, and each year thereafter, the balance of the Unemployment Compensation Trust Fund as of September 30 of the year immediately preceding the calendar year for which the contribution rate is being computed exceeds 5 percent of the taxable payrolls for the year ending June 30 of the current calendar year as reported to the tax collection service provider by September 30 of that calendar year, a negative adjustment factor must be computed.

The negative adjustment factor shall be computed annually beginning on January 1, 2015, and each year thereafter, to the fifth decimal place and rounded to the fourth decimal place by dividing the sum of the total taxable payrolls for the year ending June 30 of the current calendar year as reported to the tax collection service provider by September 30 of the calendar year into a sum equal to one-fourth of the difference between the balance of the fund as of September 30 of the current calendar year and 5 percent of the total taxable payrolls of that year. The negative adjustment factor remains in effect for subsequent years until the balance of the Unemployment Compensation Trust Fund as of September 30 of the year immediately preceding the effective date of the contribution rate is less than 5 percent, but more than 4 percent of the taxable payrolls for the year ending June 30 of the current calendar year as reported to the tax collection service provider by September 30 of that calendar year. The negative adjustment authorized by this section is suspended in any calendar year in which repayment of the principal amount of an advance received from the federal Unemployment Compensation Trust Fund under 42 U.S.C. s. 1321 is due to the Federal Government.

(V) The maximum contribution rate that may be assigned to an employer is 5.4 percent, except employers participating in an approved short-time compensation plan may be assigned a maximum contribution rate that is 1 percent greater than the maximum contribution rate for other employers in any calendar year in which short-time compensation benefits are charged to the employer’s employment record.

(VI) As used in this subsection, “taxable payroll” shall be determined by excluding any part of the remuneration paid to an individual by an employer for employment during a calendar year in excess of the first \$7,000. Beginning January 1, 2012, “taxable payroll” shall be determined by excluding any part of the remuneration paid to an individual by an employer for employment during a calendar year as described in s. 443.1217(2). For the purposes of the employer rate calculation that will take effect in January 1, 2012, and in January 1, 2013, the tax collection service provider shall use the data available for taxable payroll from 2009 based on excluding any part of the remuneration paid to an individual by an employer for employment during a calendar year in excess of the first \$7,000, and from 2010 and 2011, the data available for taxable payroll based on excluding any part of the remuneration paid to an individual by an employer for employment during a calendar year in excess of the first \$8,500.

b. If the transfer of an employer’s employment record to an employing unit under paragraph (g) ~~(h)~~ which, before the transfer, was an employer, the tax collection service provider shall recompute a benefit ratio for the successor employer based on the combined employment records and reassign an appropriate contribution rate to the successor employer effective on the first day of the calendar quarter immediately after the effective date of the transfer.

3. *The tax collection service provider shall reissue rates for the 2021 calendar year. However, an employer shall continue to timely file its employer’s quarterly reports and pay the contributions due in a timely manner in accordance with the rules of the Department of Economic Opportunity. The Department of Revenue shall post the revised rates on its website to enable employers to securely review the revised rates. For contributions for the first quarter of the 2021 calendar year, if any employer remits to the tax collection service provider an amount in excess of the amount that would be due as calculated pursuant to this paragraph, the tax collection service provider shall refund the excess amount from the amount erroneously collected. Notwithstanding s. 443.141(6), refunds issued through August 31, 2021, for first quarter 2021 contributions must be paid from the General Revenue Fund.*

4. *The tax collection service provider shall calculate and assign contribution rates effective January 1, 2022, through December 31, 2022, excluding any benefit charge that is excluded by the multipliers under subparagraph (b)2. and subparagraph 1.; without the application of the positive adjustment factor in sub-sub-paragraph 2.a.(III); and without the inclusion of any benefit charge directly related to COVID-19 as a result of a governmental order to close or reduce capacity of a business, as determined by the Department of Economic Opportunity, for each employer who is eligible for a variation from the standard rate pursuant to paragraph (d). The Department of Economic Opportunity shall provide the tax collection service provider with all necessary benefit charge information by August 1, 2021, including specific information for adjustments related to COVID-19 charges resulting from a governmental*

order to close or reduce capacity of a business, to enable the tax collection service provider to calculate and issue tax rates effective January 1, 2022. The tax collection service provider shall calculate and post rates for the 2022 calendar year by March 1, 2022.

5. Subject to subparagraph 6., the tax collection service provider shall calculate and assign contribution rates effective January 1, 2023, through December 31, 2025, excluding any benefit charge that is excluded by the multipliers under subparagraph (b)2. and subparagraph 1.; without the application of the positive adjustment factor in sub-subparagraph 2.a.(III); and without the inclusion of any benefit charge directly related to COVID-19 as a result of a governmental order to close or reduce capacity of a business, as determined by the Department of Economic Opportunity, for each employer who is eligible for a variation from the standard rate pursuant to paragraph (d). The Department of Economic Opportunity shall provide the tax collection service provider with all necessary benefit charge information by August 1 of each year, including specific information for adjustments related to COVID-19 charges resulting from a governmental order to close or reduce capacity of a business, to enable the tax collection service provider to calculate and issue tax rates effective the following January.

6. If the balance of the Unemployment Compensation Trust Fund on June 30 of any year exceeds \$4,071,519,600, subparagraph 5. is repealed for rates effective the following years. The Office of Economic and Demographic Research shall advise the tax collection service provider of the balance of the trust fund on June 30 by August 1 of that year. After the repeal of subparagraph 5. and notwithstanding the dates specified in that subparagraph, the tax collection service provider shall calculate and assign contribution rates for each subsequent calendar year as otherwise provided in this section.

(f) *Adjustment in benefit ratio multiplier.*—For purposes of calculating the benefits charged for the period beginning January 1, 2021, and ending June 30, 2021, pursuant to sub-subparagraphs (b)2.e. and (e)1.e., the amount of benefits paid to individuals shall be multiplied by 1, unless such calculation results in estimated total contributions of more than \$475.5 million for calendar year 2022 as estimated by the Office of Economic and Demographic Research, based on the preliminary 2022 computed rate. If the estimated total contributions calculated are more than \$475.5 million, the multiplier in sub-subparagraphs (b)2.e. and (e)1.e. shall be reduced by increments of 0.05 until the estimated total contributions are \$475.5 million or less. The Office of Economic and Demographic Research shall provide the incremental reduction, if any, to the tax collection service provider by January 1, 2022.

Section 16. Subsection (1) of section 443.191, Florida Statutes, is amended to read:

443.191 Unemployment Compensation Trust Fund; establishment and control.—

(1) There is established, as a separate trust fund apart from all other public funds of this state, an Unemployment Compensation Trust Fund, which shall be administered by the Department of Economic Opportunity exclusively for the purposes of this chapter. The fund must consist of:

- (a) All contributions and reimbursements collected under this chapter;
- (b) Interest earned on any moneys in the fund;
- (c) Any property or securities acquired through the use of moneys belonging to the fund;
- (d) All earnings of these properties or securities;
- (e) All money credited to this state's account in the federal Unemployment Compensation Trust Fund under 42 U.S.C. s. 1103;
- (f) All money collected for penalties imposed pursuant to s. 443.151(6)(a); ~~and~~

(g) Advances on the amount in the federal Unemployment Compensation Trust Fund credited to the state under 42 U.S.C. s. 1321, as requested by the Governor or the Governor's designee; and

(h) All money deposited in this account as a distribution pursuant to s. 212.20(6)(d)6.h.

Except as otherwise provided in s. 443.1313(4), all moneys in the fund must be mingled and undivided.

Section 17. Paragraph (b) of subsection (1) of section 212.04, Florida Statutes, is amended to read:

212.04 Admissions tax; rate, procedure, enforcement.—

(1)

(b) For the exercise of such privilege, a tax is levied at the rate of 6 percent of sales price, or the actual value received from such admissions, which 6 percent shall be added to and collected with all such admissions from the purchaser thereof, and such tax shall be paid for the exercise of the privilege as defined in the preceding paragraph. Each ticket must show on its face the actual sales price of the admission, or each dealer selling the admission must prominently display at the box office or other place where the admission charge is made a notice disclosing the price of the admission, and the tax shall be computed and collected on the basis of the actual price of the admission charged by the dealer. The sale price or actual value of admission shall, for the purpose of this chapter, be that price remaining after deduction of federal taxes and state or locally imposed or authorized seat surcharges, taxes, or fees, if any, imposed upon such admission. The sale price or actual value does not include separately stated ticket service charges that are imposed by a facility ticket office or a ticketing service and added to a separately stated, established ticket price. The rate of tax on each admission shall be according to the algorithm provided in s. 212.12 ~~brackets established by s. 212.12(9).~~

Section 18. Subsection (6) of section 212.0506, Florida Statutes, is amended to read:

212.0506 Taxation of service warranties.—

(6) This tax shall be due and payable according to the algorithm provided ~~brackets set forth~~ in s. 212.12.

Section 19. Subsection (3) of section 213.015, Florida Statutes, is amended to read:

213.015 Taxpayer rights.—There is created a Florida Taxpayer's Bill of Rights to guarantee that the rights, privacy, and property of Florida taxpayers are adequately safeguarded and protected during tax assessment, collection, and enforcement processes administered under the revenue laws of this state. The Taxpayer's Bill of Rights compiles, in one document, brief but comprehensive statements which explain, in simple, nontechnical terms, the rights and obligations of the Department of Revenue and taxpayers. Section 192.0105 provides additional rights afforded to payors of property taxes and assessments. The rights afforded taxpayers to ensure that their privacy and property are safeguarded and protected during tax assessment and collection are available only insofar as they are implemented in other parts of the Florida Statutes or rules of the Department of Revenue. The rights so guaranteed Florida taxpayers in the Florida Statutes and the departmental rules are:

(3) The right to be represented or advised by counsel or other qualified representatives at any time in administrative interactions with the department, the right to procedural safeguards with respect to recording of interviews during tax determination or collection processes conducted by the department, the right to be treated in a professional manner by department personnel, and the right to have audits, inspections of records, and interviews conducted at a reasonable time and place except in criminal and internal investigations (see ss. 198.06, 199.218, 201.11(1), 203.02, 206.14, 211.125(3), 211.33(3), 212.0305(3), 212.12(5)(a), (6)(a), and (12) ~~(13)~~, 212.13(5), 213.05, 213.21(1)(a) and (c), and 213.34).

Section 20. (1) For the period of July 1, 2021, through September 30, 2021, a taxpayer may calculate the tax due under chapter 212, Florida Statutes, by applying s. 212.12, Florida Statutes, as amended by this act, or by applying the appropriate bracket system pursuant to former s. 212.12, Florida Statutes 2020.

(2) *This section does not establish a right to a refund or credit of taxes already paid.*

(3) *This section is repealed October 1, 2021.*

Section 21. Subsection (5) of section 213.27, Florida Statutes, is amended to read:

213.27 Contracts with debt collection agencies and certain vendors.—

(5) The department may, for the purpose of ascertaining the amount of or collecting any taxes due from a person *making or facilitating remote sales under s. 212.0596 or s. 212.05965* ~~doing mail order business~~ in this state, contract with any auditing agency doing business within or without this state for the purpose of conducting an audit of such *person* ~~mail order business~~; however, such audit agency may not conduct an audit on behalf of the department of any person domiciled in this state, person registered for sales and use tax purposes in this state, or corporation filing a Florida corporate tax return, if any such person or corporation objects to such audit in writing to the department and the auditing agency. The department shall notify the taxpayer by mail at least 30 days before the department assigns the collection of such taxes.

Section 22. For the purpose of incorporating the amendment made by this act to section 212.054, Florida Statutes, in references thereto, paragraph (c) of subsection (2), paragraph (c) of subsection (3), paragraph (c) of subsection (8), and paragraph (c) of subsection (9) of section 212.055, Florida Statutes, are reenacted 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.

(2) LOCAL GOVERNMENT INFRASTRUCTURE SURTAX.—

(c) Pursuant to s. 212.054(4), the proceeds of the surtax levied under this subsection shall be distributed to the county and the municipalities within such county in which the surtax was collected, according to:

1. An interlocal agreement between the county governing authority and the governing bodies of the municipalities representing a majority of the county's municipal population, which agreement may include a school district with the consent of the county governing authority and the governing bodies of the municipalities representing a majority of the county's municipal population; or

2. If there is no interlocal agreement, according to the formula provided in s. 218.62.

Any change in the distribution formula must take effect on the first day of any month that begins at least 60 days after written notification of that change has been made to the department.

(3) SMALL COUNTY SURTAX.—

(c) Pursuant to s. 212.054(4), the proceeds of the surtax levied under this subsection shall be distributed to the county and the municipalities within the county in which the surtax was collected, according to:

1. An interlocal agreement between the county governing authority and the governing bodies of the municipalities representing a majority of the county's municipal population, which agreement may include a school district with the consent of the county governing authority and the governing bodies of the municipalities representing a majority of the county's municipal population; or

2. If there is no interlocal agreement, according to the formula provided in s. 218.62.

Any change in the distribution formula shall take effect on the first day of any month that begins at least 60 days after written notification of that change has been made to the department.

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

(c) Pursuant to s. 212.054(4), the proceeds of the discretionary sales surtax collected under this subsection, less an administrative fee that may be retained by the Department of Revenue, shall be distributed by the department to the county. The county shall distribute the proceeds it receives from the department to each local government entity providing emergency fire rescue services in the county. The surtax proceeds, less an administrative fee not to exceed 2 percent of the surtax collected, shall be distributed by the county based on each entity's average annual expenditures for fire control and emergency fire rescue services in the 5 fiscal years preceding the fiscal year in which the surtax takes effect in proportion to the average annual total of the expenditures for such entities in the 5 fiscal years preceding the fiscal year in which the surtax takes effect. The county shall revise the distribution proportions to reflect a change in the service area of an entity receiving a distribution of the surtax proceeds. If an entity declines its share of surtax revenue, such revenue shall be redistributed proportionally to the entities that are participating in the sharing of such revenue based on each participating entity's average annual expenditures for fire control and emergency fire rescue services in the preceding 5 fiscal years in proportion to the average annual total of the expenditures for the participating entities in the preceding 5 fiscal years.

(9) PENSION LIABILITY SURTAX.—

(c) Pursuant to s. 212.054(4), the proceeds of the surtax collected under this subsection, less an administrative fee that may be retained by the department, shall be distributed by the department to the local government.

Section 23. *This act first applies to remote sales made or facilitated on or after July 1, 2021, by a person who made or facilitated a substantial number of remote sales in calendar year 2020. A marketplace seller shall consider only those sales made outside of a marketplace to determine whether it made a substantial number of remote sales in calendar year 2020.*

Section 24. (1) *A person subject to the requirements of this act to collect and remit the tax under chapter 212, Florida Statutes, on remote sales is relieved of liability for tax, penalty, and interest due on remote sales that occurred before July 1, 2021, provided that the person registers with the department before October 1, 2021. This subsection is also intended to provide relief to a marketplace seller for remote sales made before July 1, 2021, which were facilitated by a marketplace provider. For a marketplace provider with a physical presence in this state, this subsection is intended to provide relief only for sales facilitated by the marketplace provider on behalf of a marketplace seller. This subsection does not apply to a person who is under audit; has been issued a bill, notice, or demand for payment; or is under an administrative or judicial proceeding as of July 1, 2021.*

(2) *The department may not use data received from registered marketplace providers or persons making remote sales for the purposes of identifying use tax liabilities occurring before July 1, 2021, from unregistered persons who but for their purchases from the registered taxpayer would not be required to remit sales or use tax directly to the department. This subsection does not apply to a person who is under audit; has been issued a bill, notice, or demand for payment; or is under an administrative or judicial proceeding as of July 1, 2021.*

(3) *This section does not establish a right to a refund or credit of taxes already paid.*

Section 25. (1) *The Department of Revenue is authorized, and all conditions are deemed met, to adopt emergency rules pursuant to s. 120.54(4), Florida Statutes, for the purpose of administering this act.*

(2) *Notwithstanding any other law, emergency rules adopted pursuant to subsection (1) are effective for 6 months after adoption and may be renewed during the pendency of procedures to adopt permanent rules addressing the subject of the emergency rules.*

(3) *This section shall take effect upon this act becoming a law and expires July 1, 2023.*

Section 26. *Notwithstanding s. 287.057, Florida Statutes, the Department of Revenue is authorized to contract with a qualified vendor to provide services necessary to administer this act without using a competitive solicitation process. The authority granted to the Department of Revenue by this section applies solely to the implementation and administration of this act and may not be used for any other purpose. Such authority ends, and any contract entered into pursuant to this section still in force becomes void, upon the expiration of this section. This section expires June 30, 2023.*

Section 27. *For the 2020-2021 fiscal year, the sum of \$353,000 in nonrecurring funds is appropriated from the General Revenue Fund to the Department of Revenue for the purpose of implementing this act. Funds remaining unexpended or unencumbered from this appropriation as of June 30, 2021, shall revert and be reappropriated for the same purpose in the 2021-2022 fiscal year.*

Section 28. *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 29. 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, 2021.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to taxation; providing a short title; amending s. 212.02, F.S.; revising the definition of the term “retail sale” to include sales facilitated through a marketplace; conforming a provision to changes made by the act; amending s. 212.05, F.S.; conforming provisions to changes made by the act; amending s. 212.054, F.S.; requiring marketplace providers and persons located outside of this state to remit discretionary sales surtax when delivering tangible personal property to a county imposing a surtax; amending s. 212.0596, F.S.; replacing provisions relating to the taxation of mail order sales with provisions relating to the taxation of remote sales; defining the terms “remote sale” and “substantial number of remote sales”; providing that every person making a substantial number of remote sales is a dealer for purposes of the sales and use tax; authorizing the Department of Revenue to adopt rules for collecting use taxes from unregistered persons; requiring marketplace providers and persons required to report remote sales to remit discretionary sales surtax when delivering tangible personal property to a county imposing a surtax; creating s. 212.05965, F.S.; defining terms; providing that certain marketplace providers are dealers for purposes of the sales and use tax; requiring certain marketplace providers to provide a certain certification to their marketplace sellers; specifying requirements for marketplace sellers; requiring certain marketplace providers to allow the Department of Revenue to examine and audit their books and records; specifying the examination and audit authority of the Department of Revenue; providing that a marketplace seller, rather than the marketplace provider, is liable for sales tax collection and remittance under certain circumstances; authorizing marketplace providers and marketplace sellers to enter into agreements for the recovery of certain taxes, interest, and penalties; providing construction and applicability; amending s. 212.05965, F.S.; requiring marketplace providers to collect and remit certain additional fees at the time of sale; authorizing marketplace providers and marketplace sellers to contractually agree for marketplace sellers to collect applicable taxes and fees; specifying requirements for marketplace sellers who collect such taxes and fees; providing for liability of sellers who fail to collect or remit such taxes and fees; amending s. 212.06, F.S.; revising the definition of the term “dealer”; conforming provisions to changes made by the act; amending s. 212.07, F.S.; conforming a cross-reference; amending s. 212.11, F.S.; requiring certain marketplace providers or persons required to report remote sales to file returns and pay taxes electronically; amending s. 212.12, F.S.; deleting the authority of the Department of Revenue’s executive director to negotiate a collection allowance with certain dealers; deleting the requirement that certain sales and use taxes on communications services be collected on the basis of a certain addition; requiring that certain sales and use taxes be calculated based on a specified rounding algorithm, rather than speci-

fied brackets; conforming provisions to changes made by the act; amending s. 212.18, F.S.; requiring certain marketplace providers or persons required to report remote sales to file a registration application electronically; conforming a provision to changes made by the act; amending s. 212.20, F.S.; providing applicability of requirements for refund of taxes adjudicated unconstitutionally collected to taxes levied or collected pursuant to marketplace provisions; requiring certain amounts to be deposited into the Unemployment Compensation Trust Fund during specified periods; specifying requirements for the Department of Revenue in reducing distributions by certain refund amounts paid out of the General Revenue Fund; requiring the Office of Economic and Demographic Research to certify to the Department of Revenue whether the trust fund balance exceeds a certain amount; providing for contingent future repeal; amending s. 443.1216, F.S.; conforming a cross-reference; amending s. 443.131, F.S.; specifying, at certain periods, multipliers to be applied to employer chargeable benefits for purposes of calculating employer reemployment assistance contribution rates; excluding reemployment benefits paid during a certain timeframe and certain COVID-19-related benefits paid from being included in a variable rate calculation; requiring that contribution rates in certain years be calculated without applying a trust fund positive adjustment factor; excluding reemployment benefits paid during a certain timeframe and certain COVID-19-related benefits paid from being included in the noncharge benefits and excess payments adjustment factors; requiring the tax collection service provider to reissue rates for a certain year; specifying requirements for employers and the Department of Revenue; requiring a refund of excess paid amounts under certain circumstances; specifying requirements for calculating and assigning contribution rates for certain years; specifying requirements for the Department of Economic Opportunity and the tax collection service provider; providing for contingent future repeal of modified rate calculations; specifying requirements for calculating adjustments to a benefit ratio multiplier; conforming a cross-reference; providing retroactive applicability; amending s. 443.191, F.S.; adding a specified source of revenues to the Unemployment Compensation Trust Fund; amending ss. 212.04 and 212.0506, F.S.; conforming provisions to changes made by the act; amending s. 213.015, F.S.; conforming a cross-reference; authorizing taxpayers to use one of two methods for calculating sales tax for a specified timeframe; providing construction; amending s. 213.27, F.S.; conforming provisions to changes made by the act; reenacting s. 212.055(2)(c), (3)(c), (8)(c), and (9)(c), F.S., relating to discretionary sales surtaxes, to incorporate the amendment made to s. 212.054, F.S., in references thereto; providing applicability; providing relief to certain persons for liability for tax, penalty, and interest due on certain remote sales and owed on certain purchases that occurred before a certain date; providing applicability; prohibiting the department from using data received from marketplace providers or persons making remote sales for certain purposes; providing applicability; providing construction; authorizing the department to adopt emergency rules; providing for expiration of that authority; authorizing the department to contract with a qualified vendor for certain purposes without using a competitive solicitation process; providing an appropriation; providing for severability; providing effective dates.

WHEREAS, during the 2020 calendar year, the United States economy was significantly strained by the COVID-19 pandemic, and such economic stress is continuing in the 2021 calendar year and may have impacts in later years, and

WHEREAS, the State of Florida was in full lockdown during April 2020 and then began to reopen the Florida economy in a measured manner thereafter, and

WHEREAS, the financial strain of lockdowns and reduced economic activity caused some Florida businesses to close permanently and others to terminate portions of their workforce, and

WHEREAS, in the 6-month period before April 2020, Florida’s average monthly reemployment assistance benefits expense was \$27.2 million, and

WHEREAS, beginning in April 2020, Florida’s monthly reemployment assistance benefits expense increased by 800 percent over the prior 6-month average, and at times, the increase exceeded 2,000 percent, and

WHEREAS, in the current time of recovery, Florida’s reemployment assistance benefits expense remains 473 percent over the 6-month

average benefit amount before April 2020, and is estimated to continue at elevated levels for the foreseeable future, and

WHEREAS, to the fullest extent possible, the Legislature intends to relieve individual Florida businesses of increases in the Reemployment Assistance Tax which are due to increased reemployment assistance benefits resulting from the pandemic, and

WHEREAS, the Legislature intends to ensure that the Unemployment Compensation Trust Fund remains solvent for the purposes of providing benefits to Floridians impacted by these extraordinary events, and

WHEREAS, the Legislature intends to equalize the tax collection responsibilities of retailers both inside and outside Florida who make sales of taxable items to Florida residents, NOW, THEREFORE,

POINT OF ORDER

Senator Farmer raised a point of order that pursuant to Article VII, Section 19 of the Florida Constitution, **CS for CS for SB 50** required a supermajority vote to impose, authorize, or raise state taxes or fees and was therefore out of order. The President referred the point of order to Senator Passidomo, Chair of the Committee on Rules.

RULING ON POINT OF ORDER

Senator Passidomo, Chair of the Committee on Rules, clarified that Senator Farmer made a parliamentary inquiry rather than raising a point of order.

Senator Farmer asserts that the bill imposes a new tax that is subject to the provisions of Article VII, Section 19 of the Florida Constitution, which requires new or increased taxes to be passed by a two-thirds vote in a separate bill that contains no other subject.

All throughout the committee process, the staff analysis clearly states the requirements of Article VII, Section 19: "Since 1990, Florida has required dealers who transact mail order sales to collect Florida's sales tax when the activities of the dealer have sufficient connection with this state to create nexus under the U.S. Commerce Clause." The analysis concludes that the bill neither imposes a tax where none was due before nor does it increase the amount of a current state tax. Rather, the bill updates Florida's mail order statute to align with U.S. Commerce Clause limitations as redefined by the U.S. Supreme Court in its 2018 *Wayfair* decision.

As such, the bill does not appear to trigger the requirements of Article VII, Section 19 of the Florida Constitution. On recommendation by Senator Passidomo, Chair of the Committee on Rules, the extraordinary vote requirement raised by Senator Farmer does not apply.

The President ruled the parliamentary question was answered and accepted the interpretation of the constitutional matter provided by the Rules Chair.

Amendment 1 (913612) by Senator Gruters was adopted.

The vote was:

Yeas—24

| | | |
|---------------|---------|-----------|
| Mr. President | Broxson | Hutson |
| Albritton | Burgess | Mayfield |
| Baxley | Diaz | Passidomo |
| Bean | Gainer | Perry |
| Boyd | Garcia | Rodrigues |
| Bradley | Gruters | Rodriguez |
| Brandes | Harrell | Stargel |
| Brodeur | Hooper | Wright |

Nays—16

| | | |
|--------|-------|--------|
| Ausley | Book | Cruz |
| Berman | Bracy | Farmer |

| | | |
|--------|---------|----------|
| Gibson | Powell | Thurston |
| Jones | Rouson | Torres |
| Pizzo | Stewart | |
| Polsky | Taddeo | |

On motion by Senator Gruters, by two-thirds vote, **CS for CS for SB 50**, as amended, was read the third time by title, passed, ordered engrossed, and then certified to the House. The vote on passage was:

Yeas—30

| | | |
|---------------|----------|-----------|
| Mr. President | Broxson | Passidomo |
| Albritton | Burgess | Perry |
| Baxley | Diaz | Pizzo |
| Bean | Gainer | Rodrigues |
| Book | Garcia | Rodriguez |
| Boyd | Gruters | Rouson |
| Bracy | Harrell | Stargel |
| Bradley | Hooper | Stewart |
| Brandes | Hutson | Taddeo |
| Brodeur | Mayfield | Wright |

Nays—10

| | | |
|--------|--------|----------|
| Ausley | Gibson | Thurston |
| Berman | Jones | Torres |
| Cruz | Polsky | |
| Farmer | Powell | |

Consideration of **CS for SB 776** was deferred.

SB 1716—A bill to be entitled An act relating to transportation facility designations; providing an honorary designation of a certain transportation facility in Pinellas County; directing the Department of Transportation to erect suitable markers; providing an effective date.

—was read the second time by title.

Senator Hooper moved the following amendment which was adopted:

Amendment 1 (922546) (with title amendment)—Delete everything after the enacting clause and insert:

Section 1. *Transportation facility designations; Department of Transportation to erect suitable markers.*—

(1) *That portion of C.R. 611/E. Lake Road between Forelock Road and Keystone Road in Pinellas County is designated as "Deputy Michael J. Magli Memorial Road."*

(2) *That portion of S.R. 60 between Interstate 75 and Phillip Lee Boulevard in Hillsborough County is designated as "Sergeant Brian LaVigne Road."*

(3) *That portion of Interstate 275 between E. Sligh Avenue and E. Dr. Martin Luther King, Jr., Boulevard in Hillsborough County is designated as "Officer Jesse Madsen Memorial Highway."*

(4) *The Department of Transportation is directed to erect suitable markers designating the transportation facilities as described in this section.*

Section 2. This act shall take effect July 1, 2021.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to transportation facility designations honoring fallen law enforcement officers; providing honorary designations of certain transportation facilities in specified counties; directing the Department of Transportation to erect suitable markers; providing an effective date.

On motion by Senator Hooper, by two-thirds vote, **SB 1716**, as amended, was read the third time by title, passed, ordered engrossed, and then certified to the House. The vote on passage was:

Yeas—39

| | | |
|---------------|-----------|-----------|
| Mr. President | Burgess | Perry |
| Albritton | Cruz | Pizzo |
| Ausley | Diaz | Polsky |
| Baxley | Farmer | Powell |
| Bean | Gainer | Rodriguez |
| Berman | Garcia | Rodriguez |
| Book | Gruters | Rouson |
| Boyd | Harrell | Stargel |
| Bracy | Hooper | Stewart |
| Bradley | Hutson | Taddeo |
| Brandes | Jones | Thurston |
| Brodeur | Mayfield | Torres |
| Broxson | Passidomo | Wright |

Nays—None

Vote after roll call:

Yea—Gibson

Consideration of **CS for CS for SB 54** was deferred.

CS for CS for SB 890—A bill to be entitled An act relating to the use of electronic databases; amending s. 119.0712, F.S.; prohibiting the use or release, not authorized by law, of any information contained in the Driver and Vehicle Information Database; providing a noncriminal infraction; amending s. 943.125, F.S.; requiring the law enforcement accreditation program to address access to and use of personal identification information contained in electronic databases; creating s. 943.1719, F.S.; requiring the Criminal Justice Standards and Training Commission to incorporate into the course curriculum required for initial certification of law enforcement officers instruction on the authorized access to and use of personal identification information contained in electronic databases; providing training requirements; creating s. 943.17191, F.S.; requiring the commission to adopt rules requiring that each law enforcement officer receive instruction on the authorized access to and use of personal identification information contained in electronic databases for continued employment or appointment as an officer; providing training requirements; providing an effective date.

—was read the second time by title. On motion by Senator Hooper, by two-thirds vote, **CS for CS for SB 890** was read the third time by title, passed, and certified to the House. The vote on passage was:

Yeas—40

| | | |
|---------------|-----------|-----------|
| Mr. President | Cruz | Pizzo |
| Albritton | Diaz | Polsky |
| Ausley | Farmer | Powell |
| Baxley | Gainer | Rodriguez |
| Bean | Garcia | Rodriguez |
| Berman | Gibson | Rouson |
| Book | Gruters | Stargel |
| Boyd | Harrell | Stewart |
| Bracy | Hooper | Taddeo |
| Bradley | Hutson | Thurston |
| Brandes | Jones | Torres |
| Brodeur | Mayfield | Wright |
| Broxson | Passidomo | |
| Burgess | Perry | |

Nays—None

MOTIONS

On motion by Senator Stargel, Senate Rule 2.39 was waived for all bills on the agenda to be considered by the Committee on Appropriations on Wednesday, March 31, 2021:

- The deadline for filing main amendments to any bill on the agenda is 1:30 p.m., Monday, March 29, 2021.
- The deadline for filing adhering amendments to any bill on the agenda is 1:30 p.m., Tuesday, March 30, 2021.
- All amendments to the General Appropriations Bill must be balanced as explained.

On motion by Senator Passidomo, by two-thirds vote, all bills passed this day were ordered immediately certified to the House.

On motion by Senator Passidomo, the rules were waived and the following bills temporarily postponed on the Special Order Calendar this day were retained on the Special Order Calendar: **CS for CS for SB 54** and **CS for SB 776**.

BILLS ON SPECIAL ORDERS

Pursuant to Rule 4.17(1), the Rules Chair, Majority Leader, and Minority Leader submit the following bills to be placed on the Special Order Calendar for Thursday, March 25, 2021: SB 7054, SB 7056, SB 524, SB 866, CS for SB 100, CS for SB 776, SB 1716, CS for CS for SB 54, CS for CS for SB 890.

Respectfully submitted,
Kathleen Passidomo, Rules Chair
Debbie Mayfield, Majority Leader
Gary M. Farmer, Jr., Minority Leader

REPORTS OF COMMITTEES

The Committee on Children, Families, and Elder Affairs recommends the following pass: CS for SB 1132

The Committee on Governmental Oversight and Accountability recommends the following pass: SB 770

The Committee on Health Policy recommends the following pass: SB 1268

The bills contained in the foregoing reports were referred to the Committee on Appropriations under the original reference.

The Committee on Banking and Insurance recommends the following pass: SB 786

The Committee on Children, Families, and Elder Affairs recommends the following pass: SB 1100

The Committee on Health Policy recommends the following pass: SB 1976

The bills contained in the foregoing reports were referred to the Appropriations Subcommittee on Health and Human Services under the original reference.

The Committee on Commerce and Tourism recommends the following pass: SB 1374

The Committee on Transportation recommends the following pass: SB 1412

The bills contained in the foregoing reports were referred to the Appropriations Subcommittee on Transportation, Tourism, and Economic Development under the original reference.

The Committee on Regulated Industries recommends the following pass: SB 208

The bill was referred to the Committee on Commerce and Tourism under the original reference.

The Committee on Community Affairs recommends the following pass: SB 1254

The bill was referred to the Committee on Finance and Tax under the original reference.

The Committee on Criminal Justice recommends the following pass: SB 1476

The bill was referred to the Committee on Health Policy under the original reference.

The Committee on Commerce and Tourism recommends the following pass: SB 1542; SB 1992

The Committee on Governmental Oversight and Accountability recommends the following pass: SR 1074; SB 1626

The Committee on Health Policy recommends the following pass: SB 1366

The bills contained in the foregoing reports were referred to the Committee on Judiciary under the original reference.

The Committee on Commerce and Tourism recommends the following pass: CS for SB 266; SB 1140; SB 1294

The Committee on Community Affairs recommends the following pass: SB 872; SB 998; SB 1212; CS for SB 1620

The Committee on Criminal Justice recommends the following pass: SB 1934; SB 1972

The Committee on Governmental Oversight and Accountability recommends the following pass: SB 1136; SB 1512

The Committee on Judiciary recommends the following pass: SM 1630

The Committee on Regulated Industries recommends the following pass: CS for SB 284

The bills contained in the foregoing reports were referred to the Committee on Rules under the original reference.

The Committee on Commerce and Tourism recommends a committee substitute for the following: SB 1734

The Committee on Criminal Justice recommends a committee substitute for the following: CS for SB 764

The Committee on Governmental Oversight and Accountability recommends a committee substitute for the following: SB 1570

The Committee on Health Policy recommends committee substitutes for the following: CS for SB 1080; SB 1770; SB 1772; SB 1786

The Committee on Judiciary recommends a committee substitute for the following: CS for SB 1532

The Committee on Military and Veterans Affairs, Space, and Domestic Security recommends a committee substitute for the following: SB 262

The bills with committee substitute attached contained in the foregoing reports were referred to the Committee on Appropriations under the original reference.

The Committee on Governmental Oversight and Accountability recommends committee substitutes for the following: SB 1448; SB 1616

The bills with committee substitute attached were referred to the Appropriations Subcommittee on Agriculture, Environment, and General Government under the original reference.

The Committee on Children, Families, and Elder Affairs recommends a committee substitute for the following: SB 1920

The Committee on Criminal Justice recommends a committee substitute for the following: SB 1530

The Committee on Governmental Oversight and Accountability recommends committee substitutes for the following: SB 196; SB 836

The Committee on Judiciary recommends a committee substitute for the following: SB 402

The bills with committee substitute attached contained in the foregoing reports were referred to the Appropriations Subcommittee on Criminal and Civil Justice under the original reference.

The Committee on Children, Families, and Elder Affairs recommends committee substitutes for the following: SB 414; SB 1844

The Committee on Health Policy recommends committee substitutes for the following: SB 1242; SB 1292

The bills with committee substitute attached contained in the foregoing reports were referred to the Appropriations Subcommittee on Health and Human Services under the original reference.

The Committee on Commerce and Tourism recommends a committee substitute for the following: SB 1312

The Committee on Military and Veterans Affairs, Space, and Domestic Security recommends a committee substitute for the following: SB 1892

The Committee on Transportation recommends committee substitutes for the following: SB 754; SB 1082; SB 1194

The bills with committee substitute attached contained in the foregoing reports were referred to the Appropriations Subcommittee on Transportation, Tourism, and Economic Development under the original reference.

The Committee on Governmental Oversight and Accountability recommends a committee substitute for the following: SB 1232

The Committee on Judiciary recommends committee substitutes for the following: SB 1070; SB 1876

The bills with committee substitute attached contained in the foregoing reports were referred to the Committee on Community Affairs under the original reference.

The Committee on Children, Families, and Elder Affairs recommends a committee substitute for the following: SB 1854

The Committee on Judiciary recommends a committee substitute for the following: SB 398

The bills with committee substitute attached contained in the foregoing reports were referred to the Committee on Criminal Justice under the original reference.

The Committee on Judiciary recommends a committee substitute for the following: SB 1108

The bill with committee substitute attached was referred to the Committee on Education under the original reference.

The Committee on Children, Families, and Elder Affairs recommends a committee substitute for the following: SB 908

The bill with committee substitute attached was referred to the Committee on Finance and Tax under the original reference.

The Committee on Criminal Justice recommends a committee substitute for the following: SB 762

The bill with committee substitute attached was referred to the Committee on Governmental Oversight and Accountability under the original reference.

The Committee on Judiciary recommends a committee substitute for the following: SB 26

The bill with committee substitute attached was referred to the Committee on Health Policy under the original reference.

The Committee on Criminal Justice recommends committee substitutes for the following: SB 1508; SB 1868

The bills with committee substitute attached were referred to the Committee on Judiciary under the original reference.

The Committee on Community Affairs recommends committee substitutes for the following: CS for SB 426; CS for SB 804; SB 1490

The Committee on Criminal Justice recommends committee substitutes for the following: SB 1344; SB 1802; SB 1826; SB 1974

The Committee on Governmental Oversight and Accountability recommends committee substitutes for the following: SB 972; SB 1606

The Committee on Regulated Industries recommends a committee substitute for the following: SB 1120

The bills with committee substitute attached contained in the foregoing reports were referred to the Committee on Rules under the original reference.

The Committee on Banking and Insurance recommends a committee substitute for the following: SB 566

The bill with committee substitute attached was referred to the Committee on Transportation under the original reference.

REPORTS OF SUBCOMMITTEES

The Appropriations Subcommittee on Agriculture, Environment, and General Government recommends the following pass: CS for SB 976; CS for SB 1058; SB 1470

The Appropriations Subcommittee on Criminal and Civil Justice recommends the following pass: CS for SB 1970

The Appropriations Subcommittee on Education recommends the following pass: CS for SB 486; SB 1372; SB 1898

The Appropriations Subcommittee on Health and Human Services recommends the following pass: CS for SB 1526

The Appropriations Subcommittee on Transportation, Tourism, and Economic Development recommends the following pass: CS for SB 1034; SB 1104

The bills contained in the foregoing reports were referred to the Committee on Appropriations under the original reference.

The Appropriations Subcommittee on Transportation, Tourism, and Economic Development recommends a committee substitute for the following: SB 1404

The bill with committee substitute attached was referred to the Committee on Appropriations under the original reference.

REPORTS OF COMMITTEES RELATING TO EXECUTIVE BUSINESS

The Committee on Commerce and Tourism recommends that the Senate confirm the following appointments made by the Governor:

Office and Appointment

*For Term
Ending*

Executive Director, Department of Economic Opportunity
Appointee: Eagle, Dane

Pleasure of
Governor

The Committee on Governmental Oversight and Accountability recommends that the Senate confirm the following appointments made by the Administration Commission:

Office and Appointment

*For Term
Ending*

Director and Chief Judge, Division of Administrative Hearings
Appointee: Antonacci, Peter

Pleasure of
Admin
Commission

The Committee on Health Policy recommends that the Senate confirm the following appointments made by the Governor:

Office and Appointment

*For Term
Ending*

Secretary of Health Care Administration
Appointee: Marsteller, Simone

Pleasure of
Governor

The Committee on Regulated Industries recommends that the Senate confirm the following appointments made by the Governor:

Office and Appointment

*For Term
Ending*

Secretary of Business and Professional Regulation
Appointee: Brown, Julie I.

Pleasure of
Governor

Secretary of the Department of the Lottery
Appointee: Davis, John F.

Pleasure of
Governor

Florida Public Service Commission
Appointee: La Rosa, Michael

01/01/2025

The appointments were referred to the Committee on Ethics and Elections under the original reference.

INTRODUCTION AND REFERENCE OF BILLS

FIRST READING

Senate Bills 7000-7060—Previously introduced.

By the Committee on Environment and Natural Resources—

SB 7062—A bill to be entitled An act relating to the Central Florida Water Initiative; ratifying specified rules relating to the Central Florida Water Initiative, for the sole and exclusive purpose of satisfying any condition on effectiveness pursuant to s. 120.541(3), F.S., which requires ratification of any rule exceeding any specified thresholds for likely adverse impact or increase in regulatory costs; providing applicability; requiring the Department of Environmental Protection to provide reports relating to implementation of the requirements of the Central Florida Water Initiative rules to the Legislature by specified dates; providing a declaration of important state interest; amending s. 373.0465, F.S.; requiring the department, in consultation with specified water management districts, to adopt rules that include an annual supplemental irrigation requirement allocation for agricultural uses and a process for examining an agriculture user's average annual supplemental irrigation needs; providing for the applicability of specified rules to areas with certain existing recovery strategies; creating s. 373.0466, F.S.; establishing, subject to appropriation, a Central Florida Water Initiative grant program within the department; requiring the department, in cooperation with the relevant water management districts, to distribute appropriated funds for certain projects within the Central Florida Water Initiative Area; providing requirements for the distribution; amending s. 403.8532, F.S.; requiring the department to give funding priority to certain projects relating to the Central Florida Water Initiative; providing an effective date.

—was referred to the Committee on Appropriations.

By the Committee on Commerce and Tourism—

SB 7064—A bill to be entitled An act relating to public records; amending s. 501.177, F.S.; providing an exemption from public records requirements for information relating to investigations by the Department of Legal Affairs and law enforcement agencies of certain data privacy violations; defining the term “proprietary information”; providing for future legislative review and repeal of the exemption; providing a statement of public necessity; providing a contingent effective date.

—was referred to the Committee on Rules.

By the Committee on Regulated Industries—

SB 7066—A bill to be entitled An act relating to public records and public meetings; amending s. 286.0113, F.S.; exempting discussions of certain confidential information by the Public Service Commission during certain hearings from public meetings requirements; requiring such hearings to be recorded by a certified court reporter; providing that only redacted transcripts are subject to public records requirements; requiring certain parties to request, within a specified timeframe, that portions of the transcript remain exempt from disclosure; providing that failure to timely file a redacted version of the transcript and a request for confidentiality constitutes a waiver of a claim of confidentiality to that portion of the transcript; providing requirements for the redacted transcripts; providing for future legislative review and repeal of the exemptions; amending s. 350.01, F.S.; exempting certain closed hearings or portions of hearings of the Public Service Commission from the requirement that each hearing of the commission be streamed live and made available on the commission's website; providing a statement of public necessity; providing an effective date.

—was referred to the Committee on Rules.

COMMITTEE SUBSTITUTES

FIRST READING

By the Committee on Judiciary; and Senator Cruz—

CS for SB 26—A bill to be entitled An act for the relief of the Estate of Crystle Marie Galloway by the Hillsborough County Board of County Commissioners; providing for an appropriation to compensate the estate for injuries sustained by Crystle Marie Galloway and her survivors as a result of the negligence of employees of the Hillsborough County Board of County Commissioners; providing a limitation on the payment of fees; providing an effective date.

By the Committee on Governmental Oversight and Accountability; and Senator Berman—

CS for SB 196—A bill to be entitled An act relating to lactation space; creating s. 29.24, F.S.; requiring each county to provide lactation space in each county courthouse; authorizing the use of state or private funds to provide lactation space in appellate courthouses; providing exceptions; declaring that this act fulfills an important state interest; providing an effective date.

By the Committee on Military and Veterans Affairs, Space, and Domestic Security; and Senator Harrell—

CS for SB 262—A bill to be entitled An act relating to dispensing medicinal drugs; amending s. 465.019, F.S.; authorizing certain hospitals to dispense supplies of prescribed medicinal drugs in a specified amount to emergency department patients or inpatients upon discharge under certain circumstances; authorizing a greater specified supply of medicinal drugs to be prescribed and dispensed in areas in which a state of emergency has been declared and is in effect; authorizing a prescriber to provide a patient with a prescription for medicinal drugs beyond the initial prescription period under certain circumstances; providing an effective date.

By the Committee on Judiciary; and Senator Rodriguez—

CS for SB 398—A bill to be entitled An act for the relief of the Estate of Emilio Jesus Vizcaino-Aday by Miami-Dade County; providing for an appropriation to compensate the Estate of Emilio Jesus Vizcaino-Aday for injuries and damages sustained by Emilio Jesus Vizcaino-Aday and his survivors as a result of the negligence of Miami-Dade County; providing a limitation on the payment of attorney fees; providing an effective date.

By the Committee on Judiciary; and Senator Rodriguez—

CS for SB 402—A bill to be entitled An act relating to legal notices; amending s. 50.011, F.S.; revising requirements for newspapers that are qualified to publish legal notices; authorizing the Internet publication of legal notices on certain websites in lieu of print publication in a newspaper; amending s. 50.021, F.S.; conforming provisions to changes made by the act; amending s. 50.0211, F.S.; defining the term “governmental agency”; requiring the Florida Press Association to consult with the Black Press Association of Florida for a specified purpose; authorizing a governmental agency to opt for Internet-only publication of legal notices with any newspaper of general circulation within the state if certain conditions are met; specifying requirements for the placement, format, and accessibility of any such legal notices; requiring the newspaper to display a specified disclaimer regarding the posting of legal notices; authorizing a newspaper to charge for Internet-only publication, subject to specified limitations; specifying applicable penalties for unauthorized rebates, commissions, or refunds in connection with publication charges; requiring a governmental agency that publishes certain legal notices by Internet-only publication to publish a specified notice in the print edition of a local newspaper; amending s. 50.031, F.S.; conforming provisions to changes made by the act; amending ss. 50.041 and 50.051, F.S.; revising provisions governing the uniform affidavit establishing proof of publication to conform to changes made by the act; amending s. 83.806, F.S.; providing that an advertisement of a sale or disposition of

property may be published on certain websites for a specified time period; amending ss. 11.02, 45.031, 120.81, 121.0511, 121.055, 125.66, 162.12, 166.041, 189.015, 190.005, 190.046, 194.037, 197.402, 200.065, 338.223, 348.0308, 348.635, 348.7605, 373.0397, 373.146, 403.722, 712.06, 849.38, 865.09, and 932.704, F.S.; conforming provisions to changes made by the act; providing an effective date.

By the Committee on Children, Families, and Elder Affairs; and Senators Perry and Boyd—

CS for SB 414—A bill to be entitled An act relating to economic self-sufficiency; amending s. 1002.81, F.S.; deleting obsolete language; amending s. 1002.87, F.S.; revising the priority the early learning coalition is required to give children for participation in a school readiness program; requiring the Office of Early Learning within the Department of Education, in coordination with the University of Florida Anita Zucker Center for Excellence in Early Childhood Studies, to conduct an analysis of certain assistance programs; providing requirements for the analysis; requiring certain agencies to enter into a data-sharing agreement with certain entities and annually provide certain data by a specified date; requiring the University of Florida Anita Zucker Center for Excellence in Early Childhood Studies to provide an annual report on the analysis to the Office of Early Learning by a specified date; requiring the Office of Early Learning to submit the annual report to the Governor and the Legislature within a certain timeframe; providing for the scheduled expiration of the assistance program analysis project; providing an effective date.

By the Committees on Community Affairs; and Transportation; and Senator Boyd—

CS for CS for SB 426—A bill to be entitled An act relating to state preemption of seaport regulations; creating s. 311.25, F.S.; prohibiting a local ballot initiative or referendum from restricting maritime commerce in the seaports of this state; providing that such a local ballot initiative, referendum, or action adopted therein is prohibited, void, and expressly preempted to the state; prohibiting municipalities and certain special districts from restricting maritime commerce in the seaports of this state with respect to any federally authorized passenger cruise vessel; providing that certain actions relating to such restrictions are prohibited, void, and expressly preempted to the state; providing applicability; clarifying remaining authority of certain local entities; providing a directive to the Division of Law Revision; providing an effective date.

By the Committee on Banking and Insurance; and Senator Perry—

CS for SB 566—A bill to be entitled An act relating to motor vehicle rentals; amending s. 212.05, F.S.; specifying the applicable sales tax rate on motor vehicle leases and rentals by motor vehicle rental companies and peer-to-peer car-sharing programs; amending s. 212.0606, F.S.; defining terms; specifying the applicable surcharge on motor vehicle leases and rentals by motor vehicle rental companies and peer-to-peer car-sharing programs; specifying applicability of the surcharge; requiring motor vehicle rental companies and peer-to-peer car-sharing programs to collect specified surcharges; creating s. 627.7483, F.S.; defining terms; specifying motor vehicle insurance requirements for peer-to-peer car-sharing programs; providing that peer-to-peer car-sharing programs have an insurable interest in shared vehicles during specified periods; providing construction; authorizing peer-to-peer car-sharing programs to own and maintain certain motor vehicle insurance policies; requiring peer-to-peer car-sharing programs to assume certain liability; providing exceptions; providing for the assumption of primary liability for claims when certain disputes exist; requiring shared vehicle owners' insurers to indemnify peer-to-peer car-sharing programs under certain circumstances; providing exemptions from vicarious liabilities for peer-to-peer car-sharing programs and shared vehicle owners; authorizing motor vehicle insurers to exclude specified coverages under certain circumstances; providing construction related to exclusions; authorizing specified insurers to seek recovery against motor vehicle insurers of peer-to-peer car-sharing programs under certain circumstances; requiring peer-to-peer car-sharing programs to provide certain information to shared vehicle owners regarding liens; specifying recordkeeping, record retention, and record-sharing requirements for peer-to-peer car-sharing programs; specifying disclosure requirements

for peer-to-peer car-sharing program agreements; specifying driver license verification and data retention requirements for peer-to-peer car-sharing programs; providing that peer-to-peer car-sharing programs have sole responsibility for certain equipment in or on a shared vehicle; providing for indemnification regarding such equipment; specifying requirements for peer-to-peer car-sharing programs relating to safety recalls on a shared vehicle; providing construction; providing an effective date.

By the Committee on Transportation; and Senator Diaz—

CS for SB 754—A bill to be entitled An act relating to motor vehicle and vessel registration data; amending s. 320.03, F.S.; requiring tax collectors, third parties contracted with tax collectors, and license tag agents to enter into a memorandum of understanding with the Department of Highway Safety and Motor Vehicles and make certain determinations regarding registration applicants; requiring the department to ensure that certain technology used by tax collectors protects customer privacy and data; authorizing the department to provide certain technology to tax collectors, upon request, in order to provide data access and uniform interface functionalities for registration renewal transactions; providing requirements for the department; authorizing use of such data and functionalities for certain purposes; requiring development of data access and uniform interface functionalities by a certain date; defining the term "registration renewal transactions"; amending s. 328.73, F.S.; authorizing the department to provide certain technology to tax collectors, upon request, in order to provide data access and uniform interface functionalities for registration renewal transactions; providing requirements for the department; authorizing use of such data and functionalities for certain purposes; requiring development of data access and uniform interface functionalities by a certain date; defining the term "registration renewal transactions"; providing an effective date.

By the Committee on Criminal Justice; and Senator Baxley—

CS for SB 762—A bill to be entitled An act relating to public records; amending s. 320.025, F.S.; authorizing the issuance of confidential registration certificates and license plates or decals under a fictitious name to criminal conflict and civil regional counsel offices to conduct specified activities; expanding a public records exemption to include all records pertaining to a registration application submitted by any office of criminal conflict and civil regional counsel; providing for construction; providing for future legislative review and repeal; providing a statement of public necessity; providing an effective date.

By the Committees on Criminal Justice; and Military and Veterans Affairs, Space, and Domestic Security; and Senator Burgess—

CS for CS for SB 764—A bill to be entitled An act relating to veterans treatment courts; amending s. 394.47891, F.S.; providing legislative intent; defining terms; authorizing certain courts to create and administer veterans treatment courts for specified purposes; providing standards for admission to a veterans treatment court program; specifying program implementation procedures, components, and policies; specifying eligibility requirements for participation in the program; providing construction; specifying that the act does not create a right to participate in the program; deleting provisions relating to the Military Veterans and Servicemembers Court Program, to conform to changes made by the act; amending ss. 43.51, 910.035, and 948.06, F.S.; conforming provisions to changes made by the act; amending ss. 948.08 and 948.16, F.S.; revising eligibility for certain pretrial programs to include certain individuals eligible to participate in a veterans treatment court program; amending s. 948.21, F.S.; authorizing a court to impose a condition requiring a probationer or community controllee eligible to participate in a veterans treatment court program to participate in certain treatment programs under certain circumstances; specifying applicability of the act to participants in certain court programs in existence as of a specified date; providing an effective date.

By the Committees on Community Affairs; and Children, Families, and Elder Affairs; and Senator Harrell—

CS for CS for SB 804—A bill to be entitled An act relating to substance abuse services; amending s. 397.403, F.S.; providing criminal penalties for making certain false representations or omissions of material facts when applying for service provider licenses; amending s. 397.415, F.S.; requiring the Department of Children and Families to suspend a service provider's license under certain circumstances; amending ss. 397.487 and 397.4871, F.S.; expanding the applicability of certain exemptions for disqualification to applications for certification of a recovery residence or a recovery residence administrator, respectively; amending s. 397.4873, F.S.; revising civil penalties; requiring the department to suspend a service provider's license under certain circumstances; amending s. 553.80, F.S.; specifying that certain dwellings converted to recovery residences do not have a change of occupancy under the Florida Building Code due to such conversion; amending s. 633.208, F.S.; prohibiting the reclassification of certain dwellings certified as recovery residences for purposes of enforcing the Florida Fire Prevention Code; providing an effective date.

By the Committee on Governmental Oversight and Accountability; and Senators Jones, Pizzo, Polsky, Farmer, Stewart, and Book—

CS for SB 836—A bill to be entitled An act relating to a crime and violence task force; creating the Urban Core Crime and Violence Task Force within the Department of Law Enforcement; providing for membership, duties, and meetings of the task force; requiring state agencies to provide assistance when requested; authorizing the task force to receive exempt or confidential and exempt information and specifying that the information maintains such status; requiring the task force to submit a report to the Governor and Legislature by a specified date; providing for expiration of the task force; providing an effective date.

By the Committee on Children, Families, and Elder Affairs; and Senator Rodriguez—

CS for SB 908—A bill to be entitled An act relating to the Strong Families Tax Credit; creating ss. 211.0252 and 212.1833, F.S.; providing credits against oil and gas production taxes and sales taxes payable by direct pay permit holders, respectively, under the Strong Families Tax Credit; specifying requirements and procedures for, and limitations on, the credits; amending s. 220.02, F.S.; revising the order in which the corporate income tax credit under the Strong Families Tax Credit is applied; amending s. 220.13, F.S.; revising the definition of the term “adjusted federal income”; amending s. 220.186, F.S.; revising the calculation of the corporate income tax credit for the Florida alternative minimum tax; creating s. 220.1876, F.S.; providing a credit against the corporate income tax under the Strong Families Tax Credit; specifying requirements and procedures for, and limitations on, the credit; creating s. 402.62, F.S.; creating the Strong Families Tax Credit; defining terms; specifying requirements for the Department of Children and Families in designating eligible charitable organizations; specifying requirements for eligible charitable organizations receiving contributions; specifying duties of the Department of Children and Families; specifying a limitation on, and application procedures for, the tax credit; specifying requirements and procedures for, and restrictions on, the carryforward, conveyance, transfer, assignment, and rescindment of credits; specifying requirements and procedures for the Department of Revenue; providing construction; authorizing the Department of Revenue, the Division of Alcoholic Beverages and Tobacco of the Department of Business and Professional Regulation, and the Department of Children and Families to develop a cooperative agreement and adopt rules; authorizing certain interagency information sharing; creating ss. 561.1212 and 624.51056, F.S.; providing credits against excise taxes on certain alcoholic beverages and the insurance premium tax, respectively, under the Strong Families Tax Credit; specifying requirements and procedures for, and limitations on, the credits; authorizing the Department of Revenue to adopt emergency rules to implement provisions related to the Strong Families Tax Credit; providing an appropriation; requiring the Florida Institute for Child Welfare to provide a certain report to the Governor and the Legislature by a specified date; providing an effective date.

By the Committee on Governmental Oversight and Accountability; and Senator Rodriguez—

CS for SB 972—A bill to be entitled An act relating to administrative entity telecommunication meetings; amending s. 163.01, F.S.; authorizing certain legal or administrative entities to conduct public meetings and workshops by means of communications media technology; revising criteria under which legal entities may conduct public meetings and workshops; providing applicability; revising requirements for notices of such meetings and workshops conducted through the use of communications media technology; providing an effective date.

By the Committee on Judiciary; and Senator Berman—

CS for SB 1070—A bill to be entitled An act relating to estates and trusts; amending s. 69.031, F.S.; requiring the court to allow an officer to elect to post and maintain a certain bond; requiring the court to vacate or terminate an order under certain circumstances; making technical changes; amending s. 732.507, F.S.; providing that certain provisions of a will are void upon dissolution of marriage; specifying when dissolution of marriage occurs; providing applicability; amending s. 736.0103, F.S.; defining terms; revising the definition of the term “terms of a trust”; amending s. 736.0105, F.S.; revising the exceptions for when the terms of a trust do not prevail over provisions of the Florida Trust Code; amending s. 736.0201, F.S.; authorizing certain proceedings to determine the homestead status of real property owned by a trust to be filed in the probate proceeding for the settlor's estate; requiring that such proceedings be governed by the Florida Probate Rules; amending s. 736.0603, F.S.; transferring provisions that authorize a trustee to follow certain directions; amending s. 736.0703, F.S.; conforming provisions to changes made by the act; repealing s. 736.0808, F.S., relating to powers to direct; amending s. 736.1008, F.S.; specifying that certain claims barred against a trustee or trust director are also barred against certain persons acting for that trustee; conforming provisions to changes made by the act; amending s. 736.1017, F.S.; revising the information required to be included in a certification of trust; amending s. 736.1105, F.S.; revising the effects that subsequent marriages, births, adoptions, or dissolutions of marriage have on a revocable trust; providing construction; providing applicability; creating s. 736.1109, F.S.; specifying how title passes for certain devises of homesteads which violate the State Constitution; specifying that certain powers do not subject an interest in a protected homestead to certain claims; providing applicability; creating part XIV of chapter 736, F.S., entitled the “Florida Uniform Directed Trust Act”; creating s. 736.1401, F.S.; providing a short title; creating s. 736.1403, F.S.; providing applicability; providing for the validity of certain terms in a directed trust which designate principal places of administration; creating s. 736.1405, F.S.; defining the term “power of appointment”; providing applicability; specifying the types of powers granted to persons other than trustees; creating s. 736.1406, F.S.; authorizing the terms of a trust to grant a power of direction to a trust director; specifying the powers included in a power of direction; creating s. 736.1407, F.S.; providing for limitations on trust directors; creating s. 736.1408, F.S.; providing duties and liabilities for trust directors; creating s. 736.1409, F.S.; providing duties and liabilities for directed trustees; creating s. 736.141, F.S.; requiring a trustee to provide certain information to a trust director; requiring a trust director to provide certain information to a trustee or another trust director and a qualified beneficiary; providing that a trustee or a trust director acting in reliance on certain information is not liable for a breach of trust in certain circumstances; creating s. 736.1411, F.S.; specifying that trustees and trust directors do not have a duty to monitor, inform, or advise specified persons under certain circumstances; creating s. 736.1412, F.S.; transferring provisions relating to the appointment of trustees; creating s. 736.1413, F.S.; providing limitations on actions against trust directors; creating s. 736.1414, F.S.; authorizing trust directors to assert specified defenses in certain actions; creating s. 736.1415, F.S.; specifying that a trust director submits to specified personal jurisdiction by accepting appointment as a trust director; providing construction; creating s. 736.1416, F.S.; requiring trust directors to be considered a trustee for certain purposes; authorizing certain persons to make a specified written demand to accept or confirm prior acceptance of trust directorships; creating part XV of chapter 736, F.S., entitled the “Community Property Trust Act”; creating s. 736.1501, F.S.; providing a short title; creating s. 736.1502, F.S.; defining terms; creating s. 736.1503, F.S.; providing that an arrangement is a community property trust in certain

circumstances; creating s. 736.1504, F.S.; authorizing settlor spouses to agree upon certain terms in an agreement establishing a community property trust; specifying when a community property trust may be amended or revoked; specifying qualified beneficiaries of community property trusts; creating s. 736.1505, F.S.; providing that settlor spouses may classify any property as community property by transferring that property to a community property trust regardless of domicile; providing for enforceability and duration of a community property trust; providing that the right to manage and control certain property is determined by the terms of the trust agreement; providing the effect of distributions from a community property trust; creating s. 736.1506, F.S.; providing for the satisfaction of obligations incurred by one or both spouses from a community property trust; creating s. 736.1507, F.S.; providing for the disposition or distribution of certain property upon the death of a spouse; creating s. 736.1508, F.S.; providing for the termination of a community property trust upon dissolution of marriage; creating s. 736.1509, F.S.; providing that a community property trust does not adversely affect certain rights of a child; creating s. 736.151, F.S.; providing that certain property held in a community property trust qualifies as homestead property; creating s. 736.1511, F.S.; providing for the application of the Internal Revenue Code to a community property trust; creating s. 736.1512, F.S.; providing that a community property trust is not enforceable in certain circumstances; amending ss. 736.0802, 736.08125, and 738.104, F.S.; conforming cross-references; amending s. 744.3679, F.S.; conforming a provision to changes made by the act; providing a directive to the Division of Law Revision; providing for severability; providing effective dates.

By the Committees on Health Policy; and Regulated Industries; and Senator Hutson—

CS for CS for SB 1080—A bill to be entitled An act relating to tobacco and nicotine products; amending s. 210.095, F.S.; deleting the definition of the term “adult”; revising age limitations relating to mail order, Internet, and remote sales of tobacco products; amending s. 210.15, F.S.; requiring permits to be issued to persons or corporations whose officers are not under 21 years of age; amending s. 386.212, F.S.; providing that it is unlawful for persons under 21 years of age to smoke tobacco or vape in, on, or within 1,000 feet of the real property comprising a public or private elementary, middle, or secondary school during specified hours; renaming ch. 569, F.S.; providing directives to the Division of Law Revision; amending s. 569.002, F.S.; defining the terms “nicotine product” and “nicotine dispensing device”; conforming provisions to changes made by the act; creating s. 569.0025, F.S.; preempting the establishment of the minimum age for purchasing and possessing, and the regulation for the marketing, sale, or delivery of, tobacco products to the state; amending ss. 569.003, 569.004, and 569.006, F.S.; conforming provisions to changes made by the act; amending s. 569.007, F.S.; revising age limitations relating to the sale and delivery of tobacco products; revising applicability; amending s. 569.0075, F.S.; revising age limitations relating to gifting sample tobacco products; amending s. 569.008, F.S.; revising legislative intent; revising qualification requirements for responsible retail tobacco products dealers; conforming provisions to changes made by the act; amending s. 569.009, F.S.; conforming a provision to changes made by the act; amending s. 569.101, F.S.; revising age limitations relating to selling, delivering, bartering, furnishing, or giving tobacco products to certain persons; amending s. 569.11, F.S.; revising age limitations relating to possessing and obtaining tobacco products; amending s. 569.12, F.S.; expanding the authority of tobacco product enforcement officers to include nicotine products; amending s. 569.14, F.S.; revising requirements for signage relating to tobacco products, nicotine products, and nicotine dispensing devices; conforming provisions to changes made by the act; amending s. 569.19, F.S.; conforming provisions to changes made by the act; creating s. 569.31, F.S.; defining terms; creating s. 569.315, F.S.; preempting the establishment of the minimum age for purchasing and possessing, and the regulation for the marketing, sale, or delivery of, nicotine products to the state; creating s. 569.32, F.S.; requiring retail nicotine product dealers to acquire a permit; providing requirements and authorizations for such permit; creating s. 569.33, F.S.; specifying that an applicant for a retail nicotine products dealer permit consents to certain inspections and searches upon accepting such permit; creating s. 569.34, F.S.; prohibiting certain persons, firms, associations, or corporations from operating without a permit; providing civil penalties; creating s. 569.35, F.S.; providing administrative penalties for retail nicotine product dealers under cer-

tain circumstances; requiring the Division of Alcoholic Beverages and Tobacco to deposit funds collected from administrative fines into the General Revenue Fund; creating s. 569.37, F.S.; providing restrictions on the sale or delivery of nicotine products; creating s. 569.38, F.S.; prohibiting certain persons from gifting sample nicotine products to persons under a specified age; creating s. 569.381, F.S.; providing legislative intent; providing requirements for a dealer to qualify as a responsible retail nicotine products dealer; authorizing the division to mitigate certain penalties; requiring the division to develop and make available a nicotine products training program; requiring dealers to exercise diligence in the management and supervision of their premises and the supervision and training of certain persons; creating s. 569.39, F.S.; requiring the division to adopt rules; creating ss. 569.41 and 569.42, F.S.; providing civil and criminal penalties relating to selling, delivering, bartering, furnishing, or giving nicotine products to certain persons and possessing and acquiring nicotine products, respectively; creating s. 569.43, F.S.; providing signage requirements relating to the sale of nicotine products or nicotine dispensing devices; providing criminal penalties; creating s. 569.44, F.S.; requiring the division to provide an annual report containing specified information to the Governor and the Legislature; creating s. 569.45, F.S.; defining terms; providing requirements for mail order, Internet, and remote sales of nicotine products; providing applicability; providing criminal penalties; repealing s. 877.112, F.S., relating to nicotine products and nicotine dispensing devices; providing an effective date.

By the Committee on Transportation; and Senator Albritton—

CS for SB 1082—A bill to be entitled An act relating to diesel exhaust fluid; creating s. 330.401, F.S.; requiring specified public airports to require a diesel exhaust fluid safety mitigation and exclusion plan for certain fixed-base operators; specifying plan requirements; requiring public airports to make such plans available for review during inspections by the Department of Transportation after a specified date; requiring the department to convene a workgroup of public airport representatives by a specified date to develop specified uniform industry standards; authorizing the department to adopt rules; providing an effective date.

By the Committee on Judiciary; and Senator Diaz—

CS for SB 1108—A bill to be entitled An act relating to education; amending s. 1001.23, F.S.; authorizing the Department of Education to hold patents, copyrights, trademarks, and service marks; authorizing the department to take specified actions to enforce its rights under certain circumstances; requiring the department to notify the Department of State in writing when property rights by patent, copyright, trademark, or service marks are secured by the department; requiring, except for educational materials and products, any proceeds received by the department from the exercise of its rights to be deposited in the department's Operating Trust Fund; amending s. 1003.4282, F.S.; deleting obsolete language; requiring certain students to take a specified assessment relating to civic literacy; providing that such assessment meets certain postsecondary requirements under specified circumstances; conforming a cross-reference; amending s. 1007.25, F.S.; requiring certain postsecondary students to complete a civic literacy course and pass a specified assessment to demonstrate competency in civic literacy; authorizing students to meet the assessment requirements in high school; providing for rulemaking; authorizing the development of new civic literacy courses; providing requirements for such courses; amending s. 1008.212, F.S.; conforming cross-references; amending s. 1008.22, F.S.; revising the purpose of the assessment program; deleting obsolete language; requiring that certain assessments be given in a paper-based format; requiring school districts to provide the SAT or ACT to grade 11 students beginning in a specified school year; requiring school districts to choose which assessment to administer; deleting specified reporting requirements; deleting a requirement that the Commissioner of Education maintain a specified item bank; deleting specified requirements for the date of the administration of specified assessments; revising a deadline for the publication of certain assessments; conforming provisions to changes made by the act; amending s. 1008.24, F.S.; revising the tests that are included under test administration and security rules; amending ss. 1008.34 and 1008.3415, F.S.; conforming cross-references; amending s. 1009.286,

F.S.; providing an additional exception to credit hours used when calculating baccalaureate degrees; providing an effective date.

By the Committee on Regulated Industries; and Senators Gibson and Powell—

CS for SB 1120—A bill to be entitled An act relating to telephone solicitation; amending s. 501.059, F.S.; defining terms; prohibiting certain telephonic sales calls without the prior express written consent of the called party; removing provisions authorizing the use of certain automated telephone dialing systems; providing a rebuttable presumption for certain calls made to any area code in this state; providing a cause of action for aggrieved called parties; authorizing a court to increase an award for willful and knowing violations; revising awards of attorney fees and costs for violations to authorize only a prevailing plaintiff to receive such an award; amending s. 501.616, F.S.; prohibiting a commercial telephone seller or salesperson from using automated dialing or recorded messages to make certain commercial telephone solicitation phone calls; revising the timeframe during which a commercial telephone seller or salesperson may make commercial solicitation phone calls; prohibiting commercial telephone sellers or salespersons from making a specified number of commercial telephone solicitation phone calls to a person over a specified timeframe; reenacting s. 501.604, F.S., relating to exemptions to the Florida Tele-marketing Act, to incorporate the amendment made to s. 501.616, F.S., in a reference thereto; reenacting s. 648.44(1)(c), F.S., relating to prohibitions regarding bail bond agent telephone solicitations, to incorporate the amendment made to s. 501.616, F.S., in a reference thereto; providing an effective date.

By the Committee on Transportation; and Senator Hooper—

CS for SB 1194—A bill to be entitled An act relating to transportation; creating s. 287.05705, F.S.; providing that certain governmental entities may not prohibit certain vendors from responding to competitive solicitations of certain contractual services; providing applicability; amending s. 316.2397, F.S.; revising provisions authorizing vehicles and equipment to show or display flashing lights; amending s. 337.025, F.S.; revising the type of transportation project contracts that are subject to an annual cap; revising application of such cap; creating s. 337.0262, F.S.; prohibiting the Department of Transportation and contractors and subcontractors of the department from purchasing specified substances from a borrow pit unless specified conditions are satisfied; requiring certain contracts, subcontracts, and purchase orders to require compliance with the prohibition; requiring the department to cease acceptance of substances from a borrow pit under certain conditions; authorizing the department to resume acceptance of such substances under certain conditions; amending s. 337.14, F.S.; requiring contractors wishing to bid on certain contracts to first be certified by the Department of Transportation as qualified; revising requirements for applying for and issuing a certificate of qualification; providing construction with respect to submission and approval of an application for such certificate; exempting airports from certain restrictions regarding entities performing engineering and inspection services; amending s. 337.185, F.S.; revising and providing definitions; revising requirements for arbitration of certain contracts by the State Arbitration Board; revising requirements regarding arbitration requests, hearings, procedures, and awards; revising membership and meeting requirements; revising compensation of board members; amending s. 378.403, F.S.; defining the term “borrow pit”; amending s. 378.801, F.S.; prohibiting operation of a borrow pit at a new location without notifying the Secretary of Environmental Protection of the intent to extract; conforming provisions to changes made by the act; amending s. 378.802, F.S.; revising application of provisions to exclude existing locations; providing an effective date.

By the Committee on Governmental Oversight and Accountability; and Senator Book—

CS for SB 1232—A bill to be entitled An act relating to death benefits; amending s. 112.19, F.S.; requiring an employer of a law enforcement, correctional, or correctional probation officer to extend paid health insurance benefits to a surviving spouse and each dependent child if the officer dies as a result of exposure in the line of duty to a pandemic disease that is the subject of a public health emergency;

providing applicability; providing retroactive application; providing a declaration of important state interest; providing an effective date.

By the Committee on Health Policy; and Senator Book—

CS for SB 1242—A bill to be entitled An act relating to the Program of All-Inclusive Care for the Elderly; creating s. 430.84, F.S.; defining terms; authorizing the Agency for Health Care Administration, in consultation with the Department of Elderly Affairs, to approve entities applying to deliver PACE services in the state; requiring applications to be reviewed and considered on a continuous basis; requiring notice of applications to be published in the Florida Administrative Register; providing specified application requirements for such prospective PACE organizations; requiring existing PACE organizations to meet specified requirements under certain circumstances; requiring prospective PACE organizations to submit a complete application to the agency and the Centers for Medicare and Medicaid Services within a specified period; requiring that PACE organizations meet certain federal and state quality and performance standards; requiring the agency to oversee and monitor the PACE program and organizations; providing that a PACE organization is exempt from certain requirements; providing an effective date.

By the Committee on Health Policy; and Senator Bean—

CS for SB 1292—A bill to be entitled An act relating to Medicaid; amending s. 402.81, F.S.; deleting a requirement for the Agency for Health Care Administration to submit an annual report to the Legislature on the operation of the pharmaceutical expense assistance program; amending s. 409.815, F.S.; conforming a provision to changes made by the act; amending s. 409.908, F.S.; revising the method for determining prescribed drug provider reimbursements; deleting a requirement for the agency to implement certain fees for prescribed medicines; deleting authorization for the agency to increase certain dispensing fees by certain amounts; reenacting and amending s. 409.91195, F.S., relating to the Medicaid Pharmaceutical and Therapeutics Committee; deleting a requirement for the agency to ensure that the committee reviews certain drugs under certain circumstances; designating the agency, rather than the Department of Children and Families, as the administrator for certain hearings; amending s. 409.912, F.S.; requiring the agency to establish certain procedures related to prior authorization requests rather than prior consultation requests; revising the method for determining prescribed drug provider reimbursements; deleting a requirement for the agency to expand home delivery of pharmacy products; deleting a dosage limitation on certain drugs; deleting a requirement for the agency to submit certain quarterly reports to the Governor and the Legislature; repealing s. 409.91213, F.S., relating to quarterly progress reports and annual reports; amending s. 409.913, F.S.; revising the definitions of the terms “medical necessity” and “medically necessary” to provide an exception for behavior analysis services determinations; requiring that determinations be based on information available at the time goods or services are requested, rather than at the time such goods or services are provided; repealing s. 765.53, F.S., relating to the Organ Transplant Advisory Council; providing an effective date.

By the Committee on Commerce and Tourism; and Senator Bradley—

CS for SB 1312—A bill to be entitled An act relating to a zoological and aquarium grant program; creating s. 288.1259, F.S.; authorizing the Department of Economic Opportunity to establish a grant program for the support of zoos and aquariums located within the state; providing eligibility requirements; authorizing the use of grant funds for certain purposes; requiring the department to adopt rules; providing that the department has final grant approval authority; providing an effective date.

By the Committee on Criminal Justice; and Senator Burgess—

CS for SB 1344—A bill to be entitled An act relating to protection of elderly persons and disabled adults; amending s. 16.56, F.S.; adding offenses concerning elderly persons and disabled adults to the authority of the Office of Statewide Prosecution; amending s. 733.303, F.S.; providing that a person who has been convicted of abuse, neglect, or ex-

exploitation of an elderly person or a disabled adult is not qualified to act as a personal representative; creating s. 732.8031, F.S.; providing for forfeiture of specified benefits of persons who have been convicted of certain offenses involving elderly persons or disabled adults; providing that certain persons who have been convicted of certain offenses involving elderly persons or disabled adults may still retain an inheritance or survivorship interest if the victim executes a specified instrument; amending s. 736.1104, F.S.; providing that a beneficiary of a trust may not benefit under the trust if the person was convicted of certain offenses involving elderly persons or disabled adults; amending s. 825.101, F.S.; defining terms; amending s. 825.102, F.S.; specifying additional conduct that constitutes abuse of an elderly person or a disabled adult; providing a defense to certain violations; providing criminal penalties; amending s. 825.103, F.S.; specifying additional conduct that constitutes exploitation of an elderly person or a disabled adult; providing criminal penalties; amending s. 825.1035, F.S.; revising provisions concerning injunctions for protection against exploitation of a vulnerable adult; providing for extension of ex parte temporary injunctions; providing an effective date.

By the Committee on Governmental Oversight and Accountability; and Senator Jones—

CS for SB 1448—A bill to be entitled An act relating to information technology procurement; amending s. 282.0051, F.S.; requiring the Department of Management Services, through the Florida Digital Service, to establish certain project management and oversight standards for state agency compliance; requiring the department to perform project oversight on information technology projects that have total project costs of a certain amount or more; requiring the information technology policy for certain state contracts established by the Florida Digital Service to include certain requirements for certain contracts and information technology projects; providing requirements for information technology projects that have a total project cost over a certain amount; amending s. 287.0591, F.S.; removing obsolete language; authorizing the department to execute certain contracts if the Secretary of Management Services and the state chief information officer certify certain information in writing; requiring an agency to issue a request for quote to certain vendors approved to provide certain commodities or services in certain circumstances; requiring the department to prequalify firms and individuals to provide certain services on a state term contract by a certain date; requiring the department to consider certain information in order to prequalify a firm or an individual; providing for the disqualification of a firm or an individual from state term contract eligibility; authorizing a prequalified firm or individual to respond to certain requests for quotes; providing an effective date.

By the Committee on Community Affairs; and Senator Pizzo—

CS for SB 1490—A bill to be entitled An act relating to investments by condominium associations; amending s. 718.111, F.S.; requiring condominium associations to maintain a copy of their investment policy statement as an official record; requiring associations that make certain investments to prepare financial statements in a specified manner; authorizing associations to invest funds in specified investment products; requiring certain association boards to obtain prior approval before investing funds in certain investment products, annually develop an investment policy statement, and select an investment adviser who meets specified requirements; authorizing investment fees and commissions to be paid from invested reserve funds or operating funds; requiring investment advisers to invest certain operating or reserve funds in compliance with a specified rule; requiring investment advisers to act as association fiduciaries; providing construction; requiring that certain funds be held in specified accounts; requiring associations to provide their investment adviser with certain documents at least annually; requiring investment advisers to annually review such documents and provide the association with a portfolio allocation model that meets specified requirements; providing that portfolios may not contain certain investments; requiring investment advisers to annually provide to the association a certain certification and to periodically submit certain reports; requiring that certain funds be made available to associations within a certain timeframe after they submit a written or electronic request; amending s. 718.3026, F.S.; exempting registered

investment advisers from certain provisions relating to contracts for products and services; providing an effective date.

By the Committee on Criminal Justice; and Senator Book—

CS for SB 1508—A bill to be entitled An act relating to public records; providing a short title; amending s. 28.2221, F.S.; requiring each county recorder or clerk of the court to make publicly available on an Internet website the identity of a defendant or respondent against whom a protective injunction is entered, as well as the fact that the injunction has been entered; providing an exception; providing for certain persons to request that such information be made available on the public website; requiring county recorders or clerks of the court to post such notices on the website and in the office of each county recorder or clerk of the court; specifying what must be included in notices; authorizing certain persons to petition for compliance in the circuit court; amending s. 28.29, F.S.; requiring that final judgments for injunctions for protection be recorded in official records; providing an effective date.

By the Committee on Criminal Justice; and Senator Book—

CS for SB 1530—A bill to be entitled An act relating to victims of sexual offenses; amending s. 27.14, F.S.; authorizing a victim of sexual battery or cyberstalking to petition the Governor to disqualify a state attorney under certain circumstances; creating s. 154.012, F.S.; requiring county health departments to participate in local sexual assault response teams coordinated by local certified rape crisis centers if such a team exists; authorizing the certified rape crisis center serving the county to coordinate with community partners to establish a local or regional team if a local sexual assault response team does not exist; providing the purpose of such teams; providing for duties, membership, meetings, technical assistance, and an annual report; requiring teams to promote and support the use of sexual assault forensic examiners meeting certain requirements; providing an effective date.

By the Committees on Judiciary; and Children, Families, and Elder Affairs; and Senator Book—

CS for CS for SB 1532—A bill to be entitled An act relating to child support; amending s. 61.13, F.S.; revising requirements for child support depositories in Title IV-D cases; requiring the depositories to transmit case data through and set up appropriate payment accounts in the Clerk of the Court Child Support Enforcement Collection System upon certain notice from the Department of Revenue; amending s. 61.1354, F.S.; revising provisions related to the sharing of information between consumer reporting agencies and the department; requiring consumer reports to be kept confidential and used only for specified purposes; amending s. 61.21, F.S.; revising legislative findings; revising course topics for the Parent Education and Family Stabilization Course; requiring certain parties to complete a Parent Education and Family Stabilization Course tailored to education relating to children who have special needs or emotional concerns; authorizing the court to require additional education courses for certain parents; amending s. 61.30, F.S.; prohibiting the treatment of incarceration as voluntary unemployment for purposes of establishing or modifying child support orders, with exceptions; providing that certain social security benefits are included in a parent's gross income; authorizing certain social security benefits paid to be applied as a credit for purposes of monthly support obligations; providing requirements for such credit; providing procedures for a parent to seek application of such credit; amending s. 409.256, F.S.; revising the definition of the term "rendered"; amending s. 409.2563, F.S.; revising the definition of the term "rendered"; deleting a requirement that a certain order filed by the department be a certified copy of the order; amending s. 409.25656, F.S.; authorizing the department to deliver certain notices by secure electronic means under certain circumstances; amending s. 409.25658, F.S.; revising provisions related to the department's joint efforts with the Department of Financial Services to use unclaimed property for past due child support; amending s. 409.2567, F.S.; authorizing the department to include confidential and exempt information in unencrypted electronic mail communications with parents, caregivers, or other authorized persons under certain circumstances, with exceptions; amending s. 409.2576, F.S.; requiring service recipients to report certain information to the State Directory of New Hires; defining the term "service recipient";

providing reporting requirements for service recipients; conforming provisions to changes made by the act; providing an effective date.

By the Committee on Governmental Oversight and Accountability; and Senator Rodriguez—

CS for SB 1570—A bill to be entitled An act relating to quasi-public entities; creating s. 20.059, F.S.; providing definitions; requiring the Governor to specify affiliated departments for certain quasi-public entities by a certain date; providing requirements for the affiliated departments; providing requirements for a law creating a quasi-public entity; requiring the completion of an operational audit at certain intervals; requiring a quasi-public entity to submit an annual report that includes certain information to the Governor, the Legislature, and its affiliated department by a certain date; requiring a quasi-public entity to maintain a website that includes certain information; prohibiting a quasi-public entity from using public funds to retain a lobbyist; authorizing certain employees of a quasi-public entity to register as a lobbyist and represent the quasi-public entity; prohibiting a quasi-public entity from creating an entity separate from itself; requiring that meetings of the quasi-public entity's governing body be video recorded; prohibiting an executive director or similar officer of a quasi-public entity from certain involvement with the entity's governing body; amending s. 215.985, F.S.; requiring a quasi-public entity to post and update certain information on the secure contract tracking system established and maintained by the Chief Financial Officer; requiring a quasi-public entity to redact certain information; providing that the Chief Financial Officer, the Department of Financial Services, and officers, employees, and contractors thereof are not responsible for redacting, and are not liable for the failure to redact, certain information posted on the secure contract tracking system by a quasi-public entity; providing that the posting of certain information does not supersede the duty of a quasi-public entity to respond to certain requests or subpoenas; providing that certain actions by the Chief Financial Officer do not supersede the duty of a quasi-public entity to provide certain records upon request; revising and providing definitions; providing an effective date.

By the Committee on Governmental Oversight and Accountability; and Senators Rodriguez, Garcia, Hutson, and Rodrigues—

CS for SB 1606—A bill to be entitled An act relating to victims of communism; amending s. 683.01, F.S.; establishing November 7 as the Victims of Communism legal holiday; requiring the Legislature to annually observe a moment of silence in observance of the victims of communism; requiring high school students in a United States Government course to receive certain instruction on "Victims of Communism Day"; providing an effective date.

By the Committee on Governmental Oversight and Accountability; and Senator Brodeur—

CS for SB 1616—A bill to be entitled An act relating to agency contracts for commodities and contractual services; reenacting and amending s. 216.1366, F.S.; abrogating the scheduled expiration of provisions relating to certain public agency contracts for services; amending s. 287.042, F.S.; providing that the Department of Management Services may enter into an agreement authorizing an agency to make purchases under certain contracts if the Secretary of Management Services makes a certain determination; amending s. 287.056, F.S.; providing that an agency must issue a request for quote to certain approved vendors when it issues certain requests for quote for contractual services; providing for the disqualification of certain firms or individuals from state term contract eligibility; amending s. 287.057, F.S.; revising the period of time during which an agency must electronically post a description of certain services in certain circumstances; requiring an agency to periodically report certain actions to the department in a specified manner and form; requiring the department to annually report certain information to the Governor and the Legislature by a specified date; prohibiting an agency from initiating a competitive solicitation in certain circumstances; providing applicability; revising the maximum value of certain contracts that may not be renewed or amended by state agency before submitting a written report to the Governor and the Legislature; requiring the agency to designate a contract manager to serve as a liaison between the contractor and the

agency; prohibiting certain individuals from serving as a contract manager; providing the responsibilities of a contract manager; requiring the Chief Financial Officer to evaluate certain training at certain intervals; requiring that certain contract managers complete training and certification within a specified timeframe; requiring the department to establish and disseminate certain training and certification requirements; requiring the department to evaluate certain training at certain intervals; requiring certain contract managers to possess certain experience in managing contracts; authorizing a contract administrator to also serve as a contract manager in certain circumstances; providing that evaluations of proposals and replies must be conducted independently; providing for specified teams to conduct certain negotiations; requiring a Project Management Professional to provide guidance based on certain qualifications; providing qualification requirements for contract negotiator certification; requiring supervisors of contract administrators or contract and grant managers meeting certain criteria to complete training within a specified period; providing that the department is responsible for establishing and disseminating supervisor training by a certain date; providing for a continuing oversight team in certain circumstances; providing requirements for continuing oversight team members and meetings; requiring a continuing oversight team to provide notice of certain deficiencies and changes in contract scope to certain entities; amending s. 287.058, F.S.; prohibiting a contract document for certain contractual services from containing a certain nondisclosure clause; creating s. 287.1351, F.S.; defining the term "vendor"; prohibiting certain vendors from submitting bids, proposals, or replies to, or entering into or renewing any contract with, an agency; prohibiting an agency from accepting a bid, proposal, or reply from, or entering into a contract with, a suspended vendor until certain conditions are met; requiring an agency to notify the department of, and provide certain information regarding, any such vendors; requiring the department to review any vendor reported by an agency; requiring the department to notify a vendor of any intended removal from the vendor list; specifying administrative remedies and applicable procedures for an affected vendor; requiring the department to place certain vendors on the suspended vendor list; authorizing the removal of a suspended vendor from the suspended vendor list in accordance with specified procedures; specifying requirements and limitations; amending s. 287.136, F.S.; requiring each agency inspector general to complete certain audits of executed contracts at certain intervals; amending ss. 43.16, 215.971, 287.0571, 295.187, 394.47865, 402.7305, 408.045, 570.07, and 627.351, F.S.; conforming cross-references to changes made by the act; providing an effective date.

By the Committee on Commerce and Tourism; and Senator Bradley—

CS for SB 1734—A bill to be entitled An act relating to consumer data privacy; creating s. 501.172, F.S.; providing a short title; creating s. 501.173, F.S.; providing a purpose; creating s. 501.174, F.S.; defining terms; creating s. 501.1745, F.S.; requiring certain businesses that collect consumer personal information to provide certain information to the consumer; requiring such collection, use, retention, and sharing of such information to meet certain requirements; requiring such businesses to implement reasonable security procedures and practices; requiring such businesses to enter into an agreement with third parties under certain circumstances; creating s. 501.175, F.S.; providing that consumers have the right to direct certain businesses not to sell their personal information; providing construction; requiring such businesses to notify consumers of such right; requiring businesses to comply with such a request under certain circumstances; prohibiting businesses from selling the personal information of consumers younger than a specified age without express authorization from the consumer or the consumer's parent or guardian under certain circumstances; providing that a business that willfully disregards a consumer's age is deemed to have actual knowledge of the consumer's age; requiring certain businesses to provide a specified link on their home page for consumers to opt out; providing requirements for businesses to comply with a consumer's opt-out request; providing that consumers have the right to submit a verified request for businesses to delete or correct personal information the businesses have collected about the consumers; providing construction; providing that consumers may authorize other persons to opt out of the sale of the consumer's personal information on the consumer's behalf; requiring businesses to establish designated addresses through which consumers may submit verified requests; specifying requirements for consumers' verified requests and businesses' responses; requiring businesses to comply with previous con-

sumer requests without requiring additional information from the consumer, under certain circumstances; requiring businesses to provide certain notices to consumers; creating s. 501.176, F.S.; providing applicability; authorizing businesses to charge consumers a reasonable fee for manifestly unfounded or excessive requests, or to refuse to complete a request under certain circumstances; providing for business liability under certain circumstances; providing construction; providing that a consumer's rights and the obligations of a business may not adversely affect the rights and freedoms of other consumers; creating s. 501.177, F.S.; authorizing consumers to initiate civil actions for violations; providing civil remedies; requiring the Department of Legal Affairs to adopt rules and to initiate legal proceedings against a business under certain circumstances; providing civil penalties; providing an effective date.

By the Committee on Health Policy; and Senator Jones—

CS for SB 1770—A bill to be entitled An act relating to genetic counseling; creating part III of ch. 483, F.S., titled “Genetic Counseling”; providing a short title; providing legislative findings and intent; defining terms; providing licensure, licensure renewal, and continuing education requirements; requiring the Department of Health to adopt by rule continuing education requirements; prohibiting certain acts; providing penalties and grounds for disciplinary action; authorizing the department to enter an order denying licensure or imposing other penalties for certain violations; providing exemptions; amending s. 456.001, F.S.; revising the definition of the term “health care practitioner” to include licensed genetic counselors; amending s. 20.43, F.S.; correcting a cross-reference; providing an effective date.

By the Committee on Health Policy; and Senator Jones—

CS for SB 1772—A bill to be entitled An act relating to fees; creating s. 483.919, F.S.; requiring the Department of Health to adopt by rule procedures for the issuance and annual renewal of genetic counselor licenses, including a specified application fee; authorizing the department to waive payment of the fee by rule; providing for the deposit and use of fee proceeds; providing a contingent effective date.

By the Committee on Health Policy; and Senators Burgess and Book—

CS for SB 1786—A bill to be entitled An act relating to payments for birth-related neurological injuries; amending s. 766.31, F.S.; increasing the amount that may be awarded to the parents or legal guardians of an infant found to have sustained a birth-related neurological injury; requiring that such amount be revised annually; increasing the amount of the death benefit that may be awarded; providing for retroactive application; providing an effective date.

By the Committee on Criminal Justice; and Senator Pizzo—

CS for SB 1802—A bill to be entitled An act relating to interception of wire, oral, or electronic communications made in violation of protective orders; amending s. 934.03, F.S.; providing an exception to prohibitions on interception and recording of communications when the communication is received in violation of a specified injunction or order; limiting the use of the intercepted communication to evidencing a violation of the specified injunction or order; providing an effective date.

By the Committee on Criminal Justice; and Senator Diaz—

CS for SB 1826—A bill to be entitled An act relating to human trafficking; creating s. 90.5034, F.S.; defining terms; providing the circumstances under which certain communications are confidential; creating a human trafficking victim advocate-victim privilege; specifying who may claim such privilege; providing training requirements for human trafficking victim advocates and trained volunteers; amending s. 787.06, F.S.; revising the definitions of the terms “human trafficking” and “obtain”; prohibiting a person from engaging in specified criminal acts relating to human trafficking with an adult believed to be a child younger than 18 years of age; providing criminal penalties; reenacting ss. 39.01305(3), 464.013(3)(c), 775.21(4)(a), 943.0435(1)(h),

943.0583(1)(a), and 944.606(1)(f), F.S., relating to appointment of an attorney for a dependent child with certain special needs, renewal of license or certificate, the Florida Sexual Predators Act, sexual offenders required to register with the department and penalties, human trafficking victim expunction, and sexual offenders and notification upon release, respectively, to incorporate the amendment made to s. 787.06, F.S., in references thereto; providing an effective date.

By the Committee on Children, Families, and Elder Affairs; and Senator Rouson—

CS for SB 1844—A bill to be entitled An act relating to the Commission on Mental Health and Substance Abuse; providing legislative intent; creating s. 394.9086, F.S.; creating the Commission on Mental Health and Substance Abuse within the Department of Children and Families; providing the purpose of the commission; providing for membership, term limits, meetings, and duties of the commission; requiring certain agencies to provide assistance to the commission in a timely manner; requiring the commission to submit a report to the Governor and Legislature by a specified date, and annually thereafter; providing for future review and repeal unless saved by the Legislature through reenactment; providing an effective date.

By the Committee on Children, Families, and Elder Affairs; and Senator Farmer—

CS for SB 1854—A bill to be entitled An act relating to defendants with a traumatic brain injury; amending s. 916.106, F.S.; redefining the term “intellectual disability” as it relates to defendants who have been found to be incompetent to proceed by adding the terms “significantly deficient in adaptive functioning” and “traumatic brain injury”; amending s. 916.303, F.S.; requiring the Agency for Persons with Disabilities to assist certain defendants found incompetent to proceed with application to the long-term care managed care program; providing an effective date.

By the Committee on Criminal Justice; and Senator Bean—

CS for SB 1868—A bill to be entitled An act relating to privileged communications made to crime stoppers organizations; amending s. 16.557, F.S.; prohibiting a person from knowingly and willfully attempting to obtain, obtaining, or disclosing a privileged communication or protected information; providing a penalty; providing an exemption from criminal liability for employees, board members, or volunteers of a crime stoppers organization in certain circumstances; providing immunity from civil liability for certain actions by specified persons concerning privileged communications; providing an effective date.

By the Committee on Judiciary; and Senator Albritton—

CS for SB 1876—A bill to be entitled An act relating to relief from burdens on real property rights; amending s. 70.001, F.S.; revising the definitions of the terms “action of a governmental entity” and “real property”; revising notice of claim requirements for property owners; creating a presumption that certain settlement offers protect the public interest; specifying that property owners retain the option to have a court determine awards of compensation; authorizing property owners to bring claims against governmental entities in certain circumstances; providing that property owners are not required to submit formal development applications or proceed through formal application processes to bring claims in specified circumstances; amending s. 70.45, F.S.; defining the terms “imposed” or “imposition”; authorizing property owners to bring actions to declare prohibited exactions invalid; providing applicability; amending s. 70.51, F.S.; revising the definition of the terms “land” or “real property”; providing an effective date.

By the Committee on Military and Veterans Affairs, Space, and Domestic Security; and Senator Diaz—

CS for SB 1892—A bill to be entitled An act relating to the Emergency Preparedness and Response Fund; creating s. 252.3711, F.S.; creating the Emergency Preparedness and Response Fund within the Executive Office of the Governor; providing for the deposit and use of

funds; providing for future review and termination of the fund; providing an effective date.

By the Committee on Children, Families, and Elder Affairs; and Senator Book—

CS for SB 1920—A bill to be entitled An act relating to child welfare; amending s. 39.01, F.S.; defining the term “attorney for the child”; amending ss. 39.013 and 39.01305, F.S.; conforming provisions to changes made by the act; renaming part XI of ch. 39, F.S., as “Guardians ad litem, guardian advocates, and attorney for the child”; amending s. 39.820, F.S.; defining the term “related adoption proceeding”; amending s. 39.822, F.S.; conforming provisions to changes made by the act; specifying circumstances under which a court is required, on or after a specified date, to appoint a guardian ad litem; requiring the court to appoint an attorney for the child to represent a child and to discharge the guardian ad litem under specified circumstances; authorizing the court to order that a new guardian ad litem be assigned for a child or discharge a guardian ad litem and appoint an attorney for the child under specified circumstances; amending s. 39.8296, F.S.; renaming the Guardian Ad Litem Qualifications Committee as the Child Well-Being Qualifications Committee; specifying that the executive director of the Statewide Guardian Ad Litem Office may be reappointed; clarifying that second and subsequent appointments made for the executive director of the office are for 3 years; requiring the office to develop guidelines to identify conflicts of interest of guardians ad litem; prohibiting the office from assigning such guardians; defining the term “conflicts of interest”; requiring the office to identify guardians ad litem who are experiencing health issues or who present a danger to the child to whom the guardian ad litem is assigned; requiring the office to remove such guardians from assigned cases, terminate their volunteer services, and disclose such actions to the circuit court; creating s. 39.83, F.S.; creating the Statewide Office of Child Representation within the Justice Administration Commission; requiring the commission to provide administrative support and services to the statewide office; providing that the statewide office is not subject to control, supervision, or direction by the commission; providing that employees of the statewide office are governed by the classification plan and salary and benefits plan approved by the commission; providing that the head of the statewide office is the executive director; providing the process for appointment; requiring that the initial executive director be appointed by a specified date; providing responsibilities of the office; authorizing the office to contract with local nonprofit agencies under certain conditions; creating a regional office of child representation within the boundaries of each of the five district courts of appeal; requiring such offices to commence fulfilling their purpose and duties on a specified date; requiring the commission to provide administrative support to the regional offices; providing that the offices are not subject to control, supervision, or direction by the commission; providing that employees of the offices are governed by the classification plan and salary and benefits plan for the commission; prescribing qualifications for an attorney for the child; providing certain prohibitions; creating s. 39.831, F.S.; specifying when the court is authorized or required to appoint an attorney for the child; requiring the court to appoint the Statewide Office of Child Representation; providing for the appointment of private counsel when the office has a conflict of interest; requiring an attorney for the child to be compensated and have access to funding for expenses with specified conditions; providing conditions under which a parent is required to reimburse the court for the cost of the attorney; providing for the scope of representation for court-appointed counsel; requiring agencies, persons, and organizations to allow an attorney for the child to inspect and copy certain records; defining the term “records”; providing requirements for an attorney for the child relating to hearings; requiring the Department of Children and Families to develop procedures to request that a court appoint an attorney for the child; authorizing the department to adopt rules; amending ss. 28.345, 39.001, 39.00145, 39.0132, 39.0139, 39.202, 39.302, 39.402, 39.407, 39.4085, 39.502, 39.521, 39.523, 39.6011, 39.6012, 39.6251, 39.701, 39.702, 39.801, 39.802, 39.808, 39.810, 39.811, 39.812, 43.16, 63.085, 322.09, 394.495, 627.746, 934.255, and 960.065, F.S.; conforming cross-references and provisions to changes made by the act; providing an effective date.

By the Committee on Criminal Justice; and Senator Pizzo—

CS for SB 1974—A bill to be entitled An act relating to public records; amending s. 741.301, F.S.; providing that all pleadings and documents related to a petition domestic violence injunction that have been ordered to be sealed are confidential and exempt from public records requirements; providing for future legislative review and repeal of

the exemption under the Open Government Sunset Review Act; providing a statement of public necessity; providing a contingent effective date.

REFERENCE CHANGES PURSUANT TO RULE 4.7(2)

By the Committee on Judiciary; and Senator Cruz—

CS for SB 26—A bill to be entitled An act for the relief of the Estate of Crystle Marie Galloway by the Hillsborough County Board of County Commissioners; providing for an appropriation to compensate the estate for injuries sustained by Crystle Marie Galloway and her survivors as a result of the negligence of employees of the Hillsborough County Board of County Commissioners; providing a limitation on the payment of fees; providing an effective date.

—was referred to the Committee on Rules.

By the Committee on Judiciary; and Senator Rodriguez—

CS for SB 398—A bill to be entitled An act for the relief of the Estate of Emilio Jesus Vizcaino-Aday by Miami-Dade County; providing for an appropriation to compensate the Estate of Emilio Jesus Vizcaino-Aday for injuries and damages sustained by Emilio Jesus Vizcaino-Aday and his survivors as a result of the negligence of Miami-Dade County; providing a limitation on the payment of attorney fees; providing an effective date.

—was referred to the Committee on Rules.

By the Committee on Commerce and Tourism; and Senator Bradley—

CS for SB 1734—A bill to be entitled An act relating to consumer data privacy; creating s. 501.172, F.S.; providing a short title; creating s. 501.173, F.S.; providing a purpose; creating s. 501.174, F.S.; defining terms; creating s. 501.1745, F.S.; requiring certain businesses that collect consumer personal information to provide certain information to the consumer; requiring such collection, use, retention, and sharing of such information to meet certain requirements; requiring such businesses to implement reasonable security procedures and practices; requiring such businesses to enter into an agreement with third parties under certain circumstances; creating s. 501.175, F.S.; providing that consumers have the right to direct certain businesses not to sell their personal information; providing construction; requiring such businesses to notify consumers of such right; requiring businesses to comply with such a request under certain circumstances; prohibiting businesses from selling the personal information of consumers younger than a specified age without express authorization from the consumer or the consumer's parent or guardian under certain circumstances; providing that a business that willfully disregards a consumer's age is deemed to have actual knowledge of the consumer's age; requiring certain businesses to provide a specified link on their home page for consumers to opt out; providing requirements for businesses to comply with a consumer's opt-out request; providing that consumers have the right to submit a verified request for businesses to delete or correct personal information the businesses have collected about the consumers; providing construction; providing that consumers may authorize other persons to opt out of the sale of the consumer's personal information on the consumer's behalf; requiring businesses to establish designated addresses through which consumers may submit verified requests; specifying requirements for consumers' verified requests and businesses' responses; requiring businesses to comply with previous consumer requests without requiring additional information from the consumer, under certain circumstances; requiring businesses to provide certain notices to consumers; creating s. 501.176, F.S.; providing applicability; authorizing businesses to charge consumers a reasonable fee for manifestly unfounded or excessive requests, or to refuse to complete a request under certain circumstances; providing for business liability under certain circumstances; providing construction; providing that a consumer's rights and the obligations of a business may not adversely affect the rights and freedoms of other consumers; creating s. 501.177, F.S.; authorizing consumers to initiate civil actions for violations; providing civil remedies; requiring the Department of Legal Affairs to adopt rules and to initiate legal proceedings against a business under

certain circumstances; providing civil penalties; providing an effective date.

—was referred to the Committee on Rules.

EXECUTIVE BUSINESS

EXECUTIVE APPOINTMENTS SUBJECT TO CONFIRMATION BY THE SENATE:

The Secretary of State has certified that pursuant to the provisions of section 114.05, Florida Statutes, certificates subject to confirmation by the Senate have been prepared for the following:

| <i>Office and Appointment</i> | <i>For Term Ending</i> |
|---|----------------------------|
| Board of Trustees of Hillsborough Community College Appointee: Celestan, Gregory, Tampa | 05/31/2022 |
| Board of Trustees of Pasco-Hernando State College Appointee: Mitten, John Richard, Brooksville | 05/31/2023 |
| Board of Trustees of Valencia College Appointee: de la Portilla, Angel, Ocoee | 05/31/2023 |

Referred to the Committee on Ethics and Elections.

Office and Appointment

Board of Trustees, University of Central Florida
Appointee: Christy, William, Daytona Beach 01/06/2025

Referred to the Committees on Education; and Ethics and Elections.

CORRECTION AND APPROVAL OF JOURNAL

The Journals of March 18 and March 23 were corrected and approved.

CO-INTRODUCERS

Senators Berman—CS for SB 676; Book—CS for SB 196, SB 594, CS for CS for SB 626, SB 836, SB 1786; Garcia—SB 1728; Perry—SB 358, SB 1268, SB 1442; Polsky—SB 1284; Stewart—CS for SB 676, SB 786, SB 1906; Torres—CS for SB 838; Wright—CS for SB 838

ADJOURNMENT

On motion by Senator Passidomo, the Senate adjourned at 3:28 p.m. for the purpose of holding committee meetings and conducting other Senate business to reconvene at 1:30 p.m., Thursday, April 1 or upon call of the President.