



Journal of the Senate

Number 12—Regular Session

Wednesday, April 14, 2021

CONTENTS

Bills on Special Orders	465
Call to Order	415
Co-Introducers	468
Committee Substitutes, First Reading	467
Enrolling Reports	468
Executive Business, Appointments	467
Introduction and Reference of Bills	466
Motions	465
Reports of Committees	465
Resolutions	415
Special Order Calendar	416

CALL TO ORDER

The Senate was called to order by President Simpson at 3:00 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 Michael Shields, Temple Israel, Tallahassee:

I would be remiss if I did not, before I begin the prayer, greet those in this chamber and, by extension, all of your constituents, in a way that honors the diversity that exists in our State of Florida. I recognize that the tapestry of diversity in our state extends far beyond the handful of greetings I offer now.

I say "Istonko," hello in Seminole Creek. To our Muslim brothers and sisters, I say, "Salaam alaikum." May this time of Ramadan which you have just entered be meaningful. I wish you a "Ramadan Mubarak." If you are Buddhist or Hindu, I greet you warmly. "Namaste." The divinity in me honors the divinity in you. For my Christian brothers and sisters, you share the goodwill found in the expression, "May the peace of Christ be with you." To those who do not connect through the lens of religion, I say, "May we all be led toward greater justice." I wish all a heartfelt Shalom. Peace.

The promise of our state and country is that all are welcome. Please take my words with that sentiment and deep honoring of each individual. Holy source of blessing, divine unity, sacred earth, sovereign God of the universe, gracious mother, exceedingly compassionate and merciful one to all humanity and all creatures, omnipresent enlightenment, supreme and universal spirit, sacred spark that unites us all.

He, she, they. You are the unity of all, and you recognize the innate holiness of every single human being. We are assembled to do the people's work. We are called to bring our best selves to conversation and debate. May your presence contribute to the causes of justice and peace. We ask for blessings for this legislative body. May their hearts and hands be empowered to act with kindness and compassion for others. May all serve with wisdom, open minds, caring hearts, and good judgment. May these servant leaders be delivered from any harm, misfortune, and trouble that they may encounter.

In each age, we receive and transmit sacred teachings. At each moment, we are addressed by the world, and we are challenged to answer. We stand face to face with truth. We must build upon that which came before, and we must recognize that our children will become the next builders. What will we leave for them? We must seek to set the world firm on a foundation of truth, justice, and peace. May we do this work with our mouths, engaging in discussion and debate, but may we also do it with our feet. There must be talking and walking. We must honor and hold up those who seek righteousness and justice. For where there is justice, there can be peace.

Just a few short weeks ago, the Jewish people recounted the story of Passover, the exodus from Egypt. The phrase, "Let my people go," should remind us today that there are far too many people shackled and enslaved in far too many ways. Oh, God, let us use our wisdom and compassion to face these problems and thus bring about true redemption, peace, and freedom for all. May we be inspired by the beauty of our world and have hope for our future. Amen.

PLEDGE

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

DOCTOR OF THE DAY

The President recognized Dr. Daniel Patrick Montero of Ponte Vedra, sponsored by Senator Bean, as the doctor of the day. Dr. Montero specializes in primary care sports medicine.

ADOPTION OF RESOLUTIONS

At the request of Senator Bradley—

By Senator Bradley—

SR 2024—A resolution recognizing April 2021 as "Springs Protection Awareness Month" in Florida.

WHEREAS, Florida's springs are essential to the environment and the economy and to the residents of and visitors to this state, and

WHEREAS, Florida has one of the most productive aquifers in the world, which supports more than 900 natural springs and gives this state one of the world's highest concentrations of springs, and

WHEREAS, Florida is home to 33 first-magnitude springs, and

WHEREAS, the groundwater supply is vital to the state's economy, and approximately 93 percent of Florida residents rely on it for their drinking water, and

WHEREAS, Florida's springs reflect groundwater conditions and provide an important habitat for wildlife, making them a natural resource that must be protected, and

WHEREAS, Florida springs provide recreational enjoyment for residents and attract visitors from all over the world, and

WHEREAS, Florida's springs discharge nearly 8 billion gallons of water each day, and healthy springs reflect the State of Florida's commitment to sustainable groundwater and surface water resource protection, NOW, THEREFORE,

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

That April 2021 is recognized as "Springs Protection Awareness Month" in Florida.

—was introduced, read, and adopted by publication.

At the request of Senator Cruz—

By Senator Cruz—

SR 2038—A resolution recognizing the 50th anniversary of the opening of the main terminal building at Tampa International Airport.

WHEREAS, on April 15, 1971, Tampa International Airport opened the doors to its brand-new, revolutionary landside-airside facility, drawing more than 60,000 members of the public and the media to tour the facility before the first jet even arrived, and

WHEREAS, Tampa International Airport, itself, became a tourist attraction for Central Florida as people came from all over the world to ride the first-ever airport shuttles, which were featured in *Time* magazine, and to marvel at the hub-and-spoke design that was spacious yet easy to navigate, and

WHEREAS, under the leadership of the Hillsborough County Aviation Authority and then-Director George J. Bean, Tampa International Airport was held up as a model that airports across the nation used for decades as an example of excellence, and

WHEREAS, among the most innovative elements of the new airport was its red-blue wayfinding system, designed by environmental graphic designer Jane Davis Doggett, which continues to guide the traveler experience from curbside to ticketing to the airside terminals with color rather than directional navigation, making the intentionally short walk from vehicle to gate even more seamless, and

WHEREAS, Ms. Doggett also created the airport's "Spirit of Flight" logo, a timeless representation of water, jet, and sunset which has withstood the passage of time, and

WHEREAS, Tampa International Airport's original architecture and customer-focused culture have been maintained, even as the Tampa Bay area and passenger traffic have grown immensely and, today, the facility is a gem in the community, still drawing praise from world travelers as well as from those who bring business and events to the area, and

WHEREAS, Tampa International Airport has ranked in the top 5 in the J.D. Power and Associates annual airport satisfaction survey for the last 6 years, and

WHEREAS, in 2021, Airports Council International named Tampa International Airport one of the most hygienic in North America as part of the organization's annual Airport Service Quality awards, which highlight the world's best airports as judged by their guests, and

WHEREAS, because of the vision for the future of those who conceived it, Tampa International Airport will remain an invaluable economic driver for the region for many generations to come, NOW, THEREFORE,

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

That the 50th anniversary of the opening of the main terminal building at Tampa International Airport is recognized.

—was introduced, read, and adopted by publication.

At the request of Senator Cruz—

By Senator Cruz—

SR 2040—A resolution recognizing April 2021 as "Sexual Assault Awareness Month" in Florida.

WHEREAS, the recognition of Sexual Assault Awareness Month calls attention to the fact that sexual violence is widespread and impacts every community in Florida, and

WHEREAS, the recognition of Sexual Assault Awareness Month raises public awareness about sexual violence; provides opportunities to educate the public about the impacts of sexual assault not only on the person assaulted, but on his or her loved ones and society as a whole; and encourages a community response to sexual violence, and

WHEREAS, in 2021, the focus of Sexual Assault Awareness Month in this state is "I AM," which recognizes and honors the differences in victims' and survivors' backgrounds, healing processes, and outlets and the choices of affected individuals regarding how they want to present and identify themselves to the world, and

WHEREAS, addressing sexual violence requires public engagement and action in calling out abuse, reinforcement of the anti-sexual violence movement and victim advocacy in the community, and support of survivors and the organizations that serve them, and

WHEREAS, the Florida Council Against Sexual Violence is the statewide resource on best practices for responding to victims and survivors of sexual violence and certifies the 31 sexual assault programs in this state which provide confidential, trauma-focused services to survivors of sexual violence regardless of when the victimization occurred and whether the assault was reported to law enforcement, and

WHEREAS, all Floridians have a part to play in protecting those who have been harmed by these traumatic assaults, NOW, THEREFORE,

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

That April 2021 is recognized as "Sexual Assault Awareness Month" in Florida.

—was introduced, read, and adopted by publication.

SPECIAL ORDER CALENDAR

SB 388—A bill to be entitled An act relating to injured police canines; creating s. 401.254, F.S.; defining the term "police canine"; authorizing licensed life support services to transport injured police canines under certain circumstances; authorizing a paramedic or an emergency medical technician to provide emergency medical care to injured police canines under certain circumstances; providing for immunity from criminal and civil liability under certain circumstances; amending s. 474.203, F.S.; providing applicability; providing an effective date.

—was read the second time by title.

Senator Wright moved the following amendment:

Amendment 1 (588446)—Delete line 36 and insert:
a veterinary clinic or similar

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

Senator Wright moved the following substitute amendment which was adopted:

Substitute Amendment 2 (154184)—Delete lines 29-36 and insert:
duty to a veterinary clinic or similar facility if there is no individual requiring medical attention or transport at that time.

(3) *Notwithstanding s. 474.213, a paramedic or an emergency medical technician may provide emergency medical care to a police canine*

injured in the line of duty while at the scene of the emergency or while the police canine is being transported to a veterinary clinic or similar

On motion by Senator Wright, by two-thirds vote, **SB 388**, as amended, was read the third time by title, passed, ordered engrossed, and then certified to the House. The vote on passage was:

Yeas—40

Mr. President	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 342—A bill to be entitled An act relating to vehicle and vessel registration; amending s. 319.32, F.S.; authorizing tax collectors to determine service charges collected by privately owned license plate agents for motor vehicle titles; requiring that additional service charges be itemized and disclosed to the person paying them; requiring a license plate agent to enter into a contract with the tax collector for a certain purpose; amending s. 320.03, F.S.; requiring tax collectors and approved license plate agents to enter into a memorandum of understanding with the department for a certain purpose; amending s. 320.04, F.S.; authorizing the tax collector to determine service charges collected by privately owned license plate agents for motor vehicle registrations; requiring that additional service charges be itemized and disclosed to the person paying them; requiring a license plate agent to enter into a contract with the tax collector for a certain purpose; amending s. 328.72, F.S.; authorizing the tax collector to determine service charges collected by privately owned license plate agents for vessel registrations and titles; requiring that additional service charges be itemized and disclosed to the person paying them; requiring a license plate agent to enter into a contract with the tax collector for a certain purpose; providing an effective date.

—was read the second time by title. On motion by Senator Diaz, by two-thirds vote, **CS for SB 342** 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

Consideration of **SB 998** was deferred.

SB 1136—A bill to be entitled An act relating to the board of directors of Florida ABLE, Inc.; amending s. 1009.986, F.S.; revising the composition of the membership of the Florida ABLE, Inc., board of directors; removing a limit on the number of terms that certain reappointed members may serve; providing an effective date.

—was read the second time by title. On motion by Senator Rodrigues, by two-thirds vote, **SB 1136** 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

SB 1212—A bill to be entitled An act relating to construction contracting exemptions; amending s. 489.103, F.S.; exempting a member of the Miccosukee Tribe of Indians of Florida or the Seminole Tribe of Florida from certain construction contracting regulations when constructing specified structures; providing an effective date.

—was read the second time by title.

Pending further consideration of **SB 1212**, pursuant to Rule 3.11(3), there being no objection, **HB 369** was withdrawn from the Committee on Rules.

On motion by Senator Rodriguez—

HB 369—A bill to be entitled An act relating to a construction contracting regulation exemption; amending s. 489.103, F.S.; exempting from licensure a member of the Miccosukee Tribe of Indians of Florida or the Seminole Tribe of Florida when constructing specified structures; providing an effective date.

—a companion measure, was substituted for **SB 1212** and read the second time by title.

On motion by Senator Rodriguez, by two-thirds vote, **HB 369** 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

SB 1176—A bill to be entitled An act relating to barber services; amending s. 476.188, F.S.; authorizing a barber to shampoo, cut, or arrange hair in a location other than a registered barbershop without specified arrangements; providing an effective date.

—was read the second time by title.

Pending further consideration of **SB 1176**, pursuant to Rule 3.11(3), there being no objection, **HB 855** was withdrawn from the Committee on Rules.

On motion by Senator Stewart—

HB 855—A bill to be entitled An act relating to barber services; amending s. 476.188, F.S.; authorizing a barber to shampoo, cut, or arrange hair in a location other than a registered barbershop without specified arrangements; providing an effective date.

—a companion measure, was substituted for **SB 1176** and read the second time by title.

On motion by Senator Stewart, by two-thirds vote, **HB 855** 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

On motion by Senator Burgess—

CS for HB 1—A bill to be entitled An act relating to combating public disorder; amending s. 166.241, F.S.; authorizing specified elected officials to file an appeal to the Administration Commission if the governing body of a municipality makes a specified reduction to the operating budget of the municipal law enforcement agency; requiring the petition to contain specified information; requiring the Executive Office of the Governor to conduct a budget hearing considering the matter and make findings and recommendations to the Administration Commission; requiring the commission to approve, amend, or modify the municipality's budget; amending s. 316.2045, F.S.; revising the prohibition on obstructing traffic by standing on the street, highway, or road; deleting provisions concerning charitable solicitations; amending s. 768.28, F.S.; providing that a municipality has a duty to allow the municipal law enforcement agency to respond to a riot or unlawful assembly in a specified manner based on specified circumstances; providing a municipality is civilly liable for specified damages proximately caused by the municipality's specified breach of such duty; amending s. 784.011, F.S.; reclassifying the penalty for an assault committed in furtherance of a riot or an aggravated riot; amending s. 784.021, F.S.; increasing the offense severity ranking of an aggravated assault for the purposes of the Criminal Punishment Code if committed in furtherance of a riot or an aggravated riot; amending s. 784.03, F.S.; reclassifying the penalty for a battery committed in furtherance of a riot or an aggravated riot; amending s. 784.045, F.S.; increasing the offense severity ranking of an aggravated battery for the purposes of the Criminal Punishment Code if committed in furtherance of a riot or an aggravated riot; creating s. 784.0495, F.S.; prohibiting specified assemblies from

using or threatening to use imminent force against another person to do or refrain from doing any act or to assume, abandon, or maintain a particular viewpoint under certain circumstances; providing a penalty; requiring a person arrested for a violation to be held in custody until first appearance; amending s. 784.07, F.S.; requiring a minimum term of imprisonment for a person convicted of battery on a law enforcement officer committed in furtherance of a riot or an aggravated riot; increasing the offense severity ranking of an assault or battery against specified persons for the purposes of the Criminal Punishment Code if committed in furtherance of a riot or an aggravated riot; amending s. 806.13, F.S.; prohibiting defacing, injuring, or damaging a memorial or historic property; providing a penalty; requiring a court to order restitution for such a violation; creating s. 806.135, F.S.; defining the terms "historic property" and "memorial"; prohibiting a person from destroying or demolishing a memorial or historic property; providing a penalty; requiring a court to order restitution for such a violation; amending s. 810.02, F.S.; reclassifying specified burglary offenses committed during a riot or an aggravated riot and facilitated by conditions arising from the riot; providing a definition; requiring a person arrested for such a violation to be held in custody until first appearance; amending s. 812.014, F.S.; reclassifying specified theft offenses committed during a riot or an aggravated riot and facilitated by conditions arising from the riot; providing a definition; requiring a person arrested for such a violation to be held in custody until first appearance; creating s. 836.115, F.S.; providing definitions; prohibiting cyberintimidation by publication; providing criminal penalties; amending s. 870.01, F.S.; prohibiting a person from fighting in a public place; prohibiting a person from willfully participating in a specified violent public disturbance resulting in specified damage or injury; providing an increased penalty for rioting under specified circumstances; prohibiting a person from inciting a riot; providing an increased penalty for inciting a riot under specified circumstances; providing definitions; requiring a person arrested for such a violation to be held in custody until first appearance; providing an exception; amending s. 870.02, F.S.; requiring a person arrested for an unlawful assembly to be held in custody until first appearance; repealing s. 870.03, F.S.; relating to riots or routs; creating s. 870.07, F.S.; creating an affirmative defense to a civil action where the plaintiff participated in a riot; amending s. 872.02, F.S.; increasing the offense severity ranking of specified offenses involving graves and tombs for the purposes of the Criminal Punishment Code if committed in furtherance of a riot or an aggravated riot; amending s. 921.0022, F.S.; conforming provisions to changes made by the act; ranking offenses created by the act on the offense severity ranking chart; providing an effective date.

—was read the second time by title.

Senator Gibson moved the following amendments which failed:

Amendment 1 (484354) (with title amendment)—Delete lines 111-784 and insert:

enforcement agency which does not go toward neighborhood crime intervention or other crime prevention programs, the state attorney for the judicial circuit in which the municipality is located, or a member of the governing body who objects to the funding reduction, may file an appeal by petition to the Administration Commission within 30 days after the day the tentative budget is posted to the official website of the municipality under subsection (3). The petition must set forth the tentative budget proposed by the municipality, in the form and manner prescribed by the Executive Office of the Governor and approved by the Administration Commission, the operating budget of the municipal law enforcement agency as approved by the municipality for the previous year, and state the reasons or grounds for the appeal. The petition shall be filed with the Executive Office of the Governor, and a copy served upon the governing body of the municipality or to the clerk of the circuit court of the county in which the municipality is located.

(b) The governing body of the municipality has 5 working days after service of a copy of the petition to file a reply with the Executive Office of the Governor, and shall serve a copy of such reply to the petitioner.

(5) Upon receipt of the petition, the Executive Office of the Governor shall provide for a budget hearing at which the matters presented in the petition and the reply shall be considered. A report of the findings and recommendations of the Executive Office of the Governor thereon shall be promptly submitted to the Administration Commission, which, within 30 days, shall approve the action of the governing body of the municipality or amend or modify the budget as to each separate item within the operating budget of the municipal law enforcement agency. The budget

as approved, amended, or modified by the Administration Commission shall be final.

(8)(6) If the governing body of a municipality amends the budget pursuant to ~~paragraph (7)(c)~~ paragraph (5)(e), the adopted amendment must be posted on the official website of the municipality within 5 days after adoption and must remain on the website for at least 2 years. If the municipality does not operate an official website, the municipality must, within a reasonable period of time as established by the county or counties in which the municipality is located, transmit the adopted amendment to the manager or administrator of such county or counties who shall post the adopted amendment on the county's website.

Section 2. Section 316.2045, Florida Statutes, is amended to read:

316.2045 Obstruction of public streets, highways, and roads.—

(1)(a) ~~It is unlawful for any person may not or persons willfully to obstruct the free, convenient, and normal use of a any public street, highway, or road by:~~

1. Impeding, hindering, stifling, retarding, or restraining traffic or passage thereon;~~by~~
2. Standing on or remaining in the street, highway, or road; or ~~approaching motor vehicles thereon, or by~~
3. Endangering the safe movement of vehicles or pedestrians traveling thereon.

(b) ~~A ; and any person or persons who violates paragraph (a) violate the provisions of this subsection, upon conviction, shall be cited for a pedestrian violation, punishable as provided in chapter 318.~~

(c) ~~This subsection does not prohibit a local governmental entity from issuing a special event permit as authorized by law.~~

(2) ~~It is unlawful, without proper authorization or a lawful permit, for any person or persons willfully to obstruct the free, convenient, and normal use of any public street, highway, or road by any of the means specified in subsection (1) in order to solicit. Any person who violates the provisions of this subsection is guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083. Organizations qualified under s. 501(c)(3) of the Internal Revenue Code and registered pursuant to chapter 496, or persons or organizations acting on their behalf are exempted from the provisions of this subsection for activities on streets or roads not maintained by the state. Permits for the use of any portion of a state-maintained road or right-of-way shall be required only for those purposes and in the manner set out in s. 337.406.~~

(3) ~~Permits for the use of any street, road, or right of way not maintained by the state may be issued by the appropriate local government. An organization that is qualified under s. 501(c)(3) of the Internal Revenue Code and registered under chapter 496, or a person or organization acting on behalf of that organization, is exempt from local requirements for a permit issued under this subsection for charitable solicitation activities on or along streets or roads that are not maintained by the state under the following conditions:~~

(a) ~~The organization, or the person or organization acting on behalf of the organization, must provide all of the following to the local government:~~

1. ~~No fewer than 14 calendar days prior to the proposed solicitation, the name and address of the person or organization that will perform the solicitation and the name and address of the organization that will receive funds from the solicitation.~~
2. ~~For review and comment, a plan for the safety of all persons participating in the solicitation, as well as the motoring public, at the locations where the solicitation will take place.~~
3. ~~Specific details of the location or locations of the proposed solicitation and the hours during which the solicitation activities will occur.~~
4. ~~Proof of commercial general liability insurance against claims for bodily injury and property damage occurring on streets, roads, or rights-of-way or arising from the solicitor's activities or use of the streets,~~

~~roads, or rights-of-way by the solicitor or the solicitor's agents, contractors, or employees. The insurance shall have a limit of not less than \$1 million per occurrence for the general aggregate. The certificate of insurance shall name the local government as an additional insured and shall be filed with the local government no later than 72 hours before the date of the solicitation.~~

~~5. Proof of registration with the Department of Agriculture and Consumer Services pursuant to s. 496.405 or proof that the soliciting organization is exempt from the registration requirement.~~

(b) ~~Organizations or persons meeting the requirements of subparagraphs (a)1.-5. may solicit for a period not to exceed 10 cumulative days within 1 calendar year.~~

(c) ~~All solicitation shall occur during daylight hours only.~~

(d) ~~Solicitation activities shall not interfere with the safe and efficient movement of traffic and shall not cause danger to the participants or the public.~~

(e) ~~No person engaging in solicitation activities shall persist after solicitation has been denied, act in a demanding or harassing manner, or use any sound or voice amplifying apparatus or device.~~

(f) ~~All persons participating in the solicitation shall be at least 18 years of age and shall possess picture identification.~~

(g) ~~Signage providing notice of the solicitation shall be posted at least 500 feet before the site of the solicitation.~~

(h) ~~The local government may stop solicitation activities if any conditions or requirements of this subsection are not met.~~

(4) ~~Nothing in this section shall be construed to inhibit political campaigning on the public right-of-way or to require a permit for such activity.~~

(2)(5) ~~Notwithstanding the provisions of subsection (1), any commercial vehicle used solely for the purpose of collecting solid waste or recyclable or recovered materials may stop or stand on any public street, highway, or road for the sole purpose of collecting solid waste or recyclable or recovered materials. However, such solid waste or recyclable or recovered materials collection vehicle shall show or display amber flashing hazard lights at all times that it is engaged in stopping or standing for the purpose of collecting solid waste or recyclable or recovered materials. Local governments may establish reasonable regulations governing the standing and stopping of such commercial vehicles, provided that such regulations are applied uniformly and without regard to the ownership of the vehicles.~~

Section 3. Subsection (5) of section 768.28, Florida Statutes, is amended to read:

768.28 Waiver of sovereign immunity in tort actions; recovery limits; *civil liability for damages caused during a riot*; limitation on attorney fees; statute of limitations; exclusions; indemnification; risk management programs.—

(5)(a) The state and its agencies and subdivisions shall be liable for tort claims in the same manner and to the same extent as a private individual under like circumstances, but liability shall not include punitive damages or interest for the period before judgment. Neither the state nor its agencies or subdivisions shall be liable to pay a claim or a judgment by any one person which exceeds the sum of \$200,000 or any claim or judgment, or portions thereof, which, when totaled with all other claims or judgments paid by the state or its agencies or subdivisions arising out of the same incident or occurrence, exceeds the sum of \$300,000. However, a judgment or judgments may be claimed and rendered in excess of these amounts and may be settled and paid pursuant to this act up to \$200,000 or \$300,000, as the case may be; and that portion of the judgment that exceeds these amounts may be reported to the Legislature, but may be paid in part or in whole only by further act of the Legislature. Notwithstanding the limited waiver of sovereign immunity provided herein, the state or an agency or subdivision thereof may agree, within the limits of insurance coverage provided, to settle a claim made or a judgment rendered against it without further action by the Legislature, but the state or agency or subdivision thereof shall not be deemed to have waived any defense of

sovereign immunity or to have increased the limits of its liability as a result of its obtaining insurance coverage for tortious acts in excess of the \$200,000 or \$300,000 waiver provided above. The limitations of liability set forth in this subsection shall apply to the state and its agencies and subdivisions whether or not the state or its agencies or subdivisions possessed sovereign immunity before July 1, 1974.

(b) *A municipality has a duty to allow the municipal law enforcement agency, as long as it appropriately trains its law enforcement officers on standards regarding use of force, physical restraints, and deploying tear gas, to respond appropriately to protect persons and property during a riot or an unlawful assembly based on the availability of adequate equipment to its municipal law enforcement officers and relevant state and federal laws. If the governing body of a municipality or a person authorized by the governing body of the municipality breaches that duty, the municipality is civilly liable for any damages including damages arising from personal injury, wrongful death, or property damages proximately caused by the municipality's breach of duty. The sovereign immunity recovery limits in paragraph (a) do not apply to an action under this paragraph.*

Section 4. Subsection (2) of section 784.011, Florida Statutes, is amended, and subsection (3) is added to that section, to read:

784.011 Assault.—

(2) *Except as provided in subsection (3), a person who assaults another person ~~Whoever~~ commits an assault shall be guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.*

(3) *A person, regardless of race or ethnicity and who is clearly identified, who assaults another person in furtherance of a riot or an aggravated riot prohibited under s. 870.01 commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.*

Section 5. Subsection (2) of section 784.021, Florida Statutes, is amended, and subsection (3) is added to that section, to read:

784.021 Aggravated assault.—

(2) *A person who ~~Whoever~~ commits an aggravated assault commits ~~shall be guilty of~~ a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.*

(3) *For the purposes of sentencing under chapter 921, a violation of this section committed by a person, regardless of race or ethnicity and who is clearly identified, acting in furtherance of a riot or an aggravated riot prohibited under s. 870.01 is ranked one level above the ranking under s. 921.0022 for the offense committed.*

Section 6. Section 784.03, Florida Statutes, is amended to read:

784.03 Battery; felony battery.—

(1)(a) The offense of battery occurs when a person:

1. Actually and intentionally touches or strikes another person against the will of the other; or
2. Intentionally causes bodily harm to another person.

(b) Except as provided in subsection (2) or subsection (3), a person who commits battery commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(2) A person who has one prior conviction for battery, aggravated battery, or felony battery and who commits any second or subsequent battery commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. For purposes of this subsection, “conviction” means a determination of guilt that is the result of a plea or a trial, regardless of whether adjudication is withheld or a plea of nolo contendere is entered.

(3) *A person, regardless of race or ethnicity and who is clearly identified, who commits a battery in furtherance of a riot or an aggravated riot prohibited under s. 870.01 commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.*

Section 7. Section 784.045, Florida Statutes, is amended to read:

784.045 Aggravated battery.—

(1)(a) A person commits aggravated battery who, in committing battery:

1. Intentionally or knowingly causes great bodily harm, permanent disability, or permanent disfigurement; or
2. Uses a deadly weapon.

(b) A person commits aggravated battery if the person who was the victim of the battery was pregnant at the time of the offense and the offender knew or should have known that the victim was pregnant.

(2) *A person who violates subsection (1) commits ~~Whoever~~ ~~commits aggravated battery shall be guilty of~~ a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.*

(3) *For the purposes of sentencing under chapter 921, a violation of this section committed by a person, regardless of race or ethnicity and who is clearly identified, acting in furtherance of a riot or an aggravated riot prohibited under s. 870.01 is ranked one level above the ranking under s. 921.0022 for the offense committed.*

Section 8. Section 784.0495, Florida Statutes, is created to read:

784.0495 Mob intimidation.—

(1) *It is unlawful for a person, regardless of race or ethnicity and who is clearly identified, assembled with two or more other persons and acting with a common intent, to use force or threaten to use imminent force, to compel or induce, or attempt to compel or induce, another person to do or refrain from doing any act or to assume, abandon, or maintain a particular viewpoint against his or her will.*

(2) *A person who violates subsection (1) commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.*

(3) *A person arrested for a violation of this section shall be held in custody until brought before the court for admittance to bail in accordance with chapter 903.*

Section 9. Subsection (2) of section 784.07, Florida Statutes, is amended, and subsection (4) is added to that section, to read:

784.07 Assault or battery of law enforcement officers, firefighters, emergency medical care providers, public transit employees or agents, or other specified officers; reclassification of offenses; minimum sentences.—

(2) Whenever any person is charged with knowingly committing an assault or battery upon a law enforcement officer, a firefighter, an emergency medical care provider, a railroad special officer, a traffic accident investigation officer as described in s. 316.640, a nonsworn law enforcement agency employee who is certified as an agency inspector, a blood alcohol analyst, or a breath test operator while such employee is in uniform and engaged in processing, testing, evaluating, analyzing, or transporting a person who is detained or under arrest for DUI, a law enforcement explorer, a traffic infraction enforcement officer as described in s. 316.640, a parking enforcement specialist as defined in s. 316.640, a person licensed as a security officer as defined in s. 493.6101 and wearing a uniform that bears at least one patch or emblem that is visible at all times that clearly identifies the employing agency and that clearly identifies the person as a licensed security officer, or a security officer employed by the board of trustees of a community college, while the officer, firefighter, emergency medical care provider, railroad special officer, traffic accident investigation officer, traffic infraction enforcement officer, inspector, analyst, operator, law enforcement explorer, parking enforcement specialist, public transit employee or agent, or security officer is engaged in the lawful performance of his or her duties, the offense for which the person is charged shall be reclassified as follows:

(a) In the case of assault, from a misdemeanor of the second degree to a misdemeanor of the first degree.

(b) In the case of battery, from a misdemeanor of the first degree to a felony of the third degree. *Notwithstanding any other provision of law, a person, regardless of race or ethnicity and who is clearly identified, convicted of battery upon a law enforcement officer committed in furtherance of a riot or an aggravated riot prohibited under s. 870.01 shall be sentenced to a minimum term of imprisonment of 6 months.*

(c) In the case of aggravated assault, from a felony of the third degree to a felony of the second degree. *Notwithstanding any other provision of law, any person convicted of aggravated assault upon a law enforcement officer shall be sentenced to a minimum term of imprisonment of 3 years.*

(d) In the case of aggravated battery, from a felony of the second degree to a felony of the first degree. *Notwithstanding any other provision of law, any person convicted of aggravated battery of a law enforcement officer shall be sentenced to a minimum term of imprisonment of 5 years.*

(4) *For purposes of sentencing under chapter 921, a felony violation of this section committed by a person, regardless of race or ethnicity and who is clearly identified, acting in furtherance of a riot or an aggravated riot prohibited under s. 870.01 is ranked one level above the ranking under s. 921.0022 for the offense committed.*

Section 10. Subsections (3) through (9) of section 806.13, Florida Statutes, are renumbered as subsections (4) through (10), respectively, a new subsection (3) is added to that section, and present subsection (8) of that section is amended, to read:

806.13 Criminal mischief; penalties; penalty for minor.—

(3) *Any person who, without the consent of the owner thereof, willfully and maliciously defaces, injures, or otherwise damages by any means a memorial or historic property, as defined in s. 806.135(1), and the value of the damage to the memorial or historic property is greater than \$200, commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. A court shall order any person convicted of violating this subsection to pay restitution, which shall include the full cost of repair or replacement of such memorial or historic property.*

(9)(~~8~~) A minor whose driver license or driving privilege is revoked, suspended, or withheld under subsection (8)(~~7~~) may elect to reduce the period of revocation, suspension, or withholding by performing community service at the rate of 1 day for each hour of community service performed. In addition, if the court determines that due to a family hardship, the minor's driver license or driving privilege is necessary for employment or medical purposes of the minor or a member of the minor's family, the court shall order the minor to perform community service and reduce the period of revocation, suspension, or withholding at the rate of 1 day for each hour of community service performed. As used in this subsection, the term "community service" means cleaning graffiti from public property.

Section 11. Section 806.135, Florida Statutes, is created to read:

806.135 *Destroying or demolishing a memorial or historic property.—*

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

(a) *"Historic property" means any building, structure, site, or object that has been officially designated as a historic building, historic structure, historic site, or historic object through a federal, state, or local designation program.*

(b) *"Memorial" means a plaque, statue, marker, flag, banner, cenotaph, religious symbol, painting, seal, tombstone, structure name, or display that is constructed and located with the intent of being permanently displayed or perpetually maintained; is dedicated to a historical person, an entity, an event, or a series of events; and honors or recounts the military service of any past or present United States Armed Forces military personnel, or the past or present public service of a resident of the geographical area comprising the state or the United States. The term includes, but is not limited to, the following memorials established under chapter 265:*

1. *Florida Women's Hall of Fame.*

2. *Florida Medal of Honor Wall.*

3. *Florida Veterans' Hall of Fame.*

4. *POW-MIA Chair of Honor Memorial.*

5. *Florida Veterans' Walk of Honor and Florida Veterans' Memorial Garden.*

6. *Florida Law Enforcement Officers' Hall of Fame.*

7. *Florida Holocaust Memorial.*

8. *Florida Slavery Memorial.*

9. *Any other memorial located within the Capitol Complex, including, but not limited to, Waller Park.*

(2) *It is unlawful for any person to willfully and maliciously destroy or demolish any memorial or historic property, or willfully and maliciously pull down a memorial or historic property, unless authorized by the owner of the memorial or historic property. A person who violates this section commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.*

(3) *A court shall order any person convicted of violating this section to pay restitution, which shall include the full cost of repair or replacement of such memorial or historic property.*

Section 12. Subsections (3) and (4) of section 810.02, Florida Statutes, are amended to read:

810.02 Burglary.—

(3) Burglary is a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, if, in the course of committing the offense, the offender does not make an assault or battery and is not and does not become armed with a dangerous weapon or explosive, and the offender enters or remains in a:

(a) Dwelling, and there is another person in the dwelling at the time the offender enters or remains;

(b) Dwelling, and there is not another person in the dwelling at the time the offender enters or remains;

(c) Structure, and there is another person in the structure at the time the offender enters or remains;

(d) Conveyance, and there is another person in the conveyance at the time the offender enters or remains;

(e) Authorized emergency vehicle, as defined in s. 316.003; or

(f) Structure or conveyance when the offense intended to be committed therein is theft of a controlled substance as defined in s. 893.02. Notwithstanding any other law, separate judgments and sentences for burglary with the intent to commit theft of a controlled substance under this paragraph and for any applicable possession of controlled substance offense under s. 893.13 or trafficking in controlled substance offense under s. 893.135 may be imposed when all such offenses involve the same amount or amounts of a controlled substance.

However, if the burglary is committed *during a riot or an aggravated riot prohibited under s. 870.01 and the perpetration of the burglary is facilitated by conditions arising from the riot; or within a county that is subject to a state of emergency declared by the Governor under chapter 252 after the declaration of emergency is made and the perpetration of the burglary is facilitated by conditions arising from the emergency, the burglary is a felony of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. As used in this subsection, the term "conditions arising from the riot" means civil unrest, power outages, curfews, or a reduction in the presence of or response time for first responders or homeland security personnel and the term "conditions arising from the emergency" means civil unrest, power outages, curfews, voluntary or mandatory evacuations, or a reduction in the presence of or response time for first responders or homeland security personnel. A person, regardless of race or ethnicity and who is clearly identified, arrested for committing a burglary during a riot or an ag-*

gravated riot or within a county that is subject to such a state of emergency may not be released until the person appears before a committing magistrate at a first appearance hearing. For purposes of sentencing under chapter 921, a felony offense that is reclassified under this subsection is ranked one level above the ranking under s. 921.0022 or s. 921.0023 of the offense committed.

(4) Burglary is a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, if, in the course of committing the offense, the offender does not make an assault or battery and is not and does not become armed with a dangerous weapon or explosive, and the offender enters or remains in a:

(a) Structure, and there is not another person in the structure at the time the offender enters or remains; or

(b) Conveyance, and there is not another person in the conveyance at the time the offender enters or remains.

However, if the burglary is committed *during a riot or an aggravated riot prohibited under s. 870.01 and the perpetration of the burglary is facilitated by conditions arising from the riot*; or within a county that is subject to a state of emergency declared by the Governor under chapter 252 after the declaration of emergency is made and the perpetration of the burglary is facilitated by conditions arising from the emergency, the burglary is a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. As used in this subsection, the terms “conditions arising from the riot” and ~~term~~ “conditions arising from the emergency” have the same meanings as provided in subsection (3) ~~means civil unrest, power outages, curfews, voluntary or mandatory evacuations, or a reduction in the presence of or response time for first responders or homeland security personnel.~~ A person, *regardless of race or ethnicity and who is clearly identified, arrested for committing a burglary during a riot or an aggravated riot or within a county that is subject to such a state of emergency may not be released until the person appears before a committing magistrate at a first appearance hearing. For purposes of sentencing under chapter 921, a felony offense that is reclassified under this subsection is ranked one level above the ranking under s. 921.0022 or s. 921.0023 of the offense committed.*

Section 13. Paragraphs (b) and (c) of subsection (2) of section 812.014, Florida Statutes, are amended to read:

812.014 Theft.—

(2)

(b)1. If the property stolen is valued at \$20,000 or more, but less than \$100,000;

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

3. The property stolen is emergency medical equipment, valued at \$300 or more, that is taken from a facility licensed under chapter 395 or from an aircraft or vehicle permitted under chapter 401; or

4. The property stolen is law enforcement equipment, valued at \$300 or more, that is taken from an authorized emergency vehicle, as defined in s. 316.003,

the offender commits grand theft in the second degree, punishable as a felony of the second degree, as provided in s. 775.082, s. 775.083, or s. 775.084. Emergency medical equipment means mechanical or electronic apparatus used to provide emergency services and care as defined in s. 395.002(9) or to treat medical emergencies. Law enforcement equipment means any property, device, or apparatus used by any law enforcement officer as defined in s. 943.10 in the officer’s official business. However, if the property is stolen *during a riot or an aggravated riot prohibited under s. 870.01 and the perpetration of the theft is facilitated by conditions arising from the riot*; or within a county that is subject to a state of emergency declared by the Governor under chapter 252, the theft is committed after the declaration of emergency is made, and the perpetration of the theft is facilitated by conditions arising from the emergency, the theft is a felony of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. As used in this paragraph, the term “conditions arising from the riot” means *civil unrest, power outages, curfews, or a reduction in the presence of or response time for*

first responders or homeland security personnel and the term “conditions arising from the emergency” means civil unrest, power outages, curfews, voluntary or mandatory evacuations, or a reduction in the presence of or response time for first responders or homeland security personnel. A person, regardless of race or ethnicity and who is clearly identified, arrested for committing a theft during a riot or an aggravated riot or within a county that is subject to a state of emergency may not be released until the person appears before a committing magistrate at a first appearance hearing. For purposes of sentencing under chapter 921, a felony offense that is reclassified under this paragraph is ranked one level above the ranking under s. 921.0022 or s. 921.0023 of the offense committed.

(c) It is grand theft of the third degree and a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, if the property stolen is:

1. Valued at \$750 or more, but less than \$5,000.
2. Valued at \$5,000 or more, but less than \$10,000.
3. Valued at \$10,000 or more, but less than \$20,000.
4. A will, codicil, or other testamentary instrument.
5. A firearm.
6. A motor vehicle, except as provided in paragraph (a).

7. Any commercially farmed animal, including any animal of the equine, avian, bovine, or swine class or other grazing animal; a bee colony of a registered beekeeper; and aquaculture species raised at a certified aquaculture facility. If the property stolen is a commercially farmed animal, including an animal of the equine, avian, bovine, or swine class or other grazing animal; a bee colony of a registered beekeeper; or an aquaculture species raised at a certified aquaculture facility, a \$10,000 fine shall be imposed.

8. Any fire extinguisher that, at the time of the taking, was installed in any building for the purpose of fire prevention and control. This subparagraph does not apply to a fire extinguisher taken from the inventory at a point-of-sale business.

9. Any amount of citrus fruit consisting of 2,000 or more individual pieces of fruit.

10. Taken from a designated construction site identified by the posting of a sign as provided for in s. 810.09(2)(d).

11. Any stop sign.

12. Anhydrous ammonia.

13. Any amount of a controlled substance as defined in s. 893.02. Notwithstanding any other law, separate judgments and sentences for theft of a controlled substance under this subparagraph and for any applicable possession of controlled substance offense under s. 893.13 or trafficking in controlled substance offense under s. 893.135 may be imposed when all such offenses involve the same amount or amounts of a controlled substance.

However, if the property is stolen *during a riot or an aggravated riot prohibited under s. 870.01 and the perpetration of the theft is facilitated by conditions arising from the riot*; or within a county that is subject to a state of emergency declared by the Governor under chapter 252, the property is stolen after the declaration of emergency is made, and the perpetration of the theft is facilitated by conditions arising from the emergency, the offender commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, if the property is valued at \$5,000 or more, but less than \$10,000, as provided under subparagraph 2., or if the property is valued at \$10,000 or more, but less than \$20,000, as provided under subparagraph 3. As used in this paragraph, the terms “conditions arising from a riot” and ~~term~~ “conditions arising from the emergency” have the same meanings as provided in paragraph (b). A person, *regardless of race or ethnicity and who is clearly identified, arrested for committing a theft during a riot or an aggravated riot or within a county that is subject to a state of emergency may not be released until the person appears before a committing magistrate at a first appearance hearing means civil unrest, power*

outages, curfews, voluntary or mandatory evacuations, or a reduction in the presence of or the response time for first responders or homeland security personnel. For purposes of sentencing under chapter 921, a felony offense that is reclassified under this paragraph is ranked one level above the ranking under s. 921.0022 or s. 921.0023 of the offense committed.

Section 14. Section 836.115, Florida Statutes, is created to read:

836.115 *Cyberintimidation by publication.*—

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

(a) *“Electronically publish” means to disseminate, post, or otherwise disclose information to an Internet site or forum.*

(b) *“Harass” has the same meaning as provided in s. 817.568(1)(c).*

(c) *“Personal identification information” has the same meaning as provided in s. 817.568(1)(f).*

(2) *It is unlawful for a person, regardless of race or ethnicity and who is clearly identified, to electronically publish another person’s personal identification information with the intent to, or with the intent that a third party will use the information to:*

(a) *Incite violence or commit a crime against the person; or*

(b) *Threaten or harass the person, placing such person in reasonable fear of bodily harm.*

A person who violates this subsection commits a misdemeanor of a first degree, punishable as provided in s. 775.082 or s. 775.083.

Section 15. Section 870.01, Florida Statutes, is amended to read:

870.01 *Affrays and riots.*—

(1) *A person commits an affray if he or she engages, by mutual consent, in fighting with another person in a public place to the terror of the people. A person who commits ~~All persons guilty of an affray commits shall be guilty of~~ a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.*

(2) *A person, regardless of race or ethnicity and who is clearly identified, commits a riot if he or she willfully participates in a violent public disturbance involving an assembly of three or more persons, acting with a common intent to assist each other in violent and disorderly conduct, resulting in:*

(a) *Injury to another person;*

(b) *Damage to property; or*

(c) *Imminent danger of injury to another person or damage to property.*

A person who commits ~~All persons guilty of a riot commits, or of inciting or encouraging a riot, shall be guilty of~~ a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(3) *A person, regardless of race or ethnicity and who is clearly identified, commits aggravated rioting if, in the course of committing a riot, he or she:*

(a) *Participates with 25 or more other persons;*

(b) *Causes great bodily harm to a person not participating in the riot;*

(c) *Causes property damage in excess of \$5,000;*

(d) *Displays, uses, threatens to use, or attempts to use a deadly weapon; or*

(e) *By force, or threat of force, endangers the safe movement of a vehicle traveling on a public street, highway, or road.*

A person who commits aggravating rioting commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(4) *A person, regardless of race or ethnicity and who is clearly identified, commits inciting a riot if he or she willfully incites another person to participate in a riot, resulting in a riot or imminent danger of a riot. A person who commits inciting a riot commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.*

(5) *A person, regardless of race or ethnicity and who is clearly identified, commits aggravated inciting a riot if he or*

And the title is amended as follows:

Delete lines 45-79 and insert: imprisonment for a certain person convicted of battery on a law enforcement officer committed in furtherance of a riot or an aggravated riot; increasing the offense severity ranking of an assault or battery against specified persons for the purposes of the Criminal Punishment Code if committed in furtherance of a riot or an aggravated riot; amending s. 806.13, F.S.; prohibiting defacing, injuring, or damaging a memorial or historic property; providing a penalty; requiring a court to order restitution for such a violation; creating s. 806.135, F.S.; defining the terms “historic property” and “memorial”; prohibiting a person from destroying or demolishing a memorial or historic property; providing a penalty; requiring a court to order restitution for such a violation; amending s. 810.02, F.S.; reclassifying specified burglary offenses committed during a riot or an aggravated riot and facilitated by conditions arising from the riot; providing a definition; requiring a person arrested for such a violation to be held in custody until first appearance; amending s. 812.014, F.S.; reclassifying specified theft offenses committed during a riot or an aggravated riot and facilitated by conditions arising from the riot; providing a definition; requiring a certain person arrested for such a violation to be held in custody until first appearance; creating s. 836.115, F.S.; providing definitions; prohibiting cyberintimidation by publication; providing criminal penalties; amending s. 870.01, F.S.; prohibiting a person from fighting in a public place; prohibiting a certain person from willfully participating in a specified violent public disturbance resulting in specified damage or injury; providing an increased penalty for rioting under specified circumstances; prohibiting a certain person from

Amendment 2 (577848)—Delete line 296 and insert: enforcement agency, as long as it appropriately trains its law enforcement officers on standards regarding use of force, physical restraints, and deploying tear gas, to respond appropriately to protect persons

Senator Farmer moved the following amendments which failed:

Amendment 3 (701782) (with title amendment)—Delete lines 153-259.

And the title is amended as follows:

Delete lines 14-17 and insert: s. 768.28, F.S.;

Amendment 4 (442172) (with title amendment)—Delete lines 316-1040 and insert: a riot commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

Section 5. Subsection (2) of section 784.021, Florida Statutes, is amended, and subsection (3) is added to that section, to read:

784.021 *Aggravated assault.*—

(2) *A person who ~~Whoever~~ commits an aggravated assault commits shall be guilty of* a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(3) *For the purposes of sentencing under chapter 921, a violation of this section committed by a person acting in furtherance of a riot is ranked one level above the ranking under s. 921.0022 for the offense committed.*

Section 6. Section 784.03, Florida Statutes, is amended to read:

784.03 *Battery; felony battery.*—

(1)(a) The offense of battery occurs when a person:

1. Actually and intentionally touches or strikes another person against the will of the other; or
2. Intentionally causes bodily harm to another person.

(b) Except as provided in subsection (2) or subsection (3), a person who commits battery commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(2) A person who has one prior conviction for battery, aggravated battery, or felony battery and who commits any second or subsequent battery commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. For purposes of this subsection, “conviction” means a determination of guilt that is the result of a plea or a trial, regardless of whether adjudication is withheld or a plea of nolo contendere is entered.

(3) *A person who commits a battery in furtherance of a riot commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or 775.084.*

Section 7. Section 784.045, Florida Statutes, is amended to read:

784.045 Aggravated battery.—

(1)(a) A person commits aggravated battery who, in committing battery:

1. Intentionally or knowingly causes great bodily harm, permanent disability, or permanent disfigurement; or
2. Uses a deadly weapon.

(b) A person commits aggravated battery if the person who was the victim of the battery was pregnant at the time of the offense and the offender knew or should have known that the victim was pregnant.

(2) ~~A person who violates subsection (1) commits aggravated battery shall be guilty of~~ *Whoever commits aggravated battery shall be guilty of* a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(3) *For the purposes of sentencing under chapter 921, a violation of this section committed by a person acting in furtherance of a riot is ranked one level above the ranking under s. 921.0022 for the offense committed.*

Section 8. Section 784.0495, Florida Statutes, is created to read:

784.0495 *Mob intimidation.*—

(1) *It is unlawful for a person, assembled with two or more other persons and acting with a common intent, to use force or threaten to use imminent force, to compel or induce, or attempt to compel or induce, another person to do or refrain from doing any act or to assume, abandon, or maintain a particular viewpoint against his or her will.*

(2) *A person who violates subsection (1) commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.*

(3) *A person arrested for a violation of this section shall be held in custody until brought before the court for admittance to bail in accordance with chapter 903.*

Section 9. Subsection (2) of section 784.07, Florida Statutes, is amended, and subsection (4) is added to that section, to read:

784.07 Assault or battery of law enforcement officers, firefighters, emergency medical care providers, public transit employees or agents, or other specified officers; reclassification of offenses; minimum sentences.—

(2) Whenever any person is charged with knowingly committing an assault or battery upon a law enforcement officer, a firefighter, an emergency medical care provider, a railroad special officer, a traffic accident investigation officer as described in s. 316.640, a nonsworn law enforcement agency employee who is certified as an agency inspector, a blood alcohol analyst, or a breath test operator while such employee is in uniform and engaged in processing, testing, evaluating, analyzing, or transporting a person who is detained or under arrest for DUI, a law

enforcement explorer, a traffic infraction enforcement officer as described in s. 316.640, a parking enforcement specialist as defined in s. 316.640, a person licensed as a security officer as defined in s. 493.6101 and wearing a uniform that bears at least one patch or emblem that is visible at all times that clearly identifies the employing agency and that clearly identifies the person as a licensed security officer, or a security officer employed by the board of trustees of a community college, while the officer, firefighter, emergency medical care provider, railroad special officer, traffic accident investigation officer, traffic infraction enforcement officer, inspector, analyst, operator, law enforcement explorer, parking enforcement specialist, public transit employee or agent, or security officer is engaged in the lawful performance of his or her duties, the offense for which the person is charged shall be reclassified as follows:

(a) In the case of assault, from a misdemeanor of the second degree to a misdemeanor of the first degree.

(b) In the case of battery, from a misdemeanor of the first degree to a felony of the third degree. *Notwithstanding any other provision of law, a person convicted of battery upon a law enforcement officer committed in furtherance of a riot shall be sentenced to a minimum term of imprisonment of 6 months.*

(c) In the case of aggravated assault, from a felony of the third degree to a felony of the second degree. Notwithstanding any other provision of law, any person convicted of aggravated assault upon a law enforcement officer shall be sentenced to a minimum term of imprisonment of 3 years.

(d) In the case of aggravated battery, from a felony of the second degree to a felony of the first degree. Notwithstanding any other provision of law, any person convicted of aggravated battery of a law enforcement officer shall be sentenced to a minimum term of imprisonment of 5 years.

(4) *For purposes of sentencing under chapter 921, a felony violation of this section committed by a person acting in furtherance of a riot is ranked one level above the ranking under s. 921.0022 for the offense committed.*

Section 10. Subsections (3) through (9) of section 806.13, Florida Statutes, are renumbered as subsections (4) through (10), respectively, a new subsection (3) is added to that section, and present subsection (8) of that section is amended, to read:

806.13 Criminal mischief; penalties; penalty for minor.—

(3) *Any person who, without the consent of the owner thereof, willfully and maliciously defaces, injures, or otherwise damages by any means a memorial or historic property, as defined in s. 806.135(1), and the value of the damage to the memorial or historic property is greater than \$200, commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. A court shall order any person convicted of violating this subsection to pay restitution, which shall include the full cost of repair or replacement of such memorial or historic property.*

(9)(9) A minor whose driver license or driving privilege is revoked, suspended, or withheld under subsection (8)(7) may elect to reduce the period of revocation, suspension, or withholding by performing community service at the rate of 1 day for each hour of community service performed. In addition, if the court determines that due to a family hardship, the minor’s driver license or driving privilege is necessary for employment or medical purposes of the minor or a member of the minor’s family, the court shall order the minor to perform community service and reduce the period of revocation, suspension, or withholding at the rate of 1 day for each hour of community service performed. As used in this subsection, the term “community service” means cleaning graffiti from public property.

Section 11. Section 806.135, Florida Statutes, is created to read:

806.135 *Destroying or demolishing a memorial or historic property.*—

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

(a) “Historic property” means any building, structure, site, or object that has been officially designated as a historic building, historic structure, historic site, or historic object through a federal, state, or local designation program.

(b) “Memorial” means a plaque, statue, marker, flag, banner, cenotaph, religious symbol, painting, seal, tombstone, structure name, or display that is constructed and located with the intent of being permanently displayed or perpetually maintained; is dedicated to a historical person, an entity, an event, or a series of events; and honors or recounts the military service of any past or present United States Armed Forces military personnel, or the past or present public service of a resident of the geographical area comprising the state or the United States. The term includes, but is not limited to, the following memorials established under chapter 265:

1. Florida Women’s Hall of Fame.
2. Florida Medal of Honor Wall.
3. Florida Veterans’ Hall of Fame.
4. POW-MIA Chair of Honor Memorial.
5. Florida Veterans’ Walk of Honor and Florida Veterans’ Memorial Garden.
6. Florida Law Enforcement Officers’ Hall of Fame.
7. Florida Holocaust Memorial.
8. Florida Slavery Memorial.
9. Any other memorial located within the Capitol Complex, including, but not limited to, Waller Park.

(2) It is unlawful for any person to willfully and maliciously destroy or demolish any memorial or historic property, or willfully and maliciously pull down a memorial or historic property, unless authorized by the owner of the memorial or historic property. A person who violates this section commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(3) A court shall order any person convicted of violating this section to pay restitution, which shall include the full cost of repair or replacement of such memorial or historic property.

Section 12. Subsections (3) and (4) of section 810.02, Florida Statutes, are amended to read:

810.02 Burglary.—

(3) Burglary is a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, if, in the course of committing the offense, the offender does not make an assault or battery and is not and does not become armed with a dangerous weapon or explosive, and the offender enters or remains in a:

- (a) Dwelling, and there is another person in the dwelling at the time the offender enters or remains;
- (b) Dwelling, and there is not another person in the dwelling at the time the offender enters or remains;
- (c) Structure, and there is another person in the structure at the time the offender enters or remains;
- (d) Conveyance, and there is another person in the conveyance at the time the offender enters or remains;
- (e) Authorized emergency vehicle, as defined in s. 316.003; or
- (f) Structure or conveyance when the offense intended to be committed therein is theft of a controlled substance as defined in s. 893.02. Notwithstanding any other law, separate judgments and sentences for burglary with the intent to commit theft of a controlled substance under this paragraph and for any applicable possession of controlled substance offense under s. 893.13 or trafficking in controlled substance offense under s. 893.135 may be imposed when all such offenses involve the same amount or amounts of a controlled substance.

However, if the burglary is committed during a riot and the perpetration of the burglary is facilitated by conditions arising from the riot; or within a county that is subject to a state of emergency declared by the Governor under chapter 252 after the declaration of emergency is made and the perpetration of the burglary is facilitated by conditions arising from the emergency, the burglary is a felony of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. As used in this subsection, the term “conditions arising from the riot” means civil unrest, power outages, curfews, or a reduction in the presence of or response time for first responders or homeland security personnel and the term “conditions arising from the emergency” means civil unrest, power outages, curfews, voluntary or mandatory evacuations, or a reduction in the presence of or response time for first responders or homeland security personnel. A person arrested for committing a burglary during a riot or within a county that is subject to such a state of emergency may not be released until the person appears before a committing magistrate at a first appearance hearing. For purposes of sentencing under chapter 921, a felony offense that is reclassified under this subsection is ranked one level above the ranking under s. 921.0022 or s. 921.0023 of the offense committed.

(4) Burglary is a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, if, in the course of committing the offense, the offender does not make an assault or battery and is not and does not become armed with a dangerous weapon or explosive, and the offender enters or remains in a:

- (a) Structure, and there is not another person in the structure at the time the offender enters or remains; or
- (b) Conveyance, and there is not another person in the conveyance at the time the offender enters or remains.

However, if the burglary is committed during a riot and the perpetration of the burglary is facilitated by conditions arising from the riot; or within a county that is subject to a state of emergency declared by the Governor under chapter 252 after the declaration of emergency is made and the perpetration of the burglary is facilitated by conditions arising from the emergency, the burglary is a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. As used in this subsection, the terms “conditions arising from the riot” and term “conditions arising from the emergency” have the same meanings as provided in subsection (3) means civil unrest, power outages, curfews, voluntary or mandatory evacuations, or a reduction in the presence of or response time for first responders or homeland security personnel. A person arrested for committing a burglary during a riot or within a county that is subject to such a state of emergency may not be released until the person appears before a committing magistrate at a first appearance hearing. For purposes of sentencing under chapter 921, a felony offense that is reclassified under this subsection is ranked one level above the ranking under s. 921.0022 or s. 921.0023 of the offense committed.

Section 13. Paragraphs (b) and (c) of subsection (2) of section 812.014, Florida Statutes, are amended to read:

812.014 Theft.—

- (2)
 - (b)1. If the property stolen is valued at \$20,000 or more, but less than \$100,000;
 2. The property stolen is cargo valued at less than \$50,000 that has entered the stream of interstate or intrastate commerce from the shipper’s loading platform to the consignee’s receiving dock;
 3. The property stolen is emergency medical equipment, valued at \$300 or more, that is taken from a facility licensed under chapter 395 or from an aircraft or vehicle permitted under chapter 401; or
 4. The property stolen is law enforcement equipment, valued at \$300 or more, that is taken from an authorized emergency vehicle, as defined in s. 316.003,

the offender commits grand theft in the second degree, punishable as a felony of the second degree, as provided in s. 775.082, s. 775.083, or s. 775.084. Emergency medical equipment means mechanical or electronic apparatus used to provide emergency services and care as defined in s. 395.002(9) or to treat medical emergencies. Law enforcement equip-

ment means any property, device, or apparatus used by any law enforcement officer as defined in s. 943.10 in the officer's official business. However, if the property is stolen *during a riot and the perpetration of the theft is facilitated by conditions arising from the riot*; or within a county that is subject to a state of emergency declared by the Governor under chapter 252, the theft is committed after the declaration of emergency is made, and the perpetration of the theft is facilitated by conditions arising from the emergency, the theft is a felony of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. As used in this paragraph, the term "*conditions arising from the riot*" means *civil unrest, power outages, curfews, or a reduction in the presence of or response time for first responders or homeland security personnel*. A person arrested for committing a theft *during a riot or within a county that is subject to a state of emergency may not be released until the person appears before a committing magistrate at a first appearance hearing*. For purposes of sentencing under chapter 921, a felony offense that is reclassified under this paragraph is ranked one level above the ranking under s. 921.0022 or s. 921.0023 of the offense committed.

(c) It is grand theft of the third degree and a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, if the property stolen is:

1. Valued at \$750 or more, but less than \$5,000.
2. Valued at \$5,000 or more, but less than \$10,000.
3. Valued at \$10,000 or more, but less than \$20,000.
4. A will, codicil, or other testamentary instrument.
5. A firearm.
6. A motor vehicle, except as provided in paragraph (a).
7. Any commercially farmed animal, including any animal of the equine, avian, bovine, or swine class or other grazing animal; a bee colony of a registered beekeeper; and aquaculture species raised at a certified aquaculture facility. If the property stolen is a commercially farmed animal, including an animal of the equine, avian, bovine, or swine class or other grazing animal; a bee colony of a registered beekeeper; or an aquaculture species raised at a certified aquaculture facility, a \$10,000 fine shall be imposed.
8. Any fire extinguisher that, at the time of the taking, was installed in any building for the purpose of fire prevention and control. This subparagraph does not apply to a fire extinguisher taken from the inventory at a point-of-sale business.
9. Any amount of citrus fruit consisting of 2,000 or more individual pieces of fruit.
10. Taken from a designated construction site identified by the posting of a sign as provided for in s. 810.09(2)(d).
11. Any stop sign.
12. Anhydrous ammonia.
13. Any amount of a controlled substance as defined in s. 893.02. Notwithstanding any other law, separate judgments and sentences for theft of a controlled substance under this subparagraph and for any applicable possession of controlled substance offense under s. 893.13 or trafficking in controlled substance offense under s. 893.135 may be imposed when all such offenses involve the same amount or amounts of a controlled substance.

However, if the property is stolen *during a riot and the perpetration of the theft is facilitated by conditions arising from the riot*; or within a county that is subject to a state of emergency declared by the Governor under chapter 252, the property is stolen after the declaration of emergency is made, and the perpetration of the theft is facilitated by conditions arising from the emergency, the offender commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, if the property is valued at \$5,000 or more, but less than

\$10,000, as provided under subparagraph 2., or if the property is valued at \$10,000 or more, but less than \$20,000, as provided under subparagraph 3. As used in this paragraph, the terms "*conditions arising from a riot*" and ~~term~~ "*conditions arising from the emergency*" have the same meanings as provided in paragraph (b). A person arrested for committing a theft *during a riot or within a county that is subject to a state of emergency may not be released until the person appears before a committing magistrate at a first appearance hearing* ~~means civil unrest, power outages, curfews, voluntary or mandatory evacuations, or a reduction in the presence of or the response time for first responders or homeland security personnel~~. For purposes of sentencing under chapter 921, a felony offense that is reclassified under this paragraph is ranked one level above the ranking under s. 921.0022 or s. 921.0023 of the offense committed.

Section 14. Section 836.115, Florida Statutes, is created to read:

836.115 *Cyberintimidation by publication.—*

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

(a) "*Electronically publish*" means to disseminate, post, or otherwise disclose information to an Internet site or forum.

(b) "*Harass*" has the same meaning as provided in s. 817.568(1)(c).

(c) "*Personal identification information*" has the same meaning as provided in s. 817.568(1)(f).

(2) *It is unlawful for a person to electronically publish another person's personal identification information with the intent to, or with the intent that a third party will use the information to:*

(a) *Incite violence or commit a crime against the person; or*

(b) *Threaten or harass the person, placing such person in reasonable fear of bodily harm.*

A person who violates this subsection commits a misdemeanor of a first degree, punishable as provided in s. 775.082 or s. 775.083.

Section 15. Section 870.02, Florida Statutes, is amended to read:

870.02 *Unlawful assemblies.—*

(1) *If three or more persons meet together to commit a breach of the peace, or to do any other unlawful act, each of them commits ~~shall be~~ guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.*

(2) *A person arrested for a violation of this section shall be held in custody until brought before the court for admittance to bail in accordance with chapter 903.*

Section 16. Section 870.03, Florida Statutes, is repealed.

Section 17. Section 870.07, Florida Statutes, is created to read:

870.07 *Affirmative defense in civil action; party convicted of riot.—*

(1) *In a civil action for damages for personal injury, wrongful death, or property damage, it is an affirmative defense that such action arose from an injury or damage sustained by a participant acting in furtherance of a riot. The affirmative defense authorized by this section shall be established by evidence that the participant has been convicted of rioting, or by proof of the commission of such crime by a preponderance of the evidence.*

(2) *In a civil action in which a defendant raises an affirmative defense under this section, the court must, on motion by the defendant, stay the action during the pendency of a criminal action that forms the basis for the defense, unless the court finds that a conviction in the criminal action would not form a valid defense under this section.*

Section 18. Subsections (3) through (6) of section 872.02, Florida Statutes, are renumbered as subsections (4) through (7), respectively, a new subsection (3) is added to that section, subsections (1) and (2) of that section are republished, and present subsection (6) of that section is amended, to read:

Florida Statute	Felony Degree	Description
872.02 Injuring or removing tomb or monument; disturbing contents of grave or tomb; penalties.—		
(1) A person commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, if he or she:	787.04(1)	3rd In violation of court order, take, entice, etc., minor beyond state limits.
(a) Willfully and knowingly destroys, mutilates, defaces, injures, or removes any tomb, monument, gravestone, burial mound, earthen or shell monument containing human skeletal remains or associated burial artifacts, or other structure or thing placed or designed for a memorial of the dead, or any fence, railing, curb, or other thing intended for the protection or ornamentation of any tomb, monument, gravestone, burial mound, earthen or shell monument containing human skeletal remains or associated burial artifacts, or other structure before mentioned, or for any enclosure for the burial of the dead; or	806.13(1)(b)3.	3rd Criminal mischief; damage \$1,000 or more to public communication or any other public service.
	806.13(3)	3rd <i>Criminal mischief; damage of \$200 or more to a memorial or historic property.</i>
(b) Willfully destroys, mutilates, removes, cuts, breaks, or injures any tree, shrub, or plant placed or being within any such enclosure, except for a person performing routine maintenance and upkeep.	810.061(2)	3rd Impairing or impeding telephone or power to a dwelling; facilitating or furthering burglary.
(2) A person who willfully and knowingly excavates, exposes, moves, removes, or otherwise disturbs the contents of a grave or tomb commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.	810.09(2)(e)	3rd Trespassing on posted commercial horticulture property.
	812.014(2)(c)1.	3rd Grand theft, 3rd degree; \$750 or more but less than \$5,000.
(3) <i>For purposes of sentencing under chapter 921, a violation of this section, committed by a person in furtherance of a riot is ranked one level above the ranking under s. 921.0022 or s. 921.0023 for the offense committed.</i>	812.014(2)(d)	3rd Grand theft, 3rd degree; \$100 or more but less than \$750, taken from unenclosed curtilage of dwelling.
(7)(6) If a legally authorized person refuses to sign a written authorization, as provided in paragraph (6)(a)(5)(a), or if a legally authorized person objects, as provided in paragraph (6)(b) (5)(b), a public hearing shall be held before the county commission of the county where the cemetery is located, or the city council, if the cemetery is located in a municipality, and the county commission or the city council shall have the authority to grant a request for relocation of the contents of such graves or tombs.	812.015(7)	3rd Possession, use, or attempted use of an antishoplifting or inventory control device countermeasure.
	817.234(1)(a)2.	3rd False statement in support of insurance claim.
	817.481(3)(a)	3rd Obtain credit or purchase with false, expired, counterfeit, etc., credit card, value over \$300.
Section 19. Paragraphs (b), (c), and (d) of subsection (3) of section 921.0022, Florida Statutes, are amended to read:		
921.0022 Criminal Punishment Code; offense severity ranking chart.—	817.52(3)	3rd Failure to redeliver hired vehicle.
(3) OFFENSE SEVERITY RANKING CHART	817.54	3rd With intent to defraud, obtain mortgage note, etc., by false representation.
(b) LEVEL 2		
Florida Statute	Felony Degree	Description
379.2431(1)(e)3.	3rd	Possession of 11 or fewer marine turtle eggs in violation of the Marine Turtle Protection Act.
		817.60(5)
		817.60(6)(a)
379.2431(1)(e)4.	3rd	Possession of more than 11 marine turtle eggs in violation of the Marine Turtle Protection Act.
		817.61
		826.04
403.413(6)(c)	3rd	Dumps waste litter exceeding 500 lbs. in weight or 100 cubic feet in volume or any quantity for commercial purposes, or hazardous waste.
		831.01
		831.02
517.07(2)	3rd	Failure to furnish a prospectus meeting requirements.
		831.07
590.28(1)	3rd	Intentional burning of lands.
		831.08
784.03(3)	3rd	<i>Battery during a riot.</i>
		831.08
784.05(3)	3rd	Storing or leaving a loaded firearm within reach of minor who uses it to inflict injury or death.
		831.09
		831.09

Florida Statute	Felony Degree	Description	Florida Statute	Felony Degree	Description
831.11	3rd	Bringing into the state forged bank bills, checks, drafts, or notes.			thereof, or the nest of any marine turtle species described in the Marine Turtle Protection Act.
832.05(3)(a)	3rd	Cashing or depositing item with intent to defraud.	379.2431(1)(e)7.	3rd	Soliciting to commit or conspiring to commit a violation of the Marine Turtle Protection Act.
843.08	3rd	False personation.	400.9935(4)(a) or (b)	3rd	Operating a clinic, or offering services requiring licensure, without a license.
893.13(2)(a)2.	3rd	Purchase of any s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (2)(c)10., (3), or (4) drugs other than cannabis.	400.9935(4)(e)	3rd	Filing a false license application or other required information or failing to report information.
893.147(2)	3rd	Manufacture or delivery of drug paraphernalia.	440.1051(3)	3rd	False report of workers' compensation fraud or retaliation for making such a report.
(c) LEVEL 3 Florida Statute	Felony Degree	Description			
119.10(2)(b)	3rd	Unlawful use of confidential information from police reports.	501.001(2)(b)	2nd	Tampers with a consumer product or the container using materially false/misleading information.
316.066(3)(b)-(d)	3rd	Unlawfully obtaining or using confidential crash reports.	624.401(4)(a)	3rd	Transacting insurance without a certificate of authority.
316.193(2)(b)	3rd	Felony DUI, 3rd conviction.	624.401(4)(b)1.	3rd	Transacting insurance without a certificate of authority; premium collected less than \$20,000.
316.1935(2)	3rd	Fleeing or attempting to elude law enforcement officer in patrol vehicle with siren and lights activated.	626.902(1)(a) & (b)	3rd	Representing an unauthorized insurer.
319.30(4)	3rd	Possession by junkyard of motor vehicle with identification number plate removed.	697.08	3rd	Equity skimming.
319.33(1)(a)	3rd	Alter or forge any certificate of title to a motor vehicle or mobile home.	790.15(3)	3rd	Person directs another to discharge firearm from a vehicle.
319.33(1)(c)	3rd	Procure or pass title on stolen vehicle.	806.10(1)	3rd	Maliciously injure, destroy, or interfere with vehicles or equipment used in firefighting.
319.33(4)	3rd	With intent to defraud, possess, sell, etc., a blank, forged, or unlawfully obtained title or registration.	806.10(2)	3rd	Interferes with or assaults firefighter in performance of duty.
327.35(2)(b)	3rd	Felony BUI.	810.09(2)(c)	3rd	Trespass on property other than structure or conveyance armed with firearm or dangerous weapon.
328.05(2)	3rd	Possess, sell, or counterfeit fictitious, stolen, or fraudulent titles or bills of sale of vessels.	812.014(2)(c)2.	3rd	Grand theft; \$5,000 or more but less than \$10,000.
328.07(4)	3rd	Manufacture, exchange, or possess vessel with counterfeit or wrong ID number.	812.0145(2)(c)	3rd	Theft from person 65 years of age or older; \$300 or more but less than \$10,000.
376.302(5)	3rd	Fraud related to reimbursement for cleanup expenses under the Inland Protection Trust Fund.	812.015(8)(b)	3rd	Retail theft with intent to sell; conspires with others.
379.2431(1)(e)5.	3rd	Taking, disturbing, mutilating, destroying, causing to be destroyed, transferring, selling, offering to sell, molesting, or harassing marine turtles, marine turtle eggs, or marine turtle nests in violation of the Marine Turtle Protection Act.	815.04(5)(b)	2nd	Computer offense devised to defraud or obtain property.
			817.034(4)(a)3.	3rd	Engages in scheme to defraud (Florida Communications Fraud Act), property valued at less than \$20,000.
			817.233	3rd	Burning to defraud insurer.
379.2431(1)(e)6.	3rd	Possessing any marine turtle species or hatchling, or parts	817.234(8)(b) & (c)	3rd	Unlawful solicitation of persons involved in motor vehicle accidents.

Florida Statute	Felony Degree	Description	Florida Statute	Felony Degree	Description
817.234(11)(a)	3rd	Insurance fraud; property value less than \$20,000.	893.13(7)(a)11.	3rd	Furnish false or fraudulent material information on any document or record required by chapter 893.
817.236	3rd	Filing a false motor vehicle insurance application.	893.13(8)(a)1.	3rd	Knowingly assist a patient, other person, or owner of an animal in obtaining a controlled substance through deceptive, untrue, or fraudulent representations in or related to the practitioner's practice.
817.2361	3rd	Creating, marketing, or presenting a false or fraudulent motor vehicle insurance card.			
817.413(2)	3rd	Sale of used goods of \$1,000 or more as new.			
831.28(2)(a)	3rd	Counterfeiting a payment instrument with intent to defraud or possessing a counterfeit payment instrument with intent to defraud.	893.13(8)(a)2.	3rd	Employ a trick or scheme in the practitioner's practice to assist a patient, other person, or owner of an animal in obtaining a controlled substance.
831.29	2nd	Possession of instruments for counterfeiting driver licenses or identification cards.	893.13(8)(a)3.	3rd	Knowingly write a prescription for a controlled substance for a fictitious person.
838.021(3)(b)	3rd	Threatens unlawful harm to public servant.	893.13(8)(a)4.	3rd	Write a prescription for a controlled substance for a patient, other person, or an animal if the sole purpose of writing the prescription is a monetary benefit for the practitioner.
843.19	2nd	Injure, disable, or kill police, fire, or SAR canine or police horse.			
860.15(3)	3rd	Overcharging for repairs and parts.	918.13(1)(a)	3rd	Alter, destroy, or conceal investigation evidence.
870.01(2)	3rd	Riot; inciting or encouraging.	944.47(1)(a)1. & 2.	3rd	Introduce contraband to correctional facility.
893.13(1)(a)2.	3rd	Sell, manufacture, or deliver cannabis (or other s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (2)(c)10., (3), or (4) drugs).	944.47(1)(c)	2nd	Possess contraband while upon the grounds of a correctional institution.
893.13(1)(d)2.	2nd	Sell, manufacture, or deliver s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (2)(c)10., (3), or (4) drugs within 1,000 feet of university.	985.721	3rd	Escapes from a juvenile facility (secure detention or residential commitment facility).
			(d) LEVEL 4		
			Florida Statute	Felony Degree	Description
893.13(1)(f)2.	2nd	Sell, manufacture, or deliver s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (2)(c)10., (3), or (4) drugs within 1,000 feet of public housing facility.	316.1935(3)(a)	2nd	Driving at high speed or with wanton disregard for safety while fleeing or attempting to elude law enforcement officer who is in a patrol vehicle with siren and lights activated.
893.13(4)(c)	3rd	Use or hire of minor; deliver to minor other controlled substances.	499.0051(1)	3rd	Failure to maintain or deliver transaction history, transaction information, or transaction statements.
893.13(6)(a)	3rd	Possession of any controlled substance other than felony possession of cannabis.	499.0051(5)	2nd	Knowing sale or delivery, or possession with intent to sell, contraband prescription drugs.
893.13(7)(a)8.	3rd	Withhold information from practitioner regarding previous receipt of or prescription for a controlled substance.	517.07(1)	3rd	Failure to register securities.
			517.12(1)	3rd	Failure of dealer, associated person, or issuer of securities to register.
893.13(7)(a)9.	3rd	Obtain or attempt to obtain controlled substance by fraud, forgery, misrepresentation, etc.	784.07(2)(b)	3rd	Battery of law enforcement officer, firefighter, etc.
893.13(7)(a)10.	3rd	Affix false or forged label to package of controlled substance.	784.074(1)(c)	3rd	Battery of sexually violent predators facility staff.

Florida Statute	Felony Degree	Description	Florida Statute	Felony Degree	Description
784.075	3rd	Battery on detention or commitment facility staff.	812.0195(2)	3rd	Dealing in stolen property by use of the Internet; property stolen \$300 or more.
784.078	3rd	Battery of facility employee by throwing, tossing, or expelling certain fluids or materials.	817.505(4)(a)	3rd	Patient brokering.
784.08(2)(c)	3rd	Battery on a person 65 years of age or older.	817.563(1)	3rd	Sell or deliver substance other than controlled substance agreed upon, excluding s. 893.03(5) drugs.
784.081(3)	3rd	Battery on specified official or employee.	817.568(2)(a)	3rd	Fraudulent use of personal identification information.
784.082(3)	3rd	Battery by detained person on visitor or other detainee.	817.625(2)(a)	3rd	Fraudulent use of scanning device, skimming device, or re-encoder.
784.083(3)	3rd	Battery on code inspector.			
784.085	3rd	Battery of child by throwing, tossing, projecting, or expelling certain fluids or materials.	817.625(2)(c)	3rd	Possess, sell, or deliver skimming device.
787.03(1)	3rd	Interference with custody; wrongly takes minor from appointed guardian.	828.125(1)	2nd	Kill, maim, or cause great bodily harm or permanent breeding disability to any registered horse or cattle.
787.04(2)	3rd	Take, entice, or remove child beyond state limits with criminal intent pending custody proceedings.	837.02(1)	3rd	Perjury in official proceedings.
			837.021(1)	3rd	Make contradictory statements in official proceedings.
787.04(3)	3rd	Carrying child beyond state lines with criminal intent to avoid producing child at custody hearing or delivering to designated person.	838.022	3rd	Official misconduct.
			839.13(2)(a)	3rd	Falsifying records of an individual in the care and custody of a state agency.
787.07	3rd	Human smuggling.	839.13(2)(c)	3rd	Falsifying records of the Department of Children and Families.
790.115(1)	3rd	Exhibiting firearm or weapon within 1,000 feet of a school.	843.021	3rd	Possession of a concealed handcuff key by a person in custody.
790.115(2)(b)	3rd	Possessing electric weapon or device, destructive device, or other weapon on school property.	843.025	3rd	Deprive law enforcement, correctional, or correctional probation officer of means of protection or communication.
790.115(2)(c)	3rd	Possessing firearm on school property.			
800.04(7)(c)	3rd	Lewd or lascivious exhibition; offender less than 18 years.	843.15(1)(a)	3rd	Failure to appear while on bail for felony (bond estreatment or bond jumping).
806.135	2nd	<i>Destroying or demolishing a memorial or historic property.</i>	847.0135(5)(c)	3rd	Lewd or lascivious exhibition using computer; offender less than 18 years.
810.02(4)(a)	3rd	Burglary, or attempted burglary, of an unoccupied structure; unarmed; no assault or battery.	874.05(1)(a)	3rd	Encouraging or recruiting another to join a criminal gang.
810.02(4)(b)	3rd	Burglary, or attempted burglary, of an unoccupied conveyance; unarmed; no assault or battery.	893.13(2)(a)1.	2nd	Purchase of cocaine (or other s. 893.03(1)(a), (b), or (d), (2)(a), (2)(b), or (2)(c)5. drugs).
			914.14(2)	3rd	Witnesses accepting bribes.
810.06	3rd	Burglary; possession of tools.	914.22(1)	3rd	Force, threaten, etc., witness, victim, or informant.
810.08(2)(c)	3rd	Trespass on property, armed with firearm or dangerous weapon.	914.23(2)	3rd	Retaliation against a witness, victim, or informant, no bodily injury.
812.014(2)(c)3.	3rd	Grand theft, 3rd degree \$10,000 or more but less than \$20,000.	916.1085(2)(c)1.	3rd	Introduction of specified contraband into certain DCF facilities.
812.014(2)(c)4.-10.	3rd	Grand theft, 3rd degree; specified items.			

Florida Statute	Felony Degree	Description
918.12	3rd	Tampering with jurors.
934.215	3rd	Use of two-way communications device to facilitate commission of a crime.
944.47(1)(a)6.	3rd	Introduction of contraband (cellular telephone or other portable communication device) into correctional institution.
951.22(1)(h),(j) & (k)	3rd	Intoxicating drug, instrumentality or other device to aid escape, or cellular telephone or other portable communication device introduced into county detention facility.

And the title is amended as follows:

Delete lines 74-84.

Senator Berman moved the following amendment which failed:

Amendment 5 (526562) (with title amendment)—Delete lines 375-389.

And the title is amended as follows:

Delete lines 36-43 and insert: furtherance of a riot or an aggravated riot; amending

Senator Polsky moved the following amendment which failed:

Amendment 6 (432142) (with title amendment)—Delete lines 390-812 and insert:

(4) The State of Florida shall fully reimburse the unit of local government required to hold in custody a person arrested for a violation of this section.

Section 9. Subsection (2) of section 784.07, Florida Statutes, is amended, and subsection (4) is added to that section, to read:

784.07 Assault or battery of law enforcement officers, firefighters, emergency medical care providers, public transit employees or agents, or other specified officers; reclassification of offenses; minimum sentences.—

(2) Whenever any person is charged with knowingly committing an assault or battery upon a law enforcement officer, a firefighter, an emergency medical care provider, a railroad special officer, a traffic accident investigation officer as described in s. 316.640, a nonsworn law enforcement agency employee who is certified as an agency inspector, a blood alcohol analyst, or a breath test operator while such employee is in uniform and engaged in processing, testing, evaluating, analyzing, or transporting a person who is detained or under arrest for DUI, a law enforcement explorer, a traffic infraction enforcement officer as described in s. 316.640, a parking enforcement specialist as defined in s. 316.640, a person licensed as a security officer as defined in s. 493.6101 and wearing a uniform that bears at least one patch or emblem that is visible at all times that clearly identifies the employing agency and that clearly identifies the person as a licensed security officer, or a security officer employed by the board of trustees of a community college, while the officer, firefighter, emergency medical care provider, railroad special officer, traffic accident investigation officer, traffic infraction enforcement officer, inspector, analyst, operator, law enforcement explorer, parking enforcement specialist, public transit employee or agent, or security officer is engaged in the lawful performance of his or her duties, the offense for which the person is charged shall be reclassified as follows:

(a) In the case of assault, from a misdemeanor of the second degree to a misdemeanor of the first degree.

(b) In the case of battery, from a misdemeanor of the first degree to a felony of the third degree. *Notwithstanding any other provision of law, a person convicted of battery upon a law enforcement officer committed in furtherance of a riot or an aggravated riot prohibited under s. 870.01 shall be sentenced to a minimum term of imprisonment of 6 months.*

(c) In the case of aggravated assault, from a felony of the third degree to a felony of the second degree. *Notwithstanding any other provision of law, any person convicted of aggravated assault upon a law enforcement officer shall be sentenced to a minimum term of imprisonment of 3 years.*

(d) In the case of aggravated battery, from a felony of the second degree to a felony of the first degree. *Notwithstanding any other provision of law, any person convicted of aggravated battery of a law enforcement officer shall be sentenced to a minimum term of imprisonment of 5 years.*

(4) For purposes of sentencing under chapter 921, a felony violation of this section committed by a person acting in furtherance of a riot or an aggravated riot prohibited under s. 870.01 is ranked one level above the ranking under s. 921.0022 for the offense committed.

Section 10. Subsections (3) through (9) of section 806.13, Florida Statutes, are renumbered as subsections (4) through (10), respectively, a new subsection (3) is added to that section, and present subsection (8) of that section is amended, to read:

806.13 Criminal mischief; penalties; penalty for minor.—

(3) Any person who, without the consent of the owner thereof, willfully and maliciously defaces, injures, or otherwise damages by any means a memorial or historic property, as defined in s. 806.135(1), and the value of the damage to the memorial or historic property is greater than \$200, commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. A court shall order any person convicted of violating this subsection to pay restitution, which shall include the full cost of repair or replacement of such memorial or historic property.

~~(9)(8)~~ A minor whose driver license or driving privilege is revoked, suspended, or withheld under subsection ~~(8)(7)~~ may elect to reduce the period of revocation, suspension, or withholding by performing community service at the rate of 1 day for each hour of community service performed. In addition, if the court determines that due to a family hardship, the minor's driver license or driving privilege is necessary for employment or medical purposes of the minor or a member of the minor's family, the court shall order the minor to perform community service and reduce the period of revocation, suspension, or withholding at the rate of 1 day for each hour of community service performed. As used in this subsection, the term "community service" means cleaning graffiti from public property.

Section 11. Section 806.135, Florida Statutes, is created to read:

806.135 Destroying or demolishing a memorial or historic property.—

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

(a) "Historic property" means any building, structure, site, or object that has been officially designated as a historic building, historic structure, historic site, or historic object through a federal, state, or local designation program.

(b) "Memorial" means a plaque, statue, marker, flag, banner, cenotaph, religious symbol, painting, seal, tombstone, structure name, or display that is constructed and located with the intent of being permanently displayed or perpetually maintained; is dedicated to a historical person, an entity, an event, or a series of events; and honors or recounts the military service of any past or present United States Armed Forces military personnel, or the past or present public service of a resident of the geographical area comprising the state or the United States. The term includes, but is not limited to, the following memorials established under chapter 265:

1. Florida Women's Hall of Fame.
2. Florida Medal of Honor Wall.

3. *Florida Veterans' Hall of Fame.*
4. *POW-MIA Chair of Honor Memorial.*
5. *Florida Veterans' Walk of Honor and Florida Veterans' Memorial Garden.*
6. *Florida Law Enforcement Officers' Hall of Fame.*
7. *Florida Holocaust Memorial.*
8. *Florida Slavery Memorial.*
9. *Any other memorial located within the Capitol Complex, including, but not limited to, Waller Park.*

(2) *It is unlawful for any person to willfully and maliciously destroy or demolish any memorial or historic property, or willfully and maliciously pull down a memorial or historic property, unless authorized by the owner of the memorial or historic property. A person who violates this section commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.*

(3) *A court shall order any person convicted of violating this section to pay restitution, which shall include the full cost of repair or replacement of such memorial or historic property.*

Section 12. Subsections (3) and (4) of section 810.02, Florida Statutes, are amended to read:

810.02 Burglary.—

(3) Burglary is a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, if, in the course of committing the offense, the offender does not make an assault or battery and is not and does not become armed with a dangerous weapon or explosive, and the offender enters or remains in a:

- (a) Dwelling, and there is another person in the dwelling at the time the offender enters or remains;
- (b) Dwelling, and there is not another person in the dwelling at the time the offender enters or remains;
- (c) Structure, and there is another person in the structure at the time the offender enters or remains;
- (d) Conveyance, and there is another person in the conveyance at the time the offender enters or remains;
- (e) Authorized emergency vehicle, as defined in s. 316.003; or

(f) Structure or conveyance when the offense intended to be committed therein is theft of a controlled substance as defined in s. 893.02. Notwithstanding any other law, separate judgments and sentences for burglary with the intent to commit theft of a controlled substance under this paragraph and for any applicable possession of controlled substance offense under s. 893.13 or trafficking in controlled substance offense under s. 893.135 may be imposed when all such offenses involve the same amount or amounts of a controlled substance.

However, if the burglary is committed *during a riot or an aggravated riot prohibited under s. 870.01 and the perpetration of the burglary is facilitated by conditions arising from the riot; or within a county that is subject to a state of emergency declared by the Governor under chapter 252 after the declaration of emergency is made and the perpetration of the burglary is facilitated by conditions arising from the emergency, the burglary is a felony of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. As used in this subsection, the term "conditions arising from the riot" means civil unrest, power outages, curfews, or a reduction in the presence of or response time for first responders or homeland security personnel and the term "conditions arising from the emergency" means civil unrest, power outages, curfews, voluntary or mandatory evacuations, or a reduction in the presence of or response time for first responders or homeland security personnel. A person arrested for committing a burglary during a riot or an aggravated riot or within a county that is subject to such a state of emergency may not be released until the person appears before a committing magistrate at a first appearance hearing. The State of*

Florida shall fully reimburse the unit of local government required to hold in custody a person arrested for a violation of this subsection. For purposes of sentencing under chapter 921, a felony offense that is reclassified under this subsection is ranked one level above the ranking under s. 921.0022 or s. 921.0023 of the offense committed.

(4) Burglary is a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, if, in the course of committing the offense, the offender does not make an assault or battery and is not and does not become armed with a dangerous weapon or explosive, and the offender enters or remains in a:

(a) Structure, and there is not another person in the structure at the time the offender enters or remains; or

(b) Conveyance, and there is not another person in the conveyance at the time the offender enters or remains.

However, if the burglary is committed *during a riot or an aggravated riot prohibited under s. 870.01 and the perpetration of the burglary is facilitated by conditions arising from the riot; or within a county that is subject to a state of emergency declared by the Governor under chapter 252 after the declaration of emergency is made and the perpetration of the burglary is facilitated by conditions arising from the emergency, the burglary is a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. As used in this subsection, the terms "conditions arising from the riot" and term "conditions arising from the emergency" have the same meanings as provided in subsection (3) means civil unrest, power outages, curfews, voluntary or mandatory evacuations, or a reduction in the presence of or response time for first responders or homeland security personnel. A person arrested for committing a burglary during a riot or an aggravated riot or within a county that is subject to such a state of emergency may not be released until the person appears before a committing magistrate at a first appearance hearing. The State of Florida shall fully reimburse the unit of local government required to hold in custody a person arrested for a violation of this subsection. For purposes of sentencing under chapter 921, a felony offense that is reclassified under this subsection is ranked one level above the ranking under s. 921.0022 or s. 921.0023 of the offense committed.*

Section 13. Paragraphs (b) and (c) of subsection (2) of section 812.014, Florida Statutes, are amended to read:

812.014 Theft.—

(2)

(b)1. If the property stolen is valued at \$20,000 or more, but less than \$100,000;

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

3. The property stolen is emergency medical equipment, valued at \$300 or more, that is taken from a facility licensed under chapter 395 or from an aircraft or vehicle permitted under chapter 401; or

4. The property stolen is law enforcement equipment, valued at \$300 or more, that is taken from an authorized emergency vehicle, as defined in s. 316.003,

the offender commits grand theft in the second degree, punishable as a felony of the second degree, as provided in s. 775.082, s. 775.083, or s. 775.084. Emergency medical equipment means mechanical or electronic apparatus used to provide emergency services and care as defined in s. 395.002(9) or to treat medical emergencies. Law enforcement equipment means any property, device, or apparatus used by any law enforcement officer as defined in s. 943.10 in the officer's official business. However, if the property is stolen *during a riot or an aggravated riot prohibited under s. 870.01 and the perpetration of the theft is facilitated by conditions arising from the riot; or within a county that is subject to a state of emergency declared by the Governor under chapter 252, the theft is committed after the declaration of emergency is made, and the perpetration of the theft is facilitated by conditions arising from the emergency, the theft is a felony of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. As used in this paragraph, the term "conditions arising from the riot" means civil unrest, power*

outages, curfews, or a reduction in the presence of or response time for first responders or homeland security personnel and the term “conditions arising from the emergency” means civil unrest, power outages, curfews, voluntary or mandatory evacuations, or a reduction in the presence of or response time for first responders or homeland security personnel. A person arrested for committing a theft during a riot or an aggravated riot or within a county that is subject to a state of emergency may not be released until the person appears before a committing magistrate at a first appearance hearing. The State of Florida shall fully reimburse the unit of local government required to hold in custody a person arrested for a violation of this paragraph. For purposes of sentencing under chapter 921, a felony offense that is reclassified under this paragraph is ranked one level above the ranking under s. 921.0022 or s. 921.0023 of the offense committed.

(c) It is grand theft of the third degree and a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, if the property stolen is:

1. Valued at \$750 or more, but less than \$5,000.
2. Valued at \$5,000 or more, but less than \$10,000.
3. Valued at \$10,000 or more, but less than \$20,000.
4. A will, codicil, or other testamentary instrument.
5. A firearm.
6. A motor vehicle, except as provided in paragraph (a).
7. Any commercially farmed animal, including any animal of the equine, avian, bovine, or swine class or other grazing animal; a bee colony of a registered beekeeper; and aquaculture species raised at a certified aquaculture facility. If the property stolen is a commercially farmed animal, including an animal of the equine, avian, bovine, or swine class or other grazing animal; a bee colony of a registered beekeeper; or an aquaculture species raised at a certified aquaculture facility, a \$10,000 fine shall be imposed.
8. Any fire extinguisher that, at the time of the taking, was installed in any building for the purpose of fire prevention and control. This subparagraph does not apply to a fire extinguisher taken from the inventory at a point-of-sale business.
9. Any amount of citrus fruit consisting of 2,000 or more individual pieces of fruit.
10. Taken from a designated construction site identified by the posting of a sign as provided for in s. 810.09(2)(d).
11. Any stop sign.
12. Anhydrous ammonia.
13. Any amount of a controlled substance as defined in s. 893.02. Notwithstanding any other law, separate judgments and sentences for theft of a controlled substance under this subparagraph and for any applicable possession of controlled substance offense under s. 893.13 or trafficking in controlled substance offense under s. 893.135 may be imposed when all such offenses involve the same amount or amounts of a controlled substance.

However, if the property is stolen during a riot or an aggravated riot prohibited under s. 870.01 and the perpetration of the theft is facilitated by conditions arising from the riot; or within a county that is subject to a state of emergency declared by the Governor under chapter 252, the property is stolen after the declaration of emergency is made, and the perpetration of the theft is facilitated by conditions arising from the emergency, the offender commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, if the property is valued at \$5,000 or more, but less than \$10,000, as provided under subparagraph 2., or if the property is valued at \$10,000 or more, but less than \$20,000, as provided under subparagraph 3. As used in this paragraph, the terms “conditions arising from a riot” and ~~term~~ “conditions arising from the emergency” have the same meanings as provided in paragraph (b). A person arrested for committing a theft during a riot or an aggravated riot or within a county that is subject to a state of emergency may not be released until the person appears before a

committing magistrate at a first appearance hearing. The State of Florida shall fully reimburse the unit of local government required to hold in custody a person arrested for a violation of this subsection ~~means~~ ~~civil unrest, power outages, curfews, voluntary or mandatory evacuations, or a reduction in the presence of or the response time for first responders or homeland security personnel.~~ For purposes of sentencing under chapter 921, a felony offense that is reclassified under this paragraph is ranked one level above the ranking under s. 921.0022 or s. 921.0023 of the offense committed.

Section 14. Section 836.115, Florida Statutes, is created to read:

836.115 *Cyberintimidation by publication.*—

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

(a) *“Electronically publish” means to disseminate, post, or otherwise disclose information to an Internet site or forum.*

(b) *“Harass” has the same meaning as provided in s. 817.568(1)(c).*

(c) *“Personal identification information” has the same meaning as provided in s. 817.568(1)(f).*

(2) *It is unlawful for a person to electronically publish another person’s personal identification information with the intent to, or with the intent that a third party will use the information to:*

(a) *Incite violence or commit a crime against the person; or*

(b) *Threaten or harass the person, placing such person in reasonable fear of bodily harm.*

A person who violates this subsection commits a misdemeanor of a first degree, punishable as provided in s. 775.082 or s. 775.083.

Section 15. Section 870.01, Florida Statutes, is amended to read:

870.01 *Affrays and riots.*—

(1) *A person commits an affray if he or she engages, by mutual consent, in fighting with another person in a public place to the terror of the people. A person who commits ~~All persons guilty of an affray commits~~ shall be guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.*

(2) *A person commits a riot if he or she willfully participates in a violent public disturbance involving an assembly of three or more persons, acting with a common intent to assist each other in violent and disorderly conduct, resulting in:*

(a) *Injury to another person;*

(b) *Damage to property; or*

(c) *Imminent danger of injury to another person or damage to property.*

A person who commits ~~All persons guilty of a riot commits, or of inciting or encouraging a riot, shall be guilty of a felony of the third degree,~~ punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(3) *A person commits aggravated rioting if, in the course of committing a riot, he or she:*

(a) *Participates with 25 or more other persons;*

(b) *Causes great bodily harm to a person not participating in the riot;*

(c) *Causes property damage in excess of \$5,000;*

(d) *Displays, uses, threatens to use, or attempts to use a deadly weapon; or*

(e) *By force, or threat of force, endangers the safe movement of a vehicle traveling on a public street, highway, or road.*

A person who commits aggravating rioting commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(4) A person commits inciting a riot if he or she willfully incites another person to participate in a riot, resulting in a riot or imminent danger of a riot. A person who commits inciting a riot commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(5) A person commits aggravated inciting a riot if he or she:

(a) Incites a riot resulting in great bodily harm to another person not participating in the riot;

(b) Incites a riot resulting in property damage in excess of \$5,000; or

(c) Supplies a deadly weapon to another person or teaches another person to prepare a deadly weapon with intent that the deadly weapon be used in a riot for an unlawful purpose.

A person who commits aggravated inciting a riot commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(6) Except for a violation of subsection (1), a person arrested for a violation of this section shall be held in custody until brought before the court for admittance to bail in accordance with chapter 903.

(7) The State of Florida shall fully reimburse the unit of local government required to hold in custody a person arrested for a violation of this section.

(8) This section does not prohibit constitutionally protected activity such as a peaceful protest.

Section 16. Section 870.02, Florida Statutes, is amended to read:

870.02 Unlawful assemblies.—

(1) If three or more persons meet together to commit a breach of the peace, or to do any other unlawful act, each of them ~~commits shall be guilty of~~ a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

(2) A person arrested for a violation of this section shall be held in custody until brought before the court for admittance to bail in accordance with chapter 903.

(3) The State of Florida shall fully reimburse the unit of local government required to hold in custody a person arrested for a violation of this section.

And the title is amended as follows:

Delete lines 43-87 and insert: to be held in custody until first appearance; requiring the State of Florida to fully reimburse local governments mandated to hold certain arrestees; amending s. 784.07, F.S.; requiring a minimum term of imprisonment for a person convicted of battery on a law enforcement officer committed in furtherance of a riot or an aggravated riot; increasing the offense severity ranking of an assault or battery against specified persons for the purposes of the Criminal Punishment Code if committed in furtherance of a riot or an aggravated riot; amending s. 806.13, F.S.; prohibiting defacing, injuring, or damaging a memorial or historic property; providing a penalty; requiring a court to order restitution for such a violation; creating s. 806.135, F.S.; defining the terms “historic property” and “memorial”; prohibiting a person from destroying or demolishing a memorial or historic property; providing a penalty; requiring a court to order restitution for such a violation; amending s. 810.02, F.S.; reclassifying specified burglary offenses committed during a riot or an aggravated riot and facilitated by conditions arising from the riot; providing a definition; requiring a person arrested for such a violation to be held in custody until first appearance; requiring the State of Florida to fully reimburse local governments mandated to hold certain arrestees; amending s. 812.014, F.S.; reclassifying specified theft offenses committed during a riot or an aggravated riot and facilitated by conditions arising from the riot; providing a definition; requiring a person arrested for such a violation to be held in custody until first appearance; requiring the State of Florida to fully reimburse local governments mandated to hold certain arrestees; creating s. 836.115, F.S.; providing definitions; prohibiting cyberintimidation by publication; providing criminal penalties; amending s. 870.01, F.S.; prohibiting a person from

fighting in a public place; prohibiting a person from willfully participating in a specified violent public disturbance resulting in specified damage or injury; providing an increased penalty for rioting under specified circumstances; prohibiting a person from inciting a riot; providing an increased penalty for inciting a riot under specified circumstances; providing definitions; requiring a person arrested for such a violation to be held in custody until first appearance; providing an exception; requiring the State of Florida to fully reimburse local governments mandated to hold certain arrestees; amending s. 870.02, F.S.; requiring a person arrested for an unlawful assembly to be held in custody until first appearance; requiring the State of Florida to fully reimburse local governments mandated to hold certain arrestees; repealing s. 870.03, F.S., relating to

Senator Farmer moved the following amendment which failed:

Amendment 7 (751634) (with title amendment)—Delete lines 518-718.

And the title is amended as follows:

Delete lines 60-71 and insert: creating s. 836.115, F.S.; providing

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

Senator Farmer moved the following amendment which failed:

Amendment 8 (450464) (with title amendment)—Delete lines 814-831.

And the title is amended as follows:

Delete lines 88-90 and insert: riots or routs; amending s. 872.02,

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

Senator Powell moved the following amendments which failed:

Amendment 9 (280910) (with title amendment)—Delete lines 153-259.

And the title is amended as follows:

Delete lines 14-17 and insert: s. 768.28, F.S.;

Amendment 10 (650056) (with title amendment)—Delete lines 1041-1042 and insert:

Section 21. *Effective upon this act becoming a law:*

Racial Impact Statement.—The College of Criminology and Criminal Justice at the Florida State University shall review each criminal offense created or amended by this act and submit a racial impact statement to the President of the Senate and the Speaker of the House of Representatives by September 30, 2021. The racial impact statement must estimate the anticipated effects that criminal offenses amended or created by this act may have on racial inequality among the residents of this state and must indicate whether the changes would increase, decrease, or have no impact on racial inequality or whether the impact is indeterminable. To the extent feasible, the impact statement should include quantifiable data. The impact statement must specify the methodologies and assumptions used in its preparation.

Section 22. 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 October 1, 2021.

And the title is amended as follows:

Delete line 98 and insert: requiring the College of Criminology and Criminal Justice at the Florida State University to provide a racial impact statement on specified criminal offenses and submit it to the Legislature by a certain date; providing requirements; providing effective dates.

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

Senator Pizzo moved the following amendment which failed:

Amendment 11 (374104) (with title amendment)—Between lines 1040 and 1041 insert:

Section 21 (1) *In an effort to serve the state’s significant interest in protecting the well-being, tranquility, and privacy of the home and protecting residents from the detrimental effect of targeted picketing, it is unlawful for a person or persons to picket or protest before or about the residence or dwelling of any person with the intent to harass or disturb that person in his or her home.*

(2) *A person who violates subsection (1) commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.*

And the title is amended as follows:

Between lines 97 and 98 insert: prohibiting a person or persons from picketing or protesting before or about the residence or dwelling of any person with specified intent; providing criminal penalties;

The vote was:

Yeas—17

Ausley	Farmer	Rouson
Berman	Gibson	Stewart
Book	Jones	Taddeo
Bracy	Pizzo	Thurston
Brandes	Polsky	Torres
Cruz	Powell	

Nays—22

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

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

Senator Jones moved the following amendments which failed:

Amendment 12 (674492) (with title amendment)—Delete lines 803-812.

And the title is amended as follows:

Delete lines 84-87 and insert: appearance; providing an exception; repealing s. 870.03, F.S., relating to

Amendment 13 (766236) (with title amendment)—Between lines 306 and 307 insert:

(c) *The State of Florida has a duty to equitably and fairly enforce its laws, with little to no disparate impact on the members of any specific racial or ethnic group. If the State of Florida or a person authorized by the State of Florida breaches that duty, the state is civilly liable for any damages proximately caused by the breach of duty by the state or the authorized person. This liability is limited to any adverse impact stemming from the disproportionate application of various laws adopted to combat public disorder. The sovereign immunity recovery limits in paragraph (a) do not apply to an action under this paragraph.*

And the title is amended as follows:

Delete line 24 and insert: duty; providing that the State of Florida has a duty to equitably and fairly enforce its laws; providing that the state is civilly liable for damages under certain circumstances; providing that certain limitations on recovery do not apply; amending s. 784.011, F.S.; reclassifying the

Amendment 14 (842162) (with title amendment)—Between lines 444 and 445 insert:

Section 10. *Notwithstanding any other provision of law:*

(1) *When a law enforcement officer is charged with knowingly committing a battery upon a peaceful demonstrator, the battery for which the law enforcement officer is charged shall be reclassified from a misdemeanor of the first degree to a felony of the third degree.*

(2) *A law enforcement officer convicted of battery upon a peaceful demonstrator committed during a peaceful demonstration of three or more persons shall be sentenced to a mandatory minimum term of imprisonment of 6 months.*

And the title is amended as follows:

Delete line 51 and insert: or an aggravated riot; reclassifying the criminal penalty for a law enforcement officer who is charged with knowingly committing a battery upon a peaceful demonstrator; requiring a mandatory minimum term of imprisonment for a law enforcement officer convicted of battery upon a peaceful demonstrator during a certain demonstration; amending s. 806.13, F.S.;

SENATOR BEAN PRESIDING

Pursuant to Rule 4.19, **CS for HB 1** was placed on the calendar of Bills on Third Reading.

MOTIONS

On motion by Senator Passidomo, the rules were waived and time of adjournment was extended until 7:00 p.m.

CS for 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; encouraging each state attorney to adopt a pro-prosecution policy for acts of human trafficking; amending s. 948.30, F.S.; requiring a court to impose specified conditions on probationers or community controllees who are placed under supervision for committing a specified human trafficking offense on or after a certain date; requiring a court to impose specified conditions on probationers or community controllees who are placed on community control or sex offender probation for committing a specified human trafficking offense on or after a certain date; 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.

—was read the second time by title.

Senator Diaz moved the following amendment which was adopted:

Amendment 1 (970458) (with title amendment)—Between lines 105 and 106 insert:

Section 2. Section 92.55, Florida Statutes, is amended to read:

92.55 Judicial or other proceedings involving a victim or witness under the age of 18, a person who has an intellectual disability, a human trafficking victim or witness, or a sexual offense victim or witness; special protections; use of therapy animals or facility dogs.—

(1) For purposes of this section, the term:

(a) “Human trafficking offense” means any offense specified in s. 787.06.

(b) “Human trafficking victim or witness” means a person who was under the age of 18 when he or she was the victim of or a witness to a human trafficking offense.

(c) “Sexual offense victim or witness” means a person who was under the age of 18 when he or she was the victim of or a witness to a sexual offense.

(d)(b) “Sexual offense” means any offense specified in s. 775.21(4)(a) 1. or s. 943.0435(1)(h)1.a.(I).

(2) Upon motion of any party, upon motion of a parent, guardian, attorney, guardian ad litem, or other advocate appointed by the court under s. 914.17 for a victim or witness under the age of 18, a person who has an intellectual disability, a human trafficking victim or witness, or a sexual offense victim or witness, or upon its own motion, the court may enter any order necessary to protect the victim or witness in any judicial proceeding or other official proceeding from moderate severe emotional or mental harm due to the presence of the defendant if the victim or witness is required to testify in open court. Such orders must relate to the taking of testimony and include, but are not limited to:

(a) Interviewing or the taking of depositions as part of a civil or criminal proceeding.

(b) Examination and cross-examination for the purpose of qualifying as a witness or testifying in any proceeding.

(c) The use of testimony taken outside of the courtroom, including proceedings under ss. 92.53 and 92.54.

(3) In ruling upon a ~~the~~ motion filed under this section, the court may ~~shall~~ consider:

(a) The age of the victim or witness; ~~child~~;

(b) The nature of the offense or act;

(c) The complexity of the issues involved;

(d) The relationship of the victim or witness ~~child~~ to the parties in the case or to the defendant in a criminal action;

(e) The degree of emotional or mental harm ~~trauma~~ that will result to the ~~child~~ as a consequence of the examination, interview, or testimony;

(f) The age of the sexual offense victim or witness when the sexual offense occurred; ~~defendant’s presence~~; and

(g) Any other fact that the court deems relevant.;

~~(b) The age of the person who has an intellectual disability, the functional capacity of such person, the nature of the offenses or act, the relationship of the person to the parties in the case or to the defendant in a criminal action, the degree of emotional trauma that will result to the person as a consequence of the defendant’s presence, and any other fact that the court deems relevant; or~~

~~(c) The age of the sexual offense victim or witness when the sexual offense occurred, the relationship of the sexual offense victim or witness to the parties in the case or to the defendant in a criminal action, the degree of emotional trauma that will result to the sexual offense victim or witness as a consequence of the defendant’s presence, and any other fact that the court deems relevant.~~

(4)(a) In addition to such other relief provided by law, the court may enter orders it deems just and appropriate for the protection of ~~limiting the number of times that a child, a person who has an intellectual disability, a human trafficking victim or witness, or a sexual offense victim or witness, including, but not limited to:~~

1. Limiting the number of times that a victim or witness may be interviewed;

2. Prohibiting depositions of the victim or witness;

3. Limiting the length and scope of any deposition;

4. Requiring that a deposition be taken only by written questions;

5. Requiring that a deposition be in the presence of a trial judge or magistrate;

6. Sealing the tape or transcript of a deposition until further order of the court;

7. Requiring the submission of questions before the examination of the victim or witness;

8. Setting the place and conditions for interviewing the victim or witness or for conducting any other proceeding; or

9. Authorizing ~~permitting~~ or prohibiting the attendance of any person at any proceeding.

(b) The court shall enter any order necessary to protect the rights of all parties, including the defendant in any criminal action.

(5) The court may set any other conditions it finds just and appropriate when taking the testimony of a victim or witness under the age of 18, a person who has an intellectual disability, a human trafficking victim or witness, or a sexual offense victim or witness, including the use of a therapy animal or facility dog, in any proceeding involving a sexual offense, human trafficking, or child abuse, abandonment, or neglect.

(a) When deciding whether to ~~allow permit~~ a victim or witness under the age of 18, a person who has an intellectual disability, a human trafficking victim or witness, or a sexual offense victim or witness to testify with the assistance of a therapy animal or facility dog, the court shall consider the age of the child victim or witness; ~~the age of the human trafficking victim or witness at the time the human trafficking offense occurred;~~ the age of the sexual offense victim or witness at the time the sexual offense occurred; the interests of the child victim or witness, human trafficking offense victim or witness, or sexual offense victim or witness; the rights of the parties to the litigation; and any other relevant factor that would facilitate the testimony by the victim or witness under the age of 18, person who has an intellectual disability, human trafficking victim or witness, or sexual offense victim or witness.

(b) For purposes of this subsection the term:

1. “Facility dog” means a dog that has been trained, evaluated, and certified as a facility dog pursuant to industry standards and provides unobtrusive emotional support to children and adults in facility settings.

2. “Therapy animal” means an animal that has been trained, evaluated, and certified as a therapy animal pursuant to industry standards by an organization that certifies animals as appropriate to provide animal therapy.

And the title is amended as follows:

Delete line 9 and insert: volunteers; amending s. 92.55, F.S.; defining terms; authorizing a court, upon a motion by specified persons, to enter any order necessary to protect certain victims or witnesses from moderate, rather than from severe, emotional or mental harm; revising the factors that a court is authorized, rather than required, to consider in ruling upon a certain filed motion; revising the options for relief that a court is authorized to order to protect certain persons; authorizing a court to set any other conditions it finds just and appropriate when taking the testimony of a human trafficking victim or witness; requiring a court to consider the age of the human trafficking victim or witness at the time the human trafficking offense occurred when deciding whether to allow the human trafficking victim or witness to testify; making technical changes; amending s. 787.06, F.S.; revising the

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

Senator Diaz moved the following amendment which was adopted:

Amendment 2 (850610) (with title amendment)—Between lines 180 and 181 insert:

Section 3. Subsections (2) and (3) and paragraph (a) of subsection (6) of section 943.0583, Florida Statutes, are amended to read:

943.0583 Human trafficking victim expunction.—

(2) Notwithstanding any other provision of law, upon the filing of a petition as provided in this section, any court in the circuit in which the petitioner was arrested, so long as the court has jurisdiction over the class of offense or offenses sought to be expunged, may order a criminal justice agency to expunge the criminal history record of a victim of human trafficking who complies with the requirements of this section. A petition need not be filed in the court where the petitioner's criminal proceeding or proceedings originally occurred. This section does not confer any right to the expunction of any criminal history record, and any request for expunction of a criminal history record may be denied at the discretion of the court. The clerk of the court may not charge a filing fee, service charge, or copy fee or any other charge for a petition filed under this section. The clerk of the court shall treat a petition seeking to expunge more than one eligible case as a single petition.

(3) A person who is a victim of human trafficking may petition for the expunction of a criminal history record resulting from the arrest or filing of charges for one or more offenses ~~an offense~~ committed or reported to have been committed while the person was a victim of human trafficking, which offense was committed or reported to have been committed as a part of the human trafficking scheme of which the person was a victim or at the direction of an operator of the scheme, including, but not limited to, violations under chapters 796 and 847, without regard to the disposition of the arrest or of any charges. However, this section does not apply to any offense listed in s. 775.084(1)(b) 1. Determination of the petition under this section should be by a preponderance of the evidence. A conviction expunged under this section is deemed to have been vacated due to a substantive defect in the underlying criminal proceedings. If a person is adjudicated not guilty by reason of insanity or is found to be incompetent to stand trial for any such charge, the expunction of the criminal history record may not prevent the entry of the judgment or finding in state and national databases for use in determining eligibility to purchase or possess a firearm or to carry a concealed firearm, as authorized in s. 790.065(2)(a)4.c. and 18 U.S.C. s. 922(t), nor shall it prevent any governmental agency that is authorized by state or federal law to determine eligibility to purchase or possess a firearm or to carry a concealed firearm from accessing or using the record of the judgment or finding in the course of such agency's official duties.

(6) Each petition to a court to expunge a criminal history record is complete only when accompanied by:

(a) The petitioner's sworn statement attesting that the petitioner is eligible for such an expunction to the best of his or her knowledge or belief ~~and does not have any other petition to expunge or any petition to seal pending before any court.~~

Any person who knowingly provides false information on such sworn statement to the court commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

And the title is amended as follows:

Between lines 16 and 17 insert: amending s. 943.0583, F.S.; prohibiting a clerk of the court from charging certain fees for petitions for expunction of human trafficking victim criminal history records; providing that a petition seeking expunction of more than one case is a single petition; deleting a requirement that a petitioner under this section have no other expunction or any sealing petitions pending;

On motion by Senator Diaz, by two-thirds vote, **CS for CS for SB 1826**, as amended, was read the third time by title, passed, ordered engrossed, and then certified to the House. The vote on passage was:

Yeas—40

Mr. President	Book	Broxson
Albritton	Boyd	Burgess
Ausley	Bracy	Cruz
Baxley	Bradley	Diaz
Bean	Brandes	Farmer
Berman	Brodeur	Gainer

Garcia	Passidomo	Stargel
Gibson	Perry	Stewart
Gruters	Pizzo	Taddeo
Harrell	Polsky	Thurston
Hooper	Powell	Torres
Hutson	Rodrigues	Wright
Jones	Rodriguez	
Mayfield	Rouson	

Nays—None

CS for CS for SB 430—A bill to be entitled An act relating to petroleum fuel measuring devices; amending s. 525.07, F.S.; prohibiting a pressure-sensitive security tape from being the sole security measure used on a retail petroleum fuel measuring device after a specified date; authorizing additional security measures; prohibiting the owners or operators of such devices from using a device that fails to meet certain standards and requiring them to report certain issues discovered when inspecting such devices to the Department of Agriculture and Consumer Services; preempting the regulation of petroleum fuel measuring devices to the state and the Department of Agriculture and Consumer Services; prohibiting the department from enforcing certain provisions for violations of rules relating to petroleum fuel measuring devices unless an owner or operator fails to take certain security measures; amending s. 525.16, F.S.; exempting department petroleum fuel measuring device rules from enforcement under specified provisions unless an owner or operator fails to take certain security measures; providing an effective date.

—was read the second time by title.

Senator Rodriguez moved the following amendment which was adopted:

Amendment 1 (147488) (with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Subsection (10) of section 525.07, Florida Statutes, is amended to read:

525.07 Powers and duties of department; inspections; unlawful acts.—

(10)(a) Each person who owns or ~~operates~~ ~~manages~~ a retail petroleum fuel measuring device shall have affixed to or installed onto the measuring device a security measure to restrict the unauthorized access of customer payment card information. The security measure must include one or more of the following:

1. The placement ~~and maintenance~~ of pressure-sensitive security tape over the panel opening that leads to the scanning device for the retail petroleum fuel measuring device in a manner that will restrict the unauthorized opening of the panel ~~or the placement and maintenance of pressure-sensitive custom branded security tape unique to the station in more than one location over the panel opening.~~

2. A device or system that will render the retail petroleum fuel measuring device or the scanning device in the measuring device inoperable if there is an unauthorized opening of the panel.

3. A device or system that encrypts the customer payment card information in the scanning device.

4. A physical locking mechanism that requires an access key unique to each station to restrict the unauthorized access of customer payment card information.

5. A device or system that will sound an alarm to alert the owner or operator if there is an unauthorized opening of the retail petroleum measuring device panel.

6. A daily inspection of each measuring device that includes opening the panels, using an anti-skimmer application that detects wireless based skimmers, and documenting such inspections.

7. A device or system that permits customers to use a contactless payment method, such as an electronic contact-free system, tap-and-go

system, or mobile cryptographic system, for payment that does not use a magnetic strip scanning device.

8.4. Another security measure approved by the department.

(b) *Effective January 1, 2022, the owner or operator of a retail petroleum fuel measuring device shall have affixed to or installed onto the measuring device at least two of the security measures under paragraph (a). The use and maintenance of two security measures on each measuring device by an owner or operator is deemed to be in compliance with this subsection.*

~~(c)(b) The owner or manager of A retail petroleum fuel measuring device without a security measure or with an illegal skimming or filtering device or an altered or damaged security measure, upon discovery by the department, shall be prohibited from further use until the security measure is installed, replaced, or repaired. The department may take a retail petroleum fuel measuring device that is in violation of this subsection out of service until compliance is restored upon written notice from the department of such noncompliance, shall have 5 calendar days to comply with this subsection. After the fifth day of noncompliance, the department may prohibit further use of the retail petroleum fuel measuring device until a security measure is installed, replaced, or repaired. A repeat violation found on the same retail petroleum fuel measuring device will be cause for the department to immediately take the measuring device out of service.~~

(d)(e) For purposes of this subsection, the terms “scanning device” and “payment card” have the same meanings as defined in s. 817.625.

(e)(d) This subsection applies only to retail petroleum fuel measuring devices that have a scanning device.

(f)(e) The department may seize without warrant any skimming device, as defined in s. 817.625, for use as evidence.

(g)(f) *The regulation of retail petroleum fuel measuring devices is preempted to the state. The department shall enforce, and may adopt rules to administer, this subsection; however, s. 525.16 may not be used to enforce this section unless the owner or operator of a retail petroleum fuel measuring device has failed to install or implement security measures pursuant to this section or has placed the measuring device back in service before compliance with this section has been restored. However, if noncompliance is the result of damage or alteration after repair by the owner or operator of the security measure, and the owner or operator demonstrates or provides sufficient evidence of such, the department may not use s. 525.16 to enforce this section.*

Section 2. Subsection (6) is added to section 525.16, Florida Statutes, to read:

525.16 Administrative fine; penalties; prosecution of cases by state attorney.—

(6) *This section may not be used to enforce s. 525.07(10) or rules adopted thereunder unless the owner or operator of a retail petroleum fuel measuring device has failed to install or implement security measures pursuant to s. 525.07(10) or has placed the measuring device back in service before compliance with s. 525.07(10) has been restored. However, if noncompliance is the result of damage or alteration after repair by the owner or operator of the security measure, and the owner or operator demonstrates or provides sufficient evidence of such, the department may not use this section to enforce s. 525.07(10).*

Section 3. 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 retail petroleum fuel measuring devices; amending s. 525.07, F.S.; revising the types of certain security measures required to be affixed to or installed onto retail petroleum fuel measuring devices; requiring owners or operators of retail petroleum fuel measuring devices to affix to or install onto the measuring devices certain security measures by a specified date; providing that the use of certain measures complies with such requirement; authorizing the Department of Agriculture and Consumer Services to take certain retail petroleum fuel measuring devices out of service until compliance is restored; preempting the regulation of petroleum fuel measuring de-

vices to the state; prohibiting the department from enforcing certain provisions for violations of certain rules; amending s. 525.16, F.S.; exempting department petroleum fuel measuring device rules from enforcement under specified provisions; providing an effective date.

On motion by Senator Rodriguez, by two-thirds vote, **CS for CS for SB 430**, as amended, was read the third time by title, passed, ordered engrossed, and then certified to the House. The vote on passage was:

Yeas—40

Mr. President	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 578—A bill to be entitled An act relating to marina evacuations; amending s. 327.59, F.S.; prohibiting vessels under a specified weight from remaining in certain marinas that have been deemed unsuitable for refuge during a hurricane after the issuance of a hurricane watch; requiring a marina owner, operator, employee, or agent to remove specified vessels under certain circumstances; providing that such owner, operator, employee, or agent may charge the vessel owner a reasonable fee for such removal and may not be held liable for any damages as a result of such removal; providing construction; providing that the owners or operators of certain vessels may be subject to a fine that the deepwater seaport issuing an evacuation order is required to impose and collect; providing an effective date.

—was read the second time by title.

THE PRESIDENT PRESIDING

Pending further consideration of **SB 578**, pursuant to Rule 3.11(3), there being no objection, **CS for CS for HB 223** was withdrawn from the Committee on Rules.

On motion by Senator Wright—

CS for CS for HB 223—A bill to be entitled An act relating to marina evacuations; amending s. 327.59, F.S.; prohibiting vessels under a specified weight from remaining in certain marinas that have been deemed unsuitable for refuge during a hurricane after the issuance of a hurricane watch; requiring a marina owner, operator, employee, or agent to remove specified vessels under certain circumstances; providing that such owner, operator, employee, or agent may charge the vessel owner a reasonable fee for such removal and may not be held liable for any damages as a result of such removal; providing that the owners or operators of certain vessels may be subject to a fine that the deepwater seaport issuing an evacuation order may impose and collect; providing construction; providing a definition; providing an effective date.

—a companion measure, was substituted for **SB 578** and read the second time by title.

On motion by Senator Wright, by two-thirds vote, **CS for CS for HB 223** was read the third time by title, passed, and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Ausley	Bean
Albritton	Baxley	Berman

Book	Garcia	Powell
Boyd	Gibson	Rodrigues
Bracy	Gruters	Rodriguez
Bradley	Harrell	Rouson
Brandes	Hooper	Stargel
Brodeur	Hutson	Stewart
Broxson	Jones	Taddeo
Burgess	Mayfield	Thurston
Cruz	Passidomo	Torres
Diaz	Perry	Wright
Farmer	Pizzo	
Gainer	Polsky	

Nays—None

CS for SB 628—A bill to be entitled An act relating to urban agriculture; amending s. 604.40, F.S.; authorizing farm equipment used to transport farm products to be stored, maintained, or repaired within specified boundaries; exempting farm equipment used in urban agriculture from provisions requiring farm equipment to be located within specified boundaries; amending s. 604.50, F.S.; providing that non-residential farm buildings, fences, or signs located on lands used for urban agriculture are not exempt from the Florida Building Code or local governmental regulations; defining the term “urban agriculture”; creating s. 604.73, F.S.; providing a short title; providing legislative findings and intent; defining terms; authorizing the Department of Agriculture and Consumer Services to approve municipal urban agricultural pilot projects; providing application requirements; providing for the number, duration, and renewal of pilot projects; requiring municipalities to submit annual reports to the department; requiring the department to submit an annual report to the Legislature; providing that urban agriculture is subject to specified municipal regulation under certain circumstances; providing an effective date.

—was read the second time by title.

Senator Rouson moved the following amendment which was adopted:

Amendment 1 (818054)—Delete lines 88-115 and insert: 380.0651(3)(a);

2. *Not classified as agricultural pursuant to s. 193.461;*
3. *Not zoned as agricultural as its principal use; and*
4. *Designated by a municipality for inclusion in an urban agricultural pilot project that has been approved by the department.*

The term does not include vegetable gardens, as defined in s. 604.71(4), for personal consumption on residential properties.

(4) URBAN AGRICULTURAL PILOT PROJECTS.—

(a) The department may approve five municipalities in which urban agricultural pilot projects that meet the requirements of this section and requirements adopted by department rule may be established. The rules adopted by the department must require, at a minimum, that a municipal applicant:

1. *Has a population of 250,000 or more.*
2. *Submits to the department a proposal that includes a narrative description of the proposed pilot project, including the project location, farm products to be cultivated, community involvement, anticipated outcomes, nutrition and water use, fertilization management, and any other requirements specified by department rules.*

(b) A pilot project shall be approved for an initial 3-year period and may be renewed for additional 3-year periods by mutual agreement between the department and municipality.

(c) A municipality shall submit a report providing a

On motion by Senator Rouson, by two-thirds vote, **CS for SB 628**, as amended, was read the third time by title, passed, ordered engrossed, and then certified to the House. The vote on passage was:

Yeas—40		
Mr. President	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 1088—A bill to be entitled An act relating to modification or continuation of terms of probation; amending s. 948.06, F.S.; revising the circumstances under which a court must modify or continue a term of probation; providing an effective date.

—was read the second time by title.

Pending further consideration of **CS for SB 1088**, pursuant to Rule 3.11(3), there being no objection, **HB 661** was withdrawn from the Committee on Rules.

On motion by Senator Rodrigues—

HB 661—A bill to be entitled An act relating to modification or continuation of terms of probation; amending s. 948.06, F.S.; revising the circumstances under which a court must modify or continue a term of probation; providing an effective date.

—a companion measure, was substituted for **CS for SB 1088** and read the second time by title.

On motion by Senator Rodrigues, by two-thirds vote, **HB 661** 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

Consideration of **SB 7064** was deferred.

On motion by Senator Rodrigues—

CS for CS for SB 1890—A bill to be entitled An act relating to campaign financing; amending s. 106.08, F.S.; providing a limitation on contributions made to political committees sponsoring or opposing a constitutional amendment proposed by initiative; specifying conditions upon which the limitation no longer applies; preempting counties, mu-

municipalities, and other local governmental entities from enacting or adopting any limitation or restriction involving certain contributions and expenditures, or establishing contribution limits different than those established in the Florida Election Code; providing applicability; amending s. 106.141, F.S.; prohibiting a candidate from donating surplus funds to a charitable organization that employs the candidate; providing that any candidate required to dispose surplus funds may give certain surplus funds to the state or a political subdivision, to be disbursed in a specified manner; providing an effective date.

—was read the second time by title.

Senator Berman moved the following amendment which failed:

Amendment 1 (110510) (with title amendment)—Delete line 34 and insert:

limitation on contributions to such political committees does not apply to persons domiciled in this state or to political committees controlled by a person domiciled in this state. The limitation no

And the title is amended as follows:

Between lines 5 and 6 insert: providing an exception;

Pursuant to Rule 4.19, **CS for CS for SB 1890** was placed on the calendar of Bills on Third Reading.

MOTIONS

On motion by Senator Passidomo, the rules were waived and time of adjournment was extended until 9:00 p.m.

CS for CS for SB 714—A bill to be entitled An act relating to resource information for individuals with disabilities; amending s. 393.065, F.S.; requiring the Agency for Persons with Disabilities to provide specified information to persons applying for certain waiver services; requiring the agency to provide a certain disclosure statement along with such information; requiring the agency to publish such information and statement on its website and provide such information and statement to certain persons annually; providing an effective date.

—was read the second time by title. On motion by Senator Taddeo, by two-thirds vote, **CS for CS for SB 714** 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

SB 904—A bill to be entitled An act relating to doorstep refuse and recycling collection containers; amending s. 633.202, F.S.; deleting an obsolete provision; removing the scheduled repeal of certain provisions regulating the use of containers in exit access corridors; providing an effective date.

—was read the second time by title. On motion by Senator Diaz, by two-thirds vote, **SB 904** was read the third time by title, passed, and certified to the House. The vote on passage was:

Yeas—39

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

Nays—None

Vote after roll call:

Yea—Baxley

CS for CS for SB 932—A bill to be entitled An act relating to parenting and time-sharing of a minor child for a convicted parent; amending s. 61.13, F.S.; creating a rebuttable presumption against shared parental responsibility and time-sharing with a minor child for certain parents who have been convicted of or had adjudication withheld for a specified offense; providing an effective date.

—was read the second time by title.

Pending further consideration of **CS for CS for SB 932**, pursuant to Rule 3.11(3), there being no objection, **CS for HB 141** was withdrawn from the Committee on Rules.

On motion by Senator Wright—

CS for HB 141—A bill to be entitled An act relating to parenting and time-sharing of a minor child for a convicted parent; amending s. 61.13, F.S.; creating a rebuttable presumption against shared parental responsibility and time-sharing with a minor child for certain parents who have been convicted of or had adjudication withheld for a specified offense; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 932** and read the second time by title.

On motion by Senator Wright, by two-thirds vote, **CS for HB 141** 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

Consideration of **CS for SB 968** and **SB 1634** was deferred.

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 read the second time by title.

Pending further consideration of **CS for SB 398**, pursuant to Rule 3.11(3), there being no objection, **CS for HB 6503** was withdrawn from the Committee on Rules.

On motion by Senator Rodriguez—

CS for HB 6503—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.

—a companion measure, was substituted for **CS for SB 398** and read the second time by title.

On motion by Senator Rodriguez, by two-thirds vote, **CS for HB 6503** was read the third time by title, passed, and certified to the House. The vote on passage was:

Yeas—37

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

Nays—3

Gainer	Perry	Wright
--------	-------	--------

Vote after roll call:

Nay to Yea—Wright

CS for CS for SB 54—A bill to be entitled An act relating to motor vehicle insurance; repealing ss. 627.730, 627.731, 627.7311, 627.732, 627.733, 627.734, 627.736, 627.737, 627.739, 627.7401, 627.7403, and 627.7405, F.S., which comprise the Florida Motor Vehicle No-Fault Law; repealing s. 627.7407, F.S., relating to application of the Florida Motor Vehicle No-Fault Law; amending s. 316.646, F.S.; revising a requirement for proof of security on a motor vehicle and the applicability of the requirement; amending s. 318.18, F.S.; conforming a provision to changes made by the act; making technical changes; amending s. 320.02, F.S.; revising the motor vehicle insurance coverages that an applicant must show to register certain vehicles with the Department of Highway Safety and Motor Vehicles; conforming a provision to changes made by the act; revising construction; amending s. 320.0609, F.S.; conforming a provision to changes made by the act; making technical changes; amending s. 320.27, F.S.; defining the term “garage liability insurance”; revising garage liability insurance requirements for motor vehicle dealer applicants; conforming a provision to changes made by the act; amending s. 320.771, F.S.; revising garage liability insurance requirements for recreational vehicle dealer license applicants; amending ss. 322.251 and 322.34, F.S.; conforming provisions to changes made by the act; making technical changes; amending s. 324.011,

F.S.; revising legislative intent; amending s. 324.021, F.S.; revising definitions of the terms “motor vehicle” and “proof of financial responsibility”; revising minimum coverage requirements for proof of financial responsibility for specified motor vehicles; defining the term “for-hire passenger transportation vehicle”; conforming provisions to changes made by the act; amending s. 324.022, F.S.; revising minimum liability coverage requirements for motor vehicle owners or operators; revising authorized methods for meeting such requirements; deleting a provision relating to an insurer’s duty to defend certain claims; providing alternative minimum liability insurance coverage requirements for certain motor vehicle owners or operators; revising the vehicles that are excluded from the definition of the term “motor vehicle”; providing security requirements for certain excluded vehicles; specifying circumstances when motorcycles are subject to financial responsibility requirements; conforming provisions to changes made by the act; conforming cross-references; amending s. 324.0221, F.S.; revising coverages that subject a policy to certain insurer reporting and notice requirements; conforming provisions to changes made by the act; creating s. 324.0222, F.S.; providing that driver license or registration suspensions for failure to maintain required security which were in effect before a specified date remain in full force and effect; providing that such suspended licenses or registrations may be reinstated as provided in a specified section; amending s. 324.023, F.S.; conforming cross-references; making technical changes; amending s. 324.031, F.S.; specifying a method of proving financial responsibility; revising the amount of a certificate of deposit required to elect a certain method of proof of financial responsibility; revising excess liability coverage requirements for a person electing to use such method; amending s. 324.032, F.S.; revising financial responsibility requirements for owners or lessees of for-hire passenger transportation vehicles; amending s. 324.051, F.S.; specifying that motor vehicles include motorcycles for purposes of the section; making technical changes; amending ss. 324.071 and 324.091, F.S.; making technical changes; amending s. 324.151, F.S.; revising requirements for motor vehicle liability insurance policies relating to coverage, and exclusion from coverage, for certain drivers and vehicles; defining terms; conforming provisions to changes made by the act; making technical changes; amending s. 324.161, F.S.; revising requirements for a certificate of deposit that is required if a person elects a certain method of proving financial responsibility; amending s. 324.171, F.S.; revising the minimum net worth requirements to qualify certain persons as self-insurers; conforming provisions to changes made by the act; amending s. 324.251, F.S.; revising the short title and an effective date; amending s. 400.9905, F.S.; revising the definition of the term “clinic”; amending ss. 400.991 and 400.9935, F.S.; conforming provisions to changes made by the act; amending s. 409.901, F.S.; revising the definition of the term “third-party benefit”; amending s. 409.910, F.S.; revising the definition of the term “medical coverage”; amending s. 456.057, F.S.; conforming a provision to changes made by the act; amending s. 456.072, F.S.; revising specified grounds for discipline for certain health professions; defining the term “upcoded”; amending s. 559.920, F.S.; prohibiting certain practices by motor vehicle repair shops or motor vehicle glass repair facilities with respect to the replacement or repair of motor vehicle windshields; amending s. 624.155, F.S.; providing an exception to the circumstances under which a person who is damaged may bring a civil action against an insurer; adding a cause of action against insurers in certain circumstances; providing that a person is not entitled to judgments under multiple bad faith remedies; creating s. 624.156, F.S.; providing that the section applies to bad faith failure to settle actions against any insurer brought by a third party for a loss arising out of the ownership, maintenance, or use of a motor vehicle under specified circumstances; providing that insurers have a duty of good faith; defining the term “bad faith failure to settle”; specifying best practice standards for insurers upon receiving notice of a claim or a demand for settlement; specifying certain requirements for insurer communications to an insured in handling third-party claims; specifying requirements for the insurer when a loss involves multiple claimants under certain conditions; specifying conditions precedent for claimants filing third-party bad faith failure to settle actions; specifying requirements for information that must be included in a demand for settlement; requiring a demand for settlement to release the insured from liability under certain conditions; requiring the demand for settlement to be served upon the insurer at the address designated with the Department of Financial Services; prohibiting claimants from placing conditions on acceptance of a demand for settlement other than electing the right to examine the insured under oath regarding certain information; authorizing claimants to examine insureds under oath under certain conditions; authorizing the claimant to re-

quest the insured bring relevant documents to the examination under oath; prohibiting the claimant from examining the insured under oath regarding liability; providing an exception; requiring the claimant, insurer, and insured to cooperate in scheduling the examination under oath; specifying the timeframe within which the examination must take place; authorizing the claimant to withdraw the demand for settlement if the insured refuses to submit to an examination under oath; authorizing an insurer to accept a demand for settlement if the insured refuses to submit to an examination under oath; absolving an insurer of a duty to defend and of liability under certain circumstances; specifying the timeframe within which a claimant may withdraw a demand for settlement; providing that insurers may not be held liable in certain third-party bad faith failure to settle actions if they tender policy limits within a certain timeframe; providing that insurers may not be held liable in third-party bad faith failure to settle actions involving multiple claimants if such insurers file an interpleader action within a certain timeframe; specifying that certain provisions providing that insurers may not be held liable for a bad faith failure to settle action do not affect certain other duties of such insurers; specifying that insurers that accept demands for settlement are entitled to releases of their insureds; providing an exception; requiring claimants to prove in any third-party bad faith failure to settle action by a preponderance of the evidence that the insurer violated its duty of good faith and in bad faith failed to settle; specifying factors for the trier of fact to consider in determining whether an insurer violated its duty of good faith and in bad faith failed to settle; requiring the trier of fact to be informed of an excess judgment; prohibiting disclosure of certain judgment information to the trier of fact; limiting damages in third-party bad faith failure to settle actions; providing that judgment creditors must be subrogated to the rights of the insured under certain circumstances; prohibiting multiple bad faith remedies; amending s. 626.9541, F.S.; conforming a provision to changes made by the act; revising the type of insurance coverage applicable to a certain prohibited act; amending s. 626.989, F.S.; revising the definition of the term “fraudulent insurance act”; amending s. 627.06501, F.S.; revising coverages that may provide for a reduction in motor vehicle insurance policy premium charges under certain circumstances; amending s. 627.0651, F.S.; specifying requirements for initial rate filings for motor vehicle liability policies submitted to the Office of Insurance Regulation beginning on a specified date; amending s. 627.0652, F.S.; revising coverages that must provide a premium charge reduction under certain circumstances; amending s. 627.0653, F.S.; revising coverages subject to premium discounts for specified motor vehicle equipment; amending s. 627.4132, F.S.; revising coverages that are subject to a stacking prohibition; amending s. 627.4137, F.S.; requiring that insurers disclose certain information at the request of a claimant’s attorney; authorizing a claimant to file an action under certain circumstances; providing for the award of reasonable attorney fees and costs under certain circumstances; amending s. 627.7263, F.S.; revising coverages that are deemed primary, except under certain circumstances, for the lessor of a motor vehicle for lease or rent; revising a notice that is required if the lessee’s coverage is to be primary; creating s. 627.7265, F.S.; specifying persons whom medical payments coverage must protect; requiring medical payments coverage to cover reasonable expenses for certain medical services provided by specified providers and facilities and to provide a death benefit; specifying the minimum medical expense and death benefit limits; specifying coverage options an insurer is required or authorized to offer; providing construction relating to limits on certain other coverages; requiring insurers, upon receiving certain notice of an accident, to hold a specified reserve for certain purposes for a certain timeframe; providing that the reserve requirement does not require insurers to establish a claim reserve for accounting purposes; specifying that an insurer providing medical payments coverage benefits may not seek a lien on a certain recovery and may not bring a certain cause of action; authorizing insurers to include policy provisions allowing for subrogation, under certain circumstances, for medical payments benefits paid; providing construction; specifying a requirement for an insured for repayment of medical payments benefits under certain circumstances; prohibiting insurers from including policy provisions allowing for subrogation for death benefits paid; amending s. 627.727, F.S.; revising the legal liability of an uninsured motorist coverage insurer; conforming provisions to changes made by the act; amending s. 627.7275, F.S.; revising required coverages for a motor vehicle insurance policy; specifying that insurers must make certain coverages available under certain circumstances; requiring insurers to make certain notices to certain persons; specifying that insurers need not verify the veracity of certain representations made by an applicant or insured; prohibiting insurers from denying or

excluding certain coverages in certain circumstances; conforming provisions to changes made by the act; creating s. 627.7278, F.S.; defining the term “minimum security requirements”; providing requirements, applicability, and construction relating to motor vehicle insurance policies as of a certain date; requiring insurers to allow certain insureds to make certain coverage changes, subject to certain conditions; requiring an insurer to provide, by a specified date, a specified notice to policyholders relating to requirements under the act; amending s. 627.728, F.S.; conforming a provision to changes made by the act; making technical changes; amending s. 627.7288, F.S.; providing that insurers must offer policies providing certain coverages for windshield loss without a deductible; providing that insurers may offer certain deductibles for windshield loss for an appropriate premium discount or credit; amending s. 627.7295, F.S.; revising the definitions of the terms “policy” and “binder”; revising the coverages of a motor vehicle insurance policy for which a licensed general lines agent may charge a specified fee; conforming provisions to changes made by the act; amending s. 627.7415, F.S.; revising additional liability insurance requirements for commercial motor vehicles; creating s. 627.747, F.S.; providing that private passenger motor vehicle policies may exclude certain identified individuals from specified coverages under certain circumstances; providing that such policies may not exclude coverage under certain circumstances; amending s. 627.748, F.S.; revising insurance requirements for transportation network company drivers; conforming provisions to changes made by the act; amending s. 627.749, F.S.; conforming a provision to changes made by the act; amending s. 627.8405, F.S.; revising coverages in a policy sold in combination with an accidental death and dismemberment policy which a premium finance company may not finance; revising rulemaking authority of the Financial Services Commission; amending ss. 627.915, 628.909, 705.184, and 713.78, F.S.; conforming provisions to changes made by the act; making technical changes; amending s. 817.234, F.S.; revising coverages that are the basis of specified prohibited false and fraudulent insurance claims; conforming provisions to changes made by the act; providing an appropriation; providing effective dates.

—was read the second time by title.

Senator Burgess moved the following amendment:

Amendment 1 (824756) (with title amendment)—Delete lines 820-3498 and insert:

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

(a) “Motor vehicle” means any self-propelled vehicle that has four or more wheels and that is of a type designed and required to be licensed for use on the highways of this state, and any trailer or semitrailer designed for use with such vehicle. The term does not include *the following*:

1. A mobile home as defined in s. 320.01.
2. A motor vehicle that is used in mass transit and designed to transport more than five passengers, exclusive of the operator of the motor vehicle, and that is owned by a municipality, transit authority, or political subdivision of the state.
3. A school bus as defined in s. 1006.25, which must maintain security as required under s. 316.615.
4. A commercial motor vehicle as defined in s. 207.002 or s. 320.01(25), which must maintain security as required under ss. 324.031 and 627.7415.
5. A nonpublic sector bus, which must maintain security as required under ss. 324.031 and 627.742.
- 6.4. A ~~vehicle providing~~ for-hire passenger transportation vehicle, which must ~~that is subject to the provisions of s. 324.031. A taxicab shall maintain security as required under s. 324.032 s. 324.032(1).~~
- 7.5. A personal delivery device as defined in s. 316.003.
8. A motorcycle as defined in s. 320.01(26), unless s. 324.051 applies; in such case, paragraph (1)(a) and the applicable proof of insurance provisions of s. 320.02 apply.

(b) "Owner" means the person who holds legal title to a motor vehicle or the debtor or lessee who has the right to possession of a motor vehicle that is the subject of a security agreement or lease with an option to purchase.

(3) Each nonresident owner or registrant of a motor vehicle that, whether operated or not, has been physically present within this state for more than 90 days during the preceding 365 days shall maintain security as required by subsection (1). *The security must be that is in effect continuously throughout the period the motor vehicle remains within this state.*

(4) ~~An~~ The owner or registrant of a motor vehicle *who is exempt from the requirements of this section if she or he is a member of the United States Armed Forces and is called to or on active duty outside the United States in an emergency situation is exempt from this section while he or she.* ~~The exemption provided by this subsection applies only as long as the member of the Armed Forces is on such active duty. This exemption outside the United States and applies only while the vehicle covered by the security is not operated by any person. Upon receipt of a written request by the insured to whom the exemption provided in this subsection applies, the insurer shall cancel the coverages and return any unearned premium or suspend the security required by this section. Notwithstanding s. 324.0221(2) or 324.0221(3), the department may not suspend the registration or operator's license of an any owner or registrant of a motor vehicle during the time she or he qualifies for the an exemption under this subsection. An Any owner or registrant of a motor vehicle who qualifies for the an exemption under this subsection shall immediately notify the department before prior to and at the end of the expiration of the exemption.~~

Section 14. Subsections (1) and (2) of section 324.0221, Florida Statutes, are amended to read:

324.0221 Reports by insurers to the department; suspension of driver license and vehicle registrations; reinstatement.—

(1)(a) Each insurer that has issued a policy providing ~~personal injury protection coverage or property damage~~ liability coverage shall report the cancellation or nonrenewal thereof to the department within 10 days after the processing date or effective date of each cancellation or nonrenewal. Upon the issuance of a policy providing ~~personal injury protection coverage or property damage~~ liability coverage to a named insured not previously insured by the insurer during that calendar year, the insurer shall report the issuance of the new policy to the department within 10 days. The report ~~must~~ shall be in the form ~~and format~~ and contain any information required by the department and must be provided in a format that is compatible with the data processing capabilities of the department. Failure by an insurer to file proper reports with the department as required by this subsection constitutes a violation of the Florida Insurance Code. These records ~~may~~ shall be used by the department only for enforcement and regulatory purposes, including the generation by the department of data regarding compliance by owners of motor vehicles with the requirements for financial responsibility coverage.

(b) With respect to an insurance policy providing ~~personal injury protection coverage or property damage~~ liability coverage, each insurer shall notify the named insured, or the first-named insured in the case of a commercial fleet policy, in writing that any cancellation or nonrenewal of the policy will be reported by the insurer to the department. The notice must also inform the named insured that failure to maintain ~~bodily injury liability~~ ~~personal injury protection~~ coverage and property damage liability coverage on a motor vehicle when required by law may result in the loss of registration and driving privileges in this state and inform the named insured of the amount of the reinstatement fees required by this section. This notice is for informational purposes only, and an insurer is not civilly liable for failing to provide this notice.

(2) The department shall suspend, after due notice and an opportunity to be heard, the registration and driver license of any owner or registrant of a motor vehicle ~~for with respect to~~ which security is required under s. 324.022, s. 324.032, s. 627.7415, or s. 627.742 ~~ss. 324.022 and 627.733~~ upon:

(a) The department's records showing that the owner or registrant of such motor vehicle did not have ~~the in full force and effect when~~

required security ~~in full force and effect that complies with the requirements of ss. 324.022 and 627.733; or~~

(b) Notification by the insurer to the department, in a form approved by the department, of cancellation or termination of the required security.

Section 15. Section 324.0222, Florida Statutes, is created to read:

324.0222 *Application of suspensions for failure to maintain security; reinstatement.—All suspensions for failure to maintain required security as required by law in effect before January 1, 2022, remain in full force and effect after January 1, 2022. A driver may reinstate a suspended driver license or registration as provided under s. 324.0221.*

Section 16. Section 324.023, Florida Statutes, is amended to read:

324.023 Financial responsibility for bodily injury or death.—In addition to any other financial responsibility required by law, every owner or operator of a motor vehicle that is required to be registered in this state, or that is located within this state, and who, regardless of adjudication of guilt, has been found guilty of or entered a plea of guilty or nolo contendere to a charge of driving under the influence under s. 316.193 after October 1, 2007, shall, by one of the methods established in s. 324.031(1)(a) or (b) ~~s. 324.031(1) or (2)~~, establish and maintain the ability to respond in damages for liability on account of accidents arising out of the use of a motor vehicle in the amount of \$100,000 because of bodily injury to, or death of, one person in any one crash and, subject to such limits for one person, in the amount of \$300,000 because of bodily injury to, or death of, two or more persons in any one crash and in the amount of \$50,000 because of property damage in any one crash. If the owner or operator chooses to establish and maintain such ability by furnishing a certificate of deposit pursuant to s. 324.031(1)(b) ~~s. 324.031(2)~~, such certificate of deposit must be at least \$350,000. Such higher limits must be carried for a minimum period of 3 years. If the owner or operator has not been convicted of driving under the influence or a felony traffic offense for a period of 3 years from the date of reinstatement of driving privileges for a violation of s. 316.193, the owner or operator ~~is shall be~~ exempt from this section.

Section 17. Section 324.031, Florida Statutes, is amended to read:

324.031 Manner of proving financial responsibility.—

(1) ~~The owner or operator of a taxicab, limousine, jitney, or any other for-hire passenger transportation vehicle may prove financial responsibility by providing satisfactory evidence of holding a motor vehicle liability policy as defined in s. 324.021(8) or s. 324.151, which policy is issued by an insurance carrier which is a member of the Florida Insurance Guaranty Association. The operator or owner of a motor vehicle other than a for-hire passenger transportation vehicle any other vehicle may prove his or her financial responsibility by:~~

(a) ~~(1)~~ Furnishing satisfactory evidence of holding a motor vehicle liability policy as defined in ss. 324.021(8) and 324.151 *which provides liability coverage for the motor vehicle being operated;*

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

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

(2) ~~Beginning January 1, 2022, any person, including any firm, partnership, association, corporation, or other person, other than a natural person, electing to use the method of proof specified in paragraph (1)(b) subsection (2) shall do both of the following:~~

(a) Furnish a certificate of deposit equal to the number of vehicles owned times \$60,000 ~~\$20,000~~, up to a maximum of \$240,000. ~~\$120,000;~~

(b) ~~In addition, any such person, other than a natural person, shall Maintain insurance providing coverage that meets the requirements of s. 324.151 and has limits of:~~

1. *At least \$125,000 for bodily injury to, or the death of, one person in any one crash and, subject to such limits for one person, in the amount of \$250,000 for bodily injury to, or the death of, two or more persons in any*

one crash; and \$50,000 for damage to, or destruction of, property of others in any one crash; or

2. ~~At least \$300,000 for combined bodily injury liability and property damage liability for any one crash in excess of limits of \$10,000/20,000/10,000 or \$30,000 combined single limits, and such excess insurance shall provide minimum limits of \$125,000/250,000/50,000 or \$300,000 combined single limits. These increased limits shall not affect the requirements for proving financial responsibility under s. 324.032(1).~~

Section 18. Section 324.032, Florida Statutes, is amended to read:

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

(1) *An owner or a lessee of a for-hire passenger transportation vehicle that is required to be registered in this state shall establish and continuously maintain the ability to respond in damages for liability on account of accidents arising out of the ownership, maintenance, or use of the for-hire passenger transportation vehicle, in the amount of:*

(a) *One hundred twenty-five thousand dollars for bodily injury to, or the death of, one person in any one crash and, subject to such limits for one person, in the amount of \$250,000 for bodily injury to, or the death of, two or more persons in any one crash; and A person who is either the owner or a lessee required to maintain insurance under s. 627.733(1)(b) and who operates one or more taxicabs, limousines, jitneys, or any other for-hire passenger transportation vehicles may prove financial responsibility by furnishing satisfactory evidence of holding a motor vehicle liability policy, but with minimum limits of \$125,000/250,000/50,000.*

(b) *Fifty thousand dollars for damage to, or destruction of, property of others in any one crash A person who is either the owner or a lessee required to maintain insurance under s. 324.021(9)(b) and who operates limousines, jitneys, or any other for-hire passenger vehicles, other than taxicabs, may prove financial responsibility by furnishing satisfactory evidence of holding a motor vehicle liability policy as defined in s. 324.031.*

(2) *Except as provided in subsection (3), the requirements of this section must be met by the owner or lessee providing satisfactory evidence of holding a motor vehicle liability policy conforming to the requirements of s. 324.151 which is issued by an insurance carrier that is a member of the Florida Insurance Guaranty Association.*

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

Upon request by the department, the applicant ~~shall~~ ~~must~~ provide the department at the applicant's principal place of business in this state access to the applicant's underlying financial information and financial statements that provide the basis of the certified public accountant's certification. The applicant shall reimburse the requesting department for all reasonable costs incurred by it in reviewing the supporting information. The maximum amount of self-insurance permissible under this subsection is \$300,000 and must be stated on a per-occurrence basis, and the applicant shall maintain adequate excess insurance issued by an authorized or eligible insurer licensed or approved by the Office of Insurance Regulation. All risks self-insured shall remain with the owner or lessee providing it, and the risks are not transferable to any other person, unless a policy complying with ~~subsections (1) and (2) subsection (1)~~ is obtained.

Section 19. Subsection (2) of section 324.051, Florida Statutes, is amended, and subsection (4) is added to that section, to read:

324.051 Reports of crashes; suspensions of licenses and registrations.—

(2)(a) Thirty days after receipt of notice of any accident described in paragraph (1)(a) involving a motor vehicle within this state, the department shall suspend, after due notice and opportunity to be heard, the license of each operator and all registrations of the owner of the vehicles operated by such operator whether or not involved in such crash and, in the case of a nonresident owner or operator, shall suspend such nonresident's operating privilege in this state, unless such operator or owner shall, prior to the expiration of such 30 days, be found by the department to be exempt from the operation of this chapter, based upon evidence satisfactory to the department that:

1. The motor vehicle was legally parked at the time of such crash.
2. The motor vehicle was owned by the United States Government, this state, or any political subdivision of this state or any municipality therein.
3. Such operator or owner has secured a duly acknowledged written agreement providing for release from liability by all parties injured as the result of said crash and has complied with one of the provisions of s. 324.031.

4. Such operator or owner has deposited with the department security to conform with s. 324.061 when applicable and has complied with one of the provisions of s. 324.031.

5. One year has elapsed since such owner or operator was suspended pursuant to subsection (3), the owner or operator has complied with one of the provisions of s. 324.031, and no bill of complaint of which the department has notice has been filed in a court of competent jurisdiction.

(b) This subsection ~~does shall~~ not apply:

1. To such operator or owner if such operator or owner had in effect at the time of such crash or traffic conviction ~~a motor vehicle an automobile~~ liability policy with respect to all of the registered motor vehicles owned by such operator or owner.

2. To such operator, if not the owner of such motor vehicle, if there was in effect at the time of such crash or traffic conviction ~~a motor vehicle an automobile~~ liability policy or bond with respect to his or her operation of motor vehicles not owned by him or her.

3. To such operator or owner if the liability of such operator or owner for damages resulting from such crash is, in the judgment of the department, covered by any other form of liability insurance or bond.

4. To any person who has obtained from the department a certificate of self-insurance, in accordance with s. 324.171, or to any person operating a motor vehicle for such self-insurer.

No such policy or bond shall be effective under this subsection unless it contains limits of not less than those specified in s. 324.021(7).

(4) *As used in this section, the term "motor vehicle" includes a motorcycle as defined in s. 320.01(26).*

Section 20. Section 324.071, Florida Statutes, is amended to read:

324.071 Reinstatement; renewal of license; reinstatement fee.—~~An~~ ~~Any~~ operator or owner whose license or registration has been suspended pursuant to s. 324.051(2), s. 324.072, s. 324.081, or s. 324.121 may effect its reinstatement upon compliance with ~~the provisions of~~ s. 324.051(2)(a)3, or 4., or s. 324.081(2) and (3), as the case may be, and with one of the provisions of s. 324.031 and upon payment to the department of a nonrefundable reinstatement fee of \$15. Only one such fee ~~may shall~~ be paid by any one person ~~regardless irrespective~~ of the number of licenses and registrations to be then reinstated or issued to such person. ~~All~~ Such fees ~~must shall~~ be deposited to a department trust fund. ~~If~~ ~~When~~ the reinstatement of any license or registration is effected by compliance with s. 324.051(2)(a)3, or 4., the department ~~may shall~~ not renew the license or registration within ~~a period of~~ 3 years ~~after~~ ~~from~~ such reinstatement, nor ~~may shall~~ any other license or registration be issued in the name of such person, unless the operator ~~continues is~~ ~~continuing~~ to comply with ~~one of the provisions of~~ s. 324.031.

Section 21. Subsection (1) of section 324.091, Florida Statutes, is amended to read:

324.091 Notice to department; notice to insurer.—

(1) Each owner and operator involved in a crash or conviction case within the purview of this chapter shall furnish evidence of ~~automobile liability insurance or~~ motor vehicle liability insurance within 14 days after the date of the mailing of notice of crash by the department in the form and manner as it may designate. Upon receipt of evidence that ~~a an automobile liability policy or~~ motor vehicle liability policy was in effect at the time of the crash or conviction case, the department shall forward to the insurer such information for verification in a method as determined by the department. The insurer shall respond to the department within 20 days after the notice ~~as to whether or not~~ such information is valid. If the department determines that ~~a an automobile liability policy or~~ motor vehicle liability policy was not in effect and did not provide coverage for both the owner and the operator, it ~~must shall~~ take action as it is authorized to do under this chapter.

Section 22. Section 324.151, Florida Statutes, is amended to read:

324.151 Motor vehicle liability policies; required provisions.—

(1) A motor vehicle liability policy ~~that serves as to be~~ proof of financial responsibility under s. 324.031(1)(a) ~~must s. 324.031(1), shall~~ be issued to owners or operators of motor vehicles under the following provisions:

(a) A motor vehicle ~~An owner's~~ liability insurance policy issued to an owner of a motor vehicle required to be registered in this state ~~must shall~~ designate by explicit description or by appropriate reference all motor vehicles for ~~with respect to~~ which coverage is thereby granted. ~~The policy must and shall~~ insure the person or persons ~~owner~~ named therein and, ~~except for a named driver excluded pursuant to s. 627.747, must insure any resident relative of a named insured other person as operator using such motor vehicle or motor vehicles with the express or implied permission of such owner against loss~~ from the liability imposed by law for damage arising out of the ownership, maintenance, or use of ~~any such motor vehicle or motor vehicles within the United States or the Dominion of Canada, subject to limits, exclusive of interest and costs with respect to each such motor vehicle as is provided for under s. 324.021(7). Except for a named driver excluded pursuant to s. 627.747, the policy must also insure any person operating an insured motor vehicle with the express or implied permission of a named insured against loss from the liability imposed by law for damage arising out of the use of any vehicle. However, the insurer may include provisions in its policy excluding liability coverage for a motor vehicle not designated as an insured vehicle on the policy if such motor vehicle does not qualify as a newly acquired vehicle or as a temporary substitute vehicle and was owned by the insured or was furnished for an insured's regular use for more than 30 consecutive days before the event giving rise to the claim. Insurers may make available, with respect to property damage liability coverage, a deductible amount not to exceed \$500. In the event of a property damage loss covered by a policy containing a property damage deductible provision, the insurer shall pay to the third-party claimant the amount of any property damage liability settlement or judgment, subject to policy limits, as if no deductible existed.~~

(b) A motor vehicle liability insurance policy issued to a person who does not own a motor vehicle ~~must An operator's motor vehicle liability policy of insurance shall~~ insure the person or persons named therein against loss from the liability imposed ~~upon him or her~~ by law for damages arising out of the use ~~by the person~~ of any motor vehicle not owned by him or her, ~~with the same territorial limits and subject to the same limits of liability as referred to above with respect to an owner's policy of liability insurance.~~

(c) All such motor vehicle liability policies ~~must provide liability coverage with limits, exclusive of interest and costs, as specified under s. 324.021(7) for accidents occurring within the United States or Canada. The policies must shall~~ state the name and address of the named insured, the coverage afforded by the policy, the premium charged therefor, the policy period, ~~and the limits of liability, and must shall~~ contain an agreement or be endorsed that insurance is provided in accordance with the coverage defined in this chapter ~~as respects bodily injury and death or property damage or both and is subject to all provisions of this chapter. The said policies must shall~~ also contain a

provision that the satisfaction by an insured of a judgment for such injury or damage ~~may shall~~ not be a condition precedent to the right or duty of the insurance carrier to make payment on account of such injury or damage, and ~~must shall~~ also contain a provision that bankruptcy or insolvency of the insured or of the insured's estate ~~does shall~~ not relieve the insurance carrier of any of its obligations under ~~the said~~ policy.

(2) ~~The provisions of~~ This section is ~~shall~~ not be applicable to any motor vehicle ~~automobile~~ liability policy unless and until it is furnished as proof of financial responsibility for the future pursuant to s. 324.031, and then ~~applies only from and after~~ the date ~~the said~~ policy is ~~so~~ furnished.

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

(a) "Newly acquired vehicle" means a vehicle owned by a named insured or resident relative of the named insured which was acquired no more than 30 days before an accident.

(b) "Resident relative" means a person related to a named insured by any degree by blood, marriage, or adoption, including a ward or foster child, who usually makes his or her home in the same family unit or residence as the named insured, regardless of whether he or she temporarily lives elsewhere.

(c) "Temporary substitute vehicle" means any motor vehicle as defined in s. 320.01(1) which is not owned by the named insured and which is temporarily used with the permission of the owner as a substitute for the owned motor vehicle designated on the policy when the owned vehicle is withdrawn from normal use because of breakdown, repair, servicing, loss, or destruction.

Section 23. Section 324.161, Florida Statutes, is amended to read:

324.161 Proof of financial responsibility; deposit.—~~If a person elects to prove his or her financial responsibility under the method of proof specified in s. 324.031(1)(b), he or she annually must obtain and submit to the department proof of a certificate of deposit in the amount required under s. 324.031(2) from a financial institution insured by the Federal Deposit Insurance Corporation or the National Credit Union Administration. Annually, before any certificate of insurance may be issued to a person, including any firm, partnership, association, corporation, or other person, other than a natural person, proof of a certificate of deposit of \$30,000 issued and held by a financial institution must be submitted to the department. A power of attorney will be issued to and held by the department and may be executed upon a judgment issued against such person making the deposit, for damages for because of bodily injury to or death of any person or for damages for because of injury to or destruction of property resulting from the use or operation of any motor vehicle occurring after such deposit was made. Money so deposited is shall not be subject to attachment or execution unless such attachment or execution arises shall arise out of a lawsuit suit for such damages as aforesaid.~~

Section 24. Subsections (1) and (2) of section 324.171, Florida Statutes, are amended to read:

324.171 Self-insurer.—

(1) ~~Any~~ person may qualify as a self-insurer by obtaining a certificate of self-insurance from the department. ~~which may, in its discretion and~~ Upon application of such a person, ~~the department may issue a said certificate of self-insurance to an applicant who satisfies when such person has satisfied the requirements of this section. Effective January 1, 2022 to qualify as a self-insurer under this section.~~

(a) A private individual with private passenger vehicles shall possess a net unencumbered worth of at least \$100,000 ~~\$40,000~~.

(b) A person, including any firm, partnership, association, corporation, or other person, other than a natural person, shall:

1. Possess a net unencumbered worth of at least \$100,000 ~~\$40,000~~ for the first motor vehicle and \$50,000 ~~\$20,000~~ for each additional motor vehicle; or

2. Maintain sufficient net worth, in an amount determined by the department, to be financially responsible for potential losses. The department annually shall determine the minimum net worth sufficient to

~~satisfy this subparagraph as determined annually by the department, pursuant to rules adopted promulgated by the department, with the assistance of the Office of Insurance Regulation of the Financial Services Commission, to be financially responsible for potential losses. The rules must consider any shall take into consideration excess insurance carried by the applicant. The department's determination must shall be based upon reasonable actuarial principles considering the frequency, severity, and loss development of claims incurred by casualty insurers writing coverage on the type of motor vehicles for which a certificate of self-insurance is desired.~~

(c) The owner of a commercial motor vehicle, as defined in s. 207.002 or s. 320.01, may qualify as a self-insurer subject to the standards provided ~~for~~ in subparagraph (b)2.

(2) The self-insurance certificate ~~must shall~~ provide limits of liability insurance in the amounts specified under s. 324.021(7) ~~or s. 627.7415 and shall provide personal injury protection coverage under s. 627.733(3)(b).~~

Section 25. Section 324.251, Florida Statutes, is amended to read:

324.251 Short title.—This chapter may be cited as the “Financial Responsibility Law of 2021 ~~1955~~” and ~~is shall become~~ effective at 12:01 a.m., ~~January 1, 2022 October 1, 1955~~.

Section 26. Subsection (4) of section 400.9905, Florida Statutes, is amended to read:

400.9905 Definitions.—

(4)(a) “Clinic” means an entity where health care services are provided to individuals and which tenders charges for reimbursement for such services, including a mobile clinic and a portable equipment provider. As used in this part, the term does not include and the licensure requirements of this part do not apply to:

1.(a) Entities licensed or registered by the state under chapter 395; entities licensed or registered by the state and providing only health care services within the scope of services authorized under their respective licenses under ss. 383.30-383.332, chapter 390, chapter 394, chapter 397, this chapter except part X, chapter 429, chapter 463, chapter 465, chapter 466, chapter 478, chapter 484, or chapter 651; end-stage renal disease providers authorized under 42 C.F.R. part 494; providers certified and providing only health care services within the scope of services authorized under their respective certifications under 42 C.F.R. part 485, subpart B, subpart H, or subpart J; providers certified and providing only health care services within the scope of services authorized under their respective certifications under 42 C.F.R. part 486, subpart C; providers certified and providing only health care services within the scope of services authorized under their respective certifications under 42 C.F.R. part 491, subpart A; providers certified by the Centers for Medicare and Medicaid Services under the federal Clinical Laboratory Improvement Amendments and the federal rules adopted thereunder; or any entity that provides neonatal or pediatric hospital-based health care services or other health care services by licensed practitioners solely within a hospital licensed under chapter 395.

2.(b) Entities that own, directly or indirectly, entities licensed or registered by the state pursuant to chapter 395; entities that own, directly or indirectly, entities licensed or registered by the state and providing only health care services within the scope of services authorized pursuant to their respective licenses under ss. 383.30-383.332, chapter 390, chapter 394, chapter 397, this chapter except part X, chapter 429, chapter 463, chapter 465, chapter 466, chapter 478, chapter 484, or chapter 651; end-stage renal disease providers authorized under 42 C.F.R. part 494; providers certified and providing only health care services within the scope of services authorized under their respective certifications under 42 C.F.R. part 485, subpart B, subpart H, or subpart J; providers certified and providing only health care services within the scope of services authorized under their respective certifications under 42 C.F.R. part 486, subpart C; providers certified and providing only health care services within the scope of services authorized under their respective certifications under 42 C.F.R. part 491, subpart A; providers certified by the Centers for Medicare and Medicaid Services under the federal Clinical Laboratory Improvement Amendments and the federal rules adopted thereunder; or any entity that provides neonatal or pediatric hospital-based health care services by

licensed practitioners solely within a hospital licensed under chapter 395.

3.(c) Entities that are owned, directly or indirectly, by an entity licensed or registered by the state pursuant to chapter 395; entities that are owned, directly or indirectly, by an entity licensed or registered by the state and providing only health care services within the scope of services authorized pursuant to their respective licenses under ss. 383.30-383.332, chapter 390, chapter 394, chapter 397, this chapter except part X, chapter 429, chapter 463, chapter 465, chapter 466, chapter 478, chapter 484, or chapter 651; end-stage renal disease providers authorized under 42 C.F.R. part 494; providers certified and providing only health care services within the scope of services authorized under their respective certifications under 42 C.F.R. part 485, subpart B, subpart H, or subpart J; providers certified and providing only health care services within the scope of services authorized under their respective certifications under 42 C.F.R. part 486, subpart C; providers certified and providing only health care services within the scope of services authorized under their respective certifications under 42 C.F.R. part 491, subpart A; providers certified by the Centers for Medicare and Medicaid Services under the federal Clinical Laboratory Improvement Amendments and the federal rules adopted thereunder; or any entity that provides neonatal or pediatric hospital-based health care services by licensed practitioners solely within a hospital under chapter 395.

4.(d) Entities that are under common ownership, directly or indirectly, with an entity licensed or registered by the state pursuant to chapter 395; entities that are under common ownership, directly or indirectly, with an entity licensed or registered by the state and providing only health care services within the scope of services authorized pursuant to their respective licenses under ss. 383.30-383.332, chapter 390, chapter 394, chapter 397, this chapter except part X, chapter 429, chapter 463, chapter 465, chapter 466, chapter 478, chapter 484, or chapter 651; end-stage renal disease providers authorized under 42 C.F.R. part 494; providers certified and providing only health care services within the scope of services authorized under their respective certifications under 42 C.F.R. part 485, subpart B, subpart H, or subpart J; providers certified and providing only health care services within the scope of services authorized under their respective certifications under 42 C.F.R. part 486, subpart C; providers certified and providing only health care services within the scope of services authorized under their respective certifications under 42 C.F.R. part 491, subpart A; providers certified by the Centers for Medicare and Medicaid Services under the federal Clinical Laboratory Improvement Amendments and the federal rules adopted thereunder; or any entity that provides neonatal or pediatric hospital-based health care services by licensed practitioners solely within a hospital licensed under chapter 395.

5.(e) An entity that is exempt from federal taxation under 26 U.S.C. s. 501(c)(3) or (4), an employee stock ownership plan under 26 U.S.C. s. 409 that has a board of trustees at least two-thirds of which are Florida-licensed health care practitioners and provides only physical therapy services under physician orders, any community college or university clinic, and any entity owned or operated by the federal or state government, including agencies, subdivisions, or municipalities thereof.

6.(f) A sole proprietorship, group practice, partnership, or corporation that provides health care services by physicians covered by s. 627.419, that is directly supervised by one or more of such physicians, and that is wholly owned by one or more of those physicians or by a physician and the spouse, parent, child, or sibling of that physician.

7.(g) A sole proprietorship, group practice, partnership, or corporation that provides health care services by licensed health care practitioners under chapter 457, chapter 458, chapter 459, chapter 460, chapter 461, chapter 462, chapter 463, chapter 466, chapter 467, chapter 480, chapter 484, chapter 486, chapter 490, chapter 491, or part I, part III, part X, part XIII, or part XIV of chapter 468, or s. 464.012, and that is wholly owned by one or more licensed health care practitioners, or the licensed health care practitioners set forth in this ~~subparagraph paragraph~~ and the spouse, parent, child, or sibling of a licensed health care practitioner if one of the owners who is a licensed health care practitioner is supervising the business activities and is legally responsible for the entity's compliance with all federal and state laws. However, a health care practitioner may not supervise services beyond the scope of the practitioner's license, except that, for the purposes of this part, a clinic owned by a licensee in s. 456.053(3)(b) which

provides only services authorized pursuant to s. 456.053(3)(b) may be supervised by a licensee specified in s. 456.053(3)(b).

8.(h) Clinical facilities affiliated with an accredited medical school at which training is provided for medical students, residents, or fellows.

9.(f) Entities that provide only oncology or radiation therapy services by physicians licensed under chapter 458 or chapter 459 or entities that provide oncology or radiation therapy services by physicians licensed under chapter 458 or chapter 459 which are owned by a corporation whose shares are publicly traded on a recognized stock exchange.

10.(j) Clinical facilities affiliated with a college of chiropractic accredited by the Council on Chiropractic Education at which training is provided for chiropractic students.

11.(k) Entities that provide licensed practitioners to staff emergency departments or to deliver anesthesia services in facilities licensed under chapter 395 and that derive at least 90 percent of their gross annual revenues from the provision of such services. Entities claiming an exemption from licensure under this ~~subparagraph~~ ~~paragraph~~ must provide documentation demonstrating compliance.

12.(l) Orthotic, prosthetic, pediatric cardiology, or perinatology clinical facilities or anesthesia clinical facilities that are not otherwise exempt under *subparagraph 1* or *subparagraph 11*, ~~paragraph (a) or paragraph (k)~~ and that are a publicly traded corporation or are wholly owned, directly or indirectly, by a publicly traded corporation. As used in this ~~subparagraph~~ ~~paragraph~~, a publicly traded corporation is a corporation that issues securities traded on an exchange registered with the United States Securities and Exchange Commission as a national securities exchange.

13.(m) Entities that are owned by a corporation that has \$250 million or more in total annual sales of health care services provided by licensed health care practitioners where one or more of the persons responsible for the operations of the entity is a health care practitioner who is licensed in this state and who is responsible for supervising the business activities of the entity and is responsible for the entity's compliance with state law for purposes of this part.

14.(n) Entities that employ 50 or more licensed health care practitioners licensed under chapter 458 or chapter 459 where the billing for medical services is under a single tax identification number. The application for exemption under this subsection ~~must include~~ ~~shall contain~~ ~~information that includes~~ the name, residence, and business address and telephone ~~phone~~ number of the entity that owns the practice; a complete list of the names and contact information of all the officers and directors of the corporation; the name, residence address, business address, and medical license number of each licensed Florida health care practitioner employed by the entity; the corporate tax identification number of the entity seeking an exemption; a listing of health care services to be provided by the entity at the health care clinics owned or operated by the entity; and a certified statement prepared by an independent certified public accountant which states that the entity and the health care clinics owned or operated by the entity have not received payment for health care services under *medical payments personal injury protection insurance* coverage for the preceding year. If the agency determines that an entity ~~that~~ ~~which~~ is exempt under this subsection has received payments for medical services under *medical payments personal injury protection insurance* coverage, the agency may deny or revoke the exemption from licensure under this subsection.

15.(o) Entities that are, directly or indirectly, under the common ownership of or that are subject to common control by a mutual insurance holding company, as defined in s. 628.703, with an entity issued a certificate of authority under chapter 624 or chapter 641 which has \$1 billion or more in total annual sales in this state.

16.(p) Entities that are owned by an entity that is a behavioral health care service provider in at least five other states; that, together with its affiliates, have \$90 million or more in total annual revenues associated with the provision of behavioral health care services; and wherein one or more of the persons responsible for the operations of the entity is a health care practitioner who is licensed in this state, who is responsible for supervising the business activities of the entity, and who

is responsible for the entity's compliance with state law for purposes of this part.

17.(q) Medicaid providers.

(b) Notwithstanding *paragraph (a)* ~~this subsection~~, an entity ~~is~~ ~~shall~~ be deemed a clinic and must be licensed under this part in order to receive *medical payments coverage* reimbursement under s. 627.7265 unless the entity is:

1. Wholly owned by a physician licensed under chapter 458 or chapter 459 or by the physician and the spouse, parent, child, or sibling of the physician;

2. Wholly owned by a dentist licensed under chapter 466 or by the dentist and the spouse, parent, child, or sibling of the dentist;

3. Wholly owned by a chiropractic physician licensed under chapter 460 or by the chiropractic physician and the spouse, parent, child, or sibling of the chiropractic physician;

4. A hospital or ambulatory surgical center licensed under chapter 395;

5. An entity that wholly owns or is wholly owned, directly or indirectly, by a hospital or hospitals licensed under chapter 395;

6. A clinical facility affiliated with an accredited medical school at which training is provided for medical students, residents, or fellows;

7. Certified under 42 C.F.R. part 485, subpart H; or

8. Owned by a publicly traded corporation, either directly or indirectly through its subsidiaries, which has \$250 million or more in total annual sales of health care services provided by licensed health care practitioners, if one or more of the persons responsible for the operations of the entity are health care practitioners who are licensed in this state and are responsible for supervising the business activities of the entity and the entity's compliance with state law for purposes of this subsection ~~the Florida Motor Vehicle No Fault Law, ss. 627.730-627.7405, unless exempted under s. 627.736(5)(h).~~

Section 27. Subsection (5) of section 400.991, Florida Statutes, is amended to read:

400.991 License requirements; background screenings; prohibitions.—

(5) All agency forms for licensure application or exemption from licensure under this part must contain the following statement:

INSURANCE FRAUD NOTICE.—A person *commits a fraudulent insurance act, as defined in s. 626.989, Florida Statutes, if the person who* knowingly submits a false, misleading, or fraudulent application or other document when applying for licensure as a health care clinic, seeking an exemption from licensure as a health care clinic, or demonstrating compliance with part X of chapter 400, Florida Statutes, with the intent to use the license, exemption from licensure, or demonstration of compliance to provide services or seek reimbursement under a *motor vehicle liability insurance policy's medical payments coverage the Florida Motor Vehicle No Fault Law, commits a fraudulent insurance act, as defined in s. 626.989, Florida Statutes.* A person who presents a claim for *benefits under medical payments coverage personal injury protection benefits* knowing that the payee knowingly submitted such health care clinic application or document, commits insurance fraud, as defined in s. 817.234, Florida Statutes.

Section 28. Paragraph (g) of subsection (1) of section 400.9935, Florida Statutes, is amended to read:

400.9935 Clinic responsibilities.—

(1) Each clinic shall appoint a medical director or clinic director who shall agree in writing to accept legal responsibility for the following activities on behalf of the clinic. The medical director or the clinic director shall:

(g) Conduct systematic reviews of clinic billings to ensure that the billings are not fraudulent or unlawful. Upon discovery of an unlawful

charge, the medical director or clinic director shall take immediate corrective action. If the clinic performs only the technical component of magnetic resonance imaging, static radiographs, computed tomography, or positron emission tomography, and provides the professional interpretation of such services, in a fixed facility that is accredited by a national accrediting organization that is approved by the Centers for Medicare and Medicaid Services for magnetic resonance imaging and advanced diagnostic imaging services and if, in the preceding quarter, the percentage of scans performed by that clinic which was billed to ~~motor vehicle all personal injury protection~~ insurance carriers under ~~medical payments coverage~~ was less than 15 percent, the chief financial officer of the clinic may, in a written acknowledgment provided to the agency, assume the responsibility for the conduct of the systematic reviews of clinic billings to ensure that the billings are not fraudulent or unlawful.

Section 29. Subsection (28) of section 409.901, Florida Statutes, is amended to read:

409.901 Definitions; ss. 409.901-409.920.—As used in ss. 409.901-409.920, except as otherwise specifically provided, the term:

(28) “Third-party benefit” means any benefit that is or may be available at any time through contract, court award, judgment, settlement, agreement, or any arrangement between a third party and any person or entity, including, without limitation, a Medicaid recipient, a provider, another third party, an insurer, or the agency, for any Medicaid-covered injury, illness, goods, or services, including costs of medical services related thereto, for ~~bodily personal injury~~ or for death of the recipient, but specifically excluding ~~policies of life insurance policies~~ on the recipient, unless available under terms of the policy to pay medical expenses ~~before~~ ~~prior to~~ death. The term includes, without limitation, collateral, as defined in this section; health insurance; any benefit under a health maintenance organization, a preferred provider arrangement, a prepaid health clinic, liability insurance, uninsured motorist insurance, or ~~medical payments coverage~~; or ~~personal injury protection coverage~~, medical benefits under workers’ compensation, and any obligation under law or equity to provide medical support.

Section 30. Paragraph (f) of subsection (11) of section 409.910, Florida Statutes, is amended to read:

409.910 Responsibility for payments on behalf of Medicaid-eligible persons when other parties are liable.—

(11) The agency may, as a matter of right, in order to enforce its rights under this section, institute, intervene in, or join any legal or administrative proceeding in its own name in one or more of the following capacities: individually, as subrogee of the recipient, as assignee of the recipient, or as lienholder of the collateral.

(f) Notwithstanding any provision in this section to the contrary, in the event of an action in tort against a third party in which the recipient or his or her legal representative is a party which results in a judgment, award, or settlement from a third party, the amount recovered shall be distributed as follows:

1. After ~~attorney~~ ~~attorney’s~~ fees and taxable costs as defined by the Florida Rules of Civil Procedure, one-half of the remaining recovery shall be paid to the agency up to the total amount of medical assistance provided by Medicaid.

2. The remaining amount of the recovery shall be paid to the recipient.

3. For purposes of calculating the agency’s recovery of medical assistance benefits paid, the fee for services of an attorney retained by the recipient or his or her legal representative shall be calculated at 25 percent of the judgment, award, or settlement.

4. Notwithstanding any *other* provision of this section to the contrary, the agency shall be entitled to all medical coverage benefits up to the total amount of medical assistance provided by Medicaid. For purposes of this paragraph, *the term* “medical coverage” means any benefits under health insurance, a health maintenance organization, a preferred provider arrangement, or a prepaid health clinic, and the portion of benefits designated for medical payments under ~~coverage for~~ workers’

compensation coverage, motor vehicle insurance coverage, ~~personal injury protection~~, and casualty coverage.

Section 31. Paragraph (k) of subsection (2) of section 456.057, Florida Statutes, is amended to read:

456.057 Ownership and control of patient records; report or copies of records to be furnished; disclosure of information.—

(2) As used in this section, the terms “records owner,” “health care practitioner,” and “health care practitioner’s employer” do not include any of the following persons or entities; furthermore, the following persons or entities are not authorized to acquire or own medical records, but are authorized under the confidentiality and disclosure requirements of this section to maintain those documents required by the part or chapter under which they are licensed or regulated:

(k) Persons or entities practicing under s. 627.7265 ~~s. 627.736(7)~~.

Section 32. Paragraphs (ee) and (ff) of subsection (1) of section 456.072, Florida Statutes, are amended to read:

456.072 Grounds for discipline; penalties; enforcement.—

(1) The following acts shall constitute grounds for which the disciplinary actions specified in subsection (2) may be taken:

(ee) With respect to making a ~~medical payments coverage personal injury protection~~ claim under s. 627.7265 ~~as required by s. 627.736~~, intentionally submitting a claim, statement, or bill that has been ~~up-coded~~. As used in this paragraph, the term “up-coded” means an action that submits a billing code that would result in a greater payment amount than would be paid using a billing code that accurately describes the services performed. The term does not include an otherwise lawful bill by a magnetic resonance imaging facility which globally combines both technical and professional components, if the amount of the global bill is not more than the components if billed separately; however, payment of such a bill constitutes payment in full for all components of such service ~~“up-coded” as defined in s. 627.732~~.

(ff) With respect to making a ~~medical payments coverage personal injury protection~~ claim pursuant to s. 627.7265 ~~as required by s. 627.736~~, intentionally submitting a claim, statement, or bill for payment of services that were not rendered.

Section 33. Paragraph (b) of subsection (1) and subsection (8) of section 624.155, Florida Statutes, are amended to read:

624.155 Civil remedy.—

(1) Any person may bring a civil action against an insurer when such person is damaged:

(b) By the commission of any of the following acts by the insurer:

1. *Except for a civil action for bad faith failure to settle a third-party claim subject to s. 624.156*, not attempting in good faith to settle claims when, under all the circumstances, it could and should have done so, had it acted fairly and honestly toward its insured and with due regard for her or his interests;

2. Making claims payments to insureds or beneficiaries not accompanied by a statement setting forth the coverage under which payments are being made; ~~or~~

3. Except as to liability coverages, failing to promptly settle claims, when the obligation to settle a claim has become reasonably clear, under one portion of the insurance policy coverage in order to influence settlements under other portions of the insurance policy coverage; *or*

4. *When handling a first-party claim under a motor vehicle insurance policy, not attempting in good faith to settle such claim pursuant to subparagraph 1. when such failure is caused by a failure to communicate to an insured:*

a. *The name, telephone number, e-mail address, and mailing address of the person who is adjusting the claim;*

b. *Any issues that may impair the insured’s coverage;*

c. Information that might resolve the coverage issue in a prompt manner;

d. Any basis for the insurer's rejection or nonacceptance of any settlement demand or offer; or

e. Any needed extensions to respond to a time-limited settlement offer.

Notwithstanding the provisions of the above to the contrary, a person pursuing a remedy under this section need not prove that such act was committed or performed with such frequency as to indicate a general business practice.

(8) The civil remedy specified in this section does not preempt any other remedy or cause of action provided for pursuant to any other statute or pursuant to the common law of this state. ~~A Any person is may obtain a judgment under either the common law remedy of bad faith or this statutory remedy, but shall not be entitled to a judgment under multiple bad faith both remedies.~~ This section shall not be construed to create a common-law cause of action. The damages recoverable pursuant to this section shall include those damages which are a reasonably foreseeable result of a specified violation of this section by the authorized insurer and may include an award or judgment in an amount that exceeds the policy limits.

Section 34. Section 624.156, Florida Statutes, is created to read:

624.156 Actions against motor vehicle insurers for bad faith failure to settle third-party claims.—

(1) **SCOPE.**—This section applies in all actions against any insurer for bad faith failure to settle a third-party claim for a loss arising out of the ownership, maintenance, or use of a motor vehicle operated or principally garaged in this state at the time of an incident or a loss, regardless of whether the insurer is authorized to do business in this state or issued a policy in this state. This section governs in any conflict with common law or any other statute.

(2) **DUTY OF GOOD FAITH.**—In handling claims, an insurer has a duty to its insured to handle claims in good faith by complying with the best practices standards of subsection (4). An insurer's negligence does not constitute bad faith. However, negligence is relevant to whether an insurer acted in bad faith.

(3) **BAD FAITH FAILURE TO SETTLE.**—“Bad faith failure to settle” means an insurer's failure to meet its duty of good faith, as described in subsection (2), which is a proximate cause of the insurer not settling a third-party claim when, under all the circumstances, the insurer could and should have done so, had it acted fairly and honestly toward its insured and with due regard for the insured's interests.

(4) **BEST PRACTICES STANDARDS.**—An insurer must meet the best practices standards of this subsection. The insurer's duty begins upon receiving actual notice of an incident or a loss that could give rise to a covered liability claim and continues until the claim is resolved. Notice may be communicated to the insurer or an agent of the insurer by any means. However, if actual notice is communicated by means other than through any manner permitted by the policy or other documents provided to the insured by the insurer, through the insurer's website, or through the e-mail address designated by the insurer under s. 624.422, the notice will not be effective under this subsection if that variation causes actual prejudice to the insurer's ability to settle the claim. The burden is on the party bringing the bad faith claim to prove that the insurer had actual notice of the incident or loss giving rise to the claim that resulted in an excess judgment and when such notice was received. After receipt of actual notice an insurer:

(a) Must assign a duly licensed and appointed insurance adjuster to investigate the extent of the insured's probable exposure and diligently attempt to resolve any questions concerning the existence or extent of the insured's coverage.

(b) Based on available information, must ethically evaluate every claim fairly, honestly, and with due regard for the interests of the insured; consider the extent of the claimant's recoverable damages; and consider the information in a reasonable and prudent manner.

(c) Must request from the insured or claimant additional relevant information the insurer reasonably deems necessary to evaluate whether to settle a claim.

(d) Must conduct all verbal and written communications with the insured with the utmost honesty and complete candor.

(e) Must make reasonable efforts to explain to persons not represented by counsel matters requiring expertise beyond the level normally expected of a layperson with no training in insurance or claims-handling issues.

(f) Must retain all written communications and note and retain a summary of all verbal communications in a reasonable manner for a period of not less than 5 years after the later of:

1. The entry of a judgment against the insured in excess of policy limits becomes final; or

2. The conclusion of the extracontractual claim, if any, including any related appeals.

(g) Must provide the insured, upon request, with all nonprivileged communications related to the insurer's handling of the claim which are not privileged as to the insured.

(h) Must provide, at the insurer's expense, reasonable accommodations necessary to communicate effectively with an insured covered under the Americans with Disabilities Act.

(i) In handling third-party claims, must communicate to an insured all of the following:

1. The identity of any other person or entity the insurer has reason to believe may be liable.

2. The insurer's evaluation of the claim.

3. The likelihood and possible extent of an excess judgment.

4. Steps the insured can take to avoid exposure to an excess judgment, including the right to secure personal counsel at the insured's expense.

5. The insured's duty to cooperate with the insurer, including any specific requests required because of a settlement opportunity or by the insurer for the insured's cooperation under subsection (5), the purpose of the required cooperation, and the consequences of refusing to cooperate.

6. Any settlement demands or offers.

(j) If, after the expiration of the safe harbor periods in subsection (8), the facts available to the insurer indicate that the insured's liability is likely to exceed the policy limits, must initiate settlement negotiations by tendering its policy limits to the claimant in exchange for a general release of the insured.

(k)1. Must give fair consideration to a settlement offer that is not unreasonable under the facts available to the insurer and settle, if possible, when a reasonably prudent person, faced with the prospect of paying the total probable exposure of the insured, would do so. The insurer shall provide reasonable assistance to the insured to comply with the insured's obligations to cooperate and shall act reasonably to attempt to satisfy any conditions of a claimant's settlement offer. If it is not possible to settle a liability claim within the available policy limits, the insurer shall act reasonably to attempt to minimize the excess exposure to the insured.

2. When multiple claims arise out of a single occurrence, the combined value of all claims exceeds the total of all applicable policy limits, and the claimants are unwilling to globally settle within the policy limits, must attempt to minimize the magnitude of possible excess judgments against the insured. Thereafter, the insurer is entitled to great discretion to decide how much to offer each respective claimant in its attempt to protect the insured. The insurer may, in its effort to minimize the excess liability of the insured, use its discretion to offer the full available policy limits to one or more claimants to the exclusion of other claimants and may leave the insured exposed to some liability after all the policy limits are paid. An insurer does not act in bad faith simply

because it is unable to settle all claims in a multiple claimant case. It is a defense to a bad faith action if the insurer establishes that it used its discretion for the benefit of its insureds and complied with the other best practices standards of this subsection.

(l) When a loss creates the potential for a third-party claim against more than one insured, must attempt to settle the claim on behalf of all insureds against whom a claim may be presented. If it is not possible to settle on behalf of all insureds, the insurer may, in consultation with the insureds, enter into reasonable settlements of claims against certain insureds to the exclusion of other insureds.

(m) Must respond to any request for insurance information in compliance with s. 627.4137 or s. 626.9372, as applicable.

(n) Where it appears the insured's probable exposure is greater than policy limits, must take reasonable measures to preserve evidence, for a reasonable period of time, which is needed for the defense of the liability claim.

(o) Must comply with s. 627.426, if applicable.

(p) May not commit or perform with such frequency as to indicate a general business practice, any of the following:

1. Failing to adopt and implement standards for the proper investigation of claims.

2. Misrepresenting pertinent facts or insurance policy provisions relating to coverages at issue.

3. Failing to acknowledge and act promptly upon communications with respect to claims.

4. Denying claims without conducting reasonable investigations based upon available information.

(5) **INSURED'S DUTY TO COOPERATE.—**

(a) Insureds have a duty to cooperate with their insurer in the defense of the claim and in making settlements. Accordingly, the insured must take any reasonable action requested by the injured claimant or provided in the policy which is necessary to assist the insurer in settling a covered claim, including:

1. Executing affidavits regarding the facts within the insured's knowledge regarding the covered loss; and

2. Providing documents, including those requested pursuant to paragraph (b).

(b) When it is reasonably necessary to settle a covered claim valued in excess of all applicable policy limits, upon the request of the injured claimant, an insured must disclose on a form adopted by the department or provided by the claimant a summary of the following:

1. The insured's assets at the time of the loss, including:

a. Cash, stocks, bonds, and nonretirement-based mutual funds;

b. Nonhomestead real property;

c. All registered vehicles;

d. All bank accounts;

e. An estimated net accounting of all other assets; and

f. Any additional information included by the department.

2. The insured's liabilities, including:

a. Mortgage debt;

b. Credit card debt;

c. Child support and alimony payments;

d. Other liabilities; and

e. Any additional information included by the department.

3. For a corporate entity, information on its balance sheet, including the corporate entity's:

a. Cash, property, equipment, and inventory;

b. Liabilities, including obligations, rent, money owed to vendors, payroll, and taxes;

c. Other information relevant to understanding the entity's capital and net worth; and

d. Any additional information included by the department.

4. A list of all insurance policies that may provide coverage for the claim, stating the name of the insurer and policy number of each policy.

5. For natural persons, a statement of whether the insured was acting in the course and scope of employment at the time of the incident or loss giving rise to the claim and, if so, providing the name and contact information for the insured's employer.

(c) No later than 14 days following actual notice of an incident or a loss that could give rise to a covered liability claim, the insurer must notify the insured of the insured's duties under this subsection. The burden is on the insurer to prove it provided notice to the insured of the insured's duty to cooperate; otherwise, a presumption arises that the insured met its duty to cooperate under this subsection.

(d) An insurer may terminate the defense as to any insured who unreasonably fails to meet its duties under this subsection when:

1. The insurer exercised diligence and met its duties under subparagraph (4)(i)5.;

2. The insurer provided reasonable assistance to the insured to comply with the obligations of this subsection;

3. The insurer gave the insured written notice of any failure to cooperate and a reasonable opportunity for the insured to cure the lack of cooperation, consistent with any deadlines imposed by settlement negotiations;

4. The insured's failure to cooperate causes the insurer to be unable to settle the claim; and

5. The insurer unconditionally tenders its available coverage policy limits directly to the claimant or the claimant's attorney.

(e) When an insured's defense is terminated in compliance with this subsection, the insurer is not liable for any damages caused by a failure to settle or defend the liability claim against that insured.

(6) **CLAIMANT COMMUNICATIONS.—**The trier of fact may not attribute the insurer's failure to settle a covered third-party claim to a claimant's lack of communication with the insurer when the claimant truthfully complies with all applicable standards of this subsection by:

(a) Contemporaneously with or before making a claim with the insurer, communicating in writing to the insurer:

1. The date and location of loss;

2. The name, address, and date of birth of the claimant; and

3. A physical address, an e-mail address, and a facsimile number for further communications, including, but not limited to, responses to any settlement demand.

(b) Presenting the following in writing:

1. The legal and factual basis of the claim; and

2. A reasonably detailed description of the claimant's:

a. Known injuries caused or aggravated by the incident or loss on which the claim is based;

b. Medical treatment causally related to the incident or loss on which the claim is based;

c. Relevant pre-accident medical conditions, if known; and

d. Type and amount of known damages incurred and, if any, the damages the claimant reasonably anticipates incurring in the future.

(c) Providing any settlement demand in writing and stating within such demand:

1. The name of each insured to whom the demand for settlement is directed;

2. The amount of the demand for settlement; and

3. Any conditions the claimant is placing on acceptance of the demand for settlement.

This subsection does not reduce an insurer's duty of good faith, which is owed solely to its insured. The claimant owes no duty to the insured or the insurer, and the duties of the claimant's attorney are owed solely to their client. The claimant and the claimant's attorneys do not have a duty to comply with this subsection.

(7) **CONDITIONS PRECEDENT.**—It is a condition precedent to filing an action against an insurer for bad faith failure to settle a third-party claim that:

(a) A third-party claimant obtained a final judgment in excess of the policy limits against the insured or the insured's estate, bankruptcy trustee, or successor in interest, unless the insurer expressly waived the requirement of a final excess judgment or wrongfully breached its duty to defend the insured; and

(b) The insurer or an agent of the insurer received actual notice effective under subsection (4).

(8) **SAFE HARBORS.**—

(a) After an insurer receives actual notice of an incident or a loss that could give rise to a covered liability claim, the insurer is entitled to a reasonable opportunity to investigate and evaluate the claim. The amount of time required for the insurer's investigation and evaluation will vary depending on the circumstances of the claim. The safe harbors provided in this subsection are available to an insurer that complies with the best practices standards of subsection (4).

(b) When one claim arises out of a single occurrence, and an insurer initiates settlement negotiations by tendering the applicable policy limits in exchange for a general release of the insured within 45 days after receiving actual notice of the loss, the failure to tender the policy limits sooner does not constitute bad faith.

(c) When multiple claims arise out of a single occurrence, the combined value of all claims exceeds the total of all applicable policy limits, and an insurer initiates settlement negotiations by globally tendering the applicable policy limits in exchange for a general release of the insured within 45 days after receiving actual notice of the loss, the failure to tender policy limits sooner does not constitute bad faith.

(d) An insurer is not under any circumstances liable for the failure to accept a settlement offer within 45 days after receiving actual notice of the loss if:

1. The settlement offer provides the insurer fewer than 15 days for acceptance; or

2. The settlement offer provides the insurer fewer than 30 days for acceptance where the offer contains conditions for acceptance other than the insurer's disclosure of its policy limits.

(e) This subsection does not require that an insurer automatically tender policy limits within 45 days in every case.

(9) **BURDEN OF PROOF.**—In any action for bad faith failure to settle as defined in subsection (3):

(a) The party bringing the bad faith claim must prove every element of the claim by the greater weight of the evidence, taking into account the totality of the circumstances.

(b) An insurer that relies upon paragraph (5)(d) as a defense to a claim for bad faith failure to settle must prove the elements of that paragraph by the greater weight of the evidence.

(c) An insurer that relies upon a safe harbor provision of subsection (8) must prove the elements of the safe harbor by the greater weight of the evidence.

(10) **DAMAGES.**—If the trier of fact finds that a claimant has met its burden of proof, the insurer is liable for the amount of any excess judgment, together with court costs and, if the claimant is the insured or an assignee of the insured, the reasonable attorney fees incurred by the claimant. Punitive damages may not be awarded.

(11) **ENFORCEMENT.**—If a judgment creditor obtains a judgment that exceeds the insured's limits of liability, the judgment creditor must be subrogated to the rights of the insured against the insurer for bad faith under this section.

(12) **LIMITATION ON MULTIPLE REMEDIES.**—A person is not entitled to a judgment under multiple bad faith remedies.

Section 35. Paragraphs (i) and (o) of subsection (1) of section 626.9541, Florida Statutes, are amended to read:

626.9541 Unfair methods of competition and unfair or deceptive acts or practices defined.—

(1) **UNFAIR METHODS OF COMPETITION AND UNFAIR OR DECEPTIVE ACTS.**—The following are defined as unfair methods of competition and unfair or deceptive acts or practices:

(i) *Unfair claim settlement practices.*—

1. Attempting to settle claims on the basis of an application, when serving as a binder or intended to become a part of the policy, or any other material document which was altered without notice to, or knowledge or consent of, the insured;

2. Making a material misrepresentation made to an insured or any other person having an interest in the proceeds payable under such contract or policy, for the purpose and with the intent of effecting settlement of such claims, loss, or damage under such contract or policy on less favorable terms than those provided in, and contemplated by, such contract or policy; or

3. Committing or performing with such frequency as to indicate a general business practice any of the following:

a. Failing to adopt and implement standards for the proper investigation of claims;

b. Misrepresenting pertinent facts or insurance policy provisions relating to coverages at issue;

c. Failing to acknowledge and act promptly upon communications with respect to claims;

d. Denying claims without conducting reasonable investigations based upon available information;

e. Failing to affirm or deny full or partial coverage of claims, and, as to partial coverage, the dollar amount or extent of coverage, or failing to provide a written statement that the claim is being investigated, upon the written request of the insured within 30 days after proof-of-loss statements have been completed;

f. Failing to promptly provide a reasonable explanation in writing to the insured of the basis in the insurance policy, in relation to the facts or applicable law, for denial of a claim or for the offer of a compromise settlement;

g. Failing to promptly notify the insured of any additional information necessary for the processing of a claim; or

h. Failing to clearly explain the nature of the requested information and the reasons why such information is necessary.

~~i. Failing to pay personal injury protection insurance claims within the time periods required by s. 627.736(4)(b). The office may order the insurer to pay restitution to a policyholder, medical provider, or other claimant, including interest at a rate consistent with the amount set forth in s. 55.03(1), for the time period within which an insurer fails to pay claims as required by law. Restitution is in addition to any other penalties allowed by law, including, but not limited to, the suspension of the insurer's certificate of authority.~~

4. Failing to pay undisputed amounts of partial or full benefits owed under first-party property insurance policies within 90 days after an insurer receives notice of a residential property insurance claim, determines the amounts of partial or full benefits, and agrees to coverage, unless payment of the undisputed benefits is prevented by an act of God, prevented by the impossibility of performance, or due to actions by the insured or claimant that constitute fraud, lack of cooperation, or intentional misrepresentation regarding the claim for which benefits are owed.

(o) *Illegal dealings in premiums; excess or reduced charges for insurance.*—

1. Knowingly collecting any sum as a premium or charge for insurance, which is not then provided, or is not in due course to be provided, subject to acceptance of the risk by the insurer, by an insurance policy issued by an insurer as permitted by this code.

2. Knowingly collecting as a premium or charge for insurance any sum in excess of or less than the premium or charge applicable to such insurance, in accordance with the applicable classifications and rates as filed with and approved by the office, and as specified in the policy; or, in cases when classifications, premiums, or rates are not required by this code to be so filed and approved, premiums and charges collected from a Florida resident in excess of or less than those specified in the policy and as fixed by the insurer. Notwithstanding any other provision of law, this provision shall not be deemed to prohibit the charging and collection, by surplus lines agents licensed under part VIII of this chapter, of the amount of applicable state and federal taxes, or fees as authorized by s. 626.916(4), in addition to the premium required by the insurer or the charging and collection, by licensed agents, of the exact amount of any discount or other such fee charged by a credit card facility in connection with the use of a credit card, as authorized by subparagraph (q) 3., in addition to the premium required by the insurer. This subparagraph shall not be construed to prohibit collection of a premium for a universal life or a variable or indeterminate value insurance policy made in accordance with the terms of the contract.

3.a. Imposing or requesting an additional premium for *bodily injury liability coverage, property damage liability coverage* ~~a policy of motor vehicle liability, personal injury protection, medical payments coverage payment, or collision coverage in a motor vehicle liability insurance policy insurance or any combination thereof~~ or refusing to renew the policy solely because the insured was involved in a motor vehicle accident unless the insurer's file contains information from which the insurer in good faith determines that the insured was substantially at fault in the accident.

b. An insurer which imposes and collects such a surcharge or which refuses to renew such policy shall, in conjunction with the notice of premium due or notice of nonrenewal, notify the named insured that he or she is entitled to reimbursement of such amount or renewal of the policy under the conditions listed below and will subsequently reimburse him or her or renew the policy, if the named insured demonstrates that the operator involved in the accident was:

- (I) Lawfully parked;
- (II) Reimbursed by, or on behalf of, a person responsible for the accident or has a judgment against such person;
- (III) Struck in the rear by another vehicle headed in the same direction and was not convicted of a moving traffic violation in connection with the accident;

(IV) Hit by a "hit-and-run" driver, if the accident was reported to the proper authorities within 24 hours after discovering the accident;

(V) Not convicted of a moving traffic violation in connection with the accident, but the operator of the other automobile involved in such accident was convicted of a moving traffic violation;

(VI) Finally adjudicated not to be liable by a court of competent jurisdiction;

(VII) In receipt of a traffic citation which was dismissed or nolle prossed; or

(VIII) Not at fault as evidenced by a written statement from the insured establishing facts demonstrating lack of fault which are not rebutted by information in the insurer's file from which the insurer in good faith determines that the insured was substantially at fault.

c. In addition to the other provisions of this subparagraph, an insurer may not fail to renew a policy if the insured has had only one accident in which he or she was at fault within the current 3-year period. However, an insurer may nonrenew a policy for reasons other than accidents in accordance with s. 627.728. This subparagraph does not prohibit nonrenewal of a policy under which the insured has had three or more accidents, regardless of fault, during the most recent 3-year period.

4. Imposing or requesting an additional premium for, or refusing to renew, a policy for motor vehicle insurance solely because the insured committed a noncriminal traffic infraction as described in s. 318.14 unless the infraction is:

a. A second infraction committed within an 18-month period, or a third or subsequent infraction committed within a 36-month period.

b. A violation of s. 316.183, when such violation is a result of exceeding the lawful speed limit by more than 15 miles per hour.

5. Upon the request of the insured, the insurer and licensed agent shall supply to the insured the complete proof of fault or other criteria which justifies the additional charge or cancellation.

6. No insurer shall impose or request an additional premium for motor vehicle insurance, cancel or refuse to issue a policy, or refuse to renew a policy because the insured or the applicant is a handicapped or physically disabled person, so long as such handicap or physical disability does not substantially impair such person's mechanically assisted driving ability.

7. No insurer may cancel or otherwise terminate any insurance contract or coverage, or require execution of a consent to rate endorsement, during the stated policy term for the purpose of offering to issue, or issuing, a similar or identical contract or coverage to the same insured with the same exposure at a higher premium rate or continuing an existing contract or coverage with the same exposure at an increased premium.

8. No insurer may issue a nonrenewal notice on any insurance contract or coverage, or require execution of a consent to rate endorsement, for the purpose of offering to issue, or issuing, a similar or identical contract or coverage to the same insured at a higher premium rate or continuing an existing contract or coverage at an increased premium without meeting any applicable notice requirements.

9. No insurer shall, with respect to premiums charged for motor vehicle insurance, unfairly discriminate solely on the basis of age, sex, marital status, or scholastic achievement.

10. Imposing or requesting an additional premium for motor vehicle comprehensive or uninsured motorist coverage solely because the insured was involved in a motor vehicle accident or was convicted of a moving traffic violation.

11. No insurer shall cancel or issue a nonrenewal notice on any insurance policy or contract without complying with any applicable cancellation or nonrenewal provision required under the Florida Insurance Code.

12. No insurer shall impose or request an additional premium, cancel a policy, or issue a nonrenewal notice on any insurance policy or contract because of any traffic infraction when adjudication has been withheld and no points have been assessed pursuant to s. 318.14(9) and (10). However, this subparagraph does not apply to traffic infractions involving accidents in which the insurer has incurred a loss due to the fault of the insured.

Section 36. Paragraph (a) of subsection (1) of section 626.989, Florida Statutes, is amended to read:

626.989 Investigation by department or Division of Investigative and Forensic Services; compliance; immunity; confidential information; reports to division; division investigator's power of arrest.—

(1) For the purposes of this section:

(a) A person commits a "fraudulent insurance act" if the person:

1. Knowingly and with intent to defraud presents, causes to be presented, or prepares with knowledge or belief that it will be presented, to or by an insurer, self-insurer, self-insurance fund, servicing corporation, purported insurer, broker, or any agent thereof, any written statement as part of, or in support of, an application for the issuance of, or the rating of, any insurance policy, or a claim for payment or other benefit pursuant to any insurance policy, which the person knows to contain materially false information concerning any fact material thereto or if the person conceals, for the purpose of misleading another, information concerning any fact material thereto.

2. Knowingly submits:

a. A false, misleading, or fraudulent application or other document when applying for licensure as a health care clinic, seeking an exemption from licensure as a health care clinic, or demonstrating compliance with part X of chapter 400 with an intent to use the license, exemption from licensure, or demonstration of compliance to provide services or seek reimbursement under a motor vehicle liability insurance policy's medical payments coverage ~~the Florida Motor Vehicle No-Fault Law~~.

b. A claim for payment or other benefit under medical payments coverage, pursuant to a personal injury protection insurance policy under the Florida Motor Vehicle No-Fault Law if the person knows that the payee knowingly submitted a false, misleading, or fraudulent application or other document when applying for licensure as a health care clinic, seeking an exemption from licensure as a health care clinic, or demonstrating compliance with part X of chapter 400.

Section 37. Subsection (1) of section 627.06501, Florida Statutes, is amended to read:

627.06501 Insurance discounts for certain persons completing driver improvement course.—

(1) Any rate, rating schedule, or rating manual for the liability, medical payments ~~personal injury protection~~, and collision coverages of a motor vehicle insurance policy filed with the office may provide for an appropriate reduction in premium charges as to such coverages if ~~when~~ the principal operator on the covered vehicle has successfully completed a driver improvement course approved and certified by the Department of Highway Safety and Motor Vehicles which is effective in reducing crash or violation rates, or both, as determined pursuant to s. 318.1451(5). Any discount, not to exceed 10 percent, used by an insurer is presumed to be appropriate unless credible data demonstrates otherwise.

Section 38. Subsection (15) is added to section 627.0651, Florida Statutes, to read:

627.0651 Making and use of rates for motor vehicle insurance.—

(15) Rate filings for motor vehicle liability policies that implement the financial responsibility requirements of s. 324.022 in effect January 1, 2022, except for commercial motor vehicle insurance policies exempt under paragraph (14)(a), must reflect such financial responsibility requirements and may be approved only through the file and use process under paragraph (1)(a).

Section 39. Subsection (1) of section 627.0652, Florida Statutes, is amended to read:

627.0652 Insurance discounts for certain persons completing safety course.—

(1) Any rates, rating schedules, or rating manuals for the liability, medical payments ~~personal injury protection~~, and collision coverages of a motor vehicle insurance policy filed with the office ~~must shall~~ provide for an appropriate reduction in premium charges as to such coverages if ~~when~~ the principal operator on the covered vehicle is an insured 55 years of age or older who has successfully completed a motor vehicle accident prevention course approved by the Department of Highway Safety and Motor Vehicles. Any discount used by an insurer is presumed to be appropriate unless credible data demonstrates otherwise.

Section 40. Subsections (1), (3), and (6) of section 627.0653, Florida Statutes, are amended to read:

627.0653 Insurance discounts for specified motor vehicle equipment.—

(1) Any rates, rating schedules, or rating manuals for the liability, medical payments ~~personal injury protection~~, and collision coverages of a motor vehicle insurance policy filed with the office ~~must shall~~ provide a premium discount if the insured vehicle is equipped with factory-installed, four-wheel antilock brakes.

(3) Any rates, rating schedules, or rating manuals for ~~personal injury protection coverage and medical payments coverage, if offered,~~ of a motor vehicle insurance policy filed with the office ~~must shall~~ provide a premium discount if the insured vehicle is equipped with one or more air bags ~~that which~~ are factory installed.

(6) The Office of Insurance Regulation may approve a premium discount to any rates, rating schedules, or rating manuals for the liability, medical payments ~~personal injury protection~~, and collision coverages of a motor vehicle insurance policy filed with the office if the insured vehicle is equipped with an automated driving system or electronic vehicle collision avoidance technology that is factory installed or a retrofitted system and that complies with National Highway Traffic Safety Administration standards.

Section 41. Section 627.4132, Florida Statutes, is amended to read:

627.4132 Stacking of coverages prohibited.—If an insured or named insured is protected by any type of motor vehicle insurance policy for ~~bodily injury and property damage liability, personal injury protection, or other coverage,~~ the policy ~~must shall~~ provide that the insured or named insured is protected only to the extent of the coverage she or he has on the vehicle involved in the accident. However, if none of the insured's or named insured's vehicles ~~are is~~ involved in the accident, coverage is available only to the extent of coverage on any one of the vehicles with applicable coverage. Coverage on any other vehicles ~~may shall~~ not be added to or stacked upon that coverage. This section does not ~~apply~~:

(1) Apply to uninsured motorist coverage ~~that which~~ is separately governed by s. 627.727.

(2) ~~To~~ Reduce the coverage available by reason of insurance policies insuring different named insureds.

Section 42. Subsection (1) of section 627.4137, Florida Statutes, is amended to read:

627.4137 Disclosure of certain information required.—

(1) Each insurer which does or may provide liability insurance coverage to pay all or a portion of any claim which might be made shall provide, within 30 days of the written request of the claimant ~~or the claimant's attorney~~, a statement, under oath, of a corporate officer or the insurer's claims manager or superintendent setting forth the following information with regard to each known policy of insurance, including excess or umbrella insurance:

(a) The name of the insurer.

(b) The name of each insured.

(c) The limits of the liability coverage.

(d) A statement of any policy or coverage defense which such insurer reasonably believes is available to such insurer at the time of filing such statement.

(e) A copy of the policy.

In addition, the insured, or her or his insurance agent, upon written request of the claimant or the claimant's attorney, shall disclose the name and coverage of each known insurer to the claimant and shall forward such request for information as required by this subsection to all affected insurers. The insurer shall then supply the information required in this subsection to the claimant within 30 days of receipt of such request. *If an insurer fails to timely comply with this section, the claimant may file an action in a court of competent jurisdiction to enforce this section. If the court determines that the insurer violated this section, the claimant is entitled to an award of reasonable attorney fees and costs to be paid by the insurer.*

Section 43. Section 627.7263, Florida Statutes, is amended to read:

627.7263 Rental and leasing driver's insurance to be primary; exception.—

(1) The valid and collectible liability insurance *and medical payments coverage* ~~or personal injury protection insurance providing coverage~~ for the lessor of a motor vehicle for rent or lease is primary unless otherwise stated in at least 10-point type on the face of the rental or lease agreement. Such insurance is primary for the limits of liability ~~and personal injury protection~~ coverage as required by s. 324.021(7) *and the medical payments coverage limit specified under s. 627.7265* ~~ss. 324.021(7) and 627.736~~.

(2) If the lessee's coverage is to be primary, the rental or lease agreement must contain the following language, in at least 10-point type:

"The valid and collectible liability insurance and medical payments coverage ~~personal injury protection insurance~~ of an any authorized rental or leasing driver is primary for the limits of liability ~~and personal injury protection~~ coverage required under section 324.021(7), Florida Statutes, and the medical payments coverage limit specified under section 627.7265 by ss. 324.021(7) and 627.736, Florida Statutes."

Section 44. Section 627.7265, Florida Statutes, is created to read:

627.7265 Motor vehicle insurance; medical payments coverage.—

(1) *Medical payments coverage must protect the named insured, resident relatives, persons operating the insured motor vehicle, passengers in the insured motor vehicle, and persons who are struck by the insured motor vehicle and suffer bodily injury while not an occupant of a self-propelled motor vehicle at a limit of at least \$5,000 for medical expenses incurred due to bodily injury, sickness, or disease arising out of the ownership, maintenance, or use of a motor vehicle. The coverage must provide an additional death benefit of at least \$5,000.*

(a) *Before issuing a motor vehicle liability insurance policy that is furnished as proof of financial responsibility under s. 324.031, the insurer must offer medical payments coverage at limits of \$5,000 and \$10,000. The insurer may also offer medical payments coverage at any limit greater than \$5,000.*

(b) *The insurer must offer medical payments coverage with no deductible. The insurer may also offer medical payments coverage with a deductible not to exceed \$500.*

(c) *Each motor vehicle liability insurance policy furnished as proof of financial responsibility under s. 324.031 is deemed to have:*

1. *Medical payments coverage to a limit of \$10,000, unless the insurer obtains a named insured's written refusal of medical payments coverage or written selection of medical payments coverage at a limit other than \$10,000. The rejection or selection of coverage at a limit other than \$10,000 must be made on a form approved by the office.*

2. *No medical payments coverage deductible, unless the insurer obtains a named insured's written selection of a deductible up to \$500. The selection of a deductible must be made on a form approved by the office.*

(d)1. *The forms referenced in subparagraphs (c)1. and 2. must fully advise the applicant of the nature of the coverage being rejected or the policy limit or deductible being selected. If the form is signed by a named insured, it is conclusively presumed that there was an informed, knowing rejection of the coverage or election of the policy limit or deductible.*

2. *Unless a named insured requests in writing the coverage specified in this section, it need not be provided in or supplemental to any other policy that renews, insures, extends, changes, supersedes, or replaces an existing policy if a named insured has rejected the coverage specified in this section or has selected an alternative coverage limit or deductible. At least annually, the insurer shall provide to the named insured a notice of the availability of such coverage in a form approved by the office. The notice must be part of, and attached to, the notice of premium and must provide for a means to allow a named insured to request medical payments coverage at the limits and deductibles required to be offered under this section. The notice must be given in a manner approved by the office. Receipt of this notice does not constitute an affirmative waiver of the insured's right to medical payments coverage if a named insured has not signed a selection or rejection form.*

(e) *This section may not be construed to limit any other coverage made available by an insurer.*

(2) *Upon receiving notice of an accident that is potentially covered by medical payments coverage benefits, the insurer must reserve \$5,000 of medical payments coverage benefits for payment to physicians licensed under chapter 458 or chapter 459 or dentists licensed under chapter 466 who provide emergency services and care, as defined in s. 395.002, or who provide hospital inpatient care. The amount required to be held in reserve may be used only to pay claims from such physicians or dentists until 30 days after the date the insurer receives notice of the accident. After the 30-day period, any amount of the reserve for which the insurer has not received notice of such claims may be used by the insurer to pay other claims. This subsection does not require an insurer to establish a claim reserve for insurance accounting purposes.*

(3) *An insurer providing medical payments coverage benefits may not:*

(a) *Seek a lien on any recovery in tort by judgment, settlement, or otherwise for medical payments coverage benefits, regardless of whether suit has been filed or settlement has been reached without suit; or*

(b) *Bring a cause of action against a person to whom or for whom medical payments coverage benefits were paid, except when medical payments coverage benefits were paid by reason of fraud committed by that person.*

(4) *An insurer providing medical payments coverage may include provisions in its policy allowing for subrogation for medical payments coverage benefits paid if the expenses giving rise to the payments were caused by the wrongful act or omission of another who is not also an insured under the policy paying the medical payments coverage benefits. However, this subrogation right is inferior to the rights of the injured insured and is available only after all the insured's damages are recovered and the insured is made whole. An insured who obtains a recovery from a third party of the full amount of the damages sustained and delivers a release or satisfaction that impairs a medical payments insurer's subrogation right is liable to the insurer for repayment of medical payments coverage benefits less any expenses of acquiring the recovery, including a prorated share of attorney fees and costs, and shall hold that net recovery in trust to be delivered to the medical payments insurer. The insurer may not include any provision in its policy allowing for subrogation for any death benefit paid.*

Section 45. Subsections (1) and (7) of section 627.727, Florida Statutes, are amended to read:

627.727 Motor vehicle insurance; uninsured and underinsured vehicle coverage; insolvent insurer protection.—

(1) ~~A No~~ motor vehicle liability insurance policy that ~~which~~ provides bodily injury liability coverage may not ~~shall~~ be delivered or issued for

delivery in this state with respect to any specifically insured or identified motor vehicle registered or principally garaged in this state, unless uninsured motor vehicle coverage is provided therein or supplemental thereto for the protection of persons insured thereunder who are legally entitled to recover damages from owners or operators of uninsured motor vehicles because of bodily injury, sickness, or disease, including death, resulting therefrom. However, the coverage required under this section is not applicable ~~if when~~, or to the extent that, an insured named in the policy makes a written rejection of the coverage on behalf of all insureds under the policy. ~~If when~~ a motor vehicle is leased for a period of 1 year or longer and the lessor of such vehicle, by the terms of the lease contract, provides liability coverage on the leased vehicle, the lessee of such vehicle ~~has shall have~~ the sole privilege to reject uninsured motorist coverage or to select lower limits than the bodily injury liability limits, regardless of whether the lessor is qualified as a self-insurer pursuant to s. 324.171. Unless an insured, or a lessee having the privilege of rejecting uninsured motorist coverage, requests such coverage or requests higher uninsured motorist limits in writing, the coverage or such higher uninsured motorist limits need not be provided in or supplemental to any other policy ~~that which~~ renews, extends, changes, supersedes, or replaces an existing policy with the same bodily injury liability limits when an insured or lessee had rejected the coverage. When an insured or lessee has initially selected limits of uninsured motorist coverage lower than her or his bodily injury liability limits, higher limits of uninsured motorist coverage need not be provided in or supplemental to any other policy ~~that which~~ renews, extends, changes, supersedes, or replaces an existing policy with the same bodily injury liability limits unless an insured requests higher uninsured motorist coverage in writing. The rejection or selection of lower limits ~~must shall~~ be made on a form approved by the office. The form ~~must shall~~ fully advise the applicant of the nature of the coverage and ~~must shall~~ state that the coverage is equal to bodily injury liability limits unless lower limits are requested or the coverage is rejected. The heading of the form ~~must shall~~ be in 12-point bold type and ~~must shall~~ state: "You are electing not to purchase certain valuable coverage ~~that which~~ protects you and your family or you are purchasing uninsured motorist limits less than your bodily injury liability limits when you sign this form. Please read carefully." If this form is signed by a named insured, it will be conclusively presumed that there was an informed, knowing rejection of coverage or election of lower limits on behalf of all insureds. The insurer shall notify the named insured at least annually of her or his options as to the coverage required by this section. Such notice ~~must shall~~ be part of, and attached to, the notice of premium, ~~must shall~~ provide for a means to allow the insured to request such coverage, and ~~must shall~~ be given in a manner approved by the office. Receipt of this notice does not constitute an affirmative waiver of the insured's right to uninsured motorist coverage ~~if where~~ the insured has not signed a selection or rejection form. The coverage described under this section ~~must shall~~ be over and above, but ~~may shall~~ not duplicate, the benefits available to an insured under any workers' compensation law, ~~personal injury protection benefits~~, disability benefits law, or similar law; under any automobile medical ~~payments expense~~ coverage; under any motor vehicle liability insurance coverage; or from the owner or operator of the uninsured motor vehicle or any other person or organization jointly or severally liable together with such owner or operator for the accident;[;] and such coverage ~~must shall~~ cover the difference, if any, between the sum of such benefits and the damages sustained, up to the maximum amount of such coverage provided under this section. The amount of coverage available under this section ~~may shall~~ not be reduced by a setoff against any coverage, including liability insurance. Such coverage ~~does shall~~ not inure directly or indirectly to the benefit of any workers' compensation or disability benefits carrier or any person or organization qualifying as a self-insurer under any workers' compensation or disability benefits law or similar law.

(7) The legal liability of an uninsured motorist coverage insurer includes ~~does not include~~ damages in tort for pain, suffering, disability or physical impairment, disfigurement, mental anguish, and inconvenience, and the loss of capacity for the enjoyment of life experienced in the past and to be experienced in the future ~~unless the injury or disease is described in one or more of paragraphs (a) (d) of s. 627.737(2).~~

Section 46. Section 627.7275, Florida Statutes, is amended to read:
627.7275 Motor vehicle liability.—

(1) A motor vehicle insurance policy ~~providing personal injury protection as set forth in s. 627.736~~ may not be delivered or issued for

delivery in this state ~~for a with respect to any~~ specifically insured or identified motor vehicle registered or principally garaged in this state ~~must provide bodily injury liability coverage and unless the policy also provides coverage for~~ property damage liability coverage as required under ~~by~~ s. 324.022.

(2)(a) Insurers writing motor vehicle insurance in this state shall make available, subject to the insurers' usual underwriting restrictions:

1. Coverage under policies as described in subsection (1) to an applicant for private passenger motor vehicle insurance coverage who is seeking the coverage in order to reinstate the applicant's driving privileges in this state if the driving privileges were revoked or suspended pursuant to s. 316.646 or s. 324.0221 due to the failure of the applicant to maintain required security.

2. Coverage under policies as described in subsection (1), which ~~includes bodily injury also provides~~ liability coverage and property damage liability coverage, ~~for bodily injury, death, and property damage arising out of the ownership, maintenance, or use of the motor vehicle in an amount not less than the minimum limits required under described in s. 324.021(7) or s. 324.023 and which conforms to the requirements of s. 324.151, to an applicant for private passenger motor vehicle insurance coverage who is seeking the coverage in order to reinstate the applicant's driving privileges in this state after such privileges were revoked or suspended under s. 316.193 or s. 322.26(2) for driving under the influence.~~

(b) The policies described in paragraph (a) ~~must shall~~ be issued for at least 6 months and, as to the minimum coverages required under this section, may not be canceled by the insured for any reason or by the insurer after 60 days, during which period the insurer is completing the underwriting of the policy. After the insurer has completed underwriting the policy, the insurer shall notify the Department of Highway Safety and Motor Vehicles that the policy is in full force and effect and is not cancelable for the remainder of the policy period. A premium ~~must shall~~ be collected and the coverage is in effect for the 60-day period during which the insurer is completing the underwriting of the policy, whether or not the person's driver license, motor vehicle tag, and motor vehicle registration are in effect. Once the noncancelable provisions of the policy become effective, the ~~bodily injury liability and property damage liability coverages for bodily injury, property damage, and personal injury protection~~ may not be reduced below the minimum limits required under s. 324.021 or s. 324.023 during the policy period.

(c) This subsection controls to the extent of any conflict with any other section.

(d) An insurer issuing a policy subject to this section may cancel the policy if, during the policy term, the named insured, or any other operator who resides in the same household or customarily operates an automobile insured under the policy, has his or her driver license suspended or revoked.

(e) This subsection does not require an insurer to offer a policy of insurance to an applicant if such offer would be inconsistent with the insurer's underwriting guidelines and procedures.

Section 47. Effective upon this act becoming a law, section 627.7278, Florida Statutes, is created to read:

627.7278 *Applicability and construction; notice to policyholders.—*

(1) As used in this section, the term "minimum security requirements" means security that enables a person to respond in damages for liability on account of crashes arising out of the ownership, maintenance, or use of a motor vehicle, in the amounts required by s. 324.022(1), as amended by this act.

(2) *Effective January 1, 2022:*

(a) Motor vehicle insurance policies issued or renewed on or after that date may not include personal injury protection.

(b) All persons subject to s. 324.022, s. 324.032, s. 627.7415, or s. 627.742 must maintain at least minimum security requirements.

(c) Any new or renewal motor vehicle insurance policy delivered or issued for delivery in this state must provide coverage that complies with minimum security requirements.

(d) An existing motor vehicle insurance policy issued before that date which provides personal injury protection and property damage liability coverage that meets the requirements of s. 324.022 on December 31, 2021, but which does not meet minimum security requirements on or after January 1, 2022, is deemed to meet minimum security requirements until such policy is renewed, nonrenewed, or canceled on or after January 1, 2022. Sections 627.730-627.7405, 400.9905, 400.991, 456.057, 456.072, 627.7263, 627.727, 627.748, 626.9541(1)(i), and 817.234, Florida Statutes 2020, remain in full force and effect for motor vehicle accidents covered under a policy issued under the Florida Motor Vehicle No-Fault Law before January 1, 2022, until the policy is renewed, nonrenewed, or canceled on or after January 1, 2022.

(3) Each insurer shall allow each insured who has a new or renewal policy providing personal injury protection which becomes effective before January 1, 2022, and whose policy does not meet minimum security requirements on or after January 1, 2022, to change coverages so as to eliminate personal injury protection and obtain coverage providing minimum security requirements, which shall be effective on or after January 1, 2022. The insurer is not required to provide coverage complying with minimum security requirements in such policies if the insured does not pay the required premium, if any, by January 1, 2022, or such later date as the insurer may allow. The insurer also shall offer each insured medical payments coverage pursuant to s. 627.7265. Any reduction in the premium must be refunded by the insurer. The insurer may not impose on the insured an additional fee or charge that applies solely to a change in coverage; however, the insurer may charge an additional required premium that is actuarially indicated.

(4) By September 1, 2021, each motor vehicle insurer shall provide notice of this section to each motor vehicle policyholder who is subject to this section. The notice is subject to approval by the office and must clearly inform the policyholder that:

(a) The Florida Motor Vehicle No-Fault Law is repealed effective January 1, 2022, and that on or after that date, the insured is no longer required to maintain personal injury protection insurance coverage, that personal injury protection coverage is no longer available for purchase in this state, and that all new or renewal policies issued on or after that date will not contain that coverage.

(b) Effective January 1, 2022, a person subject to the financial responsibility requirements of s. 324.022 must maintain minimum security requirements that enable the person to respond to damages for liability on account of accidents arising out of the use of a motor vehicle in the following amounts:

1. Twenty-five thousand dollars for bodily injury to, or the death of, one person in any one crash and, subject to such limits for one person, in the amount of \$50,000 for bodily injury to, or the death of, two or more persons in any one crash; and

2. Ten thousand dollars for damage to, or destruction of, the property of others in any one crash.

(c) Bodily injury liability coverage protects the insured, up to the coverage limits, against loss if the insured is legally responsible for the death of or bodily injury to others in a motor vehicle accident.

(d) Effective January 1, 2022, each policyholder of motor vehicle liability insurance purchased as proof of financial responsibility must be offered medical payments coverage benefits that comply with s. 627.7265. The insurer must offer medical payments coverage at limits of \$5,000 and \$10,000 without a deductible. The insurer may also offer medical payments coverage at other limits greater than \$5,000 and may offer coverage with a deductible of up to \$500. Medical payments coverage pays covered medical expenses incurred due to bodily injury, sickness, or disease arising out of the ownership, maintenance, or use of the motor vehicle, up to the limits of such coverage, for injuries sustained in a motor vehicle crash by the named insured, resident relatives, any person operating the insured motor vehicle, passengers in the insured motor vehicle, and persons who are struck by the insured motor vehicle and suffer bodily injury while not an occupant of a self-propelled motor ve-

hicle as provided in s. 627.7265. Medical payments coverage also provides a death benefit of at least \$5,000.

(e) The policyholder may obtain uninsured and underinsured motorist coverage that provides benefits, up to the limits of such coverage, to a policyholder or other insured entitled to recover damages for bodily injury, sickness, disease, or death resulting from a motor vehicle accident with an uninsured or underinsured owner or operator of a motor vehicle.

(f) If the policyholder's new or renewal motor vehicle insurance policy is effective before January 1, 2022, and contains personal injury protection and property damage liability coverage as required by state law before January 1, 2022, but does not meet minimum security requirements on or after January 1, 2022, the policy is deemed to meet minimum security requirements until it is renewed, nonrenewed, or canceled on or after January 1, 2022.

(g) A policyholder whose new or renewal policy becomes effective before January 1, 2022, but does not meet minimum security requirements on or after January 1, 2022, may change coverages under the policy so as to eliminate personal injury protection and to obtain coverage providing minimum security requirements, including bodily injury liability coverage, which are effective on or after January 1, 2022.

(h) If the policyholder has any questions, he or she should contact the person named at the telephone number provided in the notice.

Section 48. Paragraph (a) of subsection (1) of section 627.728, Florida Statutes, is amended to read:

627.728 Cancellations; nonrenewals.—

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

(a) "Policy" means the bodily injury and property damage liability, ~~personal injury protection~~, medical payments, comprehensive, collision, and uninsured motorist coverage portions of a policy of motor vehicle insurance delivered or issued for delivery in this state:

1. Insuring a natural person as named insured or one or more related individuals who are residents ~~resident~~ of the same household; and

2. Insuring only a motor vehicle of the private passenger type or station wagon type which is not used as a public or livery conveyance for passengers or rented to others; or insuring any other four-wheel motor vehicle having a load capacity of 1,500 pounds or less which is not used in the occupation, profession, or business of the insured other than farming; other than any policy issued under an automobile insurance assigned risk plan or covering garage, automobile sales agency, repair shop, service station, or public parking place operation hazards.

The term "policy" does not include a binder as defined in s. 627.420 unless the duration of the binder period exceeds 60 days.

Section 49. Subsection (1), paragraph (a) of subsection (5), and subsections (6) and (7) of section 627.7295, Florida Statutes, are amended to read:

627.7295 Motor vehicle insurance contracts.—

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

(a) "Policy" means a motor vehicle insurance policy that provides bodily injury liability ~~personal injury protection~~ coverage and; property damage liability coverage, ~~or both~~.

(b) "Binder" means a binder that provides motor vehicle bodily injury liability coverage ~~personal injury protection~~ and property damage liability coverage.

(5)(a) A licensed general lines agent may charge a per-policy fee of up to ~~not to exceed~~ \$10 to cover the administrative costs of the agent associated with selling the motor vehicle insurance policy if the policy covers only bodily injury liability coverage ~~personal injury protection coverage as provided by s. 627.736~~ and property damage liability coverage as provided by s. 627.7275 and if no other insurance is sold or issued in conjunction with or collateral to the policy. The fee is not ~~considered~~ part of the premium.

(6) If a motor vehicle owner's driver license, license plate, and registration have previously been suspended pursuant to s. 316.646 or s. 627.733, an insurer may cancel a new policy only as provided in s. 627.7275.

(7) A policy of private passenger motor vehicle insurance or a binder for such a policy may be initially issued in this state only if, before the effective date of such binder or policy, the insurer or agent has collected from the insured an amount equal to at least 1 month's premium. An insurer, agent, or premium finance company may not, directly or indirectly, take any action that results resulting in the insured paying having paid from the insured's own funds an amount less than the 1 month's premium required by this subsection. This subsection applies without regard to whether the premium is financed by a premium finance company or is paid pursuant to a periodic payment plan of an insurer or an insurance agent.

(a) This subsection does not apply:

1. If an insured or member of the insured's family is renewing or replacing a policy or a binder for such policy written by the same insurer or a member of the same insurer group. ~~This subsection does not apply~~

2. To an insurer that issues private passenger motor vehicle coverage primarily to active duty or former military personnel or their dependents. ~~This subsection does not apply~~

3. If all policy payments are paid pursuant to a payroll deduction plan, an automatic electronic funds transfer payment plan from the policyholder, or a recurring credit card or debit card agreement with the insurer.

(b) This subsection and subsection (4) do not apply if:

1. All policy payments to an insurer are paid pursuant to an automatic electronic funds transfer payment plan from an agent, a managing general agent, or a premium finance company and if the policy includes, at a minimum, *bodily injury liability coverage and personal injury protection pursuant to ss. 627.730 627.7405; motor vehicle property damage liability coverage pursuant to s. 627.7275; or and* ~~bodily injury liability in at least the amount of \$10,000 because of bodily injury to, or death of, one person in any one accident and in the amount of \$20,000 because of bodily injury to, or death of, two or more persons in any one accident. This subsection and subsection (4) do not apply if~~

2. An insured has had a policy in effect for at least 6 months, the insured's agent is terminated by the insurer that issued the policy, and the insured obtains coverage on the policy's renewal date with a new company through the terminated agent.

Section 50. Section 627.7415, Florida Statutes, is amended to read:

627.7415 Commercial motor vehicles; additional liability insurance coverage.—*Beginning January 1, 2022*, commercial motor vehicles, as defined in s. 207.002 or s. 320.01, operated upon the roads and highways of this state ~~must~~ *shall* be insured with the following minimum levels of combined bodily liability insurance and property damage liability insurance in addition to any other insurance requirements:

(1) ~~Sixty Fifty~~ thousand dollars per occurrence for a commercial motor vehicle with a gross vehicle weight of 26,000 pounds or more, but less than 35,000 pounds.

(2) One hundred *twenty* thousand dollars per occurrence for a commercial motor vehicle with a gross vehicle weight of 35,000 pounds or more, but less than 44,000 pounds.

(3) Three hundred thousand dollars per occurrence for a commercial motor vehicle with a gross vehicle weight of 44,000 pounds or more.

(4) All commercial motor vehicles subject to regulations of the United States Department of Transportation, 49 C.F.R. part 387, subpart A, and as may be hereinafter amended, shall be insured in an amount equivalent to the minimum levels of financial responsibility as set forth in such regulations.

A violation of this section is a noncriminal traffic infraction, punishable as a nonmoving violation as provided in chapter 318.

Section 51. Section 627.747, Florida Statutes, is created to read:

627.747 *Named driver exclusion.*—

(1) *A private passenger motor vehicle policy may exclude an identified individual from the following coverages while the identified individual is operating a motor vehicle, provided that the identified individual is specifically excluded by name on the declarations page or by endorsement and the policyholder consents in writing to the exclusion:*

(a) *Property damage liability coverage.*

(b) *Bodily injury liability coverage.*

(c) *Uninsured motorist coverage for any damages sustained by the identified excluded individual, if the policyholder has purchased such coverage.*

(d) *Medical payments coverage, if the policyholder has purchased such coverage.*

(e) *Any coverage the policyholder is not required by law to purchase.*

(2) *A private passenger motor vehicle policy may not exclude coverage when:*

(a) *The identified excluded individual is injured while not operating a motor vehicle;*

(b) *The exclusion is unfairly discriminatory under the Florida Insurance Code, as determined by the office; or*

(c) *The exclusion is inconsistent with the underwriting rules filed by the insurer pursuant to s. 627.0651(13)(a).*

Section 52. Paragraphs (b), (c), and (g) of subsection (7), paragraphs (a) and (b) of subsection (8), and paragraph (b) of subsection (16) of section 627.748, Florida Statutes, are amended to read:

627.748 Transportation network companies.—

(7) TRANSPORTATION NETWORK COMPANY AND TNC DRIVER INSURANCE REQUIREMENTS.—

(b) The following automobile insurance requirements apply while a participating TNC driver is logged on to the digital network but is not engaged in a prearranged ride:

1. Automobile insurance that provides:

a. A primary automobile liability coverage of at least \$50,000 for death and bodily injury per person, \$100,000 for death and bodily injury per incident, and \$25,000 for property damage; *and*

b. ~~Personal injury protection benefits that meet the minimum coverage amounts required under ss. 627.730 627.7405; and~~

e. Uninsured and underinsured vehicle coverage as required by s. 627.727.

2. The coverage requirements of this paragraph may be satisfied by any of the following:

a. Automobile insurance maintained by the TNC driver or the TNC vehicle owner;

b. Automobile insurance maintained by the TNC; or

c. A combination of sub-subparagraphs a. and b.

(c) The following automobile insurance requirements apply while a TNC driver is engaged in a prearranged ride:

1. Automobile insurance that provides:

a. A primary automobile liability coverage of at least \$1 million for death, bodily injury, and property damage; *and*

b. ~~Personal injury protection benefits that meet the minimum coverage amounts required of a limousine under ss. 627.730 627.7405; and~~

e. Uninsured and underinsured vehicle coverage as required by s. 627.727.

2. The coverage requirements of this paragraph may be satisfied by any of the following:

a. Automobile insurance maintained by the TNC driver or the TNC vehicle owner;

b. Automobile insurance maintained by the TNC; or

c. A combination of sub-subparagraphs a. and b.

(g) Insurance satisfying the requirements under this subsection is deemed to satisfy the financial responsibility requirement for a motor vehicle under chapter 324 ~~and the security required under s. 627.733~~ for any period when the TNC driver is logged onto the digital network or engaged in a prearranged ride.

(8) TRANSPORTATION NETWORK COMPANY AND INSURER; DISCLOSURE; EXCLUSIONS.—

(a) Before a TNC driver is allowed to accept a request for a prearranged ride on the digital network, the TNC must disclose in writing to the TNC driver:

1. The insurance coverage, including the types of coverage and the limits for each coverage, which the TNC provides while the TNC driver uses a TNC vehicle in connection with the TNC's digital network.

2. That the TNC driver's own automobile insurance policy might not provide any coverage while the TNC driver is logged on to the digital network or is engaged in a prearranged ride, depending on the terms of the TNC driver's own automobile insurance policy.

3. That the provision of rides for compensation which are not prearranged rides subjects the driver to the coverage requirements imposed under s. 324.032(1) and (2) and that failure to meet such coverage requirements subjects the TNC driver to penalties provided in s. 324.221, up to and including a misdemeanor of the second degree.

(b)1. An insurer that provides an automobile liability insurance policy under this part may exclude any and all coverage afforded under the policy issued to an owner or operator of a TNC vehicle while driving that vehicle for any loss or injury that occurs while a TNC driver is logged on to a digital network or while a TNC driver provides a prearranged ride. Exclusions imposed under this subsection are limited to coverage while a TNC driver is logged on to a digital network or while a TNC driver provides a prearranged ride. This right to exclude all coverage may apply to any coverage included in an automobile insurance policy, including, but not limited to:

a. Liability coverage for bodily injury and property damage;

b. Uninsured and underinsured motorist coverage;

c. Medical payments coverage;

d. Comprehensive physical damage coverage; and

e. Collision physical damage coverage; and

~~f. Personal injury protection.~~

2. The exclusions described in subparagraph 1. apply notwithstanding any requirement under chapter 324. These exclusions do not affect or diminish coverage otherwise available for permissive drivers or resident relatives under the personal automobile insurance policy of the TNC driver or owner of the TNC vehicle who are not occupying the TNC vehicle at the time of loss. This section does not require that a personal automobile insurance policy provide coverage while the TNC driver is logged on to a digital network, while the TNC driver is engaged in a prearranged ride, or while the TNC driver otherwise uses a vehicle to transport riders for compensation.

3. This section must not be construed to require an insurer to use any particular policy language or reference to this section in order to exclude any and all coverage for any loss or injury that occurs while a

TNC driver is logged on to a digital network or while a TNC driver provides a prearranged ride.

4. This section does not preclude an insurer from providing primary or excess coverage for the TNC driver's vehicle by contract or endorsement.

(16) LUXURY GROUND TRANSPORTATION NETWORK COMPANIES.—

(b) An entity may elect, upon written notification to the department, to be regulated as a luxury ground TNC. A luxury ground TNC must:

1. Comply with all of the requirements of this section applicable to a TNC, including subsection (17), which do not conflict with subparagraph 2. or which do not prohibit the company from connecting riders to drivers who operate for-hire vehicles as defined in s. 320.01(15), including limousines and luxury sedans and excluding taxicabs.

2. Maintain insurance coverage as required by subsection (7). However, if a prospective luxury ground TNC satisfies minimum financial responsibility through compliance with s. 324.032(3) ~~or 324.032(2)~~ by using self-insurance when it gives the department written notification of its election to be regulated as a luxury ground TNC, the luxury ground TNC may use self-insurance to meet the insurance requirements of subsection (7), so long as such self-insurance complies with s. 324.032(3) ~~or 324.032(2)~~ and provides the limits of liability required by subsection (7).

Section 53. Paragraph (a) of subsection (2) of section 627.749, Florida Statutes, is amended to read:

627.749 Autonomous vehicles; insurance requirements.—

(2) INSURANCE REQUIREMENTS.—

(a) A fully autonomous vehicle with the automated driving system engaged while logged on to an on-demand autonomous vehicle network or engaged in a prearranged ride must be covered by a policy of automobile insurance which provides:

1. Primary liability coverage of at least \$1 million for death, bodily injury, and property damage.

~~2. Personal injury protection benefits that meet the minimum coverage amounts required under ss. 627.730-627.7405.~~

~~3. Uninsured and underinsured vehicle coverage as required by s. 627.727.~~

Section 54. Section 627.8405, Florida Statutes, is amended to read:

627.8405 Prohibited acts; financing companies.—A No premium finance company shall, in a premium finance agreement or other agreement, may not finance the cost of or otherwise provide for the collection or remittance of dues, assessments, fees, or other periodic payments of money for the cost of:

(1) A membership in an automobile club. The term "automobile club" means a legal entity that which, in consideration of dues, assessments, or periodic payments of money, promises its members or subscribers to assist them in matters relating to the ownership, operation, use, or maintenance of a motor vehicle; however, the term this definition of "automobile club" does not include persons, associations, or corporations which are organized and operated solely for the purpose of conducting, sponsoring, or sanctioning motor vehicle races, exhibitions, or contests upon racetracks, or upon racecourses established and marked as such for the duration of such particular events. As used in this subsection, the term words "motor vehicle" has used herein have the same meaning as defined in chapter 320.

(2) An accidental death and dismemberment policy sold in combination with a policy providing only bodily injury liability coverage ~~personal injury protection~~ and property damage liability coverage ~~only policy~~.

(3) Any product not regulated under ~~the provisions of~~ this insurance code.

This section also applies to premium financing by any insurance agent or insurance company under part XVI. The commission shall adopt rules to assure disclosure, at the time of sale, of coverages financed with ~~personal injury protection~~ and shall prescribe the form of such disclosure.

Section 55. Subsection (1) of section 627.915, Florida Statutes, is amended to read:

627.915 Insurer experience reporting.—

(1) Each insurer transacting private passenger automobile insurance in this state shall report certain information annually to the office. The information will be due on or before July 1 of each year. The information ~~shall~~ be divided into the following categories: bodily injury liability; property damage liability; uninsured motorist; ~~personal injury protection benefits~~; medical payments; and comprehensive and collision. The information given ~~shall~~ be on direct insurance writings in the state alone and ~~shall~~ represent total limits data. The information set forth in paragraphs (a)-(f) is applicable to voluntary private passenger and Joint Underwriting Association private passenger writings and ~~shall~~ be reported for each of the latest 3 calendar-accident years, with an evaluation date of March 31 of the current year. The information set forth in paragraphs (g)-(j) is applicable to voluntary private passenger writings and ~~shall~~ be reported on a calendar-accident year basis ultimately seven times at seven different stages of development.

- (a) Premiums earned for the latest 3 calendar-accident years.
- (b) Loss development factors and the historic development of those factors.
- (c) Policyholder dividends incurred.
- (d) Expenses for other acquisition and general expense.
- (e) Expenses for agents' commissions and taxes, licenses, and fees.
- (f) Profit and contingency factors as utilized in the insurer's automobile rate filings for the applicable years.
- (g) Losses paid.
- (h) Losses unpaid.
- (i) Loss adjustment expenses paid.
- (j) Loss adjustment expenses unpaid.

Section 56. Subsections (2) and (3) of section 628.909, Florida Statutes, are amended to read:

628.909 Applicability of other laws.—

(2) The following provisions of the Florida Insurance Code apply to captive insurance companies ~~that who~~ are not industrial insured captive insurance companies to the extent that such provisions are not inconsistent with this part:

- (a) Chapter 624, except for ss. 624.407, 624.408, 624.4085, 624.40851, 624.4095, 624.411, 624.425, and 624.426.
- (b) Chapter 625, part II.
- (c) Chapter 626, part IX.
- (d) ~~Sections 627.730-627.7405, when no fault coverage is provided.~~
- ~~(e) Chapter 628.~~

(3) The following provisions of the Florida Insurance Code ~~shall~~ apply to industrial insured captive insurance companies to the extent that such provisions are not inconsistent with this part:

- (a) Chapter 624, except for ss. 624.407, 624.408, 624.4085, 624.40851, 624.4095, 624.411, 624.425, 624.426, and 624.609(1).
- (b) Chapter 625, part II, if the industrial insured captive insurance company is incorporated in this state.

- (c) Chapter 626, part IX.
- (d) ~~Sections 627.730-627.7405 when no fault coverage is provided.~~
- ~~(e) Chapter 628, except for ss. 628.341, 628.351, and 628.6018.~~

Section 57. Subsections (2), (6), and (7) of section 705.184, Florida Statutes, are amended to read:

705.184 Derelict or abandoned motor vehicles on the premises of public-use airports.—

(2) The airport director or the director's designee shall contact the Department of Highway Safety and Motor Vehicles to notify that department that the airport has possession of the abandoned or derelict motor vehicle and to determine the name and address of the owner of the motor vehicle, the insurance company insuring the motor vehicle, ~~notwithstanding the provisions of s. 627.736,~~ and any person who has filed a lien on the motor vehicle. Within 7 business days after receipt of the information, the director or the director's designee shall send notice by certified mail, return receipt requested, to the owner of the motor vehicle, the insurance company insuring the motor vehicle, ~~notwithstanding the provisions of s. 627.736,~~ and all persons of record claiming a lien against the motor vehicle. The notice ~~shall~~ state the fact of possession of the motor vehicle, that charges for reasonable towing, storage, and parking fees, if any, have accrued and the amount thereof, that a lien as provided in subsection (6) will be claimed, that the lien is subject to enforcement pursuant to law, that the owner or lienholder, if any, has the right to a hearing as set forth in subsection (4), and that any motor vehicle which, at the end of 30 calendar days after receipt of the notice, has not been removed from the airport upon payment in full of all accrued charges for reasonable towing, storage, and parking fees, if any, may be disposed of as provided in s. 705.182(2)(a), (b), (d), or (e), including, but not limited to, the motor vehicle being sold free of all prior liens after 35 calendar days after the time the motor vehicle is stored if any prior liens on the motor vehicle are more than 5 years of age or after 50 calendar days after the time the motor vehicle is stored if any prior liens on the motor vehicle are 5 years of age or less.

(6) The airport pursuant to this section or, if used, a licensed independent wrecker company pursuant to s. 713.78 shall have a lien on an abandoned or derelict motor vehicle for all reasonable towing, storage, and accrued parking fees, if any, except that no storage fee ~~may~~ ~~shall~~ be charged if the motor vehicle is stored less than 6 hours. As a prerequisite to perfecting a lien under this section, the airport director or the director's designee must serve a notice in accordance with subsection (2) on the owner of the motor vehicle, the insurance company insuring the motor vehicle, ~~notwithstanding the provisions of s. 627.736,~~ and all persons of record claiming a lien against the motor vehicle. If attempts to notify the owner, the insurance company insuring the motor vehicle, ~~notwithstanding the provisions of s. 627.736,~~ or lienholders are not successful, the requirement of notice by mail shall be considered met. Serving of the notice does not dispense with recording the claim of lien.

(7)(a) For the purpose of perfecting its lien under this section, the airport shall record a claim of lien which ~~states shall state:~~

1. The name and address of the airport.
 2. The name of the owner of the motor vehicle, the insurance company insuring the motor vehicle, ~~notwithstanding the provisions of s. 627.736,~~ and all persons of record claiming a lien against the motor vehicle.
 3. The costs incurred from reasonable towing, storage, and parking fees, if any.
 4. A description of the motor vehicle sufficient for identification.
- (b) The claim of lien ~~must shall~~ be signed and sworn to or affirmed by the airport director or the director's designee.

(c) The claim of lien ~~is shall be~~ sufficient if it is in substantially the following form:

CLAIM OF LIEN

State of

County of

Before me, the undersigned notary public, personally appeared, who was duly sworn and says that he/she is the of, whose address is.....; and that the following described motor vehicle:

(Description of motor vehicle)

owned by, whose address is, has accrued \$..... in fees for a reasonable tow, for storage, and for parking, if applicable; that the lienor served its notice to the owner, the insurance company insuring the motor vehicle ~~notwithstanding the provisions of s. 627.736, Florida Statutes~~, and all persons of record claiming a lien against the motor vehicle on, (year), by.....

(Signature)

Sworn to (or affirmed) and subscribed before me this day of, ____ (year), by _____ (name of person making statement).

(Signature of Notary Public) (Print, Type, or Stamp Commissioned name of Notary Public)

Personally Known....OR Produced....as identification.

However, the negligent inclusion or omission of any information in this claim of lien which does not prejudice the owner does not constitute a default that operates to defeat an otherwise valid lien.

(d) The claim of lien ~~must shall~~ be served on the owner of the motor vehicle, the insurance company insuring the motor vehicle, ~~notwithstanding the provisions of s. 627.736~~, and all persons of record claiming a lien against the motor vehicle. If attempts to notify the owner, the insurance company insuring the motor vehicle ~~notwithstanding the provisions of s. 627.736~~, or lienholders are not successful, the requirement of notice by mail shall be considered met. The claim of lien ~~must shall~~ be so served before recordation.

(e) The claim of lien ~~must shall~~ be recorded with the clerk of court in the county where the airport is located. The recording of the claim of lien shall be constructive notice to all persons of the contents and effect of such claim. The lien ~~attaches shall attach~~ at the time of recordation and ~~takes shall take~~ priority as of that time.

Section 58. Subsection (4) of section 713.78, Florida Statutes, is amended to read:

713.78 Liens for recovering, towing, or storing vehicles and vessels.—

(4)(a) A person regularly engaged in the business of recovering, towing, or storing vehicles or vessels who comes into possession of a vehicle or vessel pursuant to subsection (2), and who claims a lien for recovery, towing, or storage services, shall give notice, by certified mail, to the registered owner, the insurance company insuring the vehicle ~~notwithstanding s. 627.736~~, and all persons claiming a lien thereon, as disclosed by the records in the Department of Highway Safety and Motor Vehicles or as disclosed by the records of any corresponding agency in any other state in which the vehicle is identified through a records check of the National Motor Vehicle Title Information System or an equivalent commercially available system as being titled or registered.

(b) Whenever a law enforcement agency authorizes the removal of a vehicle or vessel or whenever a towing service, garage, repair shop, or automotive service, storage, or parking place notifies the law enforcement agency of possession of a vehicle or vessel pursuant to s. 715.07(2)(a)2., the law enforcement agency of the jurisdiction where the vehicle or vessel is stored shall contact the Department of Highway Safety and Motor Vehicles, or the appropriate agency of the state of registration, if known, within 24 hours through the medium of electronic communications, giving the full description of the vehicle or vessel. Upon receipt of the full description of the vehicle or vessel, the department shall search its files to determine the owner's name, the insurance company insuring the vehicle or vessel, and whether any person has filed a lien upon the vehicle or vessel as provided in s. 319.27(2) and (3) and notify the applicable law enforcement agency within 72 hours. The person in charge of the towing service, garage, repair shop, or automotive service, storage, or parking place shall obtain

such information from the applicable law enforcement agency within 5 days after the date of storage and shall give notice pursuant to paragraph (a). The department may release the insurance company information to the requestor ~~notwithstanding s. 627.736~~.

(c) The notice of lien must be sent by certified mail to the registered owner, the insurance company insuring the vehicle ~~notwithstanding s. 627.736~~, and all other persons claiming a lien thereon within 7 business days, excluding Saturday and Sunday, after the date of storage of the vehicle or vessel. However, in no event shall the notice of lien be sent less than 30 days before the sale of the vehicle or vessel. The notice must state:

1. If the claim of lien is for a vehicle, the last 8 digits of the vehicle identification number of the vehicle subject to the lien, or, if the claim of lien is for a vessel, the hull identification number of the vessel subject to the lien, clearly printed in the delivery address box and on the outside of the envelope sent to the registered owner and all other persons claiming an interest therein or lien thereon.

2. The name, physical address, and telephone number of the lienor, and the entity name, as registered with the Division of Corporations, of the business where the towing and storage occurred, which must also appear on the outside of the envelope sent to the registered owner and all other persons claiming an interest in or lien on the vehicle or vessel.

3. The fact of possession of the vehicle or vessel.

4. The name of the person or entity that authorized the lienor to take possession of the vehicle or vessel.

5. That a lien as provided in subsection (2) is claimed.

6. That charges have accrued and include an itemized statement of the amount thereof.

7. That the lien is subject to enforcement under law and that the owner or lienholder, if any, has the right to a hearing as set forth in subsection (5).

8. That any vehicle or vessel that remains unclaimed, or for which the charges for recovery, towing, or storage services remain unpaid, may be sold free of all prior liens 35 days after the vehicle or vessel is stored by the lienor if the vehicle or vessel is more than 3 years of age or 50 days after the vehicle or vessel is stored by the lienor if the vehicle or vessel is 3 years of age or less.

9. The address at which the vehicle or vessel is physically located.

(d) The notice of lien may not be sent to the registered owner, the insurance company insuring the vehicle or vessel, and all other persons claiming a lien thereon less than 30 days before the sale of the vehicle or vessel.

(e) If attempts to locate the name and address of the owner or lienholder prove unsuccessful, the towing-storage operator shall, after 7 business days, excluding Saturday and Sunday, after the initial tow or storage, notify the public agency of jurisdiction where the vehicle or vessel is stored in writing by certified mail or acknowledged hand delivery that the towing-storage company has been unable to locate the name and address of the owner or lienholder and a physical search of the vehicle or vessel has disclosed no ownership information and a good faith effort has been made, including records checks of the Department of Highway Safety and Motor Vehicles database and the National Motor Vehicle Title Information System or an equivalent commercially available system. For purposes of this paragraph and subsection (9), the term "good faith effort" means that the following checks have been performed by the company to establish the prior state of registration and for title:

1. A check of the department's database for the owner and any lienholder.

2. A check of the electronic National Motor Vehicle Title Information System or an equivalent commercially available system to determine the state of registration when there is not a current registration record for the vehicle or vessel on file with the department.

3. A check of the vehicle or vessel for any type of tag, tag record, temporary tag, or regular tag.

4. A check of the law enforcement report for a tag number or other information identifying the vehicle or vessel, if the vehicle or vessel was towed at the request of a law enforcement officer.

5. A check of the trip sheet or tow ticket of the tow truck operator to determine whether a tag was on the vehicle or vessel at the beginning of the tow, if a private tow.

6. If there is no address of the owner on the impound report, a check of the law enforcement report to determine whether an out-of-state address is indicated from driver license information.

7. A check of the vehicle or vessel for an inspection sticker or other stickers and decals that may indicate a state of possible registration.

8. A check of the interior of the vehicle or vessel for any papers that may be in the glove box, trunk, or other areas for a state of registration.

9. A check of the vehicle for a vehicle identification number.

10. A check of the vessel for a vessel registration number.

11. A check of the vessel hull for a hull identification number which should be carved, burned, stamped, embossed, or otherwise permanently affixed to the outboard side of the transom or, if there is no transom, to the outmost seaboard side at the end of the hull that bears the rudder or other steering mechanism.

Section 59. Section 768.852, Florida Statutes, is created to read:

768.852 Setoff on damages as a result of a motor vehicle crash while uninsured.—

(1) Except as provided in subsection (2), for any award of noneconomic damages, a defendant is entitled to a setoff equal to \$10,000 if a person suffers injury while operating a motor vehicle as defined in s. 324.022(2) which lacked the coverage required by s. 324.022(1) and the person was not in compliance with s. 324.022(1) for more than 30 days immediately preceding the crash.

(2) The setoff on noneconomic damages in subsection (1) does not apply if the person who is liable for the injury:

(a) Was driving while under the influence of an alcoholic beverage, an inhalant, or a controlled substance;

(b) Acted intentionally, recklessly, or with gross negligence;

(c) Fled from the scene of the crash; or

(d) Was acting in furtherance of an offense or in immediate flight from an offense that constituted a felony at the time of the crash.

(3) This section does not apply to any wrongful death claim.

And the title is amended as follows:

Delete lines 41-282 and insert: insurer's duty to defend certain claims; revising the vehicles excluded from the definition of the term "motor vehicle"; providing security requirements for certain excluded vehicles; specifying circumstances when motorcycles are subject to financial responsibility requirements; conforming provisions to changes made by the act; conforming cross-references; amending s. 324.0221, F.S.; revising coverages that subject a policy to certain insurer reporting and notice requirements; conforming provisions to changes made by the act; creating s. 324.0222, F.S.; providing that driver license or registration suspensions for failure to maintain required security which were in effect before a specified date remain in full force and effect; providing that such suspended licenses or registrations may be reinstated as provided in a specified section; amending s. 324.023, F.S.; conforming cross-references; making technical changes; amending s. 324.031, F.S.; specifying a method of proving financial responsibility; revising the amount of a certificate of deposit required to elect a certain method of proof of financial responsibility; revising excess liability coverage requirements for a person electing to use such method; amending s. 324.032, F.S.; revising financial responsibility requirements for owners or lessees of for-hire passenger transportation vehicles; amending s. 324.051, F.S.; specifying that motor vehicles include motorcycles for purposes of the section; making technical changes; amending ss.

324.071 and 324.091, F.S.; making technical changes; amending s. 324.151, F.S.; revising requirements for motor vehicle liability insurance policies relating to coverage, and exclusion from coverage, for certain drivers and vehicles; defining terms; conforming provisions to changes made by the act; making technical changes; amending s. 324.161, F.S.; revising requirements for a certificate of deposit that is required if a person elects a certain method of proving financial responsibility; amending s. 324.171, F.S.; revising the minimum net worth requirements to qualify certain persons as self-insurers; conforming provisions to changes made by the act; amending s. 324.251, F.S.; revising the short title and an effective date; amending s. 400.9905, F.S.; revising the definition of the term "clinic"; amending ss. 400.991 and 400.9935, F.S.; conforming provisions to changes made by the act; amending s. 409.901, F.S.; revising the definition of the term "third-party benefit"; amending s. 409.910, F.S.; revising the definition of the term "medical coverage"; amending s. 456.057, F.S.; conforming a provision to changes made by the act; amending s. 456.072, F.S.; revising specified grounds for discipline for certain health professions; defining the term "upcoded"; amending s. 624.155, F.S.; providing an exception to the circumstances under which a person who is damaged may bring a civil action against an insurer; adding a cause of action against insurers in certain circumstances; providing that a person is not entitled to judgments under multiple bad faith remedies; creating s. 624.156, F.S.; providing that the section applies to bad faith failure to settle third-party claim actions against any insurer for a loss arising out of the ownership, maintenance, or use of a motor vehicle under specified circumstances; providing construction; providing that insurers have a duty of good faith; providing construction; defining the term "bad faith failure to settle"; specifying best practices standards for insurers upon receiving actual notice of certain incidents or losses; providing construction; specifying certain requirements for insurer communications to an insured; requiring an insurer to initiate settlement negotiations under certain circumstances; specifying requirements for the insurer when multiple claims arise out of a single occurrence under certain conditions; providing construction; requiring an insurer to attempt to settle a claim on behalf of certain insureds under certain circumstances; providing for a defense to bad faith actions; providing that insureds have a duty to cooperate; requiring an insured to take certain reasonable actions necessary to settle covered claims; providing requirements for disclosures by insureds; requiring insurers to provide certain notice to insureds within a specified timeframe; providing that insurers may terminate certain defenses under certain circumstances; providing construction; providing that a trier of fact may not attribute an insurer's failure to settle certain claims to specified causes under certain circumstances; providing construction; specifying conditions precedent for claimants filing bad faith failure to settle third-party claim actions; providing that an insurer is entitled to a reasonable opportunity to investigate and evaluate claims under certain circumstances; providing construction; providing that insurers may not be held liable for the failure to accept a settlement offer within a certain timeframe if certain conditions are met; providing that an insurer is not required to automatically tender policy limits within a certain timeframe in every case; requiring the party bringing a bad faith failure to settle action to prove every element by the greater weight of the evidence; specifying burdens of proof for insurers relying on specified defenses; limiting damages under certain circumstances; providing that judgment creditors must be subrogated to the rights of the insured under certain circumstances; prohibiting multiple bad faith remedies; amending s. 626.9541, F.S.; conforming a provision to changes made by the act; revising the type of insurance coverage applicable to a certain prohibited act; amending s. 626.989, F.S.; revising the definition of the term "fraudulent insurance act"; amending s. 627.06501, F.S.; revising coverages that may provide for a reduction in motor vehicle insurance policy premium charges under certain circumstances; amending s. 627.0651, F.S.; specifying requirements for rate filings for motor vehicle liability policies submitted to the Office of Insurance Regulation implementing requirements in effect on a specified date; requiring such filings to be approved through a certain process; amending s. 627.0652, F.S.; revising coverages that must provide a premium charge reduction under certain circumstances; amending s. 627.0653, F.S.; revising coverages subject to premium discounts for specified motor vehicle equipment; amending s. 627.4132, F.S.; revising coverages that are subject to a stacking prohibition; amending s. 627.4137, F.S.; requiring that insurers disclose certain information at the request of a claimant's attorney; authorizing a claimant to file an action under certain circumstances; providing for the award of reasonable attorney fees and costs under certain circumstances; amending s. 627.7263, F.S.; revising coverages that are deemed

primary, except under certain circumstances, for the lessor of a motor vehicle for lease or rent; revising a notice that is required if the lessee's coverage is to be primary; creating s. 627.7265, F.S.; specifying persons whom medical payments coverage must protect; specifying the minimum medical expense and death benefit limits; specifying coverage options an insurer is required and authorized to offer; providing that each motor vehicle insurance policy furnished as proof of financial responsibility is deemed to have certain coverages; requiring that certain rejections or selections be made on forms approved by the office; providing requirements for such forms; providing that certain coverage is not required to be provided in certain policies under certain circumstances; requiring insurers to provide certain notices to policyholders; providing construction relating to limits on certain other coverages; requiring insurers, upon receiving certain notice of an accident, to hold a specified reserve for certain purposes for a certain timeframe; providing that the reserve requirement does not require insurers to establish a claim reserve for accounting purposes; specifying that an insurer providing medical payments coverage benefits may not seek a lien on a certain recovery and may not bring a certain cause of action; authorizing insurers to include policy provisions allowing for subrogation, under certain circumstances, for medical payments benefits paid; providing construction; specifying a requirement for an insured for repayment of medical payments benefits under certain circumstances; prohibiting insurers from including policy provisions allowing for subrogation for death benefits paid; amending s. 627.727, F.S.; revising the legal liability of an uninsured motorist coverage insurer; conforming provisions to changes made by the act; amending s. 627.7275, F.S.; revising required coverages for a motor vehicle insurance policy; conforming provisions to changes made by the act; creating s. 627.7278, F.S.; defining the term "minimum security requirements"; providing requirements, applicability, and construction relating to motor vehicle insurance policies as of a certain date; requiring insurers to allow certain insureds to make certain coverage changes, subject to certain conditions; requiring an insurer to provide, by a specified date, a specified notice to policyholders relating to requirements under the act; amending s. 627.728, F.S.; conforming a provision to changes made by the act; making technical changes; amending s. 627.7295, F.S.; revising the definitions of the terms "policy" and "binder"; revising the coverages of a motor vehicle insurance policy for which a licensed general lines agent may charge a specified fee; conforming provisions to changes made by the act; amending s. 627.7415, F.S.; revising additional liability insurance requirements for commercial motor vehicles; creating s. 627.747, F.S.; providing that private passenger motor vehicle policies may exclude certain identified individuals from specified coverages under certain circumstances; providing that such policies may not exclude coverage under certain circumstances; amending s. 627.748, F.S.; revising insurance requirements for transportation network company drivers; conforming provisions to changes made by the act; amending s. 627.749, F.S.; conforming a provision to changes made by the act; amending s. 627.8405, F.S.; revising coverages in a policy sold in combination with an accidental death and dismemberment policy which a premium finance company may not finance; revising rulemaking authority of the Financial Services Commission; amending ss. 627.915, 628.909, 705.184, and 713.78, F.S.; conforming provisions to changes made by the act; making technical changes; creating s. 768.852, F.S.; providing for a setoff on certain damages that may be recovered by a person operating certain motor vehicles who is not in compliance with financial responsibility laws; providing exceptions; amending s. 817.234, F.S.; revising

Senator Burgess moved the following amendments to **Amendment 1 (824756)** which were adopted:

Amendment 1A (893626)—Delete lines 1078-1080 and insert:
globally settle within the policy limits, thereafter, must attempt to minimize the magnitude of possible excess judgments against the insured. The insurer is entitled to great discretion

Amendment 1B (326408) (with title amendment)—Delete lines 1283-1294 and insert:

(10) **DAMAGES.**—*If the trier of fact finds that the party bringing the bad faith claim has met its burden of proof, the insurer is liable for the amount of any excess judgment, together with court costs and, if the party bringing the bad faith claim is the insured or an assignee of the insured, the reasonable attorney fees incurred by the party bringing the bad faith claim. Punitive damages may not be awarded.*

And the title is amended as follows:

Delete lines 2792-2795 and insert: amending s. 626.9541, F.S.; conforming a

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

Senator Farmer moved the following amendment to **Amendment 1 (824756)** which was adopted:

Amendment 1C (670924)—Delete lines 1681-1998 and insert:

(a) *Every motor vehicle liability insurance policy furnished as proof of financial responsibility under s. 324.031 must include medical payments coverage at a limit of \$5,000. The insurer must also offer medical payments coverage at a limit of \$10,000 and may also offer medical payments coverage at any limit greater than \$5,000.*

(b) *The insurer must offer medical payments coverage with no deductible. The insurer may also offer medical payments coverage with a deductible not to exceed \$500.*

(c) *Each motor vehicle liability insurance policy furnished as proof of financial responsibility under s. 324.031 is deemed to have:*

1. *Medical payments coverage to a limit of \$10,000, unless the insurer obtains a named insured's written refusal of medical payments coverage or written selection of medical payments coverage at a limit other than \$10,000, but not less than \$5,000. The rejection or selection of coverage at a limit other than \$10,000 must be made on a form approved by the office.*

2. *No medical payments coverage deductible, unless the insurer obtains a named insured's written selection of a deductible up to \$500. The selection of a deductible must be made on a form approved by the office.*

(d)1. *The forms referenced in subparagraphs (c)1. and 2. must fully advise the applicant of the nature of the coverage being rejected or the policy limit or deductible being selected. If the form is signed by a named insured, it is conclusively presumed that there was an informed, knowing rejection of the coverage or election of the policy limit or deductible.*

2. *Unless a named insured requests in writing the coverage specified in this section, it need not be provided in or supplemental to any other policy that renews, insures, extends, changes, supersedes, or replaces an existing policy if a named insured has rejected the coverage specified in this section or has selected an alternative coverage limit or deductible. At least annually, the insurer shall provide to the named insured a notice of the availability of such coverage in a form approved by the office. The notice must be part of, and attached to, the notice of premium and must provide for a means to allow a named insured to request medical payments coverage at the limits and deductibles required to be offered under this section. The notice must be given in a manner approved by the office. Receipt of this notice does not constitute an affirmative waiver of the insured's right to medical payments coverage if a named insured has not signed a selection or rejection form.*

(e) *This section may not be construed to limit any other coverage made available by an insurer.*

(2) *Upon receiving notice of an accident that is potentially covered by medical payments coverage benefits, the insurer must reserve \$5,000 of medical payments coverage benefits for payment to physicians licensed under chapter 458 or chapter 459 or dentists licensed under chapter 466 who provide emergency services and care, as defined in s. 395.002, or who provide hospital inpatient care. The amount required to be held in reserve may be used only to pay claims from such physicians or dentists until 30 days after the date the insurer receives notice of the accident. After the 30-day period, any amount of the reserve for which the insurer has not received notice of such claims may be used by the insurer to pay other claims. This subsection does not require an insurer to establish a claim reserve for insurance accounting purposes.*

(3) *An insurer providing medical payments coverage benefits may not:*

(a) *Seek a lien on any recovery in tort by judgment, settlement, or otherwise for medical payments coverage benefits, regardless of whether suit has been filed or settlement has been reached without suit; or*

(b) *Bring a cause of action against a person to whom or for whom medical payments coverage benefits were paid, except when medical payments coverage benefits were paid by reason of fraud committed by that person.*

(4) *An insurer providing medical payments coverage may include provisions in its policy allowing for subrogation for medical payments coverage benefits paid if the expenses giving rise to the payments were caused by the wrongful act or omission of another who is not also an insured under the policy paying the medical payments coverage benefits. However, this subrogation right is inferior to the rights of the injured insured and is available only after all the insured's damages are recovered and the insured is made whole. An insured who obtains a recovery from a third party of the full amount of the damages sustained and delivers a release or satisfaction that impairs a medical payments insurer's subrogation right is liable to the insurer for repayment of medical payments coverage benefits less any expenses of acquiring the recovery, including a prorated share of attorney fees and costs, and shall hold that net recovery in trust to be delivered to the medical payments insurer. The insurer may not include any provision in its policy allowing for subrogation for any death benefit paid.*

Section 45. Subsections (1) and (7) of section 627.727, Florida Statutes, are amended to read:

627.727 Motor vehicle insurance; uninsured and underinsured vehicle coverage; insolvent insurer protection.—

(1) ~~A No~~ motor vehicle liability insurance policy ~~that which~~ provides bodily injury liability coverage ~~may not shall~~ be delivered or issued for delivery in this state with respect to any specifically insured or identified motor vehicle registered or principally garaged in this state, unless uninsured motor vehicle coverage is provided therein or supplemental thereto for the protection of persons insured thereunder who are legally entitled to recover damages from owners or operators of uninsured motor vehicles because of bodily injury, sickness, or disease, including death, resulting therefrom. However, the coverage required under this section is not applicable ~~if when~~, or to the extent that, an insured named in the policy makes a written rejection of the coverage on behalf of all insureds under the policy. ~~If When~~ a motor vehicle is leased for a period of 1 year or longer and the lessor of such vehicle, by the terms of the lease contract, provides liability coverage on the leased vehicle, the lessee of such vehicle ~~has shall have~~ the sole privilege to reject uninsured motorist coverage or to select lower limits than the bodily injury liability limits, regardless of whether the lessor is qualified as a self-insurer pursuant to s. 324.171. Unless an insured, or a lessee having the privilege of rejecting uninsured motorist coverage, requests such coverage or requests higher uninsured motorist limits in writing, the coverage or such higher uninsured motorist limits need not be provided in or supplemental to any other policy ~~that which~~ renews, extends, changes, supersedes, or replaces an existing policy with the same bodily injury liability limits when an insured or lessee had rejected the coverage. When an insured or lessee has initially selected limits of uninsured motorist coverage lower than her or his bodily injury liability limits, higher limits of uninsured motorist coverage need not be provided in or supplemental to any other policy ~~that which~~ renews, extends, changes, supersedes, or replaces an existing policy with the same bodily injury liability limits unless an insured requests higher uninsured motorist coverage in writing. The rejection or selection of lower limits ~~must shall~~ be made on a form approved by the office. The form ~~must shall~~ fully advise the applicant of the nature of the coverage and ~~must shall~~ state that the coverage is equal to bodily injury liability limits unless lower limits are requested or the coverage is rejected. The heading of the form ~~must shall~~ be in 12-point bold type and ~~must shall~~ state: "You are electing not to purchase certain valuable coverage ~~that which~~ protects you and your family or you are purchasing uninsured motorist limits less than your bodily injury liability limits when you sign this form. Please read carefully." If this form is signed by a named insured, it will be conclusively presumed that there was an informed, knowing rejection of coverage or election of lower limits on behalf of all insureds. The insurer shall notify the named insured at least annually of her or his options as to the coverage required by this section. Such notice ~~must shall~~ be part of, and attached to, the notice of premium, ~~must shall~~ provide for a means to allow the insured to request such

coverage, and ~~must shall~~ be given in a manner approved by the office. Receipt of this notice does not constitute an affirmative waiver of the insured's right to uninsured motorist coverage ~~if where~~ the insured has not signed a selection or rejection form. The coverage described under this section ~~must shall~~ be over and above, but ~~may shall~~ not duplicate, the benefits available to an insured under any workers' compensation law, ~~personal injury protection benefits~~, disability benefits law, or similar law; under any automobile medical ~~payments expense~~ coverage; under any motor vehicle liability insurance coverage; or from the owner or operator of the uninsured motor vehicle or any other person or organization jointly or severally liable together with such owner or operator for the accident; and such coverage ~~must shall~~ cover the difference, if any, between the sum of such benefits and the damages sustained, up to the maximum amount of such coverage provided under this section. The amount of coverage available under this section ~~may shall~~ not be reduced by a setoff against any coverage, including liability insurance. Such coverage ~~does shall~~ not inure directly or indirectly to the benefit of any workers' compensation or disability benefits carrier or any person or organization qualifying as a self-insurer under any workers' compensation or disability benefits law or similar law.

(7) The legal liability of an uninsured motorist coverage insurer ~~includes does not include~~ damages in tort for pain, suffering, ~~disability or physical impairment, disfigurement, mental anguish, and inconvenience, and the loss of capacity for the enjoyment of life experienced in the past and to be experienced in the future unless the injury or disease is described in one or more of paragraphs (a) (d) of s. 627.737(2).~~

Section 46. Section 627.7275, Florida Statutes, is amended to read:

627.7275 Motor vehicle liability.—

(1) A motor vehicle insurance policy ~~providing personal injury protection as set forth in s. 627.736 may not be~~ delivered or issued for delivery in this state ~~for a with respect to any~~ specifically insured or identified motor vehicle registered or principally garaged in this state ~~must provide bodily injury liability coverage, \$5,000 of medical payments coverage, and unless the policy also provides coverage for property damage liability coverage as required under by s. 324.022.~~

(2)(a) Insurers writing motor vehicle insurance in this state shall make available, subject to the insurers' usual underwriting restrictions:

1. Coverage under policies as described in subsection (1) to an applicant for private passenger motor vehicle insurance coverage who is seeking the coverage in order to reinstate the applicant's driving privileges in this state if the driving privileges were revoked or suspended pursuant to s. 316.646 or s. 324.0221 due to the failure of the applicant to maintain required security.

2. Coverage under policies as described in subsection (1), which ~~includes bodily injury also provides~~ liability coverage and ~~property damage liability coverage, for bodily injury, death, and property damage arising out of the ownership, maintenance, or use of the motor vehicle in~~ an amount not less than the ~~minimum limits required under described in~~ s. 324.021(7) or s. 324.023 and which conforms to the requirements of s. 324.151, to an applicant for private passenger motor vehicle insurance coverage who is seeking the coverage in order to reinstate the applicant's driving privileges in this state after such privileges were revoked or suspended under s. 316.193 or s. 322.26(2) for driving under the influence.

(b) The policies described in paragraph (a) ~~must shall~~ be issued for at least 6 months and, as to the minimum coverages required under this section, may not be canceled by the insured for any reason or by the insurer after 60 days, during which period the insurer is completing the underwriting of the policy. After the insurer has completed underwriting of the policy, the insurer shall notify the Department of Highway Safety and Motor Vehicles that the policy is in full force and effect and is not cancelable for the remainder of the policy period. A premium ~~must shall~~ be collected and the coverage is in effect for the 60-day period during which the insurer is completing the underwriting of the policy, whether or not the person's driver license, motor vehicle tag, and motor vehicle registration are in effect. Once the noncancelable provisions of the policy become effective, the ~~bodily injury liability and property damage liability coverages for bodily injury, property damage, and personal injury protection~~ may not be reduced below the minimum limits required under s. 324.021 or s. 324.023 during the policy period.

(c) This subsection controls to the extent of any conflict with any other section.

(d) An insurer issuing a policy subject to this section may cancel the policy if, during the policy term, the named insured, or any other operator who resides in the same household or customarily operates an automobile insured under the policy, has his or her driver license suspended or revoked.

(e) This subsection does not require an insurer to offer a policy of insurance to an applicant if such offer would be inconsistent with the insurer's underwriting guidelines and procedures.

Section 47. Effective upon this act becoming a law, section 627.7278, Florida Statutes, is created to read:

627.7278 *Applicability and construction; notice to policyholders.—*

(1) *As used in this section, the term “minimum security requirements” means security that enables a person to respond in damages for liability on account of crashes arising out of the ownership, maintenance, or use of a motor vehicle, in the amounts required by s. 324.022(1), as amended by this act.*

(2) *Effective January 1, 2022:*

(a) *Motor vehicle insurance policies issued or renewed on or after that date may not include personal injury protection.*

(b) *All persons subject to s. 324.022, s. 324.032, s. 627.7415, or s. 627.742 must maintain at least minimum security requirements.*

(c) *Any new or renewal motor vehicle insurance policy delivered or issued for delivery in this state must provide coverage that complies with minimum security requirements.*

(d) *An existing motor vehicle insurance policy issued before that date which provides personal injury protection and property damage liability coverage that meets the requirements of s. 324.022 on December 31, 2021, but which does not meet minimum security requirements on or after January 1, 2022, is deemed to meet minimum security requirements until such policy is renewed, nonrenewed, or canceled on or after January 1, 2022. Sections 627.730-627.7405, 400.9905, 400.991, 456.057, 456.072, 627.7263, 627.727, 627.748, 626.9541(1)(i), and 817.234, Florida Statutes 2020, remain in full force and effect for motor vehicle accidents covered under a policy issued under the Florida Motor Vehicle No-Fault Law before January 1, 2022, until the policy is renewed, nonrenewed, or canceled on or after January 1, 2022.*

(3) *Each insurer shall allow each insured who has a new or renewal policy providing personal injury protection which becomes effective before January 1, 2022, and whose policy does not meet minimum security requirements on or after January 1, 2022, to change coverages so as to eliminate personal injury protection and obtain coverage providing minimum security requirements, which shall be effective on or after January 1, 2022. The insurer is not required to provide coverage complying with minimum security requirements in such policies if the insured does not pay the required premium, if any, by January 1, 2022, or such later date as the insurer may allow. The insurer also shall offer each insured medical payments coverage pursuant to s. 627.7265. Any reduction in the premium must be refunded by the insurer. The insurer may not impose on the insured an additional fee or charge that applies solely to a change in coverage; however, the insurer may charge an additional required premium that is actuarially indicated.*

(4) *By September 1, 2021, each motor vehicle insurer shall provide notice of this section to each motor vehicle policyholder who is subject to this section. The notice is subject to approval by the office and must clearly inform the policyholder that:*

(a) *The Florida Motor Vehicle No-Fault Law is repealed effective January 1, 2022, and that on or after that date, the insured is no longer required to maintain personal injury protection insurance coverage, that personal injury protection coverage is no longer available for purchase in this state, and that all new or renewal policies issued on or after that date will not contain that coverage.*

(b) *Effective January 1, 2022, a person subject to the financial responsibility requirements of s. 324.022 must maintain minimum secur-*

ity requirements that enable the person to respond to damages for liability on account of accidents arising out of the use of a motor vehicle in the following amounts:

1. *Twenty-five thousand dollars for bodily injury to, or the death of, one person in any one crash and, subject to such limits for one person, in the amount of \$50,000 for bodily injury to, or the death of, two or more persons in any one crash; and*

2. *Ten thousand dollars for damage to, or destruction of, the property of others in any one crash.*

(c) *Bodily injury liability coverage protects the insured, up to the coverage limits, against loss if the insured is legally responsible for the death of or bodily injury to others in a motor vehicle accident.*

(d) *Effective January 1, 2022, each policyholder of motor vehicle liability insurance purchased as proof of financial responsibility must include medical payments coverage benefits that comply with s. 627.7265. The insurer must include medical payments coverage at a limit of \$5,000 and offer medical payments coverage at a limit of \$10,000*

Amendment 1 (824756), as amended, was adopted.

On motion by Senator Burgess, by two-thirds vote, **CS for CS for SB 54**, as amended, was read the third time by title, passed, ordered engrossed, and then certified to the House. The vote on passage was:

Yeas—38

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

Nays—1

Brandes

CS for SB 400—A bill to be entitled An act relating to public records; amending s. 119.07, F.S.; prohibiting an agency that receives a request to inspect or copy a record from responding to such request by filing an action for declaratory relief against the requester; providing an effective date.

—was read the second time by title. On motion by Senator Rodriguez, by two-thirds vote, **CS for SB 400** was read the third time by title, passed, and 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	Gibson	Rouson
Boyd	Harrell	Stargel
Bracy	Hooper	Stewart
Bradley	Hutson	Taddeo
Brandes	Jones	Thurston
Brodeur	Mayfield	Torres
Broxson	Passidomo	Wright

Nays—None

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 read the second time by title.

Pending further consideration of **CS for SB 26**, pursuant to Rule 3.11(3), there being no objection, **CS for HB 6511** was withdrawn from the Committee on Rules.

On motion by Senator Cruz—

CS for HB 6511—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.

—a companion measure, was substituted for **CS for SB 26** and read the second time by title.

On motion by Senator Cruz, by two-thirds vote, **CS for HB 6511** was read the third time by title, passed, and certified to the House. The vote on passage was:

Yeas—38

Mr. President	Burgess	Pizzo
Albritton	Cruz	Polsky
Ausley	Diaz	Powell
Baxley	Farmer	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	

Nays—2

Gainer Perry

Consideration of **CS for SB 1048** and **CS for CS for SB 1868** was deferred.

MOTIONS

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 all bills temporarily postponed on the Special Order Calendar this day were retained on the Special Order Calendar with the exception of: **SB 7064**.

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 Wednesday, April 14, 2021: SB 388, CS for SB 342, SB 998, SB 1136, SB 1212, SB 1176, CS for HB 1, CS for CS for SB 1826, CS for CS for SB 430, SB 578, CS for SB 628, CS for SB 1088, SB 7064, CS for CS for SB 1890, CS for CS for SB 714, SB 904, CS for CS for SB

932, CS for SB 968, SB 1634, CS for SB 398, CS for SB 400, CS for SB 26, CS for SB 1048, CS for CS for SB 1868.

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

REPORTS OF COMMITTEES

The Committee on Finance and Tax recommends the following pass: SJR 1182; CS for SB 1330

The bills were referred to the Committee on Appropriations under the original reference.

The Committee on Appropriations recommends the following pass: CS for HB 1

The Committee on Rules recommends the following pass: HB 529

The bills were placed on the Calendar.

The Committee on Finance and Tax recommends committee substitutes for the following: CS for SB 1186; SB 1246; CS for SB 1390; SB 1444; CS for SB 1584

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

The Committee on Rules recommends committee substitutes for the following: CS for SB 266; CS for CS for SB 426

The bills with committee substitute attached were placed on the Calendar.

The Committee on Finance and Tax recommends the following not pass: SB 1358

The bill was laid on the table.

REPORTS OF SUBCOMMITTEES

The Appropriations Subcommittee on Agriculture, Environment, and General Government recommends the following pass: CS for SB 390

The Appropriations Subcommittee on Education recommends the following pass: CS for SB 192; SB 280; SB 918; SB 1336; CS for SB 1672; SB 1740; SB 1798; SB 1816; SB 1864

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

The Appropriations Subcommittee on Agriculture, Environment, and General Government recommends committee substitutes for the following: CS for SB 406; CS for SB 1086; CS for SB 1152; SB 1482; CS for SB 1574; CS for SB 1616; CS for SB 1900; SB 7060

The Appropriations Subcommittee on Criminal and Civil Justice recommends committee substitutes for the following: SB 1002; CS for SB 1032; CS for SB 1530; CS for SB 1920

The Appropriations Subcommittee on Education recommends committee substitutes for the following: CS for SB 366; CS for SB 934; CS for SB 1028; SB 1282

The Appropriations Subcommittee on Health and Human Services recommends committee substitutes for the following: CS for SB 700; CS for SB 894; CS for SB 1142; CS for SB 1242; SB 1976

The Appropriations Subcommittee on Transportation, Tourism, and Economic Development recommends committee substitutes for the following: CS for SB 676; SB 862; SB 1412; CS for SB 1560

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

INTRODUCTION AND REFERENCE OF BILLS

FIRST READING

Senate Bills 7000-7074—Previously introduced.

By the Committee on Regulated Industries—

SB 7076—A bill to be entitled An act relating to gaming enforcement; amending s. 16.56, F.S.; expanding the authority of the Office of Statewide Prosecution within the Department of Legal Affairs to investigate and prosecute the offenses of certain crimes; creating s. 16.71, F.S.; creating the Florida Gaming Control Commission within the Office of the Attorney General; providing for membership of the commission; providing rights for certain employees of the commission; providing requirements and powers for employees serving as law enforcement officers for the commission; providing powers and duties of the commission; providing requirements for hearings relating to the commission; authorizing the commission to submit certain written recommendations to the Governor and the Legislature upon certain findings; requiring the commission to annually develop a budget request; requiring the department to submit the budget request to the Governor for transmittal to the Legislature; authorizing the commission to contract or consult with certain agencies; creating s. 16.715, F.S.; providing construction; providing standards of conduct for commissioners; requiring commissioners to complete specified annual training; requiring the Commission on Ethics to accept and investigate any alleged violations of the standards of conduct for commissioners; providing requirements for such investigations; authorizing a commissioner to request an advisory opinion from the Commission on Ethics; providing requirements relating to ex parte communications; providing civil penalties; amending s. 285.710, F.S.; revising the definition of the term “state compliance agency”; designating the Florida Gaming Control Commission as the state compliance agency having authority to carry out certain responsibilities; transferring all powers, duties, functions, records, offices, personnel, property, pending issues, existing contracts, administrative authority, administrative rules, trust funds, and unexpended balances of appropriations, allocations, and other funds of the Department of Business and Professional Regulation to the commission by a type two transfer; requiring the Department of Legal Affairs to provide administrative support to the commission until such transfer is complete; providing a directive to the Division of Law Revision; providing effective dates.

—was referred to the Committee on Appropriations.

By the Committee on Regulated Industries—

SB 7078—A bill to be entitled An act relating to public records and public meetings exemptions; amending s. 16.71, F.S.; specifying that any exempt or confidential and exempt information obtained by the Florida Gaming Control Commission retains its exempt or confidential and exempt status; providing an exemption from public meetings requirements for portions of meetings of the commission wherein confidential or exempt information is discussed; specifying the commission is a criminal justice agency; authorizing the commission to close portions of meetings during which certain criminal matters are discussed if certain requirements are met; providing an exemption from public meetings requirements for such portions of meetings; providing an exemption from public records requirements for documents and recordings relating to such exempt portions of meetings; providing for future review and repeal; providing a statement of public necessity; providing an effective date.

—was referred to the Committee on Appropriations.

By the Committee on Regulated Industries—

SB 7080—A bill to be entitled An act relating to requirements for pari-mutuel permitholders to conduct live racing or games; amending s. 550.002, F.S.; revising definitions; defining the terms “permitholder” and “permittee”; deleting the term “racing greyhound”; amending s. 550.0115, F.S.; making technical changes; amending s. 550.01215, F.S.; revising the application requirements for an operating license to conduct pari-mutuel wagering for a pari-mutuel facility; prohibiting greyhound permitholders from conducting live racing; authorizing jai alai permitholders, harness horse racing permitholders, and quarter horse racing permitholders to elect not to conduct live racing or games; requiring thoroughbred permitholders to conduct live racing; specifying that certain permitholders that do not conduct live racing or games retain their permit and remain pari-mutuel facilities; specifying that, if such permitholder has been issued a slot machine license, the permitholder’s facility remains an eligible facility, continues to be eligible for a slot machine license, is exempt from certain provisions of ch. 551, F.S., is eligible to be a guest track, and, if the permitholder is a harness horse racing permitholder, is eligible to be a host track for intertrack wagering and simulcasting, and remains eligible for a cardroom license; authorizing the Division of Pari-mutuel Wagering to approve a change in racing dates for a permitholder if the request for a change is received before a specified date and under certain circumstances; deleting a provision authorizing the conversion of certain permits to a jai alai permit under certain circumstances; amending s. 550.0235, F.S.; conforming provisions to changes made by the act; amending s. 550.0351, F.S.; deleting a provision relating to hound dog derbies and mutt derbies; amending s. 550.0425, F.S.; deleting a provision authorizing certain children to be granted access to kennel compound areas under certain circumstances; amending s. 550.054, F.S.; deleting provisions relating to the conversion of jai alai permits to greyhound racing permits; conforming provisions to changes made by the act; amending s. 550.09511, F.S.; deleting a provision relating to the payment of certain taxes and fees by jai alai permitholders conducting fewer than a specified number of live performances; amending s. 550.09512, F.S.; revising the circumstances for which a harness horse permitholder’s permit is voided for failing to pay certain taxes; amending ss. 550.105 and 550.1155, F.S.; conforming provisions to changes made by the act; amending s. 550.1647, F.S.; conforming a provision to changes made by the act; repealing s. 550.1648, F.S., relating to greyhound adoptions; amending ss. 550.175 and 550.1815, F.S.; conforming provisions to changes made by the act; amending s. 550.24055, F.S.; conforming provisions to changes made by the act; amending s. 550.2415, F.S.; deleting provisions relating to the testing, euthanasia, and training of racing greyhounds; amending s. 550.334, F.S.; conforming provisions to changes made by the act; amending s. 550.3551, F.S.; making technical changes; conforming provisions to changes made by the act; amending s. 550.3615, F.S.; making technical changes; prohibiting a person convicted of bookmaking from attending or being admitted to a pari-mutuel facility; requiring pari-mutuel facility employees to notify certain persons of unlawful activities; providing civil penalties; requiring a permittee to display certain warnings relating to bookmaking at his or her pari-mutuel facility; revising applicability; amending s. 550.475, F.S.; revising provisions relating to leasing pari-mutuel facilities; amending s. 550.615, F.S.; revising requirements relating to intertrack wagering; specifying that greyhound permitholders are qualified to receive certain broadcasts and accept specified wagers; amending s. 550.6305, F.S.; conforming provisions to changes made by the act; amending s. 551.104, F.S.; conforming provisions to changes made by the act; amending s. 551.114, F.S.; revising requirements for the locations of designated slot machine gaming areas; amending s. 565.02, F.S.; conforming provisions to changes made by the act; amending s. 849.086, F.S.; revising requirements relating to the annual renewal of a cardroom license; conforming provisions to changes made by the act; reenacting ss. 380.0651(2)(c), 402.82(4)(c), and 480.0475(1), F.S., relating to statewide guidelines, the electronic benefits transfer program, and massage establishments, respectively, to incorporate the amendments made to s. 550.002, F.S., in references thereto; providing an effective date.

—was referred to the Committee on Appropriations.

By the Committee on Finance and Tax—

SB 7082—A bill to be entitled An act relating to the corporate income tax; amending s. 220.03, F.S.; adopting the 2021 version of the Internal Revenue Code and other federal statutes relating to federal income

taxes for purposes of the state corporate income tax code; providing for retroactive operation; amending s. 220.13, F.S.; requiring the addition to adjusted federal income of certain amounts of business interest expense deductible in certain taxable years; providing an effective date.

—was referred to the Committee on Appropriations.

COMMITTEE SUBSTITUTES

FIRST READING

By the Committees on Rules; and Community Affairs; and Senators Perry and Baxley—

CS for CS for SB 266—A bill to be entitled An act relating to home-based businesses; creating s. 559.955, F.S.; providing legislative findings and intent; specifying conditions under which a business is considered a home-based business; providing requirements for home-based businesses; defining the term “heavy equipment”; authorizing a home-based business to operate in an area zoned for residential use; specifying that home-based businesses are subject to certain business taxes; providing prohibitions and authorizations for local governmental actions relating to home-based businesses; providing construction; providing an effective date.

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

CS for 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 local governments and their political subdivisions and special districts from restricting maritime commerce in a seaport located in or adjoining an area of critical state concern 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 for severability; providing a directive to the Division of Law Revision; providing an effective date.

By the Committees on Finance and Tax; and Community Affairs; and Senator Brandes—

CS for CS for SB 1186—A bill to be entitled An act relating to property assessments for elevated properties; amending ss. 193.155 and 193.1554, F.S.; specifying that changes to elevate certain homestead and nonhomestead residential property, respectively, do not increase the assessed value of the property under certain circumstances; requiring property owners to provide certification for such property; defining the terms “voluntary elevation” and “voluntarily elevated”; prohibiting certain areas from being included in square footage calculation; revising applicability; making clarifying revisions; amending s. 193.1557, F.S.; revising applicability; providing a contingent effective date.

By the Committee on Finance and Tax; and Senator Rodrigues—

CS for SB 1246—A bill to be entitled An act relating to capital investment tax credit; amending s. 220.191, F.S.; authorizing passenger car rental companies and travel agencies that meet certain criteria in a specified year to use unused tax credits for certain purposes; authorizing the Department of Revenue to adopt emergency rules; providing for expiration of such authority; providing effective dates.

By the Committees on Finance and Tax; and Commerce and Tourism; and Senator Gruters—

CS for CS for SB 1390—A bill to be entitled An act relating to tax credits; amending s. 220.191, F.S.; defining and redefining terms; providing a credit against the corporate income tax, the sales and use tax,

or a stated combination of the two taxes to a qualifying business that establishes a qualifying project for the creation of intellectual property which meets certain capital investment criteria; specifying the calculation of the credit; authorizing use of the credit or portions of the credit by the business members of its affiliated group of corporations; authorizing the transfer of credits, subject to certain conditions; requiring credits to be granted as costs are certified by the Department of Economic Opportunity; providing for revocation and rescission of credits under certain circumstances; providing a credit against the corporate income tax, the sales and use tax, or a stated combination of the two taxes to a qualifying business that incurs eligible production infrastructure costs that exceed a certain threshold; specifying the calculation of the credit; prohibiting the carryover of credits; authorizing use of unused credits after a certain time period; providing a credit against the corporate income tax, the sales and use tax, or a stated combination of the two taxes to a qualifying business that establishes a strategic priority project that meets certain capital investment criteria; specifying the calculation of the credit; authorizing the carryover or transfer of credits, subject to certain conditions; conforming provisions to changes made by the act; creating s. 220.197, F.S.; defining the term “NAICS”; providing a credit against the corporate income tax, for a specified amount and for a specified taxable year, for taxpayers classified in the passenger car rental or leasing industry which meet certain criteria; providing for retroactive operation; amending s. 288.1089, F.S.; revising the definition of the term “cumulative investment”; providing an effective date.

By the Committee on Finance and Tax; and Senator Wright—

CS for SB 1444—A bill to be entitled An act relating to the Florida Small Manufacturing Business Recovery Act; creating s. 288.715, F.S.; providing a short title; defining terms; requiring the Department of Economic Opportunity to accept applications for certification of relief funds and relief contributions in a specified manner; specifying information required to be submitted in an application; requiring the department to approve or deny applications within a specified timeframe; prohibiting the department from approving more than a specified amount of relief investment authority and relief contributions; requiring the department to deny applications under certain circumstances; requiring the department to provide notice of approval or denial to applicants; requiring the department to certify approved applications; authorizing applicants whose applications were denied to provide additional information within a certain timeframe to cure defects in their applications; requiring the department to reconsider such applications; requiring certified relief funds to collect contributions and investments and submit certain documentation within a specified timeframe; requiring the department to revoke relief funds’ certification under certain circumstances; requiring the department to give notice relating to tax credit certificates; providing requirements relating to lapsed or revoked investment authority; authorizing nonrefundable tax credits for owners of tax credit certificates issued by the department; providing restrictions on the credit; requiring taxpayers to submit a copy of the tax credit certificate with the taxpayers’ annual statements; authorizing the department to revoke tax credit certificates under certain circumstances; prohibiting certain amounts invested in impact businesses from being counted as a relief investment; authorizing certain relief funds to apply to the department to be decertified; providing procedures for decertification; authorizing a relief fund to request certain opinions from the department; requiring relief funds to submit specified reports to the department; authorizing the department to adopt rules; providing an effective date.

By the Committees on Finance and Tax; and Community Affairs; and Senator Gruters—

CS for CS for SB 1584—A bill to be entitled An act relating to taxation of real property platform transactions; amending s. 201.02, F.S.; defining the term “residential property”; providing a methodology to be used in determining documentary stamp taxes due for certain transactions involving residential property; providing applicability; providing an effective date.

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 Broward College Appointee: Agrawal, Akhil K., Weston	05/31/2023
Board of Trustees of Pensacola State College Appointee: Lacz, Kevin Robert, Gulf Breeze	05/31/2022
Board of Trustees of St. Johns River State College Appointee: Komando, Richard, Confidential pursuant to s. 119.071(4), F.S.	05/31/2021
Environmental Regulation Commission Appointee: Buermann, Eric, Key Largo	07/01/2023
Commission on Ethics Appointee: Waldman, James, Pompano Beach	06/30/2021
Board of Opticianry Appointee: Taylor, Jeffrey, Deerfield Beach	10/31/2022
Board of Trustees, Florida State University Appointee: Gonzalez, Jorge, Inlet Beach	01/06/2026

Referred to the Committee on Ethics and Elections.

ENROLLING REPORTS

CS for CS for SB 50 has been enrolled, signed by the required constitutional officers, and presented to the Governor on April 12, 2021.

Debbie Brown, Secretary

SB 2510, SB 7054, and SB 7056 have been enrolled, signed by the required constitutional officers, and presented to the Governor on April 13, 2021.

Debbie Brown, Secretary

CORRECTION AND APPROVAL OF JOURNAL

The Journal of April 8 was corrected and approved.

CO-INTRODUCERS

Senators Albritton—CS for CS for SB 582; Ausley—SB 242; Perry—SB 260, CS for CS for SB 750, CS for SB 1146; Pizzo—SB 594; Rodriguez—CS for SB 1084; Rouson—CS for SB 414

ADJOURNMENT

On motion by Senator Passidomo, the Senate adjourned at 7:41 p.m. for the purpose of holding committee meetings and conducting other Senate business to reconvene at 5:00 p.m., Thursday, April 15 or upon call of the President.

JOURNAL OF THE SENATE

Daily Numeric Index for

April 14, 2021

BA — Bill Action
BF — Bill Failed
BP — Bill Passed
CO — Co-Introducers
CR — Committee Report
CS — Committee Substitute, First Reading

FR — First Reading
MO — Motion
RC — Reference Change
SM — Special Master Reports
SO — Bills on Special Orders

CS/SB 26	(BA) 465, (SO) 465	CS/SB 1242	(CR) 465
CS/CS/SB 54	(BA) 441, (BP) 464	CS/SB 1246	(CS) 467
CS/SB 192	(CR) 465	SB 1246	(CR) 465
SB 242	(CO) 468	SB 1282	(CR) 465
SB 260	(CO) 468	CS/SB 1330	(CR) 465
CS/CS/SB 266	(CS) 467	SB 1336	(CR) 465
CS/SB 266	(CR) 465	SB 1358	(CR) 465
SB 280	(CR) 465	CS/CS/SB 1390	(CS) 467
CS/SB 342	(BA) 417, (BP) 417, (SO) 465	CS/SB 1390	(CR) 465
CS/SB 366	(CR) 465	SB 1412	(CR) 465
SB 388	(BA) 416, (BP) 417, (SO) 465	CS/SB 1444	(CS) 467
CS/SB 390	(CR) 465	SB 1444	(CR) 465
CS/SB 398	(BA) 441, (SO) 465	SB 1482	(CR) 465
CS/SB 400	(BA) 464, (BP) 464, (SO) 465	CS/SB 1530	(CR) 465
CS/SB 406	(CR) 465	CS/SB 1560	(CR) 465
CS/SB 414	(CO) 468	CS/SB 1574	(CR) 465
CS/CS/CS/SB 426	(CS) 467	CS/CS/SB 1584	(CS) 467
CS/CS/SB 426	(CR) 465	CS/SB 1584	(CR) 465
CS/CS/SB 430	(BA) 437, (BP) 438, (SO) 465	CS/SB 1616	(CR) 465
SB 578	(BA) 438, (SO) 465	SB 1634	(BA) 440, (SO) 465
CS/CS/SB 582	(CO) 468	CS/SB 1672	(CR) 465
SB 594	(CO) 468	SB 1740	(CR) 465
CS/SB 628	(BA) 439, (BP) 439, (SO) 465	SB 1798	(CR) 465
CS/SB 676	(CR) 465	SB 1816	(CR) 465
CS/SB 700	(CR) 465	CS/CS/SB 1826	(BA) 435, (BP) 437, (SO) 465
CS/CS/SB 714	(BA) 440, (BP) 440, (SO) 465	SB 1864	(CR) 465
CS/CS/SB 750	(CO) 468	CS/CS/SB 1868	(BA) 465, (SO) 465
SB 862	(CR) 465	CS/CS/SB 1890	(BA) 439, (BA) 440, (SO) 465
CS/SB 894	(CR) 465	CS/SB 1900	(CR) 465
SB 904	(BA) 440, (BP) 440, (SO) 465	CS/SB 1920	(CR) 465
SB 918	(CR) 465	SB 1976	(CR) 465
CS/CS/SB 932	(BA) 440, (SO) 465	SR 2024	(FR) 415
CS/SB 934	(CR) 465	SR 2038	(FR) 416
CS/SB 968	(BA) 440, (SO) 465	SR 2040	(FR) 416
SB 998	(BA) 417, (SO) 465	SB 7060	(CR) 465
SB 1002	(CR) 465	SB 7064	(BA) 439, (MO) 465, (SO) 465
CS/SB 1028	(CR) 465	SB 7076	(FR) 466
CS/SB 1032	(CR) 465	SB 7078	(FR) 466
CS/SB 1048	(BA) 465, (SO) 465	SB 7080	(FR) 466
CS/SB 1084	(CO) 468	SB 7082	(FR) 466
CS/SB 1086	(CR) 465		
CS/SB 1088	(BA) 439, (SO) 465	CS/HB 1	(BA) 418, (BA) 435, (SO) 465, (CR) 465
SB 1136	(BA) 417, (BP) 417, (SO) 465	CS/HB 141	(BA) 440, (BP) 440
CS/SB 1142	(CR) 465	CS/CS/HB 223	(BA) 438, (BP) 438
CS/SB 1146	(CO) 468	HB 369	(BA) 417, (BP) 417
CS/SB 1152	(CR) 465	HB 529	(CR) 465
SB 1176	(BA) 418, (SO) 465	HB 661	(BA) 439, (BP) 439
SJR 1182	(CR) 465	HB 855	(BA) 418, (BP) 418
CS/CS/SB 1186	(CS) 467	CS/HB 6503	(BA) 441, (BP) 441
CS/SB 1186	(CR) 465	CS/HB 6511	(BA) 465, (BP) 465
SB 1212	(BA) 417, (SO) 465		